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 DEP:

DEP File Number

Document Transaction Number

Acton
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 for GIS locator):

81B River Street, Lot 2 — a. Street Address
Acton — b. City/Town
01720 — c. Zip Code

Latitude and Longitude:
42.459294 — d. Latitude
-71.442378 — e. Longitude

H3 — f. Assessors Map/Plat Number
portion of 138 — g. Parcel /Lot Number

2. Applicant:

Joseph — a. First Name
Levine — b. Last Name
Lothrop Mill LLC — c. Company
544 Mass Ave — d. Mailing Address
Acton — e. City/Town
MA — f. State
01720 — g. Zip Code
508-331-4979 — h. Phone Number
978-264-4868 — i. Fax Number
joseph@nesitedevelopment.com — j. Email address

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

a. First Name
b. Last Name
c. Company
d. Mailing Address
e. City/Town
f. State
g. Zip Code
h. Phone Number
i. Fax Number
j. Email address

4. Representative (if any):

PLACES Site Consultants, Inc. — a. Firm
Susan — b. Contact Person First Name
Sullivan, P.E. — c. Contact Person Last Name
510 King Street, Suite 9 — d. Mailing Address
Littleton — e. City/Town
MA — f. State
01460 — g. Zip Code
978-486-0334 — h. Phone Number
978-486-0447 — i. Fax Number
scsullivan@verizon.net — j. Email address

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

$ 500 (plus $ 100 local fee) — a. Total Fee Paid
$ 237.50 — b. State Fee Paid
$ 262.50 (plus $ 100 local fee) — c. City/Town Fee Paid

6. General Project Description:

Redevelopment of existing mill complex in riverfront area of Fort Pond Brook (southerly side) for a single family home. Work is within existing disturbed area and includes demolition of existing structures.

A. General Information (continued)

7. Project Type Checklist:

a. ☒ Single Family Home
b. ☐ Residential Subdivision
c. ☐ Limited Project Driveway Crossing
d. ☐ Commercial/Industrial
e. ☐ Dock/Pier
f. ☐ Utilities
g. ☐ Coastal Engineering Structure
h. ☐ Agriculture – cranberries, forestry
i. ☐ Transportation
j. ☐ Other

8. Property recorded at the Registry of Deeds for:

a. County: Middlesex
b. Page Number: 541
c. Book: 48753
d. Certificate # (if registered land):

9. Has work been performed on the property under an Order of Resource Area Delineation involving Simplified Review within 3 years of the date of this application?

a. ☐ Yes b. ☒ No

If yes, no Notice of Intent or Request for Determination of Applicability may be filed for work within the 50-foot-wide area in the Buffer Zone along the resource area during the three-year term of an Order of Resource Area Delineation, or any Extended Order, or until the applicant receives a Certificate of Compliance, whichever is later.

10. Buffer Zone Only - Is the project located only in the Buffer Zone of a bordering vegetated wetland, inland bank, or coastal resource area?

a. ☐ Yes - answer 11 below, then skip to Section C.
b. ☒ No - skip to Section B.

11. Buffer Zone Setback – For projects that involve work only in the buffer zone, select the applicable adjacent resource area (check one):

a. ☐ BVW b. ☐ inland bank c. ☐ coastal resource area

The distance between the closest project disturbance and the associated resource area is:

d. linear feet

B. Resource Area Effects

1. Inland 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.

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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. ☐ Bank	1. linear feet	2. linear feet
b. ☐ Bordering Vegetated Wetland	1. square feet	2. square feet
c. ☐ Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet
d. ☐ Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 4. cubic feet of flood storage replaced
e. ☐ Isolated Land Subject to Flooding	1. square feet 2. cubic feet of flood storage lost	3. cubic feet of flood storage replaced
f. ☒ Riverfront area	Fort Pond Brook 1. Name of Waterway (if available)	

☐ For projects impacted by the riverfront area and a buffer zone of another resource area, add 50% to the total fee.

