

May 5, 2021

Foxborough Conservation Commission
40 South Street
Foxborough, MA 02035

Re: Notice of Intent (NOI)

130 Morse Street (Assessors Map: 888, Block/Lot: 035)

Goddard Consulting, LLC is pleased to submit this Notice of Intent (NOI) on behalf of the applicant, Stephen David, Cedar Development Inc. for the property located at 130 Morse Street in Foxborough, MA (Assessors Map 888, Block/Lot 035). This NOI is a joint filing under the Massachusetts Wetlands Protection Act (WPA) and the Town of Foxborough Wetlands Protection Bylaw.

SUBMITTED MATERIALS TO FOXBOROUGH CONSERVATION COMMISSION

The original plus 8 copies submitted to the Foxborough Conservation Commission and one copy to DPW Department. Each will contain the following:

- NOI (WPA Form 3) Application form
- NOI Wetland Fee Transmittal Form, Copy of Checks
- NOI Check List
- Affidavit of Service
- Foxborough Certified Abutters List
- Notification to Abutters
- Order of Resource Area Delineation, DEP File #157-572 Foxborough Conservation Commission, 1/29/2020
- National Flood Hazard Layer FIRMette, FEMA
- *Orthophoto View of Site*, 8/12/16, Goddard Consulting, LLC
- *USGS Site Locus*, 8/12/16, Goddard Consulting, LLC.
- *Hydraulic / Hydrologic Calculations – 130 Morse Street, Foxborough, MA*, Summit Engineering & Survey Inc. 3/10/2021
- *Definitive Site Plan at 130 Morse Street, Foxborough, MA*, Summit Engineering & Survey Inc. 3/4/2021

Notice of Intent Narrative

1. PROJECT DESCRIPTION

This NOI is filed for the redevelopment of a contractor yard and the construction of a commercial building along with associated parking lot and stormwater management areas. Most of the proposed work is within disturbed areas as shown on Figure 1 and the existing conditions plan.

2.0 EXISTING CONDITIONS AND WETLAND RESOURCE AREAS

The site is an active contractors yard with an old garage, storage container and fill piles. The site contains a large area of Bordering Land Subject to Flooding (BLSF) as defined by FEMA at Elevation 181.4 feet. Further the site also contains Bank from a pond, channel with bordering vegetated wetlands (BVW) and also a small isolated vegetated wetland (IVW). The IVW is not a vernal pool with the site visit by Goddard on March 30, 2021 noting less than 2-inches of standing water within the IVW which is an unsuitable depth to allow breeding of amphibians before the wetland dries up in the late spring. These resource areas were confirmed under the Order of Resource Area Delineation (ORAD), DEP File #157-572 issued by the Foxborough Conservation Commission on January 29, 2020. Forested areas include tree species of red oak, Norway maple, pignut hickory and red maple, with understory of oriental bittersweet, Virginia creeper, and eastern poison ivy. The understory is very disturbed from historic dumping activities so shrubs are sparse within the forested areas.

According to the Mass GIS data layers for NHESP, this site is not located within Estimated and/or Priority Habitat of Rare Wildlife, and no mapped vernal pools are located on or near the site.



Photo 1: Disturbed Buffer Zone and BLSF behind container and piles (right of photo), 3/30/21



Photo 2: Disturbed Buffer Zone and BLSF behind container and piles, 3/30/21



Photo 3: Disturbed Buffer Zone and BLSF behind garage, 3/30/21



Photo 4: Disturbed Buffer Zone and BLSF left (east) of garage, 3/30/21



Photo 5: Disturbed Buffer Zone and BLSF, rear of property (southeast corner), 3/30/21



Photo 6: Disturbed Buffer Zone and BLSF, rear of property (southeast corner), 3/30/21

3.0 PROPOSED WORK, RESOURCE AREA IMPACTS AND REGULATORY COMPLIANCE (STATE AND LOCAL COMPLIANCE)

The proposed project is the construction of a commercial building with associated parking lot (14,000 SF of impervious surface within existing compacted gravel contractor yard) and stormwater management. The work is all within disturbed Buffer Zone and BLSF although some trees are present within the proposed limit of work, dumping's are present throughout the proposed work area. The applicant also proposes to remove all the debris that is outside the limit of work which is mainly surface and be hauled out by hand or by chains attached to equipment within the work area. No work is proposed within 25-feet of the wetlands. The project's grading results in an increase of 12,774 cubic feet of BLSF flood storage volume by creating cuts to expand the floodplain onsite. Because of the disturbed nature (23,400 SF within BLSF) of the site, any wildlife habitat within the BLSF has been historically disturbed. No unique or important wildlife features were noted on the last site walk conducted by Goddard on March 30, 2021. The undisturbed BLSF areas where work is proposed total 1,800 SF (Figure 1).

The site has an erosion control plan (Sheet C-6.0) with detailed construction entrance, parameter controls, stock piles, catch basin silt sacks, etc., to protect the site's resource areas. Additionally daily inspections by the construction contractor will occur to ensure controls are maintenance in good repair.



Figure 1: Proposed work within Existing Disturbed and Natural BLSF

3.1 Compliance under the MA Wetlands Protection Act

3.1.1 Buffer Zone:

The Wetland Protection Act does not have performance standards for work within buffer zone. To protect the wetlands erosion control measures will be installed at the limits of work.

3.1.2 BLSF - 310 CMR 10.57

To meet the Bordering Land Subject to Flooding (BLSF) performance standards, the following analysis was performed. The site has A-Zone floodplain with a base flood elevation mapped by FEMA at an elevation of 181.4 feet.

310 CMR 10.57(4)(a) states in part the following:

(4) Bordering Land Subject to Flooding.

(a) General Performance Standards.

1. Compensatory storage shall be provided for all flood storage volume that will be lost as the result of a proposed project within Bordering Land Subject to Flooding, when in the judgment of the issuing authority said loss will cause an increase or will contribute incrementally to an increase in the horizontal extent

and level of flood waters during peak flows. Compensatory storage shall mean a volume not previously used for flood storage and shall be incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Further, with respect to waterways, such compensatory volume shall be provided within the same reach of the river, stream or creek.

