

Acton Conservation Commission

Notice of Intent

Culvert Repair at Mile Post 25.93

Fitchburg Commuter Rail Line Improvement

Project

Fitchburg Line

April 2014



Massachusetts Bay Transportation Authority

Ten Park Plaza

Boston, Massachusetts 02116

Prepared By:

JACOBS

Jacobs Engineering Group Inc.

343 Congress Street

Boston, Massachusetts 02210



JACOBS Engineering Group Inc.
343 Congress St.
Boston, MA 02210 U.S.A.
617.242.9222 Fax: 617.242.9824

April 28, 2014

Terry Maitland, Chairman
Town of Acton
Conservation Commission
472 Main St.
Acton, MA 01720

SUBJECT: Massachusetts Bay Transportation Authority
Fitchburg Commuter Rail Line Improvement Project
Notice of Intent for Culvert Repairs at Mile Post 25.93

Dear Chairman Maitland:

On behalf of the Massachusetts Bay Transportation Authority (MBTA), I am submitting a Notice of Intent under the Massachusetts Wetlands Protection Act for your consideration.

On or about October 20, 2013, the culvert at mile post 25.93 collapsed under the active rail of the MBTA's Fitchburg Commuter Rail Line. Emergency measures were immediately taken to stabilize the tracks and allow for passage over this area with speed restrictions. The immediate measures did not require work in wetland resource areas. Plans for repairing the culvert at this location were completed and submitted to the Acton Conservation Commission as part of a Request for an Emergency Certification to repair the culvert. The Emergency Certification to complete the repairs was approved on November 8, 2013. The work to complete the repair was conducted over the following six weeks and is now complete. This is an After-the-Fact filing of a Notice of Intent to document the completion of this work in accordance with the Emergency Certification.

Please note that in accordance with Massachusetts General Law Chapter 161A Section 3(i), the MBTA is not subject to local zoning regulations and bylaws. The Authority's enabling statute also exempts it from paying any filing fee or charge for any permit or license issued to the MBTA (Chapter 161A: Section 24). However, in the spirit of cooperation an application fee of \$262.50 is enclosed.

Should you have any questions or comments regarding the completed work associated with this project, please feel free to call me at (617) 532-4387 or Holly Palmgren from the MBTA at (617) 222-1580. Please coordinate with me concerning scheduling of the public hearing and publishing the Public Hearing Notice. Thank you for your consideration.

Sincerely,

Dr. Lars Carlson, Ph.D., PWS

CC: Holly Palmgren, MBTA
Andrew Brennan, MBTA
DEP, Central Region
Philip Brake, HNTB.

Culvert Repairs at Mile Post 25.93 Notice of Intent

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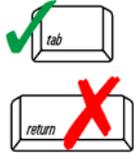
WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File Number
Document Transaction Number

Acton
City/Town

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

MBTA Right -of-Way (East of Central Street Grade Crossing)	Acton	01720
	b. City/Town	c. Zip Code
Latitude and Longitude:	42.464704° N	-71.468033° W
	d. Latitude	e. Longitude
Tiles	MBTA	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

Holly	Palmgren	
a. First Name	b. Last Name	
Massachusetts Bay Transportation Authority		
c. Organization		
MBTA, Suite 6720, 10 Park Plaza		
d. Street Address		
Boston	MA	02116
e. City/Town	f. State	g. Zip Code
617-222-1580	617-222-1557	hpalmgren@mbta.com
h. Phone Number	i. Fax Number	j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

a. First Name	b. Last Name	
c. Organization		
d. Street Address		
e. City/Town	f. State	g. Zip Code
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

Lars	Carlson	
a. First Name	b. Last Name	
Jacobs Engineering Group		
c. Company		
343 Congress Street		
d. Street Address		
Boston	MA	02110
e. City/Town	f. State	g. Zip Code
(617) 532-4387	(617) 242-9824	lars.carlson@jacobs.com
h. Phone Number	i. Fax Number	j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

(Exempt)	(Exempt)	(Exempt) \$262.50
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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A. General Information (continued)

6. General Project Description:

Repair of collapsed culvert authorized by Emergency Certificate issued on November 8, 2013.

7a. Project Type Checklist:

- | | |
|---|---|
| 1. <input type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Limited Project Driveway Crossing | 4. <input type="checkbox"/> Commercial/Industrial |
| 5. <input type="checkbox"/> Dock/Pier | 6. <input type="checkbox"/> Utilities |
| 7. <input type="checkbox"/> Coastal Engineering Structure | 8. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) |
| 9. <input checked="" type="checkbox"/> Transportation | 10. <input type="checkbox"/> Other |

7b. Is any portion of the proposed activity eligible to be treated as a limited project subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. Yes No If yes, describe which limited project applies to this project:

310 cmr 10.53 (3)(k) Maintenance and repair of road drainage structures

2. Limited Project

8. Property recorded at the Registry of Deeds for:

Middlesex South

a. County

1176

c. Book

b. Certificate # (if registered land)

427

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input checked="" type="checkbox"/> Bank	40 1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Resource Area Size of Proposed Alteration Proposed Replacement (if any)
d. [] Bordering Land Subject to Flooding
e. [] Isolated Land Subject to Flooding
f. [] Riverfront Area
2. Width of Riverfront Area (check one):
3. Total area of Riverfront Area on the site of the proposed project:
4. Proposed alteration of the Riverfront Area:
5. Has an alternatives analysis been done and is it attached to this NOI?
6. Was the lot where the activity is proposed created prior to August 1, 1996?

