

March 3, 2020

Hand Delivery

Newburyport Conservation Commission
 c/o Ms. Julia Godtfredsen, Conservation Agent
 Newburyport City Hall
 60 Pleasant Street
 Newburyport, MA 01950

**RE: Order of Resource Area Delineation
 Extension Request
 DEP File No. 051-0907
 251 Low Street
 Newburyport, Massachusetts**

[LEC File #: MINCO\20-069.02]

Dear Ms. Godtfredsen and Commission Members:

On behalf of Low Street Redevelopment, LLC, LEC Environmental Consultants, Inc., (LEC) is respectfully requesting an Extension for the *Order of Resource Area Delineation* (ORAD, DEP File No. 051-0907, Attachment A) issued on May 20, 2014, and extended on April 5, 2017 (Attachment B) in accordance with the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40, the *Act*) and its implementing Regulations (310 CMR 10.00, the *Act Regulations*), and the *Newburyport Code of Ordinances Chapter 6.5: Environment Article II: Wetlands Protection Ordinance* (the *Ordinance*) and the *Wetlands Protection Regulations Adopted Pursuant to Section X of the Code of Ordinances — Chapter 6.5: Environment — Article II: Wetlands* (the *Ordinance Regulations*). The ORAD determined that the Wetland Resource Area boundaries depicted on an *Abbreviated Notice of Resource Area Delineation Plan* dated August 12, 2013 and prepared by DGT Survey Group – North Shore (*ANRAD Plan*, Appendix C) were correct.

Low Street Redevelopment, LLC is in the process of evaluating project design plans and hopes to commence permitting with the City of Newburyport within the next year. Accordingly, we request a 3-year extension of the ORAD.

Thank you for your consideration of this ORAD Extension Request. The \$50.00 extension filing fee required per the *Ordinance* has been provided under separate cover. Should you have any questions or require additional information, please do not hesitate to contact me at 508-813-4129 or at rkirby@lecenvironmental.com.

Sincerely,

LEC Environmental Consultants, Inc.

Richard A. Kirby
 Senior Wetland Scientist

Attachment A

Order of Resource Area Delineation DEP File No. 051-0907

A-NE

AK-4



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
**WPA Form 4B – Order of Resource Area
Delineation**

Provided by MassDEP:
051-0907

MassDEP File Number

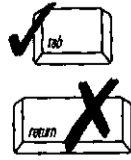
eDEP Transaction Number
Newburyport

City/Town

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: Newburyport Conservation Commission
1. Conservation Commission

2. This Issuance is for (check one):

- a. Order of Resource Area Delineation
- b. Amended Order of Resource Area Delineation

2014071500275 Bk:33408 Pg:22
07/15/2014 11:34 ORDR RAD Pg 1/4

3. Applicant:

Norino Mirra
 a. First Name b. Last Name
Low Street Redevelopment, LLC
 c. Organization
6 Norino Way
 d. Mailing Address
Georgetown MA 01833
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

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

5. Project Location:

251 Low Street Newburyport
 a. Street Address b. City/Town c. Zip Code
98 23
 d. Assessors Map/Plat Number e. Parcel/Lot Number
 Latitude and Longitude (in degrees, minutes seconds):
 f. Latitude 5/20/14 g. Longitude 5/20/2014

6. Dates:

a. Date ANRAD 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:

251 Low Street, Abbreviated Notice of Resource Area Delineation. Prepa 8/12/2013
 a. Title b. Date
 c. Title d. Date

MARGINAL REFERENCE REQUESTED
BOOK 33059 PAGE 414



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
**WPA Form 4B – Order of Resource Area
Delineation**

Provided by MassDEP:

051-0907

MassDEP File Number

eDEP Transaction Number

Newburyport

City/Town

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

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:

a. Inland bank

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:

a.

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:



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 4B – Order of Resource Area Delineation

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

Provided by MassDEP:

051-0907

MassDEP File Number

eDEP Transaction Number

Newburyport

City/Town

C. Findings

This Order of Resource Area Delineation determines that 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.

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>).

D. 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 of Resource Area Delineation 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.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

**WPA Form 4B – Order of Resource Area
Delineation**

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

Provided by MassDEP:
051-0907

MassDEP File Number

eDEP Transaction Number
Newburyport

City/Town

5/20/2014

Date of Issuance

0

1. Number of Signers

E. Signatures

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

Signature of Conservation Commission Member
[Signature]

Signature of Conservation Commission Member
[Signature]

Signature of Conservation Commission Member
[Signature]

Signature of Conservation Commission Member
[Signature]

Paul Healy
 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.

