

Electrical Conduit Installation Project Menemsha Crossroad Chilmark, Massachusetts

REQUEST FOR DETERMINATION OF APPLICABILITY

Eversource Energy 247 Station Drive, SE270 Westwood, Massachusetts

September 2023

Tighe&Bond

100% Recyclable

Tighe&Bond

E-5034-225 September 6, 2023

Chilmark Conservation Commission Chilmark Town Hall 401 Middle Road P.O. Box 119 Chilmark, MA 02535

Re: Request for Determination of Applicability Electrical Conduit Installation Project Menemsha Crossroad, Chilmark, Massachusetts

Dear Chair Shweder and Members of the Commission:

On behalf of NSTAR Electric Company dba Eversource Energy ("Eversource"), Tighe & Bond respectfully submits this Request for Determination of Applicability (RDA) for a proposed electrical conduit installation project along Menemsha Crossroad in Chilmark, Massachusetts (Attachment B, Figure 1) to strengthen the existing electrical grid and improve the reliability of the electric service to Chilmark. Eversource proposes to install six new manholes and underground electrical conduit connecting the existing Eversource facility at 45 Menemsha Crossroad to the intersection of Menemsha Crossroad and Middle Road.

This RDA is being filed because a portion of the proposed work will occur within the 100-foot Buffer Zone (BZ) to Bordering Vegetated Wetlands and intermittent streams. These areas are regulated under the Massachusetts Wetlands Protection Act (MAWPA, M.G.L. c. 131 §40), the Town of Chilmark Wetlands Protection Bylaw, and implementing regulations. All of the proposed work will be undertaken within previously disturbed and paved areas without any anticipated impacts to resource areas.

Per 310 CMR 10.02(2)(b)2.i., underground utilities installed within the 100-foot BZ within existing paved or unpaved roadways are exempt from regulation under M.G.L. c. 131 §40. Tighe & Bond respectfully requests that the Conservation Commission issue a Negative Determination confirming that the proposed work is not a regulated activity under the Wetlands Protection Bylaw.

This RDA application includes the following items:

- Attachment A WPA Form 1, Filing Fee Check
- Attachment B Figures
- Attachment C Best Management Practices

The following text discusses the MAWPA resource areas, proposed activities, and proposed protective measures for the electric line and conduit installation.

Wetland Resource Areas

In preliminary unofficial coordination, the Conservation Commission staff confirmed via e-mail that Massachusetts Department of Environmental Protection (MassDEP) wetlands data are sufficient for the purposes of this RDA and a formal field delineation of wetlands is not required. Please refer to Figure 4 in Attachment B for the locations of the jurisdictional resource areas.

Inland Bank

Two intermittent streams cross beneath Menemsha Crossroad via existing culverts within the project corridor. These streams cross perpendicular to Menemsha Crossroad at the properties 1 Sassafrass Lane in the northern third of the project corridor and 31 Menemsha Crossroad, near to the center of the project corridor.

Bordering Vegetated Wetlands

Areas of Bordering Vegetated Wetlands (BVW) are located to the west of Menemsha Crossroad in two locations along the project corridor. These areas are identified as wooded deciduous swamp and are mapped approximately 10 feet and 60 feet from the edge of pavement for Menemsha Crossroad at the nearest locations.

Rare Species

No portion of the proposed project falls within any *Priority Habitats of Rare Species* or *Estimated Habitats of Rare Wildlife* based on a review of the Massachusetts Natural Heritage and Endangered Species Program (NHESP) Atlas (15th edition; August 1, 2021) and NHESP data available on MassGIS online, as shown on Figure 2 in Attachment B.

Proposed Activities

The proposed project involves the installation of a new underground electrical conduit connecting the existing Eversource facility at 45 Menemsha Crossroad to the intersection of Menemsha Crossroad and Middle Road, for a total of approximately 2,680 linear feet. The conduits will consist of a series of concrete encased ducts with grounding and will be installed below ground along the conduit corridor within existing paved or unpaved roadway. In addition, six new manholes will be installed along the conduit path to provide access to the subsurface electric equipment.

The installation of the new conduit will be completed utilizing two- to five-inch diameter pipes that will be encased in concrete below ground. Trenching will be required to install the conduits, and the trenches are expected to measure approximately up to three feet wide and will be excavated to a depth of approximately three feet. Once the conduits are installed, the trenches will be backfilled and restored in kind.

Work Within Resource Areas

Impacts to the intermittent streams will be avoided by installing the new conduit in ground above the existing stream culverts. If needed during construction, the trench will be plated at these crossing locations.

Portions of the project installation will occur within the 100-foot BZ to BVW and Inland Bank resulting in approximately 2,105 square feet (sf) of temporary impacts within the 100-foot BZ. Areas within the 100-foot BZ where the work is proposed consist entirely of paved roadway and adjacent previously disturbed areas. The proposed work will not change the

general characteristics of the area. Figure 4 in Attachment B illustrates the proposed activities relative to jurisdictional resource areas.

Protective Measures

Work will be conducted in accordance with Eversource's Best Management Practices document. Please refer to Attachment C for further details. During construction activities, erosion control measures (*e.g.*, straw bales, silt fence, silt sack, straw wattles) will be installed between proposed areas of disturbance and resource areas as deemed necessary. Following the completion of construction activities, the disturbed areas will be restored in kind.

Summary

We look forward to having the opportunity to discuss this project with the Chilmark Conservation Commission at the next scheduled public meeting on September 21, 2023. We anticipate these materials are sufficient for the Commission to issue a Negative Determination confirming that a Notice of Intent (NOI) will not be required for the proposed work to proceed. Should you have any questions regarding this application or require any additional information, please do not hesitate to contact me at (508) 304-6354 or via email at AJHoule@tighebond.com.

Sincerely,

TIGHE & BOND, INC.

Amanda J. Houle, PWS, CERP Senior Environmental Scientist

Enclosures

Copy: James Clancy, Eversource Energy

J:\E\E5034 Eversource L&P 2019\225 - Menemsha Road Conduit, Chilmark\RDA\Menemsha_2-Chilmark Cover Letter.docx

ATTACHMENT A

WPA FORM 1



Massachusetts Department of Environmental Protection Bureau of Resource Protection - Wetlands

Zip Code

WPA Form 1- Request for Determination of Applicability

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.

I. Applicant:		
Eversource Energy (c/o James Clancy)	james.clancy@	eversource.com
Name	E-Mail Address	S
247 Station Drive, SE 270		
Mailing Address		
Westwood	MA	02090
City/Town	State	Zip Code
781-441-8159		
Phone Number	Fax Number (i	f applicable)
2. Representative (if any):		
Tighe & Bond, Inc.		
Firm		
Amanda Houle, PWS, CERP	AJHoule@tigh	ebond.com
Contact Name	E-Mail Address	S
4 Barlows Landing Road, Unit #15		
Mailing Address		
Pocasset	MA	02559



2

B. Determinations

City/Town

508-304-6354

Phone Number

A. General Information

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

State

508-564-4298

Fax Number (if applicable)

- a. whether the **area** depicted on plan(s) and/or map(s) referenced below 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 below are accurately delineated.
- c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any municipal wetlands ordinance or bylaw of:

Chilmark

Name of Municipality

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



WPA Form 1- Request for Determination of Applicability

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

C. Project Description

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

Menemsha Crossroad	Chilmark
Street Address	City/Town
N/A	N/A
Assessors Map/Plat Number	Parcel/Lot Number

b. Area Description (use additional paper, if necessary):

Menemsha Crossroad is a two-lane roadway that serves primarily residential areas. The project extends from 45 Menemsha Crossroad to the intersection of Menemsha Crossroad and Middle Road.

c. Plan and/or Map Reference(s):

Figure 4. Site Plan on Orthophoto	8/29/2023
Title	Date
Title	Date
Title	Date

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

The proposed work consists of the installation of new electrical conduits and manholes connecting the existing Eversource facility located at 45 Menemsha Crossroad to the intersection of Menemsha Crossroad and Middle Road. Please refer to the enclosed cover letter for additional project details.



Chilmark City/Town

WPA Form 1- Request for Determination of Applicability

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

C. Project Description (cont.)

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).

The installation of underground utilities in roadways 310 CMR 10.02(2)(b)(2)(i)) installation of underground utilities in roadway.

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 ı	recorded	on	or	before	8/1/	/96
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	Expansion	of an	existing	structure	on a	lot recor	ded aft	er 8/1	1/96
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- 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 Resource Protection - Wetlands

Chilmark

WPA Form 1- Request for Determination of Applicability

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

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.

Name and address of the property owner:

Town of Chilmark	
Name	
401 Middle Road, PO Box 119	
Mailing Address	
Chilmark	
City/Town	
MA	02535
State	Zip Code

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 Representative (if any)

