

Request for Determination of Applicability

#221R Main Street
Rowley, Massachusetts

May 8, 2023

Applicant:

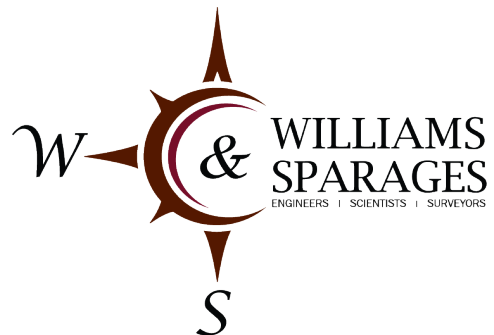
Town of Rowley
Board of Selectmen
139 Main Street
PO Box 275
Rowley, MA 1969

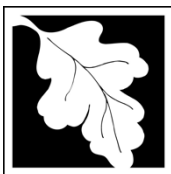
Prepared By:

Williams & Sparages LLC
189 North Main Street, Suite 101
Middleton, MA 01949
Ph: 978-539-8088
Fax: 978-539-8200
www.wsengineers.com

W&S Project No:

ROWL-0048





Massachusetts Department of Environmental Protection
Bureau of Water Resources - Wetlands

WPA Form 1- Request for Determination of Applicability

Rowley
Municipality

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.



1. Applicant:
Town of Rowley, Board of Selectmen
First Name Last Name
139 Main Street, P.O. Box 275
Address
Rowley MA 01969
City/Town State Zip Code
978-948-8202
Phone Number debbie@townofrowley.org
Email Address

2. Property Owner (if different from Applicant):
First Name Last Name
Address
City/Town State Zip Code
Phone Number Email Address (if known)

3. Representative (if any)
Richard L. Williams
First Name Last Name
Williams & Sparages LLC
Company Name
189 North Main Street, Suite 101
Address
Middleton MA 01949
City/Town State Zip Code
978-539-8088
Phone Number rwilliams@wsengineers.com
Email Address (if known)

B. Project Description

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

#221 R Main Street Rowley
Street Address City/Town
42.71643 -70.87316
Latitude (Decimal Degrees Format with 5 digits after decimal e.g. XX.XXXXX) Longitude (Decimal Degrees Format with 5 digits after decimal e.g. -XX.XXXXX)
25 35-1
Assessors' Map Number Assessors' Lot/Parcel Number

How to find Latitude and Longitude

and how to convert to decimal degrees

b. Area Description (use additional paper, if necessary):
Existing hayfield with Bordering Vegetated Wetlands and a wet meadow in the northern corner.

c. Plan and/or Map Reference(s): (use additional paper if necessary)
Plan to Accompany a Request for Determination of Applicability May 3, 2023
Title Date
Title Date



B. Project Description (cont.)

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

To construct a cricket field within the approved limit of work for a little league field approved under MassDEP file Number 63-0681. The Order of Conditions (OOC) expired and the work was not completed. Activities will not be closer than what was approved in the prior OOC.

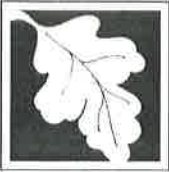
- b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

All activities are proposed in areas that are currently maintained as a hayfield. All activities are proposed in the buffer zone only and no activity is proposed within wetland resource areas.

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.)
-



Massachusetts Department of Environmental Protection

Bureau of Water Resources - Wetlands

WPA Form 1- Request for Determination of Applicability Rowley

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

Municipality

C. Determinations

1. I request the Rowley make the following determination(s). Check any that apply:
Conservation Commission

- a. whether the **area** depicted on plan(s) and/or map(s) referenced above 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 above are accurately delineated.
- c. whether the **Activities** depicted on plan(s) referenced above is subject to the Wetlands Protection Act and its regulations.
- d. whether the area and/or Activities depicted on plan(s) referenced above is subject to the jurisdiction of any **municipal wetlands' ordinance or bylaw** of:

Rowley

Name of Municipality

- e. whether the following **scope of alternatives** is adequate for Activities in the Riverfront Area as depicted on referenced plan(s).

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.

