

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

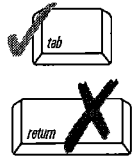
Boxford  
2017-7

**WPA Form 2 – Determination of Applicability**

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



From:

Boxford  
Conservation Commission

To: Applicant

BTA/BOLT, Inc.  
Name  
P.O. Box 95  
Mailing Address  
Boxford MA 01921  
City/Town State Zip Code

Property Owner (if different from applicant):

\_\_\_\_\_  
Name  
\_\_\_\_\_  
Mailing Address  
\_\_\_\_\_  
City/Town State Zip Code

1. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

Site Plan in Boxford, MA prepared for BTA/BOLT, Inc. 6-1-2017  
Title Date  
\_\_\_\_\_  
Title Date  
\_\_\_\_\_  
Title Date

2. Date Request Filed:

6-1-2017

**B. Determination**

Pursuant to the authority of M.G.L. c. 131, § 40, the Conservation Commission considered your Request for Determination of Applicability, with its supporting documentation, and made the following Determination.

Project Description (if applicable):

To construct a trail within 100-feet of a Bordering Vegetated Wetland.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Project Location:

National Grid R.O.W. at Kelsey Road and adj. parcel  
Street Address  
25  
Assessors Map/Plat Number

Boxford  
City/Town  
1/27  
Parcel/Lot Number



## WPA Form 2 – Determination of Applicability

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

### B. Determination (cont.)

The following Determination(s) is/are applicable to the proposed site and/or project relative to the Wetlands Protection Act and regulations:

#### Positive Determination

Note: No work within the jurisdiction of the Wetlands Protection Act may proceed until a final Order of Conditions (issued following submittal of a Notice of Intent or Abbreviated Notice of Intent) or Order of Resource Area Delineation (issued following submittal of Simplified Review ANRAD) has been received from the issuing authority (i.e., Conservation Commission or the Department of Environmental Protection).

1. The area described on the referenced plan(s) is an area subject to protection under the Act. Removing, filling, dredging, or altering of the area requires the filing of a Notice of Intent.
- 2a. The boundary delineations of the following resource areas described on the referenced plan(s) are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as this Determination is valid.

- 2b. The boundaries of resource areas listed below are not confirmed by this Determination, regardless of whether such boundaries are contained on the plans attached to this Determination or to the Request for Determination.

3. The work described on referenced plan(s) and document(s) is within an area subject to protection under the Act and will remove, fill, dredge, or alter that area. Therefore, said work requires the filing of a Notice of Intent.
4. The work described on referenced plan(s) and document(s) is within the Buffer Zone and will alter an Area subject to protection under the Act. Therefore, said work requires the filing of a Notice of Intent or ANRAD Simplified Review (if work is limited to the Buffer Zone).
5. The area and/or work described on referenced plan(s) and document(s) is subject to review and approval by:

Name of Municipality

Pursuant to the following municipal wetland ordinance or bylaw:

Name

Ordinance or Bylaw Citation



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

### B. Determination (cont.)

6. The following area and/or work, if any, is subject to a municipal ordinance or bylaw but not subject to the Massachusetts Wetlands Protection Act:
- 
7. If a Notice of Intent is filed for the work in the Riverfront Area described on referenced plan(s) and document(s), which includes all or part of the work described in the Request, the applicant must consider the following alternatives. (Refer to the wetland regulations at 10.58(4)c. for more information about the scope of alternatives requirements):
- Alternatives limited to the lot on which the project is located.
  - Alternatives limited to the lot on which the project is located, the subdivided lots, and any adjacent lots formerly or presently owned by the same owner.
  - Alternatives limited to the original parcel on which the project is located, the subdivided parcels, any adjacent parcels, and any other land which can reasonably be obtained within the municipality.
  - Alternatives extend to any sites which can reasonably be obtained within the appropriate region of the state.

#### Negative Determination

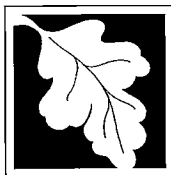
Note: No further action under the Wetlands Protection Act is required by the applicant. However, if the Department is requested to issue a Superseding Determination of Applicability, work may not proceed on this project unless the Department fails to act on such request within 35 days of the date the request is post-marked for certified mail or hand delivered to the Department. Work may then proceed at the owner's risk only upon notice to the Department and to the Conservation Commission. Requirements for requests for Superseding Determinations are listed at the end of this document.

1. The area described in the Request is not an area subject to protection under the Act or the Buffer Zone.
2. 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.
3. The work described in the Request is within the Buffer Zone, as defined in regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any).

See attached.

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4. The work described in the Request is not within an Area subject to protection under the Act (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent, unless and until said work alters an Area subject to protection under the Act.



## WPA Form 2 – Determination of Applicability

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

### B. Determination (cont.)

5. 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:

Exempt Activity (site applicable statutory/regulatory provisions)

6. The area and/or work described in the Request is not subject to review and approval by:

Name of Municipality

Pursuant to a municipal wetlands ordinance or bylaw.

Name

Ordinance or Bylaw Citation

### C. Authorization

This Determination is issued to the applicant and delivered as follows:

- by hand delivery on  by certified mail, return receipt requested on

Date

Date

This Determination is valid for **three years** from the date of issuance (except Determinations for Vegetation Management Plans which are valid for the duration of the Plan). This Determination does not relieve the applicant from complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.

