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(To be provided by DEP)

Form 2

City/Town ACTON

Applicant Dianne Humelsine

Date Request Filed 5/8/98

*Commonwealth
of Massachusetts*

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

From ACTON CONSERVATION COMMISSION Issuing Authority

TO Dianne M. Humelsine
(Name of person making request) (Name of property owner)

Address 7 Edsel Road, Littleton, MA 01460 Address _____

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 396 Arlington Street, Acton

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 you 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 you 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 you described in your request is subject to Protection Under the Act, but since the work you describe 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) Terence Martland
M. Liebman
Barbara B. Smith
Barbara J. Epstein
May 11, 1998
Richard P. [Signature]

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

On this Ten day of May 19 98, before me personally appeared Barbara J. Epstein, 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.

Andrew Martens
 Notary Public March 1, 2001
 My Commission Expires

This Determination does not relieve the applicant from complying with all other applicable federal, state or local institutes, 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.