

Stamski and McNary, Inc.
Engineering - Planning - Surveying
1000 Main Street Acton, MA 01720 (978) 263-8585

Notice of Intent

Under the Massachusetts Wetland Protection Act,
G.L. c. 131, s. 40

and

Town of Acton Wetlands Protection Bylaw

for

**18 Windemere Drive
Acton, MA 01720**

Applicant: Distinctive Acton Homes, Inc.
P.O. Box 985
West Acton, MA 01720

Owner: Liberty Square Realty Trust U-D-T
P.O. Box 1269
Onset, MA 02558

Date: November 18, 2010

SM-4045

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- C. Massachusetts Natural Heritage Atlas 13th Edition, Effective: October 1, 2008
- D. FEMA Flood Insurance Map
- E. Sewage Disposal Plan by Stamski and McNary, Inc. dated: November 18, 2010

Notice of Intent - WPA Form 3



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):

<u>18 Windemere</u>	<u>Acton</u>	<u>01720</u>
a. Street Address	b. City/Town	c. Zip Code
<u>Latitude and Longitude:</u>	<u>42°27'39" N</u>	<u>71°29'27" W</u>
	d. Latitude	e. Longitude
<u>Map G1</u>	<u>Parcels 280 & 295</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Distinctive Acton Homes, Inc.</u>	<u></u>
a. First Name	b. Last Name
<u>P.O. Box 985</u>	
c. Organization	
<u>West Acton</u>	<u>MA</u>
d. Street Address	f. State
<u>978-266-9751</u>	<u>01720</u>
e. City/Town	g. Zip Code
<u></u>	<u></u>
h. Phone Number	i. Fax Number
<u></u>	<u></u>
	j. Email Address

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

<u>Liberty Square Realty Trust U-D-T</u>	<u></u>
a. First Name	b. Last Name
<u>P.O. Box 1269</u>	
c. Organization	
<u>Onset</u>	<u>MA</u>
d. Street Address	f. State
<u></u>	<u>02558</u>
e. City/Town	g. Zip Code
<u></u>	<u></u>
h. Phone Number	i. Fax Number
<u></u>	<u></u>
	j. Email address

4. Representative (if any):

<u>Richard</u>	<u>Harrington</u>
a. First Name	b. Last Name
<u>Stamski and McNary, Inc.</u>	
c. Company	
<u>1000 Main Street</u>	
d. Street Address	
<u>Acton</u>	<u>MA</u>
e. City/Town	f. State
<u>978-263-8585</u>	<u>01720</u>
h. Phone Number	g. Zip Code
<u>978-263-9883</u>	<u>rjh@stamskiandmcnary.com</u>
i. Fax Number	j. Email address

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

<u>\$110.00 (+\$22.00 Bylaw)</u>	<u>\$42.50</u>	<u>\$67.50 (+\$22.00 Bylaw)</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

The proposed project is to construct a driveway with associated grading in the Buffer Zone of a BVW to serve a single family dwelling

7a. Project Type Checklist:

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

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

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

2. Limited Project

8. Property recorded at the Registry of Deeds for:

Middlesex South

a. County

20000

c. Book

b. Certificate # (if registered land)

554

d. Page Number

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

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

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

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

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



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

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet _____ 3. cubic feet of flood storage lost _____	2. square feet _____ 4. cubic feet replaced _____
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet _____ 2. cubic feet of flood storage lost _____	3. cubic feet replaced _____
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) _____	

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: _____ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet _____	b. square feet within 100 ft. _____	c. square feet between 100 ft. and 200 ft. _____
----------------------------	-------------------------------------	--

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

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

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

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

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

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



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

	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	_____	
	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	_____	
	1. square feet	
h. <input type="checkbox"/> Salt Marshes	_____	_____
	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	_____	
	1. square feet	

	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	_____	
	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	

	1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	
	1. square feet	
4. <input type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.	
	_____	_____
	a. square feet of BWV	b. square feet of Salt Marsh
5. <input type="checkbox"/> Project Involves Stream Crossings		
	_____	_____
	a. number of new stream crossings	b. number of replacement stream crossings

C. Other Applicable Standards and Requirements

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://www.mass.gov/dfwele/dfw/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

October 1, 2008
b. Date of map



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

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.C, and include requested materials with this Notice of Intent (NOI); OR complete Section C.1.d, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

1. c. Submit Supplemental Information for Endangered Species Review*

1. Percentage/acreage of property to be altered:

(a) within wetland Resource Area

percentage/acreage

(b) outside Resource Area

percentage/acreage

2. Assessor's Map or right-of-way plan of site

3. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work ****

(a) Project description (including description of impacts outside of wetland resource area & buffer zone)

(b) Photographs representative of the site

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

http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/ mesa/ mesa_fee_schedule.htm).

Make check payable to "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/nhosp/regulatory_review/ mesa/ mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. Separate MESA review ongoing.

a. NHESP Tracking #

b. Date submitted to NHESP

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/dfwele/dfw/nhosp/nhosp.htm>, regulatory review tab). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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

3. Separate MESA review completed.
 Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.
2. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?
- a. Not applicable – project is in inland resource area only
- b. Yes No If yes, include proof of mailing or hand delivery of NOI to either:
- | | |
|---|--|
| South Shore - Cohasset to Rhode Island, and the Cape & Islands: | North Shore - Hull to New Hampshire: |
| Division of Marine Fisheries - Southeast Marine Fisheries Station
Attn: Environmental Reviewer
1213 Purchase Street – 3rd Floor
New Bedford, MA 02740-6694 | Division of Marine Fisheries - North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930 |

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

3. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
- a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC
-
4. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
- a. Yes No
5. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
- a. Yes No
6. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
- a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 2. A portion of the site constitutes redevelopment
 3. Proprietary BMPs are included in the Stormwater Management System.
- b. No. Check why the project is exempt:
1. Single-family house

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



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

- 2. Emergency road repair
- 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

- 1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
- 2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.
- 3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.
- 4. List the titles and dates for all plans and other materials submitted with this NOI.

Sewage Disposal Plan

a. Plan Title

Stamski and McNary, Inc.

b. Prepared By

November 18, 2010

d. Final Revision Date

Joseph March, P.E., P.L.S.

c. Signed and Stamped by

1"=20'

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.



