

NOTICE OF INTENT
SUDBURY ROAD IMPROVEMENTS
ALEXAN CONCORD
ACTON, MASSACHUSETTS
JANUARY 9, 2009

Prepared for:

WEST CONCORD DEVELOPMENT, LLC
35 CORPORATE DRIVE, SUITE 400
BURLINGTON, MASSACHUSETTS 01803

Prepared by:

BEALS ASSOCIATES, INC.
98 NORTH WASHINGTON STREET
BOSTON, MASSACHUSETTS 02114

Project Number:

C-472.08
Concord, Massachusetts

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**STORMWATER MANAGEMENT REPORT (TWO VOLUMES, BOUND
SEPARATELY)**

January 9, 2009

Acton Conservation Commission
472 Main Street
Acton, Massachusetts 01720

VIA: Federal Express

**RE: Notice of Intent
Sudbury Road Improvements
Acton, Massachusetts 01742**

Dear Members of the Commission:

On behalf of West Concord Development, LLC we are hereby submitting a Notice of Intent (NOI) for proposed improvements to a portion of Sudbury Road located in Acton as well as a short length of Powdermill Road that is included in the proposed stormwater management system. The wetland resources adjacent to the proposed work include the impounded section of the Assabet River to the west of the existing dam and a stretch of the Assabet River below the dam. The proposed work is outside of the 200' Riparian Zone of the Assabet River, but within the 100' Buffer Zone to the impoundment.

The work described in the attached Notice of Intent relates to the length of Sudbury Road from the intersection with Route 62, south to the Maynard town line, as well as a short section of Old Powdermill Road to the Concord town line. The Sudbury Road right-of-way varies in width from approximately 30' to 35' and the pavement width varies from 18' to 28' and accommodates two-way travel with no marked centerline or shoulders provided. Short lengths of side walk are provided on the easterly side of the road, from station 10+00 to station 11+90 and on the westerly side of the road from approximately station 11+95 to Westside Drive. The existing municipal stormwater management system consists of a series of three catch basins at the intersection of Sudbury Road and Route 62 which ultimately discharge directly into the mill pond on the north side of Route 62 without any kind of treatment.

The proposed work includes the expansion of the existing municipal subsurface stormwater management system to the top of the hill adjacent to the Maynard and Concord town lines as well as the addition of Best Management Practices to the existing system, widening of the paved surface to a consistent width (11' travel lanes and 1' shoulders), the addition of a new sidewalk on the easterly side of the roadway and minor regrading. The Best Management Practices employed include the replacement of existing catch basins with deep sump hooded catch basins which overflow into leaching catch basins and the addition of a Stormceptor unit for TSS removal to the system at the last catch basin on the easterly side of Sudbury Road prior to the discharge into the Assabet River. A conceptual version of the proposed design was reviewed by Bruce Stamski, the Acton Town Engineer as part of the Comprehensive Permit approved by the Acton Board of Appeals for the project. Mr. Stamski reserved

the right to review the final plans as well. We are simultaneously delivering the plans to Mr. Stamski for that review.

Because the proposed work will be done on municipally owned land, no fee is required.

The following materials are included in this submittal:

One original and four (4) copies of the Notice of Intent application with appendices

Four (4) full sized copies of a set of plans entitled “Plans to Accompany a Notice of Intent for Sudbury Road in the Town of Acton, Massachusetts”, prepared by Beals Associates, Inc., dated January 5, 2009

One copy of the Stormwater Management Report for Sudbury Road Improvements, prepared by Beals Associates, Inc., dated December 30, 2008 (two volumes, bound separately)

In addition, one copy of the Notice of Intent is being delivered to the Central Regional Office of the Department of Environmental Protection, Worcester, MA as well as to the Natural Heritage and Endangered Species Program. We would be pleased to meet with the Commission at the public hearing scheduled for February 4, 2009, to discuss the proposed project in detail and are available at the convenience of the Commission and its staff to walk the limits of the proposed work in the field. Please feel free to contact our office should you have any questions or require additional information.

