An aerial photograph of a residential property. The image shows a large, dense forest of green trees. In the upper right, a house with a dark roof and white siding is visible. Below the house, there is a smaller, single-story building with a light-colored roof. The property is surrounded by more trees and a dirt road or driveway is visible on the right side.

# Request for Determination of Applicability (RDA)

---

## Proposed Installation of a Fence

951 Highland Street  
Hamilton, MA 01982

July 2, 2025

Prepared for:

Heidi Murphy  
951 Highland Street  
Hamilton, MA 01982

Design Team:

---

Benjamin Nutter Architects, LLC  
PO Box 254, 43 Canterbury Hill Road, Topsfield, MA 01983

DeRosa Environmental Consulting, Inc.  
150 Newburyport Turnpike, Suite C-9, Rowley MA 01969

July 2, 2025

**BY ELECTRONIC MAIL AND HAND DELIVERY**

Town of Hamilton Conservation Commission  
Hamilton Town Hall  
PO Box 429  
Hamilton, MA 01936

Mr. Mark Connors, Director of Planning  
Ms. Bethany Barstow, Conservation Agent  
978-626-5251

[mconnors@hamiltonma.gov](mailto:mconnors@hamiltonma.gov)  
[bbarstow@hamiltonma.gov](mailto:bbarstow@hamiltonma.gov)



150 Newburyport Turnpike  
Suite C-9  
Rowley, MA  
01969

978.948.7717 Office

[derosaenvironmental.com](http://derosaenvironmental.com)

**RE: Request for a Determination of Applicability  
Proposed Installation of a Fence**

**951 Highland Street | Hamilton, MA 01982**

Dear Mr. Connors, Ms. Barstow and Members of the Commission,

Our office has prepared the following Request for Determination of Applicability (RDA) to meet the requirements of the Massachusetts Wetlands Protection Act (MGL Ch. 131 Sec. 210) and its Regulations (310 CMR 10.00, et seq) and the Town of Hamilton Conservation Bylaw (the Bylaw). We were authorized to prepare this filing at the request of Ms. Heidi Murphy, owner of the property located at 951 Highland Street in Hamilton, Massachusetts, known as Assessor's Map 4, Lot 1 (the "Site", Figure 1). The proposed project includes the installation of a fence for a horse paddock within existing lawn areas and buffer zone to bordering vegetated wetland and riverfront area (Figure 2). Since portions of the project are located within the buffer zone to bordering vegetated wetland and riverfront area, the project is under the jurisdiction of the Hamilton Conservation Commission. Accordingly, we request that a Negative Determination (No. 2 & 3) be issued by the Hamilton Conservation Commission for the proposed activities.



*2025 Aerial view of 951 Highland Street from  
MassMapper Aerial Imagery*

#### WPA Form 2 | Negative Determination No. 2:

*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.*

#### WPA Form 2 | Negative Determination No. 3:

*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 protection under the Act. Therefore, said work does not require the filing of a Notice of Intent.*

## Executive Summary

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### Site Description

The property that is the subject of this application is located at 951 Highland Street in the Town of Hamilton and identified as Map 4 Lot 1 (the "Site", Figure 1). The Site is an approximately 4.21-acre parcel located east of Highland Street, north of Waldingfield Road and directly south of the Ipswich town border. The site is bordered by rural residential and equestrian properties to the west, south, east and west, as well as several nearby areas of protected open space. Located on the most northern portion of the property is the Ipswich River and bordering vegetated wetland. The Site contains an existing single-family home, cottage, garage and shed (Figure 2).

### Project Summary

The project proposes to install a fence to enclose an area for a horse paddock. The proposed fence meets the criteria for a Minor Activity under 310 CMR 10.02(2)(b)(2)(b) & 10.58(6)(b) and is not otherwise subject to regulation under the Wetlands Protection Act:

*2.b. Fencing, provided it will not constitute a barrier to wildlife movement; stonewalls; stacks of cordwood; 10.58(6)(b) Certain minor activities as identified in 310 CMR 10.02(2)(B)1.*

The proposed fence will be of materials consistent with typical horse paddock fencing and will be installed by hand and with the help of a mini excavator and/or post hole digger. The fence will be installed within existing lawn areas and will not require the removal of any vegetation.

