



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Emergency Certification Form

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

Shutesbury General Wetlands Protection Bylaw

A. Emergency Information

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



Issuance From: Shutesbury Conservation Commission
Issuing Authority

1. Site Location: Shore Drive, near 42.506701/-72.427679

2. Reason for Emergency:
collapsing culvert and flooding due to wetland impoundment

3. Applicant to perform work: Clark Excavating on behalf of Lake Wyola Association

4. Public agency to perform work or public agency ordering the work to be performed:
Emergency determined by Shutesbury Emergency Management Director

5. Date of Site Visit:	Start Date:	End Date*:
<u>10/3/23</u>	<u>10/6/23</u>	<u>11/1/23</u>

* no later than 30 days from start date or 60 days in the case of an Immediate Response Action approved by DEP to address an oil/hazardous material release.

6. Work to be allowed*:
establishment of erosion controls per Special Conditions must be in place before commencement of any other work; upon completion of replacement, riprap shall be applied all exposed slopes and repair of the stone headwalls completed; applicant shall remove damaged 12 inch pipe and replace with a 15" pipe; pipe must be embedded 25% into stream bed to meet stream crossing standards; gravel road surface to be replaced with at least 12 inches of cover height. No hay to be used in erosion controls;

* May not include work beyond that necessary to abate the emergency.



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B. Signatures. See attached Certificate of Vote for digital signatures.

Certified to be an Emergency by this Issuing Authority.

Shutesbury Conservation Commission, approval by Chair

Signatures:

Miriam DeFant

Signature

Miriam DeFant

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

A copy of this form must be provided to the appropriate DEP Regional Office.

C. General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Emergency Certification or subject to enforcement action.
2. This Emergency Certification does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of property rights.
3. This Emergency Certification does not relieve the applicant or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. Any work conducted beyond that described above, and any work conducted beyond that necessary to abate the emergency, shall require the filing of a Notice of Intent.
5. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Emergency Certification at reasonable hours to evaluate compliance with this Certification, and may require the submittal of any data deemed necessary by the Conservation Commission or the Department for that evaluation.
6. This Emergency Certification shall apply to any contractor or any other person performing work authorized under this Certification.
7. No work may be authorized beyond 30 days from the date of this certification without written approval of the Department.



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D. Special Conditions

See attached Special Conditions.

E. Appeals

The Department may, on its own motion or at the request of any person, review: an emergency certification issued by a conservation commission and any work permitted thereunder; a denial by a conservation commission of a request for emergency certification; or the failure by a conservation commission to act within 24 hours of a request for emergency certification. Such review shall not operate to stay the work permitted by the emergency certification unless the Department specifically so orders. The Department's review shall be conducted within seven days of: issuance by a conservation commission of the emergency certification; denial by a conservation commission of the emergency certification; or failure by a conservation commission to act within 24 hours of a request for emergency certification. If certification was improperly granted, or the work allowed thereunder is excessive or not required to protect the health and safety of citizens of the Commonwealth, the Department may revoke the emergency certification, condition the work permitted thereunder, or take such other action as it deems appropriate.

CERTIFICATE OF VOTE AUTHORIZING SIGNATURES PURSUANT TO M.G.L. c.110G

On May 14, 2020, the Shutesbury Conservation Commission met in open session through publicly accessible video-conference software, pursuant to the "Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20," issued by Governor Charles D. Baker on March 12, 2020. At this duly held meeting, the following action was taken:

Motion: Shutesbury Conservation Commission hereby recognizes and accepts the provisions of M.G.L. c.110G regarding electronic signatures and that its members will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight and effect. Motion was seconded.

Roll Call vote:

Commissioner Penny Jaques: aye

Commissioner Russ Mizula: aye

Commissioner Robin Harrington: aye

Commissioner Liam Cregan: aye

Vote was Unanimous

The above is a true and accurate account of the proceedings of the Conservation Commission.

Title/Signature: Alice P. Jaques Date: 20 May 2020

Commonwealth of Massachusetts
County of Franklin, ss.

