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Engineering a Better Environment

600 Federal Street, Suite 2151
Andover, MA 01810
Phone: 978.416.8000 | Fax: 978.470.3558
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RECEIVED
MAR 18 2021
CITY OF HAVERHILL
CONSERVATION DEPARTMENT

March 18, 2021
W-P Project No. 13582A

Attn: Haverhill Conservation Commission

City Hall, Room 201
4 Summer St
Haverhill, MA 01830

Subject: Merrimack River Bank Radial Collector Well, Haverhill, MA
Chapter 91 Public Waterfront Act – Request for Determination of Applicability
Notice Transmittal No. X281981

To whom it may concern,

The purpose of this notification is to inform you of the submission to the Massachusetts Department of Environmental Protection (MassDEP) of a Request for Determination of Applicability as to whether MGL Chapter 91, the Public Waterfront Act, and the regulations implementing that Act will apply to the proposed project.

Enclosed please find a copy of the Proof of Record confirming submission of the Chapter 91 application as well as the full application package including the cover letter to MassDEP and all attachments.

We appreciate your assistance on this project and if you have any questions or require further details on the proposed project, please contact me at 978-416-8019.

Sincerely,
WRIGHT-PIERCE

Amy Coppers Costantino
Lead Project Engineer
amy.coppers@wright-pierce.com

Enclosures

cc: Robert Ward and John D'Aoust, City of Haverhill
Robert Williamson, Wright-Pierce

RECEIVED
MAR 18 2021
CITY OF HAVERHILL
CONSERVATION DEPARTMENT

MassDEP Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
Department of Environmental Protection
One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

WW04 - Determination of Applicability Application

Permittee Information

Name: Robert E Ward
Phone: (978) 374-2382
Address: 40 SOUTH PORTER STREET
HAVERHILL, CT 01835

Application Submitter Information

Name: SARAH SIMONI
Phone: (860) 852-1931
Address: 169 MAIN STREET, 700 PLAZA MIDDLESEX
MIDDLETOWN, CT 06457

Location Information

Merrimack River

309 EAST BROADWAY HAVERHILL, MA 01830

Latitude: 40.476161

Longitude: 71.03622

General Information

Please provide a detailed description of the proposed project or subject of the request and identify existing and/or proposed fill, structures, dredging, uses(s)

The project includes the installation of a 19-foot diameter radial collector well located adjacent to the Merrimack River outside the high water mark. The well includes six (6) lateral collector pipes that will be drilled a maximum distance of 250 feet located approximately 35-40 feet beneath the river.

Property Information

Property Owner Name	Joyce Hill
Description of project location	Project is contained within private residential parcel at 309 East Broadway in Haverhill, MA.

Additional Information

Is the Project site in an Environmental Justice Community?	No
Does the property have any Chapter 91 authorizations (e.g. license/permit/Legislative Act)?	No

Attestation

I hereby certify that upon submittal of this application to the Department of Environmental Protection, I will submit copies of the "Proof of Record" application form that will be emailed to me, along with all supporting documentation submitted with this application to all persons identified in 310 CMR 9.13(1)(a), and have attached their names and addresses to this application.	Yes
I understand that the Department of Environmental Protection may, at its discretion, require that a public hearing be held and that a newspaper notice be published at my expense regarding this request	Yes

Documents

Documents	Required Documents: 1. Chapter 91 Plans 2. Locus Map 3. Notification List

Special Fee Provision

Exemption	Yes
Exemption Type	City/Town/County Government
Exclusion (special agreement or policy)	
Substitution (ASP/IRP)	
Double Fee for Enforcement	
Hardship payment extension request	

Attachments

Name	Description	Type	Latest Updated
Cover Letter_Merrimack River Well.pdf	Cover Letter	Cover Letter and Narrative	03/15/2021
BRPWW04_Merrimack River Well.pdf	BRPWW04 Application	Chapter 91 Plans	03/15/2021
Transmittal Form_Merrimack River Well.pdf	Transmittal Form	Other	03/15/2021
Proposed Site Plan_Merrimack River Well.pdf	Proposed Site Plan	Locus Map	03/15/2021
Distribution List_Merrimack River Well.pdf	Notification List	Notification List	03/15/2021

