Notice of Intent

Lot 2G
81 River Street
Acton, MA

April 2010

Assessors Reference:
Map H-3
Parcel 138
Lot 2

Prepared For:
Lothrop Mill, LLC
544 Massachusetts Avenue

Prepared By:
Goldsmith, Prest & Ringwall, Inc.
39 Main Street, Suite 301

Project No.
071033A

GPR Engineering Solutions for Land & Structures

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Attachments

Stormwater Management Report by GPR, Inc. (Dated April 2008)
Stormwater Management System Operations & Maintenance Plan by GPR Inc.
Sheet C4.1 Residential Development, Grading Drainage and Paving Plan
by GPR dated May 2008 and revised through April 1, 2010
Wetland Protection Bylaw Waiver Request by GPR, Inc. (Dated April 1, 2010)
Local Fee Checks:
Lot 2G: #1023=$387.50 #1025=$150.00
State Fee Checks:
Lot 2G: #1021 for $362.50
Letter of Transmittal

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

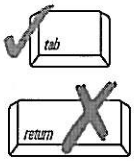
Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Acton
City/Town

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



Note: Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

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

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

2. Applicant:

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

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

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

$750.00 — a. Total Fee Paid
$362.50 — b. State Fee Paid
$387.50 — c. City/Town Fee Paid

A. General Information (continued)

6. General Project Description:

Residential redevelopment of an existing site for a single-family dwelling and associated grading.

7a. Project Type Checklist:

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

7b. Is any portion of the proposed activity eligible to be treated as a limited project subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. ☐ Yes ☒ No If yes, describe which limited project applies to this project:

2. Limited Project

8. Property recorded at the Registry of Deeds for:

a. County	b. Certificate # (if registered land)
Middlesex South District	
c. Book	d. Page Number
48,753	541

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

1. ☐ Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
2. ☒ Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. ☐ Bank	1. linear feet	2. linear feet
b. ☐ Bordering Vegetated Wetland	1. square feet	2. square feet
c. ☐ Land Under Waterbodies and Waterways	1. square feet	2. square feet
	3. cubic yards dredged	

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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. ☐ Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	4. cubic feet replaced
e. ☐ Isolated Land Subject to Flooding	1. square feet	
	2. cubic feet of flood storage lost	3. cubic feet replaced
f. ☒ Riverfront Area	Fort Pond Brook 1. Name of Waterway (if available)	

2. Width of Riverfront Area (check one):

☐ 25 ft. - Designated Densely Developed Areas only

☐ 100 ft. - New agricultural projects only

☒ 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: 12,179 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.
9,468	9,435	33

5. Has an alternatives analysis been done and is it attached to this NOI? ☒ Yes ☐ No

6. Was the lot where the activity is proposed created prior to August 1, 1996? ☒ Yes ☐ No

3. ☐ Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. ☐ Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. ☐ Land Under the Ocean	1. square feet	
	2. cubic yards dredged	
c. ☐ Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. ☐ Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. ☐ Coastal Dunes	1. square feet	2. cubic yards dune nourishment

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

		Size of Proposed Alteration	Proposed Replacement (if any)
f. ☐	Coastal Banks	1. linear feet	
g. ☐	Rocky Intertidal Shores	1. square feet	
h. ☐	Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. ☐	Land Under Salt Ponds	1. square feet 2. cubic yards dredged	
j. ☐	Land Containing Shellfish	1. square feet	
k. ☐	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. ☐	Land Subject to Coastal Storm Flowage	1. square feet	

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

5. ☐ 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/nhesp/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

2008
b. Date of map

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/nhesp/regulatory_review/mesa/mesa_fee_schedule.htm). Make check payable to "Commonwealth of Massachusetts - NHESP" 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/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/nhesp/nhesp.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.

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:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
1213 Purchase Street – 3rd Floor
New Bedford, MA 02740-6694

North Shore - Hull to New Hampshire:

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)?

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

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

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.

See Attached
a. Plan Title

b. Prepared By

c. Signed and Stamped by

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

5. ☐ If there is more than one property owner, please attach a list of these property owners not listed on this form.

6. ☐ Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7. ☐ Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8. ☒ Attach NOI Wetland Fee Transmittal Form

9. ☒ Attach Stormwater Report, if needed.

