



October 27, 2016

Mr. Ross Povenmire, Director of Conservation
Boxford Conservation Commission
Boxford Town Hall
7A Spofford Road
Boxford, MA 01921

Re: Bylaw Fee Calculation
Willow Road & Pine Plain Road ANRAD
DEP File # 114-1235

Dear Mr. Povenmire:

As Wetlands Preservation, Inc. ("WPI") pointed out to the Conservation Commission, the filing fees associated with the filing of the Abbreviated Notice of Resource Area Delineation ("ANRAD") for the subject property appear excessive in light of the intent to retain a peer reviewer for the wetland boundary review, and the fees appear well in excess of the Town's costs to administer the process. It should be noted that the ANRAD process is not a request to do work in proximity to wetlands, but rather a process by which a land owner can verify his or her responsibilities under the respective federal, state and local wetland regulations. As a result, the fees should be reasonable and appropriate. In the subject situation the fees get very high very rapidly due to the manner in which they are calculated, and the lack of a cap in the fees as provided for in the state regulations. As a result, the Applicants have requested a waiver of certain fees as may be granted by the Commission.

In response to the Commission's request at the last Conservation Commission meeting on the above referenced project, we have provided the attached table listing the length of the various resource areas delineated at the site and the corresponding filing fee under the Boxford Wetlands Bylaw. The table indicates the linear feet of Bordering Vegetated Wetland ("BVW") and Inland Bank (Bylaw) that was delineated at the site, as well as the approximate centerline length of the Parker River as shown on the ANRAD plan, which was based on aerial photographs due to flooding by beavers.

In evaluating the fee we note the following points:

1. As discussed at the first site walk and at the last Conservation Commission meeting, the Commission agreed there is no need to review the Bylaw Bank delineation since BVW was delineated upgradient of the Bank in all locations; therefore, this Bank delineation can be removed from review and no fee incurred;

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2. Because the Parker River location has been determined from aerial photographs and does not require field verification of any delineation flagging, we believe the river length should not be included in the Bylaw fee calculation; and
3. Agricultural irrigation ponds are exempt under the Bylaw, and as a result the BVW delineation around the irrigation pond should be exempted from the Bylaw fee calculation. It still would be included in the state fee calculation.

In the attached table, the BVW fee has been broken down to show the amount for the total BVW delineated at the site, as well as for the total BVW excluding the portion delineated around the irrigation pond. As well, the table provides the length of the Bank and Riverfront Area resource areas. Based on the above points, and as indicated in the attached table, we propose that the Commission accept a Bylaw filing fee associated with this ANRAD of \$10,699.00. This total accounts for 21,098 linear feet of BVW delineation at the site. This fee is in addition to the \$2,000.00 filing fee paid under the Wetlands Protection Act, of which \$1,012.50 was paid to Boxford.

Please let me know if you have any questions or require any additional information regarding this matter.

Sincerely,



Joseph H. Orzel
Senior Wetland Scientist

cc: Catherine Rogers
Alex Price

Attachment

#3174.6Ltr2PovenmireBylawANRADFees102716

Table 1. Boxford By-law Fee Calculations for Resource Areas at Willow Rd. and Pine Plain Rd. (Price Property)

Resource Area	Linear Feet	Bylaw Fee Amt. ¹
BVW		
Total Site BVW	26,034	\$ 13,167.00
BVW Around Irrigation Pond	4,936	\$ 2,468.00
<u>Total BVW Less Pond Area</u>	<u>21,098</u>	<u>\$ 10,699.00</u>
Bylaw Bank	4,751	\$ 2,375.50
River Bank (aerial photo)	4,550	\$ 2,275.00 ²

1. Total Site BVW fee is based on 25,934 l.f. (i.e., total linear ft. "after 100") plus \$200 bylaw fee. Pond BVW and Bank fee amounts are based solely on the linear feet shown.
2. River linear feet based on stream channel centerline.