

*South
Shore
Survey*
Consultants, Inc.

Registered Land Surveyors
& Civil Engineers

January 17, 2024

Town of Duxxbury
Conservation Department
878 Tremont Street
Duxbury, MA. 02332

RE: Request for a Determination of Applicability, #0 Pilgrim By Way.

Dear Members of the Commission,

Please accept this request for a Determination of Applicability for the proposed construction of a driveway with associated grading, re-landscaping, etc. located at #0 Pilgrim By Way (the site). The Duxbury Assessors references this site as Parcel ID #109-037-015. A portion of the proposed work will occur within the buffer zone to a resource area. Prior to the start of work, erosion control as shown on the plan will be installed to ensure protection of the nearby resource area. This application is being submitted in accordance with the Wetlands Protection Act and the Town of Duxbury Wetlands By Law.

Please note that the ILSF (Isolated Land Subject to Flooding) appears to have been caused by a failed leaching pit which had been installed by the Duxbury DPW. When the drainage leaching pit failed it caused some flooding in the street which the DPW then mitigated by creating a cut in the berm behind the leaching pit and constructing a paved swale to direct water onto the subject private property without the owners knowledge or consent. I met on site with the DPW Director (Sheila Sgarzi, P.E.) and informed her that once I received a Negative Determination of Applicability I would grant the Town of Duxbury a drainage easement over the area currently being used for stormwater recharge.

If you have any questions or require additional information, please contact me at 781-582-2185.

Sincerely,

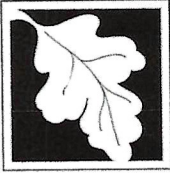
Mark Casey

Mark Casey, Principal
South Shore Survey Consultants, Inc.

CC: Department of Environmental Protection, Wetland Division, 20 Riverside Drive, Lakeville, MA. 02347

REQUEST FOR DETERMINATION OF APPLICABILITY
TABLE OF CONTENTS

<u>Item</u>	<u>Attachment</u>
WPA Form 1: Request for Determination of Applicability (RDA).....	1
Project Narrative.....	2
Wetland Delineation Memo.....	3
USGS Site Locus Map.....	4
FEMA F.I.R.M.....	5
MA Natural Heritage & Endangered Species Map.....	6
Town Duxbury Conservation Commission fee schedule.....	7
Site Plan.....	8



Massachusetts Department of Environmental Protection
Bureau of Water Resources - Wetlands

WPA Form 1- Request for Determination of Applicability

Duxbury
Municipality

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

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:

Mark	Casey
First Name	Last Name
1 Lincoln Street	
Address	
Duxbury	MA
City/Town	State
781-789-4501	02332
Phone Number	Zip Code
mark@ssscinc.net	
Email Address	

2. Property Owner (if different from Applicant):

Cheryl A. White Revocable Tr, Kendra Carmichael, Tr.	
First Name	Last Name
964 River Rd	
Address	
Plymouth	NH
City/Town	State
781-217-4784	03264
Phone Number	Zip Code
kendracarmichael@gmail.com	
Email Address (if known)	

3. Representative (if any)

Mark	Casey
First Name	Last Name
South Shore Survey Consultants, Inc.	
Company Name	
167R Summer Street	
Address	
Kingston	MA
City/Town	State
781-789-4501	02364
Phone Number	Zip Code
mark@ssscinc.net	
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):

0 Pilgrim Byway	Duxbury
Street Address	City/Town
42° 1'39.19"N	70°41'12.52"W
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)
109	037-015
Assessors' Map Number	Assessors' Lot/Parcel Number

[How to find Latitude and Longitude](#)

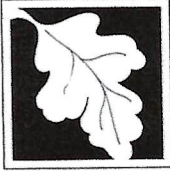
[and how to convert to decimal degrees](#)

b. Area Description (use additional paper, if necessary):

The site is located to the west of Pilgrim Byway and consists of an undeveloped, forested property.

c. Plan and/or Map Reference(s): (use additional paper if necessary)

RDA Plan of Isolated Land Subject to Flooding for 0 Pilgrim Byway	1/16/2024
Title	Date
_____	_____
Title	Date



Massachusetts Department of Environmental Protection
Bureau of Water Resources - Wetlands

WPA Form 1- Request for Determination of Applicability Duxbury

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):

Proposed installation of a 12 foot wide driveway. See Project Narrative for more information.

- 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).

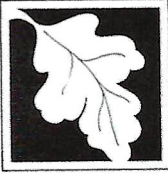
Proposed project avoids impacts to wetland resource areas. Isolated wetland on site is not subject to Massachusetts Wetlands Protection Regulations found at 310 CMR 10.00.

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.)

Not applicable, no Riverfront Area on site.



Massachusetts Department of Environmental Protection
Bureau of Water Resources - Wetlands

WPA Form 1- Request for Determination of Applicability

Duxbury
Municipality

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

C. Determinations

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

- 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:

Duxbury
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.

Mark Casey
Signature of Applicant

1/17/24
Date

Signature of Representative (if any)

Date

PROJECT NARRATIVE

Section 1.0 Introduction

The project proposed at 0 Pilgrim Byway in Duxbury involves the construction of a driveway with associated grading, re-landscaping, etc. Portions of the proposed project occur within the buffer zone to Bordering Vegetated Wetlands and the buffer zone to a small Isolated Vegetated Wetland. Prior to the start of work, erosion controls will be installed to ensure the protection of nearby wetland resource areas. This application is being submitted in accordance with the Massachusetts Wetlands Protection Act Regulations and Town of Duxbury Wetlands Bylaw.

