



NORSE ENVIRONMENTAL SERVICES, INC.

2100 Lakeview Avenue Unit 3A

Dracut MA 01826

TEL. (978) 649-9932

Website: www.norseenvironmental.com

REQUEST FOR DETERMINATION OF APPLICABILITY

FOR

935 HAVERHILL STREET

ASSESSORS MAP 4 BLOCK 31

ROWLEY, MA

APPLICANT: BITTERROOT LLC

FEBRUARY 20, 2024

PROJECT: 935 HAVERHILL STREET - ROWLEY

APPLICANT: BITTERROOT LLC

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- 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:

<u>Bitterroot LLC - Robert</u>		<u>Nixon</u>
First Name		Last Name
<u>357 North Street</u>		
Address		
<u>Georgetown</u>	<u>MA</u>	<u>01833</u>
City/Town	State	Zip Code
<u>978-302-5644</u>	<u>rob.bitterroot60@yahoo.com</u>	
Phone Number	Email Address	

2. Property Owner (if different from Applicant):

<u>935 Haverhill LLC - Edward T</u>		<u>Moore</u>
First Name		Last Name
<u>8 Doaks Lane</u>		
Address		
<u>Marblehead</u>	<u>MA</u>	<u>01945</u>
City/Town	State	Zip Code
<u>781-639-1113</u>		
Phone Number	Email Address (if known)	

3. Representative (if any)

<u>Maureen</u>		<u>Herald</u>
First Name		Last Name
<u>Norse Environmental Services, Inc.</u>		
Company Name		
<u>2100 Lakeview Avenue, Unit 3A</u>		
Address		
<u>Dracut</u>	<u>MA</u>	<u>01826</u>
City/Town	State	Zip Code
<u>978-649-9932</u>	<u>maureen@norseenv.com</u>	
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):

<u>935 Haverhill Street</u>	<u>Rowley</u>
Street Address	City/Town
<u>42.70810</u>	<u>-70.95271</u>
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)
<u>Map 4</u>	<u>Block 31</u>
Assessors' Map Number	Assessors' Lot/Parcel Number

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

The lot consists of 35.75 acres of land located northerly on Haverhill Street (see enclosed RDA Report)

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

<u>Plan To Accompany Abbreviated Notice of Resource Area Delineation</u>	<u>February 6, 2024</u>
Title	Date
<u>Google Earth Aerial</u>	<u>May 2023</u>
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 an after-the-fact RDA for permission to allow a temporary stockpile area and gravel access way to remain within the 100 ft. Buffer Zone and 200 ft. Riverfront Area. The stockpile area is covered by a tarp and surrounded by erosion controls.

- 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).

The stockpile and gravel access way are located more than 50 ft. from the wetland and located outside the 100 ft. inner riparian zone.

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

2-16-24
Date

[Signature]
Signature of Representative (if any)

2-20-24
Date



NORSE ENVIRONMENTAL SERVICES, INC.

2100 Lakeview Avenue Unit 3A

Dracut MA 01826

TEL. (978) 649-9932

Website: www.norseenvironmental.com

Request for Determination of Applicability Report

For

**935 Haverhill Street
Rowley, MA**

Prepared For

Bitterroot LLC
357 North Street
Georgetown, MA 01833

Prepared By

Norse Environmental Services, Inc.
2100 Lakeview Avenue, Unit 3A
Dracut, MA 01826

February 20, 2024

Narrative

The applicant is proposing an after-the fact Request for Determination for permission to allow a temporary stockpile and gravel access way to a storage unit within the 100 ft. Buffer Zone and 200 ft. Riverfront Area. The stockpile area is stabilized by a tarp and erosion controls.

Existing Conditions

The parcel consists of 35.75 +/- acres of land located on the northerly side of Haverhill Street in Rowley. The property abuts the town of Georgetown, MA. An existing single family dwelling, deck, walkway, driveway, shed, storage unit, gravel access way, stockpile, gardens, lawn, ornamental shrubs and trees are located on the lot. The remainder of the site is wooded with typical New England Species.

