

NOTICE OF INTENT

85 Pinehurst Drive
Boxford, Massachusetts

August 19, 2019

Applicant:

Fabio Gomes
85 Pinehurst Drive
Boxford, MA 01921

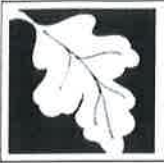
Prepared By:

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-0065





Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

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

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):

85 Pinehurst Drive

a. Street Address

Boxford

b. City/Town

01921

c. Zip Code

Latitude and Longitude:

42.65590 N

d. Latitude

70.98279 W

e. Longitude

Map 33

f. Assessors Map/Plat Number

Block 3, Parcel 13

g. Parcel /Lot Number

2. Applicant:

Fabio

a. First Name

Gomes

b. Last Name

c. Organization

85 Pinehurst Drive

d. Street Address

Boxford

e. City/Town

MA

f. State

01921

g. Zip Code

(781) 502-1852

h. Phone Number

i. Fax Number

fabioelci@hotmail.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

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):

\$220.00

a. Total Fee Paid

\$97.50

b. State Fee Paid

\$122.50

c. City/Town Fee Paid



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

Boxford

City/Town

A. General Information (continued)

6. General Project Description:

Proposed construction of a shed, swimming pool, and restoration work within 100 feet of 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 South

a. County

34797

c. Book

b. Certificate # (if registered land)

86

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.



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 _____

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.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
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 _____	

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
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. 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. _____
----------------------------	-------------------------------------	--

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.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

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

MassDEP File Number _____

Document Transaction Number _____

Boxford _____

City/Town _____

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.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
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 _____
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
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



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

Provided by MassDEP:

WPA Form 3 – Notice of Intent

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

MassDEP File Number _____

Document Transaction Number _____

Boxford _____

City/Town _____

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**

- b. 8/2017
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 <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/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.



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

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

- (c) MESA filing fee (fee information available at http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/ mesa/ mesa_fee_schedule.htm).
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, http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/ mesa/ mesa_exemptions.htm; 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:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: DMF.EnvReview-South@state.ma.us

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: DMF.EnvReview-North@state.ma.us

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.



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

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

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

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
 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

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, PE

b. Prepared By

c. Signed and Stamped by

August 20, 2019

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:

2148

2. Municipal Check Number

8/14/2019

3. Check date

2149

4. State Check Number

8/14/2019

5. Check date

Auto Body Squady Inc.

6. Payor name on check: First Name

7. Payor name on check: Last Name

AUTO BODY SQUADY INC
OPERATING
35 CANAL STREET
MALDEN, MA 02148

2148

53-7054/2113
948

DATE 8/14/19



PAY TO THE ORDER OF Town of Boxford \$ 122⁵⁰
One hundred twenty two and 50/100 DOLLARS

TD Bank
America's Most Convenient Bank[®]



FOR 85 Pinehurst dr.

[Signature]

⑈002148⑈ ⑆211370545⑆ 8257147013⑈

AUTO BODY SQUADY INC
OPERATING
35 CANAL STREET
MALDEN, MA 02148

2149

53-7054/2113
948

DATE 08/14/19



PAY TO THE ORDER OF Commonwealth of Massachusetts \$ 97⁵⁰
ninty seven and 50/100 DOLLARS

TD Bank
America's Most Convenient Bank[®]



FOR 85 Pinehurst dr

[Signature]

⑈002149⑈ ⑆211370545⑆ 8257147013⑈

AUTO BODY SQUADY INC
OPERATING
35 CANAL STREET
MALDEN, MA 02148

2150

53-7054/2113
948

DATE 8/14/19



PAY TO THE ORDER OF Town of Boxford \$ 650⁰⁰
six hundred fifty DOLLARS

TD Bank
America's Most Convenient Bank[®]



FOR 85 Pinehurst dr (Town bylaw fu)

[Signature]

⑈002150⑈ ⑆211370545⑆ 8257147013⑈



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

Boxford

City/Town

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.



