

MBL Land Development & Permitting, Corp.

Land Development, Transportation & Environmental Solutions

Office Location

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F.508.297.2756

Email: info@MBLLandDevelopment.com

Remittance Address

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Somerset, MA 02726
P.508.617.8541
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Website: www.MBLLandDevelopment.com

April 1, 2020

Town of Avon Conservation Commission
Attention Kevin Mooney, Chairman
Avon Town Hall
65 East Main Street
Avon, MA 02322

Re: Request for ORAD Extension
Joanna Hills Estates (DEP File No. SE 099-0161)

Dear Chairman Mooney and Members of the Commission,

On behalf of our client, Joanna Hills LLC, MBL Land Development & Permitting Corp. (MBL) is submitting this request to extend the Order of Resource Area Delineation (ORAD) that was originally issued by the Avon Conservation Commission to Stonebridge Homes, Inc. on June 8, 2017 for DEP File No. SE 099-0161 for the project located at the parcel referenced as Block 3 and Plot 15 on Assessors Map C7. Please don't hesitate to contact us at 508-297-2746 should you have any questions or comments pertaining to the information contained herein or require additional information. Thank you for your time and consideration regarding this matter.

Respectfully,
MBL Land Development & Permitting Corp.



Brian M. Dunn
President/Project Director



Tracy L. Duarte, PE
Project Manager

Enclosures

cc: Avon Zoning Board of Appeals



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

**WPA Form 4B – Order of Resource Area
Delineation**

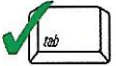
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
SE 099-0161
MassDEP File Number

eDEP Transaction Number
Avon
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: Avon
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:

Muhammad A. Itani
a. First Name b. Last Name

Stonebridge Homes, Inc.
c. Organization

32 Norfolk Avenue
d. Mailing Address

South Easton MA 02375
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

Wisam Omran
a. First Name b. Last Name

SNA Realty Trust
c. Organization

24 Forest Edge Road
d. Mailing Address

South Easton MA 02375
e. City/Town f. State g. Zip Code

5. Project Location:

0 Joanna Road Avon 02322
a. Street Address b. City/Town c. Zip Code

AP C7-3 15
d. Assessors Map/Plat Number e. Parcel/Lot Number

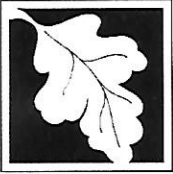
Latitude and Longitude (in degrees, minutes, seconds): 42d08m10.577s 71d03m7.8799s
f. Latitude g. Longitude

6. Dates: 02/23/2017
a. Date ANRAD filed b. Date Public Hearing Closed c. Date of Issuance

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

ANRAD Plan-Assessors Map C-7-3 & Plot 15; Prepared by MBL Land Development & Permitting Corp.; Stamped by James E. Miller, P.E. 5/11/2017
b. Date

Abbreviated Notice of Resource Area Review; Prep By Nover-Armstrong 05/05/2017
c. Title d. Date



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

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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. (1) Isolated Vegetated Wetland / Isolated Land Subject to Flooding delineated in the field by the C-series flags.

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. (1) Isolated Vegetated Wetland delineated by the F-series flags in the field.

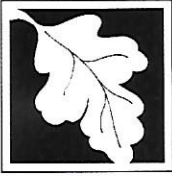
c. **Inaccurate:** The boundaries described on the referenced plan(s) and in the Abbreviated Notice of Resource Area Delineation were found to be inaccurate and cannot be confirmed for the following resource area(s):

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

(1) Bordering Land Subject to Flooding; and (2) Bank and Land Under Water to an intermittent stream documented within the A-Series BVW.

3. The boundaries were determined to be inaccurate because:

(1) The FEMA Zone A boundary shown on the ORAD Plan-of-Record is approximate only. No Base Flood Elevation (BFE) has been estimated by FEMA. (2) the intermittent stream documented within the A-Series BVW is not shown on the ORAD Plan-of-Record and has not been delineated in the field. (3) mean annual flood boundary of the certifiable vernal pool documented in the B-Series BVW is not shown on the ANRAD Plan (flooded conditions up to wetland flags #B8 - #B34 were observed in April 2017 by Peer Reviewer)



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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 <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).

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.



WPA Form 4B – Order of Resource Area Delineation

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

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SE 099-0161
MassDEP File Number

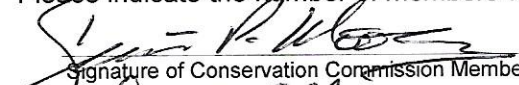
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E. Signatures

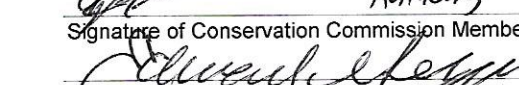
6/8/17
Date of Issuance

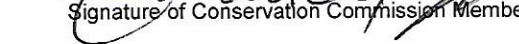
Please indicate the number of members who will sign this form.

4
1. Number of Signers


Signature of Conservation Commission Member


Signature of Conservation Commission Member


Signature of Conservation Commission Member


Signature of Conservation Commission Member


Signature of Conservation Commission Member


Signature of Conservation Commission Member


Signature of Conservation Commission Member

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 6/8/17

3. By certified mail, return receipt requested on _____
a. Date



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

**Request for Departmental Action Fee
Transmittal Form**

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:

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

Important:
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Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

**Request for Departmental Action Fee
Transmittal Form**

Provided by DEP

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

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 <http://www.mass.gov/eea/agencies/massdep/about/contacts/>).
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.