

**Notice of Intent Application
EII Pond
Aquatic Management Program**

Melrose, MA

November 2021

Prepared for:
City of Melrose
562 Main St
Melrose, MA 02176

Prepared by:
SŌlitude Lake Management
590 Lake Street
Shrewsbury, MA 01545



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Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Melrose

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):

Eli Pond Melrose 02176
a. Street Address b. City/Town c. Zip Code
Latitude and Longitude: 42.46102 -71.60494
d. Latitude e. Longitude
Latitude and Longitude: _____
f. Assessors Map/Plat Number g. Parcel /Lot Number

2. Applicant:

_____ a. First Name _____ b. Last Name
City of Melrose
c. Organization
562 Main St
d. Street Address
Melrose MA 02176
e. City/Town f. State g. Zip Code
781-979-4312 _____
h. Phone Number i. Fax Number edevlin@cityofmelrose.org
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):

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

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

_____ 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:

The Applicant is seeking an Order of Conditions for an Aquatic Plant Management Program at Ell Pond to control the invasive aquatic vegetation growth of water chestnuts with DEP-registered mechanical techniques.

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 ecological restoration limited project 310 CMR 10.53 (4)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR 10.24(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 checked="" type="checkbox"/> Bank	<u>50 ft</u> 1. linear feet	<u>0</u> 2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways	<u>1,001,880</u> 1. square feet	<u>0</u> 2. square feet
	<u>0</u> 3. cubic yards dredged	

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	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. <input type="checkbox"/> 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. <input type="checkbox"/> 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 Limited Project Checklists – 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.2.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	
(b) outside Resource Area	
 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/nhesp/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/nhesp/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
836 South Rodney French Blvd.
New Bedford, MA 02744
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.

Ell Pond - City of Melrose Aquatic Management Program

a. Plan Title

SOLitude Lake Management

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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Provided by MassDEP:

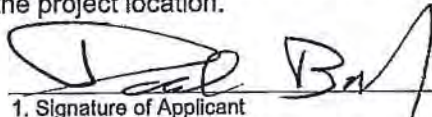
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F. Signatures and Submittal Requirements

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.

 _____ 1. Signature of Applicant	_____ 11/22/2021 _____ 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.



WPA Form 3 – Notice of Intent

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 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.



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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))

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

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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 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;



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Appendix A: Ecological Restoration Limited Project Checklists

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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): Aquatic Habitat Management - removal of invasive plant species



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

Provided by MassDEP:

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

Required Actions (310 CMR 10.11)

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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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Appendix A: Ecological Restoration Limited
Project Checklists

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.)

- 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/MADMFTR-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 836 South Rodney French Blvd. New Bedford, MA 02744 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
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- 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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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.

Notice of Intent Application Ell Pond Aquatic Management Program - 2021

a. Plan Title

SOLitude Lake Management

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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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

Paul Brodeur

Printed Name of Applicant or Authorized Agent

11/22/21
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.



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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:

Ell Pond Melrose
 a. Street Address b. City/Town

 c. Check number d. Fee amount

2. Applicant Mailing Address:

_____ a. First Name _____ b. Last Name
City of Melrose
 c. Organization
562 Main St
 d. Mailing Address
Melrose MA 02176
 e. City/Town f. State g. Zip Code
781-979-46312 _____
 h. Phone Number i. Fax Number j. Email Address edevlin@cityofmelrose.org

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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NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 2E			\$0

Step 5/Total Project Fee: _____

Step 6/Fee Payments:

Total Project Fee: \$0
 a. Total Fee from Step 5

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

City/Town share of filing 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.)



ATTACHMENT A

Abutter Notification

To: The Environmental Monitor

From: SÖlitude Lake Management

Date: October 28, 2021

Re: Notification of filing an NOI for Woods Pond

Anticipated date of submission: November 8, 2021

The proposed project is seeking approval to initiate an Aquatic Management Program at Ell Pond in Melrose, MA. A mechanical hydro-rake will be used to establish safe usage of the waterbody and to protect the interests of the Wetlands Protection Act by impeding eutrophication and improving habitat value.

Reviewing Conservation Commission(s):

Melrose Conservation Commission
Melrose City Hall
562 Main St
Melrose, MA 02176

Copies of the NOI may be examined or acquired from the Conservation Commission, or by contacting the applicant's representative, SÖlitude 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, Mary Nickerson, hereby certify under the pains and penalty of perjury that on November 23, 2021, 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 Arlington Conservation Commission on November 23, 2021, for an Aquatic Management Program at Ell Pond in Melrose, 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.

Mary Nickerson
Name

11/23/2021
Date

SOLitude Lake Management
590 Lake Street
Shrewsbury, MA 01545

**NOTIFICATION TO ABUTTERS UNDER THE
MASSACHUSETTS WETLANDS PROTECTION ACT
CHAPTER 131, SECTION 40**

In accordance with the 2nd paragraph of Massachusetts General Laws Chapter 131, Section 40, you are hereby notified of the following:

A. The name of the applicant is: City of Melrose

B. The Applicant has filed a Notice of Intent with the Melrose Conservation Commission, seeking to work within an Area Subject to Protection under the Massachusetts Wetlands Protection Act (General Laws Chapter 131, Section 40).

Description of Project: An integrated Aquatic Management Program at Ell Pond to monitor, assess and implement measures for control of non-native/invasive aquatic vegetation, specifically with the use of USEPA/State registered aquatic herbicides/algaecides.

C. The location where the activity is proposed at Ell Pond.

D. Copies of the Notice of Intent may be examined at the Melrose Conservation Commission office during their normal business hours. For more information, call the Conservation Commission at 781-979-4500. Copies of the Notice of Intent are available (for a fee) from the applicant's representative (SOLitude Lake Management) by calling (508) 865-1000 between the hours of 8 AM and 4 PM (Monday through Friday).

