

Stamski and McNary, Inc.

Engineering - Planning – Surveying

1000 Main Street Acton, MA 01720 (978) 263-8585

www.stamskiandmcnary.com

Abbreviated Notice of Resource Area Delineation

Under the Massachusetts Wetland Protection Act,
M.G.L. c. 131, s. 40 and the Town of Acton Wetlands
Protection Bylaw – Chapter F

for

**Map E-6, Parcel 4
366 Pope Road
Acton, MA 01720**

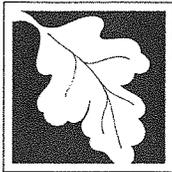
Applicant: Mike Paratore
11 Tupelo Way
Acton, MA 01720

Date: November 3, 2011

SM-4574A

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 - *Resource Area Delineation Plan by Stamski And McNary, Inc. dated November 3, 2011*



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 4A – Abbreviated Notice of
Resource Area Delineation
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

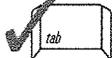
MassDEP File Number _____
 Document Transaction Number _____
 Acton _____
 City/Town _____

A. General Information

1. Project Location (**Note:** electronic filers will click on button for GIS locator):

366 Pope Road _____ Acton _____ 01720
 a. Street Address b. City/Town c. Zip Code
 Latitude and Longitude: 42° 30' 10" N _____ 71° 23' 14" W _____
 d. Latitude e. Longitude
 Map E6 _____ Parcel 4 _____
 f. Assessors Map/Plat Number g. Parcel /Lot Number

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



2. Applicant:

Mike _____ Paratore _____
 a. First Name b. Last Name
 c. Organization _____
 11 Tupelo Way _____
 d. Mailing Address
 Acton _____ MA _____ 01720
 e. City/Town f. State g. Zip Code
 978-618-6234 _____ 978-268-5154 _____
 h. Phone Number i. Fax Number j. Email Address
 mparatore@bentleybuildingcorp.com

3. Property owner (if different from applicant):

Check if more than one owner (attach additional sheet with names and contact information)

_____ 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 _____

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

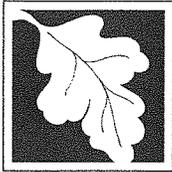
4. Representative (if any):

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

Fees will be calculated for online users.

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

\$400.00 _____ \$187.50 _____ \$212.50 _____
 a. Total Fee Paid b. State Fee Paid c. City/Town Fee Paid



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B. Area(s) Delineated

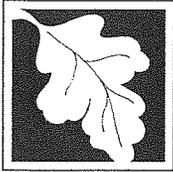
1. Bordering Vegetated Wetland (BVW) 531'±
Linear Feet of Boundary Delineated
2. Check all methods used to delineate the Bordering Vegetated Wetland (BVW) boundary:
 - a. MassDEP BVW Field Data Form (attached)
 - b. Other Methods for Determining the BVW boundary (attach documentation):
 1. 50% or more wetland indicator plants
 2. Saturated/inundated conditions exist
 3. Groundwater indicators
 4. Direct observation
 5. Hydric soil indicators
 6. Credible evidence of conditions prior to disturbance
3. Indicate any other resource area boundaries that are delineated:

Riverfront Area	157'±
a. Resource Area	b. Linear Feet Delineated
c. Resource Area	d. Linear Feet Delineated

C. Additional Information

Applicants must include the following plans with this Abbreviated Notice of Resource Area Delineation. 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. ANRAD (Delineation Plans only)
2. 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.)
3. Plans identifying the boundaries of the Bordering Vegetated Wetlands (BVW) (and/or other resource areas, if applicable).
4. List the titles and final revision dates for all plans and other materials submitted with this Abbreviated Notice of Resource Area Delineation.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 4A – Abbreviated Notice of
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 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number _____

Document Transaction Number _____

Acton _____

City/Town _____

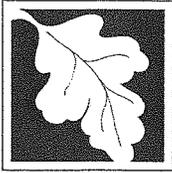
D. Fees

The fees for work proposed under each Abbreviated Notice of Resource Area Delineation must be calculated and submitted to the Conservation Commission and the Department (see Instructions and Wetland Fee Transmittal Form).

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 the attached Wetland Fee Transmittal Form) to confirm fee payment:

255	10-27-2011
2. Municipal Check Number	3. Check date
254	10-27-2011
4. State Check Number	5. Check date
MICHAEL PARATONE &	KRISTEN SUMORA PARATONE
6. Payor name on check: First Name	7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 4A – Abbreviated Notice of
Resource Area Delineation
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

 MassDEP File Number

 Document Transaction Number

 Acton

 City/Town

E. Signatures

I certify under the penalties of perjury that the foregoing Abbreviated Notice of Resource Area Delineation 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 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.

I hereby grant permission, to the Agent or member of the Conservation Commission and the Department of Environmental Protection, to enter and inspect the area subject to this Notice at reasonable hours to evaluate the wetland resource boundaries subject to this Notice, and to require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.

I acknowledge that failure to comply with these certification requirements is grounds for the Conservation Commission or the Department to take enforcement action.



