

Site Evaluation & Wetland Delineation

March 12, 2022

**5 Hope Avenue
Foxboro, Massachusetts**

**RECEIVED
MAR 17 2022
CONSERVATION
COMMISSION**

Prepared for

**Elizabeth Callahan
5 Hope Avenue
Foxboro, MA 02035**

Prepared by

Applied Ecological Sciences

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

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

March 12, 2022

Hand Delivery

Town of Foxboro
Conservation Commission
40 South Street
Foxboro, MA 02035

RE: Notice of Intent
5 Hope Avenue
Foxborough, Massachusetts

Dear Members of the Commission

On behalf of the Applicant, Ms. Elizabeth Callahan, I am pleased to submit this *Notice of Intent (NOI)* for a Title 5 septic repair at the above referenced property. Applied Ecological Sciences (AES) conducted a site evaluation in December 2021. Wetland resource areas protectable under the *Massachusetts Wetlands Protection Act* (M.G.L. c. 131, s. 40), the implementing *Regulations* (310 CMR 10.00), and the Town of Foxboro *Wetland Protection Bylaw* (Chapter 267) and *Regulations* were identified and characterized. The upland/wetland boundary to Bordering Vegetated Wetland (BVW) and the top of Inland Bank to the *Rumford River* was delineated in the field with orange flagging tape. A *Site Evaluation Report* details the results of the field evaluation can be found in Section III of the filing. A detailed project description can be found in Section II.

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

Sincerely,

Russell E. Waldron

Russell E. Waldron
Applied Ecological Sciences

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Notice of Intent Forms



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Foxboro

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



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

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

<u>5 Hope Avenue</u>	<u>Foxboro</u>	<u>02035</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:	<u>42-02-33</u>	<u>71-12-60</u>
	d. Latitude	e. Longitude
<u>148</u>	<u>16</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Elizabeth</u>	<u>Callahan</u>	
a. First Name	b. Last Name	
c. Organization		
<u>5 Hope Avenue</u>		
d. Street Address		
<u>Foxboro</u>	<u>MA</u>	<u>02035</u>
e. City/Town	f. State	g. Zip Code
<u>508-633-0234</u>	<u>lizzyen@yahoo.com</u>	
h. Phone Number	i. Fax Number	j. Email Address

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

<u></u>	<u></u>	
a. First Name	b. Last Name	
c. Organization		
<u></u>		
d. Street Address		
<u></u>	<u></u>	<u></u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>Russell E.</u>	<u>Waldron</u>	
a. First Name	b. Last Name	
c. Company		
<u>P.O. Box 184</u>		
d. Street Address		
<u>Norfolk</u>	<u>MA</u>	<u>02056</u>
e. City/Town	f. State	g. Zip Code
<u>508-740-0438</u>	<u>rwaldron@earthlink.net</u>	
h. Phone Number	i. Fax Number	j. Email address

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

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



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A. General Information (continued)

6. General Project Description:

Title 5 septic repair.

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

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

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR 10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Norfolk

a. County

30835

c. Book

b. Certificate # (if registered land)

0555

d. Page Number

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

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

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



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

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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet 2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input checked="" type="checkbox"/> Riverfront Area	Rumford River 1. Name of Waterway (if available) - specify coastal or inland	

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: 11,439 square feet

4. Proposed alteration of the Riverfront Area:

2,946 a. total square feet 2,866 b. square feet within 100 ft. 80 c. square feet between 100 ft. and 200 ft.

5. Has an alternatives analysis been done and is it attached to this NOI? Yes No

6. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



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

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

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

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	_____	
	1. square feet	

	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	_____	_____
	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	_____	_____
	1. square feet	2. cubic yards dune nourishment

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	_____	
	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	_____	
	1. square feet	
h. <input type="checkbox"/> Salt Marshes	_____	_____
	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	_____	
	1. square feet	

	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	_____	
	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	

	1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	
	1. square feet	

4. Restoration/Enhancement
 If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

5. Project Involves Stream Crossings

a. number of new stream crossings

b. number of replacement stream crossings



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C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

- a. Yes No **If yes, include proof of mailing or hand delivery of NOI to:**

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581

2017 MA GIS

b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); OR complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review

1. Percentage/acreage of property to be altered:

(a) within wetland Resource Area _____
percentage/acreage

(b) outside Resource Area _____
percentage/acreage

2. Assessor's Map or right-of-way plan of site

2. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work ..

(a) Project description (including description of impacts outside of wetland resource area & buffer zone)

(b) Photographs representative of the site

Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/endangered-species-act-mesa-regulatory-review>).

Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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

- (c) MESA filing fee (fee information available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).

Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

- (d) Vegetation cover type map of site

- (e) Project plans showing Priority & Estimated Habitat boundaries

- (f) OR Check One of the Following

1. Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. Separate MESA review ongoing. a. NHESP Tracking # _____ b. Date submitted to NHESP _____

3. Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

- a. Not applicable – project is in inland resource area only b. Yes No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and
the Cape & Islands:

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: dmf.envreview-south@mass.gov

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: dmf.envreview-north@mass.gov

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

- c. Is this an aquaculture project? d. Yes No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).