The project proposes compensatory storage throughout the floodplain area. As shown by the grading plans and Table 1, compensatory storage has been provide at 1-foot increments to show no loss of BLSF area or volume, but rather an increase of 12,774 Cubic Feet (CF) of BLSF volume with an increase at each 1-foot incremental elevation. The BLSF area will expand within the limit of work from 25,200 SF to 28,700 SF This will help reduce flooding in the area.

Table 1: BLSF Flood Plain Compensatory Storage (Based on *Definitive Site Plan at 130 Morse Street, Foxborough, MA*, Summit Engineering & Survey Inc. 3/4/2021)

Elevation	Existing Volume*, CF	Final Volume* Proposed, CF	Net Change**, CF	Disturbance Area (SF)
175-176	1,300	1,302	2	25,200
176-177	3,745	3,905	160	
177-178	6,140	6,437	297	
178-179	10,235	15,002	4,767	
179-180	18,114	19,446	1,332	
180-181	28,441	32,760	4,319	
181-181.4	34,516	36,413	1,897	
Total	102,490	115,264	12,774	25,200
Cubic Feet (CF), Square Feet (SF), *Volume at each elevation onsite ** Net Change does NOT include volume within stormwater basins				

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

The proposed compensatory storage has an unrestricted flow from the wetlands to the compensatory storage areas onsite.

3. Work in those portions of bordering land subject to flooding found to be significant to the protection of wildlife habitat shall not impair its capacity to provide important wildlife habitat functions. Except for work which would adversely affect vernal pool habitat, a project or projects on a single lot, for

which Notice(s) of Intent is filed on or after November 1, 1987, that (cumulatively) alter(s) up to 10% or 5,000 square feet (whichever is less) of land in this resource area found to be significant to the protection of wildlife habitat, shall not be deemed to impair its capacity to provide important wildlife habitat functions. Additional alterations beyond the above threshold, or altering vernal pool habitat, may be permitted if they will have no adverse effects on wildlife habitat, as determined by procedures contained in 310 CMR 10.60.

As shown in the photos of the site and site plans, work is primarily within disturbed BLSF (23,400 SF) with no unique or significant wildlife habitat within the previously altered areas. As such the project disturbance of natural BLSF (1,800 SF) is well below the 5,000 SF of natural BLSF. The BLSF work area is not presumed to have a significant wildlife habitat. Including stormwater basins, final project will result in a larger green space within the floodplain for wildlife habitat.

3.2 Foxborough Wetland Bylaw: Wetland Functions and Characteristics

The proposed project will not impact public or private water supplies since erosion controls will be implemented, the wetlands are more than 25-feet from the proposed work area and the proposed project does not include a private drilled well or septic system to draw down other private water wells or pollute private water supplies. Sediment and erosion control will be mitigated with the implementation of erosion control measures at the limit of work and/or at the 25-ft Buffer Zone line. The site provides compensatory storage greater than the proposed grading within BLSF.

Stormwater and Stormwater Damage Prevention will be addressed with erosion control measures and increased BLSF storage.

Water Quality and Water Pollution will not be impacted since no ground water wells are present in the area and work will be located outside the BVW and IVW.


No work will impact fisheries and or wildlife habitat. No rare species habitat is mapped for the site. No vernal pools are mapped for the site or near the site.

The final project will result in more stable areas onsite than the existing contractor yard. The stormwater report demonstrates a reduction in stormwater peak run-off and creates large areas of green space within BLSF which will provide a larger area of wildlife habitat area. The final project will also provide a more aesthetic and scenic value to the BLSF and Buffer Zone areas.

4.0 Conclusion

This project has been designed to meet the standards of the WPA and Foxborough Wetlands Protection Bylaw. The proposed project minimizes within undisturbed areas and provides for enhanced flood storage within the floodplain. ECB has been proposed to protect undisturbed areas of the buffer zone during the proposed work and until the site is stable.

Very truly yours,

A handwritten signature in black ink, appearing to read "Scott Goddard". The signature is fluid and cursive, with a large initial "S" and "G".

Scott Goddard, PWS

CC:

Richard Hayes, Morse Street Realty Trust, P.O. Box 93, Foxborough, MA 02035
Stephen David, Cedar Development, Inc., 601 High Street, Suite 101, Dedham, MA 02026
Wetlands Division MassDEP, Southeast Regional Office, 20 Riverside Drive, Lakeville,
MA 02347



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

(To be provided by MassDEP)

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

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:

130 Morse Street
a. Street Address
Foxborough
b. Town
02035
c. Zip Code
42.04575N
d. Latitude
71.21211W
e. Longitude
888
f. Assessors Map/Plat Number
35
g. Parcel /Lot Number

2. Applicant:

Stephen
a. First Name
David
b. Last Name
Cedar Development Inc
c. Organization
601 High Street, Suite 101
d. Street Address
Dedham
e. City/Town
MA
f. State
02026
g. Zip Code
781-461-1060
h. Phone Number
i. Fax Number
stephen@s davidlaw.com
j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

Richard
a. First Name
Hayes
b. Last Name
Hayes Excavation
c. Organization
PO Pox 93
d. Street Address
Foxborough
e. City/Town
MA
f. State
02035
g. Zip Code
774-244-1304
h. Phone Number
i. Fax Number
hayesexcavating@yahoo.com
j. Email address

4. Representative (if any):

Scott
a. First Name
Goddard
b. Last Name
Goddard Consulting LLC
c. Company
291 Main Street, Suite 8
d. Street Address
Northborough
e. City/Town
MA
f. State
01532
g. Zip Code
508-393-3784
h. Phone Number
i. Fax Number
scott@goddardconsultingllc.com
j. Email address

5. Wetland Filing Fees Paid (to calculate fees, refer to attached NOI Wetland Fee Transmittal Form):

\$1,575
a. State WPA Fee/Total
\$775
b. WPA Fee/State's Share
\$800
c. WPA Fee/Town's Share
\$2,250
d. Town Bylaw (Ch. 267) Fee



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A. General Information *(continued)*

6. General Project Description:

1-story office warehouse with associated parking lot and stormwater basins

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. N/A - 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 10.53 (inland)?