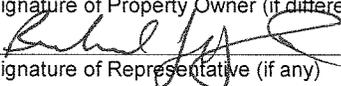
 1. Signature of Applicant



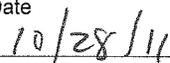
 2. Date

 3. Signature of Property Owner (if different)

 4. Date



 5. Signature of Representative (if any)



 6. Date

For Conservation Commission:

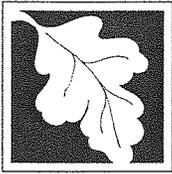
Two copies of the completed Abbreviated Notice of Resource Area Delineation (Form 4A), including supporting plans and documents; two copies of the ANRAD Wetland Fee Transmittal Form; and the city/town fee payment must be sent to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Abbreviated Notice of Resource Area Delineation (Form 4A), including supporting plans and documents; one copy of the ANRAD Wetland Fee Transmittal Form; and a copy of the state fee payment must be sent to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery. (E-filers may submit these electronically.)

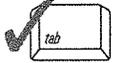
The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.

WPA Form 4A (ANRAD Wetland Fee Transmittal Form)



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 4A – ANRAD 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:

Mike Paratore
 a. First Name b. Last Name c. Organization
 11 Tupelo Way
 d. Mailing Address
 Acton MA 01720
 e. City/Town f. State g. Zip Code
 978-618-6234
 h. Phone Number

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

3. Project Location:

366 Pope Road Acton
 a. Street Address b. City/Town

B. Fees

The fee is calculated as follows for each resource area delineation included in the ANRAD (check applicable project type):

Bordering Vegetated Wetland:

1. <input checked="" type="checkbox"/>	single family house project	531'± a. linear feet	\$1,062 x \$2.00 =	\$200.00 b. Total fee not to exceed \$200
2. <input type="checkbox"/>	all other projects	a. linear feet	x \$2.00 =	b. Total fee not to exceed \$2,000

Other resource area (e.g., Bank, Riverfront Area, etc.):

3. <input checked="" type="checkbox"/>	single family house project	157'± a. linear feet	\$314 x \$2.00 =	\$200.00 b. Total fee not to exceed \$200
4. <input type="checkbox"/>	all other projects	a. linear feet	x \$2.00 =	b. Total fee not to exceed \$2,000

Total Project Fee (not to exceed \$200 for projects on single-family house lots and not to exceed \$2,000 for all other projects): \$400.00

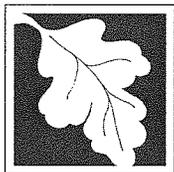
State share of filing fee: \$187.50

City/Town share of filing fee: \$212.50

5. Total fee

6. 1/2 of total fee less \$12.50

7. 1/2 of total fee plus \$12.50



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 4A – ANRAD Wetland Fee Transmittal Form

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

C. Submittal Requirements

- a.) Send a copy of this form, with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts, to:

Department of Environmental Protection

Box 4062

Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Abbreviated Notice of Resource Area Delineation; a **copy** of this form; and the city/town fee payment.
- c.) **To MassDEP Regional Office** (see Instructions): Send one copy of the Abbreviated Notice of Resource Area Delineation (and any additional documentation required); a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

Certified List of Abutters



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

ian McMullen
 assessor

Locust: 366 POPE RD
 Parcel ID: E6-4

Location	Parcel ID	Owner	Co-Owner	Mailing Address	City	ST	Zip
TRIANGLE FARM LN	D6-3	EMBRY BRUCE J TRUSTEE	DARCY WOOD TRUST	55 CAMBRIDGE PARK WY	CAMBRIDGE	MA	02142
TRIANGLE FARM LN	D6-3-1	EMBRY BRUCE J TRUSTEE	JAMIE HILL TRUST	55 CAMBRIDGE PARKWAY	CAMBRIDGE	MA	02142
TRIANGLE FARM LN	D6-3-2	STONES THROW TRUST	C/O SANDRA A CRAIG	1 MAIN STREET	LEOMINSTER	MA	01453
0 POPE RD	E6-2	ROOP WILLIAM R III		376 POPE RD	CONCORD	MA	01742
0 POPE RD	E6-3	ROOP WILLIAM R III	TRUSTEE 380 POPE RD TRUST	376 POPE ROAD	CONCORD	MA	01742
2 POPE RD	E6-7	TOWN OF ACTON		472 MAIN STREET	ACTON	MA	01720
2 POPE RD	E6-8	COTE THOMAS P		109 MARLBOROUGH ST APT 3	BOSTON	MA	02116
9 POPE RD	E6-19	SEWARD SUSAN U	FREDERICK	158 SPENCER BROOK R	CONCORD	MA	02116
9 POPE RD	E6-20.5	RANDLE STUART A	RANDLE ANNE A	359 POPE RD	ACTON	MA	01742
3 POPE RD	E6-20-6	FIUGH LESLIE		149 SPENCER BROOK	CONCORD	MA	01720
TRIANGLE FARM LN	D6-3-4	CRAIG SANDRA A		1 MAIN STREET	LEOMINSTER	MA	01453

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.

erty Abbott 3-Nov-11

on Assessors Office



Town of Concord
Board of Assessors
24 Court Lane
P.O. Box 535
Concord, Massachusetts 01742-0535
Tel: (978) 318-3070
Fax: (978) 3694760

ABUTTERS LIST

PROPERTY : 366 Pope Rd.
Acton, MA 01720

As per Massachusetts General Laws Chapter 131, Section 40 whereas the "abutters" included shall be:

Any person filing a notice of intention with a conservation commission shall at the same time give written notification thereof, by delivery in hand or certified mail, return receipt requested, to all abutters within one hundred feet of the property line of the land where the activity is proposed, at the mailing addresses shown on the most recent applicable tax list of the assessors, including, but not limited to, owners of land directly opposite said proposed activity on any public or private street or way, and in another municipality or across a body of water.