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

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:

1023	4/1/10
2. Municipal Check Number	3. Check date
1021	4/1/10
4. State Check Number	5. Check date
Lothrop Mill LLC	
6. Payor name on check: First Name	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.

AS AGENT FOR APPLICANT	4/6/10
1. Signature of Applicant	2. Date
AS AGENT FOR APPLICANT	4/6/10
3. Signature of Property Owner (if different)	4. Date
WP	4/6/10
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.

NARRATIVE

to accompany

NOTICE OF INTENT

Lot 2F and Lot 2G, 81 River Street, Acton, MA

GENERAL

The purpose of this project is to redevelop a currently degraded industrial site into a residential community while improving environmental protection through the employment of stormwater Best Management Practices (BMP's) and Low Impact Development (LID) applications. This narrative describes the scope of the project as a whole and the "Impervious Area Summary" on page 4 denotes individual lot characteristics.

The total subject site (Lots 2A through 2G) contains 126,150± SF (2.90± Ac) on the southwest of River Street, between the street and Fort Pond Brook. The site is bordered to the south by Fort Pond Brook and to the west by bordering vegetated wetlands adjacent to the brook. The site ranges in elevation from 169 feet at the northern property line to 155 feet at the bank of Fort Pond Brook. Previously located on the site was a 12,000± SF abandoned mill building with portions located at the bank of Fort Pond Brook, with a concrete post supporting a section of the structure located in the brook. There are also a series of retaining walls at the bank of the brook in this area. The surrounding site has been cleaned of various debris and material stockpiles since the original Notice of Intent filing in 2008. There are densely compacted gravel parking areas that have been traversed for many years. Small areas within the gravel parking have grown in with invasive underbrush, but the underlying material is basically impervious. Soils with the subject site are predominantly classified as Scituate Fine Sandy Loam (317B) of hydraulic soil group "C" with lesser amounts of Charlton Hollis Outcrop (103D) adjacent to the river.

Work under this notice consists of removing all debris, material stockpiles, and parking areas and restoring the surrounding degraded riverfront area. Development will include the construction of single family dwellings, driveways, and associated grading. Other construction includes utilities work, sidewalks, landscaping, and stormwater Best Management Practices. Stormwater Best Management Practices for the entire project development consist of a combination of Low Impact Development applications including, reduced impervious areas (shared driveways), grassed drainage channels, vegetated filter strips and bioretention cells. All proposed disturbance will occur within the existing degraded riverfront area / wetland buffer zone. The stability of retaining walls located at the bank of Fort Pond Brook are currently being addressed.

JURISDICTION

The primary resource area is Fort Pond Brook, which is a perennial stream that flows west to east through the southern and eastern portions of the site. Attendant to this resource are Bordering Vegetated Wetland (BVW), Floodplain, and Riverfront Area, all of which project onto the site.

Bordering Land Subject to Flooding (310 CMR 10.57)

The 100-year floodplain on site is defined by FEMA via study FIRM maps and flood profiles and coordinated with on the ground survey. The 100-year flood elevation associated with Fort Pond Brook drops from an elevation of 161.0 feet at the northwest end of the site, to an elevation of 156.1 feet where the brook crosses under River Street. These grades were interpolated from cross-sections available from F.I.S. data.

The area upgradient of the existing retaining wall is located outside the 100-year floodplain, as the floodplain is controlled at points by this wall leading to the crossing under River Street. Proposed construction near the floodplain will consist of the construction of a single family dwelling and assessment of the existing retaining wall which will continue to control the floodplain. Minor disturbance within the floodplain is proposed for the stormwater management system. Approximately 133 cubic feet of floodplain will be filled at an elevation of 158.0 and 1,348± cubic feet of compensatory storage have been provided at the same elevation on previously approved Orders of Conditions for Lots 2A through 2E.

Riverfront Area Redevelopment (310 CMR 10.58 (5))

The total site area is 126,150± SF (Lots 2A through 2G), all of which is located within the 200' Riverfront Area. Of the riverfront area, 68,000± SF is 'degraded riverfront'. Table 1 provides a summary of existing and proposed impervious areas for each lot within the proposed redevelopment. The 'degraded riverfront' consists of a recently demolished mill building and associated gravel parking/access as well as debris and material stockpiles and very little vegetation.

