

MEMORANDUM

To: Shutesbury Conservation Commission
ATTN: Miriam DeFant, Chair

From: Jeffrey D. Gagner, P.E., Project Engineer DCR-DWSP Quabbin

Thru: Scott Campbell, P.E., Regional Engineer, DCR-DWSP Quabbin
Dan Clark, PhD., Regional Director Quabbin & Ware Regions

Cc: Mark Stinson, Wetlands Circuit Rider, DEP Western Region

Date: 5/30/2023

Re: **DEP File #: 286-0299**
Cornwell Road, Shutesbury, MA (Camel Brook Bridge Repairs)

In response to the comments provided by Mark Stinson (DEP), dated 5/24/2023, the DCR-DWSP has provided the following responses. We greatly appreciate the comments provided by DEP and hope that these responses help provide clarity and will help the project move forward in the permitting process. If the Commission has any questions or comments, please contact the DCR-DWSP.

[1] A plan for the in situ restoration of the BVW should be provided to the commission. The plan does not appear to adequately show where this BVW alteration will take place or what the specific alteration will be or why it must be altered.

[1R] The BVW is delineated in the field and was located by traditional survey methods for display on the plans. Upstream of Camel Brook the BVW is delineated using a "B Series" denomination. Downstream of Camel Brook the BVW is delineated using an "A Series" denomination.

The temporary disturbance to the BVW is located on the north abutment, on the westerly (upstream) side of the road. This particular abutment has experienced slumping and some erosion over the years. This project aims to provide a stable abutment wall and slope to prevent further erosion of the slope. The fortification of the abutment is necessary to provide a structural seat for the bridge and limit erosion to Camel Brook. In the end the improvement will be a net benefit. Additionally, please refer to Comment 6R in this document, which addressed the limited project type.

[2] Though the work was submitted as a "limited project", the commission may require a Wildlife Habitat Evaluation for the Riverfront Area alteration, per the language found at 310 CMR 10.58(4)(d)1.c.



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[2R] A Wildlife Habitat was not prepared for this project. A cursory level review was completed by DCR Natural Resource experts, including wildlife biologists, suggested that the proposed work will not impair the site as it relates to the wildlife habitat functions. 310 CMR 10.58(4)(d)1.c refers to work within an undeveloped riverfront area; which does not apply because this is an established roadway and bridge crossing. If the Conservation Commission would like to discuss this further, please contact the applicant and representative jointly.

[3] Since the project locus is over 50 acres, likely no abutters needed to be notified under the wetland regulations.

[3R] Although the 310 CMR states certain criteria for avoiding abutter notifications, the Town of Shutesbury General Wetlands Protection ByLaw requires abutter notifications to be sent. Unless the commission is willing to grant the applicant a waiver to the bylaw, the Applicant will be happy to facilitate the request to notify the abutters once a date and time is selected for the hearing.

Conservation Commission: Please advise.

[4] The NOI does not point out any need for a stormwater management system. Sheet flow is preferred unless there is a specific need for stormwater management. The applicant should review the Unpaved Roads Manual, which will be attached to the file number notification email. BMP's, even level spreaders, must be maintained and if not correctly designed and constructed, will create a point source and may fail and cause sediment to enter the resource area. Any level spreader must be designed, at a minimum, per specifications found in Volume 2 Chapter 2 of the Stormwater Handbook.

[4R] The Division agrees that a stormwater management "system" is not necessary but has recommended that best management practices be incorporated into the project. The Division feels strongly that providing the rip rap slope and level spreader will be a net benefit to the resource and site overall. With limited available space and the proposed design components (namely the gabion basket retaining wall), it will be beneficial to the site and resources to guide stormwater to a location for velocity dissipation. This will ensure longevity to the proposed wall, roadway, and slopes meanwhile protecting the resource. We strongly feel like if the rip rap slope and spreaders are not included the site would see unfavorable washouts and erosion.

[5] No alternatives analysis was included in the NOI for the Riverfront Area work. It does appear that more RFA is proposed to be altered than is required for completing the project purpose. The NOI has been submitted as a limited project which still requires compliance with the performance standards to the maximum extent practicable. Under new development, one cannot claim that the work is a rehabilitation of existing developed areas. A forested area is not a developed area nor is it degraded.



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[5R] An Alternatives Analysis was provided with the Notice of Intent, in Section 5 of the written narrative, on pages 5-1, 5-2 and 5-3. With that said, the applicant and representative feel as if the limited project meets the performance standards to the maximum extent practicable.

This project is not a new development. The road and bridge exist in place today and likely were inherited upon acquisition of the property in 1938, well before the 310CMR was in place.

Regarding the disturbance area in the Riverfront: the applicant and representative feel like the limit of work shown on the plans is a realistic expectation for the proposed work. Not all area within the limit of work is to be redeveloped, but the area within the limit of work provides enough space for a contractor to stage, operate and install components safely.

[6] The NOI notes that approx. 40 feet of Bank alteration will occur, which is not covered by the submitted limited project, though it may be eligible to be reviewed under 310 CMR 10.53(3)(i). The NOI should clearly highlight where this work will occur. Will there be any equipment used and if so, where will it be staged? No work is proposed in LUWW which would mean no equipment or staging placed in LUWW.

[6R] The 40 feet of temporary bank alterations was noted on the application due to the complexity of the stabilization of the abutment walls. Due to the construction sequence and methods, the applicant is prepared restore both the north and south abutments back to the original intent, since they are deteriorating. The 40 feet derives from the combination of approximately 20 feet of disturbance to the southern abutment and approximately 20 feet of disturbance to the northern abutment. If, after the existing steel bridge is removed, no abutment work is necessary than there will be none completed; however, the contractor may need to stabilize the slope by fortifying the abutment and prevent further erosion all in an effort to provide a safe base for the bridge and to protect the resource.

The project was submitted with the limited project type of 310 CMR 10.53(3)(f) – *Maintenance and Improvement of existing roadways*. The DCR felt this was the most fitting of the limited project types, given the proposed road widening, less than a lane.

Given the anticipated scope of work, the project could also have been identified as a limited project type 310 CMR 10.53(3)(i) – *The Maintenance, repair and improvement of structures including dams, reservoirs and appurtenant works structures, including dams and reservoirs and appurtenant works to such dams and reservoirs, buildings, piers, towers, headwalls, bridges, and culverts which existed on the effective date of 310 CMR 10.51 through 10.60 (April 1, 1983)*.





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The Division feels that the proposed improvements to restore up to 40 linear feet of existing stone abutment wall and temporary BVW disturbance are consistent with and eligible to be reviewed under the limited project status.

Conservation Commission: Please advise if it is appropriate to add the or amend the Limited Project Type to better reflect the scope of work.

There will be equipment used for this project. Any equipment not in use will be staged in the stockpile area to the south of the project, 100'+ from Camel Brook.

There is no work proposed in LUWW; therefore, no equipment or staging will be required in LUWW.

