



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 11/9/2020
 ORM Number: NAE-2020-02095-RB
 Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE).
 Review Area Location¹: State/Territory: MA City: North Attleborough County/Parish/Borough: Bristol
 Center Coordinates of Review Area: Latitude 41.984722 Longitude -71.304444

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³			
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A.	N/A.	N/A.	N/A.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):			
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A.	N/A.	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	N/A.	N/A.

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District’s list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
IVW	0.08 acre(s)	(b)(1) Non-adjacent wetland.	Wetland IVW is completely isolated and surrounded by uplands. Therefore it does not abut an (a)(1)-(a)(3) water. There are no ditches, tributaries, or culverts that would allow it to contribute flow to an (a)(1)-(a)(3) water or to receive flow from an (a)(1)-(a)(3) water in any year.

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

- Information submitted by, or on behalf of, the applicant/consultant: 1) Wetland plan entitled “EXISTING RESOURCE PLAN FOR ORAD AMENDMENT IN NORTH ATTLEBOROUGH, MASSACHUSETTS” and dated “JUNE 01, 2020.” 2) “Parcel 24-122 Wetland Summary Memorandum Landry Avenue dated November 4, 2019 and written by John Thomas of SWCA. 3) Mass DEP Amended Order of Resource Area Delineation dated 08/20/20.

This information is sufficient for purposes of this AJD.

Rationale: N/A

- Data sheets prepared by the Corps: Title(s) and/or date(s).
- Photographs: Select. Title(s) and/or date(s).
- Corps site visit(s) conducted on: Date(s).
- Previous Jurisdictional Determinations (AJDs or PJDs): ORM Number(s) and date(s).
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: From Mass GIS website OLIVER
- USFWS NWI maps: From Mass GIS website OLIVER.
- USGS topographic maps: From Mass GIS website OLIVER.

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	Google Earth imagery from 12/31/2000 and 04/22/2018.

B. Typical year assessment(s): Wetland IVW is surrounded by uplands and is physically isolated from other wetland/water features on the site. There are no ditches, tributaries, culverts, etc. between this wetland and

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

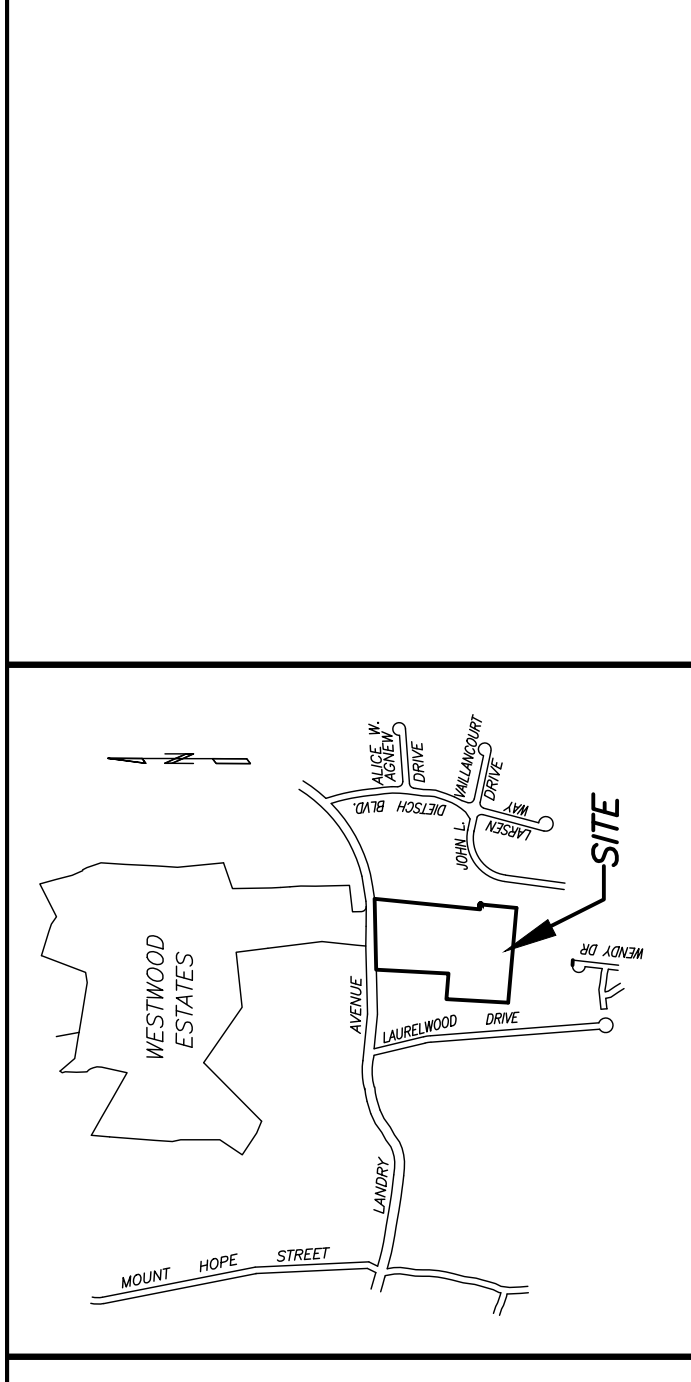
⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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any (a)(1) to (a)(3) waters that would allow for a hydrologic connection. Therefore there is no need to make a typical year assessment.

