**Massachusetts Department of Environmental Protection**
Bureau of Water Resources - Wetlands

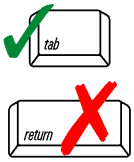
# WPA Form 2 – Determination of Applicability

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

Haverhill
Municipality

## 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.




From:

Haverhill
Conservation Commission

To: Applicant

Albert Mendelsohn
Name
42 Brentwood Rd
Mailing Address
Chelmsford | MA | 01824
City/Town | State | Zip Code
508-962-4591
Phone Number
al@adamcoco.com
Email Address

Property Owner (if different from applicant):

50-60 Railroad LLC
Name
42 Brentwood Rd
Mailing Address
Chelmsford | MA | 01824
City/Town | State | Zip Code
Phone Number
Email Address (if known)

1. Project Location:

58-60 Railroad St
Street Address
Haverhill
City/Town

How to find Latitude and Longitude

42.77123
Latitude (Decimal Degrees Format with 5 digits after decimal e.g. XX.XXXXX)
-71.06944
Longitude (Decimal Degrees Format with 5 digits after decimal e.g. -XX.XXXXX)

and how to convert to decimal degrees

702-635-1
Assessors Map/Plat Number
Parcel/Lot Number

2. Date Request Filed:

September 24, 2026

## B. Determination

Pursuant to the authority of M.G.L. c. 131, § 40, the Conservation Commission considered your Request for Determination of Applicability, with its supporting documentation, and made the following Determination.

Project Description (if applicable):

Demolition of a collapsing building

Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

See Attachment "A", "Special Conditions", incorporated herein and made part of this Order of Conditions.
Date

Title
Date

Title
Date

## B. Determination (cont.)

The following Determination(s) is/are applicable to the proposed site and/or project relative to the Wetlands Protection Act and regulations:

**Positive Determination**
Note: No work within the jurisdiction of the Wetlands Protection Act may proceed until a final Order of Conditions (issued following submittal of a Notice of Intent or Abbreviated Notice of Intent) has been received from the issuing authority (i.e., Conservation Commission or the Department of Environmental Protection).

☒ 1. The area described on the referenced plan(s) is an area subject to jurisdiction under the Act. Removing, filling, dredging, or altering of the area requires the filing of a Notice of Intent.

☒ 2a. The boundary delineations of the following resource areas described on the referenced plan(s) are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as this Determination is valid.

Perennial bank, 200' Riverfront Area, Bordering Land Subject to Flooding

☐ 2b. The boundaries of Wetlands Resource Area(s) and Buffer Zone(s) listed below are not confirmed by this Determination, regardless of whether such boundaries are contained on the plans attached to this Determination or to the Request for Determination.

☐ 3. The work described on referenced plan(s) and document(s) is within an area subject to jurisdiction under the Act and will remove, fill, dredge, or alter that area. Therefore, said work requires the filing of a Notice of Intent.

☐ 4. The work described on referenced plan(s) and document(s) is within the Buffer Zone and will alter an Area subject to jurisdiction under the Act. Therefore, said work requires the filing of a Notice of Intent

☒ 5. The area and/or work described on referenced plan(s) and document(s) is subject to review and approval by:

Haverhill
Name of Municipality

Pursuant to the following municipal wetland ordinance or bylaw:

An Ordinance To Protect The Wetlands, Related Water Resources, and Adjoining Land Areas

Chapter 253
Ordinance or Bylaw Citation

## B. Determination (cont.)

☐ 6. The following area and/or work, if any, is subject to a municipal ordinance or bylaw but not subject to the Massachusetts Wetlands Protection Act:

☐ 7. If a Notice of Intent is filed for the work in the Riverfront Area described on referenced plan(s) and document(s), which includes all or part of the work described in the Request, the applicant must consider the following alternatives. (Refer to the wetland regulations at 10.58(4)(c) 2. for more information about the scope of alternatives requirements):

- ☐ Alternatives limited to the lot on which the project is located.
- ☐ Alternatives limited to the lot on which the project is located, the subdivided lots, and any adjacent lots formerly or presently owned by the same owner.
- ☐ Alternatives limited to the original parcel on which the project is located, the subdivided parcels, any adjacent parcels, and any other land which can reasonably be obtained within the municipality.
- ☐ Alternatives extend to any sites which can reasonably be obtained within the appropriate region of the state.

