



FUSS & O'NEILL

October 10, 2022

Ms. Mary Grover
Massachusetts Department of Environmental Protection WERO
436 Dwight Street
Springfield, MA 01103

RE: WE 286-0297: Applicant Response to Initial DEP Comments
66 Leverett Road, Shutesbury, MA 01072
Fuss & O'Neill Reference No. 20091032.A22

Dear Ms. Grover:

This letter serves as the Town of Shutesbury's (the Applicant) responses to initial Massachusetts Department of Environmental Protection (MassDEP) comments received on October 5, 2022 in response to an Abbreviated Notice of Resource Area Delineation submitted on September 30, 2022 and assigned Wetlands Protection Act File Number WE 286-0297. Please find the comments received by the applicant on October 5, 2022, and the applicant's responses below:

MassDEP Comment [1]: To help ensure that Conservation Commissions have sufficient expertise available to address specific issues regarding an applicant's filing, M.G.L. c. 44, section 53g gives Commissions authority to charge a fee for the employment of outside consultants that allow for the use of the fee to ensure that they have the necessary information for them to make a decision pursuant to the Wetlands Protection Act, M.G.L. c. 131, s. 40 and 310 CMR 10.00.

Applicant Response: This comment is acknowledged.

MassDEP Comment [2]: The Applicant and Commission should be clear about the geographic limit of the review, the presence or absence of each Resource Area, and which Resource Area boundaries and associated Buffer Zones are being reviewed. For example, the Applicant should clarify the presence or absence of Bank within areas of Bordering Vegetated Wetlands.

Applicant Response: An updated ANRAD cover letter was submitted on October 10, 2022 to reflect this information.

MassDEP Comment [3]: The site plan appears to be missing wetland flag number labels.

Applicant Response: Following completion of a consensus delineation with the selected peer reviewer, the Applicant will re-issue a site plan with all flag number labels.

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MassDEP Comment [4]: The Commission should be aware that Buffer Zone associated with Resource Areas outside the limits of the parcel may extend into the parcel.

Applicant Response: The Applicant is requesting an ANRAD for the following wetland resource areas within the subject parcel O-32: bordering vegetated wetlands and isolated vegetated wetlands.

c: Miriam DeFant; Chair, Shutesbury Conservation Commission
Mary Anne Antonellis; Director, M.N. Spear Memorial Library



FUSS & O'NEILL

September 30, 2022 (revised October 10, 2022)

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

Re: Abbreviated Notice of Resource Area Delineation
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 Abbreviated Notice of Resource Area Delineation (ANRAD) for the Shutesbury Parcel ID #O-32 located at 66 Leverett Road in the Town of Shutesbury.

Review Area

The ANRAD is being requested for the entire Shutesbury Parcel ID #O-32 for the following resource areas:

- Bordering Vegetated Wetland 1
- Isolated Vegetated Wetland 2
- Bordering Vegetated Wetland 3
- Isolated Vegetated Wetland 4

Table 1 below summarizes the delineated lengths of the boundary of resource areas to be reviewed and identified within the parcel subject to the Massachusetts Wetlands Protection Act (MAWPA: M.G.L. c 131 § 40) and/or the Town of Shutesbury General Wetlands Protection Bylaw.

Table 1
Summary of Delineated Length of Resource Areas

MAWPA and Shutesbury Wetlands Bylaw Resource Areas	Delineated Length
BVWs 1 and 3	1,921 feet
IVWs 2 and 4	445 feet

The ANRAD is not being requested for the 100-foot Buffer Zone to Bordering or Isolated Vegetated Wetlands. The following resource areas were not identified within the Shutesbury Parcel ID #O-32: Bank, Land Under Water Bodies and Waterways, Land Subject to Flooding, and Riverfront Area.

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A Request for Determination of Applicability (RDA) for the 66 Leverett Road Environmental Investigation is being submitted on behalf of the Town under separate cover. Abutters were notified of the ANRAD via certified mail. A public notice for the ANRAD was published in the Daily Hampshire Gazette on October 6, 2022. Should you have any questions regarding this application, please contact me at mkissane@fando.com / 413-333-5472.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matthew Kissane'.

Matthew Kissane
Environmental Geologist

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