



Wannalancit Mills
650 Suffolk Street
Lowell, MA 01854

978.970.5600 PHONE
978.453.1995 FAX

www.TRCSolutions.com

September 4, 2013

Acton Conservation Commission
Attn: Terry Maitland, Chairman
472 Main Street
Acton, MA 01720

**Subject: Notice of Intent Application
Massachusetts Bay Commuter Railroad ("MBCR")
Acton Culvert Replacement at Milepost 24.12**

Dear Commission,

Enclosed please find one original and three copies of the Notice of Intent Application (the "Application") for required culvert replacement along the Massachusetts Bay Transportation Authority ("MBTA") railroad right-of-way at Milepost 24.12 in the Town of Acton. An electronic version of the Application has also been sent as required. In addition, two copies of the Application have been sent to the Massachusetts Department of Environmental Protection ("MassDEP") Central Regional Office.

As explained in the Application filing, the MBCR is not subject to local zoning regulations and bylaws in accordance with Massachusetts General Law Chapter 161A Section 3(i). Since the project is being conducted on behalf of the MBTA, the Authority's enabling statute also exempts it from filing fees or charges for any permit or license issued to the MBTA.

We look forward to discussing the project with you at the public meeting on September 18, 2013. Should you have any questions or comments regarding the proposed project, please contact me at (978) 656-3640 or Mary Ann Reilly at the MBCR at (617) 222-8434.

Very truly yours,

TRC

Samantha Hard
Project Manager

cc: Mary Ann Reilly, MBCR

NOTICE OF INTENT

*Filing Under the Massachusetts Wetlands Protection Act
M.G.L. Chapter 131, Section 40*

Culvert Replacement Mile Post 24.12 Acton, Massachusetts

September 2013

Prepared for:



Massachusetts Bay Commuter Railroad Company

32 Cobble Hill Road
Somerville, Massachusetts 01243

Prepared by:



TRC Environmental Corporation

650 Suffolk Street
Lowell, Massachusetts 01854

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FORM 3 – NOTICE OF INTENT

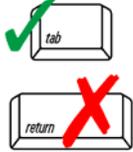


WPA Form 3 – Notice of Intent

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):

<u>Railroad right-of-way</u>	<u>Acton</u>	<u>01720</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:	<u>42°27'21.19"N</u>	<u>71°26'10.33"W</u>
	d. Latitude	e. Longitude
<u>Railroad right-of-way</u>	<u>Railroad R</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Mary Ann</u>	<u>Reilly</u>	
a. First Name	b. Last Name	
<u>Massachusetts Bay Commuter Rail</u>		
c. Organization		
<u>32 Cobble Hill Road</u>		
d. Street Address		
<u>Somerville</u>	<u>Massachusetts</u>	<u>02143</u>
e. City/Town	f. State	g. Zip Code
<u>(617) 222-8434</u>	<u>(617) 222-8309</u>	<u>maryann.reilly@mocr.net</u>
h. Phone Number	i. Fax Number	j. Email Address

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

<u></u>	<u></u>	
a. First Name	b. Last Name	
<u>Massachusetts Bay Transportation Authority</u>		
c. Organization		
<u>10 Park Plaza, Suite 3910</u>		
d. Street Address		
<u>Boston</u>	<u>Massachusetts</u>	<u>02116</u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>Samantha</u>	<u>Hard</u>	
a. First Name	b. Last Name	
<u>TRC Environmental Corporation</u>		
c. Company		
<u>650 Suffolk Street</u>		
d. Street Address		
<u>Lowell</u>	<u>Massachusetts</u>	<u>01854</u>
e. City/Town	f. State	g. Zip Code
<u>(978) 656-3640</u>	<u>(978) 453-1995</u>	<u>shard@trcsolutions.com</u>
h. Phone Number	i. Fax Number	j. Email address

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

<u>Exempt</u>	<u>Exempt</u>	<u>Exempt</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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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)

	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
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 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

1. 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
Route 135, North Drive
Westborough, MA 01581**

MassGIS 2009
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/nhosp/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/nhosp/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/nhosp/nhosp.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.



WPA Form 3 – Notice of Intent

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:

North Shore - Hull to New Hampshire:

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

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:

- Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
- A portion of the site constitutes redevelopment
- Proprietary BMPs are included in the Stormwater Management System.

b. No. Check why the project is exempt:

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

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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 Replacement, Culvert MP 24.12

a. Plan Title

Dave Pettit (TRC Engineer)

b. Prepared By

08/30/2013

d. Final Revision Date

Dave Pettit (TRC Engineer)

c. Signed and Stamped by

1" = 20'

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.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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

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:

Exempt

2. Municipal Check Number

3. Check date

Exempt

4. State Check Number

5. Check date

6. Payor name on check: First Name

7. Payor name on check: Last Name

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.

Samantha Hand for Mary Ann Kelly

1. Signature of Applicant

08/30/2013

2. Date

3. Signature of Property Owner (if different)

Samantha Hand

4. Date

08/30/2013

5. Signature of Representative (if any)

6. Date

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.



FILING FEE DOCUMENTATION



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. Applicant:

Mary Ann _____ Reilly _____
 a. First Name b. Last Name
 Massachusetts Bay Commuter Rail _____
 c. Organization
 32 Cobble Hill Road _____
 d. Mailing Address
 Somerville _____ Massachusetts _____ 02143 _____
 e. City/Town f. State g. Zip Code
 (617) 222-8434 (617) 222-8309 maryann.reilly@mbcr.net
 h. Phone Number i. Fax Number j. Email Address

2. Property Owner (if different):

_____ _____
 a. First Name b. Last Name
 Massachusetts Bay Transportation Authority _____
 c. Organization
 10 Park Plaza, Suite 3910 _____
 d. Mailing Address
 Boston _____ MA _____ 02116 _____
 e. City/Town f. State g. Zip Code
 _____ _____ _____
 h. Phone Number i. Fax Number j. Email Address

3. Project Location:

Railroad right-of-way MP 24.12 _____ Acton _____
 a. Street Address b. City/Town

B. Fees

The fee should be calculated using the following six-step process and 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

Step 5/Total Project Fee: Exempt

Step 6/Fee Payments:

Total Project Fee: Exempt
 a. Total Fee from Step 5

State share of filing Fee: Exempt
 b. 1/2 Total Fee **less** \$12.50

City/Town share of filing Fee: Exempt
 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.)



ABUTTER INFORMATION

Notification to Owners and Abutters

In Accordance with the Massachusetts Wetlands Protection Act (G.L. Ch. 131 §40), and §10.05(4)(a) of 310 CMR 10.00, you are hereby notified of a public hearing on the following:

- A. A Notice of Intent (NOI) has been filed with the Acton Conservation Commission under G.L. Ch. 131 §40 seeking approval to replace a substandard culvert along the Massachusetts Bay Commuter Railroad right-of-way. Portions of the project will occur within areas subject to protection under the Massachusetts Wetlands Protection Act (G.L. Ch. 131 §40).
- B. The applicant is the Massachusetts Bay Commuter Railroad Company (MBCR).
- C. The work is located at MP 24.12 along the railroad right-of-way in Acton, approximately 150-feet west of Parker Street.
- D. The work involves replacement of an existing culvert under the commuter rail right-of-way.
- E. Copies of the Notice of Intent may be examined at the Acton Conservation Commission office, located at Acton Town Hall, 472 Main Street, Acton, MA, during normal hours of operation. For more information, please contact the Acton Conservation Commission at 978-929-6634. Copies of the NOI may be obtained by contacting the MBCR representative, Samantha Hard, at 978-656-3640 between 9 a.m. and 5 p.m. Tuesday and Friday.
- F. Information regarding the date, time and place of the public hearing may be obtained from the Acton Conservation Commission at 978-929-6634 or Samantha Hard at 978-656-3640.
- G. Notice of the public hearing, including the date, time and place will be published at least five business days in advance of the hearing in *The Beacon* newspaper.
- H. For additional information on this application or the Massachusetts Wetland Protection Act and accompanying regulations, you may contact the Acton Conservation Commission at 978-534-7524 or the Department of Environmental Protection, Central Region Regional Office at 508-792-7650, or visit <http://www.mass.gov/dep/>.