E. Questions regarding this Notice of Intent may be directed to the applicant's representative (SOLitude Lake Management) by calling (508) 865-1000 between the hours of 8 AM and 4 PM (Monday through Friday)

F. The Melrose Conservation Commission will hold a public hearing on **December 16, 2021** at or after 7:30p in Cassidy Conference Room, 2nd Floor, City Hall at 565 Main St, Melrose, MA 02176

NOTE: Notice of this public hearing, including date, time and place:

1) Will be published at least five (5) days in advance in the local newspaper

2) Will be posted in the City Hall not less than forty-eight (48) hours in advance of the public hearing.

NOTE: You may also contact your local Conservation Commission or the nearest Department of Environmental Protection Regional Office for more information about this application or the Wetlands Protection Act. To contact DEP, call the Northeast Regional Office at (978) 694-3200.

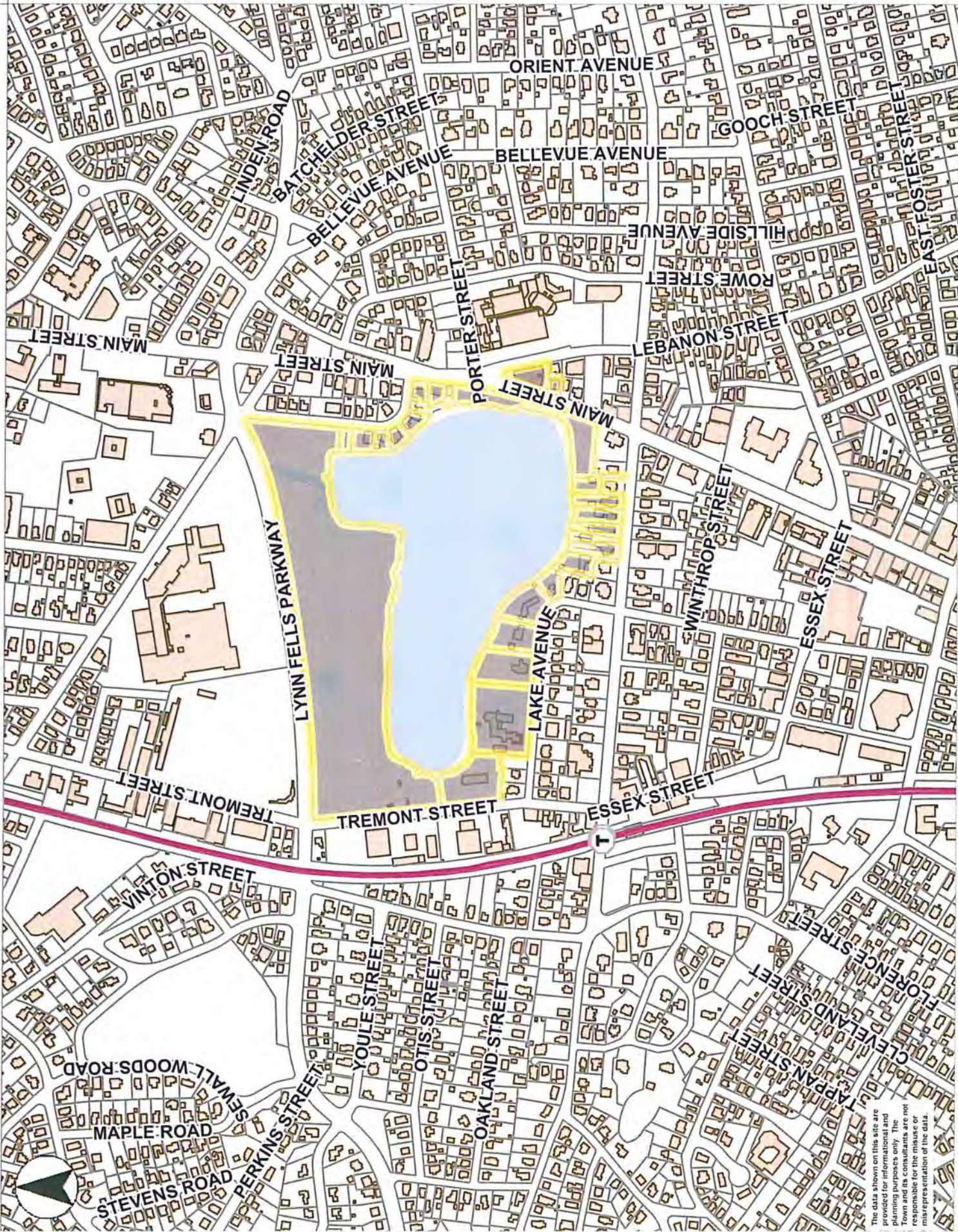


abutters_id	Field	abutters_owner1	abutters_owner2	abutters_address	abutters_town	abutters_state	abutters_zip	abutters_bookpage	abutters_location
D9 0 6-1		BOURQUE, MATTHEW J.	AMY L. BOURQUE, HWTE	14 CRYSTAL ST	MELROSE	MA	02176	65410-360	14 CRYSTAL ST
D9 0 6-2		DILULLO DANIEL F	SUSAN L DILULLO HWTE	14 CRYSTAL ST	MELROSE	MA	02176	32874-65	16 CRYSTAL ST
C9 0 31		ROBINSON, JENNIFER P. IND		17-19 LAKE AVE	MELROSE	MA	02176	46648-128	17-19 LAKE AV
C9 0 42		GEORGE, EDA U., TRUSTEE	E.U.G. LIVING TRUST	19 EMERSON ST W	MELROSE	MA	02176	1520-25	19 EMERSON WEST ST
D10 0 1		STRECKERT, MARGHERIT K IND		20 CRYSTAL ST	MELROSE	MA	02176	27685-202	20 CRYSTAL ST
C9 0 30		MCABEE, ELKE		21 LAKE AVE	MELROSE	MA	02176	73099-230	21 LAKE AV
D10 0 2		DELLORFANO, WILLIAM J. REV. TRST	WILLIAM J. DELLORFANO TRUSTEE	22 CRYSTAL ST	MELROSE	MA	02176	67037-419	22 CRYSTAL ST
C9 0 37		WALSH MICHAEL	WALSH KELLY HWTE	194 WAARWICK RD	PARRISH	FL	34219	65355-297	2-4 LAKECROFT CT
C9 0 40		OCTOBER 20 LIVING TRUST	JANET MOORE MCMANUS, TRUSTEE	25 W EMERSON ST	MELROSE	MA	02176	73835-560	25 EMERSON WEST ST
D10 0 3-4		L POND, LLC		145 MAIN STREET, STE 2	MELROSE	MA	02176	74286-239	28 CRYSTAL ST
C9 0 29		BURNHAM, LESTER H N	EMELIE M BURNHAM	31 LAKE AVE	MELROSE	MA	02176	16870-289	31 LAKE AV
C9 0 39		NORWICH LANDING SERIES LLC		11 NEW MEADOW RD	LYNNFIELD	MA	01930	50627-236	33 EMERSON WEST ST
D10 0 5		CITY OF MELROSE	PARK COMMISSION	SLATTON ROAD	MELROSE	MA	02176	32233-462	34 CRYSTAL ST
C9 0 38		NORWICH LANDING SERIES LLC		11 NEW MEADOW RD	LYNNFIELD	MA	01940	50627-234	38 EMERSON WEST ST
C9 0 28		MACDONALD, JOHN S	CHERRI D MACDONALD HWTE	39 LAKE AVE	MELROSE	MA	02176	1219-156	39 LAKE AV
