

Walter Hewitson, Ph.D.  
45 Crescent Drive  
Bridgewater, MA  
02324

*100 Vines*

(508) 697-9096

May 13, 2005

Stanley Kravitz  
140 Lyman Place  
Bridgewater, MA 02324

Dear Mr Kravitz;

On May 13, 2005 I visited the open field east of the Mutual Federal Savings Bank in Halifax for the purpose of evaluating a ditch that runs through the area and determining whether or not it represents a perennial stream.

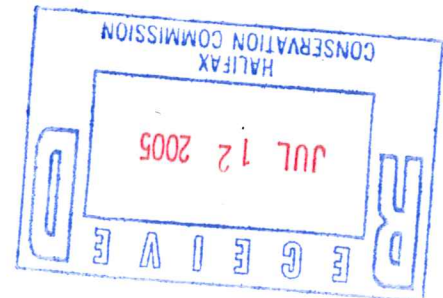
On the date of my visit there was a small amount of water in the ditch, but there was no detectable flow that I could see. Along each side of the ditch the soil has been thrown up in piles as a result of someone trying to keep the ditch open.

It is apparent to me that this ditch will be completely dry during the months of July and August.

Accordingly, it is my opinion that it is not a perennial stream. Since the ditch runs through an area of Bordering Vegetative Wetlands in the field, it could be interpreted as an intermittent stream.

As such, it will receive no greater protection than the limits of the BVW within which it is located.

Sincerely,  
*Walter Hewitson*  
Walter Hewitson, Ph.D.  
Botanist



Notes Relative to: Plymouth Street  
Map 63, lots 6, 6A, 5B, 30, 26, 32, 31  
RE: violations  
Date: April 13, 2005  
By: Mary K. Guiney, Agent

On this date, while checking the site prior to a proposed percolation test, it was observed that the ditch, which is indicated as a river on the USGS map had recently been altered. All wetland vegetation had been removed from the ditch. No wetland flags were on site to define the edge of the wetland area.

As the percolation test was scheduled for the following day, the engineering firm (Land Planning) was contacted and informed that the applicant had not flagged the site and appeared to be removing the vegetation.

Later on this day, while traveling along Rte 106 with Commission member Erin Perron, a small backhoe was observed to be dredging the ditch in the field between the Hawaii Garden/Blockbuster plaza and the Mutual Federal Savings Bank.

Upon returning to the Town Hall, Chairperson Joseph McCullough was contacted and advised of the situation. He stated that he might be partially responsible. He had been approached last fall by the landowner, John Peck regarding the construction for 284 Monponsett Street (owned by Joseph Tonello). Allegedly, Mr. Peck was concerned that the alterations on that site would affect the water flow on his property. Mr. McCullough thought that the present dredging would enhance and improve the wetlands on Mr. Peck's property. Furthermore, Mr. Peck WANTED the water on his site for his golf course. Mr. McCullough offered to meet me on site to discuss his position.

A site inspection with Mr. McCullough and Mr. Peck was held shortly thereafter. Two men were working in the area of the ditch. In addition, several troughs/ditches had been dug perpendicular to the ditch/stream on the Plymouth Street side of the property. I indicated that it appeared that Mr. Peck was draining his property in anticipation of future development associated with the proposed percolation tests. In addition, prior to any work being performed in a wetland, a Notice of Intent should have been filed. Mr. McCullough maintained that he did not see anything wrong with the work and perhaps Mr. Peck was entitled to an agricultural exemption to which Mr. Peck agreed. Mr. McCullough further claimed that the property was in the 61A program. Mr. Peck stated that it was not, but he did mow it twice a year. In any event Mr. Peck asked his work crew to suspend work.

With respect to the percolation tests scheduled for the following day, Mr. Peck was informed that a botanist/soil scientist was needed to delineate the property. He requested that the testing be allowed to proceed as he had made arrangements for the engineering firm, the soil evaluator and the equipment (n.b. the application for percolation testing was dated April 11, 2005 and I had only received it on April 12, 2005). He stated he would

only test in the front portion of the properties and would scatter hay over the top of the disturbed area immediately. Mr. McCullough felt that there was no real need to inconvenience Mr. Peck. He did not feel that any wetland resource areas would be impacted by the proposed tests.

In closing the following items were decided upon:

- 1.) Mr. Peck would suspend work in the wetland area;
- 2.) The site would be flagged by a wetland scientist;
- 3.) Percolation tests would proceed as scheduled with test pits to be located in the front portion of the lot only. Hay would be used to cover the disturbed areas.
- 4.) A filing will be made with the Conservation Commission.

