

310 CMR 10.99

Form 5



Commonwealth of Massachusetts

DEP File No. SE69-248  
(To be provided by DEP)

City/Town Seekonk

Applicant The Price Company

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

From Seekonk Conservation Commission

To The Price Company (Name of Applicant) Galleria Mall Realty Trust (Name of property owner)

Address 46000 Manekin Plaza Sterling, VA 22170 Address 545 South Main Street Providence, RI 02903

This Order is issued and delivered as follows:

- by hand delivery to applicant or representative on May 1, 1991 (date)
- by certified mail, return receipt requested on \_\_\_\_\_ (date)

This project is located at Highland Avenue, Lot 141, Plat 8

The property is recorded at the Registry of Bristol North

Book 3073 Page 178

Certificate (if registered) \_\_\_\_\_

The Notice of Intent for this project was filed on April 8, 1991 (date)

The public hearing was closed on April 22, 1991 (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 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 checked="" type="checkbox"/> Land containing shellfish |
| <input type="checkbox"/> Private water supply           | <input checked="" type="checkbox"/> Storm damage prevention | <input type="checkbox"/> Fisheries                            |
| <input checked="" type="checkbox"/> Ground water supply | <input checked="" type="checkbox"/> Prevention of pollution | <input type="checkbox"/> Protection of wildlife habitat       |

Total Filing Fee Submitted \$1,575 State Share \$775  
 City/Town Share \$800 (1/2 fee in excess of \$25)  
 Total Refund Due \$ \_\_\_\_\_ City/Town Portion \$ \_\_\_\_\_ State Portion \$ \_\_\_\_\_  
 (1/2 total) (1/2 total)

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 Commission 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 Protection,  
File Number 69-248
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: SEE LIST OF ATTACHMENTS

Title	Dated	Signed and Stamped by:	On File with

Special Conditions (Use additional paper if necessary)

.....  
(Leave Space Blank)

Plans: SEE LIST OF ATTACHMENTS

Title	Dated	Signed and Stamped by:	On File with:
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Special Conditions (use additional paper if necessary)

.....  
(Leave Space Blank)

Issued By \_\_\_\_\_ Seekonk \_\_\_\_\_ Conservation Commission  
 Signature(s) Albert [unclear] A. F. Hill  
B. E. [unclear]  
Paul Boquer  
Harold C. [unclear]

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

On this 23rd day of April, 1991, before me personally appeared Albert [unclear], 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.

Alicia [unclear] My Commission Expires Feb. 21, 1997  
 Notary Public 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, providing the request is made by certified mail or hand 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 this Determination. 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.

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

To \_\_\_\_\_ Issuing Authority

Please be advised that the Order of Conditions for the project at \_\_\_\_\_

File Number \_\_\_\_\_ has been recorded at the Registry of \_\_\_\_\_ 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

Issued by the Department of Environmental Protection

Signature \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, before me personally appeared \_\_\_\_\_ 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.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My commission expires

The applicant, the owner, any person aggrieved by the Superseding Order, any owner of land abutting the land upon which the proposed work is to be done, or any ten persons pursuant to G.L. c. 30A §10A, are hereby notified of their right to request an adjudicatory hearing pursuant to G.L. c. 30A, §10, providing the request is made by certified mail or hand 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 this Superseding Order, and is addressed to: Docket Clerk, Office of General Counsel, Department of Environmental Protection, One Winter Street, Boston, MA 02108. A copy of the request shall at the same time be sent by certified mail or hand delivery to the conservation commission, the applicant, and any other party.

A Notice of Claim for an Adjudicatory Hearing shall comply with the Department's Rules for Adjudicatory Proceedings, 310 CMR 1.01(6), and shall contain the following information:

- (a) the DEP Wetlands File Number, name of the applicant and address of the project.
- (b) the complete name, address and telephone number of the party filing the request, and, if represented by counsel, the name and address of the attorney;
- (c) the names and addresses of all other parties, if known;
- (d) a clear and concise statement of (1) the facts which are grounds for the proceeding, (2) the objections to this Superseding Order, including specifically the manner in which it is alleged to be inconsistent with the Department's Wetlands Regulations (310 CMR 10.00) and does not contribute to the protection of the interests identified in the Act, and (3) the relief sought through the adjudicatory hearing, including specifically the changes desired in the Superseding Order;
- (e) a statement that a copy of the request has been sent to the applicant, the conservation commission and each other party or representative of such party, if known.

