



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

PLYMPTON

City/Town

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.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

91 WINNETUXETT ROAD
 a. Street Address
 PLYMPTON
 b. City/Town
 02367
 c. Zip Code
 Latitude and Longitude:
 41.9474
 d. Latitude
 -70.8265
 e. Longitude
 20
 f. Assessors Map/Plat Number
 20-1-31-0
 g. Parcel /Lot Number

2. Applicant:

GARY
 a. First Name
 ROSENBERG
 b. Last Name
 c. Organization
 91 WINNETUXETT ROAD
 d. Street Address
 PLYMPTON
 e. City/Town
 MA
 f. State
 02367
 g. Zip Code
 415-774-3900
 h. Phone Number
 i. Fax Number
 cemmaclarke@gmail.com
 j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

SAME AS APPLICANT
 a. First Name
 b. Last Name
 c. Organization
 d. Street Address
 e. City/Town
 f. State
 g. Zip Code
 i. Fax Number
 j. Email address

4. Representative (if any):

JOSEPH
 a. First Name
 WEBBY
 b. Last Name
 WEBBY ENGINEERING, INC.
 c. Company
 180 COUNTY ROAD
 d. Street Address
 PLYMPTON
 e. City/Town
 MA
 f. State
 02367
 g. Zip Code
 781-585-1164
 h. Phone Number
 781-585-0450
 i. Fax Number
 webbyengineering@aol.com
 j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

495 + 150 LOCAL
 a. Total Fee Paid
 \$235.00
 b. State Fee Paid
 \$260 + 150 LOCAL
 c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

TO CONSTRUCT A 26' x 40' BARN, ADD 352 SF ADDITION TO THE DWELLING, AND CONNECT THE BARN TO THE EXISTING SEPTIC SYSTEM, WITHIN 100 FEET OF BORDERING VEGETATED WETLANDS, AND 200 FEET OF THE WINNETUXETT RIVER.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1. Single Family Home
- 2. Residential Subdivision
- 3. Commercial/Industrial
- 4. Dock/Pier
- 5. Utilities
- 6. Coastal engineering Structure
- 7. Agriculture (e.g., cranberries, forestry)
- 8. Transportation
- 9. Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

LAND COURT

134596

a. County

b. Certificate # (if registered land)

672

196

c. Book

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- 1. Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2. Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
 Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet _____	
	2. cubic yards dredged _____	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet _____	2. cubic yards beach nourishment _____
e. <input type="checkbox"/> Coastal Dunes	1. square feet _____	2. cubic yards dune nourishment _____
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	1. linear feet _____	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet _____	
h. <input type="checkbox"/> Salt Marshes	1. square feet _____	2. sq ft restoration, rehab., creation _____
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet _____	
	2. cubic yards dredged _____	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet _____	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged _____	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet _____	
4. <input type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.	
	a. square feet of BVW _____	b. square feet of Salt Marsh _____
5. <input type="checkbox"/> Project Involves Stream Crossings		
	a. number of new stream crossings _____	b. number of replacement stream crossings _____



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C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

- Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

a. Yes No **If yes, include proof of mailing or hand delivery of NOI to:**

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581

2023

b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); OR complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- Submit Supplemental Information for Endangered Species Review*
 - Percentage/acreage of property to be altered:
 - within wetland Resource Area _____ percentage/acreage
 - outside Resource Area _____ percentage/acreage
 - Assessor's Map or right-of-way plan of site
- Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **
 - Project description (including description of impacts outside of wetland resource area & buffer zone)
 - Photographs representative of the site

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/endangered-species-act-mesa-regulatory-review>).

Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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C. Other Applicable Standards and Requirements (cont'd)

- (c) MESA filing fee (fee information available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).

Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

- (d) Vegetation cover type map of site
- (e) Project plans showing Priority & Estimated Habitat boundaries
- (f) OR Check One of the Following

1. Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. Separate MESA review ongoing. a. NHESP Tracking # _____ b. Date submitted to NHESP _____

3. Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?
- a. Not applicable – project is in inland resource area only b. Yes No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and
the Cape & Islands:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: dmf.envreview-south@mass.gov

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: dmf.envreview-north@mass.gov

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

- c. Is this an aquaculture project? d. Yes No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).



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C. Other Applicable Standards and Requirements (cont'd)

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
- a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC _____
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
- a. Yes No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
- a. Yes No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
- a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 2. A portion of the site constitutes redevelopment
 3. Proprietary BMPs are included in the Stormwater Management System.
- b. No. Check why the project is exempt:
1. Single-family house
 2. Emergency road repair
 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.



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D. Additional Information (cont'd)

- 3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.
- 4. List the titles and dates for all plans and other materials submitted with this NOI.

PROPOSED TIE-IN TO SANITARY SYSTEM

a. Plan Title

WEBBY ENGINEERING, INC.

J. WEBBY PLS, R. DeBENEDICTIS PE

b. Prepared By

c. Signed and Stamped by

2-6-24

1"=20'

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

- 5. If there is more than one property owner, please attach a list of these property owners not listed on this form.
- 6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
- 7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
- 8. Attach NOI Wetland Fee Transmittal Form
- 9. Attach Stormwater Report, if needed.

E. Fees

- 1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

1167 & 1168

2. Municipal Check Number

10-24-23

3. Check date

1172

10-24-23

4. State Check Number

5. Check date

GARY

ROSENBERG

6. Payor name on check: First Name

7. Payor name on check: Last Name



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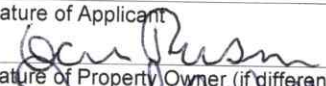
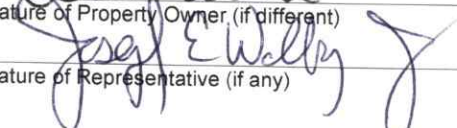
PLYMPTON

City/Town

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

1. Signature of Applicant	_____	10-24-23
		2. Date
3. Signature of Property Owner (if different)	_____	10-24-23
		4. Date
5. Signature of Representative (if any)	_____	10-24-23
		6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

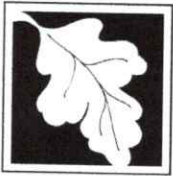
For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



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NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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



A. Applicant Information

1. Location of Project:

91 WINNETUXETT ROAD

a. Street Address

PLYMPTON

b. City/Town

c. Check number

d. Fee amount

2. Applicant Mailing Address:

GARY

a. First Name

ROSENBERG

b. Last Name

c. Organization

91 WINNETUXETT ROAD

d. Mailing Address

PLYMPTON

e. City/Town

MA

f. State

02367

g. Zip Code

415-774-3900

h. Phone Number

i. Fax Number

cemmaclarke@gmail.com

j. Email Address

3. Property Owner (if different):

SAME AS APPLICANT

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

B. Fees

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



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B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
BARN			110
SEPTIC CONNECTION			110
RIVERFRONT AREA			165
ADDITION			110

