

NOTICE OF INTENT

245 Salem Street
Lynnfield, Massachusetts

September 1, 2022

Owner:

Property Acquisition Group LLC
5 Tarbox Lane
North Reading, MA 01864

Applicant:

Ugo DiBiase
P.O. Box 780
Lynnfield, MA 01940

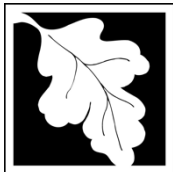
Prepared By:

Williams & Sparages, LLC
189 North Main Street, Suite 101
Middleton, MA 01949
Ph: 978-539-8088
Fax: 978-539-8200
www.wsengineers.com

W&S Project No:

LYNF-0142





Massachusetts Department of Environmental Protection
Bureau 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

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):

245 Salem Street
a. Street Address

Lynnfield
b. City/Town

01940
c. Zip Code

Latitude and Longitude:
50
d. Latitude

42.512501 N
e. Longitude

71.026314 W

2855
g. Parcel /Lot Number

f. Assessors Map/Plat Number

2. Applicant:

Ugo
a. First Name

DiBiase
b. Last Name

c. Organization

P.O. Box 780
d. Street Address

Lynnfield
e. City/Town

MA
f. State

01940
g. Zip Code

781-334-9899
h. Phone Number

i. Fax Number

ugo@dibiasehomes.com
j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

Michael
a. First Name

DiPlatzi
b. Last Name

Property Acquisition Group LLC
c. Organization

5 Tarbox Lane
d. Street Address

North Reading
e. City/Town

MA
f. State

01864
g. Zip Code

617-240-5858
h. Phone Number

i. Fax Number

mdiplatzi@comcast.net
j. Email address

4. Representative (if any):

Thorsen
a. First Name

Akerley
b. Last Name

Williams & Sparages LLC
c. Company

189 North Main Street
d. Street Address

Middleton
e. City/Town

MA
f. State

01949
g. Zip Code

978-539-8088
h. Phone Number

978-539-8200
i. Fax Number

takerley@wsengineers.com
j. Email address

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

\$775.00
a. Total Fee Paid

\$375.00
b. State Fee Paid

\$400.00
c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

Proposed construction of a single family dwelling, swimming pool and associated hardscapes, garage and basketball court within the 100' buffer zone to Bordering Vegetated Wetlands and the reconstruction of a portion of a driveway and razing of an existing dwelling within the 200' Riverfront Area associated with Hawkes Brook.

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. Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration 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. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

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.

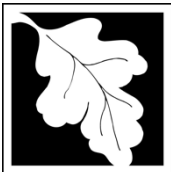
8. Property recorded at the Registry of Deeds for:

<u>Essex South</u>	_____
a. County	b. Certificate # (if registered land)
<u>34645</u>	<u>309</u>
c. Book	d. Page Number

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

- 1. 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.
- 2. 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.



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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.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	_____	
	1. square feet	

	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	_____	_____
	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	_____	_____
	1. square feet	2. cubic yards dune nourishment

	<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. 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. Project Involves Stream Crossings

_____ a. number of new stream crossings _____ b. number of replacement stream crossings



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C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

- 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.

- 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**

- 8/2021
b. Date of map

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.2.f, 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).*

- c. Submit Supplemental Information for Endangered Species Review*

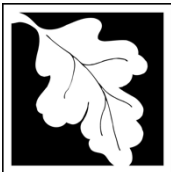
- Percentage/acreage of property to be altered:
 - (a) within wetland Resource Area _____ percentage/acreage
 - (b) outside Resource Area _____ percentage/acreage
- Assessor's Map or right-of-way plan of site

- 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

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/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.



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

(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 **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

(f) 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, <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. Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. 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, hand delivery, or electronic delivery of NOI to either:

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

North Shore - Hull to New Hampshire border:

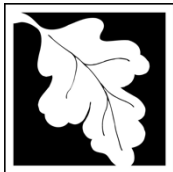
Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: dmf.envreview-south@mass.gov

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).



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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. 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
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.

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.

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 Protection
Bureau of Resource Protection - Wetlands

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D. Additional Information (cont'd)

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.

Septic System Design Plan - 245 Salem Street (Sheet 2 of 5)

a. Plan Title

Williams & Sparages LLC

Christ P. Sparages, P.E.

b. Prepared By

c. Signed and Stamped by

August 31, 2022

1" = 20'

d. Final Revision Date

e. Scale

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.

