



April 11, 2024

Franklin Conservation Commission
355 East Central Street
Franklin, MA 02038

Re: B-Series Stormwater IVW Drainage Memo
15 Liberty Way, Franklin MA (DEP File #159-1282)

Dear Franklin Conservation Commission,

Goddard Consulting, LLC, (Goddard) is pleased to submit this memo on behalf of Atlantic Oliver 15 Liberty Way LLC (the Applicant), to provide additional information pertaining to drainage patterns and potential hydrologic connections downgradient of the B-series stormwater IVW in regard to the Notice of Intent (NOI) filed for 15 Liberty Way (DEP File #159-1282).

Two hard copies and a digital copy have been submitted for the Commission's review. If you have any questions, please feel free to contact Chris Frattaroli at (508) 557-8770.

Documents attached are as follows:

- ALTA/NSPS Land Title Survey Plan*, prepared by Kelly Engineering Group, dated 2/18/2021
- WPA Form 5 - Order of Conditions, DEP File Number SE159-0660, dated 7/29/1999
- Detention Basin #3 Reconstruction Plan*, prepared by Engineering Design Consultants, Inc., dated 4/30/1999
- WPA Form 8B - Certificate of Compliance, DEP File Number SE159-0660, dated 8/24/2000
- As-Built Sewer Pump Station/Drainage Improvements*, prepared by Engineering Design Consultants, Inc., dated 8/18/2000

Sincerely,
Goddard Consulting, LLC

Chris Frattaroli
Wetland Scientist

CC: Atlantic Oliver 15 Liberty Way LLC, 125 High Street, Suite 220, Boston MA, 02110
Daniel Campbell, Level Design Group, 249 South Street, Unit 1, Plainville, MA 02762
MassDEP Central Regional Office, 8 New Bond Street, Worcester, MA 01606

1.0 Background

The B-series stormwater IVW in question, currently present at 15 Liberty Way, is a neglected stormwater basin that has developed wetland characteristics over time due to a lack of maintenance. It is presently overgrown and contains deposited sediment, limiting its effectiveness as a stormwater management feature. At the 4/4/2024 public meeting of the Franklin Conservation Commission, Commissioners observed that the current iteration of site plans (titled Liberty Parking Expansion, prepared by Level Design Group, last revised 3/19/2024) show the B-series stormwater IVW having an outlet that drains to the south.

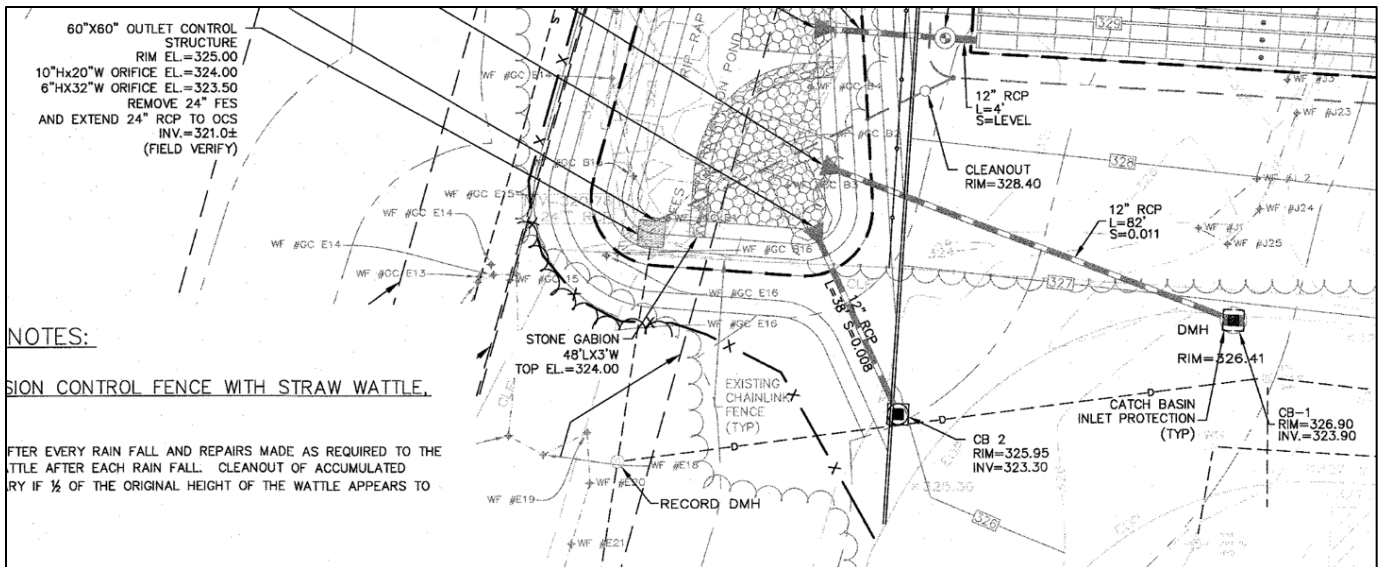


Figure 1: Portion of site plan showing proposed tie-in to existing drainage system at southern end of B-series stormwater IVW.

This basin does currently drain offsite to the south, along with all storm drains currently present on the locus site. Water leaving the basin enters a concrete flared end section and travels underground to a detention pond on another property to the south via nearly 1,000 linear feet of underground pipe. This drainage system can be seen clearly on the attached ALTA survey plan (titled ALTA/NSPS Land Title Survey Plan, prepared by Kelly Engineering Group, dated 2/18/2021). This more southern detention pond is located on parcels presently known as #20 and #32 Liberty Way. This detention pond is located slightly upgradient of a Boring Vegetated Wetland (BVW) system that in turn borders on Dix Brook, a perennial stream. This detention pond also receives inputs from various other parcels throughout the industrial park.



Figure 2: View of B-series stormwater IVW. Concrete flared end section visible at right.



Figure 3: Orthophoto of site showing approximate location of +/- 1,000 linear feet drainage pipe extending from B-series stormwater IVW to southern offsite detention pond, and outfall from offsite detention basin.

In order to better understand drainage patterns, Goddard inspected the area on 4/9/2024. Photos representative of the area are provided below.



Figure 4: View of offsite detention pond facing southeast.



Figure 5: View of outfall from offsite detention pond. Location shown on Figure 3 above.



Figure 6: Outlet of drainage pipe entering offsite detention pond.