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MassDEP File Number

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City/Town

E. Fees

- 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	1049 (1050 BYLAW)	3. Check date	11/12/2010
4. State Check Number	1048	5. Check date	11/12/2010
6. Payor name on check: First Name	CHRISTINE	7. Payor name on check: Last Name	SWEENEY

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

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

1. Signature of Applicant		2. Date	11/12/10
3. Signature of Property Owner (if different)	Christine M. Sweeney, Trustee	4. Date	11/12/10
5. Signature of Representative (if any)	Barbara A. Sweeney Trustee	6. Date	11/12/10
	Brian P. Sweeney TRUSTEE		11/17/10

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.

NOI Wetland Fee Transmittal Form



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:
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A. Applicant Information

1. Applicant:

a. First Name		b. Last Name	
Distinctive Acton Homes			
c. Organization			
P.O. Box 985			
d. Mailing Address			
West Acton		MA	01720
e. City/Town		f. State	g. Zip Code
978-266-9751			
h. Phone Number	i. Fax Number	j. Email Address	

2. Property Owner (if different):

a. First Name		b. Last Name	
Liberty Square Realty Trust U-D-T			
c. Organization			
P.O. Box 1269			
d. Mailing Address			
Onset		MA	02558
e. City/Town		f. State	g. Zip Code
h. Phone Number	i. Fax Number	j. Email Address	

3. Project Location:

18 Windemere Drive		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.

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

Certified Abutters List / Affidavit / Notice to Abutters



Town of Acton
 472 Main Street
 Acton, MA 01720
 Telephone (978) 929-6621
 Fax (978) 264-9630

Brian McMullen
 Assistant Assessor

Locus: 16 and 18 Windemere Drive, 18 and 20 Woodchester Drive Behind and 185 Willow Street
 Parcel ID: G1-295, G1-280, G1-251, G1-280-4, G1-280-5, and G1-280-3

Location	Parcel ID	Owner	Co-Owner	Mailing Address	City	ST	Zip
9 TICONDEROGA RD REAR	G1-102	ACTON WATER DISTRICT		P.O. BOX 953	ACTON	MA	01720
20 WOODCHESTER DR	G1-248	MOSHKOVICH ALEXANDER	MOSHKOVICH VERA	20 WOODCHESTER DRIVE	ACTON	MA	01720
16 WOODCHESTER DR	G1-265	IANELLI JUDITH J		16 WOODCHESTER DRI	ACTON	MA	01720
14 WOODCHESTER DR	G1-266	GRIFFITH JOE H		14 WOODCHESTER DRI	ACTON	MA	01720
12 WOODCHESTER DR	G1-267	GROGAN THOMAS H	GROGAN DIANE K	12 WOODCHESTER DR	ACTON	MA	01720
10 WOODCHESTER DR	G1-268	PASQUAROSA EDWARD J	PATRICIA A	10 WOODCHESTER DR	ACTON	MA	01720
8 WOODCHESTER DR	G1-269	DOHERTY DENNIS R	DOHERTY MARY	8 WOODCHESTER	ACTON	MA	01720
21 WINDEMERE DR	G1-270	FLAJUM MARC D	FLAJUM PATRICIA M	21 WINDEMERE DR	ACTON	MA	01720
185 WILLOW ST	G1-280-2	STOW TOWN OF	TOWN HALL - 380 GREAT RD	PO BOX 261	STOW	MA	01775
20 WINDEMERE DR	G1-281	DIORENZO CAROLYN		20 WINDEMERE DRIVE	ACTON	MA	01720
19 WINDEMERE DR	G1-282	APPLETON SAMUEL		19 WINDEMERE DRIVE	ACTON	MA	01720
15 WINDEMERE DR	G1-290	BRADY DONALD G	N JOAN	15 WINDEMERE DRIVE	ACTON	MA	01720
9 WINDEMERE DR	G1-291	SCHUBERT DAVID H	BRADY CAROL L	9 WINDEMERE DRIVE	ACTON	MA	01720
14 WINDEMERE DR	G1-299	DEFURIA RICHARD M	SCHUBERT CATHRYN W	14 WINDEMERE DRIVE	ACTON	MA	01720
12 WINDEMERE DR	G1-300	SPAULDING TIMOTHY S	DEFURIA CATHRYN L	12 WINDEMERE DR	ACTON	MA	01720
35 DUGGAN RD	G1-304	RICHARD KATHLEEN W	SPAULDING TARA V	35 DUGGAN RD	ACTON	MA	01720
36 DUGGAN RD	G1-306	ROMANO RONALD P		37 DUGGAN ROAD	ACTON	MA	01720
37 DUGGAN RD	G1-307	EVIN NEJDET I	DIANNE M	36 DUGGAN ROAD	ACTON	MA	01720
179 WILLOW ST	G1-310-3	CARTWRIGHT PAUL J	CARTWRIGHT JANICE	179 WILLOW STREET	ACTON	MA	01720
186 WILLOW ST REAR	G1-314	QUIRK TERI A		337 WEST ACTON RD	STOW	MA	01775
186 WILLOW ST REAR	G1-315	STURGIS ELLEN S	KOPCZYNSKI MICHAEL G	12 CANTERBURY ROAD	STOW	MA	01775
172 WILLOW ST	G1-318	DITTMER DONALD E	DITTMER JANET	172 WILLOW ST	ACTON	MA	01720
172 WILLOW ST BESIDE	G1-318-2	STURGIS ELLEN S	KOPCZYNSKI MICHAEL G	12 CANTERBURY RD	STOW	MA	01775

