

October 21, 2019

Emily Sullivan, Conservation Administrator
Arlington Conservation Commission
Town Hall
730 Massachusetts Avenue
Arlington, MA 02476

**Re: Notice of Intent Application (WPA Form 3)
Soil Excavation for RTN 3-28768
MBTA Bus Station
1389 Massachusetts Avenue
Arlington, Massachusetts**

Dear Ms. Sullivan:

Attached is a NOI application for the above-referenced property. ATC Group Services LLC (ATC), on behalf of the Massachusetts Bay Transportation Authority (MBTA), plans to excavate up to 150 cubic yards of petroleum-contaminated soil as part of the remedial solution for the above referenced location (the "Site") in accordance with the Phase IV Remedy Implementation Plan (RIP) prepared as a Massachusetts Contingency Plan (MCP) submittal for Massachusetts Department of Environmental Protection (MassDEP) Release Tracking Number (RTN) 3-28768.

ATC is a national environmental consulting company, with a local office in Woburn, Massachusetts experienced in managing various environmental consulting services, including contamination assessments and MCP response actions. ATC will coordinate and oversee a contractor performing the proposed soil excavation work. The contractor has not yet been selected.

The excavation location is on the west side of the small building at the Site, within the large asphalt-paved parking lot/driveway with granite curbs that constitutes the bus station, and is located within the Riverfront Area of Mill Brook, which is located beyond the edge of the parking lot to the north of the property. A line showing the 100-foot distance from the Mill Brook bank is shown on the attached Site Plan. The closest edge of the proposed soil excavation is located approximately 80 feet from the edge of Mill Brook, and approximately 75 feet from the high water line of Mill Brook. ATC estimates that asphalt disturbance for soil excavation will not be closer than 70 feet from the high water line of Mill Brook. All work will take place in the currently paved driveway/parking lot that has granite curbs fully bounding the perimeter, including along the property edge closest to Mill Brook. A photograph of the Site, with the proposed excavation location visible in the foreground in front of the Site building, and trees along Mill Brook visible in the background beyond the parking lot, is shown on the next page.



Prior to soil excavation work, the contractor will prepare the Site and establish stormwater controls, including:

- Procure permits including trench permit and digsafes markout.
- Install stormwater controls in the four stormwater catch basins in the parking lot (see attached Site Plan for catch basin locations). Based on Site observations and historical drawings for the Site, these catch basins drain to oil/water separators nearby, as shown on the Site Plan, which then discharge to Mill Brook.
- Install temporary chain-link fencing around work areas and storage (“lay-down”) areas.
- Install straw wattles at the perimeter of each work area and storage area.

The contractor will then proceed with the soil excavation work, with full-time oversight from ATC, to consist of the following general steps:

- Remove the asphalt pavement over the planned soil excavation area (approximately 800 square feet – see Site Plan).
- Abate two lengths of underground non-friable asbestos-transite conduit that run through the excavation area.
- Excavate and stockpile clean soil from the surface to approximately four feet below grade. The clean soil will be temporarily stockpiled on polyethylene sheeting in designated work/storage areas (see Site Plan), and covered with polyethylene sheeting at least 6 mils in thickness, weighted down to keep it from blowing off, until it is re-used as backfill in the excavation.
- Excavate and load for immediate shipment off-site petroleum-contaminated soil from approximately four to nine feet below grade. All handling and management of soil will be conducted in accordance with the MCP.
- Dewater the excavation as necessary to allow completion of soil excavation, with a pump and hoses used to convey extracted groundwater to a large storage tank. The water will later be pumped from the tank and shipped off-site for disposal.
- Backfill excavation with the stockpiled clean soil and clean imported material.
- Repave excavated area with asphalt and replace damaged/removed sidewalk and granite curbing next to the Site building.
- Remove stormwater controls and fencing.



ATC estimates that the soil excavation will take approximately 1-2 weeks, with the Site preparation and restoration work taking an extra week each.

