

310 CMR: DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING

* partial copy

10.99: continued

Form 5



Commonwealth of Massachusetts

DECE File No. 270-196
(To be provided to DECE)
City/Town: Reading
Applicant: Bardascino, Guy
Town No.: 1989-4

Order of Conditions
Massachusetts Wetlands Protection Act
G.L. c. 131, §40
and Article 32

From: Town of Reading Conservation Commission

To: Guy and Valerie Bardascino Sara
(Name of Applicant) (Name of property owner)

Address: 17 Deborah Drive Address: Sara
Reading, MA 01867

This Order is issued and delivered as follows:

- by hand delivery to applicant or representative on _____ (date)
 - by certified mail, return receipt requested on April 27, 1989 (date)
- This project is located at End of Lilah Lane (Lilah Lane Extension)

The property is recorded at the Registry of Middlesex South
Book 15584-493 Page _____
15584-487
15584-499

Certificate (if registered) _____ (date)

The Notice of Intent for this project was filed on 03-15-89 (date)

The public hearing was closed on 04-12-89 (date)

Findings

The Reading 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 Commission at this time, the 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):

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Public water supply | <input checked="" type="checkbox"/> Flood control | <input type="checkbox"/> Land containing shellfish |
| <input 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"/> Protection of wildlife habitat |

MARGINAL REFERENCE REQUESTED

Effective 11/1/87

BOOK 15584 PAGE 493

MARGINAL REFERENCE REQUESTED

BOOK 15584 PAGE 487

10/16/87 (Effective 11/1/87)

310 CMR - 280.29

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MSD 05/16/89 12:51:27

MARGINAL REFERENCE REQUESTED
BOOK 15584 PAGE 499

111

310 CMR: DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING

10.99: continued

Therefore, the Reading Con. Com. 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 Reading Con. Com. 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. This 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 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 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, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, kelp, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
7. No work shall be undertaken until all administrative appeal periods from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department 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 to be done. The recording information shall be submitted to the Coil, Com. on the form at the end of this Order prior to commencement of the 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 Quality Engineering, File Number 270-196".
10. Where the Department of Environmental Quality Engineering is requested to make a determination and to issue a Superceding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.
11. 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.
12. The work shall conform to the following plans and special conditions:

310 CMR: DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING

10.99: continued

Plans:	Title	Dated	Signed and Stamped by:	On File with:
	Exhibit A	12-03-88	Howard G. Buttrick	Reading Con. Com
	Exhibit B	02-28-89	-----	Reading Con. Com
	Exhibit C	02-28-89	Guy Bardascino	Reading Con. Com.
	Exhibit D	02-28-89	-----	Reading Con. Com.

Special Conditions (Use additional paper if necessary)

see attached pages 5-3-1 through 5-3-7

(Leave Blank)

5-3A

310 CMR: DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING

10.99: continued

Issued By Town of Reading Conservation Commission

Signature(s) Jean F. McDermott
W. Clifford Proctor
Darryl M. Smith

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

On this 26th day of April, 1984 before me personally appeared W. Clifford Proctor 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.

Harold Victor Huber May 11, 1993
Notary Public Harold Victor Huber My commission expires

The applicant, the owner, any person approved by the Order, any owner of land abutting the land upon which the proposed work is to be done or any ten residents of the city or town in which such land is located are hereby notified of their right to request the Department of Environmental Quality Engineering to issue a Suspending Order, provided the request is made by certified mail or hand delivery to the Department within ten days from the date of issuance of this Order. A copy of the request shall of the same time be sent by certified mail or hand delivery to the Conservation Commission and the applicant.

