



May 11, 2023

Email (rpovenmire@town.boxford.ma.us)

Boxford Conservation Commission
Town Hall
7A Spofford Road
Boxford, MA 01921

Re: Notice of Intent Application
The Willows at Boxford – Dry Hydrant Installation
Willow Road (Within Town Right-of-Way)
Boxford, Massachusetts

[LEC File #: TBI\18-044.02]

Dear Commission Members:

On behalf of the Applicant, Toll Bros., Inc. (Toll), LEC Environmental Consultants, Inc., (LEC) is filing this Notice of Intent (NOI) Application under the *Massachusetts Wetlands Protection Act* (M.G.L. c. 131, s. 40, the *Act*) and its implementing *Regulations* (310 CMR 10.00, the *Act Regulations*); and the *Boxford Wetlands Protection Bylaw* (Chapter 192, the *Wetland Bylaw*) and its implementing *Wetlands Protection Regulations* (Chapter 375, the *Wetlands Bylaw Regulations*) to construct a dry hydrant associated with *The Willows at Boxford (The Willows)*, a 66-unit, Active Adult Community. Installation of the proposed dry hydrant involves temporary activities within Bank, Land Under Waterbodies and Waterways (LUWW), and previously disturbed Riverfront Area to the Parker River, and within *Estimated Habitat for Rare Wildlife and Priority Habitat of Rare Species*. The Project qualifies as a limited project under 310 CMR 10.53(3)(d) for *construction of underground public utilities*.

The enclosed plan prepared by The Morin-Cameron Group, Inc., dated May 10, 2023 and entitled: *Dry Hydrant Plan* (Attachment D, *Plan*) depicts the location of proposed activities and extent of Wetland Resource Areas associated with the site. The WPA Form 3 – NOI Form and abutter notification documents are contained in Attachment A, while locus maps are included in Attachment B. Attachment C contains representative site photographs. Attachment D contains the *Plan*. Attachment E contains a Turtle Protection Plan, dated May 9, 2023, describing measures to be implemented to avoid harming any State-listed turtle species during construction.

Enclosed please find checks made payable to the Town of Boxford in the amounts of Three Hundred Eighty-Seven Dollars and Fifty Cents (\$387.50) and One Thousand Five Hundred and One Dollars (\$1,501.00) for the purpose of filing this NOI Application under the *Act* and *Bylaw*, respectively. Payment to the Commonwealth of Massachusetts in the amount of Three Hundred Sixty-Two Dollars and Fifty Cents (\$362.50) has been submitted electronically via eDEP. A copy of this NOI Application and a filing fee of Three Hundred Dollars (\$300.00) also has been mailed to NHESP.

LEC Environmental Consultants, Inc.

www.lecenvironmental.com

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Suite 1
Plymouth, MA 02360
508.746.9491

380 Lowell Street
Suite 101
Wakefield, MA 01880
781.245.2500

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401.685.3109

PLYMOUTH, MA

WAKEFIELD, MA

WORCESTER, MA

RINDGE, NH

EAST PROVIDENCE, RI

General Site Description

The Project is located within the right-of-way (ROW) north of Willow Road and east of the Parker River (Attachment B, Figures 1 & 2). A metal guard rail is present between the roadway and proposed work. Topography descends steeply from the roadway towards the adjacent scrub-shrub wetland. Vegetation within the upland portions of the ROW is devoid of tree canopy, and shrub cover is sparse, dominated by a few glossy buckthorn (*Frangula alnus*). The groundcover is robust, dominated by poison ivy (*Toxicodendron radicans*) and a small patch of Japanese knotweed (*Fallopia japonica*), and grasses.

Natural Heritage and Endangered Species Program Designation

According to the 15th Edition of the *Massachusetts Natural Heritage Atlas* (August 1, 2021), the Project is located within an *Estimated Habitat for Rare Wildlife* and *Priority Habitats of Rare Species* for Blanding's Turtle and Wood Turtle. No Certified or Potential Vernal Pools exist on the site (Attachment B, Figure 1). A copy of this NOI Application is being sent to NHESP for a joint Massachusetts Endangered Special Act (MESA)/Act expedited review.

Floodplain Designation

According to the July 3, 2012 *Federal Emergency Management Agency Flood Insurance Rate Map* (Map No: 25009C0233F), a portion of the Project is located within Zone AE Special Flood Hazard Area, with a Base Flood Elevation of 93.4 feet south of Willow Road and 90.0 north of Willow Road (Attachment B, Figure 3). The delineated Bank-Mean Annual High Water (MAHW) Line is above the corresponding 90.0-foot elevation contour, therefore there is no Bordering Land Subject to Flooding (BLSF) within the site.

Wetland Resource Areas

Wetland Resource Areas associated with the Project Site include Bordering Vegetated Wetland (BVW), Bank, Land Under Waterbodies and Waterways (LUWW) and Riverfront Area associated with the Parker River. The 100-foot Buffer Zone extends from the BVW and Bank-MAHW boundary and is considered a Resource Area under the *Bylaw*.

LEC conducted a site evaluation on March 31, 2023 to identify and characterize existing protectable Wetland Resource Areas located on or immediately adjacent to the site and to delineate the BVW boundary and Bank-MAHW Line associated with the Parker River. The extent of Wetland Resource Areas was determined through observations of existing plant communities and hydrologic indicators in accordance with the *Act*, its implementing *Regulations*, and the *Bylaw*.

Bordering Vegetated Wetlands

According to the *Act Regulations*, Bordering Vegetated Wetlands (BVW) are freshwater wetlands which border on creeks, rivers, streams, ponds, and lakes and where the soils are saturated and/or inundated such that they support a predominance of wetland indicator plants [310 CMR 10.55(2)(a)]. The boundary of Bordering Vegetated Wetlands is the line within which 50% or more of the vegetational



community consists of wetland indicator plants and saturated or inundated conditions exist [310 CMR 10.55(2)(c)].

The *Bylaw* defines BVW as *freshwater wetlands which border on creeks, streams, rivers, ponds and lakes. Bordering vegetated wetlands are areas where the soils are saturated and/or inundated such that they support a predominance (50% or greater) of wetland indicator plants (Bylaw Section 192-8).*

BVW generally occurs at the base of the steep slope descending northerly from Willow Road toward the Parker River. Vegetation consists of a scrub-shrub community dominated by speckled alder (*Alnus rugosa*) and silky dogwood (*Swida amomum*). The groundcover contains tussock sedge (*Carex stricta*) and poison ivy.

Blaze orange flags embossed with LEC RESOURCE AREA numbered A1-A2, B1-B3, and C1-C4 demarcate the BVW boundary as it relates to the Project.

Bank-Mean Annual High Water to Parker River

Bank is defined in the *Act Regulations* [310 CMR 10.54 (2)] as *the portion of the land surface which normally abuts and confines a water body. It occurs between a water body and a vegetated bordering wetland and adjacent flood plain, or, in the absence of these, it occurs between a water body and an upland... (c) The upper boundary of a Bank is the first observable break in the slope or the mean annual flood level, whichever is lower. The lower boundary of a Bank is the mean annual low flow level.*

Mean Annual High Water is defined in the *Act Regulations* [310 CMR 10.58 (2) (a) 2].as *the line that is apparent from visible markings or changes in the character of soils or vegetation due to the prolonged presence of water and that distinguishes between predominantly aquatic and predominantly terrestrial land. Field indicators of bankfull conditions shall be used to determine the mean annual high-water line. Bankfull field indicators include but are not limited to: changes in slope, changes in vegetation, stain lines, top of point bars, changes in bank materials, or bank undercuts.* Mean Annual High Water is not defined in the *Bylaw*, so the definition in the *Act Regulations* prevails.

The Parker River flows northerly through a culvert under Willow Road immediately west of the Project Site. The river bifurcates upon exiting the culvert and flows both eastward and westward parallel to Willow Road before turning northward and coalescing into a more confined channel. The Bank-MAHW Line to the River occurs parallel to Willow Road along vegetated slopes and man-made rip rap near the culvert. LEC Blue Flags TOB-1 to TOB-17 demarcate the Bank-MAHW Line to the Parker River as it relates to Project Site.

