

18G6 & 18G8 Underground Cable Replacement Project **Request for Determination of Applicability**

**Town of Whately
Conservation Commission
February 2023**

Prepared for:

NSTAR Electric Company d/b/a Eversource Energy
107 Selden Street
Berlin, CT 06037

BSC Project No. 89582.79



February 3, 2023

Whately Conservation Commission
Town Hall
4 Sandy Lane
South Deerfield, MA 01373

**Re: Request for Determination of Applicability
18G6/18G8 Underground Cable Replacement Project
Whately, MA**

Dear Members of the Whately Conservation Commission:

On behalf of the NSTAR Electric Company d/b/a Eversource Energy (Eversource), BSC Group, Inc. (BSC) is pleased to submit the enclosed Request for Determination of Applicability (RDA) pursuant to the Massachusetts Wetlands Protection Act (WPA) and Regulations (M.G.L. Ch. 31, s. 40; 310 CMR 10.00) for the 18G6/18G8 Underground Cable Replacement Project in Whately, MA (the Project). This work is needed to upgrade the existing load capacity along the 18G6 and 18G8 distribution lines and ensure Eversource can provide continuous, reliable electric service to the communities served by the distribution lines. The proposed work is described below and depicted on the attached mapping.

PROJECT SUMMARY

The Project will occur within Eversource's existing cross-country 18G6 & 18G8 Distribution Line Right-of-Way (ROW) east of the intersection of Straits Road and River Road in Whately, MA. Eversource is proposing to replace two (2) spans of direct buried (DB) cable on the existing 18G6 and 18G8 circuits combining them into a single concrete encased underground (UG) conduit and manhole system. To replace the DB cable with UG conduit, two (2) new manholes will be installed. Specifically, the DB cable between riser Pole 26/B38 to 26/B37 on the east side of River Road will be replaced with UG conduit, and one new underground manhole (23/B37-1U) will be installed between the two riser poles. Then, approximately six-hundred (600) linear feet of UG conduit will be installed from the manhole (23/B37-1U) to existing riser Pole 26/13H-2 on the western side of the Connecticut River, replacing the existing DB cable. A second manhole (23/B37-2U) is proposed to be installed near riser Pole 26/13H-2. Underground manholes will be approximately 6' x 14' x 7' in size and have an iron cover resulting in 7.8 SF above ground impact. Please refer to the Environmental Resources (ER) Map (Attachment B) for the proposed work locations and wetland resource areas.

Based on delineations of the Project area conducted in January 2023, the activities to be conducted as part of the Project are located within the 100-foot Buffer Zone to Inland Bank and the 200-foot Riverfront Area (RFA) to the Connecticut River. In addition, work will occur within the 100-year Floodplain of the Connecticut River according to the 1982 Flood Insurance Rates Maps prepared by the Federal Emergency Management Agency (FEMA). Therefore, work will occur within the 100-year floodplain designated as Bordering Land Subject to Flooding (BLSF) under the WPA.

As the majority of the work will involve the replacement and maintenance of existing electrical infrastructure, the replacement of the UG conduit can be considered exempt utilities maintenance under the

WPA and its implementing regulations per 310 CMR 10.02(2)(a)2. However, the installation of one (1) new manhole located within the 200-foot RFA, 100-foot Buffer Zone to Inland Bank, and BLSF does not qualify as replacement per 310 CMR 10.02(2)(a)2. Therefore, the installation of the one (1) manhole is the subject of this RDA.

Below is a summary of utility work in the Town of Whately:

- **Anticipated Project construction timeframe: March 2023 – June 2023**
- **Work that is subject to review under the WPA:**
 - Installation of one (1) new underground manhole within the 100-foot Buffer Zone to Inland Bank, the 200-foot RFA to the Connecticut River, and BLSF.
- **Work not subject to WPA:**
 - Replacement of UG conduit;
 - Routine maintenance of existing electrical infrastructure;
 - Activities outside of jurisdictional areas.