Massachusetts Department of Environmental Protection
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C. Other Applicable Standards and Requirements (cont'd)

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
a. Yes No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
a. Yes No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
2. A portion of the site constitutes redevelopment
3. Proprietary BMPs are included in the Stormwater Management System.
b. No. Check why the project is exempt:
1. Single-family house
2. Emergency road repair
3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

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

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



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D. Additional Information (cont'd)

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

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

Site Plan

a. Plan Title

Dunn McKenzie, Inc.

James Nieva P.L.S.

b. Prepared By

c. Signed and Stamped by

11/30/2021

1" = 20'

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

5. If there is more than one property owner, please attach a list of these property owners not listed on this form.
6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
8. Attach NOI Wetland Fee Transmittal Form
9. Attach Stormwater Report, if needed.

E. Fees

1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

2161

2. Municipal Check Number

2/4/2022

3. Check date

2160

4. State Check Number

2/4/2022

5. Check date

Elizabeth

6. Payor name on check: First Name

Callahan

7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 - Notice of Intent

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

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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 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

2.3.22

2. Date

3. Signature of Property Owner (if different)

[Handwritten Signature]

5. Signature of Representative (if any)

4. Date

2/28/2022

6. Date

For Conservation Commission:

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

For MassDEP:

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

Other:

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

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



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 1. (a. _____ _____ _____ _____ _____ _____ _____	1	\$110.00	\$110.00 X 1.5 RA

Step 5/Total Project Fee: \$165.00

Step 6/Fee Payments:

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

C. Submittal Requirements

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

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

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

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

AFFIDAVIT OF SERVICE

I, Russell E. Waldron, hereby certify under the pains and penalties of perjury that, on or before 3/24/2022 (*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 Elizabeth Callahan on or before 3/21/2022 (*date*) for the property located at 5 Hope Avenue (*address*), Foxborough, Massachusetts (Assessor's map 148, parcel(s) 16).

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

Russell E. Waldron
Signature

3/5/2022
Date

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 Elizabeth Callahan.
- C. The address of the land where the activity is proposed is 5 Hope Avenue, Foxborough.
- D. Copies of the Notice of Intent may be examined at the Conservation Commission's office, 40 South Street, Foxborough Town Hall, between 9 am and 4 pm, Monday through Thursday.
- E. Copies of the Notice of Intent may be obtained from either (*check one*) the applicant or the applicant's representative Applied Ecological Sciences by calling 508-740-0438 from [*times*] 8:00 am – 5:00 pm on [*days*] Monday through Friday or via email at rwaldron@earthlink.net.
- F. Information regarding the date, time and place of the public hearing may be obtained from either (*check one*) the applicant or the applicant's representative Applied Ecological Sciences by calling 508-740-0438 from [*times*] 8:00 am - 5:00 pm on [*day*] Monday through Friday or via email at rwaldron@earthlink.net.

Please Note: Notice of the public hearing, including date, time and place, will be published at least five business days in advance in The Foxboro Reporter and will be posted in the Town Hall and on the Town's website at least 48 hours in advance.

Conservation Commission meeting agendas may be viewed online at:
http://www.foxboroughma.gov/Pages/FoxboroughMA_ConsAgendas/

For additional information about this application or the Wetland Protection Code of Foxborough, please contact the Foxborough Conservation Commission at 508-543-1251 or visit: www.foxboroughma.gov/conservation

For more information about this application or the Wetlands Protection Act, please contact the Department of Environmental Protection (DEP) Southeast Regional Office (Lakeville) at 508-946-2836.



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

(508) 543-1215

Fax: (508) 543-6278

CERTIFICATION OF ABUTTERS

PROPERTY OWNER: Elizabeth Callahan

MAILING ADDRESS: 5 Hope Avenue

PROPERTY LOCATION: 5 Hope Avenue

ASSESSORS MAP/PARCEL: 148/16

APPLICANT: Russell Waldron - Representative PHONE: 508-740-0438

AUTHORITY REQUESTING LIST: Conservation

DATE SUBMITTED: 2/28/2022

LIST REQUESTED: 500 FT DIRECT ABUTTER
 300 FT ABUTTER TO ABUTTER
 100 FT

I, [Signature], 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 Map 148 Parcel 16 100 FT.

Date: 2/28/22

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
 5 HOPE AVE
 FOXBOROUGH, MA 02035
 148-016
 (100 Feet)
 2/28/2022

Map & Parcel	Property Address	Owner Name	Owner Address	Owner City	Owner State	Owner Zip
148-014-000	SPRING STREET	TOWN OF FOXBOROUGH	40 SOUTH STREET	FOXBOROUGH H	MA	02035-0000
148-015-000	SPRING STREET	TOWN OF FOXBOROUGH CONSERVATION	40 SOUTH STREET	FOXBOROUGH H	MA	02035-0000
148-017-000	3 HOPE AVENUE	PLUMER LORETTA PATRICIA & MICHAEL R JT	3 HOPE AVE	FOXBORO	MA	02035-0000
148-019-000	SPRING STREET	TOWN OF FOXBOROUGH CONSERVATION	40 SOUTH STREET	FOXBOROUGH H	MA	02035-0000
148-020-000	SPRING STREET	TOWN OF FOXBOROUGH	40 SOUTH STREET	FOXBOROUGH H	MA	02035-0000

Project Description

Proposed Project Description
5 Hope Avenue
Foxboro, Massachusetts

The Applicant requires a Title 5 septic repair to replace an existing failed septic system. The construction activities will take place within Riverfront Area and the 100-foot Buffer Zone to Bordering Vegetated Wetland (BVW). No work is proposed within the municipal 25-foot No Activity Zone.

