

June 18, 2015

Conservation Commission
7A Spofford Road
Boxford, MA 01921

Re: 30 Arrowhead Farm Road
DEP # 114-1207
Owner/Applicant: Barry Carnes

Dear Commission Members:

At the public hearing held on June 4, 2015 the Commission raised several questions regarding the project. The questions are listed below followed by our responses.

Is the area in the vicinity of the driveway considered land subject to flooding?

The latest Flood Insurance Rate Map, Map Number 25009C0263F Effective date July 3, 2012, does not show a 100 year flood plain in this area. The existing driveway culverts appear to be carrying the runoff in the area with no evidence of ponding above the wetland edge in the area of the driveway.

Did the original Order of Conditions issued for the development of this lot (DEP #114-527) include any restrictions regarding further work on the property?

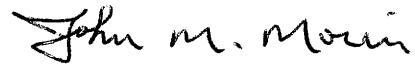
The original Order of Conditions and Certificate of Compliance, find attached, do contain conditions that shall extend beyond the Certificate of Compliance, in perpetuity. These conditions are A28, B4 and C7. None of these conditions appear to prevent the project, as proposed, from being approved.

We look forward to meeting with the Commission to further discuss the project at your next regularly scheduled meeting on June 25th.

If you have any questions prior to the meeting please do not hesitate to contact me.

Sincerely,

THE MORIN-CAMERON GROUP, INC.

A handwritten signature in black ink that reads "John M. Morin". The signature is written in a cursive, slightly slanted style.

John M. Morin, PE
Principal

JMM/kmm

Enclosure

cc: Barry Carnes
DEP



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 8B – Certificate of Compliance

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

DEP File Number:

114-527

Provided by DEP

2
10

A. Project Information

1. This Certificate of Compliance is issued to:

JEFFREY AND JANICE TARASCHI

Name

30 ARROWHEAD FARM ROAD

Mailing Address

BOXFORD

City/Town

MA

State

01921

Zip Code

R

2. This Certificate of Compliance is issued for work regulated by a final Order of Conditions issued to:

JEFFREY AND JANICE TARASCHI

Name

5-3-95

Dated

114-527

DEP File Number

3. The project site is located at:

30 ARROWHEAD FARM ROAD (FORMERLY #62) Boxford

Street Address

City/Town

37-1

Assessors Map/Plat Number

31

Parcel/Lot Number

the final Order of Condition was recorded at the Registry of Deeds for:

Property Owner (if different)

Essex South

County

13076

Book

176

Page

N/A

Certificate

4. A site inspection was made in the presence of the applicant, or the applicant's agent, on:

11-1-01

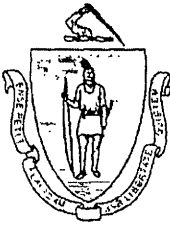
Date

B. Certification

Check all that apply:

Complete Certification: It is hereby certified that the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

Partial Certification: It is hereby certified that only the following portions of work regulated by the above-referenced Order of Conditions have been satisfactorily completed. The project areas or work subject to this partial certification that have been completed and are released from this Order are:



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 8B – Certificate of Compliance

114-527

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

Provided by DEP

B. Certification (cont.)

- Invalid Order of Conditions:** It is hereby certified that the work regulated by the above-referenced Order of Conditions never commenced. The Order of Conditions has lapsed and is therefore no longer valid. No future work subject to regulation under the Wetlands Protection Act may commence without filing a new Notice of Intent and receiving a new Order of Conditions.
- Ongoing Conditions:** The following conditions of the Order shall continue: (Include any conditions contained in the Final Order, such as maintenance or monitoring, that should continue for a longer period).

Condition Numbers:

A2, A4, A15, A16, A21, A24, A25

C. Authorization

Issued by:

Boxford
Conservation Commission

11-7-01
Date of Issuance

This Certificate must be signed by a majority of the Conservation Commission and a copy sent to the applicant and appropriate DEP Regional Office (See Appendix A).

