

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:
 061-0687
 MassDEP File #
 eDEP Transaction #
 Revere
 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: Revere
 Conservation Commission

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

3. To: Applicant:
Steve Viviano
 a. First Name b. Last Name

47 Little Nahant Road
 c. Organization d. Mailing Address

Nahant MA 01908
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):
Kenneth Menard
 a. First Name b. Last Name

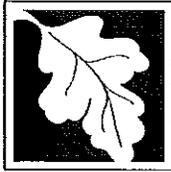
1091 Winthrop Ave
 c. Organization d. Mailing Address

Revere MA 02151
 e. City/Town f. State g. Zip Code

5. Project Location:
1089 Winthrop Ave Revere
 a. Street Address b. City/Town

Map 1 Block 7 Lots 23 & 24
 c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: 42.392623d m - 70.981768d m
 s



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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):
 Suffolk 104808
 a. County b. Certificate Number (if registered land)
 8441 336
 c. Book d. Page
7. Dates: December 20, 2016 February 1, 2017 February 1, 2017
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
 Site Plan 1089 Winthrop Avenue Revere Massachusetts
 a. Plan Title
 Parsons and Faia Inc. Charles D. Faia PLS #30316
 b. Prepared By c. Signed and Stamped by
 December 15, 2016 1"=10'
 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. Public Water Supply b. Land Containing Shellfish c. Prevention of Pollution
 d. Private Water Supply e. Fisheries f. Protection of Wildlife Habitat
 g. Groundwater Supply h. Storm Damage Prevention i. 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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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)

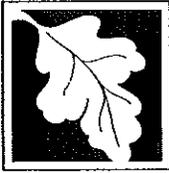
Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet _____	b. linear feet _____	c. linear feet _____	d. linear feet _____
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet _____	b. square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



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	_____	_____		
	a. square feet	b. square feet		
	_____	_____		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	_____	_____	_____ cu yd	_____ cu yd
	a. square feet	b. square feet	c. nourishment	d. nourishment
14. <input type="checkbox"/> Coastal Dunes	_____	_____	_____ cu yd	_____ cu yd
	a. square feet	b. square feet	c. nourishment	d. nourishment
15. <input type="checkbox"/> Coastal Banks	_____	_____		
	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	_____	_____		
	a. square feet	b. square feet		
17. <input checked="" type="checkbox"/> Salt Marshes	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	_____	_____		
	a. square feet	b. square feet		
	_____	_____		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	_____	_____		
	a. c/y dredged	b. c/y dredged		
21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	1,000	1,000		
	a. square feet	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 (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

22. Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

23. Stream Crossing(s):

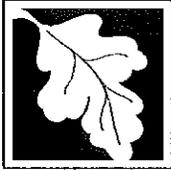
a. number of new stream crossings

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.
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 extend the issuance date of the original Final Order of Conditions and the Order will expire on 02/01/2020 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.
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.



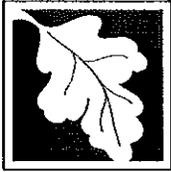
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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

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 061-687 "
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.
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.



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

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.

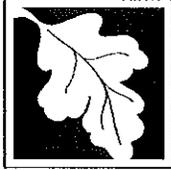
NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

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 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;
- 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.



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

- 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):

Revere Special Conditions A(1-8), B(1-15), C(1-11), D(1-8), E(1), F(1), G(1-16), H(1-6), I(1-6), J(1-6), K(1-4)



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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 Revised Municipal Ordinance Title 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):
 Revere Special Conditions A(1-8), B(1-15), C(1-11), D(1-8), E(1), F(1), G(1-16), H(1-6), I(1-6), J(1-6), K(1-4)



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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.

February 1, 2017

1. Date of Issuance

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

2. Number of Signers

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

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

Signatures:

Andrew B. N. Jones
Joseph M. DeWalt
[Signature]

[Signature]

by hand delivery on

by certified mail, return receipt requested, on

Date

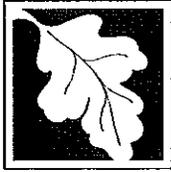
Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or 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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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.