Riverfront Area to the Parker River

According to 310 CMR 10.58 2(a), *Riverfront Area is defined as the area of land between a river's mean annual high water line and a parallel line measured horizontally 200 feet away.*

The *Bylaw* and *Bylaw Regulations* do not currently define Riverfront Area differently than the *Act* and *Act Regulations*.



Riverfront Area extends 200 feet from the MAHW Line associated with the Parker River. The majority of the Riverfront Area on the Project Site is disturbed land consisting of rip rap, paved roadway, and/or road shoulder.

Proposed Dry Hydrant

The Applicant proposes to construct a dry hydrant, associated with the *Willows at Boxford* residential development located 2,300± linear feet (LF) east of the Project Site off Willow Road. The Special Permit issued by the Boxford Zoning Board of Appeals (ZBA) for the *Willows at Boxford*, at the behest of the Boxford Fire Department, requires installation of a dry hydrant prior to issuance of a certificate of occupancy for the new dwellings. Toll initially proposed to construct the dry hydrant within the Conservation Restriction (CR) area on the *Willows at Boxford* property. However, the Boxford Conservation Commission determined such a location would be inconsistent with the intent and language of the CR and directed Toll to explore other alternatives. Despite efforts to site an alternative location on the *Willows* property, it was determined that no such location for a dry hydrant exists outside of the CR.

As a result, based on an informal meeting of relevant Town of Boxford department heads, including the Fire Chief, Toll is proposing to install a dry hydrant within the Town right-of-way along Willow Road in the vicinity of the Parker River. All parties concluded that the proposed location would satisfy the needs of the Fire Department while allowing Toll to comply with the Special Permit.

The hydrant will be installed within the center of a 5.5-foot by 6.5-foot concrete pad, totaling 35.75 square feet (SF). During construction, a 4± foot wide trench will be excavated out of the existing rip rap slope for installation of a 6-inch diameter Schedule 80 PVC pipe to the desired elevation below the water level. The pipe will be laid on top of ¾ inch to 1 ½ inch crushed stone, 6 to 8 inches thick. If during construction water is present within the work footprint, a boom with skirt will be installed, along with a sandbag cofferdam, and then a pump will dewater the area prior to construction. Since the Project is located within the habitat of two State-listed turtle species, a Turtle Protection Plan has been prepared, in accordance with NHESP protocols. As part of the plan, a turtle biologist will be present to inspect the work area prior to the start of any de-watering or excavation and ensure that no turtles are present. The rip rap and excavated wetland soils will be carefully stockpiled and replaced upon completion of the hydrant installation. Upon completion of the soil and rip rap restoration, any disturbed soils will be restored to original grade, and stabilized appropriately.

Installation of the dry hydrant involves temporary activities within Bank, LUWW, and previously disturbed Riverfront Area to the Parker River. Temporary alterations include 4± LF of Bank, 13± SF of LUWW and 148 SF of Riverfront. Permanent alteration is limited to the 35.75 SF concrete pad and hydrant located in the Riverfront. A detailed construction sequencing procedure is provided on the *Proposed Plan*.

Erosion and Sedimentation Control

The Applicant proposes to implement an erosion control program to protect the adjacent resource areas and properties from sedimentation during construction activities. The plan for the control of potential impacts to the adjacent resource areas will be comprised of staked silt sock installed along the upland portions of the limits-of-work, and a boom with skirt and sandbag cofferdam within the aquatic portions of the project limits. All erosion control measures will remain in place until disturbed areas are stabilized. The location of the proposed erosion controls is shown on the *Proposed Plan* (Attachment D).

Regulatory Performance Standards

The proposed Project involves temporary alteration to Bank, LUWW and Riverfront Area, in addition to 35.75 SF of permanent Riverfront alteration, as described above.

Although the Project has been designed in compliance with the performance standards for each of the impacted resource areas, the Project also qualifies as a limited project under 310 CMR 10.53(3)(d) for *construction of underground public utilities*.

Bank

The Project will temporarily disturb 4± linear feet of Bank associated with the Parker River. Bank will be replaced in its entirety.

The Project complies with the performance standards at 310 CMR 10.54 (4)(a) as follows:

(a) *Any proposed work on a Bank shall not impair the following:*

1. *The physical stability of Bank;*

Bank will be altered only temporarily, and will be restored to its original condition upon completion of the Project. Therefore, the physical stability of the Bank will not be impaired.

2. *The water carrying capacity of the existing channel within the Bank;*

The water carrying capacity of the Bank will not be affected since the alteration is temporary and will be fully restored to its original condition.

3. *groundwater and surface water quality;*

Proper construction methodologies, including erosion and sedimentation controls, will be employed during installation of the dry hydrant to protect groundwater and surface water quality.

4. *the capacity of the Bank to provide breeding habitat, escape cover and food for fisheries;*

Any existing habitat for fisheries will be fully restored upon completion of the Project.

5. *the capacity of Bank to provide important wildlife habitat functions;*

Any existing wildlife habitat will be fully restored upon completion of the Project.

6. *Work on a stream crossing shall be presumed to meet the performance standard set forth in 310 CMR 10.54(4)(a) provided the work is performed in compliance with the Massachusetts Stream Crossing Standards by consisting of a span or embedded culvert in which, at a minimum, the bottom of a span structure or the upper surface of an embedded culvert is above the elevation of the top of the bank, and the structure spans the channel width by a minimum of 1.2 times the bankfull width. This presumption is rebuttable and may be overcome by the submittal of credible evidence from a competent source. Notwithstanding the requirement of 310 CMR 10.54(4)(a)5., the impact on bank caused by the installation of a stream crossing is exempt from the requirement to perform a habitat evaluation in accordance with the procedures contained in 310 CMR 10.60.*

Does not apply to this Project.

(b) Not applicable.

(c) *no project may be permitted which will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified under procedures established under 310 CMR 10.59.*

This NOI Application has been filed jointly with NHESP under MESA. Since the Project includes a Turtle Protection Plan to prevent harm to State-listed species during construction, the Project is unlikely to adversely affect any rare species.

Land Under Waterbodies and Waterways

The Project will temporarily disturb 13± SF of LUWW associated with the Parker River. The LUWW will be restored in its entirety.

The Project complies with the performance standards at 310 CMR 10.56 (4)(a) as follows:

(a) *Any proposed work within Land Under Water Bodies and Waterways shall not impair the following:*

1. *The water carrying capacity within the defined channel, which is provided by said land in conjunction with the banks;*

LUWW will be altered only temporarily, and will be restored to pre-existing conditions. Therefore, the water carrying capacity within the defined channel will not be impaired.

2. *Ground and surface water quality;*

Proper construction methodologies, including erosion and sedimentation controls, will be employed during installation of the dry hydrant to protect the groundwater and surface water quality of the LUWW.

3. *The capacity of said land to provide breeding habitat, escape cover and food for fisheries;*

Upon completion of the Project, the LUWW will continue to provide necessary habitat for fisheries.

4. *The capacity of said land to provide important wildlife habitat functions;*

Any existing wildlife habitat will be fully restored upon completion of the Project.

5. *Work on a stream crossing shall be presumed to meet the performance standard set forth in 310 CMR 10.54(4)(a) provided the work is performed in compliance with the Massachusetts Stream Crossing Standards by consisting of a span or embedded culvert in which, at a minimum, the bottom of a span structure or the upper surface of an embedded culvert is above the elevation of the top of the bank, and the structure spans the channel width by a minimum of 1.2 times the bankfull width. This presumption is rebuttable and may be overcome by the submittal of credible evidence from a competent source. Notwithstanding the requirement of 310 CMR 10.54(4)(a)5., the impact on bank caused by the installation of a stream crossing is exempt from the requirement to perform a habitat evaluation in accordance with the procedures contained in 310 CMR 10.60.*

Does not apply to this Project.

(b) Not applicable.

(c) *no project may be permitted which will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified under procedures established under 310 CMR 10.59.*

This NOI Application has been filed jointly with NHESP under MESA. Since the Project includes a Turtle Protection Plan to prevent harm to State-listed species during construction, the Project is unlikely to adversely affect any rare species.

