

# Request for Determination of Applicability

195 Wethersfield Street  
Rowley, Massachusetts

June 26, 2023

**Owner/Applicant:**

Michael DiPlatzi  
5 Tarbox Lane  
North Reading, MA 01864

**Prepared By:**

Williams & Sparages LLC  
189 North Main Street, Suite 101  
Middleton, MA 01949  
Ph: 978-539-8088  
Fax: 978-539-8200  
[www.wsengineers.com](http://www.wsengineers.com)

**W&S Project No:**

ROWL-0045





Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

Rowley  
City/Town

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:

Michael DiPlatzi  
Name  
5 Tarbox Lane  
Mailing Address  
North Reading  
City/Town  
617-240-5858  
Phone Number  
mdiplatzi@comcast.net  
E-Mail Address  
MA  
State  
01864  
Zip Code  
Fax Number (if applicable)

2. Representative (if any):

Williams & Sparages LLC  
Firm  
Thorsen Akerley  
Contact Name  
198 N. Main Street  
Mailing Address  
Middleton  
City/Town  
978-539-8088  
Phone Number  
takerley@wsengineers.com  
E-Mail Address  
MA  
State  
01949  
Zip Code  
978-539-8200  
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 (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) states that certain minor activities, provided that they comply with 310 CMR 10.02(2)(b)1., which states, minor activities, as described in 310 CMR 10.02(2)(b)2., within the buffer zone and outside any areas specified in 310 CMR 10.02(1)(a) through (e) are not otherwise subject to regulation under M.G.L. c. 131, § 40 provided that the work is performed: solely within the buffer zone, as prescribed in 310 CMR 10.02(2)(b)2.a. through q., in a manner so as to reduce the potential for any adverse impacts to the resource area during construction, and with post-construction measures implemented to stabilize any disturbed areas. 310 CMR 10.02(2)(b)2.g. includes percolation and soil testing for septic systems. Please also see attached narrative.

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:

Michael DiPlatzi  
Name  
5 Tarbox Lane  
Mailing Address  
North Reading  
City/Town  
MA  
State  
01864  
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.

*Michael DiPlatzi*  
Signature of Applicant  
6/20/2023  
Date

*Thorsen Akerley*  
Signature of Representative (if any)  
6/20/2023  
Date

**Introduction:**

The subject property is located in central Rowley roughly a half mile east of Route 1. The property is approximately 11.2 acres in size and is an undeveloped wooded lot. The parcel was purchased by the applicant from the Town of Rowley in May of 2022. The property contains an Isolated Vegetated Wetlands (IVW) along Wethersfield Street, which is shown as the “A-series” on the accompanying conceptual plan. A larger Bordering Vegetated Wetland (BVW) system exists along the eastern portion of the property. Within the BVW system exists a vernal pool, which is shown as the “MHW” series. This area is shown as a potential vernal pool on MassMapper.

According to the NRCS Web Soil Survey, soils within the subject parcel are mapped as 711, Charlton-Rock outcrop-Hollis complex. The property is not mapped as Priority Habitat for Rare Species by the Natural Heritage and Endangered Species Program (NHESP). The subject parcel is not located within an Area of Critical Environmental Concern (ACEC), nor has any areas mapped as Outstanding Resource Waters. The property does not lie within the Towns Water Supply Protection District.

**Proposed Work:**

The applicant is proposing to conduct soil testing within the 100’ buffer zone to the IVW on the subject property. As proposed, the soil testing would solely be within the 100’ buffer zone to the IVW in two testing locations, with no work occurring within the 100’ buffer zone to BVW, or within 100’ of the vernal pool.

Based on a site visit performed by our office, we do not anticipate the need to remove or alter any significant vegetation as part of the proposed soil testing. Although the lot is wooded, it is traversable by machine. Any disturbed portions of the buffer zone because of soil testing will be seeded with New England Conservation Seed Mix or approved equal and laid with hay if necessary. Test holes would be backfilled and compacted after excavation.