The proposed fence has been designed to remain outside of the 25-foot No Disturbance Zone and the 50-foot No-Build Zone regulated under the Hamilton Wetlands Bylaw. A small portion of the fence is proposed within the 100-foot buffer zone. The fence is proposed within existing maintained lawn areas and no significant soil disturbance will take place.

### Limit of Work

Heavy equipment will not be allowed to enter any wetland resource area and will be stored as far from resource areas as possible. Any excavated material that will not be used on site will be removed from the site to an appropriately licensed facility.

## Existing Wetland Resource Areas

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The project has been designed to avoid adverse impacts to existing wetland resource areas. Portions of the work at the Site will occur within the 100-foot buffer zone to bordering vegetated wetland and the 200-foot riverfront area. FEMA Flood Zone AE (elevation 18.5) exists on the site, however no work is proposed within the Flood Zone. Accordingly, the project that is the subject of this application requires pre-construction review and a Negative Determination of Applicability issued by the Hamilton Conservation Commission before any work may commence.

### Bordering Vegetated Wetland - 310 CMR 10.55

A small portion of the project is located within the 100-foot buffer zone to bordering vegetated wetland. The proposed fence is located within existing lawn areas to create a horse paddock. The fence will be located outside of the 25-foot No-Disturbance Zone and the 50-foot No-Build Zone. The fencing will not constitute a barrier to wildlife movement and the fence installation is proposed within maintained lawn areas. No significant soil disturbance will take place and no vegetation will be removed to install the fence. Accordingly, it is our professional opinion that the project will not have an adverse impact on the bordering vegetated wetland.

### Riverfront Area - 310 CMR 10.58

The Ipswich River is located on the northern portion of the property, a portion of the proposed fencing is located within the 200-foot riverfront area. The fencing is located within the outer 200-foot riverfront area with only a small portion of the fence within the inner 100-foot riverfront area; the remainder of the inner 100-foot riverfront area will remain unaltered. Since the fence will be constructed within existing lawn areas, and because the fencing will not constitute a barrier to wildlife movement, it is our professional opinion that there will be no impact to riverfront area as a result of this project.

### Rare and Endangered Species Estimated Habitat

The project is not located within the boundaries of Priority or Estimated Habitats of Rare Species as determined by the Massachusetts Natural Heritage and Endangered Species Program (Figure 5-NHESP map). Accordingly, there is no requirement to forward a copy of this report to the NHESP for review.

# Jurisdiction and Procedural Matters

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## Forms and Fees

Fee calculation sheets and photocopies of payment are attached. A single (1) copy of this application has been forwarded to the MADEP/NERO.

## Request for Issuance of a Negative Determination of Applicability (No. 2 & 3)

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The proposed project has been designed to avoid adverse impacts to existing wetland resource areas as defined under the Massachusetts Wetlands Protection Act (MGL CH. 131 Sec. 40, et seq.) and the Town of Hamilton Wetlands Protection Bylaw. Since the interests of the Act and Bylaw have been addressed as part of this application, we request that the Hamilton Conservation Commission issue a negative determination of applicability so that Ms. Heidi Murphy may commence with the implementation of the proposed project.

Should you have any questions, or would like to arrange a site walk to review the project, please don't hesitate to call us at (978) 948-7717.

Respectfully submitted,

**DeRosa Environmental Consulting, Inc.**



Abigail Manzi  
Environmental Scientist



Michael J. DeRosa, Principal  
Wetland Ecologist, LSP, LEED AP, PWS



MJD/aem

cc: MADEP/NERO, Wetlands Division, 150 Presidential Way, Woburn, MA, 01801  
Ms. Heidi Murphy (by email)  
Benjamin Nutter Architects, LLC (by email)

## Forms

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[Request for a Determination of Applicability WPA Form 1](#)

[Copy of Filing Fee Check](#)



# Massachusetts Department of Environmental Protection

Bureau of Water Resources - Wetlands

## WPA Form 1- Request for Determination of Applicability

Hamilton

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

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.



