
**COMPREHENSIVE PERMIT APPLICATION
TIMBER CREST ESTATES**

TO: ZONING BOARD OF APPEALS
FROM: MEDWAY CONSERVATION COMMISSION
BRIDGET GRAZIANO, CONSERVATION AGENT
SUBJECT: COMPREHENSIVE PERMIT-TIMBER CREST ESTATES
DATE: APRIL 29, 2016

The Conservation Commission has been informally discussing the Comprehensive Permit submission to the Zoning Board of Appeals for the project known as Timber Crest Estates at the last public meetings of April 14 and 28th. The Commission would like to offer the following comments on the application and the applicants intent to waive the Medway General Bylaw Article XXI, Section 21.1, Section 21.2 (a), (b), 21.4 (a) and 21.5. Additionally, based on a brief review the Commission is also offering comments on the Comprehensive Permit Applicant submitted, as it pertains to wetlands, stormwater, and overall plan review. The Commission below is providing important points to be further discussed in the letter.

Recommendation of requested waiver of the Medway General Bylaw, Article XXI, Section 21.1, Section 21.2 (a), (b), 21.4 (a) and 21.5

- **Section 21.1 Purpose** – The Medway Conservation Commission voted at the April 28, 2016 meeting to recommend to the Zoning Board of Appeals (ZBA) that the purpose of the Bylaw not be waived. The Commission determined that the protection of wetlands resources for Medway is extremely important. Any development that propose alteration of over 50% of the buffer zone to wetlands resources and proposed impacts to wetlands resources themselves pose a threat to the functionality of the wetland resources and the interests of the Bylaw as listed in this section requested for waiver. The Medway Wetlands Bylaw provides for additional protection based on the sensitive resources which need protection within the Town of Medway. The Town of Medway Conservation Commission provides protection of wetland resources and the associated buffer zone for the protection of the following interests:
 - **Private and public wells-** The Town of Medway relies on the groundwater for drinking whether the resident is provided water by a private well on their own property or public well provided by the Town.
 - **Groundwater** – All Medway residents rely on groundwater for their drinking water supply.
 - **Flood Control** – high density development in such close proximity to wetlands resources with the loss of these resources allows for a high probability for loss of flood storage during storms. Wetlands resources are natural flood storage areas and without these, there are concerns for increased flooding in Medway.
 - **Erosion and sediments controls-** high density development within close proximity to wetlands resources causes a concern for loss land from erosion and sedimentation (turbidity) into our wetland resources.

- **Wildlife Habitat** – This site is not only home to many species of wildlife, but a rare natural community of Vernal Pools. These pools support many species such as, Blue Spotted Salamander, gray and green tree frogs, fairy shrimp,
- **Section 21.2 (a) and Section 21.1 (b) Jurisdiction-** The Medway Conservation Commission voted to recommend to the ZBA to uphold its requirements for protection of the 100 foot buffer zone and the 25 foot no disturb setback under Section 21.1 (a) and (b). The Conservation Commission sited proper protection of the interest of the Bylaw and the state Act for protection of, (1) public and private drink water, (2) groundwater protection, (3) flood control, (4) storm damage prevention, (5) pollution prevention, and (6) protection of wildlife habitat. Listed are some examples with citations of protection of buffer zone and wetlands resources that are critical to the interests noted above.
 - **Nutrients:** Buffer zone captures pollution, run-off of harmful nutrients, such as phosphorous. As the velocity of run-off is slowed by vegetated buffer zone the debris and sediment traveling is filtered off. It is estimated that 80-90% of phosphorous enters freshwater through traveling sediment. Buffer zone can capture a large amount of this sediment. Trees and shrubs with extension roof systems can filter harmful nutrients or transform pollutants into a less harmful form.
 - **Species:** List of wetland dependent species was generated by Whitlock et al 1996 and Crowley et al. 1994
 - **Wetland Corridors and their importance:** Connectivity of wildlife is a very important factor for the everyday survival of each species in the wetland corridor, which travel from core habitat to core habitat to forage or copulate with like species of different core habitats. There are different core habitats that function with their own biodiversity of the population, but also travel to different core habitat as part of their life cycle. When these habitats are fragmented by development the core habitats become less diverse and reduce the population or quite possible cause a specie to be endangered or threatened, due to less opportunity to migrate to other core habitats. Most wetlands species use adjacent upland areas throughout their life cycle. (Discuss: Core habitat, fragmentation of habitat, wildlife corridors)
 - **Homeowners benefits:** water quality, groundwater recharge for drinking, flood, control, erosion control, property value, privacy, seasonal delights, comfort.
- **Section 21.4 Applicant and Permits** – The Medway Conservation Commission voted to recommend to the ZBA to uphold its requirements for applications and permits, as stated above in Section 21.2 and 21.5.
- **Section 21.5 Fees** – The Medway Conservation Commission will be required regardless of the outcome of waiving the Bylaw as it relates to jurisdictional areas to review the proposed project under the state laws. This type of project that proposes the development of 163.1 acres with 188 units, stormwater management areas, wetlands replication, wetland crossing, wetland filling, and a considerable amount of impacts to wetlands and buffer zone will require an exorbitant amount of time for our staff to be in the field reviewing and if application is permitted (ensuring compliance with the issued Order.) Our fees are based on the amount of time, equipment, and materials costs to provide our review services. At this time the Commission feels these costs cover our time and without the intake of fees for our services, this would be a large burden on our financial stabilization for staffing. It is likely that if our fees are waived, the Commission would require an environmental monitor to be hired to be on site during construction, if the project was

