

Notice of Intent Application

14 Magnolia Drive Lynnfield, Massachusetts

Submitted to:

Lynnfield Conservation Commission

Town Hall 55 Summer Street Lynnfield, MA 01940

Prepared for: Prepared by:

Michael Weiss. Epsilon Associates, Inc.

14 Magnolia Drive 3 Mill & Main Place, Suite 250

Lynnfield, MA 01940 Maynard, MA 01754





7182/14 Magnolia Drive/NOI

October 31, 2023

Lynnfield Conservation Commission Lynnfield Town Hall 55 Summer Street Lynnfield, MA 01940

Subject: Notice of Intent – 14 Magnolia Drive, Lynnfield, MA 01940

Dear Commissioners:

On behalf of Michael Weiss (the "Applicant"), Epsilon Associates, Inc. ("Epsilon") is pleased to submit this Notice of Intent ("NOI") to the Lynnfield Conservation Commission for proposed restoration of Bordering Vegetated Wetlands and Bordering Land Subject to Flooding at 14 Magnolia Drive in Lynnfield, Massachusetts (the "Project"). As described in further detail in the attached NOI, the Project proposes to restore jurisdictional wetland resource areas that were altered without prior authorization.

The enclosed NOI has been prepared in accordance with the Massachusetts Wetlands Protection Act ("WPA") (MGL c.131 §40) and regulations (310 CMR 10.00). We have enclosed eight copies of the NOI along with eight full size plan sets. We understand that the Commission will publish the public notice in The Lynnfield Villager at least five days prior to the hearing date.

This NOI is being submitted for the Commission's review at the **November 21, 2023**, public hearing. If the Commission would like to conduct a site walk prior to that date or has any questions regarding this NOI, please do not hesitate to contact me at (978) 461-6218 or via email at ghochmuth@epsilonassociates.com.

Sincerely,

EPSILON ASSOCIATES, INC.

Greg J. Hochmuth, PWS, CWS, RS

By Tochnuth

Senior Scientist

cc: Michael Weiss

Glenn A. Wood, Rubin and Rudman LLP

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WPA Form 3

Notice of Intent



WPA Form 3 - Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Lynnfield

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):	

14 Magnolia Drive		_ynnfield	01940
a. Street Address		o. City/Town	c. Zip Code
Latitude and Longitude:	_	12.53181	
_		d. Latitude	e. Longitude
36		1216	-
f. Assessors Map/Plat Number	9	g. Parcel /Lot Number	ſ
2. Applicant:			
Michael & Lindsay		Weiss	
a. First Name		b. Last Name	
c. Organization			
14 Magnolia Drive			
d. Street Address			
Lynnfield	MA		01940
e. City/Town	f. State	е	g. Zip Code
617-851-7399	mike	@movetechnolog	gy.com
h. Phone Number i. I		il Address	
a. First Name	_	b. Last Name	
c. Organization		b. Last Name	
		b. Last Name	
c. Organization	f. State		g. Zip Code
c. Organization d. Street Address e. City/Town			g. Zip Code
c. Organization d. Street Address e. City/Town		е	g. Zip Code
c. Organization d. Street Address e. City/Town h. Phone Number i. If Representative (if any):		е	g. Zip Code
c. Organization d. Street Address e. City/Town h. Phone Number i. I		e iil address	g. Zip Code
c. Organization d. Street Address e. City/Town h. Phone Number i. If Representative (if any): Greg J. a. First Name		e iil address Hochmuth	g. Zip Code
c. Organization d. Street Address e. City/Town h. Phone Number i. If Representative (if any): Greg J.		e iil address Hochmuth	g. Zip Code
c. Organization d. Street Address e. City/Town h. Phone Number i. If Greg J. a. First Name Epsilon Associates, Inc. c. Company	Fax Number j. Ema	e iil address Hochmuth	g. Zip Code
c. Organization d. Street Address e. City/Town h. Phone Number i. If Greg J. a. First Name Epsilon Associates, Inc.	Fax Number j. Ema	e iil address Hochmuth	g. Zip Code
c. Organization d. Street Address e. City/Town h. Phone Number i. If Representative (if any): Greg J. a. First Name Epsilon Associates, Inc. c. Company 3 Mill & Main Place, Suite	Fax Number j. Ema	e iil address Hochmuth	g. Zip Code
c. Organization d. Street Address e. City/Town h. Phone Number i. If Representative (if any): Greg J. a. First Name Epsilon Associates, Inc. c. Company 3 Mill & Main Place, Suite d. Street Address	j. Ema	e iil address Hochmuth b. Last Name	
c. Organization d. Street Address e. City/Town h. Phone Number i. If Representative (if any): Greg J. a. First Name Epsilon Associates, Inc. c. Company 3 Mill & Main Place, Suite d. Street Address Maynard	j. Ema 250 MA f. State	e iil address Hochmuth b. Last Name	01754 g. Zip Code
c. Organization d. Street Address e. City/Town h. Phone Number i. If Representative (if any): Greg J. a. First Name Epsilon Associates, Inc. c. Company 3 Mill & Main Place, Suite d. Street Address Maynard e. City/Town 978-897-7100	j. Ema	e iil address Hochmuth b. Last Name	01754 g. Zip Code
c. Organization d. Street Address e. City/Town h. Phone Number i. If Representative (if any): Greg J. a. First Name Epsilon Associates, Inc. c. Company 3 Mill & Main Place, Suite d. Street Address Maynard e. City/Town 978-897-7100 h. Phone Number i. If	j. Ema	e Hochmuth b. Last Name e hmuth@epsilona iil address	01754 g. Zip Code
c. Organization d. Street Address e. City/Town h. Phone Number i. If Representative (if any): Greg J. a. First Name Epsilon Associates, Inc. c. Company 3 Mill & Main Place, Suite d. Street Address Maynard e. City/Town 978-897-7100 h. Phone Number i. If	250 MA f. State ghoc Fax Number j. Ema	e iil address Hochmuth b. Last Name e hmuth@epsilona iil address ttal Form):	01754 g. Zip Code



WPA Form 3 – Notice of Intent
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:			
MassDEP File Number			
Document Transaction Number			
Lynnfield			
City/Town			

Α.	A. General Information (continued)		
6. General Project Description:			
	To restore Bordering Vegetated Wetlands & Border	ing Land Subject to Flooding.	
7a.	Project Type Checklist: (Limited Project Types see	Section A. 7b.)	
	1. Single Family Home	2. Residential Subdivision	
	3. Commercial/Industrial	4. Dock/Pier	
	5. Utilities	6. Coastal engineering Structure	
	7. Agriculture (e.g., cranberries, forestry)	8. Transportation	
	9. Dther		
7b.			
	2. Limited Project Type		
	If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.		
8.	Property recorded at the Registry of Deeds for:		
	Essex		
	a. County 36587	b. Certificate # (if registered land) 400	
	c. Book	d. Page Number	
В.	B. Buffer Zone & Resource Area Impacts (temporary & permanent)		
1. 2.	Vegetated Wetland, Inland Bank, or Coastal Resource Area.		
	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.		