- C. Additional comments to support AJD:** The wetland feature that is the subject of this jurisdictional determination is wetland IVW bounded by flags IVW-1 through IVW-15 and shown on the attached plan entitled, "EXISTING RESOURCE PLAN FOR ORAD AMENDMENT IN NORTH ATTLEBOROUGH, MASSACHUSETTS" dated "JUNE 01, 2020." In order to be classified as adjacent wetlands, the wetland would need to meet one of the following criteria: 1) "Abutting an (a)(1)-(a)(3) water": This criterion is not met because the wetland is physically isolated from other wetlands and water features in the vicinity. There is an "A" series wetland along the southern property line on the plan and a "B" series wetland along the western property line. These wetlands appear to be part of a complex associated with a tributary to Ten Mile River. However these two wetland features are not part of this jurisdictional determination. Wetland IVW is physically isolated from these two features and is surrounded by upland. This is verified by aerial photography and an NWI map. 2) "Inundated by flooding from an (a)(1)-(a)(3) water in a typical year": This criterion is not met as there are no ditches, tributaries or culverts that would convey water from an (a)(1)-(a)(3) water to this wetland in any year. There is a sewer line easement on the eastern side of the wetland evident in aerials due to the tree-clearing but it is not a conveyance. 3) "Is physically separated from an (a)(1)-(a)(3) water only by a natural berm, bank, dune, or similar feature": This criterion is not met. There is no evidence of a berm, bank, or dune in any site topography maps or aerial photography. 4) "Is physically separated from an (a)(1)-(a)(3) water only by an artificial dike, barrier, or similar artificial structure so long as that structure allows for a direct hydrologic surface connection between the wetlands and water in a typical year": This criterion is not met. There is no evidence in any aerial photography of any type of artificial dike or barrier adjacent to the wetland.



LOCUS MAP
SCALE: 1" = 200'

ZONING REFERENCE: OP-60 DISTRICT (60,000 SQUARE FOOT AREA - MINIMUM)

ASSESSOR'S REFERENCE: AP 34 LOT 122

DEED REFERENCE: BOOK 25681 PAGE 121 RECORDED IN BRISTOL COUNTY (NORTHERN DISTRICT) REGISTRY OF DEEDS.

OWNER: JC PROPERTIES, LLC
356 JOHN L. DIETSCH BOULEVARD
NORTH ATTLEBOROUGH, MASSACHUSETTS 02763

NOTES:

1. THIS DOCUMENT WAS PRODUCED TO SUPPORT THE AMENDING OF MASS DEP WPA FORM 48 IN ORDER OF RESOURCE AREA MASS DEP FILE NO. SE243-0905, DATE OF ISSUANCE: 09/26/2018.
2. SEE EXISTING RESOURCE PLAN LANDRY AVENUE, ASSESSOR'S PLAT 34, LOT 122, NORTH ATTLEBOROUGH, MASSACHUSETTS DATED 07/23/2018 BY DIPRETE ENGINEERING OF BEDFORD, MA, DE JOB NO: 0809-011.
3. SEE DEFINITIVE SUBDIVISION WESTWOOD ESTATES, NORTH ATTLEBOROUGH, MASSACHUSETTS; AP33 LOTS 49, 50, 51 & 54; REVISION DATED 10/23/1998 BY TILTON & ASSOCIATES, INC.
4. SEE SANITARY SEWER EXTENSION WENDY DRIVE TO LANDRY AVENUE NORTH ATTLEBOROUGH, MA, REVISION DATED 10/24/97 BY TILTON & ASSOCIATES, INC.
5. CONTOURS SHOWN WERE TAKEN FROM OTHER AVAILABLE INFORMATION AND ARE NOT FROM A GROUND SURVEY. CONTOUR INTERVAL IS ONE (1) FOOT.

