

**Requestor:**  
Donald Godfrey  
#57 Saunders Ln  
Rowley, MA

Job File: ROW-0045

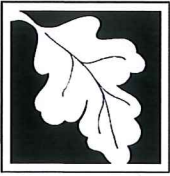
# Request for Certificate of Compliance

**#57 Saunders Lane  
Rowley, Massachusetts**

**May 2023**



**Civil Engineers & Land Surveyors  
603 Salem Street, Wakefield, MA 01880  
(781) 246-2800 phone, (781) 246-7596 fax**



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 8A – Request for Certificate of Compliance**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:  
 63-216  
 Provided by DEP

**A. Project Information**

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



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

Don Godfrey  
 Name

57 Saunders Lane  
 Mailing Address

Rowley MA 01969  
 City/Town State Zip Code

(978)423-0097  
 Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

Heald & Burns Construction Co.  
 Applicant

1/27/1998 63-216  
 Dated DEP File Number

3. The project site is located at:

57 Saunders Lane Rowley  
 Street Address City/Town

Map 23, Parcel 86, Lot 8  
 Assessors Map/Plat Number Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for:

Former owner Heald & Burns Construction Co, now owned by Donald Godfrey  
 Property Owner (if different)

Essex South 14585 266  
 County Book Page

Certificate (if registered land)

5. This request is for certification that (check one):

the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).  
 Refer to the attached Engineer's Certification letter.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



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### A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

Yes

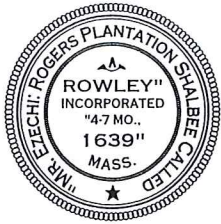
If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

No

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### B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).



# 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

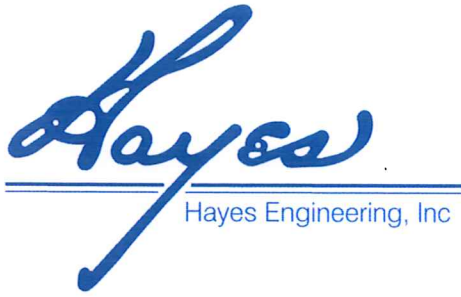
Property Address: #57 Saunders Lane

Map: 23

Parcel: 86

Lot: 8

APPLICATION NAME / ACTIVITY	LOCAL BYLAW FEE	# of Activities or Measurement	Subtotal
Request for a Determination of Applicability (RDA)	\$75		
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 feeschedule	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	1	\$100.00
For filings resulting from enforcement action, double the Local Ordinance Fee Total			
<b>LOCAL ORDINANCE FEE TOTAL</b>			<b>\$100.00</b>
As Determined by the Commission, Fee Total not to exceed \$15,000 except Enforcement			
<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			



603 Salem Street  
Wakefield, MA 01880  
Tel: (781) 246-2800  
Fax: (781) 246-7596

Nantucket, MA 02554  
Tel: (508) 228-7909

Refer to File No. ROW-0045

May 25, 2023

Conservation Commission  
Town Hall Annex  
39 Central Street  
P.O. Box 24  
Rowley, MA 01969

RE: Certificate of Compliance Request  
#57 Saunders Lane  
DEP File #63-216

Dear Members,

The office of Hayes Engineering, Inc. (HEI) respectfully requests a Certificate of Compliance for work completed at #57 Saunders Lane relative to an Order of Conditions issued to Heald & Burns Construction by the Rowley Conservation Commission on January 29, 1998, and recorded at the Essex South Registry of Deeds in Book 14585, Page 266. The current property owner, Donald Godfrey, is seeking to close out this old Order of Conditions to clear his property title in anticipation of eventually selling the house. The previously submitted Certificate of Compliance request submitted on the previous owner's behalf was not acted upon as explained in the Background section below and it is requested that the Rowley Conservation Commission take up reconsideration of that Certificate of Compliance request for the current owner based on the restorative actions already accomplished and proposed below.

#### Background

An Order of Conditions for house construction on this property was issued by the Rowley Conservation Commission in January of 1998 under DEP file #63-216. A Certificate of Compliance was requested from the Conservation Commission by Meridian Engineering, Inc. in January of 2022 but not issued due to the Commission's discovery of lawn installation and other activities located within the 25-foot No Cut buffer zone noted in the Order of Conditions. Copies of the Meridian Certificate of Compliance form, engineer certification letter, and as built plan are available for review in the Commission's office.

