

COB ENVIRONMENT DEPT  
RECEIVED

# C.W. LAYTON CONSULTING

78 S Main St New Salem, MA 01355 | 413-544-4229 | cwl@laytonconsulting.com

2019 MAY 16 AM 11:26

May 6, 2019

Boston Conservation Commission  
1 City Hall Square, Rm 709  
Boston, MA 02201

Re: Request for Determination along Massachusetts Bay Transportation Authority (MBTA) Right-of-Way presented on behalf of the MBTA by C.W. Layton Consulting.

Dear Commission Members:

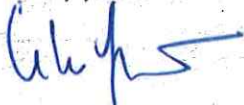
In 2011, your commission approved a delineation of wetlands along MBTA's right-of-way. The determination that was issued has allowed MBTA to conduct vegetation management activities in accordance with the Commonwealth of Massachusetts Rights-of-Way Management Regulations (333 CMR 11.00) and MBTA's Vegetation Management Plan (VMP). Each year since the determination was issued you have been supplied with MBTA's Yearly Operational Plan (YOP) and updates of the delineation as necessary.

MBTA's VMP expired on 31 December 2015. A new VMP has been approved for 2019-2023. In accordance with the Wetlands Protection Act, determinations of applicability issued for work conforming to 333 CMR 11.00 are in effect for the life of the VMP and must be renewed with the new VMP. Accordingly, I have enclosed a RDA to renew the wetland delineation along MBTA's right-of-way in Boston. The enclosed maps represent the location of the permanent marking setbacks prescribed by 333 CMR 11.00. There are no changes proposed in the wetlands delineation.

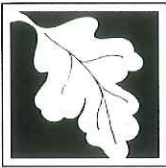
The maps have been updated to 1:25,000 maps, as required by the regulations. Maps have also been revised to reflect the latest revisions to the water supply zones in Boston as identified on maps supplied by the Commonwealth of Massachusetts' Office of Geographic Information.

Please consider a negative number 5 determination citing 310 CMR 10.03 (6)(b) and 310 CMR 10.58 (6)(a) as the exemptions. If you have any questions, please do not hesitate to call.

Sincerely yours,



Calvin W. Layton



# WPA Form 1- Request for Determination of Applicability

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

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MAY 16 AM 11:26

## 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:

Holly Palmgren, MBTA  
Name  
10 Park Plaza Suite 6720  
Mailing Address  
Boston  
City/Town  
(617) 222-1580  
Phone Number

HPalmgren@MBTA.com  
E-Mail Address

MA  
State  
02116  
Zip Code

Fax Number (if applicable)

2. Representative (if any):

CW Layton Consultants  
Firm  
Calvin Layton  
Contact Name  
78 S Main Street  
Mailing Address  
New Salem  
City/Town  
413-544-4229  
Phone Number

cwlayton@icloud.com  
E-Mail Address

MA  
State  
01355  
Zip Code

Fax Number (if applicable)

## B. Determinations

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

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.

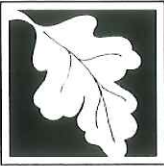
c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.

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

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

## C. Project Description

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

N/A \_\_\_\_\_ Boston \_\_\_\_\_  
Street Address City/Town

N/A \_\_\_\_\_  
Assessors Map/Plat Number Parcel/Lot Number

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

Massachusetts Bay Transportation Authority (MBTA) rapid transit system transportation rights-of-way.

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

1:25,000 MBTA System Map for Boston \_\_\_\_\_ 2 February 2019 \_\_\_\_\_  
Title Date

\_\_\_\_\_ Date

\_\_\_\_\_ Date

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

No work is proposed within the wetland resource areas. Vegetation control will conform to the guidelines set forth in the Massachusetts Rights-of-Way Management Regulations (333 CMR 11:00) and the preface to the Wetlands Protection Regulations (333 CMR 10:00) relative to rights-of-way management.

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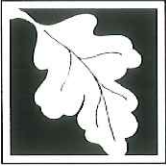
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**WPA Form 1- Request for Determination of Applicability**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**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).

310 CMR 10.03 (6) (b) Presumption Concerning Application of Herbicides.  
310 CMR 10.05 (3) (a) (2) Requests for Determination of Applicability.  
310 CMR 10.58 (6) (a) Exempted from Requirements for the Riverfront Area.

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:

Holly Palmgren, MBTA

Name

10 Park Plaza Suite 6720

Mailing Address

Boston

City/Town

MA

State

02116

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.

