

NOTICE OF INTENT

16 Balmoral Drive
Boxford, Massachusetts

August 25, 2022

Owner/Applicant:

Edmund Burke
16 Balmoral Road
Boxford, MA 01921

Prepared By:

Williams & Sparages LLC
189 North Main Street, Suite 101
Middleton, MA 01949
Ph: 978-539-8088
Fax: 978-539-8200
www.wsengineers.com

W&S Project No:

BOXF-0086





Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

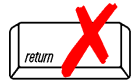
Document Transaction Number

Boxford

City/Town

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.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

16 Balmoral Road

a. Street Address

Boxford

b. City/Town

01921

c. Zip Code

Latitude and Longitude:

23

f. Assessors Map/Plat Number

42.68160

d. Latitude

-70.02184

e. Longitude

02/26

g. Parcel /Lot Number

2. Applicant:

Hilary & Edmund

a. First Name

Burke

b. Last Name

c. Organization

16 Balmoral Road

d. Street Address

Boxford

e. City/Town

MA

f. State

01921

g. Zip Code

h. Phone Number

i. Fax Number

hlburke31@gmail.com

j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Greg J.

a. First Name

Hochmuth

b. Last Name

Williams & Sparages LLC

c. Company

189 North Main Street, Suite 101

d. Street Address

Middleton

e. City/Town

MA

f. State

01949

g. Zip Code

978-539-8088

h. Phone Number

978-539-8200

i. Fax Number

ghochmuth@wsengineers.com

j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

\$110.00

a. Total Fee Paid

\$42.50

b. State Fee Paid

\$67.50

c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

To install an in-ground swimming pool, patios and landscaping improvements within the 100 foot buffer zone to Bordering Vegetated Wetlands.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1. Single Family Home
- 2. Residential Subdivision
- 3. Commercial/Industrial
- 4. Dock/Pier
- 5. Utilities
- 6. Coastal engineering Structure
- 7. Agriculture (e.g., cranberries, forestry)
- 8. Transportation
- 9. Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

- 1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Essex	
a. County	b. Certificate # (if registered land)
36922	317
c. Book	d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- 1. Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2. Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet	2. square feet
	3. cubic yards dredged	

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet	
	2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - specify coastal or inland	

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: _____ square feet

4. Proposed alteration of the Riverfront Area:

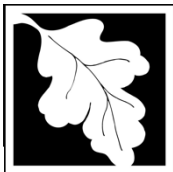
a. total square feet	b. square feet within 100 ft.	c. square feet between 100 ft. and 200 ft.
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5. Has an alternatives analysis been done and is it attached to this NOI? Yes No

6. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	_____	
	1. square feet	

	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	_____	_____
	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	_____	_____
	1. square feet	2. cubic yards dune nourishment

	Size of Proposed Alteration	Proposed Replacement (if any)
f. <input type="checkbox"/> Coastal Banks	_____	
	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	_____	
	1. square feet	
h. <input type="checkbox"/> Salt Marshes	_____	_____
	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	_____	
	1. square feet	

	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	_____	
	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	

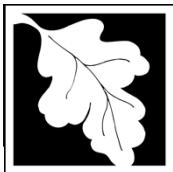
	1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	
	1. square feet	

4. Restoration/Enhancement
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

_____	_____
a. square feet of BVW	b. square feet of Salt Marsh

5. Project Involves Stream Crossings

_____	_____
a. number of new stream crossings	b. number of replacement stream crossings



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C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

- a. Yes No **If yes, include proof of mailing or hand delivery of NOI to:**

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581

8/2021

b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review*

1. Percentage/acreage of property to be altered:

(a) within wetland Resource Area

percentage/acreage

(b) outside Resource Area

percentage/acreage

2. Assessor's Map or right-of-way plan of site

2. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

(a) Project description (including description of impacts outside of wetland resource area & buffer zone)

(b) Photographs representative of the site

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/endangered-species-act-mesa-regulatory-review>).

Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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C. Other Applicable Standards and Requirements (cont'd)

- (c) MESA filing fee (fee information available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).

