

Massachusetts Department of Environmental Protection

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Username: HARRITYJ

Transaction ID: 1365794

Document: WPA Form 3 - NOI

Size of File: 247.77K

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Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 3 - Notice of Intent

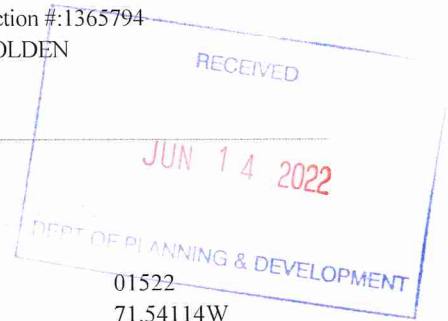
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #:

eDEP Transaction #:1365794

City/Town:HOLDEN



A.General Information

1. Project Location:

a. Street Address	0 CUTLER RD	c. Zip Code	01522
b. City/Town	HOLDEN	e. Longitude	71.54114W
d. Latitude	42.22242N	g.Parcel/Lot #	17
f. Map/Plat #	84		

2. Applicant:

Individual Organization

a. First Name	JIM	b.Last Name	HARRITY
c. Organization			
d. Mailing Address	225 NONOTUCK ST		
e. City/Town	FLORENCE	f. State	MA
g. Zip Code			01062
h. Phone Number	413-210-5256	i. Fax	
j. Email			harrityj@comcast.net

3.Property Owner:

more than one owner

a. First Name	DIANNE	b. Last Name	ZOTTOLI
c. Organization	HOLDEN REALTY		
d. Mailing Address	42 ZOTTOLI RD		
e. City/Town	HOLDEN	f.State	MA
g. Zip Code			01520
h. Phone Number	413-210-5256	i. Fax	
j.Email			harrityj@comcast.net

4.Representative:

a. First Name	JIM	b. Last Name	HARRITY
c. Organization	SIMAC REALTY TRUST		
d. Mailing Address	225 NONOTUCK ST		
e. City/Town	FLORENCE	f. State	MA
g. Zip Code			01062
h.Phone Number	413-210-5256	i.Fax	
j.Email			harrityj@comcast.net

5.Total WPA Fee Paid (Automatically inserted from NOI Wetland Fee Transmittal Form):

a.Total Fee Paid	750.00	b.State Fee Paid	362.50	c.City/Town Fee Paid	387.50
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6.General Project Description:

7a.Project Type:

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Limited Project Driveway Crossing | 4. <input type="checkbox"/> Commercial/Industrial |
| 5. <input type="checkbox"/> Dock/Pier | 6. <input type="checkbox"/> Utilities |
| 7. <input type="checkbox"/> Coastal Engineering Structure | 8. <input type="checkbox"/> Agriculture (eg., cranberries, forestry) |
| 9. <input type="checkbox"/> Transportation | 10. <input type="checkbox"/> Other |

7b.Is any portion of the proposed activity eligible to be treated as a limited project subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

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1. Yes No If yes, describe which limited project applies to this project:

2. Limited Project

8. Property recorded at the Registry of Deeds for:

a. County:

b. Certificate:

c. Book:

d. Page:

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

1. Buffer Zone & Resource Area Impacts (temporary & permanent):

This is a Buffer Zone only project - Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.

2. Inland Resource Areas: (See 310 CMR 10.54 - 10.58, if not applicable, go to Section B.3. Coastal Resource Areas)

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
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a. Bank

1. linear feet

2. linear feet

b. Bordering Vegetated Wetland

1. square feet

2. square feet

c. Land under Waterbodies and Waterways

1. Square feet

2. square feet

3. cubic yards dredged

d. Bordering Land Subject to Flooding

1. square feet

2. square feet

3. cubic feet of flood storage lost

4. cubic feet replaced

e. Isolated Land Subject to Flooding

1. square feet

2. cubic feet of flood storage lost

3. cubic feet replaced

f. Riverfront Area

1. Name of Waterway (if any)

2. Width of Riverfront Area (check one)

25 ft. - Designated Densely Developed Areas only

100 ft. - New agricultural projects only

200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project

53994

square feet

4. Proposed Alteration of the Riverfront Area:

12520

200

12320

a. total square feet

b. square feet within 100 ft.

c. square feet between 100 ft. and 200 ft.

