

# **Request for Determination of Applicability Application**

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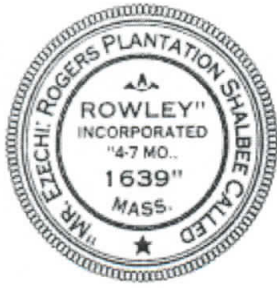
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**275 Newburyport Turnpike  
Rowley, MA**

December 2023



**Wetlands & Land Management, Inc.  
100 Conifer Hill Drive-Suite 516  
Danvers, MA 01923**



# Town of Rowley

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

## REQUEST TO DETERMINE APPLICABILITY CHECKLIST

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

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

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

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

### PERMISSION TO ENTER

I, Vernon Bell, hereby grant the Rowley Conservation Commission and its officials permission to enter upon my property at 275 Newburyport TKP 16-b to

(NAME OF PROPERTY OWNER)  
(STREET ADDRESS AND ASSESSOR’S MAP/PARCEL/LOT)  
review the filed Request to Determine Applicability and future site conditions for compliance with the issued Determination of Applicability. The sole purpose of this document is to allow Commissioners and their officials to perform their duties under the Wetlands Protection Act (M.G.L. c. 131 s. 40) and the Town of Rowley Wetlands Protection Bylaw.

Signed: V. Bell  
(PROPERTY OWNER)

12/14/2023  
(DATE)

December 13, 2023

Brent Baeslack  
Rowley Conservation Commission  
Town Hall Annex  
39 Central Street  
Rowley, MA 01969

RE: Request for Determination of Applicability – 275 Newburyport Turnpike, Rowley

Dear Mr. Baeslack and Conservation Commission Members

The applicant and owner, Vernon Bell is considering constructing a small storage building for his pool business and desires to conduct soil testing for future storm water management design.

The site is vacant except for a paved access easement to the Mass DOT yard directly behind this property. Much of the property is encumbered by wetlands however there are areas of upland in the northeast corner of the lot where construction of a storage building will be possible. The wetlands have been field marked by Wetlands & Land Management, Inc., surveyed and plotted on the enclosed plan. (Be advised that two of the soil test pits would be within the Rowley 25-foot no cut and no disturb zone and the future building will also likely be within the no-cut and no disturb zone. We also expect that a small finger-like projection of wetland would be altered to construct the building.

Much of the available upland has been compromised by fill and establishment of invasive Japanese knotweed. We expect to include an extensive buffer zone improvement plan when the applicant files a future Notice of Intent application. For now, the applicant is taking small, incremental steps towards future design of the site. On behalf of the applicant, Wetlands & Land Management, Inc. has filed this Request for Determination of Applicability to perform the soil testing. We are seeking a negative determination to complete this work.

The soil testing plan shows four proposed soil test locations in relation to nearby wetlands. The Applicant will have a certified soil evaluator conduct the soil test pit observations. The soil evaluator have an excavator machine to dig the soil test pits.

With the soil evaluator on site, the excavator will dig the four soil observation and/or percolation testing pits. Depth of excavation is roughly eight feet deep. The soil will be piled directly adjacent to the test pit. After observing and recording soil conditions, the holes will be backfilled. The entire process should be a few hours on site. Upon backfilling, the contractor will tamp the pits to compact the soil and then smooth the ground surface.

We are seeking a negative determination that the test pit work can proceed without any additional permitting. Be advised, no additional work is proposed with the RDA. Once a site layout is designed, the applicant will return to the Commission with a separate application and plans.

Sincerely,

Wetlands & Land Management, Inc.

*William Manuell*

William J. Manuell  
Wetland Scientist

**LOCUS MAP AND MIMAP – ASSESSOR INFO**

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**Locus Map**  
Source: United States Geological Survey



**Wetlands & Land Management, Inc.**

100 Conifer Hill Drive - #516

Danvers, MA 01923

978-777-0004



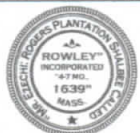
# TOWN OF ROWLEY Assessor map 275 Newburyport Tnk

12/14/2023



1:4,800

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



- |                     |                       |            |               |            |            |         |
|---------------------|-----------------------|------------|---------------|------------|------------|---------|
| Municipal Boundary  | Roads                 | Interstate | <b>Legend</b> | Major Road | Local Road | Parcels |
| Building Footprints | Hydrographic Features | Streams    |               |            |            |         |

REQUEST FOR DETERMINATION OF APPLICABILITY (WPA FORM 1)

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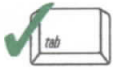
**WPA Form 1- Request for Determination of Applicability**

Rowley  
Municipality

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

**A. General Information**

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



1. Applicant:

Vernon  
First Name  
PO Box 93  
Address  
Rowley  
City/Town  
978-992-8123  
Phone Number  
Bell  
Last Name  
MA  
State  
01969  
Zip Code  
Vernon@platinum-pools.com  
Email Address

2. Property Owner (if different from Applicant):

SAME  
First Name  
Last Name  
Address  
City/Town  
State  
Zip Code  
Phone Number  
Email Address (if known)

3. Representative (if any)

William  
First Name  
Manuell  
Last Name  
Company Name  
100 Conifer Hill Drive #516  
Address  
Danvers  
City/Town  
978-777-0004  
Phone Number  
MA  
State  
01923  
Zip Code  
bill@wetlandslm.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):

275 Newburyport Turnpike  
Street Address  
42.71050  
Latitude (Decimal Degrees Format with 5 digits after decimal e.g. XX.XXXXX)  
16  
Assessors' Map Number  
Rowley  
City/Town  
-70.90688  
Longitude (Decimal Degrees Format with 5 digits after decimal e.g. -XX.XXXXX)  
6  
Assessors' Lot/Parcel Number

[How to find Latitude and Longitude](#)

[and how to convert to decimal degrees](#)

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

Vacant land at 275 Newburyport Turnpike

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

Existing Conditions Plan  
Title  
12-14-23  
Date  
Title  
Date



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

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

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

Conduct temporary excavations for soil test pits for future stormwater design. Backfill holes the same day.

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- 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...percolation tests...

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.)

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Massachusetts Department of Environmental Protection  
Bureau of Water Resources - Wetlands

**WPA Form 1- Request for Determination of Applicability** Rowley  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 Municipality

**C. Determinations**

1. I request the Rowley 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

12-13-23  
Date

[Signature]  
Signature of Representative (if any)

12-13-23  
Date

**FILING FEE INFORMATION**

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# 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](mailto:conservation@townofrowley.org)

## WETLAND BYLAW FEE CALCULATION FORM

Property Address:	Map:	Parcel:	Lot:
<b>APPLICATION NAME / ACTIVITY</b>	<b>LOCAL BYLAW FEE</b>	<b># of Activities or Measurement</b>	<b>Subtotal</b>
Request for a Determination of Applicability (RDA)	\$75	one	75.00
<b>Abbrev. Notice of Resource Area Delineation (ANRAD)</b>			
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		
<b>Notices of Intent (NOI)</b>			
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		
<b>Request to Amend an OOC (RAOC)</b>	\$100		
<b>Resource Area Alterations (for NOI &amp; RAOC)</b>			
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		
<b>Extension Permit</b>	\$100		
<b>Certificate of Compliance</b>	Projects under one acre in size: \$100 - over an acre in size \$250		
<b>For filings resulting from enforcement action, double the Local Bylaw Fee Total</b>			
<b>LOCAL BYLAW FEE TOTAL</b>			<b>75.00</b>
<b>As Determined by the Commission, Fee Total not to exceed \$15,000 except Enforcement</b>			
<b>NOTES:</b>			
*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			