

NOTICE OF INTENT

**CHIPOTLE REDEVELOPMENT PROJECT
555 HUBBARD AVENUE
PITTSFIELD, MASSACHUSETTS**

Prepared For:

**CHIPOTLE MEXICAN GRILL, INC.
C/O MESSNER REEVES, LLP
1430 WYNKOOP, SUITE 300
DENVER, COLORADO 80202**

Submitted To:

**PITTSFIELD CONSERVATION COMMISSION
70 ALLEN STREET
PITTSFIELD, MASSACHUSETTS 01201**

Prepared By:

**CIVIL & ENVIRONMENTAL CONSULTANTS, INC.
KNOXVILLE, TENNESSEE**

CEC Project 310-573

JULY 2021



Civil & Environmental Consultants, Inc.



July 21, 2021

Pittsfield Conservation Commission
70 Allen Street
Pittsfield, MA 01201

Dear Members of the Pittsfield Conservation Commission:

Subject: Notice of Intent
Chipotle Mexican Grill Redevelopment
555 Hubbard Avenue Pittsfield, MA
CEC Project 310-573

On behalf of Chipotle Mexican Grill, Inc. (Chipotle), Civil & Environmental Consultants, Inc. (CEC) is pleased to submit this Notice of Intent (NOI) to the Pittsfield Conservation Commission for the proposed Chipotle Redevelopment Project located at 555 Hubbard Avenue in Pittsfield, Massachusetts. The Applicant is proposing to redevelop the existing quick service restaurant (Taco Bell) located at the property. No new buildings or structures are proposed as part of this redevelopment project. The project includes a slight reduction in overall roof area of the existing building, improvements to the existing drive-thru and site sidewalks, and the addition of a new concrete patio. The project also includes stormwater management controls and utility improvements. Portions of proposed work are located within the 200-Foot Riverfront Area of the East Branch Housatonic River.

This NOI is submitted in accordance with the Massachusetts Wetlands Protections Act (WPA; M.G.L. Ch. 131, Section 40) and implementing regulations (310 CMR 10.00 et seq.) and the City of Pittsfield Wetland Protection Act Policy.

Enclosed please find one (1) original and eight (8) copies of the NOI, eight (8) 11"x17" copies of the plans, two (2) full size plan sets, two (2) copies of the stormwater report, and one (1) electronic version of each document on the included thumb drive. We respectfully request that you place this matter on your agenda for the August 5, 2021 Public Hearing.



If you have any questions please do not hesitate to contact us at (865) 340-4945 or via email at mbrazille@cecinc.com. Thank you for your consideration in this matter.

Sincerely,

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

A handwritten signature in blue ink that reads "Matt W. Brazille". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Matt W. Brazille
Project Manager

A handwritten signature in blue ink that reads "Karl P. Skulte". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Karl P. Skulte, P.E.
Principal

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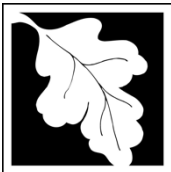
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SECTION I - FORMS



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

Pittsfield

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):

<u>555 Hubbard Avenue</u>	<u>Pittsfield</u>	<u>01201</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>L140003109</u>	<u>42.469014</u>	<u>-73.196969</u>
f. Assessors Map/Plat Number	d. Latitude	e. Longitude
	<u>Lot 7B</u>	
	g. Parcel /Lot Number	

2. Applicant:

<u>Dan</u>	<u>Radman</u>	
a. First Name	b. Last Name	
<u>Chipotle Mexican Grill, Inc.</u>		
c. Organization		
<u>PO Box 182566</u>		
d. Street Address		
<u>Columbus</u>	<u>Ohio</u>	<u>43218</u>
e. City/Town	f. State	g. Zip Code
<u>614-318-2400</u>	<u>dradman@chipotle.com</u>	
h. Phone Number	i. Fax Number	j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

<u>Linda</u>	<u>Loncosky</u>	
a. First Name	b. Last Name	
<u>Brixmor</u>		
c. Organization		
<u>111 Middlesex Pike</u>		
d. Street Address		
<u>Burlington</u>	<u>Massachusetts</u>	<u>01803</u>
e. City/Town	f. State	g. Zip Code
<u>610-832-6223</u>	<u>Linda.Loncosky@brixmore.com</u>	
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>Matt</u>	<u>Brazille</u>	
a. First Name	b. Last Name	
<u>Civil & Environmental Consultants, Inc.</u>		
c. Company		
<u>2704 Cherokee Farm Way, Suite 101</u>		
d. Street Address		
<u>Knoxville</u>	<u>TN</u>	<u>37920</u>
e.	f. State	g. Zip Code
<u>865-340-4945</u>	<u>865-977-9919</u>	<u>mbrazille@cecinc.com</u>
h. Phone Number	i. Fax Number	j. Email address

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

<u>\$1575.00</u>	<u>\$775.00</u>	<u>\$800.00</u>
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 proposed project involves the redevelopment of an existing Taco Bell restaurant. The existing building will remain (with a minor reduction in roof area) and improvements will be made to the existing drive-thru and sidewalks. A concrete patio is proposed adjacent to the existing building.

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)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(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:

Berkshire

a. County

3673

c. Book

b. Certificate # (if registered land)

248

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 type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet	2. square feet
	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 checked="" type="checkbox"/> Riverfront Area	East Branch Housatonic River	

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: 32,088 square feet

4. Proposed alteration of the Riverfront Area:

<u>267</u>	<u>0</u>	<u>267</u>
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. 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. 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**

August 1, 2017

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 _____ percentage/acreage
- (b) outside Resource Area _____ percentage/acreage
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 <https://www.mass.gov/endangered-species-act-mesa-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 <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).

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, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; 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:

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: dmf.envreview-south@mass.gov

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: dmf.envreview-north@mass.gov

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.

- c. Is this an aquaculture project? d. Yes No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).



Massachusetts Department of Environmental Protection
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Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

C. Other Applicable Standards and Requirements (cont'd)

- 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.

Chipotle Redevelopment

a. Plan Title

Civil & Environmental Consultants, Inc.

Karlis Skulte, P.E.

b. Prepared By

c. Signed and Stamped by

July 2021

1"=10'

d. Final Revision Date

e. Scale

Stormwater Report

July 2021

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:

17991

7/19/2021

2. Municipal Check Number

3. Check date

17992

7/19/2021

4. State Check Number

5. Check date

RED Architecture and Planning

6. Payor name on check: First Name

7. Payor name on check: Last Name



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

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E. Fees

- 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

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.



7/14/21

1. Signature of Applicant

2. Date



7/14/21

3. Signature of Property Owner (if different)

4. Date



7/20/21

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:

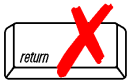
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

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.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
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:

555 Hubbard Avenue

a. Street Address

Pittsfield

b. City/Town

\$775.00

d. Fee amount

c. Check number

2. Applicant Mailing Address:

Dan

a. First Name

Radman

b. Last Name

Chipotle Mexican Grill, Inc.

c. Organization

PO Box 182566

d. Mailing Address

Columbus

e. City/Town

Ohio

f. State

43218

g. Zip Code

614-318-2400

h. Phone Number

i. Fax Number

dradman@chipotle.com

j. Email Address

3. Property Owner (if different):

Linda

a. First Name

Loncosky

b. Last Name

Brixmor

c. Organization

111 Middlesex Turnpike

d. Mailing Address

Burlington

e. City/Town

Massachusetts

f. State

01803

g. Zip Code

610-832-6223

h. Phone Number

i. Fax Number

Linda.Loncosky@brixmor.com

j. Email Address

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).

