

ATTACHMENT
SPECIAL CONDITIONS

Table 1. List of Special Conditions

All Conditions

| Add | No. | Special Conditions |
|-----|-----|--|
| | 19 | Mitigation Planting Plan |
| | 20 | Erosion Control Barriers |
| | 21 | Extra Siltation Barriers |
| | 22 | As-Built Plan |
| | 23 | Written Conformance Reports |
| | 24 | Work Performed According to Plan |
| | 25 | Referencing Order of Conditions |
| | 26 | Provision of Plans and Order of Conditions |
| | 27 | Approved Changes |
| | 28 | Notification Prior to Work |
| | 29 | Right to Impose Additional Conditions |
| | 30 | Errata as Changes |
| | 31 | Compliance Contact Information |
| | 32 | Weekly Monitor Reports |
| | 33 | Use of Clean Fill |
| | 34 | No Straw Bales |
| | 35 | Stockpile Maintenance |
| | 36 | Cleaning Vehicles |
| | 37 | Remedy Upon Problem Identification |
| | 38 | Barriers as Limit to Work |
| | 39 | Limit of Work Marked |
| | 40 | No Construction Materials |
| | 41 | Inspections and Disposal of Sediment |
| | 42 | No Rock Salt |
| | 43 | No Fertilizers |
| | 44 | Removal of Barriers |
| | 45 | Dewatering Plan |
| | 46 | Stockpile Location |

| | | |
|--|-----------|---------------------------------|
| | 47 | Removal of Sediment |
| | 48 | No Refueling |
| | 49 | Emergency Repairs |
| | 50 | Leaks and Spills |
| | <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.