1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 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 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Norfolk	196985		
a. County	b. Certificate # (if registered land)	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, or Inland Bank.
- 2. Inland Resource Areas (see 310 CMR 10.54-10.58).

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



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

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

Resource Area	Size of Proposed Alteration	(if any) Proposed Replacement
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	2. square feet
d. <input checked="" type="checkbox"/> Bordering Land Subject to Flooding	3. cubic yards dredged	
	25,200	28,700
	1. square feet	2. square feet
	102,490 (see narrative)	115,264 (see narrative)
e. <input type="checkbox"/> Isolated Land Subject to Flooding	3. cubic feet of flood storage lost	4. cubic feet replaced
	1. square feet	
	2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input type="checkbox"/> Riverfront Area (if checked, complete #1-6)	1. Name of Waterway (if available)	
	2. Width of Riverfront Area (check one):	
	<input type="checkbox"/> 25 ft. - Designated Densely Developed Areas only	
	<input type="checkbox"/> 100 ft. - New agricultural projects only	
<input type="checkbox"/> 200 ft. - All other projects		
3. Total area of Riverfront Area on the site of the proposed project:		square feet
4. Proposed alteration of the Riverfront Area:		
	a. total square feet	b. square feet within 100 feet
		c. square feet between 100 feet and 200 feet
5. Has an alternatives analysis been done and is it attached to this NOI?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6. Was the lot where the activity is proposed created prior to August 1, 1996?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. <input type="checkbox"/> Bylaw Resource Areas (Foxborough Wetlands Protection Bylaw, Ch. 267; No Activity Zones)		
a. <input type="checkbox"/> 100 Foot Vernal Pool Adjacent Upland Resource Area		
b. <input type="checkbox"/> 25 Foot No Activity Zone		
4. <input type="checkbox"/> Restoration/Enhancement - If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b above, please enter the additional amount here.		
a. square feet of BVW		
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. If checked, skip Section C and complete Appendix A: Ecological Restoration Notice of Intent – 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 - Phone: (508) 389-6360

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.1.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 (include description of impacts outside of wetland resource area & buffer zone)

(b) Photographs representative of the site

(c) MESA filing fee - Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address (fee information available at <https://www.mass.gov/regulatory-review>)

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 - see next page

* Some projects **not** in Estimated Habitat may be located in Priority Habitat (see <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/>) and require NHESP 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 (continued)

(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 10.59.)
2. *Separate MESA review ongoing.* _____
a. NHESP Tracking # _____ b. Date submitted to NHESP _____
3. *Separate MESA review completed.*
Include copy of NHESP “no Take” determination or valid Conservation and Management Permit with approved plan.

3. For coastal projects only: Not applicable in Foxborough

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.

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)?

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.

8. **This is a proposed Ecological Restoration Limited Project.** [If checked, skip Section D and complete Appendix A: Ecological Restoration NOI; Minimum Required Documents (310 CMR 10.12).]



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D. Additional Information

Applicants must include the following with this Notice of Intent (NOI). *See instructions for details.*

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site.
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.
3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

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

<u>10. Definitive Site Plan at 130 Morse Street, Foxborough, MA,</u>	
a. Plan Title	
<u>Summit Engineering & Survey Inc</u>	<u>Andrew Baru, #XXX</u>
b. Prepared By	c. Signed and Stamped by
<u>3/4/21</u>	<u>1" = 20'</u>
d. Final Revision Date	e. Scale
<u>Hydraulic / Hydrologic Calculations – 130 Morse Street</u>	<u>3/10/21</u>
f. Additional Plan or Document Title	g. Date
<u></u>	<u></u>
h. Additional Plan or Document Title	i. Date

5. If more than one property owner, attach a list of property owners not listed on this form.
6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7. Notice of Intent Application checklist
8. Abutter Notification Form
9. Affidavit of Service Form
10. Attach Stormwater Report with signed, stamped Stormwater Checklist (unless exempt).

E. Fees

1. a. Fee Exempt: No filing fee shall be assessed for projects of any town, county, or district of the Commonwealth, municipal housing authority, or the Massachusetts Bay Transportation Authority.
- b. Applicants must submit the following information to confirm fee payment (*in addition to pages 1 and 2 of the attached NOI Wetland Fee Transmittal Form*):

<u>246</u>	<u>4/6/21</u>
2. Check Number (town share of state fee [see A.5.c., page 1])	3. Check date (town share of state fee)
<u>245</u>	<u>4/6/21</u>
4. Check Number (Bylaw filing fee [see A.5.d, page 1])	5. Check date (Bylaw filing fee)
<u>247</u>	<u>4/6/21</u>
6. State Check Number (state share of state fee [see A.5.b.])	7. Check date (state share of state filing fee)
<u>Stephen</u>	<u>David</u>
8. First Name of Payor on checks	9. Last Name of Payor on checks



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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.

[Handwritten Signature]
1. Signature of Applicant

2. Date

Richard Hayes Trustee of Morse Street Realty Trust
3. Signature of Property Owner (if different)

4. Date

[Handwritten Signature]
5. Signature of Representative (if any)

4/10/21
6. Date

e/26/2021

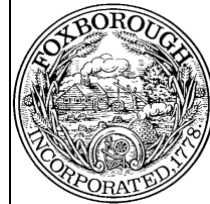
Tax Collector's Release

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.

1. Signature of Tax Collector or Agent

2. Date

Tax collector cc'd on submittal.



