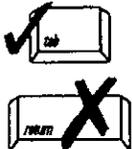




Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 3 - Notice of Intent
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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

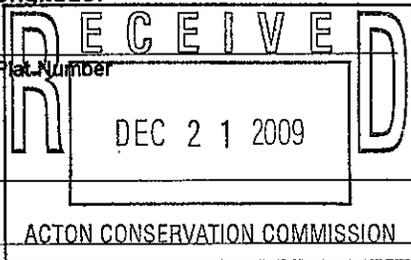
1. Project Location (Note: electronic filers will click on button to locate project site):

152 Nagog Hill Road
a. Street Address
Acton
b. City/Town
01720
c. Zip Code

Latitude and Longitude:
42.494561
d. Latitude
-71.436555
e. Longitude

E4-8-2
f. Assessors Map/Plot Number
g. Parcel /Lot Number

2. Applicant:
Joshua
a. First Name
Stein
b. Last Name



c. Organization
152 Nagog Hill Road
d. Street Address

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

978-264-4338
h. Phone Number
i. Fax Number
ez.island@verizon.net
j. Email Address

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):

a. First Name
b. Last Name

c. Company

d. Street Address

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

h. Phone Number
i. Fax Number
j. Email address

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

\$132.00
a. Total Fee Paid
\$42.50
b. State Fee Paid
\$89.50*
*(Includes \$22 bylaw fee)



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
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A. General Information (continued)

6. General Project Description:

Please see Attachment A

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

a. County

SMRD Book 20029

c. Book

b. Certificate # (if registered land)

0439

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.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	<u>2700</u> 1. square feet	<u>2700</u> 2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet



Massachusetts Department of Environmental Protection
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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):	
	<input type="checkbox"/> 25 ft. - Designated Densely Developed Areas only	
	<input type="checkbox"/> 100 ft. - New agricultural projects only	
	<input type="checkbox"/> 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?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	6. Was the lot where the activity is proposed created prior to August 1, 1996?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. <input type="checkbox"/> 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.

<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 _____



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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 BWW	b. square feet of Salt Marsh
5. <input type="checkbox"/> Project Involves Stream Crossings		
	a. number of new stream crossings	b. number of replacement stream crossings

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/nhosp/regulatory_review/priority_habitat/online_viewer.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

October 1, 2008
b. Date of map



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

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).*

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/regulatory_review/ mesa/ mesa_fee_schedule.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/regulatory_review/ mesa/ mesa_exemptions.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 #

b. Date submitted to NHESP

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/dfwele/dfw/nhosp/nhosp.htm>, 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)

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

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

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



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

- 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.

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.

Plot Plan in Acton, Mass

a. Plan Title

James R. Keenan, RLS

James R. Keenan, RLS

b. Prepared By

c. Signed and Stamped by

3/28/90

1" = 50'

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.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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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:

2479
2. Municipal Check Number
2478
4. State Check Number
J S M A
6. Payor name on check: First Name
12/5/09
3. Check date
12/5/09
5. Check date
Stein
7. Payor name on check: Last Name

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.

[Signature]
1. Signature of Applicant
12/5/09
2. Date
3. Signature of Property Owner (if different)
4. Date
5. Signature of Representative (if any)
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.