Sincerely,

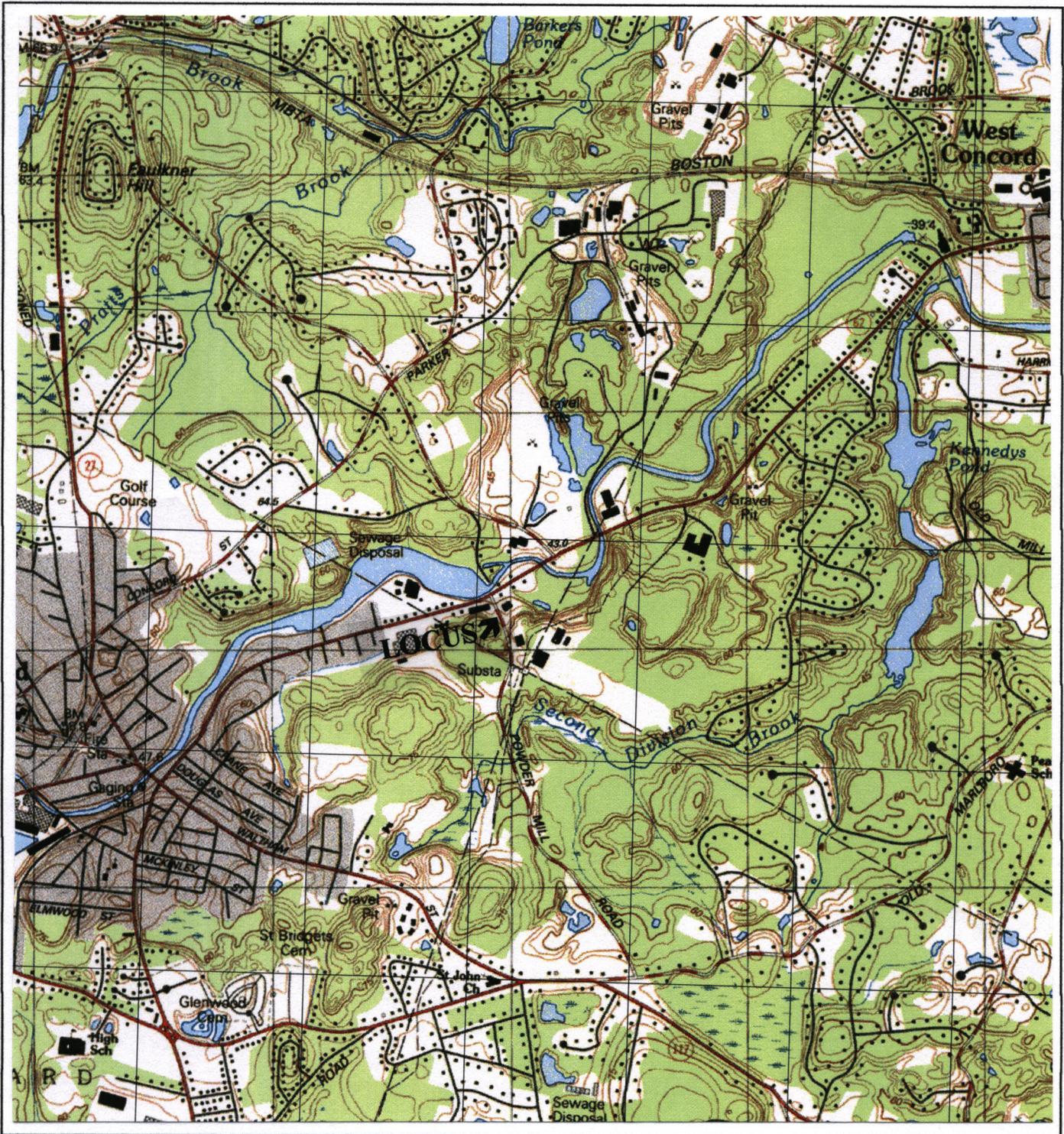
Beals Associates, Inc.



