16 68

AMESBURY

COMMUNITY & ECONOMIC DEVELOPMENT

CONSERVATION COMMISSION

October 12th, 2023

Christopher M. Lucas, Principal, PWS, CWS, RPSS
Lucas Environmental, LLC
500A Washington St
Quincy, MA 02169

RE: ORAD 265#R, 277,281, 287½ Elm St (Map 68/Map 80 Lots 12, 13, 15, 20 / Lots 3, 4), Amesbury MA 01913 – DEP File #002-1316 – Corrections to ORAD

Dear Mr. Lucas,

Thank you for reaching out with the concerns regarding the ORAD issued on 08/07/2023 by the Amesbury Conservation Commission for DEP File# 002-1316. After reviewing the recording of the vote at the close of the hearing for DEP File #002-1316, corrections to the ORAD could be made under Scrivener's errors. Enclosed are the corrected pages to the ORAD. Any further concerns or changes to the ORAD should be dealt with through the Amendment process.

Attached:

- WPA Form 4B Page 2 - Striking "MAHW for" from c. and e. as intermittent
- Attachment to the ORAD Findings Page 1 - Striking "and intermittent" from Finding 8
- Attachment to the ORAD Findings Page 2
    - Striking "Buffer Zone Areas and" from Fact of Finding 10
    - Striking "Buffer Zone Areas and" from Fact of Finding 11
    - Adding "#14. Buffer Zone and Riverfront Area located on the Property associated with off-site flags has been approved under this review."
- Missing "See Attached Property Owners List" page to the ORAD - Property Ownership List

Sincerely,

Kassandra Pearl

Kassandra Pearl
Conservation Agent

16 68

AMESBURY

COMMUNITY & ECONOMIC DEVELOPMENT

CONSERVATION COMMISSION

August 7th, 2023

Bob Dale
Dale Development, LLC
630 Washington Road
Rye, NH 02169

Re: ANRAD 265#R, 277, 281, 287 ½ Elm Street, Amesbury, MA 01913, DEP File # 002-1316

Dear Mr. Dale,

Enclosed is your Order of Resource Area Determination (ORAD) filed by you or your representative for an Abbreviated Notice of Resource Area Delineation (ANRAD) for 265#R, 277, 281, 287 ½ Elm Street, Amesbury, MA 01913, DEP File # 002-1316.

The ORAD is valid for three years from the issuance date. Any future work proposed in a Buffer Zone or Resource Area as defined in the Massachusetts Wetlands Protection Act and the City of Amesbury Wetlands Protection Ordinance will require a filing with the Amesbury Conservation Commission.

It is your responsibility to record the ORAD at the Essex South Registry of Deeds. The registry is located at 45 Congress Street, Salem, MA 01970. Additional information for the registry may be found on their website www.salemdeeds.com.

Once the ORAD is recorded, please send a copy of the recording information. This may be sent to me by mail or email at pearlk@amesburyma.gov. If you have any questions, please do not hesitate to contact me.

Sincerely,

Kassandra Pearl
Amesbury Conservation Agent

For Registry of Deeds Use Only

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 4B – Order of Resource Area Delineation

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

Provided by MassDEP:
002-1316
MassDEP File Number

eDEP Transaction Number

Amesbury
City/Town

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: Amesbury
1. Conservation Commission

2. This Issuance is for (check one):

a. ☒ Order of Resource Area Delineation

b. ☐ Amended Order of Resource Area Delineation

3. Applicant:

Bob
a. First Name

Dale
b. Last Name

Dale Development, LLC
c. Organization

630 Washington Road
d. Mailing Address

Rye
e. City/Town

NH
f. State

02169
g. Zip Code

4. Property Owner (if different from applicant):

See Attached Property Owners List
a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

5. Project Location:

a. Street Address

Amesbury
b. City/Town

01913
c. Zip Code

Map 68/Map 80
d. Assessors Map/Plat Number

Lots 12,13,15,20/ Lots 3,4
e. Parcel/Lot Number

Latitude and Longitude (in degrees, minutes, seconds):

42d50m5970s
f. Latitude

70d54m17s
g. Longitude

6. Dates:

03/16/2023
a. Date ANRAD filed

07/17/2023
b. Date Public Hearing Closed

08/07/2023
c. Date of Issuance

corrected 10/12/2023 K. Pearl

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 4B – Order of Resource Area Delineation

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

Provided by MassDEP:
002-1316
MassDEP File Number

eDEP Transaction Number

Amesbury
City/Town

A. General Information (cont.)

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

Resource Area Location Plan by GM2 Associates	06/27/2023
a. Title	b. Date
c. Title	d. Date

B. Order of Delineation

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

a. ☒ **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):

1. ☒ Bordering Vegetated Wetlands

2. ☒ Other resource area(s), specifically:

a. BVW for WFA-1 to WFA-4, WFA-12 to WFA-196
b. BVW for WFB-0 to WFB-126, WFB-129 to WFB-132
c. ~~MAHW for~~ BF1-1 to BF1-8 as intermittent
d. MAHW for BF1-9 to BF1-66R as perennial
e. ~~MAHW for~~ BF2-1 to BF2-21 as intermittent
f. MAHW for BF2-22 to BF2-27 as perennial
g. IVW for WFC-1 to WFC-30 (has not been evaluated for ILSF)

b. ☐ **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):

1. ☐ Bordering Vegetated Wetlands

2. ☐ Other resource area(s), specifically:

a.

c. ☒ **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):

1. ☒ Bordering Vegetated Wetlands

2. ☒ Other resource area(s), specifically:

BVW for WFA-5 to WFA-11 are located in Salisbury
BVW for WFB-127 to WFB-128 are located on abutter parcel

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 4B – Order of Resource Area Delineation

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

Provided by MassDEP:
002-1316
MassDEP File Number

eDEP Transaction Number

Amesbury
City/Town

BVW for WFB-133 to WFB-135 are located on abutter parcel
MAHW for BF1-67R to BF1-76 are located on abutter parcel

B. Order of Delineation (cont.)

3. ☒ The boundaries were determined to be inaccurate because:

Amesbury Conservation Commission does not have jurisdiction to approve delineation flags in Salisbury. No written permission from the abutting parcels for the above-mentioned flags has been received. Wetland series C has not been evaluated to determine if it meets definition for ILSF. Limit of MAHW from BF2-27 to Property line has not been confirmed.

C. Findings

This Order of Resource Area Delineation determines that 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.

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 (see https://www.mass.gov/service-details/massdep-regional-offices-by-community).

D. 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 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 of Resource Area Delineation 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).

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 4B – Order of Resource Area Delineation

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

Provided by MassDEP:
002-1316
MassDEP File Number

eDEP Transaction Number

Amesbury
City/Town

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

E. Signatures

08/07/2023
Date of Issuance

Please indicate the number of members who will sign this form.

3
1. Number of Signers

Amesbury Conservation Commission

Signatures

By vote on 04/03/2023 the Amesbury Conservation Commission authorized the use of their electronic signatures pursuant to the certificate of vote recorded with the Essex South Registry of Deeds in Book 41530 Page 251. They intend for their typed names below to serve as electronic signatures.

Timothy Broadrick (Aug 5, 2023 06:37 PDT)	Timothy Broadrick
Signature of Conservation Commission Member	Printed Name
Michael Jewell (Aug 4, 2023 08:36 CDT)	Michael Jewell
Signature of Conservation Commission Member	Printed Name
	Evin Guvendiren
Signature of Conservation Commission Member	Printed Name
Signature of Conservation Commission Member	Printed Name
Signature of Conservation Commission Member	Printed Name
Signature of Conservation Commission Member	Printed Name
Signature of Conservation Commission Member	Printed Name
Signature of Conservation Commission Member	Printed Name

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

If this Order constitutes an Amended Order of Resource Area Delineation, this Order does not extend the issuance date of the original Final Order, which expires on unless extended in writing by the issuing authority.