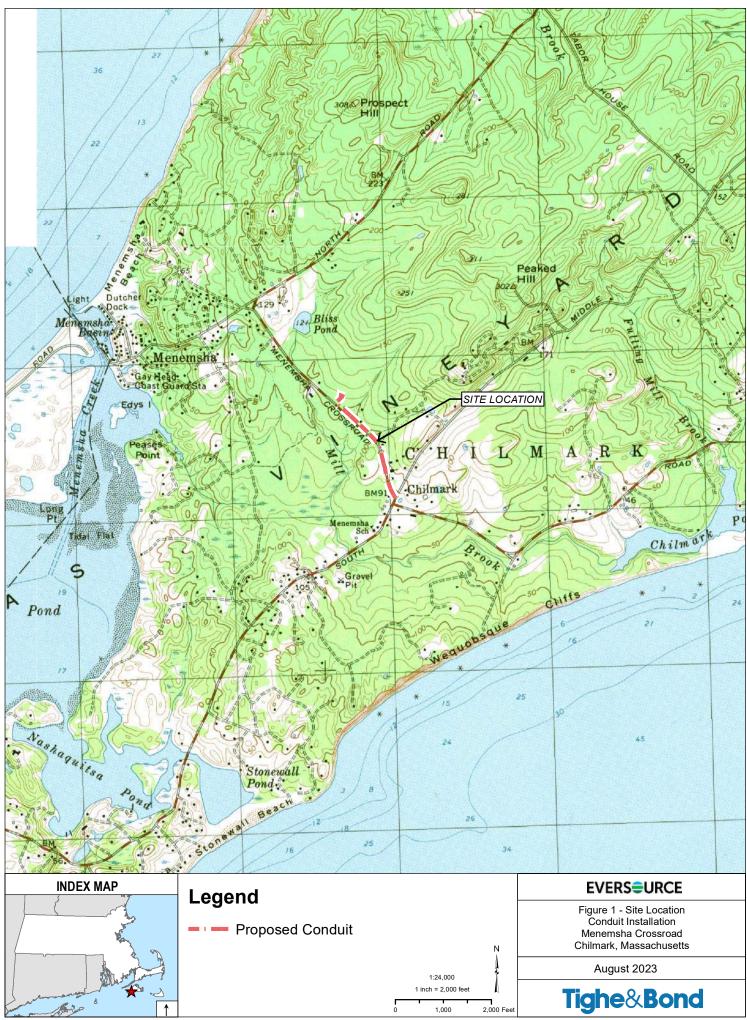
9/6/2023

Date

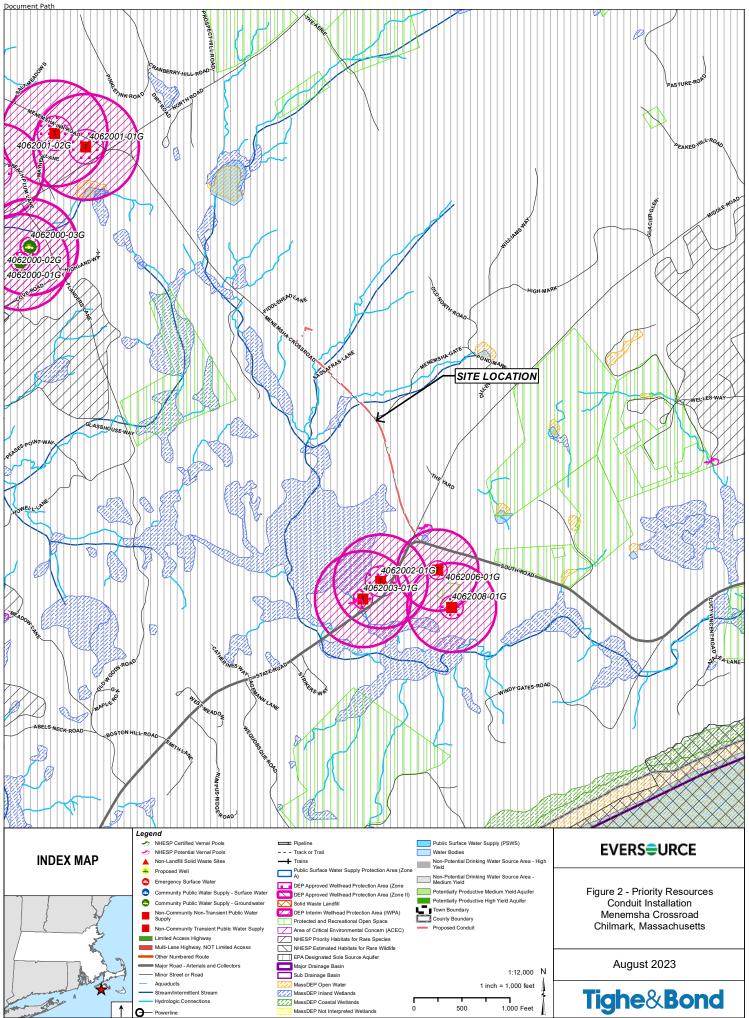
9/6/2023 Date

ATTACHMENT **B**

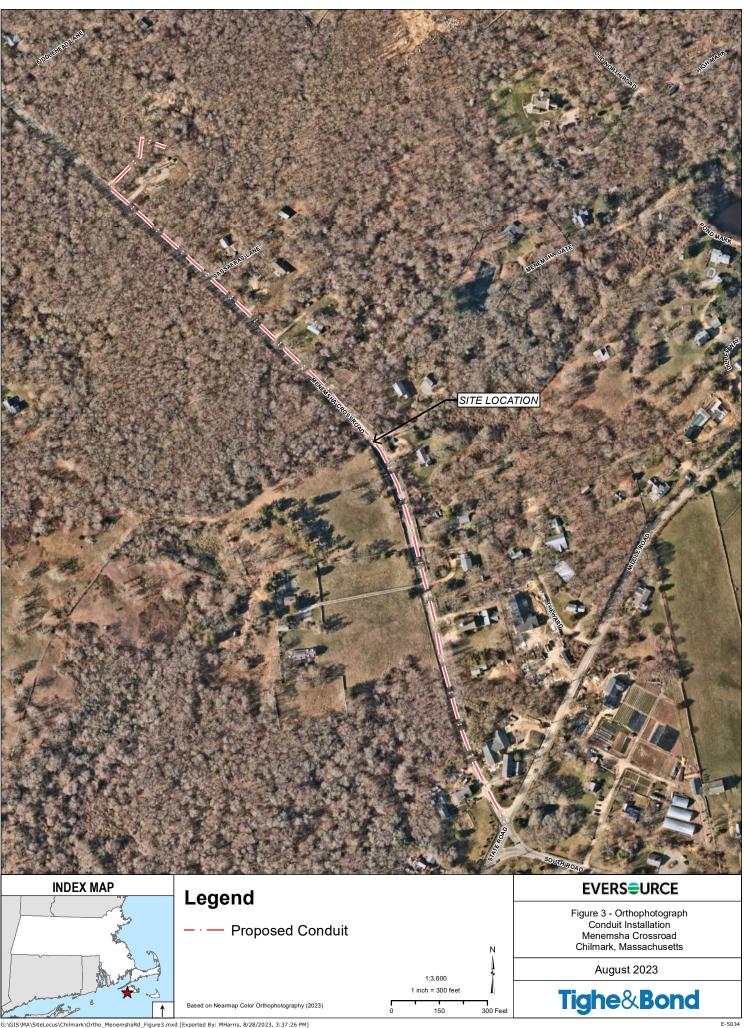
FIGURES



G:\GIS\MA\SiteLocus\Chilmark\Topo_MenemshaRd_Figure1.mxd [Exported By: MHarris, 8/30/2023, 5:37:56 PM]



G:\GIS\MA\SiteLocus\Chilmark\MassGIS_MenemshaRd_Figure2.mxd [Exported By: MHarris, 8/30/2023, 5:39:22 PM]



G:\GIS\MA\SiteLocus\Chilmark\Ortho_MenemshaRd_Figure3.mxd [Exported By: MHarris, 8/28/2023, 3:37:26 PM]

LENGTH OF PROPOSED CONDUIT WITHIN 100-FOOT BUFFER: 701.8 FEET

AREA OF 3-FOOT WIDE TRENCH WITHIN 100-FOOT BUFFER: 2105.4 SQ. FT.

> TRENCH AND PLATE OVER EXISTING CULVERTS

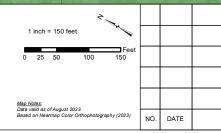
TRENCH AND PLATE OVER EXISTING CULVERTS

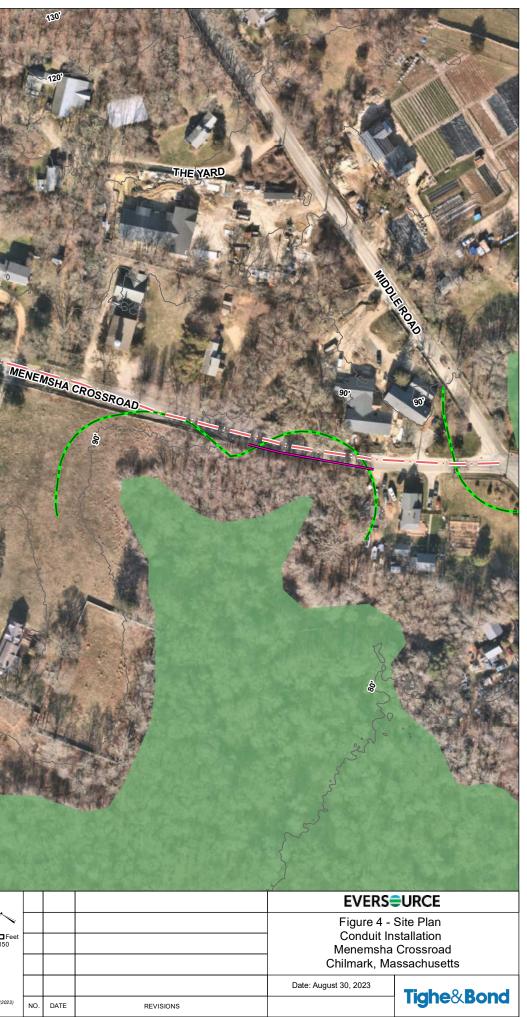
<u>श्व</u> INDEX MAP

Legend

- · Proposed Conduit
- ---- Sediment Control Barrier
- --- 100' Buffer to BVW / 100' Upland Review Area

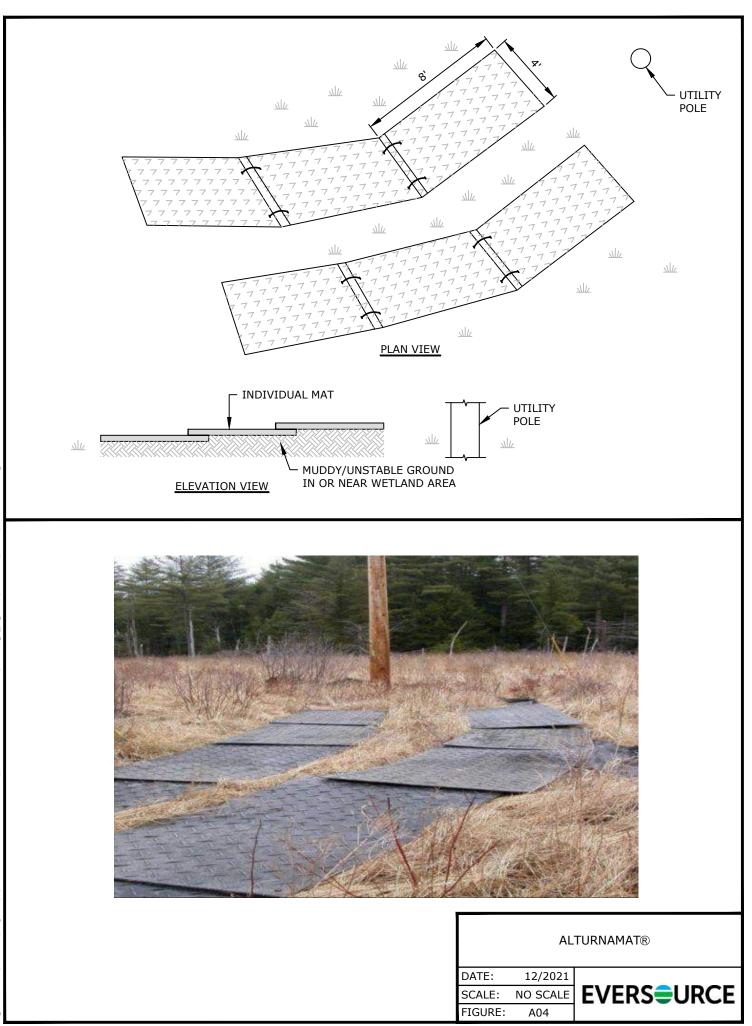
- Approximate Wetland (Not Delineated)