If this Order constitutes an Amended Order of Resource Area Delineation, this Order does not extend the issuance date of the original Final Order, which expires on _____ unless extended in writing by the issuing authority.

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

2. By hand delivery on _____

a. Date

3. By certified mail, return receipt requested on _____

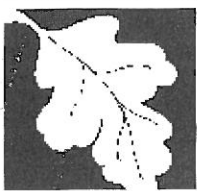
a. Date

6/5/14

Attachment B

Extension Order of Resource Area Delineation DEP File No. 051-0907

HE
3
2014



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 7 - Extension Permit for Order of Conditions
Massachusetts Wetlands Protection Act M.G. L. C. 131 S. 40

DEP File Number
051-0907
Provided by DEP



SO. ESSEX #352 Bk:35839 Pg:478
05/02/2017 03:51 EXTN Pg 1/3

A. General Information

Applicant:
Norino Mirra Low Street Redevelopment, LLC

Applicant Name
6 Norino Way P.O. Box 399

Mailing Address
Georgetown MA 01833
City/Town State Zip

Property Owner (if different):

Property Owner

Mailing Address

City/Town State Zip

B. Authorization

The Order of Conditions (or Extension Permit) issued to the applicant or property owner listed above on:
5/20/2014

Date

for work at:

251 Low Street 98 23
Street Address Assessors Map/Plat Number Parcel/Lot Number

recorded at the Registry of Deeds for:

Southern Essex District Registry of Deeds 33408 22
County Book Page

Certificate (if registered land)
is hereby extended until:

4/5/2020

Date

This date can be no more than 3 years from the expiration date of the Order of Conditions or the latest extension. Only unexpired Orders of Conditions or Extensions may be extended.

Date the Order was last extended (if applicable):

Date

Issued by
Newburyport Conservation Commission

4/5/2017
Date

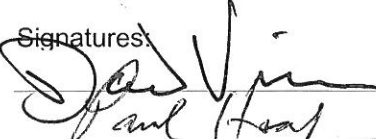
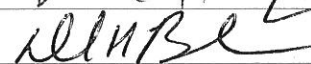



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 7 - Extension Permit for Order of Conditions
 Massachusetts Wetlands Protection Act M.G. L. C. 131 S. 40

DEP File Number
 051-0907
 Provided by DEP

B. Finding Information (cont.)

This Order of Conditions Extension must be signed by a majority of the conservation commission and a copy sent to the applicant and the appropriate DEP Regional Office (see <http://www.mass.gov/dep/about/region/findour.htm>).

Signatures:

 Paul Hoag

 MMB


 Stephen Moore

 MMB

Notary Acknowledgement NOTARY NOT REQUIRED FOR EXTENSION PERMIT
 Commonwealth of Massachusetts County of Essex

On this _____ of _____
 Day Month Year

before me, the undersigned Notary Public, personally appeared
 the above named commission members

Name of Document Signer
 proved to me through satisfactory evidence of identification, which was/were
 personally known

Description of evidence of identification
 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 Newburyport Conservation Commission
 City/Town

 Signature of Notary Public

 Printed Name of Notary Public

Place Notary seal and/or any stamp above

 My Commission Expires (Date)



C. Recording Confirmation

The applicant shall record this document in accordance with General Condition 8 of the Order of Conditions (see below), complete the form attached to this Extension Permit, have it stamped by the Registry of Deeds, and return it to the Conservation Commission.

Note: General Condition 8 of the Order of Conditions requires the applicant, prior to commencement of work, to record the final Order (or in this case, the Extension Permit for the Order of Conditions) 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, it shall be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, it shall also be noted on the land Court Certificate of title of the owner of the land upon which the proposed work is done.

Detach page 3 of form 7 and submit it to the Conservation Commission prior to the expiration of the Order of Conditions subject to this Extension Permit.

To Newburyport Conservation Commission
 Conservation Commission

Please be advised that the Extension Permit for the project at

251 Low Street 051-0907
 Project Location DEP File Number

has been recorded at the Registry of Deeds of
 Southern Essex District Registry of Deeds

County _____

For: _____
 Property Owner

and has been noted in the chain of title of the affected property in accordance with General Conditions 8 of the original Order of Conditions on:

Date Book Page

If recorded land the instrument number which identifies this transaction is _____

Instrument Number

If registered land the document number which identifies this transaction is _____

Document Number

Signature of Applicant _____

Registry of Deeds

5/1/2017

to record extension to the RAD for 251 Low Street

75.00

Management Account

75.00

LOW STREET REDEVELOPMENT, LLC

859

Registry of Deeds

5/1/2017

to record extension to the RAD for 251 Low Street

75.00

Essex Southern District
Registry of Deeds
45 Congress Street
Suite 4100
Salem, MA 01970
05/02/2017 03:51 PM