3. [] Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users: Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

Resource Area Size of Proposed Alteration Proposed Replacement (if any)
a. [] Designated Port Areas
b. [] Land Under the Ocean
c. [] Barrier Beach
d. [] Coastal Beaches
e. [] Coastal Dunes



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

	Size of Proposed Alteration	Proposed Replacement (if any)
f. <input type="checkbox"/> Coastal Banks	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet	
h. <input type="checkbox"/> Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet	
	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet	
4. <input type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.	
	a. square feet of BVW	b. square feet of Salt Marsh
5. <input checked="" type="checkbox"/> Project Involves Stream Crossings		
	a. number of new stream crossings	b. number of replacement stream crossings

C. Other Applicable Standards and Requirements

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

- Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/priority_habitat/online_viewer.htm.

a. Yes No **If yes, include proof of mailing or hand delivery of NOI to:**

**Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
100 Hartwell Street, Suite 230
West Boylston, MA 01583**

10/01/08
b. Date of map



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C. Other Applicable Standards and Requirements (cont'd)

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.C, and include requested materials with this Notice of Intent (NOI); OR complete Section C.1.d, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

1. c. Submit Supplemental Information for Endangered Species Review*

1. Percentage/acreage of property to be altered:
 - (a) within wetland Resource Area _____ percentage/acreage
 - (b) outside Resource Area _____ percentage/acreage
2. Assessor's Map or right-of-way plan of site
3. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work ***
 - (a) Project description (including description of impacts outside of wetland resource area & buffer zone)
 - (b) Photographs representative of the site
 - (c) MESA filing fee (fee information available at: http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/ mesa/ mesa_fee_schedule.htm).
Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address
Projects altering 10 or more acres of land, also submit:
 - (d) Vegetation cover type map of site
 - (e) Project plans showing Priority & Estimated Habitat boundaries

d. OR Check One of the Following

1. Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/ mesa/ mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)
2. Separate MESA review ongoing. _____ a. NHESP Tracking # _____ b. Date submitted to NHESP

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/dfwele/dfw/nhesp/nhesp.htm>, regulatory review tab). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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C. Other Applicable Standards and Requirements (cont'd)

3. Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.
2. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?
- a. Not applicable – project is in inland resource area only
- b. Yes No If yes, include proof of mailing or hand delivery of NOI to either:
- | | |
|--|--|
| South Shore - Cohasset to Rhode Island, and the Cape & Islands:

Division of Marine Fisheries - Southeast Marine Fisheries Station
Attn: Environmental Reviewer
1213 Purchase Street – 3rd Floor
New Bedford, MA 02740-6694 | North Shore - Hull to New Hampshire:

Division of Marine Fisheries - North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930 |
|--|--|

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

3. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
- a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
-
- b. ACEC
4. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
- a. Yes No
5. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
- a. Yes No
6. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
- a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 2. A portion of the site constitutes redevelopment
 3. Proprietary BMPs are included in the Stormwater Management System.
- b. No. Check why the project is exempt:
1. Single-family house

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.



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C. Other Applicable Standards and Requirements (cont'd)

- 2. Emergency road repair
- 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

- 1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
- 2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.
- 3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.
- 4. List the titles and dates for all plans and other materials submitted with this NOI.

Culvert MP 25.93, STA 1370+72 (2 sheets)

a. Plan Title	
HNTB	
b. Prepared By	c. Signed and Stamped by
11/4/13	
d. Final Revision Date	e. Scale
f. Additional Plan or Document Title	g. Date

- 5. If there is more than one property owner, please attach a list of these property owners not listed on this form.
- 6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
- 7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
- 8. Attach NOI Wetland Fee Transmittal Form
- 9. Attach Stormwater Report, if needed.



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File Number

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Acton
City/Town

E. Fees

- 1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

<u>6546750</u>	<u>May 8, 2014</u>
2. Municipal Check Number	3. Check date
<u></u>	<u></u>
4. State Check Number	5. Check date
<u></u>	<u></u>
6. Payor name on check: First Name	7. Payor name on check: Last Name
<u></u>	<u></u>

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

<u>Holly Palmgren</u>	<u>5/7/14</u>
1. Signature of Applicant	2. Date
<u>[Signature]</u>	<u>5/7/14</u>
3. Signature of Property Owner (if different)	4. Date
<u>[Signature]</u>	6. Date
5. Signature of Representative (if any)	

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a copy of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Important:
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



A. Applicant Information

1. Location of Project:

MBTA Right-of-Way Acton
 a. Street Address b. City/Town

 c. Check number d. Fee amount

2. Applicant Mailing Address:

Holly Palmgren
 a. First Name b. Last Name
 Massachusetts Bay Transportation Authority
 c. Organization
 MBTA, Suite 6720, 10 Park Plaza
 d. Mailing Address
 Boston MA 02116
 e. City/Town f. State g. Zip Code
 617-222-1580 617-222-1557 hpalmgren@mbta.com
 h. Phone Number i. Fax Number j. Email Address

3. Property Owner (if different):

 a. First Name b. Last Name

 c. Organization

 d. Mailing Address

 e. City/Town MA 02116
 f. State g. Zip Code

 h. Phone Number 617-222-1557 hpalmgren@mbta.com
 i. Fax Number j. Email Address

B. Fees

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Culvert repair	2j	\$500.00	\$500.00
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Step 5/Total Project Fee:			\$500.00
Step 6/Fee Payments:			
Total Project Fee:			\$500.00 (Exempt)
			a. Total Fee from Step 5
State share of filing Fee:			\$237.50 (Exempt)
			b. 1/2 Total Fee less \$12.50
City/Town share of filing Fee:			\$262.50 (Exempt Paid)
			c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

*Fitchburg Commuter Rail Line
Culvert Repair at Mile Post 25.93 Notice of Intent*

**Exhibit A
Existing and Proposed Conditions**

A. General Project Description

On or about October 20, 2013, the culvert at mile post 25.93 collapsed under the active rail of the MBTA's Fitchburg Commuter Rail Line. Emergency measures were immediately taken to stabilize the tracks and allow for passage over this area with speed restrictions. The immediate measures did not require work in wetland resource areas. Plans for repairing the culvert at this location were completed and submitted to the Acton Conservation Commission as part of a Request for an Emergency Certification to repair the culvert. The Emergency Certification to complete the repairs was approved on November 8, 2013. The work to complete the repair was conducted over the following six weeks and is now complete. This is an After-the-Fact filing of a Notice of Intent to document the completion of this work in accordance with the Emergency Certification.

