

Town of Sheffield, Massachusetts
Conservation Commission

Scenic Mountain Act - Form B
Determination of Applicability

Massachusetts Scenic Mountain Act (MGL C.131, §39A)
Sheffield Scenic Mountain Act Regulations

SMA File No. _____

Date of Issuance: _____

From: The Sheffield Conservation Commission
To: Owner / Applicant

Name: _____

Mailing Address:

Town/City: _____ State: _____ Zip Code: _____

Phone: _____ E-mail: _____

Activity Information:
Street Address:

Assessors Map, Block and Lot Number: _____

This Determination is mailed and delivered as follows:

By hand delivery to person making request on _____

By certified mail, return receipt requested on _____

Pursuant to the authority of MGL C. 13, §39A, the Conservation Commission has considered and reviewed your Request for Determination of Applicability and all supporting documentation (regarding the "Activity"), held a public hearing on _____, deliberated on _____ and has made the following determination(s) on _____:

___ **This Determination is POSITIVE:**

1. ___ The **area** described in your Request for Determination of Applicability is an Area subject to regulation under the Act and/or Regulations. Therefore, the filing of a Notice of Intent with the Conservation Commission is required before any such Activity in this area may legally proceed.

2. ___ The **Activity** described in your Request is within an Area subject to regulation under the Act and Regulations, as it will Alter the area. Therefore, the Activity requires the filing of a Notice of Intent with the Conservation Commission before any such Activity in this area may legally proceed.

___ **This Determination is NEGATIVE:**

___ 1. The area described in your Request is not an **area** subject to regulation under the Act and/or the Regulations.

___ 2. The **Activity** described in your Request is not subject to regulation under the Act and/or the Regulations.

___ 3. The **Activity** described in your Request is within an area subject to regulation under the Act and the Regulations, but will not Alter that area and therefore does not require the filing of a Notice of Intent.

___ 4. Pursuant to §3.0 of the Regulations, your Activity is Exempt, and no Notice of Intent is required, because:

___ E1. The Activity is already subject to regulation under the Massachusetts Wetlands Protection Act (MGL C.131, §40 and you are required to file appropriate paperwork per that Act

___ E2. The Activity will consist of the maintenance, repair, reconstruction, replacement, or legal change in use of a lawfully located and constructed structure

___ E3. The Applicant has complied with the provisions of the Massachusetts Forestry Cutting Practices law (MGL C.132, §§40-46)

___ E4. The Activity will be conducted in connection with the construction or maintenance of any facility as that term is defined by the Massachusetts energy facilities siting board (MGL C.164, §69G)

___ E5. The Activity will be conducted in connection with the construction or maintenance of any electrical, transmission or distribution facilities used in the transmission of intelligence by electricity or by telephone or otherwise for which locations in the public ways, which has been approved by the Sheffield Select Board under the provisions of MGL C.166, §22

___ E6. The Activity will be conducted in connection with the construction or maintenance of electric distribution facilities required to serve a structure or building where construction has been approved under the provisions of Regulations

___ 5. The Activity 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 under the Regulations.

___ 6. This Negative Determination has the following conditions, if any:

This Determination does not relieve the Owner/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.

Failure to comply with this Determination and with all related statutes and other regulatory measures shall be deemed cause to revoke or modify this Determination.

No work may be commenced under this Determination until all appeal periods have elapsed.

This Determination must be signed by a majority of the Conservation Commission.

Issued by the Sheffield Conservation Commission

Signature	Printed Name
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Signature	Printed Name
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Signature	Printed Name
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Signature	Printed Name
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Signature	Printed Name
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Date signed: _____

Appeal period end: _____