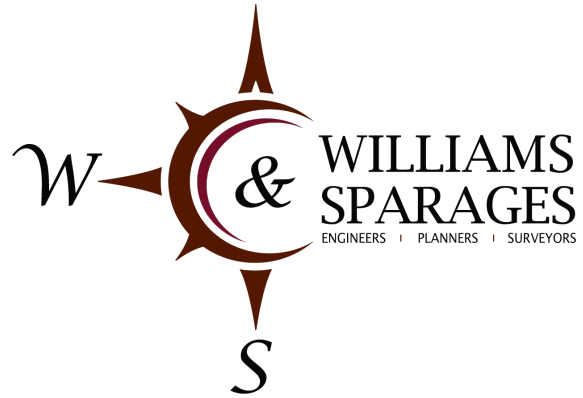


BOXF-0061

November 17, 2021

Boxford Conservation Commission
Attn: Ross Povenmire, Director
7A Spofford Road
Boxford, MA 01921



Subject: Request for Determination of Applicability
34 Brookview Road

Dear Ross,

Our office was hired to assist the owners of the above referenced property with the filing of a Request for Determination of Applicability (RDA) to remove eight (8) trees on their property that are located within the buffer zone to jurisdictional wetlands.

You may recall that an Order of Conditions (OOC) was issued for this property, on June 24, 2019, for the construction of a detached structure within the 100 foot buffer zone, MassDEP File Number 114-1277. The OOC is still open and that project is scheduled to be completed in the spring of 2022.

Because most of the proposed trees are outside of the limit of work approved under the current OOC we were not able to file for an amendment, and instead, have prepared a separate permit application.

If you have any questions regarding this information, please do not hesitate to contact our office. We look forward to discussing this request with your Commission at your next scheduled public hearing.

Sincerely,

WILLIAMS & SPARAGES LLC

Greg J. Hochmuth, PWS, CWS, RS

cc: Ursula & Parker McComas
MassDEP NERO



Request for Determination of Applicability

34 Brookview Road
Boxford, Massachusetts
Assessors Map 31, Block 1, Parcel 21

November 15, 2021

Applicant:

Ursula & Parker McComas
34 Brookview Road
Boxford, MA 01921

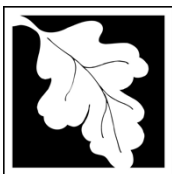
Prepared By:

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-0061





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:

Ursula & Parker McComas
Name

34 Brookview Road
Mailing Address

Boxford
City/Town

617-442-7031
Phone Number

parker_mccomas@yahoo.com
E-Mail Address

MA
State

01921
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
State

01949
Zip Code

978-539-8200
Fax Number (if applicable)

B. Determinations

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

- 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:

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).



WPA Form 1- Request for Determination of Applicability

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

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).

The wetland resource area is isolated and therefore not jurisdictional under the Massachusetts Wetlands Protection Act.

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.)



WPA Form 1 - Request for Determination of Applicability

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

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.

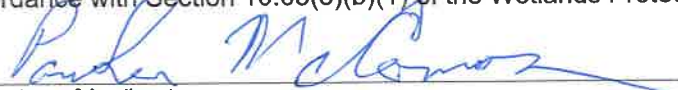
Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Ursula & Parker McComas
 Name
 34 Brookview 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

11/15/21
 Date


 Signature of Representative (if any)

11/15/2021
 Date

34 Brookview Road

Narrative:

The subject parcel is identified as Map 31, Block 1, Parcel 21 and otherwise known as 34 Brookview Road. The lot is developed with a single-family dwelling, that according to the Boxford Assessors Department was built in 1992. The lot is shown as Lot 5 on a plan titled "Plan of Land in Boxford, MA, property of Maureen A. Bernard & Judith A. LaBonte, Trustees of Country Hill Associates Realty Trust, Scale: 1" = 60', February 10, 1988, prepared by Donohoe & Parkhurst, Inc., 152 Main Street – Wenham, MA, recorded with the Essex South District Registry of Deeds as Plan 70 of Plan Book 236.

The applicants are proposing to remove eight (8) trees that are located in close proximity to the existing dwelling, driveway and other structures on the property. The property is surrounded by three (3) jurisdictional wetlands resource areas; an isolated vegetated wetland/certified vernal pool to the west that is greater than 5,000 s.f. in size, a non-certified vernal pool to the south and a certified vernal pool to the east.

