

Notice of Intent

October 30, 2023

**52 West Street
Foxborough, Massachusetts**

Prepared for

**Jardan Enterprises, LLP
72 West Street
Foxborough, MA 02035**

Prepared by

Applied Ecological Sciences

P.O. Box 184
Norfolk, MA 02056
(508) 528-2866
(508) 740-0438 cell
email: rwaldron@earthlink.net

AES *Applied Ecological Sciences*
P.O. Box 184
Norfolk, MA 02056

October 30, 2023

Foxborough Conservation Commission
40 South Street
Foxboro, MA 02035

RE: Notice of Intent
24 Water Street
Foxborough, Massachusetts

Dear Members of the Commission:

On behalf of the Applicant, Jordan Enterprises, LLP, I am pleased to submit the enclosed *Notice of Intent (NOI)* for a Title 5 septic upgrade at the above referenced site. AES conducted a site evaluation on September 11, 2023. Wetland resource areas protectable under the *Massachusetts Wetlands Protection Act* (M.G.L. c. 131, s. 40), the implementing *Regulations* (310 CMR 10.00) and the Town of Foxborough *Wetlands Protection Bylaw* (Chapter 267) and *Wetlands Protection Regulations* were identified and characterized. The upland/wetland boundary to Bordering Vegetated Wetland (BVW) and top of Inland Bank to a mapped perennial stream was delineated in the field with red and blue flagging tape respectively. A detailed project description is provided in Section II of this filing. The enclosed *Site Evaluation Report* (Section III) details the results of the field evaluation.

I am pleased to be of assistance in this matter. Should you have any questions or require additional information please do not hesitate to contact me at (508) 740-0438.

Sincerely,

Russell E. Waldron

Russell E. Waldron
Applied Ecological Sciences

Cc: Applicant
MA DEP SERO

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Notice of Intent Forms



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

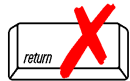
Document Transaction Number

Foxborough

City/Town

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>52 West Street</u>	<u>Foxborough</u>	<u>02035</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:	<u>42-02-28</u>	<u>71-16-78</u>
	d. Latitude	e. Longitude
<u>152</u>	<u>014</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Jardan Enterprises, LLP</u>	<u></u>	
a. First Name	b. Last Name	
<u>Jardan Enterprises, LLP</u>		
c. Organization		
<u>72 West Street</u>		
d. Street Address		
<u>Foxborough</u>	<u>MA</u>	<u>02035</u>
e. City/Town	f. State	g. Zip Code
<u>508-922-0727</u>	<u></u>	<u></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>		
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>Russell E.</u>	<u>Waldron</u>	
a. First Name	b. Last Name	
<u>Applied Ecological Sciences</u>		
c. Company		
<u>P.O.Box 184</u>		
d. Street Address		
<u>Norfolk</u>	<u>MA</u>	<u>02056</u>
e. City/Town	f. State	g. Zip Code
<u>508-740-0438</u>	<u>rwaldron@earthlink.net</u>	
h. Phone Number	i. Fax Number	j. Email address

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

<u>\$165.00</u>	<u>\$70.00</u>	<u>\$95.00</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

Title 5 septic repair.

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

- | | |
|---|---|
| 1. <input type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Commercial/Industrial | 4. <input type="checkbox"/> Dock/Pier |
| 5. <input type="checkbox"/> Utilities | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation |
| 9. <input checked="" type="checkbox"/> 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 CMR 10.24(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

36280

c. Book

b. Certificate # (if registered land)

0352

d. Page Number

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

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

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



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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. <input checked="" type="checkbox"/> Riverfront Area	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: 19,830
square feet

4. Proposed alteration of the Riverfront Area:

<u>2,800</u>	<u>1,400</u>	<u>1,400</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

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. <input type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.	
	_____	_____
	a. square feet of BVW	b. square feet of Salt Marsh
5. <input type="checkbox"/> Project Involves Stream Crossings		
	_____	_____
	a. number of new stream crossings	b. number of replacement stream crossings



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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.

- 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**

2021 MA GIS

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.



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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:

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

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: 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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Provided by MassDEP:

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

Online Users:

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

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.
- 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.



