



January 25, 2024

Email/Overnight Delivery

Millis Conservation Commission
Town Hall
900 Main Street
Millis, MA 02054

Re: Request for Determination of Applicability
Walking Path Maintenance
Regency at Glen Ellen
Millis, Massachusetts

[LEC File #: TBI\15-091.02]

Dear Members of the Conservation Commission:

On behalf of the Applicant, Toll Brothers, Inc., LEC Environmental Consultants, Inc., (LEC) is filing a Request for Determination of Applicability (RDA) seeking confirmation that walking path maintenance activities at *Regency at Glen Ellen* do not require a Notice of Intent. The RDA (WPA Form 1, Attachment A) accompanies this letter, along with the *Limited Culvert Investigation* letter, dated October 23, 2023, prepared by Whitestone Associates, Inc. (Attachment B) describing the conditions and proposed maintenance, and *Site Plan B*, prepared by Bohler Engineering, Inc. (Attachment C) which shows the location of the project and existing conditions.

Project Description

The project involves repairing a sinkhole which has formed on the western side of an earthen walking path over Bogastow Brook. Bogastow Brook flows beneath the walking path through two (2) approximately five-foot-diameter concrete pipes. The walking path above the pipes has been filled with stone and soil to create an earthen bridge. The sinkhole is approximately four and a half feet long, three feet wide, and 16 inches deep and is at risk of expanding during significant precipitation events. A photograph of the sinkhole is provided (Attachment D).

The attached Whitestone letter details specific methods for repairing the sinkhole, including removing soil in the vicinity of the sinkhole, compacting the underlying material, and backfilling with specified fill material. Once backfilled, the fill will be compacted and covered with topsoil and stone dust.

Based on the methods proposed, the activities will involve temporary and/or negligible disturbances to Riverfront Area, Bordering Land Subject to Flooding (BLSF), and Buffer Zone to Bordering Vegetated Wetlands (BVW) and Bank to Bogastow Brook; Areas Subject to Protection under the *Massachusetts*

LEC Environmental Consultants, Inc.

www.lecenvironmental.com

12 Resnik Road
Suite 1
Plymouth, MA 02360
508.746.9491

380 Lowell Street
Suite 101
Wakefield, MA 01880
781.245.2500

100 Grove Street
Suite 302
Worcester, MA 01605
508.753.3077

P.O. Box 590
Rindge, NH 03461
603.899.6726

680 Warren Avenue
Suite 3
East Providence, RI 02914
401.685.3109

PLYMOUTH, MA

WAKEFIELD, MA

WORCESTER, MA

RINDGE, NH

EAST PROVIDENCE, RI



Wetlands Protection Act (M.G.L. c. 131, § 40), its implementing Regulations (310 CMR 10.00) and the *Town of Millis Wetlands Protection Bylaw* (Article XIX), and its associated *Rules and Regulations*.

Summary

Toll Brothers, Inc. is filing this RDA for repairs to the walking path crossing Bogastow Brook at the *Regency at Glen Ellen* project. Based on the negligible disturbance caused by the work, the Applicant respectfully requests that the Conservation Commission issue a Negative Determination confirming that the proposed work is “within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area, and does not require the filing of a Notice of Intent.” (WPA Form 2, § B (2) - Negative Determination).

We look forward to discussing this request at your February 12, 2024 Public Hearing. If you have any questions regarding this matter or require additional information, please don’t hesitate to contact me at 508-746-9491 or mmanganello@lecenvironmental.com.

Thank you for your consideration of this request.

Sincerely,

LEC Environmental Consultants, Inc.

A handwritten signature in black ink, reading "Mark L. Manganello", is written over the company name.

Mark Manganello, Senior Wetland Scientist
Assistant Director of Ecological Services

Attachments

cc: DEP Central Regional Office

Toll Brothers, Inc.

Whitestone Associates, Inc.

Attachment A

WPA Form 1 – Request for Determination of Applicability



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

Millis
City/Town

WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
and the Millis Wetlands Protection Bylaw and Regulations

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:

Toll Brothers, Inc.

Name

tmerchant@tollbrothers.com

E-Mail Address

116 Flanders Road

Mailing Address

Westborough

City/Town

MA

State

01581

Zip Code

(508) 366-1440

Phone Number

Fax Number (if applicable)

2. Representative (if any):

LEC Environmental Consultants, Inc.

Firm

Mark Manganello

Contact Name

mmanganello@lecenvironmental.com

E-Mail Address

12 Resnik Road, Suite 1

Mailing Address

Plymouth

City/Town

MA

State

02360

Zip Code

508-746-9491

Phone Number

508-746-9492

Fax Number (if applicable)

B. Determinations

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

- ☐ 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:

Millis

Name of Municipality

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



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C. Project Description

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

Glen Ellen Boulevard

Street Address

Millis

City/Town

Map1

Assessors Map/Plat Number

Lot 334

Parcel/Lot Number

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

See attached letter.

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

Site Plan B, prepared by Bohler Engineering, Inc.

Title

9/19/19

Date

Title

Date

Title

Date

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

See attached letter.



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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).

See attached letter.

