

Request for Determination of Applicability

Wetlands Protection Act and Rowley Wetlands By-law

**582 Wethersfield Street
Rowley, MA**

July, 2023



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

July 16, 2023

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

RE: Request for Determination of Applicability (RDA) application for 582
Wethersfield Street
Soil testing and future repair septic system

Dear Mr. Baeslack:

The property owner/ Executor desires to conduct soil testing for a repair septic system on this lot. Due to the proximity of the Mill River and associated wetlands, the soil test area will be in riverfront area from the Mill River and in buffer zone. The test pits will be in the front yard, in the vicinity of the current substandard system. All testing will be in open grass area. Subsequent to soil testing, the septic designer will produce a septic design for approval from the Board of Health and then, oversee installation of the repair system in riverfront area and buffer zone.

On behalf of the applicant, Wetlands & Land Management, Inc. has filed this Request for Determination of Applicability to perform the necessary soil testing and for installation of the future septic system upgrade. We are seeking a negative determination to perform this work.

The rear of the site where the wetlands occur is fairly thickly vegetated along the Mill River. The wetlands have not been flagged for this project; however, your office has a record of past wetland delineation on a portion of this site. The enclosed site plan shows an approximation of the wetland boundary based on plans provided from your office and interpretation from aerial photos.

The Mill River traverses the property. This is a perennial stream which then has a 200-foot riverfront area from the mean annual high water line/ banks of the river. The soil testing and future septic system area is encumbered by riverfront area.

The property is also encumbered by FEMA Zone A, bordering land subject to flooding. The river is well incised in the landscape and the adjacent flood plain is quite evident. The MassGIS MassMapper information shows the Zone A confined along the river in this reach of the channel. All future proposed work would be outside the Zone A, land subject to coastal storm flowage.

Domestic Septic Design, Inc. will conduct the soil test pit observation. A small mini-excavator is used to dig the test pits. The excavator will dig the four to six pits for soil observation and/or percolation testing. 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 one half day or less.

Having obtained the soil test information, the designer will prepare a septic system design for Board of Health approval. The testing and the future septic system upgrade will be in the front yard in the area of the existing system.

The septic system construction involves pumping the existing system and removing and/or backfilling the existing system components with earth back fill. This is consistent with the procedures for abandoning a septic system under Title 5 – the State Sanitary Code.

The leaching field is constructed as designed by removing unsuitable topsoil or existing septic system components from the leaching site, excavating to the proper depth and installing the appropriate leaching distribution network. The system is connected back to the septic tank via a PVC sewer pipe.

The septic tank installation involves excavating the appropriate size hole, installing the tank and plumbing, and backfilling the area. All disturbed areas will be loamed and seeded at the conclusion of the project.

Riverfront and Buffer Zone Impacts

Construction of the proposed repair system is within buffer zone to the jurisdictional vegetated wetlands on the property. To avoid impacts, appropriate erosion controls will be installed between the final septic system location and the wetlands.

The erosion controls shall serve to arrest overland travel of sediment during rain events, and also serve as a visual barrier and physical determination of the limit of work. The siltation barriers will remain in place until the final cover over the septic system is well established.

The excavation work is confined to the area directly adjacent to the front of the house. Access for construction vehicles and material delivery will be via the driveway or directly from the road, thus keeping the extent of disturbed area compact. This is an important aspect of site management and prevention of siltation in the adjacent wetlands.

I've attached a sketch plan of the proposed work area in relationship to the adjacent wetlands.

Soil percolation testing is an exempt activity under the Wetlands Protection Act. Additionally, septic system repair installation is also exempt from the regulatory requirements for work in riverfront area.

We are seeking a negative determination that the test pit work and future septic system installation can proceed without any additional permitting.

Please schedule this matter for your August 1, 2023 meeting.

Sincerely,

Wetlands & Land Management, Inc.

William Manuell

William J. Manuell
Wetland Scientist

william manuell

From: Leesa Lavigne <clipcloptoday@gmail.com>
Sent: Friday, July 14, 2023 9:58 AM
To: william manuell
Subject: 582 Wethersfield Street

Good Morning Bill,

I give you permission to sign my name and initial it on any necessary paperwork for this Title 5 project.

Leesa Lavigne
207-844-4731



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 *Site Plan Attached*
 - 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 *NA*
 - 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.

