



24 February 2025

Bellingham Conservation Commission
Bellingham Town Hall
10 Mechanic Street
Bellingham, MA 02019

Re: Request for Determination of Applicability (RDA) along MBTA Right-of-Way Operated by Keolis Commuter Services (Purple Lines)

Dear Commission Members:

On behalf of the Massachusetts Bay Transportation Authority (MBTA) and Keolis Commuter Services, LLC (Keolis) owner and operator of the Commuter Rail passenger service in Massachusetts, Benesch is submitting the enclosed RDA for the review of the wetland map(s) along the railroad right-of-way (ROW) within your community as part of the renewal of the five-year Vegetation Management Plan (VMP).

Keolis is obligated under Federal regulation to implement controls for vegetation along the railroad Right-of-Way (ROW). Under the jurisdiction of the Rights of Way Management Program [333 CMR 11.00], Keolis implements a Vegetation Management Plan (VMP) approved every five years by the Massachusetts Department of Agricultural Resources (MDAR) in consultation with a multi-agency Advisory Council including the Massachusetts Department of Environmental Protection (MassDEP). The objective of the VMP is to eliminate, control and manage vegetation along the ROW that represents *“any real or potential condition that can cause injury, illness, or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure of a public transportation system; or damage to the environment”* as required by the Federal Transit Administration (FTA) and Federal Railroad Administration (FRA) to ensure safe operations and in doing so, ensure the protection of the general interests of the Commonwealth of Massachusetts. [49 CFR 673.5; 49 CFR 237].

By way of background information, the final Rights of Way Management regulation effective since 1987 [333 CMR 11.00] was the result of an extensive review initiated by the Department of Food and Agriculture (DFA) in consultation with a technical advisory task force of environmentalists, state agencies and rights of way managers who assisted in the General Environmental Impact Report (GEIR) preparation. Based on results of the study, they recommended to the Secretary of Environmental Affairs a framework for a *“coherent state-wide rights of way regulatory program”*. During the GEIR process, MassDEP and DFA (now MDAR) worked closely to include provisions which give maximum protection for water supplies and provide protection for wetlands as prescribed within M.G.L. c. 131, § 40 and 310 CMR 10.00. Specifically, the Rights of Way Management regulations presume that work performed in accordance with a VMP and Yearly Operational Plan (YOP), as required under the 333 CMR 11.00 regulations, **will not alter an area subject to protection under M.G.L. c. 131, § 40**.

In 2020, your commissions determination has allowed Keolis to conduct vegetation management activities over the last five years in accordance with the 333 CMR 11.00 and Keolis' VMP. Each year since the determination was issued, you have been supplied with Keolis' YOP and ROW map(s) including the wetlands locations and sensitive receptors.

Keolis is currently in the process of renewing the five-year VMP that will expire on December 31, 2025. In accordance with the Wetlands Protection Act, RDA's issued for work conforming to 333 CMR 11.00 are in effect for the five-year life of the VMP and must be renewed with the VMP. Accordingly, enclosed please find the RDA to renew the wetland map(s) along the ROW in your municipality. The enclosed map(s) represent the location of the permanent marking setbacks prescribed by 333 CMR 11.00 to protect the resources in your community. There are no proposed changes to the existing maps and permanent markings in the field from the previous filing. The maps included in the filing are provided in

USGS 1:5,000, as required by the regulations. The maps have been revised to reflect the latest revisions to all surface/drinking water supply zones as identified on maps supplied by MassGIS.

The safety of employees, passengers and neighboring communities is of high priority. Nonetheless, while the VMP railroad maintenance activities objective is to eliminate, control and manage vegetation along the rail ROW, these maintenance activities are executed with consideration of neighboring communities and the environment. To review the proposed VMP, please visit www.fdcerailroadvegetation.com.

In the interests of the Commonwealth of Massachusetts and in accordance with M.G.L. c. 131, § 40, upon review of the enclosed RDA, please consider a positive 2a and negative number 5 determination citing exemptions 310 CMR 10.03(6)(b) and 310 CMR 10.58(6)(a).