5. Has an alternatives analysis been done and is it attached to this NOI?

Yes No

6. Was the lot where the activity is proposed created prior to August 1, 1996?

Yes No

Massachusetts Department of Environmental Protection

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City/Town:HOLDEN

3.Coastal Resource Areas: (See 310 CMR 10.25 - 10.35)

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Designated Port Areas	Indicate size under	Land under the ocean below,
b. <input type="checkbox"/> Land Under the Ocean	1. square feet	
	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes, below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	1. square feet	2. cubic yards dune nourishment
f. <input type="checkbox"/> Coastal Banks	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet	
h. <input type="checkbox"/> Salt Marshes	1. square feet	2. sq ft restoration, rehab, crea.
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet	
	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet	

4.Restoration/Enhancement

Restoration/Replacement

If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please entered the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

5.Projects Involves Stream Crossings

Project Involves Streams Crossings

If the project involves Stream Crossings, please enter the number of new stream crossings/number of replacement stream crossings.

Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

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Provided by MassDEP:

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a. number of new stream crossings

b. number of replacement stream crossings

C. Other Applicable Standards and Requirements

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage of Endangered Species program (NHESP)?

a. Yes No

If yes, include proof of mailing or hand delivery of NOI to:

Natural Heritage and Endangered Species

Program

Division of Fisheries and Wildlife

1 Rabbit Hill Road

Westborough, MA 01581

b. Date of map:FROM MAP VIEWER

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18)....

c. Submit Supplemental Information for Endangered Species Review * (Check boxes as they apply)

1. Percentage/acreage of property to be altered:

(a) within Wetland Resource Area

percentage/acreage

(b) outside Resource Area

percentage/acreage

2. Assessor's Map or right-of-way plan of site

3. Project plans for entire project site, including wetland resource areas and areas outside of wetland jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

a. Project description (including description of impacts outside of wetland resource area & buffer zone)

b. Photographs representative of the site

c. MESA filing fee (fee information available at: <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/mass-endangered-species-act-mesa/mesa-fee-schedule.html>)

Make check payable to "Natural Heritage & Endangered Species Fund" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

d. Vegetation cover type map of site

e. Project plans showing Priority & Estimated Habitat boundaries

d. OR Check One of the following

1. Project is exempt from MESA review. Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <http://www.mass.gov/eea/agencies/dfg/dfw/laws-regulations/cmr/321-cmr-1000-massachusetts-endangered-species-act.html#10.14>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. Separate MESA review ongoing.

a. NHESP Tracking Number

b. Date submitted to NHESP

3. Separate MESA review completed.

Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

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Provided by MassDEP:

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* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review...

2. For coastal projects only, is any portion of the proposed project located below the mean high waterline or in a fish run?

a. Not applicable - project is in inland resource area only

b. Yes No

If yes, include proof of mailing or hand delivery of NOI to either:

South Shore - Cohasset to Rhode Island, and the Cape & Islands:

North Shore - Hull to New Hampshire:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 S. Rodney French Blvd
New Bedford, MA 02744

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930

If yes, it may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office.

For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional office.

3. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

a. Yes No

If yes, provide name of ACEC (see instructions to WPA Form 3 or DEP Website for ACEC locations). **Note:** electronic filers click on Website.

b. ACEC Name

4. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?

a. Yes No

5. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L.c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L.c. 130, § 105)?

a. Yes No

6. Is this project subject to provisions of the MassDEP Stormwater Management Standards?

a. Yes, Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:

1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook

Vol.2, Chapter 3)

2. A portion of the site constitutes redevelopment

3. Proprietary BMPs are included in the Stormwater Management System

b. No, Explain why the project is exempt:

1. Single Family Home

2. Emergency Road Repair

3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family

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Bureau of Resource Protection - Wetlands

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housing project) with no discharge to Critical Areas.