*Holly Palmgren*  
Signature of Applicant

May 6, 2019

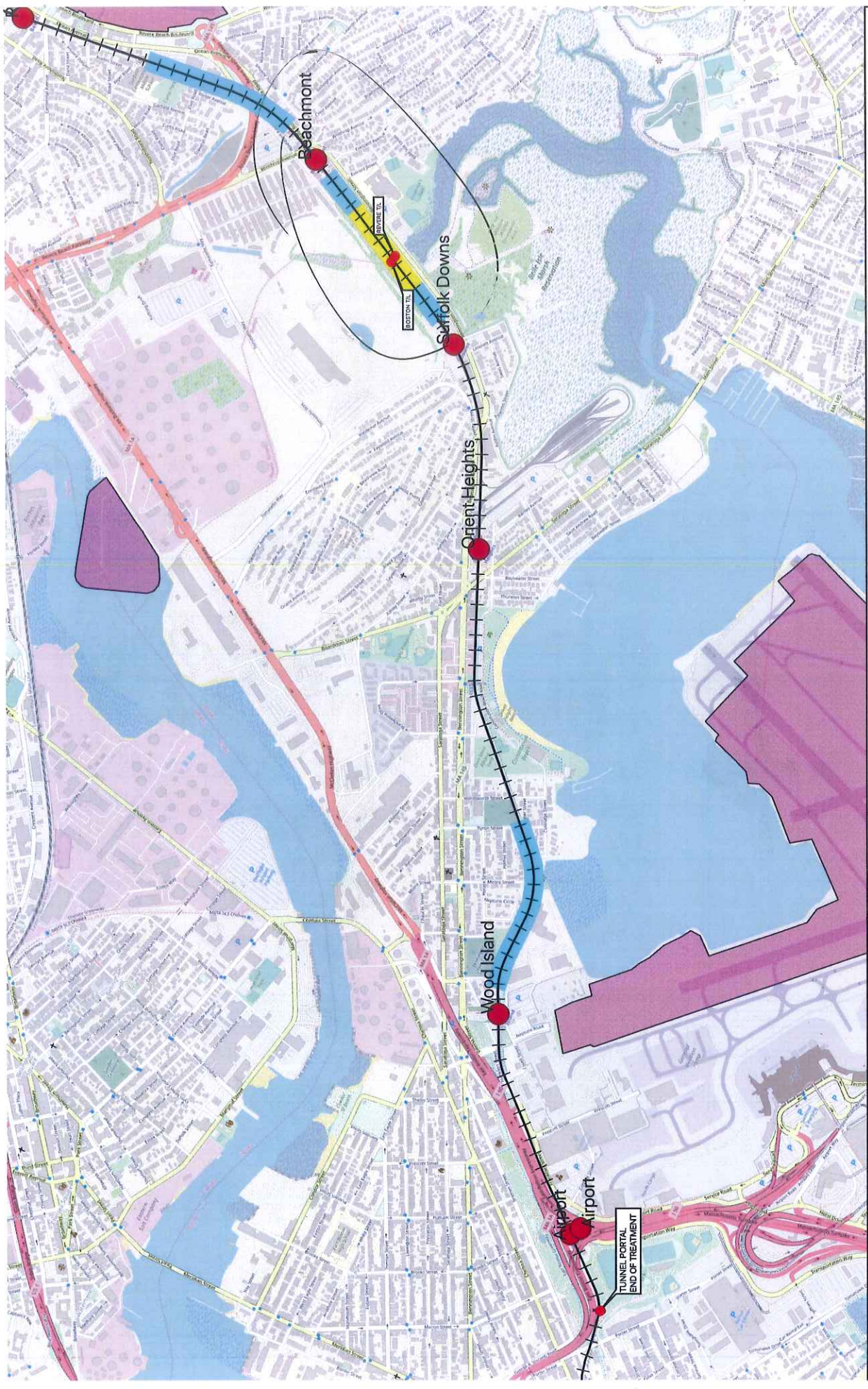
Date

*[Signature]*  
Signature of Representative (if any)

May 6, 2019

Date





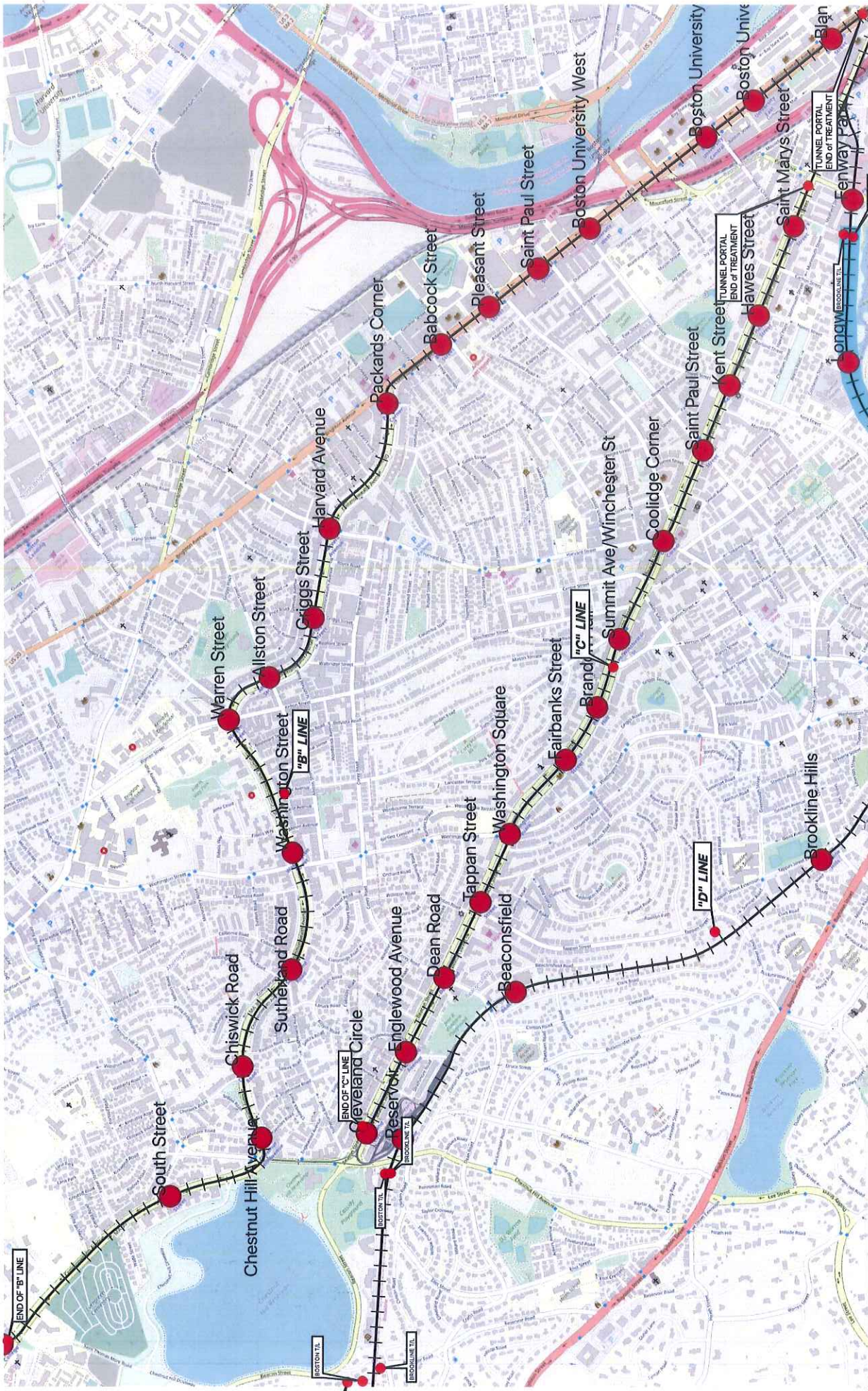
**SCALE 1:25000**    **SHEET 1 OF 1**    **TOWN OF: BOSTON**    **BRANCH: BLUE LINE**    **DATE: 02-02-2019**

