

*Notice of Intent*

**Scour Countermeasure of Bridge No. T-10-002 (02P)  
Main Road over Hop Brook  
Tyringham, Massachusetts**



**February, 2017**

**Applicant:**



**Town of Tyringham, MA  
Town Selectmen  
P.O. Box 442  
Tyringham, Massachusetts 01264**

**Representative:**



**Gill Engineering Associates, Inc.  
Keith T. Nelson, P.E.  
63 Kendrick Street  
Needham, Massachusetts 02494**

## **Contents**

### **WPA Form 3**

#### **Attachment A Project Narrative**

- 1.0 Introduction**
- 2.0 Site Overview**
- 3.0 Proposed Activities**

#### **Attachment B Design Plans**

#### **Attachment C Letter to Abutters**

- 1.0 Letters**
- 2.0 Certified Receipts**

#### **Attachment D NHESP Letter**

- 1.0 Letters**



Massachusetts Department of Environmental Protection

## **eDEP Transaction Copy**

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Here is the file you requested for your records.

To retain a copy of this file you must save and/or print.

Username: **KNELSON26**

Transaction ID: **890488**

Document: **WPA Form 3 - NOI**

Size of File: **259.58K**

Status of Transaction: **In Process**

Date and Time Created: **2/13/2017:2:09:57 PM**

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**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 #:  
eDEP Transaction #:890488  
City/Town:TYRINGHAM

**A.General Information**

**1. Project Location:**

a. Street Address	116 MAIN ROAD	c. Zip Code	01264
b. City/Town	TYRINGHAM	e. Longitude	73.19823W
d. Latitude	42.24155N	g.Parcel/Lot #	4,5,17 &18
f. Map/Plat #	203		

**2. Applicant:**

☐ Individual ☒ Organization

a. First Name		b. Last Name	
c. Organization	TOWN OF TYRINGHAM		
d. Mailing Address	P.O. BOX 442		
e. City/Town	TYRINGHAM	f. State	MA
g. Zip Code	01264		
h. Phone Number	413-243-1749	i. Fax	413-243-4942
j. Email	townhall@bcn.net		

**3. Property Owner:**

☐ more than one owner

a. First Name		b. Last Name	
c. Organization	TOWN OF TYRINGHAM		
d. Mailing Address	P.O. BOX 442		
e. City/Town	TYRINGHAM	f. State	MA
g. Zip Code	01264		
h. Phone Number	413-243-1749	i. Fax	413-243-4942
j. Email	townhall@bcn.net		

**4. Representative:**

a. First Name	KEITH	b. Last Name	NELSON
c. Organization	GILL ENGINEERING		
d. Mailing Address	63 KENDRICH STREET		
e. City/Town	NEEDHAM	f. State	MA
g. Zip Code	02494		
h. Phone Number	781-657-9044	i. Fax	
j. Email	knelson@gill-eng.com		

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

a. Total Fee Paid	0.00	b. State Fee Paid	0.00	c. City/Town Fee Paid	0.00
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**6. General Project Description:**

THE PROJECT INVOLVES THE INSTALLATION OF A SCOUR COUNTERMEASURE SYSTEM UNDERNEATH A BRIDGE TO PROTECT ITS FOUNDATION. 1. INSTALL FLOATING SILT FENCE TO PREVENT DEBRIS CONTAMINATION OF THE STREAM DUE TO REPAIRS. 2. EXCAVATE APPROXIMATELY 27 CUBIC YARDS OF THE STREAMBED, INCLUDING EXISTING RIPRAP. 3. LAY OUT GEOTEXTILE FABRIC COVERED BY CRUSHED STONE. 4. INSTALL GROUT BAGS AND POUR TREMIE CONCRETE ADJACENT TO THE UNDERMINED FOOTING. 5. REESTABLISH STREAMBED WITH RIPRAP ON TOP OF THE CRUSHED STONE.

