

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

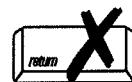
Provided by MassDEP:
 218-0867
 MassDEP File # _____

 eDEP Transaction # _____
 Mendon
 City/Town _____

A. General Information

Please note:
 this form has
 been modified
 with added
 space to
 accommodate
 the Registry
 of Deeds
 Requirements

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



1. From: Mendon
 Conservation Commission

2. This issuance is for (check one): a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:

<u>Isabella</u>	<u>Genova</u>
a. First Name	b. Last Name

Town of Mendon

c. Organization

18 Main St

d. Mailing Address

<u>Mendon</u>	<u>MA</u>	<u>01756</u>
e. City/Town	f. State	g. Zip Code

4. Property Owner (if different from applicant):

a. First Name	b. Last Name
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Commonwealth of Massachusetts

c. Organization

d. Mailing Address

e. City/Town	f. State	g. Zip Code
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5. Project Location:

<u>Nipmuc Pond Taft Ave</u>	<u>Mendon</u>
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a. Street Address	b. City/Town
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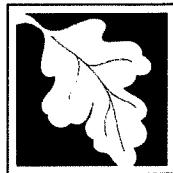
<u>11</u>	<u>45</u>
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c. Assessors Map/Plat Number	d. Parcel/Lot Number
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Latitude and Longitude, if known:

d. Latitude	m	s	d	m	s
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e. Longitude



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A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

NA Great Pond

a. County	b. Certificate Number (if registered land)
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c. Book	d. Page
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7. Dates:	4/25/2025	7/24/2025	7/28/2025
	a. Date Notice of Intent Filed	b. Date Public Hearing Closed	c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Proposed Implementation of an Aquatic Management Program

a. Plan Title	NA
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Water & Wetland	c. Signed and Stamped by
-----------------	--------------------------

b. Prepared By	
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4/18/2025	
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d. Final Revision Date	e. Scale
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f. Additional Plan or Document Title	g. Date
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B. Findings

1. 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 areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

a. <input checked="" 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 checked="" type="checkbox"/> Fisheries	f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat
g. <input checked="" type="checkbox"/> Groundwater Supply	h. <input checked="" type="checkbox"/> Storm Damage Prevention	i. <input checked="" type="checkbox"/> Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

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.



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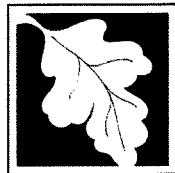
B. Findings (cont.)

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 the 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 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(6)(c).**
- 3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways	3,702,600 a. square feet	3,702,600 b. square feet	NA c. square feet	NA d. square feet
7. <input type="checkbox"/> Bordering Land Subject to Flooding	e. c/y dredged	f. c/y dredged		
Cubic Feet Flood Storage	a. square feet	b. square feet	c. square feet	d. square feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
Cubic Feet Flood Storage	a. square feet	b. square feet		
9. <input type="checkbox"/> Riverfront Area	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
Sq ft within 100 ft	a. total sq. feet	b. total sq. feet		
Sq ft between 100-200 ft	c. square feet	d. square feet	e. square feet	f. square feet
	g. square feet	h. square feet	i. square feet	j. square feet



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B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	cu yd	cu yd
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. nourishment	d. nourishment
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet	cu yd	cu yd
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet	c. nourishment	d. nourishment
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
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



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B. Findings (cont.)

* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

24. Stream Crossing(s):

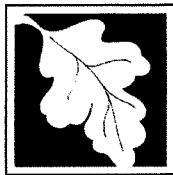
a. number of new stream crossings

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.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
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. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on _____ unless extended in writing by the Department.
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.



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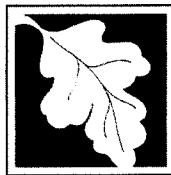
C. General Conditions Under Massachusetts Wetlands Protection Act

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"]

"File Number 218-0867 "

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 MassDEP.
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.



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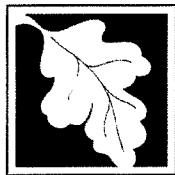
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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

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.
19. The work associated with this Order (the "Project")
 - (1) is subject to the Massachusetts Stormwater Standards
 - (2) is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the 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 Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 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;



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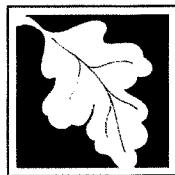
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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- iv. all post-construction stormwater BMPs are installed in 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 18(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 Pollution 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.



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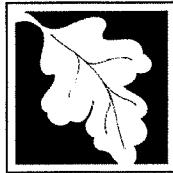
C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- 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.
- l) 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 (if you need more space for additional conditions, please attach a text document):

see attached for findings and special conditions

- 20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The Mendon
 Conservation Commission hereby finds (check one that applies):
 - a. that the proposed work 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 of Conditions is issued.
 - b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Mendon	Ch. 28
1. Municipal Ordinance or Bylaw	2. Citation
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 (if you need more space for additional conditions, attach a text document):

see attached for findings and special conditions



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E. Signatures

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

7/28/2025

1. Date of Issuance

Please indicate the number of members who will sign this form.