Section 2.0 Site Description

The site is located to the west of Pilgrim Byway and consists of an undeveloped, forested property. An abandoned railroad bed is located along the northwestern portion of the site. The limits of wetland resource areas on and near the site were delineated by Environmental Consulting & Restoration, LLC (ECR) as documented in the attached Wetland Delineation Memo. As a result of our field work and review of available environmental databases, we can confirm that the site contains the following areas of Conservation jurisdiction:

- Bordering Vegetated Wetland (BVW)
- Isolated Vegetated Wetland (IVW)
- 100-foot buffer zone to BVW & IVW

Notes:

1. The site is not located within areas mapped as Priority Habitat & Estimated Habitat for Rare Species according to the Massachusetts Natural Heritage & Endangered Species Program (MaNHESP).
2. The site does not contain or is near a mapped Certified or Potential Vernal Pool according to the MaNHESP.
3. The site does not contain USGS mapped streams.
4. The site is not located within an Area of Critical Environmental Concern.
5. The site does not contain areas mapped as Land Subject to Flooding (FEMA flood zones).

Section 3.0 Proposed Activities

The purpose of this Request for Determination of Applicability application is to authorize the proposed construction of a driveway with associated grading, re-landscaping, etc. The proposed driveway is designed to minimize site disturbance by keeping the width of the driveway at 12 feet and keeping the driveway within the footprint of the existing abandoned railroad bed. The proposed project will consist of the following activities:

1. Installation of an erosion control line along the limit of work to protect the downgradient BVW and IVW.
2. Removal of vegetation to include stumping and grubbing within the project area. Please note that most of this area is utilized as an existing pathway and will not require significant vegetation removal.
3. Construction of a new asphalt driveway with associated, grading, and re-landscaping.
4. Stabilizing all areas within the buffer zone with loam and lawn seed mix consisting of a native conservation/wildlife seed mix.
5. Notification to the Conservation office that the project is complete and stabilized.

For more information, please refer to the attached site plan.

**Request for Determination of Applicability
0 Pilgrim Byway, Duxbury**

Section 4.0 Summary

The proposed project does alter wetland resource areas and therefore does not require the filing of a Notice of Intent application. Erosion and sediment control measures will be implemented and maintained throughout the duration of the project to prevent the conveyance of sedimentation into environmentally sensitive areas. Disturbed areas will be stabilized upon the completion of work, and if intense rainfall is expected, reinforcing control measures will be installed as needed to protect all wetland resource areas. Stockpiling of soils, if any, shall be located beyond the 100-foot buffer zone and surrounded by erosion controls, as necessary.

ECR

Environmental Consulting & Restoration, LLC



WETLAND DELINEATION MEMO

TO: South Shore Survey Consultants
FROM: Brad Holmes
DATE: November 7, 2023
RE: Off Pilgrim Byway, Duxbury

Per your request, Environmental Consulting & Restoration, LLC (ECR) performed a review of the existing conditions at the property located off Pilgrim Byway in Duxbury (the site) on October 11, 2023. The purpose of the review was to identify wetland resource areas on and near the site. The site is located to the west of Pilgrim Byway and consists of an undeveloped, forested property. An abandoned railroad bed is located along the northwestern portion of the site. The weather on October 11th was mostly sunny and cool (approximately 60 degrees) with light wind and dry site conditions.

An isolated wetland system is located in the northern portion of the site. ECR placed wetland flags (pink/black striped ribbons) #A1 to #A17 along the limit of an Isolated Vegetated Wetland (IVW) located within the northern portion of the site. ECR could not find hydraulic connections from this isolated wetland to other wetland resource areas. ECR also delineated the landward limit of an offsite Bordering Vegetated Wetland (BVW) to the northwest of the site. BVW flags #B1 to #B5 mark the closest limit of this offsite vegetated wetland. The vegetated wetlands were delineated following the methodology established by the Massachusetts Department of Environmental Protection (DEP) regulations found at 310 CMR 10.55 pertaining to the delineation of Bordering Vegetated Wetlands. The delineation was performed by analyzing vegetation, hydrology within 12 inches of the surface, and soil conditions within 20 inches of the surface. The wetland contains hydric soils, saturated soils, and dominant wetland indicator plants.

As a result of ECR's wetland delineation at the site, ECR is able to confirm that the site contains the following wetland resource areas and areas of Conservation Commission jurisdiction:

- Isolated Vegetated Wetlands
- 100 foot buffer zone to IVW & BVW

Also, a review of the MassMapper database reveals the following:

1. The site is not located within Estimated/Priority Habitat for Rare Species according to the Massachusetts Natural Heritage & Endangered Species Program (MaNHESP).
2. The site does not contain Certified Vernal Pools according to the MaNHESP.
3. The site does not contain a U.S.G.S. mapped stream.
4. The site does not contain Land Subject to Flooding (FEMA flood zone)
5. The site is not located within an Area of Critical Environmental Concern.

