



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

DEP File Number:

**WPA Form 5 – Amended Order of Conditions**

69-489

Provided by DEP

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

**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  
Conservation Commission

This issuance is for (check one):

- Order of Conditions  
 Amended Order of Conditions

To: Applicant:

EDF Seekonk, LLC, c/o Eastern Development  
Name  
120 Presidential Way, Suite 300  
Mailing Address  
Woburn                      MA                      01801  
City/Town                      State                      Zip Code

Property Owner (if different from applicant):

(Same)  
Name  
\_\_\_\_\_  
Mailing Address  
\_\_\_\_\_  
City/Town                      State                      Zip Code

1. Project Location:

<u>Highland Avenue</u> Street Address	<u>Seekonk</u> City/Town
<u>8</u> Assessors Map/Plat Number	<u>36</u> Parcel/Lot Number

2. Property recorded at the Registry of Deeds for:

<u>Bristol</u> County	<u>2642</u> Book	<u>265</u> Page
<u>N/A</u> Certificate (if registered land)		

3. Dates:

<u>02/13/02, 10/16/02</u> Date Notice of Intent Filed	<u>3/25/02, 10/28/02</u> Date Public Hearing Closed	<u>4/9/02, 10/28/02</u> Date of Issuance
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4. Final Approved Plans and Other Documents (attach additional plan references as needed):

<u>Stormwater Management report</u>	<u>3/02, 3/20/02,</u>
<u>Proposed Ann &amp; Hope Redevelopment</u>	<u>10/28/02 rev.</u>

5. Final Plans and Documents Signed and Stamped by:

Stanley Szczsponik  
Name

6. Total Fee:

\$1,312.50  
(from Appendix B: Wetland Fee Transmittal Form)



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**B. Findings**

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:

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Public Water Supply  | <input type="checkbox"/> Land Containing Shellfish          | <input checked="" type="checkbox"/> Prevention of Pollution |
| <input checked="" type="checkbox"/> Private Water Supply | <input type="checkbox"/> Fisheries                          | <input type="checkbox"/> Protection of Wildlife Habitat     |
| <input checked="" type="checkbox"/> Groundwater Supply   | <input checked="" type="checkbox"/> Storm Damage Prevention | <input checked="" type="checkbox"/> Flood Control           |

Furthermore, this Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved subject to:**

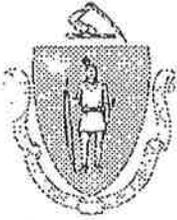
- the following conditions which are necessary, in accordance with the performance standards set forth in the wetlands regulations, to protect those interests checked above. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following 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:**

- the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations to protect those interests checked above. 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.
- 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).

**General Conditions (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.



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**B. Findings (cont.)**

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 69-489 . . . ."
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



**WPA Form 5 – Amended Order of Conditions**

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**B. Findings (cont.)**

- 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.

Special Conditions (use additional paper, if necessary):

- 18. The applicant shall notify the Conservation Commission at (508) 336-2944 at least 48 hours before beginning site work.
- 19. See attached documentation which shall be incorporated into Orders of Conditions by agreement between the applicant and the Seekonk Conservation Commission.
- 20. As noted on the plan the chain link fence impoundment area has been designated as a seasonal storage area and there will be no storage of fertilizers or chemicals stored in that area.

**Findings as to municipal bylaw or ordinance**

Furthermore, the SEEKONK hereby finds (check one that applies):  
Conservation Commission

- that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

Name \_\_\_\_\_ Municipal Ordinance or Bylaw

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.

- that the following additional conditions are necessary to comply with a municipal ordinance or bylaw, specifically:

Name \_\_\_\_\_ Municipal Ordinance or Bylaw

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

## 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 or by the direction of the Commission or its agent.
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. All construction and post-construction stormwater management shall be conducted in accordance with supporting documents submitted with the Notice of Intent, DEP Stormwater Management Policy and as approved by the Commission in this Order of Conditions.
32. All Stormwater best management practices shall be maintained as specified in the Stormwater Management Report's 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.
33. The Applicant, EDF Seekonk, LLC shall submit the Contact Name, phone number, and address of the person or persons responsible for maintenance of all stormwater facilities including: wet detention basins, catch basins, Vortech units, and the Stormfilter unit. Applicant is also responsible for the routine pick up of litter from wetland and riverfront areas, parking areas, islands and perimeter landscape areas in addition to regular pavement sweeping.

34. All discharges of stormwater from wet detention basins, will conform to Grade B water quality standards prior to entering natural wetlands on the site. If at any time the stormwater being discharged into wetland or waterways is found to be of a significantly lower quality, the Commission may require mitigation as needed to protect the resource area(s) in question.
35. The Conservation Commission shall be notified in writing, when any maintenance functions that may impact the wetlands, such as, but not limited to, replacing backfill and repairing drains and terraces, are to be performed.
36. The applicants, owners, and their successors and assignees shall maintain all culverts, collection basins, traps, wet detention ponds, outlet structures, Vortech units, Stormfilter unit, and other elements of drainage systems as specified in the "Proposed Ann & Hope Redevelopment Stormwater Management Report" dated March, 2002.
37. Any debris or "dumped" material placed in wetland resource areas shall be removed by the applicant on a monthly basis.
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.