Step 5/Total Project Fee: 495 + 150 LOCAL

Step 6/Fee Payments:

Total Project Fee:	495 + 150 LOCAL
State share of filing Fee:	a. Total Fee from Step 5 \$ 235.00
City/Town share of filling Fee:	b. 1/2 Total Fee less \$12.50 260 + 150 LOCAL
	c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

ECR

Environmental Consulting & Restoration, LLC



NOI SUPPORT MEMO

TO: Plympton Conservation Commission
FROM: Brad Holmes
DATE: February 12, 2024
RE: 91 Winnetuxet Road, Plympton DEP File #SE266-0237

Please include this Notice of Intent Support Memo with the application under review for the proposed barn at 91 Winnetuxet Road in Plympton (the Site). This support memo is submitted to respond to Brian Vasa's questions and comments as noted below:

PLANS

1. Need to show the FEMA Flood Zones/BLSF and buffer zone.
Response – See attached revised plan showing FEMA limit and associated buffer zone.
2. Need a disturbance table for all resource areas and buffer zones.
*Response – See attached revised plan including a disturbance table for resource areas and buffer zones. Please note that the proposed barn and house location are within the following:
Riverfront Area = 1,548 sq. ft.
Buffer zone to BVW = 849 sq. ft.
Buffer zone to BLSF = 1,484 sq. ft.*
3. Need an accurate current and proposed tree line. It has changed since the first plan.
Response – See attached revised plan showing proposed tree line.
4. Need to show the finished grade.
Response – The area where the barn and house addition are proposed is generally flat and will not require significant grading.
5. Parcel No. incorrect: It should be 20-1-31, not 31-1-20.
Response – Parcel reference has been updated on the plan.
6. As a Redevelopment, there has to be an "improvement" over existing conditions (through restoration, stormwater management, etc.).
Response – Planting of native vegetation is proposed to improve the existing conditions of the Riverfront Area. See attached mitigation planting plan proposing to plant native shrubs within the existing cart path.
7. Is the existing cartpath not considered to be degraded?
Response – The existing cartpath is not considered degraded because it does contain topsoil and is partially vegetated. The cartpath is included as part of the Riverfront Area.

ECR

Environmental Consulting & Restoration, LLC



NOI:

1. The "Buffer Zone only" box is checked instead of "Inland Resource Areas".
Response – The NOI form has been revised, see attached WPA Form 3 page 2 of 9.
2. The "Single Family Home" box is checked, but that is not the project proposed (as shown by the minor project fees being paid, not single-family dwelling)
Response – The proposed barn and house addition are associated with a single-family home project per the WPA Form 3 requirements. This project is an accessory to a single-family residence and falls within Cat 1 filing fees.
3. The Project Description says it is within 200 feet of Winnetuxet "Road" instead of Winnetuxet "River".
Response – The Project Description will be revised to correct this typo.
4. Lists 3,500 sq. ft. of proposed Riverfront Area alteration: 0 sq. ft. within 100'; 3,500 sq. ft. between 100'-200'. Please have that match what is on the plan
Response – The NOI form has been revised, see attached WPA Form 3 page 3 of 9.
5. Riverfront Area on site is listed as 49,990 sq. ft. on NOI, but it says 51,930 sq. ft. on Brad's memo and plan.
Response – The Riverfront Area was revised to include the cartpath, which increased the total Riverfront Area at this site to 51,930 sq. ft.
6. No waivers have been requested (including sq. ft. of disturbance to each area).
Response – The proposed barn location is more than 65 feet away from the BVW, more than 50 feet away from the FEMA line, and complies with Riverfront Redevelopment. The proposed house addition is more than 50 feet away from the BVW, partially within the 65 foot buffer zone to BVW, and within the 50 foot buffer zone to the FEMA zone. The house addition is proposed on the landward side of the house and is as far away from wetland resource areas as feasible. A waiver request is included with this application.
7. The Commission might require a Stormwater Report. The NOI lists the project as exempt from MA Stormwater Management Standards for a "Single-Family House", but it is a barn. Also, the Regulations state that any new residential or commercial construction shall be managed according to the standards established by DEP.

Response – The proposed barn and house addition are associated with a single-family home project per the WPA Form 3 requirements. Stormwater management is not required for single family home projects. DEP has issued a file number of 266-0237.

Included with this submittal are the following attachments:

1. Revised Plans
2. Revised NOI Form 3 pages

Upon review of this submittal, please contact me at (617) 529 – 3792 or brad@ecrwetlands.com with any questions or requests for additional information.



