

Request for Determination of Applicability

195 Wethersfield Street
Rowley, Massachusetts

January 16, 2024

Owner/Applicant:

Michael DiPlatzi
5 Tarbox Lane
North Reading, MA 01864

Prepared By:

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

W&S Project No:

ROWL-0045





WPA Form 1- Request for Determination of Applicability

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

A. General Information

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Applicant:

Michael DiPlatzi
Name
5 Tarbox Lane
Mailing Address
North Reading
City/Town
617-240-5858
Phone Number
mdiplatzi@comcast.net
E-Mail Address
MA
State
01864
Zip Code
Fax Number (if applicable)

2. Representative (if any):

Williams & Sparages LLC
Firm
Thorsen Akerley
Contact Name
198 N. Main Street
Mailing Address
Middleton
City/Town
978-539-8088
Phone Number
takerley@wsengineers.com
E-Mail Address
MA
State
01949
Zip Code
978-539-8200
Fax Number (if applicable)

B. Determinations

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

- a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

Rowley
Name of Municipality

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



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C. Project Description

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

<u>195 Wethersfield Street</u>	<u>Rowley</u>
Street Address	City/Town
<u>17</u>	<u>26</u>
Assessors Map/Plat Number	Parcel/Lot Number

- b. Area Description (use additional paper, if necessary):

The existing 11.2 acre parcel is predominately wooded and contains a larger Bordering Vegetated Wetland system, which also contains a potential vernal pool as shown on MassMapper. A stream flows out of this wetland systems towards 145 Wethersfield Street. Additionally, there is a Isolated Vegetated Wetland (IVW) along the westerly portion of the property. The IVW is a low-lying area, which contains enough hydrology to support some wetland vegetation.

- c. Plan and/or Map Reference(s):

<u>Topographic Plan - 195 Wethersfield Street</u>	<u>January 16, 2024</u>
Title	Date
<u>Conceptual Yield Plan - 195 Wethersfield Street</u>	<u>January 16, 2024</u>
Title	Date
<u>Conceptual OSRD Plan - 195 Wethersfield Street</u>	<u>January 16, 2024</u>
Title	Date

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

Please see attached narrative.



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C. Project Description (cont.)

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

310 CMR 10.02(2) states that certain minor activities, provided that they comply with 310 CMR 10.02(2)(b)1., which states, minor activities, as described in 310 CMR 10.02(2)(b)2., within the buffer zone and outside any areas specified in 310 CMR 10.02(1)(a) through (e) are not otherwise subject to regulation under M.G.L. c. 131, § 40 provided that the work is performed: solely within the buffer zone, as prescribed in 310 CMR 10.02(2)(b)2.a. through q., in a manner so as to reduce the potential for any adverse impacts to the resource area during construction, and with post-construction measures implemented to stabilize any disturbed areas. 310 CMR 10.02(2)(b)2.g. includes percolation and soil testing for septic systems. Please also see attached narrative.

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single-family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Rowley
City/Town

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D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Michael DiPlatzi

Name

5 Tarbox Lane

Mailing Address

North Reading

City/Town

MA

State

01864

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Michael DiPlatzi
Signature of Applicant

1/11/24
Date

Thorsen Akerley
Signature of Representative (if any)

1/15/24
Date

Introduction:

The subject property is located in central Rowley roughly a half mile east of Route 1. The property is approximately 11.2 acres in size and is an undeveloped wooded lot. The parcel was purchased by the applicant from the Town of Rowley in May of 2022. The property contains an Isolated Vegetated Wetlands (IVW) along Wethersfield Street, which is shown as the “A-series” on the accompanying conceptual plan. A larger Bordering Vegetated Wetland (BVW) system exists along the eastern portion of the property. Within the BVW system exists a vernal pool, which is shown as the “MHW” series. This area is shown as a potential vernal pool on MassMapper.

Our office filed a Request for Determination of Applicability in June of 2023 to allow soil testing to be conducted within 100’ of the IVW on the subject property. Currently, the applicant is hoping to conduct testing in two different areas on the property, both of which are within jurisdictional areas of the Rowley Wetlands Protection Bylaw.