Total 0' - 25' Buffer Zone disturbance:	0.0 s.f.
Total 25' - 100' Buffer Zone disturbance:	2,946 s.f.
Total Riverfront Area disturbance	2,946 s.f.
Closest distance to BVW boundary	29.3 ft.

Erosion & Sedimentation Control Plan

Erosion and sedimentation controls consisting of a FilterMitt™ or similar will be installed prior to the start of construction activities. The erosion and sedimentation controls will be properly maintained throughout the construction process and will remain in place until all disturbed soils have been stabilized and re-vegetated ensuring against long term indirect impacts to adjacent resource areas. All excavated material not scheduled for reuse will be removed from the site. Any excavated material scheduled for reuse will be stockpiled as far from the edge of the BVW as possible. If necessary, any stockpiled material will be covered and contained with additional erosion controls to ensure that no sediment reaches the wetland during rain events. The site will be kept clean and any trash or debris will be picked up before the end of each day.

Riverfront Area Alternatives Analysis

Given the size of the lot and the regulatory constraints associated with siting the new septic system, no alternatives exist that would represent a lesser impact to the affected resource areas or Buffer Zone. All proposed disturbance is temporary. The affected area will be returned to current use of manicured lawn.

Discussion

Under 310 CMR 10.01 Introduction and Purpose:

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

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

Table 1.

Interest	Response
1. Private and public water supply.	According to the Massachusetts Geographic Information Systems (MA GIS) <i>Water Supply Protection Areas Map</i> , the site is not located within a Zone II groundwater recharge area or an Interim Wellhead Protection Area.
2. Groundwater and groundwater supply.	See #1 above.
3. Surface water quality in the numerous ponds, rivers, lakes and streams of the Town.	Erosion and sedimentation controls consisting of a FilterMitt™ or similar will be installed prior to the start of construction activities. The erosion and sedimentation controls will be properly maintained throughout the construction process and will remain in place until all disturbed soils have been stabilized and re-vegetated ensuring against long term indirect impacts to adjacent resource areas. All excavated material not scheduled for reuse will be removed from the site. Any excavated material scheduled for reuse will be stockpiled as far from the edge of the BVW as possible. If necessary, any stockpiled material will be covered and contained with additional erosion controls to ensure that no sediment reaches the wetland during rain events. The site will be kept clean and any trash or debris will be picked up before the end of each day.

	See #1 above.
4. Flood control - erosion and sedimentation control.	Based on the Federal Emergency Management Agency Flood Insurance Rate Map for the town of Foxboro, Massachusetts (Map No. Map No. 25005C00F), the site is located within Zone X (non-shaded), <i>Areas determined to be outside the 0.2% annual chance floodplain and Zone AE; Special flood areas subject to inundation by the 1% annual chance flood. Base flood elevations determined.</i> The 100-year flood elevation established for the site is 171 to 172 feet. The project is sited outside the BLSF. See #3 above.
5. Storm damage prevention.	See #3 above. See #4 above.
6. Water pollution prevention.	See #3 above.
7. Fisheries	Not applicable.
8. Wildlife and wildlife habitat.	See #9 below.
9. Rare species and rare species habitat.	According to the <i>Massachusetts Natural Heritage and Endangered Species Program</i> habitat map, the site is not located within an Estimated Habitat of Rare Wildlife or a Priority Habitat of Rare Species.
10. Aesthetics	Not applicable.
11. Agriculture	Not applicable.
12. Aquaculture	Not applicable.
13. Vernal pools and vernal pool habitat.	See #9 above.

Construction Sequencing

1. Install erosion control.
2. Erosion control inspection.
3. Excavate for new septic system. Remove existing septic system components if necessary.
4. Excavation bottom inspection (BOH).

5. Install new septic system.
6. System inspection (BOH).
7. System as-built survey.
8. Cover septic system.
9. Final grading as-built survey.

Site Evaluation and Wetland Delineation Report

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Outstanding Resource Water (ORW)	3.
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**Site Evaluation and Wetland Delineation
5 Hope Avenue
Foxboro, Massachusetts**

Introduction

A site evaluation was conducted at the above referenced property on November 23, 2021. The upland/wetland boundary to Bordering Vegetated Wetland (BVW) and the top of Inland Bank to the *Rumford River* was delineated in the field. Resulting data describing the floristic, edaphic, and topographic characteristics of the property has been utilized in the preparation of this *Site Evaluation Report*. The following narrative provides a general site description, wetland delineation methodology and wetland resource description.