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·OV	vided by MassDEP:
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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Resource Area	Size of Proposed Alteration	n Proposed Replacement (if any)		
a. 🗌 🛮 Bank	1. linear feet	2. linear feet		
b. Bordering Ve		2,030 +/-		
Wetland	2,000 17- 1. square feet	2,000 17- 2. square feet		
	·			
c. Land Under Waterbodies	i square reer	2. square feet		
Waterways	3. cubic yards dredged			
Resource Area	Size of Proposed Alteration	n Proposed Replacement (if any)		
d. 🛛 Bordering La	and 3,000 +/-	3,000 +/-		
Subject to FI	looding 1. square feet	2. square feet		
	240 +/-	240 +/-		
	3. cubic feet of flood storage	4. cubic feet replaced		
e. Isolated Lan Subject to Fl	·			
	2. cubic feet of flood storage	lost 3. cubic feet replaced		
f. Riverfront Ar	1. Name of Waterway (if avail	lable) - specify coastal or inland		
2. Width of Rive	erfront Area (check one):			
☐ 25 ft D	Designated Densely Developed Areas	only		
☐ 100 ft	New agricultural projects only	tural projects only		
☐ 200 ft	All other projects			
3. Total area of F	Riverfront Area on the site of the propo	sed project: square feet		
		oquare root		
4. Proposed alter	ration 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 alterna	atives analysis been done and is it atta	ched to this NOI?		
6. Was the lot wh	nere the activity is proposed created pr	ior to August 1, 1996?		
3. Coastal Resource	e Areas: (See 310 CMR 10.25-10.35)			

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

Note: for coastal riverfront areas, please complete Section B.2.f. above.



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rovided by MassDEP:			
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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

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.

4.

5.

Resour	rce Area	Size of Proposed	d Alteration	Proposed Replacement (if any)
а. 🗌	Designated Port Areas	Indicate size ur	nder Land Under	the Ocean, below
b. 🗌	Land Under the Ocean	1. square feet		
		2. cubic yards dredg	ed	
c. 🗌	Barrier Beach	Indicate size und	ler Coastal Beac	hes and/or Coastal Dunes below
d. 🗌	Coastal Beaches	1. square feet		2. cubic yards beach nourishment
e. 🗌	Coastal Dunes	1. square feet		2. cubic yards dune nourishment
		Size of Proposed	d Alteration	Proposed Replacement (if any)
f	Coastal Banks Rocky Intertidal	1. linear feet		
g	Shores	1. square feet		
h. 🗌	Salt Marshes	1. square feet		2. sq ft restoration, rehab., creation
i. 🗌	Land Under Salt Ponds	1. square feet		
		2. cubic yards dredg	ed	
j. 📙	Land Containing Shellfish	1. square feet		
k. 🗌	Fish Runs			s, inland Bank, Land Under the Waterbodies and Waterways,
		1. cubic yards dredg	ed	
I. Land Subject to Coastal Storm Flowage		1. square feet		
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 Sa	alt Marsh
☐ Pro	oject Involves Stream Cros	sings		
a. numbe	er of new stream crossings		b. number of replace	ement stream crossings



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Νlċ	assachusetts Wetlands Protection Act M.G	Lynnied
_	Other Applicable Ctandends and	City/Town
Ċ.	. Other Applicable Standards and l	Requirements
	This is a proposal for an Ecological Restoration complete Appendix A: Ecological Restoration (310 CMR 10.11).	on Limited Project. Skip Section C and Limited Project Checklists – Required Actions
Stı	reamlined Massachusetts Endangered Spec	cies Act/Wetlands Protection Act Review
1.	the most recent Estimated Habitat Map of State-L	istimated Habitat of Rare Wildlife as indicated on isted Rare Wetland Wildlife published by the Natural ESP)? To view habitat maps, see the <i>Massachusetts</i> is.state.ma.us/PRI_EST_HAB/viewer.htm.
	a. Yes No If yes, include proof of r	mailing or hand delivery of NOI to:
	August 2021 b. Date of map Natural Heritage and E Division of Fisheries a 1 Rabbit Hill Road Westborough, MA 015	
	Section C.2.f, if applicable. If MESA supplemental	MESA/Wetlands Protection Act review, please aterials with this Notice of Intent (NOI); OR complete I information is not included with the NOI, by require a separate MESA filing which may take up
	c. Submit Supplemental Information for Endanger	ed 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 o	f site
2.	Project plans for entire project site, including wetlands jurisdiction, showing existing and propostree/vegetation clearing line, and clearly demarcal	sed conditions, existing and proposed
	(a) Project description (including descript	ion of impacts outside of wetland resource area &

Photographs representative of the site

buffer zone)

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^{*} Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see https://www.mass.gov/ma- endangered-species-act-mesa-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.



3.

