



Massachusetts Department of Environmental Protection

## **eDEP Transaction Copy**

---

Here is the file you requested for your records.

To retain a copy of this file you must save and/or print.

Username: **WILLSONE**

Transaction ID: **1215256**

Document: **WPA Form 4B - ORAD**

Size of File: **88.17K**

Status of Transaction: **In Process**

Date and Time Created: **8/10/2020:3:08:48 PM**

**Note:** This file only includes forms that were part of your transaction as of the date and time indicated above. If you need a more current copy of your transaction, return to eDEP and select to "Download a Copy" from the Current Submittals page.

**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 4B - Order of Resource Area Delineation**

Provided by MassDEP:  
 MassDEP File #:089-0669  
 eDEP Transaction #:1215256  
 City/Town:AMHERST

Massachusetts Wetlands Protection Act M.G.L. c. 131 S40

**A. General Information**

1. Conservation Commission AMHERST

2. This Issuance is for (Check one):

- a.  Order of Resource Area Delineation
- b.  Amended Order of Resource Area Delineation

3. Applicant Details

a. First Name		b. Last Name	
c. Organization	W.D. COWLS, INC.		
d. Mailing Address	134 MONTAGUE ROAD, P.O. BOX 9677		
e. City/Town	NORTH AMHERST	f. State	MA
		g. ZIP	01059

4. Property Owner (if different from applicant):

a. First Name		b. Last Name	
c. Organization	W.D. COWLS, INC.		
d. Mailing Address	134 MONTAGUE ROAD, P.O. BOX 9677		
e. City/Town	NORTH AMHERST	f. State	MA
		g. ZIP	01059

5. Project Location

a. Street Address	SHUTESBURY ROAD		
b. City/Town	AMHERST	c. Zip	01002
d. Assessors Map/Plat#	9B: 9D	e. Parcel/Lot#	11, 12: 27
f. Latitude	42.40284N	g. Longitude	72.48634W

6. Dates

a. Date ANRAD Filed	12/18/2019	b. Date Public Hearing Closed	7/22/2020	c. Date Of Issuance	8/10/2020
---------------------	------------	-------------------------------	-----------	---------------------	-----------

7. Final Approved Plans and Other Documents

Plan Title	Plan Prepared By	Plan Signed By	Plan Final Date	Plan Scale
DELINEATED RESOURCES MAP, DELINEATED RESOURCE MAP CORRECTED FLAG NUMBERS	TRC	LAURA LEFEBVRE	07/15/2020	1"=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:
  - a. BANK, ISOLATED VEGETATED WETLANDS, LAND UNDER WATER, AND RIVERFRONT. SEE ATTACHED STATEMENT OF FACTS.

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):

**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands  
**WPA Form 4B - Order of Resource Area**  
**Delineation**

Provided by MassDEP:  
MassDEP File #:089-0669  
eDEP Transaction #:1215256  
City/Town:AMHERST

Massachusetts Wetlands Protection Act M.G.L. c. 131 S40

1.  Bordering Vegetated Wetlands
2.  Other resource area(s), specifically
  - a.
- 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
    - a.
  3. The boundaries were determined to be inaccurate because:

### **C. Findings**

This Order of Resource Area Delineation determines that 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, S 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. 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 (see <http://www.mass.gov/dep/about/region/findyour.htm>).

### **D. 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 of Resource Area Delineation 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, S 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal by law 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  
**WPA Form 4B - Order of Resource Area**  
**Delineation**

Provided by MassDEP:  
MassDEP File #:089-0669  
eDEP Transaction #:1215256  
City/Town:AMHERST

Massachusetts Wetlands Protection Act M.G.L. c. 131 S40

**E. Signatures**

1. Date of Original Order

2. No. of Signatures required 5

Brett Butler

Laura Pagliarulo

Ana Devlin Gauthier

Fletcher Clark

Lawrence Ambs

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

If this Order constitutes an Amended Order of Resource Area Delineation, this Order does not extend the issuance date of the original Final Order, and the Amended Order will expire on the date of the Original Final Order unless extended in writing by the Department.

