

Notice of Intent Application Impounded section of the Sudbury River Aquatic Management Program

Framingham, MA

September 2016

Revised through 10/21/2016

Prepared for:

Town of Framingham;
Conservation Commission
150 Concord Street
Framingham, MA 01701

Prepared by:

SOLitude Lake Management
590 Lake Street
Shrewsbury, MA 01545

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Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number
 Framingham

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):

Fenwick Dam to Saxonville Dam	Framingham	01702
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:	d. Latitude	e. Longitude
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

a. First Name	b. Last Name	
Town of Framingham		
c. Organization		
150 Concord Street		
d. Street Address		
Framingham	MA	01702
e. City/Town	f. State	g. Zip Code
h. Phone Number	i. Fax Number	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):

Keith	Gazaille	
a. First Name	b. Last Name	
SOLitude Lake Management		
c. Company		
590 Lake Street		
d. Street Address		
Framingham	MA	01545
e. City/Town	f. State	g. Zip Code
508-865-1000	KGazaille@solitudelake.com	
h. Phone Number	i. Fax Number	j. Email address

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

Exempt		
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

Implementation of an aquatic vegetation management program focusing on the long-term management of non-native and invasive species.

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

- 1. Single Family Home
- 2. Residential Subdivision
- 3. Commercial/Industrial
- 4. Dock/Pier
- 5. Utilities
- 6. Coastal engineering Structure
- 7. Agriculture (e.g., cranberries, forestry)
- 8. Transportation
- 9. 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)

Inland Limited Ecological Restoration Project (310 CMR 10.53)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(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:

a. County

b. Certificate # (if registered land)

c. Book

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 _____ 1,655,280 temporary (38 acres)	2. square feet _____
c. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet _____ none _____ 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 type="checkbox"/> Riverfront Area	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: _____ 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)

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. 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. 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 Notice of Intent – 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**

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.1.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
1213 Purchase Street – 3rd Floor
New Bedford, MA 02740-6694
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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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.

a. Plan Title

b. Prepared By

c. Signed and Stamped by

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:

2. Municipal Check Number

3. Check date

4. State Check Number

5. Check date

6. Payor name on check: First Name

7. Payor name on check: Last Name



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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.

[Handwritten Signature]

9/15/16

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 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
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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:

Fenwick St Dam to Saxonville Dam

Framingham

a. Street Address

b. City/Town

c. Check number

d. Fee amount

2. Applicant Mailing Address:

a. First Name

b. Last Name

Town of Framingham

c. Organization

150 Concord Street

d. Mailing Address

Framingham

MA

01702

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

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).



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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

Step 5/Total Project Fee: _____

Step 6/Fee Payments:

Exempt

Total Project Fee: a. Total Fee from Step 5

State share of filing Fee: b. 1/2 Total Fee **less** \$12.50

City/Town share of filling Fee: 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.)



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Appendix A: Ecological Restoration Limited Project Checklists

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

Eligibility Checklist

This Ecological Restoration Limited Project Eligibility Checklist guides the applicant in determining if their project is eligible to file as an Inland or Coastal Ecological Restoration Limited Project (310 CMR 10.53(4) or 310 CMR 10.24(8) respectively). These criteria must be met when submitting the Ecological Restoration Limited Project Notice of Intent to ensure that the restoration and improvement of the natural capacity of a Resource Area(s) to protect and sustain the interests identified in the WPA is **necessary** to achieve the project's ecological restoration goals.

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.

Regulatory Features of All Coastal and Inland Ecological Restoration Limited Projects

- (a) May result in the temporary or permanent loss of/or conversion of Resource Area: An Ecological Restoration Limited Project that meets the requirements of 310 CMR 10.24(8) may result in the temporary or permanent loss of Resource Areas and/or the conversion of one Resource Area to another when such loss is necessary to the achievement of the project's ecological restoration goals.
- (b) Exemption from wildlife habitat evaluation: A NOI for an Ecological Restoration Limited Project that meets the minimum requirements for Ecological Restoration Projects and for a MassDEP Combined Application outlined in 310 CMR 10.12(1) and (2) is exempt from providing a wildlife habitat (310 CMR 10.60), but still must meet the general performance standards for Bank [310 CMR 10.54(4)(a)5]; Land Under Water Bodies and Waterways [310 CMR 10.56(4)(a)4], and Wildlife Habitat Evaluation [310 CMR 10.60].
- (c) The following are considerations for applicants filing an Ecological Restoration Limited Project NOI and for the issuing authority approving a project as an Ecological Restoration Limited Project:
 - The condition of existing and historic Resource Areas proposed for restoration.
 - Evidence of the extent and severity of the impairment(s) that reduce the capacity of the Resource Areas to protect and sustain the interests identified in M.G.L. c. 131, § 40.
 - The magnitude and significance of the benefits of the Ecological Restoration Project in improving the capacity of the affected Resource Areas to protect and sustain the other interests identified in M.G.L. c. 131, § 40.
 - The magnitude and significance of the impacts of the Ecological Restoration Project on existing Resource Areas that may be modified, converted and/or lost and the interests for which said Resource Areas are presumed significant in 310 CMR 10.00, and the extent to which the project will:
 - a. avoid adverse impacts to Resource Areas and the interests identified in M.G.L. c. 131, § 40, that can be avoided without impeding the achievement of the project's ecological restoration goals.
 - b. minimize adverse impacts to Resource Areas and the interests identified in M.G.L. c. 131, § 40, that are necessary to the achievement of the project's ecological restoration goals.
 - c. utilize best management practices such as erosion and siltation controls and proper construction sequencing to avoid and minimize adverse construction impacts to resource areas and the interests identified in M.G.L. c. 131, § 40.



Massachusetts Department of Environmental Protection
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Appendix A: Ecological Restoration Limited Project Checklists

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

Eligibility Criteria - Coastal Ecological Restoration Limited Projects (310 CMR 10.24(8))

Provided by MassDEP:

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Complete this Eligibility Criteria Checklist **before** filling out a Notice of Intent Application to determine if your project qualifies as a Coastal Ecological Restoration Limited Project. (310 CMR 10.24(8)) Sign the Eligibility Certification at the end of Appendix A, and attach the checklist with supporting documentation and the Eligibility Certification to your Notice of Intent Application.

General Eligibility Criteria for All Coastal Ecological Restoration Limited Projects

Notwithstanding the requirements of 310 CMR 10.25 through 10.35, 310 CMR 10.54 through 10.58, and the Wildlife Habitat evaluations in 310 CMR 10.60, the Issuing Authority may issue an Order of Conditions permitting an Ecological Restoration Project listed in 310 CMR 10.24(8)(e) as an Ecological Restoration Limited Project and impose such conditions as will contribute to the interests identified in the WPA M.G.L. provided that the project meets all the requirements in 310 CMR 10.24(8).

- The project is an Ecological Restoration Project as defined in 310 CMR 10.04 and is a project type listed below [310 CMR 10.24(8)(e)].
- Tidal Restoration.
- Shellfish Habitat Restoration.
- Other Ecological Restoration Limited Project Type.
- The project will further at least one of the WPA (M.G.L. c. 131, § 40) interests identified below.
 - Protection of public or private water supply.
 - Protection of ground water supply.
 - Flood control.
 - Storm damage prevention.
 - Prevention of pollution.
 - Protection of land containing shellfish.
 - Protection of fisheries.
 - Protection of wildlife habitat.
- If the project will impact an area located within estimated habitat which is indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetlands, a NHESP preliminary written determination is attached to the NOI submittal that the project will not have any adverse long-term and short-term effects on specified habitat sites of Rare Species or the project will be carried out in accordance with an approved NHESP habitat management plan.



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Eligibility Criteria - Coastal Ecological Restoration Limited Projects (310 CMR 10.24(8)) (Cont.)

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General Eligibility Criteria for All Coastal Ecological Restoration Limited Projects (cont.)

- If the project is located in a Coastal Dune or Barrier Beach, the project avoids and minimizes armoring of the Coastal Dune or Barrier Beach to the maximum extent practicable.
- The project complies with all applicable provisions of 310 CMR 10.24(1) through (6) and 310 CMR 10.24(9) and (10).

Additional Eligibility Criteria for Specific Coastal Ecological Restoration Limited Project Types

These additional criteria must be met to qualify as an Ecological Restoration Limited Project to ensure that the restoration and improvement of the natural capacity of a Resource Area to protect and sustain the interests identified in the WPA is **necessary** to achieve the project's ecological restoration goals.

- This Ecological Restoration Limited Project application meets the eligibility criteria for Ecological Restoration Limited Project [310 CMR 10.24(8)(a) through (d) and as proposed, furthers at least one of the WPA interests is for the project type identified below.
 - Tidal Restoration Projects**
 - A project to restore tidal flow that will not significantly increase flooding or storm damage impacts to the built environment, including without limitation, buildings, wells, septic systems, roads or other man-made structures or infrastructure.
 - Shellfish Habitat Restoration Projects**
 - The project has received a Special Projects Permit from the Division of Marine Fisheries or, if a municipality, has received a shellfish propagation permit.
 - The project is made of cultch (e.g., shellfish shells from oyster, surf or ocean clam) or is a structure manufactured specifically for shellfish enhancement (e.g., reef blocks, reef balls, racks, floats, rafts, suspended gear).
 - Other Ecological Restoration Projects** that meet the criteria set forth in 310 CMR 10.24(8)(a) through (d).
 - Restoration, enhancement, or management of Rare Species habitat.
 - Restoration of hydrologic and habitat connectivity.
 - Removal of aquatic nuisance vegetation to impede eutrophication.
 - Thinning or planting of vegetation to improve habitat value.
 - Fill removal and re-grading.
 - Riparian corridor re-naturalization.
 - River floodplain re-connection.



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Appendix A: Ecological Restoration Limited Project Checklists

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

Eligibility Criteria - Coastal Ecological Restoration Limited Projects (310 CMR 10.24(8)) (Cont.)

