

John J. Moore, Esq.

February 14, 2023

Conservation Commission
Town of Franklin
Franklin Town Hall
355 East Central Street
Franklin, MA 02038

**RE: Request to be placed on the February 23, 2023 Agenda
Certificate of Compliance Request (File No. SE159-240)**

Dear Sir or Madam,

Enclosed please find the following;

1. Request for Certificate of Compliance (WPA Form 8A)
2. Subject Order of Conditions (Book 8155 Page 706)
3. Registry Plan referenced in the Order of Conditions (Plan No. 1225 of 1988 in Book 374)
4. Assessors Map of locus (2014)
5. Foundation "As Built" Plan of locus (2007)
6. Plot Plan of locus (2023)
7. Local Fee Calculation Worksheet
8. Filing Fee of \$50.00

We kindly request to be placed on the February 23, 2023, Agenda.

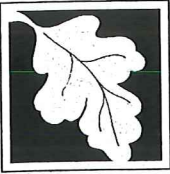
Thank you.

Very Truly Yours,

John J. Moore, Esq.

Enclosures

11 East Street, Suite 202 • Franklin, MA 02038
774-235-5818 • jmoorelawfirm@gmail.com



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 8A – Request for Certificate of Compliance
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

Provided by DEP

A. Project Information

Important:
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

Joseph and Michele Todesca
 Name
 22 South Street
 Mailing Address
 Rockport MA 01966
 City/Town State Zip Code
 508-494-4604
 Phone Number
2. This request is in reference to work regulated by a final Order of Conditions issued to:

Donabee Realty, Inc
 Applicant
 October 24, 1988
 Dated
 SE159-240
 DEP File Number
3. The project site is located at:

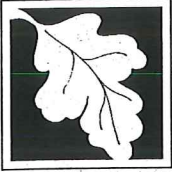
Prospect Street (3 Peppermill Lane)
 Street Address
 Franklin
 City/Town
 Assessors Map/Plat Number
 Parcel/Lot Number
4. The final Order of Conditions was recorded at the Registry of Deeds for:

Property Owner (if different)
 Norfolk 8155 706
 County Book Page
 Certificate (if registered land)
5. This request is for certification that (check one):

the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



WPA Form 8A – Request for Certificate of Compliance
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by DEP

A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

Yes

If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

No

B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).

8155

95860

Form 6



Commonwealth of Massachusetts

DEOE File No 9E159-240
(To be provided by DEOE)

City/Town Franklin
Applicant Donabes Realty Inc

**Order of Conditions
Massachusetts Wetlands Protection Act
G.L. c. 131, §40**

From Franklin Conservation Commission

To Donabes Realty Inc. Same
(Name of Applicant) (Name of property owner)

Address 119 Dean Avenue Address Same
Franklin, Ma 02038

This Order is issued and delivered as follows:

- by hand delivery to applicant or representative on _____ (date)
- by certified mail, return receipt requested on _____ (date)

This project is located at Prospect St.

The property is recorded at the Registry of Norfolk

Book 6509 Page 238

Certificate (if registered) _____

The Notice of Intent for this project was filed on 9/8/89 (date)

The public hearing was closed on _____ (date)

Findings

The Franklin Conservation Commission has reviewed the above-referenced Notice of Intent and plans and has held a public hearing on the project. Based on the information available to the Commission at this time, the Commission has determined that the area on which the proposed work is to be done is significant to the following interests in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject to Protection Under the Act (check as appropriate):

- | | | |
|---|---|---|
| <input type="checkbox"/> Public water supply | <input checked="" type="checkbox"/> Flood control | <input type="checkbox"/> Land containing shellfish |
| <input type="checkbox"/> Private water supply | <input checked="" type="checkbox"/> Storm damage prevention | <input type="checkbox"/> Fisheries |
| <input type="checkbox"/> Ground water supply | <input checked="" type="checkbox"/> Prevention of pollution | <input type="checkbox"/> Protection of wildlife habitat |

5-1

Effective 11/1/87

RECEIVED
NOV 14 PM 1:04

REFER TO PLAN NO. 325-198
M. BOOK 394

Therefore, the Commission hereby finds that the following conditions are necessary, in accordance with the Performance Standards set forth in the regulations, to protect those interests checked above. The Commission orders that all work shall be performed in accordance with said 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.

