

April 24, 2015

Conservation Commission 7A Spofford Road Boxford, MA 01921

Re:

DEP File No. 114-879 BCC File No. 05-02

Lots 1 & 2 Bennett Road, Boxford

Owner/Applicant: Walker Development Corp.

#### **Dear Commission Members:**

Our office has been retained by Walker Development Corp. to assist them in requesting a Certificate of Compliance for the above referenced property. The Department of Environmental Protection issued a Superseding Order of Conditions for this project on February 9, 2005 (DEP File # 114-879). On August 8, 2005 the Boxford Conservation Commission issued an Order of Conditions for this project under their local wetlands bylaw (BCC # 05-02). This letter will serve as a Certificate of Compliance request for each of these permits.

In accordance with General Condition 11 and Special Condition 42 of the Superseding Order of Conditions and Condition 18 of your Bylaw Order of Conditions please find enclosed an As-Built Site Conditions plan for the above-referenced project. Also enclosed is the Form 8A – Request for Certificate of Compliance and the \$100.00 Boxford Bylaw Regulations fee associated with a Certificate of Compliance request.

In reviewing the as-built site conditions the following minor deviations from the approved plans were noted:

- The original approved plans proposed a 16 foot wide paved driveway. The owner decided to leave the driveway as gravel. The as-built driveway width varies from 10 feet to 14 feet. The amount of runoff from the driveway will be reduced since it is not paved and it is narrower than what was approved.
- The original approved plan proposed guard rails at the bridge; the guard rails were not constructed.
- The existing bridge is 18 feet wide versus 22 feet as shown on the approved plan. The interior bridge span is 25.5 feet versus 22 feet shown on the approved plan. Since the width of the bridge was reduced the overall impacts to the resource areas were also reduced.

The minor deviations listed above should have no adverse impacts to the wetland resource areas.

As required by both the Superseding Order and the Bylaw Order prior to the issuance of a Certificate of Compliance proof of submission of a complete application to certify the vernal pool located in the north western corner of the property must be provided. Please find enclosed separate correspondence from Greg Hochmuth, of Williams & Sparages, dated April 16, 2015 which discusses this item and includes a copy of the vernal pool application with proof of mailing to the Natural Heritage Endangered Species Program.

As required in both Orders of Conditions monitoring and certification of the wetland replication area is required by a wetlands professional. Please find enclosed two separate reports from Greg Hochmuth, of Williams & Sparages, both dated April 16, 2015, that discusses these items.

Based on the above information we certify that all work has been satisfactorily completed in accordance with the approved plans and the Orders of Conditions with the exceptions of the minor deviations discussed above. At this time we request that the Boxford Conservation Commission issue a Certificate of Compliance for BCC File No. 05-02 and the Department of Environmental Protection issue a Certificate of Compliance for DEP File No. 114-879.

If you should have any questions regarding this matter please do not hesitate to contact me.

Sincerely,

THE MORIN-CAMERON GROUP, INC.

John M. Moun

John M. Morin, PE

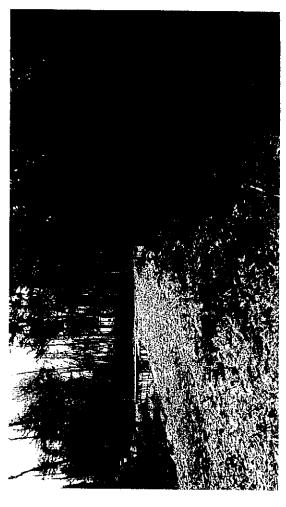
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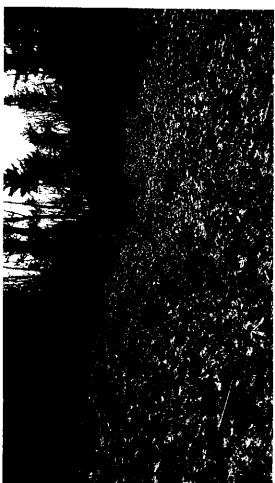
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**Enclosures** 

cc: Walker Development Corp.

