

Form 5



Commonwealth of Massachusetts

DEQE File No. SE 69-98  
(To be provided by DEQE)

City/Town Seekonk

Applicant John Medina

~~SUPERSEDED~~

**Order of Conditions  
Massachusetts Wetlands Protection Act  
G.L. c. 131, §40**

DENIAL

From Seekonk Conservation Commission

To John Medina (Name of Applicant) Seraphin & Elizabeth Oliveira (Name of property owner)

Address 77 Buckthorne Avenue East Providence, RI Address 1886 Fall River Avenue, Seekonk, M

This Order is issued and delivered as follows:

- by hand delivery to applicant or representative on \_\_\_\_\_ (date)
- by certified mail, return receipt requested on \_\_\_\_\_ (date)

This project is located at Old Fall River Avenue, Part of Lot 47

The property is recorded at the Registry of Bristol County (North)

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Certificate (if registered) 6993

The Notice of Intent for this project was filed on May 26, 1985 (date)

The public hearing was closed on July 8, 1985 (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 Seekonk Conservation Commission at this time, the Seekonk 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 Act (check as appropriate):

- Public water supply
- Private water supply
- Ground water supply
- Flood control
- Storm damage prevention
- Prevention of pollution
- Land containing shellfish
- Fisheries

Plans:

Title	Dated	Signed and Stamped by:	On File with:
Site Plan for		Caputo & Wick	CONCOMM, TOWN ENGINEER
John Medina Seekonk, MA 1/85			DEQE
Drainage Comps.		"	"

Special Conditions (use additional paper if necessary)

This application for a permit to alter wetlands under Chapter 131, Section 40, is hereby denied for the following reason(s):

The project cannot comply with the compensating areas as stated in Section 10.55 (4) of the Wetlands Protection Act.

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(Leave Space Blank)

Issued by the ~~Department of Environmental Quality Engineering~~ **Seekonk Conservation Commission**

Signature Lucas Mayer, Chairman

On this 12<sup>th</sup> day of August 1985, before me personally appeared Lucas Mayer 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.

Paul Roper Urdia Lugo Patricia O'Coyle  
Emily Lagerquist March 9, 1990 B. J. Britton  
Notary Public My commission expires

The applicant, the owner, any person aggrieved by this Superseding Order, any owner of land abutting the land upon which the proposed work is to be done or any ten persons pursuant to G.L. c. 30A, §10A, are hereby notified of their right to request an adjudicatory hearing pursuant to G.L. 30A, §10, providing the request is made by certified mail or hand delivery to the Department within ten days from the date of issuance of the Superseding Order, and is addressed to: Docket Clerk, Office of General Counsel, Department of Environmental Quality Engineering, One Winter Street, Boston, MA 02108. A copy of the request shall at the same time be sent by certified mail or hand delivery to the conservation commission, the applicant, and any other party.

A Notice of Claim for an Adjudicatory Hearing shall comply with the Department's Rules for Adjudicatory Proceedings, 310 CMR 1.01(6), and shall contain the following information:

- (a) the DEQE Wetlands File Number, name of the applicant and address of the project;
- (b) the complete name, address and telephone number of the party filing the request, and, if represented by counsel, the name and address of the attorney;
- (c) the names and addresses of all other parties, if known;
- (d) a clear and concise statement of (1) the facts which are grounds for the proceeding, (2) the objections to this Superseding Order, including specifically the manner in which it is alleged to be inconsistent with the Department's Wetlands Regulations (310 CMR 10.00) and does not contribute to the protection of the interests identified in the Act, and (3) the relief sought through the adjudicatory hearing, including specifically the changes desired in the Superseding Order;
- (e) a statement that a copy of the request has been sent to the applicant, the conservation commission and each other party or representative of such party, if known.

Failure to submit all necessary information may result in a dismissal by the Department of the Notice of Claim for an Adjudicatory Hearing.

Detach on dotted line and submit to the \_\_\_\_\_ prior to commencement of work.

To \_\_\_\_\_ Issuing Authority

Please be advised that the Order of Conditions for the project at \_\_\_\_\_

File Number \_\_\_\_\_ has been recorded at the Registry of \_\_\_\_\_ and

has been noted in the chain of title of the affected property in accordance with General Condition 8 on \_\_\_\_\_, 19\_\_\_\_\_

If recorded land, the instrument number which identifies this transaction is \_\_\_\_\_

If registered land, the document number which identifies this transaction is \_\_\_\_\_

Signature \_\_\_\_\_ Applicant