Riverfront Area

The Project will result in 35.75± SF of permanent Riverfront Area alteration, and 148± SF of temporary Riverfront Area alteration, which will be restored in-kind with rip rap and/or seed mix as appropriate. This alteration is less than 10% of the existing on-site Riverfront Area. The entirety of this alteration will occur within the existing disturbed footprint of the rip rap slopes descending northerly from Willow Road to the Bank/MAHW Line of the Parker River. No alteration will occur within undeveloped Riverfront Area. A small stand of Japanese knotweed within the limits of work will be removed, which will curb the spread of this highly invasive species.

Discussion regarding Riverfront Area performance standards outlined in 310 CMR 10.58 (4)(a)–(d) follows.

(a) *Protection of Other Resource Areas.*

The work shall meet the performance standards for all other resource areas within the riverfront area, as identified in 310 CMR 10.30 (Coastal Bank), 10.32 (Salt Marsh), 10.55 (Bordering Vegetated Wetland), and 10.57 (Land Subject to Flooding). When work in riverfront area is also within the buffer zone to another resource area, the performance standards for the riverfront area shall contribute to the protection of interested of M.G.L. c. 131, s. 40 in lieu of any additional requirements that might otherwise be imposed on work in the buffer zone within the riverfront area.

The Project does not alter BVW or BLSF.

(b) Protection of Rare Species.

No project may be permitted within the riverfront area which will have any adverse effect on specified habitat sites of rare wetland or upland, vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.59 or 10.37, or which will have any adverse effect on vernal pool habitat certified prior to the filing of the Notice of Intent.

With the implementation of the Turtle Protection, the Project will not adversely affect the habitat for rare species.

(c) Practicable and Substantially Equivalent Economic Alternatives.

There must be no practicable and substantially equivalent economic alternative to the proposed with less adverse effects on the interests identified in M.G.L. c. 131, s. 40.

There are no feasible alternative locations for the Project that would have less resource area alteration. The original proposed location for the dry hydrant, within *The Willows* development, was determined by the Commission to be inconsistent with the intent and language of the CR and the Commission directed Toll to explore other alternatives. Despite efforts to site an alternative location on the *Willows* property, it was determined that no such location for a dry hydrant exists outside of the CR.

(d) No Significant Adverse Impact:

The work, including proposed mitigating measures, must have no significant adverse impact on the riverfront area to protect the interests identified in M.G.L. c. 131, s. 40...

The activities within the Riverfront Area will have no significant adverse effect on the interests of the Act for the following reasons: 1) the existing Riverfront Area to be altered is previously disturbed rip rap, roadway, and shoulder; and 2) the Project will remove a small stand of highly invasive Japanese knotweed, which will result in an improvement in the capacity of the Riverfront Area to protect the interests of the Act and the Bylaw.

1. *Within 200 foot Riverfront Areas, the issuing authority may allow the alteration of up to 5000 square feet or 10% of the riverfront area within the lot, whichever is greater, on a lot recorded on or before October 6, 1997 or lots recorded after October 6, 1997 subject to the restrictions of 310 CMR 10.58 (4) (c) 2.b.vi., or up to 10% of the riverfront area within a lot recorded after October 6, 1997, provided that:*

The total amount of Riverfront Area on the site is 4,170± SF; therefore, the proposed 36± SF of disturbance is well below the 10% threshold.

(a) *At a minimum, a 100-foot wide area of undisturbed vegetation is provided...If there is not a 100-foot wide area of undisturbed vegetation within the riverfront area, existing vegetative cover shall be preserved or extended to the maximum extent feasible to approximate a 100-foot wide corridor of natural vegetation...*

The work is proposed within the 0-100-foot Riverfront Area, however the exiting vegetative cover will be restored to the maximum extent feasible, and improved by removing the Japanese knotweed.

(b) Stormwater is managed according to the standards established by the Department in its Stormwater Policy.

The work within Riverfront Area associated with the Project is not subject to DEP Stormwater Management Standards.

(c) Proposed work does not impair the capacity of the riverfront area to provide important wildlife habitat functions...

The alteration of Riverfront Area on the site will take place within previously disturbed habitat, with little wildlife habitat value. Removal of Japanese knotweed will enhance the potential wildlife habitat by allowing native plant species to grow upon restoration.

(d) Proposed work shall not impair groundwater or surface water quality by incorporating erosion and sedimentation controls and other measures to attenuate nonpoint source pollution.

Erosion controls will be installed and maintained during construction to protect groundwater and surface water quality.

According to 310 CMR 10.53(3)(d), the Project activity meets the criteria to be treated as a limited project:

The construction, reconstruction, operation and maintenance of underground and overhead public utilities, such as electrical distribution or transmission lines, or communication, sewer, water and natural gas lines, may be permitted, in accordance with the following general conditions and any additional conditions deemed necessary by the issuing authority:

- 1. the issuing authority may require a reasonable alternative route with fewer adverse effects for a local distribution or connecting line not reviewed by the Energy Facilities Siting Council;*
- 2. best available measures shall be used to minimize adverse effects during construction;*
- 3. the surface vegetation and contours of the area shall be substantially restored; and*
- 4. all sewer lines shall be constructed to minimize inflow and leakage.*

The Project has been located within a previously disturbed portion of Riverfront Area, and avoids alteration of BVW, while minimizing to the greatest extent practicable alterations to Bank and LUWW. There are no alternative locations for the Project that would result in less resource area alteration.

As described in the Construction Sequence on the *Plan*, best available measures will be used to minimize adverse effects during construction. The surface vegetation and contours of the area will be restored to



existing conditions to the greatest extent practicable. The existing Japanese knotweed will be removed, which is a substantial net benefit to the Riverfront Area and Bank on which it is presently growing.

Summary

On behalf of the Applicant, Toll Bros., Inc., LEC is filing the enclosed NOI Application with the Boxford Conservation Commission to install a dry hydrant associated with *The Willows at Boxford*, as required in the Special Permit issued by the Boxford Zoning Board of Appeals (ZBA) requiring installation of a dry hydrant prior to issuance of a certificate of occupancy for the new dwellings. The proposed Project involves temporary activities within Bank, Land Under Waterbodies and Waterways (LUWW), and previously disturbed Riverfront Area to the Parker River, with 35.75 SF of permanent alteration within the Riverfront Area for a concrete pad. The Project qualifies as a limited project under 310 CMR 10.53(3)(d) for *construction of underground public utilities*.

Thank you for your consideration of this Application. We look forward to presenting this Project to the Commission at the May 18, 2023 Public Hearing. Meanwhile, should you have any questions or require additional information, I may be contacted at 781-245-2500 or dwells@lecenvironmental.com.

Sincerely,

LEC Environmental Consultants, Inc.

Daniel L. Wells
Senior Wildlife/Wetland Scientist

cc: DEP Northeast Region; Toll Bros., Inc.; The Morin-Cameron Group, Inc.

Attachment A

WPA Form 3 – Notice of Intent
Boxford Wetlands Protection Bylaw Fees Table
Affidavit of Service
Abutter Letter
Abutter Notification
Certified Lists of Abutters



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
and the *Boxford Wetlands Protection Bylaw* (Chapter 192)

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>Willow Road</u>	<u>Boxford</u>	<u>01921</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:	<u>42.71290</u>	<u>-71.04757</u>
	d. Latitude	e. Longitude
<u>Within Town ROW</u>	<u>g. Parcel /Lot Number</u>	
f. Assessors Map/Plat Number		

