



**Massachusetts Department of Environmental Protection, BRP - Wetlands
and Town of Holliston Conservation Commission**
Form 2 - Determinations of Applicability
 MA Wetlands Protection Act M.G.L. c. 131, §40
 and Holliston Administration Bylaw, Article XXX

D-659

COPY

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.



From:

Holliston
Conservation Commission

To: Applicant

CRG Real Estate Development

Name

200 Barr Harbor Drive

Mailing Address

Conshohocken

PA

19248

City/Town

State

Zip Code

Property Owner (if different from applicant):

Name

Mailing Address

City/Town

State

Zip Code

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

Existing Conditions & Tree Clearing, 555 Hopping Brook Road (3 pages)

11/17/19

Title

Date

Title

Date

2. Date Request Filed:

November 27, 2019

B. Determinations

Pursuant to the authority of M.G.L. c. 131, § 40 and Article XXX of the Bylaws of the Town of Holliston, the Conservation Commission considered your Request for Determination of Applicability, with its supporting documentation, and made the following Determinations.

Project Description (if applicable):

The applicant is seeking confirmation of the wetland delineation at 555 Hopping Brook Road prior to site clearing and development for a proposed distribution facility. The applicant does not believe that the proposed project falls within the jurisdiction of MGL c. 131 s. 40 or Article XXX, but is requesting such confirmation from the Conservation Commission prior to commencing any activity onsite.

No work within the jurisdiction of the Conservation Commission is proposed under this Request. Any and all future work within any buffer zones or other areas subject to protection shall require an additional filing with the Conservation Commission.

Project Location:

555 Hopping Brook Road

Street Address

Map 4, Block 6

Assessors Map/Plat Number

Holliston

City/Town

Lot 15.A

Parcel/Lot Number



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B. Determination (cont.)

6. The following area and/or work, if any, is subject to the Holliston Wetlands Administration Bylaw but not subject to the Massachusetts Wetlands Protection Act:
-
7. If a Notice of Intent is filed for the work in the Riverfront Area described on referenced plan(s) and document(s), which includes all or part of the work described in the Request, the applicant must consider the following alternatives. (Refer to the MA Wetlands Protection Act regulations at 10.58(4)c. for more information about the scope of alternatives requirements):
- Alternatives limited to the lot on which the project is located.
 - Alternatives limited to the lot on which the project is located, the subdivided lots, and any adjacent lots formerly or presently owned by the same owner.
 - Alternatives limited to the original parcel on which the project is located, the subdivided parcels, any adjacent parcels, and any other land which can reasonably be obtained within the municipality.
 - Alternatives extend to any sites which can reasonably be obtained within the appropriate region of the state.

Negative Determination

Note: No further action under the Wetlands Protection Act is required by the applicant. However, if the Department is requested to issue a Superseding Determination of Applicability, work may not proceed on this project unless the Department fails to act on such request within 35 days of the date the request is post-marked for certified mail or hand delivered to the Department. Work may then proceed at the owner's risk only upon notice to the Department and to the Conservation Commission. Requirements for requests for Superseding Determinations and Bylaw appeals are listed at the end of this document.

1. The area described in the Request is not an area subject to protection under the Act or the Bylaw or the Buffer Zone.
2. The work described in the Request is within an area subject to protection under the Act or Bylaw, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent.
3. The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act or the Bylaw. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any).
4. The work described in the Request is not within an Area subject to protection under the Act or the Bylaw (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent, unless and until said work alters an Area subject to protection under the Act or the Bylaw.



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D-659

B. Determinations (cont.)

5. The area described in the Request is subject to protection under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required:

Exempt Activity (site applicable statutory/regulatory provisions)

6. The area and/or work described in the Request is not subject to review and approval by:

Holliston
 Name of Municipality

Pursuant to a municipal wetlands ordinance or bylaw.

Holliston Wetlands Administration Bylaw
 Name

Article XXX
 Ordinance or Bylaw Citation

C. Authorization

These Determinations are issued to the applicant and delivered as follows:

- by hand delivery on _____ by certified mail, return receipt requested on _____

Date

1/8/2020
 Date

7018 0680 0001 2949 5327

These Determinations are valid for **three years** from the date of issuance (except Determinations for Vegetation Management Plans which are valid for the duration of the Plan). These Determinations do not relieve the applicant from complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.

