TOWN OF TOPSFIELD

Conservation Commission

8 West Common Street, Topsfield, Massachusetts 01983

June 2, 2008

Frank Iovanella
New Meadows Enterprises, LLC
5 Turnpike Road
Ipswich, MA 01938

Re: Order of Resource Area Delineation, #307-0621, 30 Wildes Road, Map 8, Lot 5, Topsfield

Dear Frank,

Enclosed is an original Order of Resource Area Delineation, issued under the Massachusetts Wetlands Protection Act, MGL Ch. 131, § 40, and the Topsfield Wetlands General Bylaw, Ch. 62, for verification of certain Resource Area boundaries on the property at 30 Wildes Road in Topsfield. There is no need to record this document.

If you have any questions, please contact me at the TCC office, 978-887-1510.

Sincerely,

Lana L. Seguin-Spillman

Lana Spillman
Topsfield Conservation Administrator

cc: Bill Manuell, Wetlands & Land Management, Inc.
DEP-NERO
TCC file

Massachusetts Department of Environmental Protection
Bureau of Resource Protection – Wetlands & **TOPSFIELD CONSERVATION COMMISSION**

WPA/WGB Form 4B - Order of Resource Area Delineation

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
and **Topsfield Wetlands General Bylaw, Chapter 62**

DEP File Number: 307-0621
Provided by DEP
30 Wildes Road
New Meadows Enterprises, LLC

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.

Note: Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

From:

TOPSFIELD
Conservation Commission

This Issuance is for (check one):

- ☒ Order of Resource Area Delineation Only
- ☐ Order of Resource Area Delineation Subject to Simplified Review
  - ☐ Not Subject to Stormwater Policy
  - ☐ Subject to Stormwater Policy
- ☐ Amended Order of Resource Area Delineation

To: Applicant:

Frank Iovanella/New Meadows Enterprises, LLC
Name
5 Turnpike Road
Mailing Address
Ipswich | MA | 01938
City/Town | State | Zip Code

Property Owner (if different from applicant):

(same)
Name
Mailing Address
City/Town | State | Zip Code

1. Project Location:

30 Wildes Road
Street Address
Topsfield
City/Town
8
Assessors Map/Plat Number
5
Parcel /Lot Number

2. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

Plan to Accompany Abbreviated Notice of Resource Area Delineation Topsfield, Massachusetts, Prepared for New Meadows Enterprises LLC
Prepared by Eastern Land Survey Assoc., 104 Lowell St., Peabody,MA 01960
Title
Revision May 6, 2008
Date

William J. Manuell, Wetland Scientist, Letter responding to DEP comments
Title
May 14, 2008
Date

3. Dates:

3/31/2008
Date ANRAD Filed
5/14/2008
Date Public Hearing Closed
6/2/2008
Date of Issuance

B. Order of Delineation

The Conservation Commission has determined the following (check whichever is applicable):

☒ **Accurate**: The boundaries described on the referenced plan(s) above and in the Abbreviated Notice of Resource Area Delineation are accurately drawn for the following resource area(s):

☒ Bordering Vegetated Wetlands

☒ Other Resource Area(s), specifically:

BVW flags WF A1 - WF A3 connected to WF A5 - WF A10; WF B1 through WF B13, including revised WF B4 and WF B5; BANK flags WF Bank P1 through WF Bank P12; Bank flags WF Bank 104 through WF Bank 112

☒ **Modified**: The boundaries described on the plan(s) referenced above, as modified by the Conservation Commission from the plans contained in the Abbreviated Notice of Resource Area Delineation, are accurately drawn from the following resource area(s):

☐ Bordering Vegetated Wetlands

☒ Other Resource Area(s), specifically:

Wetland flag WF A4 was eliminated; WF B4 and WF B5 were modified outward/upslope in the field; changes are reflected on the revised plan.

☒ **Inaccurate**: The boundaries described on the referenced plan(s) and in the Abbreviated Notice of Resource Area Delineation were found to be inaccurate and cannot be confirmed for the following resource area(s):

☐ Bordering Vegetated Wetlands

☒ Other Resource Area(s), specifically:

BANK flags WF BANK 101 - WF BANK 103 specifically are not verified because of unauthorized alterations.

The boundaries were determined to be inaccurate because:

This is an area of machine-altered topopgraphy within the Wetland Resource Area.

Other than those delineation flags verified herein, the TCC neither confirms nor denies the accuracy of delineations and/or existence of Resource Areas on this and any abutting properties.

