LEC received and has reviewed the following materials for compliance with the *Massachusetts Wetlands Protection Act* (M.G.L. c. 131, s. 40, the *Act*) and the implementing Regulations at 310 CMR 10.00 (the *Act Regulations*), the DEP Stormwater Management Policy relative to protection of Wetland Resource Areas, and other Best Management Practices for design and construction:

- The Village at Cricket Lane 55R Pearson Drive, Peer Review Response Letter prepared by Ranger Engineering Group, Inc. dated July 2, 2020; and

- 40B Comprehensive Permit The Village at Cricket Lane, Byfield, MA Plan Set (Sheets 1-19) prepared by Ranger Engineering Group, Inc., dated January 22, 2020, last revised August 17, 2020.

LEC restates and incorporates by reference our prior April 29, 2020 Peer Review Memorandum and provides the following clarifications or responses to the aforementioned peer reviewed materials.

1. Sheet 3 of the Site Plans has been updated to depict the extent of historic wetland filling estimated by Mary Rimmer between flags D21 and E19.1 encompassing 1,565± square feet (SF) and between the westerly property boundary and flag E19 encompassing 475± SF for a total of 2,040± SF of unauthorized historic filling.

The Applicant has declined to depict this historic wetland filling on the other plan sheets (e.g. Sheets 5, 6, 7, 8, 9, 15, and 17) as requested in my April 29, 2020 Peer Review Memorandum claiming that it would be confusing. At a minimum, plan sheets 7 and 16, which depict the required wetland filling for the access road, must depict both the historic and new wetland filling. Furthermore, sheets 7 and 13 should cross-hatch the footprint of the historic filling that also occurs within the Limits of Work for the proposed access road and revise the plan to account for the full amount of historic and proposed wetland filling within the proposed Limits-of-Work (LOW).

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1 Sheet 3 refers to 1,565 SF while all other plan sheets refer to 1,564 SF. Please reconcile this difference on all the plan sheets including the impact tables on plan sheet 16-Wetland Details.
2. As requested in my April 29, 2020 Peer Review Memorandum, the Applicant has relocated the wetland replacement area north of the D/E wetland series, roughly between flags E3 and E10 as discussed during the February 15, 2018 Working Session for Byfield Estates.

The Wetland Details plan (sheet 16) depicts a proposed 5,050 SF Wetland Replacement Area with grading, tree protections to the presumed drip line for 3 existing trees, a Wetland Replacement Planting Table, Wetland Seed Mix, and Performance Specifications. While this is a vast improvement, the Wetland Replacement Table omits the number of required trees and shrubs to confirm proper planting densities, and includes eastern white pine (Pinus strobus) which is not a wetland plant. Please add tree and shrub quantities and either remove P. strobus or replace with a more appropriate tree species. Additionally, see Attachment A for LEC’s markup comments on Sheet 16.

3. Please explain your rationale for continuing to provide 610 SF of Wetland Replacement south of flags E19 and E16 in the backyard of the existing dwelling. The proposed Wetland Replacement Area north of the D/E Series appears large enough to cover all of the historic and newly proposed wetland filling. As stated in my April 29, 2020 Peer Review Memorandum, based on the history of filling on this site, and the presence of a retaining wall in the wetland (presumably to create the backyard), the backyard of the existing dwelling does not appear to be an appropriate location for Wetland Replacement.

4. Please provide a means, methods, and proposed protections to reduce impacts associated with the 12-foot wide, 290 SF of temporary wetland crossing to access the Wetland Replacement Area. Depending on the vegetative composition within this 290 SF area (has anyone evaluated the viability of crossing at this location?) and the proposed means, methods, and protections, restoration plantings may be required.

5. Please provide proposed woody plantings, seed mix, and performance specifications for the 495 SF of wetland restoration at the base of the roadway retaining wall between stations 1+25 and 2+15.

6. I herein restate my April 29, 2020 Peer Review Comment #3:

   “The actual limit-of-work/erosion control line for Basin P3-2 extends very close (varies from 3-8 feet) to the BVW between flags C7 to C9; flags C11 to C13; and C18 to C22. LEC recommends increasing the setback between this Basin and the BVW. Otherwise, it does not seem feasible to construct this basin that close to the BVW without impairing or otherwise destroying portions of the BVW.

