

A true copy
By photostatic process

Attest: Joseph T. Parnal
Register of Deeds

DEP File No: SE 69-346

City/Town: Seekonk
Applicant: Mary & Manuel Pestana

Form 5

Commonwealth
of Massachusetts

1996 APR 28 AM 8:4

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

From Seekonk Conservation Commission Issuing Authority.

To Mary and Manuel Pestana (Same)
(Name of person making request) (Name of property owner)

Address 69 Jean Dr., Seekonk, MA Address (Same)

This Order is issued and delivered as follows:

- by hand delivery to person making request on _____ (date)
- by certified mail, return receipt requested on April 23, 1996 (date)

This project is located at Arcade Ave., Plat 19, Lots 173-174, 232-233

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

Book 1964 Page 159 Certificate (if registered) n/a

The Notice of Intent for this project was filed on Jan. 9, 1996 (date)

The public hearing was closed on March 25, 1996 (date)

Findings

The Seekonk Conservation Commission has reviewed the above-references 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 (check as appropriate):

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

Total Filing Fee Submitted \$250 State Share \$112.50 City/Town Share \$137.50

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

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 the work shall be performed in accordance with the said conditions and with the Notice of Intent references 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.

4/1/94

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 69-346".
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>1/96</u>	<u>Crossman Engineers</u>	<u>DEP, Seekonk Cons. Comm.</u>
_____	_____	_____	_____

Special Conditions (Use additional paper if necessary)

SPECIAL ORDERS OF CONDITIONS

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 of Massachusetts further to General condition #11.
15. 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.
16. 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.
17. 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.
18. Orders of Conditions must be recorded at the Registry of Deeds in Taunton before beginning of any work and proof must be submitted to the Seekonk Conservation Commission.
19. The final septic system design should be determined, as the high water elevation may require different grading than that shown on the plan. The applicant should consider the use of an impermeable barrier between the septic system and the wetland area if the fill material is found to be highly porous.
20. A dredging plan should be submitted, showing the extent of fill removal, its character, and the method of excavation. The plans leave this up to the contractor. However, since all activities are to be carried out within an area subject to regulation by the Conservation Commission, the Commission will require this before commencement of work.

21. No stockpiling of material on this site in order to prevent possible intrusion into the resource area.
22. All erosion control requirements shown on the plan should be installed prior to any other activity at the site.
23. A minimum 3' high field stone wall to be placed to physically separate the proposed yard from areas to remain undisturbed.
24. Buffer enhancement plantings to be placed between the wall and the wetlands. The plantings include a distribution of highbush cranberry, highbush blueberry, and arrow-wood.
25. A hedgerow of northern whitecedar to be placed parallel to the driveway.
26. An erosion control matting to be placed between the stone wall and the stream.
27. A \$15,000 Performance Bond to be filed with the Town Clerk's Office prior to the start of any construction.

