

Request for Determination of Applicability

9 Kates Lane
Boxford, Massachusetts

December 5, 2022

Applicant:

Bonnie & Charlie Carmody
92 Pye Brook Lane
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-0120





WPA Form 1- Request for Determination of Applicability

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

A. General Information

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Applicant:

Bonnie & Charlie Carmody
Name
92 Pye Brook Lane
Mailing Address
Boxford
City/Town
MA
State
01921
Zip Code
978-500-7235
Phone Number
bonniecarmody@comcast.net
E-Mail Address
Fax Number (if applicable)

2. Representative (if any):

Williams & Sparages LLC
Firm
Gregory J. Hochmuth
Contact Name
189 North Main Street, Suite 101
Mailing Address
Middleton
City/Town
MA
State
01921
Zip Code
978-539-8088
Phone Number
ghochmuth@wsengineers.com
E-Mail Address
978-539-8200
Fax Number (if applicable)

B. Determinations

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

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

Boxford
Name of Municipality

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



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C. Project Description (cont.)

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

No work is proposed at this time. This application is being filed to determine the extent of the jurisdictional wetland resource areas on the property.

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

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

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



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D. Signatures and Submittal Requirements

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

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

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

Name and address of the property owner:

Bonnie & Charles Carmody

Name

92 Pye Brook Lane

Mailing Address

Boxford

City/Town

MA

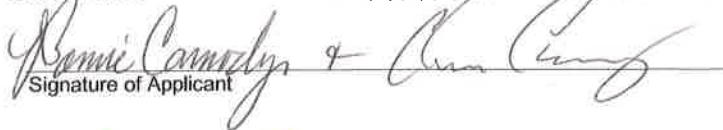
State

01921

Zip Code

Signatures:

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


Signature of Applicant

Date

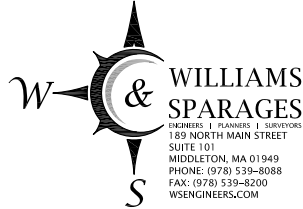
12/1/22


Signature of Representative (if any)

