

APPLICANT: TOWN OF TYRINGHAM

**NOTICE OF INTENT
PER MASSACHUSETTS WETLANDS PROTECTION ACT
M.G.L. C.131 §40**

CULVERT REPLACEMENT

**TYRINGHAM ROAD (NORTH of House #62)
TYRINGHAM, MA**

MARCH 2017



**PREPARED BY:
WHITE ENGINEERING, INC.
55 S. MERRIAM STREET
PITTSFIELD, MA 01201
(PH) 413-443-8011
(FX) 413-443-8012**





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 #:911323

City/Town:TYRINGHAM

A.General Information

1. Project Location:

a. Street Address	TYRINGHAM ROAD	c. Zip Code	01264
b. City/Town	TYRINGHAM	e. Longitude	73.21893W
d. Latitude	42.25781N	g.Parcel/Lot #	0
f. Map/Plat #	405		

2. Applicant:

☐ Individual ☒ Organization

a. First Name	BOARD OF SELCTMEN	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		i. Fax	
j. Email	MPuntin@sk-designgroup.com		

3.Property Owner:

☐ more than one owner

a. First Name	BOARD OF SELCTMEN	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		i. Fax	
j.Email	MPuntin@sk-designgroup.com		

4.Representative:

a. First Name	SHANNON	b. Last Name	BOOMSMA
c. Organization	WHITE ENGINEERING INC		
d. Mailing Address	55 SOUTH MERRIAM STREET		
e. City/Town	PITTSFIE;LD	f. State	MA
g. Zip Code	01201		
h.Phone Number	413-443-8011	i.Fax	413-443-8012
j.Email	SBOOMSMA@WHITEENG.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:

REPLACEMENT OF 24" CULVERT AT INTERMITTENT STREAM UNDER TYRINGHAM ROAD WITH A 4-FT ELLIPTICAL PIPE

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 |
| 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



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CMR 10.53 (inland)?

1. ☐ Yes ☒ No

If yes, describe which limited project applies to this project:

2. Limited Project

8. Property recorded at the Registry of Deeds for:

a. County:

b. Certificate:

c. Book:

d. Page:

MIDDLE BERKSHIRE

0

0

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)
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a. ☒ Bank

48

48

1. linear feet

2. linear feet

b. ☐ Bordering Vegetated Wetland

1. square feet

2. square feet

c. ☒ Land under Waterbodies and Waterways

48

48

1. Square feet

2. square feet

3. cubic yards dredged

d. ☐ Bordering Land Subject to Flooding

1. square feet

2. square feet

3. cubic feet of flood storage lost

4. cubic feet replaced

e. ☐ Isolated Land Subject to Flooding

1. square feet

2. cubic feet of flood storage lost

3. cubic feet replaced

f. ☐ Riverfront Area

1. Name of Waterway (if any)

2. Width of Riverfront Area (check one)

☐ 25 ft. - Designated Densely Developed Areas only

☐ 100 ft. - New agricultural projects only

☐ 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project

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.

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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

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

- a. square feet of BVW

5. Projects Involves Stream Crossings

- ### Project Involves Streams Crossings



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

1

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

percentage/acreage

(b) outside Resource Area

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/eca/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

1. ☐ Project is exempt from MESA review. Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <http://www.mass.gov/eca/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



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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, North Shore - Hull to
and the Cape & Islands: 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
☐ 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:



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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).
4. ☐ 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:**

"PROPOSED

CULVERT

REPLACEMENT FOR

TOWN OF

TYRINGHAM, MA"

WEI #17-01-02

BRENT WHITE, P.E.

MARCH 20, 2017

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.



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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.