Signatures:

Lana R. Spillman
Roy E. [Signature]
Julia S. Mathews
Robert E. Mann

On 6th
Day

Of November, 2001
Month and Year

before me personally appeared

Lana Spillman

to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

[Signature]
Notary Public

MY COMMISSION EXPIRES
JULY 7, 2006
My commission expires

DEP File No. 114-527
(To be provided by DEP)

City/Town Boxford

Applicant Paramount Investments



Commonwealth
of Massachusetts

ORDER OF CONDITIONS

TOWN OF BOXFORD'S WETLANDS PROTECTION BYLAW
Order of Conditions

Massachusetts Wetlands Protection Act 06/28/95 01:36 Inst. 323

G.L. c. 131, §40

BK 13076 PG 176

From Boxford Conservation Commission

To Paramount Investments
(Name of Applicant) (Name of property owner)

Address 250 North St., Apt A-9, Danvers MA 01923 Address _____

This Order is issued and delivered as follows:

- by hand delivery to applicant or representative on _____ (date)
- by certified mail, return receipt requested on May 3, 1995 (date)

This project is located at LOT 6, ARLOWSON FARM RD

The property is recorded at the Registry of Essex County

Book 12898 Page 76

Certificate (if registered) _____

The Notice of Intent for this project was filed on 2-7-95 (date)

The public hearing was closed on 4-13-95 (date)

Findings

The Boxford Conservation Commission has reviewed the above-referenced Notice of Intent and plans and has held a public hearing on the project. Based on the information available to the Cons. Commission at this time, the Cons. Commission has determined that the area on which the proposed work is to be done is significant to the following interests in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject to Protection Under the Act (check as appropriate):

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Public water supply | <input checked="" type="checkbox"/> Flood control | <input type="checkbox"/> Land containing shellfish |
| <input checked="" type="checkbox"/> Private water supply | <input checked="" type="checkbox"/> Storm damage prevention | <input checked="" type="checkbox"/> Fisheries |
| <input checked="" type="checkbox"/> Ground water supply | <input checked="" type="checkbox"/> Prevention of pollution | <input checked="" type="checkbox"/> Protection of wildlife habitat |

Total Filing Fee Submitted 250.00 State Share 112.50

City/Town Share 137.50 (1/2 fee in excess of \$25)

Total Refund Due \$ _____ City/Town Portion \$ _____ State Portion \$ _____
(1/2 total) (1/2 total)

Effective 11/10/89

5-1



1995062800323 Bk:13076 Pg:176

06/28/1995 13:36:00 OTHER Pg 1/11

Therefore, the Conservation Commission hereby finds that the following conditions are necessary, in accordance with the Performance Standards set forth in the regulations, to protect those interests checked above. The Conservation Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.

BK 13076 PG 177

General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. This Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - (a) the work is a maintenance dredging project as provided for in the Act; or
 - (b) the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance and both that date and the special circumstances warranting the extended time period are set forth in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
7. No work shall be undertaken until all administrative appeal periods from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Final Order has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is to be done. The recording information shall be submitted to the Con. Comm. on the form at the end of this Order prior to commencement of the work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words, "Massachusetts Department of Environmental Protection,
File Number 114-527
10. Where the Department of Environmental Protection is requested to make a determination and to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.
11. Upon completion of the work described herein, the applicant shall forthwith request in writing that a Certificate of Compliance be issued stating that the work has been satisfactorily completed.
12. The work shall conform to the following plans and special conditions:

Issued By Boxford Conservation Commission

Signature(s)
Donald Jones Faith Spoth
Peter J. Delaney Cliff Taylor
Amelia Loderoute Scott Rogers Spillane
Nancy C. P. P.

This Order must be signed by a majority of the Conservation Commission.

On this 2 day of May 19 95, before me personally appeared Faith Spoth to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Cecile M. Cormier My Commission Expires February 10, 2000
Notary Public My commission expires

The abovant, the owner, any person aggrieved by this Order, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the Department of Environmental Protection to issue a Superseding Order, providing the request is made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form as provided in 310 CMR 10.03(7), within ten days from the date of issuance of this Determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and the applicant.

Detach on dotted line and submit to the Boxford Con. Commission prior to commencement of work.

To Boxford Conservation Commission Issuing Authority

Please be advised that the Order of Conditions for the project at Lot 4, Arrowhead Farm Rd

File Number 114-527 has been recorded at the Registry of _____ and

has been noted in the chain of title of the affected property in accordance with General Condition 6 on _____ 19____.

