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

Notice of Intent

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

for

Lot 5
The Residences at Constitution Drive
27 Jackson Drive
Map E-3, Parcel 25
Acton, MA 01720

Applicant: Lexington Holding, LLC
6 Open Space Drive
Sandwich, MA 02563

Date: October 3, 2013

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C. Massachusetts Natural Heritage Atlas 13th Edition, Effective: October 1, 2008

D. FEMA Flood Insurance Map

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F. Sewage Disposal Plan by Stamski and McNary, Inc.

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):

27 Jackson Drive — a. Street Address
Acton — b. City/Town
01720 — c. Zip Code

Latitude and Longitude:
42°29'29"N — d. Latitude
71°27'08" W — e. Longitude

Map E-3 — f. Assessors Map/Plat Number
Parcel 25 — g. Parcel /Lot Number

2. Applicant:

Mark — a. First Name
Schulman — b. Last Name
Lexington Holding, LLC — c. Organization
6 Open Space Drive — d. Street Address
Sandwich — e. City/Town
MA — f. State
02563 — g. Zip Code
(508) 740-8411 — h. Phone Number
i. Fax Number
Schulman123@gmail.com — j. Email Address

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

Xiaohong — a. First Name
Qin — b. Last Name
c. Organization
27 Jackson Drive — d. Street Address
Acton — e. City/Town
MA — f. State
01720 — g. Zip Code
h. Phone Number
i. Fax Number
j. Email address

4. Representative (if any):

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

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

$500 — a. Total Fee Paid
$237.50 — b. State Fee Paid
$262.50(plus $100 Bylaw fee) — c. City/Town Fee Paid

A. General Information (continued)

6. General Project Description:

The proposed project is to relocate an existing dwelling onto a new foundation partially within the buffer zone of a BVW on Lot 5 with associated grading, septic grading, porch and deck.

7a. Project Type Checklist:

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

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

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

2. Limited Project

8. Property recorded at the Registry of Deeds for:

Middlesex South	1491905
a. County	b. Certificate # (if registered land)
60598	183
c. Book	d. Page Number

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

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

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

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

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

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

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

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

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

	Size of Proposed Alteration	Proposed Replacement (if any)
f. ☐ Coastal Banks	1. linear feet	
g. ☐ Rocky Intertidal Shores	1. square feet	
h. ☐ Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. ☐ Land Under Salt Ponds	1. square feet 2. cubic yards dredged	
j. ☐ Land Containing Shellfish	1. square feet	
k. ☐ Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above 1. cubic yards dredged	
l. ☐ Land Subject to Coastal Storm Flowage	1. square feet	

4. ☐ Restoration/Enhancement
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW _____ b. square feet of Salt Marsh _____

5. ☐ Project Involves Stream Crossings

a. number of new stream crossings _____ b. number of replacement stream crossings _____

C. Other Applicable Standards and Requirements

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

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

a. ☐ Yes ☒ No **If yes, include proof of mailing or hand delivery of NOI to:**

October 1, 2008
b. Date of map

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
100 Hartwell Street, Suite 230
West Boylston, MA 01583

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

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

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

   1. ☐ Percentage/acreage of property to be altered:

      (a) within wetland Resource Area _____ percentage/acreage

      (b) outside Resource Area _____ percentage/acreage

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

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

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

      (b) ☐ Photographs representative of the site

      (c) ☐ MESA filing fee (fee information available at: http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/mesa/mesa_fee_schedule.htm). Make check payable to "Commonwealth of Massachusetts - NHESP" and ***mail to NHESP*** at above address

      *Projects altering **10 or more acres** of land, also submit:*

      (d) ☐ Vegetation cover type map of site

      (e) ☐ Project plans showing Priority & Estimated Habitat boundaries

   d. OR Check One of the Following

      1. ☐ Project is exempt from MESA review.
         Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/mesa/mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

      2. ☐ Separate MESA review ongoing. _____ a. NHESP Tracking # _____ b. Date submitted to NHESP

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

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

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

3. ☐ Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

2. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

a. ☒ Not applicable – project is in inland resource area only

b. ☐ Yes ☐ No If yes, include proof of mailing or hand delivery of NOI to either:

South Shore - Cohasset to Rhode Island, and the Cape & Islands:

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

North Shore - Hull to New Hampshire:

Division of Marine Fisheries - North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930

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

3. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

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

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

4. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?

a. ☐ Yes ☒ No

5. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?

a. ☐ Yes ☒ No

6. Is this project subject to provisions of the MassDEP Stormwater Management Standards?

a. ☐ Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:

1. ☐ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)

2. ☐ A portion of the site constitutes redevelopment

3. ☐ Proprietary BMPs are included in the Stormwater Management System.

b. ☒ No. Check why the project is exempt:

1. ☒ Single-family house

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

2. ☐ Emergency road repair

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

D. Additional Information

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

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

1. ☒ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)

2. ☒ Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.