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.

Signature of Applicant

Signature of Representative (if any)

Date

5/15/2023

Date

Introduction:

The subject property, 221 Rear Main Street, Assessors Map 25, Parcel 35-1, is approximately 3.3 acres in size and currently maintained as a hayfield. The field is located to the north of the Pine Grove School and has Bordering Vegetated Wetlands (BVW) in the northern portion of the field.

On October 29, 2018, a Notice of Intent was filed by Meridian Associates, on behalf of the applicant, Town of Rowley, Board of Selectmen, to construct a little league baseball field, a soccer field, and to expand a gravel parking area, portions of which, fell within the 100-foot buffer zone to BVW's.

On December 3, 2018, an Order of Conditions (OOC) was issued approving the project (MassDEP File Number 063-681). The OOC was recorded at the So. Essex Registry of Deeds in plan book 37215, page 178.

The Request for Determination of Applicability (RDA) is being filed because the scope of the project has been downsized and the OOC is expired.

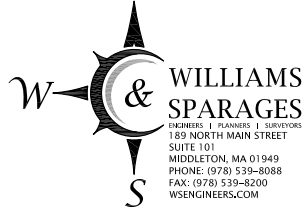
The little league field, soccer field and gravel parking lot expansion are not longer part of the project. The only activity proposed within the 100-foot wetland buffer zone is to install erosion controls, conduct minor grading, and to loam and seed the area. The total work area is approximately 79,000 s.f., with approximately 21,000 s.f. in the 100-foot buffer zone. It is important to note that no activities are proposed closer to the resource areas than the limit of work approved under MassDEP File Number 063-681. A Cricket Pitch is also being proposed on the property; however, the activities associated with the construction of the Cricket Pitch are outside of the 100-foot wetland buffer zone.

Erosion Controls:

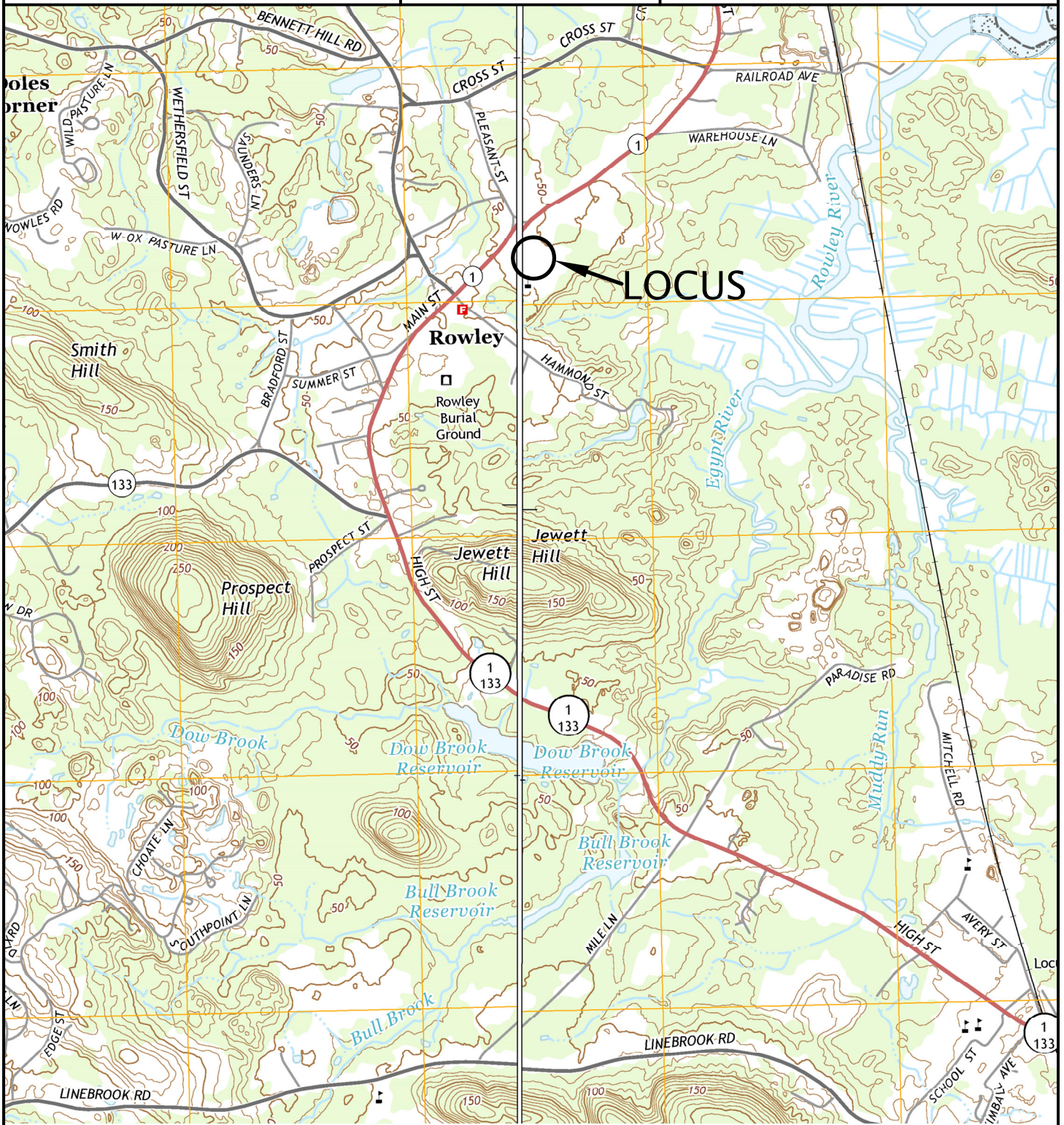
Erosion Controls in the form of 12-inch diameter staked mulch sock are proposed to be installed prior to construction and will remain in place until all work on site is stable. The location of the proposed erosion controls is shown on the accompanying plan.