Station: ESSX-148

Time:3:51 Type: EXTN Loc: NBPT
Inst 352 BK 35839-478

75.00

FEE 55.00
ENV FEE 20.00

Check 859 LOW STREE 75.00

C7J1PS0010000 B17SF004807

DE7E4E STKDK01 03/13/2017 22:36 -118-

Management Account

SF5001NLHG-1

Safeguard LITHO USA SFHG1 CK7SHG111H

COMMONWEALTH OF MASSACHUSETTS
ESSEX REGISTRY OF DEEDS, SO. DIST., SALEM, MASS.
ESSEX SS 52 2017

A TRUE COPY OF RECORD:

BOOK 35839 PAGE 478

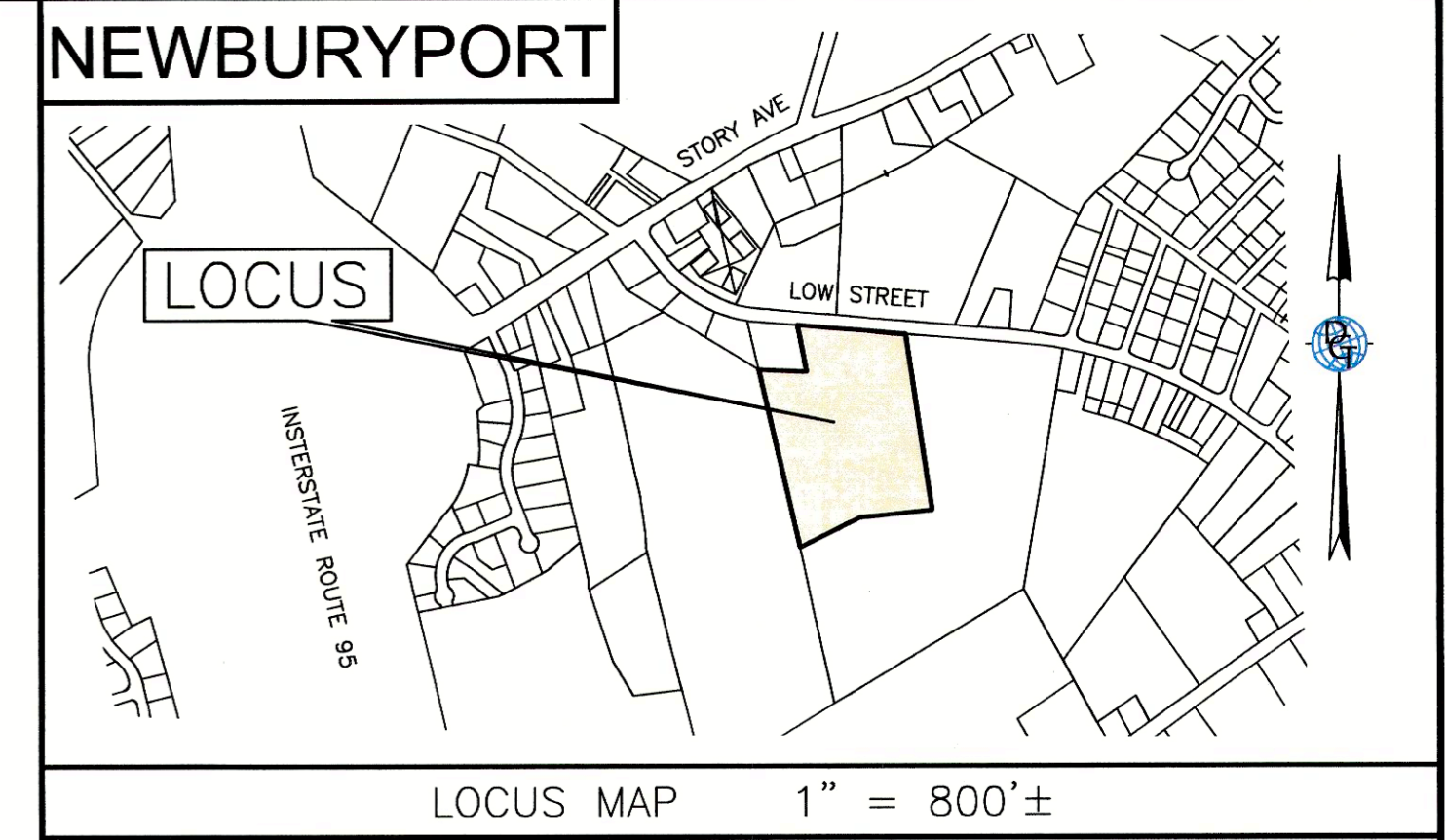
ATTEST

[Handwritten Signature]