REGULATORY REVIEW/ESTABLISHING JURISDICTION

As stated above, the Project primarily involves the replacement of existing underground conduit. In accordance with the WPA and its implementing regulations under 310 CMR 10.02(2)(a)2, the replacement of existing DB cable with UG conduit in jurisdictional areas can be considered exempt utilities maintenance as cited below:

310 CMR 10.02(2)(a)2 “activities conducted to maintain, repair or replace, but not substantially change or enlarge an existing and lawfully located structure or facility used in the service of the public and used to provide electric, ...provided said work utilizes the best practical measures to avoid or minimize impacts to wetland resource areas outside the footprint of said structure or facility. A project proponent claiming that work to remove, fill, dredge or alter an area specified in 310 CMR 10.02(1) does not require the filing of a Notice of Intent has the burden of establishing that the work is not subject to Regulation under M.G.L. c. 131, § 40.”

The majority of the proposed activities meets the criteria of exempt work activity as outlined above. However, the installation of one new manhole (23/B37-2U) within jurisdictional areas within a cross country ROW (outside of existing roadway) is not exempt under the WPA. Therefore, this RDA is being submitted to provide notification of the exempt activities but also for approval from the Conservation Commission for the installation of the one (1) new manhole that does not meet the described exemption. Through the implementation of appropriate best management practices (BMPs), the proposed work is not anticipated to alter an area subject to the protection of the WPA.

Therefore, Eversource is seeking a **Negative Determination – Category 2** finding that “*the work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent. ...*”

DELINEATION OF WETLAND RESOURCE AREAS

- Dates of Wetland Delineation: Delineations conducted January 2023
- Completed by: BSC Group wetland scientists
- Methodology: Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region, ed. J. S. Wakeley, R. W. Lichvar, and C. V. Noble. ERDC/EL

TR-12-1. Vicksburg, MS: U.S. Army Engineer Research and Development Center (Version 2.0).

DESCRIPTION OF THE WETLANDS AND STREAMS ADJACENT TO THE WORK AREA

No wetlands are present in or near the project area. However, a few streams, including the Connecticut River to the east, are present adjacent to the proposed Project area. An intermittent stream is present to the west of proposed manhole 22B/37-IU (see the ER Map in Attachment B). This stream appears to flow from the west through a culvert under River Road and to the Connecticut River. Vegetation includes black birch (*Betula lenta*), bittersweet (*Celastrus orbiculatus*), Japanese knotwood (*Reynoutria japonica*), silver maple (*Acer saccharinum*), and red maple (*Acer rubrum*). A roadside vegetated stormwater swale is also present to the north of Straits Road.

Riverfront Area near riser pole Pole 26/13H-2: Riser pole 26/13H-2 sits approximately 50 feet west of the Connecticut River, at the top of the riverbank. This area of the bank of the Connecticut River consists of staghorn sumac (*Rhus typhina*), wild cucumber (*Cucumis anguria*), and tearthumb (*Persicaria sagittata*).

DESCRIPTION OF WORK SUBJECT TO REVIEW UNDER THE WPA

Manhole Installation: To connect the UG conduit to the existing riser pole, one (1) new pre-cast manhole will be installed along the new UG conduit distribution line, adjacent to the existing DB 18G6 and 18G8 distribution lines. More specifically, the manhole, along with the new UG distribution line, will be placed directly between the existing DB 18G6 and 18G8 lines. Manhole 23/B37-2U will be installed within the 200-foot RFA, 100-foot Buffer Zone to Inland Bank, and BLSF. In addition, the manhole will be placed along the edge of an active farm field. Therefore, the Project will occur within previously disturbed areas. Additionally, the manhole will be installed within the outer 200-foot Riverfront Area, more than 100 feet from the bank of the Connecticut River and more than 50 feet from the nearby intermittent stream.

In total, the manhole will be approximately 6' x 14' x 7' in size. However, the majority of the manhole will be placed underground and the adjacent areas will be restored to pre-construction conditions. Only approximately 7.8 SF of above ground impact to the 100-foot Buffer Zone to Inland Bank, the 200-foot RFA, and BLSF will occur from the manhole installation, resulting from the iron manhole cover.

As stated, disturbed areas resulting from the manhole installation will be stabilized and restored to pre-construction conditions to the extent practicable upon completion of construction. The installation of the manhole will take approximately 1 week to complete. No tree removal will be required for the work. To perform and access the work locations within the agricultural fields, Best Management Practices, such as temporary construction matting, may be used to protect the ground conditions and to create safe and stable work areas.