Revere
 Conservation Commission

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

To:

Revere
 Conservation Commission

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

1089 Winthrop Avenue
 Project Location

061-0687
 MassDEP File Number

Has been recorded at the Registry of Deeds of:

Suffolk
 County

Book

Page

for: Kenneth Menard
 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:

February 1, 2017
 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

Revere Conservation Commission Special Conditions

DEP File #061-0687

A. Administrative and Procedural Requirements

1. This Order also constitutes a special Wetland Permit issued under City Council Order #83-329 Title 16 of the Ordinances of the City of Revere, appeal to the Massachusetts Department of Environmental Protection pursuant to G.L. Chapter 131, Section 40 shall not operate to terminate or affect any of the provisions of said special Wetland Permit. This Order applies only to the activities as described in the above Referenced Notice of Intent, MA-DEP # 061-0687. All work is to be performed in accordance with the above referenced Notice of Intent MA-DEP # 061-0687 and attachments.
2. Prior to applying for a building permit two full sets of stamped engineering drawings shall be submitted to the Revere Conservation Commission. One set will be kept as a file copy by the Revere Conservation Commission, the other set will be returned stamped approved for construction or rejected due to non-conference with the approved plans subject to this order.
3. Prior to the start of work on this project, the owner of the site or owner's representative shall provide to the Commission copies of all local, state and federal permits required to perform the proposed activities.
4. All project related reports shall be made available for public review. The proponent shall notify Commission staff of the location of such reports and establish reasonable hours for review.
5. The applicant, property owner and/or leaseholder(s) assume all responsibility for the proper conduct of all activities permitted including, but not limited to, proper monitoring of any contractor compliance with the conditions of this Order. The applicant is hereby instructed to review such conditions with all contractors and workers involved on operations prior to any work on the project. Any contractors and workers arriving after work on the project commences shall likewise be apprised of these conditions.
6. This order shall apply to any successors and assigns in interest or control and any other person engaging in activity on the property identified in the Notice of Intent.
7. Enforcement of these orders of conditions is in conjunction with MGL Chapter 40 § 8C, MGL Chapter 131 § 40 and 310 CMR 10.0 and the City of Revere Wetlands by-law Section 9. City of Revere Revised Ordinances Title 16 Section 16.04.11 provides for penalties and reads in its entirety:

16.04.110 Violation--Penalty.

- A. Any person who violates any provision of this chapter or any condition of a permit issued pursuant to it shall be punished by a fine of not more than three hundred dollars. Each day or portion thereof during which a violation continues shall constitute a separate offense; if more than one, each condition violated shall constitute a separate offense.
- B. This chapter may be enforced pursuant to Massachusetts General Laws, Ch. 40, Sec. 21D, by a city police officer or other officer having police powers. Upon request of the

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commission, the city council and city solicitor shall take such legal action as may be necessary to enforce this chapter and permits issued pursuant to it. (C.O. 83-329 511)

8. In case of problems or the need to discuss site conditions with the Commission, the contact person is Andrew B. DeSantis, Chairman. (781)286-8185.

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

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- 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.
 10. Prior to the Pre-Construction meeting, all erosion controls shall be installed, by survey, along the line as shown on plans approved by the Commission. The Commission or its agent shall inspect the location and installation of erosion controls.
 11. Phased installation of erosion controls may be necessary for larger projects. The erosion control line must be staked and the line approved by the agent prior to disturbance of trees.
 12. 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 MassDEP have been completed.
 13. 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, poles or flagging. Once in place, the wetland boundary markers shall be maintained until the Conservation Commission has issued a Certificate of Compliance.
 14. Members and agents of the Conservation Commission shall have the right to enter and inspect the premises to evaluate and ensure compliance with the Conditions and performance standards stated in this Order, the Act and 310 CMR 10.00 as well as MassDEP's Policies. The Commission may acquire any information, measurements, photographs, observations and/or materials or may require the submittal of any data or information deemed necessary for that evaluation.
 15. This Order shall apply to any persons or entities in partial or full control, whether by ownership or otherwise, and to any successor in control or interest, of the property described in the Notice of Intent and accompanying plans and any revisions thereof. This Order of Conditions shall be incorporated in all construction contracts for this project. All contractors working at the site shall be made aware of the provisions contained within this Order of Conditions and shall adhere to the special provisions contained herein.

C. During Construction

1. Any proposed activity above and beyond that described in the Notice of Intent within jurisdictional resource areas and their Buffer Zones (as defined at 310 CMR 10.04) must be preceded by a negative Determination of Applicability or an Order of Conditions from the Conservation Commission, unless said activity is a 'minor exempt activity' as defined

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- at 310 CMR 10.58(6)(b) and 310 CMR 10.02(2)(b). Failure to abide by this Special Condition will result in potential enforcement action on the part of the Commission.
2. Equipment shall be stored in a manner and location that will minimize potential environmental impacts. There shall be no stockpiling of material or storage of equipment or vehicles beyond the paved area of the site. Best management practices shall be employed during construction to prevent any adverse impacts on adjacent wetlands, which practices shall include, but not be limited to, covering of all stockpiled materials, and handling of all excavate in accordance with the Massachusetts Contingency Plan requirements and the Wetlands Protection Act.
 3. Any damage caused as a direct result of this project to any wetland resource areas shall be the responsibility of the applicant to repair or restore. Sedimentation of any resource area shall be considered fill of that wetland area.
 4. Excavated materials not used for backfill shall be removed from the area and disposed of legally. Records shall be kept documenting that excess material has been properly disposed of at a legal site.
 5. All waste products, refuse, debris, grubbed stumps, slash, excavate, construction materials, etc. shall be disposed of in a legal manner and shall not be incorporated in any manner into the project site with the exception of the reduction of stumps and slash to mulch. No mulch shall be placed in wetlands resource areas.
 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 (781-286-8185). 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.

