

Planning Board
Zoning Board of Appeals
Conservation Commission
Board of Health

Town Planner
Inspector of Buildings
Health Agent
Wetland/Soil Specialist

TOWN OF SPENCER

Office of Development & Inspectional Services



Memorial Town Hall
157 Main Street
Spencer, MA 01562

Tel: 508-885-7500 ext. 180
Fax: 508-885-7519

Application for Variance

OFFICE COPY

Name of Applicant: Thomas Mitchell
Address: 152 Ash St, Spencer, MA
Daytime Phone: 7742624760 Evening Phone: 7742624760 Other Phone: _____
Email Address: blueicefire@mitchfamily.com
Name of Owner (s): Thomas and Francine Mitchell Address: 152 Ash St.
Contact Email: blueicefire@mitchfamily.com



Applicable Zoning Bylaw Section: 4.9.2

(See Zoning Bylaw for appropriate section numbers and section 7.3 Variance requirements)

Are you filing under the 1985 Zoning Bylaw? Yes No If yes, attach an explanation of why and by what zoning freeze mechanism.

Location of Property: 152 Ash St Zoning District: RR
Spencer Assessor's Tax Map Number: R24 Parcel Number(s): 28
Deed Reference - Worcester Registry of Deeds Book: 61291 Page: 364

Brief description of the application

Build a 6x36 foot front covered porch
Does not meet front set back

Check here if additional pages attached to provide more detailed information.

Applicant's signature: Thomas Mitchell
Owner's signature (s): Thomas Mitchell
Note: All affected owners must sign the application

Town Clerk's Date Stamp:

Checked by:
Date:

Date: _____
Official Use Only:
Fee: \$ 200.00 Date Paid: 5/6/24 Check #: 5067
Zoning Board of Appeals
Date(s) of Public Hearing (s): June 11, 2024

PAID
CASH
CHECK
CREDIT

REQUIREMENTS TO APPLY FOR A VARIANCE¹

1. **If denied by the Building inspector; reason and/or denial form with signature by the Building Inspector.**
2. **Complete form of petition to the Board of Appeals (must be signed by the Building Inspector).**
3. **Copy of legal description of property (narrative from Registry of Deeds). Description must include accurate and current owner's deed book and page reference – not Plan Book.**
4. **Brief (short narrative of what will be done). Must show accurate measurements of all lot lines of proposed project.**
5. **List of abutters from Town Assessors office.**
6. **Copy of registered plot plan which is stamped and certified by a civil engineer, if necessary.**
7. **Letters of support from applicable town departments, if necessary.**
8. **Parking plan, if necessary.**
9. **Zoning district must be entered on the petition.**
10. **Please submit a complete application and supporting documents to mgervais@spencerma.gov**

Submit six (7) copies, plus the originals, the applicable fee, and abutters list.

A copy of the Zoning By-laws is on our webpage www.spencerma.gov or may be obtained from the Town Clerk for a fee.

If all information is not available for the hearing, an additional \$25.00 fee may be required for a continuance.

Additional fees may be determined by the ZBA if a professional finding is deemed necessary (i.e. third party review, etc.)

¹ See other side for requirements which must be met for a variance. Variances are very hard to get approval and certain criteria (hardship) must be met.

VARIANCE PROCEDURES

Article 7 – Administration, 7.3 Variances.

7.3.1 Review Procedure

A. **Public Hearing and Decision.** The Zoning Board of Appeals shall hold a public hearing no later than 65 days after the filing of an application. Notice of the public hearing shall be as prescribed by MGL Ch. 40A Sec. 11. The Zoning Board of Appeals shall have the power to continue a public hearing under this section if it finds that such continuance is necessary to allow the petitioner or applicant to provide information of an unusual nature and which is not otherwise required as part of the variance application. For a variance to be granted, all 3 of the members of the Zoning Board of Appeals must vote to grant the variance.

B. **Reports from Town Boards or Departments.** The Zoning Board of Appeals shall transmit forthwith a copy of the application and plan(s) to other boards, departments, or committees as it deems necessary or appropriate for their written comments. Any such entity to which applications are referred for review shall make such recommendation or submit such comments as they deem appropriate and shall send a copy thereof to the Zoning Board of Appeals and to the applicant. Failure of any such entity to make a recommendation or submit a report within 35 days of receipt of the application shall be deemed a lack of comment.