2.0 Jurisdiction

As stated in 310 CMR 10.02(2)(c):

“...stormwater management systems designed, constructed, installed, operated, maintained, and/or improved as defined in 310 CMR 10.04 in accordance with the *Stormwater Management Standards* as provided in the *Stormwater Management Policy (1996)* or 310 CMR 10.05(6)(k) through (q) do not by themselves constitute Areas Subject to Protection under M.G.L. c. 131, § 40 or Buffer Zone provided that:

1. the system was designed, constructed, installed, and/or improved as defined in 310 CMR 10.04 on or after November 18, 1996; and
2. if the system was constructed in an Area Subject to Protection under M.G.L. c. 131, § 40 or Buffer Zone, the system was designed, constructed, and installed in accordance with all applicable provisions in 310 CMR 10.00.”

Because the offsite detention pond was improved with a valid Order of Conditions (DEP File Number SE159-0660) in 1999, Goddard believes that this detention pond cannot constitute an Area Subject to Protection under M.G.L. c. 131, § 40. Further, the project received a Certificate of Compliance issued on July 20, 1999, certifying that the project was completed in compliance with the Order of Conditions.

The Wetlands Protection Act continues to state in 310 CMR 10.02(5):

“For purposes of 310 CMR 10.02(2)(c) and (4), the applicant has the burden of proving that the proposed project involves a stormwater management system designed, constructed, installed, operated, maintained and/or improved as defined at 310 CMR 10.04 in accordance with the *Stormwater Management Standards* as provided in the *Stormwater Management Policy (1996)* or 310 CMR 10.05(6)(k) through (q) and that the system was designed,

constructed, installed and/or improved on or after November 18, 1996. The applicant also has the burden of establishing whether said stormwater management system was installed in an Area Subject to Protection under M.G.L. c. 131, § 40 or associated Buffer Zone, and, if so, that the system was constructed in accordance with all applicable provisions of 310 CMR 10.00. **An applicant shall use the best evidence available to meet the burden of proof required. For purposes of 310 CMR 10.02(2)(c) and (4), the best evidence is the Order of Conditions, Order of Resource Area Delineation or Determination of Applicability for the project served by the stormwater management system together with the plans referenced in and accompanying such Order or Determination, and, if applicable, the Certificate of Compliance.**” (emphasis added)

Attached documents include the Order of Conditions and Certificate of Compliance associated with the improvement of this detention pond, along with accompanying site plans for the same. Goddard believes that the existence of these documents satisfies the burden of proof outlined in 310 CMR 10.02(5) above, thereby confirming that the detention pond was improved in accordance with all applicable regulations. Therefore, the presumption set forth in 310 CMR 10.02(2)(c) that such a project does not constitute an Area Subject to Protection under the Act is met. Further, the site plans associated with the improvement of this detention pond do not show the detention pond with buffer zones or otherwise identify it as a wetland resource, indicating that it was not considered an Area Subject to Protection at the time of this project in 1999.

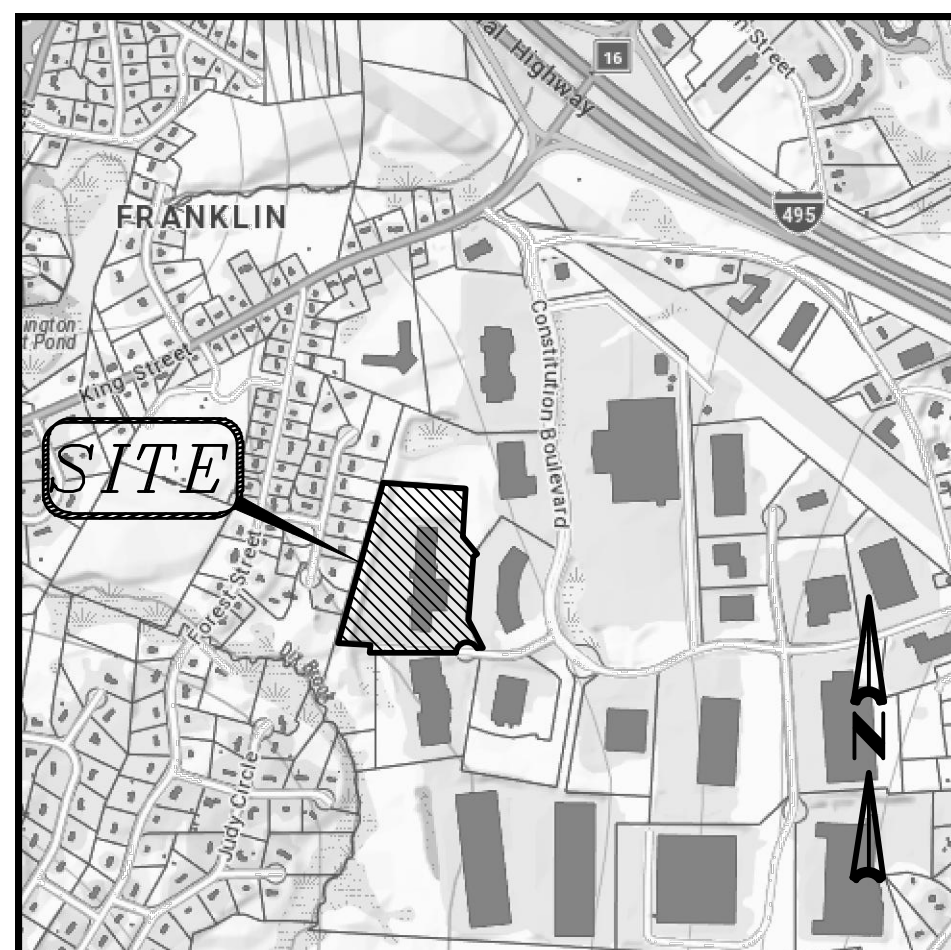
3.0 Proposed Project

As currently designed, the project proposes the construction of a new, vegetated stormwater basin approximately over the footprint of the existing B-series stormwater IVW. This proposed basin will discharge to the same outlet that the existing basin discharges to. This outlet is the above-referenced drainage pipe that transmits water offsite to the southern detention pond.

