

# HANCOCK ASSOCIATES

## *Request for Determination of Applicability*

### **599 Main Street & Silvermine Road**

Boxford, Massachusetts

Prepared By:  
**HANCOCK ASSOCIATES**

Prepared for:  
**599 Main LLC**

**March 2 2017**

HA Job Number: 20168

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Salem, NH 03079  
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# **Project Narrative**

# HANCOCK ASSOCIATES

## Narrative

### Determination of Applicability

On behalf of the Applicant (599 Main, LLC), Hancock Associates requests 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).*

### Proposed Work

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

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' Buffer Zone. The excavating contractor will not disturb any large trees in the Buffer Zone.

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## **WPA Form 1**

- Request for Determination of  
Applicability**

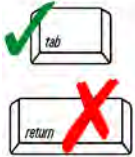


# WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
Boxford Wetlands Protection Bylaw, Town Code Ch. 192 & 375

## 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, c/o Thomas Frangos  
Name

8 Merrill Industrial Drive. #1  
Mailing Address

Hampton  
City/Town

617-877-6711  
Phone Number

thomasfrangos@gmail.com  
E-Mail Address

NH  
State

03842  
Zip Code

Fax Number (if applicable)

2. Representative (if any):

Hancock Associates  
Firm

Ann McMenemy  
Contact Name

185 Centre Street  
Mailing Address

Danvers  
City/Town

978-777-3050  
Phone Number

amcmenemy@hancockassociates.com  
E-Mail Address

MA  
State

01923  
Zip Code

978-777-7816  
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  
Boxford Wetlands Protection Bylaw, Town Code Ch. 192 & 375

## C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

<u>599 Main Street and Silvermine Road</u>	<u>Boxford</u>
Street Address	City/Town
<u>Map 10</u>	<u>Lot 28</u>
Assessors Map/Plat Number	Parcel/Lot Number

b. Area Description (use additional paper, if necessary):

Large parcel of undeveloped wooded land located between 599 Main Street and Silvermine Road. The land is comprised of an extensive system of Bordering Vegetated Wetlands, one area of Isolated Land Subject to Flooding, and a large section of uplands. The Bordering Vegetated Wetland system drains from Silvermine Road discharging at Main Street to Spofford Pond. There are four certified vernal pools designated by MA Natural Heritage and Endangered Species Program. Two of the Certified Vernal Pools are on the subject property, and the remaining two certified vernal pools are situated to the east of the property.

c. Plan and/or Map Reference(s):

<u>"Plan of Land In Boxford, MA to Accompany a Request for Determination of Applicability"</u>	<u>3/2/2017</u>
Title	Date
<u> </u>	<u> </u>
Title	Date
<u> </u>	<u> </u>

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

This RDA is for an approximately 8 foot wide temporary access way to uplands on the site for an excavator to dig witnessed soil testing holes for a septic design. The temporary access way will follow the route that the excavator used during the unofficial soil testing conducted fall 2016. The temporary access way cannot enter the property without crossing one narrow area of Buffer Zone at Silvermine Road. The areas proposed for the soil testing are outside of jurisdiction.



## WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
Boxford Wetlands Protection Bylaw, Town Code Ch. 192 & 375

### 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.

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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.)

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### 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  
 8 MERRILL INDUSTRIAL DR, #1  
 Mailing Address  
 HAMPTON, NH 03842  
 City/Town

State \_\_\_\_\_ 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.

James P. Menzies, Manager  
 Signature of Applicant \_\_\_\_\_ Date 2/22/17

Jim McManis, Hancock Associates  
 Signature of Representative (if any) \_\_\_\_\_ Date 2/24/17

