



Town of Seekonk Conservation Commission  
**Order of Resource Area Delineation**  
 General Wetlands Protection Bylaw and Regulations

DEP File Number:

SE69-659  
 Provided by DEP

**A. General Information**

From: Seekonk  
 1. Conservation Commission

2. This Issuance is for (check one):

- a.  Order of Resource Area Delineation Only
- b.  Order of Resource Area Delineation Subject to Simplified Review
  - 1.  Not Subject to Stormwater Policy
  - 2.  Subject to Stormwater Policy
- c.  Amended Order of Resource Area Delineation

3. To: Applicant:

Ned Lundgren \_\_\_\_\_  
 a. First Name b. Last Name c. Company  
131 Prospect Street  
 d. Mailing Address  
Seekonk MA 02771  
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

Same \_\_\_\_\_  
 a. First Name b. Last Name c. Company  
 \_\_\_\_\_  
 d. Mailing Address  
 \_\_\_\_\_  
 e. City/Town f. State g. Zip Code

5. Project Location:

9 Warren Avenue Seekonk  
 a. Street Address b. City/Town  
2 9  
 c. Assessors Map/Plat Number d. Parcel/Lot Number  
 Latitude and Longitude (**note:** electronic filers  
 will click for GIS locator): \_\_\_\_\_  
 e. Latitude f. Longitude

6. Dates: 09-01-09 10-19-09 10-22-09  
 a. Date Notice of Intent filed b. Date Public Hearing Closed c. Date of Issuance

7. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

Abbreviated Notice of Resource Area Delineation "Warren Ave" Warren Ave 08-19-09  
Seekonk MA Assessors Map 2 Lot 9 b. Date  
 \_\_\_\_\_  
 c. Title d. Date



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**B. Order of Delineation**

1. The Conservation Commission has determined the following (check whichever is applicable):

a.  **Accurate:** The boundaries described on the referenced plan(s) above and in the Abbreviated Notice of Resource Area Delineation are accurately drawn for the following resource area(s):

1.  Bordering Vegetated Wetlands

2.  Other Resource Area(s), specifically:

Mean Annual High Water Line

b.  **Modified:** The boundaries described on the plan(s) referenced above, as modified by the Conservation Commission from the plans contained in the Abbreviated Notice of Resource Area Delineation, are accurately drawn from the following resource area(s):

1.  Bordering Vegetated Wetlands

2.  Other Resource Area(s), specifically:

c.  **Inaccurate:** The boundaries described on the referenced plan(s) and in the Abbreviated Notice of Resource Area Delineation were found to be inaccurate and cannot be confirmed for the following resource area(s):

1.  Bordering Vegetated Wetlands

2.  Other Resource Area(s), specifically:

3. The boundaries were determined to be inaccurate because:



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### C. Simplified Buffer Zone Review

Work within the Buffer Zone pursuant to the Simplified Review (310 CMR 10.02) requires that you must comply with the following conditions. If your project does not meet these requirements, you are required to either file a Determination of Applicability or Notice of Intent or take other corrective measures as directed by the Conservation Commission.

#### Simplified Review Conditions:

Work conducted under Simplified Review requires the following:

1. No work of any kind shall occur within any wetland resource areas including Riverfront Area and Bordering Land Subject to Flooding.
2. The inner 0-to-50-foot wide area from the delineated wetland boundary that has a Buffer Zone shall not be disturbed by any work associated with this project, including placement of any stormwater management components.
3. No work shall occur in the Buffer Zone bordering an Outstanding Resource Water (e.g., certified vernal pool, public water supply reservoir or tributary), as defined in 314 CMR 4.00 or border coastal resource areas at 310 CMR 10.25-10.35.
4. No work shall occur in the Buffer Zone adjacent to wetland resources with estimated wildlife habitat (which is identified on the most recent Estimated Habitat Map of State-listed Rare Wetlands Wildlife).
5. Erosion and Sedimentation controls shall be installed and maintained at the 50-foot Buffer Zone line or limit of work (whichever is a greater distance from the resource area) to protect resource areas during construction.
6. If the project is subject to the Massachusetts Stormwater Policy, all work shall be conducted in conformance with an approved Stormwater Management Plan.
7. The Buffer Zone does not contain a slope greater than an average of 15% at its steepest gradient across the 100-foot Buffer Zone.
8. The amount of new impervious surface, in combination with existing impervious surfaces, shall not exceed 40% of the Buffer Zone between 50 and 100 feet.
9. No work is allowed, and no additional NOI or RDA shall be filed, for any work within the 0-to-50-foot Buffer Zone during the three-year term of an Order associated with this application.
10. Prior to any work being undertaken pursuant to this Order, the wetland resource boundary shall be flagged; all boundary delineation flagging should be maintained for the term of the Order.
11. If stormwater management structures are proposed in the Buffer Zone, the stormwater management structures shall be maintained as required in the Stormwater Plan. Such maintenance constitutes an ongoing condition and is not subject to further permitting requirements.
12. If this ORAD involves work as part of a Simplified Review, the ORAD shall be recorded at the Registry of Deeds prior to the commencement of work per the requirements of Section F.
13. Prior to proceeding with any work under Simplified Review, applicants are required to provide written notice to the Commission one week prior to commencing any work.
14. If work authorized under Simplified Review is commenced, no work is allowed, and no additional NOI or RDA may be filed, for any work within the 0-to-50-foot buffer zone during the term of an ORAD associated with this application. If work authorized under Simplified Review is **not** commenced, then future NOIs or RDAs may be filed for work within the 0-to-50-foot portion of the buffer zone.

--End of Conditions--



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### C. Simplified Buffer Zone Review (cont.)