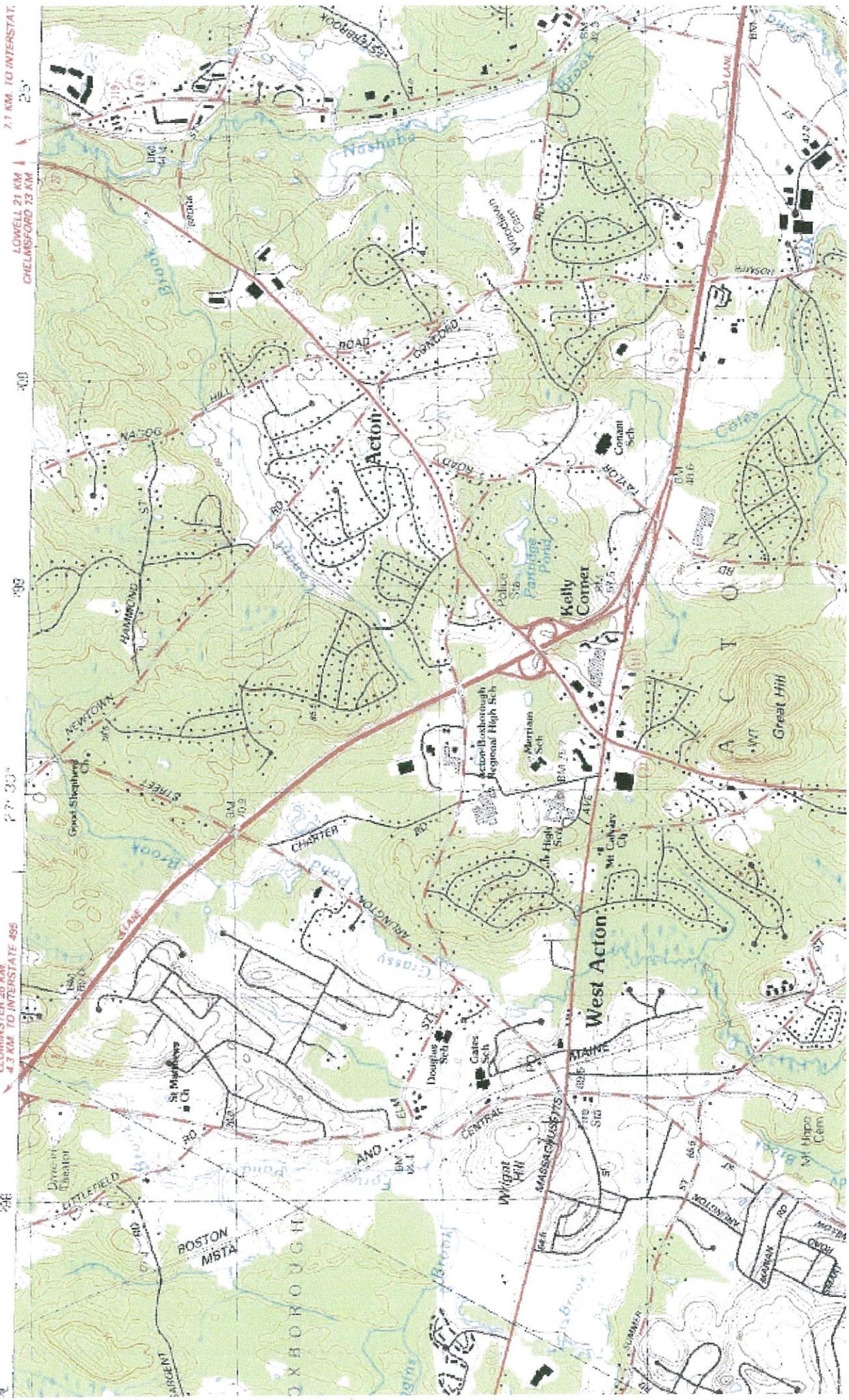
Stein Wetland

See enlarged
Image



Stein Wetland

RD. MASSACHUSETTS MIDDLESEX COUNTY



7.1 KM TO INTERSTAT. 25°

LOWELL 21 KM
CHELSEA 23 KM

400

399

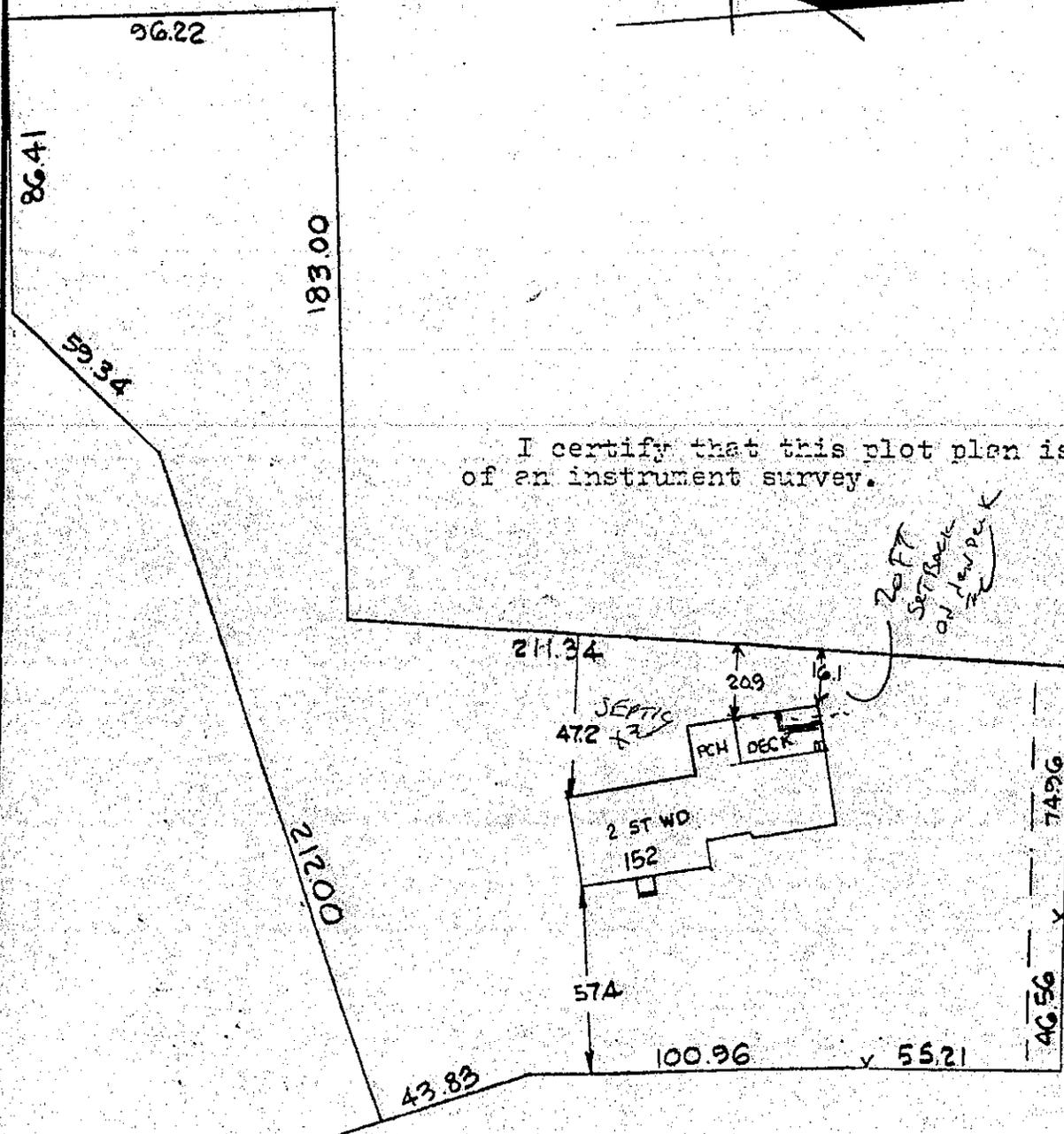
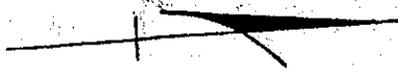
27° 30'

498

28

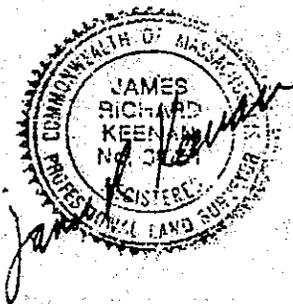
95

Stein Wetland



I certify that this plot plan is the result of an instrument survey.

20 FT SET BACK ON LOW DECK



PLOT PLAN
IN
ACTON, MASS.
SCALE: 1 IN. = 50 FT. MAR. 28, 1990

James R. Keenan R.L.S.
2 D Street - 38 Church St
Winchester, Mass. 01890

Attachment A. Project Description

Introduction

This Notice of Intent is being submitted to the Acton Conservation Commission in order to request an Order of Conditions for work at 152 Nagog Hill Road within and adjacent to a Bordering Vegetated Wetland (BVW). During November of 2008 we (property owners Josh Stein and Laura Zucker) had some dead ash trees removed as they appeared to be in imminent danger of falling on our house. Following tree removal, we observed that the tree removal heavy equipment had damaged the ground surface in and adjacent to the BVW, and proceeded to call Mr. Tom Tidman of the Acton Conservation Commission in order to determine how to proceed with remedial actions. Mr. Tidman recommended that we file a Notice of Intent detailing proposed restoration/mitigation activities, as well as immediately install erosion controls and flag the wetland boundary. After contracting a wetland scientist (Gillian Davies) to flag and delineate the wetland boundary, we have installed silt fencing along the BVW boundary line. BVW data sheets are included in Attachment B to document the wetland boundary determination.

Pre-Existing Conditions

Years ago (1973) our home was built in close proximity to a spring-runoff ditch that flows inside the border of our neighbor's property (99 Hammond Street). The ditch is located on our neighbor's property behind the house and intermittently drains a woodland swamp located across Hammond Street via a culvert under the road. Areas surrounding the ditch can generally be characterized as disturbed and weedy. During construction of the house some of the area was filled using sand, and two 8x3 foot concrete barriers were placed in order to confine the ditch. Wooden railroad ties connected our property to our neighbor's property across the ditch when we bought the house and this was later replaced by our neighbor with a small wooden bridge. Parts of this site have also traditionally served as a place to dump leaves and other yard waste.