The A-Series wetland or red maple swamp is flagged in the field with blue ribbon and aluminum tags labeled 1A-145A. The overstory consist of red maple (*Acer rubrum*), white pine (*Pinus strobus*), gray birch (*Betula populifolia*) and swamp white oak (*Quercus bicolor*) in the overstory. The understory consists of multiflora rose (*Rosa multiflora*), winterberry (*Ilex verticillata*), sweet pepperbush (*Clethra alnifolia*), barberry (*Berberis thunbergii*), honeysuckle (*Lonicera tatarica*), glossy buckthorn (*Rhamnus frangula*), highbush blueberry (*Vaccinium corymbosum*) and common winterberry (*Ilex verticillata*). The herbaceous layer consists of cinnamon fern (*Osmunda cinnamomea*), sensitive fern (*Onoclea sensibilis*), royal fern (*Osmunda regalis*), cattails (*Typha latifolia*), sedges (*Carex* sp.) and rushes (*Juncus* sp.).

The USGS Topographic Map shows Muddy Brook, a perennial stream, traversing through the property. The Bank of the pernnial stream is flagged in the field with blue ribbon and aluminium tags labeled RF1A-RF11A and RF1B-RF50B. The Bank is well defined and follows a distinct topographic break in slope

The property is not located within Bordering Land Subject to Flooding or the 100-year floodplain. The site is not located within the NHESP mapping of Estimated and/or

Priority Habitat. In addition, there are no certified or potential vernal pools located on or near the property (see enclosed maps).

