

DEP File No: SE 69-377

City/Town: Seekonk
Applicant: Mass. Highway Dept.

Form 5

Commonwealth
of Massachusetts

Department of Defense
United State of America

ORDER OF CONDITIONS

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

From SEEKONK CONSERVATION COMMISSION issuing Authority.

To Massachusetts Highway Department Town of Seekonk
(Name of person making request) (Name of Property Owner)

Address 10 Park Plaza, Boston, MA 02116-3973 Address 100 Peck Street, Seekonk, MA

This Order is issued and delivered as follows:

 by hand delivery to applicant or representative making request on _____ (date)

 X by certified mail, return receipt requested on _____ (date)

This project is located at: Brook and Newman Avenue

The property is recorded at the Registry of Deeds, Bristol County North.

Book _____ Page _____ Certificate (if registered) _____

The Notice of Intent for this project was filed on 12/8/97 (date)

The public hearing was closed on February 9, 1998 (date)

Findings

The Seekonk 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 Conservation Commission at this time, the Conservation 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 and the Town of Seekonk Conservation Commission's by-laws (check as appropriate):

- | | | |
|-----------------------------------|--------------------------------------|--|
| <u> X </u> Public water supply | <u> X </u> Flood Control | <u> </u> Land containing shellfish |
| <u> X </u> Private water supply | <u> X </u> Storm damage prevention | <u> </u> Fisheries |
| <u> X </u> Ground water supply | <u> X </u> Prevention of pollution | <u> </u> Protection of Wildlife Habitat |

Total Filing Fee Submitted \$250.00 State Share \$112.50 City/Town Share \$137.50

Total Refund Due \$ _____ City/Town Portion \$ _____ State Portion \$ _____

4/5/96

Therefore, the Seekonk Conservation 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 Seekonk Conservation 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. 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, 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, lathe, 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 done. The recording information shall be submitted to the Seekonk Conservation Commission on the form at the end of this Order prior to the 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 the size bearing the words "Massachusetts Department of Environmental Protection, File Number SE 69-37".
10. Where the Department of Environmental Protection 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:

Plans:

Total	Dated	Signed and Stamped by:	On file with:
<u>(2)</u>	_____	<u>McDonough & Scully, Inc.</u>	<u>DEP, Seekonk Cons. Comm.</u>
_____	_____	_____	_____

Special conditions (Use additional paper if necessary)

13. Any changes made or intended to be made in the plans shall require the applicant to inquire of the Conservation Commission, in writing, whether the change is substantial enough to warrant filing a new Notice of Intent.
14. The Seekonk Conservation Commission may, at their discretion, require an as-built plan, signed and stamped by a professional engineer or land surveyor or registered in the Commonwealth or Massachusetts further to General Condition #11.
15. Failure to comply with General Condition #8 shall be deemed cause to revoke these Orders of Conditions. As an alternative, the Commission may record this Order in the Registry and charge the applicant the cost of recording.
16. Members and Agents of the Seekonk Conservation Commission shall have the right to enter and inspect the site for the purpose of evaluating compliance with the conditions and performance standards stated in this Order, the Act, & 310 CMR 10.0. The Commission reserves the right to request any additional data deemed necessary to further their evaluation.
17. This Order shall apply to all successors or assigns in interest or control of the subject property.
18. It is the responsibility of the applicant to procure all other applicable federal, state, and local permits and approvals associated with this project.
19. Prior to the commencement of any work on the site:
 - a. The applicant shall inform the Seekonk Conservation Commission in writing of the name, address, business and home telephone number of the project supervisor who will be responsible for insuring on-site compliance with this Order.

- b. The Seekonk Conservation Commission shall be notified in advance of the date upon which construction activities on the site are to commence.
- c. The border of the Resource areas on the site shall be clearly marked in the field by stakes or flags placed at 25 foot intervals. A continuous barrier shall be established between the work area and the designated Resource Areas, including those areas of proposed replication. The barrier shall consist of a hay/straw bale dike or acceptable alternative as specified on the plans. This barrier shall be inspected by the Seekonk Conservation Commission prior to start of any other on-site construction.