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:

10565

2. Municipal Check Number

7/25/2022

3. Check date

10564

4. State Check Number

7/25/2022

5. Check date

D.U.C. Residential LLC

6. Payor name on check: First Name

7. Payor name on check: Last Name

10565

D.U.C. RESIDENTIAL LLC

P.O. BOX 780
LYNNFIELD, MA 01940
(781) 334-9899

WAKEFIELD CO-OPERATIVE BANK
WAKEFIELD, MA 01880

53-7199/2113



7/25/2022

PAY TO THE ORDER OF Town of Lynnfield

\$ **400.00

Four Hundred and 00/100*****

DOLLARS

Town of Lynnfield



[Handwritten Signature]
AUTHORIZED SIGNATURE

MEMO
245 Salem Street Lynnfield - NOI

⑈010565⑈ ⑆211371997⑆ 30466371⑈

HOLD TO LIGHT TO VIEW TRUE WATERMARK IN PAPER. HEAT SENSITIVE RED LOCK DISAPPEARS WHEN HEATED.

10566

D.U.C. RESIDENTIAL LLC

P.O. BOX 780
LYNNFIELD, MA 01940
(781) 334-9899

WAKEFIELD CO-OPERATIVE BANK
WAKEFIELD, MA 01880

53-7199/2113



7/25/2022

PAY TO THE ORDER OF The Lynnfield Villager

\$ **50.00

Fifty and 00/100*****

DOLLARS

The Lynnfield Villager
55 Summer Street
Lynnfield, MA 01940



[Handwritten Signature]
AUTHORIZED SIGNATURE

MEMO
245 Salem Street Lynnfield - NOI

⑈010566⑈ ⑆211371997⑆ 30466371⑈

HOLD TO LIGHT TO VIEW TRUE WATERMARK IN PAPER. HEAT SENSITIVE RED LOCK DISAPPEARS WHEN HEATED.

10564

D.U.C. RESIDENTIAL LLC

P.O. BOX 780
LYNNFIELD, MA 01940
(781) 334-9899

WAKEFIELD CO-OPERATIVE BANK
WAKEFIELD, MA 01880

53-7199/2113



7/25/2022

PAY TO THE ORDER OF Commonwealth of Massachusetts

\$ **375.00

Three Hundred Seventy-Five and 00/100*****

DOLLARS

Commonwealth of Massachusetts



[Handwritten Signature]
AUTHORIZED SIGNATURE

MEMO
245 Salem Street Lynnfield - NOI

⑈010564⑈ ⑆211371997⑆ 30466371⑈

Security features. Details on back.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent


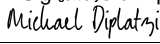
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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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.

<small>DocuSigned by:</small>  <small>5ECD777F45534AB</small>	as Manager, DUC Residential LLC Manager	7/14/2022
<small>001CFF48F8AA</small> 1. Signature of Applicant 	Property Acquisition Group LLC Manager	2. Date 7/14/2022
3. Signature of Property Owner (if different)		4. Date
5. Signature of Representative (if any)		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
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:

245 Salem Street Lynnfield
 a. Street Address b. City/Town
10565 \$400.00
 c. Check number d. Fee amount

2. Applicant Mailing Address:

Ugo DiBiase
 a. First Name b. Last Name

 c. Organization
P.O. Box 780
 d. Mailing Address
Lynnfield MA 01940
 e. City/Town f. State g. Zip Code
781-334-9899 ugo@dibiasehomes.com
 h. Phone Number i. Fax Number j. Email Address

3. Property Owner (if different):

Michael DiPlatzi
 a. First Name b. Last Name
Property Acquisition Group LLC
 c. Organization
5 Tarbox Lane
 d. Mailing Address
North Reading MA 01864
 e. City/Town f. State g. Zip Code
617-240-5858 mdiplatzi@comcast.net
 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).

Introduction:

The subject parcel is located roughly a quarter mile southeast of the Walnut Street and Route 128 intersection along the southern side of Salem Street. The subject parcel (Map 50, Lot 2855) totals approximately 4.54± acres in size and is currently improved by a 2-story single family home, paved driveway, wooden deck and swimming pool in the rear of the dwelling. The majority of the front and rear portions of the property have historically been maintained as lawn. Sections of the rear of the property contain wooded areas, but also contain areas previously disturbed by a 30' gas line easement. According to the Lynnfield Assessor's Department, the dwelling was constructed in 1977. The subject parcel is bounded to the east and west by residential properties along Salem Street, to the north by Route 128, and the south by Hawkes Pond. The subject parcel is located within the RB zoning district.

According to the NRCS Web Soil Survey, soils on the property are mapped as 603C Paxton fine sandy loam and 73A Whitman fine sandy loam. According to the most recent Natural Heritage and Endangered Species Program, (NHESP), Atlas the parcel is not mapped as Priority Habitat of Rare Species or Estimated Habitat of Rare Wildlife by the Division of Fisheries and Wildlife NHESP. In addition, the area is not mapped as an Area of Critical Environmental Concern. The property does not lie within the Town's Groundwater Protection District, however it does lie within an area mapped as an Outstanding Resource Water (ORW).