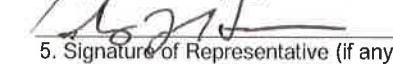
1. Signature of Applicant

08-14-2019

2. Date

3. Signature of Property Owner (if different)

4. Date



5. Signature of Representative (if any)

8-19-2019

6. Date

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.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
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:

85 Pinehurst Drive Boxford
 a. Street Address b. City/Town
 2149 \$97.50
 c. Check number d. Fee amount

2. Applicant Mailing Address:

Fabio Gomes
 a. First Name b. Last Name
 c. Organization
 85 Pinehurst Drive
 d. Mailing Address
Boxford MA 01921
 e. City/Town f. State g. Zip Code
(781) 502-1852 fabioelci@hotmail.com
 h. Phone Number i. Fax Number 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

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

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.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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
Category 1b.	1	\$110.00	\$110.00

Step 5/Total Project Fee: \$220.00

Step 6/Fee Payments:

Total Project Fee: \$220.00
a. Total Fee from Step 5
State share of filing Fee: \$97.50
b. 1/2 Total Fee less \$12.50
City/Town share of filing Fee: \$122.50
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

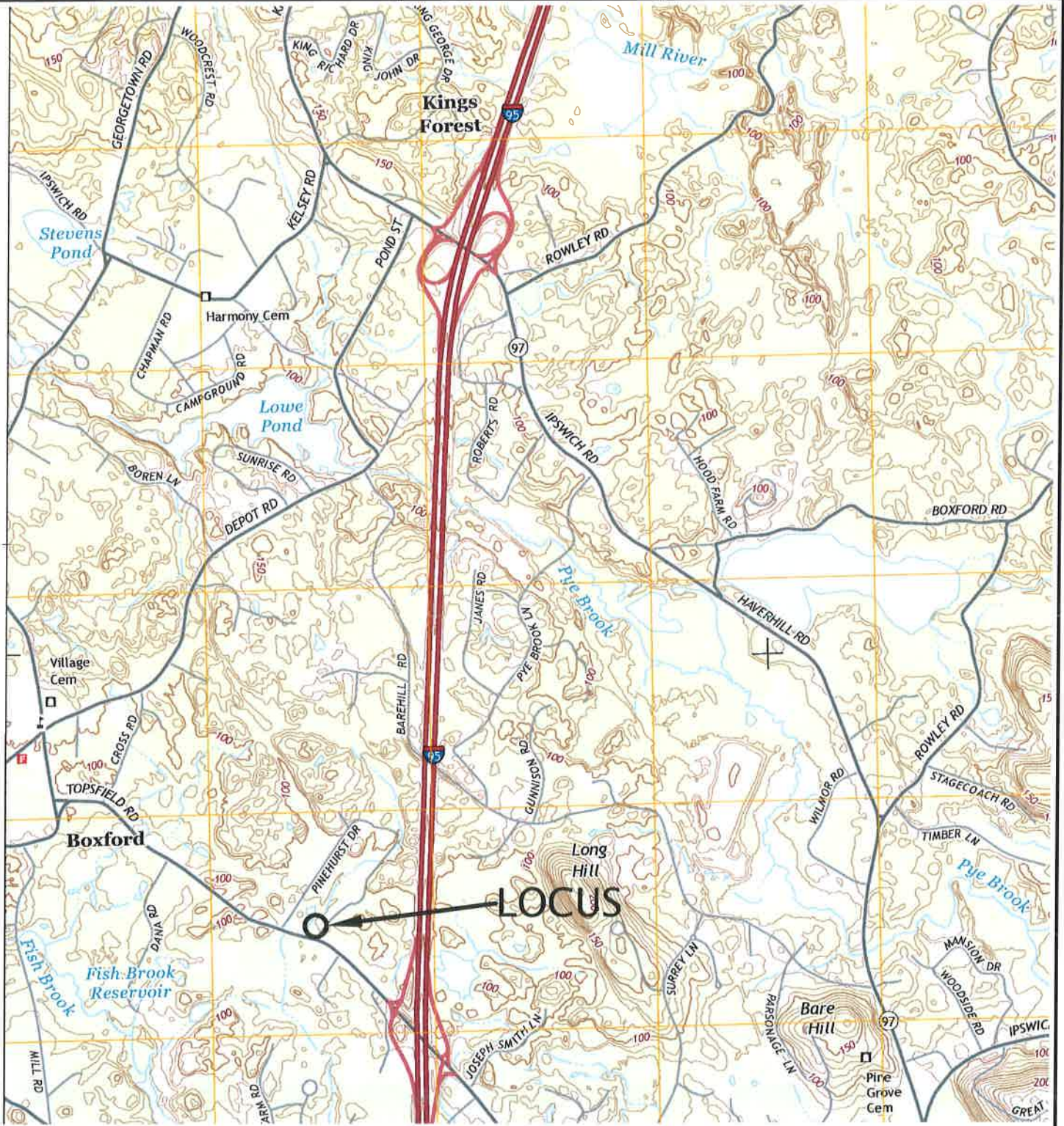
- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and the city/town fee payment.