1. Applicant:		
Heidi	Murphy	
First Name	Last Name	
951 Highland Street		
Address		
Hamilton	MA	01936
City/Town	State	Zip Code
978-325-0131	hlsm727@gmail.com	
Phone Number	Email Address	
2. Property Owner (if different from Applicant):		
Heidi Murphy, TR	The Fat Pony Trust	
First Name	Last Name	
951 Highland Street		
Address		
Hamilton	MA	01936
City/Town	State	Zip Code
978-325-0131	hlsm@727@gmail.com	
Phone Number	Email Address (if known)	
3. Representative (if any)		
Abigail	Manzi	
First Name	Last Name	
DeRosa Environmental Consulting, Inc.		
Company Name		
150 Newburyport Turnpike Suite C-9		
Address		
Rowley	MA	01969
City/Town	State	Zip Code
978-948-7717	manzi.derosa@gmail.com	
Phone Number	Email Address (if known)	

### B. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):		
951 Highland Street	Hamilton	
Street Address	City/Town	
42.65746	-70.86188	
Latitude (Decimal Degrees Format with 5 digits after decimal e.g. XX.XXXXX)	Longitude (Decimal Degrees Format with 5 digits after decimal e.g. -XX.XXXXX)	
4	1	
Assessors' Map Number	Assessors' Lot/Parcel Number	
b. Area Description (use additional paper, if necessary):		
see attached narrative		
c. Plan and/or Map Reference(s): (use additional paper if necessary)		
951 Highland Street, Proposed Pasture Layout	June 25, 2025	
Title	Date	
Title	Date	

[How to find Latitude and Longitude](#)

[and how to convert to decimal degrees](#)



**Massachusetts Department of Environmental Protection**

Bureau of Water Resources - Wetlands

**WPA Form 1- Request for Determination of Applicability** Hamilton

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

Municipality

**B. Project Description (cont.)**

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

see attached narrative

- b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

310 CMR 10.02(2)(b)(2)(b) & 10.58(6)(b)

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- ☐ Single family house on a lot recorded on or before 8/1/96
- ☐ Single family house on a lot recorded after 8/1/96
- ☐ Expansion of an existing structure on a lot recorded after 8/1/96
- ☐ Project, other than a single-family house or public project, where the applicant owned the lot before 8/7/96
- ☐ New agriculture or aquaculture project
- ☐ Public project where funds were appropriated prior to 8/7/96
- ☐ Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- ☐ Residential subdivision; institutional, industrial, or commercial project
- ☐ Municipal project
- ☐ District, county, state, or federal government project
- ☐ Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

- b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



Massachusetts Department of Environmental Protection  
Bureau of Water Resources - Wetlands

**WPA Form 1- Request for Determination of Applicability** Hamilton  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 Municipality

**C. Determinations**

1. I request the Hamilton Conservation Commission make the following determination(s). Check any that apply:

- ☐ a. whether the **area** depicted on plan(s) and/or map(s) referenced above is an area subject to jurisdiction of the Wetlands Protection Act.
- ☐ b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced above are accurately delineated.
- ☒ c. whether the **Activities** depicted on plan(s) referenced above is subject to the Wetlands Protection Act and its regulations.
- ☒ d. whether the area and/or Activities depicted on plan(s) referenced above is subject to the jurisdiction of any **municipal wetlands' ordinance** or **bylaw** of:

Hamilton

Name of Municipality

- ☐ e. whether the following **scope of alternatives** is adequate for Activities in the Riverfront Area as depicted on referenced plan(s).

**D. Signatures and Submittal Requirements**

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

[Signature]  
Signature of Applicant

30 JUNE 2025  
Date

[Signature]  
Signature of Representative (if any)

July 2, 2025  
Date

**DEROSA ENVIRONMENTAL CONSULTING**  
150 NEWBURYPORT TPKE STE C9  
ROWLEY, MA 01969

**INSTITUTION FOR SAVINGS**  
NEWBURYPORT, MA 01950

11716

53-7094/2113  
00  
CHECK ARMOR  
FRAUD PROTECTION

6/24/2025

PAY TO THE  
ORDER OF

Town of Hamilton

\$ 125.00

One hundred twenty five and 00/100

DOLLARS

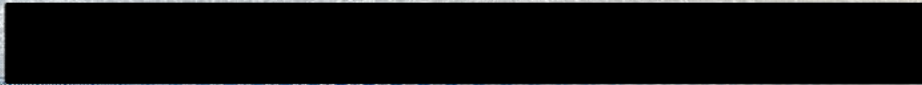
MEMO

957 Highland St. N. Andover



*[Handwritten Signature]*

AUTHORIZED SIGNATURE



## Figures

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Figure 1. USGS Locus Map

Figure 2. Proposed Pasture Layout by DeRosa Environmental Consulting, Inc.

