

Project No. HAVE-0032

Applicant:
M.D.K. Realty Trust
111 Avco Road
Haverhill, MA 01835

NOTICE OF INTENT

111 Avco Road
Haverhill, MA 01835

September 1, 2016



189 N. Main Street, Suite 101
Middleton, MA 01949
Office Tel: 978-539-8088
Fax: 978-539-8200
www.wsengineers.com



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

Haverhill

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):

<u>111 Avco Road</u>	<u>Haverhill</u>	<u>01835</u>
a. Street Address	b. City/Town	c. Zip Code
<u>Latitude and Longitude:</u>	<u>N 42.76387</u>	<u>W 71.11153</u>
	d. Latitude	e. Longitude
<u>Map 764</u>	<u>Block 1, Lot 3</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>M.D.K. Realty Trust</u>	<u></u>	
a. First Name	b. Last Name	
<u>M.D.K. Realty Trust</u>		
c. Organization		
<u>111 Avco Road</u>		
d. Street Address		
<u>Haverhill</u>	<u>MA</u>	<u>01835</u>
e. City/Town	f. State	g. Zip Code
<u>800-558-6713</u>	<u>978-372-0831</u>	
h. Phone Number	i. Fax Number	j. Email Address

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

<u></u>	<u></u>	
a. First Name	b. Last Name	
<u></u>		
c. Organization		
<u></u>		
d. Street Address		
<u></u>	<u></u>	<u></u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>Greg</u>	<u>Hochmuth</u>	
a. First Name	b. Last Name	
<u>Williams & Sparages, LLC</u>		
c. Company		
<u>189 North Main Street, Suite 101</u>		
d. Street Address		
<u>Middleton</u>	<u>MA</u>	<u>01949</u>
e. City/Town	f. State	g. Zip Code
<u>978-539-8088</u>	<u>978-539-8200</u>	<u>ghochmuth@wsengineers.com</u>
h. Phone Number	i. Fax Number	j. Email address

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

<u>\$1,050.00</u>	<u>\$512.50</u>	<u>\$537.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

To construct a portion of a building, a portion of a gravel driveway, stormwater management areas, utilities and landscaping improvements within the 100 foot buffer zone to bordering vegetated wetlands.

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:

Essex South

a. County

13548

c. Book

b. Certificate # (if registered land)

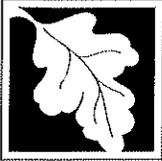
104

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)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet	2. square feet
	3. cubic yards dredged	

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet	
	2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - specify coastal or inland	

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: _____ square feet

4. Proposed alteration of the Riverfront Area:

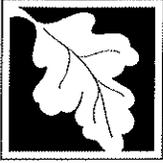
a. total square feet _____ b. square feet within 100 ft. _____ c. square feet between 100 ft. and 200 ft. _____

5. Has an alternatives analysis been done and is it attached to this NOI? Yes No

6. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



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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.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
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 Notice of Intent – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. 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

MASSGIS 9/2016

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.1.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*

1. Percentage/acreage of property to be altered:

(a) within wetland Resource Area

percentage/acreage

(b) outside Resource Area

percentage/acreage

2. Assessor's Map or right-of-way plan of site

2. 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 <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/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.



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

(c) MESA filing fee (fee information available at http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/ mesa/ mesa_fee_schedule.htm). 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, http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/ mesa/ mesa_exemptions.htm; 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:

Division of Marine Fisheries -
 Southeast Marine Fisheries Station
 Attn: Environmental Reviewer
 1213 Purchase Street – 3rd Floor
 New Bedford, MA 02740-6694
 Email: DMF.EnvReview-South@state.ma.us

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
 North Shore Office
 Attn: Environmental Reviewer
 30 Emerson Avenue
 Gloucester, MA 01930
 Email: DMF.EnvReview-North@state.ma.us

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.



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

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

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.

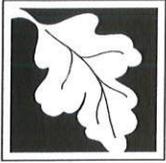
D. Additional Information

- 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.



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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.

Site Plan Set, #111 Avco Road, (Sheets C-1 thru C-3)

a. Plan Title

Eugene T. Sullivan, Inc.

