

REQUEST FOR DETERMINATION OF
APPLICABILITY

ASSESSORS MAP 16, PARCELS 1353, 1444 & 1475

163, 165 & 175 LOWELL ST
LYNNFIELD, MASSACHUSETTS

Prepared for:

Boston Clear Water
165 Lowell St
Lynnfield, MA 01940

Prepared by:

Marchionda & Associates, L.P.
62 Montvale Ave
Stoneham, MA 02180

May 20, 2021



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NARRATIVE

REQUEST FOR DETERMINATION

BOSTON CLEAR WATER

165 LOWELL ST

Boston Clear Water, the owner and operation of the public water supply on Lowell Street, wants to maintain the 100-foot buffer to the wetlands by cutting flush to the ground all saplings 3.3 inches or less (except within the 25 foot buffer) and removing all dead, diseased, cracked and broken limbs to ensure safe access on the properties at 163, 165 and 175 Lowell Street for operation of the public water supply and also to ensure safe access to customers who frequent the facility and the surrounding grounds. It is also proposed to remove all limbs, branches and vegetation overhanging buildings including areas within the 25 foot buffer. All the work is to be done by hand and will not cause any alteration of any resource areas.

In addition to the maintenance, BCW proposes to place a religious stature on granite blocks in the vicinity of the existing religious cross. If necessary, the granite blocks and stature will be transported to its proposed location by a small rubber tire or track machine that will not cause any disruption in the existing ground cover. The granite blocks will be placed on the ground without the need for any excavation and the statue on top of the blocks.



WPA Form 1- Request for 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.



1. Applicant:

Anthony Gattineri, Manager Boston Clear Water		agattineri@gmail.com	
Name		E-Mail Address	
450 Wildwood Avenue			
Mailing Address			
Woburn	MA	01801	
City/Town	State	Zip Code	
978-375-5574	Fax Number (if applicable)		
Phone Number			

2. Representative (if any):

Marchionda & Associates, L.P.			
Firm			
Paul Marchionda		Paul@Marchionda.com	
Contact Name		E-Mail Address	
62 Montvale Avenue			
Mailing Address			
Stoneham	MA	02180	
City/Town	State	Zip Code	
781-438-6121	781-438-9654		
Phone Number	Fax Number (if applicable)		

B. Determinations

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

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

Lynnfield
Name of Municipality

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



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C. Project Description

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

163, 165 & 175 Lowell Street

Street Address

Lynnfield

City/Town

16

Assessors Map/Plat Number

1353, 1444 & 1475

Parcel/Lot Number

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

It is intended for this RFD to apply with the entire 100 foot buffer zone on all 3 properties as indicated on the plan. Activity within the 25 foot buffer is limited to removal of invasive vines and dead diseased cracked or broken limbs.

c. Plan and/or Map Reference(s):

Request For Determination of Determnation, Pocahontas Spring

Title

May 20, 2021

Date

Title

Date

Title

Date

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

1. Cut flush to the ground all saplings 3.3 inch diameter or less except within the 25 foot buffer; remove invasive vines; remove all dead, diseased, cracked or broken limbs and any material that hampers safe access under all state and federal rules to public water supplies; remove all fallen branches; remove all limbs, branches and vegetation overhanging buildings including areas within the 25 foot buffer. 2. Install religious statue on granite blocks adjacent to existing religious cross.



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C. Project Description (cont.)

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).

All cutting of saplings, removal of vines; removal of fallen branches and vegetation overhanging buildings to be done by hand. The granite blocks to support the religious statue will be placed on the ground. No excavation is required. Transporting the blocks and stature will be done by a small rubber tire or track machine that will not casue any disruption to the ground or require the removal of any additional vegetation.

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.)

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.

Name and address of the property owner:

Anthony Gattineri, Manager Boston Clear Water

Name

450 Wildwood Avenue

Mailing Address

Woburn

City/Town

MA

State



01801

Zip Code

Signatures:

 5/18/2021 Lisa Gattineri 5-18-21

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

Signature of Representative (if any)

Date

5/18/2021

Date

5/18/2021

NOTES

- 1) ELEVATIONS ARE ON AN ASSUMED DATUM.
- 2) PROPERTY LINES SHOWN ARE BASED ON PLAN BOOK 272 PLAN 55 AT THE ESSEX SOUTH DISTRICT REGISTRY OF DEEDS.
- 3) EXISTING CONDITIONS ARE THE RESULT OF AN INSTRUMENT SURVEY PERFORMED BY MARCHIONDA & ASSOCIATES, LP.
- 4) THE LOCATION OF EXISTING PIPES, CONDUITS, AND OTHER UNDERGROUND UTILITIES ARE NOT WARRANTED TO BE CORRECT AND ARE SHOWN BASED UPON CONTRACTOR'S RECORDS, INFORMATION AVAILABLE AT THE TOWN OFFICES, AND THE BEST APPROXIMATION OF THE ACTUAL LOCATION FROM A FIELD SURVEY.
- 5) CONTRACTORS SHALL VERIFY ALL UNDERGROUND UTILITIES AND NOTIFY DIGSAFE PRIOR TO ANY EXCAVATIONS.

