



**NORSE ENVIRONMENTAL SERVICES, INC.**

*92 Middlesex Road, Unit 4*

*Tyngsboro, MA 01879*

*TEL. (978) 649-9932 • FAX (978) 649-7582*

*Website: [www.norseenvironmental.com](http://www.norseenvironmental.com)*

# **REQUEST FOR DETERMINATION OF APPLICABILITY**

**FOR**

**SOIL TESTING**

**248 NEWBURY ROAD ASSESSORS MAP 1 BLOCK 20  
OFF NEWBURY ROAD ASSESSORS MAP 1 BLOCK 21  
OFF NEWBURY ROAD ASSESSORS MAP 1 BLOCK 22  
NEWBURY ROAD ASSESSORS MAP 6 BLOCK 13**

**ROWLEY, MA**

**APPLICANT: TURTLE CROSSING LLC**

**AUGUST 2023**

**PROJECT:** SOIL TESTING  
248 NEWBURY ROAD, OFF NEWBURY ROAD,  
NEWBURY ROAD - ROWLEY

**APPLICANT:** TURTLE CROSSING LLC

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- OUTSTANDING RESOURCE WATERS (OWR) MAP
- PLAN



**Massachusetts Department of Environmental Protection**  
 Bureau of Water Resources - Wetlands

**WPA Form 1- Request for Determination of Applicability**

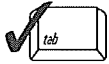
Rowley

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

Municipality

**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:

Turtle Crossing LLC - Michael  
 First Name  
 11 Acorn Street  
 Address  
 Middleton MA 01949  
 City/Town State Zip Code  
 978-828-3383  
 Phone Number  
 montalto.michael@gmail.com  
 Email Address

2. Property Owner (if different from Applicant):

Cynthia Lucia H Al Trustees - Trs Lucia Herrick Realty Tr  
 First Name Last Name  
 141 Dodge Road  
 Address  
 Rowley MA 01969  
 City/Town State Zip Code  
 Phone Number  
 Email Address (if known)

3. Representative (if any)

Maureen Herald  
 First Name Last Name  
 Norse Environmental Services, Inc.  
 Company Name  
 92 Middlesex Road, Unit 4  
 Address  
 Tyngsboro MA 01879  
 City/Town State Zip Code  
 978-649-9932  
 Phone Number  
 mail@norseenv.com  
 Email Address (if known)

**B. Project Description**

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

248 Newbury Rd, off Newbury Rd, Newbury Rd Rowley  
 Street Address City/Town  
 42.68692 -70.93698  
 Latitude (Decimal Degrees Format with 5 digits after decimal) Longitude (Decimal Degrees Format with 5 digits after decimal e.g. -XX.XXXXX)  
 e.g. XX.XXXXX  
 Maps 1 & 6 Blocks 20, 21, 22 & 13  
 Assessors' Map Number Assessors' Lot/Parcel Number

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

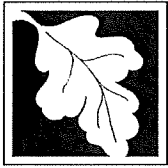
Consist of (4) parcels totaling 33.32 +/- acres. A single family dwelling and sheds are located on 248 Newbury Road. The remainder are wooded with typical New England Species.

c. Plan and/or Map Reference(s): (use additional paper if necessary)

Soil Testing Plan 8-1-2023  
 Title Date  
 By ASB design group, LLC - stamped by Thad Berry  
 Title Date

How to find Latitude and Longitude

and how to convert to decimal degrees



**B. Project Description (cont.)**

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

Proposing soil and perc testing for septic systems at the Turtle Crossing Subdivision located within the 100 ft. Buffer Zone to Bordering Vegetated Wetlands, 100 ft. Vernal Pool Habitat Area and Priority Habitat {PH 2038} of Rare Species.

- 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)(b)(2)(g), "Activities that are temporary in nature, have negligible impacts" and are necessary for planning and design purposes."

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.)





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

Rowley

Name of Municipality

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

**D. Signatures and Submittal Requirements**

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

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

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

Signatures:

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

[Signature]

Signature of Applicant

7/27/23

Date

[Signature]

Signature of Representative (if any)

8-2-23

Date



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# **Request for Determination of Applicability Report**

For

**Soil Testing  
248 Newbury Road,  
off Newbury Road, Newbury Road  
Rowley, MA**

**Prepared For**

Turtle Crossing LLC  
11 Acorn Street  
Middleton, MA 01949

**Prepared By**

Norse Environmental Services, Inc.  
92 Middlesex Road, Unit 4  
Tyngsboro, MA 01879

August 2023

## **Narrative**

The applicant is filing a Request for Determination of Applicability to perform soil testing for subsurface sewage disposal systems at the Turtle Crossing Subdivision. The soil testing is proposed within the 100 ft. Buffer Zone to Bordering Vegetated Wetlands, 100 ft. Vernal Pool Habitat Area and NHESP Priority Habitat {PH 2038} of Rare Species. A copy of the RDA shall be forward to NHESP.

## **Existing Description**

The project consists of (4) parcels of land, shown on the Rowley Assessors Maps 1 & 6, Blocks 20, 21,22 & 13. South of Newbury Road is the Ipswich town line. The (4) parcels consist of 33.32 +/- acres of land with a single-family dwelling, garage and sheds located at 248 Newbury Road. The remainder of the parcels are wooded with typical New England species. The Bordering Vegetated Wetlands, Isolated Vegetated Wetland and Vernal Pool were delineated by Wetlands and Land Management, Inc. The Rowley Conservation Commission issued an Order of Resource Area Delineation, DEP File No.63-0729, verifying these resource areas on 7/20/2022.

The USGS Topographic Map shows no perennial streams on or near the properties. The soil testing is not proposed within Bordering Land Subject to Flooding or the 100-year floodplain. The lots are not located within DEP Groundwater Protection Areas I or II. The project is not located within an Outstanding Resource Water (ORW) or Area of Critical Environmental Concern (ACEC).