Town of Tyringham

3/29/2017

1. Signature of Applicant

2. Date

3. Signature of Property Owner(if different)

4. Date

Shannon Boomsma

3/29/2017

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 #:911323
City/Town: TYRINGHAM

A. Applicant Information

1. Applicant:

a. First Name	BOARD OF SELCTMEN	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		i. Fax	
j. Email	MPuntin@sk-designgroup.com		

2. Property Owner: (if different)

a. First Name	BOARD OF SELCTMEN	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		i. Fax	
j. Email	MPuntin@sk-designgroup.com		

3. Project Location:

a. Street Address	TYRINGHAM 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 filing fee	State share of filing fee	Total Project Fee	
	\$0.00	\$0.00	\$0.00	

Project Location

The proposed culvert replacement will take place within the Town of Tyringham Right of Way for Main Road. The culvert is located just north of house number 62. Upstream of the culvert is a private pond with a dam and the outfall of the culvert is to a pond. The existing 24" diameter culvert has a stone headwall at the upstream and a concrete headwall at the downstream. A large rock receives the outfall after a 6"-8" drop.

Proposed Work

This Notice of Intent is being submitted to the Tyringham Conservation Commission and Massachusetts Department of Environmental Protection for the replacement of the existing deteriorated 24" diameter culvert with a 48" elliptical 36" in height, 1' embedded and 48' long. The culvert will be installed in the Main Road right of way. The work will be done in sections so that the road can stay open to thru traffic during work. The culvert will be embedded one foot. On the pond end the culvert will be below the top of the stone in the pond creating a lip to retain the stone channel created within the new culvert. The upstream stone headwall will be replaced and the downstream concrete headwall will remain in place. The concrete headwall will be jackhammered out to create the opening for the new, larger culvert. Water tight seals will minimize future upheaving. The paved road surface will be repaired at existing grade.

Disturbed vegetation will receive a road side native seed mix. Erosion control straw wattles will contain any loose materials from migrating into the water body and water way.

The attached spreadsheet compares three options for the culvert replacement; Alternative 1: Replace in-kind, Alternative 2: Meet General Performance Standards for Bank and LUWW, Alternative 3: Meet minimum applicable Stream Crossing Standards. This spreadsheet indicates that the Alternative 2 culvert provides for the greatest improvement over the existing pipe while being least impacting to the wetland resource areas and the town's budget. There is improvement to the habitat and stream connectivity by brightening the crossing and eliminating the stream drop while maintaining the existing road grades and leaving the concrete headwall in place.

10.56 Land Under Waterbody and Waterway
(4) General Performance Standards.

(a) Where the presumption set forth in 310 CMR 10.56(3) is not overcome, any proposed work within 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; *Inlet channel is 7' wide, outlet is 24", proposed culvert is 48" which will be an improvement to the existing conditions allowing more water to pass through*

2. Ground and surface water quality; *Not impaired*

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

4. The capacity of said land to provide important wildlife habitat functions. A project or projects on a single lot, for which Notice(s) of intent is filed on or after November 1, 1987, that (cumulatively) alter(s) up to 10% or 5,000 square feet (whichever is less) of land in this resource area found to be significant to the protection of wildlife habitat, shall not be deemed to impair its capacity to provide important wildlife habitat functions. Additional alterations beyond the above threshold may be permitted if they will have no adverse effects on wildlife habitat, as determined by procedures established under 310 CMR 10.60. *This is a roadway project 48 SF*

5. Work on a stream crossing shall be presumed to meet the performance standard set forth in 310 CMR 10.56(4)(a) provided the work is performed in compliance with the Massachusetts Stream Crossing Standards by consisting of a span or embedded culvert in which, at a minimum, the bottom of a span structure or the upper surface of an embedded culvert is above the elevation of the top of the bank, and the structure spans the channel width by a minimum of 1.2 times the bankfull width. This presumption is rebuttable and may be overcome by the submittal of credible evidence from a competent source. Notwithstanding the requirements of 310 CMR 10.56(4)(a)4., the impact on Land under Water Bodies and Waterways caused by the installation of a stream crossing is exempt from the requirement to perform a habitat evaluation in accordance with the procedures established under 310 CMR 10.60. *1.2 times bankfull width upstream cannot be achieved for the reasons listed on the attached spreadsheet.*

The proposed culvert is an improvement over existing conditions. The stream will be recreated inside the embedded culvert result in an improvement to LUWW.

