Wetland Resource Area Delineation Report



TOWN OF WAYLAND

MASSACHUSETTS 01778

CONSERVATION COMMISSION

TOWN BUILDING 41 COCHITUATE ROAD TELEPHONE: (508) 358-3669 FAX: (508) 358-3046

November 24, 2015

Chris D'Antonio Chadwick Homes, LLC 73 Pelham Island Road Wayland, MA 01778

RE:

DEP File 322-845 - Order of Resource Area Delineation for 24 School Street, Wayland

Dear Mr. D'Antonio:

Enclosed is the Order of Resource Area Delineation for 24 School Street in Wayland. This decision was issued to define the wetlands pursuant to the Wetlands Protection Act, MGL Chap. 131, Sec. 40 and the Wayland Wetlands and Water Resources Protection Bylaw, Chapter 194.

If you have any questions, please call the Conservation Office at (508) 358-3669.

Sincerely,

Brian J. Monahan

Conservation Administrator

Brion for Mondan/an

Enclosure

cc: DEP NERO w/enc.

Building Department w/enc.

Town Clerk w/enc.

Creative Land & Water Engineering LLC w/enc.

Linda Knowles w/enc.

Town Assessor

Board of Health

Abutters

File



TOWN OF WAYLAND

MASSACHUSETTS 01778

CONSERVATION COMMISSION

TOWN BUILDING 41 COCHITUATE ROAD TELEPHONE: (508) 358-3669

Wayland's Wetlands and Water Resources Protection Bylaw CHAPTER 194 - Resource Area Determination 24 School Street

November 24, 2015

Applicant: Chris D'Antonio, Chadwick Homes, LLC

Owner: Linda Knowles (Also DEP File 322-845)

Project Description: An application seeking the definition of certain areas subject to protection under the Wetlands Protection Act, M.G.L. c. 131, s. 40 and the Town of Wayland's Wetlands and Water Resources Protection Bylaw, Chapter 194 of the Code of the Town of Wayland ("Chapter 194") at 24 School Street, Wayland, MA, Assessor's Map 52, Parcel 189.

Plan Reference/s: Sheet 1 of 1, "Existing Conditions Site Plan #24 School Street in Wayland, Mass", Metrowest Engineering, Inc., Robert A. Gemma, P.E., P.L.S., May 18, 2015, Revision #2, 07/29/15 (Add top of bank) and #311/01/15 (Add elevation datum reference Revise WF #11, WF #12) There was no Revision #1 apparent on the plan.

Procedural: The Conservation Commission received the application for resource area delineation from Creative Land and Water Engineering on behalf of the applicant, Chris D'Antonio of Chadwick Homes, LLC. The public hearing was opened on July 15, 2015, continued several times and closed on November 4, 2015.

CONSERVATION COMMISSION CONCLUSION:

- 1. The wetland delineation on the plan referenced in this decision is accepted as an accurate depiction of wetland resources protected by Chapter 194 except as noted below.
- 2. The stream is presumed to be perennial as defined by Chapter 194.
- 3. The Applicant did not overcome the presumption that the stream is perennial along its entire length, i.e. it flows throughout the year as the result of surface water runoff and/or groundwater discharge.
- 4. Buffer zone to the vegetated wetlands has been defined on the plan.
- 5. There is buffer zone to bordering land subject to flooding and inundation which has not been defined on the plan.
- 6. Buffer zone is a resource area as defined by Chapter 194.
- 7. There is bank along the stream channels. The bank has been defined on the plan referenced in this decision.
- 8. The Applicant failed to provide sufficient evidence to show that the stream does not flow throughout the year.

