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Message Wed, Dec 07, 2016 12:45 PM
From: Carol Gumbart
To: Jodi Ross
Subject: Fwd: Continued Agricultural Activities at 66 Boston Road

Hi Jodi,

I wanted to update you on my review of Ebi's clean-up work and agricultural improvements at 66 Boston Road. On Monday I met with Ebi's contractor and his environmental consultant, and a representative of the Agricultural Commission. After learning how the contractor was planning to perform the work on the greenhouse removal and other trash and debris I was satisfied that the work would not impact the wetlands and could proceed without a wetland application.

I also discussed with them the agricultural improvements he wants to undertake and believe the work will meet the exemption provisions of the Wetlands Protection Act.

Please see the email below for more specifics.

If you have any questions let me know.

Carol

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Message Mon, Dec 05, 2016 1:29 PM
From: Carol Gumbart
To: Jeff Hannaford
Subject:Continued Agricultural Activities at 66 Boston Road

Hi Jeff,

Thank you for your time this morning and coordinating with Todd to look over the property (66 Boston Road), and discuss the activities Ebi wants to move forward with to improve the land for farming and to comply with the Selectmen's request to remove the unsafe greenhouses and debris.

The MA Wetlands Protection Act has an exemption for certain farming activities that fall within the Conservation Commission's jurisdiction. One of these activities is "normal improvement" of land that is "presently and primarily" in agricultural use and it allows it to be "inactive" for up to 5 years without losing the exempt status. It is my understanding that agricultural activities took place on APR 1 and APR 2 within the past couple years (2014 - time frame). I agree that the Ebi can lime, till and augment the soil with clean soil in those areas that have been previously farmed. He may also perform "normal maintenance" such as field edge mowing. While they are tilling the soil they may encounter boulders. I don't have a problem with them relocating the rocks and boulders along the upper edge of the siltation fence but warn him that if this area is not maintained it will likely become overgrown with invasive weeds.

Another component to the exemption is that the land in question must be used to produce or raise an agricultural commodity for "commercial purposes". A "commercial purpose" is characterized by two key elements: first, the activity of selling; and second, the goal of making a profit. It is not enough to have one without the other - both elements must be present. Whether they are present must be determined on a case-by-case basis. Please be prepared to discuss the "commercial purpose" with the Conservation Commission at their December 14th meeting.

The exemption also expects the following general conditions to be exercised:

- All maintenance or improvement activities shall be "undertaken in such a manner as to prevent erosion and siltation of adjacent water bodies and wetlands." This condition is contained in the introductory paragraph to 310 CMR 10.04(Agriculture)(b) and in 310 CMR 10.04(Agriculture)(c)(1).
- Filling or dredging of a salt marsh is prohibited under all circumstances. This condition is contained in the introductory paragraphs to both 310 CMR 10.04(Agriculture)(b) and 310 CMR 10.04(Agriculture)(c).
- All maintenance and improvement activities must be "conducted in accordance with federal and state laws." This condition is contained in the introductory paragraph to 310 CMR 10.04(Agriculture)(b) and in 310 CMR 10.04(Agriculture)(c)(1). Examples of laws that might be relevant are those dealing with pesticide application, fuel storage, and composting.

Based on the Todd's explanation of how he intends to remove the rest of the debris on the site including the greenhouse metal, concrete blocks, and miscellaneous metal and junk debris, I do not have any concern with that operation continuing as well. Some portions of the greenhouses are in the wetland buffer zone but there will not be any excavation or alteration of the ground to accomplish this work.

I look forward to having an update at the meeting on the 14th. Please share this email with Ebi and Todd.

Carol

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