If you have any questions, please do not hesitate to call Ana Rita Pascoal at (617)222-8094 (ana.pascoal@Keoliscs.com) and or you may reach me at (207)741-1905 (mdonovan@benesch.com).

Very truly yours,
Benesch



Matt Donovan, EI
Senior Designer

Enclosure

cc: Ana Rita Pascoal, Keolis
Janis O. Kearney, MBTA
Alicia Thoms, MBTA
Regional Office, DEP



Massachusetts Department of Environmental Protection

Bureau of Water Resources - Wetlands

WPA Form 1 - Request for Determination of Applicability

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

Municipality _____

A. General Information

Important:

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

**1. Applicant:**

First Name _____ Last Name _____

Address _____

City/Town _____ State _____ Zip Code _____

Phone Number _____ Email Address _____

2. Property Owner (if different from Applicant):

First Name _____ Last Name _____

Address _____

City/Town _____ State _____ Zip Code _____

Phone Number _____ Email Address (if known) _____

3. Representative (if any)

First Name _____ Last Name _____

Company Name _____

Address _____

City/Town _____ State _____ Zip Code _____

Phone Number _____ Email Address (if known) _____

B. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

Street Address _____ City/Town _____

Latitude (Decimal Degrees Format with 5 digits after decimal
e.g. XX.XXXXX)

Longitude (Decimal Degrees Format with 5 digits after decimal e.g. -XX.XXXXX)

Assessors' Map Number _____ Assessors' Lot/Parcel Number _____

b. Area Description (use additional paper, if necessary):**c. Plan and/or Map Reference(s): (use additional paper if necessary)**

Title _____ Date _____

Title _____ Date _____



Massachusetts Department of Environmental Protection

Bureau of Water Resources - Wetlands

WPA Form 1 - Request for Determination of Applicability

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

Municipality _____

B. Project Description (cont.)

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

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single-family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



Massachusetts Department of Environmental Protection

Bureau of Water Resources - Wetlands

WPA Form 1 - Request for Determination of Applicability

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

Municipality _____

C. Determinations

1. I request the _____ make the following determination(s). Check any that apply:
Conservation Commission

- a. whether the **area** depicted on plan(s) and/or map(s) referenced above is an area subject to jurisdiction of the Wetlands Protection Act.
- b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced above are accurately delineated.
- c. whether the **Activities** depicted on plan(s) referenced above is subject to the Wetlands Protection Act and its regulations.
- d. whether the area and/or Activities depicted on plan(s) referenced above is subject to the jurisdiction of any **municipal wetlands' ordinance or bylaw** of:

Name of Municipality _____

- e. whether the following **scope of alternatives** is adequate for Activities in the Riverfront Area as depicted on referenced plan(s).

D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Signature of Applicant _____

Date _____

Signature of Representative (if any) _____

Date _____

WPA Form 1 - Request for Determination of Applicability – Project Description – Activity/Work Description

The “work” is related to vegetation management, control, and maintenance activities for the years 2026-2030 taking place within the railroad right-of-way (ROW) for compliance with FRA, 49 CFR § 213. The Vegetation Management Plan (VMP) is necessary for creating a safer railroad for employees, passengers, and neighboring communities. It implements various approaches towards management of nuisance vegetation along the ROW including chemical and mechanical methods as represented within the VMP available for viewing at fdcerailroadvegetation.com. The attached, previously approved, wetland maps are provided for your review, and final maps will be incorporated into the VMP as part of the Rights of Way Management Program 333 CMR 11.00 which incorporates 310 CMR 10.03 (6) to ensure protection of resource areas within your community.

Each year, Keolis’ Yearly Operational Plan includes chemical applications to manage vegetation. The chemical applications typically include a roadbed program conducted in the fall and a brush program in the late summer months. The roadbed program is designed to keep the ballast section and shoulder, yards, switches, signals, and grade crossings weed free. The brush program is designed to prevent the re-growth of trees and other woody vegetation in areas adjacent to the roadbed.

The colors of the tracks on the maps depict the chemical application restrictions as described below. Sensitive Areas have been defined in the Commonwealth of Massachusetts Regulation 333 CMR 11.04. The vegetation in areas where chemical application is restricted is typically managed with mechanical controls as needed.

