

# Notice of Intent Shutesbury Public Library

**Town of Shutesbury**  
Shutesbury, Massachusetts

December 27, 2023



1550 Main Street, Suite 400  
Springfield, MA 01103

December 27, 2023

Shutesbury Conservation Commission  
1 Cooleyville Road  
PO Box 276  
Shutesbury, MA 01072

Re: Notice of Intent  
Shutesbury Public Library  
66 Leverett Road  
Shutesbury, Massachusetts

Dear Members of the Conservation Commission:

On behalf of the Town of Shutesbury (Town), Fuss & O'Neill is submitting this Notice of Intent (NOI) under the Massachusetts Wetlands Protection Act (MAWPA: M.G.L. c 131 § 40) and the Town of Shutesbury General Wetlands Protection Bylaw (Wetlands Bylaw) and associated regulations for the Shutesbury Public Library Project. The project includes the construction of the new Shutesbury Public Library within the previously developed and disturbed portion of Lot O-32.

An Order of Conditions is required as work will occur within the 100-foot Buffer Zone, also referred to as the 100-foot Adjacent Upland Resource Area (AURA) in the Wetlands Bylaw. This project is being submitted to MassDEP through the online eDEP portal. The NOI is exempt from fees under the MAWPA and under the Wetlands Bylaw as it is a municipal project.

Should you have any questions or require additional information, please contact me at [mkissane@fando.com](mailto:mkissane@fando.com) / 413-333-5472.

Sincerely,

1550 Main Street  
Suite 400  
Springfield, MA  
01103  
t 413.452.0445  
800.286.2469  
f 860.533.5143



Matthew Kissane  
Senior Geologist



April Doroski, PWS, CPSS  
Water Resources and Climate Resilience Specialist

[www.fando.com](http://www.fando.com)

California  
Connecticut  
Maine  
Massachusetts  
New Hampshire  
Rhode Island  
Vermont

Copy: MassDEP (WERO) Division of Wetlands and Waterways  
Mary Anne Antonellis, Director, M.N. Spear Memorial Library

## **WPA Form 3 – Notice of Intent**

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**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

**WPA Form 3 – Notice of Intent**

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Shutesbury

City/Town

**Important:**

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:  
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

**A. General Information**

1. Project Location (**Note:** electronic filers will click on button to locate project site):

66 Leverett Road  
a. Street Address

Shutesbury  
b. City/Town

01072  
c. Zip Code

Latitude and Longitude:  
42.451105  
d. Latitude

-72.415910  
e. Longitude

O  
f. Assessors Map/Plat Number

32  
g. Parcel /Lot Number

2. Applicant:

Mary Anne  
a. First Name

Antonellis  
b. Last Name

Town of Shutesbury  
c. Organization

10 Cooleyville Road, PO Box 256  
d. Street Address

Shutesbury  
e. City/Town

MA  
f. State

01072  
g. Zip Code

413-259-1213  
h. Phone Number

i. Fax Number

library.director@shutesbury.org  
j. Email Address

3. Property owner (required if different from applicant):  Check if more than one owner

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Matthew  
a. First Name

Kissane  
b. Last Name

Fuss & O'Neill  
c. Company

1550 Main Street, Suite 400  
d. Street Address

Springfield  
e. City/Town

MA  
f. State

01103  
g. Zip Code

413-333-5472  
h. Phone Number

i. Fax Number

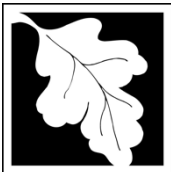
mkissane@fando.com  
j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

Fee Exempt  
a. Total Fee Paid

b. State Fee Paid

c. City/Town Fee Paid



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Bureau of Resource Protection - Wetlands

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## A. General Information (continued)

### 6. General Project Description:

The proposed project includes the construction of a new Public Library located at 66 Leverett Road (Parcel O-32), including parking areas, site utilities, and stormwater management features.

### 7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1.  Single Family Home
- 2.  Residential Subdivision
- 3.  Commercial/Industrial
- 4.  Dock/Pier
- 5.  Utilities
- 6.  Coastal engineering Structure
- 7.  Agriculture (e.g., cranberries, forestry)
- 8.  Transportation
- 9.  Other

### 7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

- 1.  Yes  No      If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

### 2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

### 8. Property recorded at the Registry of Deeds for:

Franklin

a. County

4708

c. Book

b. Certificate # (if registered land)

107

d. Page Number

## B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- 1.  Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2.  Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



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**B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)**

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet	2. square feet
	3. cubic yards dredged	

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet	
	2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - <b>specify coastal or inland</b>	

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: \_\_\_\_\_ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet	b. square feet within 100 ft.	c. square feet between 100 ft. and 200 ft.
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5. Has an alternatives analysis been done and is it attached to this NOI?  Yes  No

6. Was the lot where the activity is proposed created prior to August 1, 1996?  Yes  No

3.  Coastal Resource Areas: (See 310 CMR 10.25-10.35)

**Note:** for coastal riverfront areas, please complete **Section B.2.f.** above.



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**B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)**

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:  
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	_____	
	1. square feet	
	_____	
	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	_____	_____
	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	_____	_____
	1. square feet	2. cubic yards dune nourishment

	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	_____	
	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	_____	
	1. square feet	
h. <input type="checkbox"/> Salt Marshes	_____	_____
	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	_____	
	1. square feet	
	_____	
	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	_____	
	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	_____	
	1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	
	1. square feet	

4.  Restoration/Enhancement

If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

7,605 sf (maximum)

a. square feet of BVW

b. square feet of Salt Marsh

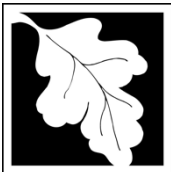
5.  Project Involves Stream Crossings

\_\_\_\_\_

a. number of new stream crossings

\_\_\_\_\_

b. number of replacement stream crossings



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## C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

### Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

- Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to [http://maps.massgis.state.ma.us/PRI\\_EST\\_HAB/viewer.htm](http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm).

- a.  Yes  No **If yes, include proof of mailing or hand delivery of NOI to:**

**Natural Heritage and Endangered Species Program  
Division of Fisheries and Wildlife  
1 Rabbit Hill Road  
Westborough, MA 01581**

- August 1, 2021  
b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review\*

- Percentage/acreage of property to be altered:
  - (a) within wetland Resource Area \_\_\_\_\_ percentage/acreage
  - (b) outside Resource Area \_\_\_\_\_ percentage/acreage

- Assessor's Map or right-of-way plan of site

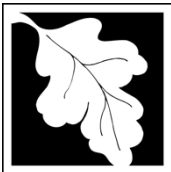
- Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work \*\*
  - (a)  Project description (including description of impacts outside of wetland resource area & buffer zone)
  - (b)  Photographs representative of the site

\* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/endangered-species-act-mesa-regulatory-review>).

Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

\*\* MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.





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### C. Other Applicable Standards and Requirements (cont'd)

- (c)  MESA filing fee (fee information available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).

Make check payable to “Commonwealth of Massachusetts - NHESP” and **mail to NHESP** at above address

*Projects altering 10 or more acres of land, also submit:*

- (d)  Vegetation cover type map of site

- (e)  Project plans showing Priority & Estimated Habitat boundaries

- (f) OR Check One of the Following

1.  Project is exempt from MESA review.  
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2.  Separate MESA review ongoing. a. NHESP Tracking # \_\_\_\_\_ b. Date submitted to NHESP \_\_\_\_\_

3.  Separate MESA review completed.  
Include copy of NHESP “no Take” determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

- a.  Not applicable – project is in inland resource area only      b.  Yes     No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and  
the Cape & Islands:

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -  
Southeast Marine Fisheries Station  
Attn: Environmental Reviewer  
836 South Rodney French Blvd.  
New Bedford, MA 02744  
Email: [dmf.envreview-south@mass.gov](mailto:dmf.envreview-south@mass.gov)

Division of Marine Fisheries -  
North Shore Office  
Attn: Environmental Reviewer  
30 Emerson Avenue  
Gloucester, MA 01930  
Email: [dmf.envreview-north@mass.gov](mailto:dmf.envreview-north@mass.gov)

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP’s Boston Office. For coastal towns in the Southeast Region, please contact MassDEP’s Southeast Regional Office.

- c.  Is this an aquaculture project?      d.  Yes     No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

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**C. Other Applicable Standards and Requirements (cont'd)**

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
- a.  Yes  No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
- a.  Yes  No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
- a.  Yes  No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
- a.  Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1.  Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
  2.  A portion of the site constitutes redevelopment
  3.  Proprietary BMPs are included in the Stormwater Management System.
- b.  No. Check why the project is exempt:
1.  Single-family house
  2.  Emergency road repair
  3.  Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

**D. Additional Information**

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

**Online Users:** Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1.  USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2.  Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.

