



WPA Form 4B – Order of Resource Area Delineation
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.



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

From: Amesbury
1. Conservation Commission

2. This Issuance is for (check one):

- a. Order of Resource Area Delineation Only
- b. Order of Resource Area Delineation Subject to Simplified Review
 - 1. Not Subject to Stormwater Policy
 - 2. Subject to Stormwater Policy
- c. Amended Order of Resource Area Delineation

3. To: Applicant:

John Cormier B.C Realty Trust
 a. First Name b. Last Name c. Company
64 School Street
 d. Mailing Address
Merrimac MA 01860
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

Yvon Cormier Construciton Corporation
 a. First Name b. Last Name c. Company
3 Crenshaw Lane
 d. Mailing Address
Andover MA 01810
 e. City/Town f. State g. Zip Code

5. Project Location:

157 Congress Street Amesbury
 a. Street Address b. City/Town
16 2
 c. Assessors Map/Plat Number d. Parcel/Lot Number
 Latitude and Longitude (**note:** electronic filers will click for GIS locator): 42.8742 70.9133
 e. Latitude f. Longitude

6. Dates: October 8, 2013 February 3, 2014 February 12, 2014
 a. Date Notice of Intent filed b. Date Public Hearing Closed c. Date of Issuance

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

Plan Showing Conservation Resource Boundaires at 157 Congress Street 12.6.13 Rev.
 in Amesbury, Mass (sheet 1, 2 and 3 of 3) 12.31.13
See Appendix 1 and Exhibit
 c. Title d. Date



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B. Order of Delineation

1. The Conservation Commission has determined the following (check whichever is applicable):

a. **Accurate:** The boundaries described on the referenced plan(s) above and in the Abbreviated Notice of Resource Area Delineation are accurately drawn for the following resource area(s):

1. Bordering Vegetated Wetlands

2. Other Resource Area(s), specifically:

Vernal Pools

b. **Modified:** The boundaries described on the plan(s) referenced above, as modified by the Conservation Commission from the plans contained in the Abbreviated Notice of Resource Area Delineation, are accurately drawn from the following resource area(s):

1. Bordering Vegetated Wetlands

2. Other Resource Area(s), specifically:

c. **Inaccurate:** The boundaries described on the referenced plan(s) and in the Abbreviated Notice of Resource Area Delineation were found to be inaccurate and cannot be confirmed for the following resource area(s):

1. Bordering Vegetated Wetlands

2. Other Resource Area(s), specifically:

3. The boundaries were determined to be inaccurate because:



C. Simplified Buffer Zone Review

Work within the Buffer Zone pursuant to the Simplified Review (310 CMR 10.02) requires that you must comply with the following conditions. If your project does not meet these requirements, you are required to either file a Determination of Applicability or Notice of Intent or take other corrective measures as directed by the Conservation Commission.

Simplified Review Conditions:

Work conducted under Simplified Review requires the following:

1. No work of any kind shall occur within any wetland resource areas including Riverfront Area and Bordering Land Subject to Flooding.
2. The inner 0-to-50-foot wide area from the delineated wetland boundary that has a Buffer Zone shall not be disturbed by any work associated with this project, including placement of any stormwater management components.
3. No work shall occur in the Buffer Zone bordering an Outstanding Resource Water (e.g., certified vernal pool, public water supply reservoir or tributary), as defined in 314 CMR 4.00 or border coastal resource areas at 310 CMR 10.25-10.35.
4. No work shall occur in the Buffer Zone adjacent to wetland resources with estimated wildlife habitat (which is identified on the most recent Estimated Habitat Map of State-listed Rare Wetlands Wildlife).
5. Erosion and Sedimentation controls shall be installed and maintained at the 50-foot Buffer Zone line or limit of work (whichever is a greater distance from the resource area) to protect resource areas during construction.
6. If the project is subject to the Massachusetts Stormwater Policy, all work shall be conducted in conformance with an approved Stormwater Management Plan.
7. The Buffer Zone does not contain a slope greater than an average of 15% at its steepest gradient across the 100-foot Buffer Zone.
8. The amount of new impervious surface, in combination with existing impervious surfaces, shall not exceed 40% of the Buffer Zone between 50 and 100 feet.
9. No work is allowed, and no additional NOI or RDA shall be filed, for any work within the 0-to-50-foot Buffer Zone during the three-year term of an Order associated with this application.
10. Prior to any work being undertaken pursuant to this Order, the wetland resource boundary shall be flagged; all boundary delineation flagging should be maintained for the term of the Order.
11. If stormwater management structures are proposed in the Buffer Zone, the stormwater management structures shall be maintained as required in the Stormwater Plan. Such maintenance constitutes an ongoing condition and is not subject to further permitting requirements.
12. If this ORAD involves work as part of a Simplified Review, the ORAD shall be recorded at the Registry of Deeds prior to the commencement of work per the requirements of Section F.
13. Prior to proceeding with any work under Simplified Review, applicants are required to provide written notice to the Commission one week prior to commencing any work.
14. If work authorized under Simplified Review is commenced, no work is allowed, and no additional NOI or RDA may be filed, for any work within the 0-to-50-foot buffer zone during the term of an ORAD associated with this application. If work authorized under Simplified Review is **not** commenced, then future NOIs or RDAs may be filed for work within the 0-to-50-foot portion of the buffer zone.

--End of Conditions--



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C. Simplified Buffer Zone Review (cont.)

Stormwater Applicability

- 1. The project is not subject to the Stormwater Policy.
- 2. The project is subject to the Stormwater Policy and the Stormwater Plan included for the project complies with all stormwater standards.

Ineligibility Determinations

Site Conditions: The applicant is not eligible for Simplified Buffer Zone review and must file a Request for Determination of Applicability or Notice of Intent prior to any work because:

- 3. Work is within the Buffer Zone of a Coastal Resource Area as defined at 310 CMR 10.25-10.35.
- 4. The Buffer Zone contains existing slopes greater than an average of 15%.
- 5. Buffer Zone contains estimated rare wildlife habitat.¹
- 6. The site borders an Outstanding Resource Water.²

Stormwater

- 7. The project is subject to the Stormwater Policy and the applicant has not submitted sufficient information to demonstrate compliance with the Stormwater Management Policy. Prior to any work, the applicant must submit plans showing compliance with the standards in the Stormwater Policy, the location of the work, the amount of impervious surface, and the location of erosion controls, to the Commission for its concurrence. (See instructions to ANRAD Form 4A.) The following necessary stormwater information was not submitted by the applicant:

a. _____

- 8. The project is subject to the Stormwater Policy but the project does not comply with one or more of the stormwater standards (specify which standard(s) not met).

a. Standard # _____ :

b. Standard # _____ :

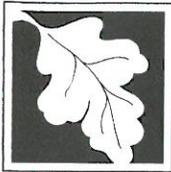
- 9. Impervious surface exceeds 40% of the area of the Buffer Zone between 50 and 100 feet from the resource area.
- 10. The applicant did not submit plans depicting adequate erosion and sedimentation controls located at the limit of work or at least 50 feet from any resource areas, whichever will be greater.
- 11. Work is proposed within 50 feet of a resource area.

Notice to Commission

Any applicant proposing to proceed under Simplified Buffer Zone Review, as specified in 310 CMR 10.02, must provide written notice to the Commission one week prior to any work.

¹ Identified on the most recent Estimated Habitat Map of State-listed Rare Wetlands Wildlife of the Natural Heritage and Endangered Species Program.

² Certified Vernal Pools, public water supplies, or inland ACECs as identified in 314 CMR 4.00.



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D. Findings

This Order of Resource Area Delineation determines that the Stormwater Plan, if applicable, and the boundaries of those resource areas noted above, have been delineated and approved by the Commission and are binding as to all decisions rendered pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c.131, § 40) and its regulations (310 CMR 10.00). This Order does not, however, determine the boundaries of any resource area or Buffer Zone to any resource area not specifically noted above, regardless of whether such boundaries are contained on the plans attached to this Order or to the Abbreviated Notice of Resource Area Delineation.

The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.

If the Abbreviated Notice of Resource Area Delineation was filed as Simplified Review for a Buffer Zone project, the applicant has certified that any work associated with the proposed project meets all eligibility requirements for Simplified Review listed in Section C of this Order. Any work that does not comply with the Simplified Review requirements will require a Notice of Intent or Request for Determination of Applicability.

The applicant is responsible for promptly requesting a Certificate of Compliance following completion of any work allowed pursuant to a Simplified Review or no later than three years from the date of the Order of Resource Area Delineation unless the Order is extended.

Failure to comply with the conditions of this Order is grounds for the Conservation Commission or the Department to take enforcement action.

This Order must be signed by a majority of the Conservation Commission. The Order must be sent by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate DEP Regional Office (see <http://www.mass.gov/dep/about/region/findyour.htm>).

E. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, 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 DEP Regional Office to issue a Superseding Order of Resource Area Delineation. When requested to issue a Superseding Order of Resource Area Delineation, the Department's review is limited to the objections to the resource area delineation(s) stated in the appeal request. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed 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 Order. 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. Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order or Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, § 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal bylaw or ordinance, and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.



