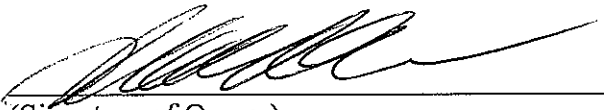


**TOWN OF MARBLEHEAD
SITE PLAN APPROVAL APPLICATION
PLANNING BOARD**

1. Property Address: 3 Driftwood Road, Marblehead, MA 01945
2. Assessor Map 76 Lot 13 - 0 3. Zoning District SSR – Shoreline Single Residence
4. Applicant: Stephanie J. Katz and Andrew Joshua Katz
5. Applicant's Address 3 Driftwood Road, Marblehead, MA 01945
6. Telephone Number: 781-820-2524 (Daytime) 781-799-3929 (Evening)
7. Email address: coolkatz@comcast.net; coolerkatz@comcast.net
7. Applicant's Representative Robert C. McCann rmccann@mccannlaw.com
978-739-8484
8. List other permits required and status (e.g. Old & Historic Districts, Conservation, Board of Appeals, etc., obtained, scheduled, etc.) _____

Conservation Commission - Obtained



(Signature of Owner)

By: Robert C. McCann, Attorney

April 6, 2021

(Date)

9. Name and mailing address and phone number that the legal advertisement should be billed to
Name McCann & McCann, P.C.

Address 89 Newbury Street – Suite 302

Danvers, MA 01923

Phone: 978-739-8484

FOR TOWN USE ONLY

Application Received _____ Submittal Deemed Complete _____

Waivers _____

Scheduled Hearing Date _____ File Number _____

**SITE PLAN APPROVAL CHECK LIST
PLANNING BOARD**

Each Site Plan Approval Special Permit shall be accompanied by the following information:

- (1) Five (5) copies of a Site Plan which shall be a certified plot plan at a minimum scale of 1"=40' and a maximum scale of 1"=20'. The Site Plan shall contain:
 - (a) Date of Plan with all revisions noted and dated
 - (b) Title of Development/Project
 - (c) North Arrow
 - (d) Scale of Plan
 - (e) Name and Address of record Owner
 - (f) Name and Address of person preparing the Site Plan
 - (g) The names of all owners of record of adjacent properties and the map and lot number of the properties and all buildings
 - (h) Zoning District Boundaries and Flood Zone Boundaries
 - (i) Boundaries of the property and lines of existing streets, lots, easements and right of ways
 - (j) A locus map
 - (k) A table indicating all calculations necessary to determine conformance to Bylaw regulations including current required and proposed regulations
 - (l) Square footage of property
 - (m) Location of existing and proposed buildings, walls, fences, culverts, parking areas, loading areas, walkways and driveways
 - (n) Location and dimensions of all utilities
 - (o) Location, type and dimensions of landscaping and screening
 - (p) Location of significant site features
 - (q) Contours
- (2) Five (5) copies of dimensioned schematic drawings of all proposed buildings. Scale not to exceed 1/4"=1' nor less than 1/8"=1'.
- (3) A narrative describing the proposal

Narrative
Site Plan Special Permit for Approval
3 Driftwood Road, Marblehead, MA 01945

The applicant has obtained an Order of Conditions from the Marblehead Conservation Commission, a copy of which is attached.

The existing dwelling, as well as all proposed construction, meets the Dimensional Regulations of the Zoning By-Laws. No zoning relief is required from the Zoning Board of Appeals.

The proposed construction, without limitation, includes in part the following:

- Interior renovations as shown on the plans;
- Reconfiguration and expansion of garage;
- Addition of second story over modified garage and removal of the associated roof deck;
- Addition of steps and a foyer adjacent to the garage and kitchen;
- Addition of a new covered porch with steps;
- Modified roof line;
- Window and other miscellaneous changes as shown on plans;
- Landscape as shown on the Site Plan.

The plans and proposed construction meet the criteria of the Planning Board of Site Plan Approval as follows:

- (a) The architectural and design features are in harmony with the prevailing character and scale of the existing dwelling and the buildings in the neighborhood. The building materials and architectural changes meet with consistency the existing dwelling and other properties in the neighborhood. Care has been taken to keep the additions to the footprint as minimal as possible and the overall height of the ridge line is not increasing.
- (b) The character of the site is preserved as the site is remaining, except in the locations as shown on the Site Plan, the same.
- (c) Vehicular access and egress to the site is not being changed.
- (d) As a residential property emission control is not an issue.
- (e) There are no significant adverse effects on the neighborhood or the Town. The only increase in height is over the garage and that roof line is 21'6", lower than the existing height of the dwelling, which is not being increased.