   Based on the current Basin P3-2 limit of work, the clearing of natural vegetation and soil disturbance is likely to alter the physical characteristics of the adjacent BVW by changing the soil composition, topography, hydrology, temperature, and the amount of light received (see 2005 Preamble to the Act Regulations). In accordance with 310 CMR...
10.53 (1) the Issuing Authority shall impose conditions to protect the interests of the Act...and may consider the characteristics of the Buffer Zone, such as the presence of steep slopes...and conditions may include limitations on the scope and location of work in the Buffer Zone as necessary to avoid alteration of the Resource Area...including the preservation of natural vegetation adjacent to the Resource Area.

LEC Recommends reconsidering the close proximity of Basin P3-2 to the BVW.”

LEC encourages the Applicant to reconsider the close proximity of the toe of slope to the Series C Wetland coupled with the clearing necessary to construct this basin. The Applicant has not adequately responded to our concerns relative to the clearing of natural vegetation and soil disturbance so close to the wetland and the likelihood that it will alter the physical characteristics of the adjacent BVW by changing the soil composition, topography, hydrology, temperature, and the amount of light received.

7. The Ranger Engineering Group, Inc. July 2, 2020 letter states that “Additional plantings can be included along the toe of the slope.”, but has not offered any actual proposal that can be peer reviewed.

8. I herein restate my April 29, 2020 Peer Review Comment #4:

“The limit-of-work line for Basin P1-2 extends very close (within 3-7 feet) of the BVW between flags D14 to D19 and requires clearing of vegetation along a southern exposure. LEC recommends increasing the setback between this Basin and the BVW. See above comment #3” [now comment #6].

9. I herein restate my April 29, 2020 Peer Review Comment #5:

“Ms. Rimmer’s Response #8 (Attachment D) does not provide a convincing argument relative to minimizing or preventing short-term construction related impacts or long-term wetland function impacts to the adjacent BVW relative to construction of Basins P1-2 and P3-2 (see LEC February 8, 2018 Memorandum comments #7 and #8)”.

10. The Applicant has added a “Heavy Duty Silt Fence Barrier” to Detail Sheet 19 and differentiated two types of erosion control along the limit of work, “SF” and “HDSF,” but the legend designates both of these as silt fence/silt sock. Please correct the legend to designate “HDSF” as Heavy Duty Silt Fence/Silt Sock.

11. I herein restate my April 29, 2020 Peer Review Comment #7:

“The Comprehensive Permit only refers to 55 Rear Pearson Drive, labeled on the plans as Parcel B Assessor’s Map R-20 Lot 75 at 15.08 acres. Assessor’s Map R-20 Lot 75 also includes the parcel labeled on the plans as 55 Pearson Drive as 1.28 acres. The Applicant is clearly proposing work, including the entrance road and proposed Wetland
Replacement, on both of these ‘parcels.’ The filing should be corrected to include both parcels at a total of 16.36± acres.”

12. Thank you for explaining the placement of the primary and reserve septic systems and the typical process for system reconstruction. However, this does not respond to my question, nor does it address the requirement for the leaching beds to be offset at least 100 feet from the Vernal Pool boundary. Based on overlaying plan sheet 9 (depicting the 100-foot setback) onto plan sheet 11 that does not depict the 100-foot setback, both Presby System 1 and Presby System 2 extend at least 5 feet into the setback. Please locate the entire septic system outside the 100-foot setback to the Vernal Pool.

13. The Comprehensive Permit only refers to 55 Rear Pearson Drive, labeled on the plans as Parcel B Assessor’s Map R-20 Lot 75 at 15.08 acres. Assessor’s Map R-20 Lot 75 also includes the parcel labeled on the plans as 55 Pearson Drive as 1.28 acres. The Applicant is clearly proposing work, including the entrance road and proposed Wetland Replacement, on both of these ‘parcels.’ The filing should be corrected to include both parcels at a total of 16.36± acres.

14. LEC remains concerned that the Applicant has designed Pond P1-1 as a wet pond to hold water at all times to provide stormwater treatment. It is important to avoid standing water for any extended period of time within the stormwater basins to prevent vernal pool species from attempting to breed within the stormwater basins. Please explain why you have selected this type of design for Pond P1-1 versus a traditional extended detention basin that will drain following storm events.

15. Thank you for providing an updated Open Space Plan. Please clarify whether this deeding of land has been discussed with the Division of Fish and Game and report on their willingness or desire to accept the land.

16. Sheet 7 depicts a walking path near the base of the slope for connection to the adjacent Martin H. Burns Wildlife Management Area (WMA) under the care and custody of the Division of Fish and Game. Has the Applicant discussed this connection with the Division of Fish and Game and have they confirmed that such connection is consistent with the use and management of the WMA?
Attachment A

Peer Review Comments
The Village at Cricket Lane
Wetland Details (sheet 16)
Last revised 8/17/2020