**MASSACHUSETTS BAY TRANSPORTATION AUTHORITY**

**LEGEND**

- MBTA STATION
- CERTIFIED VERNAL POOL
- MBTA TRACK
- DEP PUBLIC WATER SUPPLY
- LIMITED SPRAY 1
- NO SPRAY
- LIMITED SPRAY 2
- SURFACE WATER PROTECTION ZONE A
- SURFACE WATER PROTECTION ZONE B
- ZONE1 WELL-HEAD PROTECTION AREA
- ZONE2 WELL-HEAD PROTECTION AREA
- INTERIM WELL-HEAD PROTECTION AREA
- NHEP PRIORITY HABITAT





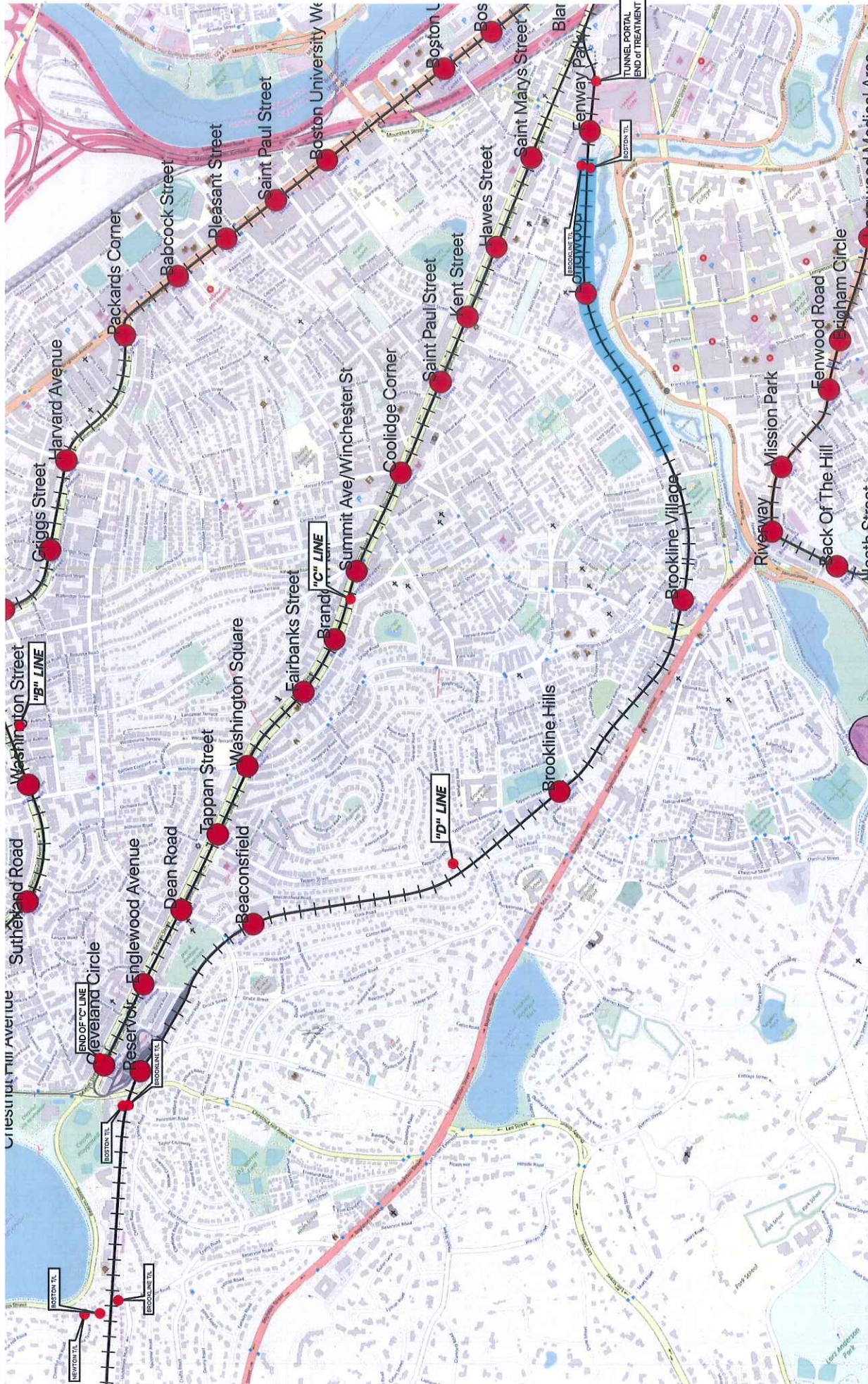
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MASSACHUSETTS BAY TRANSPORTATION AUTHORITY

LEGEND

- MBTA STATION
- CERTIFIED VERNAL POOL
- MBTA TRACK
- DEP PUBLIC WATER SUPPLY
- LIMITED SPRAY 1
- NO SPRAY
- LIMITED SPRAY 2
- SURFACE WATER PROTECTION ZONE A
- SURFACE WATER PROTECTION ZONE B
- ZONE1 WELL-HEAD PROTECTION AREA
- ZONE2 WELL-HEAD PROTECTION AREA
- INTERIM WELL-HEAD PROTECTION AREA
- NHESP PRIORITY HABITAT





