



May 3, 2021

Overnight Delivery

Scituate Conservation Commission
600 Chief Justice Cushing Highway
Scituate, MA 02066

**RE: Request for Determination of Applicability
Hatherly Road Right-of-Way and 144 Hatherly Road
Scituate, Massachusetts**

[LEC File #: TBI\13-318.01]

Dear Members of the Commission:

On behalf of the Applicant and Property Owner, Toll MA Land III Limited Partnership, LEC Environmental Consultants, Inc. (LEC) respectfully submits this Request for Determination of Applicability (RDA) for stormwater infrastructure improvements within Hatherly Road and at 144 Hatherly Road near the entrance to the *Seaside at Scituate* development. The RDA is being filed under the *Massachusetts Wetlands Protection Act* (M.G.L., c. 131, s. 40) and its implementing *Regulations* (310 CMR 10.00), and the *Scituate Wetlands Protection Bylaw* and associated *Scituate Wetlands Protection Rules and Regulations* (SWR 10.00).

The project involves temporary disturbance within the 100-foot Buffer Zone associated with a Bordering Vegetated Wetland (BVW); however, the work footprint is previously disturbed and no impacts to the adjacent BVW are anticipated. Toll Brothers, Inc. has been in contact with the Scituate Department of Public Works (DPW) and Planning Board to coordinate this work, a portion of which has already been initiated.

The project activities are depicted on the attached *Storm Sewer Exhibit*, prepared by ESE Consultants, Inc., dated April 7, 2021 (Attachment A).

Proposed Project

The proposed project activities include installation of two new catch basins in Hatherly Road, subsurface drainage pipes, a water quality unit, and a flared end outlet, as depicted on the *Exhibit*. Stormwater collected in the two catch basins will flow into two pipes which merge at a manhole within Hatherly Road. From the manhole, a single subsurface pipe will extend approximately 150 feet to the north/northeast onto 144 Hatherly Road where it will pass through a water quality unit before discharge at the flared end section with a rip-rap apron. A shallow grass swale will be constructed at the end of the rip-rap to direct flow to the northeast.

Construction within Hatherly Road requires opening and reconstructing an approximately 50-foot long section, as depicted on the *Exhibit*. Installation of the subsurface pipe and water quality unit on

LEC Environmental Consultants, Inc.				www.lecenvironmental.com
12 Resnik Road Suite 1 Plymouth, MA 02360 508.746.9491	380 Lowell Street Suite 101 Wakefield, MA 01880 781.245.2500	100 Grove Street Suite 302 Worcester, MA 01605 508.753.3077	P.O. Box 590 Rindge, NH 03461 603.899.6726	680 Warren Avenue Suite 3 East Providence, RI 02914 401.685.3109
PLYMOUTH, MA	WAKEFIELD, MA	WORCESTER, MA	RINDGE, NH	EAST PROVIDENCE, RI



144 Hatherly Road will require a 15-foot wide work area with a trench excavated to a maximum depth of six feet. The trench will be immediately backfilled and seeded after work is complete.

All work in Hatherly Road and on 144 Hatherly Road up to the water quality unit is located outside the 100-foot Buffer Zone. The final 100± feet of subsurface piping and the flared end and rip-rap apron on 144 Hatherly Road are located within the 100-foot Buffer Zone. The work in the Buffer Zone is within a previously disturbed area which was cleared and graded for construction of the dwelling on the property. Post-construction, the area will be seeded and become part of the lawn on the property. No impacts to the nearby BVW are anticipated.

Future maintenance of the drainage infrastructure on 144 Hatherly Road by the Town DPW will be arranged through establishment of a 15-foot wide easement to be recorded on the property deed.

Conclusion

On behalf of the Applicant, LEC is submitting this RDA for drainage infrastructure improvements within Hatherly Road and on 144 Hatherly Road. This RDA seeks confirmation that the proposed activities will not affect Wetland Resource Areas and may proceed without a Notice of Intent (NOI) filing.