C. **Effective Date of Variance.** No variance or any modification, extension or renewal thereof shall take effect until a copy of the decision has been recorded in the Worcester District Registry of Deeds. Such decision shall bear the certification of the Town Clerk that 20 days has elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed, or it has been dismissed or denied.

D. **Time Limitation on Variance.** A variance shall lapse if a substantial use thereof has not been commenced except for good cause or, in the case of a permit for construction, if construction has not commenced except for good cause within one year from the granting of the variance or other period of time as specified by the Zoning Board of Appeals, not to exceed one year from the date of grant thereof. An extension not to exceed six months may be granted by the Zoning Board of Appeals provided a request is filed for the extension prior to the expiration of the one year period.

7.3.2 Mandatory Findings.

Before the granting of any variance from the terms of this bylaw, the Board of Appeals must specifically find that:

A. Owing to circumstances relating to the soil conditions, shape or topography of land or structures, and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this by-law would involve substantial hardship, financial or otherwise to the petitioner or appellant; and

B. that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this by-law.

7.3.3 Conditions. The Zoning Board of Appeals may, in order to minimize impacts on abutters or the neighborhood caused by the granting of a variance, impose such conditions, safeguards and limitations as it deems appropriate to protect the abutters or the neighborhood.

NOTIFICATION TO ABUTTERS

**A Special Permit application has been filed with the
Town of Spencer Zoning Board of Appeals**

Applicant: Thomas Mitchell

Owner: Same as applicant

Location of Property:

Street Address: 152 Ash street Spencer, Massachusetts, 01562.

Assessors Map Number: R24 Parcel Number: 28 Zoning District: RR

The work proposed is: (General Project Description)

Building a 6 x 36 foot front covered
porch (variance for front setback)

Applicable Zoning Bylaw Section: 4.9.2

Copies of the application materials may be examined at the Spencer Office of Inspectional Services, Memorial Town Hall, 157 Main Street, Spencer, Massachusetts on Monday through Wednesday 7:30AM and on Thursdays from 7:30-12PM, closed on holidays.

Copies of the Application materials may be examined at the town website at the following address: <https://www.spencerma.gov/zoning-board-appeals> under "News + Announcements".

Or by calling (Name of person/organization/business) Thomas Mitchell

(Phone number) 774-262-4760 between the hours of 9:00 am and 4:00 pm

A PUBLIC HEARING on this application will be held at a meeting of Spencer Zoning Board of Appeals at McCourt Social Hall of Memorial Town Hall, 157 Main Street, Spencer, MA,

DATE OF MEETING: June 11, 2024 TIME meetings start
at 7:00 pm

Notice of the Hearing, including its date, time and place will be published at least eighteen (18) business days in advance of the Hearing in the Spencer New Leader AND posted in Spencer Town Hall not less than 11 days in advance.

Worcester District Registry of Deeds - 20/20 Perfect Vision i2 Document Detail Report

Current datetime: 4/18/2024 3:56:55 PM

Doc#	Document Type	Town	Book/Page	File Date	Consideration
112792	DEED		61291/364	10/24/2019	285900.00
Property-Street Address and/or Description					
152 ASH ST PL BK 389-83					
Grantors					
LUSSIER FRANCIS, LUSSIER JAYNE, OCOIN JAYNE					
Grantees					
MITCHELL THOMAS J, MITCHELL FRANCINE A					
References-Book/Pg Description Recorded Year					
57708/152 DEED 2017, 61291/369 MTG 2019, 61291/383 HMST 2019, 66521/33 MTG 2021					
Registered Land Certificate(s)-Cert# Book/Pg					

Worcester South District Registry of Deeds Electronically Recorded Document

This is the first page of the document – Do not remove

Recording Information

Document Number : 112792
Document Type : DEED
Recorded Date : October 24, 2019
Recorded Time : 03:13:49 PM

Recorded Book and Page : 61291 / 364
Number of Pages(including cover sheet) : 5
Receipt Number : 1180743
Recording Fee (including excise) : \$1,429.16

MASSACHUSETTS EXCISE TAX
Worcester District ROD #20 001
Date: 10/24/2019 03:13 PM
Ctrl# 202521 30474 Doc# 00112792
Fee: \$1,304.16 Cons: \$285,900.00

