



NORSE ENVIRONMENTAL SERVICES, INC.

2100 Lakeview Avenue Unit 3A

Dracut MA 01826

TEL. (978) 649-9932

Website: www.norseenvironmental.com

**REQUEST FOR DETERMINATION OF
APPLICABILITY**

FOR

506 NEWBURYPORT TURNPIKE

ASSESSORS MAP 19 PARCEL 8 LOT 2-A

ROWLEY, MA

APPLICANT: VERNON J BELL III

FEBRUARY 5, 2023

PROJECT: 506 NEWBURYPORT TURNPIKE - ROWLEY

APPLICANT: VERNON J BELL III

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**Town of Rowley Conservation Commission
Wetlands Protection Bylaw
Request for Determination of Applicability**

Rowley
Municipality

B. Project Description (cont.)

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

After-the-fact clearing and cutting of trees and vegetation and associated grading within the
100 ft. Buffer Zone of an Isolated Vegetated Wetland. The applicant is proposing a 30 ft.
No Disturbance Zone, signage and native plantings within the 100 ft. Buffer Zone.

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).

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.)



**Town of Rowley Conservation Commission
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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.

V. BM _____ Date 2-2-24
Signature of Applicant

[Signature] _____ Date 2-5-24
Signature of Representative (if any)



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Request for Determination of Applicability Report

For

**506 Newburyport Turnpike
Rowley, MA**

Prepared For

Vernon J Bell III
PO Box 93 / 16 Central Street
Rowley, MA 01969

Prepared By

Norse Environmental Services, Inc.
2100 Lakeview Avenue, Unit 3A
Dracut, MA 01826

February 5, 2024

Narrative

Mr. Vernon J Bell III was issued an Enforcement Order by the Rowley Conservation Commission on November 30, 2023 for clearing and cutting of trees, vegetation and associated grading within the 100 ft. Buffer Zone of an Isolated Vegetated Wetland. Please see the enclosed Enforcement Order.

Per the direction of the Conservation Agent, Brent Baeslack, the applicant is filing an after-the-fact Request for Determination of Applicability for removing vegetation and grading within the 100 ft. Buffer Zone of an Isolated Vegetated Wetland. The applicant is proposing a 30 ft. No Disturbance Zone, signage and native plantings.

Existing Conditions

The parcel consists of 1.06 +/- acres of land located on the westerly side of Newburyport Turnpike/Route 1 in Rowley, MA. Mr. Bell currently uses the lot for storage. Trees and vegetation have been cleared along with earthwork up to the 25 ft. Buffer Zone of the Isolated Vegetated Wetland.

The Isolated Vegetated Wetland is flagged in the field with blue ribbon and aluminum tags labeled 1A -12A. The overstory consists of red maple (*Acer rubrum*) and swamp white oak (*Quercus bicolor*). The understory consists of winterberry (*Ilex verticillata*), highbush blueberry (*Vaccinium corymbosum*) and glossy buckthorn (*Rhamnus frangula*). The herbaceous layer consists of sensitive fern (*Onoclea sensibilis*), cinnamon fern (*Osmunda cinnamomea*), sedges (*Carex* sp.), rushes (*Juncus* sp.), cattail (*Typha latifolia*) and phragmites (*Phragmites australis*).

The USGS Topographic Map shows no perennial streams on or near the property. The site is not located in Bordering Land Subject to Flooding or the 100-year floodplain. The site is not located within the NHESP mapping of Estimated and/or Priority Habitat. In addition, there are no certified or potential vernal pools located on or near the property (see enclosed maps).

Soils

The Essex County Web Soil Survey maps this site as Sutton and Montauk series. Sutton series consist of nearly level to sloping, deep (5+ ft.), moderately well drained soils in slight depressions of till plains and ground moraines. They formed in friable glacial till. Sutton soils have friable very fine sandy loam or fine sandy loam surface soil and subsoil with a moderate or moderately rapid permeability over a friable to firm fine sandy loam or sandy loam substratum at 20 to 36 inches with moderate or moderately rapid permeability. The permeability in the substratum may be slower in places. They have a seasonal high water table at 18 to 24 inches. Sutton soils have a very stony or extremely stony surface, except where stones have been removed, and have stones below the surface. Major limitations are related to wetness, stoniness and slope.