The Board of Assessors hereby certifies that the attached list contains the record owners as of January 1, 2011, and recorded on the current tax rolls. In addition, the Board certifies that the list includes owners, as per recorded deeds as received up to September 30, 2011.

William B. MacPine Bannon P. Lambert

James L. Phelps David Kim
Board of Assessors

10/27/11

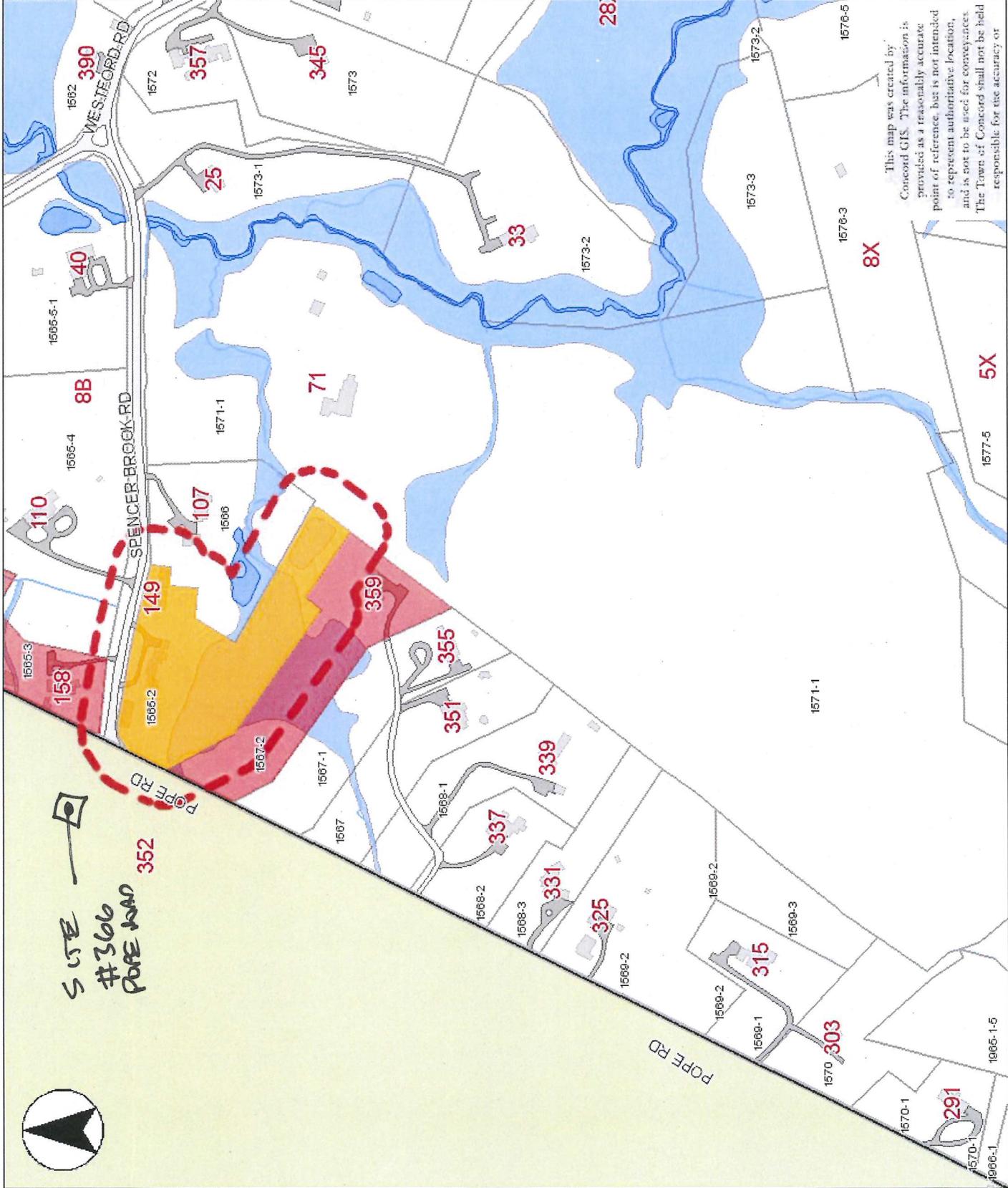
Date

Abutters List for 366 Pope Rd., Acton, MA , using a distance of 100 ft.:

Parcel	Parcel Location	Name & Billing Address as of January 1, 2011	Name & Billing Address as of September 30, 2011
1565-2	149 Spencer Brook Rd	Leslie A S Feigh 149 Spencer Brook Rd Concord, MA 01742	
1565-3	158 Spencer Brook Rd	Frederick D & Susan U Seward Tr Seward Real Estate Trust No 1 158 Spencer Brook Rd Concord, MA 01742	
1567-2	359 Pope Rd	Anne A Randle Tr The Anne A Randle Trust of 1998 359 Pope Rd Concord, MA 01742	



