

Minutes
Southampton Conservation Commission
Larabee School Building
June 16, 2003
Time: 7:00 PM

Present: Robert Floyd, Joe Kingsley, Jim Moore and Mark Reed.

Absent: Andrea Lucchesi, Tom Gentile

PUBLIC OPEN MEETING 7:00 PM

Ed Cauley requested an extension permit for the Order of Conditions for the Pomeroy Road reconstruction. DEP File No. 289-95 grants the extension through June 16, 2006. Mark Reed motioned to grant the extension. Joe Kingsley seconded the motion. The commission voted unanimously to accept.

New Business

Tighe and Bond letter dated May 15, 2003 was read.

PVPC recommended Southampton ^{Apply} applied for an Urban Forestry Tree Grant. Jim Moore met with PVPC's representative last week. It is a \$10,000 grant with in-kind matching funds required by the town. The grant will allow review of the towns older trees, education, plantings by students and a review of the town's nursery on conservation land.

Open Mail

Mass Audubon renewal notice No. 00115773
Daily Hampshire Gazette
Lorusso Corporation
Community Use Reduction Program

Americorp

The commission discussed the desire/need for Americorp to continue work this summer. The Norris School vernal pool project and signage for the town's conservation property were discussed. Robert Floyd motioned to send a letter to Americorp requesting they return this summer. Mark Reed seconded the motion. The commission voted unanimously to approve.

Public meeting for the estate of Irwin, RDA, 126 Middle Road was not held.

7:30 PM Chris and Cynthia Domina - Continuation of Public Hearing. The public hearing continued on a NOI under M. G. L. c131 section 40 brought by Chris and Cynthia Domina, 1 Faculty Lane, South Hadley, Massachusetts. The proposed work is to construct a sewage disposal system which is partially within the 100 ft. buffer zone of a bordering vegetated wetlands at 344 College Highway, Southampton, for Massachusetts. The project is further shown on Map No. 34, Parcel No. 149.

Jim Moore recommended a varied seed mixture be planted using hay over the surface along with 10 shrubs of Red ^{Twig} Dogwood. Silt fences are to be installed. The Conservation Commission will be notified to inspect the permanent vegetation.

There is to be proof of the deed restrictions for a 50 ft. vegetated buffer abutting the stream with no structures and no chemicals to maintain the lawn. The DEP File No. is 289-143. Mark Reed motioned to grant the Order of Conditions. Joe Kingsley seconded the motion. The commission voted to accept. Robert Floyd abstained as no action was taken against the clearcutting in the buffer zone of the wetlands.

Continuation of Red Brook Estates public hearing. The applicant requested a continuation of the hearing so that he can respond to DEP's letter of June 9th.

Treasurers Report

Joe Kingsley motioned to pay the Daily Hampshire Gazette \$105.45. Robert

Floyd seconded the motion.

Joe Kingsley motioned to pay Mark Reed for MACC expenses \$51.16.
Robert Floyd seconded motion. Mark Reed abstained.

Joe Kingsley motioned to pay Robert Floyd \$39.75 for MACC mileage.
Mark Reed seconded motion. Robert Floyd abstained.

Joe Kingsley motioned to pay Mass Audubon \$50. Robert Floyd seconded motion.

Joe Kingsley motioned pay CLF for one year renewal. Mark Reed seconded motion.

The commission approved the above unanimously. General expenses \$11.13.

Old Business

Septic systems upgrades for five Garfield Avenue and 80 High Street. No new information.

The College Highway barn - the roof will be repaired. Jim Moore talked with WMECO and they will move the overhead wires if necessary during the repair of the roof.

The Szczypta farm fields continue to not be mowed by Bob Fletcher. This continues to violate the commission's contract with him. ~~Mark Reed doesn't believe we need a bylaw to fine Mr. Fletcher.~~

8:10 PM - Robert Floyd motioned to adjourn the meeting. Mark Reed seconded the motion. The commission voted unanimously to adjourn.

Minutes submitted by Robert Floyd

H-687-3-01
May 15, 2003

Town of Southampton
Conservation Commission
P. O. Box 343
Southampton, MA 01073-0343

Attn: Mr. James Moore, Chairman

Re: DEP File 287-53
Holyoke Water Works
42" Transmission Main

Dear Mr. Moore:

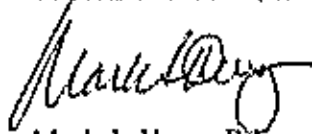
We are writing on behalf of the Holyoke Water Works (HWW) to officially request that a Certificate of Compliance be issued by the Conservation Commission stating that the work of the above-referenced project has been satisfactorily completed.

All outstanding work detailed in Southampton's Conservation Commission's letter of September 9, 1998 (1. Mitigation and restoration at the Mathan River crossing to the easterly bank, and 2. restoration of the wetland easterly of Brickyard Road) has been completed.

Please review these two areas at your earliest convenience and, if acceptable, issue a certificate as soon as possible. If you have any questions in these areas or other project-related concerns please contact me.

Very truly yours,

TIGHE & BOND, INC.



Mark J. Hoey, P.E.
Vice President

JAH687USHPTNWTWN38.DOC

Copy: HWW - BWC
HWW - DMC, Mgr

Southampton Conservation Commission
Larrabee School Building
July 14, 2003
Time: 7:00 p.m.

Present: Mark Reed, Robert Floyd, Joe Kingsley, Jim Moore

Absent: Andrea Lucchesi

PUBLIC OPEN MEETING 7:00 p.m.

7:15 p.m. P. B. Hatch, P.E. represented the applicant, Howard J. Irwin, 126 Middle Road. This area is located on Map #43, Parcel 4. Karl Kuehner is the contractor. The work is to repair on site sewage disposal system. An impervious membrane will reduce slope to prevent leaching. The order of conditions will prohibit chemicals for lawn maintenance. Mark Reed motioned to close the hearing. Robert Floyd seconded the motion. The commission voted unanimously to approve the work.

7:25 p.m. The Massachusetts Highway Department, District #2 office presented their RDA. The work is to repair College Highway from the Easthampton/Southampton town line to the intersection of East Street. No extension can be granted so they have to refile. Mark Reed motioned to accept the filing. Joe Kingsley seconded the motion. The Commission voted unanimously to accept the filing.

Mark Reed motioned to grant a RDA negative determination; not to alter the area in the buffer zone. Joe Kingsley seconded the motion. The commission voted unanimously to accept.

Mark Reed motioned to grant a RDA negative determination; prohibiting the use of chemicals for lawn maintenance. Joe Kingsley seconded the motion. The Commission voted unanimously to accept.

The commission signed the Tree Grant letter. A copy will be faxed to PVPC.

TREASURER'S REPORT

Joe Kingsley presented his report:

CH40-8C	\$ 8,822.12
General Expense	\$ 1,500.00
Hazel Young Fund	\$52,923.12
Conant Fund	\$60,628.45

Szczypta Property Deed was reviewed by Peter A. Fern with Joel Lerner, Director-EOEA. Mr. Lerner indicated the Commission property is governed by Article 97 of the State Constitution. Jim Moore will follow up with Brenda Couture and EOEA'S Joel Lerner.

Americorp will be sent complete sets of newspapers and a thank you note by Robert Floyd.

The Commission's independent consultant performed a site visit without the presence of the applicant and the Commission on July 1, 2003. It was established that the Red Brook hearing be continued for the applicant to respond to the consultant's report received three days prior but officially today.

7:45 p.m. Colin Duncan, the independent consultant, reviewed the report, comments, evaluations and recommendations. Mr. Duncan's team reviewed the NOI, DEP'S correspondence, wetland boundaries wood frog observation in Parcel C, alternative analysis, 100 year flood plain, etc.

The report recommended a Brittany Road cost analysis review, requested a wildlife habitat study be performed as affected areas greater than 5,000 sq. ft., the functions and value of wildlife and how the project may impact wildlife; requested comments to NHESP provide size, habitat and reach of flood plain, review of Storm water management plan, request permanent detention basins start during construction, suggested developing temporary sedimentation basin on south side of Red Brook, etc.

Mr. Chuck Dauchy responded but allowed his update was not germane to the new report. Mr. Dauchy requested no need for deed restrictions to Lot 15 and Lot C.

Lori Martinez questioned stockpiling native topsoil and Terry Ann Hoog, Cook Road, asked if the consultant agreed.

Edwin Daniels asked if the applicant's calculations included the 1955 flood data.

Bruce Coombs stated that it was not necessary to review the 1955 flood data.

Storm water management was discussed and Mr. Dauchy reviewed several "inconsistencies" in the DEP guidelines. Mr. Dauchy stated that they were "potently absurd" and "cut and paste guidelines" lead to confusion.

Joe Kingsley motioned to continue the hearing to August 18, 2003 at 7:45 p.m. Robert Floyd Seconded the motion. The Commission voted unanimously to accept.

Joe Kingsley recommended the Commission pay:
\$122.00 to FRD Roof (Boom Truck, siding, paint door) from 40-8C
Robert Floyd 2nd the motion.

\$145.00 to MACC (Renewal) from General Exp.
Robert Floyd 2nd the motion.

\$65.00 to Linda Reed (Typing Order of Conditions) from General Exp.
Robert Floyd 2nd the motion.

\$49.00 to Robert Floyd (GIS map) from General Exp.
Tom Gentile 2nd the motion. Robert Floyd abstained.

The Commission voted unanimously to accept.

9:10 p.m. Robert Floyd motioned to adjourn. Joe Kingsley 2nd the motion.

The Commission voted unanimously to adjourn.

SOUTH MOUNTAIN
CONSERVATION COMMISSION
HEARING/MEETING

JULY 14, 2003

PRINT NAME

SIGN NAME

1	ED GWINNER JR.	Ed Gwinner
2	RONALD D. GWINNER	Ronald Gwinner
3	Noel Russell-Smith	NOEL RUSSELL SMITH
4	Susan E. Kozub	Susan E Kozub
5	Virginia H. Ahart	Virginia Ahart
6	RICHARD AHART	Richard Ahart
7	Terry Antloog	Terry Antloog
8	Susan Lewandowicz	Susan Lewandowicz
9	Elizabeth O'Donoghue	Elizabeth O'Donoghue
10	DALE ANTHONY	Dale Anthony
11	Anne Cressotti	Anne Cressotti
12	FRANK D. WAYNE	Frank D. Wayne
13	RICHARD GWINNER	Richard Gwinner
14	Edwin C. Daniels	Edwin C. Daniels
15	Ronald Piziotk	Ronald Piziotk
16	MARK A. REJWIAK	Mark A. Rejwjak
17	FRANK SIGOT	Frank Sigot
18	Lois Martinez	Lois Martinez
19	DOUGLAS LAMPSON	Douglas Lampson
20	Greg Tulja	Greg Tulja
21	FRANCES TULEJA	Frances Tulja
22	John H. Firecobb	John H. Firecobb
23		

CONSERVATION COMMISSION
HEARING/MEETING
JULY 14, 2003

PRINT NAME (CONTINUED) SIGN NAME

24 Charles Dauchy

25 ~~Jim~~ B. A. S.

26 ~~Salvatore~~ Cas

27 BRUCE A COMBS

28 ELLEN SENOHAS

29 Mabel Emerson MABEL EMERSON

30 Dorothy Forster

31 JOSEPH SLATTERY

32 Erin Kassis

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Charles Dauchy
Jim B. A. S.

Bruce A Combs
Ellen Senohas

Dorothy Forster

Joseph Slattery

Erin Kassis



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION

430 Dwight Street • Springfield, Massachusetts 01103 • (413) 764-1100

MOTT ROMNEY
Governor

KERRY HEALEY
Lieutenant Governor

ELLEN ROY HERZFELDER
Secretary

EDWARD P. KUNCE
Acting Commissioner

JUN 05 2003

JUN 05 2003

John H. Fitz-Gibbon
Green, Miles, Lipton, White & Fitz-Gibbon
77 Pleasant Street
Post Office Box 210
Northampton, Massachusetts 01061-0210

RE: DEP Wetlands File Number 289-142
§401 Water Quality Certification Jurisdiction
and MEPA Review
Red Brook Estates, Southampton

Dear Attorney Fitz-Gibbon:

Thank you for your letter of June 2, 2003. In order to clarify the present position of the Massachusetts Department of Environmental Protection (hereinafter the Department) in regards to the potential for review under the Massachusetts Environmental Policy Act and the regulations at 301 CMR 11.00, please be aware of the following facts:

The Department issued a "Notification of File Number" letter on May 9, 2003 after reviewing the Notice of Intent for this project. Per its authority at 314 CMR 9.04(3), and based upon data within the NOI that indicated the possibility of placement of fill within "Waters of the United States Within the Commonwealth" at two (2) separate locations, one associated with a possible Bordering Vegetated Wetland as defined at 314 CMR 9.02 and the other within a possible Isolated Vegetated Wetland as defined at 314 CMR 9.02, the Department placed this project into its §401 Water Quality Certification database, and required the submittal of either:

1. A §401 Water Quality Certification application; or
2. A written explanation, including scientific documentation, that no fill will be placed within any "Waters of the United States Within the Commonwealth" through full build-out of the proposed subdivision per the "artificial segmentation" clause at 310 CMR 9.02 Activity.