Montauk series consists of nearly level to steep, deep (5+ft.) well drained soils on drumlins or rounded and elongated hills. They formed in compact glacial till. Montauk soils have friable fine sandy loam surface soil and subsoil that have moderate to moderately rapid permeability over firm loamy coarse sand to sandy loam substratum (hardpan) at 18 to 36 inches with moderately slow or slow permeability. Montauk soils have a very stony or extremely stony surface except where stones have been removed, and have stones below the surface. Major limitations are related to slow permeability in the substratum, stoniness and slope.

Rowley Wetlands Protection Bylaw

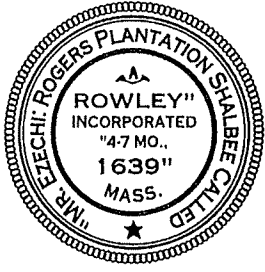
No Cut / No Disturbance Zone shall be determined by a vote of the Commission and shall consist of an area, extending typically 25 – 50 feet from a resource area as specified in Section III(A) of this Bylaw, (but in no case extending beyond the 100-foot buffer zone), in which virtually no activities or work, other than non-motorized passage, are permitted. This determination will be made in order to protect the interests and values enumerated in Section I of the Bylaw. Among other site-specific conditions set by the Commission, no vegetation may be disturbed. The no disturbance zone shall remain unchanged from its natural, vegetated state. No Cut / No Disturbance zones exist only when ordered by a vote by the Commission on an application.

The applicant is filing this after-the-fact RDA for the cutting and clearing of trees, vegetation and grading within the 100 ft. Buffer Zone of an Isolated Vegetated Wetland.

The applicant is proposing to maintain a 30 ft. No Disturbance Zone, plant native vegetation and incorporate signage at the 30 ft. No Disturb.

Plantings

The 0-30 ft. Buffer Zone shall be enhanced with native plantings. These plantings include highbush blueberry, common winterberry, red maple and silky dogwood (Cornus amomum).



Town of Rowley

Conservation Commission
Phone: (978) 948-2330 Fax: (978) 948-7196
Conservation@townofrowley.org

ENFORCEMENT ORDER

Under the Town of Rowley Wetlands Protection Bylaw

A. Violation Information

This Enforcement Order is issued by:

Rowley Conservation Commission
Issuing Authority

Date: Nov. 30, 2023

To:

Vernon J. Bell III
Name of Violator

P. O. Box 93 / 16 Central Street, Rowley, MA 01969
Address

1. Location of Violation:

Property Owner (if different)

506 Newburyport Turnpike_
Street Address

Rowley, MA
City/Town

01969
Zip Code

Map 19, Parcel 8, Lot 2-A
Assessors Map/Parcel/Lot Number

Bk 34535 Pg 468
Deed Book & Page

2. Extent and Type of Activity (if more space is required, please attach a separate sheet):

Altering the 100' Buffer Zone to Isolated Vegetated Wetlands (local) by clearing and cutting of vegetation and possible soil disturbance.

B. Findings

The Issuing Authority has determined that the activity described above is subject to jurisdiction and is in violation of the Town of Rowley Wetlands Protection Bylaw and its Regulations, because:

The activity has been determined to be in a regulated resource area as specified in the Wetland Protection Bylaw Regulations Section 1.C. Jurisdiction without approval from the issuing authority (i.e., valid Order of Conditions or Negative Determination).

___ The activity has been/is being conducted in violation of an issuing authority approval (Order of Conditions) issued to:

Name

Dated

File Number

Condition number(s)

___ The Order of Conditions expired on (date): _____

___ Other (specify):

C. Order

The issuing authority hereby orders the following (check all that apply):

The property owner, his agents, permittees, and all others shall immediately cease and desist from any activity affecting the area of soil or land disturbance or furthering such disturbance.

___ The area of soil disturbance or land alterations resulting from the cited disturbance activities shall be corrected and the area returned to its original surface contours and vegetative cover.

___ A restoration plan addressing sedimentation and erosion control shall be filed with the issuing authority on or before _____ (date) for the following:

*The restoration shall be completed in accordance with the conditions and timetable established by the issuing authority.

