



## TOWN OF BOXBOROUGH NOTICE OF PUBLIC MEETING

BOARD/COMMITTEE: Conservation Commission

MEETING DATE: June 3, 2020

TIME: 7:30 PM

PLACE: Remote Meeting pursuant to Current Executive Order of March 12, 2020.

See instructions below.

All participants must identify themselves when speaking. All votes to be by rollcall.

### 7:30 TOPICS EXPECTED TO BE DISCUSSED (AGENDA):

Review Minutes and Correspondence New Business

For review and approval:

Minutes: March 4, 2020

Certificates of Compliance: 113-550 1028 Hill Rd (Follett / Reip)

113-225 Liberty Sq Rd nursing home never built

113-157 Reissue 137 Tamarack Ln

Committee Reports: Chairman's Reports (Reip)

Boxborough Conservation Trust (Koonce)

Best Meeting Practices (Reip / Nadwairski)

Community Preservation Committee (Reip)

Land Stewardship Committee (Hanover)

Boxborough Building Committee (Follett / Stuart)

Water Resources Committee (Schmitt)

7:45 100 Codman Hill Rd 113-552

Review Certificate of Compliance "As Built" possible violation (Reip)

8:00 1172 Hill Rd 113-559 Continued Public Hearing Abbreviated Notice of Resource Area  
Delineation (Reip)

8:05 3 Old Harvard Road Notice of Intent Hearing DEP 113-560 (Koonce)

Discussion as time allows: Chapter 61 Land Use  
Commission Study Topics

Ongoing: Panek Trail Signs  
199 Middle Road Complaint  
1028 Hill Rd CoC 113-550 (Follett)  
1102 Massachusetts Ave. EO  
Draft "Boxborough Bee Article" (Follett)

Calendar:

June 17, 2020 8:00 NOI Hearing 364 Mass Ave. 113-561

Correspondence:

Email Oxbow Assoc. update 585 Old Harvard Road

Email SVT EBK / Schramm Monitoring Report

Email Anne Capra Conservation Restriction Monitoring Reports for

Cisco, Colonial Ridge, Ft. Pond Brook, Inches Woods, Wolf Swamp

Rafael Chavez Eagle Scout Thank You Note

Email Three Oaks Environmental Minute Man Air Field update

Email M. Seifert update MBTA Fitchburg Commuter Rail line update

Join Zoom Meeting

<https://us02web.zoom.us/j/84726397751>

Meeting ID: 847 2639 7751

One tap mobile

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Meeting ID: 847 2639 7751

Find your local number: <https://us02web.zoom.us/u/kdVCDkIg44>



## TOWN OF BOXBOROUGH NOTICE OF PUBLIC MEETING Meeting Minutes

Conservation Commission  
March 4, 2020  
7:30 PM  
Grange Hall, Boxborough Town Hall 29 Middle Road

Approved: June 3, 2020

Members Present: Dennis Reip (Chair), Norm Hanover, David Koonce, Steve Schmitt, and Hoff Stuart

Members Absent: David Follett

Dennis called the meeting to order at 7:32 PM.

Motion was made by Norm, seconded by Hoff and voted unanimously to approve the minutes of February 19, 2020.

Dennis reviewed the following correspondence:  
Sudbury Valley Trustees Legislative Breakfast Invitation  
Sudbury Valley Trustees Spring Events Calendar  
Keolis Commuter Services notification regarding mechanical and chemical control of plants  
Mass Audubon Report "Losing Ground"  
Harvard Deer Management Subcommittee training invitation

By email, George Dimakarakos of Stamski and McNary requested time for review of as previous Order of Conditions at 100 Codman Hill Road. The Commission will reply that an NOI or DoA with an engineering plan should be submitted.

By email, Molly Obendorf of Stamski and McNary provided a revised plan for the Certificate of Compliance 113-550 at 1028 Hill Road. It shows the added split rail fence, installed to show the limit of work. The plastic silt fence should be removed. Dennis will inspect.

Regarding the new Notice of Intent submission at 3 Old Harvard Road, the Commission requires a plan with a Professional Engineer's original stamp and dated signature, rather than the copy which it was submitted with the NOI.

Norm attended the annual MACC conference and reported on the use of drones to inspect conservation land.

8:00 Public Hearing Continuation

Abbreviated Notice of Resource Area Delineation (ANRAD) DEP file # 113-559

The property is located at 1172 Hill Road Assessor's Map 04-092-000

The property is owned by the Estate of Marguerite Hugel.

The ANRAD was filed by David Cowell, Hancock Associates, on behalf of their client, Rick Ogilvie, FTB Homes.

By email David requested a further continuation to March 18, 2020.

Motion was made by Norm, seconded by Steve and voted unanimously to continue the hearing on March 18, 2020 at 8:00 PM.

At 8:35 PM, motion was made by Norm, seconded by Hoff and voted unanimously to adjourn.

Documents used during this meeting:

Agenda

Draft Minutes February 19, 2020

Hancock Associates email dated March 4, 2020

Sudbury Valley Trustees Legislative Breakfast Invitation

Sudbury Valley Trustees Spring Events Calendar

Keolis Commuter Services notification

Mass Audubon Report "Losing Ground"

Harvard Deer Management Subcommittee training invitation

Stamski and McNary email 100 Codman Hill Road

Stamski and McNary email 1028 Hill Road

Hancock email 1172 Hill Road

Respectfully submitted, Norm Hanover.

*File Copy*

## Mary Nadwairski

---

**From:** jonathan@oxbowassociates.com  
**Sent:** Monday, March 9, 2020 11:37 AM  
**To:** Mary Nadwairski  
**Cc:** smyers@oxbowassociates.com  
**Subject:** RE: 585 Old Harvard Road, work update

Hello Mary,

I wanted to update you regarding the status of the driveway improvement at 585 Old Harvard Rd (DEP # 113-546). The culvert was successfully replaced last fall and an infiltration trench was dug per the plan (and the modification relayed to you via email on September 9, 2019). A bituminous berm was added per the email I relayed to you on October 11, 2019. The first layer of asphalt has been laid.

Lazarro Paving will be back out to the site to correct four issues hopefully within the next month. Oxbow has worked with the project team to stabilize the site to minimize any likelihood of additional wetland impacts, but the contractor has not been responsive on all the issues. However, at this point in time, we have enough information and tentative agreements to explain the background AND a realistic solution.

- 1) An incorrect size of riprap (too small) was used to support the narrowest area of the drive. Bruce Saluk, the project engineer was consulted and did a site visit – we have advised Lazarro to remove and replace with the appropriate riprap.
- 2) The toe of the slope of the rip-rap and fill is slightly beyond the footprint called for in the plan. This excess will be carefully removed to the greatest extent possible while still maintaining proper erosion control. Some fill material abuts the erosion control (particularly on the north side of the drive). This will be carefully removed by hand and the inundated wattle replaced ahead of other work. Silt fence will be repaired as needed under Oxbow supervision.
- 3) Additional subsoil fill will be added on either side of the driveway to allow the area to better receive proposed native plantings.
- 4) Lastly, a landscaper will be contracted to apply a layer of clean loam to all pertinent areas and seeding and planting this spring to make sure the site is stabilized as soon as possible. Wetland plantings will be installed in the restoration area which has already been graded and seeded.

Oxbow will continue to monitor the site and make sure the erosion control is still intact ahead of this final work.

Mr. Schwartz has continued to prioritize conducting the work as outlined by the permit and we are confident that the actions outlined above will produce a satisfactory and compliant outcome to the project.

Please let us know if you have any questions or concerns.

Best,



**Jonathan Shuster** | Environmental Scientist II

Oxbow Associates, Inc.  
P.O. Box 971 | Acton, MA 01720  
978.929.9058 ext. 101

[oxbowassociates.com](http://oxbowassociates.com)



**From:** Mary Nadwairski <MNadwairski@boxborough-ma.gov>

**Sent:** Tuesday, October 15, 2019 10:18 AM

**To:** jonathan@oxbowassociates.com

**Mary Nadwairski**

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**From:** Dennis Reip <dennisreip@gmail.com>  
**Sent:** Monday, April 6, 2020 8:29 PM  
**To:** Mary Nadwairski  
**Cc:** David Koonce; Rita Grossman (Gmail)  
**Subject:** Fwd: Elizabeth Brook Knoll CR Visit  
**Attachments:** 2020 Monitoring Report\_EBK.pdf

Hi Mary,

For our files and as a correspondence item for our next meeting, whenever that may be.

Thanks,  
Dennis

----- Forwarded message -----

**From:** Kristin O'Brien <kobrien@svtweb.org>  
**Date:** Mon, Apr 6, 2020 at 3:51 PM  
**Subject:** Re: Elizabeth Brook Knoll CR Visit  
**To:** Dennis Reip <dennisreip@gmail.com>

Hi Dennis,

Attached is the monitoring report for the Elizabeth Brook Knoll CR. All was fine.

On Mon, Mar 30, 2020 at 9:20 AM Kristin O'Brien <kobrien@svtweb.org> wrote:

Hi Dennis,

I am reaching out to let you know that will be visiting the EBK property on April 2 at 9 am. Due to concerns of the coronavirus, SVT has decided that while CR visits will continue, they will be done by staff only. For upcoming visits, co-holders or landowners may join by phone during or after the walk. SVT requires that all CRs must be visited within 13 months of the previous visit, to keep to this requirement visits will proceed as planned and if the other parties involved wanted to join we can schedule a second visit later in the year.

Stay healthy,

--  
Kristin O'Brien  
Land Steward



*Sudbury Valley Trustees*  
*18 Wolbach Road*



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## M-202003-4885

### Premonitoring

Monitoring Rec ID	<b>M-202003-4885</b>	Monitoring Date	<b>4/2/2020</b>
Easement/Fee Title	<b>Elizabeth Brook Knoll (Schramm)</b>	Total Monitoring Time	<b>1.25</b>
Landowner/ Rep Contact	<b>Yes</b>		
Landowners Contacted	<b>Rita Grossman-Gibes</b>	Primary Monitor	<b>Kristin O'Brien</b>
Date Landowner Contacted	<b>3/30/2020</b>	Monitor Role	<b>Staff</b>
Contact Method	<b>Email</b>	Landowner Accompany Inspection	
Co-Holder Contacted?	<b>Yes</b>	Additional Monitors	
Co-Holder That Was Contacted	<b>Dennis Reip</b>		
		Landowner Requested Report	
Monitoring Status	<b>Completed Approved</b>	Landowner Concerns	
Monitoring Status Notes	<b>Todd Stout, neighbor, was notified of the visit and was present to keep the dogs quiet.</b>	Ownership Status Change	
		Ownership Status Notes	

### Monitoring

Current Land Use Activities	<b>Open Space, Passive Recreation</b>	Travel Time to Property	<b>0.50</b>
Current Land Use Notes		Time Spent on Property	<b>0.50</b>
Changes in Land	<b>Trail construction completed and access points signed.</b>	Prep and Follow-up Time	<b>0.25</b>
Adverse Impacts on Adjacent Properties	<b>none noted</b>		
Building Construction Alterations	<b>none noted</b>	Were Photos Taken?	<b>No</b>
Other Observations		Photo Comments	
Specific Areas Not Seen		Local Photo Location	

### Post Monitoring

Potential Violation

Potential Violation Description

Follow-up Details

Follow-up Needed

Reviewed By Kristin O'Brien

Monitoring Import ID

Last Modified By Kristin O'Brien, 4/6/2020 12:44 PM

### Monitoring History

4/6/2020 12:44 PM

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User Kristin O'Brien  
Action Record locked.

3/30/2020 6:20 AM

---

User Kristin O'Brien  
Action Created.

### Approval History

4/6/2020 12:44 PM

---

Status Approved  
Assigned To Kristin O'Brien  
Actual Approver Kristin O'Brien  
Comments Automatic Lock Applied

4/6/2020 12:44 PM

---

Status Submitted  
Assigned To Kristin O'Brien  
Actual Approver Kristin O'Brien  
Comments Automatic Lock Applied

**Mary Nadwairski**

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**From:** Nora N. Daigle <nora@dornerlaw.com>  
**Sent:** Tuesday, April 14, 2020 4:55 PM  
**To:** Mary Nadwairski  
**Cc:** Linh Nguyen  
**Subject:** Certificate of Compliance Request - Reed Farm II - Sedler  
**Attachments:** Title - Order of Conditions - 21760-544.pdf; Title - Req for CoC 113-225.nn.pdf



Hello:

Please accept this as a request for Certificate of Compliance for Wetland Order of Conditions recorded at Book 21760, Page 544.

Please let me know if you need anything further to complete this request.

Thank you,  
Nora

**Nora N. Daigle**

Title Clearing Specialist - Tuesday, Wednesday, Thursday

Dorner Law & Title Services, PC

Phone: 978-266-9666 | Fax: 978-266-1198

[nora@dornerlaw.com](mailto:nora@dornerlaw.com) | [www.dornerlaw.com](http://www.dornerlaw.com)

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**Send me secure attachments with ShareFile**

**\*\* WIRE FRAUD IS REAL! \*\***

**DO NOT SEND MONEY until you CALL our office number (978-266-9666) to verify wire instructions with my team. Our wire instructions will always show Leader Bank as the bank name and Dorner Law & Title Services, PC as the account name. We will NEVER communicate financial information via text message or CELL PHONE. Some email providers, such as Gmail, are also routinely hacked. Please exercise extra caution if you or anyone else in the transaction uses a Gmail account. Look for small errors and inconsistencies, which indicate fraud. This email may contain confidential or privileged information. Any unintended use of this information is strictly prohibited. If you received this email in error, please notify us and destroy this email immediately. Thank you.**



**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

DEP File Number:

**WPA Form 8A – Request for Certificate of Compliance**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

113-225  
Provided by DEP

**A. Project Information**

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



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

Dorner Law & Title Services, PC

Name

2254 Main Street

Mailing Address

Concord

MA

01742

City/Town

State

Zip Code

978 266-9666

Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

Reed Farm Realty Trust

Applicant

02/11/1992

113-225

Dated

DEP File Number

3. The project site is located at:

Liberty Square Road

Street Address

Boxborough

City/Town

Assessors Map/Plat Number

Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for:

Property Owner (if different)

County

21760

Book

544

Page

Certificate (if registered land)

5. This request is for certification that (check one):

the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



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### A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

Yes      If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

No

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### B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).

*Correspondence*

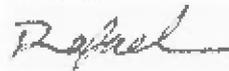
*April 2020*

Dear Conservation Commission Members,

Thank you for supporting me to build the Gaga Ball Pit at Flerra Meadows last year. Your contribution made the completion of my Eagle Scout project possible.

I hope that you and your family are healthy and safe at home. Thank you again.

Sincerely,



Rafael Chavez

*Eagle Scout Candidate  
Troop 1 Boxborough*

**Mary Nadwairski**

---

**From:** Marissa Seifert <mseifert@HNTB.com>  
**Sent:** Tuesday, May 5, 2020 10:38 AM  
**To:** Mary Nadwairski  
**Cc:** HPalmgren@MBTA.com; Michael Turgeon; Eric Fleming; Jeffrey Kellner; Paul.BURLEY@hitachirail.com; kanton@mbta.com; MBTA\_ATC\_DOC\_CTRL@gov-docs.e-builder.net  
**Subject:** WPA Exempt MBTA Fitchburg Commuter Rail Work Notification  
**Attachments:** Boxborough Con Com Letter\_Package\_050420.pdf

Dear Ms. Nadwairski,

I hope this email finds you in good health. I am writing to inform you of Wetland Protection Act (WPA) exempt work on the MBTA Fitchburg Commuter Rail line. Please see the attached work notification letter, which contains a project description, construction means and methods, and location of the railroad right-of-way. A hard copy submission will be sent following the end of the state of emergency.

If you have any questions or concerns, please feel free to contact MBTA's environmental consultant, Michael Turgeon from HNTB, at (978) 905-4094 or [mturgeon@hntb.com](mailto:mturgeon@hntb.com).

Best,

Marissa Seifert  
Wetland Scientist  
Planning Department  
Tel (617) 532-2220 Cell (413) 813-8453

**HNTB CORPORATION**

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Charles D. Baker, Governor  
Karyn E. Polito, Lieutenant Governor  
Stephanie Pollack, MassDOT Secretary & CEO  
Luis Manuel Ramirez, General Manager & CEO



May 4, 2020

Mr. Dennis Reip, Chair  
Boxborough Conservation Commission  
29 Middle Road  
Boxborough, MA 01719

Re: MBTA Automatic Train Control (ATC) Project – WPA-Exempt Work Notification

Dear Mr. Reip:

In accordance with Federal Railroad Administration (FRA) requirements, the Massachusetts Bay Transportation Authority (MBTA) is implementing an Automatic Train Control (ATC) system on its commuter rail network as part of the Positive Train Control (PTC) system project. The PTC project initially included the installation of ATC systems on the South Side Commuter Rail Lines only, and in June 2019, the MBTA authorized an expansion of the project to encompass the addition of ATC on the North Side Commuter Rail Lines. Some underlying ATC signal technology already exists on the North Side Commuter Rail Lines as Automatic Block Signaling (ABS) and will be upgraded. Otherwise, new ATC signal technology will be installed as part of the implementation of the PTC system.

The ATC Project will involve the design, installation, testing, and commissioning of new ATC systems within the right-of-way (ROW) on all North Side Commuter Rail Lines (approximately 170 route miles of active railroad) to improve safety and communications. The project comprises the following components:

1. Replacement of designated relay-based and non-redundant microprocessor-based signal locations to new redundant microprocessor-based signal locations, including the construction of new Signal Instrument Houses. Signal Instrument Houses will be similar in size, scale, and materials to existing signal houses along the ROW. Each structure will sit on shallow-excavated supports at each corner of the housing. See **Attachment 2** for typical cut section house layout.
2. Additions and/or modifications to the commercial power network to support all ATC locations. Existing poles and communications conduit will be used wherever feasible and new power lines and poles will be installed, as required. In areas where poles have been previously removed or where no conduit exists, restored Class 5 poles will be installed at a spacing of approximately 150 to 200 feet. The poles will be approximately 30 to 40 feet tall and will be placed in direct-augured holes that are 5 to 6 feet deep depending on the height of the pole. Where possible, cables will be buried along the track in trenches a minimum of 30 inches deep and filled with native soil. See **Attachment 2** for typical installation drawings of both aerial and ground cables.

HNTB wetland scientists will be on site during construction, and best practical measures will be used to avoid or minimize impacts to wetland resource areas. New Signal Instrument Houses, fiber-optic cables, and poles will typically be located 10 to 20 feet from the rail centerline in ballasted areas or other previously disturbed upland areas of the ROW. Equipment will be installed using direct-augering techniques or with minor excavation only, and the work will not result in any soil stockpiles within the buffer zone. In areas

Massachusetts Bay Transportation Authority  
Ten Park Plaza, Suite 3910, Boston, MA 02116  
www.mbta.com

where work will occur in close proximity to wetland resource areas, appropriate sedimentation and erosion control measures will be taken. **Attachment 1** shows the railroad right-of-way where the proposed new communications equipment will be installed.

The Project will include work to install infrastructure elements of the ATC system in the Town of Boxborough. The Massachusetts Department of Environmental Protection (DEP) issued a letter on July 13, 2017 (**Attachment 3**) in which it determined that the MBTA PTC Project, which involved the installation of communications-based/processor-based train control technology, was not subject to the provisions of the Massachusetts Wetlands Protection Act (WPA) under the exemption provided in the WPA regulations at 310 CMR 10.02(2)(a)2. This exemption allows for the replacement of communication services used in the service of the public, provided the work uses best practical measures to avoid or minimize impacts to wetland resource areas. Similarly, the Massachusetts Executive Office of Energy and Environmental Affairs provided an Advisory Opinion on May 30, 2017 that also characterized the PTC Project as a replacement project with regards to the Massachusetts Environmental Policy Act (MEPA).