## **Soils**

The Web Soil Survey maps the proposed work as Canton & Charlton and Canton series. Canton and Charlton series are deep, steep, well drained soils on the sides of hills and ridges. Some areas are dominantly Canton soils, some are dominantly Charlton soils, and some are both. Permeability is moderately rapid in the subsoil and rapid in the substratum of the Canton soils. It is moderate to moderately rapid throughout the Charlton soils.

Canton series consists of nearly level to very steep, deep (5+ ft.) well drained soils on uplands. They formed in glacial till, ground moraine and ice-contact stratified drift. Canton soils have friable fine sand loam surface soil and subsoil with moderately rapid permeability, over a loamy coarse sand to loamy fine sand substratum at 18 to 36 inches with rapid permeability. Canton soils have a very stony or extremely stony surface, except where stones have been removed and have stones below the surface. Major limitations are related to slope and stoniness.

### **310 CMR 10.00 Exemptions**

The Massachusetts Wetland Protection Act, 310 CMR 10.00, has the following minor activities within the buffer zone exemption 310 CMR 10.02(2)(b)(2)(g) states:

g. Activities that are temporary in nature, have negligible impacts, and are necessary for planning and design purposes (e.g., installation of monitoring wells, exploratory borings, sediment sampling and surveying **and percolation tests for septic systems** provided that resource areas are not crossed for site access);

### **21 CMR 10.00 MESA Exemption**

The following Projects and Activities shall be exempt from the requirements of a MESA filing (21 CMR 10.18 through 10.23).

(14) performance of customary land surveying activities, wetland resource area delineations, **percolation tests**, environmental assessments and investigations performed in accordance with M. G. L. c. 21E, and other customary preliminary site investigations or customary property due diligence activities, provided that vegetation clearing, and soil alteration are avoided or minimized to the maximum extent practicable;

*The applicant is proposing testing within NHESP mapping of Priority Habitat {PH 2038} of the Blanding's Turtle (Emydoidea blandingii).*

### **Rowley Wetlands Protection Bylaw**

## **III. JURISDICTION UNDER THE BYLAW**

### **A. Protected Resource Areas subject to Jurisdiction by the Conservation Commission**

The provisions of this Bylaw apply to the following wetlands resource areas and presumptions. Except as otherwise provided in this Bylaw, the wetlands resource areas and presumptions shall be set forth in MGL Chapter 131 Section 40 and 310 CMR 10.00.

Each resource area or area subject to protection is presumed significant to the protection of the wetlands interests and values enumerated in Section I.

9. Any areas designated critical or environmentally sensitive, including the approved Department of Environmental Protection Groundwater Protection Area, 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.

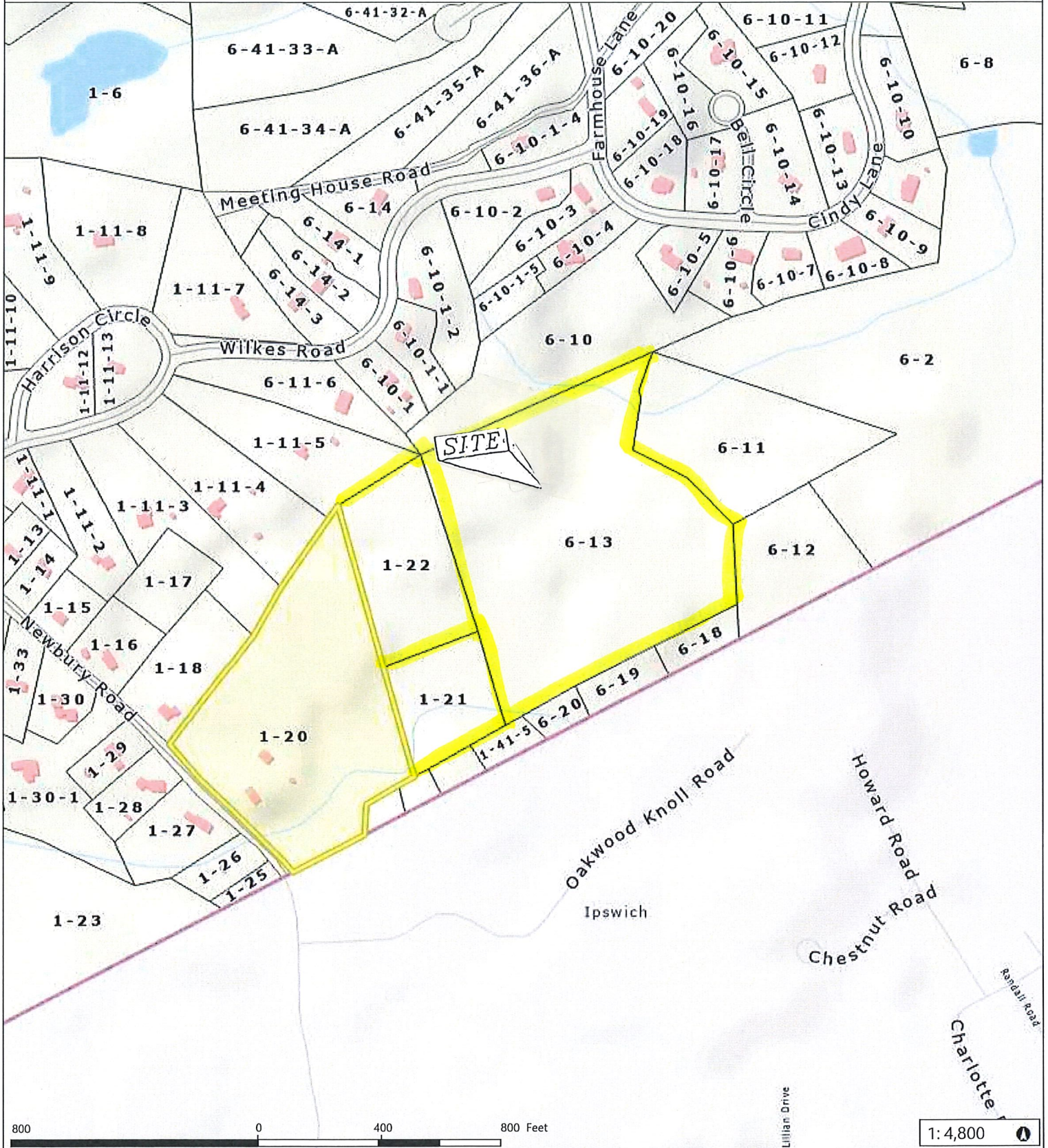
Rare species shall include, without limitation, all vertebrate and invertebrate animal and all plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless of whether the site in which they occur has been previously identified by the Massachusetts Division of Fisheries and Wildlife.