The proposed 7.8 SF of impact will occur within disturbed areas and can be considered *de minimus*. The work will not alter the functions and values of the Riverfront Area or Buffer Zones of the Connecticut River or the adjacent intermittent stream. In addition, the installation of the manhole is not expected to significantly affect the ability of the area to provide flood storage. Best Management Practices will also be utilized during construction and these measures are outlined below.

PROTECTIVE MEASURES

Erosion and sedimentation control measures will be installed prior to the start of construction, as appropriate, to define the limits of work and protect sensitive areas. Erosion controls will be thoroughly inspected and maintained throughout construction until disturbed areas have been stabilized. Spoils generated during construction not used as backfill will be taken to an upland area or removed from the site and disposed of properly. BMPs, including erosion and sedimentation control installation, will be conducted

in accordance with the standard Eversource BMPs: Construction & Maintenance Environmental Requirements, Best Management Practices Manual for Massachusetts and Connecticut, April 2022. An electronic copy of the BMP Manual can be provided to the Whately Conservation Commission upon request.

Please note that since BMPs will be implemented based on site conditions, portions of a given BMP feature (e.g., sediment and erosion control straw wattles or silt fencing), may extend beyond the limit of work shown on the attached mapping. Upon completion of maintenance activities, areas of disturbed ground will be seeded and mulched as appropriate.

Furthermore, due to the sensitive nature of the actively planted farm field, construction activities are anticipated to be performed in accordance with the planting schedule.

CONCLUSION

The proposed impacts from the installation of new manhole 23/B37-2U can be considered negligible (only 7.8 SF) and will not result in an alteration to an area subject to the protection of the WPA. BMPs will be utilized during construction and disturbed areas will be returned to pre-construction conditions to the extent practicable. Therefore, we are confident the information provided is sufficient to allow the Commission to issue a **Negative Determination – Category 2**. The anticipated project timeline is March 2023-June 2023. However, this timeline is subject to change based on weather, outages, and other permitting requirements for the Project.

We look forward to presenting this information to the Commission at your next public meeting February 15, 2023. If the Commission would like to conduct a site visit, we respectfully request that one be scheduled in advance of the meeting.

I can be reached at my office at 617-896-4517 or via email at mkaplan@bscgroup.com if you have any questions about this application or wish to schedule a site walk.

Sincerely,
BSC Group, Inc.



Melissa Kaplan, PWS
Manager of Ecological Sciences - CT

cc: MassDEP-Western Regional Office
Christopher Larose, Eversource Energy Services Company

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Attachment A

18G6 & 18G8 Underground Cable Replacement Project
Whately, Massachusetts
Request for Determination of Applicability

WPA FORM 1



WPA Form 1- Request for Determination of Applicability

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

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:

Christopher Larose
Name
55 Russell Street
Mailing Address
Hadley
City/Town
413-585-1824
Phone Number
christopher.larose@eversource.com
E-Mail Address
MA
State
01035
Zip Code
Fax Number (if applicable)

2. Representative (if any):

BSC Group, Inc.
Firm
Virginia Martell
Contact Name
655 Winding Brook Drive
Mailing Address
Glastonbury
City/Town
617-896-4319
Phone Number
vmartell@bscgroup.com
E-Mail Address
CT
State
06033
Zip Code
Fax Number (if applicable)

B. Determinations

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

- 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:

Name of Municipality

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



WPA Form 1- Request for Determination of Applicability

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

C. Project Description

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

100 River Road

Street Address

14

Assessors Map/Plat Number

Whately

City/Town

0-20

Parcel/Lot Number

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

Activities are proposed within the road shoulder of River Road and an active agricultural field. Activities are proposed within the 100-foot Buffer Zone to Inland Bank, the 200-foot Riverfront Area to the Connecticut River, and the FEMA 100-year Floodplain (designated Bordering Land Subject to Flooding [BLSF]). Adjacent land use include rural residential areas, the Connecticut River, and agricultural areas.

