

File

Form 5



Commonwealth  
of Massachusetts

DEQE File No.

SE 69-70

(To be provided by DEQE)

City/Town

SEEKONK

Applicant

JEFFREY SEYBOTH

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

From SEEKONK CONSERVATION COMMISSION

To Jeffrey A. Seyboth

(Name of Applicant)

Jeffrey A. Seyboth

(Name of property owner)

MA

MA

Address 56 Tomlinson Rd., So. Attleboro Address 56 Tomlinson Rd., So. Attleboro

This Order is issued and delivered as follows:

- by hand delivery to applicant or representative on \_\_\_\_\_ (date)
- by certified mail, return receipt requested on July 14, 1983 (date)

This project is located at Woodland Avenue on Plat 28, Lot 5 out of Lot 12

The property is recorded at the Registry of Bristol County - Northern

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

The Notice of Intent for this project was filed on June 10, 1983 (date)

The public hearing was closed on June 20, 1983 (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 Seekonk Conservation Commission at this time, the Seekonk 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 (check as appropriate):

- Public water supply
- Private water supply
- Ground water supply
- Flood control
- Storm damage prevention
- Prevention of pollution
- Land containing shellfish
- Fisheries

Therefore, the Seekonk Conservation Comm. 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 Comm. 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 Seekonk Conservation 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 Quality Engineering, File Number SE 69-70".
10. Where the Department of Environmental Quality Engineering 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:

Title	Dated	Signed and Stamped by:	On File with:
Proposed Driveway of: Jeffrey and Linda Seyboth	6/83		D.E.Q.E. AND Seekonk Conservation Commission
Woodland Ave. Seekonk, MA			
Recorded Lot #5 out of Lot 12			

Special Conditions (Use additional paper if necessary)

- Culvert shall be sized as large as the culvert immediately upstream under Woodland Avenue. Two 24" corrugated metal pipes currently carry the stream under Woodland Avenue. A culvert having at least the same cross sectional area with equivalent slope should be sufficient.
- The proposed culvert shall be located along the narrowest part of the stream as possible to provide for optimum channelization. This will reduce the total amount of fill needed to cross the stream, thus negating the need for any compensating storage and minimizing the impact on the wetlands.
- The elevation of the driveway where it crosses the stream shall be below the low point of Woodland Avenue where it crosses the stream which will insure overtopping the driveway prior to flooding the street should the culvert under the driveway become blocked.
- The applicant is permitted to clean up the stream bed to insure unobstructed flow.

(Leave Space Blank)

Issued By Laura Jager Conservation Commission  
Chairman Seekonk

Signature(s) \_\_\_\_\_  
T. and J. Bayall  
R. K. B. Sutton  
Ruth W. Bradley

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

On this 29<sup>th</sup> day of June 19 83, before me  
personally appeared Lucas Mayer, 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.

James T. McDermott May 27, 1988  
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 Quality Engineering to issue a Superseding Order, providing the request is made by certified mail or hand delivery to the Department within ten 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 the applicant.

\* Detach on dotted line and submit to the \_\_\_\_\_ 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