As of this point in time, your client's environmental consultant, Mr. Charles Dauchy, has agreed that the Notice of Intent included activities subject to 314 CMR 9.04(3). Until such time as the Department is in receipt of the above-referenced information, and has made a jurisdictional determination, the requirement for a §401 Water Quality Certification, a state permit, combined with the MEPA threshold at 301 CMR 11.03(1)(b) will require the submittal of an

This information is available in alternate format. Call April McCall, ADA Coordinator at 1-417-554-1171. TDD Service: 1-408-298-2287.

DEP on the World Wide Web: <http://www.mass.gov/dep>

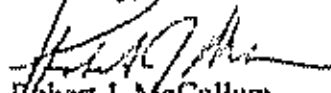
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Environmental Notification Form. The Department will alert you to changes that may ultimately affect this status.

Additionally, please be aware that any "Request for Actions by the Department" per 310 CMR 10.05(7) received in response to an Order of Conditions would potentially result in the Department having to issue a Superseding Order of Conditions (a state permit). Again, this would present of MEPA threshold per 310 CMR 10.07.

If you have any questions or concerns in regards to this information please contact David Foulis at 413-755-2154.

Sincerely,


Robert J. McCollum
Wetlands Program Chief

RJM/dbf

Certified Mail #7000 0600 0023 7777 2064, return receipt requested.

P:\Admin\WERD\WWP Templates\WD 259-142 NOI Letter1

cc: Southampton Conservation Commission



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION

436 Dwight Street • Springfield, Massachusetts 01103 • (413) 784-1100

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Lieutenant Governor

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Secretary

EDWARD P. KURCE
Acting Commissioner

JUN 09 2003

Heritage Surveys, Inc.
Bruce A. Coombs
Post Office Box 1
Southampton, Massachusetts 01073

RE: DEP Wetlands File Number 289-142
NOI Supplemental Information Review
Red Brook Estates, Southampton

Dear Mr. Coombs:

In an attempt to assist all parties in interpretation of the often complex Massachusetts Rivers Protection Act regulations at 310 CMR 10.58 as it relates to the above-referenced proposal, the Massachusetts Department of Environmental Protection (hereinafter the Department) has reviewed the supplemental information provided to the Department on June 3, 2003 and offers the following guidance for your consideration:

- Per 310 CMR 10.58(4)(c)2.c. and 310 CMR 10.53(3)(e) the applicant should provide documented offers (letters of offer with post-mark dates or other evidence of attempted contact with adjoining property owners) relating to adjoining parcels that may reduce or eliminate impact to the Riverfront Area of Red Brook. The information submitted to the Department on June 3, 2003 does not yet appear to meet this standard;
- Purchase of properties with standing structures cannot be automatically eliminated as a viable alternative to that which is proposed. Such arguments must be made based upon documented prohibitive cost and/or logistical constraints such as unwilling landowners or municipal bylaw considerations. All such arguments must be made in writing;
- The Department strongly recommends that the applicant provide evidence and/or documentation detailing any legal logistical constraints for the following items:
 1. A clear explanation of why the roadbed of the proposed Brittney Lane must be ~26 feet wide (municipal bylaw citation, Southampton Fire Department ruling, etc.);
 2. Justification for any sidewalks within the Riverfront Area of Red Brook (municipal bylaw citation, etc.);
 3. Justification for more than one (1) sidewalk within the Riverfront Area of Red Brook (municipal bylaw citation, etc.)

This information is available in alternate format. Call April McCabe, ADA Coordinator at 643-756-1171. TDD Service - 1-800-398-2207.

DEP on the World Wide Web: <http://www.mass.gov/dep>


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In the absence of such documentation, the issuing authority should reduce the proposed impact accordingly through its authority at 310 CMR 10.58(4)(c)3.;

- Additionally, the Notice of Intent proposes installation of a concrete arch culvert 42 feet wide. Larger spans would result in less permanent impact to Riverfront Area. The applicant should provide a written analysis of larger spans. Any elimination of larger spans should be based upon prohibitive cost, legal or physical logistical constraints, or deficiencies in existing technology;
- The proposed detention basins should be subject to a written alternatives analysis. Other existing technologies that are practicable and not cost prohibitive may result in less impact to Riverfront Area. If so, this would require their implementation per 310 CMR 10.58(4)(c)3.;
- The project proponent may be able to reduce impact to Riverfront Area through retaining wall structures along Britney Lane, rather than the site grading proposed. Any elimination of retaining wall structures alternatives should be based upon prohibitive cost, legal or physical logistical constraints, or deficiencies in existing technology;
- The applicant proposes alteration of the Riverfront Area of Red Brook in excess of 5,000 square feet. In the opinion of the Department, this project will displace Riverfront Area associated with Red Brook that is "significant to the protection of wildlife habitat". Per 310 CMR 10.58(4)(d)1.c. and 310 CMR 10.53(3) the issuing authority should strongly consider provision of a wildlife habitat replication area of ~17,614 square feet per 310 CMR 10.60(3).
- Please note that for projects filed under 310 CMR 10.53(3)(c), this "limited project" provision states "...the applicant shall provide...compensatory storage to the extent practicable." (emphasis added). Other locations, both on the parcel in question and off the parcel in question, should be identified and analyzed. Construction of compensatory storage areas in previously disturbed Riverfront Area is usually preferable, and such opportunities may exist, either on this parcel or within the watershed of Red Brook.

The Department will continue to provide outreach specific to this project as it proceeds forward through the permitting process. If you have any questions or concerns in regards to this information please contact David Foulis at 413-755-2154.

Sincerely,


Robert J. McCollum
Wetlands Program Chief

RJM/dbf

Certified Mail #7000 0600 0023 7777 2057, return receipt requested.

P:\dfoulis\WERO WWP Templates\WR 287-142 NOI Letter2

cc: Southampton Conservation Commission
Certified Mail #7000 0600 0023 7777 2040

GREEN, MILES, LIPTON, WHITE & FITZ-GIBBON
ATTORNEYS AT LAW
77 PLEASANT STREET
POST OFFICE BOX 210
NORTHAMPTON, MASSACHUSETTS 01001-0210
(413) 588-0210
FAX (413) 584-0278

JOHN J. GREEN, JR.
HARRY L. MILES
ROGER P. LIPTON
GEOFFREY H. WHITE
JOHN H. FITZ-GIBBON

SUSAN L. MILES
DILLAN L. BLACKBURN
JON HEYMAN

June 2, 2003

Attn: Ms. Susan Gillan
Commonwealth of Massachusetts
Department of Environmental Protection-Western Region
436 Dwight Street, Suite 402
Springfield, MA 01103

Re: MEPA Review
Red Brook Estates
Applicant: Jim Boyle Construction
Project Location: Fomer Road and Gilbert Road, Southampton, MA

Dear Ms. Gillan:

This office represents Jim Boyle Construction with respect to the proposed residential subdivision known as Red Brook Estates, and the construction of ancillary roadways, sidewalk, arch culvert, and two detention basins. I write with specific reference to the question of whether review of the project under the Massachusetts Environmental Policy Act (MEPA; General Laws Chapter 30, Sections 61, 62-62H) is necessary. In my opinion, such review is not necessary for this project.

By way of background, I provide the following information. A Notice of Intent was filed with the Southampton Conservation Commission on or about April 14, 2003, and review by the Commission is pending. The applicant has received notification from the Commonwealth of Massachusetts Division of Fisheries and Wildlife that the project, as currently proposed, "will not adversely affect the actual habitat of a state-protected rare wildlife species."¹

¹ See letter from Thomas W. French, Ph.D., Assistant Director of the Division of Fisheries & Wildlife to the Southampton Conservation Commission, dated May 22, 2003.

June 2, 2003

Page 2

Mr. French's letter indicates that there is a vernal pool near, but not located on, the proposed project area. My client has obtained an opinion from Alan M. Richmond, Ph.D., which indicates that, in his learned opinion, there are no vernal pools located on proposed Lot #15, which I understand is or was the focus of some scrutiny by the Department and others because of a basin depression in that area. I understand that a copy of his letter has been provided to you under separate cover.

As you know, MEPA review of a project is required only if there is jurisdiction over the project and if the project meets or exceeds one or more of the review thresholds specified in the MEPA regulations (301 CMR Section 11.02 [2][a] & [b]). MEPA jurisdiction exists only when a project is undertaken by a state agency, requires a permit from a state agency, or involves financial assistance or a land transfer from a state agency. See General Laws Chapter 30, Sections 62A: Villages Development Company v. Secretary of the Executive Office of Environmental Affairs, 410 Mass. 100 (1991).

This project has not been undertaken by a state agency, further does not require a permit from a state agency, nor does it involve financial assistance or a land transfer by a state agency.

For these reasons, it is my opinion that MEPA review of the Red Brook Estates project is not necessary.

Should you have any comments or concerns, please feel free to contact me at any time.

Very truly yours,



John H. Fitz-Gibbon

cc: Southampton Conservation Commission
Jim Boyle Construction
Heritage Surveys

03-4-211



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
598 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2761

July 2, 2003

Regulatory Division
CENAE-CO-R-200301288

Jim Boyle Construction
Attn: Mr. Jim Boyle
P.O. Box 290
Easthampton, Massachusetts 01027

Dear Mr. Boyle:

We understand you intend to perform work associated with the development of the Red Brook Estates Subdivision adjacent to Fomer Road in Southampton, Massachusetts. This project may involve activities that require a permit from the Corps of Engineers. We are available to meet with you to discuss the limits of the Corps jurisdiction over the project site as well as to discuss the Corps Regulatory program.

A Corps of Engineers permit is required under Section 404 of the Clean Water Act for discharges of dredged or fill material into all waters of the United States, including navigable waters, inland rivers, lakes, streams, and wetlands, as well as the excavation/grading within these waters/wetlands. In interior waters our jurisdiction extends landward to the ordinary high water (OHW) mark or to the landward limit of any wetlands, whichever is more extensive.

Federal regulations define the term "wetlands" as "...those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions..." (Federal Register, November 13, 1986 33 CFR Part 328.3(b)). Wetlands generally include swamps, marshes, and bogs; however, forests and meadows that lack surface waters can also be wetlands. A wetland delineation done in accordance with the Massachusetts Department of Environmental Protection Handbook dated March 1995 is acceptable in most situations.

You will not need to submit an application to us if your project meets all the terms and conditions of the non-reporting "Category I" in the enclosed Federal permit known as the Massachusetts Programmatic General Permit (MPGP) [see MPGP, page 15]. NOTE: Based upon a previous conversation with Mark Reed of Heritage Surveys, Inc., it is our understanding that 1) no construction is proposed within the Manhan River; 2) no in-stream construction is necessary within Red Brook associated with the installation of the Britney Lane crossing; 3) no impacts to certified vernal pools have been proposed as part of this project; and 4) impacts to jurisdictional wetlands have been limited to less than 5,000 square feet. An application would be required if your project falls in Category II or Category III - Individual Permit (see MPGP, page 15). If you need to submit an application, please use the enclosed ENG Form 4345 and reference your existing file number #200301288. Samples of the necessary plans are also enclosed for your information. When preparing plans, please ensure that all pertinent features and labeling are legible.

Please note that the authorizations referred to above must be obtained before any work or filing is done in areas subject to Corps jurisdiction. Performing such work or filing without first obtaining Corps authorization could result in substantial penalties.

If you have any questions regarding this letter, please contact me at (978) 318-8491 or call toll-free within Massachusetts at (800) 362-4367.