Proposed Project:

The applicant is proposing to raze the existing dwelling, driveway and hardscapes at the property and then construct a new single family dwelling, attached garage, swimming pool with associated hardscapes and basketball court within the 100' buffer zone to Bordering Vegetated Wetlands and partially within the 200' Riverfront Area associated with Hawkes Brook, located across Salem Street from the subject property.

All of the above work is proposed within existing maintained lawn areas at the subject property. The edge of disturbed largely borders along the edge of Bordering Vegetated Wetland (BVW) in the rear of the property. The property is not subject to the Lynnfield Wetland Protection Bylaw because the lot was created prior to the enactment of the bylaw.

Work within the 200' Riverfront Area associated with Hawkes Brook consists solely of the installation of the proposed driveway. The driveway is largely proposed within the footprint of the existing driveway. The majority of the existing dwelling, which is proposed be razed, also lies within the 200' Riverfront Area. The dwelling is proposed



to be converted to a portion of the proposed driveway and lawn area. New gas and water utilities are also proposed within the footprint of the proposed driveway.

The applicant is also proposing to restore an area of BVW on the property along the A-series wetland flags. As described below, a portion of the wetland system along the A-series was historically filled. The applicant is proposing to remove the layer of fill material, scarify, and then seed the area with New England Wetmix or approved equal. As this area is currently maintained as lawn, this would result in the conversion of lawn to approximately 5,875± s.f. of new wetland area.

Jurisdictional Resource Areas:

Bordering Vegetated Wetlands (BVW):

The BVW's on and around the subject parcel were delineated by Gregory J. Hochmuth and Thorsen A. Akerley in October of 2019 and January of 2020. The BVW along the rear of the property was delineated as the "A-series" and is shown on the accompanying plan (A-1 - A-22). This wetland is characterized as a largely wooded area. An intermittent stream channel within this wetland conveys water north to south along the rear of the property.

Both our wetland line and the wetland boundary delineated by LEC Environmental on April 6, 2012 (DEP File #: 209-0515) are shown on the accompanying plan. Based on our site observation, a portion of the area between our wetland line and the LEC wetland line was historically filled. Although not a large amount of material, the applicant has agreed to pull back the fill material to the historic LEC wetland line. After the fill is removed, the disturbed area will be seeded with New England Wetland Seed Mix (or approved equal).

The B-series BVW exists to the north of Salem Street, and is shown as wetland flags B-1 - B11. This BVW borders along Hawkes Brook, which has a very well defined bank and channel.

Riverfront Area (RA):

A 200' Riverfront Area (RA) extends onto the subject parcel from a portion of Hawkes Brook to the north of Salem Street. As discussed above, solely the work associated with the installation of the driveway and razing of the existing dwelling is proposed within the 200' Riverfront Area, and this work is proposed within existing degraded portions of the Riverfront Area. Some of the grading associated with the new septic system also falls within the outer boundary of the Riverfront Area.



In accordance with 310 CMR 10.58, work to redevelop previously developed RA shall conform to the following criteria:

- (a) At a minimum, proposed work shall result in an improvement over existing conditions of the capacity of the riverfront area to protect the interests identified in M.G.L. c. 131 § 40. When a lot is previously developed but no portion of the riverfront area is degraded, the requirements of 310 CMR 10.58(4) shall be met.

The proposed work will result in the rehabilitation in the property, and a net reduction in the amount of impervious surfaces within the 200' Riverfront Area associated with Hawkes Brook. 3,087.5 s.f. of impervious surfaces currently exist within the 200' Riverfront Area, while in the proposed condition only 1,600 s.f. of impervious surfaces will exist within the 200' RA.

The applicant is also proposing to restore an area of BVW on the property along the A-series wetland flags. As described below, a portion of the wetland system along the A-series was historically filled. The applicant is proposing to remove the layer of fill material, scarify, and then seed the area with New England Wetmix or approved equal. As this area is currently maintained as lawn, this would result in the conversation of lawn to approximately 5,875± s.f. of new wetland area.

- (b) Stormwater management is provided according to standards established by the Department.

Not applicable. Single family dwelling project.

- (c) The proposed work is not located closer to the river than existing conditions or 100 feet, whichever is less, or not closer than existing conditions within 25'.

Work is not proposed closer to the River than the existing previously developed condition. The driveway is proposed nearly entirely within the footprint of the existing driveway, a portion of the existing house and roughly

- (d) Proposed work, including the expansion of existing structures, is located outside the Riverfront Area or toward the Riverfront Area boundary and away from the River.