Wayland's Wetlands & Water Resources Protection Bylaw, Chapter 194 Resource Area Determination - November 24, 2015 24 School Street, Wayland Massachusetts Assessor's Map 52, Parcel 189 Page 2 of 2

FINDINGS - Wayland's Wetlands and Water Resources Bylaw Chapter 194

- a. Chapter 194 includes more resource areas than those defined by the Wetlands Protection Act and the Wetlands Regulations (310 CMR 10.00).
- b. Chapter 194 is intended to be more inclusive and definitive with respect to protected resource areas than the Wetlands Protection Act.
- c. Vegetated wetlands are a resource area.
- d. The delineation of wetlands is based upon plants and soils. Plants are difficult to assess between November and April of any year.
- e. Flooding has not been defined on the plan the applicant's representative noted it would be defined should a project be proposed.
- f. Abutters suggested the area around the stream floods at times.
- g. Buffer zone is a resource area protected by Chapter 194.
- h. The Applicant submitted photographs at two locations of the stream channel on the five consecutive days in 2015 of August 17, 18, 19, 20 and 21.
- i. The Bylaw regulations require photographs that are 200 feet apart along the length of the stream. The photographs submitted did not meet that requirement.
- j. The Applicant submitted a report purporting to show average and actual rainfall in Wayland for May, June and July 2105, the three months prior to the August photographs.
- k. The average rainfall in Wayland was approximately 3.6 inches in May, 3.78 inches in June and 3.38 inches in July 2105.
- 1. The actual rainfall in Wayland was approximately 1.27 inches in May, 5.16 inches in June and 1.81 inches in July 2105.
- m. The rainfall in Wayland was significantly below average in May and July 2015.
- n. The Applicant failed to provide the location of water withdrawal wells for potable or irrigation use within 0.5 miles of the property.
- o. The Applicant failed to identify any upstream impoundments or ponds with control structures.

This decision is not valid without a signature sheet.

The page numbering does not include the signature sheet.

This Resource Area Determination expires on November 24, 2018



TOWN OF WAYLAND

MASSACHUSETTS 01778

CONSERVATION COMMISSION

TOWN BUILDING 41 COCHITUATE ROAD TELEPHONE: (508) 358-3669 FAX: (508) 358-3606

CHAPTER 194 WETLANDS AND WATER RESOURCES PROTECTION BYLAW

Resource Area Determination
Signature Sheet

24 School Street - DEP File 322-845

Barrier Beth Sabberg Both Backwar Date issued: Notenber 24, 26) <i>5</i>
This Permit is issued to the applicant as follows: by hand delivery on by certified mail on 24)15



Massachusetts Department of Environmental Protection Bureau of Resource Protection - Wetlands

WPA Form 4B - Order of Resource Area **Delineation**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP: 322-845
MassDEP File Number
oDER Transaction Number

Wayland

City/Town

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Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.





Note: Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

From:	Wayland			(B)
i ioni.	Conservation Commission			
2. T	his Issuance is for (check one):			
a.	Order of Resource Area Delineati	ion		
Ь.	Amended Order of Resource Area	a Delineatio	on	
3. A	pplicant:			
C	thris		D'Antonio	
	First Name		b. Last Name	
C	hadwick Homes, LLC		-3722	
	Organization			
	3 Pelham Island Road	3		
d.	Mailing Address			
	Vayland		MA	01778
e.	City/Town		f. State	g. Zip Code
4. P	roperty Owner (if different from applicant	t):		
_	inda		Knowles	
a.	First Name		b. Last Name	
c.	Organization			
	4 School Street			
	Mailing Address			
	Vayland		MA	01778
	City/Town		f. State	g. Zip Code
5. P	roject Location:			
_	4 School Street		Wayland	<u>01778</u>
-	Street Address		b. City/Town	c. Zip Code
5			189	
	Assessors Map/Plat Number		e. Parcel/Lot Numb	
	atitude and Longitude	42°19'		71°21'22"
(ii	n degrees, minutes, seconds):	<u>d</u>	<u>m s</u>	<u>d m s</u>
6. D	June 29, 2015		er 4, 2015	November 24, 2015
	a, Date ANRAD filed		ublic Hearing Closed	
7. T	itle and Date (or Revised Date if applicat	ble) of Fina	I Plans and Othe	er Documents:
a.	Title			b. Date
C.	Title			d. Date



1.

