

**EcoTec, Inc.**  
**ENVIRONMENTAL CONSULTING SERVICES**  
102 Grove Street  
Worcester, MA 01605-2629  
508-752-9666 – Fax: 508-752-9494

September 30, 2024

Bellingham Conservation Commission  
10 Mechanic Street  
Bellingham, MA 02019      via USPS and email: [HCrawford@bellinghamma.org](mailto:HCrawford@bellinghamma.org)

Re: Prospect Hill Development Site

Subject: Overcoming “River” Presumption

Dear Commission Members:

As the Commission is aware, the lower portion of stream (Hoag Brook) that flows south across the Prospect Hill site is mapped by USGS as “perennial” and in accordance with 310 CMR 10.58(2)(a)1.d has been presumed to be a “River” with associated 200-foot Riverfront Area (“RFA”). The portion of the stream upstream (north) of the perennial-mapped segment is mapped intermittent by USGS, and in accordance with the StreamStats analysis required by the Wetland Regulations, has been designated as intermittent, without an associated RFA.

With respect to the perennial presumption, the Regulations at 310 CMR 10.58(2)(a)1.d state that:

*“Notwithstanding 310 CMR 10.58(2)(a)1.a. through c., the issuing authority shall find that any stream is intermittent based upon a documented field observation that the stream is not flowing. A documented field observation shall be made by a competent source and shall be based upon an observation made at least once per day, over four days in any consecutive 12 month period, during a non-drought period on a stream not significantly affected by drawdown from withdrawals of water supply wells, direct withdrawals, impoundments, or other human-made flow reductions or diversions.”*

We are aware of no substantial withdrawals, impoundments, or other human-made flow reductions or diversions within the subject watershed.

On 9/3/2024 through 9/6/2024, Paul J. McManus, SPWS and Kate O’Donnell, WPIT of EcoTec documented with photographs a lack of flow at seven (7) representative locations across the perennial-mapped stream segment, beginning at the upstream point where the USGS perennial mapping begins. A figure depicting photo locations is appended. Dated photo pages documenting a lack of flow at all photo locations for each date of monitoring (two pages per date) are attached, with a statement of veracity, signed under the pains and penalties of perjury, as required by the Regulations.

The drought status map in effect at the time of this monitoring is dated 9/9/2024. I also attached the drought status map for the prior monitoring period dated 8/13/2024. The drought status maps

September 30, 2024

Bellingham Conservation Commission

Re: Prospect Hill Development Site – Overcoming “River” Presumption

Page 2 of 4

are appended and were obtained at <https://www.mass.gov/info-details/drought-status>. The drought status maps indicate that no drought was in effect at the site during the 9/3/2024 to 9/6/2024 monitoring/ documentation period, or during the preceding period. During the subject period, the only drought declaration was a Level 1 Mild Drought in the extreme NE corner of the state.

Attached please find:

- Drought status maps
  - 9/9/2024, obtained on-line 9/30/2024 (“Reflecting conditions since August 1, 2024”);
  - 8/13/2024, obtained on-line 9/25/2024;
- Figure of photo locations; and
- Signed and dated stream channel photographs:
  - 9/3/2024
  - 9/4/2024
  - 9/5/2024
  - 9/6/2024.

Based upon the documentation contained herein and the Wetland Regulations at 310 CMR 10.58(2)(a)1.d, the area of Hoag Brook upgradient of Photo Location #7 shall be designated intermittent, without any associated Riverfront Area.

I look forward to discussing this information with the Commission. Please contact me if you have any questions concerning this or other matters.

