

# **Acton Conservation Commission**

## **Notice of Intent**

## **Double Track and Bridge Rehabilitation**

*Fitchburg Commuter Rail Line Improvement*

*Project*

*Fitchburg Line*

*March 2010*



**Massachusetts Bay Transportation Authority**

**Ten Park Plaza**

**Boston, Massachusetts 02116**

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Prepared By:

**JACOBS**

**Jacobs Engineering Group Inc.**

**343 Congress Street**

**Boston, Massachusetts 02210**

Acton Double Track Notice of Intent  
Fitchburg Commuter Rail Line Improvement Project

**Table of Contents**

**Cover Letter**

**Forms**

**Exhibit A: Project Description and Existing Conditions**

A. General Project Description..... A-1

B. Existing Conditions ..... A-1

- Locus ..... A-1
  - Figure A1: Locus Map..... A-2
- Wetland Resource Areas ..... A-3
  - Streams..... A-3
  - Riverfront Area ..... A-5
  - Bordering Vegetated Wetlands..... A-6
  - Bordering Land Subject to Flooding..... A-7
  - 100 Foot Buffer Zone ..... A-7

**Exhibit B: Proposed Conditions**

- Work Proposed..... B-1
  - Double Track Installation.....B-1
  - Central Street Grade Crossing.....B-2
  - Bridge Repairs at Mile Post 26.26.....B-2
  - Bridge Repairs at Mile Post 27.46.....B-3
  - Signal Work.....B-3
  - MNHESP .....B-3

- Stormwater Management.....B-3
- Monitoring.....B-3
- Figures B-1Through B-3: GIS Proposed Conditions..... B-5, B-6 & B-7

**Exhibit C: Plan Sheets**

**Exhibit D: Wetland Delineation Data Sheets**

**Exhibit E: FEMA Flood Mapping**

**Exhibit F: MNHESP Letter**

**Exhibit G: Abutter Information**



JACOBS Engineering Group Inc.  
343 Congress St.  
Boston, MA 02210 U.S.A.  
617.242.9222 Fax: 617.242.9824

March 1, 2010

Terry Maitland, Chairman  
Town of Acton  
Conservation Commission  
472 Main St.  
Acton, MA 01720

SUBJECT: Massachusetts Bay Transportation Authority  
Fitchburg Commuter Rail Line Improvement Project  
Notice of Intent for Double Track

Dear Chairman Maitland:

On behalf of the Massachusetts Bay Transportation Authority (MBTA), I am submitting a Notice of Intent under the Massachusetts Wetlands Protection Act for your consideration.

The MBTA proposes to make improvements to the Fitchburg Line right-of-way in the Town of Acton. The Fitchburg Commuter Rail Line Improvement Project will modernize an existing commuter rail line to provide greatly improved service and reliability to riders and commuters. The Fitchburg Line is a 50-mile long railroad corridor extending from Fitchburg to Boston, Massachusetts. The work proposed in this Notice of Intent consists of bridge replacement and rehabilitation, and track and grade crossing construction. Proposed improvements at South Acton Station will be covered in a separate future Notice of Intent Filing.

Please note that in accordance with Massachusetts General Law Chapter 161A Section 3(i), the MBTA is not subject to local zoning regulations and bylaws. The Authority's enabling statute also exempts it from paying any filing fee or charge for any permit or license issued to the MBTA (Chapter 161A: Section 24). However, in the spirit of cooperation an application fee of \$2187.50 is enclosed.

Should you have any questions or comments regarding the proposed project, please feel free to call me at (617) 532-4387 or Holly Palmgren from the MBTA at (617) 222-1580. Please coordinate with me concerning scheduling of the public hearing and publishing the Public Hearing Notice. Thank you for your consideration.

Sincerely,

Dr. Lars Carlson, Ph.D., PWS

CC: Holly Palmgren, MBTA  
Andrew Brennan, MBTA  
DEP, Central Region  
Philip Brake, HNTB.



**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):

MBTA Right-of-Way Acton 01720  
 a. Street Address b. City/Town c. Zip Code  
 Latitude and Longitude: 42.460387N -71.458007W  
 d. Latitude e. Longitude  
MBTA  
 f. Assessors Map/Plat Number g. Parcel /Lot Number

2. Applicant:

Holly Palmgren  
 a. First Name b. Last Name  
Massachusetts Bay Transportation Authority  
 c. Organization  
MBTA, Suite 6720, 10 Park Plaza  
 d. Street Address  
Boston MA 02116  
 e. City/Town f. State g. Zip Code  
617-222-1580 617-222-1557 hpalmgren@mbta.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  
 \_\_\_\_\_  
 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):

Lars Carlson  
 a. First Name b. Last Name  
Jacobs Engineering Group, Inc.  
 c. Company  
343 Congress St.  
 d. Street Address  
Boston MA 02210  
 e. City/Town f. State g. Zip Code  
(617) 532-4387 (617) 242-9824 lars.carlson@jacobs.com  
 h. Phone Number i. Fax Number j. Email address

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

Exempt (\$2187.50 Pd.) Exempt Exempt (\$2187.50 Pd.)  
 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:

The project consists of track work, track demolition, power and fiber optic cable installation within the existing MBTA right-of-way. The work area extends from the Acton/Concord municipal boundary west to the Acton/Boxborough municipal boundary. Please refer to Exhibit B, "Proposed Work" for a detailed description of the project.

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:

Middlesex South

a. County
1176
c. Book

b. Certificate # (if registered land)
427
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.

Table with 3 columns: Resource Area, Size of Proposed Alteration, Proposed Replacement (if any). Rows include Bank, Bordering Vegetated Wetland, and Land Under Waterbodies and Waterways.



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

Provided by MassDEP:

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MassDEP File Number

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Document Transaction Number

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Acton

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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	2. square feet
	3. cubic feet of flood storage lost	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 checked="" type="checkbox"/> 200 ft. - All other projects	
	3. Total area of Riverfront Area on the site of the proposed project:	<u>291,377</u> square feet
	4. Proposed alteration of the Riverfront Area:	
	<u>52,415</u> a. total square feet	<u>23,759</u> b. square feet within 100 ft.
		<u>34,511</u> 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 checked="" type="checkbox"/> No
	6. Was the lot where the activity is proposed created prior to August 1, 1996?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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.

<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



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

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

Table with 3 columns: Description, Size of Proposed Alteration, Proposed Replacement (if any). Rows include Coastal Banks, Rocky Intertidal Shores, Salt Marshes, Land Under Salt Ponds, Land Containing Shellfish, Fish Runs, and Land Subject to Coastal Storm Flowage.

4. 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/nhosp/nhregmap.htm.

a. [X] 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

10/1/08
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).



**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/nhesp/nhenvmesa.htm>)  
 Make check payable to "Natural Heritage & Endangered Species Fund" and **mail to NHESP** at above address  
  
*Projects altering 10 or more acres of land, also submit:*
  - (d)  Vegetation cover type map of site
  - (e)  Project plans showing Priority & Estimated Habitat boundaries

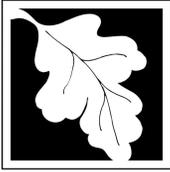
d. OR Check One of the Following

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

Provided by MassDEP:
MassDEP File Number
Document Transaction Number
Acton
City/Town

## 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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Acton

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.

See Exhibit C

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

3. Check date

Exempt

4. State Check Number

5. Check date

Jacobs Engineering

6. Payor name on check: First Name

7. Payor name on check: Last Name



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Provided by MassDEP:

MassDEP File Number

Document Transaction Number

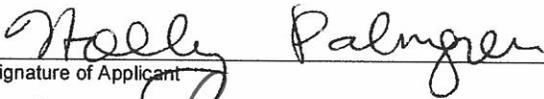
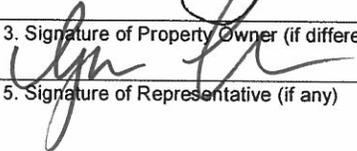
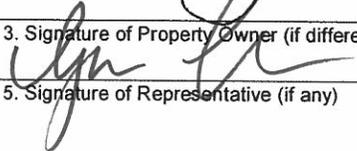
Acton

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.

	3/3/10
1. Signature of Applicant	2. Date
	3/3/2010
3. Signature of Property Owner (if different)	4. Date
	3/3/2010
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.

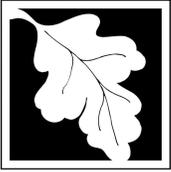
### For MassDEP:

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.



**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.



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

**A. Applicant Information**

1. Applicant:

Holly Palmgren  
 a. First Name b. Last Name  
M.B.T.A.  
 c. Organization  
Suite 6720, 10 Park Plaza  
 d. Mailing Address  
Boston MA 02116  
 e. City/Town f. State g. Zip Code  
617-222-1580 617-222-1557 hpalmgren@mbta.com  
 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:

MBTA Right-of-Way Acton  
 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.

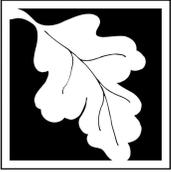
**Step 3/Individual Activity Fee:** Identify each activity fee from the six project categories listed in the instructions.

**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.

**B. Fees (continued)**



**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

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
4e (Railroad)	1	\$1450.00	\$1450.00
4f (Bridge)	2	\$1450.00	\$2900.00
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**Step 5/Total Project Fee:** \_\_\_\_\_

**Step 6/Fee Payments:**

Total Project Fee:	\$4350.00
State share of filing Fee:	Exempt
City/Town share of filing Fee:	Exempt (\$2187.50 Pd.)

a. Total Fee from Step 5  
 b. 1/2 Total Fee **less** \$12.50  
 c. 1/2 Total Fee **plus** \$12.50

**C. Submittal Requirements**

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection  
 Box 4062  
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

**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.)

*Fitchburg Commuter Rail Line Improvements  
Acton Double Track Notice of Intent*

**Exhibit A  
Existing Conditions**

**A. General Project Description**

The Fitchburg Commuter Rail Line Improvement Project will modernize the existing rail line to provide greatly improved service and reliability to riders and commuters in a 50-mile long corridor extending from Fitchburg to Boston, Massachusetts. The Fitchburg Line has a low performance record for reliability and on-time service when compared to other commuter rail lines. Approximately 5,300 daily riders stick with current service due to the lack of reasonably available alternate commuting options to the Boston job market.