1. Width of Riverfront Area (check one):

☐ 25 ft. - Designated Densely Developed Areas only

☐ 100 ft. - New agricultural projects only

☒ 200 ft. - All other projects

2. Total area of Riverfront Area on the site of the proposed project: 12,028 Square Feet

3. Proposed alteration of the Riverfront Area:

a. Total Square Feet	b. Square Feet within 100 ft.	c. Square Feet between 100 ft. and 200 ft.
5141	4694	447

4. Has an alternatives analysis been done and is it attached to this NOI? ☒ Yes ☐ No

5. Was the lot where the activity is proposed created prior to August 1, 1996? ☐ Yes ☒ No

B. Resource Area Effects

2. Coastal Resource Areas:

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.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. ☐ Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. ☐ Land Under the Ocean	1. Square feet 2. Cubic yards dredged	
c. ☐ Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. ☐ Coastal Beaches	1. Square feet	2. Cubic yards beach nourishment
e. ☐ Coastal Dunes	1. Square feet	2. Cubic yards dune nourishment
f. ☐ Coastal Banks	1. Linear feet	
g. ☐ Rocky Intertidal Shores	1. Square feet	
h. ☐ Salt Marshes	1. Square feet	2. Sq ft restoration, rehab., or creation
i. ☐ Land Under Salt Ponds	1. Square feet 2. Cubic yards dredged	
j. ☐ Land Containing Shellfish	1. Square feet	2. Square feet restoration, rehab.
k. ☐ 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. ☐ Land Subject to Coastal Storm Flowage	1. Square feet	

3. Limited Project:

Is any portion of the proposed activity eligible to be treated as a limited project subject to 310 CMR 10.24 or 310 CMR 10.53?

a. ☐ Yes ☒ No If yes, describe which limited project applies to this project:

b. Limited Project

C. Bordering Vegetated Wetland Delineation Methodology

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

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Check all methods used to delineate the Bordering Vegetated Wetland (BVW) boundary:

1. ☐ Final Order of Resource Area Delineation issued by Conservation Commission or DEP (attached)
2. ☐ DEP BVW Field Data Form (attached)
3. ☐ Final Determination of Applicability issued by Conservation Commission or DEP (attached)
4. ☐ Other Methods for Determining the BVW Boundary (attach documentation):
   a. ☐ 50% or more wetland indicator plants
   b. ☐ Saturated/inundated conditions exist
   c. ☐ Groundwater indicators
   d. ☐ Direct observation
   e. ☐ Hydric soil indicators
   f. ☐ Credible evidence of conditions prior to disturbance
5. Other resource areas delineated: _____

D. Other Applicable Standards and Requirements

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://www.mass.gov/dfwele/dfw/nhesp/nhregmap.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
   Route 135, North Drive
   Westborough, MA 01581

   2006
   b. Date of map

   If *yes*, the project is 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 D.1.A, and include requested materials with this Notice of Intent (NOI); *OR* complete Section D.1.B, 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).*

   A. Submit Supplemental Information for Endangered Species Review *

   ☐ Percentage/acreage of property to be altered:

   (1) within wetland Resource Area _____ percentage/acreage

   (2) outside Resource Area _____ percentage/acreage

   ☐ Assessor's Map or right-of-way plan of site

D. Other Applicable Standards and Requirements (cont.)

☐ 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 **

☐ Project description (including description of impacts outside of wetland Resource Area & Buffer Zone)

☐ Photographs representative of the site

☐ MESA filing fee (fee information available at: http://www.mass.gov/dfwele/dfw/nhesp/nhenvmesa.htm)
Make check payable to "Natural Heritage & Endangered Species Fund" and ***mail to NHESP*** at above address

*Projects altering **10 or more acres** of land, also submit:*

☐ Vegetation cover type map of site

☐ Project plans showing Priority & Estimated Habitat boundaries

B. OR Check One of the Following

☐ Project is exempt from MESA review. Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhesp/nhenvexemptions.htm)

☐ Separate MESA review ongoing.