to be approved by the Town. This would be required under an approved issued Order of Conditions, as our staff is does not have the support to oversee a project of this magnitude.

Important Points for consideration (discussed further in subsection below)

- The Applicant has not provide the amount of wetlands resources to be altered for the proposed project and this should include all other developments completed for adjacent subdivisions under the ownership of Henry Wickett. It is not clear at this time that the adjacent developments which additionally have created wetlands alterations have not been accounted for, such as Cider Mill I and II, these development clearly show on MassGIS datalayer Wetlands Changes that wetlands resources were filled in for the creation of the subdivision roads for these project. Additionally, the wetlands replication for these projects was never completed to the best of our knowledge.
- This proposed project exceeds the 5, 000 square feet of wetlands resources alteration allowed under 310 CMR 10.55(3).
- Applicant mentions in Section 9 that they will comply with MA DEP Stormwater Management Standards for the State laws/Regulations 310 CMR 10.05 (6)(k-q). However, this has not been done and has not properly been referenced in Section 9. The Stormwater report in the opinion of the Agent is insufficient for the Zoning Board to make a decisions on compliance with state regulations which is a requirement. It is recommended that all stormwater drainage calculations are reviewed by a peer review consultant during the hearing process with the ZBA to ensure compliance with the state regulations is achieved.
- Applicant does not provide the proper calculations for stormwater, missing 25 year flood calculations (although under local bylaw requirements) for this project this seems necessary, does not show how the 80% TSS removal is met on this project and does not provide the proper TSS removal under the MA Stormwater Management Standards. This is a very small portions of what is missing from the Stormwater Drainage Report. See additional requirements as referenced under 310 CMR 10.05(6) (k-q).
- Applicant has not provided the data for completed review of test pits for the proposed Stormwater Management System to determine if the requirements for depth to groundwater separation can be met on this site under the MA Stormwater Management Standards.
- Portions of the wetlands line has been delineation and review, then approved by the Conservation Commission under an ORAD (DEP #216-0841) issued, 8/13/15. However, on the plans “Timber Crest Estates” dated March 16, 2016 by Outback Engineering, Sheet 6 there is a note that show the wetland delineation line only approved through WF #234, there are undelineated wetlands extending beyond this line that will affect review of this project. The wetlands line needs to be reviewed by the Commission prior to an approval for this project.
- Plans titled, “Timber Crest Estates” dated March 16, 2016 by Outback Engineering are not comprehensive enough and do not provide the needed information to review this proposed project. For example, impacts to buffer zones (regardless of under state or local regulations), impacts to wetlands resources are not clear and cannot be assessed property under this filing, undelineated wetlands including vernal pools, vernal pools are not marked as they are listed on MassGIS (vernal pools that are certified are not listed as such), whether applicant meets the MA Storwmater Management Regulations, amount of fill required for this development, testing pits for designation of groundwater table for stormwater management, etc.
- The Conservation Commission has not approved the Vernal Pool lines or reviewed Certified Vernal Pools. The Commission has been provided with information from the Massachusetts

Natural Heritage Program that an additional Vernal Pool on this property has been certified and this is not referenced properly on the plan titled, "Timber Crest Estates" dated March 16, 2016 by Outback Engineering. The Vernal Pool Certified #7696. This is supported by a letter from Natural Heritage Program, dated April 22, 2016.

