

DEQE File No.

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(To be provided by DEQE)

City/Town

Seekonk

Applicant

Brigham Realty Trust



Commonwealth of Massachusetts

Determination of Applicability
Massachusetts Wetlands Protection Act, G.L. c. 131, §40

From Seekonk Conservation Commission Issuing Authority

To Brigham Realty Trust Same

(Name of person making request)
45 Boylston Street
Brookline, MA

(Name of property owner)

Address Address Same

This determination is issued and delivered as follows:

- by hand delivery to person making request on (date)
by certified mail, return receipt requested on April 26, 1989 (date)

Pursuant to the authority of G.L. c. 131, §40, the Seekonk Conservation Commission has considered your request for a Determination of Applicability and its supporting documentation, and has made the following determination (check whichever is applicable):

This Determination is positive:

- The area described below, which includes all/part of the area described in your request, is an Area Subject to Protection Under the Act. Therefore, any removing, filling, dredging or altering of that area requires the filing of a Notice of Intent.
The work described below, which includes all/part of the work described in your request, is within an Area Subject to Protection Under the Act and will remove, fill, dredge or alter that area. Therefore, said work requires the filing of a Notice of Intent.

3. The work described below, which includes all/part of the work described in your request, is within the Buffer Zone as defined in the regulations, and will alter an Area Subject to Protection Under the Act. Therefore, said work requires the filing of a Notice of Intent.

This Determination is negative:

1. The area described in your request is not an Area Subject to Protection Under the Act.
2. The work described in your request is within an Area Subject to Protection Under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent.
3. The work described in your request is within the Buffer Zone, as defined in the regulations, but will not alter an Area Subject to Protection Under the Act. Therefore, said work does not require the filing of a Notice of Intent.
4. The area described in your request is Subject to Protection Under the Act, but since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required: _____

Issued by _____ Seekonk Conservation Commission

Signature(s) _____

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

On this 25th day of April, 19 89, before me personally appeared Warren P. Faulk, 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.

Cynthia Harley _____
 Notary Public My commission expires September 30 1994

This Determination does not relieve the applicant from complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations. This Determination shall be valid for three years from the date of issuance.

The applicant, the owner, any person aggrieved by this Determination, 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 Determination of Applicability, providing the request is made by certified mail or hand delivery to the Department within ten days from the date of issuance of this Determination. 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.

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A4491



Request for a Determination of Applicability
Massachusetts Wetlands Protection Act, G.Lc. 131, & 40

Narrative - "Brigham Farm" Burnside Ave., Seekonk, Ma.

Figure 1 shows the proposed development, "Brigham Farm". The Northern 37.4 acres are to be converted into 14 residential lots and a roadway. The remaining land, approximately 42.9 acres, will be divided into 3 parcels. The first Parcel is part of a landswap agreement with a neighbor. The second Parcel is to be left undeveloped and the last Parcel will be conveyed to the Town of Seekonk.

The area being developed is generally wooded with a meadow in the northeast corner. Three vegetated wetland areas have been identified by our botanist. The first is the stream bed of Oakhill Stream to the north of our property. The stream bed is just off our land. The second area is along the western edge of our property. This area follows our property line southward from the railroad tracks. The final area is at the southern boundary of the proposed residential lots.

Figure 2 shows the property in relation to FIRM's flood map. The only area affected by the 100 year flood is the very Northern most point of the property where Oakhill Stream is shown as Zone A. Based on an elevation of 104 at the railroad crossing, the 100 year flood is assumed to be 2' higher than the bottom of the streambed.

As can be seen on the enclosed subdivision, no work is planned within 100 ft. of Oakhill stream. The drainage design calls for the runoff to be directed southward through two detention ponds. The outlet for the second pond is about 140 ft. from the southern vegetated wetland. Some grading for the outlet is required but work is outside the 100' buffer zone.

The proposed work required for the "Brigham Farm" Subdivision does not affect the three vegetated wetlands on the site and all filling or excavation is outside the 100 ft. Buffer Zone. Furthermore, the layout of the proposed subdivision will protect the three wetland areas from future development.