EXISTING RESOURCE PLAN FOR ORAD AMENDMENT

IN

NORTH ATTLEBOROUGH, MASSACHUSETTS

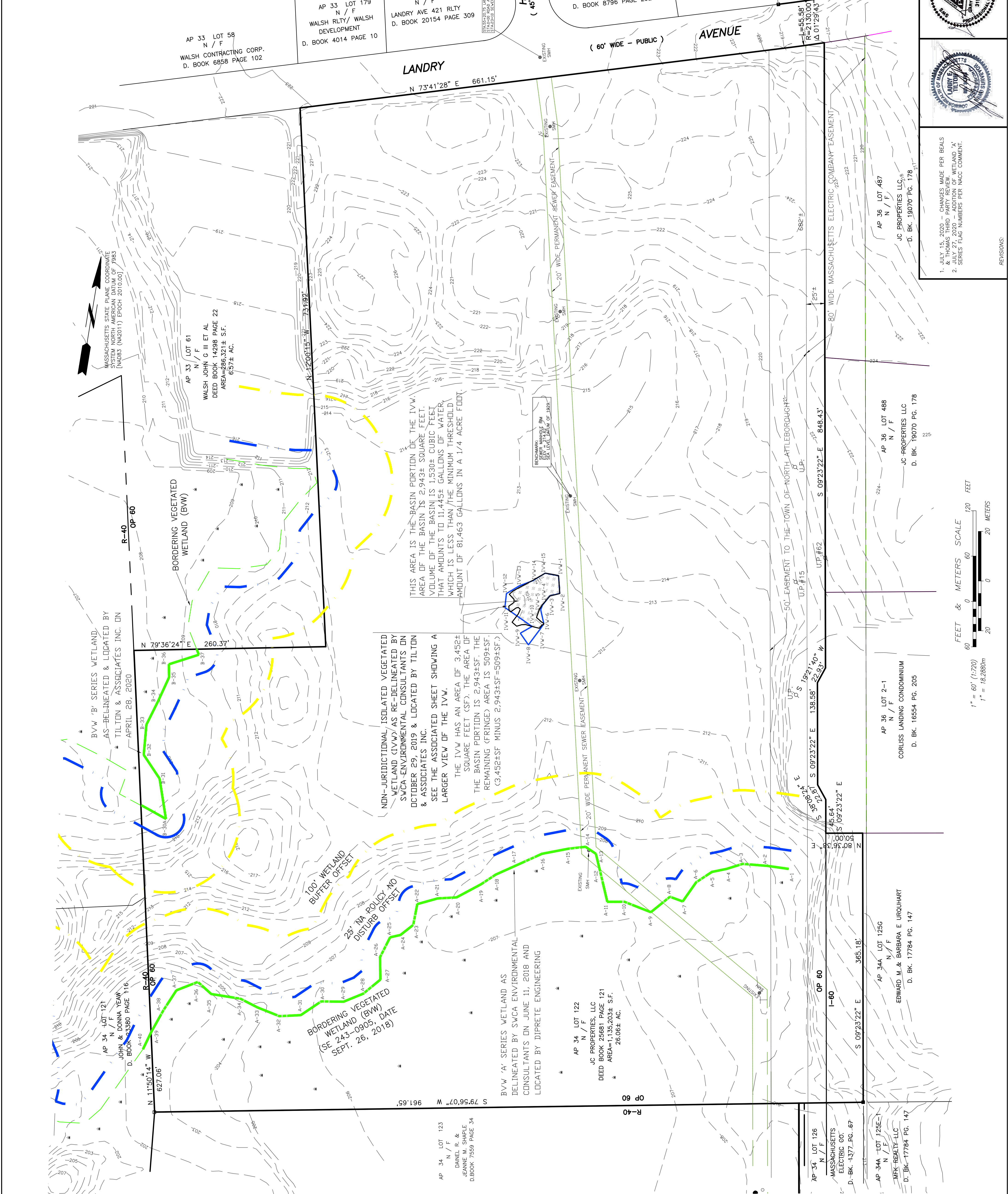
PREPARED FOR
JC PROPERTIES, LLC
356 JOHN L. DIETSCH BOULEVARD
NORTH ATTLEBOROUGH, MASSACHUSETTS 02763