*The applicant is requesting a waiver from the above-mentioned bylaw to perform soil testing within NHESP Blanding's Turtle Priority Habitat for Rare or Endangered Species. The work is exempt under the Wetland Protection Act and NHESP.*



# 248 Newbury Road, Off Newbury Road, Newbury Road - Rowley

07/26/2023

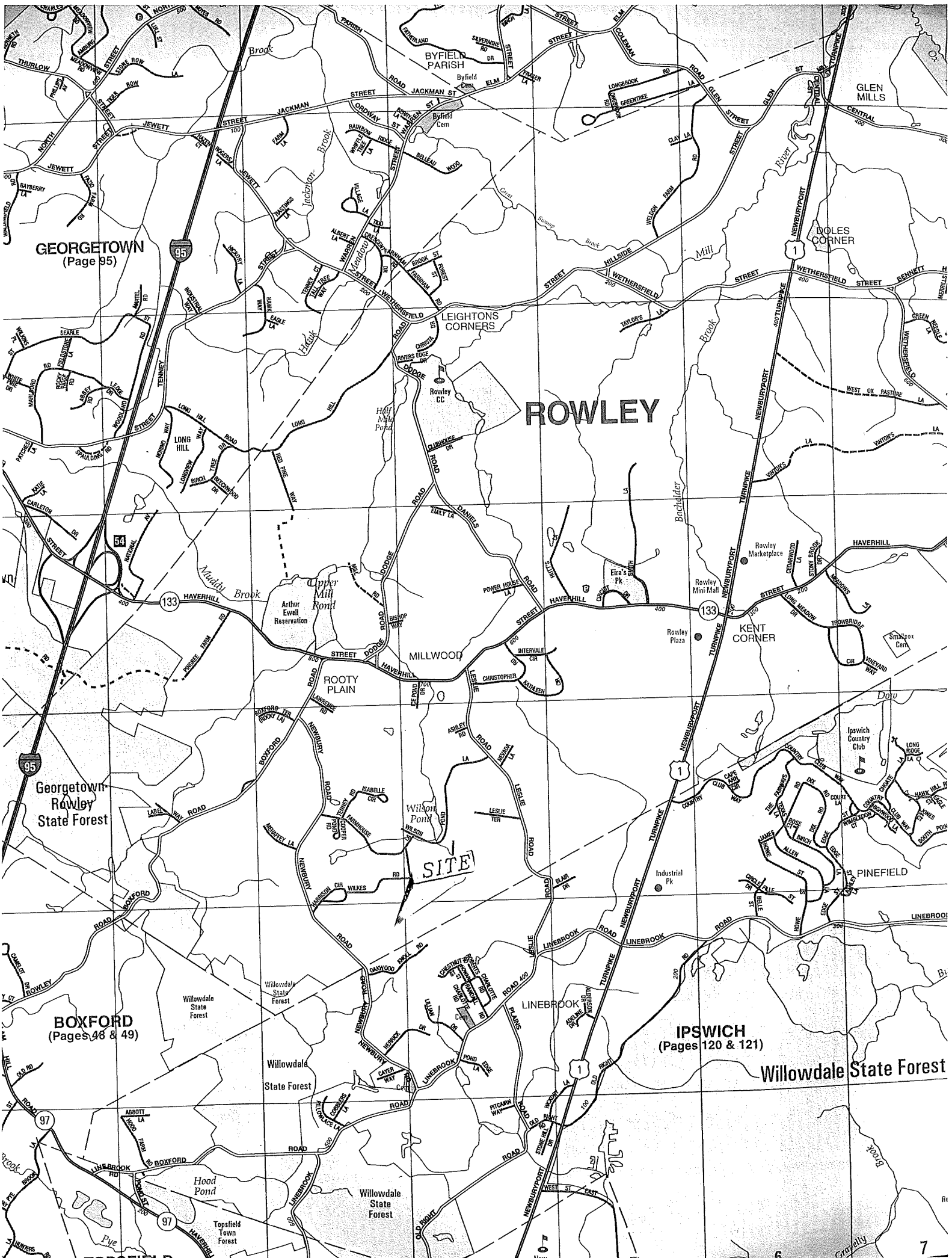


Data Sources: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the Town of Rowley & MassGIS/MassGIS.  
 MVPC AND THE TOWN OF ROWLEY MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE TOWN OF ROWLEY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



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





GEORGETOWN  
(Page 95)

Georgetown-Rowley  
State Forest

BOXFORD  
(Pages 48 & 49)

Willowdale  
State Forest

Willowdale  
State Forest

Hood Pond

Willowdale  
State Forest

Muddy Brook

Arthur  
Ewell  
Reservation

ROOPY  
PLAIN

SITE

Wilson  
Pond

Willowdale  
State Forest

Willowdale  
State Forest

Hood Pond

Willowdale  
State Forest

ROWLEY

LEIGHTONS  
CORNERS

MILLWOOD

Wilson  
Pond

LINEBROOK

IPSWICH  
(Pages 120 & 121)