General Site Description

The subject property encompasses a residential lot located northerly of Hope Avenue in Foxboro, Massachusetts. Topography of the site is generally flat. A single-family home occupies the southern portion of the property. The northern portion of the site is open and comprised of manicured lawn. The southwestern corner is forested. Residential development abuts the site to the east. Forested land lies to the north and west.

Forested Upland Description

A moderately dense canopy of Northern Red Oak (*Quercus rubra*), Red Maple (*Acer rubrum*), Gray Birch (*Betula populifolia*), and Black Cherry (*Prunus serotina*) dominates vegetation within the forested uplands. The woody understory is comprised of saplings from the canopy, Fox Grape (*Vitis labrusca*), Poison Ivy (*Toxicodendron radicans*), Oriental Bittersweet (*Celastrus orbiculatus*), Southern Arrowwood (*Viburnum dentatum*), Multiflora Rose (*Rosa multiflora*), and Common Greenbrier (*Smilax rotundifolia*). Visible ground cover species included seedlings from the canopy and understory.

Soils

Soils underlying the site consist of well-drained, extremely stony Canton (CcC, 424C) fine sandy loam, 8% to 15% slope and very poorly drained Freetown muck (Fm, 52), 0% to 1% slopes (USDA SCS 1989, Map #38, www.nesoil.com).

Wetland Delineation Methodology

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

Wetland Resource Description

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

Bordering Vegetated Wetland (BVW)

Under Section 3 of the Town of Foxboro *Wetland Protection Regulations* Freshwater Wetland:

The term "freshwater wetland" shall include all wetlands, whether or not they border on a water body. For the purposes of these Regulations, all bordering vegetated wetlands, as well as all isolated wetlands encompassing at least five hundred (500) square feet in area, shall be protected.

Seasonally saturated to seasonally flooded Forested Swamp is located within or adjacent to the northern and western portions of the site. Topography within the BVW is generally flat with distinct pit and mound micro-topography, drainage patterns, leaf staining, and surface water evident throughout. A moderately dense canopy of Red Maple and Slippery Elm (*Ulmus rubra*) dominates vegetation within the wetland. The woody understory is comprised of saplings from the canopy, Highbush Blueberry (*Vaccinium corymbosum*), Winterberry (*Ilex verticillata*), Silky Dogwood (*Cornus amomum*), Southern Arrowwood (*Viburnum dentatum*), Poison Ivy, and Common Greenbrier. Ground cover species include seedlings from the canopy and understory, Cinnamon Fern (*Osmunda cinnamomea*), Sensitive Fern (*Onoclea sensibilis*), Skunk Cabbage (*Symplocarpus foetidus*), and Sphagnum Moss (*Sphagnum* spp.).

The upland/wetland boundary to BVW located within or adjacent to the site is delineated in the field with AES flagging stations #1 through #6.

Riverfront Area

Riverfront Area located on the site is associated with the *Rumford River*. The river flows westerly through a generally well-defined, variable width channel. The Inland Bank to the river is moderately well defined and approximately one-foot high. The entire site is contained within the Riverfront Area.

The top of Inland Bank to the Rumford River is delineated in the field with AES flagging stations B1 through B6.

Bordering Land Subject to Flooding (BLSF)

Based on the *Federal Emergency Management Agency Flood Insurance Rate Map* for the Town of Foxboro, Massachusetts (Map No. 25005C00F), the site is located within Zone X (non-shaded), *Areas determined to be outside the 0.2% annual chance floodplain* and Zone AE;

Special flood areas subject to inundation by the 1% annual chance flood. Base flood elevations determined. The 100-year flood elevation established for the site is 171 to 172 feet.

NHESP Estimated & Priority Habitat

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

Water Supply Protection Areas

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

Outstanding Resource Water (ORW)

According to the Massachusetts Geographic Information Systems *Outstanding Resource Waters Map*, the site is not located within a contributing watershed to an ORW.

Buffer Zone

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

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

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

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

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

Conservation Bylaws.

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

No Activity Zones. *For the purposes of these Regulations, no activity, other than the maintenance of an already existing structure, which will result in the building within or upon, removing, filling, or altering land, shall be permitted by the Commission in these areas.*

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

Vernal Pool No Activity Zone. *The area within one hundred (100) feet (adjacent upland resource area) of the mean annual boundaries or highest observed flood level, whichever is higher, of a vernal pool shall be referred to as "Vernal Pool No Activity Zone."*

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

The majority of the site is contained within the regulatory Buffer Zones

References

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

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

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

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

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

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

Applicant: _____ DEP File #: _____
 Prepared by: Applied Ecological Sciences (AES) Project location: 5 Hope Avenue Foxboro, MA

- Check all that apply:
- Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
 - Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II
 - Method other than dominance test used (attach additional information) **DP-1 @ AES #5**

Section I. Vegetation Observation Plot Number: DP-1 UPL Transect Number: 1 Date of Delineation: 11/23/2021

