



# Notice of Intent Application

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March 8, 2024

Subject Property

0 Northern Avenue  
Map 40, Block 487, Lot 4, 5  
Weymouth, Massachusetts

Property Owner/Applicant

Ken Ryder  
Ryder Development Corp  
668 Broad Street, Suite D  
Weymouth, MA 02189

Representative

**LEC Environmental Consultants, Inc.**

12 Resnik Road  
Suite 1  
Plymouth, MA 02360  
508-746-9491

[www.lecenvironmental.com](http://www.lecenvironmental.com)



March 8, 2024

**Email/FedEx Delivery**

Weymouth Conservation Commission  
Weymouth Town Hall  
75 Middle Street  
Weymouth, MA 02189

**Re: Notice of Intent Application  
0 Northern Avenue  
Map 40, Block 487, Lots 4 and 5  
Weymouth, Massachusetts**

[LEC File #: RyDC\23-452.01]

Dear Members of the Conservation Commission:

On behalf of the Applicant, Ryder Development Corp, LEC Environmental Consultants, Inc., (LEC) is submitting a Notice of Intent (NOI) Application for the proposed construction of a single-family dwelling, driveway, and associated grading, landscaping, and utilities at 0 Northern Avenue in Weymouth, Massachusetts. In addition to the proposed development, the project involves wetland and Buffer Zone restoration measures in response to a Cease and Desist Order and Notice of Violation issued by the Weymouth Conservation Commission on August 11, 2023.

The proposed development involves activities in Riverfront Area and the 100-foot Buffer Zone, while restoration activities will occur in Bordering Vegetated Wetlands (BVW), Riverfront Area, and Buffer Zone. The development and restoration are designed to achieve compliance with the *Massachusetts Wetlands Protection Act (WPA; M.G.L. c. 131, § 40)*, its implementing *Regulations (310 CMR 10.00)*, and the *Town of Weymouth Wetlands Code of Ordinances (Chapter 7-301, the Wetland Ordinance) and its implementing Rules and Regulations*. A Request for Variance for activities in the 25-foot No-Disturb Buffer Zone is included in this NOI.

The Wetland Resource Area boundaries and proposed project details are depicted on the attached *Proposed Residential Dwelling Plan*, dated March 4, 2024, prepared by Sitec Engineering & Environmental Consultants, Inc. (Appendix B) and the *Restoration Planting Plan*, dated February 7, 2024, prepared by LEC Environmental Consultants, Inc. (Appendix C).

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<b>LEC Environmental Consultants, Inc.</b>				<b>www.lecenvironmental.com</b>	
12 Resnik Road Suite 1 Plymouth, MA 02360 508.746.9491	380 Lowell Street Suite 101 Wakefield, MA 01880 781.245.2500	100 Grove Street Suite 302 Worcester, MA 01605 508.753.3077	P. O. Box 590 Rindge, NH 03461 603.899.6726	680 Warren Avenue Suite 3 East Providence, RI 02914 401.685.3109	
<b>PLYMOUTH, MA</b>	<b>WAKEFIELD, MA</b>	<b>WORCESTER, MA</b>	<b>RINDGE, NH</b>	<b>EAST PROVIDENCE, RI</b>	



Enclosed please find two checks payable to the Town of Weymouth for the Town portion of the WPA filing fee (\$762.50), and for the *Ordinance* fee (\$300.00). The state portion of the WPA filing fee (\$737.50) has been forwarded to the MassDEP Lockbox.

We look forward to meeting with you at the March 26, 2024 Public Hearing. If you have any questions, please do not hesitate to contact us at 508-746-9491.

Sincerely,

**LEC Environmental Consultants, Inc.**

A handwritten signature in black ink that reads "Mark L. Manganello".

Mark L. Manganello  
Assistant Director of Ecological Services

A handwritten signature in black ink that reads "Nate Goshgarian".

Nate Goshgarian  
Wetland Scientist

Attachments

cc: DEP SERO; Ryder Development Corp., Sitec Engineering & Environmental Consultants, Inc

- i. WPA Form 3 - Notice of Intent
- ii. Local NOI Form
- iii. Affidavit of Service
- iv. Abutter Letter
- v. Abutter Notification
- vi. Certified List of Abutters

**NOI Application Report**

<b>1.</b>	<b>Introduction</b>	<b>1</b>
<b>2.</b>	<b>General Site Description</b>	<b>1</b>
2.1	FEMA Floodplain Designation	2
2.2	Massachusetts Natural Heritage & Endangered Species Program Designation	2
<b>3.</b>	<b>Wetland Resource Area Descriptions</b>	<b>3</b>
3.1	Bordering Vegetated Wetlands (BVW)	3
3.2	Bank/MAHW	4
3.3	Riverfront Area	4
3.4	Bordering Land Subject to Flooding (BLSF)	4
<b>4.</b>	<b>Proposed Project</b>	<b>5</b>
<b>5.</b>	<b>Regulatory Compliance</b>	<b>8</b>
<b>6.</b>	<b>Summary</b>	<b>11</b>

**Literature Referenced**

**Appendix A**

Locus Maps

Figure 1: USGS Topographic Map

Figure 2: Aerial Orthophoto and NHESP Map

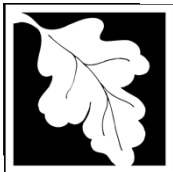
Figure 3: FEMA Flood Insurance Rate Map

**Appendix B**

*Proposed Residential Dwelling Plan*, Dated March 4, 2024, Prepared by Sitec Engineering & Environmental Consulting, Inc.

**Appendix C**

*Restoration Planting Plan*, Dated February 7, 2024, Prepared by LEC Environmental Consultants, Inc.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 3 – Notice of Intent**

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Weymouth  
City/Town

**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.

**A. General Information**

1. Project Location (**Note:** electronic filers will click on button to locate project site):

0 Northern Avenue

a. Street Address

Weymouth

b. City/Town

02188

c. Zip Code

Latitude and Longitude:

42.18280

d. Latitude

-70.96274

e. Longitude

40

f. Assessors Map/Plat Number

Block 487, Lots 4 & 5

g. Parcel /Lot Number

2. Applicant:

Ken

a. First Name

Ryder

b. Last Name

Ryder Development Corp

c. Organization

668 Broad Street, Suite D

d. Street Address

Weymouth

e. City/Town

MA

f. State

02189

g. Zip Code

781-335-9562

h. Phone Number

i. Fax Number

kenryderk@aol.com

j. Email Address

3. Property owner (required if different from applicant):

Check if more than one owner

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Mark

a. First Name

Manganello

b. Last Name

LEC Environmental Consultants, Inc.

c. Company

12 Resnik Road, Suite 1

d. Street Address

Plymouth

e. City/Town

MA

f. State

02360

g. Zip Code

508-746-9491

h. Phone Number

i. Fax Number

mark@lecenvironmental.com

j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

\$1,500.00

a. Total Fee Paid

\$737.50

b. State Fee Paid

\$762.50

c. City/Town Fee Paid



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**A. General Information (continued)**

6. General Project Description:

Construction of a new single-family dwelling, paved roadway extension, associated grading, landscaping, utilities, and restoration plan.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1.  Single Family Home
- 2.  Residential Subdivision
- 3.  Commercial/Industrial
- 4.  Dock/Pier
- 5.  Utilities
- 6.  Coastal engineering Structure
- 7.  Agriculture (e.g., cranberries, forestry)
- 8.  Transportation
- 9.  Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1.  Yes  No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

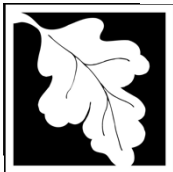
8. Property recorded at the Registry of Deeds for:

Norfolk  
 a. County  
 10097/2431  
 c. Book  
 b. Certificate # (if registered land)  
 219/401  
 d. Page Number

**B. Buffer Zone & Resource Area Impacts (temporary & permanent)**

- 1.  Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2.  Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



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**B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)**

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	5,239 (restoration) 1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet 2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input checked="" type="checkbox"/> Riverfront Area	Mill River (Inland) 1. Name of Waterway (if available) - <b>specify coastal or inland</b>	

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: 41,031 square feet

4. Proposed alteration of the Riverfront Area:

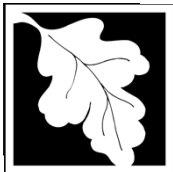
4,890	2,200	2,690
a. total square feet	b. square feet within 100 ft.	c. square feet between 100 ft. and 200 ft.

