

# **APPLICATION FOR NOTICE OF INTENT**

*for property located at*

**62 MAPLE STREET  
WENHAM, MASSACHUSETTS**

**Prepared for:**

Maple Woods Housing, LLC  
283 Elliott Street, P.O. Box 507  
Beverly, Massachusetts 01915

**Prepared by:**

Meridian Associates, Inc.  
500 Cummings Center, Suite 5950  
Beverly, Massachusetts 01915  
(978) 299-0447  
[www.meridianassoc.com](http://www.meridianassoc.com)

**November 6, 2014**





VIA: HAND DELIVERY

November 6, 2014

Emilie Cademartori, Conservation Coordinator  
Wenham Conservation Commission  
Town Hall, 138 Main Street  
Wenham, MA 01984

Re: 62 Maple Street  
Wenham, Massachusetts

Dear Members of the Commission:

On behalf of the applicant, Maple Woods Housing, LLC, Meridian Associates, Inc. is pleased to submit the enclosed Notice of Intent application.

The applicant is proposing a new affordable "over 55" residential building with associated parking, drainage and utilities, as well as a proposed driveway from Maple Street. The project is in the 100-foot buffer zone to Bordering Vegetated Wetland and grading is proposed within the 50-foot no build zone.

Because the project is the subject of a Comprehensive Permit currently before the Wenham Zoning Board of Appeals, the Wenham Water Resources Protection Bylaw is not applicable to this filing. It should be noted however that the design intent of the site plans is to conform to the bylaw to the maximum extent feasible.

I look forward to discussing this project with you at your next regularly scheduled public hearing.

Sincerely,

MERIDIAN ASSOCIATES, INC.

Charles E. Wear, III, PE, LEED AP  
Vice President of Civil Engineering Services

P:\5652\_Maple St\_Wenham\ADMIN\Reports\NOI\_2014-07-08\letter.doc

cc: Maple Woods Housing, LLC  
Department of Environmental Protection

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**NOTICE OF INTENT  
(WPA FORM 3)**



# WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

Wenham

City/Town

**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.

## A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

62 Maple Street

a. Street Address

Wenham

b. City/Town

01984

c. Zip Code

Latitude and Longitude:

42° 35' 59.280" N

d. Latitude

70° 55' 37.524" W

e. Longitude

Map 23

f. Assessors Map/Plat Number

Lot 16

g. Parcel /Lot Number

2. Applicant:

a. First Name

Maple Woods Housing, LLC

b. Last Name

c. Organization

283 Elliott Street, P.O. Box 507

d. Street Address

Beverly

e. City/Town

MA

f. State

01915

g. Zip Code

978-922-1305

h. Phone Number

i. Fax Number

j. Email Address

3. Property owner (required if different from applicant):

Check if more than one owner

Robert N.

a. First Name

Burnett, TRS

b. Last Name

Cedar Realty Trust

c. Organization

62 Maple Street

d. Street Address

Wenham

e. City/Town

MA

f. State

01984

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Charles E.

a. First Name

Wear, III, PE, LEED AP

b. Last Name

Meridian Associates, Inc.

c. Company

500 Cummings Center, Suite 5950

d. Street Address

Beverly

e. City/Town

MA

f. State

01915

g. Zip Code

978-299-0447

h. Phone Number

978-299-0567

i. Fax Number

cwear@meridianassoc.com

j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

\$1,550.00

a. Total Fee Paid

\$762.50

b. State Fee Paid

\$787.50

c. City/Town Fee Paid



# WPA Form 3 – Notice of Intent

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

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## A. General Information (continued)

### 6. General Project Description:

The applicant is proposing a new affordable "Over 55" residential building with parking, drainage and utility areas, as well as a proposed driveway from Maple Street.

### 7a. Project Type Checklist:

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Single Family Home                | 2. <input checked="" type="checkbox"/> Residential Subdivision        |
| 3. <input type="checkbox"/> Limited Project Driveway Crossing | 4. <input type="checkbox"/> Commercial/Industrial                     |
| 5. <input type="checkbox"/> Dock/Pier                         | 6. <input type="checkbox"/> Utilities                                 |
| 7. <input type="checkbox"/> Coastal Engineering Structure     | 8. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) |
| 9. <input type="checkbox"/> Transportation                    | 10. <input type="checkbox"/> Other                                    |

### 7b. Is any portion of the proposed activity eligible to be treated as a limited project subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1.  Yes  No     If yes, describe which limited project applies to this project:

2. Limited Project

### 8. Property recorded at the Registry of Deeds for:

Essex South

a. County

7620

c. Book

b. Certificate # (if registered land)

248

d. Page Number

## B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Resource Area, Size of Proposed Alteration, Proposed Replacement (if any)
d. Bordering Land Subject to Flooding
e. Isolated Land Subject to Flooding
f. Riverfront Area

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
100 ft. - New agricultural projects only
200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet b. square feet within 100 ft. c. square feet between 100 ft. and 200 ft.

