



October 18, 2018

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

Subject: Amendment Request
42 High Ridge Road
DEP File Number 114-1262

Dear Ross,

As you are aware, our office has been assisting the Oliveira's with the permitting required to construct a new single family dwelling on their property at 42 High Ridge Road. The applicants dwelling suffered significant burn damage in the spring of 2017, and as a result a Notice of Intent application was filed on July 5, 2018 to raze the existing structure and to construct a new single family dwelling within the same footprint as the existing dwelling that was damaged by a fire.

On August 6, 2018 and Order of Conditions, OOC, was issued, DEP File Number 114-1262, approving the project.

It was brought to our attention that the architectural plans submitted to the Building Department showed some deviations from what was presented to the Conservation Commission during the permitting process for DEP File Number 114-1262.

We requested a copy of the architectural plans from the applicants and confirmed that there were in fact deviations, specifically:

- A first floor storage area is shown off the side of the existing garage with a balcony above;
- A roof is proposed over a portion of the existing deck that is proposed to be re-built off the rear of the dwelling;
- A new deck, with roof, is proposed off the rear of the dwelling over an existing flagstone patio;
- A farmer's porch is proposed off the front of the dwelling.

According to the Boxford Wetlands Protection Regulations, structures requiring a building permit are required to be located at least 75 feet from the wetland resource areas on this property. The entire dwelling is within the 100 foot wetland buffer zone and more than half of the dwelling is within the 75 foot no build zone. All of the deviations mentioned above are within the 75 foot no build zone from the adjacent wetland resource areas.

The Boxford Conservation Commission presumes that alterations listed in the minimum setback distance chart and closer than the stated setbacks, will result in alteration of the wetland resource area.

According to Section 375-98.B.(2), the presumption 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, or when a wetlands permit application was filed for said single-family dwelling on or before May 19, 1994, by 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 dwelling was constructed before May 19, 1994 and all of the proposed deviations are accessory to the existing single-family dwelling and are proposed over lawn and/or other significantly altered land.

The 8' x 14' storage area proposed off the side of the existing garage is proposed to be supported with 10-inch concrete round pier BF24 Bigfoot Footings. The area is currently maintained lawn with a planting bed. No trees or shrubs are proposed to be removed as a result of this addition.

The section of the existing deck that is to be re-built is proposed to be covered with a roof in the northeast corner of the dwelling. The intent is to allow people to enjoy the deck during storm events. There is no proposal to expand the existing deck and the roof should not have any impact on the jurisdictional resource areas.

As mentioned above, a new deck, with roof, is proposed over a portion of the existing flagstone patio located at the rear northwest corner of the dwelling. The existing flagstone patio is essentially impervious so the deck and roof should have no impact on the adjacent wetland resource areas.

About half of the proposed farmer's porch on the front of the dwelling is within the no-build zone. It is proposed over existing maintained lawn and landscaped areas. Since the applicants are working with the existing foundation, there is no way to redesign the farmer's porch to comply with the 75 foot no build zone. The farmer's porch is on the outskirts of the no build zone and there is a house in between the farmer's porch and the B-Series BVW and a driveway and large lawn area between the farmer's porch and the A-Series wetland.

After reviewing the deviations it is our opinion that if approved there should be no detrimental impact on the adjacent resource areas or the buffer zones ability to protect the interests in the Wetlands Protection Act and Boxford Wetlands Protection Bylaw.

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

Sincerely,

WILLIAMS & SPARAGES

A handwritten signature in black ink, appearing to read 'G. Hochmuth', written over a horizontal line.

