



Massachusetts Department of Environmental Protection

Bureau of Water Resources - Wetlands

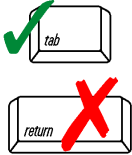
WPA Form 2 – Determination of Applicability

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

Haverhill
Municipality

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.



From:

Haverhill
Conservation Commission

To: Applicant

Richard Clark
Name
651 Riverside Avenue
Mailing Address
Haverhill MA 01830
City/Town State Zip Code
978-580-0376
Phone Number
ricdi73@comcast.net
Email Address

Property Owner (if different from applicant):

The R & D Clark Irrevocable Trust
Attn: Christopher Clark, Trustee
651 Riverside Avenue
Mailing Address
Haverhill MA 01830
City/Town State Zip Code
Phone Number
Email Address (if known)

1. Project Location:

651 Riverside Avenue
Street Address
42.76387
Latitude (Decimal Degrees Format with 5 digits after decimal e.g. XX.XXXXX)
408-3
Assessors Map/Plat Number

Haverhill
City/Town
-71.03592
Longitude (Decimal Degrees Format with 5 digits after decimal e.g. -XX.XXXXX)
3
Parcel/Lot Number

[How to find Latitude and Longitude](#)

[and how to convert to decimal degrees](#)

2. Date Request Filed:

July 3, 2026

B. Determination

Pursuant to the authority of M.G.L. c. 131, § 40, the Conservation Commission considered your Request for Determination of Applicability, with its supporting documentation, and made the following Determination.

Project Description (if applicable):

Removal of two trees within the 200' Riverfront Area and Bordering Land Subject to Flooding associated with the Merrimack River

Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

See Attachment "A", "Special Conditions", incorporated herein and made part of this Order of Conditions.

Date

Title

Date

Title

Date



Massachusetts Department of Environmental Protection

Bureau of Water Resources - Wetlands

WPA Form 2 – Determination of Applicability

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

Haverhill
Municipality

B. Determination (cont.)

The following Determination(s) is/are applicable to the proposed site and/or project relative to the Wetlands Protection Act and regulations:

Positive Determination

Note: No work within the jurisdiction of the Wetlands Protection Act may proceed until a final Order of Conditions (issued following submittal of a Notice of Intent or Abbreviated Notice of Intent) has been received from the issuing authority (i.e., Conservation Commission or the Department of Environmental Protection).

- ☐ 1. The area described on the referenced plan(s) is an area subject to jurisdiction under the Act. Removing, filling, dredging, or altering of the area requires the filing of a Notice of Intent.
- ☐ 2a. The boundary delineations of the following resource areas described on the referenced plan(s) are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as this Determination is valid.

- ☐ 2b. The boundaries of Wetlands Resource Area(s) and Buffer Zone(s) listed below are not confirmed by this Determination, regardless of whether such boundaries are contained on the plans attached to this Determination or to the Request for Determination.

- ☐ 3. The work described on referenced plan(s) and document(s) is within an area subject to jurisdiction under the Act and will remove, fill, dredge, or alter that area. Therefore, said work requires the filing of a Notice of Intent.
- ☐ 4. The work described on referenced plan(s) and document(s) is within the Buffer Zone and will alter an Area subject to jurisdiction under the Act. Therefore, said work requires the filing of a Notice of Intent
- ☐ 5. The area and/or work described on referenced plan(s) and document(s) is subject to review and approval by:

Name of Municipality

Pursuant to the following municipal wetland ordinance or bylaw:

Name

Ordinance or Bylaw Citation



Massachusetts Department of Environmental Protection

Bureau of Water Resources - Wetlands

WPA Form 2 – Determination of Applicability

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

Haverhill
Municipality

B. Determination (cont.)

- ☐ 6. The following area and/or work, if any, is subject to a municipal ordinance or bylaw but not subject to the Massachusetts Wetlands Protection Act:

- ☐ 7. If a Notice of Intent is filed for the work in the Riverfront Area described on referenced plan(s) and document(s), which includes all or part of the work described in the Request, the applicant must consider the following alternatives. (Refer to the wetland regulations at 10.58(4)(c) 2. for more information about the scope of alternatives requirements):

- ☐ Alternatives limited to the lot on which the project is located.
- ☐ Alternatives limited to the lot on which the project is located, the subdivided lots, and any adjacent lots formerly or presently owned by the same owner.
- ☐ Alternatives limited to the original parcel on which the project is located, the subdivided parcels, any adjacent parcels, and any other land which can reasonably be obtained within the municipality.
- ☐ Alternatives extend to any sites which can reasonably be obtained within the appropriate region of the state.

