

# NOTICE OF INTENT

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## Proposed Single Family House South Street (Map 180; Parcels 25 & 26) Foxborough, Massachusetts



**SUBMITTED TO:**  
Town of Foxborough  
Conservation Commission  
40 South Street  
Foxborough, MA 02035

**PREPARED FOR:**  
Florence Einis  
33 Briar Hill Road  
Sharon, MA 02067

**PREPARED BY:**  
Lucas Environmental, LLC  
500A Washington Street  
Quincy, Massachusetts 02169

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**REPORT DATE:** October 26, 2020





500A Washington Street, Quincy, MA 02169

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October 26, 2020

Foxborough Conservation Commission  
40 South Street  
Foxborough, MA 02035

Re: Notice of Intent  
Proposed Single Family House  
South Street (Map 180; Parcels 25 & 26)  
Foxborough, MA 02035

Members of the Foxborough Conservation Commission:

On behalf of the Applicant, Florence Einis, Lucas Environmental, LLC (LE) is pleased to submit this Notice of Intent for a proposed single family house on South Street (Map 180; Parcels 25 & 26) in Foxborough, Massachusetts. This NOI is submitted in accordance with the Massachusetts Wetlands Protection Act (WPA; M.G.L. Ch. 131, Section 40) and implementing regulations (310 CMR 10.00 et seq.), and Foxborough Wetlands Protection Bylaw (Chapter 267) and Regulations (the "Bylaw"). Work is proposed within the 200-Foot Riverfront Area, the Bylaw 25-Foot No Activity Zone, and the WPA/Bylaw 100-Foot Buffer Zone.

Enclosed please find one original and seven (7) copies of the NOI and Plans. The NOI application package includes the WPA Form 3, project narrative, figures, abutter notification, filing fees, MassDEP field data forms, and Plans. The Wildlife Habitat Assessment is provided separately. A link to an electronic copy of a pdf file of the NOI application and supporting documentation will be provided concurrently with this submittal. We respectfully request that you place this matter on your agenda for the November 16, 2020 Public Hearing.

If you have any questions, please do not hesitate to contact me at 617.405.4140 or [cml@lucasenvironmental.net](mailto:cml@lucasenvironmental.net). Thank you for your consideration in this matter.

Sincerely,  
**LUCAS ENVIRONMENTAL, LLC**

Christopher M. Lucas, PWS, CWS, RPSS  
Environmental Consultant/Soil Scientist

cc: Florence Einis, c/o David Einis (electronically)  
Spink Design (electronically)  
MassDEP – SERO



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## SECTION I – FORMS

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**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 Wetlands Protection Bylaw, Ch. 267

Provided by MassDEP:

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MassDEP File Number

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Document Transaction Number

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Foxborough

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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>South Street, Parcels North of #473</u>	<u>Foxborough</u>	<u>02035</u>
a. Street Address	b. City/Town	c. Zip Code
<u>Latitude and Longitude:</u>	<u>42° 1' 26.07" N</u>	<u>71° 16' 24.69" W</u>
	d. Latitude	e. Longitude
<u>Map 180</u>	<u>Parcels 25 &amp; 26</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Florence</u>	<u>Einis</u>	
a. First Name	b. Last Name	
<u></u>	<u></u>	<u></u>
c. Organization		
<u>33 Briar Hill Road</u>		
d. Street Address		
<u>Sharon</u>	<u>MA</u>	<u>02067</u>
e. City/Town	f. State	g. Zip Code
<u>508.548.7778</u>	<u>c/o deinis@aol.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></u>	<u></u>	
a. First Name	b. Last Name	
<u></u>	<u></u>	<u></u>
c. Organization		
<u></u>		
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 M.</u>	<u>Lucas</u>	
a. First Name	b. Last Name	
<u>Lucas Environmental, LLC</u>		
c. Company		
<u>500A Washington Street</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 Wetland Filings Fee Paid (from NOI Wetland Fee Transmittal Form):

<u>\$750.00</u>	<u>\$362.50</u>	<u>\$387.50</u>	<u>\$750.00</u>
a. State WPA Fee/ <b>Total</b>	b. WPA Fee/ <b>State's Share</b>	c. WPA Fee/ <b>Town's Share</b>	d. Town Bylaw (Ch. 267) Fee



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 Wetlands Protection Bylaw, Ch. 267

Provided by MassDEP:
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#### A. General Information (continued)

6. General Project Description:

The proposed project includes the construction of a single family house, driveway, lawn area, and associated grading. In addition, it is proposed to restore a portion of the historically disturbed Riverfront Area (RFA). Th project will impact approximately 14,075 square feet (SF) of upland RFA including 6,277 SF of restoration. No direct impacts to any other resource areas are proposed.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1.  Single Family Home
- 2.  Residential Subdivision
- 3.  Commercial/Industrial
- 4.  Dock/Pier
- 5.  Utilities
- 6.  Coastal engineering Structure
- 7.  Agriculture (e.g., cranberries, forestry)
- 8.  Transportation
- 9.  Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration 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. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Norfolk	
a. County	b. Certificate # (if registered land)
5218	112
c. Book	d. Page Number

#### 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, Inland Bank, or Coastal Resource Area.
- 2.  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.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

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

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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input 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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet 2. cubic feet of flood storage lost	3. cubic feet replaced

f.  Riverfront Area

Wading River - Inland

1. Name of Waterway (if available) - **specify coastal or inland**

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: 47,200 square feet

4. Proposed alteration of the Riverfront Area:

<u>14,075</u>	<u>10,551</u>	<u>3,524</u>
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?  Yes  No

6. Was the lot where the activity is proposed created prior to August 1, 1996?  Yes  No

2b.  Bylaw Resource Areas (Foxborough Wetlands Protection Bylaw, Ch. 267; No Activity Zones)

- a.  100 Foot Vernal Pool Adjacent Upland Resource Area
- b.  25 Foot No Activity Zone

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

**Note:** for coastal riverfront areas, please complete **Section B.2.f.** above.





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

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.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	_____	
	1. square feet	
	_____	
	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	_____	_____
	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	_____	_____
	1. square feet	2. cubic yards dune nourishment

	<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.  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 BWV	b. square feet of Salt Marsh

5.  Project Involves Stream Crossings

_____	_____
a. number of new stream crossings	b. number of replacement stream crossings



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### C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

#### 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](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**

August 1, 2017  
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.2.f, 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).*

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

- 2.  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

\* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/endangered-species-act-mesa-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.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

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

(c)  MESA filing fee (fee information available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).  
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

(f) 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, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; 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 & Management Permit with approved plan.

3. 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, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -  
Southeast Marine Fisheries Station  
Attn: Environmental Reviewer  
836 South Rodney French Blvd.  
New Bedford, MA 02744  
Email: [dmf.envreview-south@mass.gov](mailto:dmf.envreview-south@mass.gov)

Division of Marine Fisheries -  
North Shore Office  
Attn: Environmental Reviewer  
30 Emerson Avenue  
Gloucester, MA 01930  
Email: [dmf.envreview-north@mass.gov](mailto:dmf.envreview-north@mass.gov)

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.

c.  Is this an aquaculture project?      d.  Yes     No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).



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Bureau of Resource Protection - Wetlands

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

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

4. 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
5. 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
6. 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
7. 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.

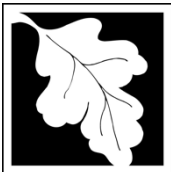
**D. Additional Information**

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

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.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

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**D. Additional Information (cont'd)**

3.  Identify the method for BWV and other resource area boundary delineations (MassDEP BWV 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.

Existing Conditions, Site Plan, Grading, Floodplain, Alternate (5 Sheets)

a. Plan Title

Spink Design

John C. Spink P.E.

b. Prepared By

c. Signed and Stamped by

June 12, 2020

1" = 40'

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

5.  If there is more than one property owner, please attach a list of these property owners not listed on this form.

6.  Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7.  Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8.  Attach NOI Wetland Fee Transmittal Form

9.  Attach Stormwater Report, with signed, stamped Stormwater Checklist (unless exempt).

10.  Notice of Intent Application checklist

11.  Abutter Notification Form

12.  Affidavit of Service Form – To be submitted prior to the hearing with abutter receipts.

**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:

7457

June 10, 2020

2. Check Number (town share of state fee [see A.5.c., page 1])

3. Check date (town share of state fee)

7458

June 10, 2020

4. Check Number (Bylaw filing fee [see A.5.d, page 1])

5. Check date (Bylaw filing fee)

7456

June 10, 2020

6. State Check Number (state share of state fee [see A.5.b.])

7. Check date (state share of state filing fee)

Florence R.

Einis

8. First Name of Payor on checks

9. Last Name of Payor on checks



# WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
Foxborough Wetlands Protection Bylaw, Ch. 267

MassDEP File Number

Foxborough  
Town

## 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 hereby grant permission, to the Agent or member of the Conservation Commission and the Department of Environmental Protection, to enter and inspect the area subject to this Notice at reasonable hours to evaluate the wetland resource boundaries, if included with this application, subject to this Notice, and to require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.

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.

Florence R. Einis  
1. Signature of Applicant

May 28, 2020  
2. Date

3. Signature of Property Owner (if different)

Christopher M. Lucas

4. Date  
07/02/2020

5. Signature of Representative (if any)

6. Date

### Tax Collector's Release

The above referenced applicant is applying for a permit from the Conservation Commission and is in good standing with respect to any taxes, fees, assessments, betterments or other municipal charges as recorded with the Foxborough Treasurer's Office.

Ramona Maloney  
1. Signature of Tax Collector or Agent

6/10/20  
2. Date

Two parcels:

1. - 32,800 S.F. Map 180 Parcel 4476

2. - 24,750 S.F. Map 180 Parcel 4477

## **NOTICE OF INTENT APPLICATION CHECKLIST**

This checklist, which is referred to in the Conservation Commission's *Filing Instructions for Notices of Intent Under the Foxborough Wetlands Protection Bylaw, Chapter 267*, has been designed to efficiently assist the applicant and the Commission through the review process. It applies to all filings under the Foxborough Wetlands Protection Bylaw, Chapter 267 (unless otherwise specifically stated). Close adherence to this checklist and the referenced *Filing Instructions* is recommended.

All of the following information will be required, unless exempted in writing by the Commission. After completing each item below, please check the box next to the item and, when finished, **include a copy of the completed checklist in your NOI application package.**

### **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)
- National Flood Insurance Program (NFIP) Flood Insurance Rate Map (FIRM), and associated Flood Profile Study if available, 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
- Description of storm water management plan, including existing and proposed drainage areas →NA
- Description of wastewater management plan, if applicable →NA
- 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 delays, non-review, or denial of a proposed project.

- Edges of wetlands must be flagged with numbered flags, as reflected on submitted project plans
- House number must be visible from the street, if work is proposed at a pre-existing house; if no house is on the property, the lot number must be posted and visible.
- 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, as reflected on submitted project plans
- Locations of septic tank, leaching field and wells (if in the buffer zone) must be staked and labeled

## INFORMATION TO BE INCLUDED ON SITE PLANS

### ALL PLANS

- Title Box: Include the date, name and address of proposed 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 and 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 stormwater 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 →NA
- 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 →NA
- 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 →NA

### 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 (Chapter 267)
- 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 →NA
- Vernal Pools, (all) including highest observed or recorded water level → NA
- Certified Vernal Pools: Boundary of 100 foot No Activity Zone (Chapter 267) →NA
- 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 →NA
- 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



### **PROPOSED CONDITIONS PLANS** (continued)

- Construction Equipment access routes and storage/parking areas during proposed work →NA
- 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 →NA
- 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 →NA
- 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 →NA

### **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 in the Conservation Office in Town Hall and on the Commission's website. Application forms, instructions and deadlines can all be downloaded on the Commission's website:

[http://www.foxboroughma.gov/Pages/FoxboroughMA\\_Conservation/index](http://www.foxboroughma.gov/Pages/FoxboroughMA_Conservation/index)

#### **Continued Hearing Submissions:**

***All document and plan revisions must be received by the Conservation Department at least four business days before a scheduled (continued) hearing date.***

Four days is the minimum time needed to allow the Conservation Commission and Conservation Manager to properly review and analyze new submissions. Documents that are not submitted at least four business days before the date of a continued hearing may be excluded from consideration during that hearing and held for discussion during a future Conservation Commission meeting.



## SECTION II – PROJECT NARRATIVE

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## PROJECT NARRATIVE

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### 1.0 INTRODUCTION

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On behalf of the Applicant, Florence Einis, Lucas Environmental, LLC (LE) is pleased to submit this Notice of Intent (NOI) for a proposed single family house located on South Street (Map 180; Parcels 25 & 26) in Foxborough, Massachusetts. This NOI is submitted in accordance with the Massachusetts Wetlands Protection Act (WPA; M.G.L. Ch. 131, Section 40) and implementing regulations (310 CMR 10.00 et seq.) and the Foxborough Wetlands Protection Bylaw (Chapter 267) and Regulations (the “Bylaw”). Work is proposed within the 200-Foot Riverfront Area, the Bylaw 25-Foot No Activity Zone, and the WPA/Bylaw 100-Foot Buffer Zone.

This project narrative describes the existing conditions, wetland resource areas, proposed project impacts, and regulatory compliance for work within jurisdictional areas on the site. Spink Design has prepared the accompanying project Plans and Alternatives Analysis Plan (See Appendix A).

### 2.0 EXISTING CONDITIONS

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The subject property is located on South Street in Foxborough, Massachusetts (See Figure 1 – USGS Map and Figure 2 – Aerial Map), identified on the Foxborough Assessor’s map as Map 180; Parcels 25 & 26 (the “Study Area”). The subject property consists of approximately 1.08 acres bounded by South Street to the east, Cedar Street to the north, the Wading River to the west, and by a residential lot at 473 South Street to the south. A second parcel approximately 0.25 acres in size and located to the north is included in the NOI; however, it is not proposed for development. The parcels are located entirely within the 200-Foot Riverfront Area (RFA) of the Wading River, with a large portion of the parcels located within the inner 100 feet of the RFA. The parcels are wooded and undeveloped but contain clear evidence of historic fill, including trash and debris within the fill material.

Topography at the site is relatively level, generally sloping down to the north and west toward the adjacent wetland areas. There are topographic breaks present along the edge of rocky fill material. Soils within the site consist of sandy loam fill that includes rocks, rubble, and debris. Based on MassGIS surficial geology data layers, surface geology at the site consists of coarse stratified glacial deposits and thin till. Areas of postglacial deposits, including alluvium, swamp and marsh deposits and artificial fill are present near the site.

The plant community within the proposed house development area is wooded with a relatively closed canopy and patches of dense shrub cover. Herbaceous vegetation was relatively sparse at the time of the site evaluation; however, the herbaceous layer was not yet fully established. The tree layer within this area is dominated by white ash (*Fraxinus americana*), with red maple (*Acer rubrum*), Norway maple (*Acer platanoides*), red oak (*Quercus rubra*), slippery elm (*Ulmus rubra*), box elder (*Acer negundo*) and black cherry (*Prunus serotina*) also present. The shrub layer is dominated by multiflora rose (*Rosa multiflora*) and tatarian honeysuckle (*Lonicera tatarica*) and also includes scattered box elder, black cherry, common elderberry (*Sambucus canadensis*), and silky dogwood (*Cornus amomum*). Woody vines include poison ivy (*Toxicodendron radicans*), Oriental bittersweet (*Celastrus orbiculatus*), Virginia creeper (*Parthenocissus quinquefolia*), and multiflora rose climbing in trees.

A review of the current MassGIS data layer for the Massachusetts Natural Heritage Atlas (effective August 1, 2017) under the Natural Heritage & Endangered Species Program (NHESP) indicates that no portion of the site is located in or within one-eighth of a mile of Estimated Habitat of Rare Wildlife or Priority Habitat of Rare Species (See Figure 3 – NHESP Map). No Certified or Potential Vernal Pools under the jurisdiction of the Wetlands Protection Act Regulations (310 CMR 10.00 et seq.) or the Massachusetts Endangered Species Act (321 CMR 10.00 et seq.) are mapped by NHESP at the site. The site is not located within an Area of Critical Environmental Concern (ACEC).

The site is located within a Surface Water Protection Zone A and Outstanding Resource Water (ORW) area associated with the Wading River watershed public water supply. The site is also located within a Zone II Wellhead Protection Area.

### **3.0 WETLAND RESOURCE AREAS**

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A Professional Wetland Scientist (PWS) from LE conducted a wetland site investigation and delineated the project site on October 30, 2018. The wetland investigation was performed in accordance with the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, § 40) and regulations (310 CMR 10.00 et seq.); Section 404 of the Clean Water Act (33 U.S.C. 1344); Massachusetts Department of Environmental Protection (MassDEP) publication “Delineating Bordering Vegetated Wetlands” under the Massachusetts Wetlands Protection Act (1995); the U.S. Army Corp of Engineers (USACE) Wetland Delineation Manual (1987); the Northcentral and Northeast Regional Supplement (2012); and the Foxborough Wetlands Protection Bylaw and implementing regulations.

The following data sources were examined prior to the site investigation:

- Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps;
- United States Geological Survey Topographic Quadrangle (Framingham, 2018);
- MassGIS MassDEP Wetland and Hydrography Datalayers;
- USGS National Map and National Hydrography Dataset;
- MassGIS Natural Heritage Atlas Datalayers; and
- United States Department of Agriculture, Natural Resources Conservation Service (USDA-NRCS) Soil Survey.

Based on the data review and site investigation, the following resource areas are present within and near the Study Area: Inland Bank; Bordering Vegetated Wetland (BVW)/Freshwater Wetland; Land Under Waterbodies and Waterways (LUWW); Bordering Land Subject to Flooding (BLSF); and Riverfront Area.

Under the Massachusetts Wetlands Protection Act and Foxborough Bylaw, the wetlands at the site are regulated as follows.

### **3.1 Inland Bank – 310 CMR 10.54 & Bylaw**

Section 310 CMR 10.54 of the WPA 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. Under the Bylaw, the upper boundary of Inland Bank is the first observable break in the slope or the mean annual high water line, whichever is higher.*

Inland Bank is present at the Study Area along the Wading River. Bank/MAWH is present at the site along the Wading River. The top of Bank, as defined under the WPA, is delineated with blue survey tape numbered sequentially with flag series BF1-1 through BF1-32. This delineated bank line is coincident with the MAHW line. The top of Bank, as defined under the Bylaw, is delineated with blue survey tape numbered sequentially with flag series BF2-1 through BF2-10. This top of Inland Bank delineation is based on the break in slope which is present upgradient of MAHW flags BF1-24 to BF1-32. No work is proposed on Inland Bank.

### **3.2 Bordering Vegetated/Freshwater Wetland – 310 CMR 10.55 & Bylaw**

Section 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+, 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. Under the Foxborough Bylaw, Freshwater Wetlands shall include all wetlands, whether or not they border on a water body. For the purposes of the Bylaw Regulations, all bordering vegetated wetlands, as well as all isolated wetlands encompassing at least five hundred (500) square feet in area, shall be protected.*

BVW/Freshwater Wetland is present within the north portion of the Study Area along an intermittent stream that flows west to the Wading River. The BVW/Freshwater Wetland was delineated with pink survey tape numbered sequentially with flag series WFA-1 through WFA-42. The wetland/upland boundary generally corresponds with a topographic break in slope with an accompanying transition to a non-hydrophytic plant community and absence of hydric soils/wetland hydrology. Common overstory vegetation observed within the BVW included primarily red maple, with eastern cottonwood (*Populus deltoides*) and slippery elm also present. Wetland shrubs include winterberry holly (*Ilex verticillata*), silky dogwood, willow (*Salix sp.*), highbush blueberry (*Vaccinium corymbosum*), northern arrowwood (*Viburnum recognitum*), common elderberry, and glossy buckthorn (*Frangula alnus*). Common herbaceous vegetation within the BVW includes poison ivy and royal fern (*Osmunda regalis*).

Upland soils within the Study Area are mapped as Merrimac fine sandy loam, 3 to 8 percent slopes and wetland soils are mapped as Swansea muck. The observed wetland soils consist of approximately 8 inches of highly organic soil over silt loam with a depleted matrix. No work is proposed in BVW or Freshwater Wetland. MassDEP field data forms have been prepared and are included in Appendix E.