These Determinations must be signed by a majority of the Conservation Commission. A copy must be sent to the appropriate DEP Regional Office (see <http://www.mass.gov/dep/about/region.findyour.htm>) and the property owner (if different from the applicant).

Signatures:

Christopher Bajdek, Chair

Rebecca Weissman, Vice Chair

Jennifer Buttao

Shaw Lively

Ann Marie Pilch

Allen Rutberg, Ph.D.

Utah Nickel

1/7/2020

Date



Massachusetts Department of Environmental Protection, BRP - Wetlands
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D. Appeals

Under the MA Wetlands Protection Act, the applicant, owner, any person aggrieved by this Determination, any owner of land abutting the land upon which the proposed work is to be done, 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 Department of Environmental Protection Regional Office (see <http://www.mass.gov/dep/about/region.findyour.htm>) to issue a Superseding Determination of Applicability. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form (see 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 Determination. 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. The request shall state clearly and concisely the objections to the Determination which is being appealed.

To the extent that the Determination is based on the Holliston Wetlands Administration Bylaw and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.

Determinations issued under the Holliston Wetlands Administrative Bylaw, Article XXX of the Bylaws of the Town of Holliston, may be appealed to the MA Superior Court, or in certain limited circumstances the MA Land Court, under the provisions of M.G.L. Ch. 249, s.4, within 60 days of the date of issuance. Appeals taken to the MA Department of Environmental Protection under the MA Wetlands Protection Act only have no impact or effect on Determinations issued pursuant to the Holliston Wetlands Administration Bylaw, Article XXX.

**Special Conditions Appended to
Determination of Applicability #D-659**

555 Hopping Brook Road – Resource Area Confirmation

- 1) **AUTHORIZED WORK.** This Determination of Applicability **DOES NOT** authorize **ANY** work (i) within 100 feet of any mapped wetland as shown on the plans; (ii) within any area subject to the 100 year flood elevation; or (iii) within 200 feet of a perennial stream or river as shown on the project plan referenced in part A.1. Any activity proposed within said areas subject to jurisdiction of the Commission shall require coordination with the Conservation Commission (508-429-0607) and may require the filing of an additional Request for Determination of Applicability or a Notice of Intent prior to the commencement of said activity. Any impacts on wetland resource areas associated with such additional activities will take into consideration the cumulative impacts of such activities as well as those associated with this filing.
- 2) **STOCKPILING.** There will be no stockpiling on site (i) within 100 feet of any mapped wetland as shown on the plans; (ii) within any area subject to the 100 year flood elevation; or (iii) within 200 feet of a perennial stream or river as shown on the project plan referenced in part A.1.
- 3) **EQUIPMENT STORAGE.** No equipment will be stored (i) within 100 feet of any mapped wetland as shown on the plans; (ii) within any area subject to the 100 year flood elevation; or (iii) within 200 feet of a perennial stream or river as shown on the project plan referenced in part A.1.
- 4) **STORMWATER.** Stormwater for the building proposed at 555 Hopping Brook Road shall be directed to either existing stormwater management systems or proposed structures that will pre-treat and mitigate peak stormwater events. Any such proposed structure shall not be constructed (i) within 100 feet of any mapped wetland as shown on the plans; (ii) within any area subject to the 100 year flood elevation; or (iii) within 200 feet of a perennial stream or river as shown on the project plan referenced in part A.1 without prior coordination with the Conservation Commission via a Request for Determination of Applicability of Notice of Intent.
- 5) **FERTILIZERS/PESTICIDES/HERBICIDES.** Fertilizers utilized for landscaping and lawn care shall be low phosphate content, slow-release variety, and shall be used in moderation. Pesticides and herbicides shall not be used within 100 feet of the wetland resource area. This condition is intended to apply in perpetuity and will survive the expiration of this Determination of Applicability.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
DEP Regional Addresses
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Mail transmittal forms and DEP payments, payable to:
 Commonwealth of Massachusetts
 Department of Environmental Protection
 Box 4062
 Boston, MA 02211