We trust that the information included in this letter and the accompanying plans are sufficient to facilitate your review, and we look forward to discussing the matter at the May 17, 2021 Public Hearing.

Thank you for your consideration of this request. If you have any questions regarding this matter or require additional information, please don't hesitate to contact me at 508-746-9491 or at mmanganello@lecenvironmental.com.

Sincerely,

LEC Environmental Consultants, Inc.

A handwritten signature in black ink, appearing to read "Mark Manganello", is written over a light blue horizontal line.

Mark Manganello

Assistant Director of Ecological Services

Attachments

cc: DEP/SERO

Toll Brothers, Inc.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Scituate
City/Town

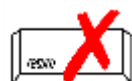
WPA Form 1- Request for Determination of Applicability

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

A. General Information

Important:

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



1. Applicant:

Toll MA Land III Limited Partnership

kcurran@tollbrothers.com

Name

E-Mail Address

116 Flanders Road, Suite 1200

Mailing Address

Westborough

MA

01581

City/Town

State

Zip Code

508-366-1440

Phone Number

Fax Number (if applicable)

2. Representative (if any):

LEC Environmental Consultants, Inc.

Firm

Mark Manganello

mark@lecenvironmental.com

Contact Name

E-Mail Address

12 Resnik Road, Suite 1

Mailing Address

Plymouth

MA

02360

City/Town

State

Zip Code

508-746-9491

Phone Number

Fax Number (if applicable)

B. Determinations

1. I request the Scituate make the following determination(s). Check any that apply:
Conservation Commission

- ☐ a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- ☐ b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- ☒ c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- ☒ d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

Scituate

Name of Municipality

- ☐ e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).



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C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

Hatherly Road (right-of-way) and 144 Hatherly Road

Street Address

34

Assessors Map/Plat Number

Scituate

City/Town

145

Parcel/Lot Number

- b. Area Description (use additional paper, if necessary):

See attached cover letter.

- c. Plan and/or Map Reference(s):

Storm Sewer Exhibit, prepared by ESE Consultants, Inc.

Title

April 7, 2021

Date

Title

Date

Title

Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

see attached cover letter.



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

Scituate

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C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

Activities in the Buffer Zone are limited to previously disturbed areas associated with the Seaside at Scituate Project. Project will not affect Wetland Resource Areas.

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- ☐ Single family house on a lot recorded on or before 8/1/96
- ☐ Single family house on a lot recorded after 8/1/96
- ☐ Expansion of an existing structure on a lot recorded after 8/1/96
- ☐ Project, other than a single-family house or public project, where the applicant owned the lot before 8/7/96
- ☐ New agriculture or aquaculture project
- ☐ Public project where funds were appropriated prior to 8/7/96
- ☐ Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- ☐ Residential subdivision; institutional, industrial, or commercial project
- ☐ Municipal project
- ☐ District, county, state, or federal government project
- ☐ Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



Massachusetts Department of Environmental Protection
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D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Toll MA Land III Limited Partnership (Town of Scituate owns Hatherly Road right-of-way)