## **Filing Fee Information**

- **Copy of Checks**

FOR SECURITY PURPOSES, THE FACE OF THIS DOCUMENT CONTAINS A TWO-TONED COLORED BACKGROUND AND MICROPRINTING IN THE BORDER

**599 MAIN LLC**  
8 MERRILL INDUSTRIAL DRIVE  
UNIT 1  
HAMPTON, NH 03842

CITIZENS BANK

1002

2/22/2017

PAY  
TO THE  
ORDER OF

Town Of Boxford, MA

\$ \*\*100.00

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

DOLLARS

Town Of Boxford, MA

MEMO

599 Main St-Wetlands RDA



SECURITY FEATURES INCLUDED. DETAILS ON BACK



*Karen Maynard*

AUTHORIZED SIGNATURE

⑈001002⑈ ⑆011401533⑆ 3313858211⑈

## **Abutter Information**

- **Certified List of Abutters (100')**

TOWN OF BOXFORD  
ABUTTER LIST

PARCEL #10-1-28 ~ 599 MAIN STREET ~ CONSERVATION COMMISSION 250'

Map/Lot	Location	Owner	Owner 2	Owner Address	Owner City/Town	Owner State	Owner Zip Code
(10-01-09)	53 SILVERMINE RD	ANDON ANTHONY M	ANDON DIANNE C	53 SILVERMINE RD	BOXFORD	MA	01921
(10-01-20-A)	5B BUDDNICK WAY	ASQUITH ASHLEY K	ASQUITH BRENDAN H	5B BUDDNICK WAY	BOXFORD	MA	01921
(10-01-28)	599 MAIN ST	599 MAIN LLC		8 MERRILL INDUSTRIAL PARK	HAMP TON	NH	03842
(10-01-04)	25 SILVERMINE RD	BELLEFEUILLE JOSEPH	CAROLYN S BELLEFEUIL	P O BOX 261	W BOXFORD	MA	01885
(09-02-29)	FOWLERS POND	BERGSTROM ERIC P		19 MADISON WAY	PORTSMOUTH	RI	02871
(10-01-06)	35 SILVERMINE RD	BOYLE MATTHEW J	BOYLE MICHELLE J	35 SILVERMINE RD	BOXFORD	MA	01921
(10-01-32)	129 WASHINGTON ST	BUTMAN AR & VR & GUILFORD JUDITH TRS	BUTMAN GUILFORD TRUST	129 WASHINGTON ST	BOXFORD	MA	01921
(10-01-05)	31 SILVERMINE RD	CARLSTROM CHRISTINE E	PLUNKETT JAMES G	31 SILVERMINE RD	BOXFORD	MA	01921
(10-01-17)	111 WASHINGTON ST	CHILEL RUDY		111 WASHINGTON ST	BOXFORD	MA	01921
(10-01-16)	SILVERMINE RD	599 MAIN LLC		8 MERRILL INDUSTRIAL PARK #1	HAMP TON	NH	03842
(10-01-16)	SILVERMINE RD	599 MAIN LLC		8 MERRILL INDUSTRIAL PARK #1	HAMP TON	NH	03842
(10-01-11)	63 SILVERMINE RD	DICUNZOLO ANTHONY TE	DICUNZOLO KARINA C	63 SILVERMINE RD	BOXFORD	MA	01921
(06-01-11)	44 SILVERMINE RD	GARSTON DEAN S TE	ERIN A GARSTON	44 SILVERMINE RD	BOXFORD	MA	01921
(10-01-10)	59 SILVERMINE RD	HAMILTON GEORGE J LE	STEARNS JANET LE	59 SILVERMINE RD	BOXFORD	MA	01921
(09-02-26)	606 MAIN ST	HANNAFORD CHARLENE JT	SANTAGUIDA NANCY L	PO BOX 34	W BOXFORD	MA	01885
(10-01-29)	605 MAIN ST	KAUFMANN JAMES K		P O BOX 313	W BOXFORD	MA	01885
(06-01-12-1)	36 SILVERMINE RD	KENNEY CHARLES R	ALBISTON DOREEN	36 SILVERMINE RD	BOXFORD	MA	01921
(10-01-12)	67 SILVERMINE RD	LINNANE DERRICK	LINNANE KRISTIN	67 SILVERMINE RD	BOXFORD	MA	01921
(09-02-25)	610 MAIN ST	LYDON JAMES J	GILBRIDE EILEEN	PO BOX 514	WEST BOXFORD	MA	01885
(09-02-03)	15 SILVERMINE RD	MAHONEY CAROL ANN		PO BOX 252	W BOXFORD	MA	01885
(10-01-01)	15 SILVERMINE RD	MAHONEY CAROL ANN		PO BOX 252	W BOXFORD	MA	01885
(10-01-17-1)	WASHINGTON ST	MC CARTHY SUSAN M		17 HAVERHILL RD	TOPSFIELD	MA	01983
(10-01-18)	121 WASHINGTON ST	MEYER WILLIAM M & ELISABETH R TRS	WILLIAM M MEYER 2009 TRUST	121 WASHINGTON ST	WEST BOXFORD	MA	01885-00