Complete and submit a Notice of Intent application. The application shall be filed with the Issuing Authority on or before: January 16, 2024 submittal for January 30, 2024 meeting or February 5, 2024 submittal for February 20, 2024 meeting.

For the following:

wetlands delineation and surveyed plan for property prepared by qualified professionals subject to RCC review shall be prepared to quantify the nature and extent of resource area alterations and impacts _

No further work or soil disturbance shall be undertaken until a public hearing has been held and an Order of Conditions has been issued to regulate said work or activity.

The property owner shall take the following action (e. g., erosion/sedimentation controls) to prevent further violations of the Wetlands Protection Bylaw:

Arrange site inspection with RCC staff. Installation of protective erosion control barriers for all non-stabilized soils and sediment including bare soils. Engage the services of a qualified wetlands professional subject to RCC review. Submit a letter stating intent to comply with Enf Ord by December 11, 2023. Cease and desist from any further altering, cutting, clearing, or grading. Attend the RCC remote meeting Dec. 5 or Jan. 9, 2024.

Failure to comply with this Order may constitute grounds for additional legal action. Each day or portion thereof of continuing violation shall constitute a separate offense.

D. Appeals/ Signatures

An Enforcement Order issued by a Conservation Commission may be filed in Superior Court.

Questions regarding this Enforcement Order should be directed to:

Brent Baeslack, Conservation Agent

Office phone: 978.948.2330

Hours: Monday to Thursday 9:00 am to 12:30 pm

Issued by Town of Rowley Conservation Commission

In a situation regarding immediate action, an Enforcement Order may be signed by a single member or agent of the Commission and ratified by majority of the members at the next scheduled meeting of the Commission.

*The names typed below represent the intent to sign the foregoing document electronically. Signatures are made in accordance with MGL c. 110G and pursuant to the Commission's electronic signature authorization vote on October 27, 2020 and recorded on October 30, 2020 in Book 39120 and Page 588 at the Essex South Registry of Deeds.

Signatures:

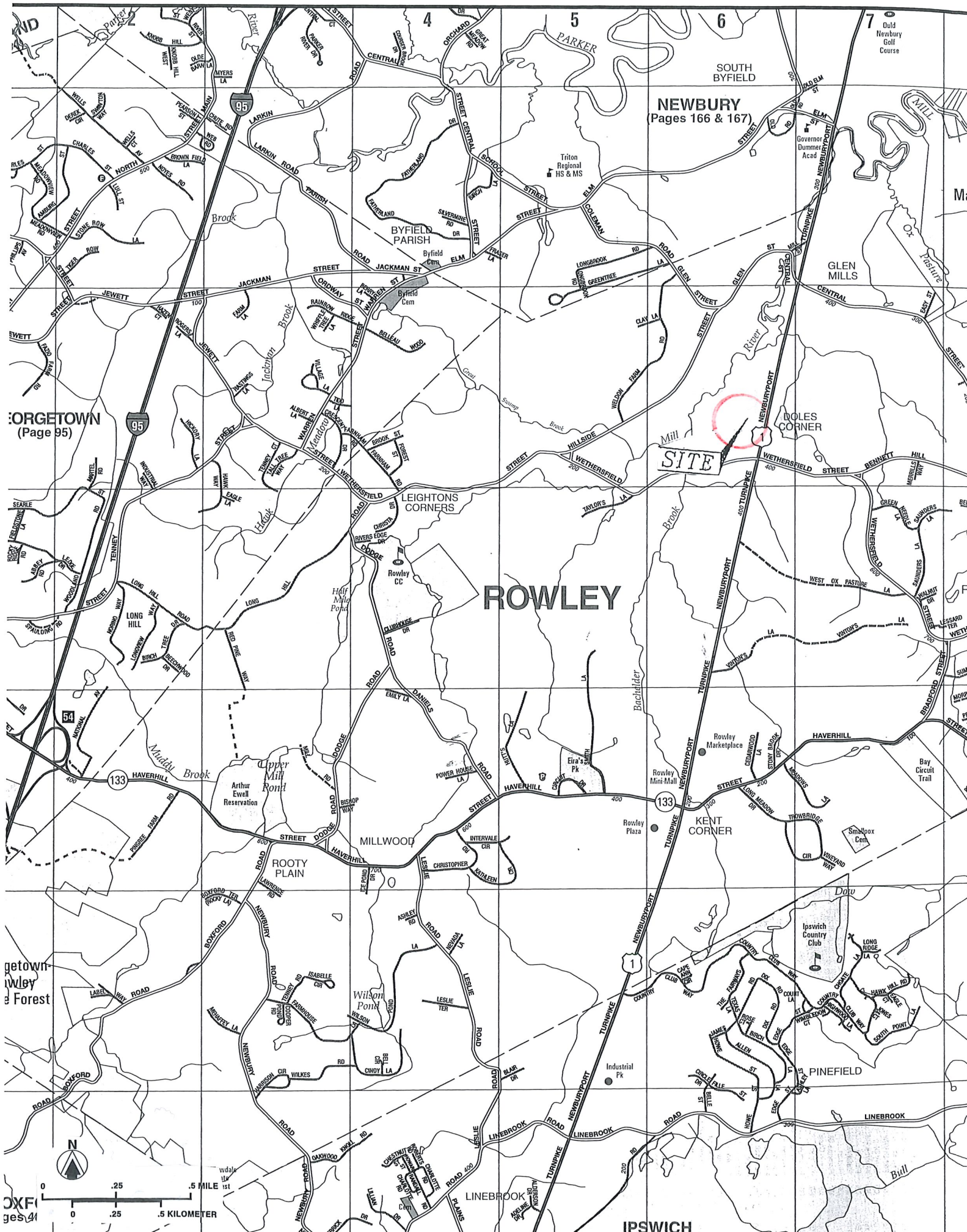
/s/ Daniel R. Shinnick, Chairman
/s/ Nancy R. Miller
/s/ Howard R. Terrien