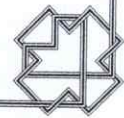
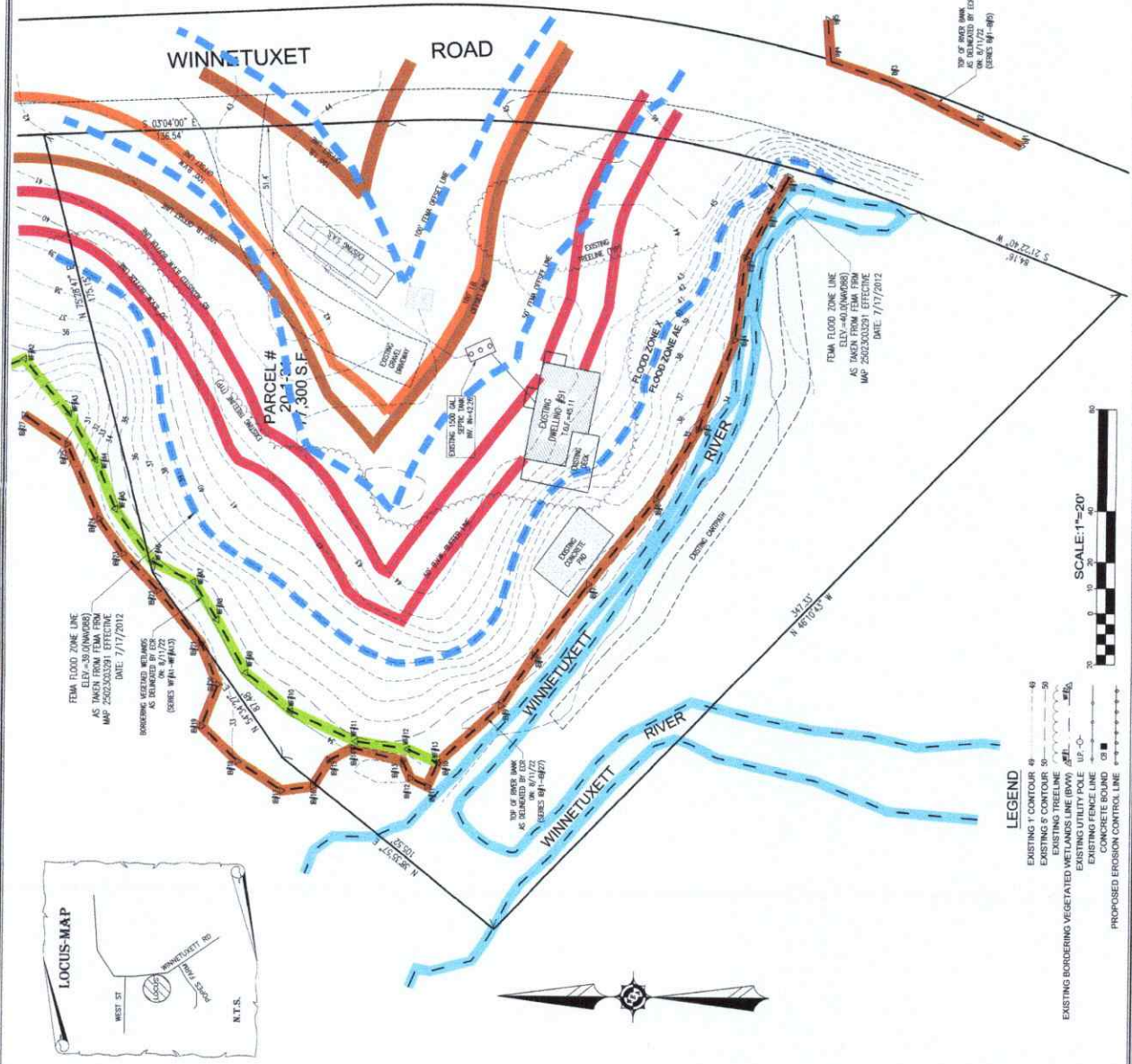
- NOTES:
- 1) LOCUS IS SHOWN AS LOT 121 ON MAP 20 OF THE TOWN OF PLYMPTON ASSESSORS PLANS.
 - 2) LOT SIZE: 3.42 S.F. (1.9 ACRES)
 - 3) ZONING: RESIDENTIAL-AGRICULTURAL
 - 4) LOCUS DOES NOT LIE IN A ZONE II WELL PROTECTION ZONE.
 - 5) LOCUS DOES NOT LIE IN A FLOOD HAZARD ZONE AS DETERMINED BY THE FIRM MAP.

REGISTERED LAND SURVEYOR	DATE

REVISIONS	DATE

SCALE:	1" = 20'
DATE:	1/25/24
DRAWN BY:	GTH
JOB NO.:	W-6750
SHEET NO.:	1
OF 1 SHEET	

EXISTING CONDITIONS PLAN
AT
91 WINNETUXET ROAD
IN
PLYMPTON, MASSACHUSETTS
PREPARED FOR
GARY ROSENBERG
WEBBY ENGINEERING ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
180 COUNTY ROAD, PLYMPTON MA. 02367
Tel.: (781)-565-1164



ECR

Environmental Consulting & Restoration, LLC



RIVERFRONT AREA ANALYSIS MEMO

TO: Webby Engineering Associates

FROM: Brad Holmes

DATE: February 12, 2024

RE: 91 Winnetuxet Road, Plympton

Per your request, Environmental Consulting & Restoration, LLC (ECR) is pleased to provide this Riverfront Area Analysis Memo to accompany the Notice of Intent application for the proposed barn project located at 91 Winnetuxet Road in Plympton (the Site). The intent of this memo is to outline the compliance of the proposed project at the site with the Riverfront Area Regulations at 310 CMR 10.58.

As the site exists now, the site consists of a single-family home with associated driveway, shed, patio, maintained lawn, landscaped areas, forested woodlands, etc. The proposed project at the site consists of constructing a new barn on the property. Since the property is previously developed and degraded areas exist within the Riverfront Area, this proposed project constitutes a redevelopment project; more specifically, Redevelopment Within Previously Developed Riverfront Area (310 CMR 10.58(5)). DEP defines previously degraded as:

A previously developed riverfront area contains areas degraded prior to August 7, 1996 by impervious surfaces from existing structures or pavement, absence of topsoil, junkyards, or abandoned dumping grounds.

Review of the site conditions within the Riverfront Area reveals the following:

- Total Riverfront Area on the lot is approximately 51,930 square feet.
- Area of existing degraded Riverfront Area (house, driveway, shed and patio) is approximately 3,844 square feet or 7.4% of the Riverfront Area.
- Proposed increase in degraded Riverfront Area (proposed barn and house addition) is approximately 1,548 square feet of additional degraded Riverfront Area at the site. This proposal totals 5,392 square feet of degraded Riverfront Area or 10.4% of degraded Riverfront Area.

For more information, please refer to the Riverfront Area Schematics attached.

Pursuant to the Riverfront Redevelopment Regulations, the area of proposed work shall not exceed the amount of degraded area, provided that the proposed work may alter up to 10% if the degraded area is less than 10% of the riverfront area, except in accordance with 310 CMR 10.58(5)(f restoration) or (g mitigation). This proposed project proposes an increase of just more than 10% of new degraded Riverfront Area so restoration and/or mitigation is required to comply with the Riverfront Redevelopment standards.

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Environmental Consulting & Restoration, LLC



In order for the project to comply with the Riverfront Redevelopment standards, the following components are required per 310 CMR 10.58(5)(a) thru (g) (copied below in *italics*):

- (a) *The proposed work shall result in an improvement over existing conditions of the capacity of the riverfront area to protect the interests identified in the Massachusetts Wetlands Protection Act.*

The project proposes to redevelop the site to maintain a similar use of the property. The proposed project also includes mitigation plantings to improve the existing conditions of the Riverfront Area and includes erosion controls to ensure the protection of wetland resource areas during construction.

- (b) *Stormwater management is provided according to standards established by the Department.*

Single family residential projects are exempt from the Stormwater Management Guidelines.

- (c) *Within 200-foot Riverfront areas, proposed work shall not be closer to the river than existing conditions or 100 feet, whichever is less, or not closer than existing conditions within 25-foot riverfront areas, except in accordance with 310 CMR 10.58(5)(f) or (g).*

The proposed barn and house addition area not closer to the river/stream than the existing house and appurtenances at the site.

- (d) *Proposed work, including expansion of existing structures, shall be located outside the riverfront area or toward the riverfront boundary and away from the river.*

The proposed project has been designed to be located as far away from the river as possible while maintaining applicable zoning and septic system setbacks.