**Bordering Vegetated Wetlands (BVW):**

As mentioned above, there is a BVW system along the eastern portion of the property. This BVW is shown by wetland flags 4-86. The BVW was flagged by LEC Environmental Consultants, LLC and Williams & Sparages LLC.

No activity is proposed within the 100’ buffer zone to BVW as part of this Request for Determination of Applicability.



**Isolated Vegetated Wetlands (IVW):**

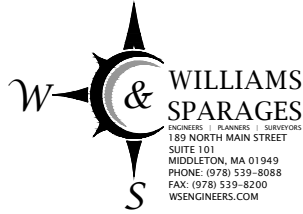
Additionally, an IVW exists in the center of the site, which is shown as the “A-series” on the accompanying plan. Although IVW is not subject to jurisdiction under the Wetlands Protection Act, it is jurisdictional under the Rowley Wetlands Protection Bylaw.

The IVW was flagged by LEC Environmental Consultants, LLC and Williams & Sparages LLC.

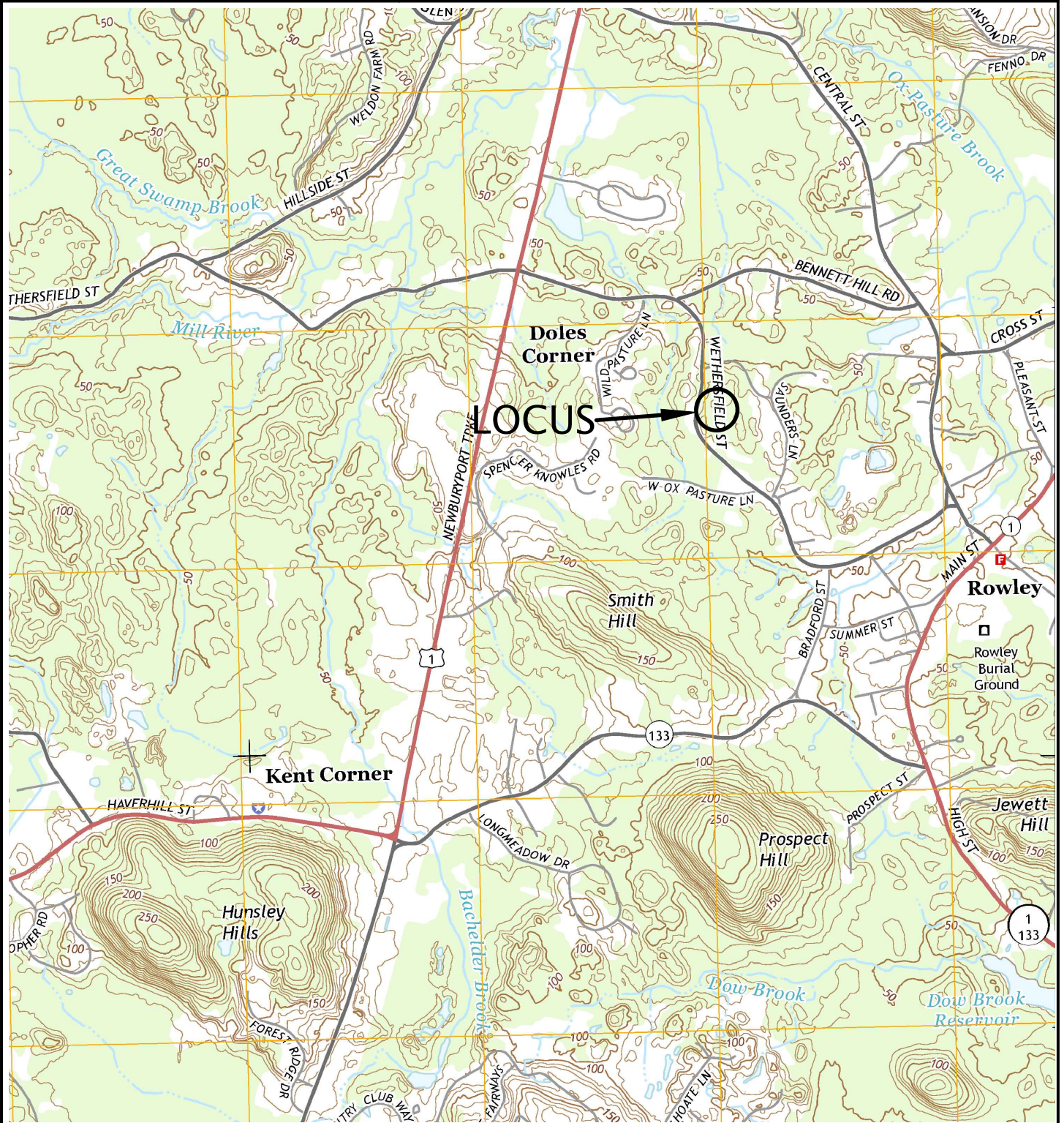
Work proposed within the 100’ buffer zone to the IVW consists of soil testing in the locations shown on the accompanying plan.