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

Brian McMullen
 Assessor

Parcel ID	Location	Owner	Co-Owner	Mailing Address	Town State Zip
H3-237	95 PARKER ST	TOWN OF ACTON		472 MAIN STREET	ACTON, MA 01720
H3-238	133 RIVER ST	TOWN OF ACTON		472 MAIN STREET	ACTON, MA 01720
H3-238-1	129-133 RIVER ST	ACTON TOWN OF		472 MAIN ST	ACTON, MA 01720
H3-251	88 PARKER ST	WR GRACE & CO	ATTN TAX DEPT	62 WHITTEMORE AVE	CAMBRIDGE, MA 02140
I3-7	97 PARKER ST	KLOPF RODGER	KLOPF JOAN M	97 PARKER ST	ACTON, MA 01720
I3-8	99 PARKER ST #1	PARKER STREET LLC		22 ELM ST	ACTON, MA 01720
I3-8-1	99 PARKER ST #2	PARKER STREET LLC		22 ELM STREET	ACTON, MA 01720
I3-8-2	99 PARKER ST #3	SARI AHMET		99 PARKER ST #3	ACTON, MA 01720
I3-8-3	99 PARKER ST #4	SCHYMIK LINDA + HOLLY		99 PARKER ST #4	ACTON, MA 01720
I3-8-4	99 PARKER ST #5	MURPHY EILEEN E		99 PARKER ST #5	ACTON, MA 01720
I3-9-C11	118 PARKER ST #11	GEREMIAS REJANE		118 PARKER ST #11	ACTON, MA 01720
I3-9-C12	118 PARKER ST #12	NICOL SARAH E		118 PARKER ST #12	ACTON, MA 01720
I3-9-C13	118 PARKER ST #13	LOBOSCO JOHN	O'BRIEN MARGARET	28 BROOKSBIE ROAD	BEDFORD, MA 01730
I3-9-C14	118 PARKER ST #14	WILLOUGHBY BONNIE		29 PINE RIDGE RD	STOW, MA 01775
I3-9-C15	118 PARKER ST #15	PERANI JEFFREY W		118 PARKER STREET #15	ACTON, MA 01720
I3-9-C16	118 PARKER ST #16	MANERO JOSEPH	CUSANO CATHERINE	118 PARKER ST #16	ACTON, MA 01720
I3-9-C21	118 PARKER ST #21	YPUNG LIH KUNG E	LIU ADELINE C	118 PARKER ST #21	ACTON, MA 01720
I3-9-C22	118 PARKER ST #22	RAMIREZ TOMAS		7 DOUGLAS AVE	MAYNARD, MA 01754
I3-9-C23	118 PARKER ST #23	MILLETT KENNETH G	MILLETT JOANNE D	21 FOREST ROAD	ACTON, MA 01720
I3-9-C24	118 PARKER ST #24	WU YANPING		118 PARKER ST #24	ACTON, MA 01720
I3-9-C25	118 PARKER ST #25	LIN MING CHIN	LIU WEN CHING	4 OXBOW RD	LEXINGTON, MA 02421
I3-9-C26	118 PARKER ST #26	SHEA J TIMOTHY		118 PARKER ST #26	ACTON, MA 01720
I3-9-C31	118 PARKER ST #31	XU JING		118 PARKER ST #31	ACTON, MA 01720
I3-9-C32	118 PARKER ST #32	GEEZIL EDWARD J		PO BOX 2365	LITTLETON, MA 01460
I3-9-C33	118 PARKER ST #33	KAVULA RAYMOND P		118 PARKER ST #33	ACTON, MA 01720
I3-9-C34	118 PARKER ST #34	BAKER AMR H	BAKER CHARLENE A	118 PARKER ST #34	ACTON, MA 01720
I3-9-C35	118 PARKER ST #35	BRICENO HELEN		118 PARKER ST #35	ACTON, MA 01720
I3-9-C36	118 PARKER ST #36	SANTORO PATRICIA	BAKER ANTHONY	118 PARKER ST #36	ACTON, MA 01720
I3-10-B11	120 PARKER ST #11	VICTORINO ALEXANDRE H		120 PARKER ST #11	ACTON, MA 01720

I3-10-B12	120 PARKER ST #12	DASILVA GEREMIAS RONDINEL	120 PARKER ST #12	ACTON, MA 01720
I3-10-B13	120 PARKER ST #13	GIGER A J & P	533 MILL STREET EXT	LANCASTER, MA 01523
I3-10-B14	120 PARKER ST #14	BLEAKLEY JAMES TRUSTEE	20 LIBERTY AVE	LEXINGTON, MA 02420
I3-10-B15	120 PARKER ST #15	MALONE DIANE M	120 PARKER ST #15	ACTON, MA 01720
I3-10-B16	120 PARKER ST #16	JU LING YI	120 PARKER ST #16	ACTON, MA 01720
I3-10-B21	120 PARKER ST #21	DASILVA VERA MARIE	120 PARKER ST #21	ACTON, MA 01720
I3-10-B22	120 PARKER ST #22	MARSHALL CAROL O	120 PARKER ST B22	ACTON, MA 01720
I3-10-B23	120 PARKER ST #23	LIRA GLEIZE	120 PARKER ST #23	ACTON, MA 01720
I3-10-B24	120 PARKER ST #24	SCHMIDT LEAH	120 PARKER ST #24	ACTON, MA 01720
I3-10-B25	120 PARKER ST #25	ECHARDT RICHARD + DENISE M	120 PARKER ST #25	ACTON, MA 01720
I3-10-B26	120 PARKER ST #26	QUINN LISA	120 PARKER ST #26	ACTON, MA 01720
I3-10-B31	120 PARKER ST #31	CONBOY JAMES D	120 PARKER ST #31	ACTON, MA 01720
I3-10-B32	120 PARKER ST #32	PETERSON LINDA	120 PARKER ST #32	ACTON, MA 01720
I3-10-B33	120 PARKER ST #33	BENANTI DEBRA	140 STEDMAN ST	CHELMSFORD, MA 01824
I3-10-B34	120 PARKER ST #34	KIIRKKI ESA	120 PARKER ST #34	ACTON, MA 01720
I3-10-B35	120 PARKER ST #35	TALMADGE MICHAEL C	120 PARKER ST #35	ACTON, MA 01720
I3-10-B36	120 PARKER ST #36	SWEENEY NANCY	120 PARKER ST #36	ACTON, MA 01720

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.

Brian McMullen

21-Aug-13



Acton Assessors Office



ATTACHMENT A

Project Narrative

1.0 INTRODUCTION

Massachusetts Bay Commuter Railroad (MBCR) operates the commuter rail system for the Massachusetts Bay Transportation Authority (MBTA) within the Town of Acton. Under this contract, MBCR is required to conduct routine inspection and maintenance of the railroad infrastructure, including culverts, in order to ensure safe and reliable commuter rail service. One culvert at Mile Post (MP) 24.12 in the Town of Acton has been determined to be substandard and requires replacement. At this location, the proposed work includes the installation of a 36-inch round concrete culvert to replace the existing 24-inch round concrete culvert and surrounding stone, which will be removed.

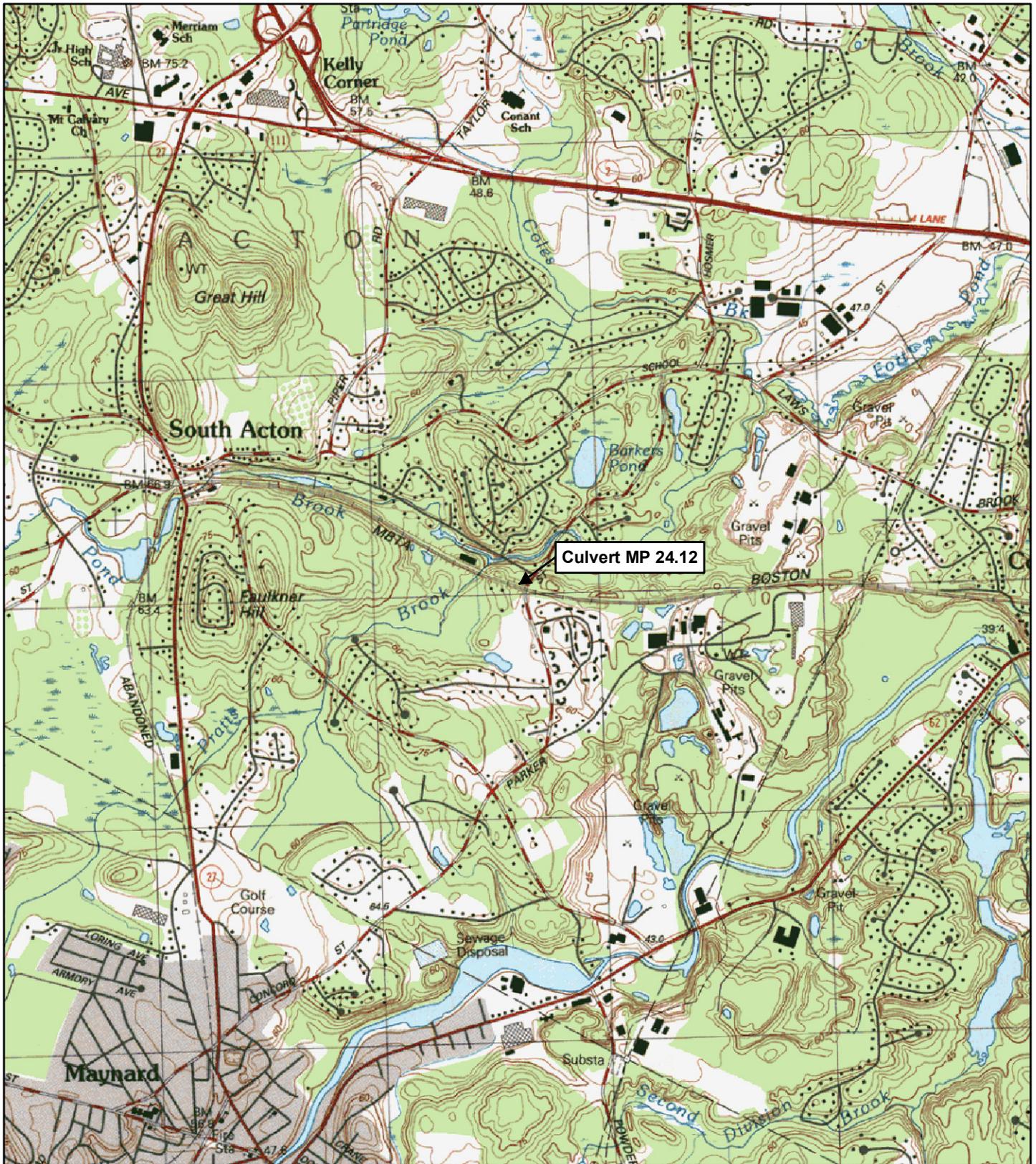
MBCR is committed to avoiding and mitigating any potential wetland resource impacts through the implementation of standard erosion and sediment control best management practices (BMPs) which will be designed, installed, and maintained during land disturbing activities. This includes, but is not limited to, provisions to minimize areas of disturbance, installation of structural controls such as straw bales and silt fencing to prevent sedimentation, and stabilization measures to limit erosion. A description of the existing site conditions, the proposed construction activities, potential wetland resource effects, and construction mitigation measures are described as follows.