If recorded land, the instrument number which identifies this transaction is _____

If registered land, the document number which identifies this transaction is _____

Signature _____ Approver

BK 13076 PG 179

Plans:

Title	Dated	Signed and Stamped by:	On File with
Sanitary Disposal System and Site Plan	1-1-95 Rev. 4-13-95	Steven J. D'urso, R.S.	Boxford Cons. Com.

Special Conditions (Use additional paper if necessary)

(Leave Space Blank)

TOWN OF BOXFORD
CONSERVATION COMMISSION

DEP FILE 114-527
PLAN # 1-13-95
REV. DATE 4/13/95
APPLICANT *Paxarigal Investments*
PG. 1 OF 7 PAGES

ATTACHMENT TO ORDER OF CONDITIONS

The proposed construction of a driveway for this lot will require a loss of 2900 sq. ft. of a resource area which protects the following statutory interests: groundwater supply, flood control, storm damage prevention, prevention of pollution, and protection of fisheries and wildlife habitat. The proposed wetland replication area, relocated on a plan dated 4/13/95, will be 3500 sq. ft., at the same topographic elevation, have an unrestricted hydrologic connection to the same resource area, and will allow a 100 ft. setback of all other proposed construction from the wetland resource area as per Boxford's Wetlands Regulations. The proposed replication area will be installed prior to completion of the proposed driveway, the width of which will be kept to a maximum of 12 ft. Adjacent lots do not provide alternate access due to previously completed development on lot 5, and extensive wetland areas on lot 7.

This parcel is not listed on the 1995 Map of Estimated Habitats of State Listed Rare Wetlands Wildlife.

A. PURSUANT TO MASSACHUSETTS WETLANDS PROTECTION ACT & REGULATIONS

1. Prior to the commencement of any work permitted or required, this Order of Conditions and attachments shall be recorded in the Registry of Deeds of South Essex County within the chain of title of the affected property. After (10) ten days have expired from the issuance of this Order and upon receipt of the recorded Conditions the Boxford Conservation Commission will then and only then, allow work to commence. Failure to comply with this condition shall be considered cause for revocation of the Order of Conditions.

If the applicant prefers, the Boxford Conservation Commission will record the Order of Conditions in the Registry of Deeds, and the applicant will reimburse the Commission for the cost of recording.

2. This Order shall apply to any successor in interest or successor in control of the property.
3. Any change in the plans or any deviation in construction from the plans shall require the applicant to file a notice of project change with the Boxford Conservation Commission with a written inquiry as to whether the change is substantial enough to require filing a new Notice of Intent.

The Boxford Conservation Commission shall either hold a public hearing for the purpose of amending this Order or, if the change is substantial, shall require submission of a new Notice of Intent.

4. If there are conflicting conditions the stricter provision shall rule.
5. All work shall be performed in accordance with the Notice of Intent and the accompanying plans.
6. The Boxford Conservation Commission has the discretion to modify the haybale siltation boundary if necessary.
7. The applicant shall notify the Boxford Conservation Commission in writing of the names, addresses, and business and home telephone numbers of the project supervisor or contractor who shall be responsible for ensuring compliance with the conditions in this Order and shall notify the Boxford Conservation Commission (by telephone or in writing) at least (48) forty-eight hours prior to commencement of work on the site.
8. Prior to the start of any excavation or construction, there shall be an on-site meeting between the contractor responsible for the work, the project engineer, and an agent of the Boxford Conservation Commission to ensure that the requirements of the Order of Conditions are understood. This meeting is to take place as early as possible in the work day.
9. Erosion control devices shall be installed and the Boxford Conservation Commission or its agent shall be notified of such installation before the commencement of any site work, including site preparation, within 100 feet of any wetland resource area.
10. The contractor, site engineer, or other individual in charge of work on the site shall have a copy of this Order of Conditions available on the site at all times.
11. Approval of this application does not constitute compliance with any law or regulation other than MGL Chapter 131, Section 40, Wetlands Regulations 310 CMR 10.00, and the Boxford Wetland Protection Bylaw and Regulations.
12. The boundaries of all wetland resource areas shall be identified by flagging spaced at intervals not greater than 25 feet apart. Flagging used to identify wetland resource areas shall be of a color different from any other flagging used on the site. Flags shall be checked and replaced as necessary prior to the start of work and shall be maintained until work is completed.