## Stormwater Basin Sediment and Surface Water Sampling

1. One sediment sample, from the bottom of Stormwater Basin 1, shall be collected and analyzed for the following parameters to establish a baseline. This sampling shall be done before the commencement of any construction or demolition activities on the site.

### Parameter

Total Petroleum Hydrocarbon  
RCRA 8 Metals (arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver)

2. Two surface water samples, at the inlet and outlet of Stormwater Basins 1, 2, and 3, shall be collected and analyzed for the following parameters to establish a baseline. This sampling shall be done before the commencement of any construction or demolition activities on the site.

### Parameter

Fecal Coliform (MPN)  
Nitrite (as N)  
Nitrate (as N)  
Specific Conductance  
Ammonia (as N)  
Dissolved Phosphate (as P)  
Total Petroleum Hydrocarbon  
pH

3. Two surface water samples, at the inlet and outlet of Stormwater Basin 2, shall be collected four times per year for the first year after construction, and analyzed for the following parameters. Stormwater Basin 2 shall be sampled twice a year, thereafter. The samplings shall occur during a rain event.

### Parameter

Fecal Coliform (MPN)  
Nitrite (as N)  
Nitrate (as N)  
Specific Conductance  
Ammonia (as N)  
Dissolved Phosphate (as P)  
Total Petroleum Hydrocarbon  
pH

4. Two surface water samples, at the inlet and outlet of Stormwater Basins 1 and 3, shall be collected twice a year hereafter and analyzed for the following parameters.

### Parameter

Fecal Coliform (MPN)      Total Petroleum Hydrocarbon  
Nitrite (as N)                      pH  
Nitrate (as N)  
Specific Conductance  
Ammonia (as N)  
Dissolved Phosphate (as P)



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**B. Findings (cont.)**

Additional conditions relating to municipal ordinance or bylaw:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Date April 9, 2005

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 (see Appendix A) and the property owner (if different from applicant).

Signatures:

[Signature] \_\_\_\_\_ [Signature] \_\_\_\_\_  
[Signature] \_\_\_\_\_  
Warren Seal \_\_\_\_\_  
[Signature] \_\_\_\_\_

On October 28 Day Of 2002 Month and Year

Before me personally appeared

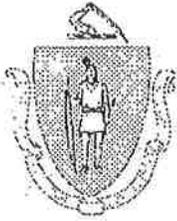
Richard C. Wallace

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.

[Signature] \_\_\_\_\_ January 9, 2008  
Notary Public - Wahlene T. Siconio My Commission Expires

This Order is issued to the applicant as follows:

by hand delivery on \_\_\_\_\_  by certified mail, return receipt requested, on \_\_\_\_\_  
Date October 29, 2002 Date \_\_\_\_\_



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### **C. 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 Appendix E: 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.

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.

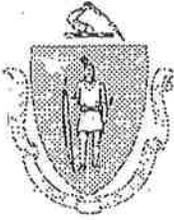
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### **D. Recording Information**

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 Form 5 shall be submitted to the Conservation Commission listed below.

**SEEKONK**

Conservation Commission



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**D. Recording Information (cont.)**

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:

Highland Avenue SE 69-489  
 Project Location DEP File Number

Has been recorded at the Registry of Deeds of:

Bristol  
 County Book Page

for:

EDF Seekonk, LLC  
 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:

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

Applicant: EDF Seckonk, LLC

# AMENDED ORDER OF CONDITIONS

## Seckonk General Wetland Protection By-Law

From SEEKONK CONSERVATION COMMISSION Issuing Authority.

To EDF Seckonk, LLC, c/o Eastern Development Corp (Same)  
(Name of person making request) (Name of property owner)

Address 120 Presidential Way, Suite 300, Woburn, MA 01801 Address \_\_\_\_\_

This Order is issued and delivered as follows:

- by hand delivery to applicant or representative making request on 10/28/02 (date)
- by certified mail, return receipt requested on \_\_\_\_\_ (date)

This project is located at Highland Avenue, Plat 8, Lot 36

The property is recorded at the Registry of Deeds, Bristol County North.  
Book 2642 Page 265 Certificate (if registered) N/A

The Notice of Intent for this project was filed on 02/13/02, 10/16/02 (date)

The public hearing was closed on March 25, 2002, October 28, 2002 (date)

### Findings

The Seckonk 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 Seckonk 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 Seckonk 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 Seckonk 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: Stormwater Management report & Proposed Ann & Hope Redevelopment Plans 3/02 & 3/20/02 signed by Alan L. Clapp.**
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 documentation which shall be incorporated into Orders of Conditions by agreement between the applicant and the Seekonk Conservation Commission.
19. As noted on the plan the chain link fence impoundment area has been designated as a seasonal storage area and there will be no storage of fertilizers or chemicals stored in that area.