2. Applicant:

<u>Ted</u>	<u>Merchant</u>	
a. First Name	b. Last Name	
<u>Toll Bros., Inc.</u>		
c. Organization		
<u>116 Flanders Road, Suite 1200</u>		
d. Street Address		
<u>Westborough</u>	<u>MA</u>	<u>01581</u>
e. City/Town	f. State	g. Zip Code
<u>508-366-1440</u>	<u>tmerchant@tollbrothers.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>Barbara</u>	<u>Jessel</u>	
a. First Name	b. Last Name	
<u>Chair, Town of Boxford Select Board</u>		
c. Organization		
<u>7A Spofford Road</u>		
d. Street Address		
<u>Boxford</u>	<u>MA</u>	<u>01921</u>
e. City/Town	f. State	g. Zip Code
<u>978-887-6740</u>	<u>mcoogan@town.boxford.ma.us</u>	
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>Dan</u>	<u>Wells</u>	
a. First Name	b. Last Name	
<u>LEC Environmental Consultants, Inc.</u>		
c. Company		
<u>380 Lowell Street, Suite 101</u>		
d. Street Address		
<u>Wakefield</u>	<u>MA</u>	<u>01880</u>
e. City/Town	f. State	g. Zip Code
<u>781-245-2500</u>	<u>dwells@lecenvironmental.com</u>	
h. Phone Number	i. Fax Number	j. Email address

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

<u>\$750.00</u>	<u>\$362.50</u>	<u>\$387.50</u>
a. Total Act Fee Paid	b. State Fee Paid	c. City/Town Act Fee Paid



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
and the *Boxford Wetlands Protection Bylaw* (Chapter 192)

Provided by MassDEP:	
MassDEP File Number	
Document Transaction Number	
Boxford	
City/Town	

A. General Information (continued)

6. General Project Description:

Construction of a dry hydrant in the Right of Way to Willow Road within Bank, Land Under Waterbodies and Waterways, and Riverfront Area to the Parker River.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1. Single Family Home
- 2. Residential
- 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)

310 CMR 10.53(3)(d): construction of underground public utilities

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR 10.24(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:

a. County	b. Certificate # (if registered land)
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.



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
 and the *Boxford Wetlands Protection Bylaw* (Chapter 192)

Provided by MassDEP:

MassDEP File Number

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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.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input checked="" type="checkbox"/> Bank	4 1. linear feet	4 2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways	13 1. square feet 0 3. cubic yards dredged	13 2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 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 checked="" type="checkbox"/> Riverfront Area	<u>Parker River - Inland</u> 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: 4,170
square feet

4. Proposed alteration of the Riverfront Area:

<u>36 perm.; 148 temp.</u>	<u>36 perm.; 148 temp</u>	<u>0</u>
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

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
and the *Boxford Wetlands Protection Bylaw* (Chapter 192)

Provided by MassDEP:
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

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
and the *Boxford Wetlands Protection Bylaw* (Chapter 192)

Provided by MassDEP:

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

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 <https://www.mass.gov/endangered-species-act-mesa-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
and the *Boxford Wetlands Protection Bylaw* (Chapter 192)

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 <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).

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, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; 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:

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: dmf.envreview-south@mass.gov

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: dmf.envreview-north@mass.gov

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.

c. Is this an aquaculture project? d. Yes No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).



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
and the *Boxford Wetlands Protection Bylaw* (Chapter 192)

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Boxford

City/Town

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. Underground utility project.

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.



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
and the *Boxford Wetlands Protection Bylaw* (Chapter 192)

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.

Dry Hydrant Plan

a. Plan Title

Morin-Cameron Group, Inc.

Scott P. Cameron, P.E.

b. Prepared By

c. Signed and Stamped by

5/10/2023

1"=5'

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:

40723

5/10/2023

2. Municipal Check Number

3. Check date

Submitted electronically via eDEP

4. State Check Number

5. Check date

LEC Environmental Consultants, Inc.

6. Payor name on check: First Name

7. Payor name on check: Last Name



**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
and the *Boxford Wetlands Protection Bylaw* (Chapter 192)

MassDEP File Number

Document Transaction Number

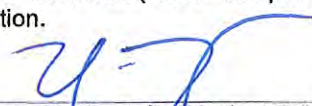
Boxford

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: Ted Merchant, Toll Bros., Inc.

5/10/23
2. Date

3. Signature of Property Owner: Barbara Jessel, Chair of Boxford Select Board

4. Date



5. Signature of Representative: Dan Wells, LEC Environmental Consultants, Inc.

5/10/23
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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Boxford

City/Town

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
and the *Boxford Wetlands Protection Bylaw* (Chapter 192)

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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: Ted Merchant, Toll Bros., Inc.

2. Date

5/8/23

3. Signature of Property Owner: Barbara Jessel, Chair of Boxford Select Board

4. Date

5/20/2023

5. Signature of Representative: Dan Wells, LEC Environmental Consultants, Inc.

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:

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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:

<u>Willow Road</u>	<u>Boxford</u>
a. Street Address	b. City/Town
<u>Submitted Electronically via eDEP</u>	<u>\$ 362.50</u>
c. Check number	d. Fee amount

2. Applicant Mailing Address:

<u>Ted</u>	<u>Merchant</u>	
a. First Name	b. Last Name	
<u>Toll Bros, Inc.</u>		
c. Organization		
<u>116 Flanders Road, Suite 1200</u>		
d. Mailing Address		
<u>Westborough</u>	<u>MA</u>	<u>01581</u>
e. City/Town	f. State	g. Zip Code
<u>508-366-1440</u>	<u>tmerchant@tollbrothers.com</u>	
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

<u>Barbara</u>	<u>Jessel</u>	
a. First Name	b. Last Name	
<u>Chair, Town of Boxford Select Board</u>		
c. Organization		
<u>7A Spofford Road</u>		
d. Mailing Address		
<u>Boxford</u>	<u>MA</u>	<u>01921</u>
e. City/Town	f. State	g. Zip Code
<u>978-887-6740</u>	<u>mcoogan@town.boxford.ma.us</u>	
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).



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 2.e. – activities reviewable under 310 CMR 10.53(d): (Underground public utility, in RFA)	1 (x1.5)	\$500.00	\$750.00
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Step 5/Total Project Fee:			\$750.00

Step 6/Fee Payments:

Total Project Fee:	\$750.00
	a. Total Fee from Step 5
State share of filing Fee:	\$362.50
	b. 1/2 Total Fee less \$12.50
City/Town share of filing Fee:	\$387.50
	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.)

Fee changes adopted 1-6-2021
 Boxford Wetlands Protection Bylaw Fees

Fee Category	Quantity	New fees adopted 6-2022	1- Cost
Notice of Intent			
Category 2		\$1,475.00	\$1,475.00
add Wetland Resource Alteration	LUWW - 13 sf	.50 sq ft	\$6.00
add Wetland Resource Alteration	Riverfront - 36 sf	.50 sq ft	\$18.00
add Bank Alteration	Bank - 4 lf	.50 lin ft	\$2.00
TOTAL			\$1,501.00

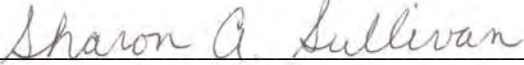
AFFIDAVIT OF SERVICE

Under the
Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40),
its implementing *Regulations* (310 CMR 10.00),
and the
Town of Boxford Wetlands Protection Bylaw (Chapter 192)
and its implementing *Regulations*

I, Sharon A. Sullivan, on behalf of Toll Brothers, Inc., hereby certify under the pains and penalties of perjury that on May 11, 2023, I gave notification to abutters in compliance with the *Massachusetts Wetlands Protection Act* (M.G.L. c. 131, s. 40), its implementing *Regulations* (310 CMR 10.00), and the *Town of Boxford Wetlands Protection Bylaw* (Chapter 192) in connection with the following matter:

A Notice of Intent filed under the *Massachusetts Wetlands Protection Act* and the *Town of Boxford Wetlands Protection Bylaw* by LEC Environmental Consultants, Inc., on behalf of the Applicant, Toll Bros, Inc., with the Town of Boxford Conservation Commission on May 11, 2023 for property located in the Willow Road (Route 133) right-of-way at the Parker River in Boxford, Massachusetts.

The form of notification, and a list of the abutters to whom it was given and their addresses, are attached to this Affidavit of Service.



Sharon A. Sullivan
Permitting Technician

5/11/2023
Date



May 11, 2023

CERTIFIED MAIL

«Name»
«Name2»
«Address»
«City», «State» «Zip»

**Re: Notice of Intent Application
Willow Road (Route 133) Right-of-Way
Boxford, Massachusetts**

[LEC File #: TBI\18-044.02]

Dear Abutter:

On behalf of the Applicant, Toll Bros., Inc., LEC Environmental Consultants, Inc., (LEC) has filed a *Notice of Intent (NOI) Application* with the Boxford Conservation Commission to install a dry hydrant within the northerly right-of-way to Willow Road, east of the Parker River. The proposed project involves temporary activities within Bank, Land Under Waterbodies and Waterways (LUWW), and previously disturbed Riverfront Area to the Parker River.