Negative Determination

Note: No further action under the Wetlands Protection Act is required by the applicant. However, if the Department is requested to issue a Superseding Determination of Applicability, work may not proceed on this project unless the Department fails to act on such request within 35 days of the date the request is post-marked for certified mail or hand delivered to the Department. Work may then proceed at the owner's risk only upon notice to the Department and to the Conservation Commission. Requirements for requests for Superseding Determinations are listed at the end of this document.

- ☐ 1. The area described in the Request is not an area subject to jurisdiction under the Act or the Buffer Zone.
- ☒ 2. The work described in the Request is within an area subject to jurisdiction under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent.
- ☒ 3. The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to jurisdiction under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any).

See Attachment "A", "Special Conditions", incorporated herein and made part of this Order of Conditions.

- ☐ 4. The work described in the Request is not within an Area subject to jurisdiction under the Act (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent, unless and until said work alters an Area subject to jurisdiction under the Act.



Massachusetts Department of Environmental Protection
Bureau of Water Resources - Wetlands

WPA Form 2 – Determination of Applicability

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

Haverhill
Municipality

B. Determination (cont.)

- ☐ 5. The area described in the Request is subject to jurisdiction under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required:

Exempt Activity (site applicable statutory/regulatory provisions)

- ☐ 6. The area and/or work described in the Request is not subject to additional review and approval by:

Name of Municipality

Pursuant to a municipal wetlands' ordinance or bylaw.

Name

Ordinance or Bylaw Citation

C. Authorization

This Determination is issued to the applicant and delivered as follows:

☐ By hand delivery on

☒ By certified mail, return receipt request on

7-29-2026

Date

Date

9589 0710 5270 2250 7055 03

Certified Mail Number

A copy of this Determination has been sent on the same date, considered the date of issuance, **to** the appropriate DEP Regional Office and the property owner (if not the applicant) in the manner as follows:

DEP

☒ By eDEP DOA Submittal Platform (Attach this form and supporting documents)

☐ By USPS mail

☐ By hand delivery

Date

Date

Property Owner (if not applicant)

☒ By mail

☐ By hand delivery

7-29-2026

Date

Date



Massachusetts Department of Environmental Protection

Bureau of Water Resources - Wetlands

WPA Form 2 – Determination of Applicability

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

Haverhill
Municipality

C. Authorization (cont.)

This Determination is valid for **three years** from the date of issuance (except Determinations for Vegetation Management Plans which are valid for the duration of the Plan). This Determination does not relieve the applicant from complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.

This Determination must be signed by a majority of the Conservation Commission. As noted above, a copy must be sent to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>) and the property owner (if different from the applicant) on the same date that the Applicant is issued this Determination.

Pursuant to the vote taken by the Conservation Commission on May 7, 2020, the following signatures are made in accordance with M.G.L. c. 110G and pursuant to said Commission's electronic signature authorization vote recorded on May 21, 2020, with the Southern Essex District Registry of Deeds in Book 38538, Page 455.

Haverhill Conservation Commission

Issuing Authority

Signatures:

/Oliver Aguilo/

Signature

Oliver Aguilo

Printed Name

/Amy Nelson/

Signature

Amy Nelson

Printed Name

/Jennifer Rubera/

Signature

Jennifer Rubera

Printed Name

/Harmony Wilson/

Signature

Harmony Wilson

Printed Name

/Thomas Wylie/

Signature

Thomas Wylie

Printed Name

D. Appeals

The applicant, owner, any person aggrieved by this Determination, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate Department of Environmental Protection Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>) to issue a Superseding Determination of Applicability. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form (see Request for Departmental Action Fee Transmittal Form) as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant if he/she is not the appellant. The request shall state clearly and concisely the objections to the Determination which is being appealed. To the extent that the Determination is based on a municipal ordinance or bylaw and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.