White zones have no chemical restrictions. These areas typically receive the roadbed and brush program.

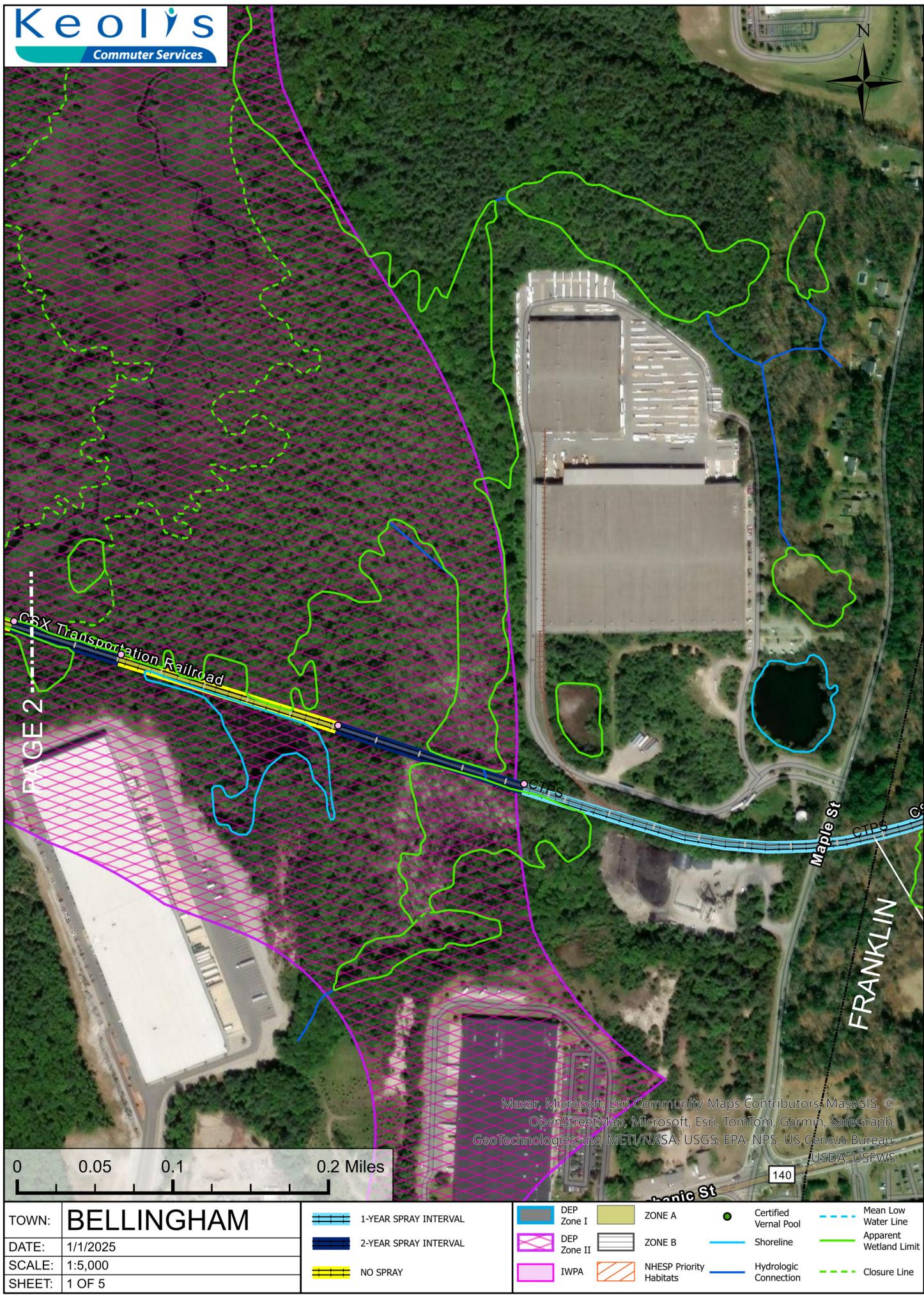
Blue zones represent sensitive areas that receive the roadbed application once every year. Blue zones never receive the brush program.

Dark blue zones represent sensitive areas that receive the roadbed application once every two years. Dark blue zones never receive the brush program.