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. This 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, by-laws 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 and both that date and the special circumstances warranting the extended time period are set forth 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, containing 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.
7. No work shall be undertaken until all administrative appeal periods from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Final Order 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 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 to be done. The recording information shall be submitted to the Franklin Co Comm on the form at the end of this Order 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 Quality Engineering, File Number SE 159-240".
10. Where the Department of Environmental Quality Engineering is requested to make a determination and 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 forthwith request in writing that a Certificate of Compliance be issued stating that the work has been satisfactorily completed.
12. The work shall conform to the following plans and special conditions:
13. The Commission, its employees, and its agents shall have a right of entry to inspect for compliance with the terms of the Order of Conditions.

22

708

SE159-240

Plans: ^{copy made} 8/29/88

Title	Dated	Signed and Stamped by:	On File with:
Peppermill Farm	10/24/88 (Revised)	Guerrero-Hudson	Franklin Con. Comm.

- Special Conditions (Use additional paper if necessary)
- All work shall be done according to plans on file with the Franklin Conservation Commission.
 - During the construction period all necessary measures shall be taken to prevent erosion into the wetland.
 - Areas that have to be disturbed during the construction period shall be loamed and seeded so that future erosion will not occur.
 - No hazardous materials shall be used or stored within one hundred feet of the wetlands.
 - No graded slope shall be steeper than 3-1.

(Please Stamp Here)

SE 159-240

Issued By Franklin Cons. Comm. Conservation Commission

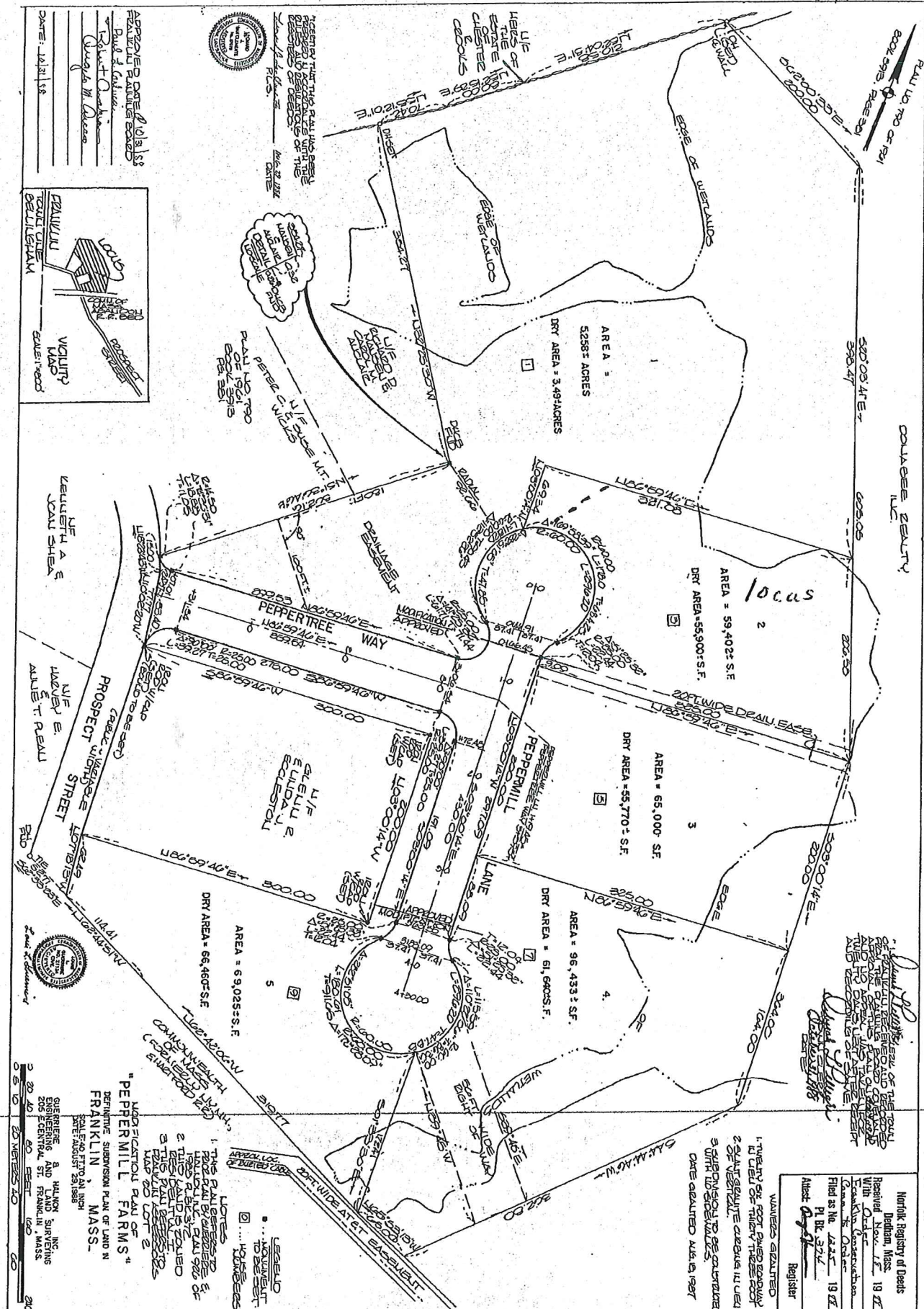
Signature(s) Lawrence E. Peterson
Jack Jack
Charles Orberberg
Conrad K. S. Swartz

