



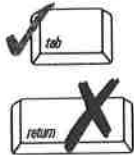
Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

69-502
 Provided by DEP

A. General Information

Important:
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



From:

SEEKONK
 Conservation Commission

This issuance is for (check one):

- Order of Conditions
- Amended Order of Conditions

To: Applicant:

J & L Landscaping Co., Inc.
 Name
383 Taunton Ave.
 Mailing Address
Seekonk MA 02771
 City/Town State Zip Code

Property Owner (if different from applicant):

 Name

 Mailing Address

 City/Town State Zip Code

1. Project Location:

<u>383 Taunton Avenue</u> Street Address	<u>Seekonk</u> City/Town
<u>15</u> Assessors Map/Plat Number	<u>209</u> Parcel/Lot Number

2. Property recorded at the Registry of Deeds for:

<u>Bristol</u> County	<u>10511</u> Book	<u>206</u> Page
<u>N/A</u> Certificate (if registered land)		

3. Dates:

<u>08/08/02</u> Date Notice of Intent Filed	<u>09/23/02</u> Date Public Hearing Closed	<u>09/26/02</u> Date of Issuance
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4. Final Approved Plans and Other Documents (attach additional plan references as needed):

<u>J & L Landscaping Expansion by DiPrete Engineering</u> Title	<u>7/02 & rev.</u> <u>9/17/02</u>
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5. Final Plans and Documents Signed and Stamped by:

 Name

6. Total Fee:

\$550.00
 (from Appendix B: Wetland Fee Transmittal Form)



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B. Findings

Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of 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:

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Public Water Supply | <input type="checkbox"/> Land Containing Shellfish | <input checked="" type="checkbox"/> Prevention of Pollution |
| <input checked="" type="checkbox"/> Private Water Supply | <input type="checkbox"/> Fisheries | <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| <input checked="" type="checkbox"/> Groundwater Supply | <input checked="" type="checkbox"/> Storm Damage Prevention | <input checked="" type="checkbox"/> Flood Control |

Furthermore, this Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- the following conditions which are necessary, in accordance with the performance standards set forth in the wetlands regulations, to protect those interests checked above. 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:

- the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations to protect those interests checked above. 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 these interests, and a final Order of Conditions is issued.
- 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 Act's interests, 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).

General Conditions (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.



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B. Findings (cont.)

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. 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.
7. 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.
8. 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 this 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.
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" [or, "MA DEP"]
"File Number 69-502"
10. 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 DEP.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order.
13. Any change to the plans identified in Condition #12 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.
14. 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.



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B. Findings (cont.)

15. 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.
16. 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.
17. 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.

Special Conditions (use additional paper, if necessary):

18. The applicant shall notify the Conservation Commission at (508) 336-2944 at least 48 hours before beginning site work.
19. The applicant must submit an as built plan with request for Certificate of Compliance.
20. SEE ATTACHED SPECIAL CONDITIONS

Findings as to municipal bylaw or ordinance

Furthermore, the SEEKONK hereby finds (check one that applies):
 Conservation Commission

- that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

Name

Municipal Ordinance or Bylaw

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 of Conditions is issued.

- that the following additional conditions are necessary to comply with a municipal ordinance or bylaw, specifically:

Name

Municipal Ordinance or Bylaw

The Commission orders that all work shall be performed in accordance with the said additional 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.

STRUCTURAL MEASURES

1. A pond detention system is used to control runoff. An emergency spillway is to be constructed.
2. A permanent vegetative cover shall be established in accordance with the vegetative cover provisions. Activities shall be confined to within the limit of work as shown on the plans.
3. Vigorous vegetation shall be maintained by applying lime and fertilizer. Bare or eroded areas shall be immediately repaired and reseeded by the contractor.
4. The contractor is responsible for maintenance and inspection of the detention areas up to a year after completion of construction. The owner is responsible thereafter.
5. The grass in the basin shall be allowed to grow between 2" - 10".
6. The construction superintendent shall have the overall responsibility for structural measure implementation and for seeing that appropriate workers are aware of the provisions of the plan.
7. The detention pond shall be built to control runoff for 2 through 100 year storm frequencies.
8. Side slopes of the basin shall be seeded. The side slopes shall be 2 : 1 maximum.
9. All embankments of the basin shall be thoroughly compacted upon placement in strict conformance with Mass. Highway Department standard specifications.
10. The contractor shall be responsible for maintaining the sedimentation basin during construction and the detention pond up to the acceptance by the owner. The J & L Landscaping, Co. is responsible thereafter. The owner shall inspect the pond semiannually and after major storms.
11. A graduated gage is to be set within the pond to monitor accumulated sediments.
12. Rip rap pads shall be inspected semiannually and after major storms, if repairs are needed, they shall be accomplished immediately.