Nevertheless the area does support a variety of wetland flora, particularly at the outfall of the Hammond Road culvert. In this small swale, skunk cabbage, horsetails, and sensitive ferns grow. This area is particularly attractive during emergence in early spring, but is

subsequently overtaken by poison ivy, thorny brambles, and other weedy plants by summer. Most prominent is purplestem angelica (*Umbelliferae*)--native yes but also listed in the UMASS Extension Weed Herbarium (www.umassgreeninfo.org). Downstream from the swale, the wetland includes a spreading gray dogwood and a groundcover of jewelweed. Wood ferns grow amongst the jewel weed as does a lot of poison ivy. Approximately five years ago we planted several sedges and ferns in the area in order to improve its appearance. Midway through our property the banks become drier, and red maples, white pines, white oaks, and a ground cover of white wood asters grow. At the lower end of our property, the ditch flows through another culvert and empties into a neighbor's backyard pond, upstream of Conant Creek and marsh. At this southern end of our property we have worked hard to combat numerous invasive aliens: bush honeysuckle, multiflora rose, winged euonymous, Chinese bittersweet, and a pernicious ground cover of yellow archangel (*Lamiastrum galeobdolon*). These have shaded out most woodland wild flowers that once inhabited the area. All along the ditch and within the BVW were once numerous mature ash trees. These died off over the last five years.

Impacts

The area impacted by tree removal activities includes yard area (Buffer Zone) and a BVW area sandwiched between our yard and the ditch. These two zones combined are approximately 30 feet wide at the narrowest point between the ditch and our house. The yard area is comprised of a barren zone of sand fill, which is both unattractive and erodes towards the wetland and ditch. The area of impact within BVW is approximately 2700 square feet. The area of impacted Buffer Zone is approximately 3600 square feet.

Our application at this time was precipitated by an extensive die-off of ash trees that once thrived along the ditch. We tolerated fallen trees over the years, but needed to take action last fall when their threat to our house seemed imminent. An unanticipated outcome of the tree work was rutting of the ground surface caused by the logging equipment, both to our upper lawn, back yard, and also in the BVW along the ditch. We seek this permit in

order to repair this damage, replace our lawn, fix the erosion problems, and enhance the habitat of this wetland.

Restoration/Mitigation/Enhancement

(See Attachments C, D, and E).

In order to restore/mitigate the impacted BVW and Buffer Zone, we propose to:

- 1) Amend upper lawn area with topsoil; grade and install new lawn.
- 2) Terrace the Buffer Zone along the rear of the house. A retaining wall would extend approximately 80 feet long and stand 20-30" tall, thereby protecting the BVW from erosion and providing a level walkway along the house.
- 3) Amend Buffer Zone in backyard with topsoil. Plant with a variety of native grasses and ferns to stabilize the ground and provide a thruway between the house and BVW.
- 4) Add wetland-adapted trees, shrubs, and groundcover to the BVW. The selected plants would improve the habitat, expand the vegetated wetland around the ditch, stabilize its bank, and provide an attractive screen against the abutting property.
- 5) As an optional future enhancement (within 3 years) we would expand the existing stone terrace at the side of the deck. Although the primary objective is to improve the function and esthetics of the terrace, this would also further contain the steep grade between the upper lawn and wetland.

Plantings (see table below and Attachment E):

Non-wetland areas:

In non-wetland areas, we propose to amend and cultivate impoverished areas and repair damage resulting from the tree work. The upper sandy lawn has never produced green turf--mostly crabgrass instead. Years ago we replaced much of the lawn with a garden of native prairie plants. Our plan is to move this garden to beds along the border with Nagog Hill Road, and replace it with turf-grass. On the edge of the lawn, where the terrain begins its descent into the BVW, we would transplant an existing big-leaf magnolia from its current, too shady, location along Nagog Hill Road. This area will also host a small vegetable garden.

In areas abutting the BVW--along the back of the house and in the wooded area leading to the rear of the property--we propose to plant sheep fescue. This native bunchgrass has fine, narrow blades, and is adapted to both shade and drought. It is an ideal alternative to turf-grasses, especially near wetlands, because it does not require fertilizer or other significant maintenance.

The area directly below the deck and screened porch is particularly difficult, prone to erosion, very sandy, and shady in some spots. The underside of the deck and porch is also unsightly. Plants used here would screen this view and stabilize the soil.

Hayscented ferns form a dense mat of rhizomes and are very adaptive. They would be used in the shady area along the deck. In addition, several pipevines would be planted to climb a trellis erected around the deck. Pipevines are host to swallowtail butterflies.

Along the rest of the screened porch we would use Indian grass. Indian grass produces dense, tall stems, and thrives in sandy soil. Its stiff blades turn gold in fall and persist through winter. Birds enjoy their seed.

Wetland:

We propose to preserve existing wetland flora and enhance the habitat with attractive wetland or wetland-adapted natives. Sensitive, interrupted, and cinnamon ferns already grow well in the BVW. We would add significant numbers of these to serve as ground cover and to compete with jewel weed and poison ivy. Along the ditch itself we would use a variety of sedges to complement those already present. We favor the fringed sedge for its habit of forming large bunches and its graceful arching inflorescence. It is also common in Acton conservation areas (e.g. Grassy Pond) and provides cover for breeding amphibians.

A border of winterberry, cranberry bush, and deciduous azaleas, all wetland natives, would provide a colorful screen to our neighbor's property and help emphasize our border. The red berries of winterberry and cranberry bush provide food for song birds in winter. Native azaleas are often overlooked as landscape plants, but several thrive in wetlands, and all produce attractive flowers in a variety of colors. Small thickets of high-bush blueberry would be appreciated as shelter for wildlife.

Near the swale we would replace the brambles with several river birch trees. We do not anticipate that resulting increased shade would negatively impact desirable flora since this area was previously inhabited by large ash trees. Skunk cabbage, horsetails, and sensitive fern emerge in spring well before river birches leaf-out. Along the wooded area toward the south side we would plant several dogwoods. The proposed site is dry enough for this Facultative Upland plant, as evidenced by the abundance of white wood aster. Flowering in late summer and early fall, forbs such as New England aster would spice up the landscape and complement emerging fall colors. With luck, cardinal flowers would attract hummingbirds.

