

NOTICE OF INTENT

89 Willow Road
Boxford, Massachusetts

November 16, 2021

Owner/Applicant:

Kelly Kazmierczak
89 Willow Road
Boxford, MA 01921

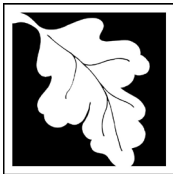
Prepared By:

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-0105





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):

<u>89 Willow Road</u>	<u>Boxford</u>	<u>01921</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>Map 11</u>	<u>42.71118 N</u>	<u>71.037706 W</u>
f. Assessors Map/Plat Number	d. Latitude	e. Longitude
	<u>Block 1, Parcel 8</u>	
	g. Parcel /Lot Number	

2. Applicant:

<u>Kelly</u>	<u>Kazmierczak</u>	
a. First Name	b. Last Name	
c. Organization		
<u>89 Willow Road</u>		
d. Street Address		
<u>Boxford</u>	<u>MA</u>	<u>01921</u>
e. City/Town	f. State	g. Zip Code
<u>845-649-6527</u>	<u>kellykaz225@gmail.com</u>	
h. Phone Number	i. Fax Number	j. Email Address

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

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

4. Representative (if any):

<u>Gregory J.</u>	<u>Hochmuth</u>	
a. First Name	b. Last Name	
<u>Williams & Sparages LLC</u>		
c. Company		
<u>189 North Main Street, Suite 101</u>		
d. Street Address		
<u>Middleton</u>	<u>MA</u>	<u>01949</u>
e. City/Town	f. State	g. Zip Code
<u>978-539-8088</u>	<u>978-539-8200</u>	<u>ghochmuth@wsengineers.com</u>
h. Phone Number	i. Fax Number	j. Email address

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

<u>\$220.00</u>	<u>\$97.50</u>	<u>\$122.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

To construct and addition and to pave a driveway within the 100' 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.

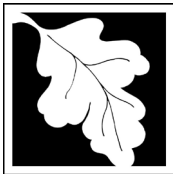
8. Property recorded at the Registry of Deeds for:

<u>Essex South</u>	<u>94814</u>
a. County	b. Certificate # (if registered land)
<u></u>	<u></u>
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.

<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



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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

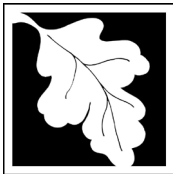
2. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

(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 <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.



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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.



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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

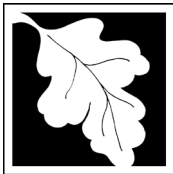
- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

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.

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



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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.

Permit Site Plan (To Accompany a Notice of Intent)

a. Plan Title

Scanlan Engineering LLC

James B. Scanlan, P.E.

b. Prepared By

c. Signed and Stamped by

November 2, 2021

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:

161

2. Municipal Check Number

11/15/2021

3. Check date

163

4. State Check Number

11/15/2021

5. Check date

Kelly

6. Payor name on check: First Name

Kazmierczak

7. Payor name on check: Last Name

KELLY SCHENK
35 WEDGEWOOD STREET
EVERETT, MA 02149

162
50-693/219
301

11/15/21
Date

Pay to the Order of Town of Boxford \$ 550 ⁰⁰/₁₀₀
- Five Hundred and Fifty dollars ⁵⁰/₁₀₀ Dollars



For Notice of Intent Bylaw filing fee Kelly Kayam NP

⑆021906934⑆ 323010072011⑈ 0162

Harland Clarke

KELLY SCHENK
35 WEDGEWOOD STREET
EVERETT, MA 02149

163
50-693/219
301

11/15/21
Date

Pay to the Order of Commonwealth of Massachusetts \$ 97 ⁵⁰/₁₀₀
- Ninety-Seven Dollars ⁵⁰/₁₀₀ Dollars



For Notice of Intent - State filing fee Kelly Kayam NP

⑆021906934⑆ 323010072011⑈ 0163

Harland Clarke

KELLY SCHENK
35 WEDGEWOOD STREET
EVERETT, MA 02149

161
50-693/219
301

11/15/21
Date

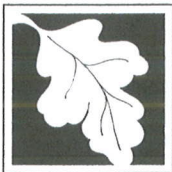
Pay to the Order of Town of Boxford \$ 122 ⁵⁰/₁₀₀
- One hundred and twenty-two dollars and ⁵⁰/₁₀₀ Dollars



For Notice of Intent ^{Boxford State} filing fee Kelly Kayam NP

⑆021906934⑆ 323010072011⑈ 0161

Harland Clarke



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

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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.