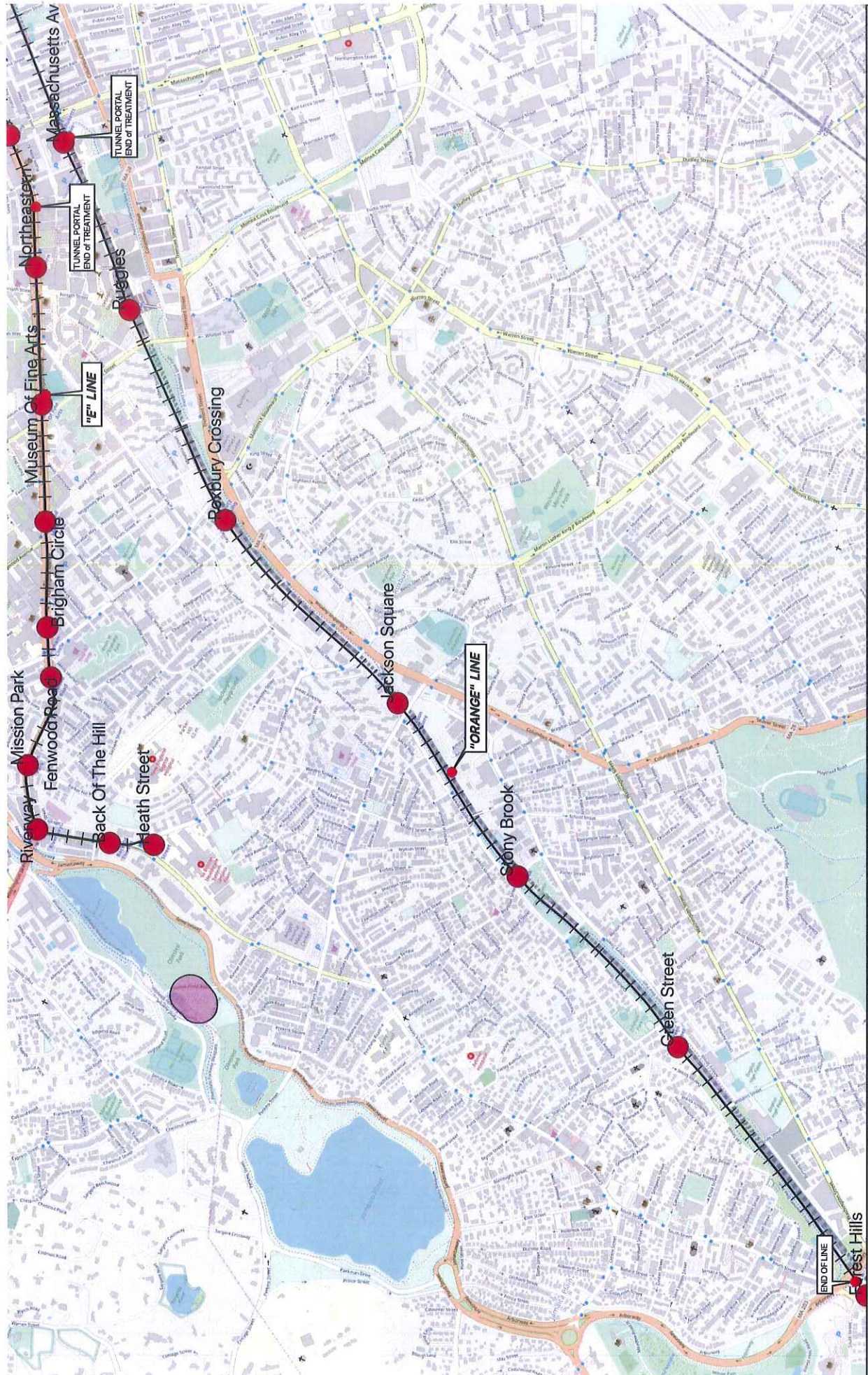
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MASSACHUSETTS BAY TRANSPORTATION AUTHORITY

LEGEND

- MBTA STATION
- CERTIFIED VERNAL POOL
- MBTA TRACK
- DEP PUBLIC WATER SUPPLY
- LIMITED SPRAY 1
- NO SPRAY
- LIMITED SPRAY 2
- SURFACE WATER PROTECTION ZONE A
- SURFACE WATER PROTECTION ZONE B
- ZONE1 WELLHEAD PROTECTION AREA
- ZONE2 WELLHEAD PROTECTION AREA
- INTERIM WELLHEAD PROTECTION AREA
- NHESP PRIORITY HABITAT