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

3.  By hand delivery on

4.  By certified mail, return receipt requested on

a. Date \_\_\_\_\_

a. Date \_\_\_\_\_



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
 089-0669  
 MassDEP File #  
 1215256  
 eDEP Transaction #  
 Amherst  
 City/Town

**E. Signatures**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

8/10/2020

1. Date of Issuance

Please indicate the number of members who will sign this form. This Order must be signed by a majority of the Conservation Commission.

5

2. Number of Signers

The Order must be mailed 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 Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Vote on 5/27/2020. The individuals below have authorized use of electronic signatures on 5/13/2020 (see attached)

Signature <u>[Signature]</u>	<u>Brett Butler</u>
Signature <u>[Signature]</u>	<u>Ana Devlin Gauthier</u>
Signature <u>[Signature]</u>	<u>Fletcher Clark</u>
Signature <u>[Signature]</u>	<u>Lawrence Ambros</u>
Signature <u>[Signature]</u>	<u>Laura Pagliarulo</u>
Signature _____	Printed Name _____
Signature _____	Printed Name _____
Signature _____	Printed Name _____

by hand delivery on

by certified mail, return receipt requested, on

Date \_\_\_\_\_

8/12/2020

Date



2020 00011354

Bk: 13665Pg: 246 Page: 1 of 2  
Recorded: 06/17/2020 12:21 PM

**CERTIFICATE OF VOTE AUTHORIZING SIGNATURES**  
**PURSUANT TO M.G.L. c. 110G**

On MAY 13, 2020, the Amherst Conservation Commission in open session through publicly accessible video-conference software, pursuant to the "Order Suspending Certain Provisions of the Open Meeting Law, issued by Governor Charles D. Baker on March 12, 2020." At this duly held meeting, the following action was taken:

Motion: by LAWRENCE AMBS, that the Amherst Conservation Commission hereby recognizes and accepts the provisions of M.G.L. c.110G regarding electronic signatures and that its members will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight and effect. Motion was seconded.

Roll Call vote:

- Brett Buttler — Aye
  - Lawrence Ambs — Aye
  - Fletcher Clark — Aye
  - Ana Devlin Gauthier — Aye
  - Jenn Fair — Aye
  - LeRoy Gaynor — Aye
  - Laura Pagliarulo — Aye
- Vote was Unanimous

The above is a true and accurate account of the proceedings of the Amherst Conservation Commission.

*Amber L. Martin, Notary Administrator  
Town of Amherst Conservation  
Commission*

May 30, 2020  
Date

The Commonwealth of Massachusetts  
County of Hampshire

On this 1<sup>st</sup> of June, 2020, before me, personally appeared Conservation Commission, as aforesaid, and proved to me through satisfactory evidence of identification, which was MA State ID's / MA Drivers License, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

*Amber Martin*  
Notary Public  
My Commission Expires: 10/30/2026



**AMBER L. MARTIN**  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
October 30, 2026

Certified by Town Clerk:

*Shavena Tharion*

Date: June 1, 2020

ATTEST: HAMPSHIRE *Mary Colberding* REGISTERED  
MARY COLBERDING

**TOWN OF AMHERST CONSERVATION COMMISSION  
STATEMENT OF FACTS  
DEP# 89-0669  
SHUTESBURY ROAD – ORDER OF RESOURCE AREA DELINEATION**

1. Due to the differences in field resource area flagging numbers/identifiers and revised resource area flagging numbers/identifiers the Amherst Conservation Commission will require that flagging on this site be refreshed with the final revised resource area flagging system prior to issuing an extension to this ORAD or issuing an Order of Conditions in the future for the property.
2. Identified Vernal Pools on the property will henceforth treated as if they are certified by the Amherst Conservation Commission, regardless of official certification status.
3. If any new projects come before the Amherst Conservation Commission on this site that require engineering, the location of wetlands flags shall be surveyed in the field and submitted plans shall be stamped (by a surveyor, engineer, landscape architect, or architect) as part of the application process to ensure the accuracy of the flag locations in the field.