### **3.3 Land Under Water Bodies and Waterways – 310 CMR 10.56 & Bylaw**

Section 310 CMR 10.56 of the WPA defines Land Under Water Bodies and Waterways *as the land beneath any creek, river, stream, pond or lake. Said land may be composed of organic muck or peat, fine sediments, rocks or bedrock. The physical characteristics and location of Land Under Water Bodies and Waterways specified in 310 CMR 10.56(2)(a) are critical to the protection of the interests specified in 310 CMR 10.56(1). The boundary of Land Under Water Bodies and Waterways is the mean annual low water level.* Under the Bylaw, the boundary of Land Under Water Bodies and Waterways *is the mean annual high water level as defined in Section 3, Definitions, of the Bylaw Regulations.* LUWW is present on the site within the Wading River. This resource area was not delineated in the field. No work is proposed in LUWW.

### **3.4 Bordering Land Subject to Flooding – 310 CMR 10.57 & Bylaw**

Section 310 CMR 10.57(2)(a) of the WPA defines BLSF *as an area with low, flat topography adjacent to and inundated by flood waters rising from creeks, rivers, streams, ponds or lakes. It extends from the banks of these waterways and water bodies; where a bordering vegetated wetland occurs, it extends from said wetland. 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.* Under the Bylaw, the boundary of BLSF is similarly defined.

BLSF is present at the Study Area along the Wading River. According to the FEMA Flood Insurance Rate Map (FIRM) for Foxborough, Norfolk County (Map Number 25021C0344F), effective July 16, 2015, a Regulatory Floodway and Zone AE area of 1% Annual Chance Flood Hazard (i.e., 100-year flood) is present within and along the Wading River. The flood elevation is 155.6 feet (NAVD 88). The remainder of the site, including the area within the proposed limit of work, is located in a Zone X Area of Minimal Flood Hazard (See Figure 4 – FEMA Map). This resource area was not delineated in the field but is depicted on the Plans. No work is proposed within BLSF.

### **3.5 Riverfront Area – 310 CMR 10.58 & Bylaw**

Section 310 CMR 10.58 of the WPA defines Riverfront Area as *“the area of land between a river’s mean annual high water line and a parallel line measured horizontally.”* 310 CMR 10.58(2)(a)(1) defines rivers as, *“any natural flowing body of water that empties to any ocean, lake, pond or other river and which flows throughout the year. Rivers include streams (see 310 CMR 10.04: Stream) that are perennial because surface water flows within them throughout the year. Intermittent streams are not rivers as defined herein because surface water does not flow within them throughout the year.”* Section 310 CMR 10.58(2)(a)(2) further specifies that *“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,…”* Riverfront Area is similarly defined under the Bylaw.

The Wading River is mapped as a perennial stream on the current USGS topographic map (Wrentham, Massachusetts Quadrangle, 2018). Within the Study Area there is a slight break in slope along the river bank within an area consisting of flooded wetland. The delineated MAHW line coincides with bankfull conditions and is coincident with the top of Bank as defined under the WPA. The lower boundary of the RFA, identified as the MAHW line, was delineated with blue survey tape numbered sequentially with flag series BF1-1 through BF1-32. The Riverfront Area extends 200 feet horizontally from the delineated MAHW line, as indicated on the Plans, and includes the entire property. Common vegetation in the RFA includes white ash, red maple, Norway maple, black cherry, tatarian honeysuckle, multiflora rose, Japanese barberry (*Berberis thunbergii*), Oriental bittersweet, pokeweed (*Phytolacca americana*), Japanese knotweed (*Polygonum cuspidatum*), common mullein (*Verbascum thapsus*), and lance-leaved goldenrod (*Euthamia graminifolia*).

Within the total 47,200 square feet of RFA on the site, approximately 38,250 square feet (81% of the RFA) lies within the inner 100 feet (inner riparian zone) and 8,950 square feet (19% of the RFA) within the outer 100 feet (outer riparian zone). The entire RFA is wooded and undeveloped; however, much of the RFA contains historic fill, including trash and debris within the fill material. Work is proposed within both the inner and outer 100 feet of the 200-Foot RFA and is described further below.

#### **4.0 PROPOSED WORK**

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The proposed project includes the construction of a single family house, driveway, lawn area, and associated grading. In addition, the Applicant proposes to restore a portion of the RFA located within the Bylaw 25-Foot No Activity Zone. The proposed house development area, and RFA in general, consist of woodland with relatively high occurrence of several non-native and invasive species. Historic fill is evident over the entire house development area. The Applicant also proposes to donate all rights and title in the 0.25-acre parcel north of the site along Cedar Street to the Town of Foxborough for public use and access to the Wading River (See Appendix B).

##### *Direct and Indirect Impacts*

The proposed project will impact approximately 20,352 square feet of upland Riverfront Area, approximately 31% of which is proposed restoration. No direct impacts to any other resource area are proposed. The impact numbers provided (as calculated by Spink Design) are inclusive of both temporary and permanent impacts. The proposed house development area consists of approximately 14,075 square feet and includes the proposed house, driveway, deck, and lawn area. The proposed RFA restoration area consists of approximately 6,277 square feet, totaling 20,352 square feet. See Table 4-1 below.

The limit of work for the house development area is the 25-foot No Activity Zone. Approximately 10,551 square feet of this area is located within the inner 100-foot riparian zone, with the remaining approximately 3,524 square feet located in the outer riparian zone, totaling 14,075 square feet of work in the Riverfront Area for the proposed development. It is proposed to completely clear this area and remove all debris (concrete, metal, asphalt, trash, etc.) down to native soil material. The house foundation will be constructed on native soil and clean soil (fine sandy loam or sandy loam in texture) will be brought on-site to restore approximate current elevations. A minimum of four inches of loam high in organic content will be placed over disturbed soils and the area seeded with a lawn grass seed.

The limit of work for the RFA restoration is the edge of apparent debris laden historic fill upgradient of any Bank, BVW, or BLSF, consisting of approximately 6,277 square feet as depicted on the Plans. Approximately 4,120 square feet of this area is located within the inner 100-foot riparian zone, with the remaining approximately 2,157 square feet located in the outer riparian zone. The Applicant proposes to clear vegetation less than six inches in stem diameter and remove all debris (concrete, metal, asphalt, trash, etc.) to a depth of 12 inches. Trees six inches and larger at diameter breast height (dbh) will be left in place. Clean soil (fine sandy loam or sandy loam in texture) will be brought on-site to restore approximate current elevations and be graded to drain toward the wetland. A minimum of four inches of loam high in organic content will be placed over the clean soil and the area seeded and planted with native vegetation.

**TABLE 4-1  
LIMIT OF WORK IMPACT TABLE<sup>1</sup>**

Description	Impacts (square feet)		
	Inner Riparian Zone	Outer Riparian Zone	Total
<b>Riverfront Area</b>	10,551	3,524	14,075
<b>Restoration Area</b>	4,120	2,157	6,277
<b>Total Limit of Work Area</b>	14,671	5,681	20,352

<sup>1</sup>Calculations provided by Spink Design. Total Riverfront Area Calculations exclude Restoration Area impacts.

Impacts to the RFA will be mitigated through proposed restoration and enhancement of historically disturbed RFA, planting of native vegetation high in wildlife value, replacement of other impacted habitat features and management of invasive vegetation at the site. Details of the proposed RFA mitigation are described in the Mitigation section of the NOI.

### *Pre and Post Impervious Area*

The site currently is undeveloped and, although impacted by historic fill, is vegetated and contains pervious soil. Post-construction impervious area will total 3,000 square feet, consisting of the house (1,685 square feet) and driveway/walkway (1,315 square feet).

### *Wastewater Management Plan*

Sewer is available in South Street therefore an on-site wastewater management plan is not required.



### *Volume and Source of Fill*

Minimal elevation change is proposed at the site. Existing elevations in the area of the proposed house are between 159.1 and 159.6 feet. Proposed elevation is 159.6 feet with a first floor elevation of 161.0 feet. However, fill will be required to replace trash and debris laden historic fill to be removed from the house development area and RFA restoration area. The volume will depend on the amount of trash and debris encountered in the historic fill. Any new fill required will be clean and contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerator, motor vehicles, or parts of any of the foregoing. Excavation from the basement and contouring around house are calculated to be equal per Spink Design. No removal of fill except existing debris removal is expected.

### *Soil Erosion and Sediment Control Plan*

Prior to any excavation work an erosion control barrier will be installed at the limit of work, as depicted on the Plans. The erosion control barrier will be inspected daily whenever work occurs in proximity to the barrier and otherwise weekly and after rainfall events. The erosion barrier will be maintained and repaired as needed to remain functional.

### *Stormwater Management Plan*

The proposed single family house project is exempt from the provisions of the Mass DEP Stormwater Management Standards. The site will be graded to maintain existing drainage patterns and allow for sheet flow to the adjacent wetlands. The driveway will be graded to runoff to the street. Per Spink Design, Roof runoff is to be directed to an infiltration leaching field in the back yard, 10 feet from the foundation. The infiltration leaching field is proposed to be 10-feet by 20 feet by 20 feet deep stone filled bays, 12 inches below grade. Down spouts are to be routed this leaching field. Over flow is to be at ground level to flow down gradient away from the house.

### *Construction Sequence*

The construction sequence prepared by Spink Design is as follows:

1. Obtain all permits and approvals – Time unknown
2. Place erosion control systems. Three days
3. Clear disturbed area – One week
4. Remove any non-native debris – In above time frame
5. Construct foundation - Two weeks
6. Frame first floor – One week
7. Back fill foundation and contour site
8. Frame house – Five weeks
9. Electrical – One week
10. Plumbing – One week
11. Weather tight building – Two weeks
12. Finish interior – Three weeks
13. Construct Drive – One week
14. Landscape Site – Two weeks

**5.0 REGULATORY COMPLIANCE**

The project is designed to comply with the Massachusetts Wetlands Protection Act and it’s implementing Regulations, including the requirements for Riverfront Area (310 CMR 10.58) and the Foxborough Wetlands Protection Bylaw. There are no direct impacts proposed to Inland Bank, BVW, LUWW, or BLSF. The RFA General Performance Standards are provided below in italics with a description of how each Standard is met in standard format. The General Performance Standards apply to all new work in non-degraded areas of the RFA.

**5.1 Riverfront Area New Development – 310 CMR 10.58(4)**

The only resource area proposed to be altered for this project is Riverfront Area. Development within the Riverfront Area complies with the requirements and standards set forth under Section 310 CMR 10.58(4) for new development. The following table summarizes the impacts within the Riverfront Area.

<b>TABLE 5-1 RIVERFRONT AREA IMPACT TABLE<sup>1</sup></b>			
<b>Description</b>	<b>Impacts (square feet)</b>		
	<b>Inner Riparian Zone</b>	<b>Outer Riparian Zone</b>	<b>Total</b>
<b>Existing Riverfront Area</b>	38,250	8,950	47,200
<b>Proposed Work in Riverfront Area</b>	10,551	3,524	14,075
<b>Percent</b>	27.6%	39.4%	29.8%

<sup>1</sup>Calculations provided by Spink Design. Total Riverfront Area Calculations exclude Restoration Area impacts.

*310 CMR 10.58(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. In the event that the presumption is partially overcome, the issuing authority shall make a written determination setting forth its grounds in the Order of Conditions and the partial rebuttal shall be taken into account in the application of 310 CMR 10.58 (4)(d)1.a. and c.; the issuing authority shall impose conditions in the Order that contribute to the protection of interests for which the riverfront area is significant.*

The project as currently proposed will not have an adverse or significant effect on the ability of the Riverfront Area to protect the interests identified above.

- (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.*

This standard has been met. No work is proposed within any other resource area. Work is proposed within the WPA/Bylaw 100-Foot Buffer Zone and restoration work is proposed within the Bylaw 25-Foot No Activity Zone.

- (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.*

This standard has been met. No Estimated Habitat of Rare Wildlife, Priority Habitat of Rare Species, or Certified Vernal Pools are present at or within one-eighth of a mile of the site.

- (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.*

This standard has been met. An Alternatives Analysis has been prepared to demonstrate that the proposed work is the best economically viable and practicable environmental alternative feasible for this site. See below.

- (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.*

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:*

The lot was recorded prior to October 6, 1997. The total RFA present on the lot is 47,200 square feet. The proposed project will include approximately 14,075 square feet of new development (29.8% of RFA) and 6,277 square feet of restoration within the RFA (See Table 5-1 above).

Although this standard is not met, see 310 CMR 10.58(4)(d)3 below regarding an exception for construction of a single family house, septic system, and driveway where the size or shape of the lot within the RFA prevents the construction from meeting the requirements of 310 CMR 10.58(4)(d)1 or 2.

*The calculation of square footage of alteration shall exclude areas of replication or compensatory flood storage required to meet performance standards for other resource areas, or any area of restoration within the riverfront area. The calculation also shall exclude areas used for structural stormwater management measures, provided there is no practicable alternative to siting these structures within the riverfront area and provided a wildlife corridor is maintained (e.g. detention basins shall not be fenced).*

Of the 20,352± total square feet of proposed RFA disturbance, 6,277± square feet is proposed restoration.

- 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. Replication and compensatory storage required to meet other resource area performance standards are allowed within this area; structural stormwater management measures may be allowed only when there is no practicable alternative. Temporary impacts where necessary for installation of linear site-related utilities are allowed, provided the area is restored to its natural conditions. Proposed work which does not meet the requirement of 310 CMR 10.58(4)(d)1.a. may be allowed only if an applicant demonstrates by a preponderance of evidence from a competent source that an area of undisturbed vegetation with an overall average width of 100 feet will provide equivalent protection of the riverfront area, or that a partial rebuttal of the presumptions of significance is sufficient to justify a lesser area of undisturbed vegetation;*

The majority of the property, approximately 38,250 square feet of the 47,200 square foot total (81%) is within the inner riparian zone. Due to site constraints, it is not possible to build a house outside of the 100 foot inner riparian zone. Although this standard is not met, see 310 CMR 10.58(4)(d)3 below regarding an exception for construction of a single family house, septic system, and driveway where the size or shape of the lot within the RFA prevents the construction from meeting the requirements of 310 CMR 10.58(4)(d)1 or 2.

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

As a single family house project, the proposed project is exempt from the provisions of the Mass DEP Stormwater Management Standards.

- 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.*

No vernal pools are mapped or have been identified at the property. A Wildlife Habitat Evaluation has been prepared for the project and is attached under separate cover for compliance with the Bylaw.

- 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. The calculation of square footage of alteration shall exclude areas of replication or compensatory flood storage required to meet performance standards for other resource areas, or any area of restoration within the riverfront area. The calculation also shall exclude areas used for structural stormwater management measures, provided there is no practicable alternative to siting these structures within the riverfront area and provided a wildlife corridor is maintained (e.g. detention basins shall not be fenced).*

This standard has been met. Erosion and sediment controls are proposed and are shown on the Plans.

2. *Within 25 foot Riverfront areas any proposed work shall cause no significant adverse impact.*

This standard is not applicable to this project.

3. *Notwithstanding the provisions of 310 CMR 10.58(4)(d)1. or 2., the issuing authority shall allow the construction of a single family house, a septic system if no sewer is available, and a driveway, on a lot recorded before August 7, 1996 where the size or shape of the lot within the riverfront area prevents the construction from meeting the requirements of 310 CMR 10.58(4)(d)1. or 2., provided that:*

- a. *The lot can be developed for such purposes under the applicable provisions of other municipal and state law; and*  
b. *The performance standards of 310 CMR 10.58(4)(d) are met to the maximum extent feasible. In difficult siting situations, the maximum extent of yards around houses should be limited to the area necessary for construction. Except where the lot contains vernal pool habitat or specified habitat sites of rare species, a wildlife habitat evaluation study shall not be required.*

The proposed project meets the requirements of this exemption as follows:

- The proposed project consists of a single family house and driveway;
- The lot was recorded before August 7, 1996 on February 12, 1959;

- The size and shape of the lot prevent the construction from meeting the requirements for alteration of no more than 10% of the RFA on the lot and from providing a minimum 100-foot wide area of undisturbed vegetation;
- The lot can be developed under other municipal and state law;
- Performance Standards are being met to the maximum extent feasible as noted above;
- The extent of the yard around the house is limited to the area necessary for construction; and
- Although specifically not required under this standard, a Wildlife Habitat Evaluation was conducted for compliance with the Bylaw and not significant adverse impacts are anticipated.

## **5.2 Riverfront Area Alternatives Analysis**

An Alternatives Analysis is required for any project proposing new development within the Riverfront Area under the Wetlands Protection Act Regulations and for any work within a resource area under the Foxborough Bylaw. Section 310 CMR 10.58(4)(c) of the WPA states that *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*. The following section describes the alternatives for proposed work within the Riverfront Area.

### *No Build Alternative*

The “no build” alternative would result in no change to the existing land. Under the no-build alternative, no land will be altered and there will be no direct or indirect impacts to the Riverfront Area or creation of new impervious area. However, the added benefits of restoration of existing degraded Riverfront Area and habitat improvement through management of invasive vegetation would not occur. Additionally, the Town of Foxborough would not obtain all rights and title to the 0.25-acre parcel to the north of the site along Cedar Street for public use and access to the Wading River.

### *Alternative Reductions*

Due to local setbacks, there is limited area on the site to build the proposed house. The Applicant has evaluated two additional alternatives to reduce impervious area and impacts in the Riverfront Area. The Applicant examined the feasibility of reducing the lawn area, as identified on the Alternate Plan (Sheet 5) in Appendix A. The Alternate Plan includes a reduced lawn, minimized to the extent feasible to allow for access around the house and a small yard area for recreational use. This reduces the overall Riverfront Area impact from 14,075 square feet to 13,214 square feet. Reductions to the size of the house may reduce impervious surface on the site; however, to be a functional lot, lawn would still be required and would not reduce overall impacts to the Riverfront Area beyond the 13,214 square feet.

Both configurations result in a smaller house and essentially no use of the surrounding area for future homeowners. Due to the location of the Wading River, there are no alternatives that greatly reduce the limit of work within the 100-Foot Riverfront Area.

*Preferred Alternative*

The preferred alternative is described in the previous section in detail and identified on the Plans. The Applicant is proposing a mitigation plan and donating all rights and title in land of the 0.25-acre parcel to the north of the site to the Town of Foxborough for public use and access to the Wading River (See Appendix B).

**5.3 25-Foot No Activity Zone – Bylaw**

Restoration of disturbed Riverfront Area is proposed within the 25-Foot No Activity Zone. Under the Foxborough Wetlands Protection Bylaw, no activity is permitted within this zone. However, as stated under Section 10 of the Foxborough Wetlands Protection Bylaw, *the Commission recognizes that, in certain situations, a waiver or exception of a specific wetland resource area performance standard may be appropriate for a particular project when the waiver or exception is consistent with the intent and purpose of the Bylaw and these Regulations. A request for a waiver or exception must demonstrate by clear and convincing evidence the following information:*

- 1. There are no practicable conditions or alternatives that would allow the project to proceed in compliance with these Regulations; and*
- 2. The project, or its natural and consequential effects, will not have any adverse effects upon any of the values protected by the Bylaw; and*
- 3. The project will improve the natural capacity of a resource area to protect the values identified in the Bylaw, provided any adverse effects on any such values are minimized by carefully considered conditions. However, no project may be permitted which would have an adverse impact on rare wildlife species.*

The entire site is located within the Riverfront Area. Therefore, it is not possible for the project to proceed without alteration of Riverfront Area. In order to provide mitigation for this work, restoration of degraded soil (historic fill with debris), planting of native vegetation and management of invasive vegetation is proposed within the 25-Foot No Activity Zone. No work associated with the construction of the house or associated amenities is proposed within this Zone.

The proposed restoration will improve the ability of the 25-Foot No Activity Zone to provide the values protected by the Bylaw. A Wildlife Habitat Evaluation was conducted to determine important habitat features that will be replaced or protected within the No Activity Zone. The proposed project is not within any mapped or known habitat of rare wildlife species.

Therefore, a waiver is requested for the proposed Riverfront Restoration work located within the 25-Foot No Activity Zone based upon the information provided above and within the NOI application.

## **6.0 RIVERFRONT AREA RESTORATION**

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The proposed RFA restoration includes an area located within the 25-foot No Activity Zone where removal of fill debris (including concrete, asphalt, pavers, metal, old tires etc.), planting of native vegetation and management of invasive vegetation is proposed. This area consists of approximately 6,277 square feet of which approximately 4,120 square feet is within the inner 100-foot riparian zone and 2,157 square feet is within the outer riparian zone. This area is proposed to be utilized for restoration with clean soil and native vegetation to replace and enhance habitat features at the site. This area will not be developed and will be left in a natural state after restoration activities are completed.

