

TOWN OF FRANKLIN CONSERVATION COMMISSION

MINOR BUFFER ZONE ACTIVITY APPLICATION AS PER FRANKLIN BY-LAW CHAPTER 181

In order to be considered complete, all information, requirements and conditions must be completed and the \$50.00 filing fee submitted with the application.

Applicant: (Please Print the following information)

Jaclyn Leslie
Applicant's Name

5 Oak Tree Lan
Mailing Address

Franklin	MA	02038
City/Town	State	Zip Code

813-431-0511 jaclyn.leslie@gmail.com
Telephone Number and e-mail address of primary contact for this application.

Property & Plan Information:

Jaclyn and John-Thomas Leslie
Land Owner's Name (If Different from Applicant)

5 Oak Tree Lane
Project Location (Street Address)

226 007
Assessor's Map & Parcel Number

Pool Fence Placement – 5 Oak Tree Lane 3/5/2026
Plan Name and date

All plans and information submitted for an MBZA must contain information to adequately depict the following: (NOTE: 2 hard copies of all material must be submitted to the Town Hall and an electronic copy of the entire application to the Conservation Agent's email.)

1. Plans:

1.1. Existing conditions of the property showing all existing structures;

1.2. Area of proposed work including total area of disturbance and whether the disturbances are permanent or temporary;

1.3. Location of all wetlands and buffer zones, including the 25', 50' and 100' buffers;

1.4. Location, type and size of any vegetation being removed and any vegetation to be planted as a mitigation measure;

1.5. Existing slopes and direction of drainage; and

1.6. Location of any required erosion control.

2. Narrative:

2.1. Detailed description of the activity to take place; and

2.2. Detailed description of how and when the work will be performed.

3. Other:

3.1. A photograph of the area where the activity is to take place.

3.2. A filing fee of \$50.00.

Authorization:

I hereby request that the Franklin Conservation Commission review this Application for a Minor Buffer Zone Activity. I (we) affirm that the project will comply with all criteria as stated in Section 14 of the Franklin Wetlands Protection Regulations as well as all information submitted. I (we) also grant authority to the Franklin Conservation Commission members and agent to go onto my (our) property solely for purposes directly related to the inspection and approval of this application

Jaclyn Leslie

3/5/2026

Property owner's Signature

Date

2. PERFORMANCE STANDARDS

2.1. These are the requirements for a Minor Buffer Zone Activity (MBZA)

2.1.1. The Conservation Commission (The Commission) shall presume that activity proposed to occur:

- Exclusively within a previously disturbed or clearly delineated buffer zone; and
- The alteration is less than 1,000 Square Feet or 5% of the buffer zone on the lot, whichever is less; and
- At a minimum, a 25 foot wide area is preserved between the activity and the resource area boundary; and
- The buffer zone does not contain estimated wildlife habitat which is indicated on the most recent Estimated Habitat Map of State listed Rare Wetlands Wildlife; and
- Erosion and sedimentation controls, if required, are provided at the limit of work to protect the resource areas, and
- Shall constitute activities within the buffer zone that would be eligible for a Negative Determination of Applicability with conditions.

2.2. The Commission may determine that this presumption should not apply based on unusual circumstances such as steep slopes, the potential for negative impacts over time or because the proposed project would require oversight through continuing conditions. The Commission may waive any or all of the above requirements if they find that there is an emergency situation. In order for the site to be declared an emergency, a vote of the Commission shall be required.

2.3. In order for a property owner to apply for an MBZA they must meet all of the above requirements and provide a plan of the activity, a detailed project narrative and photographs of the project area. The distance between the proposed project and the wetlands must be noted on the plan and may require delineation if requested by the Commission or Agent. Additional items detailed on the MBZA form or requested by the Commission, or its Agent, may be required. The applicant is required to prove by a preponderance of the evidence that their proposed MBZA will not result in a negative impact to the wetlands.