Cynthia B. O'Connell, ASLA

cc: Robert Hewitt, West Concord Development, LLC

C-472.08 Acton



LOCUS PLAN

Source: USGS Topographic Quadrangle
for Maynard
7.5 x 15 Minute Series (Metric)

Scale: 1:25,000 or 1" = 2083.33'

Notice of Intent
Sudbury Road
West Concord Development, LLC
Sudbury Road, Acton, MA

Prepared by Beals Associates, Inc. - Boston, Massachusetts



WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

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):

Sudbury Road	Acton	01720
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:	042-26-17.75 N	071-25-54.47 W
N/A	d. Latitude	e. Longitude
f. Assessors Map/Plat Number	N/A	g. Parcel /Lot Number

2. Applicant:

Robert	Hewitt	
a. First Name	b. Last Name	
West Concord Development, LLC		
c. Organization		
35 Corporate Drive, Suite 400		
d. Street Address		
Burlington	MA	01803
e. City/Town	f. State	g. Zip Code
781-685-4698	781-685-4704	rhewitt@tcresidential.com
h. Phone Number	i. Fax Number	j. Email Address

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

a. First Name	b. Last Name	
Town of Acton		
c. Organization		
472 Main Street		
d. Street Address		
Acton	MA	01742
e. City/Town	f. State	g. Zip Code
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

Cynthia	O'Connell	
a. First Name	b. Last Name	
Beals Associates, Inc.		
c. Company		
98 North Washington Street		
d. Street Address		
Boston	MA	02114
e. City/Town	f. State	g. Zip Code
617-742-3554	617-742-0310	oconnell@bealsassociates.com
h. Phone Number	i. Fax Number	j. Email address

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

N/A		
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



WPA Form 3 – Notice of Intent

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

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A. General Information (continued)

6. General Project Description:

Improvements to an existing public way, including an upgrade of the stormwater management system, modification of edge of pavement, minor regrading.

7a. Project Type Checklist:

- 1. Single Family Home
- 2. Residential Subdivision
- 3. Limited Project Driveway Crossing
- 4. Commercial/Industrial
- 5. Dock/Pier
- 6. Utilities
- 7. Coastal Engineering Structure
- 8. Agriculture (e.g., cranberries, forestry)
- 9. Transportation
- 10. Other

7b. Is any portion of the proposed activity eligible to be treated as a 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:

2. Limited Project

8. Property recorded at the Registry of Deeds for:

a. County

b. Certificate # (if registered land)

c. Book

d. Page Number

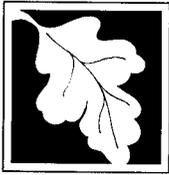
B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- 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.

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 3. cubic yards dredged	2. square feet



WPA Form 3 – Notice of Intent

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

MassDEP File Number _____

Document Transaction Number _____

City/Town _____

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet _____ 3. cubic feet of flood storage lost _____	2. square feet _____ 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 type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) _____	

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: _____ square feet

4. 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. _____

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)

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.

<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 _____

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



WPA Form 3 – Notice of Intent

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

MassDEP File Number _____

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City/Town _____

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

	<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. <input type="checkbox"/> 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 BWV _____	b. square feet of Salt Marsh _____

C. 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

Oct. 2006 _____
 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.1.d, 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).*



WPA Form 3 – Notice of Intent

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

MassDEP File Number

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City/Town

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

1. 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

3. 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

(c) MESA filing fee (fee information available at:

<http://www.mass.gov/dfwele/dfw/nhosp/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:

(d) Vegetation cover type map of site

(e) Project plans showing Priority & Estimated Habitat boundaries

d. 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, <http://www.mass.gov/dfwele/dfw/nhosp/nhenvexemptions.htm>; 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 Number

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.

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see www.nhosp.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.



WPA Form 3 – Notice of Intent

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

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

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. Not applicable – project is in inland resource area only

b. 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:

North Shore - Hull to New Hampshire:

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

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

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.

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

b. ACEC

4. 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

5. 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

6. 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.

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



WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

City/Town

D. 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. 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.

Plans to Accompany a Notice of Intent for Sudbury Road in the Town of Acton, Massachusetts

a. Plan Title

Beals Associates, Inc.

b. Prepared By

January 5, 2009

d. Final Revision Date

Cynthia A. Theriault

c. Signed and Stamped by

as shown

e. Scale

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:

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



WPA Form 3 – Notice of Intent

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

MassDEP File Number _____

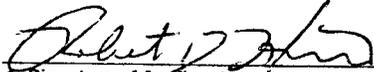
Document Transaction Number _____

City/Town _____

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).

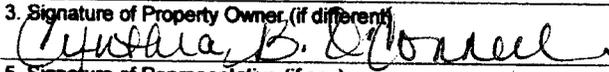
I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.



