

Department of Planning and Community Development

1 JFK Memorial Dr.
Braintree, MA 02184
781 794-8230



Mayor Joseph C. Sullivan

Braintree Conservation Commission

Heather Charles Lis, Chair
Donald Murphy, Vice-Chair
Alan Weinberg, Clerk
Joyce Albrecht
Kevin Bears
Diane Francis
Gail Poliner-Feldman

Staff: Kelly Phelan

February 7, 2017

George Lang
Adams St. LLC
288 Grove St. Suite 128
Braintree, MA 02184

RE: Order of Resource Area Delineation
8-642 71 Adams St.

Dear Mr. Lang:

Please find attached the Order of Resource Area Delineation issued by the Conservation Commission for the 71 Adams St. site.

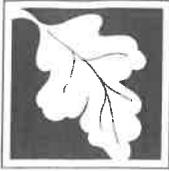
Should you have any questions or require additional information, please let me know.

Sincerely,


Kelly Phelan

CC: MA DEP

8-642



WPA Form 4B – Order of Resource Area Delineation

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

Provided by MassDEP:

8-642

MassDEP File Number

eDEP Transaction Number

Braintree
City/Town

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. see attached findings

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. see attached Findings

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:

Record Plan

Graziano Land Adams & Arnold Streets ANRAD Plan
Prepared and by Peter Hoyt, PLS and Shawn Hardy, PE
Date: 10/17/2016 with final revision date 2/1/2017

Locus Properties

Assessors Map 2008, Plots 3B, 4, 4A and 6
Assessors Map 3013, Plot 58
Assessors Map 3014, Plot 1C and 1D

Findings

This Order of Resource Area Delineation makes the following findings:

1. Bordering Vegetated Wetland:

Flag series A4-A33 is confirmed as accurate.

Flags A1 - A3 appear to be accurate but a specific determination of the accuracy of these flags is not made as they are located on property owned by others.

2. Isolated Wetland (Jurisdictional under Braintree Wetland Bylaw only):

Flag series C1-C6 is confirmed as accurate.

3. Bank to Monatiquot River:

Flag series B1-B6, B9-B49, B100- 104 are confirmed as accurate.

Flags B200-202, B105-B107 appear to be accurate but a specific determination of the accuracy of these flags is not made as they are located on property owned by others.

4. Bank to Intermittent Stream:

Flag series BN2 - BN3 is confirmed as accurate.

Flags BN1 and BN4 appear to be accurate but a specific determination of the accuracy of these flags is not made as they are located on property owned by others.

5. Riverfront Area:

The 200 foot riverfront is confirmed as accurate.

6. Bordering Land Subject to Flooding:

Bordering Land Subject to Flooding as depicted on the record plan and noted in the BLSF Hatch Legend on the record plan are confirmed as accurate. This includes Floodway as well as areas of the site which are at or below the Base Flood Elevations based upon existing and historic topography of the site and the Flood Profile of the Monaquot River, included in the FEMA Flood Insurance Study revised July 16, 2015.

The site has had active stockpiling operations over several decades and there is a history of filling and alteration of the floodplain on the site. Staff reviewed old files for the property to determine a valid starting point to use when determining the extent of Bordering Land Subject to Flooding. A 1996 plan which was part of File # 8-423 and was based on the Town's 1993 topographic maps as well as spot grades, was determined to be a valid starting point. The 1996 Order of Conditions and the 1999 Certificate of Compliance seem to legitimize the existence of the fill (berm) and block walls along the river and did not address the historic fill within the floodplain.

Note: DEP File #8-550 required compensatory flood storage to be created for fill associated with a garage building on the site. The storage has not been created and the Order of Conditions for 8-550 has expired. The site is not in compliance. A comprehensive approach to providing compensatory storage in an area connected to the river and to the existing floodplain should be provided. If a solution to the non-compliance is not provided within 90 days of the date of issuance of this ORAD, the Commission may take enforcement action.



WPA Form 4B – Order of Resource Area Delineation

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

Provided by MassDEP:

8-642

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Braintree

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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/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).

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:

8-642

MassDEP File Number

eDEP Transaction Number

Barnstable
City/Town

2/14/2017
Date of Issuance

E. Signatures

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

6
1. Number of Signers

[Signature]
Signature of Conservation Commission Member

[Signature] *[Signature]*
Signature of Conservation Commission Member

[Signature] KEVIN BEARI
Signature of Conservation Commission Member

[Signature] *[Signature]*
Signature of Conservation Commission Member

[Signature] ALAN WEINBERG
Signature of Conservation Commission Member

[Signature]
Signature of Conservation Commission Member

[Signature] Heather Charbonis
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

3. By certified mail, return receipt requested on

2/14/2017
a. Date

a. Date