The MBTA sent a letter to the Boxborough Conservation Commission on July 21, 2017 describing the PTC project and its exemption from WPA requirements (see **Attachment 3**). The purpose of the present letter is to follow-up on the previous PTC project letter and provide specific details regarding the ATC project and its exemption from the WPA, per DEP.

The MBTA takes the position that the PTC project exemptions extend to the ATC Project, as both the PTC and ATC projects involve signal replacement and upgrades (see attached correspondence from Andrew Brennan dated March 6, 2019 in **Attachment 3**). Thus, it is assumed that the ATC Project qualifies as a replacement project and is exempt from further regulation under the WPA and MEPA. Please note that in accordance with Massachusetts General Law (M.G.L.) Chapter 161A Section 3(i), the MBTA is not subject to local regulations and bylaws. This letter is therefore provided to the Conservation Commission as notification regarding the installation activities only, and no formal response is required.

If you have any questions or concerns, please feel free to contact MBTA's environmental consultant, Michael Turgeon from HNTB, at (978) 905-4094 or [mturgeon@hntb.com](mailto:mturgeon@hntb.com). You may also reach me at 617-222-1580 or by email at [hpalmgren@mbta.com](mailto:hpalmgren@mbta.com).

Regards,



Holly Palmgren  
Manager of Environmental Construction, MBTA

cc: Karen Antion, MBTA  
Paul Burley, Hitachi  
Eric Fleming, HNTB  
Michael Turgeon, HNTB

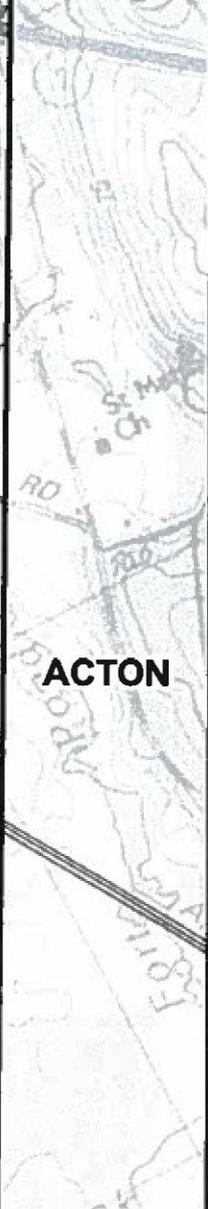
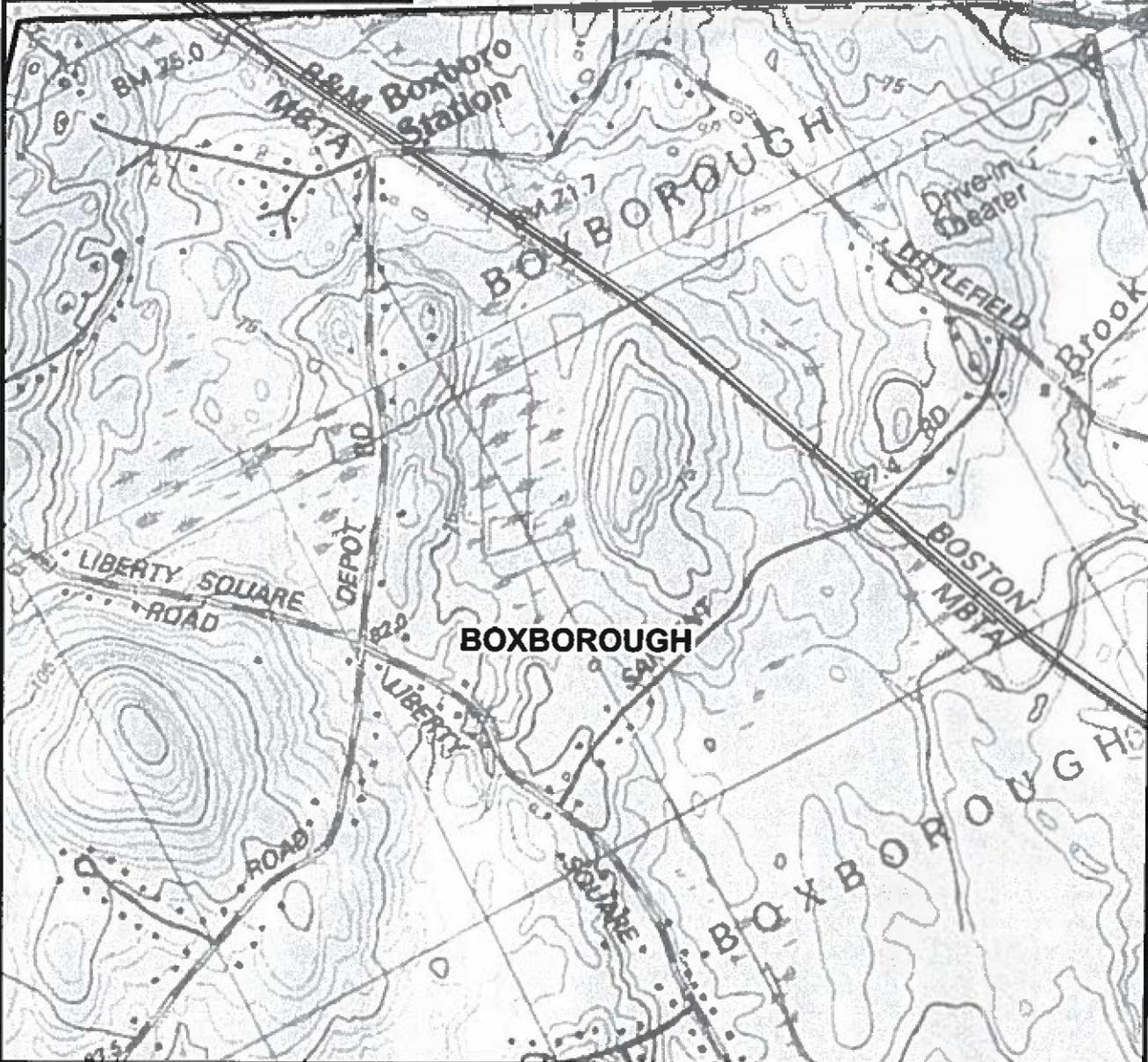
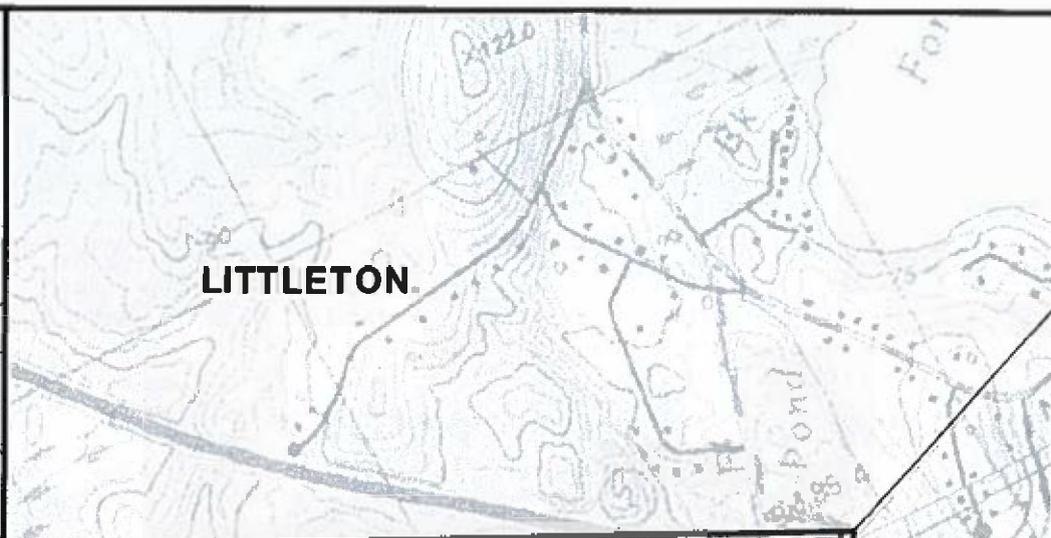
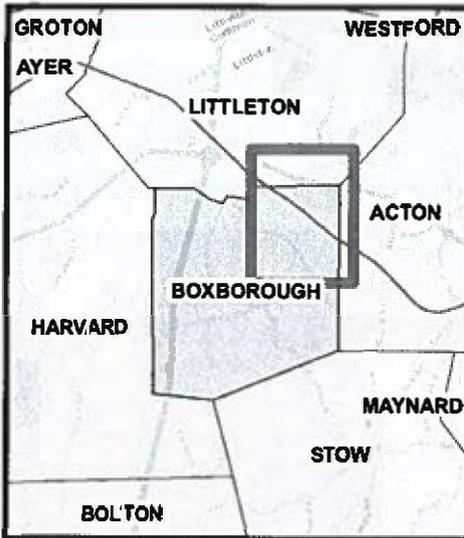
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ATTACHMENT 1

FIGURES

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**ATC Work Locations**  
 MBTA Automatic Train Control (ATC) Project

Figure 1

**HNTB** CONSULTANTS BY SPECIALTY AUTHORITY

Boston, MA April 2020

**Legend**

- Fitchburg Commuter Rail
- Town Boundary
- ▭ MBTA Right-of-Way

Note:  
 - Basemap obtained from ESRI.

0 760 1,520 Feet

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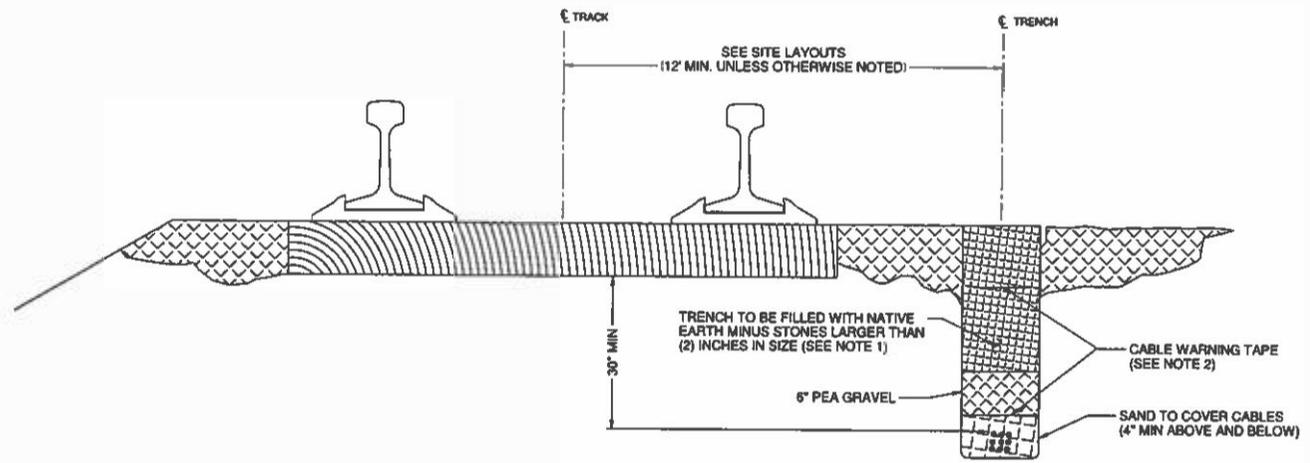
**ATTACHMENT 2**  
**TYPICAL DRAWINGS**

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DIRECT BURIAL ALONG TRACK

1. IF CABLE IS WITHIN BALLAST, SUBSTITUTE BALLAST FOR EARTH TO EXIST. BOTTOM OF BALLAST.
2. CABLE WARNING TAPE SHALL BE 3" RED TRACEABLE TAPE WITH "CAUTION: RAILROAD CABLES BELOW" PRINTED IN 1" MIN HEIGHT BLACK LETTERS CONTINUOUSLY ON THE TOP SIDE OF THE TAPE.
3. FIBER OPTIC CABLE SHALL NOT BE DIRECTLY BURIED.
4. POWER AND SIGNAL CABLE TO MAINTAIN 12" SEPARATION MINIMUM.

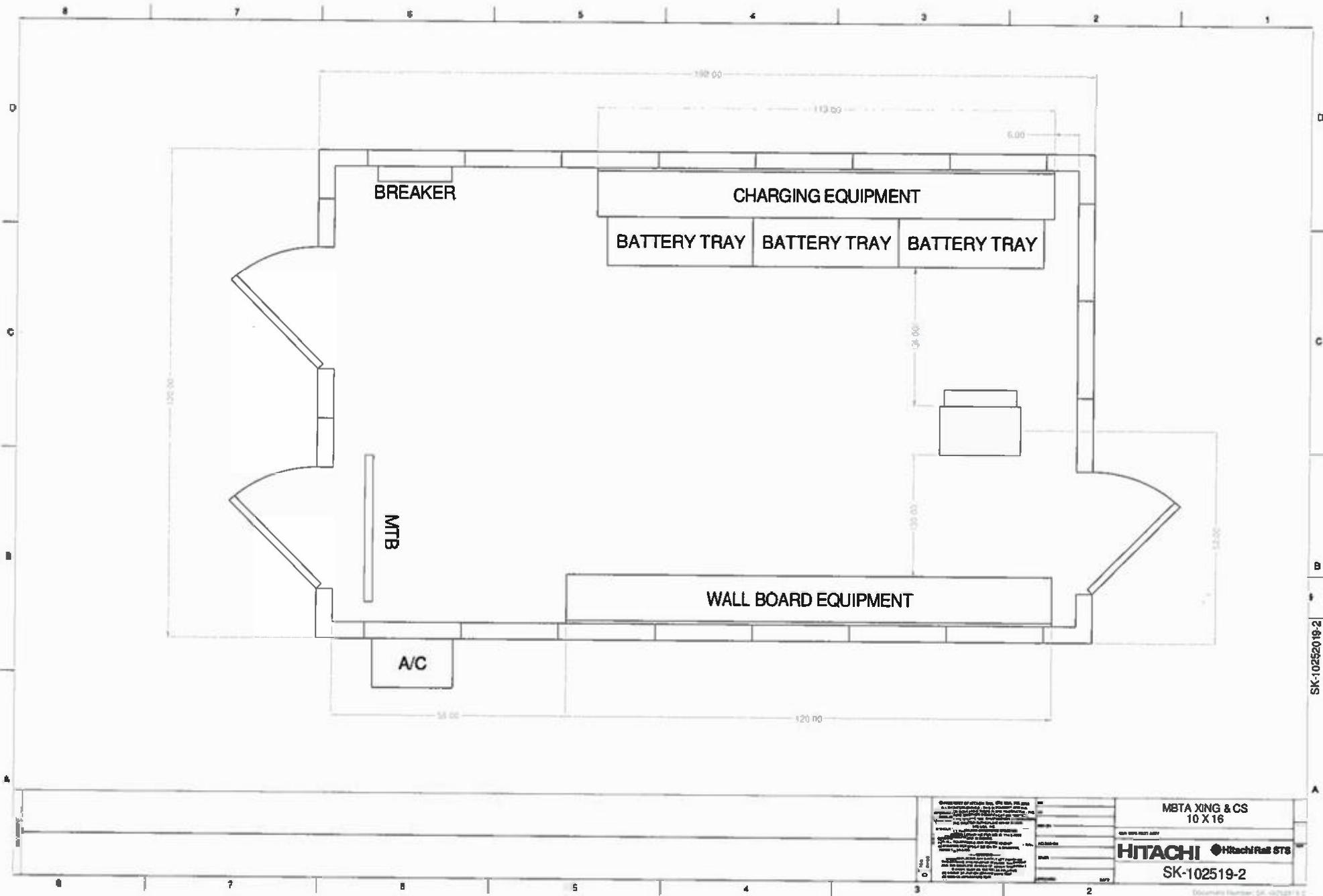
<b>T</b>	MASSACHUSETTS BAY TRANSPORTATION AUTHORITY TYPICAL INSTALLATION DRAWINGS FTC PROJECT
	TYPICAL DIRECT BURIAL CABLE
MASSACHUSETTS BAY TRANSPORTATION AUTHORITY APPROVED BY	
PROJECT NUMBER	
003	
02	

Ansaldo STS		11/20/2017		REV		DATE		DESCRIPTION		BY		CHKD		APP		DATE		SHEET		003		02	
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THIS DRAWING IS THE PROPERTY OF ANSALDO STS. IT IS TO BE USED ONLY FOR THE PROJECT AND LOCATION SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF ANSALDO STS.

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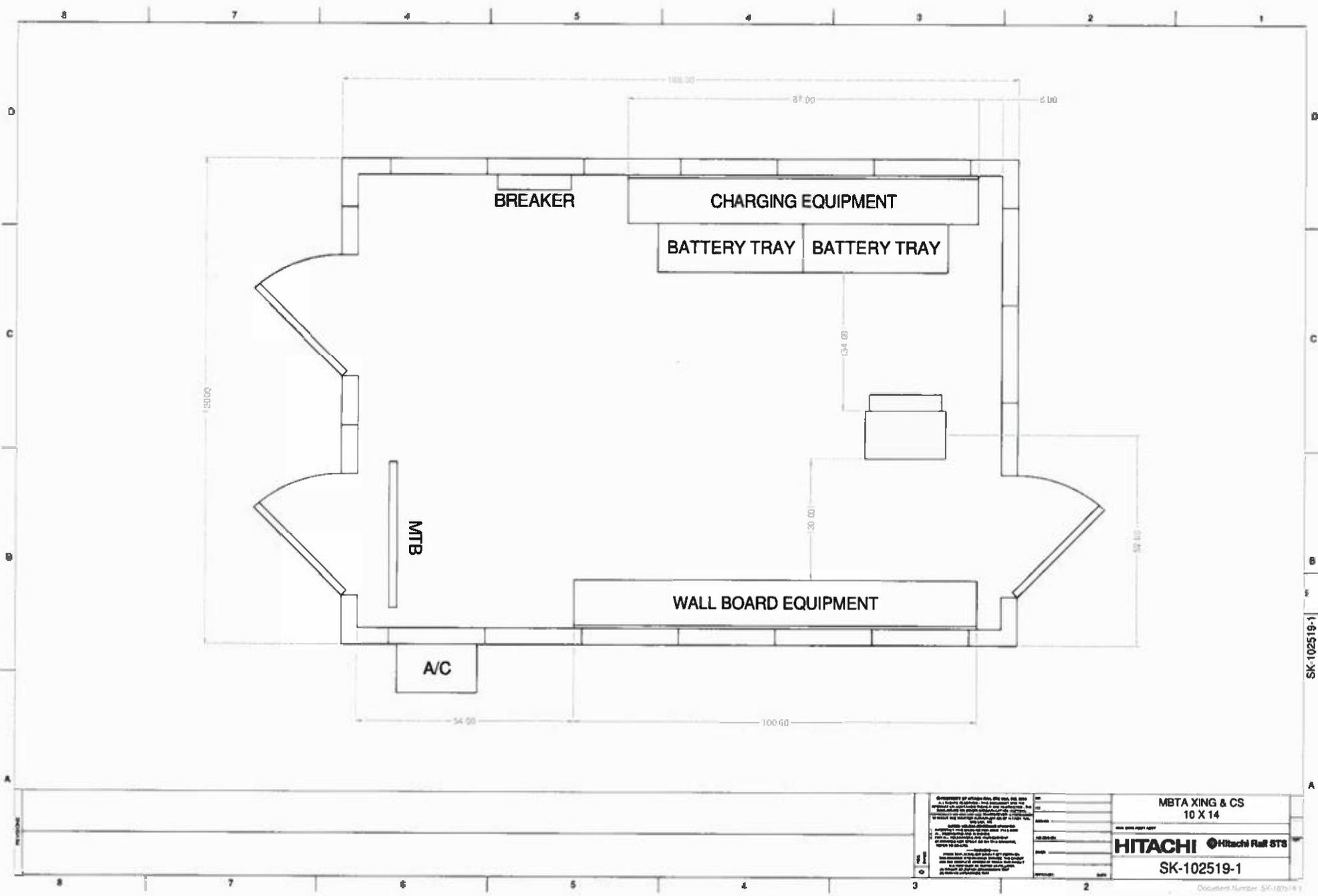
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SK-10252019-2

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<b>MBTA XING &amp; CS</b> 10 X 16	
NEW YORK METRO RAIL	
<b>HITACHI</b> <b>Hitachi Rail STS</b>	
SK-102519-2	



SK-102519-1

<small>         Development of this drawing, and the use of it, is the responsibility of the user. The user is responsible for the accuracy of the information provided. The user is responsible for the accuracy of the information provided. The user is responsible for the accuracy of the information provided.       </small>		<b>MBTA XING &amp; CS</b> 10 X 14
<small>         This drawing is the property of Hitachi Rail STS. It is to be used only for the project and location specified. It is not to be used for any other project or location without the written consent of Hitachi Rail STS.       </small>		<b>HITACHI</b> Hitachi Rail STS
<small>         This drawing is the property of Hitachi Rail STS. It is to be used only for the project and location specified. It is not to be used for any other project or location without the written consent of Hitachi Rail STS.       </small>		SK-102519-1

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**ATTACHMENT 3**  
**CORRESPONDENCE**

---

---

**From:** "Brennan, Andrew" <[ABrennan@MBTA.com](mailto:ABrennan@MBTA.com)>  
**Date:** March 6, 2019 at 11:42:34 AM EST  
**To:** "Schmid, Ann-Therese" <[aschmid@nossaman.com](mailto:aschmid@nossaman.com)>, "Antion, Karen" <[KAntion@MBTA.com](mailto:KAntion@MBTA.com)>  
**Cc:** "Palmgren, Holly" <[HPalmgren@MBTA.com](mailto:HPalmgren@MBTA.com)>  
**Subject:** Environmental Permitting of ATC

Not sure where you are in the procurement process of ATC but wanted to highlight something for you

I previously sent you the letter saying that FTA has determined that the project is exempt from NEPA (Including Section 106)

During PTC, we worked with MEPA and the DEP to get a determination that PTC was also exempt from state environmental review and state wetlands permitting

We take the position that this exemption extends further and we plan on relying on it for ATC. While ATC and PTC have different functionalities, they are both signal replacement and upgrades and from an environmental review they are the same thing

Attached are the two letters from MEPA and DEP. I raise this because there are some environmental requirements. If you look at the bottom of page 2, you will see that DEP says that *"the Project has taken all practical measures to avoid wetland impacts, and will implement best management practices to prevent any work in the buffer zone. Infrastructure elements have been sited away from wetland resource areas and new antennae and poles will be installed using direct auguring techniques."*

ATC will need to take this same approach. Work to avoid wetland impacts (where feasible) and to always utilize Best Management practices (stormwater management, site inspections and stockpiling control, etc. All the stuff you typically do on a construction project.)