Massachusetts Department of Environmental ProtectionBureau of Resource Protection - Wetlands

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rovided by MassDEP:				
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Lynnfield				
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C. Other Applicable Standards and Requirements (cont'd)

Make	(c) MESA filing fee (fee information available at https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review). Make check payable to "Commonwealth of Massachusetts - NHESP" and <i>mail to NHESP</i> at above address						
Project	Projects altering 10 or more acres of land, also submit:						
(d)	(d) Vegetation cover type map of site						
(e)	(e) Project plans showing Priority & Estimated Habitat boundaries						
(f) OF	(f) OR Check One of the Following						
1. 🗌	1. Project is exempt from MESA review. Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat ; 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					
3. 🗌 Pe	3. Separate MESA review completed. Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.						
For coasta line or in a		sed project located below the mean high water					
a. Not a	applicable – project is in inland resource a	area only b. 🗌 Yes 🔲 No					
If yes, inclu	ude proof of mailing, hand delivery, or ele	ctronic delivery of NOI to either:					
South Shore the Cape &	e - Cohasset to Rhode Island border, and Islands:	North Shore - Hull to New Hampshire border:					
Southeast N Attn: Enviro 836 South F New Bedfor	Marine Fisheries - Marine Fisheries Station nmental Reviewer Rodney French Blvd. d, MA 02744 .envreview-south@mass.gov	Division of Marine Fisheries - North Shore Office Attn: Environmental Reviewer 30 Emerson Avenue Gloucester, MA 01930 Email: dmf.envreview-north@mass.gov					
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.							
c. 🗌 Is	this an aquaculture project?	d. 🗌 Yes 🛛 No					
If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).							



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

Massachusetts Department of Environmental ProtectionBureau of Resource Protection - Wetlands

WPA Form 3 - Notice of Intent

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

Provided by MassDEP:				
	MassDEP File Number			
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	Lynnfield			
	City/Town			

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

4.	. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?			
	a. \square Yes \boxtimes 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			
5.	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			
6.	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			
7.	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			
	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			
	This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).			
	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.			
	 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.) 			

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.

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2.

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Attach Stormwater Report, if needed.

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rovided by MassDEP:				
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D. Additional Information (cont'd)

3.	Identify the method for BVW and other resource area boundary delineations (MassDEP BV\ 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 a	and other materials submitted with this NOI.		
Sit	te Redevelopment Plan			
a. l	Plan Title			
Th	ne Morin-Cameron Group, Inc.	John M. Morin, PE		
b. I	Prepared By	c. Signed and Stamped by		
Od	ctober 26, 2023	1" = 20'		
d. Final Revision Date		e. Scale		
f. A	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			

E. Fees

9.

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:

2778	10-27-2023
2. Municipal Check Number	3. Check date
2777	10-27-2023
4. State Check Number	5. Check date
Michael	Weiss
6. Payor name on check: First Name	7. Payor name on check: Last Name

B	ank of America
MICHAEL WEISS PO BOX 659 LYNNFIELD, MA 01940-0659	2778 53-13/110 MA 26770 Date
Pay town of Lynn to the order of and Svety to	Piell \$ 262.50 would 50 Dollars of Photo Short Debish on the Debish on t
Bank of America ACH R/T 011000138	Millary
Memo	

f America
2777 53-13/110 MA 26770 Date
\$ 237.50 M Job Dollars O Photo Safe Deposite De
Mach Clin



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Lynnfield

City/Town

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. Signatute of Applicant	10-27-J} 2. Date
3. Signature of Property Owner (if different) 5. Signature of Representative (if any)	4. Date 10 30 Z023 6. Date

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

A. Applicant Information

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





1.	Location of Project:					
14 Magnolia Drive			Lynnfield			
	a. Street Address		b. City/Towr	1		
	2777		\$237.50			
	c. Check number		d. Fee amou	ınt		
2. Applicant Mailing Address:						
	Michael & Lindsay		Weiss			
	a. First Name		b. Last Nam	е		
	c. Organization 14 Magnolia Drive d. Mailing Address Lynnfield			MA	01940	
	e. City/Town		f. State g. Zip Code			
617-851-7399		i. Fax Number	mike@movetechnology.com			
3.	h. Phone Number Property Owner (if diffe	j. Email Add	ress			
a. First Name		b. Last Name				
	c. Organization					
	d. Mailing Address					
	e. City/Town			f. State	g. Zip Code	
	h. Phone Number	i. Fax Number	j. Email Add	ress		

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

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.



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

B. Fees (continued)			
Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 2 j.	1	\$500.00	\$500.00
	Step 5/To	otal Project Fee:	\$500.00
	Step 6/Fee Payments:		
	Total Project Fee:	\$500.00 a. Total Fee from Step 5	
	State share	of filing Fee:	\$237.50 b. 1/2 Total Fee less \$12.50
	City/Town share of filling Fee:		\$262.50 c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection Box 4062 Boston, MA 02211

b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

Attachment A

Project Narrative

ATTACHMENT A – PROJECT NARRATIVE

1.0 Introduction

On behalf of Michael Weiss (the Applicant), Epsilon Associates, Inc. (Epsilon) is pleased to submit this Notice of Intent (NOI) to the Lynnfield Conservation Commission (LCC) for the proposed restoration of Bordering Vegetated Wetlands (BVW) and Bordering Land Subject to Flooding (BLSF) at 14 Magnolia Drive in Lynnfield (the Project). This NOI was prepared in accordance with the Massachusetts Wetlands Protection Act (MGL c.131 s.40) and implementing Regulations (310 CMR 10.00) (WPA)

The applicant is proposing to restore BVW and BLSF that were altered without prior approval in the rear of the dwelling.

1.1 Purpose and Need

In the summer of 2019, jurisdictional wetland resource areas were altered without prior approval, more specifically, the filling of BVW and BLSF.

1.2 Need for an Order of Conditions

The activities include restoring BVW and BLSF, both of which are jurisdictional wetland resource areas under the WPA.

2.0 Existing Conditions

14 Magnolia Drive is approximately 9 acres in size and is currently developed with a single-family dwelling, that according to the Lynnfield Assessors department was constructed in 1987. BVW's exist in the rear of the parcel that border on an intermittent stream that enters the northwest corner of the property and flows in an easterly direction behind the dwelling. The rear of the dwelling contains a maintained lawn area that extends to a boulder/rip-rap slope that slopes down to the BVW.

According to the Federal Emergency Management Agency – Flood insurance Rate Map (FEMA-FIRM) (community panel number 25009C0392F effective 07/3/2012), the Study Area contains a Zone A mapped 100-year floodplain (See Attachment B, Figure 5). It is important to note that Zone A FEMA floodplains do not have an elevation associated with them, and as a result, the graphic depiction of the mapped boundary was used. The graphic depiction is what is represented on the permit site plan.

According to the NRCS Web Soil Survey, the upland portions of the property are mapped as 242B, Hinckley gravelly fine sandy loam, 3 to 8 percent slopes & 254B, Merrimac fine sandy loam, 3 to 8 percent slopes, and the wetland portions of the property are mapped as 52A, Freetown muck, 0 to 1 percent slopes, (See Attachment B, Figure 6).