Eugene T. Sullivan, P.E.

b. Prepared By

c. Signed and Stamped by

August 31, 2016

1" = 30'

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:

2. Municipal Check Number 3452

3. Check date 8/30/2016

4. State Check Number 3451

5. Check date 8/30/2016

6. Payor name on check: First Name Eugene T. Sullivan, Inc.

7. Payor name on check: Last Name



EUGENE T SULLIVAN INC.

230 LOWELL ST STE 2A
WILMINGTON, MA 01887-3088

3452

53-13/110 MA
592

Date 8/30/16

PAY to the
order of

CITY OF HAVERHILL

\$ 537.00

FIVE HUNDRED THIRTY SEVEN & 50/100

Dollars



Bank of America

ACH R/T 011000138

FOR NO F CITY FEE - III AKCO

Eugene T Sullivan

MP

⑈003452⑈ ⑆011000138⑆ 009418758012⑈



EUGENE T SULLIVAN INC.

230 LOWELL ST STE 2A
WILMINGTON, MA 01887-3088

3451

53-13/110 MA
592

Date 8/30/16

PAY to the
order of

COMMONWEALTH OF MASSACHUSETTS

\$ 512.50

FIVE HUNDRED TWELVE & 50/100

Dollars



Bank of America

ACH R/T 011000138

FOR NO F - III AKCO ROAD STATE FEE

Eugene T Sullivan

MP

⑈003452⑈ ⑆011000138⑆ 009418758012⑈



EUGENE T SULLIVAN INC.

230 LOWELL ST STE 2A
WILMINGTON, MA 01887-3088

3453

53-13/110 MA
592

Date 8/30/16

PAY to the
order of

CITY OF HAVERHILL

\$ 1243.00

ONE THOUSAND TWO HUNDRED FORTY THREE DOLLARS

Dollars



Bank of America

ACH R/T 011000138

FOR CATEGORY 3B

Eugene T Sullivan

MP

⑈003453⑈ ⑆011000138⑆ 009418758012⑈



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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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.

1. Signature of Applicant

2. Date

8/31/16

3. Signature of Property Owner (if different)

4. Date

8/31/16

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:

111 Avco Road
 a. Street Address
 3451
 c. Check number
 Haverhill
 b. City/Town
 \$512.50
 d. Fee amount

2. Applicant Mailing Address:

M.D.K. Realty Trust
 a. First Name
 M.D.K. Realty Trust
 c. Organization
 111 Avco Road
 d. Mailing Address
 Haverhill
 e. City/Town
 MA
 f. State
 01835
 g. Zip Code
 800-558-6713
 h. Phone Number
 978-372-0831
 i. Fax Number
 j. Email Address

3. Property Owner (if different):

a. First Name
 b. Last Name
 c. Organization
 d. Mailing Address
 e. City/Town
 f. State
 g. Zip Code
 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.

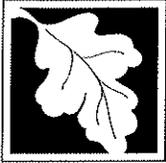
Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

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).



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B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 3 b.)	1	\$1,050.00	\$1,050.00

Step 5/Total Project Fee: _____

Step 6/Fee Payments:

Total Project Fee:	\$1,050.00
State share of filing Fee:	\$512.50
City/Town share of filling Fee:	\$537.50
	a. Total Fee from Step 5
	b. 1/2 Total Fee less \$12.50
	c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