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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. Stockpiles of soils, aggregate, or any other unconsolidated construction materials permitted by this Order within 100-foot Buffer Zones shall be covered with tarpaulins when not being worked with. Stockpiles in place for greater than twenty-four (24) hours shall be ringed with an entrenched hay bale barrier and covered by properly secured tarpaulins at the close of each workday. The areas of construction shall remain in a stable condition at the close of each construction day. Erosion controls shall be inspected daily, and maintained or reinforced if necessary. After any storm event, any accumulated silt adjacent to the barriers shall be removed.
4. An adequate reserve of erosion control materials shall be on site at all times for emergency or routine replacement.
5. Temporary stabilization shall include, but not be limited to: hydro seeding, straw mats, jute netting, sod, or other means approved by the Commission prior to its use. Where a slope is steeper than 3:1, temporary stabilization shall be staked or otherwise affixed to the slope. The required inspection reports shall specify the time of installation and type of erosion control measure used.
6. Within thirty days of completion of construction on any given portion of the project, all disturbed areas in the completed portion of the site shall be permanently stabilized with rapidly growing vegetative cover, using sufficient top soil to assure long term stabilization of disturbed areas. A minimum of four to six inches of organic top soil, if necessary, and a USDA Natural Resource Conservation Service approved seed mixture should be used in accordance with the measures outlined in 'Massachusetts Erosion and Sediment Control Guidelines For Urban and Suburban Areas', or other acceptable stabilization method. Continued maintenance of this area, in a manner which assures

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permanent stabilization and precludes any soil erosion, shall be the responsibility of the applicant.

7. Placement of erosion controls shall be directed at the site by the project engineer/compliance or erosion control monitor in order to ensure that the erosion and sedimentation controls perform as specified as part of the Notice of Intent and this Order. Note: Specific installation conditions for this condition could include the following, but should be specific to the project:
 - a. A row of filter fabric fencing, backed by one row of staked erosion/sedimentation bales placed end to end, shall be placed up-gradient of all resource areas along the limit of activity between all disturbed areas and the wetland.
 - b. Filter fabric fencing shall be set and staked every 18–36 inches at the upland side of the excavated compensation area. Filter fabric shall be no less than 15 inches high.
8. The Commission reserves the right to determine the adequacy of the erosion, sedimentation and pollution control measures during construction. All inadequate devices and measures, as determined by the Commission and/or its agent(s), shall be replaced with devices and measures deemed adequate by the Commission and/or its agent(s)

E. Snow Removal

1. During snow removal, snow shall not be pushed into or piled in any wetland, stream area, drainage channel, or detention basin at the site. Snow stockpile areas shall be located at least 100 feet from any wetland.

F. Dewatering

1. Any dewatering required to construct the proposed project shall adhere to the plan(s) of record and all relevant Best Management Practices ("BMP").

G. Compliance with MassDEP's Stormwater Management Standards

1. Stabilization of construction entrances: all project sites shall incorporate crushed rock pads at all construction entrances and shall maintain either a 25 foot undisturbed buffer of vegetation or an erosion/sedimentation bale, silt fence barrier between the work site and any vegetated wetlands, land under water, oceans, public roads, or neighboring properties to prevent erosion and sedimentation from being carried into resource areas or off site.
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

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- 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 Revere Conservation Commission. An EPA Stormwater Pollution Prevention Plan (SWPPP) may serve as the 'construction period control plan' if approved by the Revere Conservation Commission.
 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.

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14. Following completion of construction, the applicant shall stencil all catch basin inlets to indicate that the inlet is for the disposal of stormwater only and discharges to waterways or wetlands.
15. Maintenance activities for stormwater best management practices are authorized without the filing of a Notice of Intent, provided the work is limited to the maintenance of the stormwater management system and conforms to the provisions of 310 CMR 10.02(3).
16. Equipment cleaning, storage and refueling shall take place outside of the buffer zone to bordering vegetated wetland.

