



**SALEM CONSERVATION COMMISSION**  
**Order of Resource Area Delineation**  
**DEP FILE #64-516**  
**60 & 64 Grove Street, 3 Harmony Grove Road**  
**City of Salem, Massachusetts**

This Order is issued under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40, Wetlands Protection Act Regulations 310 CMR 10.00, and the City of Salem Wetlands Protection Ordinance, Salem Code Chapter 50.

**No work is permitted under this Order.** This Order only approves resource area delineation and grants a limited exemption from riverfront area regulations for a specific portion of the site. Any work within jurisdictional resource areas or their buffer zones will require a valid order of conditions from the Salem Conservation Commission.

**RESOURCE AREA DELINEATION**

**Land Subject to Coastal Storm Flowage**

FEMA Flood Insurance Rate Maps indicate the presence of a 100-year flood zone at this location, but do not define it with an elevation. This Order sets the boundary of Land Subject to Coastal Storm Flowage at elevation 10.8', based on the site's proximity to the established 11.0' 100-year flood elevation along the North River at the Salem-Peabody line.

**Coastal Bank**

This Order approves the delineation of Coastal Bank as proposed in the Abbreviated Notice of Resource Area Delineation.

**Land Under Water Bodies and Waterways**

This Order approves the delineation of Land Under Water Bodies and Waterways as proposed in the Abbreviated Notice of Resource Area Delineation.

**Bordering Vegetated Wetlands**

This Order confirms that no Bordering Vegetated Wetlands are present at the site.

**EXEMPTIONS FROM RIVERFRONT AREA REGULATIONS**

**Manmade Canals Exemption**

At the July 14, 2011 Commission meeting, the applicant withdrew the request for an exemption from the Riverfront Area regulations based on the Manmade Canals Exemption, 310 CMR 10.58(2)(a)1.g. Therefore, this Order does not grant the manmade canals exemption from the requirements of the Riverfront Area.



### **Historic Mills Complex Exemption**

The Massachusetts Wetlands Protection Act's associated regulations, 310 CMR 10.58(6)(k), state that *"Notwithstanding the provisions of 310 CMR 10.58(1) through (5), certain activities or areas are grandfathered or exempted from requirements for the riverfront area" including "Activities on land occupied by historic mill complexes"*.

310 CMR 10.04 defines historic mill complex:

Historic Mill Complex means the mill complexes in, but not limited to, Holyoke, Taunton, Fitchburg, Haverhill, Methuen, and Medford in existence prior to 1946 and situated landward of the waterside façade of a retaining wall, building, sluiceway, or other structure existing on August 7, 1996. An historic mill also means any historic mill included on the Massachusetts Register of Historic Places. An historic mill complex includes only the footprint of the area that is or was occupied by interrelated buildings (manufacturing buildings, housing, utilities, parking areas, and driveways) constructed before and existing after 1946, used for any type of manufacturing or mechanical processing and including associated structures to provide water for processing, to generate water power, or for water transportation.

The Commission reviewed documentation submitted with the Abbreviated Notice of Resource Area Delineation, and inspected the project site on June 9 and June 18, 2011. Documentation included "1946 Historic Mill Complex Plan" by Griffin Engineering Group LLC, dated April 28, 2011, and the following sources:

- Atlas of Salem—1906 to 1938, Map 54
- Atlas of Salem—1911, Map 12
- Southern Essex Registry of Deeds, Plan 172 of 1943
- Southern Essex Registry of Deeds, Deed Book 1982, Page 181 (1909)
- Southern Essex Registry of Deeds, Plan 110 of 1947
- 1950 Certified Sanborn Map
- Bridge & Sludge Beds Plan Prepared by E.H. Porter Construction Company (1947)
- Yard Plan & Underground Piping Plan Prepared by Chas T. Main, Inc. (1948)

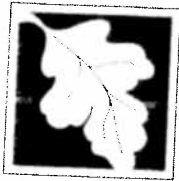
These sources document the footprints of interrelated buildings that were constructed before and existed after 1946 and included the Gleason Leather Company, Salem Oil and Grease, and Salem Gas Company. The Commission finds that these sources indicate the presence of these buildings, including associated utilities, parking areas, and driveways on 60 and 64 Grove Street. The Commission confirmed on its site inspections that these buildings and associated areas are situated landward of the waterside façade of granite block retaining walls and channel embankments along the North River.

The above documentation also indicates the presence of a bridge and driveway on 3 Harmony Grove Road, constructed before and in existence after 1946. However, no further evidence was provided to establish the presence of an historic mill complex on this parcel, as defined in 310 CMR 10.04. At the July 14, 2011 Conservation Commission meeting, the applicant withdrew the request for the historic mill complex exemption for 3 Harmony Grove Road.

Therefore, this Order grants the historic mill complex exemption from the requirements of the Riverfront Area (310 CMR 10.58) for 60 and 64 Grove Street, but does not grant the exemption for 3 Harmony Grove



Road. Any activities at 3 Harmony Grove are required to meet the requirements of the Riverfront Area. Moreover, the exemption from the requirements of the Riverfront Area for 60 and 64 Grove Street in no way implies exemption from the requirements associated with other resource areas, including but not limited to coastal bank, land subject to coastal storm flowage, and land under water bodies and waterways at these, or any other, properties.



Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Wetlands  
**WPA Form 4B – Order of Resource Area  
 Delineation**

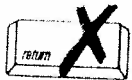
Provided by MassDEP:  
 64-516  
 MassDEP File Number

eDEP Transaction Number  
 Salem  
 City/Town

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

**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.



**Note:**  
 Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

From: Salem  
 1. Conservation Commission

2. This Issuance is for (check one):

- a.  Order of Resource Area Delineation
- b.  Amended Order of Resource Area Delineation

3. Applicant:

Robert  
 a. First Name  
 Hubbard  
 b. Last Name  
 MRM Project Management LLC  
 c. Organization  
 P.O. Box 388  
 d. Mailing Address  
 Beverly  
 e. City/Town  
 MA  
 f. State  
 01915  
 g. Zip Code

4. Property Owner (if different from applicant):

a. First Name  
 b. Last Name  
 c. Organization  
 d. Mailing Address  
 e. City/Town  
 f. State  
 g. Zip Code

5. Project Location:

60, 64 Grove St., 3 Harmony Grove Rd.  
 a. Street Address  
 Salem  
 b. City/Town  
 01970  
 c. Zip Code  
 16  
 d. Assessors Map/Plat Number  
 236, 237, 239  
 e. Parcel/Lot Number  
 Latitude and Longitude  
 (in degrees, minutes, seconds):  
 f. Latitude  
 g. Longitude

6. Dates:

5/12/2011  
 a. Date ANRAD filed  
 b. Date Public Hearing Closed  
 c. Date of Issuance

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

MRM PROJECT MANAHEMENT, LLC; 60-64 GROVE ST.; 3 HARMONY GROVE; EXISTING CONDITIONS PLAN  
 4/28/11  
 b. Date  
 MRM PROJECT MANAHEMENT, LLC; 60-64 GROVE ST.; 3 HARMONY GROVE; 1946 HISTORIC MILL COMPLEX PLAN  
 4/28/11  
 d. Date



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**B. Order of Delineation**

1. The Conservation Commission has determined the following (check whichever is applicable):

a.  **Accurate:** The boundaries described on the referenced plan(s) above and in the Abbreviated Notice of Resource Area Delineation are accurately drawn for the following resource area(s):

1.  Bordering Vegetated Wetlands

2.  Other resource area(s), specifically:

a. \_\_\_\_\_  
 \_\_\_\_\_

b.  **Modified:** The boundaries described on the plan(s) referenced above, as modified by the Conservation Commission from the plans contained in the Abbreviated Notice of Resource Area Delineation, are accurately drawn from the following resource area(s):

1.  Bordering Vegetated Wetlands

2.  Other resource area(s), specifically:

a. See attached findings  
 \_\_\_\_\_  
 \_\_\_\_\_

c.  **Inaccurate:** The boundaries described on the referenced plan(s) and in the Abbreviated Notice of Resource Area Delineation were found to be inaccurate and cannot be confirmed for the following resource area(s):

1.  Bordering Vegetated Wetlands

2.  Other resource area(s), specifically:

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

3.  The boundaries were determined to be inaccurate because:

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



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

## WPA Form 4B – Order of Resource Area Delineation

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

Provided by MassDEP:

64-516

MassDEP File Number

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City/Town

### C. Findings

This Order of Resource Area Delineation determines that the boundaries of those resource areas noted above, have been delineated and approved by the Commission and are binding as to all decisions rendered pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c.131, § 40) and its regulations (310 CMR 10.00). This Order does not, however, determine the boundaries of any resource area or Buffer Zone to any resource area not specifically noted above, regardless of whether such boundaries are contained on the plans attached to this Order or to the Abbreviated Notice of Resource Area Delineation.

This Order must be signed by a majority of the Conservation Commission. The Order must be sent by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate DEP Regional Office (see <http://www.mass.gov/dep/about/region/findyour.htm>).

### D. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, 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 DEP Regional Office to issue a Superseding Order of Resource Area Delineation. When requested to issue a Superseding Order of Resource Area Delineation, the Department's review is limited to the objections to the resource area delineation(s) stated in the appeal request. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed 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 Order. 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.

Any appellants seeking to appeal the Department's Superseding Order of Resource Area Delineation will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order or Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, § 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal bylaw or ordinance, 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  
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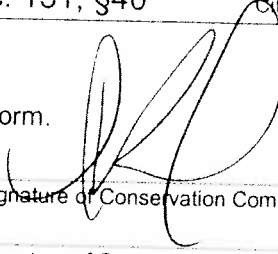
eDEP Transaction Number  
 Salem  
 City/Town

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

**E. Signatures**

Please indicate the number of members who will sign this form.

  
 Signature of Conservation Commission Member  
  
 Signature of Conservation Commission Member  
  
 Signature of Conservation Commission Member  
 Signature of Conservation Commission Member

  
 Signature of Conservation Commission Member  
 Signature of Conservation Commission Member  
 Signature of Conservation Commission Member

Date of Issuance 7-19-11  
 4  
 1. Number of Signers

**This Order is valid for three years from the date of issuance.**

If this Order constitutes an Amended Order of Resource Area Delineation, this Order does not extend the issuance date of the original Final Order, which expires on \_\_\_\_\_ unless extended in writing by the issuing authority.

This Order is issued to the applicant and the property owner (if different) as follows:

2.  By hand delivery on

a. Date \_\_\_\_\_

3.  By certified mail, return receipt requested on

a. Date 7-19-11



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**Request for Departmental Action Fee Transmittal Form**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**A. Request 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. 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) \_\_\_\_\_

Project Location \_\_\_\_\_

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

City/Town \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

2. Applicant (as shown on Notice of Intent (Form 3), Abbreviated Notice of Resource Area Delineation (Form 4A); or Request for Determination of Applicability (Form 1)):

Name \_\_\_\_\_

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

City/Town \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

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

3. DEP File Number: \_\_\_\_\_

**B. Instructions**

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

- Superseding Order of Conditions  
 Superseding Determination of Applicability  
 Superseding Order of Resource Area Delineation

Send this form and check or money order for \$100.00 (single family house projects) or \$200 (all other projects), 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**  
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/dep/about/region/findyour.htm>).
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.