



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

**I. ADMINISTRATIVE INFORMATION**

Completion Date of Approved Jurisdictional Determination (AJD): 1/21/2021

ORM Number: NAE-2020-02207-RB

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: MA City: Saugus County/Parish/Borough: Essex

Center Coordinates of Review Area: Latitude 42.448889 Longitude -70.980000

**II. FINDINGS**

**A. Summary:** Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- ☐ The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- ☐ There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- ☐ There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- ☒ There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

**B. Rivers and Harbors Act of 1899 Section 10 (§ 10)<sup>2</sup>**

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.

**C. Clean Water Act Section 404**

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): <sup>3</sup>				
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination	
N/A.	N/A.	N/A.	N/A.	

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination	
N/A.	N/A.	N/A.	N/A.	

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):				
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination	
N/A.	N/A.	N/A.	N/A.	

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination	
N/A.	N/A.	N/A.	N/A.	

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

<sup>3</sup> A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
"Isolated Wetland"	0.46	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	The agent submitted a Best Management Plan from 2005 which showed that a stormwater management basin was built in the vicinity of the wetland feature in question. Photos show the outfall structure on the eastern side of the wetland feature. There is no evidence that the area was a water or wetland prior to the BMP installation based on looking at USGS quadrangle maps from 1946 to the present, an NWI map, a soils map, aerial photos, and the BMP plan. Therefore this feature meets the exclusion.

**III. SUPPORTING INFORMATION**

**A. Select/enter all resources** that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

- ☒ Information submitted by, or on behalf of, the applicant/consultant: 1) "150 Salem Turnpike Request for Jurisdictional Determination" dated 09/24/20 submitted by Richard Jabba. 2) "Best Management Practices Plan Patty's Auto Parts Inc 140 Salem Turnpike Saugus, MA 01906" dated "July 2005" submitted by Richard Jabba.

This information is sufficient for purposes of this AJD.

Rationale: N/A

- ☐ Data sheets prepared by the Corps: N/A
- ☒ Photographs: Aerial and Other: Site photos and 1938, 2012, 2014, and 2020 aerial photos provided in the "150 Salem Turnpike Request for Jurisdictional Determination" document.
- ☐ Corps site visit(s) conducted on: N/A
- ☐ Previous Jurisdictional Determinations (AJDs or PJDs): N/A
- ☐ Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- ☒ USDA NRCS Soil Survey: Soil map layer from Mass GIS database website OLIVER
- ☒ USFWS NWI maps: NWI layer from Mass GIS database website OLIVER
- ☒ USGS topographic maps: 1946 USGS quad map in "150 Salem Turnpike Request for Jurisdictional Determination" document. Also looked at paper copies in the office of 1970 and 1985 USGS quad maps.

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.

