

Notice of Intent

Under The Wetlands Protection Act &
The Town of Foxborough Wetlands Bylaw

Forge Estates of Foxborough 204 East Street Foxborough, Massachusetts

PREPARED FOR:

Deer Hill Development, LLC
P.O. Box 250
Raynham Center, MA 02767

SUBMITTED TO:

Town of Foxborough
Conservation Commission
40 South Street
Foxborough, MA 02035

PREPARED BY:

Lucas Environmental, LLC
67 Coddington Street, Suite 204
Quincy, MA 02169

Report Date: Revised April 6, 2015

April 6, 2014

Town of Foxborough
Conservation Commission
40 South Street
Foxborough, MA 02035

Re: **Revised Notice of Intent**
Forge Estates of Foxborough
204 East Street
Foxborough, Massachusetts

Dear Conservation Commission Members,

On behalf of the Applicant, Deer Hill Development, LLC, Lucas Environmental, LLC is pleased to submit this Revised Notice of Intent (NOI) to the Foxborough Conservation Commission pursuant to the Massachusetts Wetlands Protection Act (WPA) M.G.L. Ch. 131, Section 40 and its regulations (310 CMR 10.00 et seq.), and the Town of Foxborough Wetlands and Groundwater Protection Bylaw (Article IX). This Revised NOI has been prepared at the request of the Conservation Agent to update the original information submitted on November 6, 2014 with the information provided in the supplemental materials provided on February 13, 2015 and March 30, 2015. The Applicant proposes to construct a 12-lot open space residential subdivision at 204 East Street.

Enclosed please find one revised copy of the NOI submittal. This submittal includes the WPA Form 3 with checklist; project narrative; abutter notification information; filing fees; alternatives analysis; and Wildlife Habitat Evaluation. The Commission is in receipt of the most recent plans dated October 30, 2014 and revised through March 27, 2015. A revised Stormwater Management Report can be prepared upon completion of the BCS review if requested by the Commission. Please note that there are two versions of WPA Form 3 enclosed as noted in the original NOI.

Based upon revisions to the project design, the filings fees for the project have been reduced as noted in this report. The Applicant respectfully requests a refund of the difference in filing fees based upon the project revisions. The total refund = \$2,250.00 [\$750.00 (state share of WPA fee) + 1,500.00 (local fee)] as detailed in the revised NOI.

If you have any questions, please do not hesitate to contact me at 617.405.4140. Thank you for your consideration in this matter.

Sincerely,
LUCAS ENVIRONMENTAL, LLC



Christopher M. Lucas, Principal & Manager, PWS
Environmental Consultant/Soil Scientist
Land Development & Permitting

cc: MassDEP – Southeast Regional Office
Deer Hill Development, LLC (electronic copy)
Coneco Engineers and Scientists, Inc. (electronic copy)

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SECTION I

Forms

NOTICE OF INTENT APPLICATION CHECKLIST

This checklist, which is also included in the Conservation Commission's NOI Procedures document, is designed to help the applicant and the Commission through the review process as quickly and efficiently as possible. Close adherence to this checklist and the document submission deadline is recommended.

The checklist and deadlines apply to all filings under the Bylaw (unless otherwise specifically stated).

INFORMATION TO BE INCLUDED ON SITE PLANS

All of the following information will be required, unless exempted in writing by the Commission.

Please include a copy of this checklist with your NOI application package, checking the box next to each item listed below, upon completion of the item.

ALL PLANS

- Title Box:** Include the date, name and address of project; owner and/or applicant name; preparer's name; scale (1 inch = 30 feet or less); north arrow; assessor's map/parcel number
- Stamp/Signature:** Plan to be prepared and stamped by a registered professional engineer (PE) or land surveyor, as appropriate. At least one original signed copy of each plan must be submitted
(Note: The professional who stamps the original plans must also stamp, sign and date revisions.)
- Locus Map:** Include on a corner of plan's first page, at least 3" x 3" in size
- Topography:** Contours at two-foot intervals or less; NAVD88 elevations (if available) or assumed datum; location of benchmark elevation
- Project Site:** Include lot size(s) and property boundaries.
- Abutting Properties:** Property owner names and property lines of abutting land parcels
- Watershed Areas:** For projects that alter the water runoff from the site, identify total watershed area in which site is located, all sub-watersheds on site, and on- and off-site discharge points
- Test Pits:** Location, date and soil summaries of all soil borings and test pits on site; location, date and readings of groundwater level measurements on site
- Stone walls** or other barriers located between the area of work and the area(s) subject to protection
- Easements:** Location and type of easements, both on site and within 50 feet of property line

Resource Areas and Buffer Zones:

- Wetland Resource Areas:** Boundaries of wetland resource areas on or within 100 feet of the proposed project area (200 feet for perennial streams and rivers), with flow directions, if applicable
- Wetland Flags:** Numbered flags/stakes; note date of flagging and name/firm of delineator/botanist
- Bank:** Delineate the banks of streams, rivers, ponds and/or lakes
- 25 Foot No Activity Zone** (Article IX)
- Bordering Land Subject to Flooding**, including 100-year storm elevation (FEMA floodplain or highest observed or recorded elevation)
- Isolated Land Subject to Flooding**, including highest observed or recorded water level – **N/A**
- Vernal Pools**, (all) including highest observed or recorded water level
- Certified Vernal Pools:** Boundary of 100 foot No Activity Zone (Article IX)
- High Water Level** for all water bodies, from best available data (data source must be cited)
- Riverfront Area:** Boundaries of 100 Foot Inner Riparian Area and 200 Foot Outer Riparian Area
- Mean Annual High Water Line** (MAHWL) of any river
- 100 Foot Buffer Zone** (100-foot radius from all wetland resources areas)

EXISTING CONDITIONS PLANS

- Existing Topography: Contours at two-foot intervals or less
- Above-Ground: All on-site above-ground structures, roadways, access ways, stone walls, fences
- Below-Ground: All on-site below-ground structures, including but not limited to utility lines, drainage structures, septic systems, cesspools, wells, storage tanks

PROPOSED CONDITIONS PLANS

- Proposed Topography: Contours at two-foot intervals or less; NAVD88 elevations or assumed datum
- Limit of Work: delineate all areas where vegetation or soil will be altered
- Erosion Controls: locations and type of temporary erosion controls, including installation details
- Stockpiles: locations of stockpiles
- Fill: Note the amount of fill required to be added or removed (in cubic yards and maximum thickness); pre- and post- development grades on all slopes
- Construction Equipment access routes and storage/parking areas during proposed work
- Construction Details, including cross-sections and elevations of drainage structures (including but not limited to catch basins, leaching basins, dry wells, swales, retention areas, ditches, etc.) and road crossings in wetland resource areas
- Above-Ground Alterations: All on-site structures, roadways, access ways, stone walls, fences, and all other physical alterations proposed in the buffer zone; location and elevation of lowest floor of all structures; identify roadway or surface material proposed
- Below-ground Alterations: All on-site below-ground alterations and structures in the buffer zone, including but not limited to utility lines, drainage structures, septic systems, cesspools, wells, tanks
- Drainage Patterns: Existing natural drainage patterns and proposed alterations
- Distance of proposed on-site leaching facility to wetlands or other resource areas
- Distance of proposed alteration to wetlands or other resource areas
- Wells: Location of all existing and proposed wells on property and within 200 feet of project on abutting properties, and minimum distance to all septic systems

INFORMATION TO BE INCLUDED IN NOTICE OF INTENT NARRATIVE

EXISTING CONDITIONS

- Description of topography, soils, and geology
- Description of vegetation types (upland or wetlands community types and plant species)
- USGS quadrangle map (most recent version), with site location circled (locus map)
- FEMA Floodplain Map (Federal Emergency Management Agency), with site location circled

PROPOSED CONDITIONS

- Description of activities, construction sequencing and estimated timetable, including future phases
- Description of indirect and direct impacts, both temporary and permanent, on wetland resource areas
- Calculations of lot's impervious areas, comparing pre-construction to post construction conditions
- Volume of fill required, if applicable, and source of fill
- Description of soil erosion and sediment control plan, including monitoring and measures to be taken to prevent negative impacts to resource areas
- Detailed mitigation plan for activities in the buffer zone to prevent long term, indirect impacts to adjacent resource areas. **This issue has been addressed through the 3rd party review by BSC.**
- Description of storm water management plan, including existing and proposed drainage areas
- Description of wastewater management plan, if applicable
- Description of wetlands restoration plan, if proposed, including area to be restored with existing and proposed topography contours (at one-foot intervals), description of soils, stockpile areas, plantings (including Latin names of plants/seeds and source of materials [both plants and soils]), invasive species eradication and monitoring plan and a timetable of proposed work.

SITE VISIT REQUIREMENTS FOR REVIEW OF NOTICE OF INTENT

The following markings and flagging must be in place before the field inspection, where applicable.

Failure to properly stake and mark the site may result in non-review, resulting in a delay or denial of the project. **The Site Walk was conducted on December 6, 2014.**

- Edges of wetlands must be flagged with numbered flags, as reflected on submitted plans
- House number must be visible, if work is proposed at an existing house; if no house is on the property, the lot number must be posted and visible from the street.
- Property boundaries must be staked with numbered stakes at all corners
- All proposed structures or additions, including decks, must be staked for identification purposes at all corners; stakes must be numbered and labeled
- Locations of septic tank, leaching field and wells (if in the buffer zone) must be staked and labeled

DOCUMENT SUBMISSION DEADLINES

NOI Application:

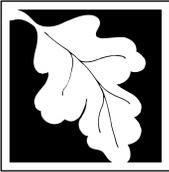
All documentation (including plans, maps, tables, charts, reports, etc.) to be considered as part of an applicant's permit filing must be submitted to the Commission by the application deadline, as posted outside of the Conservation Office in Town Hall (Lower Level) and on the Commission's website:

http://www.foxboroughma.gov/Pages/FoxboroughMA_Conservation/meetingdates

Continued Hearing Submissions:

All document revisions, submitted for review during a continued hearing, *must be received at least four business days before the hearing date*. Four days is the minimum time needed to allow the Commission and Conservation Manager to properly review, analyze and check any new submissions.

Documents that are submitted for review within fewer than the minimum four business days may be excluded from consideration during the next scheduled hearing and may be held for discussion during a subsequently scheduled meeting.



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

Foxborough

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>204 East Street</u>	<u>Foxborough</u>	<u>02035</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>42.058438</u>	<u>-71.194468</u>	
d. Latitude	e. Longitude	
<u>98, 112, 112</u>	<u>3362, 3361, 6579</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Deer Hill Development, LLC</u>		
a. First Name	b. Last Name	
c. Organization		
<u>P.O. Box 250</u>		
d. Street Address		
<u>Raynham Center</u>	<u>MA</u>	<u>02768</u>
e. City/Town	f. State	g. Zip Code
<u>508.384.0080</u>	<u>N/A</u>	<u>drs@seiglaw.com</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>Scott</u>	<u>Barbato</u>	
a. First Name	b. Last Name	
<u>N/A</u>		
c. Organization		
<u>204 East Street</u>		
d. Street Address		
<u>Foxborough</u>	<u>MA</u>	<u>02035</u>
e. City/Town	f. State	g. Zip Code
<u>508.543.1509</u>	<u>N/A</u>	<u>barbatoscott@yahoo.com</u>
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>Christopher</u>	<u>Lucas</u>	
a. First Name	b. Last Name	
<u>Lucas Environmental, LLC</u>		
c. Company		
<u>67 Coddington Street, Suite 204</u>		
d. Street Address		
<u>Quincy</u>	<u>MA</u>	<u>02169</u>
e. City/Town	f. State	g. Zip Code
<u>617.405.4140</u>	<u>617.405.4465</u>	<u>cml@lucasenvironmental.net</u>
h. Phone Number	i. Fax Number	j. Email address

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

<u>\$3,675.00 (\$2,175 reduced fee)</u>	<u>\$1,825 (\$1,075 reduced fee)</u>	<u>\$1,850.00 (\$1,100 reduced fee)</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



WPA Form 3 – Notice of Intent

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

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A. General Information (continued)

6. General Project Description:

The project consists of a 12-lot residential subdivision, using an open space design concept. Additional details are provided in the attached Project Narrative.

7a. Project Type Checklist:

- | | |
|--|---|
| 1. <input type="checkbox"/> Single Family Home | 2. <input checked="" type="checkbox"/> Residential Subdivision |
| 3. <input checked="" 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 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)(e): the construction and maintenance of a new roadway or driveway...

2. Limited Project

8. Property recorded at the Registry of Deeds for:

Norfolk

a. County

22380, 21596, 22501

c. Book

N/A

b. Certificate # (if registered land)

520, 96, 440

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.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	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

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



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

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

Table with 3 columns: Resource Area, Size of Proposed Alteration, Proposed Replacement (if any). Rows include: d. Bordering Land Subject to Flooding, e. Isolated Land Subject to Flooding, f. Riverfront Area.

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
100 ft. - New agricultural projects only
200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: 138,150 square feet

4. Proposed alteration of the Riverfront Area:

15,184 a. total square feet, 5,179 b. square feet within 100 ft., 10,005 c. square feet between 100 ft. and 200 ft.

- 5. Has an alternatives analysis been done and is it attached to this NOI? [X] Yes [] No
6. Was the lot where the activity is proposed created prior to August 1, 1996? [X] Yes [X] No

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.

Table with 3 columns: Resource Area, Size of Proposed Alteration, Proposed Replacement (if any). Rows include: 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

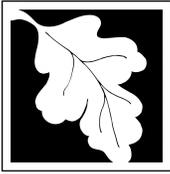
1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/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
1 Rabbit Hill Road
Westborough, MA 01581-3336**

October 1, 2008

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/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/mass-endangered-species-act-mesa/mesa-fee-schedule.html>). 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/eea/agencies/dfg/dfw/laws-regulations/cmr/321-cmr-1000-massachusetts-endangered-species-act.html#10.14>; 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/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/>). 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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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.

Canoe River Aquifer

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.

Forge Estates of Foxborough Open Space Residential Development

a. Plan Title

Coneco Engineers & Scientists, Inc.

b. Prepared By

March 27, 2105

d. Final Revision Date

Stormwater Management Report

f. Additional Plan or Document Title

David A. Harrington

c. Signed and Stamped by

Varies

e. Scale

October 30, 2014

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

Foxborough

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:

1321	October 22, 2014
2. Municipal Check Number	3. Check date
1320	October 22, 2014
4. State Check Number	5. Check date
Deer Hill Development, LLC	
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.

<u>Frank Campbell</u>	<u>11-4-14</u>
1. Signature of Applicant	2. Date
<u>Paul Barbato Jr</u>	<u>11/4/14</u>
3. Signature of Property Owner (if different)	4. Date
<u>Christopher M. Kincaid</u>	<u>11/05/14</u>
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.



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Foxborough Wetland & Groundwater Protection Bylaw, Article IX

Foxborough

City/Town

A. General Information

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.

1. Project Location:

<u>204 East Street</u>	<u>Foxborough</u>	<u>02035</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>98, 112, 112</u>	<u>42.058438</u>	<u>-71.194468</u>
f. Assessors Map/Plat Number	d. Latitude	e. Longitude
	<u>3362, 3361, 6579</u>	
	g. Parcel /Lot Number	

2. Applicant:

<u>Deer Hill Development, LLC</u>	<u>MA</u>	<u>02768</u>
c. Organization	f. State	g. Zip Code
<u>P.O. Box 250</u>		
d. Street Address		
<u>Raynham Center</u>	<u>MA</u>	<u>02768</u>
e. City/Town	f. State	g. Zip Code
<u>508.384.0080</u>	<u>N/A</u>	<u>drs@seiglaw.com</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>See Attached Owner Sheet</u>		
a. First Name	b. Last Name	
c. Organization		
d. Street Address		
<u></u>	<u></u>	<u></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>Christopher</u>	<u>Lucas</u>	
a. First Name	b. Last Name	
<u>Lucas Environmental, LLC</u>		
c. Company		
<u>67 Coddington Street, Suite 204</u>		
d. Street Address		
<u>Quincy</u>	<u>MA</u>	<u>02169</u>
e. City/Town	f. State	g. Zip Code
<u>617.405.4140</u>	<u>617.405.4465</u>	<u>cml@lucasenvironmental.net</u>
h. Phone Number	i. Fax Number	j. Email address

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

<u>\$3,675.00 (\$2,175.00)</u>	<u>\$1,825.00 (\$1,075.00)</u>	<u>\$1,850.00 (\$1,100.00)</u>	<u>\$5,250.00 (\$3,750.00)</u>
a. Total WPA Fees Paid	b. WPA Fee Paid to State	c. WPA Fee Paid to Town	d. Article IX Fee Paid

Original Fee Paid is shown, followed in parenthesis by current fee required based upon project revisions.



WPA Form 3 - Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Foxborough Wetland & Groundwater Protection Bylaw, Article IX

Foxborough
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A. General Information (continued)

6. General Project Description:

The project consists of a 12-lot residential subdivision, using an open space design concept.
Additional details are provided in the attached Project Narrative.

7a. Project Type Checklist:

- 1. [] Single Family Home
2. [x] Residential Subdivision
3. [x] Limited Project Driveway Crossing
4. [] Commercial/Industrial
5. [] Dock/Pier
6. [] Utilities
7. [] N/A - Coastal Engineering Structure
8. [] Agriculture (e.g., cranberries, forestry)
9. [] Transportation
10. [] Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project subject to 310 CMR 10.53?

- 1. [x] Yes [] No If yes, describe which limited project applies to this project:

310 CMR 10.53(3)(e): the construction and maintenance of a new roadway or driveway...

2. Limited Project

8. Property recorded at the Registry of Deeds for:

Table with 4 columns: a. County (Norfolk), b. Certificate # (if registered land) (N/A), c. Book (22380, 21596, 22501), d. Page Number (520, 96, 440)

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

- 1. [] Buffer Zone Only - Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland or Inland Bank.
2. [x] Inland Resource Areas (see 310 CMR 10.54-10.58).

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.

Table with 3 columns: Resource Area, Size of Proposed Alteration, Proposed Replacement (if any). Rows include Bank, Bordering Vegetated Wetland, Land Under Waterbodies and Waterways, and Bordering Land Subject to Flooding.



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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Foxborough Wetland & Groundwater Protection Bylaw, Article IX

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

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet _____	
	2. cubic feet of flood storage lost _____	3. cubic feet replaced _____
f. <input checked="" type="checkbox"/> Riverfront Area	Canoe River	
	1. Name of Waterway (if available) _____	
2. Width of Riverfront Area (check one):		
<input type="checkbox"/> 25 ft. - Designated Densely Developed Areas only		
<input type="checkbox"/> 100 ft. - New agricultural projects only		
<input checked="" type="checkbox"/> 200 ft. - All other projects		
3. Total area of Riverfront Area on the site of the proposed project:	138,150 square feet	
4. Proposed alteration of the Riverfront Area:		
15,184	5,179	10,005
a. total square feet	b. square feet within 100 ft.	c. square feet between 100 ft. and 200 ft.
5. Has an alternatives analysis been done and is it attached to this NOI? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
6. Was the lot where the activity is proposed created prior to August 1, 1996? <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
3. <input checked="" type="checkbox"/> Bylaw Resource Areas (Foxborough Article IX; no activity zones)		
a. <input type="checkbox"/> 100 Foot Vernal Pool Habitat	b. <input checked="" type="checkbox"/> 25 Foot No Activity Zone	
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 to be restored		
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://maps.massgis.state.ma.us/PRI_EST_HAB/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

October 1, 2008
b. Date of map

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).



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Foxborough Wetland & Groundwater Protection Bylaw, Article IX

C. Other Applicable Standards and Requirements

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

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 and buffer zone)

(b) Photographs representative of the site

(c) MESA filing fee (fee information available at <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/mass-endangered-species-act-mesa/mesa-fee-schedule.html>). 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/eea/agencies/dfg/dfw/laws-regulations/cmr/321-cmr-1000-massachusetts-endangered-species-act.html#10.14>; 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

3. Separate MESA review completed. Include copy of NHESP "no Take" determination or valid Conservation and Management Permit with approved plan.

2. For coastal projects only – N/A, project is in inland resource area only

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.

_____ Canoe River Aquifer

b. ACEC

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/>). 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
Foxborough Wetland & Groundwater Protection Bylaw, Article IX

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

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)?
 - 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
 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.

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.
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.

Forge Estates of Foxborough Open Space Residential Development	
a. Plan Title	David A. Harrington
b. Prepared By	c. Signed and Stamped by
March 27, 2015	Varies
d. Final Revision Date	e. Scale
Stormwater Management Report	October 30, 2014
f. Additional Plan or Document Title	g. Date
h. Additional Plan or Document Title	i. Date
j. Additional Plan or Document Title	j. Date



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
 Foxborough Wetland & Groundwater Protection Bylaw, Article IX

Provided by MassDEP:

157-

MassDEP File Number

Foxborough

City/Town

D. Additional Information

- 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 NOI Wetland Fee Transmittal Form
- 8. Attach Stormwater Report, if needed.
- 9. Include Abutter Notification Form (at end of this form)

E. Fees

- 1. Fee Exempt: No filing fee shall be assessed for projects of any 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:

1321	10/22/14
2. Municipal Check Number	3. Check date
1322	10/22/14
4. Municipal Check Number (Foxborough Bylaw Fee)	5. Check date
1320	10/22/14
6. State Check Number	7. Check date
Deer Hill Development, LLC	
8. Payor name on check: First Name	9. 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.

<i>Frank Campbell</i>	10-21-14
1. Signature of Applicant	2. Date
<i>Paul Boshoff Jr</i> <i>Scott Parke</i>	10-21-14
3. Signature of Property Owner (if different)	4. Date
<i>Christopher M. Ruess</i>	11/05/14
5. Signature of Representative (if any)	6. Date



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Foxborough Wetland & Groundwater Protection Bylaw, Article IX

F. Signatures and Submittal Requirements (continued)

For Conservation Commission:

One original and seven copies of the completed Notice of Intent (form 3), including supporting plans and documents (including information listed at *D. Additional Information*, above), one copy of the NOI Wetland Fee Transmittal Form (attached) and the town fee payments (Bylaw fee and town share of State fee), by certified mail or hand delivery to:

Foxborough Conservation Commission
40 South Street
Foxborough, MA 01035

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 (attached) and a **copy** of the state fee payment by certified mail or hand delivery to:

MassDEP
Southeast Regional Office
20 Riverside Drive
Lakeville, MA 02347

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.

PROPERTY OWNERSHIP

Map 112, Parcel 6579

Book 22380, Page 520

Mr. Scott Barbato
204 East Street
Foxboro, MA 02035
Ph: 508.543.1509
Fax: N/A
Email: barbatoscott@yahoo.com
Lot created in 2005.

Map 98, Parcel 3362

Book 21596, Page 96

Mr. Scott Barbato
204 East Street
Foxboro, MA 02035
Ph: 508.543.1509
Fax: N/A
Email: barbatoscott@yahoo.com
Lot created in 2005.

Map 112, Parcel 3361

Book 22501, Page 440

Mr. Paul Barbato
192 East Street
Foxborough, MA 02035
Ph: 508.543.8139
Fax: N/A
Email: N/A
Lot created in 1980.

SECTION II

Project Narrative

PROJECT NARRATIVE

1.0 INTRODUCTION

On behalf of Deer Hill Development, LLC (Applicant), Lucas Environmental, LLC (LE) is pleased to submit this Revised Notice of Intent to the Foxborough Conservation Commission (FCC) pursuant to the Massachusetts Wetlands Protection Act (WPA; M.G.L. Ch. 131, Section 40); its implementing regulations (WPA Regulations; 310 CMR 10.00 et seq.); the Town of Foxborough Wetlands and Groundwater Bylaw (Bylaw; Article IX); and its regulations (Bylaw Regulations) for the proposed Open Space Residential Development (OSRD), Forge Estates of Foxborough. This Revised NOI has been prepared at the request of the Conservation Agent to update the original information submitted on November 6, 2014 with the information provided in the supplemental materials provided on February 13, 2015 and March 30, 2015.

Portions of proposed work are located within the 25-Foot Buffer Zone; the 100-Foot Buffer Zone/Adjacent Upland Resource Area; Isolated Freshwater Wetlands; Bordering Land Subject to Flooding, and Riverfront Area associated with the Canoe River; as well as the Canoe River Aquifer Area of Critical Environmental Concern. The Applicant is requesting the Commission review the proposed work as a Limited Project for the construction of a limited access roadway pursuant to 310 CMR 10.53(3)(e).

This Project Narrative describes the existing conditions, wetland resource areas, proposed design, mitigation measures, and regulatory compliance for work within jurisdictional areas on and near the site. Existing conditions and the proposed project are depicted on the attached project plans prepared by Coneco Engineers & Scientists, Inc. (Coneco), dated October 30, 2014, and revised through March 27, 2015.

2.0 EXISTING CONDITIONS

The subject property consists of three parcels (Map/Parcel: 112/3361, 98/3362, and 112/6579) comprising 17.84± acres at 204 East Street in Foxborough, Norfolk County, Massachusetts (See Figure 1 – USGS Map and Figure 2 – Aerial Map). Parcel 98/3362 contains a residential home and appurtenances. Access to the residential home is achieved through a 30-foot-wide easement located on a neighboring property to the southeast. The remaining parcels (98/3361 and 112/6579) are undeveloped, and consist of a mature, white pine-oak forest¹. Dominant species include black oak (*Quercus velutina*), red oak (*Quercus rubra*), white pine (*Pinus strobus*), lowbush blueberry (*Vaccinium angustifolium*), huckleberry (*Gaylussacia* sp.), bracken fern (*Pteridium aquilinum*), and partridgeberry (*Mitchella repens*). Soils consist primarily of glacial till overlain by a loess cap of variable depth. Site topography trends to the southwest, where the soil parent material eventually transitions to glaciofluvial and post-glacial alluvium (See Figure 6 – Soil Map). It is within this area where the majority of the wetland resources on-site were identified, including the Canoe River (See Section 3.0 – Resource Areas).

¹ Swain, P.C., and J.B. Kearsley. 2000. *Classification of Natural Communities in Massachusetts* (Draft). Westborough, MA: Natural Heritage and Endangered Species Program.