WPA Form 4B – Order of Resource Area Delineation

002-1084
Provided by DEP

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

F. Signatures and Notary Acknowledgement

Please indicate the number of members who will sign this form:

three
1. Number of Signers

Signature of Conservation Commission Member
Signature of Conservation Commission Member
Signature of Conservation Commission Member
Signature of Conservation Commission Member

Signature of Conservation Commission Member
Signature of Conservation Commission Member
Signature of Conservation Commission Member

This Order is valid for three years from the date of issuance.

This Order is issued to the applicant and the property owner (if different) as follows:

by hand delivery on

by certified mail, return receipt requested on

Date

Date

2-12-2014

Notary Acknowledgement

Commonwealth of Massachusetts County of

Essex

On this 12 Day of

February 2014
Month Year

Before me, the undersigned Notary Public, personally appeared

Stephen Langlois
Name of Document Signer

proved to me through satisfactory evidence of identification, which was/were

Description of evidence of identification

Known to me

to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

As member of

Amesbury
City/Town

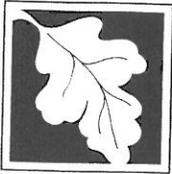
Conservation Commission

Place notary seal and/or any stamp above

Joan E. Baptiste
Signature of Notary Public

JOAN E. BAPTISTE
Printed Name of Notary Public

March 18, 2016
My Commission Expires (Date)



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G. Recording Information

If this Order is issued for purposes of Resource Area Delineation only, this Order should NOT be recorded.

If this Order of Resource Area Delineation is issued as part of a Simplified Review, this Order must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on Page 6 of this form shall be submitted to the Conservation Commission listed below.

Amesbury
Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Amesbury
Conservation Commission

Please be advised that the Order of Conditions for the Project at:

157 Congress Street
Project Location

002-1084
DEP File Number

Has been recorded at the Registry of Deeds of:

Essex South
County

Book

Page

for:

Yvon Cormier Construction Corporation
Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

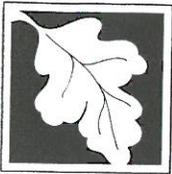
If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
Request for Departmental Action Fee Transmittal Form
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. Request 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. 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) _____

Project Location _____

Mailing Address _____

City/Town _____ State _____ Zip Code _____

2. Applicant (as shown on Notice of Intent (Form 3), Abbreviated Notice of Resource Area Delineation (Form 4A); or Request for Determination of Applicability (Form 1)):

Name _____

Mailing Address _____

City/Town _____ State _____ Zip Code _____

Phone Number _____ Fax Number (if applicable) _____

3. DEP File Number:

002-1084 _____

B. Instructions

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

- Superseding Order of Conditions
- Superseding Determination of Applicability
- Superseding Order of Resource Area Delineation

Send this form and check or money order for \$100.00 (single family house projects) or \$200 (all other projects), 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
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Instructions (cont.)

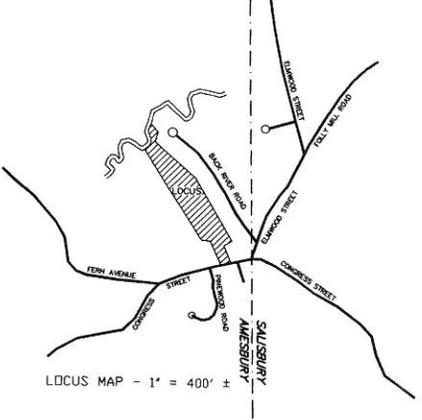
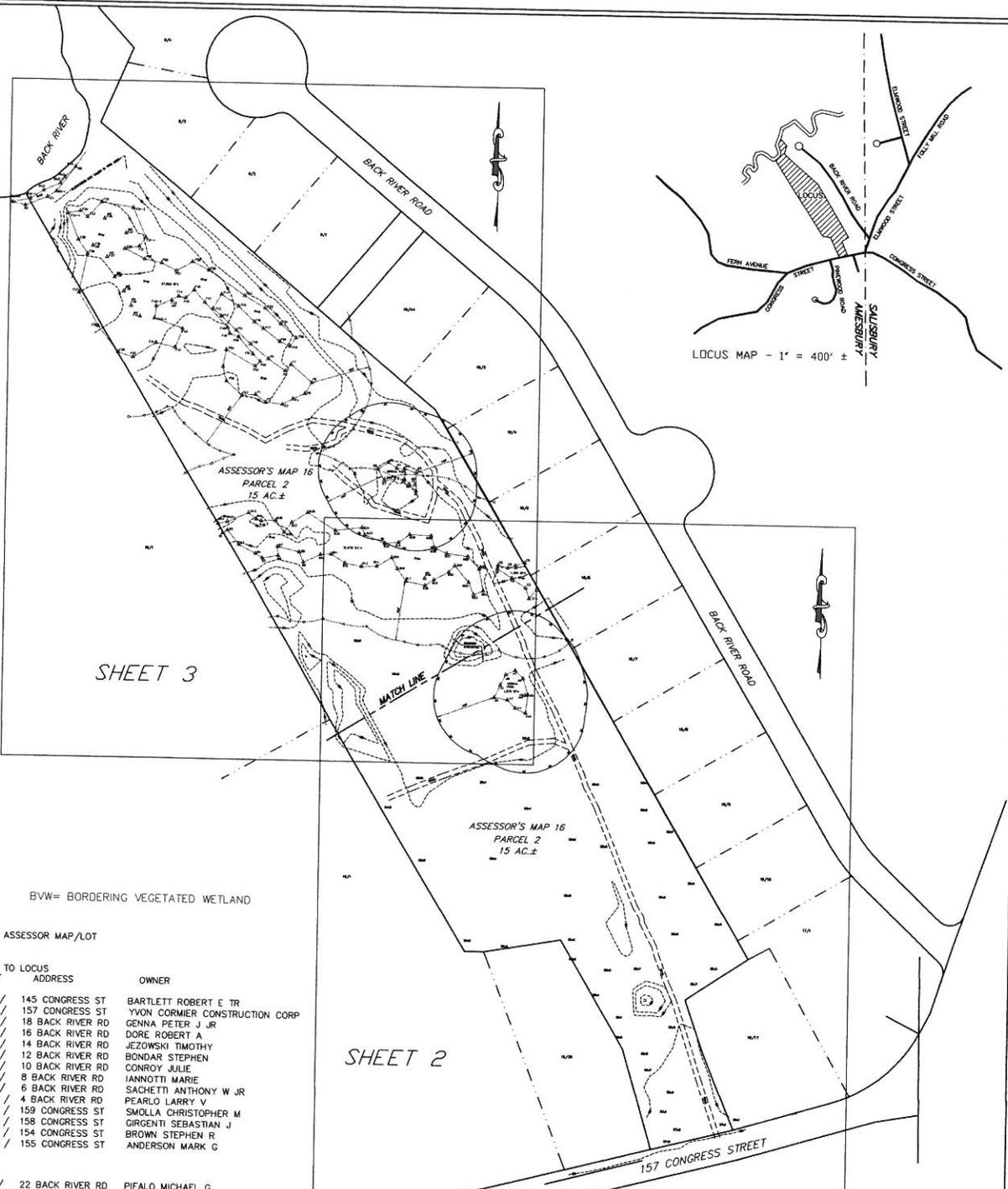
2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department 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 <http://www.mass.gov/dep/about/region/findyour.htm>).
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.

Appendix 1
DEP 002-1084
Approved Plans
and Relevant Documents

- 1) Plan Showing Conservation Resources Boundaries at 157 Congress Street in Amesbury, MA. Engineer: Atlantic Engineering & Survey Consultants, Inc. Signed/stamped by: John B. Paulson. Prepared for: BC Realty Trust, 64 School Street, Merrimac, MA. Date: October 7, 2013. Revision date(s): 1) December 6, 2013; 2) December 31, 2013. Scale: 1" = 40'. Sheet 1 of 3.
- 2) Plan Showing Conservation Resources Boundaries at 157 Congress Street in Amesbury, MA. Engineer: Atlantic Engineering & Survey Consultants, Inc. Signed/stamped by: John B. Paulson. Prepared for: BC Realty Trust, 64 School Street, Merrimac, MA. Date: October 7, 2013. Revision date(s): 1) December 6, 2013; 2) December 31, 2013. Scale: 1" = 40'. Sheet 2 of 3.
- 3) Plan Showing Conservation Resources Boundaries at 157 Congress Street in Amesbury, MA. Engineer: Atlantic Engineering & Survey Consultants, Inc. Signed/stamped by: John B. Paulson. Prepared for: BC Realty Trust, 64 School Street, Merrimac, MA. Date: October 7, 2013. Revision date(s): 1) December 6, 2013; 2) December 31, 2013. Scale: 1" = 40'. Sheet 3 of 3.
- 4) Davies, Gillian. Letter to Amesbury Conservation Commission, 157 Congress Street ANRAD Peer Review, Amesbury, MA. December 18, 2013.
- 5) Davies, Gillian. Letter to Amesbury Conservation Commission, 157 Congress Street ANRAD Peer Review, Amesbury, MA. January 23, 2014.
- 6) Davies, Gillian. Letter to Amesbury Conservation Commission, 157 Congress Street ANRAD Peer Review, Amesbury, MA. February 3, 2014.
- 7) Manuell, William. Letter to Amesbury Conservation Commission, Additional supporting Information for the ANRAD, B.C. Realty Trust, 157 Congress Street. January 10, 2014.