Kelly Kayman
1. Signature of Applicant

11/15/21
2. Date

3. Signature of Property Owner (if different)

4. Date

[Signature]
5. Signature of Representative (if any)

11/16/21
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.



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 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:

89 Willow Road Boxford
 a. Street Address b. City/Town
 163 \$97.50
 c. Check number d. Fee amount

2. Applicant Mailing Address:

Kelly Kazmierczak
 a. First Name b. Last Name

 c. Organization
 89 Willow Road
 d. Mailing Address
 Boxford MA 01921
 e. City/Town f. State g. Zip Code
 845-649-6527 kellykaz225@gmail.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

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.

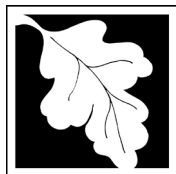
Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

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
1 a.	1	\$110.00	\$110.00
1 b.	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

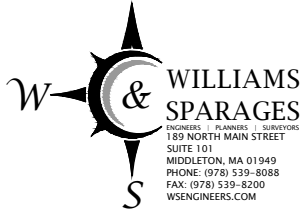
- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

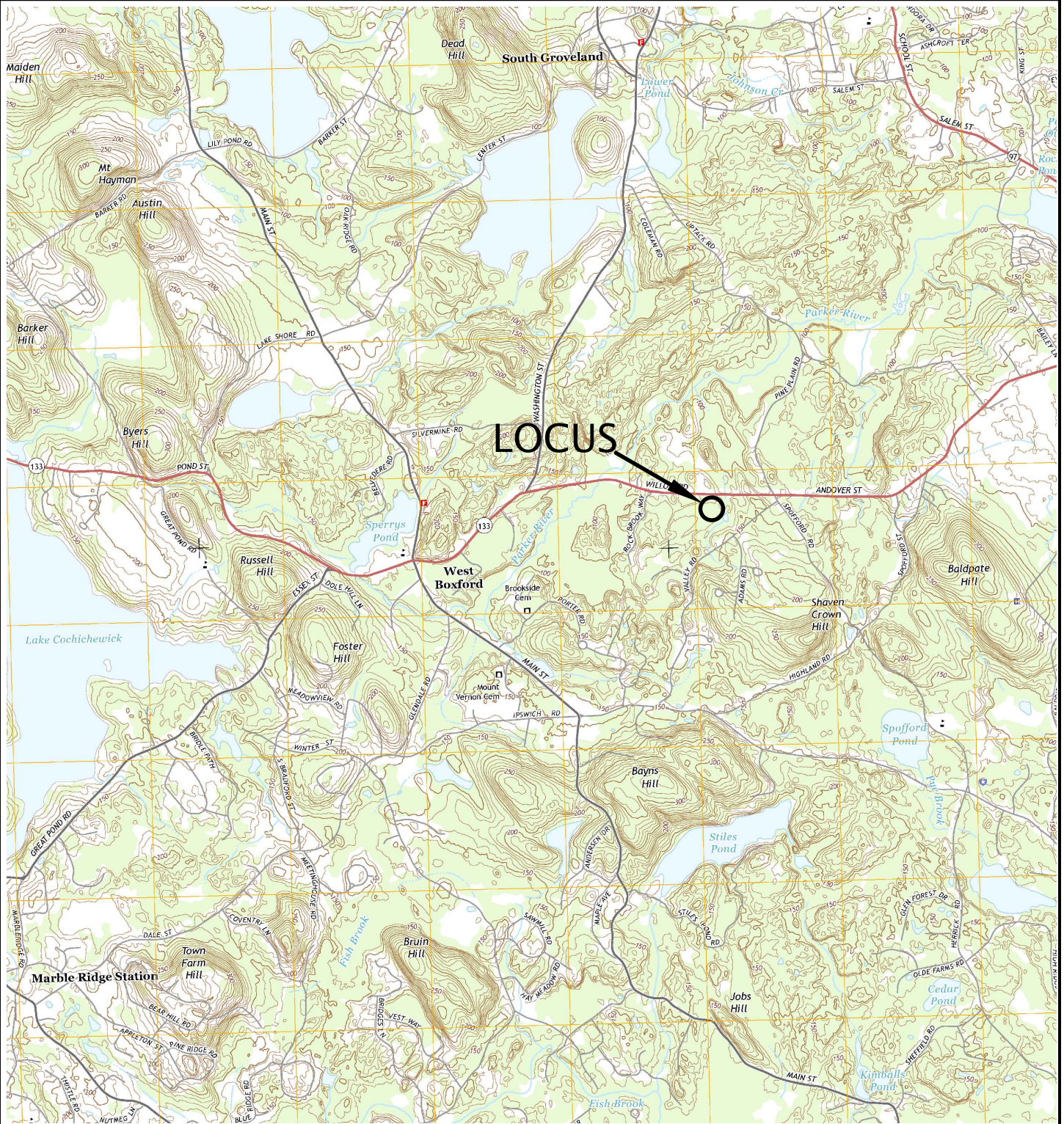
- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