/s/ Howard J. Vogel, Vice Chair
/s/ Samuel D. Streiff
/s/ Ann S Witzig

Brent Baeslack

Brent Baeslack via email

Signature of delivery person or certified mail number



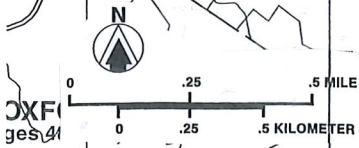
NEWBURY
(Pages 166 & 167)

FORGETTOWN
(Page 95)

ROWLEY

SITE

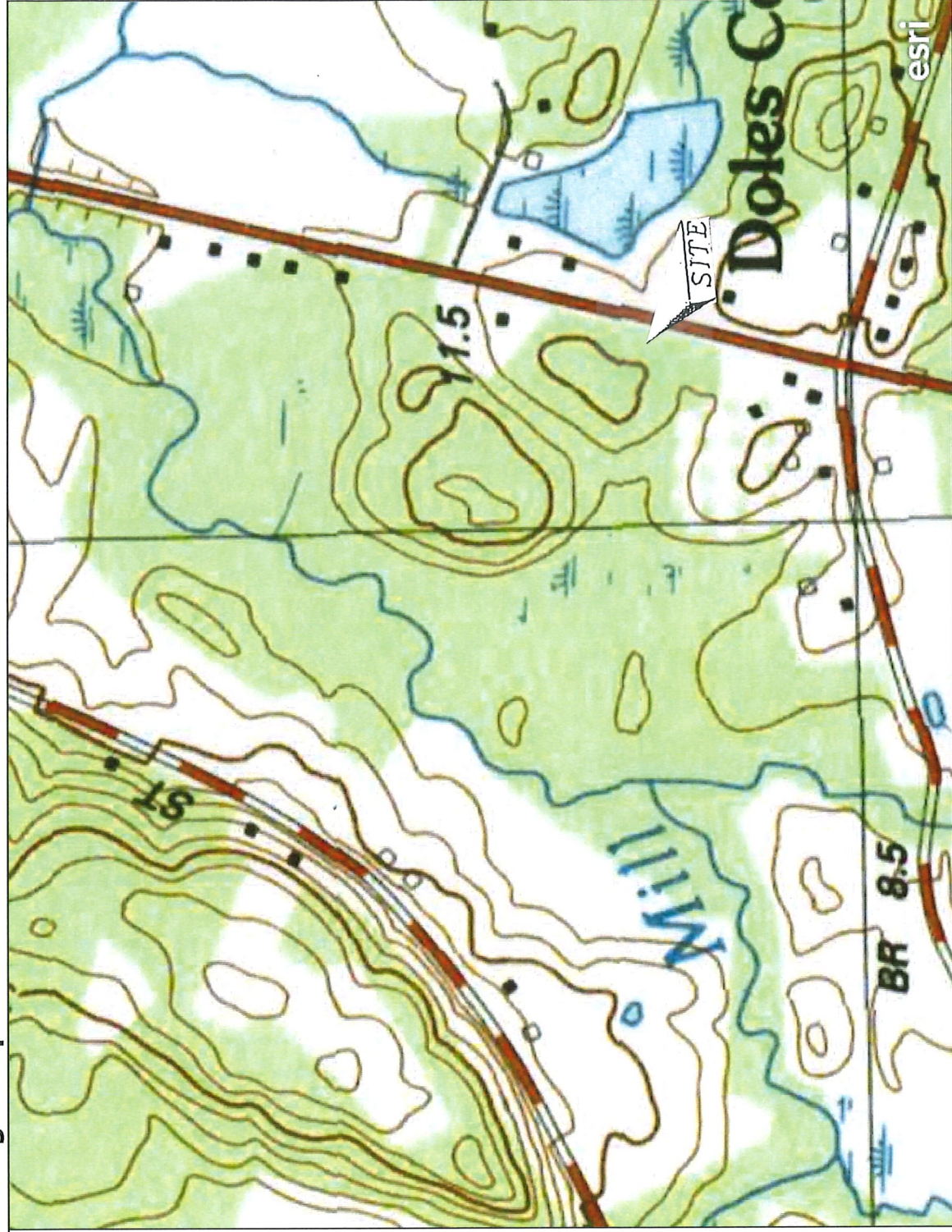
Rowley
Forest



IPSWICH

USGS Topographic Quadrangle Maps

No legend



USGS 1:25,000 Topographic Maps for Massachusetts. Scanned map images published as a tile service by MassGIS at ArcGIS Online.

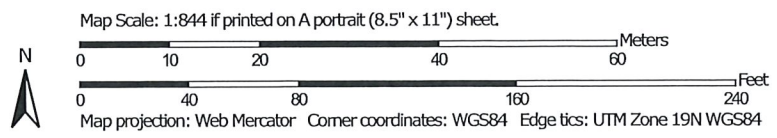
600ft

USGS, MassGIS










































Soil Map—Essex County, Massachusetts, Northern Part
(506 Newburyport Turnpike - Rowley)



Soil Map may not be valid at this scale.



MAP LEGEND

 Area of Interest (AOI)	 Spoil Area
 Soils	 Stony Spot
 Soil Map Unit Polygons	 Very Stony Spot
 Soil Map Unit Lines	 Wet Spot
 Soil Map Unit Points	 Other
 Special Point Features	 Special Line Features
 Blowout	 Water Features
 Borrow Pit	 Streams and Canals
 Clay Spot	 Transportation
 Closed Depression	 Rails
 Gravel Pit	 Interstate Highways
 Gravelly Spot	 US Routes
 Landfill	 Major Roads
 Lava Flow	 Local Roads
 Marsh or swamp	 Background
 Mine or Quarry	 Aerial Photography
 Miscellaneous Water	
 Perennial Water	
 Rock Outcrop	
 Saline Spot	
 Sandy Spot	
 Severely Eroded Spot	
 Sinkhole	
 Slide or Slip	
 Sodic Spot	

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Essex County, Massachusetts, Northern Part
Survey Area Data: Version 19, Sep 10, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: May 22, 2022—Jun 5, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
301B	Montauk fine sandy loam, 0 to 8 percent slopes, very stony	0.6	54.5%
411B	Sutton fine sandy loam, 0 to 8 percent slopes, very stony	0.5	45.5%
Totals for Area of Interest		1.1	100.0%

National Flood Hazard Layer FIRMette

70°54'29"W 42°43'57"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE)
Zone A, V, AE, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with draining areas of less than one square mile. Zone I
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levees. See Notes. Zone X
- Area with Flood Risk due to Levee. Zone D

