

13 March 2021

Foxborough Conservation Commission
Foxborough Town Hall, Room 204
40 South Street
Foxborough, MA 02035

RECEIVED
MAR 17 2021
**CONSERVATION
COMMISSION**

Re: Request for Determination
Amtrak Right-of-Way

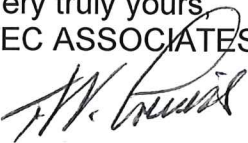
Dear Commission Members:

In 2016, your commission approved a delineation of wetlands along Amtrak's right-of-way. The determination that was issued allowed Amtrak to conduct vegetation management activities in accordance with the Commonwealth of Massachusetts Rights-of-Way Management Regulations (333 CMR 11.00) and Amtrak's Vegetation Management Plan (VMP). Each year since the determination was issued you have been supplied with Amtrak's Yearly Operational Plan (YOP) and updates of the delineation as necessary.

Amtrak is now in the process of renewing its VMP for the period covering 2021 through 2025. In accordance with the Wetlands Protection Act, determinations of applicability issued for work conforming to 333 CMR 11.00 are in effect for the life of the VMP and must be renewed with the new VMP. Accordingly, I have enclosed an RDA application to renew the wetland delineation along Amtrak's right-of-way in Foxborough. The enclosed map represents the locations of the permanent marking setbacks prescribed by 333 CMR 11.00. There are no changes proposed from the wetlands delineation previously established in 2016.

Please consider a negative determination (number 3 for work in the buffer zone and number 5 for exempt activity in riverfront) citing 310 CMR 10.03(6) and 310 CMR 10.58(6)(a) as the exemptions. In addition, please check positive 2a confirming the accuracy of the resource boundaries. If you have any questions, please do not hesitate to call.

Very truly yours,
TEC ASSOCIATES



Thomas W. Lewis

Enclosures

cc: Mr. Dante DeAnnuntis, Amtrak
Regional Office, DEP



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

Foxborough
City/Town

WPA Form 1- Request for Determination of Applicability

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

A. General Information

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



1. Applicant:

TEC Associates _____ tom@tecassoc.com _____
Name E-Mail Address
46 Sawyer Street _____
Mailing Address
South Portland _____ ME _____ 04106 _____
City/Town State Zip Code
(207) 219-9884 _____ (207) 767-7125 _____
Phone Number Fax Number (if applicable)

2. Representative (if any):

TEC Associates _____
Firm
Tom Lewis _____ tom@tecassoc.com _____
Contact Name E-Mail Address
46 Sawyer Street _____
Mailing Address
South Portland _____ ME _____ 04106 _____
City/Town State Zip Code
(207) 219-9884 _____ (207) 767-7125 _____
Phone Number Fax Number (if applicable)

B. Determinations

1. I request the Foxborough _____ make the following determination(s). Check any that apply:
Conservation Commission

- a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

Name of Municipality

- e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).



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C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

N/A	Foxborough
Street Address	City/Town
N/A	N/A
Assessors Map/Plat Number	Parcel/Lot Number

b. Area Description (use additional paper, if necessary):

Amtrak railroad right-of-way

c. Plan and/or Map Reference(s):

Right-of-Way Resource Delineation maps	2/14/11
Title	Date
_____	_____
Title	Date
_____	_____
Title	Date
_____	_____

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

No work is proposed within wetland resource areas. Vegetation control will conform to the guidelines set forth in the Massachusetts Rights-of-Way Management Regulations (333 CMR 11.00) and the approved Vegetation Management Plan (VMP).



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C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

310 CMR 10.03(6) Presumption Concerning Application of Herbicides

310 CMR 10.05(3)(a)2. Requests for Determination of Applicability

310 CMR 10.58(6)(a) Exemption for activity in the riverfront area

310 CMR 10.00 Appendices - 1987 Preface to Wetlands Regulations Relative to Rights-of-Way Management

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single-family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



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D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

AMTRAK - National Railroad Passenger Corp.

