



Massachusetts Department of Environmental Protection

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Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 4B - Order of Resource Area Delineation
 Massachusetts Wetlands Protection Act M.G.L. c. 131 S40

Provided by MassDEP:
 MassDEP File #:286-0285
 eDEP Transaction #:1382617
 City/Town:SHUTESBURY

A. General Information

1. Conservation Commission SHUTESBURY

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	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	P.O. BOX 9677		
e. City/Town	NORTH AMHERST	f. State	MA
		g. ZIP	01059

5. Project Location

a. Street Address	CARVER ROAD WEST		
b. City/Town	SHUTESBURY	c. Zip	01072
d. Assessors Map/Plat#	ZD	e. Parcel/Lot#	37
f. Latitude	42.47575N	g. Longitude	72.42678W

6. Dates

a. Date ANRAD Filed	9/30/2021	b. Date Public Hearing Closed	6/23/2022	c. Date Of Issuance	6/24/2022
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7. Final Approved Plans and Other Documents

Plan Title	Plan Prepared By	Plan Signed By	Plan Final Date	Plan Scale
MONTAGUE ROAD PROJECT SHUTESBURY, FRANKLIN COUNTY, MASSACHUSETTS DELINEATED RESOURCES MAP	PREPARED BY M. RAYMOND; APPROVED BY MARIA FIRSTENBERG		June 20, 2022	1"=50'

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.

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):

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1. Bordering Vegetated Wetlands
 2. Other resource area(s), specifically
 - a. SEE ATTACHED FINDINGS.
- 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 bylaw or ordinance, and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.

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E. Signatures

- 1. Date of Original Order
- 2. No. of Signatures required 5

Miriam DeFant

Beth Willson

Mary David

Robin Harrington

Scott Kahan

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 _____

Shutesbury Conservation Commission
Attachment for ORAD at Montague-Carver Site
DEP File # 286-0285

Date: June 24, 2022

Lot: Map ZD Lot 37

Applicant: W.D. Cows, Inc.

Landowners: W.D. Cows, Inc.

These findings are based on the plan set *Montague Road Project Shutesbury, Franklin County, Massachusetts Delineated Resources Map prepared by TRC (ANRAD Figure 1 Pages 1 through 38) prepared by TRC final revised June 20, 2022*. DEP File # 286-0285.

1. The Shutesbury Conservation Commission approves the boundaries of intermittent stream Banks, Bordering Vegetated Wetlands, Isolated Vegetated Wetlands and Isolated Land Subject to Flooding depicted on the final plan set *Montague Road Project Shutesbury, Franklin County, MA, Delineated Resources Map prepared by TRC (ANRAD FIGURE 1 Pages 1 through 38) revision June 20 2022*, on the following condition: if a Notice of Intent is submitted citing the boundaries approved under this ORAD, then current flags shall be renumbered and replaced at the exact geo-referenced location depicted on the final plan in consecutive numeric order.
2. The Commission does not approve Bank and Wetland flags outside the project boundary.
3. The following findings concern jurisdictional areas protected by both the Massachusetts Wetlands Protection Act and the Shutesbury General Wetlands Protection Bylaw:
 - The Commission approves the boundary of 100-foot Buffer Zones within the project boundary.
 - The Commission finds that the boundary of Bank associated with stream S1 has not been delineated, reviewed, and approved.
 - The Commission approves the boundary of the S2 intermittent stream Bank within the project boundary (ANRAD FIGURE 1 Pages 33, 35, and 37).
 - The Commission approves the boundary of Isolated Land Subject to Flooding (W-GR-17) within the project boundary (ANRAD FIGURE 1 Page 29).
 - The Commission approves the boundary of the W-GR-1 Bordering Vegetated Wetland within the project boundary (ANRAD FIGURE 1 Pages 7, 8, 13, 14, 20, and 21).

