

Wetland Strategies, Inc.

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MEMORANDUM

TO: Nancy Rufo, Administrator
Duxbury Conservation Commission

FROM: Lenore White, PWS

DATE: November 20, 2023

SUBJECT: Professional Wetland Services
Notice of Intent Review
50 Railroad Ave.
Duxbury, MA

Wetland Strategies, Inc. (WSI) is pleased to present this Memo regarding the review the subject Notice of Intent. WSI has reviewed the following documents and completed an initial site review. To date, documents reviewed by this office include:

- Notice of Intent prepared by Crowell Engineering
- Set of plans titled The Winsor at Millbrook Village, sheets 1 through 12, stamped by Robert Crowell, PE with a revised dated of Sept. 12, 2023
- Stormwater Management Policy prepared by Crowell Engineering
- Drainage analysis prepared by Crowell Engineering
- Letter dated Sept. 19, 2023, from Crowell Engineering
- Cooper Hill Order of Conditions, DEP File No. 18-1855
- Order of Resource Area Delineation for 136, 139 Alden Street, Duxbury MA
- MA DEP File Number notification for Winsor Village at Millbrook

Administrative Review

WSI finds that the applicant has submitted a complete application. MA DEP concurs that the application is complete and has issued a DEP File Number for the project identified as **SE-18- 2059**. WSI briefly reviewed the stormwater policy and notes that it is complete and includes the stormwater checklist, signed by a Professional Engineer. Plans for the project depict existing and proposed conditions and show a flagged Bordering Vegetated Wetland (BVW).

GIS Review

WSI reviewed the publicly available site information. It demonstrates that there are no flood zones or Bordering Lands Subject to Flooding on the site, per FEMA's mapping website. There are no rare or endangered species on the site nor any certified or potential vernal pools on the site, per the MA Natural Heritage and Endangered Species online map. The USGS topographic map shows a perennial stream located west of the site.

Site Review

WSI conducted a site inspection on November 16, 2023. WSI was accompanied by John Zimmer, PWS, for the applicant. WSI noted the wetland flags delineating the boundary of the BVW. Based on the site inspection, WSI agrees with the wetland flags on the site, identified as WF15 through WF28. The BVW borders on a stream. On the day of the inspection there was no flow observed in the stream however areas of standing water were observed within the stream channel. There were also relatively dry spots within the stream channel, obscured by leaf litter.

Another stream was also observed during the site review. The new stream is located approximately 100-150 feet west of the flagged BVW. It is wider than the first stream and contained standing water throughout. A clear bank is also present on this stream, which is evidence of the "work of the stream" as flowing water forms a definitive bank. This stream is not shown on the plans. Based on these observations and the USGS topographic map, WSI opines the stream is a perennial stream and requires flagging and a plan revision.

Regulatory Compliance

The Notice of Intent calls for the creation of subdivision and the construction of a 12-unit condominium development. The dwellings will be serviced by an on-site septic system and town water. Stormwater control features are proposed to be located along the boundary of the BVW. Per Crowell Engineering's letter dated September 19, 2023, the work will also include improving the drainage which flows onto the site from adjacent lands.

The NOI does not address whether the Riverfront Area Performance standards have been met. Per the Riverfront Area regulations at 310 CMR 10.58 (2) a. 1. a stream shown as perennial on the most recent USGS topographic map is presumed perennial. To overcome the presumption, the applicant must demonstrate that the stream is dry for 4 days in any consecutive 12-month period. Without such evidence, WSI finds the stream is perennial and a 200-foot Riverfront Area occurs on the site. WSI requests the applicant amend the NOI to demonstrate compliance with the Riverfront Area four (4) performance standards.

The NOI was filed electronically with MA DEP. There is no indication that the project has been filed under the Town of Duxbury's wetland bylaw and regulations. Whereas the project proposes work in the 100-foot buffer zone to a BVW, the proposed work must comply with these local wetland regulations.

Conclusion

WSI's initial review of the project has been completed. In accordance with the above findings, WSI respectfully requests the applicant address the following deficiencies.

1. Demonstrate that the proposed work complies with the Riverfront Area performance standards found at 310 CMR 10.58. An alternative analysis is required, and for the creation of a subdivision, the scope of the alternatives analysis includes available lands within the municipality.
2. Revise the plans to show all wetland resource areas, including the perennial stream and the 200-foot riverfront area.
3. Address the Town of Duxbury's wetland regulations, specifically Section 22.0 which sets out the performance standards for work within a regulatory Buffer Zone.

WSI is prepared to review the above upon receipt.