Provided by MassDEP:

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Additional Eligibility Criteria for Specific Coastal Ecological Restoration Limited Project Types

- In-stream habitat enhancement.
- Remediation of historic tidal wetland ditching.
- Eelgrass restoration.
- Invasive species management.
- Installation of fish passage structures.
- Other. Describe: _____
- This project involves the construction, repair, replacement or expansion of public or private infrastructure (310 CMR 10.24(9)).
 - The NOI attachment labeled _____ is an operation and maintenance plan to ensure that the infrastructure will continue to function as designed.
 - The operation and maintenance plan will be implemented as a continuing condition in the Order of Conditions and the Certificate of Compliance.
- This project proposes to replace an existing stream crossing (310 CMR 10.24(10)). The crossing complies with the Massachusetts Stream Crossing Standards to the maximum extent practicable with details provided in the NOI. The crossing type:
 - Replaces an existing non-tidal crossing that is part of an Anadromous/Catadromous Fish Run (310 CMR 10.35)
 - Replaces an existing tidal crossing that restricts tidal flow. The tidal restriction will be eliminated to the maximum extent practicable.
- At a minimum, in evaluating the potential to comply with the standards to the maximum extent practicable the following criteria have been considered site constraints in meeting the standard, undesirable effects or risk in meeting the standard, and the environmental benefit of meeting the standard compared to the cost, by evaluating the following:
 - The potential for downstream flooding;
 - Upstream and downstream habitat (in-stream habitat, wetlands);
 - Potential for erosion and head-cutting;
 - Stream stability;
 - Habitat fragmentation caused by the crossing;
 - The amount of stream mileage made accessible by the improvements;
 - Storm flow conveyance;



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

Eligibility Criteria - Coastal Ecological Restoration Limited Projects (310 CMR 10.24(8)) (Cont.)

Additional Eligibility Criteria for Specific Coastal Ecological Restoration Limited Project Types

- Engineering design constraints specific to the crossing;
- Hydrologic constraints specific to the crossing;
- Impacts to wetlands that would occur by improving the crossing;
- Potential to affect property and infrastructure; and
- Cost of replacement.

Eligibility Criteria - Inland Ecological Restoration Limited Project (310 CMR 10.53(4))

Complete this Eligibility Criteria Checklist **before** filling out a Notice of Intent Application to determine if your project qualifies as an Inland Ecological Restoration Limited Project. (310 CMR 10.53(4)) Sign the Eligibility Certification at the end of Appendix A, and attach the checklist with supporting documentation and the Eligibility Certification to your Notice of Intent Application.

General Eligibility Criteria for All Inland Ecological Restoration Limited Projects

Notwithstanding the requirements of any other provision of 310 CMR 10.25 through 10.35, 310 CMR 10.54 through 10.58, and 310 CMR 10.60, the Issuing Authority may issue an Order of Conditions permitting an Ecological Restoration Project listed in 310 CMR 10.53(4)(e) as an Ecological Restoration Limited Project and impose such conditions as will contribute to the interests identified in M.G.L. c. 131, § 40, provided that:

- The project is an Ecological Restoration Project as defined in 310 CMR 10.04 and is a project type listed below [310 CMR 10.53(4)(e)].
 - Dam Removal
 - Freshwater Stream Crossing Repair and Replacement
 - Stream Daylighting
 - Tidal Restoration
 - Rare Species Habitat Restoration
 - Restoring Fish Passageways
 - Other (describe project type): Non-native aquatic vegetation management to restore fish and wildlife habitat



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

Eligibility Criteria - Inland Ecological Restoration Limited Project (310 CMR 10.53(4)) (cont.)

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General Eligibility Criteria for All Inland Ecological Restoration Limited Projects

- The project will further at least one of the WPA (M.G.L. c. 131, § 40) interests identified below.
 - Protection of public or private water supply
 - Protection of ground water supply
 - Flood control
 - Storm damage prevention
 - Prevention of pollution
 - Protection of land containing shellfish
 - Protection of fisheries
 - Protection of wildlife habitat
- If the project will impact an area located within estimated habitat which is indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetlands, a NHESP preliminary written determination is attached to the NOI submittal that the project will have no adverse long-term and short-term effects on specified habitat sites of Rare Species or the project will be carried out in accordance with an approved NHESP habitat management plan.
- The project will be carried out in accordance with any time of year restrictions or other conditions recommended by the Division of Marine Fisheries for coastal waters and the Division of Fisheries and Wildlife in accordance with 310 CMR 10.11(3).
- If the project involves the dredging of 100 cubic yards of sediment or more or dredging of any amount in an Outstanding Resource Water, a Water Quality Certification has been applied for or obtained.
- The project complies with all applicable provisions of 310 CMR 10.53(1), (2), (7), and (8).



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Appendix A: Ecological Restoration Limited Project Checklists

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

Eligibility Criteria - Inland Ecological Restoration Limited Project (310 CMR 10.53(4)) (cont.)

Additional Eligibility Criteria for Specific Inland Ecological Restoration Limited Project Types

These additional criteria must be met to qualify as an Ecological Restoration Limited Project to ensure that the restoration and improvement of the natural capacity of a Resource Area to protect and sustain the interests identified in the WPA is **necessary** to achieve the project's ecological restoration goals.

- This project application meets the eligibility criteria for Ecological Restoration Limited Project in accordance with [310 CMR 10.53(4)(a) through (d) and as proposed, furthers at least one of the WPA interests is for the project type identified below:
- Dam Removal**
 - Project is consistent with MassDEP's 2007 Dam Removal Guidance.
 - Freshwater Stream Crossing Repair and Replacement.** The project as proposed and the NOI describes how:
 - Meeting the eligibility criteria set forth in 310 CMR 10.13 would result in significant stream instability or flooding hazard that cannot otherwise be mitigated, and site constraints make it impossible to meet said criteria.
 - The project design ensures that the stability of the bank is NOT impaired.
 - To the maximum extent practicable, the project provides for the restoration of the stream upstream and downstream of the structure as needed to restore stream continuity and eliminate barriers to aquatic organism movement.
 - The project complies with the requirements of 310 CMR 10.53(7) and (8).
 - Stream Daylighting Projects**
 - The project meets the eligibility criteria for Ecological Restoration Limited Project [310 CMR 10.53(4)(a) through (d)] and as proposed the NOI describes how the proposed project meets to the maximum extent practicable, consistent with the project's ecological restoration goals, all the performance standards for Bank and Land Under Water Bodies and Waterways.
 - The project meets the requirements of 310 CMR 10.12(1) and (2) and a wildlife habitat evaluation is not included in the NOI.
 - Tidal Restoration Project**
 - Restores tidal flow.
 - the project, including any proposed flood mitigation measures, will not significantly increase flooding or storm damage to the built environment, including without limitation, buildings, wells, septic systems, roads or other man-made structures or infrastructure.



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Appendix A: Ecological Restoration Limited Project Checklists

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

Eligibility Criteria - Inland Ecological Restoration Limited Project (310 CMR 10.53(4)) (cont.)

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- Other Ecological Restoration Projects** that meet the criteria set forth in 310 CMR 10.53 (4) (a) through (d).
 - Restoration, enhancement, or management of Rare Species habitat.
 - Restoration of hydrologic and habitat connectivity.
 - Removal of aquatic nuisance vegetation to impede eutrophication.
 - Thinning or planting of vegetation to improve habitat value.
 - Riparian corridor re-naturalization.
 - River floodplain re-connection.
 - In-stream habitat enhancement.
 - Fill removal and re-grading.
 - Flow restoration.
 - Installation of fish passage structures.
 - Invasive species management.
 - Other. Describe: _____
- This project involves the construction, repair, replacement or expansion of public or private infrastructure. (310 CMR 10.53(7))
 - The NOI attachment labeled _____ is an operation and maintenance plan to ensure that the infrastructure will continue to function as designed.
 - The operation and maintenance plan will be implemented as a continuing condition in the Order of Conditions and the Certificate of Compliance.
- This project replaces an existing stream crossing (310 CMR 10.53(8)). The crossing type:
 - Replaces an existing non-tidal crossing designed to comply with the Massachusetts Stream Crossing Standards to the maximum extent practicable with details provided in the NOI.
 - Replaces an existing tidal crossing that restricts tidal flow. The tidal restriction will be eliminated to the maximum extent practicable.



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Appendix A: Ecological Restoration Limited
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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Eligibility Criteria - Inland Ecological Restoration Limited Project (310
CMR 10.53(4)) (cont.)

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- At a minimum, in evaluating the potential to comply with the standards to the maximum extent practicable the following criteria have been consider site constraints in meeting the standard, undesirable effects or risk in meeting the standard, and the environmental benefit of meeting the standard compared to the cost, by evaluating the following:
 - The potential for downstream flooding;
 - Upstream and downstream habitat (in-stream habitat, wetlands);
 - Potential for erosion and head-cutting;
 - Stream stability;
 - Habitat fragmentation caused by the crossing;
 - The amount of stream mileage made accessible by the improvements;
 - Storm flow conveyance;
 - Engineering design constraints specific to the crossing;
 - Hydrologic constraints specific to the crossing;
 - Impacts to wetlands that would occur by improving the crossing;
 - Potential to affect property and infrastructure; and
 - Cost of replacement.



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Appendix A: Ecological Restoration Limited Project Checklists

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

Required Actions (310 CMR 10.11)

Complete the Required Actions before submitting a Notice of Intent Application for an Ecological Restoration Project and submit a completed copy of this Checklist with the Notice of Intent.

- Massachusetts Environmental Policy Act (MEPA) / Environmental Monitor**
<http://www.mass.gov/eea/agencies/mepa/submitting-notice-to-the-environmental-monitor.html>

For Ecological Restoration Limited Projects, there are no changes to MEPA requirements.

- Submit written notification at least 14 days prior to the filing of a Notice of Intent (NOI) to the Environmental Monitor for publication. A copy of the written notification is attached and provides at minimum:
 - A brief description of the proposed project.
 - The anticipated NOI submission date to the conservation commission.
 - The name and address of the conservation commission that will review the NOI.
 - Specific details as to where copies of the NOI may be examined or acquired and where to obtain the date, time, and location of the public hearing.

- Massachusetts Endangered Species Act (MESA) /Wetlands Protection Act Review**

- Preliminary Massachusetts Endangered Species Act Review from the Natural Heritage and Endangered Species Program (NHESP) has been met and the written determination is attached.
- Supplemental Information for Endangered Species Review has been submitted.

