



Town of Carlisle
Office of
CONSERVATION COMMISSION
P.O. Box 827 • 66 Westford Street
Carlisle, Massachusetts 01741

Tel.: (978) 369-0336
Fax: (978) 369-4521

1/29/2004

South Street Nominee Trust, c/o Choat, Hall & Stewart
53 State St.
Boston, MA 02109-2804

Re: Order of Resource Area Delineation
Parcel "A" File 125-718

Dear Applicant,

Enclosed is the Order of Resource Area Delineation for the above referenced project. There is a ten (10 business day) period in which you or other persons may file an appeal on this Order of Resource Area Delineation to the Department of Environmental Protection. Once the ten day appeal period has elapsed and no appeal has been filed, this Order MUST be recorded at the Northern Middlesex Registry of Deeds, located at 360 Gorham St. Lowell, MA. The receipt at the bottom of the final page of this Order MUST be returned to this office, bearing the book and page notation from the Registry.

If you have any questions concerning the procedures of the Carlisle Conservation Commission or your responsibilities, please contact me.

Sincerely,


Sylvia Willard
Conservation Administrator

enclosure

cc: DEP, Northeast Region
MetroWest Engineering, Rob Gemma
MetroWest Engineering, Inc.
Dr. John Rockwood, P.W.S., EcoTec., Inc.
Carlisle Conservation Foundation



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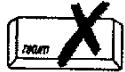
Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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

DEP File Number:
125-718 &
Carlisle
Wetland Bylaw
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:

Carlisle Conservation Commission
Conservation Commission

This Issuance is for (check one):

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

To: Applicant:

South Street Nominee Trust, c/o Choate, Hall & Stewart

53 State Street
Mailing Address
Boston MA 02109-
City/Town State Zip Code
2804

Property Owner (if different from applicant):

same
Name
Mailing Address
City/Town State Zip Code

1. Project Location:

South Street, "Parcel A" Carlisle
Street Address City/Town
Map 5 Parcel 7 Lot 0
Assessors Map/Plat Number Parcel /Lot Number

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

<u>Existing Conditons Plan for Parcel "A" in Carlisle, Mass (2 revisions)</u>	Final revision:
Title	<u>12/29/2003</u>
Title	Date
Title	Date

3. Dates:

<u>ANRAD: 11/14/2003</u>	<u>1/8/2004</u>	<u>1/29/2004</u>
Date Notice of Intent Filed	Date Public Hearing Closed	Date of Issuance



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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:

See narrative

- 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:

See narrative

- 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:

DEP #125-0718
ORAD Narrative, Findings and Decision
Approved January 22, 2004
MASSACHUSETTS WETLANDS PROTECTION ACT
AND
THE CARLISLE LOCAL WETLAND PROTECTION BYLAW
ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION

APPLICANT: South Street Nominee Trust, C/O Choate, Hall & Stewart
ADDRESS: 53 State Street
Boston, MA 02109-2804

OWNER: Same as above

LOCATION: South Street, Parcel "A", Carlisle, MA 01741
ASSESSORS MAP & PARCELS: Map 5, Parcel 7, Lot 0
Middlesex Registry of Deed: Book 11322 Page 136

PUBLIC HEARING OPENED: January 8, 2004

PUBLIC HEARING CLOSED: January 8, 2004

DATE OF ISSUANCE: January 29, 2004

Filing History: An Abbreviated Notice of Resource Area Delineation, designated as 125-0718 by the Massachusetts Department of Environmental Protection, was filed on November 14, 2003 for the 45.32-acre parcel of land located on South Street in Carlisle, Massachusetts. The application was considered under the Massachusetts Wetlands Protection Act, M.G.L. 131 Section 40 for an Abbreviated Notice of Resource Area Delineation and the Carlisle Wetland Protection Bylaw. The appropriate Wetland Protection Act fees were received with the original application. Fees required under the Carlisle Wetland Bylaw were received November 24, 2003.

The applicant agreed to delay opening the hearing until the filing could undergo a Peer Review by the Carlisle Conservation Commission's wetlands consultant. This review was arranged with Dr. John Rockwood of EcoTec, Inc. 102 Grove Street, Worcester, MA 01605-2629. The scope of services included review of the application, field review of the delineated wetlands, inspection of the remainder of the site for any other potential wetland resources, and identification of any wetlands off site likely to cast jurisdictional areas upon the property.