Failure to submit all necessary information may result in a dismissal by the Department of the Notice of Claim for an Adjudicatory Hearing.

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

.....

To \_\_\_\_\_, Issuing Authority

Please be advised that the Order of Conditions for the project at \_\_\_\_\_

File Number \_\_\_\_\_ has been recorded at the Registry of \_\_\_\_\_ and

has been noted in the chain of title of the affected property in accordance with General Condition 5 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

List of Attachments  
Price Club Plaza  
Seekonk, Massachusetts

<u>Identifying Letter</u>	<u>Title</u>	<u>Prepared by:</u>
Attachment B (enclosed separately)	Issued for Site Plan Approval Price Club Plaza dated December 1990 by Siegmund & Associates, Inc.	Siegmund & Assoc., Inc. (Sheets 1 - 16)
Attachment C	List of Abutters	Siegmund & Assoc., Inc.
Attachment D	SCS Soils Information	Siegmund & Assoc., Inc.
Attachment E	Sanitary Disposal System Design Data Subsurface Soils Technical Memorandum	Giles Eng. Assoc., Inc. Siegmund & Assoc., Inc.
Attachment F	Point Source Discharge Analysis	Siegmund & Assoc., Inc.
Attachment G	Hydrological Study	Siegmund & Assoc., Inc.
Attachment H	Project Alternatives	Siegmund & Assoc., Inc.
Attachment I	8 1/2" x 11" drawings in plan view showing proposed develop- ment within resource areas	Siegmund & Assoc., Inc.
Attachment J	Environmental Impact Assessment	Environmental Scientific
Attachment K	Flood Storage Impact and Compensation	Siegmund & Assoc., Inc.

**ORDER OF CONDITIONS  
SPECIAL CONDITIONS**

**PRICE CLUB PLAZA - SEEKONK, MASSACHUSETTS  
THE PRICE COMPANY**

**DEP File Number: SE 69-248**

**Administrative**

1. Members and agents of the Seekonk Conservation Commission (the "Commission") shall have the right to enter and inspect the Price Club Plaza premises to evaluate compliance with the Order of Conditions (the "Order") and may require the submittal of data deemed necessary for that evaluation.
2. The Price Company shall notify the Commission in writing forty-eight (48) hours before beginning activity regulated by the Order.
3. All work shall be completed in accordance with the plans listed in this Order. Any changes in the plans shall be submitted to the Commission for a determination as to whether a modification of the Order is required.
4. Before commencement of construction, a copy of this Order shall be given to the project engineer, to general contractors performing work on the site, and to all site work contractors. Copies of the Order signed by each such recipient shall be returned to the Commission.
5. This Order shall be included in all construction contracts and subcontracts dealing with construction on the site.
6. Prior to requesting a Certificate of Compliance, the applicant will submit certified as-built drawings detailing the work as completed in areas subject to jurisdiction under the Act and the Bylaw.
7. Prior to commencing any work on the site plan, the Price Company and the contractor will hold an on-site meeting to review the plans and the terms and conditions of this Order. The Commission will be given at least seven (7) days notice of the meeting and will be invited to attend.
8. Prior to commencing work, the Price Company shall provide the Commission with the name of the general contractor responsible for the project and the name and telephone number of the

person responsible for compliance of on-site conditions with the Order on a day-to-day basis.

9. This Order shall apply to any successor in control or successor in interest of the property referenced in the Notice of Intent and accompanying plans.
10. Copies of all State and Federal permits obtained for the project shall be submitted to the Commission.

Construction Management/Sequencing/Erosion Control

11. Prior to any earth moving activity, a staked hay bale filter (end to end) or filter fabric fencing as shown on Sheet 11 of the approved plans shall be placed along the limit of activity between all disturbed areas and the wetlands as shown on the above-referenced plans. These erosion and siltation controls shall be maintained in proper functioning condition until all disturbed areas have been stabilized, or a determination by the Commission that the control measures are no longer necessary.
12. The line of staked hay bales or filter fabric fencing shall constitute a limit of work line. No work shall be permitted on the down slope side of this line other than that shown on the plans referenced above.
13. All debris, fill, and excavated material shall be stockpiled outside the 100-foot buffer zone to the bordering vegetated wetlands. At no time shall any debris or other material be buried or disposed of within the wetlands or the buffer zone other than that fill which is allowed by this Order and as shown on the above-referenced plans.
14. No equipment shall be serviced, repaired, lubricated or refueled within 100 feet of any resource area. No machinery shall be stored during non-work periods at the work site except in locations more than 100 feet from any wetlands.
15. No oils, lubricants, fuels, or other liquid petrochemical materials shall be stored, spilled, or otherwise disposed of within the wetlands or the buffer zone.
16. Forging of streams with construction equipment is not permitted. Construction equipment shall not be operated in

streams except as may be required to construct channel work and permanent structures as authorized by this Order.