①



②



Plymouth St  
4.13.05 mick



60

③



④



Plymouth St  
4.13.05 mkg



(5)



(6)



Plymouth St  
4.13.05 mca



7



8



Plymouth St  
4.13.05 mlet



9



10



Plymouth St  
4.13.05 mca



11



12



Plymouth St  
4.13.05 mca

13



Plymouth St  
4.13.05 mkt





①



②



316 Plymouth St  
2-2806 MKG



3



4



316 Plymouth St  
22806 ME



5



316 Plymouth St  
22806 MNG

316 PLYMOUTH ST

Status:

Applicant needs to advance funds to escrow account to retain pool specialist to perform review. We have bids from 2 consultants

- ① Peter Fletcher
- ② Nover Armstrong

I have asked Sharon LaPate on several occasions to represent the Commission. She declined and subsequently accepted an offer from the applicant to redo the line. The Commission has not been part of the new delineation and new plans have not been submitted.

The Commission should remind the applicant that we need an independent consultant to perform the review



# TOWN OF HALIFAX

---

Office of the CONSERVATION COMMISSION  
499 Plymouth St., Halifax MA 02338  
781-293-1735 781-294-7684 fax

March 26, 2006

Mr. John Peck  
100 Country Club Drive  
Halifax, MA 02338

RE: 316 Plymouth Street  
Map 63, Lot 6, 6A, 26, 30, 31 & 2  
Notice of Intent

Dear Mr. Peck:

Per the request of Attorney Robert Kraus's office, from his letter dated April 25, 2006, your hearing has been re-scheduled for May 23, 2006, at 7:00 p.m.

If you have any questions, please feel free to give Mary Guiney or me a call.

Sincerely,

Lynne A. Hurley  
Secretary  
Conservation Commission

Cc: Atty. Robert Kraus



KRAUS & HUMMEL LLP

99A COURT STREET  
PLYMOUTH, MASSACHUSETTS 02360  
(508) 747-4200  
(508) 747-0788 FAX  
WWW.KRAUSHUMMEL.COM

April 25, 2006

Via Fax – (781) 294-7684  
and First Class Mail

Mary Guiney  
Halifax Conservation Commission  
499 Plymouth Street  
Halifax, MA 02338

Re: John Peck

Dear Mary:

Pursuant to my assistant's conversation with Lynn of your office this afternoon, would you kindly continue the hearing scheduled for this evening, April 25, 2006 at 8:10 p.m. It is my understanding that Sharon LaPort has completed her portion of the project, however, the surveyor has yet to complete his portion of this project. Therefore, I would respectfully request that this matter be continued to Tuesday, May 23, 2006 at 7:00 p.m. for review.

Thank you for your continued courtesy and cooperation with respect to this matter.

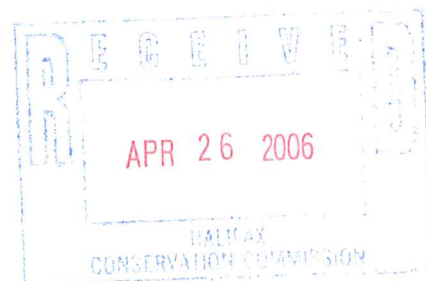
Very truly yours,

Robert Kraus

RK/kl

cc: John Peck

S:\KH Documents\Peck, John\Dev of 316 Ply St, Halifax\Halifax Cons Com-cont hrg of 4-25-06.doc



**KRAUS & HUMMEL LLP**  
**Attorneys and Counselors at Law**

---

99A Court Street  
Plymouth, Massachusetts 02360  
(508) 747-4200  
(508) 747-0788 fax  
www.kraushummel.com

March 14, 2006

Via Fax – (781) 294-7684  
and First Class Mail

Mary Guiney  
Halifax Conservation Commission  
499 Plymouth Street  
Halifax, MA 02338



Re: John Peck

Dear Mary:

Pursuant to your conversation with my assistant this morning, it is my understanding that Sharon LaPort has not completed her report as yet and given that fact, we would respectfully request that the hearing scheduled for this evening before the Conservation Commission be postponed to a date in April in order to give Ms. LaPort additional time to complete her work. If you should have any questions regarding this matter, please do not hesitate to contact me.

Thank you for your courtesy and attention to this matter.