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

Trees
Absent

TOTAL COVER = 0.0

Woody Vines:
Absent

TOTAL COVER = 0.0

Saplings
Absent

TOTAL COVER = 0.0

Shrubs
Absent

TOTAL COVER = 0.0

Ground Cover
Kentucky Bluegrass (*Poa pratensis*)
(Turf grass - lawn area)

TOTAL COVER = 85.0

100%

yes

FACU

TOTAL COVER = 85.0

Vegetation conclusion:

Number of dominant wetland indicator plants: **0** Number of dominant non-wetland indicator plants: **1**

Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? **No**

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

Applicant: _____ Prepared by: Applied Ecological Sciences (AES) Project location: 5 Hope Avenue Foxboro, MA DEP File #: _____

Check all that apply:

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

DP-2 @ AES #5

Section I. Vegetation	Observation Plot Number:	DP-2 WEI	Transect Number:	Date of Delineation:
A. Sample Layer and Plant Species (by common/scientific name)			1	11/23/2021
<u>Trees</u> Red Maple (<i>Acer rubrum</i>)	B. Percent Cover (or dominance ratio)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category
	38.0	100%	yes	FAC*
Woody Vines:	TOTAL COVER =			
Poison Ivy (<i>Toxicodendron radicans</i>)	38.0			
Common Greenbrier (<i>Smitax rotundifolia</i>)	10.5	14%	no	FACW*
	63.0	86%	yes	FAC*
Saplings	TOTAL COVER =			
Absent	73.5			
Shrubs	TOTAL COVER =			
Silky Dogwood (<i>Cornus amomum</i>)	0.0			
Multiflora Rose (<i>Rosa multiflora</i>)	63.0	75%	yes	FACW*
	20.5	25%	yes	FACU
Ground Cover	TOTAL COVER =			
Sensitive Fern (<i>Onoclea sensibilis</i>)	83.5			
	63.0	100%	yes	FACW*
	63.0			
	TOTAL COVER =			

Vegetation conclusion:

Number of dominant wetland indicator plants: 4 Number of dominant non-wetland indicator plants: 1

Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? Yes

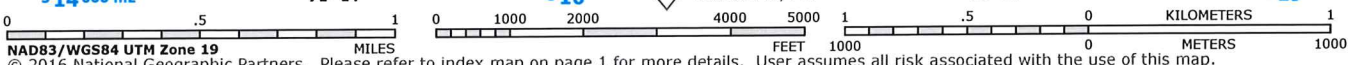
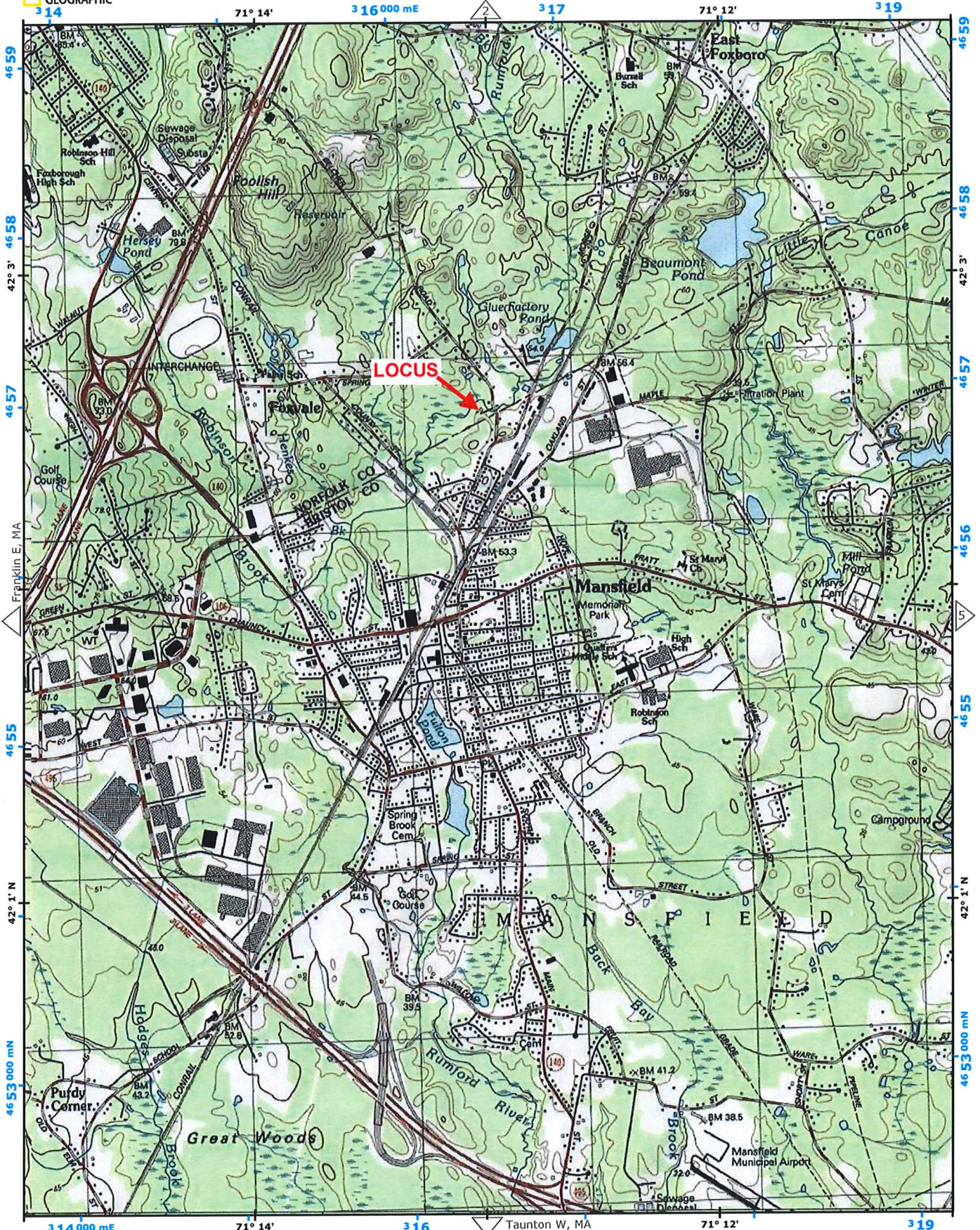
Appendix B