C. Simplified Buffer Zone Review

Work within the Buffer Zone pursuant to the Simplified Review (310 CMR 10.02) requires that you must comply with the following conditions. If your project does not meet these requirements, you are required to either file a Determination of Applicability or Notice of Intent or take other corrective measures as directed by the Conservation Commission.

Simplified Review Conditions:

Work conducted under Simplified Review requires the following:

1. No work of any kind shall occur within any wetland resource areas including Riverfront Area and Bordering Land Subject to Flooding.
2. The inner 0-to-50-foot wide area from the delineated wetland boundary that has a Buffer Zone shall not be disturbed by any work associated with this project, including placement of any stormwater management components.
3. No work shall occur in the Buffer Zone bordering an Outstanding Resource Water (e.g., certified vernal pool, public water supply reservoir or tributary), as defined in 314 CMR 4.00 or border coastal resource areas at 310 CMR 10.25-10.35.
4. No work shall occur in the Buffer Zone adjacent to wetland resources with estimated wildlife habitat (which is identified on the most recent Estimated Habitat Map of State-listed Rare Wetlands Wildlife).
5. Erosion and Sedimentation controls shall be installed and maintained at the 50-foot Buffer Zone line or limit of work (whichever is a greater distance from the resource area) to protect resource areas during construction.
6. If the project is subject to the Massachusetts Stormwater Policy, all work shall be conducted in conformance with an approved Stormwater Management Plan.
7. The Buffer Zone does not contain a slope greater than an average of 15% at its steepest gradient across the 100-foot Buffer Zone.
8. The amount of new impervious surface, in combination with existing impervious surfaces, shall not exceed 40% of the Buffer Zone between 50 and 100 feet.
9. No work is allowed, and no additional NOI or RDA shall be filed, for any work within the 0-to-50-foot Buffer Zone during the three-year term of an Order associated with this application.
10. Prior to any work being undertaken pursuant to this Order, the wetland resource boundary shall be flagged; all boundary delineation flagging should be maintained for the term of the Order.
11. If stormwater management structures are proposed in the Buffer Zone, the stormwater management structures shall be maintained as required in the Stormwater Plan. Such maintenance constitutes an ongoing condition and is not subject to further permitting requirements.
12. If this ORAD involves work as part of a Simplified Review, the ORAD shall be recorded at the Registry of Deeds prior to the commencement of work per the requirements of Section F.
13. Prior to proceeding with any work under Simplified Review, applicants are required to provide written notice to the Commission one week prior to commencing any work.
14. If work authorized under Simplified Review is commenced, no work is allowed, and no additional NOI or RDA may be filed, for any work within the 0-to-50-foot buffer zone during the term of an ORAD associated with this application. If work authorized under Simplified Review is **not** commenced, then future NOIs or RDAs may be filed for work within the 0-to-50-foot portion of the buffer zone.

--End of Conditions--

C. Simplified Buffer Zone Review (cont.)

Stormwater Applicability

☐ The project is not subject to the Stormwater Policy.

☐ The project is subject to the Stormwater Policy and the Stormwater Plan included for the project complies with all stormwater standards.

Ineligibility Determinations

Site Conditions: The applicant is not eligible for Simplified Buffer Zone review and must file a Determination of Applicability or Notice of Intent prior to any work because:

☐ Work is within the Buffer Zone of a Coastal Resource Area as defined at 310 CMR 10.25-10.35.

☐ The Buffer Zone contains existing slopes greater than an average of 15%.

☐ Buffer Zone contains estimated rare wildlife habitat.[1]

☐ The site borders an Outstanding Resource Water.[2]

Stormwater

☐ The project is subject to the Stormwater Policy and the applicant has not submitted sufficient information to demonstrate compliance with the Stormwater Management Policy. Prior to any work, the applicant must submit plans showing compliance with the standards in the Stormwater Policy, the location of the work, the amount of impervious surface, and the location of erosion controls, to the Commission for its concurrence. (See instructions to ANRAD Form 4A.) The following necessary stormwater information was not submitted by the applicant:

_____

☐ The project is subject to the Stormwater Policy but the project does not comply with one or more of the stormwater standards (specify which standard(s) not met).

Standard # : _____

Standard # : _____

☐ Impervious surface exceeds 40% of the area of the Buffer Zone between 50 and 100 feet from the resource area.

