



September 22, 2021

Foxborough Conservation Commission
40 South Street
Foxborough, MA 01035

Re: Request for Determination of Applicability (RDA)
High Rock Road Maintenance, F. Gilbert Hills State Forest
Department of Conservation and Recreation

Dear Jane and Members of the Conservation Commission,

On behalf of the Massachusetts Department of Conservation and Recreation (DCR), I am pleased to submit this Request for Determination of Applicability for maintenance of High Rock Road within the 100-foot buffer to Bordering Vegetated Wetlands at F. Gilbert Hills State Forest in Foxborough, MA. This RDA is being submitted in accordance with the Massachusetts Wetlands Protection Act (M.G.L. Ch.131, S.40) (WPA) its implementing regulations (310 CMR 10.00), and the Town of Foxborough Wetlands Protection Bylaw (Chapter 267) and Regulations.

The proposed work includes general maintenance of a 100 foot section of High Rock Road; a 14 foot wide (on average) forest road, that crosses over a culverted hydrologic connection between two Bordering Vegetated Wetlands. High Rock Road was constructed in the 1930s by the Civilian Conservation Corps and provides access for emergency vehicles and public recreation through the State Forest. The specific section of road proposed for maintenance (Project Area) has become muddy as a result of the recent significant rainfall, lack of maintenance of the pre-existing water diversion structures previously located uphill of the Project Area, and nearby beaver activity/flooding (Wolf Hill Meadow). DCR proposed to maintain the Project Area by refreshing the existing roadway material with stone and re-establishing the water diversion structures uphill from the muddy area (the Project). Project area maps and existing conditions photographs have been attached to this letter. Additional project details are provided below.

Existing Conditions

High Rock road is a 14 foot (on average) gravel forest road that crosses through the forest in a northwest/southeast direction. The road passes through several elevation changes especially adjacent to the project area- a low lying spot bordered by wetlands. In the past, water used to sheet off the Road on the approach to the Project Area. However, due to erosion and lack of maintenance, the water diversion structures no longer exist. As a result, water flows into the low-lying Project Area where it puddles creating a slick mud pit. In the past, this low-lying area would dry quickly allowing for the passage of both emergency and maintenance vehicles as well as hikers and bikers. However, due to the recent increase in precipitation as well as the increase in adjacent BVW water levels, the Project Area has remained wet and soggy making it impassable by emergency and maintenance vehicles and most recreational uses. DCR has installed 2x8 wooden planking to allow for continued recreational uses, however, vehicles are not able to traverse the area, cutting off portions of the State Forest from emergency and operational access.



Wetland Resource Areas

The Project Area is located adjacent to and between two Bordering Vegetated Wetlands that are hydrologically connected via a culvert located under High Rock Road. As a result, the Project Area is located within the locally regulated set back to a resource area and the 100 foot buffer zone to BVW.

These BVWs can be described as a partially forested scrub shrub wetland with a red maple (*Acer rubrum*) canopy and a high bush blueberry (*Vaccinium corymbosum*), sweet pepperbush (*Clethra alnifolia*), maleberry (*Lyonia ligustrina*) and cinnamon fern (*Osmundastrum cinnamomeum*) understory. The BVW borders a hydrologic connection that flows southwest and connects to Wolf Hill Meadow via a series of culverts and channels. The hydrologic connection does not appear to have a discernable bank within the Project Area. The combination of the increase in precipitation and beaver activities at Wolf Meadow have significantly backed up the stream flow resulting in significant inundation within the BVW.

Vegetation growing in the uplands adjacent to the BVW as well as along the trail edge include poison ivy (*Toxicodendron radicans*), sweet pepperbush (*Clethra alnifolia*), rattlesnake root (*Prenanthes alba*), princess pine (*Lycopodium obscurum*), white pine (*Pinus strobus*), American beech (*Fagus grandifolia*) and sassafras (*Sassafras albidum*).

Project Maintenance Activities

The overall section of road where the Project Area is located is approximately 100 feet in length, and 14 feet wide. However, the project activities will only occur within the 10 foot center path of the road. Additional 4 to 6 inch crushed stone will be added to the existing 10 foot center path and compacted with machinery. A layer of geotextile fabric will be added on top of the crushed stone to minimize mud pumping and allow for the trapping of sediments that may be introduced by emergency and maintenance vehicles travelling on the road. A layer of 1 ½ inch crushed stone will be added on top of the geotextile fabric and compacted once again. Once the road surface is re-establishing, a 6 inches layer of ¾ dense stone will be added and graded with a slight crown at the centerline- to allow for sheet flow of rainwater. The two layers of crushed stone will lock together with the dense grade, and will form a hardened surface for vehicle and pedestrian travel.

