

DEP File No:

City/Town: Seekonk  
Applicant: Alfredo DaCunha

Form 2

Request Filed 10/23/98

Commonwealth  
of Massachusetts

## DETERMINATION OF APPLICABILITY

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

From Seekonk Conservation Commission Issuing Authority.

To Alfredo Da Cunha  
(Name of person making request)

(Same)  
(Name of property owner)

Address 26 Edgewood Rd., Seekonk, MA 02771

This determination is issued and delivered as follows:

\_\_\_\_\_ by hand delivery to person making request on \_\_\_\_\_ (date)

by certified mail, return receipt requested on 11/10/98 (date)

Pursuant to the authority of G.L. c. 131, §40, the Seekonk 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 Hammond St. Plat Number: 10 Lot Number: 38C

**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.

4/5/96

10.99 (continued)

**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. X \_\_\_\_\_ The work described in your request is within the Buffer Zone, as defined in the regulations, but will not permanently 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 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 Seekonk Conservation Commission

Signature(s) Warren P. Leach \_\_\_\_\_

Robert C. Walth \_\_\_\_\_

[Signature] \_\_\_\_\_

R. F. Hill \_\_\_\_\_

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

On this 9th day of November 19 98, before me personally appeared Warren P. Leach, 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.

Wahlene J. Acornio  
(Notary Public/Justice of the Peace)

June 25, 2004  
(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 certified mail or hand delivery to the Conservation Commission and the applicant.

Project construction manager to consult with Agent regarding street line before work begins.