U.S.G.S Topo Map

FEMA Map

NHESP Map

Assessor Map



National Flood Hazard Layer FIRMette



71°13'21"W 42°2'48"N

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

Legend

<p>Without Base Flood Elevation (BFE) Zone A, V, A99</p> <p>With BFE of Depth Zone AE, AO, AH, VE, AR</p> <p>Regulatory Floodway</p>	
<p>0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile (Zone X)</p> <p>Future Conditions 1% Annual Chance Flood Hazard (Zone X)</p> <p>Area with Reduced Flood Risk due to Levee. See Notes, Zone X</p> <p>Area with Flood Risk due to Levee (Zone D)</p>	
<p>Area of Minimal Flood Hazard (Zone X)</p> <p>Effective LOMRS</p> <p>Area of Undetermined Flood Hazard (Zone X)</p>	
<p>Channel, Culvert, or Storm Sewer</p> <p>Levee, Dike, or Floodwall</p>	
<p>Cross Sections with 1% Annual Chance Water Surface Elevation</p> <p>Coastal Transsect</p> <p>Base Flood Elevation Line (BFE)</p> <p>Limit of Study</p> <p>Jurisdiction Boundary</p> <p>Coastal Transsect Baseline</p> <p>Profile Baseline</p> <p>Hydrographic Feature</p>	
<p>Digital Data Available</p> <p>No Digital Data Available</p> <p>Unmapped</p>	