- The proposed plans titled, "Timber Crest Estates" dated March 16, 2016 by Outback Engineering, Sheet 8 and 9 of 14 shows impacts from the proposed project within 100' of a Certified Vernal Pool these are significant and will directly impact the Certificate Vernal Pools. The disturbance includes, grading, proposed housing units, wetlands crossings, roadways, etc.
- The proposed plan titled, "Timber Crest Estates" dated March 16, 2016 by Outback Engineering references 7 Vernal Pools (not delineated or approved by the Commission), in the opinion of the Agent constituted a Natural Community that should not be fragmented by any proposed development. This project proposes to fragment the natural community habitat of 7 vernal pools and it is that without interaction between the species within each pool, survival will be limited for these pools and likely will cease to exist without the connectivity to one another.
- The proposed project requires a filing with DEP for a 401 Water Quality Certification and in the opinion of the Commission the proposed project as it is being presented on the plans titled, "Timber Crest Estates" dated March 16, 2016 by Outback Engineering, does not meet the performance standards for the issuance of a 401 Water Quality Certification, as it does not avoid, minimize or mitigate the impacts to wetlands resources. However, this will be determined by DEP during the permitting process. This has the possibility to change the proposed design of the project depending on the outcome of the review for the 401 Water Quality Certification.
- The proposed project requires a 404 permit from USACE. USACE has its own mitigation rules regarding wetlands creation and preservation as well as vernal pool protection. Project implementation requires issuance of a Water Quality Certification under Section 401 from the MADEP. The 401 Water Quality Certification Regulations, 314 CMR 9.00, are authorized pursuant to § 27 of the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26 through 53 and establishes procedures and criteria for the administration of Section 401 of the federal Clean Water Act, 33 U.S.C. 1251 *et seq.*, for the discharge of dredged or fill material, dredging, and dredged material disposal in waters of the United States within the Commonwealth. The application as presented does not discuss the amount of wetlands to be altered, filled or dredged. The review by ACOE will include impacts to all Vernal Pools certified or not, where all Vernal Pools within 500 feet of the project will need to be identified. the USACE reviews impacts to an additional vernal pool envelope, or all areas within 100 feet from the edge of the vernal pool, a vernal pool buffer, or all areas within 250 feet of the vernal pool, and vernal pool critical terrestrial habitat, or all areas within 750 feet from the edge of the vernal pool. By this measure, the entire development is within the vernal pool buffer and critical terrestrial habit of the vernal pool system at the site. While these areas are not specifically sub-defined in the WPA Regulations, it is the policy and practice of MassDEP to regulate projects consistently under both the WPA Regulations and the Regulations for Water Quality Certification ("the WQC Regulations") found at 314 CMR 9.00.
- Wetland Flags are not on the proposed plans titled, "Timber Crest Estates" dated March 16, 2016 by Outback Engineering. This is important for the ZBA, as the applicant is requesting a waiver of the Medway General Bylaw Article XXI and noted sections. How can the ZBA be asked to determine if the Wetlands Bylaw be waived, when there are no indications of the wetland line flagging approved by the Conservation Commission under the ORAD issued August 13, 2015.

The applicant should clearly demarcate the amount of wetlands resources to be filled or altered. Additionally, the alterations to the buffer zone should be provided.

