

13 March 2021

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

Re: Request for Determination
Amtrak Right-of-Way

Dear Commission Members:

In 2016, your commission approved a delineation of wetlands along Amtrak's right-of-way. The determination that was issued allowed Amtrak to conduct vegetation management activities in accordance with the Commonwealth of Massachusetts Rights-of-Way Management Regulations (333 CMR 11.00) and Amtrak's Vegetation Management Plan (VMP). Each year since the determination was issued you have been supplied with Amtrak's Yearly Operational Plan (YOP) and updates of the delineation as necessary.

Amtrak is now in the process of renewing its VMP for the period covering 2021 through 2025. 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 an RDA application to renew the wetland delineation along Amtrak's right-of-way in Boston. The enclosed maps represent the locations of the permanent marking setbacks prescribed by 333 CMR 11.00. There are no changes proposed from the wetlands delineation previously established in 2016.

Please consider a negative determination (number 3 for work in the buffer zone and number 5 for exempt activity in riverfront) citing 310 CMR 10.03(6) and 310 CMR 10.58(6)(a) as the exemptions. In addition, please check positive 2a confirming the accuracy of the resource boundaries. If you have any questions, please do not hesitate to call.

Very truly yours,
TEC ASSOCIATES



Thomas W. Lewis

Enclosures

cc: Mr. Dante DeAnnuntis, Amtrak
Regional Office, DEP



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:

TEC Associates	tom@tecassoc.com
Name	E-Mail Address
46 Sawyer Street	
Mailing Address	
South Portland	ME 04106
City/Town	State Zip Code
(207) 219-9884	(207) 767-7125
Phone Number	Fax Number (if applicable)

2. Representative (if any):

TEC Associates	tom@tecassoc.com
Firm	E-Mail Address
Tom Lewis	
Contact Name	
46 Sawyer Street	
Mailing Address	
South Portland	ME 04106
City/Town	State Zip Code
(207) 219-9884	(207) 767-7125
Phone Number	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).



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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):

N/A	Boston
Street Address	City/Town
N/A	N/A
Assessors Map/Plat Number	Parcel/Lot Number

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

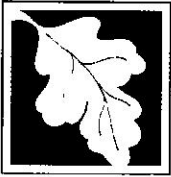
Amtrak railroad right-of-way

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

Right-of-Way Resource Delineation maps	2/14/11
Title	Date
_____	_____
Title	Date
_____	_____
Title	Date
_____	_____

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

No work is proposed within 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 approved Vegetation Management Plan (VMP).



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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) Presumption Concerning Application of Herbicides

310 CMR 10.05(3)(a)2. Requests for Determination of Applicability

310 CMR 10.58(6)(a) Exemption for activity in the riverfront area

310 CMR 10.00 Appendices - 1987 Preface to Wetlands Regulations Relative to Rights-of-Way Management

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.)



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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:

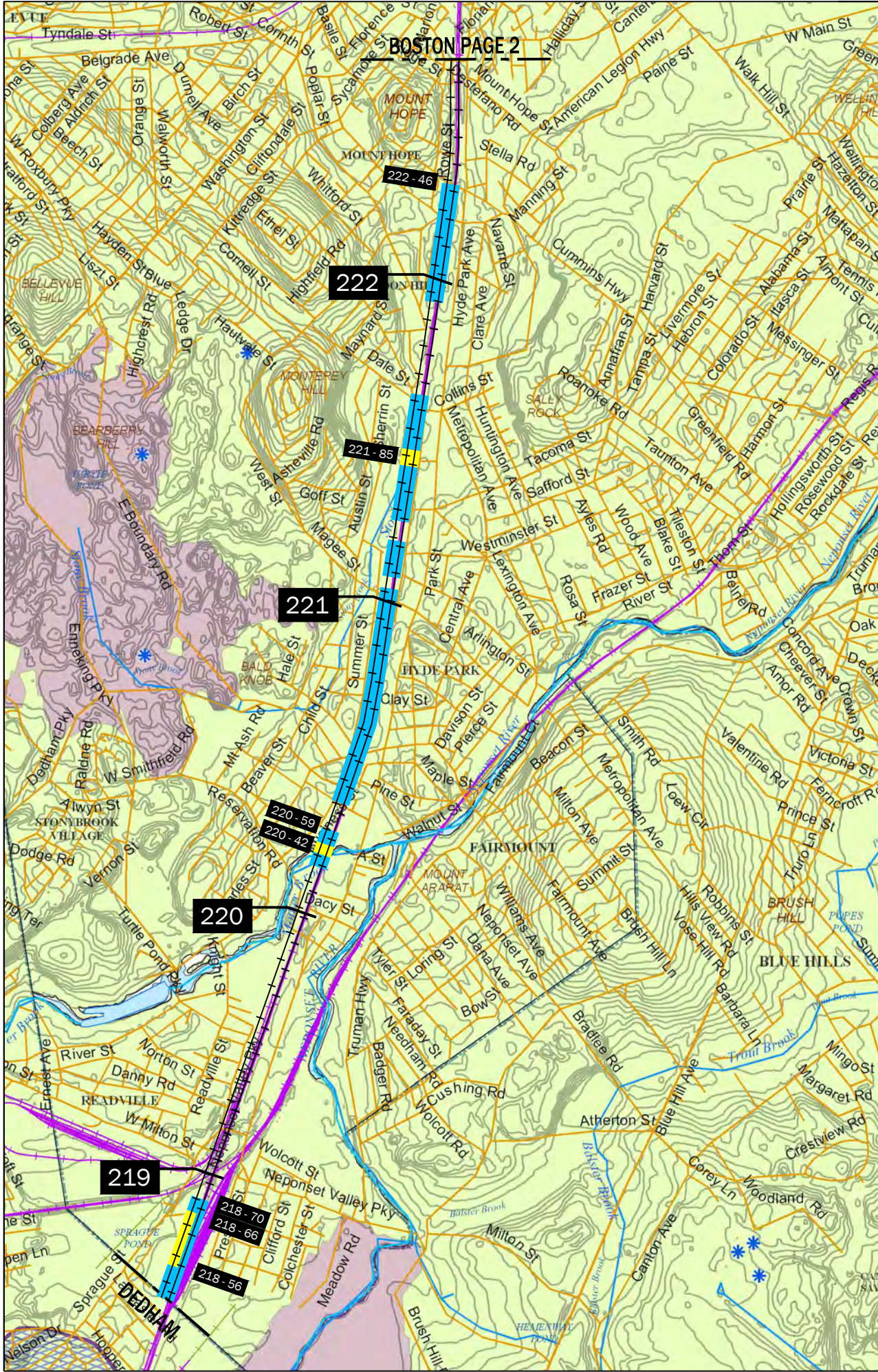
AMTRAK - National Railroad Passenger Corp. _____
 Name
 Two South Station, 2nd Floor _____
 Mailing Address
 Boston _____
 City/Town
 MA _____ 02110 _____
 State Zip Code

Signatures:

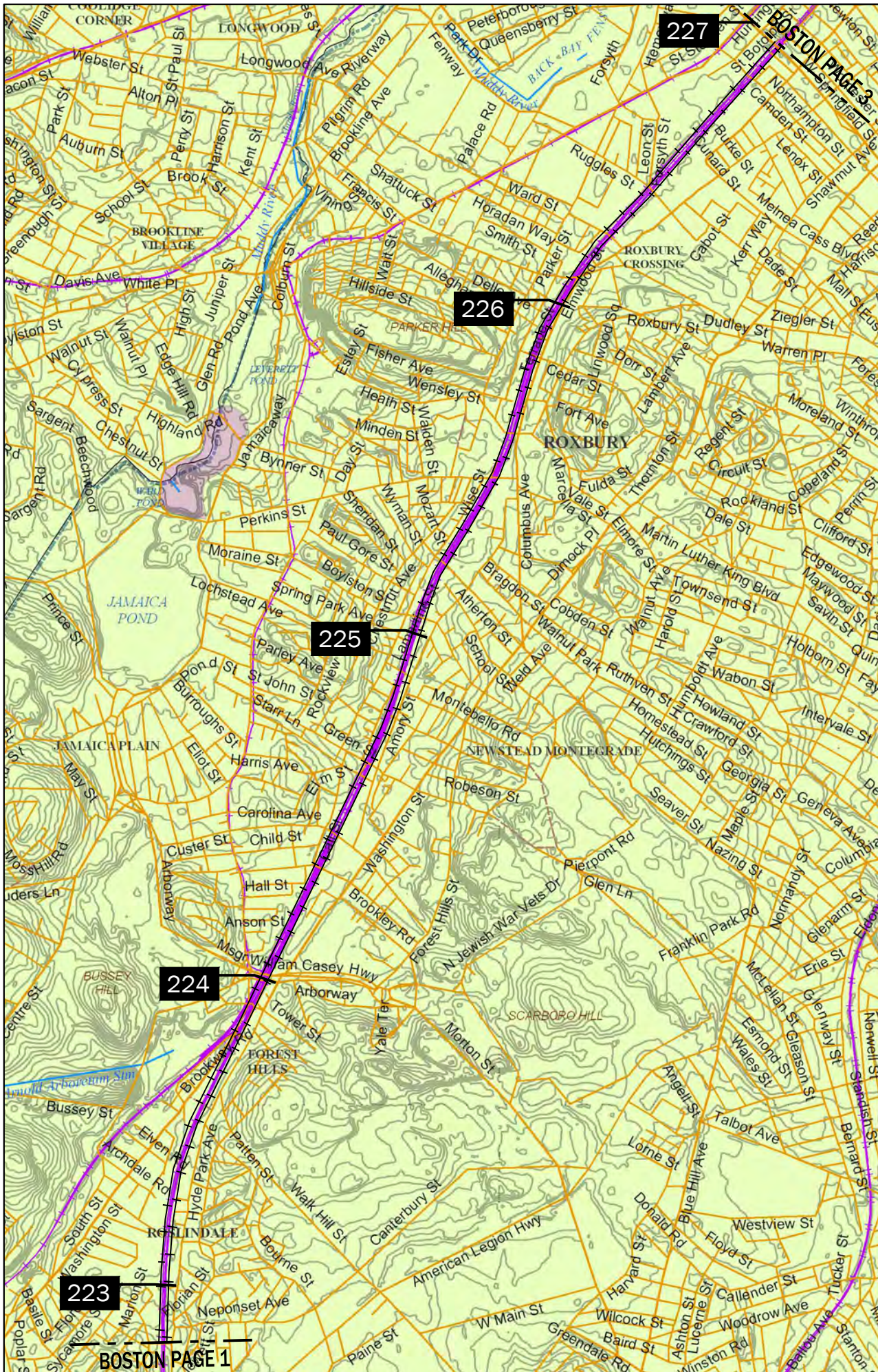
I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

 _____ 3/13/21 _____
 Signature of Applicant Date

 Signature of Representative (if any) Date



SCALE: 1:25,000	SHEET 1 OF 3	TOWN OF: BOSTON	BRANCH: NORTHEAST CORRIDOR	DATE: 2/14/2011
TWO SOUTH STATION, 2ND FLOOR BOSTON, MA 02110		LIMITED SPRAY ZONE (1 YEAR INTERVAL)	Groundwater Source	Zone A
		LIMITED SPRAY ZONE (2 YEAR INTERVAL)	Surface Water Intake	Zone B
		NO SPRAY ZONE	NHESP Vernal Pool	NHESP Priority
				Habitat
				DEP Approved Zone I
				DEP Approved Zone II / IWPA



SCALE: 1:25,000	SHEET 2 OF 3	TOWN OF: BOSTON	BRANCH: NORTHEAST CORRIDOR	DATE: 2/14/2011
TWO SOUTH STATION, 2ND FLOOR BOSTON, MA 02110 	LIMITED SPRAY ZONE (1 YEAR INTERVAL) LIMITED SPRAY ZONE (2 YEAR INTERVAL) NO SPRAY ZONE	Groundwater Source Surface Water Intake NHESP Vernal Pool	DEP Approved Zone I DEP Approved Zone II / IWPA	Zone A Zone B NHESP Priority Habitat



SCALE: 1:25,000	SHEET 3 OF 3	TOWN OF: BOSTON	BRANCH: NORTHEAST CORRIDOR	DATE: 2/14/2011
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