



**BOHLER
ENGINEERING, P.C.**

**352 Turnpike Road
Southborough, MA 01772
508.480.9900
508.480.9080 fax**

October 4, 2011

Acton Conservation Commission
472 Main Street
Acton, MA 01720

RE: Request for Determination of Applicability
The Residences at Quail Ridge
354B Great Road, Skyline Drive
Acton, MA

Dear Members of the Commission:

On behalf of the Applicant, Pulte Homes of New England, LLC ("Pulte Homes") and the property owner, QR Properties, LLC, we formally submit this Request for Determination of Applicability for work at the above referenced project. This request is to determine whether the work referenced is subject to jurisdiction under the Wetlands Protection act and the Town of Acton Wetland Protection Bylaw.

An Amended Order of Conditions was issued to Pulte Homes for the above referenced project (DEP File #85-986) on August 5, 2011. The proposed project will require the construction of additional waste water leaching fields in the previously proposed location of Skyline Drive (Sta. 10+50 – 18+38). In order to construct these fields Skyline Drive and detention basin # 22 will need to be relocated. These new locations are shown on the attached "Skyline Drive Revisions" plan prepared by this office.

The proposed relocated road, leaching field, and basin work are outside of resource areas subject to protection under the Wetlands Protection Act. However, a small portion of the proposed grading is within the 200-foot riverfront area. The proposed outfall location for the relocated basin is in the same location as was approved under the Order of Conditions issued for the project.

In addition, modifications to the driveway that accesses an existing golf cart storage barn will need to be performed; this work will be outside of any resources areas. All other work proposed within the resource are has been reviewed and approved by the Commission.

A total of 4,044 square feet of Riverfront Area will be altered due to the proposed modifications. As mentioned above, a Notice of Intent was filed and an Order of Conditions was subsequently issued this project. Under that filing 43,531 square feet (3.3%) of the 1,337,091 square feet of Riverfront Area was proposed to be altered. With these proposed modifications a total of 47,575 square feet (3.6%) of the Riverfront area will be altered. This is still well below the 10% allowable alteration criteria (310 CMR 10.58(2)(b)(vi). It should be noted that no new impervious surfaces are proposed within the river front area. It is our opinion that the proposed modifications do not negatively impact the resource areas or the environment.

Other Office Locations:

■ Albany, NY ■ Purchase, NY ■ Ronkonkoma, NY ■ Warren, NJ ■ Chalfont, PA ■ Towson, MD ■ Sterling, VA ■ Warrenton, VA
518.438.9900 914.251.9800 631.738.1200 908.668.8300 215.996.9100 410.821.7900 703.709.9500 540.349.4500

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www.bohlereng.com

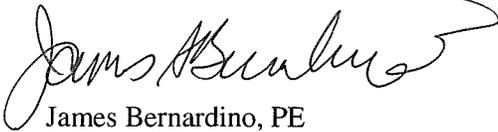


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Enclosed you will find 4 copies of the Request for Determination of Applicability. We request that the Commission Review the enclosed information and schedule a Public Meeting to allow the Applicant to present the proposed modifications to the Commission. Should the Commission have any questions or comments prior to a scheduled meeting, please do not hesitate contacting the Applicant, Pulte Homes (Mark Mastroianni, Project Manager), at 508-621-0876. Likewise, you may also contact us, Bohler Engineering at 508-480-9900

Very truly yours,

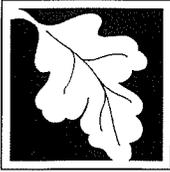
BOHLER ENGINEERING



James Bernardino, PE

Attachments

cc: DEP
Pulte Homes
QR Properties LLC



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

Acton

City/Town

WPA Form 1- Request for Determination of Applicability

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

A. General Information

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



1. Applicant:

Pulte Homes of New England LLC
Name
115 Flanders Road, Suite 200
Mailing Address
Westborough
City/Town
508-870-9999
Phone Number
E-Mail Address
MA 01581
State Zip Code
Fax Number (if applicable)

