

**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**

DEP File Number:

**WPA Form 7 – Extension Permit for Orders of Conditions**

171-0316

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

Provided by DEP

**A. General Information**

**Important:**  
When filling out  
forms on the  
computer, use  
only the tab  
key to move  
your cursor -  
do not use the  
return key.



1. Applicant:

John Peck

Name

100 Country Club Drive

Mailing Address

Halifax

City/Town

MA

State

02338

Zip Code

2. Property Owner (if different):

Name

Mailing Address

City/Town

State

Zip Code

**B. Authorization**

The Order of Conditions (or Extension Permit) issued to the applicant or property owner listed above on:

May 24, 2006

Date

for work at:

316 Plymouth Street

Street Address

63

Assessor's Map/Plat Number

6, 6A, 26, 30,

31, 32

Parcel/Lot Number

recorded at the Registry of Deeds for:

Plymouth

County

Book

Page

Certificate (if registered land)

is hereby extended until:

May 24, 2012

Date

This date can be no more than 3 years from the expiration date of the Order of Conditions or the latest extension. Only unexpired Orders of Conditions or Extension may be extended.

Date the Order was last extended (if applicable):

Date

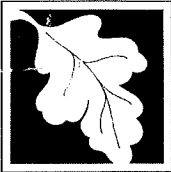
Issued by:

Halifax

Conservation Commission

May 4, 2009

Date



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

DEP File Number:

**WPA Form 7 – Extension Permit for Orders of Conditions**

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Provided by DEP

**B. Authorization (cont.)**

This Order of Conditions Extension must be signed by a majority of the Conservation Commission and a copy sent to the applicant and the appropriate DEP Regional Office.

Signatures:

**Notary Acknowledgement**

Commonwealth of Massachusetts County of Plymouth  
On this 30th Day of April 2009 Year

Before me, the undersigned Notary Public, personally appeared

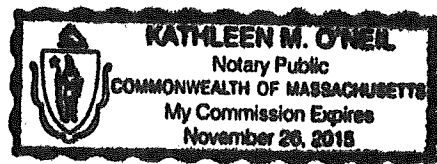
Kathy Evans  
Name of Signer

proved to me through satisfactory evidence of identification, which was/were

personal recognition  
Description of evidence of identification

to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

As member of Halifax City/Town Conservation Commission



Signature of Notary Public  
Kathleen M. O'Neil  
Printed Name of Notary Public

Place notary seal and/or any stamp above

November 26, 2015  
My Commission Expires (Date)



**WPA Form 7 – Extension Permit for Orders of Conditions**

171-0316

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

Provided by DEP

## C. Recording Confirmation

The applicant shall record this document in accordance with General Condition 8 of the Order of Conditions (see below), complete the form attached to this Extension Permit, have it stamped by the Registry of Deeds, and return it to the Conservation Commission.

Note: General Condition 8 of the Order of Conditions requires the applicant, prior to commencement of work, to record the final Order (or in this case, the Extension Permit for the Order of Conditions) in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, it shall be noted in the Registry's Granter Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, it shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done.

Detach page 3 of Form 7 and submit it to the Conservation Commission prior to the expiration of the Order of Conditions subject to this Extension Permit.

To:

Halifax

Conservation Commission

Please be advised that the Extension Permit to the Order of Conditions for the project at:

316 Plymouth Street

Project Location

SE 171-0316

DEP File Number

has been recorded at the Registry of Deeds of:

Plymouth

County

for:

John Peck

Property Owner

and has been noted in the chain of title of the affected property in accordance with General Condition 8 of the original Order of Conditions on:

Date

Book

Page

If recorded land the instrument number which identifies this transaction is:

Instrument Number

If registered land, the document number which identifies this transaction is:

Document Number

Signature of Applicant

**John Peck**

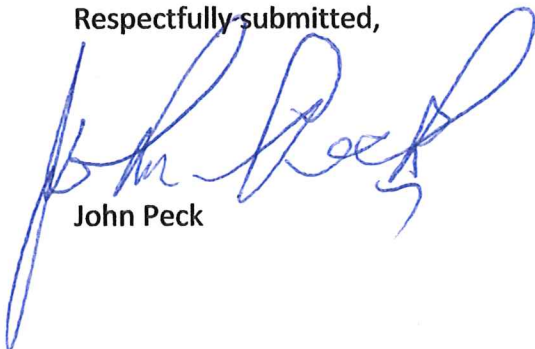
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Attention: Halifax Conservation Committee

I am requesting a three (3) year extension on the ANRAD plan which was granted on May 12, 2006 by the Conservation Commission and the DEP File #SE1710316.

I am requesting this extension due to the general economic downturn and the lack of businesses looking for retail locations.

Respectfully submitted,



John Peck



### 12.10.3 Extensions

An Order of Conditions may be extended by a Commission one or more times for periods of up to three years each using Form 7 (310 CMR 10.05(8)).

Because the regulations state that the applicant “shall” request an extension at least 30 days before an OOC is due to expire, an expired OOC need not be extended, and many municipal counsel advise that it cannot be. Neither DEP nor the courts have ruled on the precise meaning of this regulation. Some Commissions extend expired OOCs; some require a new filing. DEP rulings on appeal have been inconsistent. Clearly, an OOC that expired years ago should be considered dead. While not required by the regulations, the Commission should obtain the request in writing when possible in order to avoid confusion.