DEP Western Region 436 Dwight Street Suite 402 Springfield, MA 01103 Phone: 413-784-1100 Fax: 413-784-1149	Adams	Colrain	Hampden	Monroe	Pittsfield	Tyringham
	Agawam	Conway	Hancock	Montague	Plainfield	Wales
	Airford	Cummington	Hatfield	Monterey	Richmond	Ware
	Amherst	Dalton	Hawley	Montgomery	Rowe	Warwick
	Ashfield	Deerfield	Heath	Monson	Russell	Washington
	Becket	Easthampton	Hinsdale	Mount Washington	Sandisfield	Wendell
	Belchertown	East Longmeadow	Holland	New Ashford	Savoy	Westfield
	Barnardston	Egremont	Holyoke	New Marlborough	Sheffield	Westhampton
	Blandford	Erving	Huntington	New Salem	Sheburne	West Springfield
	Brimfield	Florida	Lanesborough	North Adams	Shutesbury	West Stockbridge
	Buckland	Gill	Lee	Northampton	Southampton	Whately
	Charlemont	Goshen	Lenox	Northfield	South Hadley	Wilbraham
	Cheshire	Leverett	Layden	Orange	Southwick	Williamsburg
	Chester	Granville	Longmeadow	Otis	Springfield	Williamstown
	Chesterfield	Great Barrington	Ludlow	Palmer	Stockbridge	Windsor
	Chicopee	Greenfield	Middlefield	Pelham	Sunderland	Worthington
	Clarksburg	Hadley		Paru	Tolland	

DEP Central Region 627 Main Street Worcester, MA 01608 Phone: 508-792-7650 Fax: 508-792-7621 TDD: 508-767-2788	Acton	Charlton	Hopkinton	Millbury	Rutland	Uxbridge
	Ashburnham	Clinton	Hubbardston	Millville	Shirley	Warren
	Ashby	Douglas	Hudson	New Braintree	Shrewsbury	Webster
	Athol	Holliston	Holliston	Northborough	Southborough	Westborough
	Auburn	Dunstable	Lancaster	Northbridge	Southbridge	West Boylston
	Ayer	East Brookfield	Leicester	North Brookfield	Spencer	West Brookfield
	Barre	Fitchburg	Leominster	Oakham	Sterling	Westford
	Bellingham	Gardner	Littleton	Oxford	Stow	Westminster
	Berlin	Grifton	Lunenburg	Paxton	Sturbridge	Winchendon
	Blackstone	Groton	Marlborough	Pepperell	Sutton	Worcester
	Bolton	Harvard	Maynard	Petersham	Templeton	
	Boxborough	Hardwick	Medway	Phillipston	Townsend	
	Boylston	Holden	Mendon	Princeton	Tyngsborough	
	Brookfield	Hopedale	Millis	Royalston	Upton	

DEP Southeast Region 20 Riverside Drive Lakeville, MA 02347 Phone: 508-946-2700 Fax: 508-947-6557 TDD: 508-946-2795	Abington	Dartmouth	Freetown	Mattapoisett	Provincetown	Tisbury
	Acushnet	Dennis	Gay Head	Middleborough	Raynham	Truro
	Attleboro	Dighton	Goenold	Nantucket	Rehoboth	Wareham
	Avon	Duxbury	Hallfax	New Bedford	Rochester	Wellfleet
	Barnstable	Eastham	Hanover	North Attleborough	Rockland	West Bridgewater
	Berkley	East Bridgewater	Hanson	Norton	Sandwich	Westport
	Bourne	Easton	Harwich	Norwell	Scituate	West Tisbury
	Brewster	Edgartown	Kingsion	Oak Bluffs	Seekonk	Whitman
	Bridgewater	Fairhaven	Lakeville	Orleans	Sharon	Wrentham
	Brockton	Fall River	Mansfield	Pembroke	Somerset	Yarmouth
	Carver	Falmouth	Marion	Plainville	Stoughton	
	Chatham	Foxborough	Marshfield	Plymouth	Swansea	
	Chilmark	Franklin	Mashpee	Plympton	Taunton	