5. Has an alternatives analysis been done and is it attached to this NOI? Yes No

6. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users: Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

Resource Area, Size of Proposed Alteration, Proposed Replacement (if any)
a. Designated Port Areas
b. Land Under the Ocean
c. Barrier Beach
d. Coastal Beaches
e. Coastal Dunes



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## B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	_____	
	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	_____	
	1. square feet	
h. <input type="checkbox"/> Salt Marshes	_____	_____
	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	_____	
	1. square feet	
	_____	
	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	_____	
	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	_____	
	1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	
	1. square feet	
4. <input type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.	
	_____	_____
	a. square feet of BVW	b. square feet of Salt Marsh
5. <input type="checkbox"/> Project Involves Stream Crossings		
	_____	_____
	a. number of new stream crossings	b. number of replacement stream crossings

## C. Other Applicable Standards and Requirements

### Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to [http://maps.massgis.state.ma.us/PRI\\_EST\\_HAB/viewer.htm](http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm).

a.  Yes  No **If yes, include proof of mailing or hand delivery of NOI to:**

Natural Heritage and Endangered Species Program  
Division of Fisheries and Wildlife  
1 Rabbit Hill Road  
Westborough, MA 01581-3336

10/01/2008  
b. Date of map



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MassDEP File Number \_\_\_\_\_

Document Transaction Number \_\_\_\_\_

Wenham

City/Town

## C. Other Applicable Standards and Requirements (cont'd)

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.C, and include requested materials with this Notice of Intent (NOI); OR complete Section C.1.d, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

### 1. c. Submit Supplemental Information for Endangered Species Review\*

1.  Percentage/acreage of property to be altered:

(a) within wetland Resource Area

\_\_\_\_\_ percentage/acreage

(b) outside Resource Area

\_\_\_\_\_ percentage/acreage

2.  Assessor's Map or right-of-way plan of site

3.  Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work \*\*\*\*

(a)  Project description (including description of impacts outside of wetland resource area & buffer zone)

(b)  Photographs representative of the site

(c)  MESA filing fee (fee information available at <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/mass-endangered-species-act-mesa/mesa-fee-schedule.html>). Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

*Projects altering 10 or more acres of land, also submit:*

(d)  Vegetation cover type map of site

(e)  Project plans showing Priority & Estimated Habitat boundaries

### d. OR Check One of the Following

1.  Project is exempt from MESA review.  
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <http://www.mass.gov/eea/agencies/dfg/dfw/laws-regulations/cmr/321-cmr-1000-massachusetts-endangered-species-act.html#10.14>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2.  Separate MESA review ongoing.

a. NHESP Tracking # \_\_\_\_\_

b. Date submitted to NHESP \_\_\_\_\_

\* Some projects not in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/>). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

\*\* MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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## C. Other Applicable Standards and Requirements (cont'd)

- 3.  Separate MESA review completed.  
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.
- 2. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

a.  Not applicable – project is in inland resource area only

b.  Yes  No If yes, include proof of mailing or hand delivery of NOI to either:

South Shore - Cohasset to Rhode Island, and the Cape & Islands:

North Shore - Hull to New Hampshire:

Division of Marine Fisheries -  
Southeast Marine Fisheries Station  
Attn: Environmental Reviewer  
1213 Purchase Street – 3rd Floor  
New Bedford, MA 02740-6694

Division of Marine Fisheries -  
North Shore Office  
Attn: Environmental Reviewer  
30 Emerson Avenue  
Gloucester, MA 01930

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

- 3. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

a.  Yes  No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.

b. ACEC

- 4. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?

a.  Yes  No

- 5. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?

a.  Yes  No

- 6. Is this project subject to provisions of the MassDEP Stormwater Management Standards?

a.  Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:

- 1.  Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
- 2.  A portion of the site constitutes redevelopment
- 3.  Proprietary BMPs are included in the Stormwater Management System.

b.  No. Check why the project is exempt:

- 1.  Single-family house

**Online Users:**  
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.



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## C. Other Applicable Standards and Requirements (cont'd)

- 2.  Emergency road repair
- 3.  Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

## D. Additional Information

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

**Online Users:** Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

- 1.  USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
- 2.  Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.
- 3.  Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.
- 4.  List the titles and dates for all plans and other materials submitted with this NOI.

### Permit Site Development Plans (to accompany a Notice of Intent Application)

a. Plan Title

Meridian Associates, Inc.

b. Prepared By

April C. Ferraro, PE, LEED AP

c. Signed and Stamped by

Varies 1" = 60' & 1" = 40'

d. Final Revision Date

e. Scale

November 6, 2014

f. Additional Plan or Document Title

g. Date

- 5.  If there is more than one property owner, please attach a list of these property owners not listed on this form.
- 6.  Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
- 7.  Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
- 8.  Attach NOI Wetland Fee Transmittal Form
- 9.  Attach Stormwater Report, if needed.



# WPA Form 3 – Notice of Intent

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MassDEP File Number

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Wenham

City/Town

## E. Fees

1.  Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

2. Municipal Check Number	6708	3. Check date	11/4/14
4. State Check Number	6706	5. Check date	11/4/14
6. Payor name on check: First Name	Harborlight Community Partners		
7. Payor name on check: Last Name			

## F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

1. Signature of Applicant		2. Date	11/4/14
3. Signature of Property Owner (if different)		4. Date	11/5/14
5. Signature of Representative (if any)		6. Date	11/4/14

### For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

### For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a copy of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

### Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**NOI Wetland Fee Transmittal Form**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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



**A. Applicant Information**

1. Location of Project:

62 Maple Street  
 a. Street Address  
 6706  
 c. Check number  
 Wenham  
 b. City/Town  
 762.50  
 d. Fee amount

2. Applicant Mailing Address:

Maple Woods Housing, LLC  
 c. Organization  
 283 Elliott Street, P.O. Box 507  
 d. Mailing Address  
 Beverly  
 e. City/Town  
 MA  
 f. State  
 01915  
 g. Zip Code  
 978-922-1305  
 h. Phone Number  
 i. Fax Number  
 j. Email Address

3. Property Owner (if different):

Robert N.  
 a. First Name  
 Burnett, TRS  
 b. Last Name  
 Cedar Realty Trust  
 c. Organization  
 62 Maple Street  
 d. Mailing Address  
 Wenham  
 e. City/Town  
 MA  
 f. State  
 01984  
 g. Zip Code  
 h. Phone Number  
 i. Fax Number  
 j. Email Address

**B. Fees**

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

**Step 1/Type of Activity:** Describe each type of activity that will occur in wetland resource area and buffer zone.

**Step 2/Number of Activities:** Identify the number of each type of activity.

**Step 3/Individual Activity Fee:** Identify each activity fee from the six project categories listed in the instructions.

