

HUGHES ENVIRONMENTAL CONSULTING

44 MERRIMAC STREET, NEWBURYPORT, MA 01950
PHONE 978.465.5400 • FAX 978.465.8100
EMAIL THUGHES@HUGHESENVR.COM

PO BOX 392, CONCORD, MA 01742
PHONE/FAX 978.369.2100

BRP WPA Form 1 – Request for Determination of Applicability

(M.G.L. c. 131, §40 and Newburyport Ordinance Chapter 6.5: Environment, Article II: Wetlands Protection Ordinance)

59 Low Street



Submitted to:

Newburyport Conservation Commission

Office of Planning and Development
60 Pleasant Street, 1st Floor
Newburyport, MA 01950

Copies to:

MassDEP NERO

205B Lowell Street
Wilmington, MA 01187

Prepared by:

Hughes Environmental Consulting

44 Merrimac Street, Suite 311
Newburyport, MA 01950

On Behalf of:

City of Newburyport

60 Pleasant Street, 1st Floor
Newburyport, MA 01950

April 15, 2022



WPA Form 1- Request for Determination of Applicability

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.



1. Applicant:

City of Newburyport

Name

E-Mail Address

60 Pleasant Street

Mailing Address

Newburyport

City/Town

MA

01950

State

Zip Code

(978) 465-4413

Phone Number

Fax Number (if applicable)

2. Representative (if any):

Hughes Environmental Consulting

Firm

Thomas Hughes

Contact Name

thughes@hughesenvr.com

E-Mail Address

44 Merrimac Street, Suite 311

Mailing Address

Newburyport

City/Town

MA

01950

State

Zip Code

978-465-5400

Phone Number

978-465-8100

Fax Number (if applicable)

B. Determinations

1. I request the Newburyport _____ make the following determination(s). Check any that apply:
Conservation Commission

- a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

Name of Municipality

- e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).



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C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

<u>59 Low Street</u> Street Address	<u>Newburyport</u> City/Town
<u>82</u> Assessors Map/Plat Number	<u>8A</u> Parcel/Lot Number

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

The property was recently aquired from the National Guard. The property contains a building, parking area and maintained landscape within a fenced in area. Within the maintained area and behind the fence there are a mix of wetlands and uplands. The property shows signs of historic alteration, with piles of fill and areas of the site that appear to have been stripped of topsoil years ago. At the time the acquisition was initially discussed, the property was delineated and surveyed.

Hughes Environmental Consulting conducted a fresh delineation of the wetlands that cast a buffer zone towards the building and parking area, and generally reviewed the flags on the adjacent property and within the site to the rear of the fence. See the attached delineation memo.

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

<u>Aerial Photograph with new flags</u> Title	<u>4/14/2022</u> Date
<u>Plan Showing Wetland Delineation</u> Title	<u>4/15/2022</u> Date
_____	_____
Title	Date

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

We are asking that the Commission review and approve the resource boundary as flagged in the field and depicted on the attached plans.



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C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

N/A - Resource Boundary Confirmation

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single-family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



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D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

City of Newburyport

Name

60 Pleasant Street

Mailing Address

Newburyport

City/Town

MA

State

01950

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Signature of Applicant

Date

Signature of Representative (if any)

Date

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PHONE 978.465.5400 • FAX 978.465.8100
EMAIL HUGHESNVR@VERIZON.NET

18 MAIN STREET, CONCORD, MA 01742
PHONE/FAX 978.369.2100

To: Julia Godtfredsen, Conservation Administrator

From: Tom Hughes 

Subject: Delineation of 59 Low Street Newburyport

Date: April 15, 2022

On April 13, 2022, I completed delineation of wetland resources at 59 Low Street in Newburyport. The delineation was conducted in accordance with methods outlined in the handbook "Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act", (Department of Environmental Protection, Division of Wetlands and Waterways, 1995).

In preparation for this new delineation, HEC reviewed the prior delineation, which was done several years ago. In some areas we held their flags, although notably on the east side of the site we placed new flagging that expanded BVW over the prior delineation, and in the south side of the site soils and vegetation moved flagging further away. We found the old flagging along the western side of the site (partially off property) were accurate as were the flags in the main wetland area behind the fence at the southern end. The vegetation, soils, and hydrology are all historically altered at the site within the fence-line. It is apparent that soils in parts of the site were stripped in the past, and the herbaceous cover is generally dominated by a mix of lawn grasses and reed canary grass. The areas to the east of the parking area, that currently exhibit wetland conditions and the area behind the building were regularly used for the parking and storage of National Guard vehicles in the past, likely explaining the ponding of water in tire ruts and the current conditions to a large extent. Due to tight surface soils, areas of tire rutting from storage and parking of vehicles on site have caused puddling areas in several locations. There are upland inclusions within wetlands and wetland inclusions within wetlands.

Flags D1 through D14 shape the new delineation based on vegetation, hydrology and soils. It appears that the hydrology generally comes from a loose swale along the fence line from which flow spreads out into areas rutted in the past by equipment. In the Area of D1 through D4, we found hydric soils, obvious hydrology, and wetland vegetation upslope of the prior delineation. The majority of this area contained hydric soils (chroma 1 and 2 with redox) and hydrology within only minor areas of brighter soils. Flags D4 through D14 then follow a boundary where soils are brighter and there is a topographic break. At flag D10, the wetland line meets a fence line. There is a significant topographic drop at the fence, with a standing water area of wetland on the other side of the fence. The line follows bright soils and various upland vegetation along the fence line to flag D14. From D14, located in the fence corner, the wetland continues off site parallel to the fence. The prior flags area accurate in this area.

In the back corner, flags F1 through F3 capture an elevated upland area. Behind the fence, the prior delineation remains accurate as it covers an area of significant topographic change with obvious wetland lines.

Between flags D10 and D14, the prior delineation had followed tire stripes within an upland area and connected and small area of isolated wetland that is no more than a low spot that receives runoff from the parking area into the broader wetland system. A review of soils and vegetation between that area and the wetland show no connection. Bright soils, with a chroma of 3 and no redox run along the fence. The fence area is also largely vegetated with bittersweet and multiflora rose. I exclude these minor tire stripe shaped depressions from the delineation since I find they are not connected to the broader system and are more puddles than anything. While *Carex* spp. (sedge), and *Juncus effusus* L. (common or soft rush) with low chroma soils are present in that area, they are limited to the tire stripe areas and a small low spot of maybe 100 square feet.

We are asking you to confirm the wetland boundaries as shown on the attached GIS map as well as the updated plan so the City can move forward with improvement plans for the property.



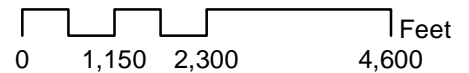


Wetland through fence at flag D14



From flag D14 towards building

59 Low St, Newburyport MA USGS Location Map



2021 Orthophoto with Wetland Boundary



Note flags F3 and D1 connect via prior delineation.

Flag F1 connects to prior delineation

Flag D14 connects to prior delineation.

Flagging behind fence at rear of property reviewed, no changes made.

