



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
WESTERN REGIONAL OFFICE  
436 DWIGHT STREET, SPRINGFIELD, MA 01103 413-784-1100

MAURA T. HEALEY  
Governor

REBECCA L. TEPPER  
Secretary

KIMBERLEY DRISCOLL  
Lieutenant Governor

BONNIE HEIPLE  
Commissioner

DATE: October 12, 2023

Municipality SHUTESBURY  
(city/town)

RE: NOTIFICATION OF WETLANDS PROTECTION ACT FILE NUMBER

The Department of Environmental Protection has received a Notice of Intent filed in accordance with the Wetlands Protection Act (M.G.L. c. 131, §40):

Applicant: EVAN JONES  
Address: 64 LAKE DRIVE  
SHUTESBURY, MA 01072

Owner: EVAN JONES  
Address: 64 LAKE DRIVE  
SHUTESBURY, MA, 01072

LOCUS: 64 LAKE DRIVE

**This project has been assigned the following file # : WE 286-0303**

**A FILE NUMBER ONLY INDICATES THAT THE APPLICATION CONTAINS THE MINIMAL SUBMITTAL REQUIREMENTS AND IS ADMINISTRATIVELY COMPLETE - NOT THAT THE INFORMATION IN THE APPLICATION IS ADEQUATE FOR ISSUANCE OF AN ORDER OF CONDITIONS.**

Although a file # is being issued, please note the following:

[1] The commission needs to wait to close the hearing until NHESP has issued its determination.

[2] Isn't Bank being altered by the placement of the docks?

[3] Per 310 CMR 10.53(1), where a Buffer Zone has already been developed, the Issuing Authority may consider the extent of existing development in its review of subsequent proposed work and, where prior development is extensive, may consider measures such as the restoration of natural vegetation adjacent to a Resource Area to protect the interest of M.G.L. c. 131, § 40.

[4] If the waterways program will not approve two docks, then if the commission has already issued an Order prior to the issuance of a waterways license, the applicant will need to return to the commission on a request to amend the Order, if the commission did approve both. The applicant might consider keeping the hearing open until the waterways program has decided that issue. The plans might be updated to show the distance from the docks to the adjacent property boundaries.

[5] Please note lakes do not have a Mean Annual High Water Line (MAHWL). They have top of Bank.

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD# 1-866-539-7622 or 1-617-574-6868.

 <http://www.mass.gov/dep>  
Printed on Recycled Paper

EVAN JONES  
64 LAKE DRIVE  
SHUTESBURY, MA 01072

[6] The plan does appear to correctly show the flood plain elevation of 836 per the NGVD29 datum. What vertical datum is the plan based upon? The commission might want to carefully review the delineation of the top of Bank when they conduct their site visit.

**ADDITIONAL REQUIREMENTS:**

A Chapter 91 license may be required. Application and transmittal forms are available on the MassDEP website <http://www.mass.gov/eea/agencies/massdep/water/approvals/wetlands-and-waterways-forms.html#2>. For additional information, contact MassDEP Waterways Program by email at [dep.waterways@mass.gov](mailto:dep.waterways@mass.gov) or visit <https://www.mass.gov/waterways-program-chapter-91>.

If you have any questions regarding this letter, please contact: MARK STINSON @ (413)-961-9583

Cc: Shutesbury Conservation Commission, TOWN HALL, Shutesbury, MA, 01072  
Natural Heritage & Endangered Species Program, Div of Fisheries & Wildlife Route 135, North Drive,  
Westborough, MA, 01581  
Owner: EVAN JONES, 64 LAKE DRIVE, SHUTESBURY, MA, 01072  
Representative: R LEVESQUE ASSOCIATES, INC., 40 SCHOOL STREET, WESTFIELD, MA, 01085