



Massachusetts Department of Environmental Protection

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**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection-Wetlands

**Submittal Platform for WPA Form 1 - Request for
Determination of Applicability**

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

AMESBURY

City/ Town

A. General Information**1. Project Location:**

a. Street Address 72 ELM STREET

b. City/Town AMESBURY ☐ c. State MA d. Zip Code 01913

e. Latitude 42.85883 N f. Longitude 70.92744 W

g. Map/Plat # 53 h. Parcel/Lot # 63

i. Project Description THE REPAVING OF AN EXISTING PARKING AREA.

2. Applicant:☐ Individual ☒ Organization

a. First Name _____ b. Last Name _____

c. Organization BIG BLOCKS, LLC

d. Mailing Address 2093 PHILADELPHIA PIKE #8844

e. City/Town CLAYMONT f. State DE g. Zip Code 19703

h. Phone Number 405-486-9339 i. Email bigblockslimited@gmail.com

3. Property Owner:☐ more than one owner

a. First Name _____ b. Last Name _____

c. Organization _____

d. Mailing Address _____

e. City/Town _____ f. State MA g. Zip Code _____

h. Phone Number _____ i. Email _____



Known for excellence.
Built on trust.



Request for Determination of Applicability

Repaving Existing Parking Area 72 Elm Street Amesbury, Massachusetts

November 22, 2023

File No. 18.0175500.00



PREPARED FOR:

Big Blocks, LLC
2093 Philadelphia Pike #8844
Claymont, DE 19703

GZA GeoEnvironmental, Inc.

1350 Main Street, Suite 1400 | Springfield, MA 01103
413-726-2100

Offices Nationwide
www.gza.com

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November 20, 2023
GZA File No. 18.0175500.00

Amesbury Conservation Commission
62 Friend Street
Amesbury, MA 01913

**RE: Request for Determination of Applicability Application
To Repaving Existing Parking Area
72 Elm Street
Amesbury, MA**

Dear Conservation Commission Members:

On behalf of Big Blocks, LLC ("Applicant"), GZA GeoEnvironmental, Inc. (GZA) is pleased to submit the enclosed Wetlands Protection Act Form 1 – Request for Determination of Applicability (RDA) application for the repaving of an existing parking area at 72 Elm Street in Amesbury, MA (the "Site") (**Figures 1 & 2**).

The Applicant is requesting to repave the existing parking area around the northern, eastern, and southern sides of the existing building on the Site (the "Project"). The Project is a continuation of work conducted in 2022 which was previously approved by the Amesbury Conservation Commission on December 12, 2022. The proposed Project is within the 200-foot Riverfront Area under the jurisdiction of the Massachusetts Protection Act (WPA, M.G.L. c. 131 § 40), its companion regulations (310 CMR 10.00), and the Amesbury Wetlands Protection Ordinance (Ordinance, Chapter 460).

EXISTING CONDITIONS

The Site is comprised of an approximately 0.35-acre parcel located at the intersection of Elm Street and Railroad Avenue (**Figure 1 & Figure 2**). The Site contains an existing building with previously paved parking surrounding the building. The older pavement has become degraded and poses an unsafe condition near the building.

The majority of the Site is within the 200-foot Riverfront Area to Plumbush Creek, a perennial river per 310 CMR 10.58(2)(a)(1)(a) because it is shown as perennial on the current United States Geological Survey map.

PROJECT DESCRIPTION

The Project includes and the repaving of the parking areas on three sides of the building. The proposed repaving area will be graded to ensure a positive pitch for runoff to be directed towards the existing catch basin that is in the parking lot. There will be no stockpiling of materials on the Site. No changes to catch basin structures are proposed.

The Project will improve the stability of the current parking area that consists of old section of pavement and a larger area of loose soil. Paving the soil will eliminate erosion and improve the stormwater runoff quality by stopping the production of sediment.

COMPLIANCE WITH THE REGULATIONS



The Project is exempt from the requirement to file a Notice of Intent for work proposed within the Riverfront Area resource per 310 CMR 10.58(6)(a) and the Amesbury Wetland Regulations 19.1(d)(1), because the Project involves the repaving of a parking area that was in existence on August 7, 1996. Historical aerial imagery clearly shows the existence of the parking area on the Site in 1995 (**Figure 3**).

Because the proposed work is within the footprint of the existing impervious parking area, we suggest that the Project will not result in an alteration to wetland resources. Therefore, we are respectfully request a negative Determination of Applicability.

We look forward to presenting this information at the Commission's next available meeting date. If you have any questions, please feel free to contact Daniel Nitzsche at (413) 726-2108 or daniel.nitzsche@gza.com.

Respectfully submitted,
GZA GeoEnvironmental, Inc.

A handwritten signature in black ink that reads "Daniel M. Nitzsche".