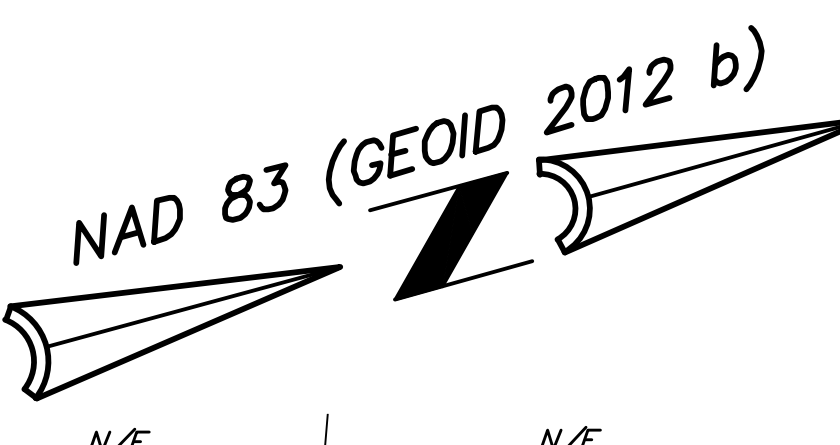
The proposed basin will capture all stormwater that presently flows to the B-series stormwater IVW from both offsite and onsite inputs.

Inputs to this proposed basin will also include overflow from the proposed subsurface infiltration system. The proposed stormwater infrastructure will provide treatment of all inflowing stormwater in compliance with the MA Stormwater Standards, including reduction in peak runoff flow rates and removal of contaminants. The Stormwater Standards are likely not met by the existing basin. Therefore, Goddard and the project engineer, Level Design Group, believe that the proposed basin will provide improved water quality exiting via the outlet of the B-series stormwater IVW and flowing south.

Regardless of the jurisdictional status of the existing vegetated stormwater basins in question, the proposed stormwater infrastructure on the locus site will provide an environmental benefit by meeting the MA Stormwater Standards. Stormwater treatment provided by the proposed system will not only enhance the quality of stormwater runoff from the locus site, but also from adjacent parcels whose stormwater flows onto the locus site. Further, the proposed stormwater management infrastructure will discharge via preexisting drainage infrastructure, so there will be no change to existing conditions in that regard. The only substantive change to existing conditions will be the quality of stormwater leaving the locus site, which will be improved as compared to existing conditions. For these reasons, the proposed stormwater management infrastructure constitutes a net improvement to the site’s and the broader area’s capacity to provide stormwater treatment. Therefore, Goddard believes that the stormwater system proposed as part of this project is appropriate when considered in context.



LOCUS MAP (NOT TO SCALE)



SCHEDULE B ITEMS

(Notes corresponding to First American Title Insurance Company Title Commitment #NCS-1049920-B051 Dated: 02/01/21)

- 8. Easement referred to as "Utility Easement A" created by Easement from Paula S. Lafoa, Trustee, to the Town of Franklin dated November 5, 1985 and recorded in Book 7127, Page 68. (PLOTTED)
9. Protective Covenants for Franklin Industrial Park, dated as of May 1, 1987, recorded in Book 7689, Page 355; as affected by:
a. Supplement to Protective Covenant dated June 14, 1988, recorded in Book 7999, Page 96;
b. First Declaration of Amendment dated December 1, 1992 and recorded in Book 8702, Page 603; as affected by Confirmatory First Declaration of Amendment as to Protective Covenants dated as of December 12, 1994, recorded in Book 10798, Page 479;
c. Certificate of Compliance dated December 20, 1994 recorded in Book 10766, Page 293;
d. Second Declaration of Amendment as to Protective Covenants dated March 29, 1995, recorded in Book 10848, Page 251;
e. Third Declaration of Amendment as to Protective Covenants dated April 7, 1999, recorded in Book 13375, Page 476; and
f. Assignment and Assumption as to Protective Covenants dated January 1, 2000, recorded in Book 14527, Page 503.
10. Easement to New England Telephone and Telegraph Company dated November 1987, recorded in Book 7812, Page 322. (PLOTTED)
11. 30' wide Utility Easement created by Declaration of Electrical Easement to Massachusetts Electric Company, Lot B-19, B-20 and B-21, dated January 26, 1989, recorded in Book 8256, Page 112. (PLOTTED)
12. Deed to Town of Franklin dated January 24, 1990 and recorded in Book 8554, Page 555, as affected by:
a. Cross Easement Agreement between Trustees of Franklin Industrial Park Trust and Town of Franklin dated October 21, 1994, and recorded in Book 10766, Page 275; and
b. Supplement to Cross Easement Agreement dated September 28, 1998, and recorded in Book 12849, Page 379. (PLOTTED)
13. Easement Agreement between Trustees of Copley-Franklin Industrial Park Trust and Carmine Lorusso, Jr., et al. dated September 24, 1992, recorded in 9392, as affected by: (PLOTTED)
a. Confirmatory Easement Agreement in Book 9607, Page 308; and
b. Certificate of Compliance in Book 9742, Page 699.
14. Drain Easement arising by virtue of Cross Easement Agreement between Campanelli Franklin I Limited Partnership and Trustees of Franklin Industrial Park Trust dated January 18, 1995, recorded in Book 10789, Page 735; as affected by a reference note set forth in the last paragraph of Page 3 in the deed from Campanelli Franklin to the Trustees of Franklin Industrial Park Trust, dated August 7, 2002, and recorded in Book 16981, Page 104. (PLOTTED)
15. Cross Easement Agreement between Campanelli Franklin I Limited Partnership and Trustees of First Franklin Trust dated January 18, 1995, recorded in Book 10789, Page 738; as affected by Supplemental Easement Agreement dated September 28, 1998 and recorded in Book 12849, Page 375. (PLOTTED)
16. Terms and Provisions of Lease between Campanelli Franklin I Limited Partnership and Federal Express Corporation, dated November 7, 1994, Notice of which is dated November 1, 1995 and recorded in Book 11113, Page 711; as affected by Subordination, Non-Obstruction and Assignment Agreement between Campanelli Franklin, Federal Express Corporation and Guardian dated November 1, 1995 and recorded in Book 11113, Page 717. (NO PLOTTABLE ITEMS)
17. Easement from Campanelli Franklin I Limited Partnership to Massachusetts Electric Company dated May 28, 1995 and recorded in Book 10928, Page 201. (EASEMENT DOCUMENT REFERS TO A SKETCH THAT WAS NOT PROVIDED - THE LOCATION OF ELECTRIC EQUIPMENT IS PLOTTED)
18. Order of Betterment Assessment of Constitution Boulevard, Town of Franklin Resolution No. 02-89, dated November 6, 2002, recorded in Book 17659, Page 241. NOTE: Exhibit A, referenced in the document, was not recorded therewith. (NO PLOTTABLE ITEMS)
19. Mortgage and Security Agreement from Campanelli Franklin I Limited Partnership to The Guardian Life Insurance Company of America, dated November 3, 1995 and recorded in Book 11104, Page 661; as affected by Loan Modification, Extension and Renewal Agreement by and between Campanelli Franklin I Limited Partnership and The Guardian Life Insurance Company of America, dated November 26, 2003, and recorded in Book 20256, Page 366. (NO PLOTTABLE ITEMS)
20. Assignment of Rents and Leases from Campanelli Franklin I Limited Partnership to The Guardian Life Insurance Company of America, dated November 26, 2003, recorded in Book 11104, Page 695; as affected by Loan Modification, Extension and Renewal Agreement by and between Campanelli Franklin I Limited Partnership and The Guardian Life Insurance Company of America, dated November 26, 2003, and recorded on December 1, 2003 in Book 20256, Page 366. (NO PLOTTABLE ITEMS)
21. Commercial Mortgage, Security Agreement and Assignment of Leases and Rents by and between 15 Liberty Way, LLC and Granite State Economic Development Corporation dated May 17, 2013 and recorded on May 17, 2013 and recorded on May 17, 2013 in Book 31344, Page 560. (NO PLOTTABLE ITEMS)
22. Mortgage by and between 15 Liberty Way, LLC and Granite State Economic Development Corporation with principal balance of \$1,777,000.00, dated May 17, 2013 and recorded on May 20, 2013 in Book 31344, Page 586. (NO PLOTTABLE ITEMS)
23. Conditional Assignment of Leases by and between 15 Liberty Way, LLC and Granite State Economic Development Corporation dated May 17, 2013 and recorded on May 20, 2013 in Book 31344, Page 594. (NO PLOTTABLE ITEMS)
24. UCC Financing Statement by and between 15 Liberty Way, LLC, KML, Inc. and Granite State Economic Development Corporation (Secured Party) recorded on May 20, 2013 in Book 31344, Page 1. (NO PLOTTABLE ITEMS)
25. Notice of Real Estate Lease by and between 15 Liberty Way, LLC, as lessor and KML, Inc. as Lessee, dated May 17, 2013 and recorded May 20, 2013 in Book 31344, Page 7. (NO PLOTTABLE ITEMS)
26. Notice of Restriction dated October 27, 2016 and recorded February 17, 2017 in Book 34922, Page 429. (NO PLOTTABLE ITEMS)