On November 25th, 2003 a site inspection was undertaken by Dr. Rockwood, Cory Van Wyhe of MetroWest Engineering, Roy Watson, chair-elect of the Conservation Commission and Sylvia Willard, Carlisle Conservation Administrator. Following this inspection, a report dated 12/22/2003 was submitted by Dr. Rockwood. Site plans were subsequently updated, reviewed again, and final plans, dated 12/29/2003, were submitted on 1/2/2004 for the opening of the hearing.

The public hearing, scheduled for January 8, 2004 at 8:00 P.M. was advertised in the Carlisle Mosquito on December 19, 2003. A copy of the hearing notice was posted in the Town Hall and distributed to the applicant and the engineers.

The January 8, 2004 hearing was opened by Chairman Tricia Smith. Frank Stewart of Northland Residential Corporation, Robert Gemma and Cory Van Wyhe representing MetroWest Engineering were present representing the applicants. Dr. John Rockwood of EcoTec, Inc. was present to review the final plans.

The hearing was closed January 8, 2004.

Plan Reference: The Existing Conditions Plan for Parcel "A" in Carlisle, Mass. dated 10/9/2003, revised 12/15/2003 and 12/29/2003. The plan was signed and stamped by Robert A. Gemma, Professional Land Surveyor, MetroWest Engineering, Inc., 75 Franklin Street, Framingham, MA 01720.

Site Specific Findings as adopted January 22, 2004:

- The Carlisle Conservation Commission finds the BVW boundary and associated Buffer Zone on the plan dated 12/29/2003 are accurately depicted.
- The Carlisle Conservation Commission finds that Bank and/or Land Under Water Bodies and Waterways are present within the Bordering Vegetated Wetlands on the site, but the boundaries of such resources have not been determined by this ORAD.
- The Carlisle Conservation Commission finds that Wetland AA is not Bordering Vegetated Wetlands or Isolated Land Subject to Flooding, and as such is not subject to jurisdiction under the Act or Bylaw. The Commission requests that the Applicant or any subsequent applicants will seek a determination from the Army Corps of Engineers relative to federal jurisdiction of Wetland AA prior to any submission of any proposed development plans on this parcel.
- The Carlisle Conservation Commission finds that the intermittent/perennial status of the tributary to Spencer Brook located in the northwestern and southwestern corners of the site and the status of Spencer Brook in the southern portion of the site have not been determined as part of this ORAD. As such, the presence of Riverfront Area and its extent, if present, have not been determined by this ORAD.
- The Carlisle Conservation Commission finds that the presence or absence of Bordering Land Subject to Flooding and its extent, if present, have not been determined by this ORAD.
- The Carlisle Conservation Commission requests that the ponding area or areas located between flags B32 and B44 be evaluated in the spring to determine if one or more pools would qualify for certification as vernal pools by the Natural Heritage and Endangered Species Program.
- The Carlisle Conservation Commission finds that there is a ponding area located off site within Wetland C. Work within the Buffer Zone to Wetland C should be appropriately conditioned for this resource area.

Comment:

The applicant shall record this Order of Resource Area Delineation within 30 days of issuance at the Northern Middlesex Registry of Deeds or the Land Court within the chain of title of this property as noted on the attached recording document.



WPA Form 4B – Order of Resource Area Delineation

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

125-718 &
Carlisle
Wetland Bylaw
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.

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]

[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

January 29, 2004

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.

**Form 4B -Order of Resource Area Delineation
The Town of Carlisle Wetlands Protection Bylaw**

File #125-718

On this: 22nd day of January Month, 2004

Before me personally appeared: Tricia Smith, Peter R. Burn, J. Thomas Brownrigg, Thomas Schultz, Roy Watson, Diane Troppoli, and John Lee all of the Carlisle Conservation Commission, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Sylvia H. Roberts Willard
Sylvia H. Roberts Willard, Notary Public

May 31, 2007
My commission expires

Sylvia H. Roberts Willard
Notary Public
My Commission Expires
May 31, 2007

This Order is issued to the Applicant, South Street Nominee Trust, Choate, Hall & Stewart and sent by Certified mail, return receipt requested, on

January 29, 2004
Date

Recording Information:

This Order of Resource Area Delineation must be recorded in the Northern Middlesex 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 shall be submitted to the:

Carlisle Conservation Commission

on the form below, which must be stamped by the Registry of Deeds.

Detach on dotted line and submit to the Carlisle Conservation Commission

To: _____
Conservation Commission

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

South Street, "Parcel A" Carlisle, MA 01741 Map 5 Parcel 7 Lot 0
Project location
125-718
DEP File Number

has been recorded at the North Middlesex Registry of Deeds

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 which identifies this transaction is: _____
Instrument number

If registered land, the document number which identifies this transaction is _____
Document Number

Signature of Applicant