

# **Town of Lee Conservation Commission Scenic Mountain Act**

## **FORM A**

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

Has the Conservation Commission been sent, by mail or hand delivery, (3) copies of this Request for Determination of Applicability with supporting plans and documents?

Yes \_\_\_\_\_ No \_\_\_\_\_

I. I, the undersigned applicant, hereby request the Conservation Commission of the Town of Lee to make a determination as to whether:

- A. The geographic area shown on the map or plan attached to this Request lies within the boundaries of any mapped mountain region in the Town of Lee.
- B. The activity described in this Request, which the applicant proposes to perform, is exempt from coverage of G.L. C. 131, S.39a (Scenic Mountains Act) because, as the attached documents indicate:
  - 1.\_\_\_\_\_ The applicant has complied with the provisions of G.L. c. 132, s.40-46 (Forest Cutting Practices).
  - 2.\_\_\_\_\_ The activity already is subject to regulation under G.L. c.131, s.40 (Wetlands 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 s.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 facilities used in the transmission of intelligence by electricity or by telephone or otherwise for which locations in the public ways have been approved by the selectmen under the provisions of MGL c.166, s.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.

II. If the Conservation Commission determines that all or part of the geographic area does 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 natural scenic qualities of the mountain region within which it will be performed. (i.e., whether the activity is a regulated activity).

III. The area is described as follows: (Use maps or plans, if necessary, to provide a description and the location of the area subject to the request. Show all streams, ponds, wetlands, existing structures and improvements).

The nature and scope of the proposed activity and its effect upon the watershed and scenic resources sought to be protected by this Act is described as follows: (Provide sufficient information to describe in general terms the nature and scope of the activity).

The plans need not be detailed engineering or architectural plans so long as the nature and scope of the proposed activity is reasonably described.

I hereby certify under the pains and penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents and supporting data are true and complete, to the best of my knowledge.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant's Representative

\_\_\_\_\_  
Date