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AUG 23 2016

CITY OF HAVERHILL
MASSACHUSETTS 01830-5882

Conservation
Department

CONSERVATION COMMISSION
City Hall, 4 Summer Street
Room 205

Tel: (978) 374-2334
Fax: (978) 374-2315

MUNICIPAL ORDINANCE - CHAPTER 253
APPLICATION CHECKLIST
REQUEST FOR A DETERMINATION OF APPLICABILITY

APPLICANT Merrill Ave Corp

PROPERTY OWNER Same

REPRESENTATIVE R A M Engineering

LOCATION (STREET ADDRESS) Boxford Road

ASSESSOR'S MAP 729 BLOCK 709 LOT 352-357

- A completed Form 1 - revised February, 2000
- An 8 1/2" x 11" section of the USGS quadrangle (topo) sufficiently identifying the location of the property
- An appropriately sized section of the Assessor's map sufficiently identifying the property and all other properties within 100' of the property
- Plans showing the property with existing site features, including resource area boundaries, and location (s) of proposed work
- Application Agreement

Other: _____

I, Merrill Ave Corp, hereby certify that ten (10) copies of the
(NAME OF APPLICANT)
above information and a local filing fee of \$25.00 have been submitted to the Haverhill
Conservation Commission. (Checks should be made out to the City of Haverhill).

Merrill Ave Corp
(SIGNATURE OF APPLICANT) - DATE



Haverhill

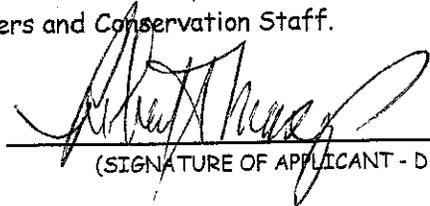
Economic Development and Planning
Conservation Division

Phone: 978-374-2334 Fax: 978-469-8747
moore@cityofhaverhill.com
conservation@cityofhaverhill.com

MUNICIPAL ORDINANCE-CHAPTER 253
APPLICATION AGREEMENT
REQUEST FOR A DETERMINATION OF APPLICABILITY

I, Merrell Ave Corp have read the Department of Environmental
(NAME OF APPLICANT)

Protection's "Instructions for Completing Application" and the City's Municipal Ordinance under Chapter 253, with all applicable regulations and policies, for the filing of a Request for a Determination of Applicability with the Haverhill Conservation Commission and agree to its terms and conditions, as amended. As required by the Commission, the wetland resource area(s) are flagged, the corners of proposed structures and leaching systems are staked, and the centerlines of proposed roadway(s) and/or driveway(s) are marked, as appropriate, to facilitate site inspections by Commissioners and Conservation Staff.

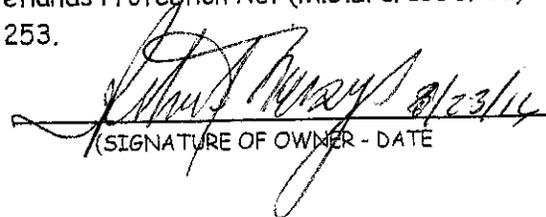

(SIGNATURE OF APPLICANT - DATE) 8/23/14

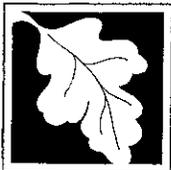
I, Merrell Ave Corp, hereby grant the Haverhill Conservation Commission
(NAME OF PROPERTY OWNER)

and it's officials permission to enter upon my property at Boxford Road
(STREET ADDRESS AND

M-729 B-709-352-357 to review the filed Request for a Determination of
ASSESSOR'S MAP, BLOCK, LOT)

Applicability and future site conditions for compliance with the issued Determination of Applicability. The sole purpose of this document is to allow Commissioners and their officials to perform their duties under the Wetlands Protection Act (M.G.L. c. 131 s. 40) and the City's Municipal Ordinance under Chapter 253.