2.4. The minor nature of these projects will not require the Commission to hold an advertised public hearing on the matter. The Agent shall review the application and may perform a site visit to confirm information provided in the plan, project narrative and photographs. The Agent may request additional information if s/he deems necessary. Upon review of the MBZA application, the commission may issue an approval, with or without conditions, a denial, or require the applicant to provide further information. If the commission issues a denial, the applicant shall be required to file a Notice of Intent if they wish to pursue the activity.

2.5. The work must conform to the plans submitted in the Minor Buffer Zone Activity application and all applicable conditions or modifications imposed by the Commission in the approval. If the applicant fails to perform the work according to the approved plan or in conformance with the applicable conditions of the approval, the permit will be revoked. Failure to conform to the plans and specifications shall constitute grounds for requiring a Notice of Intent and/or an Enforcement Action, including fines, by the Commission.

2.6. Upon completion of the project the applicant shall notify the Agent. The Agent shall inspect the work for and inform the Commission of the results.

2.7 Minor activities within Riverfront Zone, the 100' buffer zone, but not within the 25' "no touch" zone, and not within 25' of a perennial stream, may be authorized by the Conservation Agent under the following conditions:

2.7.1. The proposed activity will not run counter to the interests of the Wetlands Protection Act;

2.7.2. The proposed activity shall collectively not encompass more than 150 ft² of land area;

2.7.3. The proposed activity shall be only those activities permitted under 310 CMR 10.02 (2) (b) as well as the removal of vegetative debris and trees;

2.7.4. These activities shall be outlined on a MBZA application providing all required information and accompanied by the required filing fee;

2.7.5. All decisions of the Conservation Agent may be appealed to the Conservation Commission following the procedures outlined in section 8 of these regulations;

2.7.6. The agent shall prepare and submit a report, at least monthly, to the Commission on all permits approved under this section.

Section 2 – Project Narrative

Project Name:

Pool Fence Placement - 5 Oak Tree Lane

Property Address:

5 Oak Tree Lane
Franklin, MA 02038

2.1 Description of the Activity

This filing is to include the installation of a residential fence associated with the previously approved pool project at **5 Oak Tree Lane, Franklin, MA**.

The swimming pool project was previously approved by the **Franklin Conservation Commission under Order of Conditions CE 159-1297 issued October 3, 2024**.

See **Attachment A – Order of Conditions (Pool Approval – 2024)**.

The approved pool project referenced fencing for safety purposes; however, the specific fence installation work was not included in the original filing scope. This submission is therefore being made as a **Minor Buffer Zone Activity (MBZA)** to formally include the fence installation.

The proposed work consists only of installing a perimeter fence around the backyard to restrict access to the pool area from outside the property.

No additional construction, grading, excavation, or modification to the previously approved pool project is proposed.

Fence posts will be installed using small post holes only. Disturbance will be limited to the footprint of the fence posts.

The proposed work will **not alter existing drainage, slopes, vegetation patterns, or wetlands resource areas**.

Photographs of the project area are included within the submitted plan materials.

2.2 Fence Materials and Installation

Two fence materials will be installed as shown on the submitted fence plan.

See **Attachment B – Proposed Fence Layout Plan**.

Chain Link Fence

- Height: 5 feet
- Fabric: 9-gauge mesh
- Terminal Post: 2-3/8"
- Line Post: 1-7/8"
- Top Rail: 1-3/8"
- Post depth: approximately 2.5 feet
- Includes top rail and tension wire

Vinyl Fence

- Height: 6 feet
- Post: 5" x 5"
- Rail: 1-3/4" x 7"
- Picket: 6" tongue-and-groove
- Post depth: approximately 3 feet

The layout and alignment of the fence are shown in **Attachment B**.

2.3 Construction Method and Schedule

Fence installation will be completed by a licensed contractor using standard residential fence installation practices.

Installation will include the following steps:

1. Marking the fence line according to the submitted plan.
2. Digging small post holes at designated locations.
3. Installing and securing fence posts.
4. Installing fence rails, mesh, and vinyl fence panels.
5. Restoring disturbed soil around fence posts.

The work involves **minimal ground disturbance** and **no heavy site work**.

Work is anticipated to occur **between May and June 2026**, pending Conservation Commission approval and weather conditions.

