

For Registry of Deeds Use Only



**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, §40

Provided by MassDEP:

286-0283

MassDEP File Number

eDEP Transaction Number

Shutesbury

City/Town

**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: Shutesbury  
 1. Conservation Commission

2. This Issuance is for (check one):

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

3. Applicant:

a. First Name W.D. Cows, Inc. b. Last Name \_\_\_\_\_  
 c. Organization PO Box 9677  
 d. Mailing Address North Amherst MA 01059  
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

a. First Name Town of Amherst b. Last Name \_\_\_\_\_  
 c. Organization 4 Boltwood Avenue  
 d. Mailing Address Amherst MA 01002  
 e. City/Town f. State g. Zip Code

5. Project Location:

Pratt Corner Road Shutesbury 01072  
 a. Street Address b. City/Town c. Zip Code  
Map ZU Lot 2; Map U Lots 3 & 6; Map ZT Lot 3  
 d. Assessors Map/Plat Number e. Parcel/Lot Number

Latitude and Longitude 42.41192 -72.46679  
 (in degrees, minutes, seconds): f. Latitude g. Longitude

6. Dates: 10.20.2020 10.14.21 10.19.2021  
 a. Date ANRAD filed b. Date Public Hearing Closed c. Date of Issuance



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## A. General Information (cont.)

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

Pratt South Project Shutesbury, Franklin County, MA, Wetland Delineation  
(ANRAD FIGURE Pages 1 through 28) prepared by TRC

final revision 9/22/21

b. Date

c. Title

d. Date

## 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):

1.  Bordering Vegetated Wetlands

2.  Other resource area(s), specifically:

a. SEE ATTACHMENT: DEP 286-0283 ORAD Findings

SEE ATTACHMENT: DEP 286-0283

ANRAD\_Series\_Contour\_Pratt\_South\_Delin\_Results\_11x17L\_20210922.pdf

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:



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### B. Order of Delineation (cont.)

3.  The boundaries were determined to be inaccurate because:

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### 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, § 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 <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).

### 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, § 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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Bureau of Resource Protection - Wetlands

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**E. Signatures**

10.19.2021

Date of Issuance

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

7

1. Number of Signers

Signatures

Signature of Conservation Commission Member

Miriam DeFant

Printed Name

Signature of Conservation Commission Member

Mary David

Printed Name

Signature of Conservation Commission Member

Robin Harrington

Printed Name

Signature of Conservation Commission Member

Scott Kahan

Printed Name

Signature of Conservation Commission Member

Beth Wilson

Printed Name

Signature of Conservation Commission Member

Printed Name

Signature of Conservation Commission Member

Printed Name

Signature of Conservation Commission Member

Printed Name

**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, which expires on \_\_\_\_\_ unless extended in writing by the issuing authority.

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

2.  By hand delivery on

3.  By certified mail, return receipt requested on

a. Date

10.19.21

a. Date



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**Request for Departmental Action Fee**  
**Transmittal Form**

DEP File Number:

286-0283

Provided by DEP

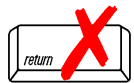
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**A. Request Information**

1. Location of Project

_____	_____
a. Street Address	b. City/Town, Zip
_____	_____
c. Check number	d. Fee amount

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



2. 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)	

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

_____		
Name		
_____		
Mailing Address		
_____	_____	_____
City/Town	State	Zip Code
_____	_____	
Phone Number	Fax Number (if applicable)	

4. DEP File Number:

\_\_\_\_\_

**B. Instructions**

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

- Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- Superseding Determination of Applicability – Fee: \$120
- Superseding Order of Resource Area Delineation – Fee: \$120

Send this form and check or money order, 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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DEP File Number:

286-0283

Provided by DEP

### 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 (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).
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.



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**Recording Information**

Prior to commencement of work, this Order of Resource Area Delineation 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 Resource Area Delineation. The recording information on this page shall be submitted to the Conservation Commission listed below.

Shutesbury

Conservation Commission

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

To:

Shutesbury

Conservation Commission

Please be advised that the Order of Resource Area Delineation for the Project at:

Pratt Corner Road

Project Location

286-0283

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

For:

W.D. Cows Inc. & Town of Amherst

Property Owner

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

Book

Page

In accordance with the Order of Resource Area Delineation issued on:

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

# 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





## **Attachment for ORAD at Pratt Corner South**

Lot: Map ZU Lot 2; Map U Lots 3 & 6; Map ZT Lot 3

Applicant: W.D. Cowls, Inc.

