

SITEC ENVIRONMENTAL

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LETTER OF TRANSMITTAL

| | | | |
|--|--|---------|------------|
| DATE | 4/2/07 | JOB NO. | SE 03-3008 |
| ATTENTION | Carol | | |
| RE: | Herring Meadow Brook NOI supplemental info. (SE 68-1988) | | |
| RECEIVED | | | |
| APR 02 2007 | | | |
| TOWN OF SCITUATE CONSERVATION COMMISSION | | | |

TO
Scituate Conservation Commission
Scituate Town Hall
600 CJC Highway, Scituate

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| COPIES | DATE | NO. | DESCRIPTION |
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| 1 (orig) | 4/2/07 | 9 | SITEC letter report "Herring Meadow Brook - ILSF & IVW classification" |
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REMARKS _____

Dear Commissioners,

This letter report is provided as our second technical response. The first was hand delivered 3/30/07, was prepared by Peter Rosen, Ph.D. & addressed LSCSF issues. This letter report is provided to specifically address issues regarding both ILSF & IVW raised in the March 9, 2007 Horsley Witter Group review letter under item no. 1, "Isolated Land Subject to Flooding." I will be available at the 4/2/07 hearing to present this information.

COPY TO Garet Steens, Esq. _____

SIGNED Paul Haskell

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RECEIVED
APR 02 2007
TOWN OF SCITUATE
CONSERVATION COMMISSION

April 2, 2007

Conservation Commission
Scituate Town Hall
600 Chief Justice Cushing Highway
Scituate, MA 02066

RE-Herring Brook Meadow – ILSF & IVW Clarification (MA DEP File No. SE06-1988)

Dear Conservation Commission:

This letter report is intended to provide further clarification regarding 1) the previous ILSF (Isolated Land Subject to Flooding) determination made by the Conservation Commission for this property and 2) the current status of that determination as it relates to this proposed project.

DEP and Review Consultant Requests for Further Clarification

DEP, in their final File Number Form issued March 13, 2007, asked if IVW (Isolated Vegetated Wetlands) and IVW (Isolated Vegetated Wetlands) will be filled and if soil samples have been examined in the disturbed (i.e.; cultivated agricultural) areas for the

purposes of making this determination. The Horsley Witten Group (HWG), the current consultants reviewing the Notice of Intent for the Conservation Commission in this proceeding, stated under the section entitled, "1. Isolated Land Subject to Flooding" of their March 9, 2007 review letter that the "...ILSF likely qualifies as an Isolated Vegetated Wetland (IVW) under the local wetlands bylaw, as well as under the Federal *Clean Waters Act*..." HWG further stated that the, "...Commission should note that alteration of more than 5,000 s.f. of IVW will likely require additional permitting through other regulatory agencies (federal 401 WQC, federal 404 Clean Water Act and MA MEPA)..."

Well under 5000 s.f. (1,500 s. f. +/-) of IVW is proposed to be filled. The extent of IVW was previously determined under a currently valid ORAD (Order of Resource Area Determination) issued by the Commission. The field indicators (i.e.; 1. seasonal flooding, 2. greater than 50% wetlands vegetation and 3. hydric soils, all three of which are required to be present for IVW classification) were presented to and considered by the Commission in making this determination. Because the proposed alteration of IVW is well under 5000 s.f., "additional permitting through other regulatory agencies" will not be triggered by this alteration.

SITEC ILSF & IVW Field Delineation – ANRAD (MA DEP SE68-1787)

An ANRAD (Abbreviated Notice of Resource Area Delineation) was submitted to the Conservation Commission by SITEC on September 11, 2004. The ANRAD was filed under both the MA Wetlands Protection Act and the Scituate Wetlands Bylaw. A copy of the ANRAD was also filed with DEP and all abutters were notified by certified mail, as required. DEP issued the file no. SE68-1797 indicating that they received a complete copy of the ARAD and that sufficient information had been provided for the Conservation Commission to proceed with the hearing.