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:

130 Morse Street

a. Street Address

Foxborough

b. City/Town

247

c. Check number

\$800

d. Fee amount

2. Applicant Mailing Address:

Stephen

a. First Name

David

b. Last Name

Cedar Development Inc

c. Organization

601 High Street, Suite 101

d. Mailing Address

Dedham

e. City/Town

MA

f. State

02026

g. Zip Code

781-461-1060

h. Phone Number

i. Fax Number

Stephen@s davidlaw.com

j. Email Address

3. Property Owner (if different):

Richard

a. First Name

Hayes

b. Last Name

Hayes Excavation

c. Organization

Po Box 93

d. Mailing Address

Foxborough

e. City/Town

MA

f. State

02035

g. Zip Code

774-244-1304

h. Phone Number

i. Fax Number

hayesexcavating@yahoo.com

j. Email Address

B. Fees

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

Fee should be calculated using the following process and worksheet. **Please see Instructions before filling out worksheet.**

State Filing Fees

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

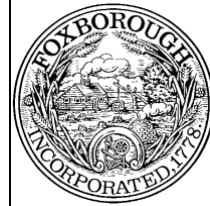
Step 2/ Number of Activities: Identify the number of each type of activity.

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 State Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6a-c/ Fee Payments (State): To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the town share of the fee, divide the total fee in half and add \$12.50.



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

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.

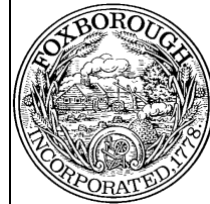
Step 3a/ Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

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
State Filing Fees: (Step 1)	(Step 2)	(Step 3)	(Step 4)
Category 3A	\$1,050	1.5	1,575
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total State Filing Fee: (Step 5)			\$1,575
Bylaw Filing Fees: (Step 1a)	(Step 2a)	(Step 3a)	(Step 4a)
Category 3A	\$1,500	1.5	\$2,250
_____	_____	_____	_____
_____	_____	_____	_____
Total Bylaw Filing Fee: (Step 5a)			\$2,250
Filing Fee Payments: (Step 6)			
Total State Filing Fee:			\$1,575 a. Total State Fee from Step 5
State's share of filing Fee:	(Paid to State)	\$775 b. 1/2 of (a), above, less \$12.50	
Town's share of filing Fee:	(Paid to Town of Foxborough)	\$800 c. 1/2 of (a) above, plus \$12.50	
Total Bylaw Filing Fee:	(Paid to Town of Foxborough)	\$2250 d. Total Bylaw Fee from Step 5a	



C. Submittal Requirements (also see NOI Submittal Instructions, page 7)

a. **To MassDEP Main Office:**

Complete pages 1 and 2 of this NOI Wetland Fee Transmittal Form and send with a check or money order for the **State share of the filing fee**, payable to the *Commonwealth of Massachusetts*.

Department of Environmental Protection
Box 4062
Boston, MA 02211

b. **To the Foxborough Conservation Commission:**

Send the Notice of Intent or Abbreviated Notice of Intent; one **copy** of this form and the town fee payments (Bylaw fee and town share of State fee), payable to the *Town of Foxborough*.

Foxborough Conservation Commission
40 South Street
Foxborough, MA 02035

c. **To MassDEP Regional Office:**

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.

MassDEP, Southeast Regional Office
20 Riverside Drive
Lakeville, MA 02347

Stephen T. David
601 High Street
Dedham, MA 02026

This is a Deluxe eCheck. The PAY TO THE ORDER OF line designates the Payee. For questions, call Deluxe Payment Exchange customer support at 877-333-6964. Ref: C184-EF4F

245

Date 04/06/2021
Void after 90 days

PAY TO THE ORDER OF Town Of Foxborough \$ **2,250.00**

Two thousand, two hundred fifty and 00/100 Dollars

Rbs Citizens, National Association

Stephen T. David

Memo 130 Morse Street

Verify check at <https://echecks.com/verify>

⑈000245⑈ ⑆211070175⑆ 1324223461⑈

Stephen T. David
601 High Street
Dedham, MA 02026

This is a Deluxe eCheck. The PAY TO THE ORDER OF line designates the Payee. For questions, call Deluxe Payment Exchange customer support at 877-333-6964. Ref: 6487-C413

247

Date 04/06/2021
Void after 90 days

PAY TO THE ORDER OF Commonwealth of Massachusetts \$ **775.00**

Seven hundred seventy-five and 00/100 Dollars

Rbs Citizens, National Association

Stephen T. David

Memo 130 Morse Street

Verify check at <https://echecks.com/verify>

⑈000247⑈ ⑆211070175⑆ 1324223461⑈

Stephen T. David
601 High Street
Dedham, MA 02026

This is a Deluxe eCheck. The PAY TO THE ORDER OF line designates the Payee. For questions, call Deluxe Payment Exchange customer support at 877-333-6964. Ref: 505D-30E0

246

Date 04/06/2021
Void after 90 days

PAY TO THE ORDER OF Town Of Foxborough \$ **800.00**

Eight hundred and 00/100 Dollars

Rbs Citizens, National Association

Stephen T. David

Memo 130 Morse Street

Verify check at <https://echecks.com/verify>

⑈000246⑈ ⑆211070175⑆ 1324223461⑈

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
- Description of wastewater management plan, if applicable
- Description of wetlands restoration plan, if proposed, including area to be restored with existing and proposed topography contours (at one-foot intervals), description of soils, stockpile areas, plantings (including Latin names of plants/seeds and source of materials [both plants and soils]), invasive species eradication and monitoring plan and a timetable of proposed work.

