

Wendell Wetland Services

105 Montague Road
Wendell, MA 01379
(978) 544-5607
ward.ves@gmail.com

August 18, 2023

Ms. Maureen Pollock, Town Planner and Conservation Agent
Montague Conservation Commission
One Avenue A
Turners Falls, MA 01376

RE: *Request for Determination of Applicability*, 82 Chestnut Hill Loop, Montague

Dear Ms. Pollock and Commission Members:

On behalf of Lance Kirley of Classic Colonial Homes, enclosed please find two copies of a *Request for Determination of Applicability* for the above referenced project.

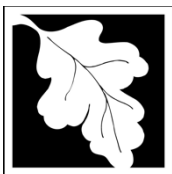
As shown on the enclosed Site Plan, it is proposed to reconstruct and expand the existing single family home on the property. Prior to construction, sediment and erosion control will be installed between the work and the wetlands. All demolition debris will be removed from the site. No work will take place within 50 feet of the wetland boundary.

We respectfully request that the Commission issue a "negative" *Determination of Applicability*, along with any special conditions that you deem necessary in order to protect the Interests Identified in the Act.

Sincerely,
Wendell Wetland Services

Ward W. Smith, SPWS
Senior Professional Wetland Scientist

cc: Mark Stinson, DEP (via email)



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

Montague

City/Town

WPA Form 1- Request for Determination of Applicability

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

A. General Information

Important:

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



1. Applicant:

Lance Kirley

Name

lance@classiccolonialhomes.com

E-Mail Address

123 Meadow Street

Mailing Address

Florence

City/Town

MA

State

01062

Zip Code

(413) 335-1185

Phone Number

Fax Number (if applicable)

2. Representative (if any):

Wendell Wetland Services

Firm

Ward W. Smith

Contact Name

ward.ves@gmail.com

E-Mail Address

105 Montague Road

Mailing Address

Wendell

City/Town

MA

State

01379

Zip Code

(978) 544-5607

Phone Number

Fax Number (if applicable)

B. Determinations

1. I request the Montague make the following determination(s). Check any that apply:
Conservation Commission

- ☐ a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- ☐ b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- ☒ c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- ☐ d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

Name of Municipality

- ☐ e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).



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C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

82 Chestnut Hill Loop

Street Address

Montague

City/Town

53

Assessors Map/Plat Number

43

Parcel/Lot Number

- b. Area Description (use additional paper, if necessary):

- c. Plan and/or Map Reference(s):

Topographic/Wetland Location for Chestnut Loop Realty, LLC by Harold L. Eaton and Associates

Wetland Delineation Report by WWS

Title

8/7/2023

Date

6/19/2023

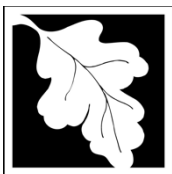
Date

Title

Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

The project is for the renovation of an existing antique home. It is proposed to remove the existing ell and garage, and to build a new residential house and garage addition with a full foundation. The original home and garage footprint will be expanded to accommodate the new construction. Prior to construction, sediment and erosion control will be installed between the work area and the wetlands.



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C. Project Description (cont.)

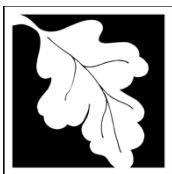
b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

The proposed project is more than 50 feet from the wetlands and will not "alter" them.

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- ☐ Single family house on a lot recorded on or before 8/1/96
- ☐ Single family house on a lot recorded after 8/1/96
- ☐ Expansion of an existing structure on a lot recorded after 8/1/96
- ☐ Project, other than a single-family house or public project, where the applicant owned the lot before 8/7/96
- ☐ New agriculture or aquaculture project
- ☐ Public project where funds were appropriated prior to 8/7/96
- ☐ Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- ☐ Residential subdivision; institutional, industrial, or commercial project
- ☐ Municipal project
- ☐ District, county, state, or federal government project
- ☐ Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



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D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Chestnut Loop Realty LLC

Name

82 Chestnut Hill Road

Mailing Address

Montague

City/Town

MA

State

01351

Zip Code

Signatures:

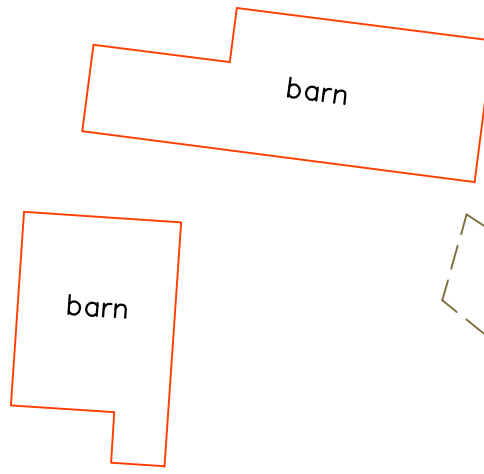
I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Signature of Applicant