WILLIAMS & SPARAGES  
CIVIL ENGINEERING &  
LAND SURVEYORS



189 NORTH MAIN STREET  
SUITE 101  
MIDDLETON, MA 01949  
PHONE: (978) 539-8088  
FAX: (978) 539-8200



UNITED STATES GEOLOGIC SURVEY MAP  
GEORGETOWN, MASS QUAD  
SCALE: 1:24,000 (metric contours)

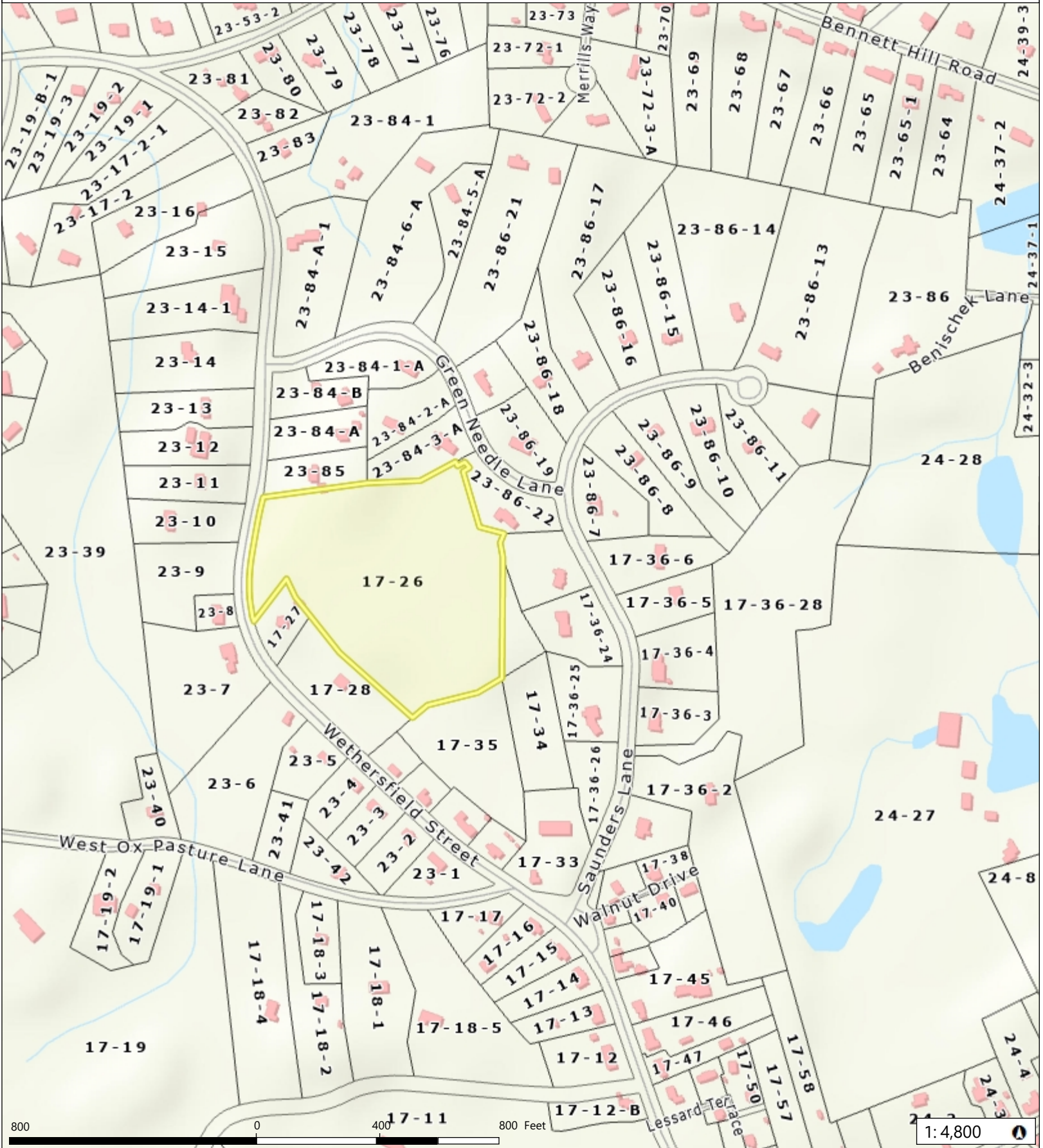
LOCUS MAP  
195 WETHERSFIELD STREET  
ROWLEY, MA 01969