ECR

Environmental Consulting & Restoration, LLC



Please note that ECR has delineated the isolated wetland at the site as an Isolated Vegetated Wetland. This wetland does contain a small depression that was entirely dry during ECR's delineation event. Review of the Duxbury Wetlands Bylaw & Regulations reveals that the Duxbury Conservation Commission does protect isolated wetlands as follows:

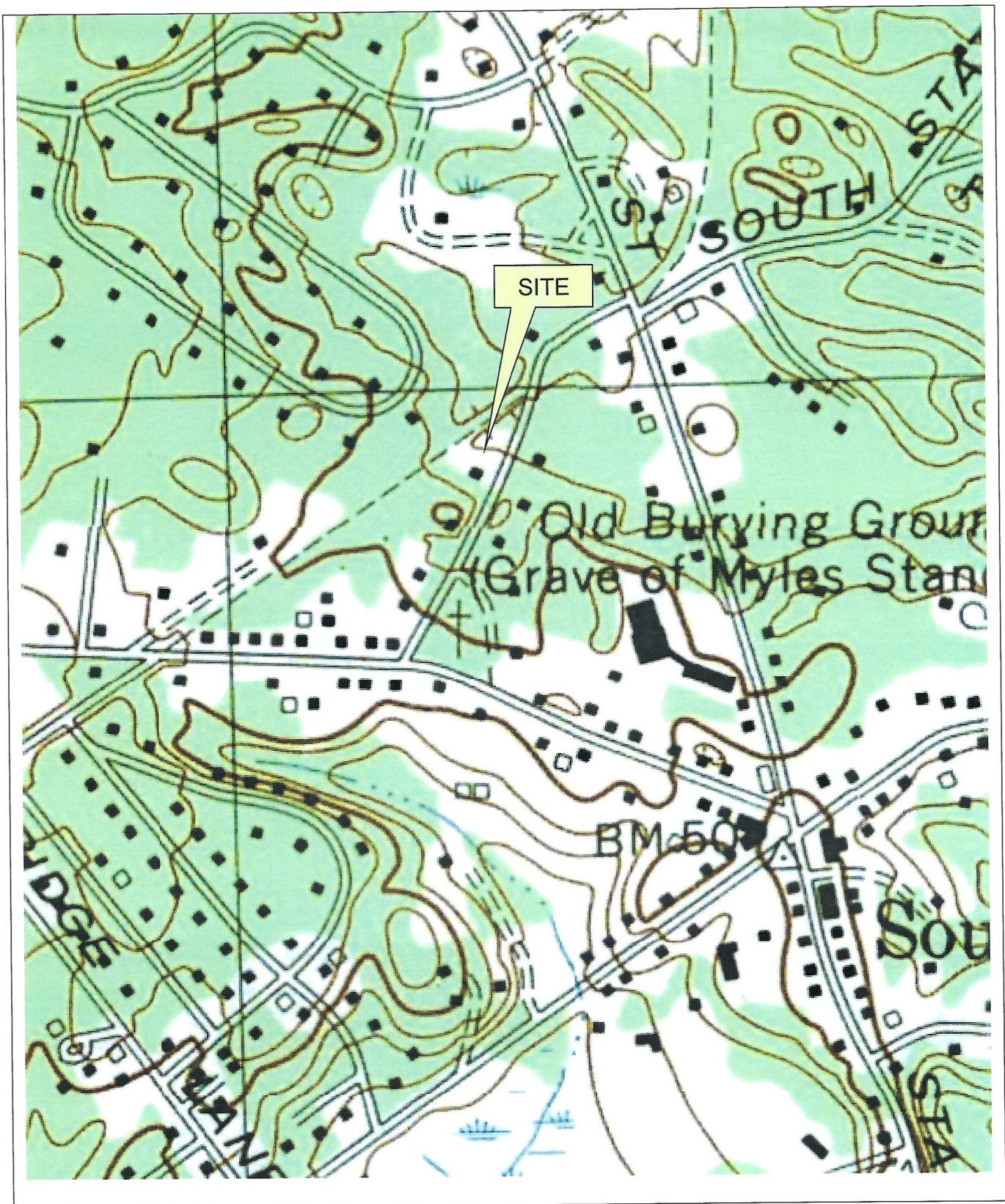
Section 19.1 of the Duxbury Wetland Regulations - Isolated Land Subject to Flooding shall include an area, depression, or basin that holds at minimum one-eighth acre-foot of water and at least six inches of standing water once a year. The Buffer Zone for Isolated Land Subject to Flooding shall extend 100 feet from the highest extent of flooding.

Section 19.3 of the Duxbury Wetland Regulations - Vegetated Wetlands are freshwater wetlands, including both bordering Vegetated Wetlands (i.e., bordering on freshwater bodies such as on creeks, rivers, streams, ponds and lakes, and bordering on coastal Resource Areas such as Salt Marshes and estuaries) and isolated Vegetated Wetlands which do not border on any permanent water body.

Based on ECR's review of the Duxbury Wetlands Bylaw & Regulations, the isolated wetland at this site is best categorized as an Isolated Vegetated Wetland per Section 19.3. Please note that this isolated wetland does not appear to be large enough to be considered an Isolated Land Subject to Flooding under the Massachusetts Wetlands Protection Regulations found at 310 CMR 10.57 and is therefore not regulateable under the Massachusetts Wetlands Protection Act and its associated Regulations.