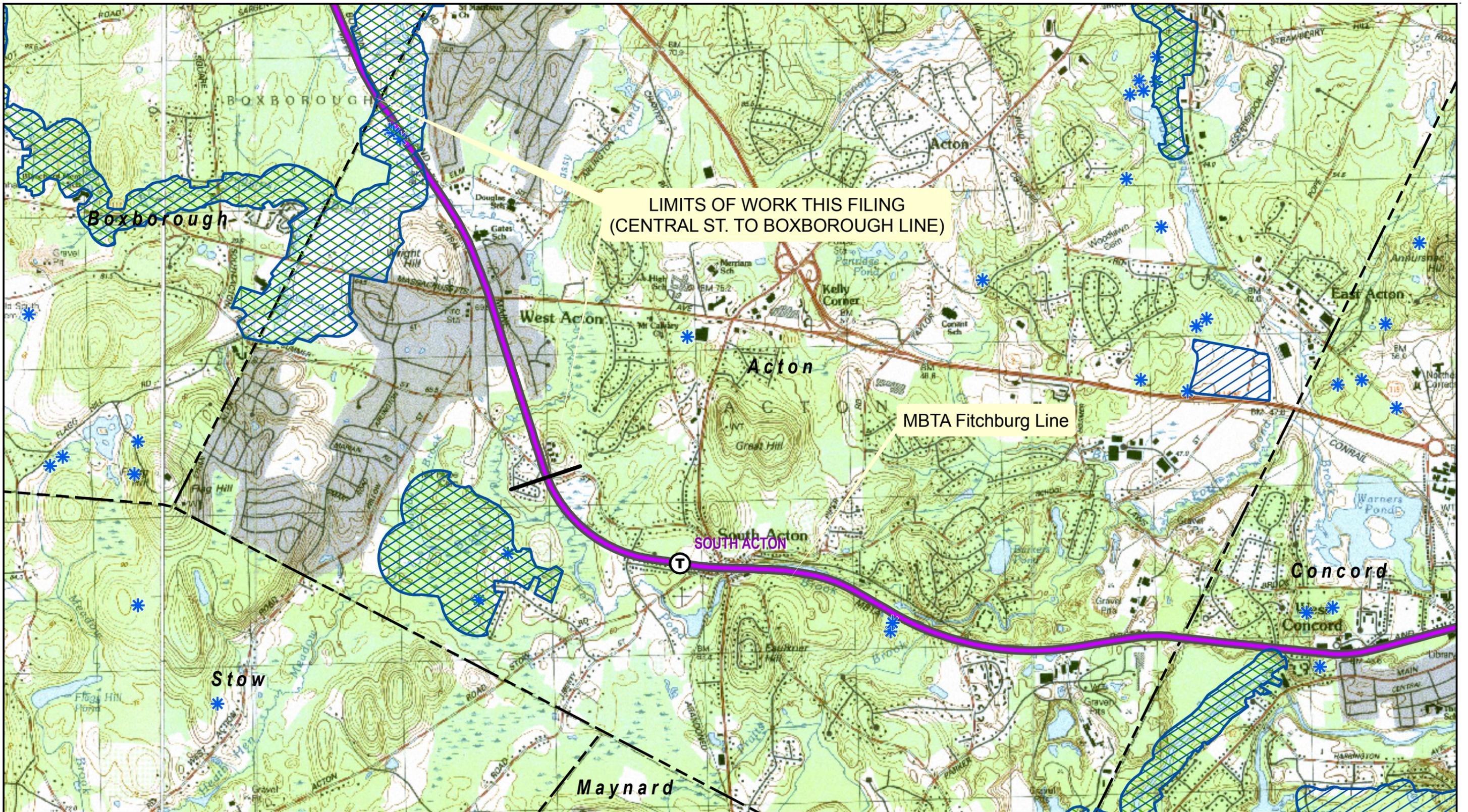
The need for improvements to the Fitchburg Line was first identified in 2001. Through public outreach, the following objectives were identified for the line: reduce travel time, improve reliability and increase trip frequency. These goals form the basis for the improvements in this project.

The work proposed under this Notice of Intent consists of installation of a second track in the existing right-of way from the Acton/Boxborough municipal boundary, east to the Central Street grade crossing at mile post 26.00. The work also includes repairs to bridges at mile posts 26.26 and 27.46, installation of signal equipment and upgrades to the Central Street Grade Crossing at mile post 27.30. All proposed work will take place entirely within the existing railroad right-of-way. Portions of the right-of-way are located within Riverfront Area and the 100 foot buffer zone to Bordering Vegetated Wetland (BVW). Station Improvements and additional track work at South Acton Station will be covered in a future Notice of Intent filing.

**B. Existing Conditions:**

**Locus**

The project is located in Acton within the existing railroad right of way, as depicted on Figure A-1 “Locus Map”. This portion of the overall Fitchburg Improvements Project extends through or in close proximity to Massachusetts Natural Heritage Endangered Species Program Estimated Habitat Areas including: Priority Habitat 442 and Certified Vernal Pools 4764, 4765, and 4766.



**Source Information:**  
 The following information obtained from MassGIS, (Commonwealth of Mass. EOEA):  
 USGS Topographic Quadrangle Images:  
 Maynard & Hudson  
 NHESP Priority Habitats for Rare Species: Effective Oct.1 2008  
 NHESP Estimated Habitats of Rare Wildlife: Effective Oct.1 2008  
 NHESP Certified Vernal Pools: January 2008

- Legend:**
-  NHESP Priority Habitats of Rare Species
  -  NHESP Estimated Habitats of Rare Wildlife
  -  NHESP Certified Vernal Pools
  -  MBTA Fitchburg Commuter Rail



Approx. Scale" 1"=2,000'

0 1,000 2,000

Date: February 18, 2010

**Locus Map**  
 MBTA Fitchburg Main Line  
 Improvement Project  
 Acton Conservation Commission  
 Notice of Intent for Double Track

**Figure A-1**

### **Wetland Resource Areas**

Wetland resource areas were delineated in the field by Jacobs' wetland scientists in May of 2008. The delineations were performed in accordance with MGL c 131 s 40. The following resource areas were identified within or in close proximity to the right-of-way.

#### *Streams*

Fort Pond Brook follows the MBTA right -of- way for several miles in Acton. It passes under the right-of-way three times within the area of proposed work. This occurs at the following mile posts: 26.26, 27.19, and 27.46. The location of each the bridge is depicted on Figures B-1 through B-3. Photographs of each bridge are depicted below.



**Fort Pond Brook at Mile Post 26.26**



**Fort Pond Brook at Mile Post 27.19**



**Fort Pond Brook at Mile Post 27.46**

*Riverfront Area*

Riverfront Area associated with Fort Pond Brook extends into the right-of-way. (Refer to Figures B-1 in Exhibit B) The Riverfront Area within the right-of-way has been maintained as a railroad since operations on the line commenced. Active use of the right-of way results in disturbed conditions that do not contribute to the interests protected by the Wetlands Protection Act. The right-of-way is maintained as a flat, compacted embankment covered with rock ballast and track. Vegetation is routinely removed from the right-of-way to maintain sight distances and provide ease of access for track maintenance. A photograph of the typical conditions of right-of-way in the riverfront area is provided below.



**View of typical condition of riverfront area within the right of way at MP 27.46**

The right-of-way is not significant to the protection of water supplies or groundwater. It provides no flood storage, and does not contribute to storm damage prevention. The altered soils and lack of vegetation eliminate its capacity to prevent pollution. The lack of vegetation and presence of active rail service eliminate any potential to provide food or shelter to wildlife or to contribute to the protection of shellfish or fisheries. Based on the conditions in the right-of-way, the presumption that the Riverfront Area resource within the right of contributes to the interests of the Act is rebutted and is overcome in accordance with 310 CMR 10.58 (3).

*Bordering Vegetated Wetlands*

Bordering Vegetated Wetlands are located in the project vicinity in association with the unnamed tributary to Fort Pond Brook and the unnamed stream referenced above. The Bordering Vegetated Wetlands in the project area were delineated by wetland scientists from Jacobs in June of 2008. A transect documenting the conditions within the upland and wetland along the wetland boundary was performed at flag JE W 267. The dominant plants observed in the upland include: red oak (*Quercus rubra*), white birch (*Betula alba*), black cherry (*Prunus serotina*), staghorn sumac (*Rhus typhina*), and Pennsylvania sedge (*Carex pennsylvanica*). The dominant plants observed in the wetland include red maple (*Acer rubrum*), glossy buckthorn (*Rhamnus frangula*), poison ivy (*Toxicodendron radicans*), jewelweed (*Impatiens capensis*) and sensitive fern (*Onoclea sensibilis*).

Upland soils were examined at a plot located on the right-of-way embankment. The soil features were consistent with the placement of fill in the wetland at the time the railroad was constructed. Soils in the upland consist of layers of fill that included fifteen inches of coal ash (cinders) at the soil surface over a sandy fill material. No indicators of hydrology were observed at the upland plot. The soils in the wetland had a deep organic horizon (*histosol*) and the site was inundated to 4”.

The topography along the right-of-way embankment is generally quite steep in the vicinity where it passes through Bordering Vegetated Wetlands. This results in a sharp and distinct wetland boundary along the base of the slope of the embankment. Plans depicting the wetland boundary are provided in Exhibit C. Copies of the wetland delineation data sheets are provided in Exhibit D.