**7a. Project Type:**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Single Family Home                | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Limited Project Driveway Crossing | 4. <input type="checkbox"/> Commercial/Industrial   |



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

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eDEP Transaction #:890488  
City/Town:TYRINGHAM

- |   |  |
|---|--|
| 5. <input type="checkbox"/> Dock/Pier                     | 6. <input type="checkbox"/> Utilities                                |
| 7. <input type="checkbox"/> Coastal Engineering Structure | 8. <input type="checkbox"/> Agriculture (eg., cranberries, forestry) |
| 9. <input checked="" type="checkbox"/> Transportation     | 10. <input type="checkbox"/> Other                                   |

7b. Is any portion of the proposed activity eligible to be treated as a 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:

2. Limited THE MAINTENANCE, REPAIR AND IMPROVEMENT OF THE STREAM BED TO PROVIDE SCOUR  
Project PROTECTION TO THE FOOTING OF THE BRIDGE ON MAIN ROAD CROSSING HOPP BROOK.

8. Property recorded at the Registry of Deeds for:

<b>a.County:</b>	<b>b.Certificate:</b>	<b>c.Book:</b>	<b>d.Page:</b>
MIDDLE BERKSHIRE			

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

1. Buffer Zone & Resource Area Impacts (temporary & permanent):

☐ This is a Buffer Zone only project - 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)

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
---------------	-----------------------------	-------------------------------

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 checked="" type="checkbox"/> Land under Waterbodies and Waterways	833 1. Square feet	833 2. square feet
	33 3. cubic yards dredged	
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. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if any)	
2. Width of Riverfront Area (check one)	<input type="checkbox"/> 25 ft. - Designated Densely Developed Areas only <input type="checkbox"/> 100 ft. - New agricultural projects only <input type="checkbox"/> 200 ft. - All other projects	
3. Total area of Riverfront Area on the site of the proposed project		



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eDEP Transaction #:890488  
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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)

Resource Area      Size of Proposed Alteration      Proposed Replacement (if any)

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 Beaches	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
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, crea.
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.Restoration/Enhancement

☐ Restoration/Replacement

If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been



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entered in Section B.2.b or B.3.h above, please entered the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

**5. Projects Involves Stream Crossings**

☐ Project Involves Streams Crossings

If the project involves Stream Crossings, please enter the number of new stream crossings/number of replacement stream crossings.

a. number of new stream crossings

b. number of replacement stream crossings

**C. Other Applicable Standards and Requirements**

**Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review**

1. 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 of Endangered Species program (NHESP)?

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

b. Date of map: FROM MAP VIEWER

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18)....

c. Submit Supplemental Information for Endangered Species Review \* (Check boxes as they apply)

1. ☒ Percentage/acreage of property to be altered:

(a) within Wetland Resource Area

0  
percentage/acreage

(b) outside Resource Area

0  
percentage/acreage

2. ☒ Assessor's Map or right-of-way plan of site

3. ☒ Project plans for entire project site, including wetland resource areas and areas outside of wetland 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

c. ☐ MESA filing fee (fee information available at: <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/mass-endangered-species-act-mesa/mesa-fee-schedule.html> )

Make check payable to "Natural Heritage & Endangered Species Fund" 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

d. OR Check One of the following



**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

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

Provided by MassDEP:  
MassDEP File #:  
eDEP Transaction #:890488  
City/Town:TYRINGHAM

1. ☐ Project is exempt from MESA review. Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <http://www.mass.gov/eea/agencies/dfg/dfw/laws-regulations/cmr/321-cmr-1000-massachusetts-endangered-species-act.html#10.14>; 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 Number

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.

\* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review...

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

a. ☒ Not applicable - project is in inland resource area only

b. ☐ Yes ☐ No

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

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

North Shore - Hull to  
New Hampshire:

Division of Marine Fisheries -  
Southeast Marine Fisheries Station  
Attn: Environmental Reviewer  
1213 Purchase street - 3rd floor  
New Bedford, MA 02740-6694

Division of Marine  
Fisheries -  
North Shore Office  
Attn: Environmental  
Reviewer  
30 Emerson Avenue  
Gloucester, MA 01930

If yes, it 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.

3. 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 DEP Website for ACEC locations). **Note:** electronic filers click on Website.

b. ACEC Name

4. 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

5. 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

6. 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





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☐ Vol.2, Chapter 3)

2. ☐ A portion of the site constitutes redevelopment

3. ☐ Proprietary BMPs are included in the Stormwater Management System

b. ☒ No, Explain why the project is exempt:

1. ☐ Single Family Home

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**

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 by regular mail delivery.