D. Additional Information

Applicants must include the following with this Notice of Intent (NOI). 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 by regular mail delivery.

- 1. 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.)
- 2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.
- 3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s). Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.
- 4. List the titles and dates for all plans and other materials submitted with this NOI.

a. Plan Title:	b. Plan Prepared By:	c. Plan Signed/Stamped By:	c. Revised Final Date:	e. Scale:
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PROPOSED SEPTIC SYSTEM DESIGN

LIZ DUPRE

4/11/22

- 5. If there is more than one property owner, please attach a list of these property owners not listed on this form.
- 6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
- 7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
- 8. Attach NOI Wetland Fee Transmittal Form.
- 9. Attach Stormwater Report, if needed.

Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 3 - Notice of Intent
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 MassDEP File #:
 eDEP Transaction #:1365794
 City/Town:HOLDEN

E. Fees

1. Fee Exempt: 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 pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

2. Municipal Check Number	3. Check date
4. State Check Number	5. Check date
6. Payer name on check: First Name	7. Payer name on check: Last Name

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent 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 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 by Certificate of Mailing or 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.

Jim Harrity	4/22/2022
1. Signature of Applicant	2. Date
Holden Realty <i>Diann Zettel, Treasurer</i>	4/22/2022
3. Signature of Property Owner (if different)	4. Date
JIM HARRITY	4/22/2022
5. Signature of Representative (if any)	6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a copy of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in Section C, Items 1-3, above, 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.

Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 3 - Notice of Wetland Fee Transmittal
Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 MassDEP File #:
 eDEP Transaction #: 1365794
 City/Town: HOLDEN

A. Applicant Information

1. Applicant:

a. First Name	JIM	b. Last Name	HARRITY
c. Organization			
d. Mailing Address	225 NONOTUCK ST		
e. City/Town	FLORENCE	f. State	MA
g. Zip Code		01062	
h. Phone Number	4132105256	i. Fax	
j. Email	harrityj@comcast.net		

2. Property Owner:(if different)

a. First Name	DIANNE	b. Last Name	ZOTTOLI
c. Organization	HOLDEN REALTY		
d. Mailing Address	42 ZOTTOLI RD		
e. City/Town	HOLDEN	f. State	MA
g. Zip Code		01520	
h. Phone Number	4132105256	i. Fax	
j. Email	harrityj@comcast.net		

3. Project Location:

a. Street Address	0 CUTLER RD	b. City/Town	HOLDEN
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Are you exempted from Fee? (YOU HAVE SELECTED 'NO')