**Step 4/Subtotal Activity Fee:** Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

**Step 5/Total Project Fee:** Determine the total project fee by adding the subtotal amounts from Step 4.

**Step 6/Fee Payments:** To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



Activity	Fee
Request for Determination of Applicability	\$75
Abbreviated Notice of Resource Area Delineation	\$1/linear foot (LF) with a minimum of \$50
<b>Notice of Intent/Permit</b>	
Category 1	\$150 for each activity
a) work on single family lot; addition, pool, etc.;	
b) site work without house;	
c) control vegetation;	
d) resource improvement;	
e) work on septic system separated from house;	
f) monitoring well activities minus roadway;	
g) new agricultural or aquaculture projects.	
Category 2	\$300 for each activity
a) construction of single family house;	
b) parking lot;	
c) beach nourishment;	
d) electric generating facility activities;	
e) inland limited projects minus road crossings and agriculture;	
f) each crossing for driveway to single family house;	
g) each project source (storm drain) discharge;	
h) control vegetation development;	
i) water level variations;	
j) any other activity not in Category 1, 3, 4, 5, or 6	
k) water supply exploration.	
Category 3	\$500 for each activity
a) site preparation (for development) beyond Notice of Intent scope;	
b) each building (for development) including site;	
c) road construction not crossing or driveway;	
d) hazardous cleanup;	
e) water supply development.	
Category 4	\$700 for each activity
a) each crossing for development or commercial road;	
b) dam, sluiceway work;	
c) railroad line construction;	
d) bridge;	
e) hazardous waste alterations to resource areas;	
f) dredging;	
g) airport tree clearing;	
h) oil and/or hazardous material release response actions.	
Category 5	\$1/LF with a minimum of \$50 for each activity
a) on docks, piers, revetments, dikes, etc.	
Category 6	\$1/ LF with a minimum of \$50
a) boundary delineation for any wetland.	
<b>Misc. Other Fees:</b>	
Amend OOC	\$100
Request CoC	\$50
Extend OOC	\$100
After-fact-filing	Double the usual Fee

Local Fee = 800.00

Harborlight Community Partners  
P.O. Box 507  
Beverly, MA 01915

BOSTON PRIVATE BANK & TRUST CO  
Beverly, MA 01915  
5-234-110

6706  
Date: 11/04/2014

Pay To  
The Order Of COMMONWEALTH OF MASSACHUSETTS  
\*\*\*Seven Hundred Sixty Two Dollars and 50 Cents\*\*\*

\$\*\*762.50\*\*

COMMONWEALTH OF MASSACHUSETTS  
251 CAUSEWAY ST. SUITE 600  
BOSTON, MA 02114



⑈006706⑈ ⑆011002343⑆ 0004090936⑈

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Harborlight Community Partners  
P.O. Box 507  
Beverly, MA 01915

BOSTON PRIVATE BANK & TRUST CO  
Beverly, MA 01915  
5-234-110

6707  
Date: 11/04/2014

Pay To  
The Order Of TOWN OF WENHAM  
\*\*\*Eight Hundred Dollars\*\*\*

\$\*\*800.00\*\*

TOWN OF WENHAM  
138 MAIN ST  
WENHAM, MA 01984



⑈006707⑈ ⑆011002343⑆ 0004090936⑈

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Harborlight Community Partners  
P.O. Box 507  
Beverly, MA 01915

BOSTON PRIVATE BANK & TRUST CO  
Beverly, MA 01915  
5-234-110

6708  
Date: 11/04/2014

Pay To  
The Order Of TOWN OF WENHAM  
\*\*\*Seven Hundred Eighty Seven Dollars and 50 Cents\*\*\*

\$\*\*787.50\*\*

TOWN OF WENHAM  
138 MAIN ST  
WENHAM, MA 01984



⑈006708⑈ ⑆011002343⑆ 0004090936⑈

# **ABUTTER REQUIREMENTS**

**AFFIDAVIT OF SERVICE**

Under the Massachusetts Wetlands Protection Act  
And  
The Wenham Water Resources Protection Bylaw

(to be submitted to the Massachusetts Department of Environmental Protection and the  
Wenham Conservation Commission when filing a Notice of Intent)

I, Charles E. Wear, III, hereby certify under  
(Name of person making the Affidavit)  
the pains and penalties of perjury that on November 6, 2014 I gave  
(date)  
notification to abutters in compliance with the second paragraph of Massachusetts  
General Laws, Chapter 131, Section 40, and the "DEP Guide to Abutter Notification"  
dated April 8, 1994, and the Wenham General Bylaws, Ch. XVIII, s. 5, in connection  
with the following matter:

A Notice of Intent filed under the Massachusetts Wetlands Protection Act by \_\_\_\_\_  
Maple Woods Housing, LLC with the Wenham Conservation  
(Applicant's name)  
Commission on Nov. 6, 2014 for property located at 62 Maple Street  
(date) (street address)  
Assessor's Map 23, Lot 16.