163 LOWELL STREET

CURRENT OWNER:
VIRGIL LYNNFIELD PROPERTIES, LLC

DEED REFERENCE:
BOOK 38091 PAGE 285

PLAN REFERENCES:
PLAN BOOK 270 PLAN 55 JULY 26, 1991
1975 ESSEX COUNTY LAYOUT #3140

165 LOWELL STREET

CURRENT OWNER:
BOSTON CLEAR WATER COMPANY, LLC

DEED REFERENCE:
BOOK 33376 PAGE 49

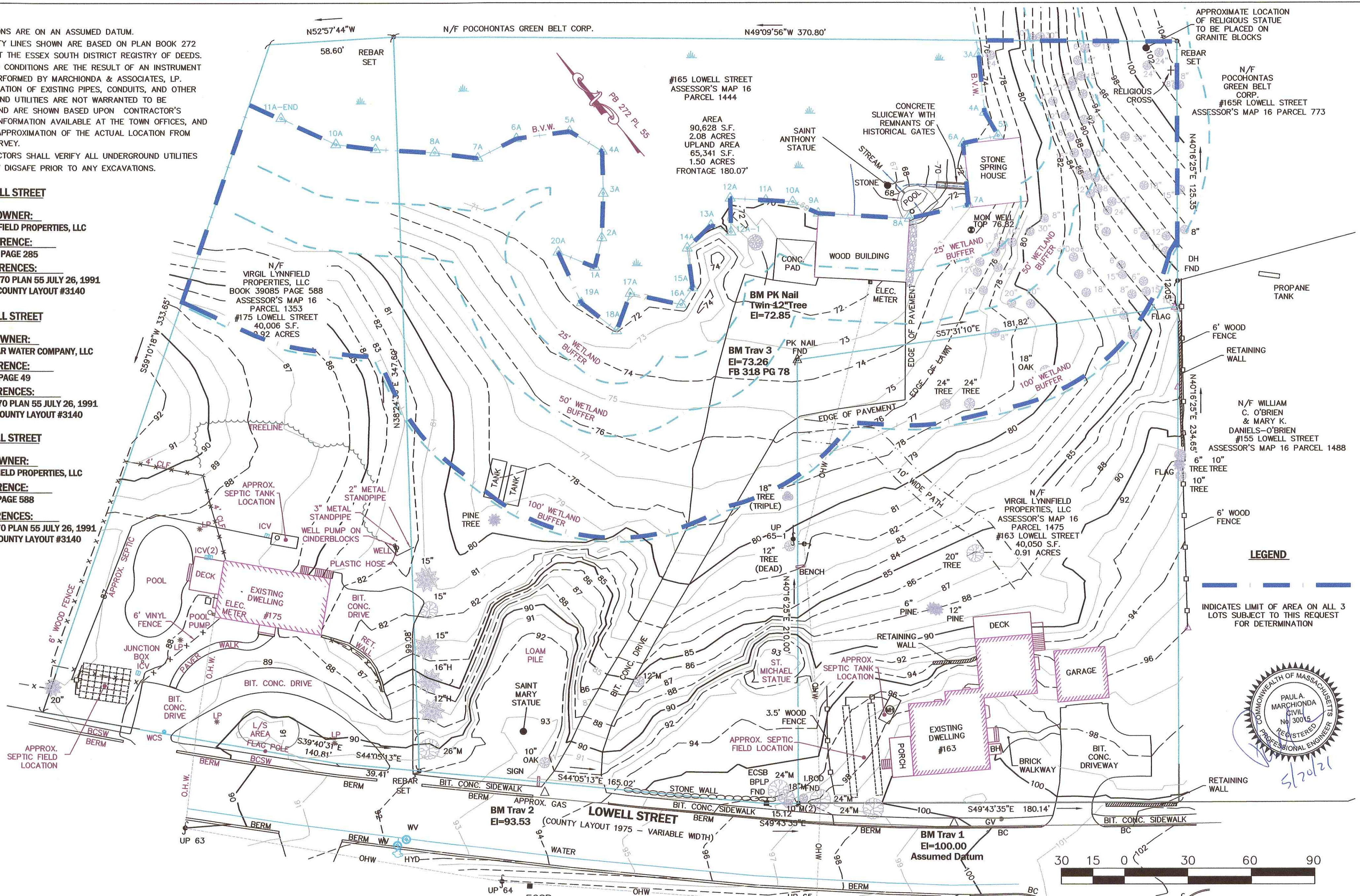
PLAN REFERENCES:
PLAN BOOK 270 PLAN 55 JULY 26, 1991
1975 ESSEX COUNTY LAYOUT #3140

175 LOWELL STREET

CURRENT OWNER:
VIRGIL LYNNFIELD PROPERTIES, LLC

DEED REFERENCE:
BOOK 39085 PAGE 588

PLAN REFERENCES:
PLAN BOOK 270 PLAN 55 JULY 26, 1991
1975 ESSEX COUNTY LAYOUT #3140



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website: www.marchionda.com

REV.	DESCRIPTION	DATE	DRW:	DSG:	CHK:

REQUEST FOR DETERMINATION PLAN
POCAHONTAS SPRING
163, 165 & 175 LOWELL ST MAP 16 PARCEL 1444, 1475 & 1353
LYNNFIELD, MA
PREPARED FOR
BOSTON CLEAR WATER COMPANY, LLC.
450 WILDWOOD AVENUE
WOBURN, MA 01801