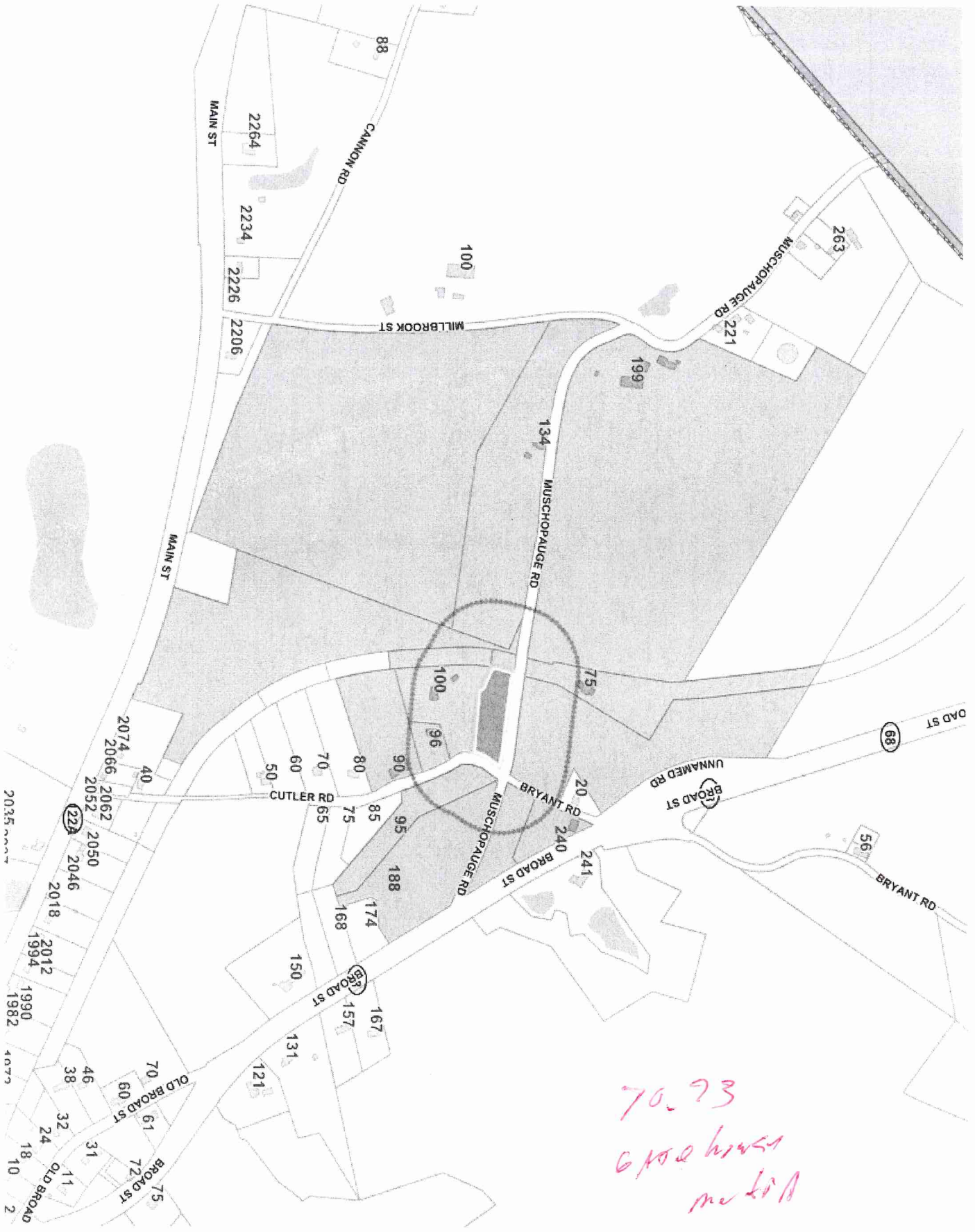
Note: Fee will be exempted if you are one of the following:

- City/Town/County/District
- Municipal Housing Authority
- Indian Tribe Housing Authority
- MBTA

State agencies are only exempt if the fee is less than \$100

B. Fees

Activity Type	Activity Number	Activity Fee	RF Multiplier	Sub Total
A.) CONSTRUCTION OF SINGLE FAMILY HOUSE;	1	500.00	RFA MULTIPLIER 1.5	750.00
	City/Town share of filling fee	\$387.50	State share of filing fee	\$362.50
			Total Project Fee	\$750.00



70-93
 6100 hwy
 mtd

Notice of Intent
Notification to Abutters Under the
Massachusetts Wetlands Protection Act and the Holden Wetlands Protection Bylaw

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the Town of Holden Wetland Bylaw you are hereby notified of the following.

The name of the applicant is: **Holden Realty**

The applicant has filed a Notice of Intent with the Holden Conservation Commission for the *construction of a single family home and septic system. A portion of the work is located within Riverfront Area and within the 100-foot buffer of Bordering Vegetated Wetland (BVW)*, Areas Subject to Protection under the Wetlands Protection Act (General Laws Chapter 131, Section 40) and the Holden Wetlands Protection Bylaw.