A review of the current Mass GIS data layer for the Massachusetts Natural Heritage Atlas (effective October 1, 2008) indicates that the subject property is not located within mapped Natural Heritage and Endangered Species Program (NHESP) Estimated Habitat of Rare Wildlife or Priority Habitat of Rare Species. No mapped Potential Vernal Pools or Certified Vernal Pools are present within the subject property; however, there is a Certified Vernal Pool located behind the single family home at 186 East Street, approximately 200 feet northwest of Parcel 112/6579 (See Figure 3 – NHESP Map).

According to the July 17, 2012 Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map for Norfolk County, Map Number 25021C0362E, a portion of the subject property is located within a FEMA Special Flood Hazard Area (Zone AE). Zone AE is an area *...subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods* (See Figure 4 – FEMA Map). The Base Flood Elevation (BFE) near the subject property ranges from 174 to 178 feet above sea level (NAVD88).

The entire subject property is located within the Canoe River Aquifer Area of Critical Environmental Concern (ACEC; See Figure 5 – ACEC Map). In addition, the southwestern end of the site falls within an approved MassDEP Zone II Wellhead Protection Area. Despite these designations, the site does not contain any Outstanding Resource Waters. The Canoe River is not currently designated a coldwater fishery based upon a review of the MassGIS datalayer for the Massachusetts Division of Fisheries and Wildlife (MADFW) Coldwater Fisheries Resources, updated August 2014.

3.0 RESOURCE AREAS

Wetland boundaries within the subject property have been previously approved under an Order of Resource Area Delineation (ORAD; MassDEP File No. 157-467), dated January 26, 2009. The ORAD was appealed and a Superseding Order of Resource Area Delineation (SORAD) was issued on September 25, 2009 (See Section VII). The SORAD is valid until September 25, 2016, including the additional four year period provided under the Permit Extension Act and the ORAD is valid under the local Bylaw until January 26, 2016. Based upon a review of the ORAD, the local approval did not confirm the wetland area on either side of the existing cart path near Alfred Lord Boulevard.

Despite the existing SORAD, a re-delineation/site investigation of the site was conducted by LE staff on November 11, 2013 to confirm wetland resources within or near the location of the proposed project. The wetland investigation was performed in accordance with the WPA and WPA Regulations; the Massachusetts Department of Environmental Protection (MassDEP) publication “Delineating Bordering Vegetated Wetlands under the Massachusetts Wetlands Protection Act” (1995); the “Corps of Engineers’ Wetlands Delineation Manual” (1987); the “Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region, Version 2.0” (2012); the Bylaw; and Bylaw Regulations.

The Applicant has identified the MassDEP approved wetland delineation on the project plans for the purpose of this filing. Based upon the LE site visit, we concur with the MassDEP approved delineation along the existing cart path and the NOI reflects this for discussion of resource area and impacts in this area.

The wetland resource site investigation revealed the presence of the following areas subject to protection under the WPA and Bylaw: Inland Bank, Bordering Vegetated Wetlands (BVW), Land Under Water Bodies and Waterways (LUWW), Bordering Land Subject to Flooding (BLSF), Riverfront Area, Freshwater Wetlands (FW) and the Adjacent Upland Resource Area (AURA; i.e., 100-Foot Buffer Zone).

The following sections provide a definition of each resource area type as defined under the Wetlands Protection Act and the Bylaw, and a brief characterization of the wetlands and watercourses identified in the field.

Bank – 310 CMR 10.54

310 CMR 10.54 defines a Bank as *the portion of the land surface which normally abuts and confines a water body. It occurs between a water body and a vegetated bordering wetland and adjacent flood plain, or, in the absence of these, it occurs between a water body and an upland. The upper boundary of a Bank is the first observable break in the slope or the mean annual flood level, whichever is lower. The lower boundary of a Bank is the mean annual low flow level.* The upper boundary of Bank associated with the Canoe River was identified by others under the SORAD with flag series HW, and is described in more detail below. The lower boundary of Bank was not identified.

Bordering Vegetated Wetlands – 310 CMR 10.55

310 CMR 10.55 of the WPA defines bordering vegetated wetlands as *freshwater wetlands which border on creeks, rivers, streams, ponds and lakes. The types of freshwater wetlands are wet meadows, marshes, swamps and bogs. Bordering Vegetated Wetlands are areas where the soils are saturated and/or inundated such that they support a predominance of wetland indicator plants. The boundary of Bordering Vegetated Wetlands is the line within which 50% or more of the vegetational community consists of wetland indicator plants and saturated or inundated conditions exist. Wetland indicator plants are also those classified in the indicator categories of Facultative, Facultative+, Facultative Wetland-, Facultative Wetland, Facultative Wetland+, or Obligate Wetland in the National List of Plant Species That Occur in Wetlands: Massachusetts (Fish & Wildlife Service, U.S. Department of the Interior, 1988) or plants exhibiting physiological or morphological adaptations to life in saturated or inundated conditions.* The boundary of BVW within the subject property was identified by others under the SORAD with flag series B, L, and WF. BVW are described in greater detail in Section 3.1 below.

Land Under Water Bodies and Waterways – 310 CMR 10.56

310 CMR 10.56 (2)(c) states that *the boundary of Land Under Water Bodies and Waterways is the mean annual low water level.* The Mean Annual Low Water Level is also the lower limit of Bank. It was not delineated in the field and a formal description is not provided in this report.

Bordering Land Subject to Flooding – 310 CMR 10.57

310 CMR 10.57(2)(a)(1) states that *Bordering Land Subject to Flooding is an area with low, flat topography adjacent to and inundated by flood waters from creeks, rivers, streams, ponds or lakes. It extends from the banks of these waterbodies; where a bordering vegetated wetland occurs, it extends from said wetland. 310 CMR 10.57(2)(a)3 states that the boundary of Bordering Land Subject to Flooding is the estimated maximum lateral extent of flood water which will theoretically result from the statistical 100-year frequency storm. This information can be obtained from the most recently available flood profile data prepared under the National Flood Insurance Program (NFIP, currently administered by the Federal Emergency Management Agency). BLSF is coincident with the 1-percent-annual-chance flood event (i.e., the BFE for the 100-Year Flood Zone) as defined by FEMA. As such, the landward boundary ranges from 178 (near the northern end) to 174 (at the southern end) feet above mean sea level (NAVD88).*

Riverfront Area – 310 CMR 10.58

The Riverfront Area is the area of land between a river's mean annual high-water line measured horizontally outward from the river and a parallel line located 200 feet away. The Mean Annual High Water line of a river is the line that is apparent from visible markings or changes in the character of soils or vegetation due to the prolonged presence of water and that distinguishes between predominantly aquatic and predominantly terrestrial land. Field indicators of bankfull conditions shall be used to determine the mean annual high-water line. Bankfull field indicators include but are not limited to: changes in slope, changes in vegetation, stain lines, top of pointbars, changes in bank materials, or bank undercuts. Riverfront Area is located within 200 feet of the Canoe River, and encompasses the entire western end of the site. The Riverfront Area does not contain “degraded areas” as defined under 310 CMR 10.58(5), with the exception of a small portion where the existing driveway crosses onto the subject property.

Adjacent Upland Resource Area – Article IX, Section 2 (i.e., 100-Foot Buffer Zone)

The Adjacent Upland Resource Area...shall include all lands within one hundred (100) feet of wetland resource areas...

25-Foot Buffer Zone

The 25 Foot Buffer Zone is ...a no-disturb zone of continuous cover of vegetation twenty five (25) feet horizontally outward from the wetland edge of any subject lands, except for perennial streams and rivers, vernal pools...

Freshwater Wetlands – Article IX, Section 2

Freshwater Wetlands ...shall include all wetlands, whether or not they border on a water body. For the purposes of these Regulations, all bordering vegetated wetlands, as well as all isolated wetlands encompassing at least five hundred (500) square feet in area, shall be protected. The boundary of Freshwater Wetlands within the subject property was identified by others under the SORAD with flag series I. Freshwater Wetlands are described in greater detail in Section 3.1 below.

3.1 Wetland/Watercourse Descriptions

The following provides a detailed description of wetlands, watercourses, and other resource areas identified within the subject property. In addition, it outlines discrepancies between the existing, approved ORAD and the delineation/site investigation conducted by LE on November 11, 2013, although the Applicant has identified the MassDEP approved wetland delineation on the project plans for the purpose of this filing and for all impact assessments. Representative photographs are provided in Section IV.

3.1.1 Bordering Vegetated Wetlands

Wetland L & WF

This series delineates a scrub-shrub BVW/FW located along the northeastern edge of the Canoe River within Parcel 98/3361. The wetland contains a hydrophytic vegetative community dominated by elderberry (*Sambucus canadensis*), silky dogwood (*Cornus amomum*), and sphagnum moss (*Sphagnum* sp.). An overstory is generally absent.

Soils are hydric and consist of a deep, very dark surface horizon with redoximorphic features consisting of soft masses of iron accumulation. This layer overlies a bright sandy subsoil with redoximorphic features consisting of soft masses of iron accumulation. Indicators of wetland hydrology include shallow soil saturation and pockets of standing water. The wetland is likely seasonally flooded during low-frequency storm events associated with the Canoe River.

A discrepancy between the currently accepted boundary under the SORAD and LE's site investigation was observed. The area between the SORAD referenced L-6R to L-17R does not appear to be currently functioning as wetland, as hydrophytic vegetation and hydric soils were lacking during the site visit.

3.1.2 Freshwater Wetlands (Isolated Wetlands Only)

Series I

Series I delineates a small, isolated depression within Parcel 98/3361. This wetland lies just south of Wetland L/WF along the Canoe River and is likely a remnant of said BVW, cut off from the larger system by a man-made cart path. The wetland contains a forested vegetative community dominated by hydrophytic species including red maple (*Acer rubrum*), shagbark hickory (*Carya ovata*), witch hazel (*Hamamelis virginiana*), northern arrowwood (*Viburnum dentatum*), and lurid sedge (*Carex lurida*). Soils are hydric, and consist of a shallow, very dark surface horizon with redoximorphic features overlying bedrock. Indicators of wetland hydrology include a shallow water table.

No significant discrepancies between the currently accepted boundary and LE's site investigation were observed.

3.1.3 Bank/Mean Annual High Water

Series HW/HW

Series HW & MH delineate the northeastern Bank of the Canoe River, which runs north-to-south through Parcel 98/3361. The upper boundary of Bank and the MAHW line are coincident along this reach of the stream, and correspond with the first break in slope. The MAHW line is coincident with the Ordinary High Water Mark.

One significant discrepancy between the currently accepted boundary and LE's site investigation was observed. The area between the SORAD referenced MW-1A to MW-6A does not appear to the actual location of the MAHW line. There was no physical evidence observed to indicate that the MAHW line of the Canoe River extends past the Bank of the river into this pocket.

Table 1 summarizes the resource areas and jurisdiction.

TABLE 1
WETLAND RESOURCE AREA SUMMARY TABLE

Resource Area	Designation	Buffer Zone State (feet)	Buffer Zone Local (feet)	Jurisdiction		
				Local	State	Federal*
BVW (L/WF)	Veg/Soils/ Hydrology	100	25 & 100	Yes	Yes	Yes
Bank (HW/MH)	Mean Annual High Water/Top of Bank	100	25 & 100	Yes	Yes	Yes
Land Under Water Bodies and Waterways (HW/MH)	Mean Annual Low (Not Delineated)	N/A	25 & 100	Yes	Yes	N/A
200-Foot Riverfront Area (HW/MH)	Mean Annual High Water	N/A	N/A	Yes	Yes	N/A
Bordering Land Subject to Flooding	Land between MAHW & 100-year flood elevation	N/A	25 & 100	Yes	Yes	No
Vegetated Wetlands (I)	Veg/Soils/ Hydrology	N/A	25 & 100	Yes	No	Possibly
Adjacent Upland Resource Area (HW/MH, L/WF, & I)	Lands Extending 100 Feet From Landward Limit of Resource Areas	N/A	N/A	Yes	N/A	N/A

4.0 PROPOSED WORK

4.1 Design Details

The proposed project consists of a 12-lot Open Space Residential Development, with access derived from East Street. This design was selected based on consideration of multiple designs and discussions with the Conservation Commission, Planning Board, and the project team. An Alternatives Analysis is provided in the following section. Lot sizes within the subdivision will range from 25,000 to nearly 62,000 square feet and will be accessed via a 20-foot wide bituminous asphalt roadway extending from East Street with cul-de-sac and sidewalks. Utilities will also extend from East Street, with domestic water, gas and telecommunications service running within the paved expanse of the proposed roadway. Electrical service will tie into the overhead wires that service the existing residence and will then be run underground within the paved expanse of the roadway. On-site wastewater treatment will be implemented, using conventional systems. Lot 12 has been revised with the proposed construction of a retaining wall at the southern edge of the limit of work. The retaining wall is identified on the project plans. By installing the retaining wall, all work previously proposed within the Riverfront Area for Lot 12 has been eliminated. No structure or grading is currently proposed within this area.

Stormwater will be managed via a series of rain gardens, grass-lined swales, detention basin, and subsurface infiltration systems. Each lot will also contain a roof recharge system. A Stormwater Management Report has been prepared by Coneco to specifically address the Massachusetts Department of Environmental Protection Stormwater Standards and the requirements of the EPA Construction General Permit (Under Separate Cover) in addition to supplemental supporting documentation noted in the Introduction. Based on the analysis of the pre- vs. post-development peak runoff conditions, the project does not increase the peak rate of discharge and meets the MassDEP Stormwater Standards (See Stormwater Management Report).

Approximately eight (8) acres of land situated near the southwestern half of the subject property will be preserved in perpetuity as open space through a conservation restriction. This area was selected due to the fact that it provides a larger, non-fragmented expanse of upland area within the Critical Terrestrial Habitat of the off-site Certified Vernal Pool described in Section 2.0.

A wetland crossing will be required to access the developable portion of the property. The proposed crossing will be constructed immediately south of where the Canoe River crosses under East Street. The road will be partially constructed over the Isolated Vegetated Wetland (I) using a bridge span. The span will be constructed of concrete, and supported by two concrete abutments located on each side of the wetland. The crossing will support two, 12-foot travel lanes, separated by an 85-foot long, five-foot wide open median, and a five-foot wide sidewalk. The road width within this section is 24 feet, while the total width (including sidewalks and median) is 34 feet. While the road width is the minimum allowed by the Planning Board, the total width (i.e., the width including the sidewalks and median) is wider than the minimum. This double barrel design was necessary in order to achieve the required roadway length for the subdivision, and the project is not viable without this design. The median has been designed such that it will allow light to penetrate into the wetland below. Based on the results of the Alternatives Analysis, there is no alternative design within the subject property that would result in fewer impacts. The attorney for the Applicant has conducted an exhaustive search for alternative site access from abutting property owners as well as an off-site assessment of available land, and not identified a viable alternative as documented in the Alternatives Analysis.

4.2 Construction Sequencing

Establishing the roadway crossing will be among the first elements constructed, as it is required to move heavy equipment in and out of the site. The sequence for construction of the wetland crossing is as follows:

1. Install compost filter sock line, extending 25-50% upslope of wetlands and watercourses. Erosion controls will also be placed perpendicular across the roadway alignment (i.e., downslope of the proposed bridge abutments).
2. Place geotextile fabric overlain by crushed stone over existing cart path to establish a stabilized construction access road;
3. Complete all construction associated with abutments;
4. Lift the concrete deck onto the abutments using a crane in suitable upland areas or within the stabilized construction access road;
5. Remove the stabilized construction access road;
6. Till area that was under stabilized construction access road, top with six-inches of loam, and seed;
7. Remove erosion and sediment controls once all disturbed areas have been stabilized.

The exact location of the crane placement will be the responsibility of the contractor/crane operator. This is due to the potential complexities and safety concerns of a pick for the placement of the bridge spans.

The contractor will be responsible for the appropriate staging and placement of the bridge as well as the contractor may elect to place the crane in East Street to ensure a stable base. The construction sequence will be such that any work requiring heavy machinery will be done at a time to minimize the impacts to the buffer zones. Any planting that is done after the heavy machinery will be performed by hand. The Applicant will submit a crane staging plan to the Commission for review and approval prior to the start of any work related to the wetland crossing. Once the isolated wetland crossing is established, clearing/grubbing, grading and construction of other project elements will begin. No work will be initiated without establishment of appropriate erosion and sediment controls (See Section 6.1).

4.3 Resource Area Impacts

As a result of proposed work, there will be permanent and temporary impacts to the AURA/100-Foot Buffer Zone, 25-Foot Buffer Zone, Vegetated Wetlands, BLSF, and Riverfront Area, resulting from the bridge span and site work. Two colorized figures have been provided to aide in the understanding of the impacts to the resource areas (Sheets 1 & 2 of 4; Sheets 3 & 4 show the Alternative Crossing Location described in further detail in the Alternatives Analysis). The Riverfront Disturbance Areas figure shows the temporary and permanent disturbance within the Inner and Outer Riparian Zones. The Wetland/Floodplain Disturbance Areas figure shows the impacts within the isolated wetland, floodplain, and 25-Foot No Touch Buffer Zone and 100-Foot Buffer Zone/AURA. The original work proposed within Lot 12 has been removed from the Riverfront Area via construction of a proposed retaining wall. The following tables summarize the revised calculations, also shown on each figure as calculated by Coneco, based upon the delineations approved in the SORAD.

TABLE 2 PREFERRED ALTERNATIVE RIVERFRONT AREA IMPACT TABLE¹			
Resource Area	Impacts (square feet)		
	Temporary	Permanent	Total
Bank/MAHW	0 l.f.	0 l.f.	0 l.f.
LUWW	0	0	0
Inner Riparian Zone	2,524	7,481	10,005
Outer Riparian Zone²	1,459	3,720	5,179
Total Riverfront Area	3,983	11,201	15,184

¹Impact Calculations provided by Coneco.

²Excludes detention basin construction, flood compensatory storage, and wetland replication per 310 CMR 10.58(4)(d)1.

**TABLE 3
PREFERRED ALTERNATIVE
WETLAND/FLOOPLAIN AREA IMPACT TABLE¹**

Resource Area	Impacts (square feet)		
	Temporary	Permanent	Total
Bordering Vegetated Wetlands	0	0	0
Isolated Vegetated Wetlands	0	719	719
BLSF	0	2,237 sf (2,237 cf)	2,237 sf (2,237 cf)
AURA/100-Foot Buffer Zone	0	15,902	15,902
25-Foot Buffer Zone	0	6,388	6,388

¹Impact Calculations provided by Coneco.

5.0 ALTERNATIVES ANALYSIS

This Alternatives Analysis has been prepared pursuant to 310 CMR 10.58 (4)(c) of the Massachusetts Wetlands Protection Act Regulations for the proposed residential subdivision. Portions of proposed work are located within the Riverfront Area associated with the Canoe River, along with several other wetland resource areas. This Alternatives Analysis discusses several designs options that been carefully evaluated by the project team. The Applicant has prepared a thorough Alternatives Analysis commensurate with the type and size of the project. The only work within Riverfront Area is related to the roadway crossing and associated stormwater management, therefore alternatives focus on the other feasible locations for access to the site and stormwater.

This intensive level of review is a reflection of the complexity of the project with respect to various constraints (e.g., environmental, economic, etc.). Alternatives considered include the following: 1) No-Build, 2) Conventional Subdivision), 3) Off-Site Access Locations, 4) Open Space Design (Preferred Alternative), 5) Lot 12 Revision, 6) Reduced Subdivision Development, 7) Alternate Crossing Location (Conservation Commission Request), and 8) Off-Site Project Locations. **The currently proposed Preferred Alternative includes the Lot 12 Revision to reduce Riverfront Area impacts.**

The proposed detention basin is located at the lowest point along the roadway to allow for the largest quantity of the roadway to be directed to the basin. This basin is required to attenuate peak flows for the required storm water events and needs to capture the maximum amount of roadway impervious area to accomplish this purpose. Any relocation of the basin would not achieve either the attenuation or the maximum impervious area.

Furthermore, relocating the basin to other portions of the Riverfront Area would increase the amount of required grading in the Riverfront Area as well as shifting it farther from the other components of the LID system. This increases the disturbance in the Riverfront Area as the basin, swales, and rain gardens all work in concert with each other to provide the LID drainage design.

5.1 Alternative 1: No-Build

The “no build” alternative would result in no change to either property. Under the no-build alternative, no land will be altered and there will be no direct or indirect impacts to wetlands or watercourses, or creation of new impervious area. However, the added socio-economic benefits of a residential development providing additional housing within the Town of Foxborough would not be realized. Additionally, the protection and preservation of open space areas (that are currently privately controlled) would not be achieved.

5.2 Alternative 2: Conventional Subdivision

Alternative 2 incorporates a conventional subdivision design. Under this alternative, the entire parcel is developed into a 13-lot subdivision. While this design maximizes the amount of buildable area, there are several drawbacks. First, this design requires two access points from existing public roadways, which would require a second crossing, this one across the Canoe River. Impacts to wetland resource areas would be significantly greater than that under the preferred alternative, and impervious surface would increase substantially. Infrastructure costs would also be substantially higher. Second, under a conventional design, lot sizes must be larger, and, as such, all non-developed areas would be privately owned. This would eliminate the opportunity for permanent protection and preservation of open space. Lastly, development would be sited closer to the northwestern property line, which would place greater development pressure on the terrestrial habitat surrounding the identified off-site Certified Vernal Pool.

5.3 Alternative 3: Off-Site Access

Under Alternative 3, access to the subject property would be achieved by obtaining ownership interest in adjacent parcels to the northwest or southeast (186, 206, and/or 208 East Street). This alternative can be used in concert with both a conventional or open space design. Under this alternative, the goal would be to eliminate the need to cross wetlands, watercourses, or other resource areas while still providing access to buildable portions of the subject property. Based on the project team’s evaluation, northwest access (186 East Street) is not viable, as it will result in the need to cross the Canoe River, and infringe on the terrestrial habitat surrounding the off-site Certified Vernal Pool. In addition, there will be a significant increase in impervious surface and infrastructure costs due the significant length of roadway required to reach the subject property from the existing frontage along East Street at #186. To the east, there are two viable parcels (206 and 208), which would substantially reduce impacts to resource areas.

The Applicant’s attorney reached out to these abutters on October 20, 2014, requesting ownership interest (See Section IX – Alternative Analysis Supporting Documentation). Additional information has been presented regarding this alternative via the January 7, 2015 Seigenberg letter to the Foxborough Conservation Commission (See Section IX). Based on previous attempts to construct a subdivision at this location, and the lack of an alternative access location, this alternative is not viable. While this alternative would significantly reduce impacts to wetlands, watercourses, and other resource areas, there are no alternative options to access this site.

5.4 Alternative 4: Open Space Design (Preferred Alternative)

The preferred alternative incorporates Open Space design into the subdivision under the Foxborough Zoning Ordinance. Under this alternative, 12 lots will be created with areas ranging from 25,000 to nearly 62,000 square feet. These lots will be accessed via a 20-foot wide bituminous asphalt roadway extending from East Street with cul-de-sac and sidewalks. The crossing will support two, 12-foot travel lanes, separated by an 85-foot long, five-foot wide open median, and a five-foot wide sidewalk. The road width within this section is 24 feet, while the total width (including sidewalks and median) is 34 feet. Approximately eight acres of land situated near the northwestern half of the subject property will be preserved in perpetuity as open space through a conservation restriction. This area was selected due to the fact that it provides a larger, non-fragmented expanse of upland area within the Critical Terrestrial Habitat of the off-site Certified Vernal Pool described in Section 2.0. A complete discussion of the proposed design may be found in Section 4.0 of the Project Narrative.

A crossing of an isolated wetland will be required to access the buildable portion of the subject property. The proposed crossing will be constructed immediately south of where the Canoe River crosses under East Street. The road will be partially constructed over an Isolated Vegetated Wetland (i.e., Wetland I) using a bridge span. As a result, there will be direct impacts to the 25-Foot Buffer Zone; the 100-Foot Buffer Zone/Adjacent Upland Resource Area; Bordering Land Subject to Flooding, Riverfront Area, and Freshwater Wetlands (Bylaw). However, the proposed design should not impact the Canoe River or associated Bordering Vegetated Wetland. Impacts to Isolated Wetland I and Bordering Land Subject to Flooding will be mitigated for, as outlined in Section 6.3 of the Project Narrative.

While the preferred alternative will impact wetlands and other resource areas, the design will result in the least amount of new land alteration and road layout. The current design maintains the overall objective of providing a source of additional housing in the Town of Foxborough and is compatible with the surrounding residential areas. The project layout has been carefully designed to minimize impacts to wetland resource areas to the greatest extent practicable, including those associated with the Canoe River.

5.5 Alternative 5: Lot 12 Revision

In order to reduce impacts to the Riverfront Area, the Applicant examined the feasibility of adjusting lots along the western side of the proposed subdivision roadway. This alternative is identical to the Preferred Alternative except for the proposed construction of a retaining wall at the southern edge of the limit of work. The retaining wall is identified on the project plans. By installing the retaining wall, all work previously proposed within the Riverfront Area for Lot 12 has been eliminated. No structure or grading is currently proposed within this area. Although this does not affect the roadway alignment, it does reduce impacts with the resource area. The Applicant is currently proposing this design in lieu of Alternative 4. The impact assessment in Section 4.0 includes the Lot 12 revisions.

5.6 Alternative 6: Reduced Subdivision Development

Coneco has evaluated reduced development of the site, however this is not commensurate with the required Alternatives Analysis. Based upon the Subdivision Rules and Regulations, a 20-foot roadway width is required for proposed subdivisions with 1-5 lots. A 22-foot roadway is required for proposed subdivisions with 6-12 lots. Proposed subdivisions with greater than 12 lots requires a roadway width of 24 feet. The project currently proposed includes a 12-lot subdivision with a roadway width of 20 feet (34 feet at East Street), which will require approval from the Planning Board. Whether the project proposes one lot or 12, the roadway width and configuration would remain the same, therefore the impacts would also remain the unchanged.

Comparatively, the environmental impacts from the roadway would be identical regardless of the size of the subdivision. The entrance of the roadway, while wider than the remaining roadway, was designed to be in compliance with current zoning and planning requirements. This design also required a wider individual lanes to ensure that proper turning movements could be achieved by safety vehicles (Police, Fire, EMS). This design has a preliminary approval with the Town of Foxborough Planning Board. Again, this style of entrance would be required regardless of the number of lots for access into the site.

