

# HANCOCK ASSOCIATES

Surveyors | Engineers | Scientists

#25016

March 8, 2022

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

**RE: Request for Determination of Applicability for Silvermine Road/Main Street (Map 10, Block 1, Lot 8)**

Dear Members of the Conservation Commission,

On behalf of 599 Main, LLC (Applicant), Hancock Associates respectfully submits this Request for Determination of Applicability to permit soil testing. This is a reapplication for a previously approved Determination from 2017 which has lapsed. The proposed testing is outside the 100-foot Buffer Zone. Access to the site does cross the 100-foot Buffer Zone at the "site entrance".

We request that the Boxford Conservation Commission issue a Negative Determination #2 pursuant to the Boxford Wetlands Protection Bylaw because *"The work described in the Request is within an area subject to protection under the Act but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent"*.

Also requested is a Negative Determination #5 pursuant to the state regulations because *"The area described in the Request is subject to protection under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, No Notice of Intent is required:*

310 CMR 10.02(2) (b) 2.g. list the following exemption;

*g. Activities that are temporary in nature, have negligible impacts, and are necessary for planning and design purposes (e.g., installation of monitoring wells, exploratory borings, sediment sampling and surveying and **percolation tests for septic systems provided that resource areas are not crossed for site access**) (italics & bold added).*

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## Existing Conditions and Wetland Resource Areas

The property is located on Silvermine Road, Boxford (identified as Map 10, Block 1, Lot 8 on Boxford Assessors Maps). The property is currently owned by 599 Main LLC. The site is currently undeveloped and bound by single-family homes fronting on Main Street and Silvermine Road.

This wetland resource area was delineated in accordance with the guidance document *Delineating Bordering Vegetated Wetlands under the Massachusetts Wetlands Protection Act* published by the MassDEP Division of Wetlands and Waterways in March 1995. All wetland flags were located via survey and plotted to the Plan to Accompany a Request for Determination of Applicability by a Professional Land Surveyor (PLS) (refer to Plan to Accompany a Request for Determination of Applicability as Attachment A).

An Order of Resource Area Delineation (ORAD) was issued for this site March 2, 2017 (revised June 22, 2017 and extended in 2020 and 2021) and will currently expire in July 2022. In the month of October 2017, a qualified Professional Wetland Scientist (PWS®) field delineated the limit of two wetland series. The two wetland series are Inland Bank and Bordering Vegetated Wetland with a wetland flag series demarcated as WF flags A-series A-17 through A-77, B-series B-1 through B-20. An environmental constraints desktop assessment of the subject property was performed through review of MassGIS data layers, USGS 7.5-minute quadrangle maps, NRCS soil survey data, aerial photography, and Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs).

Based on this review, there are some environmental sensitive resource areas such as NHESP mapped Estimated or Priority Rare Species Habitats (PH 2136), NHESP mapped Certified Vernal Pools (CVP #2056, #2250, #1397, and #1398). However, there are no Areas of Critical Environmental Concern, Outstanding Resource Waters (ORWs), Cold Water Fisheries, Surface Water Protection Zones, or Wellhead Protection Zones on the property.

According to the current FEMA Flood Insurance Rate Map (25009C0229F, dated 7/3/2012), the project site falls within an area of minimal flood hazard (Zone X). According to the USGS 7.5-minute quadrangle map, there is a perennial stream running through the site.

## Proposed Work

This Request for a Determination of Applicability (RDA) is for temporary access by an excavating machine through one location of the 100-foot Buffer Zone near Silvermine Road for the purpose of soil testing. The excavator will use the previous access route that was used during the soil testing that was done in 2016 and 2017. A similar machine on rubber treads will be used in order to minimize any earth disturbance.

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Soil testing is proposed at various upland locations within the 599 Main Street property, shown on the site plans at the 'Soil Testing Area'. All testing will be done outside of the 100-foot Buffer Zone. The excavating contractor will not disturb any large trees in the Buffer Zone.