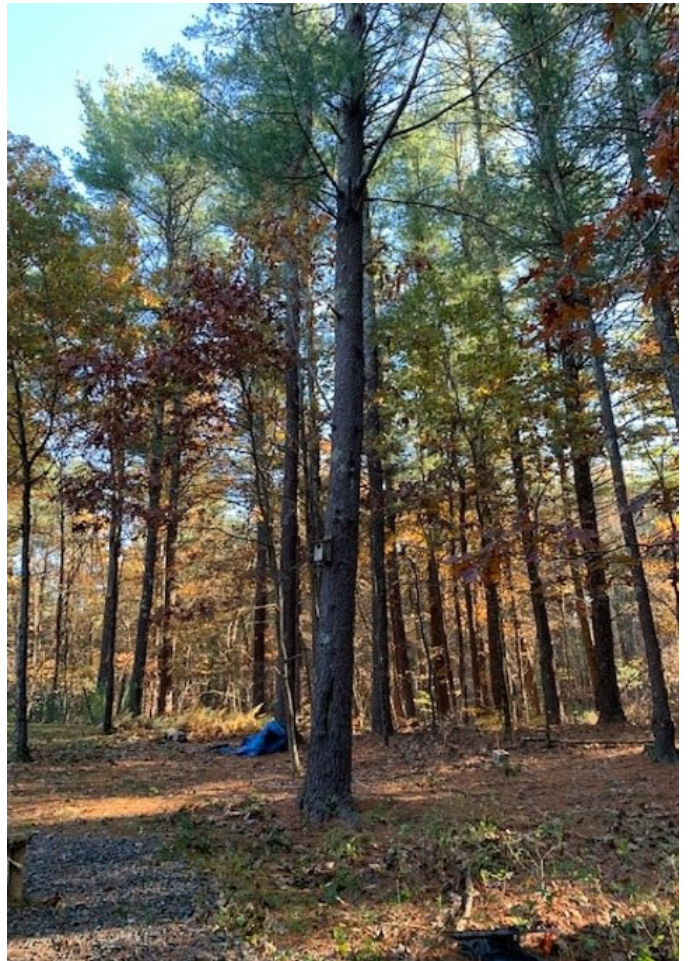
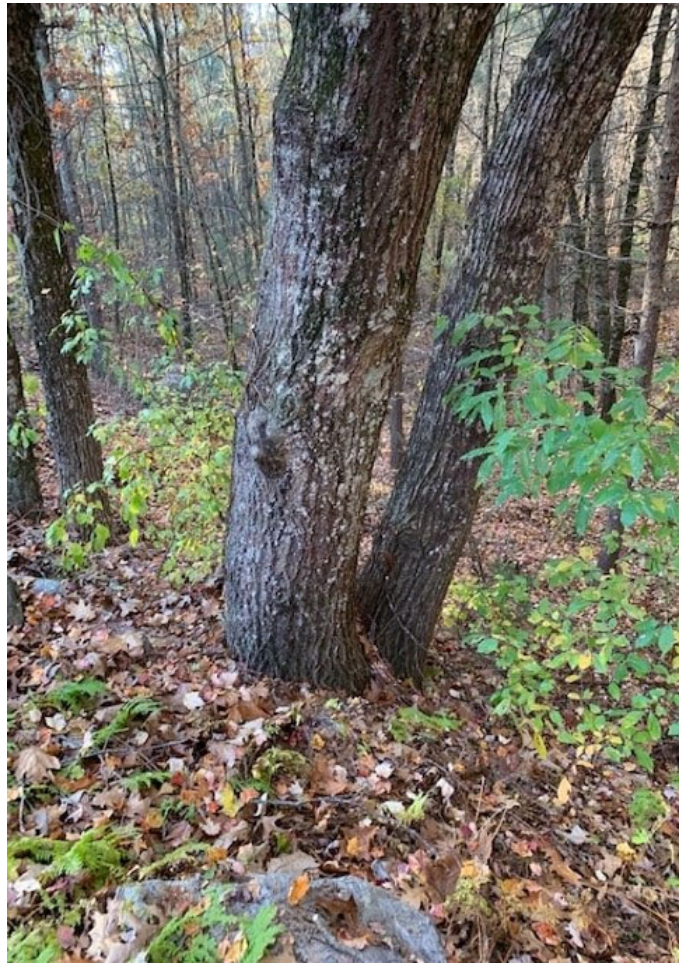
On May 7, 2019 a Notice of Intent application was submitted for the proposed construction of an accessory building.