According to the NRCS Web Soil Survey, soils within the subject parcel are mapped as 711, Charlton-Rock outcrop-Hollis complex. The property is not mapped as Priority Habitat for Rare Species by the Natural Heritage and Endangered Species Program (NHESP). The subject parcel is not located within an Area of Critical Environmental Concern (ACEC), nor has any areas mapped as Outstanding Resource Waters. The property does not lie within the Towns Water Supply Protection District.

Proposed Soil Testing Work:

The applicant is proposing to conduct additional soil testing within the 100’ buffer zone to the IVW and BVW on the subject property. This proposed testing area is located directly west of the IVW. The proposed testing area is greater than 25’ from IVW. Additional soil testing is proposed on the easternmost portion of the subject parcel. Testing in this area is outside of the 100’ buffer zone to BVW and greater than 100’ from the Vernal Pool, however machine access to this portion of the site needs to be made by passing through portions of the buffer zone. Temporary access is proposed greater than 25’ from the edge of BVW, however portions of the buffer zone between 25’ to 50’ are proposed to be temporarily disturbed to allow for access to the soil testing area.

Based on a site visit performed by our office, we do not anticipate the need to remove or alter any significant vegetation as part of the proposed soil testing. Although the lot is wooded, it is largely traversable by machine. Test holes would be backfilled and compacted after excavation.



Proposed Development:

The purpose of the soil testing being performed is to determine the best configuration for an Open Space Residential Development (OSRD). Our goal is to creatively design a residential development that results in the preservation of open space and natural resources. The OSRD would result in a reduction of infrastructure and site development. Part of the OSRD process is to prove to the Planning Board how many lots could be built out by preparing something called a “YIELD PLAN.” The Zoning Bylaw requires that we prove out that each of the lots on the “YIELD PLAN” meet the dimensional requirements of the Zoning Bylaw AND be able to support a septic system.

We have included a copy of the “YIELD PLAN” we have prepared as part of the OSRD application for your reference. The “YIELD PLAN” shows 5 proposed lots. In addition, we have included a copy of the proposed “OSRD PLAN” we have been working on. It is still a work in process. Our goal is to create a large open space parcel in the rear of the property and to push as much of the development as possible away from the wetland resources. The draft “OSRD PLAN” shows this information. We have the open space parcel at about seven (7) acres right now and most of the activity more than 100-feet away from the BVW in the rear of the property.

We are still trying to figure out stormwater management and other infrastructure needs for the “OSRD PLAN,” but we wanted to share with you the progress we are making.

Bordering Vegetated Wetlands (BVW):

As mentioned above, there is a BVW system along the eastern portion of the property. This BVW is shown by wetland flags 4-86. The BVW was flagged by LEC Environmental Consultants, LLC and Williams & Sparages LLC.

Work proposed within the 100’ buffer zone to BVW consists of a temporary access path through the northeasterly portion of the site. The approximate access path is shown on the accompanying plan.

Isolated Vegetated Wetlands (IVW):

Additionally, an IVW exists in the center of the site, which is shown as the “A-series” on the accompanying plan. Although IVW is not subject to jurisdiction under the Wetlands Protection Act, it is jurisdictional under the Rowley Wetlands Protection Bylaw.

The IVW was flagged by LEC Environmental Consultants, LLC and Williams & Sparages LLC.