- The Commission approves the boundary of the W-GR-2 Bordering Vegetated Wetland within the project boundary (ANRAD FIGURE 1 Pages 12, 18, 19, 23, 24, 27, 28, and 30).
 - The Commission approves the boundary of the W-GR-3 Bordering Vegetated Wetland within the project boundary (ANRAD FIGURE 1 Pages 5 and 6).
 - The Commission approves the boundary of the W-MBF-10 Bordering Vegetated Wetland within the project boundary (ANRAD FIGURE 1 Pages 3, 4, 9, 10, 11, 15, 16, 17, and 21).
 - The Commission approves the boundary of the W-MBF-11 Bordering Vegetated Wetland within the project boundary (ANRAD FIGURE 1 Page 18).
 - The Commission approves the boundary of the W-MBF-12 Bordering Vegetated Wetland within the project boundary (ANRAD FIGURE 1 Pages 18 and 19).
 - The Commission approves the boundary of the W-GR-18 Bordering Vegetated Wetland within the project boundary (ANRAD FIGURE 1 Pages 31, 32, 34, 36, and 38).
 - The Commission approves the boundary of the W-GR-19 Bordering Vegetated Wetland within the project boundary (ANRAD FIGURE 1 Pages 33, 35, and 37).
 - The Commission approves the boundary of the W-GR-20 Bordering Vegetated Wetland within the project boundary (ANRAD FIGURE 1 Pages 33 and 35).
 - The boundary of Land Under Water Bodies and Waterways has not been delineated and is not approved by the Commission.
4. The following findings concern the jurisdictional areas protected only by the Shutesbury General Wetlands Protection Bylaw:
- The mapped 100-foot Buffer Zones within the project boundary are approved by the Commission and protected as Resource Areas under the Bylaw.
 - The Commission approves the boundary of the W-MBF-15 Isolated Vegetated Wetland within the project boundary (ANRAD FIGURE 1 Pages 13 and 19, Flags 1-9). Isolated Vegetated Wetlands are protected as Resource Areas under the Bylaw.
 - The Commission approves the boundary of the W-GR-16 Isolated Vegetated Wetland within the project boundary (ANRAD FIGURE 1 Page 26, Flags 1-10). Isolated Vegetated Wetlands are protected as Resource Areas under the Bylaw.
 - Subsurface lakes, rivers, ponds, and streams are protected as Resource Areas under the Bylaw. The boundaries of subsurface lakes, rivers, ponds, and streams have not been delineated and are not approved by the Commission.
 - The areas within 100 feet of subsurface lakes, rivers, ponds, and streams are protected as Resource Areas under the Bylaw. The boundaries of areas within 100

feet of subsurface lakes, rivers, ponds, and streams have not been delineated and are not approved by the Commission.

- If a Notice of Intent is required for work within the project boundary, the applicant must submit a site plan depicting all jurisdictional Resource Area boundaries under the Bylaw, those approved under this ORAD and those present but not reviewed and approved under this ORAD.
5. Roaring Brook (2) (referred on the plans as S1) is designated a MA Fish & Wildlife Cold Water Fisheries resource (ID# CFR3420250).
 6. Bordering Vegetated Wetland W-MJR-10 contains a TRC identified vernal pool (VP-1). The boundary of Vernal Pool Habitat has not been delineated and is not approved by the Commission.
 7. Bordering Vegetated Wetland W-GR-2 contains a MA NHESP Certified Vernal Pool (CVP# 643) [also noted as TRC identified vernal pool (VP-4)]. The boundary of Vernal Pool Habitat has not been delineated and is not approved by the Commission.
 8. Bordering Vegetated Wetland W-MBF-11 contains a TRC identified vernal pool (VP-2). The boundary of Vernal Pool Habitat has not been delineated and is not approved by the Commission.
 9. Bordering Vegetated Wetland W-MBF-12 contains a TRC identified vernal pool (VP-3). The boundary of Vernal Pool Habitat has not been delineated and is not approved by the Commission.
 10. Bordering Vegetated Wetland W-GR-1 contains a TRC identified vernal pool (VP-5). The boundary of Vernal Pool Habitat has not been delineated and is not approved by the Commission.
 11. Isolated Vegetated Wetland W-GR-16 contains a MA NHESP Potential Vernal Pool (PVP# 22977). The boundary of Vernal Pool Habitat has not been delineated and is not approved by the Commission.

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

On May 14, 2020, the Shutesbury Conservation Commission met in open session through publicly accessible video-conference software, pursuant to the "Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20," issued by Governor Charles D. Baker on March 12, 2020. At this duly held meeting, the following action was taken:

Motion: Shutesbury 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:

Commissioner Penny Jaques: aye
Commissioner Russ Mizula: aye
Commissioner Robin Harrington: aye
Commissioner Liam Cregan: aye
Vote was Unanimous

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

Title/Signature: Alice P. Jaques Date: 20 May, 2020

Commonwealth of Massachusetts
County of Franklin, ss.

On this 20 of May, 2020, before me, personally appeared Alice P. Jaques, Chair of said Conservation Commission, as aforesaid, and proved to me through satisfactory evidence of identification, which was Personally Known to me to be the person whose name is signed on the preceding document, and acknowledged to me that she signed it voluntarily for its stated purpose on behalf of the Town of Shutesbury.

Susan Mosher
Notary Public

My Commission Expires: 4/1/2022

Certified by Town/City Clerk:

Susan Mosher Date: May 20, 2020
Susan Mosher