5.7 Alternative 7: Alternate Crossing Location (Con Com Request)

The Conservation Commission requested the Applicant specifically examine an alternate location that placed the access roadway through an area of the site that is currently cleared. At this request, the Applicant has examined this option. Two colorized figures have been provided to aid in the understanding of the impacts to the resource areas (Sheets 3 & 4 of 4; Sheets 1 & 2 show the Preferred Alternative with the Lot 12 Revision). The Riverfront Disturbance Areas figure shows the temporary and permanent disturbance within the Inner and Outer Riparian Zones, as well as to the Bank/MAHW and Land Under Water Bodies and Waterways (LUWW). The Wetland/Floodplain Disturbance Areas figure shows the impacts within the isolated wetland, floodplain, and 25-Foot No Touch Buffer Zone and 100-Foot Buffer Zone/AURA.

The permanent impacts to the Riverfront Area will be comparable to the Preferred Alternative, however the temporary impacts will be reduced. The Applicant has examined this option and determined that it is not viable due to proposed impacts to the BVW, LUWW, and Bank/MAHW. The following tables summarize the calculations, also shown on each figure.

TABLE 4 ALTERNATIVE 7 – ALTERNATE CROSSING LOCATION RIVERFRONT AREA IMPACT TABLE¹			
Resource Area	Impacts (square feet)		
	Temporary	Permanent	Total
Bank/MAHW	0 l.f.	95 l.f.	95 l.f.
LUWW	0	946	946
Inner Riparian Zone	0	6,888	6,888
Outer Riparian Zone²	0	4,730	4,730
Total Riverfront Area	0	11,618	11,618

¹Impact Calculations provided by Coneco.

²Excludes detention basin construction, flood compensatory storage, and wetland replication per 310 CMR 10.58(4)(d)1.

TABLE 5 ALTERNATIVE 7 – ALTERNATE CROSSING LOCATION WETLAND/FLOOPLAIN AREA IMPACT TABLE¹			
Resource Area	Impacts (square feet)²		
	Temporary	Permanent	Total
Bordering Vegetated Wetlands	0	5,360	5,360
Isolated Vegetated Wetlands	0	0	0
BLSF³	0	0-1,500 s.f. (0-6000 c.f.)	0-1,500 s.f. (0-6000 c.f.)
AURA/100-Foot Buffer Zone	0	12,888	12,888
25-Foot Buffer Zone	0	2,574	2,574

¹Impact Calculations provided by Coneco.

²Mitigation Area Impacts are not determined. Impacts assessed are the minimum proposed but will likely be significantly greater with the inclusion of the mitigation areas.

³Area varies based on an estimation of the number of footings that would be required to support the proposed span.

The impacts to the BVW would exceed the allowable threshold per 310 CMR 10.55(4) with greater than 5,000 square feet proposed. Furthermore, almost 1,000 square feet of impact is proposed to the LUWW and almost 100 linear feet of the Bank. The thresholds for work within the ACEC are heavily scrutinized and alterations to BVW are not typically authorized, particularly if there is an alternative presented with less environmental impact. Per 310 CMR 10.55(4)(e) “Any proposed work shall not destroy or otherwise impair any portion of a Bordering Vegetated Wetland that is within an Area of Critical Environmental Concern...”

The Applicant’s Preferred Alternative proposes significantly less impact to the resource areas and as such, the Applicant has not explored mitigation options and compliance with the Massachusetts Stream Crossing Guidelines for this alternative, although this would significantly increase the assessed impacts within the buffer zones and AURA.

The Commission should note that the Applicant also explored a variation to this alternative in which a curved roadway crossing was examined through the grass/field area along the river. It was determined to be cost prohibitive as a curved span is very costly in comparison to a more traditional linear span. A river crossing and impact to Bank, LUWW, and wetlands would still be required.

5.8 Alternative 8: Off-Site Project Locations

A thorough review of potential off-site locations for development has been performed. Refer to the market analysis included in Section IX – Alternative Analysis Supporting Documentation for details. Based upon this assessment, there are no similar properties for this development that are available.

5.9 Alternatives Analysis Summary

The Applicant has considered several factors influencing the site selection process; has reviewed various design configurations, access locations, and building configurations in light of various environmental constraints. Based on these results, the Applicant has developed a design that is responsive to wetland resource areas. The preferred alternative minimizes potential environmental impacts and adequately mitigates for proposed impacts.

6.0 MITIGATION MEASURES

This section describes measures that will be taken to avoid indirect impacts to wetland resource areas and summarizes the mitigation actions that have been incorporated into the design of the project or will be implemented during project construction and operation.

6.1 Erosion and Sedimentation Control

Erosion and sedimentation control Best Management Practices have been incorporated into the project design in order to control runoff and prevent siltation to the wetland resource area during construction (See Project Plans). This will consist primarily of compost silt socks and silt fencing. At the outset of the construction, the site limit of work will be staked and as trees are cleared, In addition, silt fence will be used on the down-gradient sides of material stockpile areas. Erosion and sedimentation controls will be installed at the limits of the work area prior to the commencement of construction, which will begin only after erosion controls are installed and inspected. These controls will be inspected and maintained throughout construction and will remain in place until areas upgradient are permanently stabilized.

Erosion and sedimentation controls shall be repaired or replaced as inspection deems necessary or as directed by the contractor or engineer. Accumulated silt at any erosion control device shall be removed when it reaches a depth of six inches, and shall be distributed on-site in a manner not contributing to additional siltation. The contractor is responsible for re-establishing any erosion control device which is disturbed during construction. Each contractor shall notify the engineer of any deficiencies in the established erosion control measures which may lead to unauthorized discharge or stormwater pollution, sedimentation or other pollutants. Unauthorized pollutants include, but are not limited to, excess concrete dumping or concrete residue, paints, solvents, grease, fuel, and lube oil, pesticides, any solid waste materials.

6.2 Wetland Mitigation

The proposed project will permanently impact approximately 719 square feet of Wetland I, an Isolated Vegetated Wetland. Impacts will be mitigated for by the creation of a wetland mitigation area with a 1.5:1 ratio (i.e., 1,112 sf of replacement area). Without conducting a shading analysis of the bridge span, we cannot conclusively determine if there will be a permanent impact due to shading, however, the Applicant has committed to the mitigation area to account for any permanent loss to the isolated wetland.

As shown on the project plans, the mitigation area will be established adjacent to the existing Bordering Vegetated Wetland along the Canoe River.

This site was selected as it represents the closest location to the impact area on lands held by the Applicant. The site also allowed the project team to combine wetland mitigation with the compensatory storage design (See Section 6.3), thus minimizing disturbance adjacent to environmentally sensitive resources. The intent of the proposed mitigation plan is to create a functional replication that maintains wildlife values and also provides flood storage capacity. The mitigation design includes specifications for grading, soils, hydrology, and plant materials as described herein and shown on the Project Plans. The wetland mitigation area was designed in accordance with the MassDEP Inland Wetland Replication Guidelines.

The wetland mitigation area was designed to replace the existing vegetation cover types, functions, and values or to provide improvement. It will be graded to create a hydrologic gradient that supports a similar vegetative structure and composition. After grading is complete and wetland hydrology has been established, the wetland replication area will be hand-planted with native shrubs and seeded with a New England wetland seed mixture. In addition to the wetland species that will be planted and seeded, it is anticipated that a broad diversity of indigenous wetland species will become established once appropriate wetland hydrology is established. Wildlife habitat features are also proposed within the replication areas as detailed in the following section.

As required by the state wetland mitigation guidance and the Wetlands Protection Act performance standards for wetlands, a Professional Wetland Scientist will supervise the construction and plant installation of these replication areas. A monitoring program will be created to assess the success of establishment of the plant community.

6.2.1 Wildlife Habitat Features

In addition to the wetland plantings and establishment of appropriate wetland hydrology within the wetland replication area, several unique wildlife habitat features are proposed to be established within the replication area. These features include several created snags, brush piles, and the placement of decaying logs and other natural woody debris on the ground.

Snags and Brush Piles

In order to provide the type of cover habitat that often takes years to occur within a newly created replication area, several snags and brush piles will be created within the replication areas. Snag and brush pile creation will be directed and overseen by the supervising wetland scientist.

Snags will be formed by relocating native trees scheduled to be cut as part of the constructed replication areas. Trees to be used as snags will be 8 to 12 inches diameter breast height (DBH) and identified prior to clearing of the site. These trees will be pushed over, rather than cut to preserve the root structure for use as a stable base. The tree will then be pruned as needed to allow relocation to the replication areas. However, as many of the large upper limbs will be preserved as possible. After transport to the replication areas, an appropriately sized hole will be dug and the root mass of the tree will be buried to provide support to the snag. Snags should be firmly entrenched into the ground to minimize the possibility of future windthrow.

Brush piles will consist of tree and shrub cutting salvaged from the clearing of the site. The base of the brush pile will consist of large branches or limbs, crisscrossed so they form a firm structure with an open interior. Smaller limbs and branches will then be placed on top of the larger branches and then evergreen boughs will be laid across the top to provide cover for songbirds and other wildlife. Although these structures are not intended to provide permanent wildlife habitat, they are intended to bridge the gap until the planted vegetation can become better established and creates more natural habitat features. Brush piles are recommended as an additional way to provide cover for birds in the Massachusetts Audubon Society public service information publication "Landscaping for Birds."

Logs and Woody Debris

Fallen logs and woody debris provide important cover and foraging habitat to a variety of wildlife species. In order to provide this benefit to the replication area, woody debris will be established within the replication area. Logs and smaller woody branches will be identified and collected within the impact areas or upland areas scheduled to be altered. This material will be of varying stages of decay and will be randomly placed to provide habitat features. Freshly cut logs will not be the primary source for this feature, but may be utilized if approved by the supervising wetland scientist.

6.2.2 Mitigation Area Construction Sequence

The following section describes the sequence of construction activities and provides information regarding grading, planting and seeding. It also contains erosion and sedimentation control measures that will be utilized throughout construction activities. The Conservation Commission will be notified prior to the commencement of work, to schedule inspection of the work, to discuss depth of soil removal, and re-grading of excess soil within upland areas.

Erosion and Sedimentation Controls

Prior to the commencement of the replication area construction, erosion and sedimentation controls (i.e., silt sock/silt fence) will be installed as shown on the Mitigation Plan. The erosion controls will be inspected during construction to maintain their effectiveness in retaining sediments. A fueling/lubrication area will be established in a flat area at least 100 feet away from any wetland or watercourse if required.

Clearing and Grading

The replication areas will be cleared and grubbed, and will be excavated to a depth of a minimum of 12 inches below the final design elevations. Areas that contain invasive species will be excavated to a depth of approximately two to three feet where groundwater will not be impacted. Minor modifications to this grading plan may be made in the field by the wetland scientist in response to subsurface hydrologic conditions. The supervising wetland scientist will inspect the sub-grade of the replication area to ensure that the proper hydrology has been established. The replication area will then be backfilled with prepared topsoil consisting of a 1:1 mixture (or equal volumes) of organic and mineral materials, that contains at least 12 percent organic carbon content by weight, at least six (6) inches in depth. Clean leaf or commercially available compost is the preferred amendment to achieve this standard, though other materials may be used if approved by the wetland scientist.

Shrub and Tree Planting

The shrubs and trees used for re-vegetation of the replication site will be obtained from a reputable wetland plant nursery. Shrubs will measure approximately 18 to 24 inches or two to three (2-3) feet in height (one-gallon containers), and tree seedlings will have a minimum caliper size of two to three inches with root balls secured with burlap. Rootstock will be grouped within replication sites to approximate natural communities and provide food and/or cover for wildlife. Plantings should be placed randomly by hand under the supervision of a Professional Wetland Scientist. The following represents the composition and abundance of plant species to be planted within the replication area.

TABLE 6 REPLICATION AREA PLANTING SCHEDULE				
Common Name	Scientific Name	Status	Size	Quantity (1,112 s.f.)
Trees				
Red Maple	<i>Acer rubrum</i>	FAC	2-3" caliper	8
Shrubs				
Highbush Blueberry	<i>Vaccinium corymbosum</i>	FACW	18-24" height	15
Silky Dogwood	<i>Swida amomum</i>	FACW	18-24" height	1
Ground Cover				
New England Wetland Seed Mix (or equivalent)		Varies	1 lb./2,500 s.f.	1.0 lbs.

Note: Trees and shrubs shall be randomly spaced throughout replication areas to simulate natural growth patterns.

Seeding

A New England Wetland Seed Mixture (or equivalent) will be used for the mitigation area. The New England Wetland Seed Mixture contains a selection of native seeds which are suitable for most wetland replication sites that are not permanently inundated. These species are best suited to moist disturbed ground as found in most wet meadows, scrub shrub, or forested wetland replication areas. It is designed for detention basin edges and the bottom of detention basins not generally under standing water. The seeds will not germinate under inundated conditions. If planted during the fall months, the seed mix will germinate the following spring.

During the first season of growth, several species will produce seeds, while other species will produce seeds after the second growing season. Not all species will grow in all wetland situations. This mix is composed of the wetland species most likely to grow in created/restored wetlands and should produce more than 75% ground cover in two full growing seasons. The mix should be applied on clean bare soil via hydro-seeding, mechanical spreader, or spread by hand (on smaller sites). The areas where the mix is applied should be lightly raked, or rolled to ensure proper soil-seed contact. The best results are obtained when seeding is applied during the spring, whereas late spring and summer seeding will benefit with a light mulching of clean weed-free straw to conserve moisture. If conditions are drier than usual, watering may be required. Late fall and winter dormant seeding require an increase in the seeding rate. Fertilization is not recommended and the preparation of a clean, weed free soil surface is necessary for optimal results.

The following table contains the list of species in the seed mix to be used in the replication area.

TABLE 7 NEW ENGLAND WETLAND SEED MIXTURE		
Species	Latin Name	Indicator Status
Mud Plantain	<i>Alisma plantago-aquatica</i>	OBL
Swamp Milkweed	<i>Asclepias incarnate</i>	OBL
New York Aster	<i>Aster novi-belgii</i>	FACW+
Nodding Bur Marigold	<i>Bidens cernua</i>	OBL
Bristly/Cosmos Sedge	<i>Carex comosa</i>	OBL
Fringed Sedge (Nodding)	<i>Carex crinite</i>	OBL
Hop Sedge	<i>Carex lupulina</i>	OBL
Lurid Sedge (Shallow)	<i>Carex lurida</i>	OBL
Blunt Broom Sedge	<i>Carex scoparia</i>	FACW
Fox Sedge	<i>Carex vulpinoidea</i>	OBL
Spotted Joe Pye Weed	<i>Eupatorium maculatum</i>	FACW
Boneset	<i>Eupatorium perfoliatum</i>	FACW
Rattlesnake Grass	<i>Glyceria Canadensis</i>	OBL
Fowl Mannagrass	<i>Glyceria striata</i>	OBL
Soft Rush	<i>Juncus effuses</i>	FACW+
Square Stemmed Monkey Flower	<i>Mimulus ringens</i>	OBL
Sensitive Fern	<i>Onoclea sensibilis</i>	FACW
Green Bulrush	<i>Scirpus atrovirens</i>	OBL
Wool Grass	<i>Scirpus cyperinus</i>	FACW
Soft Stem Bulrush	<i>Scirpus validus</i>	OBL
Blue Vervain	<i>Verbena hastate</i>	FACW

Note: Applied at a rate of 18 pounds per acre.

Approximately one pound of the New England Wetmix (or equivalent) will be required within the mitigation area. If necessary, the mitigation area will be irrigated with an approved water source if natural hydrological cycles do not provide enough water to sustain the newly planted vegetation initially.

Irrigation

Irrigation practices will only be used in drought situations or if other unforeseen situations warrant the need for irrigation practices. After planting and seeding, the replication areas shall be mulched with straw. The mulch shall provide sufficient cover for moisture retention, seed protection, and soil stabilization. The mulch will be free of weeds, reeds, twigs, chaff, debris, and excessive amounts of seed and grain.

Monitoring

Monitoring of the replication areas will be performed by a Professional Wetland Scientist to ensure successful plant establishment for a period of three years in accordance with the Massachusetts Inland Wetland Replication Guidelines. Two years of monitoring is standard practice, however a third year has been proposed based upon discussions with the Conservation Commission and third-party reviewer.

The first inspection will take place after the first growing season or 180 growing season days after planting. Two inspections will occur each year, one in the late spring and another in the early fall. The monitoring reports will be prepared and submitted to the appropriate regulatory agencies and will describe the work completed and vegetation within replicated sites as well as any action to be taken to repair, restore, or replant the area if needed.

After the inspections, the contractor will replace all plants that have not become established and re-seed areas that have not reached the desired 75% percent cover of native vegetation. Once all areas have been stabilized with vegetation and monitoring is complete, the erosion control and siltation barriers shall be removed. If conditions develop that impede the success of the replication efforts, corrective action shall be taken. If the required corrective measures are minor in nature, including additional erosion controls, removal of undesirable invasive plants, or minor re grading/re-seeding, then the work shall be performed as required.

6.3 Compensatory Storage

Due to the installation of the bridge abutments and approaches, approximately 2,237 sf (2,237 cf) of flood storage capacity will be lost between elevations 172 and 174. As per 310 CMR 10.57(4)(a)1., compensatory storage will be provided. The design will replicate existing conditions to the extent practicable in order to preserve function. As noted above, the location of the compensatory storage is coincident with that of the proposed wetland mitigation area, and has been designed to be incrementally equal to the theoretical volume of flood water lost at each elevation up to and including the 100-year flood plain. It should be noted that this is the only viable area within lands under control of the Applicant where incremental compensation could be achieved, as the Base Flood Elevation rises quickly as one moves northwest (upstream) along the Canoe River.

This location for the BLSF mitigation area was chosen for a variety of reasons. The area and elevations that are required for this mitigation are located in this area and can be hydraulically connected to the existing BLSF. This location was also the most accessible for construction purposes to reduce the temporary impacts to the Riverfront Area. Also the Applicant chose to leave the area immediately adjacent to East Street untouched as a buffer between the development and the public road. Any mitigation in the area adjacent to East Street would impact the Riverfront Area, steepen the slope near a higher traffic volume, and affect a natural buffer that was previously undisturbed.

As with the wetland mitigation area, compensatory storage will be constructed after substantial completion of the wetland crossing, as these areas directly abut the proposed work area. The general construction sequence is outlined in Section 6.2. All disturbed areas within the mitigation area and compensatory storage will be stabilized with native plantings and seed. It should be noted that there is a steep slope where the proposed wetland mitigation and compensatory storage will be located. In order to catch grade once the compensatory storage/wetland mitigation areas are graded, this slope will be cut back.

Those areas above the BFE (el. 174) along this cut slope were originally proposed to be stabilized with riprap. The rip-rap slope has been changed to a geoweb vegetated slope protection. The table below contains the proposed plantings for the re-establishment of a forested community within this area. A detail of this has been provided with the revised plan set. The restoration of the slope will be conducted following the specifications provided in this section for the wetland mitigation.

See the Project Plans for details regarding the specific slope design.

TABLE 8 SLOPE PLANTING SCHEDULE				
Common Name	Scientific Name	Status	Size	Quantity
Trees				
White Pine	<i>Pinus strobus</i>	FACU	2-3" caliper	4
Red Oak	<i>Quercus rubra</i>	FACU-	2-3" caliper	4
White Oak	<i>Quercus alba</i>	FACU-	2-3" caliper	4
American Beech	<i>Fagus grandifolia</i>	FACU	2-3" caliper	4
Shrubs				
Northern Bush Honeysuckle	<i>Diervilla lonicera</i>	UPL	18-24" height	8
Gray Dogwood	<i>Cornus racemosa</i>	FAC	18-24" height	8
Alternate-leaved Dogwood	<i>Cornus alternifolia</i>	UPL	18-24" height	8
Witch hazel	<i>Hamamelis virginiana</i>	FAC-	18-24" height	8
Ground Cover				
New England Conservation/Wildlife Seed Mix (or equivalent)		Varies	1 lb./1,750 s.f.	3

6.4 Open Space Preservation

The proposed design will set aside approximately eight acres of land to be kept in an open state and preserved exclusively for that purpose. The open space shall include a Conservation Restriction as defined under M.G.L. 184 and will be conveyed to a homeowners association. Preservation of open space minimizes the total amount of disturbance to natural and cultural resources, while facilitating the construction and maintenance of housing, streets, utilities and public services in a more economic and efficient manner, and encouraging a more efficient and compact form of residential development that consumes less open land.

The proposed plan greatly reduces the amount of land held by individual homeowners, thus minimizing the long term encroachment on natural resources. It also maintains a large, un-fragmented upland areas within the critical terrestrial habitat of the off-site Certified Vernal Pool identified in Section 2.0.

7.0 REGULATORY COMPLIANCE

As noted in Section 4.3, there will be temporary and permanent impacts to Isolated Vegetated Wetlands, Bordering Land Subject to Flooding, Riverfront Area, the AURA, and the 25-Foot Buffer Zone associated with proposed work, primarily the proposed wetland crossing. The following sections detail the project's compliance with the performance standards for each resource area (as applicable) under the WPA/WPA Regulations and the Bylaw/Bylaw Regulations. A summary of impacts is included in Tables 2 & 3.

7.1 Limited Project

It should be noted that this project qualifies as a Limited Project under 310 CMR 10.53(3)(e): *The construction and maintenance of a new roadway or driveway of minimum legal and practical width acceptable to the planning board, where reasonable means of access from a public way to an upland area of the same owner is unavailable...* This designation provides the issuing authority discretion to allow certain work that may not meet the performance standards (even in an ACEC), provided they are met to the greatest extent practicable.

Section 310 CMR 10.53(3) of the WPA states the following:

Notwithstanding the provisions of 310 CMR 10.54 through 10.58 and 10.60, the Issuing Authority may issue an Order of Conditions and impose such conditions as will contribute to the interests identified in M.G.L. c. 131, § 40 permitting the following limited projects (although no such project may be permitted which will have any adverse effect on specified habitat sites of Rare Species, as identified by procedures established under 310 CMR 10.59). In determining whether to exercise its discretion to approve the limited projects listed in 310 CMR 10.53(3), the Issuing Authority shall consider the following factors: the magnitude of the alteration and the significance of the project site to the interests identified in M.G.L. c. 131, § 40, the availability of reasonable alternatives to the proposed activity, the extent to which adverse impacts are minimized, and the extent to which mitigation measures, including replication or restoration, are provided to contribute to the protection of the interests identified in M.G.L. c. 131, § 40.

The Applicant has taken great consideration in designing a project that meets the Limited Project provisions for work within an ACEC. As such, the only resource area where impacts exceed the permissible threshold is Riverfront Area, and the Applicant has minimized the design to the extent feasible so that this threshold is only exceeded by one percent as documented in the Riverfront Area discussion below. As previously noted, the Applicant has provided a detailed Alternatives Analysis reviewed by the third-party reviewer (BSC) and found acceptable. Furthermore, the Applicant has provided more than adequate mitigation for the scope of the project.

As noted earlier, the proposed crossing is the only viable option, as there is no alternative with fewer impacts to wetland resource areas on lands owned by the Applicant. In addition, it does not appear that ownership interest can be obtained from adjacent land owners to access the buildable portion of the property from abutting lands. The roadway has been constructed to minimum length and width, and uses a span with a light-penetration median to minimize direct impacts to Isolated Wetland I and BLSF.

Furthermore, the Limited Project proposed is categorized under Section 310 CMR 10.53(3) of the WPA as follows:

The construction and maintenance of a new roadway or driveway of minimum legal and practical width acceptable to the planning board, where reasonable alternative means of access from a public way to an upland area of the same owner is unavailable. Such roadway or driveway shall be constructed in a manner which does not restrict the flow of water. Reasonable alternative means of access may include any previously or currently available alternatives such as realignment or reconfiguration of the project to conform to 310 CMR 10.54 through 10.58 or to otherwise minimize adverse impacts on resource areas. The issuing authority may require the applicant to utilize access over an adjacent parcel of land currently or formerly owned by the applicant, or in which the applicant has, or can obtain, an ownership interest.

The applicant shall design the roadway or driveway according to the minimum length and width acceptable to the Planning Board, and shall present reasonable alternative means of access to the Board. The applicant shall provide replication of bordering vegetated wetlands and compensatory flood storage to the extent practicable. In the Certificate of Compliance, the issuing authority may continue a condition imposed in the Order of Conditions to prohibit further activities under 310 CMR 10.53(3)(e).

The Applicant is proposed to access additional upland areas via a proposed new access roadway. The Alternatives Analysis clearly demonstrates that no other access is viable for this site, regardless of the proposed project size.

MassDEP has issued a guidance policy document “Wetlands Policy 88-2: Access Roadways” to provide interpretation of 310 CMR 10.53(3)(e). Based upon this MassDEP Policy the Conservation Commission must determine 1) if the project satisfies the general requirements under the provision, 2) whether it is appropriate to grant an exception, and 3) what conditions should be imposed if approved. A discussion follows:

1. The project satisfies the general requirements of a Limited Project roadway crossing if there are no reasonable alternative means of access from a public way to upland areas. As noted in the BSC Review Letter dated March 12, 2015, Comment #6: “*The applicant has provided a total of 8 project alternatives. It is BSC’s opinion that the applicant has demonstrated a sufficient number of design alternatives for the project. It appears that the applicant’s preferred design minimizes impacts within the RFA.*” The Applicant has clearly met the burden of proof for this requirement. The project roadway location has received preliminary approval from the Planning Board.
2. The Commission should consider wetland impacts and the significance of said impacts to the interests of the WPA. There are NO wetland impacts proposed to a wetland subject to the jurisdiction of the WPA. Although not applicable, the impacts to the locally jurisdictional, isolated wetland are minimal at 719 square feet, with full mitigation. The site is not located adjacent to a public water supply, does not contain rare species habitat, is not near a Class A designated waterbody, or near an anadromous fish run.
3. The Commission should impose conditions to protect the interests of the WPA. The Applicant is amenable to special conditions and has agreed to several as noted in the BSC review letters. The compensatory storage is being provided as per regulation.

Based upon the information referenced above and presented in this NOI, the Applicant has provided more than sufficient evidence supporting the Limited Project status for this project. Attorney Seigenberg has provided the Conservation Commission case law in support of limited project status.