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.

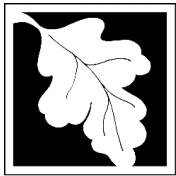
Step 2/Number of Activities: Identify the number of each type of activity.

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.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
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 3(b) each building for development (including site)	1.5	\$1,050.00	\$1,575.00
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Step 5/Total Project Fee: \$1,050.00

Step 6/Fee Payments:

Total Project Fee:	<u>\$1,575.00</u>
State share of filing Fee:	<u>\$775.00</u>
City/Town share of filing Fee:	<u>\$800.00</u>

a. Total Fee from Step 5
 b. 1/2 Total Fee **less** \$12.50
 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.)

SECTION II – PROJECT NARRATIVE

1.0 INTRODUCTION

On behalf of Chipotle Mexican Grill, LLC (Chipotle or Applicant), Civil & Environmental Consultants, Inc. (CEC) is pleased to submit this Notice of Intent (NOI) to the Pittsfield Conservation Commission for the proposed Chipotle Redevelopment Project, located at 555 Hubbard Avenue in Pittsfield, Massachusetts.

The Applicant is proposing to redevelop the existing Taco Bell quick service restaurant into a Chipotle with a minor reduction in existing roof area, improvements to the site drive-thru and sidewalks, adding a concrete patio, stormwater management, and utility improvements. Portions of proposed work are located within the 200-Foot Riverfront Area of the East Branch Housatonic River.

This NOI is submitted in accordance with the Massachusetts Wetlands Protection Act (WPA; M.G.L. Ch. 131, Section 40) and implementing regulations (310 CMR 10.00 et seq.) and the City of Pittsfield Wetlands Protection Act Policy. This project narrative describes the existing conditions, wetland resource areas, proposed design, project impacts, and regulatory compliance for work within jurisdictional areas on the site. The project Site Plans and Stormwater Report are attached for reference.

2.0 EXISTING CONDITIONS

The 1.03-acre parcel of land includes one (1) existing quick service restaurant (Taco Bell), along with paved parking areas and vegetated areas on the western and southern ends of the property. The Site is bound to the north by the East Branch of the Housatonic River and a regional detention basin that detains stormwater for multiple parcels of land, to the south and west by existing commercial development and to the east by Hubbard Avenue. See Figure 1 for a USGS Map and Figure 2 for an Aerial Map.

A review of the current MassGIS data layer for the Massachusetts Natural Heritage Atlas (effective August 1, 2017) under the Natural Heritage and Endangered Species Program (NHESP) indicates that the Study Area is not located within Estimated Habitat of Rare Wildlife or within Priority Habitat of Rare Species. No Certified Vernal Pools under the jurisdiction of the Wetlands Protection Act Regulations (310 CMR 10.00 et seq.) or the Massachusetts Endangered Species Act (321 CMR 10.00 et seq.) occur within the Study Area, nor are there any NHESP mapped Potential Vernal Pools present within the Study Area.

The Site is not located within an Area of Critical Environmental Concern (ACEC) and does not discharge to an Outstanding Resource Water. The Site is not located within a Surface Water Protection Zone or Wellhead Protection Zone. The East Branch Housatonic River is identified as a Category 5 water requiring a Total Maximum Daily Load (TMDL) per the Final MassDEP 2016 Integrated List of Waters. Waters are listed in Category 5 if they were identified as impaired (i.e. not support one or more intended uses); the impairment was related to the presence of one or more “pollutants”, and the source of those pollutants was not considered to be natural. The causes of impairment in the East Branch Housatonic River have been identified as PCB in fish tissue. The proposed MassDEP 2018 Integrated List of Water removes the cause of impairment identified in the Final 2016 list.

The FEMA Flood Insurance Map (FIRM) identifies a regulatory Zone A floodplain coincident with the East Branch Housatonic River with a verifying base flood elevation (BFE) that decreases from elevation 1,002 (NGVD29) approximately 40-feet downstream of the Hubbard Avenue bridge as the stream flows to the west. This area is mapped off the property.

3.0 WETLAND RESOURCE AREAS

CEC identified the limit of the resource area to be the top of bank of the river. CEC reviewed Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps, United States Geological Survey topography, and MassGIS MassDEP Wetland and Hydrography data layers to verify our assumption. A survey team from CEC located the limits of top of bank in the field. Based on our review there no on-property vegetated wetland resource areas; however, the buffer zones of the resource area (defined as the top of bank of the East Branch Housatonic River) and the 200-foot Riverfront Area extend onto the property. Under the Wetlands Protection Act (WPA), the resource areas on or near the site are regulated as follows.

3.1 INLAND BANK – 310 CMR 10.54

Section 310 CMR 10.54 of the WPA defines a Bank as *the portion of the land surface which normally abuts and confines a water body. It occurs between a water body and a vegetated bordering wetland and adjacent flood plain, or, in the absence of these, it occurs between a water body and an upland. The upper boundary of a Bank is the first observable break in the slope or the mean annual flood level, whichever is lower. The lower boundary of a Bank is the mean annual low flow level.*

The Inland Bank associated the East Branch Housatonic River is present on adjacent properties. A portion of the associated 100-foot buffer extends onto the Site.

3.2 RIVERFRONT AREA – 310 CMR 10.58 WPA

Section 310 CMR 10.58 of the WPA defines Riverfront Area as *the area of land between a river's mean annual high-water line measured horizontally outward from the river and a parallel line located 200 feet away. The mean annual high water line of a river is the line that is apparent from visible markings or changes in the character of soils or vegetation due to the prolonged presence of water and that distinguishes between predominantly aquatic and predominantly terrestrial land. Field indicators of bankfull conditions shall be used to determine the mean annual high-water line...In tidal rivers, the mean annual high-water line is coincident with the mean high water line determined under 310 CMR 10.23....[defined as] the line where the arithmetic mean of the high water heights observed over a specific 19-year metonic cycle (the National Tidal Datum Epoch) meets the shore and shall be determined using hydrographic survey data of the National Ocean Survey of the U.S. Department of Commerce.*

The 200-foot Riverfront Area associated with the East Branch Housatonic River extends from the top of bank landward 200 feet and encompasses a portion of the site. The existing Riverfront Area on the site consists of a detention basin, the existing restaurant, dumpster pad, parking areas and sidewalks.

4.0 PROPOSED WORK

The Applicant is proposing to redevelop the site by converting the existing Taco Bell restaurant into a Chipotle restaurant. As part of the project, access to and through the drive-thru will be improved, existing sidewalks will be replaced and extended to improve ADA accessibility, and a new concrete patio will be added for patrons of the restaurant.