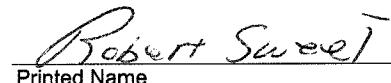
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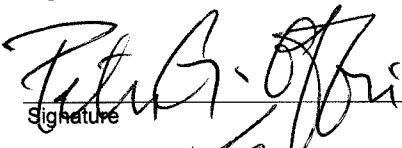
This Order must be signed by a majority of the Conservation Commission.

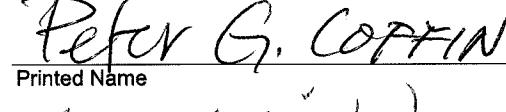
2. Number of Signers

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.

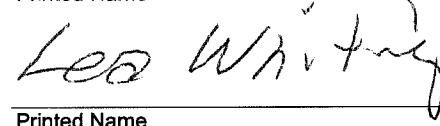

Signature


Printed Name


Signature


Printed Name


Signature


Printed Name


Signature


Printed Name

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Printed Name

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Printed Name

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Signature

Printed Name

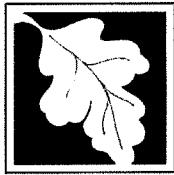


7/28/2025

Date

by certified mail, return receipt requested, on

Date



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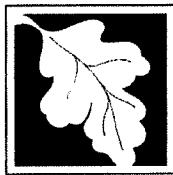
City/Town

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.



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 MassDEP File #

 eDEP Transaction #
 Mendon
 City/Town

G. Recording Information

Prior to commencement of work, 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.

Conservation Commission

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

To:

Conservation Commission

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

Project Location

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

**Findings and Special Conditions of the Mendon Conservation Commission
Lake Nipmuc DEP #218-0867**

Findings (considered as and given equal status as special conditions)

Site: Lake Nipmuc Great Pond
Map/PaceL: 11-45
Coordinates: 42°5'53.24"N 71°33'58.44"W
Owner: Commonwealth of Massachusetts, Great Pond
Applicant: Isabella Genova, Town of Mendon
Representative: Collin Gosselin, Water & Wetland

Date of Issuance: July 28th, 2025

Approved Project Summary:

Lake Nipmuc is a Great Pond in the Town of Mendon that is approximately 85 surface acres and 27 feet deep at the deepest point. Aquatic vegetation management has been ongoing at Lake Nipmuc since 2008. The Town of Mendon has submitted a new Notice of Intent for the treatment and management of aquatic non-native, nuisance species, following the expiration of the previous permit DEP #218-0725. This project is permitted as an Ecological Restoration Limited Project under 310 CMR 10.53(4). The project will protect the interests of the Wetland Protection Act by improving fish habitat, improving water quality, and slowing pond eutrophication. Aquatic vegetation management is targeted in the areas near the former Nipmuc Marina, the cove near Alicante Restaurant, and the southwestern cove near the lake outlet. Target species include tape grass (*Vallisneria americana*), bladderwort (*Utricularia sp.*), variable milfoil (*Myriophyllum heterophyllum*), bushy pondweed (*Najas flexilis*), and filamentous/microscopic algae. These species have disrupted recreational uses and the density negatively impacts native species and wildlife.

Approved products

- Diquat (Reward - EPA # 100-1091 or equivalent)
- Glyphosate (AquaPro - EPA # 62719-324-67690, Rodeo – EPA # 62719-324 or equivalent)
- Flumioxazin (Clipper - EPA # 59639-161 or equivalent)
- Florpyrauxifen-benzyl (ProcellaCOR EC - EPA # 67690-80 or equivalent)
- Copper Based Algaecides (Captain – EPA # 67690-9, SeClear – EPA # 67690-55, or equivalent)

Plan Revisions:

- Any required or desired deviations from this plan shall be requested in writing of the Conservation Commission Office. Relatively minor changes which result in the same or decreased impact on the interests protected by the Act may be considered by the Commission for an amended Order of Conditions. If, however, the project purpose or scope changes substantially or the interests of the Wetlands Protection Act are not protected, the Commission will require the filing of a new Notice of Intent.
- When plans are updated, it is the responsibility of the applicant to provide all Town Departments involved in the permitting and approval process complete and consistent plans.

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Lake Nipmuc DEP #218-0867**

- The Mendon Conservation Commission retains the right to require the submittal of additional information or impose additional conditions deemed necessary to ensure the protection of wetland resource areas.