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.
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. ☒

**a. Plan Title:**                      **b. Plan Prepared By:**      **c. Plan Signed/Stamped By:**      **c. Revised Final Date:**      **e. Scale:**

SCOUR REPAIR  
PLANS

GILL ENGINEERING  
INC.

KEITH T NELSON, P.E.

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.



**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 #:

eDEP Transaction #:890488

City/Town:TYRINGHAM

**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:

2. Municipal Check Number

3. Check date

4. State Check Number

5. Check date

6. Payer name on check: First Name

7. Payer name on check: Last Name

**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

2. Date

3. Signature of Property Owner(if different)

4. Date

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 Section C, Items 1-3, 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  
**WPA Form 3 - Notice of Wetland Fee Transmittal Form**

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

Provided by MassDEP:  
MassDEP File #:  
eDEP Transaction #:890488  
City/Town: TYRINGHAM

**A. Applicant Information**

**1. Applicant:**

a. First Name		b. Last Name	
c. Organization	TOWN OF TYRINGHAM		
d. Mailing Address	P.O. BOX 442		
e. City/Town	TYRINGHAM	f. State	MA
g. Zip Code	01264		
h. Phone Number	4132431749	i. Fax	4132434942
j. Email	townhall@bcn.net		

**2. Property Owner: (if different)**

a. First Name		b. Last Name	
c. Organization	TOWN OF TYRINGHAM		
d. Mailing Address	P.O. BOX 442		
e. City/Town	TYRINGHAM	f. State	MA
g. Zip Code	01264		
h. Phone Number	4132431749	i. Fax	4132434942
j. Email	townhall@bcn.net		

**3. Project Location:**

a. Street Address	116 MAIN ROAD	b. City/Town	TYRINGHAM
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Are you exempted from Fee? ☐ (YOU HAVE SELECTED 'YES')

**Note:** Fee will be exempted if you are one of the following:

- City/Town/County/District
- Municipal Housing Authority
- Indian Tribe Housing Authority
- MBTA

State agencies are only exempt if the fee is less than \$100

**B. Fees**

Activity Type	Activity Number	Activity Fee	RF Multiplier	Sub Total
	City/Town share of filling fee	State share of filing fee	Total Project Fee	
	\$0.00	\$0.00	\$0.00	

## Attachment A PROJECT NARRATIVE

### 1.0 Introduction

The Town of Tyringham proposes to perform scour repair work to the stream channel of Hop Brook adjacent to the foundations of the Main Road Bridge.

The purpose of the Main Road Bridge Scour Repair Project is to perform repairs to ensure proper performance of the transportation infrastructure. The proposed repair work is intended to reestablish the stream bed which is needed to protect the bridge foundation from future scour during extreme water events. The length of the project is approximately 30 feet.

The project area for this NOI filing is shown on the locus map (Figure 1).



Figure 1-Project Location Map

## 2.0 Site Overview

Using the locus and available maps, GIS datalayers, as mapped by the Commonwealth's Office of Geographic Information (MassGIS), were overlaid on the project locus to determine the presence/absence and general location of environmental resources within, adjacent and proximate to the "Main Road Bridge over Hop Brook Scour Repair" project limits in Tyringham.

## Wetland Resources

As shown in Figure 2, based on the DEP Wetlands datalayer, the proposed repair work is located within and adjacent to wetland resource areas. As such, the proposed work is located within land under water (LUW). Other wetland resource areas including riverfront, bank, borderline vegetated wetland and land subjected to flooding will not be impacted.

In order to minimize impacts to the LUW, the proposed work will meet the general performance standards set forth by 310 CMR 10.54 (4) which includes the following:

a. Any proposed work within the Land Under Water Bodies and Waterways shall not impair the following:

1. The water carrying capacity within the defined channel, which is provided by said land in conjunction with the banks;

***In order to maintain water carrying capacity of the stream, the contractor will not be allowed to obstruct more than 50% of the flow of the stream channel while doing in-stream construction activities. Once complete, the natural stream bed will be reestablished.***

2. Ground and surface water quality;

***The water quality impacts from the proposed work will be mitigated with the use of floating silt fence. The floating silt fence will encompass the area of work which will aid in the containment of any siltation or debris from the proposed work. Furthermore, work in the waterway will be restricted to low flow periods (July 1 – September 30) and to small hand equipment.***

3. The capacity of said land to provide breeding habitat, escape cover and food for fisheries; and

***Not applicable.***

4. The capacity of said land to provide important wildlife habitat functions.

***This will be maintained.***

b. May issue an Order to maintain or improve boat channels within Land Under Water Bodies and Waterways when said work is designed and carried out using the best practical measures so as to minimize adverse effects.