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D. Additional Information (cont'd)

3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. List the titles and dates for all plans and other materials submitted with this NOI.

Title 5 Sewage Disposal System Upgrade for an Existing 3 Bedroom Dwelling

a. Plan Title

Dunn McKenzie, Inc.

b. Prepared By

9/22/2023

d. Final Revision Date

Bryan J. Weiner P.E.

c. Signed and Stamped by

1" = 20'

e. Scale

f. Additional Plan or Document Title

g. Date

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

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

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

8. Attach NOI Wetland Fee Transmittal Form

9. Attach Stormwater Report, if needed.

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:

21145

2. Municipal Check Number

10/26/2023

3. Check date

21144

4. State Check Number

10/26/2023

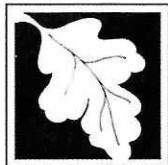
5. Check date

Kristine

6. Payor name on check: First Name

Daniels

7. Payor name on check: Last Name



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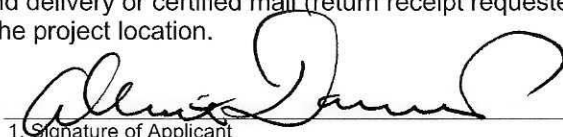
Foxborough

City/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 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.

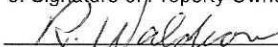


1. Signature of Applicant

10/26/23

2. Date

3. Signature of Property Owner (if different)



5. Signature of Representative (if any)

4. Date

10/29/2023

6. Date

For Conservation Commission:

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

For MassDEP:

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

Other:

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

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



Massachusetts Department of Environmental Protection
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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>52 West Street</u>	<u>Foxborough</u>
a. Street Address	b. City/Town
<u>21144</u>	<u>\$70.00</u>
c. Check number	d. Fee amount

2. Applicant Mailing Address:

<u>Jardan Enterprises, LLP</u>		
c. Organization		
<u>72 West Street</u>		
d. Mailing Address		
<u>Foxborough</u>	<u>MA</u>	<u>02035</u>
e. City/Town	f. State	g. Zip Code
<u>508-922-0727</u>	<u></u>	
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

<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>	
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).



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 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 1. (a.	1	\$110.00	\$110.00
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Step 5/Total Project Fee: \$110.00 + 1.5 RDA

Step 6/Fee Payments:

Total Project Fee:	<u>\$165.00</u>
State share of filing Fee:	<u>\$70.00</u>
City/Town share of filling Fee:	<u>\$95.00</u>
	a. Total Fee from Step 5
	b. 1/2 Total Fee less \$12.50
	c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

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

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

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

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

NORMANDY FARMS CAMPGROUND, LLC.

72 WEST STREET
FOXBORO, MA 02035
866-673-2767

Mansfield CO-operative/Bluestone Bank
53-7282/2113

21144

10/26/2023

PAY TO THE ORDER OF Commonwealth of Massachusetts

\$ **70.00

Seventy and 00/100***** DOLLARS

PROTECTED AGAINST FRAUD

Mass Department of Revenue
PO Box 419540
Boston, MA 02241-9540

Kristine Danu

MEMO

⑈021144⑈ ⑆211372828⑆ 100 384 629⑈

NORMANDY FARMS CAMPGROUND, LLC.

72 WEST STREET
FOXBORO, MA 02035
866-673-2767

Mansfield CO-operative/Bluestone Bank
53-7282/2113

21145

10/26/2023

PAY TO THE ORDER OF Town of Foxboro

\$ **95.00

Ninety-Five and 00/100***** DOLLARS

PROTECTED AGAINST FRAUD

Town of Foxboro
40 South Street
Foxboro, MA 02035

Kristine Danu

MEMO

⑈021145⑈ ⑆211372828⑆ 100 384 629⑈

NORMANDY FARMS CAMPGROUND, LLC.