The project has been designed to avoid, minimize, and mitigate for all project impacts within wetland resource areas and associated buffer zones in protection of all interests of the wetland resource areas as defined in the WPA and the Boxford Wetland Protection Bylaw.

## **Conclusion**

As described herein, we believe the scope of work proposed has been designed to meet the performance standards for work within the 100-foot Buffer Zone. With standard Best Management Practices (BMPs) for erosion and sediment control during construction, we believe the physical activity of soil testing will not result in any significant impacts to the wetland resource areas. As such, we respectfully request that the Commission consider issuance of a Negative Determination of Applicability to permit to work described herein. Thank you for your consideration in this matter.

Regards,  
Hancock Associates on behalf of 599 Main, LLC

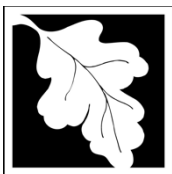


Kristan M. Farr  
Project Wetland Scientist

cc: MassDEP Northeast Regional Office (NERO)  
Thomas Frangos (via email)

### Attachments:

- A – WPA Form 1
- B – Filing Fees
- C – Abutter Notification
- D – Figures
- E – Site Plan



# WPA Form 1- Request for Determination of Applicability

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

## A. General Information

**Important:**

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



1. Applicant:

599 Main LLC  
Name  
c/o Next Use, 67 Venture Drive  
Mailing Address  
Dover  
City/Town  
NH  
State  
03820  
Zip Code  
(617) 877-6711  
Phone Number  
thomasfrangos@gmail.com  
E-Mail Address  
Fax Number (if applicable)

2. Representative (if any):

Hancock Associates  
Firm  
Kristan Farr  
Contact Name  
185 Centre Street  
Mailing Address  
Danvers  
City/Town  
MA  
State  
01923  
Zip Code  
(978) 777-3050  
Phone Number  
kfarr@hancockassociates.com  
E-Mail Address  
Fax Number (if applicable)

## B. Determinations

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

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

Boxford  
Name of Municipality

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



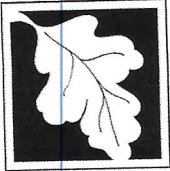


## WPA Form 1- Request for Determination of Applicability

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

### 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).
- 310 CMR 10.02(2)(b)2.g.- Minor project exemption for percolation test, provided that resource areas are not crossed for site access.
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.)
-



# WPA Form 1 - Request for Determination of Applicability

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

## 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:

599 Main LLC

Name

c/o Next Use, 67 Venture Drive

Mailing Address

Dover

City/Town

New Hampshire

State

03820

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

*Thomas H. Ranger, Manager*

Date

*3/3/22*

Signature of Representative (if any)

Date



10-01-08 - SILVERMINE RD, BOXFORD ABUTTERS LIST  
CONSERVATION COMMISSION 250'

