

**CERTIFIED MAIL:7020 1810 0000 2013 1943**

January 30, 2025

Dean Atkins  
401 Edgewater Place, Suite 430  
Wakefield, MA 01880

**Re: Determination of Applicability – 36 Saratoga Boulevard (LONE#25-2)**

Dear Mr. Atkins,

At its meeting on January 28, 2025, after a legal notice and agenda posting, the Devens Enterprise Commission, acting in its capacity as the Conservation Commission for the Devens Regional Enterprise Zone (Devens), endorsed the Director's decision to issue a Negative Wetland Determination of Applicability for the above-referenced property within Devens. The original completed and endorsed WPA Form 2 Determination of Applicability is attached.

While there are no wetlands on or within 100 feet of the property, the Applicant and owner should be aware that this property is located within a Zone 2 Water Resource Protection District associated with the nearby Grove Pond Drinking Water Wells (Zone 1). Any proposed use and/or development/redevelopment of the property will be required to comply with all DEC Bylaws and Rules and Regulations, including 974 CMR 4.09(2)(c) which has specific requirements to protect surface and groundwater resources.

Copies of this Negative Determination and WPA Form 2 have been sent to the MA DEP Central Regional Office. In accordance with 974 CMR 4.06(6)(c), this approval is valid for 3 years.

Sincerely,



Neil Angus, FAICP, LEED AP  
Director/Land Use Administrator

cc: MA DEP Central Region Office  
Elizabeth Sharon, Beals Associates



**DEVENS ENTERPRISE COMMISSION**

33 Andrews Parkway • Devens, MA 01434 • Phone: (978) 772-8831 • Fax: (978) 772.8831

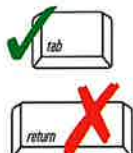


Massachusetts Department of Environmental Protection  
Bureau of Water Resources - Wetlands  
**WPA Form 2 – Determination of Applicability**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Devens  
Municipality

## 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:

Devens Enterprise Commission (352)  
Conservation Commission

To: Applicant

Dean Atkins  
Name  
401 Edgewater Place Suite 430  
Mailing Address  
Wakefield MA 01880  
City/Town State Zip Code  
978.793.9354  
Phone Number  
esharon@bealsassociates.com  
Email Address

Property Owner (if different from applicant):

Name  
Mailing Address  
City/Town State Zip Code  
Phone Number  
Email Address (if known)

1. Project Location:

36 Saratoga Boulevard  
Street Address  
42 54210  
Latitude (Decimal Degrees Format with 5 digits after  
decimal e.g. XX.XXXXX)  
021.0/0013  
Assessors Map/Plat Number

Devens  
City/Town  
-71.59759  
Longitude (Decimal Degrees Format with 5 digits after  
decimal e.g. -XX.XXXXX)  
0500.0  
Parcel/Lot Number

[How to find Latitude  
and Longitude](#)

[and how to convert to  
decimal degrees](#)

2. Date Request Filed:

1/14/25

## 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):

Property located at 36 Saratoga Boulevard (No project at this time)

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

Request for Determination of Applicability Plan (RDA-1)	1/6/25
Title	Date
Title	Date
Title	Date



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**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) 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 jurisdiction 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 Wetlands Resource Area(s) and Buffer Zone(s) 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 jurisdiction 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 jurisdiction under the Act. Therefore, said work requires the filing of a Notice of Intent
- ☐ 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



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Bureau of Water Resources - Wetlands

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**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) 2. 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 jurisdiction under the Act or the Buffer Zone.
- ☐ 2. The work described in the Request is within an area subject to jurisdiction 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 jurisdiction 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 jurisdiction 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 jurisdiction under the Act.



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**B. Determination (cont.)**

- ☐ 5. The area described in the Request is subject to jurisdiction 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 additional 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 request on

Date

Date

Certified Mail Number

A copy of this Determination has been sent on the same date, considered the date of issuance, to the appropriate DEP Regional Office and the property owner (if not the applicant) in the manner as follows:

**DEP**

- ☐ By [eDEP DOA Submittal Platform](#) (Attach this form and supporting documents)  
☐ By USPS mail ☐ By hand delivery

Date

Date

**Property Owner (if not applicant)**

- ☐ By mail ☐ By hand delivery

Date

Date



Massachusetts Department of Environmental Protection  
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**C. Authorization (cont.)**

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. As noted above, 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) on the same date that the Applicant is issued this Determination.

Devens Enterprise Commission

Issuing Authority

Signatures

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

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.





**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands  
**Request for Departmental Action Fee**  
**Transmittal Form**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: \_\_\_\_\_

Provided by DEP \_\_\_\_\_

**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**

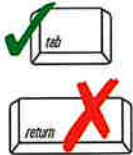
1. When the Departmental action request is for (check one):

- ☐ Superseding Order of Conditions – Fee: \$120 (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.





**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

**Request for Departmental Action Fee**

**Transmittal Form**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

Provided by DEP

**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.