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

Daryl Powell
 Daryl Powell

Property Lister, Acton Assessors Office
 10/16/2010

10/7/2010

ABUTTERS LIST
WEST ACTON ROAD
MAP R-20 PARCELS 17, 19, 20, 21, 22

MAP/PARCEL	PROPERTY LOCATION	OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY	STATE	ZIP CODE	DEED BOOK	DEED PAGE
00R-20-00000A	226 WEST ACTON RD	TOWN OF STOW	CONSERVATION COMMISSION	380 GREAT ROAD	STOW	MA	04775	20703	376
00R-20-000011	274 WEST ACTON RD	JAYNE B MERRICK REVOCABLE TRUST	JAYNE B MERRICK TRS	274 WEST ACTON ROAD	STOW	MA	01775	47708	69
00R-20-000012	280 WEST ACTON RD	KING SHAWN J	WALTER M MORGAN	200 WEST ACTON RD	STOW	MA	04775	47202	75
00R-20-000013	292 WEST ACTON RD	DECKER BARRY K		300 WEST ACTON RD	STOW	MA	04775	51902	184
00R-20-000014	WEST ACTON RD	SWEENEY CHARITABLE REMAINT	SWEENEY CHRISTINE M	PO BOX 1269	ONSET	MA	02558	96804	420
00R-20-000015	304 WEST ACTON RD	KERN CHARLES		304 WEST ACTON RD	STOW	MA	04775	15695	508
00R-20-000016	310 WEST ACTON RD	FRENCH JON C	ELIZABETH A FRENCH	849 WEST ACTON RD	STOW	MA	04775	11756	412
00R-20-000017	WEST ACTON RD	SWEENEY CHARITABLE TRUST	SWEENEY CHRISTINE M	PO BOX 1269	ONSET	MA	02558	24222	87
00B-20-000048	324 WEST ACTON RD	TOSHIZAKI TAZUO	TOSHIZAKI TOKIE	324 WEST ACTON ROAD	STOW	MA	04775	42846	275
00R-20-000019	WEST ACTON RD	COLONIAL REALTY TRUST	SWEENEY PAUL TR	P O BOX 1269	ONSET	MA	02558-1269	11743	440
00R-20-000020	WEST ACTON RD	COLONIAL REALTY TRUST	SWEENEY PAUL TR	P O BOX 1269	ONSET	MA	02558-1269	14740	700
00R-20-000021	WEST ACTON RD	COLONIAL REALTY TRUST	SWEENEY PAUL TR	P O BOX 1269	ONSET	MA	02558-1269	20840	205
00R-20-000022	WEST ACTON RD	COLONIAL REALTY TRUST	SWEENEY PAUL TR	P O BOX 1269	ONSET	MA	02558-1269	14740	140
00R-20-000023	337 WEST ACTON RD	QUIRK TERLA	SWEENEY PAUL TR	337 WEST ACTON ROAD	STOW	MA	04775	39835	189
00R-20-000024	12 CANTERBURY RD	STURGIS ELLEN S	MICHAEL G KOPCZYNSKI	12 CANTERBURY RD	STOW	MA	01775	20721	144
00R-20-000025	7 CANTERBURY RD	THOMAS LADRENSON MARIE L WING RR	DONAHUE THOMAS G	7 CANTERBURY RD	STOW	MA	01775	51238	574
00R-20-000026	2 CANTERBURY RD	DUPREY JONATHAN A	DUPREY JANE KITA	3 CANTERBURY RD	STOW	MA	01775	45385	371
00R-20-000030	315 WEST ACTON RD	FLANN ROBERT P	BENHOE G FLYNN	315 WEST ACTON RD	STOW	MA	04775	16848	140
00R-20-000032	303 WEST ACTON RD	RAWSLAND SHARLET		303 WEST ACTON RD	STOW	MA	01775	52014	534
00R-20-000034	OFF WEST ACTON RD	MOORSE DAVID D	NICHOLS BR LANCE S	177 LIBERTY SQUARE	REDBOROUGH MA	MA	01740	48827	104

David J. Fied, MA

Date Certified or Re-Certified: 10/7/10

AFFIDAVIT OF SERVICES
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, Evan Stidham, hereby certify under the pains and penalties of perjury that on 11/29/2010 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 Distinctive Acton
Homes, Inc. with the Acton Conservation
Commission for property located at 18 Windemere,
Map G1, Parcels 280 & 295.

The form of the notification, and a list of the abutters to whom it was given and their addresses, are attached to this Affidavit of Service.

Name:



Date: 11/29/2010

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

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

The name of the applicant is Distinctive Acton Homes, Inc.

Address: P.O. Box 985, West Acton, MA, 01720; Phone: (978) 266-9751

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

Applicant's Representative: Stamski and McNary, Inc.

Address: 1000 Main Street; Acton, MA 01720 Phone: (978) 263-8585

The address of the property where the activity is proposed: 18 Windemere Drive.
Town Atlas Map/Parcel: Map G1, Parcels 280 & 295.

Project Description: The project is to construct a single family dwelling with driveway and grading within the Buffer Zone of a Bordering Vegetated Wetland.

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

A Public Hearing will be held at the Acton Town Hall, 472 Main Street, on Wednesday, December 15th at 7:15 P.M.

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

NOTE: You may also contact your local Conservation Commission for the information about this application or, the Town of Acton Wetlands Protection Bylaw.

Attachment A
Project Narrative

Existing Conditions

The site of the project is a 6.11 ac parcel on the Stow-Acton border. The site features frontage along Windemere Drive in Acton. Resource areas onsite include Bordering Vegetated Wetlands that have been confirmed through ORAD #299-0477 in Stow and ORAD #085-0938 in Acton. Within the BVW, there is also a Potential Vernal Pool that has been delineated by B & C Associates (see Vernal Pool Study).

Project Description

The purpose of this project is to construct a single family dwelling. The proposed dwelling will require construction of a portion of its driveway with associated grading with the Buffer Zone of the BVW in Acton only. There is to be no work within any Resource Area or Buffer Zone within the Town of Stow. The dwelling will be approximately 100' from the BVW while the driveway will keep approximately 76' from the BVW. Grading disturbances will remain 52' from the BVW. No work is proposed within 100' of the Potential Vernal Pool. The site will be serviced by town water. The complete septic system, including septic tank, distribution box, soil absorption system, and breakout, will be upland outside of the Buffer Zone. Haybale siltation barriers will be used during construction to prevent any potential erosion from reaching the Resource Area.

Resource Area Descriptions

The resource area on the site is Bordering Vegetated Wetland (BVW) with a Potential Vernal Pool. The BVW is located along the western portion of the lot. The BVW was delineated by B & C Associates and confirmed through ORAD #299-0477 in Stow and ORAD #085-0938 in Acton. .

Streamlined Natural Heritage Project Description

The area of work is not located within an area of Estimated Habitat of Rare Wildlife as indicated on the most recent Estimated Habitat Map, Oct. 1, 2008.

Compliance with General Performance Standards for BVW 310 CMR 10.55(4):

The General Performance Standards for a Bordering Vegetated Wetland have been met since the proposed activity does not involve removing, filling, dredging or altering of a BVW. The proposed siltation controls will prevent indirect alteration of wetlands during construction.

