

**REQUEST FOR DETERMINATION OF APPLICABILITY**

**FILED UNDER:  
MASSACHUSETTS WETLANDS PROTECTION ACT MGL c131 §40**

**PROJECT:  
PROPOSED TEST PITTING PROGRAM AND REPLACEMENT SEPTIC SYSTEM CONSTRUCTION  
7 NEWBURY ROAD  
ROWLEY, MASSACHUSETTS 01969**

**PREPARED FOR:  
STEPHEN DEANGELIS  
7 NEWBURY ROAD  
ROWLEY, MASSACHUSETTS 01969**

**PREPARED BY:**



**LYNNBROOK  
CONSULTING LLC**

*28 Lynnbrook Road • Lynnfield, Massachusetts 01940*

Phone: (617) 640-7949

**JANUARY 12, 2024**

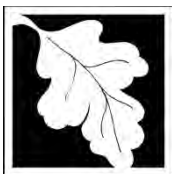
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# **WPA FORM 1**

**TEST PITTING PROGRAM AND REPLACEMENT SEPTIC SYSTEM  
CONSTRUCTION**

**7 NEWBURY ROAD  
ROWLEY, MASSACHUSETTS**



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

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

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:

First Name \_\_\_\_\_ Last Name \_\_\_\_\_

Address \_\_\_\_\_

City/Town \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_ Email Address \_\_\_\_\_

2. Property Owner (if different from Applicant):

First Name \_\_\_\_\_ Last Name \_\_\_\_\_

Address \_\_\_\_\_

City/Town \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_ Email Address (if known) \_\_\_\_\_

3. Representative (if any)

First Name \_\_\_\_\_ Last Name \_\_\_\_\_

Company Name \_\_\_\_\_

Address \_\_\_\_\_

City/Town \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_ 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):

Street Address \_\_\_\_\_ City/Town \_\_\_\_\_

Latitude (Decimal Degrees Format with 5 digits after decimal e.g. XX.XXXXX) \_\_\_\_\_ Longitude (Decimal Degrees Format with 5 digits after decimal e.g. -XX.XXXXX) \_\_\_\_\_

Assessors' Map Number \_\_\_\_\_ Assessors' Lot/Parcel Number \_\_\_\_\_

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

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

Title \_\_\_\_\_ Date \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

[How to find Latitude and Longitude](#)

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



## WPA Form 1- Request for Determination of Applicability

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):

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).

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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 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:

Town 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(b)(1) of the Wetlands Protection Act regulations.

X [Signature]  
Signature of Applicant

1/30/24  
Date

[Signature]  
Signature of Representative (if any)

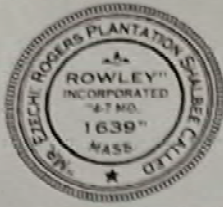
1/12/24  
Date

# **RDA CHECKLIST**

TEST PITTING PROGRAM AND REPLACEMENT SEPTIC SYSTEM  
CONSTRUCTION

7 NEWBURY ROAD  
ROWLEY, MASSACHUSETTS





# 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~~ 4/28/23
  - 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~~ 4/28/23
  - 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, Stephen Deangelis, hereby grant the Rowley Conservation Commission and its  
(NAME OF PROPERTY OWNER)

officials permission to enter upon my property at 7 Newbury Road, Rowley to  
(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: [Signature]

(PROPERTY OWNER)

1/30/24

(DATE)

Rev. 2/22/2023

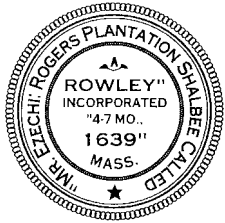
Town Hall Annex • Room 4 • 39 Central Street • P.O. Box 24 • Rowley, MA  
01969



# **WETLAND FEE CALCULATION FORM**

TEST PITTING PROGRAM AND REPLACEMENT SEPTIC SYSTEM  
CONSTRUCTION

7 NEWBURY ROAD  
ROWLEY, MASSACHUSETTS



# 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:

APPLICATION NAME / ACTIVITY	LOCAL BYLAW FEE	# of Activities or Measurement	Subtotal
<b>Request for a Determination of Applicability (RDA)</b>	\$75	1	\$75
<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 Ordinance Fee Total</b>			
<b>LOCAL ORDINANCE FEE TOTAL</b>			<b>\$75</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			

