

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 #:301-1193
 eDEP Transaction #:1204088
 City/Town:SUDBURY

A. General Information

1. Conservation Commission SUDBURY

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 TIM b. Last Name DEXTER
 c. Organization MASSDOT
 d. Mailing Address 10 Park Plaza, Suite 4260
 e. City/Town Boston f. State MA g. ZIP 02116

4. Property Owner (if different from applicant):

a. First Name b. Last Name
 c. Organization
 d. Mailing Address
 e. City/Town f. State g. ZIP

5. Project Location

a. Street Address RAILROAD ROW
 b. City/Town SUDBURY c. Zip 01776
 d. Assessors Map/Plat# RAILROAD ROW e. Parcel/Lot# RAILROAD ROW
 f. Latitude 42.39499N g. Longitude 71.40958W

6. Dates

a. Date ANRAD Filed 7/26/2016 b. Date Public Hearing Closed 9/15/2020 c. Date Of Issuance 9/16/2020

7. Final Approved Plans and Other Documents

Plan Title	Plan Prepared By	Plan Signed By	Plan Final Date	Plan Scale
EXISTING CONDITIONS/SURVEY PLAN AT PROPOSED RAIL TRAIL	ATLANTIC ENGINEERING & SURVEY CONSULTANTS, INC.	JOHN PAULSON	7/28/2009	1 INCH = 40 FEET

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. ISOLATED VEGETATED WETLANDS (NON-JURISDICTIONAL UNDER WPA) VERNAL POOLS

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

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

Provided by MassDEP:
MassDEP File #:301-1193
eDEP Transaction #:1204088
City/Town:SUDBURY

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

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 bylaw 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 #:301-1193
eDEP Transaction #:1204088
City/Town:SUDBURY

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

E. Signatures

1. Date of Original Order

2. No. of Signatures required 4

Dave Henkels

Kenneth Holtz

Richard Morse

Kasey Rogers

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 _____