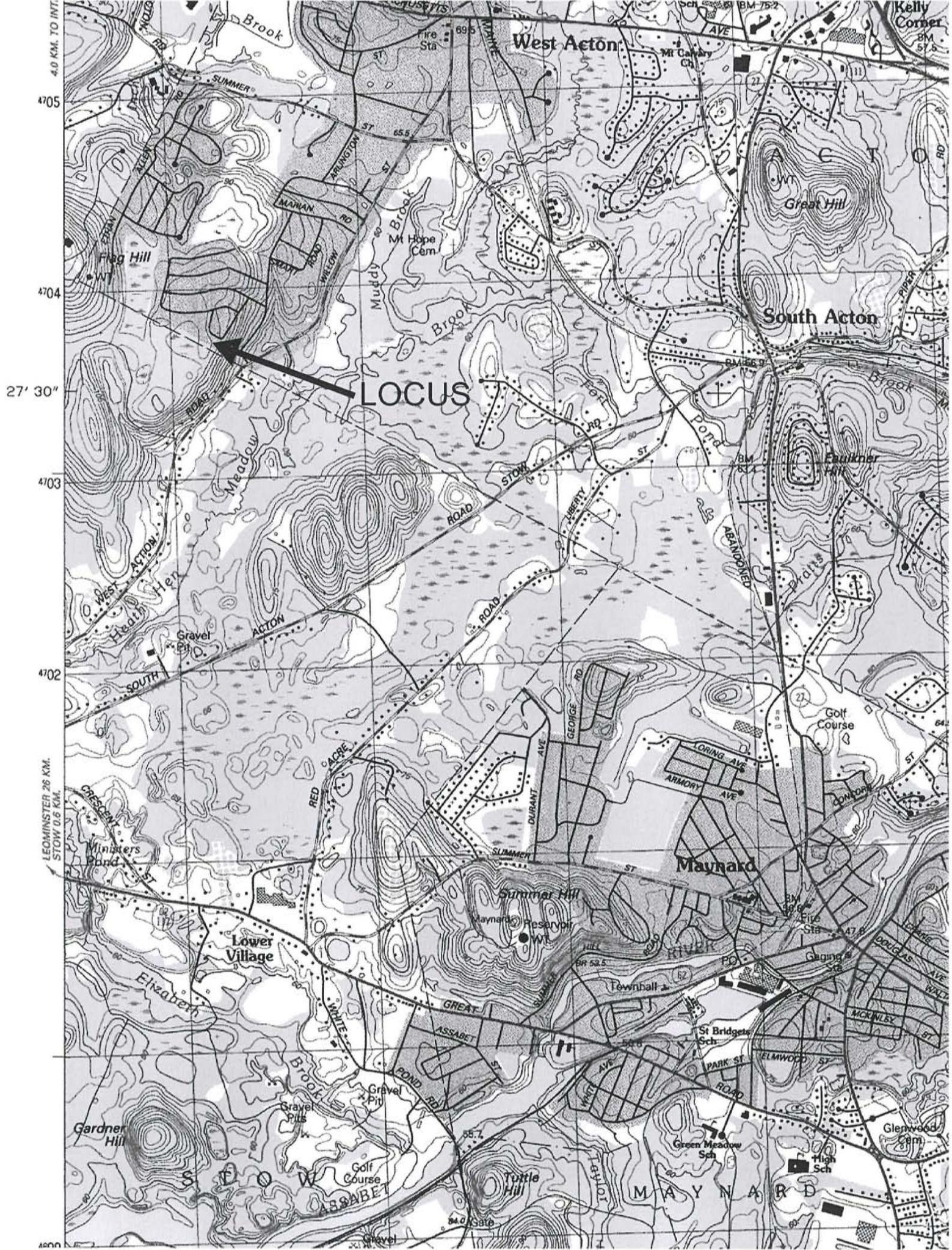
Town of Acton Wetlands Protection Bylaw:

The proposed project complies with the Bylaw for setbacks for new activities. A 50' setback of undisturbed natural vegetation will be preserved. The driveway will be 76' from the BVW and the proposed dwelling will be 100' from the BVW. There will be no disturbances within 100' of the Potential Vernal Pool. Haybale siltation barriers are proposed to mitigate any potential erosion during construction.

Summary:

The project has been designed to meet the performance standards of the Wetland Protection Act and to comply with the local Bylaw. Erosion controls have been proposed to protect wetland resource areas during construction. The complete septic system is outside of the Buffer Zone and all other applicable setbacks for the dwelling and pavement have been maintained. There will be no disturbances within 100' of the Potential Vernal Pool.

Attachment B
U.S.G.S. Map



4.0 KM. TO INT.

4705

4704

27° 30"

4703

4702

LECMINSTER 26 KM.
STOW 0.6 KM.