## SPECIAL ORDERS OF CONDITIONS

19. 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 or by the direction of the Commission or its agent.
20. The Seekonk Conservation Agent shall be contacted to inspect the silt fence/staked hay bale barrier before the commencement of any earth moving activities.
21. 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.
22. Baled hay and mulch shall be of acceptable herbaceous growth, free from noxious weeds or woody stems, and shall be dry.
23. The base of all stockpiles should be protected by a hay bale barrier or silt fence.
24. An adequate stockpile of erosion control materials shall be on site at all times for emergency or routine replacement.
25. 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.
26. 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.
27. 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.
28. 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.
29. All permanent seeding and landscaping shall be in accordance with the requirements of the contract documents.
30. All construction and post-construction stormwater management shall be conducted in accordance with supporting documents submitted with the Notice of Intent, DEP Stormwater Management Policy and as approved by the Commission in this Order of Conditions.
31. All Stormwater best management practices shall be maintained as specified in the Stormwater Management Report's 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.
32. The Applicant, EDF Seekonk, LLC shall submit the Contact Name, phone number, and address of the person or persons responsible for maintenance of all stormwater facilities including: wet detention basins, catch basins, Vortech units, and the Stormfilter unit. Applicant is also responsible for the routine pick up of litter from wetland and riverfront areas, parking areas, islands and perimeter landscape areas in addition to regular pavement sweeping.

33. All discharges of stormwater from wet detention basins, will conform to Grade B water quality standards prior to entering natural wetlands on the site. If at any time the stormwater being discharged into wetland or waterways is found to be of a significantly lower quality, the Commission may require mitigation as needed to protect the resource area(s) in question.
34. The Conservation Commission shall be notified in writing, when any maintenance functions that may impact the wetlands, such as, but not limited to, replacing backfill and repairing drains and terraces, are to be performed.
35. The applicants, owners, and their successors and assignees shall maintain all culverts, collection basins, traps, wet detention ponds, outlet structures, Vortech units, Stormfilter unit, and other elements of drainage systems as specified in the "Proposed Ann & Hope Redevelopment Stormwater Management Report" dated March, 2002.
36. Any debris or "dumped" material placed in wetland resource areas shall be removed by the applicant on a monthly basis.
37. Paved roadway must be kept clean at all times.
38. Upon completion of this project, the applicant shall submit the following to the Conservation Commission.
  39. A letter from the applicant requesting a Certificate of Compliance.
  40. 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.
  41. An "as-built" plan prepared and signed and stamped by a registered professional engineer or land surveyor of the Commonwealth, for the public record.
  42. 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.

## Stormwater Basin Sediment and Surface Water Sampling

1. One sediment sample, from the bottom of Stormwater Basin 1, shall be collected and analyzed for the following parameters to establish a baseline. This sampling shall be done before the commencement of any construction or demolition activities on the site.

### Parameter

Total Petroleum Hydrocarbon  
RCRA 8 Metals (arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver)

2. Two surface water samples, at the inlet and outlet of Stormwater Basins 1, 2, and 3, shall be collected and analyzed for the following parameters to establish a baseline. This sampling shall be done before the commencement of any construction or demolition activities on the site.

### Parameter

Fecal Coliform (MPN)  
Nitrite (as N)  
Nitrate (as N)  
Specific Conductance  
Ammonia (as N)  
Dissolved Phosphate (as P)  
Total Petroleum Hydrocarbon  
pH

3. Two surface water samples, at the inlet and outlet of Stormwater Basin 2, shall be collected four times per year for the first year after construction, and analyzed for the following parameters. Stormwater Basin 2 shall be sampled twice a year, thereafter. The samplings shall occur during a rain event.

### Parameter

Fecal Coliform (MPN)  
Nitrite (as N)  
Nitrate (as N)  
Specific Conductance  
Ammonia (as N)  
Dissolved Phosphate (as P)  
Total Petroleum Hydrocarbon  
pH

4. Two surface water samples, at the inlet and outlet of Stormwater Basins 1 and 3, shall be collected twice a year hereafter and analyzed for the following parameters.

### Parameter

Fecal Coliform (MPN)      Total Petroleum Hydrocarbon  
Nitrite (as N)              pH  
Nitrate (as N)  
Specific Conductance  
Ammonia (as N)  
Dissolved Phosphate (as P)

Issued by Seekonk Conservation Commission

Signatures

<u>Richard C. Walker</u>	<u>R. E. Will</u>
<u>[Signature]</u>	
<u>Warren P. Seal</u>	
<u>Christy D. Clay</u>	

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

On this 28 day of October 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 Highland Avenue, Plat 8, Lot 36, File Number SE 69-489 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.