- (4) X A completed application form
- (5) \$200.00 An application fee (the fee is calculated by taking the construction cost and multiplying by .001. *Example 350,000 construction cost x .001 = \$350 FEE*
The minimum fee is \$200 and the maximum fee is \$1000)

Applicants should refer to the Marblehead Zoning Bylaw 200-37 – Special Permit for Site Plan Approval for more detailed information on Site Plan Approval.

Town of Marblehead
ZBA-APPLICATION
 Page 3 of 3

Revision Date: 12-02-2020

Project Address 3 Driftwood Road

Map(s) / Parcel(s) Map 76 – Lot 13

NET OPEN AREA (NOA)

EXISTING

PROPOSED

Lot area = A

21,900sf

21,900sf

Area of features

footprint of accessory building(s)

-

-

footprint of building

1,932sf

2,117sf

footprint of deck(s), porch(es), step(s), bulkhead(s)

96sf

445sf

number of required parking spaces 2 x (9'x 18' per space)

324sf

324sf

area of pond(s), or tidal area(s) below MHW

-

-

other areas (explain) _____

-

-

Sum of features = B

2,352sf

2,886sf

Net Open Area (NOA) = (A - B)

19,548sf

19,014sf

GROSS FLOOR AREA (GFA)

accessory structure(s)

-

-

basement or cellar (area >5' in height)

361sf

361sf

1st floor (12' or less in height) **NOTE:** [for heights exceeding

1,932sf

2,117sf

2nd floor (12' or less in height) 12' see definition

1,476sf

1,798sf

3rd floor (12' or less in height) of STORY §200-7]

-

-

4th floor (12' or less in height)

-

-

attic (area >5' in height)

325sf

325sf

area under deck (if >5' in height)

-

-

roofed porch(es)

30sf

400sf

Gross Floor Area (GFA) = sum of the above areas

4,124sf

5,001sf

Proposed total change in GFA = (proposed GFA - existing GFA)

= 877sf

Percent change in GFA = (proposed total change in GFA ÷ existing GFA) x 100

= 21.3 %

Existing Open Area Ratio = (existing NOA ÷ existing GFA)

= 4.7

Proposed Open Area Ratio = (proposed NOA ÷ proposed GFA)

= 3.8

This worksheet applies 1. plan by/dated Susan Koelle Architect - 2/16/2021

to the following plan(s): 2. plan by/dated April 2, 2021 by Patrowicz Land Development Engineering

3. plan by/dated _____

Building Official _____

Date _____

9/15 NG



SO, ESSEX #628 Bk:39272 Pg:71
12/08/2020 02:22 CONDN Pg 1/15



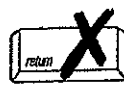
Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
40-1461
MassDEP File #
eDEP Transaction #
MARBLEHEAD
City/Town

A. General Information

Please note:
this form has
been modified
with added
space to
accommodate
the Registry
of Deeds
Requirements

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: MARBLEHEAD
Conservation Commission

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

3. To: Applicant:
Scott Patrowicz, P.E.
a. First Name b. Last Name

Patrowicz Land Development Engineer
c. Organization

14 Brown Street
d. Mailing Address

Salem MA 01970
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

Stephanie J. & Andrew Joshua Katz
a. First Name b. Last Name

3 Driftwood Road
c. Organization

Marblehead
d. Mailing Address

Marblehead MA 01945
e. City/Town f. State g. Zip Code

5. Project Location:

3 Driftwood Road Marblehead
a. Street Address b. City/Town

76 13
c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: 42d30m03s -70d52m47s
d. Latitude e. Longitude



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A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
Essex South District (This is not registered land)
 a. County Essex b. Certificate Number (if registered land) 373
 c. Book 33548 d. Page 373
7. Dates: a. Date Notice of Intent Filed 10/28/20 b. Date Public Hearing Closed 11/12/20 c. Date of Issuance 11/19/20
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
(see Attachment A)
 a. Plan Title _____
 b. Prepared By _____ c. Signed and Stamped by _____
 d. Final Revision Date _____ e. Scale _____
 f. Additional Plan or Document Title _____ g. Date _____

