



Commonwealth of Massachusetts

DEQE File No.

SE 69-83

(To be provided by DEQE)

City/Town

Seekonk

Applicant

Roger & Jacqueline C. Brassard

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

From Seekonk Conservation Commission

To Roger A. & Jacqueline C. Brassard Same  
(Name of Applicant) (Name of property owner)

Address 94 Waterman St., Prov. RI 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 \_\_\_\_\_ (date)

This project is located at Brook Hill Drive, A.P. 15, Lot #221 & 220

The property is recorded at the Registry of Bristol County

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

The Notice of Intent for this project was filed on April 22, 1984 (date)

The public hearing was closed on September 10, 1984 (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 ConComm at this time, the Seekonk ConComm 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 Seek. ConComm 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 69-83"
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:
Box Culvert Plan USGS-Locus Map	11/77	Donald MacNeill	CON. COMM. OFFICE
Proposed Revision Lots 219-220-221	8/13/84	Donald MacNeill	& Town Engineer's Office
Assessor's map #15, Lots 220-221 Flood Plains	8/13/84		
Environmental Impact Statement Environmental Data Form DEQE-Div. of Waterways COE	8/8/77	Robert Hawley	

Special Conditions (Use additional paper if necessary)  
LOTS 32 and 33 BROOKHILL DRIVE

1. Any proposed rip-rap shall be placed within 25' of the box culvert on Lot 33 and shall be the first item of construction.
2. Staked hay bales shall be placed immediately following construction of the rip-rap along the top of the rip-rap to prevent disturbed areas from silting the stream.
3. No structures shall be located less than 25 feet from the top of the bank of the Runnins River (Elevation 43.0 - See drawings by Robert Hawley dated August 1984)
4. The minimum finished floor elevation (basement or otherwise) shall be elevation 43.0 based on the submitted drawings by Robert Hawley dated August 1984. (Finish floor elevation on Lot 32 shall be raised 2 feet).
5. Precautions to prevent siltation of Runnins River along the top of the bank when home construction begins. Staked hay bales shall be placed on Lot 33 between the disturbed areas and Runnins River along elevation 43.0 to the rear of the proposed home.
6. All siltation prevention shall be inspected and approved prior to the commencement of construction.
7. As-built elevations of finished floors and foundation locations shall be submitted prior to issuance of a final certificate.

(Leave Space Blank)

Issued By \_\_\_\_\_ Seekonk \_\_\_\_\_ Conservation Commission

Signature(s) Paul & Ryan Vice-Chairman  
Robert King  
Eric & Britny Pestellmach  
Lucan Meyer

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

On this 13<sup>th</sup> day of September, 1984, before me personally appeared Paul & Ryan, 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.

Emily Sargent March 9, 1990  
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 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 \_\_\_\_\_