

Andrews Survey & Engineering, Inc.

Land Surveying • Civil Engineering • Site Planning

September 8, 2016

Norfolk Conservation Commission
John Weddleton, Chairman
Norfolk Town Hall
One Liberty Lane
Norfolk, MA 02056

**Re: Wetland Review Comment Responses
Lakeland Farms – Chapter 40B
84 Cleveland Street, Norfolk, MA 02056
ASE Project #2014-111**

Dear Members of the Commission:

Andrews Survey & Engineering, Inc. (“ASE”) has received comments submitted to your office by Wetland Strategies, Inc., (WSI) dated August 25, 2016 from their review of the above referenced project. The promptness of their review is appreciated. ASE responses to peer review comments have been provided in **bold** font below. The comment numbering has been maintained.

Wetland Strategies, Inc. (WSI) has completed its review of the Revised Notice of Intent dated August 10, 2016 filed by Andrews Survey & Engineering, Inc. (QSE) for the proposed construction at the above referenced site. Revised plans, dated August 10, 2016, have also been submitted and reviewed. Pursuant to a review of the revised documents, WSI offers the following comments and recommendations.

- A stream is present within the wetland, located near wetland flag 34R. The stream continues to flow south towards the adjacent pond. WSI suggests that the stream channel be shown on the revised plans.

Although an intermittent stream may be present within the wetland near wetland flag 34R, there will be no additional impacts to the associated buffer zone of the stream. The buffer zone shown on the revised site plan from the BVW line represents the outer limits of the resource areas.

- The wetland located to the west of the site (the Butters land) has not been delineated. The buffer zone to the wetland will encroach onto the subject site and the extent of the buffer zone cannot be determined without a complete and accurate delineation of the BVW.

The approximate location of the wetlands delineated on the Butters land is shown on the revised site plan as well as the associated buffer zones to the delineated BVW. The proposed work will be within the buffer zone only and there will be no additional impacts to wetlands. Being that there is proposed work only in the buffer zone to the BVW on the Butters land, the project design did not change in the vicinity of this newly delineated line.

- A new area of BVW, shown on the plans as wetland flags 25A – 25D is identified as Land Under Water. WSI disagrees that the area is Land Under Water and opines that this area is more accurately identified as part of the BVW. Moreover, the area is proposed to be filled and then restored. There are no further details regarding the restoration of said area and the revised plans show fill will remain in that area.

While we agree that wetland vegetation is present, between wetland flags 25A - 25D, this area is not Bordering Vegetated Wetland. The area was dug out for access to the adjacent pond with the bottom at an elevation similar to the adjacent pond. This makes the top of the cut, “bank” by definition. The vegetation occurs below the top of bank. In the Commonwealth of Massachusetts Wetlands Protection Act (Chapter 131 section 40), bank is defined as occurring "between a water body and a vegetated bordering wetland and adjacent flood plain, or, in the absence of these, it occurs between a water body and an upland". By definition, BVW is only present above the bank. Vegetation located below the top of bank is not defined as BVW. This definition has been upheld in several DEP Superseding and adjudicatory findings. Therefore, the area that was dug out to connect to the pond caused the pond to become extended into this area making the area Land Under a Waterbody. Since there is no wetland vegetation above the top of bank, there is no BVW present by definition. By definition then, filling this area is not any additional alteration of Bordering Vegetated Wetland.

The area shown on the plans as wetland flags 25A-25D is being proposed to be filled, without any requirement to be replicated. The area will be filled as part of the grading associated with the infiltration basin and will be seeded with New England Showy Wildflower mix as shown on the Landscape Plan (sheet L-1.0).

2. The revised plans and NOI detail the extent of the riverfront area on the site. Filing fees reflect that the filing fee has been amended to account for the limited work proposed within the riverfront area. Given the relatively minor work proposed to occur in the riverfront, WSI questions whether all work could be eliminated from the riverfront area. The revised NOI does not adequately address whether the proposed grading in this area could be re-designed to eliminate all work in the riverfront area.

The proposed grading associated with the infiltration basin has been revised to pull away from the wetland to provided adequate room to be able to construct the basin. The infiltration basin cannot be configured to keep all work outside of the riverfront area because of separation to groundwater from the bottom of the infiltration basin to meet Massachusetts Stormwater Management Standards. Essentially, the basin cannot be moved further from the wetland up gradient because the required groundwater separation cannot be met. In addition, the proposed work within the riverfront area consists of a small portion of the riprap associated with proposed emergency spillway and tree cutting in order to construct the infiltration basin. The Wetlands Protection Act (WPA) allows alteration of the riverfront area of up to ten (10) percent of the total riverfront area onsite. The proposed project alters two and a half (2.5) percent of the total riverfront area onsite, well under the ten (10) percent allowed under the WPA.

3. The proposed siltation barrier is shown as located within the wetland, from wetland flag WF 20 to WF28 and from WF 3 to WF15. WSI suggests the erosion control be located outside of the wetland, and with enough distance so as to protect the wetland during installation and maintenance.

The erosion control barrier has been proposed in close proximity to, but not within the BVW shown on the plan. The proposed work, specifically grading has been moved further from the BVW line and a minimum distance of six (6) feet has provided to allow for the erosion control barrier to be placed and adequate room to perform constructions activities while staying out of the wetland. On the revised set of plans two (2) types of erosion control barrier have been proposed.

The Type B erosion control barrier containing hog wire and a high visibility fence has been proposed in areas that work will occur in close proximity to the BVW line to ensure that thw wetland remains in its present natural condition.

We hope this serves your needs at this time. Should you have any questions or require additional information, please contact this office.

Very truly yours,
ANDREWS SURVEY & ENGINEERING, INC.



Travis R. Brown
Project Engineer

Enclosure(s)

C: Wetland Strategies, Inc.
Zoning Board of Appeals
Lakeland Farms, LLC

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