On this 20 of May, 2020, before me, personally appeared Alice P. Jaques, Chair of said Conservation Commission, as aforesaid, and proved to me through satisfactory evidence of identification, which was Personally Known to me to be the person whose name is signed on the preceding document, and acknowledged to me that she signed it voluntarily for its stated purpose on behalf of the Town of Shutesbury.

Susan Mosher

Notary Public

My Commission Expires: 4/1/2022

Certified by Town/City Clerk:

Susan Mosher

Date: May 20 2020



SHUTESBURY CONSERVATION COMMISSION
SPECIAL CONDITIONS FOR EMERGENCY CERTIFICATION
SHORE DRIVE CULVERT REPLACEMENT

Landowner/Applicant: Lake Wyola Association

Contractor: Clark Excavating

Date: October 6, 2023

Statement of Jurisdiction: The proposed work shall occur in the Bank of an Intermittent Stream, in Land under a Waterway or Waterbody, Bordering Vegetated Wetlands, and in the 100-foot Adjacent Upgradient Resource Area (AURA) of said wetland Resource Areas. The Intermittent Stream is a protected Resource Area under both the Wetlands Protection Act and the Shutesbury General Wetlands Protection Act. Proposed work include work in Land Under Waterways and Waterbodies and Bordering Vegetated Wetlands, which are protected under the Wetlands Protection Act. The Intermittent Stream, Land Under Waterways and Waterbodies, Bordering Vegetated Wetlands, and the 100-foot AURA are protected Resource Areas under the Shutesbury General Wetland Bylaw.

The Applicant proposes to replace a partially collapsed culvert on Shore Drive, a privately owned road. The Shutesbury Emergency Management Director has determined that the road conditions are an imminent threat to public health and safety.

The Conservation Commission inspected the site on 10/3/23.

Special Conditions

1. The Applicant shall provide a copy of these Special Conditions to the person or persons supervising the activity that is the subject of these Special Conditions and will be responsible for ensuring that all persons performing the permitted activity are fully aware of the terms and conditions of these Conditions.
2. Any person performing work on the activity that is the subject of these Conditions is individually responsible for understanding and complying with the requirements of these Conditions per the WPA and Shutesbury General Wetland Protection Bylaw.
3. Forty-eight (48) hours before the commencement of the work, the Applicant shall notify the Conservation Commission, the Shutesbury Town Administrator, Shutesbury Emergency Management Director, and all residents who depend upon Shore Drive Road access. The Conservation Commission shall be notified via email at concom@shutesbury.org.
4. Erosion controls and a dewatering system shall be installed prior to the excavation. Erosion controls shall consist of either a stone check dam or staked straw bales of sufficient size to slow velocity of concentrated flows and remove sediments until the new culvert is in place and is receiving flow. Additionally, staked straw bales, straw wattles, erosion socks filled with mulch (not hay), or similar material shall be installed downstream to remove sediments from flowing water.
5. The Applicant shall submit photographs of the erosion controls to the Conservation Commission via email before the commencement of any further work.
6. The Applicant shall undertake all reasonable additional efforts to contain sediments and prevent erosion.
7. Construction may only take place on a day on which there is a low probability of precipitation.
8. Additional erosion controls and dewatering methods may be necessary based upon site conditions. The Applicant shall be responsible for monitoring site conditions, promptly repairing or replacing erosion materials until the site is completely stabilized, and using dewatering methods should there be a high risk of erosion and sedimentation.