The project will have little effect on the physical features of the Site; the excavation area will remain a paved driveway/parking area at this public transit facility. The project will provide for an improved environment through the removal of a portion of the petroleum contamination present at the Site. This will enhance climate resiliency by removing contaminants that could potentially migrate in the future under changing climate conditions.

Although the MBTA is exempt from local bylaws and WPA filing fees, in the spirit of cooperation the MBTA pays the city/town portion of the WPA filing fee. This NOI is only being filed and considered under the WPA.

Please let me know if you have any questions or comments.

Sincerely,

ATC GROUP SERVICES LLC

A handwritten signature in black ink, appearing to read 'Daniel P. White', with a stylized flourish at the end.

Daniel P. White, PG
Senior Project Manager

Attachments: MassDEP WPA Form 3 (Notice of Intent)
USGS Topographic Quadrangle Map
Site Plan
Floodplain Map
Certified List of Abutters (Emily Sullivan only)
Abutters Notification
Abutters Affidavit of Service
Legal Notice Charge Authorization

cc: Debra Darby, MBTA
Holly Palmgren, MBTA
DEP – NERO, Wilmington, MA
Arlington Conservation Commissioners

File: NOI Cover Letter.docx



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 Number

Document Transaction Number

Arlington

City/Town

Important:

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

1389 Massachusetts Avenue

a. Street Address

Arlington

b. City/Town

02476

c. Zip Code

Latitude and Longitude:

42.424696

d. Latitude

-71.184773

e. Longitude

Map 60 Block 1

f. Assessors Map/Plat Number

11

g. Parcel /Lot Number

2. Applicant:

Holly

a. First Name

Palmgren

b. Last Name

MBTA

c. Organization

10 Park Plaza, Room 6720

d. Street Address

Boston

e. City/Town

MA

f. State

02116

g. Zip Code

617-222-1580

h. Phone Number

i. Fax Number

HPalmgren@MBTA.com

j. Email Address

3. Property owner (required if different from applicant): ☐ Check if more than one owner

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Dan

a. First Name

White

b. Last Name

ATC Group Services LLC

c. Company

10 State Street Suite 100

d. Street Address

Woburn

e. City/Town

MA

f. State

1801

g. Zip Code

781-404-1432

h. Phone Number

781-932-6211

i. Fax Number

daniel.white@atcgs.com

j. Email address

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

\$262.50 - MBTA exempt

a. Total Fee Paid

\$0 (exempt)

b. State Fee Paid

\$262.50 (exempt)

c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

Excavate up to 150 cubic yards of petroleum-contaminated soil from a former underground storage tank location adjacent to a small on-site building. Area is currently a paved bus driveway and parking area. Backfill excavation and repave area. See narrative in letter for more details.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- | | |
|---|---|
| 1. <input type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Commercial/Industrial | 4. <input type="checkbox"/> Dock/Pier |
| 5. <input type="checkbox"/> Utilities | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation |
| 9. <input checked="" type="checkbox"/> Other | |

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration 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. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)
Excavation and remediation of contaminated soil is covered under 10.53(3)(q)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR 10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Middlesex

a. County

NA - Title shown with Acts of Legislature

c. Book

b. Certificate # (if registered land)

Acts of 1949, Chapter 572

d. Page Number

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

1. ☐ Buffer Zone Only – 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).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

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 type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 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 checked="" type="checkbox"/> Riverfront Area	Mill Brook 1. Name of Waterway (if available) - specify coastal or inland	

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: ~3,000
square feet

4. Proposed alteration of the Riverfront Area:

<u>~3,000</u> a. total square feet	<u>~800</u> b. square feet within 100 ft.	<u>~2,200</u> 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)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
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 Beach	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 _____
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
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., creation _____
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. <input type="checkbox"/> Restoration/Enhancement	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 enter the additional amount here.	
	a. square feet of BVW _____	b. square feet of Salt Marsh _____
5. <input type="checkbox"/> Project Involves Stream Crossings		
	a. number of new stream crossings _____	b. number of replacement stream crossings _____