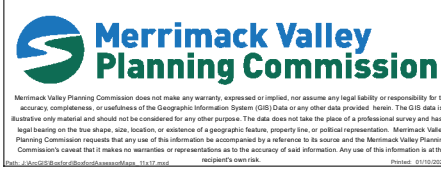
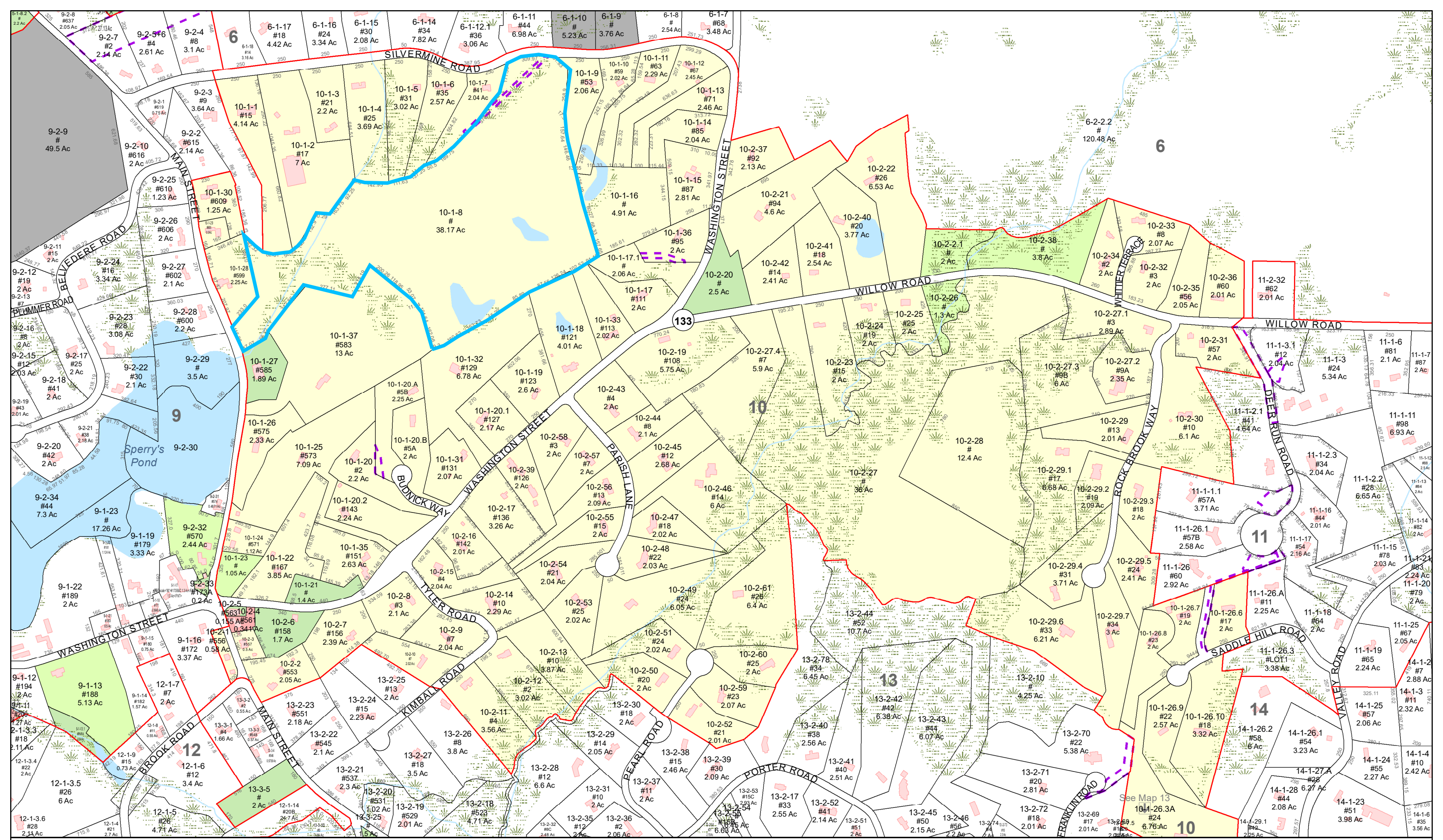
Parcel ID	Location	Owner	Owner 2	Owner Address	Owner City/Town	Owner State	Zip Code
06-01-09	SILVERMINE RD	NEW ENGLAND POWER	PROPERTY TAX DEPT	40 SYLVAN RD	WALTHAM	MA	02451
06-01-10	SILVERMINE RD	NEW ENGLAND POWER CO	PROPERTY TAX DEPT	40 SYLVAN RD	WALTHAM	MA	02451
06-01-11	44 SILVERMINE RD	GARSTON DEAN S TE	ERIN A GARSTON	44 SILVERMINE RD	BOXFORD	MA	01921
06-01-12-1	36 SILVERMINE RD	KENNEY CHARLES R	ALBISTON DOREEN	36 SILVERMINE RD	BOXFORD	MA	01921
09-02-03	9 SILVERMINE RD	DOLAN DOUGLAS	DOLAN JENNIFER	9 SILVERMINE RD	BOXFORD	MA	01921
09-02-27	602 MAIN ST	PETERSON ERIK	PETERSON LESLIE	602 MAIN ST	BOXFORD	MA	01921
09-02-28	600 MAIN ST	SIEGEL ELLIOT	SIEGEL STEFANIE R	600 MAIN ST	BOXFORD	MA	01921
09-02-29	FOWLERS POND	BERGSTROM ERIC P		19 MADISON WAY	PORTSMOUTH	RI	02871
10-01-01	15 SILVERMINE RD	KING DOUGLAS	KING SARA	15 SILVERMINE RD	BOXFORD	MA	01921
10-01-02	17 SILVERMINE RD	MURPHY GEORGE L TE	LINDA E MURPHY	P O BOX 407	W BOXFORD	MA	01885
10-01-03	21 SILVERMINE RD	SIVAK, JOSEPH A TR		PO BOX 149	W BOXFORD	MA	01885
10-01-04	25 SILVERMINE RD	BELLEFEUILLE JOSEPH	CAROLYN S BELLEFEUIL	P O BOX 261	W BOXFORD	MA	01885
10-01-05	31 SILVERMINE RD	CARLSTROM CHRISTINE E	PLUNKETT JAMES G	31 SILVERMINE RD	BOXFORD	MA	01921
10-01-06	35 SILVERMINE RD	BOYLE MATTHEW J	BOYLE MICHELLE J	35 SILVERMINE RD	BOXFORD	MA	01921
10-01-07	41 SILVERMINE RD	WINSLOW MICHAEL A	KOSTAS ALEXIS A	41 SILVERMINE RD	BOXFORD	MA	01921
10-01-08	SILVERMINE RD	599 MAIN LLC	C/O NEXT USE	67 VENTURE DRIVE	DOVER	NH	03820