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

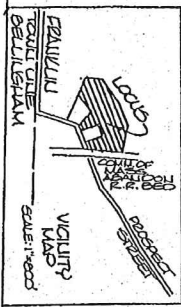
On this 24th day of October 1988, before me personally appeared Lawrence E. Peterson to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Lawrence E. Peterson My commission expires March 13, 1992
Notary Public

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land upon which the proposed work is to be done or any ten residents of the city or town in which such land is located are hereby notified of their right to request the Department of Environmental Quality Engineering to issue a Superceding Order, providing the request is made by certified mail or hand delivery to the Department within ten 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 the applicant.



APPROVED DATE: 12/31/88
 PAUL J. O'NEILL
 REGISTERED PROFESSIONAL LAND SURVEYOR
 205 FEDERAL ST. FRANKLIN, MASS.
 DATE: 12/31/88



LEGEND
 ...
 LEGAL ...
 ...
 ...

1. THIS PLAN ...
 2. THIS PLAN ...
 3. THIS PLAN ...
 4. THIS PLAN ...

"PEPPERMILL FARMS"
 DEFINITIVE SUBDIVISION PLAN OF LAND IN
 FRANKLIN, MASS.
 SCALE: AS SHOWN
 DATE: 12/31/88

REGISTERED PROFESSIONAL LAND SURVEYOR
 205 FEDERAL ST. FRANKLIN, MASS.
 DATE: 12/31/88

1. THIS PLAN ...
 2. THIS PLAN ...
 3. THIS PLAN ...
 4. THIS PLAN ...

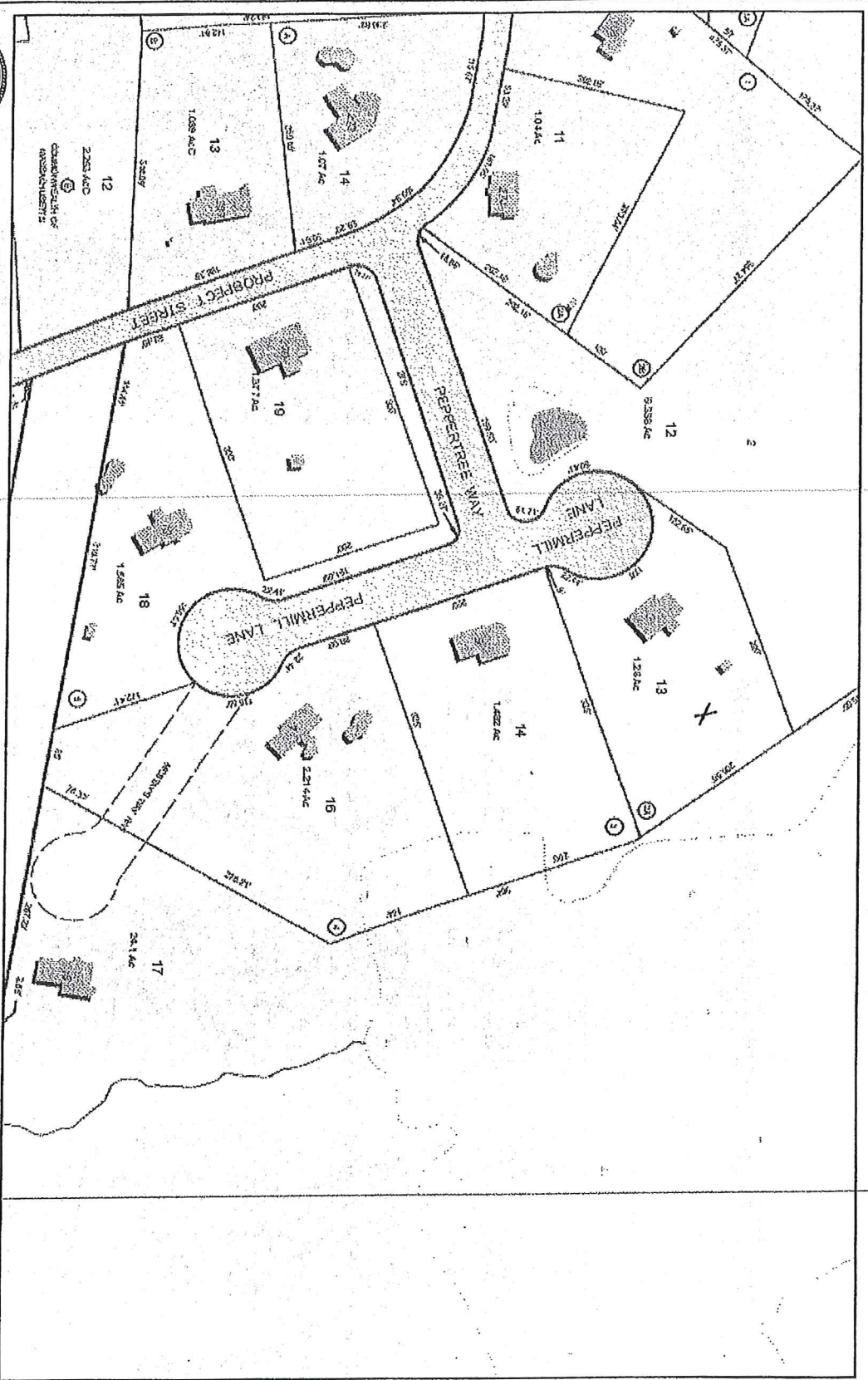
ORIGINAL ON FILE Filed as No. 1225-1988 Pl. Bk. 374

Norfolk Registry of Deeds	
Received Nov. 17, 1988	19 27
With Order	
Transfer of Ownership	
Pl. Bk. 374	19 27
Sheet 394	
Register	



CAI Technologies, Inc.