The form of the notification, and a list of the abutters to whom it was given, and  
their addresses are attached to this Affidavit of Service.

  
\_\_\_\_\_  
Signature

11/6/14  
\_\_\_\_\_  
Date

Notification to Abutters

In accordance with the Massachusetts Wetlands Protection Act, MGL, Ch. 131, s. 40, and the Wenham Water Resources Protection Bylaw, Ch. XVIII, you are hereby notified that a

Notice of Intent

Request for Determination of Applicability

(circle one)

has been filed with the Wenham Conservation Commission seeking permission to remove, fill, dredge, or later an Area Subject to Protection under the Act/Bylaw and/or to work within the 100-foot buffer zone.

The Application was filed by Maple Woods Housing, LLC for proposed work located at 62 Maple Street, Assessor's Map 23, Lot 16.

The Application is on file at the Conservation Commission Office, Town Hall, Wenham MA and may be reviewed Monday – Thursday (9:00 AM to 1:00 PM) or by calling Emilie Cademartori at (978) 468-5520 ext 8 to arrange an appointment.

Notice of the public hearing, including date, time and place, will be posted in the Wenham Town Hall and will be published in the Hamilton-Wenham Chronicle at least five days in advance of the hearing.

You may also contact the DEP Northeast Regional Office at (978) 694-3200 for more information about this application or about the Wetlands Protection Act and Water Resources Protection Bylaw.

**Cedar Realty Trust**  
**Robert N Burnett Trstee**  
**62 Maple St.**  
**Wenham, MA 01984**  
**23-16, 24-3, 23-21A**

**Lawrence & Carol Harding**  
**61 Maple St.**  
**Wenham, MA 01984**  
**24-1**

**Grace Arcand**  
**70 Maple St.**  
**Wenham, MA 01984**  
**23-21**

**Paul W. Berthaume**  
**78 Maple St.**  
**Wenham, MA 01984**  
**23-18**

**Kirk J. Dodge**  
**84 Maple St.**  
**Wenham, MA 01984**  
**23-14**

**David & Beverly Granz**  
**88 Maple St.**  
**Wenham, MA 01984**  
**23-10A**

**Marcia C. Blonder**  
**10 Birch Rd.**  
**Wenham, MA 01984**  
**23-38**

**Donald M. Burnett**  
**Trst Murray Trust**  
**58 Maple St.**  
**Wenham, MA 01984**  
**24-3A**

**Daniel & Nancy O'Connell**  
**63 Maple St.**  
**Wenham, MA 01984**  
**23-22**

**Philip J. Magee**  
**P O Box 286**  
**Wenham, MA 01984**  
**23-20**

**Mary D. Buntin Tr.**  
**80 Maple St.**  
**Wenham, MA 01984**  
**23-17**

**Steven & Deborah Stanton**  
**86 Maple St.**  
**Wenham, MA 01984**  
**23-13**

**Essex County Greenbelt Assoc.**  
**82 Eastern Ave.**  
**Essex, MA 01929**  
**23-2, 15-3**

**Gareth & Anne Bevan**  
**100 Maple St.**  
**Wenham, MA 01984**  
**23-7**

**Dennis Dean II**  
**57 Maple St.**  
**Wenham, MA 01984**  
**24-2**

**Brendan W. Jackson**  
**67 Maple St.**  
**Wenham, MA 01984**  
**23-23**

**Salvatore J. Pirrotta**  
**74 Maple St.**  
**Wenham, MA 01984**  
**23-19**

**Dockray-Miiller Family Lim Partnership**  
**2 Candlewood Circle**  
**Sudbury, MA 01776**  
**23-15**

**Town of Wenham**  
**138 Main St.**  
**Wenham, MA 01984**  
**23-12, 15-2**

**James & Vivian Sears**  
**1 Burley St.**  
**Wenham, MA 01984**  
**23-24**

**CERTIFIED BY Shirley Cashman**

**OCTOBER 7, 2014**

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 Street, Apt. No., or PO Box No. **Robert N Burnett Trs.**  
**62 Maple St.**  
 City, State, ZIP+4 **Wenham, MA 01984**

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 Street, Apt. No., or PO Box No. **Murray Trust**  
**58 Maple St.**  
 City, State, ZIP+4 **Wenham, MA 01984**

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 Street, Apt. No., or PO Box No. **57 Maple St.**  
 City, State, ZIP+4 **Wenham, MA 01984**

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 Street, Apt. No., or PO Box No. **61 Maple St.**  
 City, State, ZIP+4 **Wenham, MA 01984**

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 Street, Apt. No., or PO Box No. **63 Maple St.**  
 City, State, ZIP+4 **Wenham, MA 01984**

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Sent To **Brendan W Jackson**  
 Street, Apt. No., or PO Box No. **67 Maple St.**  
 City, State, ZIP+4 **Wenham, MA 01984**

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Restricted Delivery Fee (Endorsement Required)		
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Sent To **Grace H Arcand**  
 Street, Apt. No., or PO Box No. **70 Maple St.**  
 City, State, ZIP+4 **Wenham, MA 01984**

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Restricted Delivery Fee (Endorsement Required)		
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Sent To **Philip J Magee**  
 Street, Apt. No., or PO Box No. **P O Box 286**  
 City, State, ZIP+4 **Wenham, MA 01984**

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Sent To **Salvatore J Pirrotta**  
 Street, Apt. No., or PO Box No. **74 Maple St.**  
 City, State, ZIP+4 **Wenham, MA 01984**