### *Debris Removal from Historic Fill*

The limit of work for the RFA restoration is the edge of apparent debris laden historic fill upgradient of any Bank, BVW, and BLSF, as depicted on the Plans. It is proposed to clear vegetation less than six inches in stem diameter and remove all debris (concrete, metal, asphalt, trash, etc.) to a depth of 12 inches. Trees six inches and larger at diameter breast height (dbh) will be left in place. Clean soil (fine sandy loam or sandy loam in texture) will be brought on-site to restore approximate current elevations and be graded to drain toward the wetland. A minimum of four inches of loam high in organic content will be placed over the clean soil and the area seeded and planted with native vegetation.

### *Shrub and Tree Planting*

The shrubs and trees used for re-vegetation of the RFA restoration area will be obtained from a reputable wetland plant nursery. Shrubs will measure approximately 18 to 24 inches in height (one-gallon containers), and tree seedlings will have a minimum caliper size of one to three inches with root balls secured with burlap. Plants will be grouped within the restoration area to approximate natural communities and provide food and/or cover for wildlife. Plantings should be performed by hand under the supervision of a Professional Wetland Scientist. Table 6-1 on the following page represents the composition of plant species to be planted within the RFA restoration area. Final numbers will be confirmed based on area to be planted after removal of smaller vegetation and retention of trees greater than six inches dbh.

### *Seeding*

The New England Conservation/Wildlife Seed Mixture (or equivalent) will be used for the RFA restoration area. The New England Conservation/Wildlife Seed Mixture provides a permanent cover of grasses, wildflowers, and legumes for both good erosion control and wildlife habitat value. The mix is designed to be a no maintenance seeding, and is appropriate for cut and fill slopes, detention basin side slopes, and disturbed areas adjacent to commercial and residential projects. Table 6-2 on the following page contains the list of species in the seed mix proposed in the RFA restoration area.



**TABLE 6-1  
RFA RESTORATION AREA PLANTING SCHEDULE**

Common Name	Scientific Name	Status	Size	Quantity
<b>Trees = 20</b>				
Red Maple	<i>Acer rubrum</i>	FAC	1-3" caliper	4
White Ash	<i>Fraxinus americana</i>	FACU	1-3" caliper	4
Red Oak	<i>Quercus rubra</i>	FACU	1-3" caliper	4
Black Cherry	<i>Prunus serotina</i>	FACU	1-3" caliper	4
Box elder	<i>Acer negundo</i>	FAC	1-3" caliper	4
<b>Shrubs = 80</b>				
Gray Dogwood	<i>Cornus racemosa</i>	FAC	18-24"	16
Highbush Blueberry	<i>Vaccinium corymbosum</i>	FACW	18-24"	16
Nannyberry	<i>Viburnum lentago</i>	FAC	18-24"	16
Sweet Pepperbush	<i>Clethra alnifolia</i>	FAC	18-24"	16
Witch Hazel	<i>Hamamelis virginiana</i>	FACU	18-24"	16
<b>Ground Cover</b>				
New England Conservation/Wildlife Mix		Varies	1 lb./1,750 s.f.	Approx. 4 lbs.

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

**TABLE 6-2  
NEW ENGLAND CONSERVATION/WILDLIFE SEED MIXTURE**

Species	Latin Name
<b>Grasses</b>	
Virginia Wild Rye	<i>Elymus virginicus</i>
Little Bluestem	<i>Schizachyrium scoparium</i>
Red Fescue	<i>Festuca rubra</i>
Big Bluestem	<i>Andropogon gerardii</i>
Indian Grass	<i>Sorghastrum nutans</i>
Switch Grass	<i>Panicum virgatum</i>
<b>Wildflowers</b>	
Partridge Pea	<i>Chamaecrista fasciculata</i>
Butterfly Milkweed	<i>Asclepias tuberosa</i>
Showy Tick Trefoil	<i>Desmodium canadense</i>
Black Eyed Susan	<i>Rudbeckia hirta</i>
Purple Joe Pye Weed	<i>Eupatorium purpureum</i>
Beggar Ticks	<i>Bidens frondosa</i>
Heath Aster	<i>Aster pilosus</i>
Early Goldenrod	<i>Solidago juncea</i>

### *Snags, Brush Piles, Logs and Woody Debris*

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

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

Snags will be formed by relocating native trees scheduled to be cut as part of the constructed restoration area. 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 restoration area. However, as many of the large upper limbs will be preserved as possible. After transport to the restoration area, 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.”

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 restoration area, woody debris will be established within the restoration area. Logs and smaller woody branches will be identified and collected within the impact 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 PWS.

### *Monitoring*

Monitoring of the restoration area will be performed by a PWS to ensure successful plant establishment. 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 the restoration area 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.

### *Invasive Vegetation Management*

Small vegetation (less than 6" stem diameter) will be cleared from the restoration area. This will include a large number of invasive plants present at the site. The clearing of invasive vegetation from the site will generate a substantial amount of plant debris and soil that often contain viable root fragments and seed banks. Invasive plant debris may contribute to the introduction or spread of the species at the project site or even at the disposal location if not properly disposed. Disposal of invasive plants with flowers or seeds should be minimized to prevent the further spread of target species. Furthermore, plant material should not be composted to prevent regrowth or spread of seeds into the compost sediment.

Removal and excavation of invasive vegetation at the site plants will significantly reduce their density. However, due to the presence of invasive species outside the limit of work areas, the RFA restoration area will be monitored to determine if invasive plants are becoming reestablished and additional management is needed. Yearly management will likely be required to avoid re-establishment of invasive species. Successful invasive species management will be for the benefit of long-impacted terrestrial habitats, supporting remaining native plant assemblages and associated faunal communities.

The species listed below include certain invasive tree, shrub, herbaceous, and woody vines species observed within the RFA at the site.

- Norway Maple (*Acer platanoides*)
- Multiflora Rose (*Rosa multiflora*)
- Tatarian Honeysuckle (*Lonicera tatarica*)
- Oriental Bittersweet (*Celastrus orbiculatus*)
- Japanese Barberry (*Berberis thunbergii*)
- Japanese Knotweed (*Fallopia japonica* – formerly *Polygonum cuspidatum*)
- Glossy/European Buckthorn (*Frangula alnus*)

Specific management methods for each species will be determined based on the species and severity of any re-establishment that occurs. Selected management techniques are generally based upon the extent of a given invasive plant species within the plant community and employ a strategy that best controls the target species, while minimizing the potential for adverse impacts to other desirable (i.e., native) species. Invasive species are often difficult to completely eliminate from an area, and a practical management goal is to control, not necessarily eradicate, invasive species while simultaneously encouraging, or even introducing, a native plant community.

Methods for the management of invasive species fall into three basic categories:

- Mechanical (cutting, pulling, grubbing, covering, etc.);
- Chemical (use of herbicides); and
- Biological (using living organisms such as insects or domestic grazing animals).

In general, mechanical controls, such as cutting or pulling, have the least adverse impacts on the adjacent, native communities; however, mechanical methods are often not as effective in the control of certain plant species. When warranted and appropriate, chemical controls (through the application of herbicides) are most effective by modest applications of specific herbicides applied to the surface freshly cut stems, which is the surface of exposed plants vascular tissue. Selective application of herbicides also functions to reduce adverse impacts on desirable native species from herbicide application. For this same reason, broad foliar spraying of herbicides is generally not recommended because of the potential for negative impacts to non-target plant and animal species, although foliar spraying may be effective in controlling larger, monotypic stands of invasive plants, such as the large swaths of Japanese knotweed. Biological control, or use of living organisms as a control agent, has also been proven effective on certain species.

Various groups, including the Nature Conservancy, MIPAG, and the National Park Service (NPS) strongly recommend non-chemical methods of control wherever feasible. However, for large infestations, non-chemical methods are inadequate. Any herbicide use permitted at the site would be applied only by a Massachusetts-Licensed Pesticide Applicator and in accordance with all state regulations pertaining to herbicide application.

Where appropriate and considered necessary for the successful management of the invasive species at this site, specifications for the type of herbicides will be provided. As with the timing for mechanical methods for management of invasive species, non-specific use of herbicides or use of a specific herbicide at incorrect times or in incorrect concentrations can actually lead to spreading of invasive species.

Other considerations for herbicide use include avoiding inclement weather conditions such as wind, which could result in herbicide application to non-target, possibly native species, or rainy conditions, which could dilute or wash away applied herbicides, rendering them ineffective.

## 7.0 SUMMARY

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The site is located entirely within the undeveloped 200-Foot Riverfront Area which contains historic fill consisting of fill, debris, and trash. The proposed project includes approximately 14,075 square feet of new development and 6,277 square feet of restoration within the 47,200 square feet of RFA on the site. Under the WPA Riverfront Area performance standards at 310 CMR 10.58(4)(d)3, construction of a single family house and driveway where the size or shape of the lot within the riverfront area prevents the construction from meeting the requirements of 310 CMR 10.58(4)(d)1 or 2 is permissible.



## PROJECT NARRATIVE

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It is LE's opinion, based on our professional education, training, and familiarity with the project site, that the proposed work will not have any adverse effect on any interests identified in the Wetlands Protection Act or Foxborough Wetlands Protection Bylaw and the project is designed to minimize adverse effects on the resource areas as follows:

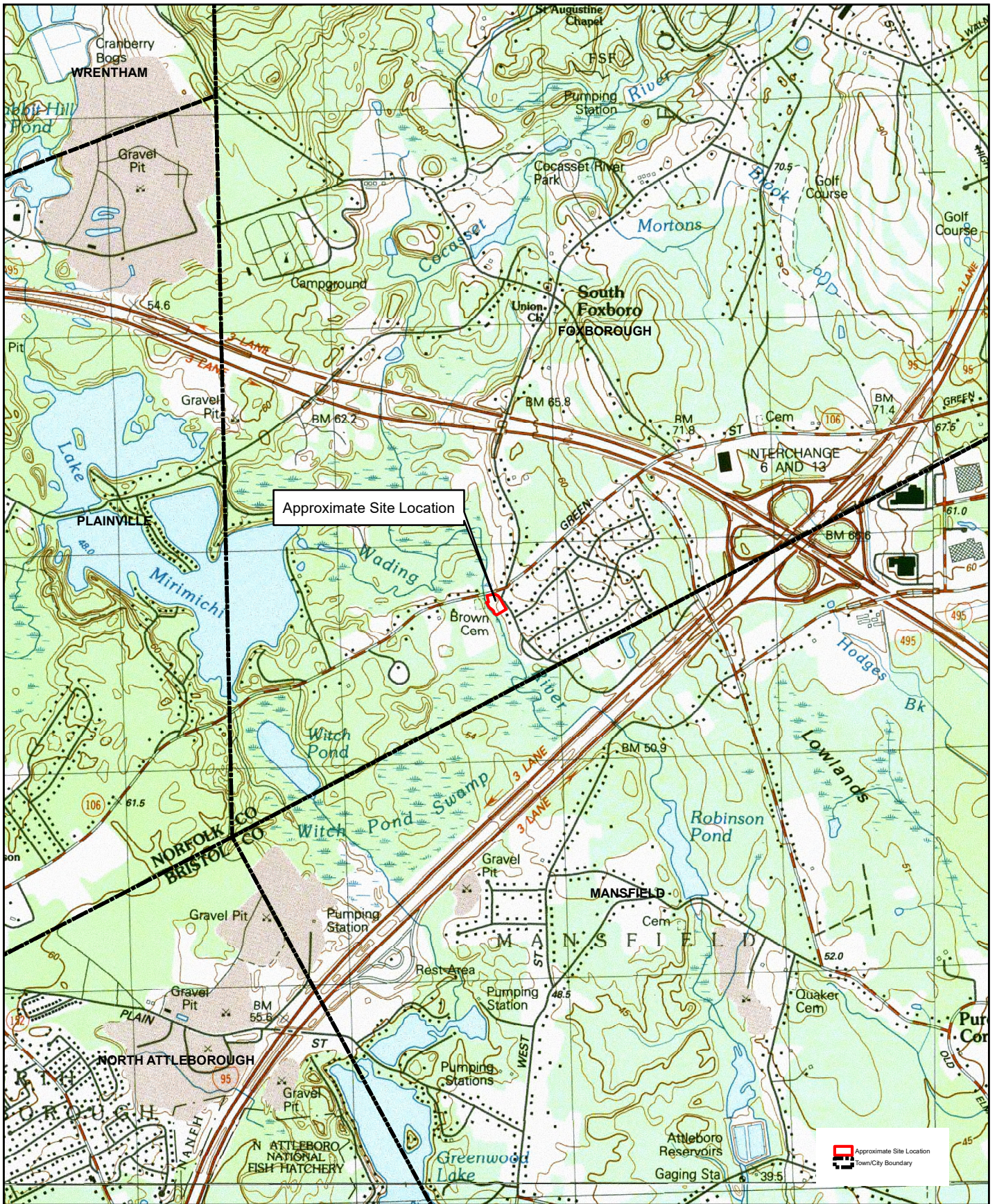
- Other than the Riverfront Area, no work is proposed within another wetland resource area.
- The project meets applicable standards for work within the Riverfront Area.
- Riverfront Area habitat will be enhanced through restoration of degraded soil (historic debris laden fill), planting of native vegetation high in wildlife value and management of invasive vegetation.
- Erosion controls will be installed prior to the start of construction and maintained until soils are stabilized.
- The Applicant will donate all rights and title of the 0.25-acre parcel to the north to the Town of Foxborough for public use and access to the Wading River.

The proposed design achieves the goals of the Applicant, while being sensitive to adjacent regulated resource areas. Accordingly, the Applicant respectfully requests that the Conservation Commission consider a finding that the proposed design is adequately protective of the interests identified in the Wetlands Protection Act and Foxborough Wetlands Protection Bylaw and issue an Order of Conditions approving the project as described in this NOI application and as shown on the attached Plans.

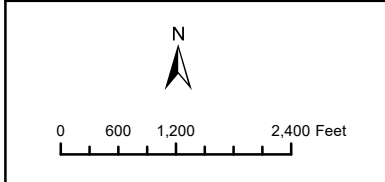


## SECTION III – FIGURES

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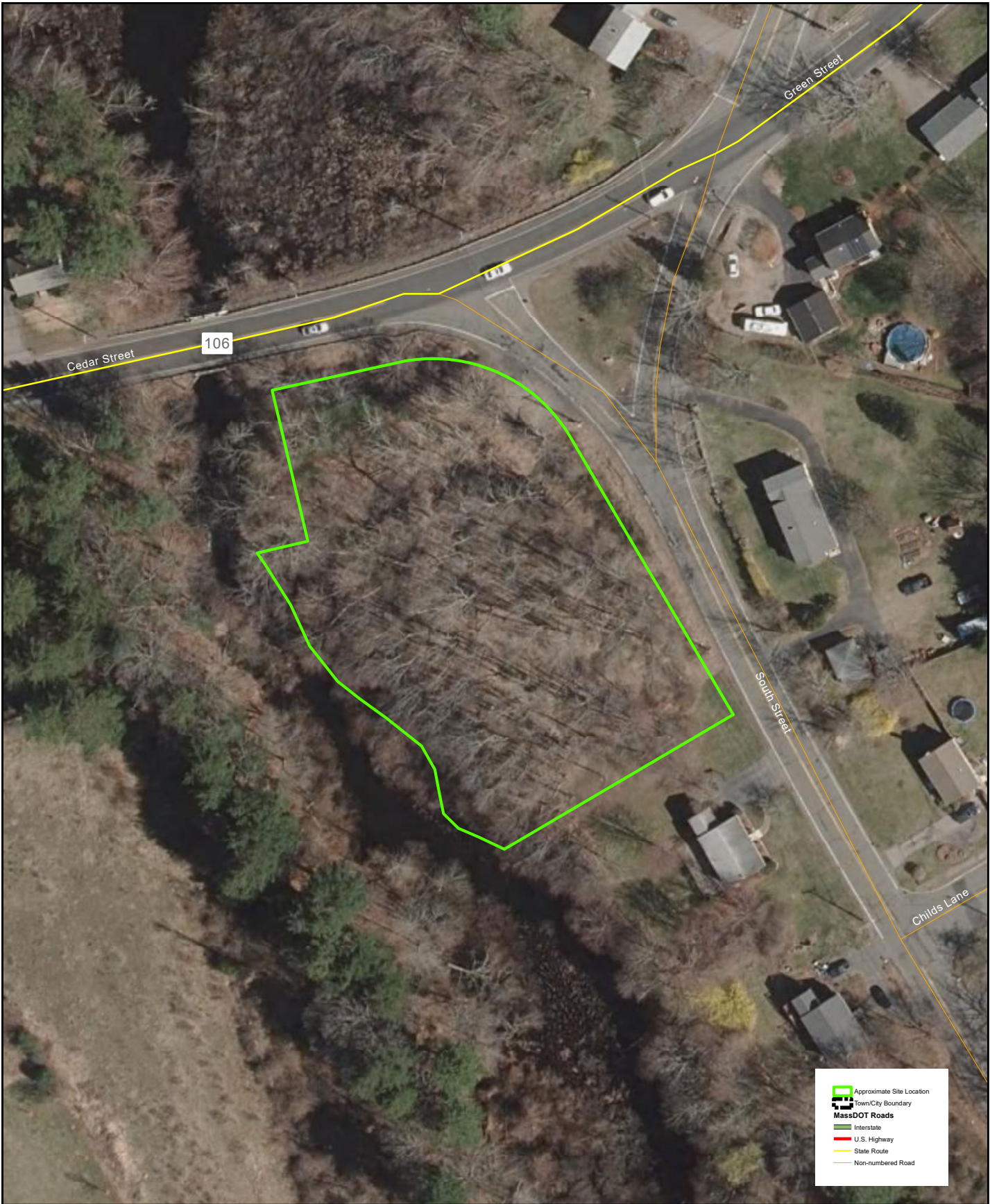
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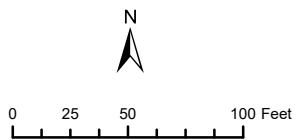
**USGS Map**  
 Notice of Intent  
 South Street (Map 180; Parcels 25 & 26)  
 Foxborough, MA

**FIGURE 1**

**LUCAS**  
 ENVIRONMENTAL, LLC



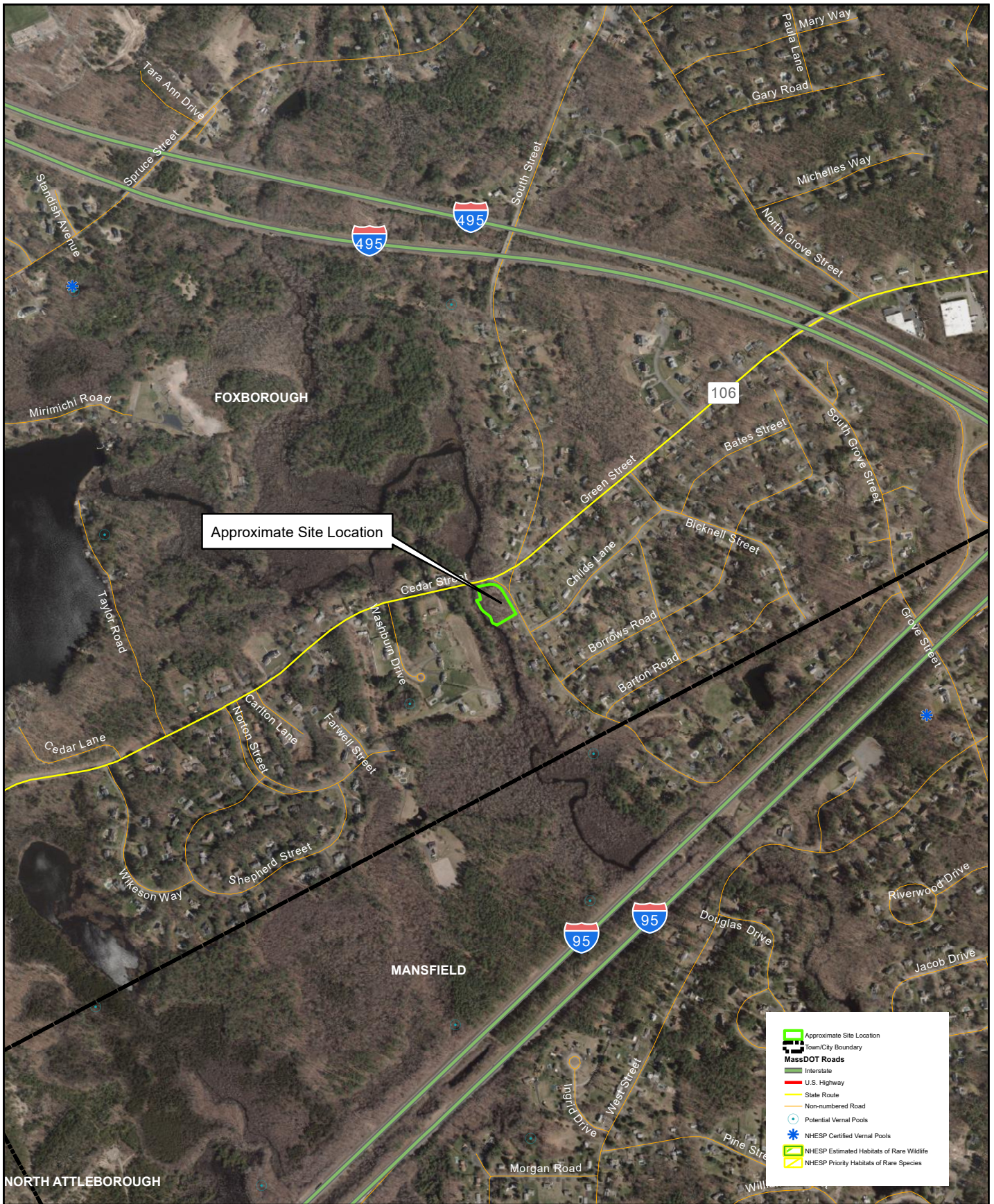
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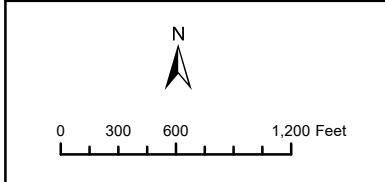
**Aerial Map**  
**Notice of Intent**  
**South Street (Map 180; Parcels 25 & 26)**  
**Foxborough, MA**