Detach on dotted line and submit to the _____ prior to commencement of work.
To _____ Issuing Authority
Please be advised that the Order or Conditions for the project of _____
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

Handwritten notes:
Reading
15
10/16/87

E-12

310 CMR: DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING

10.99: continued

*partial
copy



DEQE File No. 270-196
 (To be provided by DEQE)

City/Town Reading

Address Bardascino, Guy

Town No. 1989-4

Order of Conditions
Massachusetts Wetlands Protection Act
 G.L. c. 131, §40
 and Article 32

From Town of Reading Conservation Commission

To Guy and Valerie Bardascino Same
 (Name of Applicant) (Name of property owner)

Address 17 Deborah Drive Address Same
Reading, MA 01867

This Order is issued and delivered as follows:
 by hand delivery to applicant or representative on _____ (date)
 by certified mail, return receipt requested on April 27, 1989 (date)
 The project is located at End of Lilah Lane (Lilah Lane Extension)

The property is recorded at the Registry of Middlesex South
 Book 15584-493
15584-487 Page _____
15584-499

Certificate (# registered) _____

The Notice of Intent for this project was filed on 03-15-89 (date)
 The public hearing was closed on 04-12-89 (date)

Findings
 The Reading 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 Commission at this time, the 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):

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|---|---|--|
| <input checked="" type="checkbox"/> Public water supply | <input checked="" type="checkbox"/> Flood control | <input type="checkbox"/> Land containing shellfish |
| <input 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"/> Protection of wildlife habitat |

Effective 11/1/87

10/16/87 (Effective 11/1/87)

310 CMR - 280.20

115

MSD 12/14/98 12:59:18 312 29.06

310 CMR: DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING

10.99: continued

Therefore, the Reading Con. Com. 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 Reading Con. Com. 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. This 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 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 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, 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 all administrative appeal periods from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department 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 to be done. The recording information shall be submitted to the Con. Com. on the form at the end of this Order prior to commencement of the 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 Quality Engineering, File Number 270-196".
10. Where the Department of Environmental Quality Engineering is requested to make a determination and to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.
11. 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.
12. The work shall conform to the following plans and special conditions:

5-2

10/18/87 (Effective 11/1/87)

310 CMR - 280.30

116

310 CMR: DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING

10.99: continued

Plans:			
Title	Dated	Signed and Stamped by:	On File with:
Exhibit A	12-03-88	Howard C. Buttrick	Reading Con. Com
Exhibit B	02-28-89	-----	Reading Con. Com
Exhibit C	02-28-89	Guy Bardascino	Reading Con. Com.
Exhibit D	02-28-89	-----	Reading Con. Com.

Special Conditions (Use additional paper if necessary)

see attached pages 5-3-1 through 5-3-7

(Leave Space Blank)

5-3A

10/16/87 (Effective 11/1/87)

310 CMR - 280.30.1

117

Date: 04-19-89

Page: 5-3-1

Project: Guy and Valerie Bardascino, End of Lilah Lane

MGL Ch.131 s40

DEQE File #: 270-196

Reading General By-Laws, Article 32

File Number: 1989-4

Findings:

The project as proposed is within the Town of Reading Aquifer Protection District and within the 100 foot Buffer Zone and will involve the construction of a single family house, swimming pool and pool deck(s), patios, and driveway, and the installation of catch basins and a discharge pipe to carry run-off from the proposed impervious surfaces to the existing detention pond for this phase of the Sanborn Village development, and associated filling and grading. Run-off calculations indicate that design parameters for the detention basin can accommodate the proposed introduced volume. It has also been confirmed that the total impervious surface for this lot does not violate the zoning by-law for building within the aquifer protection district.

This project as proposed has been found to be significant to the following sections in the Massachusetts State Wetlands Protection Act Regulations, 310 CMR 10, Ch.131 s40: 10.55(1), 10.57(1)(a), and 10.59.

It is the determination of the Commission that the proposed work can be adequately conditioned to protect the interests of the wetlands protection Act, Ch.131, s40 and the Reading General By-Laws, Article 32. The Reading Conservation Commission approves the proposed project subject to the following conditions:

- 1 A copy of this Order of Conditions, as well as construction plans, shall be on site upon commencement of any site work for contractors to view and adhere. It shall be the responsibility of the owners of the property and any successor(s) in title to inform all contractors and subcontractors of the applicable conditions and provisions of this Order concerning their work.
- 2 Any departures from, or changes to the plans, specifications, and submitted data, other than as described in this Order of Conditions which will result in any effect upon the interests of the Act or of Article 32, must be approved in writing by the Reading Conservation Commission prior to implementation. Where the Commission deems that a change is major or substantial, a new public hearing may be required. Any errors in the plan or information submitted by the applicant shall be considered changes, and the above procedure shall be followed.