**Exhibit
DEP 002-1084
Approved Plans
and Relevant Documents**

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- 7) Manuell, William. Letter to Amesbury Conservation Commission, Additional Supporting Information for the ANRAD, B.C. Realty Trust, 157 Congress Street. January 10, 2014.



SHEET 3

SHEET 2

BVW = BORDERING VEGETATED WETLAND

16/10 = ASSESSOR MAP/LOT

ABUTTER'S TO LOCUS MAP	LOT	ADDRESS	OWNER
16 / 1 /	145 CONGRESS ST	BARTLETT ROBERT E TR	
16 / 2 /	157 CONGRESS ST	YVON CORMIER CONSTRUCTION CORP	
16 / 3 /	18 BACK RIVER RD	GENNA PETER J JR	
16 / 4 /	16 BACK RIVER RD	DORÉ ROBERT A	
16 / 5 /	14 BACK RIVER RD	JEZOWSKI TIMOTHY	
16 / 6 /	12 BACK RIVER RD	BONDAR STEPHEN	
16 / 7 /	10 BACK RIVER RD	CONROY JULIE	
16 / 8 /	8 BACK RIVER RD	IANNOTTI MARIE	
16 / 9 /	6 BACK RIVER RD	SACHETTI ANTHONY W JR	
16 / 10 /	4 BACK RIVER RD	PEARLO LARRY V	
16 / 17 /	159 CONGRESS ST	SMOLLA CHRISTOPHER M	
16 / 18 /	158 CONGRESS ST	GIRGENTI SEBASTIAN J	
16 / 19 /	154 CONGRESS ST	BROWN STEPHEN R	
16 / 36 /	155 CONGRESS ST	ANDERSON MARK G	
9 / 1 /	22 BACK RIVER RD	PIFALO MICHAEL G	
9 / 2 /	24 BACK RIVER RD	CYNEWSKI NORMAN R	
9 / 3 /	26 BACK RIVER RD	CONNOR CAROL A	
9 / 4 /	28 BACK RIVER RD	FERRIS WILLIAM J	
17 / 1 /	161 CONGRESS ST	LEDREW DAVID A	

I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION AND THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF IT CONFORMS WITH TECHNICAL, ETHICAL AND PROCEDURAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.



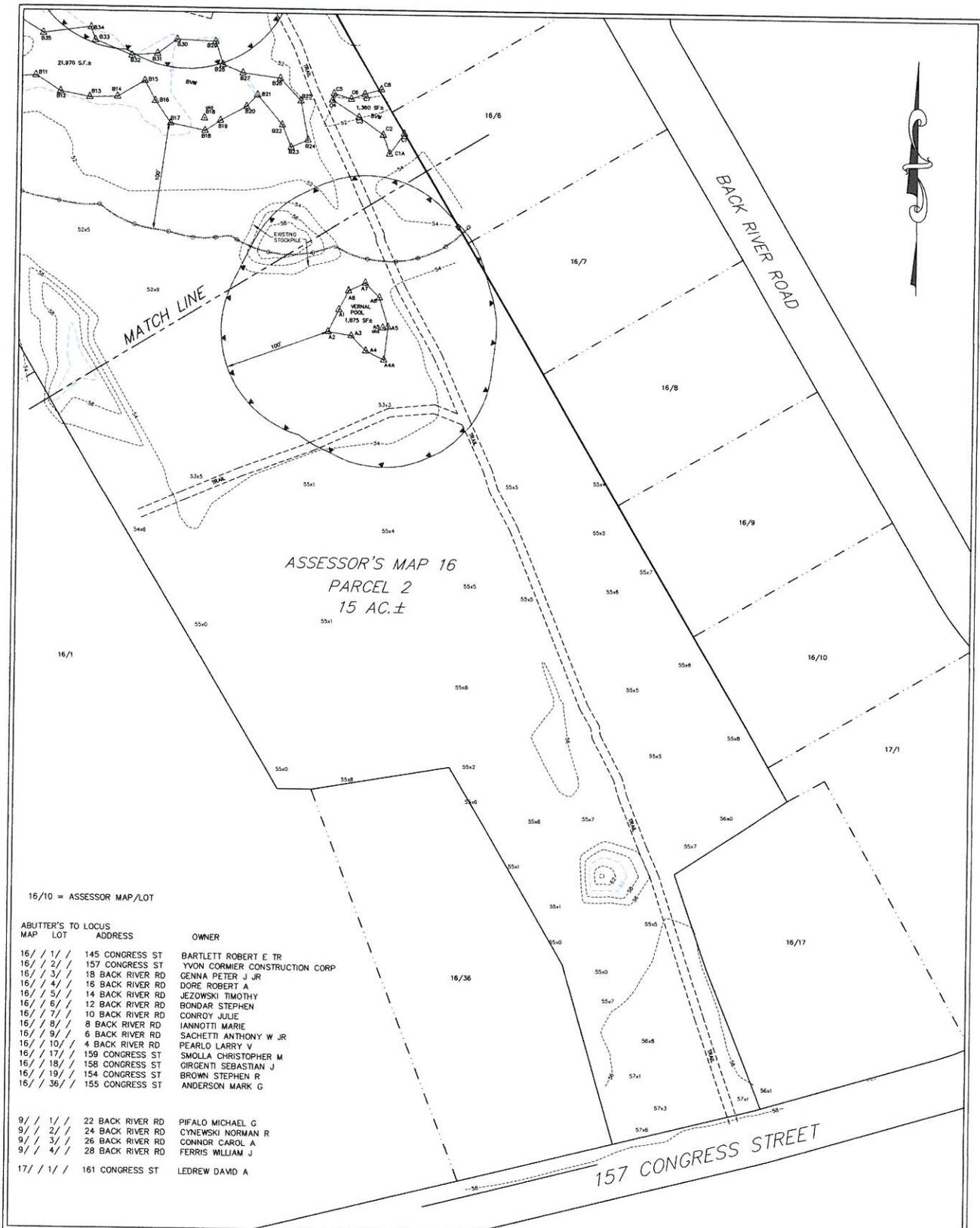
JOB NO. A1303-03	DATE: OCT. 7, 2013	
revision #	date	description
1	12/8/2013	REVISE WETLANDS
2	12/31/2013	REVISE WETLANDS
DRAWING FILE: \\sqr92\CONGRESS-CORMIER-CONGRESS-BASE.DWG		

PLAN SHOWING CONSERVATION RESOURCE BOUNDARIES AT 157 CONGRESS STREET IN AMESBURY, MASS.

ENGINEER:
ATLANTIC ENGINEERING & SURVEY CONSULTANTS INC.
 97 TENNEY STREET -- GEORGETOWN, MA 01833

PREPARED FOR:
 APPLICANT: BC REALTY TRUST
 64 SCHOOL STREET
 MERRIMAC, MASSACHUSETTS

SHEET 1 of 3



ASSESSOR'S MAP 16
 PARCEL 2
 15 AC. ±

16/10 = ASSESSOR MAP/LOT

ADJUTTER'S TO LOCUS
 MAP LOT ADDRESS

MAP LOT	ADDRESS	OWNER
16 / 1 /	145 CONGRESS ST	BARTLETT ROBERT E TR
16 / 2 /	157 CONGRESS ST	YVON CORMIER CONSTRUCTION CORP
16 / 3 /	18 BACK RIVER RD	GENNA PETER J JR
16 / 4 /	16 BACK RIVER RD	DORE ROBERT A
16 / 5 /	14 BACK RIVER RD	JEZOWSKI TIMOTHY
16 / 6 /	12 BACK RIVER RD	BONDAR STEPHEN
16 / 7 /	10 BACK RIVER RD	CONROY JULIE
16 / 8 /	8 BACK RIVER RD	IANNOTTI MARIE
16 / 9 /	6 BACK RIVER RD	SACCHETTI ANTHONY W JR
16 / 10 /	4 BACK RIVER RD	PEARLO LARRY V
16 / 17 /	159 CONGRESS ST	SMOLLA CHRISTOPHER M
16 / 18 /	158 CONGRESS ST	GIRGENTI SEBASTIAN J
16 / 19 /	154 CONGRESS ST	BROWN STEPHEN R
16 / 36 /	155 CONGRESS ST	ANDERSON MARK G

9 / 1 /	22 BACK RIVER RD	PIFALO MICHAEL G
9 / 2 /	24 BACK RIVER RD	CYNEWSKI NORMAN R
9 / 3 /	26 BACK RIVER RD	CONNOR CAROL A
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17 / 1 /	161 CONGRESS ST	LEDREW DAVID A

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JOB NO. A1303-03 DATE: OCT. 7, 2013

revision #	date	description
1	12/6/2013	REVISE WETLANDS
2	12/31/2013	REVISE WETLANDS