7.2 Freshwater Wetlands

Approximately 719 sf of permanent impacts will occur within Isolated Wetland I during construction of the road crossing. This work will be limited to vegetation removal; no changes in grade, fill, or other alterations will be required. All work will be completed by hand. As Wetland I is isolated and does not qualify as Isolated Land Subject to Flooding (it lies below the BFE and is part of a contiguous floodplain associated with the Canoe River), it is subject to the provisions of the Bylaw only. Since there are no specific performance standards for Freshwater Wetlands described in the Bylaw, this resource area is not addressed further. As noted in Section 6.2, impacts to Wetland I will be mitigated for at a 1.5:1 ratio.

7.3 Bordering Land Subject to Flooding

Approximately 2,237 sf (2,237 cf) of permanent impacts to BLSF will be required during construction of the abutments and approaches for the wetland crossing. As discussed in Section 6.3, compensatory mitigation will be provided equal to the amount of BLSF lost. The performance standards for BLSF under Section 310 CMR 10.57(4) of the Wetlands Protection Act require that the proposed project conform to the following criteria (standard presented in *italics*, response in **bold**):

(a)1: *Compensatory storage shall be provided for all flood storage volume that will be lost as the result of a proposed project within Bordering Land Subject to Flooding...*

Although fill will be required to construct the wetland crossing for the abutments only within the floodplain, compensatory storage will be provided, which will result in no net loss of BLSF. Please see Section 6.3 and the site plans for details. The Applicant has met the requirements of this performance standard.

(a)2: *Work within Bordering Land Subject to Flooding, including work required to provide above-specified compensatory storage, shall not restrict flows so as to cause an increase in flood stage or velocity.*

Work is not anticipated to increase flood stage or velocity. Compensatory storage has been sited as close to the area of loss as possible to minimize changes to the overall function of the system. See Stormwater Management Report and Project Plans. The Applicant has met the requirements of this performance standard.

(a)3: *Work in those portions of bordering land subject to flooding found to be significant to the protection of wildlife habitat shall not impair its capacity to provide important wildlife habitat functions.*

A Wildlife Habitat Evaluation has been prepared as documented later in this section. The impact area was evaluated to determine if the topography, soil composition, plant communities, and additional habitat features of the impacted area is likely to provide important habitat value for wildlife. Based upon the review of the topography, soil composition, plant communities, and additional habitat features of the impacted area, important habitat values/features for wildlife were not observed.

LE does not anticipate that the impacts to this resource area will cause any impairment of the capacity of this resource areas to provide important wildlife habitat functions as these features were not observed. The Applicant has met the requirements of this performance standard.

7.4 Riverfront Area

Approximately 15,184 sf of temporary and permanent impacts to the Riverfront Area are proposed with this project, associated with the wetland crossing/access road, excluding the stormwater structures. All of these impacts are located within undeveloped Riverfront Area. The performance standards for Riverfront Area under Section 310 CMR 10.58(4) of the Wetlands Protection Act require that the proposed project conform to the following criteria (standard presented in *italics*, response in **bold**):

(4) *General Performance Standard.* Where the presumption set forth in 310 CMR 10.58(3) is not overcome, the applicant shall prove by a preponderance of the evidence that there are no practicable and substantially equivalent economic alternatives to the proposed project with less adverse effects on the interests identified in M.G.L. c.131 § 40 and that the work, including proposed mitigation, will have no significant adverse impact on the riverfront area to protect the interests identified in M.G.L. c. 131 § 40.

As noted previously, an Alternatives Analysis has been completed as described above. No other practicable alternative with less environmental impacts is feasible for access to the upland portions of this site, as noted in the BSC Review Letter dated March 12, 2015, Comment #6.

(a.) Protection of Other Resource Areas. The work shall meet the performance standards for all other resource areas within the riverfront area, as identified in 310 CMR 10.30 (coastal bank), 10.32 (salt marsh), 10.55 (Bordering Vegetated Wetland), and 10.57 (Land Subject to Flooding). When work in the riverfront area is also within the buffer zone to another resource area, the performance standards for the riverfront area shall contribute to the protection of the interests of M.G.L. c. 131, § 40 in lieu of any additional requirements that might otherwise be imposed on work in the buffer zone within the riverfront area.

The only other resource area the project will impact is BLSF. As noted in the previous section, the project fully complies with the performance standards for work within the BLSF. As such, the Applicant has met the requirements of this performance standard.

(b) Protection of Rare Species. No project may be permitted within the riverfront area which will have any adverse effect on specified habitat sites of rare wetland or upland, vertebrate or invertebrate species, as identified by the procedures established under 310 CMR 10.59 or 10.37, or which will have any adverse effect on vernal pool habitat certified prior to the filing of the Notice of Intent.

The work area does not fall within NHESP-mapped Estimated Habitat of Rare Wildlife or Priority Habitat of Rare Species (See Figure 3). This performance standard is not applicable.

(c) Practicable and Substantially Equivalent Economic Alternatives. There must be no practicable and substantially equivalent economic alternative to the proposed project with less adverse effects on the interests identified in M.G.L. c. 131 § 40.

As noted earlier in this narrative and repeated above, an Alternatives Analysis has been prepared that has reviewed several potential options to access the site. With no off-site options available, the selected alternative remains the most viable option to access the buildable portions of the property. With the exception of the access roadway and isolated wetland crossing, remaining work within the Riverfront Area (over-dig for grading operations, work zones for various project elements, and other areas that will be returned to a natural state upon project completion) is temporary in nature; no additional structures will be sited, and all work areas will be stabilized and vegetated. The Applicant has met the requirements of this performance standard.

(d) No Significant Adverse Impact. The work, including proposed mitigation measures, must have no significant adverse impact on the riverfront area to protect the interests identified in M.G.L. c. 131, § 40.

While impacts to resource areas will occur, work should not result in significant adverse impacts to the interests specified in the WPA Regulations and Bylaw/Bylaw Regulations. The proposed design reduces direct impacts to resources to the maximum extent practicable, and by extension, the interests of the WPA. The proposed crossing has been sited as far from the Canoe River and its associated wetland resource areas as possible, and maximizes use of existing upland, which consists primarily of fill material associated with an old cart path. Remaining work within the Riverfront Area is temporary in nature and should not result in any adverse impact relative to the interests of the WPA.

1. *Within 200 foot riverfront areas, the issuing authority may allow the alteration of up to 5000 square feet or 10% of the riverfront area within the lot, whichever is greater, on a lot recorded on or before October 6, 1997 or lots recorded after October 6, 1997 subject to the restrictions of 310 CMR 10.58(4)(c)2.b.vi., or up to 10% of the riverfront area within a lot recorded after October 6, 1997, provided that:*

Map 112, Parcel 6579 and Map 98, Parcel 3362 were recorded in 2005. Map 112, Parcel 3361 was recorded in 1980. The total Riverfront Area on the site is 138,150 square feet. Therefore, a total of 8.11% of the total Riverfront Area will be permanently impacted, which is permissible under 310 CMR 10.58(4)(d). The total is increased to 10.99% if temporary impacts are included, however 2.88% of the Riverfront Area that is disturbed will be restored upon completion of construction.

We respectfully disagree with the Agent's assessment of the Riverfront Area (RA) calculations. The intent of the performance standards under the RA under Section 310 CMR 10.58 of the Wetlands Protection Act (WPA) are to review a project in its entirety and not analyze impacts across separate lots. Based upon the Agent's suggested impact analysis, the Applicant could theoretically alter 10% of the RA on each of the three lots, with authorization from the Commission and MassDEP.

However, at the request of the Agent, Coneco has analyzed the impacts for the project for each of the three lots and presented the impact analysis in the table on the following page.

The property ownership information is summarized below.

Map 112, Parcel 6579 Book 22380, Page 520	Map 98, Parcel 3362 Book 21596, Page 96	Map 112, Parcel 3361 Book 22501, Page 440
Mr. Scott Barbato 204 East Street Foxboro, MA 02035 Lot created in 2005	Mr. Scott Barbato 204 East Street Foxboro, MA 02035 Lot created in 2005	Mr. Paul Barbato 192 East Street Foxborough, MA 02035 Lot created in 1980

Regardless of how the RA impacts are assessed, the Applicant proposes greater than 10% impacts and as such has proposed the work as a Limited Project. The documentation submitted to the Commission prior to this letter has clearly demonstrated that the project complies with the requirements to be designated a Limited Project. The revised NOI provides a summary of this information

TABLE 9 RIVERFRONT AREA IMPACT TABLE THREE PARCEL ASSESSMENT				
Lot	Resource Area	Impacts (square feet)		
		Temporary	Permanent	Total
Map 112 Parcel 6579	Inner Riparian Zone	133	0	133
	Outer Riparian Zone	445	0	445
	Total RA on Parcel	---	---	11,886
Map 98 Parcel 3362	Inner Riparian Zone	2,391	6,953	9,344
	Outer Riparian Zone	1,014	3,720	4,734
	Total RA on Parcel	---	---	26,657
Map 112 Parcel 3361	Inner Riparian Zone	0	528	528
	Outer Riparian Zone	0	0	0
	Total RA on Parcel	---	---	50,321

¹Impact Calculations provided by Coneco.

²Excludes detention basin construction, flood compensatory storage, and wetland replication per 310 CMR 10.58(4)(d)1.

- a. *At a minimum, a 100 foot wide area of undisturbed vegetation is provided. This area shall extend from mean annual high-water along the river unless another location would better protect the interests identified in M.G.L. c. 131 § 40. If there is not a 100 foot wide area of undisturbed vegetation within the riverfront area, existing vegetative cover shall be preserved or extended to the maximum extent feasible to approximate a 100 foot wide corridor of natural vegetation....*

The Applicant cannot provide a 100-foot wide area of undisturbed vegetation as no alternate access locations are viable. Due to the location of the Canoe River, any viable access will require impacts to the Riverfront Area and require work within the 100-Foot Inner Riparian Zone. This NOI has discussed measures to minimize and avoid this area and provide a detailed Alternatives Analysis. The project meets the provisions for Limited Project status.

- b. *Stormwater is managed according to standards established by the Department in its Stormwater Policy.*

The project is in compliance with the MassDEP Stormwater Management Standards and Policy as detailed in the Stormwater Management Report. The Applicant has met the requirements of this performance standard.

- c. *Proposed work does not impair the capacity of the riverfront area to provide important wildlife habitat functions. Work shall not result in an impairment of the capacity to provide vernal pool habitat identified by evidence from a competent source, but not yet certified. For work within an undeveloped riverfront area which exceeds 5,000 square feet, the issuing authority may require a wildlife habitat evaluation study under 310 CMR 10.60.*

A Wildlife Habitat Evaluation was conducted on January 2, 2015 and a report prepared on March 27, 2015 (See Section VIII). The impact area was evaluated to determine if the topography, soil composition, plant communities, and additional habitat features of the impacted Riverfront Area are likely to provide important habitat value for wildlife. Work in Riverfront Area in excess of 5,000 square feet “may be permitted if they will have no adverse effects on wildlife habitat”, as determined by the procedures contained in 310 CMR 10.60. Based upon the review of the topography, soil composition, plant communities, and additional habitat features of the impacted Riverfront Area, important habitat values/features for wildlife were not observed. The Applicant has met the requirements of this performance standard.

- d. *Proposed work shall not impair groundwater or surface water quality by incorporating erosion and sedimentation controls and other measures to attenuate nonpoint source pollution.*

Erosion and sedimentation controls as described in NOI and as shown on the Project Plans will be established prior to construction to prevent impacts during construction.

The Bylaw and Bylaw Regulations use the performance standards in 310 CMR 10.58 to regulate activity within the Riverfront Area. As such, no additional performance standards need to be addressed for this resource.

7.5 Adjacent Upland Resource Area (i.e., 100-Foot Buffer Zone)

There will be 0 sf of temporary impacts and approximately 15,902 sf of permanent impacts within the AURA/100-Foot Buffer Zone. These impacts are associated with construction of the access roadway, wetland crossing, and site work for the stormwater basin. Under the WPA and WPA Regulations the 100-Foot Buffer Zone is not an Area Subject to Protection; it is simply an area subject to regulation. As such, no performance standards are associated with this area. In addition, the Bylaw and Bylaw regulations do not have specific performance standards for the AURA. As stated previously all permanent impacts have been sited in order to minimize impacts to the maximum extent practicable. In addition, all temporary impacts will be stabilized and restored.

The Commission has requested that a mitigation plan be prepared. The work within the 100-Foot Buffer Zone to the Bank and BVW located on-site is limited to the roadway construction and stormwater management system. As such, no work associated with any of the lots or lot construction will occur within the buffer zone. The isolated wetland crossing, a portion of the roadway, the stormwater grass swale and detention basin, and the flood compensatory storage areas, and wetland replication area are located within the buffer zone. As such, a detailed mitigation plan specifically for the activities in the buffer zone is not appropriate for this site, as indirect impacts are not anticipated.

However, the Applicant has prepared a Long Term Pollution Prevention Plan, Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan, and Operation and Maintenance Plan for Forge Estates, as documented in the Stormwater Management Report. These documents detail how the stormwater structures and roadway will be maintained to prevent any long term impacts. This NOI outlines the monitoring protocol for the wetland replication area and flood compensatory storage areas to ensure proper stabilization following the completion of construction as they have been designed as the mitigation for the proposed project. Upon completion of construction all areas within the buffer zone will be stabilized and monitored. As noted in the BSC Review Letter dated March 12, 2015, Comment #1, *“We concur that the Long Term Pollution Prevention Plan, Construction Period Pollution Prevention and Erosion Control Plan, and Operation and Maintenance Plan generally satisfy the requirements for the detailed mitigation plan.”*

7.6 25-Foot Buffer Zone

There will be 0 sf of temporary impacts and approximately 6,388 sf of permanent impacts within the 25-Foot Buffer Zone, including compensatory storage and wetland replication areas. Section A.9. of Article IX states the following:

“No activity other than the maintenance of an already existing structure which will result in the building within or upon, removing, filling, or altering of land within 25 feet of a bordering vegetated wetland or an inland bank will be permitted by the Conservation Commission. The only exceptions to the above 25 foot buffer zone will be for:

- (1) a wetland crossing permitted under M.G.L. Chapter 131, Section 40 and Article IX, the Town of Foxborough Conservation Bylaws, and/or*
- (2) when the Conservation Commission determines that there are no reasonable conditions or alternatives that would allow the project to proceed in compliance with the Bylaws; and*

that the mitigating measures are proposed that will allow the project to be conditioned by the Conservation Commission so as to contribute to the protection of the interests identified in M.G.L. Chapter 131, Section 40 and Article IX, the Town of Foxborough Conservation Bylaws.”

This provision appears to be satisfied by the Limited Project provisions under 310 CMR 10.53(e) and as such no variance should be required. To the extent that the Commission disagrees with this position the Applicant seeks one variance under the Foxborough Wetlands Bylaw, Chapter 267 which is consistent with the Limited Project provisions of the WPA. The information presented herein and in previous submittals to the Commission clearly demonstrates that the project meets the two exceptions listed above. The Applicant is seeking to cross an isolated wetland and has presented a thorough and complete Alternatives Analysis. Mitigation has been provided as required by the WPA and the Bylaw. The Applicant is not aware of any additional variances required under the local Bylaw.

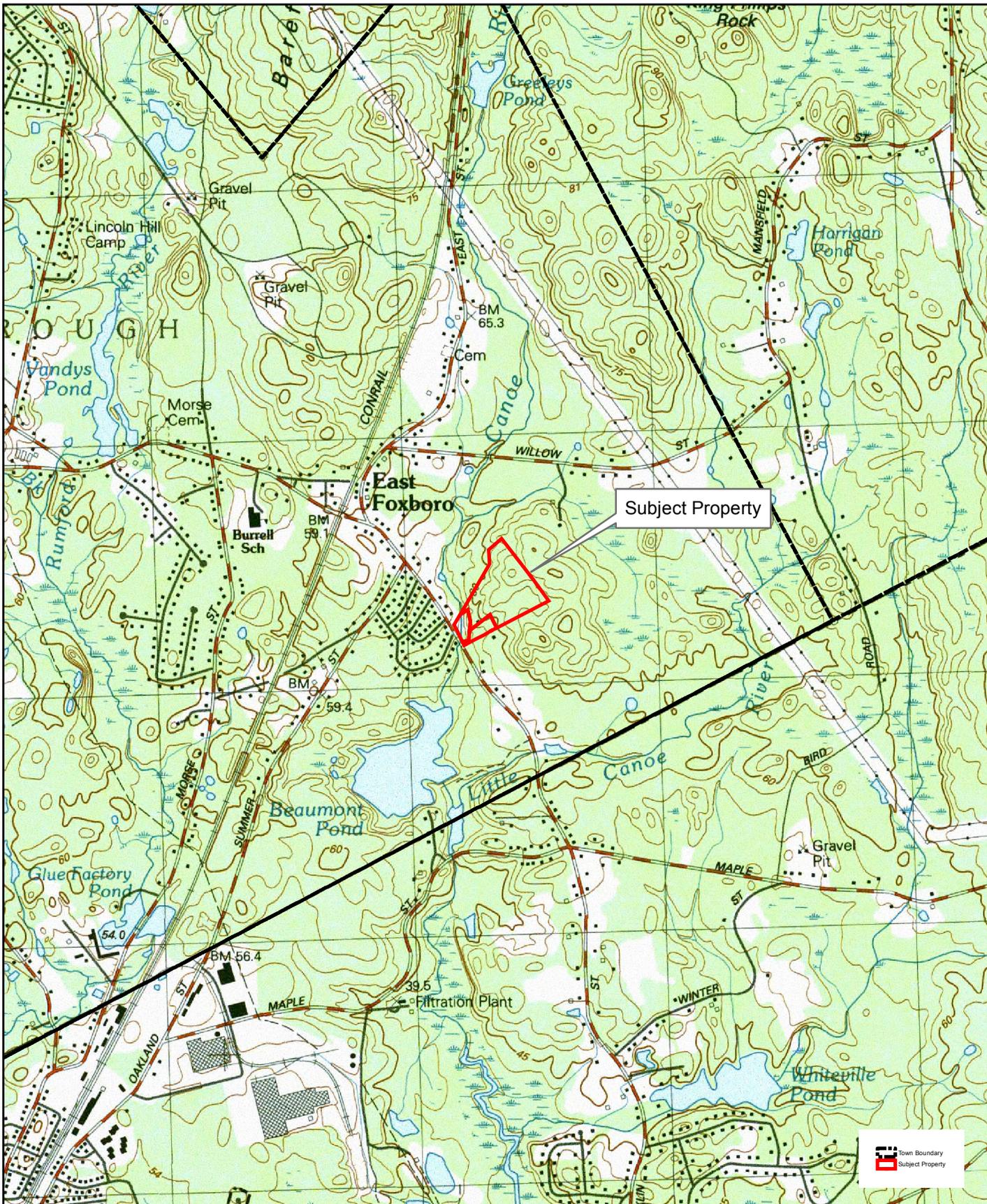
8.0 SUMMARY

Deer Hill Development, LLC is requesting an Order of Conditions to construct a 12-lot Open Space Residential Development off of East Street in Foxborough, Massachusetts. The subdivision includes an open space design that will permanently protect approximately eight acres of land as open space in perpetuity. Portions of proposed work will occur within state and locally regulated resource areas including the AURA/100-Foot Buffer Zone, the 25-Foot Buffer Zone, Vegetated Wetlands, Bordering Land Subject to Flooding, and Riverfront Area. The entire site falls within the Canoe River Aquifer ACEC. The project qualifies as a Limited Project under 310 CMR 10.53(3)(e), and has been designed to meet applicable performance standards to the maximum extent practicable. Mitigation will be provided to reduce any unavoidable impacts to wetland resource areas associated with proposed work.

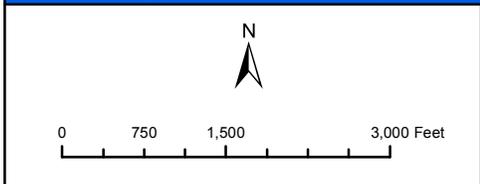
The Applicant respectfully requests that the Foxborough Conservation Commission find these measures adequately protective of the interests identified in the Wetlands Protection Act and the Town of Foxborough Wetlands and Groundwater Bylaw and issue an Order of Conditions approving the work described in this Notice of Intent and shown on the revised Project Plans (revised through March 27, 2015).

SECTION III

Figures

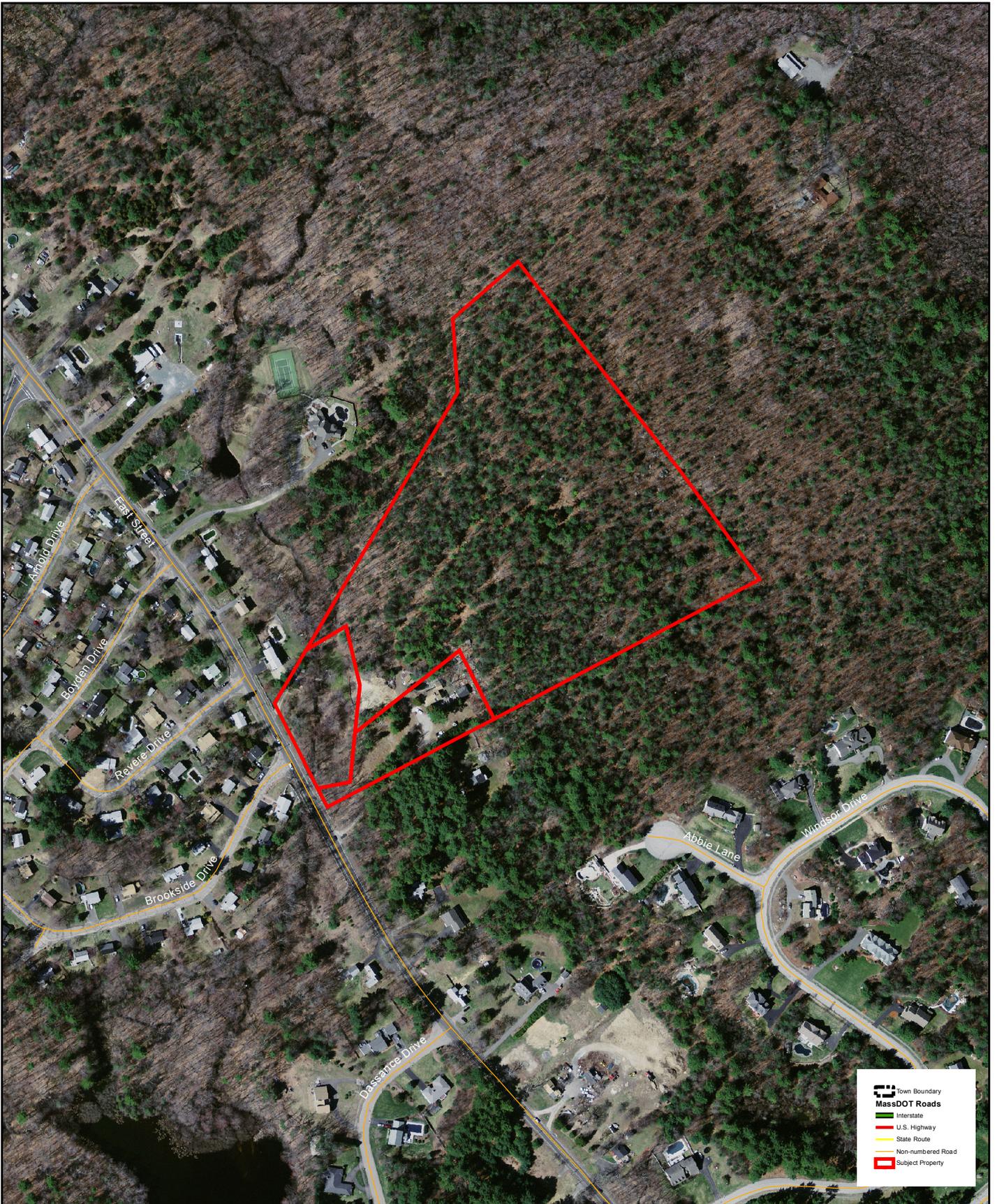


Source: Office of Geographic and Environmental Information (MassGIS), Commonwealth of Massachusetts Executive Office of Environmental Affairs, USGS Topographic Quadrangle Images