PLANT LIST

QTY	COMMON NAME	LATIN NAME	LOCATION*	WETLAND INDICATOR STATUS
25	Fringed sedge	<i>Carex crinita</i>	BVW	OBL
25	Palm sedge	<i>Carex muskingumensis</i>	BVW	OBL
25	Other sedges	<i>Carex sp.</i>	BVW	Various
25	Sensitive fern	<i>Onoclea sensibilis</i>	BVW	FACW
25	Cinnamon fern	<i>Osmunda cinnamomea</i>	BVW	FACW
25	Interrupted fern	<i>Osmunda claytoniana</i>	BVW	FACW
5	Winterberry	<i>Ilex verticillata</i>	BVW	FACW+
5	Cranberry bush	<i>Viburnum trilobum</i>	BVW	FACW
5	Swamp azalea	<i>Rhododendron viscosum</i>	BVW	OBL
5	Other azalea	<i>Rhododendron sp.</i>	BVW	Various
12	Highbush blueberry	<i>Vaccinium corymbosum</i>	BVW	FAC
3	River birch	<i>Betula nigra</i>	BVW/BZ	FACW
3	Flowering dogwood	<i>Cornus florida</i>	BVW/BZ	FACU-
12	Cardinal flower	<i>Lobelia cardinalis</i>	BVW/BZ	FACW+
10	New England aster	<i>Symphyotrichum novae-angliae</i>	BVW/BZ	FACW-

6	New York ironweed	<i>Vernonia noveboracensis</i>	BVW/BZ	FACW+
3	Pipevine	<i>Aristolochia tomentosa</i>	BZ	FAC
25	Hayscented fern	<i>Dennstaedtia punctilobula</i>	BZ	NL
4 lb seed	Sheep fescue	<i>Festuca ovina</i>	BZ	NL
1	Big-leaf magnolia	<i>Magnolia macrophylla</i>	BZ	NL
20	Indian grass	<i>Sorghastrum nutans</i>	BZ	UPL
*BVW = bordering vegetated wetlands; BZ = buffer zone				

Planting Schedule

Planting in the BVW would occur either prior to June 15th or following September 15th in order to maximize success of plantings by avoiding mid-summer heat and dryness. Plantings would be watered as necessary in order to ensure survival. Planting prior to June 15th would be preferable, but would be dependent upon the completion of the Notice of Intent process and associated appeal period.

Planting in the yard area would occur in two phases.

Phase 1

Initially, a thin layer of topsoil and some grass seed would be spread in exposed yard areas in order to stabilize exposed soils on a temporary basis. Watering would occur to ensure success, and this activity would be conducted as soon as an Order of Conditions is issued and the associated appeal period has passed.

Phase 2

Construction of the proposed retaining wall will take a relatively long period of time, as we intend to do the work ourselves. Final plantings and seedings that are proposed above would occur after the retaining walls are complete, and would occur outside of the summer hot/dry season (June 15 – September 15). Appropriate watering activities would take place in order to ensure the success of the plantings.

Maintenance/Land Stewardship

In general, plantings will require little maintenance once established. This will take 3-5 years, during which time attention to weeding and watering will be required. We anticipate weeding by hand ~3-4 times a year until ground covers fill in. After the first year, watering will only be required during drought conditions. Native plants will not need application of fertilizer, insecticides, or fungicides. Plants that fail to thrive will be replaced or possibly substituted with better adapted species. Sheep fescue benefits from mowing 2-3 times of year to keep competing weeds in check, but otherwise requires little inputs. Turf-grass lawns, located in upper areas of property, will require the usual lawn maintenance: mowing, watering, fertilizer, and potentially pesticides as needed (for example grub control). Efforts will be made to limit environmental impacts. For example using slow-release organic fertilizer would limit run-off into wetlands. During drought periods, such as in late summer, we would allow lawns to go dormant rather than over-utilize the town's water supply.

Invasive plant species pose a substantial threat to local wetlands and to natural habitats generally. As landowners, we take seriously our responsibility to limit the spread of this destructive force. Ten years ago we pulled out bush honeysuckle that had taken over the woods at the southern side of this property (including wetland areas). Since then we have seen a re-emergence of natives such as ferns, jack-in-pulpit, and Solomon's seal, which were previously shaded out. While we have not developed plans to landscape this area, aside from establishing sheep fescue on the trail, we do propose continued efforts to control harmful weeds. Most of the weedy species can be pulled by hand. However this may not be the case with yellow archangel, which has become increasingly dense and is spreading rapidly in the area. This plant is listed as a Class C noxious weed in Washington State (<http://www.kingcounty.gov/environment/animalsandplants/noxious-weeds/weed-identification/yellow-archangel.aspx>). Hand-pulling is ineffective because new plants can propagate from root and stem fragments (and this practice can cause further spread in areas where yard-waste is dumped). We propose smothering the plants by heavy application of mulch. A second option is to use glyphosate herbicide formulated for use near aquatic sites, such as Rodeo. The low/non-existent toxicity to non-target organisms

at prescribed application rates, in addition to its rapid environmental half-life and low leaching ability (<http://extoxnet.orst.edu/pips/glyphosa.htm>) has made this herbicide a favored choice for chemical control in aquatic habitat restoration projects (for example http://ceres.ca.gov/tadn/ecology_impacts/arundo_ecology.pdf and <http://www.dnr.sc.gov/invasiveweeds/img/2009draftsanteplan.pdf>)

Erosion Control

Silt fencing has been installed along the BVW boundary, and will be kept in place and in good repair throughout the duration of the restoration/mitigation work. Once restoration/mitigation work has been completed and the site is stabilized, the silt fencing will be removed. Additionally, loose hay has been spread on some exposed soil surfaces and will remain until these areas have revegetated.

Conclusion

The work proposed in this Notice of Intent includes the restoration/mitigation of inadvertent tree removal impacts to BVW and Buffer Zone in our backyard, while simultaneously providing an opportunity to address a chronic erosion problem and enhance BVW and Buffer Zone species diversity and habitat quality. While we have already installed erosion control measures on site, issuance of an Order of Conditions will allow us to commence the remainder of the restoration/mitigation and enhancement work that is proposed.

DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant: Josh Stein/Laura Zucker

Prepared by: Gillian Davies

Project location: 152 Noyes Hill Rd, DEP File #:

Check all that apply:

- Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
- Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II
- Method other than dominance test used (attach additional information)

Section I. Vegetation Observation Plot Number: 1 Transect Number: Wetland Date of Delineation: 4/14/07

A. Sample Layer and Plant Species (by common/scientific name)	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
<u>Herb</u> <u>white pine (Pinus strobus)</u>	<u>trace</u>	<u>99%</u>	<u>yes</u>	<u>FACW</u>
<u>cinnamon fern (Osmunda cinnamomea)</u>	<u>10.5</u>			
<u>Shrub</u> <u>briar (Rubus sp.)</u>	<u>3.0</u>	<u>22%</u>	<u>yes</u>	<u>unknown</u>
<u>black birch (Betula lenta)</u>	<u>10.5/4.5</u>	<u>78%</u>	<u>yes</u>	<u>FACW</u>
<u>Tree</u> <u>ash (stump, just cut) (Fraxinus sp.)</u>	<u>38.0</u>	<u>50%</u>	<u>yes</u>	<u>assuming FACW ←</u>
<u>American elm (Ulmus Americana)</u>	<u>38.0</u>	<u>50%</u>	<u>yes</u>	<u>FACW-</u>

* Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus Sphagnum; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

Vegetation conclusion:

Number of dominant wetland indicator plants: 3 Number of dominant non-wetland indicator plants: 1 or 2

Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? yes no

If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no

title/date: Wildlsey
map number: Soil Map of ...
soil type mapped: Chertan, Hollo-Hack, Outcrop
hydric soil inclusions: compal

Are field observations consistent with soil survey? yes no

Remarks: Site has disturbed/HTM soils.

