

Form 5

DECE File No. SE 69-175

(To be provided by DECE)



Commonwealth of Massachusetts

City/Town Seekonk

Applicant Maurice Dubuc

A TRUE COPY

ATTEST: Emily Lagerquist Town Clerk



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

SEEKONK CONSERVATION COMMISSION

Maurice & Claire Dubuc (Name of Applicant)

Same (Name of property owner)

Address 375 Oak Hill Avenue Address Same

Order is issued and delivered as follows:

by hand delivery to applicant or representative on (date)

by certified mail, return receipt requested on February 17, 1989 (date)

Project is located at 375 Oak Hill Avenue, Seekonk, MA

Property is recorded at the Registry of Bristol

Book 1295 Page 121

Certificate (if registered)

Notice of Intent for this project was filed on December 21, 1988 (date)

Public hearing was closed on February 13, 1989 (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 CONS. COMM. at this time, the SEEKONK CONS. COMM. 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

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 SEEKONK CONSERVATION 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 Quality Engineering, File Number SE 69-175".
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.
 1. 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.
 2. The work shall conform to the following plans and special conditions:

4474 197

Plans:

Title	Dated	Signed and Stamped by:	On File with:
Plan of Project			
Richard Dubuc Excavating Contractor	11-30-88	Seekonk Conservation Commission	Seekonk Conservation Commission, DEQE
U.S.G.S. Map			Seekonk Conservation Commission DEQE

Special Conditions (Use additional paper if necessary)

That hay bales be placed, if necessary, and that Mr. Ken Lagerquist monitor placement of these hay bales.

(Leave Space Blank)

Issued By _____ Seekonk Conservation Commission

Signature(s) [Signature] Spencer L. Martin

[Signature] _____

Warren P. Leach _____

[Signature] Harold E. Dozan

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

On this 16 day of February 1989 before me personally appeared Spencer L. Martin Jr. 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 Lagerquist _____ March 9, 1990
Notary Public My commission expires

The applicant, the owner, any person aggrieved by this Order, any owner of land adjoining 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.

REC'D JUN 25 1990 AT 10-05 A.M. AND RECORDED

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 375 Oak Hill Avenue

File Number SE 69-175 has been recorded at the Registry of Bristol 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 SE 69-175

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

Signature _____ Applicant