C9 0 36-1		NICOLA, DONNA C, IND.		45 W EMERSON ST U-1	MELROSE	MA	02176	74206-101	45-UT 1 EMERSON WEST ST
C9 0 36-2		PATRICIA A FELIX LIFE EST	KERRI CAHILL + ANDREA LEONE TRS	45 W EMERSON #2	MELROSE	MA	02176	73310-39	45-UT 2 EMERSON WEST ST
C9 0 36-3		SPELLMAN BURROUGHS, LAUREN		45 WEST EMERSON STREET UNIT 3	MELROSE	MA	02176	69775-488	45-UT 3 EMERSON WEST ST
C9 0 36-4		ALEXANDER, DANIEL	HANNAH GLOVER, JT	45 W EMERSON ST. UNIT# 4	MELROSE	MA	02176	73195-32	45-UT 4 EMERSON WEST ST
C9 0 36-5		NORTON, DANIEL J.	VALESSA H. NORTON, HWTE	290 PINE COBBLE ROAD	WILLIAMSTOWN	MA	01267	59647-151	45-UT 5 EMERSON WEST ST
C9 0 36-6		SOMMANTI, VICTOR		45 W EMERSON UNIT 6	MELROSE	MA	02176	16374-412	45-UT 6 EMERSON WEST ST
C9 0 35		ANDERBURNE REALTY TRUST II	KIMBERLEY KAUFMAN, TRUSTEE	49 W EMERSON STREET	MELROSE	MA	02176	1358-146	49 EMERSON WEST ST
C9 0 27		DESFORGES, JANE	C/O BNY MELLON WEALTH MNGMT	P.O. BOX 55865	BOSTON	MA	02205	9690-291	49 LAKE AV
D9 0 1A		CITY OF MELROSE	PARK DEPT	MAIN ST	MELROSE	MA	02176	700 MAIN ST	
D9 0 9-10		727 MAIN, LLC		727 MAIN ST.	MELROSE	MA	02176	1522-8	727 MAIN ST
D9 0 7-18		GPH MELROSE ELMHURST LLC		PO BOX 160488	ALTIMONTE SPRINGS	FL	32716	1318-129	743 MAIN ST
C9 0 25-26		THE FITCH HOME, INC	% COURTLAND BACALL	131 STATE STREET	BOSTON	MA	02109		75 LAKE AV
D9 0 1		WALSH, MICHAEL	KELLY WALSH HWTE	194 WAARWICK RD	MELROSE	MA	02176	1398-97	782 MAIN ST
D9 0 2		786 MAIN ST RLTY TRUST	ANGELA NOGUEIRA, TRUSTEE	786 MAIN ST	MELROSE	MA	02176	1358-31	786 MAIN ST
D9 0 4		WOODSPELL REALTY TRUST	ALEXANDER B. LATTY, TRUSTEE	792 MAIN ST	MELROSE	MA	02176	18926-251	792 MAIN ST
D9 0 5		TRINITY PROPERTIES, LLC		662 FRANKLIN ST.	MELROSE	MA	02176	71914-293	8 CRYSTAL ST
C9 0 23		THE FITCH HOME INC		75 LAKE AVE	MELROSE	MA	02176	11983-628	83 LAKE AV
C10 0 1		ELL POND PARK, IPAVILLION, BLDG	+BATHHOUSE)	LYNN FELLS PKWY	MELROSE	MA	02176	N/A	LYNN FELLS PW
D9 0 3		MELROSE PARK, DEPT	ELL POND PK	MAIN ST	MELROSE	MA	02176	N/A	MAIN ST
D9 0 112		METROPOLITAN, DISTRICT	COMMISSION	20 SOMERSET ST	BOSTON	MA	02108	0	TREMONT ST

City of Melrose Board of Assessors
 Certified Abutters List

11/08/21

- Streets
- MBTA Commuter Rail S
- MBTA Commuter Rail
- Easements
- Plot Lines
- Parcels
- Buildings
- Pools
- MA Highways
- Interstate
- US Highway
- Numbered Router
- Abutting Town Labels
- Bathymetry
- 0-5 ft
- 5-10 ft
- 10-15 ft
- 15-20 ft
- 20-30 ft
- 30-40 ft
- 40-50 ft
- 50-60 ft
- 60-70 ft
- 70+ ft
- Town Boundary
- Abutting Towns
- Mask



ELLS POND 100FT

Printed on 11/08/2021 at 10:59 AM



The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.