Willowdale State Forest

GLEN MILLS

DOLES  
CORNER

KENT  
CORNER

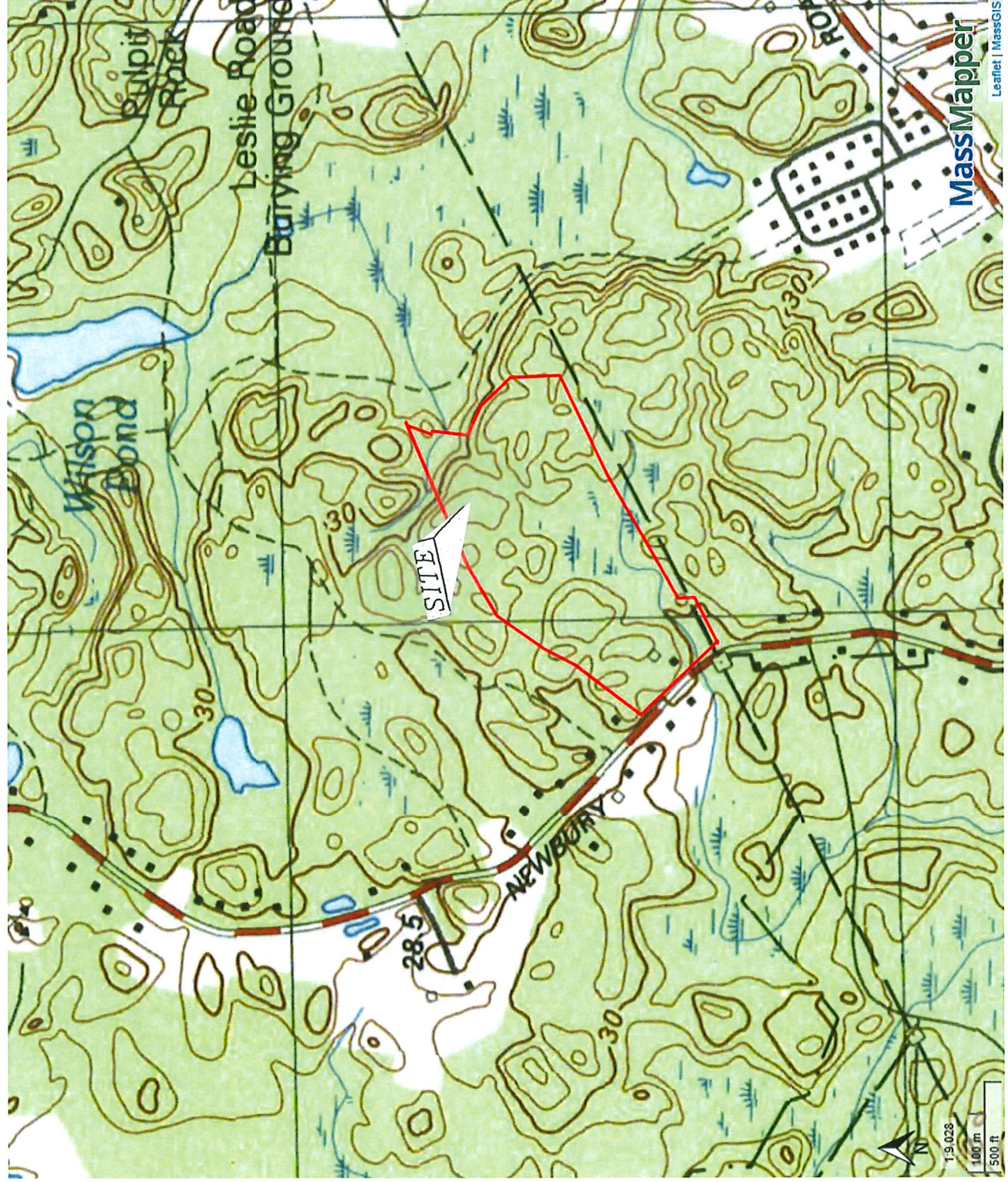
HAVERHILL

PINEFIELD



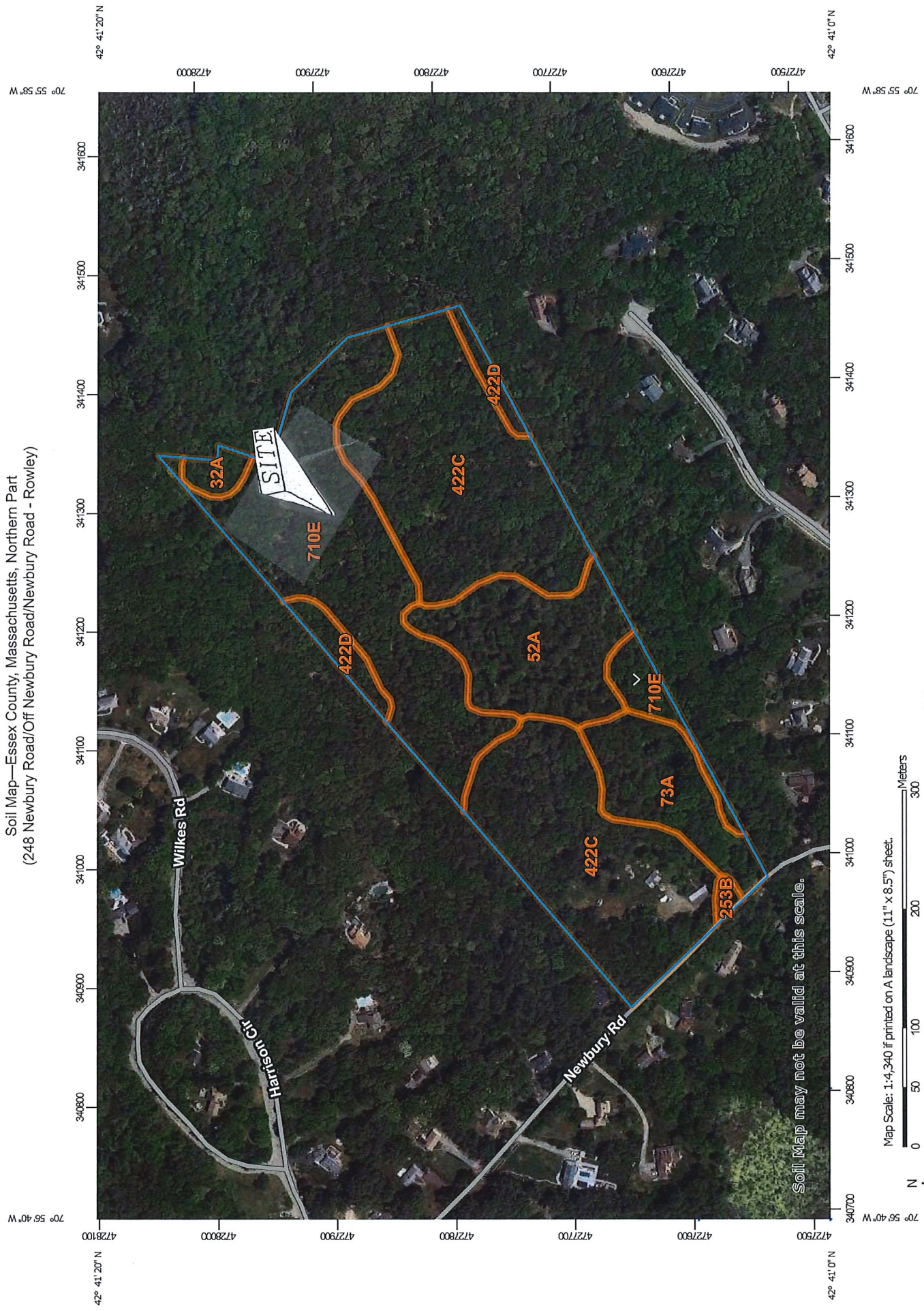
# 248 Newbury Rd, off Newbury Rd, Newbury Rd - Rowley