2. Representative (if any):

Bohler Engineering
Firm
Jim Bernardino
Contact Name
352 Turnpike Road
Mailing Address
Southborough
City/Town
(508) 480-9900
Phone Number
jbernardino@bohlereng.com
E-Mail Address
MA 01772
State Zip Code
(508) 480-9080
Fax Number (if applicable)

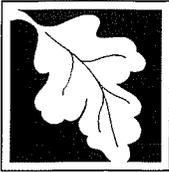
B. Determinations

1. I request the Acton Conservation Commission make the following determination(s). Check any that apply:

- a. whether the area depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
b. whether the boundaries of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
c. whether the work depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any municipal wetlands ordinance or bylaw of:

Acton
Name of Municipality

- e. whether the following scope of alternatives is adequate for work in the Riverfront Area as depicted on referenced plan(s).



WPA Form 1- Request for Determination of Applicability

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

C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

354 B Great Road and Skyline Drive	Acton
Street Address	City/Town
C-4/D-4	29/4&9
Assessors Map/Plat Number	Parcel/Lot Number

b. Area Description (use additional paper, if necessary):

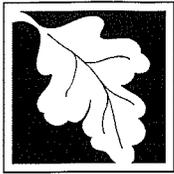
See attached cover letter and site plans

c. Plan and/or Map Reference(s):

Skyline Drive Revisions (1 of 1)	10/04/11
Title	Date
Grading and Drainage Plan "E" 15 of 37	8/21/11
Title	Date
Title	Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

See attached cover letter and site plans



WPA Form 1- Request for Determination of Applicability

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

C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



WPA Form 1- Request for Determination of Applicability
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

QR Properties LLC

Name

32 Sandypine Road

Mailing Address

Templeton

City/Town

MA

State

01468

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10-05(3)(b)(1) of the Wetlands Protection Act regulations.

Signature of Applicant

Date

10/4/11

Signature of Representative (if any)

Date

10/4/11



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #
85-986
eDEP Transaction #
ACTON
City/Town

A. General Information

1. From: ACTON
Conservation Commission

2. This issuance is for (check one):
a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:

a. First Name _____ b. Last Name _____
Pulte Homes of New England, LLC
c. Organization _____
115 Flanders Road, Suite 200
d. Mailing Address _____
Westborough _____ MA _____ 01581
e. City/Town _____ f. State _____ g. Zip Code _____

4. Property Owner (if different from applicant):

a. First Name _____ b. Last Name _____
c. Organization _____
d. Mailing Address _____
e. City/Town _____ f. State _____ g. Zip Code _____

5. Project Location:

354B Great Road _____ Acton _____
a. Street Address _____ b. City/Town _____
D-4 parcels 4 & 9 & C-4 parcel 29 _____
c. Assessors Map/Plat Number _____ d. Parcel/Lot Number _____
Latitude and Longitude, if known: 042d30'0.8"N _____ 071d25'31.1"W _____
d. Latitude _____ e. Longitude _____



Massachusetts Department of Environmental Protection
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A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
Middlesex South
 a. County _____ b. Certificate Number (if registered land) _____
 c. Book _____ d. Page _____
7. Dates: July 7, 2011 July 20, 2011 August 5, 2011
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
See Page 15 of this OOC for a list of plans and documents.
 a. Plan Title _____
Bohler Engineering Stephen DeCoursey, PE
 b. Prepared By c. Signed and Stamped by
See page 15 of this OOC for list
 d. Final Revision Date _____ e. Scale _____
See page 15 of this OOC for list
 f. Additional Plan or Document Title _____ g. Date _____

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:
 Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- a. Public Water Supply b. Land Containing Shellfish c. Prevention of Pollution
 d. Private Water Supply e. Fisheries f. Protection of Wildlife Habitat
 g. Groundwater Supply h. Storm Damage Prevention i. Flood Control
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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B. Findings (cont.)