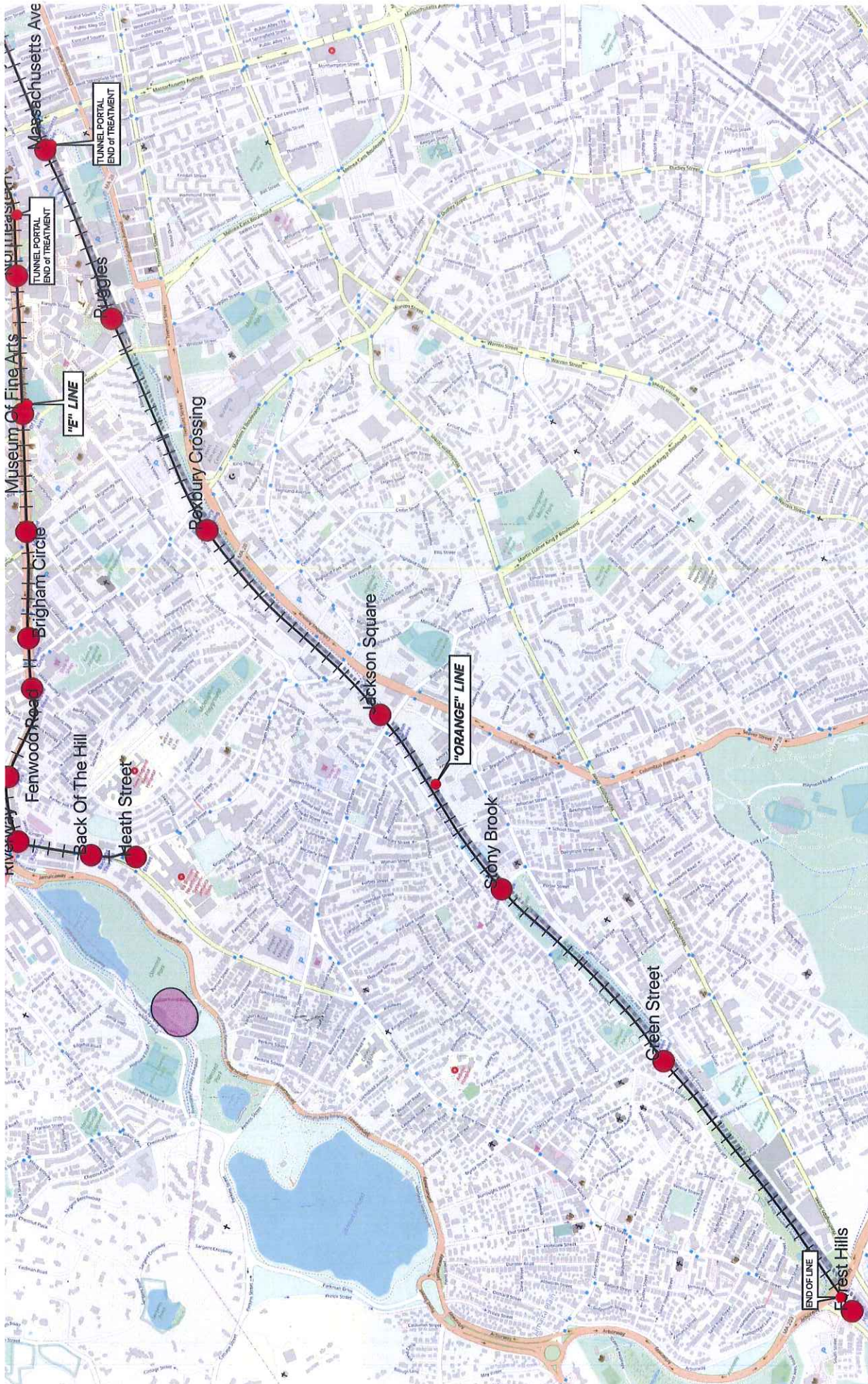
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MASSACHUSETTS BAY TRANSPORTATION AUTHORITY

LEGEND

- MBTA STATION
- CERTIFIED VERNAL POOL
- MBTA TRACK
- DEP PUBLIC WATER SUPPLY
- LIMITED SPRAY 1
- NO SPRAY
- LIMITED SPRAY 2
- SURFACE WATER PROTECTION ZONE A
- SURFACE WATER PROTECTION ZONE B
- ZONE1 WELLHEAD PROTECTION AREA
- ZONE2 WELLHEAD PROTECTION AREA
- INTERIM WELLHEAD PROTECTION AREA
- NHESP PRIORITY HABITAT





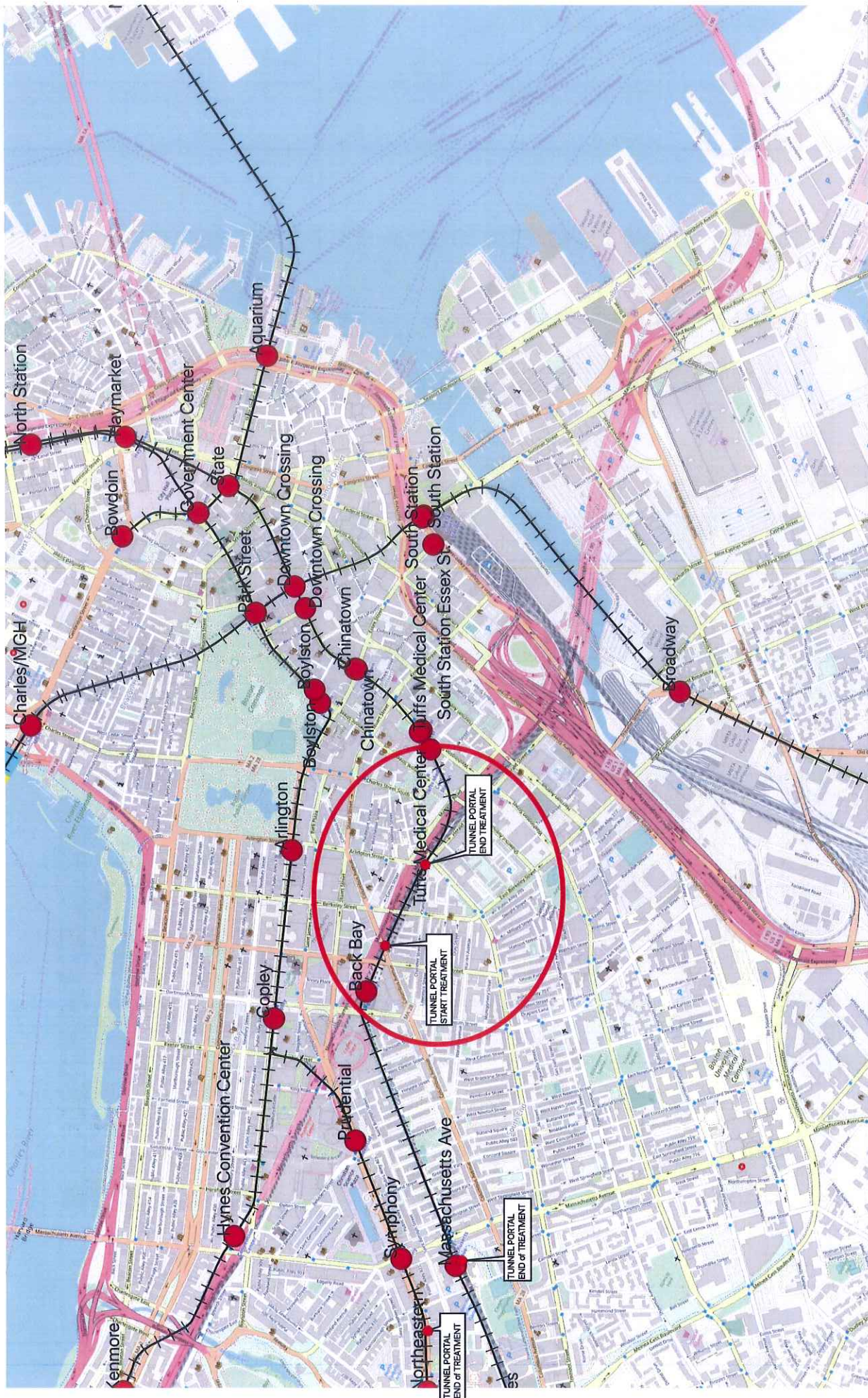
**SCALE** 1:25000    **SHEET** 1 OF 3    **TOWN OF:** BOSTON    **BRANCH:** ORANGE LINE    **DATE:** 02-02-2019