Sincerely,

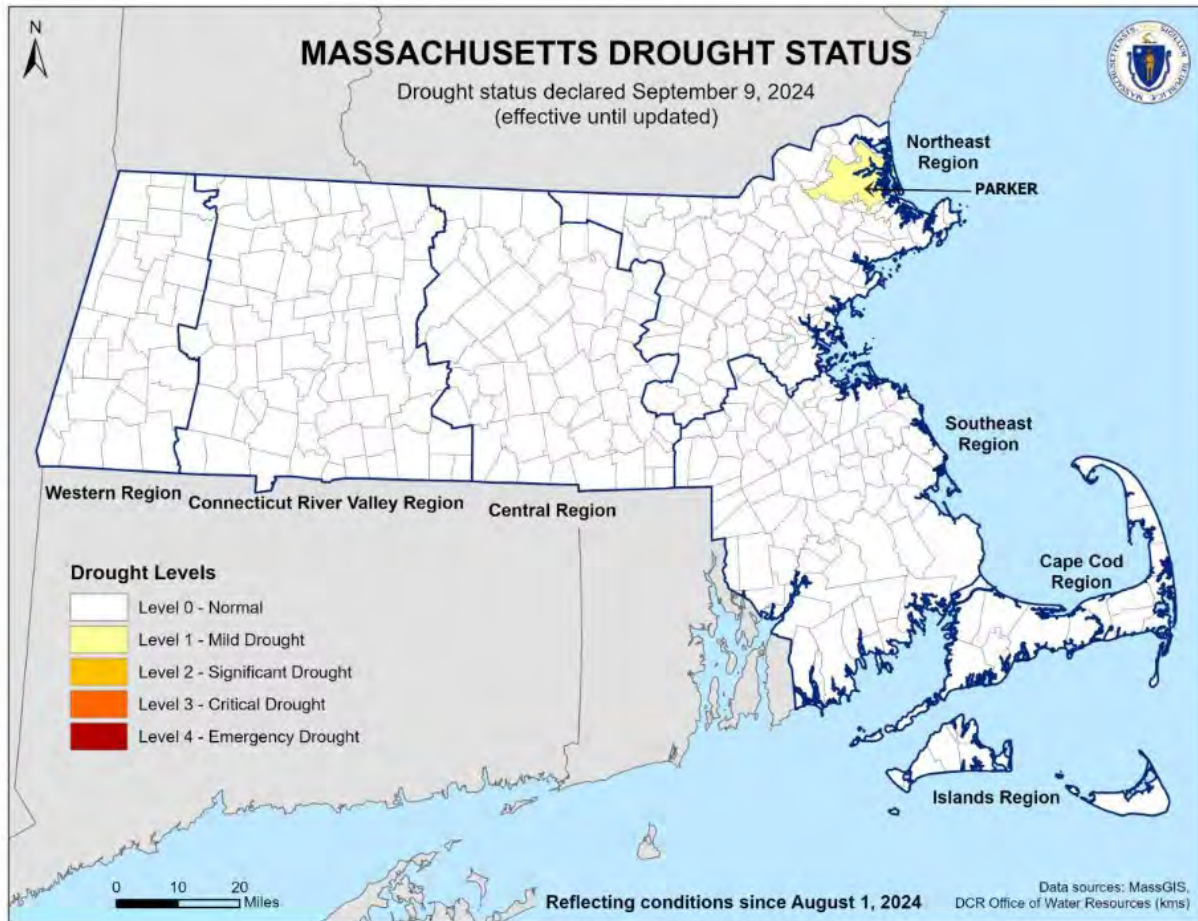
A handwritten signature in blue ink that reads "Paul J. McManus". The signature is fluid and cursive, with the first name "Paul" being the most prominent.