1.1 Site Description

As shown in Figure 1, the work location is a culvert under an active railroad right-of-way (ROW) at railroad MP 24.12 within the Town of Acton, near Parker Street. An unnamed intermittent tributary to Pratts Brook, not mapped on USGS topographic mapping, flows through the culvert from south to north under the railroad tracks. Upstream of the culverted crossing, the stream channel is associated with small wetland fringe through shrubby, forested uplands. Downstream, the wetland broadens and opens up to a forested wetland. Wetland resource areas near the site are described in Section 3.0 below.

Figure 2 presents the Natural Heritage and Endangered Species (NHESP) Map of the Project area. As shown, no priority or estimated habitats of rare species, including certified vernal pools, have been identified in or near the work area.

According to the most recent FEMA flood-rate map shown in Figure 3, the site does not occur within the 100-year floodplain, therefore, the resource Bordering Land Subject to Flooding (BLSF) is not evaluated in this application.



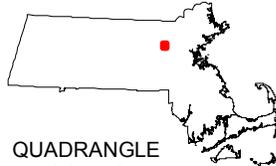
Culvert MP 24.12

Maynard 7.5-Minute USGS
topographic quadrangle

0 1,000 2,000
Feet



MASSACHUSETTS



Wannalancit Mills
650 Suffolk Street
Lowell, MA 01854
978-970-5600

SITE LOCUS MAP
MBCR - MILEPOST 24.12
ACTON, MASSACHUSETTS

FIGURE 1

AUGUST 2013

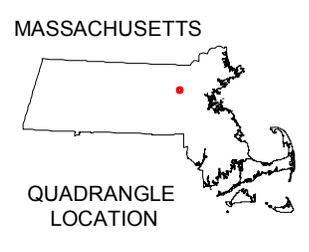


Culvert MP 24.12

-  NHESP Certified Vernal Pools
-  NHESP Estimated Habitats of Rare Wildlife
-  NHESP Priority Habitats of Rare Species
-  Town Boundaries

Orthophotography: MassGIS, 2009

0 500 1,000 Feet





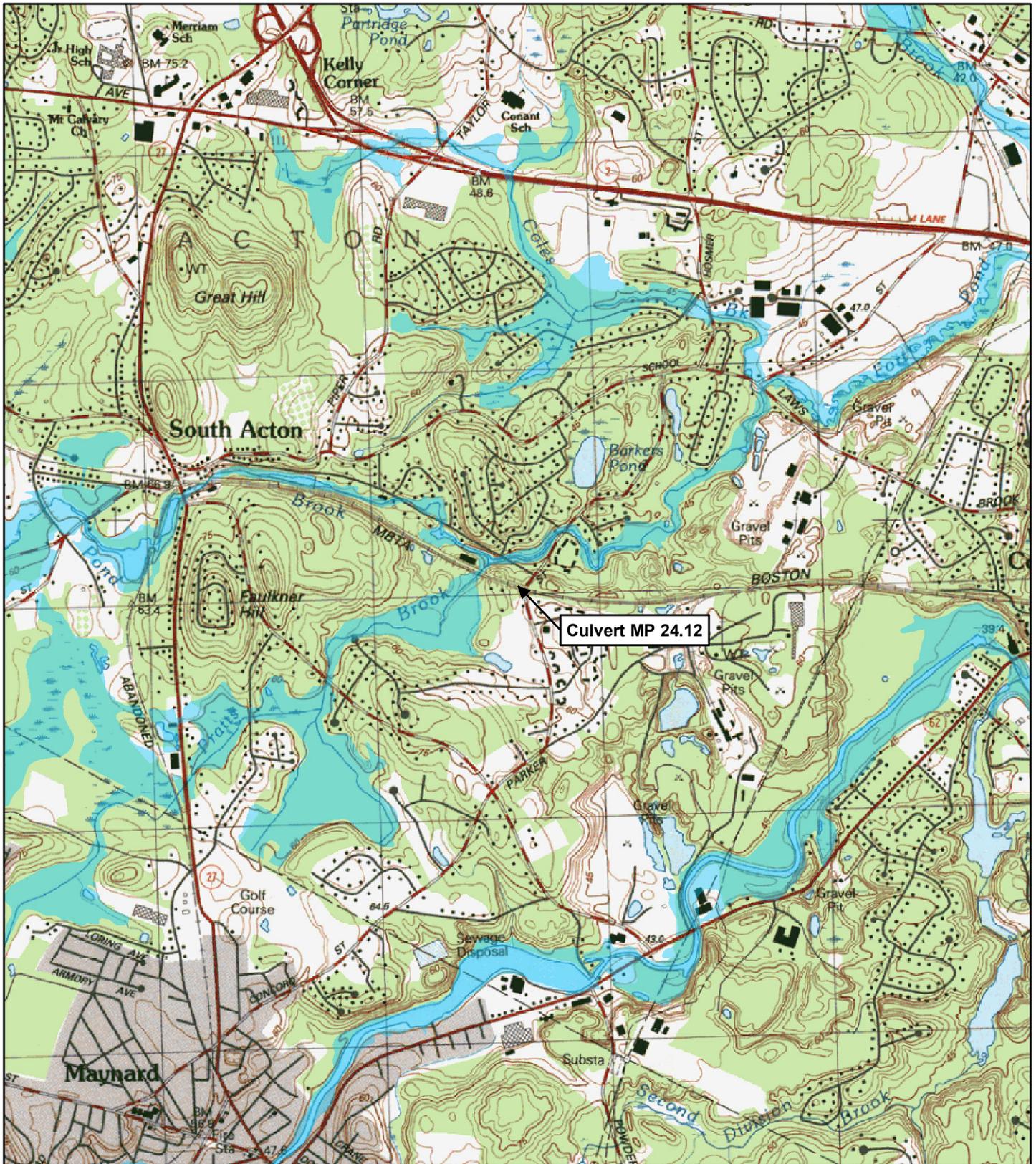
Wannalancit Mills
650 Suffolk Street
Lowell, MA 01854
978-970-5600

**NATURAL HERITAGE
RESOURCES MAP**

**MBCR - MILEPOST 24.12
ACTON, MASSACHUSETTS**

FIGURE 2

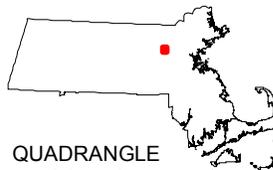
AUGUST 2013



 Special Flood Hazard Areas



MASSACHUSETTS



QUADRANGLE
LOCATION



Wannalancit Mills
650 Suffolk Street
Lowell, MA 01854
978-970-5600

FLOOD ZONE MAP
MBCR - MILEPOST 24.12
ACTON, MASSACHUSETTS

Maynard 7.5-Minute USGS
topographic quadrangle

0 1,000 2,000
 Feet

FIGURE 3

AUGUST 2013

1.2 Regulatory Compliance

This Notice of Intent (NOI) is being filed with the Acton Conservation Commission pursuant to the Massachusetts Wetlands Protection Act (MWPA) and its implementing regulations at 310 CMR 10.00. The proposed culvert replacement work is being submitted under the MWPA as a “limited project” pursuant to 310 CMR 10.53(3)(l), which states:

The construction, reconstruction, operation or maintenance of water dependent uses; provided, however that:

- 1. Any portion of such work which alters a bordering vegetated wetland shall remain subject to the provisions of 310 CMR 10.55,*
- 2. Such work in any other resource area(s) found to be significant to flood control or prevention of storm damage shall meet the performance standards for that interest(s), and*
- 3. Adverse impacts from such work in any other resource area(s) shall be minimized regarding the other statutory interests for which that resource area(s) is found to be significant.*

Water dependent uses are defined in Section 10.04 as: *“those uses and facilities which require direct access to, or location in, marine, tidal or inland waters and which therefore cannot be located away from said waters, including but not limited to: marinas, public recreational uses, navigational and commercial fishing and boating facilities, water-based recreational uses, navigation aids, basins, and channels, industrial uses dependent upon waterborne transportation or requiring large volumes of cooling or process water which cannot reasonably be located or operated at an upland site, crossings over or under water bodies or waterways (but limited to railroad and public roadway bridges, tunnels, culverts, as well as railroad tracks and public roadways connecting thereto which are generally perpendicular to the water body or waterway), and any other uses and facilities as may further hereafter be defined as water-dependent in 310 CMR 9.00.”*

The proposed work qualifies as a Limited Project since it meets the definition of a “water-dependent use” as a crossing over a waterway associated with a railroad culvert. As such, the work must meet the three criteria presented above. In addition to being a necessary part of railroad maintenance, replacement of culverts will increase discharge capacity, provide continuity for bedload and suspended load transport, eliminate erosion of railroad embankment fill, prevent diversion of stream flow onto adjacent areas, and reduce the risk of plugging from large woody debris or sediment slugs. In addition, replacement of old culverts typically improves habitat function for aquatic and riparian species by improving aquatic and amphibian species migration.

MBCR has, to the extent feasible, avoided wetland resource alterations. Where impacts are unavoidable, the appropriate mitigation measures have been provided to foster the values and interests protected by the MWPA. MBCR will use BMPs to address adverse effects attributable

to construction and will restore surface contours and wetland hydrology at the conclusion of Project construction.

1.2.1 Alternatives Analysis

The objective of the Project is to repair the railroad infrastructure in order to maintain the safe and reliable operation of the commuter rail service. This Project will allow for the replacement of an existing substandard culvert that has deteriorated. Since the railroad is an existing facility with a fixed location, MBCR has determined there are no practicable alternatives to this Project that will accomplish the maintenance objectives.

Under a no build alternative, MBCR would not be able to conduct the maintenance work and the Project objectives would not be met.

2.0 PROPOSED CONSTRUCTION PROCEDURES

The proposed work will entail the installation of approximately 72 feet of 36-inch diameter reinforced concrete pipe that will replace the existing substandard culvert using the open cut technique. This new pipe will be installed in the same place of the existing culvert once the site has been prepared for construction, excavated, and the proper bed in which the pipe will lay is provided. The replacement culvert and associated work areas have been designed to minimize disturbance of wetland resource areas. The culvert replacement work is expected to take less than 36 hours with the track taken out of service in order to complete the work.

The existing culvert will be replaced using the open cut technique. Construction will begin with excavation of the site for removal of the existing culvert, which is an approximately 24-inch round concrete pipe. Following removal of the old culvert, the bed will be stabilized and the site prepared for the replacement culvert. The new, 36-inch diameter round reinforced concrete pipe culvert will be embedded by approximately six (6) inches in order to simulate natural stream substrate and conditions. Rip rap will be placed on the slopes surrounding the culvert inlet and outlet to fortify the embankments. New concrete headwalls and wingwalls will be installed at each end of the culvert. A stone apron will also be installed in the immediate vicinity of the culvert inlet/outlet to stabilize the streambed and facilitate flow. The trench will then be backfilled and compacted, and restored to the original condition to provide a stable surface for the railroad track. Railroad ties will be reinstalled above the culvert. Dewatering may be necessary in order to provide dry working conditions. The temporary stockpile areas are shown on the Project Plan provided in Attachment B and will be contained within the upland area adjacent to the culvert. The majority of the work will occur on and within the existing railroad bed and embankment.

Equipment access to the construction area will be through the upland areas along the existing railroad tracks. Materials and equipment will be brought down the slope to the construction workspace as needed which will require minor vegetation clearing.

Work in wetland resource areas and the 100-foot buffer zone is described below and is shown on the Project Plan provided in Attachment B. This work is proposed under the Limited Project provisions of the MWPA and complies with all applicable performance standards as demonstrated in the Regulatory Compliance section of this narrative.

2.1 Work in Wetland Resource Areas

As shown on the Project Plan provided in Attachment B, portions of the proposed work will extend into the wetland resource areas. Temporary impacts include vegetation clearing on the railroad embankment, equipment staging, dewatering (if necessary), and minor surface grading. In order to minimize these impacts, the contractor will maintain a limit of work through erosion control barriers when working outside resource areas, and with silt curtains (if needed) when working within the limits of the wetland resources. Some temporary impacts to inland resource areas will be replaced in situ. Minor permanent impacts associated with the installation of the headwall and wingwalls will also occur. These structures are necessary to ensure proper hydrologic function is restored to the wetland system.

3.0 AFFECTED RESOURCE AREAS AND IMPACTS

3.1 Wetland Delineation Procedures and Classifications

The identification of wetlands involved a two-phased approach consisting of a review of existing MassGIS Datalayers (based on Massachusetts Wetlands Conservancy Mapping data) and Natural Resource Conservation Service Soil Surveys, followed by an on-site determination of the wetland boundaries in accordance with the USACE 1987 Wetland Delineation Manual and the MWPA (M.G.L. Chapter 131, Section 40), its associated Regulations (310 CMR 10.00), and MassDEP Policy 95-1. Once the boundaries were identified, sequentially numbered flags were placed along the wetland boundaries. The locations of the wetland flags were then field surveyed and the location data was transferred to the Project Plan provided in Attachment B. Wetland data forms for each wetland identified are provided in Attachment C. Photographs of the Project area and wetland resources are provided in Attachment D.

3.2 Wetland Description

One connected bordering vegetated wetland, W1, was identified on both sides of the culvert at MP 24.12. This wetland is primarily forested where it is present on both sides of the railroad tracks. The portion of the wetland located upstream (south of the railroad bed), consists of small forested fringe along the unnamed intermittent stream. On this side, the stream does not have well-defined channel with gradual banks and substrate composed largely of silt. The portion of the forested wetland located downstream (north of the railroad bed) broadens and extends farther north. On this side, the stream channel is well-defined with distinct banks and predominantly gravel and cobble substrate. The depth throughout the channel is approximately 1 to 3 inches, with a bank-to-bank width of approximately 3 feet.

Wetland vegetation observed within the wetland area at the culvert at MP 24.12 includes red maple (*Acer rubrum*), American elm (*Ulmus americana*), silky dogwood (*Cornus amomum*), and arrowwood (*Viburnum dentatum*). The herbaceous portion of the wetland consists of skunk cabbage (*Symplocarpus foetidus*) and dewberry (*Rubus hispidus*). Hydrology observed within the wetland included saturated soils, water table at 12 inches below the surface, drainage patterns and buttressed tree trunks. The soil profile within the wetland was composed of 20+ inches of muck.

Under the MWPA, the delineated boundaries of W1 are regulated as Bordering Vegetated Wetland (BVW). A 100 foot buffer zone extends horizontally outward from the limits of the BVW. Land Under Water Bodies and Waterways (LUW) and Bank is present within and along the stream channel of the unnamed intermittent tributary to Pratts Brook.

3.3 Affected MWPA Resource Areas

310 CMR 10.02 (2)(B): BUFFER ZONE

Although it is not a resource area by definition, the Buffer Zone is that jurisdictional area which extends 100 feet from the edge of the wetland boundary. The area of Buffer Zone that falls within the limits of work are associated with the delineated wetland (W1) and can be characterized as the active railroad ROW maintained by MBCR, as well as upland shrub/forested area on and at the bottom of the slope adjacent to the active railroad.

Activities in buffer zone include equipment staging, stockpiling, dewatering (if necessary), and minor surface grading required for the head and wing wall installation associated with the new culvert. Buffer zone will also be traversed for access to the work area. Minimal vegetation clearing within the buffer zone may be required for the temporary work area and the side slopes above the culvert.

310 CMR 10.54: BANK

A Bank is the portion of the land surface which normally abuts and confines a waterbody and is located between a waterbody and a wetland, floodplain, or upland area. Bank may be partially or totally vegetated or consist of exposed soil, gravel or stone.

Culvert replacement at MP 24.12 will result in 27 linear feet of impact to Bank associated with the unnamed intermittent tributary at the inlet and outlet sides of the culvert. Of this amount, 12 linear feet of Bank will be permanently affected by the installation of the new culvert structure due to the increased length which is necessary to stabilize the railroad embankment by creating the necessary 2 to 1 slope. The remaining 15 linear feet will be restored to Bank.

310 CMR 10.55: BORDERING VEGETATED WETLANDS

BVWs are freshwater wetlands that border on creeks, rivers, streams, ponds, and lakes. BVWs encompass several different vegetation cover types including forested swamps, scrub/scrub wetlands, wet meadows, and marshes.