According to the Natural Heritage and Endangered Species Program (NHESP) August 1, 2022, Atlas), there are no mapped Priority or Estimated Habitats within or near the Study Area, nor are there any certified or potential vernal pools.

2.1 Delineated Wetland Resource Area

Wetland resource areas within the Study Area were delineated by Epsilon on August 22, 2023. Both sides of the BVW (A1 – A22 & B1 – B21) within the Study Area were delineated in accordance with the U.S Army Corps of Engineers Wetland Delineation Manual (USACE, 1987) the "Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northeast Region, Version 2.0 (2012), the Massachusetts Wetland Protection Act and implementing regulations (310 CMR 10.00), and the Massachusetts Department of Environmental Protection's, Massachusetts Handbook for Delineation of Bordering Vegetated Wetlands, Second Edition, September 2022. The state and federal delineation methodologies generally prescribe a multi-parameter approach, where hydrophytic vegetation and hydrology (including hydric soils) are reviewed in conjunction with one another when delineating a wetland edge. The boundaries of the wetland resource areas were delineated in the field by tying brightly colored survey ribbons to woody vegetation or other relatively permanent vegetation/structures. Colored ribbons were placed sufficiently close together to clearly identify wetland/resource area edges and to allow survey crews to see adjacent flags from one another. Flags were labeled successively using alpha numeric identifiers.

DESCRIPTION OF DELINEATED WETLAND RESOURCE AREA

The A-Series BVW (A1 - A22) is located on the south side of the BVW system. Except for a small area of the front driveway, the entire developed/maintained portion of the property is within the 100-foot buffer zone to the A-Series BVW. Maintained lawn & landscaped features extend to the BVW boundary in many locations; however, the area between BVW flags A12 & A22 contains a variable width vegetated buffer zone.

A small wooden bridge is located in between BVW flags A1 & A2 that provides access to a wooded upland area on the north side of the BVW. Wetland flags B1 -B21 delineate the north side of the BVW. Except for a path and wooden zip line platform, the 100-foot buffer zone from the B-Series BVW is wooded.

Delineated resource areas are described in more detail below:

A-Series BVW (flags WF-A1 through WF-A22)

This series delineates the southern boundary of a freshwater emergent wetland (PEM1/SS1C) located behind and to the east of the existing dwelling. Dominant wetland vegetation included: red maple (*Acer rubrum*), buttonbush (*Cephalanthus occidentalis*), and common reed (*Phragmites*). The section of BVW delineated is part of an extensive wetland system that extends into the Broad Meadows Conservation Area. Unfortunately, a large portion of the BVW system is a monoculture of Phragmites. Epsilon observed evidence of beaver activity during the delineation in the form of chewed shrubs along the BVW boundary.

The boundary of the BVW is abrupt and for the most part, a toe-of-slope wetland. There is an obvious change in vegetation and soils along the BVW boundary.

B-Series BVW (flags WF-B1 through WF-B21)

This series delineates the Northern boundary of a freshwater emergent wetland (PEM1/SS1C) located on the north side of the BVW behind the dwelling. Dominant wetland vegetation included: red maple (*Acer rubrum*), buttonbush (*Cephalanthus occidentalis*), and common reed (*Phragmites*). The section of BVW is the opposite of the A-Series BVW and part of the same extensive wetland system that extends into the Broad Meadows Conservation Area.

The west side of the BVW is abrupt and for the most part, a toe-of-slope wetland; however, the area between B13 & B21 has more of a broad transition zone.

3.0 Proposed Activities

To restore BVW and BLSF:

- Restore BVW's in between BVW flags A4 A12 and small section of BVW in between BVW flags A19 & A21
- Restore BLSF in between BVW flags A4 A12 and small section of BVW in between BVW flags A19 & A21

3.1 Restoration of BVW

It appears that BVW's were altered during a lawn expansion project during the summer of 2019. Based on a review of aerial photos, a current existing conditions plan, and a conservation as-built plan prepared by Hayes Engineering, Inc., dated May 29, 1990, provided by the Lynnfield Conservation Department, it appears that Approximately 2,030 s.f. of BVW's were altered.

The small section of BVW proposed to be restored in the vicinity of wetland flags A19 & A21 appears to be the result of a landscape debris pile placed by the former owner of the property.

BVW's are proposed to be restored in accordance with the Proposed Wetland/Bordering Land Subject to Flooding Restoration Area Construction Methodology below:

Proposed Wetland/Bordering Land Subject to Flooding Restoration Area Construction Methodology:

 Silt fence shall be trenched along the edge of the resource areas below the proposed restoration areas. The silt fence will protect the adjacent resource areas during the restoration effort. Silt fence is proposed to remain in place until all areas are stabilized and permission is granted for their removal by the LCC and or it's agent.

- The wetland/floodplain restoration areas shall be excavated to a depth of at least one (1)
 foot below the proposed finish grade under the direction of a Professional Wetland Scientist
 or Certified Soil Evaluator. Note: It may be necessary to excavate to a depth to ensure that
 proper hydrology is achieved.
- 3. Soil amendments shall be added to the replication areas. A mixture of equal volumes of organic and mineral materials shall be deposited into the replication areas until the proper finish grade is achieved. The soil amendments shall be uncontaminated and should not include any woodchips. Clean leaf compost is the preferred soil amendment to achieve this standard. Mineral materials shall be predominantly in the loam, loamy sand to silt loam texture range, with minimal quantities of gravel or rock. To ensure proper hydrology is achieved, this work shall be done under the direction of a Professional Wetland Scientist or Certified Soil Evaluator.
- 4. Once proper hydrology is achieved, and the soil amendments have been placed, the area shall be seeded with New England Wetmix, or approved equal, under the direction of a Professional Wetland Scientist. The Seed mix shall be broadcast according to the manufacturer's recommendation of 2500 Sq Ft/Lb.
- 5. Following the seeding effort, at least 75% of the surface of the restoration area shall be reestablished with plant species within two (2) complete growing seasons. Monitoring shall occur during this period and if at the end of the second complete growing season proper coverage is not achieved, monitoring shall continue until proper coverage is achieved. Note: adjacent wetland areas are predominantly inhabited by Phragmites. It is highly likely that Phragmites will be the dominant species within the restoration areas at the end of the second complete growing season.