1. Signature of Applicant

1/6/09

2. Date

3. Signature of Property Owner (if different)


5. Signature of Representative (if any)

4. Date
1/8/09

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.

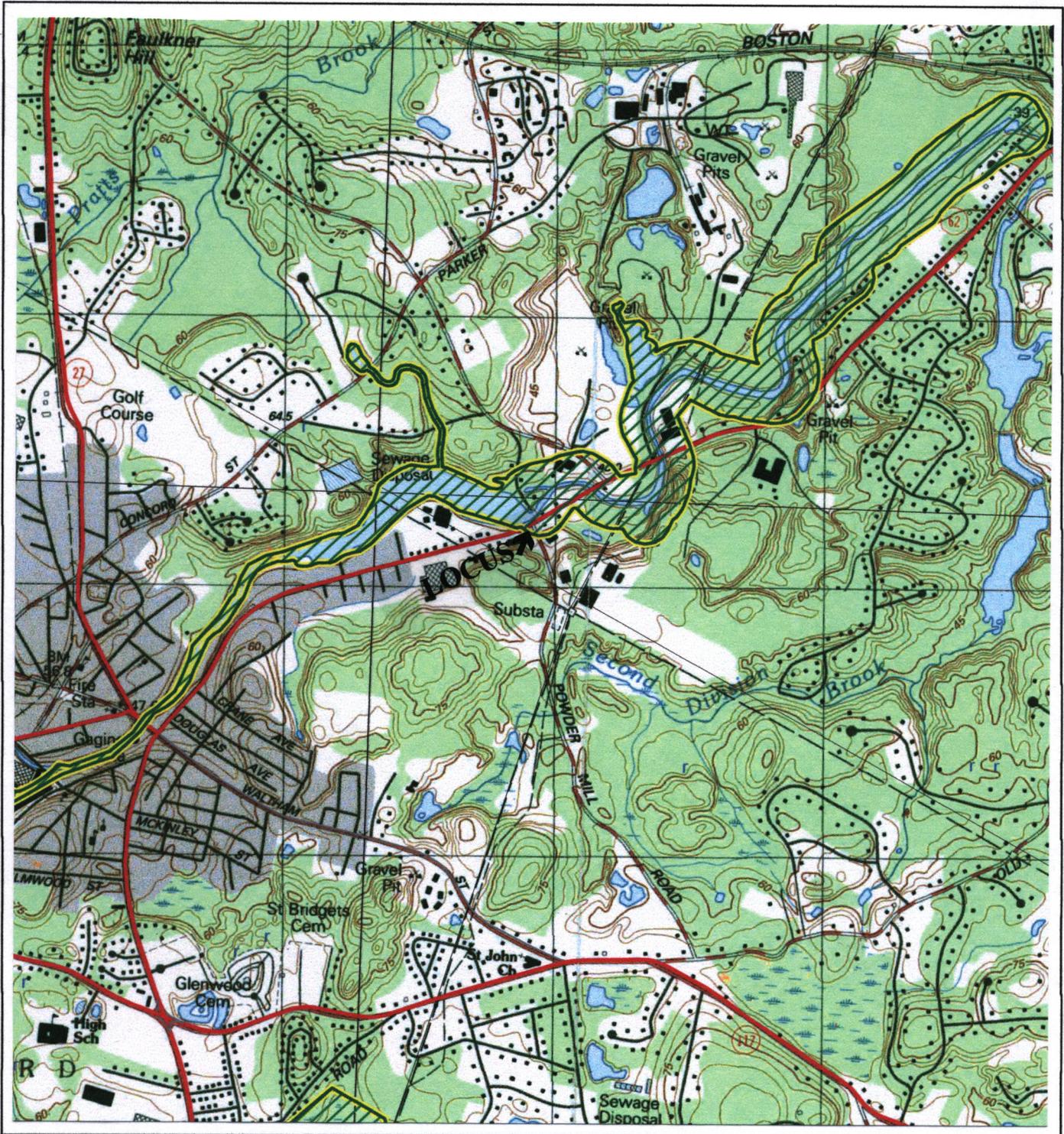
For MassDEP:

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.