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:
 Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- | | | |
|--|---|--|
| a. <input type="checkbox"/> Public Water Supply | b. <input type="checkbox"/> Land Containing Shellfish | c. <input type="checkbox"/> Prevention of Pollution |
| d. <input type="checkbox"/> Private Water Supply | e. <input type="checkbox"/> Fisheries | f. <input type="checkbox"/> Protection of Wildlife Habitat |
| g. <input type="checkbox"/> Groundwater Supply | h. <input type="checkbox"/> Storm Damage Prevention | i. <input type="checkbox"/> Flood Control |
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



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MARBLEHEAD

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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 _____
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 _____
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 _____
	Sq ft between 100-200 ft _____	g. square feet _____	h. square feet _____	i. square feet _____
			f. square feet _____	j. square feet _____



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B. Findings (cont.)

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

	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	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> 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	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment cu yd	<u> </u> d. nourishment cu yd
14. <input type="checkbox"/> Coastal Dunes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment cu yd	<u> </u> d. nourishment cu yd
15. <input type="checkbox"/> Coastal Banks	<u> </u> a. linear feet	<u> </u> b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	<u> </u> a. square feet	<u> </u> b. square feet		
17. <input type="checkbox"/> Salt Marshes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> 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			
	<u> </u> a. c/y dredged	<u> </u> b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	<u> </u> a. square feet	<u> </u> b. square feet		



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B. Findings (cont.)

* #22. 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 (BWV) or B.17.c (Salt Marsh) above, please enter the additional amount here.

22. Restoration/Enhancement *:

a. square feet of BWV

b. square feet of salt marsh

23. 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 _____ 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

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 40-1461 "
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 MassDEP.
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.



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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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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

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 18(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 Pollution 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 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 O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- 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);
 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 (if you need more space for additional conditions, please attach a text document):
SEE ATTACHMENT B

- 20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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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 MARBLEHEAD 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:

Marblehead Wetlands Protection By-Law

Ch. 194

1. Municipal Ordinance or Bylaw

2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.
The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

(See Attachment B)



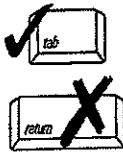
Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 40- 1461
 MassDEP File #

 eDEP Transaction #
Marblehead
 City/Town

E. Signatures

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



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.

11/19/20
 1. Date of Issuance
4
 2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy must be mailed, hand delivered or filed electronically at the same time with the appropriate MassDEP Regional Office.

Signatures:

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

by hand delivery on
DECEMBER 4, 2020
 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 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.



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:
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 eDEP Transaction #
MARBLEHEAD
 City/Town

G. Recording Information

Prior to commencement of work, this Order of Conditions must be 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 subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

MARBLEHEAD

Conservation Commission

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

To:

MARBLEHEAD

Conservation Commission

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

Project Location _____ MassDEP File Number 40-1461

Has been recorded at the Registry of Deeds of:

Essex South District _____
 County Book Page

for: Property Owner

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:

(this is not registered land)
 Document Number _____

Signature of Applicant _____

Attachment A
Order of Conditions 40-1461
3 Driftwood Road

Final Approved Plans and Other Documents:

1. WPA Form 3 – Notice of Intent, with attachments, filed 10/28/20
2. The public hearing record relating to 40-1461, which is documented in the minutes of the Marblehead Conservation Commission.
3. Plan and Documents

SEE NOTICE OF INTENT PREPARED BY PATROWICZ LAND DEVELOPMENT ENGINEERING WITH ALL ATTACHMENTS.

Title: Site Plan to accompany a Notice of Intent
For: Construction of a Garage expansion, Front Foyer, Covered Deck & Site work
Location: 3 Driftwood Road
Date: 10/23/20
Sheet[s]: 1 of 1

Attachment B
Order of Conditions 40-1461
3 Driftwood Road

Special Conditions:

33. There shall be no cleaning or rinsing of cement concrete ready-mix trucks, or cement concrete mixing equipment, such that the byproduct of the cleaning or rinsing operation finds its way to any resource area by any means, especially, but not limited to, by means of a storm drainage system (catch basins, pipes, drainage ditches, etc.).