(SIGNATURE OF OWNER - DATE) 8/23/14



WPA Form 1- Request for Determination of Applicability

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

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AUG 23 2016

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:

MERRILL AVE CORP

Name

Conservation

E-Mail Address

100 COFFIN AVE

Mailing Address

HAVERHILL

City/Town

MA

State

01830

Zip Code

Phone Number

Fax Number (if applicable)

2. Representative (if any):

R.A.M. ENGINEERING

Firm

ROBERT A. MASYS, P.E.

Contact Name

RAMASYSPE@AOL.COM

E-Mail Address

160 MAIN STREET

Mailing Address

HAVERHILL

City/Town

MA

State

01830

Zip Code

978-372-0449

Phone Number

978-372-7183

Fax Number (if applicable)

B. Determinations

1. I request the HAVERHILL 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:

HAVERHILL

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):

| | |
|---------------------------|----------------------|
| <u>BOXFORD ROAD</u> | <u>HAVERHILL</u> |
| Street Address | City/Town |
| <u>MAP 729, BLOCK 709</u> | <u>LOT 352 - 357</u> |
| Assessors Map/Plat Number | Parcel/Lot Number |

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

WETLAND AREA LOCATED ACROSS STREET FROM PROPOSED CONSTRUCTION SITE.

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

| | |
|--|------------------|
| <u>PROPOSED SITE PLAN OF LAND AT LOTS 352-357 BOXFORD RD</u> | <u>8/23/2016</u> |
| Title | Date |
| <u> </u> | <u> </u> |
| Title | Date |
| <u> </u> | <u> </u> |
| Title | Date |

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

PROPOSED CONSTRUCTION OF A SINGLE FAMILY HOME, DRIVEWAY, AND UTILITIES.



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

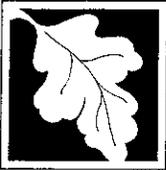
C. Project Description (cont.)

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.)



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:

MERRILL AVE CORP

Name

100 COFFIN AVE

Mailing Address

HAVERHILL

City/Town

MA

State

01830

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.