Upon review of this wetland delineation memo, please contact me at (617) 529 – 3792 or brad@ecrwetlands.com with any questions or requests for additional information.

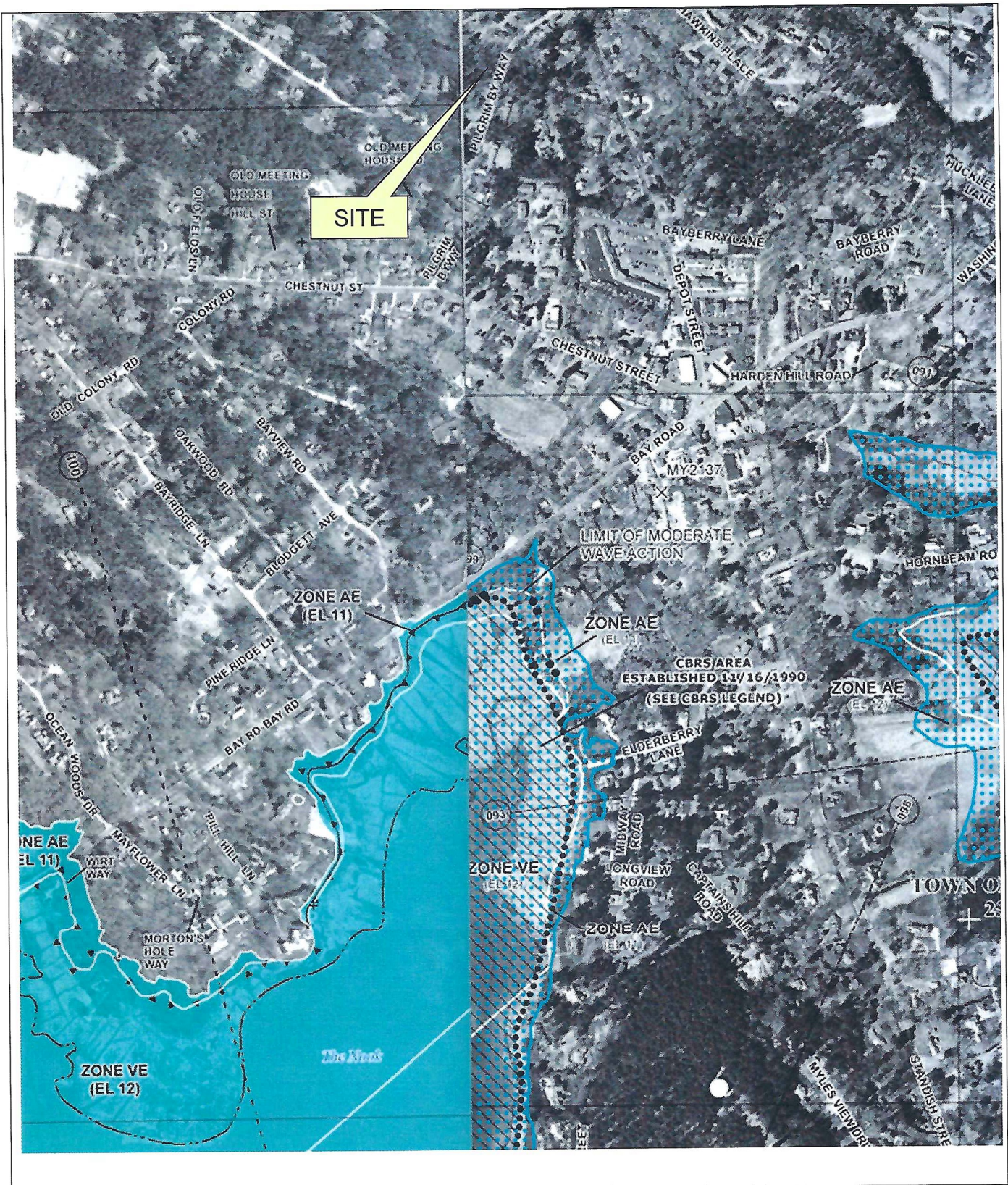
Thank you,
Brad Holmes, Professional Wetland Scientist #1464
Manager



USGS SITE LOCUS MAP
0 Pilgrim Byway
Pembroke, Massachusetts

Source: MassGIS Data: USGS Topographic Quadrangle Images





FEMA F.I.R.M
0 Pilgrim Byway
Duxbury, Massachusetts



Source: FEMA Map 25023C0239L; Effective 07/6/2021 and FEMA Map 25023C0243K; Effective 11/4/2016



**Priority Habitat of Rare Species, Estimated Habitat of Rare Wildlife
& Certified Vernal Pool Map
0 Pilgrim Byway
Duxbury, Massachusetts**

