

Town of Agawam

Conservation Commission

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Winter Conditions Wetland Delineation & Certificate of Compliance Policy

Delineating or verifying resource area boundaries during the winter months, especially with deep snow cover or frozen soil conditions is a difficult and under extreme conditions virtually impossible. Vegetation and other indicators of hydrology that are used to determine wetland boundaries are not readily observable or may be misleading during these times. MassDEP recommends that resource area delineations be avoided when deep snow cover or "deep freeze" conditions exist. When these conditions exist, it is also not possible to conduct a field verification of a delineation that was performed earlier, under favorable conditions, but was not submitted to the Commission until unfavorable conditions existed.

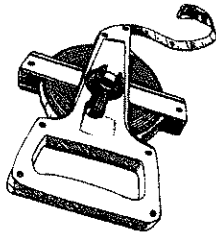
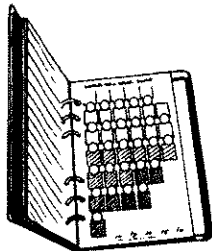
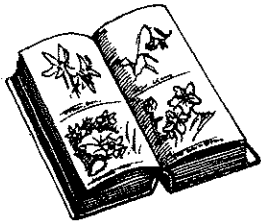
Based on this, the Agawam Conservation Commission finds that it may be necessary and appropriate to continue any hearing on a filing with unapproved wetland delineation until conditions have improved sufficiently to permit field verification of the submitted delineation. The Commission Chair is authorized to determine when such conditions exist and thereafter perform such evaluation and/or schedule a Commission site visit for evaluation purposes.

Exceptions to this policy may be granted upon a written request, stating the reasons for the exceptions sought. Each request shall be evaluated on its own merits, on a case-by-case basis, taking into account the type(s) of resource areas being delineated, the type of work proposed, and the distance between the work and the unapproved resource area delineation. The grant of any exception on any given property or for any particular application, when warranted, shall be for that one instance only. If the applicant does not agree to a meeting or hearing continuance in order to allow the Commission to complete an adequate field verification of the wetland resource boundaries affecting a particular application, the Commission shall close the hearing and render a decision based on the information available, which may result in a denial for lack of information.

For the same reasons, it is also difficult or impossible for the Commission to issue Certificates of Compliance under adverse winter weather conditions involving deep snow. The Commission will defer final action on Certificates of Compliance using the same procedures described above until conditions improve sufficiently to permit a site visit.

This policy is intended to be consistent with the Massachusetts DEP's "Winter Delineation" guidance as set forth in the MassDEP manual: "Delineating Bordering Vegetated Wetlands under the Massachusetts Wetlands Protection Act" (1995), on page 49 thereof and shall apply to applications submitted under the Wetlands Protection Act.

