



WPA Form 1- Request for Determination of Applicability

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

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.



1. Applicant:

Lincoln Property Company c/o James Noonan

Name

JNoonan@LPC.com

E-Mail Address

53 State Street, 8th Floor

Mailing Address

Boston

City/Town

MA

State

02109

Zip Code

617-951-4100

Phone Number

Fax Number (if applicable)

2. Representative (if any):

Bohler

Firm

John Kucich

Contact Name

JKucich@Bohlereng.com

E-Mail Address

352 Turnpike Rd

Mailing Address

Southboro

City/Town

MA

State

01772

Zip Code

508-480-9900

Phone Number

508-480-9080

Fax Number (if applicable)

B. Determinations

1. I request the Marlborough make the following determination(s). Check any that apply:
Conservation Commission

- a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

City of Marlborough

Name of Municipality

- e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).



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C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

<u>1,000 Nickerson Rd</u>	<u>Marlborough</u>
Street Address	City/Town
<u>88</u>	<u>29 & 36</u>
Assessors Map/Plat Number	Parcel/Lot Number

- b. Area Description (use additional paper, if necessary):

The subject parcel is a 12.3 Acre undeveloped site at the corner of Boston Post Rd and Hayes Memorial Drive. See cover letter for additional information.

- c. Plan and/or Map Reference(s):

<u>Site Development Plans</u>	<u>5/31/2021</u>
Title	Date
<u> </u>	<u> </u>
Title	Date
<u> </u>	<u> </u>
Title	Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

Construct a 120,000 building and other associated site improvements including, but not limited to, paved parking area, driveway, light poles, landscape areas, and site utilities. See attached cover letter for additional information.



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

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C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

Section 10.02 (2)(b)1 - Minor Activities...within the buffer zone and outside areas specified in 30 CMR 10.02(1)...provided the work is performed: solely within the buffer zone...in a manner so as to reduce the potential for any adverse impacts to the resource area during construction, and with post-construction measures implements to stabilize any disturbed areas.

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



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D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

LPCH 1000 Nickerson LP

Name

2000 McKinney Ave, Suite 100

Mailing Address

Dallas

City/Town

TX

State

75201

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Signature of Applicant

Signature of Representative (if any)

Date

6/28/2021

Date