



COMMONWEALTH OF MASSACHUSETTS  
 EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS  
 DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 WESTERN REGIONAL OFFICE  
 436 DWIGHT STREET, SPRINGFIELD, MA 01103 413-784-1100

CHARLES D. BAKER  
 Governor

KATHLEEN A. THEOHARIDES  
 Secretary

KARYN E. POLITO  
 Lieutenant Governor

MARTIN SUUBERG  
 Commissioner

DATE: August 31, 2020

Municipality SHUTESBURY  
 (city/town)

RE: NOTIFICATION OF WETLANDS PROTECTION ACT FILE NUMBER

The Department of Environmental Protection has received a Notice of Intent filed in accordance with the Wetlands Protection Act (M.G.L. c. 131, §40):

Applicant:	TOWN OF SHUTESBURY	Owner:	TOWN OF SHUTESBURY
Address:	1 COOLEYVILLE ROAD SHUTESBURY, MA 01072	Address:	1 COOLEYVILLE ROAD SHUTESBURY, MA, 01072

LOCUS: LOCKS POND ROAD

**This project has been assigned the following file # : WE 286-0279**

**A FILE NUMBER ONLY INDICATES THAT THE APPLICATION CONTAINS THE MINIMAL SUBMITTAL REQUIREMENTS AND IS ADMINISTRATIVELY COMPLETE - NOT THAT THE INFORMATION IN THE APPLICATION IS ADEQUATE FOR ISSUANCE OF AN ORDER OF CONDITIONS.**

Although a file # is being issued, please note the following:

[1] The Sawmill River is a Cold Water Fishery Resource. Preventing sediment from entering the water and maintaining and/or increasing shading of the water column is important to protecting this valuable resource. Coldwater streams and rivers are critical habitat for a variety of fish including rare (American Brook Lamprey, Longnose Sucker, Lake Chub) and recreationally-important (Brook Trout) species.

[2] DEP guidance on dewatering activities will be provided in the file number notification email. During dewatering, aquatic organisms (fish, salamanders, crayfish, mussels) that may be stranded during dewatering should be preserved.

[3] The NOI report fails to include sufficient bankfull width information for determining compliance to the maximum extent practicable for the stream crossing replacement. What should be highlighted in the NOI is what is the existing average bankfull width primarily measured at various points downstream and then how the work complies with 310 CMR 10.53(8) which doesn't appear anywhere. Streamstats information on bankfull width did not appear to be included, and the commission should note that streamstats calculated it at 32.8 feet due to the size of the watershed.

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD# 1-866-539-7622 or 1-617-574-6868.

<http://www.mass.gov/dep>  
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TOWN OF SHUTESBURY  
 1 COOLEYVILLE ROAD  
 SHUTESBURY, MA 01072

[4] A worksheet to assist the parties in understanding compliance with 310 CMR 10.53(8) will be provided in the file number notification email. What is the cost difference between the proposed crossing and an open bottom box culvert of the proposed size and a larger size? This question and others the commission has the legal ability to ask. 310 CMR 10.53(8)(a) states that "If the project includes replacement of an existing non-tidal crossing, the applicant demonstrates to the satisfaction of the Issuing Authority that the crossing complies with the Massachusetts Stream Crossing Standards to the maximum extent practicable".

[5] No information was apparently included in the NOI showing a construction sequence, how the work will be done or time of year it will be done, clearly not done during high flow conditions. The commission needs to understand how the work will be done during the NOI process. A PCN is likely needed from the Army Corps of Engineers unless sufficient information is provided showing only an SV is needed.

[6] In order to provide appropriate water depths and velocities at a variety of flows and especially low flows it is necessary to reconstruct the streambed within the structure. It is important that a continuous thalweg (deepest portion of the channel) be maintained through the structure. When constructing the streambed special attention should be paid to the sizing and arrangement of materials within the structure.

[7] The NOI notes that 25 s.f. of BVW will be lost in the work, no replication is proposed. Is the BVW to be lost in a fingerlike projection? The work is eligible to be reviewed as a limited project per 310 CMR 10.53(3)(i) at the discretion of the commission and to waive full compliance with the standards that cannot be met, however, the applicant must still attempt to comply.

[8] The table of contents shows a stormwater report to be included under separate cover, but no copy was provided to MassDEP. If no new point source is proposed, then not subject to the stormwater standards.

If you have any questions regarding this letter, please contact: MARK STINSON @ (413)-755-2257

Cc: Shutesbury Conservation Commission, TOWN HALL, Shutesbury, MA, 01072  
Owner: TOWN OF SHUTESBURY, 1 COOLEYVILLE ROAD, SHUTESBURY, MA, 01072  
Representative: NITSCH ENGINEERING, 2 CENTER PLAZA, BOSTON, MA, 02108