2.4 Minor Buffer Zone Activity (MBZA) Compliance

The proposed fence installation meets the criteria for a **Minor Buffer Zone Activity** for the following reasons:

- The work occurs within an **existing residential yard that has already been disturbed during the previously approved pool project**.
- The proposed disturbance is limited to **fence post installation only**, resulting in minimal ground disturbance well below the **1,000 square foot MBZA threshold**.
- The work **maintains the required 25-foot buffer to the wetland resource area**, as shown on the submitted plans.
- The project **does not involve significant vegetation removal** and does not impact estimated wildlife habitat.
- Disturbance is limited to small post holes and **soil will be stabilized immediately following installation**.

- The project **will not alter drainage patterns or create sedimentation impacts to wetlands.**

Due to the limited nature of the activity and its location within an already disturbed residential yard, the proposed work **will not result in any negative impact to wetlands or resource areas.**

2.5 Project Clarification

This filing is being submitted **only to formally include the fence installation associated with the previously approved pool project** and does not modify or expand the scope of the approved pool construction.

Attachments

Attachment A

Order of Conditions – Pool Project Approval

Attachment B

Fence Installation Plan and Site Photographs

Attachment A
Order of Conditions – Pool Project Approval

Tel: (508) 520-4929

Fax: (508) 520 4906

Town of Franklin



Conservation Commission

October 3, 2024

Jaclyn Leslie
5 Oak Tree Lane
Franklin, MA 02038

RE: Order of Conditions, 5 Oak Tree Lane (CE 159-1297)

Dear Ms. Leslie,

Please find enclosed the Order of Conditions for the Project at 5 Oak Tree Lane recently permitted through the Franklin Conservation Commission. Please note the Special Conditions attached. The Order of Conditions must be recorded in the Registry of Deeds and evidence of this recording must be given to the Conservation Department. In addition, the erosion control barriers must be installed, inspected and certified by your representative prior to the Conservation Agent signing off on any building permits.

If you have any questions, please feel free to contact me at 508-520-4929 or via email at bgoodlander@franklinma.gov.

Sincerely,

Breeka Li Goodlander, PWS, CERPIT
Conservation Director





Massachusetts Department of Environmental Protection

eDEP Transaction Copy

Here is the file you requested for your records.

To retain a copy of this file you must save and/or print.

Username: FRANKLINCONCOM

Transaction ID: 1804153

Document: WPA Form 5 - OOC

Size of File: 149.98K

Status of Transaction: In Process

Date and Time Created: 10/3/2024:2:12:55 PM

Note: This file only includes forms that were part of your transaction as of the date and time indicated above. If you need a more current copy of your transaction, return to eDEP and select to "Download a Copy" from the Current Submittals page.



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

Provided by MassDEP:
 MassDEP File #:159-1297
 eDEP Transaction
 #:1804153
 City/Town:FRANKLIN

A. General Information

1. Conservation Commission FRANKLIN

2. Issuance a. OOC b. Amended OOC

3. Applicant Details

a. First Name	JACLYN	b. Last Name	LESLIE
c. Organization			
d. Mailing Address	5 OAK TREE LANE		
e. City/Town	FRANKLIN	f. State	MA
		g. Zip Code	02038

4. Property Owner

a. First Name	b. Last Name	
c. Organization		
d. Mailing Address		
e. City/Town	f. State	
		g. Zip Code

5. Project Location

a. Street Address	5 OAK TREE LANE		
b. City/Town	FRANKLIN	c. Zip Code	02038
d. Assessors	226	e. Parcel/Lot#	007
Map/Plat#			
f. Latitude	42.11609N	g. Longitude	71.42011W

6. Property recorded at the Registry of Deed for:

a. County	b. Certificate	c. Book	d. Page
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7. Dates

a. Date NOI Filed : 7/20/2024 b. Date Public Hearing Closed: 10/3/2024 c. Date Of Issuance: 10/7/2024

8. Final Approved Plans and Other Documents

a. Plan Title:	b. Plan Prepared by:	c. Plan Signed/Stamped by:	d. Revised Final Date:	e. Scale:
5 OAK TREE LANE PLAN	KARON SKINNER		9/23/2024	1"=50'

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act
 Following the review of the the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act.