Source: MassGIS – August 2021



APPENDIX A

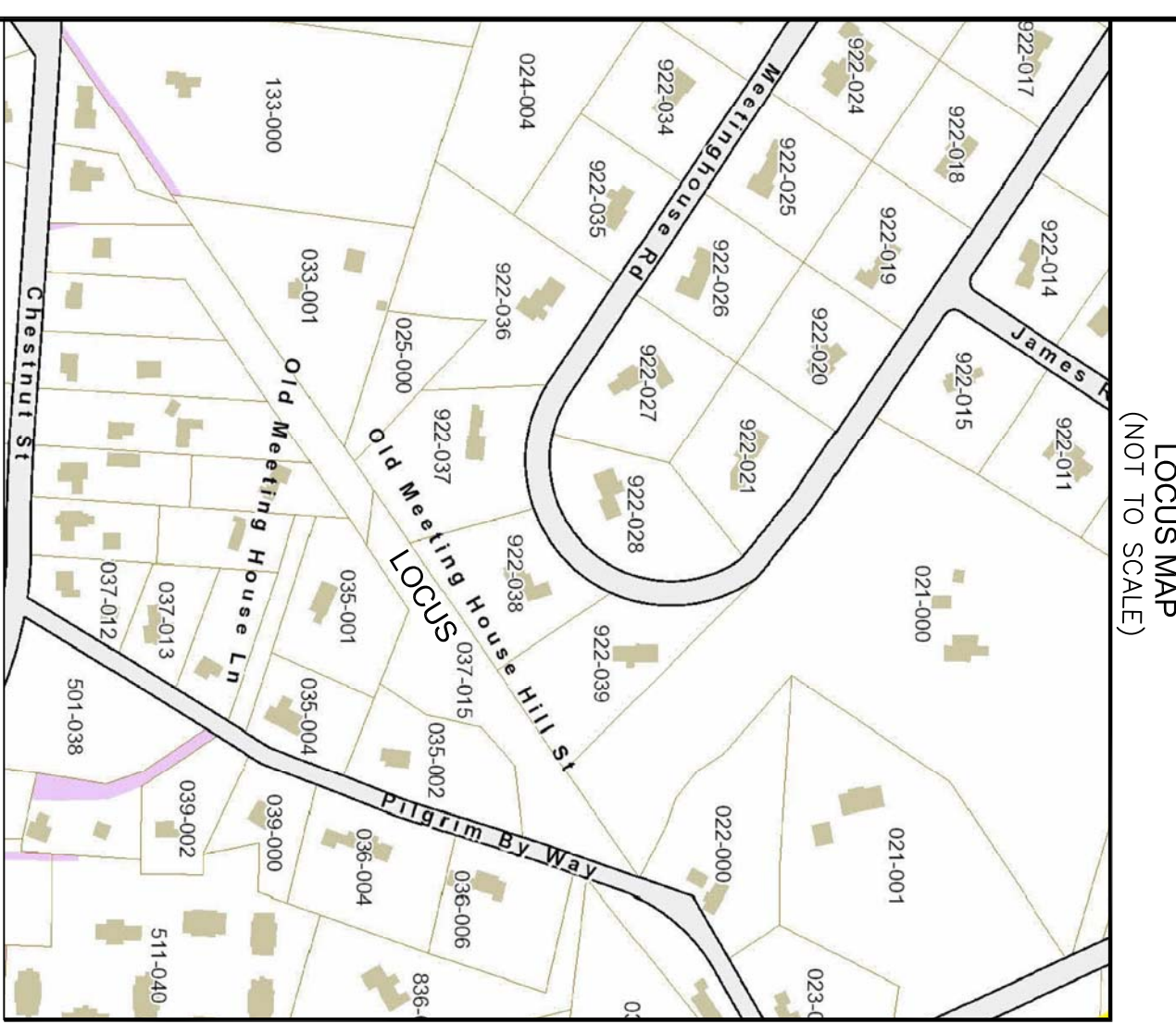
DUXBURY CONSERVATION COMMISSION
APPLICATION FILING FEE SCHEDULE

REQUEST FOR DETERMINATION	250.00
NOTICE OF INTENT	
Category 1a - Existing House/Residential Lot (each addition, deck, pool, shed, garage, driveway, etc.)	150.00
Category 1b - Site Work (Yard Landscaping, Grading)	
Existing House	150.00
New House	200.00
Category 1c - Control of Nuisance Vegetation	200.00
Category 1d - Resource Area Improvement	200.00
Category 1e - Septic Systems	200.00
Category 1f - Monitoring Wells	150.00
Category 1g - New Agricultural or Aquacultural Projects	150.00
Category 2a - Construction of Each New SFH	362.50
Category 2b - Parking Lot	362.50
Category 2c - Beach Nourishment	362.50
Category 2d - Coastal Activities	362.50
Category 2e - Limited Project Activities	362.50
Category 2f - Each Driveway Crossing	362.50
Category 2g - Each project source (storm drain) discharge	362.50
Category 2h - Raising or Lowering Surface Water Levels	362.50
Category 2i - Any Other Activity	362.50
Category 3 - Site Preparation for Development	625.00
Category 3b - Construction of Each Building within Commercial, Industrial, Institutional or Apartment/Condo/Townhouse Development	625.00
Category 3c - Each Roadway/Driveway Crossing	625.00
Category 3d - Hazardous Waste Cleanup	625.00
Category 4a - Each Roadway/Driveway Crossing	825.00
Category 4b - Flood Control Structures	825.00
Category 4c - Landfills	825.00
Category 4d - Sand & Gravel Operations	825.00
Category 4e - Railroad Lines	825.00
Category 4f - Bridges	825.00
Category 4g - Alteration of Resource Area to Divert Water	825.00
Category 4h - Dredging Activities in Water Bodies	825.00
Category 4i - Package Sewage Treatment Plant	825.00
Category 5a - Docks, Piers, Revetments, Dikes, or Other Engineering Structures	\$4/linear foot
Category 6a - Abbreviated Notice of Resource Area Delineation	200.00
Activities in a Riverfront Area	50% of other fees (when only a riverfront fee shall be 100% of fee for each activity)
AMEND ORDER OF CONDITIONS	Same as NOI Fee
EXTENSION PERMIT	100.00
CERTIFICATE OF COMPLIANCE	150.00
PARTIAL CERTIFICATE OF COMPLIANCE	150.00
FULL CERTIFICATE OF COMPLIANCE AFTER PARTIAL	100.00
EMERGENCY CERTIFICATION	
DUPLICATE ORIGINALS	100.00
PLAN REVISIONS - STAFF APPROVAL	250.00
PLAN REVISIONS - COMMISSION APPROVAL	Same as NOI Fee
RESTORATION PLAN AS RESULT OF ENFORCEMENT ORDER	Double NOI Fee