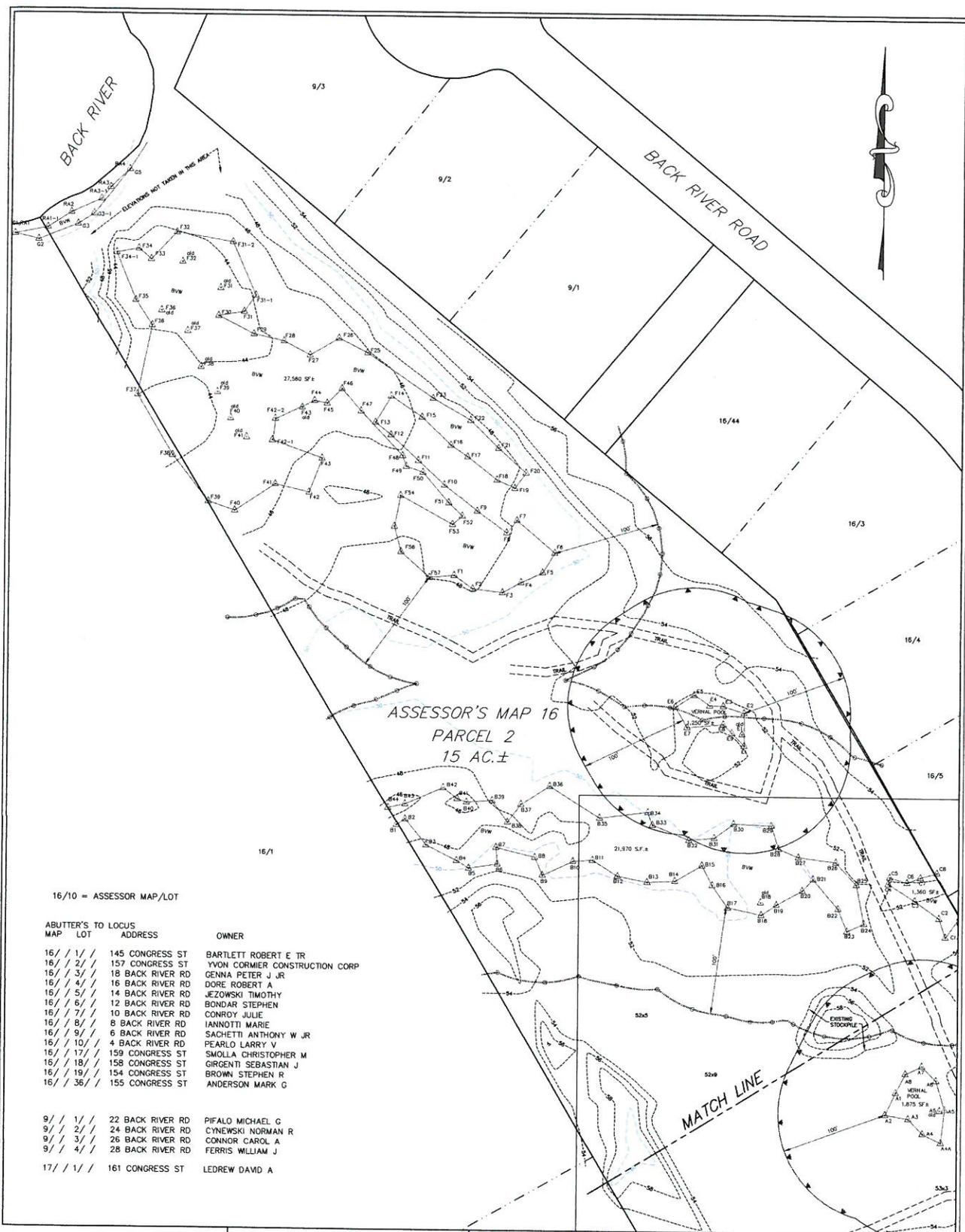
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PLAN SHOWING CONSERVATION
 RESOURCE BOUNDARIES
 AT
 157 CONGRESS STREET
 IN
 AMESBURY, MASS.

ENGINEER:
ATLANTIC ENGINEERING & SURVEY CONSULTANTS, INC.
 97 TENNEY STREET - GEORGETOWN, MA 01833

PREPARED FOR:
 APPLICANT: BC REALTY TRUST
 84 SCHOOL STREET
 MERRIMAC, MASSACHUSETTS



ASSESSOR'S MAP 16
PARCEL 2
15 AC. ±

16/10 = ASSESSOR MAP/LOT

MAP	LOT	ADDRESS	OWNER
16 / 1 /	145	CONGRESS ST	BARTLETT ROBERT E TR
16 / 2 /	157	CONGRESS ST	YVON CORMIER CONSTRUCTION CORP
16 / 3 /	18	BACK RIVER RD	CENNA PETER J JR
16 / 4 /	16	BACK RIVER RD	DORE ROBERT A
16 / 5 /	14	BACK RIVER RD	JEZOWSKI TIMOTHY
16 / 6 /	12	BACK RIVER RD	BONDAR STEPHEN
16 / 7 /	10	BACK RIVER RD	CONROY JULIE
16 / 8 /	8	BACK RIVER RD	IANNOTTI MARIE
16 / 9 /	6	BACK RIVER RD	SACHETTI ANTHONY W JR
16 / 10 /	4	BACK RIVER RD	PEARLO LARRY V
16 / 17 /	159	CONGRESS ST	SMOLLA CHRISTOPHER M
16 / 18 /	158	CONGRESS ST	GIRGENTI SEBASTIAN J
16 / 19 /	154	CONGRESS ST	BROWN STEPHEN R
16 / 36 /	155	CONGRESS ST	ANDERSON MARK G
9 / 1 /	22	BACK RIVER RD	PIFALO MICHAEL G
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17 / 1 /	161	CONGRESS ST	LEDREW DAVID A

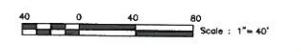
I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION AND THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF IT CONFORMS WITH TECHNICAL, ETHICAL AND PROCEDURAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.



JOB NO. A1303-03 DATE: OCT. 7, 2013

revision #	date	description
1	12/6/2013	REVISE WETLANDS
2	12/31/2013	REVISE WETLANDS

DRAWING FILE: \map92\CONGRESS-CORMIER-CONGRESS-BASE.DWG



PLAN SHOWING CONSERVATION RESOURCE BOUNDARIES AT 157 CONGRESS STREET IN AMESBURY, MASS.

ENGINEER:
ATLANTIC ENGINEERING & SURVEY CONSULTANTS INC.
87 TENNEY STREET - GEORGETOWN, MA 01833

PREPARED FOR:
APPLICANT: **BC REALTY TRUST**
64 SCHOOL STREET
MERRIMAC, MASSACHUSETTS



December 18, 2013

Amesbury Conservation Commission and Mr. John Lopez
Amesbury Conservation Commission
62 Friend Street
Amesbury, MA 01913

RE: 157 Congress Street ANRAD Peer Review
Amesbury, MA

33 Waldo Street
Worcester, MA 01608

Tel: 508-792-4500
800-288-8123
Fax: 508-792-4509

www.bscgroup.com

Dear Mr. Lopez and Members of the Commission:

BSC Group, Inc. (BSC) is pleased to submit this wetland resources peer review report for the 157 Congress Street Abbreviated Notice of Resource Area Delineation (ANRAD). William Manuell of Wetlands & Land Management, Inc. submitted the project ANRAD on behalf of John Cormier of B.C. Realty Trust. Wetland resources were delineated by William Manuell. This report pertains only to an assessment of the delineation of regulated (state and local) wetland resources and their buffer zones.

This report analyzes project information provided in the ANRAD and on project plans titled Plan Showing Conservation Resource Boundaries at 157 Congress Street in Amesbury, MA (site plan), dated 10/7/13 and revised 12/6/13. The purpose of this assessment is to evaluate project compliance with the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and associated regulations (310 CMR 10.00) and the City of Amesbury Wetland Protection Ordinance regulations (Ordinance). The delineation of Bordering Vegetated Wetland (BVW) was evaluated according to the MA Department of Environmental Protection "Handbook for Delineating Bordering Vegetated Wetlands Under the MA Wetlands Protection Act". Regulated resource areas identified in the ANRAD as being located on the subject property include Bordering Vegetated Wetland (BVW), Isolated Wetland, Riverfront Area and Certified Vernal Pools, and Buffer Zone. The ANRAD does not address Land Subject to Flooding.

BSC walked the flagged wetland resource area boundaries with William Manuell on Tuesday, November 12th, 2013 and identified locations where the boundaries needed to be adjusted to include a larger area. William Manuell tied new flags in the field during the site walk, and then asked the applicant's surveyors to return later to survey the changes. The site plan revised on 12/6/13 includes most of the requested changes.

1. Bordering Vegetated Wetland

Three BVW systems occur on the site. One (G series) is associated with the Back River at the northwest end of the property. The F series occupies much of the northwest portion of the site, and the B & C series occupies a portion of the center of the site.

Requested changes to BVW boundaries that appear to be correct on the revised plans include:

- Engineers
- Environmental Scientists
- GIS Consultants
- Landscape Architects
- Planners
- Surveyors



G Series

Add G3-1 and eliminate G4.

