



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 - Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 MassDEP File #:069-0753
 eDEP Transaction #:556657
 City/Town:SEEKONK

A. General Information

1. Conservation Commission SEEKONK
2. Issuance a. OOC b. Amended OOC
3. Applicant Details
 - a. First Name JOSEPH b. Last Name SWIFT
 - c. Organization WATERMELLEN LLC
 - d. Mailing Address 25 NELSON AVENUE
 - e. City/Town FAIRHAVEN f. State MA g. Zip Code 02719
4. Property Owner
 - a. First Name JOSEPH b. Last Name SWIFT
 - c. Organization WATERMELLEN LLC
 - d. Mailing Address 25 NELSON AVENUE
 - e. City/Town FAIRHAVEN f. State MA g. Zip Code 02719
5. Project Location
 - a. Street Address 0 ARCADE AVENUE
 - b. City/Town SEEKONK c. Zip Code 02771
 - d. Assessors Map/Plat# 15 e. Parcel/Lot# 302
 - f. Latitude 41.81762N g. Longitude 71.33217W
6. Property recorded at the Registry of Deed for:

a. County	b. Certificate	c. Book	d. Page
NORTHERN BRISTOL		14440	105
7. Dates

a. Date NOI Filed : 4/3/2013	b. Date Public Hearing Closed: 9/16/2013	c. Date Of Issuance: 10/4/2013
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8. Final Approved Plans and Other Documents

a. Plan Title:	b. Plan Prepared by:	c. Plan Signed/Stamped by:	d. Revised Final Date:	e. Scale:
DEFINITIVE SUBDIVISION PLANS "COUNTRY BROOK ESTATES"	PAUL D. CARLSON,		August 5, 2013	

B. Findings



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
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 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 MassDEP File #:069-0753
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1. Findings pursuant to the Massachusetts Wetlands Protection Act

Following the review of the the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act.

Check all that apply:

- | | | |
|---|--|---|
| a. <input checked="" type="checkbox"/> Public Water Supply | b. <input type="checkbox"/> Land Containing Shellfish | c. <input checked="" type="checkbox"/> Prevention of Pollution |
| d. <input checked="" type="checkbox"/> Private Water Supply | e. <input checked="" type="checkbox"/> Fisheries | f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| g. <input checked="" type="checkbox"/> Ground Water Supply | h. <input checked="" type="checkbox"/> Storm Damage Prevention | i. <input checked="" type="checkbox"/> Flood Control |

2. Commission hereby finds the project, as proposed, is:

Approved subject to:

- a. The following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

Denied because:

- b. The proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. The information submitted by the applicant is not sufficient to describe the site, the work or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**

3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310CMR10.02(1)(a). 25
 a. linear feet

Inland Resource Area Impacts:(For Approvals Only):

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	<u> </u> a. linear feet	<u> </u> b. linear feet	<u> </u> c. linear feet	<u> </u> d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
6. <input type="checkbox"/> Land under Waterbodies and Waterways	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
	<u> </u> e. c/y dredged	<u> </u> f. c/y dredged		



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7. <input type="checkbox"/> Bordering Land Subject to Flooding	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	<u> </u>	<u> </u>		
	a. square feet	b. square feet		
Cubic Feet Flood Storage	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input type="checkbox"/> Riverfront Area	<u> </u>	<u> </u>		
	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	g. square feet	h. square feet	i. square feet	j. square feet

Coastal Resource Area Impacts:

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	<u> </u>	<u> </u>		
	a. square feet	b. square feet		
	<u> </u>	<u> </u>		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment
14. <input type="checkbox"/> Coastal Dunes	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment
15. <input type="checkbox"/> Coastal Banks	<u> </u>	<u> </u>		
	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	<u> </u>	<u> </u>		
	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	<u> </u>	<u> </u>		
	a. square feet	b. square feet		
	<u> </u>	<u> </u>		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	<u> </u>	<u> </u>	<u> </u>	<u> </u>



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- a. square feet b. square feet c. square feet d. square feet

Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above

20. Fish Runs

c. c/y dredged d. c/y dredged

21. Land Subject to Coastal Storm Flowage

a. square feet b. square feet

22.