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C. Other Applicable Standards and Requirements

- ☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

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 and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

- 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

3/14/19 on-line

b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review*

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

2. ☐ Project plans for entire project site, including wetland resource areas and areas outside of wetlands 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

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/>). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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C. Other Applicable Standards and Requirements (cont'd)

- (c) ☐ MESA filing fee (fee information available at http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/ mesa/ mesa_fee_schedule.htm).
Make check payable to "Commonwealth of Massachusetts - NHESP" 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
- (f) 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/dfwele/dfw/nhosp/regulatory_review/ mesa/ mesa_exemptions.htm; 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 # _____ 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.
3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?
- a. ☒ Not applicable – project is in inland resource area only b. ☐ Yes ☐ No

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

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

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: DMF.EnvReview-South@state.ma.us

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: DMF.EnvReview-North@state.ma.us

Also if yes, the project 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.



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

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C. Other Applicable Standards and Requirements (cont'd)

Online Users:

Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

4. 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 MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
 b. ACEC
5. 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
6. 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
7. 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. Check why the project is exempt:
 1. ☐ Single-family house
 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

- ☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

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.

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.



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D. Additional Information (cont'd)

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.

Site Plan, MBTA Bus Station, 1389 Massachusetts Avenue, Arlington, Massachusetts

a. Plan Title

ATC Group Services LLC

NA

b. Prepared By

c. Signed and Stamped by

4/1/19

1" = 30'

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

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.

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:

1173

10/11/19

2. Municipal Check Number

3. Check date

Exempt

4. State Check Number

5. Check date

ATC Group Services

6. Payor name on check: First Name

7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection
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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.

Holly Palmer

1. Signature of Applicant

10/17/19

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 any part of Section C, Item 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
NOI Wetland Fee Transmittal Form
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



A. Applicant Information

1. Location of Project:

1389 Massachusetts Avenue

a. Street Address

Arlington

b. City/Town

c. Check number

d. Fee amount

2. Applicant Mailing Address:

Holly

a. First Name

Palmgren

b. Last Name

Massachusetts Bay Transportation Authority

c. Organization

10 Park Plaza, Suite 6720

d. Mailing Address

Boston

e. City/Town

MA

f. State

02116

g. Zip Code

617-222-1580

h. Phone Number

i. Fax Number

hpalmgren@mbta.com

j. Email Address

3. Property Owner (if different):

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

B. Fees

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



Massachusetts Department of Environmental Protection
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NOI Wetland Fee Transmittal Form
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B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Soil excavation, backfill, repave	1	\$500	\$500
Step 5/Total Project Fee:			\$500

Step 6/Fee Payments:

Total Project Fee:	\$500 (exempt) a. Total Fee from Step 5
State share of filing Fee:	\$237.50 (exempt) b. 1/2 Total Fee less \$12.50
City/Town share of filing Fee:	\$262.50 (exempt) c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
Box 4062
Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