NHESP Tracking Number _____ Date submitted to NHESP _____

☐ Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see www.nhesp.org regulatory review tab). 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.

2. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

a. ☐ Yes ☐ No If yes, include proof of mailing or hand delivery of NOI to either:

South Shore - Cohasset to Rhode Island, and the Cape & Islands:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
838 South Rodney French Blvd.
New Bedford, MA 02744

North Shore - Hull to New Hampshire:

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930

b. ☒ Not applicable – project is in inland resource area only

D. Other Applicable Standards and Requirements (cont.)

3. 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 DEP Website for ACEC locations). **Note:** electronic filers click on Website.

   b. ACEC

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

4. Is any portion of the 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

5. Is any activity within any Resource Area or Buffer Zone exempt from performance standards of the wetlands regulations, 310 CMR 10.00.

   a. ☐ Yes ☐ No If yes, describe which exemption applies to this project:

   b. Exemption

6. Is this project subject to the DEP Stormwater Policy? a. ☐ Yes ☒ No

   If yes, stormwater management measures are required. Applicants should complete the Stormwater Management Form and submit it with this form.

   b. If no, explain why the project is exempt:

   Redevelopment of an existing mill site. Development is for 3 residential lots (filed as 3 individual NOI's at the request of the Acton Cons Com.).

E. Additional Information

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.
3. ☐ Other material identifying and explaining the determination of resource area boundaries shown on plans (e.g., a DEP BVW Field Data Form).
4. ☒ List the titles and dates for all plans and other materials submitted with this NOI.
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.

E. Additional Information (cont.)

8. ☒ Attach NOI Wetland Fee Transmittal Form

9. ☒ Attach Stormwater Management Form, if needed.

F. Fees

The fees for work proposed under each Notice of Intent must be calculated and submitted to the Conservation Commission and the Department (see Instructions and NOI Wetland Fee Transmittal Form).

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:

1025	5-31-07
1. Municipal Check Number	2. Check date
1028	5-31-07
3. State Check Number	4. Check date
Lothrop Mill LLC	
5. Payor name on check: First Name	6. Payor name on check: Last Name

G. 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 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.

Signature of Applicant	Date
Signature of Property Owner (if different)	Date
Signature of Representative (if any)	Date

For Conservation Commission:
Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents; two copies of pages 1 and 2 of the NOI Wetland Fee Transmittal Form; and the city/town fee payment must be sent to the Conservation Commission by certified mail or hand delivery.

For DEP:
One copy of the completed Notice of Intent (Form 3), including supporting plans and documents; one copy of pages 1 and 2 of the NOI Wetland Fee Transmittal Form; and a copy of the state fee payment must be sent to the DEP Regional Office (see Instructions) by certified mail or hand delivery. (E-filers may submit these electronically.)

G. Signatures and Submittal Requirements (cont.)

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

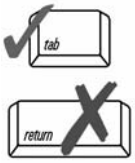
The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.

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. Applicant:

a. First Name	b. Last Name	c. Company
Joseph	Levine	Lothrop Mill LLC

d. Mailing Address: 544 Mass Ave

e. City/Town	f. State	g. Zip Code
Acton	MA	01720

h. Phone Number: 508-331-4979

2. Property Owner (if different):

a. First Name	b. Last Name	c. Company

d. Mailing Address

e. City/Town	f. State	g. Zip Code

h. Phone Number

3. Project Location:

a. Street Address	b. City/Town
81B River Street, Lot 2	Acton

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

Notice of Intent (Form 3) or Abbreviated Notice of Intent (Form 4):

The fee should be calculated using the following six-step process and 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.

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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
Construct S.F. House	1	500	500

Step 5/Total Project Fee: 500

Step 6/Fee Payments:

Total Project Fee:	500 a. Total fee from Step 5
State share of filing fee:	237.50 b. 1/2 total fee **less $**12.50
City/Town share of filling fee:	262.50 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.

c.) **To DEP 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.)