4800

LOCUS

West Acton

South Acton

Maynard

Lower Village

Summer Hill

Gardner Hill

Tuttle Hill

Great Hill

Faulkner Hill

Kelly Corner

Ministers Pond

Elizabeth

Gravel Pit

Green Meadow Sch

High Sch

Glenwood Cem

65.5

55.7

64.0

BR 52.5

55.5

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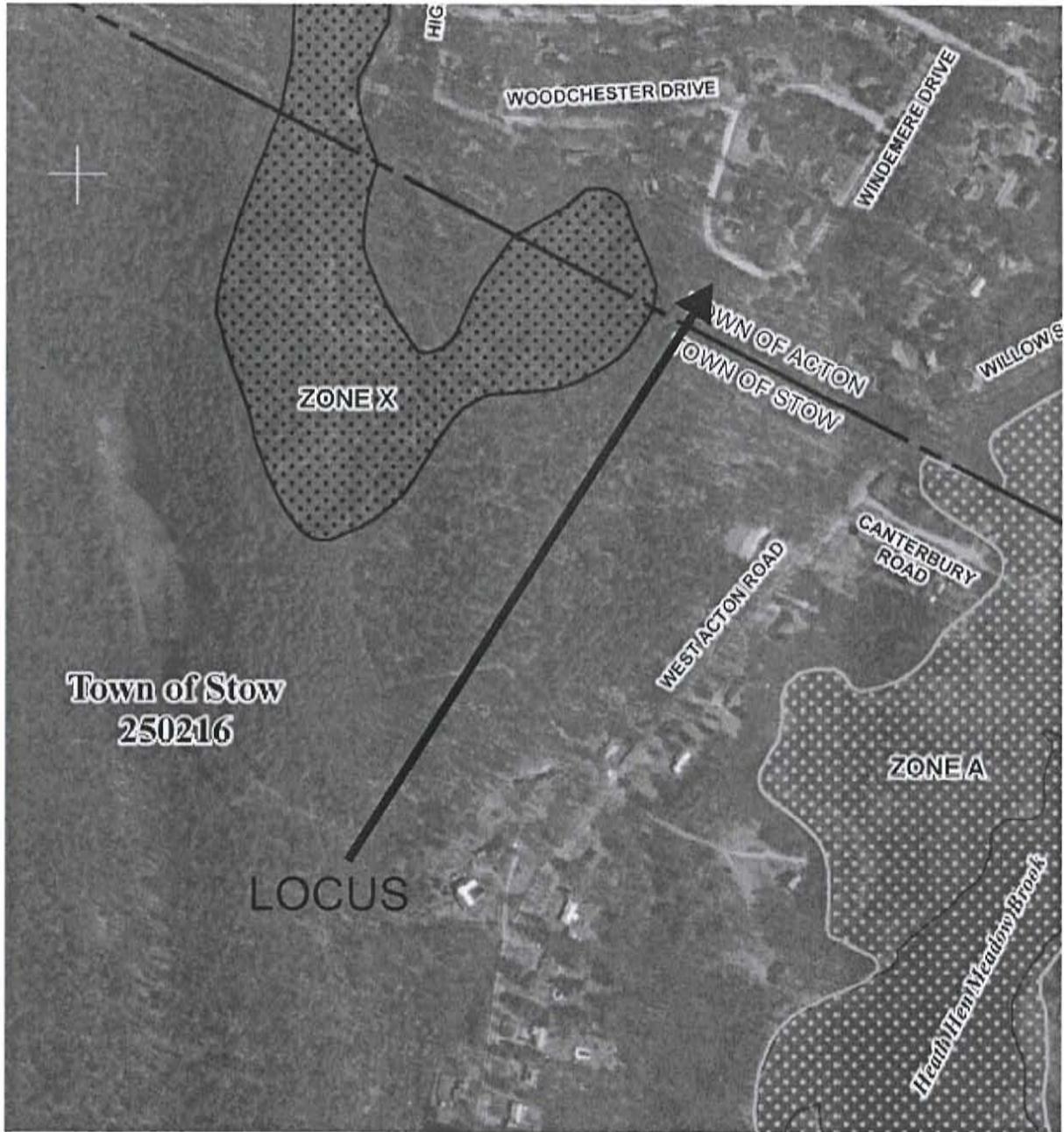
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Attachment C
Massachusetts Natural Heritage Atlas 13th Edition

Attachment D
FEMA Flood Insurance Map



Attachment E
Sewage Disposal Plan by Stamski and McNary, Inc.

TEST PIT DATA: TEST BY: STAMSKI AND McNARY, INC. WITNESSED BY: JACK WALLACE, STOW B.O.H. DATE OF TESTING: TP 59-1 (8/21/07); TP 59-1 & 59-2 (8/3/10). CERT. SOIL EVAL.: RICHARD HARRINGTON, P.E.

TP	DATE	DEPTH	SOIL TYPE	WATER	REMARKS
TP-59-1	8/21/07	0'-0"	SANDY LOAM	NO	
TP-59-1	8/21/07	0'-6"	SANDY LOAM	NO	
TP-59-1	8/21/07	1'-0"	SANDY LOAM	NO	
TP-59-2	8/3/10	0'-0"	SANDY LOAM	NO	
TP-59-2	8/3/10	0'-6"	SANDY LOAM	NO	
TP-59-2	8/3/10	1'-0"	SANDY LOAM	NO	