- Landmarks**
- Visitor Center
 - Court House
 - Fire Station
 - Hospital
 - Police Station
 - Railroad Station
 - School
 - Municipal Offices
 - Town Boundary
 - Abutting Towns
 - Commuter Rail
 - Commuter Rail Stations
 - Commuter Rail
- Pavement**
- Paved Driveway
 - Paved Parking
 - Paved Road
 - bridge
- Streams**
- Rivers & Ponds
 - Wetlands by Parcel
 - Buildings
 - Parcels
 - Parcels with Aerials
 - Parcels



Abutters to 366 Pope Rd. Acton

SITE #366 POPE RD



Affidavit of Services

AFFIDAVIT OF SERVICES
Under the Massachusetts Wetlands Protection Act
(to be submitted to the Massachusetts Department of
Environmental Protection and the Department of Natural
Resources
when filing an Abbreviated Notice of Resource Area
Delineation)

I, Richard Harrington, hereby certify under the pains and penalties of perjury that on 11/3/2011 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:

An Abbreviated Notice of Resource Area Delineation
filed under the Massachusetts Wetlands Protection
Act by Mike Paratore with the Acton Conservation
Commission for property located at 366 Pope Road,
Assessor's Map E-6, Parcel 4.

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:

11/3/2011

Notification to Abutters

NOTIFICATION TO ABUTTERS
UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT
AND THE TOWN OF ACTON WETLANDS 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 Applicant: Mike Paratore

Address: 11 Tupelo, Acton, MA 01720 Phone: (978) 618-6234

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 Wetlands Protection Act .

Applicant's Representative: Stamski and McNary, Inc.

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

The address of the property where the activity is proposed: 366 Pope Road

Town Atlas Plate/Map E-6 Parcel/Lot 4

Project Description: Confirmation of Wetlands Delineation and Riverfront Area.

Copies of the Notice of Intent may be examined at the Conservation Office, Acton Town Hall, 472 Main Street, Acton. Between the hours of 8:00 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,

November 16 , 2011 at 7:30 P.M.

(date)

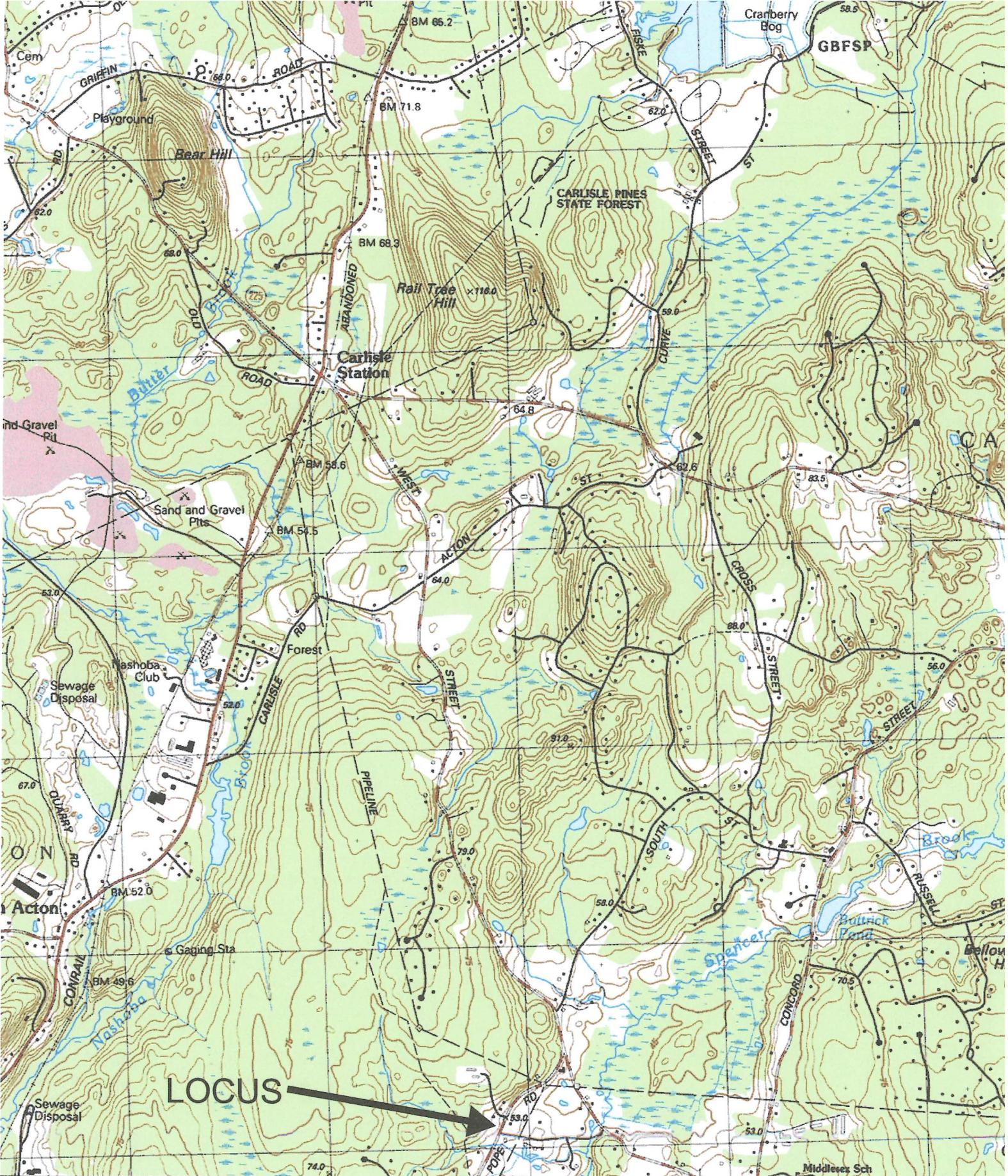
The notice of the public hearing, will be published at least five (5) days in advance in the *Beacon* newspaper or *Metrowest Daily News*.