H. Miscellaneous Conditions

1. Plantings shall be comprised of native species.
2. There shall be no discharge or spillage of fuel, oil, or any other pollutant into the waters of any adjacent water body or adjacent resource areas by the contractor. The applicant and contractor shall develop a spill management plan for any hazardous materials that may be employed during work over the water or within one hundred (100) feet of the resource area. Specifically, the applicant should prepare to effectively deal with spillage of fuel or hydraulic fluids from equipment. A quick absorbent material, such as "Speedy Dry" or equivalent shall be stored in a dry and readily available area, and used in the event petroleum-based fluids are spilled or leaked. The spent material is then to be containerized and disposed of properly. An absorbent-floating boom shall be stored in a readily available area for use in case of a spill in the water.
3. If at any time during the implementation of the project a significant fish kill or significant water quality problem occurs in the vicinity of the project which can be attributed to the project, all site related activities impacting the water shall cease until the source of the problem is identified and adequate mitigating measures employed to the satisfaction of the Commission.
4. Members of the Revere Conservation Commission may enter the private land for which these orders are given for the purpose of observation of conditions at the site prior to the start of any activities covered by this permit, for observation of compliance with these orders and for issuance of additional orders by the Commission.
5. The Commission recommends recycling or reuse of demolition materials. All materials that are disposed of shall be disposed of in accordance with all applicable federal, state and local laws. Proof of proper disposal shall be provided in the form of copies of bills of lading, disposal receipts, or manifests.
6. No part of the lot topography within the land subject to coastal flowage shall be paved with impervious materials.

I. After Construction/In Perpetuity Conditions

1. Upon completion of all work regulated by this Order, the Applicant shall submit with its request for a Certificate of Compliance, detailed as-built plans depicting post construction conditions on the work site, and a statement in writing. Both must be signed and stamped by a professional engineer or land surveyor certifying that the site has been developed in accordance with the conditions of this Order and the site plans referenced within.

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2. Where relevant, all facilities and equipment shall be continually operated and maintained so as to comply with the conditions and the Act. The applicant, owner, successor or assignees shall be responsible for maintaining all on site drainage structures and outfalls, assuring the lasting integrity of the surface cover on the site and conduct site activities so as to prevent erosion, siltation, sedimentation, chemical contamination, or other detrimental impact to the on-site and/or off-site resource areas. This condition shall be a maintenance condition, and shall not expire upon the issuance of a certificate of compliance.
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 that 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 Bordering Vegetated Wetlands (310CMR10.55) or more than 50 feet from 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, 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.

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J. Additional Perpetual and Continuing Conditions

The maintenance or repair, by the property owner of record or designee, of detention basins, supporting drainage systems shall be conducted in conformance with 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.
5. Failure to adhere to any of these conditions singularly or in aggregate shall be considered non-compliance with the orders of condition for the project, violation of City of Revere Wetlands Protection Bylaws, Wetland Protection Ordinance Title 16 Sections: 16.04 Wetlands Protection. Each and every violation of any condition of this permit shall be considered a separate instance of violation of Title 16 and be subject to the fine provisions contained in Section 16.04.110.
6. Any change in plans, or any deviation in implementation from the plans, shall require the applicant to file a notice of project change with the Conservation Commission with a written inquiry as to whether the change is substantial enough to require filing a new notice of intent. Any errors in the plans or information submitted by the applicant shall be considered changes.

K. Land Subject to Coastal Storm Flowage

1. Construction shall conform to all applicable statutes contained within 780 CMR State Building Code, Sections 744.2 Structural Requirements in Floodplains which reads as follows:
 - a) 744.2 Structural requirements in floodplains: If a structure is to be constructed, or substantially improved within the one hundred (100) year floodplain (land subject to a one (1) percent or greater chance of flooding in any given year), as determined by the building official, it shall be designed and constructed to minimize flood damage. Plans for such building shall be submitted and certified by a registered professional engineer or architect to ensure that the following requirements are met.

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- b) The building is designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement.
 - c) The building is constructed with materials and utility equipment resistant to flood damage.
 - d) Residential structures shall have the lowest floor, including basement or cellar, elevated to or above the one hundred (100) year elevation; or in the case of nonresidential structures be flood proofed watertight to the one hundred (100) year level.
 - e) Where flood proofing is allowed for a particular building, it shall be designed to be watertight below the one hundred (100) year flood level and the flood proofing methods shall be adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the one hundred (100) year flood.
 - f) If oil heat is installed, oil tank is to be secured to prevent flotation.
2. The building shall be constructed with a minimum of six (6) of 12"x 18" foundation openings per enclosed side no more than 12 inches above grade in accordance with 8"x16" Smart Vents (www.smartvent.com) may be substituted for the foundation openings on a one for one basis. No living, utility, or other closed space shall be built below the first floor elevation.
 3. Air Conditioning units shall be elevated to a minimum of one foot above the level of the 100 year flood plain.
 4. The area inside foundation walls shall be filled with gravel or crushed stone equal to the elevation of grade on the exterior of the building.