**MASSACHUSETTS BAY TRANSPORTATION AUTHORITY**

**LEGEND**

- MBTA STATION
- CERTIFIED VERNAL POOL
- MBTA TRACK
- DEP PUBLIC WATER SUPPLY
- LIMITED SPRAY 1
- NO SPRAY
- LIMITED SPRAY 2
- SURFACE WATER PROTECTION ZONE A
- SURFACE WATER PROTECTION ZONE B
- ZONE1 WELL-HEAD PROTECTION AREA
- ZONE2 WELL-HEAD PROTECTION AREA
- INTERIM WELL-HEAD PROTECTION AREA
- NHESP PRIORITY HABITAT





SCALE 1:25000 SHEET 2 OF 3 TOWN OF: BOSTON BRANCH: ORANGE LINE - BACK BAY DATE: 02-02-2019

MASSACHUSETTS BAY  
TRANSPORTATION AUTHORITY

LEGEND

- MBTA STATION
- CERTIFIED VERNAL POOL
- MBTA TRACK
- DEP PUBLIC WATER SUPPLY

- LIMITED SPRAY 1
- NO SPRAY
- LIMITED SPRAY 2
- SURFACE WATER PROTECTION ZONE A
- SURFACE WATER PROTECTION ZONE B

- ZONE1 WELLHEAD PROTECTION AREA
- ZONE2 WELLHEAD PROTECTION AREA
- INTERIM WELLHEAD PROTECTION AREA
- NHESP PRIORITY HABITAT







SCALE 1:25000 SHEET 3 OF 3

TOWN OF: BOSTON

BRANCH: ORANGE LINE

DATE: 02-02-2019

MASSACHUSETTS BAY  
TRANSPORTATION AUTHORITY

LEGEND

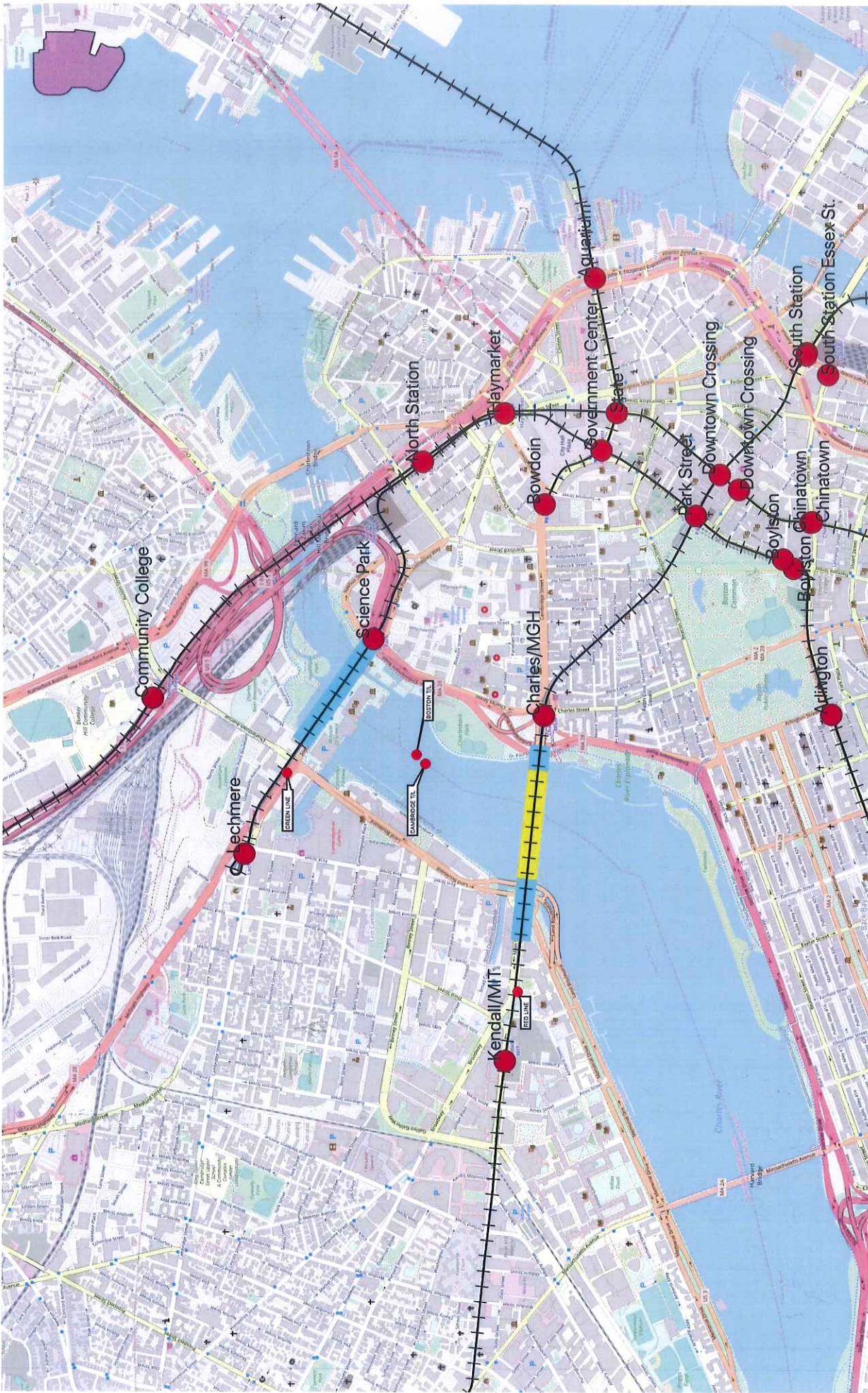
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- CERTIFIED VERNAL POOL
- MBTA TRACK
- DEP PUBLIC WATER SUPPLY