13. A continuous construction barrier consisting of siltation fencing and/or staked haybales or a crenelated haybale dike with one-third overlap shall be established between all construction areas and wetland resource areas in accordance with practices set forth by the U.S. Department of Agriculture Natural Resources Conservation Service. This barrier shall demarcate the limit of work.
14. All equipment shall be operated, parked, and maintained so as to limit alterations of wetlands and buffer zone. These areas shall be clearly identified on the plans and demarcated in the field by flagging. No equipment is to enter or cross wetland resource areas at any time unless the location of disturbance is marked on the plans referenced in the Order of Conditions and flagged in the field.
15. The Boxford Conservation Commission and its agents, officers, and employees shall have the right to enter and inspect the property at any time for compliance with the conditions of this Order, the Wetlands Protection Act MGL Chapter 131, Section 40, Wetlands Regulations 310 CMR 10.00, and the Boxford Wetland Protection Bylaw and Regulations and shall have the right to request and receive any data or documentation that it deems necessary for that evaluation.
16. Erosion control devices shall remain in place until all disturbed surfaces have stabilized with final vegetative cover and the Boxford Conservation Commission or its agent has authorized their removal.
17. Erosion control devices shall be inspected regularly; any entrapped silt shall be removed to an area outside the buffer zone and wetland resource areas and haybales or other devices shall be replaced as necessary.
18. The work shall be designed and constructed to ensure that there shall be no erosion and sedimentation into wetlands and surface waters during construction or after completion of the project.
19. All exposed sub-soils shall receive a minimum of (2) two inches of loam or topsoil prior to seeding and final stabilization.
20. During all phases of construction, all disturbed or exposed areas shall be brought to finished grade and either loamed and seeded for permanent stabilization, or stabilized in another way approved by the Boxford Conservation Commission or its agent. Areas within the 100 foot buffer zone that cannot be permanently stabilized within 30 days of disturbance shall be stabilized by temporary measures

acceptable to the Boxford Conservation Commission.

21. Where erosion controls have been placed in areas between uplands and vernal pools, exposed soils are to be stabilized and silt fencing or other devices that could block migration of amphibians to and from the pools are to be removed no later than March 1 if construction has been occurring during the winter and no later than September 1 if construction has been occurring during the summer. If soils will not be stabilized by these dates, temporary stabilization measures shall be emplaced and sedimentation barriers shall be designed and installed to provide a gradual slope or berm over which amphibians may pass. Erosion control devices shall not block passage between uplands and vernal pools between the dates of March 1 and June 1, nor between September 1 and October 15.
22. All stump pits are prohibited in the buffer zone.
23. There shall be no construction refuse buried in the buffer zone.
24. No further filling, dredging, removing, or altering of wetland resources shall take place other than that provided for in this Order of Conditions.
25. Only clean fill shall be used on the site, i.e., clean granular material free of organic matter, large stones, masonry, stumps, asphalt, or waste material.
26. Upon completion of this project, the applicant shall submit the following to the Boxford Conservation Commission to receive a Certificate of Compliance:
 - a. A letter from the applicant requesting a Certificate of Compliance
27. Cement trucks shall not be washed in the buffer zone. Any deposit of cement or concrete products into the buffer zone or wetland resource areas shall be removed by hand.
28. The following Condition numbers shall extend beyond the Certificate of Compliance, in perpetuity, and shall be referred to in all future deeds to this property: A2, A4, A15, A16, A21, A24, A25
29. All stockpiled materials shall be located outside of wetland resource areas and the 100 foot buffer zone and shall be stabilized to prevent erosion and sedimentation into the wetland resource areas.
30. The Boxford Conservation Commission reserves the right to impose additional conditions on portions of this project or

this site to mitigate any actual or potential impacts resulting from the work herein permitted.

31. In conjunction with the sale of this/any lot, the applicant shall submit to the Boxford Conservation Commission a signed statement by the buyer that he/she is aware of an outstanding Order of Conditions on the development and has received a copy of the Order of Conditions.

