



Registered Land Surveyors
& Civil Engineers

March 20, 2024

Town of Duxbury
Conservation Department
878 Tremont Street
Duxbury, MA 02332
Attn: Nancy Rufo, Conservation Agent

RE: Clarification of Request for a Determination of Applicability, 0 Pilgrim Byway,
Duxbury, Massachusetts

Dear Ms. Rufo & Members of the Conservation Commission:

Please include this letter of clarification to the Request for a Determination of Applicability (RDA) application under review for the proposed construction of a driveway with associated grading, re-landscaping, etc. located at 0 Pilgrim Byway in Duxbury (the Site). The RDA application is requesting for Duxbury Conservation Commission to make determinations of the following:

C. Determinations	
1. I request the <u>Duxbury</u> Conservation Commission	make the following determination(s). Check any that apply:
<input checked="" type="checkbox"/> 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.	
<input checked="" type="checkbox"/> b. whether the boundaries of resource area(s) depicted on plan(s) and/or map(s) referenced above are accurately delineated.	
<input checked="" type="checkbox"/> c. whether the Activities depicted on plan(s) referenced above <u>is</u> subject to the Wetlands Protection Act and its regulations.	
<input checked="" type="checkbox"/> 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:	
<u>Duxbury</u> Name of Municipality	

I am seeking for the Commission to issue a negative Determination of Applicability that the proposed project does not require the filing of a Notice of Intent for the following reasons:

- a. **Area** Subject to Jurisdiction of the Wetlands Protection Act - The isolated wetland on site is not an Isolated Land Subject to Flooding (ILSF) per 310 CMR 10.57. The buffer zone to an offsite Bordering Vegetated Wetland is subject to the Wetlands Protection Act as buffer zone to a wetland resource area.

- b. **Boundaries** accurately delineated - The wetland flags placed on site accurately locate the limit of the wetland.
- c. **Activities** subject to Wetlands Protection Act and Regulations – The proposed driveway in the buffer zone to the offsite Bordering Vegetated Wetland avoids impacts to wetland resource areas, is more than 25 feet away, and results in minor work within an existing cleared cart path. This work is not significant to require the filing of a Notice of Intent application and would meet the criteria of a #3 Negative Determination, see below:

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, subject to the following conditions (if any).

- d. Activities subject to **Duxbury Wetlands Bylaw and Regulations** -

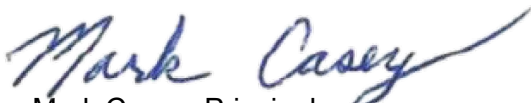
Similar to c. above. The wetland at the site is not an ILSF per the Duxbury Wetlands Bylaw and Regulations. The work is within the buffer zone to BVW that is regulated by the Duxbury Wetlands Bylaw and Regulations but is minor in nature as described above. This work is not significant to require the filing of a Notice of Intent application and would meet the criteria of a #3 Negative Determination per the Duxbury Wetlands Bylaw, which should read:

The work described in the Request is within the Buffer Zone, as defined in the Duxbury Wetlands Regulations, but will not alter an Area subject to protection under the Duxbury Wetlands Bylaw. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions:

1. Installation of erosion controls prior to the start of work.
2. Disturbed areas will be stabilized upon the completion of work.
3. Stockpiling of materials to be located beyond the 100-foot buffer zone.
(Note, these conditions are included in the RDA application)

I hope this letter provides further guidance and clarification of my intent with the RDA application as submitted. If you have any questions or require additional information, please contact me on (781) 582-2185.

Sincerely,



Mark Casey, Principal
South Shore Survey Consultants, Inc.