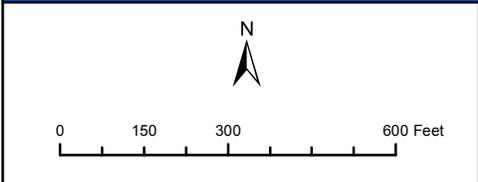


USGS Map
 Forge Estates of Foxborough
 204 East Street
 Foxborough, MA

FIGURE 1
LUCAS ENVIRONMENTAL, LLC
 LAND DEVELOPMENT & PERMITTING

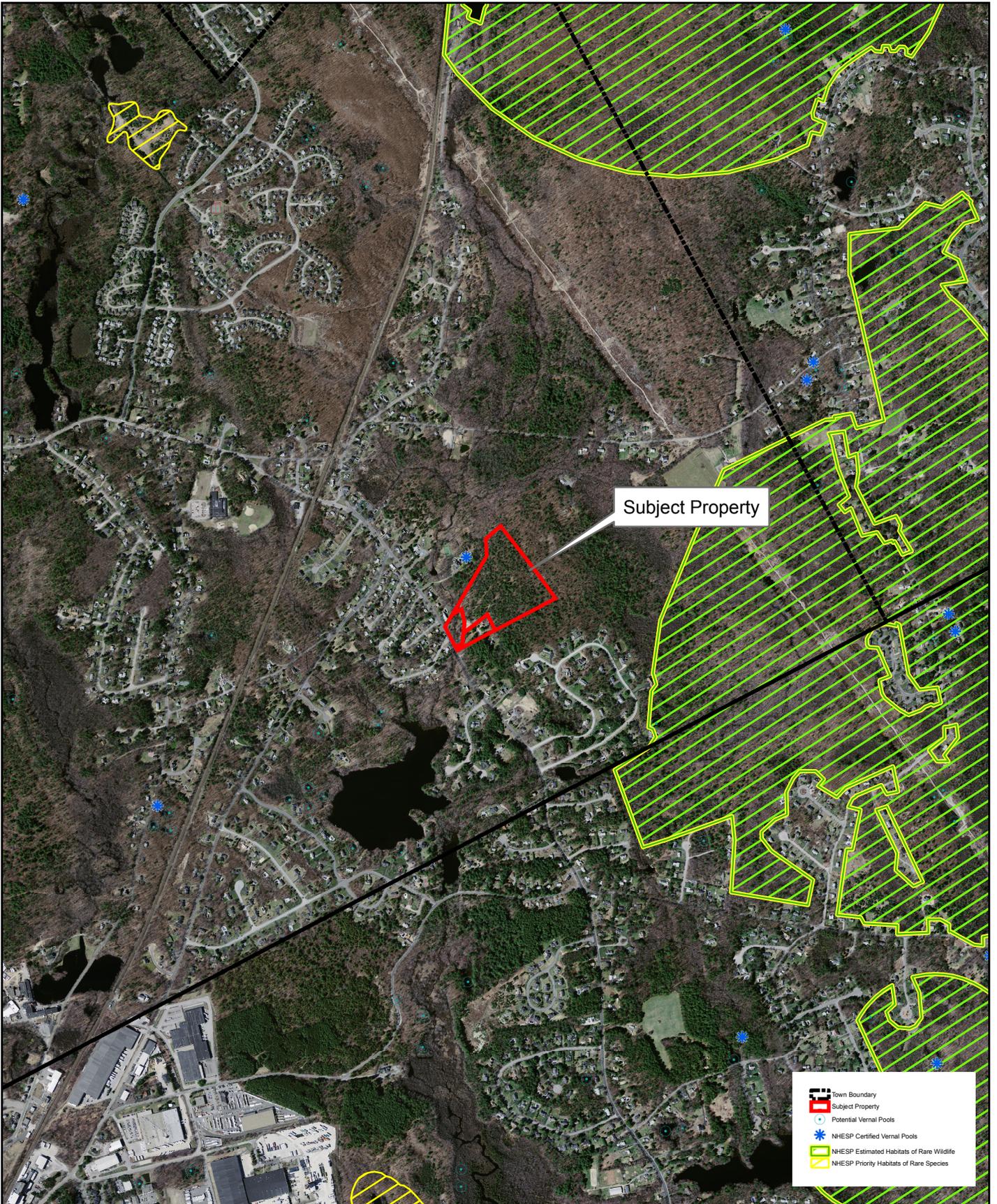


Source: Office of Geographic and Environmental Information (MassGIS), Commonwealth of Massachusetts Executive Office of Environmental Affairs, USGS Color Ortho Imagery - 30cm (2008/2009)



Aerial Map
Forge Estates of Foxborough
204 East Street
Foxborough, MA

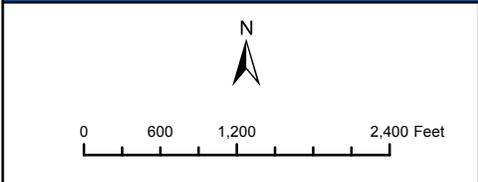
FIGURE 2
LUCAS ENVIRONMENTAL, LLC
 LAND DEVELOPMENT & PERMITTING



Subject Property

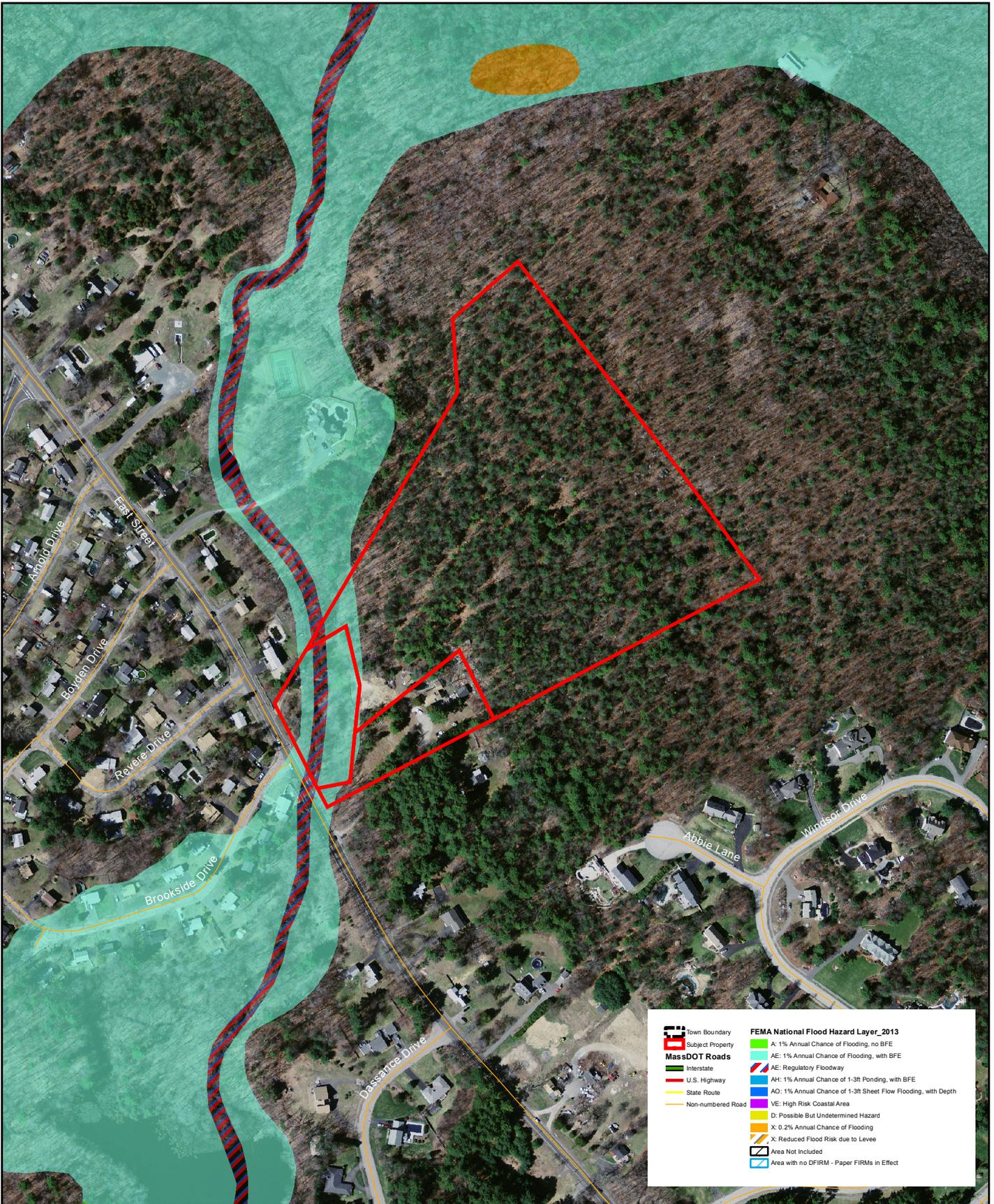
- Town Boundary
- Subject Property
- Potential Vernal Pools
- NHESP Certified Vernal Pools
- NHESP Estimated Habitats of Rare Wildlife
- NHESP Priority Habitats of Rare Species

Source: Office of Geographic and Environmental Information (MassGIS), Commonwealth of Massachusetts Executive Office of Environmental Affairs; USGS Color Ortho Imagery - 30cm (2008/2009)

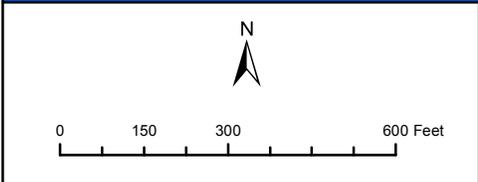


NHESP Map
Forge Estates of Foxborough
204 East Street
Foxborough, MA

FIGURE 3
LUCAS ENVIRONMENTAL, LLC
 LAND DEVELOPMENT & PERMITTING

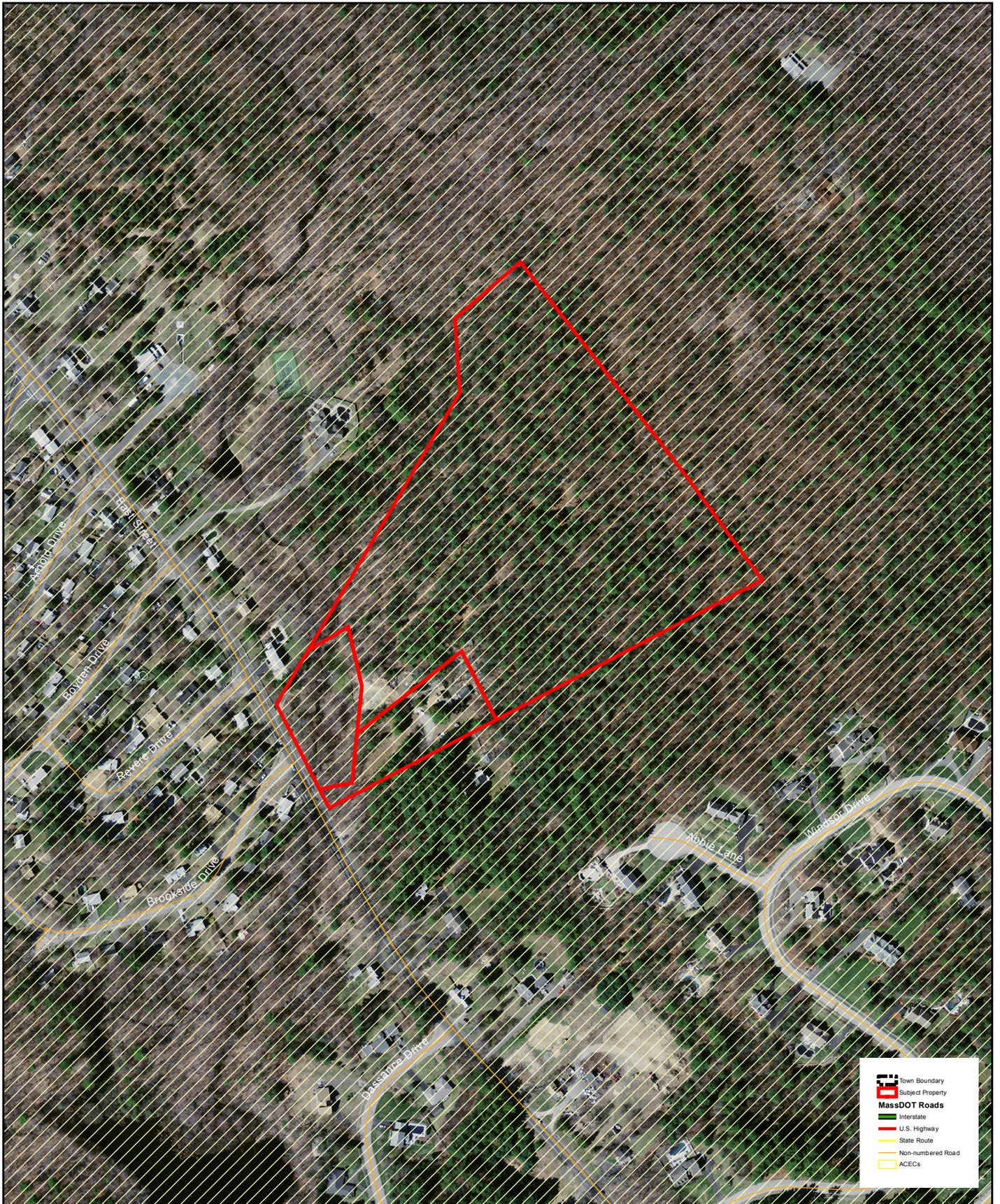


Source: Office of Geographic and Environmental Information (MassGIS), Commonwealth of Massachusetts Executive Office of Environmental Affairs, USGS Color Ortho Imagery - 30cm (2008/2009)

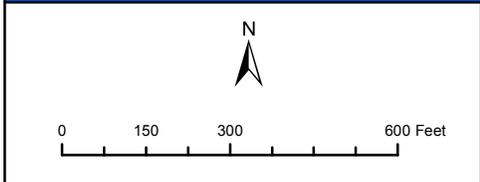


FEMA Map
Forge Estates of Foxborough
204 East Street
Foxborough, MA

FIGURE 4
LUCAS ENVIRONMENTAL, LLC
 LAND DEVELOPMENT & PERMITTING

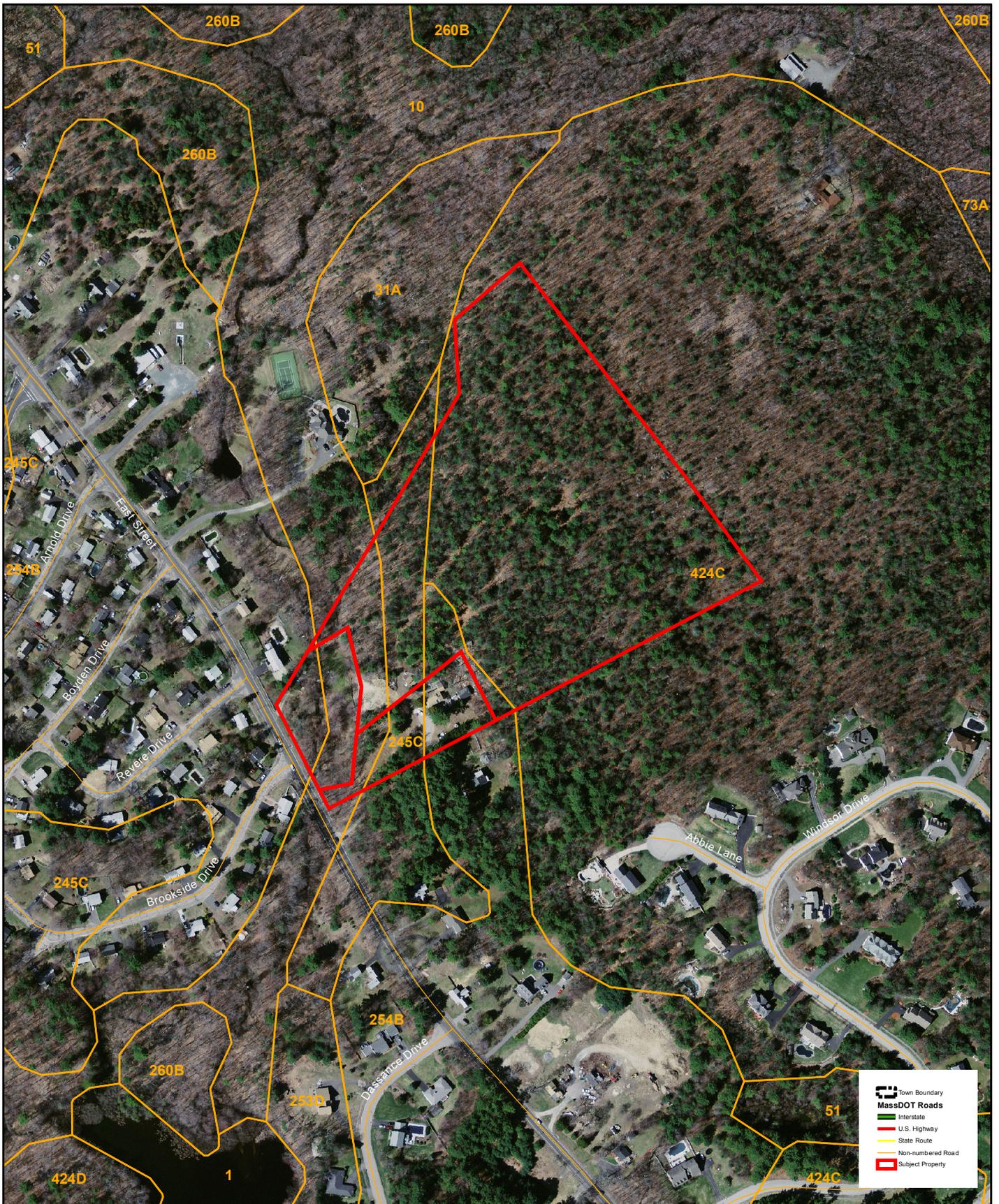


Source: Office of Geographic and Environmental Information (MassGIS), Commonwealth of Massachusetts Executive Office of Environmental Affairs, USGS Color Ortho Imagery - 30cm (2008/2009)

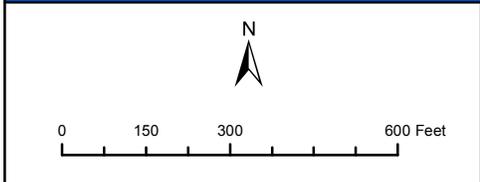


ACEC Map
Forge Estates of Foxborough
204 East Street
Foxborough, MA

FIGURE 5
LUCAS ENVIRONMENTAL, LLC
 LAND DEVELOPMENT & PERMITTING



Source: Office of Geographic and Environmental Information (MassGIS), Commonwealth of Massachusetts Executive Office of Environmental Affairs, USGS Color Ortho Imagery - 30cm (2008/2009)



Soil Map
Forge Estates of Foxborough
204 East Street
Foxborough, MA

FIGURE 6
LUCAS ENVIRONMENTAL, LLC
 LAND DEVELOPMENT & PERMITTING

SECTION IV

Photographic Documentation



Photograph 1: View of Bordering Vegetated Wetland.



Photograph 2: View of Isolated Vegetated Wetland – Series I.



Photograph 3: View of the Canoe River near culvert under Alfred Lord Boulevard.



Photograph 4: View of the Canoe River.



Photograph 5: View of existing cart path between wetland the Bordering Vegetated Wetland and the Isolated Vegetated Wetland.



Photograph 6: View of existing single family residence at 204 East Street, looking north.

SECTION V

Abutter Information

NOTIFICATION TO ABUTTERS

Under the Massachusetts Wetlands Protection Act & Foxborough Wetlands and Groundwater Protection Bylaw (Article IX)

*(This form must be completed and mailed, certified mail return receipt requested,
to all abutters within 100 feet of the proposed project)*

In accordance with the second paragraph of Massachusetts Wetlands Protection Act (G.L. Ch. 131, §40), and §10.05(4)(a) of 310 CMR 10.00, and the Foxborough Wetlands and Groundwater Protection Bylaw (Article IX) and regulations, you are hereby notified of a public hearing on the matter described below:

- A. The applicant has filed a Notice of Intent with the Foxborough Conservation Commission seeking permission to alter an area subject to protection under the Wetlands Protection Act and the Foxborough Wetlands and Groundwater Protection Bylaw.
- B. The name of the applicant is Deer Hill Development, LLC
- C. The address of the land where the activity is proposed is 204 East Street, Foxborough.
- D. The work proposed is construction of a 12-Lot subdivision using an open space design.
- E. Copies of the Notice of Intent may be examined at the Conservation Commission's office, 40 South Street, Foxborough Town Hall, between 9 am and 4 pm, Monday through Thursday.

For more information, please call: 617.405.4140

Check One: This is the applicant, applicant's representative, or other _____

- F. Copies of the Notice of Intent may be obtained from either (check one) the applicant or the applicant's representative by calling 617.405.4140 from 8 am-5 pm on Monday through Friday.
- G. Information regarding the date, time and place of the public hearing may be obtained from either (check one) the applicant or the applicant's representative by calling 617.405.4140 from 8 am-5 pm on Monday through Friday.

Conservation Commission meeting agendas may be viewed online at
http://www.foxboroughma.gov/Pages/FoxboroughMA_ConsAgendas/

Notice of the public hearing, including date, time and place, will be published at least five business days in advance in The Foxboro Reporter and will be posted in the Town Hall and online at least 48 hours in advance.

Contact the Foxborough Conservation Commission for information about this application or the Foxborough Wetlands and Groundwater Protection Bylaw or the Department of Environmental Protection (DEP) Southeast Regional Office for more information about this application or the Wetlands Protection Act.

Conservation Commission:

508-543-1251

http://www.foxboroughma.gov/Pages/FoxboroughMA_Conservation/index

DEP, Southeast Regional Office (Lakeville):

508-946-2700

NOTE: To preserve your appeal rights you must submit comments/concerns in writing.

OCT 22 2014



BOARD OF ASSESSORS TOWN OF FOXBOROUGH
TOWN OF FOXBOROUGH
40 SOUTH STREET
FOXBOROUGH MASSACHUSETTS 02035

(508) 543-1215

Fax: (508) 543-6278

CERTIFICATION OF ABUTTERS

PROPERTY OWNER: Scott M Barbato (98-3362 & 112-6579) & Paul A Barbato (112-3361)

MAILING ADDRESS: 204 East Street, Foxborough, MA 02035

PROPERTY LOCATION: 204 East Street

ASSESSORS MAP/PARCEL: Map 112 - Lots 6579 & 3361, Map 98 - Lot 3362

APPLICANT: Coneco Engineers & Scientists PHONE: (508) 697-3191 x145

AUTHORITY REQUESTING LIST: Conservation Commission

DATE SUBMITTED: 10-21-2014

LIST REQUESTED: 500 FT 300 FT X 100FT ABUTTER TO ABUTTER

I, Robert L. Colaco, Assessment Officer, acting as a custodian of assessment records, do hereby certify that the attached documents contain true and complete information from the most recent tax list of the Town of Foxborough, Massachusetts.

I further state that these documents include the names and addresses of abutters to the abutters 100 feet ^{112 Parcel} Map 6579 + 3361 + Map 98 Parcel 3362

Date: 10/28/14

BOARD OF ASSESSORS
FOXBOROUGH MASSACHUSETTS

Massachusetts General Law c. 40A, s.11, "The assessors maintaining any applicable tax list shall certify to the permit granting authority or special permit granting authority the names and addresses of parties in interest and such certification shall be conclusive for all purposes."

The Assessors Office will complete the abutters list within 7-10 business days. There is a \$25.00 fee for an abutters list.

"The applicant is solely responsible for requesting the appropriate abutters list required by the applicable Mass General Law."

October 23, 2014

Location:

085//3009//
WILLOW STREET

Owner:

TOWN OF FOXBOROUGH CONSERVATION
40 SOUTH STREET
FOXBOROUGH, MA 02035-0000

Location:

112//3360//
192 EAST STREET

Owner:

BARBATO PAUL A
192 EAST STREET
FOXBOROUGH, MA 02035-0000

Location:

112//3365//
206 EAST STREET

Owner:

HUNT RALPH F & EDNA J TR
206 EAST STREET
FOXBOROUGH, MA 02035

Location:

112//3372//
EAST STREET

Owner:

TOWN OF FOXBOROUGH CONSERVATION
40 SOUTH STREET
FOXBOROUGH, MA 02035-0000

Location:

112//4742//
186 EAST STREET

Owner:

BROWNING COLIN A & MARIA Y ODLER TR
186 EAST STREET
FOXBOROUGH, MA 02035

Location:

113//3013//
WILLOW STREET

Owner:

TOWN OF FOXBOROUGH CONSERVATION
40 SOUTH STREET
FOXBOROUGH, MA 02035-0000

October 23, 2014

Location:

112 / / 3342 / /
1 BROOKSIDE DRIVE

Owner:

FLAHERTY FRANCIS X & JACQUELINE R
1 BROOKSIDE DRIVE
FOXBORO, MA 02035-0000

Location:

112 / / 3343 / /
195 EAST STREET

Owner:

TOBIN GUERRINI PATRICIA A
RANDALL J JR JT
195 EAST STREET
FOXBORO, MA 02035-0000

Location:

112 / / 3363 / /
EAST STREET

Owner:

HUNT RALPH F & EDNA J TR
EAST STREET
FOXBOROUGH, MA 02035

Location:

112 / / 3375 / /
EAST STREET

Owner:

DREW LYNNE GROSSMITH
C/O GROSSMITH DOROTHY
209 EAST STREET
FOXBOROUGH, MA 02035

Location:

112 / / 3376 / /
2 BROOKSIDE DRIVE

Owner:

CARLSON DAVID E & DEBORAH J
2 BROOKSIDE DRIVE
FOXBOROUGH, MA 02035-0000

October 23, 2014

Location:

112 / / 3364 / / & 112//3366 (COMBINED)
208 EAST STREET

Owner:

JOHN CULLINANE
208 EAST STREET
FOXBOROUGH, MA 02035-0000

SECTION VI

Filing Fee Information

CALCULATED FILING FEE STATEMENT

The proposed project involves the construction of a 12-lot open space residential subdivision at 204 East Street, Foxborough, Massachusetts. Under the Wetlands Protection Act, proposed activities are reviewable as a Limited Project (310 CMR 10.53(3)(e)): *the construction and maintenance of a new roadway or driveway of minimum legal and practical width acceptable to the planning board...* As such, the proposed crossing falls under fee Category 4(a). The associated fee is \$1,450.00. Under the original NOI filing, the project was also subject to fee Category 2(a), associated with the construction of two homes, including site work. The associated fee is \$500.00 per home and both fees were subject to the Riverfront Area multiplier of 1.5. However, the Applicant has revised the project to remove both lots from the Riverfront Area, and as such, these fees no longer apply.

Local fees are similar in nature to the Wetlands Protection Act Fees, including the Riverfront Area multiplier. This construction of the two homes, including site work was included under Category 2(a), which is \$500.00 per home under the original NOI filing. As noted above the Applicant has revised the project to remove both lots from the Riverfront Area, and as such, these fees no longer apply. The detention basin is proposed within the buffer zone and is included under Category 2(d), which is \$500.00 per activity. The proposed crossing falls under fee Category 4(a), which is \$2,000.00. All fees are multiplied by 1.5, due to a portion of each activity falling within the Riverfront Area.

Original Wetlands Protection Act Fees:

Total WPA Filing Fee = \$3,675.00
State Share of WPA Filing Fee: $(\$3,675.00/2) - \$12.50 = \$1,825.00$
Town Share of WPA Filing Fee: $(\$3,675.00/2) + \$12.50 = \$1,850.00$

Original Local Fees:

Total Filing Fee = \$5,250.00*

Check #1 Payable to: Commonwealth of Massachusetts for \$1,825.00

Check #2 Payable to: Town of Foxborough for \$1,850.00

Check #3 Payable to: Town of Foxborough for \$4,500.00*

Check #4 Payable to: Town of Foxborough for \$750.00*

Based upon the project revisions, the current fee schedule is as follows:

Current Wetlands Protection Act Fees:

Total WPA Filing Fee = \$2,175.00
State Share of WPA Filing Fee: $(\$2,175.00/2) - \$12.50 = \$1,075.00$
Town Share of WPA Filing Fee: $(\$2,175.00/2) + \$12.50 = \$1,100.00$

Current Local Fees:

Total Filing Fee = \$3,750.00*

The Applicant respectfully requests a refund of the difference in filing fees based upon the project revisions. The total refund = \$2,250.00 [\$750.00 (state share of WPA fee) + 1,500.00 (local fee)].