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

2. ☐ By hand delivery on

a. Date

3. ☒ By certified mail, return receipt requested on

a. Date 8/7/2023

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Request for Departmental Action Fee Transmittal Form

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

DEP File Number:

Provided by DEP

A. Request Information

1. Location of Project

a. Street Address | b. City/Town, Zip

c. Check number | d. Fee amount

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

2. Person or party making request (if appropriate, name the citizen group's representative):

Name

Mailing Address

City/Town | State | Zip Code

Phone Number | Fax Number (if applicable)

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name

Mailing Address

City/Town | State | Zip Code

Phone Number | Fax Number (if applicable)

4. DEP File Number:

B. Instructions

1. When the Departmental action request is for (check one):

- ☐ Superseding Order of Conditions – Fee: $120.00 (single family house projects) or $245 (all other projects)
- ☐ Superseding Determination of Applicability – Fee: $120
- ☐ Superseding Order of Resource Area Delineation – Fee: $120

Send this form and check or money order, payable to the *Commonwealth of Massachusetts,* to:

Department of Environmental Protection
Box 4062
Boston, MA 02211

B. Instructions (cont.)

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see https://www.mass.gov/service-details/massdep-regional-offices-by-community).

4. 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.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 4B – Order of Resource Area Delineation

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

Provided by MassDEP:

MassDEP File Number

eDEP Transaction Number

City/Town

Recording Information

Prior to commencement of work, this Order of Resource Area Delineation 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 Resource Area Delineation. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

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

To:

Conservation Commission

Please be advised that the Order of Resource Area Delineation for the Project at:

Project Location | MassDEP 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 Resource Area Delineation 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

corrected 10/12/2023 K.Pearl

Order of Resource Area Delineation
City of Amesbury
265#R, 277, 281, 287, 287 ½ Elm St (Map 68/Map 80 Lots 12, 13, 15, 20 / Lots 3, 4)

Findings:
Findings listed herein are pursuant to the Massachusetts Wetland Protection Act (MGL Chapter 131, Section 40), implementing Regulations (310 CMR 10.00) and City of Amesbury Local Wetlands Protection Ordinance (Chapter 43)

Under Massachusetts Wetland Protection Act (MGL Chapter 131, Section 40), implementing Regulations (310 CMR 10.00)

1. **Bank** a resource area, subject to protection under the Wetland Protection Act and Regulations 310CMR10.54. Bank has a 100-foot Buffer Zone. Bank was not reviewed, approved, or confirmed under this review.

2. **Bordering Vegetated Wetland (BVW)** has been identified as a resource area, subject to protection under the Wetland Protection Act and Regulations 310CMR10.55. BVW has a 100-foot Buffer Zone.

3. **Riverfront Area** to unnamed western perennial stream and unnamed eastern perennial stream has been identified through the identification of the mean annual high water mark (MAHW) as a resource area, subject to protection under the Wetland Protection Act and Regulations 310CMR10.58

Under Amesbury Local Ordinance (Ch. 43)

4. The property contains **Vegetated wetlands.**Vegetated wetlands have a 100 foot jurisdictional area and a 25-foot No Disturbance Zone and 35 ft No-Build Zone. Vegetated wetland boundaries are confirmed as indicated by the flags described in the ORAD.

5. The property contains **Inland banks (bordering on freshwater).** Inland banks have a 100-foot jurisdictional area and 25 ft No Disturbance Zone. Bank was not reviewed, approved, or confirmed under this review.

6. The property contains **Land Under Water Bodies (pond, lakes, rivers, streams, creeks. or any fresh water wetland).** LUWW has a 25-foot No Disturbance Zone. LUWW have a 100 foot jurisdictional area. LUWW was not reviewed, approved, or confirmed under this review.

7. The property contains **Land subject to flooding (LSF - including but not limited to, fresh water wetlands, isolated wetlands, wet meadows, marsh, swamps, bogs, vernal pools, streams, rivers, ponds, lakes, or reservoirs)** LSF have a 100 foot jurisdictional area and a 25-foot No Disturbance Zone. Wetland Series C has not been evaluated to determine if it meets the definition for ILSF under this review.

8. The property contains **Rivers, streams, or creeks.** Perennial ~~and intermittent~~ streams have a 200-foot Riverfront Area. Rivers, streams (creeks) have a 25-foot No Disturbance Zone.

corrected 10/12/2023 K. Pearl

Order of Resource Area Delineation
City of Amesbury
265#R, 277, 281, 287, 287 ½ Elm St (Map 68/Map 80 Lots 12, 13, 15, 20 / Lots 3, 4)

Fact of Findings:

1) The property contains **Buffer zones (100-foot)** to:
   a) **Vegetated wetlands**
   b) **Inland banks (bordering on freshwater)**
   c) **Land Under Water Bodies (pond, lakes, rivers, streams, creeks. or any fresh water wetland)**
   d) **Land subject to flooding (LSF - including but not limited to, fresh water wetlands, isolated wetlands, wet meadows, marsh, swamps, bogs, vernal pools, streams, rivers, ponds, lakes, or reservoirs**

   Buffer Zones have a 25-foot No Disturbance Zone.

9. The property contains **Riverfront Areas to rivers, streams, or creeks.** Riverfront of perennial streams have a 200-foot area and 25 ft No Disturbance Zone.

10. ~~Buffer Zone Areas and~~ KP Resource Areas without written permission from abutting lots, prior to issuance of the ORAD, are not approved under this review

11. ~~Buffer Zone Areas and~~ KP Resource Areas outside of the Amesbury Conservation Commission jurisdiction, located in neighboring Salisbury, are not approved under this review.

12. Limit of MAHW from BF2-27 to Property Line has not been confirmed.

13. Work is not approved with this Order of Resource Area Delineation.

14. Buffer Zone and Riverfront Area located on the Property associated with off-site flags has been approved under this review. KP

END

Attached 10/12/2023 K.Pearl
missing page

LUCAS
ENVIRONMENTAL, LLC

PROPERTY OWNERSHIP

Property Address	Ownership Entity	Map / Lot	Book/Page
265 Elm Street #R Amesbury, MA	True Homestead Limited Partnership IV 196 Water Street, Unit 12 Exeter, NH 03833	68 / 12	15596 / 174
277 Elm Street #R Amesbury, MA	True Homestead Limited Partnership I 196 Water Street, Unit 12 Exeter, NH 03833	68 / 13	15871 / 553
281 Elm Street Amesbury MA	True Homestead Limited Partnership III Herbert T. Sears 196 Water Street, Unit 12 Exeter, NH 03833	68 / 20	12307 / 510
287 Elm Street Amesbury, MA	True Homestead Limited Partnership 196 Water Street, Unit 12 Exeter, NH 03833	80 / 03	12307 / 508
287 Elm Street Amesbury, MA	Stanley O. Bean Jr. & Alice M. Bean Trustees, 287 Elm Street Realty Trust PO Box 27, Leavitt Road Gilmanton Iron Works, NH 03837	68 / 15	12779 / 376
287½ Elm Street Amesbury, MA	Stanley O. Bean Jr. Revocable Trust Stanley O. Bean Jr., Trustee PO Box 27 Gilmanton Iron Works, NH 03837	80 / 04	24120 / 288

For Registry of Deeds Use Only

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 4B – Order of Resource Area Delineation