Merrill Ave Corp
Signature of Applicant

8/23/2016

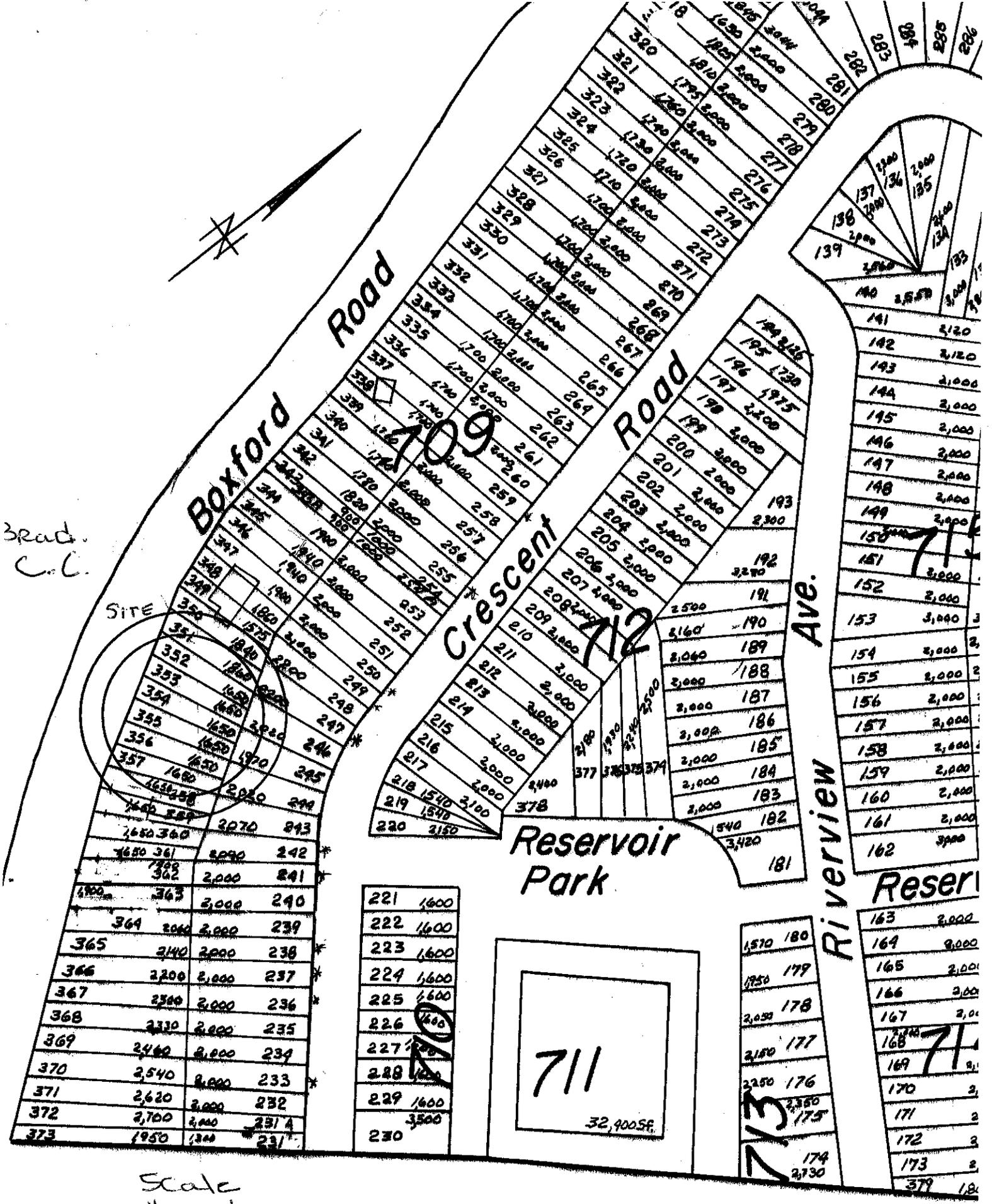
Date

Robert Messy
Signature of Representative (if any)

8/23/2016

Date

grad. c.c.



Scale
1" = 100'

PLAN 729

SEE PLAN No. 777



5' 30" 330 331 332 2' 30" 334
 2000 3000 4000 5000 METERS
 300 8000 10 000 12 000 14 000 16 000 FEET
HAVERHILL, MASSACHUSETTS
 GEORGETOWN TOPFIELD 16 K

F.B

Merrell Ave Corp

#7



CITY OF HAVERHILL
BOARD OF APPEALS FOR ZONES
CITY HALL - 4 SUMMER STREET

NOTICE OF DECISION

YOU ARE HEREBY NOTIFIED OF THE DECISION OF THE BOARD OF APPEALS ON THE APPLICATION OF:

CITY OF HAVERHILL (TREASURER'S OFFICE)

APPLICANT AND (OWNER IF DIFFERENT)

ROXFORD ROAD 729 789 352
SITE LOCATION ASSESSOR'S MAP, BLOCK, PARCEL NUMBER

DEED OF PROPERTY RECORDED IN: SOUTHERN ESSEX BOOK: 269,439,10 PAGE: 86,44,58
This was filed with the Board on September 18, 2015 as signified by the City Clerk's date stamp.
The BOARD, as authorized by §15, Chapter 40A of the M.G.L. held a PUBLIC HEARING on:
OCTOBER 21, 2015

DATE OF HEARING (CONTINUANCE IF APPLICABLE)

The BOARD'S DECISION by vote to GRANT said application is as follows: KISSEL
RECORD OF PROCEEDINGS: SEE BELOW MOTION*:

STIPULATION (S):

SECOND: VATHALLY

VOTE ON MOTION WITH/WITHOUT STIPULATIONS:

| BOARD | YES | NO | ABSTAIN | CONSENT | NOT SITTING |
|--------------------------|-----|----|---------|---|-------------|
| CHAIRPERSON MOBIARTY | / | | | ESSEX REGISTER OF DEEDS, SO. DIST., SALEM, MASS | |
| MEMBER SORAGHAN | / | | | A TRUE COPY OF RECORD: | |
| MEMBER KISSEL | / | | | BOOK <u>32804</u> PAGE <u>231</u> | |
| MEMBER VATHALLY | / | | | ATTEST <u>34804</u> <u>231</u> | |
| MEMBER LePLUME | | | | ✓ | REGISTER |
| ASSOC. MEMBER BEVILACQUA | | | | ✓ | |
| ASSOC. MEMBER LeBLANC | / | | | | |

