

NOTICE OF INTENT APPLICATION

Proposed “Take 5” Oil Change Facility 49 Middlesex Turnpike

Map 56, Lot 63
Burlington, MA

September 30, 2022

Applicant

Clipper Holdings, LLC
c/o Mark Hokanson
9 Cooper Hill Road
Duxbury, MA 02332

Owner

49 Middlesex Turnpike Realty Corp.
30 Douglas Road
Lexington, MA 02420

Prepared by:

Bohler
45 Franklin Street, Floor 5
Boston, MA 02110

Project No. MAB 220062.00

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SECTION 1: BURLINGTON BYLAW APPLICATION FORM AND
CHECKLIST



Town of Burlington

29 Center Street, Burlington, MA 01803
Phone 781-270-1655 Fax 781-238-4690

BURLINGTON BY-LAW ARTICLE 14 WETLANDS

APPLICATION FORM

Application for: Notice of Intent Determination of Applicability ANRAD

Filing Fee: \$1,000 (By-Law Fee Only)

Applicant: Clipper Holdings, LLC, c/o Mark Hokanson (Please type or print)

Address: 9 Cooper Hill Road, Duxbury, MA 02332

E-mail Address: mhokanson@clipperholdingsllc.com

Property Owner: 49 Middlesex Turnpike Realty Corp. (Please type or print)

Address: 30 Douglas Road
Lexington, MA 02420

Location of Site: 49 Middlesex Turnpike

Burlington Assessor's Map No. 56 Parcel No. 63

Project Description:

A signed application by both the applicant, and the property owner, if other than the applicant, is required as part of a complete filing for work in a wetland (both bordering on a water body or isolated); a water body, intermittent stream, and/or ditch; and/or land within 100 feet of such areas; and/or land within 200 feet of a regulated stream. In signing this application form both the owner and applicant shall consent to granting permission to the Burlington Conservation Commission and agents thereof, as well as other Town employees who may be required to view the site, to enter upon and inspect the land in question.

Signature(s)

Applicant

339-793-0927

Telephone Number

Property Owner

Telephone Number

Incorrect information may be grounds to deny an application.

NOI SUBMISSION CHECKLIST
Revised August 9, 2018

- ☒ **Original signed NOI application package plus 8 complete copies submitted to the Conservation Department.** The NOI application package must contain the following:
 - Locus map
 - Assessor's map
 - FEMA map
 - 1=20" site plan stamped by a Registered Professional Engineer, detailing proposed work which must include the following (where applicable):
 - Buffer zone
 - Open water / streams
 - BLSF
 - BVW
 - 20' no disturb / erosion control boundary
 - Riverfront
 - Existing and proposed grades with 2ft contours
 - Wetlands replication
 - Runoff calculations and narrative of drainage patterns, volumes, characteristics
 - Pre and post construction calculations for 2, 10, and 100 year flood events
 - DEP Checklist for Stormwater Report (required of all projects)
 - Stormwater management report (where applicable)
 - Detailed soils, groundwater, hydrologic information (where applicable)
 - If wetland alteration is proposed, a detailed replication plan prepared by a professional wetland scientist
 - Landscape / planting plan
 - Burlington Bylaw **Application Form** with original signatures
 - **Abutter Notification Form**, copies to be sent by applicant to all abutters within 100 feet of project property
 - **Complete list of abutters** obtained from Assessor's department, for all abutters (including in adjacent towns where applicable) within 100 feet of project property
 - **DEP NOI Form 3 application** with original signatures
 - **DEP Wetland Fee Transmittal form**

- ☒ For all projects other than single family homes, an electronic copy of the entire package described above should be emailed to conservation@burlington.org

- ☒ **Copies of NOI application package** to be delivered or **emailed** to the departments listed below, with completed stamp sheet submitted to the Conservation Department if delivered by hand.
 - Planning – email address: planning@burlington.org
 - Engineering – email address: engineering@burlington.org
 - Board of Health - email address: boh@burlington.org
 - Selectmen's Office – email address: selectmenstaff@burlington.org

- ☒ **Copy of NOI application package and State share of MA DEP fee** to be delivered to the MA DEP Northeast Regional Office, 205 B Lowell Street, Wilmington, MA 01887

- ☒ Burlington Bylaw fee and Town share of MA DEP fee

SECTION 2: NOTICE OF INTENT (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
Burlington
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):

<u>49 Middlesex Turnpike</u>	<u>Burlington</u>	<u>01803</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>56</u>	<u>42d 29' 25.75" N</u>	<u>71d 11' 36.70" W</u>
f. Assessors Map/Plat Number	d. Latitude	e. Longitude
	<u>63</u>	
	g. Parcel /Lot Number	

2. Applicant:

<u>Mark</u>	<u>Hokanson</u>	
a. First Name	b. Last Name	
<u>Clipper Holdings, LLC</u>		
c. Organization		
<u>9 Cooper Hill Road</u>		
d. Street Address		
<u>Duxbury</u>	<u>MA</u>	<u>02332</u>
e. City/Town	f. State	g. Zip Code
<u>(339) 793-0927</u>	<u>mhokanson@clipperholdingsllc.com</u>	
h. Phone Number	i. Fax Number	j. Email Address

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

<u>49 Middlesex Turnpike Realty Corp.</u>		
a. First Name	b. Last Name	
<u></u>		
c. Organization		
<u>30 Douglas Road</u>		
d. Street Address		
<u>Lexington</u>	<u>MA</u>	<u>02420</u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>William</u>	<u>Lucas, III</u>	
a. First Name	b. Last Name	
<u>Bohler Engineering</u>		
c. Company		
<u>45 Franklin Street, 5th Floor</u>		
d. Street Address		
<u>Boston</u>	<u>MA</u>	<u>02110</u>
e. City/Town	f. State	g. Zip Code
<u>617-849-8040</u>	<u>wlucas@bohlereng.com</u>	
h. Phone Number	i. Fax Number	j. Email address

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

<u>\$1,050.00</u>	<u>\$512.50</u>	<u>\$537.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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

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A. General Information (continued)

6. General Project Description:

Redevelopment of an existing parcel currently used for an automotive shop to a Take 5 Oil Change facility with associated utilities, parking, stormwater management system, and landscape areas. See project narrative for additional details.