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
SOUTH GROVELAND, MASS QUAD
SCALE: 1:24,000 (metric contours)

LOCUS MAP
89 WILLOW ROAD
BOXFORD, MA 01921



Introduction:

The subject property, 89 Willow Road, is developed with a single family dwelling that according to the Boxford Assessors database was constructed in 1961. The property is approximately 95,471 s.f. in size, with an extensive Bordering Vegetated Wetland (BVW) system in the north east portion of the lot that border on an intermittent stream, which flows out of a pond that is located to the south of the subject property, on 98 Valley Road.

The wetland resource areas were delineated by Julie Vondrak on September 22, 2021 & in early November, 2021. A copy of her Wetland Delineation Report is attached.

The soils present on site are comprised of Hinckley loamy sand (253C) & Sudbury fine sandy loam (260B). 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:

The proposed activities include a garage addition on the east side of the existing garage, a small expansion of the existing driveway, and to repave the existing paved driveway. A small portion of the addition falls within the 75 foot no build zone and the closest point of the proposed garage addition is 63 feet to the BVW.

There are no practicable alternatives that would place the proposed garage addition outside of the 75 foot no build zone.

According to the setback table in §375-98B. (5) of the Boxford Wetlands Protection Regulations the setback for structures requiring a building permit is 75 feet from the BVW. The proposed location is in an area of the parcel that is currently maintained lawn and landscaped areas.

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 proposed encroachment into the no-build zone the applicant would like to convert a portion of maintained lawn into a buffer zone enhancement area at a 2:1 ratio for the square footage of the structure proposed within the 75 foot no build zone. The applicants are hoping to discuss the location of the enhancement area with the Commission during a site visit to ensure it ends up in an area that makes sense. Once a location is selected it will be added to the permit site plan along with a detailed species list.

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.



Julie Vondrak
Wetland Permitting Consultant
56 Corinthian Drive
Salem, NH 03079

November 15, 2021

Boxford Conservation Commission
7A Spofford Road
Boxford, MA 01921

Re: Wetland Delineation, 89 Willow Road, Boxford, MA

Dear Conservation Commission Members:

Julie Vondrak, inspected the above referenced site (“Project Site”) on September 22, 2021 and again in early November, 2021 to determine if wetland resource areas subject to jurisdiction under the Massachusetts Wetland Protection Act (“WPA”) (Chapter 131, section 40, 310 CMR 10.00), the Boxford Wetlands Protection Bylaw, Town Code 192, and Regulations Chapter 375, existed on or adjacent to the Project Site. The initial inspection was conducted to facilitate construction and permitting of a subsurface sewage disposal system upgrade, which in my understanding will be located greater than 100-feet from wetland resource areas. My second inspection was conducted to further evaluate a particular flagged section of BVW that could impact permitting of an addition to be proposed to the existing dwelling.

Wetland resource areas identified, included Bordering Vegetated Wetland (“BVW”) (310 CMR 10.53), Bank (310 CMR 10.54) and Isolated Vegetated Wetland which were delineated in accordance with the U.S. Army Corps of Engineers “Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region” (2012), the Massachusetts Wetlands Protection Act regulations (310 CMR 10.00), the Massachusetts Department of Environmental Protection (“MassDEP”) wetland delineation guidance document entitled “Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act (March 1995), and the Boxford Wetlands Protections Bylaw and Regulations (the “Bylaw”).