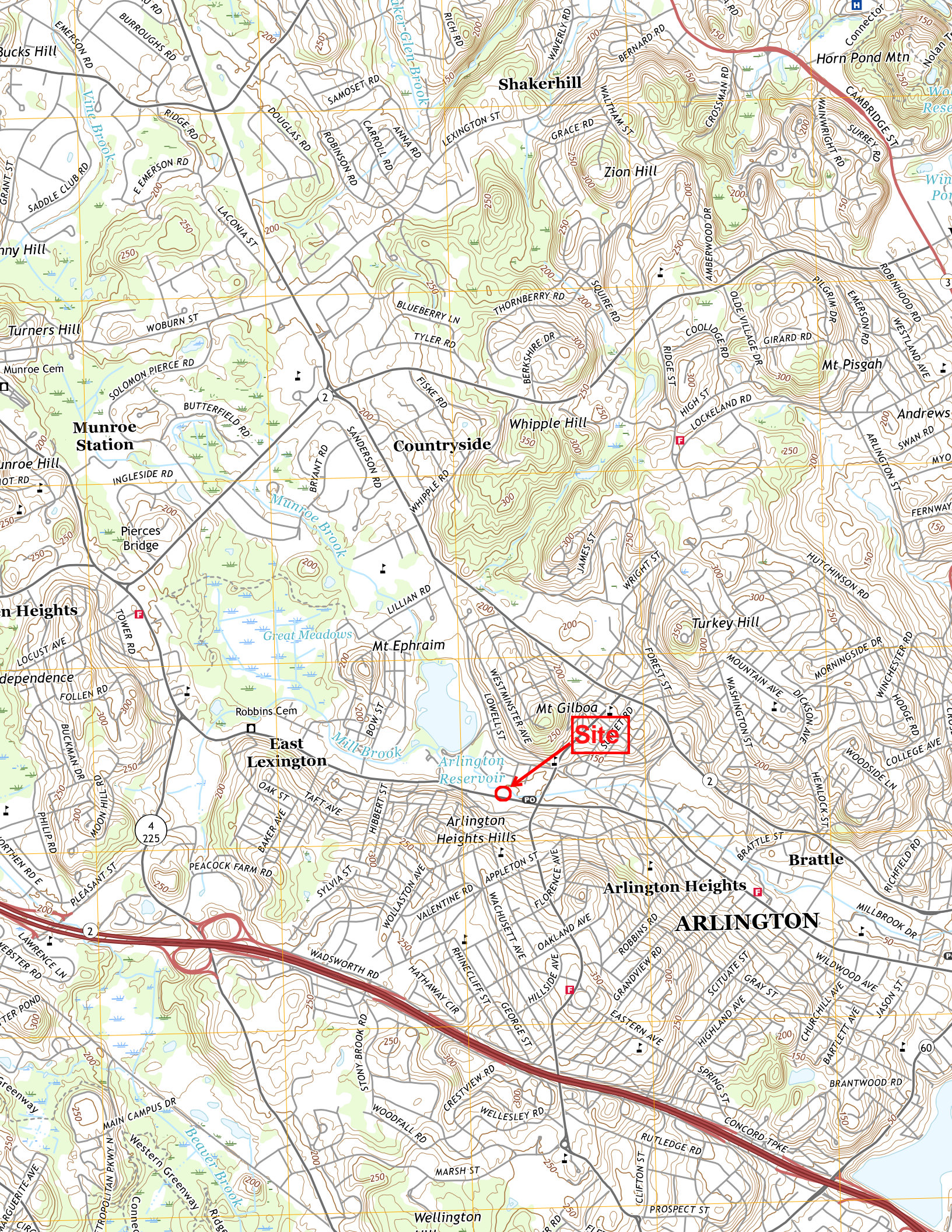
To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

