

Staff Report

Devens
Enterprise
Commission

Date: March 25, 2021

To: Devens Enterprise Commission

From: Neil Angus, Environmental Planner

RE: Wetland Certificate of Compliance Request – New England Power Company

Owner: New England Power Company/US Fish and Wildlife Service

Applicant: BSC Group on Behalf of New England Power Company

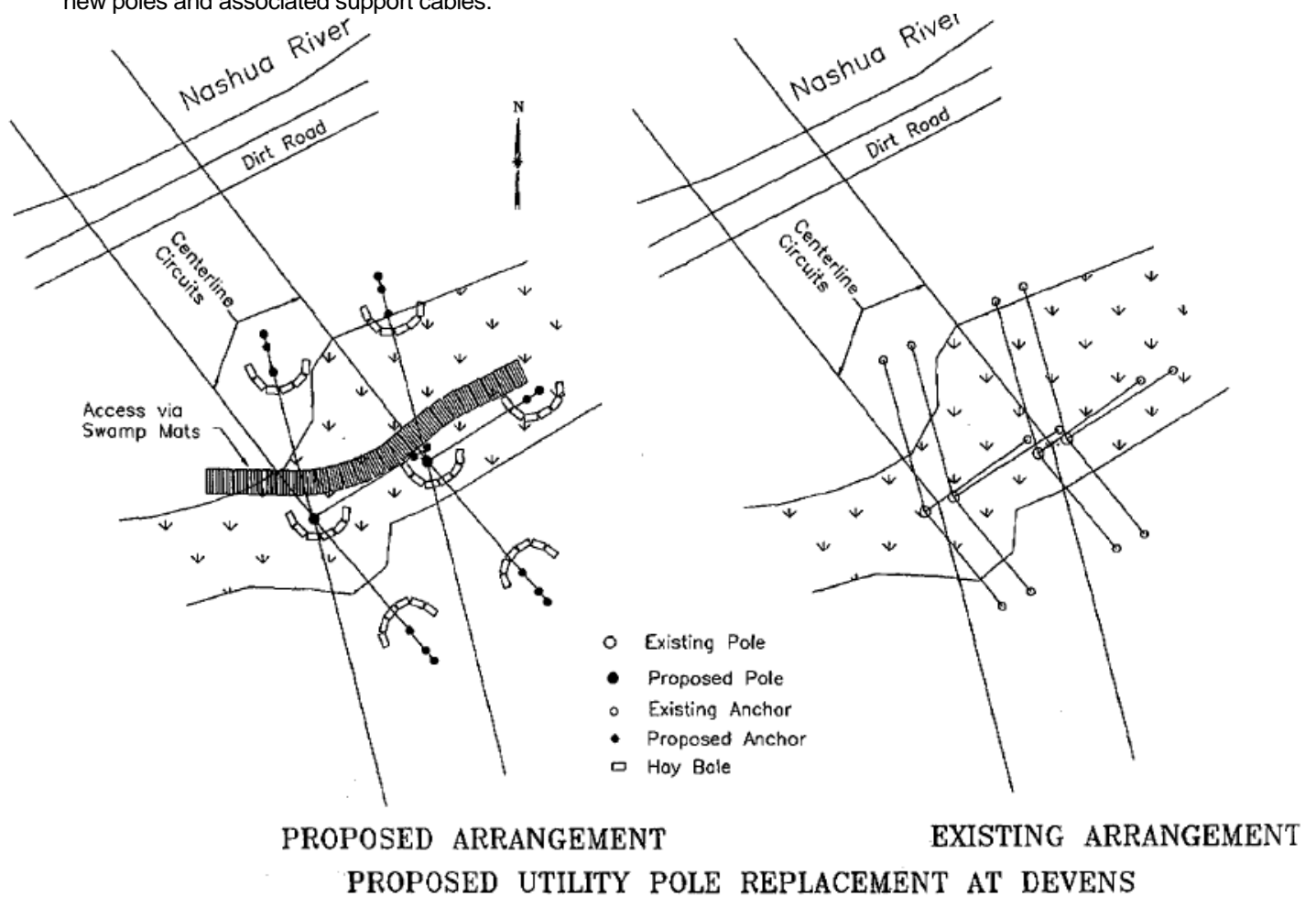
Location: West Main Street Substation (west of MacPherson Road)

Zoning: Open Space and Recreation, Zone II Water Resources Protection Overlay District.