Construction equipment is proposed to access the area from the driveway on the east side of the dwelling.

3.2 Restoration of BLSF

It appears that BLSF was altered during a lawn expansion project during the summer of 2019. Based on a review of aerial photos, a current existing conditions plan, and a conservation asbuilt plan prepared by Hayes Engineering, Inc., dated May 29, 1990, provided by the Lynnfield Conservation Department, it appears that BLSF was altered during the lawn expansion project.

BLSF is proposed to be restored during the BVW restoration effort. Fill material removed during the BVW restoration effort will restore the BLSF that was lost during the lawn expansion project in 2019.

4.0 Mitigation Measures

During construction, site appropriate BMPs in the form of a trenched silt fence will be implemented to avoid and/or minimize potential impacts to the surrounding resource areas.

The following sections provide details regarding BMPs and other proposed mitigation measures for the Project.

4.1 Erosion and Sedimentation Controls

Sediment control barriers in the form of a trenched silt fence will be installed between the limits of work and adjacent wetland resource areas, as necessary. Where installed, erosion and sediment control barriers will also serve the function of demarcating the limits of work. The locations of these barriers are shown on the permit site plan.

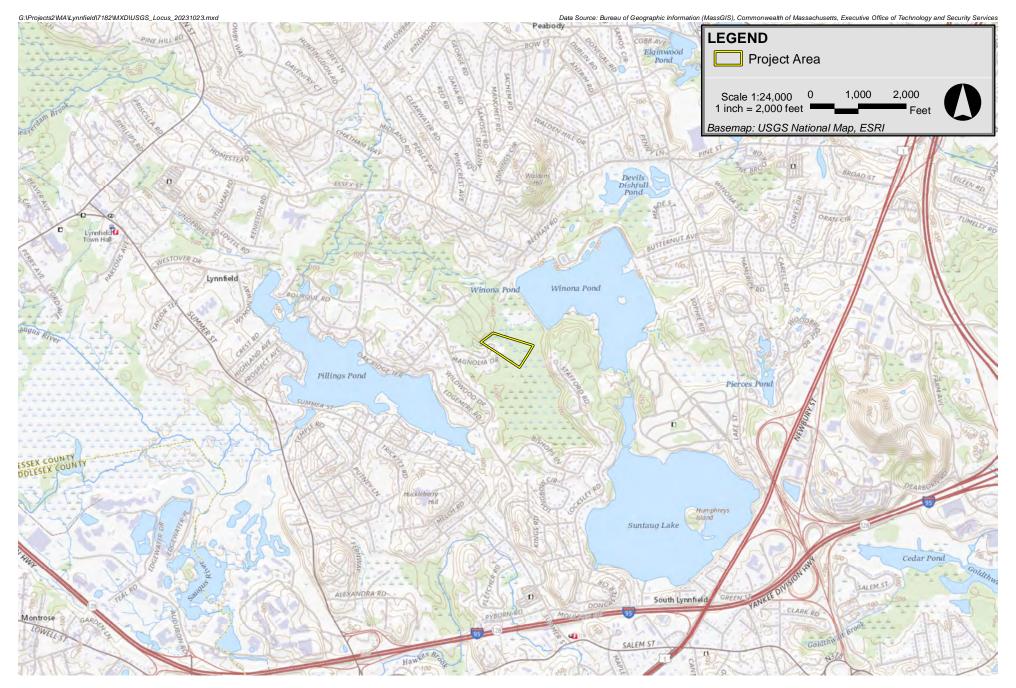
- The Contractor will be required to maintain a reserve supply of erosion and sediment controls to make repairs, as necessary.
- Erosion and sediment controls will be inspected prior to and after significant precipitation events and repaired as necessary.
- Following completion of the work, disturbed areas will be restored; and
- Erosion and sediment controls will be maintained until their removal is authorized by the Holliston Conservation Commission.

5.0 Conclusion

The information contained in this NOI describes the Project Area, unauthorized activities, and proposed restoration of altered resource areas. As described above, appropriate sedimentation and erosion control measures will be employed by the contractor to avoid altering wetland resource areas during the restoration effort. Therefore, the Applicant, respectfully requests that the Commission issue an Order of Conditions approving the Project with appropriate conditions to protect the interests identified in the WPA.

