



**WPA Form 8A – Request for Certificate of Compliance**

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

Provided by DEP

**A. Project Information**

**Important:**

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



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

Armstrong Irrevocable Trust C/O Kelliher & Callaghan  
Name

One Centre Street  
Mailing Address

Malden MA 02148  
City/Town State Zip Code

781-322-9090  
Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

John Vopacchio  
Applicant

03/14/1996 114-578  
Dated DEP File Number

3. The project site is located at:

335A Middleton Road and 335B Middleton Road Boxford  
Street Address City/Town

Map: 42 Block: 1 Lots: 16.1 and 16.2  
Assessors Map/Plat Number Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for:

335 Middleton Road  
Property Owner (if different)

Essex 13848 243  
County Book Page

Certificate (if registered land)

5. This request is for certification that (check one):

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).

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

**WPA Form 8A – Request for Certificate of Compliance**

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DEP File Number: \_\_\_\_\_

Provided by DEP

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**A. Project Information (cont.)**

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land 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

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**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-office-for-your-city-or-town.html>).

**Lynnfield Engineering, Inc.**

2 Electronics Avenue Suite 41  
Danvers, MA 01923  
978-777-7250



Santander Bank, N. A.  
5-7515/110

8/10/2016

PAY TO THE ORDER OF Town of Boxford

\$ \*\*100.00

One Hundred and 00/100\*\*\*\*\*

DOLLARS

MEMO

*[Handwritten Signature]*  
AUTHORIZED SIGNATURE

Security features. Details on back.

⑈0 1 1 203⑈ ⑆0 1 1075 150⑆ 638000 26948⑈

**Lynnfield Engineering, Inc.**

Town of Boxford				8/10/2016		
Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
8/10/2016	Bill	114-578	100.00	100.00		100.00
				Check Amount		100.00

10400 LEI Santander 100.00

**Lynnfield Engineering, Inc.**

Town of Boxford				8/10/2016		
Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
8/10/2016	Bill	114-578	100.00	100.00		100.00
				Check Amount		100.00

10400 LEI Santander 100.00



August 26, 2016

Town of Boxford  
Conservation Commission  
7A Spofford Rd.  
Boxford, MA 01921

Attention: Mr. Ross Povenmire, Director of Conservation

**Subject: Request for a Certificate of Compliance  
335A & B Middleton Road Boxford, MA  
MassDEP File No. 114-578  
LEI Job No. 603-10**

Dear Mr. Povenmire:

This correspondence has been prepared on behalf of 335 Middleton Road Boxford, MA in response to General Condition No. 39 of the Order of Conditions prepared by the Boxford Conservation Commission dated March 14, 1996. During a recent title search conducted in conjunction with a pending real estate transaction, it was discovered that a Certificate of Compliance was not obtained following construction of the access drive. As a result, Lynnfield Engineering, Inc. (LEI) is herein requesting a Certificate of Compliance for the project. A copy of the Order of Conditions is presented in Attachment No. 1. A copy of Conditions from the original Order of Conditions that extend beyond the Certificate of Compliance is presented in Attachment No. 2.

On August 16, 2016, LEI completed an as-built survey of the referenced access drive. A copy of the as-built drawings prepared by LEI is attached to this correspondence. Plate No. 1 presents photographs taken at the time of the survey.

LEI reviewed the drawing Notice of Intent Exhibit A prepared by Hancock Survey Associates, Inc. dated May 5, 1995, with the most recent revision dated March 15, 1996, for comparison to the existing conditions of the subject property. The proposed access drive

and site conditions generally comply with the approved Site Plan. A copy of correspondence from the Town of Boxford dated November 21, 2000 indicating compliance with an Enforcement Condition issued by the Conservation Commission relating to wetland replication has been satisfactorily resolved is presented in Attachment No. 1.

If you have any questions or desire any additional information regarding this matter, please do not hesitate to contact me at 978.777.7250 Ext. 12.

Respectfully Submitted,  
Lynnfield Engineering, Inc.