Soils

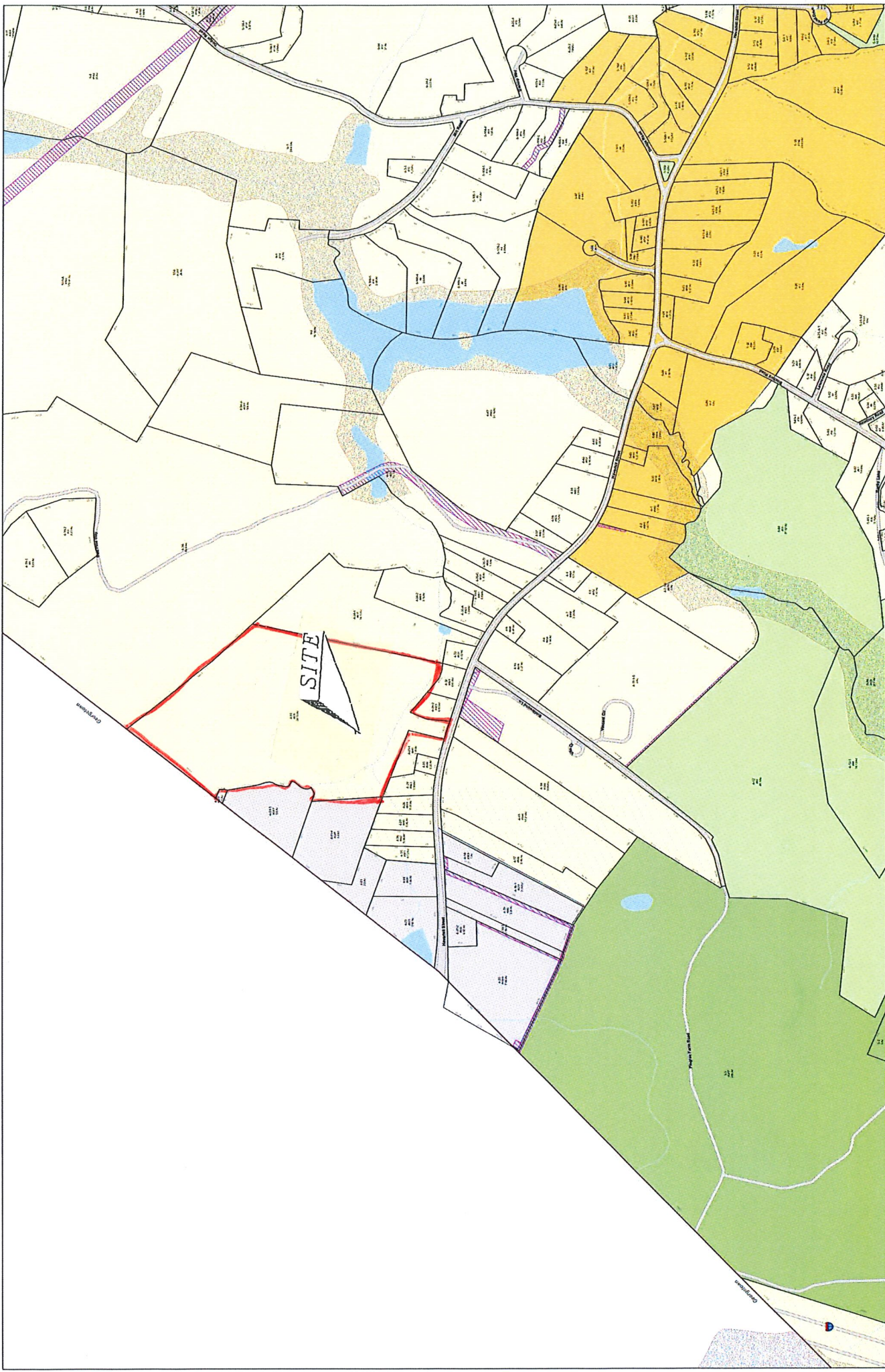
The Essex County Web Soil Survey maps the area of the stockpile and access way as Windsor and Swansea series. Windsor series consist of nearly level to very steep, deep (5+ ft.), excessively drained soils on glacial outwash plains, terraces, deltas and escarpments. They formed in sandy glacial outwash. Windsor soils have a very friable or loose loamy sand or loamy fine sand surface soil, very friable or loose loamy fine sand to sand subsoil over a very friable or loose sand or fine sand substratum to a depth of 60 inches or more. They have rapid permeability. Major limitations are related to droughtiness and slope.

Swansea series consist of nearly level, deep (5+ ft.), very poorly drained organic soils in depressions and low flat areas of upland and glacial outwash plains and terraces. They formed in 16 to 51 inches of black, highly decomposed organic material (muck) with moderate or moderately rapid permeability, over sandy mineral material with very rapid permeability. They have a water table that is at or near the surface most of the year. Major limitations are related to wetness and low strength.

Rowley Wetlands Protection Bylaw

No Cut / No Disturbance Zone shall be determined by a vote of the Commission and shall consist of an area, extending typically 25 – 50 feet from a resource area as specified in Section III(A) of this Bylaw, (but in no case extending beyond the 100-foot buffer zone), in which virtually no activities or work, other than non-motorized passage, are permitted. This determination will be made in order to protect the interests and values enumerated in Section I of the Bylaw. Among other site-specific conditions set by the Commission, no vegetation may be disturbed. The no disturbance zone shall remain unchanged from its natural, vegetated state. No Cut / No Disturbance zones exist only when ordered by a vote by the Commission on an application.

The applicant is filing this after-the-fact RDA for permission to allow a temporary stockpile and gravel access way to a storage unit within the 100 ft. Buffer Zone and 200 ft. Riverfront Area. The stockpile and gravel access way are located more than 50 ft. from the Bordering Vegetated Wetland and greater than 100 ft. from the Bank of a perennial stream. The stockpile area is stabilized by a tarp and erosion controls.