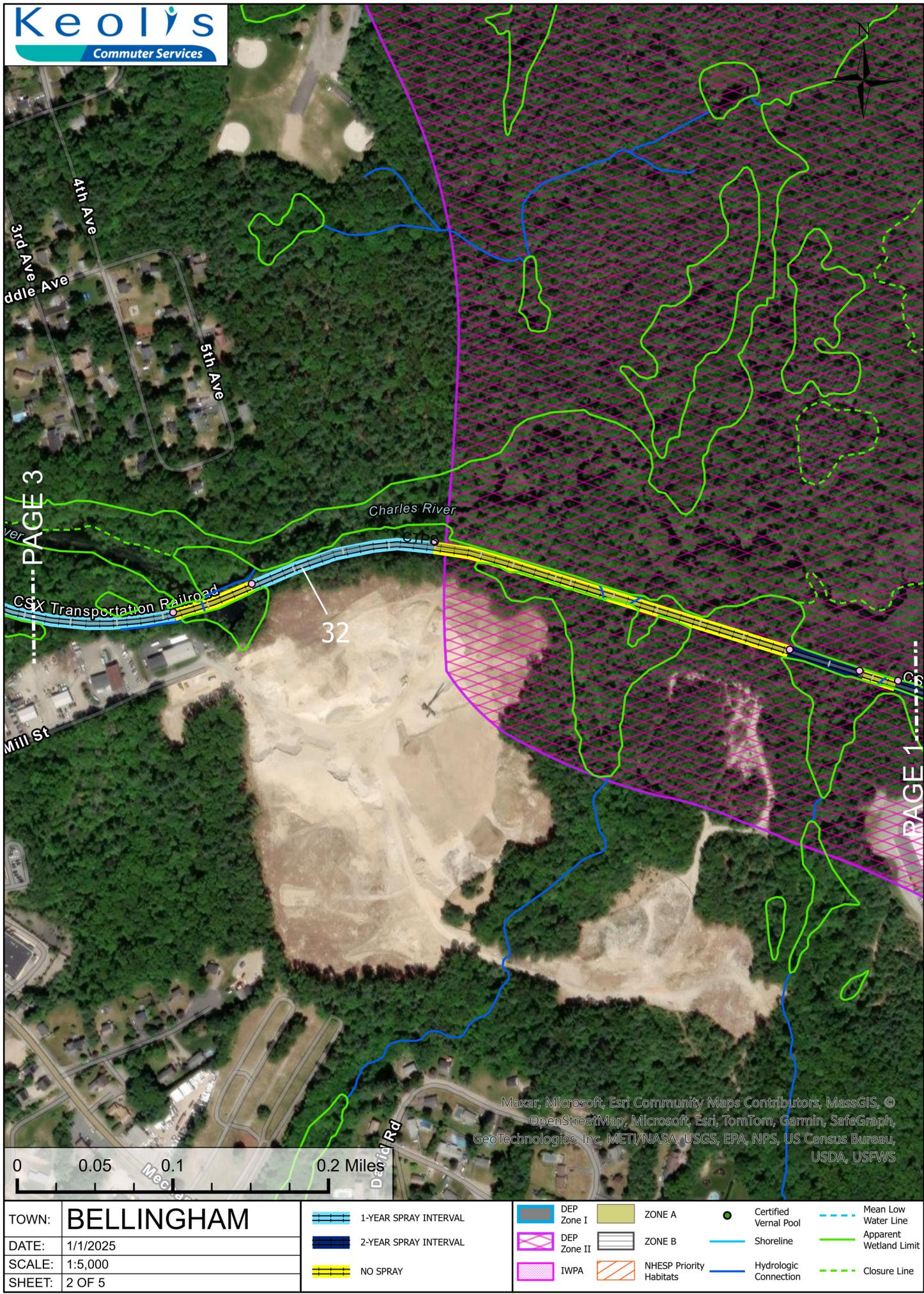
Yellow zones represent sensitive areas that don’t receive the roadbed or brush programs. In these areas, at the environmental monitors discretion and in conformance with the CMR 11 regulations, the applicator may apply the roadbed program directly down on the track with the booms for the shoulders turned off.

