

Lenox Conservation Commission

Scenic Mountain Act – Form B

Determination of Applicability

Massachusetts Scenic Mountain Act MGL c. 131, s.39a

SMA File Number _____

General Information

1. Applicant:

Name: _____

Mailing Address: _____

City/Town: _____

State: _____ Zip Code: _____

E-Mail: _____

Phone: _____ Fax: _____

2. Property Owner (if different from applicant)

Name: _____

Mailing Address: _____

City/Town: _____

State: _____

E-Mail: _____

Phone: _____

3. Project Location:

Property known as: _____

Street Address: _____

Map & Parcel: _____

RDA filed: _____

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.

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 the Lenox Conservation Commission Issued: September 20, 2012

Signatures: _____

This determination is issued and delivered as follows:

- ☐ By hand delivery to person making request on _____
- ☐ By certified mail, return receipt requested on _____

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.

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land upon which the proposed work is to be done or any ten residents of the town in which such land is located are hereby notified of their right to request the Department of Conservation and Recreation to issue a Superseding Order, providing the request is made by certified mail or hand delivery to the Department within ten 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 the applicant.