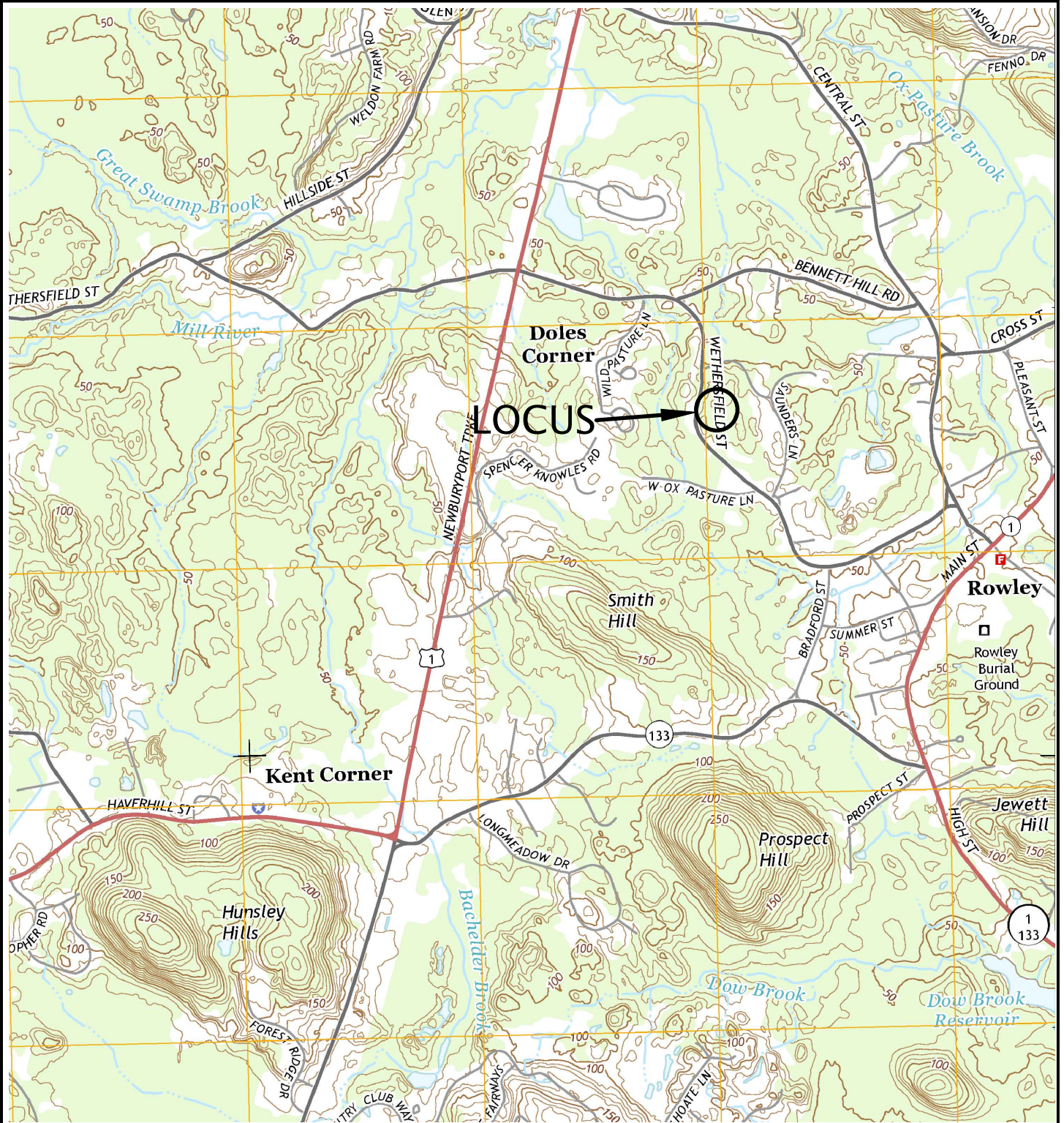
Work proposed within the 100' buffer zone to IVW consists of soil testing in the location shown on the accompanying plan.