*Two checks to town for the local filing fee.



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:

<u>204 East Street</u>	<u>Foxborough</u>
a. Street Address	b. City/Town
<u>1320</u>	<u>\$1,825.00</u>
c. Check number	d. Fee amount

2. Applicant Mailing Address:

<u>Deer Hill Development, LLC</u>		<u>MA</u>		<u>02767</u>
c. Organization		f. State		g. Zip Code
<u>P.O. Box 250</u>				
d. Mailing Address				
<u>Raynham Center</u>		<u>MA</u>		<u>02767</u>
e. City/Town		f. State		g. Zip Code
<u>508.384.0080</u>	<u>N/A</u>	<u>drs@seiglaw.com</u>		
h. Phone Number	i. Fax Number	j. Email Address		

3. Property Owner (if different):

<u>See Attached Owner Sheet</u>			
a. First Name	b. Last Name		
<u></u>			
c. Organization			
<u></u>			
d. Mailing Address			
<u></u>			
e. City/Town		f. State	g. Zip Code
<u></u>		<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email Address	
<u></u>	<u></u>	<u></u>	

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.

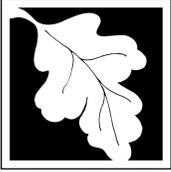
Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

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
4(a)	1 * 1.5(RA)	\$1,450.00	\$2,175.00
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Step 5/Total Project Fee:			<u>\$2,175.00</u>
Step 6/Fee Payments:			
Total Project Fee:			<u>\$2,175.00</u> a. Total Fee from Step 5
State share of filing Fee:			<u>\$1,075.00</u> b. 1/2 Total Fee less \$12.50
City/Town share of filing Fee:			<u>\$1,100.00</u> 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.)



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:

204 East Street
 a. Street Address
 1320
 c. Check number
 Foxborough
 b. City/Town
 \$1,825.00
 d. Fee amount

2. Applicant Mailing Address:

a. First Name
 Deer Hill Development, LLC
 c. Organization
 P.O. Box 250
 d. Mailing Address
 Raynham Center
 e. City/Town
 MA
 f. State
 02767
 g. Zip Code
 508.384.0080
 h. Phone Number
 N/A
 i. Fax Number
 drs@seiglaw.com
 j. Email Address

3. Property Owner (if different):

See Attached Owner Sheet
 a. First Name
 b. Last Name
 c. Organization
 d. Mailing Address
 e. City/Town
 f. State
 g. Zip Code
 h. Phone Number
 i. Fax Number
 j. Email Address

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

B. Fees

Fee should be calculated using the following 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.



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)

Town Bylaw Fees

Refer to the Foxborough Conservation Commission's Article IX Filing Fee Schedule, downloadable at:
http://www.foxboroughma.gov/Pages/FoxboroughMA_Conservation/Forms

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

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

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

Step 4a/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 Bylaw Project Fees: Determine the total project fee by adding the subtotal amounts from Step 4a.

Step 6d/Fee Payment (Bylaw): **Insert Step 6 fee payment amount.**

Type of Activity	Number of Activities	Individual Activity Fee	Subtotal Activity Fee
State Filing Fees: (Step 1)	(Step 2)	(Step 3)	(Step 4)
4(a)	1 * 1.5	\$1,450.00	\$2,175.00
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total State Fee: (Step 5)			\$2,175.00
Bylaw Filing Fees: (Step 1a)	(Step 2a)	(Step 3a)	(Step 3a)
4(a)	1 * 1.5	\$2,000.00	\$3,000.00
2(d)	1 * 1.5	\$500.00	\$750.00
_____	_____	_____	_____
_____	_____	_____	_____
Total Bylaw Fee: (Step 5a)			\$3,750.00
Fee Payments: (Step 6)			
Total State Fee:			\$2,175.00 a. Total State Fee from Step 5
State's share of filing Fee:	(Paid to State)		\$1,075.00 b. 1/2 of (a), above less \$12.50
Town's share of filing Fee:	(Paid to Town of Foxborough)		\$1,100.00 c. 1/2 of (a) above plus \$12.50
Total Bylaw Fee:	(Paid to Town of Foxborough)		\$3,750.00 d. Total Bylaw Fee from Step 5a

PROPERTY OWNERSHIP

Map 112, Parcel 6579

Book 22380, Page 520

Mr. Scott Barbato
204 East Street
Foxboro, MA 02035
Ph: 508.543.1509
Fax: N/A
Email: barbatoscott@yahoo.com
Lot created in 2005.

Map 98, Parcel 3362

Book 21596, Page 96

Mr. Scott Barbato
204 East Street
Foxboro, MA 02035
Ph: 508.543.1509
Fax: N/A
Email: barbatoscott@yahoo.com
Lot created in 2005.

Map 112, Parcel 3361

Book 22501, Page 440

Mr. Paul Barbato
192 East Street
Foxborough, MA 02035
Ph: 508.543.8139
Fax: N/A
Email: N/A
Lot created in 1980.

SECTION VII

Superseding Order of Conditions



COMMONWEALTH OF MASSACHUSETTS
 EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 SOUTHEAST REGIONAL OFFICE
 20 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508-946-2700

DEVAL L. PATRICK
 Governor

IAN A. BOWLES
 Secretary

TIMOTHY P. MURRAY
 Lieutenant Governor

LAURIE BURT
 Commissioner

RECEIVED

SEP 25 2009

SEP 28 2009

**CONSERVATION
 COMMISSION**

RE: FOXBOROUGH--Wetlands
 SE 157-467, Superseding Order of
 Resource Area Delineation,
 204 East Street

Forrest H. Emery
 c/o Canoe River Village, LLC
 Phoenix Environmental Group
 P.O. Box 414
 N. Pembroke, Massachusetts 02358

Ladies and Gentlemen:

Following on-site inspections on March 12, 2009, and April 30, 2009, and an in-depth review of information submitted with the above-referenced file, and in accordance with Massachusetts General Laws, Chapter 131, Section 40, the Department of Environmental Protection [the "Department"] is issuing the enclosed Superseding Order of Resource Area Delineation ["Order"]. The Department has confirmed the boundary of Bordering Vegetated Wetland [310 CMR 10.55] and Bordering Land Subject to Flooding [310 CMR 10.57]. This Order also confirms the accuracy of the boundary of Riverfront Area [310 CMR 10.58].

Other local or federal laws may be applicable. You are urged to contact the Foxborough Conservation Commission for any applicable Wetland By-Laws. In addition, you are urged to contact the U.S. Army Corps of Engineers [New England District – Concord, Massachusetts] for any federal jurisdiction under Section 404 of the Clean Water Act.

In the opinion of the Department, the reasons given here are sufficient to justify this Superseding Order of Resource Area Delineation. However, the Department reserves the right, should there be further proceedings in this matter, to raise additional issues and present further evidence as may be appropriate.

If you have any questions regarding this matter, please contact Gary J. Makuch at (508) 946-2807.

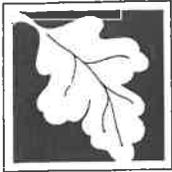
Very truly yours,

Tena J. Davies
 Bureau of Resource Protection

D/GJM

CERTIFIED MAIL # 7008 0150 0003 5434 1076

cc: Foxborough Conservation Commission



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 4B – Superseding Order of Resource Area Delineation
Affirmation
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:
SE 157-467
 Provided by DEP

A. General Information

From:

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 Issuing Authority

This Issuance is for (check one):

- Superseding Order of Resource Area Delineation
 Amended Superseding Order of Resource Area Delineation

To: Applicant:

Canoe River Village, LLC
 Name
P.O. Box 224
 Mailing Address
Whitman MA 02382
 City/Town State Zip Code

Property Owner (if different from applicant):

Scott and Elaine Barbato
 Name
204 East Street
 Name:
Foxboro MA 02035
 Name: State Zip Code

1. Project Location:

204 East Street Foxborough
 Street Address City/Town
Maps 98 & 112 Lots 3361 and 3362
 Assessors Map/Plat Number Parcel /Lot Number

2. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

S.O.R.A.D. Plan "Canoe River Village", East Street in Foxborough, Massachusetts 08/18/09
 Title: Date
[Sheets 1 and 2 of 2]
 Title: Date

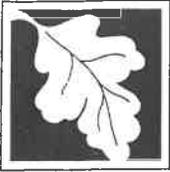
3. Final Plans and Documents Signed and Stamped by:

James A. Pavlik, Registered Professional Engineer
 Name

4. Dates:

February 20, 2008 January 12, 2009 January 26, 2009
 Date Notice of Intent Filed Date Public Hearing Closed Date of Issuance

5. \$2,000.00
 Filing Fee



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 4B – Superseding Order of Resource Area Delineation
Affirmation
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:
SE 157-467
Provided by DEP

B. Order of Delineation

The Department has determined the following (check whichever is applicable):

Accurate: The boundaries described on the referenced plan(s) above and in the Abbreviated Notice of Resource Area Delineation are accurately drawn for the following resource area(s):

Bordering Vegetated Wetlands

Other Resource Area(s), specifically:

Riverfront Area. Bordering Land Subject to Flooding.

Modified: The boundaries described on the plan(s) referenced above, as modified by the Department from the plans contained in the Abbreviated Notice of Resource Area Delineation, are accurately drawn for the following resource area(s):

Bordering Vegetated Wetlands

Other Resource Area(s), specifically:

Inaccurate: The boundaries described on the referenced plan(s) and in the Abbreviated Notice of Resource Area Delineation were found to be inaccurate and cannot be confirmed for the following resource area(s):

Bordering Vegetated Wetlands

Other Resource Area(s), specifically:

The boundaries were determined to be inaccurate because:



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 4B – Superseding Order of Resource Area Delineation
Affirmation

DEP File Number:
 SE 157-467
 Provided by DEP

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

B. Order of Delineation (cont.)

This Order of Resource Area Delineation determines the boundaries of those resource areas noted above and is binding as to all decisions rendered pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40) and its regulations (310 CMR 10.00) regarding such boundaries. This Order does not, however, determine the boundaries of any resource area or Buffer Zone to any resource area not specifically noted above, regardless of whether such boundaries are contained on the plans attached to this Order or to the Abbreviated Notice of Resource Area Delineation.

Signature:

Tena J. Davies
 Tena J. Davies, Bureau of Resource Protection

On this 25th day of September, 2009, before me, the undersigned Notary Public, personally appeared Tena J. Davies, known to me based on personal knowledge of his/her identity, and known to be the person whose name is signed on the preceding or attached document, and acknowledged to be that he/she signed it voluntarily for its stated purpose.

Brenda J. Harper
 Notary Public

BRENDA J. HARPER
 Notary Public
 My Commission Expires February 17, 2011
 Commonwealth of Massachusetts

This Order is valid for three years from the date of issuance.

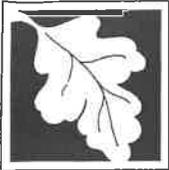
This Order is issued to the applicant and the property owner (if different) as follows:

by hand delivery on

by certified mail #7008 0150 0003 5434 1076

Date

Date **SEP 25 2009**



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 4B – Superseding Order of Resource Area Delineation
Affirmation
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:
SE 157-467
Provided by DEP

C. Appeals

Notice of Appeal Rights:

A) Appeal Rights and Time Limits

The applicant, the owner, any person aggrieved by the Superseding Order, any owner of land abutting the land upon which the proposed work is to be done, or any ten (10) persons pursuant to M.G.L. c.30A, §10A, are hereby notified of their right to request an adjudicatory hearing pursuant to M.G.L. c.30A, § 10, providing the request is made by certified mail or hand delivery to the Department, with the appropriate filing fee and a DEP Fee Transmittal Form within ten (10) business days from the date of issuance of this Superseding Order, and addressed to:

Docket Clerk
Office of Administrative Appeals
Department of Environmental Protection
One Winter Street, 3rd Floor
Boston, MA 02108.

A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission, the applicant, and the issuing office of the DEP at:

DEP Southeast Region
20 Riverside Drive
Lakeville, MA 02347

B) Contents of Hearing Request

A Notice of Claim for Adjudicatory Hearing shall comply with the Department's Rules for Adjudicatory Proceedings, 310 CMR 1.01(6), and shall contain the following information:

- (a) the DEP Wetlands File Number, name of the applicant and address of the project;
- (b) the complete name, address, and fax and telephone numbers of the party filing the request, and, if represented by consultant or counsel, the name, fax and telephone numbers, and address of the representative;
- (c) the names, telephone and fax numbers, and addresses of all other parties, if known;
- (d) a clear and concise statement of (1) the facts which are grounds for the proceedings, (2) the objections to this Superseding Order, including specifically the manner in which it is alleged to be inconsistent with the Department's Wetlands Regulations, 310 CMR 10.00, and does not contribute to the protection of the interests identified in the Act, and (3) the relief sought through the adjudicatory hearing, including specifically the changes desired in the Superseding Order;
- (e) a statement that a copy of the request has been sent by certified mail or hand delivery to the applicant and the conservation commission.

C) Filing Fee and Address

A copy of the Notice of Claim along with a DEP Fee Transmittal Form and a valid check or money order payable to the Commonwealth of Massachusetts in the amount of one hundred dollars (\$100) must be mailed to:

Commonwealth of Massachusetts
Department of Environmental Protection
Commonwealth Master Lockbox
P.O. Box 4062
Boston, Massachusetts 02211

The request will be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city or town (or municipal agency), county, or district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory hearing filing fee pursuant to 310 CMR 4.06(2) for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file an affidavit setting forth the facts believed to support the claim of undue financial hardship together with the hearing request as provided above.

Failure to submit all necessary information may result in a dismissal by the Department of the Notice of Claim for an Adjudicatory Hearing.

Fee Transmittal Form

Request for Adjudicatory Appeal

Department of Environmental Protection

Person/Party Making Request: (If appropriate, name group representative)	Applicant (if applicable):
Name:	Name:
Street:	Street:
City/Town:	City/Town:
State/Zip Code:	State/Zip Code:
Phone:	
Project Location:	
DEP File or ID Number:	
Amt. Of Filing Fee Attached: \$	

Instructions

1. Send this form and check or money order for \$100.00, payable to the Commonwealth of Massachusetts, to the DEP Lockbox at: Department of Environmental Protection, Box 4062, Boston, MA 02211.

2. Send a copy of this form and a copy of the check or money order with the Request for an Adjudicatory Appeal to: Docket Clerk, Office of Administrative Appeals, One Winter Street, Boston, MA 02108.

Important!

This form is intended for fee transmittal only. The contents of a request for an adjudicatory appeal (Notice of Claim) are established at 310 CMR 1.01 (6) and the substantive statutes and regulations governing the Department's action.

SECTION VIII

Wildlife Habitat Evaluation

March 27, 2015

Town of Foxborough
Conservation Commission
40 South Street
Foxborough, MA 02035

Re: **Notice of Intent – Wildlife Habitat Evaluation**
Forge Estates of Foxborough
204 East Street
Foxborough, Massachusetts

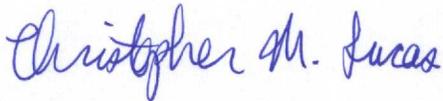
Dear Conservation Commission Members,

On behalf of the Applicant, Deer Hill Development, LLC, Lucas Environmental, LLC is pleased to submit this Wildlife Habitat Evaluation (WHE) as a supplement for the Notice of Intent (NOI) filed for the proposed Open Space Residential Development (OSRD), Forge Estates of Foxborough located at 204 East Street in Foxborough, MA (MassDEP File Number 157-528).

Enclosed please find one (1) original and seven (7) copies of the WHE submittal. This submittal includes the Wildlife Habitat Evaluation Narrative, Wildlife Habitat Protection Guidance Appendix A: Simplified Wildlife Habitat Evaluation, Photographic Documentation, and Resume.

If you have any questions, please do not hesitate to contact me at 617.405.4140. Thank you for your consideration in this matter.

Sincerely,
LUCAS ENVIRONMENTAL, LLC



Christopher M. Lucas, Principal & Manager, PWS
Environmental Consultant/Soil Scientist
Land Development & Permitting

Enclosures

cc: MassDEP – Southeast Regional Office
Deer Hill Development, LLC
Coneco Engineers and Scientists, Inc.

WILDLIFE HABITAT EVALUATION

1.0 INTRODUCTION

This Wildlife Habitat Evaluation was prepared to supplement a Notice of Intent filed for the proposed Open Space Residential Development (OSRD), Forge Estates of Foxborough located at 204 East Street in Foxborough, MA (MassDEP File Number 157-528). Portions of the proposed project are located within the 25-Foot Buffer Zone; the 100-Foot Buffer Zone/Adjacent Upland Resource Area; Isolated Freshwater Wetlands; Bordering Land Subject to Flooding, and Riverfront Area associated with the Canoe River; as well as the Canoe River Aquifer Area of Critical Environmental Concern. The Applicant is requesting the Commission review the proposed work as a Limited Project for the construction of a limited access roadway pursuant to 310 CMR 10.53(3)(e). The construction of the proposed access roadway will exceed alteration thresholds for Riverfront Area (310 CMR 10.58). This evaluation has been prepared in accordance with requirements of the Massachusetts Wetlands Protection Act (M.G.L Chapter 131 Section 40) and its implementing Regulations (310 CMR 10.00 and 310 CMR 10.60).

The Wetlands Protection Act requires a Wildlife Habitat Evaluation when a proposed project will alter Inland Bank, Bordering Vegetated Wetlands (BVW), Land Under Water Bodies and Waterways (LUWW), Bordering Land Subject to Flooding, and/or Riverfront Area beyond established thresholds. The construction of the proposed access roadway will exceed alteration thresholds for Riverfront Area (310 CMR 10.58) only. The project will not exceed thresholds for any other resource area.

As described in 310 CMR 10.58 (1) Riverfront Area. “*Riverfront areas are important wildlife habitat, providing food, shelter, breeding, migratory, and overwintering areas.*”

The wildlife habitat evaluation for Riverfront Area was performed to address the following objectives:

- To assess the habitat characteristics of the resource area;
- To analyze which species of amphibians, reptiles, birds, and mammals are observed/expected to use the project site for food, shelter, migratory and over-wintering areas, or breeding sites; and
- To ultimately determine whether the resource area provides “important wildlife functions”, as described in the Wetlands Protection Act [310 CMR 10.60(1&2)].

2.0 METHODOLOGY

In accordance with 310 CMR 10.60 (2)(a) regarding wildlife habitat characteristics, study areas within the impact area were evaluated (topography, wildlife usage, soil structure, plant community composition and structure) for their ability to provide important habitat function and value. This evaluation was also conducted following the guidelines established in the March 2006 MassDEP document *Massachusetts Wildlife Habitat Protection Guidelines for Inland Wetlands*. A wildlife habitat evaluation for Riverfront Area was performed in specific areas where alterations are proposed.

A Lucas Environmental, LLC (LE) Ecologist and Wetland Scientist observed wildlife species present on the site and collected data on January 2, 2015. A Simplified Wildlife Habitat Evaluation Field Data Form (Form A) was completed for the impact area. The Field Data Form notes several important habitat features which, if present, may provide habitat for specified wildlife. The habitat features noted on the Form include, but are not limited to: the presence/type of food sources, standing dead trees (snag), tree cavities, cover/perches/basking habitat, rocks in stream bed, dens and nests, and emergent wetlands. The data obtained were also used to describe the physical characteristics of the impacted areas and relate them to the ability of the resource area to provide wildlife habitat as it relates to topography, soil composition and structure, and plant community composition and structure, as described in 310 CMR 10.58.

The study examined the following as outlined in 310 CMR 10.60 (2):

Riverfront Area: the topography, plant community composition and structure, and hydrologic regime can provide the following important wildlife habitat functions:

- 1. Food, shelter, overwintering and breeding areas for wildlife, including turtle nesting areas, nesting sites for birds which typically reuse specific nesting sites, cavity trees, and isolated depressions that function as vernal pools.*
- 2. Migratory areas along the riparian corridor including the movement of wildlife unimpeded by barriers within the riverfront area.*

The following section is intended to assess the ability of the impact area to function as important wildlife habitat in terms of topography, soil composition and structure and plant community composition and structure. Also provided is a summary of the characteristics of the impact areas and identified important habitat features.

3.0 EXISTING CONDITIONS

The subject property consists of three parcels (Map/Parcel: 112/3361, 98/3362, and 112/6579) comprising 17.84± acres at 204 East Street in Foxborough, Norfolk County, Massachusetts. Parcel 98/3362 contains a residential home and appurtenances. Access to the residential home is achieved through a 30-foot-wide easement located on a neighboring property to the southeast. The remaining parcels (98/3361 and 112/6579) are undeveloped, and consist of a mature, white pine-oak forest. Dominant species include black oak (*Quercus velutina*), red oak (*Quercus rubra*), white pine (*Pinus strobus*), lowbush blueberry (*Vaccinium angustifolium*), huckleberry (*Gaylussacia baccata*), bracken fern (*Pteridium aquilinum*), and partridgeberry (*Mitchella repens*). Soils consist primarily of glacial till overlain by a loess cap of variable depth. Site topography trends to the southwest, where the soil parent material eventually transitions to glaciofluvial and post-glacial alluvium.

A review of the current Mass GIS data layer for the Massachusetts Natural Heritage Atlas (effective October 1, 2008) indicates that the subject property is not located within mapped Natural Heritage and Endangered Species Program (NHESP) Estimated Habitat of Rare Wildlife or Priority Habitat of Rare Species. No mapped Potential Vernal Pools or Certified Vernal Pools are present within the subject property; however, there is a Certified Vernal Pool located behind the single family home at 186 East Street, approximately 200 feet northwest of Parcel 112/6579. There are no vernal pools or habitat within the Riverfront Area at the proposed roadway crossing. The site is not located within Habitat of Potential or Statewide Importance.

According to the July 17, 2012 Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map for Norfolk County, Map Number 25021C0362E, a portion of the subject property is located within a FEMA Special Flood Hazard Area (Zone AE). Zone AE is an area ...*subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods.* The Base Flood Elevation (BFE) near the subject property ranges from 174 to 178 feet above sea level (NAVD88). The proposed roadway crossing will alter portions of the floodplain as detailed in the Notice of Intent.

4.0 RIVERFRONT AREA WILDLIFE HABITAT EVALUATION

The following section is intended to assess and evaluate the ability of the impact area to function as important wildlife habitat in terms of topography, soil composition and structure, and plant community composition and structure. Also provided is a summary of the characteristics of the impact areas and identified important habitat features.

4.1 Limited Access Riverfront Area Crossing

The proposed crossing will be constructed immediately south of where the Canoe River crosses under East Street near an existing cart path. The road will be partially constructed over portions of the existing cart path, Isolated Vegetated Wetland (IVW), and Riverfront Area using a bridge span. The span will be constructed of concrete, and supported by two concrete abutments located on each side of the wetland. The crossing will support two, 12-foot travel lanes, separated by an 85-foot long, five-foot wide open median, and a five-foot wide sidewalk. The road width within this section is 20 feet, while the total width (including sidewalks and median) is 34 feet. The crossing will traverse the 200-Foot Riverfront Area and Bordering Land Subject to Flooding associated with the Canoe River.

RESOURCE AREA IMPACT TABLE				
Resource Area		Impacts (square feet)		
		Temporary	Permanent	Total
BLSF		N/A	2,237 sf (2,237 cf)	2,237 sf (2,237 cf)
Riverfront Area	Inner Riparian	2,524	7,481	10,005
	Outer Riparian¹	1,459	3,720	5,179
	Total	3,983	11,201	15,184

¹Excludes detention basin construction, flood compensatory storage, and wetland replication per 310 CMR 10.58(4)(d)1.

Topography

According to the Wetlands Protection Act, topography may play a role in determining the suitability of the land to serve as burrowing, nesting, or feeding habitat. The proposed roadway crossing slopes down from East Street, and remains fairly flat before climbing a relatively steep hill. The site levels out and is nearly flat at the top of the slope. The slope upgradient of the BVW and Isolated Vegetated Wetland provides opportunity for small wildlife (small mammals, snakes, etc.) to create burrows and nest. The topography in the Isolated Vegetated Wetland and cart path is flat and devoid of areas suitable for nesting.

Soil Composition and Structure

Soil structure is expected to play a role in determining the suitability for burrowing, hibernation and other cover. Soils in and along the side slope consist of compacted till with small-medium cobbles and stones present close to the surface. LE did not observe any large areas of exposed sand or coarse grained materials that would be suitable for nesting turtles. A large pile of cobbles, boulders, and cinderblocks is located along the bottom of the slope along the cart path. The pile is embedded in the slope and appears to provide burrows for small mammals, although the area is also littered with scattered debris with sharp metal pieces. Soils within the IVW and nearby BVW are very stony, compacted, and shallow which limit the opportunity to provide suitable habitat for burrowing/nesting.

Plant Community Composition and Structure

The plant community at the crossing location is wooded with an open understory. The tree and sapling canopy is vegetated with a mix of red maple (*Acer rubrum*), American elm (*Ulmus americana*), white oak (*Quercus alba*), black oak (*Quercus velutina*), and white ash (*Fraxinus americana*) trees. There is very little in terms of a shrub layer within the uplands and the IVW. The herbaceous layer is also sparse but appears vegetated with a mix of low growing grasses, ferns, and sedges. A number of standing dead trees (snags), and fallen logs are located in and near the crossing location. The snags show signs of nesting and feeding by woodpeckers (*Picoides sp.*).

The seeds, flowers, bark, and twigs of the maple, oak, and ash trees provide a food source for birds and small mammals such as chipmunks, rabbits, and squirrels. The lack of a dense shrub layer limits the potential for the area to be used as nesting sites for small birds. However, their twigs may be browsed by small mammals, and their seeds eaten by a number of birds. The dead trees and fallen logs provide habitat for insects and small invertebrates which also provide a food source for birds and small mammals.