Also, if they end up doing direct in water work (Think Lily Pond) you do need to get an Army Corps permit. Nothing exempts you from that. My hope however is that like Lily Pond you come up with a design solution that avoids in water work all together.

You may want to give this to contractors in the event that they ask about permitting. You may also want to highlight the issue of best management practices. We can help on language for that if needed.

While the letters do specifically reference PTC, we take the position that it applies to all signal jobs and have relied on it for other signal jobs (North Station signals for example

Hope this is clear. Let me know if it is not.

Andrew D. Brennan | Sr. Director of Energy & Environment  
Massachusetts Bay Transportation Authority

---

10 Park Plaza | Suite 6720 | Boston, MA 02116  
617-222-3126 tel | [www.mbtta.com](http://www.mbtta.com)



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

One Winter Street Boston, MA 02108 • 817-292-5500

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Matthew A. Beaton  
Secretary

Martin Suuberg  
Commissioner

July 13, 2017

Holly Palmgren  
MBTA  
Manager of Environmental Construction  
10 Park Plaza, Suite 3910  
Boston, MA 02116

Dear Ms. Palmgren,

Re: MBTA Positive Train Control Project – Applicability of the Wetlands Protection Act

I am writing in response to your inquiry of June 30, 2017 requesting a determination by the Massachusetts Department of Environmental Protection (DEP) as to whether the ongoing Positive Train Control (PTC) Project (the Project) qualifies under the Massachusetts Wetlands Protection Act (WPA) regulations as exempt from the provisions of the WPA.

The Project involves a replacement of the Massachusetts Bay Transit Authority's (MBTA) existing signal and communications system for its commuter rail network to comply with a federal mandate to install a PTC system throughout the existing commuter rail network. The proposed Positive Train Control (PTC) system is comprised of a network of hardware linked through the communications network designed to enforce speed limits on trains and prevent train collisions, over-speed derailments, movement through misaligned switches, and uncontrolled movement through a work zones. The PTC project will replace a system that provides communications services used in the service of the public.

The Wetland Protection Act (C. 131, s. 40) provides that: "No person shall remove, fill, dredge or alter any bank, riverfront area, fresh water wetland, coastal wetland, beach, dune, flat, marsh, meadow or swamp bordering on the ocean or on any estuary, creek, river, stream, pond, or lake, or any land under said waters or any land subject to tidal action, coastal storm flowage, or flooding, **other than in the course of maintaining, repairing or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, sewer, water, telephone, telegraph and other telecommunication services**, without filing written notice of his intention to so remove, fill, dredge or alter ...". This provision is also included in the wetland regulations, 310 CMR 10.00, which provides an exception for... activities conducted to

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

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maintain, repair or replace, but not substantially change or enlarge an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, sewer, telephone, telegraph and other communication services, provided said work utilizes the best practical measures to avoid or minimize impacts to wetland resource areas outside the footprint of said structure or facility. 310 CMR 10.02(2)(a)(2).

As a public entity, the MBTA maintains the infrastructure necessary for providing transit service to the public. An integral component of the transportation infrastructure includes the signaling and communication systems for the commuter rail network. PTC uses communications-based/processor-based control technology to help prevent train-to-train collisions, derailments caused by excessive speed, train incursions into work zones, and other possible catastrophic events. PTC was mandated by Congress under the Rail Safety Improvement Act (RSIA) of 2008. As amended by Congress in 2015, the RSIA requires that PTC technology be installed on most of the U.S. rail network by December 31, 2018. The Project is designed to replace the existing communications system with a PTC-compliant system to improve safety and communications throughout the commuter rail network. All commuter rail lines will be equipped with technology that meets the Federal Railroad Administration's PTC requirements and the PTC requirements mandated by Congress in the RSIA.

The Project has been deemed to constitute a replacement project by MEPA<sup>1</sup> and is comprised of several components including: on-board equipment, wayside antennas, equipment housing, and fiber optic cable. While much of the required PTC technology will be on-board equipment, not subject to jurisdictional considerations, the structural elements of the PTC system will include wayside antennas and associated equipment housing communications infrastructure. Specifically, wayside antennas will be approximately 30 feet tall and 12 to 18 inches in diameter, and will sit on direct-augered foundations approximately 12 inches in diameter and 10 feet in depth, depending on site conditions, within the ROW. Equipment housings are 6x8-foot or 8x10-foot structures, similar in size, scale, and materials to existing signal cabinets along the ROW and constructed on shallow-excavated supports at each corner of the housing. In some cases, new equipment will be placed inside a pole-mounted case on the antenna itself or inside an existing nearby signal cabinet. The Project will also install fiber-optic cable along the ROW. The cable will be hung on existing poles or will use existing communications conduit wherever feasible. In areas where poles have been previously removed or where no conduit exists, restored poles will be installed at a spacing of approximately 150 to 200 feet. The poles will be approximately 25 feet tall and 8 to 12 inches in diameter, and will be placed in direct-augered holes approximately 12 inches in diameter with a depth dependent on site conditions.

In sum, the purpose of the Project is to replace the existing communications system for the commuter rail network with a new federally compliant system. The new system utilizes telecommunications between the train and track equipment for traffic management and infrastructure control to provide communications services used in the service of the public. The Project will not have any impacts to any wetland resource areas. The entirety of the work to install the equipment will occur within the MBTA right-of-way and all work will occur in ballasted areas or other previously disturbed areas along the tracks. The Project has taken all practical measures to avoid wetland impacts, and will implement best management practices to prevent any impacts from work in the buffer zone. Infrastructure elements have been sited away from

---

<sup>1</sup> EOEEA responded to the Request for an Advisory with an Advisory Opinion letter on May 30, 2017, in which it determined that the Project qualified as a replacement project and was not subject to further review under MEPA regulations at 301 CMR 11.00.

MBTA Positive Train Control Project – Applicability of the Wetlands Protection Act  
July 13, 2017

wetland resource areas and new antennas and poles will be installed using direct auguring techniques. The work will not result in any stockpiling of soils and appropriate sedimentation and erosion control measures will be taken in areas where work will occur in close proximity to wetland resource areas.

Based on the representations presented to this office, DEP has determined that the PTC Project meets the provisions of 310 CMR 10.02(2)(a)2, and is exempt from further review under the Wetlands Protection Act.

If you have further questions related to this matter, feel free to contact Michael Stroman at 617-292-5526 or [Michael.stroman@state.ma.us](mailto:Michael.stroman@state.ma.us).

Respectfully,



Lealdon Langley  
Director  
Wetlands and Waterways Program

**Mary Nadwairski**

---

**From:** cmsmailer@civicplus.com on behalf of Contact form at Boxborough MA  
<cmsmailer@civicplus.com>  
**Sent:** Saturday, May 23, 2020 9:03 PM  
**To:** Mary Nadwairski  
**Subject:** [Boxborough MA] Minute Man Airfield (Sent by MaryAnn DiPinto, threeoaksenvironmental@gmail.com)

Hello mnadwairski,

MaryAnn DiPinto (threeoaksenvironmental@gmail.com) has sent you a message via your contact form ([If you don't want to receive such e-mails, you can change your settings at \[Message:\]\(https://urldefense.proofpoint.com/v2/url?u=https-3A\_\_www.borborough-2Dma.gov\_user\_96\_edit&d=DwIDaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A\_CdpgnVfiiMM&r=dyq\_qD3j1-CET4TSAXS\_UrffyNUeTUEPFtaXwU-Rys&m=8q8ZfHwOVw3OyF-CG\_m0CEa1CBuiZKz8iMqhvH9XNul&s=f-OjZNdihUvZ9J2YmObtRJuQtJvKfFQUS6UK0d\_MEI&e=.</a></p></div><div data-bbox=\)](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.borborough-2Dma.gov_users_mnadwairski_contact&d=DwIDaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=dyq_qD3j1-CET4TSAXS_UrffyNUeTUEPFtaXwU-Rys&m=8q8ZfHwOVw3OyF-CG_m0CEa1CBuiZKz8iMqhvH9XNul&s=i9cpwQDEm3_Zw064SUod1B2X2aEDp6nMLxgklyK5Hlo&e=) at Boxborough MA.</p></div><div data-bbox=)

I would like to let the conservation commission know that Don has installed the demarcation posts at the limits of the agricultural land as required by the Order of Conditions. Please let me know if anyone from the commission would like to inspect the posts. If so I can clear it with Don as to the date and time of a site visit.

Thank you,  
MaryAnn



## Mary Nadwairski

---

**From:** William Murray <wmmurray@placesassociates.com>  
**Sent:** Tuesday, March 10, 2020 3:00 PM  
**To:** Mary Nadwairski  
**Subject:** RE: 1172 Hill Rd ANRAD Revised Plan  
**Attachments:** 1171 Hill Rd ANRAD Plan\_PLACES COMMENTS 3 10 20.pdf

Mary,  
See attached annotated drawing.

1. The revised wetlands line looks good. As you may recall, the Applicant's Wetlands Scientist and I revised it in the field.
2. There is a depression adjacent to the stream that has the look and feel of a potential vernal pool. It is higher than the stream and has a pool configuration to it. I would like the Commission to wait a month or so on any determination, so that an accurate assessment of this area can be made to determine if it is a vernal pool.
3. The location of the stream thread should be added to the drawing.

Bill M.

William E. Murray, ASLA, APA, CLARB  
Director of Planning and Landscape Architecture wmmurray@placesassociates.com

256 Great Road, Suite 4  
Littleton, MA 01460  
(P): 978.486.0334  
(F): 978.486.0447

[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_www.placesassociates.com&d=DwICAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A\\_CdpnVfiiMM&r=TvejZiSlTcORTMjEUPyGdKMdhMuG00Om7Wx3u8NHpkg&m=3A6hftYd503O\\_CLkkEB6mKv5lmlruFNeDi5s6pPFaGY&s=om8kboxUsX9PjBeyhAjp-ErTy6siHx86BISUNdnUWfQ&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A__www.placesassociates.com&d=DwICAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpnVfiiMM&r=TvejZiSlTcORTMjEUPyGdKMdhMuG00Om7Wx3u8NHpkg&m=3A6hftYd503O_CLkkEB6mKv5lmlruFNeDi5s6pPFaGY&s=om8kboxUsX9PjBeyhAjp-ErTy6siHx86BISUNdnUWfQ&e=)

-----Original Message-----

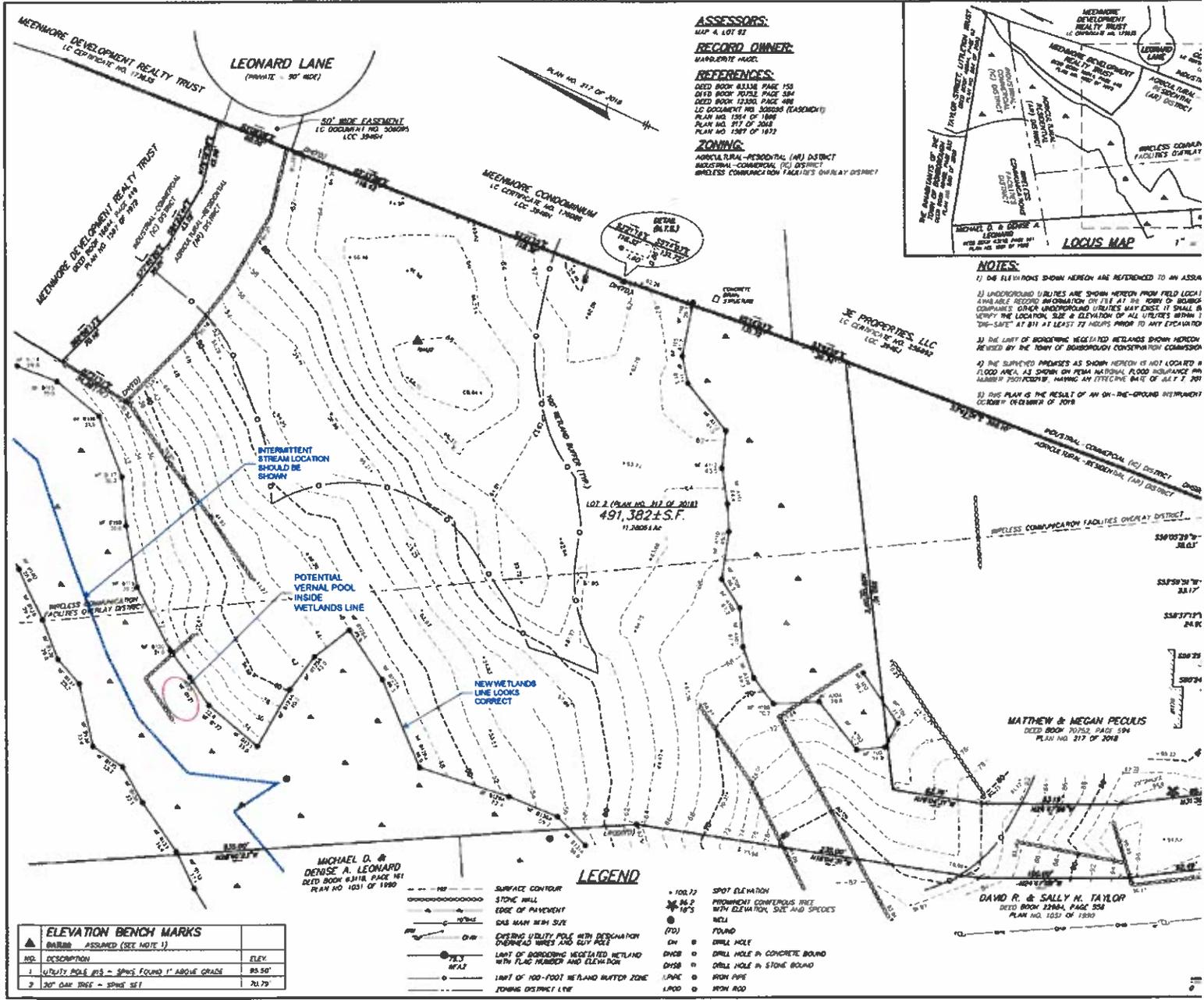
**From:** Mary Nadwairski [mailto:MNadwairski@boxborough-ma.gov]  
**Sent:** Tuesday, March 10, 2020 1:07 PM  
**To:** 'Bill Murray'  
**Subject:** FW: 1172 Hill Rd ANRAD Revised Plan

Hi Bill

You may recall this was on hold for a while as they negotiated.  
It's actually 1172 Hill Road.  
They are proceeding and the Commission hopes you can comment by Tuesday March 17th.