Map 4

- Legend**
- Property Features
 - Property Boundary
 - Water Features
 - Stream
 - Zoning
 - Central Commercial District
 - Residential District
 - Business Light Industrial District
 - Light District
 - Other Features
 - Open Space
 - Forest
 - Water
 - Municipal
 - Conservation Easement



Town of Rowley Property Parcel Maps

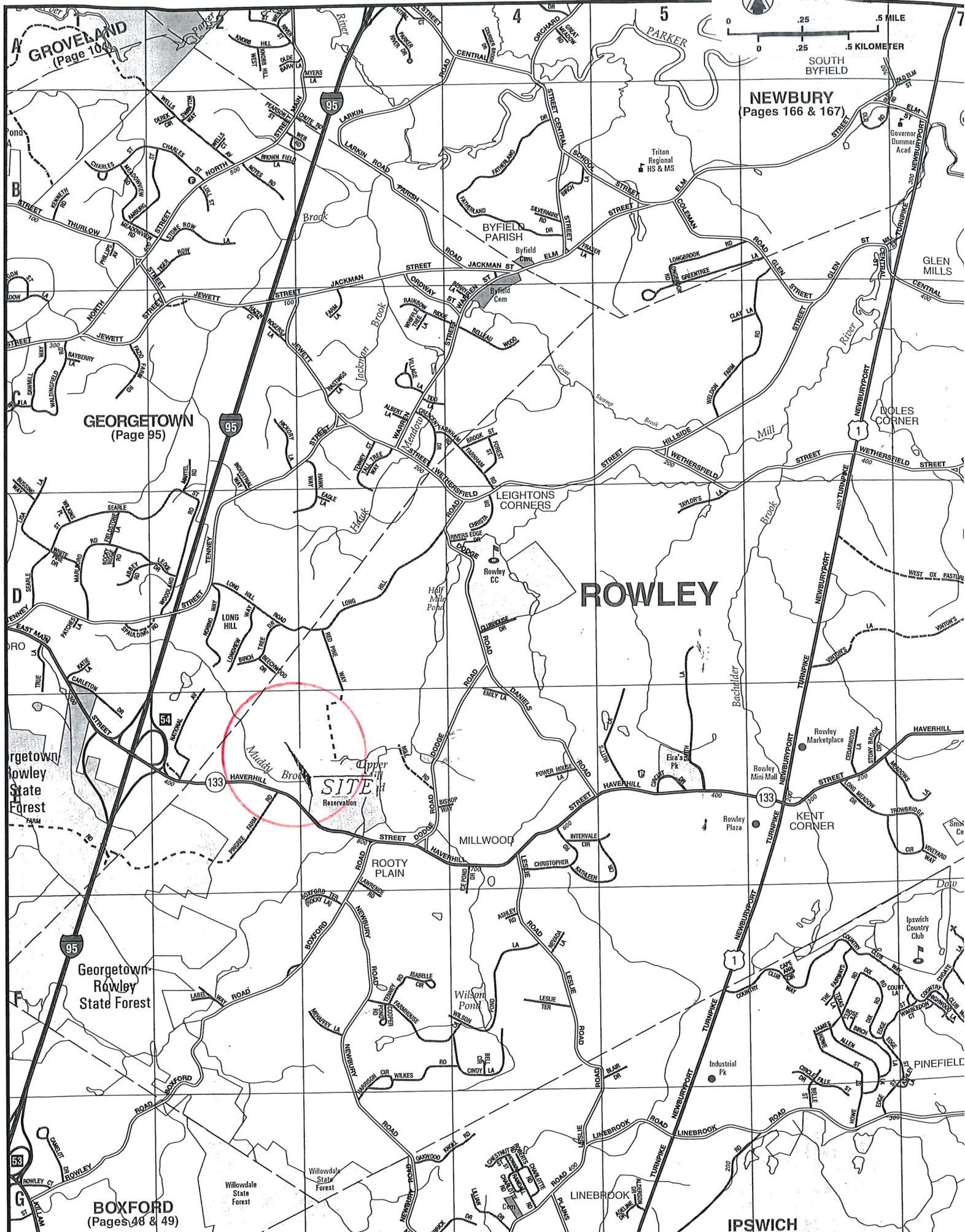
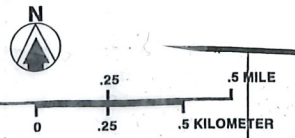


Merrimack Valley Planning Commission

NOTES

This map is a digital reproduction of the original map. It is not a legal document. The information on this map is for informational purposes only. The user is responsible for verifying the accuracy of the information on this map. The user is not liable for any errors or omissions on this map.