Massachusetts Department of Environmental Protection Bureau of Resource Protection - Wetlands

WPA Form 4B – Order of Resource Area Delineation

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Prov	ided by MassDEP: 322-845
	MassDEP File Number
	eDEP Transaction Number
	Wayland
	City/Town

B. Order of Delineation

The C	onse	ervation Commission has determined the following (check whichever is applicable):
a. 🛚		curate: The boundaries described on the referenced plan(s) above and in the Abbreviated tice of Resource Area Delineation are accurately drawn for the following resource area(s):
	1.	
	2.	Other resource area(s), specifically:
	<u>a.</u>	
	_	
b	Co	odified: The boundaries described on the plan(s) referenced above, as modified by the enservation Commission from the plans contained in the Abbreviated Notice of Resource are Delineation, are accurately drawn from the following resource area(s):
	1.	☐ Bordering Vegetated Wetlands
	2.	Other resource area(s), specifically:
	<u>a.</u>	
с. 🗌	No	accurate: The boundaries described on the referenced plan(s) and in the Abbrevlated tice of Resource Area Delineation were found to be inaccurate and cannot be confirmed the following resource area(s):
	1,0	☐ Bordering Vegetated Wetlands
	2.	Other resource area(s), specifically:
		Bordering land subject to flooding not defined
	3.	The boundaries were determined to be inaccurate because:



Massachusetts Department of Environmental Protection Bureau of Resource Protection - Wetlands

WPA Form 4B – Order of Resource Area Delineation

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
322-845
MassDEP File Number

eDEP Transaction Number
Wayland
City/Town

C. Findings

This Order of Resource Area Delineation determines that the boundaries of those resource areas noted above, have been delineated and approved by the Commission and are binding as to all decisions rendered pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c.131, § 40) and its regulations (310 CMR 10.00). This Order does not, however, determine the boundaries of any resource area or Buffer Zone to any resource area not specifically noted above, regardless of whether such boundaries are contained on the plans attached to this Order or to the Abbreviated Notice of Resource Area Delineation.

This Order must be signed by a majority of the Conservation Commission. The Order must be sent by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate DEP Regional Office (see http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html).

D. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Resource Area Delineation. When requested to issue a Superseding Order of Resource Area Delineation, the Department's review is limited to the objections to the resource area delineation(s) stated in the appeal request. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order of Resource Area Delineation will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order or Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, § 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal bylaw or ordinance, and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.



E. Signatures

Massachusetts Department of Environmental Protection Bureau of Resource Protection - Wetlands

WPA Form 4B – Order of Resource Area Delineation

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Please indicate the number of afembers who will sign this form.

Provided by MassDEP:
322-845
MassDEP File Number
eDEP Transaction Number
Wayland
City/Town /
11/24/15
Date of Issuance
_6
1. Number of Signers
rvajion Commission Member
pystien Commission Member

Signature of Conservation Commission Member

This Order is valid for three years from the date of issuance.

If this Order constitutes an Amended Order of Resource Area Delineation, this Order does not extend the issuance date of the original Final Order, which expires on unless extended in writing by the issuing authority.

Signature

Signature of Conservation Commission Member

This Order is issued to the applicant and the property owner (if different) as follows:

2. By hand delivery on	3. By certified mail, return receipt requested on
	NHENCE 24, 2015
a. Date	a. Date

"Attachment A" ORDER OF RESOURCE AREA DELINEATION MGL Chap 131, Sec 40 DEP # 322-845

APPLICANT: Chris D'Antonio, Chadwick Homes, LLC

OWNER: Linda Knowles

PROJECT LOCATION: 24 School Street, Wayland MA

Map 52, Parcel 189 November 24, 2015

Plan Reference: Sheet 1 of 1, "Existing Conditions Site Plan #24 School Street in Wayland, Mass", Metrowest Engineering, Inc., Robert A. Gemma, P.E., P.L.S., May 18, 2015, Revision #2, 07/29/15 (Add top of bank) and #311/01/15 (Add elevation datum reference Revise WF #11, WF #12) There was no Revision #1 apparent on the plan.

CONSERVATION COMMISSION CONCLUSION:

- 1. The stream, as defined by the Wetlands Regulations under Chapter 131, Section 40 would be considered intermittent.
- 2. There are bordering vegetated wetlands along the stream channel and the eastern side of the byw has been accepted as shown on the most recently amended plan.
- 3. There is bordering land subject to flooding along the stream. It has not been defined on the plan.