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

- 1. Single Family Home
- 2. Residential Subdivision
- 3. Commercial/Industrial
- 4. Dock/Pier
- 5. Utilities
- 6. Coastal engineering Structure
- 7. Agriculture (e.g., cranberries, forestry)
- 8. Transportation
- 9. 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 CMR10.24(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	b. Certificate # (if registered land)
20532	208
c. Book	d. Page Number

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

- 1. 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.
- 2. Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

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



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

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

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
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 _____	

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
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

1. Name of Waterway (if available) - **specify coastal or inland** _____

2. Width of Riverfront Area (check one):

25 ft. - Designated Densely Developed Areas only

100 ft. - New agricultural projects only

200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: _____ 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.



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

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

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

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

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



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C. Other Applicable Standards and Requirements

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

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

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

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

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

Mass Mapper -
September 2022

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

c. Submit Supplemental Information for Endangered Species Review*

- 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

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

- (a) Project description (including description of impacts outside of wetland resource area & buffer zone)
- (b) Photographs representative of the site

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

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

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



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

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

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

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

- (d) Vegetation cover type map of site

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

- (f) OR Check One of the Following

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

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

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

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

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

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

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

North Shore - Hull to New Hampshire border:

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

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

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

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

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



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

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

- 4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
 a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
 b. ACEC

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

D. Additional Information

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

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

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

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



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D. Additional Information (cont'd)

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

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

Proposed Site Plan Documents

a. Plan Title

Bohler Engineering

b. Prepared By

9/30/2022

d. Final Revision Date

Stormwater Report

f. Additional Plan or Document Title

Zachary Richards, PE

c. Signed and Stamped by

as noted

e. Scale

9/30/2022

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:

115

2. Municipal Check Number

114

4. State Check Number

Clipper Holdings, LLC

6. Payor name on check: First Name

9/21/22

3. Check date

9/21/22

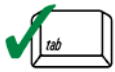
5. Check date

7. Payor name on check: Last Name



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



A. Applicant Information

1. Location of Project:

49 Middlesex Turnpike	Burlington
a. Street Address	b. City/Town
114	\$512.50
c. Check number	d. Fee amount

2. Applicant Mailing Address:

Mark	Hokanson	
a. First Name	b. Last Name	
Clipper Holdings, LLC		
c. Organization		
9 Cooper Hill Road		
d. Mailing Address		
Duxbury	MA	02332
e. City/Town	f. State	g. Zip Code
(339) 793-0927	mhokanson@clipperholdingsllc.com	
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

a. First Name	b. Last Name	
49 Turnpike Realty Corp.		
c. Organization		
30 Douglas Road		
d. Mailing Address		
Lexington	MA	02420
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).



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F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

1. Signature of Applicant
n/a

9-20-22

2. Date

3. Signature of Property Owner (if different)

4. Date

9/30/2022

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.



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

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 3b: Each building (for development) including site	1	\$1,050	\$1,050
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Step 5/Total Project Fee:			\$1,050
Step 6/Fee Payments:			
Total Project Fee:			\$1,050
State share of filing Fee:			\$512.50
City/Town share of filing Fee:			\$537.50
			a. Total Fee from Step 5
			b. 1/2 Total Fee less \$12.50
			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.)

SECTION 3: FILING FEE DOCUMENTATION

- **Copy of Check for Filing Fee (Local Bylaw Fee + City Form 3 Share)**

Note: State share of Form 3 Filing Fee submitted via MassDEP's Online Filing System

FEE SCHEDULE*
BURLINGTON WETLANDS BY-LAW ARTICLE 14
 Burlington Conservation Commission
Adopted 10/11/1988
Revised 2/14/2002
Revised 1/27/2011

<p>1. Determination of Applicability:</p> <p>a. Existing Single Family House Addition/Alteration/Buffer zone work/Resource area improvement</p> <p>b. New Single Family House</p> <p>c. New Subdivision Road/Drainage (>50 ft. from resource area)</p> <p>d. Monitoring Wells/Remediation/Etc.</p> <p>e. Commercial/Non-residential Construction</p>	<p>\$50</p> <p>\$100</p> <p>\$100</p> <p>\$100</p> <p>\$250</p>
<p>2. Notice of Intent (Abbreviated Notice of Intent):</p> <p>a. Single Family House</p> <p>b. Existing Single Family Home Addition/Alteration</p> <p>c. Multi-family Structure (more than 2 residences)</p> <p>d. Subdivisions (road and utilities only, a per house fee—a. above—also applies)</p> <p>e. Limited Projects</p> <p>f. Non-residential Projects (Commercial, Utility, Remediation, Etc.)</p>	<p>\$125 + \$.50/sq. ft./wetlands altered</p> <p>\$75 + \$.50/sq. ft./wetlands altered</p> <p>\$1000 + \$.50/sq. ft./wetlands altered</p> <p>\$1000 + \$.50/sq. ft./wetlands altered.</p> <p>\$1500 +\$.50/sq. ft./wetlands altered</p> <p>\$1000 + \$.50/sq. ft./wetlands altered</p>
<p>3. Abbreviated Notice of Resource Area Delineation:</p> <p>a. Single family residential (under 20,000 ft²)</p> <p>b. Other (Residential lot over 20,000 ft², Commercial, Etc.)</p>	<p>\$50/linear foot of wetland (\$50 min. - \$250 max.)</p> <p>\$50/linear foot of wetland (\$50 min. - \$500 max.)</p>
<p>4. Extensions (OOC, ORAD):</p> <p>a. Residential (one and two family only)</p> <p>b. Others</p>	<p>\$50</p> <p>\$100</p>
<p>5. Minor Engineering Change</p>	<p>\$50</p>
<p>6. Amendment to Order of Conditions</p>	<p>\$100</p>
<p>7. Certificate of Compliance:</p> <p>a. Single family residential</p> <p>b. Subdivisions, multi-family, commercial, etc.</p>	<p>\$50</p> <p>\$100</p>

These fees are in addition to the filing fee for a Notice of Intent charged under M.G.L. Ch. 131, s. 40.