B. Existing Conditions:

Locus

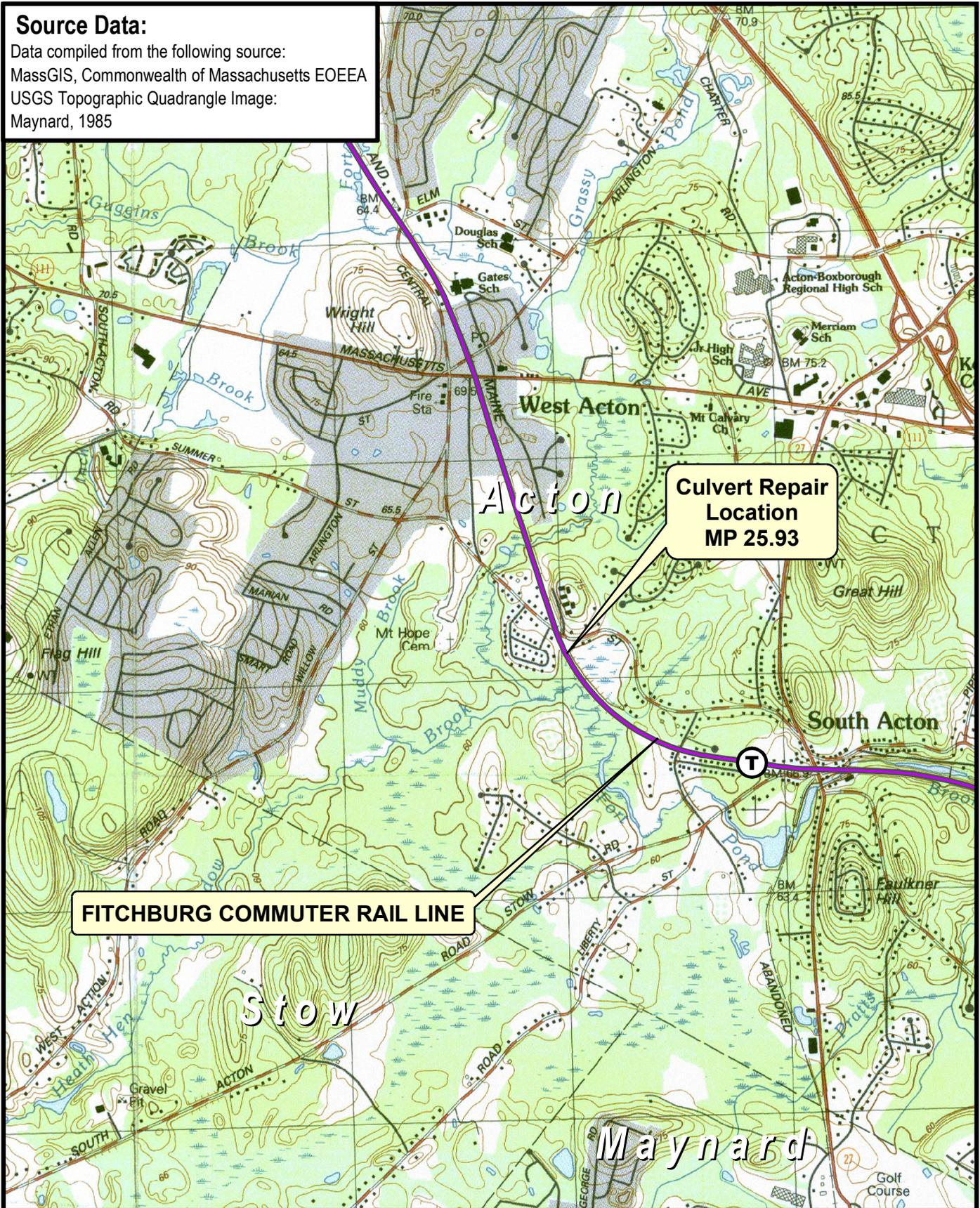
The project is located in Acton within the existing railroad right of way, as depicted on Figure A-1 "Locus Map".

Wetland Resource Areas

Wetland resource areas in the vicinity of the culvert at Milepost 25.93 were delineated in the field by Jacobs' wetland scientists in May of 2008 in anticipation of and the permitting for the ongoing work being performed on the Acton Double Track project (MassDEP file # 85-1038). The delineations were performed in accordance with MGL c 131 s 40. These resource areas are depicted on Figure 2 "Existing Conditions". Work proposed to repair the culvert includes work in the bank of an intermittent stream and the 100 foot buffer zone to bank and bordering vegetated wetland.