Avoidance and Minimization- Best Management Practices

Prior to the initiation of project activities, the BVW edges will be flagged with pink tape. Sediment controls including all-natural fiber 10 inch coir logs (minimum) will be staked along the edge of the project area between the 100 foot improvement road corridor and the wetland edge. Coir logs will remain in place following Project completion. The coir logs will act as a protective “barrier” between the Project area and the wetland. However, stakes will be removed upon the completion of the Project.

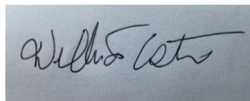
Project activities will be completed by DCR staff following a period of dry weather and lower inundation in the adjacent wetland. All Project equipment will remain on the existing road corridor while completing the work. Material will be staged outside of the 100 foot buffer zone and further east on High Rock Road.

Conclusion

Although portions of the Project will occur within the locally regulated set back, and the 100 foot Buffer Zone to BVW, the proposed Project has been designed to avoid impacts to the wetlands while meeting the overall Project goal of allowing for continued emergency and maintenance vehicle as well as recreational access across High Rock Road and the State Forest. The Project will utilize appropriate BMPs to protect the wetland from adverse impacts during and after the implementation of maintenance activities.

DCR respectfully requests the Foxborough Conservation Commission find this proposal adequately protective of the public interests identified by the WPA and the local bylaw and issue a Negative Determination for the proposed Project. A copy of this application has also been sent to the Southeast Regional Office of the Department of Environmental Protection. If you have any questions regarding the enclosed information, please contact me at (857) 360-4019 or via e-mail at William.T.Ashton@mass.gov. Thank you for your consideration in this matter.

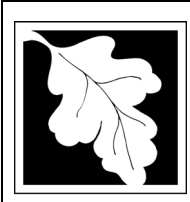
Truly yours,

A rectangular box containing a handwritten signature in black ink, which appears to read "William T. Ashton".

William "Tom" Ashton
State Forest Supervisor
F. Gilbert Hills State Forest

Cc. Ale Ehandi, DCR Ecologist, via email
MassDEP Southeast Region, 20 Riverside Drive, Lakeville, MA 02347

Encl. Environmental Resources and USGS Maps, Project Location
WPA Form 1



WPA Form 1- Request for Determination of Applicability

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



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 or Property Owner's Representative:

Department of Conservation and Recreation

William Ashton

Name / Firm

Representative Name (if applicable)

F. Gilbert Hills Stat Forest

Mailing Address

Foxborough

MA

02035

City/Town

State

Zip Code

508-543-9084

william.t.ashton@mass.gov

Phone Number

Email Address

2. Property Owner (if different from Applicant):

Priscilla Geigis, Department of Conservation and Recreation

priscilla.geigis@mass.gov

Name

E-Mail Address / Phone Number

251 Causeway Street Suite 600

Mailing Address

Boston

MA

02114

City/Town

State

Zip Code

3. Foxborough Wetlands Protection Bylaw filing fee enclosed:

Single Family House: \$75 Industrial / Other: \$200 Habitat Restoration / Scout Project: \$0

B. Determinations

1. I request that Foxborough Conservation Commission make the following determination(s).

- a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to the jurisdiction of the State Wetlands Protection Act.
- b. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- c. whether the **area and/or work** depicted on plan(s) referenced below is subject to the jurisdiction of the Foxborough Wetlands Protection Bylaw.

C. Project Description

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

45 Mill Street
Street Address

Foxborough
Town

102
Assessors Map/Plat Number

001
Parcel/Lot Number

- b. **Area Description** (i.e. back yard, lawn, wooded area, conservation area, industrial, etc.):

See Enclosed Narrative

- c. **Plan and/or Map Reference**

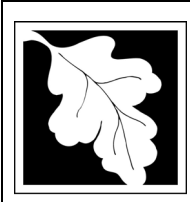
(Hint: hand-draw your proposed project onto an Assessor's map, Google map or MassGIS aerial photo.)