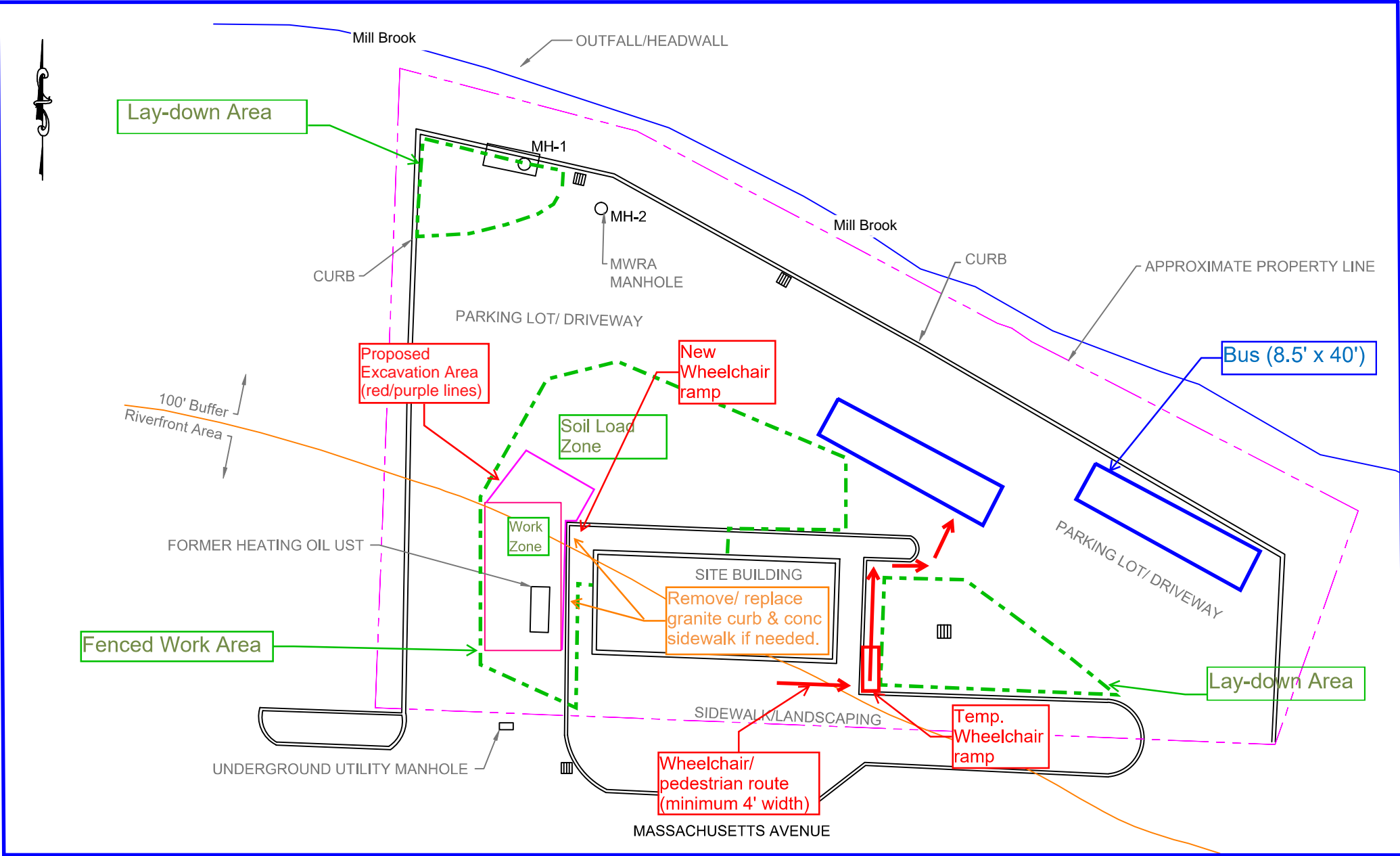
FORMER MTA PROPERTIES/LEGISLATIVE CHAIN OF TITLE

The MBTA was created from the Metropolitan Transit Authority (MTA) in 1964. The properties that were owned by the MTA came into the MBTA via a legislative chain of title. Many of these properties were originally acquired by the MTA from the Boston Elevated Railway Co. Rather than recording documents at the registry to show the change in ownership, title is shown with Acts of the Legislature.

The Legislative chain of title for former MTA properties includes the following documents:

- Acts of 1894, Chapter 548 - An Act to incorporate the Boston Elevated Railway Co. and to promote rapid transit in the City of Boston and vicinity.
- Acts of 1947, Chapter 544 - An Act providing for the creation of the MTA and the acquisition and operation by it of the entire assets, property and franchises of the Boston Elevated Railway Company.
- Acts of 1949, Chapter 572 - An Act amending and revising the Acts creating the
→ MTA and the Boston Metropolitan District.
- Acts of 1964, Chapter 563 - An Act abolishing the MTA, establishing the MBTA and providing for the acquisition of maintenance of mass transportation facilities and services which shall be coordinated with highway systems and urban development plans throughout the Commonwealth.