3. ☒ Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. ☒ List the titles and dates for all plans and other materials submitted with this NOI.

Sewage Disposal Plan a. Plan Title	
Stamski and McNary Inc. b. Prepared By	George Dimakarakos, P.E. c. Signed and Stamped by
10/3/13 d. Final Revision Date	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.

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

E. Fees

1. ☐ Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

2. Municipal Check Number: 3971	3. Check date: 9/18/13
4. State Check Number: 3970	5. Check date: 9/18/13
6. Payor name on check: First Name: WILFRED	7. Payor name on check: Last Name: PIERCE

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: Sept 18, 2013
3. Signature of Property Owner (if different)	4. Date: 09/18/2013
5. Signature of Representative (if any)	6. Date

For Conservation Commission:
Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:
One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

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

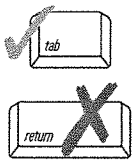
NOI Wetland Fee Transmittal Form

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: 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. Location of Project:

27 Jackson Drive	Acton
a. Street Address	b. City/Town
3970	237.50
c. Check number	d. Fee amount

2. Applicant Mailing Address:

Mark	Schulman	
a. First Name	b. Last Name	
Lexington Holding, LLC		
c. Organization		
6 Open Space Drive		
d. Mailing Address		
Sandwich	MA	02563
e. City/Town	f. State	g. Zip Code
(508) 740-8411		Schulman123@gmail.com
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

Xiaohong	Qin	
a. First Name	b. Last Name	
c. Organization		
27 Jackson Drive		
d. Mailing Address		
Acton	MA	01720
e. City/Town	f. State	g. Zip Code
h. Phone Number	i. Fax Number	j. Email Address

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

B. Fees

Fee should be calculated using the following process & worksheet. ***Please see Instructions before filling out worksheet.***

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

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

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract $12.50. To calculate the city/town share of the fee, divide the total fee in half and add $12.50.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

NOI Wetland Fee Transmittal Form

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

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Construction of single family house	1	500	500

Step 5/Total Project Fee: _____

Step 6/Fee Payments:

Total Project Fee:	$500 a. Total Fee from Step 5
State share of filing Fee:	$237.50 b. 1/2 Total Fee **less** $12.50
City/Town share of filling Fee:	$262.50(+ $100 Bylaw) c. 1/2 Total Fee **plus** $12.50

C. Submittal Requirements

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

Department of Environmental Protection
Box 4062
Boston, MA 02211

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

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

WINIFRED A. PIERCE
ATTORNEY AT LAW
CLIENT IOLTA ACCOUNT
P.O. BOX 20777
WORCESTER, MA 01602

3971
51-7218/2211

DATE 9-18-13

PAY TO THE ORDER OF Town of Acton, MA $ 262 50

Two Hundred Sixty-Two 50/100 DOLLARS

Security Features Details on Back.

PEOPLE'S UNITED BANK

FOR

Winifred A Pierce MP

WINIFRED A. PIERCE
ATTORNEY AT LAW
CLIENT IOLTA ACCOUNT
P.O. BOX 20777
WORCESTER, MA 01602

3970
51-7218/2211

DATE 9-18-13

PAY TO THE ORDER OF Commonwealth of Mass $ 237 50

Two Hundred Thirty-Seven 50/100 DOLLARS

Security Features Details on Back.

PEOPLE'S UNITED BANK

FOR

Winifred A Pierce MP

WINIFRED A. PIERCE
ATTORNEY AT LAW
CLIENT IOLTA ACCOUNT
P.O. BOX 20777
WORCESTER, MA 01602

3972
51-7218/2211

DATE 9-18-13

PAY TO THE ORDER OF Town of Acton, MA $ 100 00

One Hundred and 00/100 DOLLARS

Security Features Details on Back.

PEOPLE'S UNITED BANK

FOR

Winifred A Pierce MP

Certified Abutters List / Affidavit / Notice to Abutters

Town of Acton
472 Main Street
Acton, MA 01720
Telephone (978) 929-6621
Fax (978) 929-6340