There is no expansion of existing structures towards mean annual high water. Work is proposed well within previously developed Riverfront Area. The footprint of the proposed driveway is reduced compared to the existing driveway as well.



- (e) The proposed work does not exceed the amount of degraded area, provided that the proposed work may alter up to 10% if the degraded area is less than 10% of the riverfront area, except in accordance with 310 CMR 10.58(5) (f) or (g).

As proposed, work is entirely within existing degraded (paved or built) and previously developed (lawn or landscaped) Riverfront Area. No work is proposed within the existing vegetated buffer within Riverfront Area. Solely a few trees along the front of the property and existing driveway are proposed to be removed.

General Performance Standards 10.58(4)(a-d)

Where the presumption set forth in 310 CMR 10.58(3) is not overcome, the applicant shall prove by a preponderance of the evidence that there are no practicable and substantially equivalent economic alternatives to the proposed project with less adverse effects on the interests identified in M.G.L. c.131 § 40 and that the work, including proposed mitigation, will have no significant adverse impact on the riverfront area to protect the interests identified in M.G.L. c. 131 § 40. In the event that the presumption is partially overcome, the issuing authority shall make a written determination setting forth its grounds in the Order of Conditions and the partial rebuttal shall be taken into account in the application of 310 CMR 10.58 (4)(d)1.a. and c.; the issuing authority shall impose conditions in the Order that contribute to the protection of interests for which the riverfront area is significant.

(a) Protection of Other Resource Areas. The work shall meet the performance standards for all other resource areas within the riverfront area, as identified in 310 CMR 10.30 (Coastal Bank), 10.32 (Salt Marsh), 10.55 (Bordering Vegetated Wetland), and 10.57 (Land Subject to Flooding). When work in the riverfront area is also within the buffer zone to another resource area, the performance standards for the riverfront area shall contribute to the protection of the interests of M.G.L. c. 131, § 40 in lieu of any additional requirements that might otherwise be imposed on work in the buffer zone within the riverfront area.

No work is proposed within BVW, and all work is proposed within existing disturbed areas or existing lawn or landscaped areas within the 200' RA associated with Hawkes Brook. Very few trees will be removed as part of the redevelopment.

(b) Protection of Rare Species. No project may be permitted within the riverfront area which will have any adverse effect on specified habitat sites of rare wetland or upland, vertebrate or invertebrate species, as identified by the procedures established under 310 CMR 10.59 or 10.37, or which will have any adverse effect on vernal pool habitat certified prior to the filing of the Notice of Intent.



The project site is not located within areas mapped as habitat for rare wetland or upland species.

(c) Practicable and Substantially Equivalent Economic Alternatives. There must be no practicable and substantially equivalent economic alternative to the proposed project with less adverse effects on the interests identified in M.G.L. c. 131 § 40.

The alternatives to the project are discussed below within the alternatives analysis section, and explains why this project complies to the maximum extent practicable. The proposed dwelling was shifted to the rear of the property outside of the 200' Riverfront Area.

d. Logistics. Logistics refers to the presence or absence of physical or legal constraints. Physical characteristics of a site may influence its development. Legal barriers include circumstances where a project cannot meet other applicable requirements to obtain the necessary permits at an alternative site. An alternative site is not practicable if special legislation or changes to municipal zoning would be required to achieve the proposed use or project purpose. An alternative is not practicable if the applicant is unable to obtain the consent of the owner of an alternative site for access for the purpose of obtaining the information required by the Notice of Intent or of allowing the issuing authority to conduct a site visit.

All other legal barriers and setbacks are adhered to associated with the proposed garage and addition.

Alternatives Analysis:

As proposed, we believe the project complies with the performance standards to the maximum extent practicable. The footprint of the proposed driveway is almost entirely proposed within the footprint of the existing driveway and existing dwelling, and results in an approximately 700 s.f. reduction in total impervious surfaces (driveway alone) within the 200' RA. Shifting the driveway elsewhere in the property does not make any logistical sense, nor would it provide any additional benefit to the resource area.

Additionally, rather than proposing the dwelling within the 200' RA as it currently exists, it has been shifted to the rear of the property entirely outside of the 200' RA. The proposed condition results in a net decrease of 1,500 s.f. of impervious surfaces within the 200' RA, increasing the overall infiltrative capacity and groundwater recharge within this portion of the site. Given the location of two streams which are considered tributaries to public water supplies, siting the septic system elsewhere on the property was not feasible. We exhausted soil testing efforts in the remaining potentially viable



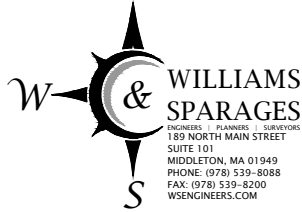
areas on the property. This resulted in minor grading within the 200' Riverfront Area associated with the leach field installation, however this grading is proposed either within the footprint of the existing dwelling or within existing lawn.

