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November 3, 2014

Tom Tidman, Natural Resources Director

Acton Conservation Commission

472 Main St.

Acton, MA 01720

VIA EMAIL: ttidman@acton-ma.gov

Re: Notice of Intent, 12 Summer Street, Acton

Subject: 2nd Review Letter – Field Evaluation

Dear Mr. Tidman and Commission Members:

As requested, on October 29, 2014, I conducted a review of the wetland delineation flags at the 12 Summer Street property. I conducted this review with Scott Goddard of Goddard Consulting. Mr. Goddard explained that the flagging on the current (rev 6/18/2014) Notice of Intent (“NOI”) plan represents Goddard flagging with several revisions previously requested by the Commission. Based upon my field review of the flagging, I offer the following comments:

Mean Annual High Water (“MAHW”) flagging: In the vicinity of the proposed work, Muddy Brook has distinct banks and the MAHW flagging is straightforward, in my opinion. Therefore, it is my opinion that the boundary of Riverfront Area shown on the NOI plans is in accordance with the Regulations at 310 CMR 10.58.

Bordering Vegetated Wetland (“BVW”) flagging: I reviewed the BVW boundary in accordance with the Regulations at 310 CMR 10.55(2)(c) which states that “The boundary of Bordering Vegetated Wetlands is the line within which 50% or more of the vegetational community consists of wetland indicator plants and saturated or inundated conditions exist.” The methodology used to delineate Bordering Vegetated Wetlands is further described in: (1) the BVW Policy “*BVW: Bordering Vegetated Wetlands Delineation Criteria and Methodology*,” issued March 1, 1995; and (2) “*Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act: A Handbook*,” produced by MADEP, dated March 1995. I offer the following comments relative to the BVW boundary on the NOI plans (with proposed revisions all to designate a more conservative BVW boundary, accepted and flagged by Mr. Goddard):

- Revise flag A-13;
- Revise flag A-19;
- Revise flag A20;
- Connect revised A-20 to A-23 (i.e., eliminate A-21 and A-22);
- Show on plan ConCom revised location of A-41 (not plotted on current plan);

- Plot A-37 and A-38 [I agreed with the location of these flags in the field, but they are not plotted on the NOI plan; failure to plot these flags overstates the amount of proposed BVW fill];

Plan comments:

- Flag A-34 @ Section D-D: The staking of the proposed driveway in the field and the plan do not correspond to each other. The plan indicates that the driveway centerline is at the BVW boundary, while the centerline staking indicates that the driveway is located approximately 15 feet east (upgradient). If the staking (and not the plan) is correct, then the proposed BVW fill calculation overstates the proposed BVW fill;
- Section D-D does not depict the proposed lower retaining wall (elev 90 – 92.5) that appears on the plan;
- Section E-E appears to depict the lower retaining wall (elev 90-93.5) but it is not labeled;

Wetland Replication Area:

- I previously commented regarding proposed mitigation details; these outstanding comments are (briefly):
 - the proposed soils and vegetation in the replication area;
 - the need to make consistent the proposed mitigation narrative and plans;
 - footpath and haybale restoration details;
- While on the site inspection I observed that the proposed replication area would require removal of a substantial number of trees, while an alternative location would result in the cutting of minimal woody vegetation. At my request, Mr. Goddard flagged the proposed alternative location, for survey and area calculation by the R. Wilson Assoc. I recommend that this alternative replication area be considered.

I hope that this information is helpful. Please contact me if you have any questions concerning this or other matters. I will review these issues with the Commission at the 11/4/2014 site walk.

Sincerely,



Paul J. McManus, LSP, PWS
President

Acton SummerSt.12 NOI Review 2 2014.11.030.28

cc: Goddard Consulting – by email