OTHER AREAS

- NO SCREEN
- Area of Minimal Flood Hazard Zone X
- Effective LOMRs
- Area of Undetermined Flood Hazard Zone I
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

GENERAL STRUCTURES

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

OTHER FEATURES

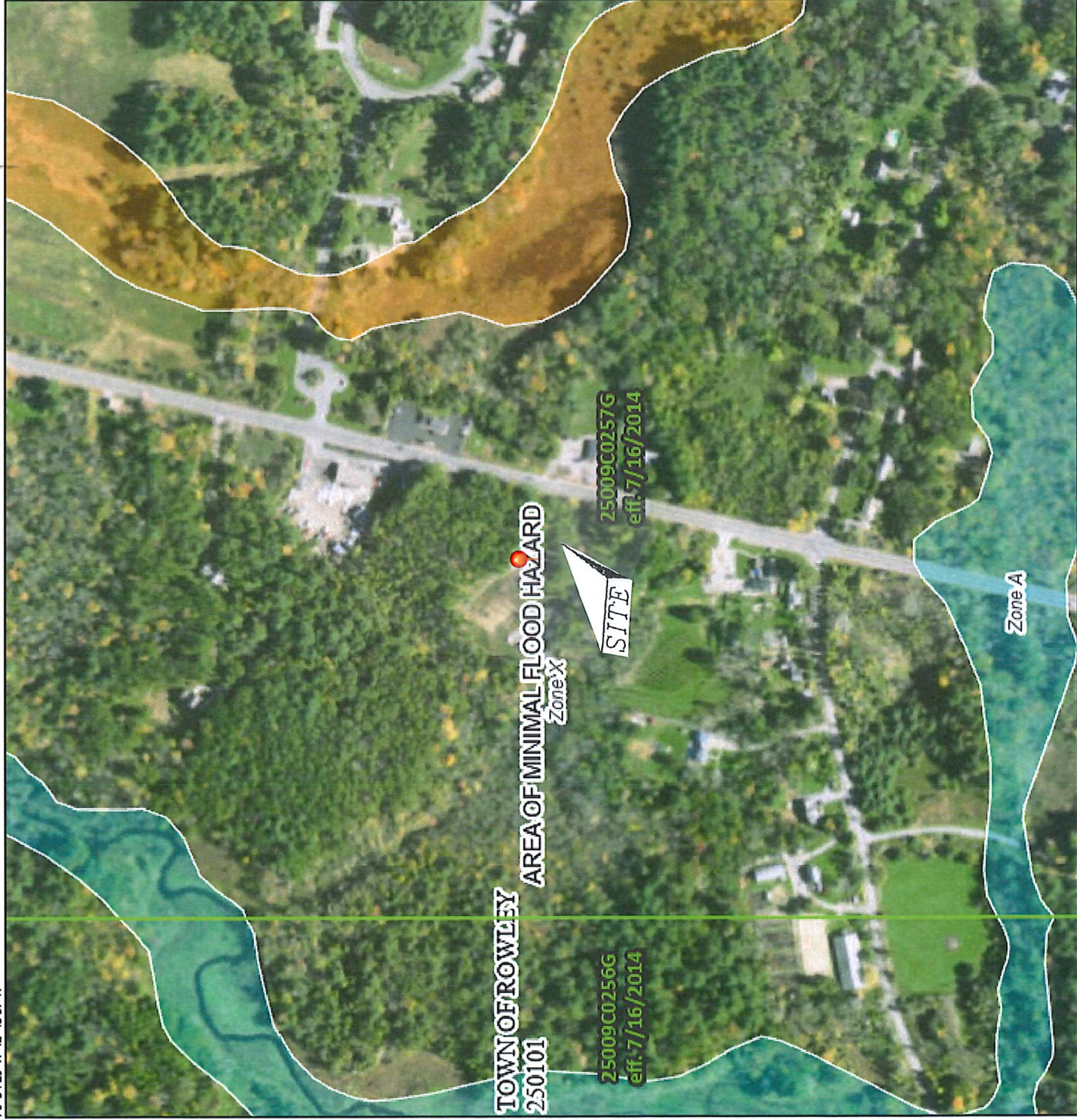
- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 1/31/2024 at 2:02 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

