

Applicant: H. Charles Tapalian

ORDER OF CONDITIONS

Seekonk General Wetland Protection By-Law

From SEEKONK CONSERVATION COMMISSION Issuing Authority.

To H. Charles Tapalian (Name of person making request) (Same) (Name of property owner)

Address P. O. Box 39, Seekonk, MA 02771 Address _____

This Order is issued and delivered as follows:

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

by certified mail, return receipt requested on September 26, 2002 (date)

This project is located at Davis Street, Plat 26, Lots 7, 16, 77, Portion of 20

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

Book 8126, 3264, 10454 Page 66, 123, 176 Certificate (if registered) N/A

The Notice of Intent for this project was filed on 08/08/02 (date)

The public hearing was closed on September 23, 2002 (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 Seekonk General Wetland Protection Bylaw and Regulations (check as appropriate):

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Public water supply | <input checked="" type="checkbox"/> Flood control | <input type="checkbox"/> Land containing shellfish |
| <input checked="" 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"/> Protect. of Wildlife Habitat |

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 Massachusetts Wetlands Protection 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 one year 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 any appeal proceedings 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. 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.
10. The work shall conform to the following plans and special conditions:

Plans: Definitive Subdivision, Holland Woods, H. Charles Tapalian, Davis Street drawn by Caputo & Wick, Ltd., signed by Rodney W. Wick and dated July 31, 2002 with a revised date of September 23, 2002.
11. Any change to the plans identified in Condition #10 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.
12. The Agent or members of the Conservation Commission 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 for that evaluation.

13. 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.
14. 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 of the date upon which construction activities on the site will commence at least 2 business days before work begins by letter or telephone (508) 336-2944.
 - 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 approved plans.
15. The Seekonk Conservation Commission may, at their discretion, require an as-built plan, signed and stamped by a professional engineer or land surveyor registered in the Commonwealth of Massachusetts further to General Condition #11.
16. Failure to comply with General Condition #8, shall be deemed cause to revoke these Orders of Condition. As an alternative, the Commission may record this Order in the Registry and charge the applicant the cost of recording.
17. The limit of work shall be as shown on plan presented and approved at the meeting.
18. The existing maintenance schedule be submitted to the Conservation Commission.
19. The applicant must submit an as built plan with the request for a Certificate of Compliance.
20. SEE ATTACHED SPECIAL CONDITIONS.

CONSTRUCTION SEQUENCE

1. Notify the Seekonk Conservation Commission prior to the commencement of construction, as specified in the Orders of Conditions under MA DEP File No. SE 69-504, and erect a sign at the site entry identifying the MA DEP File No. to the specifications also identified in the Orders of
2. Survey locate road centerlines and all limits of disturbance prior to clearing and grubbing.
3. Clear trees and shrubs within project limits specified. Care shall be exercised to fell trees toward the project work area and not beyond project limits.
4. Properly install perimeter erosion controls and orange construction fencing prior to the commencement of earthwork, and in strict adherence to the locations shown on the plans.
5. Grub work areas and ensure that no slash, stumps, or debris are deposited outside of approved project limits.
6. Establish road bedding and cross culverts, and fill roadbed sufficient for site access.
7. Construct wetland replication area in accordance with notes provided on this sheet. Machinery access for wetland replication shall be through proposed detention basin "A". Install wetland replication plantings upon completion of final grading and organic soil placement. Planting shall be sequenced with detention basin "A" construction such that access for planting is maintained and such that the toe of the basin slope is at finish grade prior to planting.
8. Construct detention basins sequentially prior to installation of drainage piping. All basins are to be final shaped, loamed, seeded, and stabilized with grass sufficient in maturity to adequately retain soils prior to the introduction of project stormwater.
9. Once stormwater is to be introduced into the basins, and only after adequate soil stabilization has been achieved by grass cover, a three foot section of perimeter controls at the outlet of each basin shall be removed and replaced with a crushed stone check dam as specifically noted on the plans.
10. Finalize site and road grading, complete in road utility installation, set curbing and finder, and apply pavement topcoat.
11. Loam all exposed areas not designed for other treatment, install tree and shrub plantings where shown on the plans, and seed all exposed soils. See erosion and sedimentation control notes regarding erosion and stabilization concerns and timing.
12. The contractor/owner is responsible for ensuring the survival of all tree and shrub plantings for not less than two years. Any planted trees and shrubs that do not survive, or that exhibit ill condition, during this period shall be replaced by the contractor/owner at no expense to the town.

WETLAND REPLICATION NOTES

Work on the replacement wetland is not to commence without first notifying Caputo & Wick Ltd. The engineer will review in the field project limits, trees to be retained, and general construction sequence and methods

No work is to occur on the wetland side of approved project limits. Perimeter hay bales are to be installed prior to earthwork and will serve as work limits. No stones, brush, construction debris, litter, or other materials are to be deposited on the wetland side of the hay bales.

Trees and shrubs currently present along the work limits and wetland edge shall be retained.