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
A	0-3"	10YR 2/2	Sandy loam
HTM	3"-8"	2.5Y 4/4	2.5Y 5/3 loamy 15% fine sand
2Ab	8"-20"	10YR 3/2	sandy loam

Remarks: Soils are disturbed due to proximity to house

3. Other:

Conclusion: Is soil hydric? yes no

Other Indicators of Hydrology: (check all that apply and describe)

- Site inundated: _____
- Depth to free water in observation hole: _____
- Depth to soil saturation in observation hole: _____
- Water marks: _____
- Drift lines: _____
- Sediment deposits: _____
- Drainage patterns in BWB: _____
- Oxidized rhizospheres: _____
- Water-stained leaves: _____
- Recorded data (stream, lake, or tidal gauge; aerial photo; other): _____

Other: _____

Vegetation and Hydrology Conclusion

Number of wetland indicator plants yes no
≥ number of non-wetland indicator plants

Wetland hydrology present:
hydric soil present

other indicators of hydrology present

Sample location is in a BWB

Submit this form with the Request for Determination of Applicability or Notice of Intent.

DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant: Josh Stein/Laura Gillian Davies Prepared by: Gillian Davies Project location: 152 Nager Hill Rd, DEP File #: 00

Check all that apply:

- Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
- Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II
- Method other than dominance test used (attach additional information)

Section I. Vegetation Observation Plot Number: 1 Transect Number: Upland Date of Delineation: 4/14/09

A. Sample Layer and Plant Species (by common/scientific name)	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
<u>Herb</u> <u>red maple (Acer rubrum)</u>	<u>3.0</u>	<u>100%</u>	<u>no</u>	
<u>unknown</u>	<u>3.0</u>	<u>100%</u>	<u>no</u>	
<u>poison ivy (Toxicodendron radicans)</u>	<u>10.5/16.5</u>	<u>64%</u>	<u>yes</u>	<u>FAC</u>
<u>Tree</u> <u>white pine (Pinus strobus)</u>	<u>63.0</u>	<u>50%</u>	<u>yes</u>	<u>FACU</u>
<u>black oak (Quercus velutina)</u>	<u>63.0</u>	<u>50%</u>	<u>yes</u>	<u>NL</u>

* Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

Vegetation conclusion:
 Number of dominant wetland indicator plants: 1 Number of dominant non-wetland indicator plants: 2
 Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? yes (no)

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no
 title/date: Middleboro, Web Soil Survey
 map number: Soil map 9/2/09, data 4/15/09
 soil type mapped: Charlton-Hollis-Rock Outcrop complex
 hydric soil inclusions:

Are field observations consistent with soil survey? yes no
 Remarks: Site has disturbed/HTM soils.

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
Oe	2-0		
HTM	0-9"	5Y 4/2 10YR 2/1 10YR 4/4	> 10YR 4/6 20% med. loam loamy sand
2A _{b1}	9-17"	10YR 2/1	sandy loam
2A _{b2}	17+"	10YR 3/2 10YR 2/2	10YR 4/6 20% med. sandy loam

3. Other: Soils are disturbed due to proximity to house.

Conclusion: Is soil hydric? yes no

Other Indicators of Hydrology: (check all that apply and describe)

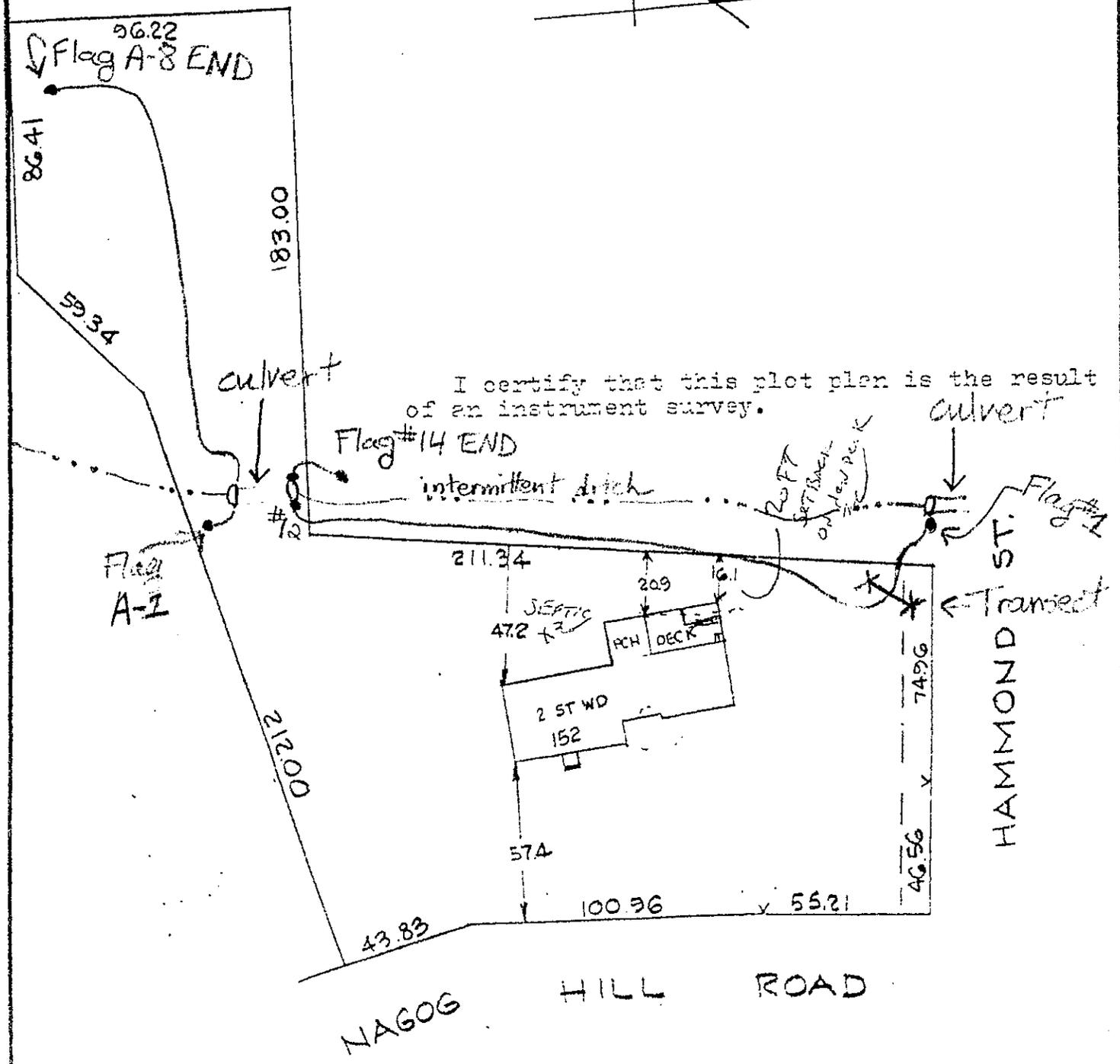
- Site inundated: _____
- Depth to free water in observation hole: 17"
- Depth to soil saturation in observation hole: at surface.
- Water marks: _____
- Drift lines: _____
- Sediment deposits: _____
- Drainage patterns in BVW: _____
- Oxidized rhizospheres: _____
- Water-stained leaves: _____
- Recorded data (stream, lake, or tidal gauge; aerial photo; other): _____
- Other: _____

