

lec 8-18-2022

### Surveyors | Engineers | Scientists

#25821

August 17, 2022

City of Marlborough Conservation Commission 140 Main Street Marlborough MA 01752

### RE:846-850 Boston Post Road East, Marlborough-Notice of Intent

Dear Members of the Conservation Commission,

On behalf of Exela Movers (Applicant), Hancock Associates respectfully submits this Notice of Intent (NOI) in request for issuance of an Order of Conditions to permit work to construct site improvements to an existing storage facility located within the 100-ft Buffer Zone to Bordering Vegetated Wetland.

### **Existing Conditions and Wetland Resource Areas**

The properties are a combined 50,793 square feet of commercial lots located at 846-850 Boston Post Road East (Route 20) (Map 61, Lots 17, 17A, and 20) on Marlborough Assessors Maps) in Marlborough, MA.

Prior to performing field wetland delineations, a desktop assessment of environmental constraints on the subject property was performed through review of MassGIS data layers, USGS 7.5-minute quadrangle maps, NRCS soil maps, aerial photography, and Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs).

Based on this review, there are no environmental sensitive resource areas such as NHESP mapped Estimated or Priority Rare Species Habitats, NHESP mapped Certified or Potential Vernal Pools, Areas of Critical Environmental Concern (ACECs), Outstanding Resource Waters (ORWs), Cold Water Fisheries, Surface Water Protection Zones, or Wellhead Protection Zones on the property.

According to the FEMA FIRM, no areas of the property are located within mapped 100-year floodplain. According to the USGS 7.5-minute quadrangle map, there are no mapped perennial streams affecting the property.

On May 15, 2022, a Hancock Associates Wetland Scientist field delineated the limit of a Pond and a Bordering Vegetated Wetland to the extent that they project a 100-ft Buffer Zone onto the subject property. The wetland scientist demarcated the limit of Pond and BVW with two flag series labeled WF A 100-104 (Pond) and WF 200-203 (BVW). The flag series was located via survey instrumentation and plotted to the associated Permit Plans attached herein. This wetland delineation concluded that the existing development including portions of the existing house storage and gravel driveway are located within the local 30-ft No Disturb Zone.

### **Proposed Work**

185 Centre Street | Danvers, MA 01923 | V: 978-777-3050 | F: 978-774-7816 | HancockAssociates.com

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





### Surveyors | Engineers | Scientists

The proposed work will primarily occur on 846 Boston Post Road East (Map 61, Lot 20). The applicant proposes to add a second floor of additional storage space to the existing, one-story house storage area and construct a new pathway supported by a retaining wall along the west side of the house. Some minor grading is necessary to incorporate the new retaining wall. The retaining wall is to be designed by others. Erosion control in the form of a silt fence has been proposed between the west side of the proposed path and retaining wall and the resource area.

### **Waiver Request**

As of 2022, Marlborough established a 30-ft No Disturb Policy. The proposed path, minor grading and retaining wall are designed within the 30-ft setback. The existing area where the path, grading and retaining wall are proposed is steeply sloped and vegetated with lawn and some tree cover adjacent to the steep slope to the pond from the roadway. The 30-ft No Disturb Zone is previously disturbed in this area with gravel driveway and house prior to August 1, 1996. We ask that the Commission grant a waiver to this policy for the purposes of supporting the slope and existing structures.

### Conclusion

All work has been designed to meet or exceed Performance Standards work within the Buffer Zone in accordance with the Massachusetts Wetlands Protection Act (WPA) Regulations (310 CMR 10.00). With standard Best Management Practices (BMPs) for erosion and sediment control during construction, we believe the physical activity of demolition and construction will not result in any impacts to the wetland resource areas. As such, we respectfully request that the Commission consider issuance of an Order of Conditions to permit to work described herein.

Thank you for your consideration in this matter.

Respectfully, Hancock Associates on behalf of Exela Movers

Kristan Farr

Project Wetland Scientist

Luitan M. Fan

cc: MassDEP Central Regional Office Exela Movers

Attachments:

A – WPA Form (Copy of E-DEP)

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Surveyors | Engineers | Scientists

B – Figures

C – Abutter Information

D – Filing Fees

E – Site Plan(s)

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Rec 8-18-2022



# **Massachusetts Department of Environmental Protection**

# **eDEP Transaction Copy**

Here is the file you requested for your records.

To retain a copy of this file you must save and/or print.