Worcester South District Registry of Deeds
Kathryn A. Toomey, Register
90 Front St
Worcester, MA 01608
(508) 798-7717

QUITCLAIM DEED

WE, FRANCIS LUSSIER AND JAYNE LUSSIER F/K/A JAYNE O'COIN BEING MARRIED TO EACH OTHER OF SPENCER, WORCESTER COUNTY, MASSACHUSETTS

FOR CONSIDERATION PAID TWO HUNDRED EIGHTY-FIVE THOUSAND NINE HUNDRED AND 00/100 (\$285,900.00) DOLLARS

GRANT TO **Thomas J. Mitchell and Francine A. Mitchell**, HUSBAND AND WIFE AS TENANTS BY THE ENTIRETY

OF 152 ASH STREET, SPENCER, MASSACHUSETTS

WITH QUITCLAIM COVENANTS

PARCEL I:

The land with the buildings and improvements thereon in the Town of Spencer, County of Worcester, Commonwealth of Massachusetts, westerly of the westerly side of Ash Street and on the southerly side of said Ash Street and being shown on a plan of land entitled "Plan of Land in Spencer, Massachusetts, owned by Eino J. Narva and Sylvia E. Narva," dated September 18, 1972, Theodore P. Drazek, R.L.S., said plan being recorded in the Worcester District Registry of Deeds in Plan Book 389, Plan 83, bounded and described as follows:

BEGINNING at a point 180.27 feet westerly of the westerly line of Ash Street, said point being the southeast corner of the tract herein described and the southwest corner of lot 7, as shown on said plan;

THENCE S. 79 degrees 35' W., 92.84 feet partly along a stone wall to a point at land of Myron Sibley;

152 ASH STREET, SPENCER, MA

THENCE N. 2 degrees 23' 50" E., 323.83 feet along an old fence to a point;

THENCE N. 17 degrees 56' 40" W., 284.15 feet by the westerly shore line of a pond on the herein described tract to a point;

THENCE N. 4 degrees 38' 10" E., 210.54 feet to a point at a stone wall at other land of the grantee;

THENCE N. 88 degrees 00' 34" E., 359.67 feet along said other land of the grantor partly along a stone wall to a point at land formerly of the grantors;

THENCE S. 26 degrees 46' E., 191.72 feet to a point and thence S. 29 degrees 49' E., 256.70 feet to a point in the southerly line of Ash Street, the last two courses being along said other land of the grantors;

THENCE S. 59 degrees 56' W., 139.50 feet along said southerly line of Ash Street to a point at lot 5;

THENCE N. 37 degrees 54' W., 148.0 feet to a point;

THENCE S. 52 degrees 19' W., 247.68 feet to a point;

THENCE S. 65 degrees 25' E., 33.25 feet to appoint at lot 6;

The last three courses being along and around said lot 5;

THENCE S. 9 degrees 36" W., 175.18 feet along said lot 6 to a point at lot 7;

THENCE S. 18 degrees 35' W., 108.58 feet along said lot 7 to the point of beginning.

Containing 5.54 acres of land including said pond;

PARCEL II

The land with buildings and improvements thereon situated in said Spencer, on the westerly side of Ash Street, and at the intersection of said street with Ruel Jones Road, bounded and described as follows:

BEGINNING at the southeasterly corner thereof, at the intersection of the westerly line of Ash Street, with the northwesterly line of Ruel Jones Road;

THENCE S. 59 degrees 56' W., by Ruel Jones Road, 47.70 feet to a point which is 5.4 feet northeasterly of an iron pin;

THENCE N. 29 degrees 48' W., 256.70 feet to an iron pin;

THENCE N. 75 degrees 0' E., 134.45 feet to an iron pin at Ash Street; the two preceding courses being by other land other land of the grantors;

THENCE S. 9 degrees 28' E., by Ash Street, 236.94 feet to the point of beginning.

Containing about 21,940 square feet of land.

Being the same premises conveyed by deed dated March 22, 1965 and recorded in the Worcester District Registry of Deeds in Book 4551, Page 593.

The premises are subject to building and use restrictions of record as follows:

1. No animals other than ordinary household pets shall be kept or maintained on the premises; and
2. No dwelling house costing less than \$10,000.00 shall be erected thereon.