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

LOCUS MAP
#85 PINEHURST DRIVE
BOXFORD, MA 01921



Introduction:

The subject property is located at 85 Pinehurst Drive in Boxford, MA and is currently developed with a single family dwelling that, according to the Boxford Assessors, was constructed in 1964. The property is bound to the north by 5 and 13 Pinehurst Drive; to the south by the intersection of Pinehurst Drive and Topsfield Road; to the west 5 Pinehurst Drive, and to the east by Pinehurst Drive.

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, filling and removal of vegetation within the 100-foot buffer to Bordering Vegetated Wetland and Intermittent Stream.

The EO required the following:

1. No later than July 11, 2019, submit a mitigation plan prepared by a competent professional for the revegetation of the 25' no-disturb wetland buffer area, including herbaceous, shrub, understory and canopy species, and with permanent markers for the buffer zone boundary. The mitigation plan shall include a two year monitoring plan for planted vegetation and a monitoring plan for erosion control.
2. No later than July 11, have a mitigation site plan prepared by a professional surveyor or engineer meeting the plan requirements set forth at Town Code Ch. 375-5, including wetland boundaries as flagged by a competent wetland scientist and the stamp and signature of a professional surveyor or engineer. The site plan shall show the placement of all proposed plantings and erosion control, and the proposed relocation of existing structures within the 25' no-disturb buffer.
3. The homeowner shall attend the Commission meeting scheduled for July 11, 2019

In addition to the grading, filling and removal of vegetation mentioned in the EO, a small portion of a paved driveway and retaining wall were constructed on the outskirts of the 100-foot buffer zone, a shed was constructed in the footprint of an old shed in the buffer zone and existing paths in the woods were altered from an all-terrain-vehicle (four-wheeler).

As mentioned above, the property is currently developed with a single family dwelling and is located within the Residential-A (RA) zoning district. The dwelling is located on the highest portion of the property. In the rear of the dwelling the grade slopes down to the north towards a Bordering Vegetated Wetland (BVW) that borders on an intermittent stream.

The soils present on site are comprised of Canton fine sandy loam (420A). According to the current NHESP Atlas, there are no Estimated Habitats of Rare Wildlife or Priority Habitats of Rare Species on the subject parcel.

Project Proposal:

According to the property owner, the trails that are within the 100-foot wetland buffer zone and BVW where there when he moved in. He does admit that he maintained them and that by driving the ATV over them that they got larger in certain areas. He now understands that driving the ATV through the BVW and through the 25-foot no disturb zone is no longer permitted. The trails are proposed to be scarified using a steel rake and to be seeded with New England Logging Road Mix or equal at an application rate of 2200 sq ft/lb. Most of the seed bank appears to still be in tact along the trails and since the four wheeler use stopped the trail has filled in with vegetative cover. It is recommended that the seed mix goes down soon to help insure vegetative cover going into the fall growing season. The New England Logging Road Seed Mix provides native plant cover in low fertility and compacted soils and should be perfect for any areas that are void of vegetative cover.