Total wetland impacts to BVW will amount to approximately 138 square feet of unavoidable impact. This area will be permanently affected by the installation of the new culvert and associated headwall and wingwall structures and placement of rip rap on the railroad embankment. These structures are necessary to ensure stabilization of the slopes and to restore proper hydrologic function of the wetland resources.

310 CMR 10.56: LAND UNDER WATERBODIES AND WATERWAYS

LUWs are land beneath any creek, river, stream, pond, or lake and may be composed of organic muck or peat, fine sediments, rocks, or bedrock.

Culvert replacement at MP 24.12 will result in 18 square feet of impact to LUW. This area will be affected on both sides of the new culvert by construction activities such as dewatering (if needed), dredging of the stream bottom adjacent to the culvert, and placement of a stone apron to protect the inlet and outlet. The rip rap is being added to stabilize the streambed and facilitate flow in the immediate vicinity of the culvert and is expected to maintain and support LUW functions including flood control, storm damage prevention, and fish and wildlife habitat. Once construction is completed, 12 square feet of LUW is expected to be fully restored. The remaining 6 square feet of LUW will be contained within the extended culvert but will still function as LUW.

4.0 RESTORATION, MINIMIZATION AND MITIGATION

MBCR has adopted a suite of environmental construction techniques in order to prevent and minimize potential adverse impacts to wetland resource areas during and following construction. Mitigation measures proposed for this project include a sediment and erosion control program and wetland restoration. MBCR intends to return the project area, to the extent possible, to its previous condition so that the landscape will remain similar to preconstruction conditions.

4.1 Soil Erosion and Sedimentation Control Guidelines

MBCR's erosion and sediment control program illustrates standard measures that will be used to minimize the risk of sediment pollution, and the implementation and maintenance of these measures. The program incorporates BMPs specified in guidelines outlined in the Department of Environmental Protection's 2003 manual entitled *Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas*. The purpose of the erosion and sediment control plan is to protect the soil surface, by limiting the extent of disturbance, controlling the amount and velocity of runoff, capturing all sediment on-site, and protecting the soil surface

from erosion through temporary and permanent stabilization measures. The following is a description of the structural and non-structural BMPs that will be followed during construction.

4.1.1 Structural Measures

Structural erosion and sediment control practices will be used during construction to prevent off site sedimentation and include erosion control barriers and temporary dewatering structures.

Erosion Control Barriers

Prior to ground disturbance, a barrier of staked strawbales and silt fencing will generally be used along the downgradient limits of the work area. As necessary, these structures will be used in erosion sensitive areas such as prolonged steep slopes or along streambanks to minimize erosion. Silt fencing will be installed on the contour, perpendicular to the flow of the water by entrenching into the substrate to prevent underflow.

Prior to ground disturbance, if necessary, a silt curtain will be installed as a barrier surrounding both ends of the culvert pipe. This barrier will be installed to prevent water from entering the work site during construction and also to prevent any sediment from leaving the work site and entering the wetland. Following completion of the work, the silt curtain will be removed in a manner that will minimize sediment release into the surrounding wetlands.

Erosion control barriers will be repaired immediately if there are any signs of damage, erosion, or sedimentation down slope of them. Accumulated sediment deposits will be removed after each significant storm event, or when deposits reach approximately one-half the height of the fabric.

DEWATERING PRACTICES

Dewatering may be required during construction to provide dry working conditions. Water will be pumped into a filter bag or settling basin constructed of staked hay bales overlain by non-woven geotextile filter fabric and crushed stone. Discharge water will be allowed to drain through the fabric onto relatively flat stabilized surfaces. All dewatering structures will be placed as far away from wetland resources as possible.

4.1.2 Non-Structural Measures

Erosion will be minimized by protecting the soil surface from rainfall impact and overland flow of runoff. The best method of protecting the soil surface is through vegetation. In the absence of vegetation, stabilization through rolled erosion control products or mulching will be provided. These measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased.

TEMPORARY STABILIZATION

Although unlikely, any areas of exposed soil or stockpiles that will remain inactive for more than 14 days may be covered with a layer of straw mulch applied at a rate of 90 pounds per 1,000 square feet, or enough to cover at least 90 percent of the ground surface. Mulch will be properly anchored with netting, a tacking coat (non tar), or other appropriate material. On steeper slopes (greater than 10 percent) or critical areas such as waterways, a bonded fiber matrix will be used according to the recommendations provided by the manufacturer.

TEMPORARY SEEDING

Temporary seeding is used to protect earthen sediment control practices and to stabilize denuded areas that will not be brought to final grade for several weeks or months. Due to the estimated duration of the work which is anticipated not to exceed one week, it is unlikely that temporary seeding will be required. If necessary, exposed soils will be temporarily seeded with a blend of rapid-germinating grasses such as annual ryegrass, oats, or millet. No invasive or nuisance plant species will be used.

PERMANENT SEEDING

Once final grading is completed, all exposed soils not covered with stone associated with the railroad ROW or other form of stabilization will be seeded immediately to establish perennial vegetative cover. The appropriate seed mix will be selected based on soil moisture conditions and will be applied at a rate suggested by the manufacturer. The mixes shall only include those species either native to Massachusetts or non-native species that are not perceived to be invasive, as per the Massachusetts Native Plant Advisory Committee.

4.2 Wetland Mitigation and Restoration Measures

MBCR will avoid wetland impacts to the maximum extent possible by minimizing the limits of work in wetland and riparian areas. In addition, an expedited construction schedule will require the contractor to continue the removal and installation process on a 24-hour basis until completed. Once the structures are installed, the wetland bottoms and drainage patterns will be restored to their original configurations and contours to the extent practicable. Proper grading will ensure a hydrologic connection between the new culvert and the existing channel.

4.3 Spill Prevention and Control Measures

MBCR has prepared a Spill Response Plan to address the handling of construction fuel and other materials. Spill reporting requirements will be conducted in accordance with all federal, state, and local regulations. The following material management practices will be used to reduce the risk of spills or other accidental exposure of materials and substances to storm water runoff during the construction period.

- ◆ Construction materials, fuels, etc. will not be stored within wetlands or within 50 feet of any stream or wetland system, except under limited, highly controlled circumstances.
- ◆ Equipment fueling will be conducted with extreme care, under continual surveillance and away from conveyance channels. Drip pans will be used and a supply of absorbent pads will be maintained on hand and utilized, as required.
- ◆ Construction equipment will not be washed in any wetland or watercourse.
- ◆ Products will be kept in their original containers with the original manufacturer's label, unless the containers are not re-sealable.
- ◆ Original labels and Material Safety Data Sheets will be retained for the period of time that the product is being utilized on-site in accordance with all applicable Occupational Safety and Health Administration (OSHA) regulations (29 CFR 1926.33).
- ◆ Manufacturer's recommendations for proper use and disposal will be followed.
- ◆ All on-site construction vehicles will be monitored for leaks and receive regular preventative maintenance to reduce the risk of leakage.
- ◆ In the unlikely event of a release, all spills will be promptly cleaned up, and depending upon the size, required reporting procedures will be followed.
- ◆ An Emergency Response Contractor will clean up non-incident releases.

4.4 Stormwater Management

This culvert replacement does not involve new development or discharges to wetlands, or the construction of new impervious surfaces. The replacement culvert will maintain hydrologic conditions in the area. Therefore, the Stormwater Management Standards identified in 310 CMR 10.05(6)(k)-(q) have limited applicability to this project as described below.

Standard 1 – No New Untreated Discharges: The project does not involve the construction of new discharges. The existing culvert will be replaced and the appropriate BMPs have been designed in accordance with Volume 2 of the Massachusetts Stormwater Handbook where applicable to prevent erosion and sedimentation.

Standard 2 – Peak Rate Attenuation: The culvert replacement work will not increase off-site discharge or the risk of off-site flooding, as the project will not alter rainfall runoff characteristics of the project area.

Standard 3 – Recharge: This standard does not apply to the proposed project. The project does not involve the construction of new impervious surfaces therefore infiltration BMPs would not be applicable.

Standard 4 – Water Quality: The applicant will take all necessary precautions to prevent water quality impacts during construction as described in the application.

Standard 5 – Land Uses With Higher Potential Pollutant Loads (LUHPPLs): This standard does not apply to the proposed project.

Standard 6 – Critical Areas: This standard does not apply to the proposed project.

Standard 7 – Redevelopment and Other Projects Subject to the Standards only to the maximum extent practicable: As a limited project, the stormwater management standards only apply to the maximum extent practicable.

Standard 8 – Construction Period Pollution Prevention and Erosion and Sedimentation Controls: Construction BMPs will be implemented as identified in this document.