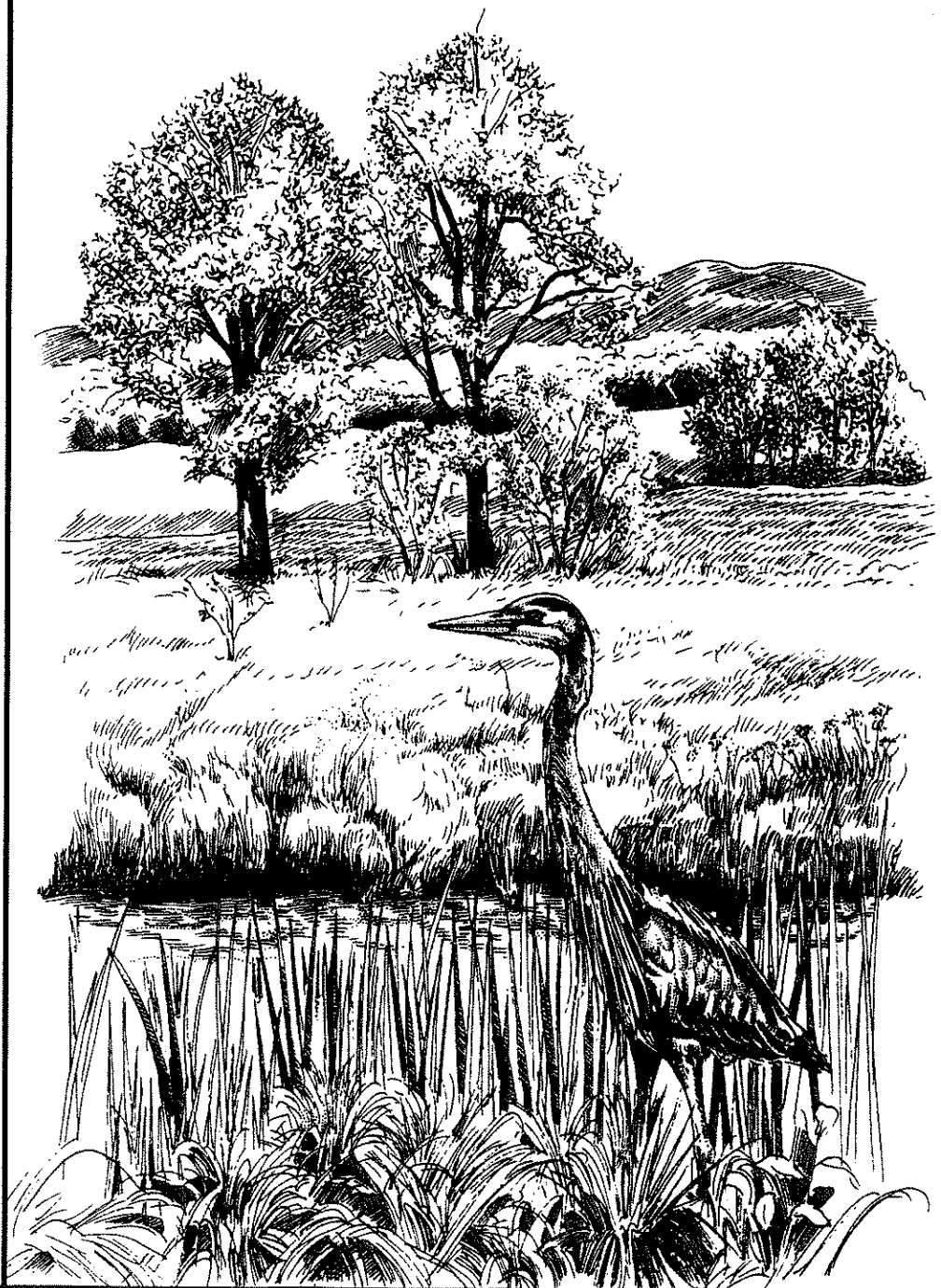
Approved and adopted by the Agawam Conservation Commission February 28, 2019.



Delineating Bordering Vegetated Wetlands

Under the Massachusetts
Wetlands Protection Act

MA Department of Environmental Protection
Division of Wetlands and Waterways



Winter Delineations

Delineating or verifying BVW boundaries during the winter months, especially with deep snow cover or frozen soil conditions, is difficult and under some extreme circumstances virtually impossible. Vegetation and other indicators of hydrology that are used to determine BVW boundaries are not readily observable or may be misleading during these times.



Fertile frond of the sensitive fern (*Onoclea sensibilis*)

Herbaceous vegetation or remnant vegetation (nuts, fruits, leaves) may be present but not visible if covered with snow. An example is the fertile frond of the sensitive fern (*Onoclea sensibilis*), which is persistent throughout the year, but may be hidden by deep snow.

Indicators of hydrology may be misleading or covered with snow. An example would be pockets or channels of ice on the ground surface. This condition may appear to indicate the presence of wetland hydrology, but also may be due to a number of different factors, such as snow melt that quickly freezes or a quick temperature drop after a brief rain that occurred with frozen soil conditions. As a practical matter, frozen soil conditions make digging holes and accurately observing the soil profile difficult or nearly impossible. Morphological adaptations (such as swollen trunks) and subtle changes in topography also are difficult to observe when deep snow conditions are present.

For these reasons, DEP recommends that BVW delineations be avoided if possible when deep snow cover or "deep freeze" conditions exist. It is best for applicants and conservation commissions to agree upon a reasonable time period for continuing the RDA or NOI processes in order to conduct or review the boundary delineation when frozen or snow covered conditions are likely to change. Because winter delineations are more difficult to do, disagreements - and subsequent appeals - may arise. Avoiding lengthy appeals and disagreements will benefit all parties involved.

When deep snow conditions do not exist, it may be possible to delineate BVW boundaries during the winter by using twigs, buds, leaf scars, and other vegetative indicators.



Winter Wetland Site