

January 31, 2022

RECEIVED  
JAN 31 2022  
LYNNFIELD  
CONSERVATION COMMISSION

Lynnfield Conservation Commission  
55 Summer Street  
Lynnfield, MA 01940

**Subject: WPA Form 1 - Request for a Determination of Applicability; 6 Trickett Road,  
Lynnfield, MA**

Dear Commissioners,

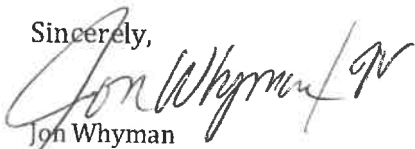
Enclosed please find eight (8) copies of the above referenced Request for a Determination of Applicability ("RDA") application filed in accordance with the Massachusetts Wetlands Protection Act ("WPA") (M.G.L. c. 131 § 40) and implementing regulations (310 CMR 10.00) and the Lynnfield Environmental Bylaw.

The Applicant is proposing to permit the construction of a subsurface sewage disposal system upgrade on an existing single family house lot. Construction of the system will be located within the 100-foot Buffer Zone to Bordering Vegetated Wetland ("BVW").

A check is enclosed for the fee associated with the legal notice advertisement in the Lynnfield Villager.

If you have any questions, please do not hesitate to contact me at 781 334-2323 or via email at [jonwhyman@icloud.com](mailto:jonwhyman@icloud.com) or Julie Vondrak at 603 475-5826 or via email at [jvondrak@yahoo.com](mailto:jvondrak@yahoo.com).

Sincerely,

  
Jon Whyman

CC: Estate of David Pote  
Joseph Serwatka, P.E  
DEP Northeast Regional Office

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# Request for a Determination of Applicability

Massachusetts Wetlands Protection Act (M.G.L. c.131 s.40)  
Lynnfield Environmental Bylaw

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## 6 Trickett Road Lynnfield, Massachusetts

*Applicant/Owner:*

**Estate of David Pote**

6 Trickett Road  
Lynnfield, MA 01940

*Submitted to:*

**Lynnfield Conservation Commission**

55 Summer Street  
Lynnfield, MA 01940

*Submitted by:*

**Jon Whyman**

451 Broadway  
Lynnfield, MA 01940

*In Coordination with:*

**Julie Vondrak**

Wetland Permitting Consultant  
56 Corinthian Drive  
Salem, NH 03079

**January 31, 2022**

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**Attachment A-WPA Form 1- RDA Application**



# 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:

Estate of David Pote  
Name

6 Trickett Road  
Mailing Address

Lynnfield  
City/Town

Phone Number

E-Mail Address

MA  
State

01940  
Zip Code

Fax Number (if applicable)

2. Representative (if any):

Jon Whyman Construction  
Firm

Jon Whyman  
Contact Name

451 Broadway  
Mailing Address

Lynnfield  
City/Town

(781) 334-2323  
Phone Number

jonwhyman@icloud.com  
E-Mail Address

MA  
State

01940  
Zip Code

Fax Number (if applicable)

## B. Determinations

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

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

Lynnfield  
Name of Municipality

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



# WPA Form 1- Request for Determination of Applicability

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

## C. Project Description

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

6 Trickett Road	Lynnfield
Street Address	City/Town
41	1356
Assessors Map/Plat Number	Parcel/Lot Number

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

Work associated with construction of a replacement subsurface sewage disposal system will be located within manicured lawn.

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

Sewage Disposal System, Site Plan and Profile, 6 Trickett Road	1.22.22
Title	Date
_____	_____
Title	Date
_____	_____
Title	Date

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

Work includes abandonment of an existing failed septic tank and overflow pit and construction of a replacement subsurface sewage disposal system within the Buffer Zone to Bordering Vegetated Wetland. Work will be located behind and to the side of the house within manicured lawn.



## WPA Form 1- Request for Determination of Applicability

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

### 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).

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.)

N/A



**WPA Form 1- Request for Determination of Applicability**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**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:

Estate of David Pote

Name

6 Trickett Road

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.

Signature of Applicant

Date

Signature of Representative (if any)

Date

1/31/22

## **Attachment B- RDA Narrative**

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# **ATTACHMENT B – RDA PROJECT NARRATIVE**

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## **1.0 Introduction**

Jon Whyman, on behalf of the Estate of David Pope, the owner (the “Applicant”), is pleased to submit this Request for a Determination of Applicability (“RDA”) to the Lynnfield Conservation Commission (“LCC”). This RDA has been prepared in accordance with the Massachusetts Wetland Protection Act (MGL c.131 s.40) and implementing Regulations (310 CMR 10.00) (the “Act”), and the Lynnfield Environmental Bylaw (the “Bylaw”).

The Applicant is requesting that the LCC issue a Negative Determination of Applicability (“Negative RDA”) approving activities associated with the construction of an upgrade subsurface sewage disposal system located at 6 Trickett Road, Lynnfield, MA (the “Project Site”). Project activities will be located within the 100-foot Buffer Zone to Bordering Vegetated Wetland (“BVW”). The project has been designed to comply with the state and local wetland performance standards.

Wetland resource areas on the project site were delineated in January of 2022 by Julie Vondrak and are discussed below in Section 3.0.

## **2.0 Existing Conditions**

The Project Site area is an existing residential lot located on an approximate .69+/- acre of land located at 6 Trickett Road. The property is occupied by a 2 bedroom, 1 bathroom 1,100 +/- s.f single family dwelling built in 1955. A wetland resource area exists westerly of the house (behind the house). Utilities associated with the property include public water and oil and an existing septic tank and overflow leach pit located to the rear of the house.

## **3.0 Wetland Resource Areas**

Wetland resource areas were delineated by Julie Vondrak in accordance with the U.S. Army Corps of Engineers “Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region” (USACE, 2012), the Massachusetts Department of Environmental Protection handbook, *Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act* (MADEP, 1995), and the Lynnfield Environmental Bylaw. The federal, state and local delineation methodologies prescribe a similar three parameter approach where hydrophytic vegetation, hydric soils, and hydrology are reviewed in conjunction with one another when delineating a wetland edge.

### **3.1            *Bordering Vegetated Wetland***

BVW is defined at 310 CMR 10.55. BVW's are freshwater wetlands that border on creeks, rivers, streams, ponds and lakes. The types of freshwater wetlands are wet meadows, marshes, swamps and bogs. BVW's are the areas where the soils are saturated and/or inundated such that they support a predominance of wetland indicator plants. The ground and surface regime and the plant community that occur in each type of freshwater wetland are specified in the Act. The boundary of BVW is the line within which 50 percent or more of the plant community consists of wetland indicator plants and saturated and inundation conditions exist.

BVW located to the east of the house (behind the house) was identified and flagged in the field through a vegetation, hydrology and soil analysis. Flags A1 through A7 delineate the boundaries of BVW that is characteristic of a depressional area that appears to seasonally hold standing water. A small amount of ponded water observed at the time of delineation (see attached photo 3). Further south, a small channel was identified which conveys the overflow from the depressional area (see attached photo 4). Dominant vegetation identified within the BVW on the site included red maple (*Acer rubrum*), american elm (*Ulmus americana*), white pine (*Pinus strobus*), highbush blueberry (*Vaccinium corymbosum*) and cinnamon fern (*Osmunda cinnamomeum*.) There is a 100-foot Buffer Zone to BVW. According to the applicable USGS map, no intermittent or perennial stream systems are mapped on or adjacent to the Project Site (See Attached Figure). No impacts to BVW are proposed under this application filing.

### **3.2            *100-Year Flood Plain Elevation***

According to the applicable FEMA Flood Insurance Rate Map ("FIRM"), Community Panel #25009C0394F, dated July 3, 2012, an area of Zone X- "Area of Minimal Flood Hazard" is associated with Project Site (See Attached Figure). Therefore, proposed activities will not impact areas within the 100-year flood plain or within Bordering Land Subject to Flooding ("BLSF").

### **3.3            *Natural Heritage and Endangered Species***

According to the Natural Heritage Atlas (Mass GIS data layer), the project site is not mapped within priority habitat of rare species or estimated habitat of rare wetlands wildlife or certified vernal pools.

## **4.0    *Proposed Jurisdictional Activities***

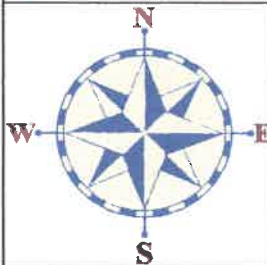
Activities proposed within the 100-foot Buffer Zone include grading and construction of a new replacement subsurface sewage disposal system and removal of the existing system.

## **Attachment C-Figures**

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# USGS TOPOGRAPHIC PLAN

from MassGIS Website



## FIGURE 1

6 Trickett Road  
Lynnfield, MA

Scale: 1"=500'  
1/31/2022



# National Flood Hazard Layer FIRMette



71°15'7"W 42°31'46"N

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



0 250 500 1,000 1,500 2,000 Feet  
 1:6,000  
 Basemap: USGS National Map. Orthoimagery Data refreshed October 2020

## Legend

- SPECIAL FLOOD HAZARD AREAS**
  - Without Base Flood Elevation (BFE) Zone A, V, AE
  - With BFE or Depth Zone AE, AO, AH, VE, AR
  - 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 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 B
- OTHER AREAS**
  - NO SCREEN
  - Area of Minimal Flood Hazard Zone X
  - Effective LOMRs
  - Area of Undetermined Flood Hazard Zone X
- GENERAL STRUCTURES**
  - Channel, Culvert, or Storm Sewer
  - Levee, Dike, or Floodwall
- OTHER FEATURES**
  - Cross Sections with 1% Annual Chance Water Surface Elevation
  - 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 1/29/2022 at 11:51 AM 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.

## **Attachment D-Site Photographs**

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**Photos 1: New subsurface sewage disposal system to be located south of existing dwelling (1.22).**

**Photos 2: Wetland resource area behind house (1.22).**







**Photo 3: View of standing water within wetland resource area (1.22).**

**Photo 4: Small channel located downstream ponded area (1.22).**





## **Attachment E-Project Site Plan**

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