Name

Two South Station, 2nd Floor

Mailing Address

Boston

City/Town

MA

State

02110

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

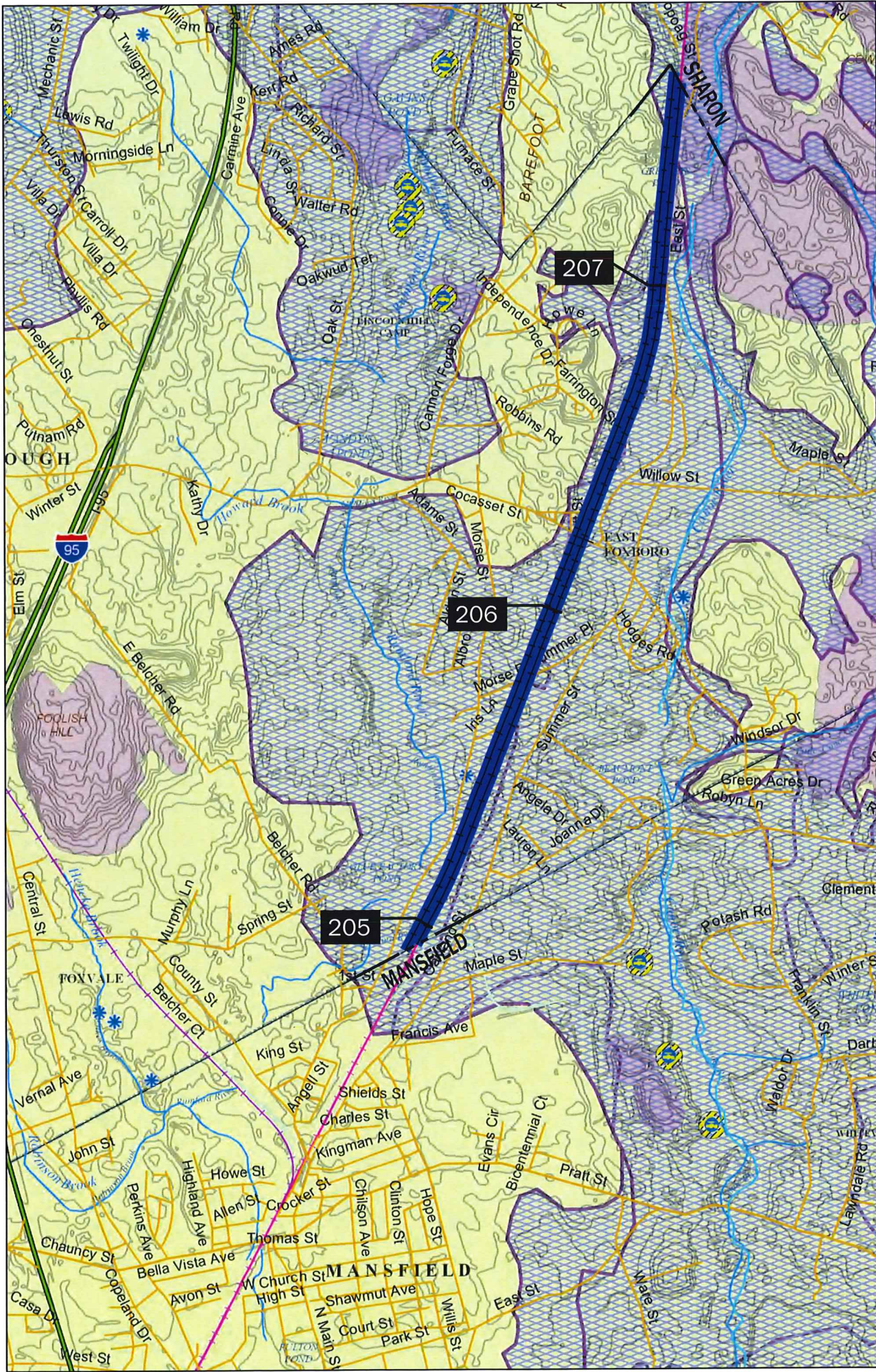
Signature of Applicant

3/13/21





Date

Signature of Representative (if any)




Date



DATE: 2/14/2011

 Zone A
 Zone B
 NHESP Priority
 Habitat
 DEP Approved Zone I
 DEP Approved Zone II / IWPA

BRANCH: NORTHEAST CORRIDOR


 Groundwater Source
 Surface Water Intake
 NHESP Vernal Pool

TOWN OF: FOXBOROUGH

 LIMITED SPRAY ZONE (1 YEAR INTERVAL)
 LIMITED SPRAY ZONE (2 YEAR INTERVAL)
 NO SPRAY ZONE

SHEET 1 OF 1

SCALE: 1:25,000

 TWO SOUTH STATION, 2ND FLOOR
 BOSTON, MA 02110

 CONSULTING ENGINEERS
 SOUTH PORTLAND, MAINE 04106
 46 SAWYER STREET