#### Stormwater Applicability

1.  The project is not subject to the Stormwater Policy.
2.  The project is subject to the Stormwater Policy and the Stormwater Plan included for the project complies with all stormwater standards.

#### Ineligibility Determinations

**Site Conditions:** The applicant is not eligible for Simplified Buffer Zone review and must file a Determination of Applicability or Notice of Intent prior to any work because:

3.  Work is within the Buffer Zone of a Coastal Resource Area as defined at 310 CMR 10.25-10.35.
4.  The Buffer Zone contains existing slopes greater than an average of 15%.
5.  Buffer Zone contains estimated rare wildlife habitat.<sup>1</sup>
6.  The site borders an Outstanding Resource Water.<sup>2</sup>

#### Stormwater

7.  The project is subject to the Stormwater Policy and the applicant has not submitted sufficient information to demonstrate compliance with the Stormwater Management Policy. Prior to any work, the applicant must submit plans showing compliance with the standards in the Stormwater Policy, the location of the work, the amount of impervious surface, and the location of erosion controls, to the Commission for its concurrence. (See instructions to ANRAD Form 4A.) The following necessary stormwater information was not submitted by the applicant:

a. \_\_\_\_\_

8.  The project is subject to the Stormwater Policy but the project does not comply with one or more of the stormwater standards (specify which standard(s) not met).

a. Standard # \_\_\_\_\_

b. Standard # \_\_\_\_\_

9.  Impervious surface exceeds 40% of the area of the Buffer Zone between 50 and 100 feet from the resource area.
10.  The applicant did not submit plans depicting adequate erosion and sedimentation controls located at the limit of work or at least 50 feet from any resource areas, whichever will be greater.
11.  Work is proposed within 50 feet of a resource area.

#### Notice to Commission

Any applicant proposing to proceed under Simplified Buffer Zone Review, as specified in 310 CMR 10.02, must provide written notice to the Commission one week prior to any work.

<sup>1</sup> Identified on the most recent Estimated Habitat Map of State-listed Rare Wetlands Wildlife of the Natural Heritage and Endangered Species Program.

<sup>2</sup> Certified Vernal Pools, public water supplies, or inland ACECs as identified in 314 CMR 4.00.



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## D. Findings

This Order of Resource Area Delineation determines that the Stormwater Plan, if applicable, and the boundaries of those resource areas noted above, have been delineated and approved by the Commission and are binding as to all decisions rendered pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c.131, § 40), its regulations (310 CMR 10.00), the Seekonk General Wetlands Protection Bylaw and its regulations. This Order does not, however, determine the boundaries of any resource area or Buffer Zone to any resource area not specifically noted above, regardless of whether such boundaries are contained on the plans attached to this Order or to the Abbreviated Notice of Resource Area Delineation.

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.

If the Abbreviated Notice of Resource Area Delineation was filed as Simplified Review for a Buffer Zone project, the applicant has certified that any work associated with the proposed project meets all eligibility requirements for Simplified Review listed in Section C of this Order. Any work that does not comply with the Simplified Review requirements will require a Notice of Intent or Request for Determination of Applicability.

The applicant is responsible for promptly requesting a Certificate of Compliance following completion of any work allowed pursuant to a Simplified Review or no later than three years from the date of the Order of Resource Area Delineation unless the Order is extended.

Failure to comply with the conditions of this Order is grounds for the Conservation Commission or the Department to take enforcement action.

This Order must be signed by a majority of the Conservation Commission. The Order must be sent 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 DEP Regional Office.

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## E. Appeals

A decision of the Commission shall be reviewable in the Superior Court in an action filed within 60 days thereof, in accordance with M.G.L., c. 246, §4.

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**F. Signatures and Notary Acknowledgement**

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

4  
 1. Number of Signers

[Signature]  
 Signature of Conservation Commission Member

[Signature]  
 Signature of Conservation Commission Member

[Signature]  
 Signature of Conservation Commission Member

[Signature]  
 Signature of Conservation Commission Member

[Signature]  
 Signature of Conservation Commission Member

[Signature]  
 Signature of Conservation Commission Member

[Signature]  
 Signature of Conservation Commission Member

This Order is valid for three years from the date of issuance.

This Order is issued to the applicant and the property owner (if different) as follows:

by hand delivery on

by certified mail, return receipt requested on

Date

Date

10-22-09

**Notary Acknowledgement**

Commonwealth of Massachusetts County of

Bristol

On this

19  
 Day

of

October  
 Month

2009  
 Year

Before me, the undersigned Notary Public, personally appeared

Name of Document Signer

proved to me through satisfactory evidence of identification, which was/were

personally known  
 Description of evidence of identification

to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

As member of

Seekonk  
 City/Town

Conservation Commission

MY COMMISSION EXPIRES  
 JULY 2, 2010

Bernadette DeBlander  
 Signature of Notary Public

Bernadette DeBlander  
 Printed Name of Notary Public

July 2, 2010  
 My Commission Expires (Date)

Place notary seal and/or any stamp above

This Order is issued to the applicant as follows:

by hand delivery on

by certified mail, return receipt requested, on

Date

Date



Town of Seekonk Conservation Commission  
**Order of Resource Area Delineation**  
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**G. Recording Information**

If this Order is issued for purposes of Resource Area Delineation only, this Order should NOT be recorded.

If this Order of Resource Area Delineation is issued as part of a Simplified Review, this Order 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 Page 6 of this form 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:

9 Warren Ave Seekonk MA (AP 2 Lot 9)      SE69-659  
 Project Location      DEP File Number

Has been recorded at the Registry of Deeds of:

Bristol      \_\_\_\_\_      \_\_\_\_\_  
 County      Book      Page

for:

Ned Lundgren  
 Property Owner

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:

\_\_\_\_\_

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

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

Signature of Applicant