- (e) *The area of proposed work shall not exceed the amount of degraded area, provided that the proposed work may alter up to 10% if the degraded area is less than 10% of the riverfront area, except in accordance with 310 CMR 10.58(5)(f) or (g).*

The total degraded Riverfront Area that will exist onsite to include the existing and proposed work, totals approximately 10.4%. Therefore, restoration and/or mitigation is required since the proposed project exceeds 10% (see section g below).

- (f) *When an applicant proposes restoration on-site of degraded riverfront area, alteration may be allowed notwithstanding the criteria of 310 CMR 10.58(5)(c), (d), and (e) at a ratio in square feet of at least 1:1 of restored area to area of alteration not conforming to the criteria. Areas immediately along the river shall be selected for restoration. Alteration not conforming to the criteria shall begin at the riverfront area boundary. Restoration shall include:*

- 1. removal of all debris, but retaining any trees or other mature vegetation;*
- 2. grading to a topography which reduces runoff and increases infiltration;*
- 3. coverage by topsoil at a depth consistent with natural conditions at the site; and*
- 4. seeding and planting with an erosion control seed mixture, followed by plantings of herbaceous and woody species appropriate to the site*

Restoration is not being proposed as part of this project.

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- (g) *When an applicant proposes mitigation either on-site or in the riverfront area within the same general area of the river basin, alteration may be allowed notwithstanding the criteria of 310 CMR 10.58(5)(c), (d), or (e) at a ratio in square feet of at least 2:1 of mitigation area to area of alteration not conforming to the criteria or an equivalent level of environmental protection where square footage is not a relevant measure. Alteration not conforming to the criteria shall begin at the riverfront area boundary. Mitigation may include off-site restoration of riverfront areas, conservation restrictions under M.G.L. c. 184, §§ 31 through 33 to preserve undisturbed riverfront areas that could be otherwise altered under 310 CMR 10.00, the purchase of development rights within the riverfront area, the restoration of bordering vegetated wetland, projects to remedy an existing adverse impact on the interests identified in M.G.L. c. 131, § 40 for which the applicant is not legally responsible, or similar activities undertaken voluntarily by the applicant which will support a determination by the issuing authority of no significant adverse impact. Preference shall be given to potential mitigation projects, if any, identified in a River Basin Plan approved by the Secretary of the Executive Office of Energy and Environmental Affairs.*

Mitigation is proposed to address the 0.4% of additional degraded Riverfront Area at the site. The 0.4% of proposed new degraded Riverfront Area beyond the 10% allowance equals approximately 208 square feet. Mitigation of at least a 2 to 1 ratio is required. We are proposing to interplant with native vegetation the existing carpath within the Riverfront Area. This mitigation proposal totals approximately 1,940 square feet and exceeds the required mitigation ratio. Please refer to the Riverfront Area Mitigation Planting Schematic attached for more information.

- (h) *The issuing authority shall include a continuing condition in the Certificate of Compliance for projects under 310 CMR 10.58(5)(f) or (g) prohibiting further alteration within the restoration or mitigation area, except as may be required to maintain the area in its restored or mitigated condition. Prior to requesting the issuance of the Certificate of Compliance, the applicant shall demonstrate the restoration or mitigation has been successfully completed for at least two growing seasons.*

The applicant is acceptable with this condition.

The proposed project is also in compliance with the Town of Plympton Wetlands Regulations pertaining to Riverfront Areas found in Section 20. More specifically, the proposed project meets the following:

1. The proposed project is not within Massachusetts Natural Heritage & Endangered Species Program or BioMap Core Habitat.
2. The proposed project includes a minor alteration of more than 10% of Riverfront Area and occurs on a property developed prior to July 18, 2019. Mitigation is proposed to offset the 0.4% of new degraded Riverfront Area as described above.
3. The proposed project complies with the other resource area performance standards applicable to the site.
4. The proposed project does not include a new single-family house at the site.
5. The proposed project complies with the Riverfront Redevelopment Standards as documented above and does not include a new structure within 50 feet of the perennial stream/river.

Included with this submittal are the following attachments:

1. Riverfront Area Schematics
2. Riverfront Area Mitigation Planting Schematic

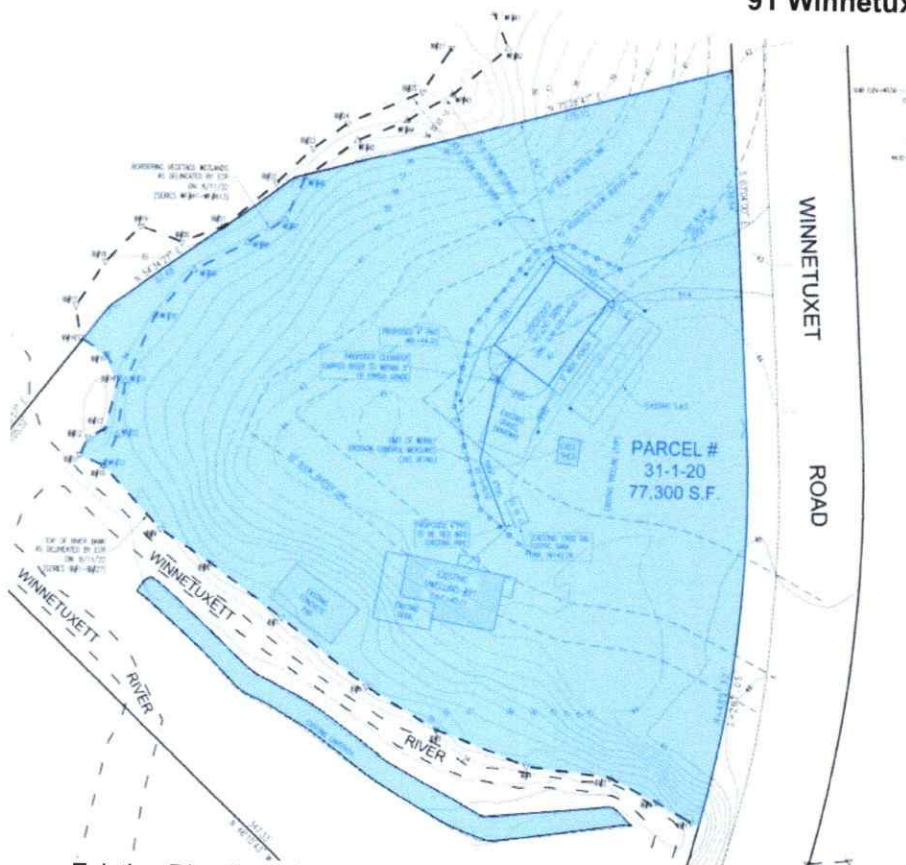
ECR

Environmental Consulting & Restoration, LLC

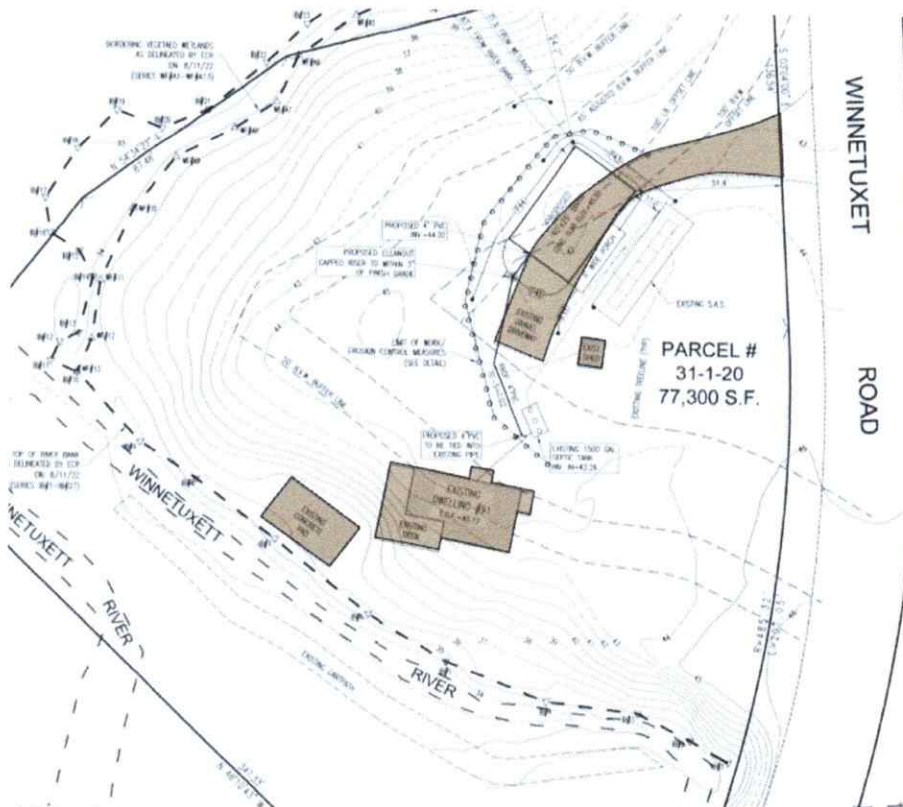


Upon review of this submittal, please contact me at (617) 529 – 3792 or brad@ecrwetlands.com with any questions or requests for additional information.

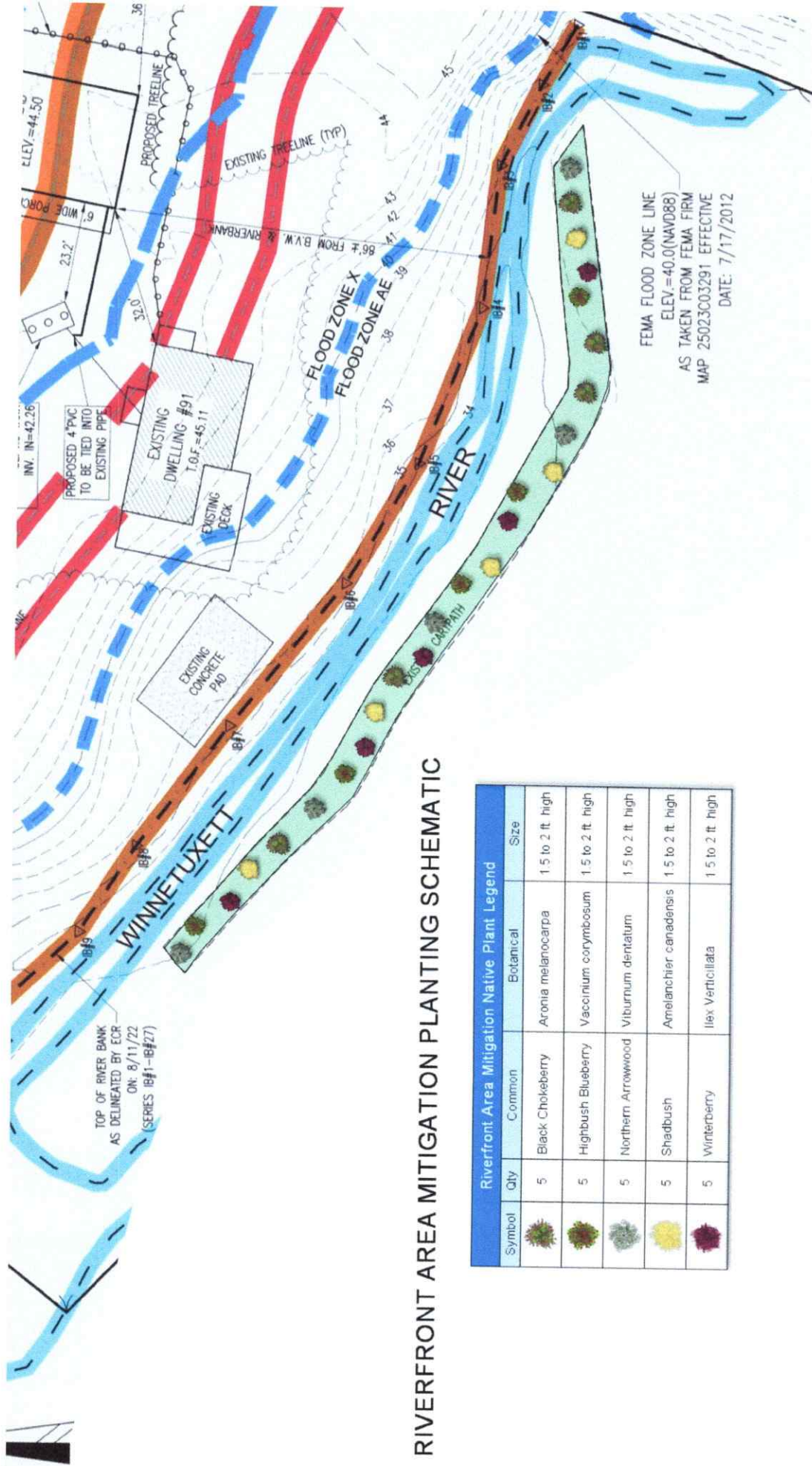
Riverfront Area Schematics
91 Winnetuxet Road, Plympton



Existing Riverfront Area = approx. 51,930 sq. ft., blue shaded area.



Existing Degraded Riverfront Area = 3,844 sq. ft., brown shaded area. Areas without topsoil including the house, driveway, shed, patio, etc.