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.)



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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:

Regency at Glen Ellen Condominium Trust

Name

1 Glen Ellen Boulevard

Mailing Address

Millis

City/Town

MA

State

02054

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 Applicant

Date

Signature of Representative (if any)

1/25/24

1/24/24

Attachment B

Limited Culvert Investigation Letter, Dated October 23, 2023,
Prepared by Whitestone Associates, Inc.

October 12, 2023

via email

TOLL BROTHERS, INC., MA DIVISION
134 Flanders Road
Suite 275 Westborough, Massachusetts 01581

Attention: Mr. Edward A. Merchant, P.E.
Land Development Director

**Regarding: LIMITED CULVERT EVALUATION
REGENCY AT GLEN ELLEN
84 ORCHARD STREET
MILLIS, NORFOLK COUNTY, MASSACHUSETTS
WHITESTONE PROJECT NO.: GM1815780.000**

Dear Mr. Merchant:

Whitestone Associates, Inc. (Whitestone) is pleased to provide this culvert investigation summary letter for the above-referenced project. Whitestone's review was based on recent correspondence with Toll Brothers.

PROJECT INFORMATION

The subject property located at 84 Orchard Street in Millis, Norfolk County, Massachusetts is developed with the Regency at Glen Ellen residential subdivision. A golf course is located to the northeast of the property and is divided from the subject property by Bogastow Brook, which runs north/south. A walking path within the northeastern portion of the site connects the residential subdivision with the golf course. At the location of the walking path Bogastow Brook flows through a culvert. An earthen bridge is constructed over the culvert. A sink hole has formed on the western side of the culvert. Whitestone was requested to visit the site to review the sinkhole and culvert and provide recommendations for repair.

FIELD OBSERVATIONS

Whitestone visited the site on August 7, 2023 to visually review the culvert and surrounding area and perform limited exploration with hand tools. Based on review of historical aerial photography, the crossing has been in place at this location since at least 1957. The culvert is constructed of two reinforced concrete pipes, consisting of several sections each with diameters of approximately five feet. The eastern culvert is approximately 6 inches lower than the western culvert. The area above the pipes has been filled with stone and soil and at least the edges above the are capped with concrete and soil to create the earthen bridge. The stone and soil thickness appears to be approximately two feet in thickness above the culvert. The culvert was likely reconstructed post 1957 to install the reinforced concrete pipes and has been in place for at least 10 years based on Whitestone's observations. The area surrounding the culvert is heavily vegetated which prevented clear access, however, based on Whitestone's review the reinforced concrete pipes are in fair condition even though they are aged. The middle portion of the eastern pipe was observed to have a minor separation at the join between sections of pipe. Visible root growth was observed on the inside top of the culvert.

Office Locations:

Whitestone observed the sinkhole and erosion on the northwestern end of the culvert land bridge at the edge of the pathway. The sinkhole was observed to be approximately 4.5 feet long, 3 feet wide, and 16 inches deep and is located approximately at the approximate outside edge of the western culvert. Soil conditions encountered within the sinkhole consisted of silty sand with limited amounts of gravel.


RECOMMENDATIONS

Based on observations, the elevation difference and joint separations of the culvert does not appear to be impacting the functionality at this time, however, repairs may be required in the future. Whitestone considers the sinkhole is primarily the result of surficial erosion combined with soil migration into the stone and poorly-graded fill around the reinforced concrete pipes that comprise the culvert. The erosion will continue and the sinkhole will grow if repairs are not made. As such, Whitestone recommends that the upper few feet in the vicinity of the sinkhole be removed to expose potentially poorly graded fill that has the potential to migrate fines. The exposed soil subgrade should be proofcompacted and a geotextile separation fabric, Mirafi 140N or equivalent, should be placed to line the excavation. The excavation should then be backfilled using a granular fill with maximum particle size of two inches and no more than 15 percent by weight passing the number 200 sieve. Backfill should be placed in lifts no greater than 8 inches thick and be compacted to a minimum of 95 percent of the theoretical maximum density as determined by a modified Proctor. Compactive efforts should be applied with a hand operated vibratory plate compactor. Once the compacted fill has been placed the surface should be restored with low permeable topsoil or stone dust as required. Additionally, the edges of the pathway should be evenly graded and consideration should be given to placing rip-rap along the edge of the slopes to more evenly distribute runoff and prevent erosional channels forming near the edge of the culverts where transition slopes occur. Once these repairs are made the pathway should be safe to transverse equipment across with a gross vehicle weight of no more than 12,500 pounds. Should equipment in excess of this weight limit need to cross the pathway Whitestone recommends that 1-inch thick steel plates be placed over the pathway to distribute loading.

Whitestone trusts that this letter is sufficient for your present purposes. We appreciate the opportunity to provide services on this project. Should you have questions or require additional information please contact our office.

Sincerely,

WHITESTONE ASSOCIATES, INC.


Jason R. Landry
Senior Project Manager
Ryan R. Roy, P.E.
Vice President

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Enclosures

Attachment C

Site Plan B, Prepared by Bohler Engineering, Inc.

Attachment D

Photograph