Sincerely,



Paul Sneringer
Senior Project Manager
Regulatory Division

Enclosures

Copies Furnished:

Robert J. McCollum, DEP Western Regional Office, Wetlands and Waterways, 436 Dwight Street, Springfield, Massachusetts 01103
James Moore, Southampton Conservation Commission, P.O. Box 343, Southampton, Massachusetts 01073
Mark Reed, Heritage Surveys, Inc., College Highway & Clark Street, Post Office Box 1, Southampton, Massachusetts 01073

CHARLES H. DAUCHY, Environmental Consultant

24 Old Long Plain Rd. RFD#3, Amherst, MA 01002

Phone (413) 548-8005, Fax 548-9987

June 27, 2003

Wetlands Program
Mass. DEP, Western Region
436 Dwight Street
Springfield, MA. 01103

Attn: David Foulis

Re: Applicant: Jim Boyle Construction
Red Brook Estates, Fomer & Gilbert Road
DEP File # 289-142

Dear Mr Foulis:

The enclosed information is submitted in response to our phone conversations in early June, to clarify the location of jurisdictional wetlands in proximity to proposed work on the site.

Isolated vegetated wetland: As we discussed, there is a small area of isolated vegetated wetland in the bottom of the large depression in the proposed drainage easement between lots 15 and 16. This area has now been flagged in the field and a sketch map showing the approximate location is enclosed. No survey or field data forms are provided because of the clearly limited area and distance from the proposed work. As shown on the current version of the project plans, the work that was originally proposed for the bottom of the depression has been eliminated. The nearest proposed work (overflow outlet from the infiltrating storm drain system) is now over 45 feet from the wetland. There will be no discharge of dredged or fill material to waters of the United States.

Bordering vegetated wetland: You had requested documentation regarding the wetland delineation in the vicinity of the proposed stream crossing. Enclosed are Field Data Forms for plots on either side of the wetland boundary closest to the proposed work (flag A5). The investigation, with full growing season vegetation observable, resulted in moving the wetland boundary approximately 4 feet further away from the work area, as shown on the enclosed plan excerpt.

Stream Bank at proposed crossing: There is no BVW at the crossing. As shown by the topographic mapping and the photos submitted with the Notice of Intent, there is a nearly vertical slope 2 to 4 feet high at the water's edge, forming the "bank", directly bordered by upland woodland. I understand that the proposed concrete arch span of 42 feet will be extended to 48 feet, providing additional working room for installation of the structure without disturbance of the banks or stream.

Other wetlands on/near the project property: As we discussed, there are wetland areas at the easterly and westerly ends of the site (on Lots C and 15) that have not been mapped. These areas are far from any proposed work and there is ample building area on the sites without encroachment on the wetlands. These lots are now proposed to be covered by deed restrictions (see submittal from Heritage Surveys dated 5/2/03). From our conversation, I understand that no wetland delineation is required in these outlying areas for approval of the proposed work for this project.

If you have any other questions regarding the wetland delineation in proximity to proposed work please call.

Sincerely,



Charles H. Dauchy

enclosures

cc: Southampton Conservation Commission
Heritage Surveys
Jim Boyle Construction

DEP Bordering Vegetated Wetland (310 CMR 10.65) Delineation Field Data Form

Applicant: Boyle **Prepared By:** Charles H. Dauchy, Environmental Consultant

Project Location: Red Brook Estates **DEP File #:** 289-142
 Fomer & Gilbert Roads, Southampton, MA

Section I. Vegetation
Observation Plot ID: A5-W **Transect ID:** A5 **Date of Investigation:** 00/17/03
 Wetland side of flag A5

Ground Cover Plant Species	10' radius	FWS rating	Wetland indicator	% Cover	% Dom.	Dom.?	% Cum.	# DOMINANTS WET	UPL
<i>Osmunda cinnamomea</i>	FERN, C/SHAMON	FACW	Y	40	74.1%	Y	74.1%	1	0
<i>Hamamelis virginiana</i>	WITCH-HAZEL, AMERICAN	FACU*	N	5	9.3%	N	83.5%	0	0
<i>Viburnum acerifolium</i>	Mapleleaf Viburnum	UPL	N	2	3.7%	N	87.0%	0	0
<i>Lycopodium obscurum</i>	CLUBMOSS, TREE	FACU	N	2	3.7%	N	90.7%	0	0
<i>Thelyptera noveboracensis</i>	FERN, NEW YORK	FAC	Y	2	3.7%	N	94.4%	0	0
<i>Sambucus canadensis</i>	ELDER, AMERICAN	FACW	Y	2	3.7%	N	77.8%	0	0
<i>Acer saccharum</i>	MAPLE, SUGAR	FACU	N	1	1.9%	N	65.2%	0	0
					0.0%	N	65.2%	0	0
				54	100.0%				

Shrub Layer Plant Species	10' radius	FWS rating	Wetland indicator	% Cover	% Dom.	Dom.?	% Cum.	# DOMINANTS WET	UPL
<i>Hamamelis virginiana</i>	WITCH-HAZEL, AMERICAN	FACU*	N	5	100.0%	Y	100.0%	0	1
					0.0%	N	100.0%	0	0
				5	100.0%				

Tree Layer Plant Species	30' radius	FWS rating	Wetland indicator	Basal Area	% Dom.	Dom.?	% Cum.	# DOMINANTS WET	UPL
None								0	0
					0.0%			0	0
				0	0.0%				

Vegetation Conclusion:
 Number of dominant wetland indicator plants: 1
 Number of dominant non-wetland indicator plants: 1
 Is the number of dominant wetland indicator plants equal to or greater than the number of dominant non-wetland plants? YES

Section II. Indicators of Hydrology

1. Soil Survey
 Is there a published soil survey for this site? YES
 Title/date: Soil Survey of Hampshire Co., Central part, 1981
 Map number: HgE
 Soil type mapped: Udorthent
 Hydric inclusions: 7A

Are field observations consistent with soil survey? NO
 Remarks: Area is within wetland at base of steep escarpment.

2. Soil Description
 Hole location: 4 ft. South of A5
 0-4" Loamy Sand, 10YR2/1
 4-7" Sand, 7.5YR4/1
 7-8" Sandy Loam, 10YR2/1
 9-12" Sand, 7.5YR4/1
 0" Saturation
 12" Refusal on gravel and cobbles.

3. Other
 1A
 Conclusion: Is soil hydric? YES

Other Indicators of Hydrology
 See Inundated: NO
 Depth to free water in observation hole: NO
 Depth to soil saturation in observation hole: 0"
 Water marks: NO
 Drift lines: NO
 Sediment deposits: NO
 Drainage patterns in BWV: NO
 Oxidized rhizospheres: NO
 Water stained leaves: NO
 Recorded Date: NO

Other:
Vegetation and Hydrology Conclusion
 Number of dominant wetland indicator plants >= dominant non-wetland indicator plants: YES
 Wetland hydrology present: YES
 Hydric soil present: YES
 Other indicators present: YES
 Sample Location is in a BWV: YES

DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant: Boyle **Prepared By:** Charles H. Dauchy, Environmental Consultant

Project Location: Red Brook Estates **DEP File #:** 289-142
 Fomer & Gilbert Roads, Southampton, MA

Section I, Vegetation **Date of Investigation:** 06/17/03
Observation Plot ID: A5-U **Transect ID:** A5
 Upland side of flag A5

Ground Cover		10' radius on upland side of flag							
Plant Species	FWS	Wetland Indicator	% Cover	% Dom.	Dom. ?	% Cum.	# DOMINANTS WET	UPL	
<i>Vitium acerifolium</i>	Mapleleaf Viburnum	UPL	10	33.3%	Y	33.3%	0	1	
<i>Osmunda cinnamomea</i>	FERN, CINNAMON	FACW	5	16.7%	Y	50.0%	1	0	
<i>Hammamelis virginiana</i>	WITCH-HAZEL, AMERICAN	FACU+	5	16.7%	Y	66.7%	0	1	
<i>Lycopodium obscurum</i>	CLUBMOSS, TREE	FACU	3	10.0%	N	76.7%	0	0	
<i>Thelypteris noveboracensis</i>	FERN, NEW YORK	FAC	2	6.7%	N	83.3%	0	0	
<i>Smilax racemosa</i>	FALSE-SOLOMON'S-SEAL, F	FACU-	2	6.7%	N	90.0%	0	0	
<i>Acer saccharum</i>	MAPLE, SUGAR	FACU	2	6.7%	N	96.7%	0	0	
<i>Pinus strobus</i>	PINE, EASTERN WHITE	FACU	1	3.3%	N	100.0%	0	0	
			30	100.0%					

Shrub Layer		10' radius on upland side of flag							
Plant Species	FWS	Wetland Indicator	% Cover	% Dom.	Dom. ?	% Cum.	# DOMINANTS WET	UPL	
<i>Hammamelis virginiana</i>	WITCH-HAZEL, AMERICAN	FACU+	5	100.0%	Y	100.0%	0	1	
			5	100.0%					

Tree Layer		30' radius on upland side of flag							
Plant Species	FWS	Wetland Indicator	Basal Area	% Dom.	Dom. ?	% Cum.	# DOMINANTS WET	UPL	
<i>Betula lenta</i>	BIRCH, SWEET	FACU	253	87.3%	Y	87.3%	0	1	
<i>Acer rubrum</i>	MAPLE, RED	FAC	67	17.8%	N	95.1%	0	0	
<i>Acer saccharum</i>	MAPLE, SUGAR	FACU	28	7.4%	N	92.5%	0	0	
<i>Taxus canadensis</i>	HICKLOCK, EASTERN	FACU	28	7.4%	N	100.0%	0	0	
			376	100.0%					

Vegetation Conclusion:
 Number of dominant wetland indicator plants: 1
 Number of dominant non-wetland indicator plants: 4
 Is the number of dominant wetland indicator plants equal to or greater than the number of dominant non-wetland plants? NO

Section II, Indicators of Hydrology

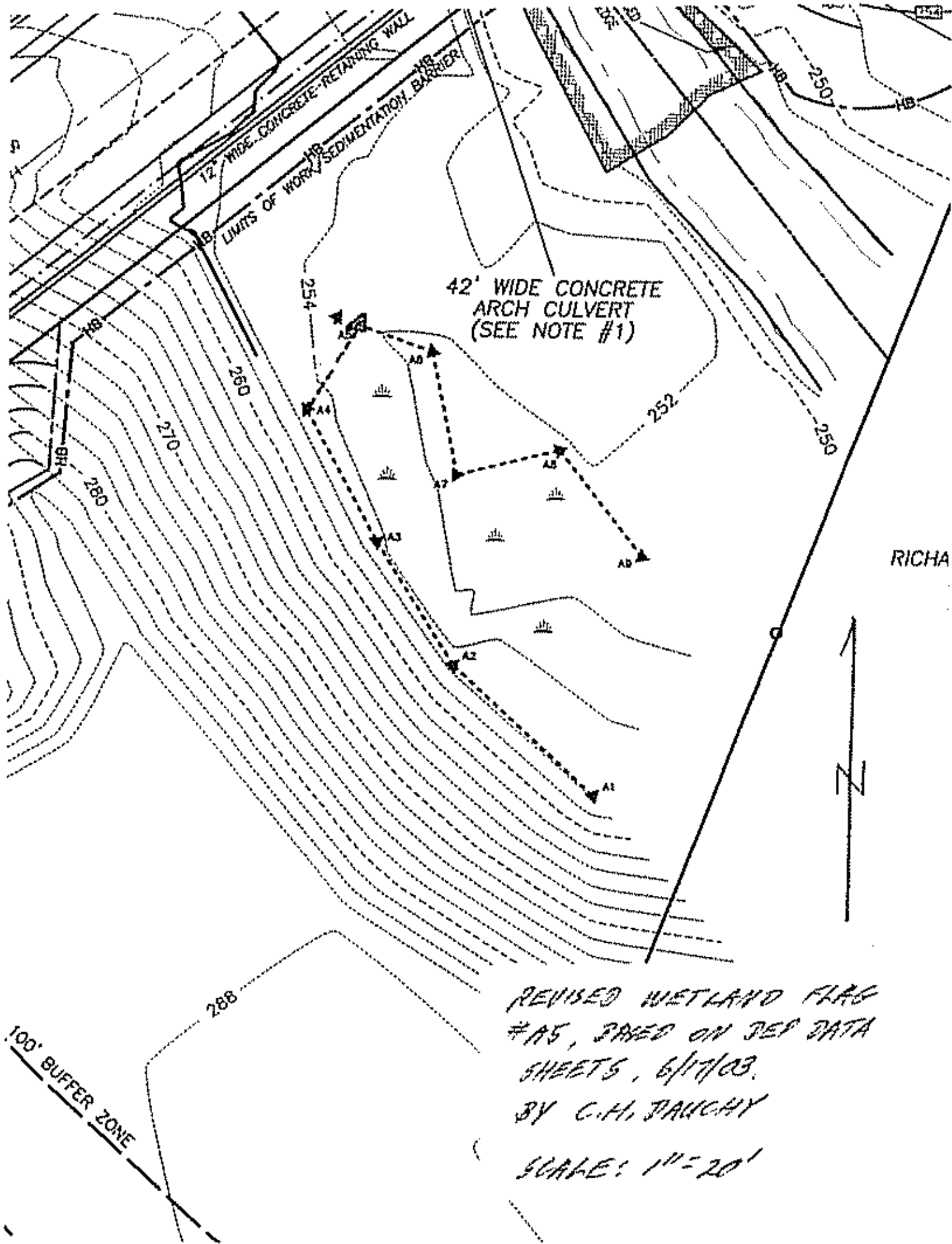
1. Soil Survey
 Is there a published soil survey for this site? YES
 Title/Date: Soil Survey of Hampshire Co., Central part, 1991
 Map number: H9E
 Soil type mapped: Udorthent
 Hydric Indicators: NA
 Are field observations consistent with soil survey? YES
 Remarks: Area is at base of steep escarpment