DEP Northeast Region 1 Winter Street Boston, MA 02108 Phone: 617-654-6500 Fax: 617-556-1049 TDD: 617-574-6868	Amesbury	Chelmsford	Hingham	Merrimac	Quincy	Wakefield
	Andover	Chelsea	Holbrook	Methuen	Randolph	Walpole
	Arlington	Cohasset	Hull	Middleton	Reading	Waltham
	Ashland	Concord	Ipswich	Mills	Revere	Watertown
	Bedford	Danvers	Lawrence	Milton	Rockport	Wayland
	Belmont	Dedham	Lexington	Nahant	Rowley	Wellesley
	Beverly	Dover	Lincoln	Natick	Salem	Wenham
	Billerica	Dracut	Lowell	Needham	Salisbury	West Newbury
	Boston	Essex	Lynn	Newbury	Saugus	Weston
	Boxford	Everett	Lynnfield	Newburyport	Sherborn	Westwood
	Braintree	Framingham	Malden	Newton	Somerville	Weymouth
	Brookline	Georgetown	Manchester-By-The-Sea	Norfolk	Stoneham	Wilmington
	Burlington	Gloucester	Marblehead	North Andover	Sudbury	Winchester
	Cambridge	Groveland	Medfield	North Reading	Swampscott	Winthrop
	Canton	Hamilton	Madford	Norwood	Tewksbury	Woburn
	Carleton	Haverhill	Melrose	Peabody	Topsfield	



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

A. Request Information

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



1. 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) _____

Project Location _____

Mailing Address _____

City/Town _____ State _____ Zip Code _____

2. Applicant (as shown on Notice of Intent (Form 3), Abbreviated Notice of Resource Area Delineation (Form 4A); or Request for Determination of Applicability (Form 1)):

Name _____

Mailing Address _____

City/Town _____ State _____ Zip Code _____

Phone Number _____ Fax Number (if applicable) _____

3. DEP File Number: _____

B. Instructions

1. When the Departmental action request is for (check one):
- Superseding Order of Conditions (\$100 for individual single family homes with associated structures; \$200 for all other projects)
 - Superseding Determination of Applicability (\$100)
 - Superseding Order of Resource Area Delineation (\$100)

Send this form and check or money order for the appropriate amount, 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

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 <http://www.mass.gov/dep/about/region/findyour.htm>).
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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ENGINEERING DESIGN CONSULTANTS, INC. SHALL NOT BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, OR PROCEDURES UTILIZED BY THE CONTRACTOR, NOR FOR THE SAFETY OF PUBLIC OR CONTRACTOR EMPLOYEES; OR FOR THE FAILURE OF THE CONTRACTOR TO CARRY OUT THE WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
 ENGINEERING DESIGN CONSULTANTS, INC.'S LIABILITY FOR THIS PLAN IS LIMITED TO THE EXTENT OF ITS FEE LESS THIRD PARTY COSTS.

REV	DATE	DESCRIPTION
0	11/27/19	ISSUED FOR REVIEW



PREPARED BY:
EDC
 Engineering Design Consultants, Inc.
 32 Tumpike Road
 Southborough, Massachusetts
 ph:(508) 480-0225 fax:(508)892-5781

PROJECT:
 555 HOPPING BROOK ROAD
 HOLLISTON, MASSACHUSETTS
 (MIDDLESEX COUNTY)

TITLE:
 EXISTING CONDITIONS & TREE CLEARING
 555 HOPPING BROOK ROAD
 HOLLISTON, MASSACHUSETTS
 DRAWN/APP/CMR
 CRG INTEGRATED REAL ESTATE SOLUTIONS
 200 Barr Harbor Drive
 Conshohocken, PA 19248

FILE NO.: 3063 TREECLEARING
 TREE CLEARING
 DATE: NOVEMBER 27, 2019
 SHEET NO.: 1 OF 3
1

0 150 300 600
 SCALE: 1" = 150'

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ENGINEERING DESIGN CONSULTANTS, INC.'S LIABILITY FOR THIS PLAN IS LIMITED TO THE EXTENT OF ITS FEE LESS THIS PLAN'S COSTS.