WILLIAMS & SPARAGES
CIVIL ENGINEERING &
LAND SURVEYORS



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



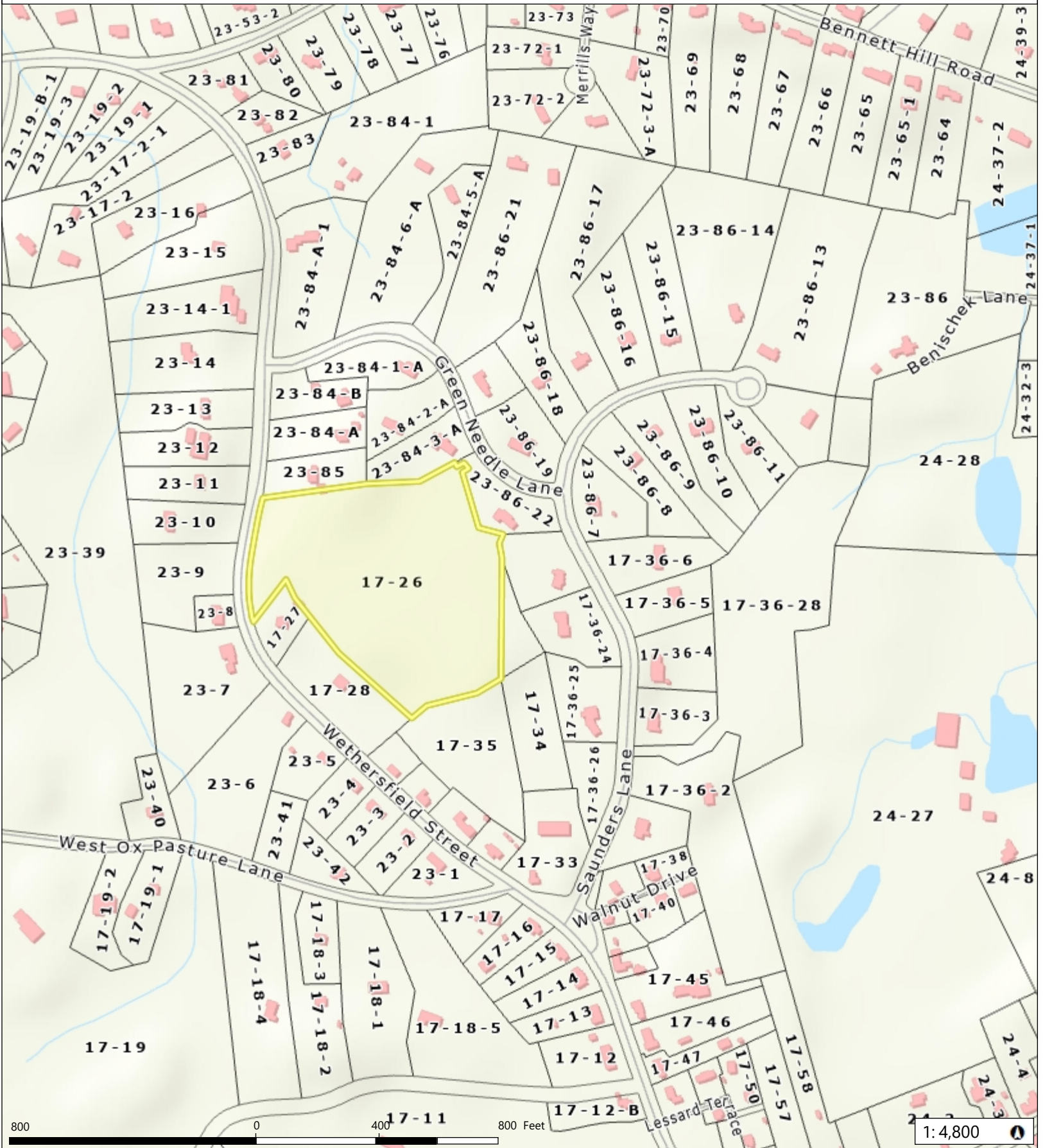
UNITED STATES GEOLOGIC SURVEY MAP
GEORGETOWN, MASS QUAD
SCALE: 1:24,000 (metric contours)

LOCUS MAP
195 WETHERSFIELD STREET
ROWLEY, MA 01969

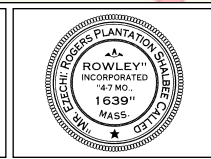


195 Wethersfield Street Locus

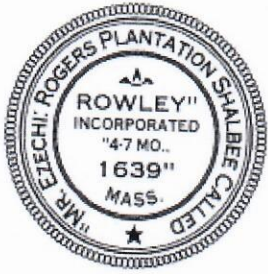
06/26/2023



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



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



Town of Rowley

Conservation Commission

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

Conservation@townofrowley.org

REQUEST TO DETERMINE APPLICABILITY CHECKLIST

Send the following by certified mail, return receipt requested, or hand deliver to:
Rowley Conservation Commission, PO Box 24, or 39 Central Street, Room #4, Rowley MA 01969