SCALE: 1" = 60'
DATE: JUNE 01, 2020

DRAWN BY: WES & CMS
CHECKED BY: LET

PREPARED BY
TILTON & ASSOCIATES, INC.
LAND SURVEYING, CIVIL ENGINEERING AND ENVIRONMENTAL PERMITTING

JOB NO. **3290**
DWG. NO. **1**



THIS AREA IS THE BASIN PORTION OF THE IVW. AREA OF THE BASIN IS 2,943± SQUARE FEET. VOLUME OF THE BASIN IS 1,530± CUBIC FEET THAT AMOUNTS TO 11,445± GALLONS OF WATER WHICH IS LESS THAN THE MINIMUM THRESHOLD AMOUNT OF 81,463 GALLONS IN A 1/4 ACRE FOOT.

NON-JURISDICTIONAL ISOLATED VEGETATED WETLAND (IVW) AS RE-DELINEATED BY SVCA-ENVIRONMENTAL CONSULTANTS ON OCTOBER 29, 2019 & LOCATED BY TILTON & ASSOCIATES, INC. SEE THE ASSOCIATED SHEET SHOWING A LARGER VIEW OF THE IVW.

THE IVW HAS AN AREA OF 3,452± SQUARE FEET (SF). THE AREA OF THE BASIN PORTION IS 2,943±SF. THE REMAINING (FRINGE) AREA IS 509±SF. (3,452±SF MINUS 2,943±SF=509±SF.)

BVW 'A' SERIES WETLAND AS DELINEATED BY SVCA ENVIRONMENTAL CONSULTANTS ON JUNE 11, 2018 AND LOCATED BY DIPRETE ENGINEERING

AP 34 LOT 122
N / F
JC PROPERTIES, LLC
DEED BOOK 25681 PAGE 121
AREA=1,135,203± S.F.
26.06± AC.

AP 344 LOT 125E-1
N / F
WPK REALTY-LLC
D. BK. 17784 PG. 147

AP 344 LOT 125G
N / F
EDWARD M. & BARBARA E UROUHART
D. BK. 17784 PG. 147

AP 36 LOT 2-1
N / F
CORLISS LANDING CONDOMINIUM
D. BK. 16554 PG. 205

AP 36 LOT 488
N / F
JC PROPERTIES LLC
D. BK. 19070 PG. 178

AP 36 LOT 487
N / F
JC PROPERTIES LLC
D. BK. 19070 PG. 178

AP 36 LOT 410
N / F
WALSH REALTY PARTNERSHIP
D. BOOK 8796 PAGE 292

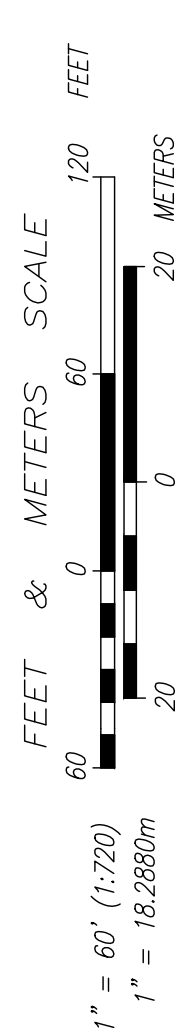
AP 36 LOT 483
N / F
WALSH REALTY PARTNERSHIP
D. BOOK 8796 PAGE 292

