







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:

61-760

MassDEP File #

eDEP Transaction #

Revere

City/Town

**B. Findings (cont.)**

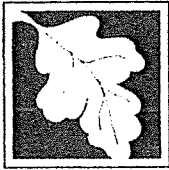
Denied because:

- 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 the 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 Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
- 3.  Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) \_\_\_\_\_ a. linear feet

**Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)**

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





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**B. Findings (cont.)**

\* #23. 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 (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23.  Restoration/Enhancement \*:

a. square feet of BVW

b. square feet of salt marsh

24.  Stream Crossing(s):

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.
  - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
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. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on August 11, 2024 unless extended in writing by the Department.
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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### C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

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.
19. The work associated with this Order (the "Project")
  - (1)  is subject to the Massachusetts Stormwater Standards
  - (2)  is NOT subject to the Massachusetts Stormwater Standards

**If the work is subject to the 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 Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 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;





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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 Revere 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

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:

City of Revere Wetlands Protection Ordinance

Chapter 16

1. Municipal Ordinance or Bylaw

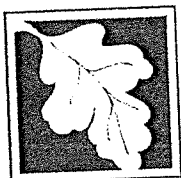
2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

See attached conditions





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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.

Please indicate the number of members who will sign this form.  
 This Order must be signed by a majority of the Conservation Commission.

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

8/30/2021  
 1. Date of Issuance  
5  
 2. Number of Signers

Heather Legere  
 Signature

HEATHER Legere  
 Printed Name

Joseph LaValle  
 Signature

Joseph LaValle  
 Printed Name

Ann M. Raponi  
 Signature

ANN M. RAPONI  
 Printed Name

Robert M. Cesady  
 Signature

Robert M. Cesady  
 Printed Name

Zachary Bisconti  
 Signature

Zachary Bisconti  
 Printed Name

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Printed Name

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Printed Name

by hand delivery on

by certified mail, return receipt requested, on

Date 8/30/2021

Date \_\_\_\_\_









**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands  
**Request for Departmental Action Fee**  
**Transmittal Form**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
Department of Environmental Protection  
Box 4062  
Boston, MA 02211

DEP File Number:

\_\_\_\_\_  
Provided by DEP

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).
4. 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.



## B. Pre-Construction

1. Prior to the start of any activity on the site, the applicant shall request a pre-construction meeting with the Conservation Commission and/or its representative, the project supervisor, the contractor responsible for the work and the Environmental Monitor to review the Conditions of this Order and ensure that they are understood. Arrangements for this meeting will be made at least two (2) week prior to any activity. The Revere Conservation Commission shall be notified in writing of the names, addresses and business and home telephone numbers of project representatives, supervisors and contractors.
2. Prior to the start of work on this project, a copy of the Notice of Intent, supporting, documents, accompanying plans, and this Order must be provided to the project manager, site engineer, and all contractors and sub-contractors. The project manager, site engineer, and all contractors and subcontractors shall be notified of, and understand, the requirements of this Order. A copy of all the referenced documents and the Order must be on site during all phases of the project. The applicant shall attach a copy of this Order of Conditions to the contract documents associated with this project.
3. Prior to the start of work on this project, the applicant shall contact the Commission in order to identify the location of any construction lay down area or mobile office trailer for approval and, if necessary, additional conditions to assure compliance with and to protect the interests of the Wetlands Protection Act.
4. The building contractor shall submit to the Commission a detailed method of construction of the dwelling that minimizes disturbance to the site.
5. The applicant shall designate an Environmental Control/erosion control monitor to oversee all work within the 100-foot buffer zone on the project site, including but not limited to supervision of the maintenance and replacement of all erosion controls and temporary storm water structures. The Environmental Monitor shall be responsible for ensuring compliance with this Order during construction. The applicant shall provide the Commission with the names(s), address(es) and telephone number(s) of the EM and his or her alternate prior to the start of work to ensure that the EM can be contacted during an emergency. Prior to any change in EM assignment, updated information shall be provided to the Commission.
6. The Environmental Monitor shall inspect erosion controls on a weekly basis and after any storm events and shall have the authority to modify existing controls or require additional controls if s/he deems it necessary. The EM shall have the authority to require that any erosion problems are addressed immediately and shall immediately notify the Commission if any discharges to a wetland resource area occur.
7. The EM shall report in writing to the Commission once every month while construction is underway within the 100-foot buffer zone or any wetland resource area to confirm that all activities are in compliance with the conditions of this Order. The status report shall at a minimum include a description of any erosion control problems, progress on construction and grading, changes in construction schedule or sequence, actions taken to address problems and any other recommendations for site management.
8. Any proposed change in the plans approved under this Order of Conditions shall require the applicant to file a new Notice of Intent or to inquire of the Commission in writing whether the change is substantial enough to require a new filing. Any errors in the plans or information submitted by the applicant shall be considered changes and the above procedures shall be followed. If changes are made in the referenced plans, a copy shall be sent at the same time to the Department of Environmental Protection's Regional Office.
9. No clearing of trees, or disturbance of soils shall occur prior to the Pre-Construction meeting, except that minimal disturbance of shrubs and herbaceous plants absolutely necessary in order to place erosion or sedimentation control devices where required.