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

Provided by MassDEP:
002-1327
MassDEP File Number

eDEP Transaction Number

Amesbury
City/Town

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: Amesbury
1. Conservation Commission

2. This Issuance is for (check one):

a. Order of Resource Area Delineation

b. Amended Order of Resource Area Delineation

3. Applicant:

Bob
a. First Name

Dale
b. Last Name

Dale Development, LLC
c. Organization

630 Washington Road
d. Mailing Address

Rye
e. City/Town

NH
f. State

02169
g. Zip Code

4. Property Owner (if different from applicant):

See Attached Property Owners List
a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

5. Project Location:

265r Elm St., 277R Elm St. 281 Elm St., 287 Elm St., 287.5 Elm St
a. Street Address

Amesbury
b. City/Town

01913
c. Zip Code

68 / 80
d. Assessors Map/Plat Number

12, 13, 15, 20 / Lots 3, 4
e. Parcel/Lot Number

Latitude and Longitude (in degrees, minutes, seconds):

42d50'59m50"s
f. Latitude

70d54;17m97"s
g. Longitude

6. Dates:

2.8.24
a. Date ANRAD filed

3.4.24
b. Date Public Hearing Closed

3.18.24
c. Date of Issuance

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 4B – Order of Resource Area Delineation

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

Provided by MassDEP:
002-1327
MassDEP File Number

eDEP Transaction Number

Amesbury
City/Town

A. General Information (cont.)

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

a. Title	b. Date
Resource Area Location Plan, Golden Triangle in Amesbury, MA	6.27.23
c. Title	d. Date

B. Order of Delineation

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

a. **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):

1. Bordering Vegetated Wetlands

2. Other resource area(s), specifically:

a. 1) Inland Bank associated with flags BF1-1 to BF1-76, and BF2-1 to BF2-27: Yes present.
2) Bordering Land Subject to Flooding and Isolated Land Subject to Flooding: Not present, except for a potential area of ILSF within the limit of Wetland C that has not been evaluated. If future work is proposed within Wetland C, it will be evaluated per the definitions of ILSF.
3) No other resource areas are present on the site other than the resource areas previously approved by the Conservation Commission under ORAD #1 (MassDEP File #002-1316).

b. **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):

1. Bordering Vegetated Wetlands

2. Other resource area(s), specifically:

a.

c. **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):

1. Bordering Vegetated Wetlands

2. Other resource area(s), specifically:

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 4B – Order of Resource Area Delineation

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

Provided by MassDEP:
002-1327
MassDEP File Number

eDEP Transaction Number

Amesbury
City/Town

B. Order of Delineation (cont.)

3. The boundaries were determined to be inaccurate because:

_____

_____

_____

C. Findings

This Order of Resource Area Delineation determines that 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.

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 (see https://www.mass.gov/service-details/massdep-regional-offices-by-community).

D. 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 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 of Resource Area Delineation 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

WPA Form 4B – Order of Resource Area Delineation

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

Provided by MassDEP:
002-1327
MassDEP File Number

eDEP Transaction Number

Amesbury
City/Town

3.18.24
Date of Issuance

E. Signatures

Please indicate the number of members who will sign this form.

1. Number of Signers

By vote on 04/03/2023 the Amesbury Conservation Commission authorized the use of their electronic signatures pursuant to the certificate of vote recorded with the Essex south Registry of Deeds in Book 41530 Page 251. They intend for their typed names to serve as electronic signatures.

Signatures

Tim Broadrick (Mar 24, 2024 20:03 EDT) Signature of Conservation Commission Member	Timothy Broadrick Printed Name
Michael Ebert Signature of Conservation Commission Member	Michael Ebert Printed Name
Fred Zackon Fred Zackon (Mar 19, 2024 22:06 EDT) Signature of Conservation Commission Member	Fred Zackon Printed Name
Amanda Jones (Mar 18, 2024 16:23 EDT) Signature of Conservation Commission Member	Amanda jones Printed Name
Signature of Conservation Commission Member	Printed Name
Signature of Conservation Commission Member	Printed Name
Signature of Conservation Commission Member	Printed Name
Signature of Conservation Commission Member	Printed Name
Signature of Conservation Commission Member	Printed Name

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

If this Order constitutes an Amended Order of Resource Area Delineation, this Order does not extend the issuance date of the original Final Order, which expires on unless extended in writing by the issuing authority.

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

2. By hand delivery on

a. Date

3. By certified mail, return receipt requested on

a. Date

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Request for Departmental Action Fee Transmittal Form

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

DEP File Number:

Provided by DEP

A. Request Information

1. Location of Project

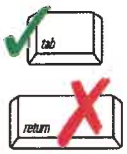
a. Street Address

b. City/Town, Zip

c. Check number

d. Fee amount

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



2. Person or party making request (if appropriate, name the citizen group's representative):

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

4. DEP File Number:

B. Instructions

1. When the Departmental action request is for (check one):

   Superseding Order of Conditions – Fee: $120.00 (single family house projects) or $245 (all other projects)

   Superseding Determination of Applicability – Fee: $120

   Superseding Order of Resource Area Delineation – Fee: $120

Send this form and check or money order, payable to the *Commonwealth of Massachusetts,* to:

Department of Environmental Protection
Box 4062
Boston, MA 02211

B. Instructions (cont.)

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see https://www.mass.gov/service-details/massdep-regional-offices-by-community).

4. 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.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 4B – Order of Resource Area Delineation

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

Provided by MassDEP:
002-1327
MassDEP File Number

eDEP Transaction Number

Amesbury
City/Town

Recording Information

Prior to commencement of work, this Order of Resource Area Delineation 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 Resource Area Delineation. The recording information on this page shall be submitted to the Conservation Commission listed below.

Amesbury
Conservation Commission

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

To:

Amesbury
Conservation Commission

Please be advised that the Order of Resource Area Delineation for the Project at:

265R Elm St., 277R Elm St. 281 Elm St., 287 Elm St., 287.5 Elm St
Project Location

002-1327
MassDEP File Number

Has been recorded at the Registry of Deeds of:

Essex South
County

Book

Page

For: See List of Property Owners
Property Owner

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

Book

Page

In accordance with the Order of Resource Area Delineation issued on:

Date

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

Instrument Number

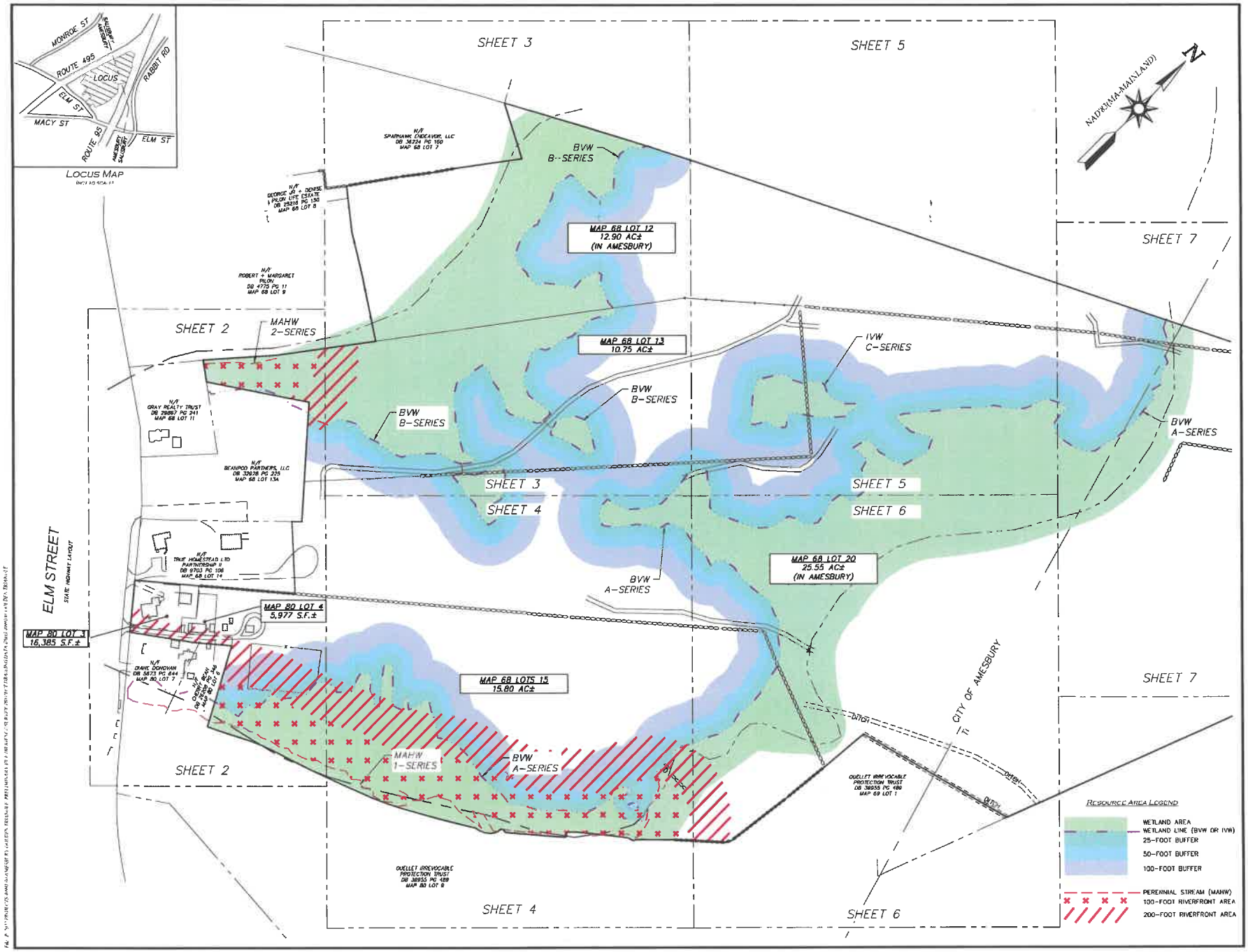
If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

PROPERTY OWNERSHIP

Property Address	Ownership Entity	Map / Lot	Book/Page
265 Elm Street #R Amesbury, MA	True Homestead Limited Partnership IV 196 Water Street, Unit 12 Exeter, NH 03833	68 / 12	15596 / 174
277 Elm Street #R Amesbury, MA	True Homestead Limited Partnership I 196 Water Street, Unit 12 Exeter, NH 03833	68 / 13	15871 / 553
281 Elm Street Amesbury MA	True Homestead Limited Partnership III Herbert T. Sears 196 Water Street, Unit 12 Exeter, NH 03833	68 / 20	12307 / 510
287 Elm Street Amesbury, MA	True Homestead Limited Partnership 196 Water Street, Unit 12 Exeter, NH 03833	80 / 03	12307 / 508
287 Elm Street Amesbury, MA	Stanley O. Bean Jr. & Alice M. Bean Trustees, 287 Elm Street Realty Trust PO Box 27, Leavitt Road Gilmanton Iron Works, NH 03837	68 / 15	12779 / 376
287½ Elm Street Amesbury, MA	Stanley O. Bean Jr. Revocable Trust Stanley O. Bean Jr., Trustee PO Box 27 Gilmanton Iron Works, NH 03837	80 / 04	24120 / 288



FOR REGULATORY USE ONLY

RESOURCE AREA LOCATION PLAN

GOLDEN TRIANGLE
IN
AMESBURY
MASSACHUSETTS
(ESSEX COUNTY)

MARCH 6, 2023

06/27/2023

REVISIONS

NO	DESCRIPTION OF CHANGES	DATE
1	FLAG LOCATION REVISIONS PER CONSULTANT REVIEW	6/14/23
2	FLAG LOCATION REVISIONS PER CONSULTANT REVIEW	6/27/23

PREPARED FOR

DALE DEVELOPMENT LLC.
630 WASHINGTON STREET
RYE, NH

SCALE IN FEET
1 = 100

PROJECT NO: 40891.00
FIELD: D. BEATTY / J. SALVAGGIO
DRAFTED: D. BEATTY / J. SALVAGGIO
CHECKED: J. SALVAGGIO

GM2 ASSOCIATES
6 CHESTNUT STREET
SUITE 110
AMESBURY, MA
01913
978.388.2157

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SHEET NO. 1 of 7

General Notes

1. THE PURPOSE OF THIS PLAN IS TO SHOW THE LOCATION OF WETLAND LINES AS DELINEATED BY LUCAS ENVIRONMENTAL, LLC. AS WELL AS THE ASSOCIATED BUFFER ZONES.
2. PORTIONS OF THE STREAM IDENTIFIED AS PERENNIAL ON THE USGS MAPS WERE DELINEATED BASED UPON THE MEAN ANNUAL HIGH WATER LINE BY LUCAS ENVIRONMENTAL, LLC ON JANUARY 18, 2023.
3. WETLAND RESOURCE AREAS DELINEATED BY LUCAS ENVIRONMENTAL, LLC ON AUGUST 17 & 24, 2021 AND NOVEMBER 8, 2022.
4. FLAGS WERE LOCATED BY GM2 ASSOCIATES, INC.
5. TOPOGRAPHIC CONTOURS SHOWN ON THIS PLAN RESULTED FROM PUBLICLY AVAILABLE LIDAR WITH A REPORTED VERTICAL ACCURACY OF 0.071 METERS FOR GROUND DATA. GM2 PERFORMED ON THE GROUND CHECKS WHICH VERIFIED THAT THIS DATA WAS RELIABLE TO PRODUCE 2-FOOT CONTOURS.
6. PLANIMETRIC FEATURES SHOWN HERE WERE OBTAINED FROM PRIOR SURVEYS PERFORMED BY CANNETT ENGINEERING. THESE FEATURES ARE FOR REFERENCE AND CONCEPTUAL DESIGN ONLY. THIS PLAN DOES NOT INTEND TO BE A COMPREHENSIVE EXISTING CONDITIONS SURVEY.
7. NO UTILITIES ARE SHOWN ON THIS PLAN.
8. DISCREPANCIES FOUND IN DEEDS FOR MAP 80 LOTS 6, 7, AND 4. PROPERTY LINES IN THIS AREA ARE TO BE CONSIDERED APPROXIMATE UNTIL FURTHER INVESTIGATION HAS BEEN PERFORMED.
9. LOCUS PARCELS ARE NOT LOCATED WITHIN ANY SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD. THERE IS NO 100-YEAR FLOODPLAIN LOCATED ON THE SITE.