Jurisdiction:

- Bank and Mean Annual High Water line (MAHW): 310 CMR 10.54 & 10.58 (2)(a)(2)
- Bordering Vegetated Wetland (BVW) w/ 100' Buffer Zone: 310 CMR 10.55(4) & 310 CMR 10.53(1)
- Land Under Waterbodies and Waterways (LUWW): 310 CMR 10.56
- Bordering Land Subject to Flooding (BLSF): 310 CMR 10.57

Special Conditions

Special conditions listed herein are pursuant to the Massachusetts Wetland Protection Act (MGL Chapter 131, Section 40), implementing Regulations (310 CMR 10.00) and Town of Mendon Wetland Protection Bylaw (Chapter 28) and Bylaw Wetland Protection Regulations.

Under Massachusetts Wetland Protection Act (MGL Chapter 131, Section 40), implementing Regulations (310 CMR 10.00)

Findings:

- 1) **Bank** has been identified as a resource area, subject to protection under the Wetland Protection Act and Regulations 310 CMR 10.54. Resource area was not flagged in the field. Bank has a 100-foot Buffer Zone. Bank is significant to the Interests of public and private water supply, protection of groundwater supply, flood control, storm damage prevention, prevention of pollution, protection of fisheries, and protection of wildlife habitat.
- 2) **Bordering Vegetated Wetland (BVW)** has been identified as a resource area, subject to protection under the Wetland Protection Act and Regulations 310 CMR 10.55. BVW has a 100-foot Buffer Zone. BVW is significant to the Interests of protection of public and private water supply, protection of groundwater supply, flood control, storm damage prevention, prevention of pollution, protection of fisheries, and protection of wildlife habitat.
- 3) **Mean Annual High Water Line** has been identified as a resource area, subject to protection under the Wetland Protection Act and Regulation 310 CMR 10.58 (2)(a)(2).
- 4) **Land Under Waterbodies and Waterways (LUWW)** has been identified as a resource area, subject to protection under the Wetland Protection Act and Regulations 310 CMR 10.56. LUWW consists of the land below Lake Nipmuc. LUWW is significant to the Interests of protection of public and private water supply, protection of groundwater supply, flood control, storm damage prevention, prevention of pollution, protection of fisheries, and protection of wildlife habitat. LUWW alteration is not proposed.
- 5) **Bordering Land Subject to Flooding (BLSF)** has been identified as a Resource Area subject to protection under 310 CMR 10.57 as shown on the FEMA F.I.R.M. (Map No: 25027C1030E). BLSF is significant to the Interests of flood control, and storm damage prevention.

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- 6) The Commission held four public hearings for the project on May 22nd, 2025, June 12th, 2025, June 26th, 2025, and July 24th, 2025.
- 7) No other work besides what is described in the Notice of Intent application and the approved project summary is approved by this Order.

Special Conditions

- 8) This Order of Conditions shall be valid for five years and expire on July 28th, 2030. A request for an extension Order of Conditions shall be submitted to the Commission 30 days prior to the expiration date. After 5 years, the applicant must refile with the Division of Fish and Wildlife under MESA.
- 9) This Order shall be included in all construction contracts, subcontracts, and specifications dealing with the work proposed and shall supersede any conflicting contract requirements. The applicant shall assure that all contractors, subcontractors, and personnel performing the permitted work are fully aware of the permit's terms and conditions.
- 10) Any material changes, alterations, or revisions to the project that could adversely impact any resource areas or the buffer zones to these resource areas not included in the referenced plans 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 deviate from the project 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. Within 21-days of the close of said Public Hearing, the Commission will issue an Amended Order or new Order of Conditions
- 11) There shall not be any alteration of wetland vegetation or the buffer zone beyond the limit of work.
- 12) The Applicant shall provide the Conservation Commission with a treatment plan for the current year, submitted no later than April 1st of each year, which must be approved prior to the initiation of any treatment that year.
- 13) A yearly monitoring report shall be submitted to the Commission on or before December 31st of any year that herbicide treatment has occurred. The report shall include a post treatment survey and assessment of the effectiveness of the treatment, as well as any reports or observations of impacts to wildlife or non-target vegetation species.
- 14) Signs indicating that an herbicide application is underway shall be posted by the applicant at public access areas. Reentry times, as indicated on herbicide label, shall be included on the signs. Applicant will be responsible for posting such notifications on the Town of Mendon website and the Mendon Library.
- 15) The applicant or designee shall obtain a valid BRP WM 04 Permit for the application of aquatic herbicides and/or algicides for designated target species and a copy of such BRP WM 04 permit

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shall be submitted to the Conservation Commission prior to initiating any treatment of aquatic vegetation permitted by this Order.

