

City/Town: Seekonk
Applicant: H. Charles Tapalian

Form 5

Commonwealth
of Massachusetts

ORDER OF CONDITIONS

Seekonk General Wetland Protection By-Laws

From SEEKONK CONSERVATION COMMISSION Issuing Authority.

To H. Charles Tapalian (Name of person making request) (Same) (Name of property owner)

Address PO Box 6684 Providence, RI 02940 Address (Same)

This Order is issued and delivered as follows:

by hand delivery to applicant or representative making request on 7/13/06 (date)

by certified mail, return receipt requested on _____ (date)

This project is located at Rachel Avenue

The property is recorded at the Registry of Deeds, Bristol County North.
Book 15142 Page 1 Certificate (if registered) N/A

The Notice of Intent for this project was filed on April 13, 2006 (date)

The public hearing was closed on June 26, 2006 (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 Conservation Commission at this time, the 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):

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Public water supply | <input checked="" type="checkbox"/> Flood control | <input type="checkbox"/> Land containing shellfish |
| <input checked="" type="checkbox"/> Private water supply | <input checked="" type="checkbox"/> Storm damage prevention | <input checked="" type="checkbox"/> Fisheries |
| <input checked="" type="checkbox"/> Ground water supply | <input checked="" type="checkbox"/> Prevention of pollution | <input checked="" type="checkbox"/> Protect. of Wildlife Habitat |

Therefore, the Seekonk Conservation Commission 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 Commission 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. 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, 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 done. The recording information shall be submitted to the Seekonk Conservation Commission on the form at the end of this Order prior to the commencement of the work.
9. No work shall begin until the erosion control measures have been installed according to the approved plans. Failure to do so may result in penalties, fines, and revoking of the Final Order.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in the size bearing the words, "Massachusetts Department of Environmental Protection, File Number SE 69- 592 _____".

11. Where the Department of Environmental Protection 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.
12. 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.
13. The work shall conform to the following plans and special conditions:

Plans: Greenbrier Condominiums prepared for RI Seekonk Holdings, LLC Fall River Ave. & Rachel Ave. Sheet 1 – 29 and Sheet SR 1

Total	Dated	Signed and Stamped by:	On file with:
<u>(1)</u>	<u>6/2706</u>	<u>Rodney W. Wick</u>	<u>DEP, Seekonk Cons.</u> <u>Comm.</u>
_____	_____	_____	

Special Conditions (Use additional paper if necessary)

See Attached Special Orders of Conditions

SPECIAL ORDERS OF CONDITIONS

1. Failure to comply with any of the following Special Orders may result in fines and/or penalties of up to \$300.0 per day
2. The applicant shall notify the Conservation Commission at least **48 hours** prior to any activity on the site by calling **508-336-2944** and shall provide the name(s) and telephone number(s) of all person(s) responsible for compliance with this Order.
3. Prior to the commencement of any activity on this site, the wetland flags shall be re-established in the field and the approved erosion control shall be installed as indicated on the approved plan.
4. At any time before, during or after construction, and until the issuance of a Certificate of Compliance, the Commission or its agent may require the applicant to modify, augment, restore or maintain erosion control measures associated with the activity that is the subject of this Order.
5. Immediately after installation of erosion controls, the Conservation Commission shall be contacted in order to conduct a follow-up inspection to ensure that erosion controls have been properly installed.
4. Erosion control devices shall remain in place and properly functioning until all exposed soils have been stabilized with final vegetative cover and the Conservation Commission and/or its agent has authorized their removal.
6. There shall be no pumping of water from wetland resource areas.
7. All waste products, grubbed stumps, slash, construction materials, etc. shall be deposited at least 100 feet from wetland resource areas, unless specified in this Order.
8. No fuel, oil, or other pollutants shall be stored in any resource area or the buffer zone thereto.
9. Any material placed in wetland resource areas by the applicant without express authorization under this Order shall be removed by the applicant upon demand by the Conservation Commission or its agent.
10. There shall be no underground storage of fuel or other hazardous substance in areas within the jurisdiction of the Conservation Commission.
11. No trash dumpsters will be allowed within 100 feet of areas subject to protection under the Massachusetts Wetlands Protection Act or the Town's Bylaw.
12. Immediately upon completion of the building foundations and prior to further construction activities, the applicant shall engage a Professional Engineer or Surveyor to prepare an as-built plan which accurately depicts the foundation location and its proximity to wetland resource areas as approved under this Order of Conditions. Said plan shall immediately be submitted to the Conservation Commission for review.
13. Upon completion of construction and final soil stabilization, the applicant shall submit the following to the Conservation Commission to request a Certificate of Compliance (COC):
 - (1) A Completed Request for a Certificate of Compliance form (WPA Form 8A).
 - (2) A letter from a Registered Professional Engineer certifying compliance of the property with this Order of Conditions, and detailing any deviations that exist, and their potential effect on the project. A statement that the work is in "substantial compliance" with no detailing of the deviations shall not be accepted.
 - (3) An "As-Built" plan signed and stamped by a Registered Professional Engineer or Land Surveyor showing post-construction conditions within all areas under the jurisdiction of the Massachusetts Wetlands Protection Act and the Seekonk Wetlands Protection Bylaw. This plan shall include at a minimum:
 - (a) All wetland resource area boundaries with associated buffer zones and regulatory setback areas taken from the plan(s) approved in this Order of Conditions;
 - (b) Locations and elevations of all stormwater management conveyances, structures and best management designs, including foundation drains, constructed under this Order within any wetland resource area or buffer zone;