F Series

Move F36, F37, F38, F39, F40, F41, F42.

Add F43 and leave the old F43 (there are now 2 F43's). However, see notes below.

Add F42-1 and change old F42 to F42-2. However, see notes below.

Move F31 and F32.

Add F31-1 and F31-2.

B & C Series

Move B18.

Add C1A.

At Flags B24 through B31, the flags in the field appeared to be correct, but the site plans did not appear to reflect their correct location. BSC requested that this area be re-surveyed and the plans corrected. This correction appears to have been made.

Requested changes to BVW boundaries that remain to be completed:

Although new Flags F42, F43, F42-1, and F42-2 appear to be correctly located on the revised plans, they do not appear to be connected correctly. This should be corrected.

Flag F34-1 was not included on the new survey and should be included in revised plans.

2. Riverfront Area

The ANRAD and site plans identify Riverfront Area associated with the Back River at the northwest end of the property. BSC reviewed the Riverfront Area flagging and requested that the following changes be made:

Add RA1-1 and RA3-1.

The revised site plans include these changes.

3. Rare and Endangered Species, Vernal Pools and Isolated Wetlands

The wetland scientist states that no estimated habitat of rare wetlands wildlife or priority habitat are shown to exist on or near the property, based on his review of the Natural Heritage and Endangered Species Program (NHESP) 2008 Massachusetts Natural Heritage Atlas of Estimated Habitats of Rare Wetlands Wildlife and Certified Vernal Pools. The ANRAD and site plans identify two NHESP mapped and certified vernal pools (flag series A and E) on the site. If the Applicant wishes the Order of Resource Area Delineation to confirm these statements, then the Applicant should provide the Amesbury Conservation Commission with copies of the most recent NHESP mapping.

Should the applicant prepare a Notice of Intent at some time in the future, the applicant should provide documentation regarding NHESP rare and endangered species habitat and vernal pools to the Conservation Commission.



Wetland flag series A and E are regulated under the Ordinance as isolated wetlands. BSC reviewed these flagged boundaries, and has the following comments:

Requested changes that appear to be correct on the revised plans include:

Add A5R and 4A to the A series.

Requested changes that remain to be completed:

Flag E1R is shown on the revised plan, but the location is not consistent with BSC field notes. This should be re-checked after discussing with BSC.

4. Land Subject to Flooding

The ANRAD does not provide a copy of the FEMA Flood Insurance Rate Map, and does not provide an analysis of state or locally regulated Land Subject to Flooding on the subject property. It should be noted that the Ordinance regulates, "any land subject to tidal action, storm flowage, flooding by groundwater or surface water". This definition appears to be broader than the state definitions for Land Subject to Flooding. Should the Applicant wish the Amesbury Conservation Commission to make a determination with regard to presence/absence or boundaries for Land Subject to Flooding, the Applicant should submit appropriate documentation.

BSC is including a scan of the revised plans to show where additional changes to flagging are needed.

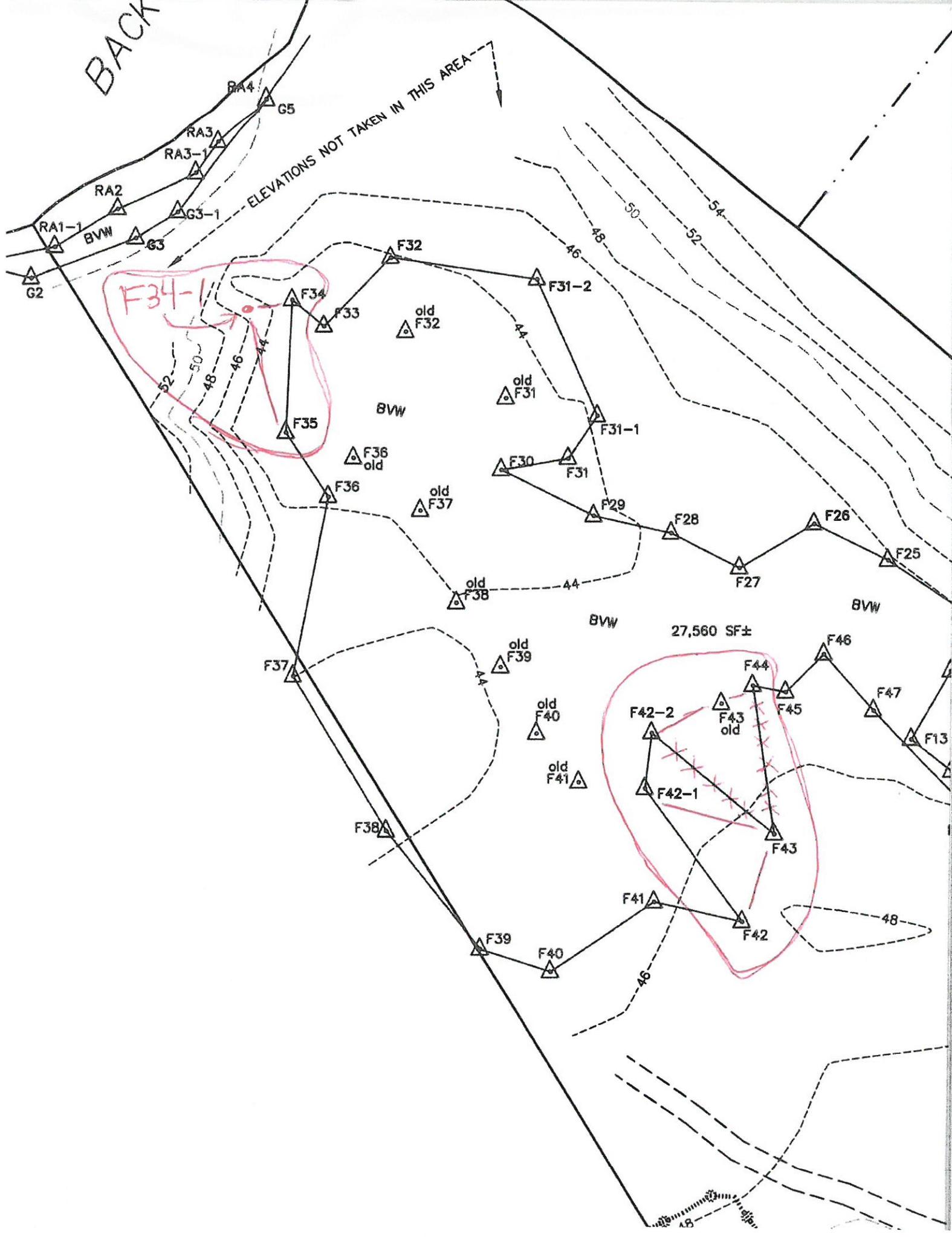
The Commission should feel free to contact me at (617) 896-4524 (office) or (978) 621-8783 (cell) with any questions regarding this report and this project. BSC appreciates the opportunity to be of assistance.

Sincerely,
BSC Group, Inc.