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. A description of the performance standards which the proposed work cannot meet is attached to this Order.
- c. the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).
3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) 0-feet
 a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	<u>3,470</u> a. square feet	<u>3,470</u> b. square feet	<u>14,224</u> c. square feet	<u>14,224</u> d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. c/y dredged	f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input checked="" type="checkbox"/> Riverfront Area	<u>24,800</u> a. total sq. feet	<u>24,800</u> b. total sq. feet		
Sq ft within 100 ft	<u>11,073</u> c. square feet	<u>11,073</u> d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	<u>13,727</u> g. square feet	<u>13,727</u> h. square feet	i. square feet	j. square feet



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B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	_____	_____		
	a. square feet	b. square feet		
	_____	_____		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	_____	_____	_____ cu yd	_____ cu yd
	a. square feet	b. square feet	c. nourishment	d. nourishment
14. <input type="checkbox"/> Coastal Dunes	_____	_____	_____ cu yd	_____ cu yd
	a. square feet	b. square feet	c. nourishment	d. nourishment
15. <input type="checkbox"/> Coastal Banks	_____	_____		
	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	_____	_____		
	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	_____	_____		
	a. square feet	b. square feet		
	_____	_____		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	d. square feet
20. <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			
	_____	_____		
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	_____		
	a. square feet	b. square feet		



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B. Findings (cont.)

* #22. 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.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

22. Restoration/Enhancement *:
 N/A
 a. square feet of BVW _____ b. square feet of salt marsh _____
23. Stream Crossing(s):
 ONE _____ ZERO _____
 a. number of new stream crossings _____ b. number of replacement stream crossings _____

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Act; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on FEBRUARY 11, 2012 unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,
"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number 85-986"
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. The work associated with this Order (the "Project") is (1) is not (2) subject to the Massachusetts Stormwater Standards. If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:
- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;
 - iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
 - v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

SEE PAGES 13 - 14 OF THIS OOC FOR FINDINGS OF FACT AND SPECIAL CONDITIONS.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #
 85-986
 eDEP Transaction #
 ACTON
 City/Town

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The ACTON Conservation Commission hereby finds (check one that applies):

- a. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw _____ 2. Citation _____

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

ACTON WETLAND PROTECTION BYLAW CHAPTER F
 1. Municipal Ordinance or Bylaw _____ 2. Citation _____

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

SEE PAGES 13 - 14 OF THIS OOC FOR FINDINGS OF FACT AND SPECIAL

CONDITIONS.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #
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 eDEP Transaction #
 ACTON
 City/Town

E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

8-5-2011
 1. Date of Issuance
 - FOUR -
 2. Number of Signers

Signatures:

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature: Thomas B. Arnold]

by hand delivery on _____

by certified mail, return receipt requested, on _____

Date _____

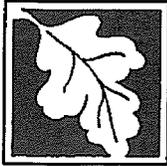
Date 8/10/2011

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #
85-986
 eDEP Transaction #
ACTON
 City/Town

G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

ACTON
 Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

ACTON
 Conservation Commission

Please be advised that the Order of Conditions for the Project at:

354B Great Road, Skyline Drive, Acton 85-986
 Project Location MassDEP File Number

Has been recorded at the Registry of Deeds of:

Middlesex South _____ _____
 County Book Page

for: _____
 Property Owner

and has been noted in the chain of title of the affected property in:

_____ _____
 Book Page

In accordance with the Order of Conditions issued on:

If recorded land, the instrument number identifying this transaction is:

If registered land, the document number identifying this transaction is:

Signature of Applicant

STANDARD CONDITIONS
REQUIRED UNDER THE TOWN OF ACTON WETLAND PROTECTION BYLAW
CHAPTER F

1. No work shall be undertaken until the Order of Conditions has been reviewed and is clearly understood by the Contractor or his agent. It is the Applicant's responsibility to see that the Contractor clearly understands all items herein.
2. This Order of Conditions shall apply to any successor in interest or successor in control.
3. Members and agents of the Conservation Commission shall have the right to enter and inspect the premises to evaluate compliance with the Order and to require the submittal of any data deemed necessary by the Commission for that evaluations.
4. All drainage facilities and related structures and equipment shall be continually operated and maintained so as to comply with this Order of Conditions. The operation and maintenance of the facilities and structures shall be on-going and will not expire at the end of one year or with the issuance of the Certificate of Compliance.
5. Any change made, or intended to be made, in the plans shall require the applicant to file a new Notice of Intent, or to inquire of the Commission, in writing, whether the change is substantial enough to require a new filing.
6. The Conservation Commission shall have the right to file this Order of Conditions in the Registry of Deeds should the applicant fail to do so within 60 days.
7. Accepted engineering and construction standards and procedures shall be followed in the completion of this project.
8. The Commission shall be notified in writing 10 days prior to the commencement of any site work. Failure to so notify the Commission shall result in the issuance of an Enforcement Order.
9. The Petitioner is advised that this Order in no way absolves him of responsibility to other property owners upon whose land he discharges water directly or indirectly.
10. Erosion control measures consisting of staked haybales unless otherwise approved by the Commission shall be installed during the first phase of construction and the Commission shall be notified of their placement and no work shall begin before inspection by the Commission.
11. Any materials collected by the erosion control measures shall be removed and properly disposed of.
12. All work shall be completed as quickly as possible to minimize the duration of exposure of disturbed areas. If work is suspended for a significant period of time (i.e. as during winter months), then temporary stabilization methods must be employed and maintained during the period of inactivity.
13. No salt or other deicing chemicals shall be used on roadways and parking areas on the site.
14. This order applies only to the work described in the Notice of Intent and shown on the plans referenced in Condition 12. A Determination of Applicability Form must be filed for any additional work on site in areas governed by the Town of Acton Wetlands Protection Bylaw.
15. All disturbed areas shall be top-soiled six inches and seeded.
16. Violation of any condition of this Order may result in the issuance of an Enforcement Order. Such Enforcement Order, if issued, will require the immediate cessation of all work until a hearing is held; such hearing will be held not more than 10 days from the issuance of the Enforcement Order.
17. The work authorized hereunder by the Acton Wetlands Protection Bylaw shall be completed within three years from the date of this Order unless the Order is renewed prior to expiration.
18. A fifty (50) foot setback of natural vegetation shall be maintained up-gradient from the wetland.
19. No construction, either temporary or permanent shall occur within seventy-five (75) feet of the edge of wetlands. This shall include driveways; roadways; residential, commercial or industrial structures.
20. There shall be no use of fertilizers, pesticides, herbicides or chemicals of any kind within the fifty (50) foot no disturbance zone.

21. There shall be no underground storage of gasoline, oil or other fuels or hazardous materials within the one-hundred (100) foot buffer zone.
22. The Commission reserves the right to impose additional conditions to mitigate any actual or potential impacts resulting from the permitted work.
23. All haybales placed for siltation prevention must be removed from the site within 30 days of the stabilization of the area of activity.
24. The work shall conform to the following plans and special conditions:

FINDINGS OF FACT AND SPECIAL CONDITIONS REQUIRED BY THE ACTON CONSERVATION COMMISSION:

On July 20, 2011, Pulte Homes of New England LLC (the Applicant) accompanied by Bohler Engineering, P.C. (the Engineer) came before the Acton Conservation Commission seeking to amend the existing Order of Conditions (OOC), DEP File 85-986. The Applicant's rationale for seeking an amendment focused on five points:

- 1) the previously approved wetland crossing had not changed;
- 2) the scope of the project had not changed, with the noted exception that fewer homes would be constructed;
- 3) several detention basins would be modified to cause less disturbance in resource area;
- 4) while several proposed units would be located closer to wetlands, all would meet the 75' no-build setback under the Acton Wetland Protection Bylaw, Chapter F;
- 5) all previous agreements, i.e.: 20' wide trail easement, and boardwalk construction agreement would be honored.

FINDINGS OF FACT:

- 1) The Applicant has agreed to install a six-foot high cedar privacy fence, approximately 300' in length, one-foot off the 20' wide trail easement. The fence will be located behind Units 91 through 96. The Applicant's Engineer will submit an "Exhibit" showing the proposed location of the six-foot high privacy fence. The fence will be located outside of wetlands buffer areas.
- 2) The proposed "trail-head" parking lot, located at the most westerly extent of the proposed development and located between Units 80 & 81, will become a public parking lot. A 20' wide public trail easement, leading from the trail-head parking lot in a northerly direction and connecting with the previously approved trail easement, together with a recordable plan will be submitted to the Commission. The 20' wide trail easement and easement plan will be recorded within 30 days of Pulte Homes purchasing the property.