The *NOI Application* and accompanying site plans are available for review by the public by contacting the Boxford Conservation Commission at 978-887-6000 ext. 506. The remote Public Hearing will be held on May 18, 2023 at 7:00 p.m. Further information regarding this application will be published at least five (5) days in advance in the *Tri-Town Transcript*. Notice of the Public Hearing also will be posted at the Boxford Town Hall at least 48 hours in advance. Please check the Town/ Conservation Commission website for any updated information on the meeting.

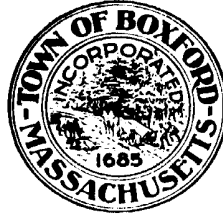
Please do not hesitate to review the materials and/or attend the public hearing should you have questions or concerns about the proposed project.

Sincerely,

LEC Environmental Consultants, Inc.

Daniel L. Wells
Senior Wildlife/Wetland Scientist

LEC Environmental Consultants, Inc.					www.lecenvironmental.com
12 Resnik Road Suite 1 Plymouth, MA 02360 508.746.9491	380 Lowell Street Suite 101 Wakefield, MA 01880 781.245.2500	100 Grove Street Suite 302 Worcester, MA 01605 508.753.3077	P.O. Box 590 Rindge, NH 03461 603.899.6726	680 Warren Avenue Suite 3 East Providence, RI 02914 401.685.3109	
PLYMOUTH, MA	WAKEFIELD, MA	WORCESTER, MA	RINDGE, NH	EAST PROVIDENCE, RI	



TOWN OF BOXFORD
MASSACHUSETTS
01921

BOXFORD CONSERVATION COMMISSION

NOTICE OF PUBLIC HEARING

You are hereby notified that a **Public Hearing** will be held via Zoom videoconference on Thursday May 18, 2023 at 7:00 p.m. or such other time when posted for the

Notice of Intent Application

By Applicant: **Ted Merchant for Toll Bros., Inc.**
for the property located at: **Willow Road (State Route 133) right-of-way at the Parker River**

to install a dry hydrant and intake pipe for public safety purposes in and within the 100-foot Buffer Zone and temporary work within Bank, Land Under Waterbodies and Waterways, and previously disturbed Riverfront Area to the Parker River.

The Zoom connection information will be posted on the Town of Boxford website prior to the meeting. This is a joint hearing under the requirements of MGL Ch. 131, Sec. 40, as amended, and Boxford's Wetlands Protection Bylaw and Regulations. For more information, contact Ross Povenmire at rpovenmire@town.boxford.ma.us.

For the Commission,
Ross Povenmire, Conservation Director

CONSERVATION COMMITTEE 250' AND PONDS

Parcel ID	Location	Owner	Owner 2	Owner Address	Owner City/Town	Owner State	Zip Code
10-02-02-1	WILLOW RD	ESSEX COUNTY GREENBELT ASSOC		82 EASTERN AVE	ESSEX	MA	01929
10-02-22	26 WILLOW RD	SOR RADY	SORPOL VUTY W	26 WILLOW RD	BOXFORD	MA	01921
10-02-25	25 WILLOW RD	DOWNS DANIEL MICHAEL		25 WILLOW RD	BOXFORD	MA	01921
10-02-26	WILLOW RD	ESSEX COUNTY GREENBELT ASSOC		82 EASTERN AVE	ESSEX	MA	01929
10-02-27	WILLOW RD	BUSBY SR PHILIP A JT	MARIE W BUSBY	9 POND LANE	ATKINSON	NH	03811
10-02-38	WILLOW RD	ESSEX COUNTY GREENBELT ASSOC		82 EASTERN AVE	ESSEX	MA	01929
6-2-2.B	22 WASHINGTON STREET	PRICE THOMAS M		19A CHADWICK FARM RD	BOXFORD	MA	01921

CERTIFIED COPY 5/10/23

Stacey Fournier

Attachment B

Locus Maps

Figure 1: USGS Topographic Map

Figure 2: Orthophoto Map

Figure 3: FEMA FIRMette

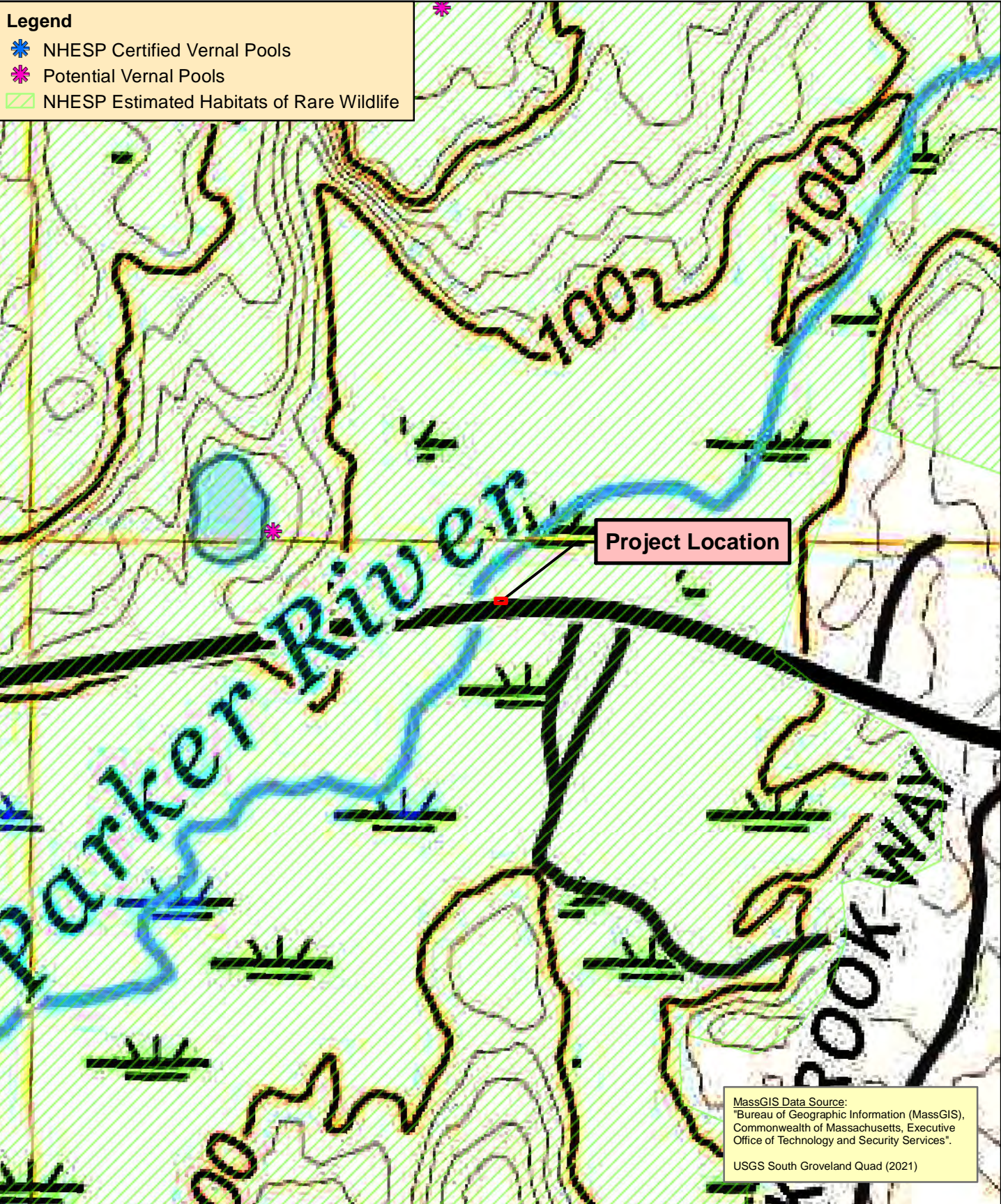


Figure 1
USGS Topographic Map
 Willow Road
 Boxford, MA

Legend

M038TaxPar_CY20_FY21



Project Location

MassGIS Data Source:
"Bureau of Geographic Information (MassGIS),
Commonwealth of Massachusetts, Executive
Office of Technology and Security Services".
MassGIS 2021 Orthophoto (Spring 2021)