Daniel M. Nitzsche, CPESC, CESSWI, SE
Senior Wetland Scientist

A handwritten signature in blue ink that reads "Anders B. Bjarngard".

Anders B. Bjarngard, P.E.
Consultant / Reviewer

A handwritten signature in black ink that appears to read "Michael P. Smith".

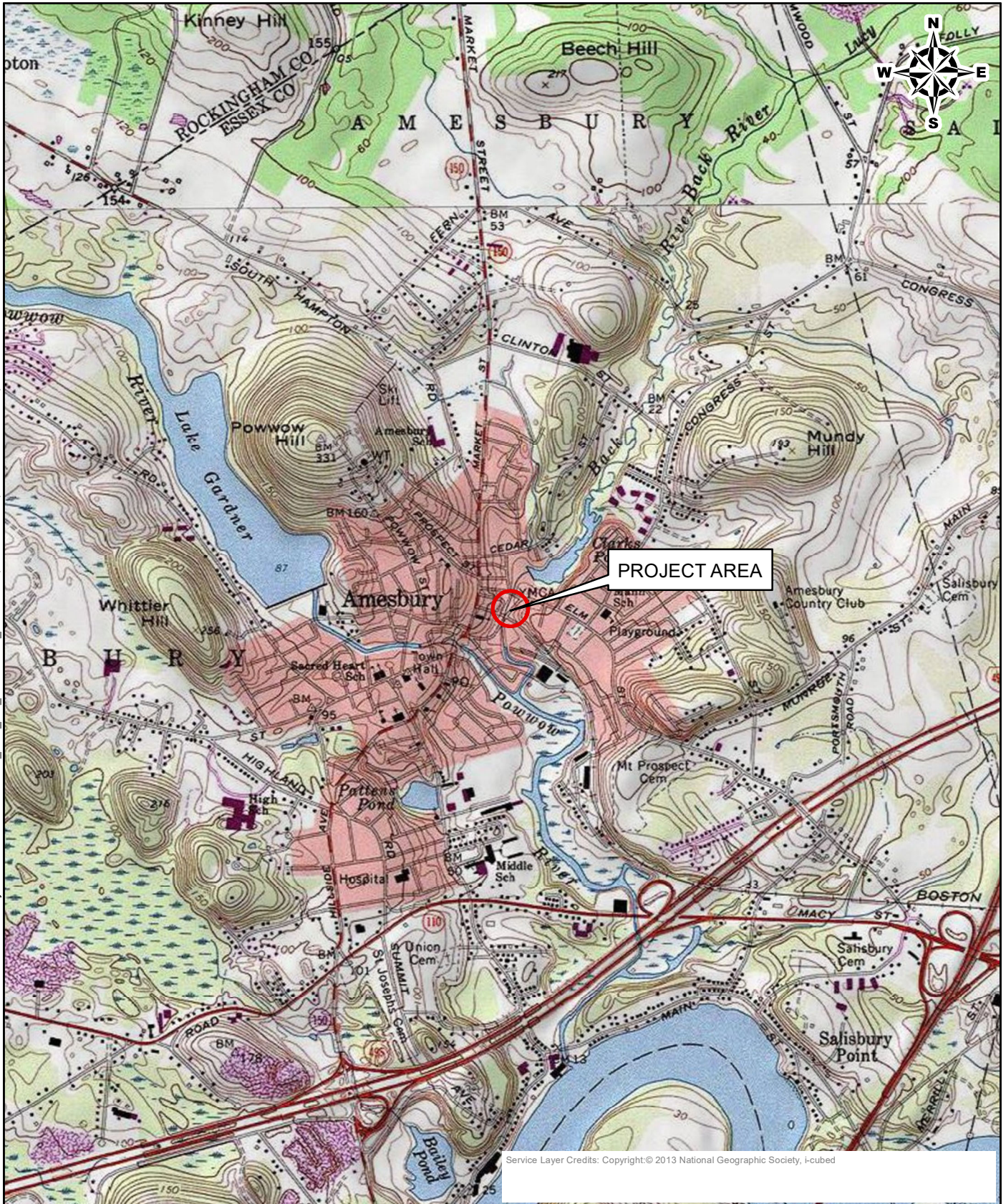
Michael P. Smith, P.E.
Principal-in-Charge

Attachments: Figures
Attachment 1: Site Plan
Attachment 2: WPA Form 1
Attachment 3: 2022 Determination of Applicability
Attachment 4: Certified Abutters List Statement

CC: Big Blocks, LLC
MassDEP – Northeast Regional Office



FIGURES



Service Layer Credits: Copyright © 2013 National Geographic Society, I-cubed

0 1,000 2,000 4,000

SCALE IN FEET

PARKING AREA RESURFACING
72 ELM STREET
AMESBURY, MA

LOCUS MAP

PREPARED BY:



GZA GeoEnvironmental, Inc.
Engineers and Scientists
www.gza.com

PREPARED FOR:

BIG BLOCKS, LLC
72 ELM STREET
AMESBURY, MA

PROJ MGR:

LWP

REVIEWED BY:

ABB

CHECKED BY:

MPS

FIGURE

DESIGNED BY:

SGS

DRAWN BY:

SGS

SCALE:

1 in = 2,000 ft

1

DATE:

11/20/2023

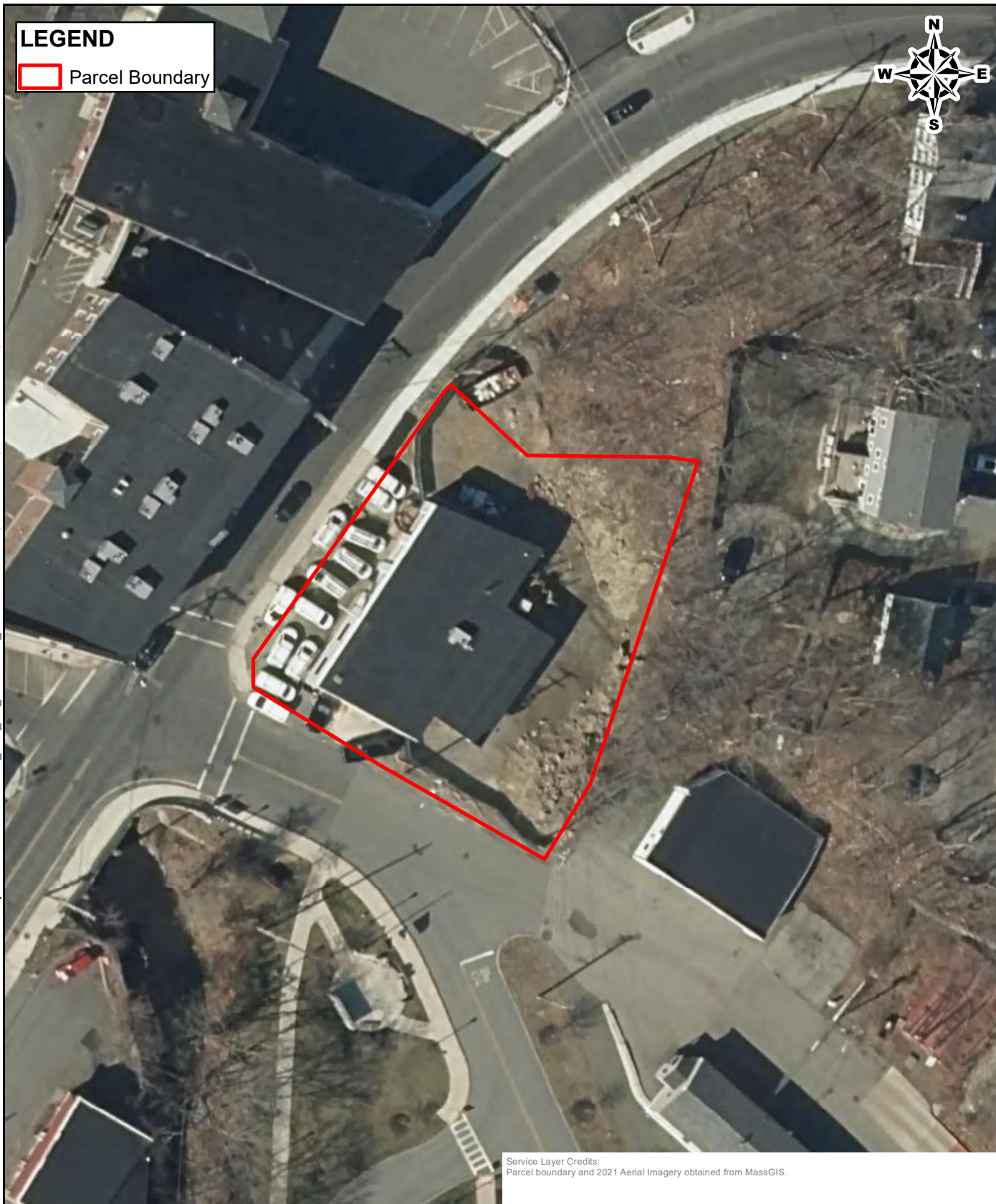
PROJECT NO:

18.0175500.00

REVISION NO:

LEGEND

 Parcel Boundary



Service Layer Credits:
Parcel boundary and 2021 Aerial Imagery obtained from MassGIS.