- 16) All application of herbicides approved for use by this Order shall be applied by an applicator licensed (in the aquatic weed category) by the Massachusetts Department of Agricultural Resources (DAR), Pesticide Bureau. Applications shall follow all product label directions.
- 17) In the event of any fish kill within Lake Nipmuc, the applicant and licensed applicator shall immediately contact the Department's Emergency Response section at 508-792-7650; the Department of Fish and Game's Westborough office at (508) 792-7270 (during normal working hours); or the Boston 24-hour response line at 1-800-632-8075.
- 18) Refueling, servicing, and repair of motorized watercraft and service vehicles associated with the lake surveys and treatments shall take place at least 100-feet from boundary of the resource area. Equipment operators shall be prepared to immediately respond to, and contain, accidental releases of fuel, motor oil, or aquatic herbicides. On-site absorbent materials shall be maintained for use in containing accidental spills. If an accidental release of fuel, motor oil, lubricating oils, etc. occurs, the issuing authority shall be immediately notified, and contaminated areas shall be treated according to guidelines established by the DEP's Bureau of Waste Site Cleanup (BWSC). Staging and long-term storage of aquatic herbicides and/or algicides shall take place outside the jurisdiction of the Department.
- 19) Following completion of the project, the applicant shall request a Certificate of Compliance and include an affidavit signed by the licensed applicator stating that the aquatic vegetation has been treated in accordance with the requirements of this Order of Conditions.

Under Mendon Wetland Protection Bylaw (Ch. 28) and local Regulations

Findings:

- 20) The property contains **Bordering Vegetated Wetlands (§28-2.16)**. Wetlands are significant to the wetland values protected under this bylaw of wildlife habitat, public and private water supply, groundwater, flood control, water pollution, fisheries, and shellfish. Vegetated wetlands (bordering and isolated) have a 100 foot jurisdictional area, a 50-foot No Build Zone, and a 25-foot No Disturb Zone.
- 21) The property contains **Buffer zones (§28-4.0, 5.0)**. Buffer Zones are significant to the wetland values protected under this bylaw of public and private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water pollution, fisheries, shellfish, wildlife habitat, recreation, aesthetics. Buffer Zones have been adopted because the alteration of the land immediately adjacent to a wetland is likely to result in the alteration of the wetland itself. BZ has a 100-foot jurisdictional area, 50-foot No Build Zone, and 25-foot No Disturb Zone.
- 22) The property contains **Area Subject to Flooding (§28-2.2)**. Bordering Land Subject to Flooding serve as areas for runoff, snowmelt, heavy precipitation, or high groundwater that has risen above the surface, and areas which flood from a rise in a bordering waterway or

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water body as defined in the Act. BLSF are significant to wetland values protected under the bylaw including flood controls and storm damage prevention.

23) The property contains a **Pond** (**§28-2.9**). Pond means any open body of fresh water at least 2000 square feet or larger which has standing water due to natural causes throughout the year during most years.

Under Mass Endangered Species Act and Natural Heritage Endangered Species Program

NHESP File No.: 25-19225

Heritage Hub Form ID: RC-93138

WETLANDS PROTECTION ACT (WPA)

Based on a review of the information that was provided and the information that is currently contained in our database, the Division has determined that this project, as currently proposed, will not adversely affect the actual Resource Area Habitat of state-protected rare wildlife species. Therefore, it is our opinion that this project meets the state-listed species performance standard for the issuance of an Order of Conditions. Please note that this determination addresses only the matter of rare wildlife habitat and does not pertain to other wildlife habitat issues that may be pertinent to the proposed project.

Wetland Protection Act Filings, Notice. When filing for any renewal, extension, or amendment of the WPA Orders of Conditions the Applicant shall contact the Division for written response regarding impacts to Resource Area habitat of state-listed wildlife. A renewal, extension or amendment of Order of Conditions does not renew, extend, or amend this MESA authorization.

MASSACHUSETTS ENDANGERED SPECIES ACT (MESA)

Based on a review of the information that was provided and the information that is currently contained in our NHESP No. 25-19225 Issued April 18, 2025 Page 2 of 2 database, the Division has determined that this project, as currently proposed, will not result in a prohibited Take of state-listed rare species. This determination is a final decision of the Division of Fisheries and Wildlife pursuant to 321 CMR 10.18. Any changes to the proposed project or any additional work may require an additional filing with the Division pursuant to the MESA.

MESA Authorization, 5 years. The submitted treatment plan is approved for 5 years from the date of this determination. Thereafter, the Applicant must refile with the Division pursuant to the MESA. The Division may find that any future proposed management activity, individually or in combination, will result in a Take and may require a MESA CMP subject to 321 CMR 10.23. Therefore, we recommend that the Applicant contact our office in advance of the submission to ensure that proposals are developed to avoid a Take of state-listed species. Please note that this determination addresses only the matter of state-listed species and their habitats.

If you have any questions regarding this letter please contact Melany Cheeseman, Endangered Species Review Assistant, at Melany.Cheeseman@mass.gov, (508) 389-6357

END OF CONDITIONS