



Commonwealth of Massachusetts

DEP File No.

SE 69-233

(To be provided by DEP)

City/Town

SEEKONK

Applicant

Firefly Country Club Limited Partnership

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

From Department of Environmental Protection

To Firefly Country Club Limited Partnership (Name of Applicant) Monarch Industries, Inc. (Name of property owner)

Address 320 Fall River Avenue Seekonk, MA 02771 Address P.O. Box 6768 Providence, RI

This Order is issued and delivered as follows:

- by hand delivery to applicant or representative on (date)
by certified mail, return receipt requested on October 21, 1991 (date) P840 476 549

This project is located at Lot 78, 320 Fall River Avenue

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

Book 1671 Page 1173

Certificate (if registered)

The Notice of Intent for this project was filed on October 1, 1990 (date)

The public hearing was closed on October 22, 1990 (date)

Findings

The Department 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 Department at this time, the Department 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, Protection of wildlife habitat

Total Filing Fee Submitted \$250.00 State Share \$112.50
City/Town Share \$137.50 (1/2 fee in excess of \$25)
Total Refund Due \$0 City/Town Portion \$0 State Portion \$0 (1/2 total)

PLANS:

Title	Dated	Signed and Stamped by:	On File with:
Wetland Modifications	9/12/90	Anthony A. Caputo #29840	Department of Environmental Protection

Special Conditions (use additional paper if necessary)

This application for a permit to alter wetlands under Chapter 131, Section 40, is hereby denied without prejudice for failure to submit the following information:

1. The Performance Standards at 310 CMR 10.54(4)(a) cannot be satisfied in that the reduction in Bank habitat will adversely affect the area's ability to provide important wildlife habitat characteristics provided by the existing Bank. Furthermore, said alteration of Bank will adversely affect its physical stability and water carrying capacity and ground water and surface water quality.
2. The applicant failed to provide a Wildlife Habitat Evaluation as required per the regulations at 310 CMR 10.54(4)(a)(5) consistent with the procedures outlined under 310 CMR 10.60.
3. The Department is unable to properly evaluate the proposal without the above-referenced information.

.....
(Leave Space Blank)

Issued by the Department of Environmental Protection

Signature Elizabeth A. Kouloheras
Elizabeth A. Kouloheras, Chief, Wetlands Section

On this 21st day of October 19 91 before me personally appeared Elizabeth A. Kouloheras 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.

Jeanne E. Surney Sept. 21, 1995
Notary Public My commission expires

The applicant, the owner, any person aggrieved by the 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. 20A §10A, are hereby notified of their right to request an adjudicatory hearing pursuant to G.L. c. 20A, §10, providing the request is made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form as provided in 310 CMR 10.02(7), within ten days from the date of issuance of this Superseding Order, and is addressed to: SEE BELOW

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 DEP 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.

PLEASE REFER TO THE ATTACHED DOCUMENT - NOTICE OF APPEAL RIGHTS For Additional Appeal Procedures/Filing Fee and Address

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