Restoration/Enhancement (For Approvals Only)

If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c & d or B.17.c & d above, please entered the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

23.

Streams Crossing(s)

If the project involves Stream Crossings, please enter the number of new stream crossings/number of replacement stream crossings.

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects

- 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, bylaws, 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. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition 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. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not exceed the issuance date of the original Final Order of Conditions.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain 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.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.



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9. No work shall be undertaken until the Order has become final and then 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 the 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 Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work..
10. 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"
[or 'MassDEP']
File Number : "069-0753"
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before Mass DEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. The work associated with this Order (the "Project") is (1) is not (2) subject to the Massachusetts Stormwater Standards. If the work is subject to Stormwater Standards, then the project is subject to the following conditions:
 - a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Construction General Permit as required by Stormwater Standard 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
 - b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that: *i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures; *ii.* as-built final construction



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BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized; *iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10; *iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition; *v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 19(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.
- g) The responsible party shall:
 - 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 - 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 - 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.



Special Conditions:

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No

2. The Conservation Commission hereby (check one that applies):

a. DENIES the proposed work which cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

1. Municipal Ordinance or Bylaw _____ 2. Citation _____

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order or Conditions is issued. Which are necessary to comply with a municipal ordinance or bylaw:

b. APPROVES the proposed work, subject to the following additional conditions.

1. Municipal Ordinance or Bylaw SEEKONK WETLANDS PROTECTION BYLAWS 2. Citation CATEGORY 40

3. The Commission orders that all work shall be performed in accordance with the following 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.

The special conditions relating to municipal ordinance or bylaw are as follows:
 SEE ATTACHED

SPECIAL CONDITIONS

1. The term "Applicant" as used in this Order of Conditions shall refer to the owner referenced in the Notice of Intent, supporting documents and this Order of Conditions and any subsequent owners of the property. The Applicant shall notify the Commission in writing within 30 days of the sale of any portion of the property.

Currently, the applicant on record is:

Joseph Swift
Watermellen, LLC
25 Nelson Avenue
Fairhaven, MA 02719

Please contact the Conservation Commission if any of this information has changed.

2. Upon the sale of the property to subsequent owners, the new owner shall provide a letter to the Conservation Commission acknowledging that he/she understands the wetland restrictions bound to this property.
3. Prior to any work commencing on the site, the applicant shall submit the name of the general contractor, address and phone number to the Conservation Commission.
4. The applicant shall provide a copy of this Order to the contractor and will be responsible for ensuring that all persons performing the permitted activity are fully aware of the terms and conditions of this Order.
5. Any person performing work on the activity that is the subject of this Order is individually responsible for understanding and complying with the requirements of this Order, the Act, 310 CMR 10.00 and the Seekonk General Wetlands Protection Bylaw and Regulations.
6. Prior to the installation of erosion controls the applicant shall determine that all wetland flags are in-place. Any missing wetland flags shall be replaced by the applicant.
7. Erosion control measures shall be installed as shown on the approved plans.
8. Immediately after installation of erosion controls, the Conservation Agent shall be contacted at 508-336-2944 in order to conduct an inspection to ensure that erosion controls have been properly installed. All wetland flags must be in-place at this time. Any missing wetland flags shall be replaced by the applicant.
9. Erosion and sedimentation control devices shall be inspected after each storm event and repaired or replaced as necessary. Any accumulated silt adjacent to the barriers shall be removed.
10. If at any time during construction, the erosion control measures fail and have a negative impact on the resource area and/or buffer zone, fines of \$300.00 per day will be issued to both the applicant and general contractor. Fines will stop once the erosion control measures

have been repaired or replaced and the area has been restored to the Commission's satisfaction.

