

Form 2



Commonwealth of Massachusetts

DEP File No.

[Empty box]

(To be provided by DEP)

City/Town

Seekonk

Applicant

Heritage Homes

Date Request Filed

6-12-90

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

From Seekonk Conservation Commission Issuing Authority

To Mr. Roger DesVergnes Heritage Homes of Attleboro, Inc.
(Name of person making request) (Name of property owner)

Address Chartley, MA 02712 Address Same

This determination is issued and delivered as follows:

- by hand delivery to person making request on (date)
by certified mail, return receipt requested on June 26, 1990 (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~~ Plat 5, Lots 101, 102, 103, 104, 106 and 107 between Miller Street and Willard Avenue

- 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.
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.
Single family homes and septic systems, filling, grading, and stabilization of banks.

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 \_\_\_\_\_ Seekonk \_\_\_\_\_ Conservation Commission

Signature(s) Warren R Leach

Bruce Britton \_\_\_\_\_

Paul E. Royer \_\_\_\_\_

Harold E. Doran \_\_\_\_\_

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

On this 25<sup>th</sup> day of June, 19 90, before me personally appeared Warren 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.

Alexis S. Lyzardes

Notary Public

My Commission Expires Feb. 21, 1997

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 Superceding 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.

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 the Department of Environmental Protection.

Signature \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, before me personally appeared \_\_\_\_\_, 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.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My commission expires

This Superseding Determination does not relieve the applicant from complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations. This Superseding Determination shall be valid for three years from the date of issuance.

The applicant, the owner, any person aggrieved by the Superseding Determination, any owner of land abutting the land upon which the proposed work is to be done, or any ten persons pursuant to G.L. c. 30A §10A, are hereby notified of their right to request an adjudicatory hearing pursuant to G.L. c. 30A, §10, 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 Superseding Determination, and is addressed to: Docket Clerk, Office of General Counsel, Department of Environmental Protection, One Winter Street, Boston, MA 02108. A copy of the request shall at the same time be sent by certified mail or hand delivery to the conservation commission, the applicant, and any other party.

A Notice of Claim for an Adjudicatory Hearing shall comply with the Department's Rules for Adjudicatory Proceedings, 310 CMR 1.01(6), and shall contain the following information:

- (a) the DEP Wetlands File Number, name of the applicant, and address of the project;
- (b) the complete name, address and telephone number of the party filing the request, and, if represented by counsel, the name and address of the attorney;
- (c) the names and addresses of all other parties, if known;
- (d) a clear and concise statement of (1) the facts which are grounds for the proceeding, (2) the objections to this Superseding Determination, including specifically the manner in which it is alleged to be inconsistent with the Department's Wetlands Regulations, (310 CMR 10.00) and (3) the relief sought through the adjudicatory hearing, including specifically the changes desired in the Superseding Determination;
- (e) a statement that a copy of the request has been sent to the applicant, the conservation commission and each other party or representative of such party, if known.

Failure to submit all necessary information may result in a dismissal by the Department of the Notice of Claim for an Adjudicatory Hearing.