Erosion Controls:

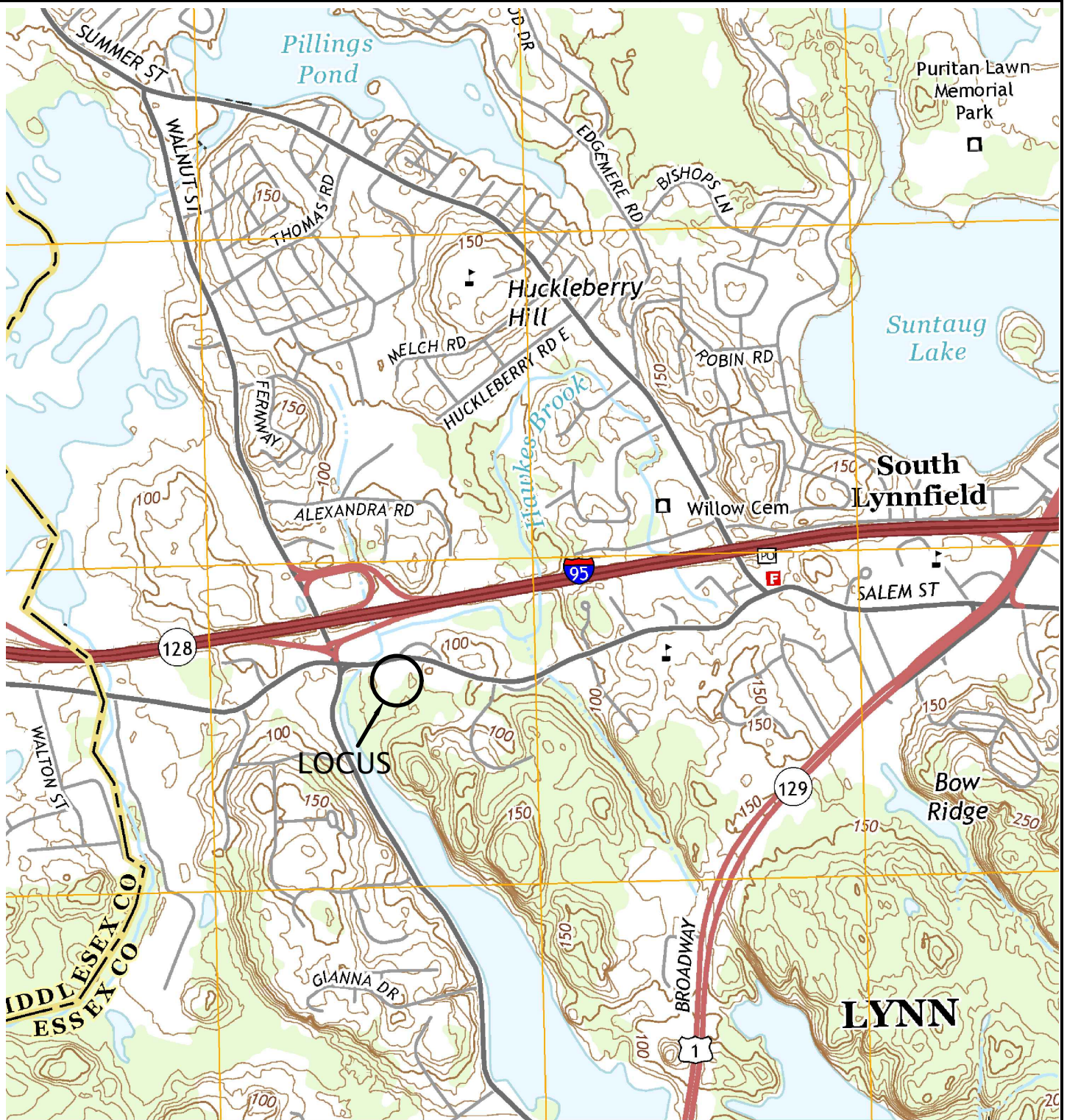
Erosion Controls in the form of a 12" mulch sock is proposed to be installed prior to construction and will remain in place until all work on site is stable. The location of the proposed erosion controls are shown on the accompanying plan.



