Massachusetts Department of Environmental Protection MT. WASHINGTON, MA
Bureau of Resource Protection - Wetlands
City/Town

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:

MACK WAGGAMAN — Name
mwaggaman@fairpoint.net — E-Mail Address
603 EAST ST — Mailing Address
MT WASHINGTON — City/Town
MA — State
01258 — Zip Code
OFF (413) 645-3305 — Phone Number
N/A — Fax Number (if applicable)

2. Representative (if any):

N/A — Firm

Contact Name
E-Mail Address
Mailing Address
City/Town
State
Zip Code
Phone Number
Fax Number (if applicable)

B. Determinations

1. I request the MT. WASHINGTON Conservation Comm 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).

C. Project Description

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

648 (OLD 176) EAST ST — Street Address
MT. WASHINGTON — City/Town
8 — Assessors Map/Plat Number
8011 — Parcel/Lot Number

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

SEE ATTACHED SHEET

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

AERIAL MAP: 176 EAST ST / WETLAND BOUNDARY — Title — 2019 — Date
GPS COORDINATES: 176 EAST ST — Title — 2019 — Date
PHOTOS #1, 2, 3 SHOWING DEBRIS PILES — Title — 12/8/2020 — Date

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

SEE ATTACHED SHEET

Mack Waggaman
Project Site: 648 (old 176) East St, Mt. Washington, MA 01258

C. Project Description

1.b. Area Description:

Area under consideration is located on a 6.001 acre residential lot. The area is approximately 67 feet from the wetland boundary that crosses into the SE corner of the eastern property line (see aerial map for location). The area is within the 100 foot wetland buffer zone.

Situated in this area are two (2) large piles of stacked logs and woody debris from a logging operation that occurred under a previous owner (see attached photographs). These piles are circled in red on the aerial map and GPS coordinates are provided. The footprint of northerly log pile is approximately 1020 sq. ft. The footprint of the southerly log pile is approximately 892 sq. ft.

The ground in the area has been disturbed. Currently the vegetation consists of brambles.

2.a. Work Description

Removal and/or burning of the piles of stacked timber and woody debris and restore the area under consideration to its original, natural state as much as possible, with the help of financial assistance from the USDA Natural Resources Conservation Service (NRCS) and perhaps technical assistance from Mass Wildlife. The purpose is to restore the Buffer Zone, protect the adjoining Wetland and provide wildlife habitat.

2.b. Provisions of Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent:

(1) Proposed Work is not included in the definition of Project Site and Activities: Title XIX, C. 131, § 40 defines "project site" to mean "lands where the following activities are proposed to take place: dredging, excavating, filling, grading, the erection, reconstruction or expansion of a building or structure, the driving of pilings, the construction or improvement of roads or other ways and the installation of drainage, sewerage and water systems". The Applicant's work does not fall into any of these categories of activities.

(2) Applicant intends to restore an area in the Wetland Buffer Zone: Title XIX, C. 131, § 40 mandates that "any person who purchases....real estate upon which work has been done in violation of the provisions of this section....shall forthwith comply with any such order to restore such real estate to its condition prior to any such violation". Applicant believes that the logging operation conducted by a previous owner was probably illegal and seeks to comply with the law.

CIRCLED AREAS SHOW DEBRIS

N

MACK WAGGAMAN
AERIAL MAP:
176 EAST ST/WETLAND BOUNDARY
2019

NORTH DEBRIS PILE GPS DATA:

NAD 1983 UTM meters Zone: 18:
(EPSG:26918)
Northing (Y): 4659037
Easting (X): 627051
==========
WGS 1984 Latitude / Longitude:
(EPSG:4326)
Degrees Minutes Seconds:
Latitude (Y): 42° 4' 23.26" N
Longitude (X): 73° 27' 50.97" W
Decimal Degrees:
Latitude (Y): 42.073128 N
Longitude (X): 73.464158 W
==========

MACK WAGGAMAN / GPS COORDINATES 176 EAST ST

SOUTH DEBRIS PILE GPS DATA:

NAD 1983 UTM meters Zone: 18:
(EPSG:26918)
Northing (Y): 4659024
Easting (X): 627054
==========
WGS 1984 Latitude / Longitude:
(EPSG:4326)
Degrees Minutes Seconds:
Latitude (Y): 42° 4' 22.86" N
Longitude (X): 73° 27' 50.84" W
Decimal Degrees:
Latitude (Y): 42.073017 N
Longitude (X): 73.464122 W
==========

GPS FOR DEBRIS

DESCRIPTION: LOOKING EAST ACROSS Project site AREA Toward Wetland

MACK WAGGAMAN
648 (Rt 176) East St.
#1 PHOTO: TIMBER & BRUSH DEBRIS PILES

DESCRIPTION: NORTH DEBRIS PILE CONSISTS OF CUT TIMBER + STUMPS

MACK WARSHAUER
608 (OLD 76) EAST ST.
#2 PHOTO: NORTH DEBRIS PILE

DESCRIPTION: SOUTH DEBRIS PILE
CONSISTS OF CUT TIMBER,
LARGE BRANCHS + MISC. DEBRIS

MACK WAGGAMAN
648 (OLD 176) EAST ST.
#3 PHOTO: SOUTH DEBRIS PILE

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).

SEE ATTACHED SHEET

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.)

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:

MACKENZIE WAGGAMAN
Name

603 EAST ST
Mailing Address

MT. WASHINGTON
City/Town

MA
State

01258
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

12/14/2020
Date

Signature of Representative (if any)

Date