A stormwater management system has been designed in compliance with the Massachusetts Stormwater Management Policy and the City of Pittsfield Stormwater Regulations. The stormwater runoff from new paved areas within the site (e.g. the concrete patio) will be conveyed to a deep sump catch basin prior to being directed to an infiltration chamber (StormTech® SC-310 and isolator row) that will provide stormwater recharge. The treatment area of the new concrete patio provides more treatment, storage, and groundwater recharge than required for the new impervious area(s) on the site.

The proposed stormwater management system will reduce stormwater runoff, peak flow rates, and improve runoff water quality. Runoff control, water quality improvement, and groundwater recharge will be accomplished by implementing the following drainage improvements:

- Installation of deep sump catch basins to remove free oils, debris, and total suspended solids (TSS).
- Installation of Stormwater Infiltration Chambers (SC-310 Chambers and Isolator Row) to infiltrate runoff from the new impervious areas. The deep sum basin provides 25% removal of TSS prior to infiltration.
- An Operation and Maintenance (O&M) Plan that describes the various components of the stormwater management system and identifies the inspection/maintenance tasks and schedules to follow which will ensure the proper, long-term performance of the system; and
- Implementation of a Long Term Pollution Prevention Plan (LTPPP) to prevent illicit discharges to the stormwater management system.

The proposed Stormwater O&M Plan included in the Stormwater Report outlines procedures and timetables for the long-term operation and maintenance of the proposed site stormwater management system, including initial inspections upon completion of construction, and periodic monitoring of the system components in accordance with established practices and manufacturer's recommendations. The O&M Plan includes a list of responsible parties associated with inspections and maintenance.

The proposed stormwater management measures described above will have no adverse impacts to resource areas or adjacent properties. Runoff peak flows will be reduced for new degraded areas, water quality will be enhanced, and groundwater recharge will be increased over existing conditions resulting in a substantial improvement of existing utilities. See the Stormwater Report for additional details on the stormwater management system (provided under separate cover).

Erosion and sedimentation control Best Management Practices (BMPs) have been incorporated into the project design in order to control runoff and prevent siltation to the wetland resource area during construction (See Site Plans). At the outset of the construction, the site limit of work will be staked and erosion controls will be installed.

5.0 REGULATORY COMPLIANCE

The following section details the project’s compliance with the performance standards for each resource area including the requirements for the Riverfront Area (310 CMR 10.58). There are no direct impacts proposed to Inland Bank, therefore no further discussion is warranted for these resource areas. The following sections describe the projects compliance with the Riverfront Area performance standards under Section 310 CMR 10.58 of the Wetlands Protection Act. The project includes New Development (310 CMR 10.58(4)) in portions of the site that are developed but not degraded, and Redevelopment (310 CMR 10.58(5)) within areas that are degraded.

Table 5.1 Summary of Existing Riverfront Area

Redevelopment Standard – 310 CMR 10.58(5)		
Degraded Areas		Total (sf)
22,461		22,461
New Development Standard – 310 CMR 10.58(4)		
Naturalized/Wooded Areas	Previously Developed But Not Degraded	Total (sf)
0	9,627	9,627

The proposed project consists of a redevelopment portion which is discussed in further detail below and areas of new development. Quantification of impacts to the Riverfront Area for New Development (310 CMR 10.58(4)) occurs within previously developed but not degraded areas. The Redevelopment Standards (310 CMR 10.58(5)) are applied to work strictly occurring within existing degraded areas. Temporary Impacts are considered activities within previously developed areas, but not degraded by impervious surfaces which will revert to landscaped areas. Permanent impacts are considered new degraded areas within previously developed or undeveloped areas. These impacts are shown on Figures 5 and 6, which are attached to this report. Table 5.2 below summarizes the project components with respect to development within the Riverfront Area.

Table 5.2 Summary of Proposed Impacts within the Riverfront Area

Project Component	Temporary (sf)	Permanent (sf)	Total (sf)
Redevelopment Standard – 310 CMR 10.58(5)			
Existing Degraded Area			22,461
Existing Degraded Areas to be Revegetated			0
Existing Degraded Areas to Remain			22,461
Proposed Conditions Degraded Area			22,728
Net Increase in Degraded Area			+267
Proposed Mitigation Area (Site Plantings)			2,880
Net Mitigation to Offset Increase in Degraded Area			+2,613

5.1 RIVERFRONT AREA NEW DEVELOPMENT – 310 CMR 10.58(4)

The proposed new development consists of work occurring in previously developed but not degraded portions of the property. These activities include the addition of a new concrete patio adjacent to the existing restaurant and the enlargement of the existing turn radii for the drive-thru lane. Development within the Riverfront Area complies with the requirements and standards set forth under Section 310 CMR 10.58(4) for new development.

310 CMR 10.58(4) General Performance Standard. Where the presumption set forth in 310 CMR 10.58(3) is not overcome, the applicant shall prove by a preponderance of the evidence that there are no practicable and substantially equivalent economic alternatives to the proposed project with less adverse effects on the interests identified in M.G.L. c.131 § 40 and that the work, including proposed mitigation, will have no significant adverse impact on the riverfront area to protect the interests identified in M.G.L. c. 131 § 40. In the event that the presumption is partially overcome, the issuing authority shall make a written determination setting forth its grounds in the Order of Conditions and the partial rebuttal shall be taken into account in the application of 310 CMR 10.58 (4)(d)1.a. and c.; the issuing authority shall impose conditions in the Order that contribute to the protection of interests for which the riverfront area is significant.

The project as currently proposed will not have an adverse or significant effect on the ability of the Riverfront Area to protect the interests identified above. The proposed impact areas are limited to work within previously developed area in the outer riparian zone contributing little to the interests of the Riverfront. Furthermore, the Riverfront Area currently includes a detention basin that reduces stormwater flow from the existing site.

- (a) Protection of Other Resource Areas: *The work shall meet the performance standards for all other resource areas within the riverfront area, as identified in 310 CMR 10.30 (Coastal Bank), 10.32 (Salt Marsh), 10.55 (Bordering Vegetated Wetland), and 10.57 (Land Subject to Flooding). When work in the riverfront area is also within the buffer zone to another resource area, the performance standards for the riverfront area shall contribute to the protection of the interests of M.G.L. c. 131, § 40 in lieu of any additional requirements that might otherwise be imposed on work in the buffer zone within the riverfront area.*

This standard has been met. There are proposed activities within the outer portions of the 100-foot buffer zone to Bank; however, there are no performance standards established for this resource area.

- (b) Protection of Rare Species: *No project may be permitted within the riverfront area which will have any adverse effect on specified habitat sites of rare wetland or upland, vertebrate or invertebrate species, as identified by the procedures established under 310 CMR 10.59 or 10.37, or which will have any adverse effect on vernal pool habitat certified prior to the filing of the Notice of Intent.*

This standard has been met. No Estimated Habitat of Rare Wildlife, Priority Habitat of Rare Species, or Certified Vernal Pools are present within the site.