Gillian T. Davies
Senior Wetland/Soil Scientist

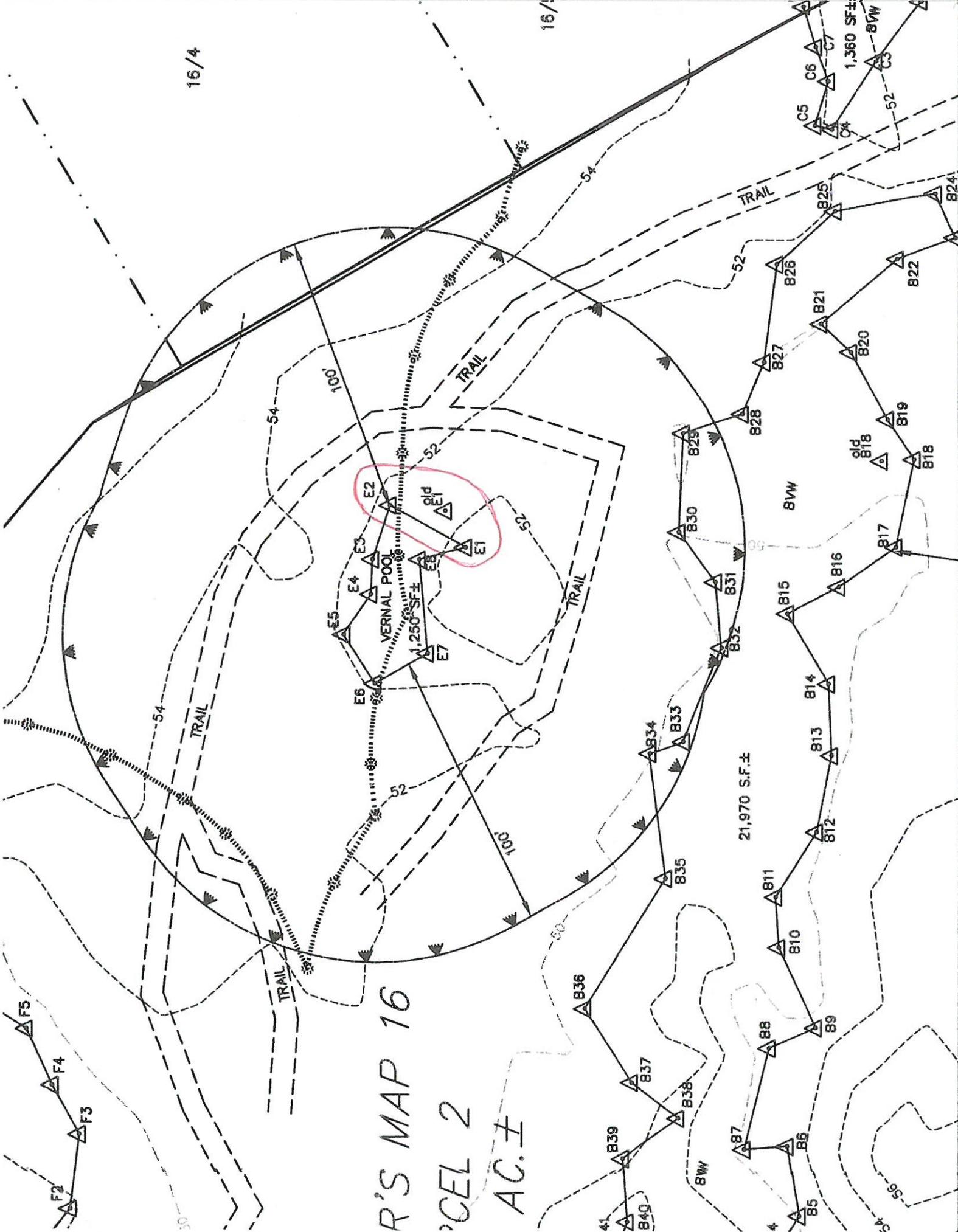
BACK

ELEVATIONS NOT TAKEN IN THIS AREA



16/4

16/1



R'S MAP 16
 CEL 2
 AC. ±



January 23, 2014

Amesbury Conservation Commission and Mr. John Lopez
Amesbury Conservation Commission
62 Friend Street
Amesbury, MA 01913

RE: 157 Congress Street ANRAD Peer Review
Amesbury, MA

33 Waldo Street
Worcester, MA 01608

Tel: 508-792-4500
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www.bscgroup.com

Dear Mr. Lopez and Members of the Commission:

BSC Group, Inc. (BSC) is pleased to submit this wetland resources peer review report for the 157 Congress Street Abbreviated Notice of Resource Area Delineation (ANRAD). William Manuell of Wetlands & Land Management, Inc. submitted the project ANRAD on behalf of John Cormier of B.C. Realty Trust. Wetland resources were delineated by William Manuell. This report pertains only to an assessment of the delineation of regulated (state and local) wetland resources and their buffer zones.

This report analyzes project information provided in the ANRAD, in a **supplemental letter from Mr. Manuell dated 1/10/2014**, and on project plans titled Plan Showing Conservation Resource Boundaries at 157 Congress Street in Amesbury, MA (site plan), dated 10/7/13 and **last revised 12/31/13**, and is a follow up to the BSC peer review letter dated 12/18/2013. The purpose of this assessment is to evaluate project compliance with the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and associated regulations (310 CMR 10.00) and the City of Amesbury Wetland Protection Ordinance regulations (Ordinance). The delineation of Bordering Vegetated Wetland (BVW) was evaluated according to the MA Department of Environmental Protection "Handbook for Delineating Bordering Vegetated Wetlands Under the MA Wetlands Protection Act". Regulated resource areas identified in the ANRAD as being located on the subject property include Bordering Vegetated Wetland (BVW), Isolated Wetland, Riverfront Area, Certified Vernal Pools, and Buffer Zone. Additionally, the site plan revised on 12/31/2013 and letter from Wetlands & Land Management, Inc. dated 1/10/2014 address Land Subject to Flooding, and are reviewed in this letter.

BSC has the following comments on revised project documents, as follows.

1. Bordering Vegetated Wetland

Three BVW systems occur on the site. One (G series) is associated with the Back River at the northwest end of the property. The F series occupies much of the northwest portion of the site, and the B & C series occupies a portion of the center of the site.

The remaining requested changes to BVW boundaries appear to be correct on the 12/31/2013 revised plans.

2. Rare and Endangered Species, Vernal Pools and Isolated Wetlands

Engineers

Environmental
Scientists

GIS Consultants

Landscape
Architects

Planners

Surveyors



Mr. Manuell states that no estimated habitat of rare wetlands wildlife or priority habitat are shown to exist on or near the property, based on his review of the Natural Heritage and Endangered Species Program (NHESP) 2008 Massachusetts Natural Heritage Atlas of Estimated Habitats of Rare Wetlands Wildlife and Certified Vernal Pools. The ANRAD, supplemental letter dated 1/10/2014, and site plans identify two NHESP mapped and certified vernal pools (flag series A and E) on the site. BSC confirms that NHESP mapping does not indicate any estimated habitat of rare wetlands wildlife or priority habitat, and that two certified vernal pools are indicated.

The remaining requested change to the Isolated Wetland E boundary appears to be correct on the 12/31/2013 revised plans.

3. Land Subject to Flooding

Mr. Manuell has provided FEMA FIRM maps (dated 7/3/2012) in his letter dated 1/10/2014 that indicate that the site is not located within mapped flood zones. BSC notes that areas on the site that appeared to be subject to flooding by groundwater or surface water (per the Ordinance), on the date of BSC's site visit are contained within the revised wetland resource area boundaries as shown on the 12/31/2014 revised site plan. It should be noted that Mr. Manuell referenced flooding concerns by the neighbors, and viewed neighboring backyards along the northeast boundary of the property with BSC. BSC noted that portions of the neighbors' backyards appeared to be subject to flooding. The BVW flag series C connects to a backyard area, and may provide a connection from the backyard flooding areas to site BVW.

The Commission should feel free to contact me at (617) 896-4524 (office) or (978) 621-8783 (cell) with any questions regarding this report and this project. BSC appreciates the opportunity to be of assistance.

Sincerely,
BSC Group, Inc.

Gillian T. Davies
Senior Wetland/Soil Scientist

Wetlands & Land Management, Inc.

100 Conifer Hill Drive - #516
Danvers, MA 01923
978-777-0004 Telephone
978-539-0005 FAX

January 10, 2014

John Lopez
Amesbury Conservation Commission
62 Friend Street
Amesbury, MA 01913

RE: Additional supporting information for the ANRAD
B.C. Realty Trust
157 Congress Street

Dear Mr. Lopez and Conservation Commission Members:

I have received and reviewed the Peer Review letter from Gilliam Davies, BSC Group dated December 18, 2013. With respect to the comments regarding potential additional information, please consider the following:

On page 2 of the letter - *Requested changes to the BVW boundary that remain to be completed,*

The boundary sequence of flags F42, F43, F42-1 and F42-2 connecting to F44 has been revised on the plan.

Flag F34-1 has been added to the plan.

On page 2, item 3 – I have included a print section of the 2008 Natural Heritage Atlas. This version of the Atlas is the most current version available. The Atlas does not indicate there is any Estimated Habitat of Rare Wetlands Wildlife, nor is there any Priority Habitat of Threatened or Endangered Species. The applicant would request that the ensuing ORAD be specific to that point.

The Atlas does show the two certified vernal pools on the site. The ORAD should also indicate the plans identify these two features as well.

On page 3 of the letter – *Requested changes that remain to be completed,*

I have re-checked the location of flag E1R in the field. Upon field inspection I noted that an original flag E9 was omitted on the original plan. This flag has been added and the correct location of E1R is shown on the plan.

On page 3, Item 4, Land Subject to Flooding – I have included a section of the July 3, 2012 FEMA Flood Insurance Rate Maps that cover the site. The site is located on two adjoining maps – 25009C0106F and 25009C0018F. The 25009C0106F panel does not show any areas indicated as subject to flooding during a 100-year storm event.

The 25009C0018F panel shows a Zone A associated with the Back River on the northern side of the property.

The panel does not indicate a base flood elevation however the Zone A is closely confined to the river channel of the Back River. The ORAD should reference these two FEMA map panels.

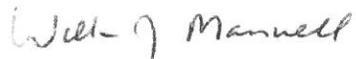
With respect to any other "land subject to tidal action, storm flowage, flooding by ground water or surface water", as enumerated in the Amesbury Wetlands Ordinance, I walked the land several times during the spring 2013. I did not observe any areas of surface water or inundated lands outside of the flagged wetland areas shown on the plan.

On our recent site visit with Ms Davies, we perused the entire site. Ms. Davies had no questions or concerns at the site visit of area of areas of potential flooding or surface water inundation. The ORAD should make that determination as well.

Please add this information to the file. I will coordinate with you shortly regarding our upcoming Conservation Commission meeting.