1. Percentage/acreage of property to be altered:
 - a. Within Wetland Resource Area _____
Percentage/acreage
 - b. Outside Wetland 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 wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work.
4. Project description (including description of impacts outside of wetland resource area & buffer zone)
5. Photographs representative of the site
6. MESA filing fee (fee information available at http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/mesa/mesa_fee_schedule.htm)



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

Required Actions (310 CMR 10.11) (cont.)

Make check payable to "Commonwealth of Massachusetts - NHESP" and mail to NHESP:

Natural Heritage & Endangered Species Program
MA Division of Fisheries & Wildlife
1 Rabbit Hill Road
Westborough, MA 01581

- 7. Projects altering 10 or more acres of land, also submit:
 - a. Vegetation cover type map of site
 - b. Project plans showing Priority & Estimated Habitat boundaries

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/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/mass-endangered-species-act-mesa/>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59 – see C4 below)

- 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.

Estimated Habitat Map of State-Listed Rare Wetlands Wildlife

If a portion of the proposed project is 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), complete the portion below. To view habitat maps, see the **Massachusetts Natural Heritage Atlas** or view the maps electronically at: <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review>

- A preliminary written determination from Natural Heritage and Endangered Species Program (NHESP) must be obtained indicating that:

- Project will NOT have long- or short-term adverse effect on the actual Resource Area located within estimated habitat indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetlands Wildlife published by NHESP.

- Project will have long- or short-term adverse effect on the actual Resource Area located within estimated habitat indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetlands Wildlife published by NHESP. A copy of NHESP's written preliminary determination in accordance with 310 CMR 10.11(2) is attached. This specifies:

Date of the map: _____



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Required Actions (310 CMR 10.11) (cont.)

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- If the Rare Species identified is/are likely to continue to be located on or near the project, and if so, whether the Resource Area to be altered is in fact part of the habitat of the Rare Species.
- That if the project alters Resource Area(s) within the habitat of a Rare Species:
- The Rare Species is identified;
- NHESP's recommended changes or conditions necessary to ensure that the project will have no short or long term adverse effect on the habitat of the local population of the Rare Species is provided; or
- An approved NHESP habitat management plan is attached with this Notice of Intent.

Send the request for a preliminary determination to:
Natural Heritage & Endangered Species Program
MA Division of Fisheries & Wildlife
1 Rabbit Hill Road
Westborough, MA 01581

Division of Marine Fisheries

- If the project will occur within a coastal waterbody with a restricted Time of Year, [see Appendix B of the Division of Marine Fisheries (DMF) Technical Report TR 47 "Marine Fisheries Time of Year Restrictions (TOYs) for Coastal Alteration Projects" dated April 2011 <http://www.nae.usace.army.mil/Portals/74/docs/regulatory/StateGeneralPermits/NEGP/MADMFT-47.pdf>].
- Obtain a DMF written determination stating:
 - The proposed work does NOT require a TOY restriction.
 - The proposed work requires a TOY restriction. Specific recommended TOY restriction and recommended conditions on the proposed work is attached.
- If the project may affect a diadromous fish run [re: Division of Marine Fisheries (DMF) Technical Reports TR 15 through 18, dated 2004: <http://www.mass.gov/eea/agencies/dfg/dmf/publications/technical.html>]
- Obtain a DMF written determination stating:
 - The design specifications and operational plan for the project are compatible with the passage requirements of the fish run.
 - The design specifications and operational plan for the project are not compatible with the passage requirements of the fish run.



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Required Actions (310 CMR 10.11) (cont.)

Send the request for a written or electronic determination to:

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

Division of Marine Fisheries –

South Coast Field Station

Attn: Environmental Reviewer

1213 Purchase Street – 3rd Floor

New Bedford, MA 02740-6694

Email: DMF.EnvReview-South@state.ma.us

North Shore – Hull to New Hampshire border:

Division of Marine Fisheries –

North Shore Field Station

Attn: Environmental Reviewer

30 Emerson Avenue

Gloucester, MA 01930

Email: DMF.EnvReview-North@state.ma.us

Division of Fisheries and Wildlife – <http://www.mass.gov/eea/agencies/dfg/dfw/>

Projects that involve silt-generating, in-water work that will impact a non-tidal perennial river or stream and the in-water work will not occur between May 1 and August 30.

Obtain a written determination from the Division of Fisheries and Wildlife (DFW) as to whether the proposed work requires a TOY restriction.

The proposed work does NOT require a TOY restriction.

The proposed work requires a TOY restriction. The DFW determination with TOY restriction and other conditions is attached.

MassDEP Water Quality Certification

Project involves dredging of 100 cubic yards or more in a Resource Area or dredging of any amount in an Outstanding Resource Water (ORW). A copy and proof of the MassDEP Water Quality Certification pursuant to 314 CMR 9.00 is attached to the NOI.

This project is a Combined Permit Application for 401 Dredging and Restoration (BRP WW 26).

MassDEP Wetlands Restriction Order

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)?

Yes No

Department of Conservation and Recreation

Office of Dam Safety

For Dam Removal Projects, obtain a written determination from the Department of Conservation and Recreation Office of Dam Safety that the dam is not subject to the jurisdiction of the Office under 302 CMR 10.00, a written determination that the dam removal does not require a permit under 302 CMR 10.00 or a permit authorizing the dam removal in accordance with 302 CMR 10.00 has been issued.



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Appendix A: Ecological Restoration Limited Project Checklists

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

Required Actions (310 CMR 10.11) (cont.)

Areas of Critical Environmental Concern (ACECs)

Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

Yes No

If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations).

Name of ACEC

Minimum Required Documents (310 CMR 10.12)

Complete the Required Documents Checklist below and provide supporting materials before submitting a Notice of Intent Application for an Ecological Restoration Project.

This Notice of Intent meets all applicable requirements outlined in for Ecological Restoration Projects in 310 CMR 10.12. Use the checklist below to insure that all documentation is included with the NOI.

At a minimum, a Notice of Intent for an Ecological Restoration Project shall include the following:

- Description of the project's ecological restoration goals;
- The location of the Ecological Restoration Project;
- Description of the construction sequence for completing the project;
- A map of the Areas Subject to Protection Under M.G.L. c. 131, § 40, that will be temporarily or permanently altered by the project or include habitat for Rare Species, Habitat of Potential Regional and Statewide Importance, eel grass beds, or Shellfish Suitability Areas.
- 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.) is attached with documentation methodology.
- List the titles and dates for all plans and other materials submitted with this NOI.

a. Plan Title

b. Prepared by

c. Signed and Stamped by

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

If there is more than one property owner, attach a list of these property owners not listed on this form.

Attach NOI Wetland Fee Transmittal Form.



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

Minimum Required Documents (310 CMR 10.12)

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- An evaluation of any flood impacts that may affect the built environment, including without limitation, buildings, wells, septic systems, roads or other man-made structures or infrastructure as well as any proposed flood impact mitigation measures;
- A plan for invasive species prevention and control;
- The Natural Heritage and Endangered Species Program written determination in accordance with 310 CMR 10.11(2), if needed;
- Any Time of Year restrictions and/or other conditions recommended by the Division of Marine Fisheries or the Division of Fisheries and Wildlife in accordance with 310 CMR 10.11(3), (4), (5), if needed;
- Proof that notice was published in the Environmental Monitor as required by 310 CMR 10.11(1);
- A certification by the applicant under the penalties of perjury that the project meets the eligibility criteria set forth in 310 CMR 10.13;
- If the Ecological Restoration Project involves the construction, repair, replacement or expansion of infrastructure, an operation and maintenance plan to ensure that the infrastructure will continue to function as designed;
- If the project involves dredging of 100 cubic yards or more or dredging of any amount in an Outstanding Resource Water, a Water Quality Certification issued by the Department pursuant to 314 CMR 9.00;
- If the Ecological Restoration Project involves work on a stream crossing, information sufficient to make the showing required by 310 CMR 10.24(10) for work in a coastal resource area and 310 CMR 10.53(8) for work in an inland resource area; and
- If the Ecological Restoration Project involves work on a stream crossing, baseline photo-points that capture longitudinal views of the crossing inlet, the crossing outlet and the upstream and downstream channel beds during low flow conditions. The latitude and longitude coordinates of the photo-points shall be included in the baseline data.
- This project is subject to provisions of the MassDEP Stormwater Management Standards. A copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) is attached.
- Provide information as to whether the project has the potential to impact private water supply wells including agricultural or aquacultural wells or surface water withdrawal points.



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Certification that the Ecological Restoration Project Meets the
Eligibility Criteria

I hereby certify under penalties of perjury that the Ecological Restoration Project Notice of Intent application does not meet the Eligibility criteria for an Ecological Restoration Order of Conditions set forth in 310 CMR 10.13, but does meet the Eligibility Criteria for a Ecological Restoration Limited Project set forth in 10.24(8) or 10.53(4) whichever is applicable. I certify that I am familiar with the information contained in the application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities.

Signature of Applicant or Authorized Agent

Robert D. McArthur

Printed Name of Applicant or Authorized Agent

9/15/16

Date

The certification must be signed by the applicant; however, it may be signed by a duly authorized agent (named in Item 2) if this form is accompanied by a statement by the applicant designating the agent and agreeing to furnish upon request, supplemental information in support of the application.

ATTACHMENT A

Abutter Notification

To: The Environmental Monitor

From: SOLitude Lake Management

Date: September 15, 2016

Re: Notification of filing an NOI for the impounded section of the Sudbury River

Anticipated date of submission: September 21/22

The proposed project is seeking approval to initiate an Aquatic Management Program at the impounded section of the Sudbury River in Framingham, MA (Saxonville Pond). Mechanical harvesting and USEPA/State registered herbicides are suggested to manage non-native and nuisance aquatic vegetation to protect the interests of the Wetlands Protection Act by impeding eutrophication and improving habitat value.

Reviewing Conservation Commission(s):

Framingham Conservation Commission
150 Concord Street
Framingham, MA 01702

Copies of the NOI may be examined or acquired from the Conservation Commission, or by contacting the applicant's representative, SOLitude Lake Management, at info@SOLitudelake.com, or 508-865-1000, Monday and Friday between 9AM and 4PM.