UNLESS SPECIFICALLY STATED BY WRITTEN AGREEMENT, THIS DRAWING IS THE SOLE PROPERTY OF GZA GEOENVIRONMENTAL, INC. (GZA). THE INFORMATION SHOWN ON THE DRAWING IS SOLELY FOR THE USE BY GZA'S CLIENT OR THE CLIENT'S DESIGNATED REPRESENTATIVE FOR THE SPECIFIC PROJECT AND LOCATION IDENTIFIED ON THE DRAWING. THE DRAWING SHALL NOT BE TRANSFERRED, REUSED, COPIED, OR ALTERED IN ANY MANNER FOR USE AT ANY OTHER LOCATION OR FOR ANY OTHER PURPOSE WITHOUT THE PRIOR WRITTEN CONSENT OF GZA. ANY TRANSFER, REUSE, OR MODIFICATION TO THE DRAWING BY THE CLIENT OR OTHERS, WITHOUT THE PRIOR WRITTEN EXPRESS CONSENT OF GZA, WILL BE AT THE USER'S SOLE RISK AND WITHOUT ANY RISK OR LIABILITY TO GZA.

0 25 50 100

SCALE IN FEET

PARKING AREA RESURFACING
72 ELM STREET
AMESBURY, MA

PREPARED BY:
 **GZA GeoEnvironmental, Inc.**
Engineers and Scientists
www.gza.com

PREPARED FOR:
BIG BLOCKS, LLC
72 ELM STREET
AMESBURY, MA

AERIAL MAP

PROJ MGR:	LWP	REVIEWED BY:	ABB	CHECKED BY:	MPS
DESIGNED BY:	SGS	DRAWN BY:	SGS	SCALE:	1 in = 50 ft
DATE:	11/20/2023	PROJECT NO:	18.0175500.00	REVISION NO:	

FIGURE
2

LEGEND

 Parcel Boundary



ELM STREET

RAILROAD AVENUE

Service Layer Credits:
Parcel boundary and 1995 Aerial Imagery obtained from MassGIS.

0 50 100 200

SCALE IN FEET

PARKING AREA RESURFACING
72 ELM STREET
AMESBURY, MA

1995 AERIAL IMAGERY

PREPARED BY:

 **GZA GeoEnvironmental, Inc.**
Engineers and Scientists
www.gza.com

PREPARED FOR:

BIG BLOCKS, LLC
72 ELM STREET
AMESBURY, MA

PROJ MGR: LWP

REVIEWED BY: ABB

CHECKED BY: MPS

FIGURE

DESIGNED BY: SGS

DRAWN BY: SGS

SCALE: 1 in = 100 ft

3

DATE: 11/20/2023

PROJECT NO: 18.0175500.00

REVISION NO:

