

Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

In the Matter of
Fisher Nominee Trust

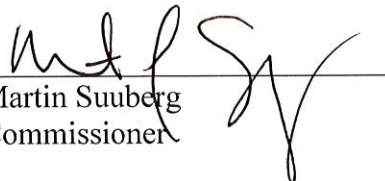
December 19, 2016

Docket No. WET-2016-021
File No. 201-1012
Lexington

FINAL DECISION

I have reviewed the attached Settlement Agreement signed by the applicant's representative Lorraine Griecci, Trustee of the Fisher Nominee Trust on November 29, 2016, and by Eric Worrall, Regional Director for the Department on November 30, 2016. The Department issues this Final Decision incorporating the Settlement Agreement and Final Order of Resource Area Delineation, which I have also reviewed.

Under the terms of 310 CMR 1.01(8)(c), these proceedings are dismissed with the parties waiving whatever rights they may have to further administrative review before the Department as well as appeal to court.



Martin Suuberg
Commissioner

SERVICE LIST

In The Matter Of:	Fisher Nominee Trust
Docket No. WET-2016-021	File No. 201-1012, SORAD Lexington
<u>Representative</u> Donald F. Borenstein, Esq. Johnson & Borenstein, LLC 12 Chestnut Street Andover, MA 01810 don@jblclaw.com	<u>Party</u> APPLICANT/PETITIONER Fisher Nominee Trust
Elizabeth Kimball Mass DEP Office of General Counsel One Winter Street Boston, MA 02108 Elizabeth.Kimball@state.ma.us	DEPARTMENT
Cc: Heidi M. Davis MassDEP Northeast Regional Office 205B Lowell Street Wilmington, MA 01887 Heidi.Davis@state.ma.us	DEPARTMENT
Lexington Conservation Commission 1625 Massachusetts Ave. Lexington, MA 02420 Conservationcomm@lexingtonma.gov	CONCOM

Date: December 19, 2016



Massachusetts Department of Environmental Protection
Bureau of Resource Protection – Wetlands Program
Final Order of Resource Area Delineation
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File #

Lexington

A. General Information

From: MassDEP Northeast Regional Office
1. Massachusetts Department of Environmental Protection (MassDEP/the Department)

2. This Issuance is for (check one):

- a. ☒ Final Order of Resource Area Delineation
b. ☐ Amended Superseding Order of Resource Area Delineation

3. Applicant:

a. First Name Fisher Nominee Trust b. Last Name _____
c. Organization _____
d. Mailing Address 12 Rangeway Road
Lexington MA 02420
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

a. First Name _____ b. Last Name _____
c. Organization _____
d. Mailing Address _____
e. City/Town _____ f. State _____ g. Zip Code _____

5. Project Location:

10 & 12 Rangeway Road Lexington 02420
a. Street Address b. City/Town c. Zip Code
90 62A & 63A
d. Assessors Map/Plat Number e. Parcel/Lot Number

Latitude and Longitude 42d29m00Ns 71d14m41Ws
(in degrees, minutes, seconds): f. Latitude g. Longitude

6. Dates: November 10, 2015 January 11, 2016 January 25, 2016
a. Date ANRAD filed b. Date Public Hearing c. Date of ORAD
Closed Issuance

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

Resource Area Delineation Plan 10/12 Rangeway Road, Lexington, Mass. 10/31/2016
a. Title b. Date
c. Title d. Date



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B. Order of Delineation

1. The MassDEP has determined the following (check whichever is applicable):

- a. ☐ **Accurate:** The boundaries described on the referenced plan(s) above and in the Abbreviated Notice of Resource Area Delineation are accurately drawn for the following resource area(s):

1. ☐ Bordering Vegetated Wetlands
2. ☐ Other resource area(s), specifically:

- b. ☒ **Modified:** The boundaries described on the plan(s) referenced above, as modified by the Department from the plans contained in the Abbreviated Notice of Resource Area Delineation, are accurately drawn from the following resource area(s):

1. ☒ Bordering Vegetated Wetlands
2. ☐ Other resource area(s), specifically:

As shown on revised plan of 10-31-16

- c. ☐ **Inaccurate:** The boundaries described on the referenced plan(s) and in the Abbreviated Notice of Resource Area Delineation were found to be inaccurate and cannot be confirmed for the following resource area(s):

1. ☐ Bordering Vegetated Wetlands
2. ☐ Other resource area(s), specifically:

3. ☐ The boundaries were determined to be inaccurate because:



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B. Order of Delineation (cont.)

This Final Order of Resource Area Delineation determines that the boundaries of those resource areas noted above, has been approved by the Department and is binding as to all decisions rendered pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40) and its Regulations (310 CMR 10.00). This Order does not, however, determine the boundaries of any resource area or Buffer Zone to any resource area not specifically noted above, regardless of whether such boundaries are contained on the plans attached to this Order or to the Abbreviated Notice of Resource Area Delineation.

C. Issuance

Issued by: **Massachusetts Department of Environmental Protection:**

Northeast Regional Office

MassDEP Regional Office

Commissioner

[Signature]
Martin Suuberg

Commissioner

Date

This Order is valid for three years from the date of issuance.

If this Order constitutes an Amended Order of Resource Area Delineation, this Order does not extend the issuance date of the original Final Order, which expires on _____ unless extended in writing by the issuing authority.

This Order is issued to the applicant and the property owner (if different) as follows:

2. ☐ By hand delivery on _____

a. Date

3. ☒ By certified mail, return receipt requested on _____

12/19/16
a. Date

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Massachusetts Department of Environmental Protection
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D. Appeal Rights and Time Limits

See Final Decision.