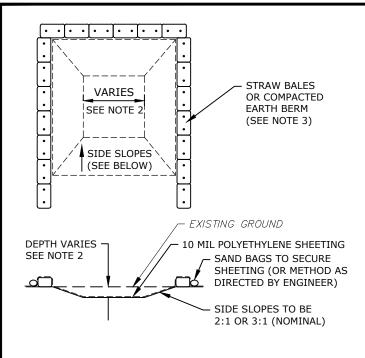




ATTACHMENT C

BEST MANAGEMENT PRACTICES



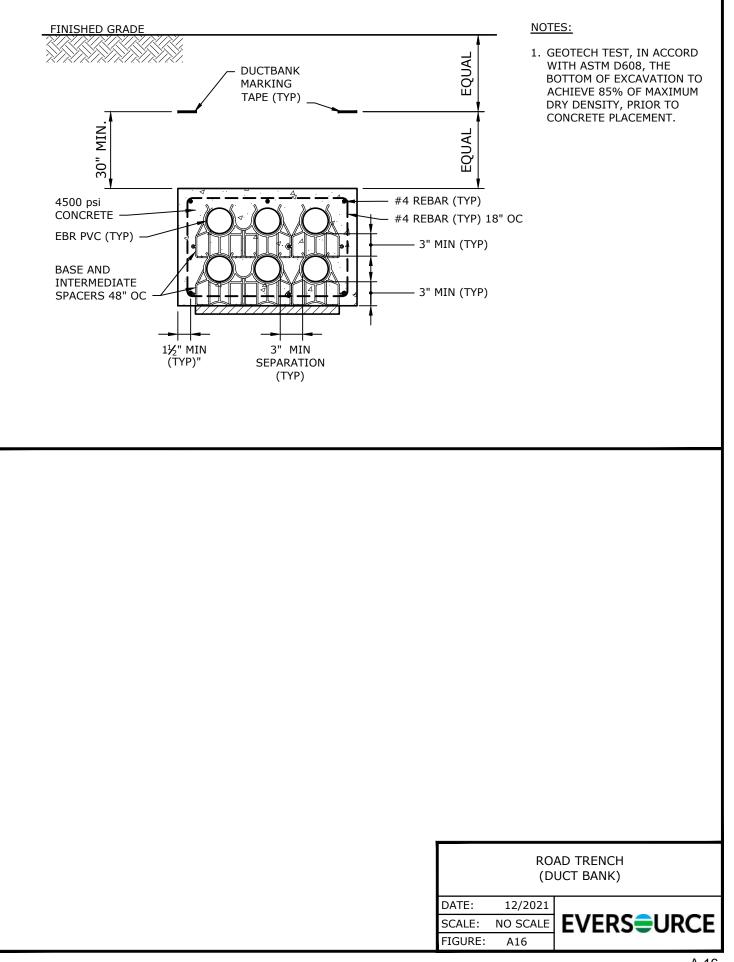


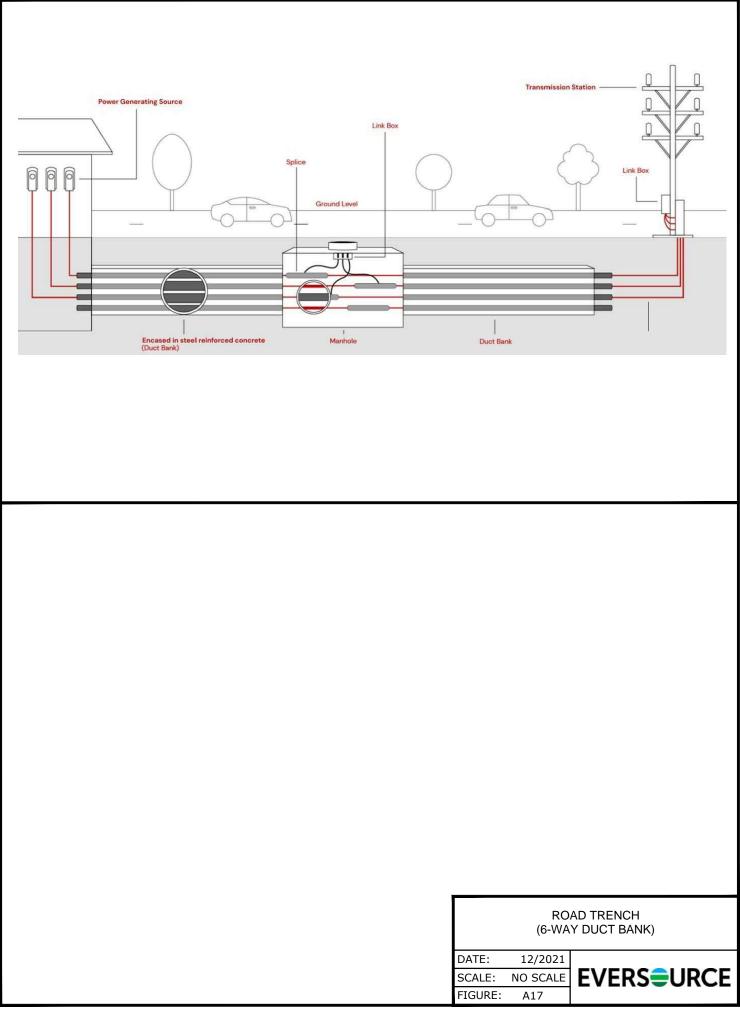
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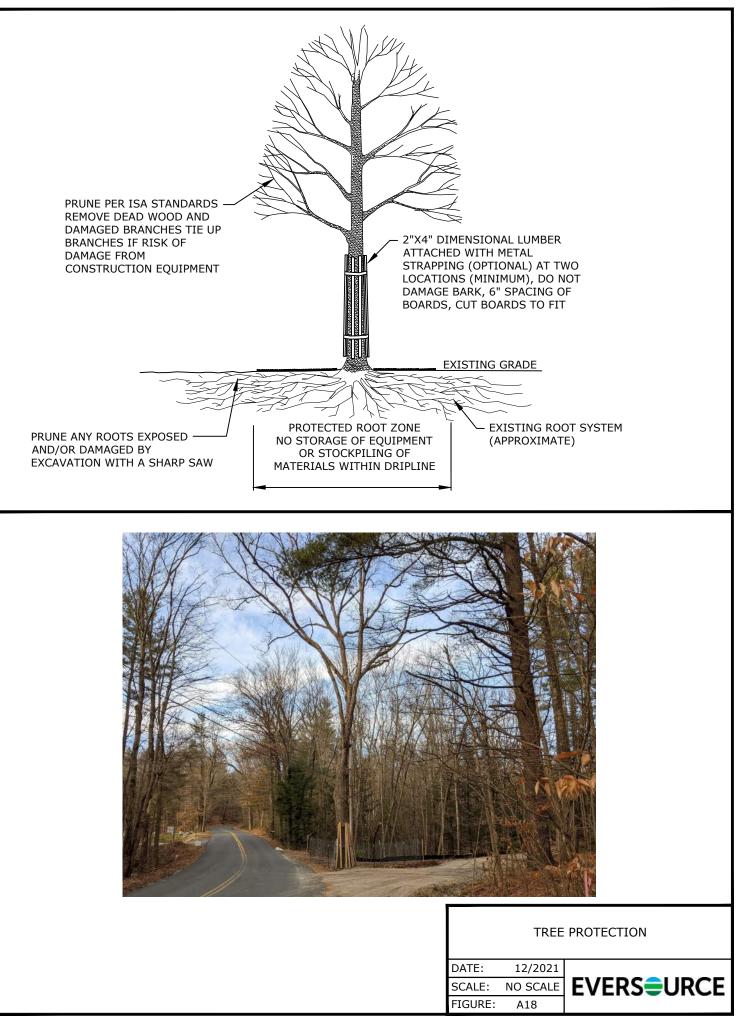
- 1. CONCRETE WASHOUT AREA(S) SHALL BE INSTALLED PRIOR TO CONCRETE PLACEMENT ON SITE. THE CONCRETE WASHOUT AREA SHALL BE ENTIRELY SELF-CONTAINED.
- 2. THE CONTRACTOR SHALL SUBMIT THE DESIGN, LOCATION AND SIZING OF THE CONCRETE WASHOUT AREA(S) WITH THE PROJECTS'S EROSION AND SEDIMENTATION CONTROL PLAN.
- 3. LOCATION: WASHOUT AREA(S) ARE TO BE LOCATED AT LEAST 50 FEET FROM ANY STREAM, WETLAND, STORM DRAINS, OR OTHER SENSITIVE RESOURCE. THE FLOOD CONTINGENCY PLAN MUST ADDRESS THE CONCRETE WASHOUT IF THE WASHOUT IS TO BE LOCATED WITHIN THE FLOODPLAIN. SIZE: THE WASHOUT MUST HAVE SUFFICIENT VOLUME TO CONTAIN ALL LIQUID AND CONCRETE WASTE GENERATED BY WASHOUT OPERATIONS INCLUDING, BUT NOT LIMITED TO, OPERATIONS ASSOCIATED WITH GROUT AND MORTAR.
- 4. SURFACE DISCHARGE IS UNACCEPTABLE. THEREFORE, STRAW BALES OR OTHER CONTROL MEASURES, SHOULD BE USED AROUND THE PERIMETER OF THE CONCRETE WASHOUT AREA FOR CONTAINMENT.
- 5. SIGNS SHOULD BE PLACED AT THE CONSTRUCTION ENTRANCE, AT THE CONCRETE AREA(S) AND ELSEWHERE AS NECESSARY TO CLEARLY INDICATE THE LOCATION OF THE CONCRETE WASHOUT TO OPERATORS OF CONCRETE TRUCKS AND PUMP RIGS. WASHOUT AREA(S) SHOULD BE FLAGGED WITH SAFETY FENCING OR OTHER APPROVED METHOD.
- 6. WASHOUT AREA(S) ARE TO BE INSPECTED AT LEAST ONCE A WEEK FOR STRUCTURAL INTEGRITY, ADEQUATE HOLDING CAPACITY AND CHECKED FOR LEAKS, TEARS OR OVERFLOWS. (AS REQUIRED BY THE CONSTRUCTION SITE ENVIRONMENTAL INSPECTION REPORT) WASHOUT AREA(S) SHOULD BE CHECKED AFTER HEAVY RAINS.
- 7. HARDENED CONCRETE WASTE SHOULD BE REMOVED AND DISPOSED OF WHEN THE WASTE HAS ACCUMULATED TO HALF OF THE CONCRETE WASHOUT'S HEIGHT. THE WASTE CAN BE STORED AT AN UPLAND LOCATION. ALL CONCRETE WASTE SHALL BE DISPOSED OF IN A MANNER CONSISTENT WITH ALL APPLICABLE LAWS, REGULATIONS, AND GUIDELINES.