Richard Barthelmes, P.E.

enclosures

c: Attorney Thomas P. Callaghan, Jr.  
Kelliher & Callaghan  
w/enclosures

**PLATE 1 – 335A&B Middleton Road Boxford, MA**

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No.	Description
1.	View of entrance to 335A Driveway and Access Road from Middleton Road



No.	Description
2.	View of 335A Driveway and Access Road split





No.	Description
3.	View of Guardrail at Wetlands at beginning of Access Road



	Description
4.	View of Guardrail at Wetlands



No.	Description
5.	View of Guardrail at Wetlands



No.	Description
6.	View of Access Road at Midway Point





No.	Description
7.	View of 335B Middleton Road Driveway (right) and 335C Middleton Road Driveway (left)



No.	Description
8.	View of Stone Retaining Wall across from 335B Middleton Road Driveway





No.	Description
9.	View of 335B Middleton Road Driveway



No.	Description
10.	View of Pond adjacent to 335A Middleton Road





No.	Description
11.	View of 335A Middleton Road



**ATTACHMENT NO. 1**

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**Order of Conditions  
and Compliance with Enforcement Order**

see  
B 16245  
P 488

75

96  
32

10.99: continued

DEP File No.

114-578

(To be provided by DEP)

Form 5

Commonwealth  
of Massachusetts

ORDER OF CONDITIONS  
TOWN OF BOXFORD'S WETLANDS PROTECTION BYLAW  
ARTICLE TWELVE

City/Town BOXFORD

Applicant JOHN VOLPACCHIO

Order of Conditions  
Massachusetts Wetlands Protection Act  
G.L. c. 131, §44

From BOXFORD CONSERVATION COMMISSION Issuing Authority

TO JOHN VOLPACCHIO JOHN VOLPACCHIO  
(Name of person making request) (Name of property owner)

Address 333 MIDDLETON ROAD, BOXFORD, MA 01921  
Address 333 MIDDLETON ROAD, BOXFORD, MA 01921

MaJ

This Order is issued and delivered as follows:

- by hand delivery to person making request on \_\_\_\_\_ (date)
- by certified mail, return receipt requested on \_\_\_\_\_ (date)

This project is located at 335 MIDDLETON ROAD, BOXFORD, MA

The property is recorded at the Registry of SOUTH ESSEX

Book 12566 Page 46  
11882 339

Certificate (if registered) N/A

The Notice of Intent for this project was filed on JANUARY 22, 1996 (date)

The public hearing was closed on MARCH 14, 1996 (date)

Findings

The COMMISSION has reviewed the above-referenced Map of Impacts and plans and has held a public hearing on the project. Based on the information available to the COMMISSION at this time, the COMMISSION has determined that the area on which the proposed work is to be done is significant to the following interest in accordance with the Provisions of Significance set forth in the regulations for each Area Subject to Protection under the Act (check as appropriate):

- Public water supply
- Private water supply
- Ground water supply
- Flood Control
- Storm damage prevention
- Prevention of pollution
- Land containing shellfish
- Fisheries
- Protection of Wildlife Habitat

Total Filing Fee Submitted \$250.00 (+ \$60.00 Dred Fee) Total Fees \$112.50  
(to be in excess of \$15)

City/Town Fees \$137.50 (+ \$60.00 Dred Fee)

Total Refund Due \$ 0 City/Town Permit \$ \_\_\_\_\_ State Permit \$ \_\_\_\_\_  
(if used) (if used)



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

WPA Form 7 - Extension Permit for Orders of Conditions

TOWN OF BOXFORD'S  
WETLANDS PROTECTION  
BY AN ARTICLE TWELVE

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

Applicant Information

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1. Applicant:  
DAVID AND ANNE ARMSTRONG

Name  
BOXFORD

City/Town of Site  
4/4/96

Date of Order of Conditions Issuance  
114-578

DEP File Number

03/20/00 11:16 inst. 162  
BK 16245 PG 488

Finding Information

Return

From:  
BOXFORD

Conservation Commission

To: (Applicant)  
DAVID AND ANNE ARMSTRONG

(Property Owner)  
(SAME)

Name of Applicant  
7 MANSELL PARKWAY

Name of Property Owner

Mailing Address  
SALEM MA 01970  
City/Town State Zip Code

Mailing Address  
City/Town State Zip Code

The Order of Conditions (or Extension Permit) Issued APRIL 4, 1996 on (date)

to JOHN VOLPACCHIO (name of applicant), DEP File No. 114-578

for work at 335 MIDDLETON ROAD, MAP 42, BLOCK 1, LOTS 18.0 AND 16.1 (Street)

address and Assessors Map/Plat, Parcel & Lot #s) recorded at the Registry of Deeds for ESSEX

(County) Book 13848 Page 243 Certificate (if registered land)

Is hereby extended for a period of 1 year(s) from the date it expires (not more than 3 years from the expiration date of the Order of Conditions or the latest extension thereof; only unexpired Orders of Conditions or Extension Permits may be extended).