The applicant is also proposing an in-ground swimming pool in the rear yard in an area that is currently maintained as a lawn and landscaped areas. Portion of the pool and patio, 500 s.f. +/-, are proposed within the 75-foot no build zone from the BVW boundary. The location of the wetlands, well and sanitary disposal system limit the practicable options for siting a swimming pool. As mitigation for the proposed encroachment into the No-Build Zone the applicant is proposing a buffer zone enhancement area that amounts to approximately 1,220 s.f. which results in a 2.4:1 mitigation ratio. Conservation posts with placards are proposed along the limits of the enhancement area where there is no fence proposed to serve as a reminder that maintenance is not permitted beyond the posts.

According to the setback table in §375-98B.(5) of the Boxford Wetlands Protection Regulations the setback for a proposed in-ground swimming pool and pool patio is 75 feet from the BVW. Before proposing the barn in its proposed location Williams & Sparages completed a wetland resource area delineation, survey and topographic mapping of the entire parcel so that we were able to show the applicant what he had to work with. We also had our surveyors locate all of the mature trees in the area of interest to be able to site the structure and minimize tree removal. The proposed location is on area of the parcel that is currently maintained lawn and landscaped areas. Approximately 500 square feet of the proposed pool and patio are proposed within the 75-foot no-build zone.

According to §375-98B.(2) of the Boxford Wetlands Protection Regulations 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 (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.

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 1,220 square foot enhancement area is proposed to be planted with 27 native shrub species and is located within. In addition to the shrubs the area is proposed to be scarified with a steel rake and be seeded with New England Conservation/Wildlife Seed Mix, or equal.

Bordering Vegetated Wetlands (BVW):

BVW's are located in the rear of the subject property. The BVW's were delineated by Greg Hochmuth, PWS, CWS, from Williams & Sparages, LLC on July 5, 2019. The A-Series BVW was delineated using blue surveyors tape (A1-A12) and the B-Series BVW was also delineated with blue surveyors tape (B1-B6) (See Wetland Field Data Forms).

The only work proposed within the BVW is to scarify portions of the trail and to seed those portions with New England Wetland Seed Mix, or equal at an application rate of 2500 sq. ft per pound.

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 Notice of Intent plan.

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

Applicant: Fabio Gomes Prepared by: Greg Hochmuth Project location: 85 Pinehurst Drive, 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-13 Up	Transect Number: WFA-13 Upland	Date of Delineation: 6/20/2019
A. Sample Layer & Plant Species (by common/scientific name)	B. Percent Cover (or basal Area)	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
Trees			
Red Oak – <i>Quercus rubra</i>	30%	YES	FACU-
Red Maple - <i>Acer rubrum</i>	50%	YES	FAC*
White Pine – <i>Pinus strobus</i>	20%	YES	FACU
Shrubs			
Pepper-bush - <i>Clethra alnifolia</i>	40%	YES	FAC+*
HighBush Blueberry – <i>Vaccinium corymbosum</i>	30%	YES	FACW-*
Hemlock – <i>Tsuga canadensis</i>	15%	YES	FACU
Ground Cover			
Partridgeberry – <i>Mitchella repens</i>	20%	YES	FACU
Canada Mayflower – <i>Mainathemum canadense</i>	15%	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: 420A – Canton fine sandy loam
 hydric soil inclusions: Yes, 5%

Are field observations consistent with soil survey? Yes
 Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
A	0-10	10YR3/2	-
Bw	10-18	7.5YR5/6	

Remarks:

3. Other:

Conclusion: Is soil hydric? No

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.

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

Applicant: Fabio Gomes Prepared by: Greg Hochmuth Project location: 85 Pinehurst Drive, 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-13 Wet	Transect Number: WFA-13 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
Red Maple - <i>Acer rubrum</i>	50%	50%	YES
White Pine – <i>Pinus strobus</i>	20%	20%	YES
Shrubs			
Pepper-bush - <i>Clethra alnifolia</i>	40%	47%	YES
HighBush Blueberry – <i>Vaccinium corymbosum</i>	30%	35%	YES
Hemlock – <i>Tsuga canadensis</i>	15%	20%	YES
Ground Cover			
Sensitive Fern – <i>Onoclea sensibilis</i>	40%	100%	YES

* 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: 420A – Canton fine sandy loam
 hydric soil inclusions: Yes, 5%