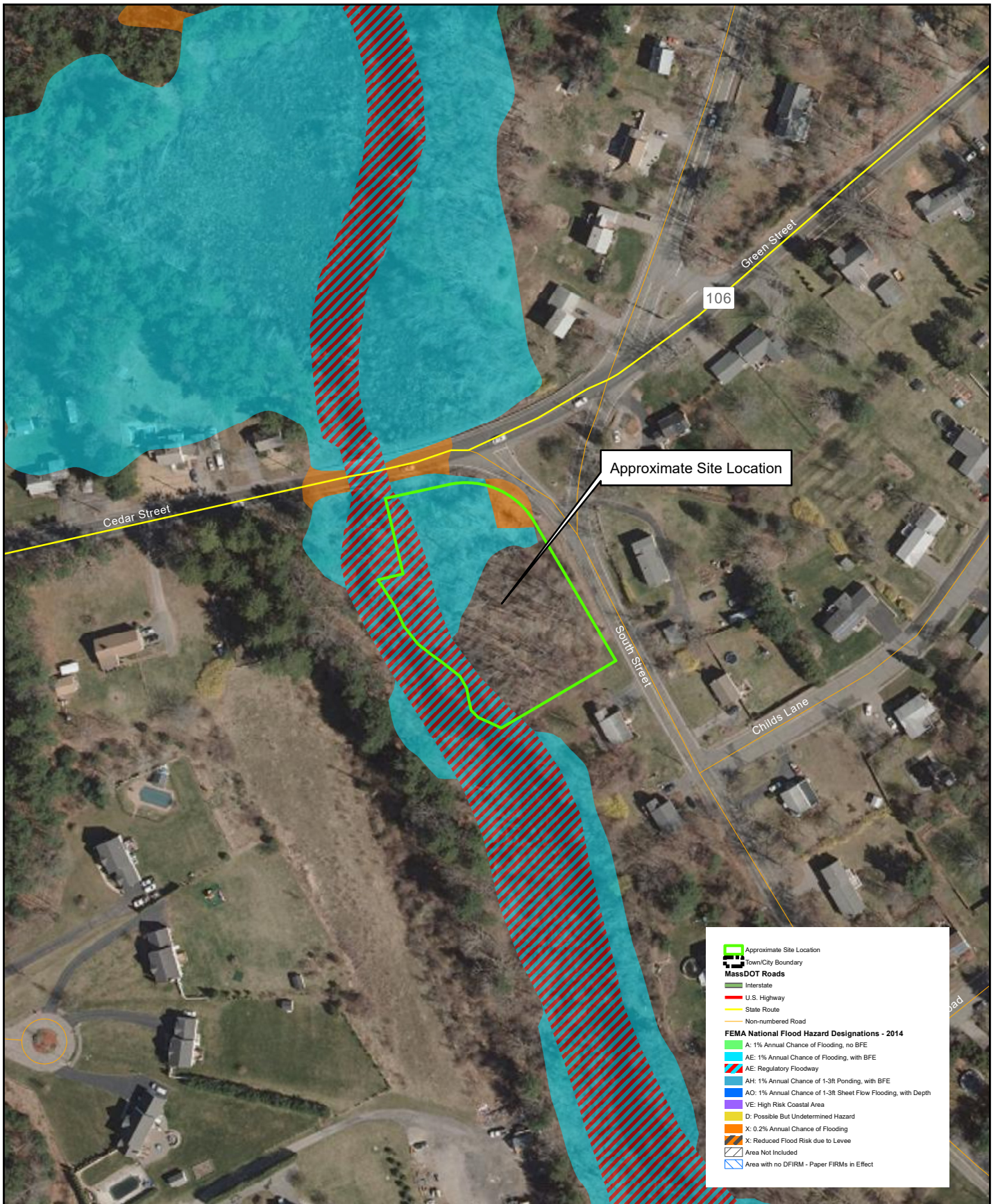
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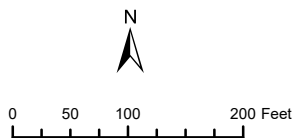
**NHESP Map**  
**Notice of Intent**  
**South Street (Map 180; Parcels 25 & 26)**  
**Foxborough, MA**

**FIGURE 3**  

**LUCAS**  
 ENVIRONMENTAL, LLC



Source: Office of Geographic and Environmental Information (MassGIS), Commonwealth of Massachusetts Executive Office of Environmental Affairs; USGS Color Ortho Imagery - 15cm (2019)



**FEMA Map**  
**Notice of Intent**  
**South Street (Map 180; Parcels 25 & 26)**  
**Foxborough, MA**





## SECTION IV – APPENDICES

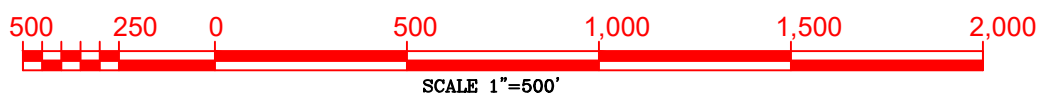
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## APPENDIX A

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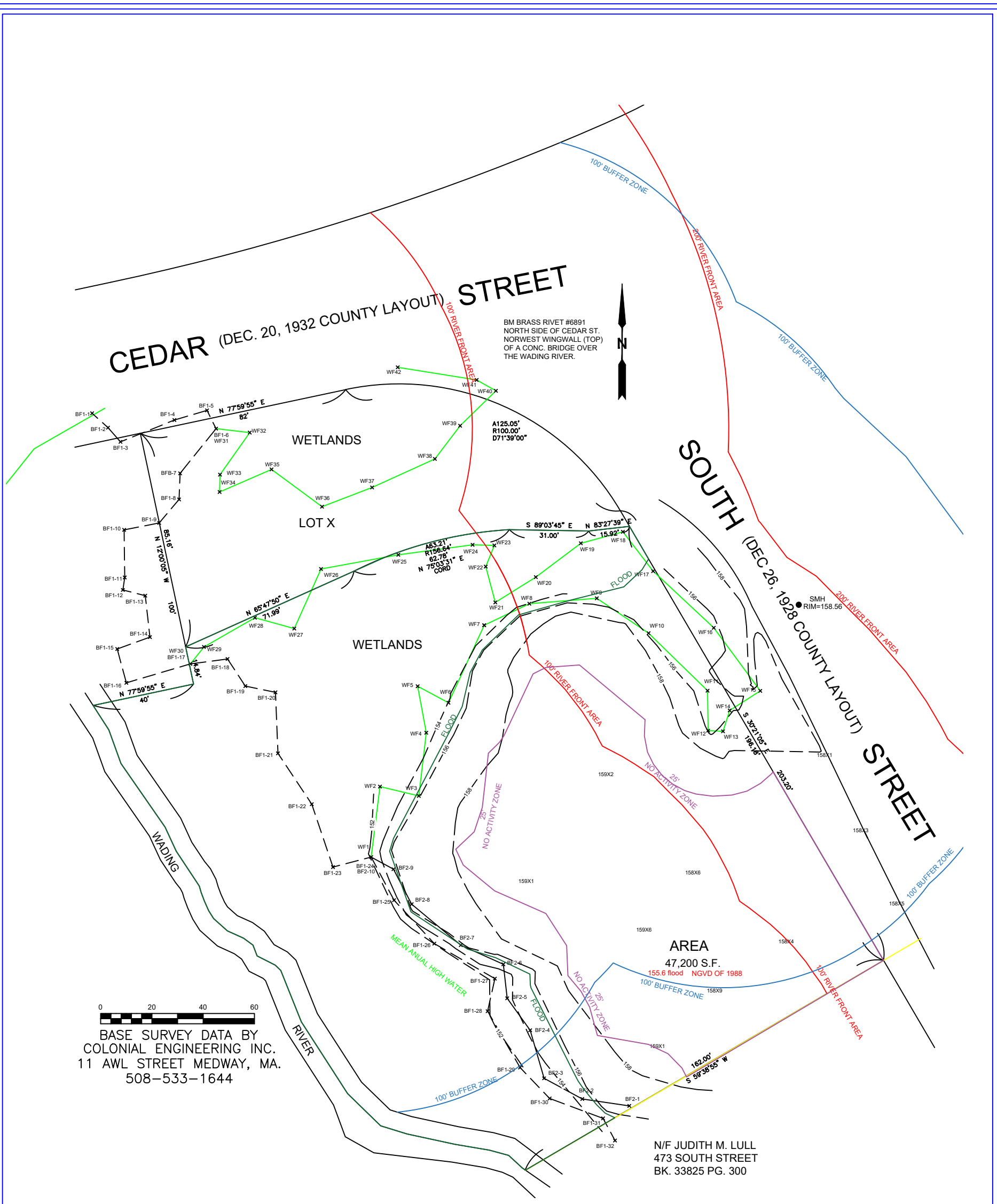
# PROJECT PLANS



PARCEL IS THE NEXT LOT NORTH-NORTHWEST OF 473 SOUTH STREET, FOXBORO, MA

REVISION 4

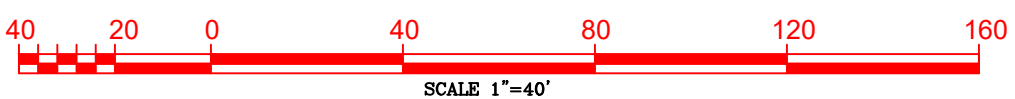
PROJECT: <b>NEW HOME          SOUTH STREET          FOXBORO, MASSACHUSETTS</b>	<b>JOHN C. SPINK P.E.</b> 59 CLAY STREET MIDDLEBORO, MASSACHUSETTS 02346-1052	PREPARED FOR: <b>FLORENCE REY EINIS          21 CLOWES DRIVE          FALMOUTH, MASSACHUSETTS</b>	DATE: 6/12/2020 DRAWN/ CHECK: JCS SCALE: SEE GRAPHIC
PLAN SET: <b>NOTICE OF INTENT</b>	774-766-0544      jspink1@gmail.com	DRAWING: <b>LOCUS</b>	SHEET NO. <b>0</b>



BASE SURVEY DATA BY  
 COLONIAL ENGINEERING INC.  
 11 AWL STREET MEDWAY, MA.  
 508-533-1644

N/F JUDITH M. LULL  
 473 SOUTH STREET  
 BK. 33825 PG. 300

WETLANDS RESOURCE AREAS DELINEATED BY  
 LUCAS ENVIRONMENTAL, LLC ON OCTOBER 18, 2018



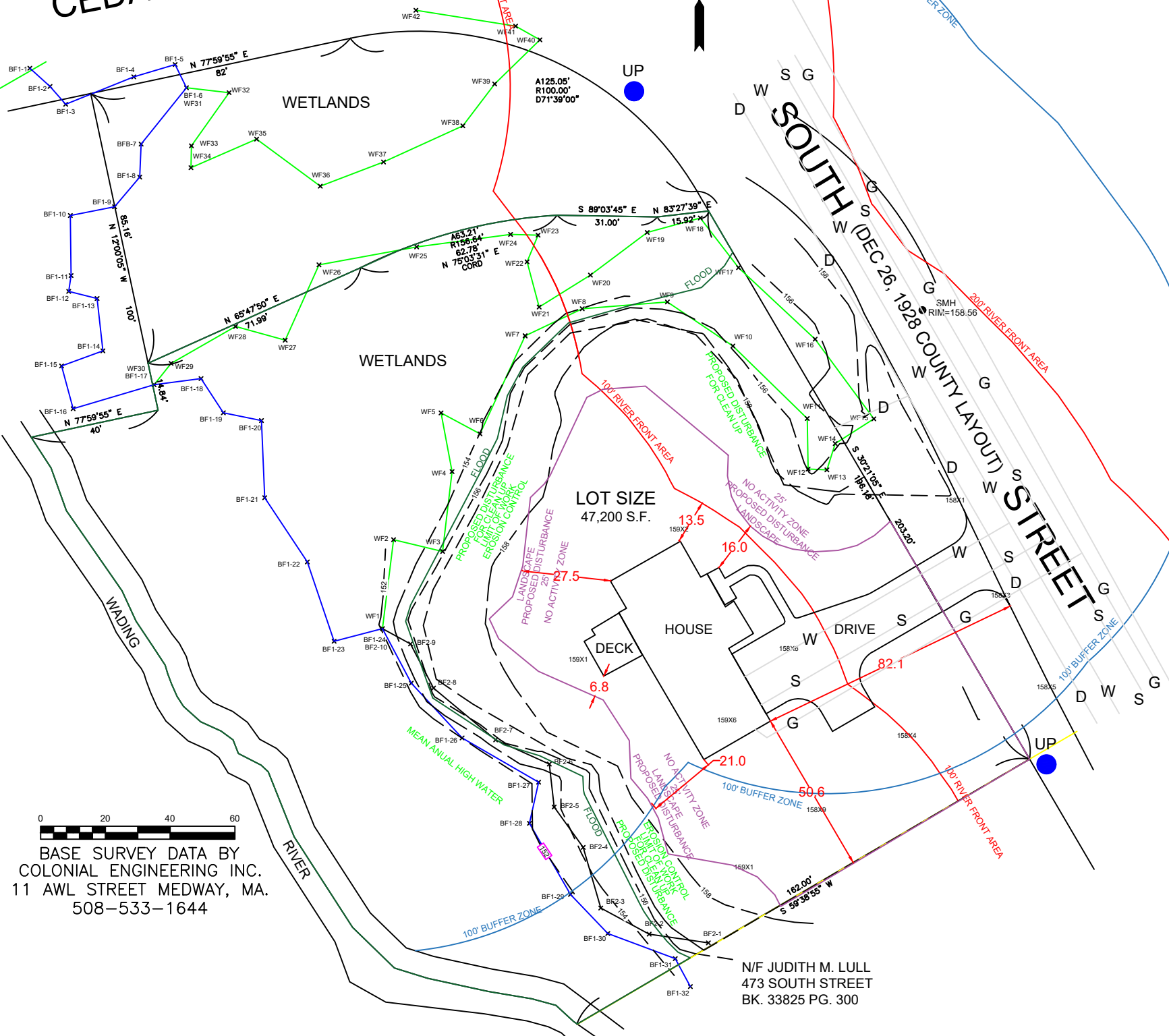
PARCEL IS THE NEXT LOT NORTH-NORTHWEST OF 473 SOUTH STREET, FOXBORO, MA

REVISION 4

PROJECT: <b>NEW HOME          SOUTH STREET          FOXBORO, MASSACHUSETTS</b>	<b>JOHN C. SPINK P.E.</b> 59 CLAY STREET MIDDLEBORO, MASSACHUSETTS 02346-1052	PREPARED FOR: <b>FLORENCE REY EINIS          21 CLOWES DRIVE          FALMOUTH, MASSACHUSETTS</b>	DATE: 6/12/2020 DRAWN/ CHECK: JCS SCALE: SEE GRAPHIC
PLAN SET: <b>NOTICE OF INTENT</b>	774-766-0544      jspink1@gmail.com	DRAWING: <b>EXISTING CONDITIONS</b>	SHEET NO. <b>1</b>

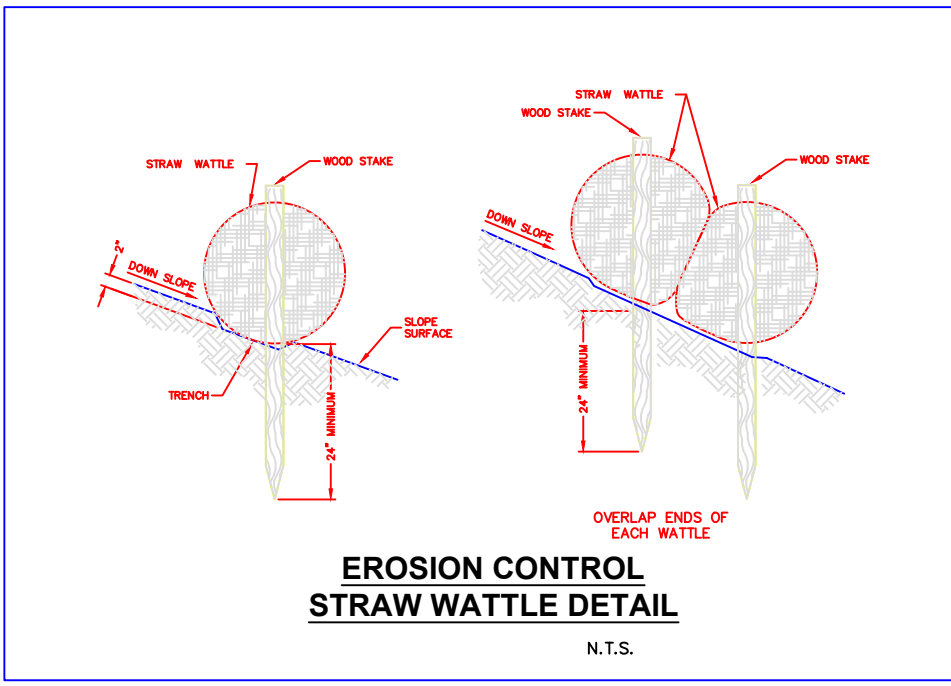
**CEDAR (DEC. 20, 1932 COUNTY LAYOUT) STREET**

BM BRASS RIVET #6891  
NORTH SIDE OF CEDAR ST.  
NORTHWEST WINGWALL (TOP)  
OF A CONC. BRIDGE OVER  
THE WADING RIVER.