REV#	DATE	DESCRIPTION
0	11/22/19	ISSUED FOR REVIEW
1		
2		
3		

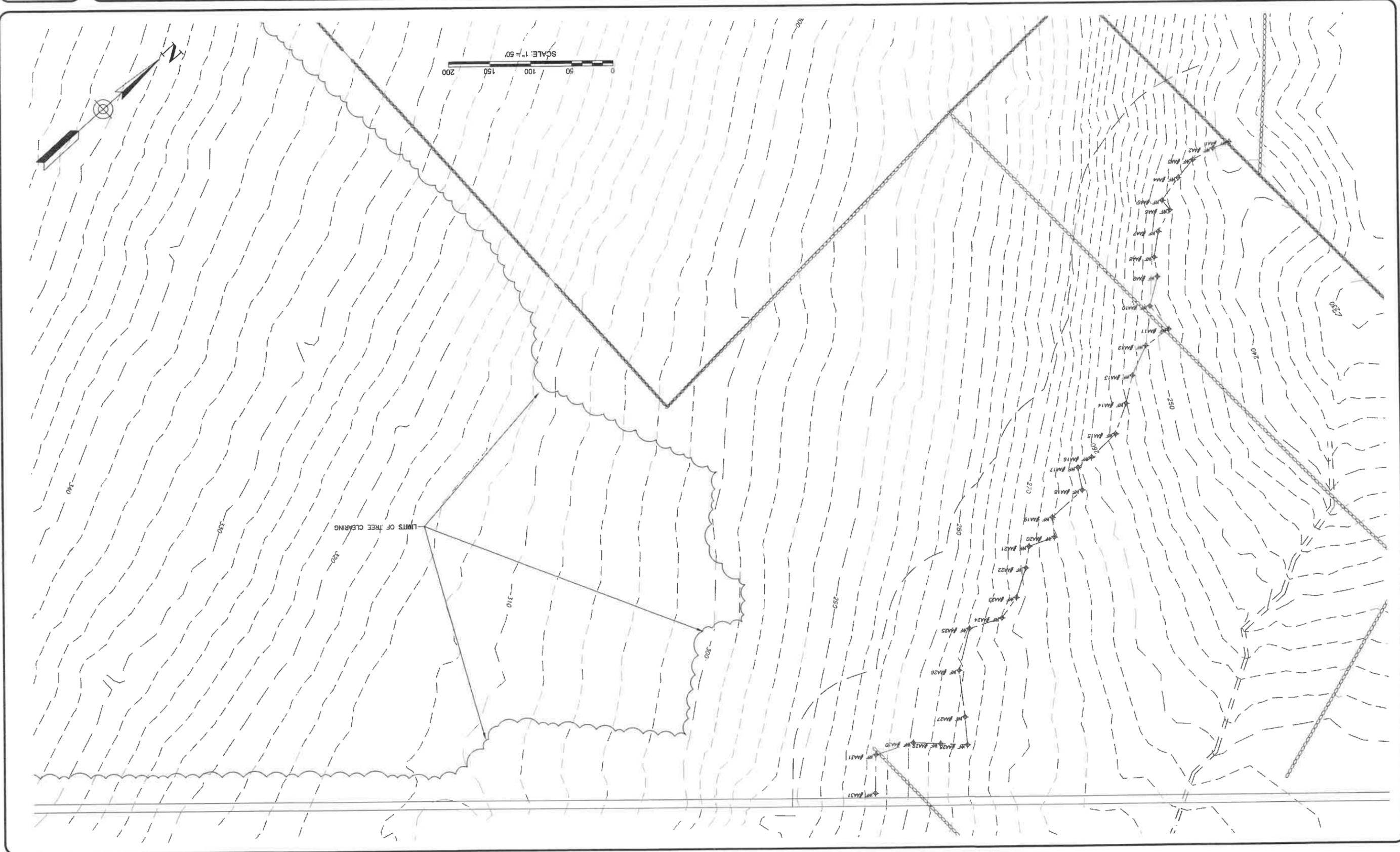


Engineering Design Consultants, Inc.
32 Turnpike Road
Southborough, Massachusetts
PH: (508) 480-0225 FAX: (508) 852-5781