# **ATTACHMENT A**

## **NARRATIVE**

**TEST PITTING PROGRAM AND REPLACEMENT SEPTIC SYSTEM  
CONSTRUCTION**

**7 NEWBURY ROAD  
ROWLEY, MASSACHUSETTS**

## INTRODUCTION

In accordance with the Massachusetts Wetlands Protection Act (MGL 131 Section 40); and its implementing Regulations (310 CMR 10.00 et seq.). Lynnbrook Consulting, on behalf of Mr. Stephen Deangelis, the property owner, is submitting this Request for Determination of Applicability (RDA) to the Rowley Conservation Commission for a two-phase project related to the replacement of a failing septic system. The two project phases are as follows:

- Phase 1 – The completion of a deep soil test pitting program with associated percolation tests in accordance with Massachusetts Title V (310 CMR 15.00); and
- Phase 2 – The construction of a new septic system to replace a failing system that serves the single-family home. The final location of the disposal system portion of the septic system will be in the location of the test pit that is found to have the preferred results.

The proposed project will occur within a Zone II Wellhead Protection Area.

## EXISTING SITE CONDITIONS

The property at 7 Newbury Road is a 0.69-acre residential property located at the corner of Newbury Road and Boxford Road Rowley, Massachusetts. The property is occupied by a 2,954 square foot single family residence with a swimming pool and a paved driveway/parking area.

No wetland resource areas are located within the proposed project area and no work is planned within a regulated buffer area.

The most recent Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM Panel 25009C0254F; effective 07/04312) shows the property to be located within an Area of minimal Flood Hazard (Zone X) (Attachment B: Figure 3).

According to the Natural Heritage and Endangered Species Program's (NHESP) Massachusetts Natural Heritage Atlas (15<sup>th</sup> Edition, August 2021), the site is not located within a Priority Habitat of Rare Species or an Estimated Habitat of Rare Wildlife. No Certified Vernal Pools under the jurisdiction of the Wetlands Protection Act Regulations or the Massachusetts Endangered Species Act (321 CMR 10.00 et seq.) are located near the Project (Attachment B: Figure 4).

The property is not within an Area of Critical Environmental Concern or other Critical Areas such as an Ordinary Resource Water (Zone A or B). However, the entire project site IS located in a Zone II Wellhead Protection Area. (Attachment B: Figure 5).

## PROPOSED WORK

The current septic system that services the single-family home is failing and in need of replacement. The new system is currently under design in accordance with the Massachusetts septic system code Title V (310 CMR 15.000), and as a component of those requirements, the completion of deep soil observation test pits and percolation tests will be required to aid in the siting of the new system. Since the test pit program will need to be performed within a Zone II Wellhead Protection area, the filing of this RDA is required, and along with the test pitting program, Lynnbrook is requesting that the construction of the new septic system also be considered under this one RDA. Therefore, the RDA includes two project phases as follows:

- Phase 1 – The completion of a deep soil test pitting program with associated percolation tests in accordance with Massachusetts Title V (310 CMR 15.00); and
- Phase 2 – The construction of a new septic system to replace a failing system that serves the single-family home. The final location of the disposal system portion of the septic system will be in the location of the test pit that is found to have the preferred results.

After the test pits are completed they will immediately backfilled and the area returned to prior conditions. Similarly, with the construction of the replacement septic system, after construction is completed, the area will be restored.

## BEST MANAGEMENT PRACTICES

Construction Best Management Practices will be used to avoid sediment transport during construction. This is expected to include the installation of compost silt socks throughout construction and will be removed after the areas are stabilized. Paved areas will be swept after work is complete.

## SUMMARY

The project is intended to replace a failing septic system at a single-family residence with the new septic system complying with Massachusetts Title V (310 CMR 15.000) requirements. The Phase 1- Test Pitting Program and Phase 2 – Construction of a replacement septic system involves work within a Zone II Wellhead Protection Area. No new impacts to wetland resource areas, buffer zones or other critical areas will occur.

Best Management Practices will be put into place to avoid impacts to nearby areas. Sedimentation and erosion controls will be installed prior to the start of the work and will remain in place until the area is stabilized.

Lynnbrook, on behalf of the Applicant, is requesting the issuance of a Negative Determination of Applicability with a determination from the Conservation Commission that the proposed activities will not impact resource areas.



