

June 25, 2020

Ms. Linda Avis Scott, Clerk
Shutesbury Conservation Commission
Town Hall
P.O. Box 276
1 Cooleyville Road
Shutesbury, MA 01072

Re: Abbreviated Notice of Resource Area Delineation (ANRAD)
Baker Road Project
West Pelham Road
Shutesbury, MA
(Parcel ID ZQ-6)
DEP File # 286-0275
Wetland Consultant Peer Review –Supplemental Review

Dear Ms. Scott and Commissioners:

Per request, Stockman Associates LLC has performed a wetland consultant peer review of the revised site plans for the Abbreviated Notice of Resource Area Delineation (ANRAD) submitted by TRC Companies on behalf of their client, W.D. Cows, Inc., for the review of delineated resource area boundaries located within a specific study area of the property located off Baker Road (Parcel ID ZQ-6) in Shutesbury, MA.

Materials Reviewed

- Site Plan “*Delineated Resources Map Baker Road Project Franklin County, MA*” prepared by TRC Companies (Pages 1 through 13) Attachment D of the December 2019 ANRAD submittal. Revised date 4/21/2020 and subsequent revision date 5/18/2020.

Site Visit

- On May 7, 2020 a site visit was made by Ms. Emily Stockman (Stockman Associates LLC) and Mr. Matthew Regan (TRC) to review the revised delineated resource areas depicted on the April 21, 2020 site plan set.

Review Comments

- 1) The most recently revised plan set (May 18, 2020) depicts wetlands W-MJR-1; W-MJR-2; W-MJR-3, W-MJR-8 and W-MJR-9. Throughout the process, several of the wetland systems were determined to be connected, thus the change in the wetland system numbering. Based on field observations, wetlands have been relabeled on the plan set, but flagging has not been updated in the field.
- 2) The Commission should be aware that sections of the revised flagging are no longer consecutively numbered. Therefore, review in the field is challenging (if not impossible) without the site plan, which may add complications to further applications.

- 3) Wetland W-MJR-1 has two flags labelled "215" and "214.1". Based on the sequencing, it appears that one of the flags should be labelled "214.10". (Page 8 and 12 of 13).
- 4) Wetland W-MJR-3 is incorrectly labeled as W-MJR-1 on Page 4 of 13
- 5) Wetland W-MJR-3 has two flags labelled "3", "4", "5", "6", "7", "17", "18", "19", "20", "21", "23", "24" and "25". Wetland W-MJR-3 has three flags labelled "1", "2" and "10". (Pages 6 of 13 and 10 of 13.)
- 6) It is recommended that the labels and symbols outside of the property bounds to the east be removed from S-MJR-1, S-MJR-2, and W-MJR-2 to improve the legibility of the boundary and flags within this area (Page 12 of 13).
- 7) During the May 7, 2020 site visit, adjustments were made to the Mean Annual High Water Line (MHAWL) flagging for Barker Brook (S-MJR-5). Based on a comparison of the April and May site plans (Page 2 of 13), these adjustments have not been added to the site plans.
- 8) On Page 3 of 13, the location of Bank flag 7 does not look correct. Is this an issue with GPS accuracy? Mapping?
- 9) Vegetation data presented for data point W-MJR-04_UPL-1 indicates the presence of hydrophytic vegetation. Under the MA WPA and its regulations *Tsuga canadensis* is a wetland indicator species and a wetland plant community is defined as 50% or more wetland indicator species. Soils data for point W-MJR-04_UPL-1 is inconclusive as only the upper 5-inches of the soil profile was described. This comment has not been addressed and the data point is located outside of the revised wetland boundary. (Page 6 of 13.)
- 10) Vegetation data presented for data point W-MJR-05_UPL-1 indicates the presence of hydrophytic vegetation. Under the MA WPA and its regulations *Tsuga canadensis* is a wetland indicator species and a wetland plant community is defined as 50% or more wetland indicator species. Soils data for point W-MJR-05_UPL-1 is inconclusive as only the upper 6-inches of the soil profile was described. This comment has not been addressed and the data point is located outside of the revised wetland boundary. (Page 6 of 13.)
- 11) Vegetation data presented for data point W-MJR-07_UPL-1 indicates the presence of hydrophytic vegetation. Under the MA WPA and its regulations *Tsuga canadensis* is a wetland indicator species and a wetland plant community is defined as 50% or more wetland indicator species. Soils data for point W-MJR-07_UPL-1 is inconclusive as only the upper 12-inches of the soil profile was described and may meet the criteria for Thick Dark Surface. It appears from the stated landform and local relief that the geomorphic position may be conducive to a wetland ecosystem. This comment has not been addressed and the data point is located outside of the revised wetland boundary. (Page 4 of 13.)
- 12) The final plan set should clearly state the final revision date for citation on the ORAD.
- 13) Note #2 should be updated to reflect all delineation dates.
- 14) The legend should reflect the delineation of inland "Bank" and "MAHWL".
- 15) For clarity, the applicant and Commission should consider a different line type/polygon for isolated versus bordering wetlands.