**Online Users:**  
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 3 – Notice of Intent**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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**D. Additional Information (cont'd)**

3.  Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4.  List the titles and dates for all plans and other materials submitted with this NOI.

Shutesbury Public Library

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a. Plan Title

Oudens Ello Architecture, Fuss & O'Neill, Stimson

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December 2023

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d. Final Revision Date

Fuss & O'Neill and Stimson

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c. Signed and Stamped by

as noted

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e. Scale

USGS Topographic Map (Figure 1), Wetland Delineation Overview (Figure 2), Wetland Flag Locations (Figure 3), Wetland Delineation Change (Figure 4), BVW Restoration Area (Figure 5), Mitigation Measures (Figure 6), Updated Wetland Flag Locations (Figure 7)

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2023

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g. Date

f. Additional Plan or Document Title

- 5.  If there is more than one property owner, please attach a list of these property owners not listed on this form.
- 6.  Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
- 7.  Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
- 8.  Attach NOI Wetland Fee Transmittal Form
- 9.  Attach Stormwater Report, if needed.

**E. Fees**

1.  Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

2. Municipal Check Number	3. Check date
4. State Check Number	5. Check date
6. Payor name on check: First Name	7. Payor name on check: Last Name



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**F. Signatures and Submittal Requirements**

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

*Mary Arine Antonellis*

1. Signature of Applicant, Mary Arine Antonellis, Town of Shutesbury

12/27/23

2. Date

3. Signature of Property Owner (if different)

*Matthew Kissane*

4. Date

12/27/23

5. Signature of Representative (if any) Matthew Kissane, Fuss & O'Neill

6. Date

**For Conservation Commission:**

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

**For MassDEP:**

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

**Other:**

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.

## **NOI Wetland Fee Transmittal Form**

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**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**NOI Wetland Fee Transmittal Form**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**Important:** When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



**A. Applicant Information**

1. Location of Project:

66 Leverett Road Shutesbury  
 a. Street Address b. City/Town  
 Fee Exempt  
 c. Check number d. Fee amount

2. Applicant Mailing Address:

Mary Anne Antonellis  
 a. First Name b. Last Name  
 Town of Shutesbury  
 c. Organization  
 10 Cooleyville Road, PO Box 256  
 d. Mailing Address  
 Shutesbury MA 01072  
 e. City/Town f. State g. Zip Code  
 413-259-1213 library.director@shutesbury.org  
 h. Phone Number i. Fax Number j. Email Address

3. Property Owner (if different):

a. First Name b. Last Name  
 c. Organization  
 d. Mailing Address  
 e. City/Town f. State g. Zip Code  
 h. Phone Number i. Fax Number j. Email Address

**B. Fees**

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

**Step 1/Type of Activity:** Describe each type of activity that will occur in wetland resource area and buffer zone.

**Step 2/Number of Activities:** Identify the number of each type of activity.

**Step 3/Individual Activity Fee:** Identify each activity fee from the six project categories listed in the instructions.

**Step 4/Subtotal Activity Fee:** Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

**Step 5/Total Project Fee:** Determine the total project fee by adding the subtotal amounts from Step 4.

**Step 6/Fee Payments:** To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**NOI Wetland Fee Transmittal Form**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**B. Fees** (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Fee Exempt			

**Step 5/Total Project Fee:** \_\_\_\_\_

**Step 6/Fee Payments:**

Total Project Fee: 0.00  
 a. Total Fee from Step 5

State share of filing Fee: \_\_\_\_\_  
 b. 1/2 Total Fee **less** \$12.50

City/Town share of filing Fee: \_\_\_\_\_  
 c. 1/2 Total Fee **plus** \$12.50

**C. Submittal Requirements**

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection  
 Box 4062  
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

**To MassDEP Regional Office** (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

# **Shutesbury Conservation Commission Site Access Authorization**

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TOWN OF SHUTESBURY  
Conservation Commission

**SITE ACCESS AUTHORIZATION**

Date: 12/27/23

Project: Shutesbury Public Library

Location: 66 Leverett Road, Shutesbury, MA

Property Owner: Town of Shutesbury

I (We) hereby authorize the individual members of the Shutesbury Conservation Commission and its agents to enter upon the referenced property for the purpose of gathering information regarding the application filed with the Commission pursuant to the Wetlands Protection Act (MGL Ch 131, s. 40) and/or the Shutesbury General Wetlands Protection Bylaw.

Additionally, if an Order of Condition or other Permit is issued for the project, I (we) grant permission for Commission members and the Commission's agents to enter the above referenced property for the purpose of inspecting for compliance with the Order or Permit. This site access authorization is valid until a Certificate of Compliance is issued by the Conservation Commission or the Permit has expired.

Authorized Signature: Mary Anne Antonellis Date 12/27/23

Please Print Mary Anne Antonellis

(If other than owner, please state whether tenant, agent or other)

Mailing Address: 10 Cooleyville Road, PO Box 256  
Shutesbury, MA 01072

Phone: 413-259-1213 Email: library.director@shutesbury.org

Cell: \_\_\_\_\_ Fax: \_\_\_\_\_

## **Request for Waiver**

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**TOWN OF SHUTESBURY  
Conservation Commission**

**Request for Waiver**

**Date:** 12/27/23

**Project:** Shutesbury Public Library

**Location:** 66 Leverett Road, Shutesbury, MA

**Property Owner:** Town of Shutesbury

**Relief Sought:**

The Applicant respectfully requests a waiver from the following Performance Standards:

Stormwater Management (Article III): Section 7.2.4.6. *All footing drains and all stormwater outfalls must be, at a minimum, outside of the 50-foot Inner AURA and must be shown on all plans. See 310 CMR 10.03(4).*

AURA (Article IV): Section 6.4.3. *The first inner fifty (50) feet of the 100-foot AURA (measured horizontally from a Resource Area specified in Article I is considered a "No Disturb" Protection Area. No activities or work, other than passive passage, Resource Area enhancement, and construction of Title 5 septic systems as set forth in Article III, Section 10 above, are permitted within the first fifty (50) feet of the AURA.*

Vegetation Removal and Replacement (Article IV): Section 8.3.5. *Tree stumps within the inner fifty (50) feet of the AURA should remain in place to assist in soil stabilization unless otherwise approved by the Commission.*

Section 8.3.6. *The Commission requires planting of replacement trees or shrubs for trees removed in an area subject to protection by the Bylaw and these Regulations. Replacement quantities and types may be modified by the Commission upon a finding of undue hardship or a finding that the tree removal shall have a negligible effect on the Values, including but not limited to situations where the tree or shrub to be removed was significantly damaged by a storm event and is not likely to survive, the tree or shrub is already dead, or the property is heavily wooded and re-planting would be difficult).*

8.3.8.2.1. *Trees must be native and non-invasive in Massachusetts and must be of the same general category of the removed tree or shrub (i.e., evergreen or deciduous).*

**TOWN OF SHUTESBURY**  
**Conservation Commission**

**Request for Waiver**

Section 8.3.8.2.3. *Replacement plantings must be installed within one hundred and eight (180) days of the day when the existing tree or shrub is removed.*

**Reasons for the waiver request are:**

Due to site constraints including proximity of wetlands, limits of existing cleared/degraded areas, compliance with design requirements including stormwater management features, and limitations on the location for the septic system due to soil conditions, impacts within the AURA are unavoidable. Refer to the Stormwater Management Report Section 7 and NOI Section 6.2 for additional information how these standards were met to the maximum extent practicable.

**Description of Reasonable Options Considered:**

As described in the Alternatives Analysis in Section 5 of the NOI, 3 alternatives were considered:

- Alternative 1: No Action
- Alternative 2: 4,400 sf Library Layout (preferred)
- Alternative 3: 7,225 sf Library Layout

Alternative 3 includes much greater impacts to the AURA including increased tree clearing and impervious area.

The proposed project (Alternative 2) entails a much smaller library building (4,400 sf) and reduced site impact. The building location was moved north as close as possible to Leverett Road to keep work within the previously disturbed portion of the site, to minimize tree removal and to reduce the project cost. The reduced scope and footprint of the project are environmentally conservative and fiscally responsible by saving approximately three million dollars in public funding.