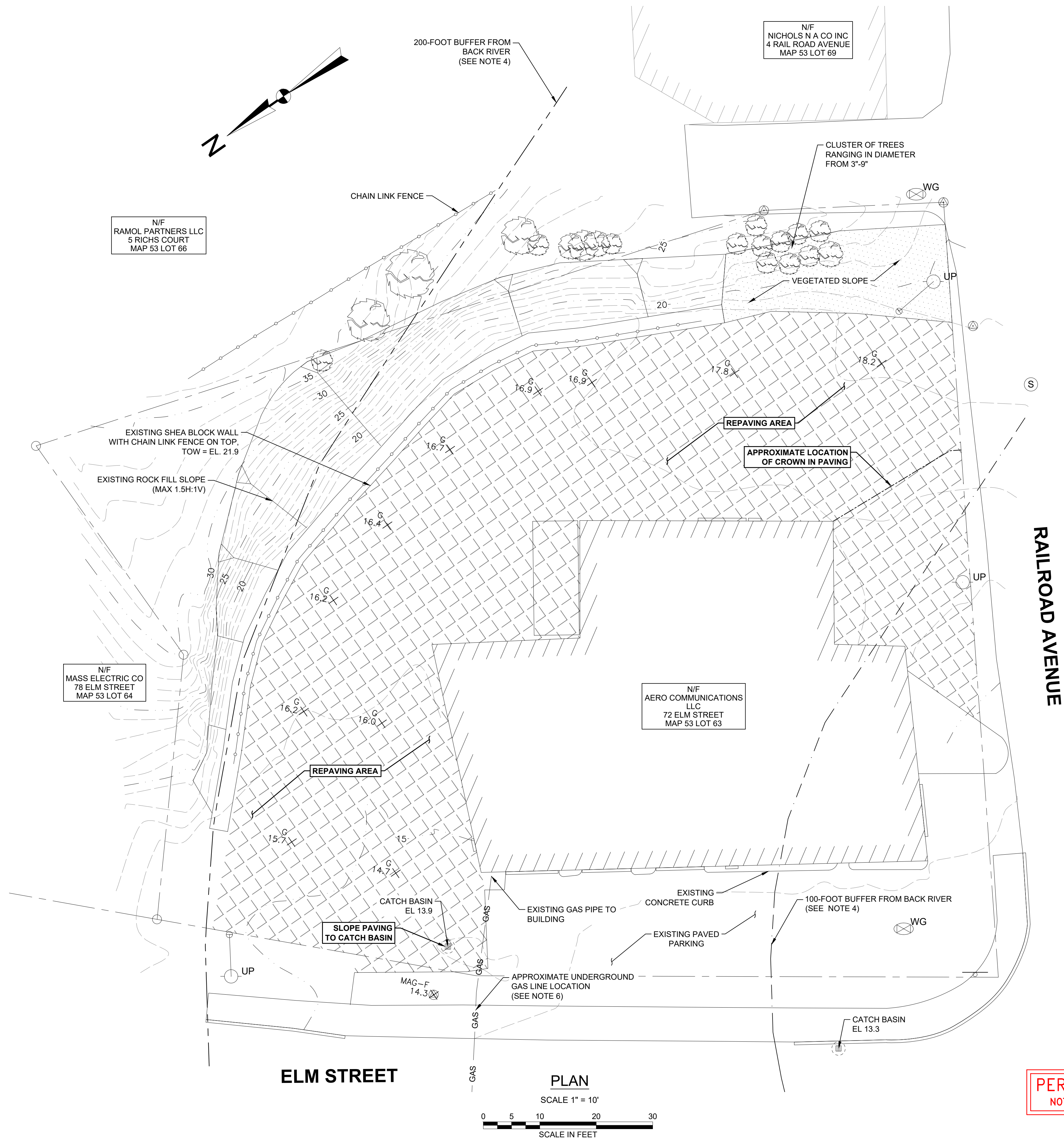
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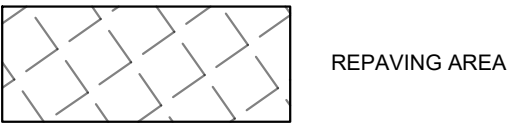
November 2023
Request for Determination of Applicability – 72 Elm Street
18.0175500.00
ATTACHMENTS

ATTACHMENT 1
SITE PLANS

© 2023 - GZA GeoEnvironmental, Inc. (GZA) 17150074-18.0175000.00 - Big Blocks, Elm Street Repaving Permit, 72 Elm Street Repaving Permit, 18.0175000.00 - 1.25milscale.swp



LEGEND



GENERAL NOTES

- ELEVATIONS ARE IN FEET AND REFERENCE THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88); NAVD88= 0.0.
- LIMITED TOPOGRAPHIC SURVEY WAS PERFORMED BY GZA GEOENVIRONMENTAL, INC. (GZA), ON JANUARY 27 AND NOVEMBER 22, 2022 AND REPRESENTS CONDITIONS AT THE TIME OF THE SURVEY.
- CONTROL POINT LOCATIONS ESTABLISHED WITH A LEICA VIVA SMARTWORX REAL-TIME KINEMATIC (RTK) DIFFERENTIAL GLOBAL POSITION SYSTEM (DGPS). THE RTK NETWORK UTILIZED WAS THE MASSACHUSETTS CONTINUOUSLY OPERATING REFERENCE STATION NETWORK (MACORS) WHICH IS OPERATED AND MAINTAINED BY THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION.
- SITE FEATURES AND RIVERFRONT 100 & 200 FOOT BUFFER WERE SCALED FROM ELECTRONIC FILES BY GA CONSULTANTS, INC. ENTITLED "EXISTING CONDITIONS PLAN" DATED SEPTEMBER 7, 2021.
- APPROXIMATE PROPERTY LINES SCALED FROM ELECTRONIC FILES BY GA CONSULTANTS, INC. ENTITLED "EXISTING CONDITIONS PLAN" DATED SEPTEMBER 7, 2021.
- APPROXIMATE UTILITY LOCATION SHOWN IS BASED ON VISIBLE DIG-SAFE MARKINGS ON THE GROUND SURFACE AT THE TIME OF THE SURVEY. A SUBSURFACE UTILITY SURVEY HAS NOT BEEN PERFORMED.
- THIS PLAN HAS BEEN PREPARED FOR A REQUEST FOR DETERMINATION OF APPLICABILITY APPLICATION.

