

Notice of Intent

Filed Under the Town of Rowley Wetlands Protection Bylaw

1000-1002 Haverhill Street
Map 4 Parcel 20
Rowley, Massachusetts
Proposed Commercial Buildings and Site Work
Within the Groundwater Protection Area Zone II

Prepared by:

A handwritten signature in blue ink that reads "Hayes". The signature is stylized and cursive.

Hayes Engineering, Inc.
603 Salem Street
Wakefield, Massachusetts 01880
p. 781.246.2800 f. 781.246.7596
www.hayeseng.com

Applicant / Owner:

Ruby Holdings, LLC
Sheriff AbuZhara
29 Mackenzie Lane
Wakefield, MA 01880

April 24, 2023

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Figure 2 – FEMA Flood Insurance Rate Map

Figure 3 – NHESP Map

Appendix C: Abutter Notifications

Affidavit of Service

List of Abutters

Abutter Notification Letter

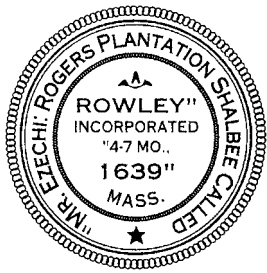
Plans

Site Plan in Rowley, Mass.

Prepared by Hayes Engineering, Inc.

Date: July 26, 2022 revised through April 24, 2023

(6 sheets)



Town of Rowley

Conservation Commission

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

Conservation@townofrowley.org

NOTICE OF INTENT PERMIT FILING 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 Submittal Package appropriately collated including:
 - Completed WPA Form 3, 4, & 4A (one set with original signatures)
 - Copy of the check made out to the Commonwealth of Massachusetts N/A Local Only
 - Copy of the check made out to the Town of Rowley
 - Section of U.S. Geologic Survey (USGS) quadrangle locating site
 - Copy of the Certified Abutters List with parcel map from the Rowley Assessors Office
 - Copy of the Abutter Notification letter
 - Stamped, signed and dated site plan prepared by professional engineer or land surveyor
- Check made out to the Town of Rowley (may include Bylaw fee amount)
- One copy of Wetland Bylaw Fee Calculation Form
- One copy of NOI Wetland Fee Transmittal Form, pages 1 & 2 N/A Local Only
- One electronic submission in "PDF" form of all application documents and plans.

Send the following by certified mail, return receipt requested or hand deliver to:
DEP NERO, Wetlands Div. 150 Presidential Way, Woburn, MA 01801

Not Applicable Local Filing Only

- One copy of the Completed Application WPA Form 3, 4, & 4A including:
 - Attached site plan prepared by professional engineer or land surveyor
 - Section of U.S. Geologic Survey (USGS) quadrangle locating site
 - Copy of the check made out to the Town of Rowley
 - Copy of the check made out to the Commonwealth of Massachusetts
 - Copy of the Certified Abutters List with parcel map from the Rowley Assessors Office
 - Copy of the Abutter Notification letter
 - Copy of NOI Wetland Fee Transmittal Form, pages 1 & 2.

Send the following by certified mail, return receipt requested to:
Department of Environmental Protection, Box 4062, Boston, MA 02211

- Check made out to the Commonwealth of Massachusetts
- NOI Wetland Fee Transmittal Form, pages 1 & 2.

If more than 75 cubic yards of earth will be removed, an Earth Removal Application must be filed with the Board of Selectmen.

Revised 2/22/23

Town Hall Annex • Room 4 • 39 Central Street • P O Box 24 • Rowley, MA 01969

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Section 1 – Notice of Intent Forms

- Rowley Conservation Commission
RCC Form 3: Notice of Intent

- Wetland Bylaw Fee Calculation Form

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**Rowley Conservation Commission
Town of Rowley
Form 3 – Notice of Intent
Wetlands Protection Bylaw**

Provided by Rowley ConCom:

 RCC File Number

 Document Transaction Number
 Rowley, MA

 City/Town

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.

A. General Information

1. Project Location (Note: electronic filers will click on button to locate project site):

<u>1000-1002 Haverhill Street</u>	<u>Rowley</u>	<u>01969</u>
a. Street Address	b. City/Town	c. Zip Code
<u>Latitude and Longitude:</u>	<u>42.70600</u>	<u>-70.95871</u>
	d. Latitude	e. Longitude
<u>4</u>	<u>20</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Sheriff</u>	<u>Abuzahra</u>	
a. First Name	b. Last Name	
<u>Ruby Holdings, LLC</u>		
c. Organization		
<u>29 Mackenzie Lane</u>		
d. Street Address		
<u>Wakefield</u>	<u>MA</u>	<u>01880</u>
e. City/Town	f. State	g. Zip Code
<u>857.928.9280</u>	<u>abuzahra@gmail.com</u>	
h. Phone Number	i. Fax Number	j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

Same as Applicant

a. First Name	b. Last Name	

c. Organization		

d. Street Address		

e. City/Town	f. State	g. Zip Code
_____	_____	_____
h. Phone Number	i. Fax Number	j. Email address
_____	_____	_____

4. Representative (if any):

<u>Anthony</u>	<u>Capachietti, PE</u>	
a. First Name	b. Last Name	
<u>Hayes Engineering, Inc.</u>		
c. Company		
<u>603 Salem Street</u>		
d. Street Address		
<u>Wakefield</u>	<u>MA</u>	<u>01880</u>
e. City/Town	f. State	g. Zip Code
<u>781.246.2800</u>	<u>tcapachietti@hayeseng.com</u>	
h. Phone Number	i. Fax Number	j. Email address
_____	_____	_____

5. Total Bylaw Fee Paid (from Bylaw Wetland Fee Worksheet):

<u>7,650.00</u>	<u>NA</u>	<u>7,650.00</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

Construction of two (2) storage buildings, associated parking and site work. Removal of reclaimed asphalt product (RAP) and installation of crushed stone storage area and fencing within a Zone II to a public water supply well.

7a. Project Type Checklist:

- | | |
|---|---|
| 1. <input type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Limited Project Driveway Crossing | 4. <input checked="" type="checkbox"/> Commercial/Industrial |
| 5. <input type="checkbox"/> Dock/Pier | 6. <input type="checkbox"/> Utilities |
| 7. <input type="checkbox"/> Coastal Engineering Structure | 8. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) |
| 9. <input type="checkbox"/> Transportation | 10. <input type="checkbox"/> Other |

7b. Is any portion of the proposed activity eligible to be treated as a limited project subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. Yes No If yes, describe which limited project applies to this project:

2. Limited Project

8. Property recorded at the Registry of Deeds for:

<u>Essex South</u>	<u>80435</u>
a. County	b. Certificate # (if registered land)
_____	_____
c. Book	d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Bank	_____	_____
	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	_____	_____
	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	_____	_____
	1. linear feet	2. linear feet
	_____	_____
	3. cubic yards dredged	

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
d. <input type="checkbox"/> Bordering Land Subject to Flooding	_____	_____
	1. square feet	2. square feet
	_____	_____
	3. cubic feet of flood storage lost	4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	_____	_____
	1. square feet	
	_____	_____
	2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input type="checkbox"/> Riverfront Area	_____	
	1. Name of Waterway (if available)	
	2. Width of Riverfront Area (check one):	
	<input type="checkbox"/> 25 ft. - Designated Densely Developed Areas only	
	<input type="checkbox"/> 100 ft. - New agricultural projects only	
	<input type="checkbox"/> 200 ft. - All other projects	
	3. Total area of Riverfront Area on the site of the proposed project: _____	
		square feet
	4. Proposed alteration of the Riverfront Area:	
	_____	_____
	a. total square feet	b. square feet within 100 ft.
		c. square feet between 100 ft. and 200 ft.
	5. Has an alternatives analysis been done and is it attached to this NOI? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	6. Was the lot where the activity is proposed created prior to August 1, 1996? <input type="checkbox"/> Yes <input type="checkbox"/> No	
3. <input type="checkbox"/> Coastal Resource Areas: (See 310 CMR 10.25-10.35)		

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	_____	
	1. square feet	

	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	_____	_____
	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	_____	_____
	1. square feet	2. cubic yards dune nourishment



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	_____	
	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	_____	
	1. square feet	
h. <input type="checkbox"/> Salt Marshes	_____	_____
	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	_____	
	1. square feet	

	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	_____	
	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	

	1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	
	1. square feet	
4. <input type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.	
	_____	_____
	a. square feet of BVW	b. square feet of Salt Marsh

C. Other Applicable Standards and Requirements

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to <http://www.mass.gov/dfwele/dfw/nhosp/nhreqmap.htm>.

a. Yes No **If yes, include proof of mailing or hand delivery of NOI to:**

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
Route 135, North Drive
Westborough, MA 01581

8/1/2021

 b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.C, and include requested materials with this Notice of Intent (NOI); OR complete Section C.1.d, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*



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C. Other Applicable Standards and Requirements (cont'd)

1. c. Submit Supplemental Information for Endangered Species Review *

1. Percentage/acreage of property to be altered:
 - (a) within wetland Resource Area _____
percentage/acreage
 - (b) outside Resource Area _____
percentage/acreage
2. Assessor's Map or right-of-way plan of site
3. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **
 - (a) Project description (including description of impacts outside of wetland resource area & buffer zone)
 - (b) Photographs representative of the site
 - (c) MESA filing fee (fee information available at: <http://www.mass.gov/dfwele/dfw/nhesp/nhenvmesa.htm>)
 Make check payable to "Natural Heritage & Endangered Species Fund" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:
 - (d) Vegetation cover type map of site
 - (e) Project plans showing Priority & Estimated Habitat boundaries

d. OR Check One of the Following

1. Project is exempt from MESA review.
 Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <http://www.mass.gov/dfwele/dfw/nhesp/nhenvexemptions.htm>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)
2. Separate MESA review ongoing.

a. NHESP Tracking Number	b. Date submitted to NHESP
--------------------------	----------------------------
3. Separate MESA review completed.
 Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see www.nhosp.org regulatory review tab). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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C. Other Applicable Standards and Requirements (cont'd)

2. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

a. Not applicable – project is in inland resource area only

b. Yes No If yes, include proof of mailing or hand delivery of NOI to either:

South Shore - Cohasset to Rhode Island, and the Cape & Islands:

North Shore - Hull to New Hampshire:

Division of Marine Fisheries - Southeast Marine Fisheries Station
 Attn: Environmental Reviewer
 838 South Rodney French Blvd.
 New Bedford, MA 02744

Division of Marine Fisheries - North Shore Office
 Attn: Environmental Reviewer
 30 Emerson Avenue
 Gloucester, MA 01930

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

3. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.

b. ACEC

4. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?

a. Yes No

5. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?

a. Yes No

6. Is this project subject to provisions of the MassDEP Stormwater Management Standards?

a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:

- 1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
- 2. A portion of the site constitutes redevelopment
- 3. Proprietary BMPs are included in the Stormwater Management System.

b. No. Check why the project is exempt:

- 1. Single-family house
- 2. Emergency road repair
- 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

Online Users:
 Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.