Make check payable to “Commonwealth of Massachusetts - NHESP” and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

- (d) Vegetation cover type map of site

- (e) Project plans showing Priority & Estimated Habitat boundaries

- (f) OR Check One of the Following

1. Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. Separate MESA review ongoing. a. NHESP Tracking # _____ b. Date submitted to NHESP _____

3. Separate MESA review completed.
Include copy of NHESP “no Take” determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

- a. Not applicable – project is in inland resource area only b. Yes No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and
the Cape & Islands:

North Shore - Hull to New Hampshire border:

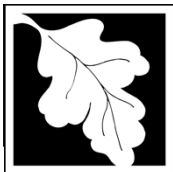
Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: dmf.envreview-south@mass.gov

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: dmf.envreview-north@mass.gov

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP’s Boston Office. For coastal towns in the Southeast Region, please contact MassDEP’s Southeast Regional Office.

- c. Is this an aquaculture project? d. Yes No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).



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Online Users:
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C. Other Applicable Standards and Requirements (cont'd)

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
 a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
 b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
 a. Yes No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
 a. Yes No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
 a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
 1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 2. A portion of the site constitutes redevelopment
 3. Proprietary BMPs are included in the Stormwater Management System.
 b. No. Check why the project is exempt:
 1. Single-family house
 2. Emergency road repair
 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



Massachusetts Department of Environmental Protection
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Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Boxford

City/Town

D. Additional Information (cont'd)

3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. List the titles and dates for all plans and other materials submitted with this NOI.

Plan to Accompany a Notice of Intent

a. Plan Title

Williams & Sparages LLC

Richard L. Williams

b. Prepared By

c. Signed and Stamped by

August 25, 2022

1" = 20'

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

5. If there is more than one property owner, please attach a list of these property owners not listed on this form.

6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8. Attach NOI Wetland Fee Transmittal Form

9. Attach Stormwater Report, if needed.

E. Fees

1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

568

2. Municipal Check Number

8/8/2022

3. Check date

569

4. State Check Number

8/8/2022

5. Check date

Edmund

6. Payor name on check: First Name

Burke

7. Payor name on check: Last Name

EDMUND M BURKE
16 BALMORAL RD
BOXFORD, MA 01921-1910

569
64-5/610 GA
6010

8.8.2022

Date

Pay to the Order of COMMONWEALTH OF MASSACHUSETTS \$ 42.50
Forty two and 50/100 Dollars

BANK OF AMERICA

ACH R/T 061000052

For MA Filing Fee Edmund Burke

⑆061000052⑆ 334025549262⑈0569

Harland Clarke

BLUE SHEFFIELD™

EDMUND M BURKE
16 BALMORAL RD
BOXFORD, MA 01921-1910

568
64-5/610 GA
6010

8.8.2022

Date

Pay to the Order of TOWN OF BOXFORD \$ 67.50
Sixty seven and 50/100 Dollars

BANK OF AMERICA

ACH R/T 061000052

For Town Portion State Filing Edmund Burke

⑆061000052⑆ 334025549262⑈0568

Harland Clarke

BLUE SHEFFIELD™

EDMUND M BURKE
16 BALMORAL RD
BOXFORD, MA 01921-1910

567
64-5/610 GA
6010

8.8.2022

Date

Pay to the Order of TOWN OF BOXFORD \$ 725.00
Seven hundred-fifty and 00/100 Dollars

BANK OF AMERICA

ACH R/T 061000052

For BYLAW FILING Edmund Burke

⑆061000052⑆ 334025549262⑈0567

Harland Clarke

BLUE SHEFFIELD™



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

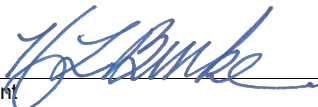
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

<p>1. Signature of Applicant <u></u></p> <p>Edmund M Burke</p> <p>3. Signature of Property Owner (if different) _____</p> <p>5. Signature of Representative (if any) _____</p>	<p>2. Date <u>8/10/2022</u></p> <p>4. Date <u>8/10/2022</u></p> <p>6. Date <u>8/25/2022</u></p>
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For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