Locus Title Information

287 ELM STREET, AMESBURY, MA
OWNER: TRUE HOMESTEAD LTD PARTNERSHIP
DEED REFERENCE: BOOK 12307 PAGE 508
ASSESSOR'S: MAP 80 LOT 3

RABBIT ROAD, SALISBURY, MA
OWNER: GERTRUDE NANCY SEARS
DEED REFERENCE: BOOK 4325 PAGE 48
ASSESSOR'S: MAP 10 LOT 12 (SALISBURY)

265 ELM STREET #B, AMESBURY, MA
OWNER: TRUE HOMESTEAD LTD PARTNERSHIP IV
DEED REFERENCE: BOOK 15586 PAGE 174
ASSESSOR'S: MAP 68 LOT 12

267-5 ELM STREET, AMESBURY, MA
OWNER: STANLEY G. BEAN JR. REVOCABLE TRUST
DEED REFERENCE: BOOK 24120 PAGE 288
ASSESSOR'S: MAP 80 LOT 4

261 ELM STREET, AMESBURY, MA
OWNER: TRUE HOMESTEAD LTD PARTNERSHIP III
DEED REFERENCE: BOOK 12307 PAGE 510
ASSESSOR'S: MAP 68 LOT 20 (AMESBURY)

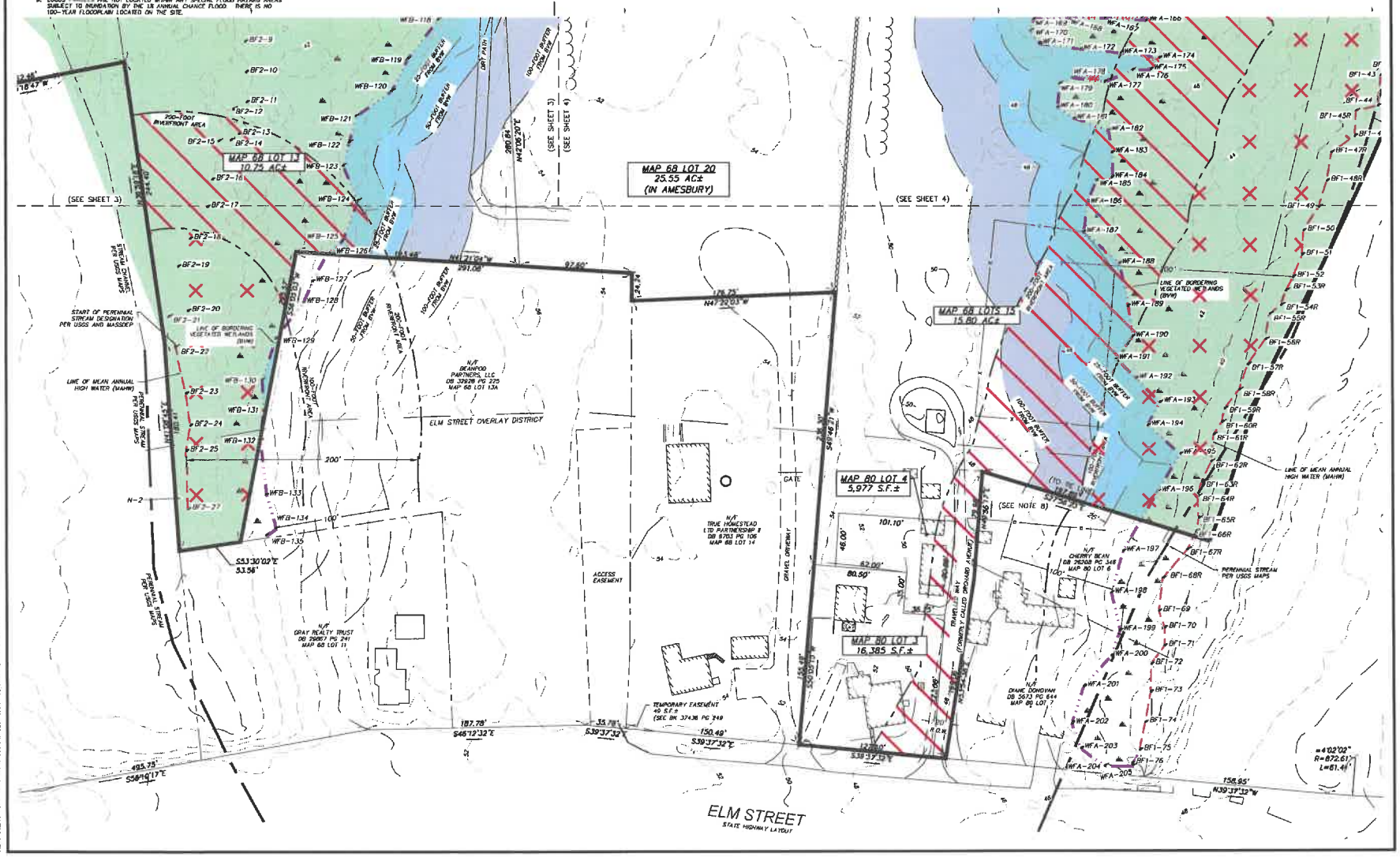
RABBIT ROAD, SALISBURY, MA
OWNER: TRUE HOMESTEAD LTD PARTNERSHIP III
DEED REFERENCE: BOOK 34400 PAGE 388
ASSESSOR'S: MAP 10 LOT 13 (SALISBURY)

287 ELM STREET, AMESBURY, MA
OWNER: STANLEY G. BEAN JR. & ALICE M. BEAN
DEED REFERENCE: BOOK 12779 PAGE 376
ASSESSOR'S: MAP 68 LOT 15

272 ELM STREET #B, AMESBURY, MA
OWNER: TRUE HOMESTEAD LTD PARTNERSHIP I
DEED REFERENCE: BOOK 15871 PAGE 553
ASSESSOR'S: MAP 68 LOT 13

Legend

—o—	FENCE
—x—	FENCE
	STONE WALL
S.F.	SQUARE FEET
DB	DEED BOOK
PG	PAGE
N/F	NOW OR FORMERLY
WF A-2	EDGE OF WETLAND / WETLAND FLAG AND DESIGNATION
BVW	BORDERING VEGETATED WETLAND
MAHW	MEAN ANNUAL HIGH WATER
	APPROXIMATE BRUSH/TREE LINE (TRACED FROM GEOREFERENCED AERIAL IMAGERY)



FOR REGISTRY USE ONLY

Resource Area Location Plan

Golden Triangle
in
Amesbury
Massachusetts
(Essex County)

March 6, 2023

Jan Salvaggio
06/27/2023

Revisions

No.	Description of Changes	Date
1	Plan Updated per Comments per Consultant Review	6/14/23
2	Plan Updated per Comments per Consultant Review	6/27/23