11. The maintenance and repair of the stormwater management best management practices (BMPs) is the responsibility of the property owner until work is finished and the maintenance has been turned over to a Homeowner's Association.
12. Evidence of maintenance of the Stormwater Management system shall be provided by the applicant to the Commission on a semi-annual basis. This condition shall be noted on the Certificate of Compliance and shall continue until the road is accepted by the Town of Seekonk, MA.
13. Catch basins, manholes, sediment forebay, infiltration and detention basin shall be inspected and cleaned on a semi-annual basis. After each inspection and cleaning, the applicant shall provide to the Commission written confirmation that the inspection and cleaning were conducted. This condition shall be noted on the Certificate of Compliance and shall continue until the road is accepted by the Town of Seekonk, MA.
14. The applicant shall clean and remove all sediment and debris from all stormwater management BMPs, manholes, catch basins, drainage swales, sediment forebays, and detention/retention basins after the street sweeping of the binder course and prior to the top course installation of the road. The applicant or his/her representative shall contact the Conservation Agent and Superintendent of Public Works to inspect the BMPs after they have been cleaned.
15. This Order shall pertain to the roadways, utilities within the roadway layout, and associated drainage facilities. Individual lot construction, including driveways, lot utilities, sewage and water, if under the Commission's jurisdiction, shall require individual Notices of Intent.
16. This Order authorizes only the activity described on the approved plan(s) and approved documents referenced in this Order. Any other or additional activity in areas within the jurisdiction of the Commission will require separate review and approval by the Commission or its Conservation Agent.
17. Notices of Intent shall be filed for individual house construction for Lots 14, 15, 16, 17, and 18.
18. All construction materials, earth stockpiles, landscaping materials, slurry pits, waste products, refuse, debris, stumps, slash, or excavate may only be stockpiled or collected in areas as shown and labeled on the approved plan(s), or if no such areas are shown must be placed or stored outside all resource areas and associated buffer zones under cover and be surrounded by erosion control measures to prevent contact with rain water.
19. There shall be no pumping of water from wetland resource areas.
20. Prior to issuance of a building permit for each lot, the lot owner/developer shall submit a lot site plan and information documenting that the grading of the lot is consistent with the drainage patterns depicted on the approved Subdivision Plans and that the development of the individual lot will implement and maintain erosion and sediment control measures during construction as stipulated on the approved Definitive Subdivision Plan. The lot plan should illustrate the placement and details of these measures. The impervious areas on each lot should also be consistent with the assumptions used in the stormwater report.

21. Upon completion of construction of the road and drainage, the applicant shall submit the following to the Conservation Commission to request a Certificate of Compliance (COC):
- (a) A Completed Request for a Certificate of Compliance form (WPA Form 8A) and check for \$35.00 made payable to the Town of Seekonk.
 - (b) A letter from a Massachusetts Registered Professional Engineer certifying compliance of the property with this Order of Conditions, and detailing any deviations that exist, and their potential effect on the project. A statement that the work is in "substantial compliance" with no detailing of the deviations shall not be accepted.
 - (c) An "As-Built" plan signed and stamped by a Registered Professional Engineer or Land Surveyor showing post-construction conditions. The plan shall be a 1"=40' scale. This plan shall include at a minimum:
 - (i) All wetland resource area boundaries with associated buffer zones and regulatory setback areas taken from the plan(s) approved in this Order of Conditions;
 - (ii) Road, stormwater management BMPs, pipe sizes and inverts;
 - (iv) Topography shown in 1-foot contours and spot shot elevations where necessary;
 - (v) Limits of construction and split rail fence.

If the applicant does not request a COC once the road and drainage is completed, the Commission shall issue fines of \$300.00 per day. The fines shall stop once all of the information has been submitted.

22. The applicant shall record the COC at the Registry of Deeds and the proof of recording shall be provided to the Commission.
23. With respect to all conditions the Conservation Commission designates the Conservation Agent to act on its behalf in administering and enforcing this Order.



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E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

10/4/13
 1. Date of Issuance

Please indicate the number of members who will sign this form.

3
 2. Number of Signers

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

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

Warren P Leach
J.D.
A.F. [Signature]

by hand delivery on

by certified mail, return receipt requested, on

Date

Date

10/4/13

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business 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 to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



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G. Recording Information

This Order of Conditions must be 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 subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

SEEKONK

 Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

 SEEKONK

 Conservation Commission

Please be advised that the Order of Conditions for the Project at:

0 ARCADE AVENUE

 Project Location

069-0753

 MassDEP File Number

Has been recorded at the Registry of Deeds of:

County	Book	Page
_____	_____	_____

for:

 Property Owner JOSEPH SWIFT

and has been noted in the chain of title of the affected property in:

_____	_____
Book	Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

Rev. 4/1/2010

City/Town: Seekonk
Applicant: Watermellen, LLC

Form 5

*Commonwealth
of Massachusetts*

ORDER OF CONDITIONS

Seekonk General Wetland Protection By-Laws

From: SEEKONK CONSERVATION COMMISSION Issuing Authority.