SECTION 4: LIST OF ABUTTERS

- **Abutters List**
- **Abutter Notification Form**

Current Owner
P O BOX 460189
HOUSTON, TX 77056

Current Owner
82 SMITH DR
WESTWOOD, MA 02090

Current Owner
70 TREBLE COVE RD
NO BILLERICA, MA 01862

Current Owner
23 COTTAGE ST
WELLESLEY, MA 02482

Current Owner
50 MIDDLESEX TPK
BURLINGTON, MA 01803

Current Owner
29 CENTER ST
BURLINGTON, MA 01803

Notification to Abutters

By Hand Delivery, Certified Mail (return receipt requested), or Certificates of Mailing

This is a notification required by law. You are receiving this notification because you have been identified as the owner of land abutting another parcel of land for which certain activities are proposed. Those activities require a permit under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40).

In accordance with the second paragraph of the Massachusetts Wetlands Protection Act, and 310 CMR 10.05(4)(a) of the Wetlands Regulations, you are hereby notified that:

- A. A Notice of Intent was filed with the Burlington Conservation Commission on September 30, 2022 seeking permission to remove, fill, dredge, or alter an area subject to protection under M.G.L. c. 131 §40. The following is a description of the proposed activity/activities:

The proposed redevelopment project includes the construction of a new 1,500 sf "Take 5" oil change facility building with with new paved parking areas, landscaping, storm water management components and associated utilities. The majority of proposed work falls within the curb line of the existing parking lot and will result in a net decrease in total impervious area on the site.

- B. The name of the applicant is: Clipper Holdings, LLC.
- C. The address of the land where the activity is proposed is: 49 Middlesex Turnpike, Assessors Map 56, Lot 63.
- D. Copies of the Notice of Intent may be examined or obtained at the office of the Burlington Conservation Commission, located at 25 Center Street, Burlington, MA. The regular business hours of the Commission are 8:30 a.m. – 4:30 p.m. on Monday, Tuesday & Thursday, 8:30 a.m. – 7:00 p.m. on Wednesday and 8:30 a.m. – 1:00 p.m. on, and the Commission may be reached at (781) 270-1655.
- E. Copies of the Notice of Intent may be obtained from the representative by calling William Lucas, Bohler Engineering at (617) 849-8040. An administrative fee may be applied for providing copies of the NOI and plans.
- F. Information regarding the date, time, and location of the public hearing regarding the Notice of Intent may be obtained from the Burlington Conservation Commission. Notice of the public hearing will be published at least two business days in advance, in The Daily Time Chronicle.

Notification provided pursuant to the above requirement does not automatically confer standing to the recipient to request Departmental Action for the underlying matter. See 310 CMR 10.05(7)(a)4.

SECTION 5: PROJECT NARRATIVE

1. Introduction

On behalf of the Applicant, Clippers Holdings, LLC, Bohler is pleased to submit the enclosed Notice of Intent (NOI) application and supporting documentation for the redevelopment project located at 49 Middlesex Turnpike (the "Site"). The property is mapped in the General Industrial (IG) district on the Town of Burlington Zoning Map, last revised March 10, 2022. The property is shown on the Town's Assessor's Map as Map 56, Lot 63 and consists of .45 acres. The property is currently undergoing a sale from the previous owner, 49 Middlesex Turnpike Realty, to the Applicant, Clipper Holdings, LLC.

2. Existing Conditions

The Site is bound by Middlesex Turnpike to the west, woods and wetlands to the east, and commercial properties on the north and south. The Site is accessed via two curb cuts in Middlesex Turnpike. The Site consists of Ned's automotive repair service, associated parking and some landscaped areas.

There is a large bordering vegetated wetland (BVW) and 200' Riverfront associated with Vine Brook located in close proximity to the eastern property line. No work is proposed within these resource areas; however, the associated buffer zones and setbacks do fall within the proposed limit of work. The Site is located within a Zone II Wellhead Protection Area. The Site is not located within a Priority Habitat of Rare Species, within an Estimated Habitat of Rare Wildlife, within Bordering Land Subject to Flooding (BLSF), or within an Area of Critical Environmental Concern (ACEC).

Runoff from the site drains in a westerly direction to one of the existing catch basins and in an easterly direction out to the bordering vegetated wetland. Stormwater is routed through an existing stormwater network to the existing subsurface infiltration system. The existing stormwater network does not include any modern stormwater Best Management Practices (BMPs) or Low Impacted Development (LID) techniques.

3. Proposed Conditions

The proposed Project will include the construction of a new 1,500-square foot "Take 5" oil change facility with paved parking areas, landscaping, a stormwater management system, and associated utilities. The majority of proposed work falls within the outermost curb line of the existing parking lot. The Project will result in an overall net decrease in impervious area (approximately 5,874± square feet), including within the 50-foot Building Setback. A small portion (approximately 35 sf) of the proposed building falls with the 50-foot Building Setback; however, this is an improvement to existing conditions. The existing building is located approximately 33.8± feet from the edge of wetlands and the proposed building is located 42.6± feet. Additionally, the Town of Burlington Wetland Bylaw states that "lots that were developed prior to the adoption of the 2013 Wetland Bylaw may not meet the No-disturb or building setbacks required by the regulations."