***Not a navigable stream.***

c. No project may be permitted which will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species.

***The proposed project site is within an area of rare or endangered species. See Attachment B correspondence with NHESP which will require a turtle protection plan.***

### 3.0 Proposed Activities

Maintenance repair work will be performed on the following bridge:

Bridge No. (BIN)	Description
B-01-002 (02P)	Main Road over Hop Brook

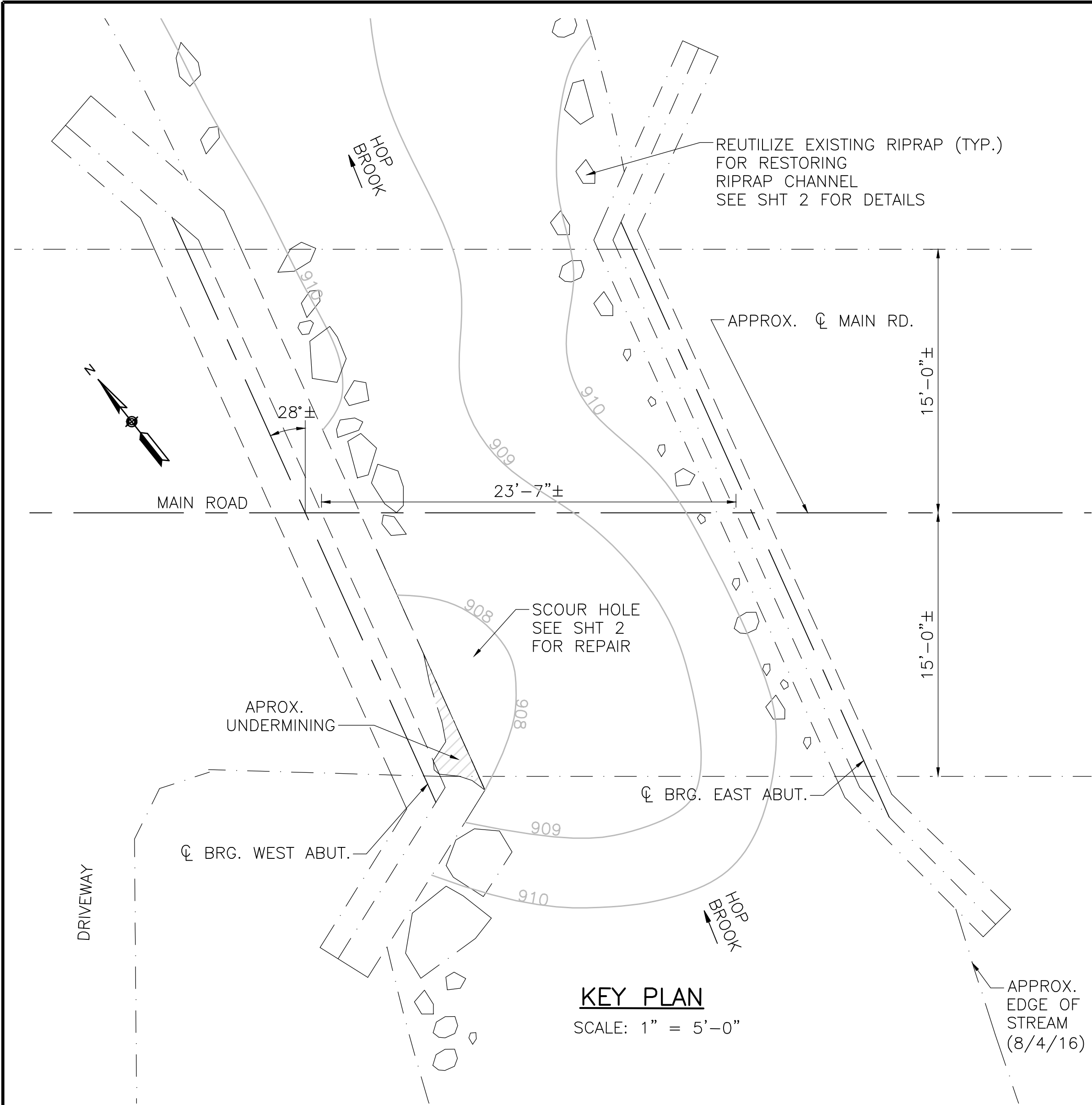
Work involves installing a scour countermeasure system underneath the Main Road Bridge to protect its foundation from further undermining. The stages of work include:

- Install a floating silt fence for debris containment during work activity,
- Excavate the stream bed as needed to install riprap,
- Lay out geotextile fabric covered by crushed stone,
- Install groutbags and pour grout within undermine area of the existing footing,
- Install remaining groutbags to fill in scour hole,
- Then reestablish the remaining streambed with riprap on top of the crushed stone.

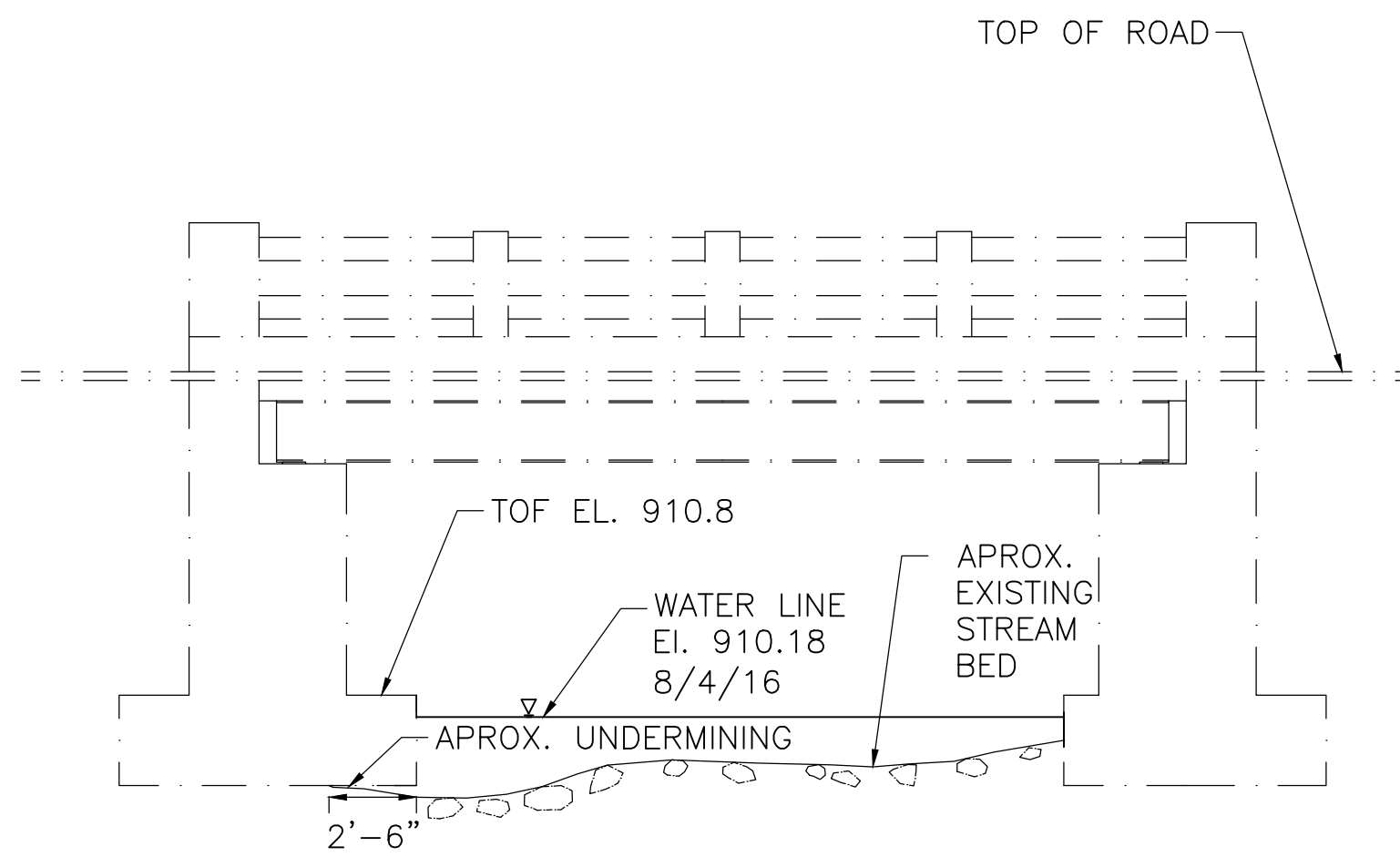
The placement of the grout bags and rip rap material will fill the existing scour hole and reestablish the stream bed to its natural elevation. No net fill of the natural stream will occur.