72 WEST STREET
FOXBORO, MA 02035
866-673-2767

Mansfield CO-operative/Bluestone Bank
53-7282/2113

21146

10/26/2023

PAY TO THE ORDER OF Town of Foxboro

\$ **375.00

Three Hundred Seventy-Five and 00/100***** DOLLARS

PROTECTED AGAINST FRAUD

Town of Foxboro
40 South Street
Foxboro, MA 02035

Kristine Danu

MEMO

⑈021146⑈ ⑆211372828⑆ 100 384 629⑈

AFFIDAVIT OF SERVICE

Under the *Massachusetts Wetlands Protection Act*
And Chapter 267, *Wetland Protection Code of Foxborough*

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

I, Russell E. Waldron, here-by certify under the pains and penalties of perjury that on or before October 18, 2023, I gave notification to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the DEP Guide to Abutter Notification dated April 8, 1994, in connection with the following matter:

A Notice of Intent filed under the Massachusetts Wetlands Protection Act by Jardan Enterprises, LLP with the Foxborough Conservation Commission on or before October 13, 2023, for property located at 52 West Street in Foxborough, Massachusetts.

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

Signed: *Russell E. Waldron*

Dated: 10/30/2023

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 Jardan Enterprises, LLP.
- C. The address of the land where the activity is proposed is 52 West Street, Foxborough.
- 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 Applied Ecological Sciences by calling 508-740-0438 from [*times*] 8:00 am – 5:00 pm on [*days*] Monday through Friday or via email at rwaldron@earthlink.net.
- 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 Applied Ecological Sciences by calling 508-740-0438 from [*times*] 8:00 am – 5:00 pm on [*day*] Monday through Friday or via email at rwaldron@earthlink.net.

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/

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

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.



300 feet Abutters List Report

Foxborough, MA
October 26, 2023

Subject Property:

Parcel Number: 152-014-000
CAMA Number: 152-014-000
Property Address: 52 WEST STREET

Mailing Address: JARDAN ENTERPRISES LLP
72 WEST STREET
FOXBORO, MA 02035

Abutters:

Parcel Number: 142-018-000
CAMA Number: 142-018-000
Property Address: 53 WEST STREET

Mailing Address: FERGUSON EARL M III & SUSAN T TE
53 WEST STREET
FOXBOROUGH, MA 02035

Parcel Number: 151-001-000
CAMA Number: 151-001-000
Property Address: WEST STREET

Mailing Address: DANIELS DOUGLAS I
63 WEST STREET
FOXBOROUGH, MA 02035-0000

Parcel Number: 152-012-000
CAMA Number: 152-012-000
Property Address: 46 WEST STREET

Mailing Address: BOOTH RONALD F
46 WEST STREET
FOXBOROUGH, MA 02035-0000

Parcel Number: 152-013-000
CAMA Number: 152-013-000
Property Address: 48 WEST STREET

Mailing Address: DECOURSEY DEVAN & RYAN TE
48 WEST STREET
FOXBOROUGH, MA 02035

Parcel Number: 152-016-000
CAMA Number: 152-016-000
Property Address: 51 WEST STREET

Mailing Address: MCNUTT PATRICIA A ET AL
51 WEST ST
FOXBORO, MA 02035



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

10/26/2023

Page 1 of 1

Project Description

Project Description
52 West Street
Foxborough, Massachusetts

The proposed project includes a Title 5 septic upgrade. The construction location is currently comprised of manicured lawn. Proposed construction activities will take place within the Riverfront Area to an un-named, mapped perennial stream and the Buffer Zone to BVW and/or Inland Bank. Due to an existing propane tank located at the end of the driveway, all access is via the right-side lawn area. All resource area and Buffer zone disturbance is temporary in nature. The work area will be re-established as manicured lawn. No permanent disturbance within the Riverfront Area or Buffer Zone will occur because of the project.

Closest distance to Bank:	87.2 ft.
Closest distance to BVW:	61.0'
Total RA for the lot	19,830 s.f.
Total RA disturbance:	2,800 s.f.
Total 0 – 100' RA Disturbance:	1,400 s.f.
Total 100' - 200' RA disturbance:	1,400 s.f.

Erosion and sedimentation controls will be installed prior to the start of construction activities. The erosion and sedimentation controls will be properly maintained throughout the construction process and will remain in place until all disturbed soils have been stabilized and re-vegetated. All excavated material will be removed from the site. The site will be kept clean, and any trash or debris will be picked up before the end of each day.