Vegetation and Hydrology Conclusion

Number of wetland indicator plants	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
≥ number of non-wetland indicator plants	<input type="checkbox"/>	<input type="checkbox"/>
Wetland hydrology present:		
hydric soil present	<input checked="" type="checkbox"/>	<input type="checkbox"/>
other indicators of hydrology present	<input type="checkbox"/>	<input type="checkbox"/>
Sample location is in a BVW	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Submit this form with the Request for Determination of Applicability or Notice of Intent.

Stein Wetland



I certify that this plot plan is the result of an instrument survey.



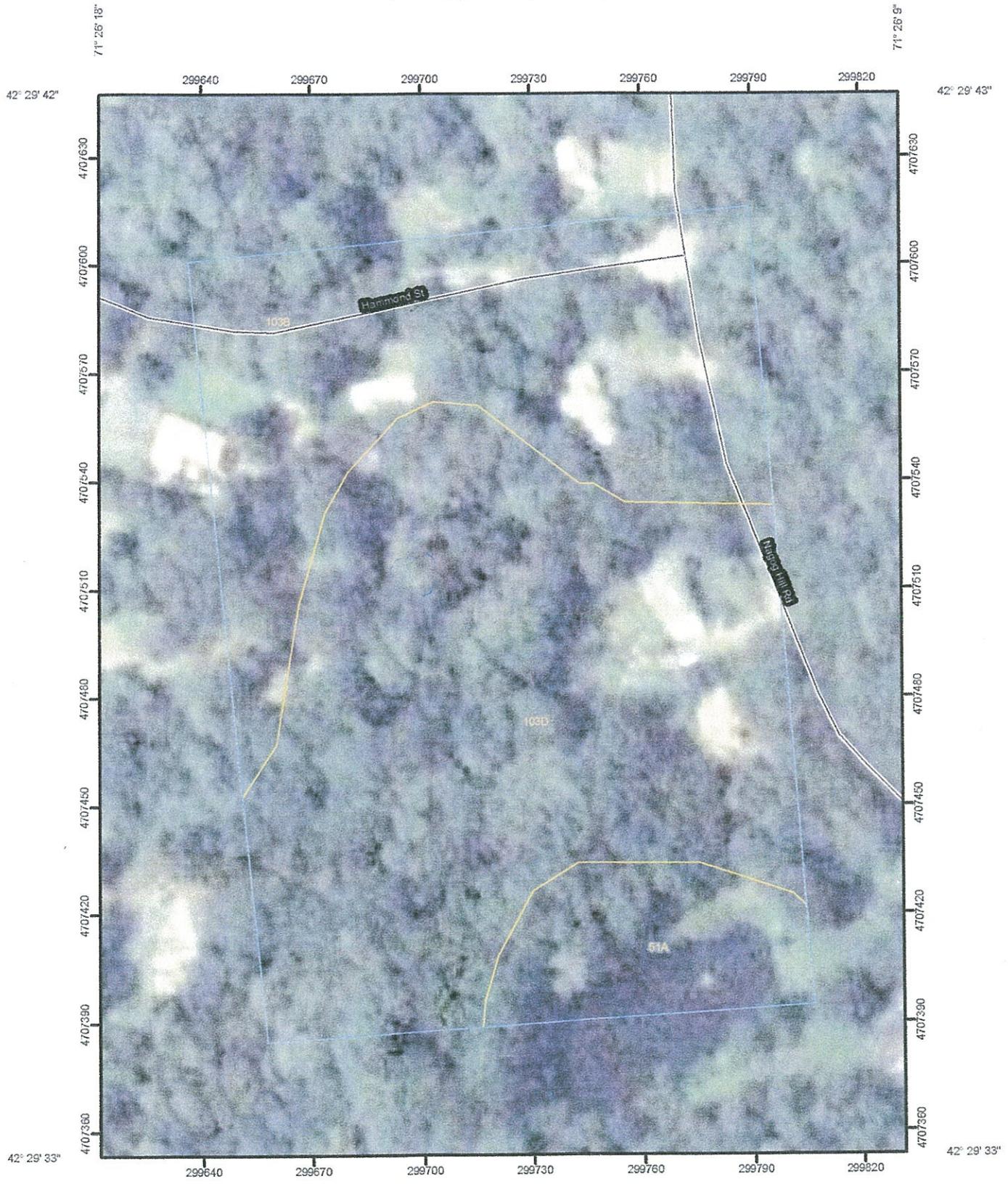
PLOT PLAN
 IN
ACTON, MASS.
 SCALE: 1 IN. = 50 FT. MAR. 28, 1990

James R. Keenan R.L.S.
 2 D Street- 38 Church St
 Winchester, Mass. 01890

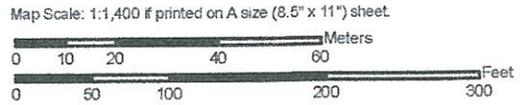
ATT. D

Soil Map—Middlesex County, Massachusetts
(152 Nagog Hill Road, Acton, MA)

STEIN Wetland



Att. D



Att. 15

Stein Wetland

Soil Map—Middlesex County, Massachusetts
(152 Nagog Hill Road, Acton, MA)

MAP LEGEND

- Area of Interest (AOI)
 - Area of Interest (AOI)
- Soils
 - Very Stony Spot
 - Wet Spot
 - Other
- Special Point Features
 - Blowout
 - Borrow Pit
 - Clay Spot
 - Closed Depression
 - Gravel Pit
 - Gravelly Spot
 - Landfill
 - Lava Flow
 - Marsh or swamp
 - Mine or Quarry
 - Miscellaneous Water
 - Perennial Water
 - Rock Outcrop
 - Saline Spot
 - Sandy Spot
 - Severely Eroded Spot
 - Sinkhole
 - Slide or Slip
 - Sodic Spot
 - Spill Area
 - Stony Spot
- Special Line Features
 - Gully
 - Short Steep Slope
 - Other
- Political Features
 - Cities
- Water Features
 - Oceans
 - Streams and Canals
- Transportation
 - Rails
 - Interstate Highways
 - US Routes
 - Major Roads
 - Local Roads