Thanks,

Mary O. Nadwairski

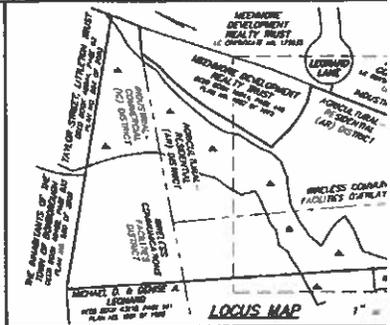


**ASSESSORS:**  
MAP 4, LOT 82

**RECORD OWNER:**  
MARLENE HULL

**REFERENCES:**  
DEED BOOK 85348 PAGE 158  
DEED BOOK 70756 PAGE 584  
DEED BOOK 12300 PAGE 486  
LC DOCUMENT NO. 300098 (LADMONY)  
PLAN NO. 1284 OF 1988  
PLAN NO. 317 OF 2018  
PLAN NO. 1287 OF 1972

**ZONING:**  
AGRICULTURAL-PERSONAL (AP) DISTRICT  
MUNICIPAL-COMMERCIAL (MC) DISTRICT  
WIRELESS COMMUNICATION FACILITY'S OVERLAY DISTRICT



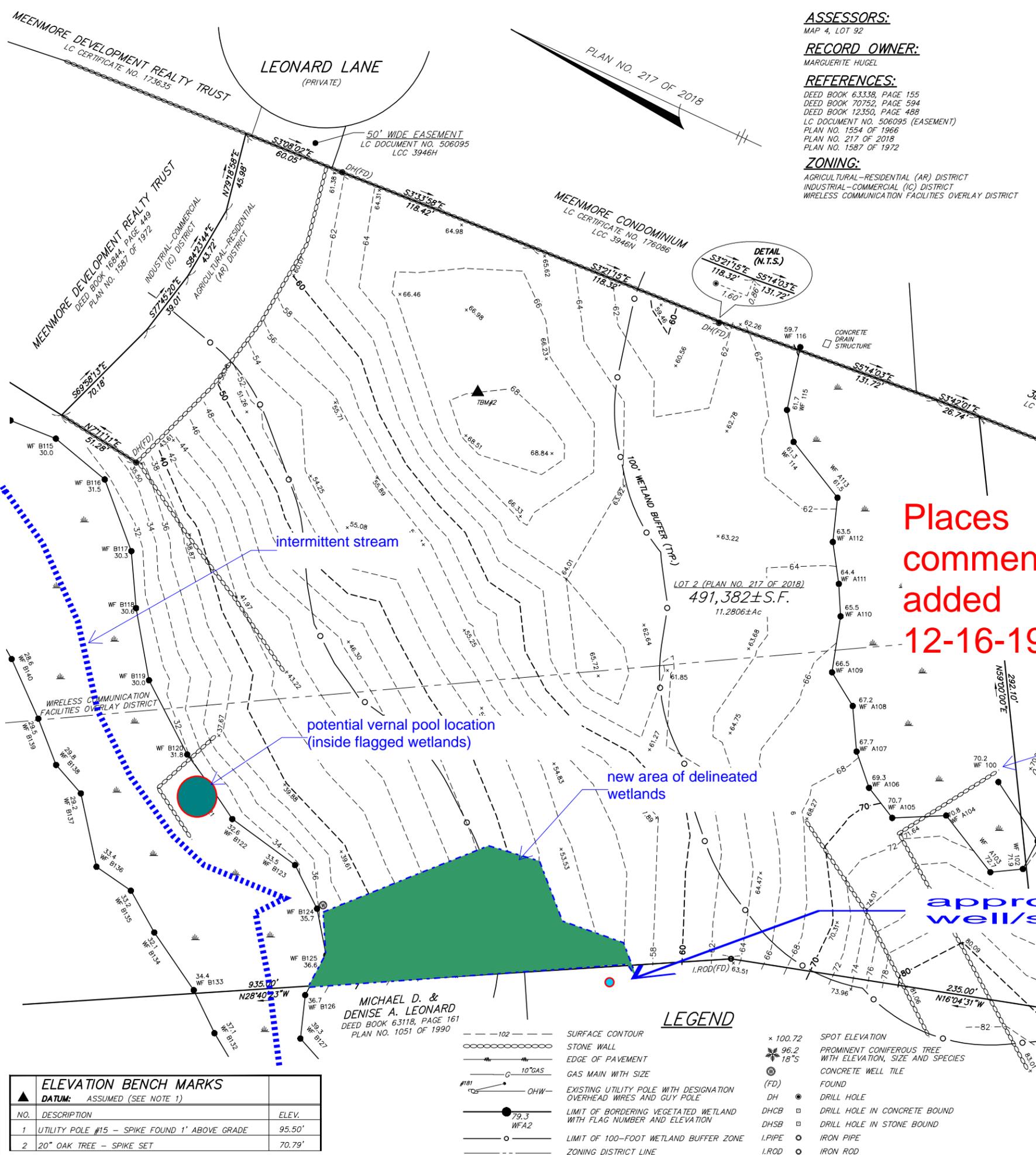
- NOTES:**
- 1) DE ELEVATIONS SHOWN HEREON ARE REFERENCED TO AN ASSA
  - 2) UNDERGROUND UTILITIES ARE SHOWN HEREON FROM FIELD LOCAL AVAILABLE RECORD INFORMATION ON FILE AT THE TOWN OF BOBOLCOH. OTHER UNDERGROUND UTILITIES MAY EXIST. IT SHALL BE USER'S RESPONSIBILITY TO VERIFY THE LOCATION, SIZE & ELEVATION OF ALL UTILITIES WITHIN 1 "ONE-SAFE" AT 811 AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION
  - 3) THE LIMIT OF BROWNING VEGETATED WETLANDS SHOWN HEREON REVISED BY THE TOWN OF BOBOLCOH CONSERVATION COMMISSION
  - 4) THE SURVEYED PREMISES AS SHOWN HEREON IS NOT LOCATED IN A FLOOD AREA AS SHOWN ON FEMA NATIONAL FLOOD INSURANCE PROGRAM ZONING MAPS, HAVING AN EFFECTIVE DATE OF JULY 2, 2015
  - 5) THIS PLAN IS THE RESULT OF AN ON-THE-GROUND SURVEY CONDUCTED IN DECEMBER OF 2018

**ELEVATION BENCH MARKS**

NO.	DESCRIPTION	ELEV.
1	UTILITY POLE #18 - SPMS FOUND 1' ABOVE GRADE	85.50'
2	2" DIA. IRON - SPMS SET	70.75'

**LEGEND**

- 10' SURFACE CONTOUR
- STONE WALL
- ===== EDGE OF PAVEMENT
- 10" DIA. GAS MAIN 8" MIN. SIZE
- 4" DIA. CAPPING UTILITY POLE WITH DISCHARGE DOWNHEAD WIRES AND GUY POLE
- 7.5' 1" DIA. LANT OF BROWNING VEGETATED WETLAND WITH FLAG NUMBER AND ELEVATION
- 100' 1" DIA. LANT OF 100-100' WETLAND BUFFER ZONE
- ZONING DISTRICT LINE
- 100.72 SPOT ELEVATION
- 76.2 1" DIA. FOUND
- 10" DRILL HOLE
- 4" DIA. DRILL HOLE IN CONCRETE BOUND
- 4" DIA. DRILL HOLE IN STONE BOUND
- 1" DIA. IRON PIPE
- 1" DIA. IRON ROD

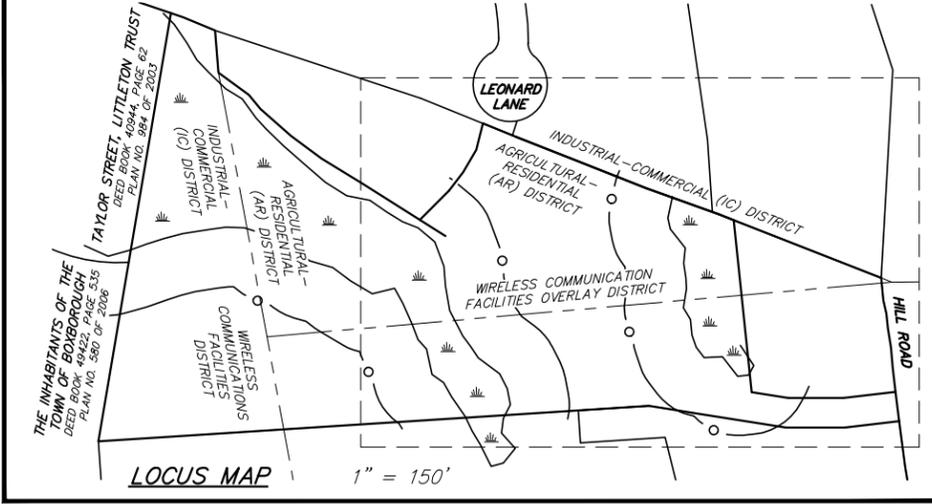


**ASSESSORS:**  
MAP 4, LOT 92

**RECORD OWNER:**  
MARGUERITE HUGEL

**REFERENCES:**  
DEED BOOK 63338, PAGE 155  
DEED BOOK 70752, PAGE 594  
DEED BOOK 12350, PAGE 488  
LC DOCUMENT NO. 506095 (EASEMENT)  
PLAN NO. 1554 OF 1966  
PLAN NO. 217 OF 2018  
PLAN NO. 1587 OF 1972

**ZONING:**  
AGRICULTURAL-RESIDENTIAL (AR) DISTRICT  
INDUSTRIAL-COMMERCIAL (IC) DISTRICT  
WIRELESS COMMUNICATION FACILITIES OVERLAY DISTRICT



- NOTES:**
- 1) THE ELEVATIONS SHOWN HEREON ARE REFERENCED TO AN ASSUMED DATUM.
  - 2) UNDERGROUND UTILITIES ARE SHOWN HEREON FROM FIELD LOCATIONS OF SURFACE VISIBLE STRUCTURES AND FROM AVAILABLE RECORD INFORMATION ON FILE AT THE TOWN OF BOXBOROUGH PUBLIC WORKS AND PRIVATE UTILITY COMPANIES. OTHER UNDERGROUND UTILITIES MAY EXIST. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE LOCATION, SIZE & ELEVATION OF ALL UTILITIES WITHIN THE AREA OF PROPOSED WORK AND TO CONTACT "DIG-SAFE" AT 811 AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION, DEMOLITION OR CONSTRUCTION.
  - 3) THE LIMIT OF BORDERING VEGETATED WETLANDS SHOWN HEREON WAS DELINEATED BY HANCOCK ASSOCIATES AND LOCATED VIA FIELD SURVEY (SEE NOTE 5).
  - 4) THE SURVEYED PREMISES AS SHOWN HEREON IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA, OR OTHER FLOOD AREA, AS SHOWN ON FEMA NATIONAL FLOOD INSURANCE PROGRAM (NFIP) FLOOD INSURANCE RATE MAP (FIRM) NUMBER 25017C0219F, HAVING AN EFFECTIVE DATE OF JULY 7, 2014.
  - 5) THIS PLAN IS THE RESULT OF AN ON-THE-GROUND INSTRUMENT SURVEY PERFORMED BY HANCOCK ASSOCIATES IN OCTOBER-NOVEMBER OF 2019.

Places  
comments  
added  
12-16-19

ELEVATION BENCH MARKS		
DATUM: ASSUMED (SEE NOTE 1)		
NO.	DESCRIPTION	ELEV.
1	UTILITY POLE #15 - SPIKE FOUND 1' ABOVE GRADE	95.50'
2	20" OAK TREE - SPIKE SET	70.79'

LEGEND	
	SURFACE CONTOUR
	STONE WALL
	EDGE OF PAVEMENT
	GAS MAIN WITH SIZE
	EXISTING UTILITY POLE WITH DESIGNATION OVERHEAD WIRES AND GUY POLE
	LIMIT OF BORDERING VEGETATED WETLAND WITH FLAG NUMBER AND ELEVATION
	LIMIT OF 100-FOOT WETLAND BUFFER ZONE
	ZONING DISTRICT LINE
	SPOT ELEVATION
	PROMINENT CONIFEROUS TREE WITH ELEVATION, SIZE AND SPECIES
	CONCRETE WELL TILE
	FOUND
	DRILL HOLE
	DRILL HOLE IN CONCRETE BOUND
	DRILL HOLE IN STONE BOUND
	IRON PIPE
	IRON ROD

**SITE ADDRESS:**

#1172  
HILL ROAD

Boxborough, Massachusetts

**PREPARED FOR:**

FTB  
HOMES,  
LLC

PO Box 216  
Littleton, Massachusetts 01460

**HANCOCK ASSOCIATES**

Civil Engineers  
Land Surveyors  
Wetland Scientists

34 CHELMSFORD ST., CHELMSFORD, MA 01824  
VOICE (978) 244-0110, FAX (978) 244-1133  
WWW.HANCOCKASSOCIATES.COM

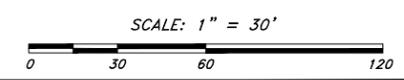
NO.	BY	APP.	DATE	ISSUE/REVISION	DESCRIPTION

DATE: 11/12/2019 DRAWN BY: JSJ  
SCALE: 1" = 30' CHECK BY: GGG

**ANRAD PLAN OF LAND IN BOXBOROUGH, MASSACHUSETTS**

PLOT DATE: Nov 26, 2019 4:22 pm  
PATH: R:\22898-1172-Boxborough\Sur\DWG\

DWG: 22898sv.dwg  
LAYOUT: ANRAD  
SHEET: 1 OF 1  
PROJECT NO.: 22898





June 1, 2020

Mary Nadwarski,  
Boxborough Conservation Commission  
29 Middle Road  
Boxborough, MA 01719

via email: [mnadwairski@boxborough-ma.gov](mailto:mnadwairski@boxborough-ma.gov)

Re: Report of Sitewalk, 1172 Hill Road  
ANRAD filing  
Places Project No. 5445

Dear Commission Members;

As requested, a member of our staff has re-walked the property located at 1172 Hill Road in Boxborough. As the Commission may recall, we reviewed the delineation in the field with Mr. David Cowell, PWS of Hancock Associates on December 15, 2019. At that time we had some ability to do soil sampling and had remnant herbaceous species to assist in locating the wetlands line. At that time, I reported back to the Commission that an area I believed to be wetlands was not delineated, but Mr. Cowell and I hung new flags in the likely location of the un-delineated area. In my December report I noted that there was a depression adjacent to the intermittent stream that is formed at the junction of two stone walls located between WF B 120 to B122. At that time, I questioned whether that depression was likely a vernal pool. My other comment was that the location of the intermittent stream should be shown on the plans.

#### Wetlands Delineation:

On May 29, 2020 I re-visited the site. As the Commission knows, the site is now in full vegetation and the ground is no longer frozen. Evidence of surface water runoff is apparent throughout the site. I noted a flowage area with wetlands vegetation up gradient of flags WF B127A and WF B128A. It extends some 20- 30' uphill of the delineated line.

The predominant vegetation includes:

Spotted Touch Me No (*Impatiens capensis*, FACW),  
Sensitive Fern (*Onoclea sensibilis*, FACW),  
Jack-in-the- Pulpit (*Arisaema triphyllum*, FAC)

and overstory of

Green Ash (*Fraxinus pennsylvanica*, FACW)  
Slippery Elm (*Ulmus rubra*, FAC).

Low chroma soils were also observed in this area. Groundwater was found by hand auger to be 10" below grade. We recommend that this area be re-investigated by Hancock Associates.

Other than as noted, we found the other delineated areas to be accurate.

Vernal Pool:

During the site walk I visited the area that I questioned whether it was a vernal pool. It is late in the season to observe vernal pools, however, I observed multiple juvenile wood frogs (not tadpoles) utilizing the pool. The water depth in the pool was 11" deep, which is substantial for a vernal pool at this time of year. The depth of the pool indicates that it has a sufficient hydro-period to act as a vernal pool. A wood frog (*Lithobates sylvaticus*) is an obligate vernal pool species. It is possible that these juvenile frogs were using the pool as shelter, but I do think that their presence and juvenile status is strong evidence that this is a breeding pool and should be categorized as a vernal pool.

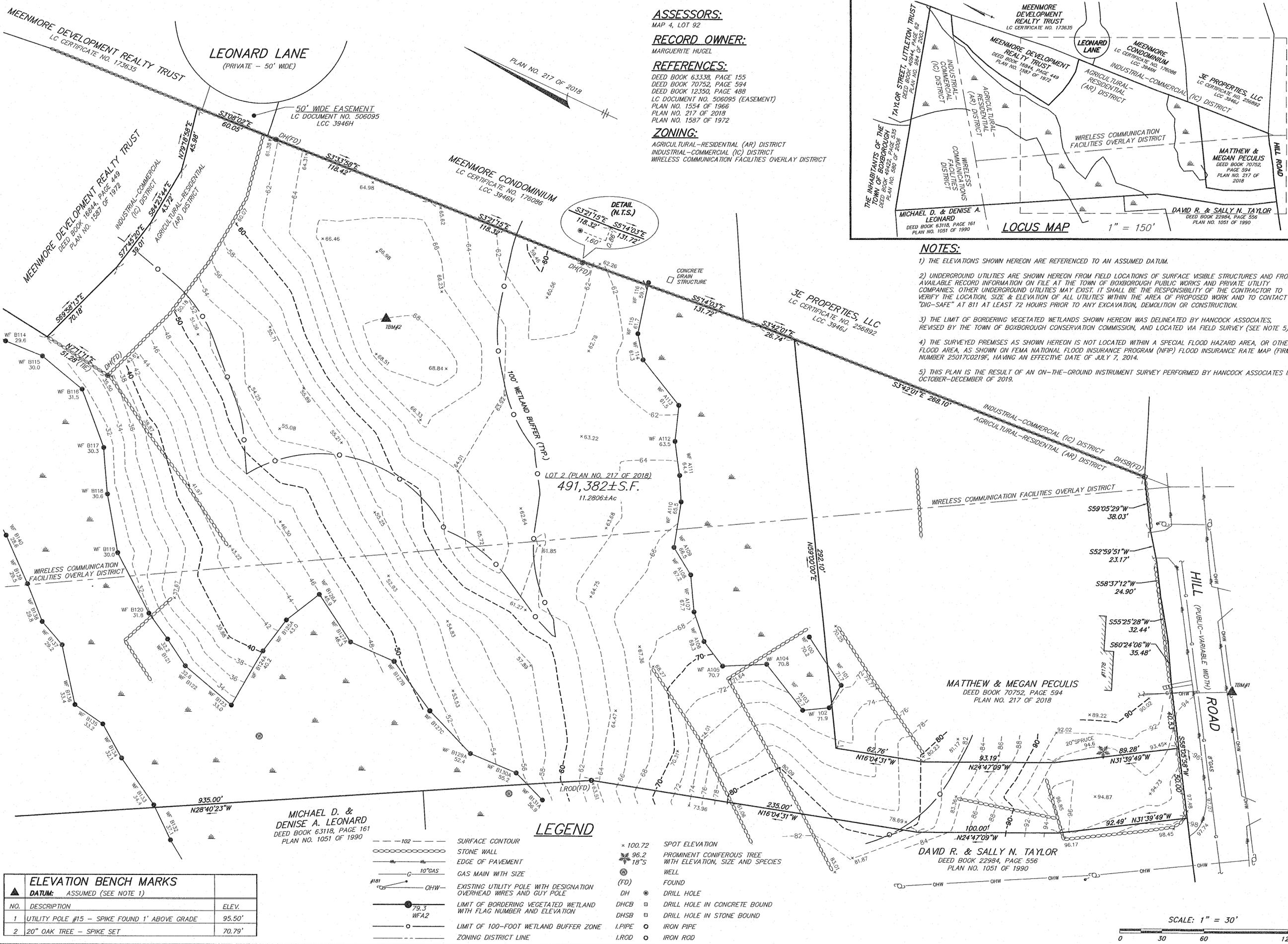
Should the Commission have any questions or require additional information, please do not hesitate to contact us.

Sincerely,  
Places Associates, Inc.  
By:

*William E. Murray*  
William E. Murray, RLA

Enc: Attached as a pdf:

1. 12-16-19 sketch plan comments
2. 05-28-2020 sketch plan comments

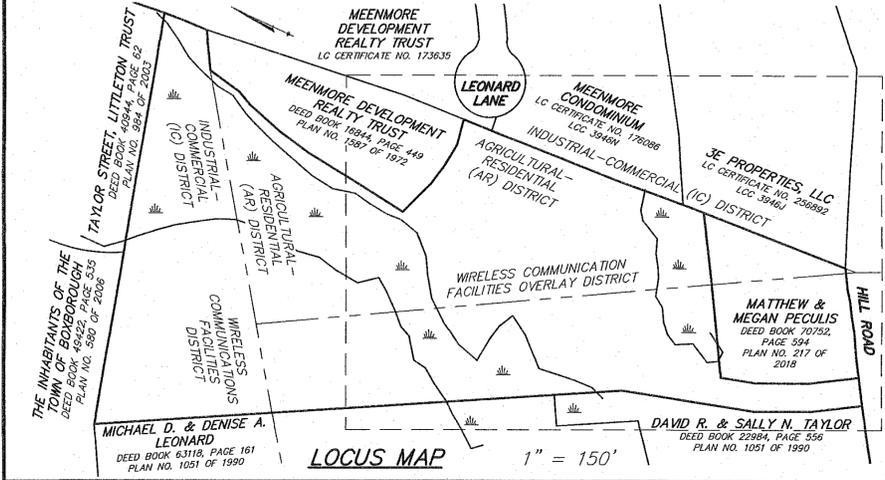


**ASSESSORS:**  
MAP 4, LOT 92

**RECORD OWNER:**  
MARGUERITE HUGEL

**REFERENCES:**  
DEED BOOK 63338, PAGE 155  
DEED BOOK 70752, PAGE 594  
DEED BOOK 12350, PAGE 488  
LC DOCUMENT NO. 506095 (EASEMENT)  
PLAN NO. 1554 OF 1966  
PLAN NO. 217 OF 2018  
PLAN NO. 1587 OF 1972

**ZONING:**  
AGRICULTURAL-RESIDENTIAL (AR) DISTRICT  
INDUSTRIAL-COMMERCIAL (IC) DISTRICT  
WIRELESS COMMUNICATION FACILITIES OVERLAY DISTRICT



**NOTES:**

- 1) THE ELEVATIONS SHOWN HEREON ARE REFERENCED TO AN ASSUMED DATUM.
- 2) UNDERGROUND UTILITIES ARE SHOWN HEREON FROM FIELD LOCATIONS OF SURFACE VISIBLE STRUCTURES AND FROM AVAILABLE RECORD INFORMATION ON FILE AT THE TOWN OF BOXBOROUGH PUBLIC WORKS AND PRIVATE UTILITY COMPANIES. OTHER UNDERGROUND UTILITIES MAY EXIST. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE LOCATION, SIZE & ELEVATION OF ALL UTILITIES WITHIN THE AREA OF PROPOSED WORK AND TO CONTACT "DIG-SAFE" AT 811 AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION, DEMOLITION OR CONSTRUCTION.
- 3) THE LIMIT OF BORDERING VEGETATED WETLANDS SHOWN HEREON WAS DELINEATED BY HANCOCK ASSOCIATES, REVISED BY THE TOWN OF BOXBOROUGH CONSERVATION COMMISSION, AND LOCATED VIA FIELD SURVEY (SEE NOTE 5).
- 4) THE SURVEYED PREMISES AS SHOWN HEREON IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA, OR OTHER FLOOD AREA, AS SHOWN ON FEMA NATIONAL FLOOD INSURANCE PROGRAM (NFIP) FLOOD INSURANCE RATE MAP (FIRM) NUMBER 2501700219F, HAVING AN EFFECTIVE DATE OF JULY 7, 2014.
- 5) THIS PLAN IS THE RESULT OF AN ON-THE-GROUND INSTRUMENT SURVEY PERFORMED BY HANCOCK ASSOCIATES IN OCTOBER-DECEMBER OF 2019.