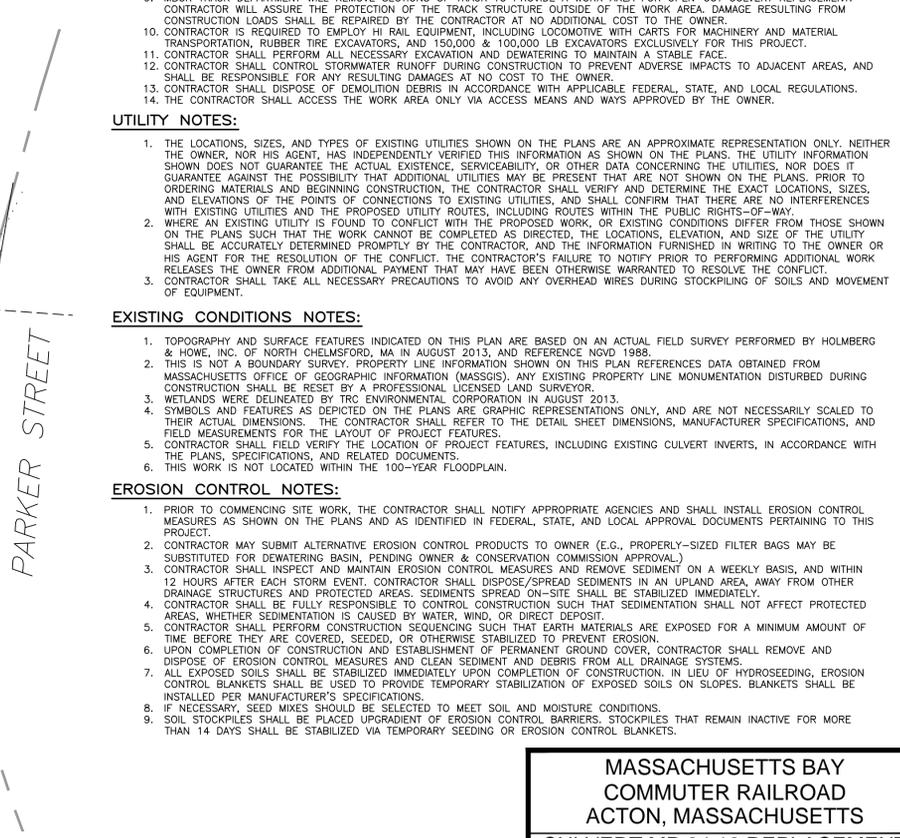
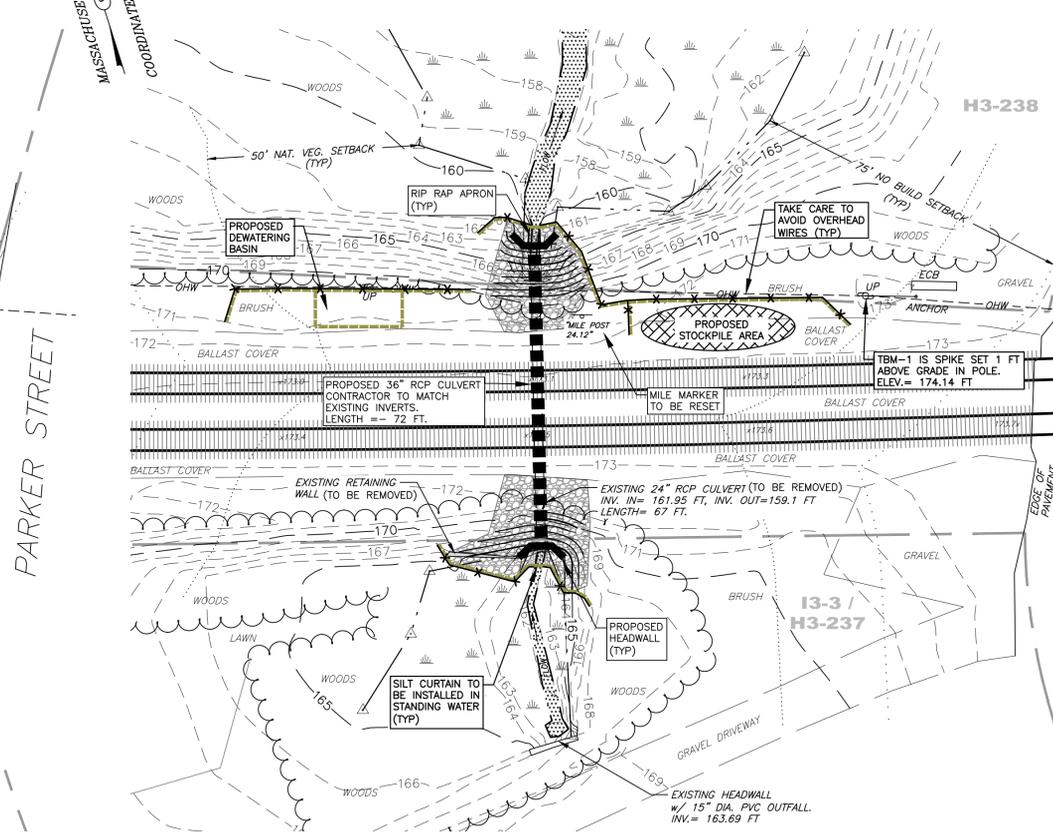
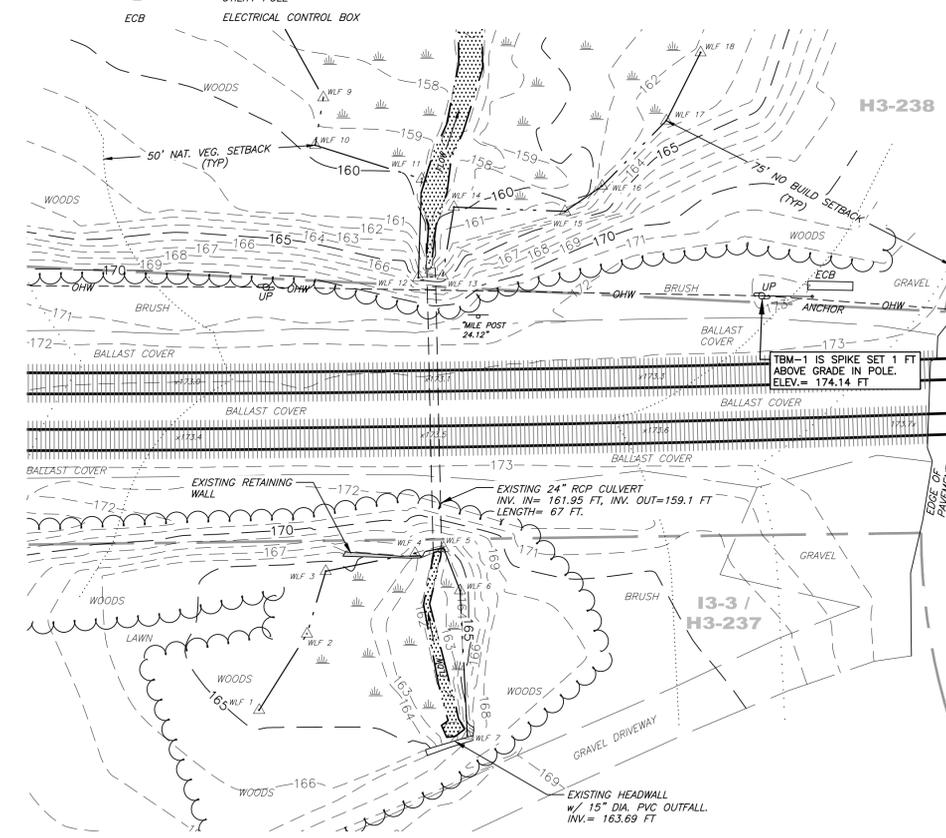
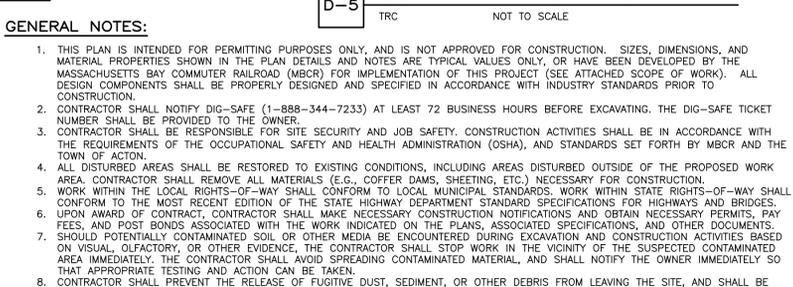
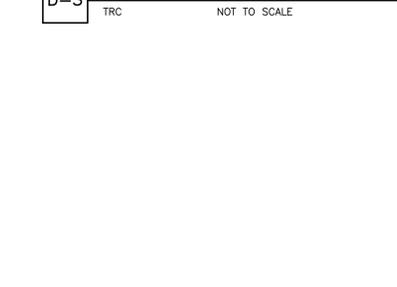
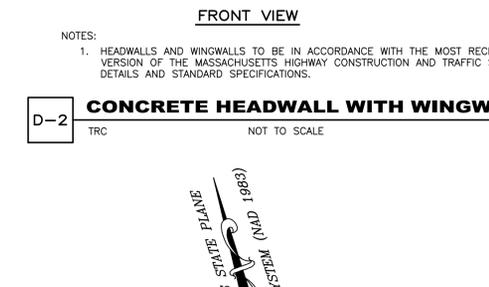
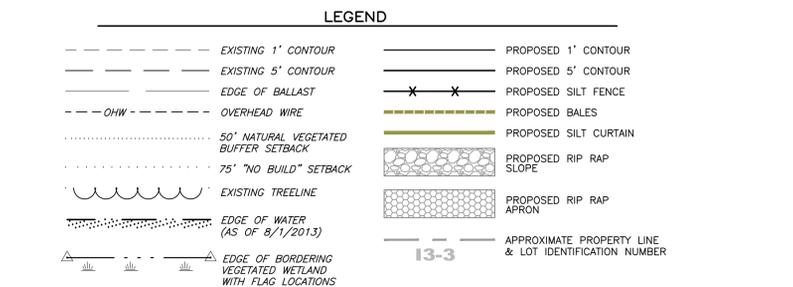
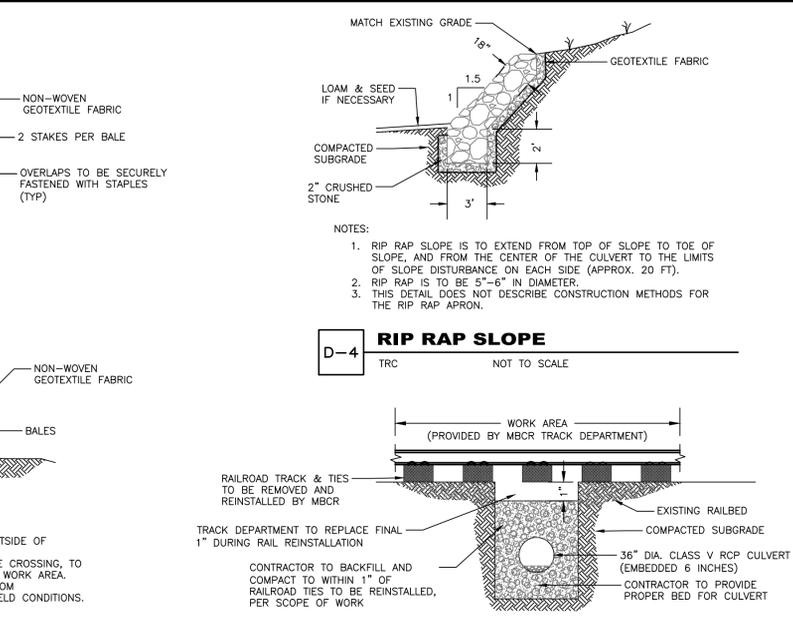
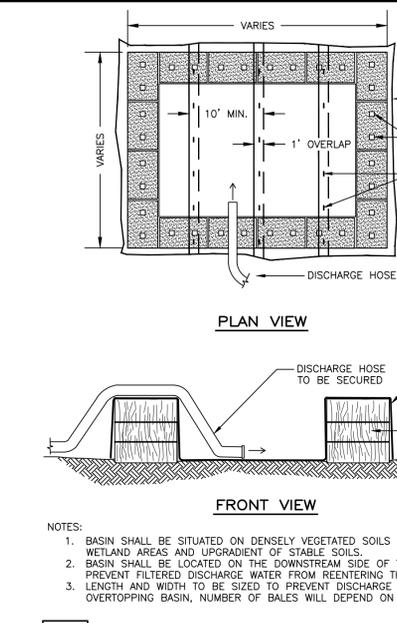
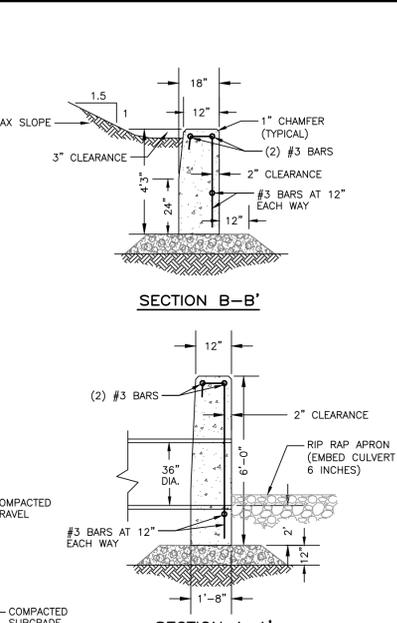
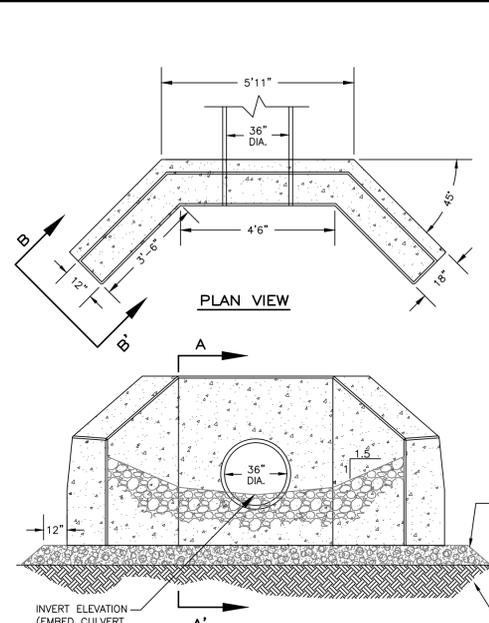
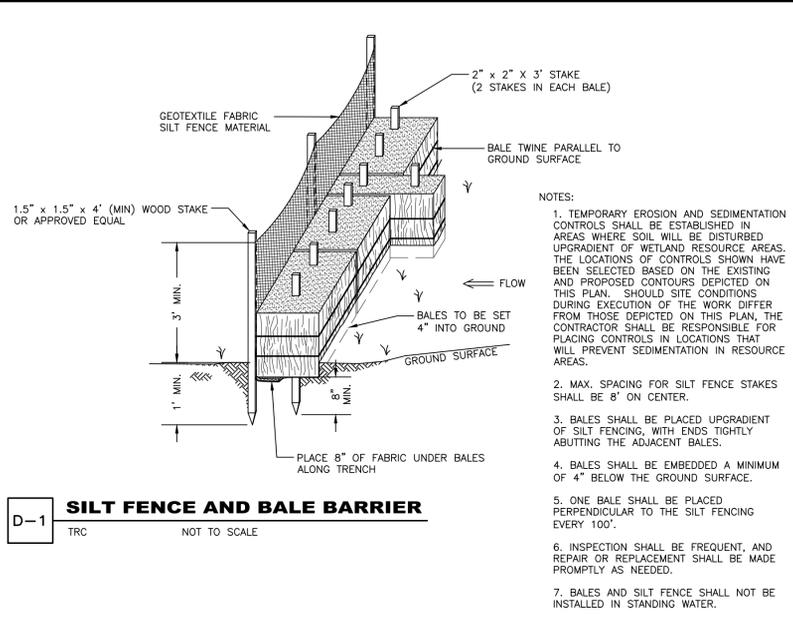
Standard 9 – Operation and Maintenance Plan: This standard does not apply to the proposed project. The project does not involve the implementation or construction of permanent Stormwater Management controls. As part of MBCR’s ongoing maintenance program, all culverts are inspected to ensure proper function.