DEP NERO

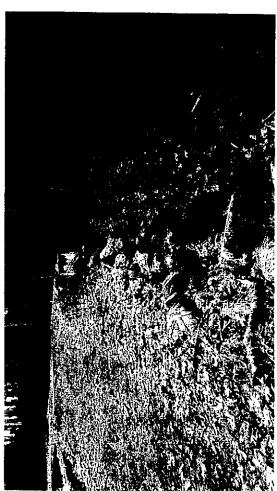


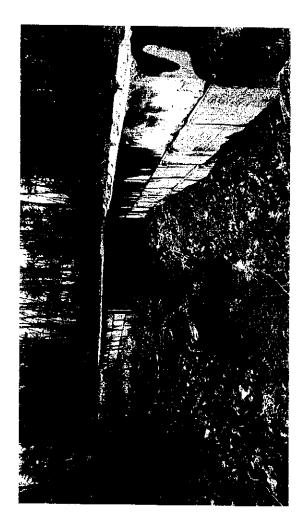








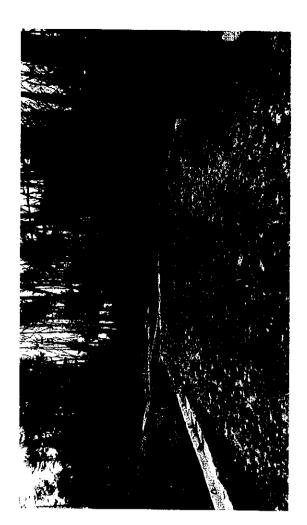




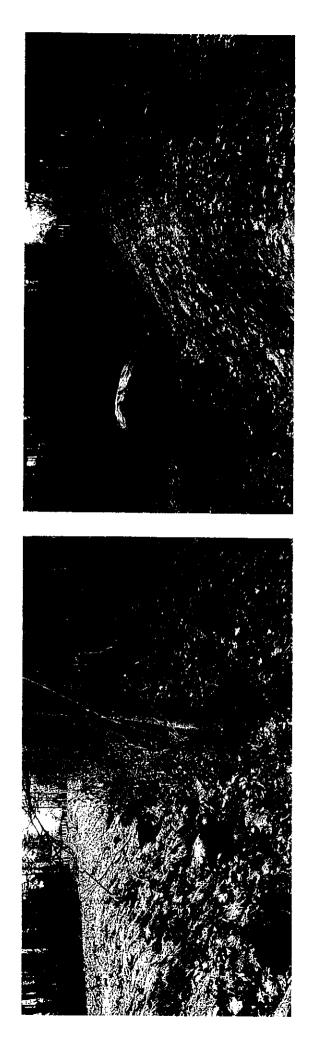




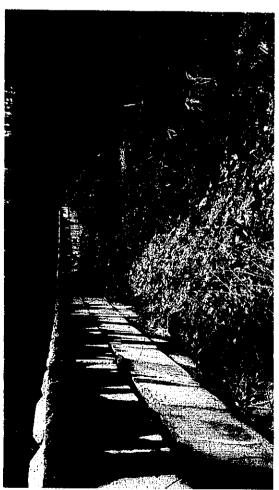
















### Massachusetts Department of Environmental Protection Bureau of Resource Protection - Wetlands

## WPA Form 8A - Request for Certificate of Compliance

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

DEP File Number:

114-0879

Provided by DEP

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turn key.		City/Town	<u>MA</u> State	01983 Zip Code			
diri koy.		978-887-8586	State	Zip Code			
rate		Phone Number					
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oon completion the work	3.	The project site is located at:		-			
ithorized in Order of		Bennett Road	Boxford				
onditions, the		Street Address	City/Town				
operty owner		Map 22, Lots 7, 7.1 & 17.1 and	Map 23, Lots 10				
ist request a		Assessors Map/Plat Number	Parcel/Lot Number				
ertificate of ompliance om the issuing	4.	The final Order of Conditions was recorded at the Registry of Deeds for:					
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at the work or or or or or		Essex South	SOOC 24112	289			
ork has been		County	Book	Page			
itisfactorily		Bylaw OOC recorded in Book 24797, Page 360					
mpleted.		Certificate (if registered land)					
	5.	This request is for certification that (check and)					
	J,	This request is for certification that (check one):					

the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.

☑ the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.
 ☐ the following portions of the work regulated by the above-referenced Order of Conditions have

been satisfactorily completed (use additional paper if necessary).



## Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

## WPA Form 8A - Request for Certificate of Compliance

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

DEP File Number:

114-0879

Provided by DEP

Page 2 of 2

6.	Did the Order of an approval of architect, or lan	of Conditions for this project, or the portion of the project subject to this request, contain any plans stamped by a registered professional engineer, architect, landscape and surveyor?
	⊠ Yes	If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.
	□ No	

### **B. Submittal Requirements**

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-officefor-your-city-or-town.html).

#\*OBO226#\* #2211370545# #252451055#\*

The Morin-Cameron Group, Inc.

