

[Redacted Box]

(To be provided by DEP)

Form 2

City/Town Acton 7.95.10

Applicant Town of Acton

Date Request Filed 6/14/95

Commonwealth
of Massachusetts

**Determination of Applicability
Massachusetts Wetlands Protection Act, G.L. c. 131, §40**

From Acton Conservation Commission Issuing Authority

To Acton Engineering Dept. N/A
(Name of Person making request) (Name of property owner)

Address 472 Main St., Acton Address N/A

This determination is issued and delivered as follows:

- by hand delivery to person making request on _____ (date)
- by certified mail, return receipt requested on _____ (date)

Pursuant to the authority of G.L. c.131, §40, the Acton Conservation Commission has considered your request for a Determination of Applicability and its supporting documentation, and has made the following determination (check whichever is applicable):

Location: Street Address School St. sidewalk (east of Piper Rd.)

Lot Number: N/A

This Determination is positive.

1. The area described below, which includes all/part of the area described in your request, is an Area Subject to Protection Under the Act. Therefore, any removing, filling, dredging or altering of that area requires the filing of a Notice of Intent.
2. The work described below, which includes all/part of the work described in your request, is within an Area Subject to Protection Under the Act and will remove, fill, dredge or alter that area. Therefore, said work requires the filing of a Notice of Intent.

3. The work described below, which includes all/part of the work described in your request, is within the Buffer Zone as defined in the regulations, and will alter an Area Subject to Protection Under the Act. Therefore, said work requires the filing of a Notice of Intent.

This Determination is negative:

1. The area described in your request is not an Area Subject to Protection Under the Act.
2. The work described in your request is within an Area Subject to Protection Under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent.
3. The work described in your request is within the Buffer Zone, as defined in the regulations, but will not alter an Area Subject to Protection Under the Act. Therefore, said work does not require the filing of a Notice of Intent.
4. The area described in your request is Subject to Protection Under the Act, but since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required: _____

Issued by Acton Conservation Commission

SCHOOL ST SIDEWALK

Signature(s) _____

Barbara B. Smith

Linda McElroy

Peter Shanahan

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

On this fifth day of July 19 95, before me personally appeared William H. Hill, 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.

Andrea H. B. Matyuzie
Notary Public

March 1, 2002
My Commission Expires

This Determination does not relieve the applicant from complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations. This Determination shall be valid for three years from the date of issuance.

The applicant, the owner, any person aggrieved by this Determination, 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 Protection to issue a Superseding Determination of Applicability, 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 10.03(7) within ten days from the date of issuance of this Determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and the applicant.



Town File No.	<u>D-95.10</u>
Applicant	<u>Town of Acton</u>



**DETERMINATION OF APPLICABILITY
ACTON WETLANDS PROTECTION BYLAW**

CHAPTER F

From the ACTON CONSERVATION COMMISSION

To Town of Acton - Engineering Dept. N/A
 (Name of person making request) (Name of property owner)

Address 472 Main Street, Acton Address N/A

This determination is issued and delivered as follows:

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

Pursuant to the authority of the Town of Acton Bylaws, Chapter F, the Acton Conservation Commission has considered your request for a Determination of Applicability and its supporting documentation, and has made the following determination (check whichever is applicable):

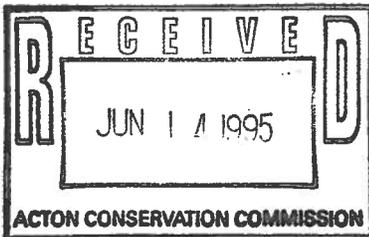
Location: Street Address School Street sidewalk

Lot Number: N/A

This Determination is positive:

1. _____ The area described below, which included all/part of the area described in your request, is an Area Subject to Protection Under the Bylaw. Therefore, any removing, filling, dredging or altering of that area requires the filing of a Notice of Intent.

2. _____ The work described below, which included all/part of the work described in your request, is within an Area Subject to Protection Under the Bylaw and will removed, fill, dredge or alter that area. Therefore, said work requires the filing of a Notice of Intent.



DEP File No.

(To be provided by DEP)

City/Town _____

Applicant _____

**Request for a Determination of Applicability
Massachusetts Wetlands Protection Act, G.L. c. 131, §40**

1. I, the undersigned, hereby request that the TOWN OF ACTON Conservation Commission make a determination as to whether the area, described below, or work to be performed on said area, also described below, is subject to the jurisdiction of the Wetlands Protection Act, G.L. c. 131, §40.
2. The area is described as follows. (Use maps or plans, if necessary, to provide a description and the location of the area subject to this request.)

Location: Street Address SCHOOL STREET - EASTERLY FROM
~~Lot Number~~ PIPER ROAD TO #174

SEE SHEETS 1-4 OF 7 OF A PLAN ENTITLED:
 "PROPOSED SIDEWALK ON SCHOOL STREET FROM
 PIPER ROAD TO SANDY DRIVE" DATED 1/6/95

3. The work in said area is described below. (Use additional paper, if necessary, to describe the proposed work.)

CONSTRUCT A 5' WIDE BITUMINOUS CONCRETE
 SIDEWALK ALONG THE NORTHERLY SIDE OF
 SCHOOL STREET AS SHOWN ON THE ABOVE REFERENCED
 PLANS. APPROXIMATELY 900' OF THE SIDEWALK WILL
 BE LOCATED WITHIN THE WETLAND BUFFER ZONE.
 NO WORK WITHIN THE WETLANDS IS PROPOSED BY
 THIS PROJECT.

4. The owner(s) of the area, if not the person making this request, has been given written notification of this request on JUNE 14, 1995 (date)

The name(s) and address(es) of the owner(s):

TOWN OF ACTON
BOARD OF SELECTMEN
472 MAIN ST.
ACTON, MA. 01720

5. I have filed a complete copy of this request with the appropriate regional office of the Massachusetts Department of Environmental Protection JUNE 14, 1995 (date)

*
DEP Northeast Regional Office
10 Commerce Way
Woburn, MA 01801

DEP Central Regional Office
75 Grove Street
Worcester, MA 01605

DEP Southeast Regional Office
Lakeville Hospital
Route 105
Lakeville, MA 02347

DEP Western Regional Office
State House West, 4th Floor
436 Dwight Street
Springfield, MA 01103

6. I understand that notification of this request will be placed in a local newspaper at my expense in accordance with section 10.5(3)(b) 1 of the regulations by the Conservation Commission and that I will be billed accordingly.

Signature Dennis P. Ring Name DENNIS P. RING, E.A. II
Address 472 MAIN ST., ACTON, MA 01720 Tel. (508) 264-9628