#### Restorative Actions

The present owner, Donald Godfrey, recently contacted the Rowley Conservation Commission Agent in response to a February 15, 2023 Conservation Commission letter addressed to him dated notifying him of the present lack of Certificate of Compliance and non-compliance with the 25-foot No Cut Zone-No Disturbance Zone. Upon a site inspection conducted by the Agent, he was directed to complete required mitigation activities (e.g. re-establish the wetland boundary to determine present extent of the 25-foot No-cut zone, remove horseshoe pits and gravel area, relocate the dog pen if substantially within the No-Cut Zone, and restore wetland vegetation cover) prior to submitting a CoC request. It was noted by Mr. Godfrey during the Agent's site inspection that some restorative work had already been accomplished, including removal of the gravel pad, horseshoe pits, and fire pit (sitting area), as

Conservation Commission, Request for Certificate of Compliance, #57 Saunders Lane, Rowley, MA  
May 25, 2023

well as installation of highbush blueberry shrubs within the buffer area in the vicinity of the old gravel pad and downgradient of the dog pen.

The current owner is committed to completing the required restrictive buffer restoration to bring the property into compliance. and at Mr. Godfrey's request, Hayes Engineering, Inc. has re-delineated the wetland boundary and produced two documents, a narrative titled "Buffer Mitigation Specifications" and a planting plan titled "Site Plan in Rowley, Mass. #57 Saunders Lane" dated May 16, 2023. As detailed in the Buffer Mitigation Specifications narrative, completion of required restorative activities would be accomplished through the proposed installation of wildlife friendly plantings within the grassed buffer area and additionally installing fern plantings within the disturbed former fire pit area within the wetland. Mr. Godfrey has reached out to Hayes Engineering, Inc. for a proposal to provide monitoring services to document the buffer plant community establishment for the two (2) growing seasons following planting.

It is the undersigned's opinion that the Conservation Commission's concerns relative to the 25-foot No Cut Zone have been addressed by the property owner, and with that accomplished, the Commission may now fully issue the outstanding Certificate of Compliance. An updated "Form 8A – Request for Certificate of Compliance" form, a copy of the Order of Conditions, a \$100.00 check for the Rowley Wetlands Bylaw fee, a Fee Calculation Worksheet, and the afore-mentioned proposal for mitigation planting activities accompany this letter for the commission's review.

Please contact the undersigned or John Ogren directly at our office number (781)246-2800 or via mail ([wallis@hayeseng.com](mailto:wallis@hayeseng.com)) should you have any questions or require any additional information.

Very truly yours,



Elizabeth Wallis, P.W. S.  
Professional Wetland Scientist

Enclosures

cc: Donald Godfrey (via email)



Project File: ROW-0045

Proposed Buffer Mitigation Specifications  
#57 Saunders Lane  
Rowley, Massachusetts

May 2023

Prepared for: Donald Godfrey  
#57 Saunders Ln  
Rowley, MA

Hayes Engineering, Inc.  
603 Salem Street  
Wakefield, MA 01880  
Tel: (781) 246-2800  
Fax: (781) 246-7596

Nantucket, MA 02554  
Tel: (508) 228 -7909

**BUFFER MITIGATION SPECIFICATIONS  
57 SAUNDERS LANE  
ROWLEY, MASSACHUSETTS**

May 16, 2023

**Introduction**

**Background**

The subject property is a single-family house lot with the address of #57 Saunders Lane (formerly known as Lot #8 in "The Pines" subdivision. An Order of Conditions for house construction on this property was issued by the Rowley Conservation Commission in January of 1998 under DEP file #63-216. A Certificate of Compliance was requested from the Conservation Commission but not issued due to the Commission's discovery of lawn installation and other activities located within the 25-foot No Cut buffer zone noted in the Order of Conditions.

The present owner recently contacted the Conservation Commission Agent seeking to close out the old Order to clear his title for eventual property sale and upon a site inspection was directed to complete required mitigation activities (e.g. re-establish the wetland boundary to determine present extent of the 25- foot No-cut zone, remove horseshoe pits and gravel area, relocate the dog pen if substantially within the No-Cut Zone, and restore wetland vegetation cover) prior to submitting a CoC request.