TEST BY: MARK DONAHOE & PETER SHERIDAN DATE OF TESTING: 4/8/97

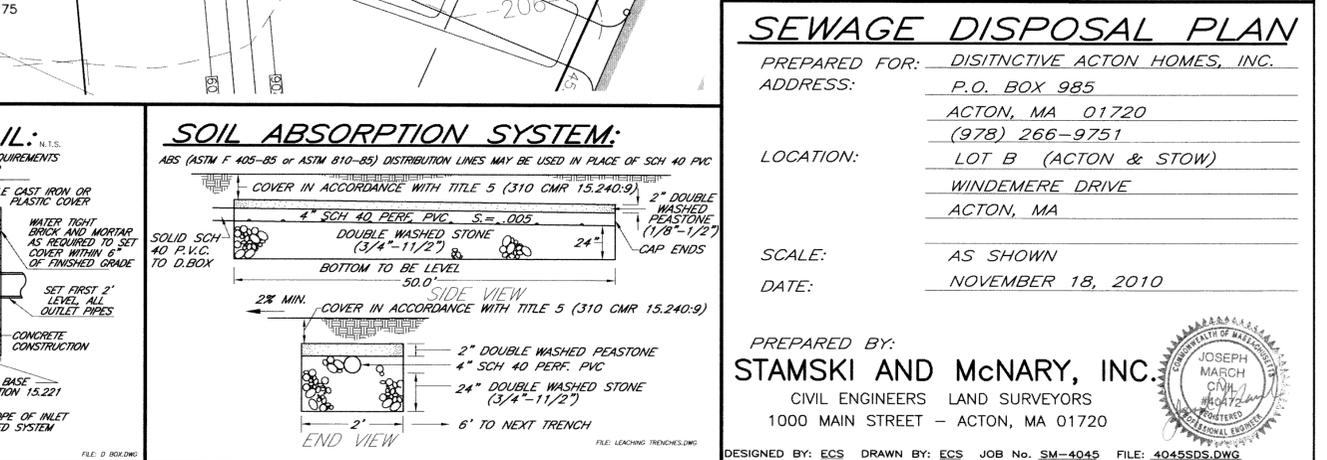
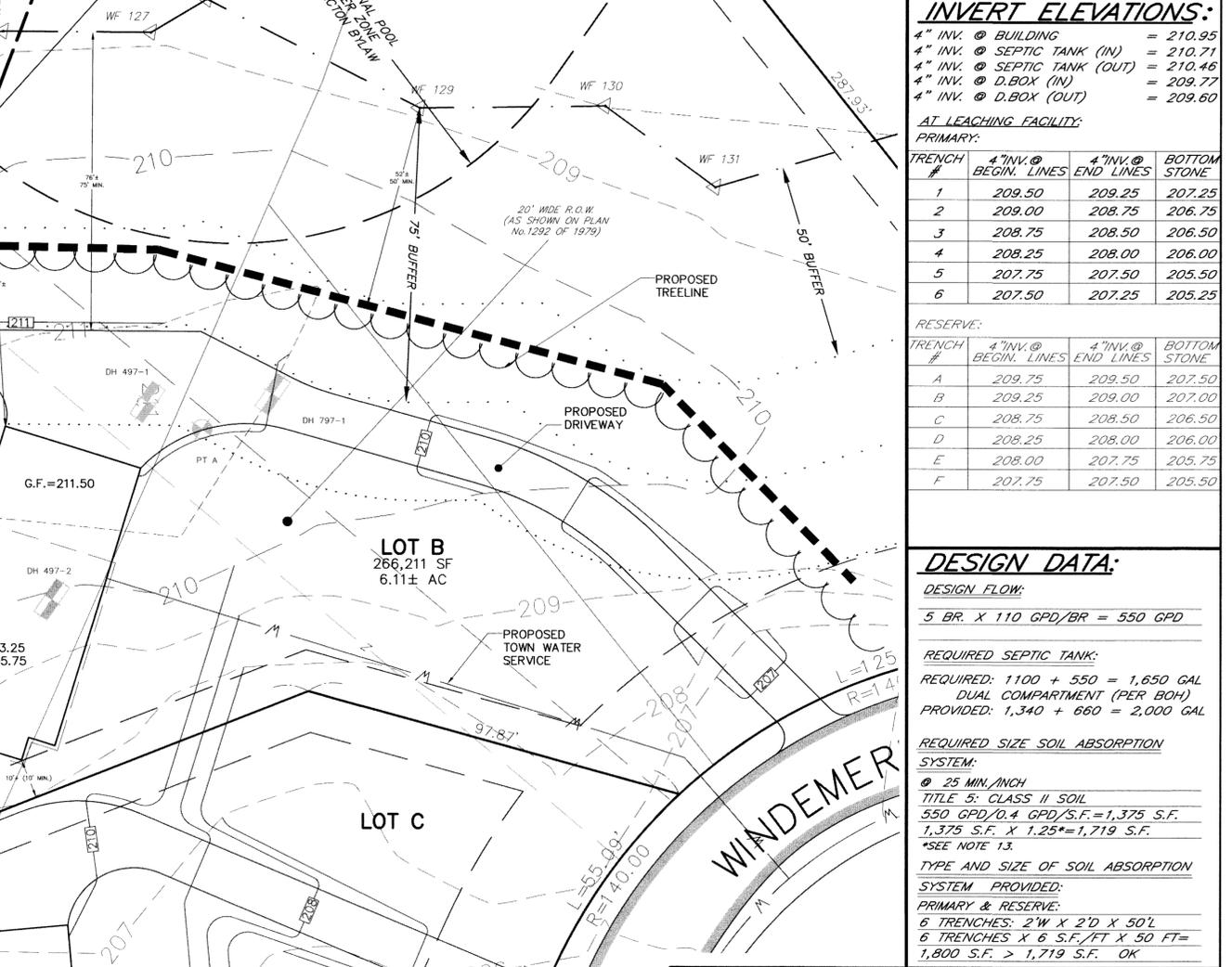
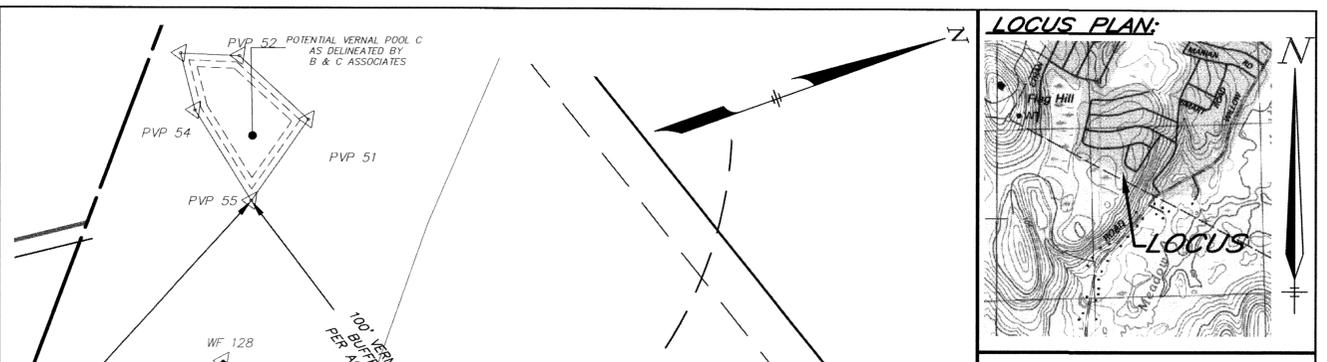
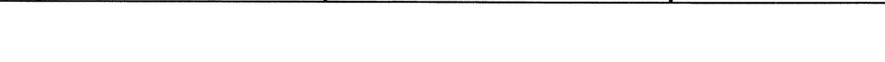
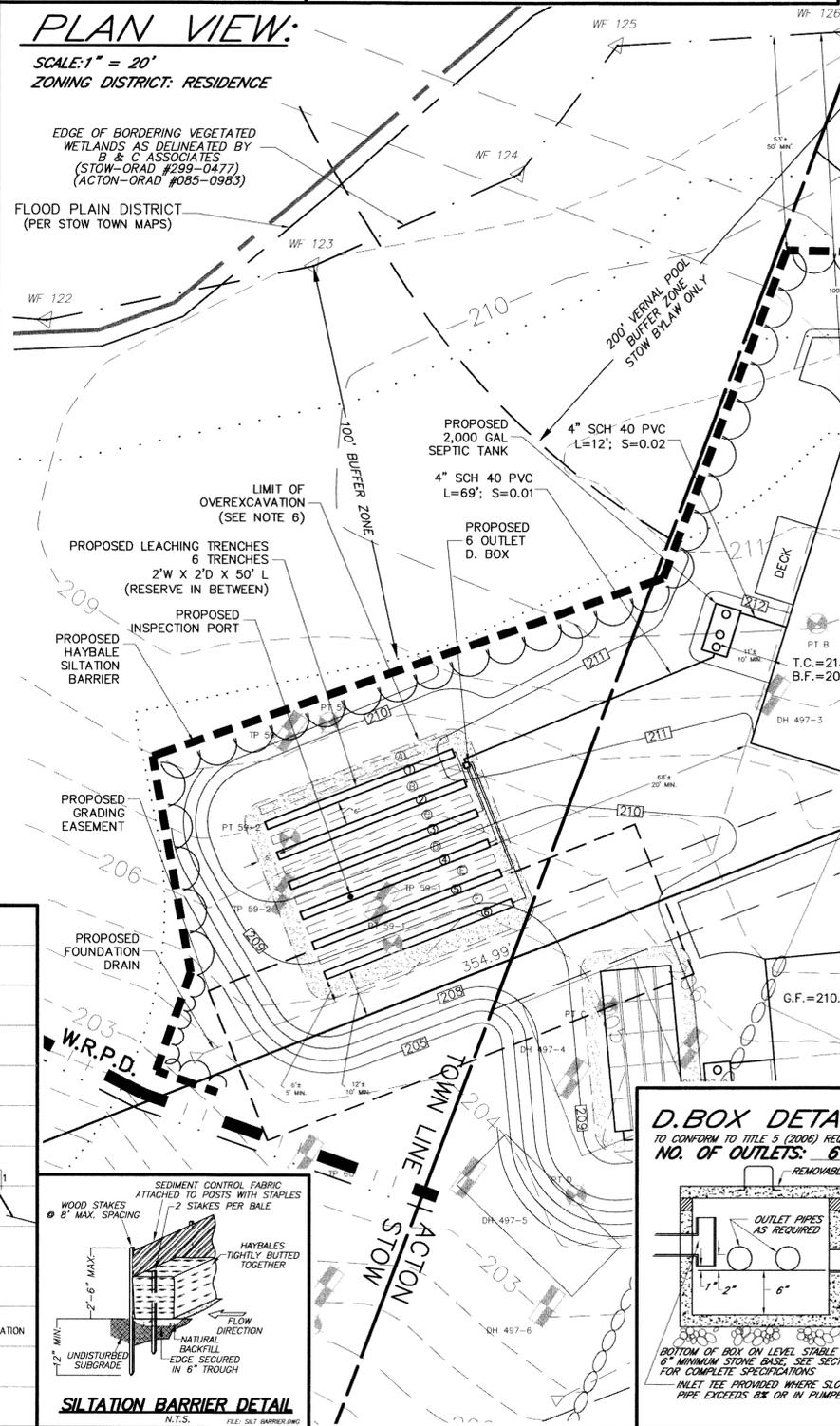
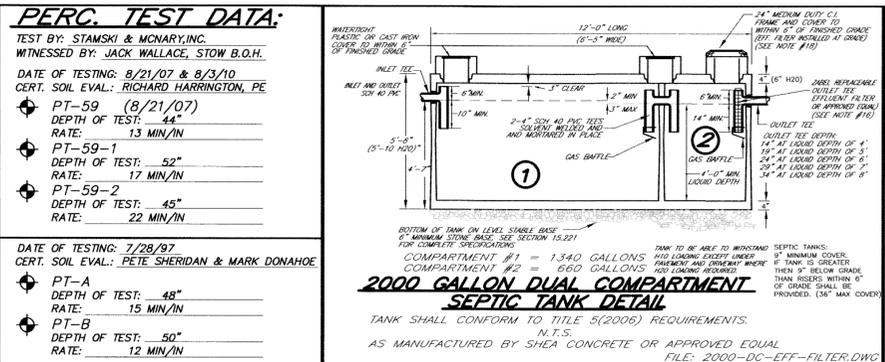
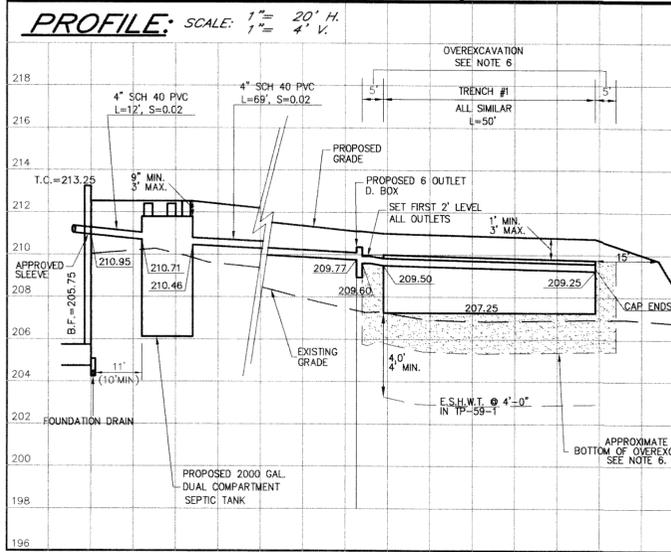