Application Contacts

Name	Organization Name	Contact Person	Telephone #	Contact Type	Email
Sarah, Simoni	n/a	n/a	(860) 852-1931	Application Prepared By	sarah.simoni@wright-pierce.com
Amy, Coppers Costantino	n/a	n/a	(617) 750-3052	Application Prepared By	amy.coppers@wright-pierce.com

Certification Information

Individual
SARAH SIMONI
169 MAIN STREET, 700 PLAZA MIDDLESEX
MIDDLETOWN, CT 06457
United States

Telephone #: (860) 852-1931
E-mail: sarah.simoni@wright-pierce.com

I understand that any person may submit written comments to the Department of Environmental Protection on this request within twenty-one (21) days of the date the request is received by the Department or the newspaper notification date, if applicable. I hereby certify under the pains and penalties of perjury that the foregoing statements, information and accompanying material are true and complete to the best of my knowledge.

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Andover, MA 01810
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www.wright-pierce.com

March 12, 2021
W-P Project No. 13582A

Department of Environmental Protection
Waterways Regulation Program
1 Winter Street
Boston, MA 02108

Subject: Merrimack River Bank Radial Collector Well, Haverhill, MA
Chapter 91 Public Waterfront Act Authorization Notification
Transmittal No. X281981

To Whom it May Concern:

We are pleased to submit this Notification on behalf of the City of Haverhill, Department of Public Works. The purpose of this notification is to inform you of the submission of a Request for Determination of Applicability as to whether MGL Chapter 91, the Public Waterfront Act, and the regulations implementing that Act will apply to the proposed radial collector well in Haverhill, MA.

An Environmental Impact Report (EIR), as part of the MEPA process, is required for this project and an Environmental Notification Form (ENF) was prepared and submitted. Comments received in the Certificate of the ENF filing indicated that Chapter 91 authorization may be required based on the scope however we believe that it does not apply due to both geographic and activity specific exemptions. According to The Massachusetts Waterways Regulation 310 CMR 9.04(1)(d), the non-tidal portion of the Merrimack River is subject to Chapter 91 Authorization however the proposed well is located in a tidal area. Also, under 310 CMR 9.05(3)(g)3 this project does not fall under Chapter 91 jurisdiction as the proposed pipelines beneath the river will be installed approximately 35-40 feet below the river and entirely embedded in the soil.

The BRP WW04 Instructions for Completing Application form states that the MEPA process must be completed prior to MassDEP performing a technical review on the Chapter 91 Request for Determination of Applicability. However, we are unable to formally complete the MEPA process without testing data from the fully constructed well. The typical process for preconstruction testing involves a larger diameter test well be constructed and tested. In this case, a large enough test well to result in the requisite testing would be equally as costly and environmentally impactful as the overall proposed well size. Because of this, we have requested that the MassDEP approve the construction of the well following the submission of the required Draft Environmental Impact Report (DEIR). Constructing the well will allow for a complete review of the environmental impacts through pump testing and additional small diameter test wells. Only once the Final Environmental Impact Report (FEIR) is submitted will a MEPA certificate be issued and MassDEP will approve the well for operation.

Correspondence with the MassDEP Drinking Water Program indicates that the proposal of constructing the well prior to obtaining the MEPA certificate will be favorable and that the Department may be able to safely approve the design without the completion of pump testing.

Please see the following enclosed documents as it related to the Request for Determination filing under MGL Chapter 91:

Attachment A. BRP WW-04 Application
Attachment B. Transmittal Form
Attachment C. Distribution List
Attachment D. Proposed Site Plan

We appreciate your assistance on this project and if you have any questions or require further details on the proposed project, please contact me at 978-416-8019.