WILLIAMS & SPARAGES
CIVIL ENGINEERING &
LAND SURVEYORS



189 NORTH MAIN STREET
SUITE 101
MIDDLETON, MA 01949
PHONE: (978) 539-8088
FAX: (978) 539-8200



UNITED STATES GEOLOGIC SURVEY MAP
READING, MASS QUAD
SCALE: 1:24,000 (metric contours)

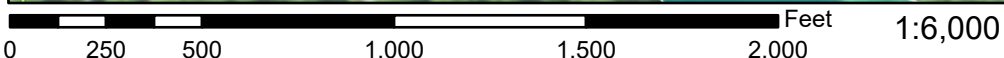
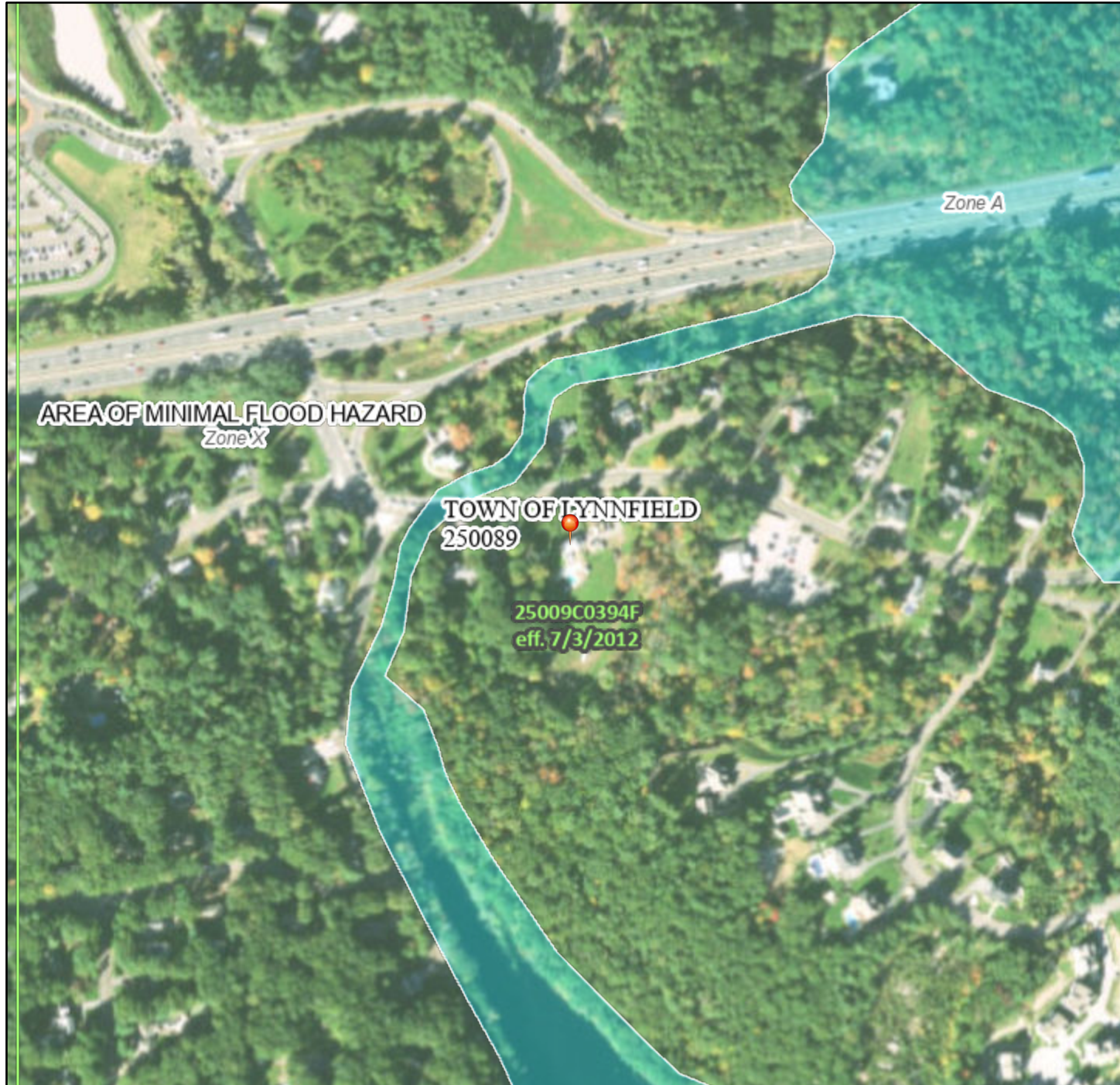
LOCUS MAP
#245 SALEM STREET
LYNNFIELD, MA 01940