**CERTIFIED COPY**



February 22, 2017 (2 pages)

TOWN OF BOXFORD  
ABUTTER LIST

PARCEL #10-1-28 ~ 599 MAIN STREET ~ CONSERVATION COMMISSION 250'

(10-01-02)	17 SILVERMINE RD	MURPHY GEORGE L TE	LINDA E MURPHY	P O BOX 407	W BOXFORD	MA	01885
(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
(09-02-27)	602 MAIN ST	PETERSON ERIK	PETERSON LESLIE	602 MAIN ST	BOXFORD	MA	01921
(10-01-30)	609 MAIN ST	PINKHAM SANDRA C		609 MAIN ST PO BOX 323	W BOXFORD	MA	01885
(10-01-33)	113 WASHINGTON ST	SALIE WILLIAM E III JT	BESSETTE KRISTEN M	113 WASHINGTON ST	BOXFORD	MA	01921
(09-02-28)	600 MAIN ST	SIEGEL ELLIOT	SIEGEL STEFANIE R	600 MAIN ST	BOXFORD	MA	01921
(10-01-03)	21 SILVERMINE RD	SIVAK LINDA TE	JOSEPH SIVAK	P O BOX 149	W BOXFORD	MA	01885
(10-01-36)	95 WASHINGTON ST	SMITH A RICHARD TR	SMITH PENNY TR	95 WASHINGTON ST	BOXFORD	MA	01921
(10-01-27)	585 MAIN ST	TOWN OF BOXFORD		7A SPOFFORD RD	BOXFORD	MA	01921
(10-01-19)	123 WASHINGTON ST	WELCH MARK W		123 WASHINGTON ST	BOXFORD	MA	01921
(10-01-37)	583 MAIN ST	WINGHELL ELISABETH G & PAUL W - TRS	THE WINGHELL REALTY TRUST	583 MAIN ST	BOXFORD	MA	01921
(10-01-07)	41 SILVERMINE RD	WINSLOW MICHAEL A	KOSTAS ALEXIS A	41 SILVERMINE RD	BOXFORD	MA	01921

**CERTIFIED COPY**

  
February 22, 2017 (2 pages)

# **Summary of Wetland Delineation**

### Summary of Wetland Delineation

Wetland Flagging Series	Wetland Type	Jurisdiction	Notes
<p>A-Series</p> <ul style="list-style-type: none"> <li>- A1-A95</li> <li>- A100-A119</li> <li>- A77-A95</li> </ul>	<ul style="list-style-type: none"> <li>• Bordering Vegetated Wetland (BVW)</li> <li>• Intermittent Streams</li> <li>• Certified Vernal Pool (CVP)</li> </ul>	<ul style="list-style-type: none"> <li>• 100' Buffer Zone under the Massachusetts Wetland Protection Act</li> <li>• 75' No Disturb Zone under the Local Bylaw (projects requiring a building permit)</li> <li>• 30' setback for driveways and utilities under the Local Bylaw</li> <li>• 50' setback for roadways under the Local Bylaw</li> <li>• 25' setback for all other alterations of naturally vegetated Buffer Zone under the Local Bylaw</li> <li>• 100' No Disturb Zone for CVP under Boxford Local Bylaw</li> </ul>	<ul style="list-style-type: none"> <li>• Intermittent Streams at A17-A20, A19-A103, A70-A77</li> <li>• Ditched Intermittent Stream at Silvermine Road to A20</li> <li>• Mature wooded BVW except near flags A20-A42, which is a marsh dominated by <i>Phragmites</i> with evidence of past beaver activity</li> <li>• CVP #2056</li> <li>• CVP Situated within larger BVW</li> </ul>
<p>B-Series</p> <ul style="list-style-type: none"> <li>- B1-B20</li> </ul>	<ul style="list-style-type: none"> <li>• Bordering Vegetated Wetland</li> <li>• Intermittent Streams</li> </ul>	<ul style="list-style-type: none"> <li>• 100' Buffer Zone under the Massachusetts Wetland Protection Act</li> <li>• 75' No Disturb Zone under the Local Bylaw (projects requiring a building permit)</li> <li>• 30' setback for driveways and utilities under the Local Bylaw</li> </ul>	<ul style="list-style-type: none"> <li>• Intermittent Stream at B19-B22</li> <li>• Culvert at B12</li> <li>• Wooded BVW that abuts existing residential yard</li> <li>• No soil testing or temporary access proposed near the B-Series BVW</li> </ul>

