



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection – Wetlands & Topsfield Conservation Commission  
**WPA/GWB Form 4B – Order of Resource Area Delineation**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
and Topsfield General Wetlands Bylaw, Ch. 62  
Address: 57 Perkins Row MapLot: 58025

Provided by MassDEP:

307-0720

MassDEP File Number

eDEP Transaction Number

Topsfield

City/Town

**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: Topsfield  
1. Conservation Commission

2. This Issuance is for (check one):

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

561897 (87747) Blch:318896  
Southern Essex District Registry  
5/26/2015 02:19 PM CONDN Pg: 1/5

3. Applicant:

Jeff Garber (Manager)  
a. First Name b. Last Name  
New Meadows Development, LLC  
c. Organization  
69 North Main Street  
d. Mailing Address  
Middleton MA 01949  
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

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

5. Project Location:

57 Perkins Row Topsfield 01983  
a. Street Address b. City/Town c. Zip Code  
58 025  
d. Assessors Map/Plat Number e. Parcel/Lot Number  
Latitude and Longitude d m s d m s  
(in degrees, minutes, seconds): f. Latitude g. Longitude

6. Dates:

12/03/2014 05/13/2015 05/14/2015  
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:

Plan to Accompany Abbreviated Notice of Resource Area Delineation 57 Perkins Row Topsfield, Massachusetts Prepared for New Meadows Development, LLC  
Prepared by The Morin-Cameron Group, Inc., 447 Boston Street, Topsfield, MA 01983 (Plan of Record)  
Revision 1 4-30-2015  
b. Date  
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:** Flags WF #A3 through WF #A20; WF #BB1 to WF #BB3 to WF #B4 to WF #BB5 to WF #B5 through WF #B13, and WF #C1 through WF #C10.

2. ☒ Other resource area(s), specifically:

- 100-foot **Buffer Zone** (a Bylaw Resource Area) from the approved BVW flags (1., above)
- 200-foot **Riverfront Area** of the Ipswich River, where shown on the Plan of Record, marked as, "200' Riverfront Area (3.3± Acres within the Parcel Boundary) (Topsfield By-Law)"
- The July 3, 2012 FEMA FIRM shows **BLSF/100-year floodplain** at ~37' elevation, reasonably in agreement with the 36.5' elevation shown on the Plan of Record.

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:** The following BVW flags were modified upslope and are shown accurately on the Plan of Record: WF #B1 modified to/replaced with WF #BB1, WF #B3 modified to/replaced with WF #BB3, and addition of WF #BB5. WF #B2 was removed and not replaced.

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:

**FINDINGS:** A jurisdictional (Act and Bylaw) Intermittent Stream flows from offsite, to the South/SE through the B/C series wetlands, to offsite. The Topsfield General Wetlands Bylaw (Bylaw) and Regulations definition of "Mean Annual High Water" differs from the MA Wetlands Protection Act and Regulations 310 CMR 10.58 definition; for this ORAD, the Riverfront Area was delineated and verified based on the Bylaw definition. Under the Bylaw, the Buffer Zone is a Resource Area, with functions and values.

**NOTE:** No other Resource Area boundaries considered with this Abbreviated Notice of Resource Area Delineation or any others that may exist on this and/or any abutting properties are verified with this Order of Resource Area Delineation.



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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.

Any appeal of the Bylaw portions of this Order shall be made through the appropriate legal process, to Superior Court.



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**E. Signatures**

05/14/2015

Date of Issuance

Four

1. Number of Signers

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

*Doris Shapiro*  
Signature of Conservation Commission Member

*John J. Miller*  
Signature of Conservation Commission Member

*James Carroll*  
Signature of Conservation Commission Member

*James Carroll*  
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.**

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 05/14/2018 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

05/14/2015

① manually - Attorney M<sup>c</sup> Carr

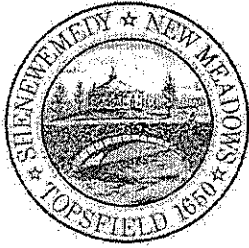
Document: 561897

CONDOM

ESSEX SOUTHERN DISTRICT REGISTRY OF DEEDS  
RECEIVED FOR REGISTRATION

On: 5/26/2015 02:19 PM

Noted on Cert: 87747 BOOK: 511



# TOWN OF TOPSFIELD

## Conservation Commission

8 West Common Street, Topsfield, Massachusetts 01983

May 14, 2015

Nancy A.S. McCann, Esq.  
McCann & McCann, P.C.  
89 Newbury Street, Suite 302  
Danvers, MA 01923

Re: Order of Resource Area Delineation, #307-0720, 57 Perkins Row, (Map 58, Lot 025), Topsfield

Dear Nancy,

Enclosed is an original Order of Resource Area Delineation, issued under the Massachusetts Wetlands Protection Act, MGL Ch. 131, § 40, and the Topsfield General Wetlands Bylaw, Ch. 62, for verification of certain Resource Area boundaries on the property at 57 Perkins Row in Topsfield. A copy is being mailed to Mr. Jeff Garber/New Meadows Development, LLC.

If you have any questions, please contact me at the TCC office, 978-887-1510.

Sincerely,

Lana Spillman  
Topsfield Conservation Administrator

cc: Jeff Garber, New Meadows Development, LLC  
DEP-NERO  
The Morin-Cameron Group, Inc.  
DeRosa Environmental Consulting, Inc.  
Topsfield Planning Board  
Topsfield Board of Health  
TCC file