Date

Signature of Representative (if any)

Date



SCALE: 1"=30' AUGUST 7, 2023
HAROLD L. EATON AND ASSOCIATES, INC.
REGISTERED PROFESSIONAL LAND SURVEYORS
235 RUSSELL STREET - HADLEY - MASSACHUSETTS
413-584-7599 413-585-5976 (fax)
email - hleaton@aol.com



Wendell Wetland Services

105 Montague Road
Wendell, MA 01379
(978) 544-5607
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June 19, 2023

Mr. Lance Kirley
Classic Colonial Homes
123 Meadow Street
Florence, MA 01062
Via electronic mail

Re: Wetland Delineation, 82 Chestnut Hill Loop, Montague

Dear Mr. Kirley:

As requested, Wendell Wetland Services (WWS) visited the above referenced site today in order to delineate all wetlands in the vicinity of the existing single family home. All wetlands in this area that are protectable under the Massachusetts Wetlands Protection Act (M.G.L. chapter 131, section 40) and Regulations (310 CMR 10.00) have been marked in the field with consecutively numbered pink “wetland delineation” flagging tape or stake-flags. While the wetland boundary has been accurately identified, only the Montague Conservation Commission, or the Massachusetts Department of Environmental Protection (DEP) on appeal under State law, can make the final determination of the extent of the wetland resource areas on the site.

Delineation Methodology

The methodology employed in delineating the “bordering vegetated wetland” boundary utilized both vegetation and hydrology as outlined in the Regulations at 310 CMR 10.55 and in the DEP handbook *Massachusetts Handbook for the Delineation of Bordering Vegetated Wetlands, Second Edition* (2022). Hydrophytic Vegetation was based upon the US Fish and Wildlife Service’s *National List of Plant Species that Occur in Wetlands* (2020), as well as all plant species listed in the Act. Wetland hydrology includes a high water table, water-stained leaves, and hydric soils. Hydric soils were determined based upon the interagency document *Field Indicators for Identifying Hydric Soils in New England, Version 4* (2019).

Site Description

The property subject to my delineation is located to the south of Chestnut Hill Loop, and contains a paved driveway, lawn area, a single family home, and out-buildings.

To the north of the existing dwelling is a well-defined stream channel. Near the paved driveway, the stream flows within defined banks that are made of fitted stone, while to the east there is a narrow wetland bordering on the stream that is vegetated by yellow birch (*Betula allagheniensis*), cinnamon fern (*Osmundastrum cinnamomeum*), and sedges including fringed sedge (*Carex crinita*). Flags A-1 to A-16 mark the bank and wetland

boundary east of the driveway, while flags C-1 to C-3 mark the bank of the brook to the west.

There is another wetland system to the east and south of the existing house that abuts the lawn in places. This area is vegetated by red maple (*Acer rubrum*), cinnamon fern, and peat moss (*Sphagnum* spp.), and contains a very small intermittent stream within it. Flags B-1 to B-23 mark the wetland boundary.

There is a man-made pond to the west of the driveway which receives water from the "A" and "C" intermittent stream system. Flags D-1 to D-15 mark the bank of the pond.

Wetland Resource Areas

Under the state Regulations (310 CMR 10.00), wetlands are broken up into different resource areas, each of which is regulated in a slightly different manner. The delineated wetlands contain the following resource areas, to which there is a 100 foot buffer zone:

- * Bank (10.54);
- * Bordering Vegetated Wetland (10.55);
- * Land Under a Waterway (10.56).

The stream on the site is shown as intermittent on the most recent USGS quadrangle. Therefore, as required by the Regulations, the USGS *Streamstats* Program was run at a point well downgradient of the project area. Since the watershed for the stream at this downstream location is only 0.31 square miles, well below the 0.5 square mile threshold for a potentially perennial stream, there should not be any 200 foot "Riverfront Area" associated with the stream in the project area.

Project Planning

It is my understanding that the proposed project is the reconstruction of the connector and expansion of the existing garage. First, you should have the wetland boundaries surveyed and plotted onto a site plan showing all proposed work. Sediment and erosion control should be shown on the site plan that is adequate to protect the downgradient wetlands from sedimentation during construction.

Limited work in the buffer zone may, at the Commission's discretion, be approved after the filing of a *Request for Determination of Applicability* (WPA form 1) along with the site plan. More extensive work, or any work that will "alter" wetlands, requires the filing of the more complicated *Notice of Intent* (WPA form 3).

The site does not fall within the *Estimated Habitats of Rare Wildlife* or *Priority Habitats of Rare Species* according to the most recent online mapping. Therefore, unless new information becomes available, you should not have to make any filing with the Natural Heritage and Endangered Species Program.

Please feel free to contact me if you have any questions regarding my delineation.

Sincerely,
Wendell Wetland Services

Ward Smith, SPWS
Senior Professional Wetland Scientist