5. Has an alternatives analysis been done and is it attached to this NOI?  Yes  No

6. Was the lot where the activity is proposed created prior to August 1, 1996?  Yes  No

3.  Coastal Resource Areas: (See 310 CMR 10.25-10.35)

**Note:** for coastal riverfront areas, please complete **Section B.2.f.** above.



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## B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:  
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet	
	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	1. square feet	2. cubic yards dune nourishment

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
f. <input type="checkbox"/> Coastal Banks	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet	
h. <input type="checkbox"/> Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet	
	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet	

4.  Restoration/Enhancement  
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

- a. square feet of BVW
- b. square feet of Salt Marsh

5.  Project Involves Stream Crossings

- a. number of new stream crossings
- b. number of replacement stream crossings





Massachusetts Department of Environmental Protection  
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### C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

#### Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to [http://maps.massgis.state.ma.us/PRI\\_EST\\_HAB/viewer.htm](http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm).

- a.  Yes  No **If yes, include proof of mailing or hand delivery of NOI to:**

**Natural Heritage and Endangered Species Program  
Division of Fisheries and Wildlife  
1 Rabbit Hill Road  
Westborough, MA 01581**

- 2021  
b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

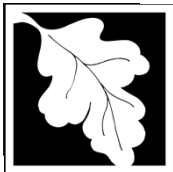
- c. Submit Supplemental Information for Endangered Species Review\*

1.  Percentage/acreage of property to be altered:
    - (a) within wetland Resource Area percentage/acreage
    - (b) outside Resource Area percentage/acreage
  2.  Assessor's Map or right-of-way plan of site
2.  Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work \*\*
- (a)  Project description (including description of impacts outside of wetland resource area & buffer zone)
  - (b)  Photographs representative of the site

\* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/endangered-species-act-mesa-regulatory-review>).

Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

\*\* MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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**C. Other Applicable Standards and Requirements (cont'd)**

(c)  MESA filing fee (fee information available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).  
 Make check payable to “Commonwealth of Massachusetts - NHESP” and **mail to NHESP** at above address

*Projects altering 10 or more acres of land, also submit:*

- (d)  Vegetation cover type map of site
- (e)  Project plans showing Priority & Estimated Habitat boundaries
- (f) OR Check One of the Following
  - 1.  Project is exempt from MESA review.  
 Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)
  - 2.  Separate MESA review ongoing.                      a. NHESP Tracking #                      b. Date submitted to NHESP
  - 3.  Separate MESA review completed.  
 Include copy of NHESP “no Take” determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?  
 a.  Not applicable – project is in inland resource area only      b.  Yes     No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Bourne to Rhode Island border, and the Cape & Islands:  Division of Marine Fisheries - Southeast Marine Fisheries Station Attn: Environmental Reviewer 836 South Rodney French Blvd. New Bedford, MA 02744 Email: <a href="mailto:dmf.envreview-south@mass.gov">dmf.envreview-south@mass.gov</a>	North Shore - Plymouth to New Hampshire border:  Division of Marine Fisheries - North Shore Office Attn: Environmental Reviewer 30 Emerson Avenue Gloucester, MA 01930 Email: <a href="mailto:dmf.envreview-north@mass.gov">dmf.envreview-north@mass.gov</a>
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Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP’s Boston Office. For coastal towns in the Southeast Region, please contact MassDEP’s Southeast Regional Office.

c.  Is this an aquaculture project?                      d.  Yes     No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).



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**C. Other Applicable Standards and Requirements (cont'd)**

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
- a.  Yes  No      If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
- a.  Yes  No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
- a.  Yes  No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
- a.  Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1.  Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
  2.  A portion of the site constitutes redevelopment
  3.  Proprietary BMPs are included in the Stormwater Management System.
- b.  No. Check why the project is exempt:
1.  Single-family house
  2.  Emergency road repair
  3.  Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

**D. Additional Information**

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

**Online Users:** Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1.  USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2.  Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.

**Online Users:**  
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

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MassDEP File Number \_\_\_\_\_

Document Transaction Number \_\_\_\_\_

Weymouth

City/Town

## F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

*Keneth Rogers*

1. Signature of Applicant

3-5-2024

2. Date

3. Signature of Property Owner (if different)

*[Signature]*

4. Date

5. Signature of Representative (if any)

3/7/24

6. Date

### For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

### For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

### Other:

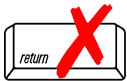
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**NOI Wetland Fee Transmittal Form**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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



**A. Applicant Information**

1. Location of Project:

0 Northern Ave	Weymouth
a. Street Address	b. City/Town
9613	\$737.50
c. Check number	d. Fee amount

2. Applicant Mailing Address:

Ken	Ryder	
a. First Name	b. Last Name	
Ryder Development Corporation		
c. Organization		
668 Broad Street, Suite D		
d. Mailing Address		
Weymouth	MA	02189
e. City/Town	f. State	g. Zip Code
781-335-9562	kenryderk@aol.com	
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

a. First Name	b. Last Name	
c. Organization		
d. Mailing Address		
e. City/Town	f. State	g. Zip Code
h. Phone Number	i. Fax Number	j. Email Address

**B. Fees**

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

**Step 1/Type of Activity:** Describe each type of activity that will occur in wetland resource area and buffer zone.

**Step 2/Number of Activities:** Identify the number of each type of activity.

**Step 3/Individual Activity Fee:** Identify each activity fee from the six project categories listed in the instructions.

**Step 4/Subtotal Activity Fee:** Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

**Step 5/Total Project Fee:** Determine the total project fee by adding the subtotal amounts from Step 4.

**Step 6/Fee Payments:** To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
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 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**B. Fees** (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 2 (Construction of house)	1	\$750.00	\$750.00
Category 2 (Wetland Restoration)	1	\$750.00	\$750.00

**Step 5/Total Project Fee:** \$1,500.00

**Step 6/Fee Payments:**

Total Project Fee:	\$1,500.00
State share of filing Fee:	\$737.50
City/Town share of filing Fee:	\$762.50
	a. Total Fee from Step 5
	b. 1/2 Total Fee <b>less</b> \$12.50
	c. 1/2 Total Fee <b>plus</b> \$12.50

**C. Submittal Requirements**

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection  
 Box 4062  
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

