

City/Town: Seekonk
Applicant: Tony Andrade

Form 5

Commonwealth
of Massachusetts

(DENIED)

ORDER OF CONDITIONS

Massachusetts Wetlands Protection Act and Seekonk Conservation Commission By-Laws, G.L. c. 131, § 40

From SEEKONK CONSERVATION COMMISSION Issuing Authority.

To Tony Andrade (Name of person making request) (Same) (Name of property owner)

Address 57 Winter Street, Rehoboth, MA 02769 Address (Same) _____

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 5/12/98 (date)

This project is located at Greenwood Avenue, Plat 18, Lot 50

The property is recorded at the Registry of Deeds, Bristol County North.
Book 2893 Page 339 Certificate (if registered) N/A

The Notice of Intent for this project was filed on February 5, 1998 (date)

The public hearing was closed on 5/11/98 (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 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"/> Protect. of Wildlife Habitat |

Total Filing Fee Submitted \$ 250.00 State Share \$112.50 City/Town Share \$ 137.50

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

Plans:

Total	Dated	Signed and Stamped by:	On file with:
<u>(2)</u>	<u>1/2/98</u>	<u>Mt. Hope Engineering</u>	<u>DEP, Seekonk Cons. Comm.</u>

Special Conditions

No work shall be performed on this project.

The applicant may propose alternative projects or improvements to the plan in a new NOI.

FINDINGS AND REASON FOR DENIAL (Use additional paper if necessary)

Seekonk Conservation Commission has denied this project based on the following findings:

1. The Commission believes the wetlands on this site must be delineated using mainly soils rather than plants .
2. The Commission disputes the wetland line proposed by the applicant based on the report of the Commission's own consultant, ESS, Inc. (Please see attached report). All items in this report were considered to support the denial of this project.
3. The Commission believes the wetland line should be located twenty (20') to forty (40') feet to the north of the applicant's flagged line.

Pursuant to 310 CMR 10.05 (6)(c) the Seekonk Conservation Commission denies this project for lack of additional information from the applicant. The Commission requested the applicant (and his consultant if desired) to meet on the site with the Commission and its consultant to come to an agreement on the wetland line, using hydric soil indicators.

The applicant's engineer indicated that the applicant did not wish to do so and requested the hearing be closed on May 11, 1998.

C:\DATA\CONSERVA\FORMS\OCTA.DOC

Issued by Seekonk Conservation Commission

Signatures

Warren P. Leach
Robert C. Walker
[Signature]

[Signature]
[Signature]

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

On this 11th day of May 19 98, before me personally appeared Warren P. Leach, 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.

Wahlene J. Leonis
(Notary Public/Justice of the Peace)

June 25, 2004
(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 of Conditions, 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 certified mail or hand delivery to the Conservation Commission and the applicant.

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

.....

To Seekonk Conservation Commission Issuing Authority.

Please be advised that the Order of Conditions for the project at Greenwood Avenue, Plat 18, Lot 50, File Number SE 69-379 has been recorded at the Registry of Deeds, Bristol County, North, 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.

May 8, 1998

Seekonk Conservation Commission
Town Hall
100 Peck Street
Seekonk, Massachusetts 02771

**Re: Wetlands Boundary Review
Lot 50 Greenwood Avenue
Seekonk, Massachusetts
ESS Project No. S279**

Dear Commissioners:

Per the request of Mr. Warren Leach of the Seekonk Conservation Commission, Environmental Science Services, Inc. (ESS) conducted a review of the wetland boundary on the above-referenced parcel on April 10, 1998. ESS reviewed in the field a wetland boundary prepared previously by Wetland Consulting Services, Inc. (WCS). The site is proposed for the construction of a single family house. The review was conducted in accordance with Massachusetts Wetlands Protection Act (M.G.L. Ch. 131 s. 40) and Regulations (310 CMR 10.00), the Massachusetts Department of Environmental Protection (DEP) Handbook, "Delineating Bordering Vegetated Wetlands under the Massachusetts Wetlands Protection Act" (the DEP Handbook) (March 1995), and "Field Indicators for Identifying Hydric Soils in New England," (Field Indicators) (NEIWPC 1995). The following discussion is a result of the field investigation.

The parcel is located on the south side of Greenwood Avenue, and is wooded at present. A small area of minor fill dumping is located in the northwestern site corner along Greenwood Avenue. The parcel is vegetated with red maple (*Acer rubrum*), arrowwood (*Viburnum recognitum*), gray birch (*Betula populifolia*), cottonwood (*Populus deltoides*), American elm (*Ulmus americanum*), and other species. The boundary of the Bordering Vegetated Wetland (BVW) (310 CMR 10.55) conducted by WCS consists of six wetland flags across the site from east to west, parallel to Greenwood Ave.