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RCC File Number
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D. Additional Information

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.
3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.
4. List the titles and dates for all plans and other materials submitted with this NOI.

Plan to Accompany Notice of Intent

a. Plan Title	<u>Hayes Engineering, Inc.</u>		c. Signed and Stamped by	<u>Anthony M. Capachietti, PE</u>
b. Prepared By	<u>April 24, 2023</u>		d. Final Revision Date	<u>1"=40'</u>
f. Additional Plan or Document Title			g. Date	

5. If there is more than one property owner, please attach a list of these property owners not listed on this form.
6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
8. Attach NOI Wetland Fee Transmittal Form
9. Attach Stormwater Report, if needed.

E. Fees

1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

2. Municipal Check Number	<u>499</u>	3. Check date	<u>4/20/23</u>
4. State Check Number	<u>Ruby Holdings, LLC</u>	5. Check date	
6. Payor name on check: First Name		7. Payor name on check: Last Name	



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F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

1. Signature of Applicant	2. Date
3. Signature of Property Owner (if different)	4. Date
5. Signature of Representative (if any)	6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

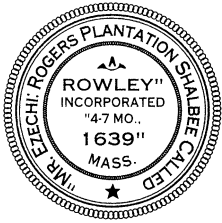
For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



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		
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	3	\$1,575.00
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	116,500sf	\$5,825.00
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			N/A
LOCAL BYLAW FEE TOTAL			\$7,400.00
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			

RUBY HOLDINGS LLC
29 MACKENZIE LN.
WAKEFIELD, MA 01880

53-179/113

499

DATE

4-20-23

PAY TO
THE ORDER OF

Town of Rowley

\$ 7,400.00

DOLLARS

Society Features
Insured
FDIC



Eastern Bank

Boston, MA 02110
easternbank.com
1-800-EASTERN

MEMO *Rowley Co. Cam*

4

0499

MP

SPECIALTY BLUE



Section 2 – Notice of Intent Narrative

- Introduction & Background
- Site Description
- Work Description
- Mitigation Measures
- Regulatory Compliance
- Summary

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Introduction and Background

Ruby Holdings LLC, hereinafter the “Applicant,” and/or the “Proponent,” seeks to construct two (2) commercial building for use as self-storage, associated parking, landscaping, and driveways as well as an outdoor storage are surrounded with fencing (the “Project” or the “Work”) at 1000-1002 Haverhill Street (Assessor’s Parcel 4-20) in Rowley, Massachusetts (the “Site” or the “Property”). The Site is wholly located within the Zone II to a public water supply well, a jurisdictional resource area under the Town of Rowley Wetland Protection Bylaw, Section III.A.9.

This Notice of Intent is filed for the proposed work within jurisdictional resource areas and/or their buffer zones protected under the *Town of Rowley Wetland Protection Bylaw* (the “Bylaw”) and its implementing *Wetland Protection Bylaw Regulations* (the “Regulations”). The work involves both temporary and permanent disturbances within the Zone II of a public water supply well.

The following narrative provides a description of the site, associated resource areas, proposed activities, and mitigation measures. Specific Project details are depicted on *Site Plan in Rowley, Massachusetts* (6 sheets) prepared by Hayes Engineering, Inc. and dated July 26, 2022 revised through April 24, 2023 (the “Plans”).

Much of this proposed work was previously permitted by the Rowley Conservation Commission (the “RCC” or the “Commission”) with and Order of Conditions (“OOC”) under RCC File No. 9-2008. A partial Certificate of Compliance (“COC”) was issued by the Commission on November 30, 2021. These documents are provided as Appendix A to this application. **The OOC has expired, and the work was never fully completed. The Applicant respectfully requests that RCC File No. 9-2018 remain open until approval of this Notice of Intent and issuance of a new OOC. This new OOC should incorporate by reference any and all applicable outstanding work items from the RCC File No. 9-2018 OOC. Upon completion of the work under the newly issued OOC, the Applicant shall file for COC for both the work described herein and said outstanding work items from RCC File No. 9-2018.**

Site Description

The Project Site, located at 1000-1002 Haverhill Street, is located to the southerly side of Haverhill Street (MA Route 133) and is immediately east of Route 95 at the Georgetown / Rowley town line. The site is currently used as a self-storage facility. The Applicant is seeking to reconfigure two (2) previously approved storage buildings and associated parking without an increase in impervious area from the previous approvals. The Rowley Planning Board approved a modification to the Special Permit and the proposal described herein was reviewed by Cameron-Morin Group for compliance with Stormwater Management requirements. The Applicant is also seeking to complete the removal of recycled asphalt product (“RAP”) that was

installed to the east of the storage facility as required by the (expired) OOC under RCC File No. 9-2008.

The Project site includes the following jurisdictional resource areas and buffer zones:

Jurisdictional Resource Areas

Bordering Vegetated Wetlands

Bordering Vegetated Wetlands (“BVW”) are freshwater wetlands which border on creeks, rivers, streams, ponds and lakes. The types of freshwater wetlands are wet meadows, marshes, swamps and bogs. BVW are areas where the soils are saturated and/or inundated such that they support a predominance of wetland indicator plants. The ground and surface water regime and the vegetational community which occur in each type of freshwater wetland are specified in M.G.L. c. 131, § 40.

The Project site is bounded by a BVW to the west and proximate to an off-site BVW to its east. **There is no work proposed within BVW associated with this application.**

Isolated Vegetated Wetlands

Isolated Vegetated Wetlands (“IVW”) are freshwater wetlands with no defined inlet or outlet and are regulated under the Bylaw. There is a small IVW lying between the easterly BVW and the work area along the easternmost property boundary. **There is no work proposed within IVW associated with this application.**

Groundwater Protection Zone II

310 CMR 22.02 defines a Zone II as “that area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at safe yield, with no recharge from precipitation).” The Bylaw identifies the Zone II as a local resource area at Section III.A.9 and in the Regulations at Section I.C.9, specifically as, “Any areas designated critical or environmentally sensitive, including the approved Department of Environmental Protection Groundwater Protection Areas, Zone I; the Approved Department of Environmental Protection Groundwater Protection Area, Zone II, habitats of rare wetlands wildlife as defined by the Natural Heritage and Endangered Species Program; or Outstanding Resource Waters (ORW) as defined by the Executive Office of Environmental Affairs.”

The entirety of the Site is located within the Zone II, with a proposed area of disturbance for the Project of 116,500 square feet (2.68 acres).

Natural Heritage and Endangered Species Program

The site does not contain any Priority or Estimated Habitat Areas, nor does it contain any Certified or Potential Vernal Pools as depicted on Figure 3 – NHESP Map.

Buffer Zones

An approximate 100-foot buffer to BVW and IVW are depicted on the accompanying Plans. **There is no work proposed within these buffer zones contemplated by this application.**

Work Description

The Project consists of the construction of two (2) previously permitted, reconfigured, storage buildings totaling 14,190-sf. in floor area, associated parking and driveways, and relocation of proposed sub-surface infiltration areas to accommodate the revised building locations. Also, the Applicant seeks to construct a fenced in gravel storage area to the east of the site, partially within the area of RAP removal. **There is no work proposed within jurisdictional areas under the Wetlands Protection Act. This Notice of Intent is filed under the Bylaw only.**

These proposed activities are further detailed in the accompanying Plans. Although construction timing and construction “means and method” sequencing is subject to change, it is anticipated that the following general sequence will be followed:

1. Prior to construction the Applicant will install erosion and sedimentation controls on the site.
2. Upon installation of erosion controls and inspection, a pre-construction conference with project stakeholders will be held to further discuss project timing and reporting.
3. While the work is ongoing the contractor will follow the continued monitoring and repair of erosion and sedimentation controls as detailed in the accompanying Construction Period Pollution Prevention Plan.
4. Removal of existing asphalt areas.
5. Foundation installation and building construction.
6. Construction of the site drive, parking, and drainage.
7. Installation of landscaping.
8. Removal of RAP surfaces and installation of clean gravel areas.

9. As-built survey documenting compliance and request for Certificate of Compliances under this Application and the previous, expired OOC.

Work in Resource Areas

The Project proposes alteration of 116,500 sf. (2.68 acres) of land within the Zone II of a public water supply. This work is wholly within this locally jurisdictional Resource Area.

Work in Buffer Zone(s)

There is no work proposed within jurisdictional buffer zones contemplated by this application.

Regulatory Compliance

The Bylaws and Regulations do not identify specific performance standards for the Zone II resource area. Generally, maintaining groundwater recharge within the Zone II is of most importance. **The Project, as proposed, does not increase impervious surfaces at the site when compared to the previously approved work under RCC File No. 9-2018. Also, the Project does not change the use at the site.**

Mitigation Measures

Construction activities, including foundation excavation and grading will create erodible surfaces and should be limited to those areas necessary to safely operate equipment and conduct the proposed work. A construction period pollution prevention plan accompanies this report detailing construction best practices.

Erosion and Sedimentation Controls

An erosion and sedimentation control program will be implemented to protect resource areas from sedimentation due to the proposed construction activities. Work and stockpile areas are to be protected by an erosion control barrier prior to construction and erosion controls shall remain in place until all disturbed areas are stabilized. Erosion and sedimentation controls proposed are indicated on the accompanying Plans, Sheet 4 of 10. Erosion and sedimentation controls proposed for the Project include the following:

Erosion Control Barriers

Prior to any construction activities on the site, a barrier of staked straw wattles will be installed in accordance with the accompanying plans. As construction progresses, additional rows of wattles will be installed around the base of stockpiles and other erosion prone areas.

Wattle installation should be inspected weekly, at a minimum, during construction activities and after significant rainfall events. If sediment has accumulated to a depth impairing the proper function of the wattle barrier, it will be removed and reused on-site or disposed of at a suitable offsite location. Any damaged section of wattle shall be repaired or replaced immediately upon discovery.

Catch Basin Inlet Protection

All existing and proposed catch basins on-site and within 200-feet of the work area, shall be fitted with Siltsack®, or equivalent, catch basin filters. Catch basin filters should be inspected weekly, at a minimum, during construction activities and after significant rainfall events. If sediment has accumulated to a depth impairing the proper function of the filter, the sediment will be removed and reused on-site or disposed of at a suitable offsite location. Any damaged catch basin filters shall be repaired or replaced immediately upon discovery.