- LIMITED SPRAY 1
- NO SPRAY
- LIMITED SPRAY 2
- SURFACE WATER PROTECTION ZONE A
- SURFACE WATER PROTECTION ZONE B

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- ZONE2 WELLHEAD PROTECTION AREA
- INTERIM WELLHEAD PROTECTION AREA
- NHEP PRIORITY HABITAT







SCALE 1:25000 SHEET 1 OF 1 TOWN OF: BOSTON BRANCH: RED LINE - GREEN LINE DATE: 02-02-2019

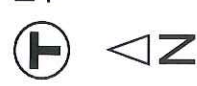
MASSACHUSETTS BAY  
TRANSPORTATION AUTHORITY

LEGEND

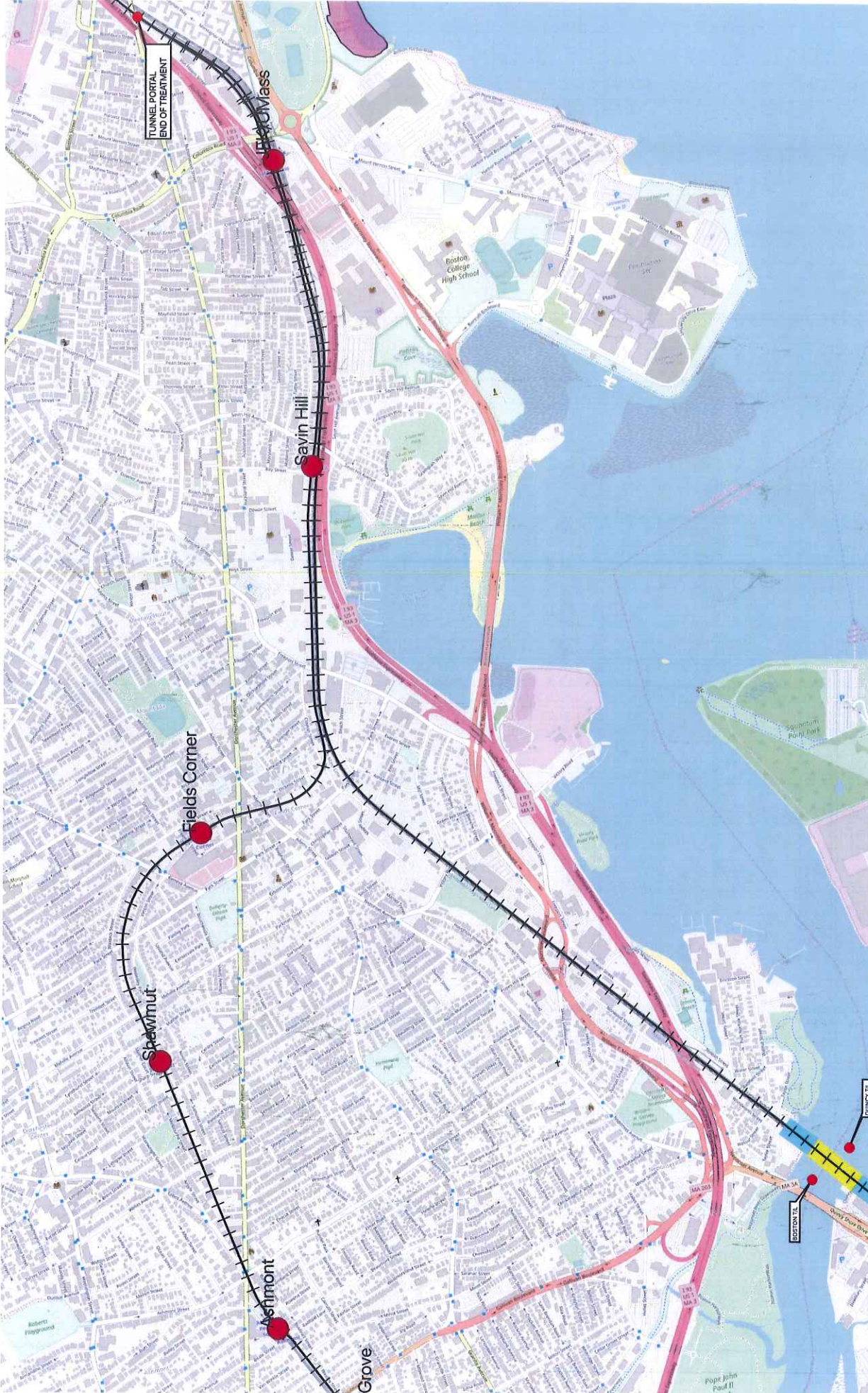
- MBTA STATION
- CERTIFIED VERNAL POOL
- MBTA TRACK
- DEP PUBLIC WATER SUPPLY

- LIMITED SPRAY 1
- NO SPRAY
- LIMITED SPRAY 2
- SURFACE WATER PROTECTION ZONE A
- SURFACE WATER PROTECTION ZONE B

- ZONE1 WELLHEAD PROTECTION AREA
- ZONE2 WELLHEAD PROTECTION AREA
- INTERIM WELLHEAD PROTECTION AREA
- NHESP PRIORITY HABITAT







TUNNEL PORTAL  
END OF TREATMENT

Spawmut

Fields Corner

Savin Hill

Asimont

Grove

Boston College High School

BOSTON T.L.

