



600 Unicorn Park Drive ♦ Woburn, MA 01801  
Phone: 781-932-3201 ♦ Fax: 781-932-3413

## TECHNICAL MEMORANDUM

**TO:** Mr. Peter Delaney, Chair Town of Boxford Conservation Commission

**FROM:** Bree D. Sullivan, P.E.

**DATE:** September 26, 2019

**RE:** **NOI# 114-1283 - Lockwood Lane Bridge Replacement**

---

This memo is provided in response to project questions asked at the Conservation Commission meeting on September 19, 2019. With regard to permitting thresholds the following permits apply:

### **314 CMR 9.00 – Water Quality Certification**

The project is covered under the following section:

#### *9.03: Activities Not Requiring an Application*

*(1) Less than 5000 Sq. Ft. with an Order of Conditions. Activities conducted in compliance with the Wetlands Protection Act and receiving a Final Order of Conditions which meets all applicable performance standards under 310 CMR 10.00: Wetlands Protection, provided that:*

- (a) the Final Order of Conditions permits work that results in the loss of up to 5,000 square feet cumulatively of bordering and isolated vegetated wetlands and land under water. Both bordering and isolated vegetated wetlands must be delineated on the plans contained in the Notice of Intent and described on a form prescribed by the Department; and*
- (b) the Final Order of Conditions includes conditions requiring at least 1:1 replacement of bordering vegetated wetlands under 310 CMR 10.55(4)(b);*
- (c) if applicable, the activity conforms to the stream crossing provisions of 310 CMR 10.24(10) and 10.53(8); and (d) the proposed work is not subject to 314 CMR 9.04.*

**The project includes no cumulative loss of BVW/IVW or LUW. The proposed wetland replication ratio is 2.5:1. The project conforms to the stream crossing standards (see Notice of Intent supporting documentation and technical Memo dated August 8, 2019).**

With respect to 314 CMR 9.04:

The only applicable threshold in 314 CMR :

*314 CMR 9.04 (12) - Dredging 100 Cubic Yards or More. Any dredging or dredged material re-use or disposal of 100 cubic yards or greater.*

The project will require approximately 20 cubic yards of stone and granular material to restore the channel grade. This is well below the threshold of 100 cubic yards.



600 Unicorn Park Drive ♦ Woburn, MA 01801  
Phone: 781-932-3201 ♦ Fax: 781-932-3413

**ACOE New England Programmatic General permit for work within waters of the U.S.:**

The project is covered under the Massachusetts Programmatic General Permit 10 – Linear Transportation Projects and Stream Crossings. The project includes 639+/- square feet of temporary and permanent impacts to waters of the US, which is within the eligibility limits for Self-Verification filing.

The project will meet all general permit conditions:

1. Other permits – all other state permits requirements will be met (see above for 401 WQC eligibility).
2. Thresholds were evaluated in accordance with “waters of the U.S.”
3. Mitigation – there is no practicable alternative to the proposed design.
4. The project as presented is a complete project .
5. The project will not affect Works or Structures built by the United States.
6. The waterway is not considered “navigable”
7. While the project has been identified as “adjacent to” a property on the National Register of Historic Places by the State Historic Preservation Officer, it will not alter this resource.
8. The project is not within a designated Wild and Scenic River.
- 9.-10. Though the project is located within Priority Habitat as identified by the National Heritage Endangered Species Program, the project includes appropriate mitigation measure to prevent a “take” of these resources. (refer to letter dated July 22, 2019 issued by the Massachusetts Division of Fish and Wildlife for further information).
11. This condition applies to navigable waters. However, any sheet piling used for control of water will be removed.
12. Though this project involves relocation of a gas line, any impacts to waters of the U.S. will be within the already designated impact areas and will not have any adverse impacts.
13. Heavy equipment operation within resource area is prohibited as part of the contract documents and plan notes.
- 14.-15. There is no temporary fill proposed.
16. Soil Erosion and Sediment Controls are included as part of the plan. TOY restrictions dictate that if work requiring a turbidity curtain is required from March 1 – June 30, a PCN must be filed. It is possible that all work within the water can be completed between July 1 – February 28.
- 17.-18. Run of River will be maintained throughout construction and thereby will not adversely impact aquatic movement.
19. The project meets the stream crossing standards (refer to Technical Memo dated August 8, 2019).
20. There will be no impact to the regulatory 100-year elevation. Refer to the Hydraulic Report for details.
21. The project will not include seasonal structures.
22. The project will not result in a “take” of habitat (refer to letter dated July 22, 2019 issued by the Massachusetts Division of Fish and Wildlife for further information).
23. There are no vernal pools within or adjacent to the project limits.
24. There are no coral reefs within the project limits.



**600 Unicorn Park Drive ♦ Woburn, MA 01801**

**Phone: 781-932-3201 ♦ Fax: 781-932-3413**

25. The use of cultivars, invasive species or unacceptable plant materials are allowed on the project.
26. There is no blasting proposed on the project.
27. Unsuitable material is prohibited through the specifications.
28. Stormwater structures/BMPs are not part of the project.
29. Tide Gates are not part of the project.
30. The project qualifies under 314 CMR 9.03(1) as an activity not requiring an individual 401 WQC application. Refer to permit threshold above for further details.
31. The project is not within the coastal zone, and therefore not subject to CZM.
32. As part of the contract documents, all permits must be kept on-site.
33. The self-verification form will be completed and submitted in accordance with the ACOE requirements.
34. The ACOE may make inspections as indicated in the permit.
- 35.-44. Conditions noted.