Very truly yours,



Robert Kraus

RK/kl

cc: John Peck

**KRAUS & HUMMEL LLP**  
**Attorneys and Counselors at Law**

---

99A Court Street  
Plymouth, Massachusetts 02360  
(508) 747-4200  
(508) 747-0788 fax  
www.kraushummel.com

February 20, 2006

Via Fax – (781) 294-7684  
and First Class Mail

Mary Guiney  
Halifax Conservation Commission  
499 Plymouth Street  
Halifax, MA 02338

Re: John Peck

Dear Mary:

Pursuant to correspondence forwarded to your attention on February 16, 2006, it is my understanding that the meeting before the Conservation Commission with respect to Mr. Peck's matter was continued from February 14, 2006 to Tuesday, February 28, 2006. At this time I would respectfully request that this matter be continued to the next available date after March 1, 2006 by which time Ms. LaPort's report should be completed. If you should have any questions regarding this matter, please contact me.

Thank you for your courtesy and attention to this matter.

Very truly yours,

  
Robert Kraus

RK/kl

cc: John Peck

S:\KH Documents\Peck\M Guiney-Cont Mtg of 2-28-06.doc



**KRAUS & HUMMEL LLP**99A COURT STREET  
PLYMOUTH, MASSACHUSETTS 02360

(508) 747-4200

(508) 747-0788 FAX

WWW.KRAUSHUMMEL.COM

April 25, 2006

Via Fax – (781) 294-7684  
and First Class MailMary Guiney  
Halifax Conservation Commission  
499 Plymouth Street  
Halifax, MA 02338

Re: John Peck

*Country Club Way  
316 Plymouth St.*

Dear Mary:

Pursuant to my assistant's conversation with Lynn of your office this afternoon, would you kindly continue the hearing scheduled for this evening, April 25, 2006 at 8:10 p.m. It is my understanding that Sharon LaPort has completed her portion of the project, however, the surveyor has yet to complete his portion of this project. Therefore, I would respectfully request that this matter be continued to Tuesday, May 23, 2006 at 7:00 p.m. for review.

Thank you for your continued courtesy and cooperation with respect to this matter.

Very truly yours,

  
Robert Kraus

RK/kl

cc: John Peck

S:\KH Documents\Peck, John\Dev of 316 Ply St, Halifax\Halifax Cons Com-cont hrg of 4-25-06.doc



The resource area for this property is described in the submitted plan entitled 'Wetland Delineation Plan of Land' dated May 12, 2006. Acceptance of the resource area extends to the following

1) The shaded area <sup>shown on the submitted plan and</sup> located between wetland flags WF 37 and WF 11 will not be considered to be a wetland resource area.

2) Any resource areas which may be located south of wetland flags WF 1 to WF 11 is not included in this Order.

U.S. Postal Service<sup>TM</sup>  
**CERTIFIED MAIL<sup>TM</sup> RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)  
 For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

HALEFAX, MA 02338

Postage	\$ 3.97	UNIT ID: 0347
Certified Fee	22.30	
Return Receipt Fee (Endorsement Required)	1.75	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 4.42	

Postmark Here  
 Clerk: DJCWB  
 11/26/05

Sent To: John obrien  
 Street, Apt. No., or PO Box No.: 266 Monponsett St  
 City, State, ZIP+4: Halifax MA 02338

PS Form 3800, June 2002 See Reverse for Instructions

U.S. Postal Service<sup>TM</sup>  
**CERTIFIED MAIL<sup>TM</sup> RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)  
 For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

HALEFAX, MA 02338

Postage	\$ 3.97	UNIT ID: 0347
Certified Fee	22.30	
Return Receipt Fee (Endorsement Required)	1.75	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 4.42	

Postmark Here  
 Clerk: DJCWB  
 11/26/05

Sent To: Halifax Country Club  
 Street, Apt. No., or PO Box No.: PO Box 485  
 City, State, ZIP+4: Halifax MA 02338

PS Form 3800, June 2002 See Reverse for Instructions

U.S. Postal Service<sup>TM</sup>  
**CERTIFIED MAIL<sup>TM</sup> RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)  
 For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

HALEFAX, MA 02338

Postage	\$ 3.97	UNIT ID: 0347
Certified Fee	22.30	
Return Receipt Fee (Endorsement Required)	1.75	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 4.42	

Postmark Here  
 Clerk: DJCWB  
 11/26/05

Sent To: William vermette alger  
 Street, Apt. No., or PO Box No.: 340 Plymouth St  
 City, State, ZIP+4: Halifax MA 02338