LEC Environmental Consultants, Inc.
Wakefield, MA 781.245.2500
www.lecenvironmental.com

**Figure 2
Orthophoto Map**

Willow Road
Boxford, MA

Date: 5/8/2023



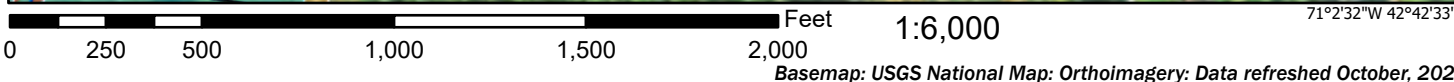
1 inch = 100 feet

0 25 50 100 Feet

National Flood Hazard Layer FIRMMette



71°3'9"W 42°43'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
OTHER AREAS OF FLOOD HAZARD		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
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
OTHER FEATURES		Levee, Dike, or Floodwall
		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
MAP PANELS		17.5 Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped
		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 **5/5/2023 at 11:48 AM** 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.

Attachment C

Representative Site Photographs



Photo 1 – View of project area (between the two blue wetland flags left of center), facing east.



Photo 2 – View of project area (between the two blue wetland flags right of center), facing west.



Photo 3 – Close up view of bottom of rip rap slope to be temporarily altered. Bank Flag TOB 8 is visible to the right.