There is no legal time frame for the Commission’s response to an extension request, though the 30-day lead-time and fairness to the applicant suggest acting before the OOC expires.

Extension requests should be as carefully scrutinized as the original Notice of Intent. A site visit is important for the Commission to evaluate the status of the project and compliance with the OOC.

The request need not be published in the newspaper and the decision is made at a public meeting.

An extension request may be denied by the Commission, and a new NOI required if (§10.05)(8)(b):

- No work has begun, except if there are unavoidable delays in getting other permits e.g., appeals
- New information, not available at the time the Order was issued, indicates the interests of the Wetlands Protection Act are not being protected by the OOC e.g., site conditions have changed or a wetland resource boundary delineation is incorrect
- Incomplete work has led to damage to the interests of the Act
- There is a violation of the OOC, Act, or regulations
- The regulations have been amended and the existing OOC no longer complies with the regulations.

Extensions must be granted through a vote at a public meeting, signed by a majority of the Commission, and recorded in the same way as the original OOC. The regulations allow the Commission to record the extension if the applicant begins work without doing so. Since there is no form, the reasons for a denial of an extension should be set out in a letter. There is no appeal to DEP.

The regulations are silent on extensions of DOAs and ORADs. This means the Commission has a clear right to demand a new delineation without having to prove a change of conditions. If a Commission wishes to extend either, it should explain to the applicant that the legal consequences are not clear. A controversial DOA or ORAD should probably be reissued, after a new application and public meeting, rather than extended.

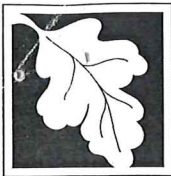
### 12.10.4 Certificates of Compliance

A Certificate of Compliance (COC) is the document by which the issuing authority indicates and documents that a project or part of a project has been satisfactorily completed.

The Conservation Commission must respond when a COC is applied for. However, it is up to the applicant to apply. Special Condition 11 on the Order of Conditions (OOC) requires the applicant to request a COC when the work is done. Commissions should be proactive and strongly urge applicants to meet this requirement.

A request for a COC must be submitted on Form 8A to the Commission or DEP, whichever issued the final OOC. For projects completed according to plans stamped by an engineer or other registered professional, the request must include written indication (usually a letter) from such a professional that the work was completed “substantially in compliance” with the OOC – and explain any deviations (310 CMR 10.05(9)(d)). This important step must not be omitted, even if the Commission is under pressure to issue the COC because in many cases, only the engineer/other professional has the information to make this decision. The Commission should deny the COC if she/he is unwilling to comply.

Following a site visit by Commission members or staff, which the applicant is entitled to attend, the Commission must issue a COC if it finds that all general and special conditions have been met (310 CMR 10.05(9)(a)). Form 8B is used.



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

DEP File Number:

**WPA Form 4B – Order of Resource Area Delineation**

SE 171-0316  
Provided by DEP

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

**A. General Information**

**Important:**

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



**Note:**

Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

From: Halifax

1. Conservation Commission

2. This Issuance is for (check one):

- a. ☒ Order of Resource Area Delineation Only
- b. ☒ Order of Resource Area Delineation Subject to Simplified Review
1. ☐ Not Subject to Stormwater Policy
2. ☐ Subject to Stormwater Policy
- c. ☐ Amended Order of Resource Area Delineation

Received & Recorded  
PLYMOUTH COUNTY  
REGISTRY OF DEEDS  
13 JUN 2006 11:22AM  
JOHN R. BUCKLEY, JR.  
REGISTER  
Bk 32849 Pg 212-222

3. To: Applicant:

John

Peck

a. First Name

b. Last Name

c. Company

100 Country Club Drive

d. Mailing Address

Halifax

MA

02338

e. City/Town

f. State

g. Zip Code

4. Property Owner (if different from applicant):

a. First Name

b. Last Name

c. Company

d. Mailing Address

e. City/Town

f. State

g. Zip Code

5. Project Location:

316 Plymouth Street

Halifax

a. Street Address

b. City/Town

63

6, 6A, 26, 30, 31, 32

c. Assessors Map/Plat Number

d. Parcel/Lot Number

Latitude and Longitude (note: electronic filers will click for GIS locator):

e. Latitude

f. Longitude

6. Dates:

9-28-05

5-23-06

5-24-06

a. Date Notice of Intent filed

b. Date Public Hearing Closed

c. Date of Issuance

7. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

Wetland Delineation Plan of Land

5-12-06

a. Title

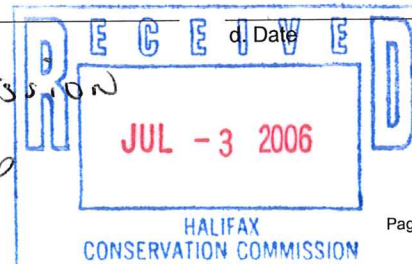
b. Date

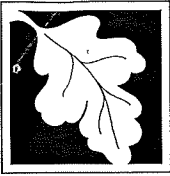
c. Title

d. Date

mail 1

Town of Halifax  
Conservation Commission  
499 Plymouth St.  
Halifax, MA 02338





## WPA Form 4B – Order of Resource Area Delineation

SE 171-0316  
Provided by DEP

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

### B. Order of Delineation

1. The Conservation Commission has determined the following (check whichever is applicable):

- a. ☒ **Accurate:** The boundaries described on the referenced plan(s) above and in the Abbreviated Notice of Resource Area Delineation are accurately drawn for the following resource area(s):