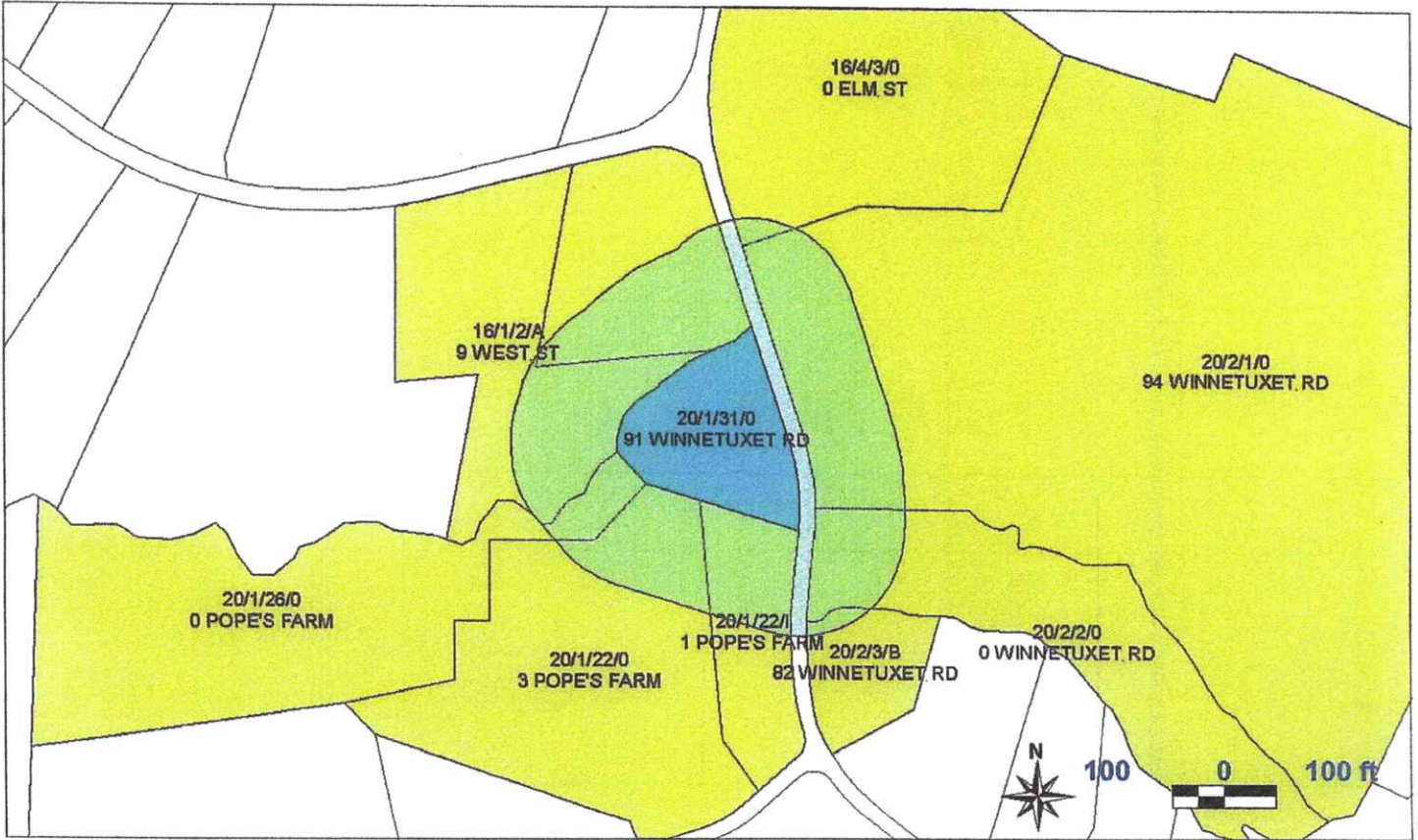
FEMA FLOOD ZONE LINE
 ELEV. = 40.0 (NAVD88)
 AS TAKEN FROM FEMA FIRM
 MAP 25023C03291 EFFECTIVE
 DATE: 7/17/2012

RIVERFRONT AREA MITIGATION PLANTING SCHEMATIC

Riverfront Area Mitigation Native Plant Legend				
Symbol	Qty	Common	Botanical	Size
	5	Black Chokeberry	<i>Aronia melanocarpa</i>	1.5 to 2 ft. high
	5	Highbush Blueberry	<i>Vaccinium corymbosum</i>	1.5 to 2 ft. high
	5	Northern Arrowwood	<i>Viburnum dentatum</i>	1.5 to 2 ft. high
	5	Shadbush	<i>Amelanchier canadensis</i>	1.5 to 2 ft. high
	5	Winterberry	<i>Ilex verticillata</i>	1.5 to 2 ft. high

TOWN OF PLYMPTON, MA
 BOARD OF ASSESSORS
 5 PALMER RD

Abutters List Within 200 feet of Parcel 20/1/31/0



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
1338	16-1-2-A-R	MOORE JOHN R MOORE THERESA	9 WEST ST	9 WEST ST	PLYMPTON	MA	02367
1387	16-4-3-0-R	BUBBA REV TRUST MILLER LINDA A, TT	0 ELM ST	94 WINNETUXET RD	PLYMPTON	MA	02367
1098	20-1-22-0-R	KELLY SARAHGRACE FERRARO TIMOTHY	3 POPE'S FARM	3 POPE'S FARM	PLYMPTON	MA	02367
1107	20-1-22-1-R	JOHNSTON CRAIG S JOHNSTON PATRICIA P	1 POPE'S FARM	1 POPE'S FARM	PLYMPTON	MA	02367
1108	20-1-26-0-R	PERFETUO FRANCIS J PERFETUO EVE C	0 POPE'S FARM	23 POPE'S FARM	PLYMPTON	MA	02367
1111	20-1-31-0-R	ROSENBERG GARY F	91 WINNETUXET RD	91 WINNETUXET RD	PLYMPTON	MA	02367
1116	20-2-1-0-R	MILLER LINDA A, TR WINNETUXET RIVER TRUST	94 WINNETUXET RD	P.O. BOX 215	PLYMPTON	MA	02367
1117	20-2-2-0-R	RAFFERTY KEVIN RAFFERTY JACQUELINE S	0 WINNETUXET RD	70 WINNETUXET RD.	PLYMPTON	MA	02367
1119	20-2-3-B-R	BLINDT CHRISTINE	82 WINNETUXET RD	82 WINNETUXET RD	PLYMPTON	MA	02367

