

Request for Determination of Applicability

31 Chapman Road
Boxford, Massachusetts

October 8, 2019

Applicant:

Heber & Katherine Souza
31 Chapman Road
Boxford, MA 01921

Prepared By:

Williams & Sparages LLC
189 North Main Street, Suite 101
Middleton, MA 01949
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www.wsengineers.com

W&S Project No:

BOXF-0067





WPA Form 1- Request for Determination of Applicability
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.



1. Applicant:

Heber Souza _____
Name
31 Chapman Road _____
Mailing Address
Boxford _____
City/Town
339-227-1084 _____
Phone Number
hsouza.se@gmail.com _____
E-Mail Address
MA _____ 01921 _____
State Zip Code
Fax Number (if applicable) _____

2. Representative (if any):

Williams & Sparages LLC _____
Firm
Greg J. Hochmuth _____
Contact Name
189 North Main Street, Suite 101 _____
Mailing Address
Middleton _____
City/Town
978-539-8088 _____
Phone Number
ghochmuth@wsengineers.com _____
E-Mail Address
MA _____ 01949 _____
State Zip Code
978-539-8200 _____
Fax Number (if applicable)

B. Determinations

1. I request the Boxford _____ make the following determination(s). Check any that apply:
Conservation Commission

- a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance or bylaw** of:

Town of Boxford _____
Name of Municipality

- e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).



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C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

31 Chapman Road	Boxford
Street Address	City/Town
Map 25, Block 3	Parcel 22
Assessors Map/Plat Number	Parcel/Lot Number

b. Area Description (use additional paper, if necessary):

The property is approximately 5.6 acres in size and is developed with a single family dwelling. The rear portion of the property contains Bordering Vegetated Wetlands, Bordering Land Subject to Flooding and Riverfront Area associated with Pye Brook. The developed portions of the property are located outside of the 200 foot Riverfront Area and are approximately 25 feet above the elevation of the Bordering Vegetated Wetlands. Soils on site are well drained sands and gravel and the wetland boundary is a toe of slope wetland that follows the 84 contours +/-.

c. Plan and/or Map Reference(s):

Plan to Accompany a Request for Determination of Applicability	10/7/2019
Title	Date
_____	_____
Title	Date
_____	_____
Title	Date
_____	_____

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

To permit the after-the-fact clearing of approximately 1,700 s.f. of buffer zone as well as the after-the-fact removal of 5 trees behind the existing dwelling.



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C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

All of the work was done on the outer limit of the 100 foot buffer zone. The closest point of grading was 75 feet from the BVW boundary. The contractor constructed a small earthen berm along the grading limit to protect the downslope resource areas during the clearing effort. The attached plan proposes to stabilize the area by removing the berm and to loam and seed the areas within the buffer zone. Erosion controls are proposed to be installed and to remain in place until all areas are stabilized.

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



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D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Heber Souza

Name

31 Chapman Road

Mailing Address

Boxford

City/Town

MA

State

01921

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.