REGISTER

Attachment C

Abbreviated Notice of Resource Area Delineation Plan dated August 12, 2013
prepared by DGT Survey Group – North Shore (reduced copy)



NOTES:

1. FIELD SURVEY PERFORMED: AUGUST 2013.
2. EDGE OF BORDERING VEGETATED WETLAND FLAGGED BY WETLAND PRESERVATION, INC. AND LOCATED BY DGT 08/02/2013.
3. THIS PLAN IS PREPARED FOR OUR CLIENT USE ONLY FOR THE SPECIFIC PURPOSE OF OBTAINING PERMITS AND LOCAL APPROVALS, AND IS NOT TO BE USED OR RELIED UPON AS A CONSTRUCTION DOCUMENT OR ANY OTHER USE BY OTHERS WITHOUT THE WRITTEN CONSENT OF DGT.

REFERENCES:

1. ESSEX COUNTY REGISTRY OF DEEDS, SOUTH DISTRICT
PLAN BOOK 362 PLAN 34
PLAN BOOK 441 PLAN 41
2. CITY OF NEWBURYPORT ON LINE GIS
ABUTTER INFORMATION
LOCUS MAP

FLOOD CERTIFICATION

BY EXAMINATION OF THE CURRENTLY APPLICABLE FEMA FLOOD MAP THIS PROPERTY IS IN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS SHOWN ON THE FLOOD INSURANCE RATE MAPS, COMMUNITY PANEL NO. 25009C0108F AND NO. 25009C0109F WHICH BEARS AN EFFECTIVE DATE OF JULY 3, 2012

I HEREBY CERTIFY THAT:

THIS PLAN IS BASED ON AN ON-THE-GROUND SURVEY AND PRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY.

THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

PROFESSIONAL LAND SURVEYOR _____ DATE _____

251 LOW STREET
MAP 98 LOT 23
17698/399

ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION
IN
NEWBURYPORT, MASSACHUSETTS
ESSEX COUNTY

PREPARED FOR:
LOW STREET RE-DEVELOPMENT, LLC

PREPARED BY:
DGT SURVEY GROUP - NORTH SHORE
A DIVISION OF DIGITAL GEOGRAPHIC TECHNOLOGIES, INC.

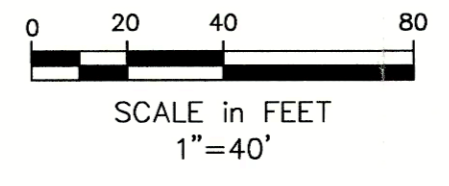
18 CENTER STREET
SUITE 1
NEWBURYPORT, MA
01950