FRANKLIN BRANCH

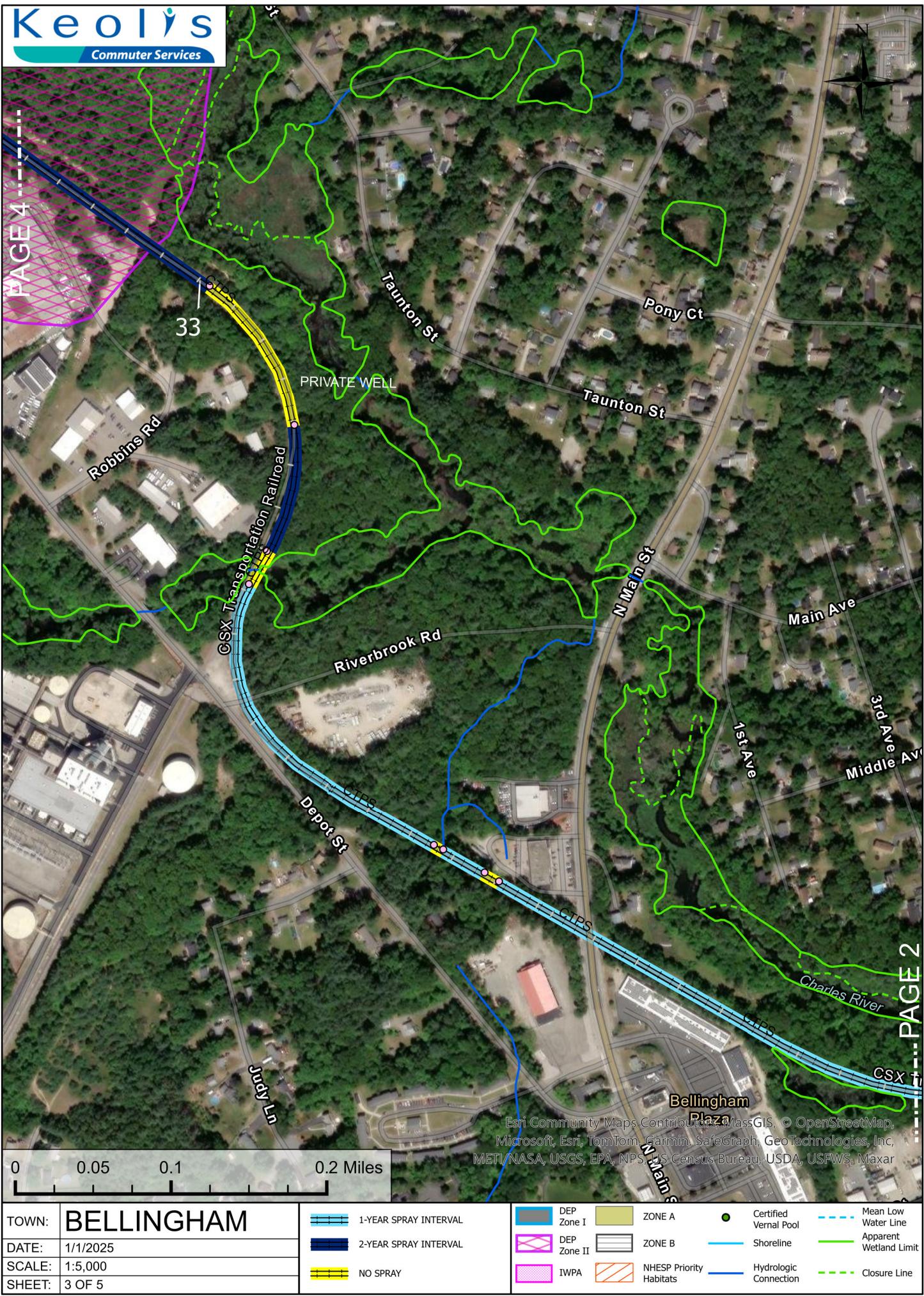
RAGE 2



FRANKLIN BRANCH



FRANKLIN BRANCH



FRANKLIN BRANCH

PAGE 5

PAGE 3