**ELEVATION BENCH MARKS**  
DATUM: ASSUMED (SEE NOTE 1)

NO.	DESCRIPTION	ELEV.
1	UTILITY POLE #15 - SPIKE FOUND 1' ABOVE GRADE	95.50'
2	20" OAK TREE - SPIKE SET	70.79'

**LEGEND**

	SURFACE CONTOUR		SPOT ELEVATION
	STONE WALL		PROMINENT CONIFEROUS TREE WITH ELEVATION, SIZE AND SPECIES
	EDGE OF PAVEMENT		WELL
	GAS MAIN WITH SIZE		FOUND
	EXISTING UTILITY POLE WITH DESIGNATION OVERHEAD WIRES AND GUY POLE		DRILL HOLE
	LIMIT OF BORDERING VEGETATED WETLAND WITH FLAG NUMBER AND ELEVATION		DRILL HOLE IN CONCRETE BOUND
	LIMIT OF 100-FOOT WETLAND BUFFER ZONE		DRILL HOLE IN STONE BOUND
	ZONING DISTRICT LINE		IRON PIPE
			IRON ROD

SITE ADDRESS:

**#1172 HILL ROAD**

Boxborough, Massachusetts

PREPARED FOR:

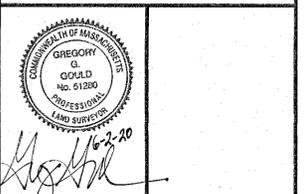
**FTB HOMES, LLC**

PO Box 216  
Littleton, Massachusetts 01460

**HANCOCK ASSOCIATES**

Civil Engineers  
Land Surveyors  
Wetland Scientists

34 CHELMSFORD ST., CHELMSFORD, MA 01824  
VOICE (978) 244-0110, FAX (978) 244-1133  
WWW.HANCOCKASSOCIATES.COM

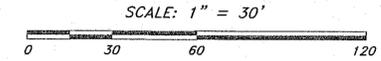


2	JAR	GGC	6-2-20	REVISED WLF'S B127B-B127C
1	JAR	GGC	12-18-19	REVISED WLF'S B123-B131A

DATE: 11/12/2019 DRAWN BY: JSJ  
SCALE: 1" = 30' CHECK BY: GGG

**ANRAD PLAN OF LAND IN BOXBOROUGH, MASSACHUSETTS**

PLOT DATE: Jan 02, 2020 2:58 pm  
PAR: X:\22898-101-Boxborough\Surf\DWG\  
DWG: 22898sv.dwg  
LAYOUT: ANRAD  
SHEET: 1 OF 1  
PROJECT NO.: **22898**



## Mary Nadwairski

---

**From:** William Murray <wmmurray@placesassociates.com>  
**Sent:** Wednesday, June 3, 2020 10:08 AM  
**To:** David J. Cowell; Mary Nadwairski  
**Cc:** Brian G. Geaudreau  
**Subject:** Re: 1171 Hill Road ANRAD Plan Revision

Mary,  
The revised line looks good to me.

William E. Murray, ASLA, APA, CLARB  
Places Associates, Inc.  
256 Great Rd., Suite 4  
Littleton, MA 01460  
wmmurray@placesassociates.com  
Office: (978) 486-0334  
Cell: (978) 852-0307

---

**From:** David J. Cowell <dcowell@hancockassociates.com>  
**Sent:** Wednesday, June 3, 2020 9:03 AM  
**To:** MNadwairski@boxborough-ma.gov <MNadwairski@boxborough-ma.gov>  
**Cc:** William Murray <wmmurray@placesassociates.com>; Brian G. Geaudreau <bGeaudreau@hancockassociates.com>  
**Subject:** 1171 Hill Road ANRAD Plan Revision

Hi Mary,

In response to comments received from Bill Murray in peer review of our ANRAD submittal for 1171 Hill Road, I was able to visit the site yesterday to review the area that Bill noted had wetlands extending beyond our wetland flags between flags B127A and B128A.

I concurred with Bill's observations and revised our flags to encompass this area. I removed flag B128A, and installed new flags B127B and B127C which now connect to flag B129A. Please note, this actually conservatively covers a greater surface area than what Bill had noted in his comments.

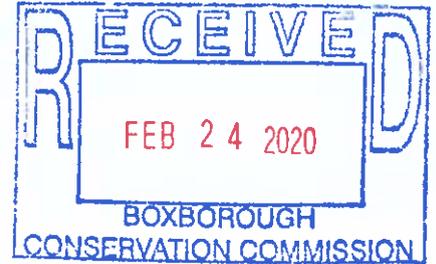
Please accept our revised ANRAD Plan attached herein as electronic submittal in advance of tonight's continued public hearing on this matter. Please feel free to contact me with any questions, comments, or concern. Thanks.

Regards,

**David Cowell, PWS, CWB, CERP**  
**Senior Wetland Scientist / Project Manager**  
**HANCOCK ASSOCIATES**  
Surveyors | Engineers | Scientists  
Licensed in MA, NH, CT and RI  
Established 1978  
315 Elm Street, Marlborough, MA 01752  
P (508) 460-1111, F (508) 460-1121  
dcowell@hancockassociates.com  
[www.hancockassociates.com](http://www.hancockassociates.com)

**HANCOCK**  
**ASSOCIATES**

Surveyors | Engineers | Scientists



February 10, 2020

Boxborough Conservation Commission  
29 Middle Road  
Boxborough, MA 01719

*file copy*

**RE: 3 Old Harvard Road Single-Family Home Septic System Construction – Notice of Intent**

Dear Members of the Conservation Commission,

On behalf of FTB Homes, LLC (Applicant), Hancock Associates respectfully submits this Notice of Intent in request to permit the installation of a new septic system to replace a failing cesspool located at 3 Harvard Road in Boxborough, MA. Portions of the associated work are proposed within the 100-foot buffer zone to Bordering Vegetated Wetlands (BVW).

**Project Background**

The scope of work to install a new septic system was previously permitted through issuance of an Order of Conditions on December 16, 2015 to the Estate of Wasil Chernak (MassDEP File #113-526). Work was never initiated within the 3-year term of the Order, and the Order lapsed on December 16, 2018.

Ownership of the property has since transitioned to FTB Homes, LLC. In November of 2019, work was errantly initiated to install the septic system beyond the termination date of the previously issued Order of Conditions. The contractor was issued an Enforcement Order on November 20, 2019, and instructed to cease work until the work is permitted. The Enforcement Order cited that a stockpile of fill had been placed on an existing lawn area abutting the side of the home, located within the 100-foot Buffer Zone to BVW. The Enforcement Order requests the removal of the stockpile and restoration of the lawn area.

Herein, the Applicant requests the reissuance of an Order of Conditions to complete the septic system installation as originally approved and conditioned in 2015.

**Existing Conditions**

The property at 3 Old Harvard Road is currently developed with a single-family 4-bedroom residential home located on an 11.8 acre parcel of land. The limits of earth disturbance would be located in the back yard, which presently consists of lawn grasses and a few young deciduous trees. The topography is slightly undulating with a general decrease in elevation

315 Elm Street | Marlborough, MA 01752 | V: 508-460-1111 | F: 508-460-1121 | HancockAssociates.com

BOSTON, CHELMSFORD, DANVERS, MARLBOROUGH, NEWBURYPORT, PRINCETON, MA | SALEM, NH

# HANCOCK ASSOCIATES

Surveyors | Engineers | Scientists

spanning away from the house to the northwest. Home sewage is presently serviced through an existing failing cesspool.

## Wetland Resource Areas

Based on field wetland delineation, BVW was identified outside of the project impact area, however within 100-feet of the limits of disturbance. Wetland vegetation present within this area consisted of sensitive fern (*Onoclea sensibilis*, FACW), wrinkle-leaved goldenrod (*Solidago rugosa*, FAC), winterberry (*Ilex verticillata*, FACW), arrowwood (*Viburnum dentatum*, FAC), and American elm (*Ulmus americana*, FACW). According to the NRCS soil survey for this location, soils are mapped as Ridgebury fine sandy loam, and the site investigations were supportive of this classification. Signs of hydrology included saturated soils, buttressed tree trunks, water stained leaves, and high water marks.

## Proposed Work

The Project will entail the installation of a new septic system to replace an existing failing cesspool. As designed the project has been sited to avoid and minimize disturbances within wetland resource areas to the maximum extent practicable, given the dimensions of the property and location of the existing home. However, some work will be located within the 100-foot buffer zone to BVW.

Work will entail limited tree removal and grubbing, excavation and grading, and backfill and final stabilization. The stockpile of fill cited in the Enforcement Order is necessary to elevate the grades, to mound the septic system according to the previously approved site plans.

Construction Best Management Practices (BMPs) will be utilized throughout construction to protect adjacent wetland resource areas until the project is complete and final stabilization is achieved.

## Construction Best Management Practices (BMPs)

Erosion and sediment control measures will be installed prior to ground disturbing activities to protect adjacent wetland resource areas from erosion and sedimentation during construction, and to serve as a physical boundary to delineate work areas to contain construction activities within approved locations. The Applicant proposes to install staked strawbales or wattles. These measures will be installed contiguous and flush with the ground between the limits of earth disturbance and adjacent wetland resource areas. Erosion and sediment controls will be inspected on a regular basis and maintained in working order until work is complete and all disturbed areas are stabilized.

# HANCOCK ASSOCIATES

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Immediately upon issuance of a new Order of Conditions and release of the cease work order, the Applicant proposes to install additional sediment controls around the perimeter of the stockpile subject to the Enforcement Order. There are no other practicable locations to relocate the stockpile onsite further outside of the 100-foot buffer zone. Upon release of the cease work order, the stockpile will be graded into place to mound the new sewer system and all disturbed areas of lawn and the leach field will be loamed and seeded with a lawn grass mix.

The site will not be considered stabilized until no less than 80% uniform vegetative cover is achieved. All temporary sediment controls will remain installed and maintained through site stabilization, until approved for removal by the Commission or through issuance of a Certificate of Compliance.

## Conclusion

Although portions of the Project will occur within the 100-foot buffer zone to wetland resource areas, the Project is designed to meet or exceed all performance standards under the Massachusetts Wetlands Protection Act and implementing regulations. The Project is designed to avoid, minimize, and mitigate for impacts to wetland resource areas and associated buffer zones to the maximum extent practicable. Through the use of appropriate BMPs, no direct impacts to wetland resource areas is anticipated. The Applicant is therefore requesting that the Town of Boxborough Conservation Commission issue an Order of Conditions for the above referenced scope of work.

Regards,  
Hancock Associates on behalf of FTB Homes



David Cowell, PWS, CWB, CERP  
Senior Wetland Scientist



cc: MassDEP Central Regional Office

## Attachments:

- A – WPA Form 3
- B – Enforcement Order
- C – Figures
- D – Abutter Notification
- E – Filing Fees
- F – Site Plans

**Attachment A WPA Form 3**



**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

Boxborough

City/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 (**Note:** electronic filers will click on button to locate project site):

3 Old Harvard Road  
 a. Street Address

Boxborough  
 b. City/Town

01719  
 c. Zip Code

Latitude and Longitude:  
 42d28'45"  
 d. Latitude

71d31'47"  
 e. Longitude

13  
 f. Assessors Map/Plat Number

34  
 g. Parcel /Lot Number

2. Applicant:

Rick  
 a. First Name

Ogilvie  
 b. Last Name

FTB Homes, LLC  
 c. Organization

P.O. Box 216  
 d. Street Address

Littleton  
 e. City/Town

MA  
 f. State

01460  
 g. Zip Code

(978) 501-2904  
 h. Phone Number

i. Fax Number

rick@ftbhomes.net  
 j. Email Address

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

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Brian  
 a. First Name

Geaudreau  
 b. Last Name

Hancock Associates  
 c. Company

34 Chelmsford Street  
 d. Street Address

Chelmsford  
 e. City/Town

MA  
 f. State

01824  
 g. Zip Code

978-244-0110  
 h. Phone Number

978-244-1133  
 i. Fax Number

bgeaudreau@hancockassociates.com  
 j. Email address

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

\$360.00 (includes local bylaw fee)  
 a. Total Fee Paid

\$42.50  
 b. State Fee Paid

\$317.50 (incl. local bylaw fee)  
 c. City/Town Fee Paid



# 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

Boxborough  
City/Town

## A. General Information (continued)

### 6. General Project Description:

Installation of a new subsurface septic system at a single-family home, portions of which will occur within the 100-foot buffer zone to Bordering Vegetated Wetlands (see attached narrative for details)

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

- |   |   |
|---|---|
| 1. <input checked="" 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 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:

Middlesex

a. County

70829

c. Book

b. Certificate # (if registered land)

229

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.



**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

Boxborough

City/Town

**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	2. square feet
	3. cubic yards dredged	

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	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.  Riverfront Area
- Name of Waterway (if available) - **specify coastal or inland**
  - 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: \_\_\_\_\_ square feet

4. Proposed alteration of the Riverfront Area:

_____	_____	_____
a. total square feet	b. square feet within 100 ft.	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.



**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

Boxborough  
City/Town

**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>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. <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 or B.3.h above, please enter the additional amount here.	
	a. square feet of BVW _____	b. square feet of Salt Marsh _____
5. <input type="checkbox"/> Project Involves Stream Crossings		
	a. number of new stream crossings _____	b. number of replacement stream crossings _____



# 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

Boxborough

City/Town

## 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 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](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

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 (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 <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/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.



# 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	
Boxborough	
City/Town	

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

- (c)  MESA filing fee (fee information available at [http://www.mass.gov/dfwele/dfw/nhesp/regulatory\\_review/mesa/mesa\\_fee\\_schedule.htm](http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/mesa/mesa_fee_schedule.htm)). 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, [http://www.mass.gov/dfwele/dfw/nhesp/regulatory\\_review/mesa/mesa\\_exemptions.htm](http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/mesa/mesa_exemptions.htm); 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:

Division of Marine Fisheries -  
Southeast Marine Fisheries Station  
Attn: Environmental Reviewer  
1213 Purchase Street – 3rd Floor  
New Bedford, MA 02740-6694  
Email: [DMF.EnvReview-South@state.ma.us](mailto:DMF.EnvReview-South@state.ma.us)

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -  
North Shore Office  
Attn: Environmental Reviewer  
30 Emerson Avenue  
Gloucester, MA 01930  
Email: [DMF.EnvReview-North@state.ma.us](mailto:DMF.EnvReview-North@state.ma.us)

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.



# 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

Boxborough

City/Town

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

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

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.



**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
Boxborough
City/Town

**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.

Proposed Subsurface Sewgae Disposal System Plan

a. Plan Title

Hancock Associates

Joseph D. Peznola, PE

b. Prepared By

c. Signed and Stamped by

November 9, 2015

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:

2443 & 2444 (Town Filing Fee & Local Bylaw Fee)	<u>2/17/2020</u>
2. Municipal Check Number	3. Check date
<u>2442</u>	<u>2/17/2020</u>
4. State Check Number	5. Check date
<u>Rick</u>	<u>Ogilvie</u>
6. Payor name on check: First Name	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

MassDEP File Number

Document Transaction Number

Boxborough

City/Town

**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.

1. Signature of Applicant

*[Handwritten Signature]*

2. Date

2/17/20

3. Signature of Property Owner (if different)

4. Date

5. Signature of Representative (if any)

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.

**Attachment B Enforcement Order**



**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

DEP File Number:

**WPA Form 9 – Enforcement Order**

113-549 & 526

**Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
and the Boxborough Wetland Bylaw**

**A. Violation Information**

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



This Enforcement Order is issued by:

Boxborough

Conservation Commission (Issuing Authority)

Nov. 20, 2019

Date

To:

Ralph Ogilvie, FTB Homes

Name of Violator

P.O. Box 216 Littleton, MA 01460

Address

1. Location of Violation:

Property Owner (if different)

3 Old Harvard Road

Street Address

Boxborough

City/Town

01719

Zip Code

13-034-000

Assessors Map/Plat Number

Parcel/Lot Number

2. Extent and Type of Activity (if more space is required, please attach a separate sheet):

Placement of a large volume of fill on land that is in the 100 ft buffer zone adjacent to Border Vegetated Wetlands without erosion controls, and in noncompliance with an Order of Conditions issued for this property in 2017. Refer to attached photo and site plan. Note that attached site plan is associated with a valid Order of Conditions for a proposed well and septic project that has not been performed yet. The volume of material appears inconsistent with the conditioned proposed well and septic project.

**B. Findings**

The Issuing Authority has determined that the activity described above is in a resource area and/or buffer zone and is in violation of the Wetlands Protection Act (M.G.L. c. 131, § 40) and its Regulations (310 CMR 10.00), because:

- the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone without approval from the issuing authority (i.e., a valid Order of Conditions or Negative



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 9 – Enforcement Order**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:  
113-549 & 526

Determination).

**B. Findings (cont.)**

the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone in violation of an issuing authority approval (i.e., valid Order of Conditions or Negative Determination of Applicability) issued to:

Ralph Ogilvie Feb. 7, 2018  
 Name Dated  
113-540 & 113-526 (issued Dec. 16, 2015)  
 File Number Condition number(s)

The Order of Conditions expired on (date): 113-526 expired Dec. 16, 2018  
 Date

The activity violates provisions of the Certificate of Compliance.

The activity is outside the areas subject to protection under MGL c.131 s.40 and the buffer zone, but has altered an area subject to MGL c.131 s.40.

Other (specify):

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**C. Order**

The issuing authority hereby orders the following (check all that apply):

The property owner, his agents, permittees, and all others shall immediately cease and desist from any activity affecting the Buffer Zone and/or resource areas.

Resource area alterations resulting from said activity shall be corrected and the resource areas returned to their original condition.

A restoration plan shall be filed with the issuing authority on or before 12-20-2019  
 Date

for the following:

Removal of all recently placed fill material and restoration of previously existing yard area and naturally vegetated buffer zone conditions.

The restoration shall be completed in accordance with the conditions and timetable established by the issuing authority.



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 9 – Enforcement Order**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:  
113-549 & 526

**C. Order (cont.)**

- Complete the attached Notice of Intent (NOI). The NOI shall be filed with the Issuing Authority on or before:

Date \_\_\_\_\_

for the following:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

No further work shall be performed until a public hearing has been held and an Order of Conditions has been issued to regulate said work.