34. To the maximum extent possible, all driveways, terraces, patios or similar ground-level surfaces shall be constructed as permeable surfaces to allow water to infiltrate through their surfaces into the ground on site.

35. All demolition debris shall be removed from the site as soon as possible and not stored within a resource area or a buffer zone. If a dumpster is used to contain debris, the dumpster shall be covered after each work day. The debris shall be properly disposed of in accordance with applicable federal, state and local regulations.

36. All construction material shall be stored outside the resource area and its buffer zone or as far back from the resource areas as possible.

Post-construction/in perpetuity:

40. By voluntary agreement with the applicant, only organic fertilizers are to be used on the property landward of the resource areas. Fertilizers should not contain pesticides or herbicides; should contain slow release nitrogen and should not contain more than 3% phosphorous. To mitigate chemical runoff, do not fertilize directly before a rainstorm and do not over fertilize. Apply fertilizer in late April and in September (refer to: A Homeowner's Guide to Environmentally Sound Lawn care published by the Massachusetts Department of Food and Agriculture and the booklet, Don't Trash Grass, published by the Massachusetts Department of Environmental Protection). This condition shall survive this order.

50. Invasive plants shall not be used nor maintained in the landscape of the project site. This applies to the existing landscape as well as to any proposed landscape. A list of invasive plants in Massachusetts can be found in the latest update of The Evaluation of Non-Native Plant Species for Invasiveness in Massachusetts (with annotated list) produced by the Massachusetts Invasive Plant Advisory Group. For most recent update, visit www.mnla.com or www.newfs.org. This condition shall survive this order.

55. Upon completion of the work allowed under this Order of Conditions the applicant shall apply for a Certificate of Compliance (COC) (a) within 30 days after completion of the work or (b) thirty (30) days prior to the expiration date of the original or extended OOC, whichever time comes sooner. If no work was started under the OOC or if some of the work will not be performed, the applicant must still apply for a Certificate of Compliance at least 30 days prior to the expiration of the OOC. The Conservation Commission may require the submission of an "as built" drawing (signed and stamped by a licensed Professional Engineer or licensed Professional Land Surveyor) with the application for the COC. Failure to submit an application for a COC shall result in a fine issued against the applicant in accordance with Marblehead Bylaws Chapter 194, Section 11E. See Attachment "C" for "Schedule of Fines".

Attachment C
Order of Conditions 40-1461
3 Driftwood Road

SCHEDULE OF FINES

The following schedule applies to violations of the Massachusetts Wetlands Protection Act, the Marblehead Wetlands Protection By-Law and any permits issued pursuant thereto.

Administrative violations:

Failure to apply for an Order of Conditions or Request for Determination
Failure to record an Order of Conditions
Failure to apply for an amendment to an Order of Conditions
Failure to record an Amended Order of Conditions
Failure to comply with conditions in an Order of Conditions
Failure to comply with conditions in a Determination of Applicability
Failure to apply for a Certificate of Compliance

1st violation for applicant: \$300 per year.

2nd violation for same applicant on same or different site: \$300 per every six (6) months.

Applicants who voluntarily report their failure to apply for a COC before discovery by the Commission will not be fined for this particular violation. All other fines will still be levied.

The administrative fines will be levied per the above schedule for all administrative violations occurring on or after 01/01/2010. For all administrative violations occurring before 01/01/2010, a fine of \$300 per violation for the first administrative violation and \$600 per violation for each additional administrative violation committed by the same applicant on the same or another property will apply. These fines apply regardless of the length of time the administrative violations have existed and are not to be multiplied by any specific time period provided the administrative violations occurred prior to 01/01/2010.

The following fines may be levied in addition to the Administrative fines.

Buffer Zone Violations:

No Disturb Zone (0-25 ft. from wetland boundary): \$300 per every six (6) months
No Build Zone (25-50 ft. from wetland boundary): \$225 per every six (6) months
50-100 ft. Zone: \$300.00 per year

Plus possible restoration in any of the above buffer zones.

Resource Area Violation:

\$300.00 per violation and per day each violation exists
Plus possible restoration of any altered wetland resource areas.