60226

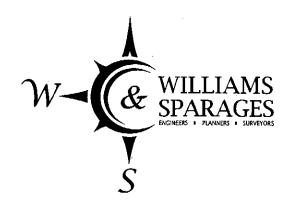
Walker Dev. 2138 - CoC fee

\$100.00

60226

April 16, 2015

Conservation Commission Attn: Ross Povenmire Director of Conservation 7A Spofford Road Boxford, MA 01921



Re:

**Wetland Replication Area Monitoring Report** 

**BCC File Number 05-02** 

DEP File Number: 114-879 - Bennett Road, Boxford, MA

### **Dear Commission Members:**

In August of 2010 the wetland replication area was planted at the above referenced property. The Superseding Order of Conditions, (SOOC), issued by the Department of Environmental Protection and the Bylaw Order of Conditions issued by your Commission required monitoring of the wetland replication area for two complete growing seasons, and beyond that date if not established with at least 75% coverage of indigenous species.

Both the Bylaw order and the SOOC required monitoring reports to be submitted at the end of each growing season during the two year monitoring period. After consulting with your Director it does not appear that any formal monitoring reports were submitted to the Department or the Commission; however, an inspection this spring revealed that the area is functioning as designed and covered with more than 75% indigenous wetland indicator species. The following is a summary of our findings during our spring inspection.

On April 13, 2015 our office inspected the wetland replication area constructed at the above referenced property. The area is covered by greater than 90% of indigenous wetland indicator species, see attached photographs.

The surface of the replication area was seeded with New England Wetmix in August of 2010. It is clear that the seed mix took well to the area and that proper hydrology was met as evidenced by greater than 90% coverage with Soft Rush, <u>Juncus effusus</u>, Hop Sedge, <u>Carex Iupulina</u> and Woolgrass, <u>Scirpus cyperinus</u>. In addition, the Red Maples, <u>Acer rubrum</u>, Winterberry Holly, <u>Ilex verticillata</u> & Highbush Blueberry, <u>Vaccinium corymbosum</u> that were planted are still thriving in the area. Some of the other species that were planted appear to have been outcompeted by species contained within the New England Wetmix. No invasive species were documented during our inspection within the confines of the wetland replication area.

I hereby certify that the wetlands replication area was constructed in substantial compliance with the design plan. If you should have any questions regarding this information please do not hesitate to contact our office.

Sincerely,

**WILLIAMS & SPARAGES** 

Greg J. Hochmuth, RS, CWS, PWS

Project Manager

cc: Walker Development Corp.

**DEP NERO** 



August 3, 2010

Conservation Commission 7A Spofford Road Boxford, MA 01921

Re:

BCC File No. 05-02

Bennett Road

Owner/Applicant: Walker Development Corp.

**Dear Commission Members:** 

Pursuant to General Condition 11 of the Bylaw Order of Conditions referenced above, please find attached an as-built site conditions plan of the flood storage/wetland replication area. The flood storage/wetland replication areas have been constructed in substantial compliance with the approved plans, and the appropriate sub-grade depths have been established within the wetland replication area.

THE NEVE-MORIN GROUP, INC.

Greg Hochmuth, RS

Professional Wetland Scientist

Sincerely,

THE NEVE-MORIN GROUP, INC.

John M. Morin

John M. Morin, PE

President, CEO

JMM/gh/kmm

Attachment

cc:

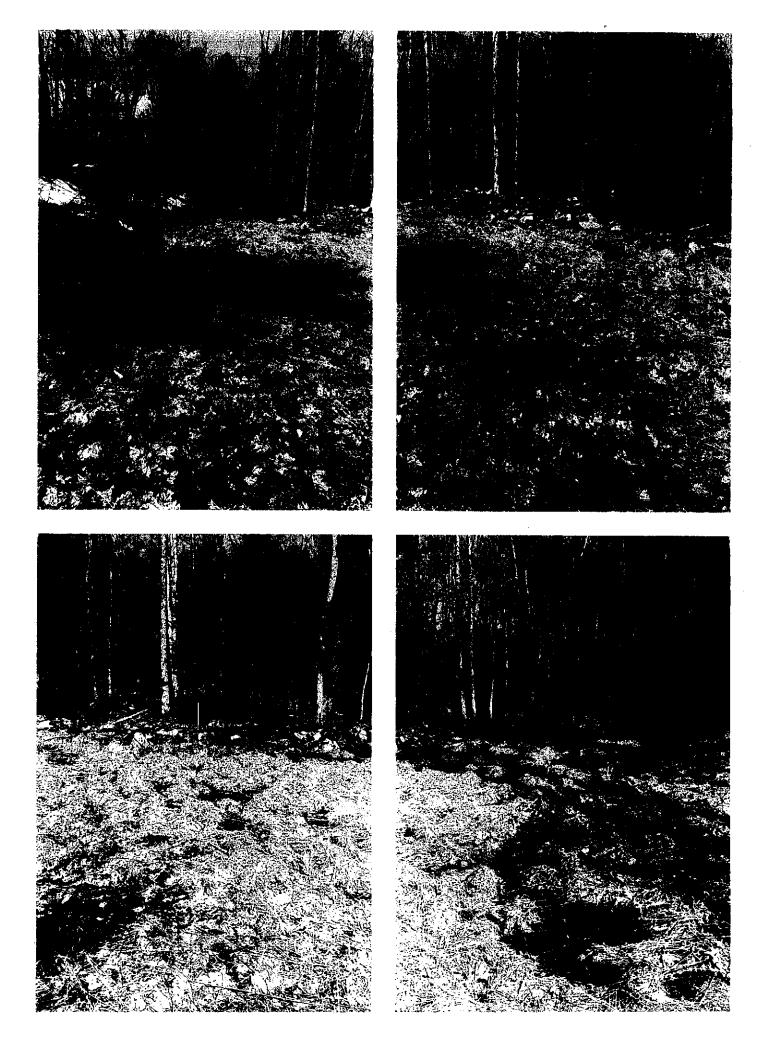
Walker Development Corp.