## **Attachment B Design Plans**





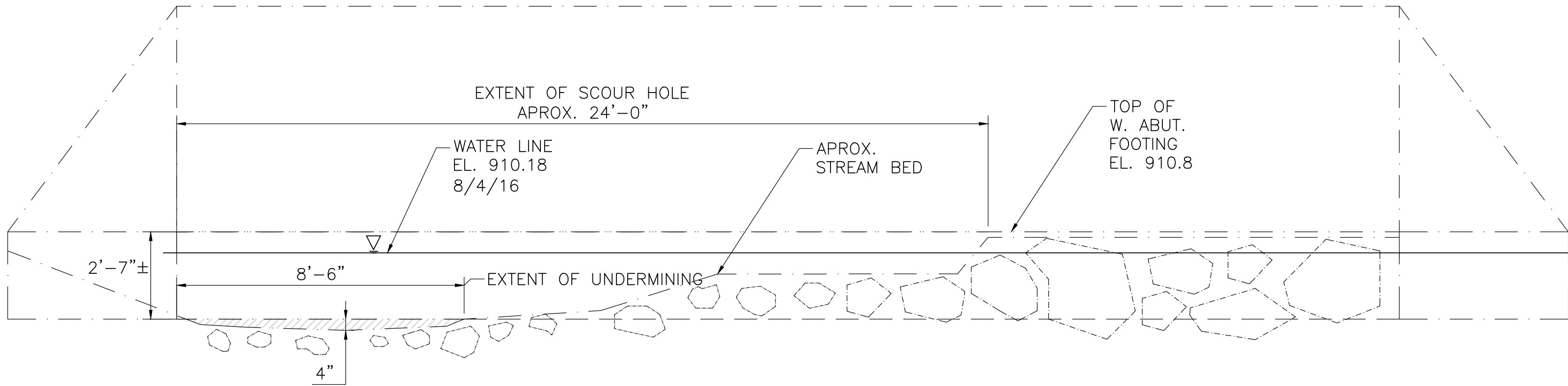
**KEY PLAN**  
SCALE: 1" = 5'-0"



**EXISTING PROFILE ALONG — MAIN ROAD**  
SCALE: 1" = 5'-0"



**LOCUS**  
SCALE: 1" = 2000'-0"



**EXISTING STREAM PROFILE ALONG WEST ABUT.**  
SCALE: 3/8" = 1'-0"

**ESTIMATED QUANTITIES**  
NOT GUARANTEED

DESCRIPTION	UNIT	QUANTITY
CHANNEL EXCAVATION	CY	33
CRUSHED STONE	CY	14
FLOATING SILT FENCE	FT	40
GEOTEXTILE FABRIC	SY	149
MOBILIZATION	LS	1
RIPRAP	TON	108
CHANNEL PAVING—GROUT FILLED BAGS	CY	5.8

**GENERAL NOTES**

1. PLANS OF THE EXISTING BRIDGE T-10-002 DO NOT EXIST. DIMENSIONS SHOWN ARE APPROXIMATE AND ARE FOR INFORMATION PURPOSES. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND ELEVATIONS.
2. EXISTING CONDITIONS ARE ONLY SHOWN ON SHEET 1 AND ARE PER 2012, 2014, AND 2016 FIELD INVESTIGATIONS.