- The property owner shall take the following action (e.g., erosion/sedimentation controls) to prevent further violations of the Act:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Failure to comply with this Order may constitute grounds for additional legal action. Massachusetts General Laws Chapter 131, Section 40 provides: "Whoever violates any provision of this section (a) shall be punished by a fine of not more than twenty-five thousand dollars or by imprisonment for not more than two years, or both, such fine and imprisonment; or (b) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each violation". Each day or portion thereof of continuing violation shall constitute a separate offense.

**D. Appeals/Signatures**

An Enforcement Order issued by a Conservation Commission cannot be appealed to the Department of Environmental Protection, but may be filed in Superior Court.

Questions regarding this Enforcement Order should be directed to:

Mary O. Nadwairski, Dept. Asst.

Name \_\_\_\_\_

978.264.1722

Phone Number \_\_\_\_\_

M/T/W 8:30 am - 4:00 pm; Thurs. noon - 4:00 pm

Hours/Days Available \_\_\_\_\_

Issued by:

Boxborough

Conservation Commission \_\_\_\_\_





**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands  
**WPA Form 9 – Enforcement Order**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:  
113-549 & 526

Conservation Commission signatures required on following page.

---

**D. Appeals/Signatures (cont.)**

In a situation regarding immediate action, an Enforcement Order may be signed by a single member or agent of the Commission and ratified by majority of the members at the next scheduled meeting of the Commission.

Signatures:

*May Podwinski for Dennis Reip*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7017 0530 0000 8415 7138  
Signature of delivery person or certified mail number

**Attachment C Figures**

3 Old Harvard Road, Boxborough MA Locus Map

71.55000° W

71.53333° W

71.51667° W

WGS84 71.50000° W

42.50000° N

42.50000° N

42.48333° N

42.48333° N

42.46667° N

42.46667° N

42.45000° N

42.45000° N

71.55000° W

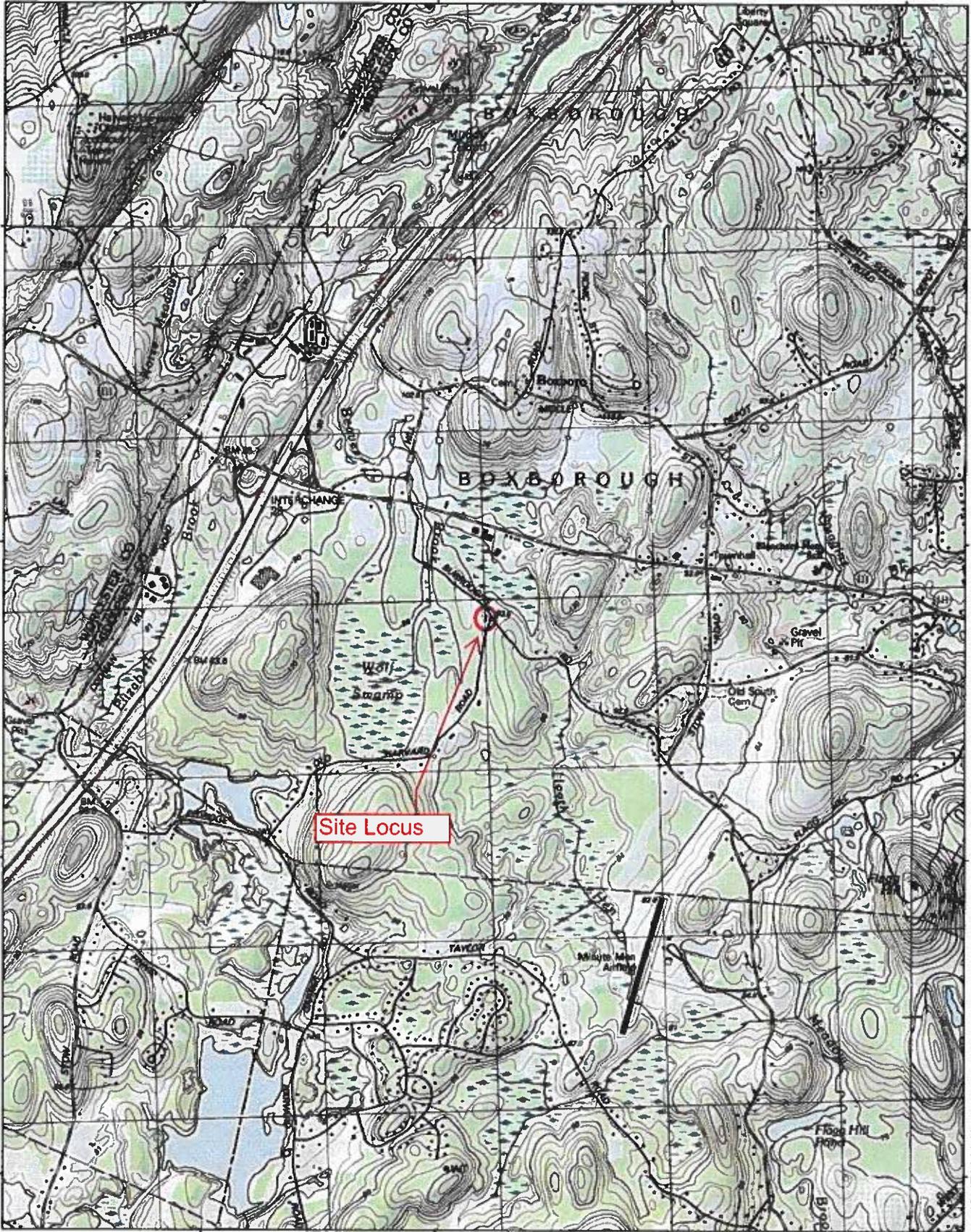
71.53333° W

71.51667° W

WGS84 71.50000° W



Map created with TOPO & ©2003 National Geographic (www.nationalgeographic.com topo)



# National Flood Hazard Layer FIRMette



42°28'59.26"N

71°32'5.79"W



## 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		Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall

OTHER FEATURES		20.2 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
		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 2/11/2020 at 1:17:24 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°31'28.34"W

USGS The National Map: Orthoimagery. Data refreshed April, 2019.

**Attachment D Abutter Notification**

**Notification to Abutters Under the  
Massachusetts Wetlands Protection Act  
and  
The Boxborough Wetlands By-Law**

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the Boxborough Wetlands By-Law you are hereby notified of the following:

- A. The name of the applicant is FTB Homes LLC
- B. The applicant has filed a Notice or Request with the Boxborough Conservation Commission seeking permission to remove, fill, dredge, alter, or delineate an area subject to protection under the Wetlands Protection Act (General Laws, Chapter 131, section 40) and the Boxborough Wetlands By-Law.
- C. The address of the lot where the activity is proposed is 3 Old Harvard Road

Description of Project Construction of a new septic system servicing a single-family home, portions of which are proposed within the 100-foot buffer zone to Bordering Vegetated Wetlands

- D. Copies of the Notice or Request may be examined at the Boxborough Town Hall, 29 Middle Rd., Boxborough, MA 01719 between the hours of 9:00 a.m. and 4:00 p.m. Monday, Tuesday, and Wednesday (excluding holidays). For more information call 978.264.1722.
- E. Copies of the Notice or Request may be obtained from either (circle one) the applicant or the applicant's representative, by calling this telephone number (508 ) 460 1111 between the hours of 9:00AM and 5:00PM on the following days of the week: Monday through Friday.
- F. Information regarding the date, time, and place of the public hearing may be obtained from the Boxborough Conservation Commission by calling this number 978.264.1722 between the hours of 9:00 a.m. and 4:00 p.m. Monday, Tuesday, and Wednesday.

Note: Notice of the public hearing, including its date, time, and place, will be published at least five (5) days in advance in one of the following: *The Beacon, Middlesex News, or Lowell Sun*

Note: Notice of the public hearing, including its date, time, and place, will be posted in the City or Town Hall not less than forty-eight (48) hours in advance.

Note: You also may contact your local Conservation Commission or the nearest Department of Environmental Protection Regional Office for more information about this application or the Wetlands Protection Act. To contact DEP, call: Central Regional Office at 508-792-7650

Custom



TOWN OF BOXBOROUGH  
Town Assessor  
29 Middle Road  
Boxborough, Massachusetts 01719  
978-264-1720 • FAX 978-264-3127  
sgenna@boxborough-ma.gov

REQUESTER   
OFFICE   
TOWN BOARD

1100

**REQUEST FOR ABUTTERS**

DATE OF REQUEST: January 30, 2020 DATE LIST NEEDED: A.S.A.P.

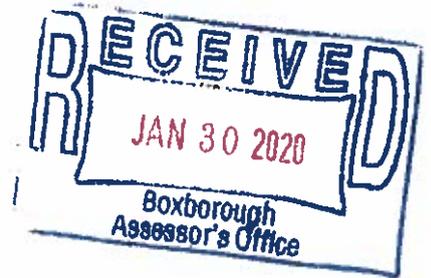
PROPERTY LOCATION: 3 Old Harvard Road

MAP 13 LOT 034 BLOCK 000

PROPERTY OWNER: FTB Homes, LLC

**REASON FOR LIST**

- CONSERVATION COMMISSION
- ZONING BOARD OF APPEALS
- PLANNING BOARD
  - PRELIMINARY PLAN
  - SITE PLAN
  - DEFINITIVE PLAN
  - SPECIAL PERMIT
- BOARD OF SELECTMEN
- OTHER \_\_\_\_\_



**RADIUS FOR ABUTTERS**

300 FEET  IMMEDIATE  OTHER  \_\_\_\_\_

**REQUESTER INFORMATION**

NAME David Cowell  
ADDRESS 315 Elm Street, Marlboro  
MA 01752  
PHONE (508) 460-1111 EMAIL dcowell@hancockassociates.com

**OFFICE USE ONLY**

DATE LIST PREPARED: 1/30/20

FEE CHARGED: \$14.00

DATE PAID: \_\_\_\_\_

AMOUNT PAID \$ \_\_\_\_\_

CHECK # \_\_\_\_\_

CASH

FEE SCHEDULE: \$1.00 PER NAME  
\$10.00 MINIMUM  
\$30.00 MAXIMUM

LIST IS VALID FOR SIX (6) MONTHS. TOWN ASSESSOR IS ALLOWED TEN (10) BUSINESS DAYS FROM DATE OF REQUEST TO PROVIDE CERTIFIED LIST OF ABUTTERS.



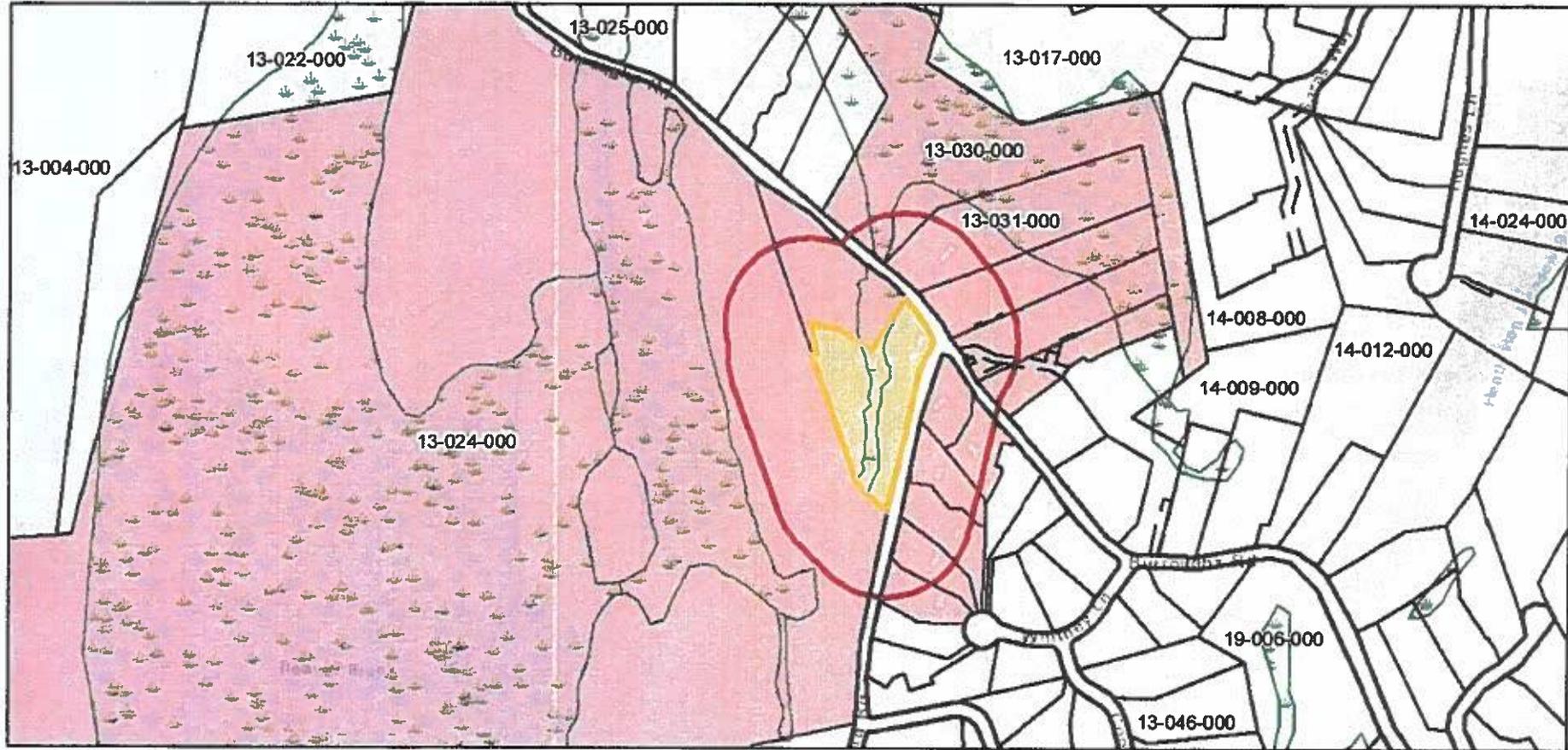
# 3 Old Harvard Rd

Boxborough, MA

1 inch = 555 Feet



January 30, 2020

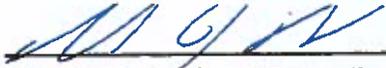


	Property Line
	Road
	Easements
	Wet Areas

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

January 30, 2020  
Conservation Commission

3 Old Harvard Rd  
13-034-000  
Abutters List 300 Feet

  
Certified by Sanders J. Genna, Town Assessor

Parcel ID	Location	Owner 1	Address	City	State	Zip
13-024-000	1150 BURROUGHS ROAD	BOXBOROUGH TOWN OF	29 MIDDLE ROAD	BOXBOROUGH	MA	01719
13-030-000	1103 BURROUGHS ROAD	WHEELER BRUCE D, TRUSTEE	148 PARK STREET	NORTH READING	MA	01864
13-031-000	1095 BURROUGHS ROAD	SUN LIXIN	1095 BURROUGHS ROAD	BOXBOROUGH	MA	01719
13-032-000	1085 BURROUGHS ROAD	BULUSU JYOTSNA	1085 BURROUGHS RD	BOXBOROUGH	MA	01719
13-033-000	1075 BURROUGHS ROAD	BARTLEY MICHAEL	1075 BURROUGHS ROAD	BOXBOROUGH	MA	01719
13-035-000	26 OLD HARVARD ROAD	COLLEY THOMAS J	26 OLD HARVARD LANE	BOXBOROUGH	MA	01719
13-036-000	1250 BURROUGHS ROAD	BOHLING GLENN E/JOANNE M-TRUST	1250 BURROUGHS ROAD	BOXBOROUGH	MA	01719
13-037-000	1065 BURROUGHS ROAD	MADGE BRIAN J	1065 BURROUGHS ROAD	BOXBOROUGH	MA	01719
13-055-000	67 WHITNEY LANE	CHEN TR SHYUE-LING	67 WHITNEY LANE	BOXBOROUGH	MA	01719
13-056-000	65 WHITNEY LANE	WANG JIANGUO	65 WHITNEY LANE	BOXBOROUGH	MA	01719
13-060-000	28 OLD HARVARD ROAD	HESHMATPOUR NASSER	28 OLD HARVARD ROAD	BOXBOROUGH	MA	01719
13-069-000	63 WHITNEY LANE	SEWARD CHARLES M	63 WHITNEY LANE	BOXBOROUGH	MA	01719
13-072-000	1120 BURROUGHS ROAD	FTB HOMES LLC	24 HARTWELL DRIVE	LITTLETON	MA	01460
13-074-000	1100 BURROUGHS ROAD	PATEL RONAK	1100 BURROUGHS ROAD	BOXBOROUGH	MA	01719

BOXBOROUGH TOWN OF  
29 MIDDLE ROAD  
BOXBOROUGH, MA 01719

WHEELER BRUCE D, TRUSTEE  
148 PARK STREET  
NORTH READING, MA 01864

SUN LIXIN  
1095 BURROUGHS ROAD  
BOXBOROUGH, MA 01719

BULUSU JYOTSNA  
1085 BURROUGHS RD  
BOXBOROUGH, MA 01719

BARTLEY MICHAEL  
1075 BURROUGHS ROAD  
BOXBOROUGH, MA 01719

COLLEY THOMAS J  
26 OLD HARVARD LANE  
BOXBOROUGH, MA 01719

BOHLING GLENN E/JOANNE M-TRUST  
1250 BURROUGHS ROAD  
BOXBOROUGH, MA 01719

MADGE BRIAN J  
1065 BURROUGHS ROAD  
BOXBOROUGH, MA 01719

CHEN TR SHYUE-LING  
67 WHITNEY LANE  
BOXBOROUGH, MA 01719

WANG JIANGUO  
65 WHITNEY LANE  
BOXBOROUGH, MA 01719

HESHMATPOUR NASSER  
28 OLD HARVARD ROAD  
BOXBOROUGH, MA 01719

SEWARD CHARLES M  
63 WHITNEY LANE  
BOXBOROUGH, MA 01719

FTB HOMES LLC  
24 HARTWELL DRIVE  
LITTLETON, MA 01460

PATEL RONAK  
1100 BURROUGHS ROAD  
BOXBOROUGH, MA 01719

**Attachment E Filing Fees**



**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

**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:**

3 Old Harvard Road

a. Street Address

Boxborough

b. City/Town

\$42.50

d. Fee amount

c. Check number

**2. Applicant Mailing Address:**

Rick

a. First Name

Ogilvie

b. Last Name

FTB Homes, LLC

c. Organization

P.O. Box 216

d. Mailing Address

Littleton

e. City/Town

MA

f. State

01460

g. Zip Code

(978) 501-2904

h. Phone Number

i. Fax Number

rick@ftbhomes.net

j. Email Address

**3. Property Owner (if different):**

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

**B. Fees**

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

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

**Step 6/Fee Payments:** To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (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
1(a) work on a single family lot	1	\$110.00	\$110.00

Step 5/Total Project Fee: \$110.00

**Step 6/Fee Payments:**

Total Project Fee:	\$110.00
State share of filing Fee:	a. Total Fee from Step 5 \$42.50
City/Town share of filling Fee:	b. 1/2 Total Fee less \$12.50 \$67.50
	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.)