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NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



A. Applicant Information

1. Location of Project:

16 Balmoral Road Boxford
 a. Street Address b. City/Town
 569 \$42.50
 c. Check number d. Fee amount

2. Applicant Mailing Address:

Edmund Burke
 a. First Name b. Last Name
 c. Organization
 16 Balmoral Road
 d. Mailing Address
 Boxford MA 01921
 e. City/Town f. State g. Zip Code
 h. Phone Number i. Fax Number hlburke31@gmail.com
 j. Email Address

3. Property Owner (if different):

a. First Name b. Last Name
 c. Organization
 d. Mailing Address
 e. City/Town f. State g. Zip Code
 h. Phone Number i. Fax Number j. Email Address

B. Fees

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



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B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 1a.	1	\$110.00	\$110.00
Boxford Bylaw Fee:	1	\$475.00	\$475.00
545 l.f. of Wetlands		\$250.00	\$250.00
Step 5/Total Project Fee:			
Step 6/Fee Payments:			
Total Project Fee:			\$110.00
State share of filing Fee:			\$42.50
City/Town share of filing Fee:			\$67.50
			a. Total Fee from Step 5
			b. 1/2 Total Fee less \$12.50
			c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

WILLIAMS & SPARAGES
CIVIL ENGINEERING &
LAND SURVEYORS



189 NORTH MAIN STREET
SUITE 101
MIDDLETON, MA 01949
PHONE: (978) 539-8088
FAX: (978) 539-8200



UNITED STATES GEOLOGIC SURVEY MAP
SOUTH GROVELAND, MASS QUAD
SCALE: 1:24,000 (metric contours)

LOCUS MAP
#16 BALMORAL ROAD
BOXFORD, MA 01921



Introduction:

The subject property is identified as Map 23, Block 2, Lot 26 and is otherwise known as 16 Balmoral Road. The lot is approximately 87,269 s.f. in size, and is developed with a single-family dwelling; which according to the Boxford Assessor's database, was constructed in 1973. The property is located on Balmoral Road, which is located off Old Farms Road, west of Herrick Road.

The developed portions of the property are located to the north and an extensive Bordering Vegetated Wetland system is located in the rear of the property.

According to the NRCS Web Soil Survey, the upland soils on the subject lot are mapped as (717C), Rock outcrop-Charlton-Hollis complex, and the wetland portions of the property are mapped as (52A) Freetown Muck, (see attached soil survey).

According to the current Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP) Atlas, the property is NOT mapped as Priority Habit of Rare Species or Estimated Habitats of Rare Wildlife, nor is the property mapped as an Area of Critical Environmental Concern (ACEC).

Proposed Activities:

The applicant is proposing to install an in-ground swimming pool (within existing lawn and/or landscaped areas), patio, retaining wall, and to make landscaping improvements within the 100 foot Buffer Zone. The location of the BVW, property boundaries and subsurface sanitary disposal system limit the available options for locating the swimming pool. Because of this, the project was not able to meet all of the setbacks that are required in the Boxford Wetlands Protection Regulations, more specifically, the 75 foot requirement for swimming pools and swimming pool patios. All activities are proposed within the 100-foot buffer zone to Bordering Vegetated Wetlands (BVW) and no work is proposed withing the BVW's.

According to §375-98B.(2) of the Boxford Wetlands Protection Regulations the presumption that the activities will result in alteration of the wetland resource area is rebuttable and may be overcome only for the conversion of lawn or other significantly altered land to a structure requiring a building permit when said structure is accessory to an existing single-family dwelling legally in existence as of May 19, 1994 (the original issue date of these regulations), or when a wetlands permit application was filed for said single-family dwelling on or before May 19, 1994, by a finding by the Commission, supported by a preponderance of the credible evidence, showing that the work proposed within the buffer zone, closer than the tabulated minimum setback distances, will not result in the alteration of any wetlands resource area. The burden for overcoming this presumption is upon the applicant; however, the Commission may



include consideration of credible evidence from any source presented at a public meeting or public hearing in weighing the preponderance of the credible evidence. The proposed design shall comply as much as possible with the minimum setback distances specified in the Minimum Setback Distance Chart.