To: Joseph Swift, Watermellen, LLC Same
(Name of person making request) (Name of property owner)

Address: 25 Nelson Ave., Fairhaven, MA 02719 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 10/4/13 (date)

This project is located at 0 Arcade Ave., AP 15, Lot 302

The property is recorded at the Registry of Deeds, Bristol County North.
Book 14440 Page 105 Certificate (if registered) N/A

The Notice of Intent for this project was filed on 4/03/13 (date)

The public hearing was closed on 9/16/13 (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 checked="" type="checkbox"/> Fisheries |
| <input checked="" type="checkbox"/> Ground water supply | <input checked="" type="checkbox"/> Prevention of pollution | <input checked="" type="checkbox"/> Protect of Wildlife Habitat |

Total Filing Fee Submitted: \$1,750.00 State Share \$862.50 City/Town Share \$887.50

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 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 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. No work shall begin until the erosion control measures have been installed according to the approved plans. Failure to do so may result in penalties, fines, and revoking of the Final Order.

10. 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 069-0753**.

11. 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.
12. 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.
13. The work shall conform to the following plans:

**Plan: "Country Brook Estates" 882 Arcade Ave., Seekonk, MA, AP 15, Lot 302
Prepared for: Watermellen LLC**

Total:	Dated:	Signed and Stamped by:	On file with:
(1)	<u>8/5/13</u>	<u>InSite Engineering Services, LLC</u>	<u>DEP, Seekonk Con.Com</u>

SPECIAL CONDITIONS

1. The term "Applicant" as used in this Order of Conditions shall refer to the owner referenced in the Notice of Intent, supporting documents and this Order of Conditions and any subsequent owners of the property. The Applicant shall notify the Commission in writing within 30 days of the sale of any portion of the property.

Currently, the applicant on record is:

Joseph Swift
Watermellen, LLC
25 Nelson Avenue
Fairhaven, MA 02719

Please contact the Conservation Commission if any of this information has changed.

2. Upon the sale of the property to subsequent owners, the new owner shall provide a letter to the Conservation Commission acknowledging that he/she understands the wetland restrictions bound to this property.
3. Prior to any work commencing on the site, the applicant shall submit the name of the general contractor, address and phone number to the Conservation Commission.
4. The applicant shall provide a copy of this Order to the contractor and will be responsible for ensuring that all persons performing the permitted activity are fully aware of the terms and conditions of this Order.
5. Any person performing work on the activity that is the subject of this Order is individually responsible for understanding and complying with the requirements of this Order, the Act, 310 CMR 10.00 and the Seekonk General Wetlands Protection Bylaw and Regulations.
6. Prior to the installation of erosion controls the applicant shall determine that all wetland flags are in-place. Any missing wetland flags shall be replaced by the applicant.
7. Erosion control measures shall be installed as shown on the approved plans.
8. Immediately after installation of erosion controls, the Conservation Agent shall be contacted at 508-336-2944 in order to conduct an inspection to ensure that erosion controls have been properly installed. All wetland flags must be in-place at this time. Any missing wetland flags shall be replaced by the applicant.
9. Erosion and sedimentation control devices shall be inspected after each storm event and repaired or replaced as necessary. Any accumulated silt adjacent to the barriers shall be removed.
10. If at any time during construction, the erosion control measures fail and have a negative impact on the resource area and/or buffer zone, fines of \$300.00 per day will be issued to both the applicant and general contractor. Fines will stop once the erosion control measures

have been repaired or replaced and the area has been restored to the Commission's satisfaction.

