

# AMORY ENGINEERS, P.C.

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October 13, 2021

Duxbury Board of Health  
Town Hall  
878 Tremont Street  
Duxbury, MA 02332

Subject: **120 East Street & 160 Elm Street – Nitrogen Loading Credit Land Restriction**

Dear Board Members:

This is to advise that we have reviewed the following documents related to a proposal to restrict credit land on Elm Street for the benefit of a proposed dwelling and septic system on Parcel 045-045-000 (120 East Street):

- Plan – Nitrogen Credit Land for Assessors #075-011-003, dated October 8, 2021, prepared by South Shore Survey Consultants (SSSC)
- Transmittal letter dated October 14, 2021, prepared by SSSC

In November 2020, the Board approved a septic design for the East Street parcel. That design was for a two bedroom dwelling classified as housing for the elderly, which had a design flow of 150 gallons per day. The purpose of the current submission is to seek the Board's approval to restrict of 18,526.58 square feet (s.f.) of land on Parcel 075-011-003 (160 Elm Street) as credit land to allow the construction of a three bedroom dwelling on Parcel 045-045-000 (120 East Street). We reviewed the documents for conformance with MassDEP "Guidelines for Title 5 Aggregation of Flows and Nitrogen Loading – 310 CMR 15.216" (Guidelines). Based on our review of the documents we note the following:

1. The land proposed to be used for credit land at 160 Elm Street is located within the same Zone II as 120 East Street. Therefore, the land is eligible to be used.
2. The land proposed to be used for credit land at 160 Elm Street is all upland and not located within a Regulatory Floodway, which is in compliance with the Guidelines.
3. The aggregate land area of the credit land at 160 Elm Street and the parcel proposed for development at 120 East Street is 30,005 s.f. Therefore, in accordance with the Guidelines, the Title 5 allowed sewage flow would be 330 gallons per day based on the nitrogen loading limitation for the aggregation of land.
4. In accordance with the Guidelines, the Applicant has also submitted the template restriction document "Grant of Title 5 Nitrogen Loading Restriction and Easement on Nitrogen Credit Land", which is Attachment 2 in the Guidelines. Should the Board

approve the credit land restriction, this document will need to be executed and recorded at the Plymouth County Registry of Deeds. We direct the Applicant's and the Board's attention to the prohibitions of the credit land which are listed in the document under "Obligations and Easement."

5. A new design plan for the three bedroom dwelling and septic system at 120 East Street will need to be submitted for review and approval.

Please give us a call should you have any question.

Very truly yours,

AMORY ENGINEERS, P.C.

By:



Patrick G. Brennan, P.E.



PGB  
cc: South Shore Survey Consultants, Inc.