10-01-09	53 SILVERMINE RD	ANDON ANTHONY M	ANDON DIANNE C	53 SILVERMINE RD	BOXFORD	MA	01921
10-01-10	59 SILVERMINE RD	HAMILTON GEORGE J. LE	STEARNS JANET LE	59 SILVERMINE RD	BOXFORD	MA	01921
10-01-11	63 SILVERMINE RD	DICUNZO ANTHONY TE	DICUNZO KARINA C	63 SILVERMINE RD	BOXFORD	MA	01921
10-01-12	67 SILVERMINE RD	LINNANE DERRICK	LINNANE KRISTIN	67 SILVERMINE RD	BOXFORD	MA	01921
10-01-16	SILVERMINE RD	599 MAIN LLC	C/O NEXT USE	67 VENTURE DRIVE	DOVER	NH	03820
10-01-17	111 WASHINGTON ST	CHILEL RUDY		111 WASHINGTON ST	BOXFORD	MA	01921
10-01-17-1	WASHINGTON ST	CHILEL RUDY	CHILEL CLAUDIA	111 WASHINGTON ST	BOXFORD	MA	01921
10-01-18	121 WASHINGTON ST	MEYER WILLIAM M & ELISABETH R - TRUSTEES	WILLIAM M MEYER 2009 TRUST	121 WASHINGTON ST	WEST BOXFORD	MA	001885-00*
10-01-19	123 WASHINGTON ST	WELCH MARK W		123 WASHINGTON ST	W BOXFORD	MA	01921
10-01-20-A	5B BUDNICK WAY	ASQUITH ASHLEY K	ASQUITH BRENDAN H	5B BUDNICK WAY	BOXFORD	MA	01921
10-01-27	585 MAIN ST	TOWN OF BOXFORD		7A SPOFFORD RD	BOXFORD MA	MA	01921
10-01-28	599 MAIN ST	ANASTOS DANIEL	ANASTOS LAUREL	599 MAIN ST	BOXFORD	MA	01921
10-01-29	605 MAIN ST	KAUFMANN JAMES K		P O BOX 313	W BOXFORD	MA	01885
10-01-30	609 MAIN ST	PINKHAM SANDRA C		609 MAIN ST PO BOX 323	W BOXFORD	MA	01885
10-01-32	129 WASHINGTON ST	BUTMAN AR & VR & GUILFORD JUDITH TRS	BUTMAN GUILFORD TRUST	129 WASHINGTON ST	BOXFORD	MA	01921
10-01-33	113 WASHINGTON ST	PENTA RICHARD	PENTA STEPHANIE	113 WASHINGTON ST	BOXFORD	MA	01921
10-01-36	95 WASHINGTON ST	FENTON SHARI		95 WASHINGTON ST	BOXFORD	MA	01921
10-01-37	583 MAIN ST	WINCHELL ELISABETH G & PAUL W - TRUSTEES	THE WINCHELL REALTY TRUST	583 MAIN ST	BOXFORD	MA	01921