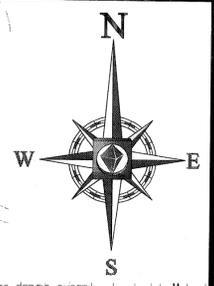
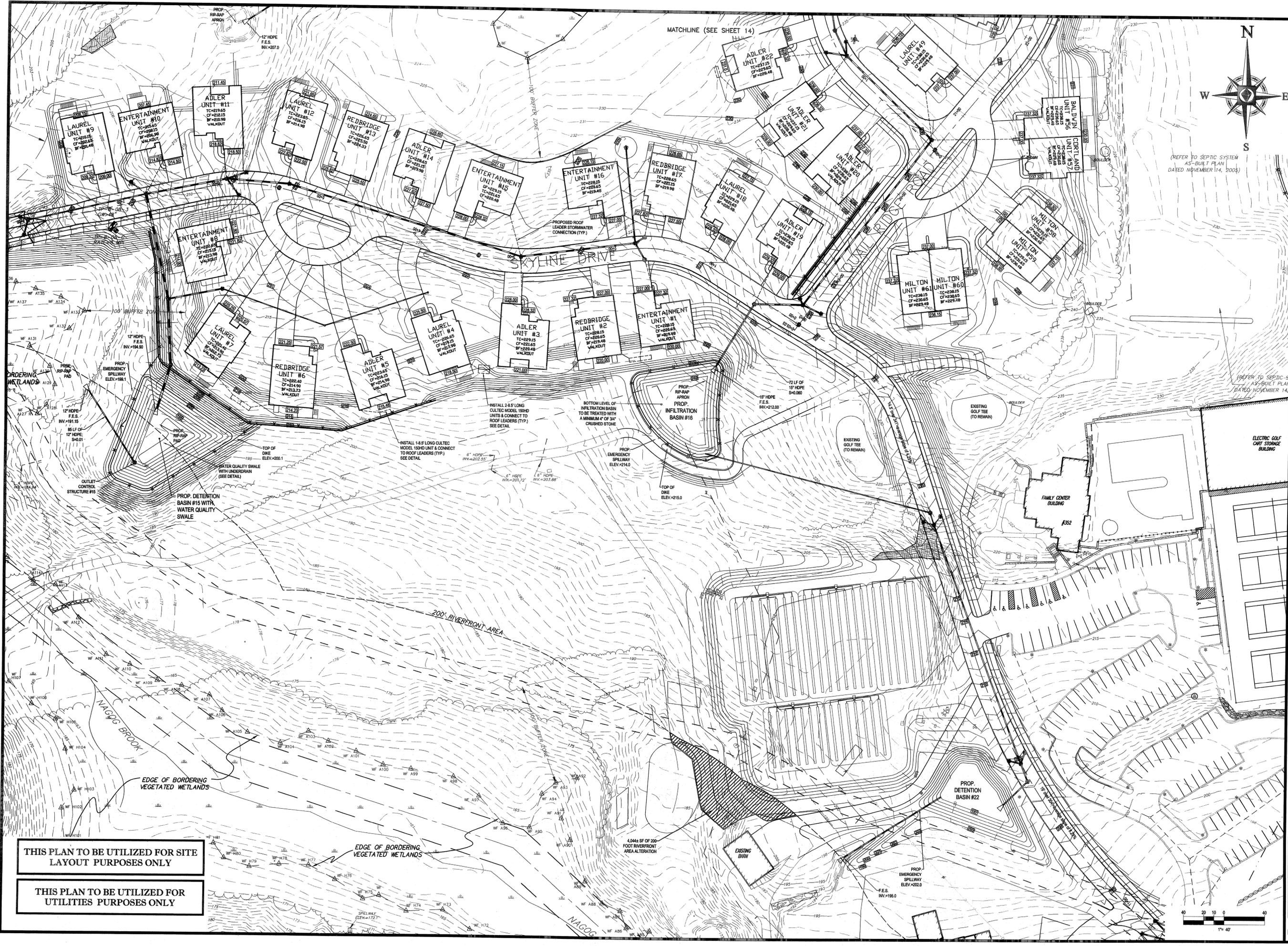
SPECIAL CONDITIONS:

