

TOWN OF WINCHENDON

WINCHENDON TOWN CLERK
RCUD FEB 23 2023 PM 2:30

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Conservation Commission



Telephone (978) 297-5410

109 Front Street
Winchendon, Massachusetts 01475-1758

Legal Notice Winchendon Conservation Commission

Pursuant to the provisions of M.G.L. Chapter 131, Section 40, and the Town of Winchendon Wetlands Protection Bylaw, the Winchendon Conservation Commission will hold a public hearing on Thursday, March 9, 2023 at 6:05 pm to consider the Request for Determination of Applicability filed Howard Stein and Hudson on behalf of Mass DOT for proposed work within the 100 foot Buffer Zone to Bordering Vegetated Wetlands at Main Street and Hale Street intersection, Assessor's Map 4D4. The proposed work consists of pedestrian curb ramp reconstruction at the intersections of Main Street and Hale Street. The hearing will be held in the Second Floor Auditorium at Town Hall - 109 Front St., Winchendon, MA 01475. Alternative translation and accommodation for disabled persons is available by advance request.

For additional information email mmarro@townofwinchendon.com.

March 1, 2023



February 16, 2023

Winchendon Conservation Commission
Winchendon Town Hall
109 Front Street, Dept 11
Winchendon, MA 01475
Attn: Kyle Bradley, Conservation Commission Chair

**Re: Request for Determination of Applicability (RDA)
MassDOT District 2 ADA Retrofits at Main Street and Hale Street
MassDOT Project Number 609385**

Dear Commissioners:

On behalf of the Massachusetts Department of Transportation – Highway Division, Howard Stein Hudson (HSH) is pleased to submit the enclosed Request for Determination of Applicability (RDA) to the Winchendon Conservation Commission for the proposed reconstruction of the pedestrian curb ramps at the intersection of Main Street and Hale Street. The proposed design includes pavement milling and overlay, pedestrian curb ramps, and sidewalk reconstruction. The purpose of this project is to provide universal access and safety improvements for pedestrians.

The proposed work is located within the 100-foot buffer zone to Bordering Vegetated Wetlands (“BVW”). The BVW location was estimated using GIS information provided by the Commonwealth’s MassMapper application. We believe the proposed work is considered a minor activity and not subject to the regulations under M.G.L. c.131 §40 per 310 CMR 10.02(2)(b)2.p. for “pavement repair, resurfacing ...”

The proposed work is not located within any other wetland resource areas or other environmentally sensitive areas such as Natural Heritage and Endangered Species Estimated Habitats of Rare Wildlife or Areas of Critical Environmental Concern. All of the proposed work is within previously developed areas and no work is proposed within the wetlands. Best management practices for sediment and erosion control will be incorporated to protect the adjacent wetlands.

As an agency of the Commonwealth providing essential government functions, MassDOT is exempt from certain municipal requirements including but not limited to wetland bylaws, ordinances, and policies, and for paying peer review fees. Additionally, MassDOT is not required to notify abutters per the WPA Regulations at 310 CMR 10.05(4).

If required, MassDOT will coordinate placement of a legal notice with the local newspaper. Please let me know if you need any billing information for the cost for the legal notice or you can have the invoice sent to me at:



Howard Stein Hudson
Attn: Jason Roose
11 Beacon Street, Suite 1010
Boston, MA 02108
Phone 617-348-3370
Email jroose@hshassoc.com

Once confirmed by your office, please notify us of the public hearing date and agenda schedule so that we may plan accordingly.

We appreciate your assistance in this matter. If you have any questions regarding the enclosed information, plans or any other questions or concerns please feel free to contact our office for clarification at any time.

Sincerely,

Jason Roose
Staff Civil Designer



WPA Form 1- Request for Determination of Applicability

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

A. General Information

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



1. Applicant:

Massachusetts Department of Transportation - Highway Division
10 Park Plaza, Room 7360
Mailing Address
Boston
City/Town
978-429-1772
Phone Number
melissa.lenker@dot.state.ma.us
E-Mail Address
MA
State
02116
Zip Code
Fax Number (if applicable)

2. Representative (if any):

Howard Stein Hudson
Firm
Jason Roose
Contact Name
11 Beacon Street, Suite 1010
Mailing Address
Boston
City/Town
617-348-3370
Phone Number
jroose@hshassoc.com
E-Mail Address
MA
State
02108
Zip Code
Fax Number (if applicable)

B. Determinations

1. I request the Winchendon Conservation Commission make the following determination(s). Check any that apply:

- a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

Name of Municipality

- e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).



WPA Form 1- Request for Determination of Applicability

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C. Project Description

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

<u>Main Street at Hale Street</u>	<u>Winchendon</u>
Street Address	City/Town
<u>4D4</u>	<u>N/A (Road Layout)</u>
Assessors Map/Plat Number	Parcel/Lot Number

b. Area Description (use additional paper, if necessary):

The intersection of Main Street and Hale Street.

c. Plan and/or Map Reference(s):

<u>Project Locus Map with Environmental Constraints</u>	<u>December 2022</u>
Title	Date
<u>Project Ortho Locus Map</u>	<u>December 2022</u>
Title	Date
<u>District 2 ADA Retrofits at Various Locations - Winchendon Main Street at Hale Street Plans (3 Sheets)</u>	<u>February 17, 2023</u>
	Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

The work consists of pedestrian curb ramp reconstruction at the intersection of Main Street and Hale Street. Appropriate BMPs for sediment and erosion control have been incorporated into the proposed design.