Multiple orientations of the site design were considered for the 4,400 sf layout to minimize impacts within AURA, but due to site constraints impacts were unavoidable.

**Proposed Mitigation:**

Mitigation of impacts is proposed by installation of 50 native trees and 46 native shrubs. All disturbed areas within the Limit of Work will be seeded with native seed mixes or planted with native perennials. Additional mitigation further described in the NOI Table 4-1 includes:

- BVW 1 Meadow Enhancement
- BVW 2 Enhancement
- Bird Houses and Bat Boxes Installation
- Invasive Species Removal
- Trash and Debris Removal
- Enhanced Stormwater Management,
- Removal of Impervious Surface
- Previous BVW 2 and BVW 3 Restoration

**TOWN OF SHUTESBURY  
Conservation Commission**

**Request for Waiver**

**Conclusion:**

As the Commission knows, Lot O-32 is a highly disturbed site. Through the proposed redevelopment of this underutilized site, we are confident that the proposed project will continue to protect the values defined in the Shutesbury Wetlands Protection Bylaw. Measures to avoid, minimize, and mitigate impacts have been incorporated into the design and described in detail in the NOI application. In addition, the Applicant has provided multiple opportunities for the Conservation Commission to view and comment on the design. Comments from the Commission and other Town officials have been incorporated into the design. Due to site constraints, we are respectfully requesting the Commission grant a waiver for the standards described above.

**Authorized Signature:**  **Date:** 12/27/23

**Please Print** Mary Anne Antonellis

**(If other than owner, please state whether tenant, agent or other)**

**Mailing Address:** 10 Cooleyville Road, PO Box 256  
Shutesbury, MA 01072

**Phone:** 413-256-1213 **Email:** library.director@shutesbry.org

**Cell:** \_\_\_\_\_ **Fax:** \_\_\_\_\_

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## **Narrative**

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# 1 Introduction

Project Name: Shutesbury Public Library  
Project Location: 66 Leverett Road, Shutesbury, Massachusetts  
Project Proponent: Town of Shutesbury

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## 1.1 Site History

In 2004, the Town of Shutesbury (Town) acquired Lot O-32, a site that had previously suffered disturbance and degradation. The Shutesbury Historic Resources Survey, conducted by Margaret Hepler in 2001-2002, revealed that the site's history dates back to 1825 when the Fitts/Douglas/Tidland House, a 2.5-story Federal Style building, was erected. This property passed through various hands, including Roman Kosuda in 1941 and the Taylor Family in 1972. In 2004, Barry Roberts of Amherst purchased it and subsequently sold it to the Town of Shutesbury.

From 1957 to 1967, a segment of the property was leased to the United States Air Force, which constructed a circular concrete Terminal-Very High Frequency Omnidirectional Range Station (TVOR) pad with a tower, an Emergency Power Unit Shelter (4'x8'), and an associated underground fuel storage tank. The site is currently undergoing an environmental investigation managed by the United States Army Corps of Engineers.

Since assuming ownership, the Town has proactively taken measures to understand the site history and improve the site. These include researching the historical uses of the site, clearing debris and potential environmental hazards, and voluntarily enhancing the property for environmental benefits. Notably, the Town recently concluded two wetland restoration projects, which are now under ongoing monitoring.

### 1.1.1 Wetland Restoration

The Lot O-32 Wetland Restoration Project (MassDEP File #: 286-0298) was completed on June 22, 2023. As part of that wetland restoration, a total of 708 sf of Bordering Vegetated Wetland (BVW) 2 and BVW 3 was restored. Refer to Figures 2 and 3 in *Appendix B* for the location of BVWs 2 and 3. This effort was completed by the Town to improve on-site wetlands to mitigate for impacts anticipated for the future Shutesbury Public Library Project. Refer to *Appendix C* for the Wetland Restoration Initial Report and Wetland Inspection Report.

### 1.1.2 Conservation Commission Feedback

The Conservation Commission has provided feedback during multiple stages of design of the library over the course of five meetings between February 2023 and September 2023. On June 22, 2023 Elaine Puleo, Chair of the Library Building Committee (LBC) and the architecture team supporting the project discussed the latest design with the Conservation Commission. In addition, at least one member of the Conservation Commission was present at four (4) Building Committee meetings (February 28, 2023, March 16, 2023, June 6, 2023, and September 6, 2023). Based on feedback provided by the Conservation

Commission, the design has been altered and improved to better protect wetland resources. Refer to *Section 3.2* for a summary of design elements added/improved based on feedback from the Commission.

## 2 Existing Environment

### 2.1 Project Locus

The proposed project is located within the 21.2-acre Parcel (Parcel ID #O-32) located at 66 Leverett Road, Shutesbury and is owned by the Town of Shutesbury (Town). There are no buildings currently present on the parcel.

The Project Locus is bordered to the north by Leverett Road, and to the south, east, and west by forested land. The northeast portion of the parcel has been regularly mowed and contains a gravel driveway accessed from Leverett Road. The remainder of the parcel is forested with mixed deciduous and coniferous species. A compacted, sandy access route generally aligned in a north-south direction provides access from the regularly maintained portion of the parcel to the interior of the parcel. The access route is approximately 12 feet wide, 1,300 feet long, and transitions into a narrower walking path at its southernmost extent. Additional access routes and walking paths are present within the Project Locus. Due to the past use of this site, there are multiple groundwater monitoring wells located primarily within the forested portion of the parcel. The Project Locus consists of forested uplands, with wetland areas primarily within the northern portion of the site.

### 2.2 Project Site

The limit of work (i.e., Project Site) is primarily within a previously developed and degraded area within the northern portion of the Project Locus. According to the 2001 statewide aerial map (Photo 2-1), the Project Site contained a three-car garage, a house, and surrounding maintained lawn areas. These buildings have since been demolished. The Project Site currently includes a gravel driveway accessible from Leverett Road, regularly mowed areas, a small plantation of Norway and Blue Spruce trees, and a forested area. The majority of the Project Site is within the 100-foot Buffer Zone, also referred to as the Adjacent Upland Resource Area (AURA) to BVW.



**Photo 2-1.** 2001 Statewide Aerial Map of 66 Leverett Road, Shutesbury, Massachusetts.

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## 2.3 Wetland Resource Areas

Refer to the Wetland Report in *Appendix B* for a detailed description of wetlands identified on site. The wetland resource areas were approved under the Order of Resource Area Delineation (ORAD) issued on March 10, 2023 (MassDEP File #: 286-0297). This Wetland Report is the report that was approved under the ORAD and includes a description of the methodology of wetland resource area investigation.

### 2.3.1 Wetland Delineation Between Flags 3A-114 and 3A-115

The wetland restoration at BVW 2 and BVW 3, including investigation of the wetland boundary between flags wf 3A-114 and wf 3A-115 was completed on June 22, 2023. The wetland boundary between flags wf 3a-114 and wf 3a-115 was delineated based on the following observations:

1. Soil test pit morphology as described in the Wetland Restoration Initial Report
2. Slope characteristics and relative elevation of buried horizon and existing wetland, and
3. Soil characteristics north of the trenches

Although buried soils were not underlain by hydric soil, the area of fill removal was conservatively included within the new BVW 3 wetland area. Approximately 78 square feet (sf) of fill removed. Four new flags were hung to define the boundary between wf 3A-114 and 3A-115. These flags include wf 3A-114.1 through wf 3a-114.4.

Refer to *Appendix C* for the Wetland Restoration Initial Report which includes a summary of the wetland restoration activities, wetland delineation between flags wf 3A-114 and wf 3A-115. Refer to Figure 7 which includes an update on the wetland flag locations based on the wetland restoration activities between flags wf 3A-114 and wf 3A-115.

---

## 2.4 Rare Species

The NHESP Atlas, 15th edition, effective August 2021, and MassMapper online mapping data were consulted during the preparation of this Notice of Intent (NOI). According to these sources, no portion of the proposed work is within the limits of mapped Estimated Habitat for Rare Wildlife or Priority Habitat for Rare Species.

## 3 Proposed Project

The proposed project includes the construction of a new one-story public library. The approximately 4,440 square foot (approx. 150-feet by 30-feet) library will be a net zero building with roof-mounted solar panels. The proposed project also includes site amenities to promote pedestrian and bicycle use and accessibility. Refer to *Appendix A* for Site Plans.

