

Request for Determination of Applicability

Wetlands Protection Act and Boxford Wetlands By-law

**4 Dana Road
Boxford, MA**

October 2018



**Wetlands & Land Management, Inc.
100 Conifer Hill Drive – Suite 516
Danvers, MA 01923**

Wetlands & Land Management, Inc.

100 Conifer Hill Drive - #516
Danvers, MA 01923
978-777-0004 Telephone

October 17, 2018

Mr. Ross Povenmire
Boxford Conservation Commission
7A Spofford Road
Boxford, MA 01921

RE: Request for Determination of Applicability for a portion of driveway in buffer zone
4 Dana Road

Dear Mr. Povenmire and Conservation Commission Members:

On behalf of the applicant, Wetlands & Land Management Inc. is submitting this Request for Determination of Applicability application to construct a small portion of new driveway in buffer zone to bordering vegetated wetlands.

The Commission is familiar with this site as you have recently issued a negative determination of applicability for a similar scenario. Recently, the project architect received the negative determination to allow roughly 120 square feet of driveway incursion into the buffer zone with associated grading. The proposed driveway was associated with a new house addition. The house addition falls outside of buffer zone. The applicant is now seeking a second negative determination of applicability to allow this slightly modified driveway approach to the proposed house addition.

The driveway configuration has been modified slightly to provide an easier approach into the proposed new garage. This should eliminate the need for extra turning or maneuvering that would have been likely with the initial driveway plan.

The new configuration shows a 318 square foot driveway incursion into the buffer zone, along with similar associated grading as the first RDA plan. The work occurs within the developed lawn or landscaped areas of the site.

The initial plan showed a driveway within 90.5 feet from the edge of wetlands. The new configuration falls within 85.5 feet from the wetlands. From our telephone call earlier this week, the wetland line placed by others for the initial filing was reviewed and is acceptable. This RDA shows the same wetland delineation line.

The attached site plan illustrates the new scenario in yellow, overlaid on the old scenario in gray. The work is compliant with all Boxford Wetland By-law setbacks. The plan shows appropriate erosion control along the edge of work.

The project is appropriate for a negative determination. The proposed driveway is 90 feet from the nearest wetland flag. Proposed grading is more than 75 feet from the wetlands and no closer than the initial project proposal for which the Commission recently issued a negative determination.

Please schedule this matter for your November 1, 2018 meeting. I will be available to present the project and answer any questions you might have.

Sincerely,

Wetlands & Land Management, Inc.

A handwritten signature in cursive script that reads "William J. Manuell".

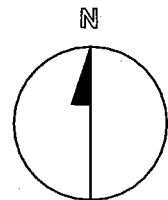
William J. Manuell
For the Applicant

Locus Map
Source: United States Geological Survey



SCALE: 1:25,000

Wetlands & Land Management, Inc.
100 Conifer Hill Drive - #516
Danvers, MA 01923
978-777-0004



REQUEST FOR DETERMINATION OF APPLICABILITY (WPA FORM 1)



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

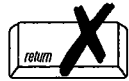
Boxford
City/Town

WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Boxford Wetlands By-law

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:

Brian and Carol Hubbard
Name
4 Dana Road
Mailing Address
Boxford MA 01921
City/Town State Zip Code
908-432-1362
Phone Number
Fax Number (if applicable)

briankenthubbard@me.com
E-Mail Address

2. Representative (if any):

Wetlands & Land Management, Inc
Firm
William Manuell
Contact Name
100 Conifer Hill Drive #516
Mailing Address
Danvers MA 01923
City/Town State Zip Code
978-777-0004
Phone Number
Fax Number (if applicable)

bill@wetlandslm.com
E-Mail Address

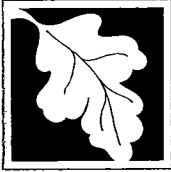
B. Determinations

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

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

4 Dana Road	Boxford
Street Address	City/Town
33	2/10
Assessors Map/Plat Number	Parcel/Lot Number

b. Area Description (use additional paper, if necessary):

Residential property at 4 Dana Road. The work area is located on the southeast side of the house.

c. Plan and/or Map Reference(s):

Brian & Carol Hubbard, Plan of Proposed Driveway	10-12-18
Title	Date
_____	_____
Title	Date
_____	_____
Title	Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

Construct a small area of driveway - 318 square feet - within buffer zone to wetlands. The work is

Located primarily in lawn areas adjacent to the house. An in-law addition will be constructed

Outside of the buffer zone.