The location of the proposed activity is: *0 Cutler Road*

Copies of the Notice of Intent may be examined at the office of the **Holden Conservation Commission:**

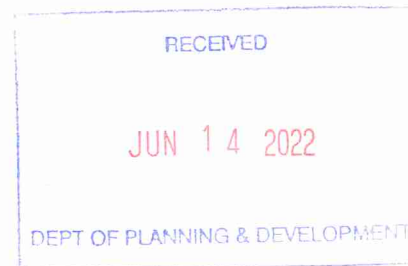
1196 Main Street
Holden, MA 01520
508-210-5535
Monday thru Thursday 8am to 3pm
Friday 8am to 12 noon

Copies of the Notice of Intent and Plan can be viewed on the Conservation Commission Webpage:

The Public Hearing is scheduled for:

Time: Wednesday July 13th at 7pm

Location: Holden Town Hall (2nd Floor)
1196 Main Street
Holden, MA 01520



*The actual hearing may start later than 7pm, please check with the conservation commission for final agenda times.

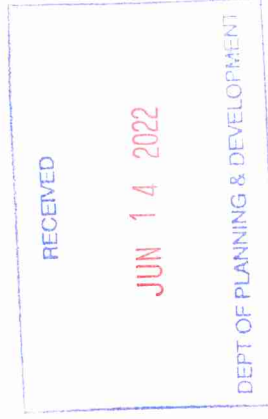
NOTE: You also may contact the Central Regional Office of the MA Department of Environmental Protection for more information about this application or the Wetlands Protection Act.

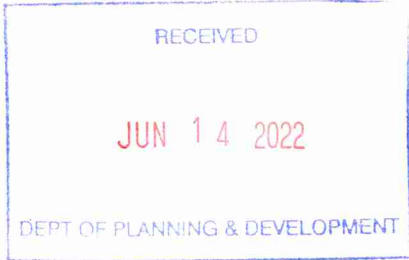
Town of Holden - Board of Assessors - Certified List of Abutters
 Holden Realty - 84-17
 6/6/2022

M/P	Owner1	Owner2	Mailing Address	City/Town	State	Zip
83-14	KENT, MARK S.	KENT, TARA A.	20 MIXTER RD	HOLDEN	MA	01520
84-1	FRIEDMAN, LINDA		75 MUSCHOPAUGE RD	JEFFERSON	MA	01522
83-11	GAMBORDELLA, MICHAEL C CO-TRUSTEE	RUBENS, NANCY J CO-TRUSTEE	134 MUSCHOPAUGE RD	JEFFERSON	MA	01522
84-4	HOLDEN REALTY INC		42 ZOTTOLI RD	HOLDEN	MA	01520
84-5	HOLDEN REALTY INC		42 ZOTTOLI RD	HOLDEN	MA	01520
84-3	HOLDEN REALTY INC		42 ZOTTOLI RD	HOLDEN	MA	01520
84-17	HOLDEN REALTY INC		42 ZOTTOLI RD	HOLDEN	MA	01520
84-20	TSANTES, NICHOLAS G		96 CUTLER RD	JEFFERSON	MA	01522
83-2	KENT, MARK S.	KENT, TARA A.	20 MIXTER RD	HOLDEN	MA	01520
84-15	RIXHAM, RONALD L	RIXHAM, CORINNE E	PO BOX 101	JEFFERSON	MA	01522
84-19	COBB, DAVID F	COBB, JESSICA A	100 CUTLER RD	JEFFERSON	MA	01522
84-28	SCHUNEMANN, ALEXANDRA S.	ROVINELLI, ANTHONY F.	95 CUTLER RD	JEFFERSON	MA	01522
84-29	PURI, MUNISH		188 BROAD ST.	JEFFERSON	MA	01522
69-6	DUNN, JAMES C III	DUNN, JEANNE W	199 MUSCHOPAUGE RD	JEFFERSON	MA	01522
83-1	JDF ENTERPRISES, LLC		51 MUSCHOPAUGE RD	RUTLAND	MA	01543
83-8	JDF ENTERPRISES, LLC		51 MUSCHOPAUGE RD	RUTLAND	MA	01543