SITE VISIT REQUIREMENTS FOR REVIEW OF NOTICE OF INTENT

The following markings and flagging must be in place before the field inspection, where applicable. Failure to properly stake and mark the site may result in 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
- Test Pits: Location, date and soil summaries of all soil borings and test pits on site; location, date and readings of groundwater level measurements on site
- Stone walls or other barriers located between the area of work and the area(s) subject to protection
- Easements: Location and type of easements, both on site and within 50 feet of property line

Resource Areas and Buffer Zones

- Wetland Resource Areas: Boundaries of wetland resource areas on or within 100 feet of the proposed project area (200 feet for perennial streams and rivers), with flow directions, if applicable
- Wetland Flags: Numbered flags/stakes; note date of flagging and name/firm of delineator/botanist
- Bank: Delineate the banks of streams, rivers, ponds and/or lakes
- 25 Foot No Activity Zone (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
- Vernal Pools, (all) including highest observed or recorded water level
- Certified Vernal Pools: Boundary of 100 foot No Activity Zone (Chapter 267)
- High Water Level for all water bodies, from best available data (data source must be cited)
- Riverfront Area: Boundaries of 100 Foot Inner Riparian Area and 200 Foot Outer Riparian Area
- Mean Annual High Water Line (MAHWL) of any river
- 100 Foot Buffer Zone (100-foot radius from all wetland resources areas)

EXISTING CONDITIONS PLANS

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

PROPOSED CONDITIONS PLANS

- Proposed Topography: Contours at two-foot intervals or less; NAVD88 elevations or assumed datum
- Limit of Work: delineate all areas where vegetation or soil will be altered
- Erosion Controls: locations and type of temporary erosion controls, including installation details
- Stockpiles: locations of stockpiles
- Fill: Note the amount of fill required to be added or removed (in cubic yards and maximum thickness); pre- and post- development grades on all slopes

PROPOSED CONDITIONS PLANS (continued)

- Construction Equipment** access routes and storage/parking areas during proposed work
- Construction Details**, including cross-sections and elevations of drainage structures (including but not limited to catch basins, leaching basins, dry wells, swales, retention areas, ditches, etc.) and road crossings in wetland resource areas
- Above-Ground Alterations**: All on-site structures, roadways, access ways, stone walls, fences, and all other physical alterations proposed in the buffer zone; location and elevation of lowest floor of all structures; identify roadway or surface material proposed
- Below-ground Alterations**: All on-site below-ground alterations and structures in the buffer zone, including but not limited to utility lines, drainage structures, septic systems, cesspools, wells, tanks
- Drainage Patterns**: Existing natural drainage patterns and proposed alterations
- Distance** of proposed on-site leaching facility to wetlands or other resource areas
- Distance** of proposed alteration to wetlands or other resource areas
- Wells**: Location of all existing and proposed wells on property and within 200 feet of project on abutting properties, and minimum distance to all septic systems

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

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.

AFFIDAVIT OF SERVICE

I, Mark Arnold, hereby certify under the pains and penalties of perjury that, on 5/5/21 (date), I gave Notification to Abutters in compliance with the second paragraph of the Massachusetts General Laws, Chapter 131, Section 40 and the DEP Guide to Abutter Notification in connection with the following matter:

A Notice of Intent application was filed under the Massachusetts Wetlands Protection Act and the Foxborough Wetlands Protection Bylaw, Chapter 267 (formerly Article IX) with the Foxborough Conservation Commission by Stephen David on 5/5/21 (date) for the property located at 130 Mors, Street (address), Foxborough, Massachusetts (Assessor's map 888, parcel(s) 035).

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


Signature

5/5/21
Date

MAR 23 2021



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

(508) 543-1215

Fax: (508) 543-6278

CERTIFICATION OF ABUTTERS

PROPERTY OWNER: Richard Hayes
MAILING ADDRESS: 291 Main St - Suite 8, Northborough MA 01532
PROPERTY LOCATION: 130 Morse St
ASSESSORS MAP/PARCEL: 488 / 35
APPLICANT: Mark Arnold PHONE: 978-502-3062
mark@goddardconsultingllc.com
AUTHORITY REQUESTING LIST: Conservation Commission
DATE SUBMITTED: 3/19/2021
LIST REQUESTED: 500 FT 300 FT 100FT ABUTTER TO ABUTTER
=====

I, Kevin Fisher 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 100 ft. Map 888 Parcel 35

Date: 3/23/21

**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
130 MORSE STREET
FOXBOROUGH, MA
888/035
(100 feet)
03/22/2021

Location:
137/022
MORSE STREET
Owner:
TOWN OF FOXBOROUGH
40 SOUTH ST
FOXBORO, MA 02035-0000

PLEASE NOTE:
**MAP 888 PARCEL 035 IS
NOT LOCATED ON OUR
ASSESSORS MAP BUT IS
LOCATED IN OUR CAMA
SYSTEM**

Location:
137/023
MORSE STREET
Owner:
TOWN OF FOXBOROUGH
40 SOUTH STREET
FOXBOROUGH, MA 02035

Location:
137/021
MORSE STREET
Owner:
MBTA
10 PARK PLAZA
STE 3910
BOSTON, MA 02116

Location:
149/010
131 MORSE STREET
Owner:
CRO REALTY TRUST LLC
WOODFORMS BUILDING
131 MORSE ST
FOXBORO, MA 02035

Location:
149/011
MORSE STREET
Owner:
VISTA CHEMICAL CO
C/O RYAN LLC
100 CONGRESS AVE
SUITE 1900
AUSTIN, TX 78701

Location:
149/004
131 MORSE STREET
Owner:
THE MORSE ESTATE LLC
C/O TELTRON
ENGINEERING
131 MORSE ST
FOXBORO, MA 02035

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 Stephen David
- C. The address of the land where the activity is proposed is 130 Morse 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 Goddard Consulting by calling 508-393-3784 from [*times*] 8am – 4pm on [*days*] Monday through Friday.
- 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 Goddard Consulting by calling 508-393-3784 from [*times*] 8am – 4pm 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/

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.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 4B – Order of Resource Area Delineation
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
 Foxborough Wetlands Protection Bylaw, Chapter 267

Provided by MassDEP:
157-572
 MassDEP File Number
 Foxborough
 City/Town

A. General Information

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



Note:
 Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

From: Foxborough Conservation Commission

2. This Issuance is for (check one):

- a. Order of Resource Area Delineation
- b. Amended Order of Resource Area Delineation

3. Applicant:

Richard Hayes
 a. First Name b. Last Name
 Hayes Excavating
 c. Organization
 P.O. Box 93
 d. Mailing Address
 Foxborough MA 02035
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant) , or Representative :

Scott Goddard
 a. First Name b. Last Name
 Goddard Consulting LLC
 c. Organization
 291 Main Street Suite 8
 d. Mailing Address
 Northborough MA 01532
 e. City/Town f. State g. Zip Code