The total site proposed redevelopment consists of 23,270± SF of impervious area that includes dwellings and access driveways, all within the degraded riverfront. The net reduction in impervious area of 44,730± SF within the degraded riverfront will be improved by removing all debris, retaining mature vegetation, site grading that reduces runoff and increases infiltration, and removing densely packed soil and replacing it with topsoil, grass yards and landscape areas. Stormwater Best Management Practices are provided according to the standards established by the Massachusetts Department of Environmental Protection using grassed drainage channels, stone, diaphragm, vegetated filter strips and bioretention cells. The bioretention cells will be planted with a native New England Meadow Mix along with supplemental native plantings as specified by Oxbow Associates with the goal of establishing a native riverfront wildlife community. Other than the bioretention cell outlets, proposed work does not exceed the amount of degraded riverfront area on the site and is located no closer to the river than under existing conditions. Existing vegetation outside of the degraded riverfront area will be preserved.

Table 1

Impervious Area Summary (SF)

	Lot 2A	Lot 2B	Lot 2C	Lot 2D	Lot 2E	Lot 2F	Lot 2G	Total
Proposed Lot Area	42,889	12,262	12,302	14,070	14,691	14,700	15,235	126,149
Impervious Area								
Existing Buildings								12,000
Existing Other Impervious [1]								56,000
Total Existing Impervious Area								**68,000**
Proposed Building	2,454	2,219	2,316	2,347	2,221	2,332	2,199	16,088
Proposed Other Impervious [1]	1,100	1,057	1,041	1,080	703	1,550	651	7,182
Total Proposed Impervious Area								**23,270**
Net Impervious Area Reduction								**44,730**

Notes:
[1] Existing and proposed other impervious areas include all impervious areas on-site other than buildings.

Abbreviations:
SF=square feet

Proposed alteration and replacement of riverfront areas within the 100-foot inner riparian zone and the 100-foot to 200-foot outer riparian zone for each lot are summarized in Table 2.

Table 2

Riverfront Area Summary (SF)

	Lot 2A	Lot 2B	Lot 2C	Lot 2D	Lot 2E	Lot 2F	Lot 2G
Proposed Alteration [1]							
Area Within 100 ft	1,659	2,481	2,485	2,547	2,076	3,303	4,075
Area Within 100-200 ft	3,144	3,339	2,986	3,250	3,368	3,251	32
Total Area	**4,803**	**5,820**	**5,471**	**5,797**	**5,444**	**6,554**	**4,107**
Proposed Replacement							
Area within 100 ft	5,483	3,120	3,336	3,763	3,819	3,149	5,863
Area within 100-200 ft	1,465	0	0	0	0	0	0
Total Area	**6,948**	**3,120**	**3,336**	**3,763**	**3,819**	**3,149**	**5,863**

Notes:
[1] All of proposed alteration occurs within already degraded riverfront area.

Abbreviations:
SF=square feet

RIVERFRONT AREA ALTERNATIVES ANALYSIS

Pre-conditions: See above.

Project Purpose: Redevelop degraded industrial property and install stormwater BMP where none currently exist.

Alternatives:

There are no practicable and substantially equivalent alternatives as defined in 310 CMR 10.58(4)(c)1 within the scope of alternatives as set forth in 310 CMR 10.58(4)(c)2 with less adverse effects on the interests identified in M.G.L. c. 131 subsection 40. Since the area is currently degraded, work within this area is vital to the improvement of environmental protection.

In order to improve water quality in the brook and adjacent wetlands, stormwater BMP's must be installed. This work, together with the required environmental studies / remediation, demolition / construction of the single family dwelling, and site improvements must be funded by a viable building formula.

The proponent has determined that the proposed development is the minimum that will make this project successful from a financial standpoint, given the costs associated with the remediation / improvements described above.

STORMWATER MANAGEMENT

Post-development runoff rates and volumes have been reduced for the 2, 10 and 100 year storms, as shown in the Stormwater Management Calculations. The majority of stormwater will continue to discharge into Fort Pond Brook; however, a series of BMP's will be utilized to improve the water quality of the runoff.