Discussion

Under 310 CMR 10.01 Introduction and Purpose:

- (2) *Purpose.* M.G.L. c. 131, § 40 sets forth a public review and decision-making process by which activities affecting Areas Subject to Protection Under M.G.L. c. 131, § 40 are to be regulated to contribute to the following interests:

- protection of public and private water supply
- protection of ground water supply
- flood control
- storm damage prevention
- prevention of pollution
- protection of land containing shellfish
- protection of fisheries
- protection of wildlife habitat

Table 1.

Interest	
1. Private and public water supply.	According to the Massachusetts Geographic Information Systems <i>Water Supply Protection Areas Map</i> , the site is located within a Zone II groundwater recharge area but not an Interim Wellhead Protection Area.
2. Groundwater and groundwater supply.	See #1 above.
3. Surface water quality in the numerous ponds, rivers, lakes, and streams of the Town.	Erosion and sedimentation controls will be installed prior to the start of construction activities. The erosion and sedimentation controls will be properly maintained throughout the construction process and will remain in place until all disturbed soils have been stabilized and re-vegetated. All excavated material will be removed from the site. The site will be kept clean, and any trash or debris will be picked up before the end of each day. See #1 above.
4. Flood control - erosion and sedimentation control.	Based on the Federal Emergency Management Agency Flood Insurance Rate Map for the town of Sharon, Massachusetts (Map No. 25021C0342E), the site is located within Zone X (non-shaded), <i>Areas determined to be outside the 0.2% annual chance floodplain and Zone X (shaded), Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% chance annual flood</i> See #3 above.
5. Storm damage prevention.	See #3 above. See #4 above.
6. Water pollution prevention.	See #3 above.
7. Fisheries	Not applicable.
8. Wildlife and wildlife habitat.	See #9 below.
9. Rare species and rare species habitat.	According to the <i>Massachusetts Natural Heritage and Endangered Species Program Habitat Map</i> , the site is not located within an Estimated Habitat of Rare Wildlife or a

	Priority Habitat of Rare Species.
10. Aesthetics	Not applicable
11. Agriculture	Not applicable.
12. Aquaculture	Not applicable.
13. Vernal pools and vernal pool habitat.	See #9 above.

Riverfront Area Alternatives Analysis

The proposed septic upgrade must be located where soils and hydrology testing dictates. As such, there are no alternatives to the proposed system location.

Site Evaluation and Wetland Delineation Report

**Site Evaluation and Wetland Delineation
52 West Street
Foxboro, Massachusetts**

Introduction

A site evaluation was conducted at the above referenced property on September 11, 2023. The upland/wetland boundary to Bordering Vegetated Wetland (BVW) and the top of Inland Bank to an un-named, mapped perennial stream was delineated in the field. Resulting data describing the floristic, edaphic, and topographic characteristics of the property has been utilized in the preparation of this *Site Evaluation Report*. The following narrative provides a general site description, wetland delineation methodology, and wetland resource description.

General Site Description

The subject property encompasses a residential lot located westerly of West Street in Foxboro, Massachusetts. Topography of the site is generally flat. A single-family home occupies the eastern portion of the property. The remainder of the site is comprised of open lawn with scattered mature trees. Residential development abuts the site to the south. The Normandy Farms Campground abuts the site to the north and west.

Soils

Soils underlying the site consist of moderately well drained Scio (223B) fine sandy loam, 2% to 5% slopes; Merrimac (MmB, 254B) fine sandy loam, 3% to 8% slopes; and very poorly drained Swansea muck (Sw, 51), 0% to 1% slopes (USDA SCS 1989, Map #37, www.nesoil.com).

Wetland Delineation Methodology

The extent of vegetated wetland was determined through observations of the existing plant communities. Evidence of surface hydrology was determined through visual inspection of existing site conditions, including typical indicators such as water marks, drift-lines, water-stained leaves, sediment deposits, and drainage patterns.

Wetland Resource Description

Wetland resources associated with the site include Bordering Vegetated Wetland (BVW) Bordering Land Subject to Flooding (BLSF), and Riverfront Area.