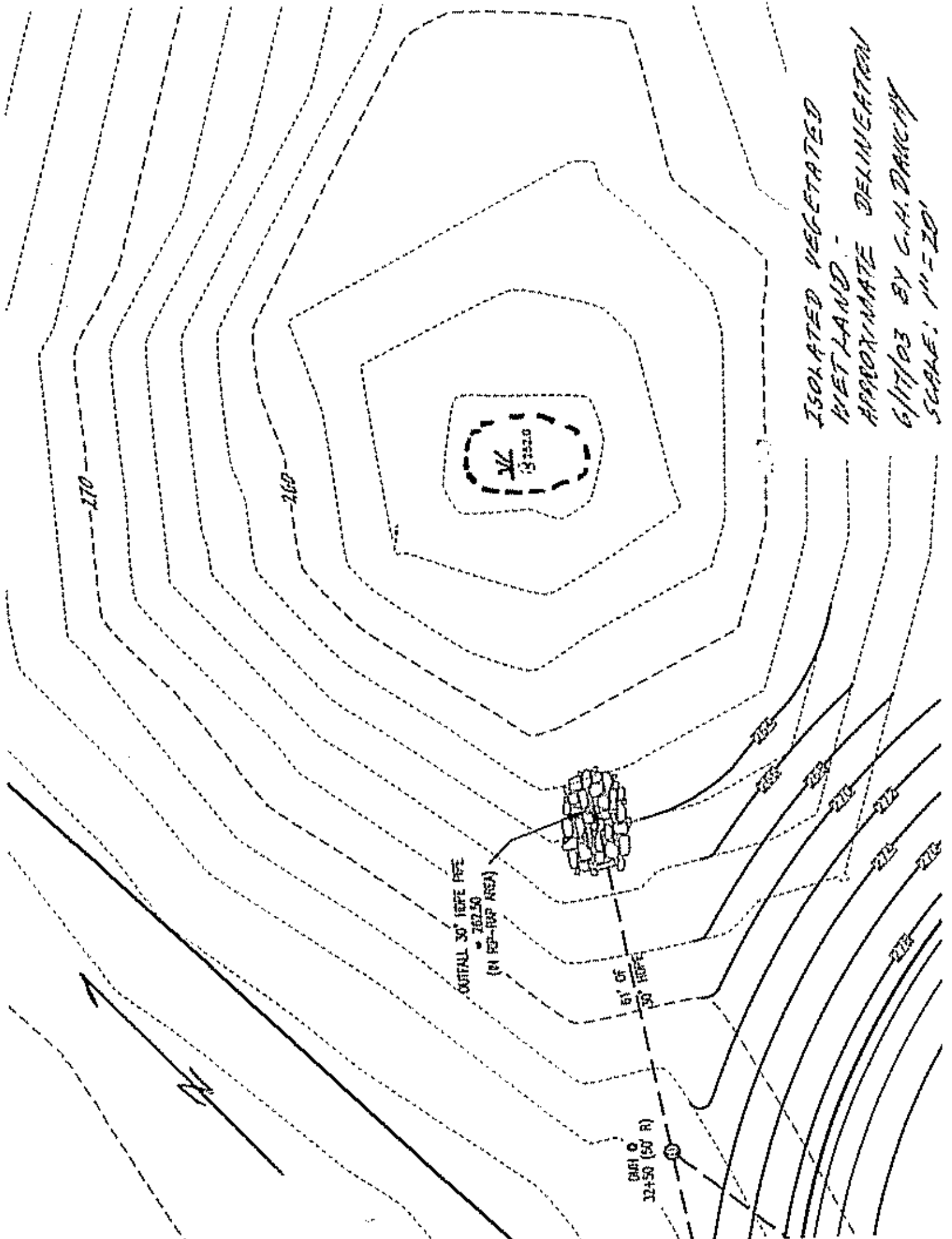
2. Soil Description
 Hole location: 3 ft NW of A5
 0-8" Loamy Sand, 10YR2/2
 8"-15" Loamy Sand, 10YR4/4
 Rooted on gravel and cobbles

3. Other
 NA
 Conclusion: Is soil hydric? NO

Other Indicators of Hydrology
 Gas inundated: NO
 Depth to free water in observation hole: NO
 Depth to soil saturation in observation hole: NO
 Water marks: NO
 Drift lines: NO
 Sediment deposits: NO
 Drainage patterns in BWV: NO
 Oxidized rhizospheres: NO
 Water stained leaves: NO
 Recorded Data: NO

Vegetation and Hydrology Conclusion
 Number of dominant wetland indicator plants >= dominant non-wetland indicator plants: NO
 Wetland hydrology present: NO
 Hydric soil present: NO
 Other indicators present: NO
 Sample Location is in a BWV: NO





ISOLATED VEGETATED
WETLAND -
APPROXIMATE DELINEATION
6/17/03 BY G.H. DAUGHAY
SCALE: 1"=20'

WELL
25220

OUTFALL 30' WIDE PIPE
25220
(IN 100-100' AREA)

51' OF
30' PIPE

2411 0
32+50 (50' R)

270

260

255

250

245

240

235

230

225

220

215

210

205

200

195

190

185

180

175

170

165

160

155

150

145

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*Bruce A. Coombs, President
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Website: heritagesurveys.com*

Page 1 of 4
June 26, 2003

Department of Environmental Protection
Attn: David Foulis
Western Regional Office
436 Dwight Street
Springfield, MA 01103

COPY

RE: Red Brook Estates
Jim Boyle Construction
Fomer Road
Southampton, MA
HIS Job #4895-020917
DEP File #289-142

Dear Mr. Foulis:

This letter is in response to Robert J. McCollum's letter dated June 9, 2003, pertaining to the NOI Supplemental Information Review of the above referenced project. The following responses correspond to the order of his letter's questions and/or comments.

- Evidence of Attempts – 310 CMR 10.58(4)(c)2.c. and 310 CMR 10.53(3)(c): Enclosed with this response are copies of letters, prepared by John H. Fitz-Gibbon, Attorney at Law, addressed to adjoining property owners, in an attempt to gain an alternative access to the proposed project. Also enclosed are return receipts documenting delivery of these letters to the owners. Jim Boyle also prepared an affidavit regarding his previous attempts made to purchase additional land for the purpose of eliminating the brook crossing access. The limiting constraints for alternative access to the site are due to unwilling landowners (see enclosed letters) and municipal bylaw considerations (see below for additional information on this topic).
- Legal Logistical Constraints (Municipal Regulations): A letter prepared by the Southampton Highway Superintendent is enclosed to show a clear explanation of why the proposed Britney Lane roadway must be twenty-six feet wide. The letter states that the Southampton Highway Department would like the above referenced roadway to be a minimum of twenty-six feet as required by the Southampton Subdivision Regulations (see enclosed copies of regulations) and that the proposed sidewalks should be constructed in accordance with plans filed with the Planning Board last revised May 20, 2003. A motion was made at the Southampton Planning Board meeting held on June 17, 2003, which was approved by a vote of four to zero, to maintain the required minimum pavement width of twenty-six feet and confirming that the sidewalks be constructed as shown on the revised May 20, 2003 plans. The minutes for the Southampton Planning Board meetings on June 3 and June 10, 2003 are enclosed.

The minutes of the June 3, 2003 Planning Board meeting contain a motion made to grant a waiver from the Subdivision Regulations to allow sidewalks to be located on one side of all roadways except in the open space area. The request and approval for sidewalks located on one side of the roadway was made during the preliminary subdivision submission. Definitive Subdivision Plans dated May 20, 2003 show the proposed sidewalk on one side of Britney Lane from the intersection of Fomer Road to the southerly side of the brook crossing. At road station 7+35 to 9+25 the proposed sidewalk will be located on both sides of Britney Lane at the request of the Southampton Planning Board, in order to allow pedestrian access to the open space on both sides of the road. On June 24, 2003, the Southampton Planning Board approved the above referenced Definitive Subdivision plans in a majority vote (four to zero) as required by the Subdivision Control Law and the Rules and Regulations Governing Subdivision of Land in the Town of Southampton.

- **Larger Arch Span:** The owners have agreed to increase the size of the bridge span from 42 feet to 48 feet, which is the largest arch span that is allowed to be transported by roadway, due to weight and width restraints. This larger arch span will be approximately \$10,000.00 more in cost than the 42 foot arch span. Plans will be revised to show the larger span (48 foot) to lessen any permanent impact to the Riverfront Area. This also reduces the flood storage loss by approximately 2,400 cubic feet.

- **Alternative Stormwater Management Technology:** The Southampton Planning Board and Conservation Commission require that new subdivisions prevent any increase in runoff up to the 100 year storm event on site. The proposed design minimizes the extent of the roadway draining to the basins, but still requires a volume of at least 3397 cubic feet (not including freeboard) to provide the required detention. The proposed detention basins will require grading within the Riverfront and the placement of rip-rap and an outlet structure, but will be seeded to native herbaceous species (New England Wetland Plants, "New England Conservation/Wildlife Mix", or equivalent) and will still serve as wildlife habitat after construction. The proposed basins provide for water quality treatment through infiltration in excess of the water quality volume, providing both water quality treatment and groundwater recharge.

An alternative to the proposed detention basin is the installation of a proprietary system, such as Stormceptor, for treatment of stormwater and the installation of underground storage cells (example Rainstore3) to provide the required detention volume. The cost to purchase and install treatment structures, storage cells and materials greatly exceeds the cost to install the detention basins. The Stormceptor units range from \$7600 to \$33,560 (cost range obtained from EPA website) and at least two units would be require on each side of Britney Lane. The underground storage cells (Rainstore3) would have an estimated cost of \$300,000 to purchase and install, in order to detain the 100 year storm event on site. A sample worksheet is enclosed showing an installed cost of \$82,322 for 540 units. Also enclosed is a document showing that for the proposed project approximately 855 units are require on both sides of Britney Lane to retain the 100 year storm event. The proposed detention basins will permit visual inspection in order to insure that the basins are maintained and functioning properly. The underground storage cells cannot be visually inspected; therefore pollutants can enter the resource area undetected. The alternative technology is neither cost effective nor does it provide greater protection to the Riverfront Area.

- **Retaining Walls:** Although extending the retaining wall to the intersection of Britney Lane and Kevin Drive would slightly reduce the grading within the Riverfront Area, it will limit the ability of pedestrians and wildlife to access the proposed open space areas. The proposed open space was established with recommendations from the Southampton Planning Board to create a continuously connected passive recreational area along the Riverfront.

The Southampton Subdivision Regulations require a 4 to 1 slope along the side of roadways to meet existing grade. A steeper slope of 3 to 1 has been proposed to reduce the amount of disturbance within the Riverfront. This disturbance is temporary and the regraded areas shall be re-established with vegetation.

All graded areas outside of the street layout will be seeded with indigenous vegetation (New England Wetland Plants, "New England Roadside Matrix Upland Seed Mix" or equivalent) and re-established as wildlife habitat.