Stabilized Construction Entrance

A stabilized construction entrance / tracking pad should be provided in locations where construction vehicles will transition from pervious (grass, dirt, etc) surfaces onto paved surfaces to mitigate the tracking of sediment onto adjacent public rights of way. The construction entrance shall consist of 1-½-inch crushed stone placed 12-inches deep. The construction entrance should be a minimum of 10-feet in width and 50-feet in length. The entrance should be maintained in a condition that will prevent tracking or flowing of sediment onto public rights-of-way. This may require periodic topdressing with additional stone. The entrance should be inspected weekly and after significant rainfall events. Any mud or sediment tracked onto adjacent roadways should be removed immediately.

Non-structural Practices

Non-structural best management practices to be used during construction include pavement sweeping, dust control, temporary stabilization, and temporary seeding. These practices should be applied as applicable during construction activities.

Pavement Sweeping

On-site driveways, parking areas and adjacent roadways should be swept as necessary during construction activities. Sweeping may be done by hand or mechanically.

Dust Control

Dust control should be provided by soil wetting only, the use of calcium chloride or other chemical means of dust prevention shall not be used on the Project. When necessary, exposed surfaces should be wetted to prevent wind-borne transport of sediment (dust). Water should be applied in a volume equivalent to ½-inch over the exposed areas. The water should be applied in a manner that minimizes erosion, such as a mechanical sprayer mounted to a water truck.

Temporary Stabilization

Any areas of exposed soil or soil stockpiles that will remain inactive for more than 14-days shall be covered with a layer of straw mulch applied at a rate of 90 pounds per 1,000 sf. The mulch should be anchored with a tacking coat, applied by hydro seeder. Steep slopes (greater than 15%) should be covered with fiber mats and anchored with photodegradable staples at a density in accordance with the manufacturer's specifications.

Temporary Seeding

If conditions allow, temporary vegetative cover should be established on areas of exposed soil (including soil stockpiles) that remain inactive for more than 60-days. The seed mixture should be applied by a hydro-seeder with a tacking coat and should include a mixture of rapid germinating grasses that are indigenous to New England.

Stormwater Controls

The Project has been designed so no increases to impervious surfaces are proposed and the previously approved stormwater management system will not see any increased flow or pollutant loading from the previous approvals.

Summary

The proposed Project consists of the construction of a proposed commercial building, associated utilities, parking, driveways, and stormwater appurtenances. The Project proposes work within jurisdictional buffer zones and the Riverfront Area.

The proposed Project has been designed in accordance with regulatory performance standards of resource areas under the Wetlands Protection Act. The Proponent respectfully requests that the Wakefield Conservation Commission, as issuing authority under MGL c131 Sec. 40, find these measures adequately protect the interests identified in the Act and issue an Order of Conditions approving the work described in this Notice of Intent and shown on the accompanying plans.



Appendix A: Previous Permits

- Order of Conditions RCC File No. 9-2018
- Partial Certificate of Compliance

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Mr. 18-1-18

Copy



Town of Rowley Wetlands Protection Bylaw Conservation Commission

WPA Form 5 – Order of Conditions

RCC File Number:

09-2018



595351 (80435) Btch:516910
Southern Essex District Registry
8/22/2018 02:38 PM CONDN Pg: 1/18

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: Town of Rowley
1. Conservation Commission

2. This issuance is for (check one): Order of Conditions Amended Order of Conditions

3. To: Applicant:

Ruby Holdings LLC c/o Said Abuzahra
a. First Name _____ b. Last Name _____ c. Company _____
29 Mackenzie Lane
d. Mailing Address _____
Wakefield MA 01880
e. City/Town _____ f. State _____ g. Zip Code _____

4. Property Owner (if different from applicant):

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

5. Project Location:

1000 Haverhill Street Rowley
a. Street Address _____ b. City/Town _____
Map 4 Parcel/Lot 20
c. Assessors Map/Plat Number _____ d. Parcel/Lot Number _____
Latitude and Longitude, if known (note: electronic filers will click for GIS locator): 42D42M20Ns 70D57M32Ws
e. Latitude _____ f. Longitude _____

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Essex South 80435, Document #477624
a. County _____ b. Certificate (if registered land) _____
c. Book _____ d. Page _____

7. Dates: June 20, 2018 July 24, 2018 August 14, 2018
a. Date Notice of Intent Filed _____ b. Date Public Hearing Closed _____ c. Date of Issuance _____

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

A B Z Self Storage, Utilities Plan & Site and Grading Plan
a. Plan Title _____
Apple Associates Inc revised Hayes Engineering Brian J. Buia
b. Prepared By _____ c. Signed and Stamped by _____
Jan. 19, 2018 1" = 40'
d. Final Revision Date _____ e. Scale _____

f. Additional Plan or Document Title _____ g. Date _____

9. BYLAW Fee Paid: \$2000.00 f. Commercial \$2000.00
a. Total Fee Paid _____ b. Project Type(s) _____ c. Town Fee Paid _____



THIS COPY HAS ORIGINAL SIGNATURES AND MUST BE RECORDED AT THE ESSEX COUNTY REGISTRY OF DEEDS.

PLEASE RETURN PROOF OF RECORDING TO CONSERVATION OFFICE.

20 13B



Town of Rowley Wetlands Protection Bylaw
 Conservation Commission
WPA Form 5 – Order of Conditions

RCC File Number:

09-2018

B. Findings

1. Findings pursuant to the Town of Rowley Wetlands Protection Bylaw:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Bylaw. Check all that apply:

- a. Public Water Supply
- b. Land Containing Shellfish
- c. Prevention of Pollution *BB*
- d. Private Water Supply
- e. Fisheries
- f. Protection of Wildlife Habitat
- g. Groundwater Supply *BB*
- h. Storm Damage Prevention *BB*
- i. Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

Denied because:

- the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect these interests, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Bylaw. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Bylaw's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order.**

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

- Buffer Zone Impacts: Shortest distance between limit of project disturbance and wetland boundary (if available)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
	linear feet	linear feet	linear feet	linear feet
3. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
4. <input type="checkbox"/> Bordering Vegetated Wetland / Isolated	a. square feet	b. square feet	c. square feet	d. square feet
5. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. cu.yd dredged	f. cu.yd dredged		



Town of Rowley Wetlands Protection Bylaw
 Conservation Commission
WPA Form 5 – Order of Conditions

RCC File Number:

09-2018

B. Findings (cont.)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
6. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
7. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
8. <input type="checkbox"/> Riverfront area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	e. square feet	f. square feet	e. square feet	f. square feet

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

9. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
10. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. cu.yd dredged	d. cu.yd dredged		
11. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
12. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. c/y nourishmt.	d. c/y nourishmt.
13. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. c/y nourishmt.	d. c/y nourishmt.
14. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
15. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
16. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
17. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. cu.yd dredged	d. cu.yd dredged		
18. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
19. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. cu.yd dredged	b. cu.yd dredged		
20. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		



Town of Rowley Wetlands Protection Bylaw
Conservation Commission
WPA Form 5 – Order of Conditions

RCC File Number:

09-2018

C. General Conditions Under Rowley's Wetlands Protection Bylaw

(only applicable to approved projects)

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Bylaw; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
7. This Order is not final until all appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Conservation Commission have been completed.
8. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to this Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Rowley Conservation Commission" [or, "RCC"]

"File Number 09-2018"



Town of Rowley Wetlands Protection Bylaw
 Conservation Commission
WPA Form 5 – Order of Conditions

RCC File Number:

09-2018

C. General Conditions Under Massachusetts Wetlands Protection Act

10. ~~NA~~ Unless extended, this Order of Conditions RCC #09-2018 will expire on August 14, 2021.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order.
13. Any change to the plans identified in Condition #12 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
14. The Agent or members of the Conservation Commission shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission for that evaluation.
15. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
16. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
17. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
18. All work associated with this Order is required to comply with the Massachusetts Stormwater Policy Standards.

Special Conditions:

See Attached Conditions Incorporated Herein and Made Part of this Order of Conditions.

If you need more space for additional conditions, select box to attach a text document



Town of Rowley Wetlands Protection Bylaw
 Conservation Commission
WPA Form 5 – Order of Conditions

RCC File Number:

09-2018

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The Rowley Conservation Commission hereby finds (check one that applies):
 Conservation Commission
3. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

a. Municipal Ordinance or Bylaw

b. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

4. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Wetlands Protection Bylaw

III. A. 2, 5, & 9

a. Municipal Ordinance or Bylaw

b. Citation

The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

- c. The special conditions relating to municipal ordinance or bylaw are as follows:

See Attached Conditions Incorporated Herein and Made Part of this Order of Conditions.

If you need more space for additional conditions, select box to attach a text document



Town of Rowley *BB*

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

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 *BB*
Town of Rowley Wetlands Protection Bylaw

RCC
Provided by ~~MassDEP~~
09-2018
MassDEP File #

eDEP Transaction #
Rowley
City/Town

E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

August 14, 2018

1. Date of Issuance

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

6

This Order must be signed by a majority of the Conservation Commission.

2. Number of Signers *BB*

The Order must be mailed 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 Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

[Handwritten signatures]

[Handwritten signature: Curtis L. Turner]

by hand delivery on

by certified mail, return receipt requested, on

August 14, 2018

Date

Date

F. 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 MassDEP Regional Office to issue a Superseding Order of Conditions. 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 appelliant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal 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 providing written information to the Department prior to issuance of a Superseding Order.

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 ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



Town of Rowley Wetlands Protection Bylaw
Conservation Commission
WPA Form 5 – Order of Conditions

RCC File Number:

09-2018

F. Appeals

To the extent that the Order 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.

A decision of the Conservation Commission under this Bylaw shall be reviewable in the Superior Court, in accordance with MGL Chapter 249 Section 4. The right of appeal to the Superior Court shall be in addition to any and all other existing rights of administrative appeal.

Section G, Recording Information is available on the following page.



Town of Rowley Wetlands Protection Bylaw
 Conservation Commission
WPA Form 5 – Order of Conditions

RCC File Number:

09-2018

G. Recording Information

This Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on Page 7 of this form shall be submitted to the Conservation Commission listed below.

Rowley Conservation Commission
 Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Rowley Conservation Commission
 Conservation Commission

Please be advised that the Order of Conditions for the Project at:

1000 Haverhill Street
 Project Location

09-2018
 RCC File Number

Has been recorded at the Registry of Deeds of:

Essex South
 County

Book

Page

for:

Ruby Holdings LLC
 Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

August 14, 2018
 Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

Municipal Conditions

This Order of Conditions addresses proposed construction of four (4) commercial self-storage buildings 20' to 30' wide and 215' to 255' long within areas subject to regulation (local Bylaw) as the final phase of a commercial development project begun on this property circa 1998.