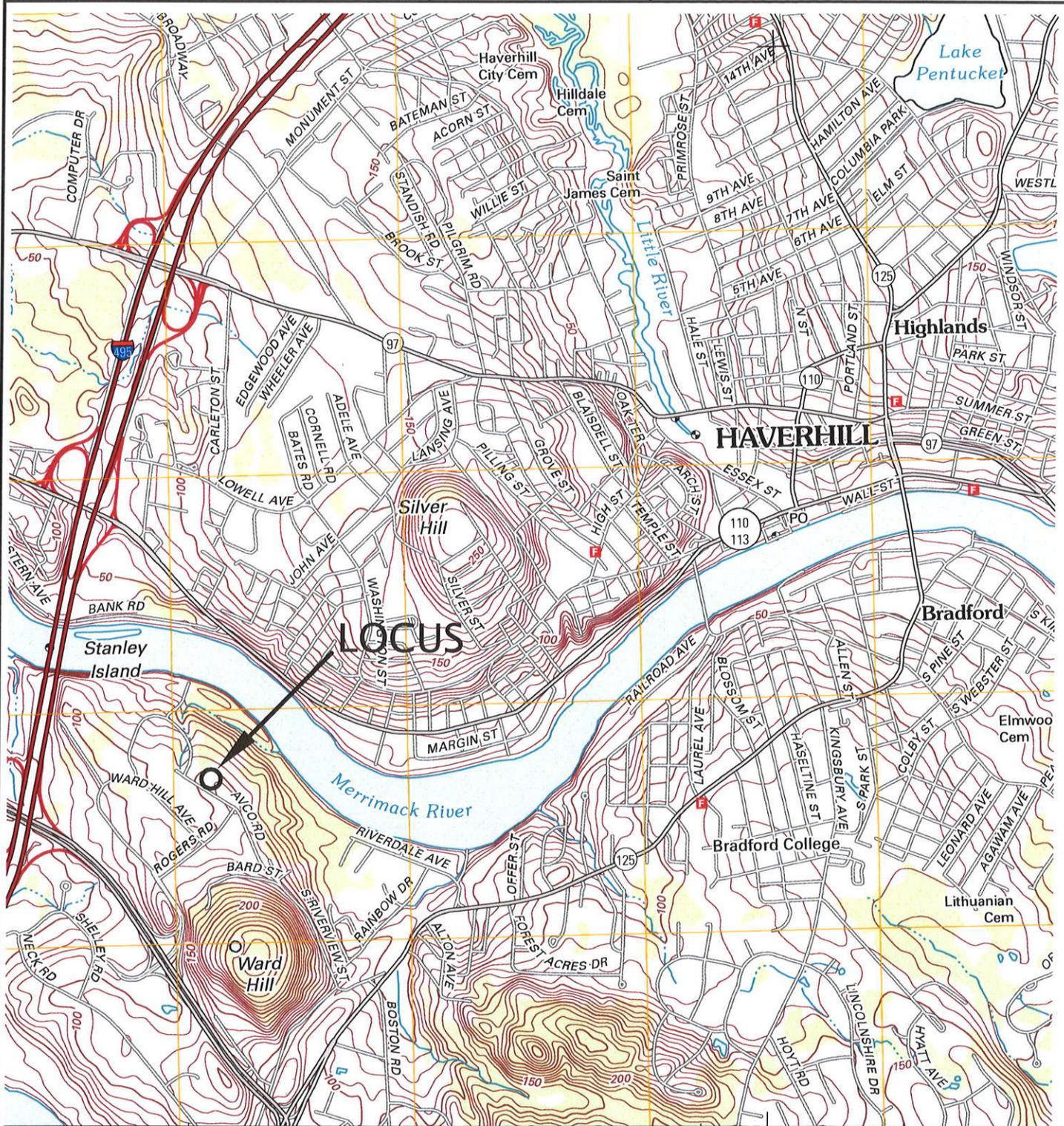
- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

WILLIAMS & SPARGES
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
HAVERHILL QUAD
SCALE: 1:24000

LOCUS MAP
111 AVCO ROAD
HAVERHILL, MA 01835

111 Avco Road
Haverhill, Massachusetts
Project Narrative
(August 31, 2016)

Property Description

The property is approximately 8.9 acres in size and is located in the Ward Hill Industrial Park. The lot has frontage on Avco Road and the rear lot line is the Merrimack River. The upper portion of the property is currently occupied by a 2 story manufacturing building and large gravel yard used for storage of materials and equipment.

There is a small Bordering Vegetated Wetland, (BVW), located in the central portion of the property that drains into a large BVW located at the bottom of the hill, which ultimately drains into the Merrimack River. This BVW was delineated as the A-Series Wetland.

Additional resource areas exist on the property; however, they do not impact the project so they were not located and are not shown on the permit site plan set.

The lower third of the property is mapped as Priority Habitat, (PH 1321), by the Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program. No work is proposed within the mapped area.