The proposed retaining walls have been estimated to cost approximately \$50,000, by Dietz Construction Corp., (see enclosed estimate). The proposed retaining walls are approximately 250 feet in length. An additional 300 feet of retaining walls would be needed on both sides of Britney Lane to reduce the proposed grading within the Riverfront. The height of the additional retaining walls would be less but the length would be slightly more with an additional estimated cost of \$30,000. Due to the excavation and temporary slopes required to install footings, the installation of the retaining walls will require approximately the same amount of disturbance within the Riverfront Area, as the proposed grading, therefore we do not recommend any additional retaining walls other than those proposed on the original plans.

- **Wildlife Habitat Impact:** According to 310 CMR 10.58(d)(1) alteration within the Riverfront can be up to 10% of the Riverfront within a lot. The total Riverfront on the site is 801,883 square feet and 10% of this area is 80,188 square feet. The proposed work for the project was originally calculated as 47,614 square feet, which is 6% of the total Riverfront area. This calculation included the stormwater detention basins and related grading (9352 sq. ft.). In accordance with 310CMR10.58(3)(d)(1), the stormwater management area should not be included in calculation of the area of alteration, where there is no practicable alternative. Therefore, the area of "work" within the Riverfront is correctly calculated as 38,262 sq. ft. or 4.77% of the total Riverfront Area. Although this area substantially exceeds 5000 square feet, it is a small portion of the overall wildlife habitat on the site and is the least natural (existing woods road and residential yard area) of any access route available. This leaves 5.23%, or 41,938 square feet of riverfront area, which could otherwise be developed, which will be included in permanently protected Open Space (public) or covered by permanent deed restrictions on the affected private lots. This provides mitigation in excess of the "area of work". In addition, the 9352 sq. ft. of stormwater management area and 8776 sq. ft. of roadway side-slopes (counted as area of work) will be reseeded to indigenous vegetation and protected for wildlife habitat.

The proposed plans also show approximately 14 acres of dedicated Open Space, 75,583 square feet of which is located outside the Riverfront area, and which will remain in its existing unaltered vegetated state. This area is shown as open space on the plans dated May 20, 2003 and is located to the east of Parcel C and behind Parcels 35, 36, 37, & 38. Although this land is outside the Riverfront Area, it is contiguous with the Riverfront and will provide habitat characteristics identical to the higher portions of the Riverfront Area.

The proposed project results in permanent protection of a total of 117,521 sq. ft. of Riverfront and contiguous upland that could otherwise be developed in full compliance with the regulations. We request that the Conservation Commission consider this as appropriate mitigation for this "limited project" work under 310CMR10.53(3)(e).

- **Compensatory Storage:** A plan entitled Proposed Compensatory Flood Storage Plan, Southampton Massachusetts, Prepared for Jim Boyle Construction, dated May 30, 2003, was provided to you and the Southampton Conservation Commission on June 16, 2003. This plan shows a proposed area for compensatory flood storage. A request was made to the Southampton Conservation Commission to consider the provision of compensatory storage not "practicable" due to the extent of disturbance required for construction and the minimal flood storage benefit that it would provide.

Before designing the compensatory storage area, several other locations along Red Brook were considered. The area selected avoids the extensive areas of mature forest along most of the stream, allows construction access over an existing lawn and yard to minimize disturbance of natural vegetation, avoids an area of historic value (old mill site), and is as close as feasible to the area of the crossing ("within the same reach of the river").

Page 4 of 4
June 26, 2003

Also included with this response is a draft copy of the Declaration of Protection Covenants Preamble for your review. The next Southampton Conservation meeting to be held on this project will be on July 14, 2003. We would appreciate receipt of your questions or comments on the above prior to that meeting. Please also feel free to contact our wetlands consultant, Charles Dauchy(413-548-8005) or this office (413-527-3600) by telephone if you should have any additional questions or comments that can be addressed in that manner.

Sincerely,



Bruce A. Coombs

cc: Southampton Conservation Commission, four (4) copies, with enclosures
Jim Boyle Construction
John H. Fitz-Gibbon Attorney at Law
Charles H. Dauchy



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
695 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

July 2, 2003

Regulatory Division
CENAE-CO-R-200301288

Jim Boyle Construction
Attn: Mr. Jim Boyle
P.O. Box 290
Easthampton, Massachusetts 01027

Dear Mr. Boyle:

We understand you intend to perform work associated with the development of the Red Brook Estates Subdivision adjacent to Fomer Road in Southampton, Massachusetts. This project may involve activities that require a permit from the Corps of Engineers. We are available to meet with you to discuss the limits of the Corps jurisdiction over the project site as well as to discuss the Corps Regulatory program.

A Corps of Engineers permit is required under Section 404 of the Clean Water Act for discharges of dredged or fill material into all waters of the United States, including navigable waters, inland rivers, lakes, streams, and wetlands, as well as the excavation/grading within these waters/wetlands. In interior waters our jurisdiction extends landward to the ordinary high water (OHW) mark or to the landward limit of any wetlands, whichever is more extensive.

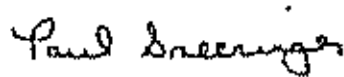
Federal regulations define the term "wetlands" as "...those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions..." (Federal Register, November 13, 1986 33 CFR Part 328.3(b)). Wetlands generally include swamps, marshes, and bogs; however, forests and meadows that lack surface waters can also be wetlands. A wetland delineation done in accordance with the Massachusetts Department of Environmental Protection Handbook dated March 1995 is acceptable in most situations.

You will not need to submit an application to us if your project meets all the terms and conditions of the non-reporting "Category I" in the enclosed Federal permit known as the Massachusetts Programmatic General Permit (MPGP) [see MPGP, page 15]. NOTE: Based upon a previous conversation with Mark Reed of Heritage Surveys, Inc., it is our understanding that 1) no construction is proposed within the Manhan River; 2) no in-stream construction is necessary within Red Brook associated with the Britney Lane crossing; 3) no impacts to certified vernal pools have been proposed as part of this project; and 4) impacts to jurisdictional wetlands have been limited to less than 5,000 square feet. An application would be required if your project falls in Category II or Category III - Individual Permit [see MPGP, page 15]. If you need to submit an application, please use the enclosed ENG Form 4345 and reference your existing file number #200301288. Samples of the necessary plans are also enclosed for your information. When preparing plans, please ensure that all pertinent features and labeling are legible.

Please note that the authorizations referred to above must be obtained before any work or filling is done in areas subject to Corps jurisdiction. Performing such work or filling without first obtaining Corps authorization could result in substantial penalties.

If you have any questions regarding this letter, please contact me at (978) 318-8491 or call toll-free within Massachusetts at (800) 362-4367.

Sincerely,



Paul Steering
Senior Project Manager
Regulatory Division

Enclosures

Copies Furnished:

Robert J. McCollum, DEP Western Regional Office, Wetlands and Waterways, 436 Dwight Street, Springfield, Massachusetts 01103
James Moore, Southampton Conservation Commission, P.O. Box 343, Southampton, Massachusetts 01073
Mark Reed, Heritage Surveys, Inc., College Highway & Clark Street, Post Office Box 1, Southampton, Massachusetts 01073

Send To Printer

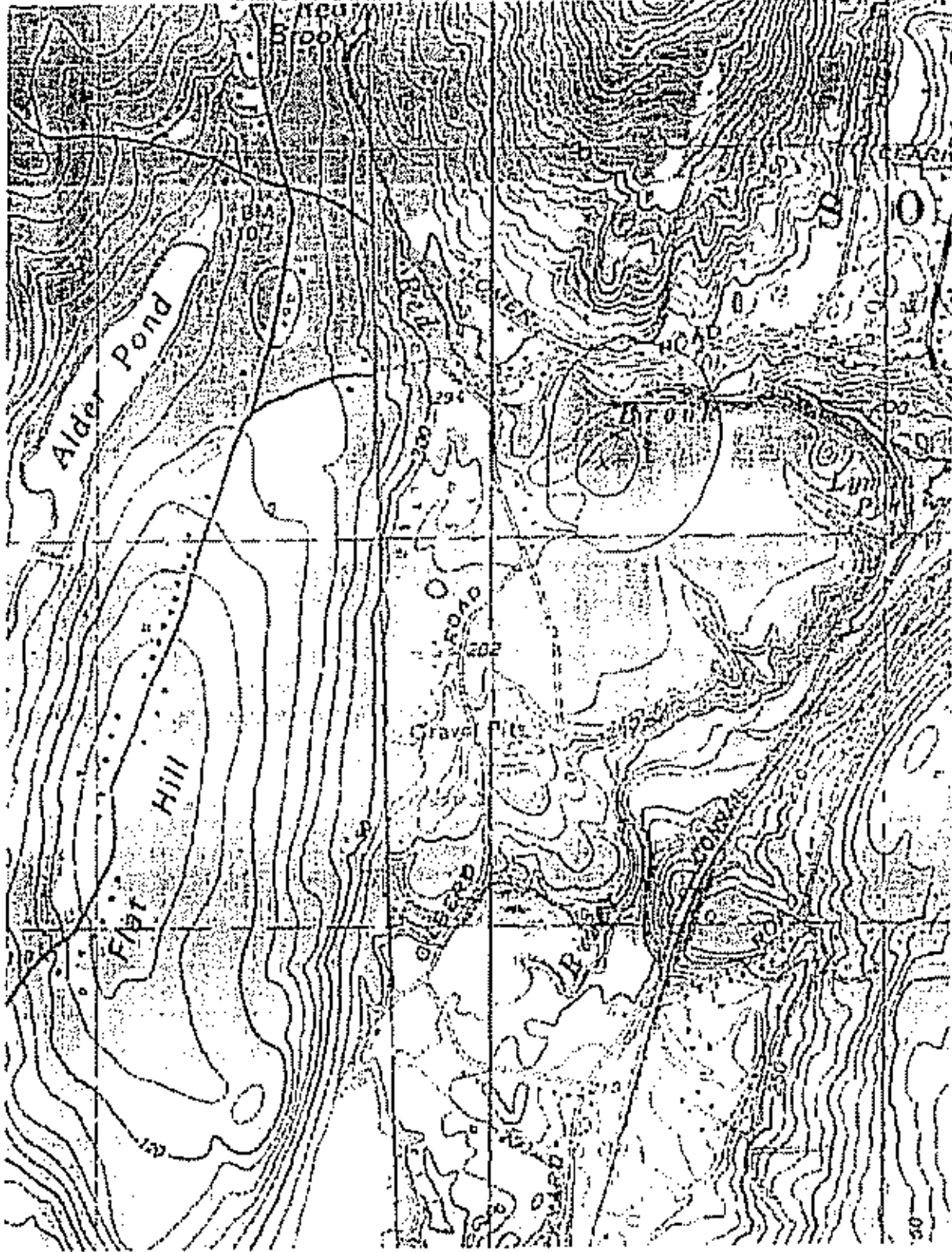
Back To TerraServer

Change to 11x17 Print Size

Show Grid Lines

Change to Landscape

USGS 2 km SW of Southampton, Massachusetts, United States 01 Jul 1979



0 0.5 km

0 0.25 mi

Image courtesy of the U.S. Geological Survey

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Page 1 of 5
June 2, 2003

Department of Environmental Protection
Attn: Susan Gillan
Western Regional Office
436 Dwight Street
Springfield, MA 01103

RE: Red Brook Estates
Jim Boyle Construction
Fomer Road
Southampton, MA
HSI Job #4895-020917
DEP File #289-142

Dear Ms. Gillan:

This letter is in response to your comments within the Notification of Wetlands Protection Act File Number, dated May 9, 2003, DEP file #289-142. The following information has been provided in response to your questions and/or comments for the above referenced project. The following responses correspond to the order of your letters questions and/or comments.

- **Limited Project Status – Alternative Accesses to Gilbert Road:** The project is being reviewed as a limited project under the provisions found at 310 CMR 10.53(3)(e). Additional information has been requested to show that there is no other practicable alternative means available to access the site from Gilbert Road. As stated in the Alternative Analysis within the Notice of Intent Filing, "The purchasing of addition frontage along Gilbert Road was investigated, but was not feasible." A letter prepared by the applicant is enclosed, which includes copies of contracts presented to Michael J. & Kathy J. Lempke and Richard Gwinner, Edward Gwinner & Ronald Gwinner (Gwinner Family). The Gwinner Family parcel is located on Gilbert Road (Parcel 91A, Map 28) but does not connect to the proposed subdivision lots, therefore a contract was presented to Michael J. & Kathy J. Lempke for a portion of Parcel 92, Map 28 (Southampton Assessors Map). Dietz Construction Corp estimated the proposed bridge crossing located off of Fomer Road to be \$160,000. An amount of \$275,000 was not enough to secure just the Lempke parcel. An agreement could not be reached between the parties and negotiations ceased.

