



Commonwealth of Massachusetts

DEP File No. 69-223

(To be provided by DEP)

City/Town Seekonk

Applicant Kearney

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

From Seekonk Conservation Commission

To Mr. William F. Kearney, Jr. Same
(Name of Applicant) (Name of property owner)

Address 147 Mohawk Drive Seekonk, MA 02771 Address Same

This Order is issued and delivered as follows:

- by hand delivery to applicant or representative on (date)
by certified mail, return receipt requested on June 26, 1990 (date)

This project is located at Lot 296, 147 Mohawk Drive

The property is recorded at the Registry of

Book Page

Certificate (if registered)

The Notice of Intent for this project was filed on June 12, 1990 (date)

The public hearing was closed on June 25, 1990 (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 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):

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

Total Filing Fee Submitted State Share
City/Town Share (1/2 fee in excess of \$25)
Total Refund Due \$ City/Town Portion \$ State Portion \$
(1/2 total) (1/2 total)

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 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. 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 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 69-223
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:

## SPECIAL ORDERS OF CONDITION

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 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 10.00. The Commission reserves the right to request any additional data deemed necessary to further their evaluation.

18. The applicant, owner, successors or assignees shall be responsible for maintaining all on-site drainage structures and out falls, assuring the lasting integrity of vegetative cover on the site so as to prevent erosion, siltation, sedimentation, chemical contamination or other detrimental impact to the on-site wetland and/or off-site resource areas.

The maintenance requirements specified in this order shall not expire with the issuance of a Certificate of Compliance. The property owner of record shall be responsible for on-going maintenance as required by this order.

19. It shall be the responsibility of the applicant or their agents to make known these Orders of Condition to all parties involved in work on the project.
20. Used petroleum products from the maintenance of construction equipment and construction debris shall be collected and disposed of off-site. No on-site disposal of these items is allowed.
21. Any refuse material found on the site shall be disposed of at an approved facility, and in no case will these materials be buried or disposed of off-site. No on-site disposal of these items is allowed.
22. Dust control, if required, shall be limited to water. No salts or wetting agent shall be used.
23. All proposed plantings must be maintained by the applicant or current property owner to ensure survival.
24. Should any or all of the proposed plants fail to survive at least one full growing season from the time they have been planted, the applicant or current owner shall be fully responsible for replacing and maintaining the same plant species for one additional growing season.

Plans:

Title	Dated	Signed and Stamped by:	On File with
Gilbane Building Co. plan,	dtd 6/11/90		DEP & Seekonk Con Comm.
U.S.G.S. Map			DEP & Seekonk Con Comm.

Special Conditions (Use additional paper if necessary)

---

(Leave Space Blank)

Plans:

Title	Dated	Signed and Stamped by:	On File with:
Gilbane Building Co.	plan, dtd 6/11/90		DEP & Seekonk Con Comm
U.S.G.S. Map			DEP & Seekonk Con Comm

Special Conditions (use additional paper if necessary)

(Leave Space Blank)

Issued By Seekonk Conservation Commission

Signature(s) Warren P. Leach

Bruce Britton

Paul E. Kowalski

Harold C. Egan

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

On this 25<sup>th</sup> day of June 19 90, before me personally appeared Warren 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.

Alice L. Fitzgerald

My Commission Expires Feb. 21, 1997

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 Protection to issue a Superseeding 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 Seekonk Conservation Comm. 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