**To MassDEP Regional Office** (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

**NOTICE OF INTENT**  
**UNDER THE TOWN OF WEYMOUTH**  
**WETLANDS PROTECTION ORDINANCE, CHAPTER 7, SECTION 301**

1. Project Location 0 Northern Avenue, Weymouth MA 02188
2. Town of Weymouth Atlas Reference (Parcel #) Map 40, Block 487, Lots 4 and 5.
3. Project Description Construction of a new single-family dwelling, paved roadway extension, associated grading, landscaping, utilities, and Wetland/Buffer Zone restoration plantings.
4. County, Norfolk: Book 10097/2431 Page 219/401
5. \*Applicant Ryder Development Corp \*Telephone# 781-335-9562
6. \*Applicant Address 668 Broad Street, Unit D, Weymouth, MA 02189
7. Property Owner Ken Ryder
8. Representative Mark Manganello/LEC Environmental Consultants, Inc. Telephone# 508-746-9491
9. Representative's Address 12 Resnik Road, Suite 1, Plymouth MA 02360
10. Billing Party for Legal Notice (All info is required):  
Name: Ken Ryder - Ryder Development Corp  
Address: 668 Broad Street, Suite D, Weymouth, MA 02189  
Home Phone: \_\_\_\_\_ Cell: 781-335-9562  
Email address kenryderk@aol.com
11. Has the Conservation Commission received the **original** material **plus six (6) copies** of the Notice of Intent form, 8.5"X11", U.S.G.S. locus and 8.5"x11" sheet clearly showing the proposed site and work in addition to labeled resource areas? YES  NO \_\_\_\_\_
12. Are the following additional interests relevant to the proposed project? If so, Notice of Intent must include a discussion of these interests. Aesthetics \_\_\_\_\_ Wildlife \_\_\_\_\_ Recreation \_\_\_\_\_ Erosion Control
13. Have you filed your Local Wetland Fees? State Fees? YES  NO \_\_\_\_\_
14. Have you filed the Abutters' Notification and Affidavit of Service? YES  NO \_\_\_\_\_

I, THE UNDERSIGNED, HEREBY APPLY FOR A PERMIT PURSUANT TO THE CODE OF ORDINANCES, TOWN OF WEYMOUTH, CHAPTER 7, SECTION 301

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\*THE WEYMOUTH CONSERVATION OFFICE WILL SUBMIT THE NECESSARY LEGAL AD, AND THE APPLICANT WILL BE BILLED DIRECTLY BY THE PATRIOT LEDGER. FOR BILLING PURPOSES, THE PATRIOT LEDGER REQUIRES THAT THE TELEPHONE NUMBER SUBMITTED MUST BE THE DIRECT CONTACT NUMBER THAT MATCHES THE NAME AND ADDRESS OF THE APPLICANT, OTHERWISE THE LEGAL AD WILL NOT BE PUBLISHED AND THE HEARING WILL BE DELAYED.



## AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act and  
Code of Ordinances, Town of Weymouth, Chapter 7, Section 301

(To be submitted to the Massachusetts Department of Environmental Protection and the **Weymouth Conservation Commission** when filing a Notice of Intent or Request for Determination)

I Theresa Sarkissian hereby certify under the  
pains and penalties of perjury that on 3/8/24 (date)  
I gave notification to abutters in compliance with the second paragraph of  
Massachusetts General Laws Chapter 131, Section 40, and the DEP Guide to  
Abutter Notification dated April 8, 1994, and **Town of Weymouth**, in connection  
with the following matter:

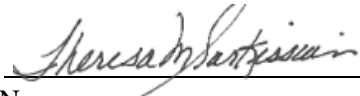
A Notice of Intent or Request for Determination filed under the Massachusetts  
Wetlands Protection Act by

\_\_\_\_\_  
With the **Town of Weymouth Conservation Commission** on March 8, 2024  
(Date)

For property located at 0 Northern Avenue

Shown on Assessors Map# 40 Block # 487 Lot# 5

The forms of the notification, and a list of the abutters and town departments to  
whom it was given and their addresses, are attached to this Affidavit of Service.

  
\_\_\_\_\_  
Name

March 8, 2024  
Date

March 8, 2024

**CERTIFIED MAIL**

«Name»

«Name2»

«Address»

«City», «State» «Zip»

**Re: Notice of Intent Application  
0 Northern Avenue  
Map 40, Block 487, Lot 4 and Lot 5  
Weymouth, Massachusetts**

[LEC File #: RyDC\23-452.01]

Dear Abutter:

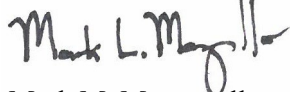
On behalf of the Applicant, Ryder Development Corp, LEC Environmental Consultants, Inc., (LEC) is submitting a Notice of Intent (NOI) Application for the proposed construction of a new single-family dwelling, paved roadway extension, associated grading, and restoration activities at 0 Northern Avenue. Work activities are proposed within Wetland Resource Areas protected under the *Massachusetts Wetlands Protection Act* (M.G.L., c. 131, s. 40), its implementing *Regulations* (310 CMR 10.00), and the Town of Weymouth *Wetlands Protection Ordinance* (Chapter 7, Section 301).

The NOI and accompanying site plan are available for review by the public at the Weymouth Conservation Commission office, located at the Weymouth Town Hall, 75 Middle Street in Weymouth, Massachusetts. A Public Hearing has been scheduled with the Weymouth Conservation Commission for March 26, 2024 at 7:00 p.m. in the McCulloch Building, Mary McElroy Room, 182 Green Street, Weymouth, Massachusetts. Further information regarding the Public Hearing will appear in the *Patriot Ledger* at least five (5) days prior to the hearing date.

Please do not hesitate to review the materials at the Conservation Commission office, attend the Public Hearing(s), and/or contact LEC should you have any questions or concerns about the Notice of Intent.

Sincerely,

**LEC Environmental Consultants, Inc.**



Mark M. Manganello  
Assistant Director of Ecological Services

Enclosure

**Notification to Abutters Under the**  
*Massachusetts Wetlands Protection Act Regulations (310 CMR 10.00)*  
and the  
Town of Weymouth *Wetland Protection Ordinance*  
(Chapter 7, Section 301)

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, the *Massachusetts Wetlands Protection Act Regulations (310 CMR 10.00)* and the Town of *Weymouth Wetland Protection Ordinance (Chapter 7, Section 301)*, you are hereby notified of the following:

- A. The name of the Applicant is Ryder Development Corp, 668 Broad Street, Suite D, Weymouth, MA 02189.
- B. The Applicant has filed a Notice of Intent Application with the Conservation Commission for the municipality of Weymouth, Massachusetts for the proposed construction of a new single-family dwelling, paved roadway extension, associated grading, and restoration activities at 0 Northern Avenue in Weymouth, Massachusetts. The work activities are proposed within Wetland Resource Areas protected under the *Massachusetts Wetlands Protection Act (M.G.L., c. 131, s. 40)*, its implementing *Regulations (310 CMR 10.00)*, and the Town of *Weymouth Wetlands Protection Ordinance (Chapter 7, Section 301)*.
- C. The address where the activity is located is 0 Northern Avenue, Map 40, Block 487, Lots 4 and 5.
- D. Copies of the Notice of Intent Application and plans may be examined at the Weymouth Conservation Commission office located at 75 Middle Street, Weymouth, MA 02188 or by contacting the Commission at 781-340-5007.
- E. Copies of Notice of Intent Application and plan may be obtained from LEC Environmental Consultants, Inc. (the applicant's representative) by calling 508-746-9491 between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday. A fee may be charged for each copy requested.
- F. Information regarding the public hearing may be obtained from the Weymouth Conservation Commission (the regulatory agency) by calling 781-340-5007.

NOTE: Notice of the Public Hearing, including its date, time, and place, will be published at least five (5) days in advance in the *Patriot Ledger.*

NOTE: You also may contact the nearest Department of Environmental Protection Regional Office for more information about this application or the Wetlands Protection Act.

To contact DEP, call the **Southeast Regional Office: 508-946-2800**

# Town of Weymouth



## ABUTTERS LIST ORDER FORM for CONSERVATION COMMISSION

Date: 2/21/2024

1) Subject Identification  
(Address and Parcel #)

0 Northern Ave - 487-5  
0 Northern Ave - 487-4

40-487 005  
40-487 004

# 41211

2) Type of filing (check one)

- Conservation Commission (all filings)  
 Planning Board - Subdivision (Definitive or Preliminary)  
 Board of Appeals (all applications)  
 Licensing     Will establishment sell or serve alcohol?  
 Town Council

3) Contact Person

Theresa Sarkissian/LEC Environmental Consultants, Inc.

