

REQUEST FOR DETERMINATION OF APPLICABILITY

BOLTON TOWN CLERK
2023 SEP 7 PM 1:18

Filed Under the Massachusetts Wetlands Protection Act and
Town of Bolton Wetlands Protection Bylaw (Chapter 233)

for

**Construction of an Replacement Sewage Disposal System
For a Single-Family Dwelling**

Located at

**22 West Berlin Road
Bolton, MA
(Assessor's Map 4B, Portion of Parcel 4)
(9.77 Ac.)**

APPLICANT/OWNER

Stephen Daly
D.E.R.A. Project Number 34215

REPRESENTATIVE

Brandon Ducharme
David E. Ross Associates, Inc.
*Civil Engineers, Land Surveyors
& Environmental Consultants*
P. O. Box 795
Harvard, MA 01451





Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Bolton
City/Town

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:

Stephen Daly

Name

steve.g.daly@gmail.com

E-Mail Address

96 Marbleridge Road

Mailing Address

North Andover

City/Town

MA

State

01846

Zip Code

(617) 794-2034

Phone Number

Fax Number (if applicable)

2. Representative (if any):

David E Ross Associates, Inc.

Firm

Brandon

Contact Name

bducharme@davidross.com

E-Mail Address

P.O. Box 795

Mailing Address

Harvard

City/Town

MA

State

01451

Zip Code

(978) 772-6232

Phone Number

Fax Number (if applicable)

B. Determinations

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

- ☐ 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:

Town of Bolton

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):

22 West Berlin Road

Street Address

Bolton

City/Town

4B

Assessors Map/Plat Number

4

Parcel/Lot Number

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

Refer to Narrative

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

Sewage Disposal System Plan by David E Ross Associates Inc. (L-14690)

Title

8/15/2023

Date

Title

Date

Title

Date

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

Refer to 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).

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:

Stephen & Maureen Daly

Name

96 Marbleridge Road

Mailing Address

North Andover

City/Town

MA

State

01846

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

WPA Attachment A.

Massachusetts Wetlands Protection Act M.G.L. c. 131 s. 40

Proposed Project Description

PROJECT LOCATION

22 West Berlin Road
Bolton, MA
(Assessor's Map 4B Parcels Portion of Parcel 4)

OWNER/APPLICANT

Stephen & Maureen Daly
96 Marbleridge Road
North Andover, MA 01846

SITE DESCRIPTION

The project site consists of a 9.77-acre residential lot with frontage along West Berlin Road in Bolton. The property contains an existing four (4) bedroom single family home and a second three (3) bedroom cottage, driveway, barn, with a private sewage disposal systems and wells. The house and cottage were constructed prior to 1900 and are located with an Agricultural/Residential zoning district. The property has historically been a working farm surrounded by agricultural fields and outbuildings. There is a wet meadow located along the rear (northeast) corner of the property within the existing field that is identified by wetland delineation flags A-1 through A-12. There is a 100-foot Buffer Zone that extends landward from the wetland boundary that is also considered Adjacent Upland Resource Area pursuant to the Town of Bolton Wetlands Bylaw (Chapter 233).

PROJECT DESCRIPTION

The proposed project consists of the replacement of the two sewage disposal systems with a single shared sewage disposal system in compliance with Title 5 (310 CMR 15.00) and the Bolton Board of Health Regulations. A small portion of the new system, consisting of 24 linear feet of gravity sewer and a 1,500-gallon septic tank is located within the 100-foot Buffer Zone. The placement of these improvements is dictated by the location where the existing sewer exits the rear of the cottage. The existing cesspool for the cottage is located within the 100-foot Buffer Zone and work will be performed to decommission and remove the existing system. Additionally, work will be performed within the 100-foot Buffer Zone to install a generator and propane tank at the cottage. The work does not involve the removal of any vegetation and the site will be restored to a pre-existing state upon completion of the work.

EROSION CONTROL/SILTATION BARRIER

Erosion and sediment controls have been incorporated in the plan with the objective of retaining sediment on site, filtering and reducing storm water discharge and protecting wetland and undisturbed areas. A siltation barrier consisting of a straw wattles will be installed up gradient from Wetland Resource Areas that may receive runoff from the construction activities. The siltation barrier will be installed prior to the commencement of work at the limit of the proposed disturbance. The proposed siltation barrier shall remain in place and be maintained until all disturbed areas have become stable and with the approval of the Conservation Commission.

WETLAND DELINEATION DATA

By Brandon Ducharme, David E. Ross Associates, Inc., April 2023

Bordering Vegetated Wetlands delineate with blue flags as shown on Site Plan (Plan L-14690):

WPA Attachment A.

Massachusetts Wetlands Protection Act M.G.L. c. 131 s. 40



Proposed Project Description

Blue Flags: WF A1 through WF A12 at the edge of bordering vegetated wetland;

Hydric Soil Probe OP-1

0" -10"	Ap	Fine sandy loam	10YR 2/2
10"-18"	B	Sandy loam	2.5Y 5/2

Vegetation:

Name:

MA IND

Ground Cover

Rice Cutgrass (*Leersia oryzoides*)

OBL

Fox Sedge (*Carex vulpinoidea*)

OBL

Tufted Hairgrass (*Deschampsia*)

FACW

Creeping Spikerush (*Eleocharis fallax*)

OBL

Upland Soil Probe OP-1

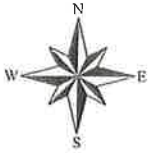
0" -8"	Ap	Fine sandy loam	10YR 3/2
8"-16"	Bw	Sandy loam	10YR 5/6

SUPPLEMENTAL INFORMATION

- The project is not within an ORW
- The project is not within a NHESP rare and endangered species area
- The project is not within an ACEC
- The project is not within a FEMA designated flood zone (see attached map).

PLANS/MAPS INCLUDED IN NOI

- USGS Topo
- NHESP Map
- FEMA Flood Insurance Rate Map



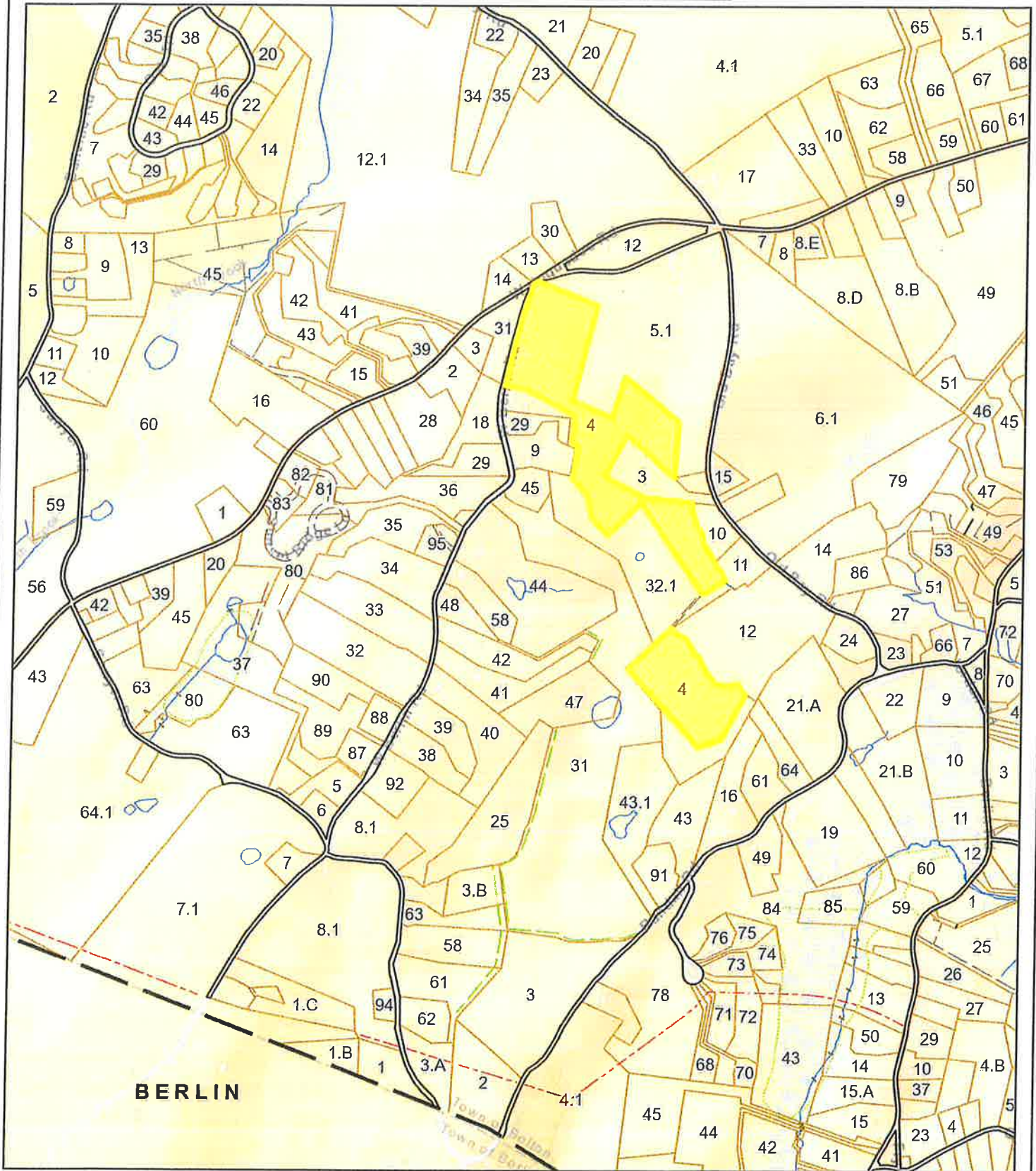
Bolton, MA

1 inch = 1112 Feet



www.cai-tech.com

September 5, 2023



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.

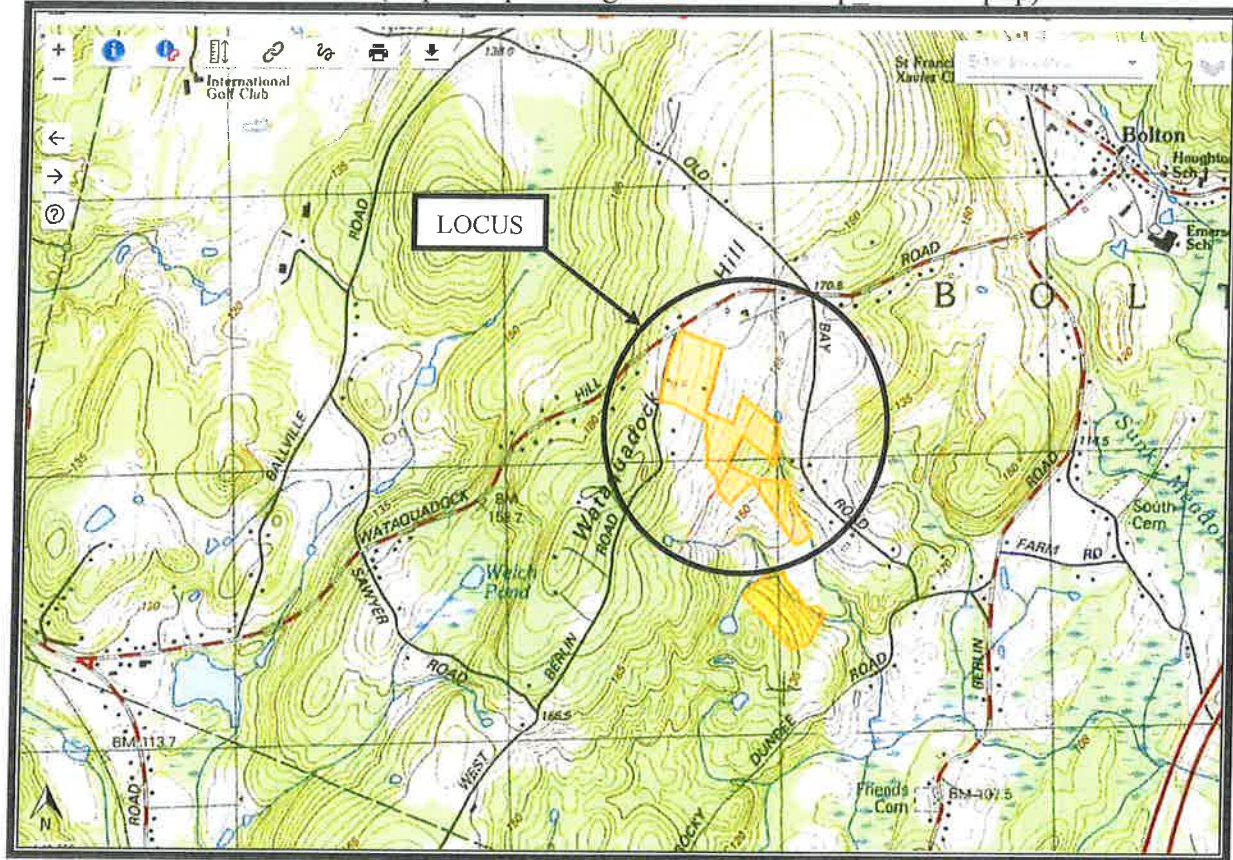
DAVID E. ROSS ASSOCIATES, INC.

Civil Engineers, Land Surveyors, Environmental Consultants

USGS

Site: #22 West Berlin Road – Bolton, MA 01740
(Map 4B – Parcel 4)

Source: Current Mass GIS (http://maps.massgis.state.ma.us/map_ol/oliver.php)



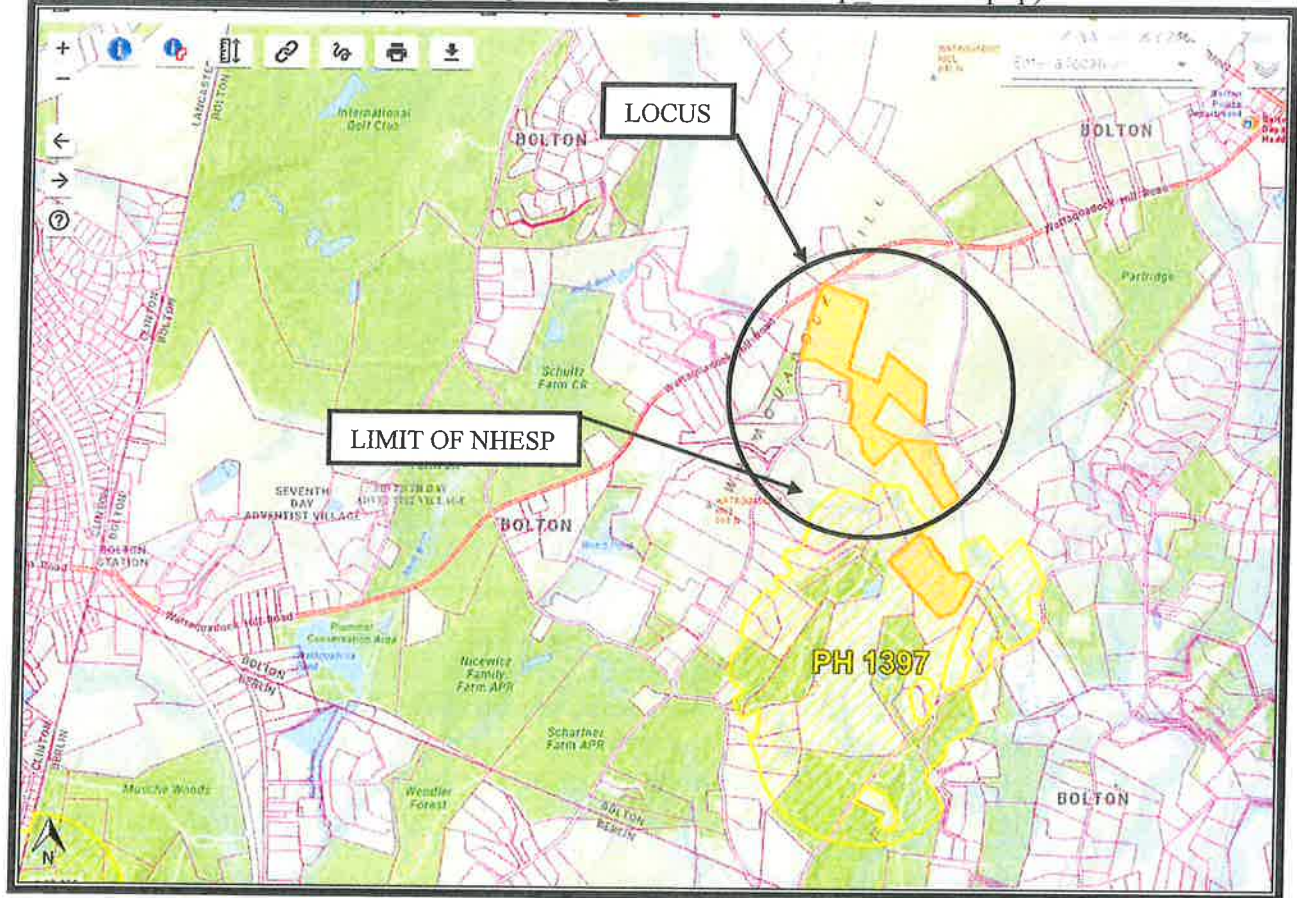
DAVID E. ROSS ASSOCIATES, INC.

Civil Engineers, Land Surveyors, Environmental Consultants

NHESP

Site: #22 West Berlin Road – Bolton, MA 01740
(Map 4B – Parcel 4)

Source: Current Mass GIS (http://maps.massgis.state.ma.us/map_ol/oliver.php)



National Flood Hazard Layer FIRMette

71°38'7"W 42°25'51"N



Legend

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

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE)
Zone A, V, AE, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Area 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

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

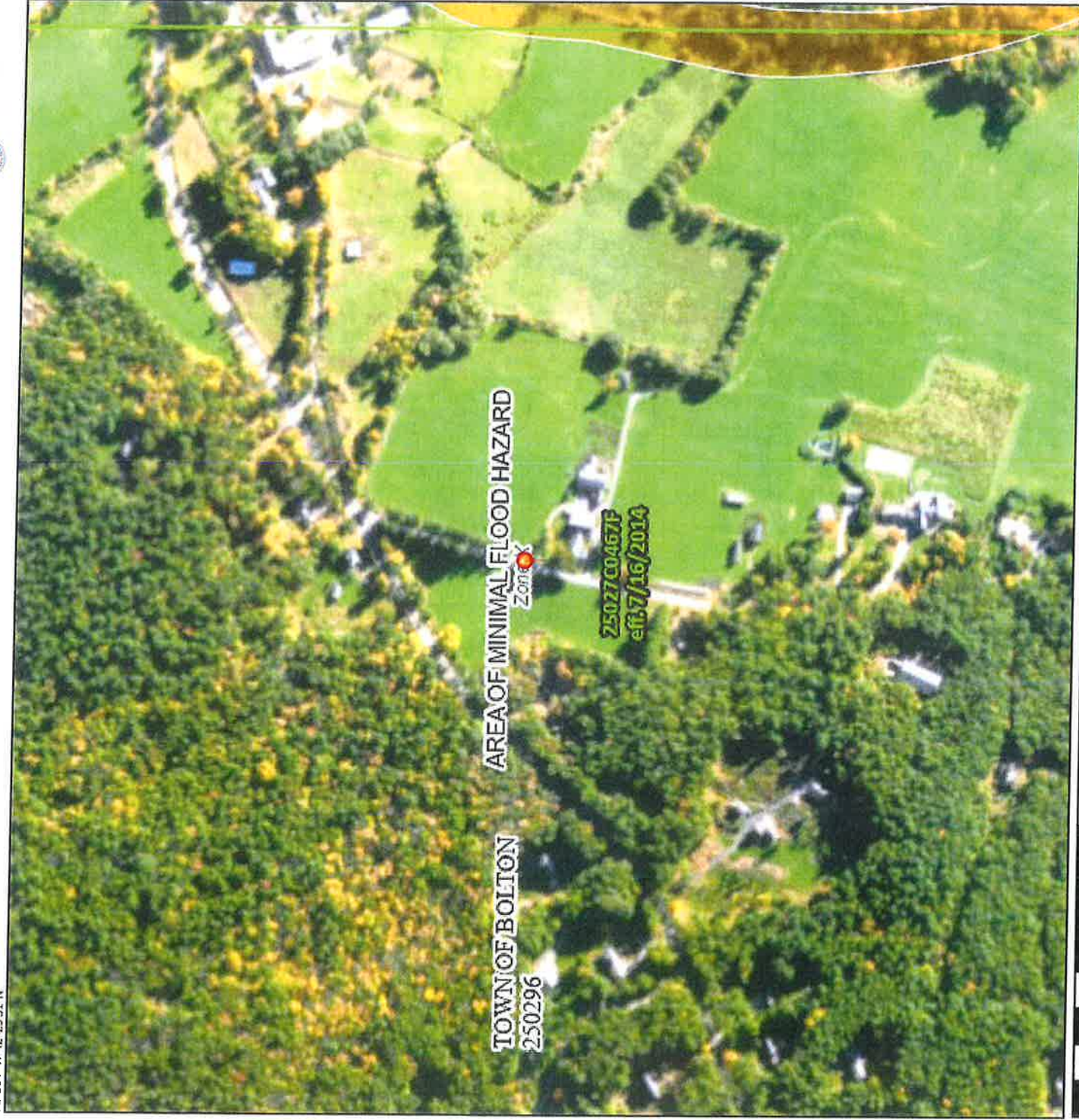
- Digital Data Available
- No Digital Data Available
- Unmapped

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 9/1/2023 at 10:12 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.



0 250 500 1,000 1,500 2,000 Feet 1:6,000

71°37'29"W 42°25'24"N