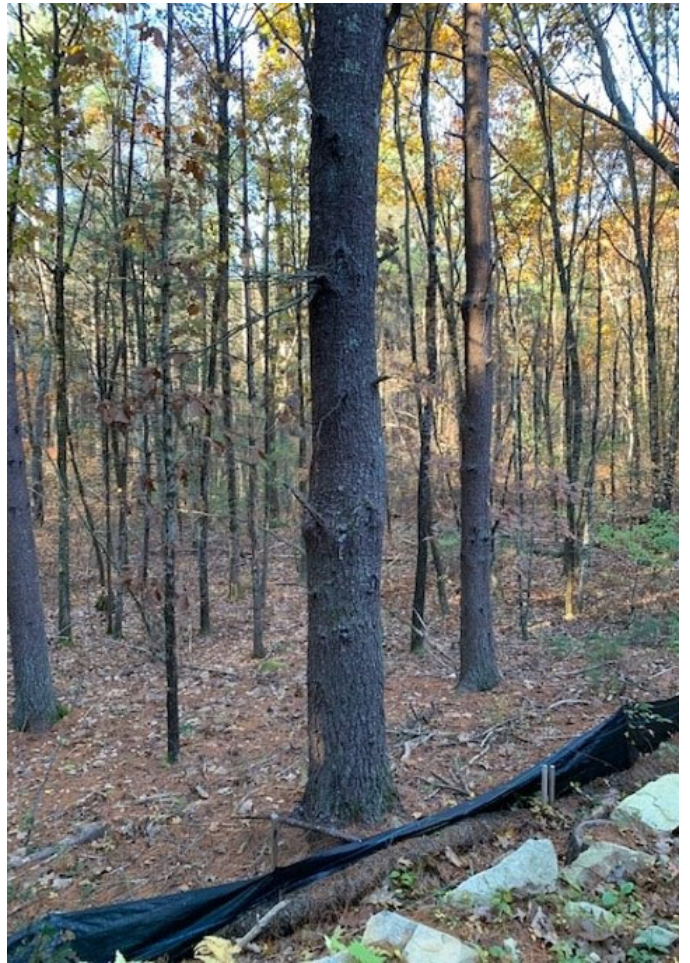
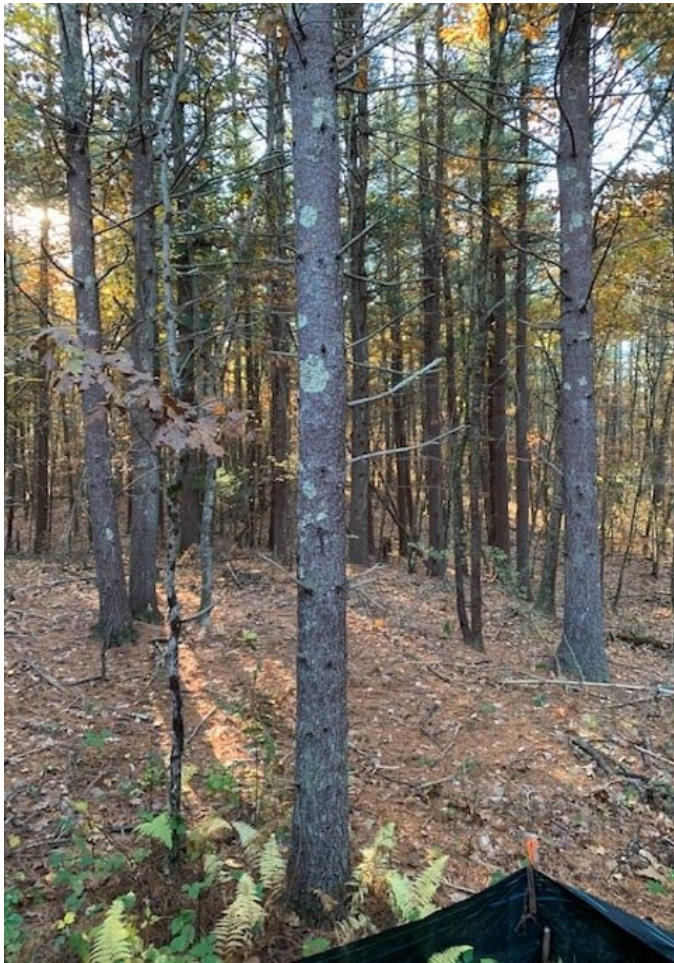
On June 24, 2019 an Order of Conditions, (OOC), was issued approving the project. The WPA OOC was recorded at the Southern Essex Registry of Deeds (ESRD) in Book 39381, Page 369 on January 6, 2021.

