



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

Provided by MassDEP:
MassDEP File #:014-1432
eDEP Transaction #:1891867
City/Town:DANVERS

subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

DANVERS

Conservation Commission

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

To:

DANVERS

Conservation Commission

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

61 HIGH STREET

Project Location

014-1432

MassDEP File Number

Has been recorded at the Registry of Deeds of:

Southern Essex
County Book Page

for:

Property Owner RICHARD AND STACEY BOCCELLI

and has been noted in the chain of title of the affected property in:

Book Page

In accordance with the Order of Conditions issued on:

Date 4-30-25

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

Instrument Number

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

Document Number 1425099

Signature of Applicant

Rev. 4/1/2010



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

Provided by MassDEP:
 MassDEP File #:014-1432
 eDEP Transaction
 #:1891867
 City/Town:DANVERS

A. General Information

1. Conservation Commission DANVERS
2. Issuance a. OOC b. Amended OOC
3. Applicant Details
 - a. First Name RICHARD AND STACEY b. Last Name BOCCELLI
 - c. Organization A. POINT DESIGN, INC.
 - d. Mailing Address 61 HIGH STREET
 - e. City/Town DANVERS f. State MA g. Zip Code 01923
4. Property Owner
 - a. First Name RICHARD AND STACEY b. Last Name BOCCELLI
 - c. Organization A. POINT DESIGN, INC.
 - d. Mailing Address 61 HIGH STREET
 - e. City/Town DANVERS f. State MA g. Zip Code 01923
5. Project Location
 - a. Street Address 61 HIGH STREET
 - b. City/Town DANVERS c. Zip Code 01923
 - d. Assessors 51 e. Parcel/Lot# 303
 - f. Latitude 42.56258N g. Longitude 70.93340W
6. Property recorded at the Registry of Deed for:

a. County	b. Certificate	c. Book	d. Page
SOUTHERN ESSEX	624450		
7. Dates
 - a. Date NOI Filed : 3/26/2025
 - b. Date Public Hearing Closed: 4/24/2025
 - c. Date Of Issuance: 4/30/2025

8. Final Approved Plans and Other Documents

a. Plan Title:	b. Plan Prepared by:	c. Plan Signed/Stamped by:	d. Revised Final Date:	e. Scale:
PERMIT SITE PLAN 61 HIGH STREET	HANCOCK ASSOCIATES	JAMES J. POLAKIEWICZ, REGISTERED PROFESSIONAL ENGINEER	04/04/2025	1"=10'
STORMWATER REPORT IN SUPPORT OF A SITE PLAN REVIEW APPLICATION AND NOTICE OF INTENT FILING FOR 61 HIGH STREET, DANVERS, MA	HANCOCK ASSOCIATES	JAMES J. POLAKIEWICZ, REGISTERED PROFESSIONAL ENGINEER	03/2025	NA



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B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act

Following the review of the 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. <input checked="" type="checkbox"/> Public Water Supply	b. <input type="checkbox"/> Land Containing Shellfish	c. <input checked="" type="checkbox"/> Prevention of Pollution
d. <input checked="" type="checkbox"/> Private Water Supply	e. <input checked="" type="checkbox"/> Fisheries	f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat
g. <input checked="" type="checkbox"/> Ground Water Supply	h. <input checked="" type="checkbox"/> Storm Damage Prevention	i. <input checked="" type="checkbox"/> Flood Control

2. Commission hereby finds the project, as proposed, is:

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 interests of the Act, 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 interests of the Act , 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).**

3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310CMR10.02(1)(a). 0
a. linear feet

Inland Resource Area Impacts:(For Approvals Only):

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	<u> </u> a. linear feet	<u> </u> b. linear feet	<u> </u> c. linear feet	<u> </u> d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
6. <input type="checkbox"/> Land under Waterbodies and Waterways	<u> </u>	<u> </u>	<u> </u>	<u> </u>