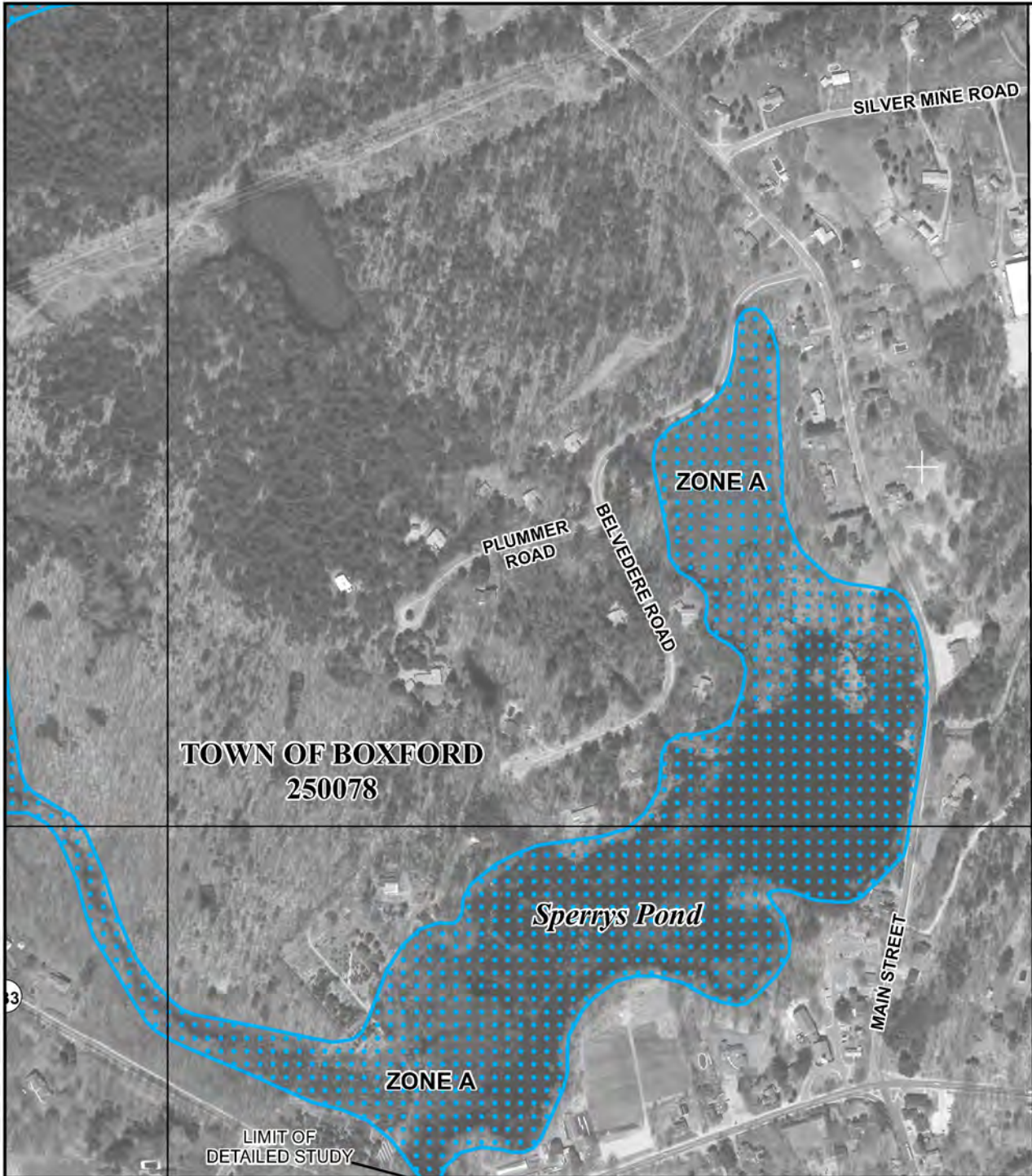


		<ul style="list-style-type: none"> <li>• 50' setback for roadways under the Local Bylaw</li> <li>• 25' setback for all other alterations of naturally vegetated Buffer Zone under the Local Bylaw</li> </ul>	
C-Series - C1-C21	Certified Vernal Pool  Isolated Land subject to Flooding	<ul style="list-style-type: none"> <li>• 100' Buffer Zone under the Massachusetts Wetland Protect Act</li> <li>• 100' No-Disturb Zone for CVP under Boxford Local Bylaw</li> </ul>	<ul style="list-style-type: none"> <li>• CVP #2250</li> <li>• Wooded undisturbed isolated wetland</li> </ul>
Offsite	Certified Vernal Pool	<ul style="list-style-type: none"> <li>• 100' No-Disturb Zone for CVP under Boxford Local Bylaw</li> </ul>	<ul style="list-style-type: none"> <li>• CVP #1387</li> <li>• Jurisdiction extends onto site</li> </ul>
Offsite	Certified Vernal Pool	<ul style="list-style-type: none"> <li>• 100' No-Disturb Zone under Boxford Local Bylaw</li> </ul>	<ul style="list-style-type: none"> <li>• CVP #1398</li> <li>• Jurisdiction extends onto site</li> </ul>

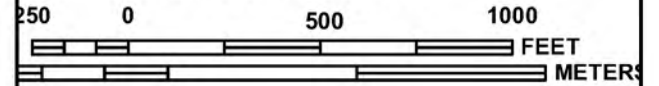