Source Data:

Data compiled from the following source:
MassGIS, Commonwealth of Massachusetts EOEAA
USGS Topographic Quadrangle Image:
Maynard, 1985



Prepared by:
JACOBS

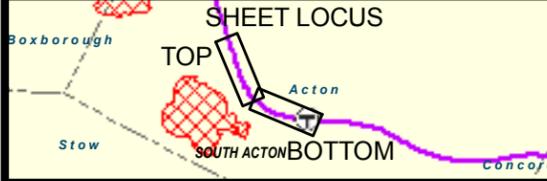
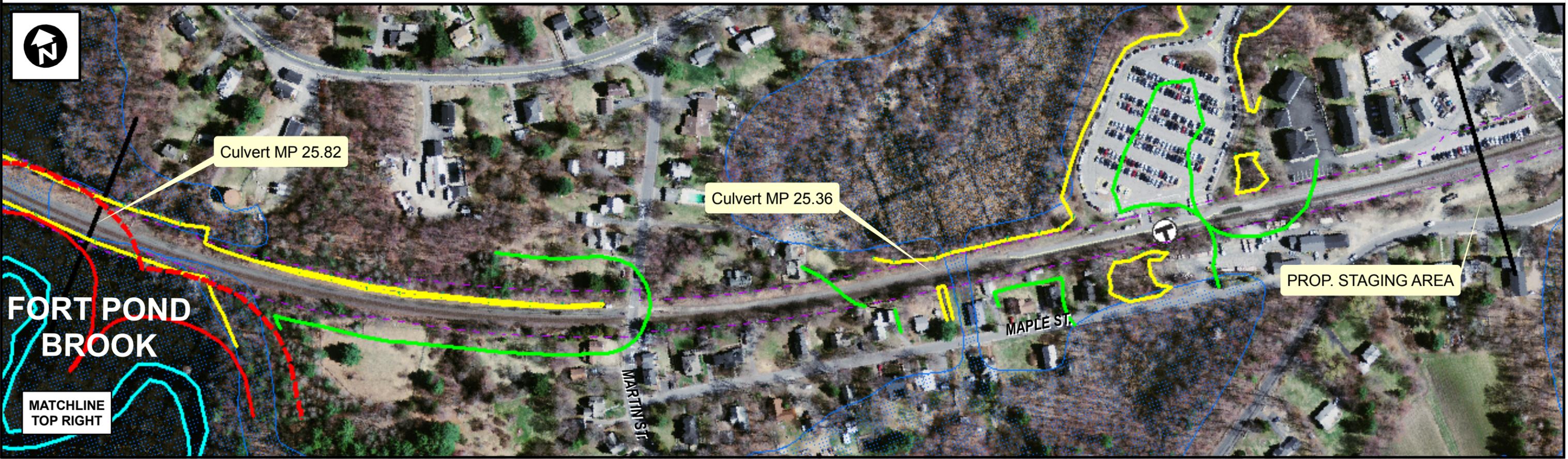
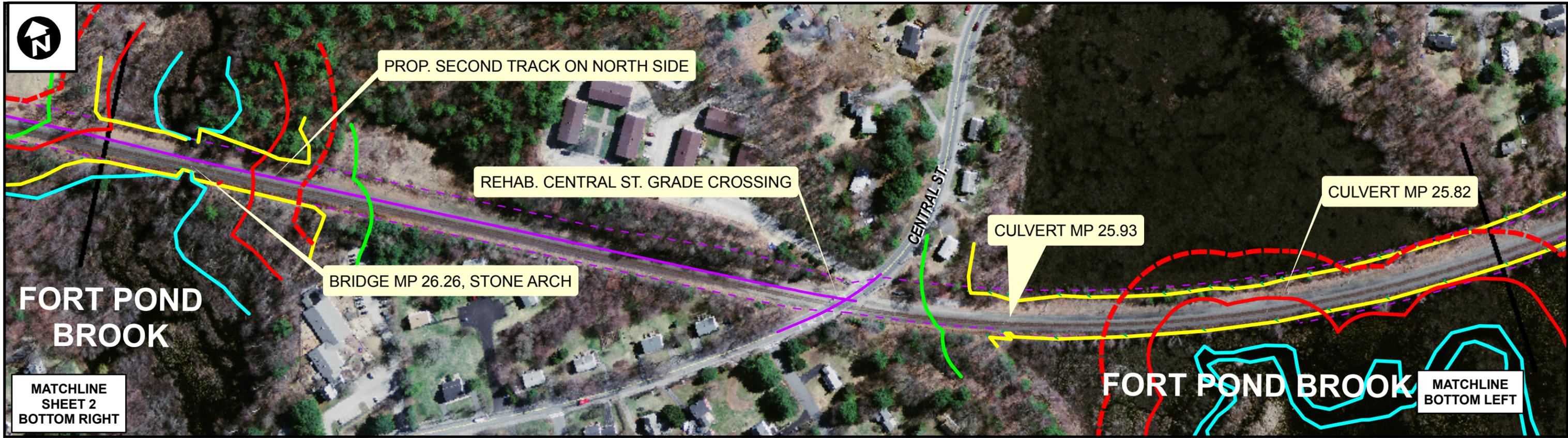
January 2014



0 1,000 2,000 Feet

Site Locus Map

Acton Conservation Commission Notice of Intent
MBTA Fitchburg Main Line Improvements Project
Culvert Repairs at MP 25.93
Figure A-1



Source Information:
 The following information obtained from MassGIS, (Commonwealth of Massachusetts EOEAA):
 USGS Color Ortho Imagery - April 2008
 NHESP Priority Habitats, Effective Oct. 1, 2008
 NHESP Estimated Habitats, Effective Oct. 1, 2008
 NHESP Certified Vernal Pools, January 2008
 FEMA Q3 Flood, July 1997

ACTON
 CONSERVATION COMMISSION
 NOTICE OF INTENT
 FEBRUARY 18, 2010
 Prepared By:
JACOBS

LEGEND
 Edge of Wetland ——— Yellow line
 100' Wetland Buffer Zone ——— Green line
 Top of Bank / MAHW ——— Blue line
 MNHESP Priority/Estimated Habitat [Red cross-hatch pattern]

Inner Riparian Zone ——— Red line
 Outer Riparian Zone - - - - - Red dashed line
 Vernal Pool Boundary [Blue dotted pattern]
 100' Vernal Pool Habitat [Blue dashed line]

FEMA 100-Year Flood Zone [Blue dotted pattern]
 Prop. Trackwork ——— Purple line
 ROW Boundary - - - - - Purple dashed line
 Town Boundary ——— Black line

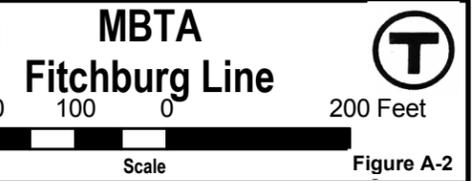


Figure A-2

A Photograph depicting the upstream side of the culvert prior to the performance of the work is presented in below.