NATURAL HERITAGE MAP

Source: Massachusetts Natural Heritage Atlas
 12th Edition
 October 1, 2006

Notice of Intent
 Sudbury Road
 West Concord Development, LLC
 Sudbury Road, Acton, MA

Prepared by Beals Associates, Inc. - Boston, Massachusetts

APPENDIX A

LIST OF DRAWINGS

LIST OF DRAWINGS

**PLANS TO ACCOMPANY A NOTICE OF INTENT
FOR
SUDBURY ROAD IN THE TOWN OF ACTON,
MASSACHUSETTS**

Prepared by Beals Associates, Inc., dated January 5, 2009

APPENDIX B

**LISTS OF ABUTTERS IN ACTON, CONCORD,
MAYNARD & SUDBURY**

Town of Acton
 472 Main Street
 Acton, MA 01720
 Telephone (978) 264-9622
 Fax (978) 264-9630



Brian McMullen
 Assistant Assessor

Locus: SUDBURY RD
 Parcel ID: J3

Location	Parcel ID	Owner	Co-Owner	Mailing Address	City	ST	Zip
50 POWDER MILL RD	J3-49	AUTOPLEX REALTY LLC	C/O POWDER MILL PROPERTIES, I	15 SEA VIEW AV	BARNSTABLE	MA	02630
37 POWDER MILL RD	J3-56	POWDER MILL REALTY CO		145 POWDER MILL RD	MAYNARD	MA	01754
45 POWDER MILL RD	J3-59-1	JKK INC		78 FOREST RIDGE RD #102	CONCORD	MA	01742
12 SUDBURY RD	J3-59-3	SWANSON, JOHN E		OLD POWDER MILL	CONCORD	MA	01742
30 SUDBURY RD	J3-59-4	RENFROE H LARUE TR	30 SUDBURY RD REALTY TR	84 SOUTH ST	CARLISLE	MA	01741
14-18 SUDBURY RD	J3-59-5	BERTOLAMI LEO F JR TRUSTEE	OLD MILL DEVELOPMENT TRUST	6 PROCTOR STREET	ACTON	MA	01720
13 SUDBURY RD	J3-60	WESTSIDE REALTY LLP	C/O TOWN OF ACTON	472 MAIN ST	ACTON	MA	01720
5 WESTSIDE DR	J3-60-5	WU XIAOLIN	YANG XIAOLING	5 WESTSIDE DR	ACTON	MA	01720
3 WESTSIDE DR	J3-60-9	JACOB AGNES	CHACKO TOJI	2320 COMMONWEALTH AVE	AF AUBURNDALE	MA	02466
1 WESTSIDE DR	J3-60-11	KAMATH SUNIL	SHENOY SEEMA	1 WESTSIDE DR	ACTON	MA	01720
4 WESTSIDE DR	J3-60-16	HUANG HUI	YU SONG	4 WESTSIDE DR	ACTON	MA	01720
2 WESTSIDE DR	J3-60-16	HALL PAMELA S		2 WESTSIDE DR	ACTON	MA	01720
40 SUDBURY RD	J3-61	BOSTON EDISON CO	C/O REAL ESTATE & PROP TAXES	PO BOX 567	NORWOOD	MA	02062

The owner of land sharing a common boundary or corner with the site of the proposed activity (100 feet) in any direction, including land located directly across a street, way, creek, river, stream, brook or canal. The above are as they appear on the most recent applicable taxes.

Kimberly Hoyt
 Kimberly Hoyt
 Assessing Clerk
 Acton Assessors Office
 8-Jan-09

List of Abutters in Concord

Parcel	Parcel Location	Name and Billing Address as of Sept. 30, 2008
2973	48 Old Powdermill Rd.	FTN Limited Partnership 7 Abigail Dr. Hudson, MA 01749

List of Abutters in Maynard

Parcel ID	Owner of Record & Mailing Address
11-65	HUB MA Realty Trust c/o RMR Accounting 9 Galen St. Watertown, MA 02472
11-67	NSTAR Electric Company Property Tax Dept. P.O. Box 567 Norwood, MA 02062-0567

List of Abutters in Sudbury

Parcel ID	Owner	Mailing Address
A07-0200	Boston Edison Company	Property Tax Dept. P.O. Box 567 Norwood, MA 02062

APPENDIX C

NOTICE TO ABUTTERS AND AFFIDAVIT OF SERVICE

**NOTIFICATION TO ABUTTERS
UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT
AND THE TOWN OF ACTON WETLANDS BYLAW**

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40 and the Town of Acton Bylaws, you are hereby notified of the following:

The Applicant: West Concord Development, LLC

Address 35 Corporate Dr., Suite 400, Burlington, MA 01803 Phone 781-685-4698

has filed a Notice of Intent with the Acton Conservation Commission seeking permission to remove, fill, dredge or alter an Area Subject to Protection under the Wetlands Protection Act.