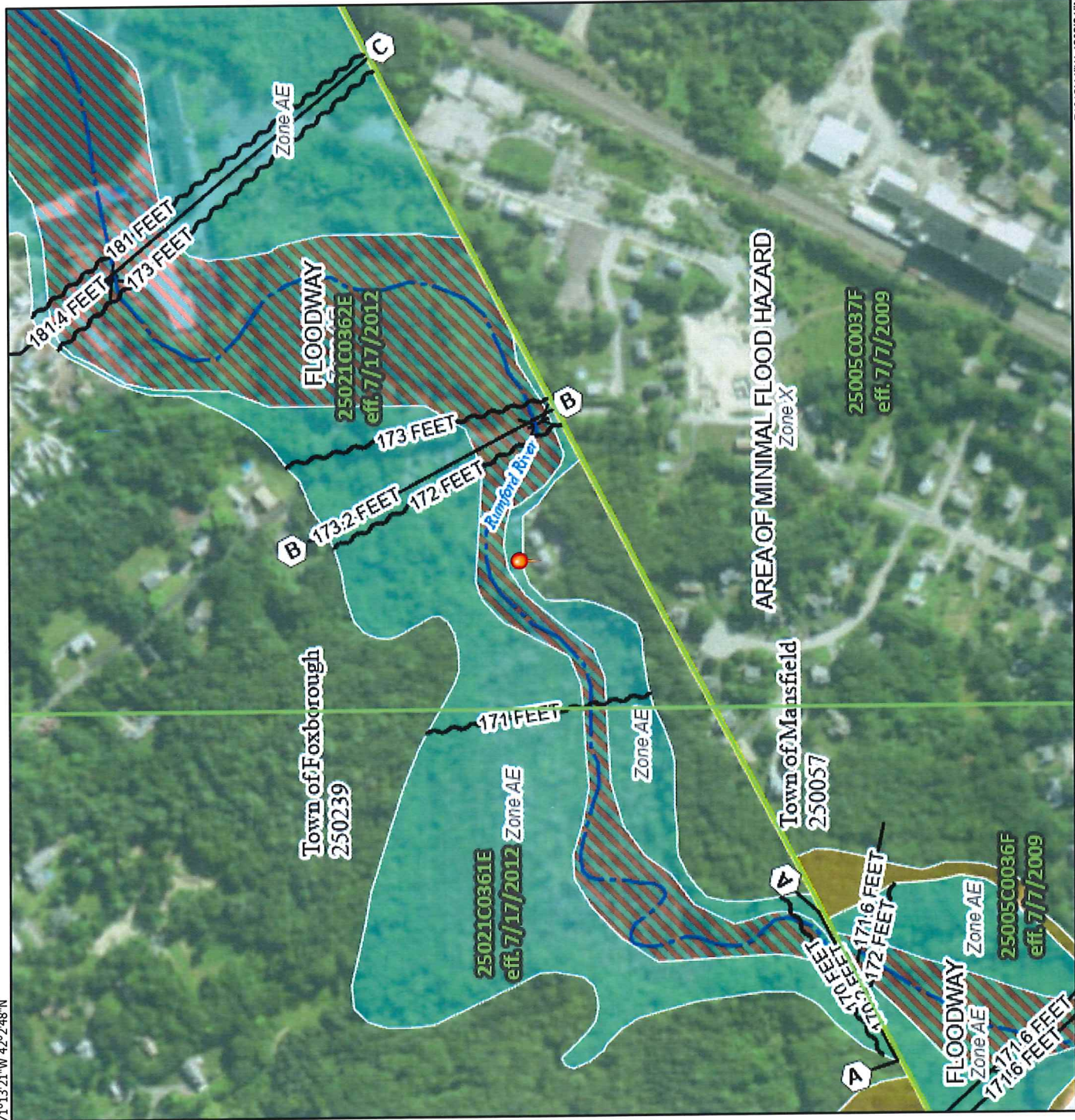


The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

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 11/26/2024 at 12:53 PM 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.