Are field observations consistent with soil survey? Yes
 Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
A	0-8	2.5Y2.5/1	-
Bw	8-18	5Y5/2	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 BWV: _____
- 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
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 BWV

X _

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

NEW ENGLAND WETLAND PLANTS, INC

820 WEST STREET, AMHERST, MA 01002

PHONE: 413-548-8000 FAX 413-549-4000

EMAIL: INFO@NEWP.COM WEB ADDRESS: WWW.NEWP.COM

New England Wetmix (Wetland Seed Mix)

Botanical Name	Common Name	Indicator
<i>Carex vulpinoidea</i>	Fox Sedge	OBL
<i>Carex scoparia</i>	Blunt Broom Sedge	FACW
<i>Carex lurida</i>	Lurid Sedge	OBL
<i>Carex lupulina</i>	Hop Sedge	OBL
<i>Poa palustris</i>	Fowl Bluegrass	FACW
<i>Bidens frondosa</i>	Beggar Ticks	FACW
<i>Scirpus atrovirens</i>	Green Bulrush	OBL
<i>Asclepias incarnata</i>	Swamp Milkweed	OBL
<i>Carex crinita</i>	Fringed Sedge	OBL
<i>Vernonia noveboracensis</i>	New York Ironweed	FACW+
<i>Juncus effusus</i>	Soft Rush	FACW+
<i>Aster lateriflorus (Symphyotrichum lateriflorum)</i>	Starved/Calico Aster	FACW
<i>Iris versicolor</i>	Blue Flag	OBL
<i>Glyceria grandis</i>	American Mannagrass	OBL
<i>Mimulus ringens</i>	Square Stemmed Monkey Flower	OBL
<i>Eupatorium maculatum (Eutrochium maculatum)</i>	Spotted Joe Pye Weed	OBL

PRICE PER LB. \$135.00 MIN. QUANTITY 1 LBS. TOTAL: \$135.00 APPLY: 18 LBS/ACRE :2500 sq ft/lb

The New England Wetmix (Wetland Seed Mix) contains a wide variety of native seeds that are suitable for most wetland restoration sites that are not permanently flooded. All species are best suited to moist ground as found in most wet meadows, scrub shrub, or forested wetland restoration areas. The mix is well suited for detention basin borders and the bottom of detention basins not generally under standing water. The seeds will not germinate under inundated conditions. If planted during the fall months the seed mix will germinate the following spring. During the first season of growth several species will produce seeds while other species will produce seeds after the second growing season. Not all species will grow in all wetland situations. This mix is comprised of the wetland species most likely to grow in created/restored wetlands and should produce more than 75% ground cover in two full growing seasons.

The wetland seeds in this mix can be sown by hand, with a hand-held spreader, or hydro-seeded on large or hard to reach sites. Lightly rake to insure good seed-to-soil contact. Seeding can take place on frozen soil, as the freezing and thawing weather of late fall and late winter will work the seed into the soil. If spring conditions are drier than usual watering may be required. If sowing during the summer months supplemental watering will likely be required until germination. A light mulch of clean, weed free straw is recommended.

New England Wetland Plants, Inc. may modify seed mixes at any time depending upon seed availability. The design criteria and ecological function of the mix will remain unchanged. Price is \$/bulk pound, FOB warehouse, Plus SH and applicable taxes.

NEW ENGLAND WETLAND PLANTS, INC

820 WEST STREET, AMHERST, MA 01002

PHONE: 413-548-8000 FAX 413-549-4000

EMAIL: INFO@NEWP.COM WEB ADDRESS: WWW.NEWP.COM

New England Logging Road Mix

Botanical Name	Common Name	Indicator
<i>Festuca rubra</i>	Red Fescue	FACU
<i>Schizachyrium scoparium</i>	Little Bluestem	FACU
<i>Panicum virgatum</i>	Switch Grass	FAC
<i>Elymus virginicus</i>	Virginia Wild Rye	FACW-
<i>Andropogon gerardii</i>	Big Bluestem	FAC
<i>Sorghastrum nutans</i>	Indian Grass	UPL
<i>Chamaecrista fasciculata</i>	Partridge Pea	FACU
<i>Agrostis perennans</i>	Upland Bentgrass	FACU
<i>Juncus tenuis</i>	Path Rush	FAC
<i>Juncus effusus</i>	Soft Rush	FACW+

