



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 \_\_\_\_\_

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 to locate project site):

Lot 2F, 81 River Street	Acton	01720
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:	042° 27' 33.4" N	071° 26' 39.0" W
Map H-3	d. Latitude	e. Longitude
f. Assessors Map/Plat Number	Parcel 138, Lot 2	
	g. Parcel /Lot Number	

2. Applicant:

a. First Name	Lothrop Mill LLC		b. Last Name
c. Organization	544 Massachusetts Avenue		
d. Street Address	Acton	MA	01720
e. City/Town	f. State	g. Zip Code	
(508) 331-4979	(978) 264-4868	j. Email Address	
h. Phone Number	i. Fax Number		

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

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

4. Representative (if any):

Matthew	Bombaci	
a. First Name	b. Last Name	
Goldsmith, Prest & Ringwall, Inc.		
c. Company		
39 Main Street, Suite 301		
d. Street Address		
Ayer	MA	01432
e. City/Town	f. State	g. Zip Code
(978) 772-1590	(978) 772-1591	mbombaci@gpr-inc.com
h. Phone Number	i. Fax Number	j. Email address

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

\$1,575.00	\$775.00	\$800.00
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:

Construction of a multi-family dwelling within the limits of an existing mill building.

7a. Project Type Checklist:

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Single Family Home                | 2. <input type="checkbox"/> Residential Subdivision                   |
| 3. <input type="checkbox"/> Limited Project Driveway Crossing | 4. <input type="checkbox"/> Commercial/Industrial                     |
| 5. <input type="checkbox"/> Dock/Pier                         | 6. <input type="checkbox"/> Utilities                                 |
| 7. <input type="checkbox"/> Coastal Engineering Structure     | 8. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) |
| 9. <input type="checkbox"/> Transportation                    | 10. <input checked="" type="checkbox"/> 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:

Middlesex South District

a. County

48,753

c. Book

b. Certificate # (if registered land)

541

d. Page Number

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

- 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.
- 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.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
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. linear feet	2. linear feet
	3. cubic yards dredged	



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

Table with 3 columns: Resource Area, Size of Proposed Alteration, Proposed Replacement (if any). Rows include: d. Bordering Land Subject to Flooding, e. Isolated Land Subject to Flooding, f. Riverfront Area.

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:

29,241± square feet

4. Proposed alteration of the Riverfront Area:

Table with 3 columns: a. total square feet (15,440±), b. square feet within 100 ft. (13,071±), c. square feet between 100 ft. and 200 ft. (2,369±)

- 5. Has an alternatives analysis been done and is it attached to this NOI? [X] Yes [ ] No
6. Was the lot where the activity is proposed created prior to August 1, 1996? [ ] Yes [X] 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.

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

Table with 3 columns: Resource Area, Size of Proposed Alteration, Proposed Replacement (if any). Rows include: a. Designated Port Areas, b. Land Under the Ocean, c. Barrier Beach, d. Coastal Beaches, e. Coastal Dunes.



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## 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 BVW	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

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).*



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## 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](http://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.



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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.



**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.

See Attached.

a. Plan Title _____	
b. Prepared By _____	c. Signed and Stamped by _____
d. Final Revision Date _____	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 113	3. Check date 9.5.08
4. State Check Number 112	5. Check date 9.5.08
6. Payor name on check: First Name LOTHROP MSH, LLC	7. Payor name on check: Last Name



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## 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.

Matthew K. Bonkai, AS AGENT

1. Signature of Applicant

9.8.2008

2. Date

3. Signature of Property Owner (if different)

4. Date

Matthew K. Bonkai, FOR G.P.R., INC.

5. Signature of Representative (if any)

9.8.2008

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.