Brian McMullen
Principal Assessor

Locus: **27 Jackson Dr**
Parcel ID: **E3-25**

Parcel ID	Location	Owner	Co-Owner	Mailing Address	City
E3-10-11	10 MADISON LN	DUNN THOMAS F	DUNN LOUISE M	10 MADISON LN	ACTON, MA 01720
E3-10-15	12 MADISON LN	NORDSTROM CARL H		12 MADISON LANE	ACTON, MA 01720
E3-10-19	33 JACKSON DR	ROWLES BRIAN C	ROWLES ELAINE M	33 JACKSON DR	ACTON, MA 01720
E3-114	110 NEWTOWN RD	GRIGSBY BARRY		110 NEWTOWN RD	ACTON, MA 01720
E3-114-1	108B NEWTOWN RD	SRINIVASAN VENKATESH	SRINATH JAYANTHI	108B NEWTOWN RD	ACTON, MA 01720
E3-25-1	31 JACKSON DR	MACFARLANE IVOR S	MACFARLANE DIANE M	31 JACKSON DR	ACTON, MA 01720
E3-25-2	29 JACKSON DR	HINDS RAYNARD	HINDS SANDRA	29 JACKSON DRIVE	ACTON, MA 01720
E3-26	25 JACKSON DR	MICHAEL STEPHEN +AMY		25 JACKSON DR	ACTON, MA 01720
E3-26-1	19 JACKSON DR	GUPTA ANUP	GUPTA ARCHANA	19 JACKSON DR	ACTON, MA 01720
E3-26-2	21 JACKSON DR	THIIM MICHAEL	ROCKWELL-THIIM CHRISTINE	21 JACKSON DRIVE	ACTON, MA 01720
E3-42-3	69 WASHINGTON DR	BERGER RICHARD	FITZPATRICK MARCIA	69 WASHINGTON DR	ACTON, MA 01720
E3-87-65	11 MONROE DR	DIRIK ART	DIRIK SEHNAZ	11 MONROE DR	ACTON, MA 01720

The owner of 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.

Marty Abbott 27-Sep-13

Marty Abbott

Acton Assessors Office

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: Lexington Holdings LLC

Address: 6 Open Space Drive Sandwich, MA Phone: (508) 740-8411

has filed an 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: 27 Jackson Drive

Town Atlas Plate/Map E-3 Parcel/Lot 25

Project Description: Relocation of existing dwelling at 27 Jackson Drive onto Lot 5. A portion of the dwelling, garage, deck, and porch are located within the 100' Buffer Zone. A portion of the foundation and all associated grading and septic grading are also located within the 100' Buffer Zone..

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, 10/16 at 8:00 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**	Northeast Region: 978-694-3200
Southeast Region: 508-946-2700	Western Region: 413-784-1100

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, James Melvin, hereby certify under the pains and penalties of perjury that on 10/3/13 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 Lexington Holding, LLC with the Acton Conservation Commission for property located at 27 Jackson Drive Map E3, Parcel 25.

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: [signature] Date: 10/3/13

Attachment A
Project Narrative

Project Narrative

Existing Conditions

Lot 5 currently contains a corner of the existing garage (57± square feet) and a majority of the paved driveway turnout (2,082± square feet, 103± square feet within the Buffer Zone) with associated landscaped areas. The remainder of the dwelling site on Lot 5 is wooded. The vegetative cover consists of an open grass area and woodlands. There is a Bordering Vegetated Wetland (BVW) located on the east of the lot adjacent to an intermittent stream.

Project Description

The proposed project is to relocate the existing #27 dwelling onto Lot 5. A portion of the dwelling (725± square feet) and garage (465± square feet) will be located within the 100' buffer zone. A new foundation for the dwelling must be poured, grading associated with the dwelling relocation and new septic system, a porch (65± square feet) and a deck (348± square feet) are proposed within the 100' buffer zone. This filing is for the work associated with the dwelling only. The work within the drainage easement area has been filed under a separate Notice of Intent for the private way.

Resource Area Descriptions

The resource area is a Bordering Vegetated Wetland (BVW). The BVW is located on site to the east and was delineated by B & C Associates. The delineation was confirmed with an ORAD, DEP File # 85-1105. The wetland borders on an intermittent stream which ultimately drains into Conant Brook.

Massachusetts Endangered Species Act Review:

The project is not located in an area subject to MESA review.

Compliance with Town of Acton Wetlands Bylaw and Wetland Bylaw Regulations:

The proposed work is within the 100' Buffer Zone. Only grading (51' +/-) is within the 75' "No Build" Buffer Zone. The dwelling (78' +/-), garage, and deck are located outside of the 75' "No Build" Buffer Zone. No work associated with this filing is within the 50' "Undisturbed Natural Vegetation".

Compliance with Stormwater Management Standards:

A roof drywell and stone trench along driveway are proposed on the lot outside the Buffer Zone. A stormwater management report has been submitted with a separate Notice of Intent for the private way for this residential subdivision with greater than four lots.