16-1-2-A-R

MOORE JOHN R
MOORE THERESA
9 WEST ST
PLYMPTON, MA 02367

16-4-3-0-R

BUBBA REV TRUST
MILLER LINDA A, TT
94 WINNETUXET RD
PLYMPTON, MA 02367

20-1-22-0-R

KELLY SARAHGRACE
FERRARO TIMOTHY
3 POPE'S FARM
PLYMPTON, MA 02367

20-1-22-I-R

JOHNSTON CRAIG S
JOHNSTON PATRICIA P
1 POPE'S FARM
PLYMPTON, MA 02367

20-1-26-0-R

PERFETUO FRANCIS J
PERFETUO EVE C
23 POPE'S FARM
PLYMPTON, MA 02367

20-1-31-0-R

ROSENBERG GARY F
91 WINNETUXET RD
PLYMPTON, MA 02367

20-2-1-0-R

MILLER LINDA A, TR
WINNETUXET RIVER TRUST
P.O. BOX 215
PLYMPTON, MA 02367

20-2-2-0-R

RAFFERTY KEVIN
RAFFERTY JACQUELINE S
70 WINNETUXET RD.
PLYMPTON, MA 02367

20-2-3-B-R

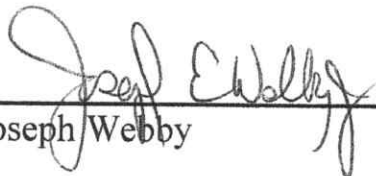
BLINDT CHRISTINE
82 WINNETUXET RD
PLYMPTON, MA 02367

AFFIDAVIT OF SERVICE

I Joseph Webby of Webby Engineering, Inc. hereby certify under pains and penalties of perjury that as soon as notified by the Plympton Conservation Commission, I will give notification to abutters in compliance with the second paragraph of Massachusetts General Law Chapter 131 Section 40, and the DEP Guide To Abutter Notification dated April 8, 1994, in connection with the following matter:

A Notice Of Intent filed under the Massachusetts Wetlands Protection Act, by GARY ROSENBERG with the Plympton Conservation Commission on OCTOBER 24, 2023 to construct a BARN within 100 feet of Bordering Vegetated Wetlands, and within 200 feet of the Winnetuxett River at the Lot 20-1-31, AT # 91 WINNETUXETT ROAD

The form of notification, and the list of abutters to whom it was given, and their addresses, are attached to the Affidavit Of Service.



Joseph Webby

10/23/23

Date



665

West Street

Elm Street

Winneluxet River

91

33

49 H

94

49

st Street

AE

91

Winnetuxet Road

Winnetuxet River



Winnetuxet Ro

1

92

AE

PLYMPT.

41.94708, -70.9273

ECR

Environmental Consulting & Restoration, LLC



WETLAND DELINEATION MEMO

TO: Webby Engineering Associates
FROM: Brad Holmes
DATE: August 16, 2022
RE: 91 Winnetuxet Road, Plympton

Per your request, Environmental Consulting & Restoration, LLC (ECR) performed a review of the existing conditions at the property located 91 Winnetuxet Road in Plympton (the site) on August 10, 2022. The purpose of the review was to identify wetland resource areas on and near the site. The site is located to the west of Winnetuxet Road and consists of a single-family home with a gravel driveway, deck, maintained lawn, landscaped area, etc. The weather on August 10th was overcast, cloudy and warm (approximately 75 degrees) with light wind and dry site conditions. Wetland resource areas are located within the southern and western portions of the site. ECR placed Bordering Vegetated Wetland (BVW) flags (pink/black striped ribbons) #A1 to #A13 along the limit of the wetland to the rear of the home. The vegetated wetland is associated with Winnetuxet River that flows through the site. The vegetated wetland was delineated following the methodology established by the Massachusetts Department of Environmental Protection (DEP) regulations found at 310 CMR 10.55 pertaining to the delineation of Bordering Vegetated Wetlands. The delineation was performed by analyzing vegetation, hydrology within 12 inches of the surface, and soil conditions within 20 inches of the surface. The wetland contains hydric soils, saturated soils, and dominant wetland indicator plants.

ECR also located the Inland Bank/Mean Annual High Water (IB/MAHW) line to the Winnetuxet River, which is a USGS mapped perennial stream that flows from an unnamed pond to the east of Winnetuxet Road, through the southern portion of the site and off the west. IB/MAHW flags (blue ribbons) #IB1 to #MAHW27 were placed along the limit of the stream in order to identify the 200-foot Riverfront Area that extends over the site. The portion of the stream to the south of the existing home does not contain an associated vegetated wetland, so a 100-foot buffer zone from the stream should also be shown from this portion of the stream on any site plans. As a result of ECR's wetland delineation at the site, ECR is able to confirm that the site contains the following wetland resource areas and areas of Conservation Commission jurisdiction:

- Bordering Vegetated Wetlands
- Inland Bank to a perennial stream
- 200-foot Riverfront Area
- Bordering Land Subject to Flooding (FEMA flood zone AE)
- 100-foot Buffer Zone to BVW and Inland Bank

Also review of the MassGIS wetlands database reveals the following:

1. The site is not located within Estimated/Priority Habitat for Rare Species according to the Massachusetts Natural Heritage & Endangered Species Program (MaNHESP).
2. The site does not contain Certified Vernal Pools according to the MaNHESP.
3. The site is not located within an Area of Critical Environmental Concern.

Upon review of this wetland delineation memo, please contact me at (617) 529 – 3792 or brad@ecrwetlands.com with any questions or requests for additional information.