WILLIAMS & SPARAGES
CIVIL ENGINEERING &
LAND SURVEYORS



189 NORTH MAIN STREET
SUITE 101
MIDDLETON, MA 01949
PHONE: (978) 539-8088
FAX: (978) 539-8200



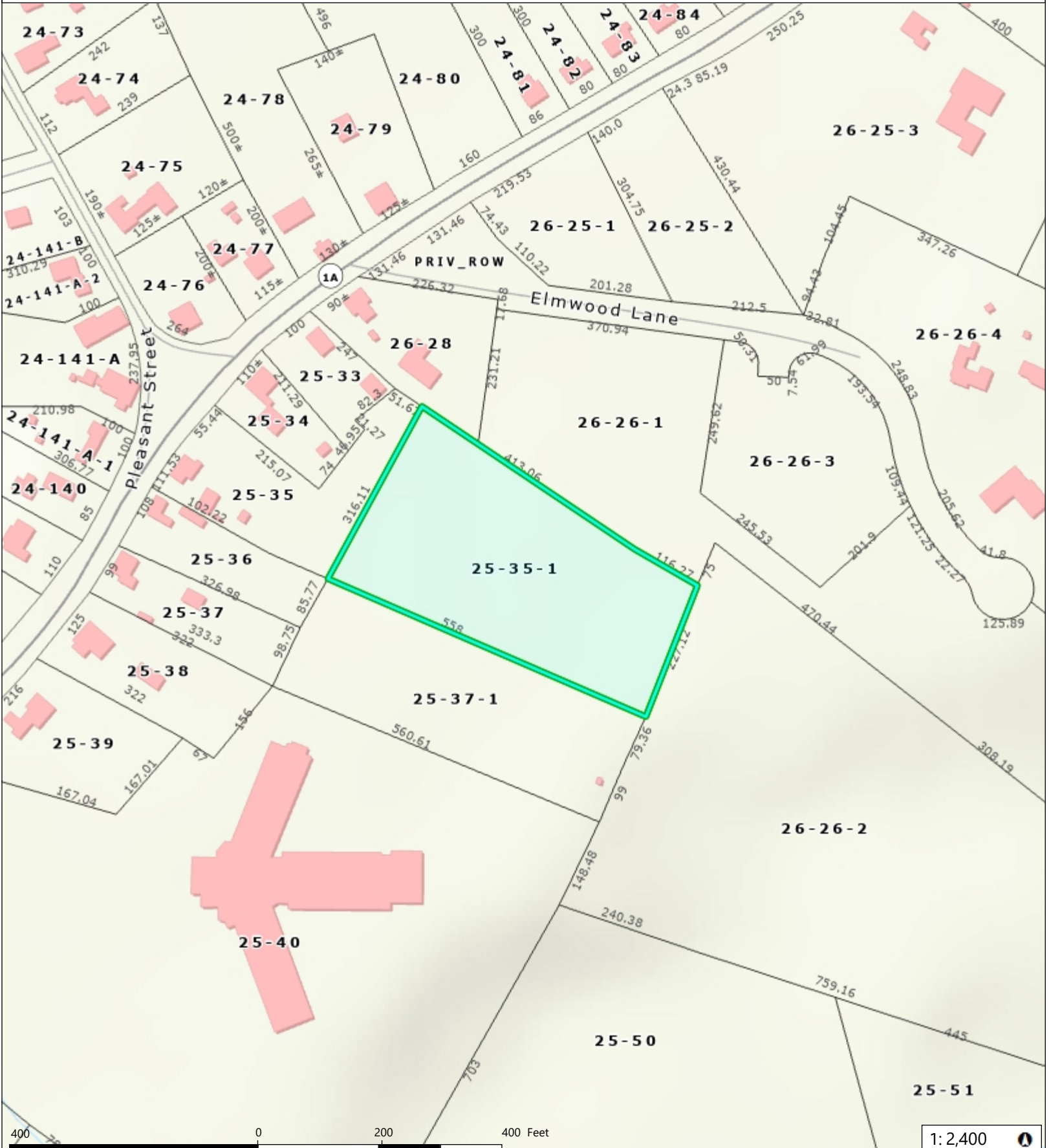
UNITED STATES GEOLOGIC SURVEY MAP
GEORGETOWN/IPSWICH, MASS QUADS
SCALE: 1:24,000 (metric contours)

LOCUS MAP
191 MAIN STREET
ROWLEY, MA 01969

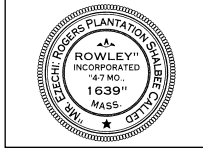


Town of Rowley

05/15/2023



Data Sources: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the Town of Rowley & MassIT/MassGIS.
MVPC AND THE TOWN OF ROWLEY MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE TOWN OF ROWLEY AND MVPC DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION



Municipal Boundary	Roads	Interstate	Major Road
Building Footprints	Hydrographic Features	Streams	Local Road
			Parcels



Town of Rowley

Conservation Commission

Phone: (978) 948-2330 Fax: (978) 948-7196

Conservation@townofrowley.org

REQUEST TO DETERMINE APPLICABILITY CHECKLIST

Send the following by certified mail, return receipt requested, or hand deliver to:

Rowley Conservation Commission, PO Box 24, or 39 Central Street, Room #4, Rowley MA 01969

Two copies of the Application including:

- Completed WPA Form 1 – revised July 2020
- Section of U.S. Geologic Survey (USGS) quadrangle locating site (8 ½” x 11”)
- An appropriately sized section of the Assessor’s map clearly identifying the property and all others within a hundred feet
- Plans and calculations clearly describing the location and the nature of the proposed work
- Proof of mailing or hand delivery of Application to DEP NE regional office (address below)
- One copy of permission to enter form with original signature of property owner
- Proof of mailing or delivery of Application to property owner if not applicant
- One electronic submission in “PDF” form of all Application documents and plans.
- One copy of the Wetland Bylaw Fee Calculation Form with check for appropriate fee.

Send by certified mail, return receipt requested, or hand deliver to:

DEP NERO, Wetlands Division, 150 Presidential Way, Woburn, MA 01801

One copy of the Application including:

- Completed WPA Form 1 – revised July 2020.
- Section of U.S. Geologic Survey (USGS) quadrangle locating site (8 ½” x 11”).
- An appropriately sized section of the Assessor’s map clearly identifying the property and all others within a hundred feet.
- Plans and calculations clearly describing the location and the nature of the proposed work.