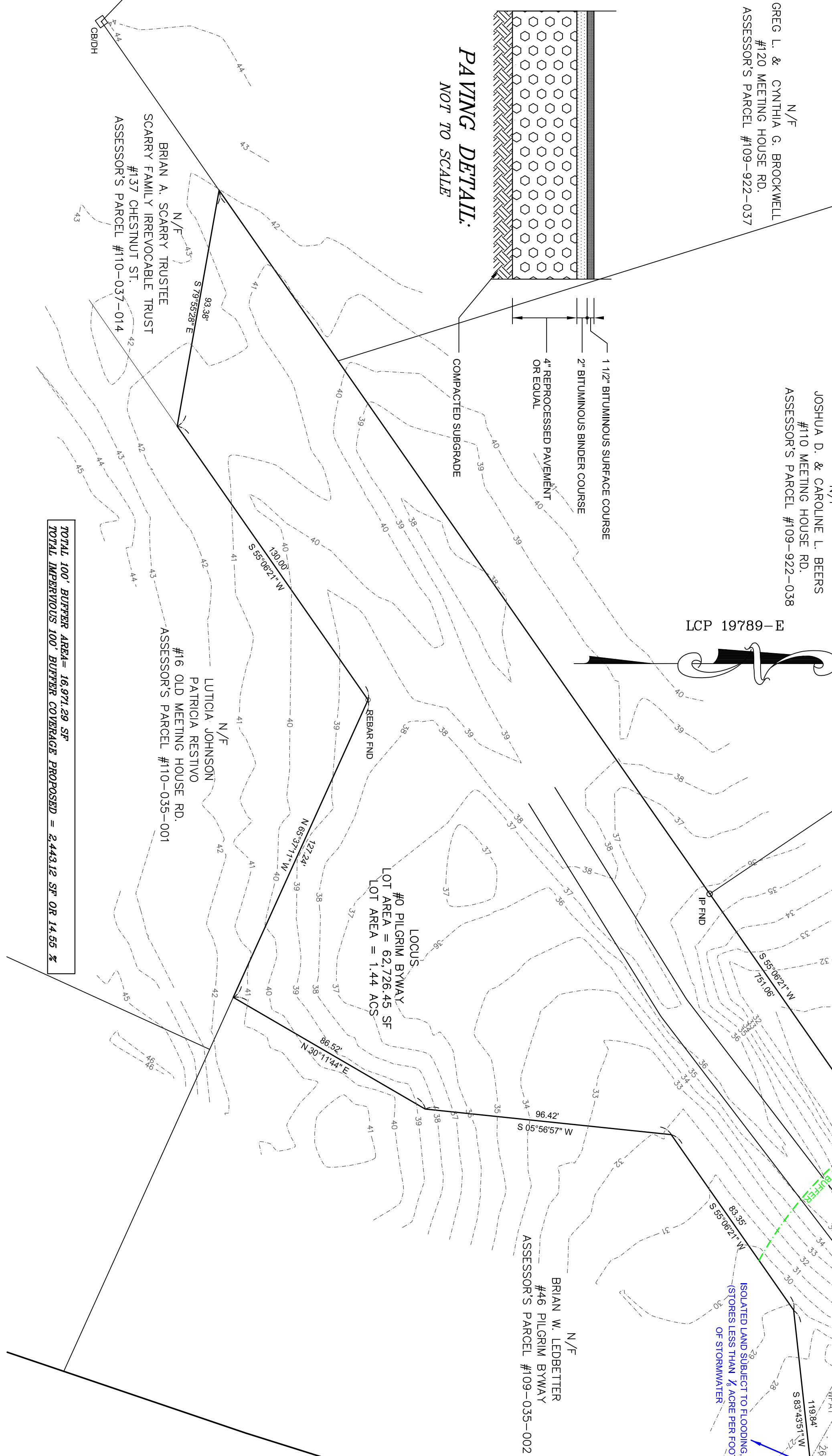
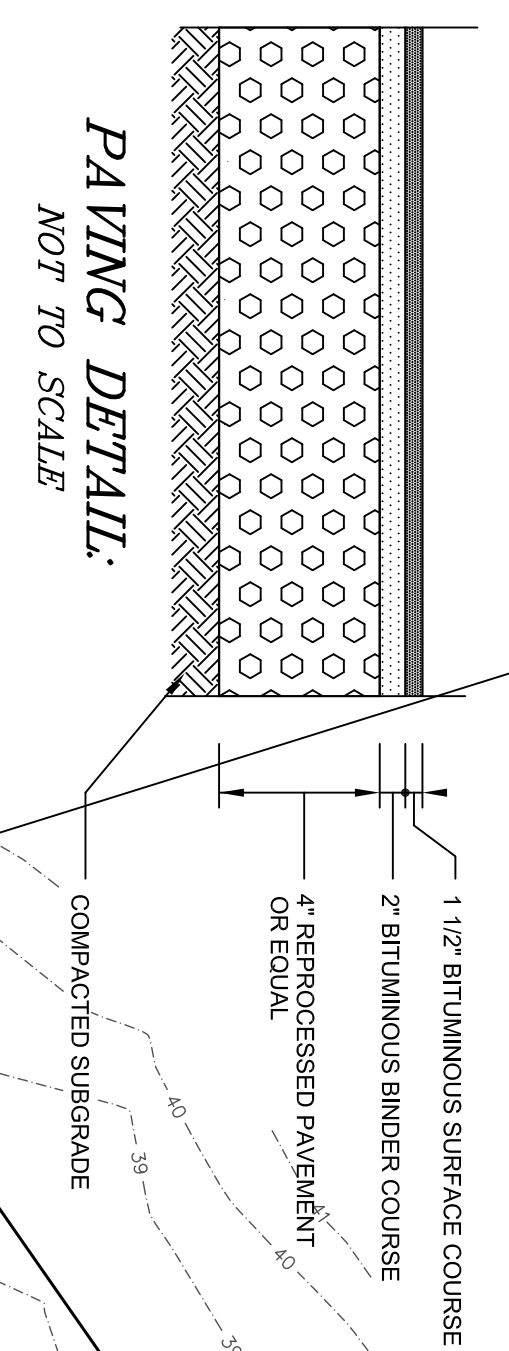
Summary for Pond 4P wetland