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Sent To **Paul W. Berthiaume**  
 Street, Apt. No., or PO Box No. **78 Maple St.**  
 City, State, ZIP+4 **Wenham, MA 01984**

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Sent To **Mary D Buntin Tr.**  
 Street, Apt. No., or PO Box No. **80 Maple St.**  
 City, State, ZIP+4 **Wenham, MA 01984**

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 Street, Apt. No., or PO Box No. **2 Candlewood Circle**  
 City, State, ZIP+4 **Sudbury, MA 01776**

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Sent To  
 Kirk J Dodge  
 Street, Apt. No., or PO Box No. 84 Maple St.  
 City, State, ZIP+4 Wenham, MA 01984

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Sent To  
 Steven & Deborah Stanton  
 Street, Apt. No., or PO Box No. 86 Maple St.  
 City, State, ZIP+4 Wenham, MA 01984

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Sent To  
 Town of Wenham  
 Street, Apt. No., or PO Box No. 138 Main St.  
 City, State, ZIP+4 Wenham, MA 01984

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Total Postage & Fees	\$ 3.78

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Sent To  
 David & Beverly Granz  
 Street, Apt. No., or PO Box No. 88 Maple St.  
 City, State, ZIP+4 Wenham, MA 01984

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Sent To  
 Essex County Greenbelt Assoc.  
 Street, Apt. No., or PO Box No. 82 Eastern Ave.  
 City, State, ZIP+4 Essex, MA 01929

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Sent To  
 James & Vivian Sears  
 Street, Apt. No., or PO Box No. 1 Burley St.  
 City, State, ZIP+4 Wenham, MA 01984

PS Form 3800, August 2006 See Reverse for Instructions

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Sent To **Marcia Blonder**  
 Street, Apt. No., or PO Box No. **10 Birch Rd.**  
 City, State, ZIP+4 **Wenham, MA 01984**

7011 2970 0003 1693 3459

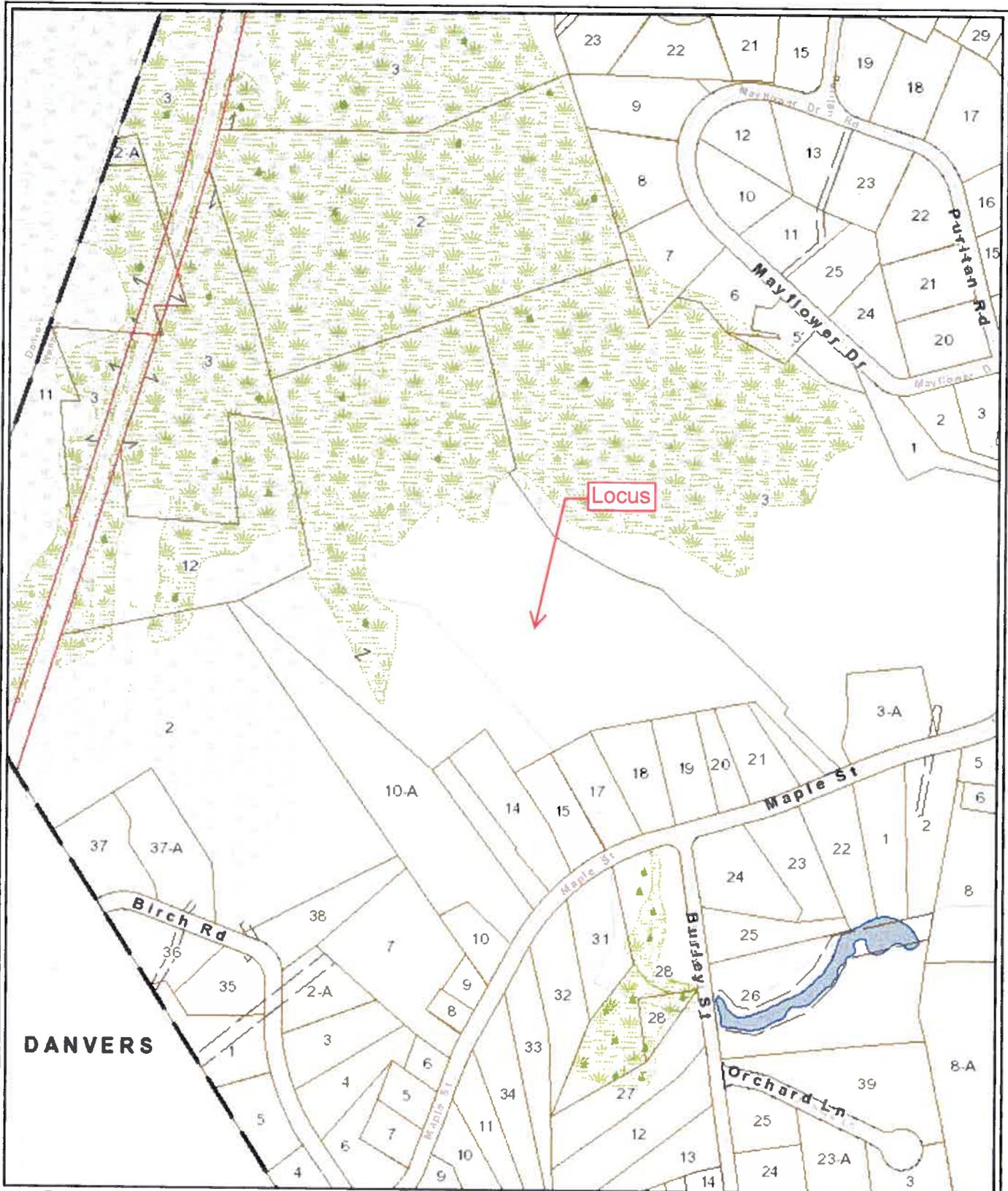
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Sent To **Gareth & Anne Bevan**  
 Street, Apt. No., or PO Box No. **100 Maple St.**  
 City, State, ZIP+4 **Wenham, MA 01984**