FINDINGS- MGL Chapter 131, Section 40:

- a. This decision is intended to define only bordering vegetated wetlands and is not for any work on any of the parcels identified in this decision.
- b. P. Fletcher reviewed the soils associated with wetlands flagging on October 13, 2015 and submitted a report looking at hydric soils.
- c. Based upon the criteria in 310 CMR 10.58 the stream is considered intermittent.
- d. The Commission asked for calculations to determine the extent of bordering land subject to flooding and were told it would be calculated when any development for 24 School Street was proposed.
- e. At least one abutter reported the area along the stream floods.
- f. There is bordering land subject to flooding along the stream which has not been calculated.



CREATIVE LAND & WATER ENGINEERING, LLC

Environmental Science and Engineering

Mailing address
P.O. Box 584
Southborough, MA 01772

Technical Office 303 Worcester Road Framingham, MA 01701 508-281-4370 (Office) 774-454-0266 (cell) 508-281-4370 (Fax) desheng@Creative-land-water-eng.com WWW.CREATIVE-LAND-WATER-ENG.COM

Effective, Affordable, and Sustainable Solutions for Land & Water Environment

June 18, 2015

WETLAND BORDER REPORT 24 School Street, Wayland, MA

On **December 15, 2014 and June 18, 2015**, Desheng Wang, Ph.D., flagged the wetland resource areas on the of **24 School Street in Wayland**, MA. The area has existing houses, lawn and landscape, and some wooded area around the north and northwest area. The area drains to west and southwest to a stream marked as intermittent in the USGS map. Dominant soil is Hinckley loamy sand (HG A soil) and Narragansett silt loam (HG B soil) in the upland, Swansea muck (HG B soil) in the wetland. Please see Figure 1 for a site locus and Figure 2 for the soil map.

The wetland border was flagged using vegetation, soils, and hydrology according to the criteria in the most recent edition of 310 CMR 10.00 *et al* and MA BVW Delineation Handbook. The resources were demarcated with blue flags. One set of flags were hung: WF-1 to WF-12 to mark the edge of BVW around the western property area.

A general plant list was created while working on the site. In addition, wetland flag WF-4 was documented to show vegetation and soil conditions. Vegetation, soil, and other evidence of hydrology at this location support the wetland line which represents the overall site conditions. The DEP Field Delineation Forms are attached.

	Upgradient	Downgradient
Tree Layer	White pine Norway Maple East Hemlock Honey Locust White Ash Japanese Crimson Maple	Red maple Ash leaf Maple
Shrub layer	Norway Maple Ash leaf Maple European Buckthorn Black Locust Multiflora Rose Common Buckthorn Yew Oriental Bittersweet Pin Cherry Burning Bush	Silky Dogwood European Buckthorn Multiflora Rose

Upgradient

Downgradient

Herb Layer

Burdock
Poke Weed
Celandine
Garlic Mustard
Partridge Berry
Evergreen Ivy
Pachysandra
Ground Ivy

Hay scented Fern

Jewelweed Tussock Sedge Sensitive Fern Sphagnum Fern Rough Golden Rod

According to the Massachusetts Natural Heritage Atlas in the latest MassGIS, this site is not located within an estimated habitat of rare wildlife. No certified vernal pools or potential vernal pools were marked on the property on the NHESP Atlas.

River Status

There is one stream shown as an intermittent stream on USGS map flowing north to south, which joins Snake Brook. In accordance with 310 CMR 10.58 (2) (a) 1 a, no river front will apply to this property.