1. ☒ Bordering Vegetated Wetlands
2. ☒ Other Resource Area(s), specifically:

SEE ATTACHED

- b. ☐ **Modified:** The boundaries described on the plan(s) referenced above, as modified by the Conservation Commission from the plans contained in the Abbreviated Notice of Resource Area Delineation, are accurately drawn from the following resource area(s):

1. ☐ Bordering Vegetated Wetlands
2. ☐ Other Resource Area(s), specifically:

- c. ☐ **Inaccurate:** The boundaries described on the referenced plan(s) and in the Abbreviated Notice of Resource Area Delineation were found to be inaccurate and cannot be confirmed for the following resource area(s):

1. ☐ Bordering Vegetated Wetlands
2. ☐ Other Resource Area(s), specifically:

3. The boundaries were determined to be inaccurate because:



## WPA Form 4B – Order of Resource Area Delineation

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

### C. Simplified Buffer Zone Review

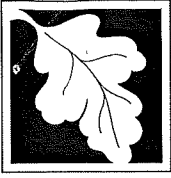
Work within the Buffer Zone pursuant to the Simplified Review (310 CMR 10.02) requires that you must comply with the following conditions. If your project does not meet these requirements, you are required to either file a Determination of Applicability or Notice of Intent or take other corrective measures as directed by the Conservation Commission.

#### Simplified Review Conditions:

Work conducted under Simplified Review requires the following:

1. No work of any kind shall occur within any wetland resource areas including Riverfront Area and Bordering Land Subject to Flooding.
2. The inner 0-to-50-foot wide area from the delineated wetland boundary that has a Buffer Zone shall not be disturbed by any work associated with this project, including placement of any stormwater management components.
3. No work shall occur in the Buffer Zone bordering an Outstanding Resource Water (e.g., certified vernal pool, public water supply reservoir or tributary), as defined in 314 CMR 4.00 or border coastal resource areas at 310 CMR 10.25-10.35.
4. No work shall occur in the Buffer Zone adjacent to wetland resources with estimated wildlife habitat (which is identified on the most recent Estimated Habitat Map of State-listed Rare Wetlands Wildlife).
5. Erosion and Sedimentation controls shall be installed and maintained at the 50-foot Buffer Zone line or limit of work (whichever is a greater distance from the resource area) to protect resource areas during construction.
6. If the project is subject to the Massachusetts Stormwater Policy, all work shall be conducted in conformance with an approved Stormwater Management Plan.
7. The Buffer Zone does not contain a slope greater than an average of 15% at its steepest gradient across the 100-foot Buffer Zone.
8. The amount of new impervious surface, in combination with existing impervious surfaces, shall not exceed 40% of the Buffer Zone between 50 and 100 feet.
9. No work is allowed, and no additional NOI or RDA shall be filed, for any work within the 0-to-50-foot Buffer Zone during the three-year term of an Order associated with this application.
10. Prior to any work being undertaken pursuant to this Order, the wetland resource boundary shall be flagged; all boundary delineation flagging should be maintained for the term of the Order.
11. If stormwater management structures are proposed in the Buffer Zone, the stormwater management structures shall be maintained as required in the Stormwater Plan. Such maintenance constitutes an ongoing condition and is not subject to further permitting requirements.
12. If this ORAD involves work as part of a Simplified Review, the ORAD shall be recorded at the Registry of Deeds prior to the commencement of work per the requirements of Section F.
13. Prior to proceeding with any work under Simplified Review, applicants are required to provide written notice to the Commission one week prior to commencing any work.
14. If work authorized under Simplified Review is commenced, no work is allowed, and no additional NOI or RDA may be filed, for any work within the 0-to-50-foot buffer zone during the term of an ORAD associated with this application. If work authorized under Simplified Review is not commenced, then future NOIs or RDAs may be filed for work within the 0-to-50-foot portion of the buffer zone.

--End of Conditions--



**WPA Form 4B – Order of Resource Area Delineation**

SE 171-0316  
Provided by DEP

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

**C. Simplified Buffer Zone Review (cont.)**

**Stormwater Applicability**

1. ☐ The project is not subject to the Stormwater Policy.
2. ☐ The project is subject to the Stormwater Policy and the Stormwater Plan included for the project complies with all stormwater standards.