6. At no time during or after construction shall fill or other materials be placed, slump into or fall beyond the limit of grading as shown on the plan. The applicant shall be responsible for inspecting and maintaining all slopes and shall immediately notify the Conservation Commission if slumping, erosion or encroachment occurs.
7. There shall be no crossing of wetland areas with equipment or any vehicles at any time during construction other than as described under the Notice of Intent and approved plans.
8. Refueling, servicing, and repair of motorized construction vehicles shall be done outside the 100-foot Buffer Zone. Equipment operators shall be prepared to immediately respond to accidental releases of fuel, motor oil, and other liquids through containment. Any equipment used in the resource area or within one hundred (100) feet of the resource area that uses fuel, oil or hydraulic fluid shall be inspected daily for leakage. Any equipment repairing and refueling shall be done on the paved portion of the site only.
9. The applicant shall have absorbent materials for use in containing accidental spills available on site at all times. If any release of fuel, motor oil, lubricating oils, etc. occurs, the applicant or designee shall immediately notify the Commission's Office at (telephone number). A response action or cleanup shall be conducted pursuant to GL c. 21E (Massachusetts Oil and Hazardous Material Release Prevention and Response Act) and the Massachusetts Contingency Plan (MCP).
10. All sediments and other materials which are removed as a result of the project construction shall be disposed of at an assigned site approved by the Department of Environmental Protection under General Laws Chapter I 11, Section 150A. The regulations for the disposal of solid waste by sanitary landfill. The North East Regional Office of the Department of Environmental Protection shall be notified in advance of this site location, along with notifying the Revere Conservation Commission.
11. The sites as identified in the Notice of Intent shall be maintained in a clean and orderly condition. Refuse, debris and waste materials shall not be placed within any resource area under any circumstances and shall be disposed of promptly and properly and in accordance with applicable local, state and federal laws. All construction refuse, debris and waste materials shall be removed from the site upon completion of the construction activities addressed by this Order. The applicant shall clean the work area at the end of each workday to prevent wind deposition of fugitive dust and accumulation of debris in the buffer zone or in the water.

#### D. Site Stabilization

1. Prior to commencement of any work on the project site, erosion and sedimentation control measures shall be installed as shown on the referenced plans. The erosion control specifications provided in the Notice of Intent and in the Order of Conditions shall be the minimum standards for this project. The Conservation Commission may require additional or modified erosion control measures at any time before, during and after construction.
2. All erosion and sedimentation controls 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 area. The Conservation Commission reserves the right to determine whether erosion and sediment control measures are no longer needed, at which time they shall be removed.
3. Within thirty (30) calendar days of final grading, or within 30 calendar days after the commencement of the following growing season if the project is completed after October 31st, all disturbed areas shall be permanently stabilized with rapidly growing cover and sufficient topsoil and/or landscaping material to assure long term stabilization of disturbed areas. Maintenance of these areas in a manner that assures permanent stabilization and precludes any soil erosion shall be the responsibility of the owner of record of the property subject to this Order.