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

Environmental Resources Map

Title

USGS Site Locus Map

Title

Title

01/2023

Date

01/2023

Date

Date

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

Eversource is proposing to replace the existing 18G6 and 18G8 underground direct buried cable with a combined single concrete encased underground conduit and manhole system from River Road to existing Structure 26/13-H2, along the west bank of the Connecticut River. The work will require two manholes, one within jurisdictional areas (200-foot Riverfront Area, 100-foot Buffer Zone to Inland Bank, and BLSF). The majority of the work can be considered exempt utilities maintenance or outside of jurisdictional areas. The installation of the one manhole is the subject of the RDA.



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

C. Project Description (cont.)

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

In accordance with WPA 310 CMR 10.02(2)(a)2: "Activities conducted to maintain, repair or replace, but not substantially change or enlarge an existing and lawfully located structure or facility used in the service of the public and used to provide electric" do not require the filing of an NOI "provided said work utilizes the best practical measures to avoid or minimize impacts to wetland resource areas outside the footprint of said structure or facility"

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.)



WPA Form 1- Request for Determination of Applicability

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

D. Signatures and Submittal Requirements

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

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

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

Name and address of the property owner:

Eversource has easement rights

Name

Mailing Address

City/Town

State

Zip Code

Signatures:

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

Christopher LaRose

Signature of Applicant

1/31/2023

Date

Virginia Martell

Signature of Representative (if any)