CURRENT OWNER: 15 Liberty Way, LLC, a Massachusetts Limited Liability Company Deed Bk: 31344 Pg: 556 Assessor's Parcel ID 320-004-000-000

Surveyor's Certification:

To: Atlantic Oliver 15 Liberty Way, LLC and First American Title Insurance Company.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 2, 3, 4, 6a, 7(a), 7(b)(1), 7(c), 8, 9, 11, 13, 14, 16, 17, 19 and 20 of Table A thereof. The field work was completed in February of 2021.

ADVANCE COPY

Steven M. Horsfall, P.L.S. Date Reg. No. 41608 within the Commonwealth of Massachusetts

Table "A" Notes

- 9.) Total number of clearly identifiable parking spaces = 212± (137± regular spaces and 75± truck spaces)
11.) Per section 5.E.iv only.
16.) No observed evidence of current earth moving work, building construction or building additions.
17.) No known changes in street right of way lines and no observed evidence of recent street or sidewalk construction or repairs.

Table with 4 columns: SCALE, DATE, REV, REVISION, SHEET, FILE #, JOB #, ALTA #, DRAWN BY, CHECKED BY, APP'D BY, SHEET NO. (1)

LEGEND table with symbols and descriptions for features like FLARED END SECTION, CATCH BASIN/DOUBLE CB, DRAIN MANHOLE, SEWER MANHOLE, WOOD FENCE, etc.

Notes: 1.) Underground features have been compiled, in part, based upon information furnished by others. This information is to be considered approximate and Kelly Engineering Group, Inc. does not take responsibility for subsequent errors or omissions which may have been incorporated into this plan as a result.

- PLAN REFERENCES: (NORFOLK COUNTY REGISTRY OF DEEDS)
1.) PLAN BK: 426 PLAN: 879 OF 1994
2.) PLAN BK: 426 PLAN: 878 OF 1994
3.) PLAN BK: 434 PLAN: 728 OF 1995
4.) PLAN BK: 339 PLAN: 926 OF 1986
5.) PLAN BK: 459 PLAN: 659 OF 1998
6.) PLAN BK: 326 PLAN: 1096A OF 1985
7.) PLAN BK: 326 PLAN: 1098 OF 1985
8.) PLAN BK: 326 PLAN: 1095 OF 1985
9.) PLAN BK: 326 PLAN: 1094 OF 1985
10.) PLAN ENTITLED "ALTA/ACSL LAND TITLE SURVEY - 10 LIBERTY WAY, FRANKLIN, MA - PREPARED FOR NUTTER MCLENNEN & FISH, 155 SEAPORT BLVD., BOSTON, MA, DATED 3/20/2013, PREPARED BY FIELDSTONE SURVEY SERVICES, 45 MELIX AVENUE, PLUMOUTH, MA 02360."
11.) PLAN ENTITLED "ALTA/ACSL LAND TITLE SURVEY - PETERSON UPDATES PROJECT, B&C PROJECT NO. 201301596, 012, 101 CONSTITUTION BLVD., FRANKLIN, MA, LATEST REVISED 8/12/2013, PREPARED BY BOCK & CLARK'S NATIONAL SURVEYORS NETWORK, NATIONAL COORDINATORS OF ALTA/ACSL LAND TITLE SURVEYS, 537 NORTH CLEVELAND - MASSILLON ROAD, AKRON, OH 44333."
12.) PLAN ENTITLED "UTILITY & DIMENSIONING PLAN - FRANKLIN INDUSTRIAL PARK - PROPOSED BUILDING #1, DATED 5/30/1985, PREPARED BY CIVIL DESIGN INC., 496 A COMMERCIAL ST., BOSTON, MA 02109"