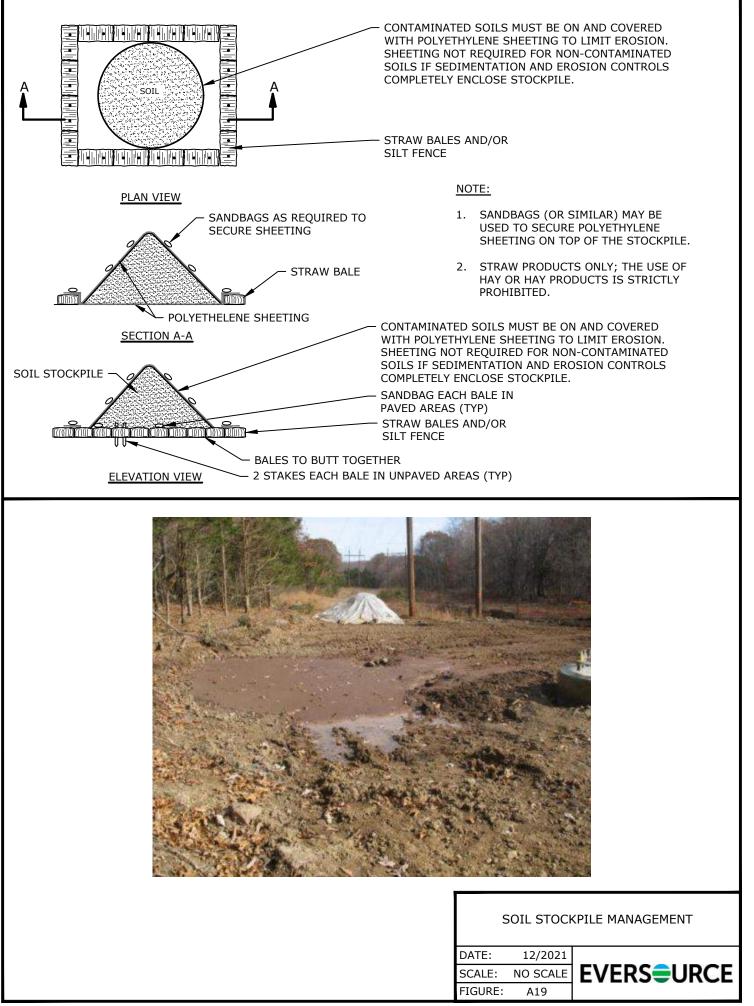


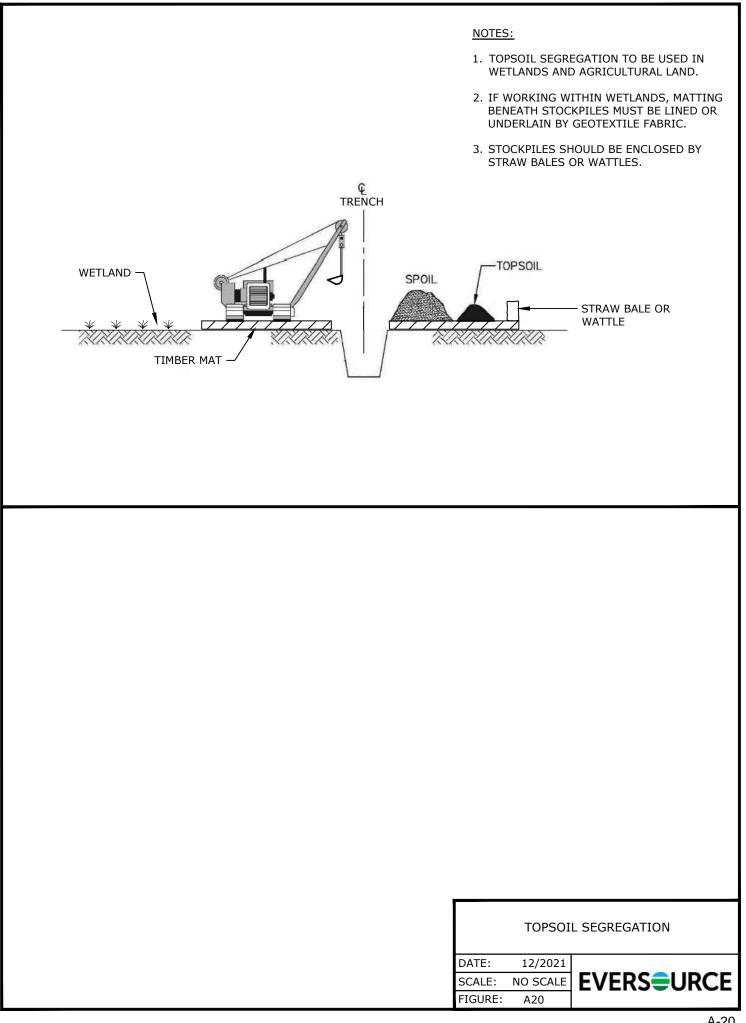
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FIGURE:	A15	