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TRUSTEE
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STRECKERT, MARGRET K IND
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 PARRISH FL 34219

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290 PINE COBBLE ROAD
WILLIAMSTOWN MA 1267

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DESFORGES, JANE
P.O. BOX 55865
BOSTON MA 2205

For instructions for instructions

2618 5600 0000 0497 6102

4478 5600 0000 0497 6102

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MELROSE MA 02176

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17-19 LAKE AVE
MELROSE MA 02176

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2618 5600 0000 0497 6102

4478 5600 0000 0497 6102



ATTACHMENT B

Project Description

1.0 Introduction

The “Applicant”, the City of Melrose, is seeking approval to initiate a program to mechanically remove water chestnut (*Trapa natans*) from portions of EII Pond. Based on the characteristics of water chestnut and the condition of EII Pond, it has been concluded the restoration goals of the Applicant can best be achieved through the prudent use of mechanical harvesting and hydro-raking.

The proposed project has been filed as an Ecological Restoration Limited Project under 310 CMR 10.53(4) and will protect the interest of the Wetland Protection Act by controlling a non-native, nuisance species, improving fish habitat, improving water quality and slowing lake eutrophication.¹

2.0 Problem Statement:

Water chestnut is a highly invasive, non-native aquatic plant that has the potential to outcompete most or all of the other vegetation in EII Pond and create a dense surface canopy of foliage over most of the pond’s surface. Such monotypic, dense growth will adversely affect the fishery, water quality and wildlife habitat value of EII Pond as well as severely curtail recreational opportunities and present a health hazard to any users of the pond. Based on the goals of the Applicant, a management program focusing on monitoring, mechanical harvesting and hydro-raking is proposed to control the water chestnut infestation, restore open the water conditions and maintain desirable water quality.

The proposed program will complement the ongoing management of EII Pond which is focused on managing other types of nuisance aquatic vegetation, algae and nutrient levels. Mechanical harvesting and hydro-raking was chosen over the use of herbicides in order to address the significant biomass that is created by water chestnut infestations. Removal of this biomass is a critical advantage of mechanical methods. Additionally, since water chestnut is a true annual species, growing back only from seeds each season, mechanical removal prior to seed production has consistently proven to be a successful long-term solution for these plants, at least as effective as herbicide treatment.

3.0 Site Description:

EII Pond is a 23- acre Great Pond in Melrose bordered by Main Street, Lynn Fells Parkway, Tremont Street and Lake Avenue (See Appendix C - Figure 1). The pond has an average depth of 6 feet and a maximum depth of 12 feet. EII Pond, was formerly known as “L Pond” as it is in the shape of an L. The northern shoreline is bordered by a recreational park area and the other shorelines by medium density residential or light commercial properties. The pond does receive stormwater runoff from a predominantly urban watershed. Water from EII Pond exits underground at the southeast corner. There is no public boat ramp, but access or canoes/kayaks is available from the recreational area. The pond is not used for swimming, but does provide habitat for fish and wildlife.

4.0 Existing Conditions:

Due to its relatively shallow, nutrient rich conditions, EII Pond has exhibited both nuisance plant and algae growth over the years, including cyanobacteria (blue-green algae) blooms. An ongoing management program has existed for many years utilizing monitoring, herbicide/algaecide treatment, and aluminum sulfate to manage these conditions. A number of years ago, water chestnut was discovered in the pond, likely brought in by users or waterfowl. Initial attempts at hand-pulling slowed

¹ Department of Environmental Protection. Guidance for Aquatic Plant Management in Lake and Ponds as it Relates to the Wetlands Protection Act: April 2004, 1p.

down the expansion of water chestnut, but unfortunately was not successful in eradicating the plant. A recent survey conducted on September 29th, showed that the western and northern coves were completely covered with water chestnut while the remainder of the pond showed dense growth along sections of the shoreline. In deeper water the vegetation assemblage was dominated by native coontail (*Ceratophyllum demersum*). A map of the vegetation assemblage is attached as Appendix C - Figure 2.

5.0 In-Lake Management Recommendations:

5.1 Program Overview:

Multiple year approval (up to 5 years as allowed in the regulations for maintenance projects) is requested for the mechanical removal of water chestnut at Ell Pond. The goal of the management program is to remove all of the water chestnut plants from Ell Pond on an annual basis to improve and maintain open water habitat, and promote the growth of less pervasive plant species. A majority of the removal will be done using a weed harvester, but a Hydro-Rake will likely be needed to access water chestnut in more shallow areas. Additionally, some manual hand pulling will still be required in areas of sparse growth. Removal of some non-target plants, such as coontail and waterlilies, where they grow along with the water chestnut, will also occur to a limited extent. This management program has been developed to be compatible with the goals of Applicant keeping in mind the regulatory responsibilities of the City of Melrose Conservation Commission and MA DEP.

As with any dynamic system, the ability to change and modify the management program is paramount to its success. The objectives of improving water quality and maintaining open water habitat can be achieved through regular monitoring supplemented by prudent use of mechanical techniques. Specifically, we are requesting approval for use of harvesting and hydro-raking. No significant alteration to the wetland resource areas will occur as a result of the proposed pond management program; instead, the resource areas will be enhanced by controlling an invasive aquatic plant species, dense native vegetation, and improving water quality.