Username: KFARRHSA

Transaction ID: 1416395

Document: WPA Form 3 - NOI

Size of File: 248.64K

Status of Transaction: In Process

Date and Time Created: 8/18/2022:10:01:56 AM

**Note**: This file only includes forms that were part of your transaction as of the date and time indicated above. If you need a more current copy of your transaction, return to eDEP and select to "Download a Copy" from the Current Submittals page.

Rec 8-18-2022

Massachusetts Department of Environmental

Protection

Provided by MassDEP: MassDEP File #:

Bureau of Resource Protection - Wetlands

eDEP Transaction #:1416395

WPA Form 3 - Notice of Intent

City/Town:MARLBOROUGH

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

### A.General Information

### 1. Project Location:

a. Street Address

846-850 BOSTON POST ROAD EAST

b. City/Town

MARLBOROUGH

01752 71.49520W

d. Latitude f. Map/Plat #

42.35093N 61

e. Longitude g.Parcel/Lot#

c. Zip Code

17, 17A, 20

2. Applicant:

### ☐ Individual ☐ Organization

a. First Name c. Organization **ALEXE** 

b.Last Name

EXELA MOVERS

19 BROOK ROAD

d. Mailing Address e. City/Town

**NEEDHAM** 857-312-3381

f. State MA i. Fax

g. Zip Code j. Email

SUICU

02494 move@exelamovers.com

3. Property Owner:

h. Phone Number

more than one owner

a. First Name c. Organization **ALEXE** 

b. Last Name **EXELA MOVERS** 

d. Mailing Address

19 BROOK ROAD

e. City/Town h. Phone Number

**NEEDHAM** 

857-312-3381

f.State MA i. Fax

g. Zip Code j.Email

**FARR** 

SUICU

02494 move@exelamovers.com

4. Representative:

a. First Name

KRISTAN

b. Last Name

c. Organization d. Mailing Address HANCOCK ASSOCIATES 185 CENTRE STREET

e. City/Town h.Phone Number

**DANVERS** f. State MA

1,050.00 b.State Fee Paid

978-777-3050 i.Fax

g. Zip Code 01923 j.Email kfarr@hancockassociates.com

a.Total Fee Paid

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

512.50 c.City/Town Fee Paid

537.50

6.General Project Description:

SITE IMPROVEMENTS TO AN EXISTING STORAGE FACILITY

7a.Project Type:

1. Single Family Home

3. ☐ Limited Project Driveway Crossing

5. Dock/Pier

4. Commercial/Industrial

6. 

☐ Utilities

7. Coastal Engineering Structure

8. \( \sum \) Agriculture (eg., cranberries, forestry)

9. Transportation

10. ☐ Other

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

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**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 #: eDEP Transaction #:1416395 City/Town:MARLBOROUGH

If yes, describe which limited project applies to this project: 1. 

☐ Yes 
☐ No 2. Limited Project 8. Property recorded at the Registry of Deeds for: d.Page: b.Certificate: c.Book: a.County: 79666 SOUTHERN MIDDLESEX 278,632 B. Buffer Zone & Resource Area Impacts (temporary & permanent) 1.Buffer Zone & Resource Area Impacts (temporary & permanent):

This is a Buffer Zone only project - Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.

2.Inland Resource Areas: (See 310 CMR 10.54 - 10.58, if not applicable, go to Section B.3. Coastal Resource Areas)

Size of Proposed Alteration Proposed Replacement (if any) Resource Area a. F Bank 2. linear feet 1. linear feet b. F Bordering Vegetated Wetland 2. square feet 1. square feet c. \( \subset \) Land under Waterbodies and Waterways 2. square feet 1. Square feet 3. cubic yards dredged d. F Bordering Land Subject to Flooding 1. square feet 2. square feet 3. cubic feet of flood storage lost 4. cubic feet replaced e. T Isolated Land Subject to Flooding 1. square feet 3. cubic feet replaced 2. cubic feet of flood storage lost f. T Riverfront Area 1. Name of Waterway (if any) ☐ 25 ft. - Designated Densely Developed Areas only 2. Width of Riverfront Area (check one) ☐ 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?