PARCEL III

The land in said Spencer situated on the westerly side of Ash Street as shown on a plan of land entitled "Plan of Property in Spencer, Massachusetts, owned by Eino J. Marva & Silvia E. Narva, dated April 20, 19 64, Theodore P. Drazok, R.L.S.", bounded and described as follows:

BEGINNING at an iron pin set in the westerly side of Ash Street, said point being the northeast corner of land of the grantees and the southwest corner of the tract herein described, as shown on said plan;

THENCE S. 75 degrees 00' W., 134.45 feet along said grantees' land to an iron pin at other land of the grantors;

THENCE N. 26 degrees 46' W., 191.72 feet along said grantors' land to an iron pin;

THENCE N. 88 degrees 43' E., 175.0 feet still along said grantors' other land to a n iron pin set in the westerly line of said Ash Street

THENCE S. 24 degrees 28' E., 63.37 feet along the westerly line of said Ash Street to a point;

THENCE S. 9 degrees 28' E., still along the westerly line of Ash Street to the point of beginning.

Containing 25,460 square feet of land, more or less.

Being the same premises conveyed to the Grantors by deed dated August 25, 2017 and recorded in the Worcester District Registry of Deeds in Book 57708, Page 152.

We, the Grantors named herein, do hereby voluntarily release all of our rights of homestead, if any, as set forth in M.G.L. Chapter 188 and state that there are no other person or persons entitled to any homestead rights other than those executing this deed.

Witness our hands and seal this 18th day of October, 2019

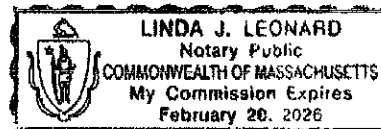
Francis Lussier Jayne Lussier
Francis Lussier Jayne Lussier

COMMONWEALTH OF MASSACHUSETTS

Worcester, SS.

On this 18th day of October 2019 before me, the undersigned notary public, personally appeared Francis Lussier and Jayne Lussier proved to me through satisfactory evidence of identification, which were driver's licenses to be the person(s) who signed the preceding or attached document in my presence, and who swore or affirmed under the pains and penalties of perjury to me that the contents of the document are truthful and accurate to the best of his/her knowledge and belief and that he/she executed it as his/her free act and deed, for its stated purpose.

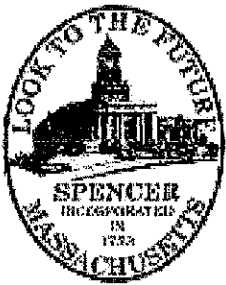
Linda J. Leonard
Notary Public:
My Commission Expires:



ATTEST: WORC Kathryn A. Toomey, Register

We, Thomas and Francine Mitchell, purchased the house at 152 Ash St., Spencer MA. After purchasing the house, we noticed a significant amount of water entering the basement through the front door area. After inspection, it was noted that the area above the front porch at the roof line, everything meets there and pours water onto the front porch. Which was causing the porch to rot and everything subsequently after that. To temporarily alleviate this, we removed the front porch and noticed the sills were getting damaged due to the amount of water pouring from the roof.

So to remedy this, we would like to build a 6x36 foot (216sq ft) covered landing on the front of the house. This will redirect the water from hitting the front doorway area of the structure and then redirect the water away from the structure. Due to the roof line and roof structure in front of the front door, gutters alone will not resolve this issue.



TOWN OF SPENCER

BOARD OF ASSESSORS

157 MAIN STREET

SPENCER, MA 01562

TEL: 508-885-7500 x165

ASSESSED OWNER: Thomas J Mitchell

PROPERTY LOCATION: 152 Ash St, Spencer, MA

PARCEL ID: R24-28

The following is a list of abutters to the property designated on the application for appeal. "Parties in interest" shall mean the petitioners, abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line of the petitioner as they appear on the most recent taxable tax list, notwithstanding that the land of such owner is located in another city or town, the planning board of the city or town.