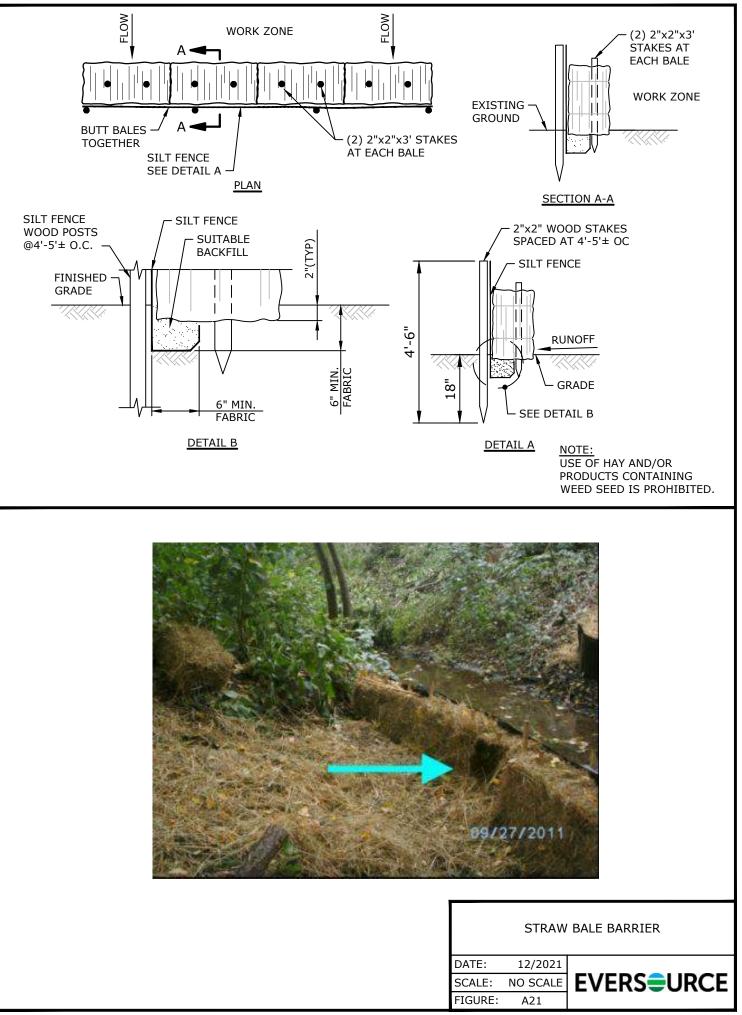


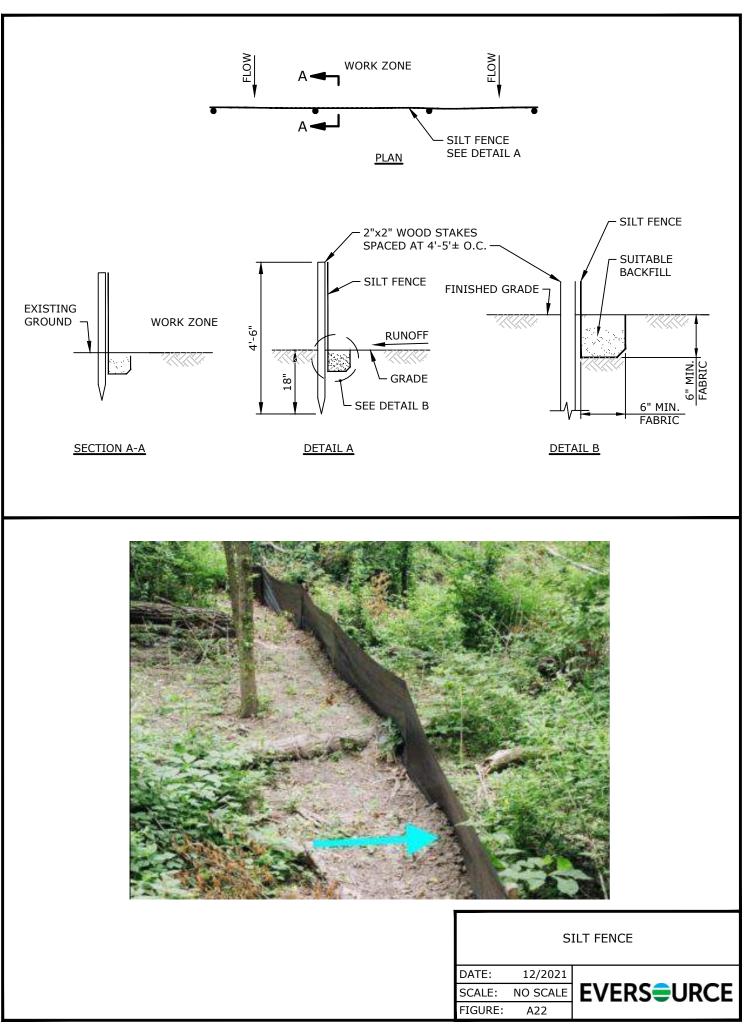


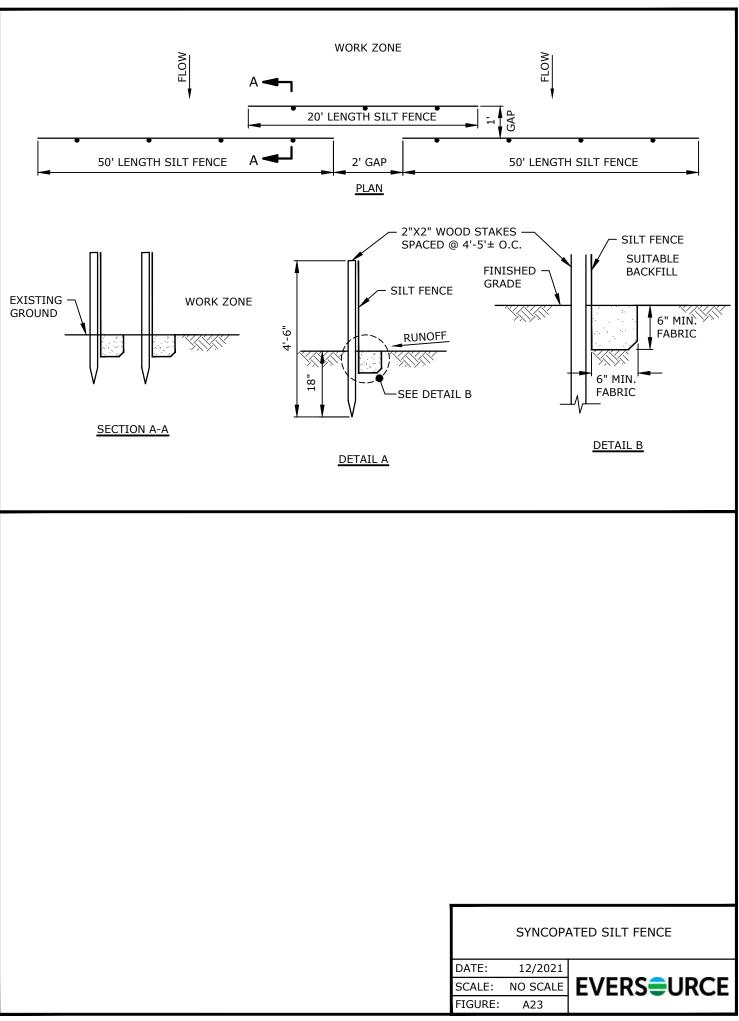










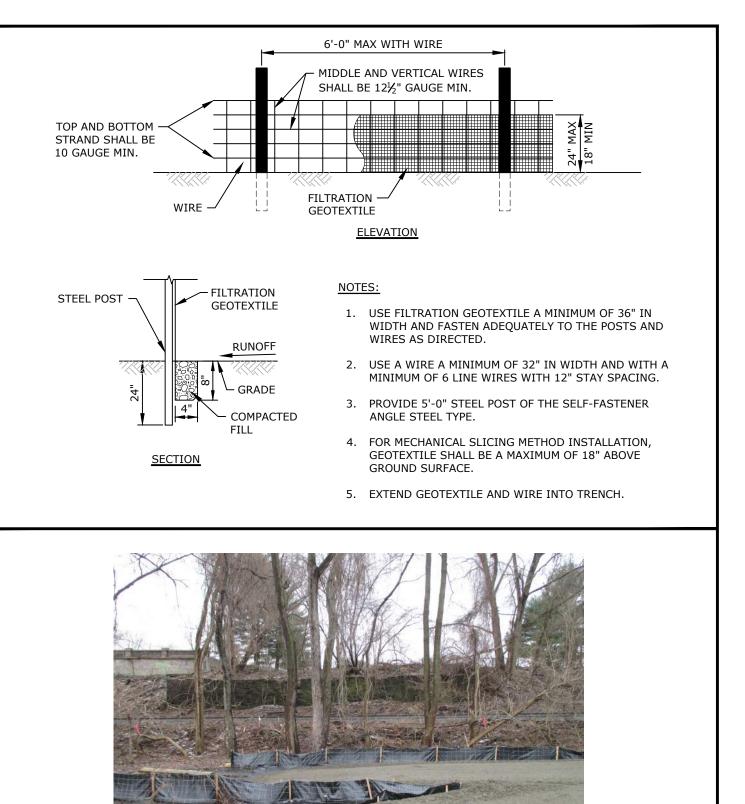


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CT-MA BMP Manual\Dr

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Dec 15, 7 Tighe & 1



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FIGURE:	A24	

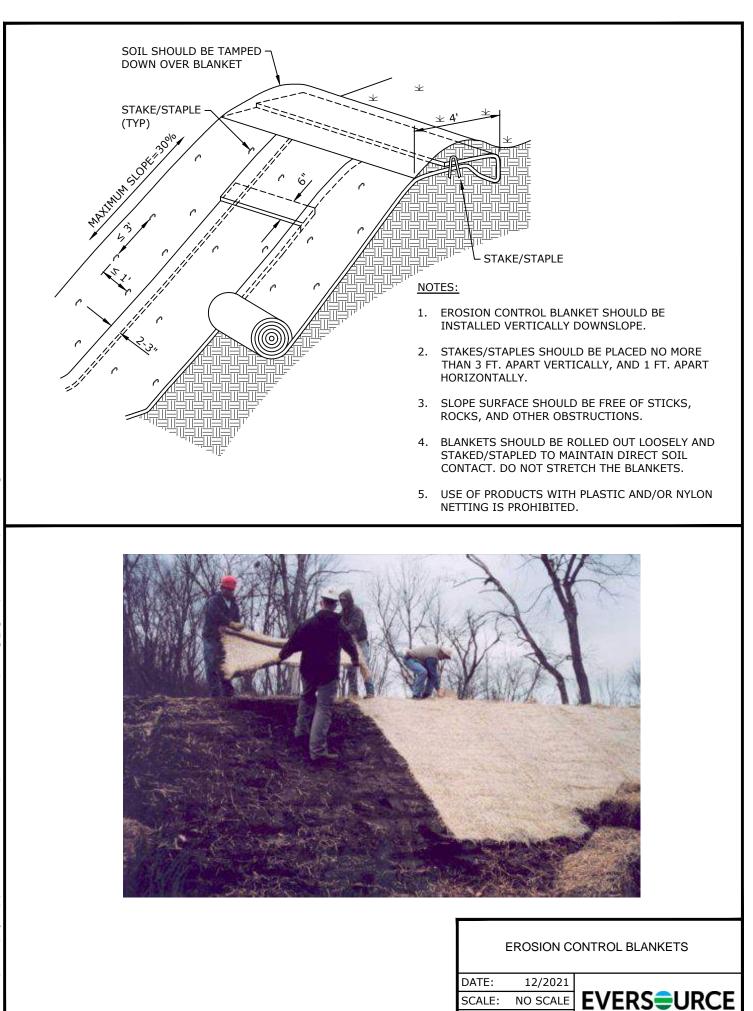
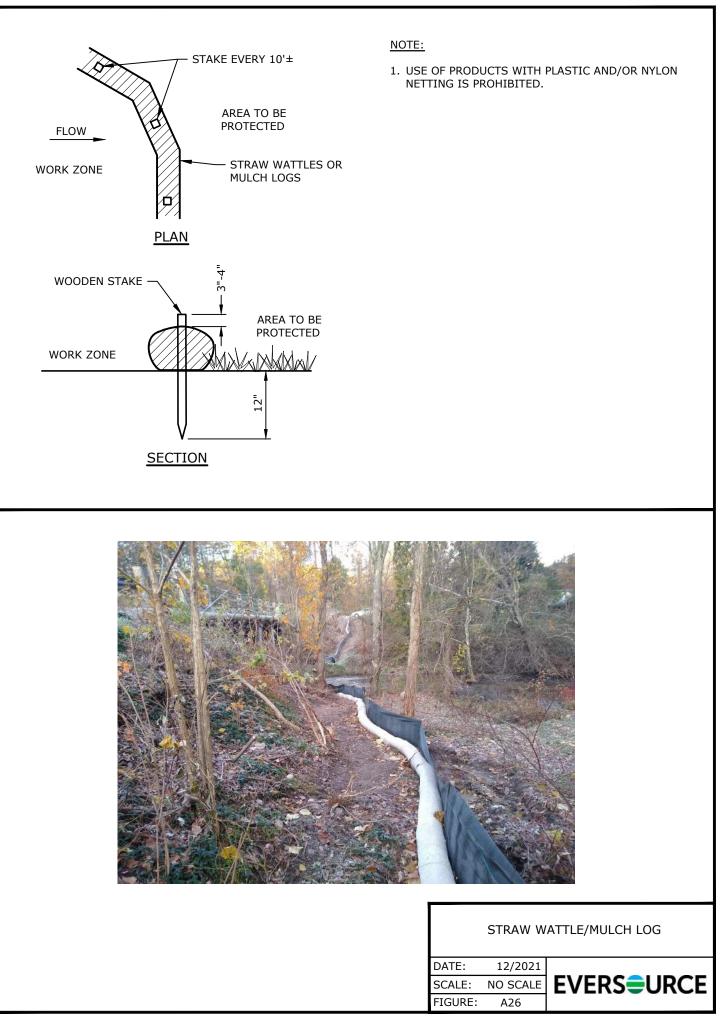
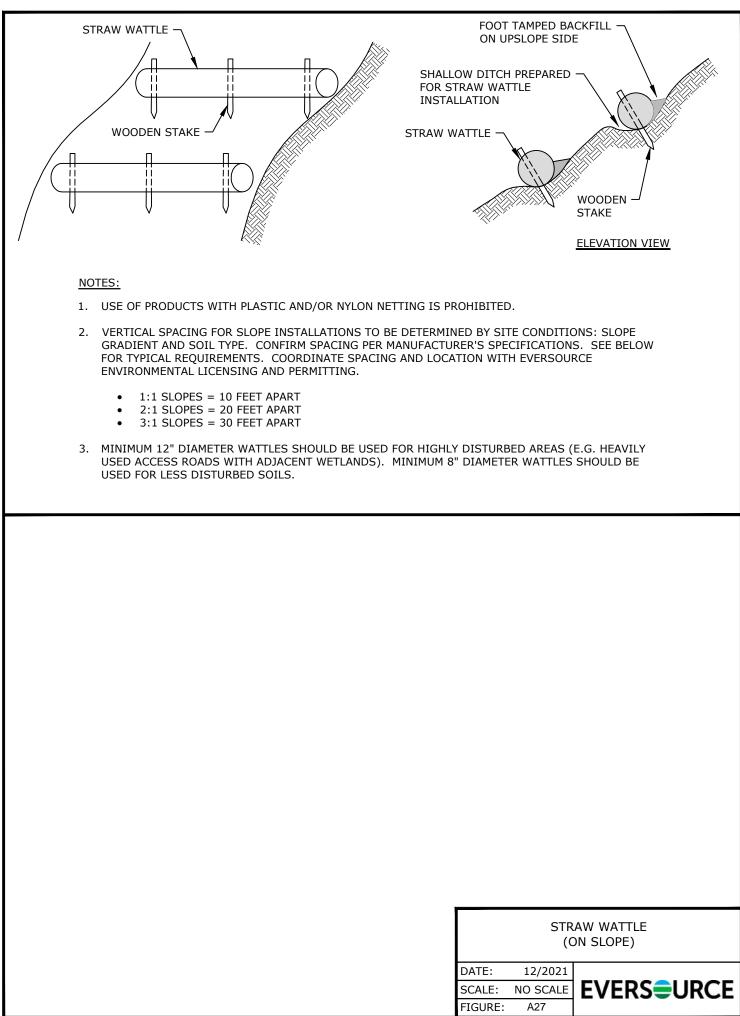
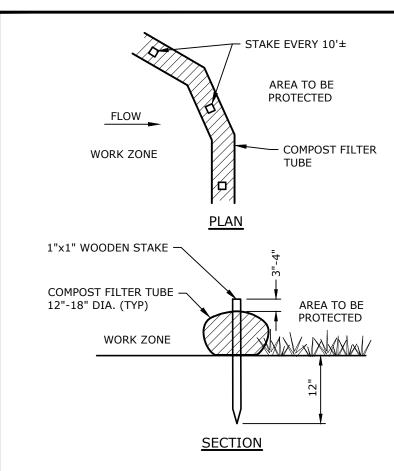