**Ineligibility Determinations**

**Site Conditions:** The applicant is not eligible for Simplified Buffer Zone review and must file a Determination of Applicability or Notice of Intent prior to any work because:

3. ☐ Work is within the Buffer Zone of a Coastal Resource Area as defined at 310 CMR 10.25-10.35.
4. ☐ The Buffer Zone contains existing slopes greater than an average of 15%.
5. ☐ Buffer Zone contains estimated rare wildlife habitat.<sup>1</sup>
6. ☐ The site borders an Outstanding Resource Water.<sup>2</sup>

**Stormwater**

7. ☐ The project is subject to the Stormwater Policy and the applicant has not submitted sufficient information to demonstrate compliance with the Stormwater Management Policy. Prior to any work, the applicant must submit plans showing compliance with the standards in the Stormwater Policy, the location of the work, the amount of impervious surface, and the location of erosion controls, to the Commission for its concurrence. (See instructions to ANRAD Form 4A.) The following necessary stormwater information was not submitted by the applicant:

8. ☐ The project is subject to the Stormwater Policy but the project does not comply with one or more of the stormwater standards (specify which standard(s) not met).

a. Standard # \_\_\_\_\_ :

b. Standard # \_\_\_\_\_ :

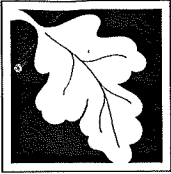
9. ☐ Impervious surface exceeds 40% of the area of the Buffer Zone between 50 and 100 feet from the resource area.
10. ☐ The applicant did not submit plans depicting adequate erosion and sedimentation controls located at the limit of work or at least 50 feet from any resource areas, whichever will be greater.
11. ☐ Work is proposed within 50 feet of a resource area.

**Notice to Commission**

Any applicant proposing to proceed under Simplified Buffer Zone Review, as specified in 310 CMR 10.02, must provide written notice to the Commission one week prior to any work.

<sup>1</sup> Identified on the most recent Estimated Habitat Map of State-listed Rare Wetlands Wildlife of the Natural Heritage and Endangered Species Program.

<sup>2</sup> Certified Vernal Pools, public water supplies, or inland ACECs as identified in 314 CMR 4.00.



## WPA Form 4B – Order of Resource Area Delineation

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

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### D. Findings

This Order of Resource Area Delineation determines that the Stormwater Plan, if applicable, and the boundaries of those resource areas noted above, have been delineated and approved by the Commission and are binding as to all decisions rendered pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c.131, § 40) and its regulations (310 CMR 10.00). This Order does not, however, determine the boundaries of any resource area or Buffer Zone to any resource area not specifically noted above, regardless of whether such boundaries are contained on the plans attached to this Order or to the Abbreviated Notice of Resource Area Delineation.

The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.

If the Abbreviated Notice of Resource Area Delineation was filed as Simplified Review for a Buffer Zone project, the applicant has certified that any work associated with the proposed project meets all eligibility requirements for Simplified Review listed in Section C of this Order. Any work that does not comply with the Simplified Review requirements will require a Notice of Intent or Request for Determination of Applicability.

The applicant is responsible for promptly requesting a Certificate of Compliance following completion of any work allowed pursuant to a Simplified Review or no later than three years from the date of the Order of Resource Area Delineation unless the Order is extended.

Failure to comply with the conditions of this Order is grounds for the Conservation Commission or the Department to take enforcement action.

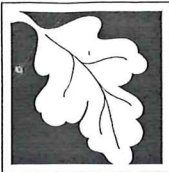
This Order must be signed by a majority of the Conservation Commission. The Order must be sent by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate DEP Regional Office.

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### E. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Resource Area Delineation. When requested to issue a Superseding Order of Resource Area Delineation, the Department's review is limited to the objections to the resource area delineation(s) stated in the appeal request. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant. Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order or Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, § 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal bylaw or ordinance, and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

DEP File Number:

**WPA Form 4B – Order of Resource Area Delineation**

SE 171-0316  
Provided by DEP

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

**F. Signatures and Notary Acknowledgement**

Please indicate the number of members who will sign this form:

3

1. Number of Signers

[Signature]  
Signature of Conservation Commission Member

[Signature]  
Signature of Conservation Commission Member

\_\_\_\_\_  
Signature of Conservation Commission Member

[Signature]  
Signature of Conservation Commission Member

\_\_\_\_\_  
Signature of Conservation Commission Member

\_\_\_\_\_  
Signature of Conservation Commission Member

\_\_\_\_\_  
Signature of Conservation Commission Member

This Order is valid for three years from the date of issuance.

This Order is issued to the applicant and the property owner (if different) as follows:

☐ by hand delivery on

☐ by certified mail, return receipt requested on

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**Notary Acknowledgement**

Commonwealth of Massachusetts County of

Plymouth

On this 4<sup>th</sup> Day of

June 2006  
Month Year

Before me, the undersigned Notary Public,  
personally appeared

Erin K. Perron  
Name of Document Signer

proved to me through satisfactory evidence of identification, which was/were

personal recognition  
Description of evidence of identification

to be the person whose name is signed on the preceding or attached document, and acknowledged  
to me that he/she signed it voluntarily for its stated purpose.