Wetland Resources

Bordering Vegetated Wetlands, (BVW) - The wetland resources were flagged by Greg Hochmuth, PWS on July 27, 2016. 9 Wetland Flags were hung along the edge of the BVW and are labeled as A1 - A-9 on the attached permit site plan. No work is proposed within the BVW.

This wetland has an intermittent stream that flows within it as well as out of it.

Proposed Project

The project involves the construction of a building, installation of utilities and the construction of a stormwater management system, portions of which fall within 100 feet of Bordering Vegetated Wetlands.

In February of 1997 an Order of Conditions, (OOC), DEP File Number 33-800, was issued that allowed a substantial amount of fill to be deposited in the central location of the property. Portions of the project were started; however, it was never completed.

The plan referenced in the OOC, Site Grading Plan of Land In Haverhill, Massachusetts, drawn for, Rebar's and Mesh, Inc., prepared by Merrimack Engineering Services, dated: July 17, 1996, revised: January 24, 1997, shows a 2,801 S.F. wetland area to be filled as well as a 4,764 S.F. wetland replacement area. It is our understanding that the wetland replacement area was constructed; however, it is unclear if the wetland area was ever filled.

The wetland that was recently delineated appears to be in the same general area and is the same general shape as the wetland shown on the Merrimack Engineering Plan. In addition, after a careful

site inspection, the area that is shown as a wetland on the Merrimack Engineering plan does not appear to be a wetland and the wetland that was allegedly created at the bottom of the hill is marginal at best. We believe that the wetland shown on the Merrimack Engineering Plan was possibly located incorrectly and that it very well could be the same wetland that was delineated on July 27, 2016.

The goal will be to request a Certificate of Compliance for DEP File Number 33-800 upon completion of the project proposed with this Notice of Intent application.

We have also added the approximate location of a wetland that was delineated on an abutting parcel that was shown on the approved plan referenced in the OOC for DEP File Number 33-972. This area was investigated during our delineation and it did not meet the criteria to be considered a jurisdictional resource area under the ordinance or the Wetlands Protection Act. It is important to note, however, that this area does experience a significant amount of flow from the abutting parcel and there is a clearly defined intermittent stream channel flowing through the area. The intermittent stream channel does not flow out of a jurisdictional resource area; however, and is not lined with a predominance of hydrophytes.

Erosion Control Plan

Erosion Controls are proposed to be installed prior to construction and are proposed to remain in place until all areas are stabilized and permission is granted from the Conservation Commission to remove them. A 12 inch FILTREXX Silt Sock is proposed to be installed along the proposed limit of work.



City of Haverhill Conservation Commission

HCC Form 3 – Notice of Intent Local Application Form

A. STATUTE APPLICABILITY

This application is being filed with the Commission in accordance with the following (check all that apply):

- Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40
- Haverhill Municipal Ordinance Chapter 253

B. GENERAL INFORMATION

Applicant M.D.K. Realty Trust, 111 Avco Road, Haverhill, MA 01835

Property Owner M.D.K. Realty Trust, 111 Avco Road, Haverhill, MA 01835

Representative Greg Hochmuth, Williams & Sparages, LLC, 189 N. Main Street, Middleton, MA 01949

Location (Street Address) 111 Avco Road

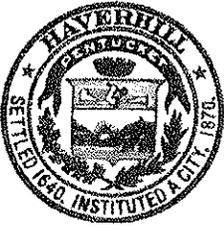
Assessor's Parcel Identification Map 764, Block 1, Lot 3

C. APPLICATION CHECKLIST

The Commission requires the submittal of this original, completed Form; ten (10) paper copies of site plans; and one (1) paper copy of all other materials. Additionally, the Commission requires the submittal of individual PDFs of this Form and all listed application materials. If practical, related items may be combined into a single PDF. PDFs should not mix larger format sheets (e.g. site plans) with smaller sheets (e.g. letters). These submittal requirements also apply to supplemental information provided during the public hearing. The following materials shall be submitted with this form (check all that apply):