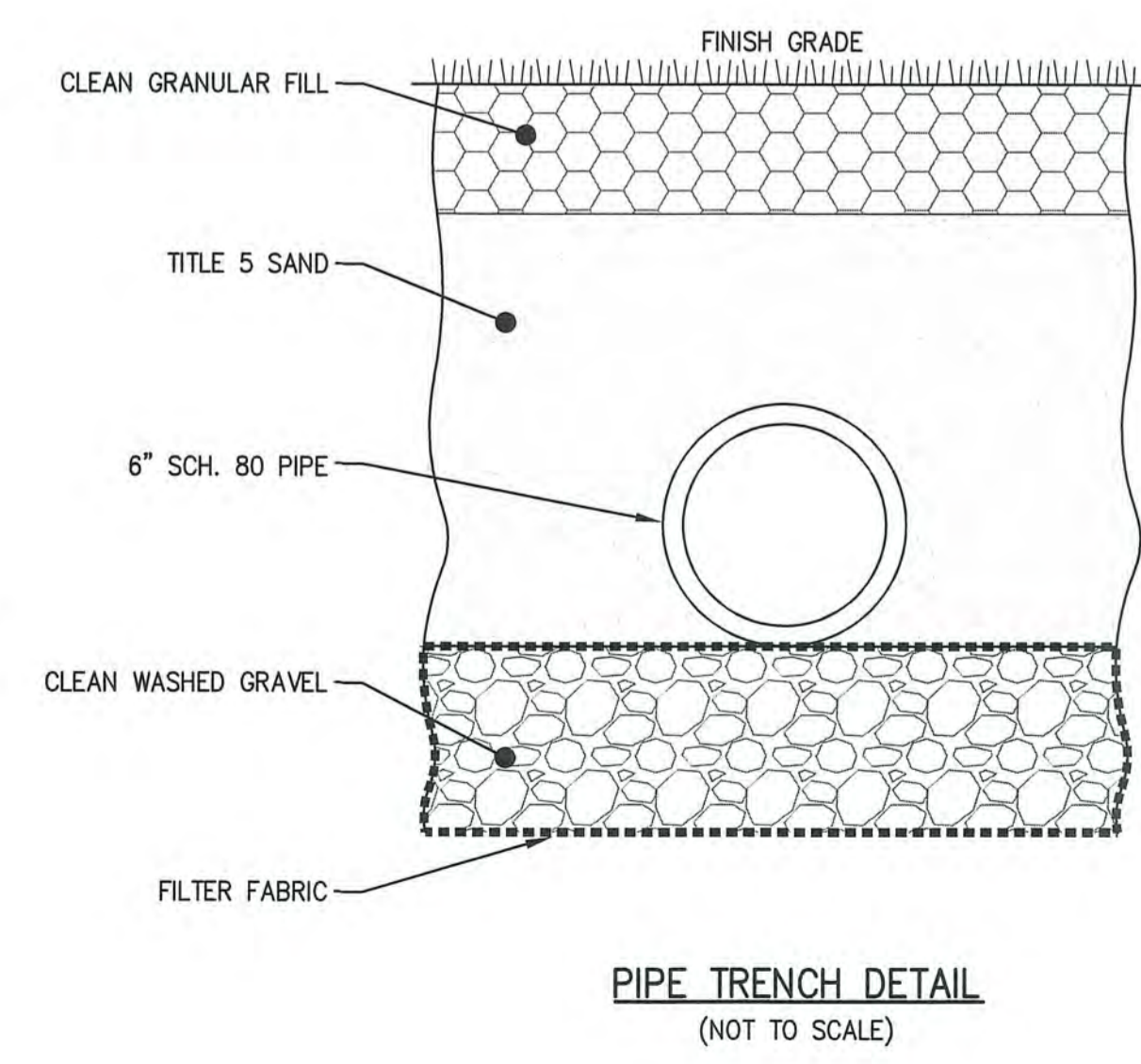
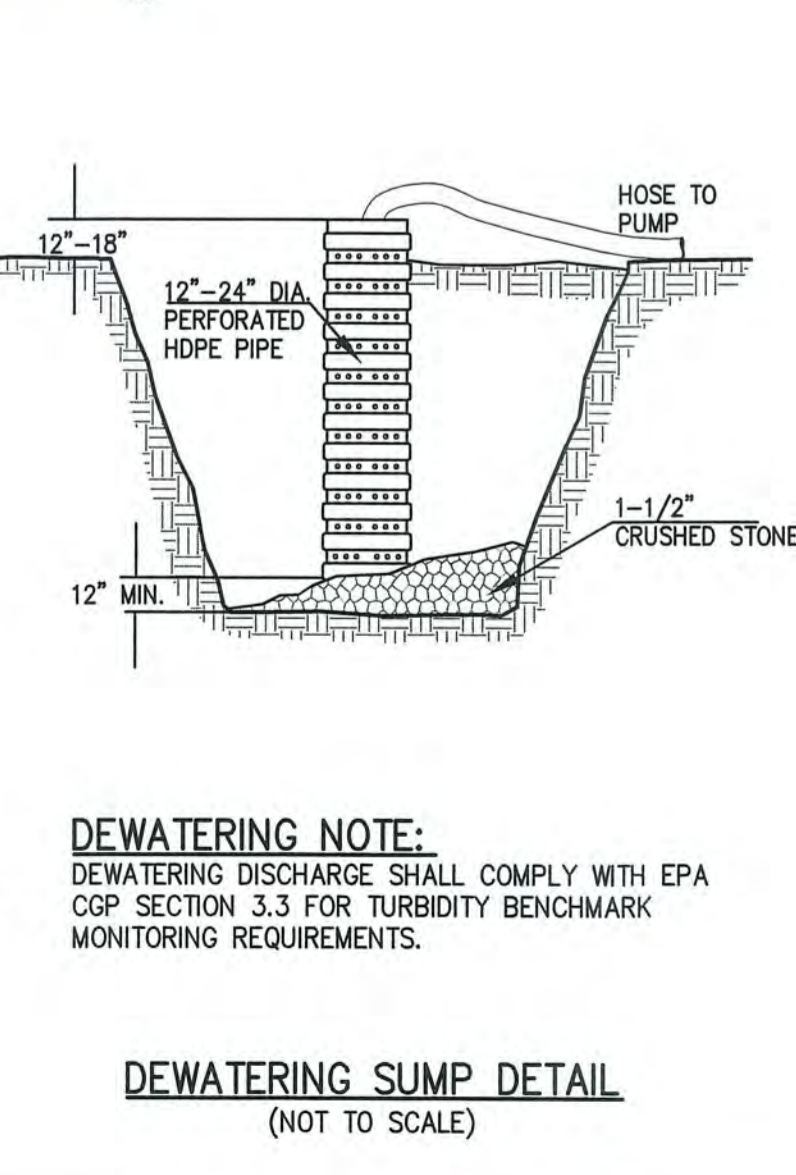
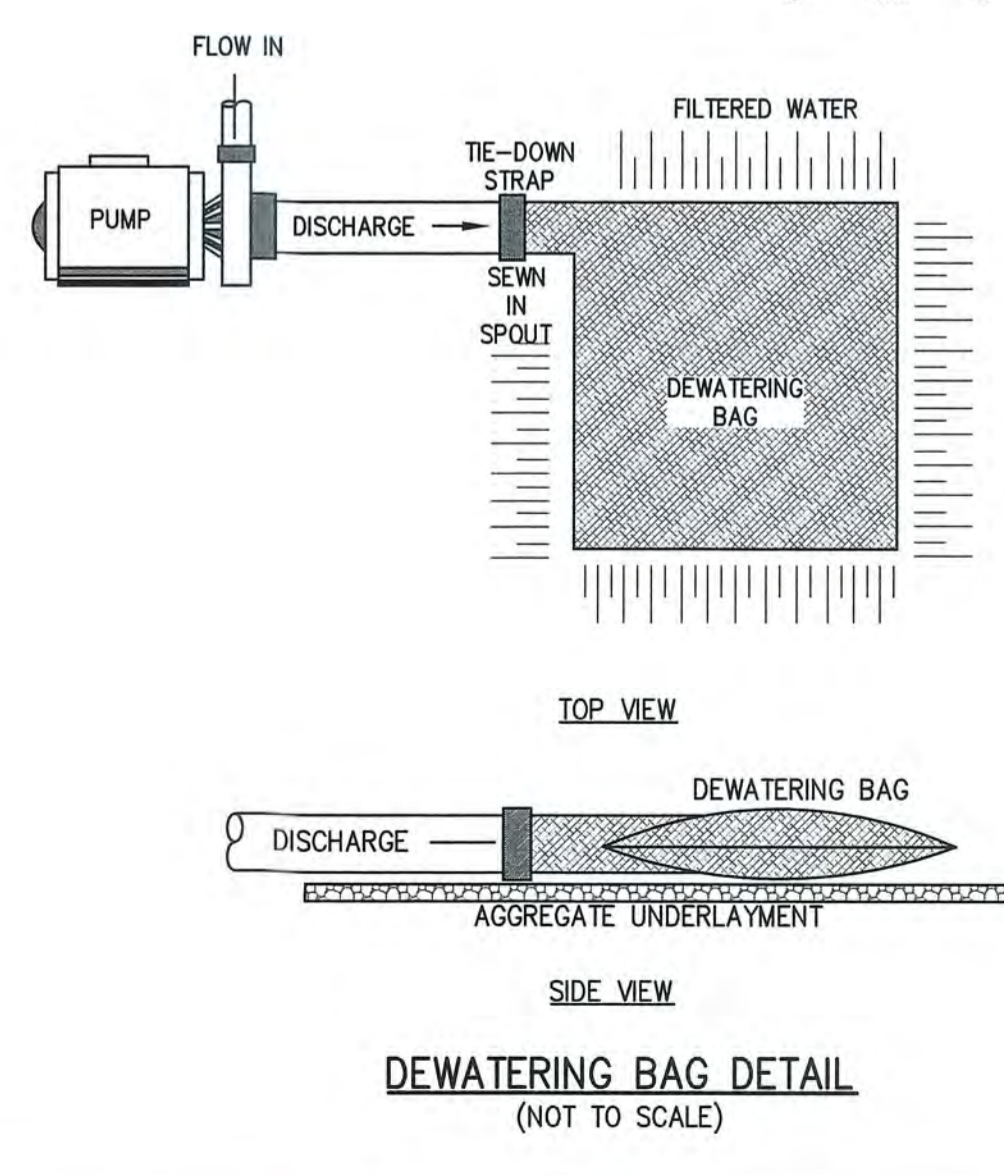
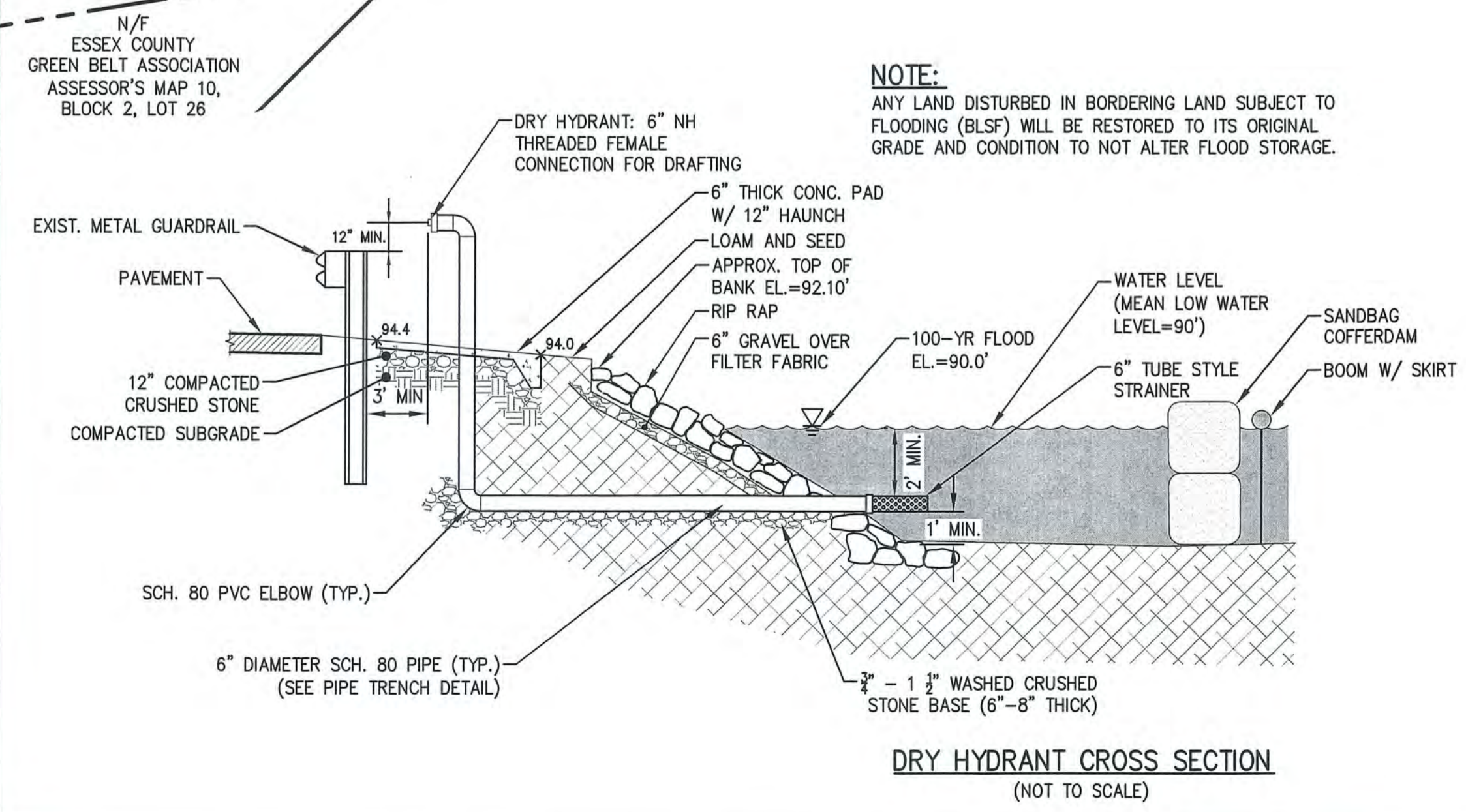
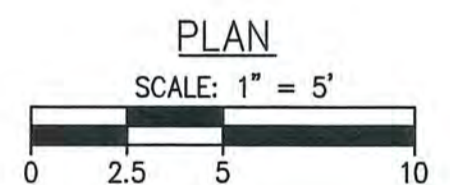
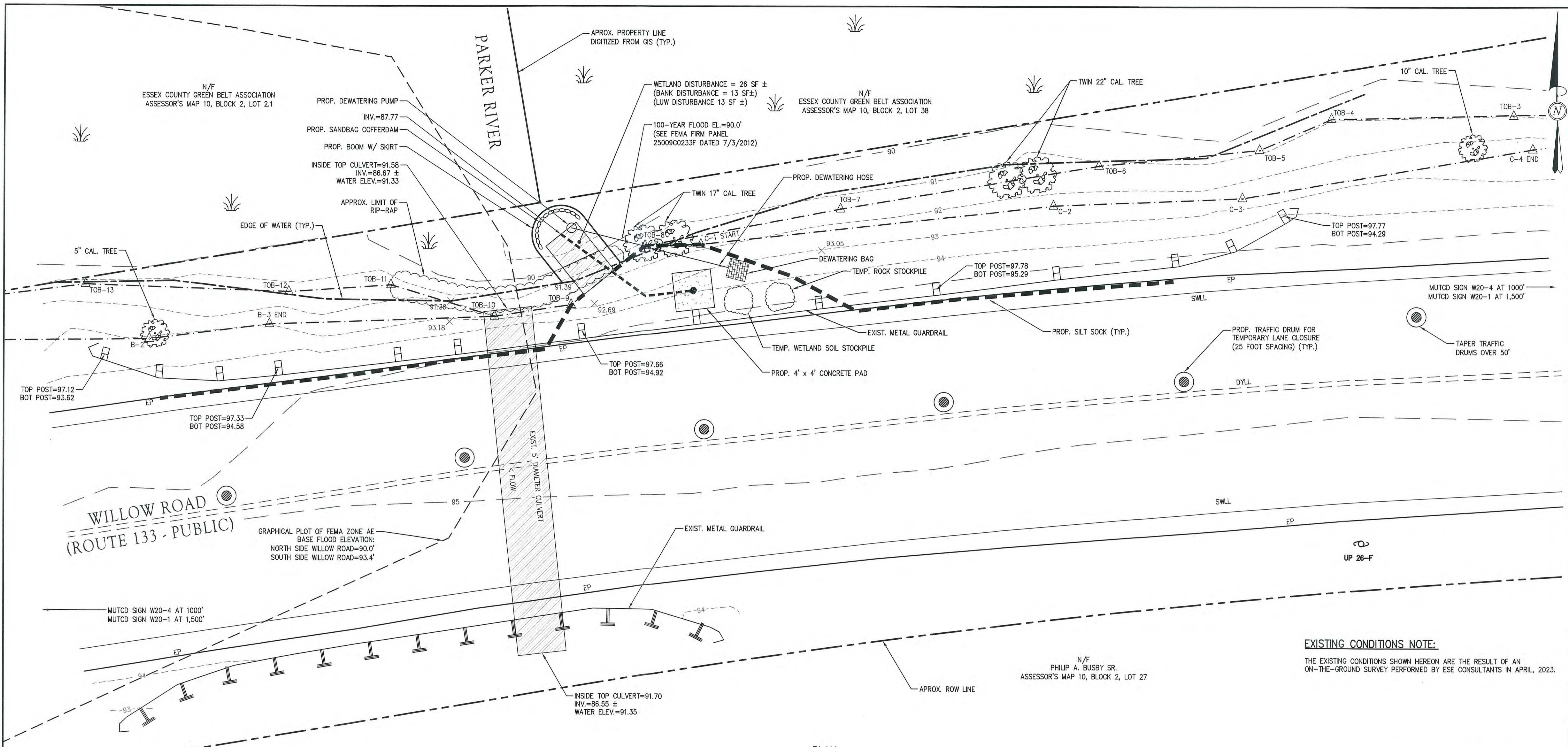