The proposed stormwater management system will be an improvement to existing conditions through the installation of modern stormwater BMPs and implementation of an Operation and

Maintenance (O&M) Plan. In the proposed conditions, surface parking areas have been graded to drain to deep-sump, hooded catch basins. The catch basins will capture and convey stormwater runoff, via an underground pipe system, through proprietary treatment units and ultimately to the subsurface infiltration system. Pretreatment of stormwater runoff will be provided by a combination of the deep-sump, hooded catch basins and two water quality units prior to discharge to the proposed subsurface infiltration system. Rooftop runoff has been designed to flow directly to the subsurface infiltration system. Per the Massachusetts Stormwater Handbook, roof runoff is considered “clean” and does not require pre-treatment prior to discharging to an infiltration BMP. As a redevelopment project, the best management practices (BMPs) incorporated into the proposed stormwater management system have been designed to meet, or exceed, the standards set forth in the Massachusetts Department of Environmental Protection Stormwater Handbook standards to the maximum extent practicable.

4. Wetland Resource Areas

4.1 Resource Area Evaluation

Professional Wetland Scientists from Lucas Environmental, LLC (Lucas Environmental) conducted site walks on July 19, 2022 to investigate the presence of wetland resources at the Site. The wetland investigation was performed in accordance with the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, § 40) and regulations (310 CMR 10.00 et seq.); Section 404 of the Clean Water Act (33 U.S.C. 1344); Massachusetts Department of Environmental Protection (MassDEP) publication “Delineating Bordering Vegetated Wetlands” under the Massachusetts Wetlands Protection Act (1995); and the U.S. Army Corp of Engineers (USACE) Wetland Delineation Manual (1987); the Northcentral and Northeast Regional Supplement (2012); and the Town of Burlington Wetlands Protection Bylaw and Regulations (Article XIV) (the “Bylaw”).

While no wetlands were identified on site, a BVW was delineated in close proximity to the eastern property line and the 200’ riverfront resource area was identified after Vine Brook was delineated. Lucas Environmental’s wetland areas evaluation is as follows:

Wetland A borders Vine Brook and extends from the northerly adjacent parcel into the Study Area. The wetland is delineated with pink survey tape numbered sequentially with flag series WFA-1 to WFA-7. The emergent wetland contains marsh areas fringed with woody wetland species. Common wetland vegetation includes common reed (*Phragmites australis*), silky dogwood (*Cornus amomum*), woolgrass (*Scirpus cyperinus*), poison ivy (*Toxicodendron radicans*), sensitive fern (*Onoclea sensibilis*), and purple loosestrife (*Lythrum salicaria*). Peripheral upland vegetation includes staghorn sumac (*Rhus typhina*), black locust (*Robinia pseudoacacia*), and Oriental bittersweet (*Celastrus orbiculatus*). The wetland/upland boundary is generally located along defined topographic or vegetative break. Hydric soils generally consist of deep mucky modified A horizon of fine sandy loam over a reduced matrix of fine sand. Indicators of wetland hydrology include shallow inundation in some areas, soils saturated to the surface, and drainage patterns. State, local, and federal boundaries are coincident.

The Bank of Vine Brook was delineated with blue survey tape numbered sequentially BF1-1 through BF1-6. The MAHW line is coincident with the top of Bank, as it appears the channel has been excavated/channelized in the past and is well defined. The stream flows from south to

north. The Banks are densely vegetated with common reed. The width of the stream measures approximately ten to fifteen feet wide.

4.2 Buffer Zones

Activities within 100 feet of a Bordering Vegetated Wetland are jurisdictional. Under the Wetlands Protection Act. Additionally, the Town of Burlington Wetland Bylaw establishes a 20-foot No-Disturb buffer and 50-foot Building Setback from the limit of a resource area. The 20-foot buffer, 50-foot Building Setback, and 100-foot buffer to BVW are depicted on the project Site Development Plans.

As previously described, the Project will result in an overall net decrease in impervious area, including within the 50-foot Building Setback and 100' wetland buffer. A small portion (approximately 35 sf) of the proposed building falls within the 50-foot Building Setback; however, this is an improvement to existing conditions. The existing building is located approximately 33.8± feet from the edge of wetlands and the proposed building is located 42.6± feet. Additionally, the Town of Burlington Wetland Bylaw states that "lots that were developed prior to the adoption of the 2013 Wetland Bylaw may not meet the No-disturb or building setbacks required by the regulations."

Other work within the 100-foot buffer zone to BVW, but outside the 20-foot No-Disturb buffer, include construction of exterior parking lots and landscape areas, construction of the stormwater management system, utility installations, site grading, and placement of erosion and sedimentation controls. As noted previously, these alterations occur within previously developed/disturbed areas.

5. Summary

This Notice of Intent (NOI) is filed pursuant to Article XIV Burlington Wetlands Protection Bylaw and G.L. Chapter 131, Section 40, the Massachusetts Wetland Protection Act (WPA) and its implementing regulations and 310 CMR 10.00. Activities associated with the construction of this Project will be located within the 50-foot building setback, and the 100' wetland buffer to the existing bordering vegetated wetland (BVW) located on the southern portion of the site and on the abutting property. All of the work within the buffer zones is located in the previously paved area. This Project will decrease the impervious area by approximately 5,874± square feet and improve existing conditions through the installation of a new stormwater management system that incorporates modern BMPs for the collection, treatment, and recharge of stormwater.

6. Resource Areas

6.1 Resource Area Evaluation

The limit of the Bordering Vegetated Wetland (BVW) is documented on a survey plan prepared by Doucet Survey, LLC on August 10, 2022 delineated by Lucas Environmental, LLC on July 19, 2022.

6.2 FEMA Floodplain

The Site is not located within a special flood hazard per FEMA map panel 25017C0402E, published June 4, 2010.

6.3 Regulated Area Impacts

The Project proposes the building and associated site features within the 100' wetland buffer to the BVW. Impacts will include reduction of impervious area and the installation of stormwater management control measures. Reference the Site Development Plans provided as an attachment for a full depiction of proposed activities.