☐ The applicant did not submit plans depicting adequate erosion and sedimentation controls located at the limit of work or at least 50 feet from any resource areas, whichever will be greater.

☐ Work is proposed within 50 feet of a resource area.

Notice to Commission

Any applicant proposing to proceed under Simplified Buffer Zone Review, as specified in 310 CMR 10.02, must provide written notice to the Commission one week prior to any work.

[1] *Identified on the most recent Estimated Habitat Map of State-listed Rare Wetlands Wildlife of the Natural Heritage and Endangered Species Program.*
[2] *Certified Vernal Pools, public water supplies, or inland ACECs as identified in 314 CMR 4.00.*

D. Findings

This Order of Resource Area Delineation determines that the Stormwater Plan, if applicable, and the boundaries of those resource areas noted above, have been delineated and approved by the Commission and are binding as to all decisions rendered pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c.131, § 40) and its regulations (310 CMR 10.00). This Order does not, however, determine the boundaries of any resource area or Buffer Zone to any resource area not specifically noted above, regardless of whether such boundaries are contained on the plans attached to this Order or to the Abbreviated Notice of Resource Area Delineation.

The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.

If the Abbreviated Notice of Resource Area Delineation was filed as Simplified Review for a Buffer Zone project, the applicant has certified that any work associated with the proposed project meets all eligibility requirements for Simplified Review listed in Section C of this Order. Any work that does not comply with the Simplified Review requirements will require a Notice of Intent or Request for Determination of Applicability.

The applicant is responsible for promptly requesting a Certificate of Compliance following completion of any work allowed pursuant to a Simplified Review or no later than three years from the date of the Order of Resource Area Delineation unless the Order is extended.

Failure to comply with the conditions of this Order is grounds for the Conservation Commission or the Department to take enforcement action.

This Order must be signed by a majority of the Conservation Commission. The Order must be sent by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate DEP Regional Office.

E. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office (see Appendix A) to issue a Superseding Order of Resource Area Delineation. When requested to issue a Superseding Order of Resource Area Delineation, the Department's review is limited to the objections to the resource area delineation(s) stated in the appeal request. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant. Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order or Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, § 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal bylaw or ordinance, and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection – Wetlands & **TOPSFIELD CONSERVATION COMMISSION**

WPA/WGB Form 4B - Order of Resource Area Delineation

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
and **Topsfield Wetlands General Bylaw, Chapter 62**

DEP File Number: 307-0621
Provided by DEP
30 Wildes Road
New Meadows Enterprises, LLC

F. Signatures and Notary Acknowledgement

Wade M. Goldman
Signature of Conservation Commission Member

Walter Harmer
Signature of Conservation Commission Member

Thomas A Warn
Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

This Order is valid for three years from the date of issuance.

This Order is issued to the applicant and the property owner (if different) as follows:

☐ by hand delivery on _____ Date

☒ by certified mail, return receipt requested on _____ Date

Notary Acknowledgement

Commonwealth of Massachusetts County of Essex

On this fourteenth (Day) of May, (Month) 2008 (Year)

Before me, the undersigned Notary Public, personally appeared Walter Harmer (Name of Document Signer)

proved to me through satisfactory evidence of identification, which was/were personal knowledge (Description of evidence of identification)

to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

As member of Topsfield (City/Town) Conservation Commission

Lana R. Seguin-Spillman
Signature of Notary Public

Lana R. Seguin-Spillman
Printed Name of Notary Public

Lana R. Seguin-Spillman
My Commission Expires Notary Public
My Commission Expires
July 31 2009

Place notary seal and/or any stamp above

This Order is issued to the applicant as follows:

☐ by hand delivery on _____ Date

☒ by certified mail, return receipt requested, on 6/2/2008 Date

G. Recording Information

If this Order is issued for purposes of Resource Area Delineation only, this Order should NOT be recorded.

If this Order of Resource Area Delineation is issued as part of a Simplified Review, this Order must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on Page 6 of this form shall be submitted to the Conservation Commission listed below.

TOPSFIELD
Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

There is no need to record this document.
Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location _____ DEP File Number _____

Has been recorded at the Registry of Deeds of:

County _____ Book _____ Page _____

for:

Property Owner _____

and has been noted in the chain of title of the affected property in:

Book _____ Page _____

In accordance with the Order of Conditions issued on:

Date _____

If recorded land, the instrument number identifying this transaction is:

Instrument Number _____

If registered land, the document number identifying this transaction is:

Document Number _____

Signature of Applicant _____