



March 3, 2020

Town of Leicester Conservation Commission
Town Hall
3 Washburn Square
Leicester MA 01524

Wood Environment and Infrastructure Solutions, Inc.
271 Mill Road
3rd Floor
Chelmsford, MA 01824
USA
T: 978-692-9090
www.woodplc.com

Re: Request for Determination of Applicability
CSX Transportation Railroad Vegetation Management Plan

On behalf of CSX Transportation, Inc. (CSX) Wood Environment and Infrastructure Solutions, Inc. submits this Request for Determination of Applicability (RDA) to obtain confirmation of the boundaries of wetland resource areas adjacent to the CSX railroad right-of-way in Leicester as part of the railroad's five-year Vegetation Management Plan (VMP). The RDA form (WPA Form 1) accompanies this letter.

Wetland boundaries, where they lie within 10 feet of the railroad bed, were identified and marked on the railroad cross-ties. There has been no change to wetlands since the previous delineation and RDA in 2015. No work is proposed in or within 10 feet of wetland resource areas. Enclosed are WPA Form 1 and two figures. One copy of these materials is being sent to the Massachusetts Department of Environmental Protection.

If you have any questions, please contact me at 508-517-6470 or stephen.herzog@woodplc.com.
Thank you.

Wood Environment and Infrastructure Solutions, Inc.

A handwritten signature in black ink, appearing to read "Stephen G. Herzog".

Stephen G. Herzog
Senior Ecologist

A handwritten signature in black ink, appearing to read "Emily F. Gardiner".

Emily F. Gardiner
Environmental Scientist/GIS Analyst

Encl.



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

Leicester

City/Town

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:

CSX Transportation, Inc.

Name

E-Mail Address

500 Water Street

Mailing Address

Jacksonville

City/Town

FL

State

32202

Zip Code

Phone Number

Fax Number (if applicable)

2. Representative (if any):

Wood Environment & Infrastructure Solutions, Inc.

Firm

Stephen Herzog

Contact Name

stephen.herzog@woodplc.com

E-Mail Address

271 Mill Road, 3rd Floor

Mailing Address

Chelmsford

City/Town

MA

State

01824

Zip Code

508-517-6470

Phone Number

978-692-6633

Fax Number (if applicable)

B. Determinations

1. I request the Leicester 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):

CSX Right-of-Way

Street Address

Leicester

City/Town

Assessors Map/Plat Number

Parcel/Lot Number

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

The area of interest is the CSX railroad in Leicester, where one wetland was identified within 10 feet of the railroad bed. Additional wetland buffer zones and drinking water supply areas also intersect the railroad. Wetlands were delineated by observation of surface water, saturated or inundated conditions, or 50% or more wetland indicator plants. There has been no change to wetlands since the previous delineation and RDA in 2015. The accompanying figures show wetlands along the railroad. No work will be done in or within 10 feet of wetlands.

- Yellow = wetlands within 10 feet of the railroad bed
- Blue = 100-foot Buffer Zone / 200-foot Riverfront Area
- Purple = Drinking water supply area (Zone II, Interim Wellhead Protection Area, or private well)

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

CSX Right-of-Way, Main Line, Leicester MA, Figures 1-2

Title

March 2020

Date

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

This RDA seeks confirmation of wetland boundaries in order to avoid impacting wetlands during vegetation management under the railroad's Vegetation Management Plan. CSX will manage vegetation on the railroad using low-pressure herbicide application, and will avoid wetlands, water bodies, and other sensitive areas, performing all work in accordance with 333 CMR 11.00, the Massachusetts Rights-of-Way Management regulations, and 310 CMR 10.00, the Massachusetts Wetlands Protection Act. No work is proposed in or within 10 feet of any wetlands.



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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)(b) Presumption Concerning Application of Herbicides

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

310 CMR 10.58(6)(a) Notwithstanding the Provisions of 310 CMR 10.58(1) through (5) Certain Activities or Areas are Grandfathered or 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.)



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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:

CSX Transportation, Inc.

Name

500 Water Street

Mailing Address

Jacksonville

City/Town

FL

State

32202

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.

Signature of Applicant

CSX - Supervisor Emergency Services

3/2/20

Date

Signature of Representative

3/2/2020

Date



