



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Northeast Regional Office • 205B Lowell Street, Wilmington MA 01887 • 978-694-3200

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**CITY OF HAVERHILL
CONSERVATION DEPARTMENT**

November 3, 2021

Michael Procopio
c/o The Procopio Companies
220 Broadway, Suite 302
Lynnfield, MA 01940

RE: WETLANDS/HAVERHILL
DEP FILE #033-1505
19 Railroad Ave., 236 South Elm St.
NOTICE OF APPEAL

Dear Mr. Procopio:

Under the provisions of the Wetlands Protection Act, Massachusetts General Laws, Chapter 131, section 40 (the "Act"), and upon its own initiative, the Northeast Regional Office of the Massachusetts Department of Environmental Protection, Wetlands Program (MassDEP), hereby appeals the Order of Conditions (OOC) for the project referenced above. This appeal is made within ten (10) business days of the Haverhill Conservation Commission's OOC, which was post-marked on October 21, 2021, and in accordance with the regulations at 310 CMR 10.05(7). MassDEP is assuming jurisdiction over this project and will make a determination as to whether the area on which the proposed work is to be done is significant to the statutory interests identified in the Act.

It is MassDEP's opinion that the project proposal and the OOC do not contribute to the protection of the interests identified in the Act, and that the OOC is inconsistent with the Act's regulations, 310 CMR 10.00. Specifically, MassDEP is concerned that the project does not meet performance standards under 310 CMR 10.57(4)(a) for Bordering Land Subject to Flooding, which requires compensatory flood storage to have an unrestricted hydraulic connection to the same waterway or waterbody.

A site inspection with MassDEP will be scheduled shortly and all parties will be notified in writing in advance of the site visit.

No activity shall commence on any portion of the project site subject to the jurisdiction of M.G.L. Chapter 131, Section 40, until MassDEP issues a SOC, and all appeal periods have elapsed, or in the alternative, MassDEP withdraws its appeal.

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

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MassDEP Website: www.mass.gov/dep

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If you have any questions, please contact me at jill.provencal@mass.gov.

Sincerely,



Jill Provencal
Section Chief
Wetlands Program - NERO

cc: Haverhill Conservation Commission, City Hall, 4 Summer Street, Room 300, Haverhill, MA
01830
Stephen Martorano, c/o Bohler Engineering, 45 Franklin Street, 5th Floor, Boston, MA 02110