



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:

SE69-592

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
 1. Conservation Commission

2. This issuance is for (check one): a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:

<u>H. Charles</u>	<u>Tapalian</u>	<u>RI Seekonk Holdings, LLC</u>
a. First Name	b. Last Name	c. Company
<u>PO Box 6684</u>		
d. Mailing Address		
<u>Providence</u>	<u>RI</u>	<u>02940</u>
e. City/Town	f. State	g. Zip Code

4. Property Owner (if different from applicant):

<u></u>	<u></u>	<u></u>
a. First Name	b. Last Name	c. Company
<u></u>		
d. Mailing Address		
<u></u>	<u></u>	<u></u>
e. City/Town	f. State	g. Zip Code

5. Project Location:

<u>Rachel Avenue</u>	<u>Seekonk</u>
a. Street Address	b. City/Town
<u>9 / 10</u>	<u>165-177 / 1</u>
c. Assessors Map/Plat Number	d. Parcel/Lot Number
<u>Latitude and Longitude, if known (note: electronic filers will click for GIS locator):</u>	
<u></u>	<u></u>
e. Latitude	f. Longitude

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

<u>Bristol</u>	<u></u>
a. County	b. Certificate (if registered land)
<u>15142</u>	<u>1</u>
c. Book	d. Page

7. Dates:

<u>April 13, 2006</u>	<u>June 26, 2006</u>	<u>July 7, 2006</u>
a. Date Notice of Intent Filed	b. Date Public Hearing Closed	c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

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

<u>Caputo and Wick Ltd.</u>	<u>Rodney W. Wick</u>
b. Prepared By	c. Signed and Stamped by
<u>June 27, 2006</u>	<u>varies</u>
d. Final Revision Date	e. Scale
<u>Greenbrier Condominiums Drainage Narrative</u>	<u>March 2006</u>
f. Additional Plan or Document Title	g. Date



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B. Findings

1. 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:

- a. Public Water Supply
- b. Land Containing Shellfish
- c. Prevention of Pollution
- d. Private Water Supply
- e. Fisheries
- f. Protection of Wildlife Habitat
- g. Groundwater Supply
- h. Storm Damage Prevention
- i. Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. 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:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. 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. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. 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).**

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

3. <input checked="" type="checkbox"/> Buffer Zone Impacts: Shortest distance between limit of project disturbance and wetland boundary (if available)				0
				a. linear feet
				Permitted Replacement
Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	<u>1,350</u>	<u>1,350</u>	<u>2,110</u>	<u>2,110</u>
	a. square feet	b. square feet	c. square feet	d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. cu.yd dredged	f. cu.yd dredged		



C. General Conditions Under Massachusetts Wetlands Protection Act

(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.
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 SE69-592 "



C. General Conditions Under Massachusetts Wetlands Protection Act

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.
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.
18. All work associated with this Order is required to comply with the Massachusetts Stormwater Policy Standards.

Special Conditions:

See Attached Special Order of Conditions

If you need more space for additional conditions, select box to attach a text document

SPECIAL ORDERS OF CONDITIONS

1. 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.
2. 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.
3. 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.
4. 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.
5. 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;

- (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.



D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The Seekonk Conservation Commission hereby finds (check one that applies):
3. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

a. Municipal Ordinance or Bylaw

b. Citation

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.

4. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Seekonk Conservation Commission General Wetlands Protection Bylaw

a. Municipal Ordinance or Bylaw

b. Citation

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

- c. The special conditions relating to municipal ordinance or bylaw are as follows:

See Attached Special Orders of Conditions

If you need more space for additional conditions, select box to attach a text document



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

SE.69-592

E. Issuance

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

7/7/06
1. Date of Issuance

Please indicate the number of members who will sign this form:

5
2. Number of Signers

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, if not filing electronically, and the property owner, if different from applicant.

Signatures: [Handwritten Signatures]

Notary Acknowledgement

Commonwealth of Massachusetts County of Bristol

On this June 26 of June 2006
Day Month Year

Before me, the undersigned Notary Public, personally appeared Richard C. Wallace
Name of Document Signer

proved to me through satisfactory evidence of identification, which was/were

personally known
Description of evidence of identification

to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

As member of Seekonk Conservation Commission
City/Town

**MY COMMISSION EXPIRES
JULY 2, 2010**

Bernadette DeBlonder
Signature of Notary Public
Bernadette DeBlonder
Printed Name of Notary Public
July 2, 2010
My Commission Expires (Date)

Place notary seal and/or any stamp above

This Order is issued to the applicant as follows:

by hand delivery on 7/13/06
Date

by certified mail, return receipt requested, on _____
Date



Massachusetts Department of Environmental Protection
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F. 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 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. Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order or Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

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.

Section G, Recording Information is available on the following page.



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G. 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 this form shall be submitted to the Conservation Commission listed below.

Seekonk
Conservation Commission

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:

Rachel Avenue
Project Location

SE69-592
DEP File Number

Has been recorded at the Registry of Deeds of:

Bristol
County

Book

Page

for:

H. Charles Tapalian
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:

July 7, 2006
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