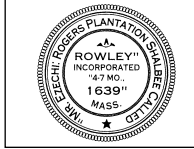


# 195 Wethersfield Street Locus

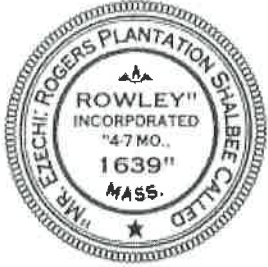
06/26/2023



Data Sources: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the Town of Rowley & MassIT/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	Hydrographic Features	Interstate	Major Road
Building Footprints	Streams	Local Road	Parcels



# 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
  - 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, Michael DiPlatzi, (NAME OF PROPERTY OWNER) hereby grant the Rowley Conservation Commission and its

officials permission to enter upon my property at 195 Wethersfield Street (Map 17, Lot 26) to (STREET ADDRESS AND ASSESSOR'S MAP/PARCEL/LOT)

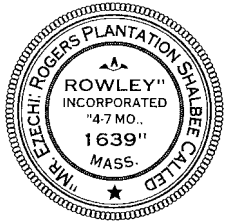
review the filed Request to Determine Applicability and future site conditions for compliance with the issued Determination of Applicability. The sole purpose of this document is to allow Commissioners and their officials to perform their duties under the Wetlands Protection Act (M.G.L. c. 131 s. 40) and the Town of Rowley Wetlands Protection Bylaw.

Signed: Michael DiPlatzi, Manager  
(PROPERTY OWNER)

6/20/2023  
(DATE)

Rev.2/22/2023

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



# 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: 195 Wethersfield Street

Map: 17

Parcel: 26

Lot:

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

**WILLIAMS & SPARGES LLC**

189 NORTH MAIN STREET SUITE 101  
MIDDLETON, MA 01949  
978-539-8088

**NORTH SHORE BANK**

248 ANDOVER STREET  
PEABODY, MA 01960  
1-7129/2113

**005132**

DATE 6/5/2023

**PAY**  
**TO THE** Town of Rowley **\$** \*\*75.00  
**ORDER OF**

Seventy-Five and 00/100\*\*\*\*\* **DOLLARS**

Town of Rowley  
139 Main St.  
Rowley, MA 01969



**MEMO** ROWL-0045 RDA

⑈005132⑈ ⑆211371298⑆ 99565619⑈