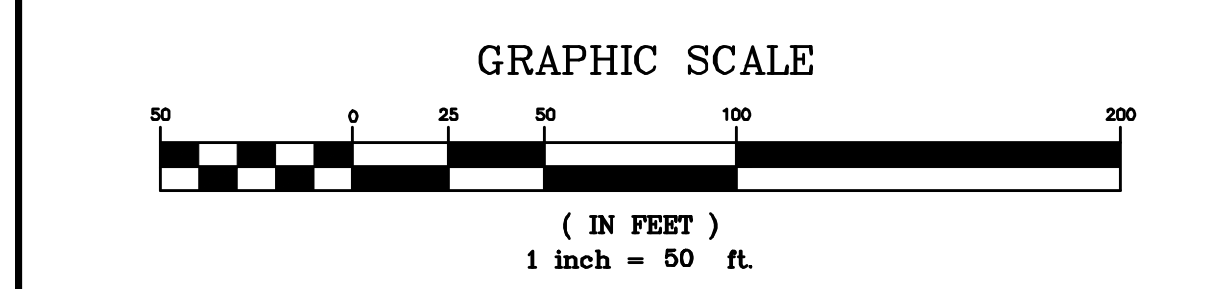
LEGAL DESCRIPTION: The Land is described as follows: Real property in the Town of Franklin, County of Norfolk, Commonwealth of Massachusetts, described as follows:
Parcel 1: A certain parcel of land in Franklin, Norfolk County, Massachusetts situated at the northeasterly end of Liberty Way shown as Lot B-21A on a Plan entitled "Plan of Land in Franklin, MA (Norfolk County)", prepared by H & R Survey, 1068A Massachusetts Avenue, Arlington, MA, dated November 3, 1994, recorded with Norfolk Deeds as Plan No. 879 of 1994 in Plan Book 426, bounded and described according to said plan as follows:
Southerly, Southwesterly and Southeasterly by Liberty Way by three lines, the second and third of which are curved lines, 9.00 feet, 33.72 feet and 154.64 feet;
Southerly by Lot B-19 shown on said plan, 415.32 feet;
Southerly, Northerly and Southerly by Lot B-21C shown on said plan, 76.78 feet, 15.00 feet and 242.25 feet;
Westerly by land now or formerly of Carmine J. & Conceita Lorusso, 992.77 feet;
Northerly, Easterly and Northeasterly by Lot B-21B shown on said plan by three lines, measuring respectively, 911.14 feet, 283.36 feet and 135.39 feet; and
Southeasterly, Easterly and Northeasterly by Lot B-2 shown on said plan by three lines, measuring respectively, 27.08 feet, 375.44 feet and 209.54 feet.
Parcel 2: Non-Exclusive Easement to construct, install, operate, maintain, repair, replace, and use water, sewer, electric, telephone, gas and other utilities, in, under and across portions of Lots A-3, A-2, A-1, B-7B and B-19 shown as "30' Wide Utility Easement", "Utility Easement A" and/or "30' Wide Utility and Access Easement A" on the Plan as reserved by deeds from Copley-Franklin Industrial Park Trust (the "Trust"), as follows:
1. Lot B-7B dated August 24, 1987 and recorded in Book 7715, Page 74, as affected by Release of Easement Agreement dated as of April 13, 1998 and recorded in Book 13786, Page 357.
2. Lot B-19 dated August 30, 1988 and recorded in Book 8088, Page 637, as affected by Release of Easement Agreement dated as of April 13, 1998 and recorded in Book 13786, Page 357.
Parcel 3: Non-Exclusive Easement to construct, install, operate, maintain, repair, replace and use the drainage system (as applicable) in, upon, over, under, and across portions of Lots A-10, A-1, B-7B and B-19 shown as "40' Wide Drain Easement" or "30' Wide Drain Easement" on the Plan as reserved in said Lot B-7B and Lot B-19 deeds.

FLOOD ZONE DESIGNATION:

The surveyed premises is located within Flood Zone "X" (Un-Shaded) as shown on the Flood Insurance Rate Maps (FIRM's) for the Town of Franklin, Mass. Dated July 17, 2012, Community Panel Number's 25021C0317E and 25021C0316E.

(LEGAL DESCRIPTION CON'T)

Parcel 4: Non-Exclusive Easement to:
a. construct, install, operate, maintain, repair, replace and use water, sewer, electric, telephone, gas and other utilities in, under and across portions of Lot B-19 marked Utility Easement B-19A as shown on the Plan.
b. construct, install, operate, maintain, repair, replace and use water, sewer, electric, telephone, gas and other utilities in, under and across portions of Lot B-19 marked 30' Wide Utility Easement B-19 as shown on the Plan.
c. construct, install, operate, maintain, repair, replace and use a drainage system, in, under and across portions of Lot B-19 marked Drain Easement B-19/20 (varies from 20' to 30') as shown on the Plan.
d. construct, install, operate, maintain, repair, replace and use a drainage system and retention pond in, under and across portions of Lot B-19 marked "Drain Esmt" as shown on the Plan.
e. construct, install, operate, maintain, repair, replace and use a drainage system and retention pond in, under and across portions of Lot B-19 marked "Retention Pond No. 3 Area" as shown on the Plan.
f. construct, install, operate, maintain, repair, replace and use electric and other utilities in, upon, over and across portions of Lot B-7B marked as "400 S.F. Mass."
All as reserved in said Lot B-19 deed as aforesaid.
Parcel 5: Non-Exclusive Easements as set forth in Cross Easement Agreement dated October 21, 1994, recorded in Book 10786, Page 275 and shown on a plan dated September 2, 1994 and recorded in Plan Book 426 as Plan No. 879 of 1994, as affected by Supplement to Cross Easement Agreement dated September 28, 1998 and recorded in Book 12849, Page 379.
Parcel 6: Non-Exclusive Easements as set forth Cross Easement Agreements dated January 18, 1995 and recorded in Book 10789, Page 730, and in Book 10789, Page 738, as affected by Supplemental Easement Agreement dated September 28, 1998 and recorded in Book 12849, Page 375, and in Easement Agreement dated as of October 31, 1995 and recorded in Book 11104, Page 656, and shown on a plan recorded on November 3, 1995, in Plan Book 434 as Plan No. 728 of 1995.



Copyright (C) by KELLY ENGINEERING GROUP, INC. All Rights Reserved. KELLY ENGINEERING GROUP SHALL NOT BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, OR PROCEDURES UTILIZED BY THE CONTRACTOR...



WPA Form 5 - Order of Conditions

For DEP use only

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

BK 1365-1 PG 568

A Applicant Information

NOT

From: **OFFICIAL**
Franklin Conservation Commission
Conservation Commission

NOT

The Notice of Intent for this project was filed on:

OFFICIAL
C O P Y **June 15, 1999**
Date

For:

SE159-660

Project File Number

The public hearing was closed on:

July 29, 1999

Date

To:

Park Development Corp.