# **ATTACHMENT B**

## **FIGURES**


TEST PITTING PROGRAM AND REPLACEMENT SEPTIC SYSTEM  
CONSTRUCTION

7 NEWBURY ROAD  
ROWLEY, MASSACHUSETTS

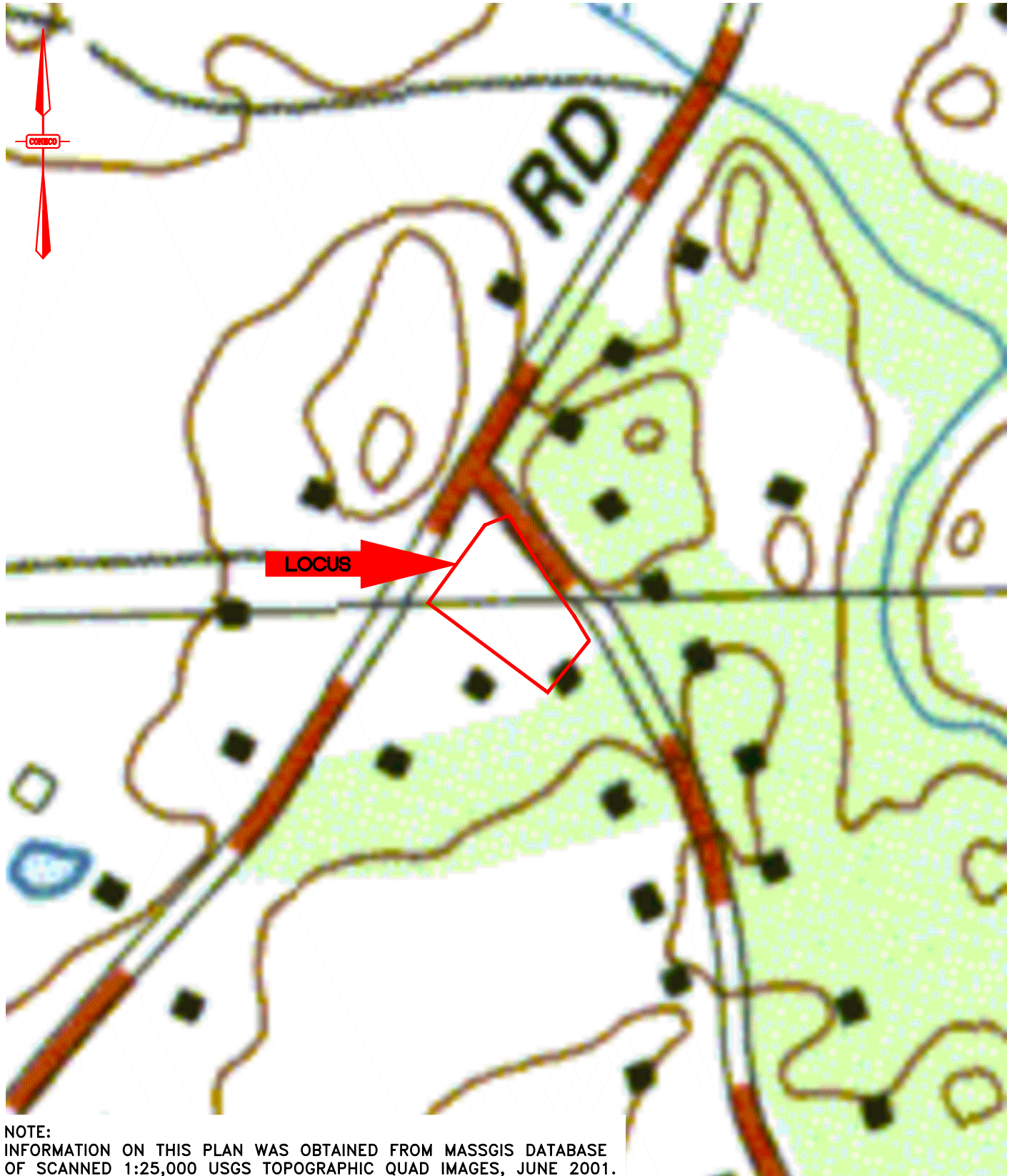


NOTE:  
 INFORMATION ON THIS PLAN WAS OBTAINED FROM MASSGIS  
 DATABASE AERIAL PHOTOGRAPHIC IMAGES, SPRING 2021.

7 NEWBURY STREET, ROWLEY, MA 01969

 <b>LYNNBROOK</b> CONSULTING LLC	PREPARED FOR: <b>STEPHEN DEANGELIS</b>		PLAN SET: <b>NOI FIGURES</b>	
	SCALE 1" = 80'	DATE 1/12/24	PROJECT NO. 132	TITLE: <b>FIGURE 1          AERIAL MAP</b>





NOTE:  
 INFORMATION ON THIS PLAN WAS OBTAINED FROM MASSGIS DATABASE  
 OF SCANNED 1:25,000 USGS TOPOGRAPHIC QUAD IMAGES, JUNE 2001.