4) Telephone Number

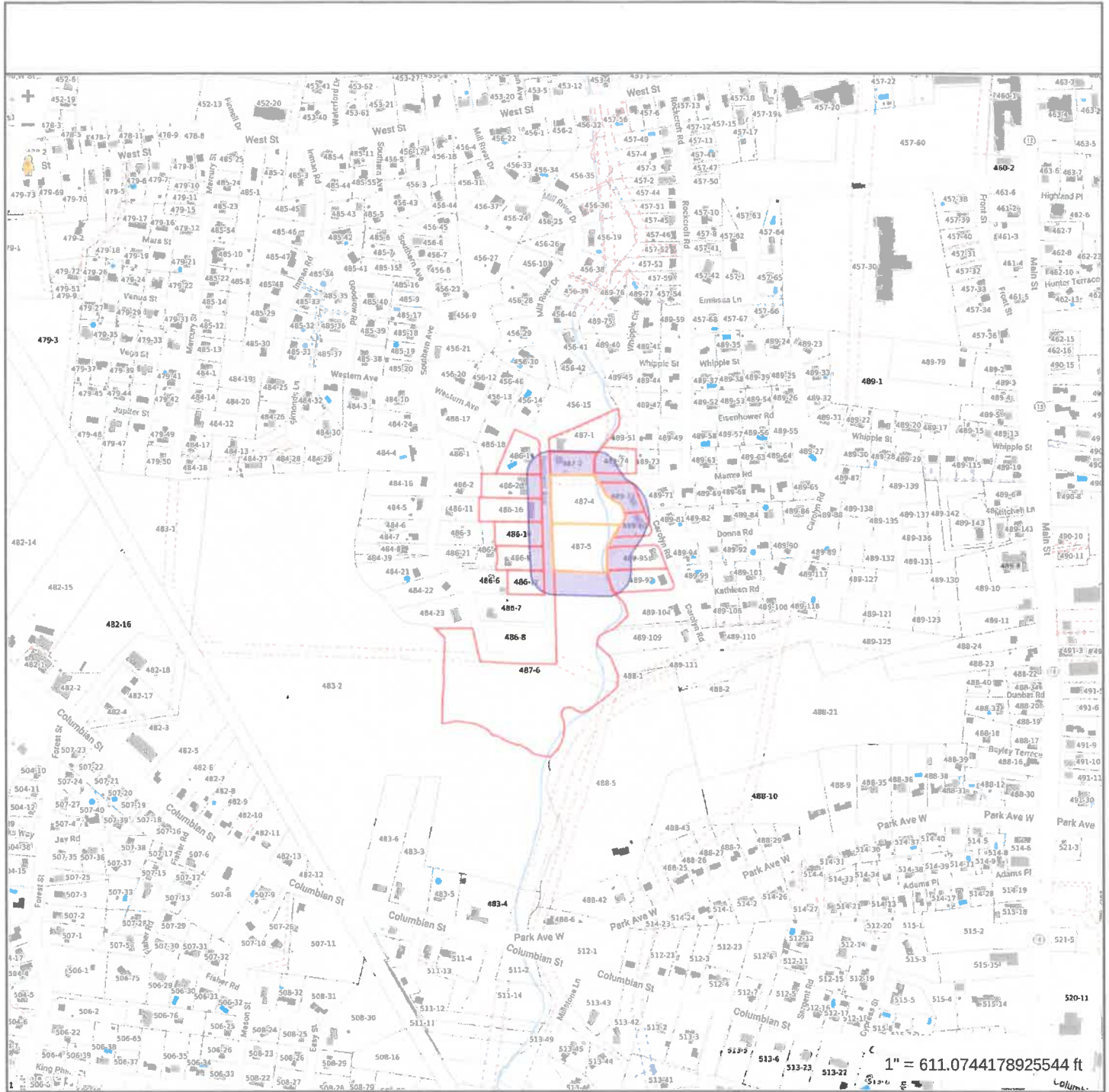
508-746-9491 tsarkissian@lecenvironmental.com

### NOTE:

- Abutters List fee is \$15.00; checks are payable to Town of Weymouth . Lists are requested in the Collector's Office , 1st Floor\*
- You will be notified when list is ready (usually within a week)
- Completed requests must be picked up in the Conservation Office, 3rd Floor\*  
\*75 Middle Street (Mon-Fri 8:30-4:30)

REV. 01/2018

# 41211



MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT

Weymouth, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Print map scale is approximate.  
Critical layout or measurement activities should not be done using this resource.

3/6/2024

PARCEL #	LOCATION	OWNER NAME/ADDRESS	CERTIFIED	
			YES	NO
MAP: 40 BLOCK: 486 LOT: 10 EXT: 0	0 NORTHERN AVE	SCHERMERHORN GERTRUDE  28544 SAN AMARO DR  BONITA SPRINGS, FL 34135	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MAP: 40 BLOCK: 486 LOT: 12 EXT: 0	0 NORTHERN AVE	KP REALTY COMPANY, LLC  21 JASON LANE  WEYMOUTH, MA 02190	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MAP: 40 BLOCK: 486 LOT: 16 EXT: 0	52 NORTHERN AVE	52 NORTHERN AVENUE REALTY TRUS  52 NORTHERN AVE  WEYMOUTH, MA 02188	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MAP: 40 BLOCK: 486 LOT: 19 EXT: 0	70 NORTHERN AVE	ONEIL NICHOLAS J & CAROL D TR  70 NORTHERN AVE  WEYMOUTH, MA 02188	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MAP: 40 BLOCK: 486 LOT: 20 EXT: 0	60 NORTHERN AVE	WILKINSON ROBERT A &  60 NORTHERN AVE  WEYMOUTH, MA 02188	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MAP: 40 BLOCK: 486 LOT: 9 EXT: 0	34 NORTHERN AVE	MULLALY FRANCES M & MARK F TBE  34 NORTHERN AVE  S WEYMOUTH, MA 02190	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MAP: 40 BLOCK: 487 LOT: 1 EXT: 0	73 NORTHERN AVE	GAGNON JOHN & EHLERS LAURA M  73 NORTHERN AVE  S WEYMOUTH, MA 02190	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MAP: 40 BLOCK: 487 LOT: 2 EXT: 0	67 NORTHERN AVE	MARTEL JAMES E & PAULA E TBE  67 NORTHERN AVE  S WEYMOUTH, MA 02190	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MAP: 40 BLOCK: 487 LOT: 6 EXT: 0	0 EASTERN AV	TOWN OF WEYMOUTH  75 MIDDLE ST  E WEYMOUTH, MA 02189	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MAP: 40 BLOCK: 489 LOT: 72 EXT: 0	160 CAROLYN RD	KILCOYNE KATHLEEN  160 CAROLYN RD  WEYMOUTH, MA 02190	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3/6/2024

PARCEL #	LOCATION	OWNER NAME/ADDRESS	CERTIFIED	
			YES	NO
<b>MAP:</b> 40 <b>BLOCK:</b> 489 <b>LOT:</b> 74 <b>EXT:</b> 0	71 MAMIE RD	MARK EDWARD CRAVEN LIVING TR &  71 MAMIE RD  WEYMOUTH, MA 02190	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>MAP:</b> 40 <b>BLOCK:</b> 489 <b>LOT:</b> 80 <b>EXT:</b> 0	152 CAROLYN RD	LYONS ROBERT E JR &  152 CAROLYN RD  S WEYMOUTH, MA 02190	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>MAP:</b> 40 <b>BLOCK:</b> 489 <b>LOT:</b> 95 <b>EXT:</b> 0	140 CAROLYN RD	CUSACK MARC J & MELINDA T TBE  140 CAROLYN RD  WEYMOUTH, MA 02190	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>MAP:</b> 40 <b>BLOCK:</b> 489 <b>LOT:</b> 97 <b>EXT:</b> 0	132 CAROLYN RD	MAK LAI MUI & SIN TONG  132 CAROLYN RD  WEYMOUTH, MA 02190	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>MAP:</b> 40 <b>BLOCK:</b> 487 <b>LOT:</b> 4 <b>EXT:</b> 0	0 NORTHERN AVE	TOWN OF WEYMOUTH  NORTHERN AVE  E WEYMOUTH, MA 02189	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>MAP:</b> 40 <b>BLOCK:</b> 487 <b>LOT:</b> 5 <b>EXT:</b> 0	0 NORTHERN AVE	RYDER DEVELOPMENT CORPORATION  668 BROAD ST UNIT D  WEYMOUTH, MA 02189	<input checked="" type="checkbox"/>	<input type="checkbox"/>

This list of abutters is a certified copy of the Town of Weymouth's tax records for fiscal year 2024.