The Rowley Conservation Commission (RCC) makes the following findings:

The property contains 100' Buffer Zone to Bordering Vegetated Wetlands, Bordering Vegetated Wetlands, and DEP Approved Groundwater Protection Area Zone II. This final phase of the project involves construction activities only within the DEP Approved Groundwater Protection Area Zone II (local bylaw resource area) and the 100' Buffer Zone to Bordering Vegetated Wetlands (stormwater basin facilities).

The RCC opened the public hearing on July 10, 2018 and accepted the applicant's Wetland Bylaw Fee payment as calculated and contained in the Bylaw Notice of Intent application dated June 2018. The close of the public hearing was accomplished on July 25, 2018 with receipt of proof of abutter notification (Rowley & Georgetown) and revised "Long Term Operations and Maintenance Plan" dated revised July 24, 2018.

This project is to be governed by a Certificate of Vote - Special Permit / Site Plan Review previously issued by the Town of Rowley Planning Board years ago. The Planning Board approval is hereby incorporated into the record. The project revised design was reviewed by The Morin-Cameron Group, Inc. for the Planning Board and they attested to the adequate design of the proposed stormwater management facilities with the project's modifications on Feb. 5, 2018 via letter incorporated in the application submittal.

Unless extended this Order of Conditions (OC) RCC # 09-2018 will expire on August 14, 2021.

GENERAL CONDITIONS (Continued from page 7)

Please review the preceding General Conditions on the DEP WPA Form 5 Section C. 1 through 20, particularly Condition 1.

21. Work on this project site **shall be performed according to the following listed plans and documents**. Should any conflicts be found to exist between these plans and documents and the conditions of this OC, the RCC/staff shall be contacted for a clarification:
 - a. Notice of Intent prepared by Hayes Engineering, Inc. (603 Salem Street, Wakefield, MA 01880) dated June, 2018 and received June 20, 2018;
 - b. Plans entitled "A B Z Self Storage, Utilities Plan & Site and Grading Plan" (consisting of two sheets), prepared by Apple Associates, Inc. revised Jan. 12, 1999 further revised by Hayes Engineering, Inc. (603 Salem Street, Wakefield, MA 01880) revised through Jan. 18, 2018;
 - c. Correspondence from Hayes Engineering, Inc. (603 Salem Street, Wakefield, MA 01880) regarding site visit dated July 10, 2018;
 - d. "Long Term Operations and Maintenance Plan" prepared by Hayes Engineering, Inc. (603 Salem Street, Wakefield, MA 01880) dated revised July 24, 2018;
22. **Proof of recording** this OC at the Registry of Deeds must be submitted to the RCC **within sixty (60) days** of permit issuance (proof may be a copy of the recorded document with Registry stamp showing date, book and page of recording).
23. The OC granted to the Applicant/Property Owner in this permit decision **does not imply consent or approval** of any other board, commission or legal authority of any kind. The Applicant is **responsible for obtaining** all other required consents and approvals.
24. This Order of Conditions **shall apply to any successor(s) in interest or successor(s) in control and shall survive the issuance of the Certificate of Compliance**. Within ten (10) calendar days

after the transfer of ownership of the subject parcel, in whole or in part, including lots conveyed under individual deeds, the RCC shall be notified in writing by the seller of the name and address of the new Property Owner. Within ten (10) calendar days after such transfer, a notarized affidavit shall be filed with the RCC by the seller, signed by the seller and the buyer, stating that the new Property Owner(s) has read and understood the Order of Conditions and all terms applicable to the purchased lot and intends to comply with all provisions of the Order of Conditions, including obtaining of a Certificate of Compliance if the seller has not already done so. In addition, this affidavit shall include the following sentence: "I, _____, the new Property Owner of _____, understand that any work within 100' of wetlands or within 200' of perennial streams requires approval by the RCC and that no dumping of yard waste, brush, or other materials is allowed in wetlands." This letter shall have attached a plan of the lot accurately indicating the wetland boundary, location of building(s), No Cut/No Disturbance Zone(s) and any other relevant features. All current and future tenants shall be provided with a copy of this Order of Conditions and an affidavit (or copy of the lease) acknowledging receipt of this Order of Conditions and signed by the Property Owner and the tenant shall be provided to the RCC within thirty (30) days of the commencement of the tenancy.

25. With appropriate notice, members and agents of the RCC, **shall have the right to enter at a reasonable hour and inspect the property to evaluate compliance** with this OC, the Wetlands Protection Act, Wetlands Protection Bylaw, and require submittal of any data deemed necessary by the RCC/staff for that evaluation.
26. The Applicant shall abide by the **Stormwater Management And Erosion Control Bylaw, and all Protective-Zoning Bylaws** including Section 4.10: Floodplain District.
27. The on-site foreman, directing engineer or designated construction manager contractor **shall have a copy of this OC and the final approved plans at the site** and available for inspection during all phases of construction. It is the Applicant's responsibility to provide the contractors with a set of the approved documents, plans, and OC, and to ensure that the contractors are aware and follow the OC's provisions. This OC shall be made part of all project construction related documents. If the OC is not clear, the RCC/staff should be asked for clarification.
28. **Any change in the plans** approved under this OC, including those due to review by other boards or resulting from the aforementioned conditions, **must be submitted to the RCC in writing** for approval prior to implementation. The RCC/staff will decide whether the change is substantial enough to require a new Notice of Intent application or a request for an amendment to this OC. Any errors found in the plans or information submitted by the Applicant shall be considered as changes.
29. **Upon completion of this project (or within one (1) year of the issuance of an occupancy permit)**, the Property Owner or his designee shall submit the following to the RCC to receive a Certificate of Compliance per Condition 11:
 - a. A **written request** from the Property Owner or his designee for a Bylaw Certificate of Compliance (WPA Form 8A);
 - b. A **written statement from a Registered Professional Engineer of the Commonwealth** certifying that the work has been completed in compliance with this OC, documents, and the approved plans referenced herein (or approved revisions). Any discrepancies or deviations between the proposed plan and post-construction conditions shall be noted and explained.
 - c. An **as-built topographic plan** of the same scale as the approved plan, **signed and stamped by a Registered Professional Engineer or Land Surveyor of the Commonwealth**, showing post-construction conditions for the public record. This plan will include as-built elevations of all drainage ways constructed within DEP Approved Groundwater Protection Area Zone II, distances to all structures, and all elevations within the Zone II, 100' of wetlands and 200' of perennial streams. The as-built plan must show

all wetland resource area boundaries with associated buffer zones and any No Cut/No Disturbance Zones taken from the plan(s) approved in this OC. The as-built plan must show elevations of all filled, altered, or replicated wetlands. This as-built plan may be the originally submitted final approved site plan with changes highlighted and explained.

- d. A **written statement from a Registered Professional Engineer of the Commonwealth** certifying or attesting that no illicit connections exist in the post-construction phase to the as built project Stormwater Management Facilities or that direct discharges to regulated wetland resource areas other than those approved and designed as shown on the approved plans.
30. No driveway, footing, or roof drain with an above-ground or subsurface discharge, any garage floor drain, deck, addition, shed or pool, inconsistent with prior approved plans, **shall be installed within the 100' Buffer Zone to a wetland resource area or the 200' Riverfront Area or DEP Approved Groundwater Protection Area Zone II without prior written permission** of the RCC.
31. Failure of the Applicant to comply with one or more individual conditions set forth in this OC **does not exonerate the Property Owner / Homeowners Association, successor in control, or successor in interest** of the property described in the Notice of Intent in meeting or complying with the remaining conditions in this OC.

TIME LIMITS

32. All **disturbed areas in the Buffer Zone** will be stabilized by vegetation, heavy mulching, sodding, or matting **prior to November 1 each year**. No work within the Buffer Zone or resource areas may be done between **November 1 and March 15** of each year, unless given prior approval by the RCC/staff. After prior written request, approval shall be granted when the capacity to effectively manage disturbed soils, eliminate sedimentation and off-site transport of soils, and demonstrated ability to maintain site stability are verified to the satisfaction of the RCC/staff.

PROJECT SPECIAL CONDITIONS

33. The reclaimed (or reprocessed) asphalt product (RAP) **shall be removed from the site to the maximum extent practical**. The material shall be transported off site and not redeposited within the DEP Approved Groundwater Protection Area Zone II in the Town of Rowley. The RCC finds that RAP may contain legacy contamination and that in an abundance of precaution the material shall not be utilized a fill within the DEP Approved Groundwater Protection Area Zone II in the Town of Rowley. The **RCC may request validation and written confirmation as to the transport and final destination** of the RAP material from this project.
34. The RCC requires that the property owner/responsible party **shall perform the following site specific stormwater facilities remediation as identified in the field inspection** conducted during application review: A. Verify proper construction of the forebay and reconstruct to conform with original design elevation and separation by an elevated stone berm. B. Cut woody stemmed vegetation surrounding the outlet control structure and on the basin slope. Brush on stem application of herbicide to prevent sprouting and regrowth while preventing slope disturbance from stump extraction. C. At perimeter and roof runoff drain pipe discharges correct any basin slope erosion and add velocity dissipaters (crushed stone rip rap). D. Verify proper construction of the basin overflow spillway and reconstruct after vegetation removal to match original design specifications and return to a functioning condition. E. On the entire site, inspect and verify that all catch basins (both existing and new) have functioning sumps and grease and oil separators. Make necessary repairs and prepare an affidavit by a qualified professional certifying inspection, cleaning, repair, and functioning condition.
35. The Applicant/Property Owner/Responsible Party **shall ensure a hazardous materials spill containment kit is maintained on site at all times** throughout construction. The kit **shall be**

appropriately sized for the cumulative volumetric capacity of hazardous fluids contained by on-site equipment. This condition is issued under the authority of the local Wetlands Protection Bylaw.

36. By this OC, the "Long Term Operations and Maintenance Plan" prepared by Hayes Engineering, Inc. (603 Salem Street, Wakefield, MA 01880) dated revised July 24, 2018 is incorporated and supplements the original Operations and Maintenance Plan for the project. This condition shall survive the expiration of this OC, and **shall be included as a continuing condition in perpetuity** on the Certificate of Compliance.

PRIOR TO CONSTRUCTION

Please review the preceding General Conditions 7, 8, and 9.