CERTIFIED COPY

2/28/22

Heather Shupault

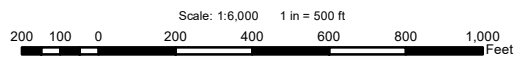




**Notes**  
 This map is for assessment purposes only. It is not a valid document for legal description or conveyance. Lot dimensions were compiled from existing assessor maps and survey based plans. For legal determination please refer to parcel specific deeds or the Town of Boxford Assessor Office.  
 \* Wetlands Note: The wetlands shown on the map do not depict their actual extent or boundary. A wetlands scientist should be consulted if a delineation is required.

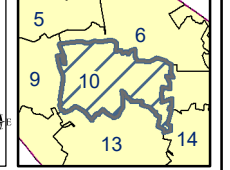
Map Revision Date: January 1, 2021

**Town of Boxford  
 Property Parcel Maps  
 10**



**Legend**

Adjacent Maps	Streams
Town Boundaries	Wetlands
Map Boundaries	Commercial Land Use
Property Parcels	Industrial Land Use
Easements	State
Building Footprint	County
Hydrographic Features	Municipal
	Private





# National Flood Hazard Layer FIRMette



71°4'9"W 42°42'59"N



0 250 500 1,000 1,500 2,000 Feet 1:6,000

71°3'32"W 42°42'32"N

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

## Legend

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

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) <i>Zone A, V, A99</i>
		With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i>
		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 <i>Zone X</i>
		Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>
		Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i>
		Area with Flood Risk due to Levee <i>Zone D</i>
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i>
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard <i>Zone D</i>
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		<b>20.2</b> Cross Sections with 1% Annual Chance <b>17.5</b> Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
MAP PANELS		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
		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 **2/25/2022 at 11:32 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.



