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(To be provided by DEP)

City/Town ACTON D-96/2
Applicant Cardenas/Lingham

Date Request Filed 4/5/96

Commonwealth
of Massachusetts

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

From ACTON CONSERVATION COMMISSION Issuing Authority

To Mario Cardenas/Laurie Lingham SAME
(Name of Person making request) (Name of property owner)

Address 356 Arlington Street Address SAME
Acton, MA 01720

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 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 356 Arlington Street,
Lot Number: Pcl. 95 and 62-4

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.



Town File No. D.96-12
Applicant Cardenas/Lingham



**DETERMINATION OF APPLICABILITY
ACTON WETLANDS PROTECTION BYLAW**

CHAPTER F

From the ACTON CONSERVATION COMMISSION

To Mario Cardenas/Laurie Lingham SAME
(Name of person making request) (Name of property owner)

Address 356 Arlington Street Address SAME
Acton, MA 01720

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 356 Arlington Street

Lot Number: Pcl. 95 and 62-4

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.

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 no 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:

SPECIAL CONDITION: The line of haybales may be moved as close as the 40' no-build setback, but no closer.

Issued by the ACTON CONSERVATION COMMISSION

Signatures _____

Barbara B Smith
Chris M. Shubert
[Signature]
Will C. [Signature]

Peter Shanahan
Theresa A. Cone
Linda McCreary

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

On this 17th day of April 1996, before me personally appeared Morant Beal, 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 M. B. 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.