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

Brian McMullen  
 Assistant Assessor

Locus: 81 River St  
 Parcel ID: H3-138

Location	Parcel ID	Owner	Co-Owner	Mailing Address	City	ST	Zip
4 VANDERBELT RD	H3-87-7	LUCYK MARTIN W	BOWKER MALAINA L	4 VANDERBELT RD	ACTON	MA	01720
18 CHADWICK ST	H3-87-12	LEE HEA MI	ROBERTS BRUCE PATRICK	18 CHADWICK ST	ACTON	MA	01720
2 VANDERBELT RD	H3-87-13	FOOTE THOMAS	FOOTE DEBRA LEE	2 VANDERBELT RD	ACTON	MA	01720
5 VANDERBELT RD	H3-87-14	PALANO GERALD M	PALANO CHERYL M	5 VANDERBELT RD	ACTON	MA	01720
1 VANDERBELT RD	H3-87-18	GRADY THOMAS J	GRADY JACQUELINE	1 VANDERBELT RD	ACTON	MA	01720
15 VANDERBELT RD	H3-87-19	MANSFIELD JAMES ROBERT		15 VANDERBELT RD	ACTON	MA	01720
11 CHADWICK ST	H3-99	MELON FRANCISCO	LINDA S	42 BROOK ST	ACTON	MA	01720
91 RIVER ST	H3-154	HALEY ELIZABETH M	HALEY VICKI M	91 RIVER ST	ACTON	MA	01720
4 HALEY LN	H3-154-1	RICKETTS JR THEODORE	RICHETTS VIVIAN E	4 HALEY LN	ACTON	MA	01720
6 HALEY LN	H3-154-2	ROGERS CHARLES D	ROGERS PAMELA S	6 HALEY LANE	ACTON	MA	01720
93 RIVER ST	H3-167	MOORE ALLAN B	KATHLEEN J	93 RIVER ST	ACTON	MA	01720
105 SCHOOL ST	H3.A-36	HONN DAVID	HONN KAREN LEIGH DAVIS	105 SCHOOL ST	ACTON	MA	01720
62 RIVER ST	H3.A-45	VANHEERDEN JEANETTE I		62 RIVER ST	ACTON	MA	01720
53 RIVER ST	H3.A-47	LAZARO RICHARD J TRUSTEE	RIVER STREET NOMINEE TRUST	29 CHISHOLM TRAIL	LANCASTER	MA	01523
65 RIVER ST	H3.A-48	SCHMIDT HARVEY H		65 RIVER ST	ACTON	MA	01720
76 RIVER ST	H3.A-37-101	HE JI CHANG	ZHU LI PING	76 RIVER ST	ACTON	MA	01720
78 RIVER ST	H3.A-37-102	MANCHIRAJU CHENDRASHEKER	MANCHIRAJU JYOTHI	78 RIVER ST	ACTON	MA	01720
74 RIVER ST	H3.A-37-103	SHARMA SHANTNU	SHARMA VINEETA	74 RIVER ST	ACTON	MA	01720
72 RIVER ST	H3.A-37-104	NOHRIA RAJEEV	GUPTA NEETU	72 RIVER ST	ACTON	MA	01720
64 RIVER ST	H3.A-37-105	BALUSU KONDALA R	BALUSU PADMASRI	64 RIVER ST	ACTON	MA	01720
66 RIVER ST	H3.A-37-106	NAGIA VIKRAM	CHHABRA JYOTI S	66 RIVER STREET	ACTON	MA	01720
68 RIVER ST	H3.A-37-107	FITZMAURICE KATHERINE S		68 RIVER ST	ACTON	MA	01720
70 RIVER ST	H3.A-37-108	DYAVANAPALLI VENKATESHAM	DYAVANAPALLI MANJULA	70 RIVER STREET	ACTON	MA	01720
<b>MBTA</b>		<b>C/O TRANSIT REALTY ASSOCIATES, LLC</b>	<b>ATTN: VANESSA MERRIT</b>	<b>77 FRANKLIN ST 9TH FL</b>	<b>Boston</b>	<b>MA</b>	<b>02110</b>

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  
 7-Apr-08