5.2 Proposed Products and Management Techniques

Mechanical Harvesting

Mechanical harvesters are paddle-wheel driven barges that cut and collect aquatic vegetation. The front table can be adjusted to a maximum cutting depth of usually 5-7 feet. Hydraulically driven conveyors on these machines facilitate stockpiling and off-loading of the harvested material. Harvesters run on a vegetable-based hydraulic oil that is biodegradable. The machines carry oil containment "booms" and absorbent pads in the unlikely and unforeseen event of a hydraulic or fuel leak. All other necessary precautions are taken while fueling and maintaining the machine.



For Ell Pond, mechanical harvesting would be utilized to cut and collect water chestnut plants from the deeper areas of the pond before seed maturation, likely during the period late June through early August. Three to five years of intensive removal will likely be required to deplete the existing seed bank,

following which, limited harvesting and eventually manual hand-pulling would be used as the infestation becomes more sparse.

The harvester would be launched in the pond via access at the recreation area along the north shore and offloading of harvested materials will occur at the same location. Temporary relocation of boulders and/or fence sections will be required to access the shoreline from the parking lot of the park. Offloaded material would be allowed to dry for a short time before being transported to an upland location.

Impacts Specific to the Wetlands Protection Act²

- Protection of public and private water supply – Generally neutral (no significant interaction), although reduced plant density may benefit taste and odor control and minimize clogging of intakes
- Protection of groundwater supply – Generally neutral (no significant interaction)
- Flood control – Generally neutral (no significant interaction)
- Storm damage prevention – Generally neutral (no significant interaction)
- Prevention of pollution – Generally neutral (no significant interaction), but could be a detriment if sediment disruption and resultant turbidity are high, or if cut vegetation is left in the lake to decay
- Protection of land containing shellfish – Generally neutral (no significant interaction)
- Protection of fisheries – Detriment from mechanical harvesting (direct fish removal), but with potential benefit by habitat improvement (may have benefit and detriment to different species in same lake from same effort)
- Protection of wildlife habitat - Potential benefit by habitat improvement, but may have benefit and detriment to different species in same lake from same effort

Hydro-Raking



The mechanical Hydro-Rake can best be described as a “floating backhoe” with a York Rake attached. The barge is paddle wheel driven to facilitate operation in shallow water (<2 feet) and it can effectively work to depths of about 12 feet. It works from the water, thereby avoiding damage to sensitive shoreline, habitat and property. This machine “rakes” the upper sediment layer, collecting plants and their root system. The Hydro-Rake is well suited for the removal of plants’ large rhizome structures and in that case can provide multiple years of control.

The Hydro-Rake will be used to remove water chestnut plants from shallower areas of the pond where there is not enough depth for the harvester to operate. Raked material will be deposited at the same access point as the harvester. While in use, the harvester may be used as a transport barge for the raked material so that the hydro-rake does not have to travel back and forth to

² Commonwealth of Massachusetts Executive Office of Environmental Affairs. *Practical Guide to Lake Management*. 2004. 106 p.

the off loading area with each scoopful. Offloaded material would be allowed to dry for a short time before being transported to an upland location.

Impacts Specific to the Wetlands Protection Act⁴

- Protection of the public and private water supply - Generally neutral (no significant interaction)
- Protection of groundwater supply - Generally neutral (no significant interaction)
- Flood control - Generally neutral (no significant interaction)
- Storm damage prevention - Generally neutral (no significant interaction)
- Prevention of pollution - Possible detriment if sediment disruption and resultant turbidity are high over a large enough area.
- Protect of land containing shellfish - Possible detriment if applied to areas containing shellfish
- Protection of fisheries - Generally neutral (on small scale); alteration of habitat may have benefits or detriments to different species in the same waterbody.
- Protection of wildlife - Potential benefit by habitat improvement, but may have benefit and detriment to different species in the same lake from the same effort.

Plant Material Handling

The harvester will offload plant material at the park access point (See Appendix C - Figure 3). The offloading/dewatering area will be enclosed by a silt fence and/or hay bales as determined in conjunction with the Commission. Once sufficiently dewatered, the material will then be moved to a permanent upland compost site.

Management Technique Descriptions

Detailed information on all the approaches 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/eutrophication-and-aquatic-plant-management.html>>

5.3 Monitoring:

As part of the ongoing management program at EII Pond, regular inspections will be conducted in order to assess the growth phase of the target plant species and overall pond conditions. Post-management inspections will be conducted in order to assess the efficacy of the management efforts and any impacts on non-target species so future applications can be properly adjusted to minimize non-target impacts. Year-end reports documenting our annual management efforts, observed conditions, management efficacy, and future recommendations will be provided to the Commission. The water chestnut work at EII Pond will be included in these monitoring and reporting tasks.

6.0 Alternatives Analysis:

Alternatives to the proposed Aquatic Plant Management Plan were considered. SŌLitude evaluated all available strategies for management of EII Pond. Findings and recommendations are based on direct

experience and discussions found in the *Eutrophication and Aquatic Plant Management in Massachusetts Final Generic Environmental Impact Review* (FGEIR, EOE 2004).

Bottom Weed Barriers: Not Recommended

Physical controls, such as the use of bottom weed barriers (i.e. Aquatic Weed Net or Palco) can be effective for small dense patches of nuisance vegetation but are not cost effective or feasible for large areas like those that exist at Ell Pond. Weed barriers are expensive to install and maintain at ~\$2.00/ft² (material & installation). Semi-annual maintenance to retrieve, clean and re-deploy the barriers is expensive and time consuming. Additionally, covering expansive areas of the pond bottom may also have detrimental impacts on invertebrates or other types of wildlife.