Prepared by:

Reviewed by:

|

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## 1. Introduction

On behalf of the Applicant, Ryder Development Corp, LEC Environmental Consultants, Inc., (LEC) is filing this Notice of Intent (NOI) Application for the for the proposed construction of a single-family dwelling, driveway, and associated grading, landscaping, and utilities at 0 Northern Avenue in Weymouth, Massachusetts. In addition to the proposed development, the project involves restoration measures in response to a Cease-and-Desist Order and Notice of Violation issued by the Weymouth Conservation Commission on August 11, 2023.

Wetland Resource Areas associated with the project include Bordering Vegetated Wetland (BVW) and Riverfront Area, protected under the *Massachusetts Wetlands Protection Act (WPA; M.G.L. c. 131, § 40)*, its implementing *Regulations (310 CMR 10.00)* and the *Town of Weymouth Wetlands Code of Ordinances (Chapter 7-301, the Wetland Ordinance)* and its *implementing Rules and Regulations*.

The Wetland Resource Area boundaries and proposed development are depicted on the *Proposed Residential Dwelling Plan*, dated December 20, 2023, prepared by Sitec Engineering & Environmental Consultants, Inc. (Appendix B). The restoration measures are depicted on the *Restoration Planting Plan*, dated February 7, 2024, prepared by LEC Environmental Consultants, Inc. (Appendix C).

The following NOI Application provides a general site description, a description of the Wetland Resource Areas, and proposed project designed to protect the interests and values of the Wetland Resource Areas enumerated within the above-referenced statutes.

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## 2. General Site Description

The 1.09± site for the proposed development is located at 0 Northern Avenue (Assessor's Map 40, Lot 487-5), within a residential area south of West Street and west of Main Street in Weymouth (Appendix A, Figures 1 and 2). The restoration activities are located on the same property as the development but also include a small portion of the adjacent 1.1-acre, town-owned parcel to the north (Assessor's Map 40, Lot 487-4). The proposed driveway will be constructed within the Northern Avenue right-of-way (private), as well as 0 Northern Avenue.

Residential development occurs east of the site along Carolyn Road, Eisenhower Road, Rockcroft Road and to the west along Western Avenue and Southern Avenue. Undeveloped forested uplands, and forested Bordering Vegetated Wetlands (BVW) extend onto the easterly portion of the site. The BVW complex located on-site is associated with a perennial stream known as Mill River, which originates north of the site and flows south onto the property. Mill River is a tributary to Weymouth Great Pond and Whitman's Pond which are a public water supply. As a result, Mill River and the BVW on-site are protected as Outstanding Resource Waters (ORW).



The majority of the northwestern portion of the site has been cleared of vegetation, stumped, and stripped of some topsoil. This 5,239 square feet area of clearing and grubbing was performed without a permit and prompted issuance of the Cease & Desist Order and Notice of Violation by the Commission.

Variable stony material is located on the soil surface within the cleared area, ranging from cobble sized stones and bricks, to medium to large boulders located along the toe of slope directly south of the terminus of Northern Avenue. To the north, a row of medium-sized boulders has been placed directly upgradient from the northerly boundary to BVW.

The undeveloped portion of the site to the east is comprised of dense forested scrub-shrub BVW associated with Mill River and forested upland, extending further to the south. Vegetation within the forested upland is generally uniform and includes a moderately dense canopy of eastern white pine (*Pinus strobus*), red maple (*Acer rubrum*), black cherry (*Prunus serotina*), red oak (*Quercus rubra*), and American beech (*Fagus grandifolia*). The understory includes saplings from the canopy and a shrub layer of Japanese barberry (*Berberis thunbergii*), multiflora rose (*Rosa multiflora*), bush honeysuckle (*Lonicera* spp.), and sweet pepperbush (*Clethra alnifolia*). The groundcover layer consists of Canada mayflower (*Maianthemum canadense*), garlic mustard (*Alliaria petiolata*), Asiatic bittersweet (*Celastrus orbiculatus*), and seedlings from the canopy layer.

Topography within the southern half of the site is generally flat, while grades towards the eastern portion of the site slope gently downgradient towards the steep Bank of Mill River. To the south, moderate slopes ascend from the wetland into the forested uplands.

## 2.1 FEMA Floodplain Designation

According to the July 17, 2012 FEMA FIRM for the Town of Weymouth, Massachusetts (Community Panel Number 25021C0237E), the site includes a Zone AE (el. 136) – *Special Flood Hazard Areas with a Base Flood Elevation*, and a Zone X (unshaded) – *Areas determined to be outside the 0.2% annual chance floodplain* (Appendix A, Figure 3). The limits of the floodplain are depicted on the *Plans*. No work is proposed within the floodplain.

## 2.2 Natural Heritage and Endangered Species Program Designation

According to the 15<sup>th</sup> Edition of the Massachusetts *Natural Heritage Atlas* (effective August 1, 2021) published by the Natural Heritage & Endangered Species Program (NHESP), the proposed project does not occur within an *Estimated Habitat of Rare Wildlife* or *Priority Habitat of Rare Species* and there are no Certified Vernal Pool or Potential Vernal Pools in the vicinity of the proposed work (Appendix A, Figure 2).

### 3. Wetland Boundary Determination Methodology

LEC conducted a site evaluation on October 6, 2023, to determine the extent of Wetland Resource Areas and delineate the boundaries of Bordering Vegetated Wetlands (BVW) and Bank/MAHW to Mill River.

The BVW boundaries were confirmed by observing the existing plant communities, using the “fifty percent criteria” to determine dominance of wetland/upland vegetation, the interpretation of soil characteristics, and other indicators of hydrology, in accordance with the principals of DEP’s handbook, *Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act* (September 2022, *Delineation Handbook*) and *Field Indicators for Identifying Hydric Soils in New England* (Version 4, June 2020), and the criteria set forth in 310 CMR 10.55(2).

LEC’s BVW flags are demarcated in the field numbered A1-A15 and B1-B7.

The Bank/MAHW is demarcated in the field with blue survey flags numbered 1-1 to 1-7.

#### 3.1 Bordering Vegetated Wetland

BVW is defined at 310 CMR 10.55(2) as *freshwater wetlands which border on creeks, rivers, streams, ponds, and lakes. In these areas soils are saturated and/or inundated such that they support a predominance of wetland indicator plants. The boundary of BVW is the line within which 50% or more of the vegetational community consists of wetland indicator plants and saturated or inundated conditions exist.*

The BVW complex located on-site borders on Mill River and wetland hydrology is primarily associated with a high groundwater table. In general, the A/B-series BVW boundaries extend from the westerly Bank of Mill River to the toe of slope situated along the terminus of Northern Avenue with the exception of the southwestern corner of the site.

Within cleared portions of the site, the presence of hydric soils and a high groundwater table as evidenced by standing water were utilized to determine the BVW boundary. Within the undisturbed BVW, the wetland complex is characterized as a forested scrub-shrub wetland with topography mildly descending to the east towards Mill River. Evidence of hydrology within the BVW complex was present throughout the site, and included pockets of standing water, significant leaf staining, shallow and buttressed root systems, and an overall saturated and mucky substrate consisting of highly decomposed organic matter.

