

For Registry of Deeds Use Only



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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

Provided by MassDEP:
 283-446

MassDEP File Number

eDEP Transaction Number
 Sherborn
 City/Town

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.



Note:
 Before
 completing this
 form consult
 your local
 Conservation
 Commission
 regarding any
 municipal bylaw
 or ordinance.

From: Sherborn
 1. Conservation Commission

2. This Issuance is for (check one):

a. Order of Resource Area Delineation
 b. Amended Order of Resource Area Delineation

3. Applicant:

Robert

a. First Name

Murchison

b. Last Name

B/R 81892-365

c. Organization

177 Lake Street

d. Mailing Address

Sherborn

e. City/Town

MA

f. State

01770

g. Zip Code

4. Property Owner (if different from applicant):

Robert

a. First Name

Murchison

b. Last Name

Fenix Partners Brush Hill, LLC

c. Organization

117 Lake Street

d. Mailing Address

Sherborn

e. City/Town

MA

f. State

01770

g. Zip Code

5. Project Location:

34 Brush Hill Road

a. Street Address

1

d. Assessors Map/Plat Number

Latitude and Longitude

(in degrees, minutes, seconds):

Sherborn

b. City/Town

18

e. Parcel/Lot Number

42d15m24.83s

f. Latitude

71d24m02.75s

g. Longitude

6. Dates: 08/23/2023

a. Date ANRAD filed

09/07/2023

b. Date Public Hearing Closed

09/14/2023

c. Date of Issuance



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A. General Information (cont.)

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

Plan of Lane, prepared by Samiotes Consultants, Inc

9/12/2023

a. Title

b. Date

DEP Delineation Forms, Karon Skinner Catrone

5/7/23

c. Title

d. Date

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.

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

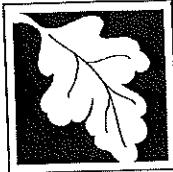
2. Other resource area(s), specifically:

a. Approved wetland flags numbered 1, 2A, 3A and 4 through 14 and wetland flags numbered 85 through 89.

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:



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a. Title

b. Date

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5/7/23

c. Title

d. Date

B. Order of Delineation

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1. Bordering Vegetated Wetlands
2. Other resource area(s), specifically:

a. _____

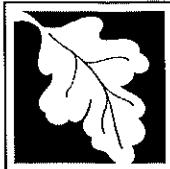
b. **Modified:** The boundaries described on the plan(s) referenced above, as modified by the Conservation Commission from the plans contained in the Abbreviated Notice of Resource Area Delineation, are accurately drawn from the following resource area(s):

1. Bordering Vegetated Wetlands
2. Other resource area(s), specifically:

a. Approved wetland flags numbered 1, 2A, 3A and 4 through 14 and wetland flags numbered 85 through 89.

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:



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B. Order of Delineation (cont.)

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, § 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 <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).

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, § 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.



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E. Signatures

Please indicate the number of members who will sign this form.

Date of Issuance

1. Number of Signers

Sherborn

Signatures

Signature of Conservation Commission Member

Printed Name

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, which expires on _____ unless extended in writing by the issuing authority.

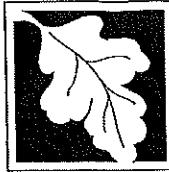
This Order is issued to the applicant and the property owner (if different) as follows:

2. By hand delivery on

a. Date

3. By certified mail, return receipt requested on

a. Date



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E. Signatures

Please indicate the number of members who will sign this form.

Sherborn

Signatures

Myers
Signature of Conservation Commission Member

Joe Sturz
Signature of Conservation Commission Member

Tim Scrimshaw
Signature of Conservation Commission Member

John Kugler
Signature of Conservation Commission Member

W. O. O'Leary
Signature of Conservation Commission Member

Michael Lessa
Printed Name

Jacob Strauss
Printed Name

Steven Scrimshaw
Printed Name

Kurt Siegel
Printed Name

Matthew O'Leary
Printed Name

Printed Name

Printed Name

Printed Name

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Recording Information

Provided by MassDEP:

MassDEP File Number

eDEP Transaction Number

City/Town

Prior to commencement of work, this Order of Resource Area Delineation must be recorded in the 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 on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

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

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

For:

Property Owner

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 identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant