



January 7, 2020

Certified Mail Article No. 7019 0700 0001 6436 2297

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

**Re: DEP File #: 114-1235
Request to Extend Order of Resource Area Delineation
Willow Road and Pine Plain Road
Boxford, Massachusetts**

[LEC File #: TBI\18-044.02]

Dear Mr. Delaney:

On behalf of the Property Owner, Price Family LLC, LEC Environmental Consultants, Inc., (LEC) is submitting this request to extend the Order of Resource Area Delineation (ORAD) issued by the Boxford Conservation Commission (Commission) for the above-referenced site.

An Abbreviated Notice of Resource Area Delineation (ANRAD) was prepared by Wetlands Preservation Inc. (WPI) with ANRAD Site Plans prepared by Christiansen & Sergi, Inc. and filed with the Commission on September 22, 2016 under the *Massachusetts Wetlands Protection Act* (MGL c. 131, s. 40) and the *Boxford Wetlands Protection Bylaw (Town Code Chapter 192 & 375)*. The Commission retained the services of Greg Hochmuth of Williams & Sparages to peer review the ANRAD Application and field delineation of Wetland Resource Areas. Mr. Hochmuth prepared a peer review report on December 30, 2016. The Commission subsequently issued the attached ORAD on February 21, 2017. The ORAD will expire on February 21, 2020.

Since issuance of the ORAD, Toll Brothers, Inc. has been actively pursuing development of the parcel; appearing informally before various local boards. Toll is in the process of further refining the site plans in preparation for submission to the Conservation Commission, Planning Board, and Board of Health.

LEC respectfully requests that the Commission issue a one year extension of the ORAD, extending it to February 21, 2021. Please place us on the agenda for the January 16, 2020 Public Hearing to further discuss this request.

Enclosed please find a check for One Hundred Fifty Dollars (\$150.00) made payable to the Town of Boxford for the Boxford Bylaw extension permit fee. Should you have any questions or require additional information, I may be contacted in our Wakefield at (781) 245-2500 or at amarton@lecenvironmental.com.

Sincerely,

LEC Environmental Consultants, Inc.

Ann M. Marton, President
Director of Ecological Services

cc: DEP, Northeast Region; Toll Brothers, Inc.

LEC Environmental Consultants, Inc.

www.lecenvironmental.com

12 Resnik Road
Suite 1
Plymouth, MA 02360
508-746-9491
508-746-9492 (Fax)

PLYMOUTH, MA

380 Lowell Street
Suite 101
Wakefield, MA 01880
781-245-2500
781-245-6677 (Fax)

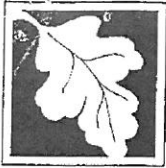
WAKEFIELD, MA

100 Grove Street
Suite 302
Worcester, MA 01605
508-753-3077
508-753-3177 (Fax)

WORCESTER, MA

P. O. Box 590
Rindge, NH 03461
603-899-6726
603-899-6726 (Fax)

RINDGE, NH



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

**WPA Form 4B – Order of Resource Area
Delineation**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Boxford Wetlands Protection Bylaw, Town Code Ch. 192 & 375

Provided by MassDEP:

114-1235

MassDEP File Number

eDEP Transaction Number

City/Town

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.



Note: Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

From: Town of Boxford
1. Conservation Commission

2. This Issuance is for (check one):

- a. Order of Resource Area Delineation
- b. Amended Order of Resource Area Delineation



SO ESSEX #147 Bk:36228 Pg:029
10/04/2017 09:57 AM ORDR RAD Pg 1/5
eRecorded

3. Applicant:

Alex Price
a. First Name b. Last Name
Price Family LLC
c. Organization
54 Waltham Ave.
d. Mailing Address
Springfield MA 01109
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

a. First Name b. Last Name
c. Organization
d. Mailing Address
e. City/Town f. State g. Zip Code

5. Project Location:

Willow Road and Pine Plain Road Boxford 01921
a. Street Address b. City/Town c. Zip Code
6 2/2.2 (portion)
d. Assessors Map/Plat Number e. Parcel/Lot Number
Latitude and Longitude 42d 42m 54.60sN 071d 2m 16.10sW
(in degrees, minutes, seconds): f. Latitude g. Longitude

6. Dates: 9/21/2016 2/2/2017
a. Date ANRAD filed b. Date Public Hearing Closed c. Date of Issuance

7. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

ANRAD Plan for Land on Willow Road and Pine Plain Road 8/23/2016, Last
a. Title Revised 1/17/2017
c. Title d. Date



WPA Form 4B – Order of Resource Area Delineation

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Boxford Wetlands Protection Bylaw, Town Code Ch. 192 & 375

B. Order of Delineation

1. The Conservation Commission has determined the following (check whichever is applicable):

a. **Accurate:** The boundaries described on the referenced plan(s) above and in the Abbreviated Notice of Resource Area Delineation are accurately drawn for the following resource area(s):

1. Bordering Vegetated Wetlands
2. Other resource area(s), specifically:

a. Only the following are approved under this Order: Bordering Vegetated Wetlands flags A1 to A111, A117 to A333; B1 to B6, B6A, B7 to B9, B9A, B10 to B18, B18A, B19A, B20 to B22, B41 to B57; L1 to L50, L50A, L51 to L62; M1 to M77; N1 to N43; W1 to W63, W63A to W63F, W64 to W124, W124A to W124G, W125 to W161; X1 to X28; Y1 to Y23; Z1 to Z50; Boxford Bylaw Vernal Pools (not yet Certified Vernal Pools) flags VP1-1 to VP1-19; VP2-1A to VP2-1E, VP2-1 to VP2-14; VP3-1 to VP3-23; Boxford Bylaw Potential Vernal Pool (not yet a Certified Vernal Pool) flags PVP1-1 to PVP1-8; Riverfront flags RB1, RB01 to RB04, RB1A to RB1H, RB2, RB2A, RB2B, RB3, RB3A, RB4, RB4A to RB4E, RB5, RB5A to RB5E, RB6, RB6A, RB6B, RB7, RB7A to RB7D, RB8, RB8A to RB8E, RB9, RB9A, RB9B, RB10 to RB13, all as shown on the approved plans. Bordering Land Subject to Flooding, Land Under Water and Bank exist on the site but were not flagged and are not included in this ANRAD. Under the Boxford Wetlands Protection Bylaw, Vernal Pools do not need to be Certified to be jurisdictional and protected with a 100-foot No-Disturb Buffer. See Findings, attached.

b. **Modified:** The boundaries described on the plan(s) referenced above, as modified by the Conservation Commission from the plans contained in the Abbreviated Notice of Resource Area Delineation, are accurately drawn from the following resource area(s):

1. Bordering Vegetated Wetlands
2. Other resource area(s), specifically:

a. _____

c. **Inaccurate:** The boundaries described on the referenced plan(s) and in the Abbreviated Notice of Resource Area Delineation were found to be inaccurate and cannot be confirmed for the following resource area(s):

1. Bordering Vegetated Wetlands
2. Other resource area(s), specifically:



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 4B – Order of Resource Area Delineation

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

This Order of Resource Area Delineation determines that the boundaries of those resource areas noted above, have been delineated and approved by the Commission and are binding as to all decisions rendered pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40) and its regulations (310 CMR 10.00). This Order does not, however, determine the boundaries of any resource area or Buffer Zone to any resource area not specifically noted above, regardless of whether such boundaries are contained on the plans attached to this Order or to the Abbreviated Notice of Resource Area Delineation.

This Order must be signed by a majority of the Conservation Commission. The Order must be sent by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).

D. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Resource Area Delineation. When requested to issue a Superseding Order of Resource Area Delineation, the Department's review is limited to the objections to the resource area delineation(s) stated in the appeal request. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order of Resource Area Delineation will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order or Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, § 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal bylaw or ordinance, and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
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City/Town

E. Signatures

2/21/2017
 Date of Issuance

Please indicate the number of members who will sign this form.

5
 1. Number of Signers

[Signature]
 Signature of Conservation Commission Member
[Signature]
 Signature of Conservation Commission Member
[Signature]
 Signature of Conservation Commission Member
[Signature]
 Signature of Conservation Commission Member

[Signature]
 Signature of Conservation Commission Member

 Signature of Conservation Commission Member

 Signature of Conservation Commission Member

This Order is valid for three years from the date of issuance.

If this Order constitutes an Amended Order of Resource Area Delineation, this Order does not extend the issuance date of the original Final Order, which expires on 2-21-20 unless extended in writing by the issuing authority.

This Order is issued to the applicant and the property owner (if different) as follows:

2. By hand delivery on _____

a. Date

3. By certified mail, return receipt requested on _____

a. Date

**ATTACHMENT TO ORDER OF RESOURCE AREA DELINEATION
ISSUED UNDER THE WETLANDS PROTECTION ACT and
BOXFORD WETLANDS PROTECTION BYLAW
TOWN OF BOXFORD CONSERVATION COMMISSION**

FILE #:114-1235

DATE OF APPROVED PLAN: 8/23/2016, Last revised 1/17/2017

LOCATION: Willow Road and Pine Plain Road

APPLICANT: Price

FINDINGS : The resource area boundaries of 3 Vernal Pools (2 Bylaw and 1 Potential), Bordering Vegetated Wetlands, and Riverfront Area of the Parker River, as shown on the approved plans, have been reviewed by the Boxford Conservation Commission and a peer-review consultant hired by the Commission and paid for by the applicant.

A redelineation of portions of the Riverfront Area was requested by the Commission to reflect conditions observed in the field, and this was provided by the applicant in revised plans.

The Potential Bylaw Vernal Pool was identified during field reconnaissance and delineated on the revised plans. This area will be monitored during the spring of 2017 to determine if seasonal flooding of the Parker River engulfs the Vernal Pool and to check for the presence of vernal pool species.

The Boxford Conservation Commission agreed to the applicant's request to dispense with a delineation of Bank, as all such resource area is embeded within other resource areas and would not extend buffer zone protection further than as shown on the approved plans.

The filing fee calculated for the project under the Boxford Wetlands Protection Bylaw reflects only the linear distance of wetland resource delineation actually approved by the Commission. The applicant has independently decided not to show Land Under Water and Bordering Land Subject to Flooding on the plans, and the Commission expressly makes no finding with regard to such areas under this Order.

There are no outstanding Orders of Conditions on this property.