Applicant's Representative: Beals Associates, Inc.

Address 98 North Washington St., Boston, MA 02114 Phone 617-742-3554

The address of the property where the activity is proposed Sudbury Road, Acton, MA

Town Atlas Plate/Map N/A Parcel/Lot N/A

Project Description Improvements to an existing public way (Sudbury Road) including an upgrade of the stormwater management system, modification of the edge of pavement and minor regrading.

Copies of the Notice of Intent may be examined at the Conservation Office, Acton Town Hall, 472 Main Street, Acton between the hours of 9:00 A.M. and 4:30 P.M. Monday through Friday. For more information please call the Conservation Office at 978-264-9631.

A Public Hearing will be held at the Acton Town Hall, 472 Main Street, on Wednesday, February 4, 2009 at 7:45 P.M.
(date)

The notice of the public hearing will be published at least five (5) days in advance in the Acton edition of the *Beacon* newspaper or *Metrowest Daily News*.

NOTE: You may also contact your local conservation commission or the nearest Department of Environmental Protection Regional Office* for the information about this application or, the Wetlands Protection Act. Acton is in the Central Region. To contact DEP, call:

***DEP Central Region: 508-792-7650
627 Main Street, Worcester MA 01608**

AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act

(to be submitted to the Massachusetts Department of
Environmental Protection and the Conservation Commission
when filing a Notice of Intent)

I, Cynthia B. O'Connell, hereby certify under the pains and penalties of perjury that on January 9, 2009 I gave notification to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, 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 by Beals Associates, Inc. with the Acton Natural Resources Commission on January 9, 2009 for property located Sudbury Road, Acton, 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.



Name

January 9, 2009

Date

APPENDIX D

LETTER TO NHESP RE: EXEMPTION

January 9, 2009

Regulatory Review
Natural Heritage and Endangered Species Program
MA Division of Fish and Wildlife
1 Rabbit Hill Road
Westborough, Massachusetts 01581

**RE: Sudbury Road Improvements
Acton, Massachusetts**

Dear Reviewer:

We are writing on behalf of West Concord Development, LLC regarding proposed improvements to a portion of Sudbury Road in the Town of Acton, Massachusetts. This roadway provides access to a proposed multi-family apartment project in the Town of Concord which has been approved through Comprehensive Permits in the towns of Concord and Acton. One of the conditions for approval in Acton was the upgrading of a portion of the existing Sudbury Road, a public way. A portion of the proposed work is within the 100' Buffer Zone of an impounded area of the Assabet River, considered Land Under Water Body under the Massachusetts Wetland Protection Act. A Notice of Intent is being filed with the Acton Conservation Commission, a copy of which is attached.

The work in question relates to the length of Sudbury Road from the intersection with Route 62, south to the Maynard town line, as well as a short section of Old Powdermill Road to the Concord town line. The Sudbury Road right-of-way varies in width from approximately 30' to 35' and the pavement width varies from 18' to 28' and accommodates two-way travel with no marked centerline or shoulders provided. Short lengths of side walk are provided on the easterly side of the road, from station 10+00 to station 11+90 and on the westerly side of the road from approximately station 11+95 to Westside Drive. Existing stormwater management consists of a series of three catch basins at the intersection of Sudbury Road and Route 62 which ultimately discharge directly into the mill pond on the north side of Route 62 without any kind of treatment.

The area of the work shown as being within both Estimated and Priority Habitat is the intersection of Sudbury Road and Route 62 (Powdermill Road). This area is adjacent to an impoundment of the Assabet River created by a small dam. The proposed work in this area consists of the installation of new deep sump hooded catch basins which overflow into leaching catch basins. In addition a Stormceptor unit for TSS removal is proposed after the last catch basin on the easterly side of Sudbury Road prior to the discharge into the Assabet River. The proposed work within this area is exempt from review by MESA as it consists of improvements within an existing public roadway (#8 on the list of exemptions to 321 CMR 10.14). The proposed improvements include a Stormceptor unit which will collect the suspended solids in the stormwater run-off from Sudbury Road and prevent them from entering the impounded area of the Assabet River, adjacent to the roadway intersection.