6.4 Rare Species and Habitats

There are no areas of Priority Habitat or Estimated Habitat for rare or endangered species within the project site according to the 14th edition of the Natural Heritage & Endangered Species (NHESP) Atlas, available on MassGIS.

7 Summary

The jurisdictional resource area applicable to this Project is buffer zone to BVW pursuant to Article XIV Burlington Wetlands Protection Bylaw and G.L. Chapter 131, Section 40, the Massachusetts Wetland Protection Act (WPA) and its implementing regulations and 310 CMR 10.00. As previously outlined in this narrative, proposed work in the 100' buffer zone to BVW includes a portion of the proposed building, paved parking area and associated site features within the existing limits of impervious area on the Property. The Project's improvements are inclusive of a proposed 1,500 square foot "Take 5" oil change facility along with new paved parking areas, landscaping, storm water management components, and associated utilities. The Project has been designed to be fully compliant with the Burlington Wetlands Protection Bylaw and Wetlands Protection Act regulations.

SECTION 6: WETLAND REPORT



500A Washington Street, Quincy, MA 02169

September 29, 2022

Bohler Engineering, Inc.
Attn: William Lucas, P.E.
45 Franklin Street, 5th Floor
Boston, MA 02110

Re: Wetland Summary Letter
49 Middlesex Turnpike
Burlington, MA 01803

Dear Mr. Lucas,

A Professional Wetland Scientist (PWS) from Lucas Environmental, LLC (LE) conducted a site investigation on July 19, 2022 to determine if wetland resources were present at or near the property located at 49 Middlesex Turnpike, in the Town of Burlington, Massachusetts. The site investigation was limited to wetland areas within 100 feet and perennial streams within 200 feet of the property. Please note that this effort is specific to wetland resources; it does not evaluate constraints related to local planning or zoning requirements, nor does it evaluate the potential for soil, air, or water contamination.

The wetland investigation was performed in accordance with the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, § 40) and regulations (310 CMR 10.00 *et seq.*); Section 404 of the Clean Water Act (33 U.S.C. 1344); Massachusetts Department of Environmental Protection (MassDEP) publication “Delineating Bordering Vegetated Wetlands” under the Massachusetts Wetlands Protection Act (1995); and the U.S. Army Corp of Engineers (USACE) Wetland Delineation Manual (1987); the Northcentral and Northeast Regional Supplement (2012); and the Town of Burlington Wetlands Protection Bylaw (Article XIV) and Regulations.

The following data sources were examined prior to the site investigation:

- Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps;
- United States Geological Survey Topographic Quadrangle;
- MassGIS MassDEP Wetland and Hydrography Datalayers;
- MassGIS Natural Heritage Atlas Datalayers; and
- United States Department of Agriculture, Natural Resources Conservation Service (USDA-NRCS) Soil Survey.

1.0 EXISTING CONDITIONS

The Study Area is located at 49 Middlesex Turnpike in Burlington, Massachusetts and consists of an approximate 0.45-acre lot that is completely developed with pavement and buildings. The site contains an auto repair shop and parking spaces. The site is bound by Middlesex Turnpike to the west, commercial property to the north and south, and a large wetland system associated with Vine Brook to the east.

A review of the current MassGIS data layer for the Massachusetts Natural Heritage Atlas (effective August 1, 2021) under the Natural Heritage and Endangered Species Program (NHESP) indicates that the Study Area is not located within Priority Habitat of Rare Species or within Estimated Habitat of Rare Wildlife. No Certified or Potential Vernal Pools under the jurisdiction of the Wetlands Protection Act Regulations (310 CMR 10.00 et seq.) or the Massachusetts Endangered Species Act (321 CMR 10.00 et seq.) occur within the Study Area.

According to the FEMA Flood Insurance Rate Map for Middlesex County, Map Number 25017C0402E, effective June 4, 2010, the site appears to be located in Zone X “Other Areas”, which is classified as an area determined to be outside the 0.2% annual chance floodplain. Therefore, the site is not located within the 100-year floodplain and Bordering Land Subject to Flooding is not located within the Study Area. The Vine Brook wetland complex has an associated 100-year floodplain extending to elevation 155 (NAVD 88). Based upon review of the survey information, the floodplain does not extend into the property.

The Study Area is not located within an Area of Critical Environmental Concern (ACEC), Outstanding Resource Water (ORW), or Watershed Protection Area. The Study Area is mapped within MassDEP Zone II Wellhead Protection Area.

2.0 ENVIRONMENTAL RESOURCE AREAS

Wetland resource areas identified near the Study Area include Inland Bank, Bordering Vegetated Wetland (BVW), Bordering Land Subject to Flooding (BLSF), and Riverfront Area (RFA). The 100-Foot Buffer Zones to Bank and BVW extend into the Study Area. The 200-Foot Riverfront Area extends from Vine Brook.

There is a large BVW associated with Vine Brook located immediately off the eastern property line. The Bank/Mean Annual High Water (MAHW) line of Vine Brook was field delineated because the 200-Foot Riverfront Area line is located near the property line. Field survey of the flags indicates that the Riverfront Area is located off-site.

Under the Massachusetts Wetlands Protection Act (WPA) and Bylaw, the wetland resource areas near the Study Area are regulated as follows.

2.1 Inland Bank – WPA & Bylaw

Section 310 CMR 10.54 of the WPA defines a Bank as *the portion of the land surface which normally abuts and confines a water body. It occurs between a water body and a vegetated bordering wetland and adjacent flood plain, or, in the absence of these, it occurs between a water body and an upland. The upper boundary of a Bank is the first observable break in the slope or the mean annual flood level, whichever is lower. The lower boundary of a Bank is the mean annual low flow level.* Bank is defined similarly under the Burlington Wetlands Protection Bylaw. The Bank line was delineated in the field along Vine Brook on the eastern edge of the Study Area and is described below.