As member of

Halifax  
City/Town

Conservation Commission

Place notary seal and/or any stamp above

This Order is issued to the applicant as follows:

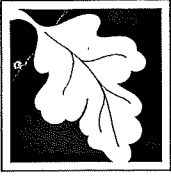
☐ by hand delivery on

☐ by certified mail, return receipt requested, on

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

[Signature]  
Signature of Notary Public  
Kathleen M. O'Neil  
Printed Name of Notary Public  
December 12, 2008  
My Commission Expires (Date)



**WPA Form 4B – Order of Resource Area Delineation**

SE 171-0316  
Provided by DEP

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

**G. Recording Information**

If this Order is issued for purposes of Resource Area Delineation only, this Order should NOT be recorded.

If this Order of Resource Area Delineation is issued as part of a Simplified Review, this Order must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on Page 6 of this form shall be submitted to the Conservation Commission listed below.

Halifax

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Halifax

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

316 Plymouth St.

Project Location

171-0316

DEP File Number

Has been recorded at the Registry of Deeds of:

Plymouth

County

Book

Page

for:

John Peck

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

5-24-06

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

HALIFAX CONSERVATION COMMISSION  
STANDARD ORDER OF CONDITIONS

Page 1 of 1

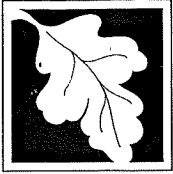
DEP #: 171-316

Applicant: John Peck  
100 Country Club Dr.  
Halifax, MA 02338

Property Address: 316 Plymouth St.  
Halifax, MA 02338  
Map 63, Lot 6,6A,26,30,31,32

The resource are for this property is described in the submitted plan entitled "Wetland Delineation Plan of Land" dated May 12, 2006. Acceptance of the resource are extend to the following...

1. The shaded area shown on the submitted plan located between wetland flags WF37 and WF11 will not be considered to be a wetland resource area.
2. Any resource areas which may be located south of wetland flags WF1 to WF11 is not included in this order.



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**DEP Regional Addresses**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**Mail transmittal forms and DEP payments, payable to:**

Commonwealth of Massachusetts  
Department of Environmental Protection  
Box 4062  
Boston, MA 02211

**DEP Western Region**  
436 Dwight Street  
Suite 402  
Springfield, MA 01103  
Phone: 413-784-1100  
Fax: 413-784-1149

Adams  
Agawam  
Alford  
Amherst  
Ashfield  
Becket  
Belchertown  
Bernardston  
Blandford  
Brimfield  
Buckland  
Charlemont  
Cheshire  
Chester  
Chesterfield  
Chicopee  
Clarksburg

Colrain  
Conway  
Cummington  
Dalton  
Deerfield  
Easthampton  
East Longmeadow  
Egremont  
Erving  
Florida  
Gill  
Goshen  
Granby  
Granville  
Great Barrington  
Greenfield  
Hadley

Hampden  
Hancock  
Hatfield  
Hawley  
Heath  
Hinsdale  
Holland  
Holyoke  
Huntington  
Lanesborough  
Lee  
Lenox  
Leverett  
Leyden  
Longmeadow  
Ludlow  
Middlefield

Monroe  
Montague  
Monterey  
Montgomery  
Monson  
Mount Washington  
New Ashford  
New Marlborough  
New Salem  
North Adams  
Northampton  
Northfield  
Orange  
Otis  
Palmer  
Pelham  
Peru

Pittsfield  
Plainfield  
Richmond  
Rowe  
Russell  
Sandisfield  
Savoy  
Sheffield  
Shelburne  
Shutesbury  
Southampton  
South Hadley  
Southwick  
Springfield  
Stockbridge  
Sunderland  
Tolland

Tyringham  
Wales  
Ware  
Warwick  
Washington  
Wendell  
Westfield  
Westhampton  
West Springfield  
West Stockbridge  
Whately  
Wilbraham  
Williamsburg  
Williamstown  
Windsor  
Worthington

**DEP Central Region**  
627 Main Street  
Worcester, MA 01605  
Phone: 508-792-7650  
Fax: 508-792-7621  
TDD: 508-767-2788

Acton  
Ashburnham  
Ashby  
Athol  
Auburn  
Ayer  
Barre  
Bellingham  
Berlin  
Blackstone  
Bolton  
Boxborough  
Boylston  
Brookfield

Charlton  
Clinton  
Devens  
Douglas  
Dudley  
Dunstable  
East Brookfield  
Fitchburg  
Gardner  
Grafton  
Groton  
Harvard  
Hardwick  
Holden  
Hopdale

Hopkinton  
Hubbardston  
Hudson  
Holliston  
Lancaster  
Leicester  
Leominster  
Littleton  
Lunenburg  
Marlborough  
Maynard  
Medway  
Mendon  
Milford

Millbury  
Millville  
New Braintree  
Northborough  
Northbridge  
North Brookfield  
Oakham  
Oxford  
Paxton  
Pepperell  
Petersham  
Phillipston  
Princeton  
Royalston

Rutland  
Shirley  
Shrewsbury  
Southborough  
Southbridge  
Spencer  
Sterling  
Stow  
Sturbridge  
Sutton  
Templeton  
Townsend  
Tyngsborough  
Upton

Uxbridge  
Warren  
Webster  
Westborough  
West Boylston  
West Brookfield  
Westford  
Westminster  
Winchendon  
Worcester

**DEP Southeast Region**  
20 Riverside Drive  
Lakeville, MA 02347  
Phone: 508-946-2700  
Fax: 508-947-6557  
TDD: 508-946-2795