Thank you,
Brad Holmes, Professional Wetland Scientist #1464
Manager



West Street

MAHW27

A13

Winnetuxet Road

Winnetuxet River

B11

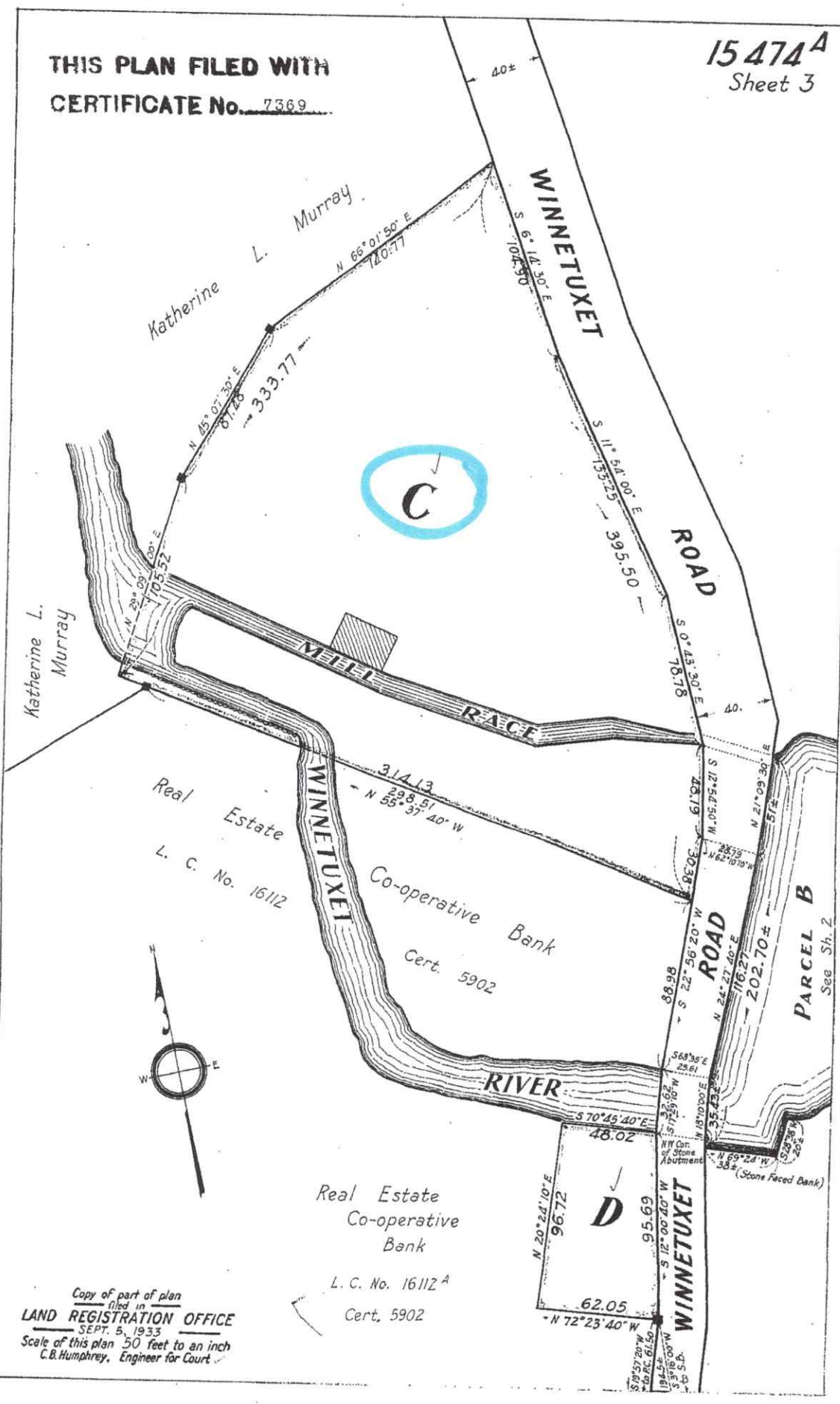
B1

B5

Winnetuxet

THIS PLAN FILED WITH
CERTIFICATE No. 7369

15474^A
Sheet 3



Copy of part of plan
filed in
LAND REGISTRATION OFFICE
SEPT. 5, 1933
Scale of this plan 50 feet to an inch
C.B. Humphrey, Engineer for Court

Real Estate
Co-operative
Bank
L. C. No. 16112^A
Cert. 5902

PARCEL B
See Sh. 2



2022 00836750

Bk: 672 Pg: 196 Cert: 134596
Doc: DEED 10/07/2022 08:47 AM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

MASSACHUSETTS EXCISE TAX
Plymouth District ROD #11 001
Date: 10/07/2022 08:47 AM
Ctrl# 160684 08846
Fee: \$2,508.00 Cons: \$550,000.00

CANCELLED

DEED

I, **Pauline M. Matheson**, unmarried, of Plympton, County of Plymouth, Commonwealth of Massachusetts, for consideration paid in the sum of **Five Hundred Fifty Thousand Dollars (\$550,000.00)** dollars, grant to **Gary F. Rosenberg**, of P.O. Box 418, Kurtistown, Hawaii, individually, with QUITCLAIM COVENANTS:

A certain parcel of land situated in said Plympton and bounded and described as follows:

- EASTERLY by Winnetuxet Road, three hundred ninety-five and 50/100 (395.50) feet;*
- SOUTHEASTERLY by land now or formerly of the Real Estate Cooperative Bank and Katherine L. Murray, three hundred fourteen and 13/100 (314.13) feet;*
- NORTHWESTERLY by said Murray land, three hundred thirty-three and 77/100 (333.77) feet.*

Said land is shown as Parcel C on Sheet 3 of Plan No. 15474A filed with Certificate of Title No. 7369.

The undersigned grantor hereby releases any and all rights of homestead that she may have in and to the above-referenced premises. There is no other person who has any claim of homestead on the property.

Meaning and intending to convey and hereby conveying a portion of the premises referred to in deed filed with the Plymouth County Registry District of the Land Court as Document No. 582074 with Certificate of Title No. 106903.

Property Address: 91 Winnetuxet Road, Plympton, MA 02367

GARY F ROSENBERG 0611
1405 BANCROFT WAY
BERKELEY, CA 94702

90-203/1211

1167

DATE 10/24/23

PAY TO THE ORDER OF Town of Plympton \$ 150.00
One hundred fifty 00/100 DOLLARS

 **Mechanics Bank**
Commitment That Lasts Generations
Ph. 800-797-6324

MEMO Town Fee

Joe R...

MP

SPECIALTY GRAY

GARY F ROSENBERG 0611
1405 BANCROFT WAY
BERKELEY, CA 94702

90-203/1211

1168

DATE 10/24/23

PAY TO THE ORDER OF Town of Plympton \$ 177.50
One hundred seventy-seven 50/100 DOLLARS

 **Mechanics Bank**
Commitment That Lasts Generations
Ph. 800-797-6324

MEMO Town share of State fee

Joe R...

MP

SPECIALTY GRAY

GARY F ROSENBERG 0611
1405 BANCROFT WAY
BERKELEY, CA 94702

90-203/1211

1171

DATE 10/24/23

PAY TO THE ORDER OF Town of Plympton \$ 45.00
fourty five 00/100 DOLLARS

 **Mechanics Bank**
Commitment That Lasts Generations
Ph. 800-797-6324

MEMO Advert Fee

Joe R...

MP

SPECIALTY GRAY

GARY F ROSENBERG 0611
1405 BANCROFT WAY
BERKELEY, CA 94702

90-203/1211

1172

DATE 10/23/23

PAY TO THE ORDER OF Commonwealth of Mass \$ 152.50
One hundred fifty-two 50/100 DOLLARS

 **Mechanics Bank**
Commitment That Lasts Generations
Ph. 800-797-6324

MEMO State Fee

Carly R...

MP

SPECIALTY GRAY