



**DEPARTMENT OF THE ARMY  
US ARMY CORPS OF ENGINEERS  
NEW ENGLAND DISTRICT  
696 VIRGINIA ROAD  
CONCORD MA 01742-2751**

August 1, 2014

Regulatory Division  
File No. NAE-2014-01535

Peter Lavoie, Project Engineer  
Guerriere & Halnon, Inc.  
333 West Street  
Milford Massachusetts 01757

Dear Mr. Lavoie:

We understand you are working with Capital Group Properties to develop a 140 unit housing complex at 133 West Union Street, Ashland, MA. It appears that this project may involve activities that require a permit from the Corps of Engineers. The following is an explanation of Corps jurisdiction as defined Section 404 of the Clean Water Act.

Permits are required under Section 404 for discharges of dredged or fill material into all waters of the United States, including navigable waters, inland rivers, lakes, streams, and wetlands, as well as discharges associated with excavation/grading within these waters/wetlands. On the coastline, our jurisdiction extends landward to the high tide line (i.e., the highest predictable tide) or to the landward limit of any wetlands, whichever is more extensive. In interior waters, our jurisdiction extends landward to the ordinary high water mark or to the landward limit of any wetlands, whichever is more extensive.

The term "wetlands" is defined by Federal regulations as "...those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions..." (Federal Register, November 13, 1986 33 CFR Part 328.3(b)). Wetlands generally include swamps, marshes, and bogs; however, forests and meadows that lack surface waters can also be wetlands. In addition, wetland delineations as determined for Federal, state, and local agencies might not be interchangeable.

Information regarding permit applications is located at [www.nae.usace.army.mil/Missions/Regulatory.aspx](http://www.nae.usace.army.mil/Missions/Regulatory.aspx), "Forms/Applications" and then "Application for Army Permit & Instructions." You can view samples of the necessary plans under "Forms/Applications," "Listing of Related Publications" and then "Guide for Permit Applicants." Applications need to include sufficient information for us to verify our limits of jurisdiction. This will include wetland delineation data sheets for work in wetlands. Contact us if you need information or would like us to mail you paper copies. When corresponding with us or applying for a permit, please reference your file number, NAE-2014-01535.

Although the work in wetlands may involve less than 5000 square feet, it appears that this project may not be eligible for authorization under Category 1 of the Massachusetts General

Permit. See General Condition 7, Historic Properties in the attached General Permit which stipulates that work within our jurisdiction is not eligible if the activity may have the potential to cause effects to any historic property eligible for listing on the National Register of Historic Places. This is necessary so that we ensure compliance with the National Historic Preservation Act.

Please note that the Department of the Army authorization must be obtained before any work or filling is done in areas subject to Corps jurisdiction. Performing such work or filling without first obtaining Corps authorization could result in substantial penalties.

If you have any questions, please contact me at your earliest convenience at (978) 318-8026.

Sincerely,

A handwritten signature in black ink, appearing to read "John C. Sargent". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

John C. Sargent  
Project Manager  
Permits & Enforcement Branch

cc:

Ashland Conservation Commission, [msselby@ashlandmass.com](mailto:msselby@ashlandmass.com)