7 NEWBURY STREET, ROWLEY, MA 01969



LYNNBROOK  
 CONSULTING LLC

PREPARED FOR:

STEPHEN DEANGELIS

PLAN SET:

NOI FIGURES

SCALE  
 1" = 200'

DATE  
 1/12/24

PROJECT NO.  
 132

TITLE:

FIGURE 2  
 USGS TOPOGRAPHIC  
 MAP





 FLOOD ZONE X, AREAS BETWEEN THE LIMITS OF 100-YEAR AND 500-YEAR FLOODS

 FLOODWAY AREAS IN ZONE AE

 FLOOD ZONE AE, AREAS OF 100-YEAR FLOOD, BASE FLOOD ELEVATIONS DETERMINED

 FLOOD ZONE A, AREAS OF 100-YEAR FLOOD, BASE FLOOD ELEVATIONS NOT DETERMINED

**NOTE:**

FLOOD BOUNDARY INFORMATION ON THIS PLAN WAS FOUND ON FEMA FLOOD INSURANCE RATE MAP FOR ESSEX COUNTY COMMUNITY MAP NO. 25009C0254F, EFFECTIVE JULY 3, 2012.

7 NEWBURY STREET, ROWLEY, MA 01969



**LYNNBROOK  
CONSULTING LLC**

PREPARED FOR:

STEPHEN DEANGELIS

PLAN SET:

NOI FIGURES

SCALE  
1" = 80'