Map Created: August 14, 2023
Map Updated: January 1, 2024



GROVELAND
(Page 104)

NEWBURY
(Pages 166 & 167)

GEORGETOWN
(Page 95)

ROWLEY

Middle Brook
Upper Hill
SITE
Reservation

Georgetown-Rowley
State Forest

BOXFORD
(Pages 48 & 49)

IPSWICH

Georgetown-Rowley
State Forest

Willowdale
State Forest

Ipswich
Country Club

Rowley
Mini Mall

Rowley
Plaza

Rowley
Marketplace

Wilson
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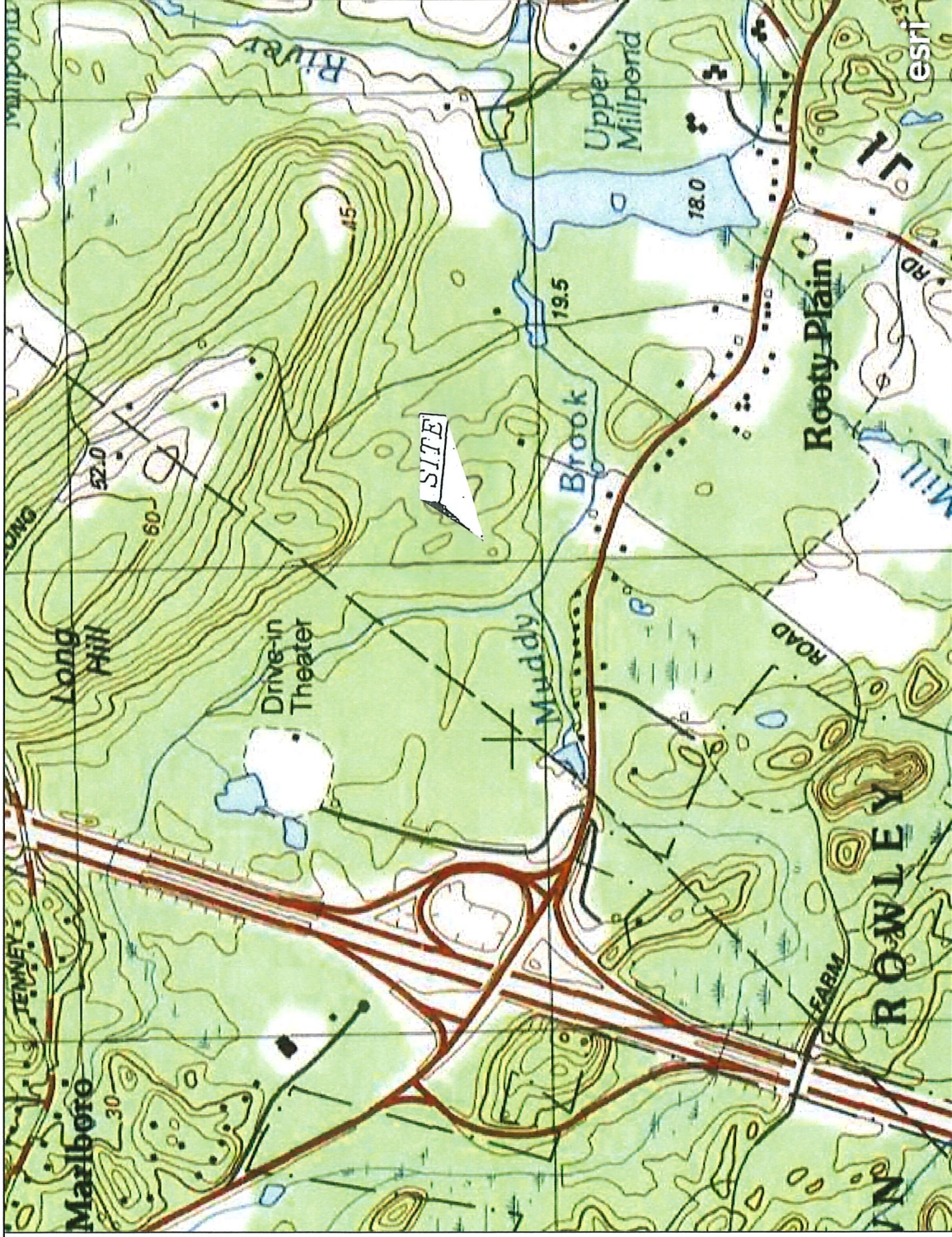
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USGS Topographic Quadrangle Maps