PRICE PER LB. \$26.00 MIN. QUANTITY 3 LBS. TOTAL: \$78.00 APPLY: 20 LBS/ACRE :2200 sq ft/lb

The New England Logging Road Seed Mix was originally designed for restoring Maine logging roads, but has application on other types of restoration sites. Provides native plant cover in low fertility and compacted soils. Always apply on clean bare soil. The mix may be applied by hydro-seeding, by mechanical spreader, or on small sites it can be spread by hand. Lightly rake, or roll to ensure proper seed to soil contact. Best results are obtained with a Spring or late Summer seeding. Late Spring and early Summer seeding will benefit from a light mulching of weed-free straw to conserve moisture. If conditions are drier than usual, watering may be required. Late Fall and Winter dormant seeding require an increase in the seeding rate. Fertilization is not required unless the soils are particularly infertile. Preparation of a clean weed free soil surface is necessary for optimal results.

New England Wetland Plants, Inc. may modify seed mixes at any time depending upon seed availability. The design criteria and ecological function of the mix will remain unchanged. Price is \$/bulk pound, FOB warehouse, Plus SH and applicable taxes.

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 August 22, 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 Notice of Intent filed under Massachusetts Wetlands Protection Act and Boxford Wetlands Protection Bylaw by Fabio Gomes with the Boxford Conservation Commission on August 22, 2019 for property located at 85 Pinehurst Drive.

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

8-19-2019
Date

**TOWN OF BOXFORD
 ABUTTER LIST
 PARCEL # 33-03-13 - 85 PINEHURST DRIVE - CONSERVATION COMMISSION 250'**

PARCEL ID	PARCEL ADDRESS	OWNER 1	OWNER 2	MAILING ADDRESS	CITY/TOWN	STATE	ZIP CODE
33-02-14	87B TOPSFIELD RD	MCCORMICK KEITH W	MCCORMICK LESLEY A	87B TOPSFIELD RD	BOXFORD	MA	01921
33-02-15-3	3 LIVERMORE RD	LAURO CHERYL A	POTTIO MARIO	3 LIVERMORE RD	BOXFORD	MA	01921
33-02-32	81 TOPSFIELD RD	ZERNICH KURT M	ZERNICH DEBRA E	81 TOPSFIELD RD	BOXFORD	MA	01921
33-02-33	87A TOPSFIELD RD	DRAPER TIMOTHY S JR	DRAPER KAREN M	87A TOPSFIELD RD	BOXFORD	MA	01921
33-02-34	79 TOPSFIELD RD	HENDRICKSON RAY E	HENDRICKSON KARYN L	79 TOPSFIELD RD	BOXFORD	MA	01921
33-03-01	5 PINEHURST DR	CAMPBELL RICHARD A J	JOAN M CAMPBELL	5 PINEHURST DR	BOXFORD	MA	01921
33-03-02	13 PINEHURST DR	OTTAVIANO LOUIS V	VILMA D OTTAVIANO	13 PINEHURST DR	BOXFORD	MA	01921
33-03-03	17 PINEHURST DR	VOTZE JANET C		17 PINEHURST DR	BOXFORD	MA	01921
33-03-12	75 PINEHURST DR	BENDER NANCY Z		75 PINEHURST DR	BOXFORD	MA	01921
33-03-13	85 PINEHURST DR	GOMES FABIO		85 PINEHURST DR	BOXFORD	MA	01921
33-04-02	80 PINEHURST DR	TSOUKALAS SCOTT	TSOUKALAS RENE	80 PINEHURST DR	BOXFORD	MA	01921
33-04-03	74 PINEHURST DR	FOSHAGE AUDREY J TR	FOSHAGE REALTY TRUST	74 PINEHURST DR	BOXFORD	MA	01921

CERTIFIED COPY

Jung-Sik Kim

JULY 14, 2019