

DEP File No:

City/Town: Seekonk
Applicant: David Duarte

Form 2

*Commonwealth
of Massachusetts*

*Department of Defense
United State of America*

DETERMINATION OF APPLICABILITY

**Massachusetts Wetlands Protection Act, G. L. c. 131, §40
and Town of Seekonk By-Laws**

From SEEKONK CONSERVATION COMMISSION Issuing Authority.

To David Duarte Judy Duarte
(Name of person making request) (Name of Property Owner)

Address 1472 Fall River Ave., Seekonk Address (Same)

This determination is issued and delivered as follows:

_____ by hand delivery to applicant or representative making request on _____ (date)

X by certified mail, return receipt requested on 6/24/97 (date)

Pursuant to the authority of G.L. c.131, §40, the Seekonk Conservation Commission has considered your request for a Determination of applicability and its supporting documentations, and has made the following determination (check which is applicable):

Location: Street Address: Fall River Ave.

Plat Number 4 Lot Number 4

This Determination is positive:

1. The area described below, which includes all/part of the area described in your request, is an Area subject to Protection under the Act. Therefore, any removing, filing, dredging, or altering of that area requires the Filing of a Notice of Intent.
2. The work described below, which includes all/part of the work described in your request, is within an Area Subject to Protection Under the Act and will remove, fill, dredge, or alter that area. Therefore, said work requires the filing a Notice of Intent.
3. The work described below, which includes all/part of the work described in your request is within the Buffer Zone as defined in the regulations, and will alter an Area Subject to Protection Under the Act. Therefore, said work requires the filing of a Notice of Intent.

This Determination is negative:

- 1. The area described in your request is not an Area subject to Protection Under the Act.
- 2. The work you described in your request is within and Area Subject to Protection Under the Act, but will not removed, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent. (See below conditions.)
- 3. The work described in your request is within the buffer zone as defined in the regulations, but will not permanently alter an area subject to protection under the act. Therefore said work does not require the filing of a Notice of Intent.
- 4. The area you described in your request is subject to Protection Under the act, but since the work you describe therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required _____

Issued by SEEKONK CONSERVATION COMMISSION

Signature(s)

Warren P. Leach
Richard C. Walker Mike S. Leach
Paul E. Dwyer R. F. Hill
[Signature] [Signature]

This Determination must be signed by a majority of the Conservation Commission.

On this 23rd day of June 19 97, before me personally appeared Warren P. Leach, to me known to be the person described in, and who executed, the foregoing instrument, and acknowledged that he/she executed the same as his/her free act and deed.

Waklene J. Merino
(Notary Public)

My commission expires Jan. 25, 2002
(My Commission Expires)

This Determination does not relieve the applicant from complying with all other applicable federal, state, or local institutes, ordinances, by-laws or regulations. This Determination shall be valid for three years from the date of issuance.

The applicant, the 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 Department of Environmental Protection to issue a Superseding Determinations of Applicability, providing the request is made by certified mail or had delivery to the Department, with the appropriate filing fee and Fee Transmittal Form as provided in 310 CMR 10.03(7) within ten days from the date of issuance of the Determination. A copy of the request shall at the same time be sent certified mail or hand delivery to the Conservation Commission and the applicant.

- 1. Twenty American arborvitae (*Thuja occidentalis*) 5-6' tall to be planted 10' on center along the haybales.
- 2. No work to extend beyond haybale line. Per plan drawn by Caputo & Wick, Ltd. dated June 6, 1997 prepared for Church of Assembly of God.

City/Town: Seekonk
Applicant: David Duarte

Form 1

*Commonwealth
of Massachusetts*

**REQUEST FOR A
DETERMINATION OF APPLICABILITY**
Massachusetts Wetlands Protection Act, G. L. c. 131, §40

1. I, the undersigned, hereby request that the Seekonk Conservation Commission make a determination as to whether the area, described below, or work to be performed on said area, also described below, is subject to the jurisdiction of the Wetlands Protection Act, G. L. c. 131, §40.

2. The area is described as follows: (Use maps or plans, if necessary, to provide a description and the location of the area subject to this request.)

Location: Street Address: Fall River Avenue

Plat No: 4 Lot No: 4

3. The work in said area is described below. (Use additional paper, if necessary, to describe the proposed work.)

Construct a church and parking area and place approximately three feet of fill within 80 feet of wetland vegetation.

See enclosed plan for exact details.