Boxborough Wetland & Adjacent Land Resource Area  
 Fee Calculation Worksheet

**Notice of Intent Filings:**

<u>Type of Service or Permit</u>	<u>Quantity</u>	<u>Fee</u>	<u>Total</u>
1) Permanent Structure Addition/Alteration - each filing	<u>1</u>	<u>\$250.00</u>	<u>\$250.00</u>
2) New Permanent Structure or SFH - each filing	<u>          </u>	<u>\$500.00</u>	<u>          </u>
3) Perm. St. or SFH - each sq. ft. of disturbance in Resource Area	<u>          </u>	<u>\$0.50</u>	<u>          </u>
4) Subdivision Roads and Utilities only - each filing	<u>          </u>	<u>\$1,500.00</u>	<u>          </u>
5) Subdivision - each linear foot of road sideline in Resource Area	<u>          </u>	<u>\$3.00</u>	<u>          </u>
6) Multiple Family or Condominium Structure - each filing	<u>          </u>	<u>\$1,500.00</u>	<u>          </u>
7) Multi Fam/Condo - each unit all or part of which is within Resource Area	<u>          </u>	<u>\$500.00</u>	<u>          </u>
8) Commercial/Industrial Projects - each filing	<u>          </u>	<u>\$1,500.00</u>	<u>          </u>
9) Commercial/Ind. - each sq. ft. of disturbance in Resource Area	<u>          </u>	<u>\$0.25</u>	<u>          </u>
10) Test pits, test wells, subsurface borings, and/or other pre-development work	<u>          </u>	<u>\$100.00</u>	<u>          </u>
11) Other	<u>          </u>	<u>\$100.00</u>	<u>          </u>
<u>Other:</u>			
12) ANRAD - each filing	<u>          </u>	<u>\$250.00</u>	<u>          </u>
13) ANRAD - per linear foot of delineation	<u>          </u>	<u>\$0.25</u>	<u>          </u>
14) Request for Determination of Applicability	<u>          </u>	<u>\$100.00</u>	<u>          </u>
15) Extension Permit	<u>          </u>	<u>\$100.00</u>	<u>          </u>
16) Amended Order of Conditions	<u>          </u>	<u>\$100.00</u>	<u>          </u>
17) Application for Partial Certificate of Compliance	<u>          </u>	<u>\$0.00</u>	<u>          </u>
18) Application for Certificate of Compliance	<u>          </u>	<u>\$0.00</u>	<u>          </u>
19) Other Miscellaneous ConsCom Documents	<u>          </u>	<u>\$100.00</u>	<u>          </u>
20) Total*			<u>\$ 250.00</u> (Not to exceed \$7, 500.00)

\* Additional consultation fees may be necessary for projects when a more extensive Wetland Habitat Study is needed or if the work proposed will require a higher degree of monitoring.

**Attachment F Site Plans**

# SEPTIC PERMIT PLAN

3 Old Harvard Road  
Boxborough, Massachusetts 01719

ASSESSOR  
MAP 13 LOT 34

PREPARED FOR  
**Nancy Nichols, Trustee  
Estate of Wasil Chernak**

48 Royal Palm Drive  
Virginia Beach, VA 23452-3711

## HANCOCK ASSOCIATES

Civil Engineers  
Land Surveyors  
Wetland Scientists

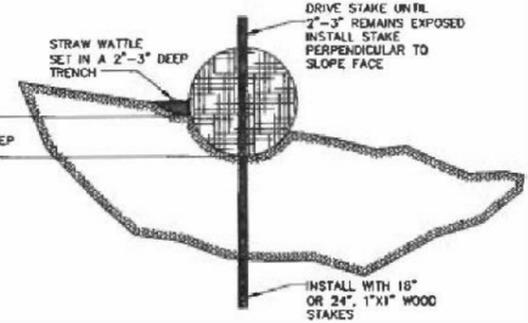
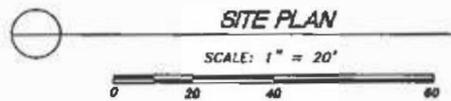
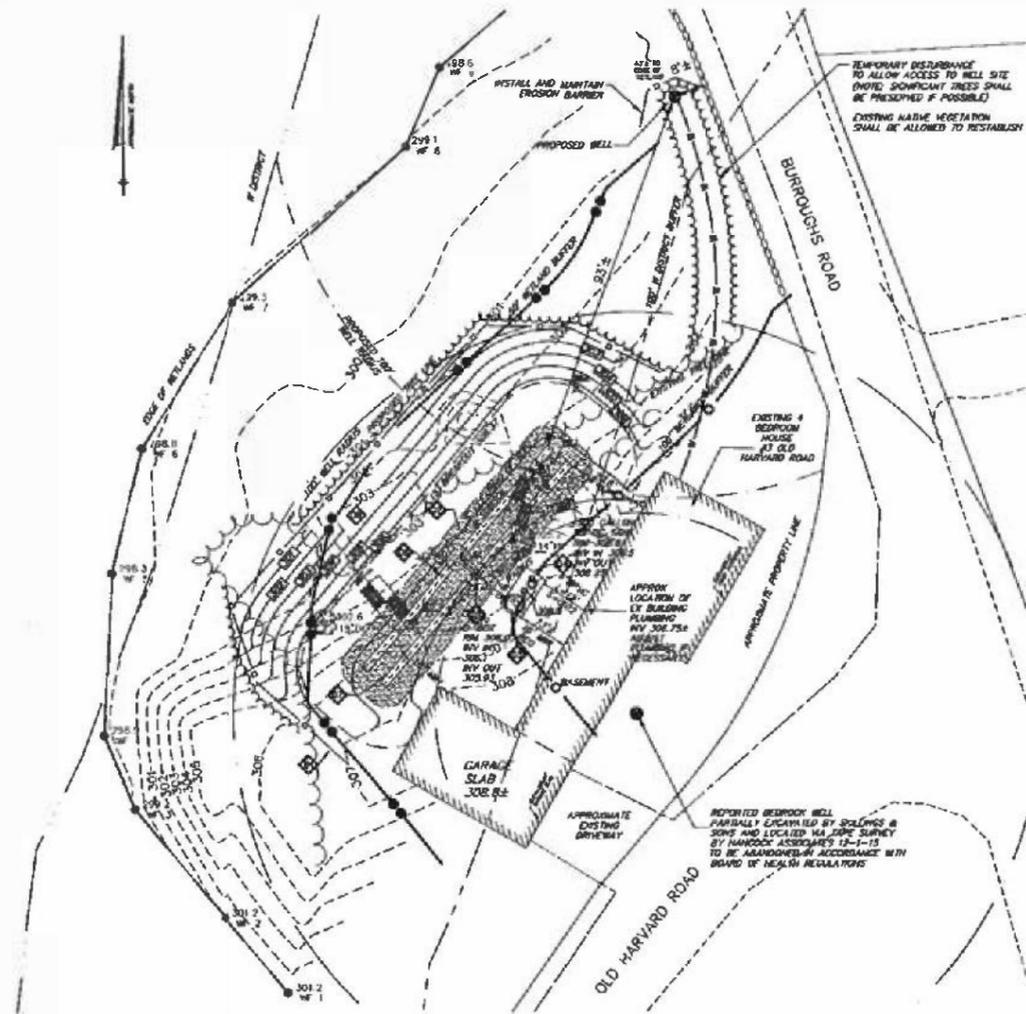
34 Chelmsford Street, Chelmsford, MA 01824  
Voice (978) 244-0110, Fax (978) 244-1133  
www.HancockAssociates.com



NO.	DATE	ISSUE/REVISION DESCRIPTION
1	10/27/2015	ISSUED BY: BG
2	12/29/16	CON. COM. COMMENTS
3	1/26/16	PROPOSED WELL PER BOH
4	12/1/15	WELL LOCATION

### PROPOSED SUBSURFACE SEWAGE DISPOSAL SYSTEM

DWG: 16150eng.dwg  
LAYOUT: (1)SAS  
SHEET: 1 OF 2  
PROJECT NO. 18150



**STRAW WATTLE INSTALLATION**  
NOT TO SCALE

#### SOIL TEST DATA

EVALUATOR: BRIAN GEARDREAU  
WITNESS: JAMES GARRETT, NASHOBA BOARDS OF HEALTH

DEEP SOIL OBS. HOLE	2015-1A	2015-2A
DATE	8/20/2015	8/20/2015
GRADE EL.	302.7	303.0
ESHOW EL.	298.6	299.7
OBS. BY EL.	293.1	294.2
BOTTOM EL.	291.0	291.8

2015-1A  
0-8" FILL  
8-24" Ad SL 10 YR 3/3  
24-42" Bw FSL 10 YR 7/6  
42-134" C FSL 7.5 YR 5/3  
REDOR @ 44" 51K5/8  
ESHOW AT 44" WEEP AT 106" STANDING AT 130"

2015-2A  
0-4" FILL  
4-20" Ad SL 10 YR 3/3  
20-34" Bw FSL 10 YR 6/6  
34-134" C FSL 10 YR 5/4  
REDOR @ 40" 51K5/8  
ESHOW AT 40" WEEP AT 106" STANDING AT 132"

PERC TEST	DEPTH BELOW GRADE @ 12" LEVEL (IN.)	FIELD RATE (MIN./IN.)	DATE
2015-1AP (W/ 2015-1A)	57"	15 MP	8/20/2015

**PLAN INTENT**  
THESE DRAWINGS ARE INTENDED TO SHOW CONSTRUCTION REQUIREMENTS FOR A SUBSURFACE SEWAGE DISPOSAL SYSTEM.

#### CONSTRUCTION KEY NOTES

(NOT A CONSTRUCTION SEQUENCE)

- 01 INSTALL AND MAINTAIN EROSION BARRIER (STRAW WATTLE)
- 02 REMOVE AND REPLACE FILL, A AND B SOIL HORIZONS WITH SELECT SOIL FILL
- 03 REMOVE EXISTING CESSPOOL IN ACCORDANCE WITH REGULATIONS
- 04 INSTALL 1500 GAL SINGLE COMPARTMENT SEPTIC TANK AND CONNECTING PIPE
- 05 INSTALL 6-OUTLET DISTRIBUTION BOX AND CONNECTING PIPE. TEE REQUIRED
- 06 INSTALL FOUR (4) 2'W x 2'D x 33'L SOIL ABSORPTION TRENCHES
- 07 INSTALL INSPECTION PORT
- 08 ALL DISTURBED AREAS SHALL BE BACKFILLED, FINISH GRADED, AND HYDROSEEDED WITH ANNUAL RYEGRASS OR LANDSCAPED

#### PRIMARY TRENCH ELEVATIONS

ELEVATION	ALL TRENCHES
EXISTING GRADE	303 - 306
E.S.H.C.W.	299.7
TRENCH BOTTOM	303.70
OFFSET	4.0
BEGINNING INVERT	305.87
END INVERT	305.70
BREAKOUT	306.37
MAX. FINISH GRADE	309.37
MIN. FINISH GRADE	307.12

**ELQW:**  
1. BUILDING USE: SINGLE FAMILY DWELLING  
2. NO. OF BEDROOMS: 4  
3. DESIGN FLOW: 110 GPD/BEDROOM\*  
4. TOTAL DAILY FLOW: 440 GALLONS

**SOIL ABSORPTION SYSTEM REQUIREMENTS**  
1. DESIGN PERCOLATION RATE: 15 MINUTES PER INCH  
2. SOIL CLASS: CLASS II  
3. LONG TERM ACCEPT. RATE: 0.56 GAL./SF  
4. CARBAGE GRINDER: NO  
5. TOTAL AREA REQ'D - LOCAL CODE: 786 SF  
6. TOTAL AREA REQ'D - TITLE 5: 788 SF  
7. TOTAL AREA PROVIDED:  
2 X 2 TRENCHES (4) AT 6 FT./LF x 33' LEN = 792 SF  
CAPACITY PROVIDED: 0.56 x 792 SF = 443 GPD  
8. NITROGEN LOADING:  
40,000 SF / 514,000# SF\*\* x 440 GPD = 34 GPD/AC  
(MAX 440 GPD/AC)  
\*\*FROM TOWN OF BOXBOROUGH ASSESSOR

#### FLOW AND AREA COMPUTATIONS

(310 CMR 15.242)

200X DAILY FLOW = 880 GAL  
1500 GAL MIN TANK SIZE REQUIRED  
USE 1500 GALLON SINGLE COMPARTMENT TANK

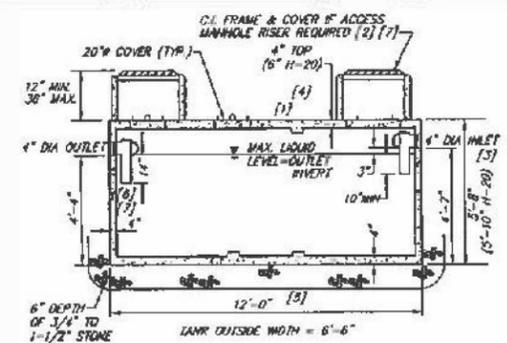
#### SEPTIC TANK COMPUTATIONS

(310 CMR 15.223)

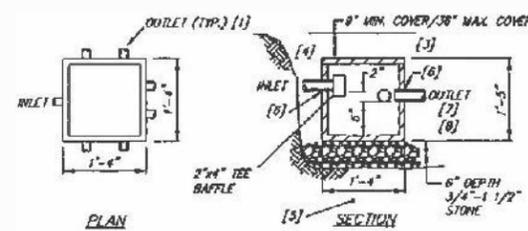
1. WAIVER REQUIRED FROM WELL REGULATION 7.1 TO ALLOW SAS WITHIN 100' OF EXISTING WELL (100' REQUIRED, 93' PROVIDED)
2. WAIVER REQUIRED FROM SUBSURFACE SEWAGE DISPOSAL SYSTEM REG 6.3 TO ALLOW SYSTEM TO BE WITHIN 100' OF WATERCOURSES
3. WAIVER REQUIRED FROM SUBSURFACE SEWAGE DISPOSAL SYSTEM REG 6.4 TO ALLOW WELL TO BE WITHIN 100' OF SYSTEM
4. VARIANCE FROM 310 CMR 15.211 REQUIRED FOR 93' OFFSET BETWEEN WELL AND SAS AS ALLOWED BY 15.405(1)(g)
5. WAIVER REQUIRED FROM WELL REGULATION 2.1 FOR 8' WELL SETBACK TO PROPERTY LINE AND 43' WELL SETBACK TO WETLANDS.

#### REQUIRED WAIVERS

I CERTIFY THAT ON APRIL 29, 2016, I PASSED THE EXAMINATION APPROVED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND THAT THE SOIL EVALUATION WAS PERFORMED BY ME CONSISTENT WITH THE REQUIRED TRAINING, EXPERISE, AND EXPERIENCE DESCRIBED IN 310 CMR 15.018 (2).  
  
BRIAN GEARDREAU, CERTIFIED SOIL EVALUATOR  
SOIL EVALUATOR NO. SE13719 (ISSUED 7/1/2014)

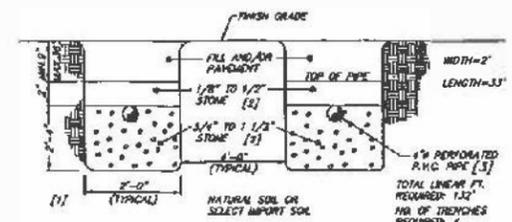


- [1] PRECAST REINFORCED CONCRETE CONSTRUCTION. ALL OPENINGS SEALED WATER TIGHT. AS MANUFACTURED BY E.F. SHEA OF WILMINGTON, MA, OR EQUAL.
- [2] MANHOLE RISER REQUIRED: YES. IF YES, APPROX. DEPTH OF COVER OVER RISER RIM: 24 INCHES.
- [3] IF SIDE INLET OF SEPTIC TANK IS USED, EXTEND INLET PIPE TO CENTER OF TANK.
- [4] WHERE UNDER OR ADJACENT TO AREA TO BE PAVED, COMPACT BACKFILL TO 95% DRY DENSITY PER ASTM D-1557.
- [5] UNDISTURBED SOIL OR SUBGRADE COMPACTED TO 95% DRY DENSITY PER ASTM D-1557.
- [6] OUTLET TEES SHALL BE EQUIPPED WITH A CORROSION-RESISTANT GAS DEFLECTOR.
- [7] INSTALL EFFLUENT FILTER: LABEL A1800 OR EQUAL. BRING MANHOLE ABOVE FILTER TO GRADE AND LABEL WITH "FILTER".



- [1] NUMBER OF OUTLETS: 6
- [2] LOAD MARKING: N20
- [3] MANHOLE RISER REQUIRED: NO. DISTRIBUTION BOXES BURIED GREATER THAN 9 INCHES BELOW GRADE SHALL BE EQUIPPED WITH RISERS.
- [4] WHERE UNDER OR ADJACENT AREA TO BE PAVED, COMPACT BACKFILL TO 95% PER ASTM D-1557.
- [5] UNDISTURBED SOIL OR SUBGRADE COMPACTED TO 95% PER ASTM D-1557.
- [6] ALL OPENINGS SEALED WATER TIGHT.
- [7] ALL OUTLET PIPE INVERTS AT SAME ELEVATION, LAID LEVEL FOR 2 FEET DOWNSTREAM FROM DISTRIBUTION BOX.
- [8] ALL OUTLETS TO BE FITTED WITH FLOW REGULATING DEVICES UNLESS INLET IS A FORCE MAIN.

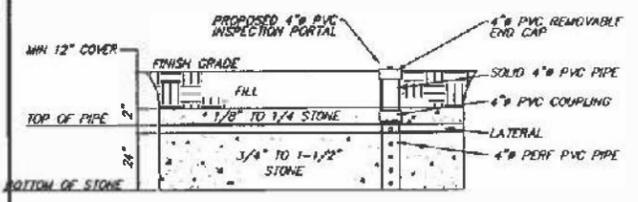
**6-OUTLET DISTRIBUTION BOX**  
(310 CMR 15.232)  
NOT TO SCALE



- [1] ENDRE BOTTOM OF SOIL ABSORPTION AREA SHALL BE SCARIFIED TO A MINIMUM DEPTH OF 3 INCHES JUST PRIOR TO PLACEMENT OF STONE.
- [2] ALL STONE SHALL BE DOUBLE WASHED.
- [3] ENDS OF DISTRIBUTION PIPE SHALL BE CAPPED UNLESS SYSTEM IS VENTED.

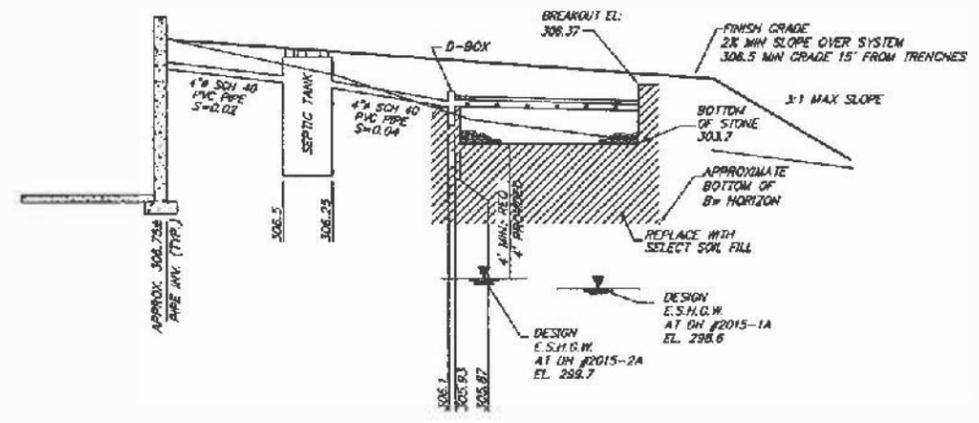
**SOIL ABSORPTION AREA TRENCHES**  
(310 CMR 15.240-15.253)  
TYPICAL CROSS SECTION

**1500 GALLON SEPTIC TANK**  
(310 CMR 15.223 - 15.227)  
TYPICAL CROSS SECTION  
NOT TO SCALE

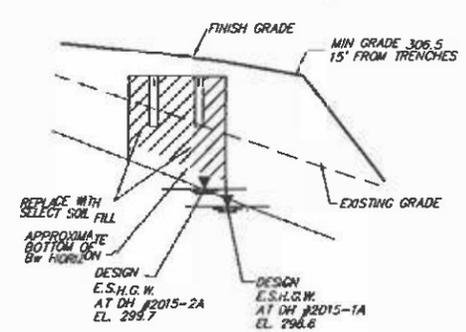


NOTE: INSPECTION PORTAL IS TO ASSIST WITH FUTURE OPERATION EVALUATIONS AND TITLE 5 INSPECTIONS.