Project Site

The Project Site is an approximate 2-acre residential lot with an approximate 1,597 s.f. single family dwelling built in 1961. The existing dwelling sits higher on the property which slopes down to an expansive mowed field to the east. An intermittent stream and Bordering Vegetated Wetland Resource Areas (“BVW”) exist along the eastern section of the property and flows northerly to a resource area across Willow Road. The existing subsurface sewage disposal system on site

has failed Title V inspection and construction of a new system is required. It is my understanding the new subsurface sewage disposal system is being proposed outside of the 100-foot Buffer Zone and the owner is proposing to construct an addition to the existing dwelling.

Wetland Resource Areas

Bordering Vegetated Wetland ("BVW")

BVW is defined at 310 CMR 10.55. BVW's are freshwater wetlands that border on creeks, rivers, streams, ponds and lakes. The types of freshwater wetlands are wet meadows, marshes, swamps and bogs. BVW's are the areas where the soils are saturated and/or inundated such that they support a predominance of wetland indicator plants. The ground and surface regime and the plant community that occur in each type of freshwater wetland are specified in the Act. The boundary of BVW is the line within which 50 percent or more of the plant community consists of wetland indicator plants and saturated and inundation conditions exist.

BVW was identified on the Project Site and is marked by Flags A1 through A18 which primarily delineate the border of the stream located along the eastern property boundary (see photos 1 through 4 and 7 & 8 attached). Dominant vegetation within the A series includes red maple (*Acer rubrum*), glossy buckthorn (*Rhamnus frangula*) and dogwoods (*Cornus spp.*) and includes a woody overstory and understory. A small section of the delineation includes a maintained, mowed field (see discussions below). Several of the A series flags are more representative of a Bank delineation (see section below for details), however, a majority of the flags delineate a fringe of BVW associated with the stream. The stream is narrow and has well defined banks and a rocky substrate. The stream was observed flowing during my two inspections conducted at the site.

The original BVW delineation associated with Flags A3 through A6 was further re-evaluated in early November to accommodate permitting associated with an addition to the existing dwelling. Modifications to flags A3 through A6 were made in the field after a careful soil investigation within a section of the maintained, mowed field (see attached photos). See Soils discussion below for a description of the soil profiles and changes made to the original delineation.

Bank

Bank is defined at 310 CMR 10.54. A bank is the portion of the land surface which normally abuts and confines a water body. It occurs between a water body and BVW and adjacent floodplain, or in the absence of these, it occurs between a water body and an upland. A Bank may be partially or totally vegetated, or it may be comprised of exposed soil, gravel or stone. The upper boundary of Bank is the first observable

break in slope or the mean annual high flood level, whichever is lower. The lower boundary of Bank is the annual low flow level.

According to the applicable USGS map, the identified stream on the Project Site is mapped as an intermittent stream. The stream flows out of a pond located off property in the southeastern corner of the site. Water from the pond flows through a culvert located under a small woods road. As discussed above, the stream is a narrow channel with well-defined banks and was observed flowing during my inspections. Several of the A series flags are coincident with the top of bank as identified with the first observable break in slope.

Flags B1 through B3 were hung along the top of bank associated with the pond which is located off property and greater than 100-feet from proposed Project activities (see photo 9 attached).

Isolated Vegetated Wetland/Freshwater Wetland

A small potential isolated vegetated wetland (“IVW”) was identified off the southern property boundary. The area is identified by flagging series C1 through C5 and exists along the vegetated tree line at the edge of the mowed field. The area appeared to possibly hold a small amount of standing water as evident by water staining. Dominant vegetation identified within the flagged series included red maple (*Acer rubrum*), silky dogwood (*Cornus amomum*), glossy buckthorn (*Rhamnus frangula*), and sensitive fern (*Onoclea sensibilis*). No standing water was observed within the series at the time of delineation. The potential isolated area was relatively flat and does not appear to hold a substantial amount of water. The area did not appear to be hydrologically connected to the nearby pond or intermittent stream.

