



Environmental Consulting & Restoration, LLC



January 28, 2021

Town of Cohasset
Conservation Commission
Cohasset Town Hall
41 Highland Avenue
Cohasset, MA 02025
Attn: Jeffrey Summers, Conservation Agent

RE: Wetland Resource Area Analysis, Lot C Dolan Lane, Cohasset, MA

Dear Mr. Summers & Members of the Conservation Commission:

Please accept this analysis letter regarding the wetland resource areas located on and near the site off Dolan Lane in Cohasset (the site). The Town of Cohasset Assessors Department references the site at parcel ID #D4-14-87. As documented in ECR's Wetland Delineation Memo, dated September 18, 2020, ECR completed a wetland delineation of the site on August 24, 2020 and documented the site contains an Isolated Vegetated Wetland (IVW) and associated buffer zone. A Bordering Vegetated Wetland (BVW) is located off site to the west of Dolan Lane. As the Commission is now aware, a 4-inch PVC pipe is located under Dolan Lane that allows overflow from the IVW towards the BVW to the west of the site. This pipe was not visible during ECR's wetland delineation. As documented in Morse Engineering Company's January 18, 2021 letter, this pipe was installed in 2015 without proper permits. If proper permitting were conducted, it is likely that the Conservation Commission would seek a culvert that complied with the Massachusetts Stream Crossing Standards, which is typical when designing a proposed culvert.

Given that the pipe is not permitted, it is likely that the Conservation Commission would require the unpermitted activity to be remediated and returned to its original condition. Following this understanding, we are assessing this wetland system as an IVW as originally delineated. This IVW does not contain a stream or abut a waterbody. It is our understanding that the Commission has raised concerns that water flowing out of the IVW and over Dolan Road or groundwater through the subsurface under Dolan Road may meet the definition of a stream and therefore would qualify the IVW as a Bordering Vegetated Wetland. A stream is defined in the Massachusetts Wetlands Protection Regulations found at 310 CMR 10.04 as follows:

Stream means a body of running water, including brooks and creeks, which moves in a definite channel in the ground due to a hydraulic gradient, and which flows within, into or out of an Area Subject to Protection under M.G.L. c. 131 § 40. A portion of a stream may flow through a culvert or beneath a bridge. Such a body of running water which does not flow throughout the year (i.e., which is intermittent) is a stream except for that portion upgradient of all bogs, swamps, wet meadows and marshes.

In accordance with the above definition, there is no definite channel of running water that flows between the separate onsite and offsite wetland systems. It is also important to note, as stated in Section 13.3.4.2 of the Environmental Handbook for Massachusetts Conservation Commissions, 9th Edition (the Handbook), "The only portions of any stream subject to the

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Wetlands Protection Act are those with evidence of above ground flow.” Sheet flow over Dolan Road or groundwater flow under Dolan Road does not meet the definition of a stream in accordance with 310 CMR 10.04 or the guidance provided by the Handbook. ECR is not able to find a separate reference to streams in the Town of Cohasset Wetland Regulations. Since the Town of Cohasset Wetland Regulations supplement the Massachusetts Wetlands Protection Regulations, the stream definition described must also apply under the Town of Cohasset Wetland Regulations.

Regardless of the wetland status, a significant ecological improvement to the wetland system could be performed by installing an appropriately sized culvert under Dolan Lane that could also allow for the passage of wildlife. If the Commission is supportive of this, ECR would be pleased to assist with this task.

If you have any questions or require additional information, please contact me at (617) 529-3792.

Sincerely,
Environmental Consulting & Restoration, LLC

A handwritten signature in blue ink that reads "Brad Holmes".

Brad Holmes, PWS, MCA
Manager