Attachment B

Figures



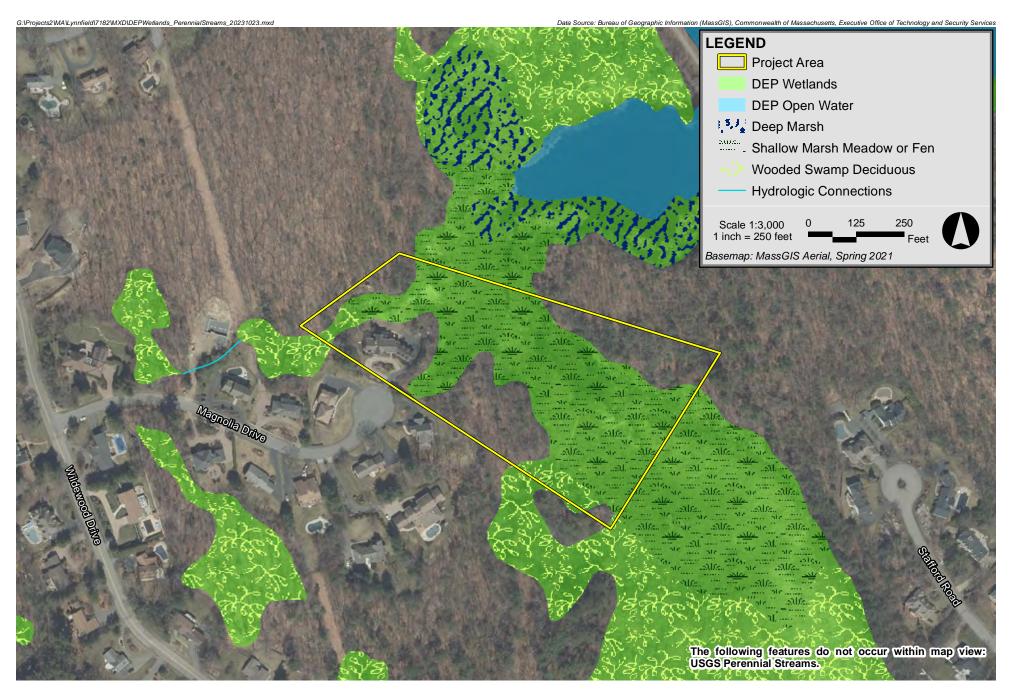


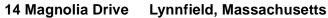




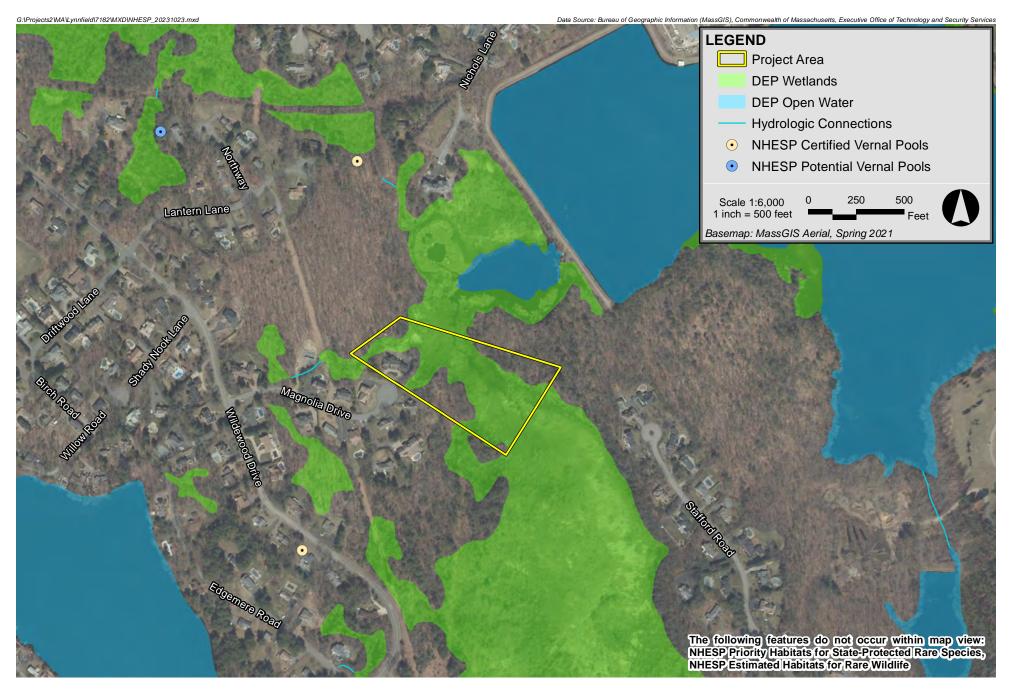
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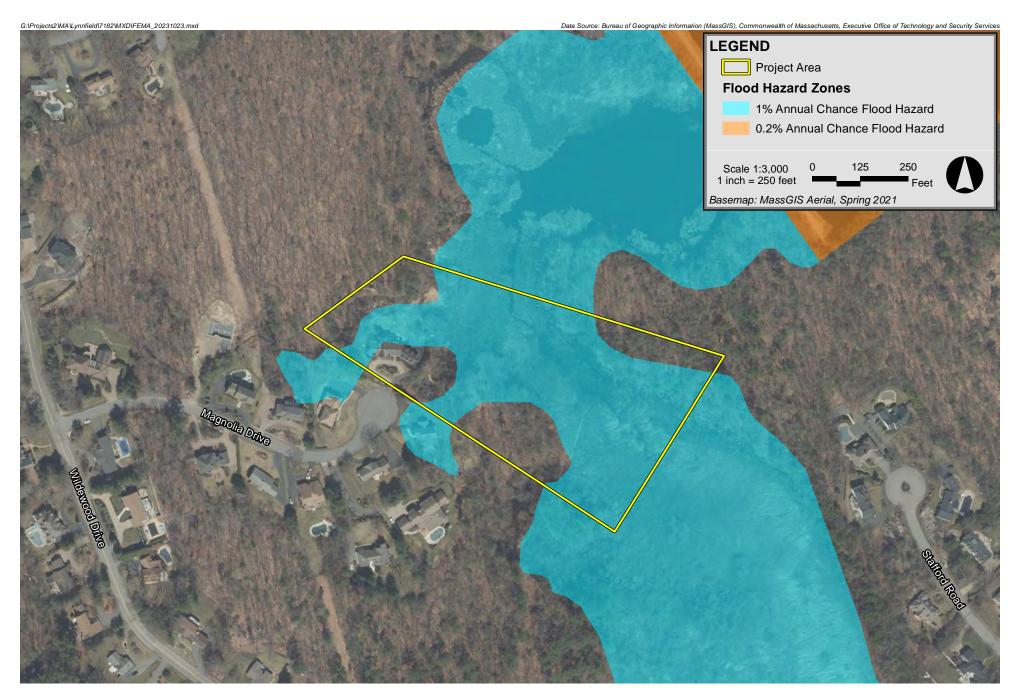






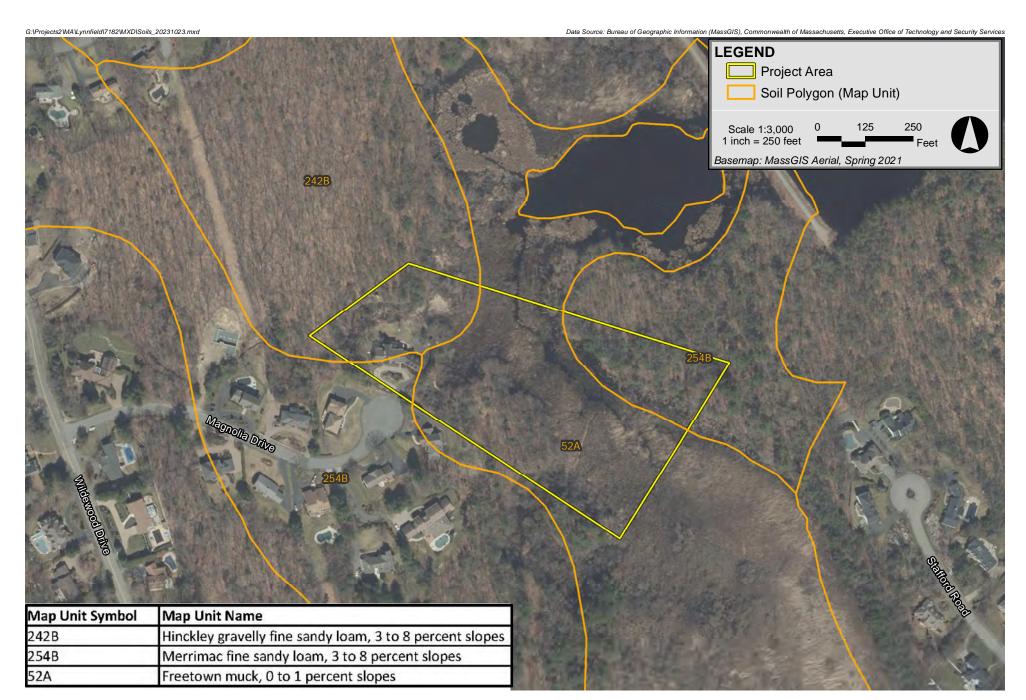
14 Magnolia Drive Lynnfield, Massachusetts