17. The Price Company shall be responsible for the control of fugitive dust. This shall be accomplished by the use of water on a scheduled basis; use of covers on trucks for off-site transportation; limited storage of spoil on the site; and completion of grading, paving, and landscaping in the most expeditious manner practicable.
18. Any dewatering activities in which water will be released to wetlands or storm drains shall make use of a temporary settling pond or similar device to remove sediment before the water is released.
19. Prior to any bordering vegetated wetland filling as proposed, the area for wetlands compensation/replacement shall be excavated to approximately eighteen inches (18") below the proposed final grade.
20. Topsoil containing root biomass and seed source shall be removed to a depth of approximately eighteen inches (18") from the areas of bordering vegetated wetland proposed to be filled and shall be stockpiled outside the 100-foot buffer zone to wetlands. Appropriate siltation control measures shall be implemented to prevent the erosion of stockpiled materials, and siltation into buffer zones and/or wetland resource areas.
21. Stockpiled topsoil excavated from the area of proposed wetland filling shall be used to bring the elevation of the proposed wetland replication area to final elevation, within one week of removal of said topsoil from the proposed wetland filling area.
22. In order to ensure that wetland filling does not exceed the proposed square feet, the flags and stakes delineating the wetland resource area shall remain in place until the issuance of a Certificate of Compliance.
23. The proposed replacement area shall meet or exceed those General Performance Standards outlined in 310 CMR 10.55(4)(b) 1-7 of the Wetlands Protection Act Regulations. Should the replacement area fail to meet any of these standards, the Commission may require those measures necessary to achieve compliance.

24. The areas of construction shall remain in a stable condition at the close of each construction day. Erosion controls shall be monitored at this time and maintained or reinforced if necessary.
25. All catch basins and leaching galleys shall be cleaned immediately following installation of the final paving surface.

### Operations

26. All flow will pass through oil and gasoline trap-type gravity separators before reaching the detention pond. All catch basins will be maintained and cleaned twice a year to ensure proper functioning. Cleaning will occur after leaf fall in the autumn and after the last snowfall in the spring.
27. In addition to catch basin cleaning, standard maintenance procedures will be followed to ensure the proper functioning of the stormwater drainage system. Maintenance work items to be performed at least once a year include, but are not limited to:
  - removing leaves, sticks, stones, garbage and other debris obstructing flow through inlet grates and collection devices;
  - inspecting and repairing (if necessary) rip rap pads and channels at discharge locations; and
  - inspecting discharge piping from both the pond and galley systems to ensure unobstructed flow.
28. Maintenance operations for paved surfaces within the project shall include the following:
  - daily sweeping of all paved areas;
  - daily litter pick-up within parking lots and landscaped buffers; and
  - off site disposal of all sweepings and litter.
29. There shall be no use of deicing chemicals on the project site.

30. The applicant will conduct a groundwater quality monitoring program at three locations down gradient of the individual sewage disposal system leaching fields. The wells will be placed approximately 50', 100', and 200' from the edge of the leaching field. Final approval of the monitoring well locations shall be obtained from the Commission prior to installation. Groundwater samples will be taken at three different times during the construction period and analyzed to establish baseline data for the groundwater quality monitoring program. A continuing groundwater quality monitoring program will be conducted following the completion of construction. Groundwater quality sampling will be done on a quarterly basis for the first two years and twice a year thereafter. The Commission reserves the right to receive split samples. Samples will be tested for levels of nitrate/nitrite, ammonia, phosphorus, conductivity, and fecal coliform. Acceptable limits shall conform to Board of Health swimming (Class B) standards. Laboratory analysis sheets and a report detailing the results of the groundwater quality monitoring will be filed with the Commission and with the Board of Health within one month after the completion of each sampling round. The groundwater quality monitoring program shall not cease so long as the individual sewage disposal system remains in operation, but may cease if off site sewage disposal later is employed for the project.
31. The applicant will initiate a surface water quality monitoring program at four locations -- the DPW drainage ditch, just downstream of Route 6; the DPW drainage ditch, just downstream of the outlet from the detention basin; the inlet to the detention basin; and the outlet from the detention basin. Surface water samples will be taken at three different times during the construction period and analyzed to establish baseline data for the monitoring program. Surface water quality monitoring will be done on a quarterly basis for the first two years and twice a year thereafter. The Commission reserves the right to receive split samples. Samples will be tested for levels of nitrate/nitrite, ammonia, phosphorus, conductivity, and fecal coliform. Acceptable limits shall conform to Board of Health swimming (Class B) standards. Laboratory analysis sheets and a report detailing the results of the surface water quality monitoring will be filed with the Commission and the Board of Health within one month after the completion of each sampling round. The surface water quality monitoring program shall not cease so long as the individual