Signature of Applicant

10/03/2019
Date

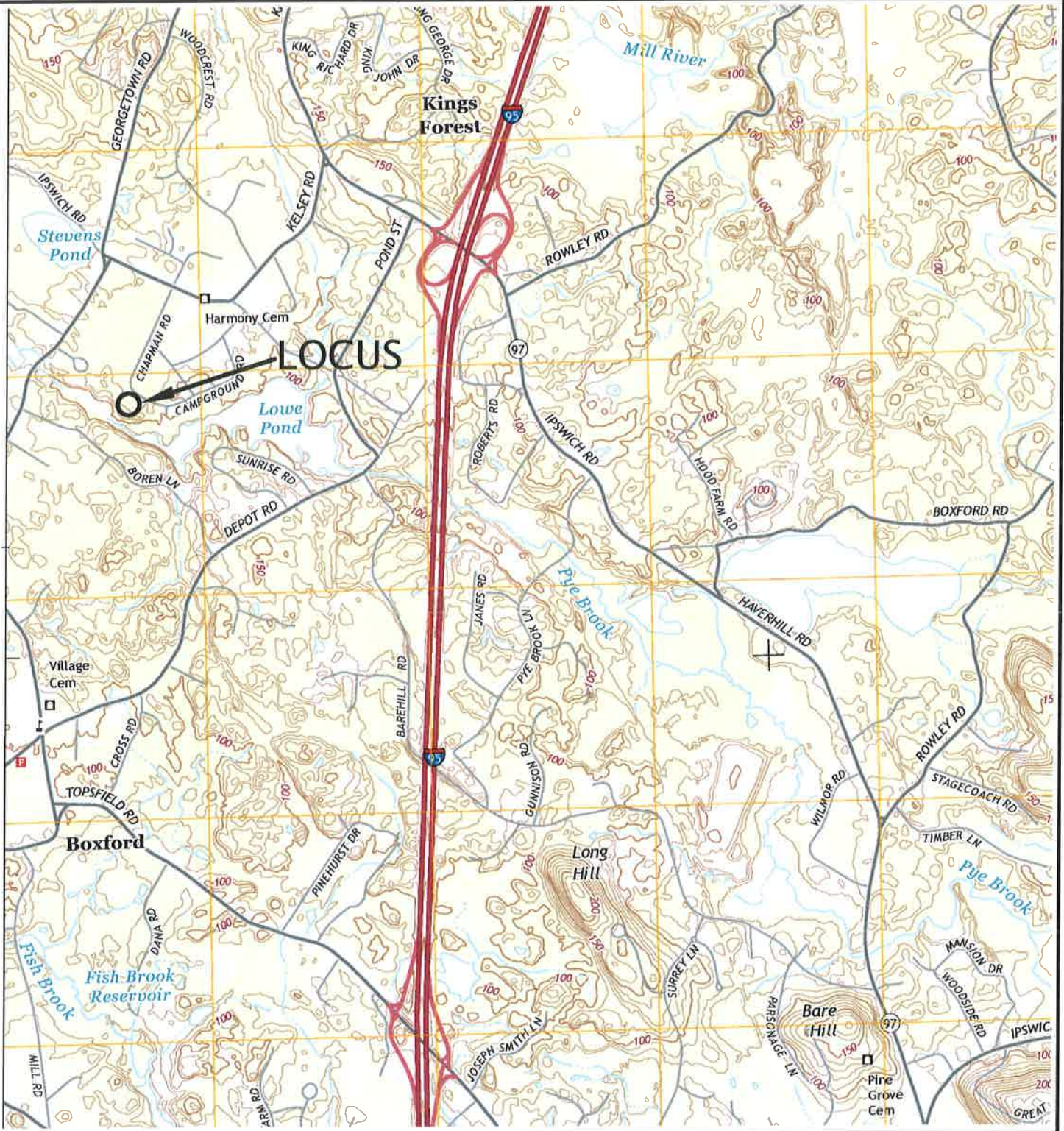

Signature of Representative (if any)

10/3/2019
Date

WILLIAMS & SPARGES
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
GEORGETOWN, MASS QUAD
SCALE: 1:25,000 (metric contours)

LOCUS MAP
#31 CHAPMAN ROAD
BOXFORD, MA 01921



Introduction:

The subject property is located at 31 Chapman Road in Boxford, MA and is currently developed with a single family dwelling that, according to the Boxford Assessors, was constructed in 1954. The property is in the Residential A district and is bound to the north by 25 Chapman Road; to the south by Pye Brook and 24 Boren Lane; to the west by 10 Stanton Circle, and to the east by 37 Chapman Road.

The upland soils present on site are comprised of Hinckley and Windsor, (257E & 253B) and the wetland portions of the property are comprised of Saco variant silt loam (718A).

According to the current NHESP Atlas, no work is proposed within Estimated Habitats of Rare Wildlife or Priority Habitats of Rare Species.

An Enforcement Order (EO) was issued by the Boxford Conservation Commission (BCC) for activities that were occurring within jurisdictional areas of the Boxford Wetlands Protection Bylaw and Massachusetts Wetlands Protection Act (WPA) without proper permitting, specifically grading and removal of vegetation within the 100-foot buffer to Bordering Vegetated Wetlands and possibly the 200 Foot Riverfront Area associated with Pye Brook. The EO required the filing of an after-the-fact Request for Determination of Applicability.