14 Magnolia Drive Lynnfield, Massachusetts



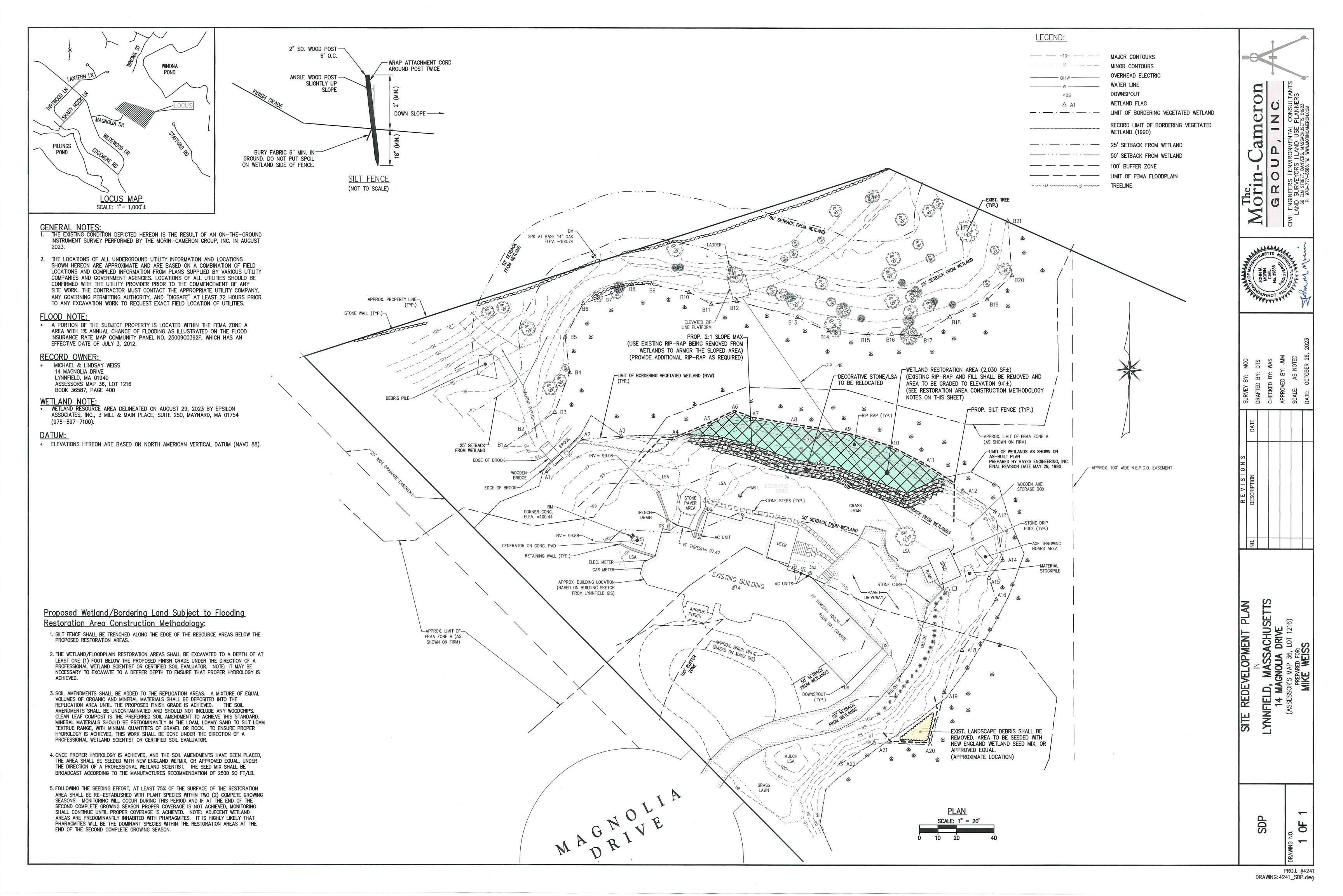


14 Magnolia Drive Lynnfield, Massachusetts



Attachment C

Permit Drawings



Attachment D

Abutter Notification Information

AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act

I, Greg J. Hochmuth, of Epsilon Associates, Inc., hereby give notice under pains and penalties of

perjury that on November 3, 2023, I gave notice to abutters in compliance with the second

paragraph of Massachusetts General Laws Chapter 131, Section 40, and the DEP Guide to

Abutter Notification, in connection with the following matter:

A Notice of Intent was filed under the Massachusetts Wetlands Protection Act by Michael Weiss

with the Town of Lynnfield Conservation Commission on November 3, 2023, for the property

located at 14 Magnolia Drive. The form of the notification. The list of abutters to whom it was

given, and their addresses, are attached to this Affidavit of Service. Proof of notification will be

submitted at or before the first public hearing.

My Tochnuth

signature

November 1, 2023 date

Greg J. Hochmuth printed name

Notice to Abutters

Massachusetts Wetlands Protection Act

Notice of Intent (NOI) and/or Abbreviated Notice of Resource Area Delineation (ANRAD) Filings

As required by M.G.L. c 131, s. 40 ("The Massachusetts Wetlands Protection Act"), an **APPLICANT** shall provide notification to all abutters and any property owner within 100 feet of the property line of the land where the activity is proposed, including if separated from that land by a public or private street.

The following applicant has filed a Notice of Intent with the Lynnfield Conservation Commission. A public hearing will be held as stated below.