AP 36 LOT 484
N / F
WALSH RLTLY PARTNERSHIP
D. BOOK 8796 PAGE 292

AP 33 LOT 58
N / F
WALSH CONTRACTING CORP.
D. BOOK 6858 PAGE 102

AP 33 LOT 179
N / F
WALSH RLTLY / WALSH DEVELOPMENT
D. BOOK 4014 PAGE 10

AP 33 LOT 180
N / F
LANDRY AVE 421 RLTLY
D. BOOK 20154 PAGE 309



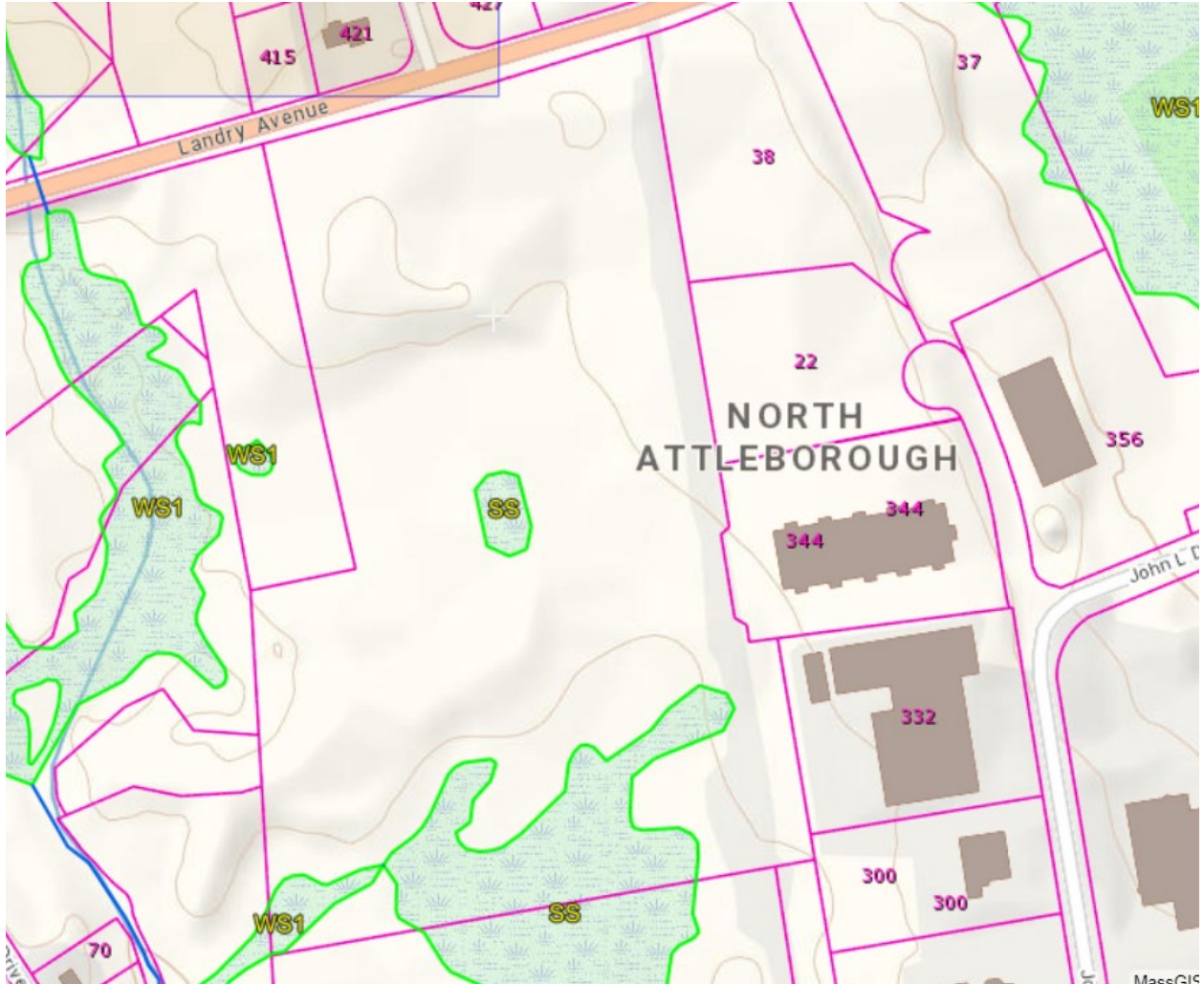
REVISIONS:

1. JULY 15, 2020 - CHANGES MADE PER BEALS & THOMAS THIRD PARTY REVIEW.
2. JULY 27, 2020 ADDITION OF WETLAND 'A' SERIES FLAG NUMBERS PER NACC COMMENT.