5. Project Location:

130 Morse Street Foxborough 02035
 a. Street Address b. City/Town c. Zip Code
 137 (older reference) 3721 (older reference)
 d. Assessors Map/Plat Number e. Parcel/Lot Number

Latitude and Longitude (in degrees, minutes, seconds):
 42°-04'-5667" -71°-21'-1967"
 f. Latitude g. Longitude

6. Dates: 2/26/2018 3/12/2018 1/13/2020* 1/29/2020
 a. Date ANRAD filed b. Date Hearing Opened c. Date Public Hearing Closed d. Date of Issuance

**Hearing opened 3/12/18 -- 4 continued hearings were attended by Applicant's reps, but 22 requested continued hearings were continued (17 of these requests were not received until day of hearing)*

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

Proposed Office/Warehouse at 130 Morse Street, Foxborough MA 12/7/2019
 a. Plan Title b. Final Revision Date
 Landmark Site Design, Taunton, MA Scott P. Miccile, #46680
 c. Prepared By d. Signed and Stamped by
 ANRAD filing with 2/23/18 cover letter from Scott Goddard, Goddard Consulting 1/15/2020
 e. Additional Plan or Document Title f. Final Revision Rec'd

8. Fees Paid: \$2,000 \$987.50 \$1,012.50 \$2,000
 a. Total WPA Fees Paid b. WPA Fee Paid to State c. WPA Fee Paid to Town d. Bylaw Fee Paid



B. Order of Delineation

Please Note: This ORAD does not determine the boundaries of riverfront area at or around the property. The Conservation Commission was not requested by the Applicant's ANRAD to delineate and approve the boundaries of said resource area. The resource area was also not contained on the plans submitted.

However, riverfront area exists on the property, and any proposed project thereon will be assessed as to its impact on said resource area.

1. The Conservation Commission has determined the following (check whichever is applicable):

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

1. Bordering Vegetated Wetlands

2. Other resource area(s), specifically:

Bank

a. Resource Area

Bordering Land Subject to Flooding

b. Resource Area

Chapter 267 - 25 foot No Activity Zone

c. Resource Area

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

1. Bordering Vegetated Wetlands

2. Other resource area(s), specifically:

a. _____

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

1. Bordering Vegetated Wetlands

2. Other resource area(s), specifically:

a. _____

3. The boundaries were determined to be inaccurate because:



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 4B – Order of Resource Area Delineation
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Foxborough Wetlands Protection Bylaw, Chapter 267

Provided by MassDEP:
157-572
MassDEP File Number
Foxborough
City/Town

C. Findings

This Order of Resource Area Delineation determines that the boundaries of those resource areas noted above, have been delineated and approved by the Commission and are binding as to all decisions rendered pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40) and its regulations (310 CMR 10.00) and Foxborough Wetlands Protection Bylaw (Chapter 267) and its regulations.

This Order does not, however, determine the boundaries of any resource area or Buffer Zone to any resource area not specifically noted above, regardless of whether such boundaries are contained on the plans attached to this Order or to the Abbreviated Notice of Resource Area Delineation.

This Order must be signed by a majority of the Conservation Commission. The Order must be sent by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the DEP Regional Office

MassDEP Southeast Region Main Office
20 Riverside Drive
Lakeville, MA 02347).

D. Appeals

State Appeal:

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Resource Area Delineation. When requested to issue a Superseding Order of Resource Area Delineation, the Department's review is limited to the objections to the resource area delineation(s) stated in the appeal request. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order of Resource Area Delineation will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order or Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, § 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal bylaw or ordinance, and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.

Bylaw Appeal:

An appeal may be taken from a decision under the Bylaw in accordance with the provision of Massachusetts General Laws, Chapter 249.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 4B – Order of Resource Area Delineation
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
 Foxborough Wetlands Protection Bylaw, Chapter 267

Provided by MassDEP:
157-572
 MassDEP File Number
 Foxborough
 City/Town


E. Signatures

1/29/2020
 Date of Issuance

Please indicate the number of members who will sign this form.

5
 1. Number of Signers


 Robert W. Boette, Chairman



 Jeffrey Ambs


 Judith L. Johnson, Vice Chairman

Richard Golemme


James Marsh, Clerk

 Peter Atanasoff

David D. Opatka

 1/27/2020
 Date

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

If this Order constitutes an Amended Order of Resource Area Delineation, this Order does not extend the issuance date of the original Final Order, which expires on 1/29/2023 unless extended in writing by the issuing authority.

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

2. By hand delivery on
 a. Date _____

3. By certified mail, return receipt requested on
1/29/2020
 a. Date _____



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
Request for Departmental Action Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:
 157-
 Provided by DEP

A. Request Information

1. Location of Project

a. Street Address	Foxborough, 02035
b. City/Town, Zip	
c. Check number	d. Fee amount

2. Person or party making request (if appropriate, name the citizen group's representative):

Name _____

Mailing Address _____

City/Town	State	Zip Code
Phone Number	Fax Number (if applicable)	

3. Applicant (as shown on Order of Resource Area Delineation (Form 4B)):

Name _____

Mailing Address _____

City/Town	State	Zip Code
Phone Number	Fax Number (if applicable)	

4. DEP File Number: **157-**

B. Instructions

1. When the Departmental action request is for (check one):

Superseding Order of Resource Area Delineation – Fee: \$120

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection
 Box 4062, Boston, MA 02211

- On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
- Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/>).
- A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