Environmental Resources Map
Title

September 2021
Date

USGS Topo Map
Title

September 2021
Date



C. Project Description *(continued)*

2. a. **Detailed Description of Proposed Work**, shown in the above plans:
See Enclosed Narrative

- b. Identify provisions *(if any)* of the MA 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.

n/a

3. a. **Riverfront Requirements** *(if applicable)*

If the proposed project is located within 200 feet of a river, indicate the one classification below that best describes the project:

For lots recorded on or before 8/1996:

- Single family house on a lot recorded on or before 8/1/96
 Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96

For lots recorded after 8/1/96:

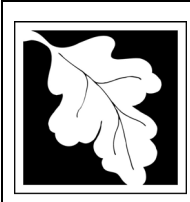
- Single family house on a lot recorded after 8/1/96
 Expansion of an existing structure on a lot recorded after 8/1/96

Other Projects:

- Municipal project
 District, county, state, or federal government project
 Public project where funds were appropriated prior to 8/7/96
 Residential subdivision; institutional, industrial, or commercial project
 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
 New agriculture or aquaculture project
 Project required to evaluate off-site alternatives in more than one municipality for an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. ACOE or 401 Water Quality Certification from the MassDEP.

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

Evidence:



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands

Foxborough

WPA Form 1- Request for Determination of Applicability

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



D. Signatures and Submittal Requirements

Name and Address of Property Owner:

Priscilla Geigs, Department of Conservation and Recreation

Name

251 Causeway Street, Suite 600

Boston

MA

02114

Mailing Address

City/Town

State

Zip Code

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 MassDEP Regional Office (*see below*) 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.

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

Signatures:

Signature of Applicant

Date

9/22/2021

Signature of Representative (if any)

Date

Tax Collector's Release and Signature: 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.

Signature of Foxborough Tax Collector or Agent

Date

Submittal Requirements:

For the Conservation Commission:

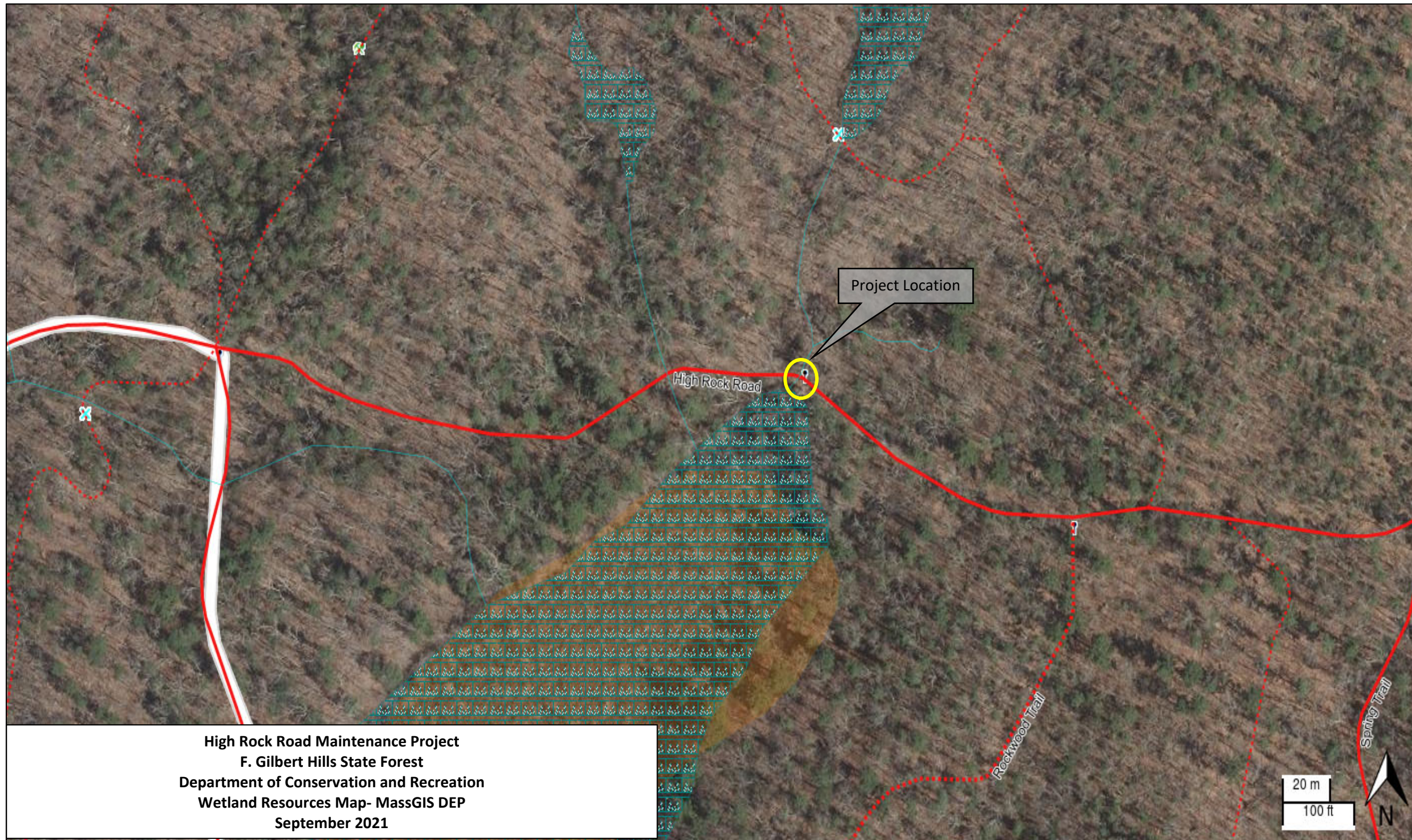
One (1) original and seven (7) copies of this completed Request (*including all plans, other documentation, and Town filing fee payment*), by mail or hand delivery to:

Foxborough Conservation Commission
 40 South Street
 Foxborough, MA 01035

For MassDEP:

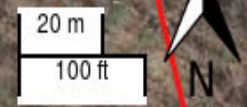
One (1) copy of the completed Request (*including all documentation; no State filing fee is required*) by certified mail or hand delivery to:

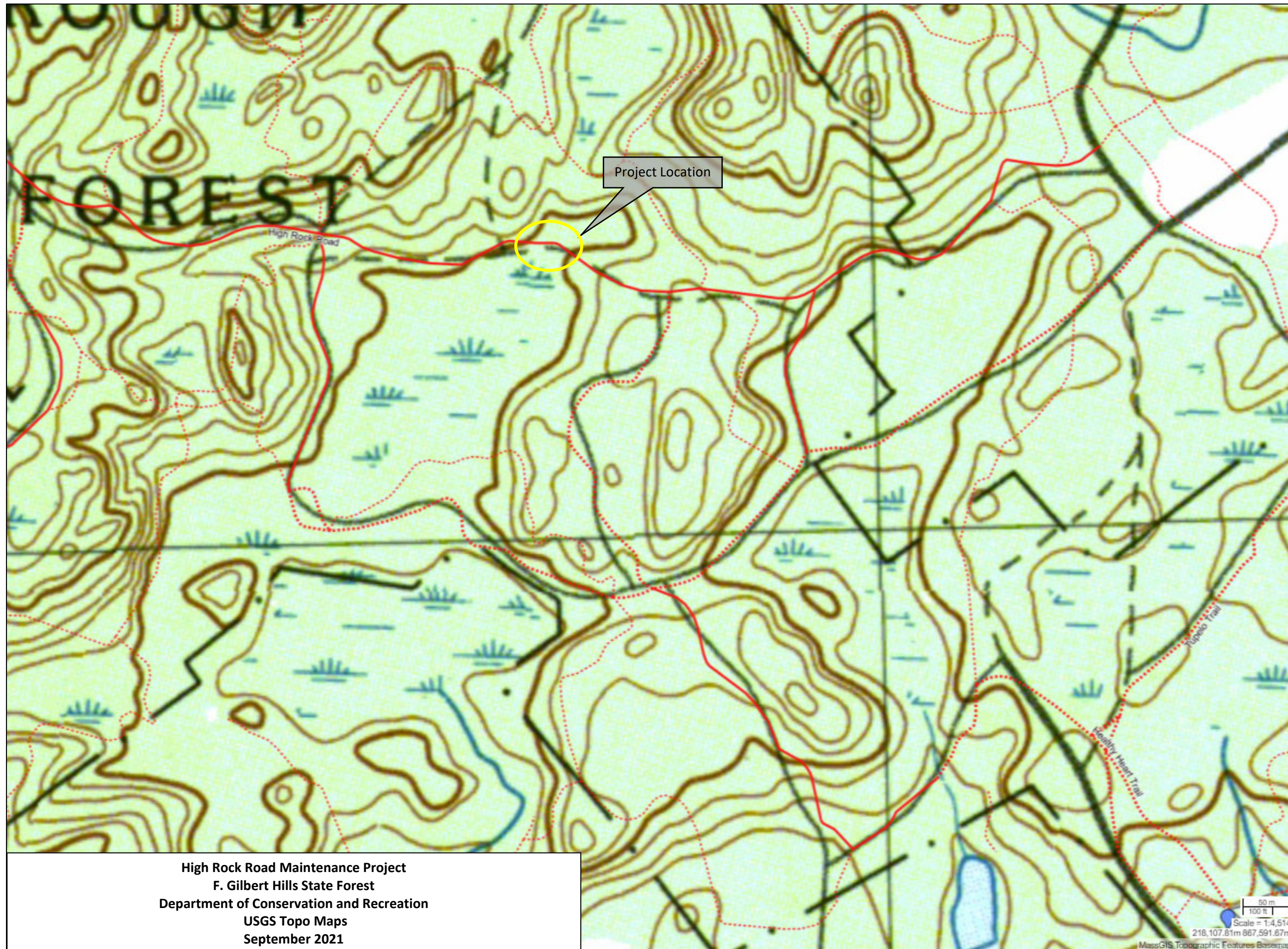
MassDEP, Southeast Regional Office
 20 Riverside Drive
 Lakeville, MA 02347



