

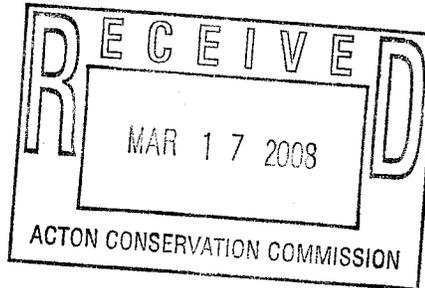
Stantec Inc.  
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Westford, MA 01886  
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**Stantec**

March 17, 2008

Acton Conservation Commission  
472 Main Street  
Acton, MA 01720



**Attention: Terry Maitland, Conservation Commission Chair**

**Reference: Indian Village Water Main Replacement Project  
Request for Determination of Applicability - Revised**

Dear Mr. Maitland:

On behalf of the Acton Water District, enclosed is a Request for Determination of Applicability (RDA) to replace approximately 1,800 linear feet of water main within Seneca Road in Acton, MA. The entire project entails replacing 6,000 linear feet of water main within Seneca Road, Mohawk Drive, and Oneida Road. Only the portion within Seneca Road is within the jurisdictional area of the Wetlands Protection Act. In accordance with the Massachusetts Wetlands Protection Act, "no person shall remove, fill, dredge or alter any bank, riverfront area, freshwater wetland... other than in the course of maintaining, repairing or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, telephone, telegraph and other telecommunication services without filing written notice of his intention to so remove..." While the Acton Water District will be replacing the existing 6-inch water main with an 8-inch in some places, this two inch change in water main size is not a substantial enlargement as the size of the trench to install a 6 or 8-inch main is the same width, 5 feet.

Also note that the water main replacement will occur within the road right-of-way and will only disturb existing pavement. Erosion control barriers are shown on the plans and will be installed adjacent to jurisdictional areas in order to protect resource areas from sedimentation during construction.

The Acton Water District is requesting that the Conservation Commission issue a Negative Determination of Applicability for this work and determine that the installation of the replacement water main is exempt from the Massachusetts Wetlands Protection Act. Also enclosed is a copy of the first page of the Massachusetts Wetlands Protection Act, a site locus, a NHESP map, and project plans. Please review this material and contact our office with any questions.

The Wetlands Protection Act

Massachusetts General Laws

Chapter 131, §40

1. No person shall remove, fill, dredge or alter any bank, riverfront area, fresh water wetland, coastal wetland, beach, dune, flat, marsh, meadow or swamp bordering on the ocean or on any estuary, creek, river, stream, pond, or lake, or any land under said waters or any land subject to tidal action, coastal storm flowage, or flooding, other than in the course of maintaining, repairing or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, telephone, telegraph and other telecommunication services, without filing written notice of his intention to so remove, fill, dredge or alter, including such plans as may be necessary to describe such proposed activity and its effect on the environment and without receiving and complying with an order of conditions and provided all appeal periods have elapsed. Said notice shall be filed by delivery in hand to the conservation commission or its authorized representative or by certified mail, return receipt requested, to said commission, or, if none, to the board of selectmen in a town or the mayor of a city in which the proposed activity is to be located. Upon such filing, the receipt of such notice shall be acknowledged in writing on the face thereof and shall include the time and date so received. A person delivering said notice by hand shall be given a receipt in writing acknowledging the time and date of such filing. Copies of such notice shall be sent at the same time by certified mail to the department of environmental protection. To defray state and local administrative costs each person filing such a notice shall pay a filing fee, determined on a sliding scale basis by the commissioner of administration after consultation with the secretary of environmental affairs. Fifty percent of any filing fee in excess of twenty-five dollars shall be made payable to the department of environmental protection, in a manner to be determined by the commissioner of environmental protection, at the same time as the copies of the notice are sent to the department of environmental protection. The remainder of said fee shall be made payable to the city or town; provided, that said remainder shall be expended solely by the local conservation commission for the performance of its duties under this chapter and shall accompany the copy of the notice sent to the city or town. No such notice shall be



# WPA Form 1- Request for Determination of Applicability

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

## A. General Information

**Important:**  
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Applicant:

Acton Water District

Name

E-Mail Address

693 Massachusetts Avenue, P.O. Box 9

Mailing Address

Acton

MA

01720

City/Town

State

Zip Code

978-263-9107

978-264-0148

Phone Number

Fax Number (if applicable)

2. Representative (if any):

Stantec Consulting Services Inc.

