



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 4B – Order of Resource Area  
Delineation**

Provided by MassDEP:

MassDEP File Number

eDEP Transaction Number

City/Town

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

**A. General Information**

From: Acton  
1. Conservation Commission

2. This Issuance is for (check one):

- a.  Order of Resource Area Delineation  
b.  Amended Order of Resource Area Delineation

3. Applicant:

Joseph Maillet  
a. First Name b. Last Name

c. Organization

150 Powder Mill Road

d. Mailing Address

Maynard

e. City/Town

MA

f. State

01754

g. Zip Code

4. Property Owner (if different from applicant):

Monique Mooney, Trustee  
a. First Name b. Last Name

Gatehouse Realty Trust

c. Organization

150 Powder Mill Road

d. Mailing Address

Maynard

e. City/Town

MA

f. State

01754

g. Zip Code

5. Project Location:

12 Powder Mill Road Acton 01720  
a. Street Address b. City/Town c. Zip Code

J-3

d. Assessors Map/Plat Number

45

e. Parcel/Lot Number

Latitude and Longitude  
(in degrees, minutes, seconds):

042d26m20.4N

f. Latitude

071d26m08.6N

g. Longitude

6. Dates: Aug. 6, 2015  
a. Date ANRAD filed b. Date Public Hearing Closed c. Date of Issuance

7. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

Aerial GIS of Resource Area Delineation Plan Aug. 6, 2014  
a. Title b. Date

c. Title d. Date



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**B. Order of Delineation**

1. The Conservation Commission has determined the following (check whichever is applicable):

a.  **Accurate:** The boundaries described on the referenced plan(s) above and in the Abbreviated Notice of Resource Area Delineation are accurately drawn for the following resource area(s):

1.  Bordering Vegetated Wetlands

2.  Other resource area(s), specifically:

a. Edge of Bank \_\_\_\_\_  
 \_\_\_\_\_

b.  **Modified:** The boundaries described on the plan(s) referenced above, as modified by the Conservation Commission from the plans contained in the Abbreviated Notice of Resource Area Delineation, are accurately drawn from the following resource area(s):

1.  Bordering Vegetated Wetlands

2.  Other resource area(s), specifically:

a. Riverfront (**See attachment A**) \_\_\_\_\_  
 \_\_\_\_\_

c.  **Inaccurate:** The boundaries described on the referenced plan(s) and in the Abbreviated Notice of Resource Area Delineation were found to be inaccurate and cannot be confirmed for the following resource area(s):

1.  Bordering Vegetated Wetlands

2.  Other resource area(s), specifically:  
 \_\_\_\_\_  
 \_\_\_\_\_

3.  The boundaries were determined to be inaccurate because:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



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### C. Findings

This Order of Resource Area Delineation determines that the boundaries of those resource areas noted above, have been delineated and approved by the Commission and are binding as to all decisions rendered pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c.131, § 40) and its regulations (310 CMR 10.00). This Order does not, however, determine the boundaries of any resource area or Buffer Zone to any resource area not specifically noted above, regardless of whether such boundaries are contained on the plans attached to this Order or to the Abbreviated Notice of Resource Area Delineation.

This Order must be signed by a majority of the Conservation Commission. The Order must be sent 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 DEP Regional Office (see <http://www.mass.gov/dep/about/region/findyour.htm>).

### D. 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 Resource Area Delineation. When requested to issue a Superseding Order of Resource Area Delineation, the Department's review is limited to the objections to the resource area delineation(s) stated in the appeal request. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for 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.

Any appellants seeking to appeal the Department's Superseding Order of Resource Area Delineation will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order or Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

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 bylaw or ordinance, and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.



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## E. Signatures

8/19/2015  
Date of Issuance

Please indicate the number of members who will sign this form.

6  
1. Number of Signers

James C. Colma  
Signature of Conservation Commission Member

Thomas B. Arnold  
Signature of Conservation Commission Member

[Signature]  
Signature of Conservation Commission Member

Paula Goodwin  
Signature of Conservation Commission Member

Terence Maitland  
Signature of Conservation Commission Member

\_\_\_\_\_  
Signature of Conservation Commission Member

[Signature]  
Signature of Conservation Commission Member

**This Order is valid for three years from the date of issuance.**

If this Order constitutes an Amended Order of Resource Area Delineation, this Order does not extend the issuance date of the original Final Order, which expires on \_\_\_\_\_ unless extended in writing by the issuing authority.

This Order is issued to the applicant and the property owner (if different) as follows:

2.  By hand delivery on \_\_\_\_\_  
a. Date

3.  By certified mail, return receipt requested on \_\_\_\_\_  
a. Date 8/21/2015

## **Attachment A**

### **Order of Resource Area Delineation**

Location: 12 Powder Mill Road, Acton, MA

Applicant: Joseph Maillet, 150 Powder Mill Road, Maynard, Ma

Determination by the Acton Conservation Commission on August 19, 2015

The Commission finds that Wetland Flags #1A and #1 through #8 represent the Bank of River at this location and includes the following Findings of Fact:

1. The Bank, as flagged, #1A and #1 - #8, represent the Mean Average High Water Mark of the Assabet River at this location.
2. The Commission finds that the Assabet River at this location is subject to the provisions of the Rivers Act.
3. No determination was made regarding the flood plane length.