- 16) The Town of Shutesbury, Massachusetts Regulations under the General Wetlands Protection Bylaw define an isolated wetland (SECTION III.E.) as "Isolated Wetland" shall be defined as any area of one thousand square feet or more which meets all standards for vegetated wetlands under state law or regulations, except for the "bordering" requirement."

W-MJR-9 is an isolated wetland subject to protection under The Town of Shutesbury, Massachusetts Regulations under the General Wetlands Protection Bylaw

Calculations should be provided to determine whether any of the isolated wetlands also meet the criteria for protection as Isolated Land Subject to Flooding under the MA WPA.

310 CMR 10.57(2)(b)1. states, "Isolated Land Subject to Flooding is an isolated depression or closed basin without an inlet or an outlet. It is an area which at least once a year confines standing water to a volume of at least ¼ acre-feet and to an average depth of at least six inches."

- 17) Per the Town of Shutesbury, Massachusetts General Wetlands Protection areas subject to protection under the bylaw include:
- a. any freshwater wetland, isolated wetland, marsh, wet meadow, bog or swamp; within 100 feet of any freshwater wetland, isolated wetland, marsh, wet meadow, bog or swamp;
 - b. any lake, river, pond or stream (whether surface or subsurface); within 100 feet of any lake, river, pond or stream (whether surface or subsurface); any land under said waters;
 - c. any land subject to flooding or inundation by groundwater, surface water, storm flowage, or within a 100-year flood plain.

For review and approval under the local bylaw, the site plans should be revised to depict the boundary of the resource areas stated above.

- 18) A Potential Vernal Pool (PVP 22986) is mapped outside of the study area on private lands to the south. The PVP appears to be associated with a small pond. Based on observations made in the field and MassGIS mapping, the pond appears to be part of the wetland complex that includes W-MJR-1 and W-MJR-8. Therefore, portions of these wetlands are considered vernal pool habitat per 310 CMR 10.04 which states (**emphasis added**),

"Vernal Pool Habitat means confined basin depressions which, at least in most years, hold water for a minimum of two continuous months during the spring and/or summer, and which are free of adult fish populations, as well as the area within 100 feet of the mean annual boundaries of such depressions, to the extent that such habitat is within an Area Subject to Protection under M.G.L. c. 131, § 40 as specified in 310 CMR 10.02(1)..."

- 19) Based on MassGIS, the study area is located within a mapped Outstanding Resource Water. More specifically, the area is mapped as a Public Water Supply Watershed associated with the Atkins Reservoir (ID# 1008000-01S).
- 20) The delineation report states that handheld GPS data was post-processed to achieve sub-meter accuracy. The Commission may request supporting documentation regarding the GPS accuracy to ensure that all plans accurately describe the site and the resource area boundaries. Inaccuracies with sub-meter GPS mapping has presented issues with previous projects.

21) Wetland and stream systems W-MJR-1, W-MJR-2, S-MJR-1 and S-MJR-2 are connected via a culvert under the access road. Based on observations made during the site visit, the culvert appears to be new/replaced. Was a Notice of Intent filed with the Shutesbury Conservation Commission for work on the culvert that postdates the Wetlands Protection Act (1972) as well as the "Hatch" Act, Chapter 220, Acts of 1965?

22) The revised site plans depict new data plots. Additional Wetland Determination Data Forms have not been submitted at this time and, therefore, have not been reviewed. The Commission should notify TRC, if the Commission is requiring updated forms.

I trust that the above comments will assist the Commission in their review of the previously referenced ANRAD application. Please do not hesitate to contact me with any questions.

Sincerely,



Emily Stockman, M.S., P.W.S.
Senior Scientist/Principal
Stockman Associates LLC