Sincerely,
WRIGHT-PIERCE

Amy Coppers Costantino
Lead Project Engineer
amy.coppers@wright-pierce.com

Enclosures

cc: Robert Ward and John D'Aoust, City of Haverhill
Robert Williamson, Wright-Pierce

Attachment A
BRP WW-04 Application Form

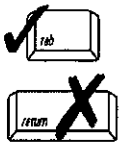
Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Waterways

BRP WW 04 Request for Determination of Applicability

X281981
Transmittal Number

Request for Determination of Applicability

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



I, the undersigned, hereby request that the Department of Environmental Protection make a determination as to whether MGL Chapter 91, the Public Waterfront Act, and the regulations implementing that Act, 310 CMR 9.00, presently apply to the area of land, water, or activity thereon described below.

1. Applicant:

City of Haverhill Department of Public Works
Name

131 Amesbury Road
Mailing Address

Haverhill	Essex	MA	01830
City/Town	County	State	Zip Code

978-374-2385
Day Telephone #

2. Property Information (all information must be provided):

Ms. Joyce Hill
Owner Name (if different from applicant)

469-188-6, 469-188-5
Tax Assessor's Map and Parcel Numbers

309 East Broadway		Haverhill	
Location (street address)		City/Town	
Essex	01830	71* 03.622'W	40* 47.6161' N
County	Zip Code	Longitude	Latitude

3. Name of the water body:

Merrimack River

4. Summary of the Project/Activity:

The project includes the installation of a 19-foot diameter radial collector well located adjacent to the Merrimack River outside the high water mark. The well includes six (6) lateral collector pipes that will be drilled a maximum distance of 250 feet located approximately 35-40 feet beneath the river.

5. Detailed description of existing and/or proposed fill, structure, dredging or uses(s) (attach additional paper, if necessary and see #6 for plan requirements):
Not Applicable

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Waterways
BRP WW 04 Request for Determination of Applicability

X281981
Transmittal Number

Request for Determination of Applicability (Cont.)

6. Attached is a plan or plans showing:

   a. an appropriately scaled site location map;
   b. references to any previous Chapter 91 licenses, permits or other authorizations for existing structures, fill, or dredging at the site, including the license number(s) and the date(s) the license(s) was recorded at the Registry of Deed or Land Court;
   c. appropriately scaled principal dimensions and elevations of proposed and existing fill, structures, or dredging in waterways;
   d. any historic dredging, filling, or impoundment at the site; and
   e. a delineation of the present high and low water marks, and the historic high and low water marks.

   Please note the source information for all items provided in Section 6.

7. At the same time that this request was submitted to the Department of Environmental Protection, I submitted copies of it to all persons identified in 310 CMR 9.13(1)(a), and have attached their names and addresses to this form.

8. I understand that the Department of Environmental Protection may, at its discretion, require that a public hearing be held and that a newspaper notice be published at my expense regarding this request.

9. I understand that any person may submit written comments to the Department of Environmental Protection on this request within twenty-one (21) days of the date the request is received by the Department or the newspaper notification date, if applicable. I hereby certify under the pains and penalties of perjury that the foregoing statements, information and accompanying material are true and complete to the best of my knowledge.

Applicant's signature

City of Haverhill Department of Public Works
Applicant's Name

Attachment B
Transmittal Form

Enter your transmittal number → X281981 (Transmittal Number)

Your unique Transmittal Number can be accessed online:
http://www.mass.gov/eea/agencies/massdep/service/approvals/transmittal-form-for-payment.html

Massachusetts Department of Environmental Protection

Transmittal Form for Permit Application and Payment

1. Please type or print. A separate Transmittal Form must be completed for each permit application.

2. Make your check payable to the Commonwealth of Massachusetts and mail it with a copy of this form to: MassDEP, P.O. Box 4062, Boston, MA 02211.