Standard 10 – Prohibition of Illicit Discharges: This standard does not apply to the proposed project.



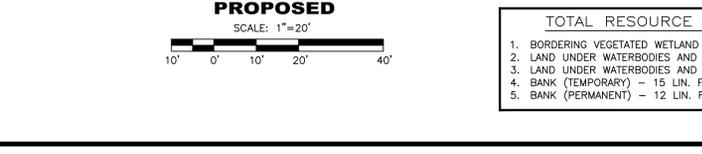
ATTACHMENT B

Project Plan



REV.	DATE	DESCRIPTION	MBCR C/O	DMP DRN	DGT CHK
8/30/13		INITIAL SUBMISSION			

— PERMITTING ISSUE —
NOT FOR CONSTRUCTION



MASSACHUSETTS BAY COMMUTER RAILROAD ACTON, MASSACHUSETTS CULVERT MP 24.12 REPLACEMENT PERMIT APPLICATION

TRC Wonalancott Mills
650 Suffolk Street
Lowell, MA 01854
(978) 970-5600

DRAWN BY: DMP DATE: 8/30/2013
CHECKED BY: DGT

FIGURE 1

OPEN CUT CULVERT REPLACEMENT MP 24.12

LOCATION: Acton, MA

SCOPE OF WORK

Contractor will supply excavators and operators along with any other equipment needed plus laborers to remove old culvert to facilitate the installation of a 36" round concrete culvert, Class V. Contractor shall:

- **Excavate site, prep site for construction**
- **MBCR's Track Dept. will remove as much track needed for excavation**
- **Provide proper bed for pipe to be set on**
- **Provide and Install round concrete RCP Class V pipe size 36" round, length approximately 72' with 45 degree wing walls to be Mass D.P.W. Standard (each side) and head walls to fit**
- **Inverts and outlet to match existing grades**
- **RCP Class V pipe to be embedded 6" into grade with pipe lined with rock or stone as stated on Order of Conditions for the site**
- **Contractor to meet with MBCR and Conservation Department for site meetings before project initiation**
- **Contractor to meet all requirements per order of Conditions issued by Town Conservation Department, DEP and Army Core of Engineers**
- **All access roads to be approved by MBCR and governed by Order of Conditions.**
- **Equipment required for project to include: Hi Rail Equipment -Viacar with Boom, Locomotive with carts for machinery and material transportation, Rubber tire excavators, 150,000 and 100,000 lb excavators to ensure project completion. This equipment is to be utilized on this project exclusively**
- **Contractor's will have extra equipment on site to avoid project or mechanical delays**
- **Project Personnel to include: Full time mechanic, Qualified Operations Manager and Foremen for proper supervision to ensure project completion during track outage time line**
- **5"-6" Rip rap in an approximate 20' radius from inlet and outlet**
- **Rip rap side to provide appropriate slope**
- **Backfill and compact every 12" to meet existing subgrade to within 1" of bottom of crossties, provided by contractor**
- **Contractor to ensure 2-1 Slope Stabilization, hydroseed upon requested by MBCR within 5-7 days upon completion**
- **Water remediate as needed**
- **Restore site back to original condition – including purchasing trees or bushes removed for construction purposes near residential/commercial properties.**
- **Excess material to be spread out by the contractor around the local area or moved to another railroad site, decided upon by MBCR**
- **Granite stone to be stored in a designated area selected by MBCR**
- **Contractor will be responsible for contacting Dig safe in timely manner before project initiation**
- **Erosion control per attached Standard Erosion Control Instructions**
- **Hours of work: Friday at Midnight to Sunday 9 am- as directed by MBCR**
- **Contractor to provide engineer stamped "As Built" upon project completion within 60 days**
- **Penalty Clause: If culvert is not completed by 9 am Sunday Morning, MBCR will implement a fine of \$600 per hour to the contractor.**
- **Bids close: TBD**
- **If Field directions differ from scope, all changes to be put in writing**



ATTACHMENT C

Delineation Forms

MassDEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant: **MBCR**

Prepared by: **S. Hard/J. Walker**

Project location: **Acton MP 24.12**

DEP File #: _____

Check all that apply:

- Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
- Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II
- Method other than dominance test used (attach additional information)

Section I.

Vegetation	Observation Plot Number: W1		Transect Number: Upland	Date of Delineation: 07/30/2013
A. Sample Layer & Plant Species (by common/scientific name)	B. Percent Cover (or basal Area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
<u>Tree</u>				
Red oak/ <i>Quercus rubra</i>	25%	33.3%	Yes	FACU
Red maple/ <i>Acer rubrum</i>	15%	20.0%	Yes	FAC*
Sweet birch/ <i>Betula lenta</i>	15%	20.0%	Yes	FACU
Eastern white pine/ <i>Pinus strobus</i>	10%	13.35%	No	FACU
Black cherry/ <i>Prunus serotina</i>	10%	13.35%	No	FACU
<u>Shrub/Sapling</u>				
Norway maple/ <i>Acer platanoides</i>	10%	100.0%	Yes	UPL
<u>Vine</u>				
Common periwinkle/ <i>Vinca minor</i>	20%	50.0%	Yes	N/L

* Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

Vegetation conclusion:

Number of dominant wetland indicator plants: **1**

Number of dominant non-wetland indicator plants: **4**

Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? yes **NO**

If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? YES no
 Title/date: **Data layer from NRCS/2005 to 2010**
 Map number:
 Soil type mapped: **Hinckley loamy sand, 15 to 25 percent slopes**
 Hydric soil inclusions:

Are field observations consistent with soil survey? YES no

Remarks: N/A

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color	Texture
A	0-4"	10YR 3/1	N/A	loamy sand
B	4-6"	10YR 5/4	N/A	loamy sand

Remarks:
Refusal at 6-inches, likely due to fill associated with the railroad.

3. Other:

Conclusion: Is soil hydric? yes NO

Other Indicators of Hydrology: (check all that apply & describe)

- Site Inundated: _____
- Depth to free water in observation hole: _____
- Depth to soil saturation in observation hole: _____
- Water marks: _____
- Drift lines: _____
- Sediment Deposits: _____
- Drainage patterns in BVW: _____
- Oxidized rhizospheres: _____
- Water-stained leaves: _____
- Recorded Data (streams, lake, or tidal gauge; aerial photo; other):

- Other: _____

Vegetation and Hydrology Conclusion		
	Yes	No
Number of wetland indicator plants ≥ # of non-wetland indicator plants	___	<u>X</u>
Wetland hydrology present:		
Hydric soil present	___	<u>X</u>
Other indicators of hydrology present	___	<u>X</u>
Sample location is in a BVW	___	<u>X</u>

Submit this form with the Request for Determination of Applicability or Notice of Intent.

MassDEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant: **MBCR**

Prepared by: **S. Hard/J. Walker**

Project location: **Acton MP 24.12**

DEP File #: _____

Check all that apply:

- Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
- Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II
- Method other than dominance test used (attach additional information)

Section I.

Vegetation	Observation Plot Number: W1		Transect Number: Wetland	Date of Delineation: 07/30/2013
A. Sample Layer & Plant Species (by common/scientific name)	B. Percent Cover (or basal Area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
Tree				
Red maple/ <i>Acer rubrum</i>	30%	40.0%	Yes	FAC*
American elm/ <i>Ulmus americana</i>	25%	33.3%	Yes	FACW*
Sweet birch/ <i>Betula lenta</i>	20%	26.7%	Yes	FACU
Shrub/Sapling				
Silky dogwood/ <i>Cornus amomum</i>	5%	33.3%	Yes	FACW*
Eastern white pine/ <i>Pinus strobus</i>	5%	33.3%	Yes	FACU
Arrowwood/ <i>Viburnum dentatum</i>	5%	33.3%	Yes	FAC*
Herb				
Skunk cabbage/ <i>Symplocarpus foetidus</i>	45%	69.2%	Yes	OBL*
Dewberry/ <i>Rubus hispidus</i>	10%	15.4%	No	FACW*
Canada mayflower/ <i>Maianthemum canadense</i>	10%	15.4%	No	FACU

* Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

Vegetation conclusion:

Number of dominant wetland indicator plants: 5

Number of dominant non-wetland indicator plants: 2

Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? **YES** no

If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? **YES** no
 Title/date: **Data layer from NRCS/2005 to 2010**
 Map number:
 Soil type mapped: **Scarboro mucky fine sandy loam, 0 to 3 percent slopes**
 Hydric soil inclusions:

Are field observations consistent with soil survey? **YES** no

Remarks: **N/A**

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color	Texture
A	0-20"	10YR 2/1	N/A	muck

Remarks:

Soil meets the USACE hydric soil indicator of a Histosol.

3. Other: W1 is associated with the riparian area of an unnamed intermittent tributary to Pratts Brook. At this location, the tributary flows south to north through the culvert and is approximately 2 to 3-foot wide, 1 to 3-inches deep, contains mucky to gravelly substrate.

Conclusion: Is soil hydric? **YES** no

Other Indicators of Hydrology: (check all that apply & describe)

- Site Inundated: _____
- Depth to free water in observation hole: **12"**
- Depth to soil saturation in observation hole: **0"**
- Water marks: _____
- Drift lines: _____
- Sediment Deposits: _____
- Drainage patterns in BVW: _____
- Oxidized rhizospheres: _____
- Water-stained leaves: _____
- Recorded Data (streams, lake, or tidal gauge; aerial photo; other): _____
- Other: **Buttressed tree trunks**

Vegetation and Hydrology Conclusion	Yes	No
Number of wetland indicator plants ≥ # of non-wetland indicator plants	X	_____
Wetland hydrology present:		
Hydric soil present	X	_____
Other indicators of hydrology present	X	_____
Sample location is in a BVW	X	_____

Submit this form with the Request for Determination of Applicability or Notice of Intent.



ATTACHMENT D

Photographs

Massachusetts Bay Commuter Rail
Proposed Culvert Replacement Project
Mile Post 24.12, Acton, MA

Representative Site Photographs



Photo 1: Upstream - view north of the existing culvert under the railroad embankment.
(August 8, 2013)



Photo 2: Upstream - view south of the unnamed intermittent stream and associated wetland fringe.
(July 30, 2013)



Photo 3: Downstream - view north of the buried culvert under the railroad embankment.
(August 8, 2013)



Photo 4: Downstream - view north of the unnamed intermittent stream and associated forested wetland.
(August 8, 2013)



Photo 5: View east from the railroad tracks and ballast above the culvert.
(August 8, 2013)



Photo 6: View west from the railroad tracks and ballast above the culvert.
(July 30, 2013)