Bordering Vegetated Wetland (BVW)

Seasonally saturated to seasonally flooded Forested Swamp is located within the northern and western portions of the site. Topography within the BVW is generally flat with distinct leaf staining evident throughout. A moderately dense canopy of Red Maple (*Acer rubrum*) and Slippery Elm (*Ulmus rubra*) dominates vegetation within the wetland. The woody understory is comprised of saplings from the canopy, Highbush Blueberry (*Vaccinium corymbosum*), and Winterberry (*Ilex verticillata*). Ground cover species include seedlings from the canopy and understory, Jewelweed (*Impatiens capensis*), Sensitive Fern (*Onoclea sensibilis*), Skunk Cabbage (*Symplocarpus foetidus*), and Sphagnum Moss (*Sphagnum* spp.).

The upland/wetland boundary to BVW is delineated in the field with AES flagging stations #1 through #15.

Bordering Land Subject to Flooding (BLSF)

Based on the *Federal Emergency Management Agency Flood Insurance Rate Map* for the Town of Foxboro, Massachusetts (Map No. 2500521C342E), the site is located within Zone X (non-shaded), *Areas determined to be outside the 0.2% annual chance floodplain* and Zone X (shaded), *Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% chance annual flood*

Riverfront Area

Riverfront Area located on the site is associated with a mapped perennial stream. A well-defined, generally straight channel approximately six to fifteen feet wide and four to twelve inches deep with a sand/gravel streambed characterizes the stream. The Inland Bank is approximately four to twelve inches high and vegetated with wetland plant species. Most of the site is contained within the Riverfront Area.

The top of Inland Bank is delineated in the field with AES flagging stations B1 through B8.

NHESP Estimated & Priority Habitat

According to the *Massachusetts Natural Heritage and Endangered Species Program* habitat map, the site is not located within an Estimated Habitat of Rare Wildlife or a Priority Habitat of Rare Species.

Water Supply Protection Areas

According to the Massachusetts Geographic Information Systems *Water Supply Protection Areas Map*, the site is within a Zone II groundwater recharge area but not an Interim Wellhead Protection area.

Outstanding Resource Water (ORW)

According to the Massachusetts Geographic Information Systems *Outstanding Resource Waters Map*, the site is located within a contributing watershed to an ORW.

Buffer Zone

Buffer Zone, as defined at 310 CMR 10.04, means:

The area of land extending 100 feet horizontally outward from the boundary of any area specified in 310 CMR 10.02(1)(a).

Under Section 267-8 of the Town of Foxboro *Wetlands Protection Bylaw*: Setback from vegetated wetlands and inland banks:

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

- A. A wetland crossing permitted under MGL c. 131, § 40, and this Chapter 267, the Town of Foxborough Conservation Bylaws; and/or*
- B. When the Commission determines that there are no reasonable conditions or alternatives that would allow the project to proceed in compliance with the bylaws; and that the mitigating measures are proposed that will allow the project to be conditioned by the Commission so as to contribute to the protection of the interests identified in MGL c. 131, § 40, and this Chapter 267, the Town of Foxborough Conservation Bylaws.*

Under Section 3 of the Town of Foxborough *Wetlands Protection Regulations*:
Definitions:

***No Activity Zones.** For the purposes of these Regulations, no activity, other than the maintenance of an already existing structure, which will result in the*

building within or upon, removing, filling, or altering land, shall be permitted by the Commission in these areas.

25-Foot No Activity Zone. *Means that part of an upland area that extends twenty-five (25) feet horizontally outward from a bordering vegetated wetland or inland bank.*

Vernal Pool No Activity Zone. *The area within one hundred (100) feet (adjacent upland resource area) of the mean annual boundaries or highest observed flood level, whichever is higher, of a vernal pool shall be referred to as “Vernal Pool No Activity Zone.”* ^[1]_{SEP}

State Listed Species No Activity Zone. *The “State Listed Species No Activity Zone” shall be one hundred (100) feet from any isolated wetland that is identified or recognized by the Commonwealth of Massachusetts as the habitat of a state listed species.*

The entire site is contained within the regulatory Buffer Zone to BVW and/or Bank.