DANVERS

Locus



Locus Map - 62 Maple Street  
 Wenham, MA  
 1 Inch = 396 Feet  
 July 14, 2014



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

www.cai-tech.com



## **APPENDIX A**



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:

326-0342

MassDEP File Number

Document Transaction Number

Wenham

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: Wenham  
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:

Robert Burnett, Trustee  
a. First Name b. Last Name  
Cedar Realty Trust  
c. Organization  
62 Maple Street  
d. Mailing Address  
Wenham MA 01984  
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

Robert Burnett, Trustee  
a. First Name b. Last Name  
Cedar Realty Trust  
c. Organization  
62 Maple Street  
d. Mailing Address  
Wenham MA 01984  
e. City/Town f. State g. Zip Code

5. Project Location:

62 Rear Maple Street Wenham 01984  
a. Street Address b. City/Town c. Zip Code  
Map 23 Parcel 16  
c. Assessors Map/Plat Number d. Parcel/Lot Number  
Latitude and Longitude: 42d 36m 00s N 070d 55m 36s W  
e. Latitude f. Longitude

6. Dates: November 28, 2013 January 27 2014 January 27, 2014  
a. Date ANRAD filed b. Date Public Hearing Closed c. Date of Issuance

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

Topographic Plan of Land in Wenham MA #62 Maple Street 10/16/13 rev 1/21/14  
a. Title b. Date  
DEP Delineation Forms, Narrative 1/25/13, Photos 8/1/13 - 8/7/13  
c. Title d. Date



**WPA Form 4B – Order of Resource Area  
Delineation**

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

**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. Inland Bank of Intermittent Stream (Burley Brook)

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:

a. Bordering Land Subject to Flooding (BLSF)

3.  The boundaries were determined to be inaccurate because:

a. BLSF scaled approximately from July 2012 FEMA panel, no flood elevation determined



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:

326-0342

MassDEP File Number

Document Transaction Number

Wenham

City/Town

### 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 <http://www.mass.gov/dep/about/region/findyour.htm>).

### 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 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 providing written information to the Department prior to issuance of a Superseding Order.

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:

326-0342

MassDEP File Number

Document Transaction Number

Wenham

City/Town

## E. Signatures

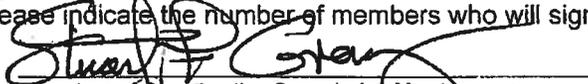
January 27, 2014

Date of Issuance

4

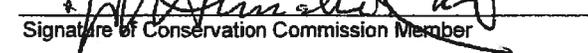
1. Number of Signers

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

  
 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

\_\_\_\_\_  
 Signature of Conservation Commission Member

**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 \_\_\_\_\_

3.  By certified mail, return receipt requested on \_\_\_\_\_

a. Date

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**

**A. Request 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. 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) \_\_\_\_\_

Project Location

62 Rear Maple street \_\_\_\_\_

Mailing Address \_\_\_\_\_

Wenham \_\_\_\_\_ MA \_\_\_\_\_ 01984 \_\_\_\_\_

City/Town \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

2. Applicant (as shown on Notice of Intent (Form 3), Abbreviated Notice of Resource Area Delineation (Form 4A); or Request for Determination of Applicability (Form 1)):

Robert Burnett, Cedar Realty Trust \_\_\_\_\_

Name \_\_\_\_\_

62 Maple Street \_\_\_\_\_

Mailing Address \_\_\_\_\_

Wenham \_\_\_\_\_ MA \_\_\_\_\_ 01984 \_\_\_\_\_

City/Town \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_ Fax Number (if applicable) \_\_\_\_\_

3. DEP File Number:

326-0342 \_\_\_\_\_

**B. Instructions**

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

- Superseding Order of Conditions
- Superseding Determination of Applicability
- Superseding Order of Resource Area Delineation

Send this form and check or money order for \$100.00 (single family house projects) or \$200 (all other projects), 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  
**Request for Departmental Action Fee Transmittal Form**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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**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 <http://www.mass.gov/dep/about/region/findyour.htm>).
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.

**APPENDIX**  
**Order of Resource Area Delineation**  
**Robert Burnett, Cedar Realty Trust 62 Maple Street Wenham**  
**D.E.P. File Number 326- 0342**

**I. Decision Under Water Resources Protection Bylaw, Chapter XVII:**

At the Conservation Commission meeting of January 27, 2014, with a quorum of members present, the following motion was adopted unanimously:

"...that the Conservation Commission make the attached Findings and grant the Order of Resource Area Delineation under M.G.L. Ch. 131, Section 40 and under Chapter XVIII of the Town of Wenham Bylaws to Robert Burnett, trustee Cedar Realty Trust for property located at 62 Maple Street, Wenham."