Vegetation within the forested scrub-shrub BVW is generally uniform throughout and dominated by red maple and eastern white pine in the canopy. The understory contains saplings from the canopy layer, as well as sapling yellow birch (*Betula alleghaniensis*), highbush blueberry (*Vaccinium corymbosum*), winterberry (*Ilex verticillata*), spicebush (*Lindera benzoin*), multiflora rose, glossy buckthorn (*Frangula alnus*), fetterbush

(*Leucothoe racemosa*), and abundant entanglements of common greenbrier (*Smilax rotundifolia*) and poison ivy (*Toxicodendron radicans*). The groundcover is dominated by cinnamon fern (*Osmunda cinnamomea*), sensitive fern (*Onoclea sensibilis*), swamp dewberry (*Rubus hispidus*), and sphagnum moss (*Sphagnum* sp.).

### 3.2 **Bank/MAHW to Mill River**

According to the *Act Regulations*, Bank is the *first observable break in slope or the mean annual flood level, whichever is lower. The lower boundary of a Bank is the mean annual low flow level* [310 CMR 10.54 (2) (c)].

According to the *Act Regulations* [310 CMR 10.58(2)(a)(2)], Mean Annual High Water (MAHW) is defined as *the line that is apparent from visible markings or changes in the character of soils or vegetation due to the prolonged presence of water and that distinguishes between predominantly aquatic and predominantly terrestrial land. Field indicators of bankfull conditions shall be used to determine the mean annual high-water line. Bankfull field indicators include but are not limited to: changes in slope, changes in vegetation, stain lines, top of pointbars, changes in bank materials, or bank undercuts.*

Bank/MAHW is associated with the aforementioned perennial stream known as Mill River and demarcated in the field along the western Bank with Bank/MAHW flags 1-1 to 1-7.

Mill River flows south and extends approximately 200 feet along the easternmost extent of the site. The perennial stream meanders within a well-defined stream channel measuring approximately 5 to 15 feet wide, with Bank heights between one to two feet and water depths between one to three feet. The stream substrate is uniform and consists of a sandy substrate with leaf detritus, as well as rocks and pebbles with small to medium sized boulders embedded along the Banks.

### 3.3 **Riverfront Area**

According to 310 CMR 10.58 2(a), *Riverfront Area is defined as the area of land between a river's mean annual high water line and a parallel line measured horizontally 200 feet away.*

The 200-foot Riverfront Area extends from the above-referenced Bank/MAHW line of the perennial stream known as Mill River. The 200-foot Riverfront Area extends west onto the site from the western Bank of Mill River, encompassing portions of the BVW and forested upland.

### 3.4 **Bordering Land Subject to Flooding**

According to the *Act Regulations* [310 CMR 10.57 2 (a)], BLSF is defined as *an area with low, flat topography adjacent to and inundated by flood waters rising from creeks, rivers, streams, ponds or lakes. It extends from the banks of these waterways and water bodies; where a bordering vegetated wetland occurs, it extends from said wetland.*

The FEMA FIRM indicates that the eastern portion of the site is located within a Zone AE (elevation 136.0); however, the floodplain is located within the BVW; therefore, BLSF is not present. The remainder of the site is mapped with Zone X (Appendix A, Figure 3). No portion of the project occurs in the floodplain.

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#### 4. **Project Description**

The proposed project involves three components: construction of a new single-family dwelling, a driveway within the Northern Avenue right-of-way, and restoration activities to address unpermitted clearing and grubbing. Each component is described below.

##### Single Family Dwelling

The proposed single-family dwelling will be located along the southernmost property boundary of 0 Northern Avenue, and includes a deck and staircase, one-car garage, pervious gravel driveway, utilities, minor grading, and lawn/landscaping, as depicted on the *Plan*. The house footprint is 481 square feet (26 ft by 18.5 ft) atop a concrete slab to be set at elevation 145.5. The house will also include an 80 square foot (10 ft by 8 ft) deck, access staircase and a 1-car garage. A 10-foot-wide gravel driveway will extend from the proposed driveway within the Northern Avenue to the house. Existing utilities including water, sewer, gas, electric, telephone and cable will be extended from the Northern Avenue right-of-way. Erosion controls (silt sock) will be installed along the limit of work adjacent to the BVW, as depicted on the *Plans*.

The limit of work for construction of the dwelling and driveway has been consolidated to the extent practical to minimize Buffer Zone impacts and avoid the BVW. The size of the dwelling has been minimized to reduce Buffer Zone disturbances while maintaining a marketable footprint. Due to the configuration of the BVW on the property and the limited upland, disturbance in the 25-foot No-Disturb Buffer Zone is unavoidable. As a result, a Request for Variance from the 25-foot No Disturb Zone regulation under the *Ordinance* is included with this NOI.

##### Northen Avenue Extension

The project proposes to construct a paved 16-foot-wide driveway in the Northern Avenue right-of-way from the existing terminus to the proposed gravel driveway and single-family dwelling. The 150-foot-long paved driveway will include filling and grading, utility extensions, and erosion controls. Erosion controls (silt sock) will be installed along the limit of work adjacent to the BVW, as depicted on the *Plans*. The driveway footprint and associated grading has been configured to avoid impacts to the BVW; however, impacts to the 25-foot No-Disturb Zone are unavoidable. The Request for Variance includes this component of the project.

##### Wetland and Buffer Zone Restoration

The proposed project involves restoring previously altered BVW, Riverfront Area and a

portion of the 100-foot Buffer Zone associated with BVW. Restoration efforts are in response to a Cease and Desist letter issued by the Commission for unauthorized clearing of vegetation in BVW, Riverfront Area and Buffer Zone.

As depicted on LEC's *Restoration Planting Plan* (Appendix C), the project involves approximately 5,239 square feet of restoration within the BVW and/or Riverfront Area. The BVW restoration area will be planted with saplings and shrubs, including: swamp oak (*Quercus palustris*), red maple (*Acer rubrum*), pussy willow (*Salix discolor*), spicebush (*Lindera benzoin*), northern arrowwood (*Viburnum dentatum*), winterberry (*Ilex verticillata*), and nannyberry (*Viburnum lentago*). Herbaceous species shall include cinnamon fern (*Osmunda cinnamomea*) plugs and the Ernst Wetland Seed mix, from Ernst Seeds, Inc., or equivalent will be spread throughout the BVW portion of the restoration area.

Organic-rich soil will be imported into the restoration area to supplement the remaining topsoil. The soil will be spread to a depth of 6 to 12 inches depending on the existing topsoil depth. Prior to topsoil being spread, the larger boulders and cobbles will be removed from the planting area and redistributed after plantings are installed. Stockpiled woody debris will be spread in the wetland after planting to provide escape cover (wildlife habitat value).

The *Plan* also depicts 2,889 square feet of Buffer Zone restoration. Native plantings including saplings, woody shrubs and herbaceous ground cover proposed within the Buffer Zone restoration will include the following plant list: northern red oak (*Quercus rubra*), shagbark hickory (*Carya ovata*), witch hazel (*Hamamelis virginia*), sweet pepperbush (*Clethra alnifolia*), and hay scented fern (*Dennstaedtia punctilobula*). The Ernst Buffer Zone Seed mix, from Ernst Seeds, Inc., or equivalent will be spread throughout the Buffer Zone Restoration Areas.

Topsoil consisting of loam will be spread in the Buffer Zone Restoration to ensure a layer of 4-6 inches of soil is present prior to planting. Large stones and boulders will be removed from the area prior to spreading soil and planting, and redistributed after planting.

Woody shrubs planted within the BVW and Buffer Zone restoration area shall be placed four to six feet on center in clusters of three to five plants. Saplings shall be spaced 10 to 25 feet on-center. Oversight of restoration by LEC and/or representatives from the Commission will be critical to ensuring that appropriate sub-grades are achieved prior to planting.

