

19 March 2021

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

Re: Request for Determination
Massachusetts Coastal Railroad (MCRR) Right-of-Way

Dear Commission Members:

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

MCRR 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 MCRR's right-of-way in Foxborough. The enclosed maps represent the locations of the permanent marking setbacks prescribed by 333 CMR 11.00.

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. Chris Podgurski
Regional Office, DEP



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	tom@tecassoc.com	
Firm	E-Mail Address	
Tom Lewis		
Contact Name		
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):

Massachusetts Coastal Railroad right-of-way

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

Right-of-Way Resource Delineation maps	5/1/16 & 3/16/21
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:

Massachusetts Coastal Railroad

Name

12 Harding Street, Suite 201

Mailing Address

Lakeville

City/Town

MA

State

02347

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

3/19/21

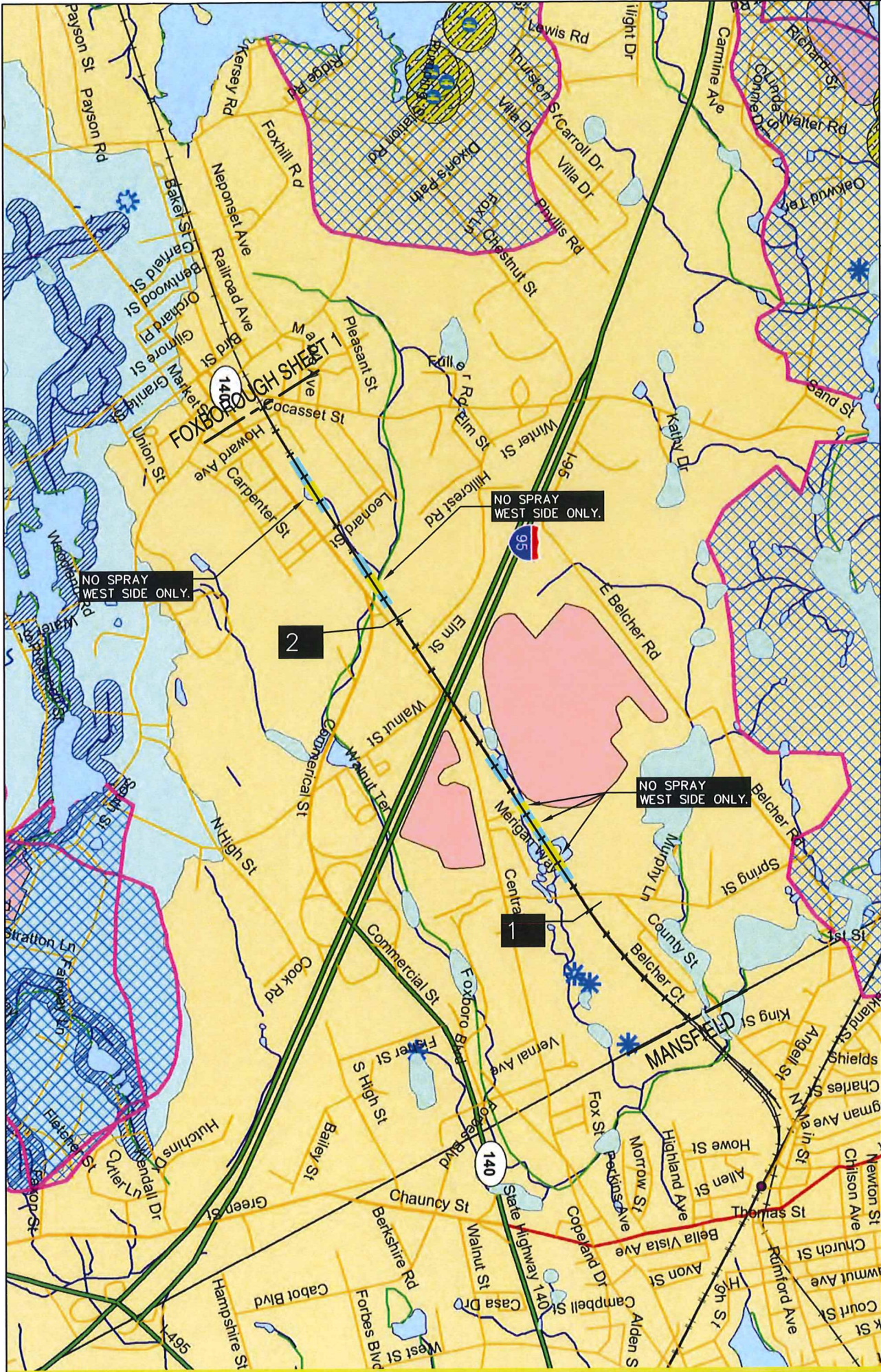
Date

Signature of Representative (if any)

Date



SCALE: 1:25,000	SHEET 1 OF 2	TOWN OF: FOXBOROUGH	BRANCH: FRAMINGHAM SECONDARY	DATE: 3/16/2021
MASS COASTAL RAILROAD <small>3065 CRANBERRY HIGHWAY, EAST WAREHAM, MA 02538</small>		LIMITED SPRAY ZONE <small>(1 YEAR INTERVAL)</small>	Groundwater Source Surface Water Intake NHESP Vernal Pool	DEP Approved Zone I
TEC ASSOCIATES <small>CONSULTING ENGINEERS</small> <small>46 SAWYER STREET SOUTH PORTLAND, MAINE 04106</small>		LIMITED SPRAY ZONE <small>(2 YEAR INTERVAL)</small>	DEP Approved Zone II / IWPA	Zone A Zone B NHESP Priority Habitat
		NO SPRAY ZONE		



SCALE: 1:25,000	SHEET 2 OF 2	TOWN OF: FOXBOROUGH	BRANCH: FRAMINGHAM SECONDARY	DATE: 5/1/2016
 MASS COASTAL RAILROAD 3065 CRANBERRY HIGHWAY, EAST WAREHAM, MA 02538		LIMITED SPRAY ZONE (1 YEAR INTERVAL) LIMITED SPRAY ZONE (2 YEAR INTERVAL) NO SPRAY ZONE		
 TECASSOCIATES CONSULTING ENGINEERS 46 SAWYER STREET SOUTH PORTLAND, MAINE 04106		DEP Approved Zone I DEP Approved Zone II / WPA Groundwater Source Surface Water Intake NHESP Vernal Pool		
		Zone A Zone B NHESP Priority Habitat		