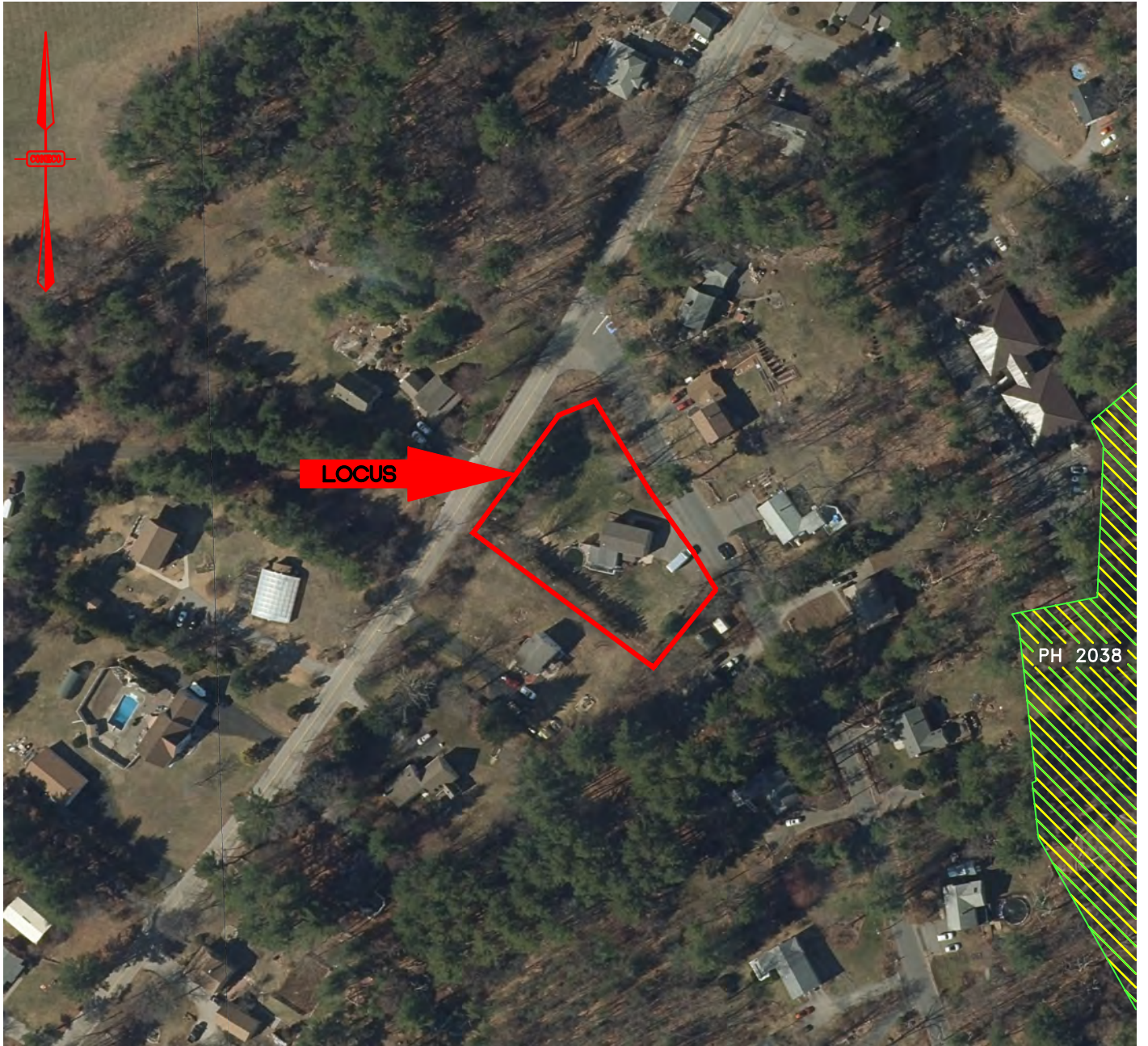
DATE  
1/12/24

PROJECT NO.  
132

TITLE:

FIGURE 3  
FLOOD INSURANCE  
RATE MAP

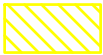




PRIORITY HABITAT OF RARE SPECIES



CERTIFIED VERNAL POOLS



ESTIMATED HABITATS OF RARE WILDLIFE



POTENTIAL VERNAL POOLS

**NOTES:**

1. ESTIMATED HABITATS OF RARE WILDLIFE AND PRIORITY HABITATS OF RARE SPECIES CAME FROM MASSGIS DATABASE LAST UPDATED AUGUST 2021.
2. CERTIFIED VERNAL POOL LOCATIONS WERE TAKEN FROM MASSGIS DATABASE ON JANUARY 12, 2024. THIS DATA IS UPDATED CONTINUALLY AND SHOWN CONDITIONS MAY VARY FROM THIS DATA.
3. POTENTIAL VERNAL POOL LOCATIONS WERE TAKEN FROM MASSGIS DATABASE LAST UPDATED JULY 2013.
4. THERE ARE NO ESTIMATED HABITATS OF RARE WILDLIFE, PRIORITY HABITATS OF RARE SPECIES, POTENTIAL VERNAL POOLS, OR CERTIFIED VERNAL POOLS ON THE PROJECT SITE.

7 NEWBURY STREET, ROWLEY, MA 01969



LYNNBROOK  
CONSULTING LLC

PREPARED FOR:

STEPHEN DEANGELIS

PLAN SET:

NOI FIGURES

SCALE

1" = 150'

DATE

1/12/24

PROJECT NO.

132

TITLE:

FIGURE 4  
NATURAL HERITAGE MAP






**NOTES:**

1. AREAS OF CRITICAL ENVIRONMENTAL CONCERN WERE TAKEN FROM MASSGIS DATABASE, LAST UPDATED APRIL 2009.
2. WELLHEAD PROTECTION AREAS WERE TAKEN FROM MASSGIS DATEBASE, LAST UPDATED XXXX 20##.
3. OUTSTANDING RESOURCE WATERS WERE TAKEN FROM MASSGIS DATEBASE, LAST UPDATED MARCH 2010.
4. SURFACE WATER SUPPLY PROTECTION AREAS WERE TAKEN FROM MASSGIS DATEBASE, LAST UPDATED APRIL 2017
5. THERE ARE NO AREAS OF CRITICAL ENVIRONMENTAL CONCERN, WELLHEAD PROTECTION AREAS, OUTSTANDING RESOURCE WATERS, OR SURFACE WATER SUPPLY PROTECTION AREAS ON THIS PROJECT SITE.

7 NEWBURY STREET, ROWLEY, MA 01969


 <b>LYNNBROOK</b> CONSULTING LLC	PREPARED FOR: <b>STEPHEN DEANGELIS</b>		PLAN SET: <b>NOI FIGURES</b>	
	SCALE 1" = 150'	DATE 1/12/24	PROJECT NO. 132	TITLE: <b>FIGURE 5 CRITICAL AREAS</b>