See Conservation Commission website for the meeting schedule for exact dates and agendas.



AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act I, Amanda Mahaney, hereby certify under the pains and penalty of perjury that on September 22, 2016, I mailed a Notification to Abutters in compliance with the second paragraph of the Massachusetts General Laws, Chapter 131, s.40, and the DEP Guide to Abutter Notification dated April 8, 1994, in connection with the following matter:

A Notice of Intent was filed under the Massachusetts Wetlands Protection Act by SOLitude Lake Management with the Framingham Conservation Commission on September 22, 2016, for an Aquatic Management Program at Saxonville Pond, Framingham, MA.

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

Amanda Mahaney
Name

09/21/2016
Date

**Notification to Abutters under the
Massachusetts Wetlands Protection Act and the
Framingham Wetlands Bylaw**

In accordance with the second paragraph of Massachusetts General Laws, Chapter 131, Section 40 and Article V Section 18 of the Framingham Bylaws, you are hereby notified of the following.

The **applicant**, SOLitude Lake Management, has filed with the Conservation Commission for Town of Framingham (check one):

a Notice of Intent

a Request for Determination of Applicability

seeking permission to undertake work in (i.e., remove, fill, dredge or alter) an area subject to protection under the Wetlands Protection Act (General Laws, Chapter 131, section 40) and the Framingham Wetlands By-Law (Article V, Section 18).

The **address** of the proposed activity is: Saxonville Pond between the Fenwick Street Dam & Saxonville Dam

The **proposed activity** is: Aquatic plant management of the invasive water chestnut by utilizing USEPA/MA DAR registered herbicides

to restore wildlife habitat, recreational activities, and ecological value to the impounded section of the Sudbury River.

There will be a **Public Hearing** at which time interested residents may hear about the proposal and ask questions related to wetland regulations

- on (date) October 5, 2016
- at (time) 7:00 pm
- in (room) Blumer Community Room of the Memorial Building, Town Hall, 150 Concord Street.

(Notice of the public hearing, including its date, time, and place, will be published at least five (5) days in advance in the Metrowest Daily News.

(Notice of the public hearing, including its date, time, and place, will be posted in Town Hall not less than forty-eight (48) hours in advance and on the town's website at www.framinghamma.gov. Click on the "Public Meetings Agendas" link.

You may see copies of the filing at:

- The Framingham Conservation Commission Office.
Call 508-532-5460 for an appointment between the hours 8:30am and 5:00pm Mon-Fri.
- The applicant Town of Framingham or applicant's representative SOLitude Lake Management
by calling 508 - 865 - 1000
between the hours of 8 AM and 5 PM
on the following days of the week: Monday-Friday.
- The Department of Environmental Protection, Northeast Regional Office, 205B Lowell Street, Wilmington, MA 01887. (978) 694-3200

Note: *Since you are receiving this notice, you may have wetland resource areas or wetland buffers on your property. Therefore, construction, cutting, clearing, or grading may require a permit. For clarification or for more information, call the Conservation office 508-532-5460 or visit our web site http://www.framinghamma.gov/web/pages/conservation_index.html.*



Town of Framingham

Memorial Building, 150 Concord Street
Framingham, MA 01702
(508) 532 - 5415

TOWN OF FRAMINGHAM MA
BOARD OF ASSESSORS

2016 SEP 14 PM 3:51

Board of Assessor's Stamp

REQUEST FOR ABUTTERS

Date of Request: 09/14/2016

Property owner: _____

Property location: Sayonville Pond Fenwick Dam to Sayonville Dam

Property ID: MAP _____ BLOCK _____ LOT _____

Please Specify Radius: 1.2 mile linear

Requesting Board/Department: Conservation and Open Space Division - DPW

REQUESTER INFORMATION:

Name: Kimberly Burlingame

Address: Rn 213

Phone: 4609

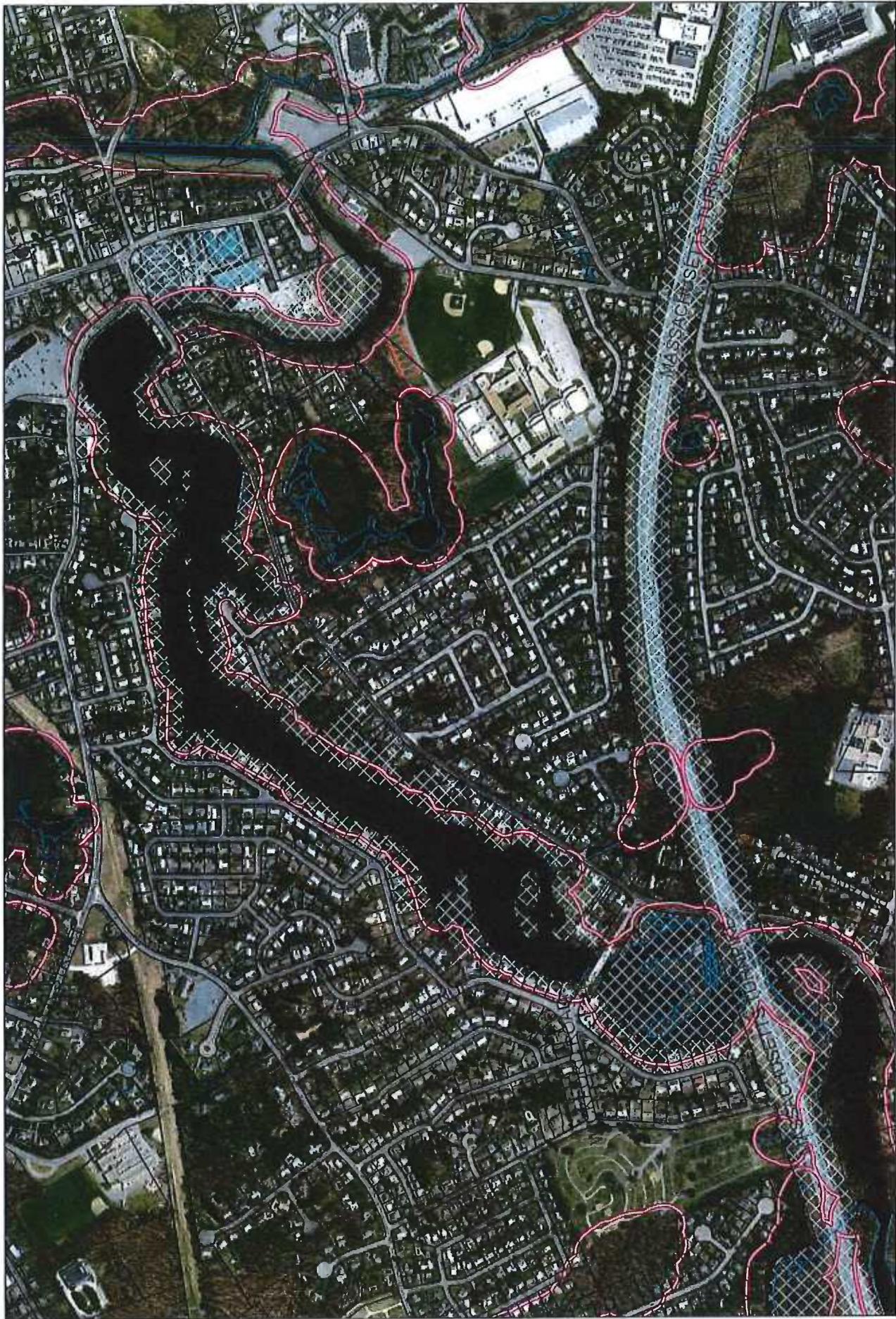
Email Address: kb@framinghamma.gov

~~FEE: \$45.00 per list, payment due at time of request. Check is payable to TOWN OF FRAMINGHAM.~~
(* additional fee(s) may apply, if non-standard list is requested)

THE LIST IS VALID FOR 90 DAYS FROM CERTIFICATION DATE. BOARD OF ASSESSORS RESERVES 10 WORKING DAYS TO PROVIDE ALL CERTIFIED LISTS OF ABUTTERS.

Town project & fee waived please -

Thank you!



Legend



Abutters
Assessors' Parcels
100' Buffer Zone - state



August 23, 2016

Prepared By Framingham Conservation Department

Disclaimer
The information on this map is produced from the Town's Geographical Information System (GIS).

SAXONVILLE POND
(FENWICK DAM TO SAXONVILLE DAM)