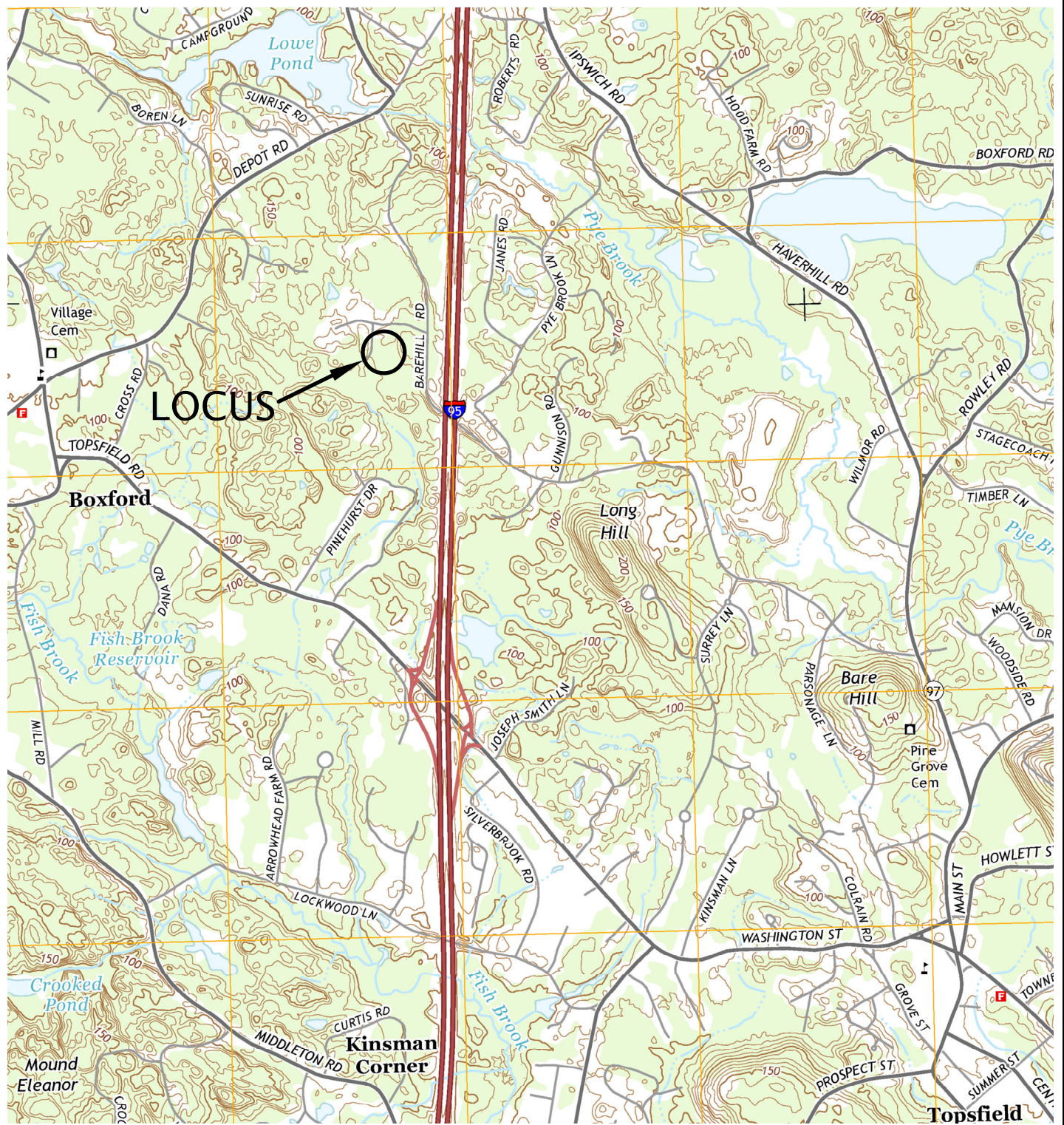
Date

12-5/2022

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
#9 KATES LANE
BOXFORD, MA 01921



Introduction:

The subject property, 9 Kates Lane, Assessors Map 29, Block 3, Parcel 23.9, was created as part of a definitive subdivision that was endorsed by the Boxford Planning Board on May 4, 1994. The subject property is shown as Lot 9 on a Plan entitled, "Definitive Subdivision Plan of Bare Hill Farm Subdivision in Boxford, Mass, : owner and Developer: Bare Hill Farm Trust, Bare hill Road, Boxford, Mass. 01921; Date: July 15, 1993; Scale: As Shown; Engineer: Arrow Associates, Inc., 694 Main Street (Route 113) West Newbury, Mass. 01985; Surveyor: Survey Associates, P.O. Box 1186, Gloucester, Mass. 01931-1186", which plan is recorded with Essex South District Registry of Deeds in Plan Book 291, as Plan 58. According to the subdivision plan, the lot contains 2.32 acres and 2.29 acres of contiguous buildable area (CBA).

According to the NRCS Web Soil Survey, the soils on the subject lot are mapped as (422C), Canton fine sandy loam.

According to the current Division of Fisheries & Wildlife, Natural Heritage and Endangered Species Program (NHESP) Atlas, the property is not mapped as Priority Habitat of Rare Species or Estimated Habitats of Rare Wildlife, nor is the property mapped as an Area of Critical Environmental Concern (ACEC). In addition, there are no certified or potential vernal pools mapped on the parcel.

The subdivision plan shows a proposed fire pond and proposed detention pond to be constructed on the property.

Jurisdictional Wetland Resource Areas:

The wetland resource areas were delineated by Greg J. Hochmuth, PWS, CWS from Williams & Sparages on July 27, 2022. The following resource areas were identified:

A-Series Bordering Vegetated Wetland (BVW): A BVW was delineated on the north side of the parcel, south west of the corner of Kates Lane and Whitney Road. The BVW parallels a trail, and trail easement, that cuts across the property, (see attached wetland field data forms).