PS Form 3800, June 2002 See Reverse for Instructions

U.S. Postal Service<sup>TM</sup>  
**CERTIFIED MAIL<sup>TM</sup> RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)  
 For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

BOSTON, MA 02110

Postage	\$ 3.97	UNIT ID: 0347
Certified Fee	22.30	
Return Receipt Fee (Endorsement Required)	1.75	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 4.42	

Postmark Here  
 Clerk: DJCWB  
 11/26/05

Sent To: LHB Enterprise  
 Street, Apt. No., or PO Box No.: 431 Lewis Wharf  
 City, State, ZIP+4: Boston, MA 02110

PS Form 3800, June 2002 See Reverse for Instructions

U.S. Postal Service<sup>TM</sup>  
**CERTIFIED MAIL<sup>TM</sup> RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)  
 For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

BRAINTREE, MA 02184

Postage	\$ 3.97	UNIT ID: 0347
Certified Fee	22.30	
Return Receipt Fee (Endorsement Required)	1.75	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 4.42	

Postmark Here  
 Clerk: DJCWB  
 11/26/05

Sent To: Halifax Farms Realty  
 Street, Apt. No., or PO Box No.: 326 Lisle St  
 City, State, ZIP+4: Braintree MA 02184

PS Form 3800, June 2002 See Reverse for Instructions

U.S. Postal Service<sup>TM</sup>  
**CERTIFIED MAIL<sup>TM</sup> RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)  
 For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

HALEFAX, MA 02338

Postage	\$ 3.97	UNIT ID: 0347
Certified Fee	22.30	
Return Receipt Fee (Endorsement Required)	1.75	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 4.42	

Postmark Here  
 Clerk: DJCWB  
 11/26/05

Sent To: Shelby Realty Trust  
 Street, Apt. No., or PO Box No.: 19 Lake Street  
 City, State, ZIP+4: Halifax MA 02338

PS Form 3800, June 2002 See Reverse for Instructions





# TOWN OF HALIFAX

---

## Office of the CONSERVATION COMMISSION

499 Plymouth St., Halifax MA 02338

781-293-1735 781-294-7684 fax

February 7, 2006

Mr. John Peck  
100 Country Club Drive  
Halifax, MA 02338

RE: 316 Plymouth Street  
Map 63, Lot 6, 6A, 26, 30, 31 & 2  
Notice of Intent

Dear Mr. Peck:

At a public hearing held on January 24, 2006, the Conservation Commission continued the review of your Abbreviated Notice of Resource Area Delineation to February 14, 2006, at 8:40 p.m.

If you have any questions, please feel free to give Mary Guiney or me a call.

Sincerely,

Lynne A. Hurley  
Secretary  
Conservation Commission

Cc: Atty. Robert Kraus

316  
316

7004 2510 0005 2421 5215

Domestic Mail Only (No Insurance Coverage Provided)	
For delivery information, visit our web site at <a href="http://www.usps.com">www.usps.com</a>	
OFFICIAL USE	
CARRIER: MA 02830	UNIT ID: LAKEVILLE MA 02847
Postage \$ 30.37	CERTIFIED FOR: 2-230
	Return Receipt Fee (Endorsement Required) 1.175
	Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees \$ 4.449	11/26/05
Sent To: William & Ernestine Alger	
Street, Apt. No., or PO Box No. 340 Plymouth St	
City, State, ZIP+4 Nauvoo MA 02338	
PS Form 3800, June 2002 See Reverse for Instructions	

7004 2510 0005 2421 5215

Domestic Mail Only (No Insurance Coverage Provided)	
For delivery information, visit our web site at <a href="http://www.usps.com">www.usps.com</a>	
OFFICIAL USE	
CARRIER: MA 02830	UNIT ID: LAKEVILLE MA 02847
Postage \$ 30.37	CERTIFIED FOR: 22.30
	Return Receipt Fee (Endorsement Required) 1.175
	Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees \$ 4.449	11/26/05
Sent To: Shelby Realty Trust	
Street, Apt. No., or PO Box No. 19 Lake Street	
City, State, ZIP+4 Halesyt MA 02338	
PS Form 3800, June 2002 See Reverse for Instructions	





124 Main Street, Unit 2GG  
Carver, Massachusetts 02330

Telephone 508.866.8383  
Facsimile 508.866.9898  
www.noverarmstrong.com

December 29, 2005

Mary Guiney, Agent  
Halifax Conservation Commission  
Plymouth Street  
Halifax, MA 02338

Re: Professional Consulting Services  
**316 Plymouth Street**  
**Halifax, Massachusetts**  
NAA File S1416

Ms. Guiney:

Nover-Armstrong Associates, Inc. (NAA) is pleased to present this Cost Estimate for Professional Consulting Services associated with review of the Abbreviated Notice of Resource Area Delineation for the property located at 316 Plymouth Street in Halifax, Massachusetts.