Figure A-3: Culvert 25.93 Prior To Repairs



(Note the fill in the culvert from a history of beaver activity in the area)

C. Proposed Conditions:

The work included the installation of a 36 inch reinforced concrete pipe at the same invert elevation of the existing culvert. The head walls on both end of the culvert were extended 1.5 feet and the slopes in the vicinity of the culvert were stabilized with riprap as depicted on the plans submitted with the request for Emergency Certification. Erosion control measures consisting of straw wattles were installed at the limit of work and were maintained throughout the repair of the culvert.

A photograph of the completed culvert repair is depicted below.

Culvert 25.93 After Repairs



*Fitchburg Commuter Rail Line
Culvert Repair at Mile Post 25.93 Notice of Intent*

**Exhibit B
Emergency Certification**



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Emergency Certification Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. Emergency Information

Important:
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Issuance From: Acton Conservation Commission
Issuing Authority

1. Site Location: Culvert at Mile Post 25.93 on MBTA Right-of-Way

2. Reason for Emergency:
Culvert repairs to culvert that collapsed resulting in speed restrictions on the commuter rail.

3. Applicant to perform work: MBTA c/o Holly Palmgren

4. Public agency to perform work or public agency ordering the work to be performed:
MBTA

5. Date of Site Visit: 11/6/13 Start Date: 11/8/13 End Date*: 12/7/13
* no later than 30 days from start date or 60 days in the case of an Immediate Response Action approved by DEP to address an oil/hazardous material release.

6. Work to be allowed*:
Repair of the culvert as depicted on plans entitled: "Culvert MP 25.93 Plan and Detail, STA 1370+72"
Two sheets dated 11/4/13.

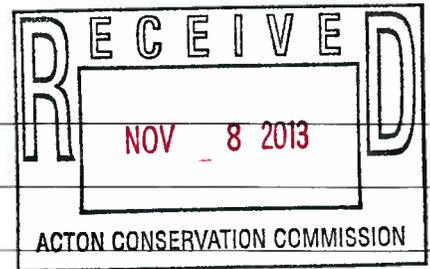
* May not include work beyond that necessary to abate the emergency.

B. Signatures

Certified to be an Emergency by this Issuing Authority.

Signatures:  TOM TIDMAN
NATURAL RESOURCES DIRECTOR

Chairman (or designee) _____ Date _____



A copy of this form must be provided to the appropriate DEP Regional Office.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Emergency Certification Form
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

C. General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Emergency Certification or subject to enforcement action.
2. This Emergency Certification does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of property rights.
3. This Emergency Certification does not relieve the applicant or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. Any work conducted beyond that described above, and any work conducted beyond that necessary to abate the emergency, shall require the filing of a Notice of Intent.
5. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Emergency Certification at reasonable hours to evaluate compliance with this Certification, and may require the submittal of any data deemed necessary by the Conservation Commission or the Department for that evaluation.
6. This Emergency Certification shall apply to any contractor or any other person performing work authorized under this Certification.
7. No work may be authorized beyond 30 days from the date of this certification without written approval of the Department.