Board of Assessors

James C. Dunn
Tara A. Kent





**Massachusetts Watershed Protection Act
Applicability Decision WA2021-030**

Pursuant to the:
Massachusetts Watershed Protection Act
Chapter 36 of the Acts of 1992
M.G.L. c. 92A½
313 CMR 11.00

Initial Intake Date: 5/25/2021
Submission Date (complete): 5/25/2021
Lot Identifier: 134/84/17

TO: Holden Realty Trust Same
Dianne Zottoli, Treasurer Name of Applicant
Name of Owner

42 Zottoli Road
Holden, MA 01520 Address
Address

FROM: Department of Conservation and Recreation, Division of Water Supply Protection,
Wachusett/Sudbury Section

DATE OF ISSUANCE: 6/30/2021

REGARDING: Vacant property at corner of Muschopauge and Cutler Roads
Property Address/Location



Massachusetts Watershed Protection Act
Applicability Decision WA2021-030

Town Assessor's Sheet Number: **84** Lot Number: **17**

Recorded at the Worcester District Registry of Deeds

Book Number: 4916 Page Number: 17 or Certificate of Title Number:

Description of Proposed Structure, Use and/or Activity, if applicable:

Site suitability for construction of a Single Family Home.

Plans/Information Filed:

Town of Holden Tax Map	2021
<i>Plan Title</i>	<i>Date of Plan</i>
<i>N/A</i>	
<i>Signed and Stamped by</i>	

- DETERMINATION -

The Department of Conservation and Recreation, Division of Water Supply Protection, (the Division) has reviewed the Request for Determination of Applicability referenced by the DCR file number above. Based on the information available to the Division at this time, the Division makes the following Decision.

Statement of Jurisdiction

Division staff have reviewed the jurisdictional areas of the Watershed Protection Act (WsPA), 313 CMR 11.04, relative to the parcel and have determined that *portions/all* of your lot are:

- 0-400 ft from the Reservoir. *No alteration is allowed in this area unless eligible for an exemption or subject to a Variance Decision.*
- 0-200 ft from a Tributary. *No alteration is allowed in this area unless eligible for an exemption or subject to a Variance Decision.*
- 200-400 ft from a Tributary. *Certain restrictions apply to activities in this area.*
- Bordering Vegetated Wetlands. *Certain restrictions apply to activities in this area.*
- Low yield aquifer. *Certain restrictions apply to activities in this area.*
- Medium yield aquifer. *Certain restrictions apply to activities in this area.*
- High yield aquifer. *Certain restrictions apply to activities in this area.*
- Floodplain. *Certain restrictions apply to activities in this area.*

Each of the above referenced zones are identified on the attached map.



Massachusetts Watershed Protection Act
Applicability Decision WA2021-030

In addition, it appears there may exist bordering vegetated wetlands subject to the Act (313 CMR 11.04(1)(e)), the exact location of which should be approved/determined by the Holden Conservation Commission. These wetlands are not shown on the enclosed map.

Location

- The Division has determined the lot identified on page one is within the area of jurisdiction as identified in Section 11.04(1) of the Watershed Protection Act. However, your proposed project is located outside all WsPA jurisdictional areas. Please be advised this Decision is based on the project's proposed location and an additional Applicability Decision should be obtained from this office if the location of the project is changed.
- The Division has determined the lot identified on page one was properly included on the List of Affected Parcels. It is within the areas regulated by the Watershed Protection Act and any activities on this site must be in conformance with the restrictions outlined in it. If you do not wish to comply with the restrictions, you may apply for a finding of exemption, a variance, or exemption of a tributary. See below for additional information.
- The Division has determined the lot identified on page one was improperly included on the List of Affected Parcels and/or the WsPA maps. The lot is not within the regulated areas and is not subject to the Watershed Protection Act.
- The Division has determined that the lot identified on page one is in the watershed, but is not an area subject to jurisdiction as identified in 313 CMR 11.04 of the Watershed Protection Act.
- The Division has determined that the lot identified on page one is not subject to jurisdiction because the lot is located outside of the watershed and the Watershed Protection Act would not apply.