- 1) All paved cart paths within 100' of wetlands having no pedestrian use as of the abandonment of the golf course shall be removed and the disturbed buffer zone area restored to a natural state.
- 2) The existing "green and tee-boxes" at the rear (north) of Units 109 and 110 shall be allowed to naturalize.
- 3) The proposed Quail Ridge Drive wetland crossing (wetland filling and replication work) shall only occur during the driest time of the year, May 15th through October 30th.

**REQUEST TO AMEND ORDER OF CONDITIONS
DEP FILE 85-986
THE RESIDENCES AT QUAIL RIDGE**

LIST OF PLANS AND DOCUMENTS:

1. Letter Request for Amendment to Order of Conditions: DEP File #85-986 – dated July 1, 2011 – Bohler Engineering
2. Document Amendment Request to Accommodate Pulte Homes Building Program
3. Exhibit A - Order of Conditions for the Residences at Quail Ridge
4. Exhibit B - Original Notice of Intent for the Residences at Quail Ridge
5. Exhibit C - Proposed Buffer Zone Modifications - 7/1/2011
6. Exhibit D - Ryder Path Realignment - 5/25/2011
7. Exhibit E - Greenside Lane Realignment - 5/25/2011
8. Exhibit F - Abutters List - May 23, 2011
9. Exhibit G - Notice to Abutters
10. Exhibit H - DEP Wetlands Program Policy 85-4: Amended Orders Exhibit I - Letter - MEPA ADVISORY OPINION - Commonwealth of Mass., Executive Office of Energy and Environmental Affairs - June 29, 2011
11. Site Development Plans - Residences at Quail Ridge - Revised 7/6/2011 (sheets 1-37)
12. Boundary & Topographic Survey for QR Properties, LLC (sheets 1-15) - June 7, 2011
13. Drainage Report - Residences at Quail Ridge - July 2011 (02-28-2011)
14. Letter Dated July 27, 2011 - Addressing questions and comments raised by the Acton Conservation Commission during July 20, 2011 hearing process.
15. Site Plan - ConCom Exhibit, Sheet 1 of 1, dated July 26, 2011



(REFER TO SEPTIC SYSTEM AS-BUILT PLAN DATED NOVEMBER 14, 2009)

(REFER TO SEPTIC SYSTEM AS-BUILT PLAN DATED NOVEMBER 14, 2009)

BOHLER ENGINEERING

CORPORATE OFFICE:
WARREN, NJ

PROJECT MANAGERS:
SOUTHBOROUGH, MA
BURLINGTON, VT
BOSTON, MA
CHALMERS, PA
FARMINGTON, CT
FORT LAUDERDALE, FL
HARTFORD, CT
MILFORD, CT
NEWTON, MA
ROCKY HILL, CT
WALTON, MA

LANDSCAPE ARCHITECTS:
WALTON, MA

CIVIL & CONSULTING ENGINEERS
SURVEYORS
ENVIRONMENTAL CONSULTANTS
LANDSCAPE ARCHITECTS

REVISIONS

REV	DATE	COMMENT	BY
1	07-01-2011	CON. COMM. SUBMISSION	JAC/CFD
2	08-21-2011	FOR ENGINEERING REVIEW	NRK
3	10-04-2011	SKYLINE REVISIONS	NEM
4			
5			
6			
7			
8			
9			

THE FOLLOWING STATES REQUIRE NOTIFICATION BY EXCAVATORS, DESIGNERS, OR ANY PERSON PREPARING TO DISTURB THE EARTH'S SURFACE ANYWHERE IN THE STATE:

MA, ME, NH, RI, VT, 1-800-344-7233
CT, 1-800-852-4885
NY, 1-800-952-7852

NOT APPROVED FOR CONSTRUCTION

PROJECT No.: W11022
DRAWN BY: CFD
CHECKED BY: JAB/SPD
DATE: 06/20/11
SCALE: AS NOTED
CAD I.D.: w111022s1-alt-skyline

SITE PLAN

FOR

THE RESIDENCES AT QUAIL RIDGE

LOCATION OF SITE
354 B GREAT ROAD & SKYLINE DR.
TOWN OF ACTON
MIDDLESEX COUNTY, MA

BOHLER ENGINEERING

352 TURNPIKE ROAD
SOUTHBOROUGH, MA 01772
Phone: (508) 480-9900
Fax: (508) 480-9080
www.BohlerEngineering.com

S.P. COURSEY

STEPHEN P. COURSEY
CIVIL
No. 36424
PROFESSIONAL ENGINEER
No. 8448
NEW JERSEY LICENSE No. 5336
No. 8409
VERMONT LICENSE No. 7110
CONNECTICUT LICENSE No. 23962
RHODE ISLAND LICENSE No. 7990

SHEET TITLE:
SKYLINE DRIVE REVISIONS

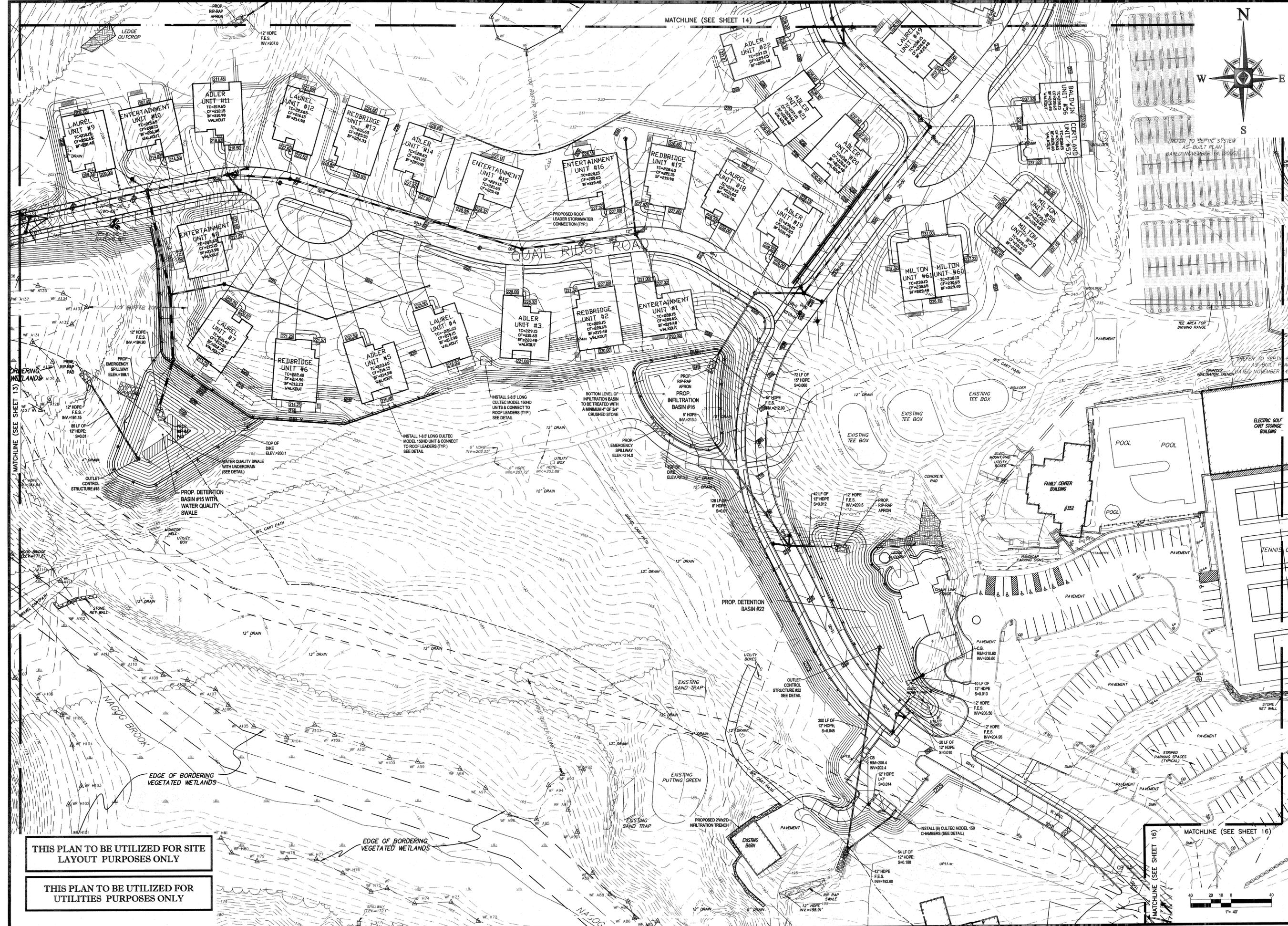
SHEET NUMBER:
1
OF 1

REV 3 - 10/04/2011

THIS PLAN TO BE UTILIZED FOR SITE LAYOUT PURPOSES ONLY

THIS PLAN TO BE UTILIZED FOR UTILITIES PURPOSES ONLY

P:\1111022\DWG\W11022s1-alt-skyline.dwg, RDA, PLAN, 4/23/2011, 10:17:14 AM, mhaanen, Xerox3101.kpl, User:RDA, 152999999



THIS PLAN TO BE UTILIZED FOR SITE LAYOUT PURPOSES ONLY

THIS PLAN TO BE UTILIZED FOR UTILITIES PURPOSES ONLY

BOHLER ENGINEERING

CIVIL & CONSULTING ENGINEERS
 SURVEYORS
 PROJECT MANAGERS
 ENVIRONMENTAL CONSULTANTS
 LANDSCAPE ARCHITECTS

CORPORATE OFFICE:
 WARREN, NJ

OFFICES:
 CHALFONT, PA
 SOUTHBOURGH, MA
 TOWNSON, MD
 ALBANY, NY
 CENTER VALLEY, PA
 TAMPA, FL

REGISTERED PROFESSIONAL ENGINEER
 STATE OF MASSACHUSETTS
 LICENSE NO. 23882
 EXPIRES 12/31/2011

REVISIONS

REV	DATE	COMMENT	BY
1	07-01-2011	CON. COMM. SUBMISSION	JAC/CFD
2	08-21-2011	FOR ENGINEERING REVIEW	NRK
3			
4			
5			
6			
7			
8			
9			

THE FOLLOWING STATES REQUIRE NOTIFICATION BY EXCAVATORS, DESIGNERS, OR ANY PERSON PREPARING TO DISTURB THE EARTH'S SURFACE ANYWHERE IN THE STATE:
 (MA, ME, NH, RI, VT: 1-800-348-7233)
 (CT: 1-800-922-4885)
 (NY: 1-800-952-7922)

NOT APPROVED FOR CONSTRUCTION

PROJECT NO.: W11022
 DRAWN BY: CFD
 CHECKED BY: JAB/SFD
 DATE: 05/23/2011
 SCALE: AS NOTED
 CAD ID.: W11022282

PROJECT: **SITE PLAN**

FOR **Pulte Homes**

THE RESIDENCES AT QUAIL RIDGE

LOCATION OF SITE
 354 B GREAT ROAD & SKYLINE DR.
 TOWN OF ACTON
 MIDDLESEX COUNTY, MA

BOHLER ENGINEERING

352 TURNPIKE ROAD
 SOUTHBOURGH, MA 01772
 Phone: (508) 480-8900
 Fax: (508) 480-8080
www.BohlerEngineering.com

S.P. PROCOURSEY

STEPHEN P. PROCOURSEY
 CIVIL ENGINEER
 LICENSE NO. 35424
 EXPIRES 12/31/2011
 CONSTRUCTION LICENSE NO. 7110
 EXPIRES 12/31/2011
 RHODE ISLAND LICENSE NO. 7590

SHEET TITLE:
GRADING AND DRAINAGE PLAN "E"

SHEET NUMBER:
15
 OF 37

REV 2 - 08/21/2011

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