Parcel Id	Location	Owner	Mailing Num	Mailing Add	City	State	Zip Code
059-80-0193	23 FENWAY DR	ABBER, ALAN&MILLIGAN-ABBER, PATRICIA A	23	FENWAY DR	FRAMINGHAM	MA	01701
059-91-7588	301 CENTRAL ST	ALDREIN DEVELOPMENT, LLC C/O MURPHY & LUPAN, PA	5	COMMONWEALTH RD	NATICK	MA	01760
049-92-6243	80 SIMPSON DR	ANTONUCCI, FLORA C LIFE ESTATE;ANTONUCCI, ELIZABETH J REM	80	SIMPSON DR	FRAMINGHAM	MA	01701
059-91-6211	333 CENTRAL ST	ASKEW, PETER W	333	CENTRAL ST	FRAMINGHAM	MA	01701
059-80-1247	27 FENWAY DR	BALLOU, KENNETH ROBERT	27	FENWAY DR	FRAMINGHAM	MA	01701
049-02-2147	231 CENTRAL ST	BARRY RICHARD L & JOANNE M	231	CENTRAL ST	FRAMINGHAM	MA	01701
050-22-1908	93 CENTRAL ST	BECKFORD, WILLIAM S & AYAKO M	93	CENTRAL ST	FRAMINGHAM	MA	01701
059-91-5051	349 CENTRAL ST	BIANCO, ANTHONY & DEBRA K	349	CENTRAL ST	FRAMINGHAM	MA	01701
050-13-0031	1 TOWNSEND TERR	BROUWER, MICHAEL SPENSER	1	TOWNSEND TERR	FRAMINGHAM	MA	01701
049-03-9050	5 TOWNSEND TERR	BURCHELL RICHARD P & JO-ANN C	5	TOWNSEND TERR	FRAMINGHAM	MA	01701
059-91-7455	311 CENTRAL ST	BUZBY, ADAM & LECLAIR, ERIKA	311	CENTRAL ST	FRAMINGHAM	MA	01701
049-03-1011	54 SIMPSON DR	CASPER LEONARD R & LINDA T	54	SIMPSON DR	FRAMINGHAM	MA	01701
049-92-6106	82 SIMPSON DR	CHAKRABORTY, SAMIT	82	SIMPSON DR	FRAMINGHAM	MA	01701
059-91-5164	337 CENTRAL ST	CHAMMAS MICHAEL	337	CENTRAL ST	FRAMINGHAM	MA	01701
049-03-9440	26 SIMPSON DR	CHANDLER, ALLEN	35	BOLTON ST	CONCORD	MA	01742
070-89-1938	19 FENWAY DR	CHAVES, JOHN & JILLIAN	19	FENWAY DR	FRAMINGHAM	MA	01701
050-12-6768	133 CENTRAL ST	CHICK ANDREA L & RONALD J	133	CENTRAL ST	FRAMINGHAM	MA	01701
050-23-7197	42 CENTRAL ST	CHIU, HENRY K&L, MEI JIE	426	OLD CONN PATH	WAYLAND	MA	01778
059-91-6256	331 CENTRAL ST	COMATAS, GEORGE A & KIMBERLY M	331	CENTRAL ST	FRAMINGHAM	MA	01701
059-91-4837	90 SIMPSON DR	CONCANNON, GERARD & KIM	90	SIMPSON DR	FRAMINGHAM	MA	01701
049-02-6816	23 TOWNSEND TERR	CONRAD TR, MARY A;CONRAD FAMILY TRUST	23	TOWNSEND TERR	FRAMINGHAM	MA	01701
059-80-4506	37 FENWAY DR	DAVIS, ALEXANDER	37	FENWAY DR	FRAMINGHAM	MA	01701
049-03-2287	42 SIMPSON DR	DAVIS, MICHAEL H	42	SIMPSON DR	FRAMINGHAM	MA	01701
059-80-1393	29 FENWAY DR	DELANO WESLEY	29	FENWAY DR	FRAMINGHAM	MA	01701
049-92-5069	84 SIMPSON DR	DESPRES, DANIEL J & LISA M	84	SIMPSON DR	FRAMINGHAM	MA	01701
059-90-3797	375 CENTRAL ST	DEVEAU ALEXANDER & ETHEL	375	CENTRAL ST	FRAMINGHAM	MA	01701
070-89-9204	499 CENTRAL ST	DION, WAYNE E	499	CENTRAL ST	FRAMINGHAM	MA	01701
059-91-9980	279 CENTRAL ST	DONAHUE THOMAS F JR & BARBARA	279	CENTRAL ST	FRAMINGHAM	MA	01701
050-23-3812	46 WATER ST	DONNARUMMA, BENJAMIN P TR;BPD REALTY TRUST II	5	MILL ST NORTH	MARLBORO	MA	01752
059-80-5753	66 LINDA AVE	DRAKE, JANET TRUSTEE;SIXTY-6 LINDA AVE REALTY TRUST	66	LINDA AVE	FRAMINGHAM	MA	01701
059-91-8669	295 CENTRAL ST	ESHMAN, JAMES T & LINCOLN, LAURENE A	295	CENTRAL ST	FRAMINGHAM	MA	01701
049-02-6971	19 TOWNSEND TERR	FERREIRA, BENEDITO & CARDOSO-FERREIRA C	19	TOWNSEND TERR	FRAMINGHAM	MA	01701
050-23-8499	0 CENTENNIAL PL	FINLEY, JOHN H TR;SAXONVILLE REALTY TRUST	2	CENTRAL ST	FRAMINGHAM	MA	01701
050-22-9616	2 CENTRAL ST	FINLEY, JOHN H TR;SAXONVILLE REALTY TRUST	2	CENTRAL ST	FRAMINGHAM	MA	01701
070-89-2714	13 FENWAY DR	FLAHERTY, SUSAN M	13	FENWAY DR	FRAMINGHAM	MA	01701
070-89-2634	11 FENWAY DR	FLORES, LUCY & ARIAS, ISABEL	11	FENWAY DR	FRAMINGHAM	MA	01701
059-91-1702	98 SIMPSON DR	GALLANT, RAYMOND JR	98	SIMPSON DR	FRAMINGHAM	MA	01701
050-23-1746	62 WATER ST	GAO, XIN QUAN & YAO TRS;GAO'S 62 WATER STREET REALTY TRUST	14	GRIFFIN RD	FRAMINGHAM	MA	01701
049-03-6303	34 SIMPSON DR	GARCIA, FRANCISCO IGLESIAS TR;VANESSA TR	34	SIMPSON DR	FRAMINGHAM	MA	01701
059-80-2349	31 FENWAY DR	WITA, ERIK SCOTT & MELISSA	31	FENWAY DR	FRAMINGHAM	MA	01701
059-80-1200	25 FENWAY DR	GOMWE, ALOYS & PETTY	25	FENWAY DR	FRAMINGHAM	MA	01701
049-02-0971	56 SIMPSON DR	GOURLEY MARK JOHN & SHELLEY M	56	SIMPSON DR	FRAMINGHAM	MA	01701
049-02-8924	11 TOWNSEND TERR	GREEN JOHN T & JAMES F	11	TOWNSEND TERR	FRAMINGHAM	MA	01701
050-12-1905	2 TOWNSEND TERR	GUTMAN, RICHARD S & JUDITH S	2	TOWNSEND TERR	FRAMINGHAM	MA	01701
049-03-1107	50 SIMPSON DR	HAGGARD, GREGORY & LYNETTE	50	SIMPSON DR	FRAMINGHAM	MA	01701

SAXONVILLE POND
(FENWICK DAM TO SAXONVILLE DAM)

059-80-1015	21	FENWAY DR	HALE, MARGARET E & THOMAS S	21	FENWAY DR	FRAMINGHAM	MA	01701
050-23-6111	58	CENTRAL ST	HARRINGTON, GEORGE C & DIANTHA C TRUSTES;DCH REALTY TRUST	910	BOSTON POST RD SUITE 170	MARLBORO	MA	01752
070-89-1872	15	FENWAY DR	HENDRY, CHRISTOPHER L;CONNOR, JILLIAN G	15	FENWAY DR	FRAMINGHAM	MA	01701
059-91-4995	88	SIMPSON DR	HERBERT, MARK R	88	SIMPSON DR	FRAMINGHAM	MA	01701
050-12-0841	10	TOWNSEND TERR	HICKS RICKEY A & CAROL A	10	TOWNSEND TERR	FRAMINGHAM	MA	01701
050-13-0431	24	SIMPSON DR	HORNE, STACEY A & RUSSELL A&HORNE, DOREEN J	24	SIMPSON DR	FRAMINGHAM	MA	01701
059-91-2757	94	SIMPSON DR	MATTIA, KATHLEEN A TR;KATHLEEN A MATTIA TRUST	94	SIMPSON DR	FRAMINGHAM	MA	01701
050-12-1613	177	CENTRAL ST	HOULKER, KEVIN	177	CENTRAL ST	FRAMINGHAM	MA	01701
049-92-9636	62	SIMPSON DR	IARICCI, MAUREEN R	62	SIMPSON DR	FRAMINGHAM	MA	01701
049-03-8368	28	SIMPSON DR	JEWELL, RICHARD A II & VALERIE D	28	SIMPSON DR	FRAMINGHAM	MA	01701
049-02-4389	215	CENTRAL ST	JOINER LYNN E & JANE H	215	CENTRAL ST	FRAMINGHAM	MA	01701
059-81-6054	58	LINDA AVE	KARIBIAN, AMY	58	LINDA AVE	FRAMINGHAM	MA	01701
050-12-0897	6	TOWNSEND TERR	KELLY, SCOTT E & KAREN W	6	TOWNSEND TERR	FRAMINGHAM	MA	01701
059-80-5889	62	LINDA AVE	KING, PAUL F & SHEREE A	62	LINDA AVE	FRAMINGHAM	MA	01701
049-02-5715	31	TOWNSEND TERR	KLEIN JONATHAN & ANNBETH	31	TOWNSEND TERR	FRAMINGHAM	MA	01701
049-03-1297	46	SIMPSON DR	KOHLER, THOMAS & STACEY R	46	SIMPSON DR	FRAMINGHAM	MA	01701
049-02-2445	221B	CENTRAL ST	LAKE, KELLY F	221B	CENTRAL ST	FRAMINGHAM	MA	01701
049-02-9730	9	HALLETT RD	LARIVEE DONNA L	9	HALLETT RD	FRAMINGHAM	MA	01701
059-80-9549	403RR	CENTRAL ST	LAVIN, FRANK J	399	CENTRAL ST	FRAMINGHAM	MA	01701
059-90-1657	397	CENTRAL ST	LAVIN, SHIRLEY A & WHITE, DONN; LAVIN, CLINTON J	397	CENTRAL ST	FRAMINGHAM	MA	01701
050-13-7612	2	SIMPSON DR	LEARY FRANK J & CLAIRE F	2	SIMPSON DR	FRAMINGHAM	MA	01701
050-13-2431	18	SIMPSON DR	LEVINE, MICHAEL J	18	SIMPSON DR	FRAMINGHAM	MA	01701
049-92-8531	70	SIMPSON DR	LOW, JEFFREY TYLER&FRANKLIN, HILARY D	70	SIMPSON DR	FRAMINGHAM	MA	01701
050-23-7108	48	CENTRAL ST	LYNCH, MARY TR&JOHN MINAHAN	50	EUSTIS AVE	WAKEFIELD	MA	01880
049-92-7483	74	SIMPSON DR	MAGAS CHERYL L	74	SIMPSON DR	FRAMINGHAM	MA	01701
049-02-9779	14	TOWNSEND TERR	MAHONEY, GERARD F & PICARD, MAUREEN	14	TOWNSEND TERR	FRAMINGHAM	MA	01701
049-92-9784	60	SIMPSON DR	MARK, EYAL J & ROBIN M	60	SIMPSON DR	FRAMINGHAM	MA	01701
049-02-1141	241	CENTRAL ST	MARTIN DONALD L & DIANE M	241	CENTRAL ST	FRAMINGHAM	MA	01701
059-81-7232	54	LINDA AVE	MASTROIANNI, JOHN	54	LINDA AVE	FRAMINGHAM	MA	01701
049-92-5022	86	SIMPSON DR	MAWHINNEY, DAVID A & SARA E	86	SIMPSON DR	FRAMINGHAM	MA	01701
059-80-4568	39	FENWAY DR	MCKINNON, TIMOTHY J TR;THE 39 FENWAY DRIVE REALTY TRU	39	FENWAY DR	FRAMINGHAM	MA	01701
049-02-9585	1	HALLETT RD	MEADOWS, VALERIE	1	PO BOX 2871	ACTON	MA	01720
049-03-7377	30	SIMPSON DR	MERETSKY, PAUL L & ERNESTINE L	30	HALLETT RD	FRAMINGHAM	MA	01701
050-12-2625	169	CENTRAL ST	MITCHELL GEORGE M & AGOTA K	169	SIMPSON DR	FRAMINGHAM	MA	01701
059-80-6927	60	LINDA AVE	MKRTCHIAN, GRACHIK & JENNIFER	60	CENTRAL ST	FRAMINGHAM	MA	01701
059-91-6347	315	CENTRAL ST	MONAHAN ROBERT	315	LINDA AVE	FRAMINGHAM	MA	01701
059-91-3840	92	SIMPSON DR	MONTEIRO, EDIVALDO & ELIZABETH FERREIRA	92	CENTRAL ST	FRAMINGHAM	MA	01701
049-02-4750	35	TOWNSEND TERR	MUDGETT, JAMES E & HOYT, PATRICIA F	35	TOWNSEND TERR	FRAMINGHAM	MA	01701
049-02-0081	261	CENTRAL ST	NEMETH, YANOS A & PRISCILLA B TRS	261	TOWNSEND TERR	FRAMINGHAM	MA	01701
049-03-6395	32	SIMPSON DR	O CONNOR DAVID	32	CENTRAL ST	FRAMINGHAM	MA	01701
049-02-5419	213	CENTRAL ST	ORTIZ, GEORGE JR & NICOLE MARIE	213	SIMPSON DR	FRAMINGHAM	MA	01701
050-13-1402	22	SIMPSON DR	PALENCHAR, ROBERT	22	CENTRAL ST	FRAMINGHAM	MA	01701
049-03-1224	48	SIMPSON DR	PARRY, MICHAEL	48	SIMPSON DR	FRAMINGHAM	MA	01701
050-23-0716	66	WATER ST	PATEL, MARK & MAYA TRS;RAM REALTY TRUST	12	DERBY ST	FRAMINGHAM	MA	01701
050-13-3319	16	SIMPSON DR	PETTEPIT FRANCIS D & ANNEMARIE	16	SIMPSON DR	FRAMINGHAM	MA	01701
059-80-3552	35	FENWAY DR	PIERSON, STEWART & SHANNON L	35	FENWAY DR	FRAMINGHAM	MA	01701