Check all that apply:

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

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



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Approved subject to:

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

Denied because:

- b. The proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. The information submitted by the applicant is not sufficient to describe the site, the work or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**

- 3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310CMR10.02(1)(a). 65
a. linear feet

Inland Resource Area Impacts:(For Approvals Only):

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	<u> </u> a. linear feet	<u> </u> b. linear feet	<u> </u> c. linear feet	<u> </u> d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
6. <input type="checkbox"/> Land under Waterbodies and Waterways	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
	<u> </u> e. c/y dredged	<u> </u> f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
Cubic Feet Flood Storage	<u> </u> e. cubic feet	<u> </u> f. cubic feet	<u> </u> g. cubic feet	<u> </u> h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	<u> </u> a. square feet	<u> </u> b. square feet		
Cubic Feet Flood Storage	<u> </u> c. cubic feet	<u> </u> d. cubic feet	<u> </u> e. cubic feet	<u> </u> f. cubic feet
9. <input type="checkbox"/> Riverfront Area	<u> </u> a. total sq. feet	<u> </u> b. total sq. feet		



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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

Coastal Resource Area Impacts:

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
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10. Designated Port Areas Indicate size under Land Under the Ocean, below

11. Land Under the Ocean

 a. square feet b. square feet

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

12. Barrier Beaches Indicate size under Coastal Beaches and/or Coastal Dunes below

13. Coastal Beaches

 a. square feet b. square feet c. c/y nourishment d. c/y nourishment

14. Coastal Dunes

 a. square feet b. square feet c. c/y nourishment d. c/y nourishment

15. Coastal Banks

 a. linear feet b. linear feet

16. Rocky Intertidal Shores

 a. square feet b. square feet

17. Salt Marshes

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

18. Land Under Salt Ponds

 a. square feet b. square feet

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

19. Land Containing Shellfish

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

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

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

21. Land Subject to Coastal Storm Flowage

 a. square feet b. square feet

22. Restoration/Enhancement (For Approvals Only)

If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage



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that has been entered in Section B.5.c & d or B.17.c & d above, please entered the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

23.

Γ Streams Crossing(s)

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

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Act; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not exceed the issuance date of the original Final Order of Conditions.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
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']



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11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before Mass DEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. The work associated with this Order(the "Project") is (1) is not (2) subject to the Massachusetts Stormwater Standards. If the work is subject to Stormwater Standards, then the project is subject to the following conditions;
 - a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Construction General Permit as required by Stormwater Standard 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
 - b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that: *i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures; *ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized; *iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10; *iv.* all post-construction stormwater BMPs are installed in



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- accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition; v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 19(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
 - d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Multi-Sector General Permit.
 - e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
 - f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.
 - g) The responsible party shall:
 - 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 - 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.



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- 1) 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:

D. Findings Under Municipal Wetlands Bylaw or Ordinance

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

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

a. DENIES the proposed work which cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

1. Municipal Ordinance or Bylaw _____

2. Citation _____

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order or Conditions is issued. Which are necessary to comply with a municipal ordinance or bylaw:

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

1. Municipal Ordinance or Bylaw FRANKLIN WETLANDS PROTECTION BYLAW

2. Citation CHAPTER 181

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

The special conditions relating to municipal ordinance or bylaw are as follows:
 SEE ATTACHED



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File #:159-1297
eDEP Transaction #:1804153
City/Town:FRANKLIN

E. Signatures

This Order is valid for three years from the date of issuance, unless otherwise specified pursuant to General Condition #4. If this is an Amended Order of Conditions, the Amended Order expires on the same date as the original Order of Conditions.

10/7/2024
1. Date of Original Order

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

4
2. Number of Signers

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

Signatures:

[Handwritten signatures in blue ink over horizontal lines]

by hand delivery on

by certified mail, return receipt requested, on

Date

Date 10/08/24

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.

G. Recording Information

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.