Date that Order was last extended (if applicable) 3-30-99 (date).

This Extension will expire on 4-4-2001 (date).





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

BK 16245 PG 489

### WPA Form 7 - Extension Permit for Orders of Conditions

TOWN OF BOWFORDS  
WETLANDS PROTECTION  
BY LAW ARTICLE TWELVE

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

#### B Finding Information (cont.)

Issued by:

Borford  
Conservation Commission

This Order of Conditions Extension must be signed by a majority of the conservation commission and a copy sent to the applicant and the appropriate DEP Regional Office (see Appendix A).

Signature(s)

[Handwritten signatures]

On this 14<sup>th</sup>

day of March

Month

2000

Year

before me personally appeared

Gerard Irmer

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.

[Handwritten signature]  
Notary Public

MY COMMISSION EXPIRES

JULY 7, 2008

My commission expires

#### C Recording Confirmation

The applicant shall record this document in accordance with General Condition 8 of the Order of Conditions (see below), complete the form attached to the bottom of this Extension Permit, have it stamped by the Registry of Deeds, and return it to the conservation commission.

Note: General Condition 8 of the Order of Conditions requires that the applicant, prior to commencement of work, to record the final Order (or in this case, the Extension Permit for the

Order of Conditions) 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, it shall 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, it shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done.

Detach on dotted line and submit to the conservation commission prior to the expiration of the Order of Conditions subject to this Extension Permit.

(77)



# TOWN OF BOXFORD

## OFFICE OF THE CONSERVATION COMMISSION

November 21, 2000

Ms. Anne Armstrong  
7 Mansell Parkway  
Salem, MA 01970

**RE: Compliance With Enforcement Order at 335C Middleton Road, BCC/DEP #114-578**

Dear Ms. Armstrong:

I conducted a site visit today at the above property to determine whether the Conservation Commission's Enforcement Order of February 29, 2000 had been complied with. With me during this visit were Mr. Ralph Hobbs and Mr. Matthew Armstrong. I observed that all required mitigation measures contained in the Enforcement Order had been met. The site is now back in compliance with Order of Conditions #114-578, and no further work is necessary under the Enforcement Order.

Thank you for your cooperation in resolving this matter. Looking to the future, your existing permit will expire on April 4, 2000. If you will be unable to finish construction of the driveway by that date, including paving and construction of the guard rail, please contact me two months in advance so we can arrange a permit extension.

Sincerely,

\_\_\_\_\_  
Kenneth Pruitt  
Administrator for the Conservation Commission

cc: Ralph Hobbs, Hobbs Companies, Inc., P.O. Box 5329, Gloucester, MA 01930  
BCC Members  
BCC File 114-578

Phone: (978) 352-2538 / Fax: 352-2567  
200 Washington Street, Boxford, MA 01921

**ATTACHMENT NO. 2**

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**Certificate of Compliance Conditions**



**CERTIFICATE OF COMPLIANCE CONDITIONS**  
**MassDEP FILE NO. 114-578**

The following Conditions numbers shall extend beyond the Certificate of Compliance, in perpetuity, and shall be recorded as such on the Certificate of Compliance and in all future deeds to this property:

**PART (B) PURSUANT TO THE TOWN OF BOXFORD WETLANDS PROTECTION BYLAW AND REGULATIONS**

**GENERAL CONDITIONS**

1. The provisions of the Boxford Wetlands Protection Bylaw and Regulations shall be observed.

2. The applicant, owner, and persons responsible for performing work on the property shall abide by the Boxford Wetlands Regulation Section 10.98(3) as follows:

a. No-Cut Zone. There shall be a no-cut zone with a minimum depth of 25 feet (measured horizontally from the mean annual high water mark or bordering vegetated wetland, whichever is further from the Wetland Resource Area) adjacent to the protected resource. The Boxford Conservation Commission, at its sole discretion, may require a no-cut zone of greater than 25 feet where there are site specific conditions which would, if altered, result in resource area degradation. 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 seven (7) feet in width. Paths on adjacent lots shall be separated by at least 25 feet.

b. Understory. Mowing or cutting of understory vegetation to within 25 feet (measured horizontally from the mean annual high water mark or bordering vegetated wetland, whichever is further from the Wetland Resource Area) 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.