2.2 Bordering Vegetated Wetlands – WPA & Bylaw

Section 310 CMR 10.55 of the WPA defines BVW as *freshwater wetlands which border on creeks, rivers, streams, ponds and lakes. The types of freshwater wetlands are wet meadows, marshes, swamps and bogs. Bordering Vegetated Wetlands are areas where the soils are saturated and/or inundated such that they support a predominance of wetland indicator plants. The boundary of Bordering Vegetated Wetlands is the line within which 50% or more of the vegetational community consists of wetland indicator plants and saturated or inundated conditions exist. Wetland indicator plants are also those classified in the indicator categories of Facultative, Facultative+, Facultative Wetland-, Facultative Wetland, Facultative Wetland+, or Obligate Wetland in the National List of Plant Species That Occur in Wetlands: Massachusetts (Fish & Wildlife Service, U.S. Department of the Interior, 1988) or plants exhibiting physiological or morphological adaptations to life in saturated or inundated conditions.* The delineated BVW is described below.

2.3 Vegetated Freshwater Wetlands – Bylaw

Section 21.2(b) of the Town of Burlington Wetland Regulations defines Vegetated Wetlands as the following: *Vegetated wetlands in Burlington are freshwater wetlands. They may border on rivers, streams, or ponds, or may be isolated. The types of freshwater wetlands include riverine wetlands, marshes, wet meadows, bogs, and their boundaries are determined according to 310 CMR 10.55. Isolated areas of wetland under 500 square feet shall not be jurisdictional or regulated unless vernal pools.* The delineated Freshwater Wetlands is described below as Wetland A.

2.4 Riverfront Area – WPA & Bylaw

Section 310 CMR 10.58 of the WPA, defines RFA as *the area of land between a river's mean annual high water line measured horizontally outward from the river and a parallel line located 200 feet away.* Under the Burlington Wetlands Protection Bylaw, the 200-foot Riverfront Resource Area applies to all streams shown on the map "Regulatory Streams of Burlington", which includes perennial and certain intermittent streams. Vine Brook, a perennial stream, flows along the eastern boundary of the Study Area. The MAHW line was delineated coincident with Bank in the field and RFA extends outward 200 feet from MAHW. As noted above, the RFA boundary is not located on-site.

2.5 Resource Area Descriptions

The following sections describe the delineated resources (Bank and BVW) that were identified on and near the site. MassDEP Wetland Delineation Field Data Forms were completed for the wetland described below and are attached.

Wetland A

Wetland A borders Vine Brook and extends from the northerly adjacent parcel into the Study Area. The wetland is delineated with pink survey tape numbered sequentially with flag series WFA-1 to WFA-7. The emergent wetland contains marsh areas fringed with woody wetland species. Common wetland vegetation includes common reed (*Phragmites australis*), silky dogwood (*Cornus amomum*), woolgrass (*Scirpus cyperinus*), poison ivy (*Toxicodendron radicans*), sensitive fern (*Onoclea sensibilis*), and purple loosestrife (*Lythrum salicaria*). Peripheral upland vegetation includes staghorn sumac (*Rhus typhina*), black locust (*Robinia pseudoacacia*), and Oriental bittersweet (*Celastrus orbiculatus*).

The wetland/upland boundary is generally located along defined topographic or vegetative break. Hydric soils generally consist of deep mucky modified A horizon of fine sandy loam over a reduced matrix of fine sand. Indicators of wetland hydrology include shallow inundation in some areas, soils saturated to the surface, and drainage patterns. State, local, and federal boundaries are coincident.

Vine Brook

The Bank of Vine Brook was delineated with blue survey tape numbered sequentially BF1-1 through BF1-6. The MAHW line is coincident with the top of Bank, as it appears the channel has been excavated/channelized in the past and is well defined. The stream flows from south to north. The Banks are densely vegetated with common reed. The width of the stream measures approximately ten to fifteen feet wide.

2.6 Town of Burlington Wetlands Protection Bylaw and Regulations

The Town of Burlington Wetlands Protection Bylaw (Article XIV) and Regulations implements a minimum 20-Foot “No-Disturb” Zone from the limit of resource areas (Wetland Series A). Work within this area cannot be approved without proving hardship or overcoming the presumption that work will not impact the interests of the WPA or Bylaw.

The Bylaw references a 50-Foot Building Setback for Commercial properties. However, *lots that were developed prior to the adoption of the 2013 Wetland Bylaw may not meet the No-disturb or building setbacks required by the regulations. The Commission may require any applicant for projects on pre-existing lots that do not meet the setbacks to increase the naturally-vegetated buffer to a resource area as part of the permitting process for new construction on the lot.* The Commission may also require mitigation for any tree cutting in the Buffer Zone by planting native tree species in at least a 1:1 ratio.



500A Washington Street, Quincy, MA 02169

2.7 Burlington Stormwater Management

Although LE has not conducted a Zoning review, it is noted that the Town of Burlington has a Stormwater Management Bylaw (Article XIV) and Regulations requiring a permit for any activity resulting in land disturbance of equal to or greater than 10,000 square feet. This Bylaw and other Zoning Bylaws should be further evaluated by Bohler.

MassDEP Bordering Vegetated Wetland Delineation Field Data Forms were completed as described above and are included with this letter.

If you have any questions, please do not hesitate to contact me at 617.405.4053 or tel@lucasenviro.com. Thank you for your consideration in this matter.

Sincerely,
LUCAS ENVIRONMENTAL, LLC

A handwritten signature in black ink that reads 'Thomas E. Liddy'. The signature is written in a cursive style and is positioned above the typed name.