Given the IVW does not border on a lake, pond, stream or river, it would not qualify as a Bordering Vegetated Wetland (“BVW”) (310 CMR 10.53) under the WPA. The IVW could be subject to jurisdiction under the local wetland Bylaw or it could be subject to jurisdiction under the WPA if it meets the definition of Isolated Land Subject to Flooding (“ILSF”) (310 CMR 10.57 (2)(b) (1.)). Engineering calculations are necessary to confirm if the area would qualify as ILSF. Upon direct observation of the area, it appears unlikely that during high groundwater conditions or significant rain events, that the area would hold the requisite volume of water due to its relatively flat topography.

Soils Data/Changes to Flags A3 through A6

As discussed above, the site was re-evaluated in early November to carefully review a section of the delineation that extended into the mowed field between wetland Flags A3 through A6 located in the northern section of the site. Upland and wetland soils plots were documented in the field and revisions to several of the flags were made in the field based upon the upland and hydric soil data plots.

Flag A3A was added upgradient flag A3 (A3A now connects to new A4), A4 was moved 20.5 feet upgradient, A5 was moved 11.5 feet upgradient and flag A6 was moved 12-feet upgradient.

It was difficult to identify all of the vegetation within the mowed field, however the new delineation line is more representative of the slight change in topography, the saturated soil conditions and evidence of possible mowed sedge grass species.

Several soil plots were conducted between flags A3 and A6 to better identify the boundaries of the mowed wetland resource area. Soil data is documented below and please refer to the attached pictures depicting documented soils conditions and changes in the delineation.

Upland Soil Plot: Located upgradient Flags A4 through A6

Depth (inches)	Matrix	Redox Features	Texture	Remarks
0-12"	10yr 2/2	Mixed with 10yr 4/6 (10%)	loamy	No predominant low chroma mottles
12-18"	10yr 3/3	7.5yr 4/6 10yr 2/2	Loamy sand	No standing water within profile
18+	refusal			

Discussion: The upland soil plot was used as a guide for the delineation edge. Soils were typical of a 3 chroma, however, no significant low chroma mottling was observed within the A profile. The wetland edge just downgradient the soil plot was saturated to the touch.

Wetland Soil Plot: Upgradient approximately 18 feet from old A5 flag

Depth (inches)	Matrix	Redox Features	Texture	Remarks
0-8"	10yr 2/2	10yr 4/2 mottles (5%) 2.5yr 4/4 (5%)	loamy	Soil saturated to touch
9-18"	10yr between 5/2 and 5/3	10yr 4/4 & 4/2 mix	Loamy sand	No standing water
18+ refusal				

Discussion: Based on soils, this plot appears to border on the hydric/upland boundary and the new relocated A5 flag was relocated to the area of the

documented soil pit. The ground was saturated to the step and the new flag location followed a very gentle change in the topography.

Wetland Soil Plot: Location of newly added A3A flag located upgradient A3

A new wetland flag A3A was added upgradient A3 to further extend a small swale that extends further up the slope. The new flag was added in an area that was wet to the step and now connects to the new A4 flag. Soils in this area displayed that the top layer may have been filled by grading activities or farming activities (see attached photo 6). Soil data is documented below:

Wetland Soil Plot: New flag upgradient A3

Depth (inches)	Matrix	Redox Features	Texture	Remarks
0-6"	10yr 2/2	10yr 4/2 mottles (<5%)	loamy	Soil saturated to step
8-10"	10yr 4/2	10yr 4/4 & 4/2 mix	Loamy sand	
11-14"	10yr 2/2	Mixed with 10yr 4/2	Sandy loam	Possible Buried A
15"+	10yr 4/2	10yr 2/2 10yr 4/4	Loamy sand	No standing water observed

Discussion: Based upon the soil investigation and on-site conditions, A3A was added in the field to include a finger-like projection of the wetland line upslope.

NHESP

According to the Natural Heritage Atlas (Mass GIS data layer), the Project Site does not appear to be mapped within priority habitat of rare species or estimated habitat of rare wetlands wildlife or certified vernal pools.

100-year Floodplain Elevation

According to the applicable FEMA Flood Insurance Rate Map ("FIRM"), Community Panel #25009C0233F, dated July 3, 2012, an area of Zone X- "Area of Minimal Flood Hazard" is associated with Project Site (See Attached Figure). Therefore, any proposed activities will not impact areas within the 100-year flood plain or within Bordering Land Subject to Flooding ("BLSF").