www.cai-tech.com

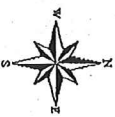


Franklin, MA

1 Inch = 156 Feet

November 19, 2014

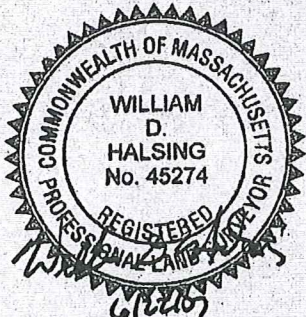
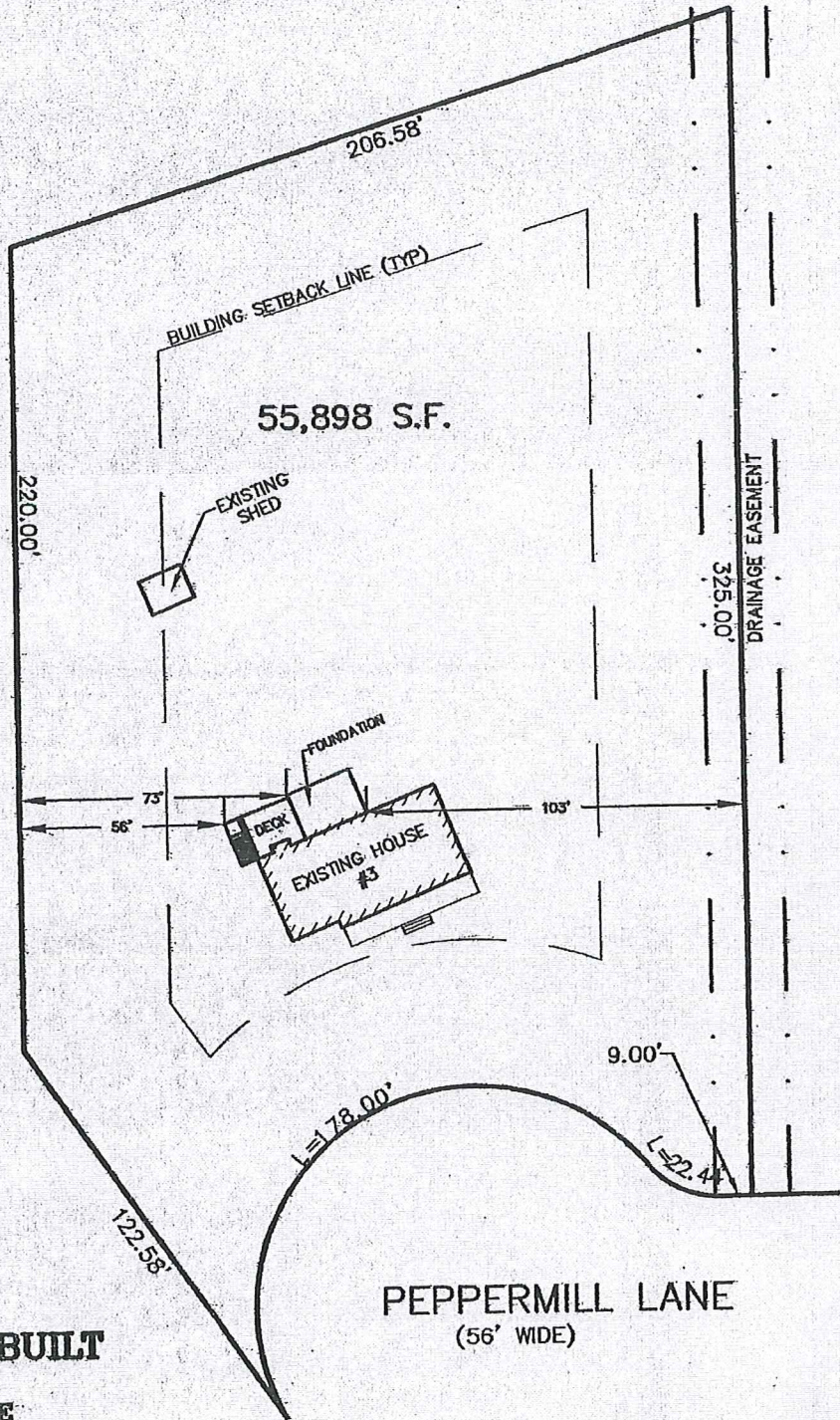
This information is believed to be correct but is subject to change and is not warranted.



