

310 CMR 10.99

TOWN CLERK'S OFFICE
SEEKONK MASS.

DEP File No.

SE 69-308

(To be provided by DEP)

Form 5

JUN 12 11 25 AM '95

City/Town SEEKONK

Applicant Brighamshire Ltd.

Commonwealth
of Massachusetts

(revised)

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

From SEEKONK CONSERVATION COMMISSION Issuing Authority

To Brighamshire Ltd., Inc. (Name of Applicant) _____ (Name of property owner)

Address 1375 Wampanoag Trail Address E. Prov., RI 02915

This Order is issued and delivered as follows:

- by hand delivery to applicant or representative on _____ (date)
- by certified mail, return receipt requested on 1/12/95 (date)

This project is located at County St., Pole 667, Lots 41 & 43

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

Book 5848 Page 45

Certificate (if registered) n/a

The Notice of Intent for this project was filed on December 21, 1994 (date)

The public hearing was closed on 1/9/95 (date)

Findings

The 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 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"/> Protection of Wildlife Habitat |

Total Filing Fee Submitted \$1,250 State Share \$612.50
(1/2 fee in excess of \$25)

City/Town Share \$637.50

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. 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, 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 Se 69-308"
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:

Title	Dated	Signed and Stamped by:	On File with:
<u>Windham Shire</u>	<u>Oct. 1994</u>	<u>Michael Sousa</u>	<u>Con. Cons. & DEP</u>
<u> </u>	<u>12/27/94</u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>

Special Conditions (Use additional paper if necessary)

(See attached)

(Leave Space Blank)

.....

SPECIAL CONDITIONS FOR BRIGHAM SHIRE LTD.

FOR AMENDED PLANS SUBMITTED 1/9/95

1. A report will be made to the Conservation Commission at the end of two growing seasons concerning the survival rate of the new foliage. Replanting of dead plants will be required at the end of that time.
2. Applicant is to furnish Conservation Commission with final construction plans upon approval from the Seekonk Planning Board. This is to include all invert elevations and pipe sizes for the drainage system, including the one that crosses the wetlands to the holding tank for the septic system on Lot 12.
3. Prior to start of construction, furnish drainage calculations verifying pre-construction run-off rates are being maintained to the northerly wetlands.
4. Notify Conservation Commission prior to start of wetland replacement area construction.
5. Provide rip-rap at outfall of drainage system south of station 11+00.
6. Lot 1 will have to file for a separate Notice of Intent because of water quality and Lot 1 will contain the detention pond for the drainage of the roadway for the site.

Issued By SEEKONK Conservation Commission

Signature(s) *Warren P. Seash* *[Signature]*
[Signature] *[Signature]*

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

On this 12th day of JANUARY 19 95, before me personally appeared ALBERT J. 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.

Charles J. Mello Jr. May 22, 1998.
~~Notary Public~~ Charles J. Mello Jr. My commission expires
Justice of The Peace

The applicant 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 COMMISSION prior to commencement of work.

To Seekonk Conservation Commission Issuing Authority
Please be advised that the Order of Conditions for the project at County St., Pole 667, Lots. 41&43
File Number SE 69-308 has been recorded at the Registry of Deeds, Bristol County No. 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