## **Locus Map**



# FEMA Map



MAP SCALE 1" = 500'



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0229F

# FIRM

FLOOD INSURANCE RATE MAP  
 ESSEX COUNTY,  
 MASSACHUSETTS  
 (ALL JURISDICTIONS)

PANEL 229 OF 600

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
BOXFORD, TOWN OF	250078	0229	F
NORTH ANDOVER, TOWN OF	250098	0229	F

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.



**MAP NUMBER**  
 25009C0229F  
**EFFECTIVE DATE**  
 JULY 3, 2012

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)

# **Isolated Land Subject to Flooding Calculations**

20168

1 March 2017

### Wetland Volume Stage vs. Storage Tabulation

Stage (Feet)	Depth (Feet)	Elevation Difference (Feet)	Area (Sq.Ft.)	Area (Acres)	Average Area (Acres)	Incremental Storage (Acre-Feet)	Total Storage (Acre-Feet)
173.3	0						
173.5	0.2'	0.2'	2400	0.056	0.028	0.006	0.006
174.5	1.0'	01.0'	14,570	0.336	0.196	0.196	0.202
175.1	0.6'	0.6'	4,030	0.092	0.214	0.128	0.330

- Total volume of the depression in the table is 0.33 AC. FT., which is above the 0.25 AC. FT. volume criteria.
- The average depth, corresponding to the volume is :