**II. Findings:**

- A. An Abbreviated Notice of Resource Area Delineation was filed *November 21, 2013*. Public Hearing was advertised in the Hamilton/Wenham Chronicle on *November 28, 2013*. Abutters were notified. Public Hearing opened *December 9, 2013*, and closed *January 27, 2014*. Site visits took place on *December 13, 2013 & January 17, 2014*.
- B. The property is noted as Assessor's Map 23, Lot 16 and is located at *62 Maple Street*. The property consists of 24 acres; however only resource areas located north and east of Burley Brook are included in this Order. Additionally, a resource area located off site along the northeastern property boundary is included as its corresponding buffer extends into the subject parcel.
- C. The site plan prepared by Hancock Associates, titled "62 Maple Street Wenham Massachusetts prepared for Harborlight Community Partners, Topographic Plan of Land in Wenham MA" dated October 16, 2013 revised through January 21, 2014 shows the resource areas as delineated by *Hancock Associates and reviewed by Rimmer Environmental Consultanting, LLC* but shows no proposed construction.
- D. There are a series of numbered flags indicated on the Hancock Plan. Flags A1- A11 indicate the limit of Inland Bank associated with Burley Brook that flows northwesterly through the site. Flags A11-A29 mark the limit of Bordering Vegetated Wetland extending into the site from Burley Brook. Flags B1- B14 mark the limits of the Bordering Vegetated Wetland located off the subject parcel along the Northeastern boundary. Based on Commission site visits, and various revisions as recommended by the peer review, the Commission confirms that the delineation is accurate as presented on the final January 21, 2014 plan.
- E. Burley Brook is indicated on the USGS topographic map as a perennial stream, however the applicant provided information to rebut the designation in accordance with 310 CMR 10.58(2)(a)1.a.ii. as well as the Wenham Water Resources Protection Bylaw

Regulations. Dated photographs and field notes, accompanied by a certification of conformance with the regulatory requirements, documenting no observed flow on four days during a non drought period when no known upstream withdrawals had occurred were provided. Supplemental information on the size on the watershed and precipitation and groundwater conditions were also provided. The Commission finds that the information provided is sufficient to overcome the perennial designation and therefore finds that there is no associated 200 foot Riverfront Area on site.

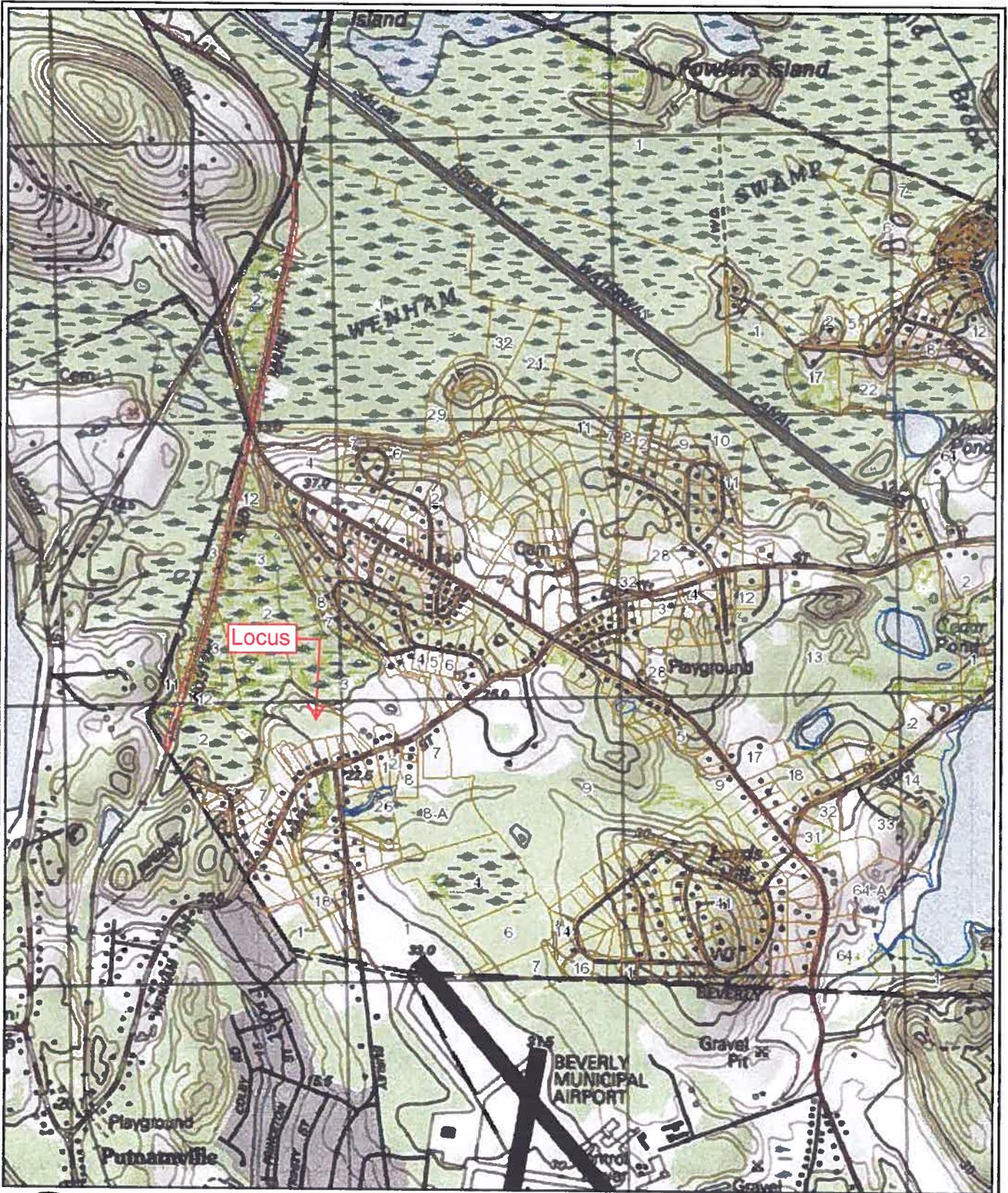
- F. A line depicting the FEMA Zone A flood area is shown and noted as approximate. The applicant has not requested that the commission confirm the depiction of the Bordering Land Subject to Flooding as part of this determination. Therefore the Commission finds that the Flood Zone labeled on the January 21, 2014 is not confirmed.

