

CRANBERRY KNOLL CORPORATION

One Winnetuxet Road

Plympton, Ma 02367

Telephone No. 781-585-9524

Facsimile No. 781-585-1638

November 17, 2004

Mr. Stephen Mattern, Chairman
Plympton Zoning Board of Appeals
C/o Town Clerk
Plympton, MA

RE: Cranberry Knoll Corporation
Proposed Chapter 40B Project
Evidence of Site Control

Dear Mr. Mattern:

Attached is a Wetlands Delineation of the project site issued by the Plympton Conservation Commission on October 20, 2003. The Commission's decision was appealed to the Department of Environmental Protection, which issued a Superseding Wetlands Delineation on August 4, 2004. The DEP line is substantially similar to the Commission line and has been used in preparing the site plans.

Sincerely,

Robert L. Marzelli



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHEAST REGIONAL OFFICE
20 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508-946-2700

MITT ROMNEY
Governor

KERRY HEALEY
Lieutenant Governor

ELLEN ROY HERZFELDER
Secretary

ROBERT W. GOLLEDGE, Jr.
Commissioner

04 AUG 2004

Springer Construction Company
P.O. Box 209
Plympton, Massachusetts 02367

RE: PLYMPTON--Wetlands
SE 266-107, Superseding Order of
Resource Area Delineation

Ladies and Gentlemen:

Following an on-site inspection, and an in-depth review of information submitted with the above-referenced file, and in accordance with Massachusetts General Laws, Chapter 131, Section 40, the Department of Environmental Protection [the "Department"] is issuing the enclosed Superseding Order of Resource Area Delineation. The Department has confirmed the accuracy of the boundary of Bordering Vegetated Wetland [310 CMR 10.55] as identified on referenced plans.

Other local or federal laws may be applicable. You are urged to contact the Plympton Conservation Commission for any applicable Wetland By-Laws. In addition, you are urged to contact the U.S. Army Corps of Engineers [New England District - Concord, Massachusetts] at (978) 318-8220 or www.nae.usace.army.mil/ for work that may be subject to Section 404 of the Clean Water Act.

In the opinion of the Department, the reasons given here are sufficient to justify this Superseding Order of Resource Area Delineation. However, the Department reserves the right, should there be further proceedings in this matter, to raise additional issues and present further evidence as may be appropriate.

If you have any questions regarding this matter, please contact Gary J. Makuch at (508) 946-2807.

Very truly yours,

Tena J. Davies
Bureau of Resource Protection

D/GJM/gjm

Enclosure

CERTIFIED MAIL#7002 2030 0006 4996 5762

cc: Plympton Conservation Commission

Suzanne T. Xavier-Sakr
55 Lake Street
Plympton, MA 02367



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 4B – Superseding Order of Resource Area Delineation
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:
SE 266-107
 Provided by DEP

A. General Information

From:

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 Issuing Authority

This issuance is for (check one):

- Superseding Order of Resource Area Delineation
 Amended Superseding Order of Resource Area Delineation

To: Applicant:

Springer Construction
 Name
P.O. Box 209
 Mailing Address
Plympton MA 02367
 City/Town State Zip Code

Property Owner (if different from applicant):

-Same-
 Name

 Mailing Address

 City/Town State Zip Code

1. Project Location:

Lake Street Plympton
 Street Address City/Town
Map D7 Lot D7-2-8
 Assessors Map/Plat Number Parcel/Lot Number

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

Study Plan of Land in Plympton, MA, Prepared for Springer Construction 12/17/03
 Title Date [Revised]
 _____ Date

3. Final Plans and Documents Signed and Stamped by:

Alan C. Vautrinot, Jr., Registered Professional Land Surveyor
 Name

4. Dates:

09/29/03 10/20/03 10/20/03
 Date Notice of Intent Filed Date Public Hearing Closed Date of Issuance

6. \$1000.00
 Filing Fee



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 4B - Superseding Order of Resource Area Delineation
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40**

DEP File Number:
SE 266-107
Provided by DEP

B. Order of Delineation

The Department has determined the following (check whichever is applicable):

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):

Bordering Vegetated Wetlands

Other Resource Area(s), specifically:

Modified: The boundaries described on the plan(s) referenced above, as modified by the Department from the plans contained in the Abbreviated Notice of Resource Area Delineation, are accurately drawn for the following resource area(s):

Bordering Vegetated Wetlands

Other Resource Area(s), specifically:

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):

Bordering Vegetated Wetlands

Other Resource Area(s), specifically:

The boundaries were determined to be inaccurate because:



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 4B - Superseding Order of Resource Area Delineation
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:
SE 286-107
Provided by DEP

B. Order of Delineation (cont.)


This Order of Resource Area Delineation determines the boundaries of those resource areas noted above and is 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) regarding such boundaries. 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.

Signature:

Tena J. Davies
Tena J. Davies, Bureau of Resource Protection

On this 4th day of August, 2004, before me, the undersigned Notary Public, personally appeared Tena J. Davies, known to me based on personal knowledge of his/her identity, and known to be the person whose name is signed on the preceding or attached document, and acknowledged to be that he/she signed it voluntarily for its stated purpose.