<sup>4</sup> Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

<sup>5</sup> Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



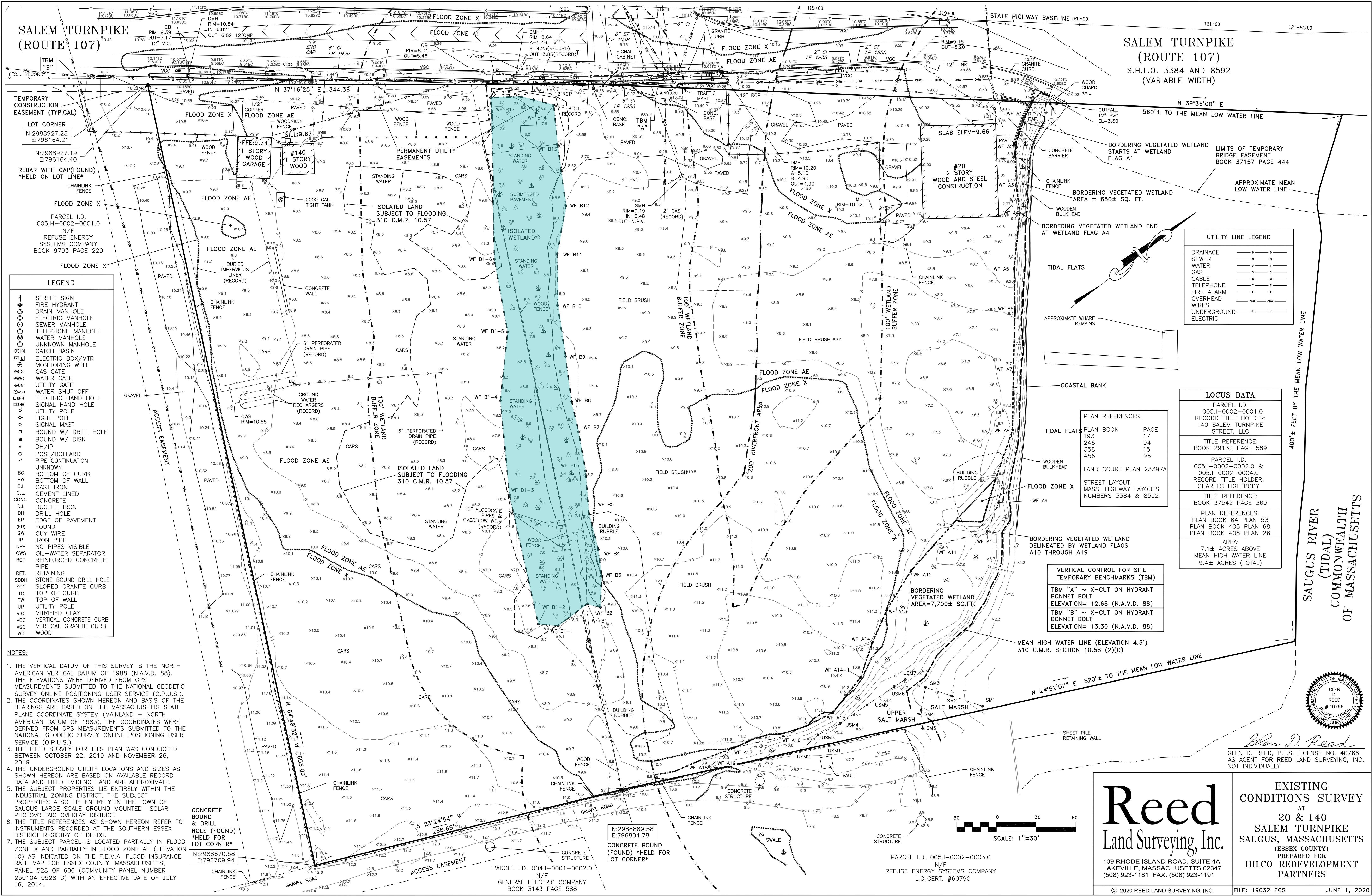
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Data Source (select)	Name and/or date and other relevant information
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

**B. Typical year assessment(s):** N/A

**C. Additional comments to support AJD:** N/A





LEGEND	
STREET SIGN	1
FIRE HYDRANT	2
DRAIN MANHOLE	3
ELECTRIC MANHOLE	4
SEWER MANHOLE	5
TELEPHONE MANHOLE	6
WATER MANHOLE	7
UNKNOWN MANHOLE	8
CATCH BASIN	9
ELECTRIC BOX/MTR	10
MONITORING WELL	11
GAS GATE	12
WATER GATE	13
UTILITY GATE	14
WATER SHUT OFF	15
ELECTRIC HAND HOLE	16
SIGNAL HAND HOLE	17
UTILITY POLE	18
LIGHT POLE	19
SIGNAL MAST	20
BOUND W/ DRILL HOLE	21
BOUND W/ DISK	22
DH/IP	23
POST/BOLLARD	24
PIPE CONTINUATION	25
UNKNOWN	26
BOTTOM OF CURB	27
BOTTOM OF WALL	28
CAST IRON	29
CEMENT LINED	30
CONCRETE	31
DUCTILE IRON	32
DRILL HOLE	33
EDGE OF PAVEMENT	34
FOUND	35
GUY WIRE	36
IRON PIPE	37
NO PIPES VISIBLE	38
OIL-WATER SEPARATOR	39
REINFORCED CONCRETE	40
PIPE	41
RETAINING	42
STONE BOUND DRILL HOLE	43
SLOPED GRANITE CURB	44
TOP OF CURB	45
TOP OF WALL	46
UTILITY POLE	47
VITRIFIED CLAY	48
VERTICAL CONCRETE CURB	49
VERTICAL GRANITE CURB	50
WOOD	51