I CERTIFY THAT THE ADDITION SHOWN IS LOCATED ON THE LOT AS SHOWN ON THIS PLAN AND THE LOCATION DOES CONFORM WITH THE FRONT, SIDE, AND REAR SETBACK REQUIREMENTS SET FORTH IN THE TOWN'S ZONING BYLAWS AT THE TIME OF CONSTRUCTION. I FURTHER CERTIFY THAT THE ADDITION IS NOT LOCATED IN THE SPECIAL 100 YEAR FLOOD-ZONE. THIS PLAN IS NOT TO BE USED FOR THE ESTABLISHMENT OF PROPERTY LINES, ERECTION OF FENCES, OR THE CONSTRUCTION OF ADDITIONAL STRUCTURES ON THE LOT.

FLOOD MAP: COMMUNITY #250240 MAP #0007B
DATE FEB 17, 1992

ZONE: RURAL RESIDENTIAL 1 F: 40' S: 40' R: 40'



FOUNDATION AS-BUILT

LOCATED ON
3 PEPPERMILL LANE
FRANKLIN, MASSACHUSETTS

PREPARED FOR
JOSEPH & MICHELE TODESCA
3 PEPPERMILL LANE
FRANKLIN, MASSACHUSETTS



LAND PLANNING, INC.
CIVIL ENGINEERS • LAND SURVEYORS
ENVIRONMENTAL CONSULTANTS

187 HARTFORD AVENUE
BELLINGHAM, MA 02019
508-968-4130
FAX 508-968-6054

DATE 6/22/07 SCALE 1"=50' JOB B-1663

23MIP00780

NEW ENGLAND LAND SURVEY
Professional Land Surveyors

710 MAIN STREET
N. Oxford, MA 01537

PHONE: (508) 987-0025

FAX: (508) 438-6604

REGISTRY NORFOLK

MORTGAGE INSPECTION PLAN

NAME RYAN TURNER AND ALLISON TURNER

LOCATION 3 PEPPERMILL LANE
FRANKLIN, MA

SCALE 1"=60'

DATE 02/06/23

BASED UPON DOCUMENTATION PROVIDED, REQUIRED MEASUREMENTS WERE MADE OF THE FRONTAGE AND BUILDING(S) SHOWN ON THIS MORTGAGE INSPECTION PLAN. IN OUR JUDGEMENT ALL VISIBLE EASEMENTS ARE SHOWN AND THERE ARE NO VIOLATIONS OF ZONING REQUIREMENTS REGARDING DWELLING STRUCTURES TO PROPERTY LINE OFFSETS (UNLESS OTHERWISE NOTED IN DRAWING BELOW). NOTE: NOT DEFINED ARE ABOVE GROUND POOLS, DRIVEWAYS, OR SHEDS WITH NO FOUNDATIONS, ETC. THIS IS A MORTGAGE INSPECTION PLAN; NOT AN INSTRUMENT SURVEY. DO NOT USE TO ERECT FENCES; OTHER BOUNDARY STRUCTURES, OR TO PLANT SHRUBS. LOCATION OF THE STRUCTURE(S) SHOWN HEREON IS EITHER IN COMPLIANCE WITH LOCAL ZONING FOR PROPERTY LINE OFFSET REQUIREMENTS, OR IS EXEMPT FROM VIOLATION ENFORCEMENT ACTION UNDER MASS. G.L. TITLE VII, CHAP. 40A, SEC. 7, UNLESS OTHERWISE NOTED. THIS CERTIFICATION IS NON-TRANSFERABLE. THE ABOVE CERTIFICATIONS ARE MADE WITH THE PROVISION THAT THE INFORMATION PROVIDED IS ACCURATE AND THAT THE MEASUREMENTS USED ARE ACCURATELY LOCATED IN RELATION TO THE PROPERTY LINES.