## 3.1 Library and Site Amenities

Development of a new Shutesbury Public Library includes construction of the following:

- New one-story library building, approximately 4,400 sf with solar array
- Driveway and parking areas
  - 13 parking spaces, including 2 ADA parking spaces
  - Dropoff area
  - Gravel overflow parking area
  - Concrete retaining wall
- Public Water Supply Well
- Septic system and leach field
- 150 kW Transformer
- Outdoor seating areas and gravel paths
  - Includes benches
  - ADA accessible
- Stormwater management features
- Landscaping with native species

### 3.1.1 Stormwater Management

The proposed stormwater management systems have been designed to maintain or reduce peak flows and provide water quality treatment of stormwater prior to entering a wetland or leaving site.

Stormwater will be managed by the installation of the following:

- Three (3) stormwater detention basins
  - With outlet control structures and flared ends with riprap protection
  - Emergency spillway with reinforcement matting
- Associated underdrains and yard drains
- Deep hooded catch basins
- Stormwater treatment structures (i.e., hydrodynamic separators)
- Stone drip edge around the building perimeter

In general, stormwater will be collected in the yard drains and deep hooded catch basins. The deep sump catch basins provide 25% pre-treatment. Stormwater will be conveyed via reinforced concrete pipe (RCP) to be treated in the stormwater treatment structures (i.e., hydrodynamic separators). Stormwater will be treated within the stormwater treatment structures prior to discharging into a stormwater detention basin. Each stormwater treatment structure has been designed to provide a volume equivalent to the 1-inch water quality volume for proposed impervious areas that contributes to each of the structures. Each stormwater treatment structure provides a minimum of 80% Total Suspended Solids (TSS) removal. Rainfall depths were obtained from NOAA Atlas 14, Volume 10, Version 3.

Refer to the Stormwater Management Report in *Appendix D* for information on the pre- and post-development peak flows and estimated water quality characteristics of discharge from a point source.

### 3.1.2 Landscaping

Landscaping includes native evergreen and deciduous trees, shrubs, groundcovers, and seed mixes. A combination of native tree and shrub species are proposed for planting. The selected tree and shrub species will improve aesthetics and the seeds and fruits provide sources of food for native wildlife throughout the year. In addition, the selected species can grow in a variety of soil types and shade conditions. Refer to the Conceptual Planting Plan (Sheet L3.0) and Planting Details (L3.1) in *Appendix A* for information on proposed species and planting locations. If tree and shrub species change from proposed, approval from the Commission on the final species list will be acquired.

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## 3.2 Design Considerations Due to Conservation Commission Feedback

Multiple opportunities for Conservation Commission feedback have been provided throughout the design process. The feedback was greatly appreciated and utilized to protect wetland resource areas to the maximum extent practicable. Based on feedback provided by the Conservation Commission between February 2023 and September 2023, the following elements have been incorporated into the design and NOI application:

- During construction wetlands will be protected with sediment and erosion controls, use of a construction entrance, installation of inlet protection, and utilization of a temporary stockpile location surrounded by erosion controls. Refer to the Site Preparation Plan in NOI *Appendix A* for the location of these protection measures.
- Meadow restoration of BVW 1 with installation of native herbaceous plugs is proposed.
- Annual mowing is proposed. This is a decreased frequency than previously performed.
- Removal of invasives is proposed.
- Extensive avoidance, minimization, and mitigation have been incorporated into the design as described in *Section 4* of this NOI.
- An alternatives analysis including a different building location and building footprint size is described in *Section 5* of this NOI. In addition, specific design elements were adjusted to avoid and minimize impacts as detailed in *Table 4-1* below.
- Impacts to the AURA/Buffer Zone have been calculated and provided in *Table 6-1* below.
- The wetland boundary between flags 3A-114 and 3A-115 has been delineated during restoration activities. Refer to the Wetland Restoration Initial Report in *Appendix C* of the NOI for a comprehensive description of this process and the results.
- For the hydrologic analysis as part of the stormwater management design, rainfall depths were obtained from NOAA Atlas 14, Volume 10, Version 3 published rainfall records for Shutesbury, Massachusetts.

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## 3.3 Mitigation - BVW 1 Meadow Enhancement

As part of mitigation for impacts to the AURA, enhancement of BVW 1 is proposed. The goal of meadow restoration is to enhance vegetative species diversity, increase the percentage of native herbaceous species, promote wildlife habitat and aesthetics, and maintain an herbaceous species

composition within the existing meadow. According to the Shutesbury Master Plan (June 2004), Shutesbury consists of 90% forest cover. Annual mowing of the existing meadow is proposed to maintain herbaceous landcover, a rare habitat within Shutesbury. Refer to Figure 6 in *Appendix C* for the location of BVW 1 enhancement.

Meadow enhancement includes invasive species removal and installation of a minimum of twelve (12) trays of native herbaceous plugs. Trays include 50 plugs each. The twelve trays will consist of a combination of native wetland and upland species. These plugs will provide a diverse mix of species that can also enhance pollinator species within the meadow and increase vegetative diversity.

In accordance with the Pollinator Habitat Best Management Practices for Mowing (MA Leading by Example Program), annual mowing of the restored BVW 1 area will be completed in early spring or late fall to manage growth of woody plants while avoiding mowing during peak flowering and nesting seasons. Mowing will occur during dry conditions (a minimum of 48 hours after greater than 0.25 inches of rain). The area will be mowed to leave a height of at least 5 inches.

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### 3.4 Mitigation - BVW 2 Enhancement

As part of mitigation for impacts to the AURA, enhancement of BVW 2 is proposed. BVW 2 was restored, seeded with Wetland Seed Mix, and planted with native trees and shrubs on May 26, 2023. According to the Wetland Restoration Inspection Report (Wendell Wetland Services, October 16, 2023), 70% of the restoration area is well vegetated by herbaceous plants, with the eastern 30% of the area more sparsely vegetated. As recommended in the Inspection Report, native wetland plant plugs approved by Wendell Wetland Services will be added in the spring to the sparsely vegetated area (approx. 190 sf). Refer to *Appendix C* for the Inspection Report. Refer to Figure 6 in *Appendix C* for the location of BVW 2 enhancement.

---

### 3.5 Additional Mitigation Measures

Additional measures to mitigate for impacts to the AURA are listed below. Refer to *Table 4-1* for more information on these mitigation measures.

- Installation of Bird Houses and Bat Boxes
- Planting of Native Vegetation
- Removal of Invasive Species Removal
- Removal of Trash and Debris Removal
- Enhanced Stormwater Management
- Removal of impervious surface
- Previous BVW 2 and BVW 3 Restoration

Refer to Figure 6 in *Appendix C* for the location of mitigation measures.

---

### 3.6 Construction Sequence

An anticipated general construction sequencing for the project is as follows, although is subject to change by the contractor due to weather conditions, scheduling, site constraints, and other construction factors.

- Conduct preconstruction meeting



- Install erosion and sedimentation control measures
- Clear trees and grub within limit of work as shown on Site Plans
- Layout temporary stockpile locations
- Perform demolition activities as shown on Site Plans
- Rough grade driveway, parking areas, sidewalks, and building areas
- Install site utilities and stormwater management systems
- Construct stormwater detention basins
- Construct building
- Place and grade base materials for driveways, parking areas, and sidewalks
- Install curb
- Place top course material for driveway and parking areas
- Place concrete for sidewalks
- Place topsoil in disturbed areas to be landscaped, grade, and seed
- Install plantings and other landscape elements and perform mitigation measures (season-dependent)
- Clean all on-site stormwater drainage management components of collected sediment, including the stormwater detention basins
- Obtain Conservation Commission and owner's approval to remove erosion and sediment controls once the site is stabilized

The Contractor will be responsible for registration under the Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP). Upon construction award, any changes to the proposed construction sequencing plan by the Contractor will be reviewed and approved by the Town and included in the final Stormwater Pollution Prevention Plan (SWPPP).

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### 3.7 Construction-Period Protective Measures

Wetland resource areas will be protected by silt fence, straw wattles, a combination of the two, or similarly effective controls. These protective measures will be placed in a fashion that restricts the contractor to areas necessary to conduct the work outside of vegetated wetlands. The locations of these erosion controls are illustrated on the Site Preparation Plan in NOI *Appendix A*.

In addition, any materials temporarily stockpiled on-site will be surrounded by erosion controls. A construction entrance will be utilized to minimize sediment tracking offsite. Inlet protection is proposed for catch basins within Leverett Road. Refer to the Site Plans for locations and details for construction-period protective measures.

