

Memorandum:

To: Town of Washington Planning Board
From: Steve Marino, PWS
Date: 9/3/24
Subject: Proposed Clear Subdivision, Woodstock Road

As the Town's retained Wetland Consultant, I have reviewed the submission of the proposed subdivision application for the subject property in accordance with the Town's Wetlands and Watercourse Law (Town Code Section 396, adopted 2011). I did a site walk of the property on August 28, 2024 and have the following comments:

1. The wetland delineation performed by Mike Fishman as depicted on the site plans is accurate and meets the criteria of the Town Code.
2. The existing wetland and watercourse as depicted meet the criteria of the Town as being regulated wetland and watercourse features. As discussed in the Wetland Delineation Report, some of the site wetlands are also regulated by the Army Corps of Engineers as Waters of the US. The wetlands are not currently regulated by the New York State DEC, but recent proposed changes to the State law may change that in the future. No State regulated activities are proposed at this time.

I also have a couple of preliminary substantive comments which should be considered as the review proceeds.

1. Only three new houses are proposed on the 90 acres of the site. The applicant is proposing to limit new development to three designated development windows, all of which respect town wetlands buffers. If it is intended that these building envelopes would provide adequate area for a new residence, septic system and well, accessory structures, driveways etc., it is not expected that this new development will directly or indirectly impact town wetlands.
2. Regarding endangered species, a limited number of smaller trees would require removal within the three development areas. If tree clearing is completed during the winter hibernation season, it is unlikely that this will affect Indiana or northern long-eared bats.

Three of the site wetlands, Wetlands E, H and J, were preliminarily identified as having potential habitat for bog turtles, which are known to be found in the Town of Washington. A Phase 1 Bog Turtle Habitat Assessment should be completed for Wetlands H and J, which are relatively close to the proposed development areas. This assessment would help identify the areas within the wetland that are most likely to support bog turtles based on a more detailed assessment of site conditions. If suitable conditions are found to exist, with possible connection to adjacent habitats, the distance to the potential house

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sites could be evaluated. A final determination could then be made as to the location and geometry of these development envelopes. Such an assessment of Wetland E is not necessary considering its distance from the development envelopes and any potential site disturbance. Considering the low density of the development proposal it is unlikely in my opinion that a Phase 2 presence/absence survey will be necessary.

That is the extent of my comments at this time. Please let me know if the Board has any questions about my comments at this time.