Herbicide Treatment - Applicable but not recommended at this time

Aquatic herbicides can effectively treat water chestnut, however there is a desire and benefit to removing the plant biomass from Ell Pond, which the herbicides will not accomplish. Since water chestnut is an annual plant, harvesting and hydro-raking prior to seed drop will effectively control the plant and also remove the season's biomass preventing it from settling and decaying on the pond bottom.

Biological Controls: Not Recommended

There are no proven biological controls available or approved by the State for the control of the invasive aquatic plant species present at Ell Pond.

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.

Do Nothing: Not Recommended

If the invasive and nuisance plant and algae growth is allowed to continue unabated, the native plant species within Ell Pond will be outcompeted and displaced. Anoxic conditions would degrade water quality and potentially impact fish and other aquatic organisms. Stagnant conditions will also increase water temperatures promoting both algae and bacterial growth as well as providing extensive mosquito breeding habitat. The pond's recreational and aesthetic value would be significantly degraded.

7.0 Compliance

Massachusetts Wetlands Protection Act:

The objective of this project is to continue controlling invasive species. Managing densities of invasive species will typically not adversely affect wildlife habitat and will not negatively impact other interests of the Massachusetts Wetlands Protection Act. No significant alteration to wetland resources areas will occur as a result of the proposed management program; instead the resource areas will be enhanced by

controlling the nuisance plant and algae growth. 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)

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.

Massachusetts Endangered Species Act:

According to the most recent Natural Heritage maps provided by MA GIS (Appendix D - Figure 4), Ell Pond is not located within an area designated as Priority Habitats of Rare Species as determined by the Massachusetts Natural Heritage & Endangered Species Program (NHESP). A formal review by NHESP is not required.

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

Protection of public and private water supply – Ell Pond is not used directly as a drinking water supply. Mechanical harvesting and hydro-raking at the pond will not have any adverse impacts on the public or private water supply.

Protection of groundwater supply – According to available studies, there is no reason to believe that the groundwater supply will be adversely impacted by the proposed management strategies, specifically the mechanical harvesting and hydro-raking of water chestnut. SÖLitude’s operators take all necessary precautions when refueling and operating the machines. Hydraulic fluid used in the machines is biodegradable.

Flood control and storm damage prevention – No construction, dredging or alterations of the existing floodplain and storm damage prevention characteristics of the pond are proposed. However, in some instances, abundant and excessive aquatic plant growth can contribute to high water and flooding. Most commonly this occurs in the vicinity of waterbody outlets or water conveyance channels and structures. The unmanaged, annual growth and decomposition of abundant plant growth is also known to increase sediment deposition at an accelerated rate. Therefore, the proposed management approaches may increase the capacity of the resource area over the long-term to provide flood protection.

Prevention of pollution – No degradation of water quality or increased pollution is expected by the proposed management approaches. Removal of the excessive growth of aquatic vegetation will contribute to improved water circulation and a reduction in the potential for anoxic conditions. The post-management decrease in plant biomass will help to decrease the rate of eutrophication currently caused by the decomposing of excessive plant material.

Protection of fisheries and shellfisheries – Contiguous, dense beds of aquatic vegetation provide poor habitat for most species of fish. Dense plant cover frequently results in significant diurnal fluctuations in dissolved oxygen as well as oxygen depletion during certain times of the year. Mechanical harvesting and hydro-raking will improve the capacity of the Pond to support these interests by managing non-native species.

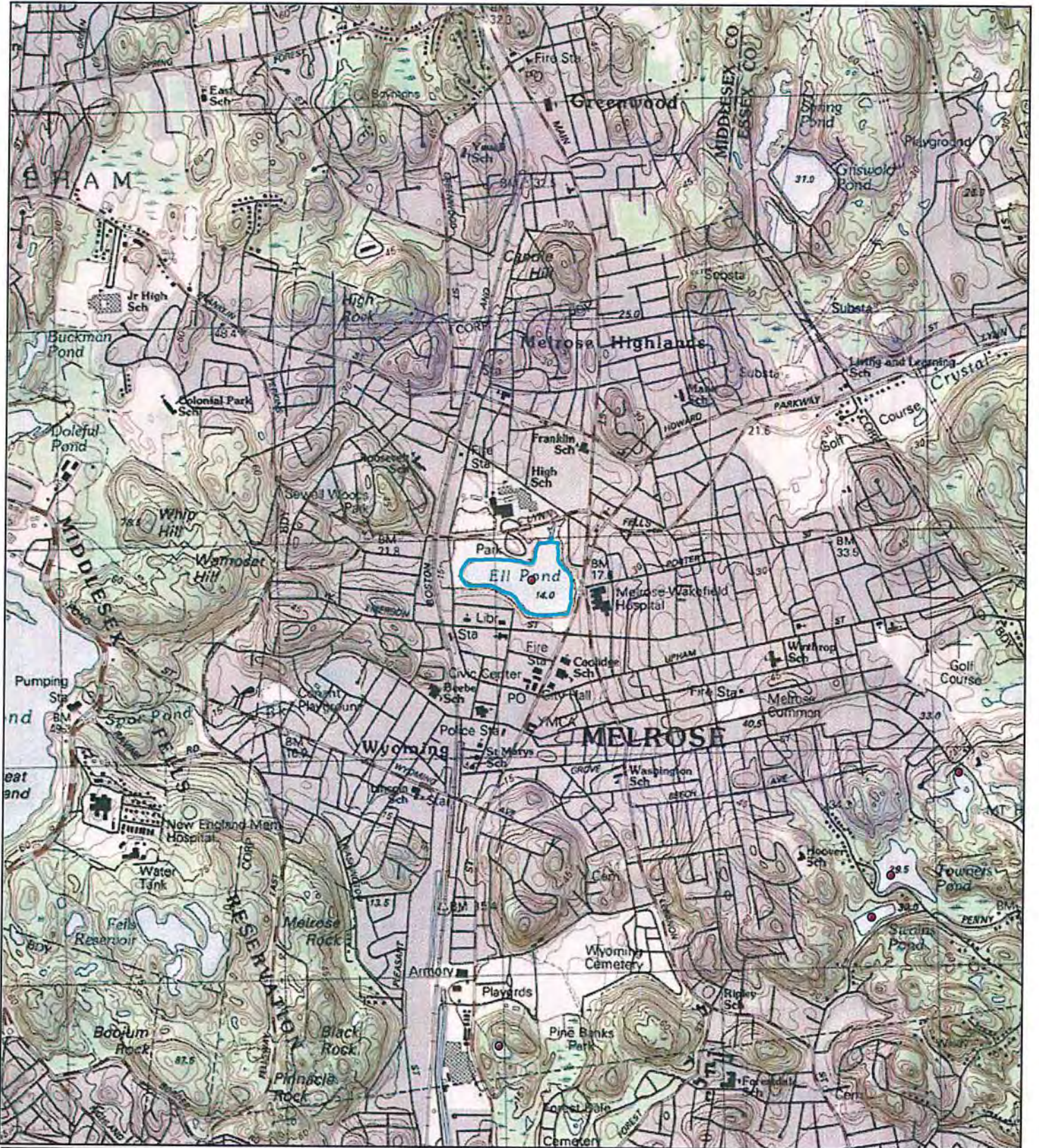
Protection of wildlife and wildlife habitat – In general, excessive and abundant plant growth, especially non-native plants, provides poor wildlife habitat for fish and other wildlife. The proposed management plan is expected to help prevent further degradation of the waterbody through excessive weed growth and improve the wildlife habitat value of the pond in the long-term. Maintaining a balance of open water and vegetated areas is intended.