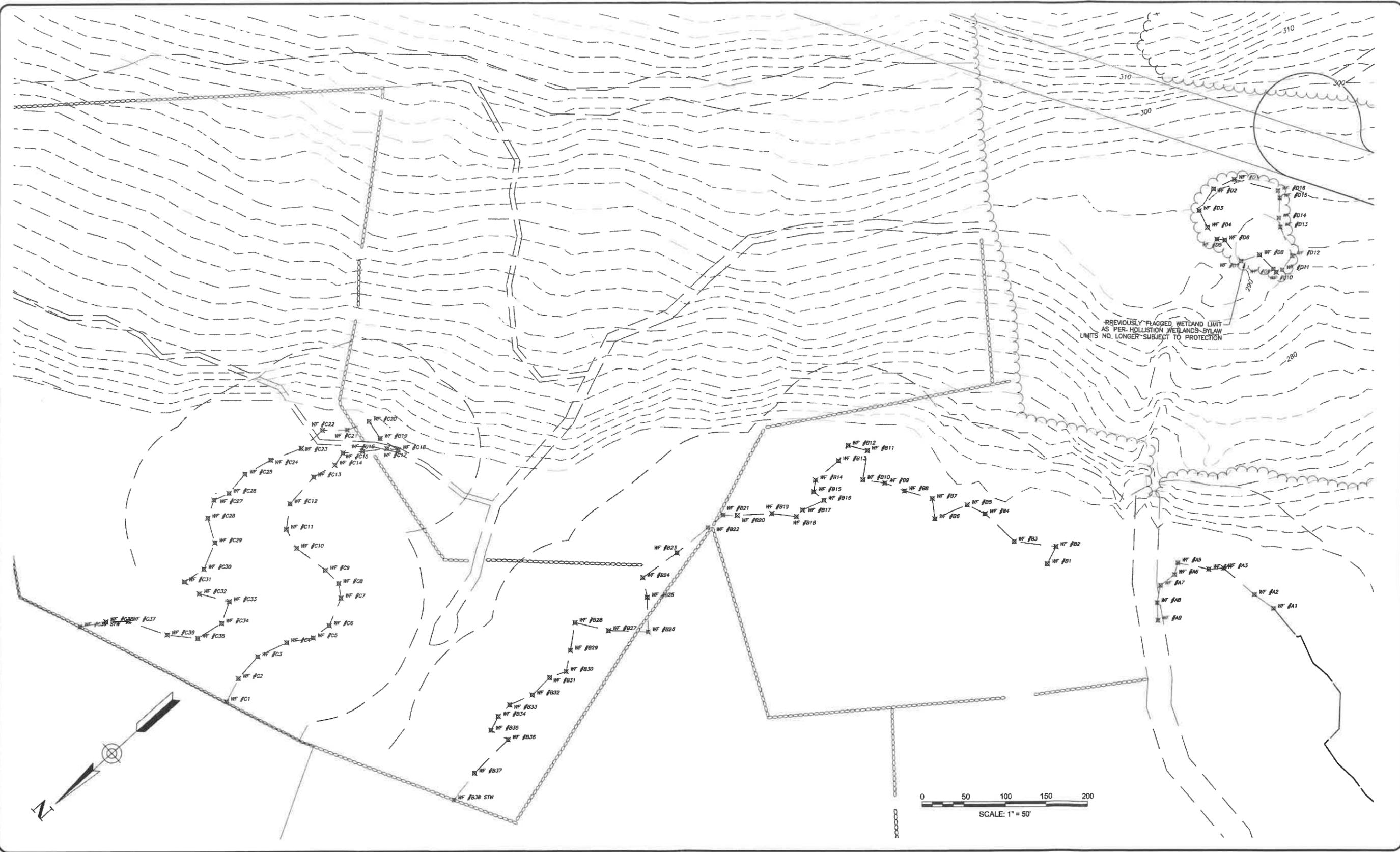
555 HOPPING BROOK ROAD
HOLLISTON, MASSACHUSETTS
(MIDDLESEX COUNTY)

EXISTING CONDITIONS & TREE CLEARING
555 HOPPING BROOK ROAD
HOLLISTON, MASSACHUSETTS
ORG INTEGRATED REAL ESTATE SOLUTIONS
200 Barr Harbor Drive
Conshohocken, PA 19248

NOVEMBER 27, 2019
TREE CLEARING (2)
2 of 3
2



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REV	DATE	DESCRIPTION
0	11/27/19	ISSUED FOR REVIEW



PREPARED BY:
EDC
 Engineering Design Consultants, Inc.
 32 Turnpike Road
 Southborough, Massachusetts
 ph: (508) 480-0225 fax: (508) 838-5781

PROJECT:
 555 HOPPING BROOK ROAD
 HOLLISTON, MASSACHUSETTS
 (MIDDLESEX COUNTY)

TITLE:
EXISTING CONDITIONS & TREE CLEARING
 555 HOPPING BROOK ROAD
 HOLLISTON, MASSACHUSETTS
 OWNER/APPLICANT:
 CRG INTEGRATED REAL ESTATE SOLUTIONS
 200 Barr Harbor Drive
 Conshohocken, PA 19248

FILE NO: 3563 TREECLEARING
 TREE CLEARING (3)
 DATE: NOVEMBER 27, 2019
 SHEET NO: 3 OF 3