(b) Notwithstanding the provisions of 310 CMR 10.56(4)(a), the issuing authority may issue an Order in accordance with M.G.L. c. 131, § 40 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 such as the suspension or transport of pollutants, increases in turbidity, the smothering of bottom organisms, the accumulation of pollutants by organisms or the destruction of fisheries habitat or nutrient source areas. *N/A*

(c) Notwithstanding the provisions of 310 CMR 10.56(4)(a) or (b), no project may be permitted which will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.59. *N/A*

310 CMR 10.54- Bank

(4) General Performance Standard.

(a) Where the presumption set forth in 310 CMR 10.54(3) is not overcome, any proposed work on a Bank shall not impair the following:

1. the physical stability of the Bank; *Improved by creating new bank and habitat within the new culvert*
2. the water carrying capacity of the existing channel within the Bank; *Improved by increasing culvert size*
3. ground water and surface water quality; *No adverse impact*
4. the capacity of the Bank to provide breeding habitat, escape cover and food for fisheries; *Minimal improvement*
5. the capacity of the Bank to provide important wildlife habitat functions. A project or projects on a single lot, for which Notice(s) of Intent is filed on or after November 1, 1987, that (cumulatively) alter(s) up to 10% or 50 feet (whichever is less) of the length of the bank found to be significant to the protection of wildlife habitat, shall not be deemed to impair its capacity to provide important wildlife habitat functions. In the case of a bank of a river or an intermittent stream, the

impact shall be measured on each side of the stream or river. Additional alterations beyond the above threshold may be permitted if they will have no adverse effects on wildlife habitat, as determined by procedures contained in 310 CMR 10.60. *Roadway project 48 LF of bank restored in culvert*

6. Work on a stream crossing shall be presumed to meet the performance standard set forth in 310 CMR 10.54(4)(a) provided the work is performed in compliance with the Massachusetts Stream Crossing Standards by consisting of a span or embedded culvert in which, at a minimum, the bottom of a span structure or the upper surface of an embedded culvert is above the elevation of the top of the bank, and the structure spans the channel width by a minimum of 1.2 times the bankfull width. This presumption is rebuttable and may be overcome by the submittal of credible evidence from a competent source. Notwithstanding the requirement of 310 CMR 10.54(4)(a)5., the impact on bank caused by the installation of a stream crossing is exempt from the requirement to perform a habitat evaluation in accordance with the procedures contained in 310 CMR 10.60. *1.2 times bankfull width upstream cannot be achieved for the reasons listed on the attached spreadsheet. The proposed culvert is an improvement over existing conditions. The stream will be recreated inside the embedded culvert result in an improvement to Bank.*

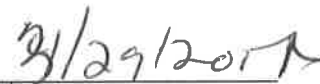
AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act I, Shannon Boomsma, hereby certify under the pains and penalties of perjury that on March 29, 2017 I gave notification to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the DEP Guide to Abutter Notification dated April 8, 1994, in connection with the following matter.

A Notice of Intent filed under the Massachusetts Wetlands Protection Act for the culvert replacement with the Tyringham Conservation Commission on March 29, 2017 for property located at Tyringham Road.

This form of the notification, and a list of abutters to whom it was given and their addresses, are attached to this Affidavit of Service.


Shannon Boomsma


Date

**NOTIFICATION TO ABUTTERS UNDER THE
MASSACHUSETTS WETLANDS PROTECTION ACT**

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, you are hereby notified of the following:

- A. The name of the applicant is The Town of Tyringham.
- B. The applicants have filed a Notice of Intent with the Conservation Commission for the municipality of Tyringham seeking permission to remove, fill, dredge or alter an area subject to protection under the Wetlands Protection Act (General Laws Chapter 131, Section 40).
- C. The activity is proposed at Tyringham Road just north of house number 62.
- D. The proposed activity is the replacement of the culvert under Tyringham Road.
- E. Copies of the Notice of Intent may be obtained from the applicant's representative, White Engineering, Inc., at (413) 443-8011 between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday. Provider may charge for the cost of reproduction.
- F. Information regarding the date, time, and place of the public hearing may be obtained from: The Tyringham Conservation Commission at the Town Hall, (413) 243-1748 x 102.
- G. This project will be heard by the Tyringham Conservation Commission on April 13, 2017 at 7:00p.m. at town hall.