Project Proposal:

The property owner engaged the services of a logging company to clear portions of the property to give their house more sunlight and to create more of a yard for their family. Prior to the clearing effort the property owner and logging company pulled a tape measure from where they thought the wetland edge was in an effort to avoid work within jurisdictional areas; however, the area that they pulled the tape measure from was into the wetland approximately 25 feet. This resulted in approximately 1,700 s.f. of buffer zone disturbance.

The work proposed is to permit the after-the-fact clearing within the buffer zone and to allow some grading and the installation of a lawn within 100 feet of Bordering Vegetated Wetlands.

Erosion Controls:

Erosion Controls in the form of 12-inch diameter staked mulch sock is proposed to be installed prior to construction and will remain in place until all work on site is stable. The location of the proposed erosion controls are shown on the accompanying plan.



AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act

(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 October 9, 2019 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 Request for Determination of Applicability was filed under Massachusetts Wetlands Protection Act and Boxford Wetlands Protection Bylaw by Heber Souza with the Boxford Conservation Commission on October 8, 2019 for property located at 31 Chapman Road.

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.

Gregory J. Hochmuth
Name

10/8/2019
Date

TOWN OF BOXFORD
ABUTTER LIST

PARCEL #25-03-22 - 31 CHAPMAN ROAD - CONSERVATION COMMISSION 250'

PARCEL ID	STREET ADDRESS	OWNER 1	OWNER 2	MAILING ADDRESS	CITY/TOWN	STATE	ZIP CODE
24-05-06	105 GEORGETOWN RD	LIROPOULOS CHRISTOS	RAPTI MARGARITA	105 GEORGETOWN RD	BOXFORD	MA	01921
25-02-01	30 CHAPMAN RD	MALLORY DAVID TE	MALLORY CHERYL	30 CHAPMAN RD	BOXFORD	MA	01921
25-02-17	40 CHAPMAN RD	BITIN BRUNO		40 CHAPMAN RD	BOXFORD	MA	01921
25-03-06	20 BOREN LN	MUGGE RICHARD E	MUGGE MARLENE T	20 BOREN LN	BOXFORD	MA	01921
25-03-07	12 BOREN LN	KEHOE JOSEPH W		151 WASHINGTON ST	BOXFORD	MA	01921
25-03-08	6 BOREN LN	HAERING SUSAN D TR		PO Box 334	BOXFORD	MA	01921
25-03-20	21 CHAPMAN RD	SENNOTT EDWARD F & RUTH A TRS	21 CHAPMAN ROAD TRUST	21 CHAPMAN RD	BOXFORD	MA	01921
25-03-21	25 CHAPMAN RD	DUNBECK PATRICK B	DUNBECK ANDREA	25 CHAPMAN RD	BOXFORD	MA	01921
25-03-22	31 CHAPMAN RD	SOUZA HEBER	SOUZA KATHERINE E	31 CHAPMAN RD	BOXFORD	MA	01921
25-03-23	37 CHAPMAN RD	WHITE GERALDINE E		37 CHAPMAN RD	BOXFORD	MA	01921
25-03-24-1	3 CHAPMAN WAY	DI NANNO ANTHONY C	DI NANNO LESLIE ANN	3 CHAPMAN WAY	BOXFORD	MA	01921
25-03-24	39 CHAPMAN RD	YATES BARBARA M TR	MARANDOLA FAMILY TR	39 CHAPMAN RD	BOXFORD	MA	01921
25-03-25	24 BOREN LN	BOURQUE CHRISTOPHER	BOURQUE KIMBERLY	24 BOREN LN	BOXFORD	MA	01921
25-03-26	30 BOREN LN	PENSO CHRISTINE A		30 BOREN LN	BOXFORD	MA	01921
25-03-27	36 BOREN LN	HOWE CHRISTOPHER PAUL	HOWE KELLY ANNE	36 BOREN LN	BOXFORD	MA	01921
25-03-39	8 STANTON CIR	RAESS LISA MARIE SCOTT TR	RAESS DANIEL H TR	8 STANTON CIR	BOXFORD	MA	01921
25-03-40	10 STANTON CIR	MONROE JAMES L TE	MONROE SANDRA F	10 STANTON CIR	BOXFORD	MA	01921
25-03-41	11 STANTON CIR	DAVIES ROBERT W		11 STANTON CIR	BOXFORD	MA	01921

CERTIFIED COPY



September 12, 2019