FRANKLIN



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File #:159-1297
eDEP Transaction #:1804153
City/Town:FRANKLIN

Conservation Commission

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

To:

FRANKLIN

Conservation Commission

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

5 OAK TREE LANE

Project Location

159-1297

MassDEP File Number

Has been recorded at the Registry of Deeds of:

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:

Document Number

Signature of Applicant

Rev. 4/1/2010

PROJECT

5 Oak Tree Lane

CE-#159-1297

ATTACHMENT
SPECIAL CONDITIONS

Table 1. List of Special Conditions

All Conditions

Add	No.	Special Conditions
	19	Mitigation Planting Plan
X	20	Erosion Control Barriers
X	21	Extra Siltation Barriers
X	22	As-Built Plan
	23	Written Conformance Reports
X	24	Work Performed According to Plan
X	25	Referencing Order of Conditions
X	26	Provision of Plans and Order of Conditions
X	27	Approved Changes
X	28	Notification Prior to Work
X	29	Right to Impose Additional Conditions
X	30	Errata as Changes
X	31	Compliance Contact Information
X	32	Weekly Monitor Reports
X	33	Use of Clean Fill
X	34	No Straw Bales
X	35	Stockpile Maintenance
X	36	Cleaning Vehicles
X	37	Remedy Upon Problem Identification
X	38	Barriers as Limit to Work
X	39	Limit of Work Marked
X	40	No Construction Materials
X	41	Inspections and Disposal of Sediment
	42	No Rock Salt
	43	No Fertilizers
X	44	Removal of Barriers
	45	Dewatering Plan

X	46	Stockpile Location
X	47	Removal of Sediment
	48	No Refueling
	49	Emergency Repairs
	50	Leaks and Spills
X	<u>51</u>	<u>Building Permit Sign Off</u>

19. Mitigation Planting Plan: If the project involves detention basins, drainage swales or other significant drainage structures, prior to the first pre-construction meeting, the Applicant shall submit a mitigation planting plan to the Conservation Department for review and approval. The mitigation planting plan shall use low shrub and tree species from the Franklin Best Development Practices Guide Book - specific for wildlife habitat - to be planted near the detention basin and altered swale.

20. Erosion Control Barriers: Erosion control barriers must be installed, inspected and approved by a professional engineer or licensed wetlands scientist. Before any work commences (including any land and/or vegetation cutting, removal, or disturbance) said professional shall submit to the Conservation Commission a written statement confirming the erosion control barriers are installed according to the approved plan. The statement shall be signed and stamped by said professional. All erosion control barriers must be biodegradable. This biodegradable requirement supersedes any details shown on the plan.

21. Extra Siltation Barriers: An extra 10% of the required biodegradable siltation barriers must be stored on site in the event of an emergency or storm.

22. As-Built Plan: If the Order of Conditions was based on a plan submitted and stamped by a licensed professional, then simultaneous with any written request for a Certificate of Compliance inspection, the Applicant will provide an as-built drawing plan stamped with the same license as the original plan. Any deviation from the approved plan must be demarcated and duly explained.

23. Written Conformance Reports: The Commission must receive a written report with respect to a project's conformance to Orders of Conditions every April and October from a professional consultant (e.g. engineer or wetland scientist) until a Certificate of Compliance is issued.

24. Work Performed According to Plan: Except where modified by the Commission, all work must be performed in accordance with the plans and the Order of Conditions. Any violation of these Orders of Conditions may result in the Applicant being subject to an Enforcement Order.

25. Referencing Order of Conditions: This Order shall be referenced in all construction contracts, subcontracts, and specifications dealing with the proposed work and shall supersede any conflicting contract requirements. The Applicant shall ensure that all Contractors, Subcontractors, and other personnel performing the permitted work are fully aware of the permit's terms and conditions. Thereafter, the Contractor will be held jointly and independently liable for any violation of the Order of Conditions, resulting from failure to comply with its conditions.

26. **Provision of Plans and Order of Conditions:** A copy of the plans and associated Order of Conditions must be provided to the contractor responsible for the project's construction and completion, *prior* to the commencement of work. The contractor must have a copy of this Order of Conditions on site at all times while activities regulated by this Order of Conditions are being performed.