The BVW and Buffer Zone restoration area will be monitored for two full growing seasons by a qualified wetland scientist. Annual monitoring reports with photographs shall be submitted to the Commission by December 1 of each growing season, documenting the condition of the plantings and the overall restoration area. The project will be complete after two growing seasons if at least 80% of the plantings have become established, groundcover is dominated by wetland indicator species, and no significant quantities of invasive species have been observed. Monitoring will continue for a third growing season and beyond if these standards are not met.

## 5. Regulatory Analysis

As previously noted, portions of the proposed work related to the construction of the new residential dwelling and driveway will occur within Riverfront Area, totaling 2,094 square feet, and within the 25-foot No-Disturb Buffer Zone. The performance standards for Riverfront Area are analyzed below along with a Request for Variance for activities in the Buffer Zone.

### Riverfront Area

Under the performance standards for Riverfront Area at 310 CMR 10.58 (4)(d)(3), *construction of a single-family dwelling and driveway on a lot created prior to 1996 shall be allowed provided that the lot can be developed for such purposes under the applicable provisions of other municipal and state law, and that the Performance Standards of 310 CMR 10.58 (4)(d) are met to the maximum extent practical.*

The proposed project complies with this standard in that the lot was created prior to 1996 (purchased by the Applicant in 1993) and can be developed under other municipal and state laws. The Applicant recognizes that the project will require review by the Planning Board for the roadway extension and will file with the Board once this project has been heard by the Conservation Commission. To the best of our knowledge, the project complies with all Zoning Regulations. No other state permits are required.

Regarding the Performance Standards of 310 CMR 10.58 (4)(d), *No Significant Adverse Impacts*, the project complies with the standards of 10.58 (4)(d)(1)(a)-(d) as follows:

- The proposed disturbance (2,094 square feet) is less than 5,000 square feet and less than 10% (4,103 square feet) of the total Riverfront Area on-site (41,031 square feet).
- A 100-foot corridor of undisturbed vegetation will be maintained.
- Stormwater management does not apply to a single residential dwelling project.
- There are no potential Vernal Pools nearby and the work is below the 5,000 square foot threshold for a Wildlife Habitat Evaluation.
- Erosion and sedimentation controls have been incorporated into the project.

### Request for Variance

As noted above, the project involves activities within the 25-foot No Disturb Buffer Zone to BVW, including construction of a paved driveway extension within Northern Avenue, gravel driveway, and a portion of the proposed dwelling. A Variance is warranted in this case because the configuration of the wetlands and buildable upland on the property are such that there are no alternatives to disturbing the 25-foot Buffer Zone that would achieve the goal of constructing a single-family dwelling.

The dwelling portion of the development is consolidated in the upland area located on southwest corner of the property. This upland area is less than 50 feet wide at its widest

point, but more typically between 20 to 35 feet wide. It is not possible to construct a 10-foot-wide driveway and relatively small (481 square foot) house in such a narrow area without disturbing the 25-foot Buffer Zone. The Applicant has taken measures to minimize disturbance to the greatest extent possible by orienting the house to fit the limited space, minimizing the size of the house, and minimizing the proposed lawn while maintaining zoning setbacks.

Similarly, the driveway extension within Northern Avenue is constrained by the configuration of the wetland and upland which limits the potential construction footprint to areas that are within the 25-foot Buffer Zone. The work has been designed to avoid any direct disturbance to the BVW and with the narrowest width acceptable to the Planning Board (16 feet). There are no other alternatives to access the developable upland that would avoid the 25-foot Buffer Zone.

In summary, the Request for Variance is warranted for this project because there are no alternatives that would allow the site to be developed without intruding into the 25-foot Buffer Zone. Strict application of a No-Disturb Buffer Zone would result in a taking of the property by eliminating locations for access and development, thereby rendering the site unbuildable.

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## 6. Summary

On behalf of the Applicant, Ryder Development Corp, LEC is filing this NOI Application with the Weymouth Conservation Commission for proposed construction of a single-family dwelling, driveway, and associated grading, landscaping, utilities, and a restoration plan, at property located near the existing terminus of Northern Avenue in Weymouth. The proposed activities are located within Riverfront Area, BVW and the Buffer Zone subject to protection under the *Massachusetts Wetlands Protection Act (WPA; M.G.L. c. 131, § 40)*, its implementing *Regulations (310 CMR 10.00)* and the *Town of Weymouth Wetlands Code of Ordinances (Chapter 7-301, the Wetland Ordinance)* and its *implementing Rules and Regulations*.

The proposed project has been designed to fully restore the areas disturbed by unpermitted clearing and the proposed development has been designed in accordance with the above-referenced local and state wetland statutes and regulations.

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Massachusetts Wetlands Protection Act Regulations (310 CMR 10.00),  
[www.state.ma.us/dep](http://www.state.ma.us/dep)

Massachusetts Wetlands Protection Act (M.G.L. c. 131, §. 40), [www.state.ma.us/dep](http://www.state.ma.us/dep)

Massachusetts Department of Environmental Protection, Division of Wetlands and Waterways 1995. *Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act, A Handbook*. 89 pp.

*Weymouth Wetlands Protection Ordinance*

[https://www.weymouth.ma.us/sites/g/files/vyhlf8386/f/uploads/wetlands\\_protection\\_sec\\_7-300\\_website\\_version\\_8-21-19.pdf](https://www.weymouth.ma.us/sites/g/files/vyhlf8386/f/uploads/wetlands_protection_sec_7-300_website_version_8-21-19.pdf)

*Regulations of the Town of Weymouth Conservation Commission*

[https://www.weymouth.ma.us/sites/g/files/vyhlf8386/f/uploads/weymouth\\_conservation\\_regs\\_june\\_1997.pdf](https://www.weymouth.ma.us/sites/g/files/vyhlf8386/f/uploads/weymouth_conservation_regs_june_1997.pdf)

National Flood Insurance Program, Federal Emergency Management Agency Flood Insurance Rate Map, Town of Weymouth, Massachusetts. July 17, 2012 (Community Panel Number 25021C03361E).

New England Hydric Soils Technical Committee, *Field Indicators for Identifying Hydric Soils in New England*, Version 4, 2017, New England Interstate Water Pollution Control Commission, Wilmington, MA. P. 76

NRCS Web Soil Survey. <http://websoilsurvey.nrcs.usda.gov/app/websoilsurvey.aspx>