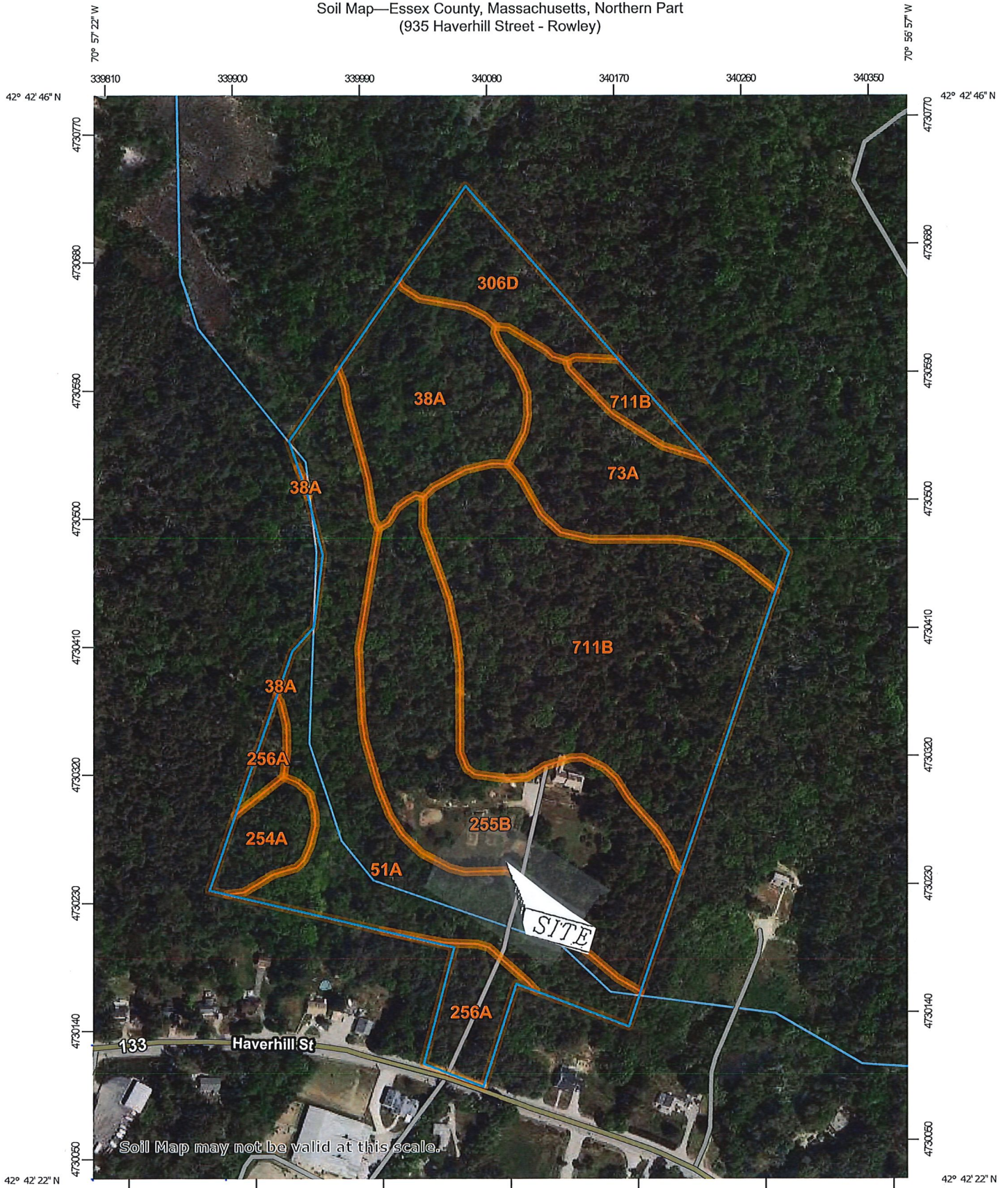
No legend



USGS 1:25,000 Topographic Maps for Massachusetts. Scanned map images published as a tile service by MassGIS at ArcGIS Online.

0.2mi

Soil Map—Essex County, Massachusetts, Northern Part
(935 Haverhill Street - Rowley)



Map Scale: 1:3,710 if printed on A portrait (8.5" x 11") sheet.







































0 50 100 200 300 Meters

0 150 300 600 900 Feet

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



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	Water Features
 Borrow Pit	 Streams and Canals
 Clay Spot	Transportation
 Closed Depression	 Rails
 Gravel Pit	 Interstate Highways
 Gravelly Spot	 US Routes
 Landfill	 Major Roads
 Lava Flow	 Local Roads
 Marsh or swamp	Background
 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 19, Sep 10, 2023

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
38A	Pipestone loamy sand, 0 to 3 percent slopes	3.6	9.9%
51A	Swansea muck, 0 to 1 percent slopes	7.0	19.5%
73A	Whitman fine sandy loam, 0 to 3 percent slopes, extremely stony	3.6	10.0%
254A	Merrimac fine sandy loam, 0 to 3 percent slopes	0.9	2.6%
255B	Windsor loamy sand, 3 to 8 percent slopes	7.1	19.9%
256A	Deerfield loamy fine sand, 0 to 3 percent slopes	1.4	3.8%
306D	Paxton fine sandy loam, 15 to 25 percent slopes, very stony	1.9	5.2%
711B	Charlton-Rock outcrop-Hollis complex, 3 to 8 percent slopes	10.4	29.1%
Totals for Area of Interest		35.9	100.0%

National Flood Hazard Layer FIRMette



70°57'27"W 42°42'44"N

TOWN OF GEORGETOWN
250081

AREA OF MINIMAL FLOOD HAZARD
Zone X

SITE

TOWN OF ROWLEY
250101

25009C0254F
eff. 7/3/2012

0.2 PCT ANNUAL CHANCE FLOOD HAZARD
Zone X

Zone A



1:6,000

70°56'49"W 42°42'18"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 4, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 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 .
- 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

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

GENERAL STRUCTURES

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

OTHER FEATURES

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped



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 2/16/2024 at 11:20 AM 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.

935 Haverhill Street - Rowley




- Potential Vernal Pools
- NHESP Priority Habitats of Rare Species
- NHESP Estimated Habitats of Rare Wildlife
- NHESP Certified Vernal Pools
- Property Tax Parcels

MassMapper
Leaflet | Mapbox

935 Haverhill Street - Rowley

May 2023

Legend

 935 Haverhill St

 935 Haverhill St

Gravel Access Way

Stockpile Area



400 ft

Google Earth

Image © 2024 Airbus