Photo 4 – Example of a dry hydrant located further upstream on the Parker River in Boxford, across from Boxford Animal Hospital.

Attachment D

Dry Hydrant Plan

prepared by The Morin-Cameron Group, Inc., dated May 10, 2023



- CONSTRUCTION SEQUENCE:**
1. INSTALL SEDIMENT CONTROL BARRIERS.
 2. AFTER INSTALLATION OF SEDIMENT CONTROLS, THE CONTRACTOR SHALL COORDINATE A PRE-CONSTRUCTION MEETING AT LEAST 48 HOURS PRIOR TO ANY CONSTRUCTION ACTIVITY WITH THE TOWN AND CLIENT.
 3. ESTABLISH TRAFFIC CONTROL AND POLICE DETAIL.
 4. REMOVE TOPSOIL AND STOCKPILE.
 5. REMOVE RIP-RAP AND STOCKPILE IN SPECIFIED LOCATION.
 6. REMOVE WETLAND SOIL AND STOCKPILE IN SPECIFIED LOCATION.
 7. INSTALL DRY HYDRANT PIPE.
 8. BACKFILL AND RESTORE TO ORIGINAL GRADE.
 9. CONSTRUCT CONCRETE PAD.
 10. RESTORE ALL DISTURBED AREAS TO ORIGINAL CONDITION AND STABILIZE EXPOSED SOIL.
 11. REMOVE SEDIMENTATION CONTROL BARRIERS ONCE ALL SOIL IS STABILIZED.

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REVISIONS

NO.	DESCRIPTION	DATE

PLAN TO ACCOMPANY NOTICE OF INTENT IN BOXFORD, MASSACHUSETTS WILLOW ROAD TOWN OF BOXFORD

DRY HYDRANT PLAN

DRAWING NO. **1 OF 1**

PROJ. #3177

Attachment E

Turtle Protection Plan
prepared by LEC, dated May 8, 2023



Turtle Protection Plan

(Blanding's Turtle and Wood Turtle)

Dry Hydrant Project, Willow Road, Boxford, MA

Prior to the commencement of any vegetative clearing or excavation activity, temporary turtle barriers must be installed around the Limit of Work as depicted on the *Dry Hydrant Plan* prepared by The Morin-Cameron Group, Inc., last revised on May 10, 2023 ("*Site Plan*").

Pre-construction turtle sweeps must be conducted within the Limit of Work regardless of the time of year), unless otherwise approved in writing by NHESP.

Upland Turtle Barriers

- 1) The proposed temporary turtle barriers on the dry (or upland) portions of the work area shall be comprised of silt sock, because the steep slope leading to the water from Willow Road is composed of large rip rap, and standard entrenched silt fence is unlikely to be feasible. The silt sock must be installed along the Limit of Work as depicted on the *Site Plans*.
- 2) Installation of the temporary turtle barrier must be conducted so as to minimize vegetation disturbance. No clearing may occur outside the Limits of Work approved by the NHESP.

Wetland Turtle Barriers

- 3) The portion of the work located within the wetland will be surrounded by a boom with skirt. The boom will connect to the silt sock barrier so as to form a continuous barrier. The boom with skirt must be installed along the Limit of Work as depicted on the *Site Plans*.

Pre-Construction Inspection / Contractor Education

- 4) Prior to the start of work LEC will inspect the barrier and facilitate any repairs/alterations necessary to ensure the integrity and function of the barrier.
- 5) LEC shall conduct a turtle sweep within the Limit of Work as depicted on the *Site Plan*, prior to installation of the sandbag cofferdam.
- 6) LEC shall monitor the initial installation of the sandbag cofferdam and dewatering activities.
- 7) Any state-listed vertebrate species encountered during the pre-work turtle sweep or monitoring inspection(s) shall be released in appropriate habitat near, but outside of, the Limit of Work. All state-listed species encountered shall be reported to the NHESP through the MassWildlife Heritage Hub.
- 8) A summary report with photographs shall be submitted to NHESP following the completion of the dry hydrant installation.
- 9) LEC shall obtain a Scientific Collection Permit prior to conducting the turtle sweep or interim authorization approved in writing by NHESP.
- 10) Barriers shall be removed from the site once the project is complete.