- Completed, current WPA Form 3, 3A, or 4 and NOI Wetland Fee Transmittal Form
- Project Narrative with description of resource areas & delineation methodology and demonstration of compliance with pertinent Performance Standards
- Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan
- Site Plans clearly describing the location and nature of the work, including such information as site boundaries, wetlands, topography, existing and proposed conditions, vegetation cover, soils, erosion & sedimentation controls, Title 5 compliance, flood storage calculations... (24" x 36" max. sheet size)
- MassDEP Bordering Vegetated Wetland Delineation Field Data Forms, as appropriate
 - Wetland Resource Area Impact Mitigation Plan prepared in accordance with MA Inland Wetland Replication Guidelines, if applicable
 - Demonstration of compliance with MA River & Stream Crossing Standards, if applicable (The HCC applies the General Standards to all resource area crossings for wildlife passage.)
 - Simplified or Detailed Wildlife Habitat Evaluation (Appendix A or B), if applicable (See "MA Wildlife Habitat Protection Guidance for Inland Wetlands")
- Demonstration of compliance with MA Stormwater Management Standards, including but not limited to
 - Stormwater Report with pertinent calculations based on NOAA Atlas 14 rainfall data
 - Checklist for Stormwater Report
 - Long-Term Pollution Prevention Plan
 - Operation and Maintenance Plan

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- Illicit Discharge Compliance Statement
- 8½” x 11” sections of the following maps with project location clearly identified
- USGS Quadrangle
- MassGIS Orthophoto
- City of Haverhill Parcel ID Map, also identifying properties within 300’ of subject property
- NRCS Soils Map and Resource Report
- FEMA Flood Insurance Rate Map, if applicable
- MA NHESP Estimated Habitats of Rare Wildlife and Priority Habitats of Rare Species, if applicable
 - MassDEP/UMass-Amherst Habitat of Potential Regional or Statewide Importance, if applicable
 - Proof of NOI filing with the MA Natural Heritage & Endangered Species Program, if applicable
- Appropriate Filing Fees, payable to the City of Haverhill, under the Act and Ordinance
 - Other: _____

D. LOCAL PERMIT DOCUMENTATION

In accordance with 310 CMR 10.05(4)(e), list all obtainable permits, variances, and approvals required by local ordinance with respect to the proposed activity and status of same:

E. APPLICATION CERTIFICATION

I have read the Department of Environmental 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 this application with the Haverhill Conservation Commission and agree to its terms and conditions, as amended. I understand the submitted NOI, its plans, and all its supporting materials are public records and may be uploaded to the City’s website for public review. As required by the Commission, the wetland resource area(s) are flagged, the corners of proposed structures are staked, and the centerline of proposed roadway(s) and/or driveway(s) are marked, as appropriate, to facilitate site inspections by Commissioners and Conservation Staff.

Signed: _____
(APPLICANT)

8/31/16

(DATE)

F. SITE ACCESS ACKNOWLEDGEMENT

I hereby grant the Haverhill Conservation Commission and its officials permission to enter upon my property at 111 Avco Road Map 764, Block 1, Lot 3 to review the filed Notice of Intent and future site conditions for compliance with the issued Order of Conditions. The sole purpose of this acknowledgement is to allow the Commission and its officials to perform their duties under the Massachusetts Wetlands Protection Act and the City’s wetlands protection ordinance.

Signed: _____
(PROPERTY OWNER)

8/31/16

(DATE)

G. AFFIDAVIT OF SERVICE FOR ABUTTER NOTIFICATION

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City of Haverhill Conservation Commission

HCC Form 3 – Notice of Intent Local Application Form

I, Gregory J. Hochmuth, hereby certify under the pains and penalties of perjury that on
(NAME OF PERSON MAKING AFFIDAVIT)
September 1, 2016 I gave notification to all abutters pursuant to the requirements of the second
(DATE)
paragraph of Massachusetts General Laws Chapter 131, Section 40, the DEP Guide to Abutter Notification dated April 8, 1994, and Haverhill Municipal Ordinance Chapter 253, Section 5 in connection with the following matter:

A Notice of Intent filed under the Massachusetts Wetlands Protection Act and said ordinance by
M.D.K. Realty Trust with the Haverhill Conservation Commission on
(NAME OF APPLICANT)
September 1, 2016 for property located at 111 Avco Road., Map 764, Block 1, Lot 3
(DATE) (STREET ADDRESS AND ASSESSOR'S PARCEL ID)

The list of the abutters to whom the Abutter Notification Form sent, with their addresses and Assessor's parcel identification information that corresponds with the submitted map section, are attached to this application.