- (c) Practicable and Substantially Equivalent Economic Alternatives. *There must be no practicable and substantially equivalent economic alternative to the proposed project with less adverse effects on the interests identified in M.G.L. c. 131 § 40.*

This standard has been met. An Alternatives Analysis has been prepared to demonstrate that the proposed work is the best economically viable and practicable environmental alternative feasible for this site. See Section 5.3.

- (d) No Significant Adverse Impact. *The work, including proposed mitigation measures, must have no significant adverse impact on the riverfront area to protect the interests identified in M.G.L. c. 131, § 40.*

1. *Within 200 foot riverfront areas, the issuing authority may allow the alteration of up to 5000 square feet or 10% of the riverfront area within the lot, whichever is greater, on a lot recorded on or before October 6, 1997 or lots recorded after October 6,*

1997 subject to the restrictions of 310 CMR 10.58(4)(c)2.b.vi., or up to 10% of the riverfront area within a lot recorded after October 6, 1997, provided that:

The lot was recorded prior to October 6, 1997. The total Riverfront Area present on the lot is 32,088 square feet. The project's permanent impact will total approximately 267 square feet of new development. Therefore the proposed work falls below the required 5,000 square foot threshold.

- a. At a minimum, a 100 foot wide area of undisturbed vegetation is provided. This area shall extend from mean annual high-water along the river unless another location would better protect the interests identified in M.G.L. c. 131 § 40. If there is not a 100 foot wide area of undisturbed vegetation within the riverfront area, existing vegetative cover shall be preserved or extended to the maximum extent feasible to approximate a 100 foot wide corridor of natural vegetation. Replication and compensatory storage required to meet other resource area performance standards are allowed within this area; structural stormwater management measures may be allowed only when there is no practicable alternative. Temporary impacts where necessary for installation of linear site-related utilities are allowed, provided the area is restored to its natural conditions. Proposed work which does not meet the requirement of 310 CMR 10.58(4)(d)1.a. may be allowed only if an applicant demonstrates by a preponderance of evidence from a competent source that an area of undisturbed vegetation with an overall average width of 100 feet will provide equivalent protection of the riverfront area, or that a partial rebuttal of the presumptions of significance is sufficient to justify a lesser area of undisturbed vegetation;*

This standard has been met. A 100-ft wide area of vegetation is provided in all areas with the exception of two areas on the eastern and western extents of the site where the existing development overlaps the 100-ft wetland buffer by approximately 2-feet. Existing vegetative cover in both of these areas will be maintained and will not be disturbed as part of this redevelopment project.

- b. Stormwater is managed according to standards established by the Department in its Stormwater Policy.*

The project includes an on-site stormwater management system which consists of various BMPs that will capture and treat all stormwater runoff from new impervious surfaces in accordance with the MassDEP Stormwater Management Policy and local regulations prior to discharge. These BMPs include deep sump catch basins with hooded outlets and sub-surface infiltration chambers. The project is designed in compliance with the redevelopment requirements of the MassDEP Stormwater Management Policy Handbook. Detailed analysis of the stormwater calculations can be found in the attached Stormwater Report.

- c. Proposed work does not impair the capacity of the riverfront area to provide important wildlife habitat functions. Work shall not result in an impairment of the capacity to provide vernal pool habitat identified by evidence from a competent source, but not yet certified. For work within an undeveloped riverfront area which exceeds 5,000 square feet, the issuing authority may require a wildlife habitat evaluation study under 310 CMR 10.60.*

This standard has been met. The work will not impair the capacity of the Riverfront Area on this site to provide wildlife habitat. All of the proposed work area consists of work within previously degraded and/or developed areas. This project does not impact any of the existing vegetated areas located along the Riverfront.

- d. Proposed work shall not impair groundwater or surface water quality by incorporating erosion and sedimentation controls and other measures to attenuate nonpoint source pollution. The calculation of square footage of alteration shall exclude areas of replication or compensatory flood storage required to meet performance standards for other resource areas, or any area of restoration within the riverfront area. The calculation also shall exclude areas used for structural stormwater management measures, provided there is no practicable alternative to siting these structures within the riverfront area and provided a wildlife corridor is maintained (e.g. detention basins shall not be fenced).*

This standard has been met. Erosion and sediment controls are proposed and are identified on the project Site Plans and detailed in the construction period erosion and sediment control plan included in the stormwater management report.

5.2 RIVERFRONT AREA – 310 CMR 10.58(5)

Proposed work within the previously developed and degraded Riverfront Area includes enlarging the radii of the existing drive-thru and installing a new concrete patio. The existing roof area will be marginally reduced and all concrete sidewalk improvements will occur in previously degraded areas. The existing Riverfront Area on the site consists 22,461 square feet of existing asphalt, sidewalks, and roof area, which qualifies under the redevelopment regulations per 301 CMR 10.58(5). The proposed project includes 22,728 square feet of impervious areas, which represents an increase in degraded area of approximately 267 square feet. This section documents the projects compliance for work within the 200-foot Riverfront Area under 310 CMR 10.58(5) with the performance standards identified in *italics* and a response below in standard format.

310 CMR 10.58(5) Notwithstanding the provisions of 310 CMR 10.58(4)(c) and (d), the issuing authority may allow work to redevelop a previously developed riverfront area, provided the proposed work improves existing conditions. Redevelopment means replacement, rehabilitation or expansion of existing structures, improvement of existing roads, or reuse of degraded or previously developed areas. A previously developed riverfront area contains areas degraded prior to August 7, 1996 by impervious surfaces from existing structures or pavement, absence of topsoil, junkyards, or abandoned dumping grounds. Work to redevelop previously developed riverfront areas shall conform to the following criteria:

- (a) *At a minimum, proposed work shall result in an improvement over existing conditions of the capacity of the riverfront area to protect the interests identified in M.G.L. c. 131 § 40. When a lot is previously developed but no portion of the riverfront area is degraded, the requirements of 310 CMR 10.58(4) shall be met.*

This standard has been met. The site currently has little to no stormwater management BMPs on the property and discharges directly to an offsite detention basin. The proposed stormwater management system will fully meet the standards for new development for the new impervious areas. There will be an improvement in stormwater quality, runoff, and recharge for new impervious areas of the site.

- (b) *Stormwater management is provided according to standards established by the Department.*

This standard has been met. The project has been designed in accordance with the Massachusetts Stormwater Management Standards for redevelopment projects. A Stormwater Report has been provided under separate cover.

- (c) *Within 200 foot riverfront areas, proposed work shall not be located closer to the river than existing conditions or 100 feet, whichever is less, or not closer than existing conditions within 25 foot riverfront areas, except in accordance with 310 CMR 10.58(5)(f) or (g).*

This standard has been met. All proposed work will be located no closer than existing conditions to the river. There will be no further encroachment into the Riverfront than what occurs under existing conditions.

- (d) *Proposed work, including expansion of existing structures, shall be located outside the riverfront area or toward the riverfront area boundary and away from the river, except in accordance with 310 CMR 10.58(5)(f) or (g).*

This standard has been met. The proposed concrete patio and new drive-thru curbs are located within the outer portion of the Riverfront Area.

