

Applicant: Gene Baasch

ORDER OF CONDITIONS

Seekonk General Wetland Protection By-Law

From SEEKONK CONSERVATION COMMISSION Issuing Authority.

To Gene Baasch
(Name of person making request)

Robert E. Letendre
(Name of property owner)

Address 62 Blanding Road, Rehoboth, MA 02769

Address 971 Pine Street, Seekonk, MA 02771

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 6/17/02 (date)

This project is located at Pine Street, Plat 26, Lots 21, 22, & 34

The property is recorded at the Registry of Deeds, Bristol County North.

Book 1038, 3111

Page 218, 136

Certificate (if registered) N/A

The Notice of Intent for this project was filed on 04/25/02 (date)

The public hearing was closed on 6/10/02 (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):

- Public water supply
- Private water supply
- Ground water supply

- Flood control
- Storm damage prevention
- Prevention of pollution

- Land containing shellfish
- Fisheries
- 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: Sewage disposal system, David & Karen Abbott, Read Street, Seekonk, MA
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. See attached conditions.

SPECIAL ORDERS OF CONDITIONS

20. Prior to any earth moving activity, a combination silt fence/staked hay bale barrier shall be placed along the limit of activity between all disturbed areas and the wetlands as shown on the above referenced plans.
21. The Seekonk Conservation Agent shall be contacted to inspect the silt fence/staked hay bale barrier before the commencement of any earth moving activities.
22. The areas of construction shall remain in a stable condition at the close of each construction day. Erosion Controls shall be inspected at this time, and repaired, reinforced or replaced as necessary. All damaged control measures shall either be repaired or replaced immediately. Captured sediment deposits shall periodically be removed and legally disposed of off-site.
23. Baled hay and mulch shall be of acceptable herbaceous growth, free from noxious weeds or woody stems, and shall be dry.
24. The base of all stockpiles should be protected by a hay bale barrier or silt fence.
25. An adequate stockpile of erosion control materials shall be on site at all times for emergency or routine replacement.
26. All dewatering operations must discharge directly into a sediment filter. No discharge of water is allowed directly into an area subject to jurisdiction of the Seekonk Wetlands by-laws and regulations.
27. The site shall be graded at all times and maintained such that all storm water runoff is diverted to soil erosion and sediment control facilities.
28. Grading shall be accomplished so that runoff shall not be directed to the wetlands or the property of others without erosion control barriers. The project shall not increase runoff, nor cause flood or storm damage, to abutters or the property of others.
29. If the season prohibits temporary seeding, the disturbed area shall be mulched. Permanent vegetation is to be established on exposed areas within 10 days after final grading. Mulch is to be used for protection until vegetation is established, immediately following initial disturbance.
30. All permanent seeding and landscaping shall be in accordance with the requirements of the contract documents.
31. Three Rotondo DW8-4HD drywell or approved equals must be installed on Lots 5,6, and 7 as stated in the Notice of Intent. Each drywell to be installed with a two-foot ban of crushed stone will have a storage capacity of 251 cubic feet.
32. All construction and post-construction stormwater management shall be conducted in accordance with the Pollution Prevention Plan and Drainage Report submitted with the Notice of Intent, DEP Stormwater Management Policy and as approved by the Commission in this Order of Conditions.
33. All Stormwater best management practices shall be maintained as specified in the Pollution Prevention Plan and Drainage Report Maintenance Program submitted with the Notice of Intent and incorporated in the Order of Conditions. Evidence of maintenance of the Stormwater Management system shall be provided to the Commission on a periodic basis.
34. The Applicant, Gene Baasch, shall submit the Contact Name, phone number, and address of the person or persons responsible for maintenance of all stormwater facilities.

35. The Conservation Commission shall be notified in writing, when any maintenance functions that may impact the wetlands are to be performed.
36. The applicants, owners, and their successors and assignees shall maintain all culverts, collection basins, detention ponds, outlet structures, and other elements of drainage systems as specified in the Pollution Prevention Plan and Drainage Report dated January 10, 2002.
37. Any debris or "dumped" material placed in wetland resource areas shall be removed by the applicant.
38. Paved roadway must be kept clean at all times.
39. Upon completion of this project, the applicant shall submit the following to the Conservation Commission.
 - a. A letter from the applicant requesting a Certificate of Compliance.
 - b. A written statement from a registered professional engineer of the Commonwealth certifying that the work has been conducted as shown on the plan(s) and documents referenced above, and as conditioned by the Commission.
 - c. An "as-built" plan prepared and signed and stamped by a registered professional engineer or land surveyor of the Commonwealth, for the public record.
40. If unforeseen problems occur during construction which may affect the statutory interests of the Seekonk Wetland by-laws and regulations or the Wetlands Protection Act, upon discovery by either the Conservation Commission, its agent, or the applicant, the Commission shall immediately be notified, and an immediate meeting shall be held between the Commission or its agent, the applicant, and other concerned parties to determine the correct measures to be employed. The applicant shall then act to correct the problems using the corrective measures agreed upon. Subsequent to resolution, the activity and resulting actions shall be documented in writing.

Issued by Seekonk Conservation Commission

Signatures

Richard C. Wallace

R F Hill

[Signature]

Warren Beach

Christopher Clay

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

On this 10th day of June 2002, before me personally appeared Richard C. Wallace 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.

Wahlene T. Siconio

(Notary Public/Justice of the Peace) Wahlene T. Siconio

January 9, 2008

(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.

To Seekonk Conservation Commission Issuing Authority.

Please be advised that the Order of Conditions for the project a Pine Street, Plat 26, Lots 21, 22 & 34, File Number SE 69-493 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.