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Erosion Control

1. Approved site plans should show locations of all devices and installation details.
2. All sedimentation and erosion control devices shall be placed according to the approved plans. Siltation and erosion control barrier is to be placed along the northerly and westerly limit of construction lines. Haybales and silt fence must be staked and entrenched.
3. Following the installation of the required erosion control measures, and prior to the commencement of site construction activities, the applicant shall hold a pre-construction meeting with all individuals responsible for work at the project site and the Commission, and/or Agent. The purpose of the preconstruction meeting is to allow for final inspection of the site prior to construction and to resolve any outstanding issues at that time. All parties shall be provided a minimum of 72 hours notice of the pre-construction meeting.
4. The areas of construction shall remain in a stable condition at the close of each construction day or after any rainfall. Erosion controls should be inspected and maintained by the Erosion Control Monitor (see #5 below) or reinforced on a daily basis.
5. The applicant shall designate the Site Engineer or a Construction Foreman as the "Erosion Control Monitor". The Erosion Control Monitor shall oversee the placement of erosion control devices with authority to stop construction for erosion control purposes. The name and phone number of the monitor must be provided to the Conservation Commission. This person shall be given the authority to stop construction for erosion control purposes and will be required to inspect all such devices after each main event, oversee their cleaning, repair and/or replacement and the proper disposal of waste products.
6. An adequate stockpile of erosion control materials shall be on site at all times for emergency or routine replacement. The stockpiled equipment shall include materials to repair silt fences, hay bales, or any other devices planned for the control of erosion at the site.
7. Erosion-control devices may be modified based on experience at the site. Approval of the Conservation Commission must be obtained prior to any modification of the approved erosion control plan.

8. All exposed soil finish grade surfaces shall be immediately landscaped and stabilized, or loamed, seeded, and mulched with a layer of mulch hay. Outside of the growing season, surfaces shall be covered with a layer of mulch hay until climate conditions allow for seeding.
9. Immediately upon installation of any catch basin or storm drain, erosion control devices shall be set and staked around the inlet to prevent sediments from entering the drainage system prior to paving.
10. During construction, all drainage structures shall be cleaned on an as needed basis and/or after heavy rainfalls. Prior to the placement of any impervious materials on the site, all drainage structures shall be properly installed and functional.
11. In the event of a significant erosion control failure on site (i.e., sedimentation into resource areas) the Conservation Commission shall be notified immediately, to inspect the site and approve a mitigation plan.
12. Construction/erosion control monitoring reports shall be submitted to the Conservation Commission on a monthly basis during construction. Reports shall include construction completed over prior monitoring period and construction anticipated to be completed in the next month. Report shall detail any erosion control problems at the site and mitigation measures implemented.

Stormwater Management

1. It is the owner's responsibility to maintain all Best Management Practices (BMPs) and to confirm they are kept in proper working order.
2. All stormwater BMPs are to be inspected annually at a minimum, by a Registered Professional Engineer at the expense of the owner. The inspection report will be filed with the Conservation Commission. The Operation and Maintenance plan detailed in the Notice of Intent (Section 2, Project Narrative, pages 12 through 15) is to be adopted and implemented for this site.
3. Vegetated portions of BMPs will be re-seeded, re-planted and mowed as required.
4. Sediments captured in stormwater BMPs will be removed and disposed of off site in an approved manner.
5. Submit as-built plan to Conservation Commission at conclusion of construction.
6. The owner shall designate the person responsible for ensuring that operations are conducted in accordance with the operations and maintenance plan, that maintenance and inspections are conducted, and that operation, maintenance and inspection reports are completed and filed with Seekonk Conservation Commission.
7. The owner shall provide the name, address, and telephone number of this contact person to the Seekonk Conservation Commission and shall update this information as required by personnel changes.

Issued by SEEKONK CONSERVATION COMMISSION

Signature(s)

Warren P. Leach R. F. Hill
[Signature] _____
[Signature] _____
[Signature] _____

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

On this 9th day of February, 1998, before me personally appeared Warren P. Leach, 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.

Wablene J. Acornis
(Notary Public)

June 25, 2004
(My Commission Expires)

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 Protection to issue a Superseding Order of Conditions, providing the request is made by certified mail or had delivery to the Department, with the appropriate filing fee and Fee Transmittal Form as provided in 310 CMR 10.03(7) within ten days from the date of issuance of the Determination. A copy of the request shall at the same time be sent certified mail or hand delivery to the Conservation Commission and the applicant.

Detach on dotted line and submit to the Seekonk Conservation Commission prior to commencement of work.

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To Seekonk Conservation Commission Issuing Authority.

Please be advised that the Order of Conditions for the project at Brook and Newman Avenue File Number SE 69-377 has been recorded at the Registry of Deeds, Bristol County, North, and has been noted in the chain of title of the affected property in accordance with General Condition #8 on _____ 19 _____. If recorded land, the instrument number which identifies this transaction is _____. If registered land, the document number which identifies this transaction is _____.

Signature _____ Applicant.