#### *Bordering Land Subject to Flooding*

FEMA Mapping indicates that portions of the right of way and adjacent wetlands are within the mapped Zone A. This occurs in the vicinity of the bridges at mile post 26.26, 27.19, and 27.46. No work is proposed at or below the 100 year floodplain elevation at each of these locations. Copies of the FEMA mapping are provided in Exhibit E. The extent of the FEMA 100 year floodplain within the right-of-way is also depicted on Figures B-1 through B-3.

#### *100 Foot Buffer Zone*

Portions of the right-of-way within the project area lie within the 100 foot buffer zone to Bordering Vegetated Wetlands, and Bank.. Areas where work is proposed in the buffer zone are located within the existing right of way. Conditions of the buffer zone within the right-of-way are maintained as an active rail line.

*Fitchburg Commuter Rail Line Improvements  
Acton Double Track Notice of Intent*

**Exhibit B  
Proposed Conditions**

## Work Proposed

The work proposed under this Notice of Intent consists of the construction of a second set of tracks from the Central Street grade crossing at mile post 26.00 to the Acton/Boxborough municipal boundary. This work includes repairs to bridges over Fort Pond Brook at mile posts 26.26 and 27.46, improving the Central Street grade crossing at mile post 27.30 and the installation of new signal equipment. Sections of the proposed work are located within Riverfront Area and the 100 foot Buffer Zone to Bordering Vegetated Wetlands. The proposed double track construction, bridge repairs and other upgrades will help to improve the efficiency of commuter service along the entire Fitchburg Commuter Rail Line. All work is proposed within the existing MBTA Right-of-way.

### *Double Track Installation*

The installation of the second set of tracks in Acton is proposed in previously disturbed and maintained sections of the existing right-of-way. A photograph of the right-of-way where the work is proposed is depicted below.



**MBTA Right-of-Way near Mile Post 26.26**

The track work is proposed within previously disturbed Riverfront Area and the 100 foot Buffer zone to Bordering Vegetated Wetlands. The route where the work is proposed and the

jurisdictional areas along the right-of-way are depicted on Figures B-1 through B-3 and on Sheets T-100 through T-108 in Exhibit C. Work proposed in Riverfront Area associated with Fort Pond Brook is proposed near the Bridges at mile posts 26.26, 27.19 and 27.46.

The right-of-way where track construction is proposed is located within an unvegetated, previously disturbed area within the right-of-way. The disturbed conditions within the right-of-way have eliminated the capacity of the proposed work area to contribute to the interests of the Wetlands Protection Act. Vegetation is regularly removed from the existing track and access road within the right-of-way. The right of way is covered with rock ballast and is maintained to support commuter service. Based on the conditions in the right-of-way, the presumption that the Riverfront Area resource within the right-of-way contributes to the interests of the Act is rebutted and is overcome in accordance with 310 CMR 10.58 (3).

Work on track construction is also proposed within the 100 foot buffer zone to Bordering Vegetated Wetlands. A straw bale erosion control barrier is proposed to prevent erosion and sedimentation of the resource areas adjacent to the right-of-way where work is proposed. The locations of the proposed erosion control measures are depicted on Sheets T-131 through T-135 in Exhibit C.

Work on track construction is proposed in areas within Zone A (100 year floodplain) polygons on FEMA mapping for the Town of Acton. All trackwork is proposed at the top of the embankment of the right-of-way above the 100 year flood elevation depicted on the mapping. FEMA mapping for the right-of-way is provided in Exhibit E.

#### *Central Street Grade Crossing*

The work proposed at the Central Street grade crossing at mile post 27.30 includes upgrading the crossing to accommodate the second set of tracks, installing new crossing gates and signal equipment within the 100 foot buffer zone to Bordering Vegetated wetlands associated with the unnamed tributary to Fort Pond Brook. Straw bale erosion control barriers are proposed to prevent erosion and sedimentation in the adjacent resource areas

#### *Bridge Repairs at Mile Post 26.26*

The project proposes repairs to the stone arch bridge at Mile post 26.26. This bridge allows Fort Pond Brook to pass under the right-of-way. The proposed repair consists of the shoring up the ballast with a steel sheet pile wall on the west side of the bridge. The proposed work includes removing the existing ballast retention timber wall. The work is proposed in disturbed portions of Riverfront area and the 100 foot buffer zone to BVW associated with Fort Pond Brook. A straw bale erosion control barrier is proposed to prevent erosion and sedimentation into the resource areas adjacent to the culvert. Please refer to Sheet S-22 in Exhibit C for a Plan View of this proposed work.

### *Bridge Repairs at Mile Post 27.46*

The project proposes repairs to the bridge over Fort Pond Brook at mile post 27.46. The proposed repair consists of the removal of one of the tracks, excavation of fill material in the track bed, removal of the existing bridge superstructure, installation of piers behind the existing abutments, and the construction of a new superstructure over the new piers.

The repair is proposed to be constructed in stages, during track outages, with train operations maintained on one track at a time. Upon completion of one section of the bridge, the track will be restored and the adjacent track will be taken out of service to complete the repairs. The work is proposed in disturbed portions of Riverfront Area and the 100 foot buffer zone to BVW associated with Fort Pond Brook. A straw bale erosion control barrier is proposed to prevent erosion and sedimentation into the resource areas adjacent to the culvert. Please refer to Sheet S-26 in Exhibit C for a Plan View of this proposed work.

### *Signal Work*

Upgrades to the signal system are proposed within the right-of-way this work includes the installation of new equipment and the power and signal cable required to connect the system. It includes the excavation of trenches for the installation of the cables. Some of this work is proposed in Riverfront Area and the 100 foot Buffer zone to BVW associated with Fort pond Brook. Straw bale erosion controls will be provided to prevent erosion and sedimentation of these resource areas.

### *MNHESP*

Areas of the construction of the double track and work on the bridge at mile post 27.46 are proposed within Priority Habitat 442 and in close proximity to Certified Vernal Pools 4764, 4765, and 4766 as depicted on Figure A-1. Early coordination with Massachusetts Natural Heritage and Endangered Species Program (MNHESP), including a site visit, indicates that the project will avoid any impact to endangered or threatened species through the use of best management practices and mitigation measures. A Mass Endangered Species Act filing has been prepared and the decision from MNHESP is attached in Exhibit F. Mitigation measures to avoid impact to listed species, such as preconstruction sweeps and construction period monitoring, will be incorporated into all construction documentation

### *Stormwater Management*

The proposed work will not result in any new impervious areas or in any change in existing drainage patterns. As a result no Stormwater Management Plan is required.

### *Monitoring*

The MBTA will require the contractor to engage an Environmental Monitor to ensure that the work will not result in accidental impacts to wetland resources as a result of the proposed work. Weekly monitoring of the work areas subject to jurisdiction will be performed in accordance with the contract requirements. Jacobs is under contract to the MBTA to perform construction phase

services which includes providing environmental monitoring to make sure that the contractor adheres to the conditions in the permit and provides Best Management Practices to prevent violations of the Wetlands Protection Act during construction.

*Fitchburg Commuter Rail Line Improvements  
Acton Double Track Notice of Intent*

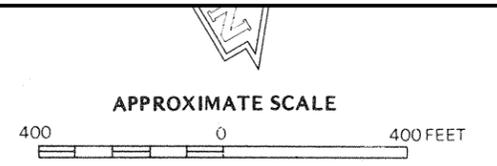
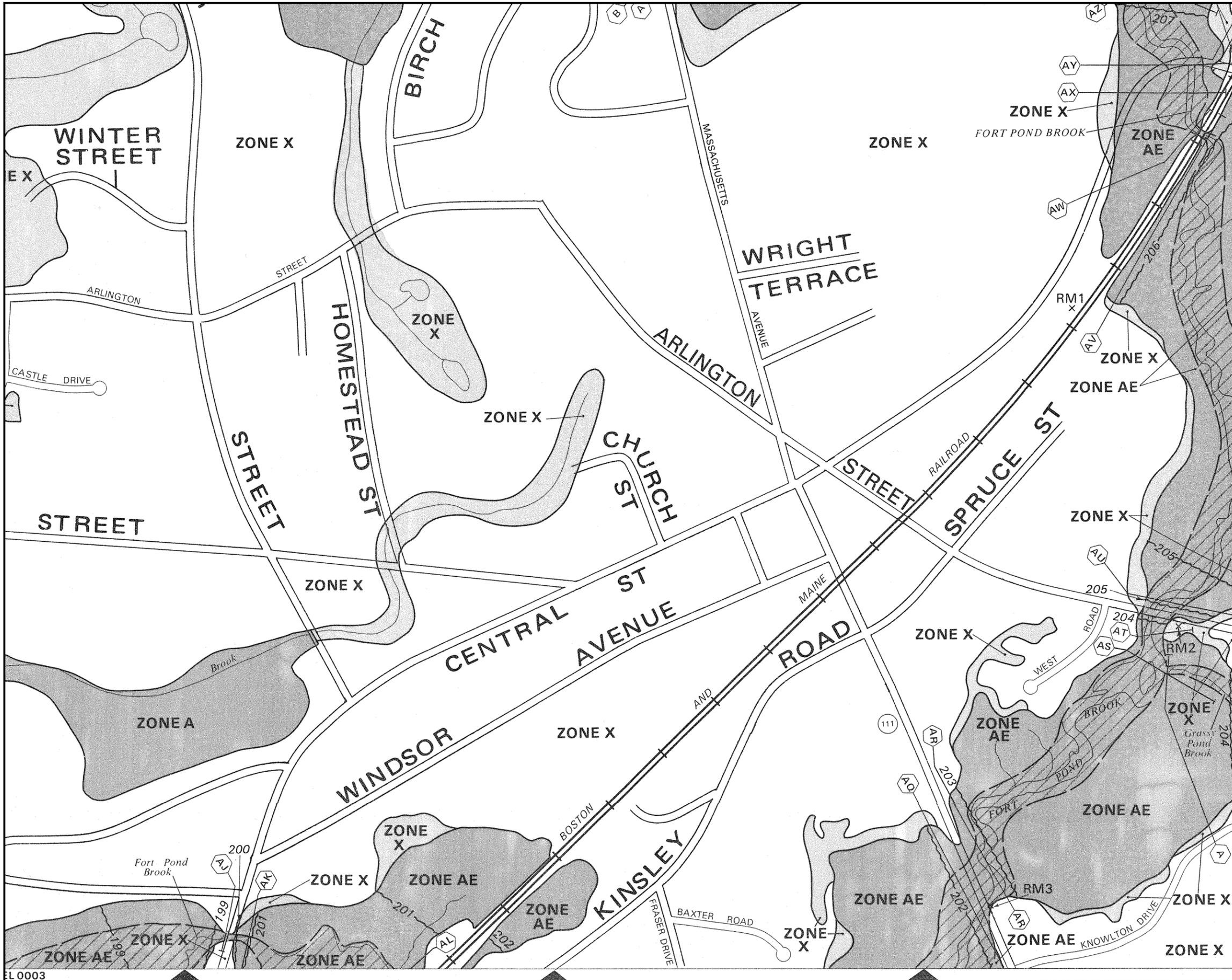
**Exhibit D  
Data Sheets**