### **END OF FINDINGS**

## **APPENDIX B**



**Massachusetts Natural Heritage Atlas  
13<sup>th</sup> Edition, October 1, 2008  
Salem Quadrangle**



USGS Topographic Map (62 Maple Street)

Wenham, MA

1 Inch = 1586 Feet

July 14, 2014



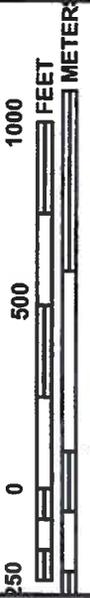
Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

www.cai-tech.com





MAP SCALE 1" = 500'



# NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0406F

## FIRM FLOOD INSURANCE RATE MAP ESSEX COUNTY, MASSACHUSETTS (ALL JURISDICTIONS)

PANEL 406 OF 600  
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

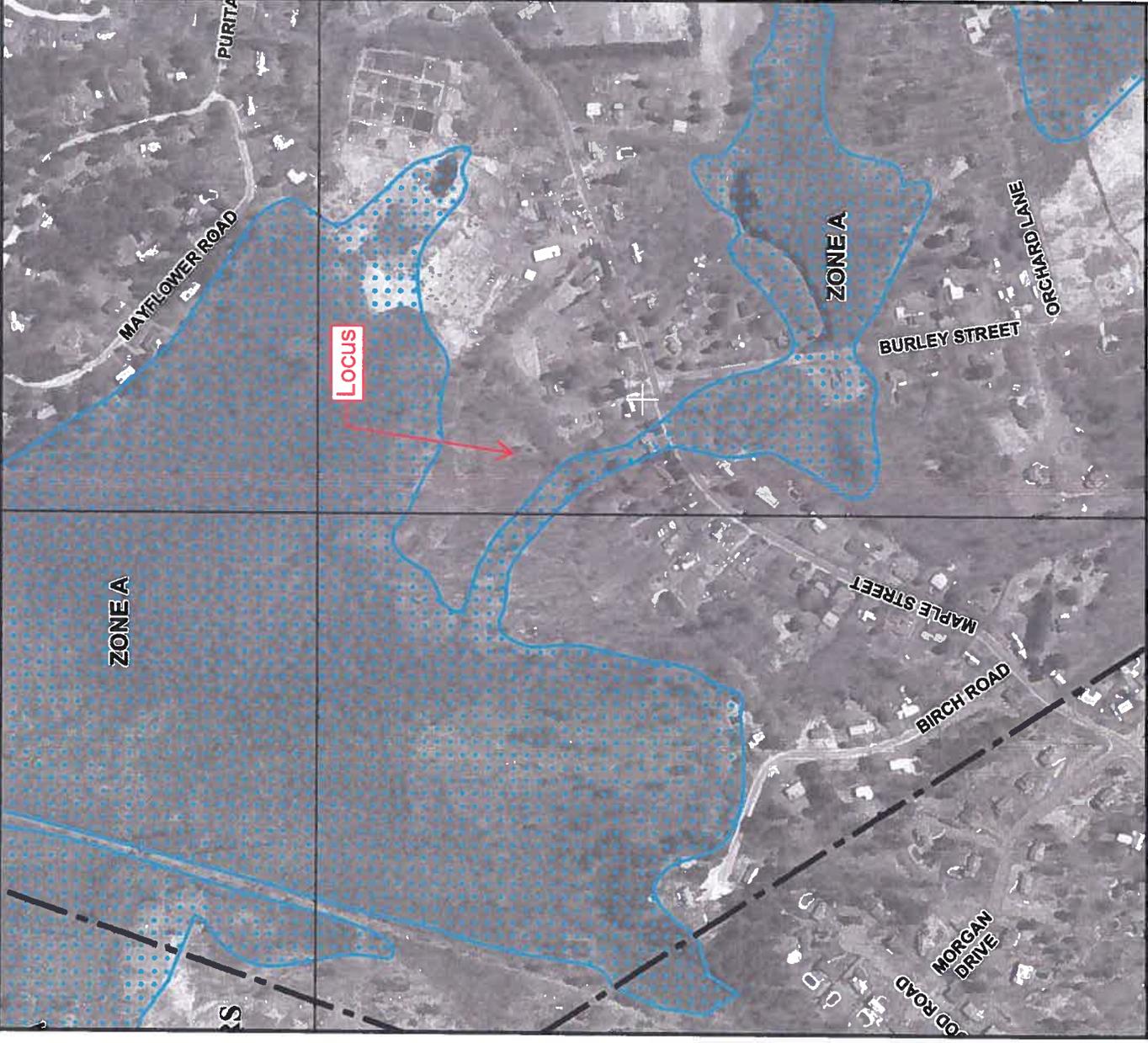
COMMUNITY	NUMBER	PANEL	SUFFIX
DANVERS, TOWN OF	250075	0406	F
HAMILTON, TOWN OF	250084	0406	F
TOPSFIELD, TOWN OF	250106	0406	F
WENHAM, TOWN OF	250107	0406	F

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER  
25009C0406F  
EFFECTIVE DATE  
JULY 3, 2012



Federal Emergency Management Agency



This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT Ch-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)

## **APPENDIX C**