Atty. Donald Borenstein

F:\KATHYM\Walker Farr 2138\BCC Ltr interim asbuilt.doc

ENGINEERS • SURVEYORS • ENVIRONMENTAL CONSULTANTS • LAND USE PLANNERS 447 Old Boston Road (U.S. Route 1), Topsfield, MA 01983 978-887-8586 FAX 978-887-3480

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April 16, 2015

Conservation Commission Attn: Ross Povenmire Director of Conservation 7A Spofford Road Boxford, MA 01921



Re:

**BCC File Number 05-02** 

DEP File Number: 114-879 - Bennett Road, Boxford, MA

**Dear Commission Members:** 

Our office was hired to assist the applicant, Walker Development Corp, with the work required to receive a Certificate of Compliance for the above referenced project.

On February 9, 2005 a Superseding Order of Conditions, (SOOC), was issued by the Department of Environmental Protection and on August 8, 2005 an Order of Conditions, (OOC), was issued by the Boxford Conservation Commission under their Bylaw.

### **Superseding Order of Conditions, DEP File Number 114-879:**

Special Condition 25. d. requires a complete vernal pool certification application to be submitted, (mailed), to the Natural Heritage and Endangered Species Program, (NHESP).

See attached vernal pool certification application and proof of mailing to the NHESP.

Special Condition 34. requires, at the end of each growing season, a progress report of the relative success or failure of the wetland replication area to be conducted by a biologist, botanist, or wetlands specialist and be submitted to the Department and the Conservation Commission.

The replication area was planted/seeded in 2010 following an interim as-built. Formal monitoring reports do not appear to have been submitted as required by Special Condition 34; however, the area was inspected this spring and a formal monitoring report is attached to this letter.

Special Condition 35. states that if at the end of the second growing season, compliance with 310 CMR 10.55(4)(b)(6) is not achieved, the Department maintains the right to require additional mitigative measures for the wetland replication area.

See attached wetland replication monitoring report.

Special Condition 42., c) requires a written statement by a wetlands professional certifying compliance with the approved wetlands replication plan and for all deviations to be pointed out if they exist.

See statement certifying compliance at end of letter.

### **Boxford Bylaw Order of Conditions, BCC File Number 05-02:**

Condition 7. of the OOC states that prior to any work beginning on the project that the applicant conduct the necessary activities to submit a complete application to the NHESP to certify the vernal pool located in the north-western corner of the property, and to locate and survey the boundaries of the vernal pool. It also required that a plan showing the surveyed location of the vernal pool be provided to the Boxford Conservation Commission. The Condition goes on to state that receipt of the vernal pool boundary plan and proof of submission of a complete certification application will be required to obtain a Certificate of Compliance for the project.

See attached vernal pool certification application, proof of mailing to the NHESP and a plan showing the surveyed location of the boundaries of the vernal pool.

Condition 11. of the OOC states that following construction of the wetland replication area and the flood storage area, and prior to any other work on site, the wetlands specialist shall certify in writing to the BCC that the wetland replication and flood storage work has been performed in compliance with the OOC.

See attached letter, dated August 3, 2010, certifying compliance.

Condition 12. states that if the wetland replication area and flood storage area does not exhibit at least fifty percent coverage of indigenous wetland indicator species by the end of the first growing season, the applicant shall supplement the plantings with indigenous wetland indicator species obtained via transplantation from adjacent wetland areas or from a nursery specializing in the propagation of wetland plants.