On October 1, 2019 a request to amend the OOC was submitted to the Boxford Conservation, and on November 12, 2019 an amended OOC was issued, that was recorded at the ESRD in Book 39381, Page 386 on January 6, 2021.

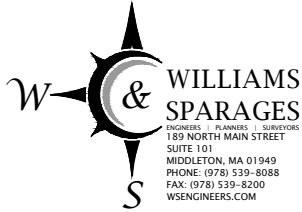
All equipment to remove the trees will be staged in the existing paved driveway and all stumps are proposed to remain in place once the trees are cut and removed.



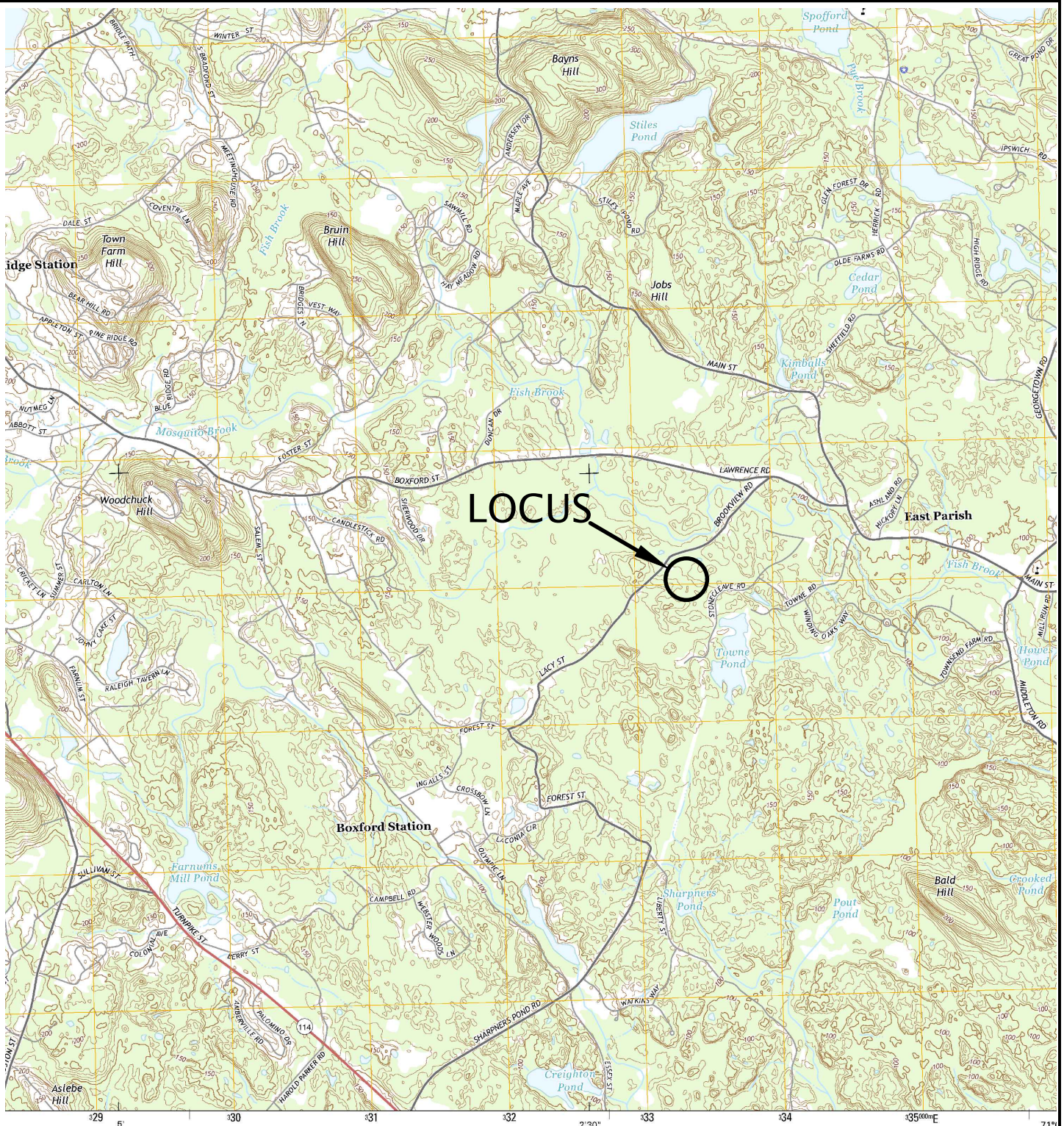




WILLIAMS & SPARGES
CIVIL ENGINEERING &
LAND SURVEYORS



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



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

LOCUS MAP
34 BROOKVIEW ROAD
BOXFORD, MA 01921



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 Request for Determination of Applicability)

I, Gregory J. Hochmuth, hereby certify under the pains and penalties of perjury that on November 17, 2021 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 application was filed under the Massachusetts Wetlands Protection Act and Town of Boxford Wetland Protection Bylaw, by Ursula & Parker McComas with the Boxford Conservation Commission on, November 17, 2021 for property located at 34 Brookview 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.