Figure 3. MassGIS Aerial Map

Figure 4. MassGIS Wetlands Map

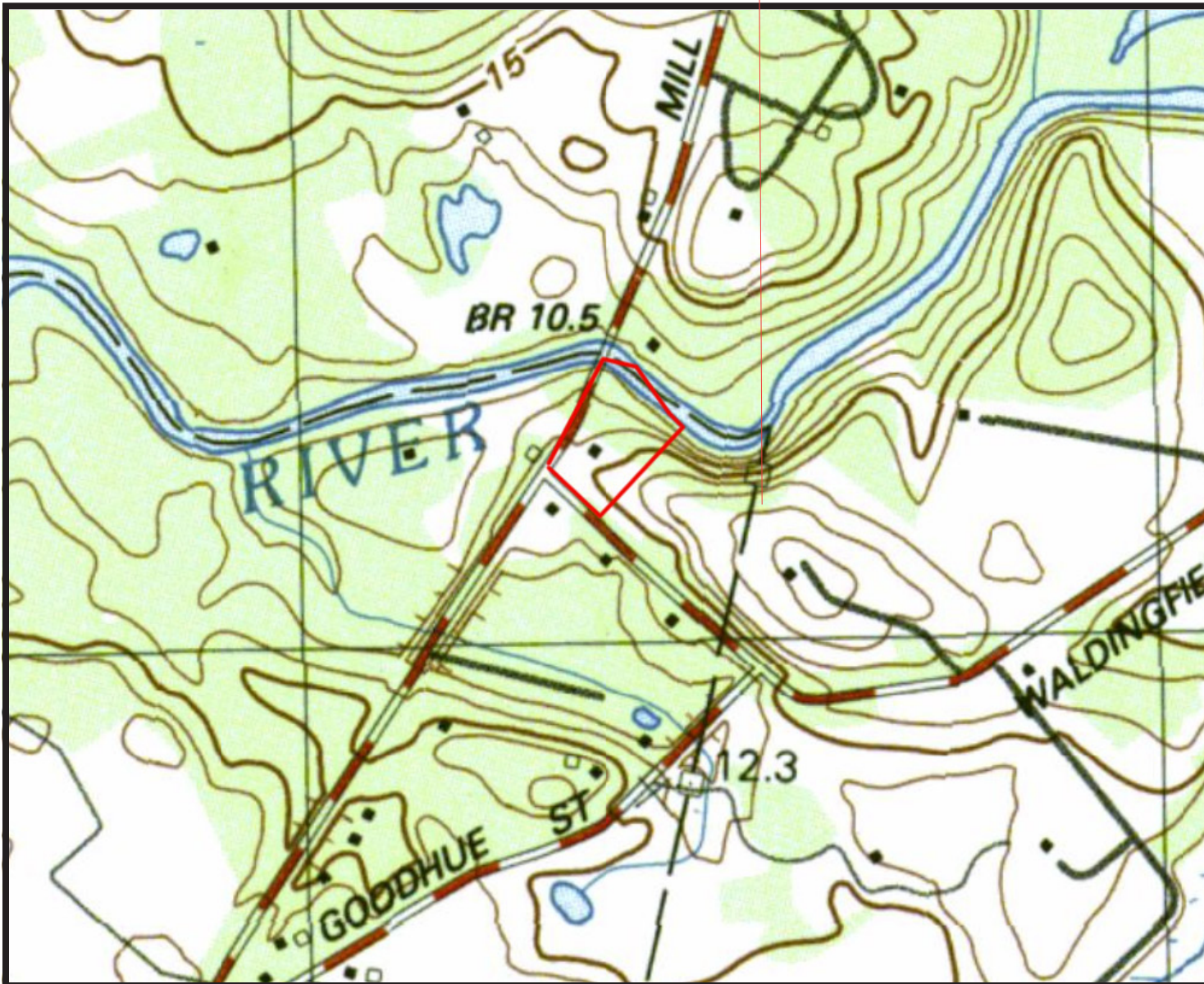
Figure 5. MassGIS NHESP Map

Figure 6. FEMA Flood Insurance Rate Map

# Request for Determination of Applicability

## 951 Highland Street | Hamilton, MA

Figure 1. Topographic Map

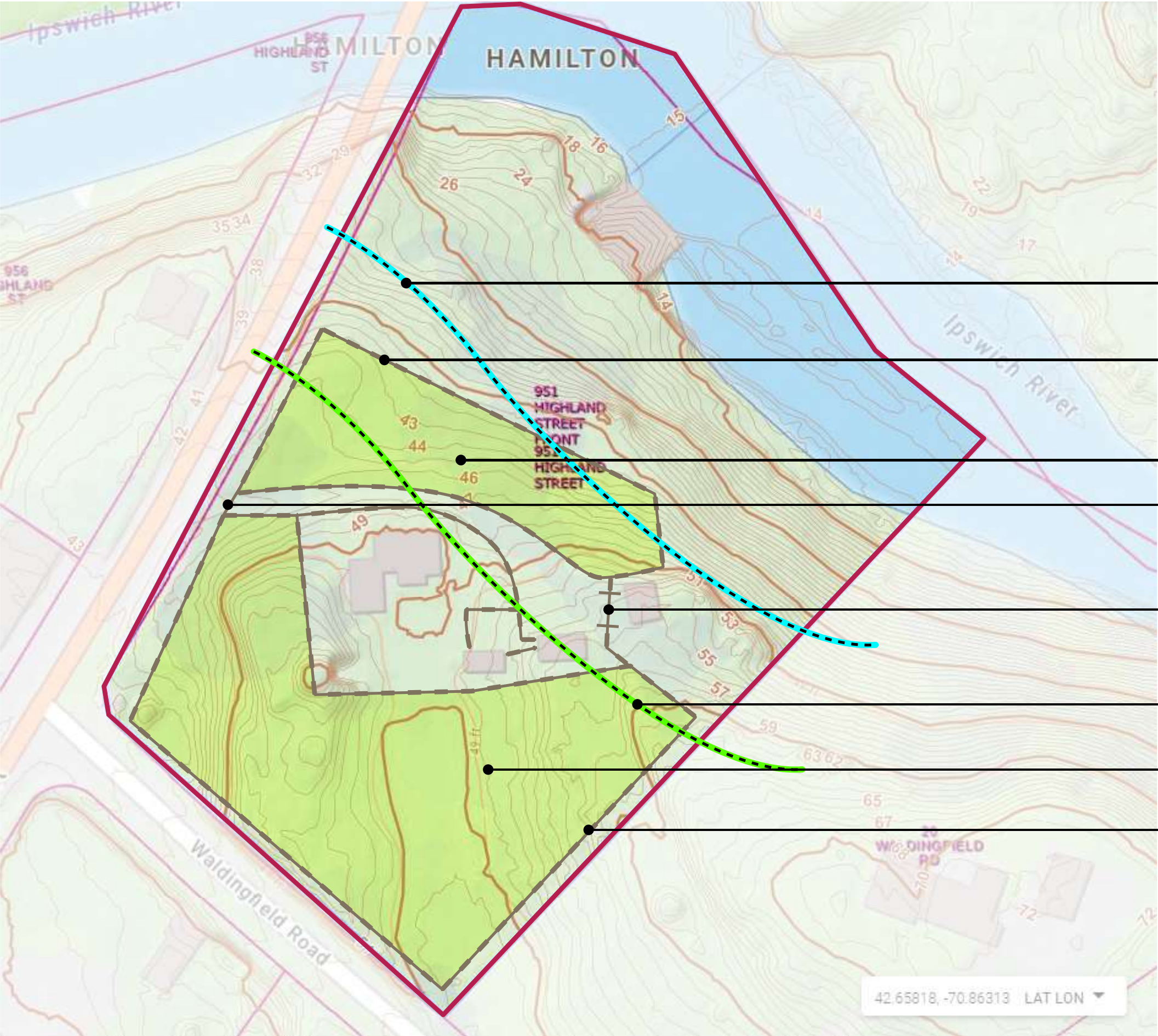


MassMapper USGS Topographic  
Quadrangle Maps

**DEROSA**  
*Environmental*  
CONSULTING, INC.

150 Newburyport Turnpike Suite C-9, Rowley Massachusetts 01969  
USA 978 948-7717 Office

Figure 2. 951 Highland Street  
Proposed Pasture Layout



Approximate 100-foot Riverfront Area

Fence

Pasture

Gate

Gate

Approximate 200-foot Riverfront Area

Pasture

Fence

- Notes:**
- 1. Base plan from MassMapper.
  - 2. Notes and color added by DeRosa Environmental Consulting, Inc. on June 25, 2025.