Runoff from impervious surfaces contribute to the primary treatment process which is comprised of sloped pavement areas and grassed drainage channels that direct runoff overland to stone diaphragms and vegetated filter strips. The vegetated filter strips allow infiltration and treat the runoff while directing stormwater to bioretention cells. Bioretention cells further treat and exfiltrate runoff prior to discharging treated stormwater to Fort Pond Brook. The proposed stormwater design addresses Total Suspended Solids (TSS) removal, groundwater recharge, and prevents appreciable sediment transport by trapping sediment on site. The design will also provide adequate drainage for new surfaces while providing a cost-effective engineering solution that addresses regulatory as well as real-world constraints.

CONCLUSION

The project, when completed in conjunction with the proper use of erosion and sediment controls, and construction sequences as outlined on the attached documents, will be a substantial improvement in terms of environmental protection over what currently exists (310 CMR 10.58 (5) (a)).

Lot 2G, 81 River Street, Acton, MA

CONSTRUCTION SEQUENCE

In an effort to protect environmentally sensitive areas on site, the following procedure will serve as a guide to the Contractor in completing site work:

Before any grading activities begin:

1. Walk site and identify locations of limit of work and environmentally sensitive areas. Established a construction staging area located beyond environmentally sensitive areas.
2. Define limits of clearing associated with construction.
3. Install control measures as shown on the approved plan including, but not limited to, the construction entrance, and silt fence barrier as the limit of work.

Site Grading and Demolition:

1. Begin clearing and grubbing operations.
2. Begin site grading and topsoil stripping.
3. Establish topsoil stockpiles.
4. Install hay bales around stockpiles and temporarily stabilize the stockpiles with erosion controls.
5. Disturbed areas where construction will cease for more than 14 days will be stabilized with erosion controls.

Infrastructure (driveway/parking prep, utilities, etc.):

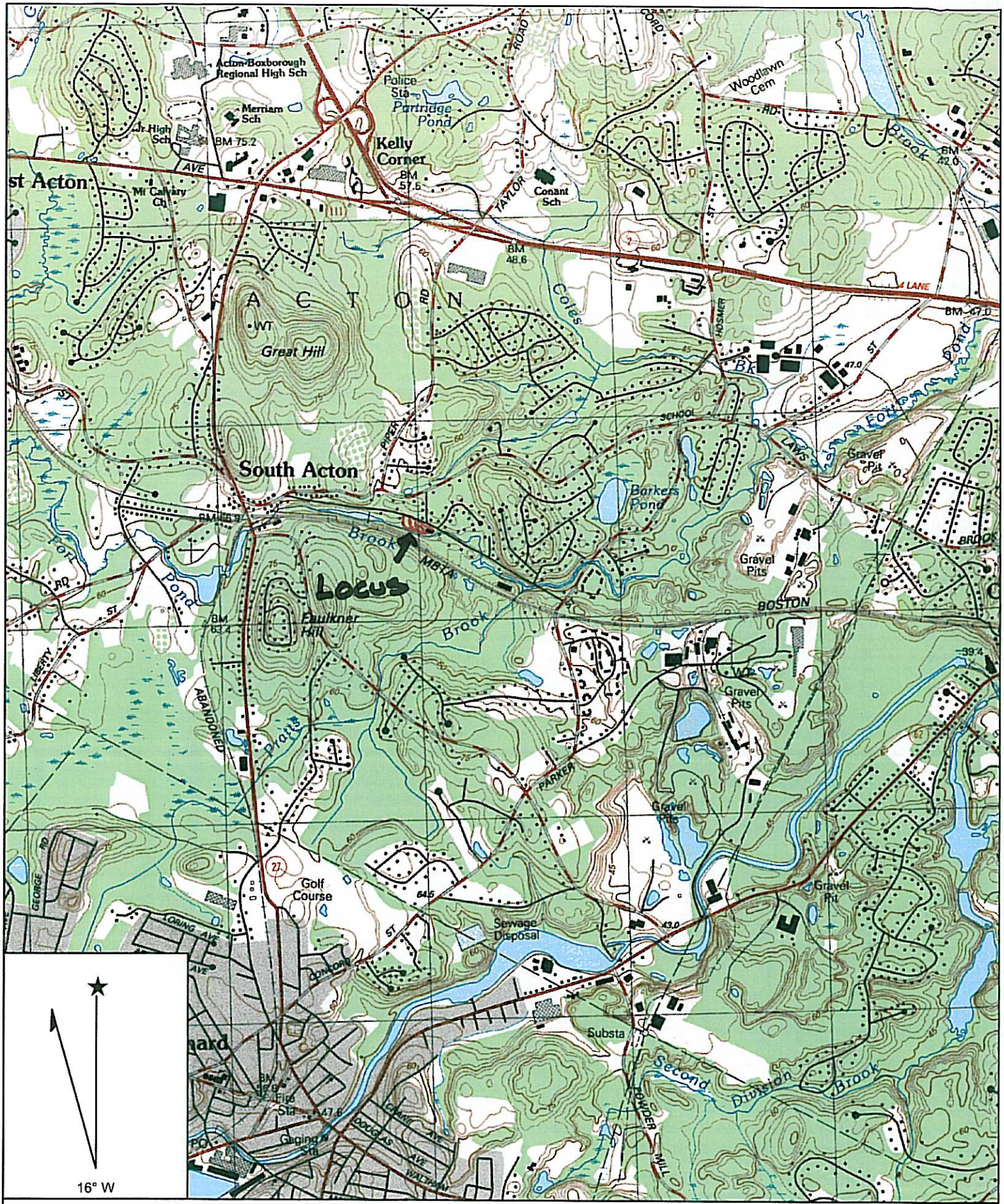
1. Construct combined staging and materials storage area.
2. Construct both bioretention areas.
3. Begin installation of stormwater collection system (catch basins, manholes, swales, etc.).
4. Begin installation of underground utilities (electric, gas and communications).

