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Freeman Davis & Stearns LLC

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August 22, 2007

Scituate Conservation Commission
Scituate Town Hall
600 Chief Justice Cushing Highway
Scituate, MA 02066

**Re: Herring Brook Meadow LLC
132 Chief Justice Cushing Highway
Request for Determination of Applicability**

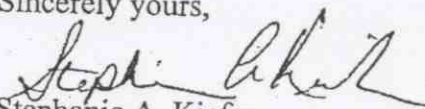
Dear Chairman and Members of the Commission:

Enclosed please find a Request for Determination of Applicability ("RDA") under the Wetlands Protection Act (the "Act"), together with accompanying narrative report and plan, both prepared by SITEC Environmental, Inc. Through the enclosed filing, the applicant seeks a determination pursuant to 310 CMR 10.05(3)(a)(1) that maintenance mowing of the field at 132 Chief Justice Cushing Highway is not work subject to the Act, as such maintenance of the field has existed since before the Act and its regulations. Further, to the extent that mowing maintenance would occur within Riverfront, such work is exempt under 310 CMR 10.58(6)(a).

Please note that the applicant does not waive its challenge to the Commission's issuance of an enforcement order in April 2007, as such challenge is the subject of a certiorari appeal. Likewise, while the applicant disputes the Commission's purported authority to require action of it under the enforcement order, the enclosed RDA would nonetheless satisfy the same.

Thank you for your attention to this matter.

Sincerely yours,



Stephanie A. Kiefer
Freeman Davis & Stearns LLC

Encl.
cc: Client



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Scituate
City/Town

WPA Form 1- Request for Determination of Applicability
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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.



1. Applicant:

Herring Brook Meadow LLC

Name

E-Mail Address (if applicable)

265 Newbury Street

Mailing Address

Peabody

City/Town

MA

01960

State

Zip Code

978-536-2500

Phone Number

978-536-2501

Fax Number (if applicable)

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TOWN OF SCITUATE
CONSERVATION COMMISSION

2. Representative (if any):

SITEC Environmental, Inc.

Firm

Roderick Gaskell, AICP, PWS, RS

Contact Name

rgaskell@sitec-engineering.com

E-Mail Address (if applicable)

769 Plain Street / Unit C

Mailing Address

Marshfield

City/Town

MA

02050

State

Zip Code

781-319-0100

Phone Number

781-834-4783

Fax Number (if applicable)

B. Determinations

1. I request the Scituate Conservation Commission make the following determination(s). Check any that apply:

- a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance or bylaw** of:

Name of Municipality

- e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).



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SITEC Environmental, Inc.

Firm

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