USGS Topographic Maps  
Property Tax Parcels



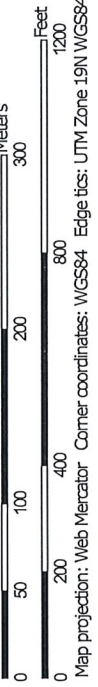


Soil Map—Essex County, Massachusetts, Northern Part  
 (248 Newbury Road/Off Newbury Road/Newbury Road - Rowley)



Soil Map may not be valid at this scale.

Map Scale: 1:4,340 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 19N WGS84

































Natural Resources  
 Conservation Service

Web Soil Survey  
 National Cooperative Soil Survey



## MAP LEGEND

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

## MAP INFORMATION

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

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

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

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

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

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

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

Soil Survey Area: Essex County, Massachusetts, Northern Part  
Survey Area Data: Version 18, Sep 9, 2022

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

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

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

## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
32A	Wareham loamy sand, 0 to 3 percent slopes	0.4	1.3%
52A	Freetown muck, 0 to 1 percent slopes	4.0	13.1%
73A	Whitman fine sandy loam, 0 to 3 percent slopes, extremely stony	2.6	8.4%
253B	Hinckley loamy sand, 3 to 8 percent slopes	0.1	0.5%
422C	Canton fine sandy loam, 8 to 15 percent slopes, extremely stony	13.9	45.1%
422D	Canton fine sandy loam, 15 to 35 percent slopes, extremely stony	1.0	3.2%
710E	Canton and Charlton fine sandy loams, 15 to 35 percent slopes, extremely stony	8.8	28.5%
<b>Totals for Area of Interest</b>		<b>30.8</b>	<b>100.0%</b>



# National Flood Hazard Layer FIRMette

70°56'37"W 42°41'25"N



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

## Legend

**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, Area of 1% annual chance flood with average depth less than one foot or with draining 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**

- Area of Minimal Flood Hazard *Zone X*
- Effective LOMRS
- Area of Undetermined Flood Hazard *Zone X*

**GENERAL STRUCTURES**

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

**Cross Sections with 1% Annual Chance**

- Water Surface Elevation
- Coastal Transsect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transsect Baseline
- Profile Baseline
- Hydrographic Feature