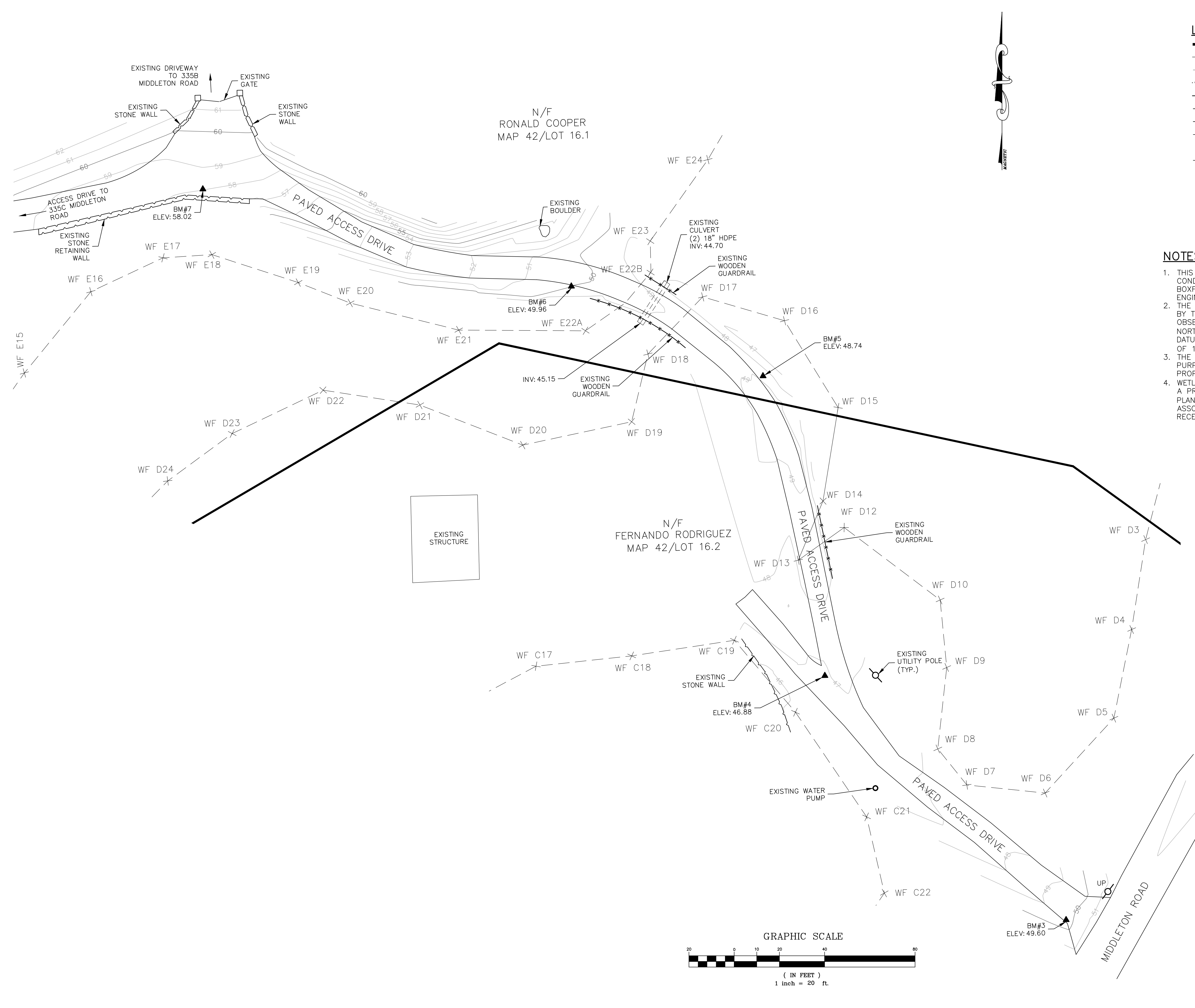
c. Overstory/Canopy. To promote recharge of the groundwater and avoid excessive run-off, not more than 40 percent of the trees in the Buffer Zone shall be cleared. There shall be no clear-cutting of trees. Minimal clearing to allow erection of permitted structures will be allowed. All permissible cutting shall be done in such a manner so as to ensure that a well distributed stand of trees, by size, and other vegetation remains through the Buffer Zone.