# Request for Determination of Applicability

## 951 Highland Street | Hamilton, MA



Figure 3. Aerial  
Photograph

MassMapper 2023 Aerial Imagery

# Request for Determination of Applicability

## 951 Highland Street | Hamilton, MA



Figure 4.  
Wetlands Map

### DEP Wetlands Detailed

- Barrier Beach System
- Barrier Beach-Deep Marsh
- Barrier Beach-Wooded Swamp Mixed Trees
- Barrier Beach-Coastal Beach
- Barrier Beach-Coastal Dune
- Barrier Beach-Marsh
- Barrier Beach-Salt Marsh
- Barrier Beach-Shrub Swamp
- Barrier Beach-Wooded Swamp Coniferous
- Barrier Beach-Wooded Swamp Deciduous
- Bog
- Coastal Bank Bluff or Sea Cliff
- Coastal Beach
- Coastal Dune
- Cranberry Bog
- Deep Marsh
- Barrier Beach-Open Water
- Open Water
- Rocky Intertidal Shore
- Salt Marsh
- Shallow Marsh Meadow or Fen
- Shrub Swamp
- Tidal Flat
- Wooded Swamp Coniferous
- Wooded Swamp Deciduous
- Wooded Swamp Mixed Trees

# Request for Determination of Applicability

951 Highland Street | Hamilton, MA

Figure 5.  
NHESP Map



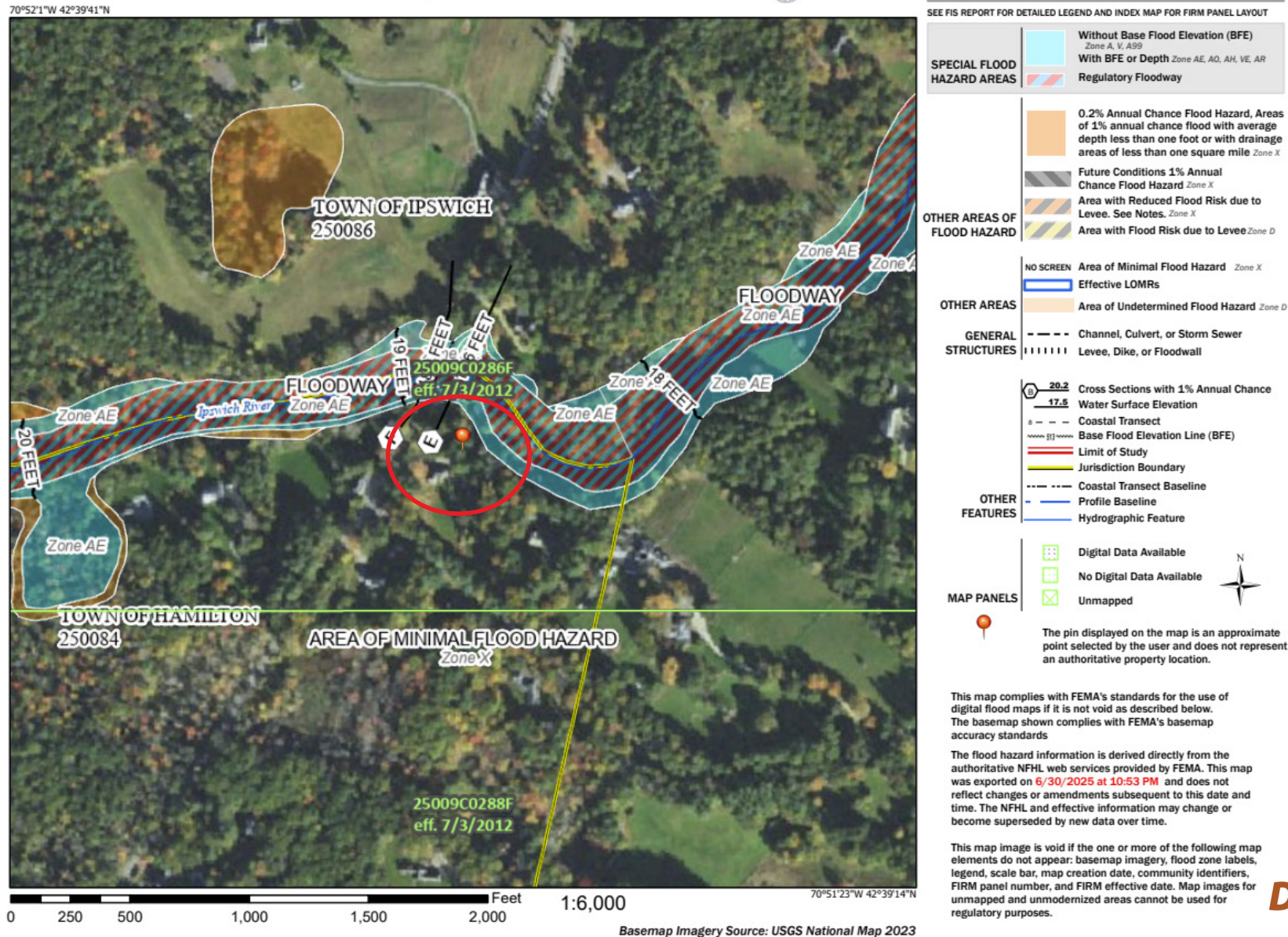
- Potential Vernal Pools
- NHESP Priority Habitats of Rare Species
- NHESP Natural Communities
- NHESP Estimated Habitats of Rare Wildlife
- NHESP Certified Vernal Pools
- NHESP Ecoregions