MAP INFORMATION

Map Scale: 1:1,100 if printed on A size (8.5" x 11") sheet.
 The soil surveys that comprise your AOI were mapped at 1:25,000.
 Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
 Coordinate System: UTM Zone 19N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Middlesex County, Massachusetts
 Survey Area Date: Version 9, Apr 15, 2009
 Date(s) aerial images were photographed: 8/14/2003

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Middlesex County, Massachusetts (MA017)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
103B	Charlton-Hollis-Rock outcrop complex, 3 to 8 percent slopes	1.5	30.3%
103D	Charlton-Hollis-Rock outcrop complex, 15 to 25 percent slopes	3.4	69.7%
Totals for Area of Interest		4.9	100.0%

Stein Wetland

HTF 13



Middlesex County, Massachusetts

103B—Charlton-Hollis-Rock outcrop complex, 3 to 8 percent slopes

Map Unit Setting

Elevation: 0 to 1,000 feet

Mean annual precipitation: 45 to 54 inches

Mean annual air temperature: 43 to 54 degrees F

Frost-free period: 110 to 240 days

Map Unit Composition

Charlton and similar soils: 50 percent

Hollis and similar soils: 25 percent

Rock outcrop: 15 percent

Minor components: 10 percent

Description of Charlton

Setting

Landform: Drumlins, ground moraines

Landform position (two-dimensional): Footslope

Landform position (three-dimensional): Base slope

Down-slope shape: Convex

Across-slope shape: Convex

Parent material: Friable loamy eolian deposits over friable loamy basal till derived from granite and gneiss

Properties and qualities

Slope: 3 to 8 percent

Surface area covered with cobbles, stones or boulders: 9.0 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained

Capacity of the most limiting layer to transmit water

(Ksat): Moderately high to high (0.60 to 6.00 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Available water capacity: Moderate (about 7.3 inches)

Interpretive groups

Land capability (nonirrigated): 6s

Typical profile

0 to 5 inches: Fine sandy loam

5 to 22 inches: Sandy loam

22 to 65 inches: Gravelly sandy loam

Description of Hollis

Setting

Landform: Ridges, hills

Landform position (two-dimensional): Shoulder, summit

Landform position (three-dimensional): Crest

Stein Wetland

Att. B

Stein Wetland

Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Friable, shallow loamy basal till over granite and gneiss

Properties and qualities

Slope: 3 to 8 percent
Surface area covered with cobbles, stones or boulders: 9.0 percent
Depth to restrictive feature: 8 to 20 inches to lithic bedrock
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately low (0.00 to 0.14 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Available water capacity: Very low (about 2.0 inches)

Interpretive groups

Land capability (nonirrigated): 6s

Typical profile

0 to 2 inches: Fine sandy loam
2 to 14 inches: Fine sandy loam
14 to 18 inches: Unweathered bedrock

Description of Rock Outcrop

Setting

Landform: Ledges
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Head slope
Down-slope shape: Concave
Across-slope shape: Concave
Parent material: Granite and gneiss

Properties and qualities

Slope: 3 to 8 percent
Depth to restrictive feature: 0 inches to lithic bedrock

Interpretive groups

Land capability (nonirrigated): 8s

Minor Components

Canton

Percent of map unit: 2 percent
Landform: Hills
Landform position (two-dimensional): Summit, shoulder
Landform position (three-dimensional): Head slope
Down-slope shape: Convex
Across-slope shape: Convex

Narragansett

Percent of map unit: 2 percent
Landform: Ridges, hills
Landform position (two-dimensional): Toeslope

ATT. B

Stein wetland

Landform position (three-dimensional): Base slope
Down-slope shape: Linear
Across-slope shape: Convex

Woodbridge

Percent of map unit: 2 percent
Landform: Hillslopes
Landform position (two-dimensional): Shoulder, toeslope, summit
Landform position (three-dimensional): Head slope, base slope, nose slope
Down-slope shape: Linear
Across-slope shape: Concave

Scituate

Percent of map unit: 2 percent
Landform: Hillslopes, depressions
Landform position (two-dimensional): Toeslope, summit
Landform position (three-dimensional): Base slope, head slope
Down-slope shape: Linear
Across-slope shape: Concave

Unnamed

Percent of map unit: 1 percent

Montauk

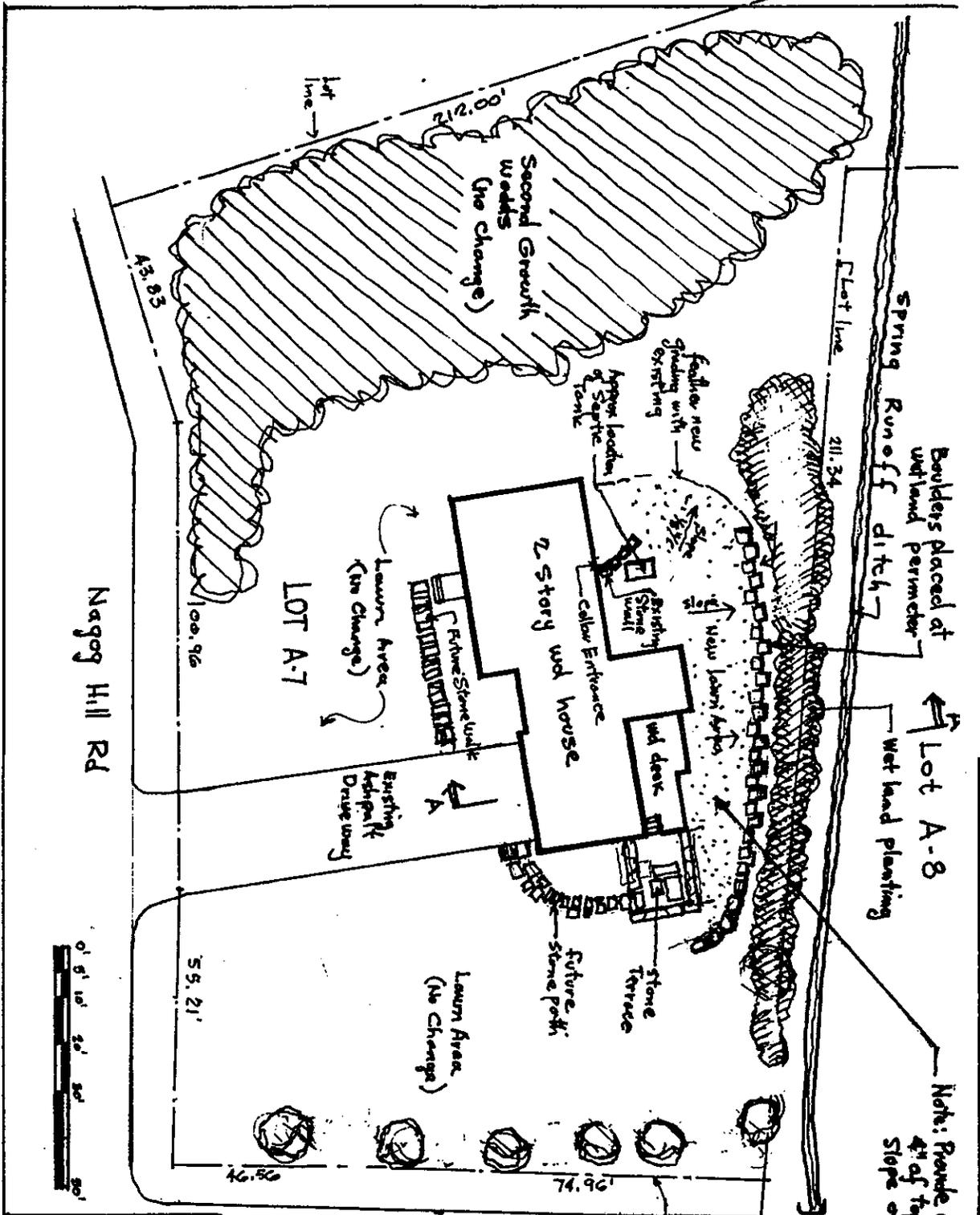
Percent of map unit: 1 percent
Landform: Hillslopes
Landform position (two-dimensional): Shoulder, summit
Landform position (three-dimensional): Nose slope, head slope
Down-slope shape: Convex
Across-slope shape: Convex