Dwelling construction:

1. Construct temporary concrete washout areas.
2. Install dwelling foundations.
3. Complete service connections to utilities within the road layout.
4. Prepared driveway pavement subgrade and base materials.
5. Install bituminous concrete driveway
6. Disturbed area where construction will cease for more than 14 days will be stabilized with erosion controls.

Final stabilization:

1. Complete final grading.
2. Remove any BMP's from catch basin inlets and finalize pavement activities.
3. Remove temporary concrete washout areas and restore areas to finish grade.
4. Remove all temporary control BMP's and stabilize any area disturbed by the removal of erosion controls.
5. Prepare site for final seeding and landscaping.
6. Monitor stabilized areas until final stabilization is achieved.
7. Install finish course of bituminous concrete pavement.



Name: MAYNARD
Date: 4/1/2010
Scale: 1 inch equals 2000 feet

Location: 042° 27' 21.4" N 071° 26' 22.0" W
Caption: Lot 2, 81 River Street
Acton, MA

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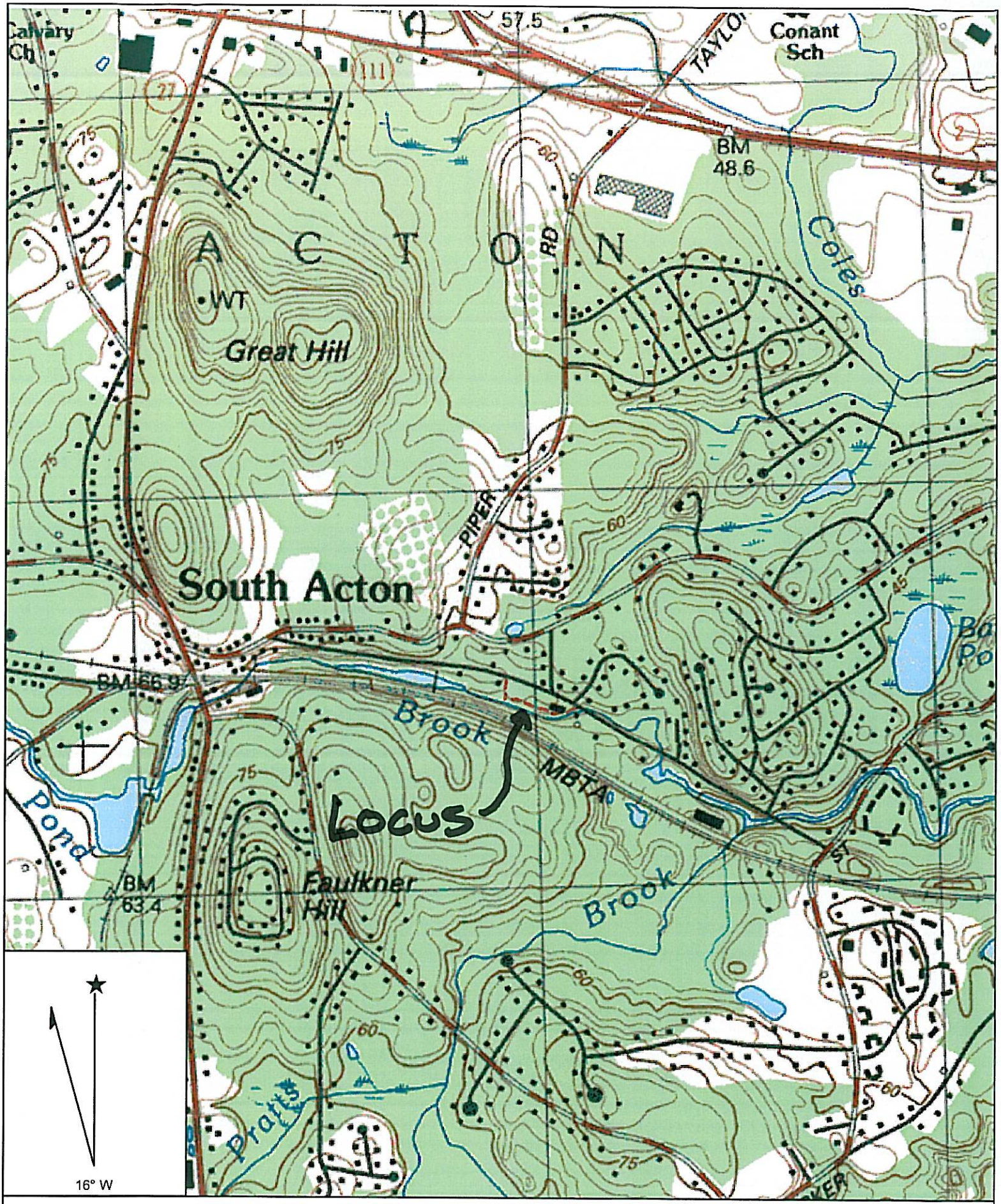

Name: MAYNARD
Date: 4/1/2010
Scale: 1 inch equals 1000 feet

Location: 042° 27' 41.7" N 071° 26' 44.3" W
Caption: Lot 2, 81 River Street
Acton, MA