The wetland floor shall be over-excavated to accommodate 6" of evenly spread organic mix soil. All soils excavated, as part of the project shall be either re-used on site within approved project limits or shall be responsibly hauled off site and deposited in an approved upland location outside of wetland areas.

The excavated wetland floor shall be graded to gradually blend with the undisturbed wetland floor.

Following final shaping of the replication area, the organic mix soil shall be spread on the basin floor and on the side slopes up to elevation 143.0 (where applicable) to a depth of 6". Care shall be taken to avoid mechanical compaction of the organic mix soil once it is layed and spread on the wetland floor. Six inches of loam shall be spread on wetland side slopes above elevation 143.0 following final shaping.

The organic mix soil shall comprise loam blended with peat moss and/or humus at a ration of three parts mineral soil to one part peat/humus.

Any suitable "O" and "A" horizon (top) soils stripped from the impact area may be used to supplement the organic mix soil as directed by the engineer. Soils from the impact area may be stockpiled prior to respreading in the replication area but they shall be stockpiled for as short a duration as feasible and shall remain covered with tarps to retain moisture content and to minimize exposure to direct sunlight.

A line of staked, untrenched hay bales shall be installed on the wetland floor at the toe of the graded slopes where shown on the plan immediately following topsoil spreading.

The engineer reserves the right to specify the installation of additional staked hay bales and/or silt fence during construction as necessary based on field conditions.

Trees and shrubs shall be planted as shown on the plans.

The wetland floor and lowest one foot of the side slopes (up to elevation 143.0 where applicable) shall be seeded with a hydric grass/herb seed mix to be approved by the engineer.

Wetland side slopes above elevation 142.0 and all upland areas exposed as a result of wetland replication activities shall be seeded with a conservation grass mix. The lowest one-foot of the side slopes shall be seeded with both seed mixes.

The perimeter and interior hay bale lines are to remain in place until soils have stabilized to the satisfaction of the engineer and/or the Conservation Commission.

The contractor is responsible for watering trees, shrubs, and seed as necessary to ensure germination and survival

STORMWATER MAINTENANCE SCHEDULE

1. The roadway area is to be swept clean on a semi-annual basis to remove contaminants and soil fines. It is particularly important to schedule spring sweeping to remove residual and sand resulting from winter snow and ice removal operations.
2. Inspect catch basins and drain manholes semi-annually (spring and late fall/early winter) and remove sediment, leaves and debris as necessary. It is important that the sumps be properly maintained to prevent discharge of fines into the stormwater system.
3. Inspect interconnection piping on an annual basis, and remove all fines or other contaminants. Late spring or early summer inspection schedule is considered preferable.
4. Inspect the detention basins and water quality swales on an annual basis, and remove any sediment, leaves and debris. Late spring or early summer inspection schedule is considered preferable.

EROSION AND SEDIMENTATION CONTROL

1. All perimeter erosion and sedimentation controls must be installed prior to the commencement of earthwork at the specific areas indicated on the plans. Vegetative clearing may occur prior to installation of such controls, but no grubbing, grading, filling, or other soil disturbance shall occur prior to control installation.
2. No work is to occur on the wetland side of perimeter erosion and sedimentation controls. All perimeter controls serve as the project limit of clearing and surface disturbance.
3. No stones, brush, construction debris, litter, or other materials are to be deposited on the wetland side of perimeter erosion and sedimentation controls.
4. All perimeter erosion and sedimentation controls must be properly maintained and must remain in place until soils have stabilized to the satisfaction of the engineer and/or the Conservation Commission.
5. The engineer reserves the right to specify additional controls as conditions may warrant. Accessible reserves of silt fence, hay bales, and stakes are to be maintained on site for routine maintenance and in event of unanticipated problems requiring immediate response.
6. The toe of fill slopes is to remain at least one foot inside of all erosion controls. Under no circumstance shall the erosion controls be covered with fill material. Any fill material that is placed on erosion controls shall be immediately removed.
7. All silt fence is to be installed with the lower 6" buried and backfilled with compacted soil material. All hay bales are to be double staked and installed with the lower 4" buried and backfilled with compacted soil material, except as noted within the wetland replication area. When used in combination, a sufficient amount of the silt fence shall be placed in the trench so that the hay bales stakes are driven through the fabric.
8. Hay bale check dams are to be installed at the toe of slopes at each corner of the wetland crossing, as denoted on the plans, and at any other area where stormwater has the opportunity to drain along the toe of newly created slopes and into wetlands.
9. All disturbed soils either newly created, or exposed, within 100' of wetland prior to October 15 of any calendar year shall be seeded or protected by that date. Any areas that do not have adequate vegetative stabilization by November 15 of the same year must be stabilized through the use of erosion control matting, hay mulch, or equivalent.
10. Soil stockpiles to remain idle more than 30 calendar days are to be ringed with either silt fence or staked hay bales and seeded with a conservation grass mix.
11. All disturbed soils not designated for other surface treatment are to be loamed and seeded immediately following final grading.
12. Appropriate precautions should be taken to prevent the tracking of soil beyond project limits due to construction equipment.