A second entrance from Gilbert Road through Parcel 88, Map 28 was explored, but was not an option due to the lack of interest by the property owner. In addition there was a problem with the proposed line of site from this parcel and a curve along Gilbert Road and not enough distance between the existing house and the property line to place a proposed roadway. All other parcels along Gilbert Road, which connect to the proposed subdivision contain existing houses and are not obtainable.

A suggestion was made, by the chairman of the Conservation Commission, to the Planning Board, to have a split entrance or boulevard off of Gilbert Road to eliminate the second entrance and brook crossing off of Former Road. The Highway Superintendent and the Planning Board rejected this idea because it would set a precedent for single access to land locked parcels.

- **Redevelopment Status:** We concur that the work in the Riverfront Area could be considered under the "redevelopment" provisions of 310 CMR 10.58(5), in that a portion of the site contains previously "degraded" riverfront area. However, we believe that consideration under 310 CMR 10.53(3)(e) as a Limited Project for Access roadway is more appropriately in line with the intent of the regulations.

- **Compensatory Flood Storage:** According to 310 CMR 10.53(3)(e) compensatory flood storage shall be provided to the extent practicable, and according to 310 CMR 10.57(4) compensatory flood storage shall be provided "when in the judgment of the issuing authority said loss will cause an increase or will contribute incrementally to an increase in the horizontal extent and level of floodwaters during peak flows." A plan entitled Proposed Compensatory Flood Storage Plan, shows an area provided for compensatory storage (this plan is enclosed on an 11 x 17 sheet). The flood storage loss from the proposed bridge and road construction is 8,836 cubic feet. The compensatory flood storage as shown on the above referenced plan is 9,008 cubic feet (also see enclosed Flood Storage Calculation sheet). The 100 year flood elevation in the location of the compensatory flood storage is different than the 100 year flood elevation at the proposed brook crossing due to the high gradient stream channel. A 100 year flood elevation of 270 was used in the location of the compensatory flood storage. (See the section below entitled Flood Elevation Determinations for more information on the elevations used).

According to 310 CMR 10.57(4) flood storage is required based on the judgment of the issuing authority. 310 CMR 10.53(3)(e) allows the Commission to consider what is "practicable". The creation of compensatory storage would require additional disturbance within the 100' Buffer Zone to a Bordering Vegetated Wetland, 100' Buffer Zone to a Bank, and the 200' Riverfront Area. Due to the steep gradient of the stream, the "bordering land subject to flooding" provides minimal storage effect. The proposed area provided for compensatory storage is not practicable in light of the additional resource area alteration required. We therefore request that the Southampton Conservation Commission eliminate the compensatory flood storage area from the proposed project.

- **Flood Elevation Determinations:** The 10-year floodplain was not mapped by FEMA, therefore was not shown on the plans. The 100-year floodplain is shown on sheet 29 of 35 of the Definitive Subdivision Plans for Red Brook Estates submitted with the Notice of Intent. The 100-year flood elevation of 257 is within the USGS Datum and was determined based on the Zone A shaded area on the Flood Insurance Rate Map (FIRM), Community-Panel Number 250171 0020A, effective date December 4, 1979. The Zone A area is defined in the legend of the FIRM as "areas of 100-year flood; base flood elevations and flood hazard factors not determined", therefore a flood elevation of 257 was used as the best fit between the FIRM map and the actual surveyed contours. A flood elevation of 270 was used in the area of the proposed compensatory storage. The 190 elevation, to which you refer in your comment, is within the Zone A-4 area along the Manhan River, which is far downstream from the location of the proposed Red Brook crossing. *190 was highest - Down on Manhan.*

- **Wildlife Habitat:** Areas within the 10 year floodplain, or within the 100 year floodplain and within 100 feet of the Bank or BVW, are likely to be significant to the protection of wildlife habitat. The proposed disturbance within the 100-year floodplain is 3,913 square feet, which is less than 10% of the total floodplain within the project and less than 5,000 square feet. The total 100 year floodplain, on the site, is approximately 173,962 square feet. Mapping of the 10 year floodplain is not available, and is irrelevant, since the area of alteration within even the 100 year flood plain is well within performance standards.

The proposed disturbance within the 200' Riverfront Area is 47,614 square feet and the total 200' Riverfront Area on the site is 801,883 square feet. The proposed project is altering less than 10% of the total Riverfront Area.

- **Isolated Land Subject to Flooding:** You stated that "as presented in the NOI, possible Isolated Land Subject to Flooding and/or ACOE jurisdictional Isolated vegetated Wetlands may be present on the site." I believe you are referring to the natural depression located between proposed lots 15 & 16 on the northerly side of the proposed Katelyn Way. According to 10.57(b)(1) "Isolated Land Subject to Flooding is an isolated depression or closed basin without an inlet or an outlet. It is an area which at least once a year confines standing water to a volume of at least ¼ acre-feet and to an average depth of at least six inches." Calculations have been provided to show that within a one-year storm event the depression does not hold ¼ acre-feet of water.

- **Isolated Vegetated Wetland:** The very bottom of the depression (approximately 100 sq. ft.) contains hydric soils, wetland hydrology, and a possible dominance of wetland indicator vegetation. It may qualify for Federal jurisdiction, although any significance to interstate commerce is unlikely. To avoid any question, the plans have been revised to show that the depression shall remain in its existing vegetated state and no leaching basins will

be installed within the depression. There will be no discharge of dredged or fill material to the IVW. The stormwater discharge to the depression will be located well outside the possible IVW. The stormwater to be conveyed to the depression will pass through a series of catch basins with deep sumps and oil/water separators and then enter into leaching basins before entering a rip-rap apron to the depression. Enclosed is a letter prepared by Alan M. Richmond, Ph.D., which states that the depression is not a vernal pool.

- **Erosion and Sediment Control:** The erosion and sediment control barriers and limits of work are shown on the Stormwater Basin Construction Plan, sheet 29 of 35. This plan has been revised to show additional sediment control barriers along the edge of bank in the location of the proposed footing construction for the bridge crossing. The Detail Sheet number 35 of 35 shows detailed information on the placement and maintenance of the sediment control barriers. (Also see the enclosed 11 x 17 sheet entitled Brittney Lane Centerline Crown Grades Profile Showing Red Brook Crossing.)

- **Resource Areas Shown on Plans:** The Mean Annual High Water/Bank (these are contiguous and have been field surveyed), Riverfront Area, and the 100' Buffer Zone to the Bank or flagged wetlands are shown on sheets 12 through 20 the Topographical Plans provided with the Notice of Intent. Bordering Vegetated Wetlands were flagged and surveyed where they were in the vicinity of potential work or alternative access routes. Wetlands at the west end of the site on lot C were not flagged. Wetlands bordering Red Brook or Mill Pond on lot 15 at the easterly end of the site were not flagged. Wetlands observed along the easterly section of Red Brook are clearly within 100 ft. of the MAHW and no work is proposed within 200 feet. On both lots there is clearly extensive building room outside any Wetland or Buffer Zone and no construction is specifically proposed at this time. We have recommended to the Conservation Commission that they require a Request for Determination of Applicability before any construction on lots 15 and C to verify that no resource areas are to be altered. (Also see preliminary deed restrictions enclosed as well as revised Definitive Subdivision Plans showing proposed building envelopes for parcels, 15, C & 34.)

The 100 year flood plain is shown on the Stormwater Basin Construction Plan, sheet 29 of 35. An addition 100 scale overall plan has been provided to show the resource areas and buffer zones for the proposed project (This plan has not been revised to reflect the changes made to the Definitive Subdivision Plans dated May 20, 2003). The profile of the brook at the arch span was provided on sheet 26 of 35 Construction Plan. The above referenced 11 x 17 profile plan shows the Mean Annual High Water/Bank at stations 10+91 and 11+10 with a width of approximately 19 feet. The profile also shows that the inside span of the arch is forty-two feet.

This places the footings a distance of approximately 11 feet from the Mean Annual High Water/Bank. Proposed hay bales will be placed 2 feet from the bank to allow for the excavation for the footings, which will be approximately 8 feet from the bank. The profile shows the staked hay bales and the 100 Year Flood Plain. There is no Bordering Vegetated Wetland in the location of the proposed brook crossing. The Stormwater Basin Construction Plan, sheet 29 of 35 also shows the limits of work/grading within the 200' Riverfront, 100' Buffer Zone to a Bank and Bordering Vegetated Wetland as well as the 100 Year Flood Plain. The areas of disturbance are listed with in the Notice of Intent WPA Form 3 and within the Alternative Analysis Area Table.

- **401 Water Quality Certification:** A filing of a 401 Water Quality Certificate is required if any proposed activity will result in the discharge of dredged or fill material, dredging, or dredged material disposal greater than 100 cubic yards to waters subject to regulation by the U.S. Army Corps of Engineers, Federal Energy Regulatory Commission or other federal agency. This project does not propose any activity that would discharge dredge or fill material to waters of the United States. Draft copies of deed restrictions are enclosed for parcels 15, 34 and C, which refer to building envelopes on the revised Definitive Subdivision Plans. Also within the deed restriction is a statement that the property may be subject to the Southampton Wetlands Protection Ordinance, Wetlands Protection Act, an Order of Conditions, and/or a Determination of Applicability from the Southampton Conservation Commission. Any proposed work located on these lots will require at a minimum, the filing of a Request for Determination of Applicability to insure all resource areas are protected.
- **MEPA:** It is our understanding that a filing with MEPA is not required if the project does not require a state permit, such as a 401 Water Quality Certification, or state funding. No 401 Water Quality Certification or other state permit is required for this project. John H. Fitz-Gibbon Attorney at Law, has prepared a letter dated June 2, 2003, which states why filing with MEPA is not required (See enclosed letter).
- **Wetland Delineation Methodology:** The Bordering Vegetated Wetlands in the vicinity of any proposed work were delineated by Charles H. Dauchy, Professional Wetland Scientist, based on 310 CMR 10.55(2)(c). The wetland boundary was based on his judgment of 50% or more wetland indicator plants and the presence of saturated soil conditions as indicated by Hydric soils. The Conservation Commission observed and accepted the flagging adjacent to the work areas and has required no further documentation.
- **Arch Span Installation:** Enclosed is a copy of the Con/Span Technical Information, which contains, general information, installation details, Con/Span Solutions, Specifications, Capacity Curves, Foundation Design, Templates, Installation Drawings. Construction of the span will be performed on each side of the stream separately. The footings will be put in place on each side of the brook and at no point will equipment cross the brook or perform work on the opposite side of the brook. The footings for the span shall be installed approximately eleven feet from the edge of the bank. Sedimentation control barriers shall be installed before any construction occurs and shall be installed approximately two feet from the edge of bank. If dewatering is necessary during the installation of the footings a dewatering basin shall be created. (This basin will be temporary and shall be placed well away from Red Brook. The water shall be pumped to the dewatering basin and allowed to infiltrate.)
- **TSS Removal Calculations:** The proposed detention basins on the northerly side of Red Brook function as infiltration basins for water quality treatment. The volume retained below the outlet invert and treated by infiltration exceeds the required Water Quality Volume. The stormwater which, will be conveyed to the basins, will enter a leaching chamber as well as catch basins with deep sumps and an oil/water separator before entering into the forebay of the basin. The natural basin will also function as an infiltration basin as well as retain the 100 year storm event on site. The stormwater conveyed to the natural basin shall also enter into a series of leaching structures and catch basins with deep sumps and an oil/water separator before entering into the natural

basin. TSS removal calculation worksheets have been provided to show the 80% removal rate for the infiltration basin.

- **Stormwater Design:** The stormwater calculations provided along with the Notice of Intent are divided into two sections. The first section of the drainage calculations is for stormwater, which will be directed into the two proposed infiltration/detention basins located on the northerly side of Red Brook. The discharges from these basins are the only stormwater discharges within a resource area or buffer zone.

The impervious area of 0.567 acres, which you speak of in your comments represents the proposed impervious area which will contribute stormwater runoff to the proposed infiltration/detention basins. No additional impervious areas will be directed into the two proposed basins.

The second section of the drainage analysis is for the drainage that will be conveyed to the natural basin. This analysis takes into consideration all impervious surfaces created (not just roads) and shows that the natural basin will not discharge any stormwater to a resource area or buffer zone. The 100 year storm event shall be retained within the natural basin.

what coverage relevance?