Data Source Information

Soil Survey Area: Middlesex County, Massachusetts
Survey Area Data: Version 9, Apr 15, 2009

Htt, 13





FUTURE Grading Plan
 for Joshua & Laura Stein
 152 Nagog Hill Rd
 Acton MA 01720
 Martin Stone RA Architects
 40 Montgomery Pl, Beverly MA
 Date 5/10/09 Scale 1" = 20'

Farmwood Street

lot line

North

Note: Provide chain fill topped with 4" of the soil to achieve a maximum slope of 1/8" / ft.

Attachment E

Stein Wetland

Nagog Hill Road

Hammond Street



PLANT KEY

- Winterberry
- Cranberry bush
- Azalea species
- River birch
- Flowering dogwood
- Fringed sedge & other carex sp.
- "Indian" grass
- Highbush blueberry
- Hayscented fern
- Big-leaf magnolia
- Ground covers (Ferns, sedges, forbs)
- Existing *Osmunda* species (will add additional)
- Grey dogwood (existing)

PROPOSED PLANT PLAN
 Laura & Joshua Stein
 152 Nagog Hill Road
 Acton, MA 01720

SCALE 1" = 20' 5/30/09

Boundary between
 bordering vegetated wetland (BVW)
 & buffer zone (BZ)
 (Position of numbered markers
 are shown)

Existing
 plant life

Spring Runoff Ditch

sheep
 fence

Lawn

Deck

Lawn
 Vegetative



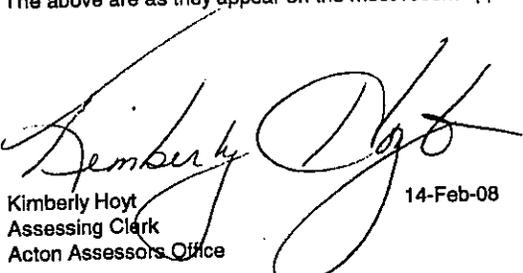
Town of Acton
472 Main Street
Acton, MA 01720
Telephone (978) 264-9622
Fax (978) 264-9630

Brian McMullen
Assistant Assessor

Locus: 152 NAGOG HILL RD
Parcel ID: E4-8-2

Location	Parcel ID	Owner	Co-Owner	Mailing Address
160 NAGOG HILL RD	E4-1	MAHAN TRACI K	HUDSON ERIC C	160 NAGOG HILL RD
159 NAGOG HILL RD	E4-2	NEWBOWER RONALD S	DONNA D	159 NAGOG HILL ROAD
99 HAMMOND ST	E4-8-1	BENNETT JOHN E	BENNETT ELIZABETH M	99 HAMMOND ST
148 NAGOG HILL RD	E4-8-3	SEIFFAEE FARROKH	MARTIN RUTH M	148 NAGOG HILL RD
151 NAGOG HILL RD	E4-8-1	CONANT PHEOBE MOULTON	PYNE EDWARD WALLACE III	151 NAGOG HILL RD

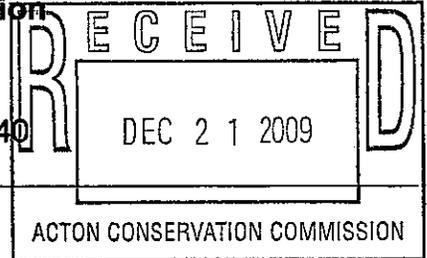
The owner of land sharing a common boundary or corner with the site of the proposed activity (Immediate) in any direction, including land located directly across a street, way, creek, river, stream, brook or canal. The above are as they appear on the most recent applicable taxes.


Kimberly Hoyt
Assessing Clerk
Acton Assessors Office

14-Feb-08



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:

Joshua Stein
 a. First Name b. Last Name

152 Nagog Hill Road
 c. Organization d. Mailing Address

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

978-264-4338 ez.island@verizon.net
 h. Phone Number i. Fax Number j. Email Address

2. Property Owner (if different):

a. First Name b. Last Name

c. Organization

d. Mailing Address

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

h. Phone Number i. Fax Number j. Email Address

3. Project Location:

a. Street Address b. City/Town

B. Fees

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.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (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

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 1 - work on single family lot	1	\$110.00	\$110.00
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Step 5/Total Project Fee: \$110.00

Step 6/Fee Payments:

Total Project Fee:	<u>\$110.00</u>
State share of filing Fee:	a. Total Fee from Step 5 <u>42.50</u>
City/Town share of filling Fee:	b. 1/2 Total Fee less \$12.50 <u>\$67.50 plus \$22 bylaw fee = \$89.50</u>

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.

To MassDEP 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.)

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, Joshua Stein, hereby certify under the pains and penalties of perjury that on 12/21/09 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 Joshua Stein with the Acton Conservation Commission on 12/21/09 for property located at 152 Nagog Hill Rd. Acton.

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

12/21/09

Date