37. The Applicant shall **notify the RCC in writing** (by mail, fax or email) at least **48 hours before** any activity commences on site. At this time the Applicant **shall also supply the RCC with a list of names, addresses, current contact information, and emergency phone numbers of those parties responsible for compliance with this OC** on the site, including the EM, if there is one.
38. Prior to any work on site, the **wetland boundaries shall be clearly and prominently marked with flags or stakes and shall be confirmed** by the RCC/staff. These markers **shall be maintained until construction has been completed**. If markers disappear or are moved during construction, it will be the contractor, Property Owner, or responsible party's responsibility to have them replaced accurately, and to notify the RCC of this occurrence. While this OC is in effect, should any modification to the wetland delineations be found to be necessary by the RCC/staff, the Applicant **shall submit a revised plan** reflecting the modified delineations.
39. At the commencement of work, and again prior to the completion of construction, the Applicant **shall collect and remove by hand all trash, compost, and loose man-made debris** from the site's local regulated Bylaw and WPA resource areas.
40. Prior to any work or activity commencing on site, the owner or his designee **shall meet with an agent of the Commission to review and mark by stakes or other measures, the limit of clearing (limit of work), determine the location of erosion controls** (measures designed to mitigate any impact of soil disturbance), and to ensure that all of the conditions of this Order are understood.
41. **No clearing of vegetation, including trees, or disturbance of soil shall occur prior to the Pre-Activity Meeting**. Minimal disturbance of shrubs and herbaceous plants may be allowed prior to the Pre-Activity Meeting if absolutely necessary in order to place erosion control marker-stakes and to establish stakes designating the "limit of work" where required.
42. Prior to any work within local regulated Bylaw and WPA resource areas, **erosion control devices must be inspected and approved by the RCC or its agent**. The Property Owner or his designee **shall meet with the RCC/staff to review the proposed work** and measures designed to mitigate any impact on the wetlands and ensure all of the conditions of this OC are understood.
43. It is the Applicant's responsibility to **ensure that the work to be performed hereunder will be properly supervised** by the design engineer and the wetlands biologist, or by persons of equivalent qualifications. Upon written request by the RCC/staff, within fourteen (14) days of the receipt of the request, the Applicant shall submit a report from the design engineer or wetlands biologist, or other qualified person, describing the project's compliance with this OC, and addressing any other concerns identified in the request relative to compliance to the Wetlands Protection Bylaw and the Wetlands Protection Act.
44. Every attempt to **prevent invasive plant species** from entering the site shall be taken. This is especially important in the drainage basins and wetland replication areas. **Machinery** that has been working where purple loosestrife or common reed (Phragmites) occur **shall be cleaned of plant parts and soil before entering the construction site**. The basins and replication area shall be

checked monthly during the first growing season for evidence of invasive plant species. Purple loosestrife and common reed **shall be removed by hand immediately**. If the infestation cannot be controlled by hand removal, the RCC/staff shall request the contractor and Property Owner to submit an action plan to the RCC for approval.

45. **No additional clearing or grading** in the local regulated Bylaw and WPA resource areas, other than what is shown on the approved plans, may be done without written approval of the RCC/staff.

SEDIMENT AND EROSION CONTROLS

46. Accepted and usual methods for controlling sedimentation and erosion (e.g., bark mulch/compost filter sock, silt fence, staked hay bales, etc.) shall be used during all phases of construction to prevent material from entering wetlands and surface waters. **There shall be no erosion or sedimentation into wetlands and surface waters during any phase of construction or after completion of the project.** Installed erosion control shall be **properly maintained and kept in effective functioning condition** at all times.
47. **Work shall be sequenced and conducted to avoid or minimize problems from erosion and sedimentation** due to stripped slopes and grade changes over large areas. **Best Management Practices, such as outlined in the Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas, shall be employed to maintain control over the site.** Should any of the proposed measures fail, the contractor and Property Owner shall immediately consult with the RCC/staff and design engineer to devise and implement protective measures so that the wetland resource areas are in no way damaged by erosion, siltation, or pollution.
48. In consultation with the RCC/Staff at the pre-activity meeting it will be determined if installation of **temporary gravel or crushed stone construction entrance/exit pad (25' x 50' minimum)** to reduce off site transport of soils thus reducing deposition into the roadway **Haverhill Street shall occur prior to earth disturbance activities and off-site trucking of the RAP material.** Possible specifications are: 6–10 inch depth of 2-3 inch coarse aggregate over a geotextile fabric to stabilize the foundation.
49. Erosion controls **shall be placed field determination by RCC/Agent** and according to the final approved plan(s) referenced in Condition 21 above **prior to any activity on site. An engineer or surveyor will mark the locations.** If, during construction, **additional temporary erosion control (TEC)** is needed in the opinion of the RCC/staff or the erosion control monitor, it **shall be placed according to their direction.**
50. Temporary erosion control **shall consist of 9" bark mulch/compost filter sock correctly installed with bare ground contact and anchored in place** as per manufacturer specifications. The filter sock maybe used in combination with silt fence where directed and silt fence **shall be set and staked every 18 to 36 inches at the upland side of the activity area.** Silt fence shall be no less than 15 inches high.
51. The erosion controls **shall function throughout the project to prevent erosion and sedimentation.** They will be **inspected and maintained routinely** by the Applicant or his contractor throughout the duration of the project and after every storm event of one half inch of precipitation or more within 24 hours. **Breaks in the line shall be immediately repaired** to prevent siltation into the wetlands. **An adequate stockpile of additional erosion control devices will be available** on site at all times for emergency or routine replacement and shall include materials to repair silt fences, filter sock, stone-riprap, filter dikes or other devices planned for use during construction.
52. **If soils are to be disturbed for longer than two months,** a temporary cover of rye or other grass (conservation mix) shall be established to prevent erosion. Once final grading is completed, loaming and seeding of each area shall be completed promptly. **Vegetative cover,** either temporary or permanent, **shall be established prior to winter.** If the season is not appropriate for plant growth,

exposed soils shall be stabilized with jute netting, staked mulches, or other U. S. Natural Resource Conservation Service methods.

53. The **limit of work shall be the erosion control devices beyond which no work may occur.** The RCC reserves the right to require additional erosion control and storm damage prevention measures at any time if it deems necessary. **Erosion control devices shall be inspected regularly and after any major storm event (one-half inch of precipitation or more within 24 hours).** Any entrapped silt or other materials shall be removed to an area outside the 100' Buffer Zone. Erosion control devices shall be replaced as necessary.
54. The Property Owner or his designee **shall report any problems with erosion control immediately** to the RCC office at 978 948-2330.
55. **Erosion control devices and wetland flags shall remain in place until all disturbed surfaces have been stabilized with final vegetative cover.** Only upon inspection by the RCC/staff to verify establishment of full vegetative cover may authorization to remove the erosion control line be given.
56. The **contractor shall be responsible for erosion and sedimentation control on-site.** The contractor shall use a method of operation and construction and all necessary erosion and sedimentation control measures, even if not specified herein or on the plans, to minimize erosion damage on and off-site. *DEP/MCZM Stormwater Technical Handbook Volume II Best Management Practices* should be used as a guide for erosion and sedimentation control, but they do not replace good judgment, common sense and thoughtful, environmentally sensitive construction practices.
57. The RCC/staff **reserves the right to impose additional conditions on portions of this project to mitigate any impacts** pursuant to applicable law which could result from site erosion or any noticeable degradation of surface water quality discharging from the site.

SOIL STOCKPILES AND FILL STORAGE

58. Stockpiled earth and other materials **shall be located on the upland side of the temporary erosion control or limit-of-work line and shall be stabilized** to prevent erosion into wetland resource areas. If stockpiles sprout invasive plant species, the RCC/staff may direct that appropriate control methods be employed to combat the invasive plants.

DEWATERING / WELL CONSTRUCTION

59. If **dewatering is necessary** for driveway, utility, well, or detention basin work, appropriate measures must be taken to ensure that sediment-laden water is appropriately settled prior to discharge towards any resource areas. Measures shall be monitored daily. These **shall be reviewed with the RCC/staff prior to use.**
60. All pumps, drilling machines, and their surrounding areas, whether used for dewatering or other purposes, **shall be properly contained to limit the potential for environmental impacts** due to fuel leakage, pump leakage, or other failures.

STORMWATER MANAGEMENT

61. There **shall be no direct discharge of runoff into streams or wetlands.** Runoff from the site shall be directed overland to maximize groundwater recharge and cleansing of the runoff through contact with natural soils and vegetation. Discharges from detention basins shall be offset from any wetland resource areas. All discharges shall be rip rapped to minimize erosion.
62. The **maintenance or repair of detention/infiltration basins, subsurface infiltration chambers, crushed stone infiltration trenches, supporting drainage systems, stormwater management facilities,** other than those in the public way shall be the responsibility of the Applicant/Property

Owner/Homeowners Association or designee. The design capacity, storm water management treatment capacity, and structural integrity of these facilities must be maintained. This condition shall survive the expiration of this OC, and **shall be included as a continuing condition in perpetuity** on the Certificate of Compliance. **The RCC reserves the right to schedule an annual inspection** with the facility operator and/or Property Owner/Homeowners Association as part of the "Operation and Maintenance Program" to inspect the site for permanent stability and components of the proposed drainage systems for proper function and maintenance.

63. **Maintenance** is required for the proper operation of infiltration basins. The Property Owner will be responsible for ensuring that a maintenance schedule is followed, and that the basins remain functional. If problems develop—cracks in the embankment, seepage, erosion, slumping, clogging—it will be the Property Owners' responsibility to correct them immediately.
64. The grass on the basin floors and side slopes shall be **mowed** monthly during the growing season, and the clippings, organic matter, and accumulated trash and debris removed. Trees may not be allowed to grow on the basin embankment. Eroded or **barren spots** shall be tilled and reseeded after inspection to prevent erosion and the accumulation of sediment.
65. Prior to the issuance of a Certificate of Compliance the applicant/site contractor/responsible party **shall stabilize all disturbed surfaces and after inspection and upon authorization by the RCC/staff, all temporary erosion control barriers shall be removed** and appropriately disposed on. The Permit number signage shall also be taken down upon authorization by the RCC/staff.