Placing the swimming pool in the front yard is not an option because of the sanitary disposal system. Placing the swimming pool to the west of the driveway would result in need for additional tree clearing and would still result in a waiver request from the 75 foot no build zone. Proposing the swimming pool in the rear of the dwelling was the alternative with the least amount of potential for impact.

The project was designed to locate the hardscapes on the house side of the swimming pool and some of the proposed patio and walkway surfaces are proposed over existing paver surfaces. Infiltration trenches are proposed along the edge of the proposed patios to help mitigate for the increase in impervious surface. In addition, the pool filtration system will be a non-backwash filtration system so there will be no need for backwashing.

As mitigation for the encroachment into the no-build zone the applicant is proposing to convert a portion of his maintained lawn to a buffer zone enhancement area. The 1,650 square foot enhancement area is proposed to be planted with 3 trees, 22 shrubs, and 14 herbaceous species. In addition to the plantings, the area is proposed to be scarified with a steel rake and be seeded with New England Conservation/Wildlife Seed Mix, or equal.

Jurisdictional Wetland Resource Areas:

Bordering Vegetated Wetlands: The Bordering Vegetated Wetlands (BVW) were delineated on the subject property by Greg Hochmuth, PWS, CWS from Williams & Sparages LLC on June 20, 2019, (see attached wetland field data forms).

No BVW is proposed to be altered as a result of this application.

Erosion Controls:

Erosion controls in the form of a 12-inch diameter mulch sock are proposed during the project, and are proposed to remain in place until all areas within the buffer zone are stabilized, and permission is granted for their removal from the Boxford Conservation Commission, and/or it's director.



MassDEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant: Ed Burke Prepared by: Greg Hochmuth Project location: 16 Balmoral Road, Boxford MA DEP File #: _____

Check all that apply:

- Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
- Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II
- Method other than dominance test used (attach additional information)

Section I.

Vegetation	Observation Plot Number: WFA-5 Up		Transect Number: WFA-5 Upland	Date of Delineation: 6/20/2019
A. Sample Layer & Plant Species (by common/scientific name)	B. Percent Cover (or basal Area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
Trees				
Red Oak – <i>Quercus rubra</i>	30%	30%	YES	FACU-
Red Maple - <i>Acer rubrum</i>	50%	50%	YES	FAC*
White Pine – <i>Pinus strobus</i>	20%	20%	YES	FACU
Shrubs				
Pepper-bush - <i>Clethra alnifolia</i>	40%	47%	YES	FAC+*
HighBush Blueberry – <i>Vaccinium corymbosum</i>	30%	35%	YES	FACW-*
Hemlock – <i>Tsuga canadensis</i>	15%	20%	YES	FACU
Ground Cover				
Partridgeberry – <i>Mitchella repens</i>	20%	57%	YES	FACU
Canada Mayflower – <i>Mainathemum canadense</i>	15%	42%	YES	FAC-

* Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c. 131, s. 40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

Vegetation conclusion:

Number of dominant wetland indicator plants: 3

Number of dominant non-wetland indicator plants: 5

Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? Yes

If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? Yes

title/date: NRCS Web Soil Survey

map number: -

soil type mapped: 717C – Rock outcrop-Charlton-Hollis complex

hydric soil inclusions: No

Are field observations consistent with soil survey? Yes

Remarks:

2. Soil Description

Horizon

A

Bw

Depth

0-10

10-18

Matrix Color

10YR3/2

7.5YR5/6

Mottles Color

-

Other Indicators of Hydrology: (check all that apply & describe)

- Site Inundated: _____
- Depth to free water in observation hole: _____
- Depth to soil saturation in observation hole: _____
- Water marks: _____
- Drift lines: _____
- Sediment Deposits: _____
- Drainage patterns in BVW: _____
- Oxidized rhizospheres: _____
- Water-stained leaves: _____
- Recorded Data (streams, lake, or tidal gauge; aerial photo; other):

- Other: _____

Vegetation and Hydrology Conclusion

Number of wetland indicator plants
≥ # of non-wetland indicator plants

Yes No

— X—

Wetland hydrology present:

Hydric soil present

— X—

Other indicators of hydrology present

— X—

Sample location is in a BVW

— X—

Submit this form with the Request for Determination of Applicability or Notice of Intent.