2. Stormwater BMPs shall be maintained in accordance with the written Operation and Maintenance Plan required by Stormwater Standard No. 8. This Condition shall remain in effect in perpetuity and shall not expire with issuance of a Certificate of Compliance.
3. All existing and proposed catch basins and any other Stormwater inlets on the site or on the streets adjacent to the project shall be protected by erosion/sedimentation controls to prevent sediment from entering the drainage system. Erosion/sedimentation controls shall be maintained and regularly cleaned of sediments until all areas associated with the work permitted by this Order have been permanently stabilized and the Commission has formally approved their removal.
4. Construction period controls, including pollution prevention and erosion/sediment control measures, shall be implemented strictly in accordance with the 'construction period control plan' approved by the issuing authority. An EPA Stormwater Pollution Prevention Plan (SWPPP) may serve as the 'construction period control plan' if approved by the issuing authority.
5. No stormwater runoff shall be directed to a post construction stormwater management practice until written approval is received from the issuing authority. All stormwater management systems that include plants shall be fully vegetated before seeking written approval from the issuing authority to direct stormwater runoff to them.
6. Temporary erosion control swales and settling basins may be constructed down-gradient of construction activity, provided their construction is not within a vegetated wetland, but shall be located within the limit of work, on an as-needed basis. These temporary sedimentation basins shall be inspected daily by the Environmental Monitor, or construction personnel and cleaned as needed.
7. Temporary storm water controls shall be constructed and managed in accordance with the project's construction period control plan.
8. Prior to conversion of the sedimentation basins into permanent storm water facilities, the applicant shall provide the Commission with a status report describing conditions on the site and requesting approval to convert the facilities. The conversion shall not proceed until the Commission has given approval. Basins shall be cleaned of any accumulated sediment and debris prior to conversion.
9. BMP's (such as detention basins) shall be planted with the specified species as soon as practical. The BMP shall be inspected after each storm event until vegetation is fully established while construction on the project is underway. Thereafter, inspections may be reduced to annually. Eroded and damaged areas are to be reseeded, mulched or repaired immediately.
10. Erosion and sediment control practices shall be constructed before the beginning of site work in order to trap and detain water and sediments.
11. Before the site is graded, the location of any post construction recharge practice (e.g. the infiltration basin, trench or dry well) shall be roped off and flagged to prevent compaction by heavy equipment. Light earth-moving equipment is to be used to excavate the infiltration basin or dry well. Infiltration basins, trenches or dry wells shall not be used as temporary sediment traps during construction.
12. The infiltration basin, trench or dry well shall not to be constructed until the entire contributing drainage area is stabilized. Diversion berms are to be placed around the perimeter of the infiltration basin or dry well during all phases of construction. Sedimentation and erosion controls shall be used to keep runoff and sediment away from the basin area.
13. During and after excavation of infiltration basin, trench or dry well, all excavated materials are to be placed downslope, away from the basin to prevent re-deposition during runoff events. After final grading, the infiltration basin floor shall be deeply tilled.



3. Sediment or other contaminants removed from stormwater management structures shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.

4. Any further construction in this area this is not defined as a minor activity will require the owner to file a new Notice of Intent. Any activity in a wetland requires filing of a new Notice of Intent. The Commission reserves the right to impose additional conditions or require the submittal of additional information as necessary to protect the interests of the Act.

#### Exempt Minor Activities in Buffer Zone or Riverfront Area

- a. Unpaved pedestrian walkways for private use
- b. Fencing if it doesn't prevent wildlife movement; stone walls; stacks of cordwood (must be secured)
- c. Vista pruning of non-landscaped areas if more than 50 feet from BVW or the mean annual high-water line in a Riverfront Area, whichever is further (pruning of landscaped areas is exempt)
- d. Planting of native trees, shrubs or groundcover but not lawns
- e. Conversion of lawn to uses accessory to single family houses, e.g. pools, decks, sheds and vice versa if house existed on August 7, 1996, erosion and sedimentation controls are used during construction, and work is more than 50 feet from BVW or the mean annual high water line in a Riverfront Area, whichever is further.
- f. Conversion of impervious to vegetated surfaces if erosion and sedimentation controls are used during construction
- g. Activities necessary for planning and design that are temporary and have negligible impact, e.g. borings, sampling, monitoring wells

5. Any further construction in this area will require the owner to file a new Notice of Intent. The Commission reserves the right to impose additional conditions or require the submittal of additional information as necessary to protect the interests of the Act.

6. Upon completion of the project, an affidavit, signed by a Registered Engineer, confirming that the project has been completed in accordance with all conditions of this order and Plans referenced therein, said affidavit shall be submitted to the Revere Conservation Commission at the time a request is made for a Certificate of Compliance. A set of as-built plans stamped by a certified registered professional engineer shall also be submitted with the affidavit.

#### J. Additional Perpetual and Continuing Conditions

The maintenance or repair, by the property owner of record or designee, of detention basins, supporting drainage systems, stormwater management best management practices.

1. Stabilized slopes shall be maintained as designed and constructed by the property owner of record, whether 'bioengineered' or mechanically stabilized slopes.
2. Subject to the submission by the applicant, and approval by the Commission, of a maintenance plan for stormwater management systems, including Best Management Practices, no additional filings will be required to conduct maintenance of the above referenced structures.
3. **Dumping Prohibited:** There shall be no dumping of leaves, grass clippings, brush, or other debris into the wetland or stream/body of water. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
4. **Additional Alteration Prohibited:** There shall be no additional alterations of areas under Conservation Commission jurisdiction without the required review and permit(s). This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.



Table 1-1. Property Ownership

Parcel	14-192-1, 14-192S-3	14-192S-5	14-192P-1A
<u>Name</u>	Lombard, DPA Realty Barbara Angulio DBA Realty Gemato Jay	Massachusetts Electric	Realty Investors, LLC
<u>Organization</u>		Massachusetts Electric	Realty Investors, LLC

Source: City of Revere On-line Assessor's database, 2021