We are attaching a copy of the Notice of Intent being filed with the Acton Conservation for proposed work within the Buffer Zone to Land Under Water Body for your review. Please feel free to contact our office should you have any questions or need additional information.

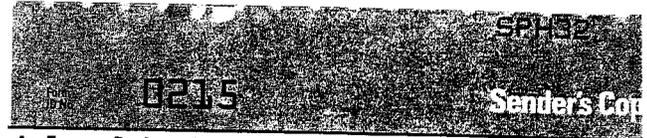
Sincerely,

Beals Associates, Inc.

A handwritten signature in black ink, appearing to read "Cynthia B. O'Connell". The signature is fluid and cursive, with the first name being the most prominent.

Cynthia B. O'Connell, ASLA

cc: Robert Hewitt, West Concord Development, LLC



1 From Please print and press hard.
 Date 1/8/09 Sender's FedEx Account Number 1362-6743-4
 Sender's Name Cynthia O'Connell Phone (617) 742-3554
 Company BEALS ASSOCIATES INC
 Address 98 N WASHINGTON ST
 City BOSTON State MA ZIP 02114-1918

2 Your Internal Billing Reference
 First 24 characters will appear on invoice. C-472.08

3 To
 Recipient's Name Natural Heritage and Endangered Species
 Company MA Division of Fish + Wildlife
 Recipient's Address Rabbit Hill Road
 City Westborough State MA ZIP 01581
 0389050586

4a Express Package Service

FedEx Priority Overnight
 Next business morning. * Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx Standard Overnight
 Next business afternoon. * Saturday Delivery NOT available.

FedEx First Overnight
 Earliest next business morning delivery to select locations. * Saturday Delivery NOT available.

FedEx 2Day
 Second business day. * Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx Express Saver
 Third business day. * Saturday Delivery NOT available.

* To most locations. FedEx Envelope rate not available. Minimum charge: One pound rate.

4b Express Freight Service

FedEx 1Day Freight*
 Next business day. ** Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx 2Day Freight
 Second business day. ** Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx 3Day Freight
 Third business day. ** Saturday Delivery NOT available.

* Call for Confirmation. ** To most locations.

5 Packaging

FedEx Envelope* **FedEx Pak*** (includes FedEx Small Pak, FedEx Large Pak, and FedEx Sturdy Pak) FedEx Box FedEx Tube Other

* Declared value limit \$500

6 Special Handling

SATURDAY Delivery
 NOT Available for FedEx Standard Overnight, FedEx First Overnight, FedEx Express Saver, or FedEx 3Day Freight.

HOLD Weekday at FedEx Location
 NOT Available for FedEx First Overnight.

HOLD Saturday at FedEx Location
 Available ONLY for FedEx Priority Overnight and FedEx 2Day to select locations.

Does this shipment contain dangerous goods?
 One box must be checked.
 No Yes (As per attached Shipper's Declaration) Yes (Shipper's Declaration not required) Dry Ice (Dry Ice, 9, UN 1845) x _____ kg
 Dangerous goods (including dry ice) cannot be shipped in FedEx packaging. Cargo Aircraft Only

Payment Bill to: Enter FedEx Acct. No. or Credit Card No. below.

Sender Acct. No. in Section 1 will be billed. Recipient Third Party Credit Card Cash/Check

FedEx Acct. No. _____ Exp. Date _____
 Credit Card No. _____

Total Packages _____ **Total Weight** _____ **Total Declared Value*** \$ _____ .00

*Our liability is limited to \$100 unless you declare a higher value. See back for details. By using this Airbill you agree to the service conditions on the back of this Airbill and in the current FedEx Service Guide, including terms that limit our liability.

8 Residential Delivery Signature Options If you require a signature, check Direct or Indirect.

No Signature Required
 Package may be left without obtaining a signature for delivery.

Direct Signature
 Someone at recipient's address may sign for delivery. Fee applies.

Indirect Signature
 If no one is available at recipient's address, someone at a neighboring address may sign for delivery. Fee applies.

519

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