Г Yes Г No

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Protection

Bureau of Resource Protection - Wetlands

WPA Form 3 - Notice of Intent

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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) Resource Area Size of Proposed Alteration Proposed Replacement (if any) Indicate size under Land under the ocean below, a. T Designated Port Areas b. Land Under the Ocean 1. square feet 2. cubic yards dredged c. F Barrier Beaches Indicate size under Coastal Beaches and/or Coatstal Dunes, below d. Coastal Beaches 1. square feet 2. cubic yards beach nourishment e. Coastal Dunes 2. cubic yards dune nourishment 1. square feet f. Coastal Banks 1. linear feet g. Rocky Intertidal Shores 1. square feet h. Salt Marshes 2. sq ft restoration, rehab, crea. 1. square feet i. T Land Under Salt Ponds 1. square feet 2. cubic yards dredged j. T Land Containing Shellfish 1. square feet

k. 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

I. C Land Subject to Coastal

Storm Flowage 1. square feet

4.Restoration/Enhancement

□ Restoration/Replacement

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 entered the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

5. Projects Involves Stream Crossings

☐ Project Involves Streams Crossings

If the project involves Stream Crossings, please enter the number of new stream crossings/number of replacement stream crossings.

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# 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

b. number of replacement stream crossings

Provided by MassDEP:

eDEP Transaction #:1416395

City/Town:MARLBOROUGH

MassDEP File #:

### C. Other Applicable Standards and Requirements 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 of Endangered Species program (NHESP)?

a. number of new stream crossings

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:MASSMAPPER AUG 2022

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18)....

- c. Submit Supplemental Information for Endangered Species Review \* (Check boxes as they apply)
- 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
- 3. Project plans for entire project site, including wetland resource areas and areas outside of wetland jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work \*\*
- a. \( \tau\) Project description (including description of impacts outside of wetland resource area & buffer zone)
- b. Photographs representative of the site
- c. \( \tau \) MESA filing fee (fee information available at: \( \text{http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/mass-endangered-species-act-mesa/mesa-fee-schedule.html \( \) \)

Make check payable to "Natural Heritage & Endangered Species Fund" and mail to NHESP at above address

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

- d. \( \text{Vegetation cover type map of site} \)
- e. Project plans showing Priority & Estimated Habitat boundaries
- d. 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, <a href="http://www.mass.gov/eea/agencies/dfg/dfw/laws-regulations/cmr/321-cmr-1000-massachusetts-endangered-species-act.html#10.14">http://www.mass.gov/eea/agencies/dfg/dfw/laws-regulations/cmr/321-cmr-1000-massachusetts-endangered-species-act.html#10.14</a>; 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 Number
- b. Date submitted to NHESP
- 3. Separate MESA review completed

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### 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 #:

eDEP Transaction #:1416395 City/Town:MARLBOROUGH

Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

- \* Some projects not in Estimated Habitat may be located in Priority Habitat, and require NHESP review...
- 2. For coastal projects only, is any portion of the proposed project located below the mean high waterline or in a fish run? a. Vot applicable - project is in inland resource area only

Г Yes Г No

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

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

North Shore - Hull to New Hampshire:

Division of Marine Fisheries -Southeast Marine Fisheries Station Attn: Environmental Reviewer 836 S. Rodney French Blvd New Bedford, MA 02744

Division of Marine Fisheries -North Shore Office Attn: Environmental Reviewer

30 Emerson Avenue Gloucester, MA 01930

If yes, it may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional office.

3. 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 Form 3 or DEP Website for ACEC locations). electronic filers click on Website.

b. ACEC Name

- 4. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
  - 「Yes ▼ No
- 5. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L.c. 13 40A) or the Coastal Wetlands Restriction Act (M.G.L.c. 130, § 105)?
  - 「Yes ▼ No
- 6. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
  - a. Ves, Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMI 10.05(6)(k)-(q) and check if:
  - 1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Hand
  - ∇ol.2, Chapter 3)
  - A portion of the site constitutes redevelopment
  - Proprietary BMPs are included in the Stormwater Management System
  - b. \( \tau\_{\text{No}}\), Explain why the project is exempt:
  - Single Family Home
  - Emergency Road Repair

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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 #: eDEP Transaction #:1416395 City/Town:MARLBOROUGH

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

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 by regular mail delivery.

- 1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the
- ∇onservation 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.
- 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.

V

a. Plan Title: b. Plan Prepared By: c. Plan Signed/Stamped By: c. Revised Final Date: e. Scale:

PLAN TO SUPPORT NOTICE OF INTENT FILING

HANCOCK ASSOCIATES

SOCIATES J. DANIE

J. DANIEL BREMSER, PLS August 15, 2022

1"=20'

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.

