

Applicant: J & L Landscaping, Co., Inc.

ORDER OF CONDITIONS

Seekonk General Wetland Protection By-Law

From SEEKONK CONSERVATION COMMISSION Issuing Authority.

To J. & L. Landscaping, Co., Inc. (Name of person making request) (Same) (Name of property owner)

Address 383 Taunton Avenue, Seekonk, MA 02771 Address _____

This Order is issued and delivered as follows:

_____ by hand delivery to applicant or representative making request on _____ (date)

X by certified mail, return receipt requested on 9/26/02 (date)

This project is located at 383 Taunton Avenue, Plat 15, Lot 209

The property is recorded at the Registry of Deeds, Bristol County North.
Book 10511 Page 209 Certificate (if registered) N/A

The Notice of Intent for this project was filed on 08/08/02 (date)

The public hearing was closed on September 23, 2002 (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 Seekonk General Wetland Protection Bylaw and Regulations (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 type="checkbox"/> Fisheries |
| <input checked="" type="checkbox"/> Ground water supply | <input checked="" type="checkbox"/> Prevention of pollution | <input 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 Massachusetts Wetlands Protection 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 one year** 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 any appeal proceedings 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. 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.
10. The work shall conform to the following plans and special conditions:
Plans: J. & L. Landscaping Expansion by DiPrete Engineering, dated July 2002 and revised September 17, 2002.
11. Any change to the plans identified in Condition #10 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.
12. The Agent or members of the Conservation Commission 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 for that evaluation.
13. 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.

14. Prior to the commencement of any work on the site:
 - a. The applicant shall inform the Seekonk Conservation Commission in writing of the name, address, business and home telephone number of the project supervisor who will be responsible for insuring on-site compliance with this Order.
 - b. The Seekonk Conservation Commission shall be notified of the date upon which construction activities on the site will commence at least 2 business days before work begins by letter or telephone (508) 336-2944.
 - c. The border of the resource areas on the site shall be clearly marked in the field by stakes or flags placed at 25 foot intervals. A continuous barrier shall be established between the work area and the designated Resource Areas, including those areas of proposed replication. The barrier shall consist of a hay/straw bale dike or acceptable alternative as specified on the approved plans.
15. The Seekonk Conservation Commission may, at their discretion, require an as-built plan, signed and stamped by a professional engineer or land surveyor registered in the Commonwealth of Massachusetts further to General Condition #11.
16. Failure to comply with General Condition #8, shall be deemed cause to revoke these Orders of Condition. As an alternative, the Commission may record this Order in the Registry and charge the applicant the cost of recording.
17. The limit of work shall be as shown on plan presented and approved at the meeting.
18. The applicant must submit an as built plan with request for Certificate of Compliance.
19. See attached special conditions.

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 ACTIVITIES

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 the 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.

Issued by Seekonk Conservation Commission

Signatures Richard C. Wallcut
Warren P. Leach
Christopher Clogg _____
_____ R. T. Hill

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

On this 23 day of September 2002, before me personally appeared Richard C. Wallcut 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 _____ January 9, 2008
(Notary Public/Justice of the Peace) Wahlene T. Siconio (My Commission Expires)

The applicant, the owner, and any person aggrieved by this Order, which the proposed work is to be done of the city or town in which such land is located, are hereby notified of their right to appeal this Order by filing an appeal in Superior Court and with the Town Clerk of Seekonk within 60 days of this decision.

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

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To Seekonk Conservation Commission Issuing Authority.

Please be advised that the Order of Conditions for the project a 383 Taunton Avenue, Plat 15, Lot 209, File Number SE 69-5 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 ____ 20__ .

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

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

Signature _____ Applicant.