MAINTENANCE: SHORT TERM/LONG TERM

1. All disturbed slopes either newly created or currently exposed shall be seeded, protected and maintained by the contractor. The contractor shall check regularly all seeded areas to see that a good stand is maintained.
2. The contractor must repair or reseed any areas that do not develop within the period of one year and shall do so at no additional expense.
3. All haybales, temporary treatments (hay, straw, etc.) and temporary protection shall be maintained by the contractor throughout construction and shall remain in place until an acceptable stand of grass or approved ground cover is established.
4. The contractor shall maintain all top soil stockpiles and sediment barriers throughout construction. Extreme care shall be taken to ensure that sediments do not spill over the sediment barrier.
5. The haybales or silt fence shall be checked by the contractor on a weekly basis and after each storm for undermining or deterioration; contractor shall repair or replace the haybales as necessary. Contractor shall clean the accumulated sediment if half of the original height of the bales becomes filled in with sediments.
6. The stone stabilization pad at the site entrance shall be maintained by the contractor. The maintenance shall include top dressing with additional stone or additional length as conditions demand or as directed by the engineer. All sediments spilled, dropped, washed, or tracked onto rustic right of way must be removed immediately by the contractor.
7. The contractor is responsible for maintenance and inspection of the pond during and up to a year after completion of construction. Maintenance shall include reseeding any undeveloped areas after a full growing season at no additional expense removing accumulated silt over 0.3' in the pond, and maintaining the grass to a growing height between 2" — 10". Excavation of silt shall be manual with shovel and wheelbarrow only.
8. The contractor shall inspect rip rap pads after each storm and repair as necessary.
9. J & L Landscaping, Co., is responsible for the long term maintenance of the drainage system, detention pond and vegetative cover. The drainage system shall be checked by the J & L Landscaping, Co. on a semiannual basis, accumulated sediments over 0.3 maximum shall be removed at that time, from detention ponds, etc.
10. J & L Landscaping, Co., shall check the rip rap pads and emergency outlets after major storms and an annual basis. Repairs shall be performed immediately as conditions warrant.
11. The pond shall be maintained by the J & L Landscaping, Co., after the first year. The J & L Landscaping, Co. shall maintain a good vegetative cover (grass between 2" — 10" or vegetation as specified). Bottom of pond shall be cleaned on an annual basis or when the accumulated sediments reach a 0.3' height whichever comes first. The pond outlet shall be checked by the J & L Landscaping, Co. on a semiannual basis and shall be cleaned if conditions demand.
12. The construction superintendent shall have overall responsibility for the maintenance program during the construction phase. The superintendent shall see that the appropriate workers are aware of the provisions of the plan.
13. After the first year and acceptance by the owner, the owner shall have overall responsibility for implementing the maintenance program.
14. Construction of drainage pond shall be supervised by a professional engineer.

SEQUENCE AND STAGING OR LAND DISTURBING ACTIVITES

1. Survey and stake corners of the proposed gravel area and limit of sedimentation barriers.
2. Place sedimentation barriers (haybales or silt fence) as shown on the plans and staked out in the field, in no case is the limit of work to extend beyond the sedimentation barriers.
3. Begin gravel area and drainage work (clearing and grubbing, excavating and grading. etc.). Topsoil to be stripped and stockpiled in approved areas, the stockpiles are to be protected by a row of sedimentation barrier stock—piles to be covered or temporarily seeded. Divert all the runoff from disturbed areas to the proposed pond.
4. Immediately place the erosion controls at the discharge points and seed the basin and disturbed areas.
5. Begin placement of gravel area base and surface course.
6. Begin paving of storage bin base course.
7. Install concrete bin dividers.
8. Finish landscaping and permanent stabilization.
9. Repair pond as required. The tree limbs, leaves, boulders, etc. shall be removed from we bottom of the basin before the application of topsoil.
10. Remove all temporary soil erosion and sedimentation control measures following vegetative establishment of all disturbed areas.
11. Construction to occur during 2002.