NOTE: You may also contact your local conservation commission or the nearest Department of Environmental Protection Regional Office for the information about this application or, the Wetlands Protection Act. Acton is in the Central Region. To contact DEP, call:

***Central Region: 508-792-7650**
Southeast Region: 508-946-2700

Northeast Region: 978-694-3200
Western Region: 413-784-1100

U.S.G.S. Locus Map



25' 30" 302 303 304 22' 30" 306

KM. TO MASS. 2

2 3 4

SCALE 1:25 000

1 CENTIMETER ON THE MAP REPRESENTS 250 METERS ON THE GROUND

CONTOUR INTERVAL 3 METERS

500 1000

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

Applicant: _____ Prepared by: B & C Associates Inc. Project location: 366 Pope Road, Acton DEP File #: _____

Check all that apply:

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

Section I. Vegetation Observation Plot Number: 1 Transect Number: A Date of Delineation: 9/12/11

A. Sample Layer and Plant Species (by common/scientific name)		B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category *	
Herbaceous:	Jewelweed	<i>Impatiens capensis</i>	63.0	81%	Yes	FACW *
	Poison Ivy	<i>Toxicodendron radicans</i>	3.0	4%	No	FAC *
	May-Apple	<i>Podophyllum peltatum</i>	3.0	4%	No	FACU
	Common Buttercup	<i>Ranunculus acris</i>	3.0	4%	No	FAC+ *
	Spinulose Woodfern	<i>Dryopteris spinulosa</i>	3.0	4%	No	FAC+ *
	Tall Meadow Rue	<i>Thalictrum polygamum</i>	3.0/78.0	4%	No	FACW+ *
Shrubs:	Multiflora Rose	<i>Rosa multiflora</i>	20.5	60%	Yes	FACU
	Beaked Hazelnut	<i>Corylus cornuta</i>	10.5	31%	Yes	FACU-
	Shadbush	<i>Amelanchier intermedia</i>	3.0/34.0	9%	No	FACW *
Saplings:	White Ash	<i>Fraxinus americana</i>	10.5	33%	Yes	FACU
	Red Maple	<i>Acer rubrum</i>	10.5	33%	Yes	FAC *
	Black Cherry	<i>Prunus serotina</i>	10.5/31.5	33%	Yes	FACU
Lianas:	Poison Ivy	<i>Toxicodendron radicans</i>	20.5	66%	Yes	FAC *
	Oriental Bittersweet	<i>Celastrus occidentalis</i>	10.5/31.0	34%	Yes	UPL
Overstory:	Red Oak	<i>Quercus rubra</i>	2206.2	60%	Yes	FACU-
	Red Maple	<i>Acer rubrum</i>	1442.9	39%	Yes	FAC *
	White Ash	<i>Fraxinus americana</i>	32.9/3682.0	1%	No	FACU

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

Vegetation conclusion:

Number of dominant wetland indicator plants: 4 Number of dominant non-wetland Indicator plant: 6

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

**Section II. Indicators of Hydrology
Hydric Soil Interpretation**

1. Soil Survey

Is there a published soil survey for this site? **YES**

title/date: Middlesex County 2/26/10

map number: 1

soil type mapped: Canton fine sandy loam

hydric soil inclusions:

Are field observations consistent with soil survey? **YES**

Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
A	0-12"	10 YR 2/2	
B	12-15"	10 YR 4/2	

Remarks: Refusal @ 15"

3. Other: 9' 0" to Wetland Flag # 4
11' 1" to Wetland Flag # 5

Conclusion: Is soil hydric? **NO**

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

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

- Other: _____

Vegetation and Hydrology Conclusion

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

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

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

Applicant: _____ Prepared by: B & C Associates Inc. Project location: 366 Pope Road, Acton DEP File #: _____

Check all that apply:

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

Section I. Vegetation Observation Plot Number: 2 Transect Number: A Date of Delineation: 9/12/11