We look forward to assisting you with this project. To authorize this contract, please sign below and return a copy to NAA.

Sincerely,

Nover-Armstrong Associates, Inc.

Agreed and Accepted:

Marta J. Nover, L.S.P.  
Principal

\_\_\_\_\_  
For: Town of Halifax



## **1.0 INTRODUCTION**

Nover-Armstrong Associates, Inc. (NAA) is pleased to present this Cost Estimate for Professional Consulting Services associated with review of the Abbreviated Notice of Resource Area Delineation (ANRAD) for the property located at 316 Plymouth Street in Halifax, Massachusetts (the site). Our work scope and budget is based on our review of the plan submitted with the ANRAD and general knowledge of the site.

## **2.0 PROJECT WORK SCOPE**

- 2.1 Evaluate existing wetland resource area boundaries delineated on the site and shown on the plan accompanying the ANRAD in accordance with their definitions set forth in the Wetlands Protection Act (M.G.L. Chapter 131, Section 40), the Massachusetts Wetland Regulations (310 CMR 10.00), and local bylaw and regulations. This task will require a comprehensive evaluation of on-site soils in a highly disturbed soil condition. This comprehensive soil evaluation will be conducted by a Massachusetts Certified Soil Evaluator and overseen by a Senior Wetland Scientist. NAA has budgeted sixteen (16) hours for this task. We assume that it will be possible to evaluate soils using hand tools.
- 2.2. Evaluate and analyze stream characteristics to confirm or negate its intermittent classification. This task will include on-site inspection and evaluation and review of publicly available data depicting the stream characteristics. Since the USGS has not mapped streams in Halifax for StreamStat analysis, it will be necessary to determine its watershed and flow characteristics by another means, if necessary. We are assuming that photographic evidence of no flow on four days during one year has not been provided with the ANRAD submittal. NAA has budgeted sixteen (16) hours for this task.
- 2.3 Inspect the entire site for other wetland resource areas that may have been overlooked. The hours associated with this task are included in item 2.1.
- 2.4 Procure and review existing publicly-available data that describes current and historical conditions at the site. NAA has budgeted two (2) hours for this task.
- 2.5 Provide a Letter Report detailing the methodology used to evaluate the wetland resource areas identified and delineated on the site, and provide findings and recommendations relative to our review of the ANRAD submittal, and any other issues that are documented during our site evaluation. NAA has budgeted eight (8) hours for this task.
- 2.6 Attend one (1) public hearing on behalf of the Halifax Conservation Commission. NAA has budgeted four (4) hours for this task.



### **3.0 PROJECT SCHEDULE**

NAA understands the time constraint on all public hearing processes. NAA is prepared to begin the ANRAD review process upon authorization by the Halifax Conservation Commission. Upon commencement of the ANRAD review process, NAA will complete items 2.1 through 2.3 within two (2) week to three (3) weeks. This schedule assumes that weather conditions permit the proper evaluation of the wetland boundary delineations at the site.

### **4.0 FEE FOR SERVICES**

Based on our current understanding of site conditions from our cursory review of the ANRAD submittal, NAA's Cost Estimate to complete the tasks detailed in section 2.0 Project Work Scope is **\$4,200.00**. NAA will keep the Conservation Commission and / or their Agent informed relative to the status of the budget and any additional services that may be necessary to complete a fair and accurate review of the site.

**KRAUS & HUMMEL LLP**  
**Attorneys and Counselors at Law**

---

99 Court Street  
Plymouth, Massachusetts 02360  
(508) 747-4200  
(508) 747-0788 fax  
www.kraushummel.com

November 18, 2005

Via Fax – (781) 294-7684  
and First Class Mail

Via Fax - (781) 294-7684  
and First Class Mail

Mary Guiney, Conservation Agent  
Halifax Conservation Commission  
499 Plymouth Street  
Halifax, MA 02338

Members of the Commission  
Halifax Conservation Commission  
499 Plymouth Street  
Halifax, MA 02338

Re: 316 Plymouth Street, Halifax, MA  
Map 63, Lots 6, 6A, 26, 30, 31 and 2  
Notice of Intet

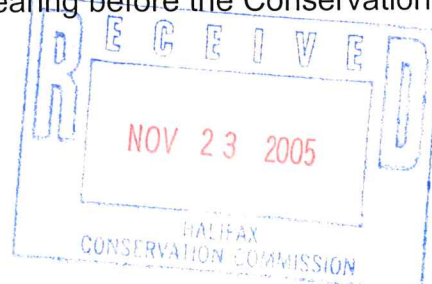
Dear Ms. Guiney and Members of the Commission:

I am writing to you on behalf of my client, John Peck, in connection with the above-referenced matter.

