

310 CMR 10.99

Form 2

DEP File No.

(To be provided by DEP)

City/Town Acton D-97-10

Applicant Acorn Homes, Inc.

Date Request Filed 9/19/96

Commonwealth
of Massachusetts

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

From ACTON CONSERVATION COMMISSION Issuing Authority

To Acorn Homes, Inc. SAME
(Name of Person making request) (Name of property owner)

Address 150 Wood Road Address _____
Braintree, MA 02184

This determination is issued and delivered as follows:

by hand delivery to person making request on _____ (date)

by certified mail, return receipt requested on 12/11/96 (date)

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

Location: Street Address EUA 39 539 Acorn Park Drive

Lot Number: _____

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

Signature(s)

Barbara B. Sunden Therese A. Cone
Barbara J. Epstein M. Liberman
[Signature] [Signature]

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

On this second day of October 19 96, before me personally appeared Maureen Dodson, 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 MacKenzie March 1, 2002
 Notary Public 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-97-10</u>
Applicant <u>Acorn Homes, Inc.</u>



**DETERMINATION OF APPLICABILITY
ACTON WETLANDS PROTECTION BYLAW**

CHAPTER F

From the ACTON CONSERVATION COMMISSION

To Acorn Homes, Inc. SAME
 (Name of person making request) (Name of property owner)
 150 Wood Road
 Address Braintree, MA 02184 Address _____

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 EUA 39 539 Acorn Park Drive

Lot Number: _____

This Determination is positive:

- _____ 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.
- _____ 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.

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

Issued by the ACTON CONSERVATION COMMISSION

Signatures _____

Barbara B Smith
Barbara J. Epstein
MTB
Glenn A. Cono

M. Liebman
Carl R. Clark

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

On this second day of October 19 96 before me personally appeared Morris Dodner, 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 MacKenzie
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, bylaws or regulations. This Determination shall be valid for three years from the date of issuance.