Exemption

- The Division has determined that the proposed structure, use, or activity is **exempt as Lot in Existence** under **313 CMR 11.05 (3)** of the Watershed Protection Act.
- The Division has determined that the proposed structure, use, or activity is **not exempt**. Any activities on this site must be in conformance with the restrictions set forth in the Watershed Protection Act. If you are unable to comply with these restrictions, you may apply for a variance or exemption of a tributary.



Massachusetts Watershed Protection Act
Applicability Decision WA2021-030

Statement of Reasons: On the basis of the Request for Watershed Determination of Applicability, supporting documents, and the following Conditions, the Division finds the proposed activity Exempt. This is because the vacant lot was in existence as of July 1, 1992. The property must still meet all other local and state environmental regulations.

GENERAL CONDITIONS

1. This Decision and the following conditions are based on the Request for Determination Application received complete on 5/25/2021.
2. Any changes, revisions or alterations to approved plans must be submitted to this office prior to the commencement of any work on this site. The Division shall review those changes and make a finding whether an amendment to this Decision or a new filing for a Variance would be required.
3. The Division shall have the right to enter and inspect the property, (per 313 CMR 11.11(4)) at reasonable times, for compliance with this Decision, the Act and the Watershed Protection Regulations (313 CMR 11.00).
4. This Decision shall apply to any successor in interest or successor in control of the property.
5. In case of emergencies, problems or the need to discuss site conditions with the Division, the contact telephone number is (508) 792-7806.

This Decision applies to the structure, use, or activity only as it has been represented in the Request for Determination of Applicability. If the structure, use, or activity changes, notice should be made to the Division so that the revised information can be reviewed.

This Decision does not relieve the Applicant of the responsibility of complying with all other applicable Federal, State or local laws and regulations including the General Rules and Regulations for the Protection of Watersheds and the Watershed System (313 CMR 11.09).



Massachusetts Watershed Protection Act
Applicability Decision WA2021-030

APPEALS PROCEDURE

Request for a formal hearing must be made within 21 days of the issuance of this Decision by filing a Notice of Claim for an Adjudicatory Proceeding with the Commission and the Division. A Notice of Claim for appeal must comply with 801 CMR 1.00 *et seq.* and must include the following information: DCR File number; name and address of applicant and attorney, if any; and a statement of grounds for the appeal. The Notice should be filed with both:

Commissioner
 Department of Conservation and Recreation
 251 Causeway Street
 Boston, MA 02114

Director
 Division of Water Supply Protection
and DCR, 8th Floor
 251 Causeway Street
 Boston, MA 02114

Issued by the Division of Water Supply Protection, Department of Conservation and Recreation, on the **30th day of June 2021.**