- Wetlands Resources such as the intermittent stream approved under the ORAD issued December 12, 2015 is not shown on this plan titled, "Timber Crest Estates" dated March 16, 2016 by Outback Engineering and this is the same comment as above, ZBA is being asked to waive Wetlands Bylaws but not all information is being supplied to the Board for the Board to make an informed decision.
- Applicant has not provided wetlands crossing proposals or designs, it is unclear what the impacts are here. At this time, the Commission cannot assess the total impacts to the resources areas based on this application.
- Proposed Erosion Controls are NOT sufficient for a project of this size. At a minimum the Commission would require straw bales and siltation fencing, with the additional orange fencing for the operator's sight lines. In addition, it will be mentioned that the applicant has not depicted erosion controls for all jurisdictional locations. A Limit of Work (LOW) must be established and erosion controls must be proposed.
- The applicant has NOT proposed erosion controls (they are not depicted on the plans) on plans titled, "Timber Crest Estates" dated March 16, 2016 by Outback Engineering, Sheet 7, 9 and 10.
- Proposed Limit of Work does not provide for the minimization of impacts to the wetlands resources, 310 CMR 10.53 (1). This is seen on most Sheets within the proposed plans titled, "Timber Crest Estates" dated March 16, 2016 by Outback Engineering, Sheet 5, 6, 7, 8, 9, 10.
- The applicant has not provided the proposed plans meeting performance standards for avoid, minimize and mitigate for the proposed crossings for this development. The plans titled, "Timber Crest Estates" dated March 16, 2016 by Outback Engineering currently have four crossing and two areas of filling of wetlands for roadways, two of the crossings are proposed for only 12 condominium units, see Sheet 10. In the opinion of the Commission this is an unacceptable amount of wetlands resource disturbance for a few number of units. Additionally, there are impacts/filling of a wetland resource for the construction of three single family homes on the Sheet 7, this is an unacceptable amount of alteration for 3 units. The overall project is proposing 188 units and 3 of the wetland alterations are for a total of 15 units, it is the recommendation of the Commission to remove these 15 units to protect the wetlands resources. It should be noted there are many additional wetland impacts associated with this project and these are a portion of the most impactful to the wetland for a small amount of units. This calculation does not include units proposed within the 100' of a Certificate Vernal Pool, Sheets 9 and 14 depict two units proposed within this jurisdictional areas.
- The applicant has not provided on the proposed plans alternatives to emergency access routes to avoid wetland resource impacts. Parcels of land that were purchased by the property owner of some of the parcels and then incorporated into this development have been divided or sold from this development proposal to avoid the state regulations 310 CMR 10.53 (3)(e). In particular Map 15 Lot 001 was split into two parcels now known as, Map 15 Lot 001 and Map 15 Lot 001-0001. The parcel 15-001 is now part of the proposed development and parcel 15-001-0001 has been purchased/given to Nancy Brady an abutter. This parcel now under the ownership of Nancy Brady provides access to Holliston Street with what seems to be one crossing of wetlands resources. See 310 CMR 10.53 (3) (e). The applicant has not met this requirement of the regulations. Secondary access through Fern Path impacts a large amount of wetlands resources,

where if secondary access was proposed through the parcel Map 15 Lot 001 then impacts would be lessened.

- Vernal Pools need to be delineated and approved by the Commission. Additionally, there are impacts proposed to Vernal Pool Habitat which it certified is protected under 310 CMR 10.57(a) 5 and 6. Any alteration within 100' of the Vernal Pool requires a Wildlife Habitat Evaluation under 310 CMR 10.60.

General Comments:

- Comprehensive Permit Application - the permit application does not discuss fill sources. The Medway Conservation Commission regulates the type of fill that is brought into proposed project sites within the jurisdiction of the Conservation Commission and requires testing of all material to ensure this meets the standards of GW-1/S-1 method 1 Standards, as described in the Massachusetts Contingency Plan environmental regulations, as revised. It is recommended the conditioning the fill throughout the entire site not just jurisdiction areas be done under the Comprehensive Permitting process to ensure the protection of Medway's groundwater and drinking water.
- The Commission has concerns about the overall magnitude of the buffer zone alterations will have an adverse impact to buffer zone functioning and, in turn, to the adjacent wetland resource areas, in that more than 50 percent of the buffer zone to the wetland resource adjacent to the project limit of work will be permanently disturbed or reduced in its function.
- The Commission has concerns that the proposed project site lies within an area of particular environmental importance and sensitivity for the WPA interests of wildlife habitat and the nexus of interests related to water and pollution prevention. This sensitivity factors into a greater significance for avoiding any adverse impacts to the functioning of the wetlands adjacent to this project even when each individual issue is minimally addressed by meeting state regulations. This environmental sensitivity arises from a number of overlapping site factors, that include:
 - a. All work is adjacent to Vernal Pools, which provide a special, rare habitat for breeding for particular species.
 - b. The wetlands adjacent to the project site are within the Charles River Watershed – The wetlands adjacent to the project site are hydrologically connected with Chicken Brook, which is tributary to the Charles River. The Charles River is impaired due to various pollutant loadings.
- The design of the stormwater management system leads to the captures of a significant percentage of the new/increased pollutant loadings (such as TSS removal and oil capture) from the project's post-construction/ongoing activities. Though such systems are likely sufficient to avoid contributing to adverse wetland impacts in most projects, the Commission is concerned that the new pollutant loadings that are not captured by the project's system may adversely impact the wetlands due to the scale of the project when combined with the impacts of the reduction of buffer zone functioning and loss of wetland.
- The Commission has concerns that the proposed removal of nearly all of the mature trees in the buffer zone within and adjacent to the limit of work, the biological pollutant attenuation functioning that deeper root systems provide to both infiltrated surface flow and subsurface or groundwater flow from stormwater system recharge is lost.

- The Commission has concerns that the reduction in overall vegetative biomass, a byproduct of narrower and altered buffer zones, results in the reduction and/or loss of several buffer zone pollution attenuation functions. Some examples:
 - a. slowing of water velocity
 - b. promotion of sheet flow
 - c. settling out of particulate pollutants
 - d. vegetative uptake of soluble pollutants such as phosphorus and nitrogen

- The Commission has concerns that the wetland resource and buffer zone on this property is of special environmental importance to the interest of wildlife habitat because:
 - a. The site contains (2) certified and (5) potential vernal pool habitats
 - b. The site is part of a large contiguous habitat, which is of particular habitat value due to the major habitat threats of fragmentation and edge effects.

- The Commission has concerns that the Buffer Zone is critically important to the Wildlife Habitat Function of the adjacent resource area based on extensive scientific research.
 - a. Wetlands are known to host approximately 86 species of wildlife (mammals, reptiles, amphibians and birds), 65 of which use the adjacent upland buffer for essential habitat, deemed the “life zone.”¹ Some of these species are known to travel well beyond the jurisdictional 100 foot buffer zone to wetland resource areas, of these species is the blue spotted salamander (*Ambystoma laterale*), which are known to be species that exists in Vernal Pools.

- The Commission has concerns that clearing the forest and shrub communities within the 100-foot buffer zone, in particular the inner 50 foot of the buffer zone will create an “edge effect” to the wetland resource, altering its ability to continue to provide habitat for the present species.

- The Commission has concerns that the buffer zone being disturbed is likely important as a wildlife corridor due to the connectivity that it provides between large undeveloped tracts of lands and the project therefore contributes to the serious problem of habitat fragmentation.

- The Commission has concerns that the proximity of development (buildings, backyards and decks) and associated increase human activity will deter more secretive wildlife from utilizing and travelling through the area.

- The Commission has concerns that the installation of numerous retaining walls and as-built steep grades will hinder wildlife movement through the site itself.

- The Commission has concerns that the existing large tree cover provides important shading to the resource area and has important implications in the evapotranspiration process that cannot be replaced by the mitigation planting of smaller sized trees or providing replication in alternate locations.

¹ Buffer Zones and Beyond. *Wildlife use of Wetland Buffer Zones and their Protection under the Massachusetts Wetland Protection Act*. Lynn Boyd, Wetland Conservation Professional Program, Dept. of Natural Resources Conservation – University of Massachusetts. July, 2001.

