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MAY 10 2021

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CITY OF HAVERHILL
CONSERVATION DEPARTMENT

(781) 396-1917
(781) 391-8029 (fax)

Tewksbury office at 1501 Main Street, Unit 26

May 7, 2021

Mass Dept. of Environmental Protection
P.O. Box 4062
Boston, MA 02211

Re: Order of Conditions no. 33-1490
Vacant lot on Broadway, Haverhill, MA
Map 539 Block 439 Lot 18

Dear Sir/Madam:

My client requests that your office a Superseding Order of Conditions relative to the above-referenced matter. In support therewith, the following items are enclosed:

1. Request for Departmental Action Fee Transmittal Form;
2. Statement of Objections;
3. Check in the sum of \$120.00 as payment of the filing fee.

Thank you for your attention to this matter.

Sincerely,

Mark O'Connor

cc: Mass. DEP – Northeast Regional Office
205B Lowell Street
Wilmington, MA 01887

Haverhill Conservation Commission
4 Summer Street
Haverhill, MA 01830

MO/meo



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

DEP File Number: **4**
 33-1490
 Provided by DEP

A. Request Information

1. Location of Project

Broadway Haverhill, MA 01832
 a. Street Address b. City/Town, Zip
8677 120.00
 c. Check number d. Fee amount

2. Person or party making request (if appropriate, name the citizen group's representative):

Antonio Viola
 Name
80 Main St.
 Mailing Address
Malden MA 02148
 City/Town State Zip Code
617-913-4671 violacpdc2@verizon.net
 Phone Number Fax Number Email Address

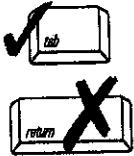
3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Antonio Viola
 Name
80 Main St.
 Mailing Address
Malden MA 02148
 City/Town State Zip Code
617-913-4671 violacpdc2@verizon.net
 Phone Number Fax Number Email Address

4. DEP File Number:

33-1490

Important:
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



B. Instructions

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

- Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- Superseding Determination of Applicability – Fee: \$120
- Superseding Order of Resource Area Delineation – Fee: \$120

Send this form and check or money order, 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**

DEP File Number:

4

33-1490

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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 <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).
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.

Re: Order of Conditions no. 33-1490
Applicant: Antonio Viola

APPLICANT'S STATEMENT OF OBJECTIONS

In support of his request for the issuance of a Superseding Order of Conditions, applicant Antonio Viola hereby briefly states his objection to each numbered Reason for Denial stated within the Order of Conditions issued by the Haverhill Conservation Commission on April 28, 2021.

1. No other access alternatives are available to the applicant;
2. The multiple gas pipe easements do, in fact, provide the necessary connection;
3. The water table is such that the wetlands species would grow with minimal grading (which would have been provided to accommodate the planting);
4. There is no DEP requirement barring separate wetland replacement areas;
5. The water table is such that the wetlands species would grow with minimal grading (which would have been provided to accommodate the planting). Replication in this area was requested by the conservation agent;
6. There is no DEP requirement barring location here;
7. There is no DEP requirement barring this grading;
8. This plan was previously provided to the Commission;
9. No other feasible alternatives are available;
10. The suggested design alternative is not viable in light of the gas company objections;
11. There is no DEP requirement regarding driveway grades and, in fact, this reason conflicts with denial item no. 2;
12. This alternative was not found to be effective to significantly reduce the required alterations;
13. There is no DEP requirement or City of Haverhill requirement regarding this item;
14. There is no basis for this requirement nor is the request feasible given the location of the gas easement and constraints within it.