- **NHESP Response:** The Natural Heritage and Endangered Species Program has responded (NHESP File No. 03-11820, dated 5/22/03) that "It is our opinion that this project, as currently proposed, will not adversely affect the actual habitat of a state-protected rare wildlife species".

Please call if you should have any questions regarding this response to the Notification of File Number.

Sincerely,


Bruce A. Coombs

cc: Southampton Conservation Commission
Jim Boyle Construction

June 28, 2003

Summary of dispute between
Edward Gwinner, Jr. and
James and Patricia Boyle

SEPTEMBER 9, 2002: Edward Gwinner, Jr. ("EGJr") was approached by James and Patricia Boyle ("JB" and "PB") in Easthampton, MA. JB/PB indicated that they wanted to speak to EGJr about a land development deal. JB/PB followed EGJr to the home of Nancy Babyak ("NB") and all four parties sat by the pool while JB/PB presented their offer.

THE VERBAL AGREEMENT: JB/PB said that they had put deposits on 2 parcels of land in Southhampton, MA (the Andrews and Millilel properties) and planned to put in a housing subdivision. They were also going to approach abutter Mr. Lemke with an offer to purchase 12 acres of his land. The Lemke property also abuts land owned by Ronald Gwinner, brother of EGJr. If JB/PB could purchase the Lemke land and access to the Ronald Gwinner land, they would be able to connect their subdivision road to Gilbert Road, thereby avoiding area wetlands and the construction of a bridge crossing Red Brook.

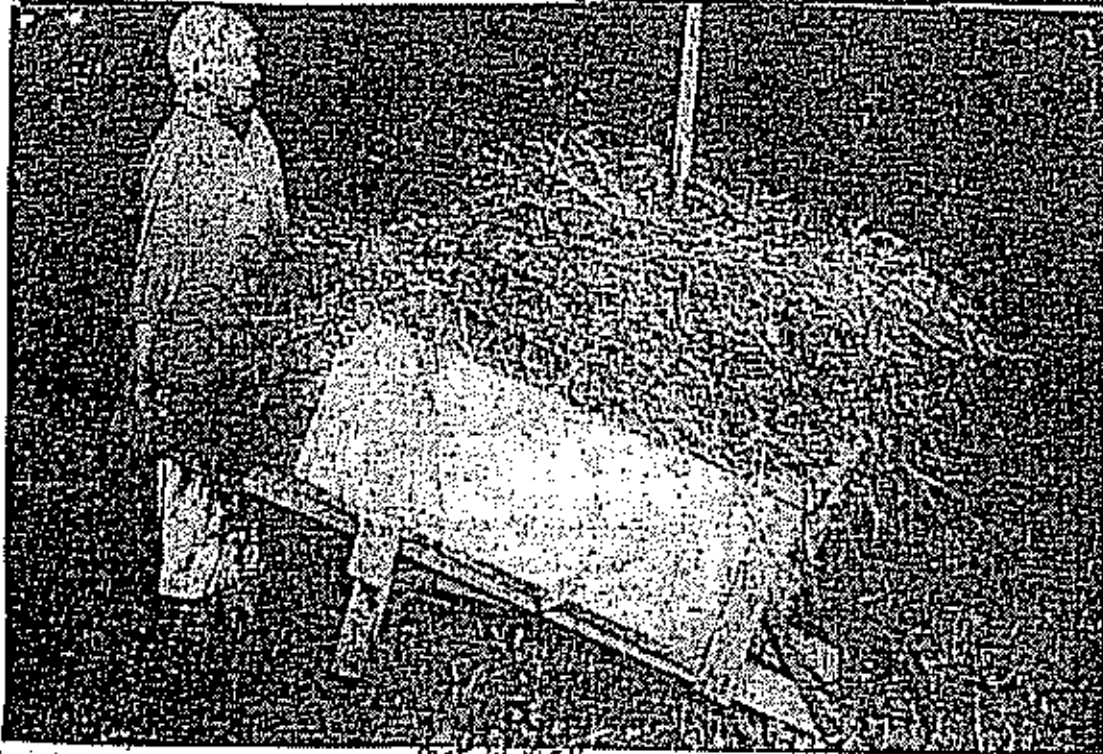
The deal presented by JB/PB was that Ronald Gwinner would be given the 12 acre Lemke property in exchange for access to his land and that EGJr would be able to buy 8 building lots from JB/PB at their cost. Mr. Lemke would also be given land by JB/PB in exchange for his land. EGJr discussed this offer with his brothers Ronald and Richard Gwinner and they indicated that it would be acceptable. Several days later, JB spoke with NB at her workplace and she indicated that the verbal offer was acceptable to EGJr and his brothers.

MID-NOVEMBER, 2002: JB presented EGJr with a written agreement and indicated that he needed it signed within 48 hours. The terms of the agreement had now changed without the knowledge of EGJr. JB/PB now wanted a \$175,000 payment from EGJr for the Lemke property and any lots purchased from JB/PB by EGJr would be at market value, not builder cost. EGJr told JB that this was not the deal they had agreed to and JB indicated that "things sometimes change". EGJr explained to JB that without the Gwinner property, JB/PB would have to build a bridge to cross Red Brook which would ultimately be a more expensive proposition than the original agreement they had made. JB responded that PB would not change the terms of the agreement and that there was nothing he could do because "she's my wife and I have to live with her".



CONSERVATION COMMISSION MEETING, SOUTHAMPTON, MA MAY 5, 2003: EGJr attended a Conservation Commission meeting the agenda of which concerned the JB/PB development. A Commission member asked JB/PB if they had exhausted all avenues to avoid building a bridge over Red Brook. PB indicated that they had tried but that they could not make any deals with the abutting property owners. This was an untrue statement in the opinion of EGJr as JB/PB were not unable but rather *unwilling* to honor their original verbal agreement with EGJr. EGJr spoke at the meeting and made this fact known. PB then responded in front of everyone present that EGJr "was a liar".

Signature



DO 1451954
 Mrs. Frances Sudnick of Southampton and her son take care of their farm and nine head of cattle. She found time after dark to salvage this loose hay overlooked by baling machine crew and wheeled it into the barn for the livestock. With field crops harvested, her days now are less crowded.

RE GAZETTE, NORTHAMPTON, MASS., FRIDAY, OCTOBER 29, 1954.

Temporary Bridge Over Manhan At Russellville



SOUTHAMPTON—A temporary bridge over the west branch of the Manhan River at Russellville has been erected by the state DPW. The Bailey Army surplus bridge is about 50 feet long with ramps on either side to allow passage of one vehicle at a time. Local truck

August 23, 1955

Break in Reservoir Dam Damages Manhan Project



Thousands of gallons of water in the reservoir of the Holyoke Water Department's Southampton were let loose when an early rain on Friday, Aug. 19, forced the dam to give way. The new three-million-dollar Manhan dam, under construction by Daniel O'Connell, Damaging equipment and washing out much of the structure in the past six months. Reservoir was to become part of the new Holyoke water supply reservoir and the dam, which has been placed in the area, he says, the back ground of the picture. The dam is the foreground to the main supply line for Southampton and is the last of a series of dams to be built by the break on Friday, Aug. 19, at the Holyoke dam, from the Holyoke reservoir, he says.

Flood Damage To Roads, Bridge

Southampton, Aug. 23—The limited damage to bridges and washouts here has been reported at nearly \$300,000, according to Superintendent Mrs. Rudolf Schmitt, who yesterday visited the Holyoke dam and the Holyoke Water Department's Holyoke Dam. Superintendent John J. Carls, superintendent of the Holyoke Dam, said that the damage to the bridges and washouts in many places. The bridges wrecked in one near George Lohdell's in Southville, the Valley Bridge, the Manhan in Haverhill, went down the river, the Flood Bridge, Pleasant St. Bridge, Brook Bridge, and the Main St. Bridge.

There were major washouts on Holyoke Rd. leading to the Jacobus Hill, one on W. Hill and on Maple St. above home of Howard Gray, a fireman, above Abigail's house, where damage was done with a washout on New Rd. Middle and Pleasant Sts.

The Holyoke Dam, which is the worst part of town in severe losses which will not work back probably six to eight months, according to Mrs. Schmitt.

Aug 30, 1955

Low Bidders For City, Southampton Bridge Project

STATE HOUSE - Boston State Department of Works has announced the bidders for bridge construction projects in Northampton and Southampton.

W. W. Wyman, Inc. of Northampton submitted a low bid of \$38,655.50 for the construction of a concrete bridge and approaches on Ryan Rd. over South Brook in Northampton.

Daniel O'Connell's Sons of Holyoke was the low bidder for the construction of bridges and approaches in Southampton with a bid of \$150,784.07.

Both projects are the result of damage by flood waters.

Aug 23, 1955

Aids Easthampton In Flood Problems

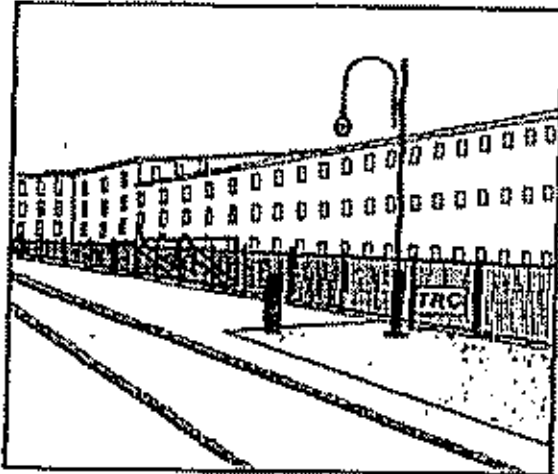
Southampton, Aug. 23—Fire Chief Clarence E. Mannum started his vacation yesterday, but it wasn't just what he had expected. Due to the flood conditions he took the smaller of the town's two fire trucks and spent the day in Easthampton helping where it was necessary and standing by in case of need. Holyoke town Chief James M. O'Connell's five-man crew at the station over the week end while the rest of the firemen were out plugging job openings in various parts of town. Deputy Charles Kalcik finally succeeded in getting his bull-dozer out of Westfield to use here.

Burton Randall is building an addition to the rear of the fire station for housing the heater and for use as a storage room. It is to be made of cinder blocks and painted red to match the truck.

Aug 23, 1955

Tax bills are in the process of being sent out. The school rate is set at \$25.77 and the general rate \$23.33, making the \$49.10 rate per thousand dollars assessed.

The tax collector reports that in his nine years of holding the office the money to be collected has risen from about \$47,000 to about \$150,000 for the current year.



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Estate NOE

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Collin Duncan

office 978 656 3615

cell 617 549 8301

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Division of Fisheries & Wildlife

Wayne F. MacCallum, *Director*

May 23, 2003

Southampton Conservation Commission
P.O. Box 343
Southampton, MA 01073-0343

Dear members of the Commission:

The Massachusetts Natural Heritage and Endangered Species Program has officially certified a vernal pool in your town (Certified Vernal Pool 3159). The certified status of this vernal pool potentially affords it protection under the following regulations:

1. Massachusetts Wetlands Protection Act Regulations (310 CMR 10.00); within wetland resource areas, protectable vernal pool habitat includes the pool itself and up to 100 feet beyond the pool's margin.
2. Massachusetts Surface Water Quality Standards (314 CMR 4.00); discharges of dredge or fill material are strictly prohibited within the boundaries of certified vernal pools.
3. Title 5 of the Massachusetts Environmental Code;
4. The Massachusetts Forest Cutting Practices Act Regulations.

The maps included with this certification show the location and approximate boundary of the vernal pool. The Natural Heritage and Endangered Program does not delineate the physical, on-the-ground boundary of a certified vernal pool when a certification number is issued. The actual boundary of the vernal pool must be determined using field observations of either the maximum flood level or indicators of the maximum water level of the vernal pool.

Please note that even after a Notice of Intent has been filed, the presumption that vernal pool habitat does not occur on a site is overcome upon a clear showing to the contrary, either through official certification or the presentation of credible evidence at a public hearing (310 CMR 10.57(2)(a)5). Altering vernal pool habitat may be permitted only if it will have no adverse effects on wildlife habitat, as determined by procedures contained in 310 CMR 10.60.

Please contact Karen Hirschberg at the DEP Western Regional Office with all regulatory questions pertaining to this pool. We encourage you to contact the Natural Heritage Program with questions relating to the biological characteristics of this pool. Thank you very much for your concern with vernal pool conservation.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia Huckery".