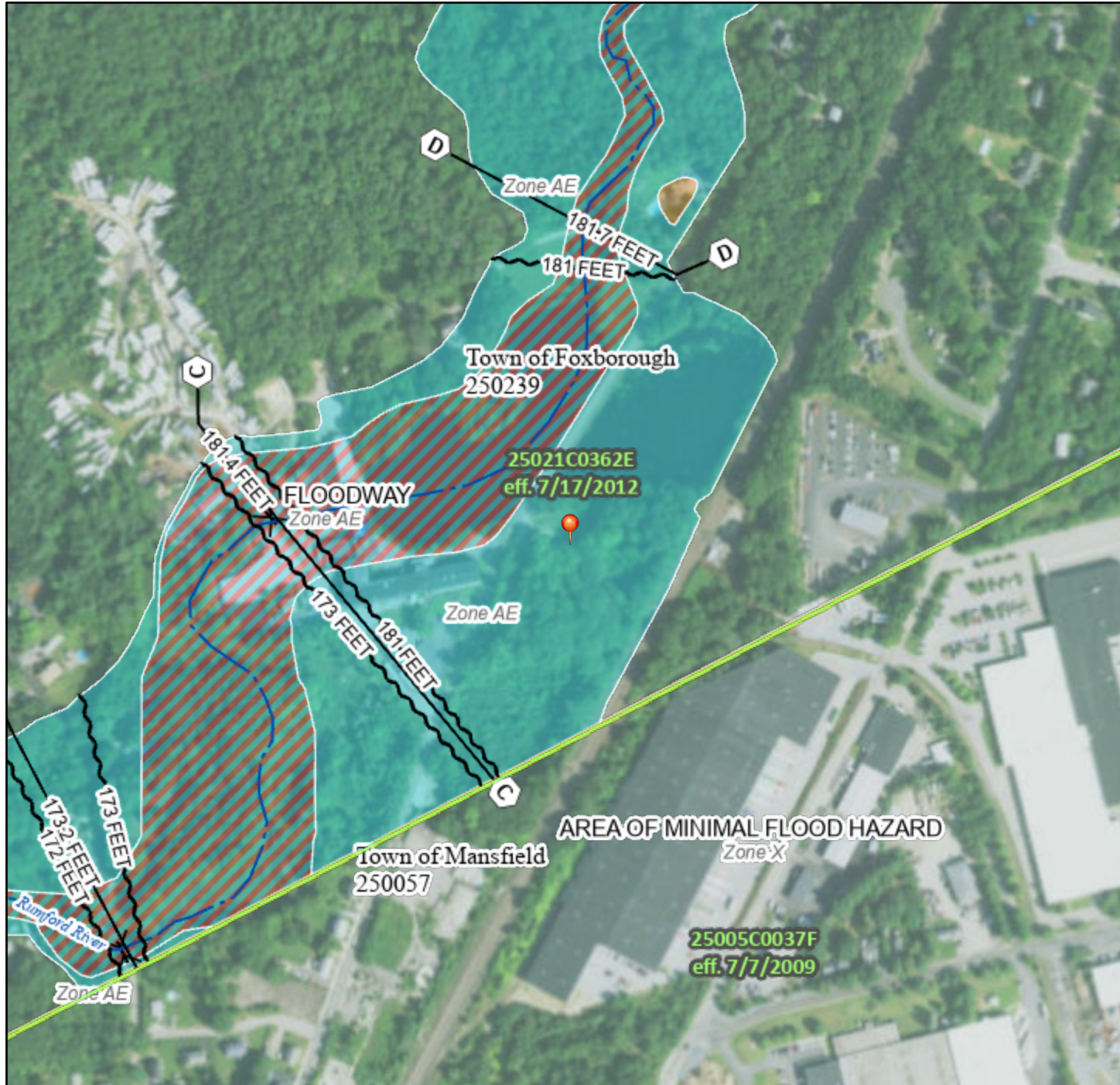
Important:
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



National Flood Hazard Layer FIRMMette



71°13'2"W 42°2'58"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, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD		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		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall

OTHER AREAS		Area of Undetermined Flood Hazard Zone D
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OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
OTHER FEATURES		Coastal Transect Baseline
		Profile Baseline
OTHER FEATURES		Hydrographic Feature

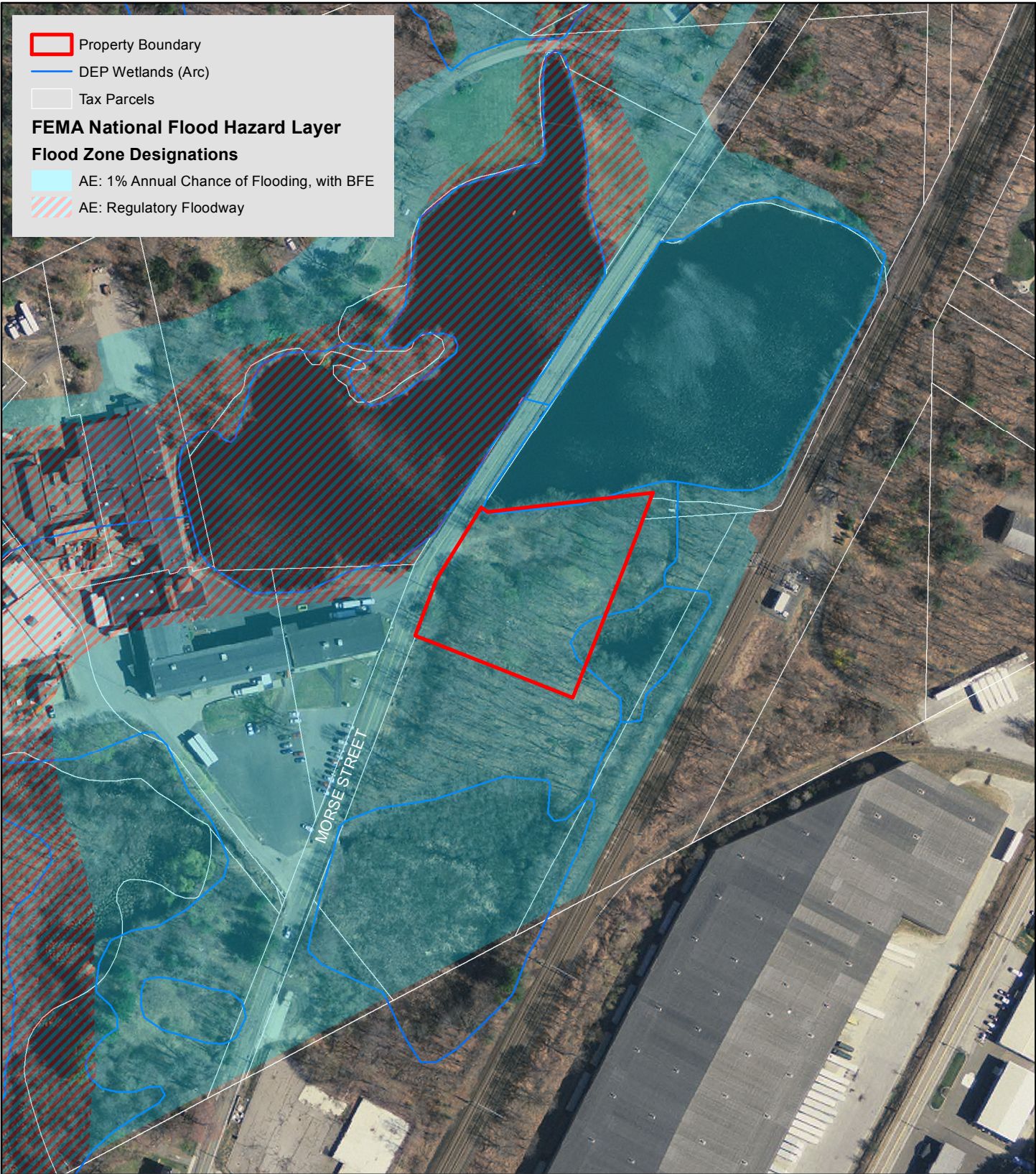
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped

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 5/3/2021 at 11:06 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.



Orthophoto View of Site

130 Morse Street - Forxborough, MA

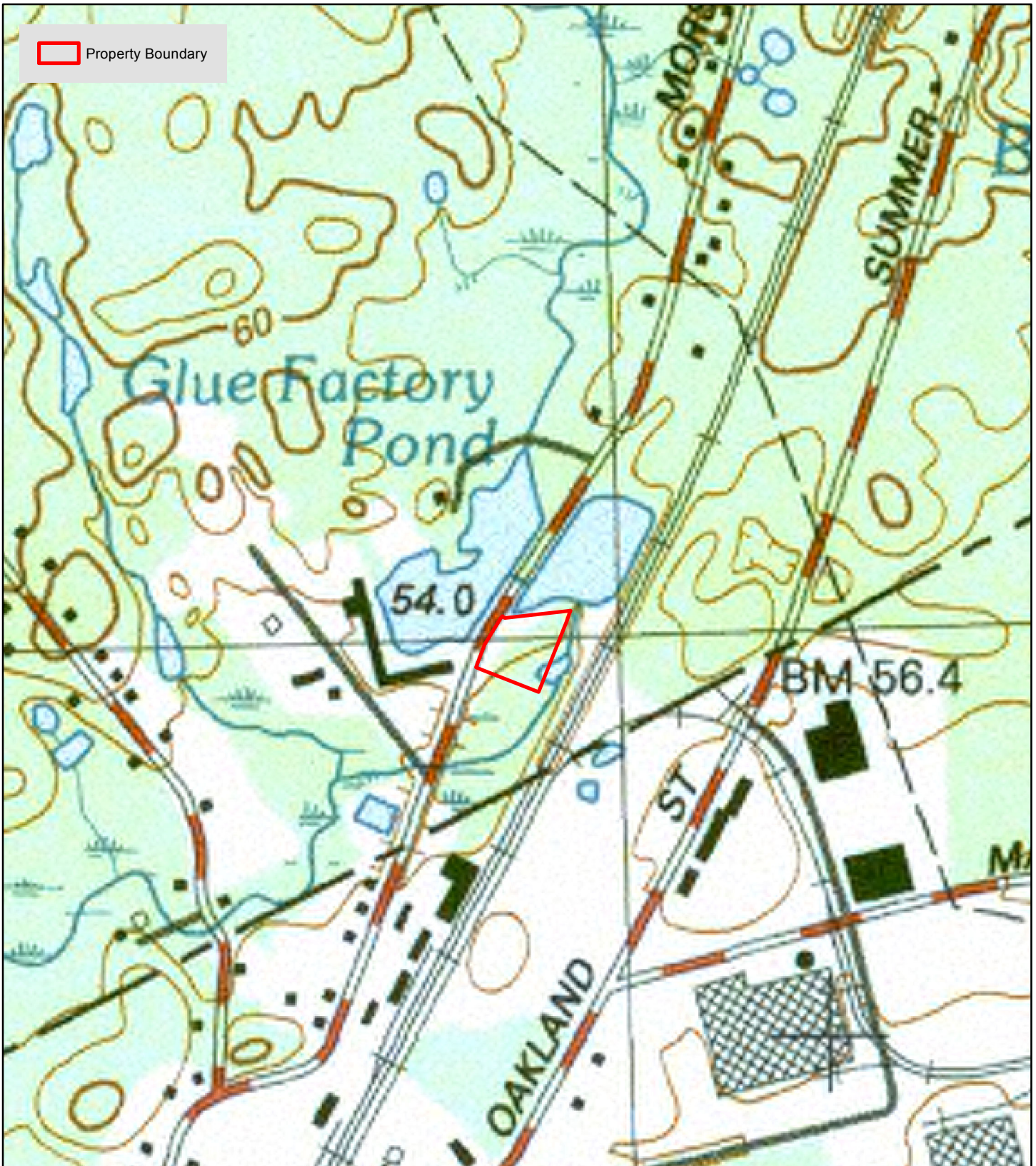
Date: 8/12/16

0 50 100 200 Feet
 1 inch = 200 feet

GIS Data Source: "Office of Geographic Information (MassGIS), Commonwealth of Massachusetts Information Technology Division"



 Property Boundary



USGS Site Locus

130 Morse Street - Forxborough, MA



Date: 8/12/16
0 125250 500
Feet
1 inch = 500 feet

GIS Data Source: "Office of Geographic Information (MassGIS), Commonwealth of Massachusetts Information Technology Division"

GODDARD CONSULTING
Strategic Wetland Permitting ^{LLC}