**INSPECTION PORTAL DETAIL**  
TYPICAL CROSS SECTION  
NOT TO SCALE



**FLOW PROFILE**  
NOT TO SCALE



**SECTION A-A**  
NOT TO SCALE

**GENERAL NOTES**

1. Locations of existing underground utilities/obstructions/systems shown hereon are approximate only. All utilities/obstructions/systems may not be shown. Contractor shall be responsible for locating and protecting all underground utilities/obstructions/systems, whether or not shown hereon.
2. Unless otherwise shown, all new utilities shall be underground.
3. Contractor shall furnish construction layout of septic system, and site improvements. This work shall be performed by a Professional Land Surveyor. Property lines shown hereon are approximate.
4. Safety measures, construction methods and control of work shall be responsibility of the Contractor.
5. Contractor shall be responsible for repair and/or replacement of any existing improvements damaged during construction that are not designated for demolition and/or removal hereon. Damaged improvements shall be repaired to the satisfaction of their respective owners.
6. Any intended revision of the horizontal and/or vertical location of improvements to be constructed as shown hereon shall be reviewed and approved by Engineer prior to implementation.
7. Rim elevations shown for new structures are approximate and are provided to assist Contractor with material takeoffs. Finish rim elevations should match pavement, grading, or landscaping, unless specifically indicated otherwise.
8. Where existing utility lines/structures are to be cut/broken down/abandoned, lines/structures shall be plugged/capped/flagged in accordance with owner requirements.
9. All work on sewage disposal system shall be completed by a licensed "disposal works installer."
10. The issuance of a permit to construct, or a certificate of compliance, shall not be construed as a guarantee that the disposal system will function satisfactorily.
11. The contractor shall verify the location and relative elevation of bench marks prior to commencement of construction. Any discrepancy shall be reported to the engineer.
12. Structure details from independent vendors are constantly changing. Prior to construction, the contractor shall verify that details shown match current details and specifications from vendors.
13. Backwash from a water softener shall not be discharged into the subsurface sewage disposal system, but into a separate dry well or onto ground per 310 CMR 15.004(5).
14. Perimeter of soil absorption system to be staked and flagged from before construction until issuance of Certificate of Compliance, 15.246(2).
15. No changes are to be made in the field without the approval of the Board of Health or its designee and the design engineer.

**SITE NOTES**

1. All sewage disposal system components are greater than 400 feet away from surface water reservoirs and greater than 400 feet from tributaries to surface water reservoirs.
2. All visible wells within 150 feet of the soil absorption area have been shown on plan.
3. Site does not lie within a nitrogen sensitive area.
4. Wetland buffer zone limits on site are based on delineation by Hancock Associates.
5. W-District is shown based on Town of Barreborough GIS.
6. Erosion control shown hereon shall be installed before earth disturbance occurs within buffer zone, and shall serve as the limit of work.

**REGULATORY NOTES**

1. Contractor shall contact Dig-Safe for underground utility marking at 811 at least 72 hours prior to commencement of any work.
2. Contractor shall make himself aware of all construction requirements, conditions, and limitations imposed by permits and approvals issued by regulatory authorities prior to commencement of any work. Contractor shall coordinate and obtain all construction permits required by regulatory authorities.
3. All work outside of building that is less than 10 feet from the inside face of building foundations shall conform with the Uniform State Plumbing Code of Massachusetts, 24B CMR 2.00.
4. All work shall comply with Title V and local Board of Health regulations except as provided by approved waivers.

SEGMENT	DIA. (IN.)	MATERIAL [4] [5]	MIN. SLOPE (IN./FT.)
BUILDING TO SEPTIC TANK	4	PVC SCH 40, ASTM D1785	1/8
SEPTIC TANK TO PUMP CHAMBER	4	PVC SCH 40, ASTM D1785	1/8
PUMP CHAMBER TO D-BOX	2	PVC SCH 40, ASTM D1785 [8]	N.A.
D-BOX TO SOIL ABSORPTION AREA	4	PVC SCH 40, ASTM D1785	1/8 [2]
SOIL ABSORPTION AREA	4	PERFORATED [3], SCH 40, ASTM D1785 (FOR GRAVITY SYSTEMS ONLY)	1/16

- [1] ALL PIPE SHALL BE PROPERLY BEDDED, HAUNCHED, BACKFILLED. ALL JOINTS SHALL BE WATER TIGHT.
- [2] PIPE SHALL BE LAID LEVEL, FIRST 2 FEET DOWNSTREAM FROM DISTRIBUTION BOX.
- [3] PERFORATIONS DOWN AT 5 AND 7 O'CLOCK (FOR GRAVITY SYSTEMS ONLY).
- [4] UNLESS OTHERWISE SPECIFIED ON FLOW PROFILE.
- [5] WHERE SCH 35 PIPE IS SPECIFIED, SCH 40 MAY BE SUBSTITUTED.
- [6] HDPE PIPE TO BE USED IF DIRECTIONAL DRILLING IS USED.

**PIPE SPECIFICATIONS**  
(310 CMR 15.251)

1. Select soil fill material for system construction in fill may consist of select on-site soil or imported soil.
2. Select soil fill material shall be comprised of clean, granular sand, free from organic matter and deleterious substances. Maximum particle size shall be 2 inches.
3. A sieve analysis shall be performed on a representative sample of the fill. Up to 45% by weight of the fill sample may be retained on a #4 sieve. A sieve analysis shall also be performed on the fraction of the fill sample passing the #4 sieve. Such analysis shall demonstrate that the material passing the #4 sieve meets the following gradation:

Sieve	Effective Particle Size	Percent Passing Sieve
#4	4.75 mm	100
#80	0.30 mm	10 To 100
#100	0.15 mm	0 To 20
#200	0.075 mm	0 To 5

**SELECT SOIL FILL SPECIFICATION**  
(310 CMR 15.255)

**SEPTIC PERMIT PLAN**

3 Old Harvard Road  
Boxborough, Massachusetts 01719

ASSESSORS  
MAP 13 LOT 34

PREPARED FOR  
Nancy Nichols, Trustee  
Estate of Wasil Chernak

648 Royal Palm Drive  
Virginia Beach, VA 23452-3711

**HANCOCK ASSOCIATES**

Civil Engineers  
Land Surveyors  
Wetland Scientists

34 Chestnut Street, Chelmsford, MA 01824  
Voice (978) 244-0110, Fax (978) 244-1133  
www.HancockAssociates.com



NO.	BY	APP	DATE	ISSUE/REVISION DESCRIPTION
4	BG	BG	3/11/2015	NEW NOI FILING
3	HO	JP	2/29/16	CON. COM. COMMENTS
2	SD	JP	1/26/16	PROPOSED WELL PER BOH
1	SD	JP	12/1/15	WELL LOCATION

**PROPOSED SUBSURFACE SEWAGE DISPOSAL SYSTEM**

DWG: 18150eng2.dwg  
LA T: (2)SAS  
YOU  
SHEET: 2 OF 2  
PROJECT NO.: 18150

**TOWN OF BOXBOROUGH**  
**Conservation Commission**  
29 Middle Road  
Boxborough, MA 01719  
(978) 264-1722

LEGAL NOTICE OF PUBLIC HEARING  
Notice of Intent

Pursuant to MGL Ch. 131, Section 40 and the Boxborough Wetlands By-Law, a Public Hearing will be held on **June 3, 2020 at 8:05 PM** at the Boxborough Town Hall, 29 Middle Road, Boxborough, MA before the Boxborough Conservation Commission to consider a **Notice of Intent** filed by Hancock Associates on behalf of the property owner, Rick Ogilvie, FTB Homes, LLC. The property is located at 3 Old Harvard Road, Assessor's Map 13-034-000.

Project description: installation of a new subsurface septic system.

Based on current COVID-19 circumstances, this public hearing will be held in the Town Hall **or otherwise** will be held via Zoom videoconferencing. All details will be made available on the Conservation Commission agenda when posted, a minimum of 48 hours prior to the meeting on the town web site, [www.boxborough-ma.gov](http://www.boxborough-ma.gov).

Contact the Conservation Commission office at 978.264.1722 if there are questions.

Publish: May 21, 2020

**DO NOT PUBLISH BELOW THIS LINE**

Billing Information:

Rich Ogilvie  
FTB Homes LLC  
PO Box 216  
Littleton, MA 01460  
978.501.2904

## ADDITIONAL CONDITIONS

This project entails the installation of a new subsurface septic system at a single-family home built in 1750 that currently has a cesspool. **New well also??** Portions of the project will occur within the 100-foot buffer zone to the Bordering Vegetated Wetlands.

The proposed work impacts approximately 6,000 square feet in the 100 foot Buffer Zone. There will be no alteration of the BVW.

The proposed work is considered to have (potential) impact to the following interests of the Bylaw: protection of public and private water supply, protection of groundwater, flood control, erosion control, storm damage protection, prevention of pollution, protection of land containing wildlife (wildlife habitat), recreation, protection of aesthetics.

This project is approved by the Conservation Commission because the new Title V compliant septic system will be a significant improvement over the existing cesspool. This project can be conditioned to meet the performance standards of the Wetlands Protection Act and (or) Town of Boxborough Wetland By-Law. There are no other options outside the BVW and Buffer Zone for this project. The following additional conditions shall apply.

### **Additional General Conditions**

20. In accordance with the Boxborough Wetland Bylaw, this Order of Conditions (Order) expires three years from date of issuance and may be extended for one year upon written request from the applicant at least 30 days prior to expiration of the Order.
21. After the expiration of the 10-day appeal period, and, if no request for appeal has been filed with the Department of Environmental Protection, record this Order at the Registry of Deeds and return a copy (proof) of recorded front page to the Commission.

**\*\* No work shall start until this Order of Conditions is recorded and a copy is received by the Commission. \*\***

22. This Order shall apply to any successor in control or successor in interest of the property described in the Notice of Intent and accompanying plans. These obligations shall be expressed in covenants in all deeds to succeeding owners of portions of the property.
23. The Commission shall be notified in writing of all transfers of title of any portion of property that takes place prior to issuance of the certificate of compliance.
24. **All proposed work shall be performed in accordance with the Notice of Intent filed February 17, 2020 and the Plans dated March 11, 2020.**

25. The Conservation Commission, the Boxborough Building Inspector, arborists, consultants, or conservation experts, as agents of the Commission, or the Department of Environmental Protection reserves the right to enter and inspect the property at all reasonable times, until a Certificate of Compliance is issued to evaluate compliance with this Order of Conditions, the Act, the Boxborough Wetland Bylaw, 310 CMR 10.00 and Boxborough wetland regulations, and may acquire any information, measurements, photographs, observations, and/or materials, or may require the submittal of any data or information deemed necessary by the Commission for that evaluation. Further, work shall be halted on the site if the Commission, agent or DEP determines that any of the work is not in compliance with this Order of Conditions. Work shall not resume until the Commission is satisfied that the work will comply, and has so notified the applicant in writing.

26. The Commission reserves the right to amend this Order of Conditions after a legally advertised public hearing if plans or circumstances are changed or if new conditions or information so warrant.

Upon completion of this project, the applicant shall submit the following to the Conservation Commission to receive a Certificate of Compliance:

1. DEP WPA Form 8A Request for Certificate of Compliance
2. A written statement from a registered professional engineer of the Commonwealth certifying that the work has been conducted as shown on the plan(s) and documents referenced above, and as conditioned by the Commission.
3. An "as-built" plan prepared and signed and stamped by a registered professional engineer or land surveyor of the Commonwealth for the public record.

27. The Perpetual Conditions listed on page 7-F shall continue in force beyond the Certificate of Compliance in perpetuity and shall be referred to in all future deeds to this property.

28. There shall be no filling of Bordering Vegetated Wetland as defined in 310 CMR 10.55.

### **Pre-Construction Requirements**

29. If there are any changes to the plans as submitted, the applicant shall have the responsibility to submit revised plans showing all changes to the Commission for review. This includes changes required by the Commission, other Town and/or State agencies as well as those introduced by the applicant. No work may start until the Commission has completed its review and notified the applicant in writing.

30. A complete copy of this Order, including its drawings, Special Conditions, and any amendments shall be maintained at the work site whenever work is being performed. The Applicant shall assure that all contractors, subcontractors and other personnel performing work in the resource area are fully aware of the terms and conditions of the Order. A complete

copy of this Order and the project plans shall be given to every contractor and subcontractor performing the work defined and described here.

31. Prior to the start of any activity, the applicant shall schedule a pre-construction conference to be held on the site, involving the Contractor conducting the work, the Applicant or its authorized representative, and a member or agent of the Conservation Commission, to ensure that the requirements of this Order are understood by all parties. A reasonable period of time shall be provided as notice of the pre-construction meeting.
32. A set of plans for this project shall be submitted to the building inspector who may act as the Commission's agent.
33. The applicant shall inform the Commission in writing of the name, mailing address, e-mail address, business and home telephone number of the project supervisor who will be responsible for ensuring on-site compliance with this Order. The applicant will also supply the names and contact information for all the contractors and subcontractors.
34. All contractors working in the resource area shall be required to read this Order of Conditions and sign a document acknowledging their reading and understanding the Order of Conditions. This 'acknowledgement document' shall contain the printed name of the contractor/subcontractor, address, phone number, date and signature. One copy of the signed acknowledgement document shall be kept on site and a second copy shall be forwarded to the Conservation Commission before site clearing and excavation.

#### Erosion Controls

35. Before the start of any site work (e.g. earth disturbance, clearing of vegetation, etc.), appropriate sedimentation and erosion control devices (such as staked wattles, or strawbales) shall be installed along a line that is no closer to the BVW than the existing 300 ft. contour line as shown on the plan, and shall extend the entire distance along the westerly rear and southerly side yard that faces the resource area(s).

36. On slopes of 25% (4:1) or less gradient, wire-reinforced silt fencing or straw wattles may be used.
37. Slopes greater than 25% (4:1) require butting double staked straw bales backed by a silt fence dug-in 6 inches into the ground.
38. All silt fencing will be dug-in 6 inches into the ground. Space stakes a maximum of 8 feet if wire-reinforced fencing is used and a maximum of 6 feet if the fencing is not reinforced. All straw bales will be double staked into the ground. Straw bales shall be dry, tight, consistent "stalk" material and free of seeds.
39. **Following the installation of the sedimentation and erosion control devices but prior to the start of any other construction activity, the Commission shall be notified in writing and shall**

**have five (5) working days to inspect this installation before any site work starts.** If the applicant is not otherwise notified by the Commission of the acceptance or rejection of the installation, construction may begin at the end of the 5 working days.

40. Prior to any work on site, the proposed limits of work shall be delineated with 5-foot high stakes spray painted bright orange placed every 25 feet with attached signs clearly displaying **“NO ACTIVITY BEYOND THIS POINT PER ORDER OF THE CONSERVATION COMMISSION”**. Such markers shall be checked and replaced as necessary and shall be maintained until all construction is complete. Workers shall be informed that no use of machinery, storage of machinery or materials, stockpiling of soil or construction activity is to occur beyond this line at any time.

### Construction Management

#### Erosion Control

41. An adequate stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair silt fences and wattles or any other devices planned for use during construction.
42. The Conservation Commission reserves the right to impose additional conditions on portions of this project to mitigate any impacts which could result from site erosion, or any noticeable degradation of surface water quality discharging from the site.
43. Erosion control devices may be modified based on experience at the site. All such devices shall be inspected, cleaned, and/or replaced during construction and shall remain in place until such time stabilization of all areas that may impact resource areas is permanent. These devices shall be inspected to assure maximum control has been provided after any rainfall.
44. Any straw bales or wattles that deteriorate during the activity period are to be replaced immediately. At the close of each construction day, and especially prior to weekends, the applicant shall assume responsibility for monitoring all erosion and sedimentation barriers to insure that all barriers are in place, secured, reinforced and properly maintained at day's end. In the event that an uncontrollable emergency occurs, such as a heavy rainstorm, causing erosion and sedimentation breakout, the applicant shall restore such barriers to the standards outlined in the Order and the satisfaction of the Commission. The straw bales shall be in place until revegetation takes place.
45. All erosion control and sedimentation prevention measures shall remain in place and be maintained for the purpose for which they were installed until the area upgradient is permanently stabilized, inspected and approved by the Commission. The applicant shall remove the erosion control and sedimentation devices by the end of construction, before applying for the Certificate of Compliance.
46. Site grading and construction shall be scheduled to avoid periods of high surface water. Once begun,

grading and construction shall move uninterrupted to completion to avoid erosion and siltation of the wetlands.

### Stabilization

47. As soon as grading and/or construction in the buffer zone is completed, all disturbed areas must be permanently stabilized with vegetative cover. All disturbed areas, slopes and proposed landscape areas shall be loamed and seeded or stabilized through the use of mulch cover, erosion control blankets or other approved means. All disturbed areas shall be graded, loamed and seeded prior to November 1 of each year. No disturbed areas or stockpiled material will be left unprotected during the winter. If weather conditions do not allow permanent stabilization, then appropriate temporary stabilization measures shall be used until permanent stabilization can be achieved.
48. Subsequent to seeding, disturbed areas will be covered with hay mulch, erosion control blanket or netting or other suitable material in order to provide an adequate surface protection until seed germination. Preference should be given to erosion control netting with biodegradable stitching.
49. After erosion control devices are removed as permitted by the Conservation Commission, the areas covered by the erosion control measures shall be restored to match adjacent condition.

### Equipment and Storage

50. No motorized equipment or other machinery shall be allowed in the wetland. Motorized equipment or any other machinery involved in the work shall be permitted in the buffer zone only when actually engaged in that work and must be removed from the buffer zone for overnight or weekend storage. No maintenance or refueling shall take place in the buffer zone and/or wetlands. This includes, but is not limited to fueling, lubricating and fluid replacement.
51. Equipment for fuel storage and refueling operations shall be located in an upland area greater than 100 feet from the limits of wetland areas.
52. Under no conditions shall operation of equipment, storage materials, stockpiling of soil or other temporary site disturbance take place on the wetland side of the limit of work line.
53. All equipment used in this project shall work from upland areas and shall not enter the wetlands at any time.

### Other

54. There shall be no construction refuse buried within the 100-foot wetland buffer zone on the project site.
55. No work or activity including the cutting of vegetation shall take place in a wetland area or buffer

Zone other than that specifically allowed under this Order of Conditions.

56. Only clean fill shall be used on the site, i.e. clean granular materials free of organic matter, large stones, masonry, stumps, asphalt or waste material.
57. No trash dumpsters will be allowed within the 100-foot wetland buffer zone or banks during construction.

### **Perpetual Conditions**

58. No further permanent structure of any kind shall ever be permitted within the 100-foot wetland buffer zone. No additional alterations of any kind within the wetlands and the buffer zone will be permitted without prior approval of the Conservation Commission.
59. Dumping of lawn clippings, other plantings, and used Christmas trees shall not be permitted in the Resource Areas. It is the property owners' responsibility to inform lawn service providers.
60. No herbicides or pesticides shall be used on this site within the 100-foot wetland buffer zone. This condition shall remain in force permanently and shall be recorded as such on the Certificate of Compliance.
61. Fertilization and liming of soils on this site shall not take place within the 100-foot wetland buffer zone.
62. There shall be no storage of chemicals, oil, fuel, fertilizers or other potentially hazardous material within the wetlands or within the 100-foot wetland buffer zone, except within the existing single family home including the attached garage.
63. Upon completion of work, the limit of permitted permanent encroachment into the buffer zone shall be delineated with either a split rail fence, boulders or large shrubs installed along a line that is no closer to the BVW than the existing 300 ft. contour line as shown on the plan, and shall extend the entire distance along the westerly rear and southerly side yard that faces the resource area(s).

The applicant shall submit a plan showing this proposed delineation prior to the installation. This delineation shall be explicitly shown and labelled on the as-built plan.

The applicant shall instruct all agents to explain these markers to buyers/lessees/landscapers and all persons taking over the property from the applicant.