This Determination must be signed by a majority of the Conservation Commission. A copy must be sent to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/>) and the property owner (if different from the applicant).

Signatures:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date



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

Boxford  
2017-7

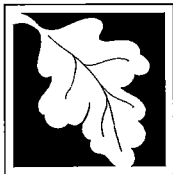
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**D. Appeals**

The applicant, owner, any person aggrieved by this Determination, 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 appropriate Department of Environmental Protection Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/>) to issue a Superseding Determination of Applicability. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form (see Request for Departmental Action Fee Transmittal Form) as provided in 310 CMR 10.03(7) within ten business 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 to the applicant if he/she is not the appellant. The request shall state clearly and concisely the objections to the Determination which is being appealed. To the extent that the Determination is based on a municipal ordinance or bylaw and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.



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

DEP File Number:

**Request for Departmental Action Fee Transmittal Form**

\_\_\_\_\_  
Provided by DEP

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

**A. Request Information**

1. Location of Project

\_\_\_\_\_  
a. Street Address

\_\_\_\_\_  
b. City/Town, Zip

\_\_\_\_\_  
c. Check number

\_\_\_\_\_  
d. Fee amount

2. Person or party making request (if appropriate, name the citizen group's representative):

\_\_\_\_\_  
Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City/Town

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Fax Number (if applicable)

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

\_\_\_\_\_  
Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City/Town

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Fax Number (if applicable)

4. DEP File Number:

\_\_\_\_\_

**Important:**  
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**B. Instructions**

1. When the Departmental action request is for (check one):

- Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- Superseding Determination of Applicability – Fee: \$120
- Superseding Order of Resource Area Delineation – Fee: \$120

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection  
Box 4062  
Boston, MA 02211



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**Request for Departmental Action Fee  
Transmittal Form**

DEP File Number:

\_\_\_\_\_  
Provided by DEP

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

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**B. Instructions (cont.)**

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

**ATTACHMENT TO DETERMINATION OF APPLICABILITY  
TOWN OF BOXFORD CONSERVATION COMMISSION**

**BCC FILE #:2017-7  
DATE OF APPROVED PLAN: 6-1-2017  
APPLICANT: BTA/BOLT, Inc.  
PAGE 1 OF 2 PAGES**

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APPROVED PLAN: Site Plan in Boxford, MA prepared for BTA/BOLT, Inc., dated 6-1-2017

**FINDINGS:** The proposed project involves the construction of a trail within 100-feet of a Bordering Vegetated Wetland.

**GENERAL CONDITIONS**

1. All work shall be performed so as to ensure that there will be no sedimentation into wetlands and surface waters during construction or after completion of the project.
2. The BCC and its Administrator, officers, and employees shall have the right to enter and inspect the property at any time for compliance with the conditions of this Determination, the Wetlands Protection Act MGL Chapter 131, Section 40, the Wetlands Regulations 310 CMR 10.00, Boxford Wetlands Protection Bylaw and Regulations and shall have the right to require any data or documentation that it deems necessary for that evaluation.
3. The BCC and its Administrator shall have the discretion to require erosion/siltation control prior to beginning work, and may require modifications to the erosion control during or after construction to ensure minimum impact on protected resources.
4. The BCC 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.
5. All work shall be performed in accordance with this Determination of Applicability and approved site plan(s). No alteration of wetland resource areas or associated buffer zones, other than that approved in this Determination, shall occur on this property without prior approval from the BCC.
6. Any proposed changes in the approved plan(s) or any deviation in construction from the approved plan(s) shall require the applicant to file a Notice of Project Change with the BCC. The Notice shall be accompanied by a written inquiry as to whether the change is substantial enough to require filing a request to correct or amend this Determination.

**PRIOR TO CONSTRUCTION**

7. Prior to the Pre-Activity Meeting and commencement of any activity on this site, the applicant shall notify the BCC in writing of the names, addresses and business and home telephone



## ATTACHMENT TO DETERMINATION OF APPLICABILITY

BCC FILE #:2017-7  
DATE OF APPROVED PLAN: 6-1-2017  
APPLICANT: BTA/BOLT, Inc.  
PAGE 2 OF 2 PAGES

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numbers of the project supervisor and the contractor responsible for the work who shall be responsible for ensuring compliance with this Determination. Notification shall occur at least seventy-two (72) hours prior to the Pre-Activity Meeting.

8. Prior to the commencement of any activity on this site, there shall be a **PRE-ACTIVITY MEETING** between the project supervisor, the contractor responsible for the work and a member of the Boxford Conservation Commission or its Administrator to ensure that the requirements of the Determination of Applicability are understood. Please contact the Boxford Conservation Commission office at (978) 887-6000, ext. 506 at least seventy-two (72) hours prior to any activity to arrange for the pre-activity meeting.

### DURING CONSTRUCTION

9. Erosion and sedimentation control devices shall be inspected after each storm event and repaired or replaced as necessary. Any accumulated silt adjacent to the barriers shall be removed.

### AFTER CONSTRUCTION

10. Upon completion of construction, the applicant or current landowner shall request in writing that the Boxford Conservation Commission and/or its Administrator conduct a final site inspection to verify that work has been completed in substantial compliance with this Determination and the approved site plan(s).
11. Erosion control devices shall remain in place and properly functioning until all exposed soils have been stabilized with final vegetative cover and the Boxford Conservation Commission and/or its Administrator has authorized their removal.