Worcester County

James W. Carr

County

Commonwealth of Massachusetts

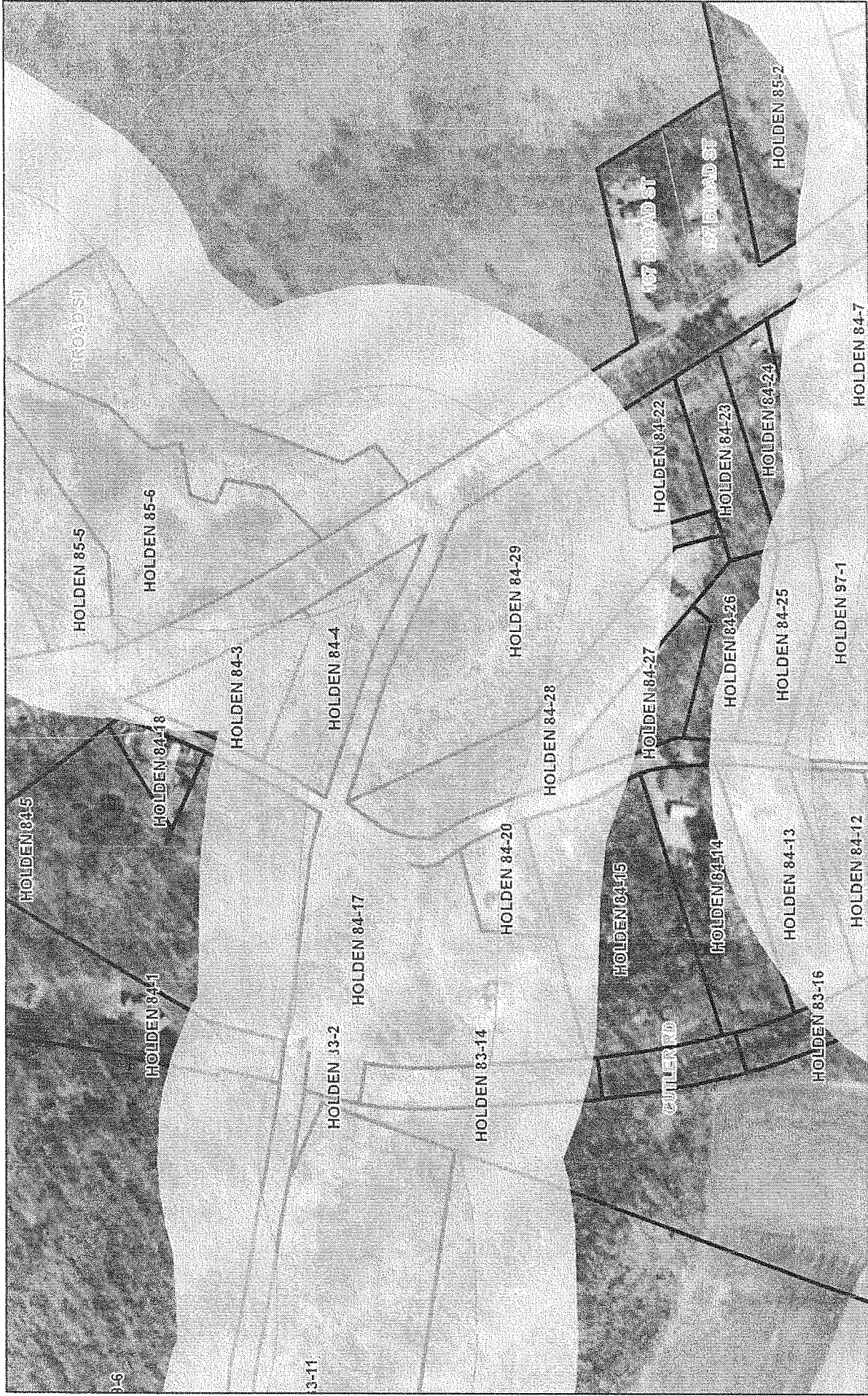
On this **30th day of June 2021**, before me personally appeared James W. Carr, Regional Director, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Christy M. Raillo, Notary Public



CHRISTY M. RAILLO
 Notary Public
 Commonwealth of Massachusetts
 My Commission Expires
 June 17, 2027

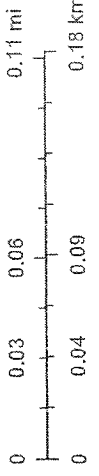
Watershed Protection Act Property Determination Map



6/29/2021, 4:54:12 PM

- DCR/DWSP Fee-Owned Land
- WsPA Buffers (Primary & Secondary Zones)
- Holden Map 84 Lot 17
- Watershed Boundary
- Primary Zone
- Secondary Zone
- WsPA Affected Parcels (February 2021)
- MassGIS Level 3 Parcels
- Low Yield Aquifers

1:4,514



MassGIS, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, DCR/DWSP OWM Planning

Watershed Protection Act (WsPA) buffers displayed are as defined in 313 CMR 11.00. Information displayed may be corrected upon field inspection.