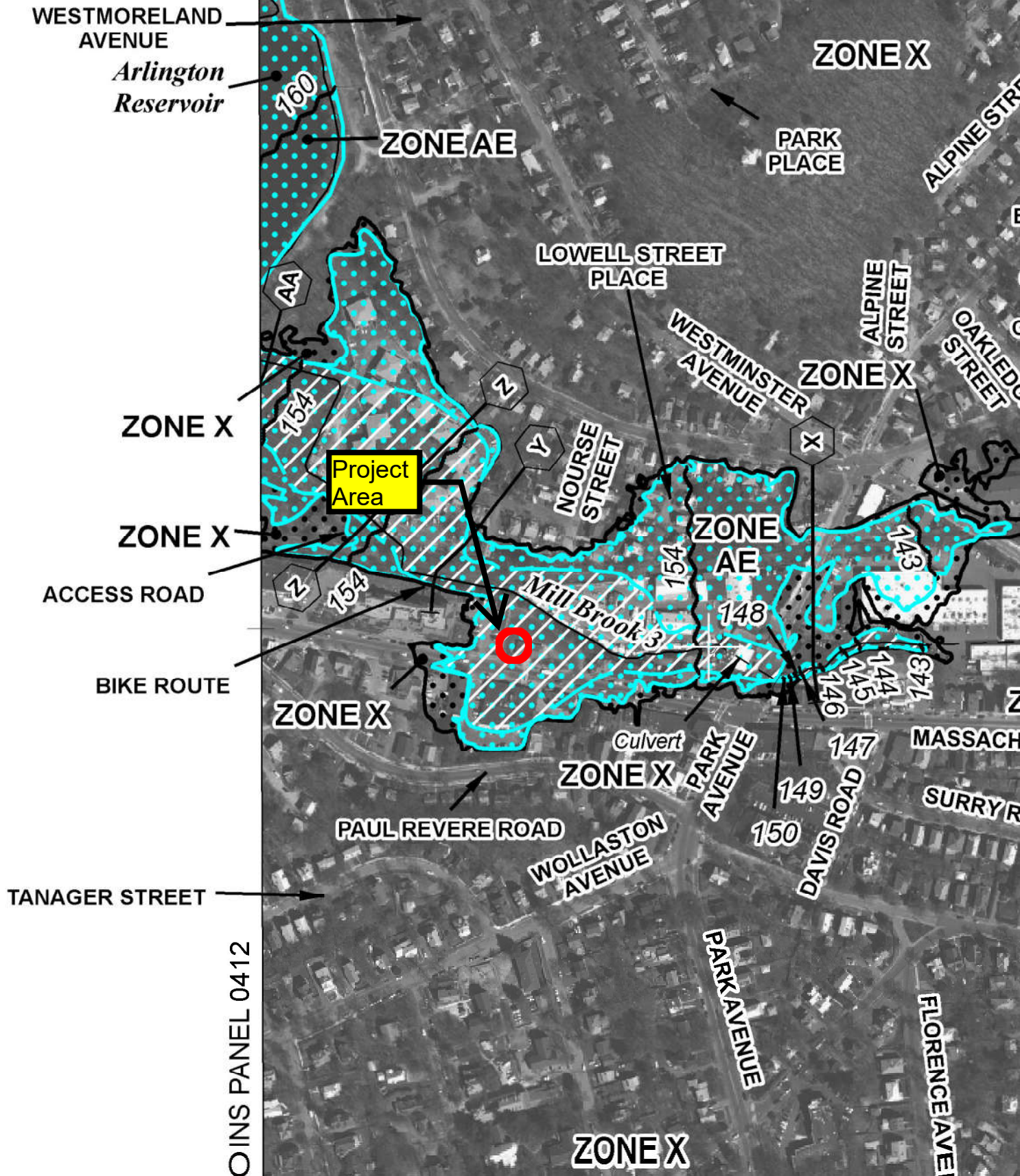




LEGEND:

- Approximate Property Line
- Storm Sewer Line
- 100' Buffer from Riverfront Area
- Manhole
- Catchbasin
- Proposed Excavation Area

	NAME/ADDRESS:	MBTA Bus Station 1389 Massachusetts Avenue Arlington, Massachusetts 02476	0 Approximate Feet 30
	DRAWING TITLE:		PROJECT #: 05-224834
			CHECKED BY: JH
			DRAWN BY: BB/AR
	DATE: 4/1/19	FIGURE NO. 2	





Office of the
Board of Assessors
Robbins Memorial Town Hall
Arlington, MA 02476
(781) 316-3050
Assessors@town.arlington.ma.us

Abutters List

Date: October 11, 2019

Subject Property Address: 1389 MASS AVE Arlington, MA
Subject Property ID: 60-1-11

Search Distance: 100 Feet- Conservation

The Board of Assessors certifies the names and addresses of requested parties in interest, all abutters and owners of land within 100 feet of the property line, of subject property.

Kenneth S. Feeley
Robert E. Greeley
[Signature]

Board of Assessors

Abutters List

Date: October 11, 2019

Subject Property Address: 1389 MASS AVE Arlington, MA
Subject Property ID: 60-1-11

Search Distance: 100 Feet

Prop ID: 170-1-1
Prop Location: 1386 MASS AVE Arlington, MA
Owner: B&G CORSET COMPANY LLC
Co-Owner:
Mailing Address:
1386 MASS AVE
ARLINGTON, MA 02476

Prop ID: 170-1-3
Prop Location: 1378 MASS AVE Arlington, MA
Owner: MONTANA VENTURES LLC
Co-Owner:
Mailing Address:
1378 MASS AVE
ARLINGTON, MA 02474

Prop ID: 170-1-4
Prop Location: 1370-1372 MASS AVE Arlington, MA
Owner: 1370 MASS AVE INC
Co-Owner: C/O SACCO RICHARD
Mailing Address:
5 VIA ALICIA
SANTA BARBARA, CA 93108

Prop ID: 173-2-1
Prop Location: 1398 MASS AVE Arlington, MA
Owner: 1398 MASSACHUSETTS AVE. LLC
Co-Owner: C/O BIERDRIER DEVELOPMENT
Mailing Address:
430 BEDFORD STREET
LEXINGTON, MA 02420

Prop ID: 173-2-2
Prop Location: 1406 MASS AVE Arlington, MA
Owner: 1406 MASS AVE LLC
Co-Owner:
Mailing Address:
420 BEDFORD ST
LEXINGTON, MA 02420

Prop ID: 60-1-10
Prop Location: 1367-1381 MASS AVE Arlington, MA
Owner: B.F. ARLINGTON PROPERTIES LLC
Co-Owner:
Mailing Address:
220 MASS AVE
ARLINGTON, MA 02474

Prop ID: 60-1-11
Prop Location: 1389 MASS AVE Arlington, MA
Owner: MASS BAY TRANSIT AUTHORITY
Co-Owner:
Mailing Address:
500 ARBORWAY
JAMAICA PLAIN, MA 02130

Prop ID: 60-1-11.A
Prop Location: 1395 MASS AVE Arlington, MA
Owner: SUNRISE ASSISTED LIVING INC
Co-Owner: C/O ALTUS GROUP US INC #04051
Mailing Address:
5450 EAST HIGH ST
SUITE 220
PHOENIX, AZ 85054

Prop ID: 60-1-2
Prop Location: 41-45 PARK AVE Arlington, MA
Owner: ARLINGTON COAL & LUMBER CO
Co-Owner:
Mailing Address:
41 PARK AVE
ARLINGTON, MA 02476

