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29 Nov 06

TOWN OF SCITUATE
CONSERVATION COMMISSION

TO: Rod Gaskell Sitec Corp
Fax# (781) 834-4783

AND

TO: Scituate Conservation Commission
c/o Carol Logue
fax# (781) 545-8704

Pages: 3 (including this cover)
Re: #68-1988, 126+132 Chief J. Cushing Hury

Following, please find
REVISED COMMENTS for
#68-1988, which
SUPERCEDES the comment/
file # letter dated 22 Nov 06.

The references to WRC, MEPA-ENF +
Sec 404 have been removed
because the ILSF was found
to NOT be IUV per DRAD.

The reference to Ch 91 was a mistake +
has also been removed. *Ch 91*

Revised letter also to
follow by USPS





COMMONWEALTH OF MASSACHUSETTS
 EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 SOUTHEAST REGIONAL OFFICE
 20 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508-946-2700

MITT ROMNEY
 Governor

KERRY HEALEY
 Lieutenant Governor

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 TOWN OF SCITUATE
 CONSERVATION COMMISSION

ROBERT W. GOLLEDGE, Jr.
 Secretary

ARLEEN O'DONNELL
 Commissioner

DATE: November 29, 2006

Municipality: SCITUATE

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:	JAMES MOTZKIN	Owner:	
	HERRING BROOK MEADOW LLC		
Address:	265 NEWBURY ST.	Address:	
	PEABODY, MA 01960		
LOCUS:	126 & 132 CHIEF JUSTIC		
	CUSHING HWY.		

IF CHECKED, THE FOLLOWING ITEM(S) APPLY TO THIS NOTICE OF INTENT:

This project has been assigned the following file # : SE 068-1988

**ISSUANCE OF A FILE NUMBER INDICATES ONLY COMPLETENESS OF SUBMITTAL,
 NOT APPROVAL OF APPLICATION**

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

29 Nov 06 - revised comments: SW MANAGEMENT POLICY STANDARDS 3 & 6 APPLY. STD 3 IS NOT WAIVED FOR AREAS SUBJECT TO TIDAL ACTION; RECHARGE MUST BE PROVIDED TO MATCH PRE-DEVELOPMENT CONDITIONS (SEE PGS 1-5 AND 1-17 THOUGH 1-19 IN SW HANDBOOK VOL 1). SITE IS A CRITICAL AREA (ZONE II GROUND DRINKING WATER SUPPLY), SO 1" FACTOR MUST BE USED TO CALCULATE RUNOFF VOLUMES PER STD 6, EMERGENCY CONTAINMENT OR SHUTDOWN MUST BE INCORPORATED, AND RESTRICTIONS APPLY TO TYPES OF BMPs THAT MAY BE USED (SEE POS 1-8 AND 1-25 THROUGH 1-27 OF SW HANDBOOK VOL 1).

If you have any questions regarding this letter, please contact: Christine Odiaga @ (508) 946-2836

PLEASE SEE NEXT PAGE FOR POTENTIAL ADDITIONAL APPLICABLE REQUIREMENTS

Cc: Conservation Commission: SCITUATE Conservation Commission, 600 Chief Justice Cushing Hwy
 Representative: Rod Gaskell, SITEC Environmental, Inc. 769 Plain St., Unit C

0 **Other Regulatory Jurisdiction**

1. 0 Chapter 91 license may be required. Application and transmittal available on DEP website (<http://www.state.ma.us/dep/appkits/forms.htm>) if needed contact DEP Service Center at 508-946-2714 for direct mailing or provide information why license is not required.

- 0 **401 Water Quality Certification (314 CMR 9.00) may be required.** Provided that the project meets certain conditions, summarized below from 314 CMR 9.03 and 9.04, and the conditions under the Corps of Engineers Programmatic General Permit for Massachusetts (PGP), the project qualifies for 401 Certification as certified under the PGP. Information and a copy of the PGP can be obtained from the Corps of Engineers at 1-800-362-4367.

SEE BELOW FOR FURTHER DETAILS:

- 0 **Based upon the information submitted in and with your Notice of Intent a separate 401 Water Quality Certification application form is not required. Provided that:**
- (a) activities are conducted in compliance with MGL c.131, §40 (the Wetlands Protection Act) and the Final Order of Conditions permitting the activities does not result in the loss of more than 5,000 square feet cumulatively of bordering and isolated vegetated wetlands and Land Under Water and/or the dredging of more than 100 cubic yards of Land Under Water;
 - (b) the Final Order of Conditions requires at least 1:1 replacement of Bordering Vegetated Wetlands pursuant to 310 CMR 10.55(4)(b);
 - (c) the project is not listed in 314 CMR 9.04(1) through (11) including: discharge of dredged or fill material to any Outstanding Resource Water; any part of a subdivision **unless deed restricted**, so long as the discharge is not to an Outstanding Resource Water *see 314 CMR 9.04(3)*; activities exempt from MGL c.131, §40 (except for normal maintenance and improvement of land in agricultural or aquacultural use); discharge of dredged or fill material to an isolated vegetated wetland identified as rare and endangered species habitat; loss of any salt marsh; activities subject to an individual 404 permit.

If impacts to resource areas or project size increases beyond that described in the Notice of Intent or there are discrepancies therein, you must notify the Department and request a determination that the criteria of 314 CMR 9.03 have been met before the activity may begin.

- 0 **Before the activity described in the Notice of Intent can commence, you must obtain a Water Quality Certification from this Regional Office.** Please complete a 401 Water Quality Certification application form (<http://www.state.ma.us/dep/appkits/forms.htm>) and file it with this Regional Office for review.
- 0 **Your project involves dredging of greater than 100 cubic yards of Land Under Water.** Please complete a 401 Water Quality Certification application form (<http://www.state.ma.us/dep/appkits/forms.htm>) and submit to the Department of Environmental Protection, Waterways Regulation Program, One Winter Street, Boston, MA 02108. Call the Waterways Regulation Program at 617-292-5695 with any questions.
- 0 Applicant is advised to forward a copy of the Water Quality Certification Application to the Corps of Engineers for review. (call 1-800-362-4367 for information).