[43] Hint: Has no inflow (Outflow=Zero)

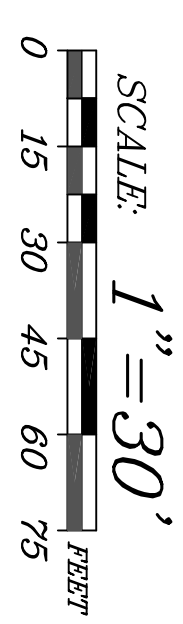
Volume #1	Invert	Avail Storage	Storage Description
		3.025 of	Custom Stage Data (Prismatic) Listed below (Recalc)
Elevation (feet)	Surf Area (sq-ft)	Inc. Store (cubic-feet)	Cum. Store (cubic-feet)
24.86	0	0	0
24.90	3	0	0
25.00	75	4	4
25.10	256	17	21
25.20	551	40	61
25.30	867	71	132
25.40	1,603	124	256
25.50	1,877	174	429
25.60	2,223	205	634
25.70	2,824	252	887
25.80	3,164	299	1,186
25.90	3,353	326	1,512
26.00	3,594	347	1,859
26.10	3,806	370	2,229
26.20	3,979	389	2,618
26.30	4,155	407	3,025



MEETINGHOUSE RD.



TOTAL LOT BUFFER AREA = 16,871.29 SF
 TOTAL IMPERVIOUS LOT BUFFER COVERAGED PROPOSED = 2,443.12 SF OR 14.5% *



LOCUS INFORMATION:
 ADDRESS: #0 PILGRIM BYWAY
 OWNER: CHERYL A WHITE REVOCABLE TRUST
 DEED REFERENCE: CERT. #25395
 PLAN REFERENCE: LAND COURT PLAN #19789-E
 ASSESSOR'S PARCEL #: 109-037-015
 LAND AREA: 28.35± SQ. FT. (0.65± ACRES)
 ZONING: RC, WPOD
 FEMA FIRM ZONE: AE 11 & X1 PANEL 2502300239L, EID 7-6-21