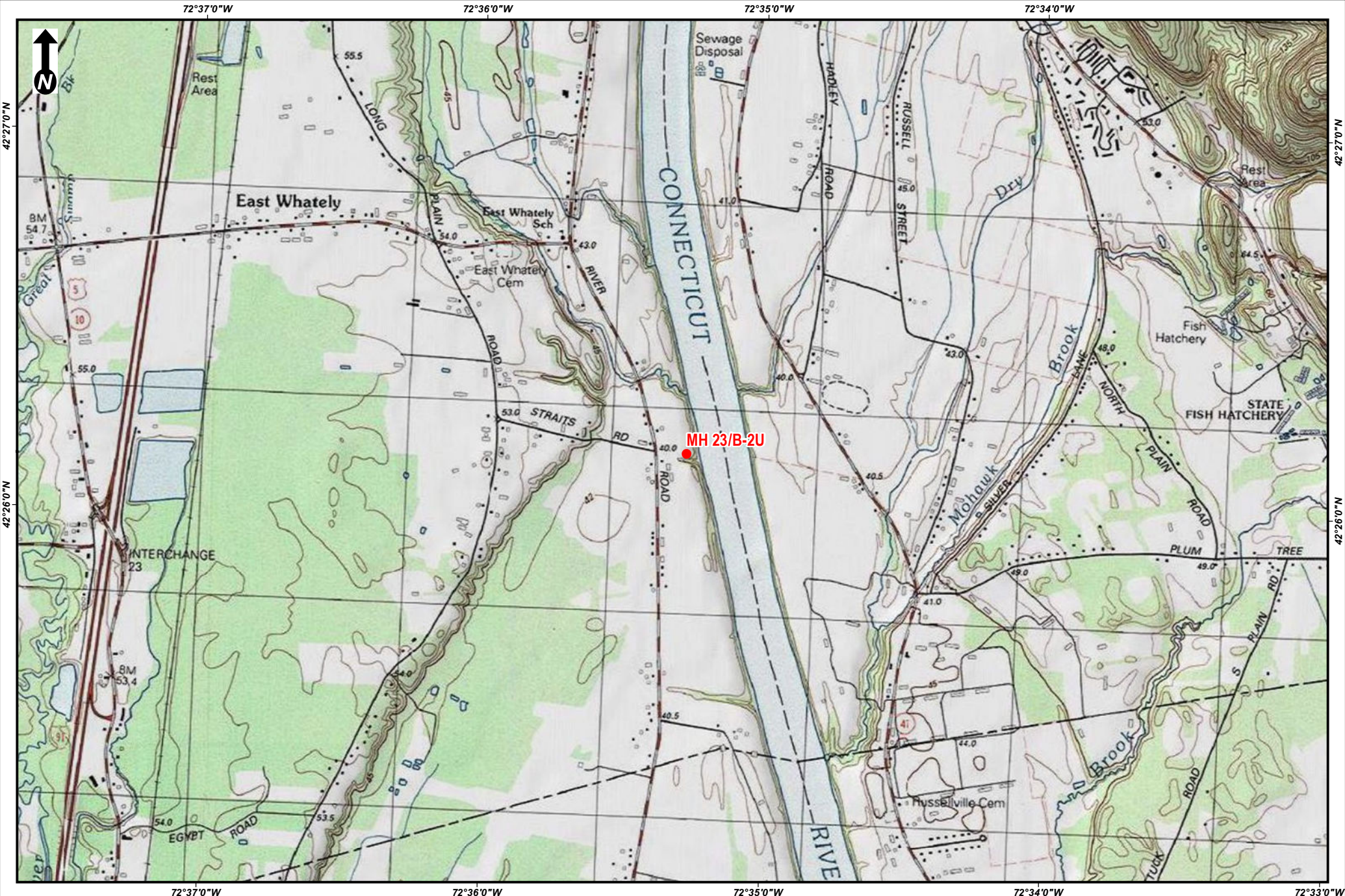
01/31/2023

Date

Attachment B

18G6 & 18G8 Underground Cable Replacement Project
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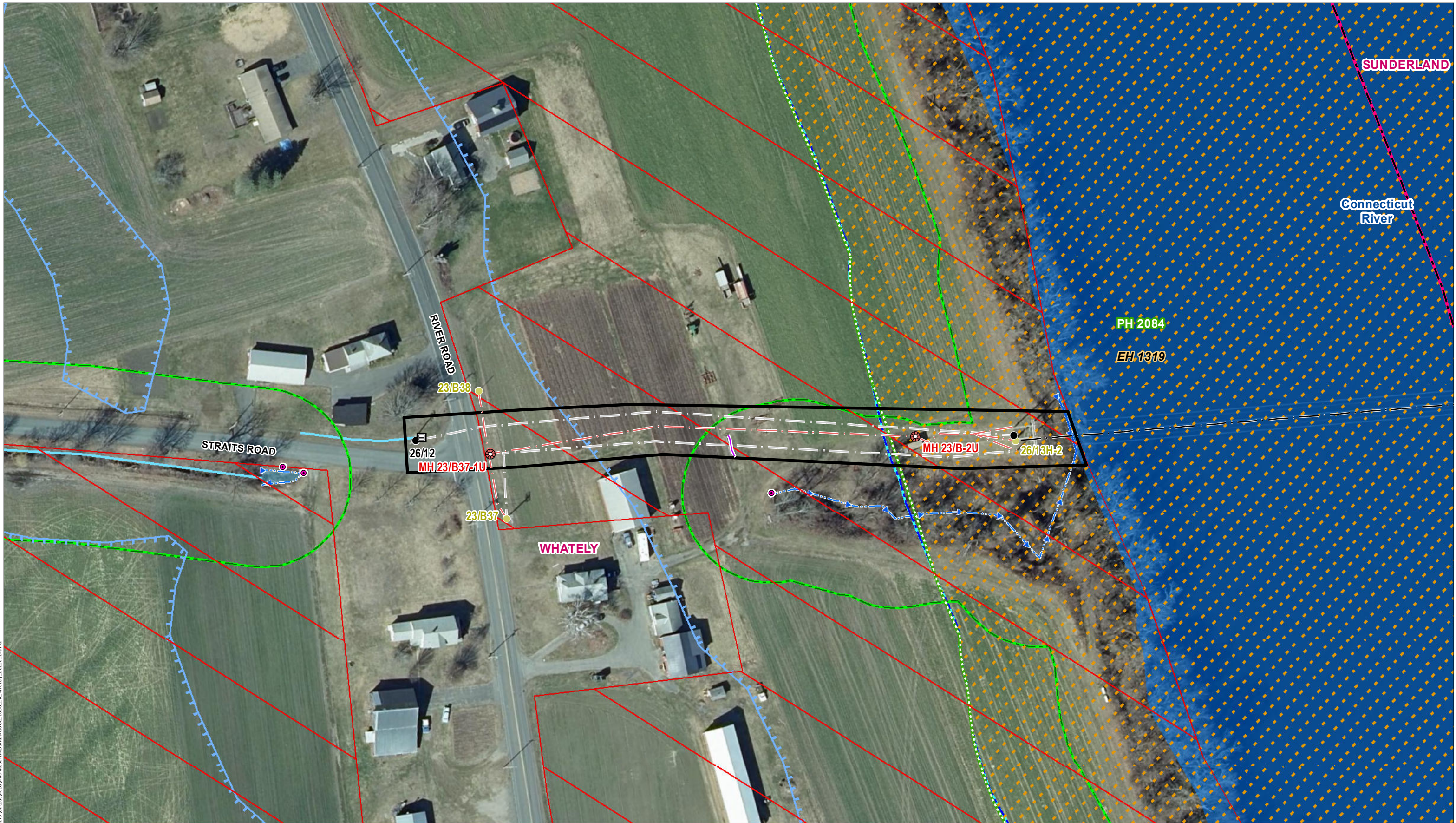
USGS SITE LOCUS MAP
ENVIRONMENTAL RESOURCES MAP