Signed: 
(NAME OF PERSON MAKING AFFIDAVIT) 9/1/2016
(DATE)



City of Haverhill Conservation Commission

HCC Form 3 – Notice of Intent Local Application Form

H. ABUTTER NOTIFICATION FORM

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40 (the Wetlands Protection Act) and Haverhill Municipal Ordinance Chapter 253, Section 5, you are hereby notified of the following:

1. The name of the applicant is M.D.K. Realty Trust
2. Brief Project Description: To construct a portion of a building, stormwater management area, install utilities and conduct grading within the 100 foot buffer zone to bordering vegetated wetlands
3. The applicant has filed a Notice of Intent (“NOI”) with the Haverhill Conservation Commission seeking permission to remove, fill, dredge or alter an Area Subject to Protection Under the Wetlands Protection Act and/or Haverhill Municipal Ordinance Chapter 253 and/or to perform work within the buffer zone of such an Area.
4. The address of the lot where the activity is proposed is 111 Avco Road, Map 764, Block 329, Lot 3
(INCLUDE ASSESSOR’S MAP/BLOCK/LOT)
5. Copies of the NOI may be examined at *the Haverhill Conservation Department Office* between the hours of *8am and 4pm* from *Monday through Friday*. Contact information is below. You may also find helpful application materials on the “Projects Under Review” section of the Commission’s website.
6. Copies of the NOI may be obtained from the the applicant’s representative Williams & Sparages, LLC, by calling this telephone number (978) 539-8088 between the hours of 8:00am and 4:00pm on the following days of the week Monday – Friday
7. Information regarding the *date, time, and place* of the public hearing may be obtained from the *Haverhill Conservation Department Office* between the hours of *8am and 4pm* from *Monday through Friday*. Contact information is below. You may also consult the “Agenda” section of the Commission’s website.

NOTE: Notice of the public hearing, including its date, time and place, will be published at least five (5) days in advance in the *Haverhill Gazette newspaper*.

NOTE: Notice of the public hearing, including its date, time, and place, will be posted in Haverhill City Hall not less than forty-eight (48) hours in advance.

NOTE: You may contact the Haverhill Conservation Department for more information about this application, the Wetlands Protection Act, and Haverhill Municipal Ordinance Chapter 253. Please note the Department has only one staff person; every effort will be made to assist you in a timely manner.

Website: http://www.cityofhaverhill.org/departments/conservation_commission/index.php.

Email: conservation@cityofhaverhill.com

Phone: 978.374.2334

NOTE: For additional information about this application and the Act, you may contact the MA Department of Environmental Protection Northeast Regional Office Service Center.

Website: <http://www.mass.gov/eea/agencies/massdep/about/contacts/northeast-region.html>

Phone: 978.694.3200

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City of Haverhill Conservation Commission

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I. LOCAL ORDINANCE FEE CALCULATION FORM