Name

116 Flanders Road, Suite 1200

Mailing Address

Westborough

City/Town

MA

State

01510

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Signature of Applicant

5/3/21

Date

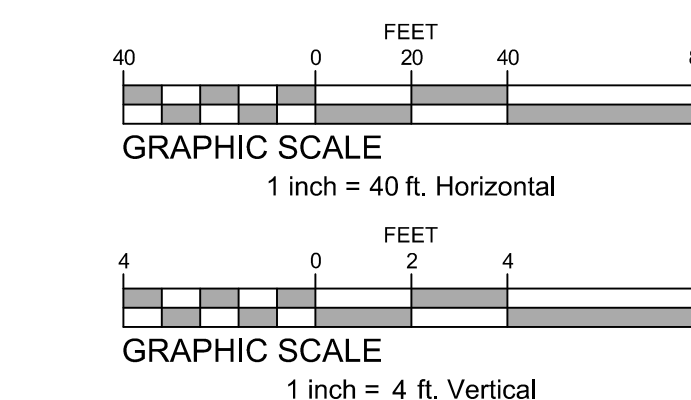
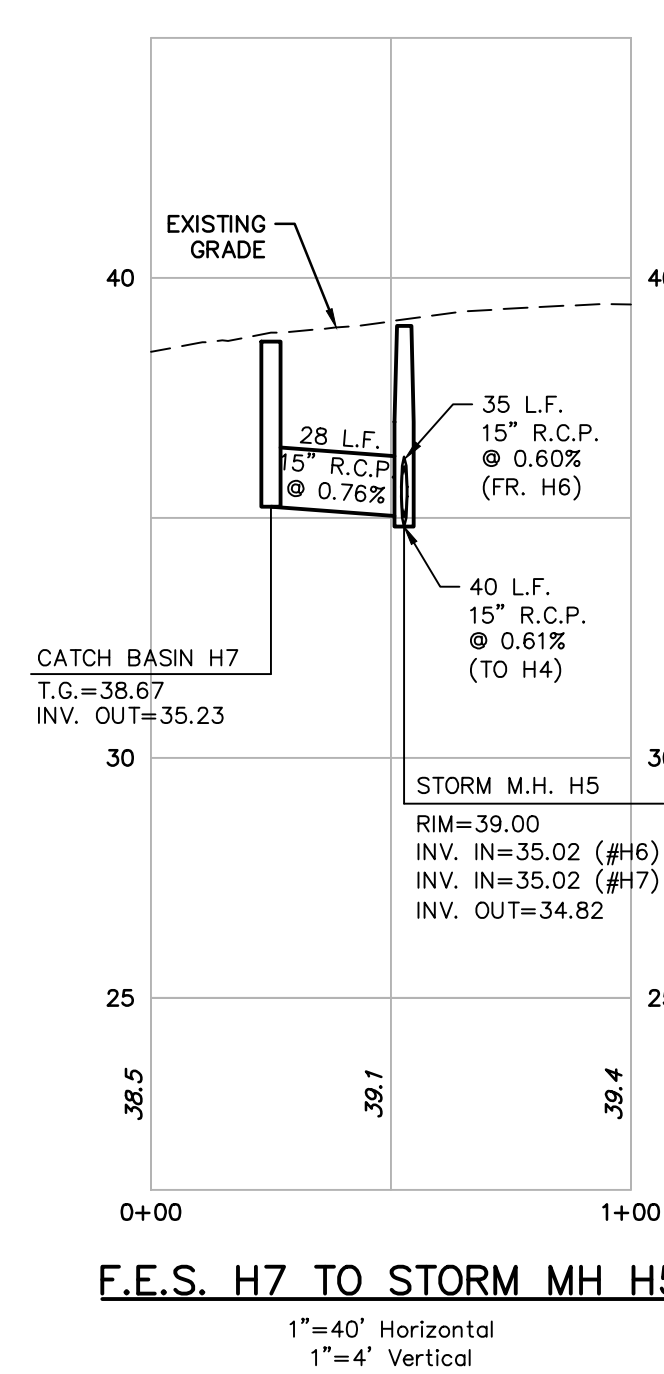