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### 3.8 Protected Values and Interests

The proposed project protects six interests of the MAWPA including:

- Protection of public and private water supply
- Protection of groundwater supply
- Flood control



- Storm damage prevention
- Prevention of pollution
- Protection of wildlife habitat

In addition, the proposed project protects ten resource area values identified by the Town of Shutesbury General Wetlands Protection Bylaw Regulations (Wetlands Bylaw Regulations) including:

- Public or private water supply
- Groundwater and groundwater quality
- Surface water and surface water quality
- Flood control
- Erosion and sedimentation control
- Storm damage prevention
- Water pollution,
- Storm drainage
- Runoff
- Wildlife habitat

The following sections describe how the proposed project protects resource area values under the Wetlands Bylaw Regulations.

### 3.8.1 Public or private water supply

The required setbacks for the new public water supply well and private well at 62 Leverett Road have been incorporated into the design.

### 3.8.2 Groundwater and Groundwater Quality

Groundwater and groundwater quality are being managed and improved by incorporation of stormwater management in compliance with the Massachusetts Stormwater Handbook (Stormwater Handbook). Due to high seasonal groundwater and site soils having a Hydrologic Soil Group (HSG) classification of D, the project has been designed to provide the required water quality volume and 80% TSS removal. The deep sump hooded catch basins will provide 25% pre-treatment prior to discharging into the stormwater treatment structures. The stormwater treatment structures have been designed to provide the 1-inch water quality volume. Water quality calculations and TSS worksheets showing each treatment train can be found in *Appendix I* and *Appendix J*, respectively of the Stormwater Management Report.

### 3.8.3 Flood Control and Storm Damage Prevention

It has been reported that the adjacent property at 62 Leverett Road has experienced flooding from stormwater from the site. Through the proposed stormwater management, stormwater runoff toward #62 will be reduced, reducing the potential of storm damage to this adjacent property.

### 3.8.4 Surface water and surface water quality, Erosion and sedimentation control, Water Pollution, Storm Drainage, and Runoff

Construction period best management practices will be implemented as described in NOI *Section 3.7*. In addition, a SWPPP will be developed in accordance with the EPA NPDES General Permit for Discharge from Construction Activities. Stormwater is being managed in accordance with the Stormwater Handbook. The project has been designed to provide the required water quality volume and 80% TSS removal. Each stormwater treatment structure has been designed to provide a volume equivalent to the 1-inch water quality volume for proposed impervious areas that contribute to each of the structures. Refer to the Stormwater Management Report in *Appendix D* for additional information.

### 3.8.5 Wildlife Habitat

No construction is proposed within wetland resource areas protected under MAWPA. In addition, tree clearing was limited to the maximum extent practicable. The proposed conceptual planting plan will increase diversity of species and strata (herb, shrub, tree). The selected tree and shrub species will provide seeds and fruits that provide sources of food for native wildlife throughout the year. Seed mixes include native species for pollinators.

## 4 Avoidance, Minimization, and Mitigation Measures

The avoidance, minimization, and mitigation measures in *Table 4-1* have been incorporated into the design in compliance with the Wetlands Bylaw Regulations. The mitigation measures described below are provided to meet the requirement of the AURA Performance Standard set forth in the Regulations, Article IV, Section 6.4.6.

**Table 4-1**

**Avoidance, Minimization, Mitigation Measures to Protect and Enhance Resource Area Values Protected by the Wetlands Bylaw Regulations**

	<b>AVOIDANCE MEASURES</b>	<b>DESCRIPTION</b>
1	No direct wetland impacts proposed	The limit of work is entirely outside of BVW's (except proposed mitigation).
2	Maintain 0-25 foot AURA with no Structures	No permanent structures are proposed within the 0-25-foot AURA. Certain dimensions and design layout

**Table 4-1**
**Avoidance, Minimization, Mitigation Measures to Protect and Enhance Resource Area Values Protected by the Wetlands Bylaw Regulations**

		<p>have been adjusted to minimize impacts within the 0-25-foot AURA. These adjustments include:</p> <ul style="list-style-type: none"> <li>- Removal of a portion of the footpath at the west side of the building</li> <li>- Reduction of the landscaped space between the library building and the parking lot from 25ft to 15ft</li> </ul> <p>Maintaining a 25-foot zone with no structures promotes values of water pollution prevention, storm drainage, runoff reduction, and aesthetics.</p>
	<b>MINIMIZATION MEASURES</b>	<b>DESCRIPTION</b>
3	Perform Work Within Previously Disturbed Footprint	The proposed work has been designed to be within the developed or previously disturbed footprint to the maximum extent practicable. The majority of the limit of work (i.e., Project Site) is within a previously developed area (i.e., the site of a former three car garage and gravel driveway). Performing work within the previously disturbed footprint promotes values of aesthetics.
4	Maintain Existing Vegetation	<p>The size, orientation, and location of the library building has been selected to minimize tree clearing. As noted in NOI <i>Section 5</i> the larger footprint library would have resulted in more tree clearing compared to the proposed design. In addition, the library is proposed at the front (north) of the property, which currently has minimal mature vegetation and requires minimal tree clearing. Lastly, certain dimensions and design layout have been adjusted to minimize tree clearing to the south of the proposed library. These adjustments include:</p> <ul style="list-style-type: none"> <li>- Shifting the building footprint approximately 120 feet north</li> <li>- Removing the reading garden to minimize impacts</li> </ul> <p>Maintaining existing vegetation promotes values of groundwater and groundwater quality protection, surface water and surface water quality protection, storm drainage management, runoff reduction, wildlife habitat protection, and aesthetics.</p>
	<b>MITIGATION MEASURES</b>	<b>DESCRIPTION</b>
5	BVW 1 Meadow Enhancement	Refer to NOI <i>Section 3.3</i> .

**Table 4-1**

**Avoidance, Minimization, Mitigation Measures to Protect and Enhance Resource Area Values Protected by the Wetlands Bylaw Regulations**

6	BVW 2 Enhancement	Refer to NOI <i>Section 3.4</i> .
	Bird Houses and Bat Boxes	Up to five (5) bird houses and two (2) bat boxes will be installed within uplands in the vicinity of the proposed library to promote inhabitation of native birds and bats. Inhabitation by birds will promote natural dispersion of seeds in the Project Site from bird droppings. Installation of bird houses and bat boxes promotes the value of wildlife habitat.
7	Planting of Native Vegetation	Landscape trees associated with the previous home and trees along the southern limits of work will be removed during construction. All vegetation added to the site will consist of native species. Approximately 1 acre of native seeding and plantings are proposed within the AURA. These plantings include a total of 65 trees, 100 shrubs, and multiple seed mixes. Refer to the Conceptual Planting Plan in NOI <i>Appendix A</i> for planting locations. Native vegetation was selected based on provision of wildlife habitat, wildlife food, and suitability of species for site conditions. Planting of native vegetation promotes the values of surface water and surface water quality, erosion and sedimentation control, wildlife habitat, and aesthetics.
8	Invasive Species Removal	Multiple invasive species have been observed within the Project Locus, especially within the vicinity of the proposed project. Species observed include Japanese knotweed ( <i>Polygonum cuspidatum</i> , FACU), glossy buckthorn ( <i>Frangula alnus</i> , FAC), winged euonymus ( <i>Euonymus alatus</i> ), Oriental bittersweet ( <i>Celastrus orbiculatus</i> , FACU), and multiflora rose ( <i>Rosa multiflora</i> , FACU). Invasive species will be removed/treated on an annual basis for the duration of the Order of Conditions in accordance with an invasive species management plan approved by the Commission. Invasive removal promotes the values of wildlife habitat and aesthetics.
9	Trash and Debris Removal	During previous site visits, trash or household refuse has been observed within the Project Locus. We understand the Chair of the Commission has documented trash locations within the Project Locus. Locations will be reviewed and visible trash that can be removed manually (without heavy machinery) will be removed from the site and properly disposed of.