The replication area was planted/seeded in 2010 following an interim as-built. Formal monitoring reports do not appear to have been submitted as required by Condition 12; however, the area was inspected this spring and a formal monitoring report is attached to this letter.

Condition 13. requires monitoring of the replication area for two complete growing seasons following completion of construction and for monitoring o continue beyond that date if the wetland replication area does not exhibit at least seventy-five percent coverage of indigenous wetland indicator species at the end of the second complete growing season.

The replication area was planted/seeded in 2010 following an interim as-built. Formal monitoring reports do not appear to have been submitted as required by Condition 13; however, the area was inspected this spring and a formal monitoring report is attached to this letter.

Condition 18.(4) requires proof of submission of a complete application to certify the vernal pool located in the north-western corner of the property, and a plan showing the surveyed boundaries of the vernal pool.

See attached vernal pool certification application, proof of mailing to the NHESP and a plan showing the surveyed location of the boundaries of the vernal pool.

I hereby certify that the wetlands replication area was constructed in substantial compliance with the design plan. If you should have any questions regarding this information please do not hesitate to contact our office.

Sincerely,

**WILLIAMS & SPARAGES** 

Greg J. Hochmuth, RS, CWS, PWS

**Project Manager** 

cc:

Walker Development Corp.

**DEP NERO** 



## Natural Heritage & Endangered Species Program Massachusetts Division of Fisheries & Wildlife

# III. Vernal Pool Field Observation Form

For use with the Guidelines for the Certification of Vernal Pool Habitat, March 2009.

For Office Use Only

1. Pool Lo Town Box Pool Name or 1 Written Direction	Cation (I	MATION. IT IS MATION TO E THE LAW.  Please com g., Elm St. VP, Vequired):	plete a se	WNER PERMISSION RESPONSIBILITY OF HAT ALL ACTIVITIES  Eparate form for e Potential Vernal Po-	F AN INDIVIDUAL ASSOCIATED WIlliams as the second of the s	NA  CWI-	VERNAL NG SAID	Please provide Attach addition required biological bedocumented suitable quality of scale) so specificatures a must be labeled incomplete for Additional Inst. Numbered Botton 1. Include an if for your pool & any other do Potential Vernational Ver	nal pages if n gical & physic d by photos, y (resolution, pecies ID can assessed. Do d. Sign/date ms will be ret tructions for test: dentifying nare use it to labe al Pool (PVP) assGIS), includes my must be in elp navigate for certificaties Method. P (chorusing) once or fairy s	ion requested. leeded. All leal evidence must video, or audio of focus, indicators be confirmed & lean commentation the form; lumed.  Specific  me or tracking # led photos, maps, lif you used the led datalayer ude the PVP #, led uded with to the pool. on by the Provide photos, of the required
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#### instructions (continued) 4. Biological Evidence: Facultative Amphibians 5. Rare Wetland 4. Certification by the Facultative Breeding evidence¹ of ≥ 2 species must be documented by photos, video, or audio. Amphibian Method - provide photo, **Species** video, or audio (chorusing) of the Were MESA-listed species required breeding evidence and observed using this pool? photo(s) or video of the pool holding water AND dry. Spring peeper 6. Provide information to help distinguish the pool & assess its Gray treefrog Nο features. American toad 7. All required biological & physical If yes, please submit a Rare evidence must be documented by Animal Observation Form Fowler's toad good quality photos, video, or audio. with photo & map to the 8. Indicate the 3 required maps Breeding evidence¹ includes: full breeding choruses (call constant & overlapping), ≥ 5 adults NHESP (available at submitted. in amplexus, any # of egg masses, tadpoles, and/or transforming juveniles in pool. www.nhesp.org). 6. Description of Pool and Surroundings ~ Please describe to the best of your ability and knowledge. Dimensions (please include measurements or estimates): Approx. Length: 230 4- Approx. Width: 76 17- Approx. Maximum Depth: 4,5' 17-Describe distinctive features (roads, structures, boulders, foot trails, vegetation types, etc.) which are visible from or near the pool that would help someone recognize it. Behind the dwelling at 6 Foster Street, North Andover. Origin of the pool (check): 🔣 Natural depression 🔲 Human-made pool/ditch 🔲 Created wetland/pool 🔲 Other or Unknown (describe) The pool's hydroperiod is most likely: 🔼 Seasonal (drying out in most years) 🔲 Semi-permanent (drying partially in most years) 🗀 Permanent Describe any inlet or outlets to/from the pool and their permanence (e.g., streams, culverts, etc). NA Land use in vicinity of pool (approx. 100 ft from pool edge -- check all that apply): 🕱 upland forest 🔝 forested wetlands 🗀 emergent marsh/scrub-shrub wetland agricultural/grassland/meadow 🔀 residential/commercial 🗌 other\_ 7. Documentation Submitted - Label with pool name or tracking #, town, date taken, observer's 8. Maps Submitted name. Pool locus must be delineated & identified Photo(s) □Video with your pool name or tracking #. ☐ Audio Obligate Species 3 REQUIRED MAPS: Dry Pool USGS Topographic Map - 1:24,000 or 1:25,000 or better 9. Property Owner Information - Landowner information is optional & is available from local tax Color orthophoto - 1:12,000 or better assessor's offices. Name Thomas E. Neve (walker Development (orp.) and ≥1 of the following: Boston Street Assessor's map (Map and Plot #) State MA Zip 01983 Assessors Map/Pct# 22-1 (if known) Town Topsfield ☐ Professional survey Sketch map - with directions and distances from permanent landmarks 10. Observer Information & Signature - Must be filled out & signed. GPS longitude/latitude coordinates: Grea Hochmuth (Williams & Sparages Latitude = 42° 40' 37.884 Longitude = 710 02 40468" Town Middleton State MA Telephone 978 -757 539-8088 E-mail anahmuth @wsenginers com SEND COMPLETED, SIGNED

