

Amended Preliminary Site Development and Use Plan
For CD district at 45, 55 and 65 Hayden Avenue, Lexington, MA

APPENDIX E
TO
AMENDED PRELIMINARY SITE DEVELOPMENT AND USE PLAN

SPECIAL TOWN MEETING
NOVEMBER, 2009
ZONING AMENDMENT TO COMMERCIAL DISTRICT NUMBER 9

45, 55 and 65 HAYDEN AVENUE

WETLANDS CERTIFICATE



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands

Provided by MassDEP:
 201-775, BL 734
 MassDEP File Number

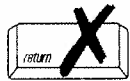
**WPA Form 4B – Order of Resource Area
 Delineation**

Document Transaction Number
 Lexington
 City/Town

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.



Note:
 Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

From: Lexington
 1. Conservation Commission

2. This Issuance is for (check one):

- a. Order of Resource Area Delineation
- b. Amended Order of Resource Area Delineation

3. Applicant:

David McGirr
 a. First Name b. Last Name
Cubis Pharmaceuticals, Inc.
 c. Organization
65 Hayden Avenue
 d. Mailing Address
Lexington MA 02421
 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

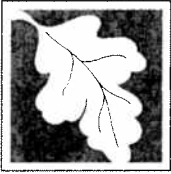
5. Project Location:

65 Hayden Avenue Lexington 02421
 a. Street Address b. City/Town c. Zip Code
17 20B
 c. Assessors Map/Plat Number d. Parcel/Lot Number
 Latitude and Longitude: 42 25' 25.46" -71 14' 25.659"
 e. Latitude f. Longitude

6. Dates: October 1, 2009 November 3, 2009 November 3, 2009
 a. Date ANRAD filed b. Date Public Hearing Closed c. Date of Issuance

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

Wetland Delineation Plan September 2, 2009
 a. Title b. Date
 c. Title d. Date



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B. Order of Delineation

1. The Conservation Commission 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:

a. _____

b. **Modified:** The boundaries described on the plan(s) referenced above, as modified by the Conservation Commission 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:

a. _____

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):

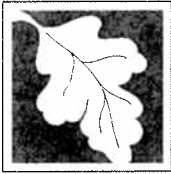
1. Bordering Vegetated Wetlands

2. Other resource area(s), specifically:

a. _____

3. The boundaries were determined to be inaccurate because:

a. _____



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C. Findings

This Order of Resource Area Delineation determines that the boundaries of those resource areas noted above, have been delineated and approved by the Commission and are 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.

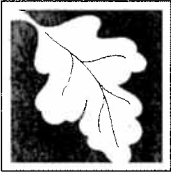
This Order must be signed by a majority of the Conservation Commission. The Order must be sent by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate DEP Regional Office (see <http://www.mass.gov/dep/about/region/findyour.htm>).

D. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, 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 DEP Regional Office to issue a Superseding Order of Resource Area Delineation. When requested to issue a Superseding Order of Resource Area Delineation, the Department's review is limited to the objections to the resource area delineation(s) stated in the appeal request. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed 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 Order. 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.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, § 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal bylaw or ordinance, and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.



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E. Signatures

November 3, 2009
Date of Issuance

Please indicate the number of members who will sign this form.

2
1. Number of Signers

Charles Wynn
Signature of Conservation Commission Member
[Signature]
Signature of Conservation Commission Member
[Signature]
Signature of Conservation Commission Member
[Signature]
Signature of Conservation Commission Member

[Signature]
Signature of Conservation Commission Member
[Signature]
Signature of Conservation Commission Member
[Signature]
Signature of Conservation Commission Member

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
November 4, 2009
a. Date

3. By certified mail, return receipt requested on _____
a. Date