*Fitchburg Commuter Rail Line Improvements  
Acton Double Track Notice of Intent*

**Exhibit E  
FEMA Flood Maps**

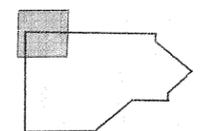


NATIONAL FLOOD INSURANCE PROGRAM

**FIRM**  
FLOOD INSURANCE RATE MAP

TOWN OF  
ACTON, MASSACHUSETTS  
MIDDLESEX COUNTY

PANEL 1 OF 8  
(SEE MAP INDEX FOR PANELS NOT PRINTED)



PANEL LOCATION

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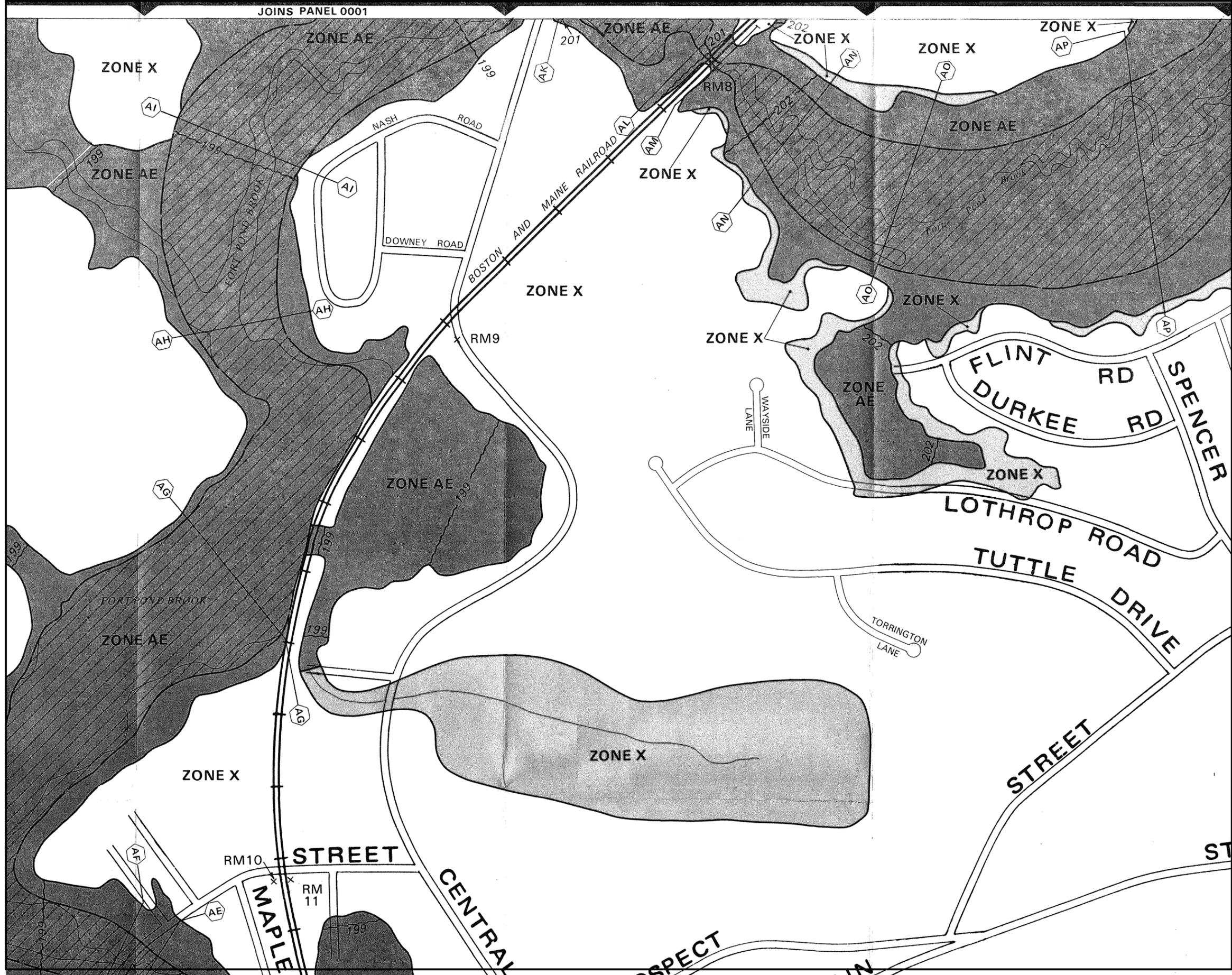
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JANUARY 6, 1988



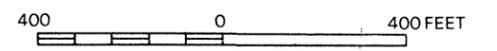
Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)

JOINS PANEL 0001



APPROXIMATE SCALE

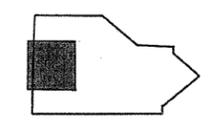


NATIONAL FLOOD INSURANCE PROGRAM

**FIRM**  
FLOOD INSURANCE RATE MAP

TOWN OF  
**ACTON, MASSACHUSETTS**  
MIDDLESEX COUNTY

PANEL 3 OF 8  
(SEE MAP INDEX FOR PANELS NOT PRINTED)



PANEL LOCATION

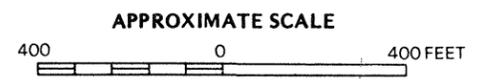
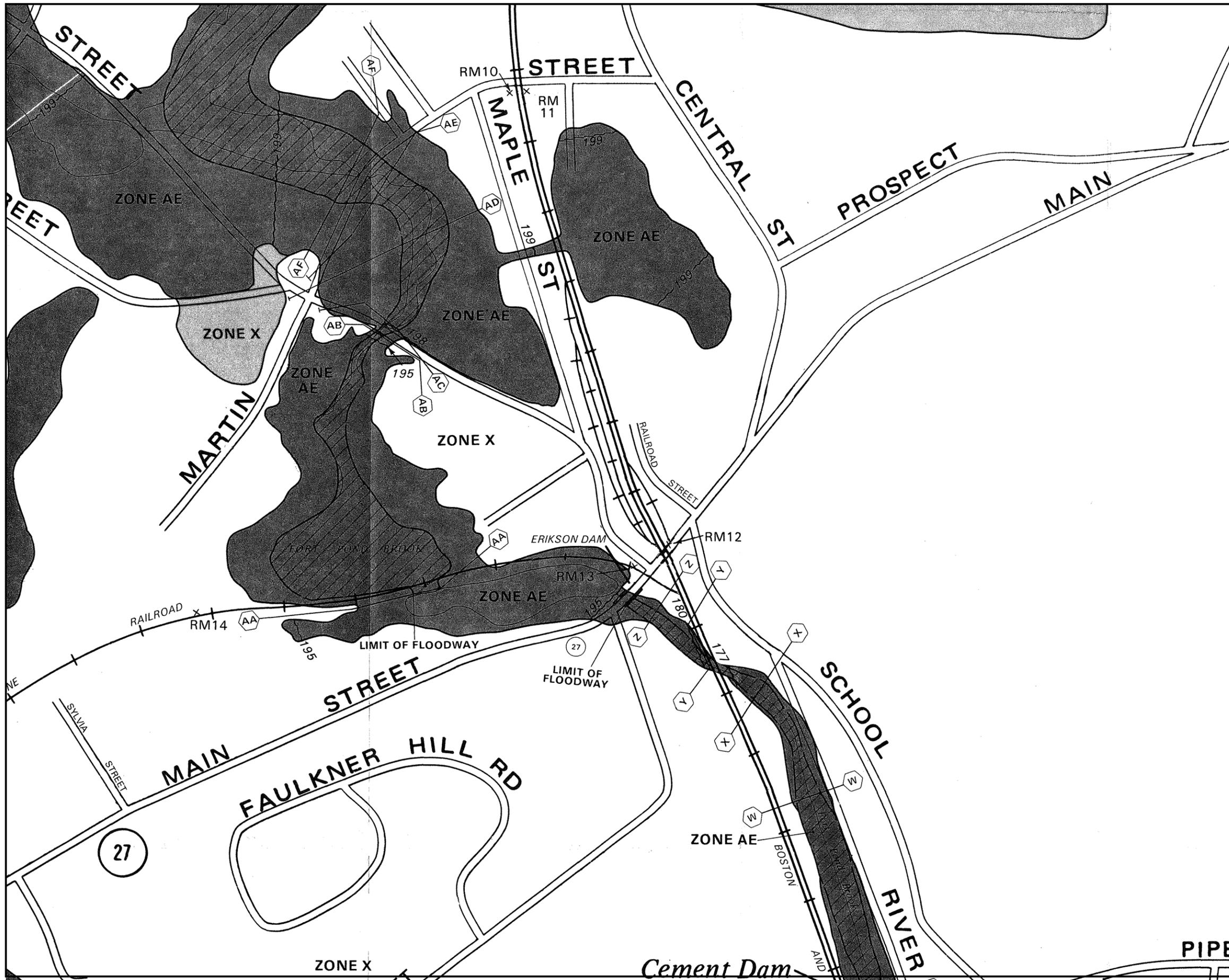
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250176 0003 C