**OTHER FEATURES**

- Digital Data Available
- No Digital Data Available
- Unmapped

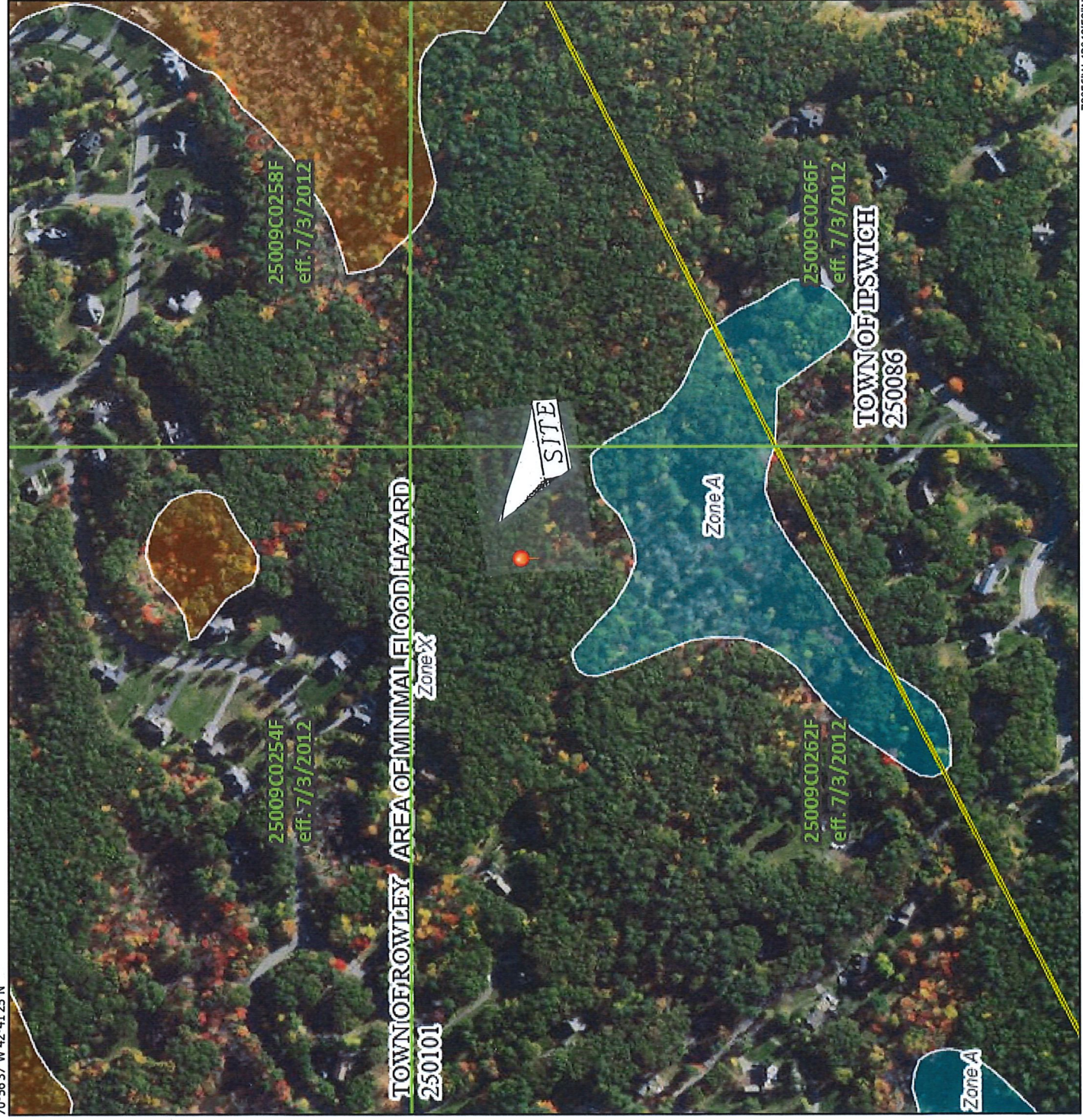
**MAP PANELS**

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 7/19/2023 at 2:40 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

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



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

70°56'37"W 42°40'59"N



# 248 Newbury Rd, off Newbury Rd, Newbury Rd - Rowley

Potential Vernal Pools



NHESP Priority Habitats of Rare Species:



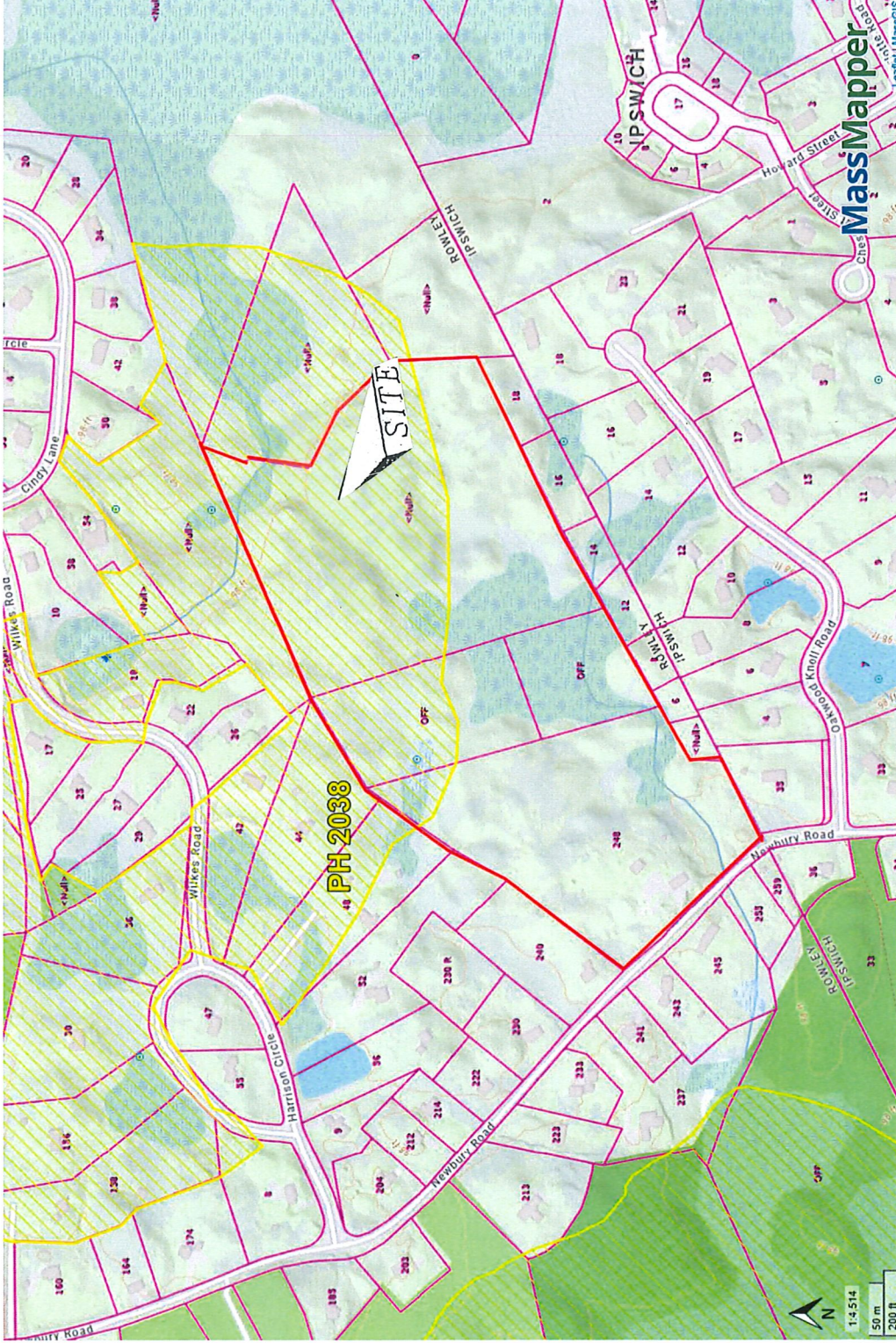
NHESP Estimated Habitats of Rare Wildlife