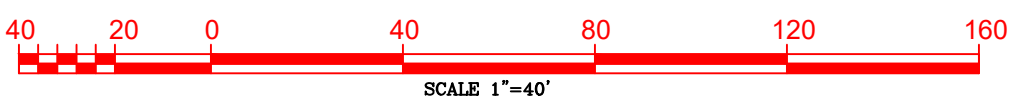


BASE SURVEY DATA BY  
COLONIAL ENGINEERING INC.  
11 AWL STREET MEDWAY, MA.  
508-533-1644

N/F JUDITH M. LULL  
473 SOUTH STREET  
BK. 33825 PG. 300



**EROSION CONTROL  
STRAW WATTLE DETAIL**  
N.T.S.



PARCEL IS THE NEXT LOT NORTH-NORTHWEST OF 473 SOUTH STREET, FOXBORO, MA

REVISION 4

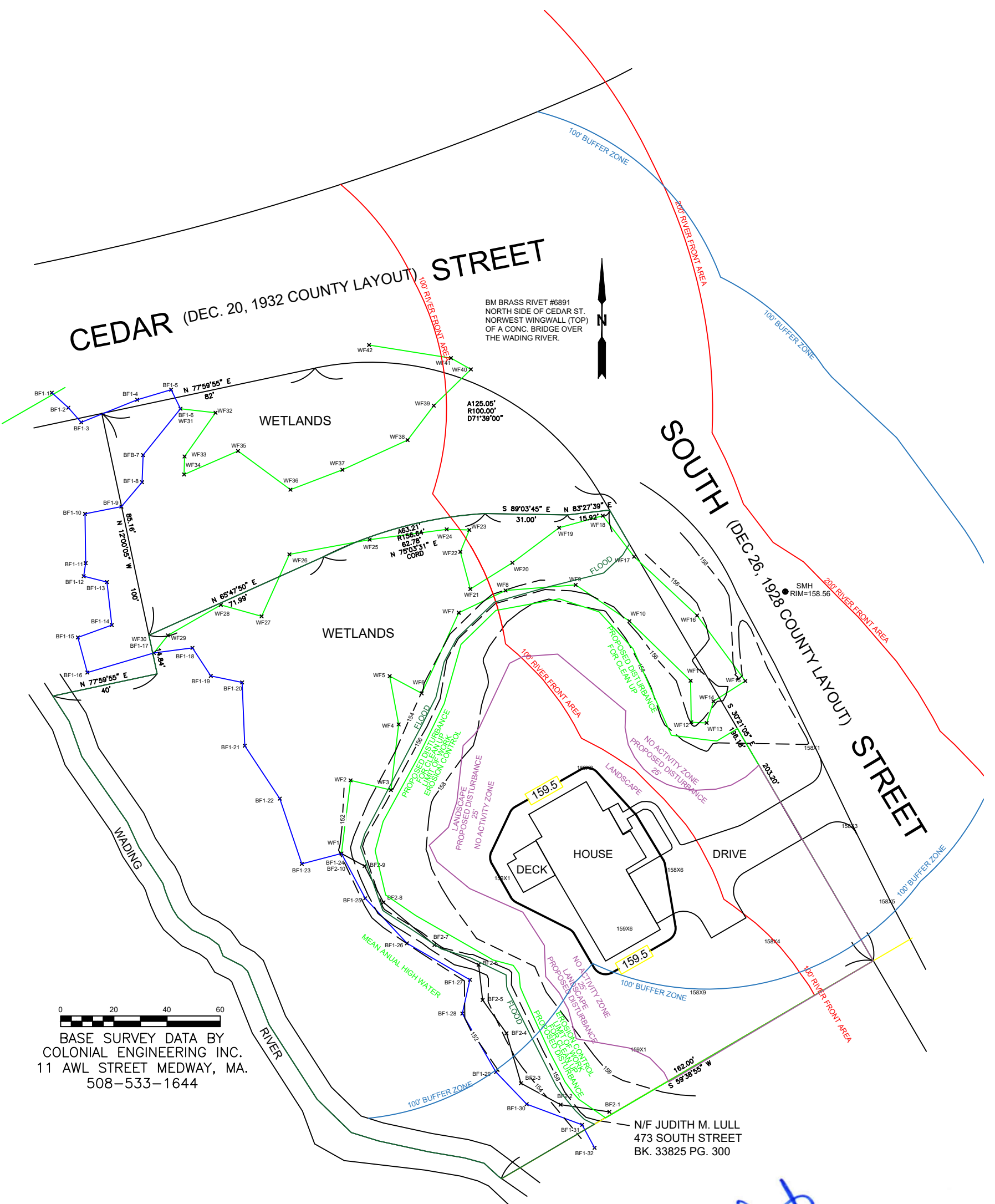
<p>PROJECT: <b>NEW HOME SOUTH STREET FOXBORO, MASSACHUSETTS</b></p>	<p>PREPARED FOR: <b>JOHN C. SPINK P.E. 59 CLAY STREET MIDDLEBORO, MASSACHUSETTS 02346-1052</b></p>	<p>DATE: 6/12/2020 DRAWN/CHECK: JCS SCALE: SEE GRAPHIC</p>
<p>PLAN SET: <b>NOTICE OF INTENT</b></p>	<p>774-766-0544      jspink1@gmail.com</p>	<p>DRAWING: <b>SITE PLAN</b></p>
		<p>SHEET NO. <b>2</b></p>

**CEDAR (DEC. 20, 1932 COUNTY LAYOUT) STREET**

BM BRASS RIVET #6891  
NORTH SIDE OF CEDAR ST.  
NORWEST WINGWALL (TOP)  
OF A CONG. BRIDGE OVER  
THE WADING RIVER.



**SOUTH (DEC 26, 1928 COUNTY LAYOUT) STREET**

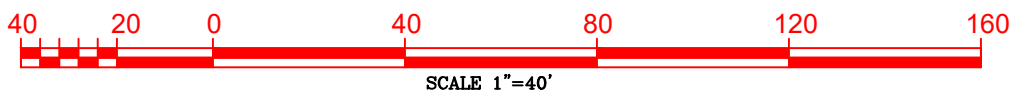


BASE SURVEY DATA BY  
COLONIAL ENGINEERING INC.  
11 AWL STREET MEDWAY, MA.  
508-533-1644



N/F JUDITH M. LULL  
473 SOUTH STREET  
BK. 33825 PG. 300

PROPOSED GRADING IS TO MAINTAIN  
EXISTING GRADE WITH A RISE AROUND  
THE HOUSE.  
PROPOSED FIRST FLOOR ELEV 161.5



PARCEL IS THE NEXT LOT NORTH-NORTHWEST OF 473 SOUTH STREET, FOXBORO, MA

REVISION 4

<p>PROJECT: <b>NEW HOME SOUTH STREET FOXBORO, MASSACHUSETTS</b></p>	<p><b>JOHN C. SPINK P.E.</b> 59 CLAY STREET MIDDLEBORO, MASSACHUSETTS 02346-1052</p>	<p>PREPARED FOR: <b>FLORENCE REY EINIS 21 CLOWES DRIVE FALMOUTH, MASSACHUSETTS</b></p>	<p>DATE: 6/12/2020 DRAWN/ CHECK: JCS SCALE: SEE GRAPHIC</p>
<p>PLAN SET: <b>NOTICE OF INTENT</b></p>	<p>774-766-0544      jspink1@gmail.com</p>	<p>DRAWING: <b>GRADING</b></p>	<p>SHEET NO. <b>3</b></p>

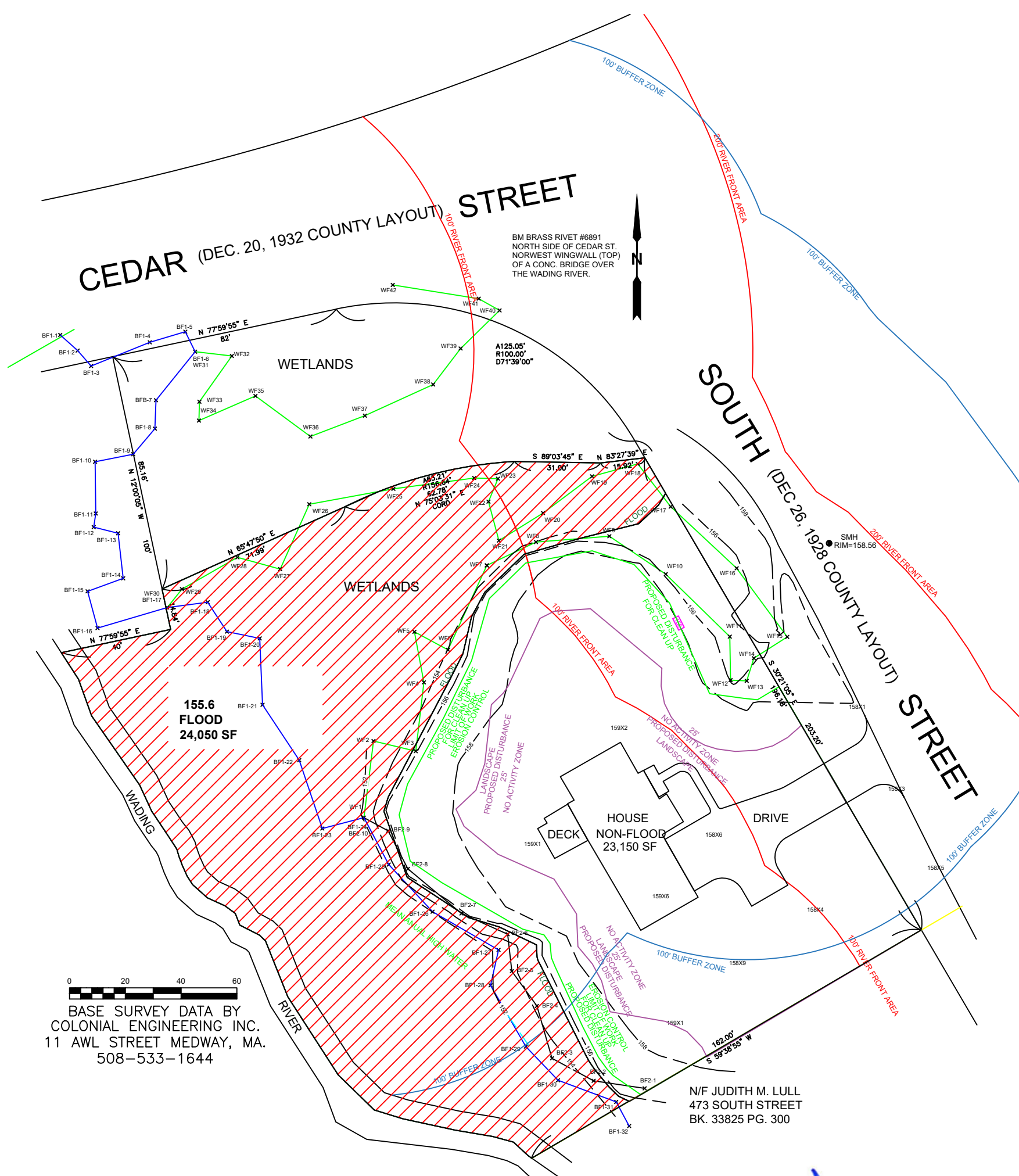


**CEDAR (DEC. 20, 1932 COUNTY LAYOUT) STREET**

BM BRASS RIVET #6891  
NORTH SIDE OF CEDAR ST.  
NORWEST WINGWALL (TOP)  
OF A CONC. BRIDGE OVER  
THE WADING RIVER.



**SOUTH (DEC. 26, 1928 COUNTY LAYOUT) STREET**



BASE SURVEY DATA BY  
COLONIAL ENGINEERING INC.  
11 AWL STREET MEDWAY, MA.  
508-533-1644



N/F JUDITH M. LULL  
473 SOUTH STREET  
BK. 33825 PG. 300



SCALE 1"=40'

PARCEL IS THE NEXT LOT NORTH-NORTHWEST OF 473 SOUTH STREET, FOXBORO, MA

6/12/2020

PROJECT:  
**NEW HOME  
SOUTH STREET  
FOXBORO, MASSACHUSETTS**

**JOHN C. SPINK P.E.**  
59 CLAY STREET  
MIDDLEBORO, MASSACHUSETTS  
02346-1052

PREPARED FOR:  
**FLORENCE REY EINIS  
21 CLOWES DRIVE  
FALMOUTH, MASSACHUSETTS**

DATE: 6/12/2020  
DRAWN/  
CHECK: JCS  
SCALE: SEE GRAPHIC

PLAN SET:  
**NOTICE OF INTENT**

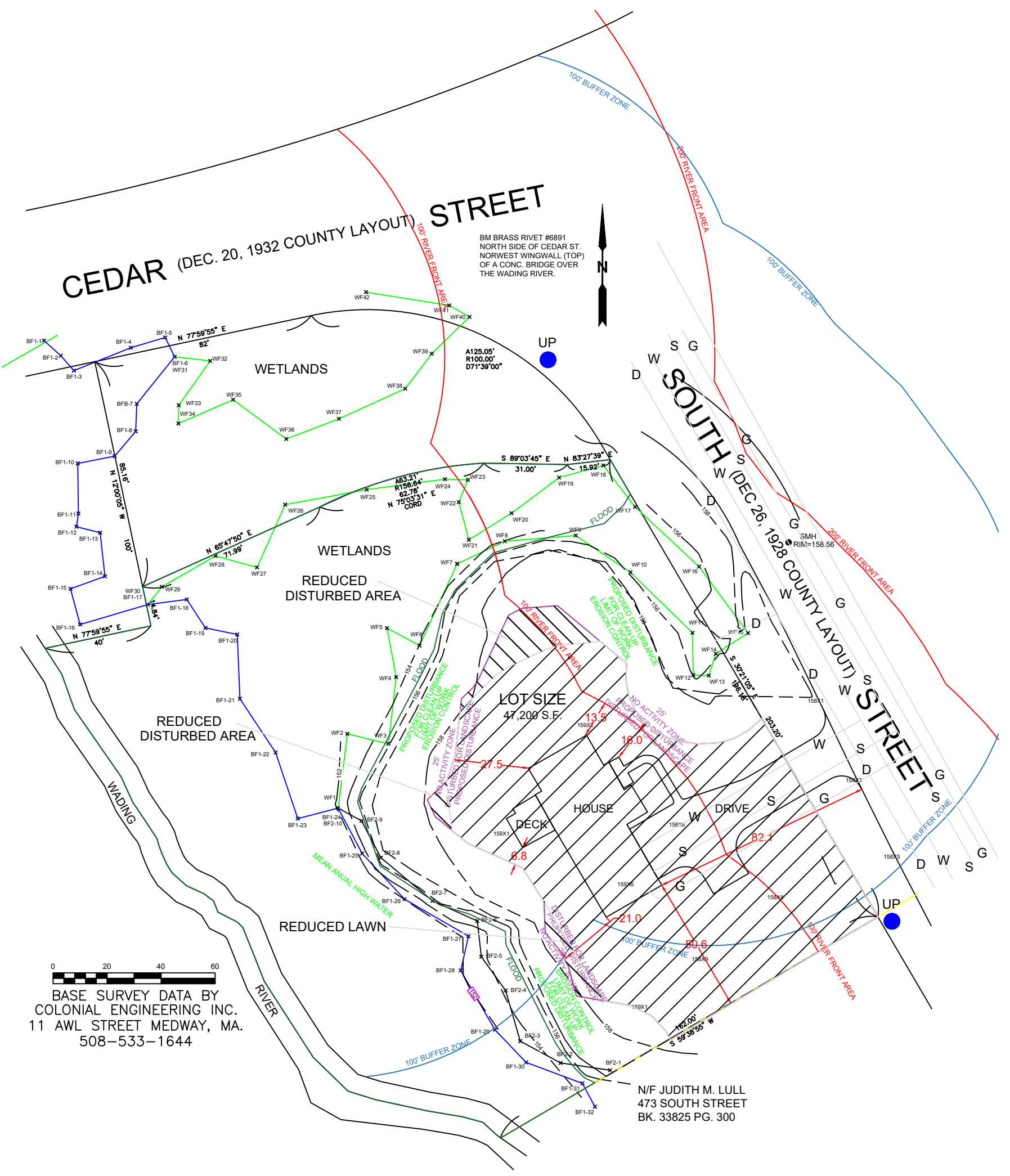
774-766-0544 jspink1@gmail.com

DRAWING:  
**FLOODPLAIN**

SHEET NO. **4**

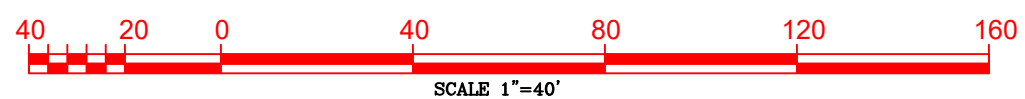
CEDAR (DEC. 20, 1932 COUNTY LAYOUT) STREET

BM BRASS RIVET #6891  
NORTH SIDE OF CEDAR ST.  
NORTHWEST WINGWALL (TOP)  
OF A CONC. BRIDGE OVER  
THE WADING RIVER.



BASE SURVEY DATA BY  
COLONIAL ENGINEERING INC.  
11 AWL STREET MEDWAY, MA.  
508-533-1644

**PROPOSED DISTURBED AREA 14,075 SF  
REDUCED DISTURBED 13,214 SF  
6.1% REDUCTION**



PARCEL IS THE NEXT LOT NORTH-NORTHWEST OF 473 SOUTH STREET, FOXBORO, MA

REVISION 4

PROJECT: <b>NEW HOME SOUTH STREET FOXBORO, MASSACHUSETTS</b>	PREPARED FOR: <b>JOHN C. SPINK P.E. 59 CLAY STREET MIDDLEBORO, MASSACHUSETTS 02346-1052</b>	PREPARED FOR: <b>FLORENCE REY EINIS 21 CLOWES DRIVE FALMOUTH, MASSACHUSETTS</b>	DATE: 6/12/2020 DRAWN/CHECK: JCS SCALE: SEE GRAPHIC
PLAN SET: <b>NOTICE OF INTENT</b>	774-766-0544      jspink1@gmail.com	DRAWING: <b>ALTERNATE</b>	SHEET NO. <b>5</b>



## APPENDIX B

---

# OWNERSHIP & TITLE INFORMATION

**John C. Spink**  
Professional Engineer  
59 Clay Street  
Middleborough, MA 02346  
774-766-0544 [jspink1@gmail.com](mailto:jspink1@gmail.com)

August 27, 2020

**OWNERSHIP OUTLINE  
LAND IN THE SOUTHWEST CORNER OF CEDAR AND SOUTH STREET  
FOXBORO, MA**

The Mass GIS – Oliver shows two lots without any identification. (See attached Sheet B). The Town Assessor's Data Base has two lots showing ownership as Florence Ray Einis (See Sheet C). Surveyor Colonial Engineering had a title search performed. The general results are shown in attached Sheet A and the Plan of Land by Colonial Engineering, Inc.

The GIS mapping are lots shown on plan of land prior to a subdivision of land shown on Map of Land Property of Clinton & Paula MacRae.

The Lot shown on Sheet A as Parcel K and owned by Florence Ray Einis is the land subject to this Notice of Intent.

The Lot shown on Sheet A as Parcel J has some documentation that Florence Ray Einis owns this parcel also. This documentation is not fully determinative.

In the 1930 the configuration of Cedar Street and South street were changed. This change occurred within the lot show as Parcel J. This data indicates that Parcel J was part of a relocation of Cedar Street and South Street. The relocation plans show where the road was and to where it was relocated. However, the title taking, conveying and/or reverting do not seem to be on record.

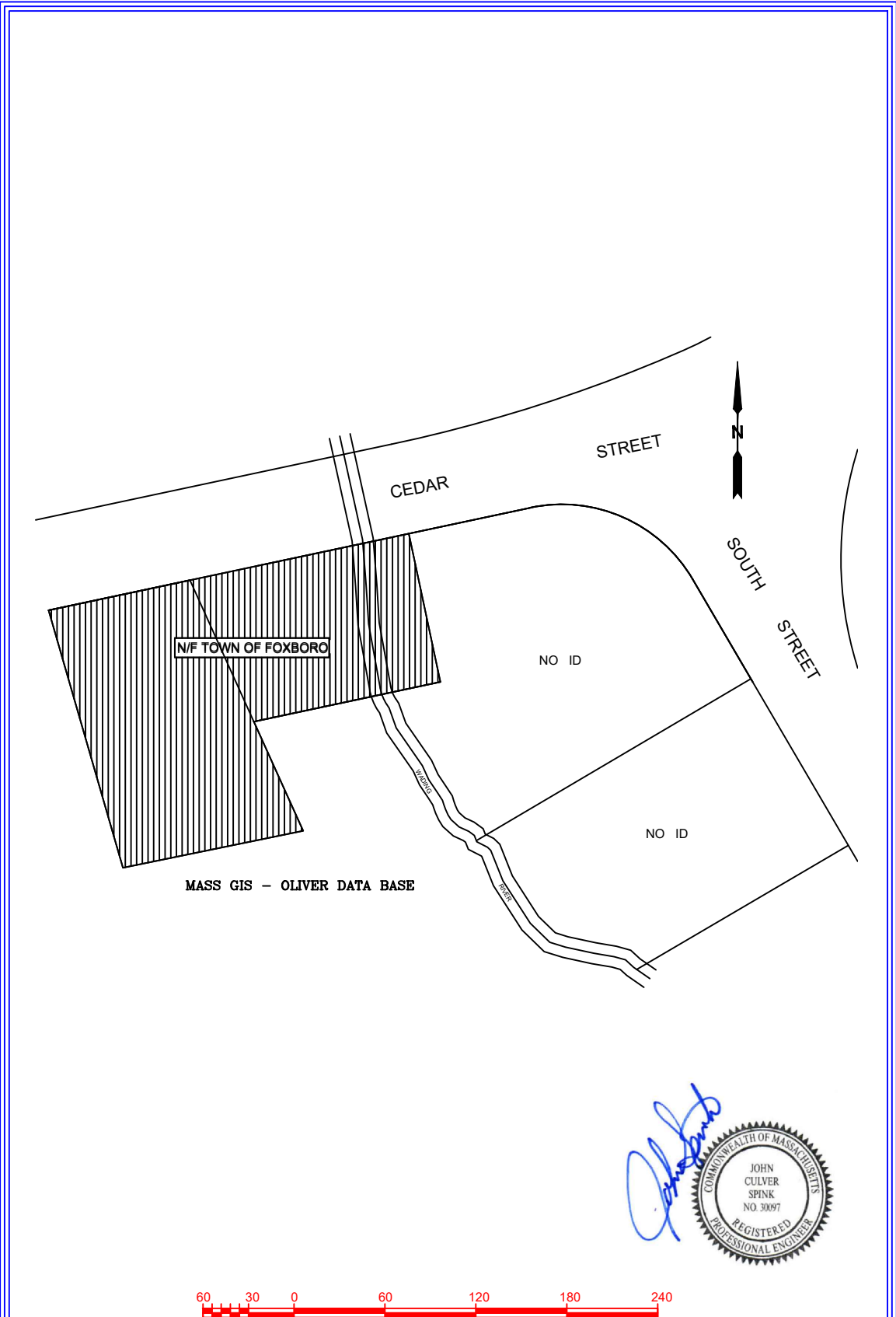
Subsequently there were transactions of record where Parcel J may have been transferred finally to Florence Ray Einis. This is shown in Deed B. However, the documentation of record is not absolutely definitive as the ownership was not clearly documented. There is a possibility Parcel J may have passed to the Town.