Abington  
Acushnet  
Aquinnah  
Attleboro  
Avon  
Barnstable  
Berkley  
Bourne  
Brewster  
Bridgewater  
Brockton  
Carver  
Chatham  
Chilmark

Dartmouth  
Dennis  
Dighton  
Duxbury  
Eastham  
East Bridgewater  
Easton  
Edgartown  
Fairhaven  
Fall River  
Falmouth  
Foxborough  
Franklin

Freetown  
Gosnold  
Halifax  
Hanover  
Hanson  
Harwich  
Kingston  
Lakeville  
Mansfield  
Marion  
Marshfield  
Mashpee

Mattapoisett  
Middleborough  
Nantucket  
New Bedford  
North Attleborough  
Norton  
Norwell  
Oak Bluffs  
Orleans  
Pembroke  
Plainville  
Plymouth  
Plympton

Provincetown  
Raynham  
Rehoboth  
Rochester  
Rockland  
Sandwich  
Scituate  
Seekonk  
Sharon  
Somerset  
Stoughton  
Swansea  
Taunton

Tisbury  
Truro  
Wareham  
Wellfleet  
West Bridgewater  
Westport  
West Tisbury  
Whitman  
Wrentham  
Yarmouth

**DEP Northeast Region**  
One Winter Street  
Boston, MA 02108  
Phone: 617-654-6500  
Fax: 617-556-1049  
TDD: 617-574-6868

Amesbury  
Andover  
Arlington  
Ashland  
Bedford  
Belmont  
Beverly  
Billerica  
Boston  
Boxford  
Braintree  
Brookline  
Burlington  
Cambridge  
Canton  
Carlisle

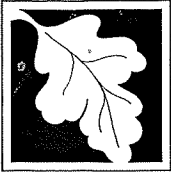
Chelmsford  
Chelsea  
Cohasset  
Concord  
Danvers  
Dedham  
Dover  
Dracut  
Essex  
Everett  
Framingham  
Georgetown  
Gloucester  
Groveland  
Hamilton  
Haverhill

Hingham  
Holbrook  
Hull  
Ipswich  
Lawrence  
Lexington  
Lincoln  
Lowell  
Lynn  
Lynnfield  
Malden  
Manchester-By-The-Sea  
Marblehead  
Medfield  
Medford  
Melrose

Merrimac  
Methuen  
Middleton  
Millis  
Milton  
Nahant  
Natick  
Needham  
Newbury  
Newburyport  
Newton  
Norfolk  
North Andover  
North Reading  
Norwood  
Peabody

Quincy  
Randolph  
Reading  
Revere  
Rockport  
Rowley  
Salem  
Salisbury  
Saugus  
Sherborn  
Somerville  
Stoneham  
Sudbury  
Swampscott  
Tewksbury  
Topsfield

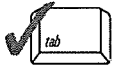
Wakefield  
Walpole  
Waltham  
Watertown  
Wayland  
Wellesley  
Wenham  
West Newbury  
Weston  
Westwood  
Weymouth  
Wilmington  
Winchester  
Winthrop  
Woburn



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**Request for Departmental Action Fee Transmittal Form**  
**Massachusetts Wetlands Protection Act M.G.L. c. 131, §40**

## A. Request Information

**Important:**  
When filling out  
forms on the  
computer, use  
only the tab  
key to move  
your cursor -  
do not use the  
return key.



1. Person or party making request (if appropriate, name the citizen group's representative):

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

Project Location

Mailing Address

City/Town

State

Zip Code

2. Applicant (as shown on Notice of Intent (Form 3), Abbreviated Notice of Resource Area Delineation (Form 4A); or Request for Determination of Applicability (Form 1)):

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

3. DEP File Number:

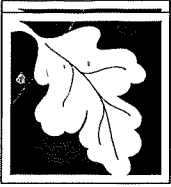
## B. Instructions

1. When the Departmental action request is for (check one):

- ☐ Superseding Order of Conditions
- ☐ Superseding Determination of Applicability
- ☐ Superseding Order of Resource Area Delineation

Send this form and check or money order for \$100.00 (single family house projects) or \$200 (all other projects), payable to the *Commonwealth of Massachusetts* to:

Department of Environmental Protection  
Box 4062  
Boston, MA 02211



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands  
**Request for Departmental Action Fee Transmittal Form**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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**B. Instructions (cont.)**

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office.
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

**Abbreviated Notice of Recourse Area Delineation**

**316 Plymouth Street  
Halifax, MA**

**26 September 2005**

***Submitted To:***

The Halifax Conservation Commission  
Plymouth Street  
Halifax MA 02338

***Submitted By:***

P & B Associates  
100 Country Club Drive  
Halifax, MA 02338

***Prepared By:***

Wetland & Wildlife, Environmental Consultants  
P.O. Box 974  
Lakeville, MA 02347