Brenda J. Harper
Notary Public


BRENDA J. HARPER
Notary Public
Commonwealth of Massachusetts
My Commission Expires
March 17, 2011

This Order is valid for three years from the date of issuance.

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

by hand delivery on

by certified mail #7002 2030 0006 4996 5762

Date

Date

04 AUG 2004



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 4B – Superseding Order of Resource Area Delineation
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:
SE 268-107
 Provided by DEP

C. Appeals

Notice of Appeal Rights:

A) Appeal Rights and Time Limits

The applicant, the owner, any person aggrieved by the Superseding Order, any owner of land abutting the land upon which the proposed work is to be done, or any ten (10) persons pursuant to M.G.L. c.30A, §10A, are hereby notified of their right to request an adjudicatory hearing pursuant to M.G.L. c.30A, § 10, providing the request is made by certified mail or hand delivery to the Department, with the appropriate filing fee and a DEP Fee Transmittal Form within ten (10) business days from the date of issuance of this Superseding Order, and addressed to:

Docket Clerk
 Office of Administrative Appeals
 Department of Environmental Protection
 One Winter Street, 3rd Floor
 Boston, MA 02108.

A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission, the applicant, and the issuing office of the DEP at:

DEP Southeast Region
 20 Riverside Drive
 Lakeville, MA 02347

B) Contents of Hearing Request

A Notice of Claim for Adjudicatory Hearing shall comply with the Department's Rules for Adjudicatory Proceedings, 310 CMR 1.01(6), and shall contain the following information:

- (a) the DEP Wetlands File Number, name of the applicant and address of the project;
- (b) the complete name, address, and fax and telephone numbers of the party filing the request, and, if represented by consultant or counsel, the name, fax and telephone numbers, and address of the representative;
- (c) the names, telephone and fax numbers, and addresses of all other parties, if known;
- (d) a clear and concise statement of (1) the facts which are grounds for the proceedings, (2) the objections to this Superseding Order, including specifically the manner in which it is alleged to be inconsistent with the Department's Wetlands Regulations, 310 CMR 10.00, and does not contribute to the protection of the interests identified in the Act, and (3) the relief sought through the adjudicatory hearing, including specifically the changes desired in the Superseding Order;
- (e) a statement that a copy of the request has been sent by certified mail or hand delivery to the applicant and the conservation commission.

C) Filing Fee and Address

A copy of the Notice of Claim along with a DEP Fee Transmittal Form and a valid check or money order payable to the Commonwealth of Massachusetts in the amount of one hundred dollars (\$100) must be mailed to:

Commonwealth of Massachusetts
 Department of Environmental Protection
 Commonwealth Master Lockbox
 P.O. Box 4062
 Boston, Massachusetts 02211

The request will be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city or town (or municipal agency), county, or district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory hearing filing fee pursuant to 310 CMR 4.06(2) for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file an affidavit setting forth the facts believed to support the claim of undue financial hardship together with the hearing request as provided above.

Failure to submit all necessary information may result in a dismissal by the Department of the Notice of Claim for an Adjudicatory Hearing.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

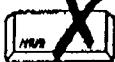
WPA Form 4B – Order of Resource Area Delineation
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

26-107
Provided by DEP

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:

Plympton Conservation Commission
Conservation Commission

This Issuance is for (check one):

- Order of Resource Area Delineation
- Amended Order of Resource Area Delineation

To: Applicant:

Springer Construction, Inc.
Name
PO BOX 209
Mailing Address
Plympton MA 02367
City/Town State Zip Code

Property Owner (if different from applicant):

Same
Name

Mailing Address

City/Town State Zip Code

1. Project Location:

<u>Lake Street</u> Street Address	<u>Plympton</u> City/Town
<u>Map D7 - Block 2</u> Assessors Map/Plat Number	<u>Lot D7-2-8</u> Parcel /Lot Number

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

<u>Wetlands Plan of Land in Plympton Prepared for Springer Construction</u> Title	<u>9/10/02, revised 9/30/03</u> Date
<u></u> Title	<u></u> Date
<u></u> Title	<u></u> Date

3. Dates:

<u>9/29/03</u> Date Notice of Intent Filed	<u>10/20/03</u> Date Public Hearing Closed	<u>10/20/03</u> Date of Issuance
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WPA Form 4B – Order of Resource Area Delineation

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

B. Order of Delineation

The Conservation Commission has determined the following (check whichever is applicable):

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):

Bordering Vegetated Wetlands

Other Resource Area(s), specifically:

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):

Bordering Vegetated Wetlands

Other Resource Area(s), specifically:

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):

Bordering Vegetated Wetlands

Other Resource Area(s), specifically:

The boundaries were determined to be inaccurate because:



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

DEP File Number:

WPA Form 4B – Order of Resource Area Delineation

26107
Provided by DEP

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

B. Order of Delineation (cont.)

This Order of Resource Area Delineation determines the boundaries of those resource areas noted above and is 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) regarding such boundaries. 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 Appendix A)

Signatures:

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

This Order is valid for three years from the date of issuance.

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

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

_____ Date _____ Date

C. 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 (see Appendix A) to issue a Superseding Order of Resource Area Delineation. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Appendix E: 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.

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.