D. Special Conditions

E. Appeals

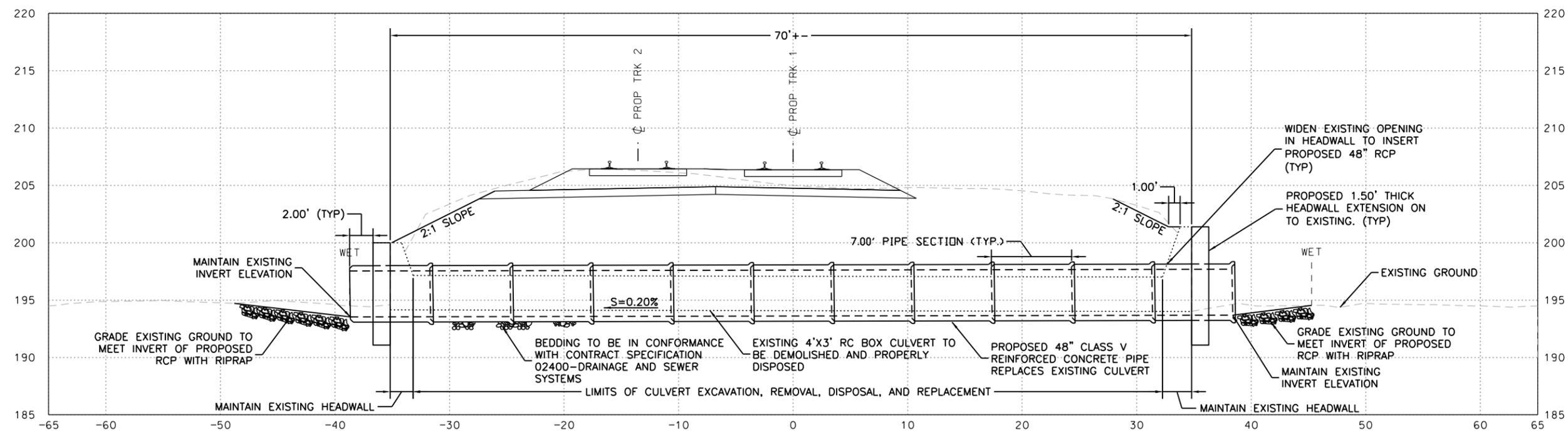
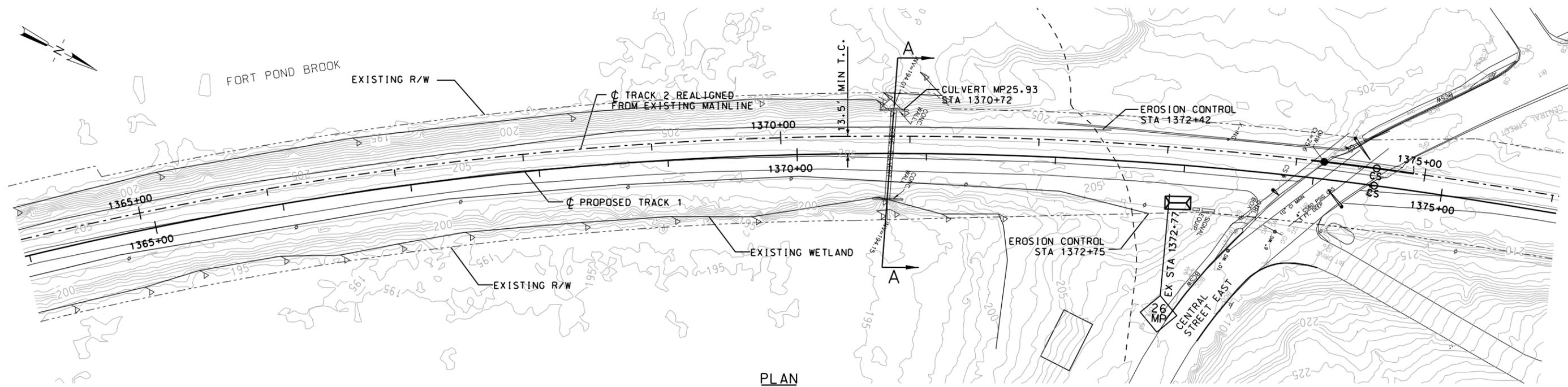
The Department may, on its own motion or at the request of any person, review: an emergency certification issued by a conservation commission and any work permitted thereunder; a denial by a conservation commission of a request for emergency certification; or the failure by a conservation commission to act within 24 hours of a request for emergency certification. Such review shall not operate to stay the work permitted by the emergency certification unless the Department specifically so orders. The Department's review shall be conducted within seven days of: issuance by a conservation commission of the emergency certification; denial by a conservation commission of the emergency certification; or failure by a conservation commission to act within 24 hours of a request for emergency certification. If certification was improperly granted, or the work allowed thereunder is excessive or not required to protect the health and safety of citizens of the Commonwealth, the Department may revoke the emergency certification, condition the work permitted thereunder, or take such other action as it deems appropriate.

*Fitchburg Commuter Rail Line
Culvert Repair at Mile Post 25.93 Notice of Intent*

**Exhibit C
Plan Sheets**

EAST TO
BOSTON

WEST TO
FITCHBURG
TOWN OF ACTON



- NOTES:
1. PROVIDE EROSION CONTROL AS REQUIRED BY ACTON CONSERVATION COMMISSION.