FIGURE:

A25

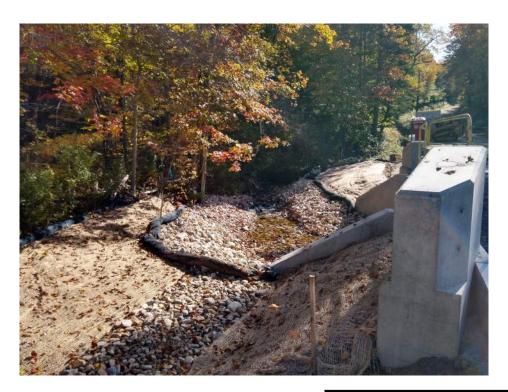




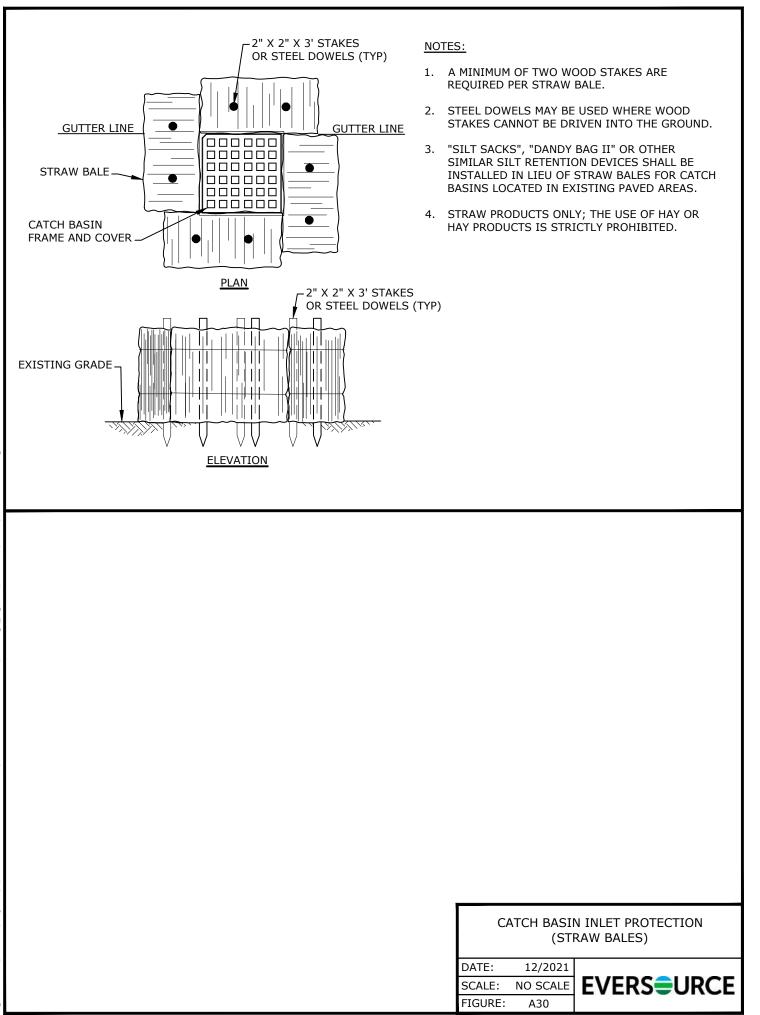


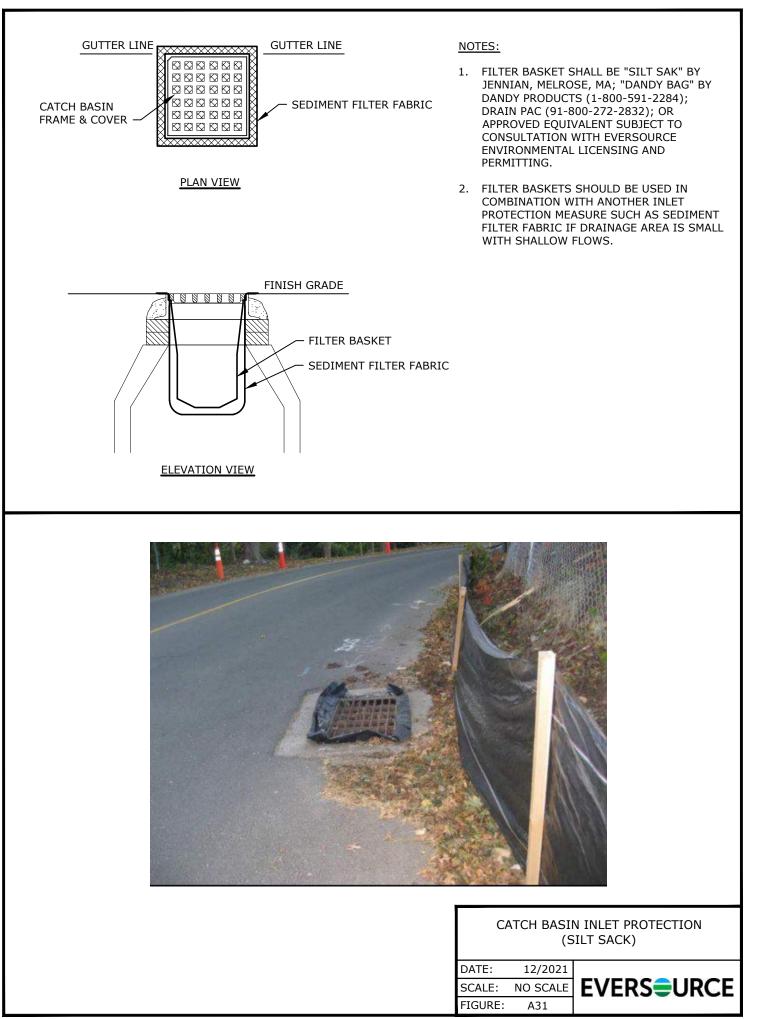
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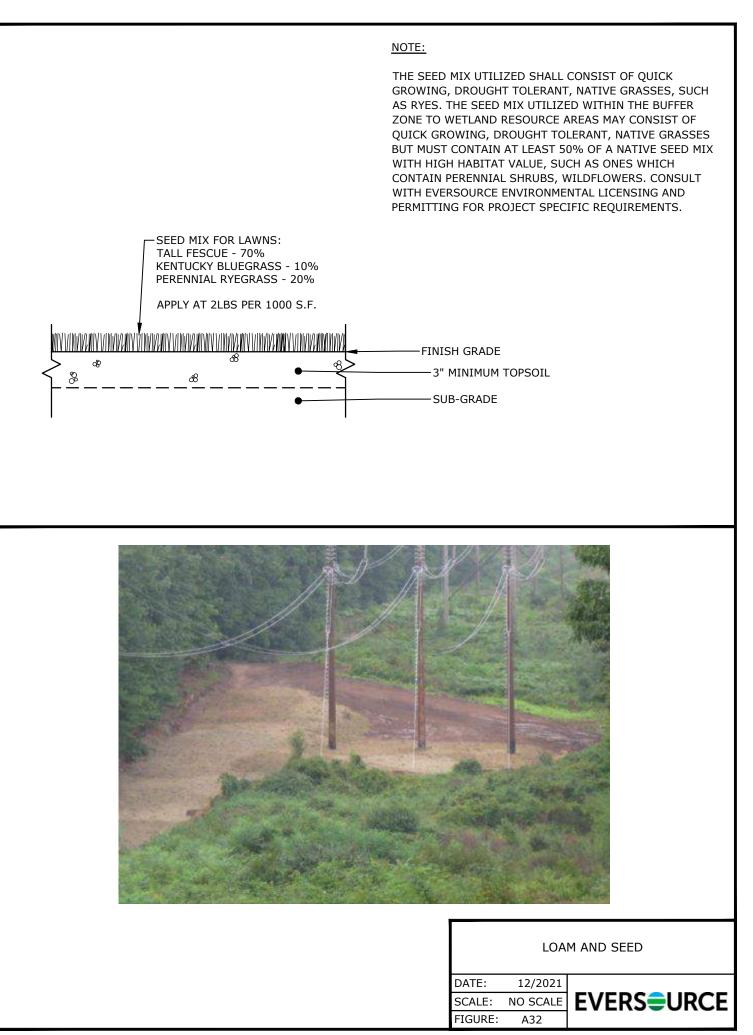
- 1. TUBES FOR COMPOST FILTERS SHALL BE JUTE MESH OR APPROVED BIODEGRADABLE MATERIAL.
- 2. TAMP TUBES IN PLACE TO ENSURE GOOD CONTACT WITH SOIL SURFACE.
- 3. PROVIDE 3' MINIMUM OVERLAP AT ENDS OF TUBES TO JOIN IN A CONTINUOUS BARRIER AND MINIMIZE UNIMPEDED FLOW.
- 4. COMPOST MATERIAL SHALL BE DISPERSED ON SITE WITHIN LIMITS OF WORK, AS DIRECTED.
- 5. INSTALL TUBES ALONG CONTOURS AND PERPENDICULAR TO SHEET OR CONCENTRATED FLOW.
- 6. DO NOT INSTALL IN PERENNIAL, EPHEMERAL, OR INTERMITTENT STREAMS.
- 7. CONFIGURE TUBES AROUND EXISTING SITE FEATURES TO MINIMIZE SITE DISTURBANCE AND MAXIMIZE CAPTURE AREA OF STORMWATER RUN-OFF.

