

1/13/01

File No: 69-439

Applicant: Ferrara

ORDER OF CONDITIONS

Seekonk General Wetland Protection By-Law

From SEEKONK CONSERVATION COMMISSION Issuing Authority.

To Gary Ferrara (Name of person making request)
Robinson Land Development (Rondald W. Robson) (Name of property owner)

Address 47 Glendale Road, Attleboro, MA 02703 Address 388 Brown Avenue, Seekonk, MA 02771

This Order is issued and delivered as follows:

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

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

This project is located at Robincrest Court, Plat 26, Lot 92

The property is recorded at the Registry of Deeds, Bristol County North.
Book 8062 Page 188 Certificate (if registered) N/A

The Notice of Intent for this project was filed on 7/26/2000 (date)

The public hearing was closed on 11/27/2000 (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 checked="" type="checkbox"/> Protect. of Wildlife Habitat |

Therefore, the Seekonk Conservation Commission hereby finds that the following conditions are necessary, in accordance with the Performance Standards set forth in the regulations, to protect those interests checked above. The Seekonk Conservation Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.

General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes, and other regulatory measures, shall be deemed cause to revoke or modify this Order.

2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations.
4. The work authorized hereunder **shall be completed within three years** from the date of this Order unless either of the following apply:
 - (a) the work is a maintenance dredging project as provided for in the 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. 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. 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:
Gary Ferrara, On-Site Sanitary Disposal System, Dated 6/29/00, revised through 11/27/2000, Signed & stamped by Philip A. McNulty
Replication Plan of Land of Lot 6, Robincrest Court, Seekonk, MASS, for Gary Ferrara, Dated 11/27/2000, by Freeman Engineering
Proposed Construction Schedule, dated 11/27/2000, signed by Suanne Santos
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, and 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 ResourceAreas, including those areas of proposed replication. The barrier shall consist of a staked 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.
16. The limit of work shall be as shown on the plan presented and approved at the meeting.

SPECIAL CONDITIONS:

1. Any concrete used in the retaining wall shall be of a non-lime leaching material; back-up documentation shall be submitted to the Conservation Commission prior to construction.
2. The sweet fern shall be planted three feet on center, rather than six feet on center.
3. Haybales shall be placed around the well.
4. All drilling material shall be captured and removed from areas near wetland.
5. See EXHIBIT B, letter dated November 27, m 2000, Proposed Construction Schedule, attached hereto and incorporated herein.
6. See EXHIBIT C, "Replication Plan of Land of Lot 6 of Robincrest Court, Seekonk, MASS, for Gary Ferrara", attached hereto and incorporated herein.
7. The 25-foot vegetated buffer (no-disturb zone) between the north edge of the wetland and the row of blueberry bushes on the south side of the house shall remain in an undisturbed natural state.



Hayward, Boynton & Williams Inc.

60 Court Street - Taunton - MA - 02780-3201 | 508-822-9870 ph • 508-880-8891 fx

140 School Street - Brockton - MA - 02302-3114 | 508-586-0628 ph • 508-587-9409 fx

178 North Main Street - Attleboro - MA - 02703-2224 | 508-226-1302 ph • 508-222-8892 fx

BK 9145 PG 160

"EXHIBIT B"

Professional Engineers
& Land Surveyors

To: Seekonk Conservation Commission

November 27, 2000

Re: Lot 6 Robincrest Court - SE 69-439

Dear Commission members;

Enclosed, please find the revised Site Plan and Replication Plan for the above referenced lot. The following is a proposed construction schedule that would apply if construction starts this season. Alternatives may be considered if construction starts during the Spring.

PROPOSED CONSTRUCTION SCHEDULE:

- Installation of siltation control, as shown on plan.
- Survey and Set Stakes for Limits of Driveway.
- Clear & grub Limits of Driveway.
- Install and Test Proposed Well
- Excavate Foundation and Area of On-Site Septic System
- Excavate Proposed Replication Area
- Fill & Grade area of Proposed Driveway and Install 12" RCP Class V Pipe
- Install House Foundation and Backfill around Foundation
- Construct Stone Retaining Wall and Backfill
- Continue Construction of House and Septic System
- Season permitting, Plant Replication Area, Area along Stone Wall and Slopes of Driveway
- Seed All Exposed areas
- Monitor Erosion Control During all Phases of Construction

Thank you for your time and attention regarding this matter

Sincerely,

Suanne E. Santos,
Project Engineer

cc: Mr. & Mrs. Ferrara
Mr. Ronald Robson

Received

NOV 27 2000

Con. Comm.

Issued by Seekonk Conservation Commission

Signatures Richard C. Wallace
[Signature]
Chris Deery
Warren R. Seal

[Signature]
R. Hill

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

On this 27th day of November 2000, 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. Sicario
(Notary Public/Justice of the Peace) Wahlene T. Sicario

June 25, 2004
(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.