

For Registry of Deeds Use Only



**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:

299-707

MassDEP File Number

eDEP Transaction Number

Stow

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: Stow
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:

Mark O'Hagan
a. First Name b. Last Name

MCO & Associates, Inc.
c. Organization

P.O. Box 372
d. Mailing Address

Harvard MA 01451
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

Stow Holdings, LLC Stow
a. First Name b. Last Name

258 Andover Street
c. Organization

Georgetown MA 01833
d. Mailing Address e. City/Town f. State g. Zip Code

5. Project Location:

58 Randall Road Stow 01775
a. Street Address b. City/Town c. Zip Code

R11 25B-3
d. Assessors Map/Plat Number e. Parcel/Lot Number

Latitude and Longitude (in degrees, minutes, seconds): 1 18 2022 1 25 2022
f. Latitude g. Longitude

6. Dates: 12/15/2021 1/18/2022 1/25/2022
a. Date ANRAD filed b. Date Public Hearing Closed 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:

Resource Area Delineation Plan in Stow Massachusetts for MCO Associates, prepared by Stamski and McNary, Inc. Sheets 1-4 and to be further revised per ORAD	12/14/2021 revised 1/14/2022
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. See ORAD Appendix

- 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. See ORAD Appendix

- 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:

See ORAD Appendix



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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.

APPENDIX 1

Location: Off Randall Road

Owner: Stow Holdings LLC

Applicant: Mark O'Hagan, MCO & Associates

Order of Resource Area Delineation

Massachusetts Wetlands Protection Act File #299-707

Map R11, Lot 25B-3

Issued January 18, 2022

The Stow Conservation Commission has reviewed and confirmed the accuracy of the resource areas shown on the “**Resource Area Delineation Plan in Stow Massachusetts for MCO and Associates,**” prepared by Stamski and McNary, Inc., Sheets 1-4 dated December 14, 2021 with a latest revision date of January 14, 2022, except as noted and described below. Wetland resource area boundaries were originally flagged by B&C Associates in November 2021 and revised as a result of site visits by the Stow Conservation Commission. A series of small wetlands, streams, and ponds are present at the front of the site, with bordering vegetated wetland, riverfront area, and bordering land subject to flooding associated with Elizabeth Brook, a perennial stream, at the rear of the site. The Commission makes the following findings as part of this Order of Resource Area Delineation:

- 1) **The Commission has verified the wetland delineation on only those portions of the parcels shown on the above-referenced plans and with the following limitations:**
 - a) **Bordering Vegetated Wetland (BVW)** (state and local) – All flags were confirmed, as adjusted in the field and shown on the above-referenced plan.
 - b) The 51-67 Series drains via a culvert to the 1-4 Series, as shown on the plans.
 - c) The 200 Wetland Series drains via a channel toward a culvert at WF 201 to the 300 Wetland Series, as shown on the plans. The channel is not flagged, therefore the location of Bank cannot be addressed in the ORAD.
 - d) Riverfront Area to Unnamed South Flowing Stream East of Parcel (state and local) – The RF -1 through RF-6 Series identifies the top of bank along the unnamed stream and the plans show the extent of Riverfront Area associated with this water body.
 - e) **Buffer Area** (local only resource area): The plan depicts the 100' buffer to wetlands and other resources. These areas are protected by the Stow Wetlands Protection Bylaw and Regulations.

- 2) **The following Resource areas were not confirmed:**
 - a) **Banks or Land Under Water to Streams and Ponds:** There are streams or channels within the A-series BVW, the 200-series, and the 400-series wetland which were not delineated in the field. No information was submitted to determine they are intermittent or perennial streams and no Bank or Riverfront Area determination has been made.
 - b) **Riverfront Area and Bank to Elizabeth Brook** (state and local) – All 300-series BVW flags were confirmed as shown on the above-referenced plan. There are no Bank flags and the Riverfront Area to Elizabeth Brook is not shown on the plans. Elizabeth Brook is located immediately north of the subject site.

- c) **Vernal Pools** – There is a potential vernal pool near wetland flags 220 to 227, in an area with a great deal of woody debris. This area shall be investigated during vernal pool season and a report provided to the Commission prior to the submittal of a Notice of Intent for the development of the property. If the area is determined to be a vernal pool, appropriate documentation for certification should be submitted to the Massachusetts Natural Heritage and Endangered Species Program.
- d) **Bordering Land Subject to Flooding** (state and local) – BLSF was not delineated on the plans but rather scaled from other plans and is present on the subject site. The Commission makes no findings with regard to the boundaries/elevations of BLSF on the subject site, or the 100' buffer zone to this area under the Bylaw.
- e) **Culverts** – The Commission noted other culverts and pipes that may function as flooding or water diversion, field drainage or irrigation. It was not clear how these drainage features function to support the wetland resource areas or contribute to the interests of the Act or Bylaw. As part of design and preparation of the Notice of Intent, watershed and subwatershed plans should be prepared and stormwater management addressed to ensure that wetland hydroperiods are not significantly altered.

3) The following REVISIONS need to be made to the final plans and submitted to the Commission for approval:

- a) The B Series has a culvert that flows out of it between Flags B-2 and B-3, to the 1 – 4 Series. A “hole” in the ground was observed in the lawn area off of Flag A-1 where flow could be observed.
- b) Evidence observed in the field indicates that the A-series channel likely drains into a culvert (Item #1 above) that is assumed to flow from Flag A-27 toward the 1 – 4 Series.
- c) At the field visit, it was agreed that Flag A-18 should be connected to Flag A-21, and flags A19 and A20 should be deleted from the plan.
- d) The 400-series wetland is shown as local bylaw only. This area should be shown as Bordering Vegetated Wetland.



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E. Signatures

1/25/2022

Date of Issuance

4

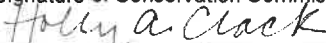
1. Number of Signers

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

Signatures


Signature of Conservation Commission Member

Elizabeth Mattison
Printed Name


Signature of Conservation Commission Member

Holly A. Clack
Printed Name


Signature of Conservation Commission Member

Jeff Saunders
Printed Name


Signature of Conservation Commission Member

MATTHEW STUCKFEDOR
Printed Name

Signature of Conservation Commission Member

Printed Name

Signature of Conservation Commission Member

Printed Name

Signature of Conservation Commission Member

Printed Name

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 1/25/2025 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

3. By certified mail, return receipt requested on

1/25/22
a. Date

a. Date



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
Request for Departmental Action Fee
Transmittal Form

DEP File Number:

299-707

Provided by DEP

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

A. Request Information

1. Location of Project

a. Street Address	b. City/Town, Zip
c. Check number	d. Fee amount

2. 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)	

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

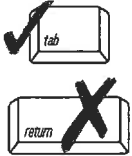
Name

Mailing Address

City/Town	State	Zip Code
Phone Number	Fax Number (if applicable)	

4. DEP File Number:

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



B. Instructions

1. When the Departmental action request is for (check one):

- Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- Superseding Determination of Applicability – Fee: \$120
- Superseding Order of Resource Area Delineation – Fee: \$120

Send this form and check or money order, 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

DEP File Number:

299-707

Provided by DEP

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

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.

Stow

Conservation Commission

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

To:

Stow

Conservation Commission

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

58 Randall Road

Project Location

299-707

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