#277
3/29/16

THE BOARD CITES THE FOLLOWING AS REASON (S) FOR ITS DECISION:

Applicant seeks Dimensional Variance for lot depth of 95.63' where 100' require in RM Zone. The property in question is city-owned land that was taken for taxes. The city wishes to make this lot a buildable lot and recoup its costs. The property is not identified by number, but the applicant believes it would be number 84. The Board granted the Dimensional Variance on a vote of 5-0.

An Appeal of this Decision shall be made pursuant to §17 of Chapter 40A and shall be filed with Superior or District Court within twenty (20) days of the date of the Board's decision.

13. PROVISIONS OF THE ZONING ORDINANCE UNDER WHICH PETITION FOR VARIANCE IS MADE:

Table of Dimensional & Density Regulations

In making its decision, the Board shall specifically find that all of the following conditions have been met: (Findings must be made on all three to have a valid decision). (1) That there are unique circumstances relate to the soil conditions, soil shape, or topography which specifically affect the land of structure in question, but not affecting generally the Zoning District in which the land or structure is located; (2) That the literal enforcement of the ordinance would involve substantial hardship, financial or otherwise; (3) That desirable relief may be granted without substantially derogating from the intent and purpose of the zoning ordinance or by-law. (See zoning ordinance for additional requirements for the granting of a variance).

13A. STATE REASONS FOR VARIANCE: Applicant seeks Dimensional Variance for lot depth of 95.63' where 100' required in RH Zone.

14. PROVISION OF ZONING ORDINANCE UNDER WHICH APPLICATION FOR SPECIAL PERMIT MADE:

14A. STATE REASONS FOR SPECIAL PERMIT:

No application will be acted upon unless the application has been reviewed and signed by the Building Inspector; Filing Fee has been paid to the City Treasurer; is accompanied by a list of "parties in interest" for the property as certified by the City Assessor; time stamped by the City Clerk; and all other requirements completed.

I hereby agree to pay to the City of Haverhill, any additional necessary fee connected with this application.

I hereby authorize the Clerk of the Board of Appeals to file this application upon its completion.

William Pillsbury, Jr.
William Pillsbury, Jr. Planning Director

Signature [Signature]

Address 4 Summer St

Phone No. 978-420-3641

I have reviewed this application
With respect to the responses to
Questions 4, 13-14A

Building Inspector

Filing Fee: \$180.00

Filing Fee \$ _____

City Treasurer

FOR QUESTIONS 13A & 14A, ATTACH ADDITIONAL SHEET IF NECESSARY

[Signature]
PS



Haverhill

Economic Development and Planning
Conservation Department
Phone: 978-374-2334 Fax: 978-374-2366
rmoore@cityofhaverhill.com
conservation@cityofhaverhill.com

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AUG 23 2016

FORM P2000-01
EXTENSION OF TIME

Conservation
Department

RE: Request for a Determination of Applicability
 Notice of Intent
 Abbreviated Notice of Intent
 Abbreviated Notice of Resource Area Delineation
 Request for a Modification to an Order of Conditions
 Certificate of Compliance

Location: Boxford Rd - M729, B709, Lots 352-357

Dear MR. BENNETT:

The Haverhill Conservation Commission has received your subject application and respectfully asks that you review the information below, sign the detachment, and return it to the Commission as soon as possible. The Commission thanks you for your assistance with this matter. Should you have any questions, please contact our staff at the Conservation Department Office.

Sincerely,
Cheryl R. Accardi
Cheryl R. Accardi
Conservation Commission Chairperson

C: File

(Detachment)

I hereby grant the Haverhill Conservation Commission an extension of time to act on the aforementioned application. The Commission received my application on 8.23.16. I understand the Commission will hear this application at its meeting on 9.15.16. I am aware that, under the Wetlands Protection Regulations, action by the Commission must be taken within 21 days of receipt of the application.

Signed: *[Signature]*
APPLICANT

8/23/16
DATE