3. Other:

Conclusion: Is soil hydric? No

MassDEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant: Ed Burke Prepared by: Greg Hochmuth Project location: 16 Balmoral Road, Boxford MA DEP File #: _____

Check all that apply:

- Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
- Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II
- Method other than dominance test used (attach additional information)

Section I.

Vegetation	Observation Plot Number: WFA-5 Wet		Transect Number: WFA-5 Wet	Date of Delineation: 6/20/2019
A. Sample Layer & Plant Species (by common/scientific name)	B. Percent Cover (or basal Area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
Trees				
Red Oak – <i>Quercus rubra</i>	30%	30%	YES	FACU-
Red Maple - <i>Acer rubrum</i>	50%	50%	YES	FAC*
White Pine – <i>Pinus strobus</i>	20%	20%	YES	FACU
Shrubs				
Pepper-bush - <i>Clethra alnifolia</i>	40%	47%	YES	FAC+*
HighBush Blueberry – <i>Vaccinium corymbosum</i>	30%	35%	YES	FACW-*
Hemlock – <i>Tsuga canadensis</i>	15%	20%	YES	FACU
Ground Cover				
Sensitive Fern – <i>Onoclea sensibilis</i>	40%	100%	YES	FACW*

* Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

Vegetation conclusion:

Number of dominant wetland indicator plants: 4

Number of dominant non-wetland indicator plants: 3

Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? Yes

If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? Yes

title/date: NRCS Web Soil Survey

map number: -

soil type mapped: 52A – Freetown Muck

hydric soil inclusions: Yes

Are field observations consistent with soil survey? Yes

Remarks:

2. Soil Description

Horizon

A

Bw

Depth

0-8

8-18

Matrix Color

2.5Y2.5/1

5Y5/2

Mottles Color

-

7.5YR5/8

Remarks:

3. Other:

Conclusion: Is soil hydric? Yes

Other Indicators of Hydrology: (check all that apply & describe)

- Site Inundated: _____
- Depth to free water in observation hole: _____ 10" _____
- Depth to soil saturation in observation hole: _____ 6" _____
- Water marks: _____
- Drift lines: _____
- Sediment Deposits: _____
- Drainage patterns in BVW: _____
- Oxidized rhizospheres: _____
- Water-stained leaves: _____
- Recorded Data (streams, lake, or tidal gauge; aerial photo; other):

- Other: _____

Vegetation and Hydrology Conclusion

Yes No

Number of wetland indicator plants
≥ # of non-wetland indicator plants

X_

Wetland hydrology present:

Hydric soil present

X_

Other indicators of hydrology present

X_

Sample location is in a BVW

X_

Submit this form with the Request for Determination of Applicability or Notice of Intent.

Soil Map—Essex County, Massachusetts, Northern Part
 (16 Balmoral Road, Boxford, MA 01921)



Soil Map may not be valid at this scale.

Map Scale: 1:1,050 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 19N WGS84

MAP LEGEND

- Area of Interest (AOI)
- Area of Interest (AOI)
- Soils
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points
- Special Point Features
 - Blowout
 - Borrow Pit
 - Clay Spot
 - Closed Depression
 - Gravel Pit
 - Gravelly Spot
 - Landfill
 - Lava Flow
 - Marsh or swamp
 - Mine or Quarry
 - Miscellaneous Water
 - Perennial Water
 - Rock Outcrop
 - Saline Spot
 - Sandy Spot
 - Severely Eroded Spot
 - Sinkhole
 - Slide or Slip
 - Sodic Spot
- Water Features
 - Streams and Canals
- Transportation
 - Rails
 - Interstate Highways
 - US Routes
 - Major Roads
 - Local Roads
- Background
 - Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Essex County, Massachusetts, Northern Part
Survey Area Data: Version 17, Sep 2, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Aug 13, 2020—Oct 18, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
52A	Freetown muck, 0 to 1 percent slopes	2.0	41.1%
260B	Sudbury fine sandy loam, 3 to 8 percent slopes	0.0	0.6%
717C	Rock outcrop-Charlton-Hollis complex, 3 to 15 percent slopes	2.8	58.3%
717E	Rock outcrop-Charlton-Hollis complex, 15 to 35 percent slopes	0.0	0.1%
Totals for Area of Interest		4.8	100.0%