References

Federal Emergency Management Agency, FEMA Map Service Center, www.fema.gov.

Massachusetts Geographic Information Systems, www.massgis.ma.state.us.

Natural Resources Conservation Service, www.nesoil.com, websoilsurvey.nrcs.usda.gov.

United States Department of Agriculture, Soil Conservation Service, 1989. *Soil Survey of Norfolk and Suffolk Counties, Massachusetts*.

Appendix A
DEP Bordering Vegetated Wetland (310 CMR 10.55)
Delineation Field Data Forms

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

Applicant: _____ DEP File #: _____
 Prepared by: Applied Ecological Sciences (AES) Project location: 52 West Street Foxborough, MA

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

DP-1 @ AES #12 - #13

Section I. Vegetation Observation Plot Number: DP-1 UPL Transect Number: 1 Date of Delineation: 9/11/2023

A. Sample Layer and Plant Species (by common/scientific name)	B. Percent Cover (or dominance ratio)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category
--	--	-------------------------	----------------------------------	-------------------------------------

TOTAL COVER = 0.0

Woody Vines:

Absent

TOTAL COVER = 0.0

Saplings

Absent

TOTAL COVER = 0.0

Shrubs

Absent

TOTAL COVER = 0.0

Ground Cover

Kentucky Bluegrass (*Poa pratensis*)

100%

yes

FACU

TOTAL COVER = 85.0

85.0

85.0

Vegetation conclusion:

Number of dominant wetland indicator plants: **0** 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? **No**

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

Applicant: _____ DEP File #: _____
 Prepared by: Applied Ecological Sciences (AES) Project location: 52 West Street Foxborough, MA

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

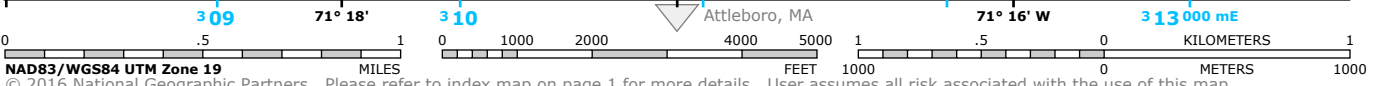
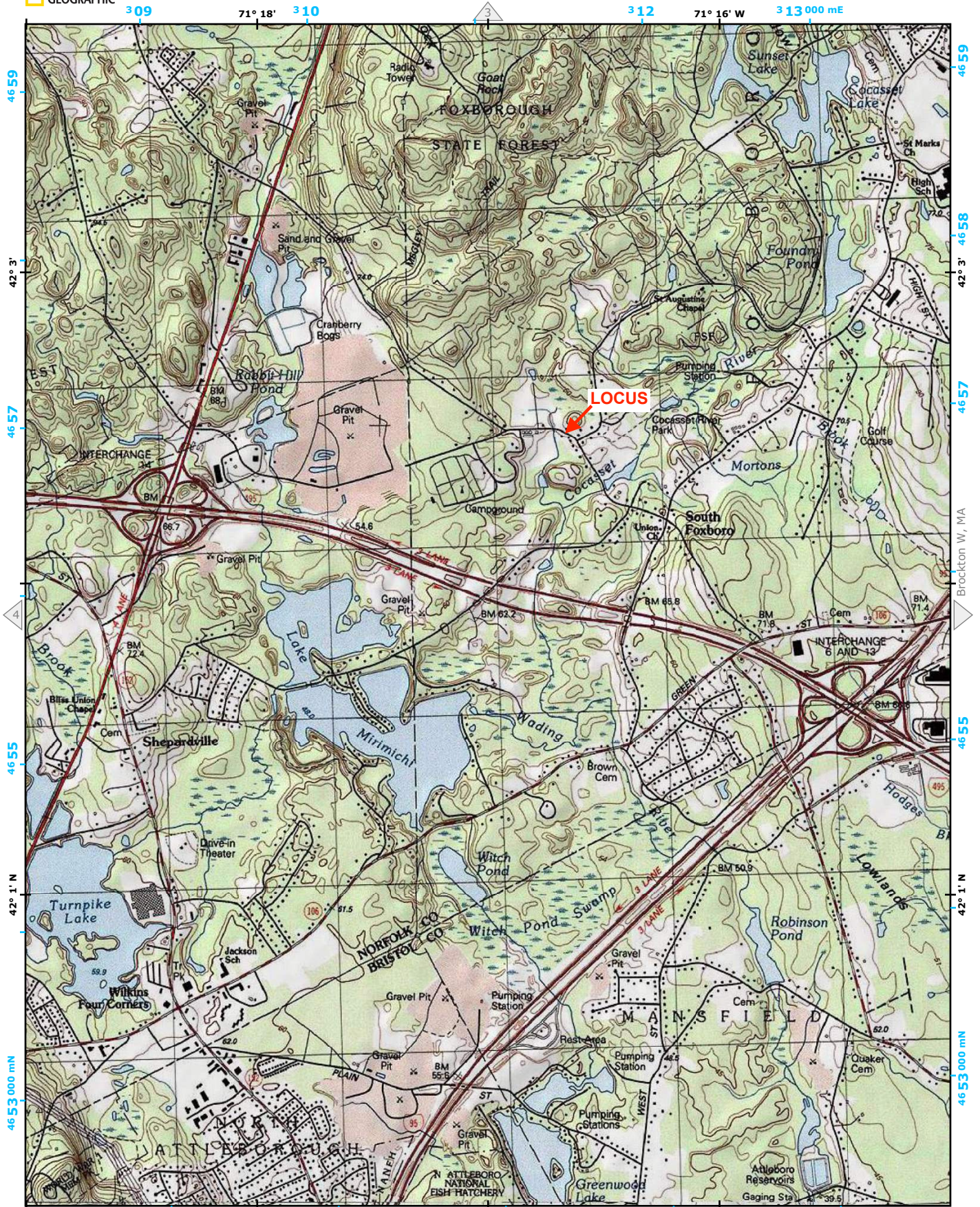
DP-2 @ AES #12 - #13