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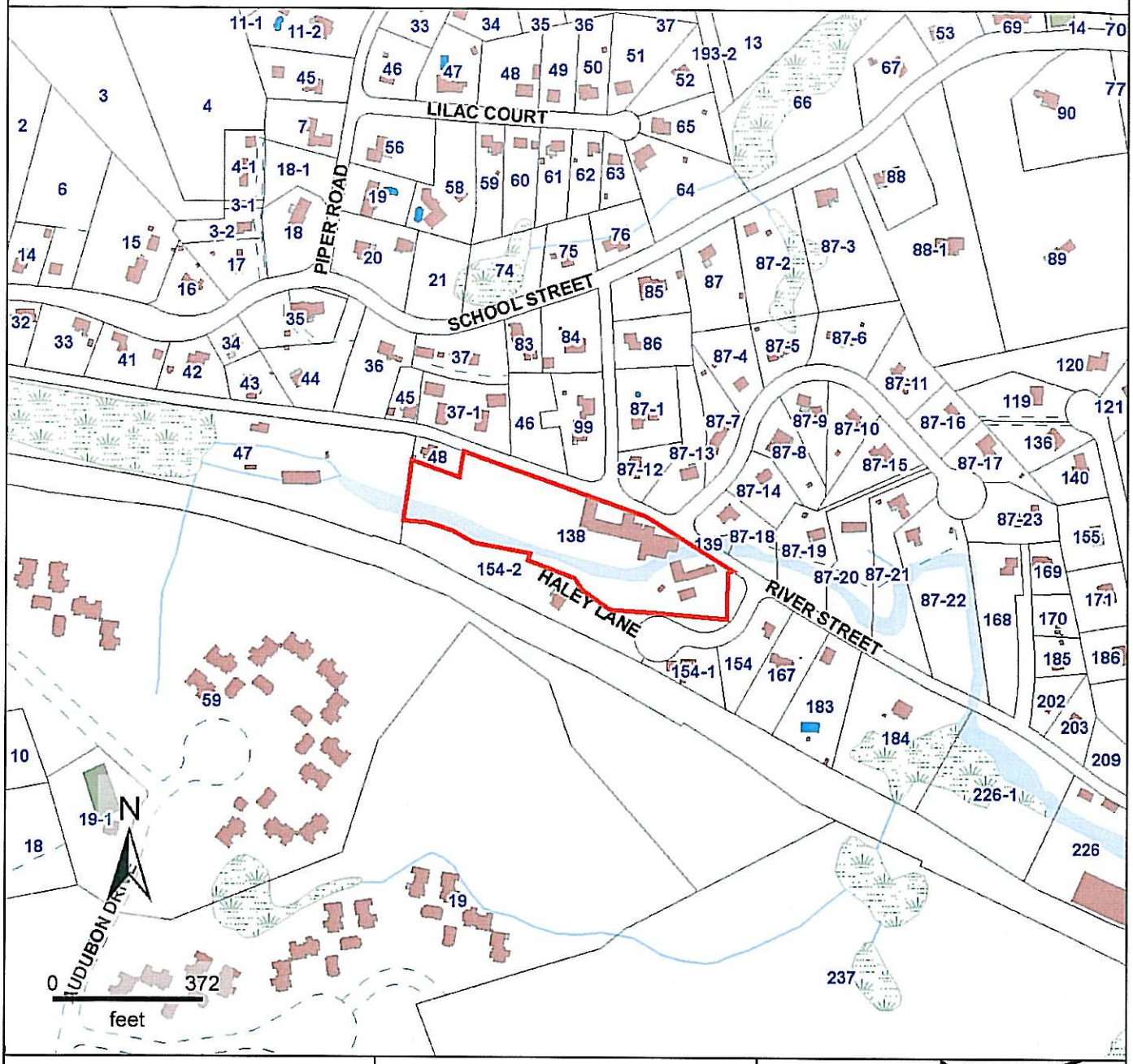
Appendix

81 River Street



Property Information

Property ID H3-138
Location 83-87 RIVER ST

INCORPORATED - 1735 ACTON

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

This data set/map is for planning purposes only and should not be used for larger scale analysis. The Town of Acton shall not be held liable for any use of the data or images shown on this map, nor is any warranty of accuracy expressed. All uses of this data set/map are subject to field verification.

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, **Brian Thorne,** hereby certify under the pains and penalties of perjury that on **April 6, 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 conjunction with the following matter:

A **Notice of Intent** filed under the Massachusetts Wetlands Protection Act by **Lothrop Mill, LLC** with the **Acton** Conservation Commission on **April 6, 2010** for property located at **81 River Street, aka Assessor's Map H-3, Parcel 138**.

The form of notification and a list of the abutters / addresses to whom / to which notification has been given, are attached to this Affidavit of Service.

Brian Thorne (for Goldsmith, Prest & Ringwall, Inc.) Date

NOTIFICATION TO ABUTTERS UNDER THE
MASSACHUSETTS WETLANDS PROTECTION ACT

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 **LOTHROP MILL, LLC.**

B. The applicant has filed a Notice of Intent with the Conservation Commission for the municipality of **ACTON**, seeking permission to remove, fill, dredge or alter an Area Subject to Protection Under the Wetlands Protection Act (General Laws Chapter 131, Section 40).

C. The address of the lot where the activity is proposed is **81 RIVER STREET, ACTON, MA**

D. Copies of the Notice of Intent may be examined at Goldsmith, Prest & Ringwall, Inc.'s office between the hours of 8 AM and 5 PM on the following days of the week: Monday through Friday. For more information, call: (978) 772-1590.