**ASSESSORS:**

MAP 10, BLOCK 1, LOT 8

**REFERENCES:**

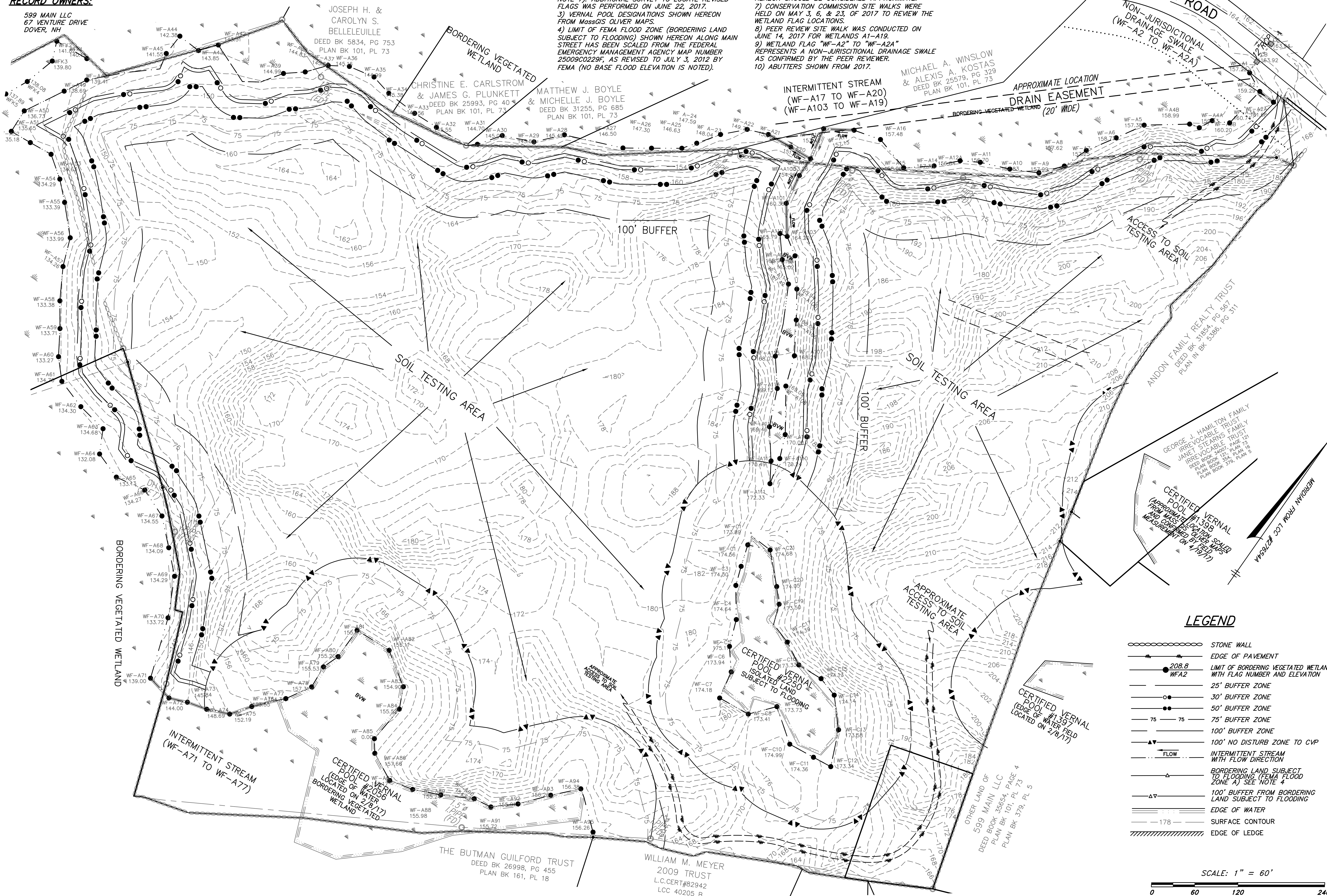
DEED BOOK 35654, PAGE 0004  
DEED BOOK 14556, PAGE 0453  
PLAN BOOK 6102, PLAN 0641