Additional Habitat Features

The roadway crossing location does not contain important habitat features as identified on the Simplified Wildlife Habitat Evaluation Field Data Form. The trees, snags, and fallen logs provide a habitat source for earthworms, insects, and other small invertebrates, which in turn provide a food source for songbirds and small mammals. Common swamp/land dwelling mammals like raccoon (*Procyon lotor*), skunk (*Mephitis mephitis*), opossum (*Didelphis virginiana*), gray squirrels (*Sciurus carolinensis*), and chipmunks (*Tamias striatus*) may utilize these habitat features. The proposed mitigation area detailed in the Notice of Intent and supplemental packages incorporates snags, coarse woody debris, large stones, and tree cover to replace these habitat features.

The Canoe River, located immediately west of the proposed roadway crossing, provides a permanent source of water important for amphibians, reptiles, birds, and mammals. Earthworms, and other invertebrates present in the streambed, may provide a food source for songbirds, amphibians and reptiles. Cobbles and stones observed along the bank could provide habitat and cover for invertebrates, amphibians, and reptiles.

The Canoe River flows under East Street via an approximate 60-inch corrugated metal culvert. East Street is a busy roadway with split rail wooden fencing elevated approximately eight to ten feet above the river at the crossing location. East Street bisects the riparian corridor perpendicular to the flow of the river creating a barrier to migration of larger land mammals (i.e. deer). There is limited habitat south of the project site in which the bridge span would act as a barrier. The proposed access roadway off of East Street will not change or further exacerbate this barrier to wildlife.

5.0 CONCLUSION

The impact area was evaluated to determine if the topography, soil composition, plant communities, and additional habitat features of the impacted Riverfront Area are likely to provide important habitat value for wildlife. Work in Riverfront Area in excess of 5,000 square feet “*may be permitted if they will have no adverse effects on wildlife habitat*”, as determined by the procedures contained in 310 CMR 10.60. Based upon the review of the topography, soil composition, plant communities, and additional habitat features of the impacted Riverfront Area, important habitat values/features for wildlife were not observed.

Proper wetland mitigation design for Riverfront Area, BLSF, and IVW will maintain the functions provided by the existing stream. Additional habitat features, such as coarse woody debris and boulders, are included in the mitigation to provide attractive cover, nesting opportunities, and shelter for wildlife. The restoration area will be inspected by a qualified wetland professional to ensure that proper morphology, topography, and soil structure has been achieved as detailed in the Notice of Intent. The scattered metal debris should also be removed from the area.

LE does not anticipate that the impacts to the resource areas will cause any impairment of the capacity of these resource areas to provide important wildlife habitat functions as these features were not observed. Furthermore, the work area does not contain any specified habitats of any rare, threatened, or endangered species of vertebrates, invertebrates, or plants.

6.0 REFERENCES

- Benus, M. Nanine. 1989. *Field Guide to Wildlife Habitats of the Eastern United States*. A Fireside book.
- Kricher, John C. and Gordon Morrison. 1988. *Peterson Field Guides, Ecology of Eastern Forests*. Houghton Mifflin Company.
- Martin, Alexander C., Herbert S. Zim, and Arnold L. Nelson. 1951. *American Wildlife and Plants*. Dover Publications, Inc.
- Swain, P.C., and J.B. Kearsley. 2000. *Classification of Natural Communities in Massachusetts (Draft)*. Westborough, MA: Natural Heritage and Endangered Species Program.



Wildlife Habitat Protection Guidance

Appendix A: Simplified Wildlife Habitat Evaluation

Project Information

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

204 East Street, Foxborough, MA

Project Location (from NOI)

Thomas E. Liddy, PWS/CWS

Name of Person Completing Form

January 2, 2015

Date



Important Habitat Features

Direct alterations to the following important habitat features in resource areas may be permitted only if they will have no adverse effect (refer to Section V).

- Habitat for state-listed animal species (receipt of a positive opinion or permit from MNHESP shall be presumed to be correct. Do not refer to Section V).
- Sphagnum hummocks and pools suitable to serve as nesting habitat for four-toed salamanders
- Trees with large cavities (≥ 18 " tree diameter at cavity entrance)
- Existing beaver, mink or otter dens
- Areas within 100 feet of existing beaver, mink or otter dens (if significant disturbance)
- Existing nest trees for birds that traditionally reuse nests (bald eagle, osprey, great blue heron)
- Land containing freshwater mussel beds
- Wetlands and waterbodies known to contain open water in winter with the capacity to serve as waterfowl winter habitat
- Turtle nesting areas
- Vertical sandy banks (bank swallows, rough-winged swallows or kingfishers)

The following habitat characteristics when not commonly encountered in the surrounding area:

- Stream bed riffle zones (e.g. in eastern MA)
- Springs
- Gravel stream bottoms (trout and salmon nesting substrate)
- Plunge pools (deep holes) in rivers or streams
- Medium to large, flat rock substrates in streams



Wildlife Habitat Protection Guidance

Appendix A: Simplified Wildlife Habitat Evaluation

Activities

When any one of the following activities is proposed within resource areas, applicants should complete a Detailed Wildlife Habitat Evaluation (refer to Appendix B).

- Activities located in mapped “Habitat of Potential Regional or Statewide Importance”
- Activities affecting certified or documented vernal pool habitat, including habitat within 100’ of a certified or documented vernal pool when within a resource area
- Activities in bank, land under water, bordering land subject to flooding (presumed significant) where alterations are more than twice the size of thresholds
- Activities affecting vegetated wetlands >5000 sq. ft. occurring in resource areas other than Bordering Vegetated Wetland
- Activities affecting the sole connector between habitats >50 acres in size
- Installation of structures that prevent animal movement
- Activities for the purpose of bank stabilization using hard structure solutions that significantly affect ability of stream channel to shift and meander, or disrupt continuity in cover that would inhibit animal passage
- Dredging (greater than 5,000 sf)



Photograph 1: View of proposed access roadway looking north.



Photograph 2: View of Isolated Vegetated Wetland in and near the location of the proposed access roadway.



Photograph 3: View of rock pile along slope near the proposed access roadway.



Photograph 4: View of snag, coarse woody debris, and scattered metal debris in area of proposed flood storage and wetland replication area.



Photograph 5: View of proposed stormwater management area and proposed access roadway location.



Photograph 6: View of wooded slope looking west towards East Street.

Thomas E. Liddy, PWS, CWS

Environmental Consultant | Professional Soil Scientist
Land Development & Permitting

Biography

Thomas Liddy is a Professional and Certified Wetland Scientist (PWS/CWS) with over fourteen years of experience assisting clients with environmental permit issuance at the federal, state, and local levels. He routinely conducts wetland delineations and identification of regulated wetland resource areas, as well as natural resource site assessments, including rare species surveys, wildlife habitat assessments, and terrestrial and aquatic vegetative cover type mapping. Tom's project experience ranges from siting and permitting of energy generation facilities and infrastructure, commercial development, lake and pond management and ecological and environmental monitoring. Tom is also experienced as an environmental monitor for erosion control and endangered species, and he performs peer reviews of permit applications for various municipalities. His technical expertise includes wetland delineation, soil profile descriptions, soil evaluations, terrestrial and aquatic vegetation mapping, and rare species survey and habitat assessments.

Tom has knowledge in a variety of ecological disciplines including soil science, wetland ecology, biology, Geographic Information Systems (GIS), and watershed hydrology. He is experienced in regulatory disciplines, specifically the Massachusetts Wetlands Protection Act (WPA), Massachusetts Environmental Policy Act, Massachusetts Endangered Species Act (MESA), Section 401 and 404 of the Clean Water Act, New Jersey Department of Environmental Protection (DEP) Division of Land Use Regulation Permitting, and New York State Article 7 Certificate of Environmental Compatibility and Public Need for Electric and Gas Transmission Facilities.

Professional Experience

Wetland Delineation and Permitting

Tom has routinely worked on projects that included wetland delineation and permitting under local, state, and federal regulations for commercial, residential, and industrial projects. Site development issues have included endangered species work, wetland fill and mitigation plans, work within Watershed Protection Areas, impacts to historic properties, and balancing the needs and concerns of local, state, and federal agencies.

Energy Generation and Permitting – locations throughout New England

Tom has led technical writing and permit application preparation associated with the siting and construction of energy generation facilities (fossil fuel combustion, wind generation, solar and gas storage) and linear transmission (pipelines and electrical transmission interconnections) for projects throughout New England and the Mid-Atlantic states.

Ecological Monitoring and Research

Tom has conducted and participated in numerous biological surveys, studies, and long term studies of terrestrial and aquatic ecosystems. Studies were associated with avian studies in support of wind turbine projects and of long term trends of vegetation, hydrology, water levels, and rare species in a variety of ecosystems ranging from rare Atlantic white cedar swamps to upland forests to lakes and ponds.

Peer Review – Massachusetts

Tom has assisted municipalities with review of Notice of Intent (NOI) and Abbreviated Notice of Resource Area Delineation (ANRAD) applications for compliance with the Wetlands Protection Act. Tasks often include review of resource area identification and delineation and intermittent vs. perennial stream determinations. Municipalities include Southborough, Oxford, Spencer, Milton, Andover, Wellesley, Wrentham, and Brookline, Massachusetts.



Education

University of Rhode Island, Bachelor of Science, Environmental Science and Management, 2001

Certifications

Professional Wetland Scientist #1723
Society of Wetland Scientists

Certified Wetland Scientist (NH) #243
Joint Board of Licensure and Certification – State of NH

Registered Professional Soil Scientist
Society of Soil Scientists of Southern New England

Professional Affiliations

Society of Wetland Scientists

Massachusetts Association of Conservation Commissions

Association of Massachusetts Wetland Scientists

Society of Soil Scientists of Southern New England

Wildlife Habitat Evaluations Pursuant to 310 CMR 10.60

Mr. Liddy has performed numerous wildlife habitat evaluations pursuant to 310 CMR 10.60. A summary list of projects includes:

North Andover, Turnpike Street.

Wildlife habitat assessment for approximately 500 feet of Inland Bank and Land Under Water associated with a perennial stream in 2014. The project involved the replacement of a 66-inch culvert.

Wilson Street, Spencer, MA

Conducted wildlife habitat assessment for Inland Bank and Land Under Water associated with the installation of a new roadway crossing an intermittent stream in 2012.

Private Residence, Belmont, MA

Conducted wildlife habitat evaluation of Inland Bank, Land Under Water and BVW associated with a private pond dredge in 2010.

Baker Street, Allen Pond, Walpole, MA

Conducted wildlife habitat assessment of Inland Bank, Land Under Water, and BVW associated with a 3-acre pond in 2008. The project involved the dredging of the pond bottom to improve water quality, enhance wildlife habitat, and limit eutrophication.

Pearl Hill Pond, Townsend, MA

Conducted wildlife habitat assessment of Inland Bank and Land Under Water associated with Pearl Hill Pond in 2009. The project involved a drawdown program to improve water quality, enhance wildlife habitat, and limit eutrophication. The pond is located within Estimated Habitat of box turtle and an ORW.

Robinson Pond, Agawam, MA

Conducted wildlife habitat assessment of Inland Bank and Land Under Water associated with a 2-acre pond in 2009. The project involved the dredging of the pond bottom to improve water quality, enhance wildlife habitat, and limit eutrophication.

Charles River, Dedham, MA

Conducted wildlife habitat evaluation of Inland Bank and Land Underwater associated with the Charles River at the location of an approximate 120-foot dock in 2007.

Commercial Development, Mansfield MA

Conducted wildlife habitat evaluation of Inland Bank and Land Under Water of intermittent stream channels for the construction of access roadways in 2004.

SECTION IX

Alternatives Analysis Supporting Documentation

LAW OFFICE OF
DANIEL R. SEIGENBERG

155 South Street
Wrentham, MA 02093

(Mailing Address)

P.O. Box 877
Wrentham, MA 02093

Telephone: (508) 384-0080

Facsimile: (508) 384-0083

drs@seiglaw.com

October 20, 2014

Mr. Ralph F. Hunt
206 East Street
Foxboro, MA 02035

RE: Deer Hill Development
204 East Street
Foxboro, MA 02035

Dear Mr. Hunt:

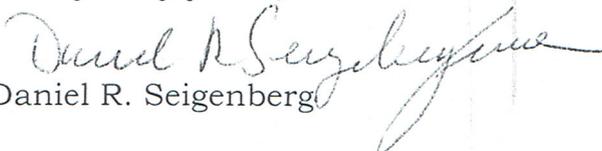
Please be advised that this office represents Deer Hill Development relative to their potential development of the property located at 204 East Street, Foxboro, Massachusetts.

Deer Hill has obtained preliminary approval from the Foxboro Planning Board to construct an eleven lot subdivision at the above-mentioned property. In order to access this development it is Deer Hill's intention to create a new means of access from East Street to the property. While Deer Hill is confident that the project can be developed utilizing this new access way without having an impact on the wetlands or the river front, it is willing to explore alternative means of access to its property. As an abutter to the property, you may be able to provide an alternative means of access.

I would appreciate if you would contact me upon your receipt of this correspondence to discuss the potential of my client acquiring a portion of your property or the right to use a portion of your property to access the proposed development.

I look forward to hearing from you.

Very truly yours,


Daniel R. Seigenberg

DRS:mad

CERTIFIED MAIL NO.
7002-2030-0002-2602-6787and
REGULAR MAIL

LAW OFFICE OF
DANIEL R. SEIGENBERG

155 South Street
Wrentham, MA 02093
(Mailing Address)
P.O. Box 877
Wrentham, MA 02093

Telephone: (508) 384-0080
Facsimile: (508) 384-0083
drs@seiglaw.com

October 20, 2014

Mr. John Cullinane
208 East Street
Foxboro, MA 02035

RE: Deer Hill Development
204 East Street
Foxboro, MA 02035

Dear Mr. Cullinane:

Please be advised that this office represents Deer Hill Development relative to their potential development of the property located at 204 East Street, Foxboro, Massachusetts.

Deer Hill has obtained preliminary approval from the Foxboro Planning Board to construct an eleven lot subdivision at the above-mentioned property. In order to access this development it is Deer Hill's intention to create a new means of access from East Street to the property. While Deer Hill is confident that the project can be developed utilizing this new access way without having an impact on the wetlands or the river front, it is willing to explore alternative means of access to its property. As an abutter to the property, you may be able to provide an alternative means of access.

I would appreciate if you would contact me upon your receipt of this correspondence to discuss the potential of my client acquiring a portion of your property or the right to use a portion of your property to access the proposed development.

I look forward to hearing from you.

Very truly yours,


Daniel R. Seigenberg

DRS:mad

CERTIFIED MAIL NO.
7002-2030-0002-2602-6794 and
REGULAR MAIL

LAW OFFICE OF
DANIEL R. SEIGENBERG

155 South Street
Wrentham, MA 02093
(Mailing Address)
P.O. Box 877
Wrentham, MA 02093

Telephone: (508) 384-0080
Facsimile: (508) 384-0083
drs@seiglaw.com

October 20, 2014

Mr. Collin Browning and
Dr. Maria Odler
186 East Street
Foxboro MA 02035

RE: Deer Hill Development
204 East Street
Foxboro, MA 02035

Dear Mr. Browning:

Please be advised that this office represents Deer Hill Development relative to their potential development of the property located at 204 East Street, Foxboro, Massachusetts.

Deer Hill has obtained preliminary approval from the Foxboro Planning Board to construct an eleven lot subdivision at the above-mentioned property. In order to access this development it is Deer Hill's intention to create a new means of access from East Street to the property. While Deer Hill is confident that the project can be developed utilizing this new access way without having an impact on the wetlands or the river front, it is willing to explore alternative means of access to its property. As an abutter to the property, you may be able to provide an alternative means of access.

I would appreciate if you would contact me upon your receipt of this correspondence to discuss the potential of my client acquiring a portion of your property or the right to use a portion of your property to access the proposed development.

I look forward to hearing from you.

Very truly yours,


Daniel R. Seigenberg

DRS:mad

CERTIFIED MAIL NO.
7002-2030-0002-2602-6800
and REGULAR MAIL

LAW OFFICE OF
DANIEL R. SEIGENBERG

155 South Street
Wrentham, MA 02093
(Mailing Address)
P.O. Box 877
Wrentham, MA 02093

Telephone: (508) 384-0080
Facsimile: (508) 384-0083
drs@seiglaw.com

January 7, 2015

Robert W. Boette, Chairman
Foxborough Conservation Commission
Foxboro, MA 02035

RE: Deer Hill Development
East Street
Foxboro, MA 02035

Dear Mr. Boette:

Please be advised that this office represents Deer Hill Development relative to the above-captioned project. This correspondence is to outline and clarify the efforts I have made in behalf of my client in order to obtain alternative access for the project. The immediate abutters to the project property are John Cullinane, 208 East Street, Foxboro, Massachusetts, Colin Browning and Dr. Maria Odler, 186 East Street, Foxboro, Massachusetts, and Ralph F. Hunt, 206 East Street, Foxboro, Massachusetts. In an effort to obtain an alternative means of access to the project I, in behalf of my client, sent correspondence dated October 20, 2014 to John Cullinane, Colin Browning and Dr. Maria Odler, and Ralph F. Hunt, copies of said correspondence are attached hereto.

On October 30, 2014 I spoke on the telephone with Colin Browning who inquired as to my October 20, 2014 correspondence. I explained to Mr. Browning that my client is exploring potential alternative access to its project and that my client would like to potentially acquire a means of access over the Browning/Odler property as an alternative means of access. In that conversation I explained to Mr. Browning the general approach that would be utilized and indicated that if he and his wife had any interest in working with my client that we would provide a more detailed approach. Mr. Browning thanked me for my telephone call and indicated that he would discuss the matter with his wife to determine if they had any interest and that he would then contact me. Mr. Browning subsequently contacted me by

Robert W. Boette, Chairman
Conservation Commission
Deer Hill Development
January 7, 2014
Page Two

telephone and stated that he and his wife had no interest in allowing their property to be utilized as a means of access to the project. Mr. Browning and Dr. Odler have appeared at several public hearings and have expressed their opposition to the project.

As for the Hunt property, prior to my October 20, 2014 correspondence I expressed at a public hearing of the Planning Board my client's interest in utilizing and working with the Hunts to provide an alternative means of access to the property. The alternative means of the access utilizing the Hunt property would potentially be significantly less expensive than the proposed access to the project. The Hunts have consistently expressed their opposition to my client's development and their unwillingness to allow access to the property by the use of their property. Nonetheless, I forwarded correspondence dated October 20, 2014 to Mr. Hunt. Subsequent to the correspondence I received an e-mail communication from Mr. Hunt's son in which he indicated that the Hunts would be discussing the proposal during the Thanksgiving holiday and that they would contact me. In an effort to discuss an alternative proposal with the Hunts on October 30, 2014 at approximately noon I went to the project site and then walked over to the Hunt property. There were two vehicles in the driveway including one vehicle with the license plate, THUNT. I attempted to ring the doorbell and knocked on the front door but nobody came to the door. It was my impression that the Hunts were home and simply did not want to talk with me. After the Thanksgiving holiday and having not received any further response from the Hunts I then sent a reply e-mail to Ralph Hunt's son's e-mail address but my e-mail came back undeliverable. As a result I then forwarded the e-mail exchange along with additional correspondence to Ralph Hunt expressing, once again, my desire to speak with the Hunts about an alternative access to the project. I have received no definitive response from the Hunts other than that at a subsequent hearing of the Conservation Commission the Hunts, once again, expressed their opposition to the project. It is my understanding that the Hunts are unwilling to convey a right of way or a portion of their property in order to provide an alternative access to the site

I have spoken with Mr. Cullinane by telephone and met Mr. Cullinane at the project site. Mr. Cullinane has expressed a willingness to consider allowing his property to be used as a means of alternative access. Unfortunately, there is no viable alternative means of access utilizing the Cullinane property unless the Hunts agree to provide an alternative means of access utilizing a portion of their property. Ralph Hunt acquired many years ago from the Town of Foxboro a small strip of land

Robert W. Boette, Chairman
Conservation Commission
Deer Hill Development
January 7, 2014
Page Three

near East Street which would need to be utilized in conjunction with the Cullinane property to provide an alternative means of access.

It is my opinion that based on the unwillingness of the Hunts to cooperate and provide an alternative means of access there is no viable alternative means of access to the project other than the access way proposed in the project submittals.

Very truly yours,

Daniel R. Seigenberg

DRS:mad

January 15, 2015

Deerhill Development
(Off) East Street
Foxboro, MA 02035

Re: Land Value East Street Foxboro, MA

I have reviewed all available properties in the Town of Foxboro and there are no similar properties for Sale.

I also have done extensive research and being in the Real Estate Market for over 25+ year I feel very confident in stating there is NO ALTERNATIVE project location for this development.

If you have any questions please feel free to contact me at milliec@comcast.net or on my cell at 508-446-1588.

Thank you,



Millie Cetrone
Realtor/Office Manager

Contents of this Comparative Market Analysis

Prepared for Deerhill Development



- Cover Page
- Subject Property Report
- Market Analysis Summary
- Comparable Property Reports
- Side by Side Property Comparisons (3-up)
- Current/Pending Properties Graph
- Sold Properties Graph
- Pricing Adjustment per Property (Appraisal Style)
- Suggested Sales Price

Subject Property

Prepared for Deerhill Development



Foxboro, MA

Lot Size (Square Feet) :
784080

Property Features :

Land is the subject matter and is 18 (+-) more or less off East Street in Foxboro, MA. I have reviewed all available properties in the Town of Foxboro and there are no similar properties for Sale. I also have done extensive research and being in the Real Estate Market for over 25+ year I feel very confident in stating there is NO ALTERNATIVE project location for this development.



Market Analysis Summary

Prepared for Deerhill Development

X

Properties Currently For Sale

Number of Properties: 4
Price Range: \$149,900 to \$259,900
Average Price: \$187,400
Median Price: \$169,900

Address	City	Days onMarket	List Price
Lot 1 Belcher Road	Foxboro, MA	62	\$149,900
Lot 3 Belcher Road	Foxboro, MA	62	\$159,900
lot 2 Belcher Road	Foxboro, MA	62	\$179,900
19 Kersey Road	Foxboro, MA	177	\$259,900



Market Analysis Summary Prepared for Deerhill Development



Properties Currently Under Contract

Number of Properties: 1
Price Range: \$1,999,900 to \$1,999,900
Average Price: \$1,999,900
Median Price: \$1,999,900

Address	City	Days onMarket	List Price
95 Main St	Foxboro, MA : West Foxborough	190	\$1,999,900



Market Analysis Summary Prepared for Deerhill Development



Properties Recently Sold

Number of Properties: 3
Price Range: \$230,000 to \$410,000
Average Price: \$296,667
Median Price: \$250,000

Address	City	Days onMarket	List Price	Sale Price	SP%of LP
Lot 6 Knight Lane	Foxboro, MA	245	\$250,000	\$230,000	92%
Lot 3 Ridge Road	Foxboro, MA	43	\$229,000	\$250,000	109%
161 Chestnut St	Foxboro, MA	6	\$399,900	\$410,000	103%

Property Descriptions

Prepared for Deerhill Development



Lot 1 Belcher Road
Foxboro, MA 02035

Land

MLS #: **71766560**
List Price: **\$149,900**
List Date: **11/7/2014**
Area:
Days on Market (Total): **62**
Status: **Active**
Off Market Date:
Days on Market (Office): **62**

Property Features

Lots Apprvd:
Street Frontage: **200**
HOA:
Assoc Req:
HOA Fee: \$
Cable Avail:
Type: **Residential**
Approx. Lot Size: **42664**
Total Approx. Acres: **0.97**
Cultivation Acres:
Pasture Acres:
Timber Acres:

Features & Other Information

Area Amenities: **Public Transportation, Shopping, Swimming Pool, Tennis Court, Park, Walk/Jog Trails, Golf Course, Medical Facility**
Beach Description: --
Beach Ownership: --
Beach - Miles to --
Documents: **Perc Test, Topographical Map, Soil Survey**
Electric: **At Street**
Water View: --
Exclusions:
Zone Usage: **Single Family**

Remarks

GREAT OPPORTUNITY TO BUILD YOUR OWN HOME! Wooded lot on quiet side street. Great perc rate. Ready to go. Rates are low. It's time to build your own home. Common driveway is frontage of future 39 lot subdivision. 3 lots to choose from. Convenient to highways commuter rail and town. Call agent for plbt plan and soil evaluation with perc results.

Tax Information

2009 Taxes: \$0 Assessment: \$0

Pin #:

Cert: Zoning Code: **res**

Map: Block: Lot: Book: **00** Page: **00**



Gas: **None**
Improvements: **Lot Staked**
Land Description: **Easements, Level, Wooded**
Road Type: **Public, Paved, Publicly Maint.**
Sewer Utilities: **Private**
Water Utilities: **Public**
Waterfront: --
Short Sale w/Lndr.App.Req: **Unknown**
Lender Owned: **Undisclosed**

Property Descriptions

Prepared for Deerhill Development

Lot 3 Belcher Road
Foxboro, MA 02035

Land

MLS #: **71766565**
List Price: **\$159,900**
List Date: **11/7/2014**
Area:
Days on Market (Total): **62**

Status: **Active**

Off Market Date:
Days on Market (Office): **62**

Property Features

Lots Apprvd:
Street Frontage: **219**
HOA:
Assoc Req:
HOA Fee: \$
Cable Avail.: **Yes**

Type: **Residential**
Approx. Lot Size: **65211**
Total Approx. Acres: **1.49**
Cultivation Acres:
Pasture Acres:
Timber Acres:



Features & Other Information

Area Amenities: --
Beach Description: --
Beach Ownership: --
Beach - Miles to: --
Documents: **Perc Test, Soil Survey**
Electric: **At Street**
Water View: --
Exclusions:
Zone Usage: **Single Family**

Gas: **None**
Improvements: **Lot Staked**
Land Description: **Easements, Rolling, Wooded**
Road Type: **Public, Paved, Publicly Maint.**
Sewer Utilities: **Private**
Water Utilities: **Public**
Waterfront: --
Short Sale w/Lndr.App Req: **Unknown**
Lender Owned: **Undisclosed**

Remarks

Wooded 1.49 acre lot on quiet side street. Ready to go. Interest rates are low. It's time to build your own home. Lot will front in future 39 lot subdivision. 4 lots to choose from. Convenient to highways commuter rail and town. Call agent for plot plan and soil evaluation with perc results.