- (e) *The area of proposed work shall not exceed the amount of degraded area, provided that the proposed work may alter up to 10% if the degraded area is less than 10% of the riverfront area, except in accordance with 310 CMR 10.58(5)(f) or (g).*

This standard has been met. The existing site includes 22,461 square feet of existing degraded area. The project is proposing a total 267 square feet of new degraded area resulting from the new concrete patio adjacent to the existing building. In accordance with the exceptions allowed under 310 CMR 10.58(5)(g), the Applicant has included an approximately 2,880 square foot area of landscaping to include trees, shrubs, and ground plants to mitigate for the increase of degraded area.

- (f) *When the applicant proposes restoration on-site of degraded riverfront area, alteration may be allowed notwithstanding the criteria of 310 CMR 10.58(5)(c), (d), and (e) at a ratio in square feet of at least 1:1 restored area to area of alteration not conforming to the criteria. Areas immediately along the river shall be selected for restoration.*

Not applicable – restoration of on-site degraded area is not proposed.

(g) *When an applicant proposes mitigation either on-site or in the riverfront area within the same general area of the river basin, alteration may be allowed notwithstanding the criteria of 310 CMR 10.58(5)(c), (d), or (e), at a ratio in square feet of at least 2:1 of mitigation area to area of alteration not conforming to the criteria or an equivalent level of environmental protection where square footage is not a relevant measure.*

The Applicant is proposing a mitigation plan to improve and restore the Riverfront Area that includes a significant increase in vegetated areas within the buffer zone. Of the existing non-degraded areas located on site within the Riverfront Area, the vast majority are vegetated only with grass. The Applicant is proposing approximately 2,900 square feet of new planting areas within the Riverfront Area that will include trees, shrubs, and ground plants to offset the new degraded areas at the site, which is approximately ten times the amount of new degraded area proposed as part of this project.

5.3 ALTERNATIVES ANALYSIS

An Alternative Analysis is required for any project proposing new development within the Riverfront Area under the Wetlands Protection Act Regulations. Section 310 CMR 10.58(4)(c) of the WPG states that *there must be no practicable and substantially equivalent economic alternative to the proposed project with less adverse effects on the interests identified in M.G.L. c. 131 § 40.* The following section describes the alternatives for proposed work within the Riverfront Area. The Applicant has taken careful consideration of the Riverfront Area and proximity to the East Branch Housatonic River into the redevelopment of this site and has located portions of the new degraded areas outside the Riverfront Area. The Applicant has worked to limit impact to the Riverfront Area by only upgrading existing areas of the site that are pertinent to the functionality of the site.

The activities subject to the Alternatives Analysis are limited to the “new development” components of the project within the Riverfront Area, which include the construction of the concrete patio and associated grading.

5.3.1 Off-Site Alternative

With regard to the scope of alternatives to be considered, the Regulations at 310 CMR 10.58(4)(c)2.c.i require that for activities associated with commercial projects, the alternatives under consideration include the subject parcel and any adjacent parcels and other land that can be reasonably obtained within the municipality to reduce Riverfront Area impacts.

The Application has provided a design that proposes to re-use the existing building and limit impacts to areas that have been previously developed or are considered degraded. Furthermore, the Applicant has completed a market study of the region and based on the locations of existing restaurants and other development the proposed location is the most economically viable for the success of the proposed project. Off-site alternatives are not viable due to the economic impact it would put on the Applicant.

5.3.2 No Build Alternative

Under this alternative, no new work would be proposed, and the existing conditions would remain. The “No Build” alternative is not a viable option as it will not meet the goals for redevelopment of this site or provide stormwater enhancements over the existing conditions where little to no stormwater treatment is provided within the Site prior to discharge to off-site stormwater BMPs.

5.3.3 Preferred Design

The preferred alternative consists of redevelopment of the site with commercial improvements that match existing area development. This alternative represents the project as currently proposed. The project was designed to minimize impacts within the Riverfront Area and 100-foot Buffer Zone and to keep the proposed redevelopment primarily within previously disturbed areas. The layout meets the economic needs of the proposed project as well as the performance standards for the Riverfront Area. As compared to the No-Build Alternative, this design provides several stormwater improvements for new degraded areas.

6.0 CONCLUSION

The proposed project consists of the redevelopment of 555 Hubbard Avenue in Pittsfield, Massachusetts. As currently designed work will occur within the 100-foot Buffer Zone of Inland Bank and the 200-foot Riverfront Area of the East Branch Housatonic River. The project will include new water quality and quantity controls designed to protect surface and groundwater resources and adjacent properties from potential impacts resulting from the proposed project.

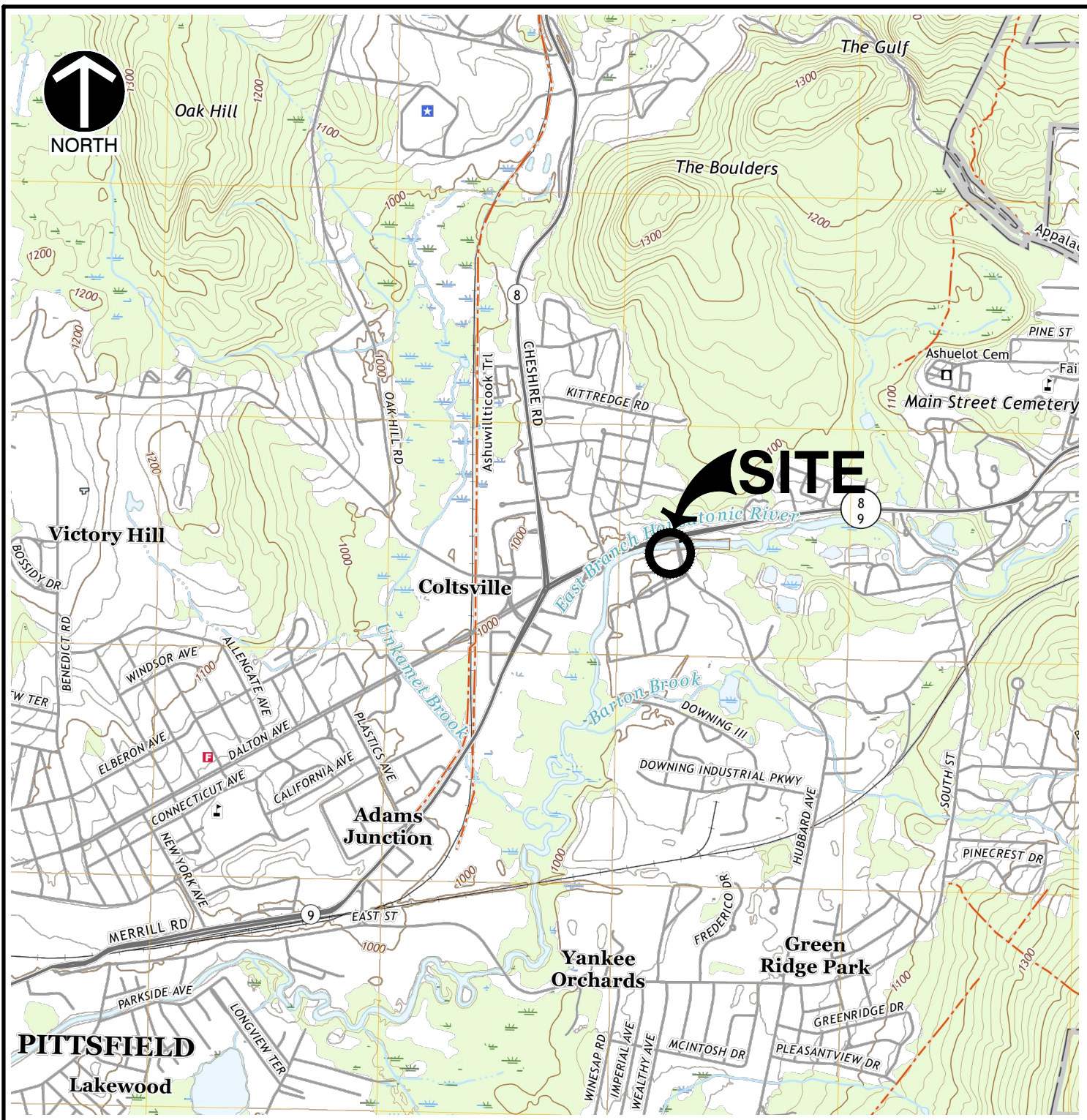
The proposed work will not have any adverse effect on any interests identified in the Wetlands Protection Act or Ordinance and the project is designed to minimize adverse effects on the resource areas as follows:

- The proposed work area is previously altered and degraded, providing little value to existing resource areas;
- The project meets applicable performance standards for work within the regulated areas;
- Existing wooded and undisturbed areas within the 100-Foot Inner Riparian Zone have been preserved;
- On-site mitigation is proposed within the 200-ft Riverfront Buffer area;
- Stormwater management will be provided in compliance with the MassDEP Stormwater Management Regulations; and
- Erosion controls will be installed prior to the start of construction and be maintained throughout construction until the site is stabilized.

The proposed design achieves the goals of the Applicant, while being sensitive to adjacent regulated resource areas. Accordingly, the Applicant respectfully requests that the Conservation Commission consider a finding that the proposed design is adequately protective of the interests identified in the Wetlands Protection Act, and issue an Order of Conditions approving the project as described in this NOI application and as shown on the attached Site Plans.


SECTION III - FIGURES

P:\310-000\310-573\Draft Documents\310-573-CV01-FIGURE 1.dwg\MAP} LS:\6/17/2021 - plivingston) - LP: 6/17/2021 3:30 PM



SOURCE: PORTION OF THE U.S.G.S. 7.5-MINUTE SERIES TOPOGRAPHIC MAPS- PITTSFIELD EAST QUADRANGLE MASSACHUSETTS - BERKSHIRE COUNTY



 Civil & Environmental Consultants, Inc. 2704 Cherokee Farm Way · Suite 101 · Knoxville, TN 37920 Ph: 865.977.9997 - Fax: 865.977.9919 www.cecinc.com		CHIPOTLE MEXICAN GRILL PROPOSED REDEVELOPMENT 555 HUBARD AVENUE PITTSFIELD, MASSACHUSETTS	
		SITE LOCUS	
DRAWN BY: APL DATE: JUNE 21, 2021	CHECKED BY: MWB DWG SCALE: AS SHOWN	APPROVED BY: KPS PROJECT NO: 310-573	FIGURE NO.: 1



SCALE IN FEET



SOURCE: US DEPT OF STATE GEOGRAPHER, 2021 GOOGLE EARTH



Civil & Environmental Consultants, Inc.