NONSTRUCTURAL MEASURES

1. Construction traffic shall be limited to access roads, drainage easements and areas to be graded.
2. A stone stabilization pad is located at the site entrance to reduce the tracking or flowing of sediment onto public right of way.
3. The entrance shall be maintained by the contractor. The maintenance shall include top dressing with additional stone or additional length as conditions demand or as directed by the engineer. All sediments spilled, dropped, washed, or tracked onto public right of way, must be removed immediately by the contractor.
4. Topsoil shall be stripped from areas to be graded and stockpiled for later use. Stock pile location shall be subject to approval by the project engineer. A sediment barrier should surround all topsoil stockpiles.
5. Haybales or silt fence shall be installed downstream outside the limits of any proposed construction as shown on the site plans and prior to the commencement of the proposed alteration.
6. Haybales shall be maintained by the contractor. Inspection shall be made after each storm event and repair or replacement. Contractor shall clean the accumulated sediment if half of the original height of the bales becomes filled with sediment.
7. The haybales or silt fence shall be checked weekly by the contractor for undermining or deterioration.
8. The construction superintendent shall have overall responsibility for plan implementation of non-structural measures and for seeing that appropriate workers are aware of the provisions of the plan.

ESTABLISHMENT OF VEGETATIVE COVER

1. Slopes shall not be left unattended or exposed for excessive periods of time such as the inactive winter season.
2. All existing gravel areas not utilized for driveway access are to be loamed and seeded.
3. The topsoil shall have a sandy loam texture relatively free of subsoil material, stones, roots, lumps of soil, tree limbs, trash or construction debris and shall conform with Mass. highway department standard specifications.
4. The general design mix or regrading areas shall be comprised of the following:

type	lbs/ac.
creeping red fescue	75
Kentucky blue grass	15
Colonial bent grass	5
Perennial rye grass	5

Early spring or late summer seeding is recommended, lime and fertilize as required by soil testing to compliment or upgrade existing conditions, the seed mix shall be inoculated within 24 hours, before mixing and planting, with appropriate inoculum for each variety.
5. Temporary treatments shall consist of North American green erosion control blankets such as S150 or approved equal. They shall be incorporated into the work as warranted or as ordered by the engineer. Hay or straw applications shall be in the amount of 2 tons/acre.
6. All haybales or temporary protection shall remain in place until an acceptable stand of grass or approved ground cover is established.
7. All fill shall be thoroughly compacted upon placement in strict conformance with the Mass. highway dept. standard specifications for road and bridge construction.
8. Stockpiles of topsoil shall not be located near waterway. They shall have side slopes no greater than 2:1 and shall be temporarily seeded and/or stabilized.
9. The construction superintendent shall have overall responsibility for plan implementation and for seeing that the appropriate workers are aware of the provisions of the plan. The contractor must repair and/or reseed any areas that do not develop within the period of one year and shall do so at no additional expense.
10. All areas disturbed by pond construction shall be stabilized with permanent seeding immediately following finish grading. Permanently seeded areas shall be protected during establishment with mulch. All seeded areas will be checked regularly to see that a good stand is maintained. Areas shall be fertilized and reseeded as necessary.
11. Temporary hay mulch to be tacked in place with nylon mesh netting.
12. Maximum graded slope within site to be 2:1.



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B. Findings (cont.)

Additional conditions relating to municipal ordinance or bylaw:

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

Date September 26, 2005

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 (see Appendix A) and the property owner (if different from applicant).

Signatures:

Richard C. Wallace R. F. Hill
Warren P. Leach
Christopher Clary

On 23rd Day of September 2002 Month and Year

Before me personally appeared Richard C. Wallace

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.

Wahlene T. Siconio
 Notary Public - Wahlene T. Siconio

January 9, 2008
 My Commission Expires

This Order is issued to the applicant as follows:

by hand delivery on by certified mail, return receipt requested, on

Date _____ Date September 26, 2002



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C. 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 DEP 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 Appendix E: 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.

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.

D. 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 Page 7 of Form 5 shall be submitted to the Conservation Commission listed below.

SEEKONK

Conservation Commission



Massachusetts Department of Environmental Protection
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D. Recording Information (cont.)

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:

383 Taunton Avenue
 Project Location

SE 69-502
 DEP File Number

Has been recorded at the Registry of Deeds of:

Bristol
 County

Book

Page

for:

J & L Landscaping Co., Inc.
 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:

September 26, 2002
 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