71°12'44"W 42°2'21"N

1:6,000

2,000

1,500

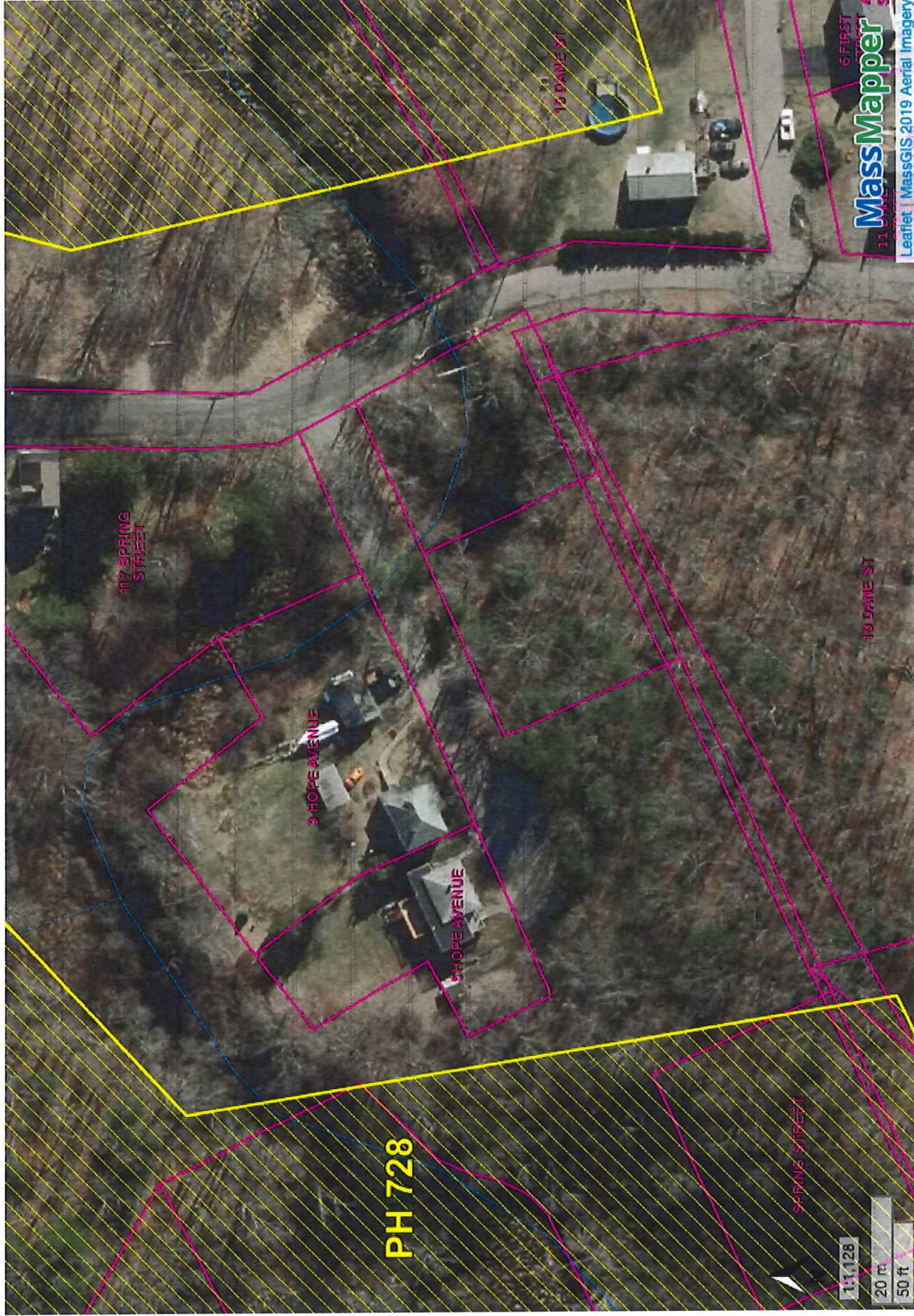
1,000

500

0

Feet

5 Hope Ave, Foxboro NHESP Map



USGS Rivers and Streams 25k

- Stream
- INTERMITTENT STREAM
- SHORELINE
- INTERMITTENT SHORELINE
- MANMADE SHORELINE
- DITCH/CANAL
- AQUEDUCT
- DAM
- CHANNEL IN WATER

NHESP Priority Habitats of Rare Specie:

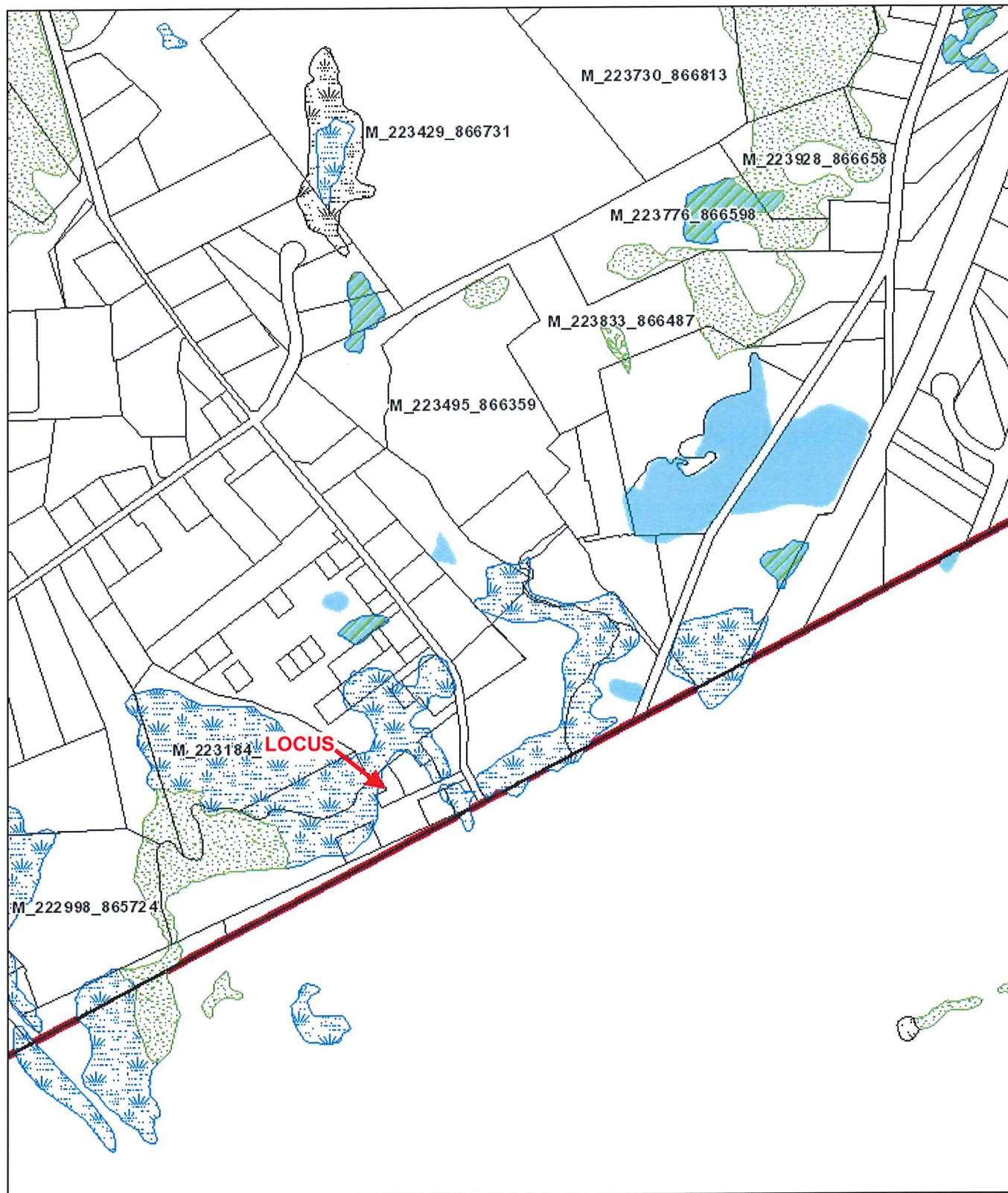


NHESP Estimated Habitats of Rare Wildlife



Property Tax Parcels

Assessor Map. 5 Hope Ave.



January 31, 2022

0 412.5 1:9,028 825 1,650 ft