27. **Approved Changes:** Any changes, alterations, or revisions in the submitted plans or Notice of Intent must be approved by the Commission prior to their implementation. Failure to comply with this condition may subject the Applicant to an Enforcement Order. If the Commission finds, by a majority vote, said changes to be significant and/or to deviate from the revised plans, Notice of Intent, or the Order of Conditions, then the Commission may require that the Applicant file a Request to Amend the Order of Conditions or a new Notice of Intent. All changes to the plan shall be in accordance with DEP Policy 85-4.

28. **Notification Prior to Work:** The Applicant must notify the Franklin Conservation Commission in writing one week before any activity, including vegetation removal, commences on the project site. Failure to comply with pertinent conditions may result in a directive to cease all activity. In the event that work ceases on the site for a period of time greater than five business days **and** inspections required by this Order are stopped, this condition shall again apply prior to recommencing work on the site. Compliance with this condition does not relieve the Applicant from complying with all other conditions. All conditions requiring additional information prior to commencing construction shall be met prior to submitting said notice.

29. **Right to Impose Additional Conditions:** If siltation, erosion, or other adverse impacts to any resource areas occur, the Commission reserves the right to impose additional conditions as necessary to protect the interests of the Wetlands Protection Act and the Franklin Wetlands Protection Act Bylaw.

30. **Errata as Changes:** Any errors found on the plans or in the information submitted by the Applicant shall be considered as changes, and the procedures and policies related to plan changes outlined above, shall be followed.

31. **Compliance Contact Information:** Prior to any work being performed on the site, the Applicant shall inform the Franklin Conservation Commission in writing of the names, addresses, and business and home phone numbers of both the project supervisor who will be responsible for ensuring on site compliance with the Order of Conditions, as well as his/her alternate. The Applicant shall notify the Commission in writing of any changes in this information as soon as practically possible.

32. **Weekly Monitor Reports:** At least every other week, beginning the first week of construction, in which construction activity occurs on site and for as long thereafter as the ground remains destabilized, the applicant, the applicant's representative, or the contractor must submit a written report to the Conservation Commission. The report must include weekly erosion control inspection logs, details of any remediation activities taken, and descriptions of any deviations from approved plans.

33. **Use of Clean Fill:** Any fill used in connection with this project shall be clean, meaning it contains 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.

34. No Straw Bales: In order to help prevent the spread of invasive plant species, the use of straw hay bales as a means of erosion control is prohibited.

35. Stockpile Maintenance: Any soil areas, including stockpiles, which will remain exposed for longer than thirty calendar days shall be mulched or covered with a short-lived annual herbaceous cover crop.

36. Cleaning Vehicles: In order to help prevent the spread of invasive plant species during construction, all vehicles entering or leaving the site will be thoroughly cleaned of accumulated soil or plant material.

37. Remedy Upon Problem Identification: If any unforeseen problems occur during construction that affect any of the statutory interests identified in MGL c. 131 §40 and 310 CMR 10.00, and/or the Town of Franklin Wetlands Bylaw, the Applicant shall immediately notify the Conservation Commission, and a meeting shall be held shortly thereafter between the Conservation Commission, the Applicant, the Applicant's licensed professionals, the Contractor, and any other concerned parties, to determine corrective measures to be taken. The Applicant shall then implement the agreed upon corrective measures. In the event of a dispute between the meeting participants, the Commission's judgment shall prevail.

38. Barriers as Limit of Work: The sedimentation barriers will also serve as the limit of work, and no work, disturbance, or alteration shall occur on the resource area side of the barrier except as depicted on the approved plans.

39. Limit of Work Marked: The limit of work area shall be clearly marked in the field with said indicators being spaced at intervals no greater than 50 feet.

40. No Construction Materials: No construction materials, debris, leaves, or other materials shall be deposited outside the limits of work.

41. Inspections and Disposal of Sediment: To assure the continued effective removal of sediments, the Contractor shall inspect the barriers weekly and after each rainfall event to determine its condition. At the time of these inspections, accumulated sediments will be removed from the barriers and damaged barriers will be repaired or replaced as necessary. In no event shall silt be allowed to accumulate to a height greater than one-half the height of the barriers. Any removed sediment will be moved to and disposed of at a suitable location.