**Current Conditions**

Hayes Engineering, Inc. was engaged by the current property owner to re-flag the wetlands, prepare a mitigation planting plan, and otherwise assist him in obtaining the CoC from the Conservation Commission. Hayes Engineering, Inc. conducted a site visit in March of 2023 to assess existing wetland and buffer zone conditions. As shown in the attached photographs taken during that visit, the 25-foot No Cut Zone contained a manicured lawn with scattered mature trees, two sand filled horseshoe pits (now removed and loamed over), the chain link fence dog pen, picnic table, and a row of stones bordering the edge of the lawn. The previously identified gravel boat storage area had been removed and had been planted with highbush blueberry plants prior to this visit.

Additionally noted by the Conservation Agent was that a small portion of the wetland had been disturbed with grass cover as an extension of the lawn and was then being used as a sitting area with fire pit; however, mature maple trees and the native soil material were retained within the disturbed wetland. The grassed sitting area within the wetland has since been removed and the area planted with a number of fern clumps, with only charred remnants of the fire pit remaining. The fire pit area is to be revegetated as part of required mitigation activities.

Hayes Engineering, Inc. (HEI) conducted a second site visit on April 28 2023 to delineate the wetland boundary with pink wetland flags #1 – 12, primarily using hydric soil indicators along disturbed areas. Locations of the re-flagged wetland boundary line, the associated regulatory 25-foot No-Cut Zone, and other site features are shown on the accompanying Hayes Engineering, Inc. plan titled "Site Plan in Rowley, Mass. Showing Proposed Plantings, #57 Saunders Lane" dated May 16, 2023.



## **Proposed Mitigation**

Proposed mitigation activities in the 25-foot wetland buffer /no-cut area (28,50± s.f.) will consist of re-establishing natural vegetation cover within the disturbed buffer zone and wetland areas as described below. It is proposed to leave the dog pen fence in place for continued resident use since it only encroaches five (5) feet into the 25' No Cut Zone. This work will additionally include adding wetland vegetation within the former fire pit area. It is anticipated that mitigative activities will be completed during the 2023 summer months, and should the property be sold, the present owner would make provisions for the two-season monitoring and reporting program to be conducted through the end of the 2024 growing season.

### **Buffer Mitigation Area (BMA)**

Buffer mitigation will generally consist of four (4) restoration activities: scarifying and preparing the grassed surface including relocating irrigation system components if necessary, planting the area with native wildlife friendly trees and shrubs, overseeding bare areas with a semi-shade conservation seed mix, and final mulching and fence barrier installation along the upper boundary of the 25-foot No-Cut Zone as specified in the mitigation sequence provided below. Proposed BMA details are described herein and shown on the above reference Hayes Engineering, Inc. plan.

### **Wetland Mitigation Area (WMA)**

The ferns previously planted in the wetland area downgradient of flags #8 - #10 were unfurling at time of HEI's second site visit and appeared to be flourishing in their locations. In consideration of that successful growth, it is proposed that the former fire pit WMA be raked to scatter the charred remnants and be planted with 10 Cinnamon ferns as a supplement to the previous plantings. This planting should be accomplished prior to the BMA work.

The planted mitigation areas shall have a two-growing season monitoring program to document successful establishment of the 25' buffer zone and wetland plant communities which would consist of a BMA / WMA inspection to be conducted once in the Summer during each of the two consecutive seasons and an inspection report to be submitted to the Rowley Conservation Commission for each visit detailing site inspection observations of plant health and general description of vegetation coverage along with photograph documentation and notation of any required plant replacement maintenance. Buffer mitigation area plant community establishment shall be deemed successful if at the end of the monitoring period there is at least 75% vegetation coverage and 75% survival of planted trees and shrubs. Wetland plant community establishment shall be deemed successful if at the end of the monitoring period there is at least 75% survival of the ferns.

## **Mitigation Sequence**

The method of construction provided below shall be followed for the mitigation areas. Tree and shrub planting shall be accomplished during the mid-Spring to early summer months.

1. An erosion control barrier (Mulch-filled Silt Sock or similar) shall be installed along the wetland boundary to serve as a limit of work and to prevent BMA work sediments from inadvertently encroaching upon the wetlands.