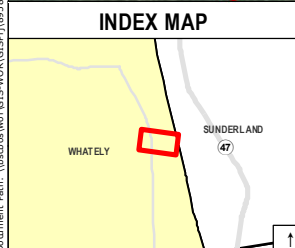
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1 inch = 2,000 feet
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Feet
(Page Size 8.5 x 11)

18G6/18/G8 UNDERGROUND CABLE REPLACEMENT PROJECT
USGS Site Location Map
Whately, MA

Source: Copyright:©
2013 National
Geographic Society, i-
cubed
EVERSOURCE
BSC GROUP

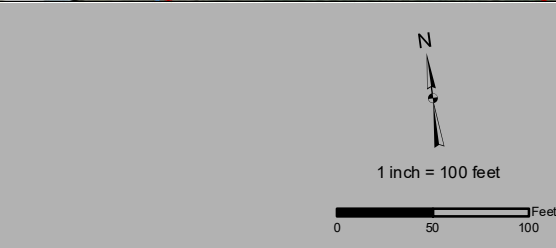


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Legend	
● Existing Structure	▲ Delineated Perennial Watercourse
● Existing Structure to be Maintained	■ Open Water
⊗ Proposed Manhole	■ Watercourse (not delineated)
— Existing Overhead Eversource Line	■ Approximate Open Water (not delineated)
— Existing Direct Buried Cable	■ 100' Buffer to BWV
— Proposed Underground Conduit	■ 200' Riverfront Area
▭ Estimated Right-of-Way (ROW)	■ FEMA 100yr Flood Zone
— Delineated Intermittent Watercourse	■ NHESP Priority Habitats
■ NHESP Estimated Habitats	■ Municipal Boundary
■ APR Parcel	● Culvert
■ Catch Basin	— Agricultural Irrigation

Article 97 Lands "Private" parcels match the APR parcel layer for this entire map. NHESP Priority Habitat areas match the NHESP Estimated Habitat areas and follow the 200' Riverfront Area.



NO.	DATE	REVISIONS

EVERSOURCE
 18G6/18/G8 Underground Cable Replacement Project
 Environmental Resources Map
 Whately, MA
 Date: January, 2023
BSC GROUP
 BUILD SUPPORT CONNECT

THIS MAPPING PRODUCT HAS BEEN CREATED TO COMPLY WITH SUBMITTAL REQUIREMENTS TO OBTAIN CERTAIN REGULATORY APPROVALS AND, AS SUCH, THERE IS NO RELIANCE ON THE INFORMATION CONTAINED HEREIN FOR ANY OTHER PURPOSE.

Attachment C

18G6 & 18G8 Underground Cable Replacement Project
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SITE PHOTOGRAPHS



Photo #1: View of the proposed location for new manhole 23/37B-2U located on the east side of River Road within the 100-foot Buffer Zone to Inland Bank, 200-foot RFA, and BLSF. Photo is facing East towards the Connecticut River.



Photo #2: View of the proposed location for new manhole 23/37B-2U located on the east side of River Road within the 100-foot Buffer Zone to Inland Bank, 200-foot RFA, and BLSF. Photo is facing West towards the River Road.