V

9. Attach Stormwater Report, if needed.

V

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### **Massachusetts Department of Environmental** Protection

Bureau of Resource Protection - Wetlands

### WPA Form 3 - Notice of Intent

Provided by MassDEP: MassDEP File#: eDEP Transaction #:1416395 City/Town:MARLBOROUGH

Fees	
1.	
Fee Exempt: No filing fee shall be assessed for projectribe housing authority, municipal housing authority,	ts of any city, town, county, or district of the Commonwealth, federally recognized Indian or the Massachusetts Bay Transportation Authority.
Applicants must submit the following information (in add	ition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:
Applicants must submit the following information (in add $1031$	
	ition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:  August 15, 2022  3. Check date
1031	August 15, 2022

### 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 to and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspay 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 fee

he property line of the project location.	8/15/2022
1: Signifure of Applicant	2. Date
3. Signature of Property Owner(if different)	4. 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 Transmittaterm, 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 Fo and a copy of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

If the applicant has checked the "yes" box in Section C, Items 1-3, above, refer to that section and the Instructions for additional submittal

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.

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Massachusetts Department of Environmental Protection Provided by MassDEP:

Bureau of Resource Protection - Wetlands

# WPA Form 3 - Notice of Wetland FeeTransmittal

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

MassDEP File #:

eDEP Transaction #:1416395 City/Town:MARLBOROUGH

A. Applicant Inform	ıation						
1. Applicant:							
a. First Name	ALEXE		b.Last Name	SUICU			
c. Organization	EXELA MOVE	ERS					
d. Mailing Address	19 BROOK RO	DAD					
e. City/Town	NEEDHAM	f. State	MA	g. Zip Code	02494	4	
h. Phone Number	8573123381	i. Fax		j. Email	move	@exelamovers.com	
2.Property Owner:(if diffe	erent)						
a. First Name	ALEXE		b. Last Name	SUICU			
c. Organization	EXELA MOVE	ERS					
d. Mailing Address	19 BROOK RO	DAD					
e. City/Town	NEEDHAM	f.State	MA	g. Zip Code	02494	4	
h. Phone Number	8573123381	i. Fax		j.Email	move	@exelamovers.com	
3. Project Location:							
a. Street Address	846-850 BOSTO	N POST R	OAD EAST	b. City	/Town	MARLBOROUGH	

**Note:** Fee will be exempted if you are one of the following:

- City/Town/County/District
- Municipal Housing Authority
- Indian Tribe Housing Authority
- MBTA

State agencies are only exempt if the fee is less than \$100

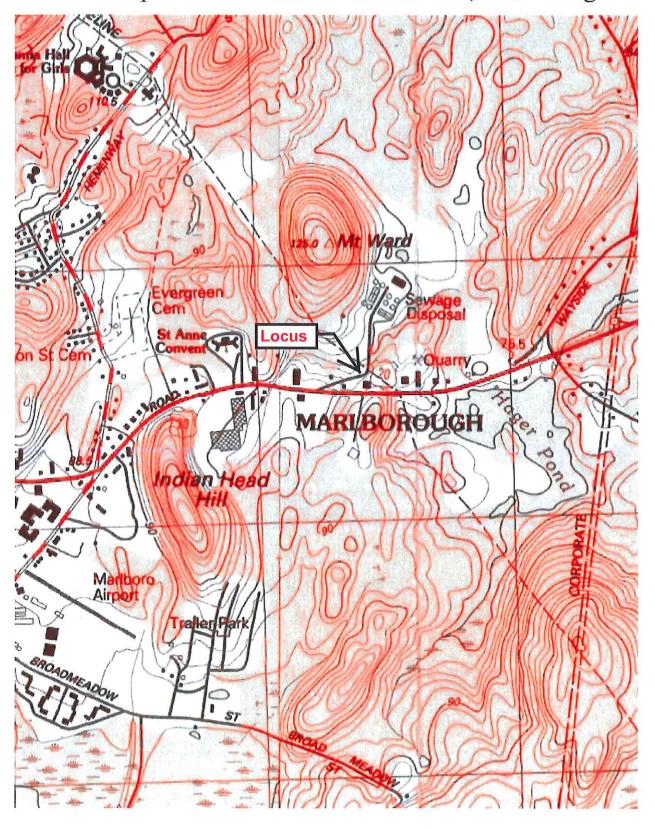
### B. Fees

Activity Type	Activity Number	Activity Fee	RF Multiplier	Sub Total
B.) EACH BUILDING (FOR DEVELOPMENT) INCLUDING SITE;	1	1050.00		1050.00