42. No Rock Salt: No rock salt (sodium chloride) can be used on paved surfaces within one hundred feet of wetland resource areas. Other de-icing chemicals may be used with the prior written approval of the Conservation Commission, and only after a formal review of the proposed substance. Signs, submitted to and approved by the Conservation Commission, shall be posted at the site stating this is a no-salt zone. The Conservation Commission shall not grant a perpetual use of any salt alternative chemical for the site. This condition will be noted on the Certificate of Compliance and will continue in perpetuity.

43. No Fertilizers: Pesticides, herbicides, and fungicides will not be used within the 100-foot buffer zone resource area. Fertilizers may be used if it is a slow release fertilizer and has been approved in advance by the Conservation Commission. This Condition will be noted on the Certificate of Compliance and will continue in perpetuity.

44. Removal of Barriers: No sedimentation barrier may be removed without the prior approval of the Commission or its staff.

45. Dewatering Plan: Prior to any excavation dewatering activity, the applicant must submit a dewatering plan to the Conservation Commission for approval. The dewatering plan must clearly indicate the location of the dewatering discharge and the measures used to prevent discharge of silt or sediment into the stormwater system or a wetland resource area. The dewatering plan must also include a contingency plan for emergency dewatering requirements. The contingency plan will provide for the pumped water to be contained in a settling basin prior to discharge. No dewatering will take place without the prior written approval of the Conservation Commission. No direct discharge to wetland resource areas will be allowed. Subsequent to dewatering, accumulated sediments will be removed to a secure location.

46. Stockpile Location: No debris, fill, or excavated material shall be stockpiled within 25 linear feet of the limit of work, unless approved beforehand by the commission. At no time shall any debris or other material be buried or disposed of within wetland resource areas or the 100-foot buffer zone resource areas, other than fill that is allowed by this Order of Conditions and as shown on the above-referenced plan.

47. Removal of Sediment: Any debris, sediment, or other material that falls into or otherwise enters the wetland resource area during the construction period must be immediately removed by hand.