**Table 4-1**

**Avoidance, Minimization, Mitigation Measures to Protect and Enhance Resource Area Values Protected by the Wetlands Bylaw Regulations**

		<p>In addition, the barbed wire in the forest edge on the west side of the meadow and south of the proposed library will be removed.</p> <p>Trash and debris removal promotes the values of water pollution prevention and aesthetics and reduces risk that wildlife might ingest or become entangled by debris.</p>
10	Enhanced Stormwater Management	<p>The site currently lacks stormwater management. Portions of the site are compacted and previously disturbed and therefore provide limited infiltration. The proposed design incorporates a stormwater management system to provide the required water quality volume and 80% TSS removal. Mitigation of peak flows are achieved through stormwater storage provided by the proposed stormwater detention basins.</p> <p>The proposed stormwater management is further described in <i>Section 3.1.1</i> of this NOI, and the Stormwater Report, which details compliance with the Stormwater Handbook and Stormwater Standards.</p> <p>The proposed stormwater management promotes the values of groundwater and groundwater quality, surface water and surface water quality, flood control, erosion and sedimentation control, storm damage prevention, water pollution, storm drainage, and runoff.</p>
11	Removal of impervious surface	<p>As part of the project, ~600 sf of asphalt and a pile of wood chips approximately 20-ft x 12-ft will be removed from the site. Both areas will be restored to meadow by seeding with a native seed mix per the Conceptual Planting Plan.</p>
12	Previous BVW 2 and BVW 3 Restoration	<p>The wetland restoration of BVW 2 and BVW 3 was completed on May 26, 2023 as part of the Lot O-32 Wetland Restoration Project (MassDEP File #: 286-0298). These restoration efforts within Lot O-32 were conducted in preparation for the future Library project and resulted in restoration of 708 sf of wetland, including 42 cy of fill removal. In addition, significant amounts of trash and debris were removed during restoration activities. See photos 9 and 11 in the Lot O-32 Wetland Restoration Initial Report in <i>Appendix C</i> for documentation of the trash removal.</p>

## 5 Alternatives Analysis

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### 5.1 Alternative 1 - No Action

The no action alternative results in the site remaining undeveloped and underutilized, which would not provide the intended improved library services to the Town of Shutesbury or the community.

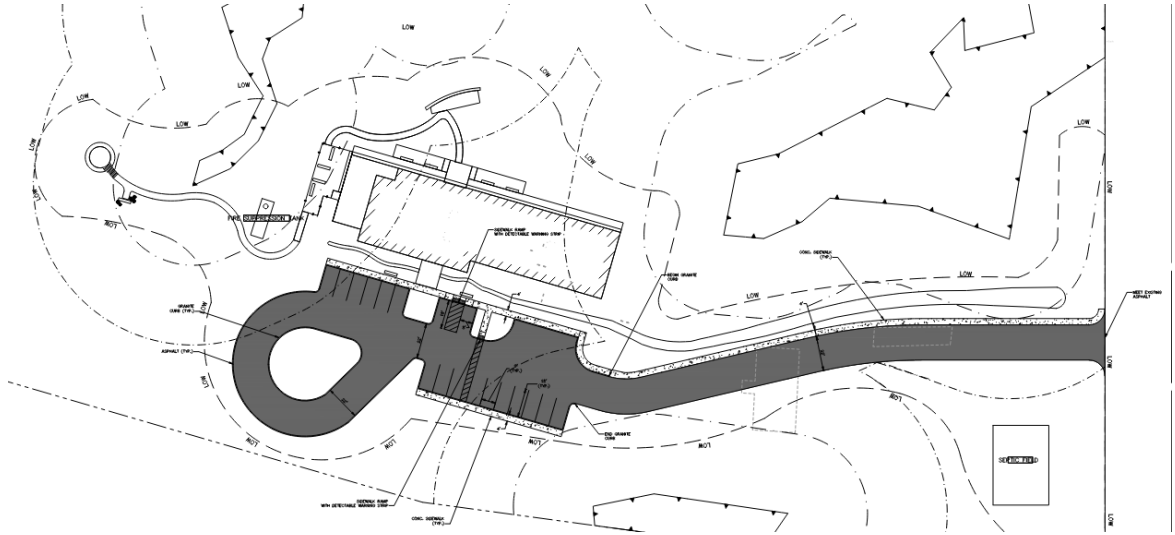
### 5.2 Alternative 2 - 4,400 sf Library Layout (Preferred)

The preferred alternative includes a compact design which maximizes development within the previously developed and/or disturbed area. The proposed design includes a building footprint of 4,400-sf, approximately 320-foot driveway leading up to the first parking spot, and 13 parking spaces. The limit of work extends approximately 475 feet south of Leverett Road. Multiple orientations and layouts for the 4,400-sf building were considered to minimize impacts within the AURA. Minimization measures are described in Table 4-1. Refer to NOI *Section 3* for more information on the proposed project.

This alternative is preferred as it reduces the amount of tree removal, reduces impervious area (including building footprint, driveway, and parking), and reduces disturbance within the AURA. The design includes stormwater management in compliance with the Stormwater Handbook and proposes a diverse array of native plantings to increase habitat for native wildlife. Refer to *Section 3.8* for a description of how the proposed project promotes resource area values protected by the Wetlands Bylaw Regulations. In addition, *Table 4-1* includes information on how avoidance, minimization, and mitigation measures promote resource area values.

### 5.3 Alternative 3 - 7,225 sf Library Layout

Alternative 3 includes an early concept considered for the library building and layout. This alternative includes a 7,225 sf building footprint, 340-foot long driveway leading up to the first parking spot, and 18 parking spaces. The limit of work extends into the site parcel approximately 660 feet south of Leverett Road, which is 185 feet farther into the site parcel compared to Alternative 2. This extension farther into the site parcel would result in greater limits of tree removal within the 100-foot Buffer Zone/AURA. Relative to Alternative 2, Alternative 3 includes a 64% increase in building footprint, results in more impervious area, and increased impacts to the 100-foot Buffer Zone. Refer to the photo below for the layout considered for this alternative. This alternative was discarded from consideration as it resulted in greater resource area impacts and was cost prohibitive. The reduced scope and footprint of the project is environmentally conservative and fiscally responsible by saving approximately three million dollars in public funding.



**Photo 5-1:** Alternative 3 - 7,225 sf Library Layout

## 6 Impacts and Regulatory Compliance

### 6.1 Impacts

The proposed project will result in impacts to the 100-foot Buffer Zone/AURA. No impacts to Bordering Vegetated Wetlands or other Resource Areas subject to jurisdiction or protection under the Massachusetts Wetlands Protection Act (MAWPA) and Wetlands Bylaw and Regulations are anticipated.

Table 6-1 breaks down impacts by development activities. Table 6-2 includes a summary of tree clearing within the AURA.

**Table 6-1**  
**Summary of Impacts by Activity within the 100-foot Buffer Zone/AURA**

	<b>0-25 feet AURA</b>	<b>25-50 feet AURA</b>	<b>50-100 feet<sup>1</sup> AURA</b>	<b>0-100 feet AURA</b>
Permanent Structures (i.e., building, paved areas, Septic System)	0 sf	3,262 sf	13,454 sf	16,716 sf
Landscaping, Site Amenities, Stormwater Management	691 sf	11,517 sf	24,744 sf	39,952 sf
<b>TOTAL IMPACTS</b>	691 sf	14,779 sf	38,198 sf	56,668 sf

<sup>1</sup>Portions of the 50-100 foot Buffer Zone of BVW 1 and BVW 2 overlap. Impacts reported for 50-100 feet are net impacts and therefore not double counted.

### 6.1.1 Tree Removal

Tree removal has been minimized to the maximum extent practicable. Tree removal in the AURA is required for the construction of the library building, associated grading, stormwater management features, and the parking lot/loop. In addition, tree removal is required to provide adequate clearance from the anticipated roof-mounted solar panels. Approximately 1/3 of the trees proposed for removal are within the spruce grove associated with the former homestead. Spruce species consist of Norway Spruce and Blue Spruce, which indicates these trees may have been planted for purposes of creating a Christmas Tree farm.

Area of tree removal within the AURA is summarized in *Table 6-2*. Individual trees within the limit of work and within the AURA were counted by Elaine Puleo, Mary Anne Antonellis, and Penny Jaques on December 14, 2023. *Table 6-3* summarizes the results of the tree count within the limits of work and AURA.

**Table 6-2  
Area of Tree Removal within the 100-foot Buffer Zone/AURA**

	<b>0-25 feet AURA</b>	<b>25-50 feet AURA</b>	<b>50-100 feet<sup>1</sup> AURA</b>	<b>0-100 feet AURA</b>
Tree Removal	280 sf	2,771 sf	4,593 sf	7,644 sf

**Table 6-3  
Tally of Tree Removal within the 100-foot Buffer Zone/AURA**

<b>DBH Category</b>	<b>Count of Deciduous</b>	<b>Count of Evergreen</b>	<b>Total Trees</b>
>3" to <6"	24 <sup>1</sup>	19	43
6" to <12"	29 <sup>1</sup>	16	45
12" to <18"	0	7	7
18" to <24"	1	1	2
24" or larger	0	2 <sup>2</sup>	2
Observations	Invasives observed include: Japanese barberry, glossy buckthorn, Oriental bittersweet.		