B-Series Isolated Vegetated Wetland (IVW) - The B-Series IVW is 1,557 s.f. in size and is a stormwater management area that was constructed as part of the subdivision. The B-Series is functioning as a vernal pool. Fingernail calms, caddis fly cases and aquatic snails were observed this past July. The IVW is less than 5,000 s.f. so it is not jurisdictional under the Boxford Wetland Protection Bylaw as an IVW, however, it is jurisdictional as a vernal pool and carries a 100 foot no disturb zone.



C-Series IVW - The C-Series IVW is 4,475 s.f. in size and is a fire pond that was constructed as part of the subdivision. Fish were observed within the fire pond (see attached photograph)

The C-Series IVW is less than 5,000 s.f. in size so it is not jurisdictional under the Boxford Wetlands Protection Bylaw.

D-Series IVW - The D-Series IVW is 3,366 s.f. in size and does not hold water like the B & C series. It appears that the source of hydrology for the D-Series is seepage from the fire pond. The D-Series does not connect to the two reinforced concrete pipes that were installed under Kates Lane to the south of the D-Series wetland.

The D-Series IVW is less than 5,000 s.f. in size so it is not jurisdictional under the Boxford Wetlands Protection Bylaw.

E-Series IVW - The E-Series IVW is 135 s.f. in size and appears to have formed as a result of a windthrow. The area where the root ball was, now holds water.

The E-Series IVW is less than 5,000 s.f. in size so it is not jurisdictional under the Boxford Wetlands Protection Bylaw.



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

Applicant: Bonnie Carmody Prepared by: Greg Hochmuth Project location: 9 Kates Lane, 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: D-4 Wet		Transect Number: WF D-4 Wetland	Date of Delineation: 7/27/2022
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*
<u>Tree</u>				
Yellow Birch – <i>Betula alleghaniensis</i>	30%	60%	YES	FAC*
Red Maple – <i>Acer rubrum</i>	20%	40%	YES	FAC*
<u>Shrubs</u>				
Yellow Birch – <i>Betula alleghaniensis</i>	40%	100%	YES	FAC*
<u>Ground Cover</u>				
Poison Ivy – <i>Toxicodendron radicans</i>	20%	57%	YES	FAC*
Jack in the Pulpit – <i>Arisaema triphyllum</i>	15%	42%	YES	FACW*-
<u>Vines</u>				
Asiatic Bittersweet – <i>Celastrus orbiculatus</i>	15%	100%	YES	UPL

* 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: 5

Number of dominant non-wetland indicator plants: 1

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: 422C
 soil type mapped: – Canton fine sandy loam
 hydric soil inclusions: No

Are field observations consistent with soil survey? Yes

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
A	0-6	2.5Y2.5/1	10YR5/8
Bw	6-18+	5Y5/1	10YR5/8

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: _____
- Depth to soil saturation in observation hole: 10" _____
- 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 BWV

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: Bonnie Carmody Prepared by: Greg Hochmuth Project location: 9 Kates Lane, 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: D-4 Up		Transect Number: WF D-4 Upland	Date of Delineation: 7/27/2022
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*
<u>Tree</u>				
Yellow Birch – <i>Betula alleghaniensis</i>	30%	37%	YES	FAC*
White Ash– <i>Fraxinus americana</i>	30%	37%	YES	FACU
Red Maple – <i>Acer rubrum</i>	20%	25%	YES	FAC*
<u>Shrubs</u>				
Yellow Birch – <i>Betula alleghaniensis</i>	20%	40%	YES	FAC*
Crab Apple – <i>Malus prunifolia</i>	30%	60%	YES	NI
<u>Ground Cover</u>				
Poison Ivy – <i>Toxicodendron radicans</i>	10%	20%	YES	FAC*
Canada Mayflower – <i>Maianthemum canadense</i>	15%	30%	YES	FAC-
Hay Scented Fern – <i>Dennstaedtia punctilobula</i>	10%	20%	YES	FACU
Jack in the Pulpit – <i>Arisaema triphyllum</i>	15%	30%	YES	FACW-*
<u>Vines</u>				
Virginia Creeper – <i>Parthenocissus quinquefolia</i>	10%	28%	YES	FACU
Asiatic Bittersweet – <i>Celastrus orbiculatus</i>	15%	42%	YES	UPL
Summer Grape – <i>Vitis aestivalis</i>	10%	28%	YES	FACU