SAXONVILLE POND
(FENWICK DAM TO SAXONVILLE DAM)

070-89-1960	17 FENWAY DR	PINZONE, SANDRA J	17	FENWAY DR	FRAMINGHAM MA	01701
050-13-4314	14 SIMPSON DR	POWERS, ANNA M	14	SIMPSON DR	FRAMINGHAM MA	01701
059-91-1775	96 SIMPSON DR	PURDY, SEILER C & DETRICK, MEGHAN A	96	SIMPSON DR	FRAMINGHAM MA	01701
049-03-4247	38 SIMPSON DR	RICHARDS III, LEO F & LISA ANN	38	SIMPSON DR	FRAMINGHAM MA	01701
050-13-1473	20 SIMPSON DR	RIMICCI, STEVEN M	20	SIMPSON DR	FRAMINGHAM MA	01701
049-03-1019	52 SIMPSON DR	RUNDLETT DAVID E & JULIE L	52	SIMPSON DR	FRAMINGHAM MA	01701
049-92-8588	64 SIMPSON DR	SCALZI, EDWARD J & GROVER, JACQUELINE	64	SIMPSON DR	FRAMINGHAM MA	01701
059-81-6192	56 LINDA AVE	SCHNEIDER, THOMAS M	56	LINDA AVE	FRAMINGHAM MA	01701
049-02-5862	27 TOWNSEND TERR	MITCHELL, GEORGE L JR & MARY	27	TOWNSEND TERR	FRAMINGHAM MA	01701
049-02-7952	15 TOWNSEND TERR	SMITH FRANK J & MARY M	15	TOWNSEND TERR	FRAMINGHAM MA	01701
049-02-0831	58 SIMPSON DR	SMITH, ASHLEY & FRANCO, RAFAEL	58	SIMPSON DR	FRAMINGHAM MA	01701
050-13-5316	8 SIMPSON DR	STAMPS JR NARVOUS & JOYCE	8	SIMPSON DR	FRAMINGHAM MA	01701
050-13-5490	6 SIMPSON DR	STASSA PETER H & ROSEMARIE	6	SIMPSON DR	FRAMINGHAM MA	01701
049-03-3266	40 SIMPSON DR	STOURNARAS, PETER C & JENNIFER	16	MCCOMB RD	PRINCETON NJ	08540
050-13-8777	102 WATER ST	RATZAT, WALTER & GANZ, CARRIE	102	WATER ST	FRAMINGHAM MA	01701
050-23-1239	0 CENTRAL ST	SUDBURY VALLEY TRUSTEES INC	18	WOLBACH RD	SUDBURY MA	01776
059-90-2969	0 CENTRAL ST	SUDBURY VALLEY TRUSTEES INC	18	WOLBACH RD	SUDBURY MA	01776
049-02-8997	9 TOWNSEND TERR	SVIRYDZIUK, TATSIANA	9	TOWNSEND TERR	FRAMINGHAM MA	01701
059-90-4868	363 CENTRAL ST	TAYLOR TR, LAURENE	363	CENTRAL ST	FRAMINGHAM MA	01701
049-92-6380	78 SIMPSON DR	THOMPSON, EVA M	197	SALEM END RD	FRAMINGHAM MA	01701
059-81-9461	SIMPSON DR	TOWN OF FRAMINGHAM; PARKS & RECREATION DEPARTMENT	475	UNION AVE	FRAMINGHAM MA	01702
050-23-3426	END CENTENNIAL PL	TOWN OF FRAMINGHAM; TAX TITLE-C/O TOWN MANAGER	150	CONCORD ST	FRAMINGHAM MA	01702
050-12-3865	151RR CENTRAL ST	TOWN OF FRAMINGHAM; TAX TITLE-C/O TOWN MANAGER	150	CONCORD ST	FRAMINGHAM MA	01702
059-80-7000	425 CENTRAL ST	TOWN OF FRAMINGHAM; TAX TITLE-C/O TOWN MANAGER	150	CONCORD ST	FRAMINGHAM MA	01702
070-89-6233	541 CENTRAL ST	TOWN OF FRAMINGHAM; TAX TITLE-C/O TOWN MANAGER	150	CONCORD ST	FRAMINGHAM MA	01702
070-88-6846	581 CENTRAL ST	TOWN OF FRAMINGHAM; TAX TITLE-C/O TOWN MANAGER	150	CONCORD ST	FRAMINGHAM MA	01702
070-88-8845	474 CENTRAL ST	TOWN OF FRAMINGHAM; SEWER DEPARTMENT	150	CONCORD ST	FRAMINGHAM MA	01702
049-03-5320	36 SIMPSON DR	VEZZA, AMY K & KRISTINE M	36	SIMPSON DR	FRAMINGHAM MA	01701
059-80-3405	33 FENWAY DR	VLAHOS GEORGE	33	FENWAY DR	FRAMINGHAM MA	01701
049-02-9662	3 HALLETT RD	WELCH TRS, ROBIN RAY & WELCH, KAREN LOUISE WAREING-	3	HALLETT RD	FRAMINGHAM MA	01701
059-80-5862	64 LINDA AVE	WHITE AARON M	64	LINDA AVE	FRAMINGHAM MA	01701
049-92-7336	76 SIMPSON DR	WOLSTENCROFT, THOMAS	76	SIMPSON DR	FRAMINGHAM MA	01701

ATTACHMENT B

Project Description



1.0 Introduction:

This notice of intent is being filed with the Framingham Conservation Commission on behalf of the Town of Framingham. Based on the goals of the applicant, a multiple-year management program is being proposed to restore open water habitat in the impounded section of the Sudbury River. Habitat value, water quality, and recreational accessibility have all been significantly impaired by the growth of non-native and invasive aquatic plants, specifically water chestnut (*Trapa natans*).

The proposed project has been filed as an Ecological Restoration Limited Project under 310 CMR 10.53(4) as the program will benefit water quality as well as fish and wildlife habitat.

2.0 Site Description:

The Sudbury River originates from the Cedar Swamp in Westborough and travels east through the MWRA reservoir system before reaching the approximate 38-acre impounded section of the river that is the focus of this management program (Fenwick Street Dam to the Saxonville Dam). Once the water leaves the impounded section over the Saxonville Dam, it flows northeast where it eventually joins the Concord River. The ponded section of the river comprises roughly one mile of the 33-mile long Sudbury River system. Much of the shoreline area of this section of the river is developed with predominantly residential properties. Currently, there are five (5) invasive plant species impacting this section of the river. Water chestnut (*Trapa natans*), fanwort (*Cabomba caroliniana*), Eurasian watermilfoil (*Myriophyllum spicatum*), variable watermilfoil (*Myriophyllum heterophyllum*), and purple loosestrife (*Lythrum salicaria*) have all been documented within the designated area at varying frequency and abundance. As a whole these other species are growing at much lower density and more limited distribution than the water chestnut. Although the water chestnut growth is currently responsible for the greatest impact to the system and is the species in most need of active management, we understand the presence of the other invasive plants will influence management of the water chestnut and the effective management of the area over the long-term.