Wetlands Comments:

- Reference to plans titled, “Timber Crest Estates” dated March 16, 2016 by Outback Engineering - The Commission needs to confirm all flags depicted on this plan are the correct flags that were approved under the Order of Resource Area Delineation DEP #216-0841 once a plan with the flag numbers are submitted. Additionally, the applicant has proposed work beyond the limit of the approved wetland resource line approved under DEP #216-0841. Therefore, all work beyond the limits of this line will need to be approved by the Commission under the Notice of Intent (NOI) process and/or the Abbreviated Notice of Resource Area Delineation (ANRAD) and until such time it is not clear the project would be designed as submitted. This includes the notation previously that none of the Vernal Pools wetlands lines have been approved by the Conservation Commission and this could also change the design of the project depending on the outcome of the approval.
- Reference to plans titled, "Timber Crest Estates" dated March 16, 2016 by Outback Engineering all pages of the proposal for use of erosion controls such as ONLY siltation fencing are unacceptable for a development site and project of this size, especially, when the proposed construction is in some locations 0' from Bordering Vegetation Wetlands. This does not meet standards under 310 CMR 10.53(1) General Provisions. Additionally, there are no details of the erosion controls that are proposed for the construction of wetlands crossings.
- Reference to plans titled, “Timber Crest Estates” dated March 16, 2016 by Outback Engineering limit of work set backs are placed in some locations for the project 0' from wetlands and other locations in very close proximity to the wetland resource. At this time there are too many of these locations to specifically mention in this letter. However, it should be noted that there was no effort within this proposal to limit the effects/impacts to wetlands resources or buffer zone based on the limit of work line demarcated on the plans. The line does not seem to follow a pattern of consistency for limiting impacts, its seems to the Commission as a randomly drawn line, which during our hearing process the applicant will be asked to review each unit with disturbance within the jurisdiction.
Under 310 CMR 10.53 (1) General Provisions states, "...The potential for adverse impacts to Resource Areas from work within the buffer zone may increase with the extent of work and the proximity to the Resources Areas.... Conditions may include the limitation on the scope and location of the work in the Buffer Zone as necessary to avoid alteration of Resource Areas. The Issuing Authority may require erosion and sedimentation controls during construction, a clear limit of work and the preservation of natural vegetation adjacent to Resource Areas and/or other measures to commensurate with the scope and location of the work within the Buffer Zone to protect the interest of the Act.
- Reference to plans titled, “Timber Crest Estates” dated March 16, 2016 by Outback Engineering, the intermittent streams should be well defined on plan.
- Reference to plans titled, “Timber Crest Estates” dated March 16, 2016 by Outback Engineering notes that not all wetlands have been delineated and approved by the Commission, this leaves the proposed project open for amendments for portions of this project specifically the proposed stormwater management system on Sheet 6.
- Reference to plans titled, “Timber Crest Estates” dated March 16, 2016 by Outback Engineering does not note snow storage and discuss application of salt and sand needs to be discussed in

O&M plan and noted on the plan. No Operations and Maintenance Plan provided, requirement of the MA Stormwater Management Standards. All noted below under Stormwater Management System heading. However, this missing item is the least of the items missing for stormwater compliance.

- Vernal Pool PVP#13909 has now been upgraded to a Certified Vernal Pool #7696. See Letter from Natural Heritage Program, dated April 22, 2016 (Exhibit A and B). This should be shown on the plans submitted to the ZBA. It should not be listed as a Potential Vernal Pool for the record.
- The applicant has not addressed impacts from “emergency access” being provided through 13 Ohlson Circle. Additionally, this emergency access can simply be provided along the lots lines of 13 Ohlson Circle without impacting wetlands resources if units are remove from this location.

