



COMMONWEALTH OF MASSACHUSETTS
 EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 SOUTHEAST REGIONAL OFFICE

20 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508-946-2700

DEVAL L. PATRICK
 Governor

IAN A. BOWLES
 Secretary

TIMOTHY P. MURRAY
 Lieutenant Governor

ARLEEN O'DONNELL
 Commissioner

DATE: March 14, 2007

Municipality: SCITUATE
 (city/town)

RE: NOTIFICATION OF WETLANDS PROTECTION ACT FILE NUMBER

The Department of Environmental Protection has received a Notice of Intent filed in accordance with the Wetlands Protection Act (M.G.L. c. 131, §40):

| | | | |
|------------|--------------------------|----------|--|
| Applicant: | JAMES MOTZKIN | Owner: | |
| | HERRING BROOK MEADOW LLC | | |
| Address: | 265 NEWBURY ST. | Address: | |
| | PEABODY, MA 01960 | | |
| LOCUS: | 126 & 132 CHIEF JUSTIC | | |
| | CUSHING HWY. | | |

This project has been assigned the following file # :SE 068-1988

ISSUANCE OF A FILE NUMBER INDICATES ONLY COMPLETENESS OF SUBMITTAL, NOT APPROVAL OF APPLICATION

Although a file # is being issued, please note the following:

13 Mar 07 - Revised Comments: proposals to fill IVW require review under 401 WQC, 404 and MEPA. Does any of the ILSF meet the definition of IVW per 314 CMR 9.02? Have soil samples been examined in the areas that have been disturbed? (The original file number letter contained similar comments relating to the fill of IVW; they were removed on 29 Nov 06 but are here-by re-incorporated. The following comments on SW from the original letter still apply, with the additional comment that calculation of pre- and post-construction peak runoff rates must be based on the entire area of the contributing watershed, not just the area of the project site.) SW Management Policy Standards 3 & 6 apply. Std 3 is NOT waived for areas subject to tidal action; recharge must be provided to match pre-development conditions (see pg 1-5 and pgs 1-17 through 1-19 in SW Handbook Vol 1). Site is a Critical Area (Zone II ground drinking water supply), so 1" factor must be used to calculate runoff volumes per Std 6, emergency containment or shutdown must be incorporated, and restrictions apply to types of BMPS that may be used (see pg 1-8 and pgs 1-25 through 1-27 of SW Handbook Vol 1).

If you have any questions regarding this letter, please contact: Christine Odiaga @ (508) 946-2836

PLEASE SEE NEXT PAGE FOR ADDITIONAL REQUIREMENTS
ADDITIONAL REQUIREMENTS

401 Water Quality Certification (314 CMR 9.00) may be required. Provided that the project meets certain conditions, summarized below from 314 CMR 9.03 and 9.04, and the conditions under the Corps of Engineers **Programmatic General Permit for Massachusetts (PGP)**, the project qualifies for 401 Certification as certified under the PGP. Information and a copy of the PGP can be obtained from the Corps of Engineers at 1-800-362-4367.

Before the activity described in the Notice of Intent can commence, you must obtain a Water Quality Certification. Please complete a 401 Water Quality Certification application form (<http://www.mass.gov/dep/water/approvals/wwforms.htm#wqcert>) and file it with this Regional Office for review.

Applicant is advised to forward a copy of the Water Quality Certification Application to the **Corps of Engineers** for review. (Call 1-800-362-4367 for information).

Cc:

Conservation Commission: SCITUATE Conservation Commission, 600 Chief Justice Cushing Hwy

Representative: Rod Gaskell, SITEC Environmental, Inc. 769 Plain St., Unit C

U.S. Army Corp of Engineers