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	a. square feet	b. square feet	c. square feet	d. square feet
	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	e. c/y dredged	f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding				
Cubic Feet Flood Storage	a. square feet	b. square feet	c. square feet	d. square feet
	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding				
Cubic Feet Flood Storage	a. square feet	b. square feet		
	<u> </u>	<u> </u>		
	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input type="checkbox"/> Riverfront Area				
Sq ft within 100 ft	a. total sq. feet	b. total sq. feet		
	<u> </u>	<u> </u>		
Sq ft between 100-200 ft	c. square feet	d. square feet	e. square feet	f. square feet
	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	g. square feet	h. square feet	i. square feet	j. square feet
	<u> </u>	<u> </u>	<u> </u>	<u> </u>

Coastal Resource Area Impacts:

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
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		
	<u> </u>	<u> </u>		
	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 nourishment	d. c/y nourishment
	<u> </u>	<u> </u>	<u> </u>	<u> </u>
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment
	<u> </u>	<u> </u>	<u> </u>	<u> </u>
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
	<u> </u>	<u> </u>		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
	<u> </u>	<u> </u>		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
	<u> </u>	<u> </u>	<u> </u>	<u> </u>
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	<u> </u>	<u> </u>		
	c. c/y dredged	d. c/y dredged		
	<u> </u>	<u> </u>		



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19. Land Containing Shellfish

_____ a. square feet _____ b. square feet _____ c. square feet _____ d. square feet

20. Fish Runs

Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above

_____ c. c/y dredged _____ d. c/y dredged

21. Land Subject to Coastal Storm Flowage

_____ a. square feet _____ b. square feet

22.

Restoration/Enhancement (For Approvals Only)

If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c & d or B.17.c & d above, please entered the additional amount here.

_____ a. square feet of BVW

_____ b. square feet of Salt Marsh

23.

Streams Crossing(s)

If the project involves Stream Crossings, please enter the number of new stream crossings/number of replacement stream crossings.

_____ a. number of new stream crossings

_____ b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are 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. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not exceed the issuance date of the original Final Order of Conditions.
7. 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.



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8. 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.
9. 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 the 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..
10. 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 : "014-1432"

11. 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 Mass DEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 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.
15. 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.
16. 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.
17. 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.
18. 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.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. The work associated with this Order(the "Project") is (1) is not (2) subject to the Massachusetts Stormwater Standards. If the work is subject to Stormwater Standards, then the project is subject to the following conditions;
 - a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge



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Elimination System Construction General Permit as required by Stormwater Standard 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.

- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that: *i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures; *ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized; *iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10; *iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition; *v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 19(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- 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 Pollutant Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, 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 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(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 O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.
- g) The responsible party shall:
 - 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);



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-
2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment 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.
 - j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
 - k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
 - l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions:

SEE ATTACHED STORMWATER REPORT



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

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

2. The Conservation Commission hereby (check one that applies):

a. DENIES the proposed work which 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 or Conditions is issued. Which are necessary to comply with a municipal ordinance or bylaw:

b. APPROVES the proposed work, subject to the following additional conditions.

1. Municipal Ordinance or Bylaw TOWN OF DANVERS WETLAND PROTECTION BYLAW

2. Citation XXVI

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:
SEE ATTACHED



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E. Signatures

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

04/30/2025

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

1. Date of Issuance

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

4

2. Number of Signers

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.

These signatures are made in accordance with M.G.L. c.110G and pursuant to the Danvers Conservation Commission's electronic signature authorization vote recorded on August 12, 2020 in Book 38811, Page 549, of the Southern Essex Registry of Deeds.

Peter Wilson
 Signature

Peter Wilson
 Printed Name

Michael J. Splaine
 Signature

Michael Splaine
 Printed Name

Lorraine Drapek
 Signature

Lorraine Drapek
 Printed Name

Mary Haight
 Signature

Mary Haight
 Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

by hand delivery on

by certified mail, return receipt requested, on

04/30/2025

Date

Date



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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 for 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 providing written information to the Department prior to issuance of a Superseding Order.

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.