Michael Weiss	14 Magnolia Drive	
NAME OF APPLICANT	ADDRESS OF APPLICANT	Γ
14 Magnolia Drive	ASSESSOR'S MAP# <u>36</u>	PARCEL#_1216
PROJECT ADDRESS		
PROJECT DESCRIPTION: To restore b	ordering vegetated wetlands and border	ring land subject to flooding.
November 21, 2023 @ 6:30 PM		
DATE AND TIME OF PUBLIC HEA website for updated information.)	ARING, AT TOWN HALL. (Subje	ct to change. Please check

The public hearing is advertised in *The Lynnfield Villager*.

Copies of the Notice of Intent & plans may be examined in the Conservation Commission Office on the lower level at Town Hall on Mondays-Thursdays from 9:00 A.M. - 4:00 P.M., however, an appointment made in advance is encouraged. Please call Emilie Cademartori, Director of Planning & Conservation at (781) 334-9495 to make an appointment, or for any other questions.



TOWN OF LYNNFIELD ASSESSORS OFFICE

55 Summer Street, Lynnfield, MA 01940 781-334-9450 www.town.lynnfield.ma.us

REQUEST FOR CERTIFIED ABUTTERS LIST

**CERTIFIED LIST WILL BE PROVIDED WITHIN TEN WORKING DAYS **

PROPERTY LOCATION:	ASSESSORS MAP#: 36 LOT #: 1216			
OWNER NAME: Michael & Lindsay Weiss	-			
REASON FOR ABUTTERS LIST: Conservation Filing				
FEE: \$15.00 for first five pages, \$1.00 after each consecutive page.				
X CONSERVATION COMMISSION Within 100 ft.	PLANNING BOARD Within 300 ft.			
BOARD OF APPEALS Within 300 ft.	BOARD OF HEALTH Immediate abutter and directly across the street			
LIQUOR LICENCE Direct Abutters & Any School, Church or Hospital within 500 ft.	HISTORICAL COMMISSION Within 300 ft.			
Requested By: Greg Hochmuth	10/11/2023 Date:			
Phone Number: 978-590-6416 email:				
ghochmuth@epsilonassociates.comAssessors Use Qr	nly			
CERTIFIED BY: 2 Thursa C. March DATE: 10.11.23				
DATE PAID:CASH \$/Amt:CHECK #/Amt				



Subject Property:

Parcel Number: 0036-0000-1216 Mailing Address: WEISS MICHAEL, T/E WEISS LINDSAY,

CAMA Number: 0036-0000-1216

Property Address: 14 MAGNOLIA DR 14 MAGNOLIA DR LYNNFIELD, MA 01940

Abutters:

Parcel Number: 0031-0000-2571 Mailing Address: LYNNFIELD TOWN OF CONSERVATION

CAMA Number: 0031-0000-2571 COMMISSION Property Address: REAR MAGNOLIA DR TOWN HALL

LYNNFIELD, MA 01940

Parcel Number: 0036-0000-0567 Mailing Address: LYNNFIELD TOWN OF CONSERVATION

CAMA Number: 0036-0000-0567 COMM Property Address: BROAD MEADOWS TOWN HALL

LYNNFIELD, MA 01940

Parcel Number: 0036-0000-1031 Mailing Address: COVA HOLDINGS LIMITED LLC

CAMA Number: 0036-0000-1031 151 BEACHSIDE DR
Property Address: 4 MAGNOLIA DR ORCHID, FL 32963-9576

Parcel Number: 0036-0000-1038 Mailing Address: ROSELANDO JAMES J, T/E ROSELANDO

CAMA Number: 0036-0000-1038 VINCENZA, T/E
Property Address: 6 MAGNOLIA DR 6 MAGNOLIA DRIVE
LYNNFIELD. MA 01940

Parcel Number: 0036-0000-1141 Mailing Address: PINTO JOSE A, T/E PINTO AMARILIS,

CAMA Number: 0036-0000-1141

Property Address: 8 MAGNOLIA DR 8 MAGNOLIA DRIVE LYNNFIELD, MA 01940

Parcel Number: 0036-0000-1143 Mailing Address: PAUL FAMILY TRUST TALYA PAUL

CAMA Number: 0036-0000-1143 TRUSTEE

Property Address: 10 MAGNOLIA DR 10 MAGNOLIA DR LYNNFIELD, MA 01940

Parcel Number: 0036-0000-1168 Mailing Address: TSATSKIS ALEXANDER, J/T/R/S POPPE

CAMA Number: 0036-0000-1168 MANDY LYNN, J/T/R/S
Property Address: 17 MAGNOLIA DR 17 MAGNOLIA DR
LYNNFIELD, MA 01940

Parcel Number: 0036-0000-1895 Mailing Address: WILDEWOOD GREENBELT CORP

CAMA Number: 0036-0000-1895 PO BOX 334

Property Address: 1 MAGNOLIA DR LYNNFIELD, MA 01940

Parcel Number: 0036-0000-1955 Mailing Address: NEW ENGLAND POWER COMPANY

CAMA Number: 0036-0000-1955 PROPERTY TAX DEPT
Property Address: REAR MAIN ST 40 SYLVAN ROAD
WALTHAM, MA 02451

Parcel Number: 0036-0000-1955 Mailing Address: NEW ENGLAND POWER COMPANY

CAMA Number: 0036-0000-1955 LARSON SHANNON
Property Address: 1 REAR BROAD WAY 40 SYLVAN ROAD
WALTHAM, MA 02451





Parcel Number: 0036-0000-1955 Mailing Address: NEW ENGLAND POWER COMPANY

CAMA Number: 0036-0000-1955 PROPERTY TAX DEPT
Property Address: REAR MAIN ST 40 SYLVAN ROAD
WALTHAM, MA 02451

Parcel Number: 0036-0000-1955 Mailing Address: NEW ENGLAND POWER COMPANY

CAMA Number: 0036-0000-1955 LARSON SHANNON
Property Address: 1 REAR BROAD WAY 40 SYLVAN ROAD
WALTHAM, MA 02451

Parcel Number: 0036-0000-2055 Mailing Address: LYNNFIELD TOWN OF

CAMA Number: 0036-0000-2055 TOWN HALL
Property Address: 182 REAR LOCKSLEY RD LYNNFIELD, MA 01940