Prepared for

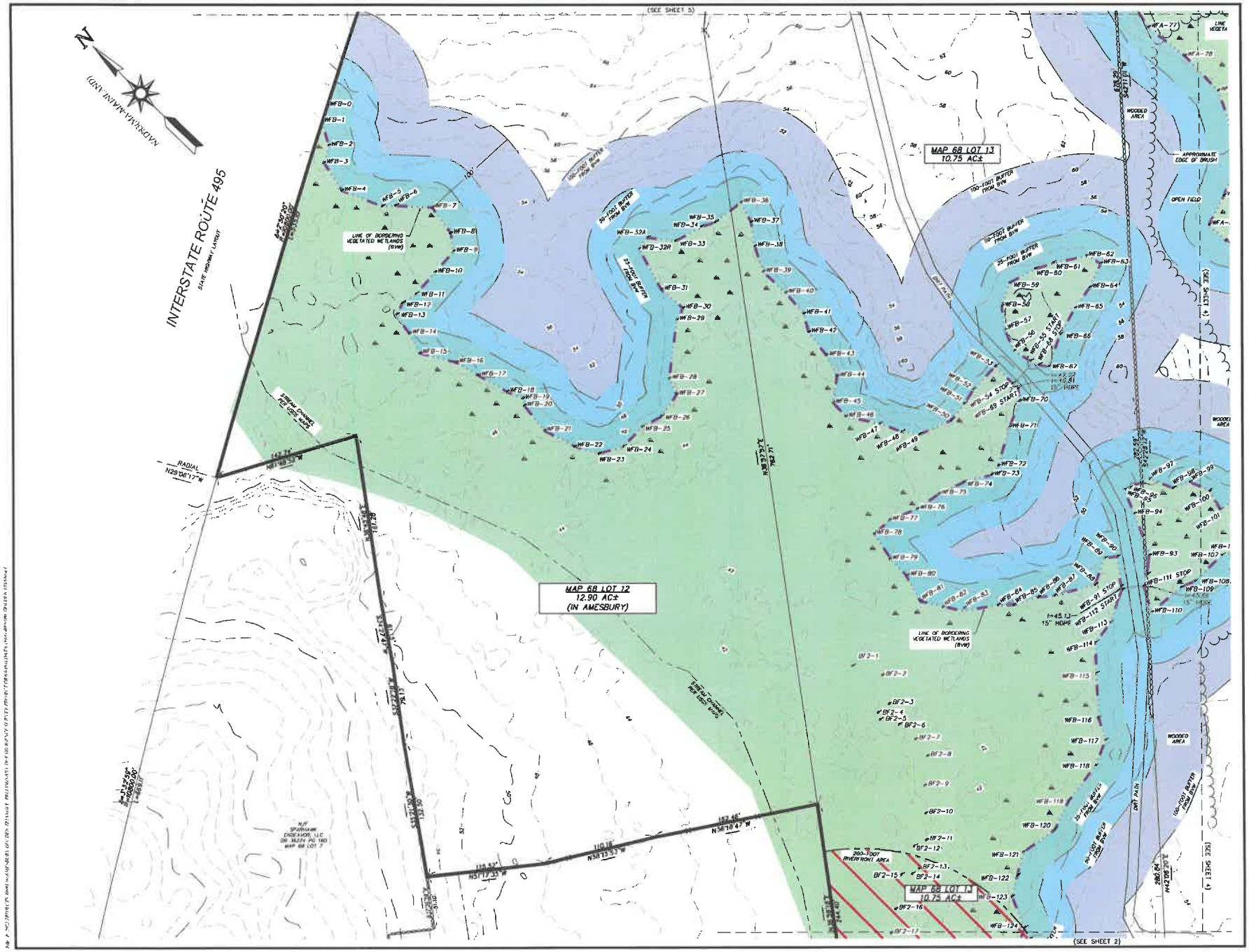
Dale Development LLC
630 Washington Street
Rye, NH

Scale: 1" = 40'

Project No. 40991.00
Field: D. Beal / J. Salvaggio
Drafted: D. Beal / J. Salvaggio
Checked: J. Salvaggio

GM2 Associates
6 Chestnut Street
Suite 110
Amesbury, MA
01913
978.388.2157

Sheet No. 2 of 3



FOR REGISTRATION USE ONLY

RESOURCE AREA LOCATION PLAN

GOLDEN TRIANGLE
IN
AMESBURY
MASSACHUSETTS
(ESSEX COUNTY)

MARCH 6, 2023

06/27/2023

REVISIONS

NO	DESCRIPTION OF CHANGES	DATE
1	FLAG LOCATION REVISIONS PER CONSULTANT REVIEW	6/14/23
2	FLAG LOCATION REVISIONS PER CONSULTANT REVIEW	6/27/23

PREPARED FOR

DALE DEVELOPMENT LLC.
630 WASHINGTON STREET
RYE, NH

SCALE IN FEET
1" = 40'

PROJECT NO: 40991.00
DWN: D. BEAT / J. SALVAGGIO
DRAFTED: D. BEAT / J. SALVAGGIO
CHECKED: J. SALVAGGIO

GM2 ASSOCIATES
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978.388.2157

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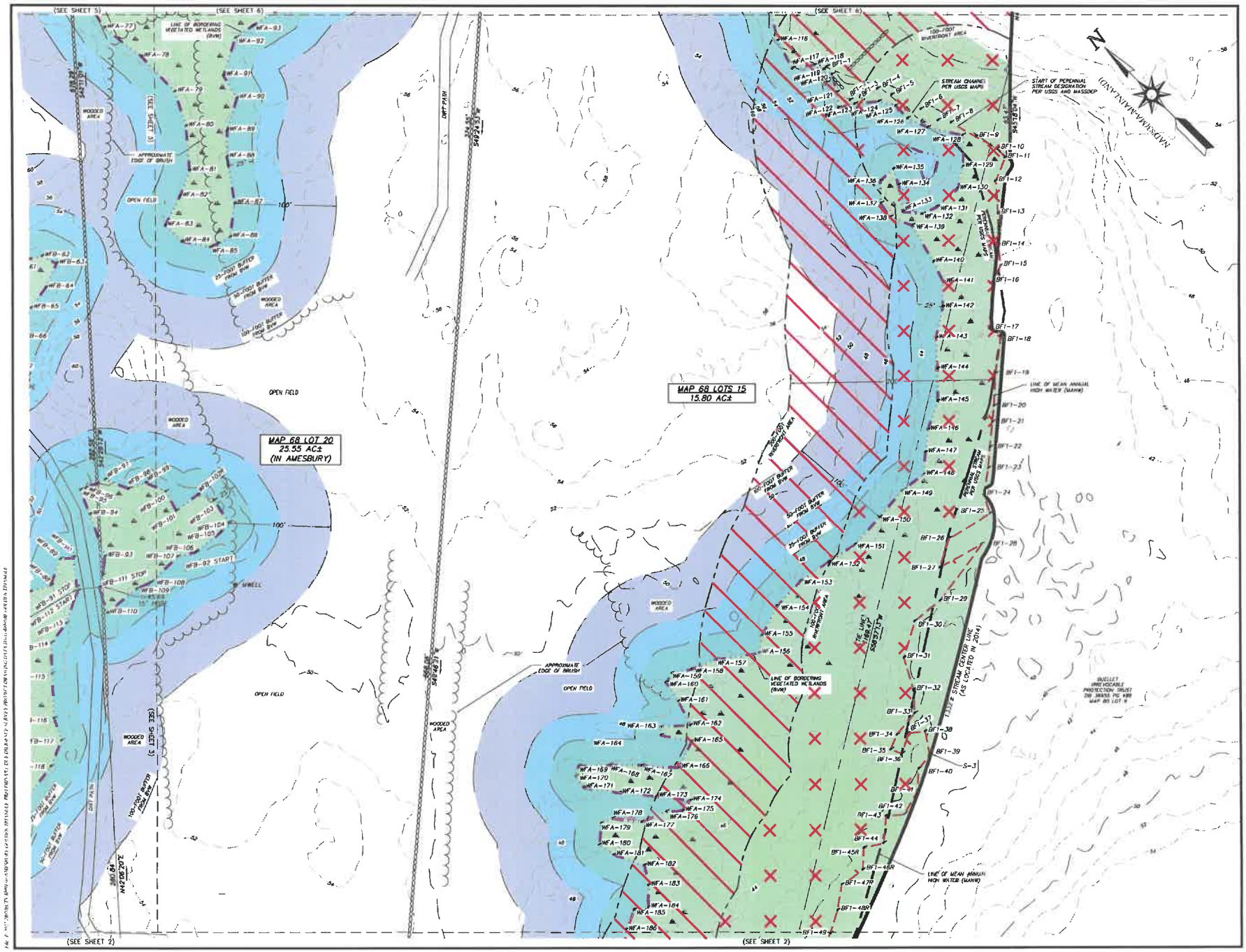
SHEET NO. 3 OF 7



FOR REGISTRATION ONLY

Resource Area Location Plan

Golden Triangle
in
Amesbury
Massachusetts
(Essex County)