Stormwater Management System – MA Stormwater Management Standards

- The Applicant should provide evidence that they have applied to the EPA for a NPDES permit for the proposed project.
- The Applicant provided a report for stormwater management in the document titled, “Preliminary Drainage Report”, dated March 16, 2016 by Outback Engineering and Section 4 notes providing stormwater calculations for 2, 10, and 100 year storms. The Applicant is requesting a waiver through the Planning boards Regulations for the 25 year storm calculations. This is requested in the waiver for the local requirements however, it is not suggested this be waived, as it is important to determine if the stormwater management system can appropriately handle and safely discharge stormwater for these particular types of storms. The reason for the variety of calculations for storms is the peak rates. Volume and velocity of the storm can vary depending on the storm event. This additional calculation provides a baseline for the proper design based on the number of storms, for portions of the stormwater system such as, erosion, velocity, rip rap sizing, and stabilization of outlets all should be part of #1 on the Stormwater Checklist for the state regulations.
- The applicant has not conducted soil test pits to determine soils or the locations of groundwater in the parcels. It is most important that testing be conducted at all areas where stormwater management systems are proposed, infiltration systems under the MA Stormwater Management Standards require 2’ of separation to seasonal high groundwater. It is not clear at this time that the proposed stormwater system would meet these requirements, since during delineations in April 2015 conditions of seasonal high water table were at 12” -18” in some portions of the site.
- The applicant has not provided how they plan to comply with MA Stormwater Management Standards 1-10 and have not submitted proper documentation for review under this standard.
- Stormwater Management Standards - The Applicant has not submitted any documentation for Stormwater management, specifically a Stormwater Report containing drainage calculation, stormwater reports (review of how the applicant compiles with Stormwater Management Standards), and the Operations & Maintenance Plan (during construction and post-construction), Long Term Pollution Prevention Plan, etc. The ZBA should require all stormwater management information is properly submitted for review to the Board in order to determine if applicant can meet all requirements of the Stormwater Management Standards under 310 CMR 10.05 (6) (k),

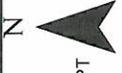
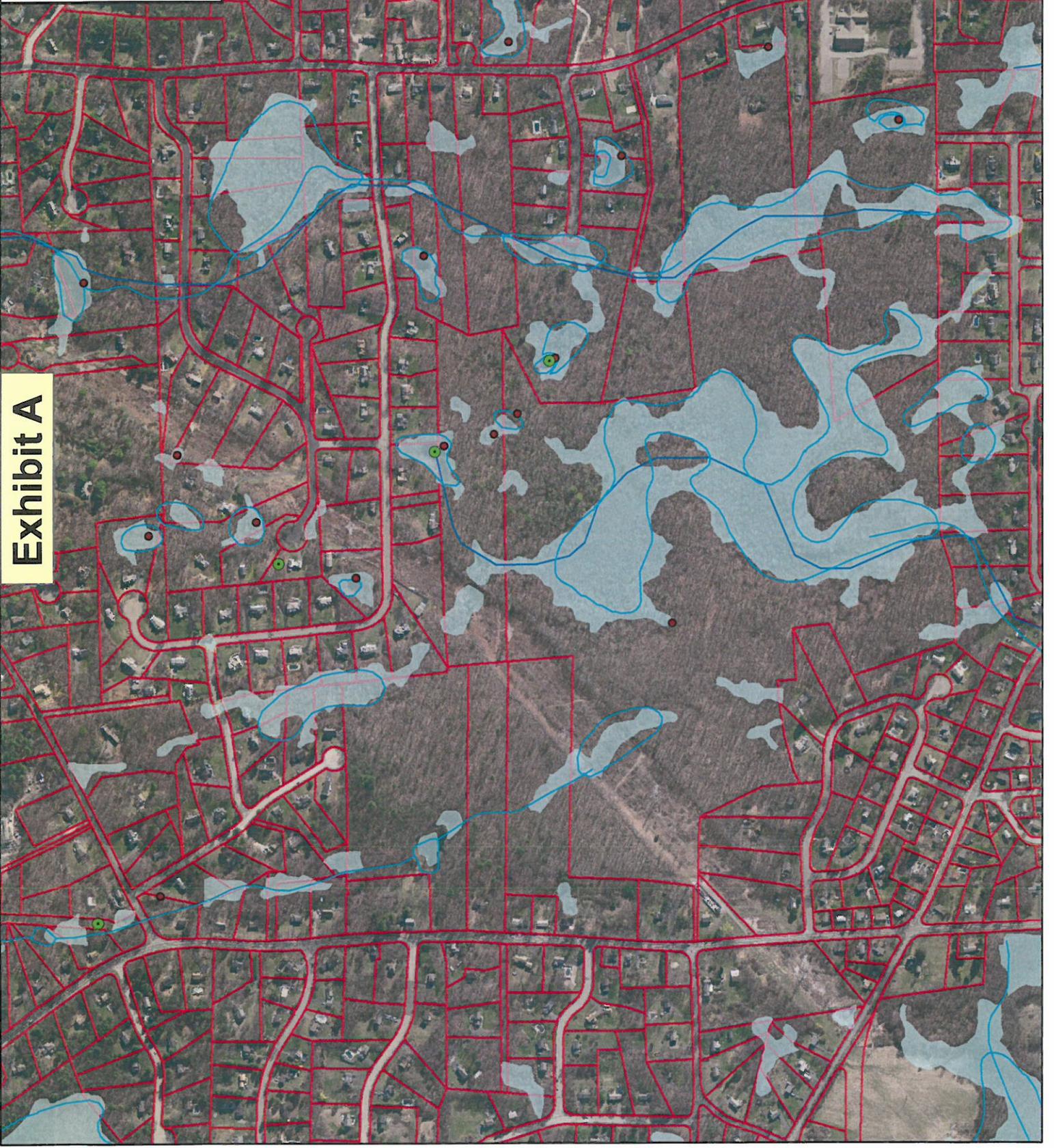
this includes all drainage calculations, document depicting and discussing how the applicant meets the stormwater standards, Operation and Maintenance Plan (the O&M plan should not to be simply written on the engineering plan but in separate document), log sheets for construction and post-construction. Additionally, the ZBA should hire a peer reviewer to review and report if applicant has complied with all requirements for the stormwater management standards. All Stormwater Report, plans and calculations will be reviewed by Conservation Commission during the Notice of Intent process under MGL c. 131 s.40 regulations, 310 CMR 10.05 (6) (k). However, it is imperative that ZBA review Stormwater Reports prior to the Conservation Commission if the standards are not properly met, then the plans have the possibility for a complete change if not in compliance which is clear they are not at this stage in the applicant process. As noted before, it is highly recommended that the ZBA seek a third party reviewer for this portion of the permit application. PLEASE NOTE: that at this time, the Commission and/or its Agent cannot provide any comments on Stormwater Management, as proper stormwater calculations have not been provided for our review.