OTHER CONDITIONS

66. If **any unforeseen problem occurs during construction**, which affects any of the interests of the Wetlands Protection Bylaw, upon discovery, the Applicant shall notify the RCC and an immediate meeting **shall be held between the RCC/staff, the Applicant, the engineer, contractor, and other concerned parties** to determine the corrective measures to be employed. The Applicant shall then act to correct the problems using the corrective measures agreed upon.
67. Equipment fuel storage, refueling, and lubrication operations **shall be situated in an upland area at least 100' from any wetland resource**. Due to the presence of the DEP Approved Groundwater Protection Area Zone II in a majority of the site, **equipment fuel storage, refueling, and lubrication operations shall take place over an impervious surface** to prevent possible soil contamination from spillage and leakage.
68. All **grubbed stumps, brush, slash, waste products, and construction debris shall be removed from the site**. This material **shall be disposed of promptly and properly** at an off-site facility licensed to receive the material. **Covered dumpsters shall be maintained on-site** for appropriate materials. **Records as to the destination** of all materials including stumps, brush, and excess fill shall be kept and supplied to the RCC if requested.
69. Any new plantings utilized in the landscaping of this project **shall not be a plant species** (listed at the time of intended planting) on the **published MIPAG list of plant species designated as "invasive", "likely invasive", or "potentially invasive"** as listed by the MA Department of Agricultural Resources.
70. **Pesticides and herbicides** shall only be used within the immediate maintained area of the commercial structures due to the project being within the DEP Approved Groundwater Protection Area Zone II unless a declared public health emergency necessitates their application elsewhere. This condition shall survive the expiration of this OC, and **shall be included as a continuing condition in perpetuity** on the Certificate of Compliance.
71. Any **fertilizer** for landscaping or lawn care used within the developed portion of the property **shall be slow-release organic granular type fertilizers, low in nitrogen content**. This condition shall

survive the expiration of this OC, and **shall be included as a continuing condition in perpetuity** on the Certificate of Compliance.

SNOW STORAGE AND ICE CONTROL

72. Plowed snow on the site **shall be placed on pervious surfaces** whenever possible to allow slow infiltration to occur. **Snow storage or stockpiling is prohibited from using or being placed in the infiltration ponds.** This condition shall survive the expiration of this OC and **shall be included as a continuing condition in perpetuity** on the Certificate of Compliance.
73. Should the **amount of snow on-site exceed** the designed snow storage area's capacity and be proposed for removal from site, then it **shall be disposed of in accordance with the Department of Environmental Protection - Bureau of Resource Protection's "Snow Disposal Guidelines"**.
74. **Sodium Chloride shall not be used within the project site for the purpose of ice control.** The Applicant/Responsible Party shall install the appropriate durable signage at the project site entrance to reflect this prohibition, at a location as deemed appropriate in the field by the RCC/staff. **"Rock Salt Prohibited Public Drinking Water Supply"**. The sign shall be maintained by the Property Owner or Homeowners Association to ensure its continued function. This condition shall survive the expiration of this OC, and **shall be included as a continuing condition in perpetuity** on the Certificate of Compliance.
75. Only the following de-icing chemicals - **calcium chloride (CaCl₂), calcium magnesium acetate (CMA)** and any non-sodium based DEP approved de-icing compounds - are **allowed for minimal usage.** This condition shall survive the expiration of this OC and **shall be included as a continuing condition in perpetuity** on the Certificate of Compliance.

Document: 595351

CONDN

ESSEX SOUTHERN DISTRICT REGISTRY OF DEEDS
RECEIVED FOR REGISTRATION

On: 8/22/2018 02:38 PM

Noted on Cert: 80435 BOOK: 447



**Town of Rowley Conservation Department
Wetlands
RCC Form 8B – Certificate of Compliance
Town of Rowley Wetlands Protection Bylaw**

RCC File Number:
9-2018
Provided by RCC

A. Project 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. This Certificate of Compliance is issued to:

Ruby Holdings LLC c/o Said Abuzahra

Name

29 Makenzie Ln

Mailing Address

Wakefield

City/Town

MA

State

0180

Zip Code

01883 *(circled)*

2. This Certificate of Compliance is issued for work regulated by a final Order of Conditions issued to:

Ruby Holdings LLC

Name

8/14/2018

Dated

9-2018

RCC File Number

3. The project site is located at:

1000 Haverhill St

Street Address

4

Assessors Map/Plat Number

Rowley

City/Town

20

Parcel/Lot Number

the final Order of Condition was recorded at the Registry of Deeds for:

Property Owner (if different)

Essex South Registry of Deeds

County

80435

Certificate

Book

Page

4. A site inspection was made in the presence of the applicant, or the applicant's agent, on:

11/24/2021

Date



**Town of Rowley Conservation Department
Wetlands
RCC Form 8B – Certificate of Compliance
Town of Rowley Wetlands Protection Bylaw**

RCC File Number:
9-2018
Provided by RCC

B. Certification

Check all that apply:

- Complete Certification:** It is hereby certified that the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.
- Partial Certification:** It is hereby certified that only the following portions of work regulated by the above-referenced Order of Conditions have been satisfactorily completed. The project areas or work subject to this partial certification that have been completed and are released from this Order are:
construction of buildings A1, H1, drainage structures, and utilities as shown on the Topographic Plan (As-Built overlay) submitted.

- Invalid Order of Conditions:** It is hereby certified that the work regulated by the above-referenced Order of Conditions never commenced. The Order of Conditions has lapsed and is therefore no longer valid. No future work subject to regulation under the Wetlands Protection Act may commence without filing a new Notice of Intent and receiving a new Order of Conditions.
- Ongoing Conditions:** The following conditions of the Order shall continue: (include any conditions contained in the Final Order, such as maintenance or monitoring, that should continue for a longer period).

Condition Numbers:

See Attachment "A" incorporated herein. Ongoing conditions #36, 62, 70, 71, 72, 73, 74, 75

C. Authorization

Issued by:

Rowley Conservation Commission
Conservation Commission

11/30/2021
Date of Issuance

This Certificate must be signed by a majority of the Conservation Commission and a copy sent to the applicant.

Signatures:

[Handwritten signatures: Michael Urral, Maag, Edward R. Levin, and another signature]



**Town of Rowley Conservation Department
Wetlands
RCC Form 8B – Certificate of Compliance
Town of Rowley Wetlands Protection Bylaw**

RCC File Number:

9-2018
Provided by RCC

D. Recording Confirmation

The applicant is responsible for ensuring that this Certificate of Compliance is recorded in the Registry of Deeds or the Land Court for the district in which the land is located.

Detach on dotted line and submit to the Conservation Commission.

To:

Town of Rowley
Conservation Commission

Please be advised that the Certificate of Compliance for the project at:

Project Location

RCC File Number

Has been recorded at the Registry of Deeds of:

County

for:

Property Owner

and has been noted in the chain of title of the affected property on:

Date

Book

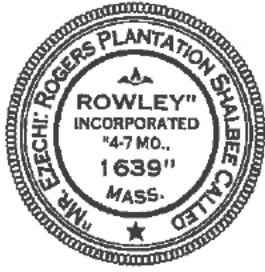
Page

If recorded land, the instrument number which identifies this transaction is:

If registered land, the document number which identifies this transaction is:

Document Number

Signature of Applicant



Town of Rowley

Conservation Commission

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

Conservation@townofrowley.org

**ATTACHMENT "A"
ONGOING CONDITIONS
BYLAW FILE #9-2018
Ruby Holdings LLC
1000 Haverhill Street
Map 4, Parcel/Lot 20**

B. Certification – Ongoing Conditions

Certain conditions are ongoing and do not expire upon the completion of the project or the issuance of a Certificate of Compliance. These conditions shall be recorded as such on the Certificate of Compliance. These conditions are:

36. By this OC, the "Long Term Operations and Maintenance Plan" prepared by Hayes Engineering, Inc. (603 Salem Street, Wakefield, MA 01880) dated revised July 24, 2018 is incorporated and supplements the original Operations and Maintenance Plan for the project. This condition shall survive the expiration of this OC, and **shall be included as a continuing condition in perpetuity** on the Certificate of Compliance.
62. **The maintenance or repair of detention/infiltration basins, subsurface infiltration chambers, crushed stone infiltration trenches, supporting drainage systems, stormwater management facilities**, other than those in the public way shall be the responsibility of the Applicant/Property Owner/Homeowners Association or designee. The design capacity, storm water management treatment capacity, and structural integrity of these facilities must be maintained. This condition shall survive the expiration of this OC, and **shall be included as a continuing condition in perpetuity** on the Certificate of Compliance. **The RCC reserves the right to schedule an annual inspection** with the facility operator and/or Property Owner/Homeowners Association as part of the "Operation and Maintenance Program" to inspect the site for permanent stability and components of the proposed drainage systems for proper function and maintenance.
70. **Pesticides and herbicides** shall only be used within the immediate maintained area of the commercial structures due to the project being with the DEP Approved Groundwater Protection Area Zone II unless a declared public health emergency necessitates their application elsewhere. This condition shall survive the expiration of this OC, and **shall be included as a continuing condition in perpetuity** on the Certificate of Compliance.
71. Any **fertilizer** for landscaping or lawn care used within the developed portion of the property **shall be slow-release organic granular type fertilizers, low in nitrogen content**. This condition shall survive the expiration of this OC, and **shall be included as a continuing condition in perpetuity** on the Certificate of Compliance.

SNOW STORAGE AND ICE CONTROL

72. Plowed snow on the site **shall be placed on pervious surfaces** whenever possible to allow slow infiltration to occur. **Snow storage or stockpiling is prohibited from using or being placed in the infiltration ponds**. This condition shall survive the expiration of this OC and **shall be included as a continuing condition in perpetuity** on the Certificate of Compliance.

73. Should the **amount of snow on-site exceed** the designed snow storage area's capacity and be proposed for removal from site, then it **shall be disposed of in accordance with the Department of Environmental Protection - Bureau of Resource Protection's "Snow Disposal Guidelines"**.
74. **Sodium Chloride shall not be used within the project site for the purpose of ice control.** The Applicant/Responsible Party shall install the appropriate durable signage at the project site entrance to reflect this prohibition, at a location as deemed appropriate in the field by the RCC/staff. **"Rock Salt Prohibited Public Drinking Water Supply"**. The sign shall be maintained by the Property Owner or Homeowners Association to ensure its continued function. This condition shall survive the expiration of this OC, and **shall be included as a continuing condition in perpetuity** on the Certificate of Compliance.
75. Only the following de-icing chemicals - **calcium chloride (CaCl₂), calcium magnesium acetate (CMA)** and any non-sodium based DEP approved de-icing compounds - are **allowed for minimal usage**. This condition shall survive the expiration of this OC and **shall be included as a continuing condition in perpetuity** on the Certificate of Compliance.