WPA Form 1- Request for Determination of Applicability

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

C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

Portions of the proposed work meet the minor activity exemption under 310 CMR 10.02(2)b(2)p for "Pavement repair, resurfacing, and reclamation of existing roadways within the right-of-way configuration provided that the roadway and shoulders are not widened, no staging or stockpiling of materials, all disturbed road shoulders are stabilized within 72 hours of completion of the resurfacing or reclamation, and no work on the drainage system is performed, other than adjustments and/or repairs to respective structures within the roadway."

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single-family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

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



WPA Form 1- Request for Determination of Applicability

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

D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Massachusetts Department of Transportation - Highway Division	
Name	
10 Park Plaza	
Mailing Address	
Boston	
City/Town	
MA	02116
State	Zip Code

Signatures:

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

Melissa Lenker
Signature of Applicant

January 12, 2023
Date

[Signature]
Signature of Representative (if any)

February 16, 2023
Date

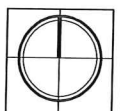
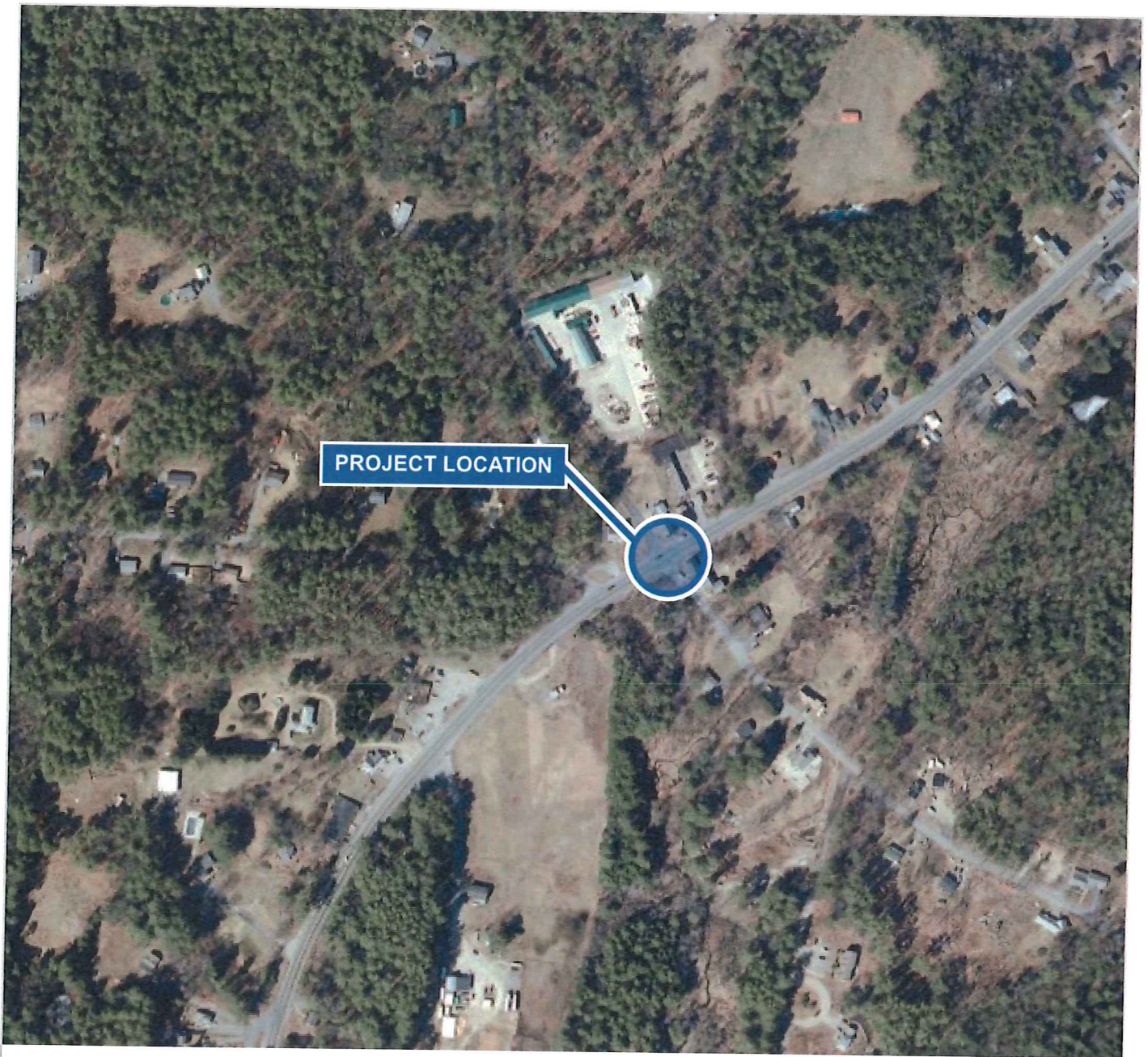


Figure 1. *Project Locus Map with Environmental Constraints*





Figure 2. *Project Ortho Locus Map*



Not to
scale.