Firm

Rebecca Jenkins, Project Engineer

rebecca.jenkins@stantec.com

Contact Name

E-Mail Address

5 LAN Drive, Suite 300

Mailing Address

Westford

MA

01886

City/Town

State

Zip Code

978-692-1913

978-692-4578

Phone Number

Fax Number (if applicable)

## B. Determinations

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

- a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance or bylaw** of:

Name of Municipality

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



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**C. Project Description**

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

Seneca Road	Acton
Street Address	City/Town
N/A: Road right-of-way	N/A: Road right-of-way
Assessors Map/Plat Number	Parcel/Lot Number

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

Please refer to enclosed letter, plans and figures. The Acton Water District is planning to replace approximately 6,000 LF of water main on Seneca Road, Mohawk Drive, and Oneida Road. Approximately 1,800 LF of water main is within Seneca Road of which a portion is within the Riverfront Area. This work will occur within the road right-of-way and will only disturb either existing pavement and/or gravel/grassed road shoulders. The project site does not contain any mapped estimated or priority habitat areas as indicated on the most recent NHESP map.

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

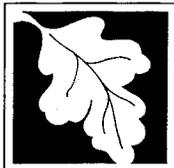
Figure 1 Site Locus and Figure 2 NHESP Map	March 2008
Title	Date
C101 Seneca Road	March 2008
Title	Date
C501 Water Details and C502 Erosion Control Details	March 2008
Title	Date

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

As shown on the enclosed plans, the project will involve the installation of replacement water main within portions of the paved roadway. Installing utility lines involves excavating a trench, installing the needed utility, backfilling the area and restoring the area to original grade and surface conditions. Erosion control barriers will be installed as shown on the plans to prevent any sediment from running into resource areas during construction. This work is a maintenance activity and all disturbed areas will return to pre-existing conditions.

In accordance with the Massachusetts Wetlands Protection Act, "no person shall remove, fill, dredge or alter any bank, riverfront area, freshwater wetland... other than in the course of maintaining, repairing or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, telephone, telegraph and other telecommunication services without filing written notice of his intention to so remove..." While the Acton Water District will be replacing the existing 6 inch water main with an 8 inch main in some places, this two-inch change in water main size is not a substantial enlargement as the size of the trench to install a 6 or 8 inch main is the same width - 5 feet.

Thus, the applicant is requesting that the Acton Conservation Commission issue a negative determination of applicability and determine that the installation of the replacement water main is exempt from the Massachusetts Wetlands Protection Act.



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

### C. Project Description (cont.)

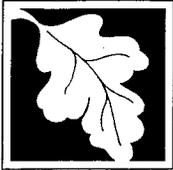
b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

Paragraph 1 of the Massachusetts Wetlands Protection Act (see attached copy) states, "no person shall remove, fill, dredge or alter any bank, riverfront area, freshwater wetland...other than in the course of maintaining, repairing or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, telephone, telegraph and other telecommunication services without filing written notice of his intention to so remove..."

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



## WPA Form 1- Request for Determination of Applicability

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

### D. Signatures and Submittal Requirements

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

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

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

Name and address of the property owner:

Town of Acton

Name

472 Main Street

Mailing Address

Acton

City/Town

MA

State

01720

Zip Code

Signatures:

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

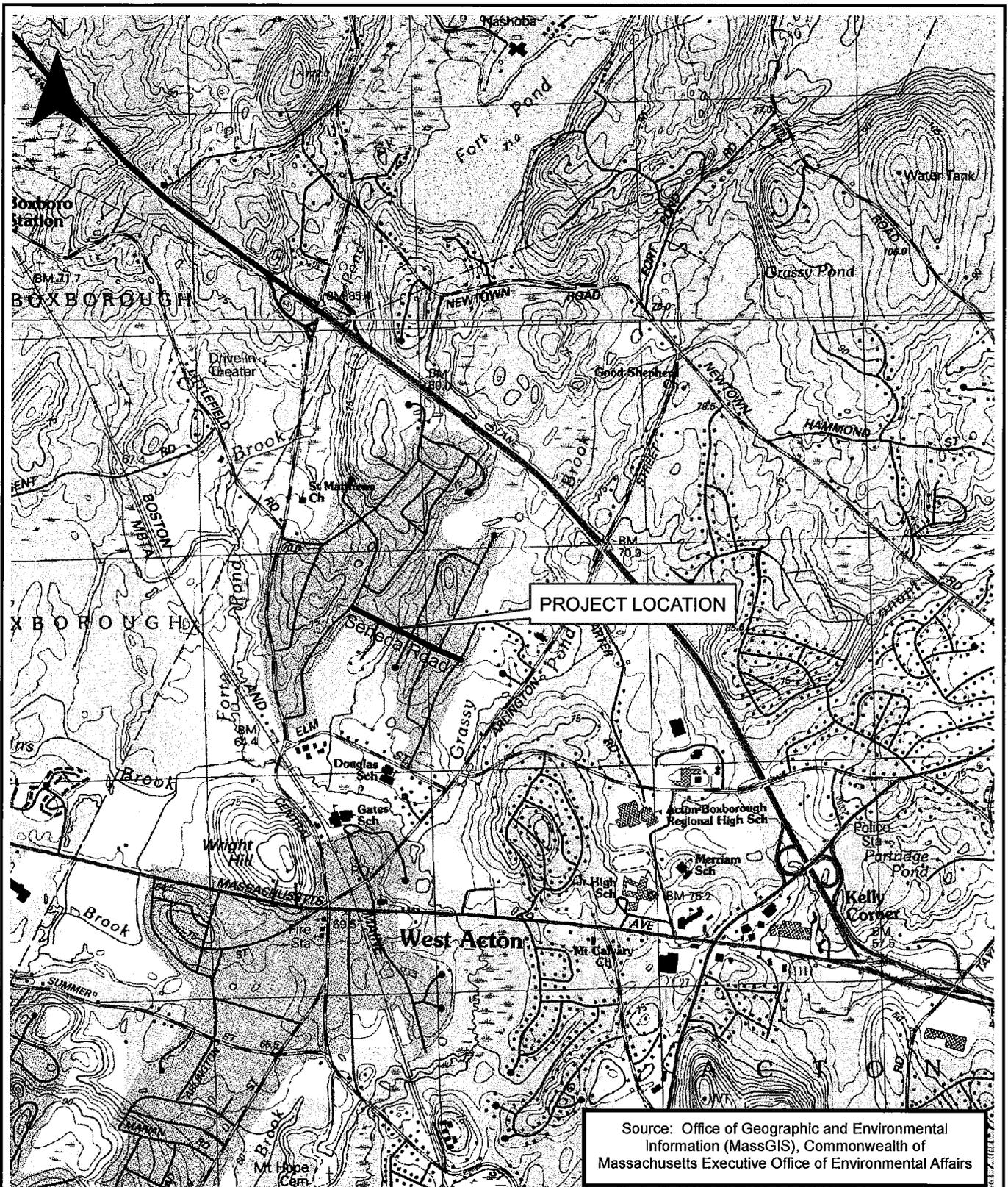
Signature of Applicant

Signature of Representative (if any)

Date

3/12/08

Date



Source: Office of Geographic and Environmental Information (MassGIS), Commonwealth of Massachusetts Executive Office of Environmental Affairs



**Stantec**  
Westford, Massachusetts  
Tel. (978) 682-1813  
www.stantec.com

ACTON

ACTON WATER DISTRICT  
SENECA ROAD WATER MAIN  
**SITE LOCUS**  
**FIGURE 1**

MASSACHUSETTS

Project No.	19511646
Proj. Mgr.	TJM
Scale	1" = 2,000'
Date	MARCH 2008

A

**Stantec Inc.**  
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March 14, 2008

Acton Conservation Commission  
472 Main Street  
Acton, MA 01720

**Attention: Terry Maitland, Conservation Commission Chair**

**Reference: Indian Village Water Main Replacement Project  
Request for Determination of Applicability**

Dear Mr. Maitland:

On behalf of the Acton Water District, the applicant waives their right to have a public hearing within 21 days of their Request for Determination of Applicability.

Sincerely,

**STANTEC CONSULTING SERVICES INC.**

Rebecca L. Jenkins  
Project Engineer  
Tel: (978) 692-1913  
Fax: (978) 692-4578  
rebecca.jenkins@stantec.com

c. Christopher Allen - Acton Water District