**AFTER CONSTRUCTION**

6. Within the 100 foot Buffer Zone, pesticides, including herbicides, are prohibited.

7. De-icing chemicals (eg. sodium, potassium, and calcium chloride) are prohibited on driveways located in the Buffer Zone.

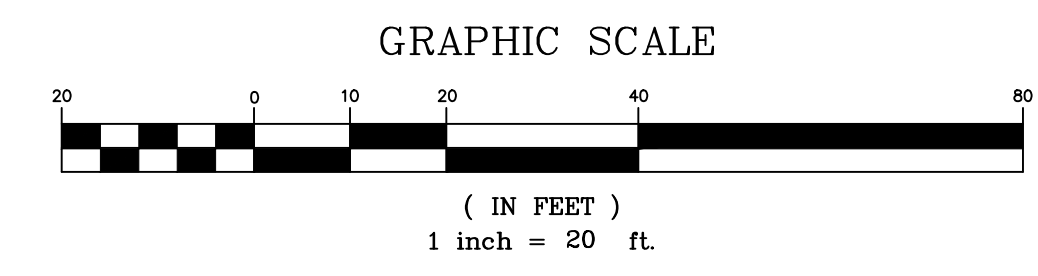
8. If fertilizers are to be used within the 100 foot Buffer Zone, only organic granular types are to be used.



**LEGEND**

	PROPERTY LINE
	EXISTING MAJOR CONTOUR
	EXISTING MINOR CONTOUR
	EXISTING TREE LINE
	EXISTING GUARDRAIL
	EXISTING STONE RETAINING WALL
	LIMIT OF LAWN AREA
	EXISTING EDGE OF PAVEMENT
	BENCHMARK #
	APPROXIMATE LIMIT OF WETLAND AREA

- NOTES:**
1. THIS PLAN HAS BEEN PREPARED TO DEPICT THE EXISTING SITE CONDITIONS ON THE PROPERTY AT 335A+B MIDDLETON ROAD, BOXFORD MA. THE FIELD WORK WAS PERFORMED BY LYNNFIELD ENGINEERING, INC ON AUGUST 16, 2016.
  2. THE HORIZONTAL AND VERTICAL CONTROL WERE ESTABLISHED BY THE COLLECTION OF GPS AND TOTAL STATION OBSERVATIONS. THE HORIZONTAL CONTROL IS BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD83). THE VERTICAL DATUM IS BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).
  3. THE PROPERTY LINES DEPICTED ARE FOR INFORMATIONAL PURPOSES ONLY. LYNNFIELD ENGINEERING DID NOT PERFORM A PROPERTY LINE SURVEY.
  4. WETLAND FLAGS FROM PLAN TITLED "NOTICE OF INTENT EXHIBIT A PROPOSED SUBSURFACE SEWAGE DISPOSAL SYSTEM - SITE PLAN, PROFILES AND DETAILS" PREPARED BY HANCOCK SURVEY ASSOCIATES, INC. DATED MARCH 15, 1996, WITH THE MOST RECENT REVISION DATED JUNE 29, 1995.



**LYNNFIELD ENGINEERING, INC.**  
 CONSULTING ENVIRONMENTAL ENGINEERS  
 2 ELECTRONICS AVE., SUITE 41  
 DANVERS, MASSACHUSETTS 01923  
 (978) 777-7250

**RECORD CONDITIONS PLAN**  
 335A+B MIDDLETON ROAD  
 BOXFORD, MASSACHUSETTS 01921  
 PREPARED FOR  
 ARMSTRONG IRREVOCABLE TRUST  
 C/O KELLEHER CALLAHAN  
 ONE CENTER STREET  
 MALDEN MA, 02148

REVISIONS	DESCRIPTION	BY
No.	DATE	

**RECORD CONDITIONS PLAN**  
 (TO ACCOMPANY CERTIFICATE OF COMPLIANCE MASSDEP FILE NO. 114-578)

DRAWN BY:	NC
CHECKED BY:	RB
SCALE:	1" = 20'
DATE:	8/24/16

SHEET No. **C-1**  
 PROJECT No. LE 603-10