Thomas E. Liddy, PWS/CWS/RPSS
Environmental Consultant/Wetland & Soil Scientist

Enclosures: MassDEP Delineation Field Data Forms



WETLAND DELINEATION FIELD DATA FORM

Observation Plot Number: WFA-4

Transect Number: WET-1

Applicant: Bohler Engineering, Inc. Prepared by: Lucas Environmental, LLC Project Location: 49 Middlesex Turnpike, Burlington, MA

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

SECTION I. VEGETATION

Date of Delineation: July 19, 2022

A. Sample Layer and Plant Species (by common/scientific name)	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
Tree None (Electric Transmission ROW)	-	-	-	-
Shrubs Silky Dogwood (<i>Cornus anonomum</i>) Northern Arrowwood (<i>Viburnum dentatum</i>)	10.5 10.5	50.0% 50.0%	Yes Yes	FACW* FAC*
Herbaceous Narrow-leaf Cattail (<i>Typha angustifolia</i>) Common Reed (<i>Phragmites Australis</i>) Purple Loosestrife (<i>Lythrum salicaria</i>)	38.0 63.0 10.5	34.0% 56.5% 9.4%	Yes Yes No	OBL* FACW* FACW*
Vines None	-	-	-	-

* Use an asterisk to mark indicator plants: plant species listed in the wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

Vegetation conclusion:
 Number of dominant wetland indicator plants: **4** Number of dominant non-wetland indicator plants: **0**
 Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants: YES NO



WETLAND DELINEATION FIELD DATA FORM

Observation Plot Number: WFA-4

Transect Number: WET-1

SECTION II. INDICATORS OF HYDROLOGY

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? YES NO

Title/Date: **Custom Soil Resource Report for Middlesex County, Massachusetts. (GIS Data from the Soil Survey Geographic - SSURGO data base produced by the USDA, NRCS) Accessed online August 23, 2022.**

Map Number/Soil Type Mapped:
602—Urban land

Hydric Soil Inclusions: **None**

Are field observations consistent with soil survey? YES NO
Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
Oa	3-0"	Muck	
A	0-10"	10YR 2/1	3% conc.
Bg	10-18+"	10YR 6/2	

Remarks: **soils consist of sand.**

3. Other:

Conclusion: Is soil hydric? YES NO

Other Indicators of Hydrology:

- Site inundated: _____
- Depth to free water in observation hole: **6 inches**
- Depth to soil saturation in observation hole: **Saturated at surface**
- Water marks: _____
- Drift lines: _____
- Sediment deposits: _____
- Drainage patterns in BVW: _____
- Oxidized rhizospheres: _____
- Water-stained leaves: _____
- Recorded data (stream, lake, or tidal gauge; aerial photo; other): _____
- Other: _____

Vegetation and Hydrology Conclusion

	YES	NO
Number of wetland indicator plants greater than or equal to number of non-wetland indicator plants	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Hydric soils present	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other indicators of hydrology present	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sample location is in BVW	<input checked="" type="checkbox"/>	<input type="checkbox"/>