2704 Cherokee Farm Way · Suite 101 · Knoxville, TN 37920

Ph: 865.977.9997 - Fax: 865.977.9919

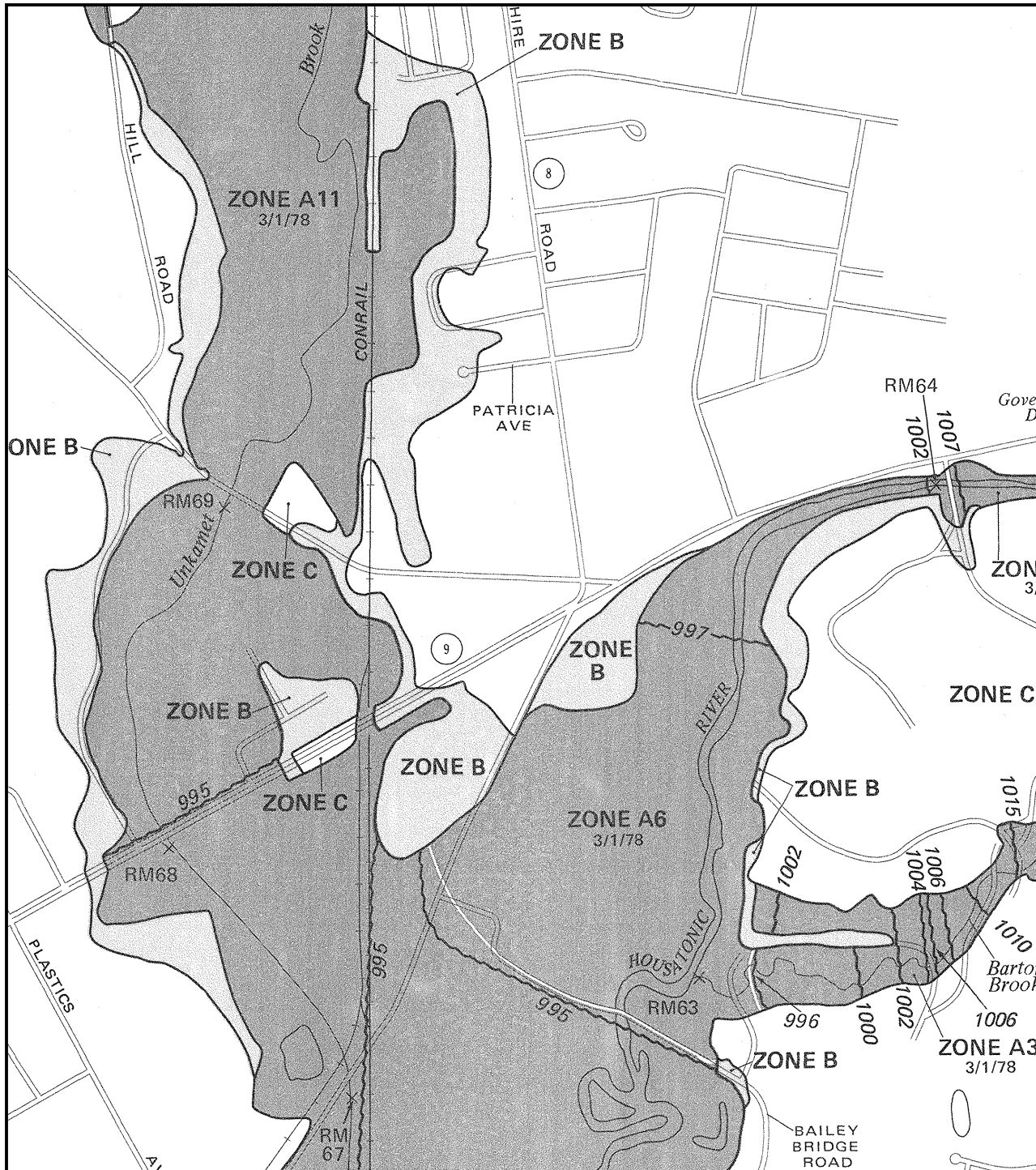
www.cecinc.com

CHIPOTLE MEXICAN GRILL
PROPOSED REDEVELOPMENT
555 HUBARD AVENUE
PITTSFIELD, MASSACHUSETTS

AERIAL PLAN

DRAWN BY:	APL	CHECKED BY:	MWB	APPROVED BY:	KPS	FIGURE NO.:	2
DATE:	JUNE 21, 2021	DWG SCALE:	AS SHOWN	PROJECT NO:	310-573		

P:\310-000\310-573\CADD\DWG\XRef\310-573-CV01-FIGURE 2.dwg(MAP) LS:(6/17/2021 - plivingston) - LP: 7/20/2021 7:45 AM



APPROXIMATE SCALE



NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

CITY OF
PITTSFIELD,
MASSACHUSETTS
BERKSHIRE COUNTY

PANEL 10 OF 20
(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER

250037 0010 C

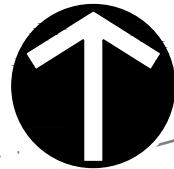
MAP REVISED

FEBRUARY 19, 1982



federal emergency management agency
federal insurance administration





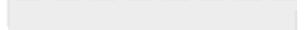

This is an official FIRMette showing a portion of the above-referenced flood map created from the MSC FIRMette Web tool. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For additional information about how to make sure the map is current, please see the Flood Hazard Mapping Updates Overview Fact Sheet available on the FEMA Flood Map Service Center home page at <https://msc.fema.gov>.



NORTH

AREA BY SURFACE	
DEGRADED	±22,461 SF
UNDEGRADED	±9,627 SF
TOTAL	±32,088 SF

LEGEND

-  EXISTING PROPERTY LINE
-  EXISTING INDEX (MAJOR) CONTOUR
-  EXISTING INTERMEDIATE (MINOR) CONTOUR
-  EXISTING WETLAND BUFFER LINE
-  EXISTING DEGRADED AREA
-  EXISTING UNDEGRADED AREA

REFERENCE

TOPOGRAPHIC INFORMATION BASED UPON EXISTING CONDITIONS SURVEY CONDUCTED BY CIVIL & ENVIRONMENTAL CONSULTANTS, INC. IN MAY 18TH, 2021.

SCALE IN FEET



Civil & Environmental Consultants, Inc.

2704 Cherokee Farm Way · Suite 101 · Knoxville, TN 37920

Ph: 865.977.9997 - Fax: 865.977.9919

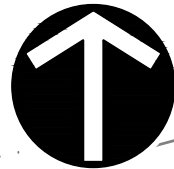
www.cecinc.com

CHIPOTLE MEXICAN GRILL
PROPOSED REDEVELOPMENT
555 HUBBARD AVENUE
PITTSFIELD, MASSACHUSETTS

RIVERFRONT AREA ANALYSIS

DRAWN BY: AYW	CHECKED BY: MWB	APPROVED BY: DRAFT	FIGURE NO.:
DATE: JUNE 2021	DWG SCALE: 1"=30'	PROJECT NO: 310-573	RIV-EX

P:\310-000\310-573\CADD\Draw\310-573-CV01-Hydrology.dwg[RIV-EX] LS:[7/19/2021 11:58 AM] LP: 7/19/2021 11:58 AM



NORTH

AREA BY SURFACE	
EXISTING	
DEGRADED	±22,461 SF
UNDEGRADED	±9,627 SF
TOTAL	±32,088 SF
PROPOSED	
DEGRADED	±22,728 SF
UNDEGRADED	±9,360
TOTAL	±32,088 SF
NET INCREASE IN DEGRADED	±267 SF

LEGEND

- EXISTING PROPERTY LINE
- EXISTING INDEX (MAJOR) CONTOUR
- EXISTING INTERMEDIATE (MINOR) CONTOUR
- PROPOSED INDEX (MAJOR) CONTOUR
- PROPOSED INTERMEDIATE (MINOR) CONTOUR
- EXISTING WETLAND BUFFER LINE
- PROPOSED DEGRADED AREA
- PROPOSED UNDEGRADED AREA
- PROPOSED NEW DEGRADED AREA

REFERENCE

TOPOGRAPHIC INFORMATION BASED UPON EXISTING CONDITIONS SURVEY CONDUCTED BY CIVIL & ENVIRONMENTAL CONSULTANTS, INC. IN MAY 18TH, 2021.

SCALE IN FEET



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CHIPOTLE MEXICAN GRILL
PROPOSED REDEVELOPMENT
555 HUBBARD AVENUE
PITTSFIELD, MASSACHUSETTS

RIV-PR

DRAWN BY:	AYW	CHECKED BY:	MWB	APPROVED BY:	DRAFT	FIGURE NO.:	RIV-PR
DATE:	JUNE 2021	DWG SCALE:	1"=30'	PROJECT NO.:	310-573		

F:\310-000\310-573\CADD\Draw\310-573-CV01-Hydrology.dwg[RIV-PR] LS:[7/19/2021 11:59 AM] LP: 7/19/2021 11:59 AM

SECTION IV - APPENDICES


APPENDIX A
ABUTTER INFORMATION

Affidavit of Service

I, Karlis Skulte, hereby certify under the pains and penalties of perjury that, on July 19, 2021, I gave notification to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, Section 30, and the DEP Guide to Abutter Notification dated April 8, 1994 in connection with the following matter:

A Notice of Intent filed under the Massachusetts Wetlands Protection Act and the Town of Pittsfield Wetland Protection Act Policy by Chipotle Mexican Grill, LLC with the City of Pittsfield Conservation Commission on July 22, 2021 for property located at 555 Hubbard Avenue– Pittsfield, Massachusetts.

The 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.