### Negative Determination

Note: No further action under the Wetlands Protection Act is required by the applicant. However, if the Department is requested to issue a Superseding Determination of Applicability, work may not proceed on this project unless the Department fails to act on such request within 35 days of the date the request is post-marked for certified mail or hand delivered to the Department. Work may then proceed at the owner's risk only upon notice to the Department and to the Conservation Commission. Requirements for requests for Superseding Determinations are listed at the end of this document.

☐ 1. The area described in the Request is not an area subject to jurisdiction under the Act or the Buffer Zone.

☒ 2. The work described in the Request is within an area subject to jurisdiction under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent.

☒ 3. The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to jurisdiction under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any).

See Attachment "A", "Special Conditions", incorporated herein and made part of this Order of Conditions.

☐ 4. The work described in the Request is not within an Area subject to jurisdiction under the Act (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent, unless and until said work alters an Area subject to jurisdiction under the Act.

## B. Determination (cont.)

☐ 5. The area described in the Request is subject to jurisdiction under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required:

Exempt Activity (site applicable statutory/regulatory provisions)

☐ 6. The area and/or work described in the Request is not subject to additional review and approval by:

Name of Municipality

Pursuant to a municipal wetlands' ordinance or bylaw.

Name | Ordinance or Bylaw Citation

## C. Authorization

This Determination is issued to the applicant and delivered as follows:

☐ By hand delivery on

Date

☒ By certified mail, return receipt request on

October 23, 2026
Date

9589 0710 5270 2250 7055 72
Certified Mail Number

A copy of this Determination has been sent on the same date, considered the date of issuance, **to** the appropriate DEP Regional Office and the property owner (if not the applicant) in the manner as follows:

**DEP**

☒ By eDEP DOA Submittal Platform (Attach this form and supporting documents)

☐ By USPS mail

Date

☐ By hand delivery

Date

**Property Owner (if not applicant)**

☒ By mail

October 23, 2026
Date

☐ By hand delivery

Date

## C. Authorization (cont.)

This Determination is valid for **three years** from the date of issuance (except Determinations for Vegetation Management Plans which are valid for the duration of the Plan). This Determination does not relieve the applicant from complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.

This Determination must be signed by a majority of the Conservation Commission. As noted above, a copy must be sent to the appropriate DEP Regional Office (see https://www.mass.gov/service-details/massdep-regional-offices-by-community) and the property owner (if different from the applicant) on the same date that the Applicant is issued this Determination.

Pursuant to the vote taken by the Conservation Commission on May 7, 2020, the following signatures are made in accordance with M.G.L. c.110G and pursuant to said Commission's electronic signature authorization vote recorded on May 21, 2020, with the Southern Essex District Registry of Deeds in Book 38538, Page 455.

Haverhill Conservation Commission
Issuing Authority

Signatures:

| | |
|---|---|
| /Oliver Aguilo/ | Oliver Aguilo |
| Signature | Printed Name |
| /Amy Nelson/ | Amy Nelson |
| Signature | Printed Name |
| /Harmony Wilson/ | Harmony Wilson |
| Signature | Printed Name |
| /Thomas Wylie/ | Thomas Wylie |
| Signature | Printed Name |

## D. Appeals

The applicant, owner, any person aggrieved by this Determination, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate Department of Environmental Protection Regional Office (see https://www.mass.gov/service-details/massdep-regional-offices-by-community) to issue a Superseding Determination of Applicability. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form (see Request for Departmental Action Fee Transmittal Form) as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Determination. 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. The request shall state clearly and concisely the objections to the Determination which is being appealed. To the extent that the Determination is based on a municipal ordinance or bylaw and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.