Greg J. Hochmuth, RS, PWS
Project Manager

cc: Lisa Ellis Oliveira & Paul Oliveira
MA DEP NERO

TOWN OF BOXFORD
 ABUTTER LIST
 PARCEL # 24-4-9.41 ~ 42 HIGH RIDGE ROAD ~ CONSERVATION COMMISSION 250' PLUS FOUR MILE POND ABUTTERS

Map/Lot	Location	Owner	Owner 2	Owner Address	Owner City/Town	Owner State	Owner Zip Code
(24-04-09-10)	51 HIGH RIDGE RD	BARNES BRANDON	BARNES DANIELLE	51 HIGH RIDGE RD	BOXFORD	MA	01921
(19-02-15-10)	50 FOUR MILE VILLAGE	BOXFORD FRIENDSHIP	FOUNDATION INC	50 FOUR MILE VILLAGE	BOXFORD	MA	01921
(24-04-09-9)	41 HIGH RIDGE RD	CHASE ALISON M		41 HIGH RIDGE RD	BOXFORD	MA	01921
(19-02-15-3)	12 FIELDSTONE WAY	CROSS FRANCES M		15 FREMONT ST	WINTHROP	MA	01921
(24-04-09-8)	35 HIGH RIDGE RD	FULLER PETER W + SCARFO LYNNE A	DEMIO CAROL A TR	35 HIGH RIDGE RD	BOXFORD	MA	02152
(24-04-09-40)	44 HIGH RIDGE RD	KINNEY KATHRYN S TR	CHARLES R FULLER HIGH RIDGE RD TRUST	44 HIGH RIDGE RD	BOXFORD	MA	01921
(19-02-15-2)	10 FIELDSTONE WAY	MC AVENEY ROBERT E	KINNEY RAYMOND JR TR	10 FIELDSTONE WAY	BOXFORD	MA	01921
(24-04-09-42)	34 HIGH RIDGE RD	MC AVENEY ROBERT E	MC AVENEY LORI A	34 HIGH RIDGE ROAD	BOXFORD	MA	01921
(24-04-09-41)	42 HIGH RIDGE RD	MC EWSEN KENDALL J	MC EWSEN JOYCE L	42 HIGH RIDGE RD	BOXFORD	MA	01921
(24-04-09-39)	48 HIGH RIDGE RD	OLIVEIRA PAUL	ELIIS-OLIVEIRA LISA	48 HIGH RIDGE RD	BOXFORD	MA	01921
		WALTER GLEN V TR	WALTER ELIZABETH G TR				

PARCEL # 19-2 FOUR MILE POND ABUTTERS

(19-02-29)	175 HERRICK RD	ALLISON CHRISTINE A	ALLISON SEWARD	175 HERRICK RD	BOXFORD	MA	01921
(19-02-15-10)	50 FOUR MILE VILLAGE	BOXFORD FRIENDSHIP	FOUNDATION INC	50 FOUR MILE VILLAGE	BOXFORD	MA	01921
(19-02-18-E)	50 FOUR MILE VILLAGE	BOXFORD FRIENDSHIP FOUND		50 FOUR MILE VILLAGE	BOXFORD	MA	01921
(19-02-18)	50 FOUR MILE VILLAGE	BOXFORD FRIENDSHIP FOUND		50 FOUR MILE VILLAGE	BOXFORD	MA	01921
(19-02-13)	HERRICK RD	BTA/BOLT INC		P O BOX 95	BOXFORD	MA	01921
(19-02-15-4)	22 FIELDSTONE WAY	CASEY DEBORAH		22 FIELDSTONE WAY	BOXFORD	MA	01921
(19-02-15-3)	12 FIELDSTONE WAY	CROSS FRANCES M	DEMIO CAROL A TR	15 FREMONT ST	BOXFORD	MA	01921
(19-02-30)	173 HERRICK RD	DEMARCHE THOMAS E	DEMARCHE E CAMERON	173 HERRICK RD	WINTHROP	MA	02152
(24-04-09-43)	28 HIGH RIDGE RD	FLYNN DANIEL J FE	SUSAN I FLYNN	28 HIGH RIDGE RD	BOXFORD	MA	01921
(24-04-22)	119 HERRICK RD	FRANCIS LEE	FRANCIS MEGAN	119 HERRICK RD	BOXFORD	MA	01921

CERTIFIED COPY

[Signature]
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 APRIL 2, 2018

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 18, 2018 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 to amend the Order of Conditions under the Wetlands Protection Act and Boxford Wetlands Protection Bylaw by Paul Oliveira and Lisa Ellis-Oliveira was filed with the Boxford Conservation Commission on October 18, 2018 for property located at 42 High Ridge 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

Gregory J. Hochmuth

Date

10/18/18