A. Sample Layer and Plant Species (by common/scientific name)		B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category *	
Herbaceous:	Jewelweed	<i>Impatiens capensis</i>	10.5	28%	Yes	FACW *
	Smaller Enchanter's Nightshade	<i>Circaea alpina</i>	10.5	28%	Yes	FACW *
	May-Apple	<i>Podophyllum peltatum</i>	10.5	28%	Yes	FACU
	Tall Meadow Rue	<i>Thalictrum polygamum</i>	3.0	8%	No	FACW+ *
	Cinnamon Fern	<i>Osmunda cinnamomea</i>	3.0/37.5	8%	No	FACW *
Shrubs:	Shadbush	<i>Amelanchier intermedia</i>	10.5	50%	Yes	FACW *
	Multiflora Rose	<i>Rosa multiflora</i>	10.5/21.0	50%	Yes	FACU
Saplings:	White Ash	<i>Fraxinus americana</i>	20.5	40%	Yes	FACU
	Red Maple	<i>Acer rubrum</i>	20.5	40%	Yes	FAC *
	Black Cherry	<i>Prunus serotina</i>	10.5/51.5	20%	Yes	FACU
Lianas:	Poison Ivy	<i>Toxicodendron radicans</i>	20.5	66%	Yes	FAC *
	Oriental Bittersweet	<i>Celastrus occidentalis</i>	10.5/31.0	34%	Yes	UPL
Overstory:	Red Oak	<i>Quercus rubra</i>	3114.1	62%	Yes	FACU-
	Red Maple	<i>Acer rubrum</i>	1854.7	37%	Yes	FAC *
	American Elm	<i>Ulmus americana</i>	38.5	1%	No	FACW- *
	White Ash	<i>Fraxinus americana</i>	32.9/5040.2	1%	No	FACU

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

Vegetation conclusion:

Number of dominant wetland indicator plants: 6 Number of dominant non-wetland Indicator plant: 6

Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? YES

**Section II. Indicators of Hydrology
Hydric Soil Interpretation**

1. Soil Survey

Is there a published soil survey for this site? YES

title/date: Middlesex County 2/26/2010

map number: 1

soil type mapped: Whitman fine sandy loam

hydric soil inclusions:

Are field observations consistent with soil survey? YES

Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
A	0-20"	10 YR 2/2	

Remarks:

3. Other: 5' 9" to Wetland Flag # 4
17' 8" to Wetland Flag # 5
12' 3" Downgradient from A1

Conclusion: Is soil hydric? YES

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

- Site inundated: _____
- Depth to free water in observation hole: 11"
- Depth to soil saturation in observation hole: 0"
- Water marks: _____
- Drift lines: _____
- Sediment deposits: _____
- Drainage patterns in BVW: _____
- Oxidized rhizospheres: _____
- Water-stained leaves: _____
- Recorded data (stream, lake, or tidal gauge; aerial photo; other):

- Other: _____

Vegetation and Hydrology Conclusion

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

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

**Resource Area Delineation Plan by
Stamski and McNary, Inc., dated November 3, 2011**

LEGEND:

- N/F NOW OR FORMERLY
- OVERHEAD WIRES
- ⊗ TREE
- TREE LINE
- UP UTILITY POLE
- GG GAS GATE
- G GAS SERVICE (BURIED)
- WG WATER GATE
- W WATER SERVICE (BURIED)
- DMH DRAIN MANHOLE
- S SUB-SURFACE DRAIN LINE
- EXISTING CONTOUR
- - - EXISTING CONTOUR
- ⊠ LIGHTPOLE
- △ WETLAND FLAG
- 99X9 SPOT ELEVATION
- ⊖ STONE WALL

RECORD OWNER

MIKE PARATORE
11 TUPELO WAY
ACTON, MA

REFERENCE

MIDDLESEX REGISTRY OF DEEDS
SOUTH DISTRICT
TOWN MAP E6 PARCEL 4
DEED BOOK 57659 PAGE 298

ZONING DISTRICT

RESIDENCE B
GROUNDWATER PROTECTION DISTRICT ZONE 4

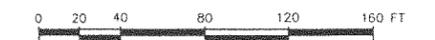
NOTE

BASE IMAGE OBTAINED FROM AS-BUILT SEWAGE
DISPOSAL UPGRADE PLAN BY R. WILSON AND
ASSOCIATES DATED NOVEMBER 21, 2006

RESOURCE AREA DELINEATION PLAN
IN
ACTON, MASSACHUSETTS
(MIDDLESEX COUNTY)

FOR: PARATORE
SCALE: 1"=40' NOVEMBER 3, 2011

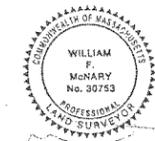
STAMSKI AND McNARY, INC.
1000 MAIN STREET ACTON, MASSACHUSETTS
ENGINEERING - PLANNING - SURVEYING



(4574A-ANRAD.dwg) 366 POPE ROAD SM-4574A

UTILITY NOTE:

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EDGE OF RIVER
AS DELINEATED BY
B & C ASSOCIATES
MEAN ANNUAL HIGH WATER LINE

From: CERO_NOI@MassMail.state.ma.us
To: mparatore@bentleybuildingcorp.com
Cc: ceronoi@state.ma.us; [Conservation Commission](#); ceronoi@state.ma.us
Subject: MassDEP NOI File Number
Date: Wednesday, November 23, 2011 10:01:44 AM

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
CENTRAL REGIONAL OFFICE
627 MAIN STREET, WORCESTER, MA 01608 508-792-7650