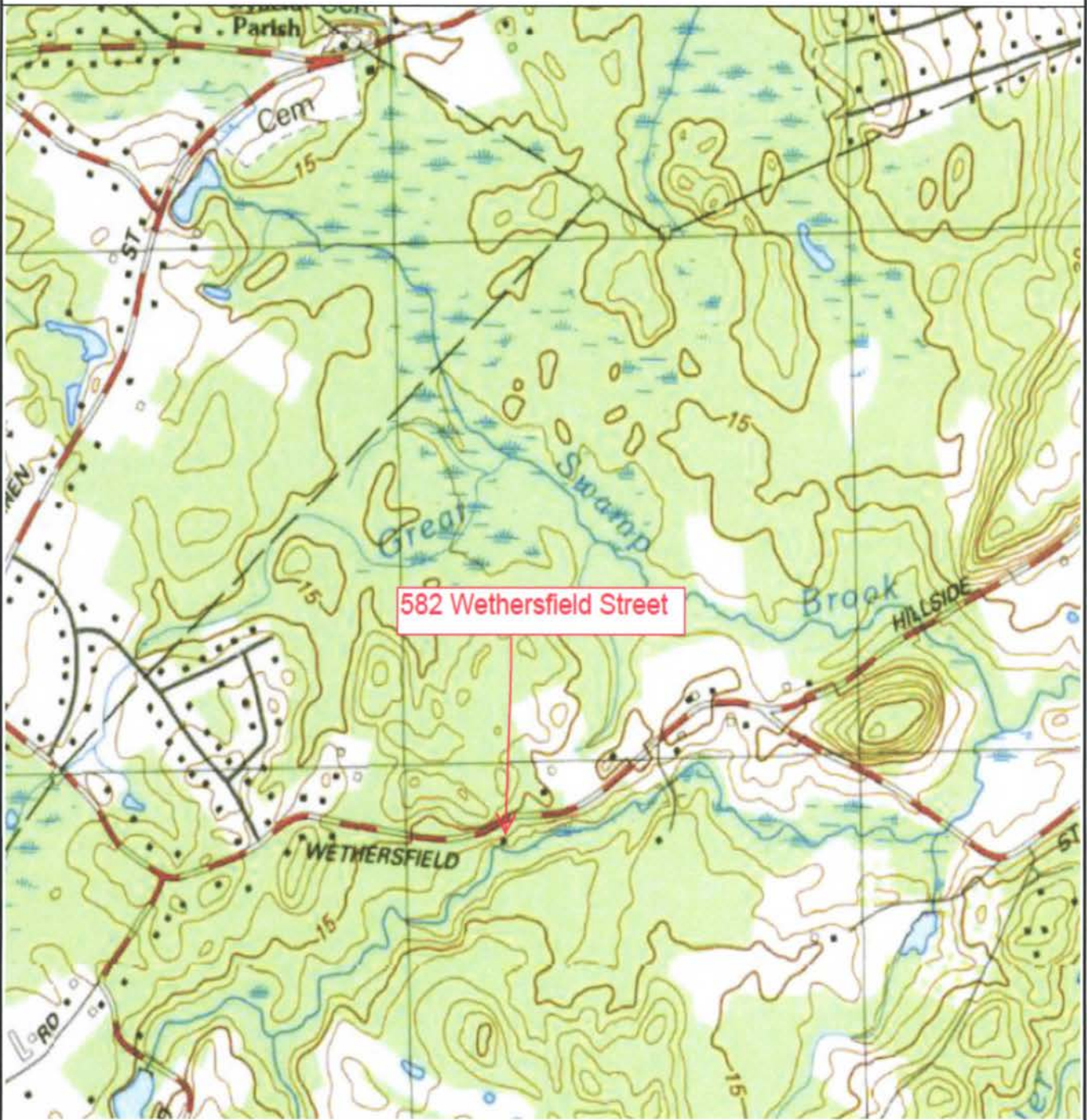
PERMISSION TO ENTER

I, Leesa Lavigne, hereby grant the Rowley Conservation Commission and its
(NAME OF PROPERTY OWNER)
 officials permission to enter upon my property at 582 Wethers Field Street 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: Leesa Lavigne *WJL* 7-15-23
(PROPERTY OWNER) (DATE)

Locus Map

Source: United States Geological Survey



Wetlands & Land Management, Inc.

100 Conifer Hill Drive - #516
Danvers, MA 01923
978-777-0004



Request for Determination of Applicability (WPA Form 1)



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:

Leesa Lavigne
Name
582 Wethersfield Street
Mailing Address
Rowley MA 01969
City/Town State Zip Code
207-844-4731
Phone Number
clipcloptoday@gmail.com
E-Mail Address
Fax Number (if applicable)

2. Representative (if any):

Wetlands & Land Management, Inc.
Firm
William Manuell
Contact Name
100 Conifer Hill Drive #516
Mailing Address
Danvers MA 01923
City/Town State Zip Code
978-777-0004
Phone Number
bill@wetlandslm.com
E-Mail Address
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).



WPA Form 1- Request for Determination of Applicability

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

C. Project Description

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

582 Wethersfield Street

Street Address

11

Assessors Map/Plat Number

Rowley

City/Town

5

Parcel/Lot Number

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

Residential property at 582 Wethersfield Street

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

Soil Test and Future Septic System Plan

Title

7-15-23

Date

Title

Date

Title

Date

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

1. Perform soil testing for a repair septic system. 2. Install repair septic sytem.



WPA Form 1- Request for Determination of Applicability

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

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)b(2)g- soil testing, 310 CMR 10.58(6)c - repair of a septic system in RA

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.)



WPA Form 1- Request for Determination of Applicability

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

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:

Applicant is the Executor for the estate of the owner.
Name _____

Mailing Address _____

City/Town _____

State _____ 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.

Jessica Lunge *WJ* _____
Signature of Applicant Date 7-15-23

William Manully _____
Signature of Representative (if any) Date 7-15-23

Filing Fee Information



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:	Map:	Parcel:	Lot:
APPLICATION NAME / ACTIVITY	LOCAL BYLAW FEE	# of Activities or Measurement	Subtotal
Request for a Determination of Applicability (RDA)	\$75		\$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 Bylaw Fee Total			
LOCAL BYLAW 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

Project Plans

APPROX. WETLAND BOUNDARY.



APPROX. RA MAHW LINE

NOTES:
1. THE ENTIRE SEPTIC SYSTEM AREA IS IN RIVERFRONT AREA.
2. FEMA ZONE A IS PRESENT ON SITE. THE SEPTIC SYSTEM AREA IS OUTSIDE OF ZONE A



200 ft

FUTURE LEACH FIELD SOIL TEST LOCATION



SUGGESTED EROSION CONTROL. LOCATION DEPENDANT ON SOIL TEST RESULTS AND FINAL SEPTIC DESIGN.

SOIL TEST AND FUTURE SEPTIC SYSTEM PLAN
582 WETHERSFIELD STREET
ROWLEY, MASS.
WETLANDS & LAND MANAGEMENT, INC. - 7-15-23

Google Earth

Image © 2023 Airbus