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DANVERS

Conservation Commission

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

To:

DANVERS

Conservation Commission

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

61 HIGH STREET

Project Location

014-1432

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner RICHARD AND STACEY BOCCELLI

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

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

Instrument Number

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

Document Number

Signature of Applicant

Rev. 4/1/2010

**Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
&
Town of Danvers Wetlands Protection Bylaw, Chapter XXVI**

Project Address: 61 High Street

DEP File No.: 14-1432

Applicant: Richard and Stacey Boccelli, Trs and A. Point Design, Inc.

Description: Demolition of existing building; construction of mixed-use building, parking, utilities, landscaping

Date Issued: 04/30/2025

WAIVERS

A waiver has been granted to allow work in the 35' No-Disturb zone in accordance with the approved plan.

A waiver has been granted to allow work in the 50' No-Build zone in accordance with the approved plan.

SPECIAL CONDITIONS

1. Permeable pavers shall be inspected on a monthly basis in accordance with the monthly maintenance plan submitted as part of the Stormwater Report.
2. A "No Snow Storage Beyond This Point" sign shall be posted 15' back from the end of the permeable pavers.
3. Three-foot-high wooden posts shall be installed every 20' along the rear of the property at the wetland limit with "Town of Danvers Conservation Commission" placards on each post.

ADDITIONAL PROJECT CONDITIONS

In addition to the conditions listed in DEP Order of Conditions WPA Form 5, General Conditions, the applicant must adhere to the following:

General Conditions:

1. The Commission shall be notified within ten (10) days of any instance where an individual, partnership or trust, transfers, in whole or part, its title and interest to the land which is subject to this Order or corporate transfer of more than fifty (50) percent of its stock of controlling entity. Such individuals or business entities shall notify the Commission of the name, address and telephone number of the new owner. Such new owners or new controlling interest, in the case of a corporation, shall forthwith furnish the Commission with a statement.
2. The work authorized hereunder shall be completed within three (3) years from the date of this Order.

**Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
&
Town of Danvers Wetlands Protection Bylaw, Chapter XXVI**

3. The Order as issued under the Chapter XXVI of the Town of Danvers General Bylaws, the Wetlands Protection Bylaw, can only be extended for a one, one-year period. If, at the end of this one-year extension, the project has not been completed, a new Notice of Intent is to be submitted and acted upon.
4. The proposed activity shall comply with the plans entitled:
 - a. "Permit Site Plan 61 High Street" dated 01/31/2025 final revision date 04/04/2025; prepared by Hancock Associates; signed and stamped by James J. Polakiewicz, Registered Professional Engineer.
 - b. "Stormwater Report in Support of A Site Plan Review Application and Notice of Intent Filing for 61 High Street, Danvers, MA" dated January 2025 final revision March 2025; prepared by Hancock Associates; signed and stamped by James J. Polakiewicz, Registered Professional Engineer.
5. **Any changes to the plans shall be made with a formal approval action taken by the Conservation Commission.** The Commission will make no ruling on any proposed changes until the applicant has submitted a written request for the Commission to make a formal determination on whether the change will require filing a new Notice of Intent.
6. The Agent or members of the Conservation Commission 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.
7. 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.
8. If the Commission and/or its administrator finds discrepancies, error or omission in any plan, calculation, or other data, that was presented to the Commission, all work on site shall stop until said discrepancies, error or omission is rectified to the Commission's satisfaction.

Pre-Construction Requirements:

9. Prior to any construction or land altering work taking place on the project site, the applicant must:
 - a. **Record the Final Order at 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. **The recording information shall be submitted to the Commission on the form at the end of this Order.**
 - b. Display a DEP sign at the entrance of the site, visible to those passing the site, no less than two (2) square feet in size, bearing "**DEP File No. 14-1432**". Said sign may not be attached to a living tree.
 - c. Provide the Commission with a statement signed by the applicant, applicant of the property, and the person responsible for the construction of the project that such individuals understand the terms and conditions as specified in the Order and that such persons agree to comply with the

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provisions of the Wetlands Bylaw and this Order. Thereafter, such persons will be held jointly liable for any violation of this Order resulting from failure to comply with its conditions.