* 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: 5

Number of dominant non-wetland indicator plants: 7

Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? No

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: 422C

soil type mapped: – Canton fine sandy loam

hydric soil inclusions: No

Are field observations consistent with soil survey? Yes

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
A	0-8	10YR3/2	-
Bw	8-18+	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 _____

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.





29-03-23-9 - 9 KATES LANE, BOXFORD ABUTTERS LIST
 CONSERVATION COMMISSION 250'

Parcel ID	Location	Owner	Owner 2	Owner Address	Owner City/Town	Owner State	Zip Code
29-03-23-10	24 WHITNEY RD	DONATI DARRELL J	DONATI CARLA V	24 WHITNEY RD	BOXFORD	MA	01921
29-03-23-11	26 WHITNEY RD	DESANTIS FRANCO	DESANTIS CARA M	26 WHITNEY RD	BOXFORD	MA	01921
29-03-23-12	11 KATES LN	BANDOIAN RANDALL A	BANDOIAN JENNA M	11 KATES LN	BOXFORD	MA	01921
29-03-23-13	21 WHITNEY RD	21 WHITNEY ROAD, LLC		21 WHITNEY RD	BOXFORD	MA	01921
29-03-23-15	23 WHITNEY RD	NICKOLE ERNEST		23 WHITNEY RD	BOXFORD	MA	01921
29-03-23-16	17 WHITNEY RD	KURPASKA KATHERINE	KURPASKA PATRICK	17 WHITNEY RD	BOXFORD	MA	01921
29-03-23-17	9 WHITNEY RD	LIGHTBODY, DAVID	LIGHTBODY, SUSAN	9 WHITNEY RD	BOXFORD	MA	01921
29-03-23-4	2 KATES LN	WYSOCKI SEEMA	WYSOCKI NEIL J	2 KATES LN	BOXFORD	MA	01921
29-03-23-6	6 KATES LN	CENANOVIC BRANISLAV	WETTSTONE FELICIA J	6 KATES LN	BOXFORD	MA	01921
29-03-23-7	8 KATES LN	FECKS J. MICHAEL TE	FECKS KATHERINE M	8 KATES LN	BOXFORD	MA	01921
29-03-23-8	12 KATES LN	CANTALUPO JOHN D JR	CANTALUPO LAURIE E	12 KATES LN	BOXFORD	MA	01921
29-03-23-9	9 KATES LN	CARMODY CHARLES TE	CARMODY BONNIE M	92 PYE BROOK LANE	BOXFORD	MA	01921

CERTIFIED COPY

12/06/2022

Kristin Hanlon

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 Request for Determination of
Applicability)

I, Gregory J. Hochmuth, hereby certify under the pains and penalties of perjury
that on December 8, 2022 I gave notification to abutters in compliance with the
second paragraph of Massachusetts General Law Chapter 131, Section 40, and
the DEP Guide to Abutter Notification dated April 8, 1994, in connection with
the following matter:

A Request for Determination of Applicability was filed under the Boxford
Wetlands Protection Regulations and Massachusetts Wetlands Protection Act by
Bonnie & Charlie Carmody, with the Town of Boxford Conservation
Commission on December 8, 2022 for property located at 9 Kates Lane (Map 29,
Block 3, Parcel 23.9).

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

12/8/2022

Date