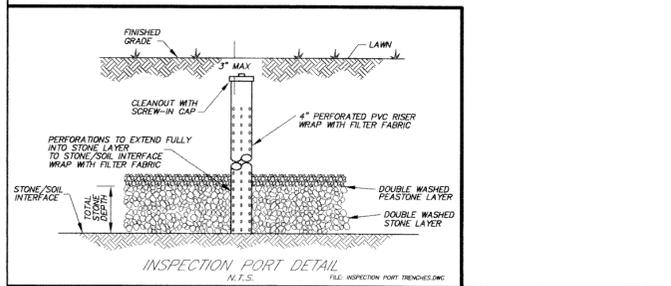
TP	DATE	DEPTH	SOIL TYPE	WATER	REMARKS
TP-497-1	4/8/97	0'-0"	SANDY LOAM TO 9"-1"	NO	
TP-497-1	4/8/97	0'-6"	SANDY LOAM TO 9"-1"	NO	
TP-497-1	4/8/97	1'-0"	SANDY LOAM TO 9"-1"	NO	
TP-497-2	4/8/97	0'-0"	SANDY LOAM TO 9"-1"	NO	
TP-497-2	4/8/97	0'-6"	SANDY LOAM TO 9"-1"	NO	
TP-497-2	4/8/97	1'-0"	SANDY LOAM TO 9"-1"	NO	