# Request for Determination of Applicability

## 951 Highland Street | Hamilton, MA

Figure 6. FIRMette Map

### National Flood Hazard Layer FIRMette



# Appendix A

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## Professional Qualifications

*Abigail Manzi*

*Michael J. DeRosa*



## **Abigail Manzi, BA**

### *Environmental Scientist*

Abby graduated with a bachelor's degree in Environmental Studies and Biology from Guilford College in Greensboro, North Carolina. Her studies focused on sustainable practices and ecology with courses including Sustainable Business, Animal Behavior, Rainforest Ecology and Environmental Policy.

Abby joined DeRosa Environmental Consulting in the fall of 2015. She is currently working at DeRosa Environmental as an Environmental Scientist.

While in college Abby spent a semester abroad in the rainforest in Australia studying Rainforest Ecology, Forestry Management and Socioeconomics. She also spent a month of her time there researching Lumholtz's Tree Kangaroos.

Prior to working at DeRosa Environmental Abby traveled to Hawaii to work on farms and learn about organic farming practices through World Wide Opportunities on Organic Farms (WWOOF).

Abby grew up with a love for the wildlife and nature taking trips every spring out to the vernal pools with her mom to check out the amphibians and camping every summer. She loves anything outdoors including hiking, diving, snowboarding and swimming. She travels as much as possible, especially to new places with animals she has never seen.

## **EDUCATION**

### **BA, Biology and Environmental Studies | 2014**

Guilford College, Greensboro, NC

## **PROFESSIONAL EXPERIENCE**

Environmental Scientist | 2015 – Present

DeRosa Environmental Consulting Inc

Intern | Summer 2013

Ipswich River Watershed Association

Student Researcher | August-December 2012

Center for Rainforest Studies, Queensland, Australia

## **PROFESSIONAL MEMBERSHIPS/AFFILIATIONS**

AMWS | Association of Massachusetts Wetland Scientists

## **CERTIFICATION**

40 Hour Hazardous Waste Site Worker (OSHA)

PADI Open Water Diver | 2015

Adult First Aid/CPR/AED | Exp. 8/7/2020

## **LICENSE**

Unmanned Aircraft License | FAA | Exp. 2/19/2021

## **REPRESENTATIVE PROJECTS**

### **Private Residence | Dune Grass Restoration**

Manchester, MA

### **Commercial Property | Wetland Restoration**

Rowley, MA

### **Willowdale State Forest | Culvert Repair**

Ipswich, MA

### **Saint Joseph's School | Well Monitoring**

Salem, MA

### **Private Residence | Reconstruction of a Single Family Home**

Ipswich, MA

### **Ipswich River Watershed Association | River Culvert Survey**

North Shore, MA

### **Invasive Plant Management | Restoration Project**

Ipswich, MA

### **Sally's Pond | Trail Restoration Grant**

Ipswich, MA



## Michael J. DeRosa

Principal, LSP, LEED AP BC&D

Michael J. DeRosa, Principal and project manager specializing in habitat restoration and wetland restoration projects. He has more than 24 years experience working with ecological systems focused on restoration and rehabilitation of damaged landscapes. Ecological principles inform his design and restoration practices.