Paul J. McManus, SPWS  
President

Enc. As noted above

c: Lou Petrozzi, Wall Street Development  
Robert Truax, PE

## Current Drought Status

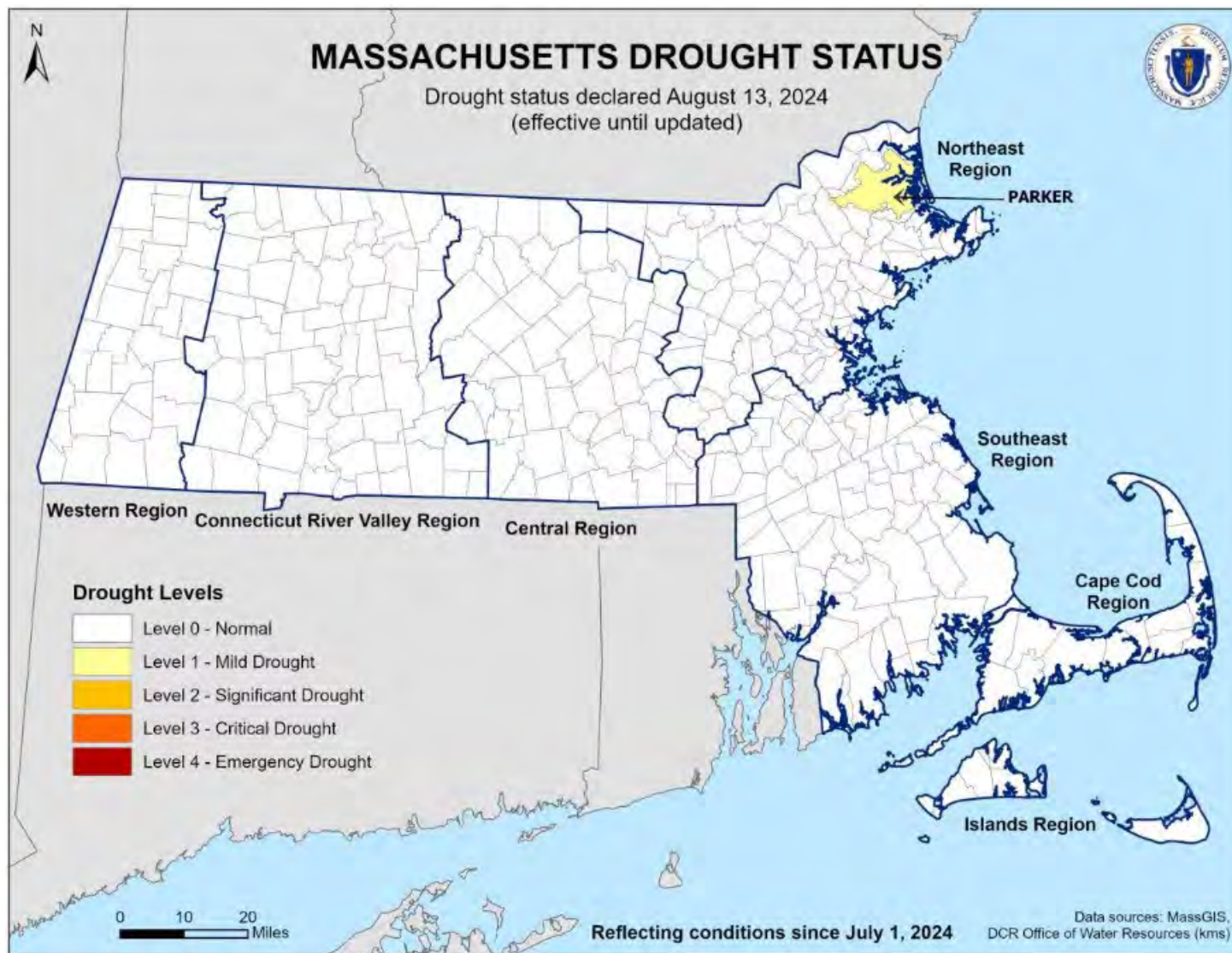


September 30, 2024

Bellingham Conservation Commission

Re: Prospect Hill Development Site – Overcoming “River” Presumption

Page 4 of 4









The photographs below accurately depict the absence of flow in the subject stream on the date and locations indicated.  
Submitted under the pains and penalties of perjury. Kate O'Donnell, WPIT

*Kate O'Donnell*



Photo Location #1



Photo Location #3a: Existing crossing—view upstream



Photo Location #2



Photo Location #3b: Existing crossing—view downstr.



The photographs below accurately depict the absence of flow in the subject stream on the date and locations indicated.  
Submitted under the pains and penalties of perjury. Kate O'Donnell, WPIT

*Kate O'Donnell*



Photo Location #4



Photo Location #6: existing cart road crossing



Photo Location #5



Photo Location #7



The photographs below accurately depict the absence of flow in the subject stream on the date and locations indicated.  
Submitted under the pains and penalties of perjury. Kate O'Donnell, WPIT

*Kate O'Donnell*



Photo Location #1



Photo Location #3a: Existing crossing-view upstream



Photo Location #2



Photo Location #3b: Existing crossing-view downstr.



The photographs below accurately depict the absence of flow in the subject stream on the date and locations indicated.  
Submitted under the pains and penalties of perjury. Kate O'Donnell, WPIT

*Kate O'Donnell*



Photo Location #4



Photo Location #6: existing cart road crossing



Photo Location #5



Photo Location #7



The photographs below accurately depict the absence of flow in the subject stream on the date and locations indicated.  
Submitted under the pains and penalties of perjury. Paul J. McManus, SPWS

*Paul J. McManus*



Photo Location #1



Photo Location #3a: Existing crossing – view upstream



Photo Location #2



Photo Location #3b: Existing crossing – view downstream



The photographs below accurately depict the absence of flow in the subject stream on the date and locations indicated.  
Submitted under the pains and penalties of perjury. Paul J. McManus, SPWS

*Paul J. McManus*



Photo Location #4



Photo Location #6: existing cart road crossing



Photo Location #5



Photo Location #7



The photographs below accurately depict the absence of flow in the subject stream on the date and locations indicated.  
Submitted under the pains and penalties of perjury. Paul J. McManus, SPWS

*Paul J. McManus*



Photo Location #1



Photo Location #3a: Existing crossing – view upstream



Photo Location #2



Photo Location #3b: Existing crossing – view downstream



The photographs below accurately depict the absence of flow in the subject stream on the date and locations indicated.  
Submitted under the pains and penalties of perjury. Paul J. McManus, SPWS

Paul J. McManus



Photo Location #4



Photo Location #6: existing cart road crossing



Photo Location #5



Photo Location #7