Name

11/17/2021

Date

31-01-21 - 34 BROOKVIEW RD BOXFORD ABUTTERS LIST
 CONSERVATION COMMISSION 250'

Parcel ID	Location	Owner	Owner 2	Owner Address	Owner City/Town	Owner State	Zip Code
31-01-06	19 STONECLEAVE RD	GEHARDT RICHARD	GEHARDT KATHRYN	19 STONECLEAVE RD	BOXFORD	MA	01921
31-01-07	21 STONECLEAVE RD	BROWN DAVID L TR	BROWN MICHAEL SUE TR	21 STONECLEAVE RD	BOXFORD	MA	01921
31-01-08	33B STONECLEAVE RD	NOVACK LISA A		33B STONECLEAVE RD	BOXFORD	MA	01921
31-01-09	33 STONECLEAVE RD	PENNINGTON JAMES W T	DEBORAH PENNINGTON	33 B STONECLEAVE RD	BOXFORD	MA	01921
31-01-10	43 STONECLEAVE RD	CARLSON PETER H TE	CARLSON WENDY G	43 STONECLEAVE RD	BOXFORD	MA	01921
31-01-11	47 STONECLEAVE RD	KIVELA THOMAS R	KIVELA DENISE	47 STONECLEAVE RD	BOXFORD	MA	01921
31-01-19	42 BROOKVIEW RD	HIXON JEFFREY W	HIXON ERICA E G	42 BROOKVIEW RD	BOXFORD	MA	01921
31-01-20	46 BROOKVIEW RD	KURSHUMI DRITAN	KURSHUMI KRISTINA PETROSINO	46 BROOKVIEW RD	BOXFORD	MA	01921
31-01-21	34 BROOKVIEW RD	MCCOMAS OLIVER PARKER TE	MCCOMAS URSULA	34 BROOKVIEW RD	BOXFORD	MA	01921
31-02-05	44 STONECLEAVE RD	SPENCE THOMAS W	SPENCE ELIZABETH D	44 STONECLEAVE RD	BOXFORD	MA	01921
31-02-05-1	46 STONECLEAVE RD	MESSIH AMIR M	MESSIH NANCY	46 STONECLEAVE RD	BOXFORD	MA	01921
27-02-03	29 BROOKVIEW RD	STRANGMAN GARY	STRANGMAN NICOLE	29 BROOKVIEW RD	BOXFORD	MA	01921
27-02-17-11	78C LAWRENCE RD	DOUGLAS JAMES P TR	DOUGLAS REALTY TRUST	78C LAWRENCE RD	BOXFORD	MA	01921
27-02-17-12	PAR12 BROOKVIEW RD	LAHLUM ROBYE	LYON MELINDA	45 BROOKVIEW RD	BOXFORD	MA	01921
27-02-17-5	78B LAWRENCE RD	NGUYEN THIEN H	DANG LUCY	78B LAWRENCE RD	BOXFORD	MA	01921
27-02-17-9	27 BROOKVIEW RD	POOL ROBERT B TR	POOL ELIZABETH A TR	27 BROOKVIEW RD	BOXFORD	MA	01921
27-02-19	24 BROOKVIEW RD	GIROLAMO ALFRED P	CLAIRE W GIROLAMO	24 BROOKVIEW RD	BOXFORD	MA	01921
27-02-20	32 BROOKVIEW RD	LEIRE THOMAS A TE	LEIRE JENNIFER F	32 BROOKVIEW RD	BOXFORD	MA	01921
27-02-21	28 BROOKVIEW RD	BALEK DOUGLAS J TE	LINDA R BALEK	28 BROOKVIEW RD	BOXFORD	MA	01921
27-02-22	38 BROOKVIEW RD	JONES JAMES A JT	HITCHEN JILL M	38 BROOKVIEW RD	BOXFORD	MA	01921

CERTIFIED COPY
 11/8/2021

Heather Thijault