Florence Ray Einis is willing to forgo any claim on Parcel J. In order to clear the title as much as Florence Ray Einis can and without the involvement of the Land Court. She is willing to give all rights and title she may have to the Town of Foxboro.

Yours,



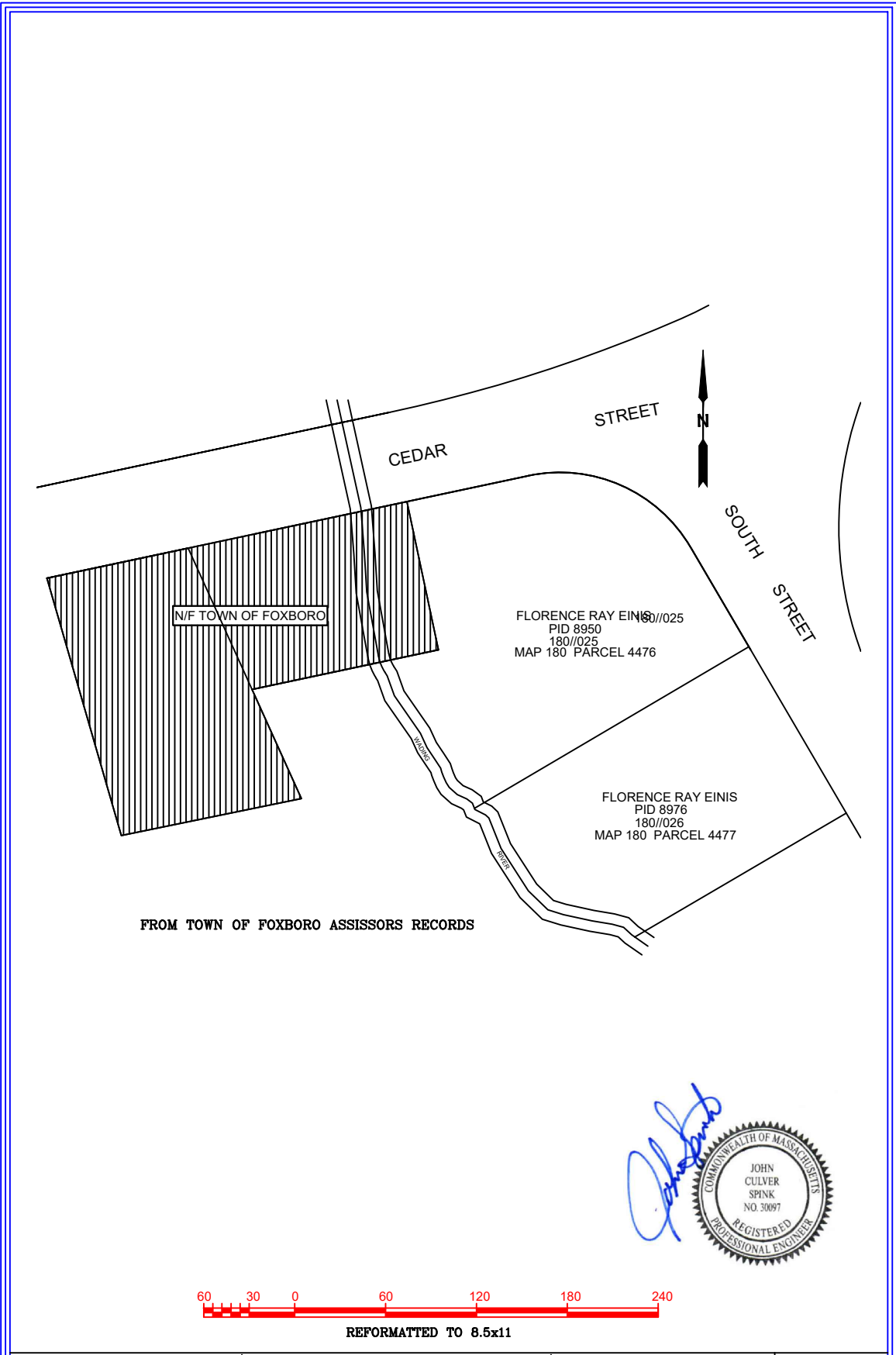
John Spink



REFORMATTED TO 8.5x11

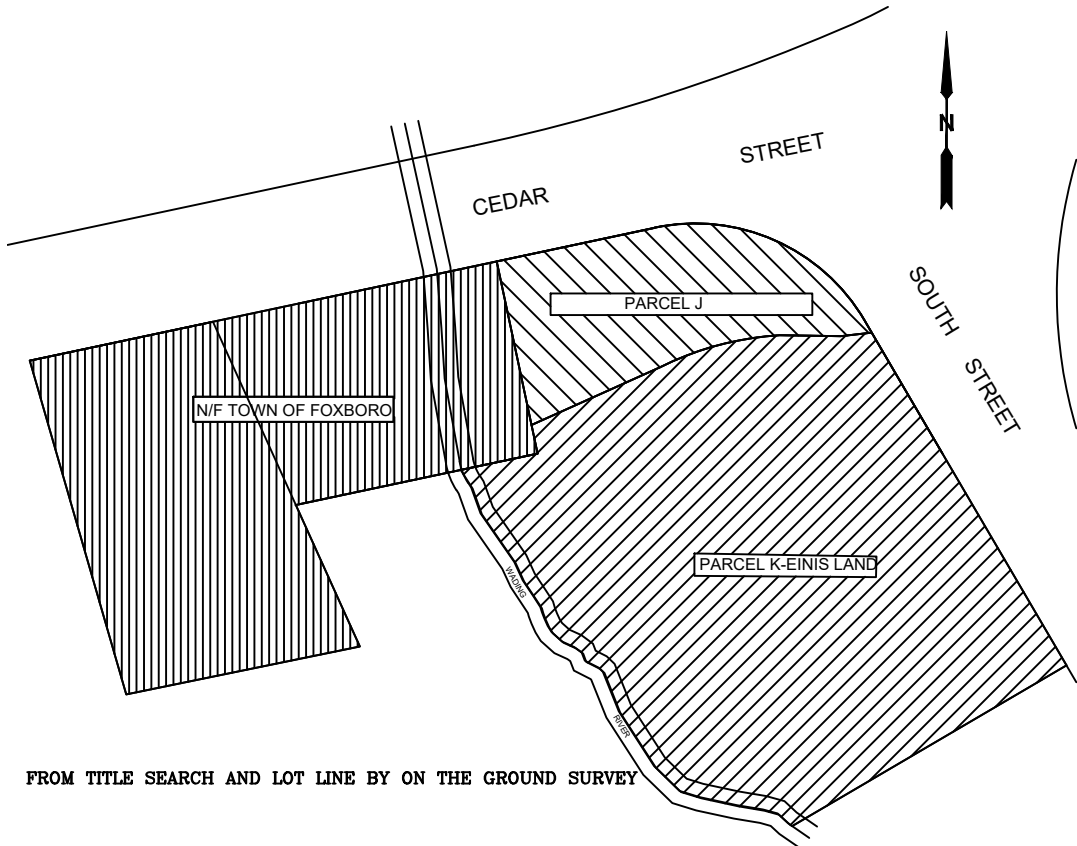


PROJECT: <b>NEW HOME          SOUTH STREET          FOXBORO, MASSACHUSETTS</b>	<b>JOHN C. SPINK P.E.</b> 59 CLAY STREET MIDDLEBORO, MASSACHUSETTS 02346-1052	PREPARED FOR: <b>FLORENCE REY EINIS          21 CLOWES DRIVE          FALMOUTH, MASSACHUSETTS</b>	DATE: 6/12/2020 DRAWN/ CHECK: JCS SCALE: SEE GRAPHIC
PLAN SET: <b>NOTICE OF INTENT</b>	774-766-0544      jspink1@gmail.com	DRAWING: <b>MASS GIS OLIVER          PROPERTY OWNERSHIP</b>	SHEET NO. <b>B</b>



REFORMATTED TO 8.5x11

PROJECT: <b>NEW HOME          SOUTH STREET          FOXBORO, MASSACHUSETTS</b>	<b>JOHN C. SPINK P.E.</b> 59 CLAY STREET MIDDLEBORO, MASSACHUSETTS 02346-1052	PREPARED FOR: <b>FLORENCE REY EINIS          21 CLOWES DRIVE          FALMOUTH, MASSACHUSETTS</b>	DATE: 8/30/2020 DRAWN/ CHECK: JCS SCALE: SEE GRAPHIC
PLAN SET: <b>NOTICE OF INTENT</b>	774-766-0544      jspink1@gmail.com	DRAWING: <b>FOXBORO ASSESSORS RECORDS          PROPERTY OWNERSHIP</b>	SHEET NO. <b>C</b>



FROM TITLE SEARCH AND LOT LINE BY ON THE GROUND SURVEY



REFORMATTED TO 8.5x11

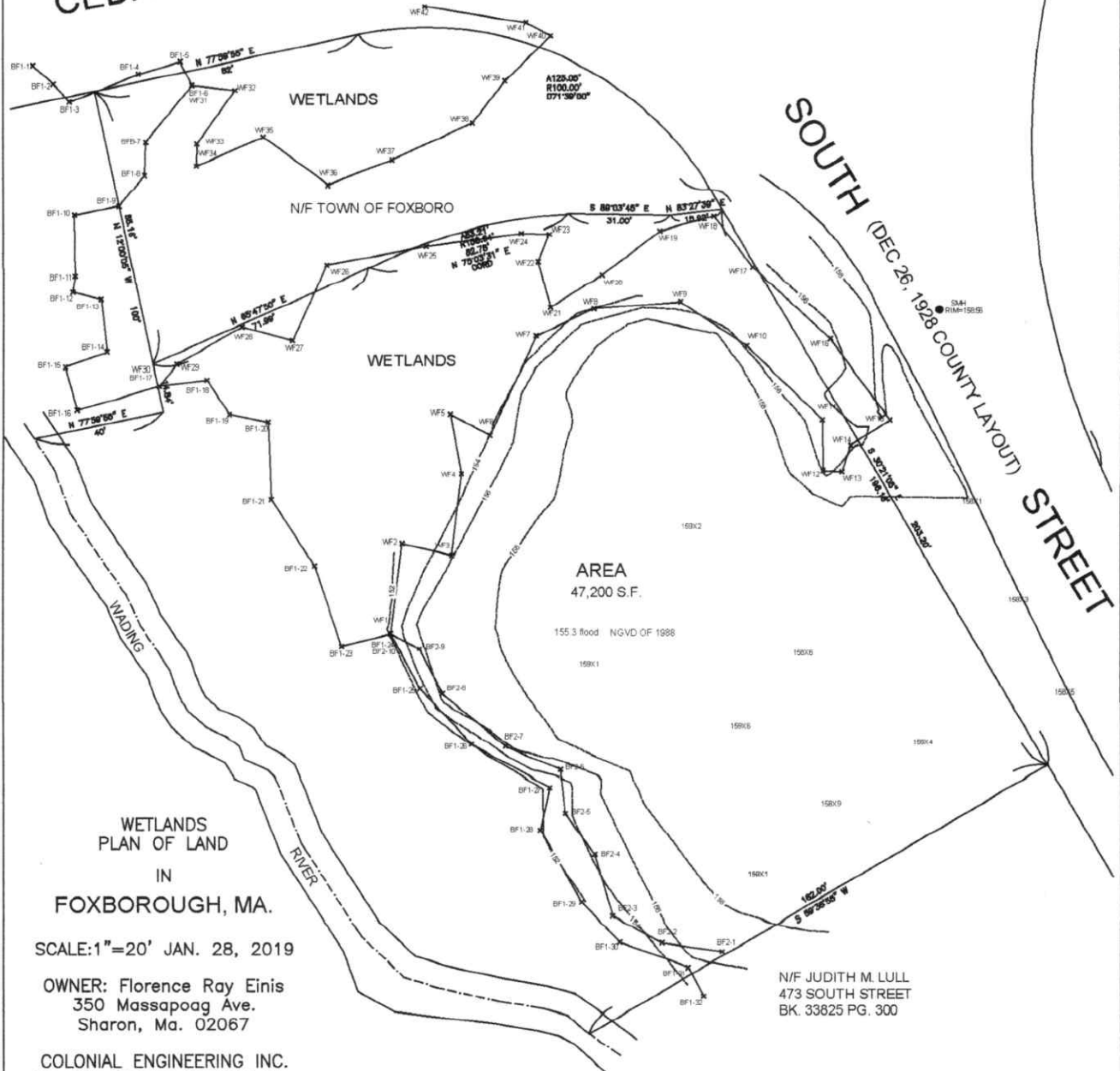
PROJECT: <b>NEW HOME          SOUTH STREET          FOXBORO, MASSACHUSETTS</b>	<b>JOHN C. SPINK P.E.</b> 59 CLAY STREET MIDDLEBORO, MASSACHUSETTS 02346-1052	PREPARED FOR: <b>FLORENCE REY EINIS          21 CLOWES DRIVE          PALMOUTH, MASSACHUSETTS</b>	DATE: <b>8/30/2020</b> DRAWN/ CHECK: <b>JCS</b> SCALE: <b>SEE GRAPHIC</b>
PLAN SET: <b>NOTICE OF INTENT</b>	<b>774-766-0544</b> <b>jspink1@gmail.com</b>	DRAWING: <b>SURVEY          PROPERTY OWNERSHIP</b>	SHEET NO. <b>A</b>

BM BRASS RIVET #6891  
 NORTH SIDE OF CEDAR ST  
 NORTHWEST CORNER (TOP)  
 OF A CONC. BRIDGE OVER  
 THE WADING RIVER



**CEDAR (DEC. 20, 1932 COUNTY LAYOUT) STREET**

**SOUTH (DEC. 26, 1928 COUNTY LAYOUT) STREET**



**WETLANDS  
 PLAN OF LAND  
 IN  
 FOXBOROUGH, MA.**

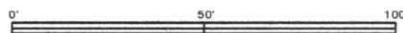
SCALE: 1"=20' JAN. 28, 2019

OWNER: Florence Ray Einis  
 350 Massapoag Ave.  
 Sharon, Ma. 02067

COLONIAL ENGINEERING INC.  
 11 AWL STREET MEDWAY, MA.  
 508-533-1644

N/F JUDITH M. LULL  
 473 SOUTH STREET  
 BK. 33825 PG. 300

REFORMATTED TO SCALE 1"=50'





Norfolk Registry of Deeds  
 Dedham, Mass. OFFICIAL  
 Received Apr 20 1961 with COPY

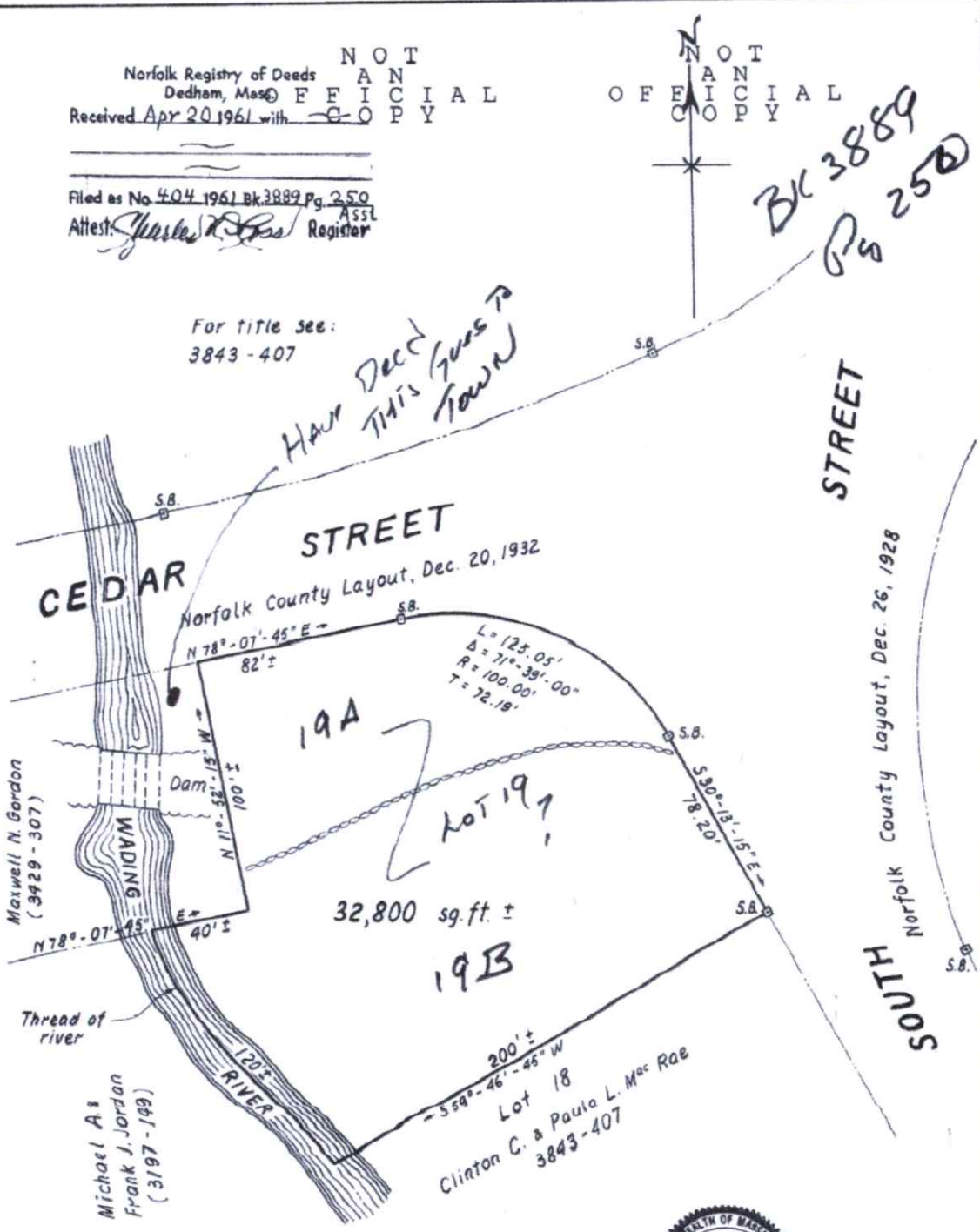
NOT  
 AN  
 OFFICIAL  
 COPY

Filed as No. 404 1961 Bk. 3889 Pg. 250  
 Attest: *Shirley R. Ross* Asst. Registrar

Bk 3889  
 Pg 250

For title see:  
 3843 - 407

*Have Deed  
 This Goes To  
 Town*



Maxwell N. Gordon  
 (3929-307)

Michael A.  
 Frank J. Jordan  
 (3197-199)

Lot 18  
 Clinton C. & Paula L. Mac Rae  
 3843-407



Approval under Subdivision  
 Control Law not required

*Harold O. Valerman*  
*John P. Lienesch*  
*George O. Bludwig*

Foxborough Planning Board  
 Date: *Jan. 24, 1961*

MAP OF LAND  
 IN  
 FOXBOROUGH, MASSACHUSETTS  
 PROPERTY OF CLINTON C. & PAULA L. MAC RAE

JOHN P. LIENESCH, SURVEYOR  
 SCALE 1"=40' JANUARY 1961

15210

112

*(Owl Feed)*

*Deed B*

we, GERARDO MUSTO and LUIGI MUSTO, as tenants in common and not as joint tenants, of Dedham, Norfolk County, Massachusetts, paid

the sum of \$14,000.00 for the full consideration of

FLORENCE RAY EINIS of

grant to BEAN CONSTRUCTION COMPANY, INC., a corporation duly organized under the laws of the Commonwealth of Massachusetts, and having its principal place of business at 350 Massapoag Avenue, Sharon, Norfolk County, Massachusetts,

with quitclaim covenants and certain parcels of land on the southerly side of South Street, in Foxborough, Norfolk County, Massachusetts, being shown as Lots No. 13 through 19 and the parcel marked "Now or Formerly Rena G. Childs" at the corner of South and Cedar Streets, all on a plan dated January 14, 1959, by Arnold E. Schaler, C.E., recorded with Norfolk Registry of Deeds as Plan No. 126 of 1959 in Plan Book 206, to which plan reference is hereby made for a more particular description of said parcels.