PERMISSION TO ENTER

I, Town of Rowley, Board of Selectmen, hereby grant the Rowley Conservation Commission and its

(NAME OF PROPERTY OWNER)

officials permission to enter upon my property at #221R Main Street to

(STREET ADDRESS AND ASSESSOR'S MAP/PARCEL/LOT)

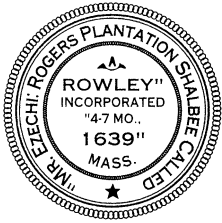
review the filed Request to Determine Applicability and future site conditions for compliance with the issued Determination of Applicability. The sole purpose of this document is to allow Commissioners and their officials to perform their duties under the Wetlands Protection Act (M.G.L. c. 131 s. 40) and the Town of Rowley Wetlands Protection Bylaw.

Signed: _____

(PROPERTY OWNER)

(DATE)

Rev.2/22/2023



Town of Rowley Conservation Department

Town Hall Annex – Room 4
 39 Central St, P.O. Box 24, Rowley, MA 01969
 Phone: 978-948-2330 Fax: 978-948-7196
conservation@townofrowley.org

WETLAND BYLAW FEE CALCULATION FORM

Property Address:	Map:	Parcel:	Lot:
APPLICATION NAME / ACTIVITY	LOCAL BYLAW FEE	# of Activities or Measurement	Subtotal
Request for a Determination of Applicability (RDA)	\$75		N/A
Abbrev. Notice of Resource Area Delineation (ANRAD)			
Single Family House Project	\$1/linear foot, first 100'; \$0.50/lf, second 100'; \$0.10/lf, each additional foot		
All Other Projects	*\$1/linear foot, first 1000'; \$0.50/lf, second 1000'; \$0.10/lf, each additional foot		
Notices of Intent (NOI)			
Category 1 Activity	\$100		
Category 2 Activity	\$250		
Category 3 Activity	\$525		
Category 4 Activity	\$725		
Category 5 Activity	\$2/foot		
Category 6 Activity - If no ANRAD was filed for the project site, then a local Cat. 6 fee must be paid in accordance with the ANRAD fee schedule	See ANRAD fee schedule		
Request to Amend an OOC (RAOC)	\$100		
Resource Area Alterations (for NOI & RAOC)			
Buffer Zone, 50'-100' from resource area boundary	\$0.05 / square foot		
Buffer Zone, 25'-50' from resource area boundary	\$0.10 / square foot		
Buffer Zone, 0'-25' from resource area boundary	\$0.25 / square foot		
Bordering Vegetated Wetlands & Salt Marsh	\$0.35 / square foot		
Bank	\$5 / linear foot		
Land Under Water & Waterways	\$0.35 / square foot		
Bordering Land Subject to Flooding & CLSSF**	\$0.05 / square foot		
***Riverfront Area only	\$0.05 / square foot		
Isolated Vegetated Wetlands	\$0.35 / square foot		
Land within Groundwater Protection Area Zone I	\$0.25 / square foot		
Land within Groundwater Protection Area Zone II	\$0.05 / square foot		
Other Local-only Jurisdictional Resource Areas	\$0.05 / square foot		
Extension Permit	\$100		
Certificate of Compliance	Projects under one acre in size: \$100 - over an acre in size \$250		
For filings resulting from enforcement action, double the Local Bylaw Fee Total			
LOCAL BYLAW FEE TOTAL			N/A
As Determined by the Commission, Fee Total not to exceed \$15,000 except Enforcement			
NOTES:			
*Local Bylaw Fee maximum of \$100, if, when determined necessary by Commission, applicant agrees to ANRAD review by outside consultant under M.G.L. Ch. 44, sec. 53G			
**Coastal Land Subject to Storm Flowage			
***Local Bylaw Fees for RDA, NOI, & RAOC increase 50% when project is also proposed within a Riverfront Area			
Local Bylaw Fees passed by a Unanimous vote of the Commission on 10/1/2019, effective 10/2/2019			