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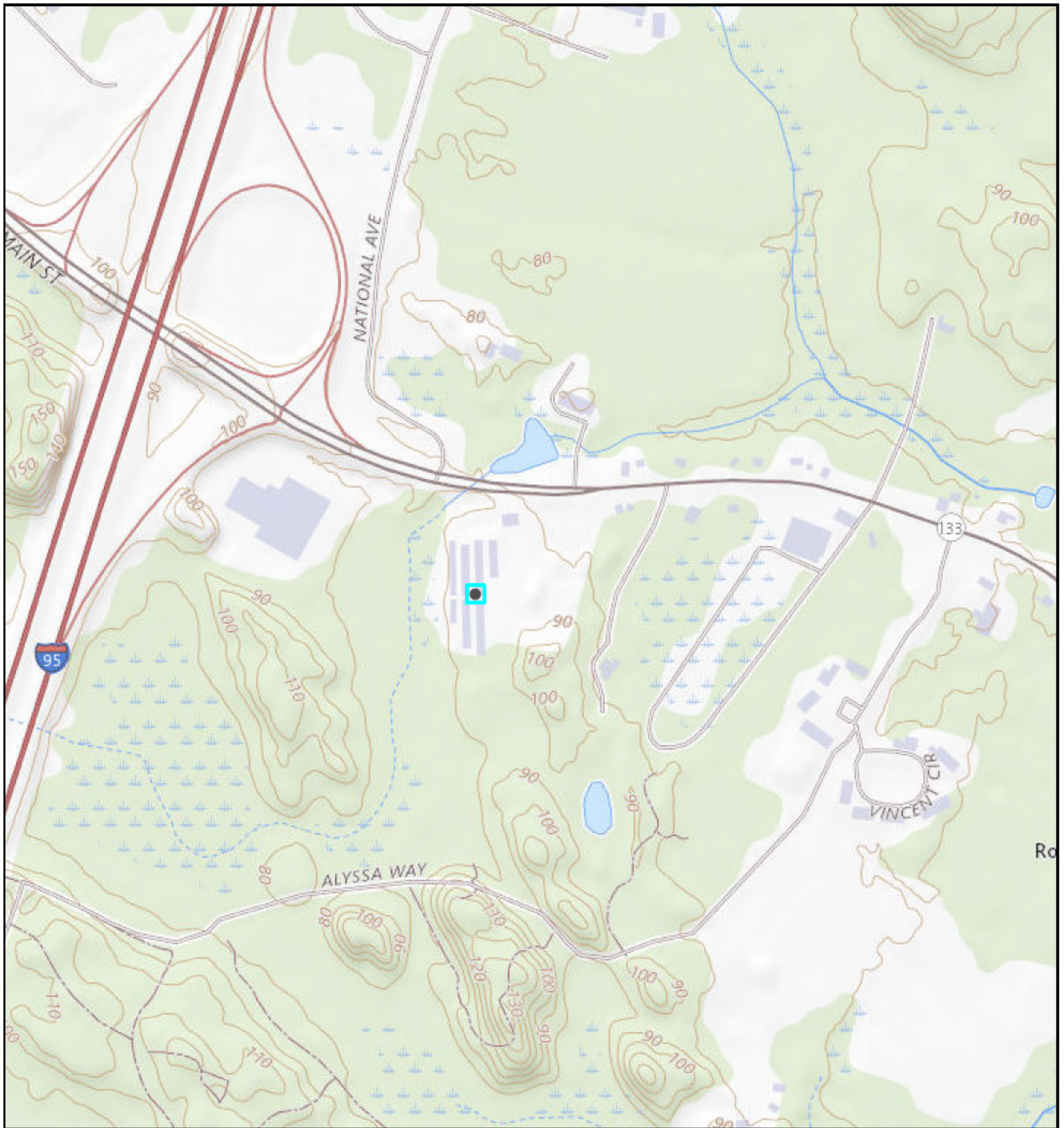
Hayes

Appendix B: Figures

- Figure 1 – USGS Locus Map
- Figure 2 – FEMA Flood Insurance Rate Map
- Figure 3 – NHESP Map

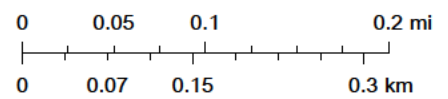
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Figure 1 - USGS Locus Map



4/20/2023, 1:42:32 PM

1:9,028



USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census

National Flood Hazard Layer FIRMette

70°57'51"W 42°42'34"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, A99
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*

- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS OF FLOOD HAZARD

- NO SCREEN *Zone X*
- Area of Minimal Flood Hazard *Zone X*
- Effective LOMRs *Zone D*
- Area of Undetermined Flood Hazard *Zone D*

OTHER AREAS

- 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

OTHER FEATURES

- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

- Digital Data Available
- No Digital Data Available
- Unmapped

MAP PANELS



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 4/20/2023 at 1:47 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.



70°57'14"W 42°42'8"N

Feet 1:6,000

0 250 500 1,000 1,500 2,000

Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

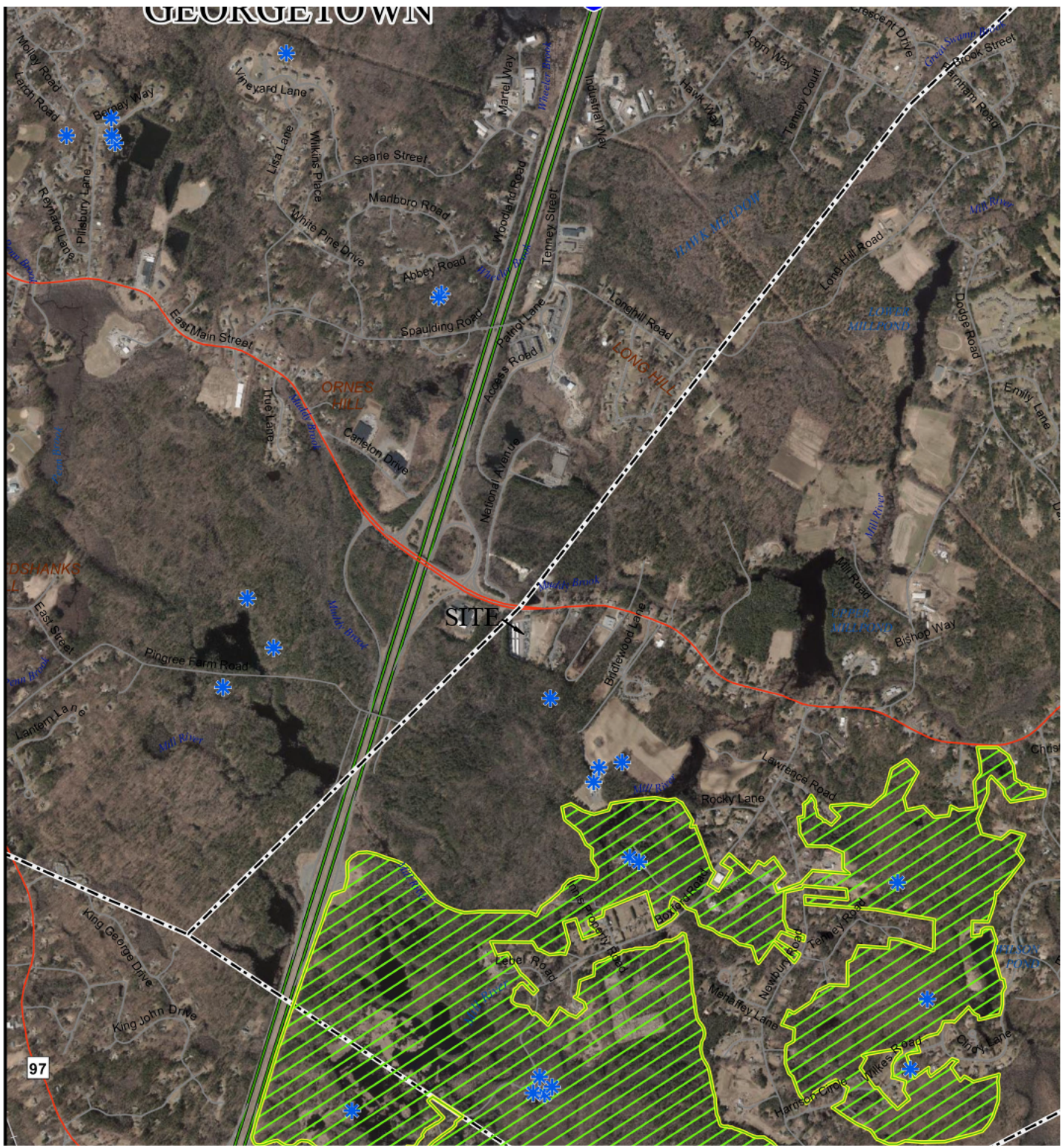
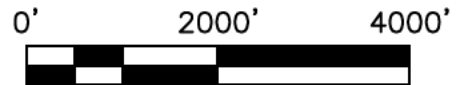


FIGURE 3 - NHESP MAP

SCALE: 1"=2,000'



ROWLEY

Priority Habitats and Estimated Habitats

Priority Habitats, for use with the MA Endangered Species Act Regulations (321 CMR 10)
 Estimated Habitats, for use with the MA Wetlands Protection Act Regulations (310 CMR 10)
 Effective August 1, 2021



Natural Heritage & Endangered Species Program
 140 South Street, Boston, MA 02111
 Tel: (617) 889-4400 Fax: (617) 889-2000

Data Sources:
 Priority Habitats and Estimated Habitats: created by NHESP in 2021.
 Certified Vernal Pools: created by NHESP, July 20, 2021.
 Town Boundaries: U.S. GEOLOGICAL SURVEY (revised 1/16, 1/20, 1/2008)
 Geospatial Data: 2015
 Symbols: Modified from MassGIS (updated 2018).
 Digital Orthophoto: State-released, taken in 2013, from MassGIS.

Priority Habitat of Rare Species Project or Activity falls within Priority Habitat only: -You must file directly with NHESP pursuant to Massachusetts Endangered Species Act (MESA) Examples of projects: single family home, subdivision, commercial building, widening of driveway/road, beaver dam removal, etc. Some projects or activities may be exempt from MESA filing: see 321 CMR 10.14	Priority Habitat of Rare Species and also Estimated Habitat of Rare Wildlife Project or Activity is within BOTH Estimated Habitat and Priority Habitat: - is a Notice of Intent (NOI) under wetlands regulations required? -Yes Send copy of NOI to NHESP and must also file under MESA (streamlined MESA NOI filing option available) -No MESA filing only (see "Priority Habitat" details at left)	Certified Vernal Pools (as of July 20, 2021) Town Boundary Transportation: Interstate State Route Non-numbered Route Railroad
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Commonwealth of Massachusetts - Office of the Governor
 Kevin White, G. Governor
 Matthew A. Treadwell, Secretary
 Division of Fisheries and Wildlife

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Appendix C: Abutter Notification

- Affidavit of Service
- List of Abutters
- Abutter Notification Letter

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AFFIDAVIT OF SERVICE

Under the Town of Rowley Wetlands By-Law

I, Amanda Ogren-Moda, hereby certify under the pains and penalties of perjury that on April 12, 2023, I gave notification to abutters in compliance with the second paragraph of Massachusetts General Laws, Chapter 1, Section 40, and the **DEP Guide to Abutter Notification** dated April 8, 1994, in connection with the following matter: **Construction of two self-storage buildings, associated parking, and gravel yard.**

A Notice of Intent filed under the Town of Rowley Wetlands Bylaws by **Ruby Holdings, LLC** with the **Rowley Conservation Commission** on **April 24, 2023** for property located at **1000-1002 Haverhill Street, Rowley, MA (Map 4 Parcel 20).**

The form of the notification, and a list of the abutters to whom it was given and their addresses, are attached to this Affidavit of Service.