AFFIDAVIT OF SERVICE


Under the Massachusetts Wetlands Protection Act & Boxford Wetlands
Protection Regulations

(To be submitted to the Massachusetts Department of Environmental Protection
and the Conservation Commission when filing a Notice of Intent)

I, Gregory J. Hochmuth, hereby certify under the pains and penalties of perjury
that on August 25, 2022 I gave notification to abutters in compliance with the
second paragraph of Massachusetts General Law Chapter 131, Section 40, and
the DEP Guide to Abutter Notification dated April 8, 1994, in connection with
the following matter:

A Notice of Intent was filed under the Massachusetts Wetlands Protection Act by
Ed Burke with the Town of Boxford Conservation Commission on August 25,
2022 for property located at 16 Balmoral Road (Map 23, Block 2, Parcel 26).

The form of the notification, and a list of the abutters to whom it was given and
their addresses, are attached to this Affidavit of Service.



Name

8/25/2022

Date



23-02-26 - 16 BALMORAL RD, BOXFORD ABUTTERS LIST
 CONSERVATION COMMISSION 250'

Parcel ID	Location	Owner	Owner 2	Owner Address	Owner City/Town	Owner State	Zip Code
23-02-10	15 BALMORAL RD	O'BRIEN JOSEPH G	O'BRIEN SINEAD	15 BALMORAL RD	BOXFORD	MA	01921
23-02-11	21 BALMORAL RD	CADE DAVID L	CADE KIMBERLY	21 BALMORAL RD	BOXFORD	MA	01921
23-02-16	22 BALMORAL RD	BERNIER KENNETH J	BERNIER MARYELLEN E	22 BALMORAL RD	BOXFORD	MA	01921
23-02-17	18 BALMORAL RD	WILLIAMS THOMAS L & MARY U TRS	WILLIAMS FAMILY LIVING TRUST	18 BALMORAL RD	BOXFORD	MA	01921
23-02-26	16 BALMORAL RD	BURKE THOMAS FRANCIS SR	BURKE EDMUND MICHAEL	16 BALMORAL RD	BOXFORD	MA	01921
23-02-27	10 BALMORAL RD	JACOPIILLE M JR & P L TR	JACOPIILLE FAMILY TRUST	10 BALMORAL RD	BOXFORD	MA	01921
23-02-28	4 BALMORAL RD	MOSHO MICHAEL W TE	MOSHO DONATA	4 BALMORAL RD	BOXFORD	MA	01921
23-02-29	27 OLDE FARMS RD	PANAGOS TIMOTHY I TE	PANAGOS MELISSA M	27 OLDE FARMS RD	BOXFORD	MA	01921
23-02-30	31 OLDE FARMS RD	CAMERON PHILIP	CAMERON GEORGIA PRYOR	31 OLDE FARMS RD	BOXFORD	MA	01921
23-02-05	9 BALMORAL RD	KAPLAN PETER TE	FANDEL MARY	9 BALMORAL RD	BOXFORD	MA	01921
23-02-06	40 GLEN FOREST DR	CLINTON PAUL E TE	NANCY J CLINTON	40 GLEN FOREST DR	BOXFORD	MA	01921
23-02-09	41 GLEN FOREST DR	PUTNEY ANDREW TE	PUTNEY KIMBERLY A	41 GLEN FOREST DR	BOXFORD	MA	01921

CERTIFIED COPY
 08/04/2022

Heather Thifault