March 6, 2023

COMMONWEALTH OF MASSACHUSETTS
JAY F. SALVAGGIO
No. 46881
REGISTERED PROFESSIONAL ENGINEER

06/27/2023

Revisions

No.	Description of Changes	Date
1	Plan Revised per comments per consultant review	4/14/23
2	Plan Location Revisions per consultant review	6/27/23

Prepared for

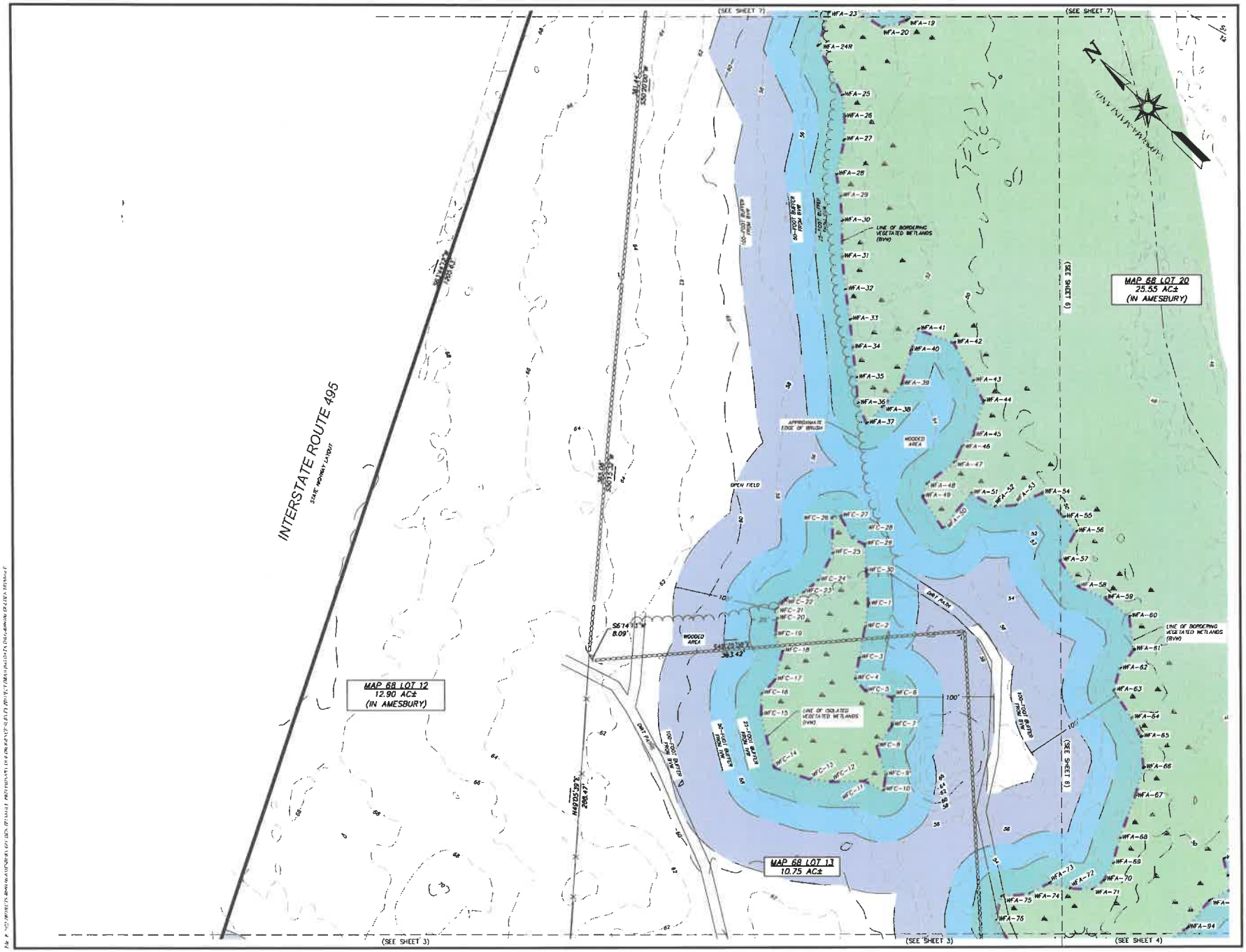
Dale Development LLC.
630 Washington Street
Rye, NH

Scale: 1" = 40'

Project No. 41991.00
Field: D. Beat / J. Salvaggio
Drafted: D. Beat / J. Salvaggio
Checked: J. Salvaggio

GM2 Associates
6 Chestnut Street
Suite 110
Amesbury, MA
01913
978.388.2157

Sheet No. 4 of 7



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Resource Area Location Plan

Golden Triangle
in
Amesbury
Massachusetts
(Essex County)

March 6, 2023

COMMONWEALTH OF MASSACHUSETTS
JOHN F. SALVAGGIO
No. 19981
REGISTERED PROFESSIONAL LAND SURVEYOR

06/27/2023

Revisions

No.	Description of Changes	Date
1	FLAG LOCATION REVISIONS PER CONSULTANT REVIEW	6/4/23
2	FLAG LOCATION REVISIONS PER CONSULTANT REVIEW	6/27/23

Prepared for

Dale Development LLC.
630 Washington Street
Rye, NH

0 20 40 60 120
Scale in Feet

Project No.	46991.00
Field	D. Beal / J. Salvaggio
Drafted	D. Beal / J. Salvaggio
Checked	J. Salvaggio

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Suite 110
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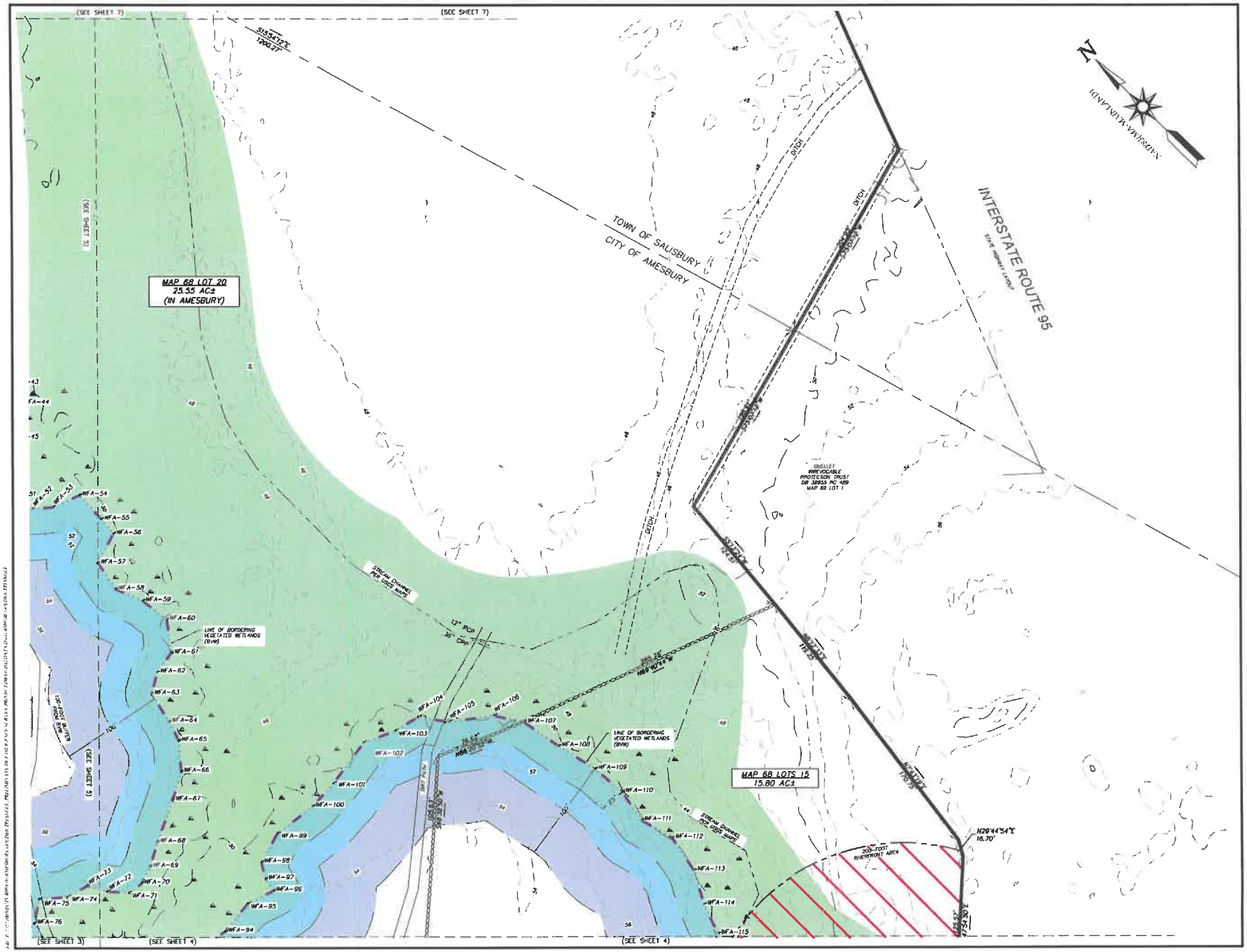