ROCKPORT T.L.

DATE: 02-02-2019

BRANCH: RED LINE

TOWN OF: BOSTON

SHEET 1 OF 2

SCALE 1:25000

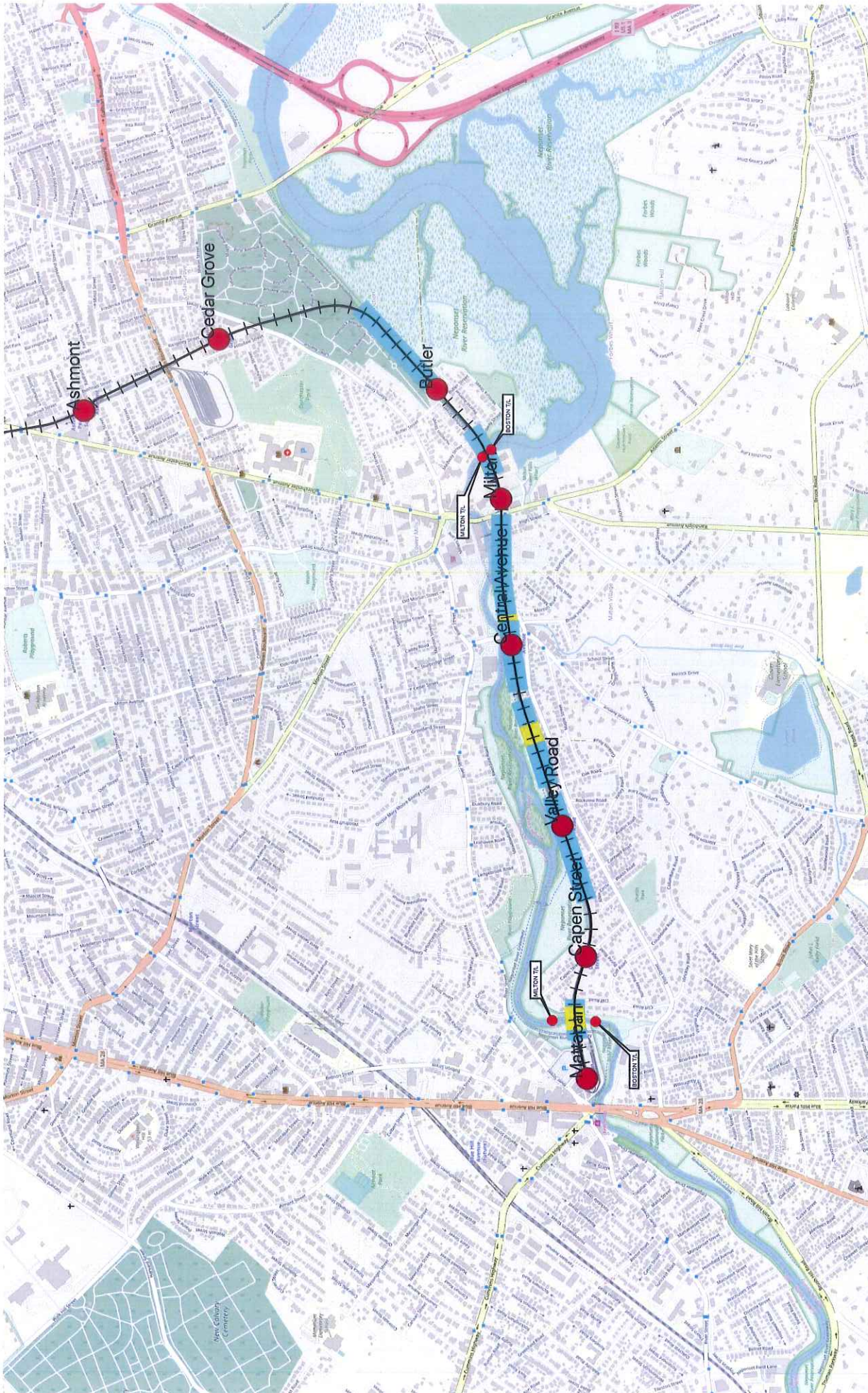
LEGEND















- MBTA STATION
- CERTIFIED VERNAL POOL
- MBTA TRACK
- DEP PUBLIC WATER SUPPLY
- LIMITED SPRAY 1
- NO SPRAY
- LIMITED SPRAY 2
- SURFACE WATER PROTECTION ZONE A
- SURFACE WATER PROTECTION ZONE B
- ZONE1 WELL-HEAD PROTECTION AREA
- ZONE2 WELL-HEAD PROTECTION AREA
- INTERIM WELL-HEAD PROTECTION AREA
- NHESP PRIORITY HABITAT

MASSACHUSETTS BAY  
TRANSPORTATION AUTHORITY







<b>SCALE</b> 1:25000 <b>SHEET</b> 2 OF 2		<b>TOWN OF:</b> BOSTON		<b>BRANCH:</b> RED LINE		<b>DATE:</b> 02-02-2019	
<b>MASSACHUSETTS BAY TRANSPORTATION AUTHORITY</b> 				<b>LEGEND</b>			
				 MBTA STATION  CERTIFIED VERNAL POOL  MBTA TRACK  DEP PUBLIC WATER SUPPLY	 LIMITED SPRAY 1  NO SPRAY  LIMITED SPRAY 2	 SURFACE WATER PROTECTION ZONE A  SURFACE WATER PROTECTION ZONE B	 ZONE1 WELLHEAD PROTECTION AREA  ZONE2 WELLHEAD PROTECTION AREA  INTERIM WELLHEAD PROTECTION AREA  NHESP PRIORITY HABITAT