City/Town share of filling fee State share of filing fee Total Project Fee \$1,050.00 \$537.50 \$512.50

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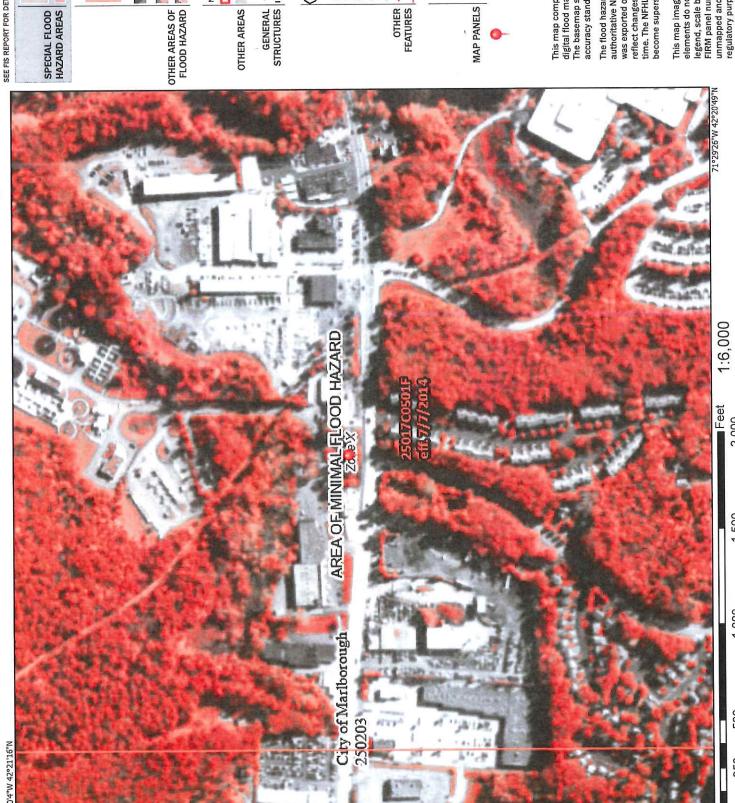
Locus Map: 846-850 Boston Post Road East, Marlborough