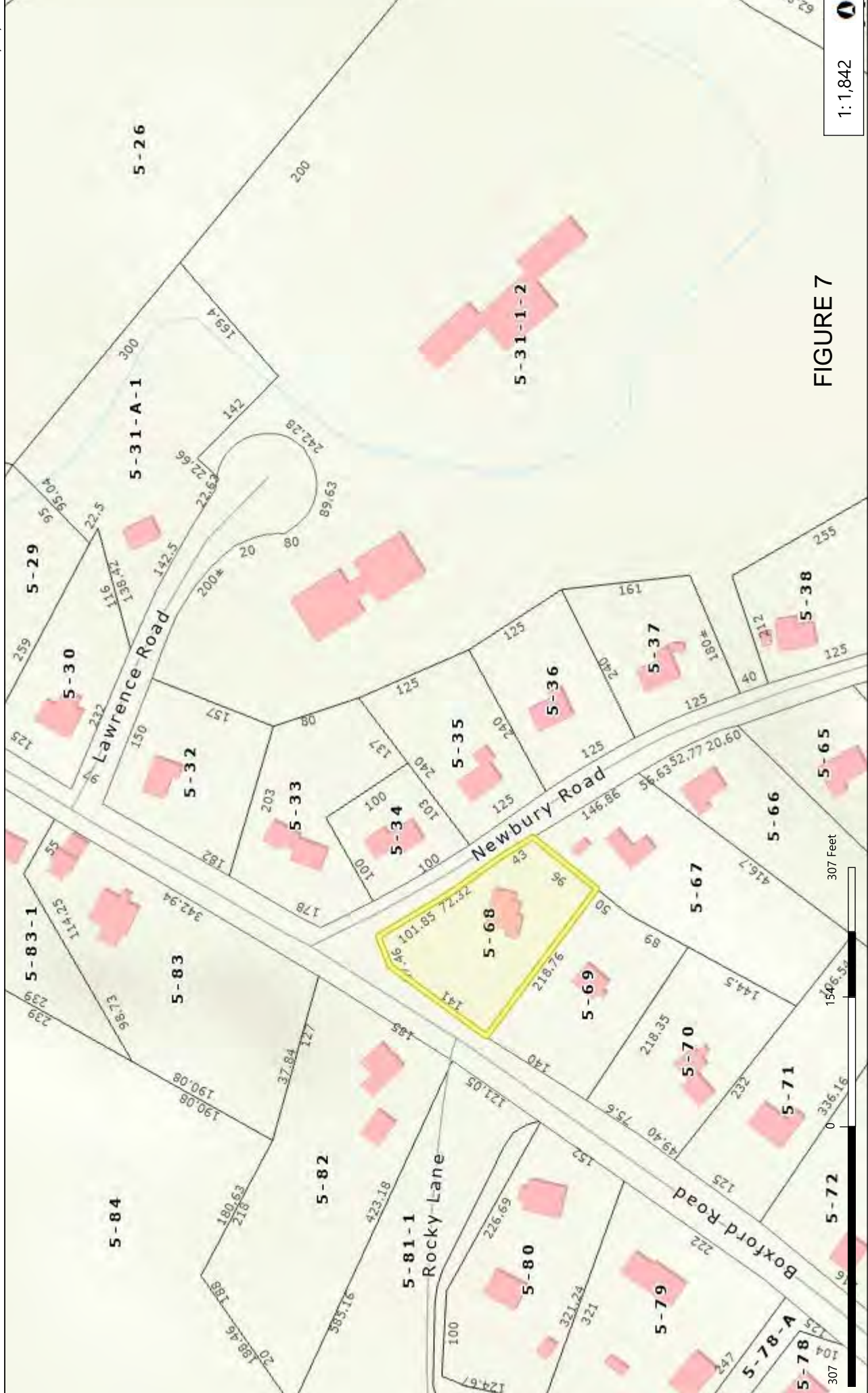
NOTE:  
 INFORMATION ON THIS PLAN WAS OBTAINED FROM THE MASSGIS DATABASE, NRCS SSURGO – CERTIFIED SOILS  
 WHICH WAS LAST UPDATED NOVEMBER 2012.

7 NEWBURY STREET, ROWLEY, MA 01969

 <b>LYNNBROOK</b> CONSULTING LLC	PREPARED FOR: <b>STEPHEN DEANGELIS</b>		PLAN SET: <b>NOI FIGURES</b>	
	SCALE 1" = 80'	DATE 1/12/24	PROJECT NO. 132	TITLE: <b>FIGURE 6</b> <b>SOIL SURVEY MAP</b>



# Town of Rowley



1:1,842

## FIGURE 7

**Legend**

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

Data Sources: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the Town of Rowley & 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.