Section I. Vegetation Observation Plot Number: DP-2 WET Transect Number: 1 Date of Delineation: 9/11/2023

A. Sample Layer and Plant Species (by common/scientific name)	B. Percent Cover (or dominance ratio)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category
<u>Trees</u>				
Red Maple (<i>Acer rubrum</i>)	63.0	86%	yes	FAC*
Slippery Elm (<i>Ulmus rubra</i>)	10.5	14%	no	FACW*-
TOTAL COVER =	73.5			
<u>Woody Vines:</u>				
Absent				
<u>Saplings</u>				
Absent				
<u>Shrubs</u>				
Eastern White Pine (<i>Pinus strobus</i>)	38.0	100%	yes	FACU
TOTAL COVER =	38.0			
<u>Ground Cover</u>				
Jewelweed (<i>Impatiens capensis</i>)	63.0	100%	yes	FACW*
TOTAL COVER =	63.0			

Vegetation conclusion:
 Number of dominant wetland indicator plants: **3** 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**

Appendix B
U.S.G.S Topo Map
FEMA Map



National Flood Hazard Layer FIRMette

71°17'W 42°24'N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE)
Zone A, V, AE
- With BFE or Depth
Zone AE, AO, AH, VE, AR
- Regulatory Floodway

0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile
Zone X

Future Conditions 1% Annual Chance Flood Hazard
Zone X

Area with Reduced Flood Risk due to Levee. See Notes.
Zone X

Area with Flood Risk due to Levee
Zone D

OTHER AREAS OF FLOOD HAZARD

Area of Minimal Flood Hazard
Zone X

Effective LOMR

Area of Undetermined Flood Hazard
Zone D

OTHER AREAS

Channel, Culvert, or Storm Sewer
Levee, Dike, or Floodwall

GENERAL STRUCTURES

Cross Sections with 1% Annual Chance Water Surface Elevation

Coastal Transect

Base Flood Elevation Line (BFE)

Limit of Study

Jurisdiction Boundary

Coastal Transect Baseline

Profile Baseline

Hydrographic Feature

OTHER FEATURES

Digital Data Available

No Digital Data Available

Unmapped

MAP PANELS

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **10/27/2023 at 8:09 AM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