Name

April 24, 2023

Date

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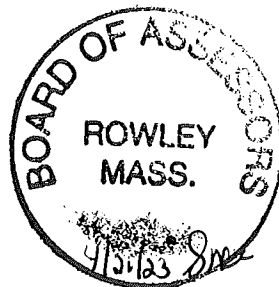
CERTIFIED ABUTTERS' LIST

Parcel ID	Location	Owner Name/Address
004-020	1000 HAVERHILL ST	RUBY HOLDINGS LLC 29 MACKENZIE LN WAKEFIELD, MA 01880

A B U T T E R S

003-003	OFF BOXFORD RD	COMMONWEALTH OF MASSACHUSETTS DEPT CONSERVATION & RECREATION 251 CAUSEWAY ST SUITE 900 BOSTON, MA 02114
004-019	982 HAVERHILL ST	TRS SPRING-R REALTY TRUST ABUZAHRA SHERIFF TRUSTEE 17 OTIS ST UNIT 310 CAMBRIDGE, MA 02141
004-019-01	HAVERHILL ST	TRS SPRING-R REALTY TRUST ABUZAHRA SHERIFF TRUSTEE 29 MACKENZIE LN WAKEFIELD, MA 01880
004-020-02	992 HAVERHILL ST	ABUZAHRA JEHAD 29 MACKENZIE LN WAKEFIELD, MA 01880
004-023	993 HAVERHILL ST	CALICO MUDDY CREEK LLC C/O TERRAVET REAL ESTATE SOLUTIO 33 ROCK HILL RD SUITE 320 BALA CYNWYD, PA 19004

5 parcels listed



Sean M McFadden
Principal Assessor

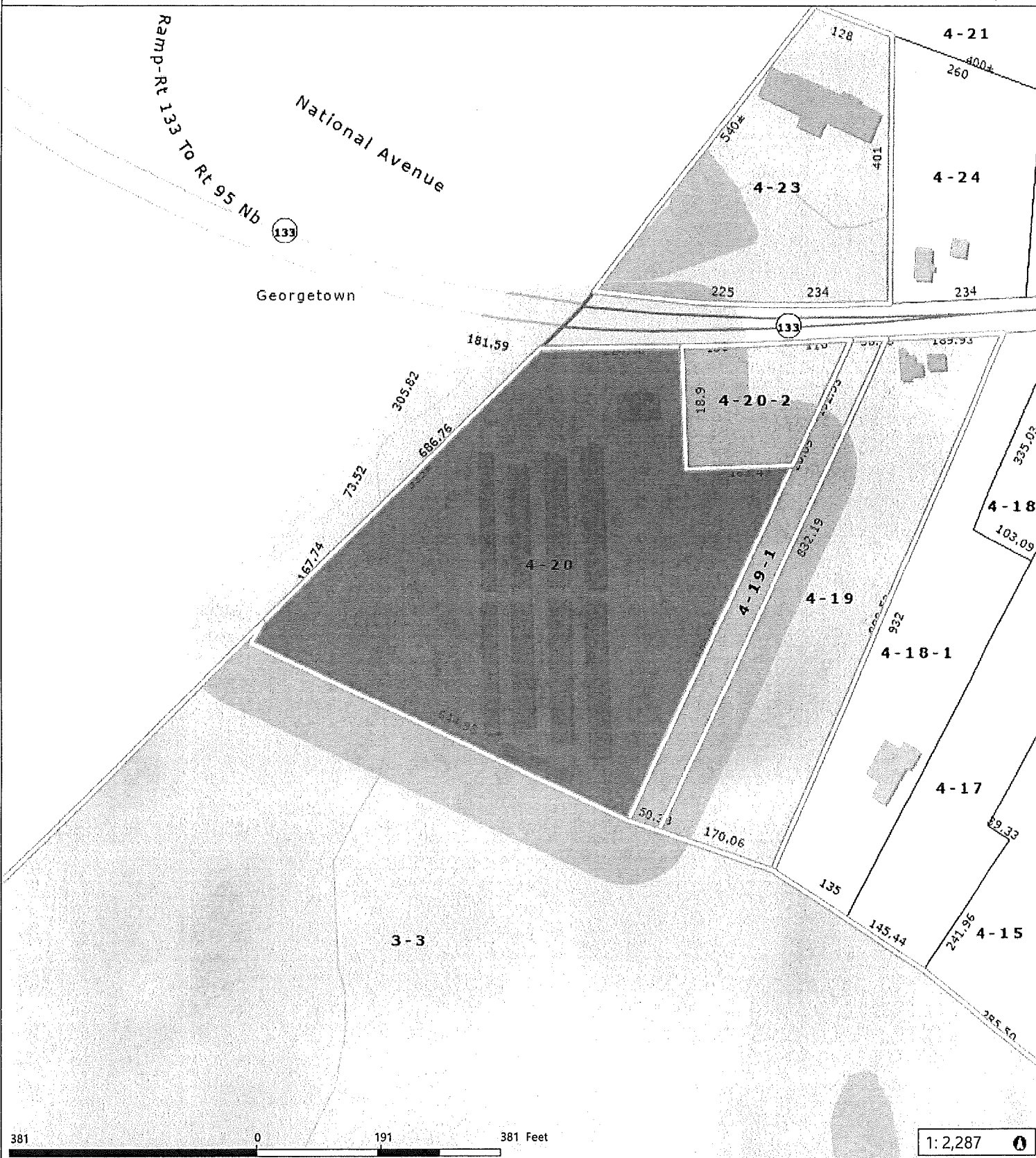
Town of Rowley

04/21/2023

Ramp-Rt 133 To Rt 95 Nb
133

National Avenue

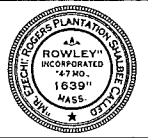
Georgetown



381 0 191 381 Feet

1:2,287

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



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

PROP_ID	MAP	BLOCK	LOT	MAP_PAR	SITE_ADDR	ADDR_NUM	FULL_STR	LOCATION	CITY	ZIP	OWNER1	OWNER2	OWN_ADD
3-3	3	3		3-3 ✓	OFF BOXFC		BOXFORD F OFF		ROWLEY	01969	COMMON	DEPT CONS	251 CAUSE
4-19	4	19		4-19 ✓	982 HAVER	982	HAVERHILL		ROWLEY	01969	TRS SPRING	ABUZAHA	17 OTIS ST
4-19-1	4	19	1	4-19-1 ✓	HAVERHILL		HAVERHILL		ROWLEY	01969	TRS SPRING	ABUZAHA	29 MACKET
4-20	4	20		4-20 ✓	1000 HAVE	1000	HAVERHILL		ROWLEY	01969	RUBY HOLI		29 MACKET
4-20-2	4	20	2	4-20-2 ✓	992 HAVER	992	HAVERHILL		ROWLEY	01969	ABUZAHA		29 MACKET
4-23	4	23		4-23 ✓	993 HAVER	993	HAVERHILL		ROWLEY	01969	CALICO ML	C/O TERRA	33 ROCK HI

TOWN OF GEORGETOWN
 ABUTTER LIST

PARCEL #14-5 ~ E MAIN STREET ~ PREPARED FOR TOWN OF ROWLEY 300'

PARCEL ID	PARCEL ADDRESS	OWNER 1	OWNER 2	MAILING ADDRESS	CITY/TOWN	STATE	ZIP CODE
14-4	401 E MAIN ST	IIP-MA 6 LLC		11440 WEST BERNARDO CT STE 100	SAN DIEGO	CA	92127
14-5	E MAIN ST	ABU-ZAHRA SAID & JEHAD	TRUSTEES ABU-ZAHRA FAM TRUST	29 MACKENZIE LN	WAKEFIELD	MA	01880
14-6	1-9 NATIONAL AV	BENEVENTO GEORGETOWN REAL ESTATE LLC	C/O BENEVENTO CONCRETE CORP	P O BOX 459	WILMINGTON	MA	01887
14-6A	E MAIN ST	MARCEAU WILFRED H	CALICO MUDDY CREEK LLC, C/O TERRAVET REAL ESTATE	33 ROCK HILL ROAD, SUITE 320	BALA CYNWYD	PA	19004
9A-30	STATE FOREST	BRADLEY PALMER STATE PARK	SUPERVISOR	ASBURY ST	TOPSFIELD	MA	01983

Town of Georgetown
 ASSESSORS OFFICE
 CERTIFIED COPY
 Georgetown, MA 01833



JULY 13, 2022

Abutter Notification Form
Notification to Abutters Under the Town of Rowley Wetlands Protection Bylaw

In accordance with the Town of Rowley Wetlands Protection Bylaw, you are hereby notified of the following:

- A.** The name of the applicant is Ruby Holdings, LLC
- B.** The applicant has filed a(n) Notice of Intent with the Rowley Conservation Commission seeking permission to remove, fill, dredge or alter an area subject to protection under the Town of Rowley Wetlands Protection Bylaw.
(permit type)

- C.** The address of the lot where the activity is proposed is 1000-1002 Haverhill Street
Map 4, Parcel _____, Lot 20.

Description of Project: Construction of 2 addition self storage buildings, associated site work, and installation of gravel yard within a Zone II of a public water supply well.

- D.** Copies of the application may be examined or obtained at the Rowley Conservation Commission Office, Room 4, Town Hall Annex, 39 Central Street, Rowley, MA 01969 between the hours of 9:00 A.M. and 12:30 P.M. on M, T, W, & Th .
For more information please call (978) 948-2330.

- E.** Copies of the application may also be examined or obtained from either the applicant or the applicant's representative by calling this telephone number 781-246-2800 * between the hours of 8a and 4p on the following days of the week: M T W Th F.

*Circle One: This is the applicant, representative, or other (specify): Hayes Engineering, Inc.

- F.** Information regarding the date, time, and place of the public hearing may be obtained from the Rowley Conservation Commission by calling this number (978) 948-2330.

Note: Notice of the public hearing, including its date, time, and place, will be published at least five (5) days in advance in the Newburyport Daily News.

Note: Notice of the public hearing, including its date, time, and place, will be posted in Town Hall, 139 Main Street, Rowley, MA not less than forty-eight (48) hours in advance.

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