**MAP REVISED:**  
JANUARY 6, 1988



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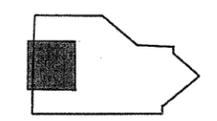


NATIONAL FLOOD INSURANCE PROGRAM

**FIRM**  
FLOOD INSURANCE RATE MAP

TOWN OF  
**ACTON, MASSACHUSETTS**  
MIDDLESEX COUNTY

PANEL 3 OF 8  
(SEE MAP INDEX FOR PANELS NOT PRINTED)



PANEL LOCATION

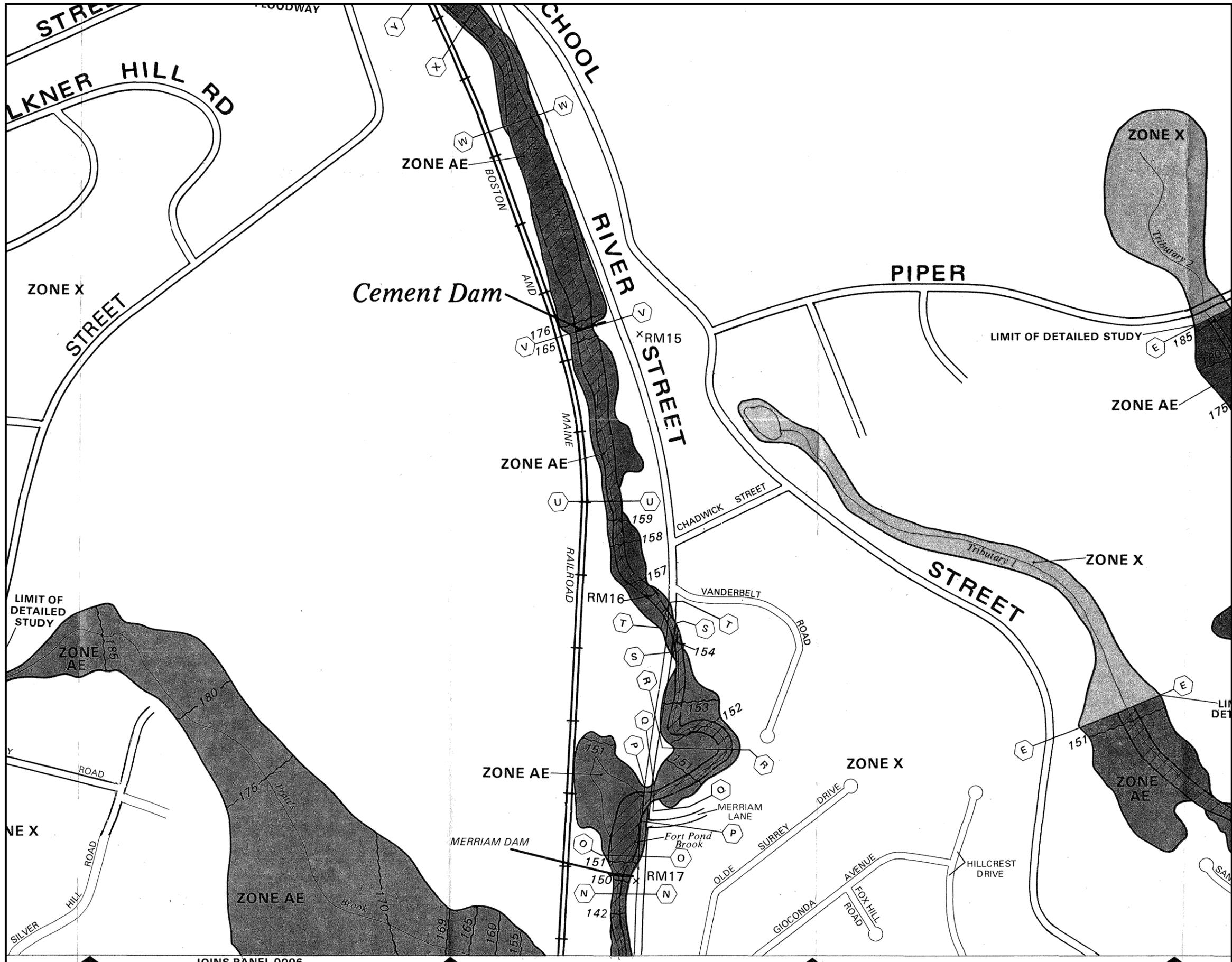
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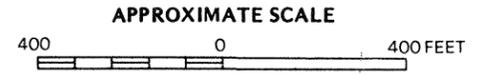


Federal Emergency Management Agency

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JOINS PANEL 0006

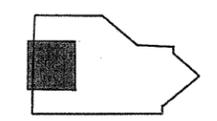


NATIONAL FLOOD INSURANCE PROGRAM

**FIRM**  
FLOOD INSURANCE RATE MAP

TOWN OF  
**ACTON, MASSACHUSETTS**  
MIDDLESEX COUNTY

PANEL 3 OF 8  
(SEE MAP INDEX FOR PANELS NOT PRINTED)



PANEL LOCATION

**COMMUNITY-PANEL NUMBER**  
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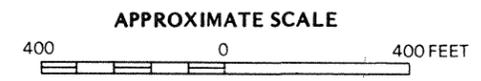
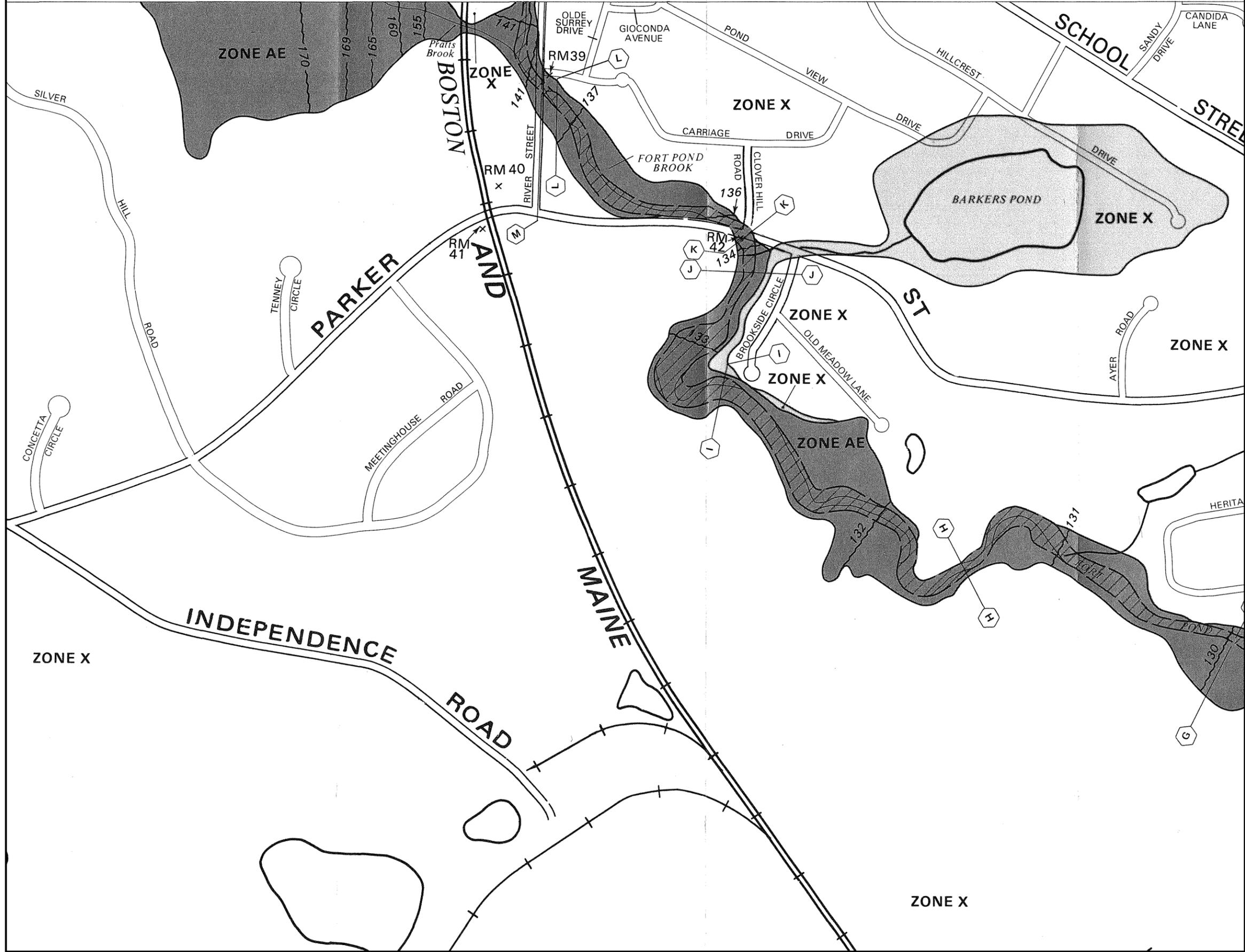
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JANUARY 6, 1988



Federal Emergency Management Agency

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JOINS PANEL 0003

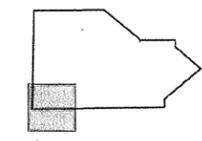


NATIONAL FLOOD INSURANCE PROGRAM

# FIRM FLOOD INSURANCE RATE MAP

TOWN OF ACTON, MASSACHUSETTS  
MIDDLESEX COUNTY

PANEL 6 OF 8  
(SEE MAP INDEX FOR PANELS NOT PRINTED)



PANEL LOCATION

COMMUNITY-PANEL NUMBER  
250176 0006 C

MAP REVISED:  
JANUARY 6, 1988



Federal Emergency Management Agency

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*Fitchburg Commuter Rail Line Improvements  
Acton Double Track Notice of Intent*

**Exhibit F  
MNHESP Correspondence**



**MassWildlife**

Commonwealth of Massachusetts

# Division of Fisheries & Wildlife

Wayne F. MacCallum, *Director*

February 9, 2010

Holly Palmgren  
MBTA  
10 Park Plaza, Suite 6720  
Boston, MA 02116

RE:	Project Location:	Fitchburg Commuter Rail Line
	Project Description:	improvements to the Fitchburg Commuter Rail Line
	NHESP File No.:	08-25119

Dear Applicant:

Thank you for submitting the MESA Project Review Checklist and other required materials to the Natural Heritage and Endangered Species Program (NHESP) of the MA Division of Fisheries & Wildlife for review pursuant to the Massachusetts Endangered Species Act (MESA) (MGL c.131A) and its implementing regulations (321 CMR 10.00).