<sup>1</sup>Includes a clump of small, leaning, unhealthy birches and pines (8 trees with DBH >3" to <6"; 8 trees with DBH 6" to <12").

<sup>2</sup>Includes 2 very large spruce associated with former homestead.



## 6.1.2 0-50 Foot AURA Impacts

The closest impacts to BVW 1 are approximately 17 feet. These impacts within the 0-25 foot AURA of BVW 1 result from minor grading required for the library building and stormwater detention basin #3. These areas will be restored with New England Wildflower Mix. No impacts are anticipated to the 0-25 AURA of BVW 2 or BVW 3.

Impacts within the 25-50 foot AURA of BVW 1 and 2 result from the proposed stormwater detention basins, a portion of the library building, and portions of the access driveway. Due to site constraints including proximity of wetlands, limits of existing cleared/degraded areas, compliance with design requirements including stormwater management features, and limitations on the location for the septic system due to soil conditions, impacts within the AURA are unavoidable. Refer to *Table 4-1* for a summary of avoidance, minimization, and mitigation measures.

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## 6.2 Performance Standards

The following sections summarize the project's compliance with the Performance Standards established in the Wetlands Bylaw Regulations.

### 6.2.1 Stormwater Management

The Stormwater Management Performance Standards are set forth in Article III, Section 7.2 of the Wetlands Bylaw Regulations.

*7.2.1. The Commission requires Applicants to demonstrate that no significant change in off-site runoff from existing conditions will result from the proposed work. Alteration of cover types and development can increase runoff velocities or reduce natural groundwater recharge, the Commission may require measures such as BMPs to prevent increased runoff. Direct discharge of runoff into a Resource Area shall not be allowed.*

Post-development discharge rates will not increase as a result of the proposed development. Stormwater Hydrologic Analyses which demonstrate the maintaining or reduction of peak discharge rates are provided in Appendix E and Appendix F of the Stormwater Management Report. A summary of pre-versus post-development peak discharge rates are provided in Table 1, Table 2, Table 3, Table 4, and Table 5 of the Stormwater Management Report. Mitigation of peak flows are achieved through stormwater storage provided by the proposed stormwater detention basins.

Due to high seasonal groundwater and site soils having a HSG classification of D, providing infiltration BMPs sized to meet the required groundwater recharge and provide proper drawdown for the project is not feasible.

*7.2.2. The Commission adopts the MassDEP Stormwater Management policy and all ten (10) Stormwater Management Standards in 310 CMR 10.05(6)(k). For these Regulations, all AURAs shall be considered critical areas.*

This project does not contain any critical areas as defined by the Massachusetts Stormwater Handbook. Per the Wetland Protection Bylaw Regulations, the AURAs on site are considered critical areas. The stormwater treatment structures have been designed to provide the 1-inch water quality volume. The

project does not propose any infiltration BMPs, therefore the 44% pre-treatment is not required. However, the deep sump hooded catch basins will provide 25% pre-treatment prior to discharging into the stormwater treatment structures. The proposed stormwater management system is designed to meet the guidelines of the Stormwater Handbook.

*7.2.3. Loss of pervious surfaces in Resource Areas. The Applicant must demonstrate how a project improves overall net infiltration of stormwater to protect the V values. For a reduction in pervious surfaces, the Applicant shall demonstrate that there are no other Reasonable Options other than the proposed loss of pervious surface. The Commission may require additional stormwater management features and/or larger vegetated buffer strips to mitigate unacceptable significant or cumulative effects and protect the V values.*

Due to high seasonal groundwater and site soils having a Hydrologic Soil Group (HSG) classification of D, providing infiltration BMPs sized to meet the required groundwater recharge and provide proper drawdown for the project is not feasible. Each stormwater treatment structure has been designed to provide a volume equivalent to the 1-inch water quality volume for proposed impervious areas that contribute to each of the structures.

An Alternatives Analysis was conducted; some increase in impervious cover is unavoidable in order to meet the intent of the project, which is to provide improved library services to the Town. Refer NOI Section 5 for the Alternatives Analysis.

*7.2.4. All stormwater management systems shall comply with the MassDEP's Stormwater Handbook (February 2008 and as it may be amended), as well as the of the following minimum standards:*

Refer to the Stormwater Management Report in Appendix D for a description of compliance with these standards.

*7.2.5. Commensurate with the size, scope, and complexity of a proposed activity, the Commission may also require additional information in support of a stormwater management design, including but not limited to engineering calculations showing pre- and post-development peak runoff conditions for comparative purposes and soils investigation data involving test pits to confirm stormwater BMP design parameters.*

Refer to the attached Stormwater Management Report for calculations, data, and compliance with the Stormwater Handbook.

## 6.2.2 Title 5 and Septic Systems

Title 5 and Septic Systems Performance Standards are set forth in the Wetlands Bylaw Regulations Article III, Section 10.3.

*10.3.1. If an Applicant seeks authorization for a new construction septic system, an expansion of an existing system, or a renovation or replacement of an existing septic system located within the outer fifty (50) feet of the AURA and such system receives Shutesbury BOH approval, the Commission shall presume the design meets requirements for effluent impacts, and the Commission shall only review construction impacts.*

The proposed septic system is located outside of the 0-50 foot AURA of BVW 1 and will receive Shutesbury BOH approval.

*10.3.2. If an Applicant seeks authorization for new construction septic system, an expansion of an existing system, or a renovation or replacement of an existing septic system located within the inner fifty (50) feet of the AURA and such system receives Shutesbury BOH approval, the Commission shall presume the design meets requirements for effluent impacts, and*

*the Commission shall only review construction impacts. However, this presumption of no adverse impact on the Values may be overcome by credible evidence from a Competent Source that such system does not protect the Values.*

Not Applicable.

*10.3.3. The Commission shall presume that a new construction septic system, an expansion of an existing system, or a renovation or replacement of an existing septic system, that receives Shutesbury BOH approval and is subject to the requirements in Sections 10.3.1. and 10.3.2. above, protects the Values of the Bylaw.*

The proposed septic system will receive Shutesbury BOH approval.

## 6.2.3 100-Foot Adjacent Upland Resource Area (AURA)

The 100-Foot Adjacent Upland Resource Area (AURA) Performance Standards are set forth in the Wetlands Bylaw Regulations Article IV, Section 6.4.

*6.4.1. Where work is proposed in the AURA, the Applicant shall present a consideration of Reasonable Options to prove by a preponderance of credible evidence from a Competent Source that the project as proposed has met the standard of avoid, minimize, and mitigate and there are no Reasonable Options to the proposed project with materially less adverse or cumulative effects on the Values, and that the work, including proposed mitigation, will have no significant adverse impacts. Refer to the Alternatives Analysis in Section 5 and avoidance, minimization, and mitigation measures in Table 4-1.*

*6.4.2. Any proposed work within the AURA of a Resource Area shall not result in any impairment of the Values and functions of the Resource Area nor shall it result in any impairment in the Values and functions of the AURA. Refer to Section 3.8 summarizing how the proposed project promotes the values protected by the Wetlands Bylaw Regulations.*

*6.4.3. The first inner fifty (50) feet of the 100-foot AURA (measured horizontally from a Resource Area specified in Article I is considered a "No Disturb" Protection Area. No activities or work, other than passive passage, Resource Area enhancement, and construction of Title 5 septic systems as set forth in Article III, Section 10 above, are permitted within the first fifty (50) feet of the AURA.*

Due to site constraints described in Section 6.1.2., impacts within the 0-50 ft AURA are unavoidable. As described in Section 6, impacts within the 50-foot AURA result from the proposed stormwater detention basins, a portion of the library building, and portions of the access driveway. The location and layout of work was carefully considered to minimize impacts within the AURA, while also minimizing tree clearing. Impacts were minimized to the maximum extent practicable, and mitigation proposed as described in Section 4. The Applicant has met with the Shutesbury Conservation Commission and other Town officials to solicit feedback on the design on multiple occasions. The project has been redesigned and altered to incorporate comments received and to minimize impacts on resource areas. The Applicant respectfully requests a waiver of this requirement.

*6.4.4. The 50-foot "No Disturb" restriction in the AURA shall not apply to any structure existing before the adoption of these Regulations. However, removed and replaced structures must comply with the Regulations in effect at the time of the reconstruction. For pre-existing structures within the inner first fifty (50) feet of the AURA, which are not being removed but for which the footprint is changing, any increase in footprint area must occur in the outer 50 feet of the AURA.*

Not Applicable.