A portion of the above premises is further shown as Parcels A and B on a plan entitled "Confirmation Plan of Land in Foxborough, MacIntyre and Johnson, Surveyors, dated October 5, 1961 and October 31, 1962", filed in Land Court Registration, Case No. 35739, and recorded with Norfolk Registry of Deeds, Book 4729, Page 47 to which plan reference is hereby made for a more particular description of said parcels.

This conveyance is also made together with any and all right, title and interest we may have in and to the fee and soil of that land which separates said Parcels A and B which is shown on said plan as Old South Street.

This conveyance is made subject to and together with the benefit of all rights, easements, agreements, and restrictions of record insofar as the same are now in force and applicable, some of which are more specifically described in deed of C. Lorusso and Sons Construction Co., Inc. to Paula L. MacRae recorded with Norfolk Deeds Book 4776, Page 155.

All and the same premises conveyed to us by deed of Paula L. MacRae dated September 29, 1971, and recorded in Norfolk Deeds Book 4776, Page 157.



Executed as a sealed instrument this 9th day of December, 19 75

*Gerardo Musto*  
*Luigi Musto*

The Commonwealth of Massachusetts

NORFOLK, ss December 9, 1975

Then personally appeared the above named Gerardo Musto and Luigi Musto

and acknowledged the foregoing instrument to be their free and lawful deed.

Before me, *[Signature]* Notary Public

My commission expires 9-14-78

Recorded Apr. 30, 1976 at 2h.13m.P.M.

*473 South St  
33825/306*  
*4709/555  
Cox Corp  
on Cedar St*  
*POL  
1/14/59  
725*  
*Arnold  
E. Schaler  
C.E.  
Plan 126  
of 1959  
Plan Book  
206*  
*Childs Lane  
Plan Book  
206*  
*4729/47*  
*See Commission  
12/17/62  
4050PS 92  
Anson Brown*

*LUT  
19*

*ec*

CHARGE(S) ADDRESS:

I, Paula L. MacRae  
 of White Horse Beach, ~~Blymouth~~ <sup>Hyannis</sup> ~~County, Massachusetts~~ <sup>County, Massachusetts</sup>  
 being unmarried, for consideration paid, and in full consideration of \$13,900.00

NOT AN  
 AN

COPY

grants to Gerardo Musto and Luigi Musto *AS TENANTS IN COMMON*  
*AND NOT AS JOINT TENANTS -*  
 of 132 Buseey Street, Dedham, with quitclaim covenants

Lot 19

~~the lands~~ certain parcels of land on the Southwesterly side of South Street, in Foxborough, Norfolk County, Massachusetts, being shown as Lots No. 13 through 19 and the parcel marked "Now or Formerly Rena G. Childs" at the corner of South and Cedar Streets, all on a plan dated January 14, 1959, by Arnold E. Schaier, C.E., recorded with Norfolk Registry of Deeds as Plan No. 126 of 1959 in Plan Book 206, to which plan reference is hereby made for a more particular description of said parcels.

A portion of the above premises is further shown as Parcels A and B on a plan entitled "Confirmation Plan of Land in Foxborough, Macintyre and Johnson, Surveyors, dated October 5, 1961 and October 31, 1962", filed in Land Court Registration, Case No. 35739, and recorded with Norfolk Registry of Deeds, Book 4729, Page 47, to which plan reference is hereby made for a more particular description of said parcels.

This conveyance is also made together with any and all right, title and interest I may have in and to the fee and soil of that land which separates said Parcels A and B which is shown on said plan as Old South Street.

This conveyance is made subject to and together with the benefit of all rights, easements, agreements, and restrictions of record insofar as the same are now in force and applicable, some of which are more specifically described in deed of C. Lorusso and Sons Construction Co., Inc. to me, recorded

This conveyance is also made subject to real estate taxes assessed as of January 1, 1971, which the grantee hereby assumes and agrees to pay.

For title see deed of Clinton C. MacRae et ux to Carmine Lorusso, Jr., dated December 17, 1962, recorded with said Deeds, Book 4050, Page 92, and said deed of C. Lorusso and Sons Construction Co., Inc. to me recorded

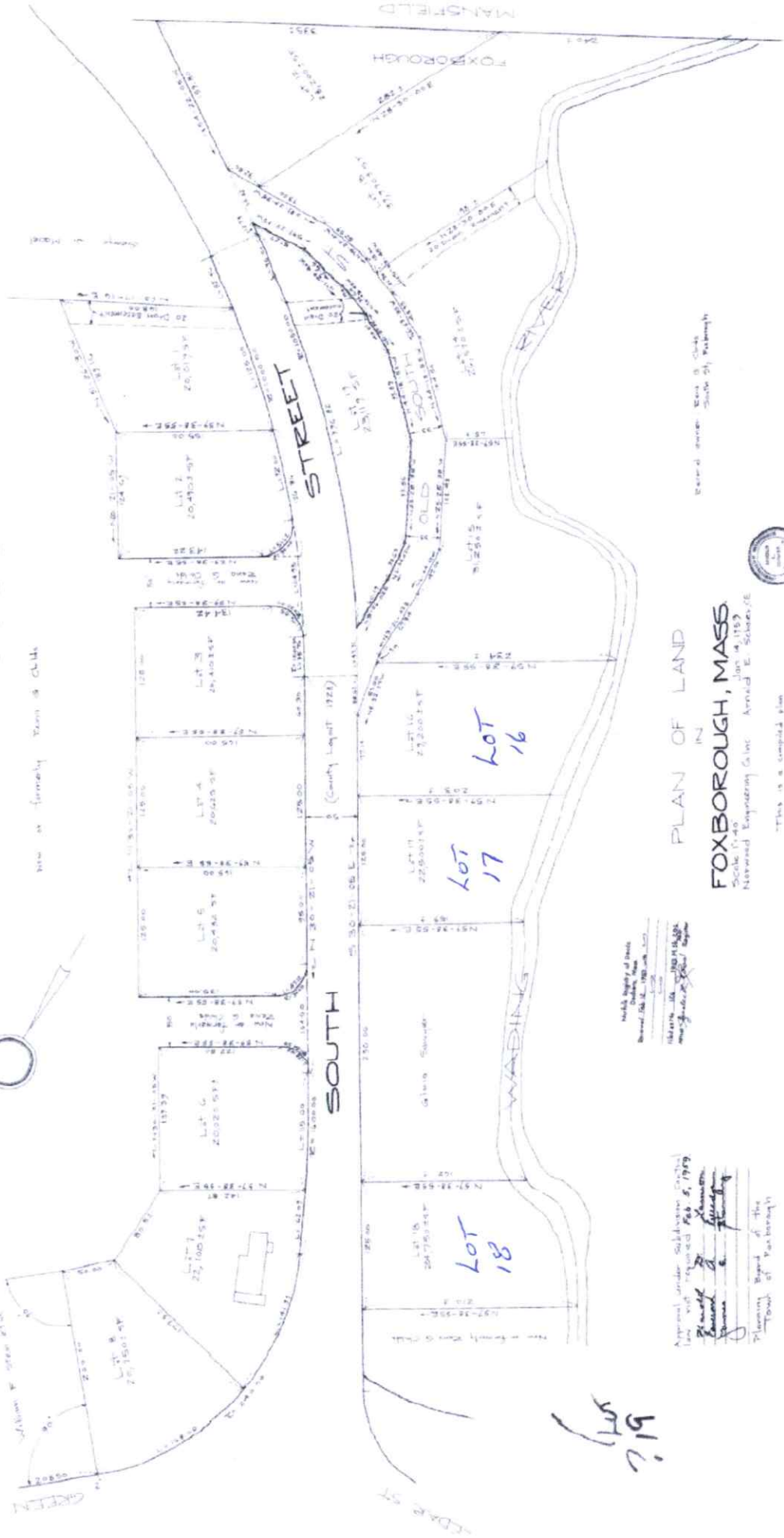
CANCELLED  
 HEALTH OF MASSACHUSETTS  
 RECORDS & EXCISE  
 OCT 4 1971  
 31.92  
 PA 10078

PP 126 266

Original On File

# OFFICIAL OF ENOUGH

Map of formerly Town of Clark



North, South of State  
 Revised: 10-1-1959  
 State of Massachusetts  
 Department of Public Safety

Approval under Subdivision Control  
 Law was required Feb 5, 1959  
 Board of Planning  
 Planning Board of Foxborough  
 Planning Board of Foxborough

PLAN OF LAND

## FOXBOROUGH, MASS

Scale 1"=40' Prepared by: Arnold E. Schaefer, Inc.



This is a compiled plan

5/19

**ABUTTER INFORMATION**

## NOTIFICATION TO ABUTTERS

### Under the Massachusetts Wetlands Protection Act & Chapter 267, Wetland Protection Code of Foxborough

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

In accordance with the second paragraph of Massachusetts Wetlands Protection Act (G.L. Ch. 131, §40), and §10.05 of 310 CMR 10.00, and Chapter 267, the Wetland Protection Code of Foxborough (*formerly 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 for proposed work within areas subject to protection under the Wetlands Protection Act and the Wetland Protection Code of Foxborough.
- B. The name of the applicant is Florence Einis.
- C. The address of the land where the activity is proposed is South Street (Map 180; Parcels 25 & 26), Foxborough, Massachusetts.
- D. 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.
- E. Copies of the Notice of Intent may be obtained from either (*check one*) the  applicant or the  applicant's representative Lucas Environmental, LLC by calling 617.405.4140 from [*times*] 9 am – 5pm on [*days*] Monday through Friday. Hard copies will be provided for the cost of copying and postage.
- F. 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 Lucas Environmental, LLC by calling 617.405.410 from [*times*] 9 am – 5 pm on [*day*] Monday through Friday.

Please Note: 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 on the Town's website at least 48 hours in advance.

Conservation Commission meeting agendas may be viewed online at:  
[http://www.foxboroughma.gov/Pages/FoxboroughMA\\_ConsAgendas/](http://www.foxboroughma.gov/Pages/FoxboroughMA_ConsAgendas/)

For additional information about this application or the Wetland Protection Code of Foxborough, please contact the Foxborough Conservation Commission at 508-543-1251 or visit:  
[www.foxboroughma.gov/conservation](http://www.foxboroughma.gov/conservation)

For more information about this application or the Wetlands Protection Act, please contact the Department of Environmental Protection (DEP) Southeast Regional Office (Lakeville) at 508.946.2836.

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



## **The Conservation Commission**

### **Permitting Process; An Abutter's Guide**

The Foxborough Conservation Commission has prepared this guide to explain what you, as an abutter to a proposal to conduct work in or near wetlands, can expect during the process of review of this project. It is not intended as a legal guide, but to help you understand how to participate in hearings, get information, and best communicate any concerns you may have.

To reach the Conservation Commission, please call the office at 508-543-1251 or send an email to Diana Gray ([dgray@foxboroughma.gov](mailto:dgray@foxboroughma.gov)) or Jane Sears Pierce ([jpierce@foxboroughma.gov](mailto:jpierce@foxboroughma.gov)). The Conservation Office is located on the second floor of Town Hall, 40 South Street.

#### **Why am I Receiving This Notice?**

You are receiving this notice because you are an abutter (as defined by law) to a proposal to conduct work in or near wetlands that is being reviewed by the Foxborough Conservation Commission. The notice is required by law to let you know that a public hearing will be held regarding this activity.

#### **How Can I Find out More about What is Proposed?**

An application and supporting materials are on file at the Conservation Office. You are welcome to come to the office to review this information. Our office is generally open on weekdays from 8:30-4:00 pm, except on Fridays when we are open until 12:30 pm. Since the Conservation Agent may be conducting site visits or at off-site meetings, it is best to make an appointment to review a file to ensure that staff will be available to assist you.

#### **What Should I Expect at the Public Hearing?**

At the first hearing, the property owner or their representative will present plans and explain what is being proposed for the Commission and audience. The Conservation Chair, who directs the meeting, will first ask the Commission for their questions. The Chair will then give the audience an opportunity to ask questions or offer opinions. Comments may also be submitted in writing at or before the hearing.

Since the Commission often hears several projects in an evening, hearings last a specified period of time. At the end of this time, the hearing may be either closed, or continued (if the Commission needs additional information to make a decision). Continued hearings may be several weeks or months in the future, depending on how long it will take the applicant to gather the required information. You will not receive notice of the continued hearing date, but the date will be announced at the end of the hearing.

Occasionally, the hearing process may be delayed due to weather, the absence of a Commission member, or at the applicant's request. To verify that a hearing is being held on a scheduled date, you can call the conservation office, or go to the Commission's website ([foxboroughma.gov/conservation](http://foxboroughma.gov/conservation)) to review the posted agenda. You can also sign up to receive various town agendas via email.

#### **How Can I Make My Concerns Known if I Cannot Attend?**

Comments can be submitted in writing prior to the close of the public hearing. Copies will be provided to the Commission members. As with all testimony (oral and written), it is most helpful to raise concerns early in the process.

### **What Happens After the Hearing?**

After the hearing and the record are closed, no new information can be submitted. The Commission deliberates and issues a decision – called an Order of Conditions – at a Commission meeting, usually within 21 days of closing the hearing. The Commission generally either approves a plan with conditions or denies it if it cannot be adequately conditioned to protect wetland resource areas. Interested individuals are welcome to attend and listen to the Commission’s deliberations, but may not make further comments.

### **What Issues Does the Commission Consider?**

The scope of issues that the Commission can consider in reviewing proposed projects is defined by state and local law and regulations. In presenting testimony (oral or written) it is most helpful to focus on these issues.

### **Will I Be Notified of the Decision?**

Copies of decisions are not sent to abutters. You may request a copy of any decision from the conservation office. The owner is also required to record their decision/permit at the Registry of Deeds. Permits are generally valid for three years and may be extended by the Commission.

### **How Can I Appeal?**

Appeals of the Conservation Commission’s decisions are handled in two ways. Appeals of decisions under the Wetlands Protection Act (called a Request for a Superseding Order of Conditions) must be made to the Department of Environmental Protection (DEP) within 10 business days, using forms supplied by the DEP. Appeals may be made by abutters, 10 residents of the community or the DEP. Appeals under the Town of Foxborough Wetlands Protection Bylaw must be made to Superior Court by an aggrieved party.

### **Suggestions for Presenting Testimony at Public Hearings**

- State your name and address for the record before you speak and each time you speak.
- Feel free to use the proposed plan to point out concerns you may have and try to stand so that the Commission can see the area to which you are referring.
- Try to state all of your questions or concerns at once and then allow the next person to speak;
- Be polite and respectful of differing opinions.
- While you may have questions of the applicant, you should address them to the Commission.
- Avoid personal attacks and stick to issues relating to the project that are within the Commission’s jurisdiction (within 100 feet of a wetland or 200 feet of a river; issues like traffic and noise are outside of the Commission’s purview).
- Don’t ask to speak again unless everyone has had a chance to be heard.
- It is fine to just say “I agree with Mr. Smith about that drainage issue” rather than restating the same concerns.

Comments made at one hearing need not be repeated at subsequent ones unless they have not been addressed.





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

(508) 543-1215

Fax: (508) 543-6278

**CERTIFICATION OF ABUTTERS**

PROPERTY OWNER: Florence Einis  
MAILING ADDRESS: P.O. Box 233  
PROPERTY LOCATION: South Street (no address)  
ASSESSORS MAP/PARCEL: Map 180, Lots 25 & 26  
APPLICANT: Joseph Orzel, Lucas Environmental, LLC PHONE: 617.405.4118 / 603.921.2438 (c)  
AUTHORITY REQUESTING LIST: for Conservation Commission filing  
DATE SUBMITTED: June, 10, 2020

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

I, Kevin Kim Assistant Assessor 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 map 180 parcels 025 & 026 100ft.

Date: 6/16/20

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."

Abutting Properties for  
SOUTH STREET  
FOXBOROUGH, MA 02035  
180/025  
(100 feet)  
6/15/2020

\*\*\*\*\*

Location:  
180/028  
CEDAR STREET  
Owner:  
WADING RIVER CEMETERY  
40 SOUTH STREET  
FOXBOROUGH, MA 02035

Location:  
180/024  
473 SOUTH STREET  
Owner:  
LULL JUDITH M  
473 SOUTH ST  
FOXBORO, MA 02035

Location:  
180/001  
472 SOUTH STREET  
Owner:  
DEAN PAUL J & ELLEN L  
472 SOUTH STREET  
FOXBOROUGH, MA 02035

Location:  
180/029  
CEDAR STREET  
Owner:  
JORDAN, LADOUCEUR AND  
FINDLAY TC  
C/O PETER JORDAN  
28 CEDAR ST  
FOXBORO, MA 02035-0000

Location:  
180/027  
CEDAR STREET  
Owner:  
TOWN OF FOXBOROUGH  
CONSERVATION  
40 SOUTH STREET  
FOXBOROUGH, MA 02035

Location:  
180/026  
SOUTH STREET  
Owner:  
EINIS FLORENCE RAY  
PO BOX 233  
SHARON, MA 02067

Abutting Properties for  
SOUTH STREET  
FOXBOROUGH, MA 02035  
180 / / 026/000 000/000  
(100 feet)  
06/15/2020

\*\*\*\*\*

Location:  
175/019  
471 SOUTH STREET  
Owner:  
GALLANT GEOFFREY A  
471 SOUTH STREET  
FOXBOROUGH, MA 02035

Location:  
180/025  
SOUTH STREET  
Owner:  
EINIS FLORENCE RAY  
PO BOX 233  
SHARON, MA 02067

Location:  
175/018  
11 CEDAR STREET  
Owner:  
US BANK TRUST N A TR  
C/O RESICAP  
3630 PEACHTREE RD NE  
SUITE 1500  
ATLANTA, GA 30326

Location:  
175/027  
447 SOUTH STREET  
Owner:  
MIRANDA ALEX  
447 SOUTH ST  
FOXBORO, MA 02035

Location:  
180/027  
CEDAR STREET  
Owner:  
TOWN OF FOXBOROUGH  
CONSERVATION  
40 SOUTH STREET  
FOXBOROUGH, MA 02035

Location:  
180/001  
472 SOUTH STREET  
Owner:  
DEAN PAUL J & ELLEN L  
472 SOUTH STREET  
FOXBOROUGH, MA 02035

Location:  
180/029  
CEDAR STREET  
Owner:  
JORDAN, LADOUCEUR AND  
FINDLAY TC  
C/O PETER JORDAN  
28 CEDAR ST  
FOXBORO, MA 02035-0000



## APPENDIX D

---

# FILING FEE INFORMATION



## CALCULATED FILING FEE STATEMENT

---

The proposed project is located at South Street (Map 180/Lots 25 & 26) in Foxborough, Massachusetts, and proposes construction of a new single family house, driveway, and open deck with restoration of historically disturbed Riverfront Area. Proposed activities are included under Category 2(a) of both the Wetlands Filing Fee Calculation Worksheet and the Foxborough Chapter 267 Filing Fee Schedule.

WPA Category 2(a): *Construction of each single family house (including single family houses in a subdivision), any part of which is in a buffer zone or resource area. Any activities associated with the construction of said house(s), including associated site preparation and construction of retention/detention basins, utilities, septic systems, roadways and driveways other than those roadways or driveways reviewable under 310 CMR 10.53(3)(e) (See Category 2f.), shall not be subject to additional fees if all said activities are reviewed under a single Notice of Intent. \*When the work involves activities within the riverfront area as well as another resource area or the buffer zone, the fee shall be determined by adding an additional 50% of the fee calculated for activities in another resource area(s) or the buffer zone to another resource area for each of the proposed activities within the riverfront area.*

The fee is \$500.00 per activity under the WPA.