ATTACHMENT C

Figures

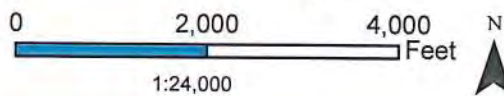
FIGURE 1: Site Locus



Ell Pond
Melrose, MA
Middlesex County

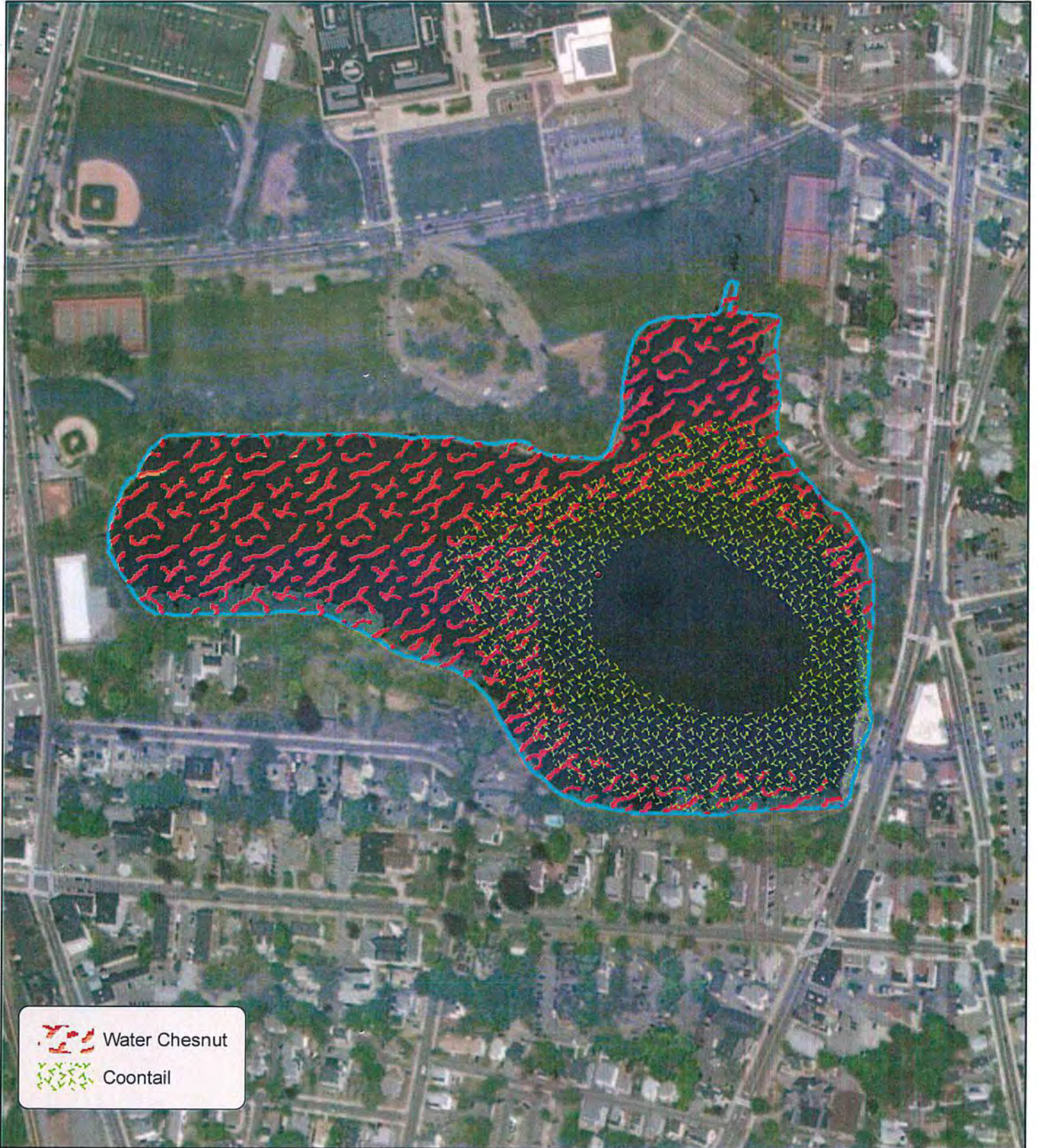




Ell Pond



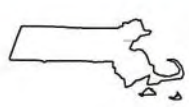
Map Date: 11/22/21
Prepared by: DM
Office: SHREWSBURY, MA