Observations made at the time of the site visit showed a portion of the ground surface outside the area of the flagged wetland was ponded, and the groundwater table was at or near the ground surface. In accordance with the definition of BVW at 310 CMR 10.55(2)c.2., the boundary of the BVW is the line within which 50 percent or more of the vegetational community consists of wetland indicator plants and saturated or inundated conditions exist. The indicators of saturated or inundated conditions include: "groundwater within a major portion of the root zone, observations of prolonged or frequent flowing or standing surface water, and characteristics of hydric soils." The presence of these conditions outside the

\\ess_mass\sys\jobs\s279\seekonk.doc



that wetland boundary is not accurate as flagged in the field. A discussion of the hydric soils characteristics observed in the field is provided below.

According to the Soil Survey of Bristol County, Massachusetts, Northern Part (USDA Soil Conservation Service), the site is underlain primarily by Wareham loamy sand. This is a poorly drained, sandy soil with a high seasonal water table at or near the surface 6 to 8 months of the year. On-site soil investigations were conducted by ESS in the vicinity of the wetland boundary conducted by WCS and in upgradient areas. These soil plots revealed the following soil profiles:

1. Soil Plot ESS-1, 20' north of wetland line between flag Nos. 4 and 5.

Depth, In.	Horizon	Matrix Color	Mottle Clr/Abun	Texture/Descript./Comments
0.5 to 0	O	--	--	Thin org. mat
0 to 5	A	10YR4/3*	10YR5/8, few, fine	Mucky loamy fine sand (LFS), satur.
5 to 12	Bw1	10YR5/4	10YR5/8, few, fine	LFS, satur., few fine roots
12 to 18+	BCg	2.5Y 5/2	10YR5/6, many, dist	gravelly Loamy sand, dense grav. layer, satur.

Notes: *Horizon colors range in area from chroma/values of 2/2 to 4/3. Standing water observed at top of pit.

Conclusion: Soil is hydric based on DEP Indicators of Wetland Hydrology criteria for sandy soils and Field Indicators for Identifying Hydric Soils in New England.

2. Soil Plot ESS-2, 44' north of wetland line between flag Nos. 4 and 5.

Depth, In.	Horizon	Matrix Color	Mottle Clr/Abun	Texture/Descript./Comments
0.5 to 0	O	--	--	Thin org. mat
0 to 5	A	10YR 2/2	--	Mucky LFS, satur.
5 to 10	Bw1	10YR5/4	10YR5/8, few, fine	LFS, satur., few fine roots
10 to 15	Bw2	10YR 5/6	10YR5/8, com, dist	Loamy sand, satur.
15+	C	2.5Y5/3	10YR5/8, com, dist	Sand, satur.

Notes: Standing water within 2" of top of pit.

Conclusion: Borderline hydric soil based on mottling within upper B horizon.

Additional soil auguring was conducted throughout the site to confirm the findings of the soil pits, and observe the range of soil conditions.

Based on the criteria of the DEP Handbook, sandy soils meet hydric criteria when they contain high organic content in the surface layer with mottles or other indicators of saturation directly below, organic streaking below the A horizon, or matrix soil chroma color of 3 in the top 12 inches of soil (from the bottom of the O horizon). According to Field Indicators, sandy hydric soils have a mucky A or Ap horizon and are directly underlain by a horizon with 5 percent or more redoximorphic features. Soils meeting these criteria were identified both in the soil plots and throughout the area immediately upgradient from the WCS wetland boundary. These soils consistently have low chroma, and heavily mottled subsoil horizons within 12 to 15 inches of the top of the A horizon.

Therefore, in addition to being mapped as poorly drained, the soils within the soil plots and other locations meet the criteria for hydric soil in accordance with the Regulations and the DEP Handbook and Field Indicators Manual. In addition, the general hydrology and plant community evaluated upgradient from the WCS wetland boundary meet the criteria for BVW according to the Act and Regulations.

Therefore, in the opinion of ESS, the edge of wetland extends beyond the flagged boundary and should be re-evaluated in the field according to the Regulations.

If you have any questions regarding this information, please contact the undersigned at (781) 431-0500.

Sincerely,

ENVIRONMENTAL SCIENCE SERVICES, INC.



Colin P. Duncan, CPSS
Senior Soil and Wetland Scientist and Wetlands Group Manager