**RECORD OWNERS:**

599 MAIN LLC  
67 VENTURE DRIVE  
DOVER, NH

**NOTES:**

- 1) THIS PLAN HAS BEEN PREPARED TO ACCOMPANY A REQUEST FOR DETERMINATION.
- 2) WETLANDS SHOWN HEREON WERE DELINEATED ON OCTOBER 18 & 24, 2016 BY HANCOCK ASSOCIATES AND LOCATED BY FIELD SURVEY IN FEBRUARY, 2017 WITH SOME FLAGS SUBSEQUENTLY ADJUSTED AS DIRECTED BY THE CONSERVATION COMMISSION (SEE NOTE 7). ADDITIONAL SURVEY TO LOCATE REVISED FLAGS WAS PERFORMED ON JUNE 22, 2017.
- 3) VERNAL POOL DESIGNATIONS SHOWN HEREON FROM MASSGIS OLIVER MAPS.
- 4) LIMIT OF FEMA FLOOD ZONE (BORDERING LAND SUBJECT TO FLOODING) SHOWN HEREON ALONG MAIN STREET HAS BEEN SCALED FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY MAP NUMBER 25009C0229F, AS REVISED TO JULY 3, 2012 BY FEMA (NO BASE FLOOD ELEVATION IS NOTED).
- 5) ELEVATIONS SHOWN HEREON BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
- 6) PROPERTY LINES SHOWN HEREON COMPILED FROM DEEDS AND PLANS OF RECORD AND A BOUNDARY RETRACEMENT SURVEY. DISCREPANCIES BETWEEN RECORD MATHEMATICS AND FIELD LOCATIONS ARE IN THE REVIEW PROCESS. LOCATION OF LINES SHOWN HEREON SHOULD BE CONSIDERED APPROXIMATE.
- 7) CONSERVATION COMMISSION SITE WALKS WERE HELD ON MAY 3, 6, & 23 OF 2017 TO REVIEW THE WETLAND FLAG LOCATIONS.
- 8) PEER REVIEW SITE WALK WAS CONDUCTED ON JUNE 14, 2017 FOR WETLANDS A1-A19.
- 9) WETLAND FLAG "WF-A2" TO "WF-A2A" REPRESENTS A NON-JURISDICTIONAL DRAINAGE SWALE AS CONFIRMED BY THE PEER REVIEWER.
- 10) ABUTTERS SHOWN FROM 2017.



**LAND ON SILVERMINE ROAD AND MAIN STREET**

599 Main Street  
Boxford, Massachusetts

PREPARED FOR:

**599 Main LLC**

67 Venture Drive  
Dover, NH 03820

**HANCOCK ASSOCIATES**

Civil Engineers  
Land Surveyors  
Wetland Scientists

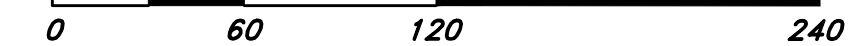
185 CENTRE STREET, DANVERS, MA 01923  
VOICE (978) 777-3050, FAX (978) 774-7816  
WWW.HANCOCKASSOCIATES.COM



**LEGEND**

- STONE WALL
- EDGE OF PAVEMENT
- 208.8 WF-A2 LIMIT OF BORDERING VEGETATED WETLAND WITH FLAG NUMBER AND ELEVATION
- 25' BUFFER ZONE
- 30' BUFFER ZONE
- 50' BUFFER ZONE
- 75' BUFFER ZONE
- 100' BUFFER ZONE
- 100' NO DISTURB ZONE TO CVP
- ▲— INTERMITTENT STREAM WITH FLOW DIRECTION
- ▲— FLOW
- ▲— BORDERING LAND SUBJECT TO FLOODING (FEMA FLOOD ZONE A) SEE NOTE 4
- ▲— 100' BUFFER FROM BORDERING LAND SUBJECT TO FLOODING
- ▲— EDGE OF WATER
- ▲— SURFACE CONTOUR
- ▲— EDGE OF LEDGE

SCALE: 1" = 60'



NO.	BY	APP	DATE	ISSUE/REVISION	DESCRIPTION

DATE: 03/03/22 DRAWN BY: MRG  
SCALE: 1"=60' CHECK BY: CEW

**EXHIBIT PLAN OF LAND IN BOXFORD, MA TO ACCOMPANY A REQUEST FOR DETERMINATION OF APPLICABILITY**

PLOT DATE: Mar 03, 2022 12:16 pm  
PATH: C:\Drive - Hancock Associates\20168 - Franjo - Boxford

DWG: 20168anr - 5.dwg

LAYOUT: Soil Test  
SHEET: 1 OF 1

PROJECT NO.: 20168