*Gregory Hancock  
Env. Scientific  
Lancaster*

sewage disposal system remains in operation, but may cease if off site sewage disposal later is employed for the project.

32. The applicant will submit a standard operating procedure for the groundwater and surface water quality monitoring program to the Commission for review and approval prior to initiation of the programs. The standard operating procedure shall address well sampling methods, analytical methods, water quality standards, and measures to be taken should water quality standards be exceeded. Fecal coliform bacteria counts shall be conducted according to the most probable number (MPN) procedure.
33. The detention pond will be planted with cattail (Typha latifolia). The pond will be inspected up to six times during the first year after construction and annually thereafter to monitor the mortality of aquatic vegetation. Should any or all of the plantings fail to survive at least two full growing seasons after planting, the applicant shall be responsible for replacing and maintaining the same plant species for one additional growing season.
34. The detention basin and drainage structure DS-1 (Sheet 10 of the approved plans) will be lined with a clay liner and a synthetic liner. Both liners will be inspected on an annual basis and repaired as needed. Reports of these inspections will be forwarded to the Commission.
35. Following any maintenance of the detention basin, vegetation shall be restored according to Special Condition 33.



Commonwealth of Massachusetts

DEP File No. SE-69-248

(To be provided by DEP)

City/Town Seekonk

Applicant: Price Club

**Certificate of Compliance  
Massachusetts Wetlands Protection Act, G.L. c. 131, §40**

From Seekonk Conservation Commission Issuing Authority

To The Price Company, 46000 Manekin Plaza, Sterling, VA 22170  
(Name) (Address)

Date of Issuance November 12, 1991

This Certificate is issued for work regulated by an Order of Conditions issued to The Price Company dated 5/1/91 and issued by the Seekonk Conservation Commission.

- 1.  It is hereby certified that the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.
- 2.  It is hereby certified that only the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed: (If the Certificate of Compliance does not include the entire project, specify what portions are included.)
- 3.  It is hereby certified that the work regulated by the above-referenced Order of Conditions was never commenced. The Order of Conditions has lapsed and is therefore no longer valid. No future work subject to regulation under the Act may be commenced without filing a new Notice of Intent and receiving a new Order of Conditions.

(Leave Space Blank)

4.  This certificate shall be recorded in the Registry of Deeds or the Land Court for the district in which the land is located. The Order was originally recorded on 5/15/91 (date) at the Registry of Bristol County North Book 4708 Page 88

5.  The following conditions of the Order shall continue: (Set forth any conditions contained in the Final Order, such as maintenance or monitoring, which are to continue for a longer period.)

Issued by  Seekonk Conservation Commission

Signature(s) \_\_\_\_\_

R. F. Hill

Paul E. Rogers

Bertrand R. Blais

When issued by the Conservation Commission this Certificate must be signed by a majority of its members.

On this 12<sup>th</sup> day of November, 1991, before me personally appeared Dr. Albert Roy 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.

 \_\_\_\_\_  
Notary Public Alice L. Rezendes My commission expires Feb. 21, 1997

Detach on dotted line and submit to the Seekonk Conservation Commission  
100 Peck Street, Seekonk, MA 02771

To \_\_\_\_\_ Issuing Agency

Please be advised that the Certificate of Compliance for the project at: \_\_\_\_\_

File Number \_\_\_\_\_ has been recorded at the Registry of \_\_\_\_\_

and has been noted in the chain of title of the affected property on \_\_\_\_\_, '9 \_\_\_\_\_

If recorded land, the instrument number which identifies this transaction is \_\_\_\_\_

If registered land, the document number which identifies this transaction is \_\_\_\_\_

Signature \_\_\_\_\_ Applicant