Haverhill

Conservation Department
Phone: 978-374-2334 Fax: 978-374-2366
conservation@haverhillma.gov

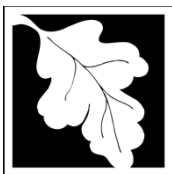
**WPA Form 2 • Determination of Applicability • Attachment A • Conditions
Under M.G.L. Chapter 131, Section 40 and Haverhill Municipal Ordinance Chapter 253**

**Richard Clark • 651 Riverside Avenue • Parcel ID: 408-3-3
July 16, 2026**

1. Work on this project site shall be performed according to the support materials submitted with this Request. Should any conflicts be found to exist between these materials and these Conditions, the Haverhill Conservation Commission (“HCC”) shall be contacted for a clarification. The trees approved for removal consist of a four-trunk silver maple tree cluster and a single-trunk mulberry tree. The Applicant was made aware of the requirement to obtain approval from the MA Natural Heritage and Endangered Species Program prior to removing the mulberry tree. The agency advised HCC staff that its approval under the MA Endangered Species Act is not required for the silver maple cluster.
2. The HCC and its agents shall have the right to enter and inspect the property at any time for compliance with these conditions and the City’s Wetlands Protection Ordinance.
3. An appropriately sized spill containment kit (or materials for spill cleanup) shall be available on site at all times while gasoline powered equipment is on site related to this project.
4. Temporary erosion control used to prevent erosion and sediment transport into the resource area, No Disturbance Zone, or undisturbed Buffer Zone areas shall be available and installed if necessary.
5. At no time shall vehicles or other equipment enter any wetland resource areas or No Disturbance Zone without the written consent of an HCC Official.
6. All tree removal activity shall be from the existing yard area.
7. The trees shall either be removed in sections or dropped in the direction of the existing yard area. Trees shall not be felled into the Merrimack River.
8. The HCC encourages the safe creation of standing snags during this project to provide wildlife habitat value in the impacted area.
9. Stumps from the cut trees shall be left in place so as not to disturb soil or dislodge sediment. Stumps may be ground down in place if that is desired and if they can be safely accessed by mechanical equipment without soil disturbance or damage to the resource area. Stumps shall not be removed from the ground without the written consent of an HCC Official.

10. If soil is disturbed or dislodged, then straw-mulching or other effective method of stabilization shall be employed in order to prevent erosion and sediment transport into the resource area or undisturbed Buffer Zone areas.
11. Any area of bare soil shall be stabilized and reseeded to promote re-vegetation upon completion of tree removal.
12. Following tree removal, two (2) replacement trees shall be planted in the same general location of those removed. Replacement trees shall be a minimum of 1-1½” caliper in size and shall be of species native to our area. Final species selections and planting locations shall be subject to the approval of an HCC Official.
13. The applicant shall schedule a site inspection with an HCC Official following the completion of work, at which time compliance with these Conditions shall be demonstrated.

--- END ---



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

DEP File Number:

Request for Departmental Action Fee Transmittal Form

Provided by DEP

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

A. Request Information

1. Location of Project

a. Street Address

b. City/Town, Zip

c. Check number

d. Fee amount

2. Person or party making request (if appropriate, name the citizen group's representative):

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

4. DEP File Number:

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



B. Instructions

1. When the Departmental action request is for (check one):

- ☐ Superseding Order of Conditions – Fee: \$120 (single family house projects) or \$245 (all other projects)
- ☐ Superseding Determination of Applicability – Fee: \$120
- ☐ Superseding Order of Resource Area Delineation – Fee: \$120

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection
Box 4062
Boston, MA 02211



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

**Request for Departmental Action Fee
Transmittal Form**

DEP File Number:

Provided by DEP

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

B. Instructions (cont.)

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.