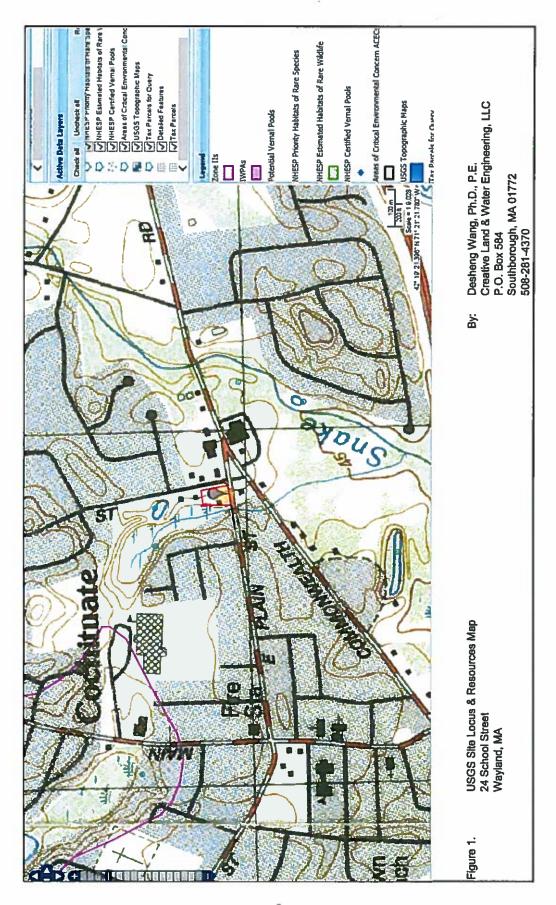
All work proposed within 100 feet of bordering vegetated wetlands or 200 ft river front area requires the filing of a Notice of Intent under both the State Wetlands Protection Act and the Town Wetlands Protection Bylaw and a permit from the Wayland Conservation Commission. For assistance with filing or if there are any questions concerning the resource borders, please do not hesitate to contact us.

Sincerely,

Creative Land & Water Engineering, LLC

by

Desheng Wang, Ph.D., P.E. Certified Wetland Scientist





By: Desheng Wang, Ph.D., P.E. Creative Land & Water Engineering, LLC P.O. Box 584 Southborough, MA 01772 508-281-4370

DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form Project location: 24 School Street, Wayland

DEP File #:

Chris D'Antonio Project los Vegetation alone presumed adequate to delineate BVW boundary. fill out Section I only Vegetation and other indicators of hydrology used to delineate BVW boundary. fill out Sections I and II Method other than dominance test used (attach additional information)

Wetland Indicator Category* FACU-FACU-FACU FACU NI FACW* FACU Date of Delineation: 15-Dec-14 Dominant Plant (yes or no) Ŗ Ŗ 22 異 8822 % Dominance Transect Number: Upgradlent 100.0% 100.0% 100.0% 28.6% 71.4% 11.1% 11.1% 55.6% 22.2% % Cover 3,2 15% 28.88 15% 10% Remarks: * An asteriak after common plant name indicates stanted growth; ** indicates extremely stanted growth Observation Plot Number: WF-4 Evonymus atropurpureus Rosa multiflora Robinta pseudoacacia Robinia pseudoacacia Celastrus orbiculata Chelidonium majus Impattens capeusis Scientific name Mitchella repens Alliania periolara Sample Layer and Plant Species Section I. Vegetation Climbing Woody Vine oriental bittersweet Shrab Laver burning bush mukiflora rose Ground Cover
partridge berry
celandine
jewelweed
garlic mustard Sapline Laws Tree Lawer black locust black locust

An asteriek after indicator states denotes wellands plants: plants listed in the Wellands Protection Act (MGL c. 131, a.40); plants in the genus Sphagnum; or plants listed as FAC, FACH, FACW, PACW+, or OBL. Morphological Adaptations: 0 Vegetation conclusion:

Number of dominant non-wetland indicator plants: 6

Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? no If wasterdon alone is presument adequate to delineate the DYF boundary, release that form with the Request for Determination of Applicability or Nortes of Interest