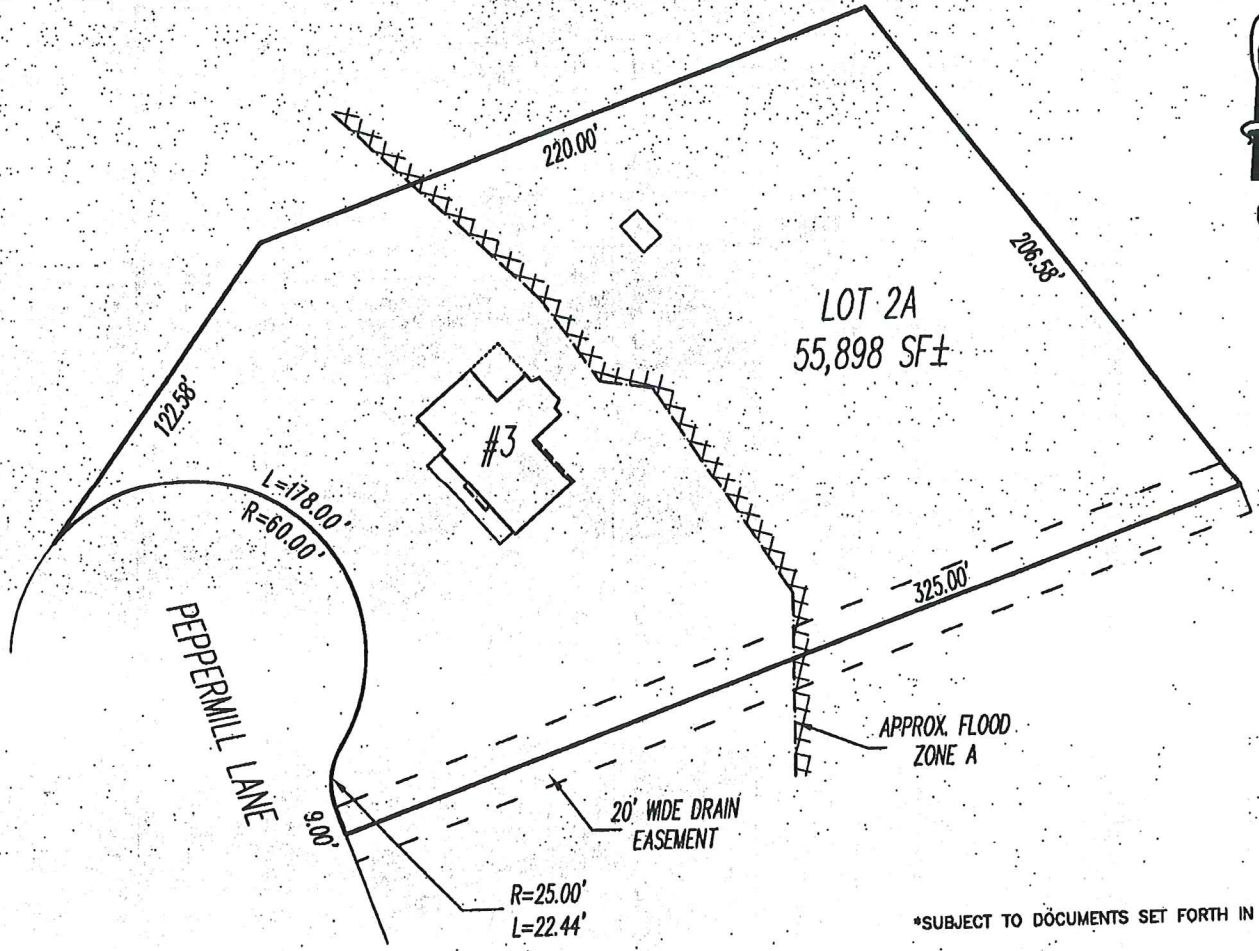
DEED REFERENCE: 32183/304

PLAN REFERENCE: 873 OF 1989

WE CERTIFY THAT THE BUILDING(S) ARE NOT WITHIN THE SPECIAL FLOOD HAZARD AREA. SEE FIRM:

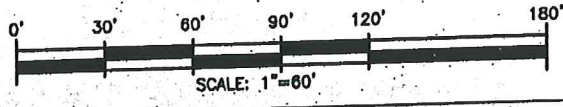
25021C0312E DTD: 07/17/2012

FLOOD HAZARD ZONE HAS BEEN DETERMINED BY SCALE AND IS NOT NECESSARILY ACCURATE. UNTIL DEFINITIVE PLANS ARE ISSUED BY HUD AND/OR A VERTICAL CONTROL SURVEY IS PERFORMED, PRECISE ELEVATIONS CANNOT BE DETERMINED.



*SUBJECT TO DOCUMENTS SET FORTH IN DEED.

REQUESTED BY: HEANEY & SMALL
DRAWN BY: CRC
FIELD BY: AB
CHECKED BY: GES
FILE: 23MIP00780



Town of Franklin Conservation Commission

LOCAL FILING FEE CALCULATION WORKSHEET

1. NOTICE OF INTENT (NOI)

1.1. New Individual Single Family Home (SFH) \$200.00 _____
This includes all projects associated with a SFH

1.2. Work Associated with Existing Residential Property \$50.00 X
Above-ground pools, fences or other incidental projects involving land disturbance that are not covered by the MBZA

1.3. Control of Nuisance Vegetation \$50.00 _____
This category shall not apply to any non-natural deposition of material e.g. vegetative debris

1.4. Subdivisions

Base Fee \$600.00 _____
Infrastructure in Buffer Zone **or** Resource Area
Roads _____ linear feet x \$2.00 = _____
*Drainage Structures _____ X \$10.00 each = _____
Wetland Resource Area Disturbed _____ square feet x \$0.50 = _____

(If single family homes are proposed as part of a subdivision application, for each house in jurisdiction, individual NOI fees will apply.)

1.5. Multifamily Dwellings, including Condominium Units:
_____ MFDU x \$100.00 _____

1.6. Commercial/Industrial

Base Fee \$600.00 _____
Infrastructure in Buffer Zone **or** Resource Area

Roads	_____ linear feet x \$2.00	= _____
*Drainage Structures	_____ X \$10.00 each	= _____
Wetland Resource Area Disturbed	_____ square feet x \$0.50	= _____
Buildings	_____ X \$125 each	= _____
All Accessory Improvements	\$100.00	= _____

2. **REQUEST FOR DETERMINATION (RDA)** \$100.00

3. **MINOR BUFFER ZONE ACTIVITY (MBZA)** \$50.00

4. **ABBREVIATED NOTICE OF RESOURCE AREA DETERMINATION (ANRAD)**

\$0.50/foot/resource area: = _____

5. **OTHER PERMITS/SERVICES**

Order of Conditions Extension	\$50.00	_____
Certificate of Compliance Request	\$50.00	_____
Certificate Re-Inspection	\$50.00	_____
Status Letter for Financial Institution	\$100.00	_____
Permit Amendment	\$100.00	_____

6. **FILING FEE CALCULATION**

Town Share of State Fees (See NOI Wetland Fee Transmittal Form) \$ _____

Local Filing Fee Calculated Above \$ _____

TOTAL Due Town of Franklin (Check No.1) \$ 50.00

State Share of Filing Fee (See NOI Wetland Fee Transmittal Form)

TOTAL Due DEP (Check No. 2) \$ _____

7. **ADVERTISING FEE (Check No. 3)** **TBD**

The fee will be the exact amount the newspaper charges for that specific advertisement. Once the advertisement is placed with the paper, by the Conservation Commission, the applicant will be notified of the cost and will be expected to submit a check for that exact amount, payable to the Town of Franklin, to the Conservation Department prior to the first hearing.

*Drainage structures: catch basins, manholes, leaching basins, gutter inlet or any other man-made structure (other than a pipe) for purposes of controlling drainage.