Request: The Applicant is seeking a Wetland Certificate of Compliance for a Wetland Order of conditions that the DEC issued back in 2001 for utility work in and adjacent to wetlands near the existing electric substation just outside of the Verbeck Gate, north of West Main Street and West Of Macpherson Road:



The project involved the removal of 4 existing power poles that were to be consolidated and replaced with two (2) new poles and associated support cables:



The project was originally approved in April of 2001 with 28 conditions that mainly dealt with construction restrictions, access, erosion and sediment control and final stabilization. A review of the file found that the poles were installed in the winter under frozen ground conditions which would have further reduced the potential for any negative impacts to the surrounding wetland areas. A March 23, 2021 inspection of the site found visible issues with the poles or support wires (see photos on next page). The original Wetland Order of Conditions #26 required on-going maintenance to ensure soil stabilization – this condition did not expire with this order and remains an ongoing condition.

US Fish and Wildlife Service (USFWS) authorized this activity on April 4, 2001. Staff has reached out to USFWS and is awaiting confirmation that they have no outstanding issues. Their response is expected prior to the March 30th meeting.

Recommended Action: The proposed pole consolidation area is fully stabilized and there is no evidence of any erosion or disturbance beyond the poles and support cables. Staff would recommend the Commission vote to authorize the DEC Director to sign the Certificate of Compliance to close out this Wetland order of Conditions for MA DEP File #352-019, with ongoing condition #26 still in effect. Any additional poles or replacement of existing poles may require further review.



Consolidated Poles – March 23, 2021



Support cable in Wetland – March 23, 2021



Support cables in upland area – March 23, 2021

For Registry of Deeds Use Only



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 8B – Certificate of Compliance

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

352-019

Provided by DEP

A. Project 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. This Certificate of Compliance is issued to:

New England Power Company

Name

40 Sylvan Road

Mailing Address

Waltham

City/Town

MA

State

02451

Zip Code

2. This Certificate of Compliance is issued for work regulated by a final Order of Conditions or Order of Resource Area Delineation issued to:

New England Power Company

Name

4/5/2001

Dated

352-019

DEP File Number

3. The project site is located at:

North of Front Street (West Main Street) and
West of MacPherson Road

Devens

City/Town

Assessors Map/Plat Number

Parcel/Lot Number

The final Order of Conditions or Order of Resource Area Delineation was recorded at the Registry of Deeds for:

US Fish and Wildlife

Property Owner (if different)

Middlesex

County

34094

Book

320

Page

Certificate

4. A site inspection was made in the presence of the applicant, or the applicant's agent, on:

3/23/21

Date

B. Certification

Check all that apply:

- Complete Certification:** It is hereby certified that the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.



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

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B. Certification (cont.)

- Partial Certification:** It is hereby certified that only the following portions of work regulated by the above-referenced Order of Conditions have been satisfactorily completed. The project areas or work subject to this partial certification that have been completed and are released from this Order are:

- Invalid Order of Conditions:** It is hereby certified that the work regulated by the above-referenced Order of Conditions never commenced. The Order of Conditions has lapsed and is therefore no longer valid. No future work subject to regulation under the Wetlands Protection Act may commence without filing a new Notice of Intent and receiving a new Order of Conditions.

- Ongoing Conditions:** The following conditions of the Order shall continue: (Include any conditions contained in the Final Order, such as maintenance or monitoring, that should continue for a longer period).

Condition Numbers:

26 - continued maintenacne and permanent stabilization

- Order of Resource Area Delineation:** It is hereby certified that the wetland resource area delineation for the above-referenced Order of Conditions has been satisfactorily completed

C. Authorization

Issued by:

Devens Enterprise Commission
Conservation Commission

3-30-21

Date of Issuance

This Certificate must be signed by a majority of the Conservation Commission and a copy sent to the applicant and appropriate DEP Regional Office (See <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).



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C. Authorization (cont.)

Signatures:

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name



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D. Recording Confirmation

The applicant is responsible for ensuring that this Certificate of Compliance is recorded in the Registry of Deeds or the Land Court for the district in which the land is located.

Detach on dotted line and submit to the Conservation Commission.

To:

 Conservation Commission

Please be advised that the Certificate of Compliance for the project at:

 Project Location

 DEP File Number

Has been recorded at the Registry of Deeds of:

 County

for:

 Property Owner

and has been noted in the chain of title of the affected property on:

 Date

 Book

 Page

If recorded land, the instrument number which identifies this transaction is:

If registered land, the document number which identifies this transaction is:

 Document Number

 Signature of Applicant