<u>MAP/PARCEL</u>	<u>OWNERS NAME</u>	<u>MAILING ADDRESS</u>
R24-1	BOULAY THEODORE & JOANN	141 ASH ST, SPENCER, MA 01562
R24-12	COMMONWEALTH OF MA – DIV OF CAPITAL PLANNING	1 ASHBURTON PLACE, BOSTON, MA 02108
R24-12-1	F R C REALTY CORP	PO BOX 15014, WORCESTER, MA 01615
R24-13	ONEILL ROBERT J	6 R JONES RD, SPENCER, MA 01562
R24-14	PICARD JENNIFER F	4 R JONES RD, SPENCER, MA 01562
R24-2	RASKETT CHRISTOPHER M	143 ASH ST, SPENCER, MA 01562
R24-3	PHANEUF ROBERT A	145 ASH ST, SPENCER, MA 01562
R24-4	PAYNE BRUCE M	147 ASH ST, SPENCER, MA 01562
R24-45	GAGNE RAYMOND P	142 ASH ST, SPENCER, MA 01562
R24-46	GILBREATH LYNN M	140 ASH ST, SPENCER, MA 01562
R24-5	LAPOINTE ROBERT N & YVONNE M	149 ASH ST, SPENCER, MA 01562
R24-6	DOUGLAS LAURA & JAMES CLARK	3 R JONES RD, SPENCER, MA 01562
R24-7	KEYES KENNETH M	5 R JONES RD, SPENCER, MA 01562
R24-8	PATERAK JOHN J	7 R JONES RD, SPENCER, MA 01562
R27-1	ASH SPENCER REALTY LLC	39 NOOSENECK HILL RD, WEST GREENWICH, RI 02817
R27-1-11	MACDONALD CHRISTOPHER J	137 ASH ST, SPENCER, MA 01562
R27-1-12	GRENIER WILLIAM D	139 ASH ST, SPENCER, MA 01562
R27-2	LOGAN KATHLYN M	11 R JONES RD, SPENCER, MA 01562
R27-3	CHARBONNEAU KAREN & NORMAN L	13 R JONES RD, SPENCER, MA 01562
R27-4, R27-4-1, R27-4-2 &		
R27-4-3	COMMONWEALTH OF MA	251 CAUSEWAY ST, BOSTON, MA 02114
R27-4-4	LEINONEN CLIFFORD	PO BOX 318, E BROOKFIELD, MA 01515

Date Certified: April 30, 2024

slc

*Planning Board
Zoning Board of Appeals
Conservation Commission
Board of Health*

*Town Planner
Inspector of Buildings
Health Agent
Wetland/Soil Specialist*



*Memorial Town Hall
157 Main Street
Spencer, MA 01562*

*Tel: 508-885-7500 ext. 180
Fax: 508-885-7519*

April 17, 2024

Thomas Mitchell
152 Ash Street
Spencer, MA 01562

Dear Thomas,

Enclosed is the Determination of Applicability issued by the Spencer Conservation Commission for your project at 152 Ash Street, Spencer, MA. There is a 10-day appeal period.

If you have any questions, please feel free to contact our office.

Sincerely,

Jane Green
ODIS Clerk
jgreen@spencerma.gov



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.



From:

Spencer
Conservation Commission

To: Applicant

Thomas Mitchell
Name

152 Ash Street
Mailing Address

Spencer MA 01562
City/Town State Zip Code

Property Owner (if different from applicant):

Name

Mailing Address

City/Town State Zip Code

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

152 Ash Street Porch Overhang
Title

2/5/24
Date

Title

Date

Title

Date

2. Date Request Filed:

3/13/24

B. Determination

Pursuant to the authority of M.G.L. c. 131, § 40, the Conservation Commission considered your Request for Determination of Applicability, with its supporting documentation, and made the following Determination.

Project Description (if applicable):

Add a covered front porch to the front of the house 24' x6'

Project Location:

152 Ash Street
Street Address

R24
Assessors Map/Plat Number

Spencer
City/Town

28
Parcel/Lot Number



B. Determination (cont.)

The following Determination(s) is/are applicable to the proposed site and/or project relative to the Wetlands Protection Act and regulations:

Positive Determination

Note: No work within the jurisdiction of the Wetlands Protection Act may proceed until a final Order of Conditions (issued following submittal of a Notice of Intent or Abbreviated Notice of Intent) or Order of Resource Area Delineation (issued following submittal of Simplified Review ANRAD) has been received from the issuing authority (i.e., Conservation Commission or the Department of Environmental Protection).

- 1. The area described on the referenced plan(s) is an area subject to protection under the Act. Removing, filling, dredging, or altering of the area requires the filing of a Notice of Intent.
- 2a. The boundary delineations of the following resource areas described on the referenced plan(s) are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as this Determination is valid.