Tax Information

2009 Taxes: \$0 Assessment: **\$0**
Pin #:

Cert: Zoning Code: **res**
Map: Block: Lot: Book: **0000** Page: **00**



Property Descriptions

Prepared for Deerhill Development

Lot 2 Belcher Road
Foxboro, MA 02035

Land

MLS #: 71766564
List Price: \$179,900
List Date: 11/7/2014
Area:
Days on Market (Total): 62
Status: **Active**
Off Market Date:
Days on Market (Office): 62

Property Features

Lots Apprvd:
Street Frontage: 260
HOA:
Assoc Req:
HOA Fee: \$
Cable Avail.: Yes
Type: **Residential**
Approx. Lot Size: 76052
Total Approx. Acres: 1.74
Cultivation Acres:
Pasture Acres:
Timber Acres:

Features & Other Information

Area Amenities: **Public Transportation, Shopping, Swimming Pool, Tennis Court, Park, Walk/Jog Trails, Golf Course, Medical Facility**
Beach Description: --
Beach Ownership: --
Beach - Miles to: --
Documents: **Perc Test, Soil Survey**
Electric: **At Street**
Water View: --
Exclusions:
Zone Usage: **Single Family**

Remarks

GREAT OPPORTUNITY TO BUILD YOUR OWN HOME! Wooded lot on quiet side street. Ready to go. Rates are low. It's time to build your own home. Common driveway is frontage of future .39 lot subdivision. 3 lots to choose from. Convent to highways commuter rail and town. Call agent for plot plan and soil evaluation with perc results.

Tax Information

2009 Taxes: \$0 Assessment: \$0

Pin #:

Cert: Zoning Code: **res**

Map: Block: Lot: Book: **00** Page: **00**



Gas: **None**
Improvements: **Lot Staked, Shared Drive**
Land Description: **Easements, Level, Wooded**
Road Type: **Public, Paved, Publicly Maint.**
Sewer Utilities: **Private**
Water Utilities: **Public**
Waterfront: --
Short Sale w/Lndr.App.Req: **Unknown**
Lender Owned: **Undisclosed**

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Property Descriptions

Prepared for Deerhill Development



19 Kersey Road
Foxboro, MA 02035
Land

Status: **Contingent - Financing**
Off Market Date:
Days on Market (Office): [177](#)

MLS #: **71713820**
List Price: **\$259,900**
List Date: **7/15/2014**
Area:
Days on Market (Total): [177](#)

Property Features

Type: **Residential**
Approx. Lot Size: **90605**
Total Approx. Acres: **2.08**
Cultivation Acres:
Pasture Acres:
Timber Acres:

Lots Apprvd:
Street Frontage: **200**
HOA:
Assoc Req:
HOA Fee: \$
Cable Avail.: **Yes**



Features & Other Information

Area Amenities: **Shopping, Park, Walk/Jog Trails, Conservation Area, Public School**
Beach Description: --
Beach Ownership: --
Beach - Miles to: --

Gas: **Other (See Remarks)**
Improvements: --
Land Description: **Level, Scenic View(s)**
Road Type: **Public, Publicly Maint., County Road**
Sewer Utilities: **Private**
Water Utilities: **Public, On-Site**
Waterfront: --
Short Sale w/Lndr.App.Reg: **No**
Lender Owned: **No**

Documents: --
Electric: **On-Site**
Water View: **Lake**
Exclusions:
Zone Usage: **Single Family**

Remarks

Build the home of your dreams on this private retreat lot just a stones throw from Kersey Point Lake. Existing home and two car detached garage are both tear downs at buyer's expense. Town water and electric on site. See plot plan attached. 2.08 Acres with two separate frontages. 200.75' frontage on Creighton with paved driveway on Kersey Road. Short trip to Gillette, major routes, commuter rail and area amenities.

Tax Information

2014 Taxes: **\$3984.34** Assessment: **\$265,800**
Pin #:

Cert: Zoning Code: **Res**
Map: **44** Block: **1** Lot: **121** Book: **25979** Page: **519**

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Property Descriptions

Prepared for Deerhill Development



95 Main St
Foxboro, MA 02035

Land

MLS #: 71514182
List Price: \$1,999,900
List Date: 4/24/2013
Area: West Foxborough
Days on Market (Total): 190
Status: Under Agreement
Ant. Sale Date: 5/6/2015
Off Market Date: 5/19/2014
Days on Market (Office): 190

Property Features

Lots Apprvd:
Street Frontage: 253
HOA: No
Assoc Req:
HOA Fee: \$
Cable Avail: Yes
Type: Residential
Approx. Lot Size: 728323
Total Approx. Acres: 16.72
Cultivation Acres:
Pasture Acres:
Timber Acres:

Features & Other Information

Area Amenities: Shopping, Tennis Court, Park, Walk/Jog Trails, Stables, Golf Course, Medical Facility, Bike Path, Conservation Area, Highway Access, House of Worship, Private School, Public School, T-Station, University
Beach Description: --
Beach Ownership: --
Beach - Miles to: --
Improvements: --
Land Description: Level
Road Type: Public, Publicly Maint., Sidewalk
Sewer Utilities: Private
Water Utilities: Public
Waterfront: --
Short Sale w/Lndr.App: Req: No
Lender Owned: No
Documents: Legal Description, Land Survey
Electric: At Street
Water View: --
Exclusions:
Zone Usage: Single Family, Multi-Family, Condo/Co-Op, Cluster, Commercial, General Business

Remarks

Route 140 location, 1 mile from Gillette Stadium & Patriot Place. Generous scope of allowed uses: retail, restaurants, offices including medical, commercial storage, garages, funeral establishments, self storage mini warehouse, theatres, nightclubs, museums, childcare center, educational, residential condominiums, single family, accessory apartment, two family, and by special permit: assisted living, nursing or convalescent home. Conceptual plan is attached for 21 residential building lots.

Tax Information

2013 Taxes: \$6471.75 Assessment: \$445,100
Pin #: 066-1489

Cert: Zoning Code: GB
Map: 066 Block: Lot: 1838 Book: 20797 Page: 175

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Property Descriptions

Prepared for Deerhill Development

Lot 3 Ridge Road
Foxboro, MA 02035

Land

MLS #: 71685251
List Price: \$229,000
List Date: 5/21/2014
Area:
Days on Market (Total): [43](#)
Status: **Sold**
Sale Price: **\$250,000**
Sale Date: **7/30/2014**
Off Market Date: **7/3/2014**
Days on Market (Office): **43**

Property Features

Lots Apprvd: **1**
Street Frontage:
HOA: **No**
Assoc Req:
HOA Fee: \$
Cable Avail.: **Yes**
Type: **Residential**
Approx. Lot Size: **63895**
Total Approx. Acres: **1.47**
Cultivation Acres:
Pasture Acres:
Timber Acres:

Features & Other Information

Area Amenities: **Public Transportation, Shopping, Swimming Pool, Tennis Court, Walk/Jog Trails, Golf Course, Medical Facility, Conservation Area, Highway Access, House of Worship, Private School, Public School, T-Station**
Beach Description: --
Beach Ownership: --
Beach - Miles to --

Documents: --
Electric: **At Street**
Water View: --
Exclusions:
Zone Usage: **Single Family**

Remarks

Beautiful 1.47 acre wooded lot on dead end street! Great lot to custom build your new home! Lot has not been perced however the original parcel had been perced before being subdivided. Located in nice residential area, convenient to town, schools, shopping and major highways.

Tax Information

2014 Taxes: \$0 Assessment: \$0
Pin #:



Gas: **None, Other (See Remarks)**

Improvements: --
Land Description: **Level, Wooded**
Road Type: **Public, Paved, Publicly Maint., Dead End**
Sewer Utilities: **Private**
Water Utilities: **At Street**
Waterfront: --
Short Sale w/Lndr.App.Reg: **No**
Lender Owned: **No**

Cert: Zoning Code: **res**
Map: Block: Lot: **Book: 123 Page: 45**

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Property Descriptions

Prepared for Deerhill Development



Lot 6 Knight Lane
Foxboro, MA 02035-1391

Land

MLS #: 71586750
List Price: \$250,000
List Date: 9/21/2013
Area:
Days on Market (Total): [245](#)
Status: **Sold**
Sale Price: \$230,000
Sale Date: 7/24/2014
Off Market Date: 5/24/2014
Days on Market (Office): [245](#)

Property Features

Lots Apprvd: **1**
Street Frontage: **200**
HOA: **No**
Assoc Req:
HOA Fee: \$
Cable Avail.: **Yes**
Type: **Residential**
Approx. Lot Size: **52632**
Total Approx. Acres: **1.21**
Cultivation Acres:
Pasture Acres:
Timber Acres:



Features & Other Information

Area Amenities: Shopping, Swimming Pool, Park, Walk/Jog Trails, Golf Course, Medical Facility, Conservation Area, Highway Access, House of Worship, Private School, Public School, T-Station

Beach Description: --
Beach Ownership: --
Beach - Miles to: --

Documents: Perc Test, Septic Design, Soil Survey

Electric: **At Street**

Water View: --

Inclusions:

Zone Usage: **Single Family**

Remarks

Beautiful wooded lot in a subdivision setting of nice homes. Last lot left in subdivision at end of cul-de-sac. The lot was perced with an approved septic system but has since expired. Great opportunity to build a custom home in Foxboro!

Tax Information

2013 Taxes: \$2278 Assessment: \$156,700

Pin #: M:042 L:1071

Cert: 33987 Zoning Code: res
Map: Block: Lot: Book: 18223 Page: 547

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Gas: **Other (See Remarks)**
Improvements: **Sidewalks**
Land Description: **Level, Wooded**
Road Type: **Public, Paved, Publicly Maint., Cul-De-Sac, Sidewalk**
Sewer Utilities: **Private**
Water Utilities: **Public**
Waterfront: --
Short Sale w/Lndr.App.Req: **No**
Lender Owned: **No**



Property Descriptions

Prepared for Deerhill Development

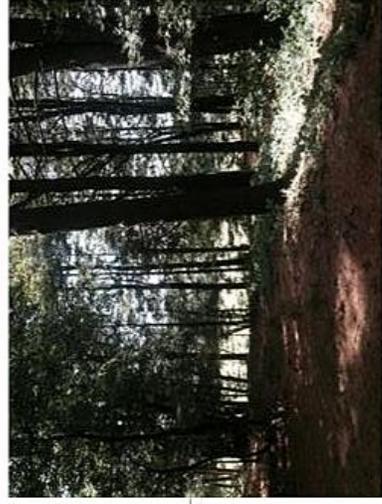


161 Chestnut St
Foxboro, MA 02035-1545
Land

Status: **Sold**
Sale Price: **\$410,000**
Sale Date: **9/15/2014**
Off Market Date: **7/3/2014**
Days on Market (Office): **6**

Type: **Residential**
Approx. Lot Size: **57424**
Total Approx. Acres: **1.32**
Cultivation Acres:
Pasture Acres:
Timber Acres:

Lots Apprvd:
Street Frontage:
HOA:
Assoc Req:
HOA Fee: \$
Cable Avail.: **Yes**



Features & Other Information

Area Amenities: **Shopping, Swimming Pool, Walk/Jog Trails, Golf Course, Medical Facility, Conservation Area, Highway Access, House of Worship, Private School, Public School, T-Station**
Beach Description: --
Beach Ownership: --
Beach - Miles to: --
Documents: --
Electric: **On-Site**
Water View: --
Exclusions:
Zone Usage: **Single Family, Multi-Family, Condo/Co-Op**

Gas: **At Street**
Improvements: --
Land Description: **Level, Wooded, Gentle Slope**
Road Type: **Public, Paved, Publicly Maint.**
Sewer Utilities: **Private**
Water Utilities: **Public, At Street**
Waterfront: --
Short Sale w/Lndr.App,Req: **No**
Lender Owned: **No**

Remarks

Beautiful 1.3 acre lot. Possible 5-7 unit condominium development. Located on residential street convenient to schools, highways and town. Call listing agent for more information.

Tax Information

2014 Taxes: **\$4527** Assessment: **\$302,000**
Pin #: **M:069 L:2012**

Cert: Zoning Code: **R15**
Map: Block: Lot: **Book: 2344 Page: 598**

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Property Comparisons

Prepared for Deerhill Development



MLS #	Lot 1 Belcher Road Foxboro, MA 02035 71766560	Lot 2 Belcher Road Foxboro, MA 02035 71766564	Lot 3 Belcher Road Foxboro, MA 02035 71766565
Status	Active	Active	Active
List Price	\$149,900	\$179,900	\$159,900
Sale Price			
List Date	11/7/2014	11/7/2014	11/7/2014
Off Market Date			
Sale Date			
Days on Market			
Type	Residential	Residential	Residential
Acres	0.97	1.49	1.74
Lot Size (sq.ft.)	42664	65211	76052
Road Type	Public, Paved, Publicly Maint.	Public, Paved, Publicly Maint.	Public, Paved, Publicly Maint.
Zoning	res	res	res
Improvements	Lot Staked	Lot Staked	Lot Staked, Shared Drive
Land Desc	Easements, Level, Wooded	Easements, Rolling, Wooded	Easements, Level, Wooded
Amenities	Public Transportation, Shoppin...		Public Transportation, Shoppin...
Docs on File	Perc Test, Topographical Map, ..	Perc Test, Soil Survey	Perc Test, Soil Survey
Water	Public	Public	Public
Sewer	Private	Private	Private
Electric	At Street	At Street	At Street
Waterfront			
Beach Desc			
Assessed Value	\$0	\$0	\$0
Taxes	\$0	\$0	\$0
Tax Year	2009	2009	2009

Property Comparisons
Prepared for Deerhill Development



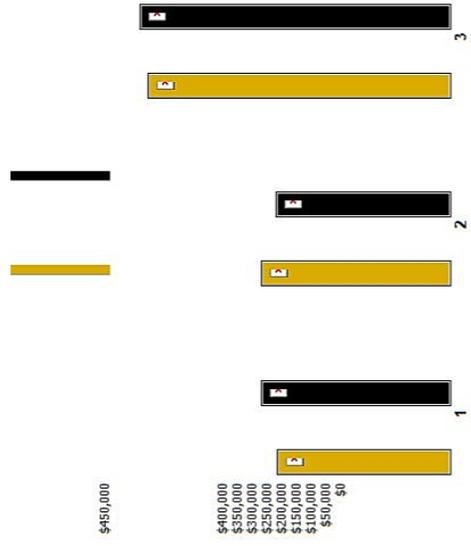
			
MLS #	19 Kersey Road Foxboro, MA 02035 71713820	95 Main St Foxboro, MA 02035 71514182	Lot 3 Ridge Road Foxboro, MA 02035 71685251
Status	Contingent	Under Agreement	Sold
List Price	\$259,900	\$1,999,900	\$229,000
Sale Price			\$250,000
List Date	7/15/2014	4/24/2013	5/21/2014
Off Market Date		5/19/2014	7/3/2014
Sale Date			7/30/2014
Days on Market			43
Type	Residential	Residential	Residential
Acres	2.08	16.72	1.47
Lot Size (sq.ft.)	90605	728323	63895
Road Type	Public, Publicly Maint., Count...	Public, Publicly Maint., Sidewalk	Public, Paved, Publicly Maint...
Zoning	Res	GB	res
Improvements			
Land Desc	Level, Scenic View(s)	Level	Level, Wooded
Amenities	Shopping, Park, Walk/Jog Trail...	Shopping, Tennis Court, Park, ...	Public Transportation, Shoppin...
Docs on File		Legal Description, Land Survey	
Water	Public, On-Site	Public	At Street
Sewer	Private	Private	Private
Electric	On-Site	At-Street	At Street
Waterfront			
Beach Desc			
Assessed Value	\$265,800	\$445,100	\$0
Taxes	\$3,984.34	\$6,471.75	\$0
Tax Year	2014	2013	2014

Property Comparisons

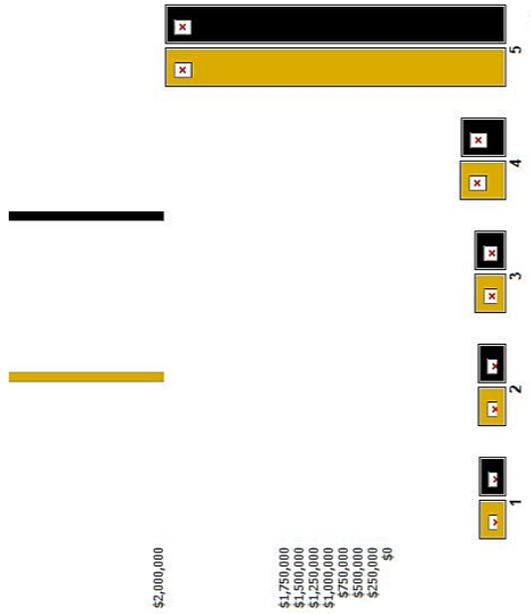
Prepared for Deerhill Development



		
MLS #	Lot 6 Knight Lane Foxboro, MA 02035 71586750	161 Chestnut St Foxboro, MA 02035 71705875
Status	Sold	Sold
List Price	\$250,000	\$399,900
Sale Price	\$230,000	\$410,000
List Date	9/21/2013	6/27/2014
Off Market Date	5/24/2014	7/3/2014
Sale Date	7/24/2014	9/15/2014
Days on Market	245	6
Type	Residential	Residential
Acres	1.21	1.32
Lot Size (sq.ft.)	52632	57424
Road Type	Public, Paved, Publicly Maint...	Public, Paved, Publicly Maint.
Zoning	res	R15
Improvements	Sidewalks	
Land Desc	Level, Wooded	Level, Wooded, Gentle Slope
Amenities	Shopping, Swimming Pool, Park...	Shopping, Swimming Pool, Walk/...
Docs on File	Perc Test, Septic Design, Soil...	
Water	Public	Public, At Street
Sewer	Private	Private
Electric	At Street	On-Site
Waterfront		
Beach Desc		
Assessed Value	\$156,700	\$302,000
Taxes	\$2,278	\$4,527
Tax Year	2013	2014



Address	City	Days on Market	List Price	Sale Price
1 Lot 3 Ridge Road	Foxboro, MA	43	\$229,000	\$250,000
2 Lot 6 Knight Lane	Foxboro, MA	245	\$250,000	\$230,000
3 161 Chestnut St	Foxboro, MA	6	\$399,900	\$410,000



Address	City	Days onMarket	Original Price	Current Price
1 Lot 1 Belcher Road	Foxboro, MA	62	\$149,900	\$149,900
2 Lot 3 Belcher Road	Foxboro, MA	62	\$159,900	\$159,900
3 lot 2 Belcher Road	Foxboro, MA	62	\$179,900	\$179,900
4 19 Kersey Road	Foxboro, MA	177	\$264,900	\$259,900
5 95 Main St	Foxboro, MA ; West Foxborough	190	\$1,999,900	\$1,999,900

Pricing Adjustments per Property
Prepared for Deerhill Development

X

Comparable No. 1



Lot 1 Belcher Road
Land - Active
Foxboro, MA 02035
List Price: \$149,900
List Dates: 11/7/2014
Days on Market: 62

Comparable No. 2



Lot 3 Belcher Road
Land - Active
Foxboro, MA 02035
List Price: \$159,900
List Dates: 11/7/2014
Days on Market: 62

Comparable No. 3



Lot 2 Belcher Road
Land - Active
Foxboro, MA 02035
List Price: \$179,900
List Dates: 11/7/2014
Days on Market: 62

Adjustments

Item	Description	+	-	\$ Adjustment	+	-	\$ Adjustment
		0			0		
				\$149,900			\$159,900
							\$179,900

Net Adjusted (Total)
Adjusted Price

Pricing Adjustments per Property

Prepared for Deerhill Development



Comparable No.4

19 Kersey Road
Land - Contingent
Foxboro, MA 02035
List Price: \$259,900
List Date: 7/15/2014
Days on Market: 177



Comparable No.5

95 Main St.
Land - Under Agreement
Foxboro, MA:West Foxborough 02035
List Price: \$1,999,900
List Date: 4/24/2013
Off Market Date: 5/19/2014
Days on Market: 190

Comparable No.6

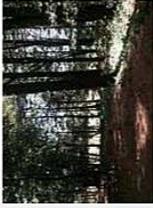


Lot 3 Ridge Road
Land - Sold
Foxboro, MA 02035
List Price: \$229,000
Sale Price: \$250,000
List Date: 5/21/2014
Off Market Date: 7/3/2014
Days on Market: 43

Adjustments

Item	Description	+(-) \$ Adjustment	+(-) \$ Adjustment	+(-) \$ Adjustment
Net Adjusted (Total)		0	0	
Adjusted Price		\$259,900	\$1,999,900	\$250,000

Pricing Adjustments per Property
Prepared for Deerhill Development

Item	Description	+(-) \$ Adjustment	+(-) \$ Adjustment
Comparable No.7	 <p>Lot 6 Knight Lane Land - Sold Foxboro, MA 02035 List Price: \$230,000 Sale Price: \$230,000 List Date: 8/21/2013 Off Market Date: 5/24/2014 Sale Date: 7/24/2014 Days on Market: 245</p>	0	
Comparable No.8	 <p>161 Chestnut St Land - Sold Foxboro, MA 02035 List Price: \$399,900 Sale Price: \$410,000 List Date: 6/27/2014 Off Market Date: 7/3/2014 Sale Date: 9/15/2014 Days on Market: 6</p>	\$230,000	\$410,000
Adjustments			
Net Adjusted (Total)		0	0
Adjusted Price			\$410,000



Suggested Sales Price

Prepared for Deerhill Development

	Days on Market	Price
No. 1 - Lot 1 Belcher Road, Foxboro, MA	62	\$149,900
No. 2 - Lot 3 Belcher Road, Foxboro, MA	62	\$159,900
No. 3 - lot 2 Belcher Road, Foxboro, MA	62	\$179,900
No. 4 - 19 Kersey Road, Foxboro, MA	177	\$259,900
No. 5 - 95 Main St, Foxboro, MA	190	\$1,999,900
No. 6 - Lot 3 Ridge Road, Foxboro, MA	43	\$250,000
No. 7 - Lot 6 Knight Lane, Foxboro, MA	245	\$230,000
No. 8 - 161 Chestnut St, Foxboro, MA	6	\$410,000
Indicated Value by Sale Comparison Approach	105.88	\$454,938

Millie Cetrone over 20 Years Experience...

MLS # 71514182 - Under Agreement

Land - Residential

95 Main St

List Price: **\$1,999,900**

Foxboro, MA : West Foxborough 02035

Norfolk County

Grade School:

Middle School:

High School:

Directions: **95 Main Street (Route 140) is between Chestnut St & Garfield St.**



Remarks

Route 140 location, 1 mile from Gillette Stadium & Patriot Place. Generous scope of allowed uses: retail, restaurants, offices including medical, commercial storage garages, funeral establishments, self storage mini warehouse, theatres, nightclubs, museums, childcare center, educational, residential condominiums, single family, accessory apartment, two family, and by special permit: assisted living, nursing or convalescent home. Conceptual plan is attached for 21 residential building lots.

Property Information

Total Approx. Acres: **16.72 (728323 sq. ft.)**

Cultivation

Home Own Assn: **No**

Acres:

No. of Approved Lots:

Pasture

Assn Req:

Acres:

Approx. Street Frontage: **253 ft**

Timber

HOA Fee : \$

Acres:

Disclosures: **An abutting parcel (Shea Lane) developed with 15,000 SF lots with two \$500,000 condos on each lot.**

Features

Area Amenities: **Shopping, Tennis Court, Park, Walk/Jog Trails, Stables, Golf Course, Medical Facility, Bike Path, Conservation Area, Highway Access, House of Worship, Private School, Public School, T-Station, University**

Beach: **No**

Cable Available: **Yes**

Documents: **Legal Description, Land Survey**

Electric: **At Street**

Gas: **At Street**

Land Description: **Level**

Road Type: **Public, Publicly Maint., Sidewalk**

Sewer Utilities: **Private**

Water Utilities: **Public**

Waterfront: **No**

Water View: **No , --**

Zone Usage: **Single Family, Multi-Family, Condo/Co-Op, Cluster, Commercial,**

Other Property Info

Adult Community: **No**

DEQE/DEP#:

Disclosure Declaration:

No

Perc Test:

Short Sale

w/Lndr.App.Req: **No**

Lender Owned: **No**

Tax Information

Pin #: **066-1489**

Assessed: **\$445,100**

Tax: **\$6471.75** Tax

Year: **2013**

Book: **20797** Page: **175**

Cert:

General Business

Zoning Code: **GB**
Map: **066** Block: Lot:
1838

Office/Agent Information

Listing Office: **Prestige Real Estate** (781) 706-0059
Listing Agent: **Robert Dailey** (781) 706-0059
Team Member:
Sale Office:
Sale Agent:
Listing Agreement Type: **Exclusive Right to Sell**
Entry Only: **No**
Showing: Sub-Agent: **Sub-Agency Relationship Not Offered**
Showing: Buyer-Agent: **Call List Agent, Go Direct, Sign**
Showing: Facilitator: **Call List Agent, Go Direct, Sign**
Special Showing Instructions:

Compensation
Sub-Agent: **Not Offered**
Buyer Agent: **3**
Facilitator: **3**
Compensation Based On: **Net Sale Price**

Market Information

Listing Date: **4/24/2013**
Days on Market: Property has been on the market for a total of **190** day(s)
Expiration Date:
Original Price: **\$1,999,900**
Off Market Date: **5/19/2014**
Ant. Sale Date: **5/6/2015**
Offer Date: 5/19/2014 Days to Offer: 190

Listing Market Time: MLS# has been on for **190** day(s)
Office Market Time: Office has listed this property for **190** day(s)
Cash Paid for Upgrades:
Seller Concessions at Closing:

Market History for 95 Main St, Foxboro, MA : West Foxborough 02035

MLS #	Date			DOM	DTO	Price
71514182	4/24/2013	Listed for \$1,999,900	Robert Dailey			\$1,999,900
UAG	7/11/2013	Status Changed to: Under Agreement	Robert Dailey			
BOM	1/27/2014	Status Changed to: Back on Market	Robert Dailey			
	1/31/2014	Compensation Based On Changed To: Net Sale Price	Robert Dailey			
EXT	4/11/2014	Status Changed to: Extended	Robert Dailey			
UAG	5/19/2014	Status Changed to: Under Agreement	Robert Dailey	190	190	
Market History for Prestige Real Estate (BB5155)				190	190	
Market History for this property				190	190	