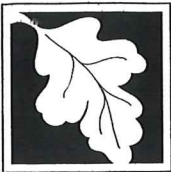
## **TABLE OF CONTENTS**

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<b><u>Section</u></b>	<b><u>Title</u></b>
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<b>II</b>	<b>Figures</b> <b>Fig 1 Locus USGS</b> <b>Fig 2 Estimated Habitat</b>
<b>III</b>	<b>Abutter Information</b>
<b>IV</b>	<b>Filing Fee</b>
<b>V</b>	<b>Appendicies</b>
<b>VI</b>	<b>Project Plan</b>

## **Section I**

### ***Abbreviated Notice of Resource Area Delineation***



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 4A – Abbreviated Notice of Resource Area Delineation**  
**Massachusetts Wetlands Protection Act M.G.L. c. 131, §40**

Provided by DEP:

DEP File Number

Document Transaction Number

Halifax

City/Town

**A. General Information**

1. Project Type:

- a. ☒ Resource Area Delineation Only
- b. ☐ Resource Area Delineation Subject to Simplified Review

2. Project Location (**Note:** electronic filers will click on button for GIS locator):

316 Plymouth Street

a. Street Address

Halifax

b. City/Town

02338

c. Zip Code

Latitude and Longitude:

4650711N

d. Latitude

19347076E

e. Longitude

Map 63

f. Assessors Map/Plat Number

Lots 6, 6A, 26, 30, 31 & 32

g. Parcel /Lot Number

3. Applicant:

John

a. First Name

Peck

b. Last Name

P & B Associates

c. Company

100 Country Club Drive

d. Mailing Address

Halifax

e. City/Town

MA

f. State

02338

g. Zip Code

718-293-9061

h. Phone Number

i. Fax Number

j. Email address

4. Property owner (if different from applicant):

☐ Check if more than one owner

a. First Name

b. Last Name

c. Company

d. Mailing Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

5. Representative (if any):

Wetlands & Wildlife, Environmental Consultants

a. Firm

Michele

b. Contact Person First Name

Grenier

c. Contact Person Last Name

P.O.Box 974

d. Mailing Address

Lakeville

e. City/Town

MA

f. State

02347

g. Zip Code

508-947-8841

h. Phone Number

508-947-8841

i. Fax Number

wetlands\_wildlife@comcast.net

j. Email address

6. Total WPA Fee Paid (from attached ANRAD Wetland Fee Transmittal Form):

1920

a. Total Fee Paid

947.50

b. State Fee Paid

972.50

c. City/Town Fee Paid

**Important:**  
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



**Note:**  
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

Fees will be calculated for online users.



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands  
**WPA Form 4A – Abbreviated Notice of Resource Area Delineation**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by DEP:

DEP File Number

Document Transaction Number

Halifax

City/Town

## B. Area(s) Delineated

1. Bordering Vegetated Wetland (BVW) 960  
Linear Feet of Boundary Delineated
2. Check all methods used to delineate the Bordering Vegetated Wetland (BVW) boundary:
  - a. ☒ DEP BVW Field Data Form (attached)
  - b. ☐ Other Methods for Determining the BVW boundary (attach documentation):
    1. ☐ 50% or more wetland indicator plants
    2. ☐ Saturated/inundated conditions exist
    3. ☐ Groundwater indicators
    4. ☐ Direct observation
    5. ☐ Hydric soil indicators
    6. ☐ Credible evidence of conditions prior to disturbance
3. Indicate if any other resource area(s) are delineated:

a. Resource Area

b. Linear Feet Delineated

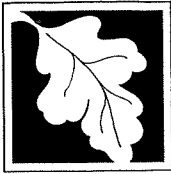
c. Resource Area

d. Linear Feet Delineated

## C. Additional Information

Applicants must include the following plans with this Abbreviated Notice of Resource Area Delineation. See instructions for details. **Online Users:** Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. ☒ ANRAD (Delineation Plans only)
2. ☐ Simplified Review ANRAD with Stormwater (Delineation Plans and Project Plans)
3. ☐ Simplified Review ANRAD without Stormwater (Delineation Plans only)
4. ☒ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
5. ☐ Plans identifying the boundaries of the Bordering Vegetated Wetlands (BVW) (and other resource areas, if applicable).
6. ☐ List the titles and final revision dates for all plans and other materials submitted with this Abbreviated Notice of Resource Area Delineation.



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands  
**WPA Form 4A – Abbreviated Notice of Resource Area Delineation**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by DEP:

DEP File Number \_\_\_\_\_

Document Transaction Number \_\_\_\_\_

Halifax \_\_\_\_\_

City/Town \_\_\_\_\_

## D. Simplified Review for Buffer Zone Projects

Simplified Review cannot be applied to work proposed within riverfront areas or bordering land subject to flooding.

I certify that the project design and construction, in order to be eligible for Buffer Zone Simplified Review, complies with the following requirements.

