

# Request for Determination of Applicability

508 Main Street  
Lynnfield, Massachusetts

June 28, 2022

**Owner/Applicant:**

Tim Procopio Jr.  
508 Main Street  
Lynnfield, MA 01940

**Prepared By:**

Williams & Sparages, LLC  
189 North Main Street, Suite 101  
Middleton, MA 01949  
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**W&S Project No:**

LYNF-0145





# 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:

Tim Name	Procopio, Jr. E-Mail Address
508 Main Street Mailing Address	
Lynnfield City/Town	MA State
	01940 Zip Code
617-655-9613 Phone Number	Fax Number (if applicable)

2. Representative (if any):

Williams & Sparages LLC Firm	takerley@wsengineers.com E-Mail Address
Thorsen Akerley Contact Name	
189 N. Main Street, Suite 101 Mailing Address	
Middleton City/Town	MA State
	01949 Zip Code
978-539-8088 Phone Number	978-539-8200 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:

\_\_\_\_\_  
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):

508 Main Street

Street Address

Lynnfield

City/Town

28

Assessors Map/Plat Number

642

Parcel/Lot Number

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

Please see attached narrative.

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

Plan to Accompany a Request for Determination of Applicability - 508 Main Street (Sheets 1-2)

June 22, 2022

Date

Title

Date

Title

Date

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

Please see attached narrative.



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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).

According to 310 CMR 10.02(2)(b)(2)(c), the conversion of lawn to uses accessory to residential structures such as decks, sheds, patios, pools, replacement of bulkhead and the installation of a ramp for compliance with accessibility requirements, provided the activity, including material staging and stockpiling is located more than 50 feet from Bordering Vegetated Wetland, and erosion and sedimentation controls are implemented during construction. Although this may not be one of the above listed items, a large portion of the work is located well outside of the 50' buffer zone to BVW and within existing paved and developed areas. All work is proposed within the existing driveway, garage or maintained lawn areas.

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.)



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## 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:

Tim Procopio Jr.	_____
Name	_____
508 Main Street	_____
Mailing Address	_____
Lynnfield	_____
City/Town	_____
MA	_____
State	_____
	01940
	Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

	_____	6/27/2022	_____
Signature of Applicant		Date	

	_____	6/28/2022	_____
Signature of Representative (if any)		Date	

**Introduction:**

The subject property is located in central Lynnfield just west of the Town center off of Main Street. The property is bordered by residential properties to the sides and rear, and is also located directly across from Lynnfield Middle School. The property is improved by an existing single family home, paved driveway, detached garage, paver patio and shed. The property is largely maintained as lawn to approximately the edge of Bordering Vegetated Wetlands (BVW). Topographically, the property slopes south to north towards the Bordering Vegetated Wetlands in the rear of the parcel. The change in elevation from the rear of the existing dwelling to the edge of BVW is roughly 10’.

The soils are mapped as Merrimac-Urban land complex (626B), 0 to 8 percent slopes. According to the current NHESP Atlas, there are no Estimated Habitats of Rare Wildlife or Priority Habitats of Rare Species on the subject parcel, nor is the subject lot within an Area of Critical Environmental Concern. The property does lie within the Town’s Groundwater Protection District.

**Project Proposal:**

The homeowners are proposing to construct an additional off the rear of the existing dwelling. Portions of the existing lawn area will need to be raised in elevation to accomplish this, however all work is proposed within existing maintained lawn areas. A significant portion of the work is also proposed within the existing driveway and garage area. The entirety of the addition is also proposed greater than 50’ from the edge of BVW. Aside from minor grading behind the addition, all remaining grading is proposed well outside of the 50’ buffer zone to BVW. A patio is also proposed off the rear of the addition, which is approximately 65’ from the edge of BVW and is also proposed within existing maintained lawn areas.

Stockpiling of soil and materials will also occur outside of the 50’ buffer zone as well. Given the proximity to the resource areas present at the subject property and additional measures taken to protect these areas, we believe the proposed project meets the requirement to not be regulated under M.G.L. c. 131, § 40 and should not require a Notice of Intent filing.

**Bordering Vegetated Wetlands (BVW):**

A BVW exists to the east of the property. The BVW was delineated by Thorsen Akerley from Williams & Sparages, LLC in March of 2022. The BVW was delineated as the A-series (A1-A6).



The BVW connects to an intermittent stream channel in the rear of the property and flows west. Generally, the BVW follows a similar topographic edge approximately along the existing edge of lawn. Soil auguring was the primary factor in determining the edge of BVW.

No work is proposed within BVW.

**Bordering Land Subject to Flooding (Zone AE):**

There is a 100 year FEMA Zone AE, (Elevation 79 - NAVD88), which extends onto the subject property according to Community Panel 25009C0391F, dated July 3, 2012. There is no buffer zone associated with this resource area, and no work is proposed within this resource area.

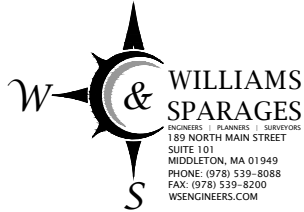
**Erosion Controls:**

Erosion Controls in the form of 12-inch diameter staked mulch sock and silt fence 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.

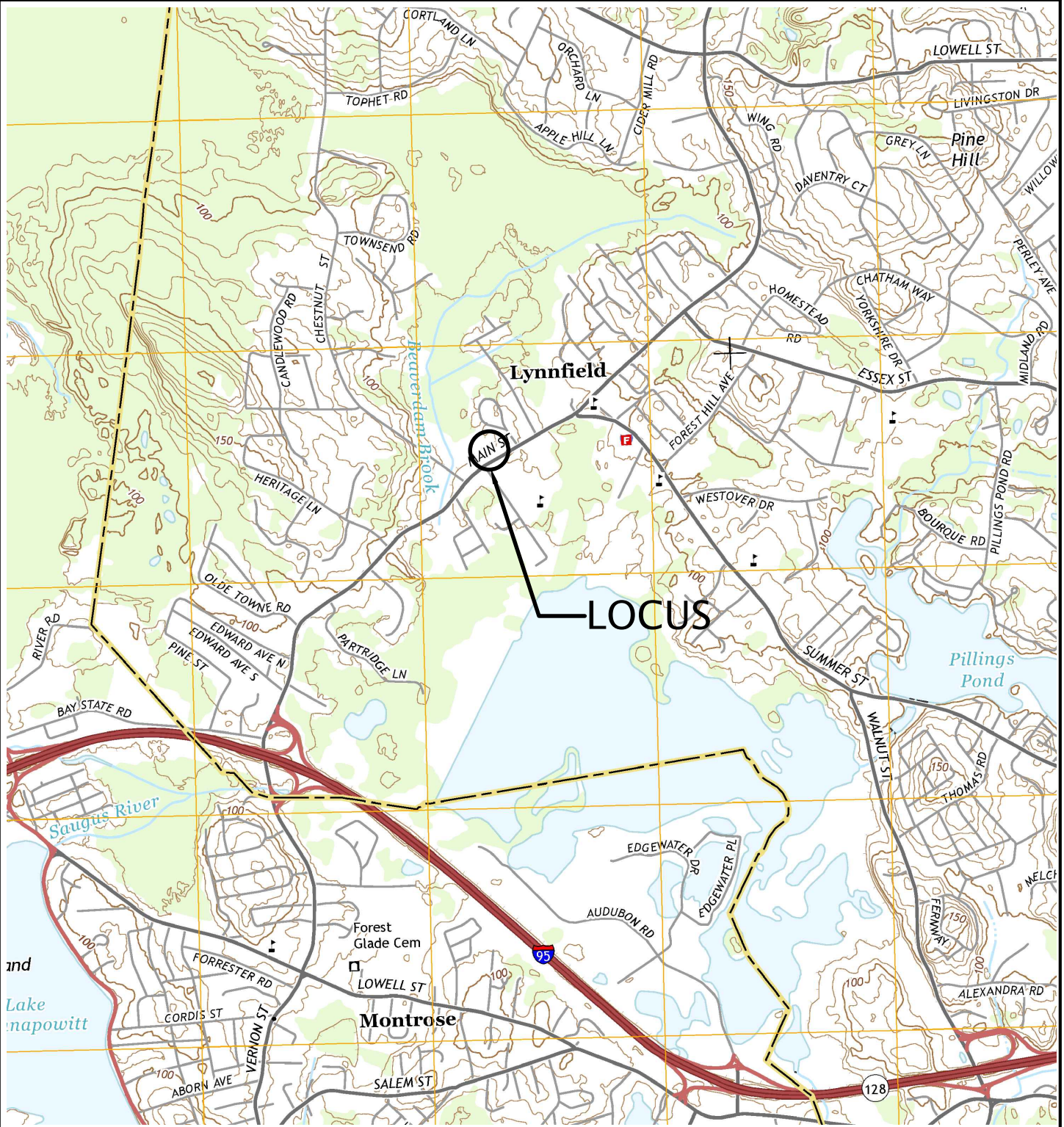




WILLIAMS & SPARGES  
CIVIL ENGINEERING &  
LAND SURVEYORS



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SUITE 101  
MIDDLETON, MA 01949  
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UNITED STATES GEOLOGIC SURVEY MAP  
SOUTH GROVELAND, MASS QUAD  
SCALE: 1:24,000 (metric contours)

LOCUS MAP  
#508 MAIN STREET  
LYNNFIELD, MA 01940





# National Flood Hazard Layer FIRMette



71°3'32"W 42°32'30"N



## Legend

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

<b>SPECIAL FLOOD HAZARD AREAS</b>		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
<b>OTHER AREAS OF FLOOD HAZARD</b>		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 Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
<b>OTHER AREAS</b>		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
<b>GENERAL STRUCTURES</b>		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
<b>OTHER FEATURES</b>		Levee, Dike, or Floodwall
		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation 17.5
<b>MAP PANELS</b>		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 6/27/2022 at 12:40 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.