

Lee Conservation Commission
Berkshire Scenic Mountain Act – Form A
Request for Determination of Applicability
Massachusetts Scenic Mountain Act, MGL c.131, §39a

SMA File Number: _____

Filing Fee: \$100

A. General Information

1. Applicant:

Name: _____

Mailing Address: _____

City/Town: _____

State: _____ Zip Code: _____

E-Mail: _____

Phone: _____ Fax: _____

Representative (if any):

Name & Company: _____

Mailing Address: _____

City/Town: _____

State: _____ Zip Code: _____

Email: _____ Phone Number: _____

Project Location: _____

Assessors Map and Lot Number: _____

Zone: 1 _____ 2 _____

Region: A _____ B _____ C _____ Elevation: _____

B. Determinations:

As the applicant, I request the Lee Conservation Commission make the Following determination(s):

- ☐ Whether the area depicted on the plan(s) and/or map(s) referenced below is the subject of the Massachusetts Scenic Mountain Act (MGL 131 § 39a)
- ☐ Whether the Activity described in this request, which the applicant proposes to perform, is exempt from coverage of MGL 113 § 39a (Scenic Mountain Act) because the attached documents indicate:
 1. ____ The applicant has complied with the provisions of G.L.C.132 §40-46 (Forest Cutting Practices)
 2. ____ The activity is already subject to regulation under MGL 131 §40 (Wetland Protection Act).
 3. ____ The activity will consist of the maintenance, repair, reconstruction, replacement, or change in use of any lawfully located and constructed structure.
 4. ____ The activity will be conducted in connection with the construction or maintenance of any facility as that term is defined in MGL c.164 §69G (Energy Facility Siting Board).
 5. ____ The activity will be conducted in connection with the construction or maintenance of any electrical, transmission or distribution facilities or by telephone or otherwise for which locations in the public ways have been approved by the Selectboard under the provisions of MGL c.166 §22.
 6. ____ The activity will be conducted in connection with the construction or maintenance of electric distribution facilities required to serve a structure or building where construction has been approved under the provisions of this Act.
- ☐ If the Conservation Commission determines that all or part of the geographic area does not lie within a mapped mountain region, and that the proposed activity is not exempt from regulation, then I request the Commission determine whether the proposed activity will have a substantial impact on the watershed resources or the natural scenic qualities of the mountain

region within which it will be performed (i.e. whether the activity is a regulated activity.

C. Project Description

1. Please describe the area:

2. Please describe the nature and scope of the proposed activity and its effect on the watershed and scenic resources that are protected by this Act. Use additional paper if necessary. Attach any maps or plans that will better describe the location and nature of the proposed activity. Plans need not be detailed engineering or architectural plans as long as the nature and scope of the activity is reasonably described.

D. Signature

I certify that the documents, plans and supporting data submitted with this Request for Determination of Applicability are true and complete to the best of my knowledge.

I understand notification of this request will be placed in a local newspaper at my expense.

Signature of Applicant: _____ Date: _____