Applicant Name

288 Freeport St.

Mailing Address

Boston

City/Town

MA

02122

State

Zip Code

Title and Date of final Plans and Other Documents:

**Detention Basin #3 Reconstruction
Plan
April 30, 1999**

The project site is located at:

Franklin, MA

City/Town

Lots A, B1 & B2 Liberty Way

Assessor's Map/Parcel #

Parcel #

and the property is recorded at the Registry of Deeds for:

Norfolk

6322

260

County

Book

Page

Certificate (if registered land)

B Findings

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 area in which work is proposed is significant to the following interests of the Wetlands Protection Act (check all that apply):

- Public Water Supply
- Private Water Supply
- Groundwater Supply
- Flood Control
- Land Containing Shellfish
- Fisheries
- Storm Damage Prevention
- Prevention of Pollution
- Protection of Wildlife Habitat

Furthermore, this Commission hereby finds that the project, as proposed, is:
(check one of the following boxes)

Approved subject to:

the following conditions which are necessary, in accordance with the performance standards set forth in the wetlands regulations, to protect those interests checked above. This Commission orders that all the 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.

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA

CERTIFY

Barry T. Hannon

BARRY T. HANNON, REGISTER

117853

99 AUG -6 PM 1:23



B Findings (cont.)

Denied because: **N O T**
A N

- the proposed work cannot be conditioned to meet the performance standards set forth in the wetlands regulations to protect those interests checked above. 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 these interests, and a final Order of Conditions is issued.
- 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(b)(c).

General Conditions

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. 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, vinyl, paper, cardboard, pipe, tires, ashes, refrigerator motor vehicles, or parts of any of the foregoing.

F I C I A L
O P E R A T I O N
This Order does not become 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.

8. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds 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 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 record information shall be submitted to this Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to commencement of the work.

9. 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, "MA DEP"] File Number

SE 159-660

Project File Number

10. 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 the Department.

11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.

12. The work shall conform to the following attached plans and special conditions:

Final Approved Plans (attach additional plan references as needed):

Detention Basin #3 Reconstruction Plan

April 30, 1999

James C. Beaton

Conservation

B Findings (cont.)

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Month

2nd

AN

OFFICIAL

OFFICIAL

July 29, 1999

day of August

Date

Month

1999

Year

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 regional office of the Department of Environmental Protection.

before me personally appeared

JOHN PAPA

Signatures

[Handwritten signatures: George Murphy, Dawn E. Keith, Amy Seese Clark]

to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

[Handwritten signature: Ruth E. Anderson]

Notary Public

June 2, 2006

My commission expires

This Order is issued to the applicant as follows:

by hand delivery on

Date

by certified mail, return receipt requested, on

Date

C 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 Department of Environmental Protection 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 Appendix E: 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.

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 bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.



WPA Form 5 - Order of Conditions BK 13651PG572

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

D Recording Information

N O T
A N

This **O F F I C I A L** Order of Conditions must be recorded in the Registry of Deeds or the **O F F I C I A L** 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 Granior 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 shall be submitted to the

Franklin Conservation Commission

Conservation Commission

on the form below, which must be stamped by the Registry of Deeds.

Detach on dotted line and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Conditions for the project at

Project Location

DEP File Number

has been recorded at the Registry of Deeds of

County

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 which identifies this transaction is

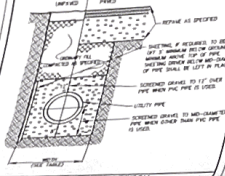
Instrument Number

If registered land, the document number which identifies this transaction is

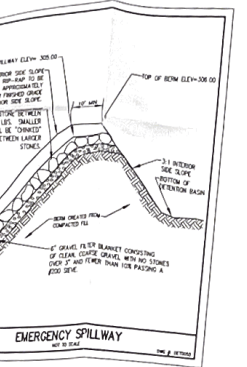
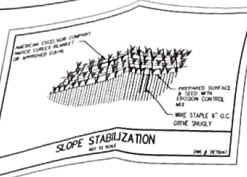
Document Number

Signature of Applicant

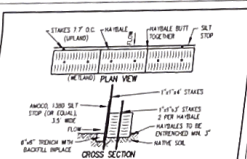
ITEM NO.	DESCRIPTION	QUANTITY	UNIT
1	4" x 4" x 1/2" RIBBED METAL		LINEAL FEET
2	4" x 4" x 1/2" RIBBED METAL		LINEAL FEET
3	4" x 4" x 1/2" RIBBED METAL		LINEAL FEET



TYPICAL TRENCH SECTION
SCALE: 1/2" = 1'-0"



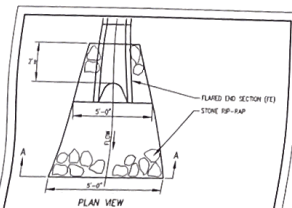
EMERGENCY SPILLWAY
SCALE: 1/2" = 1'-0"



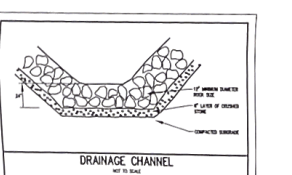
EROSION CONTROL BARRIER
SCALE: 1/2" = 1'-0"

- THE BEST CONTRACTOR SHALL POST SIGN AND REVIEW THE CONDITIONS DESCRIBED IN THE "ORDER OF CONSTRUCTION" ISSUED FOR THIS PROJECT.
- EROSION CONTROL MEASURES FOR SITES SHALL BE INSTALLED PRIOR TO COMMENCEMENT OF CONSTRUCTION AS INDICATED.
- MEASURES SHALL BE TAKEN TO LIMIT THE TRACKING OF MATERIAL FROM THE SITE INTO LIBERTY WAY.
- EROSION SHALL BE CONTROLLED BY SPURDINGS OR OTHER APPROVED MEASURES AS NECESSARY.
- CATCH BASIN AND FLARED END STRUCTURES SHALL BE FINISHED WITH STAKED HAYBALES UNTIL THE ADJACENT SLOPES HAVE BEEN REVEALED.
- THROUGHOUT CONSTRUCTION ALL DISTURBED AREAS SHALL BE LEAVED AND SITED AND MAINTAINED AS SOON AS PRACTICABLE IN ORDER TO AVOID OVERLAND TRANSPORT OF SEDIMENT.
- EROSION CONTROL MEASURES ARE TO BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND PARTICULARLY AFTER SIGNIFICANT RAINFALL. DAMAGED HAYBALES AND SILT STOP SHALL BE REPLACED AS REQUIRED TO MAINTAIN THE INTEGRITY OF THE BARRIER.
- WITH SLOPES STABILIZED AND FINAL CONSTRUCTION COMPLETION COMPLETE, THE EROSION CONTROL BARRIER SHALL BE REMOVED AND REPAIRED TO ORIGINAL CONDITION.