NO.	ISSUE/DESCRIPTION	BY	DATE
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UNLESS SPECIFICALLY STATED BY WRITTEN AGREEMENT, THIS DRAWING IS THE SOLE PROPERTY OF GZA GEOENVIRONMENTAL, INC. (GZA). THE INFORMATION SHOWN ON THE DRAWING IS SOLELY FOR USE BY GZA'S CLIENT OR THE CLIENT'S DESIGNATED REPRESENTATIVE FOR THE SPECIFIC PROJECT AND LOCATION IDENTIFIED ON THE DRAWING. THE DRAWING SHALL NOT BE TRANSFERRED, REUSED, COPIED, OR ALTERED IN ANY MANNER FOR USE AT ANY OTHER LOCATION OR FOR ANY OTHER PURPOSE WITHOUT THE PRIOR WRITTEN CONSENT OF GZA. ANY TRANSFER, REUSE, OR MODIFICATION TO THE DRAWING BY THE CLIENT OR OTHERS, WITHOUT THE PRIOR WRITTEN EXPRESS CONSENT OF GZA, WILL BE AT THE USER'S SOLE RISK AND WITHOUT ANY RISK OR LIABILITY TO GZA.

REPAVING PLAN
72 ELM STREET
AMESBURY, MA

REPAVING PLAN

PREPARED BY: GZA GeoEnvironmental, Inc. Engineers and Scientists www.gza.com		PREPARED FOR: BIG BLOCKS, LLC 2093 PHILADELPHIA PIKE #8844 CLAYMONT, DE 019703	
PROJ MGR: MPS	REVIEWED BY: DMN	CHECKED BY: MPS	DRAWING
DESIGNED BY: LFT	DRAWN BY: LFT	SCALE: AS SHOWN	1
DATE: NOVEMBER 2023	PROJECT NO. 18.0175500.00	REVISION NO. -	
			SHEET NO. 1 OF 1

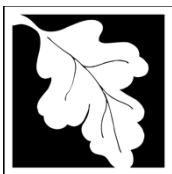
PERMITTING ONLY
NOT FOR CONSTRUCTION



November 2023
Request for Determination of Applicability – 72 Elm Street
18.0175500.00
ATTACHMENTS

ATTACHMENT 2

WPA FORM 1



Massachusetts Department of Environmental Protection

Bureau of Water Resources - Wetlands

WPA Form 1- Request for Determination of Applicability

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

Municipality _____

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:

First Name _____

Last Name _____

Address _____

City/Town _____

State _____

Zip Code _____

Phone Number _____

Email Address _____

2. Property Owner (if different from Applicant):

First Name _____

Last Name _____

Address _____

City/Town _____

State _____

Zip Code _____

Phone Number _____

Email Address (if known) _____

3. Representative (if any)

First Name _____

Last Name _____

Company Name _____

Address _____

City/Town _____

State _____

Zip Code _____

Phone Number _____

Email Address (if known) _____

B. Project Description

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

Street Address _____

City/Town _____

Latitude (Decimal Degrees Format with 5 digits after decimal
e.g. XX.XXXXX)

Longitude (Decimal Degrees Format with 5 digits after
decimal e.g. -XX.XXXXX)

Assessors' Map Number _____

Assessors' Lot/Parcel Number _____

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

c. Plan and/or Map Reference(s): (use additional paper if necessary)

Title _____

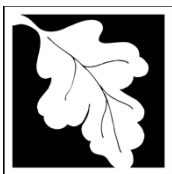
Date _____

Title _____

Date _____

[How to find Latitude and Longitude](#)

[and how to convert to decimal degrees](#)



Massachusetts Department of Environmental Protection

Bureau of Water Resources - Wetlands

WPA Form 1- Request for Determination of Applicability

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

Municipality

B. Project Description (cont.)

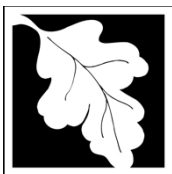
2. a. Activity/Work Description (use additional paper and/or provide plan(s) of Activity, if necessary):

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).

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).



Massachusetts Department of Environmental Protection

Bureau of Water Resources - Wetlands

WPA Form 1- Request for Determination of Applicability

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

Municipality _____

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:

First Name _____

Last Name _____

Address _____

City/Town _____

State _____

Zip Code _____

Phone Number _____

Email Address _____

2. Property Owner (if different from Applicant):

First Name _____

Last Name _____

Address _____

City/Town _____

State _____

Zip Code _____

Phone Number _____

Email Address (if known) _____

3. Representative (if any)

First Name _____

Last Name _____

Company Name _____

Address _____

City/Town _____

State _____

Zip Code _____

Phone Number _____

Email Address (if known) _____

B. Project Description

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

Street Address _____

City/Town _____

Latitude (Decimal Degrees Format with 5 digits after decimal
e.g. XX.XXXXX)

Longitude (Decimal Degrees Format with 5 digits after
decimal e.g. -XX.XXXXX)

Assessors' Map Number _____

Assessors' Lot/Parcel Number _____

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

c. Plan and/or Map Reference(s): (use additional paper if necessary)

Title _____

Date _____

Title _____

Date _____

[How to find Latitude and Longitude](#)

[and how to convert to decimal degrees](#)



Massachusetts Department of Environmental Protection

Bureau of Water Resources - Wetlands

WPA Form 1- Request for Determination of Applicability

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

Municipality

B. Project Description (cont.)

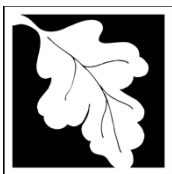
2. a. Activity/Work Description (use additional paper and/or provide plan(s) of Activity, if necessary):

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).