Landowners: W.D. Cowls, Inc. (Map ZU Lot 2)

Town of Amherst (Map U Lots 3 & 6; Map ZT Lot 3)

These findings are based on the plan set *Pratt South Project Shutesbury, Franklin County, MA, Wetland Delineation prepared by TRC (ANRAD FIGURE Pages 1 through 28) revised 9.22.2021*. DEP File # 286-0283.

- 1) The Shutesbury Conservation Commission approves the boundaries of intermittent stream banks, bordering vegetated wetlands, MAHW, Riverfront Area and isolated vegetated wetlands depicted on the final plan set *Pratt South Project Shutesbury, Franklin County, MA, Wetland Delineation (ANRAD FIGURE Pages 1 through 28)*, prepared by TRC final revision September 22, 2021, 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.
- 2) The Commission does not approve bank, wetland and MAHW flags outside the study area.
- 3) The following findings concern jurisdictional areas protected by both the Massachusetts Wetlands Protection Act and the Shutesbury Wetlands Bylaw:
  - The Commission approves 100ft buffer zones within the study area.
  - The Commission approves the S-MJR-1 intermittent stream bank within the study area (ANRAD FIGURE Pages 1 and 24, Flags 107-109, 201-202)
  - The Commission approves the S-MJR-4 intermittent stream bank within the study area (ANRAD FIGURE Pages 1, 10 and 15, Flags 101-107, 201-207)
  - The Commission approves the S-MJR-2 MAHW flags within the study area (ANRAD FIGURE Pages 1, 5, 7, 10, 15 and 16, Flags 101-107, 107.1, 107.2, 108-112, 114-117, 117.1, 118-126, 126.1, 127-130, 130.1, 131-135, 135.1, 136-138, 138.1, 139-146, 201-223, 223.1, 224-225, 225.1, 226-230, 230.1, 231-238, 238.1, 239-246, 300-351 and 400-453)
  - The Commission approves the S-MJR-3 MAHW flags within the study area (ANRAD FIGURE Pages 1, 2, 3, 4 and 5, Flags 2-46)
  - The Commission approves the W-MJR-1 bordering vegetated wetland within the study area (ANRAD FIGURE Pages 1 and 24, Flags 5-17)
  - The Commission approves the W-MJR-2 bordering vegetated wetland within the study area (ANRAD FIGURE Pages 1, 23 and 24, Flags 6-10)
  - The Commission approves the W-MJR-3 bordering vegetated wetland within the study area (ANRAD FIGURE Pages 1, 16, 22 and 28, Flags 7-37, 101-150)

- The Commission approves the W-MJR-4 bordering vegetated wetland within the study area (ANRAD FIGURE Pages 1, 10, 15, 16, 21 and 27, Flags 1-92, 102-119, 121-132, 134-137, 140-146, 200-208)
  - The Commission approves the W-MJR-5 bordering vegetated wetland within the study area (ANRAD FIGURE Pages 1 and 8, Flags 1-18, 20-23)
- 4) The following findings concern the jurisdictional areas protected by the Shutesbury Wetlands Bylaw:
- The mapped 100ft buffer zones within the study area are approved by the Commission and protected as resource areas under the bylaw.
  - The Commission approves the W-MJR-6 isolated vegetated wetland within the study area (ANRAD FIGURE Pages 1, 2, 3 and 4, Flags 1-54). Isolated vegetated wetlands are protected as resource areas under the bylaw.
  - The Commission approves the W-MJR-7 isolated vegetated wetland within the study area (ANRAD FIGURE Pages 1 and 4, Flags 1-16). Isolated vegetated wetlands are protected as resource areas under the bylaw.
- 5) Dean Brook (referred on the plans as S-MJR-3) is designated a MA Fish & Wildlife cold water fisheries resource (ID# CFR3419600).
- 6) The study area is located within a mapped Outstanding Resource Water, a Public Water Supply Watershed associated with the Atkins Reservoir (ID# 1008000-01S).
- 7) Bordering vegetated wetland W-MJR-3 contains a MA NHESP mapped Potential Vernal Pool (PVP 22990). Bordering vegetated wetland W-MJR-3 also contains a TRC identified vernal pool (based on obligatory breeding species).
- 8) Bordering vegetated wetland W-MJR-1 contains a TRC identified vernal pool (based on obligatory breeding species).