SEDIMENTATION & EROSION CONTROL METHODS & PROCEDURES
SCALE: 1/2" = 1'-0"



BIPOLAR APRON
SCALE: 1/2" = 1'-0"



DRAINAGE CHANNEL
SCALE: 1/2" = 1'-0"

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REV. NO.	DATE	REVISION	MADE BY	CHKD BY	APPD BY
0	4/30/99	ISSUED FOR APPROVAL	CFS	PSB	JCB



DRAWING TITLE:
DETENTION BASIN #3 RECONSTRUCTION PLAN

PREPARED FOR:
PARK DEVELOPMENT CORP.

SCALE: 1" = 40'

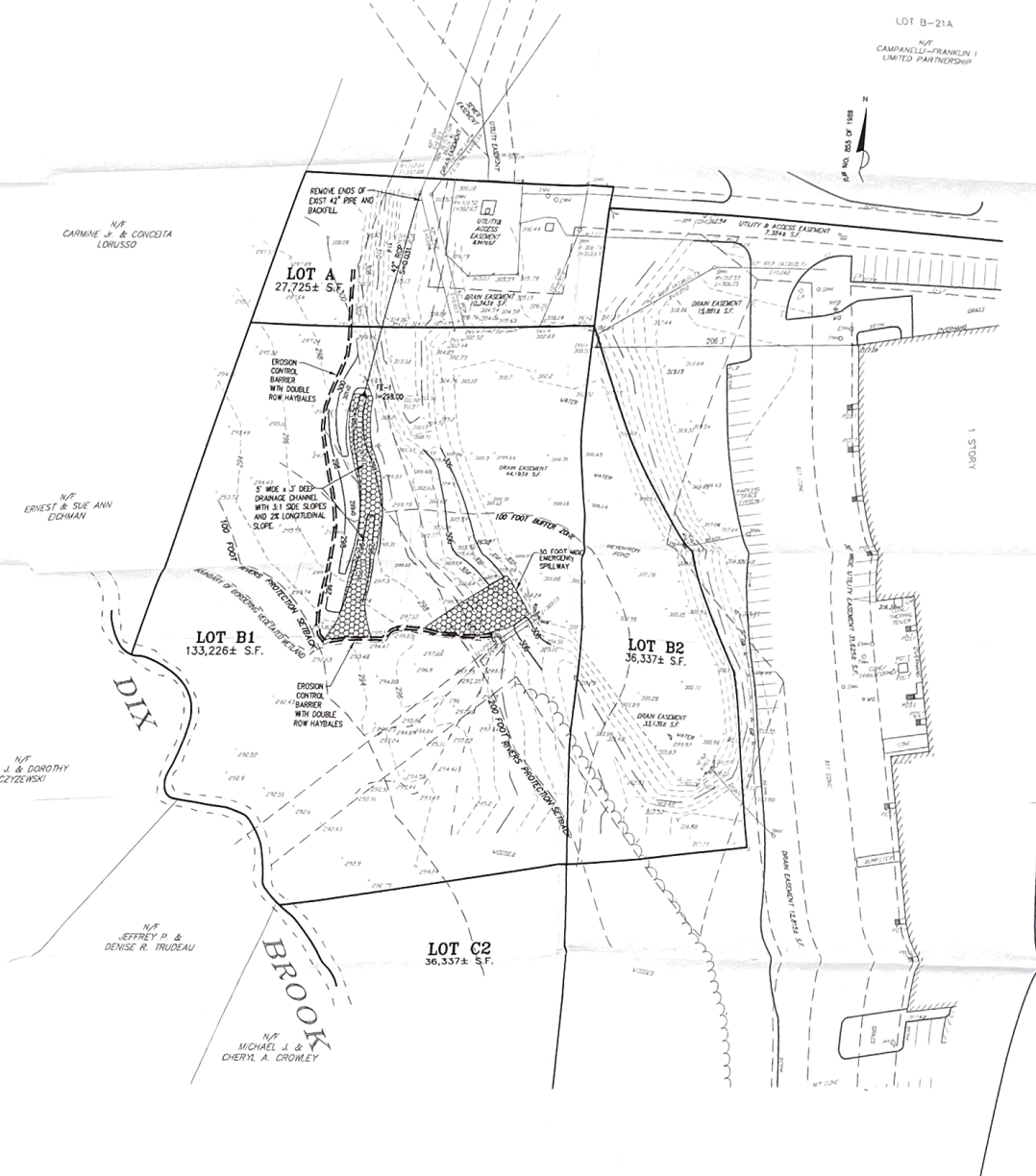
DATE: APR 30, 1999

SHEET: 2 OF 3

PROJECT TITLE:
FRANKLIN INDUSTRIAL PARK LIBERTY WAY FRANKLIN, MASSACHUSETTS

PREPARED BY:
Engineering Design Consultants, Inc.
32 Turnpike Road
Southborough, Massachusetts 01772
TEL NO. (508) 480-0225 FAX NO. (508) 485-1937

SHEET NO.:
C-2





WPA Form 8B - Certificate of Compliance

MWPA M.G.L. 131, §40 & Franklin Wetland Protection Bylaw Chap. 181

A OFFICIAL COPY

1. This Certificate of Compliance is issued by:

Franklin Conservation Commission

Conservation Commission

To: *Valerie A. Colbert, Trustee*

o/o Park Development Corp.

Name

288 Freeport Street

Mailing Address

Boston

City/Town

MA

02122

State

Zip Code

2. This Certificate of Compliance is issued for work regulated

by a final Order of Conditions issued to:

o/o *Valerie A. Colbert, Trustee*
Park Development Corp.

Name

July 29, 1999

Dated

SE159-660

DEP File Number

3. The project site is located at:

Franklin, MA

City/Town

Lots A,B1&B2 Liberty Way

Street Address

(See Plan 509 of 1999, Plan Book 467)

Assessors Map/Plat #

Parcel/Lot #

and the final Order of Conditions was recorded on

Date

8/6/99

at the Registry of Deeds for

Norfolk
County

13651
Book

573
Page

Certificate (if registered land)

4. A site inspection was made in the presence of the applicant, or the applicant's agent, on:

August 24, 2000

Date

B Certification

(Check all that apply):

Complete Certification: It is hereby certified that the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

Partial Certification: It is hereby certified that only the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed. The project areas or work subject to this partial certification which have been completed and are released from this Order include:

Invalid Order of Conditions: It is hereby certified that the work regulated by the above-referenced Order of Conditions never commenced. The Order of Conditions has lapsed and is therefore no longer valid. No future work subject to regulation under the Wetlands Protection Act may commence without filing a new Notice of Intent and receiving a new Order of Conditions.