# National Flood Hazard Layer FIRMette



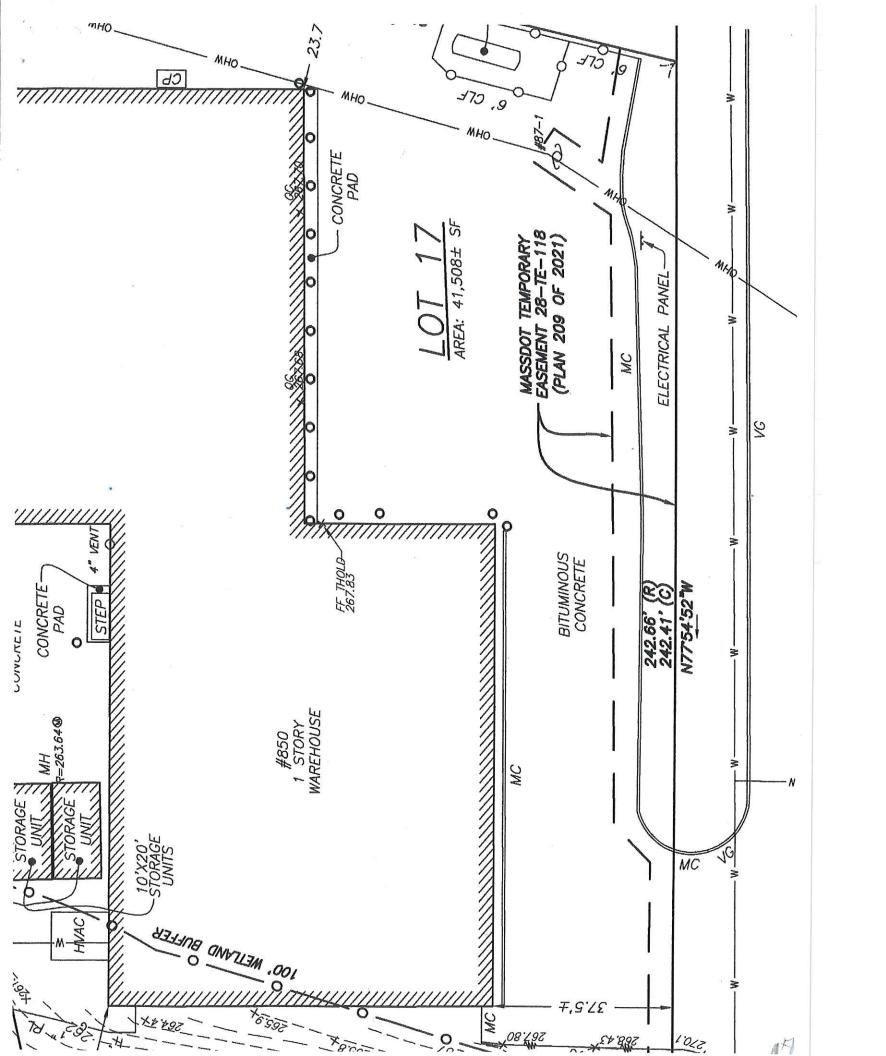


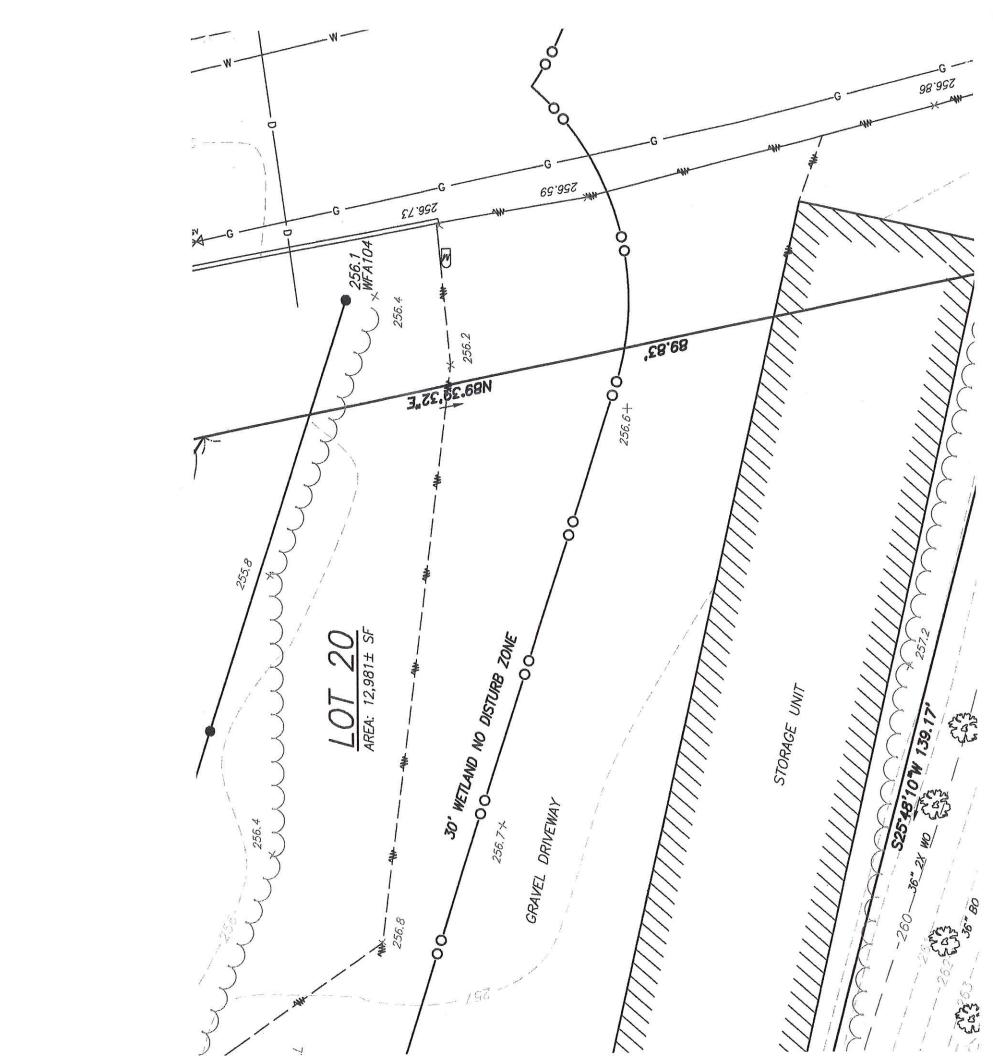
GENERAL STRUCTURES OTHER AREAS

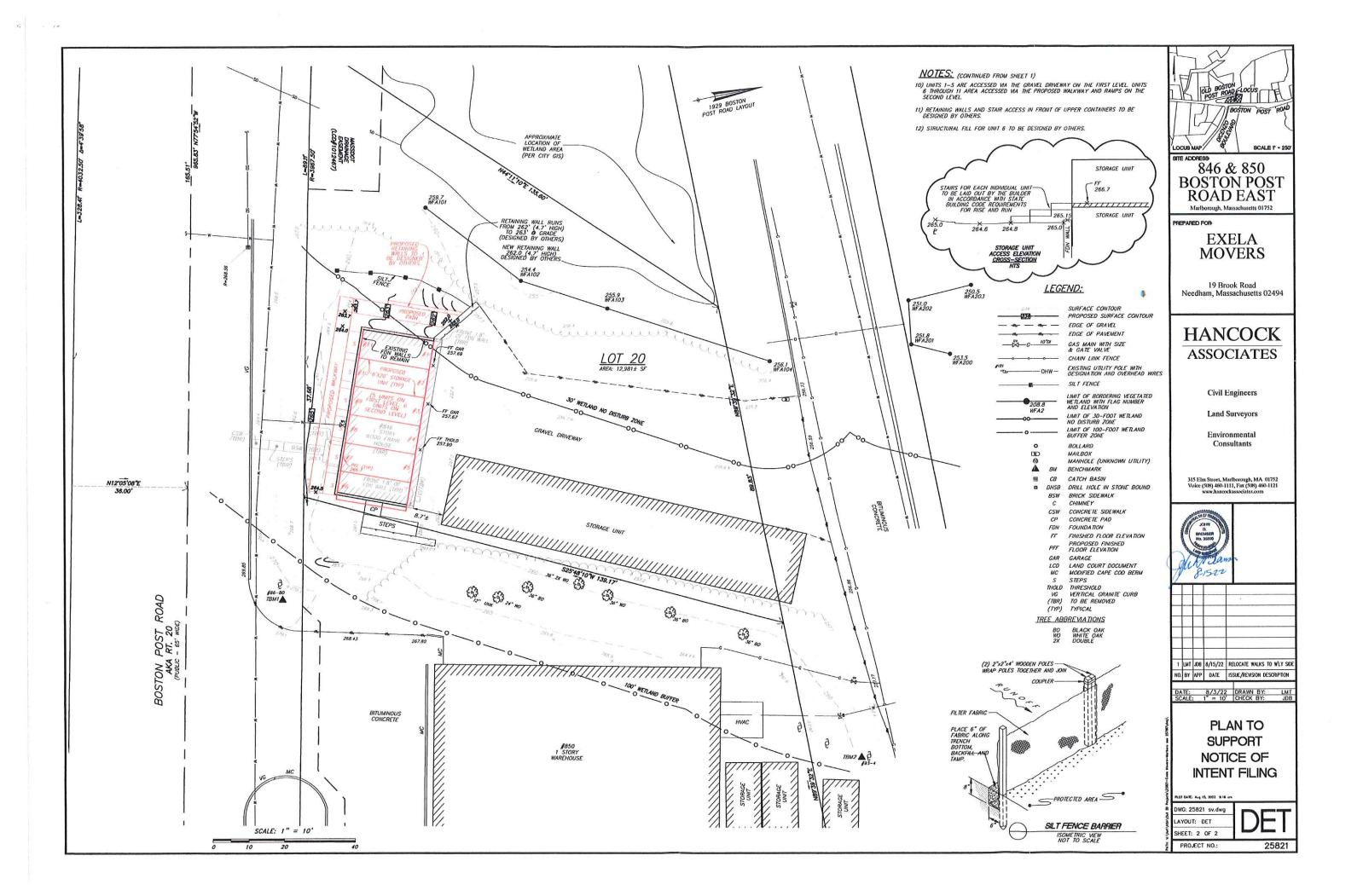
OTHER

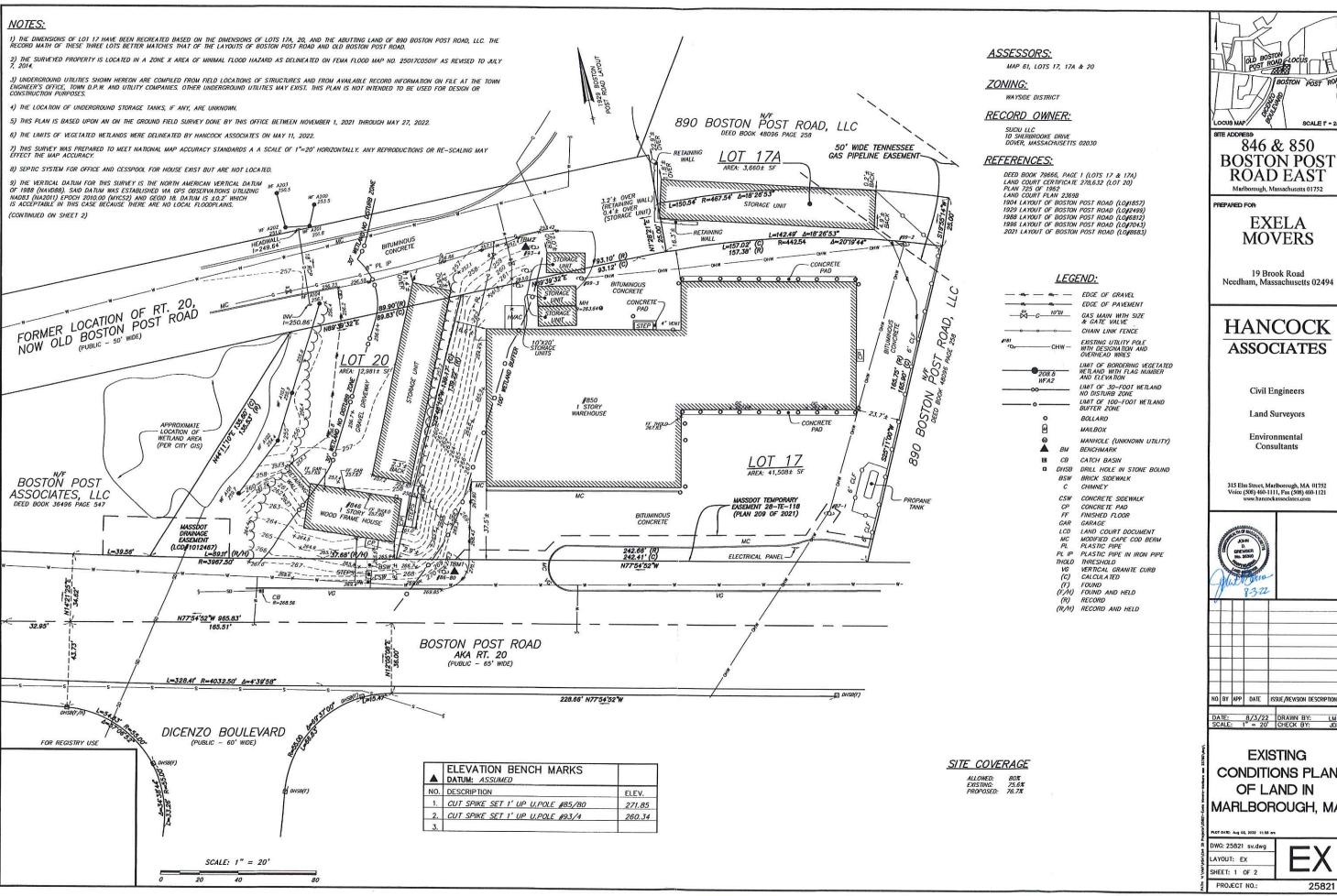
Digital Data Available

No Digital Data Available The pin displayed on the m point selected by the user an authoritative property I









BOSTON POST ROL SCALE 1" - 250

846 & 850 BOSTON POST ROAD EAST

> **EXELA MOVERS**

19 Brook Road Needham, Massachusetts 02494

### HANCOCK **ASSOCIATES**

Civil Engineers

Land Surveyors

Environmental Consultants

315 Elm Street, Marlborough, MA 01752 Voice (508) 460-1111, Pax (508) 460-1121 www.hancockassociates.com



**EXISTING** CONDITIONS PLAN

OF LAND IN MARLBOROUGH, MA

25821