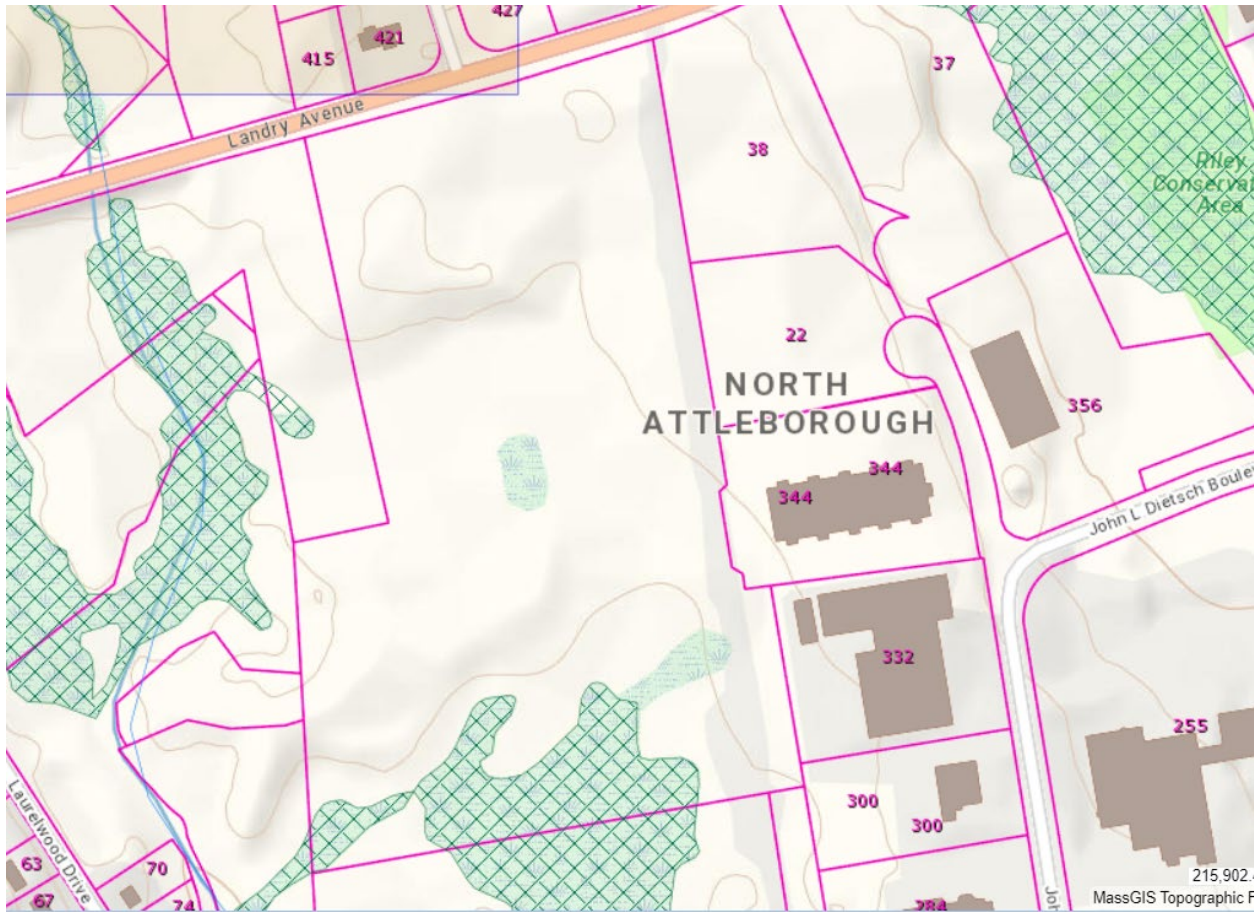
NAE-2020-02095 AID Supporting Maps and Aerial Photos

Landry Avenue, North Attleborough, MA (just south of Homeward Lane)