**CONSTRUCTION NOTES**

1. WORK SHALL BE DONE BETWEEN JULY 1 AND SEPTEMBER 30.
2. CONTRACTOR SHALL PERFORM ALL PROPOSED WORK IN COMPLIANCE WITH THE ORDER OF CONDITIONS ISSUED BY THE TYRINGHAM CONSERVATION COMMISSION.
3. CONTRACTOR SHALL DISPOSE OF ANY UNSUITABLE OR EXCESS EARTH MATERIAL, EXCAVATE FROM THE SITE IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.
4. CONTRACTOR SHALL USE SMALL HAND EQUIPMENT WITHIN STREAM AND SHALL NOT OBSTRUCT MORE THAN 50% OF FLOW THROUGH THE STREAM CHANNEL.





## **Attachment C Letter to Abutters**

## **Attachment D NHESP Letter**



MASSWILDLIFE

## DIVISION OF FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581  
p: (508) 389-6300 | f: (508) 389-7890  
**MASS.GOV/MASSWILDLIFE**

Jack Buckley, *Director*

December 28, 2016

Matthew Puntin  
Town of Tyringham Office of the Selectmen  
P.O. Box 442  
Tyringham MA 01246

RE:      Applicant:                      Matthew Puntin  
         Project Location:                Main Road over Hop Brook, Tyringham  
         Project Description:            Install Scour Countermeasure, Bridge No. T-10-002 (02P)  
         **NHESP File No.:**                **16-36279**

Dear Applicant:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the "Division") received the MESA Project Review Checklist, plans (dated 11/15/2016) and other required materials for review pursuant to the Massachusetts Endangered Species Act (MESA) (MGL c.131A) and its implementing regulations (321 CMR 10.00).

The MESA is administered by the Division, and prohibits the Take of state-listed species. The Take of state-listed species is defined as "in reference to animals...harm...kill...disrupt the nesting, breeding, feeding or migratory activity...and in reference to plants...collect, pick, kill, transplant, cut or process...Disruption of nesting, breeding, feeding, or migratory activity may result from, but is not limited to, the modification, degradation, or destruction of Habitat" of state-listed species (321 CMR 10.02).

The Division has determined that this Project, as currently proposed, will occur **within** the actual habitat of the Wood Turtle (*Glyptemys insculpta*), a species of Special Concern. This species and their habitats are protected in accordance with the rare species provisions of the WPA and the MESA.

Based on the information provided and the information contained in our database, the Division finds that a portion of this project, as currently proposed, **must be conditioned in order to avoid a prohibited Take of state-listed species (321 CMR 10.18(2)(a)).** To avoid a prohibited Take of state-listed species, the following condition must be met:

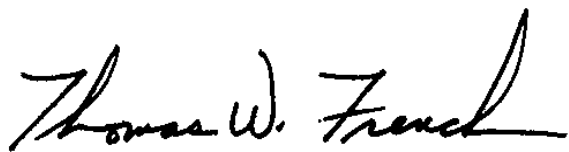
Turtle Protection Plan: Prior to any work, the Applicant shall submit a Turtle Protection Plan, prepared by a qualified biologist, to the Division for review and approval. Said Protection Plan must be **approved in writing by the Division prior to the start of Work.** Please note that a Scientific Collection Permit must be obtained from the NHESP to handle state-listed species. The Division is available to provide guidance in the development of the plan.

MASSWILDLIFE

Provided the above-noted condition is fully implemented and there are no changes to the project plans, this project will not result in a Take of state-listed species. We note that all work is subject to the anti-segmentation provisions (321 CMR 10.16) of the MESA. This determination is a final decision of the Division of Fisheries and Wildlife pursuant to 321 CMR 10.18. Any changes to the proposed project or any additional work beyond that shown on the site plans may require an additional filing with the Division pursuant to the MESA. This project may be subject to further review if no physical work is commenced within five years from the date of issuance of this determination, or if there is a change to the project.

Please note that this determination addresses only the matter of state-listed species and their habitats. If you have any questions regarding this letter please contact Daisy Medeiros, Endangered Species Review Assistant, at (508) 389-6357.

Sincerely,

A handwritten signature in black ink that reads "Thomas W. French". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Thomas W. French, Ph.D.  
Assistant Director

cc: Keith Nelson, Gill Engineering