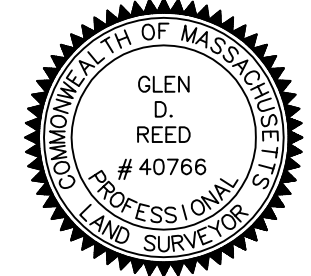
- NOTES:**
1. THE VERTICAL DATUM OF THIS SURVEY IS THE NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.V.D. 88). THE ELEVATIONS WERE DERIVED FROM GPS MEASUREMENTS SUBMITTED TO THE NATIONAL GEODETIC SURVEY ONLINE POSITIONING USER SERVICE (O.P.U.S.).
  2. THE COORDINATES SHOWN HEREON AND BASIS OF THE BEARINGS ARE BASED ON THE MASSACHUSETTS STATE PLANE COORDINATE SYSTEM (MAINLAND - NORTH AMERICAN DATUM OF 1983). THE COORDINATES WERE DERIVED FROM GPS MEASUREMENTS SUBMITTED TO THE NATIONAL GEODETIC SURVEY ONLINE POSITIONING USER SERVICE (O.P.U.S.).
  3. THE FIELD SURVEY FOR THIS PLAN WAS CONDUCTED BETWEEN OCTOBER 22, 2019 AND NOVEMBER 26, 2019.
  4. THE UNDERGROUND UTILITY LOCATIONS AND SIZES AS SHOWN HEREON ARE BASED ON AVAILABLE RECORD DATA AND FIELD EVIDENCE AND ARE APPROXIMATE.
  5. THE SUBJECT PROPERTIES LIE ENTIRELY WITHIN THE INDUSTRIAL ZONING DISTRICT. THE SUBJECT PROPERTIES ALSO LIE ENTIRELY IN THE TOWN OF SAUGUS LARGE SCALE GROUND MOUNTED SOLAR PHOTOVOLTAIC OVERLAY DISTRICT.
  6. THE TITLE REFERENCES AS SHOWN HEREON REFER TO INSTRUMENTS RECORDED AT THE SOUTHERN ESSEX DISTRICT REGISTRY OF DEEDS.
  7. THE SUBJECT PARCEL IS LOCATED PARTIALLY IN FLOOD ZONE X AND PARTIALLY IN FLOOD ZONE AE (ELEVATION 10) AS INDICATED ON THE F.E.M.A. FLOOD INSURANCE RATE MAP FOR ESSEX COUNTY, MASSACHUSETTS, PANEL 528 OF 600 (COMMUNITY PANEL NUMBER 250104 0528 G) WITH AN EFFECTIVE DATE OF JULY 16, 2014.

UTILITY LINE LEGEND	
DRAINAGE	— D — D —
SEWER	— S — S —
WATER	— W — W —
GAS	— G — G —
CABLE	— C — C —
TELEPHONE	— T — T —
FIRE ALARM	— F — F —
OVERHEAD	— O — O —
WIRES	— W — W —
UNDERGROUND	— U — U —
ELECTRIC	— E — E —

LOCUS DATA	
PARCEL I.D.	005.I-0002-0001.0
RECORD TITLE HOLDER:	140 SALEM TURNPIKE STREET, LLC
TITLE REFERENCE:	BOOK 29132 PAGE 589
PARCEL I.D.	005.I-0002-0002.0 & 005.I-0002-0004.0
RECORD TITLE HOLDER:	CHARLES LIGHTBODY
TITLE REFERENCE:	BOOK 37542 PAGE 369
PLAN REFERENCES:	PLAN BOOK 64 PLAN 53 PLAN BOOK 405 PLAN 68 PLAN BOOK 408 PLAN 26
AREA:	7.1± ACRES ABOVE MEAN HIGH WATER LINE 9.4± ACRES (TOTAL)

PLAN REFERENCES:	
PLAN BOOK	PAGE
193	17
246	94
358	15
456	96
LAND COURT PLAN 23397A	

VERTICAL CONTROL FOR SITE - TEMPORARY BENCHMARKS (TBM)	
TBM "A" ~ X-CUT ON HYDRANT BONNET BOLT	ELEVATION= 12.68 (N.A.V.D. 88)
TBM "B" ~ X-CUT ON HYDRANT BONNET BOLT	ELEVATION= 13.30 (N.A.V.D. 88)



**EXISTING CONDITIONS SURVEY**  
AT  
**20 & 140 SALEM TURNPIKE**  
SAUGUS, MASSACHUSETTS  
(ESSEX COUNTY)  
PREPARED FOR  
**HILCO REDEVELOPMENT PARTNERS**

**Reed**  
Land Surveying, Inc.  
109 RHODE ISLAND ROAD, SUITE 4A  
LAKEVILLE, MASSACHUSETTS 02347  
(508) 923-1181 FAX. (508) 923-1191