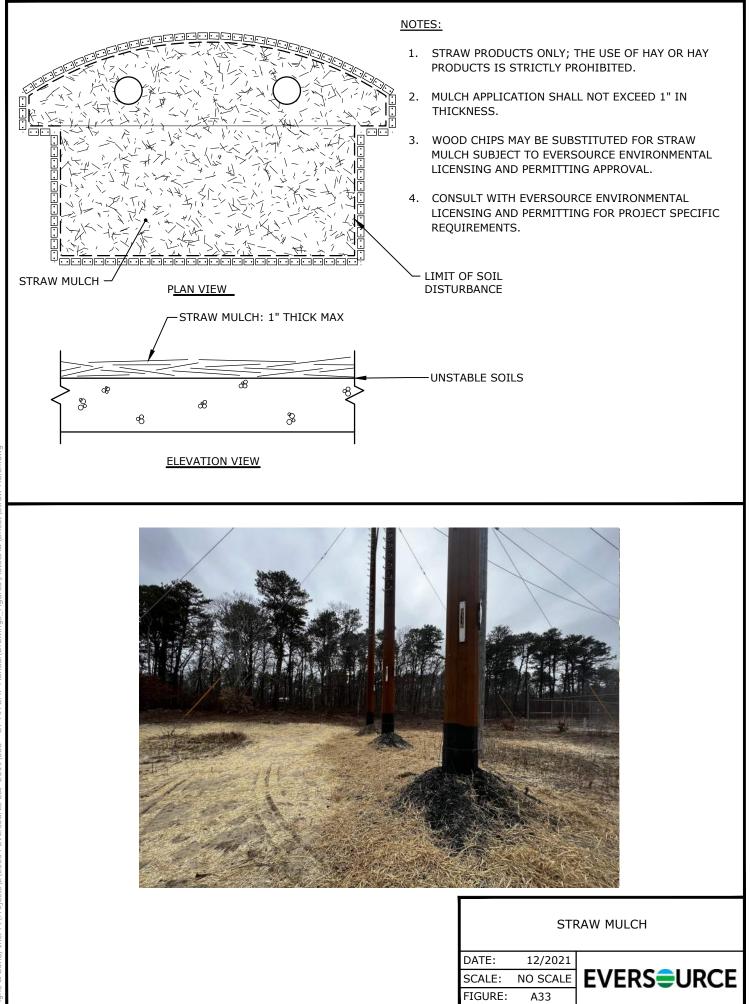


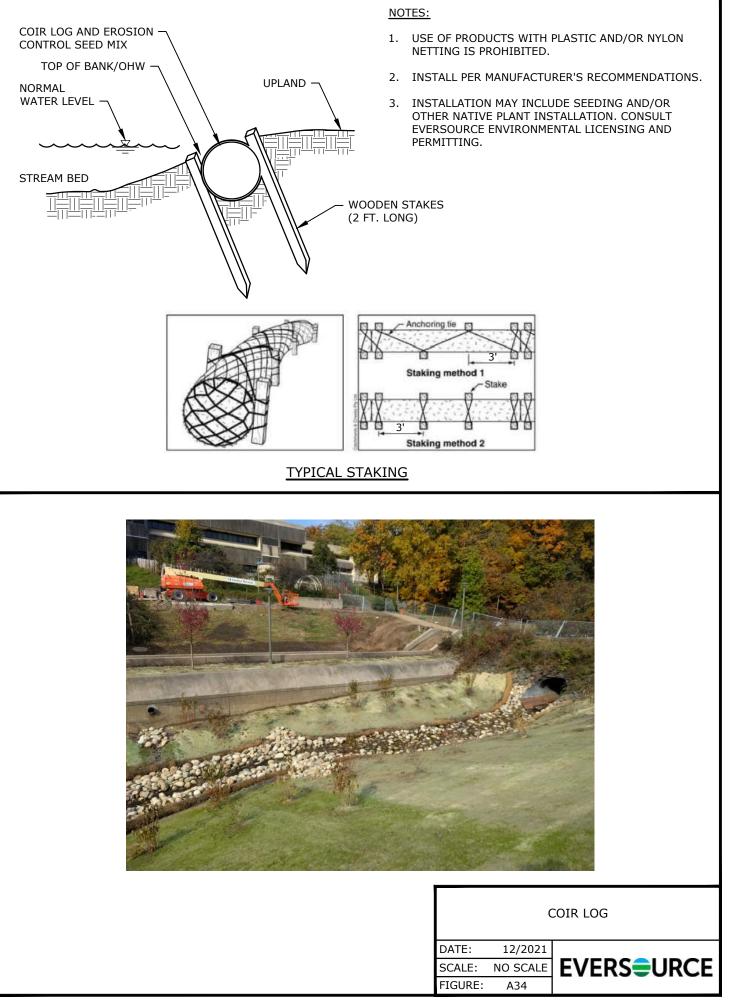
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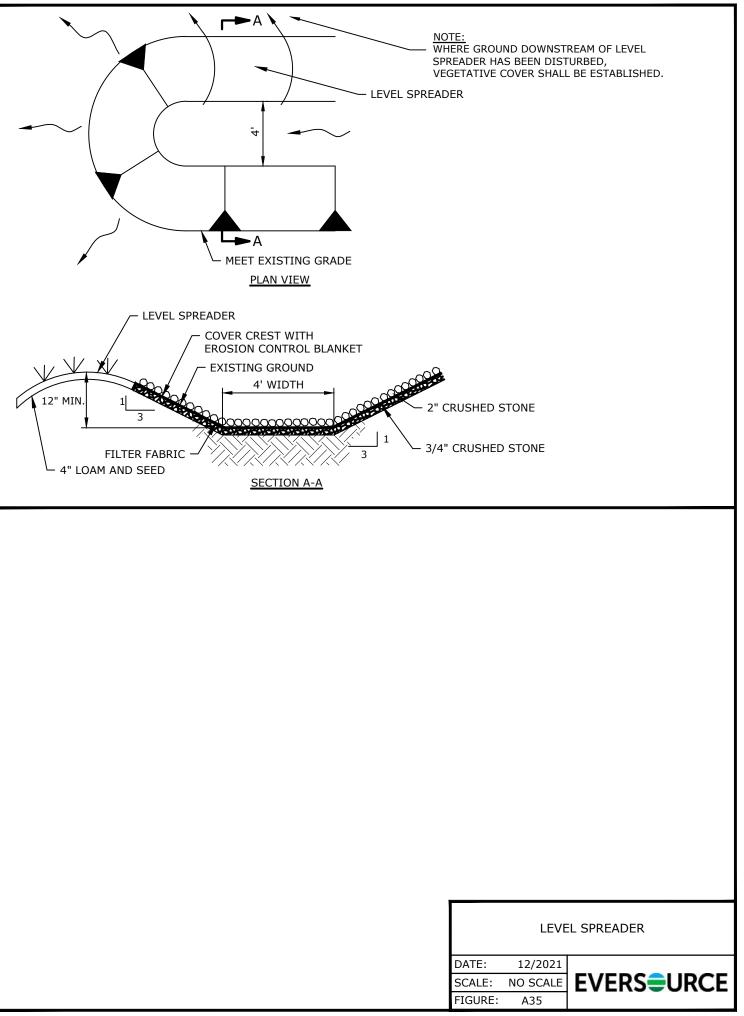


