

November 12, 2015

Conservation Commission  
7A Spofford Road  
Boxford, MA 01921

Re: 18 Saddle Hill Road  
DEP File #114-308

Dear Commission Members:

Pursuant to our discussions with the Conservation Commission on November 5, 2015 and a site walk with the Commission on November 7, 2015 we offer the following mitigation measures for the above referenced property.

As previously discussed with the Commission the development of the above referenced property is not in compliance with the approved plans and the Order of Conditions issued in Sept. 1989 and amended in Oct. 1989. The project included the filling of wetlands and the construction of a wetland replication area. The as-built conditions show that the project resulted in the alteration of approximately 2,325 sf of wetlands versus 900 sf shown on the approved plan. It appears the wetland replication area proposed was never constructed. The current owners of the property are not the original owners, and, unfortunately, the fact that the above Order of Conditions never received a Certificate of Compliance was not discovered when they purchased the property.

The wetland resource areas on the site are doing well and the associated buffer zones are established. The areas surrounding the developed portion of the lot appear to have acclimated well to the development of the lot since it was developed approximately 20 – 25 years ago. As the Commission observed on the site walk, in order to construct a wetland replication area major work will first be required in the buffer zone to provide access to the potential wetland replication area and then major earth work would be required to lower the grade of the wetland replication area in order to provide a hydraulic connection so that the replication area would survive. This would most likely require the removal of the majority of mature trees in the area. As you know the buffer zone to a wetland provides protection to the wetland resource area; it does not seem logical, in this situation, to destroy a mature buffer zone to create a wetland. However, our client understands that mitigation is warranted for this project. We feel that the mitigation/enhancement items proposed below will achieve a similar benefit as if a wetland replication area was constructed.

The following is a list of mitigation/enhancement measures our client proposes to make to the property in consideration for a Certificate of Compliance being issued (these mitigation measures are shown on the attached plan as well):

1. The removal of a small section of pavement located on the easterly side of the driveway. The area shall be loamed and seeded after the pavement is removed.
2. The stone outfall of the existing drain pipe on the easterly side of the driveway shall be strengthened with the addition of rip-rap.
3. Enhancement plantings are proposed in the existing wetland and buffer zone on the easterly side of the driveway up near the roadway. See narrative by Greg Hochmuth of Williams & Sparages dated November 9, 2015 attached.
4. A perpetual no disturb zone of approximately 7,700 sf is proposed on the easterly side of the driveway near the road. The size of the no disturb zone is based on sizing an area that is twice the size of the as-built wetlands altered and then adding an additional 25 feet from that line. This additional area was added as an attempt to mimic the 25 foot no disturb zone that would have been required from the edge of the wetland replication area if it was built.

We hope that the Commission agrees that the mitigation/enhancement areas proposed above are beneficial and are acceptable. Due to the time sensitive nature of the pending closing on the property, and the hardship it will cause if the closing does not happen soon, we are asking that the Commission consider issuing a Partial Certificate of Compliance for Lot 2. Once the Certificate of Compliance is issued the Commission could then issue an Enforcement Order for the mitigation work proposed above.

We look forward to meeting with the Conservation Commission on Thursday, November 19th, to further discuss this property.

If you have any questions prior to the meeting please do not hesitate to contact me.

Sincerely,

THE MORIN-CAMERON GROUP, INC.



John M. Morin, PE  
Principal

JMM/kmm

Attachment

cc: James Merriman (via email)

November 9, 2015



Conservation Commission  
Attn: Ross Povenmire  
Director of Conservation  
7A Spofford Road  
Boxford, MA 01921

Re: Wetland/Buffer Zone Enhancement Plan  
18 Saddle Hill Road, Boxford, MA

Dear Commission Members:

Our office was contracted to prepare a Wetland/Buffer Zone Enhancement Plan for the above referenced property. It is our understanding that there is an outstanding Order of Conditions that exists on the property that was issued in 1989, and that the Order required a wetland replication area to be constructed as mitigation for approved wetland alteration.

On October 30, 2015, I delineated a portion of the wetland resource area in the vicinity of the proposed wetland replication area and reported back to the Morin-Cameron Group that it did not appear that the wetland replication area was constructed. The Morin-Cameron Group was able to confirm in fact that the wetland replication area was not constructed.

After investigating the subject property for an area or areas to create a wetland replication area it became clear that constructing a wetland replication area at this point would do more damage than good. The wetland resource areas and adjacent wetland buffer zones are wooded and appear to be protecting the resource area values identified in the Town of Boxford Wetlands Protection Regulations.

On November 7, 2015 during a site visit with your Commission it appeared as though Commission members agreed that creating a wetland replication area at this point would do more harm than good. There were a couple areas identified, however, that were sparse and could benefit from some enhancement in the form of plantings.

Please find attached a Wetland/Buffer Zone Enhancement Plan that was prepared to help the resource area and buffer zone further protect the resource area values. If you should have any questions regarding this information please do not hesitate to contact our office.

Sincerely,

WILLIAMS & SPARAGES

A handwritten signature in black ink, appearing to read "Greg J. Hochmuth". The signature is fluid and cursive, with the first name "Greg" being the most prominent.

Greg J. Hochmuth, RS, CWS, PWS  
Project Manager

cc: The Morin-Cameron Group, Inc.

## WETLAND/BUFFER ZONE ENHANCEMENT PLAN

### Planting Methodology:

1. Enhancement Area species shall be acquired from a nursery specializing in the propagation of native plants.
2. The location of the species shall be determined by a Professional Wetland Scientist and be approved by a representative of the Boxford Conservation Commission or their Director.
3. Enhancement Area species shall be planted within the enhancement areas using hand tools under the direction of a Professional Wetland Scientist.
4. Any extra earth shall be removed from the resource area or adjacent buffer zone. Any exposed earth around the plantings shall be covered with leaf litter.

### WETLAND ENHANCEMENT AREA SPECIES LIST:

(5) 3'- 4' Winterberry Holly *Ilex verticillata*

### BUFFER ZONE ENHANCEMENT AREA SPECIES LIST:

(5) 3'- 4' Pepperbush *Clethra alnifolia*