National Flood Hazard Layer FIRMMette





























71°1'53"W 42°30'58"N



Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

- | | |
|------------------------------------|---|
| SPECIAL FLOOD HAZARD AREAS |  Without Base Flood Elevation (BFE)
<i>Zone A, V, A99</i>
 With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i>
 Regulatory Floodway |
| OTHER AREAS OF FLOOD HAZARD |  0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i>
 Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>
 Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i>
 Area with Flood Risk due to Levee <i>Zone D</i> |
| OTHER AREAS |  NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i>
 Effective LOMRs
 Area of Undetermined Flood Hazard <i>Zone D</i> |
| GENERAL STRUCTURES |  Channel, Culvert, or Storm Sewer
 Levee, Dike, or Floodwall |
| OTHER FEATURES |  20.2 Cross Sections with 1% Annual Chance
 17.5 Water Surface Elevation
 8 Coastal Transect
 Base Flood Elevation Line (BFE)
 Limit of Study
 Jurisdiction Boundary
 Coastal Transect Baseline
 Profile Baseline
 Hydrographic Feature |
| MAP PANELS |  Digital Data Available
 No Digital Data Available
 Unmapped |
- 
- 

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **6/28/2022 at 3:08 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act and Lynnfield Wetlands Protection Bylaw and Regulations

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

I, Thorsen Akerley, hereby certify under the pains and penalties of perjury that on September 2, 2022 I gave notification to abutters in compliance with the second paragraph of Massachusetts General Law Chapter 131, Section 40, Lynnfield Wetlands Protection Bylaw and Regulations, and the DEP Guide to Abutter Notification dated April 8, 1994, in connection with the following matter:

A Notice of Intent was filed under Massachusetts Wetlands Protection Act by Ugo DiBiase with the Town of Lynnfield Conservation Commission on September 2, 2022 for property located at 245 Salem Street.

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.

Thorsen Akerley
Name

9/2/2022
Date



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.

Ugo DiBiase
NAME OF APPLICANT

P.O. Box 780, Lynnfield, MA 01940
ADDRESS OF APPLICANT

245 Salem Street, Lynnfield, MA
PROJECT ADDRESS

ASSESSOR’S MAP# 50 PARCEL# 2855

PROJECT DESCRIPTION: Proposed construction of a single family dwelling and associated appurtenances within the 100' buffer zone to Bordering Vegetated Wetlands and the proposed construction of a portion of the driveway and razing of an existing dwelling within the 200' Riverfront Area associated with Hawkes Brook.

September 20, 2022 at 6:30pm
DATE AND TIME OF PUBLIC HEARING, AT TOWN HALL. (Subject to change. Please check website for updated information.)

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.

JUL 14 2022

LYNNFIELD BOARD OF ASSESSORS



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: 245 Salem Street ASSESSORS MAP#: 50 LOT #: 2855

OWNER NAME: Property Aquisition Group LLC

REASON FOR ABUTTERS LIST: Notice of Intent

FEE: \$15.00 for first five pages, \$1.00 after each consecutive page.

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: Thorsen Akerley Date: 07-14-2022