I have reviewed the work proposal dated November 14, 2005 from Mr. Peter C. Fletcher with respect to site review work that he has proposing to conduct on behalf of the Halifax Conservation Commission.

Mr. Fletcher has quoted an estimated cost of \$3,760, encompassing thirty-eight (38) hours of on-site work to review our own expert's review of the wetlands delineation on the above-referenced lots. Pursuant to the Halifax Wetlands Protection Act, Chapter 164-8 (D)(2), the Commission may require an applicant to pay a "fee for reasonable costs and expenses" in order to review wetlands delineations and other matters before the Commission. The fee being proposed by Mr. Fletcher is clearly excessive and my client refuses to pay that fee. I am prepared to argue this matter before the full Commission given the fact that it appears that Mr. Peck's land is constantly under close supervision and scrutiny in a way that is both unreasonable and excessive.

I am certainly not trying to delay any further consideration of these lots as it is costing my client a considerable amount of money in delaying any finalization of the permitting from the Conservation Commission, but my client absolutely refuses to pay what he considers to be, and what is objectively, an excessive fee unwarranted by the circumstances. Please schedule this matter for a hearing before the Conservation Commission at the earliest possible time.

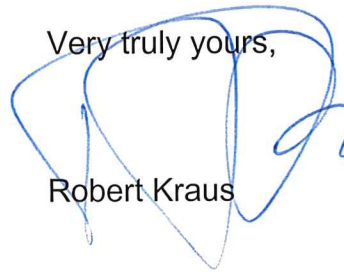




Mary Guiney, Conservation Agent  
Members of the Commission  
November 18, 2005  
Page 2

Thank you for your immediate attention to this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to be 'Robert Kraus', with a large, stylized loop at the end.

Robert Kraus

RK/kl

cc: John Peck

S:\KH Documents\Peck\Halifax Cons Comm-site work review fee.doc



PETER C. FLETCHER, *Certified Professional Soil Scientist/Soil Classifier*

1 of 5



F A X

Date: DEC 13, 2005

To: MARY GUINNEY

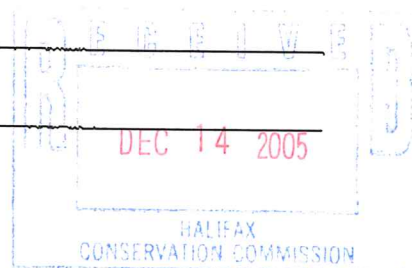
Subject: PETE FLETCHER'S PHONE

From: Peter C. Fletcher

*Best of Holidays*

*Pete*

316 Plymouth Street





## **RESUME**

Peter C. Fletcher  
455 Summer Street  
Bridgewater, MA 02324  
(508) 697-9344

### **EDUCATION:**

- |           |  |          |
|-----------|--|----------|
| 1975-1979 | University of Massachusetts, Amherst, Massachusetts<br>Master of Science, Plant and Soil Sciences Department   | May 1979 |
| 1971-1972 | University of Massachusetts, Amherst, Massachusetts<br>Eighteen credit hours to qualify for Soil Scientist position<br>with the USDA - Soil Conservation Service |          |
| 1962-1967 | Miami University, Oxford, Ohio<br>Bachelor of Science in Applied Science   | May 1967 |

### **CERTIFICATION:**

- |              |  |
|--------------|--|
| 1995-Present | Certified Title 5 System Inspector. Certified by the Commonwealth<br>of Massachusetts Department of Environmental Protection   |
| 1987-Present | Certified Professional Soil Scientist and Certified Professional Soil<br>Classifier (CPSS/SC), Certification Number: 02703. Certified by the<br>American Registry of Certified Professionals in Agronomy.<br>Crops and Soils, Madison, Wisconsin |
| 1980-Present | Certified Professional Soil Scientist. Certified by the Society of Soil<br>Scientists of Southern New England, Storrs, Connecticut   |
| 1987-Present | Qualified Soil Scientist, Certification Number: 059. Certified by the<br>State of New Hampshire Board of Natural Scientists.   |