Note: Notice of the public hearing including its date, time and place, will be posted in the City or Town Hall not less than forty-eight (48 hours) in advance and in a local newspaper.

Note: You may also contact your local Conservation Commission or the nearest Department of Environmental Protection Regional Office for more information about this application or the Wetlands Protection Act. To contact DEP call:

Central Region: 508-792-7650

Northeast Region: 617-935-2160

Southeast Region: 508-946-2800

Western Region: 413-784-1100

LIST OF ABUTTERS

Subject Property:

Map 405

Town of Tyringham
Main Road
Tyringham, MA

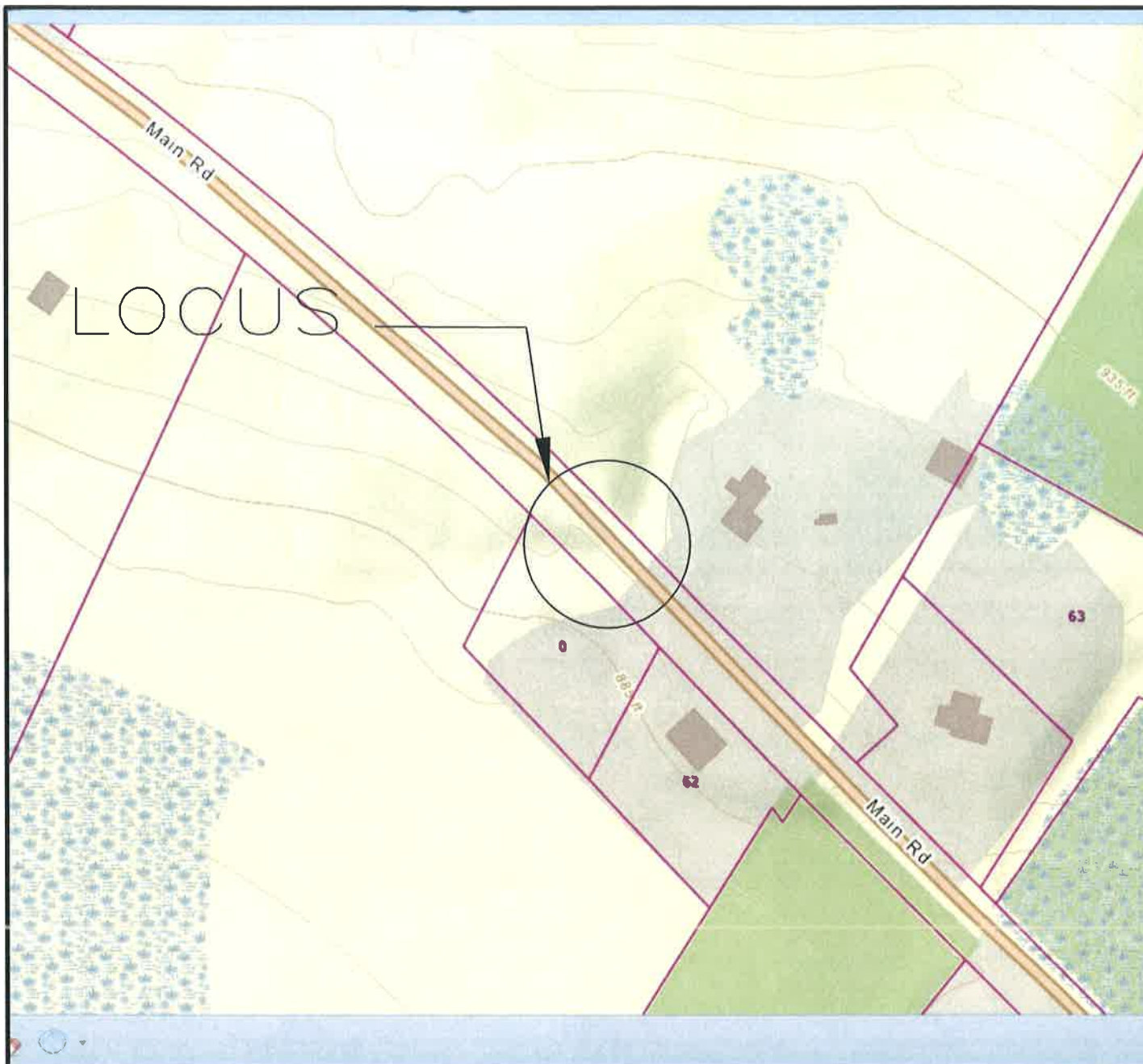
Abutters:

Map 405, Lots 10 & 11

Matthew A. Curtin
Devin Curtin
Dillon Curtin
62 Main Road
Lee, MA 01238

Map 405, Lots 12 & 46

Tonio Palmer
Helena Palmer Von Gatterburg
P.O. Box 391
Tyringham, MA 01264-0391



TYRINGHAM ASSESSORS MAP FOR TOWN OF TYRINGHAM

MAIN ROAD (NORTH OF #62)

TYRINGHAM, MA



WHITE ENGINEERING INC.

CIVIL & ENVIRONMENTAL

55 SOUTH MERRIAM STREET, PITTSFIELD, MA 01201

PHONE (413) 443-8011

E-MAIL: SBOOMSMA@WHITEENG.COM

FAX (413) 443-8012

DATE: **MARCH 20, 2017**

DRN:

APVD:

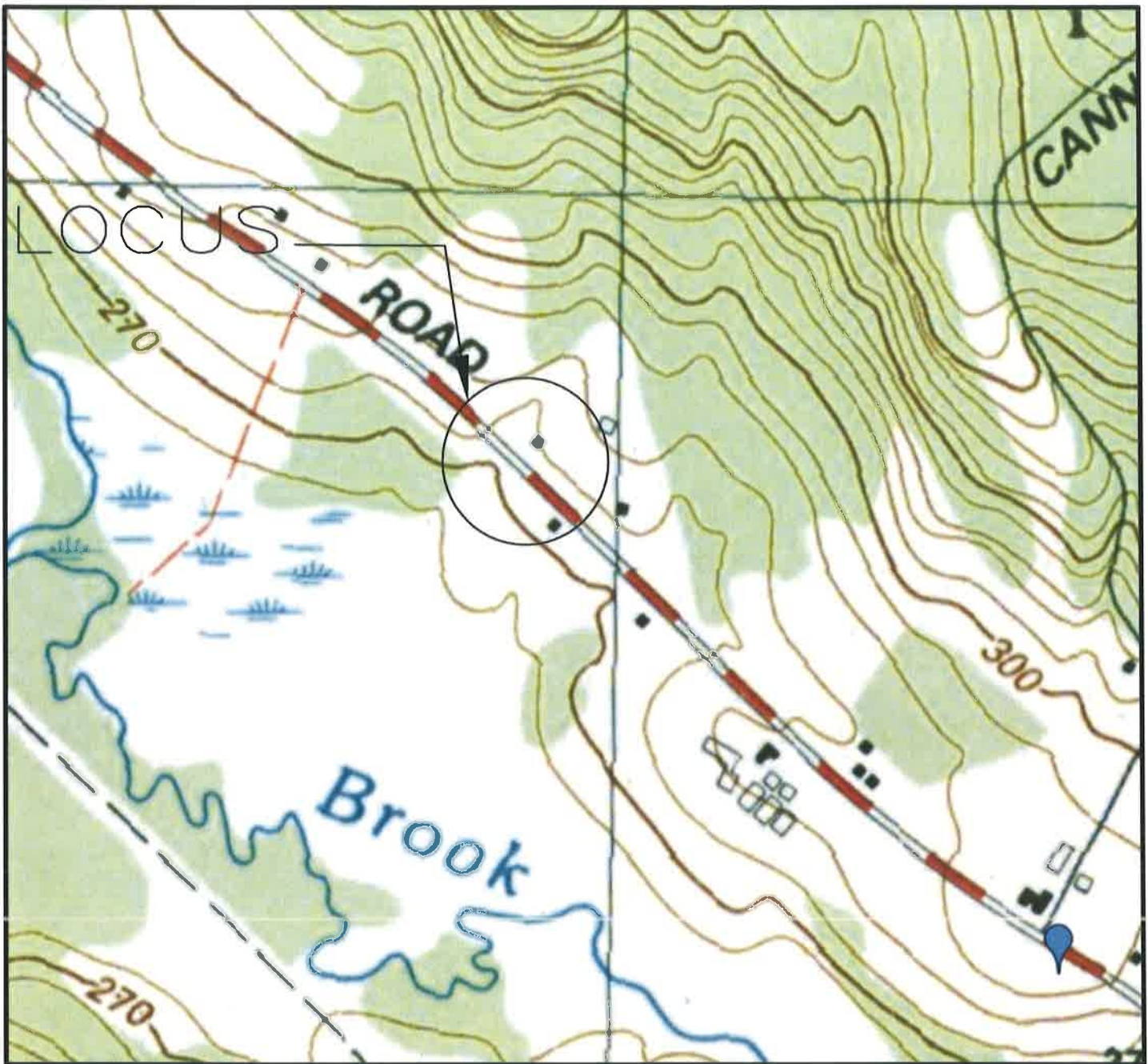
DWG NO:

DS'GN:

OK'D:

SCALE:

17-01-02



USGS MAP
FOR
TOWN OF TYRINGHAM

MAIN ROAD (NORTH OF #62)

TYRINGHAM, MA



WHITE ENGINEERING INC.

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LEGEND:

- | | |
|--|-----------------------------|
| Barrier Beach System | Coastal Dune |
| Barrier Beach-Deep Marsh | Cranberry Bog |
| Barrier Beach-Wooded Swamp Mixed Trees | Deep Marsh |
| Barrier Beach-Coastal Beach | Barrier Beach-Open Water |
| Barrier Beach-Coastal Dune | Open Water |
| Barrier Beach-Marsh | Rocky Intertidal Shore |
| Barrier Beach-Salt Marsh | Salt Marsh |
| Barrier Beach-Shrub Swamp | Shallow Marsh Meadow or Fen |
| Barrier Beach-Wooded Swamp Coniferous | Shrub Swamp |
| Barrier Beach-Wooded Swamp Deciduous | Tidal Flat |
| Bog | Wooded Swamp Coniferous |
| Coastal Bank Bluff or Sea Cliff | Wooded Swamp Deciduous |
| Coastal Beach | Wooded Swamp Mixed Trees |

WETLANDS 12 K MAP FOR TOWN OF TYRINGHAM

MAIN ROAD (NORTH OF #62)

TYRINGHAM, MA



WHITE ENGINEERING INC. CIVIL & ENVIRONMENTAL

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DRN:

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SCALE:

17-01-02



UPSTREAM OF CULVERT



HEADWALL AND CULVERT UPSTREAM



OUTFALL OF CULVERT



OUTFALL OF CULVERT

MassDEP Wetlands Program: Sample 310 CMR 10.24(10) and 10.53(8) Replacement Stream Crossing Evaluation Worksheet