Haverhill
Conservation Department
Phone: 978-374-2334 Fax: 978-374-2366
conservation@haverhillma.gov

**WPA Form 2 • Determination of Applicability • Attachment A • Conditions**
**Under M.G.L. Chapter 131, Section 40 and Haverhill Municipal Ordinance Chapter 253**

**Albert Mendelsohn • 58-60 Railroad Street • Parcel ID: 702-635-1**
**October 8, 2026**

1. Work on this project site shall be performed according to the following plans and documents. Should any conflicts be found to exist between these plans and documents and these Conditions, the Haverhill Conservation Commission ("HCC") shall be contacted for a clarification.
   a. "Site Plan in Haverhill, MA at 58-60 Railroad Street, RDA Plan" (1 Sheet), site plan prepared by Millennium Engineering, Inc. (62 Elm Street, Salisbury, MA 01952), dated September 23, 2026, and on file with the HCC (4 Summer Street, Room 300, Haverhill, MA 01830); and
   b. "Site Plan in Haverhill, MA at 58-60 Railroad Street, Existing Flood Storage Plan" (1 Sheet), site plan prepared by Millennium Engineering, Inc., dated September 23, 2026, and on file with the HCC.

2. Work on this project site shall be performed according to the support materials submitted with this Request. Should any conflicts be found to exist between these materials and these Conditions, the HCC shall be contacted for a clarification.

3. Work on this project shall be performed in accordance with Haverhill Municipal Ordinance Chapter 253 – "An Ordinance to Protect the Wetlands, Related Water Resources, and Adjoining Land Areas".

4. Any work proposed to vary from the Request for Determination of Applicability may require the filing of a new application with the Commission. Any future activity that may be proposed on Land Subject to Protection or Regulation under Haverhill Municipal Ordinance Chapter 253 may require the filing of a Request for a Determination of Applicability or a Notice of Intent.

5. Prior to the commencement of this project, the applicant shall schedule a site meeting with a Conservation Department Official and all parties responsible for this project to finalize the limits of work and review the installation, locations and types of necessary erosion control measures.

6. The Applicant shall provide the HCC, a minimum of two (2) business days in advance, a written notice of the commencement of this project. The applicant shall also notify the HCC of the names and phone numbers of those responsible for compliance with these Conditions.

7. The HCC reserves the right to require any additional erosion control measures it deems necessary. No activity other than the installation of the erosion control shall take place until an HCC Official inspects and approves the installation. The erosion control shall remain in effective working condition until approval is obtained from an HCC Official to remove them. *At a minimum, a row of sediment control devices shall be install along the top of riverfront slope, along the edge of pavement on the northeast side of the building, in a manner that will intercept and filter runoff from the demolition work area.*

8. Any soil stockpiles required during this project shall be located as far from the wetland resource areas as possible and shall be protected with siltation control devices.

9. During all phases of construction, all disturbed or exposed soil surfaces shall be brought to final finished grade and either a) covered with loam and seeded in accordance with USDA Soil Conservation Services Guidelines for permanent stabilization or b) stabilized in another way approved by the HCC. Bare ground that cannot be permanently stabilized within 30 days shall be stabilized with mulch or any other protective covering and/or method approved by the USDA Soil Conservation Service.

10. Any dewatering methods deemed necessary to complete this project shall be subject to the final approval of an HCC Official prior to their implementation.

11. Refueling of equipment shall only occur in designated areas located outside of the HCC's jurisdiction.

12. The Applicant and/or site contractor shall maintain hazardous materials spill containment kits on site during construction activities.

13. The Applicant shall remove and properly dispose of all demolition and construction debris during construction of this project.

14. The HCC reserves the right to enforce all restrictions and/or requirements established for this property within this Determination under the enforcement powers of the City's wetlands protection ordinance, Municipal Ordinance Chapter 253.

**--- END ---**

**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:

Provided by DEP

## A. Request Information

1. Location of Project

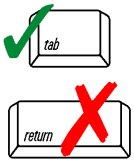
a. Street Address

b. City/Town, Zip

c. Check number

d. Fee amount

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




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

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

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)):

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

4. DEP File Number:

## B. Instructions

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

☐ Superseding Order of Conditions – Fee: $120 (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

## 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.