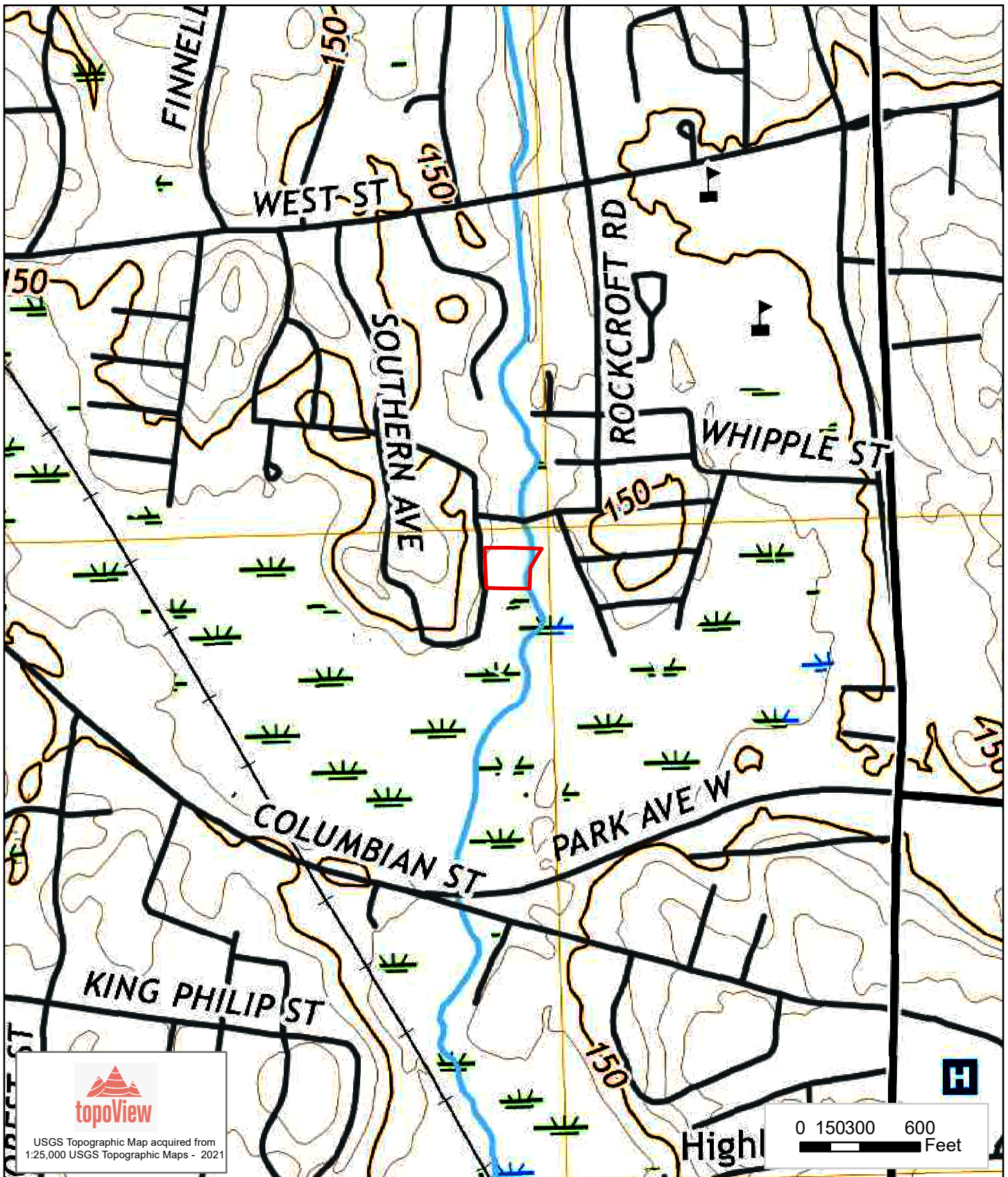
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## Appendix A

Figure 1: USGS Topographic Map

Figure 2: Aerial Orthophoto

Figure 3: FEMA Flood Insurance Rate Map



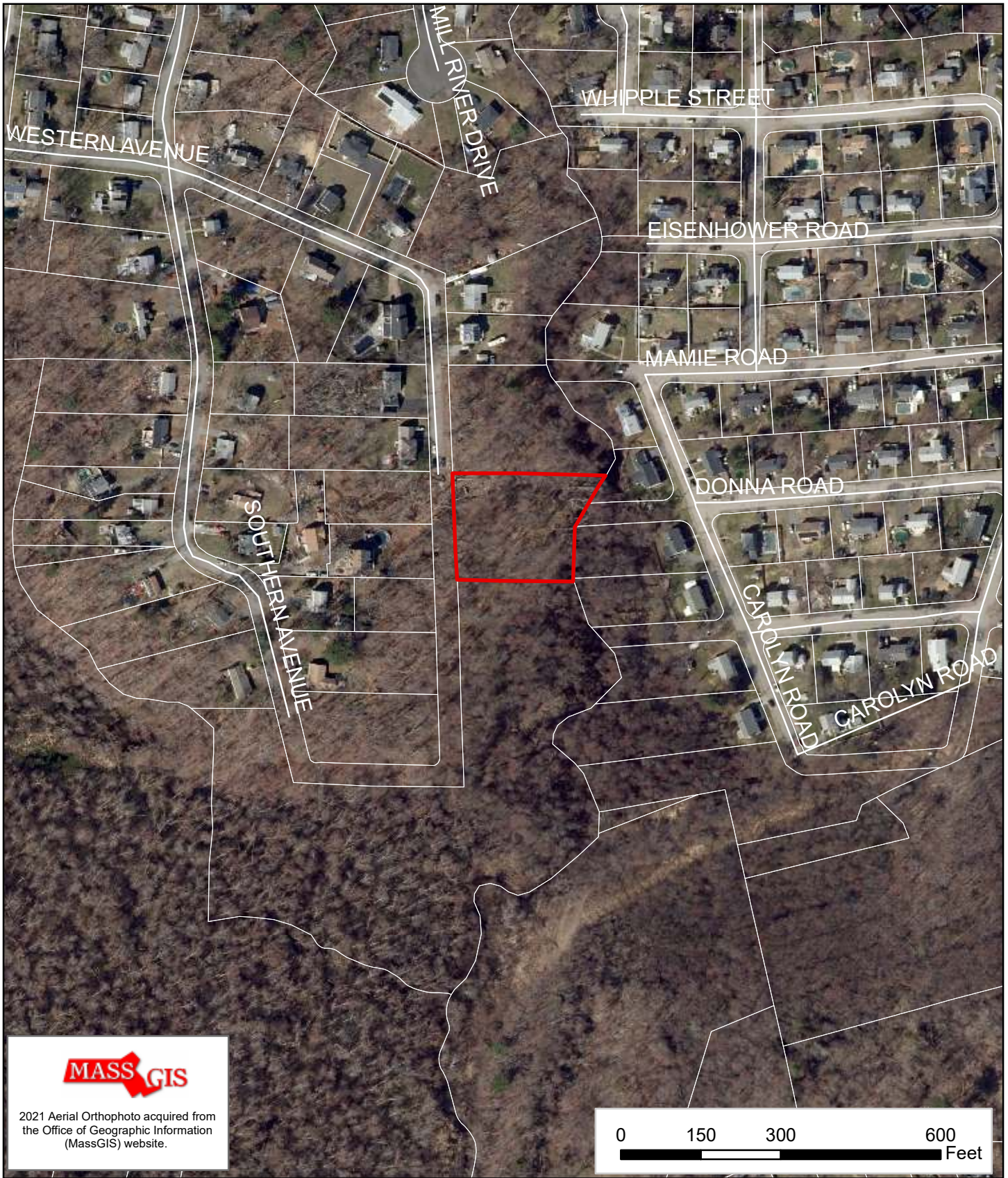
**topoView**  
 USGS Topographic Map acquired from  
 1:25,000 USGS Topographic Maps - 2021

0 150 300 600  
 Feet

**LEC**  
 LEC Environmental Consultants, Inc.  
 Plymouth, MA  
 508.746.9491  
 www.lecenvironmental.com

**Figure 1: USGS Topographic Map**  
 0 Northen Avenue  
 Weymouth, Massachusetts

N  
  
 March 1, 2024



**Figure 2: Aerial Orthophoto Map**  
 0 Northen Avenue  
 Weymouth, Massachusetts

# Figure 3: National Flood Hazard Layer FIRMette



70°58'6"W 42°11'15"N



## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance
		17.5 Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
MAP PANELS		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
		Digital Data Available
		No Digital Data Available
		Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 3/1/2024 at 1:47 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

0 250 500 1,000 1,500 2,000 Feet 1:6,000

70°57'28"W 42°10'48"N

Basemap Imagery Source: USGS National Map 2023

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**Appendix B**

*Proposed Residential Dwelling Plan*, Dated March 4, 2024  
Prepared by Sitec Engineering and Environmental Consulting, Inc.



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**Appendix C**

*Restoration Planting Plan*, Dated February 7, 2024  
Prepared by LEC Environmental Consultants, Inc.