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
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- ☐ 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).



Massachusetts Department of Environmental Protection

Bureau of Water Resources - Wetlands

WPA Form 1- Request for Determination of Applicability

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

Municipality _____

C. Determinations

1. I request the _____ make the following determination(s). Check any that apply:
Conservation Commission

- ☐ a. whether the **area** depicted on plan(s) and/or map(s) referenced above 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 above are accurately delineated.
- ☐ c. whether the **Activities** depicted on plan(s) referenced above is subject to the Wetlands Protection Act and its regulations.
- ☐ d. whether the area and/or Activities depicted on plan(s) referenced above is subject to the jurisdiction of any **municipal wetlands' ordinance** or **bylaw** of:

Name of Municipality

- ☐ e. whether the following **scope of alternatives** is adequate for Activities in the Riverfront Area as depicted on referenced plan(s).
- _____

D. Signatures and Submittal Requirements

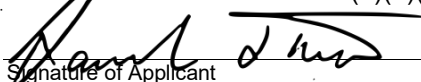
I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

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.

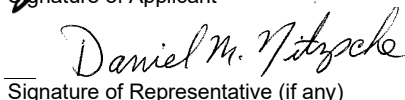
Signatures:

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.



Signature of Applicant

Date



Signature of Representative (if any)

Date



November 2023
Request for Determination of Applicability – 72 Elm Street
18.0175500.00
ATTACHMENTS

ATTACHMENT 3
2022 DETERMINATION OF APPLICABILITY

DATE OF ISSUANCE, 2022

Big Blocks, LLC
2093 Philadelphia Pike #8844
Claymont, DE 19703

Re: Determination of Applicability – 72 Elm Street, Amesbury, MA 01913 – Pavement Repair

Dear Big Blocks, LLC,

Enclosed is your Determination of Applicability for the Request for Determination of Applicability that was filed by you or your representative for asphalt pavement repair of an existing paved driveway within the 200' riverfront area at 72 Elm Street, Amesbury, MA.

The Determination is valid for three years from the issuance date for the work specified. Any future work at the property 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 new permit issued by the Commission.

Please read the material carefully. It is your responsibility to ensure that all work at your property is done according to any issued conditions found on page 3 of the Determination. There is a ten-day appeal period before any work can begin however, you may begin earlier at your own risk.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michelle Greene', with a stylized, flowing script.

Michelle Greene
Conservation Agent



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – 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.



From:

Amesbury
Conservation Commission

To: Applicant

Big Blocks, LLC
Name
2093 Philadelphia Pike #8844
Mailing Address
Claymont DE 19703
City/Town State Zip Code

Property Owner (if different from applicant):

SAME
Name

Mailing Address

City/Town State Zip Code

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

72 Elm Street frontal paving scope plan	11/21/2022
Title	Date
New England Paving Co. Letter	11/21/2022
Title	Date
Title	Date

2. Date Request Filed:

11/21/2022

B. Determination

Pursuant to the authority of M.G.L. c. 131, § 40, the Conservation Commission considered your Request for Determination of Applicability, with its supporting documentation, and made the following Determination.

Project Description (if applicable):

Resurface existing asphalt pavement around front (along Elm St) and along side (Railroad Ave) around existing building by milling existing pavement and adding up to 11/2" pavement to replace missing pavement and fill depressions. Remove existing concrete/cement on side of building (along Railroad Ave) and replace with asphalt pavement.

Project Location:

72 Elm Street
Street Address
53
Assessors Map/Plat Number

Amesbury
City/Town
63
Parcel/Lot Number



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

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

B. Determination (cont.)

The following Determination(s) is/are applicable to the proposed site and/or project relative to the Wetlands Protection Act and regulations:

Positive Determination

Note: No work within the jurisdiction of the Wetlands Protection Act may proceed until a final Order of Conditions (issued following submittal of a Notice of Intent or Abbreviated Notice of Intent) or Order of Resource Area Delineation (issued following submittal of Simplified Review ANRAD) has been received from the issuing authority (i.e., Conservation Commission or the Department of Environmental Protection).

☐ 1. The area described on the referenced plan(s) is an area subject to protection under the Act. Removing, filling, dredging, or altering of the area requires the filing of a Notice of Intent.