9. Excavation and removal of the culvert shall be accomplished in as controlled a manner as possible, to minimize the release of sediments into the wetland on both sides of the road.
10. The Applicant shall make all practicable efforts to meet the Massachusetts Stream Crossing Standards in terms of openness, embedment, crossing span, and use of any substrate. The culvert pipe must be embedded at least 25% below the stream bed. The culvert pipe must span at least 1.2 times the bankfull width of the stream.
11. No perched inlet or outlet in the crossing above the stream bottom shall be permitted.
12. Any stockpiles of unconsolidated materials on site shall be double-tarped if not to be used on the same day.
13. Any excess materials shall not be disposed of in Protected Wetland Resource Areas, drainage ditches and swales, streambanks, or within 100 feet of any area subject to the jurisdiction of the Conservation Commission.
14. Exposed banks and swales shall be armored with angular rock.
15. No storage of fuel or refueling of machinery make take place within 100 feet of any Protected Resource Area.
16. The Applicant shall monitor the water conditions during and after the work until the water level has stabilized. Should any unintentional sudden release of water or sediments occur, the Applicant shall notify the Commission by a telephone call to the Conservation Commission Chair.
17. Pre-existing vegetation shall be preserved to the maximum amount possible.
18. Ground disturbance shall be minimized to the maximum amount possible.
19. The Applicant shall notify the Commission by email within 24 hours of the completion of the work and shall arrange a post-construction site visit with the Commission to review site conditions.
20. If any change is made in the submitted plan which may or will alter an area subject to protection under the WPA, 310 CMR 10.00, the Shutesbury General Wetlands Protection Bylaw, or its Wetlands Bylaw Regulations, the Applicant shall inquire from this Commission or its agent, prior to implementing the change in the field. Any errors in the plans or information submitted by the Applicant shall be considered changes and the above procedures shall be followed.
21. **Ongoing Conditions: the Applicant shall be responsible for monitoring the conditions at the culvert on a regular basis and performing all required maintenance.**

Permission for Site Visit given by: N/A

(Owner, applicant, other)

Date permission given: _____ Permission received by: _____

**Shutesbury Conservation Commission
Site Visit Summary**

Observation Date: 10/3/23 **Time:** 5:30 pm

Project Address/Location: Shore Drive

Applicant(s): Lake Wyola Association

DEP/Permit File#: _____

Type of Project: emergency culvert replacement

Attended:

Commissioners: Miriam DeFant

Applicant(s)/Owner/Representative: _____

Abutters/Others (require landowner's permission): Janice Stone (SCC consultant)

Purpose of Visit: (check all apply)

- | | |
|---|--|
| <input type="checkbox"/> Building Permit Application | <input type="checkbox"/> Verify erosion controls |
| <input type="checkbox"/> To assess whether RDA or NOI is required | <input type="checkbox"/> Emergency Certificate |
| <input type="checkbox"/> As part of RDA meeting | <input type="checkbox"/> Monitor Order of Conditions |
| <input type="checkbox"/> As part of NOI hearing | <input type="checkbox"/> Request to amend Order of Conditions |
| <input type="checkbox"/> Verify staked boundaries | <input type="checkbox"/> Request for Certificate of Compliance |
| <input type="checkbox"/> Pre-construction site visit | <input type="checkbox"/> Work done without permit |

Other (describe): _____

Type of Resource Areas/Buffer Zones: (list)

Small partially collapsed culvert under dirt road; intermittent stream crossing; large BVW or marsh on upstream side is flooded due to impounded Road has a gravel surface; road is low relative to the wetlands; stone headwalls are in disrepair.