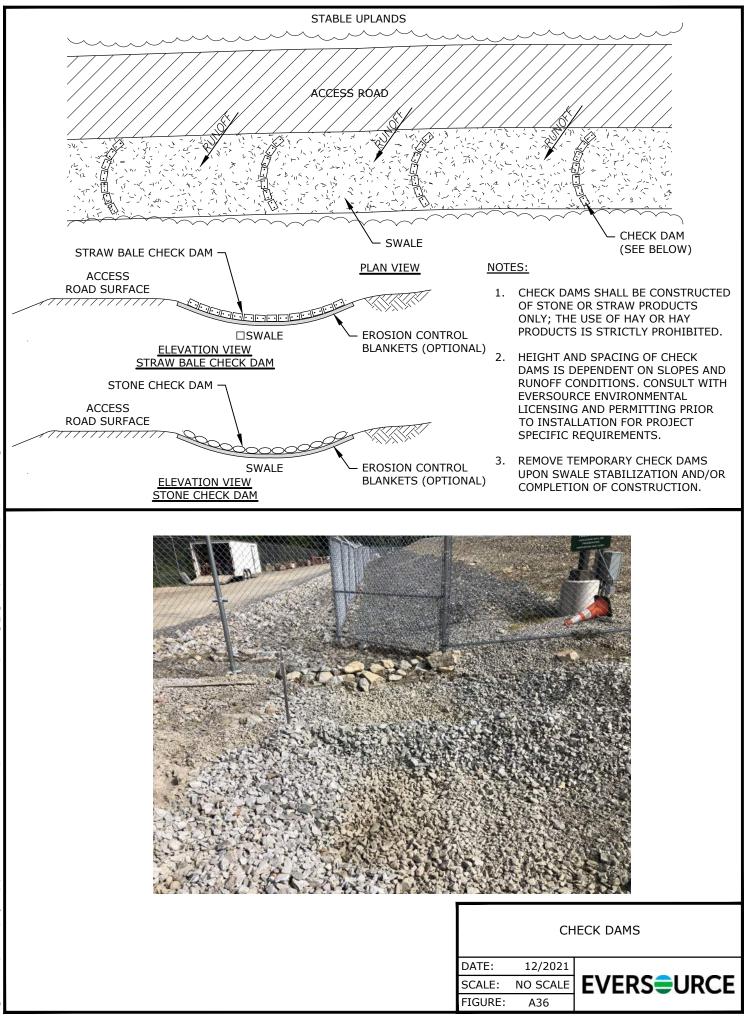


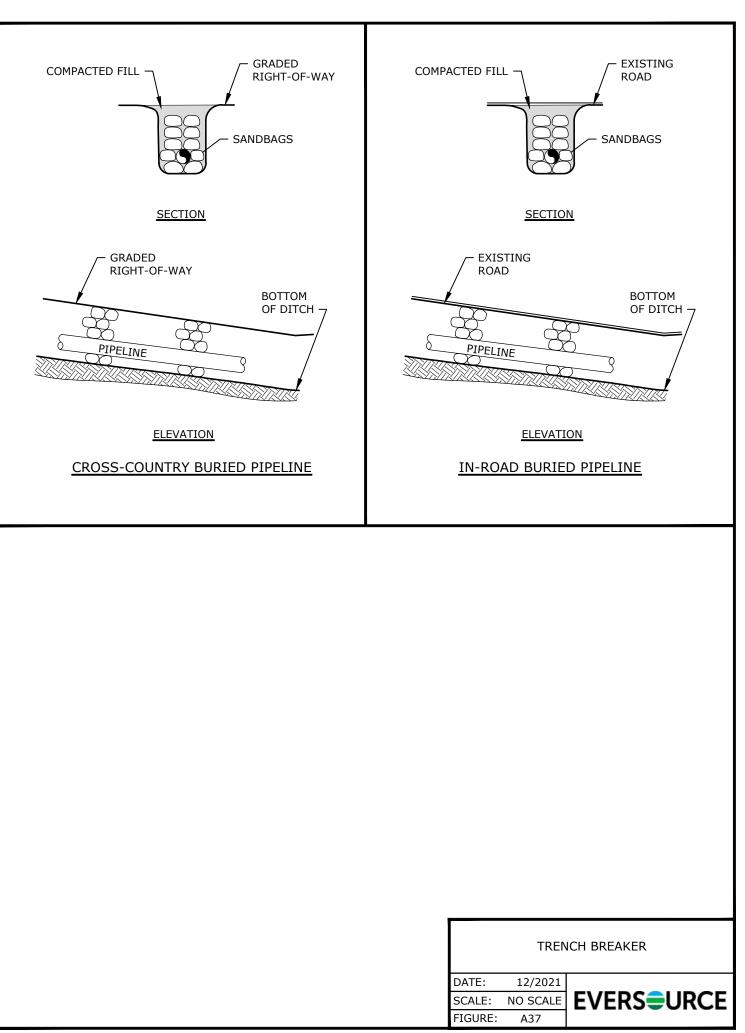


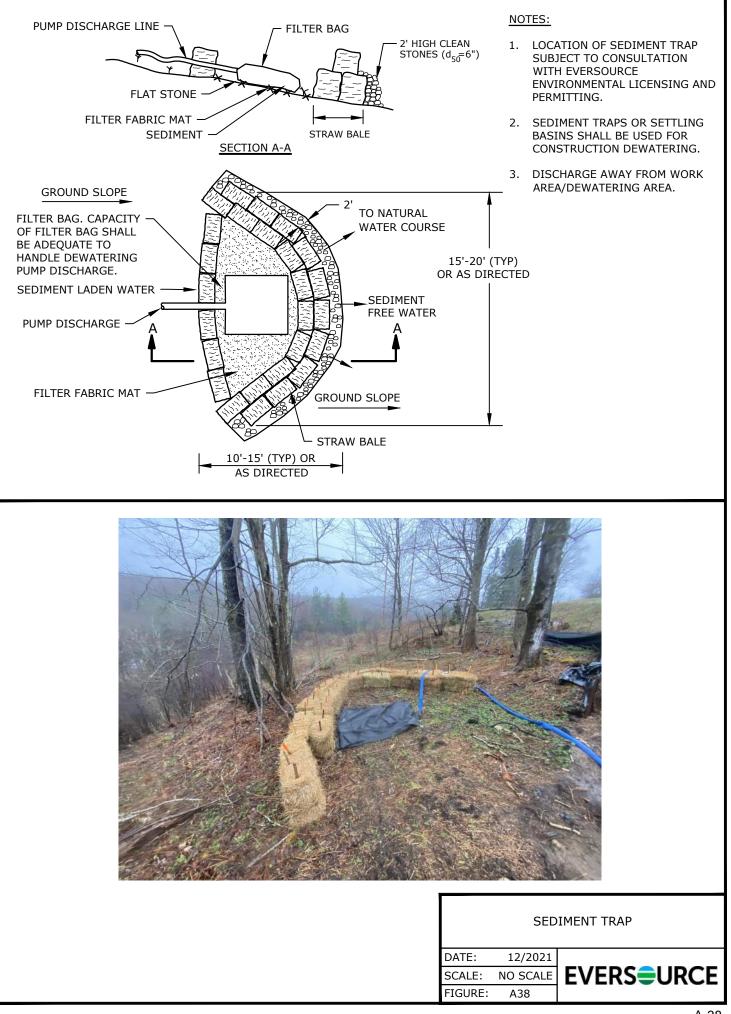


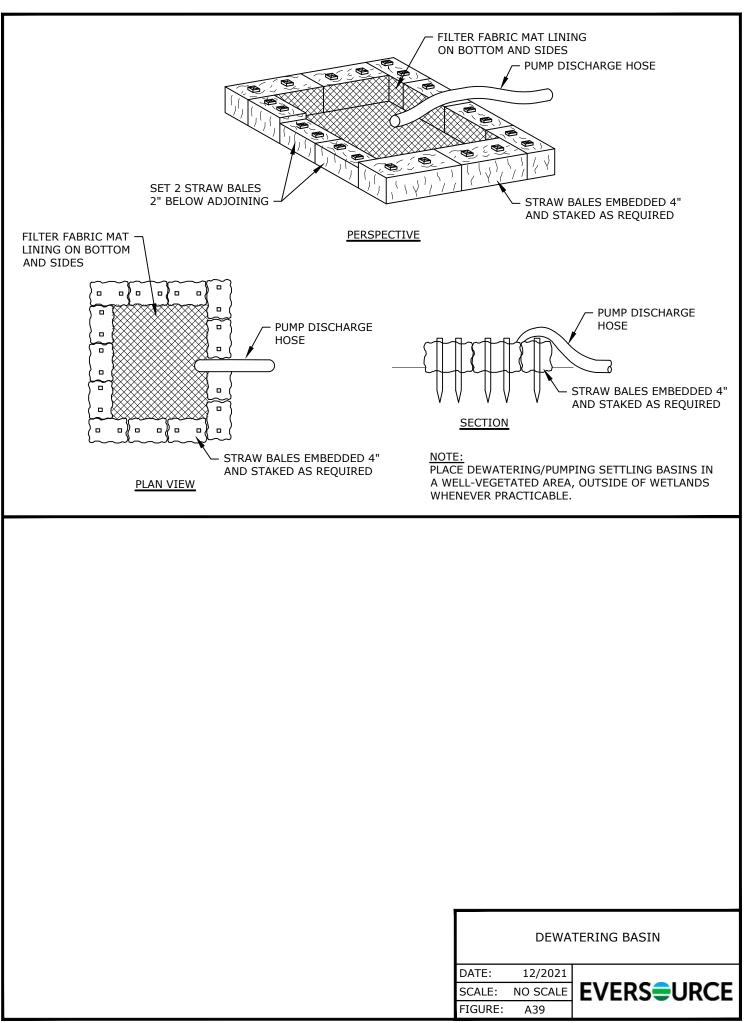


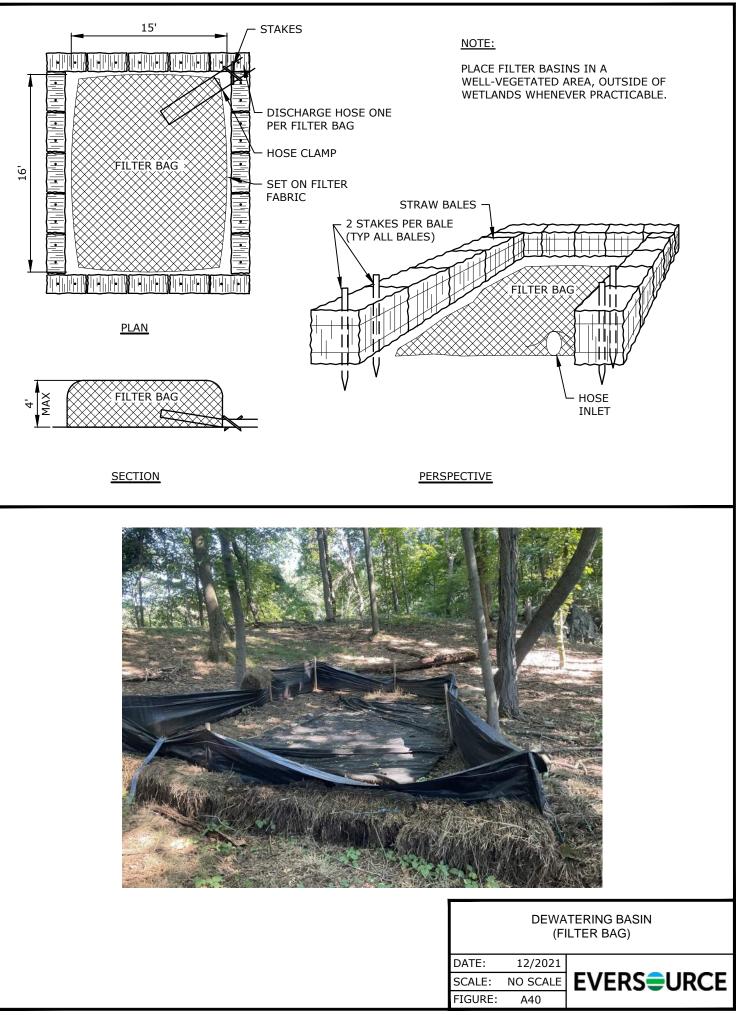


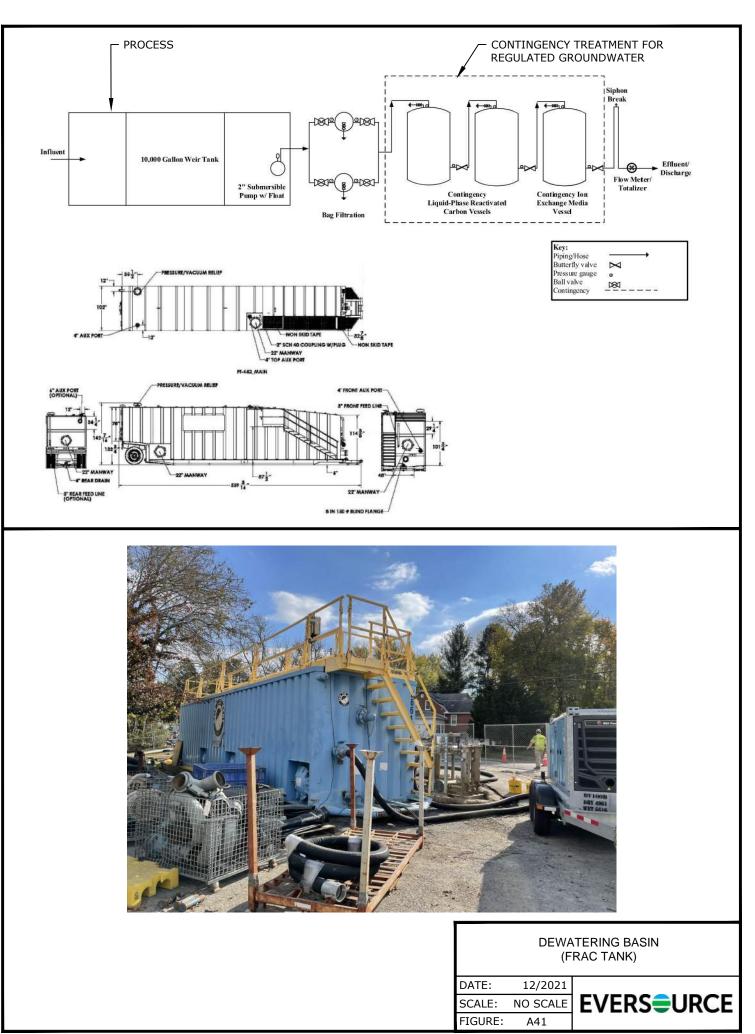












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