☐ 2a. The boundary delineations of the following resource areas described on the referenced plan(s) are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as this Determination is valid.

☐ 2b. The boundaries of resource areas listed below are not confirmed by this Determination, regardless of whether such boundaries are contained on the plans attached to this Determination or to the Request for Determination.

☐ 3. The work described on referenced plan(s) and document(s) is within an area subject to protection under the Act and will remove, fill, dredge, or alter that area. Therefore, said work requires the filing of a Notice of Intent.

☐ 4. The work described on referenced plan(s) and document(s) is within the Buffer Zone and will alter an Area subject to protection under the Act. Therefore, said work requires the filing of a Notice of Intent or ANRAD Simplified Review (if work is limited to the Buffer Zone).

☐ 5. The area and/or work described on referenced plan(s) and document(s) is subject to review and approval by:

Name of Municipality

Pursuant to the following municipal wetland ordinance or bylaw:

Name

Ordinance or Bylaw Citation



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

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

B. Determination (cont.)

- ☐ 6. The following area and/or work, if any, is subject to a municipal ordinance or bylaw but not subject to the Massachusetts Wetlands Protection Act:
-
- ☐ 7. If a Notice of Intent is filed for the work in the Riverfront Area described on referenced plan(s) and document(s), which includes all or part of the work described in the Request, the applicant must consider the following alternatives. (Refer to the wetland regulations at 10.58(4)c. for more information about the scope of alternatives requirements):
- ☐ Alternatives limited to the lot on which the project is located.
 - ☐ Alternatives limited to the lot on which the project is located, the subdivided lots, and any adjacent lots formerly or presently owned by the same owner.
 - ☐ Alternatives limited to the original parcel on which the project is located, the subdivided parcels, any adjacent parcels, and any other land which can reasonably be obtained within the municipality.
 - ☐ Alternatives extend to any sites which can reasonably be obtained within the appropriate region of the state.

Negative Determination

Note: No further action under the Wetlands Protection Act is required by the applicant. However, if the Department is requested to issue a Superseding Determination of Applicability, work may not proceed on this project unless the Department fails to act on such request within 35 days of the date the request is post-marked for certified mail or hand delivered to the Department. Work may then proceed at the owner's risk only upon notice to the Department and to the Conservation Commission. Requirements for requests for Superseding Determinations are listed at the end of this document.

- ☐ 1. The area described in the Request is not an area subject to protection under the Act or the Buffer Zone.
- ☐ 2. The work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent.
- ☒ 3. The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any).
The applicant shall ensure all stormwater structures on the property are protected either with silt sacks or coir logs prior to the commencement of work. The applicant shall be responsible for clearing any silt sack protection regularly to ensure the stormwater structures remain functioning.
- ☐ 4. The work described in the Request is not within an Area subject to protection under the Act (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent, unless and until said work alters an Area subject to protection under the Act.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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

B. Determination (cont.)

- ☐ 5. The area described in the Request is subject to protection under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required:

Exempt Activity (site applicable statutory/regulatory provisions)

- ☐ 6. The area and/or work described in the Request is not subject to review and approval by:

Name of Municipality

Pursuant to a municipal wetlands ordinance or bylaw.

Name

Ordinance or Bylaw Citation

C. Authorization

This Determination is issued to the applicant and delivered as follows:

- ☐ by hand delivery on ☒ by certified mail, return receipt requested on

Date

Date

12-22-2022

This Determination is valid for **three years** from the date of issuance (except Determinations for Vegetation Management Plans which are valid for the duration of the Plan). This Determination does not relieve the applicant from complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.

This Determination must be signed by a majority of the Conservation Commission. A copy must be sent to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>) and the property owner (if different from the applicant).



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

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

C. Authorization (cont.)

Signatures:

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

D. Appeals

The applicant, owner, any person aggrieved by this Determination, any owner of land abutting the land upon which the proposed work is to be done, 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 Department of Environmental Protection Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>) to issue a Superseding Determination of Applicability. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form (see 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 Determination. 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. The request shall state clearly and concisely the objections to the Determination which is being appealed. To the extent that the Determination is based on a municipal ordinance or bylaw 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
Request for Departmental Action Fee
Transmittal Form

DEP File Number:

Provided by DEP

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

**Request for Departmental Action Fee
Transmittal Form**

Provided by DEP

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

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.



November 2023
Request for Determination of Applicability – 72 Elm Street
18.0175500.00
ATTACHMENTS

ATTACHMENT 4
CERTIFIED ABUTTERS LIST STATEMENT



1.0 CERTIFIED ABUTTERS LIST

As previously advised for the 2022 Request for Determination of Applicability (RDA) filing, the Amesbury Wetland Protection Ordinance does not require a Notice to Abutters for an RDA.