Problem Statement:

The impounded section of the Sudbury River currently supports dense contiguous growth of water chestnut throughout approximately 32 acres or roughly 85% of the sections surface area. In contrast, the submersed invasive plant growth is currently limited to areas of reduced water chestnut canopy, which would suggest that their growth is being limited by the dense cover of water chestnut. Because of this abundance of water chestnut, we feel that the first phase of management should focus on the control of this species. Water chestnut is an extremely invasive species, prolifically producing seeds that can remain viable for 7-10 years. As a result of this robust reproductive strategy and the hearty nature of the plant, growth can quickly reach problematic levels in a short period of time, if left unmanaged. Although we are proposing initial management of the water chestnut, the submersed non-native plant species will require that the management program evolve in response to changing plant growth conditions (increasing invasive submersed plant growth as a result of decreasing water chestnut canopy). This flexibility in management focus and approach is the cornerstone of integrated plant management (IPM) and effective long-term control of dynamic aquatic systems.

3.0 Proposed Vegetation Management Plan:

Typically 3-5 years of large scale annual water chestnut management is sufficient to reduce the infestation to the point that other smaller scale control options can be considered. For this reason, we are requesting a five-year approval for the implementation of an aquatic vegetation management



program.

Goals

The Town of Framingham and SOLitude Lake Management feel the primary objective of this management plan is to restore habitat for fisheries, wildlife, and for recreational purposes. The management goals, first and foremost, include eradication of water chestnut, followed by reducing the remaining invasive species that exist in the waterbody. The annual management focuses and determination of a specific strategy of invasive species removal will be predicated upon vegetation survey data that will be collected prior to active management and following each annual control effort.

3.1 Pre & Post Management Surveys

The pre & post management surveys will focus on collecting data necessary for evaluating management efficacy, non-target impacts, and future management needs. The vegetation survey protocols (outlined below) used to conduct the initial assessment of area in 2015 will be replicated before and after each management effort annually.

A detailed visual vegetation survey of the management area will be performed using a throw-rake and underwater camera system prior to and following each annual management program. General emergent and submersed plant assemblages will be identified and mapped. In addition to an overall qualitative survey of the plant growth, quantitative data at specific GPS-referenced points will be collected. Quantitative data will be collected at a minimum of 38 point locations. At each pre-established data point location, the following information will be recorded:

- GPS coordinates
- Water depth
- [Qualitative] sediment type
- Aquatic submersed & emergent plant species present
- Relative abundance of each species present
- Total percent bottom covered (i.e., percent of bottom obscured by plant growth)
- Total plant biomass (i.e., an ascending index of plant height within the water column with 0 defined as no plant growth and 4 defined as plant growth extending to the water's surface)

Georeferenced photographs depicting the representative aquatic vegetation assemblage at each point will also be captured.

GIS based vegetation distribution maps along with a written report outlining the survey result and proposed management strategy will be provided to the Conservation Commission prior to active management each year.

3.2 Management Techniques

A combination of management techniques including but limited to chemical, mechanical, or manual removal may be employed. The outline below presents some of the many factors that are considered when selecting from these management strategies.

- Distribution and density of target species
- Treatment will result in seasonal elimination of the target species and allow physical management techniques to regain effectiveness in future years
- Potential for success with physical removal techniques (i.e. hand-harvesting, benthic barrier placement) based on:
 - Existence of native species; moderate to dense abundances may render finding the target species difficult
 - Density of target species; most effective when density is less than 500 stems/acre
- Areas are located within high traffic locations and fragmentations, as a result of boat traffic and/or swimming activities are likely.



SOLitude Lake Management is proposing that the initial water chestnut management be performed through the application of the aquatic herbicide Clearcast (active ingredient imazamox).

Clearcast Treatment Program

Clearcast has shown very good activity on water chestnut as a foliar spray elsewhere in the Northeast and has a much more favorable toxicology profile than other 2,4-D based herbicides. In fact, Clearcast is labeled for direct application to drinking water reservoirs at low doses. Because of its favorable toxicology and its proven efficacy on water chestnut, we feel that it is the best chemical treatment option for this site. Like all foliar herbicide treatments, it will be necessary to conduct two applications per growing season in order to achieve a high level of target plant control. Treatment timing will be largely dependent upon plant maturity; however, based on typical growth patterns we anticipate that the initial treatment will be performed in early June (when rosettes erupt the water surface). The second treatment will be performed approximately 3-4 weeks after the initial treatment.

Imazamox (Clearcast – EPA # 241-437-67690)

The USEPA/MA registered herbicide Imazamox is a systemic herbicide that will be applied to water chestnut at or below the permissible label dose. While being recently registered in Massachusetts, it has been registered for multiple years by the USEPA and utilized outside of the state to manage floating-leaf, and emergent vegetation. Due to the nature of foliar treatment and the potential for plants to be missed, we will conduct two treatments per season to achieve maximum control. Temporary water use restrictions for Imazamox are now: 1) No drinking or cooking until residue testing results are below 50 ppb, 2) No irrigation until concentrations are below 50 ppb. There are no restrictions on swimming, boating, fishing, watering of livestock, or domestic use, but prudent herbicide management suggests that we close the pond on the day of treatment. The shoreline of the pond will be posted with signs warning of these temporary water use restrictions prior to treatment.

Control of water chestnut with Clearcast is best achieved using a foliar application of the product to the floating rosettes of the plant at a rate of 0.5-1.0 gals per acre. The foliar spray will be applied using a hand-gun sprayer. This application method allows the applicator trained in aquatic and wetland plant ID to avoid desirable native plants and more selectively apply the product to the target water chestnut growth. This treatment approach also uses a coarse spray pattern with larger droplet sizes (>30 microns) that reduce the potential for off-target aerial drift. Once the Clearcast is applied to the water chestnut it is quickly absorbed by foliage and rapidly translocated to the growing points stopping growth. This rapid absorption coupled with the properties of the herbicide mixture result in the treated plant foliage being dry within 10-15 minutes following application. The concentrated herbicide is diluted with pond water onboard the treatment vessel and applied to the leaves via a low-volume pumping system. A spray adjuvant, MSO, or Methylated Seed Oil, will be mixed with the diluted herbicide to improve efficacy. MSO is a non-ionic, modified vegetable oil with 15% surfactant content. Non-ionic adjuvants are used for aquatic treatments and are composed of fatty acids that will not harm the plant, but will increase penetration of the herbicide into the thick waxy cuticle of the water chestnut's rosettes.

Chemical Descriptions

Additional, more detailed information on Clearcast can be found at the **Massachusetts Department of Conservation and Recreation, Lakes and Ponds Program website**. There are links under the Publications tab to the "Generic Environmental Impact Report for Eutrophication and Lake Management in Massachusetts" and the "Practical Guide to Lake Management in Massachusetts." <http://www.mass.gov/eea/agencies/dcr/water-res-protection/lakes-and-ponds/lakes-ponds-more-pubs-generic.html>

Additional information on these herbicides can be found at the **Massachusetts Department of Agricultural Resources website**: <http://www.mass.gov/agr/pesticides/water/Aquatic/Herbicides.htm>



D.A.S.H. (Diver Assisted Suction Harvesting)

Diver assisted suction harvesting, or D.A.S.H., is a form of physical removal. A pontoon boat equipped with the D.A.S.H. apparatus (pump, filter, hoses, and breathing system) collects plant biomass in the specified locations. Two men remain on the pontoon boat while one man carries the suction hose to the milfoil location for removal. Multiple divers and suction hoses can be employed to cover larger areas. The diver(s) hand pulls to uproot the plant and places it into the suction hose. The stems are left in-tact to reduce fragmentation and discharged onto the discharge table. The excess water and sediment are redirected and expelled back into the lake. D.A.S.H. has been utilized successfully in Lake Cochituate and Wachusett Reservoir for several years.

Hand Harvesting

Hand harvesting is a form of physical removal where the target vegetation is harvested by hand. The plants are then placed into a bag in the boat and the bags are brought to shore for proper removal. This technique is more often utilized when the target vegetation is less than 500 stems/acre. Hand-harvesting must be employed before the seeds are produced and is most useful in small, shallow areas where access is limited for large boats or harvesters. Time and physical effort are the costs associated with this technique and can limit the overall efficacy.

Benthic Barrier

Benthic barriers are used on smaller infestations to suppress plant growth. Aqua screen/PALCO material is arranged on the river bottom and secured by steel re-bar enclosed in PVC tubing. It is a semi-permanent "blanket" covering a specified area of the lake bottom. Monthly maintenance should be arranged to insure there is no plant growth on the matting itself. Benthic barriers are most commonly used when the target vegetation distribution is contained in small areas.

4.0 Alternatives Analysis:

Alternatives to the proposed Aquatic Plant Management Plan were considered. SLM evaluated all available strategies for the control of water chestnut and long-term management of the area. Findings and recommendations were based on direct experience and discussions found in the *Eutrophication and Aquatic Plant Management in Massachusetts Final Generic Environmental Impact Review* (FGEIR, EOEA 2004).

Mechanical Harvester

Mechanical harvesters are large pieces of machinery that employ a variable-depth cutting bar and a conveyor to cut plant stems below the water surface and immediately collect the cut material. The machines are propelled by paddle wheels and are able to operate in depths of approximately two feet and greater. Once the machine reaches storage capacity for the collected cut material, the machine travels to a designated shoreline offload location.

Although we will continue to evaluate the feasibility and benefits of this management technique as the project progresses, the current lack of suitable shoreline access and off-loading points, coupled with the concerns over spreading the non-native submersed species we do not think that this is the best management approach at this time. As target plant infestations change in response to initial management efforts, however, mechanical harvesting may become a more desirable management option in the future.

Sediment Excavation/Dredging: Not recommended

Dredging nutrient rich bottom sediment is sometimes used as a strategy to control excessive weed growth. Conventional (dry) or hydraulic dredging would require the expenditure of hundreds of thousands of dollars in design and permitting fees alone. Dredging may also have severe impacts to aquatic organisms (i.e. fish and macroinvertebrates) in the ponds with no guarantees of elimination of invasive vegetation.

