

# MINOR MODIFICATION POLICY

1. **Purpose:** The Conservation Commission (The Commission) recognizes that minor modifications or field changes may be expected on some projects as it proceeds that would be impractical to proceed with a formal Amended Order process; however, these changes must still be approved by The Commission and recorded to avoid complications after the project is completed. The Minor Modification Policy is created for this purpose.
2. **Definitions:**
  - a. **Agent:** The term “Agent” shall mean the Conservation Agent.
  - b. **Commission:** The term “Commission” or “The Commission” shall mean the Conservation Commission and/or the Commissioners serving on the Commission.
  - c. **Minor modification:** For the purposes of this policy a Minor Modification is defined by The Commission and must meet the following criteria:
    - i. The original Order of Conditions must be valid, not expired, and has been recorded with the Registry of Deeds.
    - ii. Modifications will not consist of any new work on site not already approved, and will be only modifications to already approved work within the relevant Order of Conditions.
    - iii. Purpose and intent of the project originally approved will not change.
    - iv. Scope of the project will not increase impacts as determined by the Commission.
    - v. The footprint of the approved work will not change, nor will the shape, size, or location of approved structures be altered.
    - vi. The work described for the requested modification must be of equal or lesser impact to the resource area than the approved project as determined by The Commission.
    - vii. The changes must meet all applicable performance standards of the Massachusetts Wetlands Protection Act (MGL 131 Section 40), Massachusetts Wetlands Protection Act Regulations (310 CMR 10.00) and the Ashland Wetlands Protection Bylaw and Regulations (Ashland Town Code Chapters 280 and 348).
    - viii. There will be no increase to the potential for adverse impacts to protected statutory interests.
    - ix. The proposed modification will not impact stormwater controls on the site, nor will they create an increase or decrease in anticipated rate of stormwater runoff.
    - x. The proposed modification must be outside of the 25-foot No Disturb Zone.
3. **Process:**
  - a. An Applicant must submit in writing the following items:
    - i. A narrative describing the proposed modification
    - ii. A redlined plan showing the original approved work and the proposed modification
    - iii. The Address, Assessor’s Map and Lot Numbers(s)
    - iv. The DEP File Number for the associated Order of Conditions, and proof of recording.
    - v. If the Order has been granted an Extension, proof of the recorded Extension(s) must additionally be provided.

- b. A site visit will be completed by the Agent prior to the decision. The Commission may require an additional site visit for the Commissioners to additionally view the area.
  - c. The Minor Modification Request will be heard at the next available Conservation Commission meeting, in accordance with the posted submittal deadlines, during which the Commission will deliberate and vote on the request. A majority of the Commission must approve the request. A letter *with a majority of signatures* will be sent to the applicant stating the Commission's decision.
  - d. No work on the request modification(s) shall occur until the applicant has received the letter allowing it. The letter will be sent Certified Mail, Return Receipt Requested.
  - e. All conditions on the original Order of Conditions shall still apply. Approved modifications will not invalidate any part of the original conditions on the Order of Conditions.
  - f. If the Commission determines the modification(s) to exceed the definition of a Minor Modification, or if they find the request to be missing information, then they may deny the request and require a formal Amended Order or a new Notice of Intent. This decision is not appealable.
4. **Burden of Proof:** The burden of proof is entirely on the applicant. The applicant should provide in addition to the required materials, any further materials showing they meet the definition of a Minor Modification. If the applicant does not prove they meet the definition of a Minor Modification, the Commission may deny the request.