APPENDIX A

Locus Plan



**Woods
Corner**

SITE

**Butterfield
Pond**

ADAMS ST

NORTH

USGS FIGURE

49 MIDDLESEX TURNPIKE,
BURLINGTON, MA

PREPARED BY

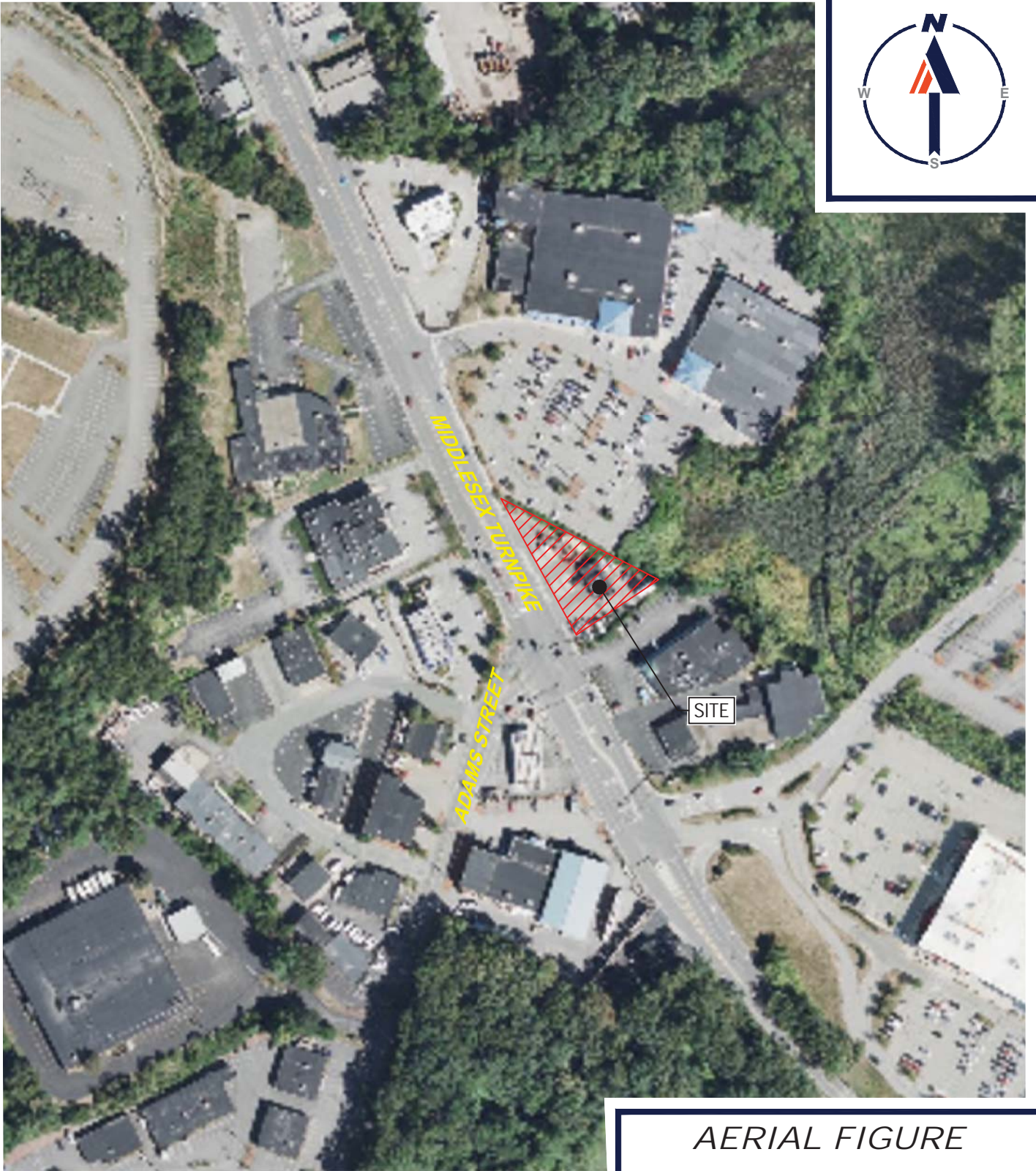
BOHLER //

SCALE: 1"=200' DATE: 09/29/2022

SOURCE: USGS TOPOGRAPHIC MAPS

APPENDIX B

Aerial Map



AERIAL FIGURE

49 MIDDLESEX TURNPIKE,
BURLINGTON, MA

PREPARED BY

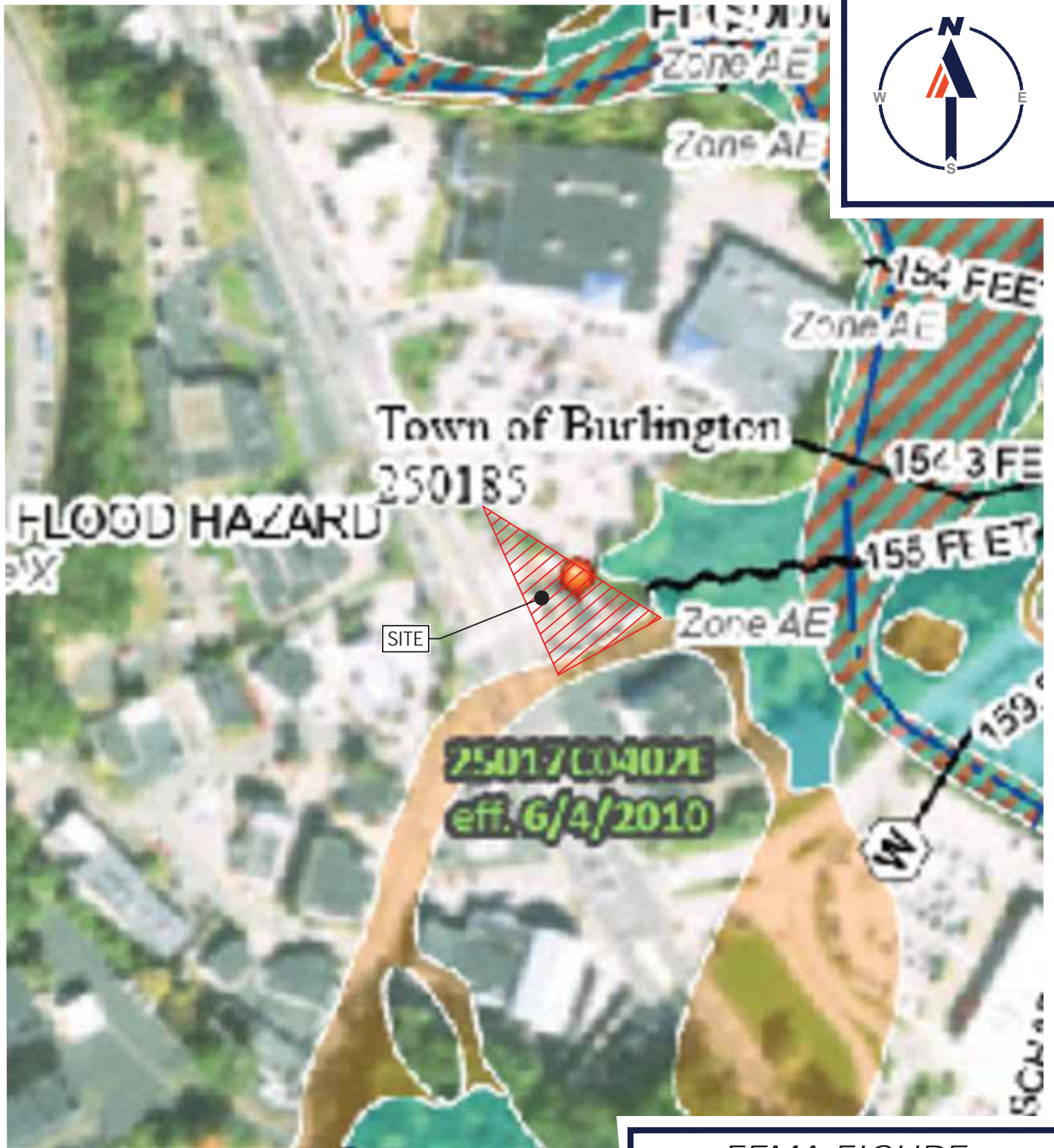
BOHLER //

SCALE: 1"=200' DATE: 09/29/2022

SOURCE: MICROSOFT BING MAPS

APPENDIX C

FEMA Flood Insurance Rate Map



FEMA FIGURE

49 MIDDLESEX TURNPIKE,
BURLINGTON, MA

PREPARED BY

BOHLER //

SCALE: 1"=300' DATE: 09/29/2022

SOURCE: FEMA MAPS

APPENDIX D

**Site Development Plans
(Under Separate Cover)**

APPENDIX E

**Stormwater Report
(Under Separate Cover)**