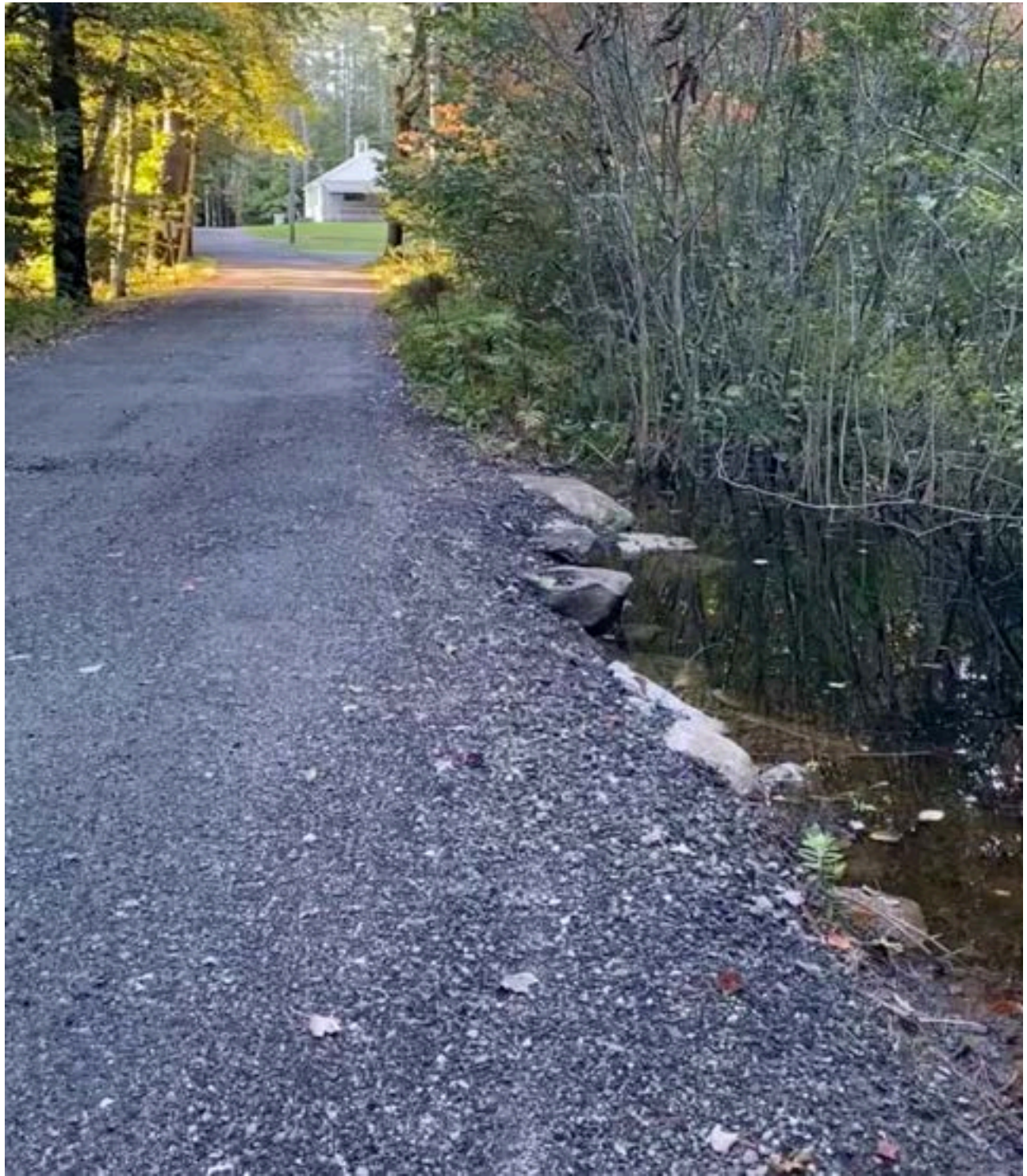
Recommendations:

Approve emergency work with erosion controls and conditions to ensure proper embeddedness and cover height.

Prepared by: Miriam DeFant, Commissioner
Name Title

Note: Consider relevant aspects or features such as natural or piped drainage or obvious pollution, topography, alternative locations, existing vegetation, signs of wildlife, vernal pools, rare species habitat, proximity to water bodies or drainage areas, landmarks, recent or historical disturbances, adjacent land use. Very information presented, identify problems and potential solutions.

Site visit Preamble: Pursuant to the MA Open Meeting Law, the Commission performs site visits only for the purposes of observing conditions, collecting information, and providing guidance to applicants. Decisions, approvals, and denials can be made only by the Commission at a properly advertised public meeting or hearing. Site visit discussions with Commissioners should be kept to a minimum and should in no way be construed to result in final decisions of any kind.

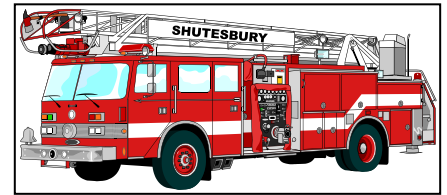








**Shutesbury
Fire Department**
P.O. Box 295
42 Leverett Road
Shutesbury, MA 01072
(413) 259-1211
E-mail firedept@shutesbury.org



Fire Chief
Leonard T. Czerwonka

October 6, 2023

To whom it may concern:

I was notified about a collapsing culvert yesterday at the beginning of Shore Drive. After visiting the location, it became apparent that it has a high potential to become a dangerous condition to all the residents who live on Shore Drive and Pine Drive. If the culvert collapses any further it will cause water to go over the road and make the road impassable for rescue vehicles. Emergencies can happen at the worst times and culvert replacements can and will have delays. It's imperative this culvert be replaced before an emergency happens. It is recommended that the replacement culvert and site work around the area be done properly so the culvert doesn't collapse again in the future.