Date: 11/23/2011 Municipality ACTON

RE: **NOTIFICATION OF WETLANDS PROTECTION ACT FILE NUMBER**

The Department of Environmental Protection has received a Notice of Intent filed in accordance with the Wetlands Protection Act (M.G.L. c. 131, §40):

Applicant MIKE PARATORE 11 TUPELO Address WAY, ACTON MA 01720 Locus 366 POPE RD , ACTON MA 01720	Owner Address
--	--------------------------

This project has been assigned the following file # : **CE 085-1075**
ISSUANCE OF A FILE NUMBER INDICATES ONLY COMPLETENESS OF
SUBMITTAL, NOT APPROVAL OF APPLICATION

Although a file # is being issued, please note the following:

Regards,
for MassDEP,

(508)-767-2721
Martin.Jalonski@State.MA.US

From: [Andrea Ristine](#)
To: ["Richard Harrington"](#)
Cc: ["Mike Paratore"](#)
Subject: RE: 366 Pope
Date: Wednesday, November 30, 2011 8:59:00 AM

Yes, please, I need it for the file to abide by OML posting.

Thank you,

~A

From: Richard Harrington [mailto:rjh@stamskiandmcnary.com]
Sent: Wednesday, November 30, 2011 8:23 AM
To: Andrea Ristine
Cc: 'Mike Paratore'
Subject: RE: 366 Pope

We submitted a revised plan and a revision letter from our office. There is also a letter from B&C Assoc. which Dave submitted at hearing. Let me know if you need a copy of Dave's letter.

Richard J. Harrington, P.E.
Stamski and McNary, Inc.
1000 Main Street
Acton, MA 01720
Tel. (978) 263-8585 ext. 211
Fax (978) 263-9883
rjh@stamskiandmcnary.com

From: Andrea Ristine [mailto:aristine@acton-ma.gov]
Sent: Tuesday, November 29, 2011 4:16 PM
To: Richard Harrington
Subject: 366 Pope

Hi Rich,

Can you please provide me a copy of additional documents/plan that you presented on 366 Pope on 11/16?

Was is a correspondence and/or plans?

~A

STAMSKI AND McNARY, INC.

1000 Main Street
Acton, Massachusetts 01720
(978) 263-8585
FAX (978) 263-9883

WILLIAM F. McNARY, P.L.S.
JOSEPH MARCH, P.E., P.L.S.

November 16, 2011

Town of Acton
Conservation Commission
472 Main Street
Acton, MA 01720

RE: Resource Area Delineation Plan
Revision Date: November 16, 2011
366 Pope Road

Dear Commission Members:

Following a site walk with Dave Crossman of B & C Associates and members of the Commission, along with additional survey work performed on site, the referenced plan has been revised. Revisions include the following:

- 1) Wetland Flags 4A, 4B, and 5A have been added to the Isolated Wetland on the western property line. The Isolated Wetland Line and the 100' Buffer Zone have been updated.
- 2) The mean annual water line of the stream across Pope Road has been included and the 200' Riverfront on-site has been updated along frontage.
- 3) The dwelling, barns, and other structures have been located along with associated gravel drive, fence, and drain pipes.

Thank you for your attention to this matter, we look forward to discussing these revisions at the public hearing. Please contact our office if there are any questions.

Respectfully,
Stamski and McNary, Inc.



Evan Stidham, E.I.T.



Richard J. Harrington, P.E.



LEGEND:

- N/F NOW OR FORMERLY
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- ⊙ TREE
- TREE LINE
- UP UTILITY POLE
- GG• GAS GATE
- G— GAS SERVICE (BURIED)
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RECORD OWNER

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REFERENCE

MIDDLESEX REGISTRY OF DEEDS
SOUTH DISTRICT
TOWN MAP E6 PARCEL 4
DEED BOOK 57659 PAGE 298

ZONING DISTRICT

RESIDENCE 8
GROUNDWATER PROTECTION DISTRICT ZONE 4

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RESOURCE AREA DELINEATION PLAN
IN
ACTON, MASSACHUSETTS
(MIDDLESEX COUNTY)

FOR: PARATORE
SCALE: 1"=40' NOVEMBER 3, 2011
REV.: NOVEMBER 16, 2011

STAMSKI AND MCNARY, INC.
1000 MAIN STREET ACTON, MASSACHUSETTS
ENGINEERING - PLANNING - SURVEYING



B & C Associates Inc.

Wetland Consultants

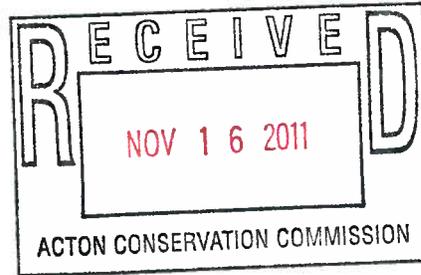
2 Rice Street ♦ Hudson, Massachusetts 01749

Phone 978/568-0135 ♦ Fax 978/568-0135

Stamski & McNary, Inc.
1000 Main Street
Acton, MA 01720

November 16, 2011

RE: Wetland Resources
366 Pope Road
Acton, MA



Dear Mr. Harrington,

On September 12, 2011, I delineated the boundary of all wetland resource areas inside (or within 100 feet of) the property boundary at 366 Pope Road.

