



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

4

DEP File Number:

**Request for Departmental Action Fee
Transmittal Form**

(NOI) DEP #071-0349

Provided by DEP

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

A. Request Information

1. Location of Project

10 Whitman Road (addit'l work w/in buffer @101 Forest Ave) Swampscott

a. Street Address

Parcel lls: 22-E1 & 22-E

b. City/Town, Zip

#1965

\$245

c. Check number

d. Fee amount

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

(Mary) Gail Brock (Citizen's group representative)

Name

12 Laurel Road

Mailing Address

Swampscott

MA

01907

City/Town

State

Zip Code

203-206-3681

ggailbrock@aol.com

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)):

Town of Swampscott c/o Max Kasper

Name

ELIHU THOMSON ADMINISTRATION BUILDING 22 MONUMENT AVENUE

Mailing Address

SWAMPSCOTT

MA

01907

City/Town

State

Zip Code

(781) 596-8857

not published

mkasper@swampscottma.gov

Phone Number

Fax Number

Email Address

4. DEP File Number:

(NOI) DEP #071-0349

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

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

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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.

MARY G. BROCK
12 LAUREL RD.
SWAMPSCOTT, MA 01907-2313

5-7017/2110

1965

DATE

4/11/22

JB

PAY TO THE
ORDER OF

Mass DEP

\$245

Two hundred & forty five dollars only

DOLLARS

11

Security Features
Included
Outside on Back

Citizens Bank

MEMO

Mary G Brock MP

1:2110701751 1109280006

1965

We the undersigned request a Superseding Order of Conditions for NOI DEP #071-0349 on the basis that this project encroaches on wetland and wildlife habitat areas. The existing General Order of Conditions and Special Order of Conditions issued by Swampscott Conservation are deficient in the following ways.

1. Though the building permit addresses both parcels. Only the impacts to 10 Whitman Road are addressed in the conservation order. This is deficient because wetlands and wetlands buffer will be affected also on the 101 Forest Avenue parcel.
2. The site is large enough so as to allow the building and surrounding impermeable surfaces to be sited outside of wetlands and buffer zones.
3. The orders are focused on record-keeping and disclosure of adverse events rather than on protection of habitat and prevention of wetlands habitat loss. They address erosion control and containment. They do not acknowledge or address protection of wildlife habitat, removal of vegetation or trees, or other habitat alterations within the wetlands area or 100' buffer.
4. Enforcement of provisions for wildlife habitat protection, erosion control, wheel washing, and dust control are left to the contractors who would themselves be the violators of the orders. There is no advocate for wildlife habitat and wetlands protection in the enforcement loop.
5. Though use of poisons is prohibited in the OOC issued by Swampscott Conservation, several wildlife species are actually noted as pests (including coyotes, raccoons, and bats) in the earth removal permit and use of poisons is positively indicated in that permit. Because hierarchy of enforcement is not addressed, it is unclear as to how protection of wildlife and wildlife habitat can be ensured.
6. The orders do not address the building of a paved road in a wetlands area that is drawn on the plan. Nor do they address prevention of asphalt runoff, or of salting or de-icing by other chemical means that will be detrimental to wildlife habitat of the paved areas on both Parcel IDs 22-E1 and 22E during the winter. Curb cuts and culverts allow runoff directly into the buffer and wetlands areas.
7. The proposed building is within 30 feet of one wetland area in Ewing Woods and the building runs for ~500 feet across the wildlife (amphibian) habitat and migration paths.
8. The project proposes extensive blasting, chipping, and crushing on site and removal of earth and rock equivalent to roughly the volume of 15 Olympic-sized swimming pools (2 of which are contaminated). Wildlife habitat will be disturbed and potentially destroyed forever. Displacement of absorbent soil with impermeable roof and paving will impact abutters protected currently by wetlands areas from flooding.
9. The plan requires 600-800 cars to drive within 30 feet of the wetland area on the UCCGL property for a length of approximately 150 feet, twice per day (as many as 1600 trips) making the species within it vulnerable to particulate pollution and excessive emissions (fewer than 20 cars per week travel there currently).
10. The plan proposes removing vegetation at the northwest corner of the site and within the 100' buffer of the wetland on the property of the UUGL Church to be replaced by turf. This vegetation is berry feed and wildlife habitat for many birds and small mammals. No ongoing process is outlined for overseeing removal of trees or vegetation.
11. Multiple procedural failures including: Neither the final order, nor the NOI have been posted on the Conservation Commission website though the meeting and vote occurred on 4/7/22. Materials were not available in advance to the public for review and have not been posted on the conservation commission site since (as of 4/15/22).
12. The Town of Lynnfield Conservation Commission is mentioned multiple times as the permitting entity indicating that the order has been cut and pasted from previous work without observation or consideration of the wetland ecosystem threatened by this project.



Wildlife species seen and documented across the project site include the following:

Salamanders (spotted/Jefferson)
Owls (great horned/barred)
Bats
Hawks (Coopers/barred)

Peepers
Wood frogs
Toads
Snakes (rat/garter)

Coyotes
Songbirds
Ducks
Rabbits

2. Name	Jose Fagundo	Address	184 Forest Ave Swampscott	Date	4/12/2022
3. Name	Monica Lopez	Address	184 Forest Ave Swampscott	Date	4/12/2022
4. Name	Jose Lopez	Address	184 Forest Ave Swampscott	Date	4/12/2022
5. Name	Wendy	Address	192 Forest Ave	Date	4/12/2022
6. Name	Roger Minkler	Address	192 Forest Ave.	Date	4/12/22
7. Name	Donald R. Sawyer	Address	194 Forest Ave	Date	4/12/22
8. Name	Ann Sawyer	Address	194 Forest Ave	Date	4/12/22
9. Name	Elizabeth M. Burns	Address	3 Laurel Rd	Date	4/12/22
10. Name	Walter Brock	Address	12 Laurel Rd	Date	4/12/22
	Martha Ceser	Address	80 Nasson Rd	Date	4/12/22

① Eric Boehman 22 Prospect Ave 4/14/22