Sincerely
Leonard Czerwonka
Shutesbury Fire Chief,
Emergency Management Director.

Shore Dr potential emergency situation

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George Abdow

Tue, Oct 3, 11:55 AM
(2 days ago)

to me

Hello,

One of the drain culverts that goes under the road just after you pass, the association has collapsed and it is severely restricting water flow from the upper side, only lower side of the road.

I have had Dennis Clarke look at the situation and he believes he would be able to fix this in one day by taking out the old pipe and replacing the new pipe.

The reason for it being a potential emergency is that if the plate becomes fully blocked, it could lead to washing out the road and preventing the residence and emergency vehicles from accessing the houses on the street.

Attached are some photos and videos of the situation

Please let me know your thoughts on this matter.

Sincerely,

George Abdow.

Re: Shore Dr potential emergency situation

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George Abdo

Tue, Oct 3, 8:23 PM
(2 days ago)

to me

Hello
Thanks for your quick response.

The issue seems to be with items getting stuck in pipe since it's crushed and really not clear able

The pipe Clark is suggesting is double the capacity and not crushable like the current

As it would be a 1 day job to do the replacement, and the area is so flat there is rally no chance of erosion.

We can try to pump the water before doing the job, but I don't think it will really accomplish anything

My fear as fall leaves etc come it will eventually get totally clogged

The thing with a temporary solution doesn't seem to make sense since it is a 1 day job to replace the pipe.

Thanks for your help

Re: Shore Dr potential emergency situation

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George Abdo

Wed, Oct 4, 9:45 PM
(14 hours ago)

to me

Hello Again,

I have attached a map with the location of the crushed pipe.

The current pipe is 12 inch single wall drain pipe.
The proposed pipe is 15 inch double wall reinforced pipe.
The head walls to the pipe would be stone same style as existing.

Contractor (WW Clark) says removal and replacement of pipe would take 1 day, and the road would need to be closed.

After the replacement, then the headwalls and areas would be worked on.

Please let me know if there is anything else.

Appreciate your guidance and assistance in this matter,

George Abdow



COVE ROAD

SHORE DRIVE

Pipe under Road

ZB-331

ZB-316

ZB-308

ZB-323

ZB-293

ZB-325

26s

30s

43s

15s

74s

297

292

50

25

25

50

50

50

50

50

14s

166

166

23s

16

110

124.4

150.7

75.4

71.8

75.4

83

107.6

132.7

B-315

B-311

B-310

B-309

B-308

B-307

B-306

B-305

B-304

B-299

B-331

B-333

B-334

B-335

B-336

B-316

B-317

B-318

B-319

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B-321

101.5

B-322

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B-323

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B-324

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B-325

101.3

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50

268s

143

B-322

410d 447s

862

67.6

370d 410.3s

66.3

51.2

Shore Drive Culvert



NHESP Estimated Habitats of Rare Wildlife



DEP Wetlands Detailed

- Barrier Beach System
- Barrier Beach-Deep Marsh
- Barrier Beach-Wooded Swamp Mixed Trees
- Barrier Beach-Coastal Beach
- Barrier Beach-Coastal Dune
- Barrier Beach-Marsh
- Barrier Beach-Salt Marsh
- Barrier Beach-Shrub Swamp
- Barrier Beach-Wooded Swamp Coniferous
- Barrier Beach-Wooded Swamp Deciduous
- Bog
- Coastal Bank Bluff or Sea Cliff
- Coastal Beach
- Coastal Dune
- Cranberry Bog
- Deep Marsh
- Barrier Beach-Open Water
- Open Water
- Rocky Intertidal Shore
- Salt Marsh
- Shallow Marsh Meadow or Fen
- Shrub Swamp
- Tidal Flat
- Wooded Swamp Coniferous
- Wooded Swamp Deciduous
- Wooded Swamp Mixed Trees

Property Tax Parcels