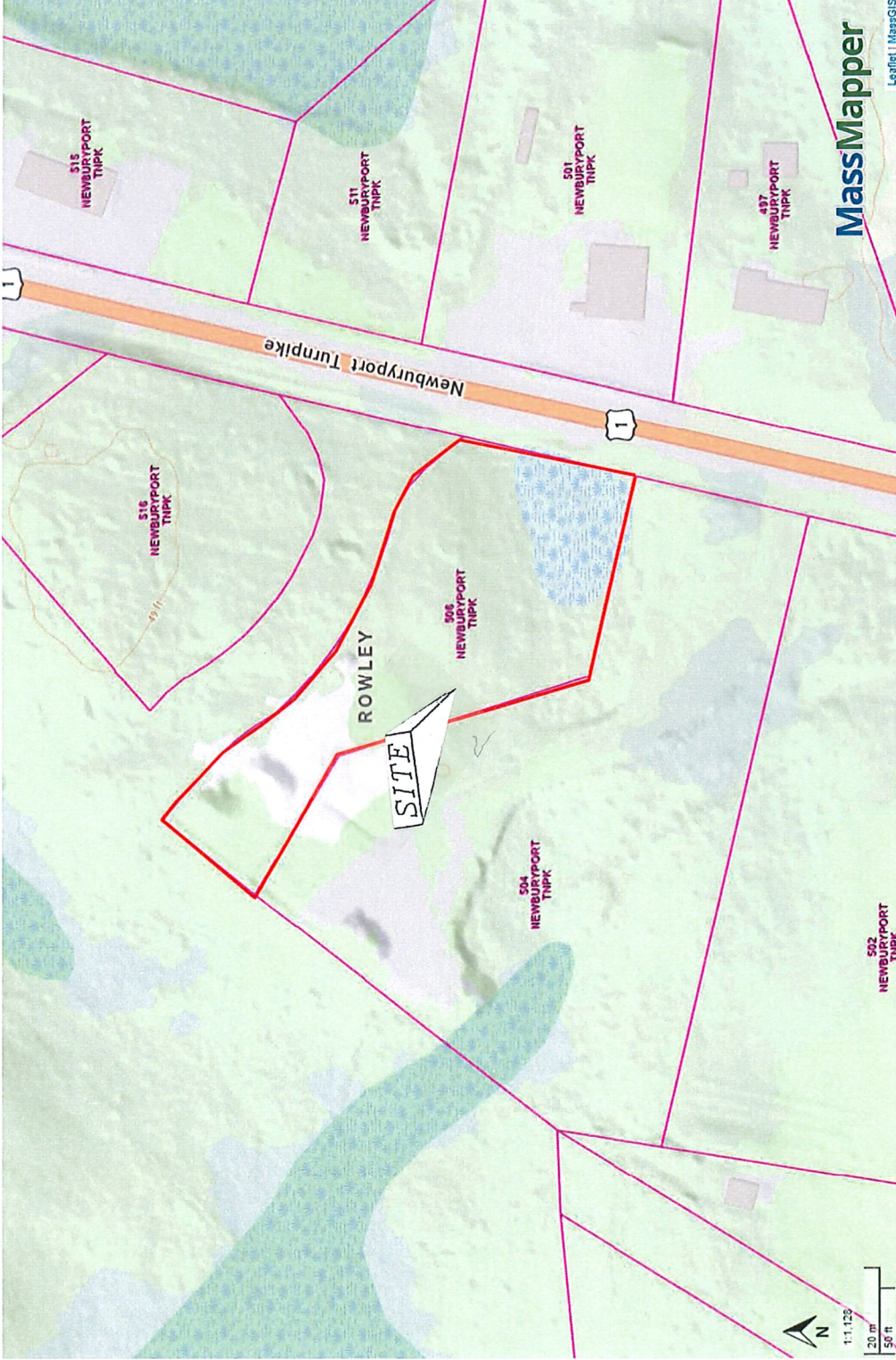
This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



0 250 500 1,000 1,500 2,000 Feet 1:6,000

70°53'52"W 42°43'30"N

506 Newburyport Turnpike - Rowley



Potential Vernal Pools



NHESP Priority Habitats of Rare Species



NHESP Estimated Habitats of Rare Wildlife



NHESP Certified Vernal Pools



Property Tax Parcels