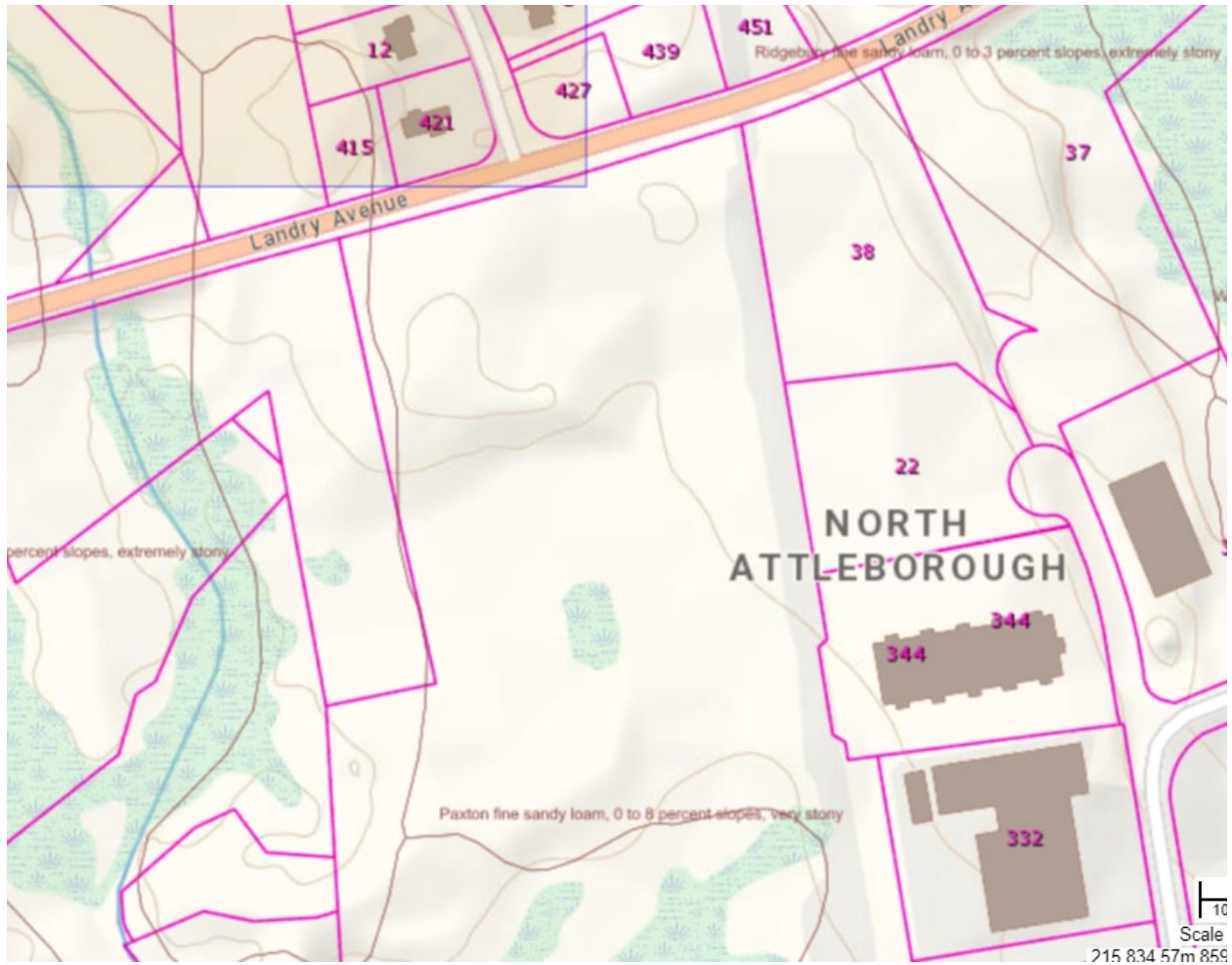
Coordinates: 41.984722, -71.304444



Mass GIS Site OLIVER: Map shows the area in question as an isolated DEP scrub-shrub wetland in the middle of the property. Metadata: This DEP Wetland layer was based on photo interpretation of color infrared photography taken in April 2005.



Mass GIS Site OLIVER: NWI Wetlands Map: The isolated wetland area in question is not shown on the NWI Wetlands map or it would be hatched.



Mass GIS Site OLIVER: Soils in vicinity of isolated wetland mapped as Paxton fine sandy loam, 0 to 8% slopes, very stony. However, there can be hydric soil inclusions. Metadata: This layer was developed using soil surveys published by NRCS.



Google Earth Image- Date: 12/31/2000 No evidence of connection between isolated wetland and wetland complexes to the south and west. Sewer line easement evident along eastern side of isolated wetland feature.



Google Earth Image- Date: 04/22/18: No evidence of connection between isolated wetland and wetland complexes to the south and west. Sewer line easement evident along eastern side of isolated wetland feature.