NHESP Certified Vernal Pools



Property Tax Parcels



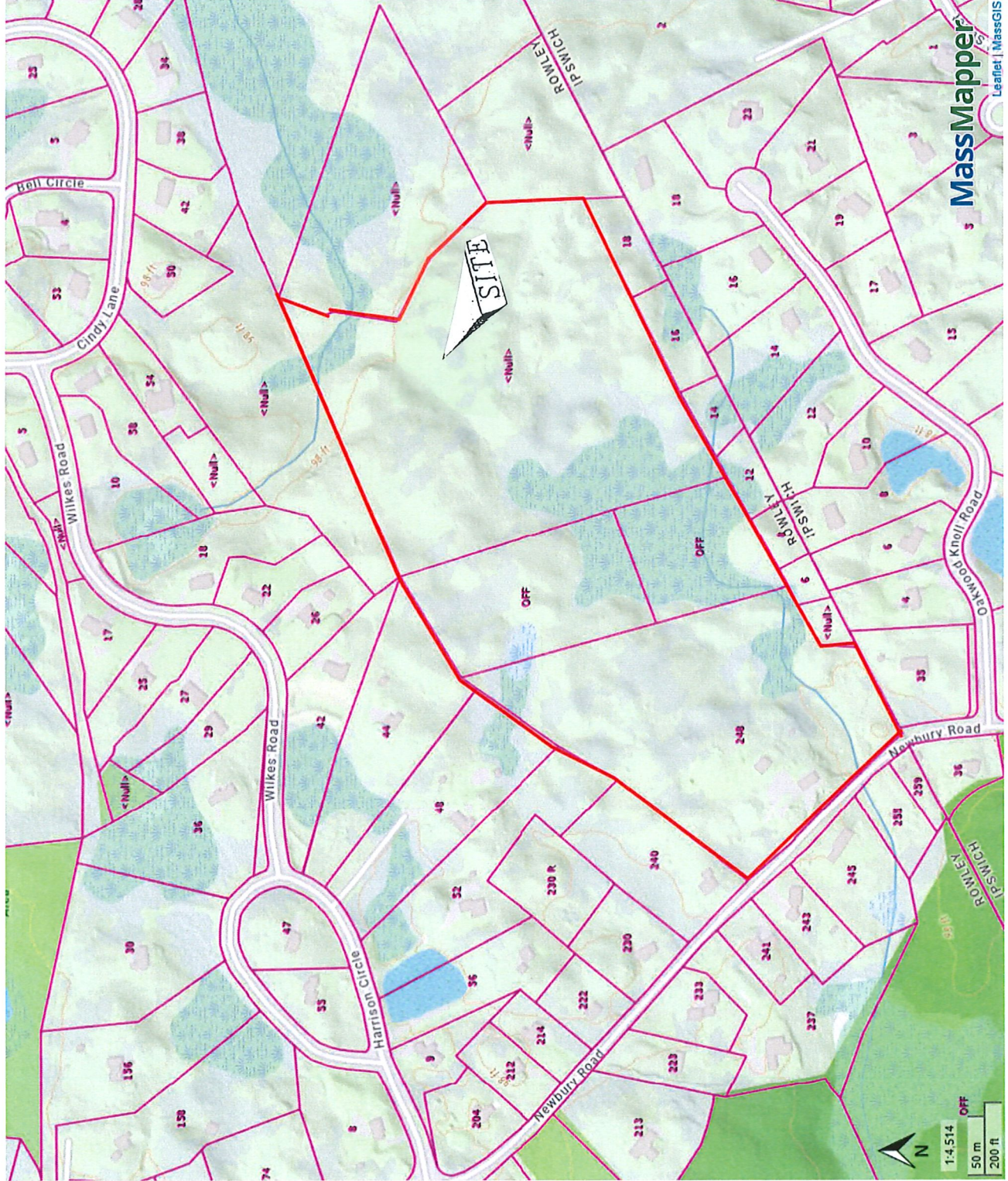


# 248 Newbury Rd, off Newbury Rd, Newbury Rd - Rowley

Areas of Critical Environmental Concern  
ACECs



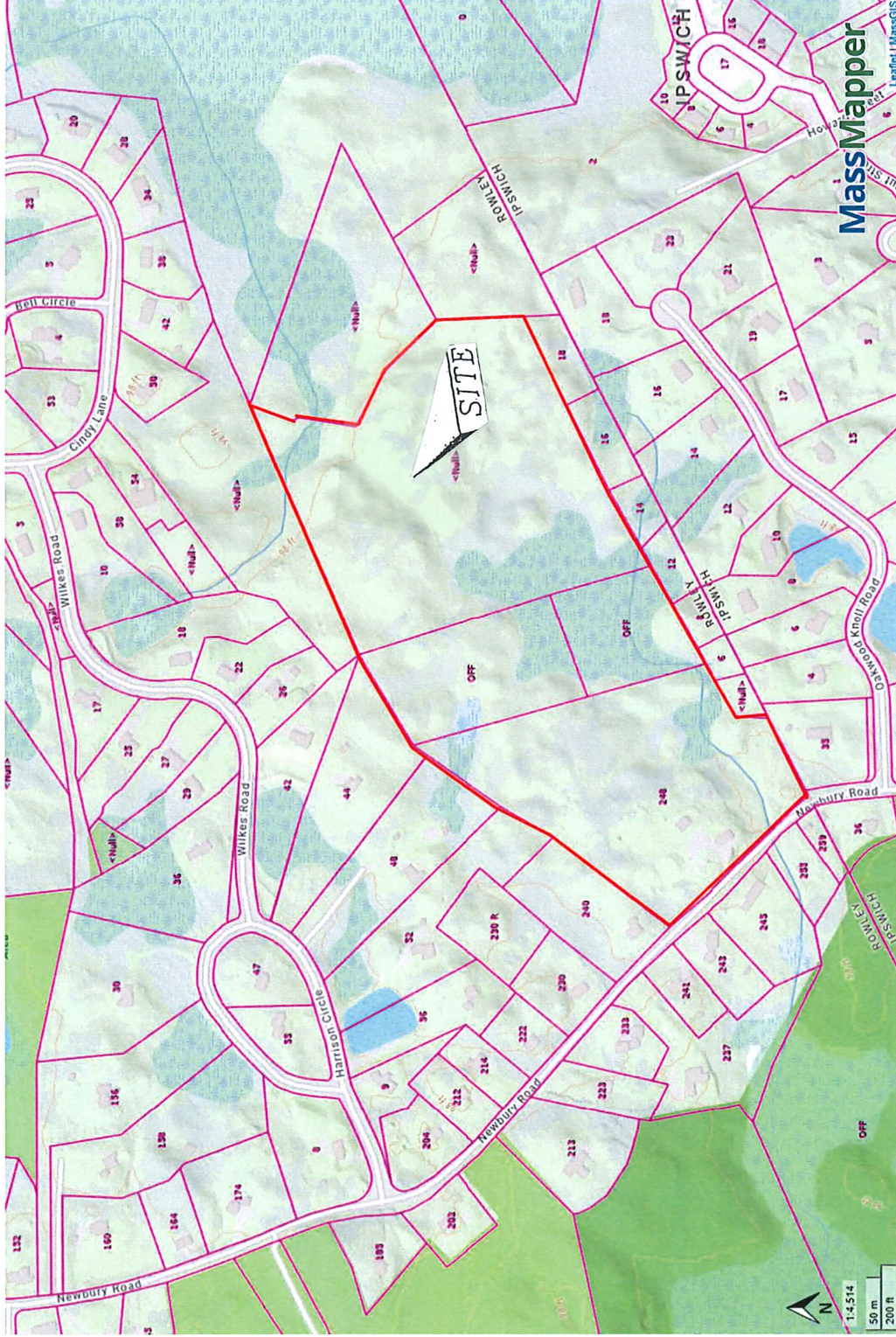
Property Tax Parcels





# 248 Newbury Rd, off Newbury Rd, Newbury Rd - Rowley

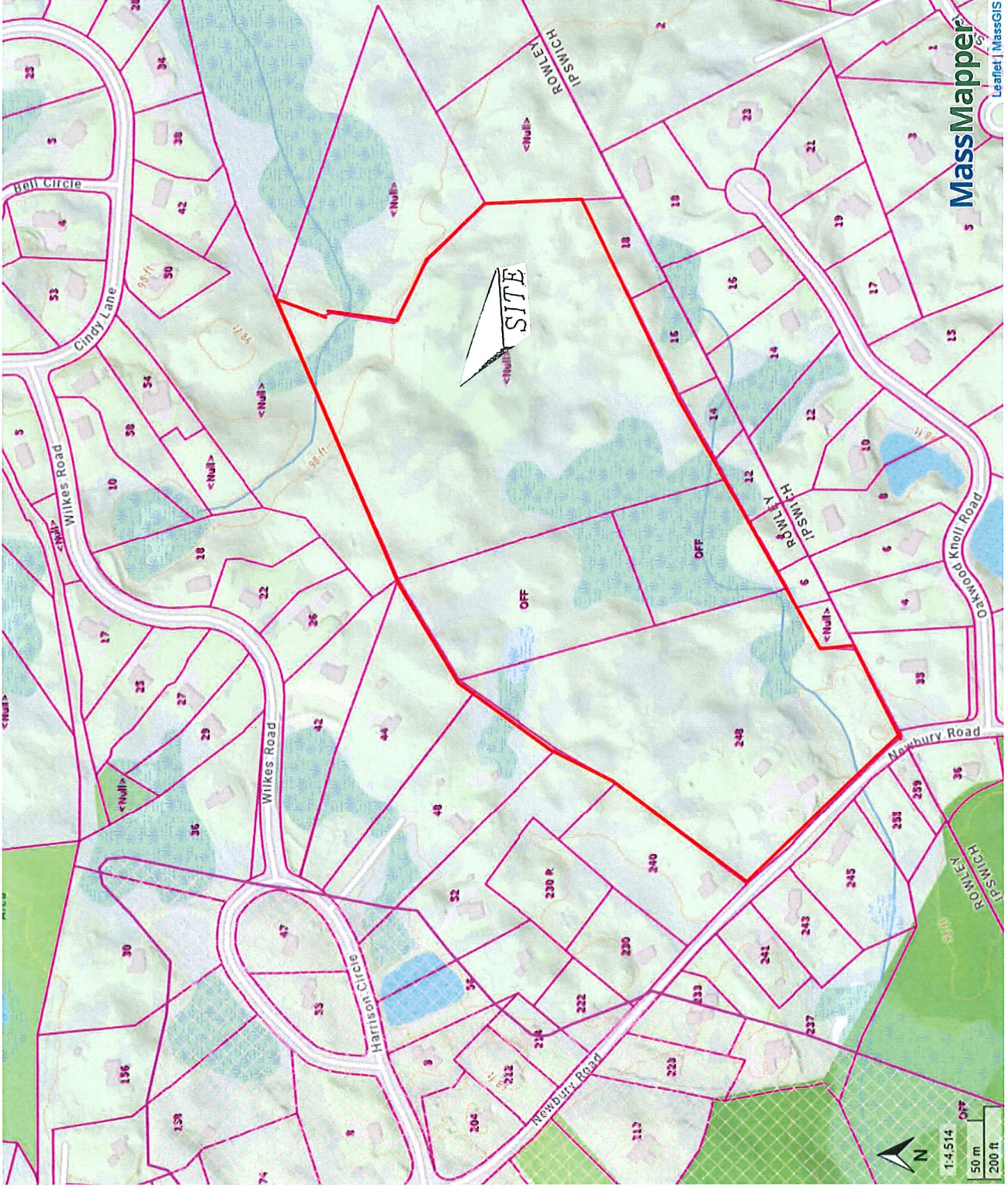
- Zone Is
- Property Tax Parcels





# 248 Newbury Rd, off Newbury Rd, Newbury Rd - Rowley

- Zone IIs
- Property Tax Parcels





# 248 Newbury Rd, off Newbury Rd, Newbury Rd - Rowley

## Outstanding Resource Waters

- ACEC
- Cape Cod National Seashore
- Protected Shoreline
- Public Water Supply Watershed
- Retired Public Water Supply
- Scenic/Protected River
- Wildlife Refuge

## Property Tax Parcels