Based on a review of the information that was provided and the information that is currently contained in our database, the NHESP has determined that portions of the project are within mapped *Priority* (PH) and *Estimated Habitat* as indicated in the 13<sup>th</sup> Edition of the MA Natural Heritage Atlas for several state-listed species, including turtles, amphibians, invertebrates, a plant, and a bird. These species and their habitats are protected pursuant to the Massachusetts Endangered Species Act (MGL c.131A). The MESA is administered by the NHESP of the MA Division of Fisheries & Wildlife, and prohibits the "take" of state-listed species. The "take" of state-listed species is defined as "in reference to animals, means to harass, harm, pursue, hunt, shoot, hound, kill, trap, capture, collect, process, disrupt the nesting, breeding, feeding or migratory activity or attempt to engage in any such conduct, or to assist such conduct, and in reference to plants, means to collect, pick, kill, transplant, cut or process or attempt to engage or to assist in any such conduct. Disruption of nesting, breeding, feeding or migratory activity may result from, but is not limited to, the modification, degradation or destruction of Habitat." (321 CMR 10.02).

The NHESP finds that the proposed project must be conditioned as follows in order to avoid a prohibited "take" of state-listed species (321 CMR 10.18 (2)(a)). **To avoid a prohibited "take", the following condition must be adhered to for work within PH 266, PH 1477, PH 369, and PH 442:**

- The NHESP is concerned, that in the absence of proper turtle protection measures this project could result in the direct harming or killing of state-listed turtles. Turtles are very long-lived and the loss of even a single adult turtle can negatively impact the survival of the local population. If work *outside of the existing track areas* (eg. clearing of vegetation) must occur within the above-mentioned PH areas during the turtle active season (15 April - 15 October), then a plan to protect turtles shall be implemented. Protection measures should include visual turtle "sweeps" by a NHESP-approved qualified wildlife biologist and shall be approved by the NHESP in writing. Please note that the wildlife consultant is required to obtain a scientific

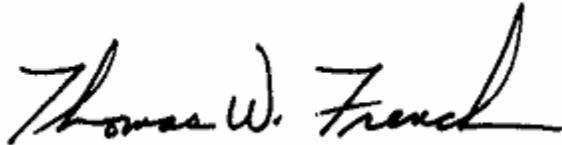
[www.masswildlife.org](http://www.masswildlife.org)

Division of Fisheries and Wildlife  
Field Headquarters, One Rabbit Hill Road, Westborough, MA 01581 (508) 389-6300 Fax (508) 389-7890  
*An Agency of the Department of Fish and Game*

collection permit from the Division of Fisheries and Wildlife to handle rare species. If work is to occur during the turtle inactive season (16 October - 14 April), then the work may proceed without restriction. The NHESP notes that no in-stream work is planned for the West Acton Bridge. If in-stream work becomes necessary, the applicant must consult with the NHESP prior to commencement of work and additional turtle protection measures may need to be implemented.

We also note that appropriate erosion and sedimentation controls shall be implemented where warranted. All work is subject to the anti-segmentation provisions (321 CMR 10.16) of the MESA. If no physical work is commenced on the above proposed project within three-years from the date of issuance of this letter or there is a material change in the plans that were submitted to the NHESP, updated information and/or plans must be sent to the NHESP for review prior to any work. Please do not hesitate to contact Eve Schlüter, Ph.D., Endangered Species Review Biologist, at (508) 389-6346 or [eve.schluter@state.ma.us](mailto:eve.schluter@state.ma.us) with any questions or comments.

Sincerely,

A handwritten signature in black ink that reads "Thomas W. French". The signature is written in a cursive, flowing style with a prominent vertical stroke at the end.

Thomas W. French, Ph.D.  
Assistant Director

cc: Lars Carlson, Jacobs Engineering Group

*Fitchburg Commuter Rail Line Improvements  
Acton Double Track Notice of Intent*

**Exhibit G  
Abutter Information**



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

Brian McMullen  
 Assistant Assessor

**Locus:** RAIL ROAD (BOXBOROUGH LINE TO  
**Parcel:**

Location	Parcel ID	Owner	Co-Owner	Mailing Address	City	ST	Zip
396 CENTRAL ST REAR	E2-20	TOWN OF ACTON		472 MAIN STREET	ACTON	MA	01720
396 CENTRAL ST REAR	E2-60	TOWN OF ACTON		472 MAIN STREET	ACTON	MA	01720
378 CENTRAL ST	E2-115	NILAND ROBERT Z	ELIZABETH A	378 CENTRAL STREET	ACTON	MA	01720
376 CENTRAL ST	E2-127	GUBA ROBERT F	ANN K	376 CENTRAL ST	ACTON	MA	01720
356 CENTRAL ST	E2-143	IDYLWILDE FARMS, INC		366 CENTRAL ST	ACTON	MA	01720
352 CENTRAL ST	E2-143-1	IDYLWILDE FARMS, INC.		366 CENTRAL ST	ACTON	MA	01720
374 CENTRAL ST	E2-152	VANDERHOOF DONNA M		374 CENTRAL ST	ACTON	MA	01720
364 CENTRAL ST	E2-187	IDYLWILDE FARMS INC		366 CENTRAL STREET	ACTON	MA	01720
362 CENTRAL ST	E2-187-1	IDYLWILDE FARMS INC		366 CENTRAL ST	ACTON	MA	01720
7 ELM ST	E2-247	TOWN OF ACTON		472 MAIN STREET	ACTON	MA	01720
355 CENTRAL ST	E2-252	I G W TRUST	C/O S GRAHAM + M S SCHEIER	289 GREAT ROAD	ACTON	MA	01720
323 CENTRAL ST	E2-289	SUNDBERG ROBERT A TRUSTEE RC	C/O ROBERTS SONS LLC	20 HENLEY ROAD	ACTON	MA	01720
311 CENTRAL ST	F2.A-2	FORD ELIZABETH A	ROGERS JOSEPH D	311 CENTRAL ST	ACTON	MA	01720
315 CENTRAL ST	F2.A-2-1	SUNDBERG ROBERT TRUSTEE	ROBERTS SONS TRUST	20 HENLEY ROAD	ACTON	MA	01720
313 CENTRAL ST	F2.A-2-2	BLAUFUSS SCOTT E	BLAUFUSS MAUREEN D	313 CENTRAL ST	ACTON	MA	01720
317 CENTRAL ST	F2.A-2-3	SUNDBERG ROBERT A TRUSTEE	ROBERT'S SON TRUST	20 HENLEY ROAD	ACTON	MA	01720
307 CENTRAL ST BESIDE	F2.A-2-4	PIANTEDOSI RUDOLPH A	PIANTEDOSI FLORENCE M	309 CENTRAL STREET	ACTON	MA	01720
68 SPRUCE ST	F2.A-17	JENKS DOROTHY TRUSTEE	LITTLE LANTERN RLTY TR	68 SPRUCE ST	ACTON	MA	01720
50 SPRUCE ST	F2.A-19	JENKS DOROTHY TRUSTEE	LITTLE LANTERN RLTY TR	68 SPRUCE STREET	ACTON	MA	01720
44 SPRUCE ST	F2.A-23	BETTEZ RYAN J + ERIN O	BETTEZ DENNIS R + LOUISE M	46 SUMMER STREET	ACTON	MA	01720
42 SPRUCE ST	F2.A-24	BETTEZ RYAN J + ERIN O	BETTEZ DENNIS R + LOUISE M	46 SUMMER STREET	ACTON	MA	01720
309 CENTRAL ST	F2.A-27	PIANTEDOSI RUDOLPH	FLORENCE	309 CENTRAL ST	ACTON	MA	01720
40 SPRUCE ST	F2.A-28	GOGAN JR ROBERT M	ADDISON FRANN S	40 SPRUCE ST	ACTON	MA	01720
307 CENTRAL ST	F2.A-32	PIANTEDOSI RUDOLPH	FLORENCE	309 CENTRAL ST	ACTON	MA	01720
34 SPRUCE ST	F2.A-39	GEIKE DAVID	ANN H	204 LARCH ROW	WENHAM	MA	01984
303 CENTRAL ST	F2.A-42	FRIEDRICHS NANCY L		15 OLD MARLBORO ROAD	MAYNARD	MA	01754
303 CENTRAL ST	F2.A-43	FRIEDRICHS NANCY L		15 OLD MARLBORO RD	MAYNARD	MA	01754
301 CENTRAL ST	F2.A-50	GRABAREK KRZYSZTOF	BEN-DAVID IRIS	301 CENTRAL ST	ACTON	MA	01720
251 ARLINGTON ST	F2.A-51	GORDON RICHARD TRUSTEE	251 ARLINGTON STREET TRUST	C/O PAULA GORDON	394 AF ACTON	MA	01720
30 SPRUCE ST	F2.A-52	MAZZEO SANTO J	DORIS A	30 SPRUCE ST	ACTON	MA	01720
299 CENTRAL ST	F2.A-59	WEST ACTON VILLAGE CONDO TRUST		P O BOX 871	ACTON	MA	01720

