

**STANDARD CONDITIONS
NOTICE OF INTENT
DEP #102-_____**

1. **The term “Applicant”** as used in this Order of Conditions shall refer to the owner, any successor in interest or successor in control of the property referenced in the Notice of Intent, supporting documents and this Order of Conditions. The Commission shall be notified in writing within 30 days of all transfers of title of any portion of property that take place prior to issuance of the Certificate of Compliance.
2. **Prior to the initiation of any work on site (i.e. clearing, placement of erosion controls, etc.),** the applicant shall submit to the Commission a receipt from the Berkshire County Registry of Deeds of the recording of this Order of Conditions.
3. **Prior to the initiation of any work on site,** the applicant shall submit a letter (or email) of understanding to the Commission stating that he/she has received, read, understood and shall comply with these Orders.
4. **Prior to the initiation of any work,** the excavator, contractor, site foreman and/or construction manager shall submit a letter (or email) of understanding to the Commission stating that they have received, read, understood and shall comply with these Orders.
5. **The Order of Conditions** shall be included with all construction-related documents. All contractors working at the site shall be made aware of the provisions contained within this Order of Conditions and adhere to all Special Conditions herein. At all times, the site foremen, supervision engineer or construction manager shall have a copy of this Order of Conditions at the site and direct compliance with the requirements of this Order. The Commission shall be notified if the contractor changes during the life of the order and must give a letter as per item #4.
6. **Prior to the initiation of any work,** all erosion control measures shall be constructed and installed as shown on the referenced plan(s) in the Order of Conditions unless otherwise agreed upon by the applicant and the Commission. The erosion control specifications provided in the Notice of Intent and the erosion control provision in Order of Conditions will be the minimum standards for this project (additional measures may be required if necessary). These erosion controls shall be maintained until the Commission agrees they are no longer needed or until the Certificate of Compliance is issued.
7. **Prior to the initiation of any work,** the erosion controls must be inspected and approved by a member or members of the Commission.
8. **Prior to any work on site,** the limits of work shall be clearly marked with stakes or flags (or erosion controls if a part of the Order) and shall be confirmed by the Conservation Commission. Such markers shall be checked and replaced as necessary and shall be maintained until all construction is complete. Workers shall be informed that no use of machinery, storage of machinery or materials, stockpiling of soil, or construction activity is to occur beyond this line at any time.
9. A minimum of ____25%____ per cent of both silt fencing and straw bales shall be stored on site to be used for replacement and/or emergency use.

10. The applicant shall immediately control or correct any erosion problems that occur at the site and shall also immediately notify the Commission which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. The Commission reserves the right to require additional erosion controls when it feels it is necessary to prevent alteration to jurisdictional areas.
11. In accordance with **federal and state storm water** requirements, all project sites shall incorporate trap rock at all construction entrances and shall maintain either a 25-foot undisturbed buffer of vegetation or a sedimentation/silt fence barrier between the work site and any public roads or neighboring properties to prevent erosion and sedimentation from being carried off the site.
12. Soils exposed or expected to be exposed for periods greater than two months shall be stabilized with erosion control blankets or netting, or covering of straw mulch, or a temporary cover of rye or other native grass to prevent erosion and sedimentation. Drainage ditches shall be hydro-seeded with a perennial grass mixture. Any stabilization material such as jute netting shall be firmly anchored to prevent them from being washed from slopes by rain or flooding. Preference should be given to biodegradable materials.
13. The areas of construction shall remain in a stable condition at the close of each construction day. Erosion control measures shall be inspected at this time and maintained or reinforced as necessary. All such devices shall be inspected, cleaned or replaced during construction and remain in place until such time as stabilization of all areas that may impact resource areas is permanent. Any entrapped silt shall be removed to an area outside the buffer zone and resource areas.
14. Site grading and construction shall be scheduled to avoid periods of heavy rainfall and periods of high surface water. Erosion controls shall be inspected after every rainfall to assure that maximum control has been provided. Any breach of erosion controls and mitigation of silt sedimentation outside erosion control barriers must be reported to the Conservation Commission immediately.
15. All disturbed areas shall be graded, loamed and seeded prior to November 30th of each year. No disturbed areas or stockpiled materials shall be left unprotected or without erosion control during the winter. If seeding is not an option, soils shall be stabilized with through the use of erosion control blankets or other approved means.
16. All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders or any other components shall be fixed immediately and the Commission notified. Leaked material shall be cleaned up per instructions of the Commission. Used petroleum products from the maintenance of construction equipment and construction debris shall be collected and disposed of off-site.
17. All waste products, refuse, debris, grubbed stumps, slash, excavate, construction materials, etc. shall be contained and ultimately deposited in an approved landfill and shall not be incorporated in any manner into the project site unless otherwise specified in the Order. No mulch shall be placed in wetland resource areas.
18. Any changes made in the plans approved in the Order of Conditions which will alter an area subject to protection under the Wetlands Protection Act, or any changes in activity subject to regulation under M.G.L. Chapter 131, section 40, shall require the applicant to inquire of the Commission in writing whether the change is significant enough to require an Amended Order of Conditions or a new Notice of Intent.

19. Members of the Commission and/or its agent shall have the right to enter and inspect the premises to evaluate and ensure compliance with these conditions and performance standards, stated in the Order, the Act and 310 CMR 10.00 and may require any additional information, measurements, photographs, observations and/or materials or may require submittal of any data or information deemed necessary by the Commission for that evaluation.
20. Within 30 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 a minimum of 4 to 6 inches of organic topsoil, if necessary and a USDA Natural Resources Conservation Service-approved seed mixture should be used in accordance with the measure outlined in “Vegetative Practices in Site Development: Massachusetts Conservation Guide, Volume II” or other acceptable stabilization methods to assure long-term stabilization of disturbed areas. Maintenance of these areas shall be in a manner that assures permanent stabilization and precludes any soil erosion and shall be the responsibility of the owner of record of the property or the responsibility of the applicant.
21. Fertilizers utilized for landscaping and lawn care on this lot shall be slow release, organic, low nitrogen types and shall not be used within 50 feet of a Wetland Resource Area. Pesticides and herbicides shall not be used on any lawn area within the buffer zone. **This condition shall be included in the Certificate of Compliance. The maintenance activities specified in this Order shall not expire with the issuance of a Certificate of Compliance.** It shall be the responsibility of the property owner of record to see that maintenance conditions are complied with as required by this Order.