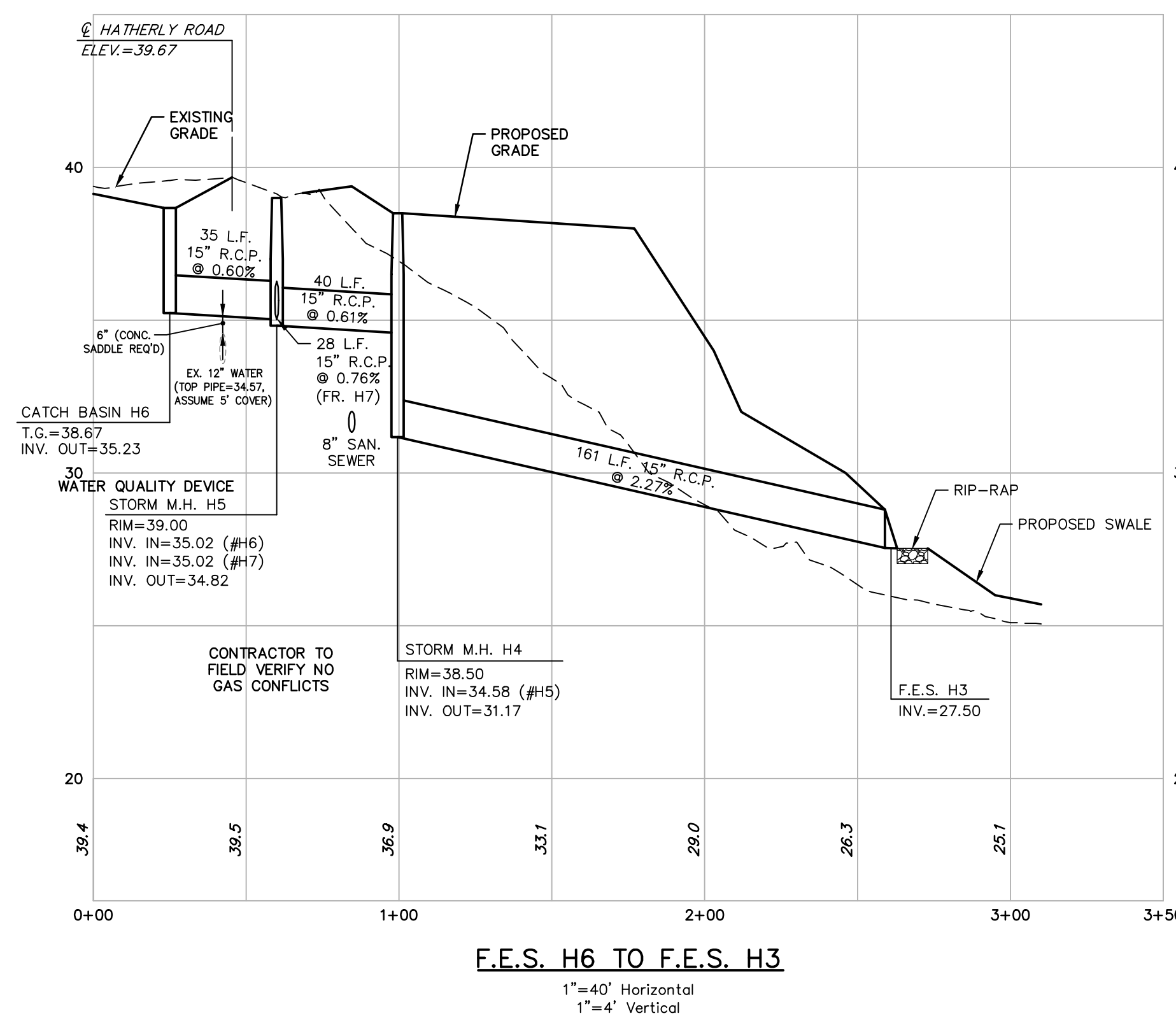
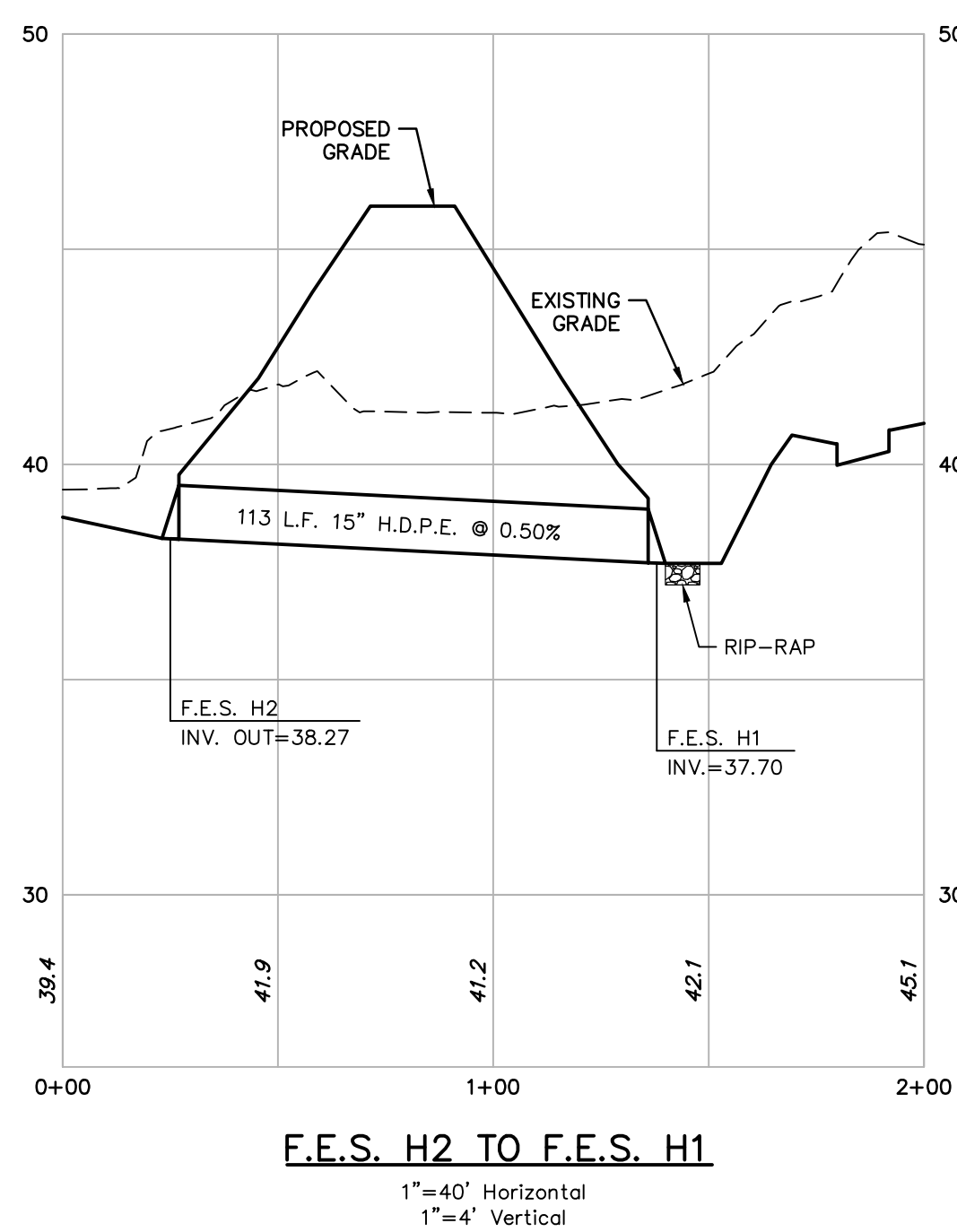
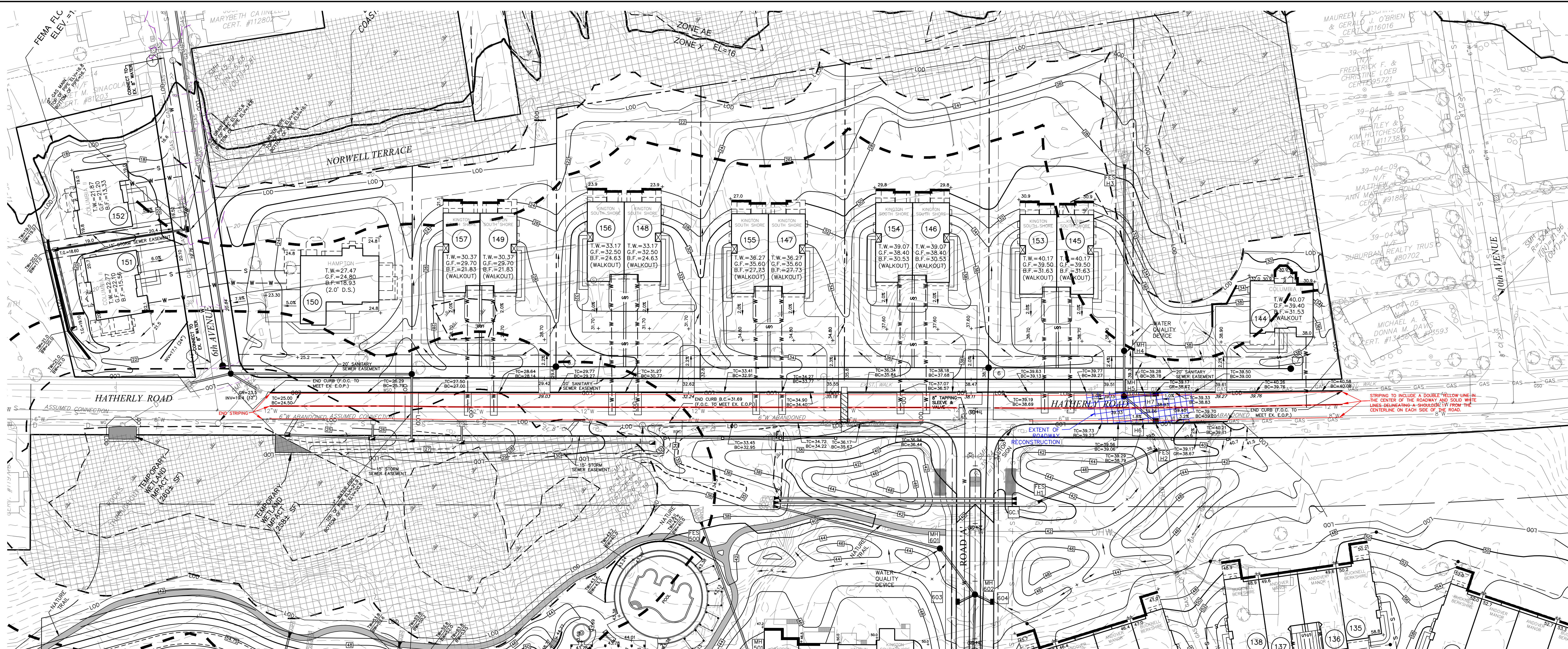
Signature of Representative (if any)

5/3/2021

Date

Attachment A

Storm Sewer Exhibit, Prepared by ESE Consultants, Inc., Dated April 7, 2021



- NOTES:
1. A 2.5' CURB TAPER SHALL BE INSTALLED AT ALL DRIVEWAYS, THE CROSSWALK, AND AT THE CURB ENDS.
 2. STRIPING MATERIAL, COLOR, AND WIDTH FOR THE CROSSWALK, DOUBLE YELLOW LINE, AND SOLID WHITE LINES SHALL BE APPROVED BY THE TOWN OF SCITUATE PRIOR TO INSTALLATION.
 3. WITH THE EXCEPTION OF THE AREA OF HATHERLY ROAD THAT WILL BE RECONSTRUCTED, THE TO/BC SPOTS SHOWN ON THIS PLAN USE THE EXISTING EDGE-OF-PAVING ELEVATION FOR BOTTOM OF CURB WITH A 6-INCH CURB REVEAL.

SEASIDE AT SCITUATE
HATHERLY ROAD
STORM SEWER EXHIBIT
 04/07/2021
 SCALE: 1"=40' Horizontal
 SCALE: 1"=4' Vertical
 ESE CONSULTANTS, INC.