B. PURSUANT TO BOXFORD WETLAND PROTECTION BYLAW AND REGULATIONS

1. The provisions of the Boxford Wetland Protection Bylaw and Regulations shall be observed.
2. The applicant and owner shall abide by Boxford's Wetland Regulations Section 10.98 (3) as follows:
 - a. No-cut Zone: There shall be a no-cut zone (25) twenty-five feet in depth (measured horizontally from the mean annual high water mark) adjacent to the protected resource. Vegetation in this zone shall not be cut or trimmed in any manner. A single path to the resource area per lot may be created and maintained if limited to (7) seven feet in width. Paths on adjacent lots shall be separated by at least (25) twenty five feet.
 - b. Understory: Mowing or cutting vegetation to within (25) feet (measured horizontally from the mean annual high water mark) of the protected resource area is allowed without filing a Notice of Intent, provided that soil is not exposed to erosion and that sod cover or natural litter layer is maintained.
 - c. Overstory/Canopy: To promote recharge of the groundwater and avoid excessive runoff, not more than (40) forty percent of the trees in the buffer zone shall be cleared. There shall be no clear cutting of trees. Minimal clearing to allow erection of permitted structures will be allowed. All permissible cutting shall be done in such a manner so as to ensure that a well-distributed stand of trees, by size, and other vegetation remains throughout the buffer zone.
3. In case of emergencies, problems, or the need to discuss site conditions with the Boxford Conservation Commission, please contact: Cecile Cormier at 508-352-2538.
4. The following Condition numbers shall extend beyond the Certificate of Compliance, in perpetuity, and shall be referred to in all future deeds to this property: B1, B2, B6, B7
5. A well slurry containment pit shall be constructed prior to

well installation per attachment "A", if applicable.

6. This Order of Conditions is contingent upon approval of the sanitary waste disposal system by the Boxford Board of Health, if applicable.

C. WATER QUALITY

1. Water quality shall not differ significantly following completion of the project from the predevelopment condition.
2. There shall be no deposition of sediments into wetland resource areas.
3. There shall be no application of pesticides, herbicides, insecticides, or fertilizers in the buffer zone or resource areas.
4. There shall be no pumping of water from the wetland resource areas.
5. There shall be no application of road salt or other deicing chemicals onto the driveway and/or roadway.
6. Runoff shall be directed through vegetated swales before discharging into stormwater control structures where applicable.
7. The following Condition numbers shall extend beyond the Certificate of Compliance, in perpetuity, and shall be referred to in all future deeds to this property: C2, C3, C4, C5

D. WETLAND REPLICATION

1. The applicant shall provide the Boxford Conservation Commission with an inventory report on wetlands plants, shrubs, trees, etc. on the area to be filled/destroyed prior to any disturbance of this area. This report shall include information on the following:
 - a. Ground and surface hydrology (water depths, etc.)
 - b. Plant species list, quantities and densities
 - c. Tree list and caliper
 - d. Wildlife habitat characteristics including food, shelter, and breeding site characteristics
 - e. Soil types
2. Prior to excavation of the wetlands, the wetland replication area shall be excavated to the elevations indicated in the plans, and the applicant shall present the Boxford Conservation Commission or its agent with written certification by a registered professional engineer in the

Commonwealth of Massachusetts who is qualified in hydrology, that the proposed wetland replication area possesses the appropriate groundwater elevation and surface hydrology connections.

3. Excavated wetland soils from the area to be filled/destroyed shall be emplaced in the replication area as soon as possible. If wetland soils are to be stockpiled, then care needs to be taken to prevent the soils from drying out. Wetland soils shall be emplaced in the wetland replication area in such a way as to reproduce the original soil horizons.
4. Soil depths and structure, surface topography, and hydrology in the wetland replication area shall reproduce the original wetland to the extent possible.
5. If the seed bank and vegetative structures in the excavated soils do not result in establishment of a plant community comparable to the original wetland in species composition and with at least (50) fifty percent cover by the end of the first growing season, the applicant shall supplement with plantings of indigenous species obtained from a nursery specializing in the propagation of wetland plants.
6. The wetland replication area shall be planted with native species endemic to Boxford and the New England Region in accordance with the planting schedule provided in the plans. NO invasive species as referenced in exhibit "C" shall be planted.
7. A wetland specialist will monitor the soil horizons and depths, plant community composition, and plant community structure along transects to be established through consultation with the Boxford Conservation Commission. Monitoring will occur in March, July, and September for two complete growing seasons following completion of construction, and it shall continue beyond that date if the wetland replication area is not established according to the performance standards in the Wetlands Regulations at the end of the second complete growing season.