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

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.)



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Boxford
City/Town

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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:

Brian and Carol Hubbard

Name

4 Dana Road

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

10-17-18

Date


Signature of Representative (if any)

10-17-18

Date

ABUTTER INFORMATION

Notification to Abutters Under the Massachusetts Wetlands Protection Act

In accordance with the second paragraph of the Massachusetts General Laws Chapter 131, Section 40, you are hereby notified of the following.

- A. The name of the applicant is Brian and Carol Hubbard
- B. The applicant has filed a Notice of Intent with the Conservation Commission for work subject to jurisdiction under the Wetlands Protection Act (General Laws Chapter 131, Section 40).

Activities Proposed: Construct a portion of a new driveway in buffer zone. The work is associated with a new addition that will be constructed outside of the buffer zone.

- C. The Address of the Lot where the activity is proposed is 4 Dana Road, Boxford
- D. Copies of the Notice of Intent may be examined by appointment at Wetlands & Land Management, Inc between the hours of 9 AM and 3 PM on the following days of the week: M-F
For an appointment, call: (978) 777-0004
This is the applicant's representative. _____

Name of Representative: Wetlands & Land Management, Inc. – William Manuell

- E. Copies of the Notice of Intent may be obtained from the Town Hall or for a fee from the applicant's representative by calling this telephone number (978)-777-0004 between the hours of 9 AM and 4 PM on the following days of the week: M-F
- F. Information regarding the date, time, and place of the public hearing may be obtained from the Conservation Commission by calling this telephone number 978-887-6000 between the hours of 9AM and 4PM on the following days of the week: M-Thur. Call Town Hall for hours of operation.

NOTE: Notice of the public hearing, including its date, time and place, will be published at least five (5) days in advance in the Tri-Town Transcript
(name of newspaper)

NOTE: Notice of the public hearing, including its date, time and place, will be posted in the City or Town Hall not less than forty-eight (48) hours in advance.

NOTE: You also may contact your local Conservation Commission or the nearest Department of Environmental Protection Regional Office for more information about this application or the Wetlands Protection Act.

To contact DEP, call:

Central Region: 508-792-7650

Northeast Region: 978-694-3200

Southeast Region: 508-946-2800

Western Region: 413-784-1100

TOWN OF BOXFORD
 ABUTTER LIST
 PARCEL #33-2-10 ~ 4 DANA RD ~ CONSERVATION COMMISSION 250'

Parcel ID	Parcel Location	Owner 1	Owner 2	Owner Address	Owner City/Town	Owner State	Owner Zip Code
33-2-11	47 TOPSFIELD RD	CAVALLARO HEINZ PAMELA TR	P & S REALTY TRUST	47 TOPSFIELD ROAD	BOXFORD	MA	01921
33-2-10.10	5 DANA RD	RAGO GERALD TE	NANCY C RAGO	5 DANA RD	BOXFORD	MA	01921
33-2-10	4 DANA RD	HUBBARD BRIAN K	HUBBARD CAROL J	4 DANA RD	BOXFORD	MA	01921
33-2-10.9	11 DANA RD	REHM JOHN TE	KATHLEEN REHM	11 DANA RD	BOXFORD	MA	01921
33-2-10.1	DANA RD	MCALEER LAURIE A		74 WHITNEY HILL LOOP, BX 74	JACKSON	NH	03846
33-2-9.1	43 TOPSFIELD RD	CONNORS KEVIN J TE	CONNORS CYNTHIA A	43 TOPSFIELD RD	BOXFORD	MA	01921
33-2-9	10 CAHOON RD	CASTNER NAOMI K TR	CASTNER FAM RLT TR	10 CAHOON RD	BOXFORD	MA	01921
33-2-6	TOPSFIELD RD	TOWN OF BOXFORD	BOY SCOUT PARK	7A SPOFFORD RD	BOXFORD	MA	01921

CERTIFIED COPY

Janet Silva
 July 10, 2018

PROJECT PLANS