11. The maintenance and repair of the stormwater management best management practices (BMPs) is the responsibility of the property owner until work is finished and the maintenance has been turned over to a Homeowner's Association.
12. Evidence of maintenance of the Stormwater Management system shall be provided by the applicant to the Commission on a semi-annual basis. This condition shall be noted on the Certificate of Compliance and shall continue until the road is accepted by the Town of Seekonk, MA.
13. Catch basins, manholes, sediment forebay, infiltration and detention basin shall be inspected and cleaned on a semi-annual basis. After each inspection and cleaning, the applicant shall provide to the Commission written confirmation that the inspection and cleaning were conducted. This condition shall be noted on the Certificate of Compliance and shall continue until the road is accepted by the Town of Seekonk, MA.
14. The applicant shall clean and remove all sediment and debris from all stormwater management BMPs, manholes, catch basins, drainage swales, sediment forebays, and detention/retention basins after the street sweeping of the binder course and prior to the top course installation of the road. The applicant or his/her representative shall contact the Conservation Agent and Superintendent of Public Works to inspect the BMPs after they have been cleaned.
15. This Order shall pertain to the roadways, utilities within the roadway layout, and associated drainage facilities. Individual lot construction, including driveways, lot utilities, sewage and water, if under the Commission's jurisdiction, shall require individual Notices of Intent.
16. This Order authorizes only the activity described on the approved plan(s) and approved documents referenced in this Order. Any other or additional activity in areas within the jurisdiction of the Commission will require separate review and approval by the Commission or its Conservation Agent.
17. Notices of Intent shall be filed for individual house construction for Lots 14, 15, 16, 17, and 18.
18. All construction materials, earth stockpiles, landscaping materials, slurry pits, waste products, refuse, debris, stumps, slash, or excavate may only be stockpiled or collected in areas as shown and labeled on the approved plan(s), or if no such areas are shown must be placed or stored outside all resource areas and associated buffer zones under cover and be surrounded by erosion control measures to prevent contact with rain water.
19. There shall be no pumping of water from wetland resource areas.
20. Prior to issuance of a building permit for each lot, the lot owner/developer shall submit a lot site plan and information documenting that the grading of the lot is consistent with the drainage patterns depicted on the approved Subdivision Plans and that the development of the individual lot will implement and maintain erosion and sediment control measures during construction as stipulated on the approved Definitive Subdivision Plan. The lot plan should illustrate the placement and details of these measures. The impervious areas on each lot should also be consistent with the assumptions used in the stormwater report.

21. Upon completion of construction of the road and drainage, the applicant shall submit the following to the Conservation Commission to request a Certificate of Compliance (COC):

- (a) A Completed Request for a Certificate of Compliance form (WPA Form 8A) and check for \$35.00 made payable to the Town of Seekonk.
- (b) A letter from a Massachusetts Registered Professional Engineer certifying compliance of the property with this Order of Conditions, and detailing any deviations that exist, and their potential effect on the project. A statement that the work is in "substantial compliance" with no detailing of the deviations shall not be accepted.
- (c) An "As-Built" plan signed and stamped by a Registered Professional Engineer or Land Surveyor showing post-construction conditions. The plan shall be a 1"=40' scale. This plan shall include at a minimum:
 - (i) All wetland resource area boundaries with associated buffer zones and regulatory setback areas taken from the plan(s) approved in this Order of Conditions;
 - (ii) Road, stormwater management BMPs, pipe sizes and inverts;
 - (iv) Topography shown in 1-foot contours and spot shot elevations where necessary;
 - (v) Limits of construction and split rail fence.

If the applicant does not request a COC once the road and drainage is completed, the Commission shall issue fines of \$300.00 per day. The fines shall stop once all of the information has been submitted.

22. The applicant shall record the COC at the Registry of Deeds and the proof of recording shall be provided to the Commission.
23. With respect to all conditions the Conservation Commission designates the Conservation Agent to act on its behalf in administering and enforcing this Order.

Issued by Seekonk Conservation Commission

Signatures Warren P. Leach
[Signature]
[Signature]

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

On this 16 day of September 2013, 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.

[Signature]
(Notary Public)

July 14, 2017
(My Commission Expires)

**MY COMMISSION EXPIRES
JULY 14, 2017**

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 0 Arcade Ave., AP 15, Lots 302 File Number SE 069-753 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 _____.

If recorded land, the instrument number which identifies this transaction is _____.

If registered land, the document number which identifies this transaction is _____.

Signature: _____ Applicant.