

# Town of Lee Conservation Commission Scenic Mountain Act

FORM B

## DETERMINATION OF APPLICABILITY BERKSHIRE SCENIC MOUNTAINS ACT, G.L. c.131, s.39A

From the Lee Conservation Commission

To \_\_\_\_\_  
Name of person making request                      Name of property owner

Address \_\_\_\_\_ Address \_\_\_\_\_  
\_\_\_\_\_

This determination is issued and delivered as follows:

\_\_\_by hand delivery to person making request on \_\_\_\_\_

\_\_\_by certified mail, return receipt requested on \_\_\_\_\_

Pursuant to the authority of G.L. c.131, s.39A, the Conservation Commission has considered your request for a Determination of Applicability and its supporting documentation, and has made the following determination (check whichever is applicable):

This Determination is positive:

1. \_\_\_\_\_ The area described above, which includes all/part of the area described in your request, is an Area Subject to Protection Under the Act. Therefore, any removing, filling, excavating or altering of that area requires the filing of a Notice of Intent
2. \_\_\_\_\_ The activity described in your request, is within an Area Subject to Protection Under the Act and will remove, fill, excavate or alter that area. Therefore, said activity requires the filing of a Notice of Intent.

This Determination is negative:

1. \_\_\_\_\_ The area described in your request is not an Area Subject to Protection Under the Act.

2. \_\_\_\_\_ The activity described in your request is within an Area Subject to Protection Under the Act, but will not remove, fill, excavate, or alter that area. Therefore, said work does not require the filing of a Notice of Intent.

3. \_\_\_\_\_ The area described in your request is Subject to Protection Under the Act, but since the activity described therein meets the requirements for the following exemption, \_\_\_\_\_

\_\_\_\_\_

as specified in the Act and the regulations, no Notice of Intent is required.

4. \_\_\_\_\_ The activity described will not have a substantial impact on the watershed resources or natural scenic qualities of the mountain region and is therefore not a regulated activity.

5. \_\_\_\_\_ This Determination has the following conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Issued by \_\_\_\_\_ Lee \_\_\_\_\_ Conservation Commission

Signature(s) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

This Determination must be signed by a majority of the Conservation Commission.

On this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_, before me personally appeared \_\_\_\_\_, to me known to be the person described in, and who executed, the foregoing instrument, and acknowledged that he/she executed the same as his/her free act and deed.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My Commission expires

1. This Determination does not relieve the applicant from complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations. This Determination shall be valid for one year from the date of issuance.

2. Failure to comply with this determination and with all related statutes and other regulatory measures shall be deemed cause to revoke or modify the said determination.

3. No work may be commenced under this determination until all appeal periods have elapsed.