Karlis P. Skulte, PE

July 19, 2021

Date

**Notification to Abutters Under the
Massachusetts Wetlands Protection Act and the City of Pittsfield Wetland
Protection Policy**

- A. The name of the applicant is Chipotle Mexican Grill, LLC
-
- B. The applicant has filed a Notice of Intent with the Conservation Commission for the municipality of Pittsfield seeking permission to remove, fill, dredge or alter an Area Subject to Protection Under the Wetland Protection Act (General Laws Chapter 131, Section 40) and the Bylaw.
- C. The address of the lot where the activity is proposed is 555 Hubbard Avenue
-
- D. Copies of the Notice of Intent may be examined at The Pittsfield Conservation Commission office (call for appointment) between the hours of 9 and 5 on the following days of the week: Monday through -Friday (Leave message) For more information, call: (413) 499-9451. Check one: This is the applicant, representative, or other (specify: Commission): The Pittsfield Conservation Commission.
- E. Copies of the Notice of Intent may be obtained from either (check one) the applicant, or the applicant's representative, by calling this telephone number (865) 340-4945 between the hours of 9:00 AM and 5:00 PM on the following days of the week: Monday through Friday.
- F. Information regarding the date, time, and place of the public hearing may be obtained from The Pittsfield Conservation Commission by calling this telephone number (413) 499-9451 between the hours of 9 and 5 on the following days of the week: Monday through -Friday (Leave message) Check One: This is the applicant , representative , or other (specify: Commission): The Pittsfield Conservation Commission
-

NOTE: Notice of the public hearing, including its date, time, and place, will be published at least five (5) days in advance in the Berkshire Eagle - Contact Conservation Commission to confirm Paper.

NOTE: Notice of the public hearing, including its date, time, and place, will be posted on the Conservation Commission website not less than forty-eight (48) hours in advance.

LIST OF ABUTTERS

JULY 7, 2021

OWNER: CENTRO BRADLEY BERKSHIRE CROSSING

APPLICANT: **MATT W. BRAZILLE**

LOCATION: 555 HUBBARD AVE (L140003109)

LIST OF ABUTTERS: I CERTIFY THAT THE ATTACHED LIST CONTAINS THE NAMES AND ADDRESSES OF THE ABUTTERS AND THE OWNERS OF LAND NEXT TO AND ADJOINING THE LAND OF THE ABUTTERS TO THE PROPERTY COVERED BY THIS APPLICATION.

MEMBER – BOARD OF ASSESSORS Kau man

Address Number	Address Street	ID	Owner 1	Owner 2	Owner Address	Owner City	State	Zip
555	HUBBARD AVE	L140003107	FCPT HOLDINGS LLC	% FOUR CORNERS PROPERTY TRUST	591 REDWOOD HIGHWAY #3215	MILL VALLEY	CA	94941
555	HUBBARD AVE	L140003108	CENTRO BRADLEY BERKSHIRE CROSSING LLC	% RYAN LLC TAX COMPLIANCE	500 EAST BROWARD BLVD #1130	FORT LAUDERDALE	FL	33394
555	HUBBARD AVE	L140003110	CENTRO BRADLEY BERKSHIRE CROSSING LLC	% RYAN LLC TAX COMPLIANCE	500 EAST BROWARD BLVD #1130	FORT LAUDERDALE	FL	33394
555	HUBBARD AVE	L140003111	CENTRO BRADLEY BERKSHIRE CROSSING LLC	% RYAN LLC TAX COMPLIANCE	500 EAST BROWARD BLVD #1130	FORT LAUDERDALE	FL	33394

APPENDIX B
FILING FEE INFORMATION



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
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:

555 Hubbard Avenue

a. Street Address

Pittsfield

b. City/Town

\$775.00

d. Fee amount

c. Check number

2. Applicant Mailing Address:

Dan

a. First Name

Radman

b. Last Name

Chipotle Mexican Grill, Inc.

c. Organization

PO Box 182566

d. Mailing Address

Columbus

e. City/Town

Ohio

f. State

43218

g. Zip Code

614-318-2400

h. Phone Number

i. Fax Number

dradman@chipotle.com

j. Email Address

3. Property Owner (if different):

Linda

a. First Name

Loncosky

b. Last Name

Brixmor

c. Organization

111 Middlesex Turnpike

d. Mailing Address

Burlington

e. City/Town

Massachusetts

f. State

01803

g. Zip Code

610-832-6223

h. Phone Number

i. Fax Number

Linda.Loncosky@brixmor.com

j. Email Address

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).

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.

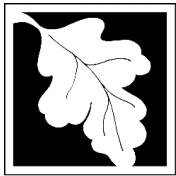
Step 2/Number of Activities: Identify the number of each type of activity.

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.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
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 3(b) each building for development (including site)	1.5	\$1,050.00	\$1,575.00

Step 5/Total Project Fee: \$1,050.00

Step 6/Fee Payments:

Total Project Fee:	<u>\$1,575.00</u>
	a. Total Fee from Step 5
State share of filing Fee:	<u>\$775.00</u>
	b. 1/2 Total Fee less \$12.50
City/Town share of filing Fee:	<u>\$800.00</u>
	c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

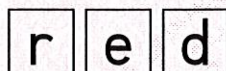
a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

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.)

DATE	INVOICE NO.	COMMENT	AMOUNT	NET AMOUNT
07/19/2021	07192021	CMG986 City Conservation Commission Fee		500.00
DATE 07/19/21			VENDOR City of Pittsfield	TOTAL 500.00



architecture + planning

589 W. NATIONWIDE BLVD., STE. B
COLUMBUS, OH 43215
(614) 487-8770

Five Hundred and no/100

KEY BANK
COLUMBUS, OH

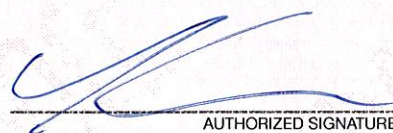
25-64
440

17996

DATE 07/19/21 AMOUNT 17996 \$500.00

PAY
TO THE
ORDER
OF

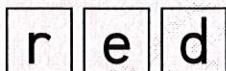
CITY OF PITTSFIELD
70 ALLEN STREET
PITTSFIELD MA 01201



AUTHORIZED SIGNATURE



DATE	INVOICE NO.	COMMENT	AMOUNT	NET AMOUNT
07/19/2021	071921	CMG986 State DEP Filing Fee		775.00
DATE 07/19/21			VENDOR Commonwealth of Massachusetts	TOTAL 775.00



architecture + planning

589 W. NATIONWIDE BLVD., STE. B
COLUMBUS, OH 43215
(614) 487-8770

KEY BANK
COLUMBUS, OH 25-64
440

17992

Seven Hundred Seventy Five and no/100

DATE	AMOUNT
07/19/21	17992 \$775.00

PAY
TO THE
ORDER
OF

**COMMONWEALTH OF MASSACHUSETTS
1 ASHBURTON PLACE
BOSTON MA 02108**



[Handwritten Signature]

AUTHORIZED SIGNATURE



DATE	INVOICE NO.	COMMENT	AMOUNT	NET AMOUNT
07/19/2021	071921	CMG986 City DEP Filing Fee		800.00
DATE 07/19/21			VENDOR City of Pittsfield	TOTAL 800.00



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589 W. NATIONWIDE BLVD., STE. B
COLUMBUS, OH 43215
(614) 487-8770

KEY BANK
COLUMBUS, OH

25-64
440

17991

Eight Hundred and no/100

DATE	AMOUNT
07/19/21	17991 \$800.00

PAY
TO THE
ORDER
OF

CITY OF PITTSFIELD
70 ALLEN STREET
PITTSFIELD MA 01201



[Handwritten Signature]

AUTHORIZED SIGNATURE