Evaluation Criteria	Alternative 1: Replace in-kind	Alternative 2: Meet General Performance Standards for Bank and LUWW¹	Alternative 3: Meet minimum applicable Stream Crossing Standards²
	24" DIAMETER 48' LONG	4-FT ELLIPTICAL 1' EMBEDDED 48' LONG 36" HIGH	10' DIAMETER 2.5' EMBEDDED 48' LONG
1) potential for downstream flooding	HAS NOT BEEN A PROBLEM	NONE EXPECTED SO LONG AS DAM UPSTREAM IS CONTROLLED	NONE EXPECTED SO LONG AS UPSTREAM DAM IS CONTROLLED
2) upstream and downstream habitat	SMALL LENGTH OF STREAM UPSTREAM BEFORE DAM, DOWNSTREAM IS A POND POTENTIALLY WITH VARIOUS HABITATS	BETTER CONNECTION WITH STREAM DROP REMOVED, NO CHANGE TO POND OR UPSTREAM LENGTH OR CHARACTERISTICS, STREAM CHANNEL RESTORED IN PIPE	NO CHANGE IN CHARACTERISTICS OF UPSTREAM OR DOWNSTREAM
3) potential for erosion and head-cutting	MINIMAL	MINIMAL	MINIMAL
4) stream stability	STREAM IS STABLE	UNCHANGED	UNCHANGED
5) habitat fragmentation caused by the crossing	DARK CONNECTION BETWEEN UPSTREAM AND DOWNSTREAM, 6-8" STREAM DROP AT POND	IMPROVED WITH STREAM DROP REMOVED BY EMBEDDING PIPE, LESS DARK IN PIPE, STREAM CHANNEL RESTORED INSIDE PIPE	IMPROVED WITH STREAM DROP REMOVED BY EMBEDDING PIPE, LESS DARK IN PIPE, STREAM CHANNEL RESTORED INSIDE PIPE

MassDEP Wetlands Program: Sample 310 CMR 10.24(10) and 10.53(8) Replacement Stream Crossing Evaluation Worksheet

Evaluation Criteria	Alternative 1: Replace in-kind	Alternative 2: Meet General Performance Standards for Bank and LUWW¹	Alternative 3: Meet minimum applicable Stream Crossing Standards²
6) amount of stream mileage made accessible	24" DIAMETER 48' LONG APPROXIMATELY 210 LF UPSTREAM TO CULVERT UNDER DRIVEWAY, 245 LF TO UPSTREAM DAM, DOWNSTREAM IS POND WITH PIPED DISCHARGES	4-FT ELLIPTICAL 1' EMBEDDED 48' LONG 36" HIGH NO CHANGE	10' DIAMETER 2.5' EMBEDDED 48' LONG NO CHANGE
7) storm flow conveyance	NO REPORTED PROBLEMS	IMPROVED	IMPROVED
8) engineering design constraints	NONE	NONE	ROAD WOULD NEED TO BE RAISED, DOWNSTREAM CONCRETE HEADWALL WOULD NEED TO BE REMOVED AND REBUILT LARGER AND ON PRIVATE PROPERTY
9) hydrologic constraints	NONE	NONE	NONE
10) impacts to wetlands that would occur	NONE	NONE	BANK OF POND WOULD BE ALTERED WITH NEW HEADWALL CONSTRUCTION, UPSTREAM BVW MAYBE ALTERED WITH NEW LARGER HEADWALL

MassDEP Wetlands Program: Sample 310 CMR 10.24(10) and 10.53(8) Replacement Stream Crossing Evaluation Worksheet

Evaluation Criteria	Alternative 1: Replace in-kind	Alternative 2: Meet General Performance Standards for Bank and LUWW ¹	Alternative 3: Meet minimum applicable Stream Crossing Standards ²
	24" DIAMETER 48' LONG	4-FT ELLIPTICAL 1' EMBEDDED 48' LONG 36" HIGH	10' DIAMETER 2.5' EMBEDDED 48' LONG
11) potential to affect property and infrastructure	NONE	NONE	HEADWALL AT POND AND POND IS IN PRIVATE PROPERTY, ROAD WOULD NEED TO BE RAISED AND REPAVED
12) cost of replacement	\$2000	\$8000	\$100,000

¹ Bank Standards at 310 CMR 10.54 and LUWW Standards at 310 CMR 10.56 (LUWW = Land Under Water Bodies & Waterways)

² Per the *Massachusetts River & Stream Crossing Standards* (March 1, 2011, Revised March 8, 2012), Page 18, Item #2 - If it is not possible to meet all of the applicable standards, replacement crossings should be designed to avoid or mitigate the following problems: (1) Inlet drops; (2) Outlet drops; (3) Flow contraction that produces significant turbulence; (4) Tailwater scouring; (5) Tailwater armor; (6) Physical barriers to fish and wildlife passage.