I hereby certify under the pains and penalties of perjury that the information contained in this report is true and

All submissions and supporting documents will be retained by the NHESP and; with the exception of information for

MESA-listed species and the identity of minors; are available to interested parties under the Public Records Law

complete to the best of my knowledge.

Signature of Adult, if Observer is under 18 years of age\_

Signature

**FORM & SUPPORTING** DOCUMENTATION TO:

W

**NHESP - Vernal Pool Certification** MA Division of Fisheries & Wildlife 1 Rabbit Hill Rd. Westborough, MA 01581

For questions call 508-389-6360

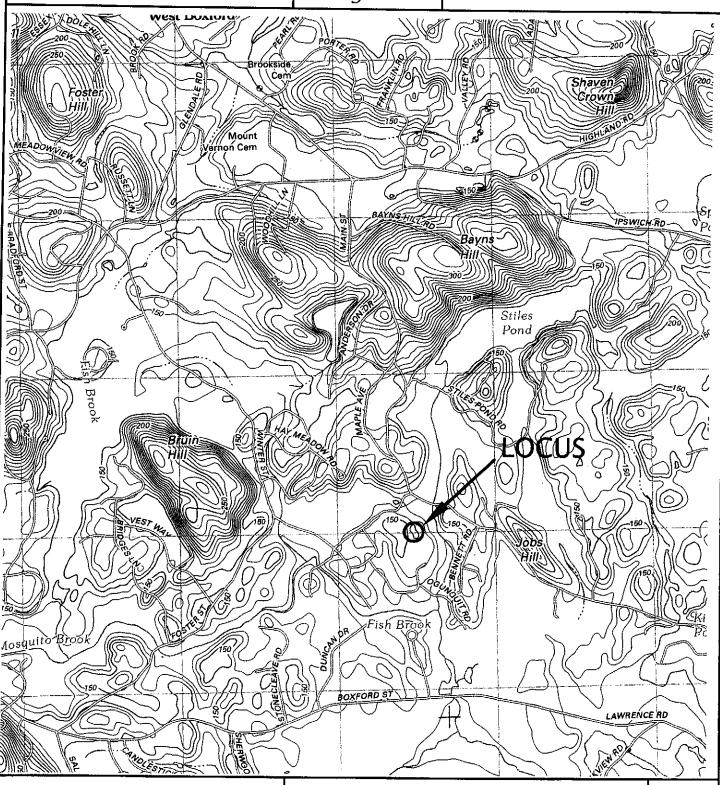
WILLIAMS & SPARAGES CIVIL ENGINEERING & LAND SURVEYORS



189 NORTH MAIN STREET SUITE 101

MIDDLETON, MA 01949 PHONE: (978) 539-8088

FAX: (978) 539-8200

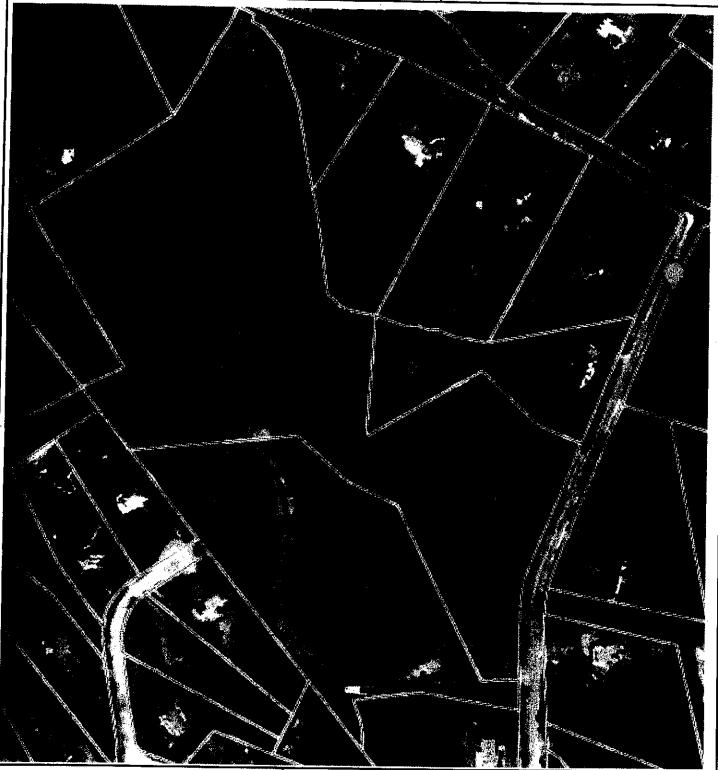


UNITED STATES GEOLOGIC SURVEY MAP SOUTH GROVELAND QUAD SCALE: 1"=2,000'