ACTIVITY	LOCAL ORDINANCE FEE	# of Activities or Measurement	Subtotal
*Abbrev. Notice of Resource Area Delineation (ANRAD)			
Single Family House Project	\$1/linear foot, first 100'; \$0.50/lf, second 100'; \$0.10/lf, each additional foot		
All Other Projects	***\$1/linear foot, first 1000'; \$0.50/lf, second 1000'; \$0.10/lf, each additional foot	178 l.f.	\$178.00
%*Notices of Intent (NOI)			
Category 1 Activity	\$100		
Category 2 Activity	\$250		
Category 3 Activity	\$525	\$525	\$525
Category 4 Activity	\$725		
Category 5 Activity	\$2/foot		
Category 6 Activity - If no ANRAD was filed for the project site, then a local Cat. 6 fee must be paid in accordance with the ANRAD fee schedule	See ANRAD fee schedule		
Resource Area Alterations			
Buffer Zone, 75'-100' from resource area boundary	\$0.05 / square foot	5,200 s.f.	\$260
Buffer Zone, 35'-75' from resource area boundary	\$0.10 / square foot	2,800 s.f.	\$280
Buffer Zone, 0'-35' from resource area boundary	\$0.25 / square foot		
Bordering Vegetated Wetland	\$0.50 / square foot		
Bank	\$5 / linear foot		
Land Under Water	\$0.50 / square foot		
Land Subject to Flooding	\$0.05 / square foot		
Riverfront Area	\$0.05 / square foot		
Riverfront Area with the watershed of a potable water supply	\$0.50 / square foot		
Land within 100' of a Certified Vernal Pool	\$0.25 / square foot		
Local-only Jurisdictional Resource Area	\$0.25 / square foot		
Land within 200' of a potable water supply	\$0.50 / square foot		
ADVERTISING FEE*			\$45
LOCAL ORDINANCE FEE TOTAL			\$1,243
For filings resulting from enforcement action, double the Local Ordinance Fee Total			
NOTES:			
*Application is subject to an additional \$45 Local Advertising Fee payable to the City of Haverhill prior to EACH advertising			
***Local Ordinance Fee maximum of \$100, if, when determined necessary by Commission, applicant agrees to ANRAD review by outside consultant under M.G.L. Ch. 44, sec. 53G			
%Local Ordinance Fees for RDA, NOI, & RMOC increase 50% when project is also proposed within a Riverfront Area			
Local Ordinance Fees passed by a 7 – 0 vote of the Commission on October 28, 2010, effective January 1, 2011			

RYDAN PARK MASTER TRUST C/ O JOE SCOTT
12 ROGERS RD

3M COMPANY
3M CENTER BLDG 224 5N 40

RYDAN PARK MASTER TRUST C/ O JOE SCC
12 ROGERS RD

CIRCUIT BOARD EXPRESS REALTY ATTN:
CHARLES
2 RED OAK DRIVE

WILLIAMS NOMINEE REALTY TRUST
WILLIAMS JOHN G TRUSTEE
81 GALE AVE

B + G REAL ESTATE TRUST DEMERS GEORC
TRUSTEE
65 AVCO RD #C

B & G REAL ESTATE TRUST DEMERS ROBERT J-
TRUSTEES
65 AVCO RD UNIT C

B & G REAL ESTATE TRUST DEMERS ROBERT J
ETAL TRUSTEES
65 AVCO RD #C

THE DANCE ACADEMY INC
8 CHESTNUT WAY

AMA REALTY TRUST ANTHONY S AMORE, TR
65 AVCO RD

GEBO REALTY TRUST MARK W MOLLIKA-
TRUSTEE
65 AVCO RD UNIT H

GEBO REALTY TRUST MARK W MOLLIKA-
TRUSTEE
65 AVCO RD UNIT H

MEG REALTY TRUST EDWARD C GUERTIN-
TRUSTEE
P.O. BOX 110A

STONEHENDGE INVESTMENTS LMTD C/ O
PETER HOSMER
P.O. BOX 696

SIXTY FIVE AVCO REALTY TRUST BONARRIC
EDWARD C TRUSTEE
28 RIVERCREST DRIVE

65 AVCO LLC
P O BOX 547

RIVERVAL REALTY LLC
3 PLUFF AVE

FROST REALTY ASSOCIATES III
7 PARKRIDGE RD

BGE REALTY,LLC
P O BOX 8242

DEUCE COUPE REALTY, LLC
75- A AVCO RD

HERRLIN JOHN P JR
40 SPRING HILL ROAD

75 AVCO ROAD LLC
65 AVCO ROAD UNIT F

TRAKON COMPANY, LLC
75 AVCO RD #E

TRAKON COMPANY, LLC
75 AVCO RD #E

ESSEX COUNTY GREENBELT ASSOC
82 EASTERN AVE



Property Information

Property ID 764-1-3
Location 111 AVCO RD
Owner M.D.K. REALTY INC



**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

City of Haverhill, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated March 1, 2016
 Properties updated March 1, 2016