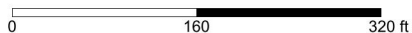
Prop ID: 60-2-3
Prop Location: 10 RESERVOIR RD Arlington, MA
Owner: MARKELZ JOHN W III &
Co-Owner: MARKELZ MAUREEN A
Mailing Address:
10 RESERVOIR RD
ARLINGTON, MA 02474

Prop ID: 60-2-4
Prop Location: 6 RESERVOIR RD Arlington, MA
Owner: ZAGANJORI SAMIR & KIMBERLY W
Co-Owner:
Mailing Address:
6 RESERVOIR RD
ARLINGTON, MA 02474

Prop ID: 60-2-5
Prop Location: 2 RESERVOIR RD Arlington, MA
Owner: BERGGREN DAVID E
Co-Owner:
Mailing Address:
PO BOX 750112
ARLINGTON, MA 02475



The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.



Printed on 10/11/2019 at 10:21 AM

**Notification to Abutters Under the
Massachusetts Wetlands Protection Act
And Arlington Wetlands Protection Bylaw**

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

The Conservation Commission will hold a public hearing in the second floor conference room of the Town Hall Annex, 730 Massachusetts Avenue, Arlington, on Thursday, November 7, 2019, at 7:30 P.M. in accordance with the provisions of the Mass. Wetlands Protection Act (M.G.L. Ch. 131, s. 40, as amended) and the Town of Arlington By-Laws Article 8, By-Law for Wetland Protection, for a Notice of Intent from the Massachusetts Bay Transportation Authority (MBTA) for excavation of petroleum-contaminated soil at MBTA Bus Station, 1389 Massachusetts Avenue, Arlington, MA, within 200 feet of a stream, on Assessor's Property Map #60, Lot #11.

A copy of the application and accompanying plans are available for inspection Mon. - Thurs. 8am-4pm and Fri. 8am-noon at the Conservation Commission office, first floor of the Town Hall Annex, 730 Massachusetts Avenue, Arlington, MA 02476.

For more information call Dan White of ATC Group Services LLC (consultant for the MBTA) at 781-404-1432 or the Arlington Conservation Commission at 781-316-3012, or the DEP Northeast Regional Office, 978-694-3200.

NOTE: Notice of the Public Hearing will be published at least five (5) days in advance in *The Arlington Advocate* and will also be posted at least 48 hours in advance in the Arlington Town Hall.

AFFIDAVIT OF SERVICE

(Return to Conservation Commission)

I, Daniel White, being duly sworn, do hereby state as follows: on October 21, 2019, I mailed a "Notification to Abutters" in compliance with the second paragraph of Massachusetts General Laws, Chapter 131, s.40, the DEP Guide to Abutter Notification dated April 8, 1994, and the Arlington Wetlands Protection Bylaw, Title V, Article 8 of the Town of Arlington Bylaws in connection with the following matter:

Excavation of petroleum-contaminated soil at MBTA Bus Station, 1389 Massachusetts Avenue, Arlington, MA.

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

Signed under the pains and penalties of perjury, this 21st day of October, 2019.

A handwritten signature in black ink, appearing to read "Daniel P. White", with a stylized flourish at the end.

Daniel P. White

Name


LEGAL NOTICE CHARGE AUTHORIZATION

DATE: October 21, 2019

TO: legals@wickedlocal.com

I hereby authorize Community Newspapers to bill me directly for the legal notice to be published in the Arlington Advocate newspaper on October 31, 2019 for a public hearing with the Arlington Conservation Commission to review a project at the following location: 1389 Massachusetts Avenue, Arlington, MA

Thank you.

Signed: 

Send bill to: Daniel White, Senior Project Manager
ATC Group Services LLC
10 State Street Suite 100
Woburn, MA 01801
781-404-1432
daniel.white@atcgs.com