FIELD MEMO #11

ISSUE	DATE	DESCRIPTION	BY	CHKD.	APP.
1	11/4/13	NEW SHEET			

T MASSACHUSETTS BAY TRANSPORTATION AUTHORITY
 FITCHBURG COMMUTER RAIL LINE
 IMPROVEMENT PROJECT
 CONTRACT NO. G67CN03

CULVERT MP 25.93 PLAN AND DETAIL
 STA. 1370+72

HNTB 300 APOLLO DRIVE
 CHELMSFORD, MA 01824
 (978) 905-4000

MASSACHUSETTS BAY TRANSPORTATION AUTHORITY

APPROVED BY: _____

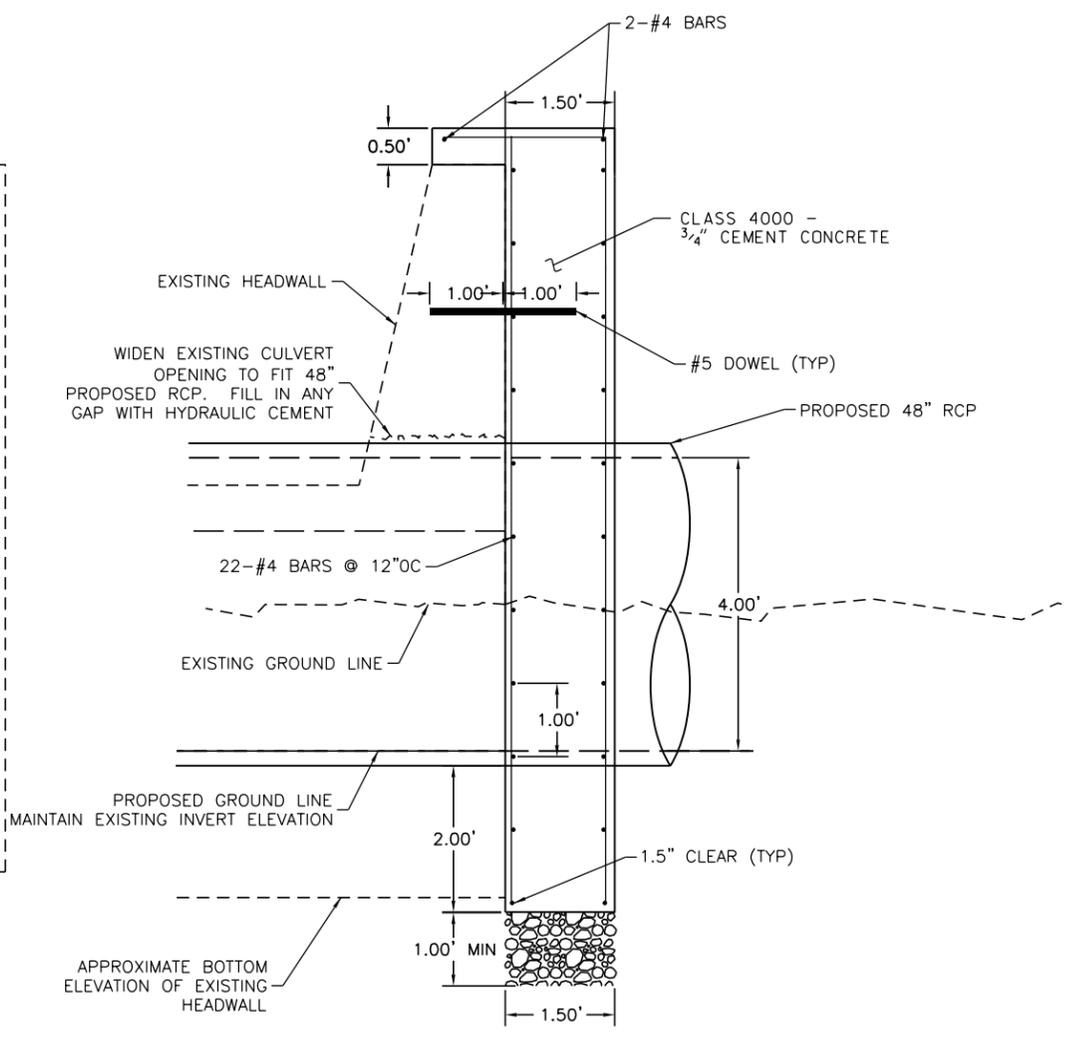
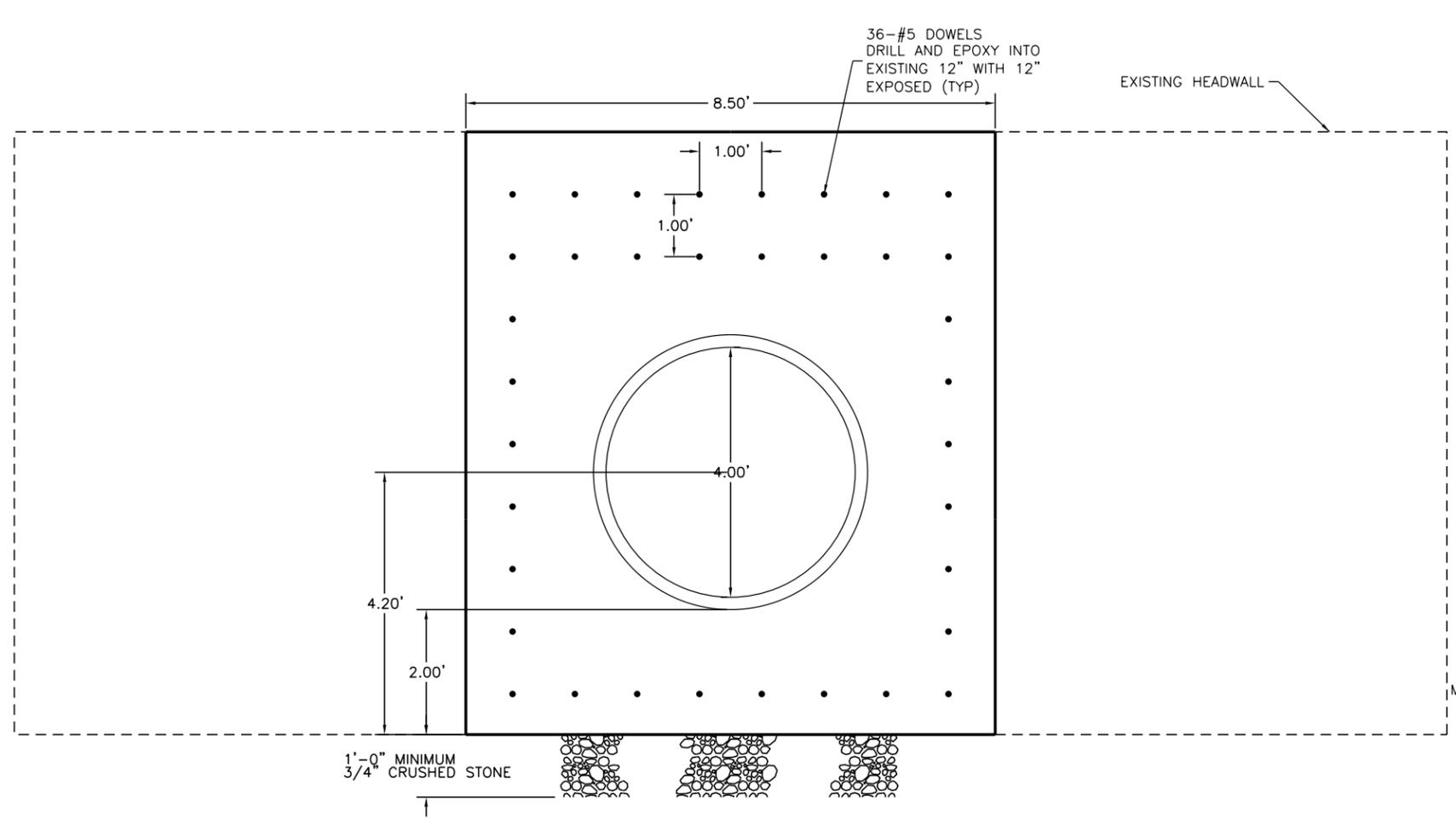
PROJECT MANAGER _____ Date _____