**Boxes 1-10 must be checked in order for the application to be eligible.**

1. ☐ No work of any kind will occur within any wetland resource areas including Riverfront Area and Bordering Land Subject to Flooding.
2. ☐ The inner 0-to-50-foot wide area from the delineated wetland boundary will not be disturbed by any work associated with this project, including placement of any stormwater management components.
3. ☐ The buffer zone where the work is proposed does not border an Outstanding Resource Water (e.g., certified vernal pool, public water supply reservoir or tributary), as defined in 314 CMR 4.00 or border coastal resource areas at 310 CMR 10.25-10.35.
4. ☐ The buffer zone is not adjacent to wetland resources with estimated wildlife habitat (which is identified on the most recent Estimated Habitat Map of State-listed Rare Wetlands Wildlife).
5. ☐ If the project is subject to the Massachusetts Stormwater Policy, all work will be conducted in conformance with an approved Stormwater Management Plan.
6. ☐ Erosion and Sedimentation controls will be provided at the 50-foot buffer zone line or limit of work (whichever is a greater distance from the resource area) and be sufficient to protect resource areas during construction.
7. ☐ The buffer zone does not contain an existing slope greater than an average of 15% at its steepest gradient across the 100-foot width of the buffer zone from the edge of the resource area to the outer edge of the buffer zone.
8. ☐ Following completion of the project, the amount of new impervious surface, in combination with existing impervious surfaces, will not exceed 40% of the buffer zone between 50 and 100 feet from a delineated boundary.
9. ☐ If work authorized under Simplified Review is commenced, no work is allowed, and no additional NOI or RDA may be filed, for any work within the 0-to-50-foot buffer zone during the term of an ORAD associated with this application. If work authorized under Simplified Review is **not** commenced, then future NOIs or RDAs may be filed for work within the 0-to-50-foot portion of the buffer zone.
10. The project a. ☐ is b. ☐ is not subject to the Massachusetts Stormwater Policy.

If the project is subject to the Stormwater Policy, check one of the following three boxes:

1. ☐ attached is a Stormwater Management Form (and supporting information)
2. ☐ no work contemplated at this time; a Stormwater Management Form (and supporting information) will be provided to the Conservation Commission for review and concurrence prior to the commencement of any work on the site.
3. ☐ Stormwater Management Form is being submitted for a previously issued Order of Resource Area Delineation (delineation only) dated: \_\_\_\_\_ a. Date

b. Title of Stormwater Management Plan \_\_\_\_\_

c. Date \_\_\_\_\_

d. Signature of Applicant or Applicant's Representative \_\_\_\_\_



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 4A – Abbreviated Notice of Resource Area Delineation**  
**Massachusetts Wetlands Protection Act M.G.L. c. 131, §40**

Provided by DEP:

DEP File Number

Document Transaction Number

Halifax

City/Town

## E. Fees

The fees for work proposed under each Abbreviated Notice of Resource Area Delineation must be calculated and submitted to the Conservation Commission and the Department (see Instructions and Wetland Fee Transmittal Form).

No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to the attached Wetland Fee Transmittal Form) to confirm fee payment:

972.50

1. Municipal Check Number

947.50

3. State Check Number

John

5. Payor name on check: First Name

9/13/05

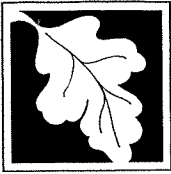
2. Check date

9/13/05

4. Check date

Peck

6. Payor name on check: Last Name



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 4A – Abbreviated Notice of Resource Area Delineation**  
**Massachusetts Wetlands Protection Act M.G.L. c. 131, §40**

Provided by DEP:

DEP File Number

Document Transaction Number

Halifax

City/Town

## F. Signatures and Certification Requirements

I certify under the penalties of perjury that the foregoing Abbreviated Notice of Resource Area Delineation and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

**I certify that any work associated with the proposed project meets all of the eligibility criteria listed in Section D above.** If the project does not comply with the Section D eligibility requirements, or if I decide to not do the work allowed by the Simplified Review Approval, I will file a Notice of Intent or Request for Determination of Applicability for any proposed future work as required by the Conservation Commission.

I acknowledge that I am responsible for promptly requesting a Certificate of Compliance following completion of any work allowed pursuant to a Simplified Review or no later than three years from the date of the Order of Resource Area Delineation unless the Order is extended on Wetland Form 7, Extension Permit for Order of Conditions.

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

I hereby grant permission, to the Agent or member of the Conservation Commission and the Department of Environmental Protection, to enter and inspect the area subject to this Notice at reasonable hours to evaluate the project subject to this Notice, and to require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.

I acknowledge that failure to comply with these certification requirements is grounds for the Conservation Commission or the Department to take enforcement action.

*Michèle J. Genuis for SR*

1. Signature of Applicant

9/21/05

2. Date

3. Signature of Property Owner (if different)

*Michèle Genuis*

4. Date

9/21/05

5. Signature of Representative (if any)

6. Date

### For Conservation Commission:

Two copies of the completed Abbreviated Notice of Resource Area Delineation (Form 4A), including supporting plans and documents; two copies of the ANRAD Wetland Fee Transmittal Form; and the city/town fee payment must be sent to the Conservation Commission by certified mail or hand delivery.

### For DEP:

One copy of the completed Abbreviated Notice of Resource Area Delineation (Form 4A), including supporting plans and documents; one copy of the ANRAD Wetland Fee Transmittal Form; and a copy of the state fee payment must be sent to the DEP Regional Office (see Instructions) by certified mail or hand delivery. (E-filers may submit these electronically.)

### Other:

If the applicant has checked the "yes" box in any part of Section C, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.

## **Section II**

### ***Narrative***

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## Section II

### *Figures*

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