Winter/Summer Drawdown: Not recommended

Drawdown is the process of "de-watering" a water-body. The water level is lowered by pumping,



siphoning, or opening a pipe or gate in the dam. Winter drawdowns can be effective on perennials that depend on vegetative propagation and over-wintering strategies. Annuals (such as water-chestnut) depend solely on seed germination which can remain viable in the soil for 5-10 years and therefore, will be unaffected by seasonal drawdowns. Once the water chestnut has been eradicated from the river, seasonal drawdowns could be a viable option for milfoil and fanwort control, but will have detrimental effects on the native submerged and emergent plant species, as well as possible negative impacts to wildlife habitat and fisheries.

Biological: Not Recommended

There are no proven biological controls available or approved by the State for the control of the target aquatic plant species present at the impounded section of the Sudbury River.

Do Nothing: Not Recommended

Water chestnut is a highly aggressive plant that requires an aggressive management effort to mitigate its detrimental impact on habitat, water quality, and recreational value. The lack of management at Saxonville Pond since the introduction of water chestnut is proof that ignoring this problem will only result in the continued degradation of the natural functions of the system.

6.0 Compliance

Massachusetts Wetlands Protection Act:

The objective of this project is the management of non-native vegetation through the integration of chemical and/or physical control strategies. The proposed management activities will temporarily impact approximately 38 acres of Land Under Water. Impacts will be limited to the removal of vegetation from the water column. Impacts to Land Under Water will meet the performance standards detailed in the Wetlands Protection Act Regulations at 310 CMR 10.56(4). Proposed non-native vegetation removal will enhance the carrying capacity within the channel and wildlife habitat functions and have no effect on ground and surface water quality or the capacity of the land to provide breeding habitat, escape cover and food for fisheries.

The proposed management activities are consistent with the guidelines in the following documents:

- Final Generic Environmental Impact Report: Eutrophication and Aquatic Plant Management in Massachusetts (June 2004) □ Guidance for Aquatic Plant Management in Lakes and Ponds: As it Relates to the Wetlands Protection Act (April 2004 – DEP Policy/SOP/Guideline # BRP/DWM/WW/G04-1)
- The Practical Guide to Lake Management in Massachusetts (2004).

DEP License to Apply Chemicals:

All chemical applications will be performed by Certified Applicators. The USEPA/MA registered aquatic herbicides will be applied at recommended label rates, in accordance with the "Order of Conditions" and DEP "License to Apply Chemicals" permits (BRP WM04). Prior to treatment the shoreline will be posted with signs, warning of all temporary water use restrictions. A site specific "License to Apply Chemicals" for the proposed treatment will be filed with Massachusetts DEP, Office of Watershed Management.

Massachusetts Environmental Policy Act:

The strategies proposed in this NOI are options approved under the Massachusetts Environmental Protection Act (MEPA) process that was approved in 2004 with the issuance of the FGEIR and the *Practical Guide to Lake and Pond Management in Massachusetts*. These approaches do not require individual MEPA review.

7.0 Impacts of the Proposed Management Plan Specific to the Wetlands Protection Act:

Protection of public and private water supply –The impounded section of the Sudbury River is not used directly as a drinking water supply. Aquatic herbicide treatments at the pond will not have any adverse impacts on the public or private water supply, when used in accordance with the project label



and conditions of the MA DEP License to Apply Chemicals.

Protection of groundwater supply – According to available studies, there is no reason to believe that the groundwater supply will be adversely impacted by the application of the chemicals at the proposed rates to the impounded section of the Sudbury River, when used in accordance with the project labels. Contamination of groundwater by aquatic herbicides is limited by their low rate of application, rapid rate of degradation, and uptake by target plants. Solitude's State licensed applicators take all necessary precautions when mixing and disposing of all chemical containers. No harm to the groundwater supply will be done by mechanical harvesting.

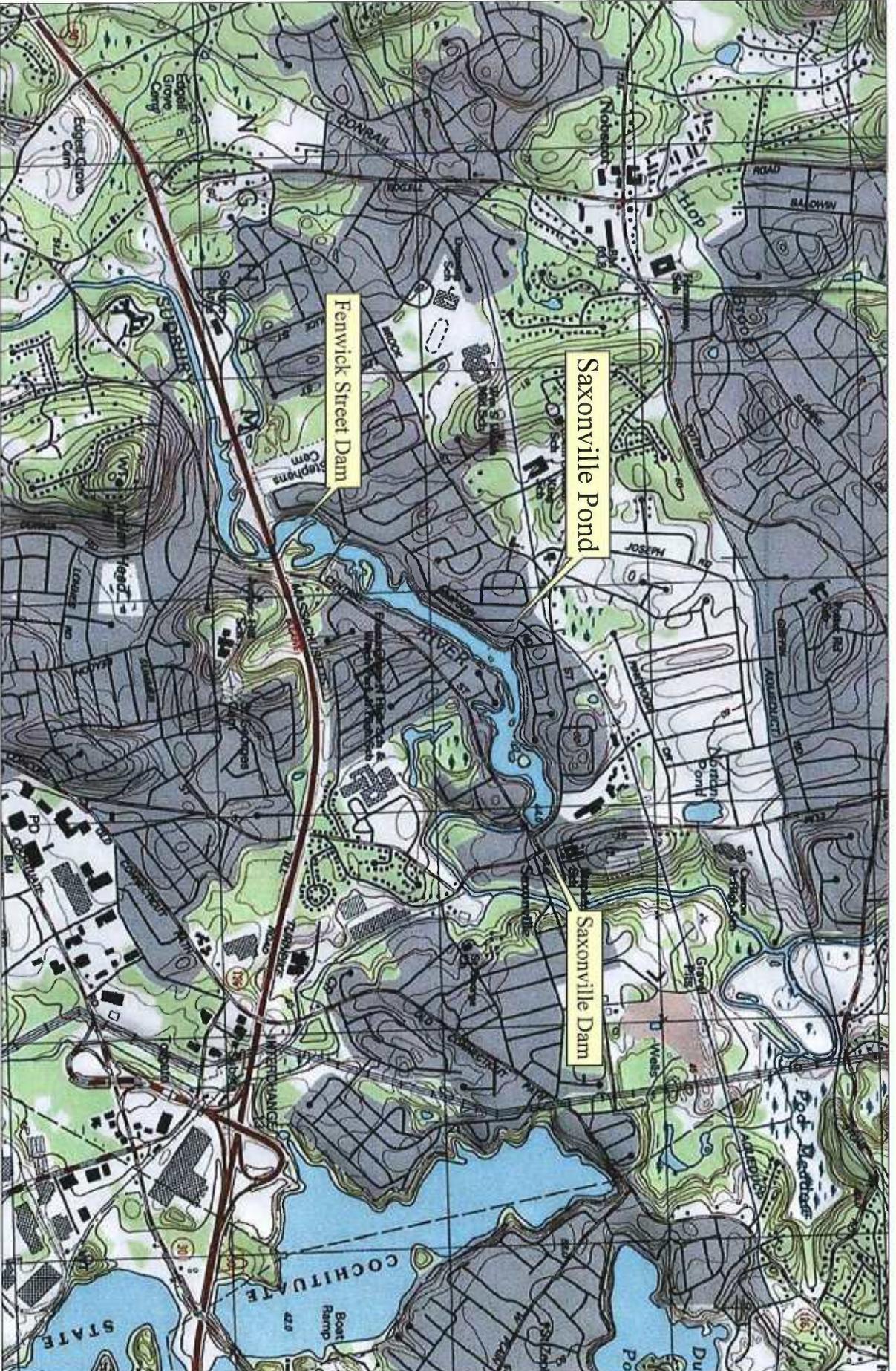
Flood control and storm damage prevention – No construction or alterations of the existing floodplain and storm damage prevention characteristics of the pond are proposed.

Protection of fisheries and wildlife habitat – In general, excessive and abundant plant growth, provides poor wildlife habitat for fish and other wildlife. The floating rosettes of water chestnut block sunlight from penetrating the pond bottom that is essential for the growth of the natural food sources that are being stifled from this invasive plant. The proposed management plan is expected to remove the current extensive growth that has replaced the original food sources and available habitat.

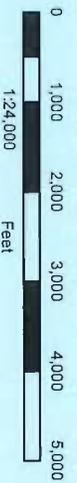
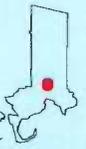
Protection of land containing shellfish – Generally neutral, for use by hand-harvesting and D.A.S.H. techniques, but possible direct toxicity by imazamox is possible under unusual circumstances. Possible temporary loss of shellfish could occur in area of benthic barrier placement, but once removed, will again become available habitat.

Prevention of pollution – No long-term degradation of water quality or increased pollution is expected by the proposed management activities. The proposed herbicides are relatively slow-acting in controlling the nuisance vegetation. This results in a slow release of nutrients from the decaying plants, reducing the potential for increases in nutrients that can cause algae blooms. Removal of the excessive growth of aquatic vegetation will contribute to improved water circulation. The post-treatment decrease in plant biomass will help to decrease the rate of eutrophication currently caused by the decomposing of excessive plant material.

Saxonville Pond Site Locus



Saxonville Pond
Framingham, MA



SOLITUDE
LAKE MANAGEMENT

Distribution and Relative Abundance of *Trapa natans*



Sudbury River
Framingham, MA



Data Collected: 08/28/2015
Map Prepared: 11/11/15
For: Audubon Society
Basemap © 2013 Esri



- Legend**
- Dense (33 ac.)
 - Moderate (5 ac.)
 - Sparse (1 ac.)
 - Trace (8 ac.)

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ATTACHMENT D

Herbicide/Algaecide Information

Detailed information herbicides proposed in this NOI can be found at the **Massachusetts Department of Conservation and Recreation, Lakes and Ponds Program website**. There are links under the Publications tab to the "Generic Environmental Impact Report for Eutrophication and Lake Management in Massachusetts" and the "Practical Guide to Lake Management in Massachusetts."

<<http://www.mass.gov/eea/agencies/dcr/water-res-protection/lakes-and-ponds/>>

Additional information on these herbicides can be found at the **Massachusetts Department of Agricultural Resources website**

<http://www.mass.gov/eea/agencies/agr/pesticides/aquatic-vegetation-management.html>