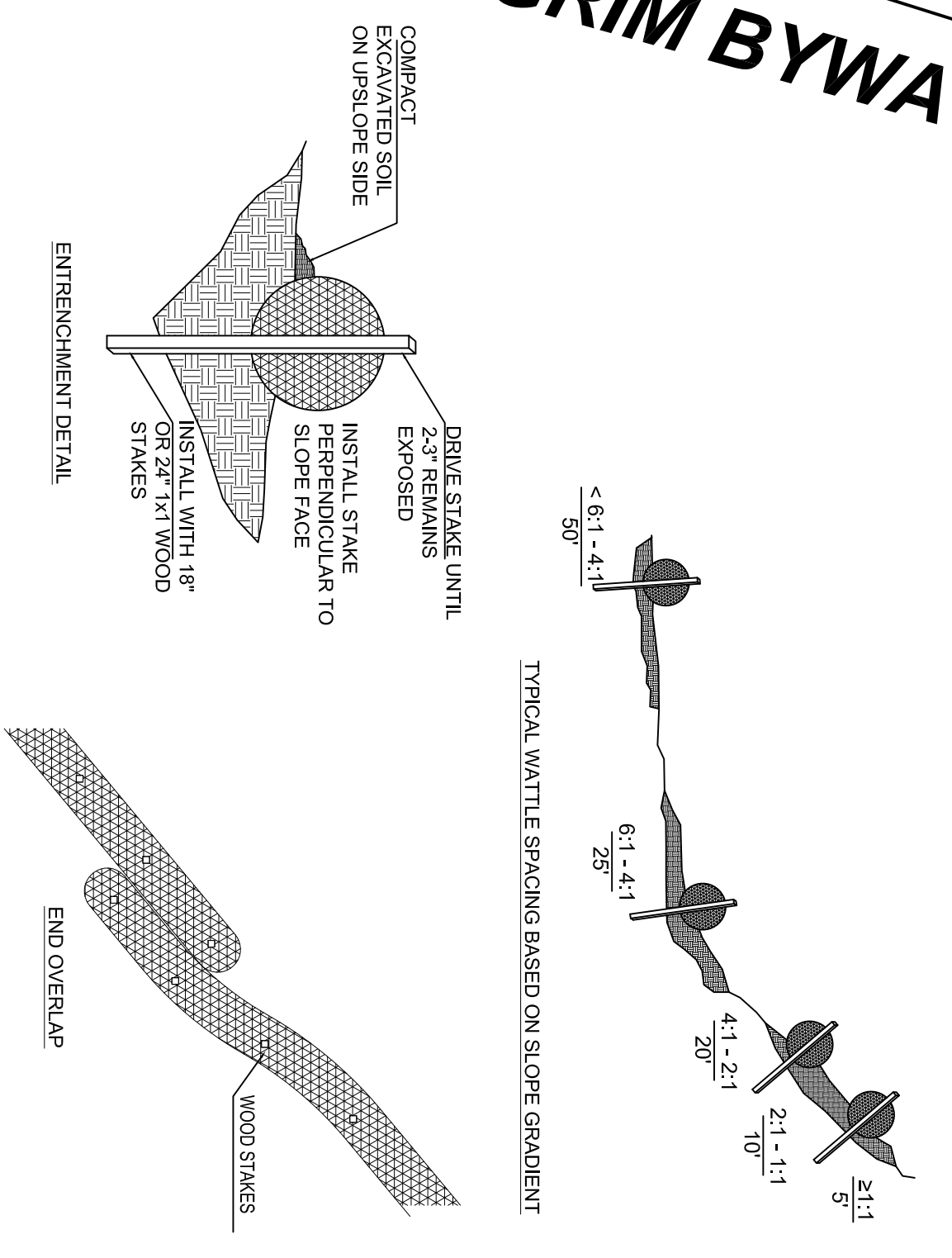
LEGEND

WETLAND FLAG	CB
CONC. BOUND & DRILLHOLE	VDH
EDGE OF PAVEMENT	EP
FORMERLY	N/F
NOW OR FORMERLY	T
OVERHEAD WIRES	HW
SEWER MANHOLE	SH
UTILITY POLE	UP
GAS GATE	GG
WATER GATE	WG
ELECTRIC METER	EM
GAS METER	GM
IRRIGATION HAND HOLE	HH
EXISTING	EX
ROOF DRAIN	RD

- BEGIN AT THE LOCATION WHERE THE WATTLE IS TO BE INSTALLED BY EXCAVATING A 2.5" DEEP X 8" WIDE TRENCH ALONG THE CONTOUR OF THE SLOPE. EXCAVATED SOIL SHOULD BE PLACED FROM THE ANCHOR TRENCH
- PLACE THE WATTLE IN THE TRENCH SO THAT IT CONTACTS TO THE SOIL SURFACE. COMPACT THE SOIL FROM THE EXCAVATED TRENCH
- SECURE THE WATTLE WITH 16" X 2" STAKES EVERY 24 FEET WITH A STAKE ON EACH END. STAKES SHOULD BE DRIVEN THROUGH THE MIDDLE OF THE WATTLES LEAVING AT LEAST 2.5" OF STAKE EXTENDING ABOVE THE WATTLE. STAKES SHOULD BE DRIVEN PERPENDICULAR TO THE SLOPE FACE.

STRAW WATTLE INSTALLATION

NOT TO SCALE



PROJECT TITLE:
 RDA
 PLAN OF
 ISOLATED LAND
 SUBJECT TO
 FLOODING
 FOR
 #0 PILGRIM
 BYWAY
 DUXBURY, MA
 ASSESSOR'S
 PARCEL
 109-037-015

Prepared by:
South Shore Surveyors & Civil Engineers
 Consultants, Inc.
 REGISTERED LAND SURVEYORS
 & CIVIL ENGINEERS
 167 R SUMMER STREET
 KINGSTON, MA 02364
 781-582-2185
 mark@ssscinc.net

Prepared for:
 MARK D. CASEY
 1 LINCOLN STREET
 DUXBURY, MA 02332



DATE: 01/16/2024
 COMP. DESIGN: A. ESPOSITO
 CHECK: M.D. CASEY
 DRAWN: A. ESPOSITO
 FIELD: SM
 APPROVED: M.D. CASEY
 DWG. NO. 2309ILF
 JOB NO. 2309