- 2b. The boundaries of resource areas listed below are not confirmed by this Determination, regardless of whether such boundaries are contained on the plans attached to this Determination or to the Request for Determination.

- 3. The work described on referenced plan(s) and document(s) is within an area subject to protection under the Act and will remove, fill, dredge, or alter that area. Therefore, said work requires the filing of a Notice of Intent.
- 4. The work described on referenced plan(s) and document(s) is within the Buffer Zone and will alter an Area subject to protection under the Act. Therefore, said work requires the filing of a Notice of Intent or ANRAD Simplified Review (if work is limited to the Buffer Zone).
- 5. The area and/or work described on referenced plan(s) and document(s) is subject to review and approval by:

 Name of Municipality

Pursuant to the following municipal wetland ordinance or bylaw:

 Name

 Ordinance or Bylaw Citation



B. Determination (cont.)

6. The following area and/or work, if any, is subject to a municipal ordinance or bylaw but not subject to the Massachusetts Wetlands Protection Act:
-
-

7. If a Notice of Intent is filed for the work in the Riverfront Area described on referenced plan(s) and document(s), which includes all or part of the work described in the Request, the applicant must consider the following alternatives. (Refer to the wetland regulations at 10.58(4)c. for more information about the scope of alternatives requirements):

- Alternatives limited to the lot on which the project is located.
- Alternatives limited to the lot on which the project is located, the subdivided lots, and any adjacent lots formerly or presently owned by the same owner.
- Alternatives limited to the original parcel on which the project is located, the subdivided parcels, any adjacent parcels, and any other land which can reasonably be obtained within the municipality.
- Alternatives extend to any sites which can reasonably be obtained within the appropriate region of the state.

Negative Determination

Note: No further action under the Wetlands Protection Act is required by the applicant. However, if the Department is requested to issue a Superseding Determination of Applicability, work may not proceed on this project unless the Department fails to act on such request within 35 days of the date the request is post-marked for certified mail or hand delivered to the Department. Work may then proceed at the owner's risk only upon notice to the Department and to the Conservation Commission. Requirements for requests for Superseding Determinations are listed at the end of this document.

1. The area described in the Request is not an area subject to protection under the Act or the Buffer Zone.
2. The work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent.
3. The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any).
-
-

4. The work described in the Request is not within an Area subject to protection under the Act (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent, unless and until said work alters an Area subject to protection under the Act.



B. Determination (cont.)

5. The area described in the Request is subject to protection under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of intent is required:

Exempt Activity (site applicable statutory/regulatory provisions)

6. The area and/or work described in the Request is not subject to review and approval by:

Name of Municipality

Pursuant to a municipal wetlands ordinance or bylaw.

Name

Ordinance or Bylaw Citation

C. Authorization

This Determination is issued to the applicant and delivered as follows:

- by hand delivery on by certified mail, return receipt requested on

4/17/24
Date

Date

This Determination is valid for **three years** from the date of issuance (except Determinations for Vegetation Management Plans which are valid for the duration of the Plan). This Determination does not relieve the applicant from complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.

This Determination must be signed by a majority of the Conservation Commission. A copy must be sent to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>) and the property owner (if different from the applicant).



C. Authorization (cont.)

Signatures:

Charles Bellemere
 Signature

Charles Bellemere
 Printed Name

Mary McLaughlin
 Signature

Mary McLaughlin
 Printed Name

Margaret Emerson
 Signature

Margaret Emerson
 Printed Name

Dennis Shiner
 Signature

Dennis Shiner
 Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

D. Appeals

The applicant, owner, any person aggrieved by this Determination, any owner of land abutting the land upon which the proposed work is to be done, 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 Department of Environmental Protection Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>) to issue a Superseding Determination of Applicability. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form (see 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 Determination. 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. The request shall state clearly and concisely the objections to the Determination which is being appealed. To the extent that the Determination is based on a municipal ordinance or bylaw and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.



Bureau of Resource Protection 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:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.





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 <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).
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.

**PLAN SHOWING PROPOSED ADDITIONS
 PREPARED FOR
 THOMAS MITCHELL
 152 ASH STREET
 SPENCER, MASSACHUSETTS
 OCTOBER 30, 2023
 SCALE: 1 INCH = 60 FEET**

**JARVIS LAND SURVEY, INC
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**ASSESSORS MAP R24
 LOT 27 & 28**

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