3. Three copies of this form will be needed.

Copy 1 - the original must accompany your permit application. **Copy 2** must accompany your fee payment. **Copy 3** should be retained for your records

4. Both fee-paying and exempt applicants must mail a copy of this transmittal form to:

MassDEP
P.O. Box 4062
Boston, MA 02211

*** Note:**
For BWSC Permits, enter the LSP.

A. Permit Information

1. Permit Code: 4 to 7 character code from permit instructions	2. Name of Permit Category
BPR WW 04	Request for Determination of Applicability

3. Type of Project or Activity: Radial Well Installation

B. Applicant Information – Firm or Individual

1. Name of Firm - Or, if party needing this approval is an individual enter name below: City of Haverhill Department of Public Works

2. **Last Name** of Individual	3. **First Name** of Individual	4. MI
Ward	Robert	E

5. Street Address: 40 South Porter Street

6. City/Town	7. State	8. Zip Code	9. Telephone #	10. Ext. #
Haverhill	MA	01835	978-374-2382	

11. Contact Person	12. e-mail address
Robert E. Ward	rward@haverhillwater.com

C. Facility, Site or Individual Requiring Approval

1. Name of Facility, Site Or Individual: Private property being considered for a proposed project

2. Street Address: 309 East Broadway

3. City/Town	4. State	5. Zip Code	6. Telephone #	7. Ext. #
Haverhill	MA	01830		

8. DEP Facility Number (if Known)	9. Federal I.D. Number (if Known)	10. BWSC Tracking # (if Known)

D. Application Prepared by (if different from Section B)*

1. Name of Firm Or Individual: Wright Pierce

2. Address: 600 Federal Street, Suite 2151

3. City/Town	4. State	5. Zip Code	6. Telephone #	7. Ext. #
Andover	MA	01810	978-416-8019	

8. Contact Person	9. LSP Number (BWSC Permits only)
Amy Coppers Costantino	

E. Permit - Project Coordination

1. Is this project subject to MEPA review? ☒ yes ☐ no
   If yes, enter the project's EOEA file number - assigned when an Environmental Notification Form is submitted to the MEPA unit: 15773 (EOEA File Number)

F. Amount Due

DEP Use Only

Permit No:

Rec'd Date:

Reviewer:

Special Provisions:

1. ☒ **Fee Exempt** (city, town or municipal housing authority)(state agency if fee is $100 or less).
   There are no fee exemptions for BWSC permits, regardless of applicant status.
2. ☐ Hardship Request - payment extensions according to 310 CMR 4.04(3)(c).
3. ☐ Alternative Schedule Project (according to 310 CMR 4.05 and 4.10).
4. ☐ Homeowner (according to 310 CMR 4.02).

Check Number	Dollar Amount	Date

Attachment C
Distribution List

MERRIMACK RIVER RADIAL COLLECTOR WELL

FOR

HAVERHILL, MASSACHUSETTS

DISTRIBUTION LIST

Haverhill Public Works Department
500 Primrose St
Haverhill, MA 01830

Haverhill Planning Board
City Hall, Room 201
4 Summer St
Haverhill, MA 01830

Haverhill Conservation Commission
City Hall, Room 201
4 Summer St
Haverhill, MA 01830

Harbormaster
Town of Groveland
183 Main St.
Groveland, MA 01834

Department of Fish and Game
251 Causeway St. #400
Boston, MA 02114

U.S. Army Corps of Engineers New England District
696 Virginia Rd
Concord, MA 01742

Kwok Leung
290 East Broadway
Haverhill, MA 01830

Joanne Choate
294 East Broadway
Haverhill, MA 01830

Ada and Brent Langlois
295 East Broadway
Haverhill, MA 01830

Robert Guba
298 East Broadway
Haverhill, MA 01830

Holly Maguire
300 East Broadway
Haverhill, MA 01830

Joyce Hill
309 East Broadway
Haverhill, MA 01830

Michael Vets
323 East Broadway
Haverhill, MA 01830

North Shore Golf Club Holdings
377 Kenoza Street
Haverhill, MA 01830

Attachment D
Proposed Site Plan