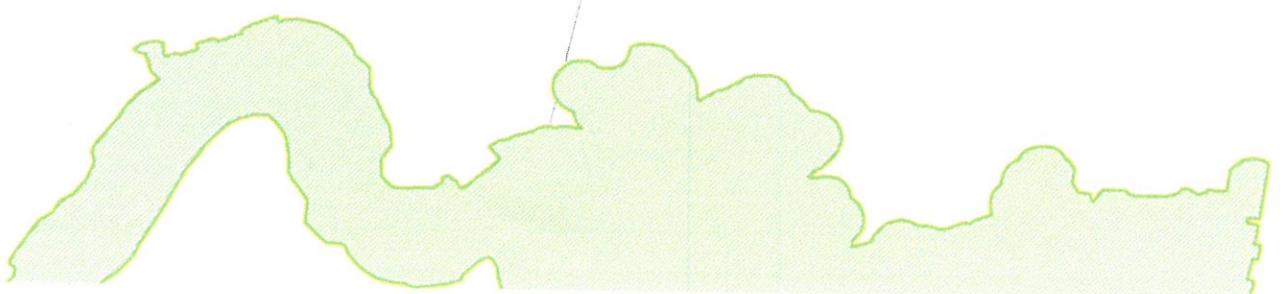
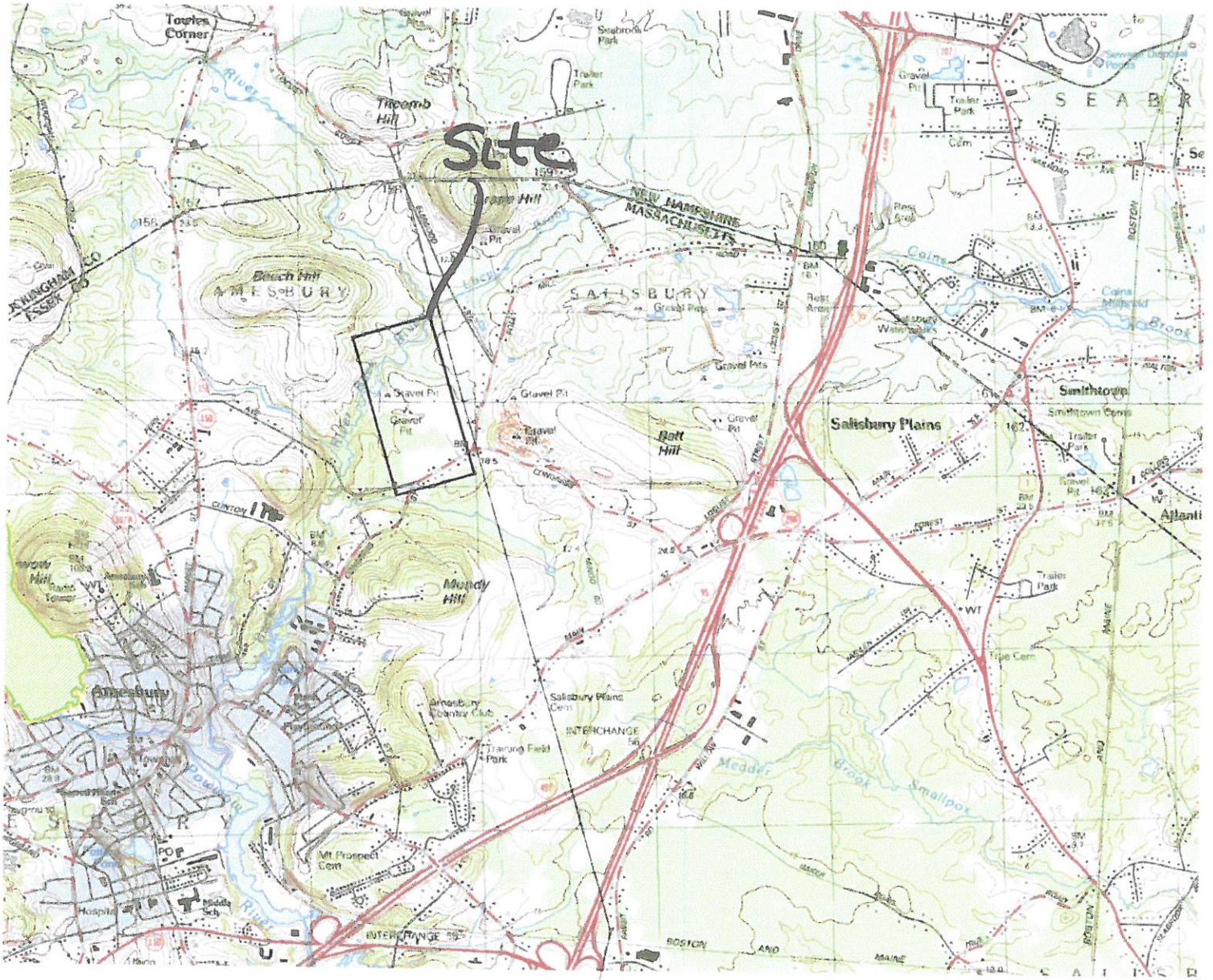
Sincerely,

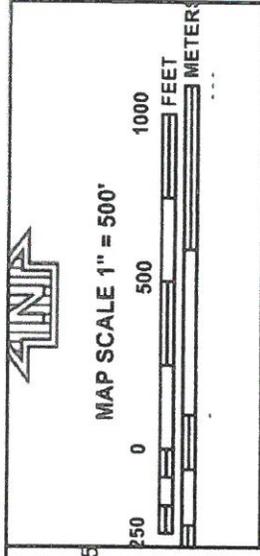
Wetlands & Land Management, Inc.



William J. Manuell
Wetland Scientist
For the Applicant

Source: Natural Heritage Atlas
2008





NFP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0106F

FIRM

FLOOD INSURANCE RATE MAP

ESSEX COUNTY,

MASSACHUSETTS

(ALL JURISDICTIONS)

PANEL 106 OF 600

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
AMESBURY CITY OF	250075	0750	F
SALISBURY TOWN OF	250103	0750	F

Notice to User: The Map Number shown below should be used when placing map orders, the Community Number shown above should be used on insurance applications for the subject community.

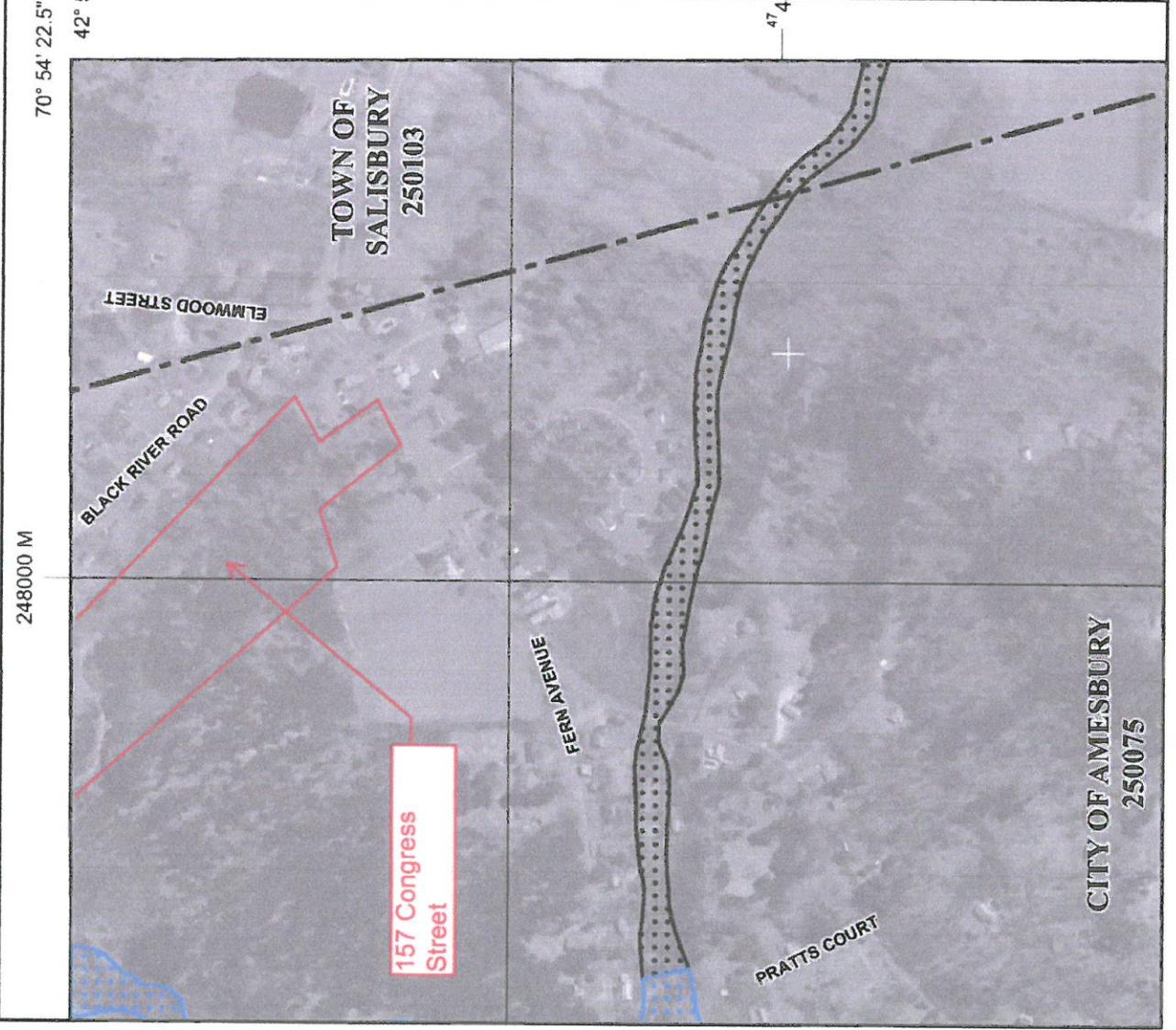


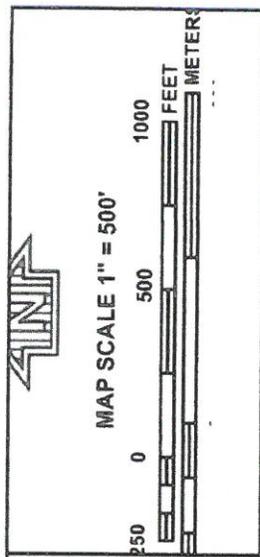
MAP NUMBER
25009C0106F

EFFECTIVE DATE
JULY 3, 2012

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov





NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP
ESSEX COUNTY,
MASSACHUSETTS
(ALL JURISDICTIONS)