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RESOURCE AREA LOCATION PLAN

GOLDEN TRIANGLE

IN

AMESBURY

MASSACHUSETTS

(ESSEX COUNTY)

MARCH 6, 2023

COMMONWEALTH OF MASSACHUSETTS
JOHN E. SALVAGGIO
No. 34881
REGISTERED PROFESSIONAL LAND SURVEYOR

06/27/2023

REVISIONS

NO.	DESCRIPTION OF CHANGES	DATE
1	FEAT. LOCATION REVISIONS PER CONSULTANT REVIEW	6/14/23
2	FEAT. LOCATION REVISIONS PER CONSULTANT REVIEW	6/27/23

PREPARED FOR

DALE DEVELOPMENT LLC

630 WASHINGTON STREET

RYE, NH

0 20 40 80 120

SCALE IN FEET
1" = 40'

PROJECT NO. 40991.00

FIELD: D. BLAIR / J. SALVAGGIO

DRAFTED: D. BLAIR / J. SALVAGGIO

CHECKED: J. SALVAGGIO

GM2 ASSOCIATES
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SUITE 110
AMESBURY, MA
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978.388.2157

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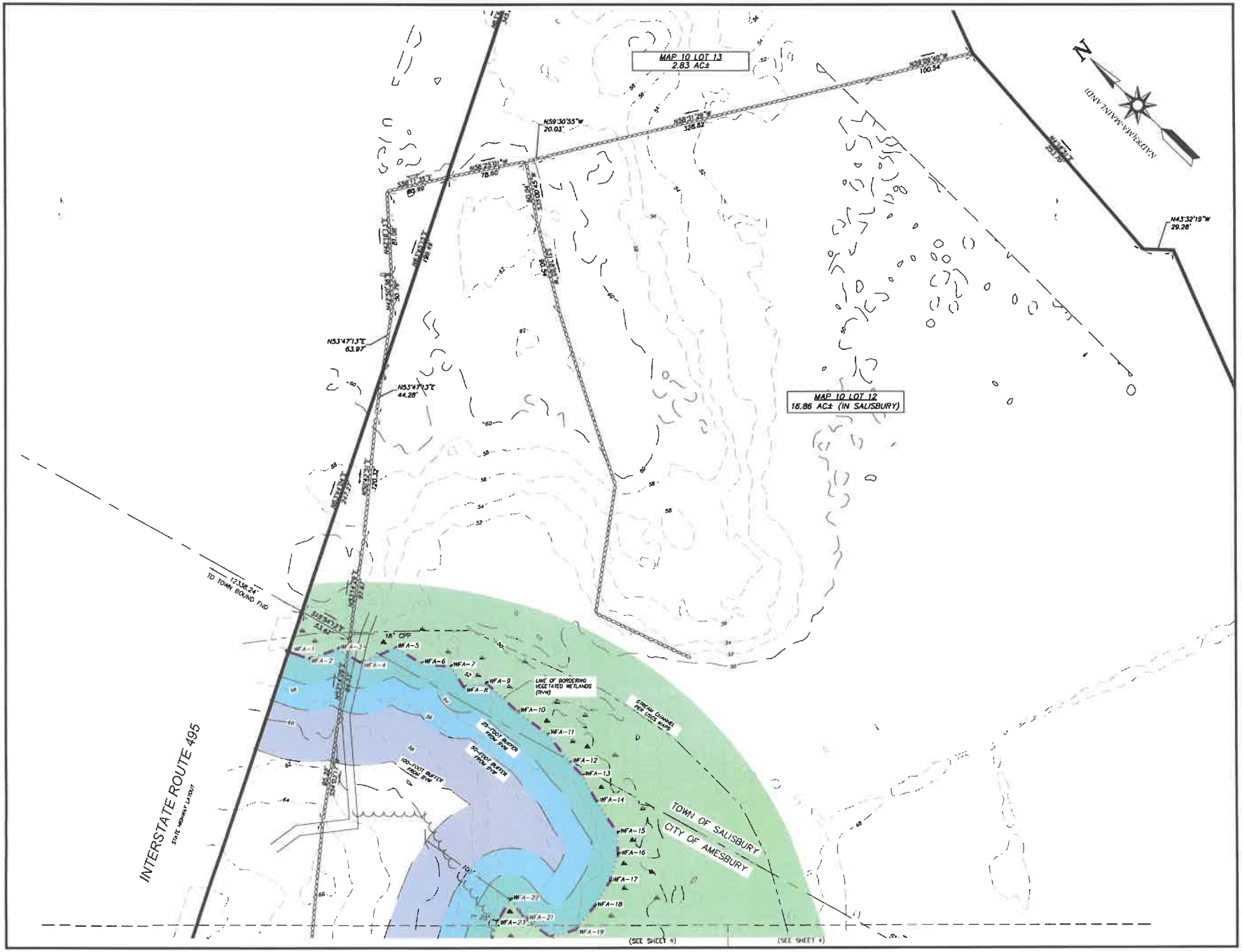

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RESOURCE AREA LOCATION PLAN

GOLDEN TRIANGLE
IN
AMESBURY
MASSACHUSETTS
(ESSEX COUNTY)

MARCH 6, 2023

COMMONWEALTH OF MASSACHUSETTS
JAMES J. SALVAGGIO
No. 39841
PROFESSIONAL ENGINEER

06/27/2023

REVISIONS

NO.	DESCRIPTION OF CHANGES	DATE
1	FLAG LOCATION REVISIONS PER CONSULTANT REVIEW	6/14/23
2	FLAG LOCATION REVISIONS PER CONSULTANT REVIEW	6/27/23

PREPARED FOR

DALE DEVELOPMENT LLC.
630 WASHINGTON STREET
RYE, NH

SCALE: 1"=40'

PROJECT NO. 40991.00
FIELD BY: D. BEAR / J. SALVAGGIO
DRAFTED: D. BEAR / J. SALVAGGIO
CHECKED: J. SALVAGGIO

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