*6.4.5. When an Applicant proposes a project with impact to the AURA, the Commission may require mitigation involving restoration, including but not limited to:*

*6.4.5.1. a wider undisturbed, vegetated area within the AURA; or*

Standard acknowledged.

*6.4.5.2. new structures set back greater than fifty (50) feet.*

Standard acknowledged.

*6.4.6. In the case of new lots or work in undeveloped lots when partial encroachment into the AURA is unavoidable, in addition to the requirements noted above, the Applicant must mitigate the intrusion by creating or expanding an area of native vegetation within the first twenty-five (25) feet of the AURA on the lot. For unavoidable encroachment, as mitigation, the Commission may require improvements to remaining undisturbed AURA function.*

Mitigation measures are provided in *Table 4-1*.

*6.4.7. Impervious surface.*

*6.4.7.1. The total area of impervious surface within the AURA shall not increase over existing total area unless the Commission determines, based on sufficient proposed mitigation, that there is no permanent, significant impact on Resource Area Values.*

Although new impervious area within the AURA is proposed, impacts from impervious area have been minimized by design of stormwater management in compliance with the Stormwater Handbook. In addition, extensive mitigation for impacts to the AURA is proposed in *Table 4-1*.

*6.4.7.2. Impervious surfaces shall not intrude farther into the AURA than pre-project conditions unless the Commission determines that the total area of impervious surface is significantly decreased, or other sufficient mitigation is provided that serves to protect the Resource Area Values. Impervious surface shall be kept as close as possible to the outer (upland) boundary of the AURA.*

The site currently does not have buildings or other impervious areas, as the house and a three-car garage located within the site were demolished within the past decade. Impervious surface has been minimized to the maximum extent practicable. Extensive mitigation is proposed in *Table 4-1*.

*6.4.8. Work in the AURA shall not adversely affect the hydrology of the site including runoff rates, volume, water quality, flood storage capacity, or flow paths.*

Post-development discharge rates will not increase as a result of the proposed development. Stormwater Hydrologic Analyses which demonstrate maintenance or reduction of peak discharge rates are provided in the Stormwater Management Report. Mitigation of peak flows are achieved through stormwater storage provided by the proposed stormwater detention basins.

*6.4.9. For permitted projects in the AURA, landowners shall follow 330 CMR 31.00 Plant Nutrient Application Requirements for Agricultural Land and Land Not Used for Agricultural Purposes.*

The site will be maintained in compliance with 330 CMR 31.00.

*6.4.10. The Commission may allow temporary, limited, or permanent disturbance in the AURA as appropriate and consistent with this Section if the Applicant proves that there are no other Reasonable Options to the project with materially less adverse and cumulative effects on the Values protected by this Bylaw and convinces the Commission by a preponderance*

*of credible evidence from a Competent Source that the area or part of it may be altered without harm to the Values taking into consideration the characteristics of the Resource Area, including but not limited to the following: slope, soil characteristics, drainage patterns, extent and type of existing native vegetation, extent and type of invasive vegetation, amount of impervious surface, wildlife and wildlife habitat, intensity and extent of use, and intensity and extent of adjacent and nearby uses. This approach is intended to allow flexibility for use of property while maintaining necessary levels of protection of Resource Area Values protected by the Bylaw.*

Refer to the Alternatives Analysis in Section 5 and avoidance, minimization, and mitigation measures in Table 4-1.

*6.4.11. Some activities in the AURA, which are deemed not likely to have a significant or cumulative effect on the Values, may be reviewed by the Commission provided that the other provisions of these Regulations are satisfied. Requirements for these proposed activities are addressed in Article V, Administrative Approval Requests.*

Refer to Section 3.8 for a summary of how the proposed project promotes the Values protected under the Wetlands Bylaw Regulations.

## 6.2.4 Vegetation Removal and Replacement

The Vegetation Removal and Replacement Performance Standards are set forth in the Wetlands Bylaw Regulations Article IV, Section 8.3.

*8.3.1. The Commission may require a letter from a Certified Arborist to verify that a tree is a Compromised Tree unless such requirement is expressly waived by the Commission. Health evaluation of a deciduous tree in winter is difficult. The Commission may require that such trees be evaluated only during the growing season. In any instance where a certified arborist or tree services company is or has been consulted to determine the status of, and recommendations for, a property's trees, the landowner shall provide an official copy of the expert's survey results and recommendations as part of the request to the Commission.*

Tree removal in the AURA is required for the construction of the library building, associated grading, stormwater management features, the parking lot/loop, and to provide adequate clearance for proposed solar panels.

*8.3.2. In instances where there is a preponderance of evidence of a tree's imminent failure threatening danger to persons and property, the Commission may, issue an Emergency Certification for the immediate removal of the tree.*

Not applicable.

*8.3.3. No vegetation in a Resource Area shall be damaged, extensively pruned, or removed without written approval by the Commission.*

This NOI application includes tree removal activities within the AURA. The Applicant is seeking approval by issuance of an Order of Conditions for this proposed project.

*8.3.4. For extensive pruning or removal of vegetation because of an imminent risk to public health and safety, in-kind replacement shall be to the greatest extent practicable as determined by the Commission.*

Not applicable.

8.3.5. *Tree stumps within the inner fifty (50) feet of the AURA should remain in place to assist in soil stabilization unless otherwise approved by the Commission.*

Tree removal within 0-50ft AURA amounts to 3,051 sf. Disturbed areas will be stabilized with native species per the Conceptual Planting Plan. The Applicant respectfully requests a waiver of this requirement.

8.3.6. *The Commission requires planting of replacement trees or shrubs for tree removed in an area subject to protection by the Bylaw and these Regulations. Replacement quantities and types may be modified by the Commission upon a finding of undue hardship or a finding that the tree removal shall have a negligible effect on the Values, including but not limited to situations where the tree or shrub to be removed was significantly damaged by a storm event and is not likely to survive, the tree or shrub is already dead, or the property is heavily wooded and re-planting would be difficult).*

A total of 99 trees are proposed for removal (see *Table 6-3*) within the AURA. Approximately 1/3 of the trees proposed for removal are within the spruce grove associated with the former homestead. To mitigate for tree removal, 65 trees and 100 shrubs are proposed for installation per the Conceptual Planting Plan. Avoidance, minimization, and mitigation measures have been incorporated into the design as described in *Table 4-1*. The Applicant respectfully requests a waiver of this requirement.

8.3.7. *A tree six (6) inches or greater in dbh size that is cut with a remaining tree trunk that is 15 feet tall above grade (known as a "snag") does not require replacement plantings. This option may be preferred where a large, tall tree threatens a structure but is within a naturalized area. Snags provide a habitat and food for wildlife.*

No snags are proposed.

8.3.8.2. *For all replacement trees:*

8.3.8.2.1. *Trees must be native and non-invasive in Massachusetts and must be of the same general category of the removed tree or shrub (i.e., evergreen or deciduous).*

65 trees native trees (2 evergreen species, 10 deciduous species) are proposed.

8.3.8.2.2. *Replacement trees or shrubs shall have ball sizes which are of a diameter and depth to encompass enough of the fibrous and feeding root system as necessary for the full recovery of the plant once planted.*

*Replacement trees shall have a caliper size at dbh of 1.5" or greater.*

Replacement trees are proposed for a caliper size of 2.5"-3".

8.3.8.2.3. *Replacement plantings must be installed within one hundred and eighty (180) days of the day when the existing tree or shrub is removed.*

Pending the schedule for construction and season site work is completed, installation of replacement trees may occur beyond 180 days after tree removal. The Applicant respectfully requests a waiver of this requirement.

8.3.8.2.4. *Vegetation replacement is not considered successful until the replacement plants have survived two (2) full growing seasons from the date of planting. The Commission reserves the right to require re-planting if replacement trees or shrubs do not remain viable for two (2) full growing seasons.*

Standard acknowledged.

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### **6.3 Waiver Request**

In accordance with the Wetland Bylaw Regulations Article III, Section 2, the Applicant respectfully requests for waiver for select performance standards related to Stormwater Management, the AURA, and Vegetation Removal. The request for Waiver Form is included in this application. We trust these materials are sufficient for the Commission to issue a Waiver.

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### **6.4 Abutter Notification**

In accordance with the MAWPA and Wetland Bylaw Regulations Article V, Section 4, 100-foot abutters will be notified via USPS Certified Mail at least seven (7) days prior to the Public Hearing. Refer to Appendix E for the certified list of abutters and a copy of the abutter notification.