PANEL 0018F

PANEL 18 OF 600
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

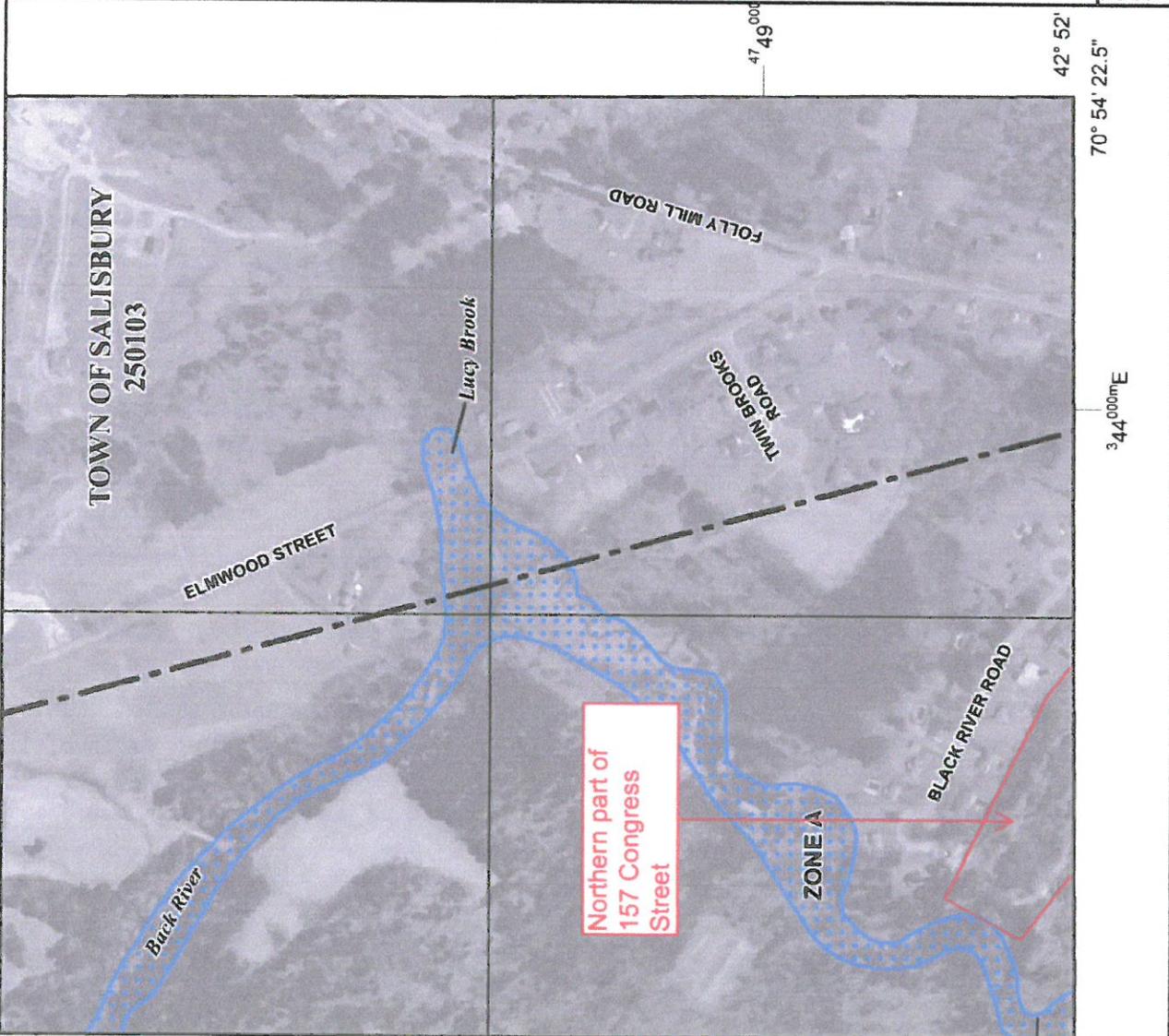
CONTAINS		PANEL	
COMMUNITY	NUMBER	NUMBER	SUFFIX
SALISBURY, CITY OF	250103	0018	F
SALISBURY, TOWN OF	250103	0218	F

Notice to User: The Map Number shown below should be used when placing map orders, the Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER
25009C0018F
EFFECTIVE DATE
JULY 3, 2012

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.muc.fema.gov





33 Waldo Street
Worcester, MA 01608

February 3, 2014

Amesbury Conservation Commission and Mr. John Lopez
Amesbury Conservation Commission
62 Friend Street
Amesbury, MA 01913

Tel: 508-792-4500
800-288-8123
Fax: 508-792-4509

www.bscgroup.com

RE: 157 Congress Street ANRAD Peer Review
Amesbury, MA

Dear Mr. Lopez and Members of the Commission:

BSC Group, Inc. (BSC) is providing this letter at the request of Mr. Lopez, in order to respond to questions from Arline Ferguson, an abutter to 157 Congress Street, where an Abbreviated Notice of Resource Area Delineation (ANRAD) has been submitted for Conservation Commission review. William Manuell of Wetlands & Land Management, Inc. submitted the project ANRAD on behalf of John Cormier of B.C. Realty Trust. Wetland resources were delineated by William Manuell. BSC has provided prior peer review letters (dated 12/18/2013 and 1/23/2014) for this ANRAD filing, and recommends reviewing those letters for greater detail regarding the peer review of the site.

Ms. Ferguson requests information regarding the possibility of currently un-flagged regulated wetland resources being located at the front of the property. BSC walked the front portion of the property with Mr. Manuell at the site visit on 11/12/2013. BSC and Mr. Manuell walked transects across that portion of the property in different locations, in order to identify any regulated wetland areas that might be there. BSC did not observe any such wetland areas, and noted that much of the area is forested, with a typically upland species, white pine (*Pinus strobus*), predominating in the canopy. No areas were observed where there was a predominance of wetland vegetation and hydric soils or signs of hydrology on the surface (i.e. no areas were observed that meet the criteria for regulated wetlands under the MA Wetlands Protection Act or the City of Amesbury Wetlands Ordinance).

BSC reviewed documentation that Ms. Ferguson provided that pertains to a Notice of Intent (NOI) filed for the site in 1998. BSC has reviewed the 1/8/1999 peer review report prepared by Rimmer Environmental Consulting and an Assessor's map dated approximately 1998 with a sketch of approximate wetland boundaries. Although these materials are now out-of-date, they are consistent with the revised ANRAD site plans that reflect BSC's requested changes to the wetland boundaries, and do not indicate any wetlands at the front of the property.

At this time, four wetland scientists have reviewed the property (in 1998/1999: Steve Erikson, Applicant's wetland scientist, Mary Rimmer, peer review wetland scientist), and the conclusions at the end of both peer review processes seem to be very consistent, despite the intervening 14 years.

In conclusion, BSC finds no evidence for the presence of regulated wetland resources located outside of the wetland boundaries identified on the "Plan Showing Conservation

Engineers
Environmental
Scientists
GIS Consultants
Landscape
Architects
Planners
Surveyors



Resource Boundaries at 157 Congress Street in Amesbury, MA”, dated 10/7/2013 and last revised on 12/31/2014.

With regard to rare or endangered species, the ANRAD process does not result in decisions regarding the status of rare/endangered species habitat boundaries. That process is under the purview of the MA Natural Heritage and Endangered Species Program at the MA Division of Fish and Wildlife. The ANRAD process provides Applicants with decisions regarding the boundary locations for wetland resource areas identified in the WPA regulations 310 CMR 10.00 et al.

The Commission should feel free to contact me at (617) 896-4524 (office) or (978) 621-8783 (cell) with any questions regarding this report and this project. BSC appreciates the opportunity to be of assistance.

Sincerely,
BSC Group, Inc.

Gillian T. Davies
Senior Wetland/Soil Scientist