Mike was the principal wetland permitting leader for the Turner Hill Resort Center in Ipswich Massachusetts. He has consulted with the Archdiocese of Boston since 1989 in all environmental areas. His firm is known for their expertise in wetland and wildlife habitat restoration and rehabilitation and invasive species control and management.

Mike incorporated DeRosa Environmental Consulting, Inc., in May 1994 after spending 8 years working in the environmental consulting industry as technical director and project manager. Prior to his consulting career he was a researcher at the Harvard School of Tropical Public Health working with infectious diseases and tick transmitted Lyme disease, in particular.

Mike has been involved with many projects associated with MGL Ch. 21e and Massachusetts Contingency Plan (MCP) projects. He received his Licensed Site Professional (LSP Lic. 3452) registration in 1993. Mike is uniquely credentialed in hazardous waste site assessment and remediation and has over 24 years experience in wetland permitting, habitat restoration and mitigation. Mike has permitted projects with all federal, state and local environmental agencies. Mike is on the Practice Faculty at The Boston Architectural College. His new passion is the incorporation of urban agriculture and food justice initiatives in mixed use community based projects.

## EDUCATION

MA, Boston University, 1993  
North Carolina State University, 1986  
Harvard University, 1985  
BA, University of Denver, 1982

## REPRESENTATIVE PROJECTS

**Ipswich River Watershed Association**  
Ipswich MA

**Miles River Task Force |  
Watershed Restoration**  
Beverly Wenham Hamilton Ipswich MA

**Paumier Residence |  
Dune Restoration**  
Manchester MA

**Matignon High School Athletic Fields |  
Landfill Cap Remediation**  
Cambridge/Somerville MA

**Turner Hill Golf Course |  
Wetland Mitigation & Pond Design**  
Ipswich MA

**Saint Aidan's Church |  
UST Remediation**  
Brookline MA

**Saint Kevin's School |  
AST Remediation**  
Dorchester MA

**Saint Joseph's School |  
UST Remediation**  
Salem MA

**Ipswich Country Club |  
Wetland Restoration**  
Ipswich MA

**Ould Newbury Golf Club |  
LID Runoff Design**  
Newbury MA

**Ferncroft Country Club |  
Pond Restoration**  
Topsfield/Middleton MA

## **PROFESSIONAL EXPERIENCES**

Principal, LSP, LEED AP BC&D

DeRosa Environmental Consulting, Inc. | 1994-Present  
Technical director, Environmental Engineering Division

Web Engineering Associates, Inc. | 1990-1994

Project manager/Environmental Scientist,  
Dennison Environmental, Inc. | 1988-1989

Population Ecologist & Wetlands Specialist,  
Lelito Environmental Consultants, LLC | 1987-1988

Research Assistant,  
North Carolina State University | 1985-1987

Air Pollution Analyst  
Entropy Environmentalists, Inc. | 1985-1987

Senior Research Assistant  
Harvard University | 1983-1985

Naturalist  
The Trustees of Reservations | 1983-1985

## **PROFESSIONAL MEMBERSHIPS/AFFILIATIONS**

New England Wildflower Society

USGBC | United States Green Building Council

NGWA | National Ground Water Association

AMWS | Association of Massachusetts Wetland Scientists

LSPA | Licensed Site Professional Association

SWS | Society of Wetland Scientists

MACC | Massachusetts Association of Conversation Commissioners

## **CERTIFICATIONS AND SPECIAL TRAINING**

Licensed Site Professional (LSP), Lic. No. 3452

Professional Wetland Scientist (PWS)

LEED Accredited Professional | 10342989

Certified Ecologist, The Ecological Society of America |  
June 2002 – May 2007

CERCLA 40 Hour Hazardous Materials Safety Training |  
OSHA 29 CFR 1910.120

Confined Space Entry Training | OSHA 29 CFR 1910.146

Management Training Workshop | Dun and Bradstreet

Hazardous Materials Chemistry Seminar | University of Toledo

Unmanned Aircraft License | FAA | Exp. 2/28/2019