Foxborough Chapter 267 Filing Fee Schedule Category 2.a.: *Construction of single family house (SFH), including site work and septic system. \*Add 50% if in Riverfront Area in addition to another Resource Area.* The fee for each activity is \$500.

### **Wetlands Protection Act Fees:**

Category 2(a) = \$500.00 (1 SFH) x 1.5 (work in Riverfront Area) = \$750.00

State Share of WPA Filing Fee:  $(\$750.00/2) - \$12.50 = \$362.50$

Town Share of WPA Filing Fee:  $(\$750.00/2) + \$12.50 = \$387.50$

### **Bylaw Fees:**

NOI Filing Fee = \$750.00

### **Checks:**

**Check Payable to: Commonwealth of Massachusetts for \$362.50 (WPA NOI Fee)**

**Check Payable to: Town of Foxborough for \$387.50 (WPA NOI Fee)**

**Check Payable to: Town of Foxborough for \$750.00 (Bylaw NOI 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>South Street (Map 180, Parcels 25 &amp; 26)</u>	<u>Foxborough</u>
a. Street Address	b. City/Town
<u>7456</u>	<u>\$362.50</u>
c. Check number	d. Fee amount

2. Applicant Mailing Address:

<u>Florence</u>	<u>Einis</u>	
a. First Name	b. Last Name	
<u></u>		
c. Organization		
<u>33 Briar Hill Road</u>		
d. Mailing Address		
<u>Sharon</u>	<u>MA</u>	<u>02067</u>
e. City/Town	f. State	g. Zip Code
<u>508.548.7778</u>	<u>c/o deinis@aol.com</u>	
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

<u></u>	<u></u>	
a. First Name	b. Last Name	
<u></u>		
c. Organization		
<u></u>		
d. Mailing 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

**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
Category 2(a)	1.5	\$500.00	\$750.00
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
<b>Step 5/Total Project Fee:</b>			\$750.00
<b>Step 6/Fee Payments:</b>			
Total Project Fee:			\$750.00
			a. Total Fee from Step 5
State share of filing Fee:			\$362.50
			b. 1/2 Total Fee <b>less</b> \$12.50
City/Town share of filing Fee:			\$387.50
			c. 1/2 Total Fee <b>plus</b> \$12.50

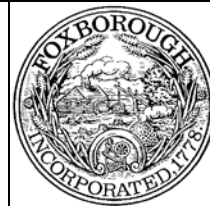
**C. Submittal Requirements**

- 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.)



**B. Fees** (continued)

**Town Bylaw Filing Fees**

Refer to the Foxborough Conservation Commission's Chapter 267 Filing Fee Schedule, downloadable at:  
[http://www.foxboroughma.gov/Pages/FoxboroughMA\\_Conservation/Forms](http://www.foxboroughma.gov/Pages/FoxboroughMA_Conservation/Forms)

**Step 1a/ 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 2a) times the fee per category (identified in Step 3a) 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 5a/ Total Bylaw Project Fees:** Determine the total project fee by adding the subtotal amounts from Step 4a.

**Step 6d/ Fee Payment (Bylaw):** Insert Step 5a fee payment amount.

Type of Activity	Number of Activities	Individual Activity Fee	Subtotal Activity Fee
<b>State Filing Fees:</b> (Step 1)	(Step 2)	(Step 3)	(Step 4)
2(a) Single family house	1.5	\$500.00	\$750.00
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
<b>Total State Filing Fee: (Step 5)</b>			_____
<b>Bylaw Filing Fees:</b> (Step 1a)	(Step 2a)	(Step 3a)	(Step 4a)
2(a) Single family house & site work	1.5	\$500.00	\$750.00
_____	_____	_____	_____
_____	_____	_____	_____
<b>Total Bylaw Filing Fee: (Step 5a)</b>			_____
<b>Filing Fee Payments:</b> (Step 6)			
<b>Total State Filing Fee:</b>			\$750.00 a. Total <b>State</b> Fee from Step 5
State's share of filing Fee:	(Paid to State)	\$362.50 b. 1/2 of (a), above, <b>less</b> \$12.50	
Town's share of filing Fee:	(Paid to Town of Foxborough)	\$387.50 c. 1/2 of (a) above, <b>plus</b> \$12.50	
<b>Total Bylaw Filing Fee:</b>	(Paid to Town of Foxborough)	\$750.00 d. Total <b>Bylaw</b> Fee from Step 5a	



FLORENCE R EINIS  
PO BOX 233  
SHARON, MA 02067-0233

7456  
53-13/110 MA  
26691

June 10, 2020 Date

Pay to the Order of Commonwealth of Mass

\$362<sup>50</sup>/<sub>xx</sub>

Three hundred and sixty-two

50  
xx Dollars



Bank of America

ACH R/T 011000138

For State share WPA fee

Florence R. Einis MP

⑆0⑆1⑆000⑆38⑆ 000025469194⑈7456

FLORENCE R EINIS  
PO BOX 233  
SHARON, MA 02067-0233

7457  
53-13/110 MA  
26691

June 10, 2020 Date

Pay to the Order of Town of Foxborough

\$387<sup>50</sup>/<sub>xx</sub>

Three hundred and eighty-seven

50  
xx Dollars



Bank of America

ACH R/T 011000138

For Town share WPA fee

Florence R. Einis MP

⑆0⑆1⑆000⑆38⑆ 000025469194⑈7457

FLORENCE R EINIS  
PO BOX 233  
SHARON, MA 02067-0233

7458  
53-13/110 MA  
26691

June 10, 2020 Date

Pay to the Order of Town of Foxboro

\$750<sup>xx</sup>/<sub>xx</sub>

Seven hundred and fifty

xx  
xx Dollars



Bank of America

ACH R/T 011000138

For By-law fee

Florence R. Einis MP

⑆0⑆1⑆000⑆38⑆ 000025469194⑈7458

## APPENDIX A – CHAPTER 267 FILING FEE SCHEDULE

### **Category 1 (Fee for each activity is \$250)\***

- a. Work on single family house (SFH) lot (addition, pool, deck, garage or other accessory activity)
- b. Site preparation work (single lot without a house), including excavation and grading, etc.
- c. Construction, repair, replacement or upgrade of a subsurface septic system, separate from house
- d. Construction of each bridge
- e. Monitoring well activities, not including access roadway
- f. Assessment or remediation of a contaminated site
- g. Impervious recreational facility including but not limited to tennis courts, basketball courts, etc.

### **Category 2 (Fee for each activity is \$500)\***

- a. Construction of single family house (SFH), including site work and septic system
- b. Construction of each resource area crossing for driveway to SFH, including culvert
- c. Construction of each crossing culvert
- d. Construction of each detention basin
- e. Each direct discharge to resource area
- f. Parking lot (10 parking spaces or less) **plus \$50** for each parking space located within the buffer zone
- g. Beach nourishment (placement of sand)
- h. Construction of underground or overhead public utilities
- i. Water level variation/dewatering
- j. Dam, sluiceway work
- k. Water supply development
- l. Any other activity not included in Category 1, 3, 5, 6, 7 or 8

### **Category 3 (Fee for each activity is \$1,500, any part of which is in a buffer zone or resource area)\***

- a. Site preparation for any development other than SFH, including removal of vegetation, grading, etc.
- b. Construction of each building for any commercial, industrial, or multi-unit development
- c. Road construction, not including crossing or SFH driveway

### **Category 4 (Fee for each activity is \$2,000)\***

- a. Each crossing for development or commercial road, unless a bridge is proposed
- b. Electric generating facility activities
- c. Sand and gravel operation
- d. Railroad line construction
- e. Dredging
- f. Package treatment plant and discharge
- g. Tree clearing for aircraft

### **Category 5 (Fee is \$5 per linear foot total fee not less than \$100 or more than \$2,000)**

Work on docks, piers, dikes or other engineering structures, including placement of rip rap or other material on resource areas

### **Category 6 (Fee is \$2 per linear foot for each resource area)**

For each resource area delineation, the fee shall not exceed

**\$200** for activities associated with a SFH or

**\$2,000** for all other activities

### **Category 7 (Fee is \$200 per Unit, in addition to Category 3, above)**

Per unit fee, all or part of which lies within a buffer zone or resource area, for a multiple dwelling structure

### **Category 8 (Fee for each activity)**

- |  |                |                          |
|--|----------------|--------------------------|
| a. Resource Restoration or Enhancement:        |                | \$25                     |
| b. Request for Determination of Applicability: | \$75 for SFH;  | \$200 for other projects |
| c. Amendment to Orders of Conditions:          | \$100 for SFH; | \$200 for other projects |
| d. Order of Conditions Extension:              | \$75 for SFH;  | \$200 for other projects |
| e. Certificate of Compliance:                  | \$100 for SFH; | \$200 for other projects |
| f. Partial Certificate of Compliance:          | \$100 for SFH; | \$200 for other projects |
| g. Issuance of bank closing letter:            |                | \$100                    |
| h. Reissuance of lost permits:                 |                | \$100                    |
| i. Work Requiring a Waiver under Section 10:   |                | \$1,000                  |

**\* Add 50% if in Riverfront Area in addition to another Resource Area**

Application fee checks should be made payable to "Town of Foxborough."  
Applicant shall be responsible for the cost of advertising legal notice in the Foxboro Reporter.

**Massachusetts Wetland Protection Act  
Form 3 - Notice of Intent Instructions**

**Category Activities and Filing Fees**

**Category 1** (Fee for each activity is **\$110**):

- a.) work on single family lot; addition, pool, etc.;
- b.) site work without a house;
- c.) control vegetation;
- d.) resource improvement;
- e.) work on septic system separate from house;
- f.) monitoring well activities minus roadway;
- g.) new agricultural or aquaculture projects.

**Category 2** (Fee for each activity is **\$500**):

- a.) construction of single family house;
- b.) parking lot;
- c.) beach nourishment;
- d.) electric generating facility activities;
- e.) inland limited projects minus road crossings and agriculture;
- f.) each crossing for driveway to single family house;
- g.) each project source (storm drain) discharge;
- h.) control vegetation in development;
- i.) water level variations;
- j.) any other activity not in Category 1, 3, 4, 5 or 6;
- k.) water supply exploration.

**Category 3** (Fee for each activity is **\$1,050**):

- a.) site preparation (for development) beyond Notice of Intent scope;
- b.) each building (for development) including site;
- c.) road construction not crossing or driveway;
- d.) hazardous cleanup;
- e.) water supply development.

**Category 4** (Fee for each activity is **\$1,450**):

- a.) each crossing for development or commercial road;
- b.) dam, sluiceway, tidegate (safety) work;
- c.) landfills operation/closures;
- d.) sand and gravel operations;
- e.) railroad line construction;
- f.) bridge;
- g.) hazardous waste alterations to resource areas;
- h.) dredging;
- i.) package treatment plant and discharge;
- j.) airport tree clearing;
- k.) oil and/or hazardous material release response actions.

**Category 5** (Fee is **\$4 per linear foot**; total fee not less than \$100 or more than \$2,000):

- a.) work on docks, piers, revetments, dikes, etc. (coastal or inland).

**Category 6** (Fee is **\$2 per linear foot for each resource area**):

For each resource area delineation, the fee **shall not exceed \$200** for activities associated with a **single family house** or **\$2,000 for all other activities**.

If the activity is within the Riverfront Area as well as another resource area or its Buffer Zone, add 50% to total fee (e.g., multiply the fee by 1.5).

If the activity is located in a Riverfront Area only, apply the fee amount for the category without the additional 50%.

## **Instructions for Completing the NOI Wetland Fee Transmittal Form**

The wetland filing fee should be calculated using the following steps based on a hypothetical project involving two driveway crossings through a Riverfront Area and Bordering Vegetated Wetland and six single family houses in Riverfront Area only.

### **Step 1/Type of Activity:**

Review plans and narrative to identify each activity in wetland resource areas and their applicable Buffer Zones.

Example: Driveway crossing and construction of a single family house.

### **Step 2/Number of Activities:**

Determine the number of each activity associated with the project.

Example: Driveway crossings and 6 single family homes.

### **Step 3/Individual Activity Fee:**

List the fee amount for each category of activity (see Category Activities and Fee, below)

Example: Driveway crossing is a Category 2(f.) activity and is \$500 each.

Construction of a single family house is a Category 2(a) activity and is \$500 each.

### **Step 4/Subtotal Activity Fee:**

Determine the subtotal fee for each type of activity by multiplying the fee for the activity (Step 3) by the number of activities (Step 2).

If the activity is within the Riverfront Area as well as another resource area or its Buffer Zone, add 50% to total fee (e.g., multiply the fee by 1.5).

If the activity is located in a River-front Area only, apply the fee amount for the category without the additional 50%.

Example: 2 (driveway crossings in BVW) x \$500 x 1.5 (for riverfront area) = \$1,500;  
6 (single family homes) x \$500 = \$3,000.

### **Step 5/Total Project Fee:**

Add all the subtotals identified in Step 4 to determine the total fee.

Example: \$1,500 + \$3,000 = \$4,500.

### **Step 6/Fee Payments:**

The state share of the fee is 50% of any filing fee in excess of \$25 (i.e., the state share can be determined by dividing the total fee in half and subtracting \$12.50).

The remaining portion of the fee shall be made to the town (i.e., the Town share can be determined by dividing the total fee in half and adding \$12.50).

Example: Town share: \$2,262.50; state share: \$2,237.50.



## APPENDIX E

---

# WETLAND DELINEATION FIELD DATA FORMS



# WETLAND DELINEATION FIELD DATA FORM

Observation Plot Number: WFA-6 & 7

Transect Number: WET-1

Applicant: Florence Einis Prepared by: Lucas Environmental, LLC Project Location: South Street, Foxborough, MA

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

## SECTION I. VEGETATION

Date of Delineation: October 30, 2018

A. Sample Layer and Plant Species (by common/scientific name)	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
<u>Tree</u> Red maple ( <i>Acer rubrum</i> )	10.5	50.0%	YES	FAC*
Eastern cottonwood ( <i>Populus deltoides</i> )	10.5	50.0%	YES	FAC*
<u>Saplings</u> Red maple ( <i>Acer rubrum</i> )	68.0	100%	YES	FAC*
<u>Shrubs</u> Red maple ( <i>Acer rubrum</i> )	38.0	61.3%	YES	FAC*
Slippery elm ( <i>Ulmus rubra</i> )	10.5	16.9%	NO	FAC*
Multiflora rose ( <i>Rosa multiflora</i> )	10.5	16.9%	NO	FACU
Silky dogwood ( <i>Cornus amomum</i> )	3.0	4.8%	NO	FACW*
<u>Herbaceous</u> Multiflora rose ( <i>Rosa multiflora</i> )	10.5	77.8%	YES	FACU
Royal fern ( <i>Osmunda regalis</i> )	3.0	22.2%	YES	OBL*
<u>Vines</u> Poison ivy ( <i>Toxicodendron radicans</i> )	10.5	100.0%	YES	FAC*

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

**Vegetation conclusion:**  
 Number of dominant wetland indicator plants: **6**      Number of dominant non-wetland indicator plants: **1**  
 Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants:    YES     NO



# WETLAND DELINEATION FIELD DATA FORM

Observation Plot Number: WFA-6 & 7

Transect Number: WET-1

## SECTION II. INDICATORS OF HYDROLOGY

### Hydric Soil Interpretation

#### 1. Soil Survey

Is there a published soil survey for this site?    YES     NO

Title/Date: **Custom Soil Resource Report for Norfolk and Suffolk Counties, Massachusetts. (GIS Data from the Soil Survey Geographic - SSURGO data base produced by the USDA, NRCS) Accessed online May 18, 2020**

Map Number/Soil Type Mapped:

**51 – Swansea muck, 0-1% slopes  
254B – Merrimac fine sandy loam, 3-8% slopes**

Hydric Soil Inclusions: **YES**

**Freetown, Whitman, Scarboro**

Are field observations consistent with soil survey?    YES     NO

Remarks:

#### 2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
<b>Oe (hemic)</b>	<b>1-0"</b>		
<b>O</b>	<b>0-8"</b>	<b>10YR 2/2</b>	
<b>B (loamy silt)</b>	<b>8-16"</b>	<b>10YR 4/1</b>	

Remarks: **Sulfur Odor in B horizon, with Depleted Matrix. Histic epipedon with depleted matrix below.**

#### 3. Other:

Conclusion: Is soil hydric?    YES     NO

### Other Indicators of Hydrology:

- Site inundated: \_\_\_\_\_
- Depth to free water in observation hole:    **At surface**
- Depth to soil saturation in observation hole:    **At surface**
- Water marks: \_\_\_\_\_
- Drift lines: \_\_\_\_\_
- Sediment deposits: \_\_\_\_\_
- Drainage patterns in BVW: \_\_\_\_\_
- Oxidized rhizospheres: \_\_\_\_\_
- Water-stained leaves: \_\_\_\_\_
- Recorded data (stream, lake, or tidal gauge; aerial photo; other): \_\_\_\_\_

Other:    **Buttressed tree roots**

### Vegetation and Hydrology Conclusion

	YES	NO
Number of wetland indicator plants greater than or equal to number of non-wetland indicator plants	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Hydric soils present	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other indicators of hydrology present	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Sample location is in BVW</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



# WETLAND DELINEATION FIELD DATA FORM

Observation Plot Number: WFA-6 & 7

Transect Number: UPL-1

Applicant: Florence Einis Prepared by: Lucas Environmental, LLC Project Location: South Street, Foxborough, MA

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

## SECTION I. VEGETATION

Date of Delineation: October 30, 2018

A. Sample Layer and Plant Species (by common/scientific name)	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
<u>Tree</u> White ash ( <i>Fraxinus americana</i> )	10.5	100.0%	YES	FACU
<u>Saplings</u> White ash ( <i>Fraxinus americana</i> )	68.0	83.4%	YES	FACU
Crab apple ( <i>Malus sp.</i> )	10.5	12.9%	NO	UPL <sup>1</sup>
Slippery elm ( <i>Ulmus rubra</i> )	3.0	3.7%	NO	FAC*
<u>Shrubs</u> Multiflora rose ( <i>Rosa multiflora</i> )	68.0	86.6%	YES	FACU
Crab apple ( <i>Malus sp.</i> )	10.5	13.4%	NO	UPL <sup>1</sup>
<u>Herbaceous</u> None				
<u>Vines</u> Oriental bittersweet ( <i>Celastrus orbiculatus</i> )	20.5	100.0%	YES	UPL

1. No *Malus* species are listed as wetland indicator species in the 2016 National Wetland Plant List for the State of Massachusetts.  
\* Use an asterisk to mark indicator plants: plant species listed in the wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW+, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

**Vegetation conclusion:**  
 Number of dominant wetland indicator plants: **0**      Number of dominant non-wetland indicator plants: **4**  
 Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants:    YES     NO





# WETLAND DELINEATION FIELD DATA FORM

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Transect Number: UPL-1

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254B – Merrimac fine sandy loam, 3-8% slopes**

Hydric Soil Inclusions: **YES**

**Freetown, Whitman, Scarboro**

Are field observations consistent with soil survey?      YES  NO

Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
<b>O<sub>i</sub></b>	<b>1-0"</b>		
<b>A (fill material)</b>	<b>0-4"</b>	<b>10YR 4/4</b>	
<b>B<sub>1</sub> (fill material)</b>	<b>4-8"</b>	<b>10YR 6/4</b>	
<b>B<sub>2</sub> (fill material)</b>	<b>8-16"</b>	<b>10YR 5/6</b>	

Remarks: **Fill is rocky, stony sandy loam.**

3. Other:

Conclusion: Is soil hydric?      YES  NO

Other Indicators of Hydrology:

- Site inundated: \_\_\_\_\_
- Depth to free water in observation hole: \_\_\_\_\_
- Depth to soil saturation in observation hole: \_\_\_\_\_
- Water marks: \_\_\_\_\_
- Drift lines: \_\_\_\_\_
- Sediment deposits: \_\_\_\_\_
- Drainage patterns in BVW: \_\_\_\_\_
- Oxidized rhizospheres: \_\_\_\_\_
- Water-stained leaves: \_\_\_\_\_
- Recorded data (stream, lake, or tidal gauge; aerial photo; other): \_\_\_\_\_

Other: \_\_\_\_\_

**Vegetation and Hydrology Conclusion**

	YES	NO
Number of wetland indicator plants greater than or equal to number of non-wetland indicator plants	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hydric soils present	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other indicators of hydrology present	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Sample location is in BVW</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>