Ongoing Conditions: The following conditions of the Order shall continue: (Include any conditions contained in the Final Order, such as maintenance or monitoring, that should continue for a longer period.)

Condition Numbers:

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA

CERTIFY

Barry T. Hannon

BARRY T. HANNON, REGISTER

096447

00 SEP 22 PM 3:31



WPA Form 8B - Certificate of Compliance

MWPA M.G.L. 131, §40 & Franklin Wetland Protection Bylaw Chap. 181

C OFFICIAL COPY

On this 28th

Issued by:
Franklin Conservation Commission
Conservation Commission
August 24, 2000
Date of Issuance

day of August
Month
2000
Year

This Certification must be signed by a majority of the conservation commission and a copy sent to the applicant and appropriate DEP Regional Office (see Appendix A).

before me personally appeared

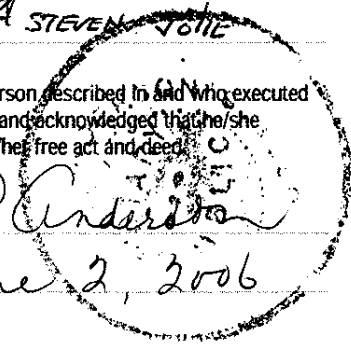
ANDY TOLLAND STEVEN VOITE

Signature(s)

Handwritten signatures of conservation commission members

to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/hers free act and deed.

Notary Public Signature
June 2, 2006
My commission expires



D Recording Confirmation

The applicant is responsible for ensuring that this Certificate of Compliance is recorded in the Registry of Deeds or the Land Court for the district in which the land is located.

Detach on dotted line and submit to the Conservation Commission.

To: *Conservation Commission*

If recorded land, the instrument number which identifies this transaction is

Please be advised that the Certificate of Compliance for the project at

Instrument Number

Project Location

If registered land, the document number which identifies this transaction is

File Number

Document Number

has been recorded at the Registry of Deeds of

County

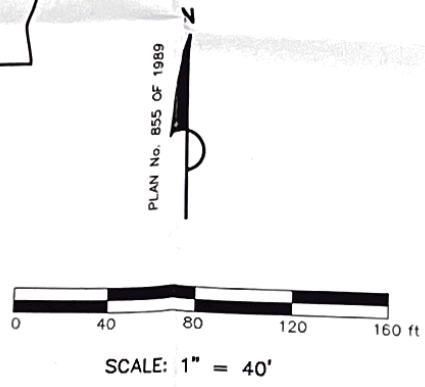
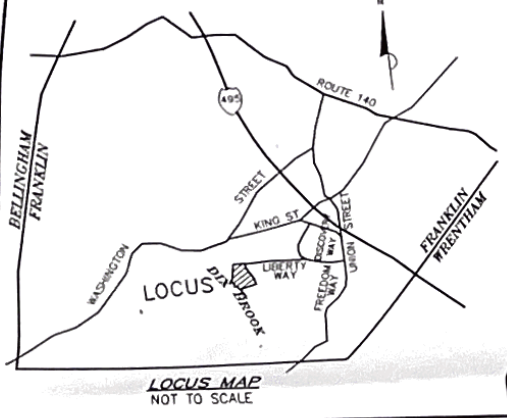
Signature of Applicant

and has been noted in the chain of title of the affected property on

Date

Book

Page



- LEGEND**
- BIT CONC BITUMINOUS CONCRETE
 - BOTT BOTTOM
 - CB CATCHBASIN
 - DMH DRAIN MANHOLE
 - EFT ELECTRIC, FIRE, TELEPHONE
 - ELEC ELECTRIC
 - EM ELECTRIC METER
 - GM GAS METER
 - HYD HYDRANT
 - I INVERT
 - R RIM
 - SMH SEWER MANHOLE
 - TELE TELEPHONE
 - TMH TELEPHONE MANHOLE
 - WG WATER GATE

- REFERENCES**
- "DEFINITIVE PLAN, FRANKLIN INDUSTRIAL PARK, SEWAGE PUMP STATION," BY CIVIL DESIGNS, INC., DATED 1/21/1985.
 - "AS-BUILT UTILITY EASEMENT "A", PLAN AND PROFILE," BY CIVIL DESIGNS, INC., DATED 2/22/1988.
 - "EQUALIZATION CHAMBER SITE PLAN, BY ENGINEERING DESIGN CONSULTANTS, INC., DATED 10/27/1999.

- NOTES**
- 1) UNDERGROUND UTILITIES WERE COMPILED FROM AVAILABLE RECORD PLANS OF UTILITY COMPANIES AND PUBLIC AGENCIES AND ARE APPROXIMATE ONLY. BEFORE DESIGN AND CONSTRUCTION CALL "DIG SAFE" 1-800-322-4844. SOME DATA IS CONFLICTING AND CAN ONLY BE VERIFIED BY EXCAVATION.

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ENGINEERING DESIGN CONSULTANTS, INC.'S LIABILITY FOR THIS PLAN IS LIMITED TO THE EXTENT OF ITS FEE LESS THIRD PARTY COSTS.

REV. NO.	DATE	REVISION	MADE BY	CHKD BY	APPD BY
0	8/18/00	ISSUED FOR CERTIFICATE OF COMPLIANCE	MAP	PSB	KWH



DRAWING TITLE: AS-BUILT SEWER PUMP STATION / DRAINAGE IMPROVEMENTS

PREPARED FOR: FRANKLIN INDUSTRIAL PARK TRUST

SCALE: 1" = 40'

DATE: AUG 18, 2000

SHEET: 1 OF 1

PLAN NO.: 211027ARI

FILE NO.: 211027ARI

PROJECT TITLE: FRANKLIN INDUSTRIAL PARK WEST OF LIBERTY DRIVE FRANKLIN, MASSACHUSETTS

PREPARED BY: Engineering Design Consultants, Inc. 32 Turnpike Road Southborough, Massachusetts 01772

TELE NO.: (508) 480-0225 **FAX NO.:** (508) 485-1937

SHEET NO.: 1