I delineated a Bordering Vegetated Wetland in the southwest corner of the property with flagging numbered 1 through 6. I also delineated the edge of a perennial stream with flagging numbered RF1 through RF7. Finally, I delineated an isolated vegetated wetland, located along the northwest property boundary, with flagging numbered A1 through A5 and B1 through B7. The reason for the two separate lines is due to a small knoll located between the two lines. This knoll pushes the wetland boundary northward away from the site. This area is one large isolated wetland. This wetland is subject to the Town of Acton Wetland Bylaw only because the area is too small to meet the State of Massachusetts Wetlands Protection Act (Chapter 131 section 40) definition of an Isolated Land Subject to Flooding (ILSF). The area does not hold enough water to meet the criteria of an ILSF.

There are two notable issues with this property. First, there is substantial ledge located throughout the property. Second, this site has groundwater issues throughout much of the property. Historically, the upper paddock, along the northwest property line, becomes quite saturated during periods of heavy rain or snow melt. As a result, the paddock becomes extremely muddy and difficult to use with the horses.

As a result of this situation with the upper paddock, it appears that the previous owner attempted to alleviate those conditions by implementing a drainage system. A small channel was excavated from the southern corner of the isolated wetland to a pit lined with riprap. A pipe was installed, several inches above the bottom of the pit, to remove excess water away from this area. This pipe then daylighted in the center of the property where, it appears, a landscape feature was created. This landscape feature is comprised of an upland plant community. Several other pipes, handling groundwater issues, also discharge into this landscape feature. A single pipe then carries water southward to the edge of another paddock. Water

then sheet flows across the lowest area of the property into the adjacent wetland near wetland flag 5. There is a pipe located in front of a gate, in this lower paddock, which looks as if it was placed there to allow drier travel between the two paddocks. This pipe serves no other purpose.

Since this drainage system is now in place, there emerges a concern regarding this system. The primary problem relates to the possibility that the drainage system connects one wetland resource area to another. If this system does connect two wetland resource areas then there is the potential that the drainage system itself becomes a resource area.

In order for the drainage system to connect two resources area, the water would have to meet the definition of a stream and would have to flow from the first wetland to the second wetland via a definitive channel. Under 310 CMR 10.04 Definitions, a stream is defined as "a body of running water, including brooks and creeks, which moves in a definite channel in the ground due to a hydraulic gradient, and which flows within, into or out of an Area Subject to Protection Under M.G.L. c. 131, § 40. A portion of a stream may flow through a culvert or beneath a bridge. Such a body of running water which does not flow throughout the year (*i.e.*, which is intermittent) is a stream except for that portion upgradient of all bogs, swamps, wet meadows and marshes."

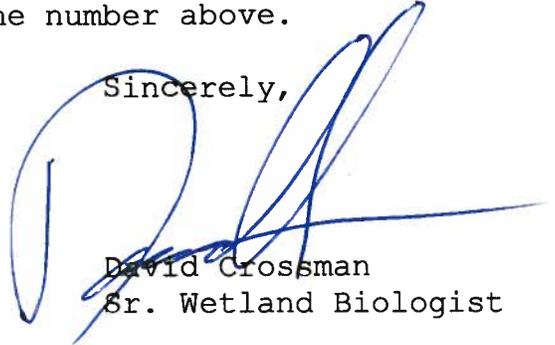
The piping creates a manmade outlet from the first wetland. The landscape area has a manmade channel created by the placement of rocks. There was also some placement of rocks at the outlet of the second pipe directing water into the bottom paddock. Finally, the water sheet flows across this paddock into the wetland below. When you look at the grass, in this paddock, you can ascertain a small "swale" in which the water could flow towards the wetland. Personally, I do not believe this swale would meet the definition of a definitive channel. In any event, this "swale" ends several feet before the fence which encloses this paddock. Water flowing out of this "swale" sheet flows into the adjacent wetland through any number of "entry" points. Further, there is a minimum of ten feet between the fence and the adjacent undisturbed wetland which is comprised of an upland plant community without any visible channels or scours. Just based upon these existing site conditions, the water does not flow immediately into the adjacent wetland but through an upland without the benefit of any channels or swales. Therefore, the water flowing into the downhill wetland is not considered, by definition, to be a stream because the water does not reach the wetland via a definitive channel.

In conclusion, I do not believe the water flowing through the drainage system meets the definition of a stream by the time the water reaches the downhill wetland thereby nullifying any connection between the two wetlands. I would contend that the piping was an attempt, not to drain the upper wetland but to maintain a certain water level which would allow usage of the upper paddock during the wetter times of the year. The placement of the inlet of the pipe above the bottom of the pit would seem to bear this out.

In summary, I believe the upper wetland is still an isolated wetland subject only to the Town of Acton Wetland Bylaw. The piping is simply a drainage system (not a wetland resource) which does not connect any two wetland resource areas to each other.

If you have any questions regarding my findings or need any additional information, you can reach me at the telephone number above.

Sincerely,

A handwritten signature in blue ink, appearing to read 'David Crossman', written over the typed name.

David Crossman
Sr. Wetland Biologist