HORIZ: AS SHOWN DES. BY DR. BY CHK. BY
 VERT: AS SHOWN MVY MVY SNE
 DATE: 11/04/13

PLAN NO. _____
 SHEET _____

PLOT DATE: 11/4/2013
 FILE NAME: P:\JOBS\43919 FML Am 12 - Small Starts Contractor Pkg\Submissions\Culvert-MP25.93\Culvert-MP25.93.dgn
 XREF FILES:

PLOT DATE: 11/4/2013
 FILE NAME: P:\JOBS\43919 FML Am 12 - Small Starts Contractor Pkg\Submissions\Culvert-MP25.93\Culvert-MP25.93.dgn
 XREF FILES:



FIELD MEMO #11

ISSUE	DATE	DESCRIPTION	BY	CHKD.	APP.
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CULVERT MP 25.93 PLAN AND DETAIL
 STA. 1370+72

HNTB 300 APOLLO DRIVE
 CHELMSFORD, MA 01824
 (978) 905-4000

MASSACHUSETTS BAY TRANSPORTATION AUTHORITY

APPROVED BY: _____

PROJECT MANAGER _____ Date _____

HORIZ: AS SHOWN DES. BY _____ DR. BY _____ CHK. BY _____ PLAN NO. _____
 VERT: AS SHOWN MVY _____ MVE _____ SNE _____
 DATE: 11/04/13 SHEET _____

*Fitchburg Commuter Rail Line
Culvert Repair at Mile Post 25.93 Notice of Intent*

**Exhibit D
Abutter Information**

AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act

(to be submitted to the Massachusetts Department of Environmental Protection and the Conservation Commission when filing a Notice of Intent)

I, Lars Carlson, hereby certify under the pains and penalties of perjury that on May, 2014 I gave notification to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the DEP Guide to Abutter Notification dated April 8, 1994, in connection with the following matter:

A Notice of Intent filed under the Massachusetts Wetlands Protection Act by the Massachusetts Bay Transportation Authority with the Acton Conservation Commission for Culvert repairs on property located on The MBTA Fitchburg Commuter Rail Line right-of-way.

The form of the notification, and a list of the abutters to whom it was given and their addresses, are attached to this Affidavit of Service.

June 6, 2014
Date



Lars Carlson, PWS
Manager of Projects

**`Notification to Abutters Under the
Massachusetts Wetlands Protection Act**

DESCRIPTION: The MBTA has filed a Notice of Intent to document culvert repairs at mile post 25.93 of the Fitchburg Line right-of-way in the Town of Acton. These repairs were completed under an Emergency Certification granted by the Acton Conservation Commission on November 8, 2013. The Notice of Intent describes the completed work and measures taken to ensure protection to the nearby wetlands. The MBTA is required to notify abutters to the work. The purpose of this letter is to notify you that the Notice of Intent has been filed with the Acton Conservation Commission and that a Public Hearing will be held to review the completed work. The purpose is also to inform you where you can get further information on both the Notice of Intent and the time and place of the hearing.

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, you are hereby notified of the following:

- A. The name of the applicant is the Massachusetts Bay Transportation Authority (MBTA).
- B. The applicant has filed a Notice of Intent with the Conservation Commission for the Town of Acton seeking permission to alter an Area Subject to Protection under the Wetlands Protection Act (Massachusetts General Laws Chapter 131, Section 40).
- C. The address of the lot where the activity is proposed is the MBTA right-of-way in Acton.
- D. Copies of the Notice of Intent may be examined at the offices of the Acton Conservation Commission. For more information, Contact the Commission at (978) 264-9631.
- E. Information regarding the date, time, and place of the public hearing may be obtained from the Acton Conservation Commission at (978) 264-9631.

NOTE: Notice of the public hearing, including its date, time, and place will be published at least five (5) days in advance in the *Beacon*.

NOTE: Notice of the public hearing, including its date, time, and place will be posted in the Acton Town Hall not less than forty-eight (48) hours in advance.

NOTE: You may also contact the nearest Department of Environmental Protection Regional Office for more information about this application or the Wetlands Protection Act. To contact DEP, call the Central Regional Office at 508-792-7650.



Town of Acton
472 Main Street
Acton, MA 01720
Telephone (978) 929-6621
Fax (978) 929-6340

Brian McMullen
Principal Assessor

Locus: Milepost25.93
Parcel ID: G2-178 G2-194

Parcel ID	Location	Owner	Co-Owner	Mailing Address	City
G2-160	4 DOWNEY RD	MCBREEN JOHN E JR	ARLENE	4 DOWNEY RD	ACTON, MA 1720
G2-161	114 CENTRAL ST	BROWN DOG REALTY INC		2 MICHAEL RD	MAYNARD, MA 1754
G2-162	110 CENTRAL ST	OBRIEN EDWARD		110 CENTRAL ST	ACTON, MA 1720
G2-171	30 NASH RD	LANE JEAN S		30 NASH ROAD	ACTON, MA 1720
G2-194	15 OVERLOOK DR BEHIND	TOWN OF ACTON		472 MAIN STREET	ACTON, MA 1720
G2-194-1	13 OVERLOOK DR BEHIND	TOWN OF ACTON		472 MAIN STREET	ACTON, MA 1720

The owner of sharing a common boundary or corner with the site of the proposed activity (100 feet) in any direction, including land located directly across a street, way, creek, river, stream, brook or canal. The above are as they appear on the most recent applicable taxes.

Kelly Schorr

29-Apr-14

Acton Assessors Office