

**Guidelines Governing Amending
Orders of Conditions Issued by the
Uxbridge Conservation Commission**

December 4, 2017

To provide clarity and consistency in the application process, the Uxbridge Conservation Commission (hereafter the Commission) has prepared the following questionnaire to help applicants looking to correct or amend their Orders of Conditions. Both the Massachusetts Department of Environmental Protection (MassDEP) and the Massachusetts Association of Conservation Commissions (MACC) recognize that after an Order of Conditions is issued, mistakes can be found, provisions may be determined to be unclear, field conditions may require changes, or an applicant may wish to modify the project. This policy has been prepared in consideration of MassDEP's Wetlands Program Policy 85-4 as well as Section 19.10 of the MACC's Environmental Handbook, both of which provide policy guidance for the process of Amending Orders of Conditions.

When confronted with a request to modify an Order of Conditions, the Commission shall decide to which the following categories the requested amendment applies. The following questions may be used as a guide to help anticipate the expectations of the Commission in the amendment process. However, it is important to remember that the final decision on this matter rests entirely with the Commission. The three (3) categories to which your changes may qualify include:

1. Correcting/changing a minor error.

Minor errors found in an issued Order of Conditions might include an incorrect file number or a mistake in a landowner's name. Other minor errors may also include, without limitation, incorrect labels, contact information, and general typographical mistakes. Minor changes are those variations to the work proposed which will not have an increased amount of impact to areas within the Commission's jurisdiction. Such changes could include selecting different material for BMPs based on availability or the conditions of the site. However, no new disturbance to the wetlands or their jurisdictional limits is allowable as a minor change.

2. Amending the Order of Conditions.

If the Commission chooses to accept a request to amend an Order of Conditions, it shall review the proposed change(s) as thoroughly as it would a new filing, including the possibility of a site inspection by either the Commission or its Agent. In determining whether or not a change qualifies as for an Amended Order of Conditions rather than a new filing, the Commission may consider such factors as whether the purpose of the project has changed, whether the scope of the project has increased, whether the project meets relevant performance standards, and whether the potential for adverse impacts to the protected statutory interests will be increased. Relatively minor changes which result in the same decreased impacts to the protected by the Wetlands Protection Act (M.G.L. Ch. 141, §40) or its regulations are appropriate for amendments.

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3. Filing and Issuing a new Order of Conditions.

If the determination is made by the Commission that the project scope or purpose has changed substantially or that the interests specified in the Wetlands Protection Act are not protected, then the Commission shall require the submittal of a new Notice of Intent. In such a case, these findings shall be communicated to the applicant, and a new Notice of Intent shall be entertained without prejudice.

	Yes	/	No
Minor Change/Correction			
Are you trying to correct a typographical error?	_____		_____
Are you adding or changing the material of a BMP?	_____		_____
Is something mislabeled on your site plans?	_____		_____
Is there something in the Order that is unclear or ambiguous?	_____		_____
Amending the Order of Conditions			
Did an abutter speak to the project during the public hearing?	_____		_____
Are you proposing a change to the layout of the project?	_____		_____
Will the alteration be located further away from a resource area?	_____		_____
Filing/Issuing a New Order of Conditions			
Is there a net increase to the disturbed area within a buffer zone?	_____		_____
Will the alteration be located closer to a resource area?	_____		_____
Has your Order expired or is within 30 days of expiring?	_____		_____