DATE OF TESTING: 7/28/97

TP	DATE	DEPTH	SOIL TYPE	WATER	REMARKS
TP-797-1	7/28/97	0'-0"	SANDY LOAM TO 9"-1"	NO	
TP-797-1	7/28/97	0'-6"	SANDY LOAM TO 9"-1"	NO	
TP-797-1	7/28/97	1'-0"	SANDY LOAM TO 9"-1"	NO	

NOTES:

- THIS PLAN IS FOR THE DESIGN AND CONSTRUCTION OF A SEWAGE DISPOSAL FACILITY ONLY.
- ALL CONSTRUCTION METHODS AND MATERIALS SHALL CONFORM TO TITLE 5, TOWN OF ACTON BOARD OF HEALTH AND THE STOW BOARD OF HEALTH REGULATIONS.
- IF ALTERATIONS (REMOVAL OF VEGETATION, GRADING, EXCAVATIONS, ETC.) ARE TO BE MADE WITHIN 100 FEET OF WETLAND AREAS (PONDS, BROOKS, SWAMPS, ETC.), A REQUEST FOR DETERMINATION OF APPLICABILITY OF THE WETLANDS PROTECTION ACT (9131 #40A) SHOULD BE FILED WITH THE TOWN'S CONSERVATION COMMISSION. THE FILING OF A NOTICE OF INTENT MAY BE REQUIRED AND LOCAL BYLAWS MAY APPLY.
- ACCEPTABLE MATERIAL SPECIFICATIONS FOR DISTRIBUTION LINES:
PVC-SCHEDULE 40 (ASTM D 1785 & D 2665), SDR 35 (ASTM D 3034)
ABS-SCHEDULE 40 (ASTM F 628)
HOPE-SHALL MEET OR EXCEED ASTM F 810 FOR SMOOTH WALL POLYETHYLENE PIPE FOR USE IN DRAINAGE AND WASTE DISPOSAL FIELDS.
SCHEDULE 40 PVC SHALL BE USED IN AREAS SUBJECT TO VEHICULAR TRAFFIC.
- UNLESS OTHERWISE SHOWN, THERE ARE NO KNOWN WELLS WITHIN 200' OF THE PROPOSED SEWAGE DISPOSAL SYSTEM NOR ARE THERE ANY SEWAGE DISPOSAL SYSTEMS WITHIN 100' OF THE PROPOSED WELL.
- ALL TOP AND SUBSOIL WITHIN 5' OF THE PROPOSED LEACHING TRENCHES SHALL BE REMOVED AND REPLACED WITH SUITABLE MATERIAL ACCORDING TO TITLE 5 (2006) SECTION 15.255 "CONSTRUCTION IN FILL".
- PER TITLE 5 REQUIREMENTS, THE DESIGN ENGINEER IS REQUIRED TO INSPECT CONSTRUCTION OF THE SEPTIC SYSTEM AND CERTIFY THAT THE SYSTEM IS CONSTRUCTED ACCORDING TO THE PLANS, LOCAL REGULATIONS, AND TITLE 5. IN MOST INSTANCES THE DESIGN ENGINEER IS ALSO REQUIRED TO PREPARE AN "AS-BUILT" PLAN, UNLESS SPECIFICALLY STATED IN WRITING IN THE BETWEEN OWNER AND INSTALLER, THE INSTALLER SHALL BE RESPONSIBLE FOR COORDINATING INSPECTIONS WITH THE DESIGN ENGINEER AND PAY FOR THESE SERVICES. NOTIFYING THE DESIGN ENGINEER DOES NOT RELIEVE THE OWNER OR INSTALLER FROM THE RESPONSIBILITY OF HAVING THE REQUIRED INSPECTIONS ETC. BY THE BOARD OF HEALTH.
- FINISHED GRADE OVER THE LEACHING AREA SHALL HAVE A MINIMUM SLOPE OF 2%.
- THE FIRST TWO FOOT SECTIONS OF PIPE FROM THE D. BOX SHALL BE SET LEVEL.
- THE SYSTEM SHALL BE STAKED AND THE BENCHMARK SET IN THE FIELD BY THE DESIGN ENGINEER.
- ALL UNDERGROUND UTILITIES SHOWN HERE WERE COMPILED ACCORDING TO AVAILABLE RECORD PLANS FROM VARIOUS UTILITY COMPANIES AND PUBLIC AGENCIES AND ARE APPROXIMATE ONLY. ACTUAL LOCATIONS MUST BE DETERMINED BEFORE DESIGNING, EXCAVATING, BLASTING, INSTALLING, BACKFILLING, GRADING, OR PAYMENT RESTORATION OR REPAIR. ALL UTILITY COMPANIES, PUBLIC AND PRIVATE, MUST BE CONTACTED, INCLUDING THOSE IN CONTROL OF UTILITIES. SEE CHAPTER 370, ACTS OF 1963 MASS. WE ASSUME NO RESPONSIBILITY FOR DAMAGES INCURRED AS A RESULT OF UTILITIES OMITTED OR INACURATELY SHOWN. BEFORE PLANNING FUTURE CONNECTIONS, THE APPROPRIATE UTILITY ENGINEERING DEPARTMENT MUST BE CONSULTED. D.I.G. SAFE TELE. NO.: 1-888-344-7233
- THE USE OF A GARBAGE DISPOSAL IS PROHIBITED.
- THE USE OF THIS PLAN REQUIRES THE FOLLOWING VARIANCES FROM THE TOWN OF STOW BOARD OF HEALTH REGULATIONS:
A. LEACHING AREA REQUIREMENT REGULATION:
125% PROVIDED
B. REGULATION FOR THE DRAINAGE AND MINIMUM DEPTH TO WATER TABLE OF SEPTIC SYSTEMS SITING AND DESIGN REQUIREMENTS - REQUEST WAIVER TO MODIFY THE FINISHED GRADE OF A LEACHING AREA BY MORE THAN A MEAN LEVEL OF TWO FEET.
- ALL SYSTEM COMPONENTS SHALL BE MARKED WITH MAGNETIC MARKING TAPE OR A COMPARABLE MEANS IN ORDER TO LOCATE THEM ONCE BURIED.
- SEWER MANHOLES BROUGHT TO FINISH GRADE SHALL BE SECURED TO PREVENT UNAUTHORIZED ACCESS.
- ZABEL EFFLUENT TEE FILTER SHALL BE INSTALLED IN COMPLIANCE WITH APPROVAL ISSUED AUGUST 11, 1997. ALL SEWER MANHOLES AT FINISHED GRADE SHALL BE SECURED TO PREVENT UNAUTHORIZED ACCESS. COVER SHALL BE PERMANENTLY MARKED "EFFLUENT TEE FILTER".



SEWAGE DISPOSAL PLAN

PREPARED FOR: DISINTINCTIVE ACTON HOMES, INC.
ADDRESS: P.O. BOX 985 ACTON, MA 01720 (978) 266-9751
LOCATION: LOT B (ACTON & STOW) WINDEMERE DRIVE ACTON, MA

SCALE: AS SHOWN
DATE: NOVEMBER 18, 2010

PREPARED BY: STAMSKI AND McNARY, INC. CIVIL ENGINEERS LAND SURVEYORS 1000 MAIN STREET - ACTON, MA 01720

DESIGNED BY: ECS DRAWN BY: ECS JOB No. SM-4045 FILE: 4045SDS.DWG