LOCUS MAP VP#1, BENNETT ROAD BOXFORD, MA 01921 APRIL 10, 2015 WILLIAMS & SPARAGES CIVIL ENGINEERING & LAND SURVEYORS

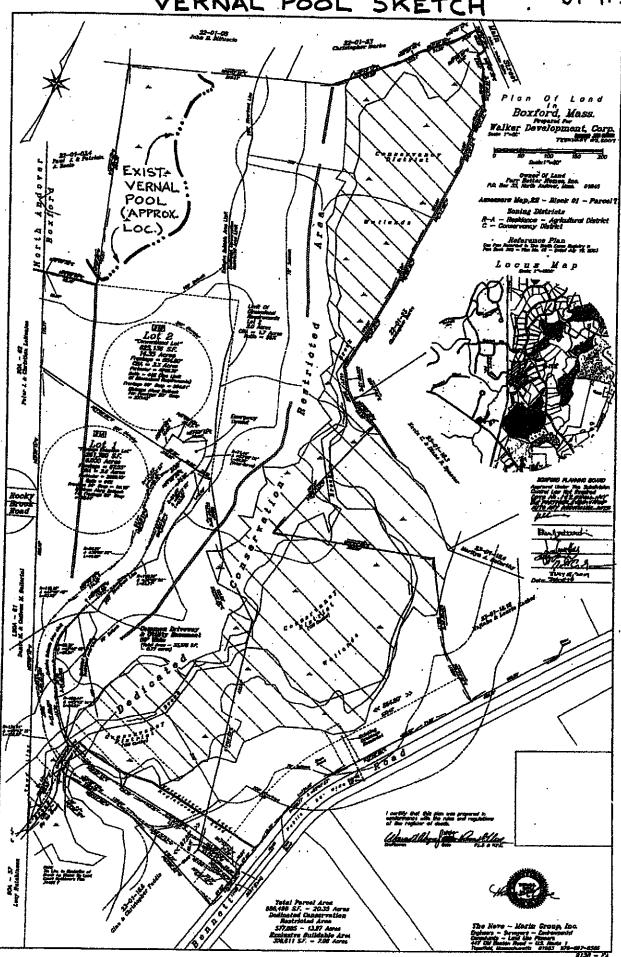


189 NORTH MAIN STREET SUITE 101 MIDDLETON, MA 01949 PHONE: (978) 539-8088 FAX: (978) 539-8200

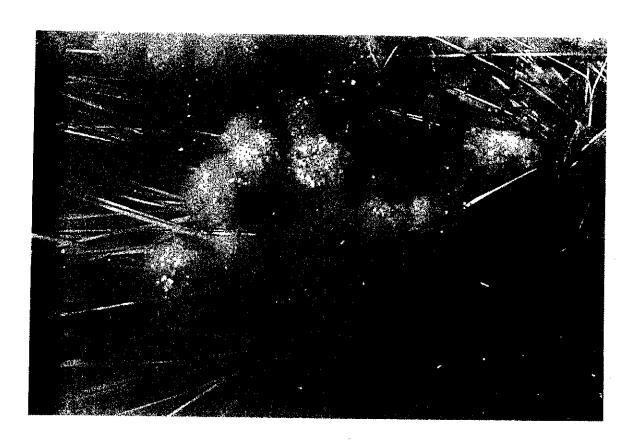


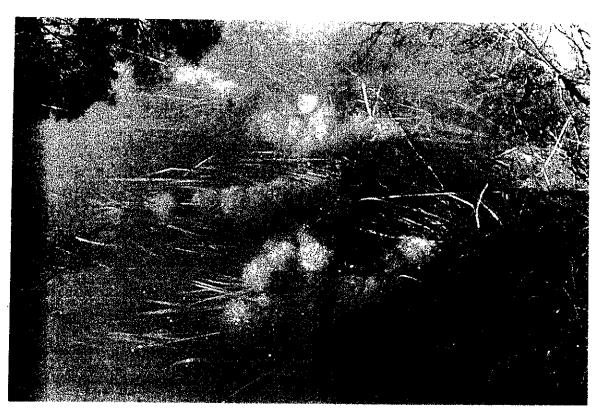
MASSGIS 2013 COLOR ORTHO SCALE: 1"=200'

LOCUS MAP VP#1, BENNETT ROAD BOXFORD, MA 01921 APRIL 10, 2015

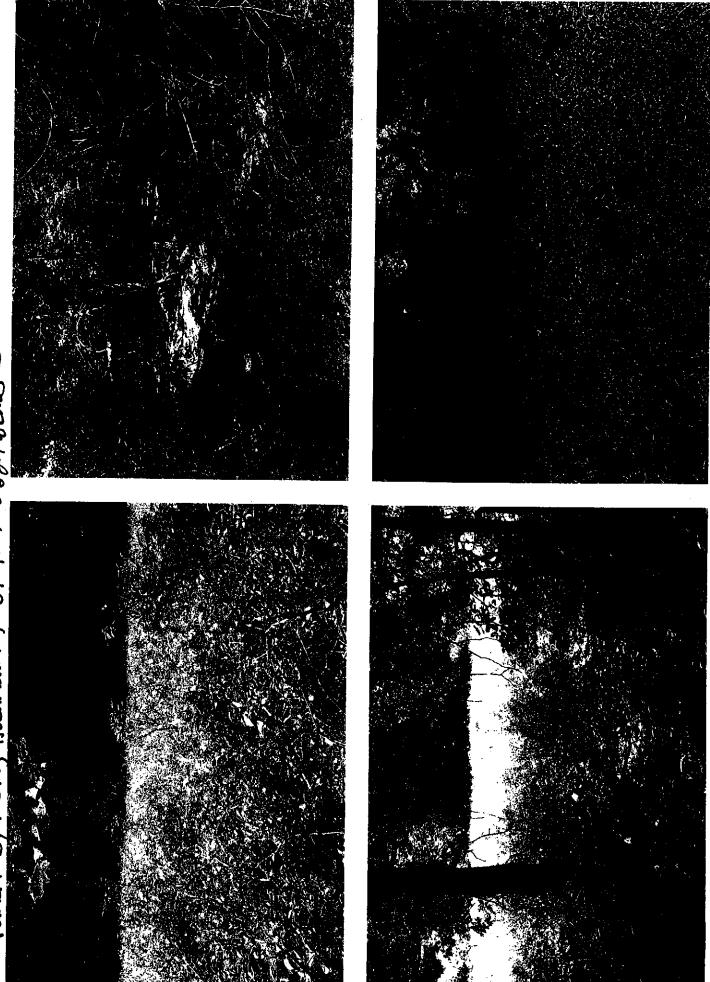


VP#1, Bernett Road, Boxford, MA 01921
Taken By: Grey Hochmuth, 4/3/13, 12 glochots





01921 pernett nome, boxtoro, mg y: Greg Hochmudh, 18/11/13,



SENDER: COMI	PLETE THIS SECT	ION	COMPLETE THIS SECTION ON DELIVERY
Item 4 if Restri Print your nam so that we can Attach this car	s 1, 2, and 3. Also oted Delivery is des e and address on t return the card to d to the back of the ff.space permits	ired. 16 reverse you.	A Signature  X
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	HAN Roa Mgh, MA	声表示。在10世界多·邓	3. Service Type  图 Certified Mall*: □ Rhorthy Mall Express.* □ Registered □ Return Receipt for Merchano □ Insured Mall: □ Collector/ Delivery  4. Restricted Delivery? (Extra fres): □ Yes.
2. Articie N (Transfer	7014 1820	0005 733	