Check one: This is the: applicant, X representative, or other (specify):

E. Copies of the Notice of Intent may be obtained from either (check one): the applicant, or X the applicant's representative by calling this telephone number (978) 772-1590 between the hours of 9 AM and 5 PM on the following days of the week: Monday through Friday.

F. Information regarding the date, time, and place of the public hearing may be obtained from the Commission's office or by calling this number (978) 264-9631 between the hours of 8 AM and 4 PM on the following days of the week: Monday through Friday.
Check one: This is the applicant, representative, or other (specify):
ACTON CONSERVATION COMMISSION

NOTE: Notice of the public hearing, including its date, time, and place will be published at least five (5) days in advance in the: **THE BEACON / METRO WEST**
(Name of Newspaper)

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

NOTE: You may also contact your local Conservation Commission or the nearest Department of Environmental Protection Regional Office for more information about this application or the Wetlands Protection Act. To contact DEP, call:

Central Region:	(508) 792-7650
Northeast Region:	(978) 661-7600
Southeast Region:	(508) 946-2800
Western Region:	(413) 784-1100

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

Brian McMullen
Assistant Assessor

Locus: 81 RIVER ST
Parcel ID: H3-138

Location	Parcel ID	Owner	Co-Owner	Mailing Address	City	ST	Zip
4 VANDERBELT RD	H3-87-7	LUCYK MARTIN W	BOWKER MALAINA L	4 VANDERBELT RD	ACTON	MA	01720
18 CHADWICK ST	H3-87-12	LEE HEA MI	ROBERTS BRUCE PATRICK	18 CHADWICK ST	ACTON	MA	01720
2 VANDERBELT RD	H3-87-13	FOOTE THOMAS	FOOTE DEBRA LEE	2 VANDERBELT RD	ACTON	MA	01720
5 VANDERBELT RD	H3-87-14	PALANO GERALD M	PALANO CHERYL M	5 VANDERBELT RD	ACTON	MA	01720
1 VANDERBELT RD	H3-87-18	GRADY THOMAS J	GRADY JACQUELINE	1 VANDERBELT RD	ACTON	MA	01720
6 HALEY LN	H3-154-2	ROGERS CHARLES D	ROGERS PAMELA S	6 HALEY LANE	ACTON	MA	01720
79 RIVER ST	H3.A-61	LOTHROP MILL LLC		544 MASS AVENUE	ACTON	MA	01720
77 RIVER ST	H3.A-62	LOTHROP MILL LLC		544 MASS AVENUE	ACTON	MA	01720
MBTA	C/O TRANSIT REALTY ASSOCIATES, LLC		ATTN: VANESSA MERRIT	77 FRANKLIN ST 9TH FLOOR	BOSTON	MA	02110

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

22-Mar-10

April 1, 2010

Subject: **81 River Street, Lots 2F and Lot 2G**
Acton, MA
Tax Map H-3, Parcel 138 Lot 2

To Whom It May Concern:

I hereby authorize Goldsmith, Prest & Ringwall, Inc., 39 Main Street, Suite 301, Ayer, MA, 978.772.1590, to act as my agent in administrative and civil engineering matters pertaining to the proposed residential development and the attendant permitting at the subject site. This authorization covers the execution of application forms, presentation of plans and designs, and communication with involved parties.

Respectfully,

Joseph Levine
Lothrop Mill LLC
544 Massachusetts Avenue
Acton, MA

Copy: Goldsmith, Prest & Ringwall, Inc.
file

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:

a. First Name	b. Last Name

Lothrop Mill, LLC
c. Organization

544 Massachusetts Avenue
d. Mailing Address

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

h. Phone Number	i. Fax Number	j. Email Address
(508) 331-4979	(978) 264-4868	

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
Lot 2G, 81 River Street	Acton

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

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.

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
Single-Family Dwelling	1	$500.00	$500.00 x 1.5

Step 5/Total Project Fee:

Step 6/Fee Payments:

Total Project Fee:	$750.00 a. Total Fee from Step 5
State share of filing Fee:	$362.50 b. 1/2 Total Fee **less** $12.50
City/Town share of filling Fee:	$387.50 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.)