### **SPECIAL TRAINING:**

- |              |   |
|--------------|---|
| 1979-Present | Advanced Hydric Soils for Soil Scientists - USDA Natural Resources<br>Conservation Service, August 1996 |
|              | Regulatory IV - Wetland Identification and Delineation - US Army<br>Corps of Engineers, August 1995     |
|              | Designing Innovative Septic Systems - Rhode Island On-Site<br>Wastewater Training Program, October 1995 |

Directed Study - Geographic Information Systems - Bridgewater State College, Bridgewater, Massachusetts

Soil Taxonomy Workshop, SCS - Durham, New Hampshire

Soil Science Institute, 14 CEUs, Iowa State University, Iowa

Laboratory Data Use, SCS - National Soil Laboratory, Lincoln, Nebraska

Soil Engineering, SCS - National Soil Laboratory, Lincoln, Nebraska

Soil Correlation, SCS - Technical Services Center, Pennsylvania

## **PUBLISHED:**

Authored Barnstable County Soil Survey Report. Published March 1993.

Co-authored Dukes County Soil Survey Report. Published September 1985.

Co-authored Bristol County Soil Survey Report, Southern Part. Published October 1981.

## **EXPERIENCE:**

1/1998-Present Soil Scientist, Self-Employed.

### **Responsibilities:**

- Lead instructor for State Certification Program for Soil Evaluators for On-Site Sewage Disposal, sponsored by the Massachusetts Department of Environmental Protection
- Teach soil courses at Bridgewater State College, University of Massachusetts Amherst, and University of Rhode Island.
- Conduct on-site investigations and provide technical reports
- Presenter and trainer for technical workshops
- Expert witness for Town, State and Federal units of government

1993-12/1997 Soil Scientist, Member Technical Team Specializing in Urban Issues. USDA - Natural Resources Conservation Service

### **Responsibilities:**

- Conduct on-site soil investigations and provide technical Services on statewide level
- Provide leadership and maintain liaison with state and federal regulatory personnel on soil interpretations for various land issues
- Train state and federal regulatory staff, and private sector groups in the interpretation and use of soils information

1985-1993 Soil Scientist/Project Leader, USDA - Soil Conservation Service

### **Responsibilities:**

- Provide soil expertise to users of soil survey information within Eastern Massachusetts
- Coordinate and supervise the update of the Plymouth County Soil Survey
- Conduct field soil mapping and compile soil survey maps
- Prepare detailed soil surveys and reports for proposed subdivisions, industrial sites, wildlife reserves, town and state lands



- 1975-1985      Soil Scientist, USDA - Soil Conservation Service, Southeastern Massachusetts
- Coordinate the completion of the field mapping and development of the manuscript for the publication of the Barnstable Country Soil Survey Report
  - Conduct field soil mapping and compile soil survey maps
  - Provide soil expertise to users of soil survey information within Southeastern Massachusetts
- 1976-1977      Graduate Teaching Assistantship (Fall and Spring Semesters), University of Massachusetts, Amherst, MA
- 1972-1975      Soil Scientist, USDA - Soil Conservation Service, Pittsfield and Hadley, MA  
Conduct field soil mapping and compile soil survey maps
- 1971-1972      Draftsperson, USDA - Soil Conservation Service, Amherst, MA
- 1968-1970      United States Marine Corps

### **SPECIAL PROJECTS:**

- 1999-Present      Conducted field studies and prepared technical reports for use in court litigation for private individuals and units of government. Retained as an expert witness for court testimony.
- 1997- Present      Member and former chairperson for the New England Hydric Soils Technical Committee.
- 1990-Present      Teach undergraduate/graduate level course, Soil Morphology and Mapping, Division of Continuing Education and the Department of Plant and Soil Sciences, University of Massachusetts, Amherst, MA
- 2001-Present      Instructor for US Army Corps of Engineers, Regulatory IV Training Course for Federal Employees within the New England Region
- 1998-Present      Teach undergraduate level course, Soil Identification and Landuse Interpretation, Department of Earth Sciences and Geography, Bridgewater State College, Bridgewater, MA
- 1995-Present      Lead Instructor for Certification Workshops for Soil Evaluators for On-site Sewage Disposal, sponsored by the Massachusetts Department of Environmental Protection
- 1992-1993      On interagency loan to the US Environmental Protection Agency as A member of a Technical Team researching three suspected wetland violations. Responsibilities included:
- Investigated, documented and determined the extent of altered hydric soil conditions
  - Prepared a technical report for court litigation
- 1991-1992      Member of the Interagency Team assembled to field test in New England the 1991 proposed revisions to the Federal Wetlands Manual. Responsibilities included:
- Identify and document hydric soil conditions at test sites within the six New England states
  - Delineate hydric/non-hydric soil boundaries using criteria from the