Please feel free to contact me at jvondrak@yahoo.com or at (603) 475-5826 if you have any questions regarding this delineation report. Thank you.

Sincerely,

Julie Vondrak

A handwritten signature in black ink that reads "Julie Vondrak". The signature is written in a cursive style with a large, prominent initial 'J'.

cc: Jim Scanlan



Photo 1: Boundary of old BVW line that encroaches into mowed field (9.22.21).



Photo 2: New relocated A4 flag upgradient 20.5 feet (11.11.21).



**Photo 3: New A5 relocated 18' upgradient
(11.11.21).**



**Photo 4: Original A3 and new 3A flag
(11.11.21).**



Photo 5: Soil plot at new A-5 (11.11.21).

Photo 6: Buried A layer at new A3A
(11.11.21).





Photo 7 & 8 : Flagged sections of the stream channel flowing northerly through the property (9.22.21).





Photo 9 : Pond located off property to the south (9.22.21).

Photo 10: View of open mowed field facing south (11.11.21).



National Flood Hazard Layer FIRMette

71°02'32"W 42°42'54"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE)
Zone A, V, A99
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*

Future Conditions 1% Annual Chance Flood Hazard *Zone X*

Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*

Area with Flood Risk due to Levee *Zone D*

NO SCREEN *Zone X*

Area of Minimal Flood Hazard *Zone X*

Effective LOMR

Area of Undetermined Flood Hazard *Zone D*

Channel, Culvert, or Storm Sewer

Levee, Dike, or Floodwall

Cross Sections with 1% Annual Chance Water Surface Elevation

Coastal Transect

Base Flood Elevation Line (BFE)

Limit of Study

Jurisdiction Boundary

Coastal Transect Baseline

Profile Baseline

Hydrographic Feature

Digital Data Available

No Digital Data Available

Unmapped

MAP PANELS

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 11/9/2021 at 5:47 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



71°15'5"W 42°42'27"N

Feet 1:6,000

Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

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 November 16, 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 Notice of Intent was filed under Massachusetts Wetlands Protection Act by
Kelly Kazmierczak with the Town of Boxford Conservation Commission on
November 16, 2021 for property located at 89 Willow Road (Map 11, Block 1,
Parcel 8).

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

11/16/2021

Date



11-01-08 - 89 WILLOW RD, BOXFORD ABUTTERS LIST
 CONSERVATION COMMISSION 250'

Parcel ID	Location	Owner	Owner 2	Owner Address	Owner City/Town	Owner State	Zip Code
06-02-02-2	WASHINGTON & WILLOW	PRICE FAMILY LLC		54 WALTHAM AVE	SPRINGFIELD	MA	01109-3335
11-01-09	97 WILLOW RD	AGREN MICHAEL	KOKORDA GREGORY	97 WILLOW RD	BOXFORD	MA	01921
11-01-08	89 WILLOW RD	KAZMIERCZAK KELLY A	KAZMIERCZAK MICHAEL J	35 WEDGEWOOD ST	EVERETT	MA	02149
11-01-07	87 WILLOW RD	ROSE MICHELLE C		87 WILLOW RD	BOXFORD	MA	01921
11-01-06	81 WILLOW RD	LINNEHAN JOSEPH R JR		81 WILLOW RD	BOXFORD	MA	01921
11-01-11-3	110 VALLEY RD	THE MAY INSTITUTE INC	C/O LAURENT, ALLEN	14 PABELLA PARK DRIVE	RANDOLPH	MA	02368
11-01-11-2	106 VALLEY RD	CARUSO NICHOLAS E	WARD CAITLYN	106 VALLEY RD	BOXFORD	MA	01921
11-01-11-1	100 VALLEY RD	SMITH SHAUN V TR	SMITH LISA J TR SMITH REALTY TRUST	100 VALLEY RD	BOXFORD	MA	01921
11-01-11	98 VALLEY RD	CONTARINO ALFRED F TR	CONTARINO KATHRYN M TR	98 VALLEY RD	BOXFORD	MA	01921

CERTIFIED COPY

11/8/2021

Heather Thifault