

**DEPARTMENT OF ENVIRONMENTAL PROTECTION WETLANDS PROGRAM
Notice of Wetlands Variance Application pursuant to
M. G. L. Chapter 131 Section 40 and 310 CMR 10.00**

**Applicant: Mr. Henry Barbaro, Massachusetts Highway Department
Project Location: Middlesex Turnpike from Route 62 at Network Drive in Burlington to just north of Crosby Drive in Bedford, including the MITRE Link (Phase II)
DEP File No.: NE 122-0426 & 103-0642
Scheduled Public Hearing: Wednesday, August 6, 2008 @ 9:30 am
Location: Bedford Town Hall, 10 Mudge Way, Bedford, Selectmen's Meeting Room
Public Comments Deadline: Wednesday, September 3, 2008**

Notice is hereby given that a request is being made of the Department of Environmental Protection (MassDEP) to waive the wetlands protection regulations by the Massachusetts Highway Department (MassHighway) for the Middlesex Turnpike Improvement Project Phase II located from the intersection of Route 62 at Network Drive in Burlington to just north of the intersection of Crosby Drive in Bedford. The project will include the expansion of a two-lane roadway to a four-lane roadway, with center median or turning lanes, traffic signals at two locations, shoulders and one continuous sidewalk. The project also includes the construction of the MITRE link that will provide a direct connection from Network Drive to Middlesex Turnpike near the Bedford/Burlington town line. This request seeks a variance of the Wetlands Protection Act (MGL c. 131 §40) and the associated wetland regulations (310 CMR 10.00). The project will result in (1) permanent alteration of 17,093 square feet (s.f.) and temporary alteration of an additional 21,210 s.f. of Bordering Vegetated Wetland; (2) permanent alteration of 2,245 s.f. and temporary alteration of 1,356 s.f. of land under waterway; (3) 558 linear feet of permanent and 72 linear feet of temporary stream bank alteration; (4) 17,818 s.f. of riverfront area alteration; and (5) loss of 1,557 cubic yards (167,564 s.f.) of floodplain. On June 27, 2008, MassDEP issued a Superseding Order of Conditions denying the project since it does not meet Wetland Protection Act performance standards per 310 CMR 10.00.

The MassDEP Wetland Program will conduct a public hearing on this project proposal at 9:30 am on Wednesday August 6, 2008 at the Bedford Town Hall at 10 Mudge Way, Bedford, MA 01730 in the Selectmen's Meeting Room. The Department will conduct this public hearing in order to receive information to be used in its decision on whether to grant a Wetlands Variance pursuant to 310 CMR 10.05 (10). The Department will consider all written comments on this Wetlands Variance application received by Wednesday September 3, 2008 (Public Comments Deadline). Within ten days of the date of issuance of the Commissioner's decision on the variance, any person who submitted comments during the public comment period may, according to the procedures specified in 310 CMR 10.05(7)(j), request an adjudicatory hearing on the decision.

Additional information regarding this application may be obtained by contacting the Wetlands Program at (617) 292-5512. Project plans and documents for this application are on file with the Wetlands Program for public viewing, by appointment only, at the address below. Copies of the application can be obtained from Mr. Henry Barbaro at HenryBarbaro@state.ma.us Written comments must be addressed to: Lisa Rhodes, Environmental Analyst, MassDEP Wetlands Program, One Winter Street - 5th Floor, Boston, MA 02108.