



Commonwealth  
of Massachusetts

DEQE File No. SE 69-69

(To be provided by DEQE)

City/Town Seekonk

Applicant Heritage Homes of  
Attleboro, Roger  
DesVergnes

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

From Seekonk Conservation Commission, 100 Peck St., Seekonk, MA 02771  
Heritage Homes of Attleboro Heritage Homes of Attleboro  
To Roger DesVergnes Roger DesVergnes

(Name of Applicant)

(Name of property owner)

Address 630 Lindsey Street 630 Lindsey Street  
Attleboro, MA 02703 Attleboro, MA 02703

This Order is issued and delivered as follows:

- by hand delivery to applicant or representative on \_\_\_\_\_ (date)
- by certified mail, return receipt requested on \_\_\_\_\_ (date)

This project is located at Miller Street

The property is recorded at the Registry of Bristol County

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

The Notice of Intent for this project was filed on March 28, 1983 (date)

The public hearing was closed on May 14, 1984 (date)

**Findings**

The Seek. 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 Seek. Conservation Commission at this time, the Seek. 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):

- Public water supply
- Private water supply
- Ground water supply
- Flood control
- Storm damage prevention
- Prevention of pollution
- Land containing shellfish
- Fisheries

Therefore, the Seek. 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 Seek. Conservation Comm. orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.

#### General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. This Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - (a) the work is a maintenance dredging project as provided for in the Act; or
  - (b) the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance and both that date and the special circumstances warranting the extended time period are set forth in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
7. No work shall be undertaken until all administrative appeal periods from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Final Order has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is to be done. The recording information shall be submitted to the Seek. Con. Comm. 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 69-69".
10. Where the Department of Environmental Quality Engineering is requested to make a determination and to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.
11. Upon completion of the work described herein, the applicant shall forthwith request in writing that a Certificate of Compliance be issued stating that the work has been satisfactorily completed.
12. The work shall conform to the following plans and special conditions:

Plans:

Title	Dated	Signed and Stamped by:	On File with:
Alteration of Clear Rum Brook - Construction Details	1/17/80	SMR Surveying & Engineering Co.	D.E.Q.E.
	Revised 5/14/84		Conservation Comm. William Dowdell, Town Engineer

Special Conditions (Use additional paper if necessary)

1. This Order of Conditions only pertains to the proposed alteration of Clear Run Brook as depicted on plans entitled "Alteration of Clear Run Brook - Construction Details by SMR Surveying & Engineering Company dated January 17, 1980, last revised May 14, 1984. Filing for all other proposed alterations within 100 feet of any other wetlands is still required for the overall subdivision.
2. The Order of Conditions does not give or imply any rights on land of others that the applicant does not otherwise have.
3. The compensating storage area shall be the first area of construction and shall be kept hydraulically connected to the brook at all times.
4. The applicant is encouraged to make use of silt fencing wherever placement of hay bales would unreasonably restrict flow and where use of hay bales will not adequately remove waterborn silt. A continuous silt fence shall be located at the most downstream point of the project to insure against the passage of silt onto the land of the abutters.
5. All siltation prevention and erosion control measures as detailed on the aforesaid plans shall be inspected and approved by the Seekonk Conservation Commission prior to the commencement of the filling or excavating operations.
6. The entire area being filled shall be loamed and seeded and growth shall be established over 75% of the area prior to removal of any siltation prevention and erosion control devices. The entire area

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being excavated shall have wetland growth indigenous to the area established over 75% of its area prior to removal of any siltation prevention and erosion control devices. The removal of any siltation prevention or erosion control measures shall not take place until a Certificate of Compliance has been issued by the Seekonk Conservation Commission.

7. *The Seekonk Conservation Commission reserves the right to require* further siltation prevention and erosion control measures as field conditions may require.
8. The applicant is responsible for maintenance of all required siltation prevention and erosion control devices and can be ordered at anytime to replace any of the devices previously approved by the Commission.

Issued By Lucas Mayer Chairman Seekonk Conservation Commission  
Signature(s) Patricia J. Coyle  
Patricia J. Coyle  
Patricia J. Coyle  
Patricia J. Coyle

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

On this 24<sup>th</sup> day of May, 1984, before me  
personally appeared Lucas Mayer, 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 abutting the land upon which the proposed work is to be done or any ten residents of the city or town in which such land is located are hereby notified of their right to request the Department of Environmental Quality Engineering to issue a Superseding Order, providing the request is made by certified mail or hand delivery to the Department within ten days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and the applicant.

Detach on dotted line and submit to the \_\_\_\_\_ prior to commencement of work.

To \_\_\_\_\_ Issuing Authority

Please be advised that the Order of Conditions for the project at \_\_\_\_\_ and  
File Number \_\_\_\_\_ has been recorded at the Registry of \_\_\_\_\_

has been noted in the chain of title of the affected property in accordance with General Condition 8 on \_\_\_\_\_, 19\_\_\_\_

If recorded land, the instrument number which identifies this transaction is \_\_\_\_\_

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

Signature \_\_\_\_\_ Applicant