Phone Number: (978) 539-8088 email: _____

takerley@wsengineers.com

-----Assessors Use Only-----

CERTIFIED BY: D. Peary DATE: _____

DATE PAID: 7/18/22 CASH \$/Amt: _____ CHECK #/Amt: 4579 / \$15 ✓

DELIVERY METHOD: EMAIL US MAIL PICK UP



245 Salem St-100ft.

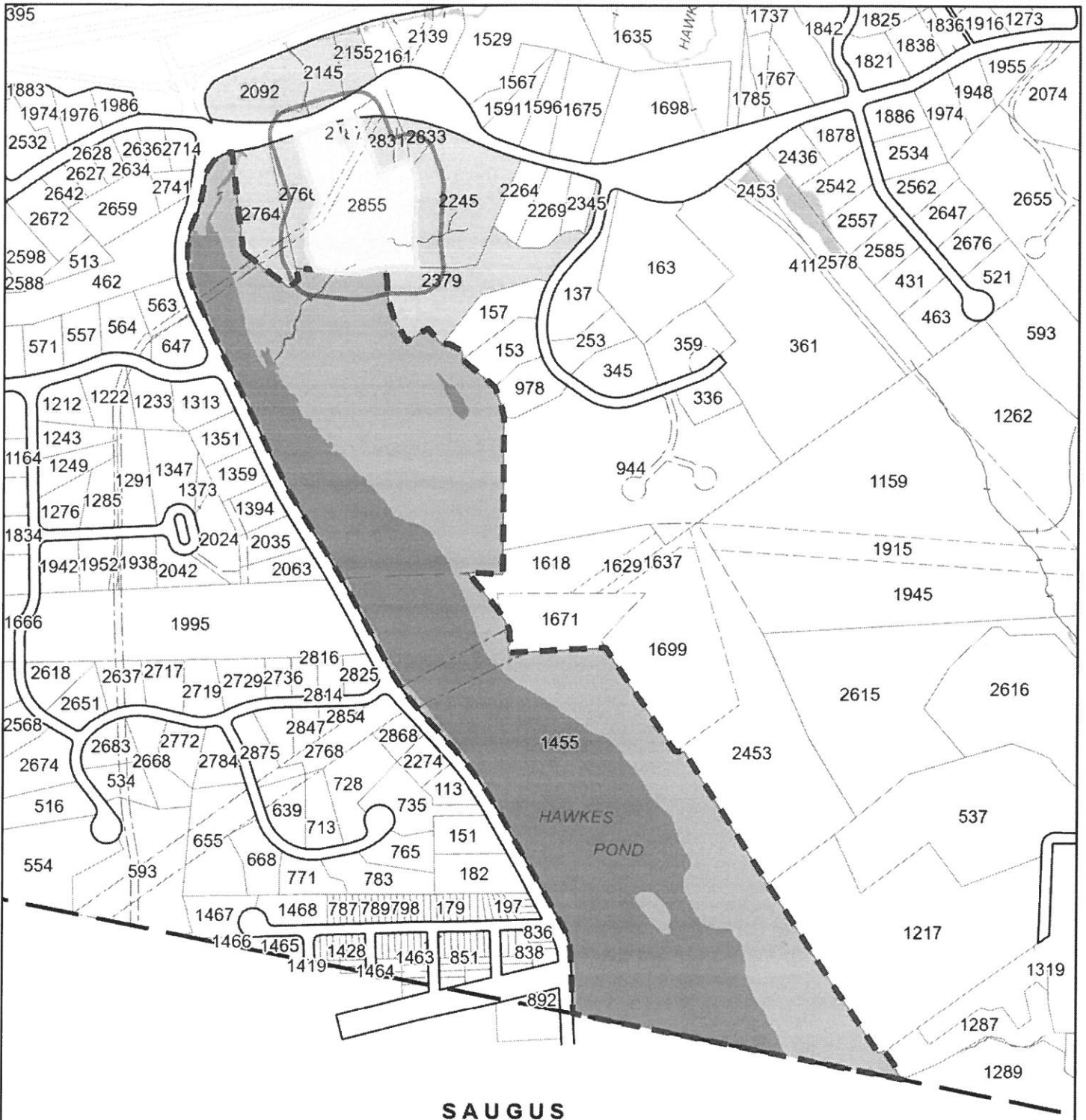
Lynnfield, MA

1 inch = 555 Feet



www.cai-tech.com

July 18, 2022



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.

245 Salem St-100 ft-Abutters list

Parcel Number	GIS Number	Cama Number	Property Address	Owner Name	Co-Owner Name	Owner Address	Owner City	State	Owner Zip
0050-0000-2092	M_238859_918 157	0050-0000-2092	230 SALEM ST	HIOS CAROL	HIOS STEVEN	230 SALEM ST	LYNNFIELD	MA	01940
0050-0000-2145	M_238929_918 181	0050-0000-2145	250 SALEM ST	250 SALEM STREET REALTY TRUST	STEFO KLAJDI, TR	250 SALEM ST	LYNNFIELD	MA	01940
0050-0000-2155	M_238968_918 195	0050-0000-2155	262 SALEM ST	LAU ROGER S, J/T	CRAIG ELIZABETH C, J/T	262 SALEM STREET	LYNNFIELD	MA	01940
0050-0000-2187	M_238958_918 110	0050-0000-2187	253 SALEM ST	MELANSON JANET M		253 SALEM ST	LYNNFIELD	MA	01940
0050-0000-2764	M_238863_918 014	0050-0000-2764	223 SALEM ST	NUPATH INC.		147 NEW BOSTON STREET	WOBURN	MA	01801
0050-0000-2766	M_238900_918 036	0050-0000-2766	231 SALEM ST	LONG ALICE G	LONG JOSEPH W	231 SALEM ST	LYNNFIELD	MA	01940
0050-0000-2831	M_239006_918 101	0050-0000-2831	265 SALEM ST	BOSTON GAS CO	PROPERTY TAX DEPT.	40 SYLVAN RD	WAL THAM	MA	02451
0050-0000-2833	M_239045_918 106	0050-0000-2833	279 SALEM ST	DOE FAMILY TRUST	DOE CHARLES F TRUSTEE	3038 SIDCO DRIVE	NASHVILLE	TN	37204
0051-0000-2245	M_239093_918 033	0051-0000-2245	317 SALEM ST	SCF RC FUNDING IV LLC		902 CARNEGIE CENTER BLVD STE 5	PRINCETON	NJ	08542
0051-0000-2379	M_239072_917 910	0051-0000-2379	5 RAMSDELL WAY	CRAFTS STEVEN, J/T	CRAFTS MICHELLE M, T/E	5 RAMSDELL WAY	LYNNFIELD	MA	01940