- Coastal Dune
 - Cranberry Bog
 - Deep Marsh
 - Barrier Beach-Open Water
 - Open Water
 - Rocky Intertidal Shore
 - Salt Marsh
 - Shallow Marsh Meadow or Fen
 - Shrub Swamp
 - Tidal Flat
 - Wooded Swamp Coniferous
 - Wooded Swamp Deciduous
 - Wooded Swamp Mixed Trees
- FEMA National Flood Hazard Layer**
- A: 1% Annual Chance of Flooding, no BFE
 - AE: 1% Annual Chance of Flooding, with BFE
 - AE: Regulatory Floodway
 - AH: 1% Annual Chance of 1-3ft Ponding, with BFE
 - AO: 1% Annual Chance of 1-3ft Sheet Flow Flooding, with Depth
 - VE: High Risk Coastal Area
 - D: Possible But Undetermined Hazard
 - X: 0.2% Annual Chance of Flooding
 - X: 1% Drainage Area < 1 Sq. Mi.
 - X: Reduced Flood Risk due to Levee
 - Area Not Included
 - Area with no DFIRM - Paper FIRMs in Effect
- DCR Roads and Trails**
- Natural Surface, Less than 5'
 - Natural Surface, 5' - 10'
 - Natural Surface, 10'+
 - Paved Surface, Less than 5'
 - Paved Surface, 5' - 10'
 - Paved Surface, 10' +
 - Gravel Surface, Less than 5'
 - Gravel Surface, 5' - 10'
 - Gravel Surface, 10' +
 - Other, Less than 5'
 - Other, 5' - 10'
 - Other, 10' +
- DCR Roads and Trails (Points)**
- Parking Area
 - Trailhead
 - Building
 - Shelter
 - Picnic Table/Area
 - Bench
 - Recreational Site
 - Noteworthy Natural Feature
 - Vista
 - Gate
 - Dead End
 - Road Sign
 - Trail Sign/Kiosk
 - Trail Structure/Erosion Control
 - Road Bridge
 - Road Ford
 - Trail Stream Crossing
 - Trail Crosses DCR Boundary
 - Trail Meets Utility Right-Of-Way
 - Trail Crosses Stone Wall

High Rock Road Maintenance Project
F. Gilbert Hills State Forest
Department of Conservation and Recreation
Wetland Resources Map- MassGIS DEP
September 2021





- DCR Roads and Trails**
- ⋯ Natural Surface, Less than 5'
 - ⋯ Natural Surface, 5' - 10'
 - ⋯ Natural Surface, 10'+
 - Paved Surface, Less than 5'
 - Paved Surface, 5' - 10'
 - Paved Surface, 10' +
 - Gravel Surface, Less than 5'
 - Gravel Surface, 5' - 10'
 - Gravel Surface, 10' +
 - Other, Less than 5'
 - Other, 5' - 10'
 - Other, 10' +

High Rock Road Maintenance Project
 F. Gilbert Hills State Forest
 Department of Conservation and Recreation
 USGS Topo Maps
 September 2021

50 m
 100 ft
 Scale = 1:4,514
 218,107.81m 867,591.67m
 MassGIS Topographic Features BaseMap



Photo #1: View of the Project Area on High Rock Road. BVWs are present to the left and right of the road. *Facing east.*



Photo #2: Closer view of the Project Area (inner 10-feet of the existing 14-foot wide fire road).



Photo #3: view of the Project area from the eastern approach. *Facing west.*