**1987 and 1989 Federal Wetlands Manual and the 1991 proposed  
revisions to the Federal Wetlands Manual**

- 1989-1990**      On interagency loan to the US Army Corps of Engineers, New England Division. Responsibilities included:
- Provide training to COE staff in Soil Science with emphasis on the field identification and delineation of hydric soils
  - Assist in developing Guidelines for Soil Drainage Class criteria to be used in the New England Region to identify hydric soil conditions

**SPECIAL RECOGNITION:**

- 2005**      Silver Spade Award for the Advancement of Soil Science, presented by the Society of Soil Scientists of Southern New England.
- 2005**      2005 Environmental Service Award, Environmental/Conservation Educator of the Year, presented by the Massachusetts Association of Conservation Commissions.
- 1992**      Certificate of Appreciation: Massachusetts SWAT Team.  
Recognition for framing out and developing an excellent urban/community assistance initiative for eastern Massachusetts
- 1992**      Certificate of Appreciation: USDA Recognition: FY 92  
Plymouth County Soil Survey for Outstanding Performance exceeding all aspects of position
- 1992**      Plymouth County Conservation District  
Recognition: Special Service to Plymouth County
- 1992**      Special Achievement Award - USDA  
Recognition: in Special Recognition for exceptional efforts and leadership to the Massachusetts Training Committee
- 1991**      Commendation Award, National Soil and Water Conservation Society, in recognition of distinguished professional achievement and service at the local and state levels in carrying out goals and objectives of the Soil and Water Conservation Society

**PROFESSIONAL AFFILIATIONS:**

- 1976-Present**      Society of Soil Scientists of Southern New England  
Vice President 1982-1984, President 1984-1985
- 1984-Present**      Soil Science Society of America
- 1998-Present**      Association of Massachusetts Wetland Scientists



1962-1967

Miami University, Oxford, Ohio  
Bachelor of Science in Applied Science

May 1967

### **CERTIFICATION:**

- 1995-Present      Certified Title 5 System Inspector. Certified by the Commonwealth of Massachusetts Department of Environmental Protection
- 1987-Present      Certified Professional Soil Scientist and Certified Professional Soil Classifier (CPSS/SC), Certification Number: 02703. Certified by the American Registry of Certified Professionals in Agronomy, Crops and Soils, Madison, Wisconsin
- 1980-Present      Certified Professional Soil Scientist. Certified by the Society of Soil Scientists of Southern New England, Storrs, Connecticut
- 1987-Present      Qualified Soil Scientist, Certification Number: 059. Certified by the State of New Hampshire Board of Natural Scientists.

### **SPECIAL TRAINING:**

- 1979-Present      Advanced Hydric Soils for Soil Scientists - USDA Natural Resources Conservation Service, August 1996
- Regulatory IV - Wetland Identification and Delineation - US Army Corps of Engineers, August 1995
- Designing Innovative Septic Systems - Rhode Island On-Site Wastewater Training Program, October 1995

**KRAUS & HUMMEL LLP**  
**Attorneys and Counselors at Law**

---

99A Court Street  
Plymouth, Massachusetts 02360  
(508) 747-4200  
(508) 747-0788 fax  
www.kraushummel.com

February 16, 2006

Via Fax – (781) 294-7684  
and First Class Mail

Mary Guiney  
Halifax Conservation Commission  
499 Plymouth Street  
Halifax, MA 02338

Re: John Peck / Cumberland Farms Matter

Dear Mary

My client has engaged the services of Sharon LaPort as the outside consultant. Ms. LaPort's report will not be available until after March 1, 2006 and therefore, at this time there is no reason for me to appear before the Commission this evening. If the Commission deems it necessary to have another meeting, we respectfully request that this matter be continued to a date that the Commission meets after Ms. LaPort's report is completed. Please contact my office to confirm that I do not have to appear before the Commission this evening.

Thank you for your courtesy and attention to this matter.

Very truly yours,

  
Robert Kraus

RK/kl

cc: John Peck

Dictated but not read.

S:\KH Documents\Peck\Cumberland Farms\Cons Com-cont mtg of 2-16-06.doc