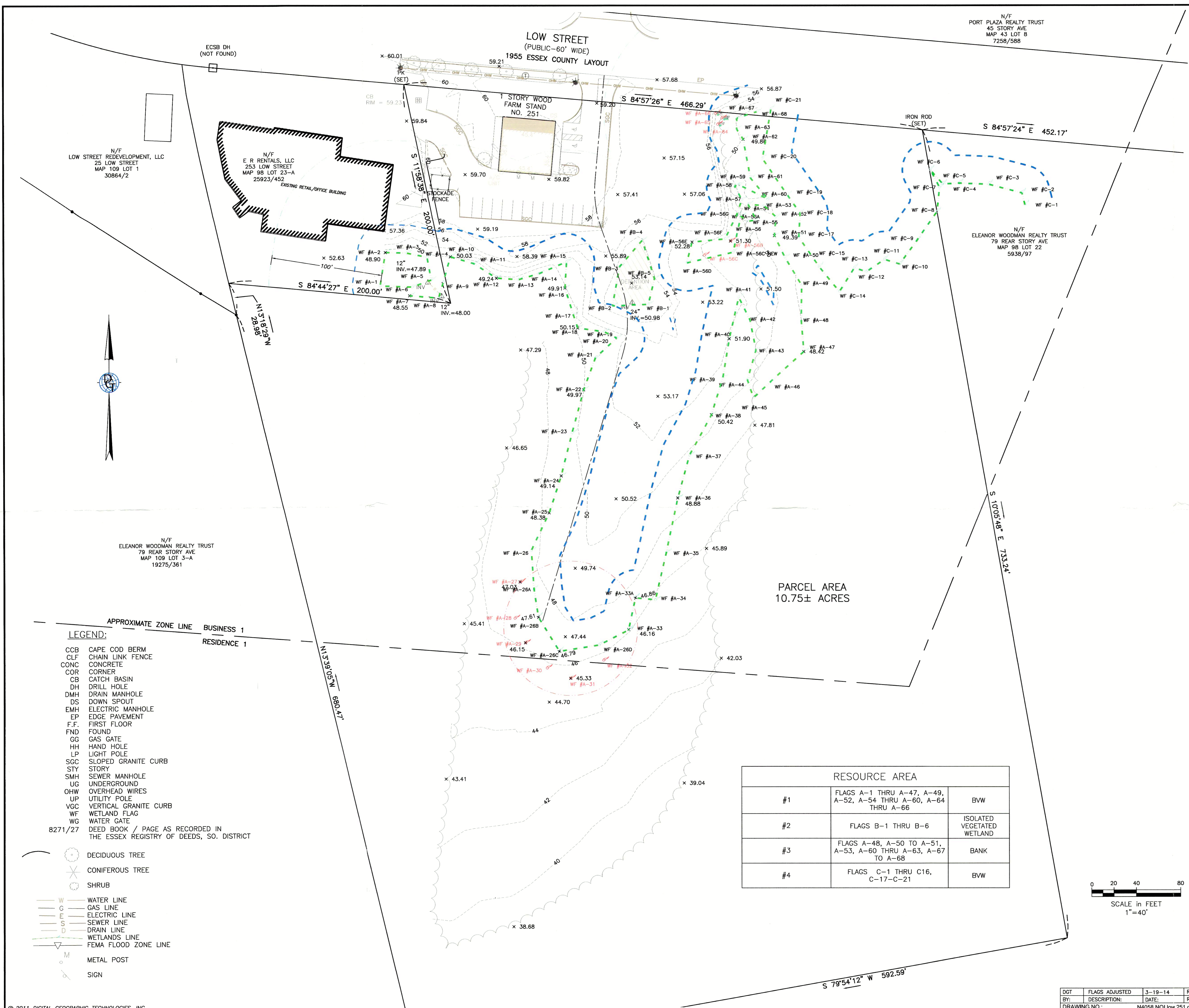
TEL: 978-465-9992
info@dgtsurvey.com
www.dgtsurvey.com

RESEARCH: EDX
FIELD: C.A./H.K.
CALCULATION: EDX
DRAFTING: P.A.Y.
CHECK: EDX
PROJ. MANAGER: EDX
DATE: AUGUST 12, 2013
D.G.T. JOB NO. N-4058
CRD FILE N4058.CRD
SHEET NO. 1 OF 1

RESOURCE AREA		
#1	FLAGS A-1 THRU A-47, A-49, A-52, A-54 THRU A-60, A-64 THRU A-66	BVW
#2	FLAGS B-1 THRU B-6	ISOLATED VEGETATED WETLAND
#3	FLAGS A-48, A-50 TO A-51, A-53, A-60 THRU A-63, A-67 TO A-68	BANK
#4	FLAGS C-1 THRU C16, C-17-C-21	BVW



DGT	FLAGS ADJUSTED	3-19-14	REV: 1
BY:	DESCRIPTION:	DATE:	REV: 0
DRAWING NO.: N4058 NOI low 251.dwg			



LEGEND:

- CCB CAPE COD BERM
- CLF CHAIN LINK FENCE
- CONC CONCRETE
- COR CORNER
- CB CATCH BASIN
- DH DRILL HOLE
- DMH DRAIN MANHOLE
- DS DOWN SPOUT
- EMH ELECTRIC MANHOLE
- EP EDGE PAVEMENT
- F.F. FIRST FLOOR
- FND FOUND
- GG GAS GATE
- HH HAND HOLE
- LP LIGHT POLE
- SGC SLOPED GRANITE CURB
- STY STORY
- SMH SEWER MANHOLE
- UG UNDERGROUND
- OHW OVERHEAD WIRES
- UP UTILITY POLE
- VGC VERTICAL GRANITE CURB
- WF WETLAND FLAG
- WG WATER GATE
- 8271/27 DEED BOOK / PAGE AS RECORDED IN THE ESSEX REGISTRY OF DEEDS, SO. DISTRICT
- DECIDUOUS TREE
- CONIFEROUS TREE
- SHRUB
- W WATER LINE
- G GAS LINE
- E ELECTRIC LINE
- S SEWER LINE
- D DRAIN LINE
- WETLANDS LINE
- FEMA FLOOD ZONE LINE
- M METAL POST
- SIGN