FIGURE 2: Vegetation Assemblage (September 2021)



 Water Chesnut
 Coontail


Ell Pond
Melrose, MA
Middlesex County



Ell Pond

0 300 600 Feet

1:3,507

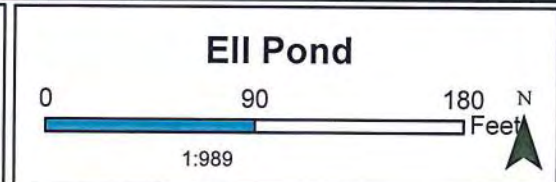



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FIGURE 3: Proposed Access/Staging/Offloading Area

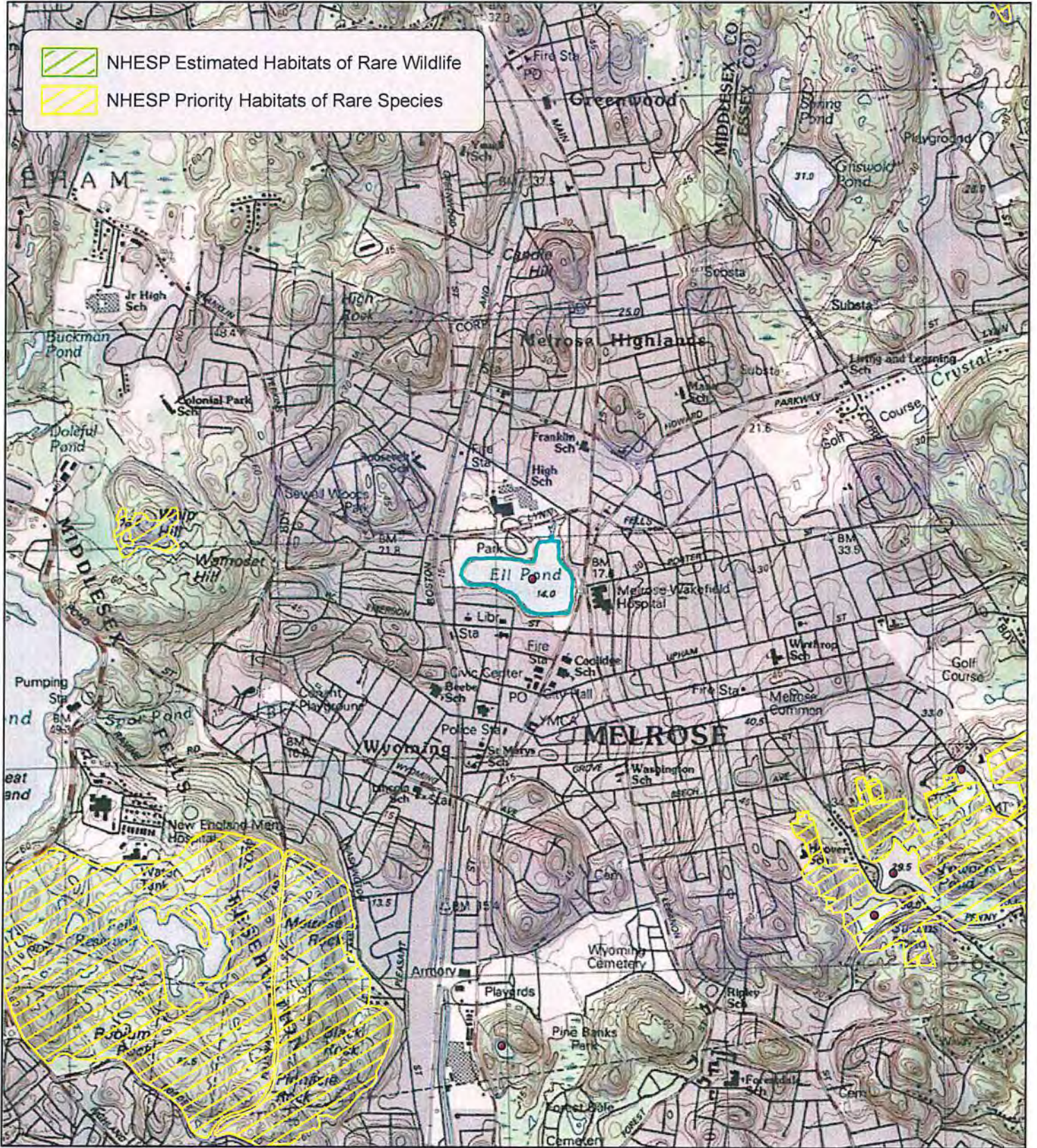


EII Pond
Melrose, MA
Middlesex County



Map Date: 11/22/21
Prepared by: DM
Office: SHREWSBURY, MA

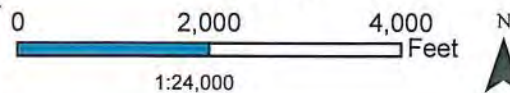
FIGURE 4: NHESP Habitat Areas



Eil Pond
Melrose MA
Middlesex County



Eil Pond



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