$$\frac{0.330}{0.484} = 0.68 \times 12'' = 8.2''$$

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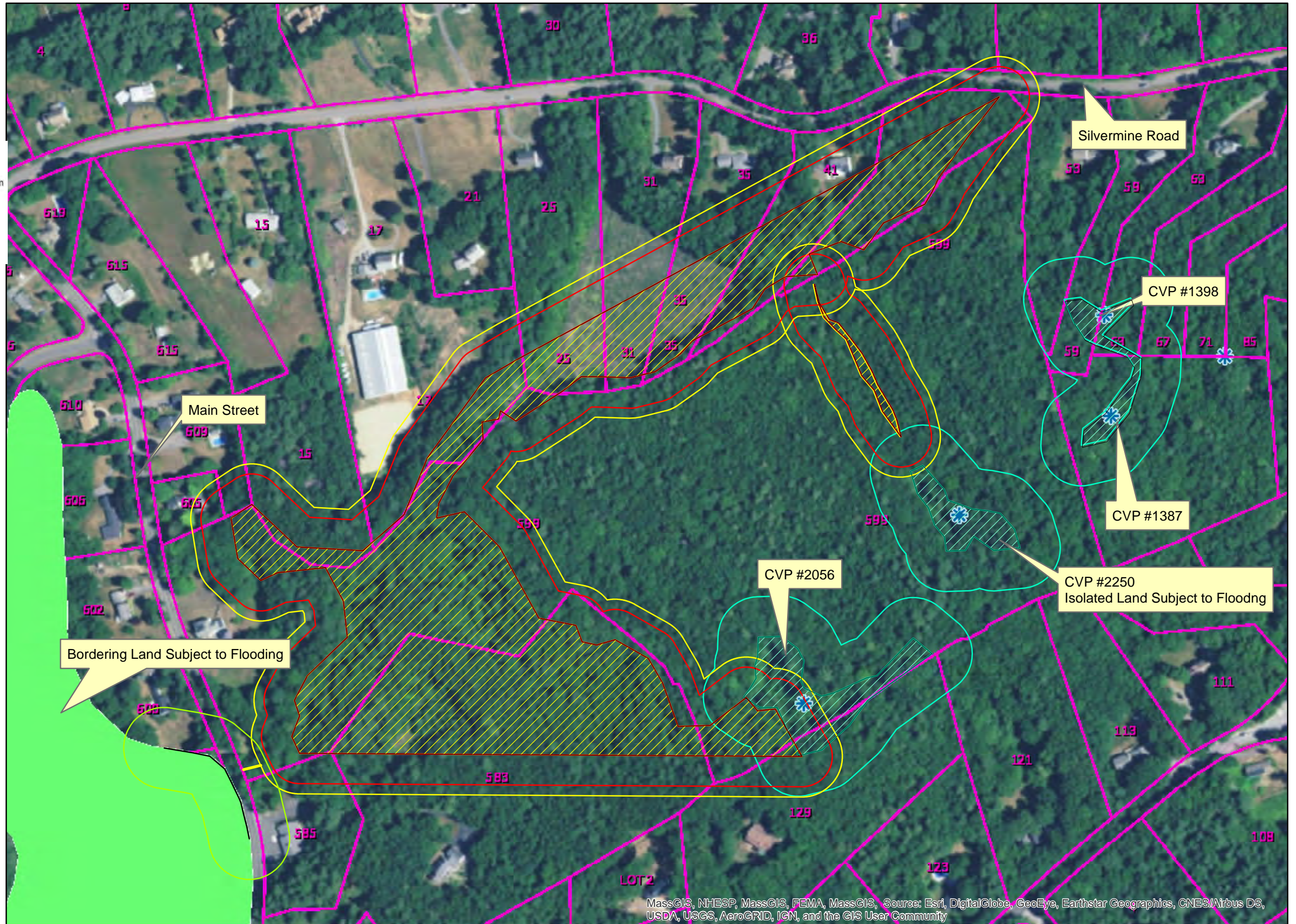
SALEM, NH  
P.O. Box 205  
403 Main Street, Unit 202  
Salem, NH 03079  
Phone: 603-898-4701

## **GIS Map of Site**





-  Limit of Certified Vernal Pool
-  Limit of Bordering Vegetated Wetlands/Intermittent Stream
-  100' No Disturb Zone to Certified Vernal Pool
-  100' Buffer Zone
-  75' Buffer Zone
-  Bordering Land Subject to Flooding
-  100' Buffer Zone to BLSF



MassGIS, NHESP, MassGIS, FEMA, MassGIS, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