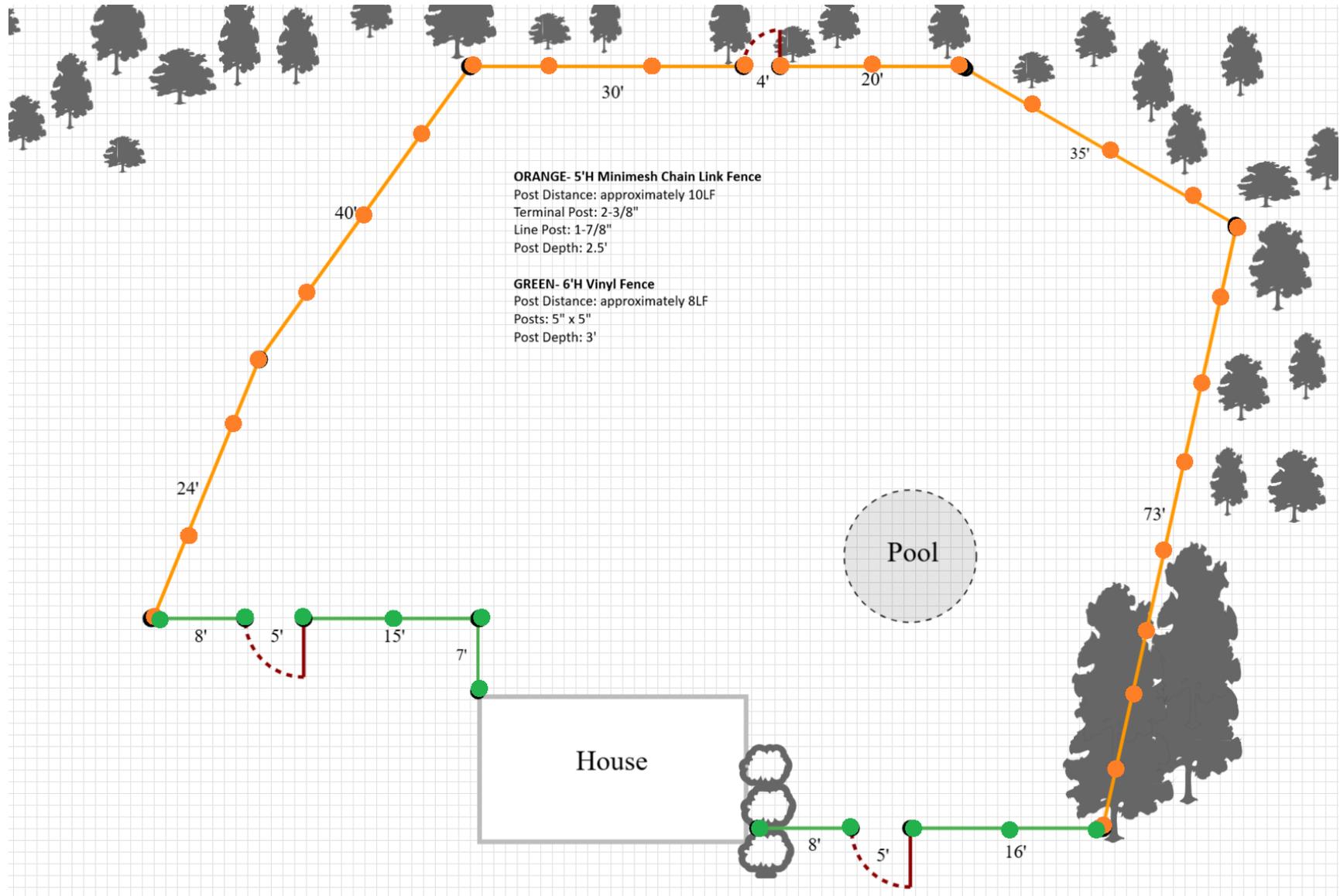
48. No Refueling: No refueling of equipment or trucks shall occur within 100 linear feet of any wetland resource area.

49. Emergency Repairs: There shall be no more than a total of 50 gallons of fuel (other than what is in vehicles) or maintenance chemicals stored on any jurisdictional site at any one time. No routine servicing of vehicles used for this project will be permitted on the site. The Conservation Commission will be notified prior to initiating any emergency repairs to vehicles that must take place on the site.

50. Leaks and Spills: Any leaks or spills of hazardous material must be cleaned up immediately and disposed of at an appropriate off-site location in accordance with all federal, state, and local requirements and regulations. The Contractor must notify the Conservation Commission within 24 hours of any spillage or leakage of hazardous material, and must maintain an appropriate amount of absorbent on site.

51. Building Permit Sign Off: No land alteration, except for installation of erosion control, may begin and no building permit will be signed by the Conservation Office until such time as stipulations 9 and 20 are complied with and evidence of said compliance is received by the Conservation Office.

Attachment B Fence Installation Plan and Site Photographs





Town of Franklin Conservation Commission

APPLICATION PROCESS SIGNATURE FORM

There are three different applications that can be submitted to undertake work in a jurisdictional area: a Notice of Intent (NOI), a Request for Determination (RDA) and a Minor Buffer Zone Activity (MBZA). All three applications have different criteria for submission and approval and the NOI and RDA are governed by both the state law and the local bylaw. The MBZA is issued under the local bylaw only.

When a potential applicant requests advice from the Conservation Agent on which application to file, the opinion of the Agent is based on the information given by the potential applicant and any other information available to the Agent, e.g. the town's GIS system. The Agent has no legal right to go onto private property at any time until after an application is filed or permission of the property owner is given.

It is important that all applicants understand that after an application is filed, additional information may come to light e.g. via a field inspection or a review of the application, that may impact the scope of the submitted application and the approval process. **Therefore, it is the ultimate responsibility of the applicant to decide which application to file.**

In light of the above, please sign below indicating an understanding of this policy and submit it with the application.

Jaclyn Leslie

Signature of Property Owner

3/5/2026

Date