- d. Ensure that the appropriate additional permits have been applied for, as necessary. This includes, but is not limited to: Stormwater Managements Permits, Building Permits, Demolition Permits, Curb Cut Permits, Site Plan Review, Historic Review, Preservation Review, Zoning Board of Appeals Review.
- e. Following the completion of items (a) – (d), the applicant shall notify the Commission and arrange an on-site pre-construction meeting with staff. The purpose of this meeting is to ensure all the Conditions listed herein are understood, implemented, and adhered to.

Erosion and Sediment Control Requirements:

10. Appropriate erosion control devices shall be in place prior to the beginning of any phases of construction and shall be maintained during construction. The erosion control specifications shown on the approved plan/detailed in the Notice of Intent will be the minimum standard.
11. The erosion control devices will be maintained until the engineer and a member or agent of the Conservation Commission agree that they are no longer needed, at which time they will be removed, using mutually satisfactory removal procedures.
12. The Commission reserves the right to require additional erosion and/or damage prevention controls if deemed necessary. These may be required by the Conservation Staff, or the Commission at any time when deemed appropriate. The Commission reserves the right to impose additional conditions on portions of this project to mitigate any impacts which could result from site erosion, wetland alteration or replication activities, or any noticeable degradation of surface water quality discharging from the site.

During Construction

13. The applicant or any person involved in the activity that is the subject of this Order shall notify the Commission or its agent immediately upon discovery of any matter related to this order that may affect any area within the jurisdiction of the Commission.
14. A copy of this Order of Conditions, construction plans and copies of the documents and reports cited in the Order of Conditions shall be on site upon commencement and during any site work for contractors to view and adhere to.
15. All debris, fill and excavated material shall be stockpiled far enough away from wetland resource areas to prevent sediment from entering wetland resource areas.
16. All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders or any other components shall be fixed immediately.

Certificate of Compliance:

17. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance by using WPA Form 8A to the Conservation Commission.

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18. The request for a Certificate of Compliance shall be submitted using WPA Form 8A. The Conservation Commission will not consider issuing a Certificate of Compliance until the following items are submitted to, and accepted by, the Commission:
- a. A written narrative, prepared and stamped by a registered professional engineer, certifying compliance with the conditions and approved plans and Order of Conditions, setting forth any deviations that exist, and their potential effect on the project. No deviation from the Order is permitted without formal action being taken by the Commission approving the change. If the completed work differs from that in the original plan(s) and conditions, the report must specify how the project differs.
 - b. One hardcopy and one electronic copy of as-built site plans for the project must be submitted showing date/s of fieldwork done to prepare the plan, grades, utilities, and landscaping, grade elevations, distances to all structures and alterations within 100 feet of any resource area and any other elevations or distances the Commission may specify to ensure compliance with this Order and contain the following certification signed and sampled by a Registered Professional Engineer or Registered Professional Land Surveyor:

“I certify that these plans conform with the criteria and conditions as submitted and approved. I further certify that these plans represent an as-built condition.”
 - c. Failure to submit a complete set of as-built plans, as specified in the Order, shall be grounds to deny the Certificate of Compliance.
 - d. Post-construction photographs demonstrating compliance with this Order including established vegetation where required.
 - e. The original Certificate of Compliance signed by the Commission must be recorded at the South Essex County Registry of Deeds.
19. If the completed work differs from that in the original plans and/or conditions listed in this Order, a report must be submitted to the Commission thirty (30) days prior to completion specifying how the work differs, at which time the applicant shall first request a modification to the Order. Upon review and approval by the Commission, the applicant may request in writing a Certificate of Compliance as described above.
20. After receipt of the Certificate of Compliance all erosion and sedimentation control barriers still in place shall be removed from the site. Prior to the removal of erosion and sedimentation control barriers, the Conservation Commission shall be notified and will inspect the site to verify the appropriateness of siltation barrier removal. No erosion control barriers will be removed from the site unless approved by the Conservation Commission or Conservation Commission staff.

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