- Two copies of the Application including:
 - Completed WPA Form 1 – revised July 2020
 - Section of U.S. Geologic Survey (USGS) quadrangle locating site (8 1/2" x 11")
 - An appropriately sized section of the Assessor's map clearly identifying the property and all others within a hundred feet
 - Plans and calculations clearly describing the location and the nature of the proposed work
 - Proof of mailing or hand delivery of Application to DEP NE regional office (address below)
 - One copy of permission to enter form with original signature of property owner
 - Proof of mailing or delivery of Application to property owner if not applicant
 - One electronic submission in "PDF" form of all Application documents and plans.
 - One copy of the Wetland Bylaw Fee Calculation Form with check for appropriate fee.

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

- One copy of the Application including:
 - Completed WPA Form 1 – revised July 2020.
 - Section of U.S. Geologic Survey (USGS) quadrangle locating site (8 1/2" x 11").
 - An appropriately sized section of the Assessor's map clearly identifying the property and all others within a hundred feet.
 - Plans and calculations clearly describing the location and the nature of the proposed work.

PERMISSION TO ENTER

I, Michael DiPlatzi, hereby grant the Rowley Conservation Commission and its officials permission to enter upon my property at 195 Wethersfield Street (Map 17, Lot 26) to

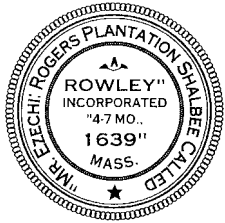
review the filed Request to Determine Applicability and future site conditions for compliance with the issued Determination of Applicability. The sole purpose of this document is to allow Commissioners and their officials to perform their duties under the Wetlands Protection Act (M.G.L. c. 131 s. 40)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

Signed: Michael DiPlatzi
(PROPERTY OWNER)

1/11/24
(DATE)

Rev. 2/22/2023

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



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: 195 Wethersfield Street

Map: 17

Parcel: 26

Lot:

APPLICATION NAME / ACTIVITY	LOCAL BYLAW FEE	# of Activities or Measurement	Subtotal
Request for a Determination of Applicability (RDA)	\$75	1	\$75.00
Abbrev. Notice of Resource Area Delineation (ANRAD)			
Single Family House Project	\$1/linear foot, first 100'; \$0.50/lf, second 100'; \$0.10/lf, each additional foot		
All Other Projects	*\$1/linear foot, first 1000'; \$0.50/lf, second 1000'; \$0.10/lf, each additional foot		
Notices of Intent (NOI)			
Category 1 Activity	\$100		
Category 2 Activity	\$250		
Category 3 Activity	\$525		
Category 4 Activity	\$725		
Category 5 Activity	\$2/foot		
Category 6 Activity - If no ANRAD was filed for the project site, then a local Cat. 6 fee must be paid in accordance with the ANRAD fee schedule	See ANRAD fee schedule		
Request to Amend an OOC (RAOC)	\$100		
Resource Area Alterations (for NOI & RAOC)			
Buffer Zone, 50'-100' from resource area boundary	\$0.05 / square foot		
Buffer Zone, 25'-50' from resource area boundary	\$0.10 / square foot		
Buffer Zone, 0'-25' from resource area boundary	\$0.25 / square foot		
Bordering Vegetated Wetlands & Salt Marsh	\$0.35 / square foot		
Bank	\$5 / linear foot		
Land Under Water & Waterways	\$0.35 / square foot		
Bordering Land Subject to Flooding & CLSSF**	\$0.05 / square foot		
***Riverfront Area only	\$0.05 / square foot		
Isolated Vegetated Wetlands	\$0.35 / square foot		
Land within Groundwater Protection Area Zone I	\$0.25 / square foot		
Land within Groundwater Protection Area Zone II	\$0.05 / square foot		
Other Local-only Jurisdictional Resource Areas	\$0.05 / square foot		
Extension Permit	\$100		
Certificate of Compliance	Projects under one acre in size: \$100 - over an acre in size \$250		
For filings resulting from enforcement action, double the Local Ordinance Fee Total			
LOCAL ORDINANCE FEE TOTAL			\$75.00
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			