- (c) Distances from any structures constructed under this Order to wetland resource areas - "structures" include, but are not limited to, all buildings, septic system components, wells, utility lines, fences, retaining walls, and roads/driveways;
 - (d) A line delineating the limit of work - "work" includes any filling, excavating and/or disturbance of soils or vegetation approved under this Order;
 - (e) Wetland resource replication areas constructed under this Order.
14. All construction and post-construction stormwater management shall be conducted in accordance with supporting documents submitted with the Notice of Intent, the Department of Environmental Protection Stormwater Management Policy and as approved by the Commission in this Order of Conditions.
 15. All stormwater best management practices shall be maintained as specified in the Operation and Maintenance Plan submitted with the Notice of Intent and incorporated in the Order of Conditions.
 16. There shall be no increase in the post-development discharges from the storm drainage system or any other changes in post-development conditions that alter the post-development watershed boundaries as currently depicted in the Notice of Intent and approved by this Order of Conditions.
 17. There shall be no sedimentation into wetlands or water bodies from discharge pipes or surface runoff leaving the site.
 18. The applicants, owners, and their successors and assignees shall maintain all culverts, collection basins, traps, retention and detention ponds, outlet structures, and other elements of drainage systems.
 19. The wetland replication shall be performed in accordance with the approved plans. The Commission reserves the right to require additional plantings to ensure achievement of 75% cover of wetland plant *species* within two full growing seasons, as specified in 310 CMR 10.55 (4) (b).
 20. The wetland resource areas to be altered shall not be altered until development of the replication area is in progress and the proposed replication area is excavated to the proposed base grade. The wetland replication area shall be brought to the approximate surface elevation of the existing adjacent wetland area.
 21. The Commission shall be given 48 hours notice prior to the beginning of construction of the replacement area. The Commission or its agent must meet with the construction engineer and the wetland specialist to discuss the requirement and to ensure compliance with all special conditions.
 22. The replication area shall be constructed in the following manner:
 - a. Prior to excavation of the proposed replication area, proposed grades shall be staked by licensed land surveyors, indicating cuts necessary to achieve grades as shown on the plans. The extent of cut should include necessary over-excavation to allow for backfill of organic or clean loam materials.
 - b. Plants from the altered wetland areas shall be transplanted in their original organic material to the replacement area. Wetland plants shall be carefully dug with attention given to the root system, balled and/or burlapped in a professional manner, and temporarily stored in a shady area and watered on a daily basis.
 - c. The topsoil from the replication area shall be stockpiled separately from other soils for reuse in the replication area.
 - d. The area shall be excavated and graded to the proposed contours shown on the site plan.
 - e. The adjacent slopes shall be graded as shown on the plan with the topsoil again stockpiled.
 - f. All stockpiled soils shall be isolated from wetland resource areas and protected with plastic or canvas from erosion or drying.
 - g. Stockpiled organic soils shall then be placed on the replication site. (Ideally, wetland soils shall be placed in the replication area in such a way as to reproduce the original soil horizons.)
 - h. Prior to planting or seeding, final grades shall be surveyed by licensed land surveyors to ensure that grades have been achieved as shown on the plan.
 - i. The upper layer of the replacement area shall consist of soil, plants, plant propagules removed

from the wetland to be filled, and other approved plant materials as described on a re-vegetation plan.

23. Replication construction activities must be supervised by a wetland specialist who shall be a professional with experience in wetland replication, wetland hydrology and a working knowledge of botany. Such a person shall be retained to supervise and monitor construction of the wetland replication areas until the replication area meets the requirements of this Order of Conditions.
24. Siltation barriers shall be placed at the perimeter of the replication area and at the top of any unstabilized adjacent slope. These will remain in place and be maintained until all areas are completely stabilized.
25. The siltation barriers shall serve as a limit of work delineation for project activities. No disturbance to adjacent wetland resource areas resulting from work on the project shall occur during or after construction of the replication area.
26. Following construction of the replication area and prior to other work on the site, the wetland specialist shall certify to the Commission that the area has been constructed in compliance with the Order of Condition. Such certification shall be accompanied by a plan showing the limits of the replication area and final grades as surveyed by a licensed land surveyor, which meet grades shown on the plans approved in this Order of Conditions.

Issued by Seekonk Conservation Commission

Signatures

Richard C. Walker
[Signature]
William Parada

[Signature]
Robert Jm Kemca

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

On this 26 day of June 2006, before me personally appeared Richard C. Walker 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.

Fernandette Depanda MY COMMISSION EXPIRES
(Notary Public/Justice of the Peace) JULY 2, 2010

July 2, 2010
(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 Protection to issue a Superseding Order of Conditions, providing the request is made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form as provided in 310 CMR 10.03(7) within ten days from the date of issuance of this Determination. A copy of the request shall at the same time be sent certified mail or hand delivery to the Conservation Commission and the applicant.

Detach on dotted line and submit to the Seekonk Conservation Commission prior to commencement of work.

To Seekonk Conservation Commission Issuing Authority.

Please be advised that the Order of Conditions for the project at Rachel Ave. File Number SE 69-592 has been recorded at the Registry of Deeds, Bristol County, North, and has been noted in the chain of title of the affected property in accordance with General Condition 8 on 200.

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

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

Signature _____ Applicant