Number of dominant wetland indicator plants: 1

MA DEP; 3/95

Section II. Indicators of Hydrology	Other Indicate	Other Indicators of Hydrology: (check all that apply and describe)	
Hydric Soil Interpretation			
1 Soil Surviver		Depth to free water in observation hole:	
I. Soli Sin vey		Depth to soil saturation in observation hole:	1
Soil Survey of Middlesex County - 1991 (Maps - 1989)	▼- 1989)	Water marks:	
map number: Web Soil Survey, Version 12, March 21, 2013 soil tree manned: Hinckley sandy loam		Drift Lines:	I
hydric soil inclusions: none]		1
المانية		Sediment deposits:	- 1
		Drainage patterns in BVW:	- 1
		Oxidized rhizoshperes:	1
		Water-stained leaves:	1
2. Soil Description Horizon Depth (inches) Matrix Color Mottles Color or Texture O 0-2		Recorded data (stream, lake, or tidal gauge; acrial photo; other):	
p 2-23 10 YR 2/1		Other:	
	Vegetation an	4	
Remarks:	Number of we	Number of wetland indicator plants	
	Wetland bydr	Wetland hydrology present: hydric soils present	
3. Other:		other indicators of hydrology present X	
C	Sample location	Sample location is in a BVW X	\neg
Conclusion: Is soil hydric?	Submit this form wi	Submit this form with the Request for Determination of Applicability or Notice of Intent	

Chris D'Astosio

Chris D'Astosio

Propared by: CLAWE
Vegetation alone presumed alequate to delineate BVW boundary: fill out Section I and II
Wethod other than dominance test used (attach additional information)

DEP File #:

Check all that apDy:

Check all that apDy:

Vegetation alone pn

Vegetation and other

Section I. Vegetation	Observation Plot Number: WF-4	Transect Num	Transect Number: Downgradient	Date of Delineation: 15-Dec-14	on: 15-Dec-14
Sample Layer and Plant Species	Scientific name	% Cover	% Dominance	Dominant Plant (yes or no)	Wetland Indicator Category*
Tree Lave: ash leaf maple	Acer negundo	20%	740'00'1	£K.	FAC+
Socility Laver, none					
Shrub Layer tone					
Climbing Woody Vine oriental bitterweet	Celasmus orbiculma	10%	100.0%	Ŗ	FACU
<u>Grownd Cover</u> jewedweed partridge berry	Impaniens capensis Mitchella repens	40%	88.9% 11.1%	ye no	FACU
Remarks: * An asterisk at	Remarks: * An asterisk after common plant name indicates stunted growth; ** indicates entremely started growth	nely sturbed growth			

An asterials after indicators status denotes wetlands plants: plants listed in the Wetlands Protection Act (MGL.c.131, a.40); plants in the genus Sphagman; or plants listed as FAC, FACH, FACW, FACW, or OBL. Morphological Adaptations: 0

Number of dominant wettand indicator plants: 2 Vegetation conclusion:

Is the number of dominant welland plants equal to or greater than the number of dominant non-welland plants? yes If vaccidon alone is province adoptate to delinate the IVW boundery, midmit this form with the Repost for Determination of Applicability or Nodes of Intent

MA DEP 3/95

Number of dominant non-wetland indicator plants: 1

Other Indicators of Hydrology: (check all that apply and describe)	Depth to free water in observation hole: 14 inches	Death to soil seturation in observation hale:]	ps - 1989)	Drift Lines:			L] Drainage patterns in BVW:	Oxidized rhizoshperes:	☐ Water-stained leaves:	Recorded data (stream, lake, or tidal gauge; aerial photo; other):	- Ladd		Vegetation and Hydrology Conclusion for Downgradient of WF-4	Number of wetland indicator plants	Wetland hydrology present: hydric soils present X	other indicators of hydrology X	Sample location is in a BVW Submit this form with the Request for Determination of Applicability or Notice of Intent
			9	٦, اع		I I	9	ı	1.1	ı		H	1.1	1.1	1	1 1 1	1.1	1
			☑ yes ☐ no	rey of Middlesex County - 1991 (Ma	y, Version 12, March 21, 2013		☑ yes ☐ no				Mottles Color or Texture leave matt	sandy loam medium loamv sand	medelli vana jana					es U no
Section II. Indicators of Hydrology			Is there a published soil survey for this site?	title/date: Interim Soll Survey of Middlesex County - 1991 (Maps - 1989)	map number: Web Soil Survey, Version 12, March 21, 2013 soil type mapped: Swansea Muck	hydric soil inclusions: none	yes □				Matrix Color Mottles Color or Texture	10 YR 2/1 sandy loam 10 Y7/2 medium loamy sand						