2. Prepare former fire pit WMA by raking most of the charred coal remnants out of the fire pit area and scattering them throughout the wetland area. Scarify planting area with rake if needed to break up compacted soil.
3. Plant ferns in former fire pit WMA.
4. Prepare BMA by scarifying the grassed buffer zone surface with a heavy-duty rake with metal tines, dethatcher machine or other acceptable method. Rototilling is not recommended for this step due to high potential of invasive species growth in the disturbed soils and contact with the irrigation system. Top-dress scarified BMA area with thin layer of seed free topsoil or commercially prepared seed free compost if desired.
4. Plant areas with nursery tree and shrub plants as specified in the Planting Table provided below and as noted on the referenced planting plan.
5. After all other plants have been installed in BMA, apply "Semi-Shade and Forbs Mix" seed mix product from New England Wetland Plants, Inc. or equivalent by hand within BMA bare spots located below the end of the driveway and below the dog pen. Mulch seeded Mitigation area with clean, seed-free straw to protect the soil from erosion and to promote moisture retention.
6. Monitoring: Inspect mitigation areas one month after planting to ensure all woody plants have been properly installed and are healthy, and the seed is sprouting. Thereafter, the areas shall be inspected and evaluated as required during the two-growing season monitoring period described above. If animal browsing damage is apparent, use of appropriate non-chemical animal deterrent devices such as shrub cages, fencing or other approved methods may be installed to preserve plant health.

**PLANTING TABLE**

<u>Type</u>	<u>Name</u>	<u>Number</u>	<u>Size</u>	<u>Symbol</u>
Trees	Red oak ( <i>Quercus Rubra</i> )	2	1.5" Cal.	RO
	White pine ( <i>Pinus strobus</i> )	1	1.5" Cal.	WP
Shrubs	White Dogwood ( <i>Cornus florida</i> )	5	3 Gallon, 18- 24" ht	FD
	Grey Dogwood ( <i>Cornus racemosa</i> )	5	3 Gallon, 18- 24" ht	GD
	Carol Mountain Laurel ( <i>Kalmia latifolia</i> "Carol" )	3	5 Gallon or 2'-3' ht B & B	ML
Ferns	Cinnamon fern	10	1 Gallon	CF
Seed Mix	Semi-shade Grass and Forbs Mix by New England Wetland Plants, Inc. or Equivalent.	—	Overseeding of bare areas - Spread by hand.	—

## **NEW ENGLAND WETLAND PLANTS, INC**

820 WEST STREET, AMHERST, MA 01002

PHONE: 413-548-8000 FAX 413-549-4000

EMAIL: INFO@NEWP.COM WEB ADDRESS: WWW.NEWP.COM

### **New England Semi-Shade Grass and Forbs Mix**

<b>Botanical Name</b>	<b>Common Name</b>	<b>Indicator</b>
<i>Elymus virginicus</i>	Virginia Wild Rye	FACW-
<i>Elymus canadensis</i>	Canada Wild Rye	FACU+
<i>Festuca rubra</i>	Red Fescue	FACU
<i>Chamaecrista fasciculata</i>	Partridge Pea	FACU
<i>Liatris spicata</i>	Spiked Gayfeather/Marsh Blazing Star	FAC+
<i>Onoclea sensibilis</i>	Sensitive Fern	FACW
<i>Aster prenanthoides (Symphyotrichum prenanthoide)</i>	Zigzag Aster	FAC
<i>Eupatorium fistulosum (Eutrochium fistulosum)</i>	Hollow-Stem Joe Pye Weed	FACW
<i>Eupatorium perfoliatum</i>	Boneset	FACW
<i>Juncus tenuis</i>	Path Rush	FAC

PRICE PER LB. \$87.00 MIN. QUANTITY 1 LBS. **TOTAL:** \$87.00 APPLY: 30 LBS/ACRE :1450 sq ft/lb

The New England Semi Shade Grass & Forb Mix contains a broad spectrum of native grasses and forbs that will tolerate semi-shade and edge conditions. Always apply on clean bare soil. The mix may be applied by hydro-seeding, by mechanical spreader, or on small sites it can be spread by hand. Lightly rake, or roll to ensure proper seed to soil contact. Best results are obtained with a Spring seeding. Late Spring and early Summer seeding will benefit with a light mulching of weed-free straw to conserve moisture. If conditions are drier than usual, watering will be required. Late Fall and Winter dormant seeding require an increase in the seeding rate. Fertilization is not required unless the soils are particularly infertile. Preparation of a clean weed free seed bed is necessary for optimal results.

New England Wetland Plants, Inc. may modify seed mixes at any time depending upon seed availability. The design criteria and ecological function of the mix will remain unchanged. Price is \$/bulk pound, FOB warehouse, Plus SH and applicable taxes.