The Conservation Commission would like to reserve the right to provide additional comments or elaborate on matters of concern mentioned in this letter during the ZBA hearing process for the Comprehensive Permit, as there are numerous items missing from the application package and questions on the overall submission for the lack of information provided. Therefore, it is impossible for the Commission to get all concerns to the ZBA prior to the hearing on May 4th. It is our hope to continue to work with the ZBA during this process.

Exhibit A

Legend

- GISDATA_CVP_PT
- PVP_PT
- HYDRO25K_ARC
- HYDRO100K_ARC
- HYDRO100K_POLY
- WETLANDSDEP_POLY
- M177TaxPar





Division of Fisheries & Wildlife

Jack Buckley, *Director*

April 22, 2016

Dear Conservation Commission,

The Natural Heritage and Endangered Species Program (NHESP) have officially certified a vernal pool in your town. Please see below for more pool information and links to view the pool location on MassGIS.

Town:	Medway
Certified Vernal Pool (CVP) #:	7696
Pool coordinates (Lat./Long.):	42.1721, -71.4185
Pool Viewer:	http://maps.massgis.state.ma.us/map_ol/oliver.php http://www.mass.gov/anf/research-and-tech/it-serv-and-support/application-serv/office-of-geographic-information-massgis/datalayers/cvp.html
Download GIS datalayer:	http://www.mass.gov/anf/research-and-tech/it-serv-and-support/application-serv/office-of-geographic-information-massgis/datalayers/cvp.html

**Note: Updates to the CVP layer are posted overnight. If you do not see your pool today please check back tomorrow.*

The NHESP does not delineate the boundary of a CVP during certification, but rather demarcates the pool's location.

Please contact the DEP Regional Office for the town in which this pool occurs with all regulatory questions (DEP Regional Offices and Vernal pool Liaisons can be determined by visiting the NHESP Vernal Pool website at www.mass.gov/nhesp). We encourage you to contact the NHESP with questions relating to the biological characteristics of vernal pools or the certification program.

Thank you for your concern and assistance with vernal pool conservation in your town.

Sincerely,

Thomas French, Ph.D.
Assistant Director