Patricia Huckery
NHESP Endangered Species Project Analyst

cc: Karen Hirschberg, DEP Western Regional Office
file



Natural Heritage & Endangered Species Program

Route 135, Westborough, MA 01581 Tel: (508) 792-7270, ext 200 Fax: (508) 792-7821

An Agency of the Department of Fisheries, Wildlife & Environmental Law Enforcement

<http://www.state.ma.us/dfw/ecl/dfw/nhesp>



Division of Fisheries & Wildlife

Wayne F. MacCallum, *Director*

May 23, 2003

Frank and Anne Cressotti
13 Ferner Road
Southampton, MA 01073

Dear Landowner:

I am writing to notify you of the official "certification" by the Massachusetts Natural Heritage and Endangered Species Program of a vernal pool which has been documented to this office. The Natural Heritage and Endangered Species Program has been informed that Certified Vernal Pool number 3169 is located on your property.

Vernal pools are small, ephemeral wetlands which often dry up for part of the year, and provide critical breeding habitat for a number of amphibians found in Massachusetts. Some of the frogs and salamanders that use vernal pools breed exclusively in these areas. Enclosed is a fact sheet on vernal pools for your information.

The certified status of this vernal pool potentially affords it protection from adverse impacts under the following regulations:

1. Massachusetts Wetlands Protection Act Regulations (310 CMR 10.00); within wetland resource areas, protectable vernal pool habitat includes the pool itself and up to 100 feet beyond the pool's margin.
2. Massachusetts Surface Water Quality Standards (314 CMR 4.00); discharges of dredge or fill material are strictly prohibited within the boundaries of certified vernal pools.
3. Title 5 of the Massachusetts Environmental Code;
4. The Massachusetts Forest Cutting Practices Act Regulations.

This certification has been recorded with both your local Conservation Commission and the Massachusetts Department of Environmental Protection's regional office. The Department of Environmental Protection and/or your local town are responsible for regulating activities in and around vernal pools. Please contact Karen Hirschberg at the DEP Western Regional Office with all regulatory questions pertaining to this pool.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia Huckery".

Patricia Huckery
NHESP Endangered Species Project Analyst

cc: Southampton Conservation Commission ✓
Karen Hirschberg, DEP Western Regional Office



Natural Heritage & Endangered Species Program

Route 135, Westborough, MA 01581 Tel: (508) 792-7270, ext 200 Fax: (508) 792-7821
An Agency of the Department of Fisheries, Wildlife & Environmental Law Enforcement
<http://www.state.ma.us/dfw/ele/dfw/nhep>



Division of Fisheries & Wildlife

Wayne F. MacCallum, Director

VERNAL POOL CERTIFICATION FORM

Certified Vernal Pool: 3169

Town: SOUTHAMPTON

Date Certified: 2003-05-23

Directions: 4/28/03: TAKE EXIT 3 FROM MA PIKE ONTO RTE 10 NORTH. GO ~3.5 MILES TO INTERSECTION WITH RTE 202, CONTINUE ANOTHER 2.5 MILES ON RTE 10. TAKE LEFT ONTO FOMER ROAD, 5TH HOUSE ON LEFT (OPPOSITE HIGH ST) IS #19. BEHIND HOUSE IN FAR EASTERN EDGE OF PROPERTY CROSS FOOTBRIDGE OVER RED BROOK. POOL IS ~100 FT BELOW FOOTBRIDGE.

Land Ownership Information (If Supplied): FRANK AND ANNE CRESSOLTI
13 FOMER ROAD, SOUTHAMPTON, MA 01073

Maps submitted with certification and attached to this form

- USGS topographic map showing location of the vernal pool
- Assessor's map (or other property map) showing location of pool
- Compass bearings and distances to the pool from permanent landmarks
- Aerial photograph/10 or 100 scale topographic map showing location of the pool
- Professional survey showing location of the pool
- Sketch map or description of the immediate vicinity of the pool

Documented Biological Indicators Accepted by NHESP

- Wood Frog (Obligate Amphibian)
- Mole Salamander (Obligate Amphibian)
- Fairy Shrimp (Obligate Invertebrate)
- Facultative Amphibian
- Facultative Invertebrate
- Facultative Reptile

Vernal pools may be protected under the following regulations:

- Massachusetts Wetlands Protection Act Regulations (310 CMR 10.00)
- Massachusetts Surface Water Quality Standards Regulations (314 CMR 4.00)
- Title V (Subsurface Sewage Disposal) Regulations (30 CMR 15.00)
- Forest Cutting Practices Act Regulations (304 CMR 11.00)

Division of Fisheries & Wildlife

Field Headquarters, One Rabbit Hill Road, Westborough, MA 01581 (508) 792-7270 • Fax 792-7275

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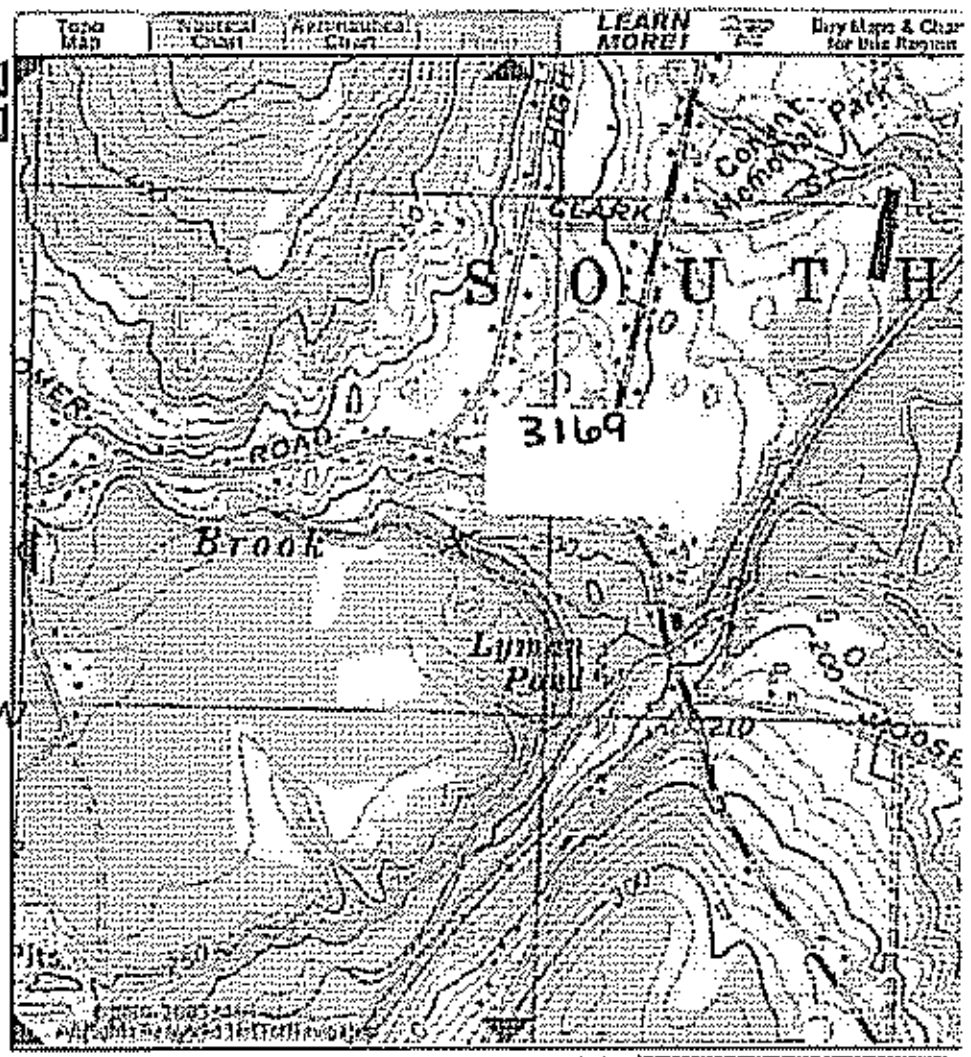


42° 13' 07" N

72° 44' 09" W

DMS

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- Islands Navigator Plus
- MapServer Pro
- Pocket Navigator (Pocket PC)
- Outdoor Navigator (Palm)
- National Park Central Guide
- Appalachian Trail

Marine Software

- Marine Navigator
- Coastal Charts
- Coastal 3D Charts
- Coastal Navigator
- Pocket Navigator (Pocket PC)
- Outdoor Navigator (Palm)

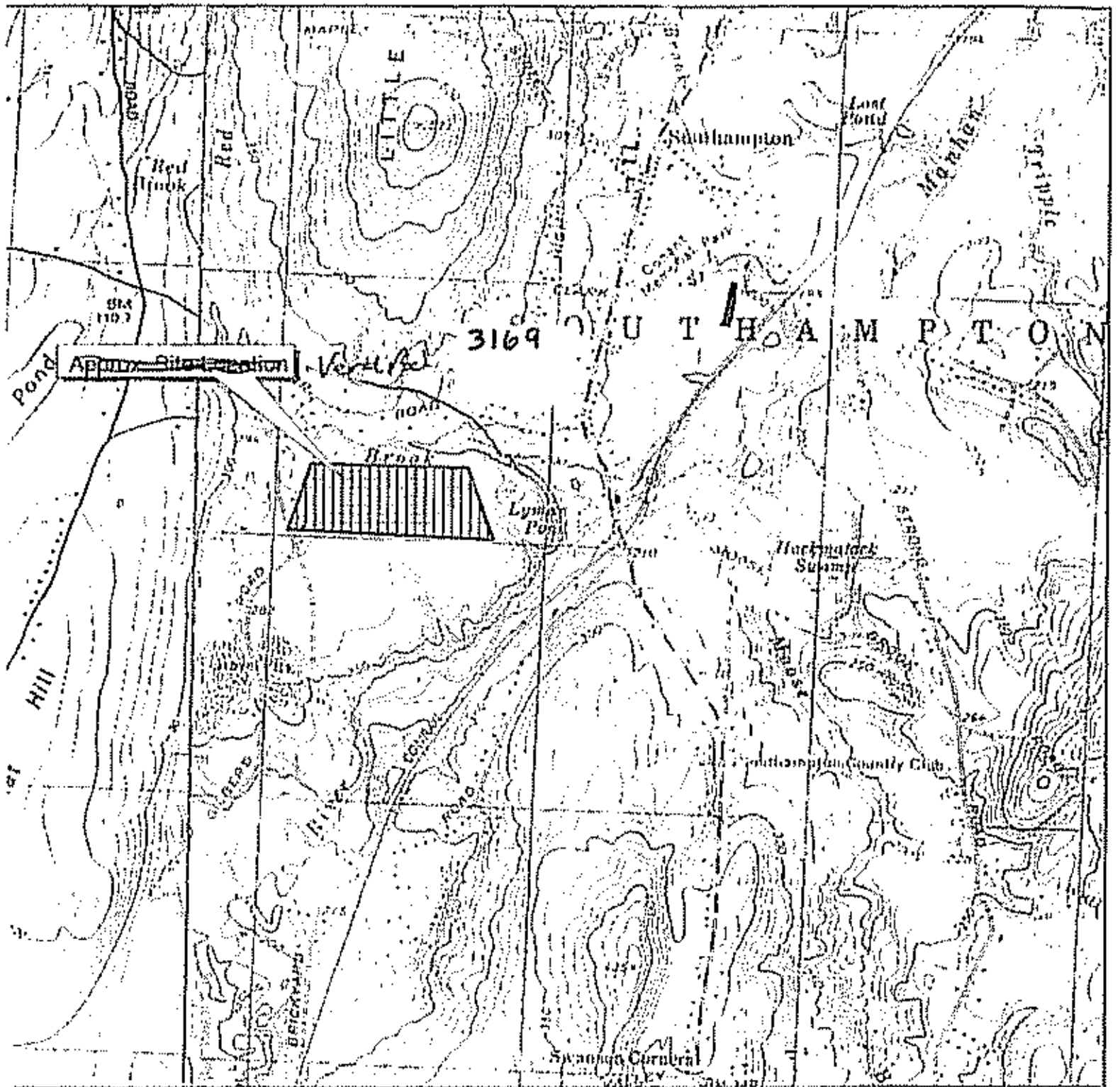
Marine Books & Charts

- Chart Books
- Waterproof Charts & Composites
- Embassy Guides
- Coastal Marine Navigation Charts
- Accessories

Aeronautical Software

- VFR/IFR AutoPilot
- VFR/IFR AutoPilot
- FAA Paper Charts
- Pocket Navigator (Pocket PC)

Handheld GPS Solutions



Red Brook Estates Location