Locus: RAIL ROAD (BOXBOROUGH LINE TO  
Parcel:

Location	Parcel ID	Owner	Co-Owner	Mailing Address	City	ST	Zip
245 ARLINGTON ST	F2.A-60	IJAN 2MA REALTY LLC		215 BUSINESS PARK DR	ARMONK	NY	10504
241 ARLINGTON ST	F2.A-61	MADIGAN JOHN C	MADIGAN MARGARET E	PO BOX 745	HARVARD	MA	01451
253 ARLINGTON ST	F2.A-66	MARY ROSE REALTY LLC		253 ARLINGTON ST	ACTON	MA	01720
250 ARLINGTON ST	F2.A-79.A	SMITH ADAM W C	ANDERSEN CHRISTIANA MCKERN	250 ARLINGTON ST	ACTON	MA	01720 52
252 ARLINGTON ST	F2.A-79.B	MADDOX MARY PRICE		252 ARLINGTON ST	ACTON	MA	01720 52
240 ARLINGTON ST	F2.A-81	BOTTOS NICHOLAS A + CASSIANI N	TRUSTEES 240 ARLINGTON ST NC	253C SCHOOL ST	ACTON	MA	01720
565 MASS AV	F2.A-90	DINNO RAIED TRUSTEE	DINNO SAAD TRUSTEE	565 MASSACHUSETTS AVENUE	ACTON	MA	01720
555 MASS AV	F2.A-91	BOTTOS LLC		253B SCHOOL STREET	ACTON	MA	01720
10 SPRUCE ST	F2.A-92	BOTTOS CASSIANI N TRUSTEE	SUCCESSOR TRUSTEE OF THE 20	253B SCHOOL ST	ACTON	MA	01720
553 MASS AV	F2.A-102	WEST ACTON AMERICAN/EXXON/MC	CORP-BH3-312	PO BOX 53	HUSTON	TX	77001-0053
570 MASS AV	F2.A-111	FORSYTH TRUSTEE	J P K REALTY TRUST	P.O. BOX 983	ACTON	MA	01720
560-564 MASS AV	F2.A-117	CANNING HOWARD ET UX TR	CANNING FAMILY REV TRUST	BOX 1045-BEAN ROAD	CENTER HARBOR	NH	03226
556 MASS AV	F2.A-121	LAROCHE KAREN TRUSTEE		556 MASS AV	ACTON	MA	01720
552 MASS AV	F2.A-122	PITTA JOSEPH P	LUCILLE BARKER	554 MASS AVE	ACTON	MA	01720
18 WINDSOR AV	F2.A-135	TOWN OF ACTON		472 MAIN STREET	ACTON	MA	01720
5 KINSLEY RD	F2.A-136	PHANEUF NEIL H	DEBRA SANFORD ET AL	5 KINSLEY RD	ACTON	MA	01720
24 WINDSOR AV	F2.B-4	FRIEDRICHS WAYNE L	NANCY R LENICHECK	24 WINDSOR AVE	ACTON	MA	01720
30 WINDSOR AV	F2.B-13	GODFREY MARILYN	C/O REGAN RONALD W + REGAN 1	30 WINDSOR AV	ACTON	MA	01720
9 KINSLEY RD	F2.B-14	TOWN OF ACTON		472 MAIN STREET	ACTON	MA	01720
38 WINDSOR AV	F2.B-28	TOWELL ANDREW R	TOWELL JULIE L	38 WINDSOR AVENUE	ACTON	MA	01720
42 WINDSOR AV	F2.B-29	ROBERTS LAWRENCE R	CHRISTA B	44 WINDSOR AVE	ACTON	MA	01720
15 KINSLEY RD	F2.B-30	OTOOLE RICHARD K	CHRISTINE L	17 KINSLEY RD	ACTON	MA	01720
17 KINSLEY RD	F2.B-30-1	O'TOOLE RICHARD K.		17 KINSLEY ROAD	ACTON	MA	01720
6 KINSLEY RD	F2.B-31-1	WALKER MARGARET V	C/O MARSH DONALD J + PALAIA LI	6 KINSLEY RD	ACTON	MA	01720
8 KINSLEY RD	F2.B-31-2	OTOOLE RICHARD K	OTOOLE CHRISTINE L	17 KINSLEY ROAD	ACTON	MA	01720
46 WINDSOR AV	F2.B-36	ROBERTS CHRISTA B		44 WINDSOR AV	ACTON	MA	01720
56 WINDSOR AV	F2.B-45	CONWILL MICHAEL	MACDONALD CHRISTINE E	56 WINDSOR AV	ACTON	MA	01720
62 WINDSOR AV	F2.B-53	SCHAFFNER CHRISTOPHER R	SUSSMAN ANN	62 WINDSOR AV	ACTON	MA	01720
23 KINSLEY RD	F2.B-70	CONQUEST ANDREW B	CONQUEST PAULA	23 KINSLEY RD	ACTON	MA	01720
74 WINDSOR AV	F2.B-87	ACTON HOUSING AUTHORITY		74 WINDSOR AVE	ACTON	MA	01720
84 WINDSOR AV	F2.B-87-2	MILLER ROBERT M	MILLER DONNA F	84 WINDSOR AVE	ACTON	MA	01720
94 WINDSOR AV	F2.B-87-4	COTTER BRENDAN M + COTTER SUZ	C/O COTTER BRENDAN	94 WINDSOR AV	ACTON	MA	01720
27 KINSLEY RD	F2.B-88	LEES ANTHONY G		27 KINSLEY RD	ACTON	MA	01720
1 CONQUEST WY	F2.B-88-1	JAROS KEITH F	JAROS MICHELLE F	1 CONQUEST WY	ACTON	MA	01720
33 KINSLEY RD	F2.B-89-1	MUSTOE WILLIAM J		33 KINSLEY ROAD	ACTON	MA	01720
43 KINSLEY RD	F2.B-100	PORRAZZO DANIEL F		43 KINSLEY RD	ACTON	MA	01720
43 KINSLEY RD BEHIND	F2.B-110	PORRAZZO ARMAND J TRUSTEE	KINSLEY ROAD TRUST	43 KINSLEY ROAD	ACTON	MA	01720
102 WINDSOR AV	G2-23	WEYANT THOMAS F TRUSTEE	WEYANT DIANE M TRUSTEE	WINDSOR AVENUE REALTY TRU	ACTON	MA	01720
98 WINDSOR AV	G2-23-1	BIASOTTI MARK A	BIASOTTI PAMELA K	98 WINDSOR AV	ACTON	MA	01720
117 CENTRAL ST	G2-24	DOVER HEIGHTS CORP		11 HEATHER DRIVE	MILTON	MA	02186
149 CENTRAL ST	G2-71	INFANT TODDLER CHILD CTR		149 CENTRAL STREET	ACTON	MA	01720

Locus: RAIL ROAD (BOXBOROUGH LINE TO  
Parcel:

Location	Parcel ID	Owner	Co-Owner	Mailing Address	City	ST	Zip
4 CRESTWOOD LN	G2-94	FORSYTH REALTY INC		P.O. BOX 983	ACTON	MA	01720
5 CRESTWOOD LN	G2-106	FORSYTH REALTY INC		P.O. BOX 983	ACTON	MA	01720
3 CRESTWOOD LN	G2-116	FORSYTH REALTY INC		P.O. BOX 983	ACTON	MA	01720
129 CENTRAL ST	G2-131	LUTHER HERBERT H		MBL MS92 7 MBL STREET	WOODS HOLE	MA	02543
125 CENTRAL ST	G2-136	CERRA ERNEST	DONALDSON SUSAN	41 ROLLO COURT	FT MYERS	FL	33912
11 ELM ST UNIT 1	E2-240-111	ANTONELLI KEVIN M	PATTON CINDY A	11 ELM STREET #1	ACTON	MA	01720
11 ELM ST UNIT 2	E2-240-112	TAYLOR KATHLEEN E	AGNES TAYLOR	11 ELM STREET NO 2	ACTON	MA	01720
11 ELM ST UNIT 3	E2-240-113	DHILLA ESMAIL F	DHILLA MUNIRA E	11 ELM ST UNIT 3	ACTON	MA	01720
11 ELM ST UNIT 4	E2-240-114	HAHN VIRGINIA C	VIRGINIA C HAHN 2005 REV TRUST	11 ELM ST UNIT 4	ACTON	MA	01720
11 ELM ST UNIT 5	E2-240-115	GODOY ROBERT	GODOY ROSARIO MORENO	11 ELM ST UNIT 5	ACTON	MA	01720
11 ELM ST UNIT 6	E2-240-116	ALLARD PATRICIA L		PO BOX 2874	ACTON	MA	01720
11 ELM ST UNIT 7	E2-240-117	MOORE MARSHALL P		11 ELM ST UNIT 7	ACTON	MA	01720
11 ELM ST UNIT 8	E2-240-118	BLUE BIRD TRUST	C/O MARY BLANCHETTE	7 R CHRESTWOOD LN	ACTON	MA	01720
3 ELM ST UNIT 1	E2-240-301	PAREKH KETAN	PAREKH HEMALI	3 ELM ST UNIT 1	ACTON	MA	01720
3 ELM ST UNIT 2	E2-240-302	BRAUN THOMAS J		22 HIGH STREET	MEDFIELD	MA	02052
3 ELM ST UNIT 3	E2-240-303	TAMBURINO AMY		3 ELM ST UNIT 3	ACTON	MA	01720
3 ELM ST UNIT 4	E2-240-304	SMITH NORMA P		3 ELM ST UNIT 4	ACTON	MA	01720
3 ELM ST UNIT 5	E2-240-305	DAVIES DONNA J		3 ELM ST #5	ACTON	MA	01720
3 ELM ST UNIT 6	E2-240-306	EBERLY BARRY L		3 ELM ST UNIT 6	ACTON	MA	01720
3 ELM ST UNIT 7	E2-240-307	LU YUN		3 ELM ST UNIT 7	ACTON	MA	01720
3 ELM ST UNIT 8	E2-240-308	SUBRAMONY SENAPATHY		191 WEST WYOMING AVE	UNI MELROSE	MA	01720
5 ELM ST UNIT 1	E2-240-501	SOAR ELIZABETH	C/O ELIZABETH ORCUTT	28 ELM ST	GROTON	MA	01450
5 ELM ST UNIT 2	E2-240-502	HOEY PATRICK TRUSTEE	HOEY JANE TRUSTEE	PBH MIDDLESEX REALTY TRUS 2	BYFIELD	MA	01922
5 ELM ST UNIT 3	E2-240-503	VACEK MARTIN	VACEK IVANNA	5 ELM ST UNIT 3	ACTON	MA	01720
5 ELM ST UNIT 4	E2-240-504	ABREU HUDSON X	ABREU REGINA C	5 ELM ST UNIT 4	ACTON	MA	01720
5 ELM ST UNIT 5	E2-240-505	ZENG SHENGYOU		5 ELM ST UNIT 5	ACTON	MA	01720
5 ELM ST UNIT 6	E2-240-506	FOX NANCY KAY	C/O CAROL STORRS	5 ELM STREET #6	ACTON	MA	01720
5 ELM ST UNIT 7	E2-240-507	WEAVER STERLING L	WEAVER JEAN C	7 HARDWOOD HILL	MONRC PITTSFORD	NY	14534
5 ELM ST UNIT 8	E2-240-508	LANDERS DIANNA		5 ELM ST UNIT 8	ACTON	MA	01720
7 ELM ST UNIT 1	E2-240-701	SANYAL JHILAM		7 ELM ST UNIT 1	ACTON	MA	01720
7 ELM ST UNIT 2	E2-240-702	BURROWS JOAN		7 ELM STREET #2	ACTON	MA	01720
7 ELM ST UNIT 3	E2-240-703	MURPHY CYRIL J		7 ELM ST UNIT 3	ACTON	MA	01720
7 ELM ST UNIT 4	E2-240-704	GRIFFIN MAUREEN		7 ELM ST NO 4	ACTON	MA	01720
7 ELM ST UNIT 5	E2-240-705	LIU XIANGHAI	QU FENG	236 PARKER STREET	ACTON	MA	01720
7 ELM ST UNIT 6	E2-240-706	MAGZELCI MURAT	IRENA & SEMA MAGZELCI	7 ELM ST UNIT 6	ACTON	MA	01720
7 ELM ST UNIT 7	E2-240-707	DOHERTY SHARON B		7 ELM ST UNIT 7	ACTON	MA	01720
7 ELM ST UNIT 8	E2-240-708	PAIGE WILLIAM H		7 ELM ST UNIT 8	ACTON	MA	01720
9 ELM ST UNIT 1	E2-240-901	PRENDERGAST REBECCA A		52 HAYWARD RD	ACTON	MA	01720
9 ELM ST UNIT 2	E2-240-902	CUSHMAN GEORGE P JR		9 ELM ST UNIT 2	ACTON	MA	01720

Brian McMullen  
Assistant Assessor

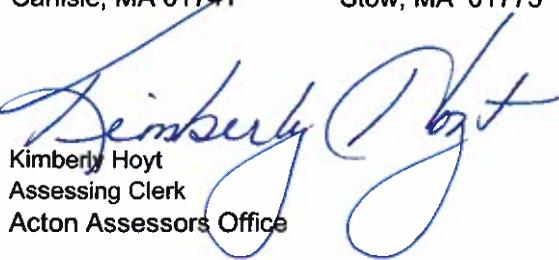
**Locus:** RAIL ROAD (BOXBOROUGH LINE TO  
**Parcel:**

Location	Parcel ID	Owner	Co-Owner	Mailing Address	City	ST	Zip
9 ELM ST UNIT 3	E2-240-903	SONG WEI	C/O DJW SONG LLC	4 LISA LN	ACTON	MA	01720
9 ELM ST UNIT 4	E2-240-904	CURRAN THOMAS J	CURRAN KATHLEEN M	9 ELM ST UNIT 4	ACTON	MA	01720
9 ELM ST UNIT 5	E2-240-905	SIEGEL HOWARD D		71 MONADNOCK DR	CHESTNUT HILL	MA	02167
9 ELM ST UNIT 6	E2-240-906	SIEGEL HOWARD D		71 MONADNOCK DR	CHESTNUT HILL	MA	02167
9 ELM ST UNIT 7	E2-240-907	VIGNA ANTHONY M	VIGNA SABRINA A	9 ELM ST UNIT 7	ACTON	MA	01720
9 ELM ST UNIT 8	E2-240-908	UTT RICHARD W	UTT MARY H	9 ELM ST UNIT 8	ACTON	MA	01720
4 HALF MOON HILL	E2-239-12	MEYERS REBECCA B		4 HALF MOON HILL	ACTON	MA	01720
11 HALF MOON HILL	E2-239-19	CAPASSO NICHOLAS J	SOUTHWICK ANDREA M	11 HALF MOON HILL	ACTON	MA	01720
14 HALF MOON HILL	E2-239-22	SAKS JANE		14 HALF MOON HILL	ACTON	MA	01720
15 HALF MOON HILL	E2-239-23	GROHER DANIEL	JICK SUSAN	15 HALF MOON HILL	ACTON	MA	01720
16 HALF MOON HILL	E2-239-24	FREEMAN WILLIAM T	OSMAN FRANCES J	16 HALF MOON HILL	ACTON	MA	01720
19 HALF MOON HILL	E2-239-27	PARKER ADAM L	KETELSEN LEE	19 HALF MOON HILL	ACTON	MA	01720
20 HALF MOON HILL	E2-239-28	ENGLANDER JOHN W	ENGLANDER NINA E	20 HALF MOON HILL	ACTON	MA	01720
21 HALF MOON HILL	E2-239-29	LEWIN-BERLIN STEPHEN T.	MARCIA LEWIN-BERLIN	21 HALF MOON HILL	ACTON	MA	01720
22 HALF MOON HILL	E2-239-30	SALEM JAMES C	SALEM SUSAN C	22 HALF MOON HILL	ACTON	MA	01720
23 HALF MOON HILL	E2-239-31	BEIN WARD E.	PRISCILLA D. BOLTE	23 HALF MOON HILL	ACTON	MA	01720
24 HALF MOON HILL	E2-239-32	BRADLEY MICHAEL J.	BRADLEY CARYN L.	24 HALF MOON HILL	ACTON	MA	01720

Abutters and owners of land directly opposite on any public or private street or way and abutters to the abutters within three hundred feet of the property line all as they appear on the most recent applicable tax list.

**HEARING NOTICES FOR ALL SPECIAL PERMITS MUST BE SENT TO THE  
PLANNING BOARD, TOWN HALL IN THE FOLLOWING TOWNS:**

Boxborough, MA 01729    Maynard, MA 01754    Concord, MA 01742    Littleton, MA 01460  
Carlisle, MA 01741    Stow, MA 01775    Westford, MA 01886    Sudbury, MA 01776

  
Kimberly Hoyt  
Assessing Clerk  
Acton Assessors Office

25-Feb-10

**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, Lars Carlson, hereby certify under the pains and penalties of perjury that on March 5, 2010 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 the Massachusetts Bay Transportation Authority with the Acton Conservation Commission for property located on The MBTA Fitchburg Commuter Rail Line right-of-way.

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.

 3/2/10  
LARS CARLSON

**Notification to Abutters Under the  
Massachusetts Wetlands Protection Act**

DESCRIPTION: The MBTA proposes to make improvements to the Fitchburg Line right-of-way in the Town of Acton. The Fitchburg Commuter Rail Line Improvement Project will modernize an existing commuter rail line to provide greatly improved service and reliability to riders and commuters. The Fitchburg Line is a 50-mile long railroad corridor extending from Fitchburg to Boston, Massachusetts. The work proposed in this Notice of Intent consists of installation of a second track, and grade crossing and signal system improvements. The Notice of Intent describes the proposed work and measures to ensure protection to the nearby wetlands. The MBTA is required to notify abutters to the proposed work. The purpose of this letter is to notify you that the Notice of Intent has been filed with the Acton Conservation Commission and that a Public Hearing will be held to review the planned work. The purpose is also to inform you where you can get further information on both the Notice of Intent and the time and place of the hearing.

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

- A. The name of the applicant is the Massachusetts Bay Transportation Authority (MBTA).
- B. The applicant has filed a Notice of Intent with the Conservation Commission for the Town of Acton seeking permission to alter an Area Subject to Protection under the Wetlands Protection Act (Massachusetts General Laws Chapter 131, Section 40).
- C. The address of the lot where the activity is proposed is the MBTA right-of-way in Acton.
- D. Copies of the Notice of Intent may be examined at the offices of the Acton Conservation Commission. For more information, Contact the Commission at (978) 264-9631.
- E. Information regarding the date, time, and place of the public hearing may be obtained from the Acton Conservation Commission at (978) 264-9631.

NOTE: Notice of the public hearing, including its date, time, and place will be published at least five (5) days in advance in the *Beacon*.

NOTE: Notice of the public hearing, including its date, time, and place will be posted in the Acton Town Hall not less than forty-eight (48) hours in advance.

NOTE: You may also contact the nearest Department of Environmental Protection Regional Office for more information about this application or the Wetlands Protection Act. To contact DEP, call the Central Regional Office at 508-792-7650.