



# WPA Form 2 - Determination of Applicability

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

## A General Information

From:  
ACTON

*Conservation Commission*

1. Applicant:

Elsie Benson c/o Kenneth Sundberg

*Name of Person Making Request*  
20 Henley Road

*Mailing Address*  
Acton

*City/Town*  
MA

01720

*State*

*Zip Code*

2. Property Owner:

same

*Name of Property Owner (if different from applicant)*

*Mailing Address*

*City/Town*

*State*

*Zip Code*

3. Title and Final Revision Date of Plans and Other Documents:

Locus - USGS Maynard Quad

Sewage Disposal Plan, by Joseph March 4/10/00

## B Determination

Pursuant to the authority of M.G.L. c. 131, §40, the

ACTON

*Conservation Commission*

has considered your Request for a Determination of Applicability, with its supporting documentation, and has made the following Determination regarding:

315 Arlington Street,

*Street Address*

Acton, MA

01720

*City/Town*

*Zip Code*

F-1

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*Assessors Map/Plat #*

*Parcel/Lot #*



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## **B** Determination (cont.)

The following Determination(s) is/are applicable to the proposed site and/or project relative to the Wetlands Protection Act and Regulations:

### Positive Determination

Note: No work within the jurisdiction of the Wetlands Protection Act may proceed until a final Order of Conditions (issued following submittal of a Notice of Intent or Abbreviated Notice of Intent) has been received from the issuing authority (i.e., conservation commission or the Department of Environmental Protection).

1. The area described on the plan(s) referenced above, which includes all or part of the area described in the 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 delineations of the boundaries of the resource areas listed directly below, described on the plan(s) referenced above, which includes all or part of the area described in the Request, are confirmed as accurate:

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Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as this Determination is valid. However, the boundaries of resource areas not listed directly above are not confirmed by this Determination, regardless of whether such boundaries are contained on the plans attached to this Determination or to the Request for Determination.

3. The work described on plan(s) and document(s) referenced above, which includes all or part of the work described in the 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.

4. The work described on plan(s) and document(s) referenced above, which includes all or part of the work described in the Request, is within the Buffer Zone and will alter an Area subject to protection under the Act. Therefore, said work requires the filing of a Notice of Intent.

5. The area and/or work described on plan(s) and document(s) referenced above, which includes all or part of the work described in the Request, is subject to review and approval by

\_\_\_\_\_  
*Name of Municipality*

pursuant to the following wetlands law, bylaw, or ordinance (name and citation of law).

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6. The following area and/or work, if any, is subject to municipal bylaw but not subject to the Massachusetts Wetlands Protection Act:

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7. If a Notice of Intent is filed for the work in the Riverfront Area described on plans and documents referenced above, which includes all or part of the work described in the Request, the applicant must consider the following alternatives (Refer to the Wetlands Regulations at 10.58(4)c. for more information about the scope of alternative requirements) :

- Alternatives limited to the lot on which the project is located.
- Alternatives limited to the lot on which the project is located, the subdivided lots, and any adjacent lots formerly or presently owned by the same owner.
- Alternatives limited to the original parcel on which the project is located, the subdivided parcels, any adjacent parcels, and any other land which can reasonably be obtained within the municipality.
- Alternatives extend to any sites which can reasonably be obtained within the appropriate region of the state.



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## **B** Determination (cont.)

### Negative Determination

Note: No further action under the Wetlands Protection Act is required by the applicant. However, if the Department of Environmental Protection is requested to issue a Superseding Determination of Applicability, work may not proceed on this project unless the Department fails to act on such request within 35 days of the date the request is post-marked for certified mail or hand delivered to the Department. Work may then proceed at the owner's risk only upon notice to the Department and to the conservation commission. Requirements for requests for Superseding Determinations are listed at the end of this document.

- 1. The area described in the Request is not an area subject to protection under the Act or the Buffer Zone.
- 2. The work described in the 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 the 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 work described in the Request is not within an Area subject to protection under the Act (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent, unless and until said work alters an Area subject to protection under the Act.

- 5. The area described in the Request is subject to protection under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and regulations, no Notice of Intent is required:

Exempt Activity

- 6. The area and/or work described in the Request is not subject to review and approval by

Name of Municipality

pursuant to a municipal wetlands law, ordinance, or bylaw, (name and citation of bylaw).

## **C** Authorization

This Determination is issued to the applicant and delivered as follows:

- by hand delivery on

Date

- by certified mail, return receipt requested on

Date

This Determination is valid for three years from the date of issuance (except Determinations for Vegetation Management Plans which are valid for the duration of the Plan).

This Determination does not relieve the applicant from complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.

This Determination must be signed by a majority of the conservation commission. A copy must be sent to the appropriate Department of Environmental Protection regional office (see appendix A) and the property owner (if different from the applicant).

Signatures:

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 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Date