Compliance with General Performance Standards for BVW 310 CMR 10.55:

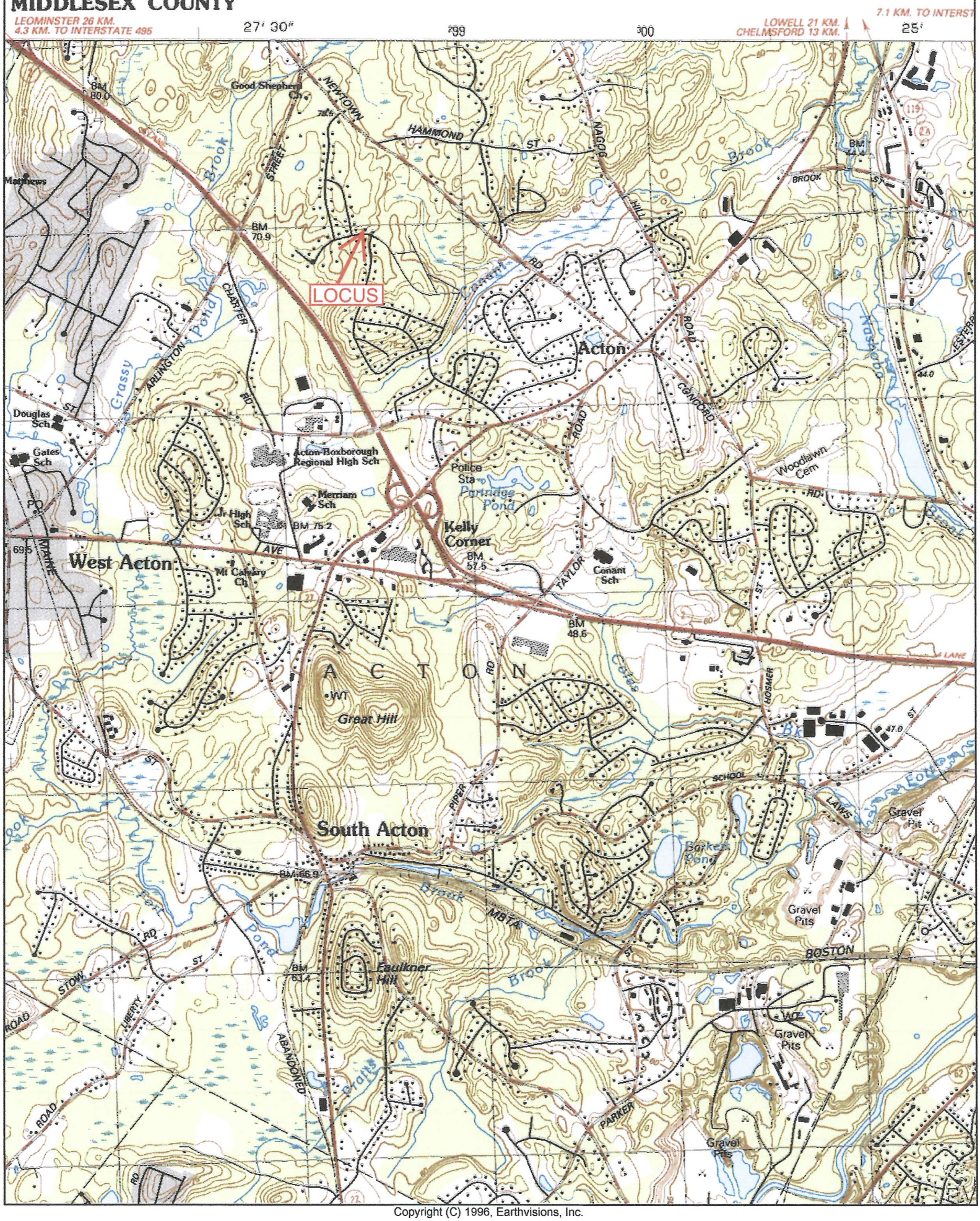
The General Performance Standards for a Bordering Vegetated Wetland have been met since the proposed activity does not involve removing, filling, dredging or altering of a BVW. The proposed siltation controls will prevent indirect alteration of wetlands during construction.

Lot 5 - Sequence of Construction:

- Install DEP File Number Sign and have approved plans and Order on site.
- Install Erosion and Siltation Controls prior to any activity.
- Install stabilized construction entrance at end of existing driveway.
- Cut and remove existing vegetation on Lot within limit of work.
- Stump and grub work area.
- Strip top and sub soil and stockpile outside of buffer zone.
- Excavate and pour foundation.
- Relocate dwelling to new foundation.
- Perform all necessary grading relative to dwelling and septic system.
- Loam and seed all disturbed areas within buffer zone.
- Install irrigation system if provided.

Attachment B
U.S.G.S. Map

MIDDLESEX COUNTY



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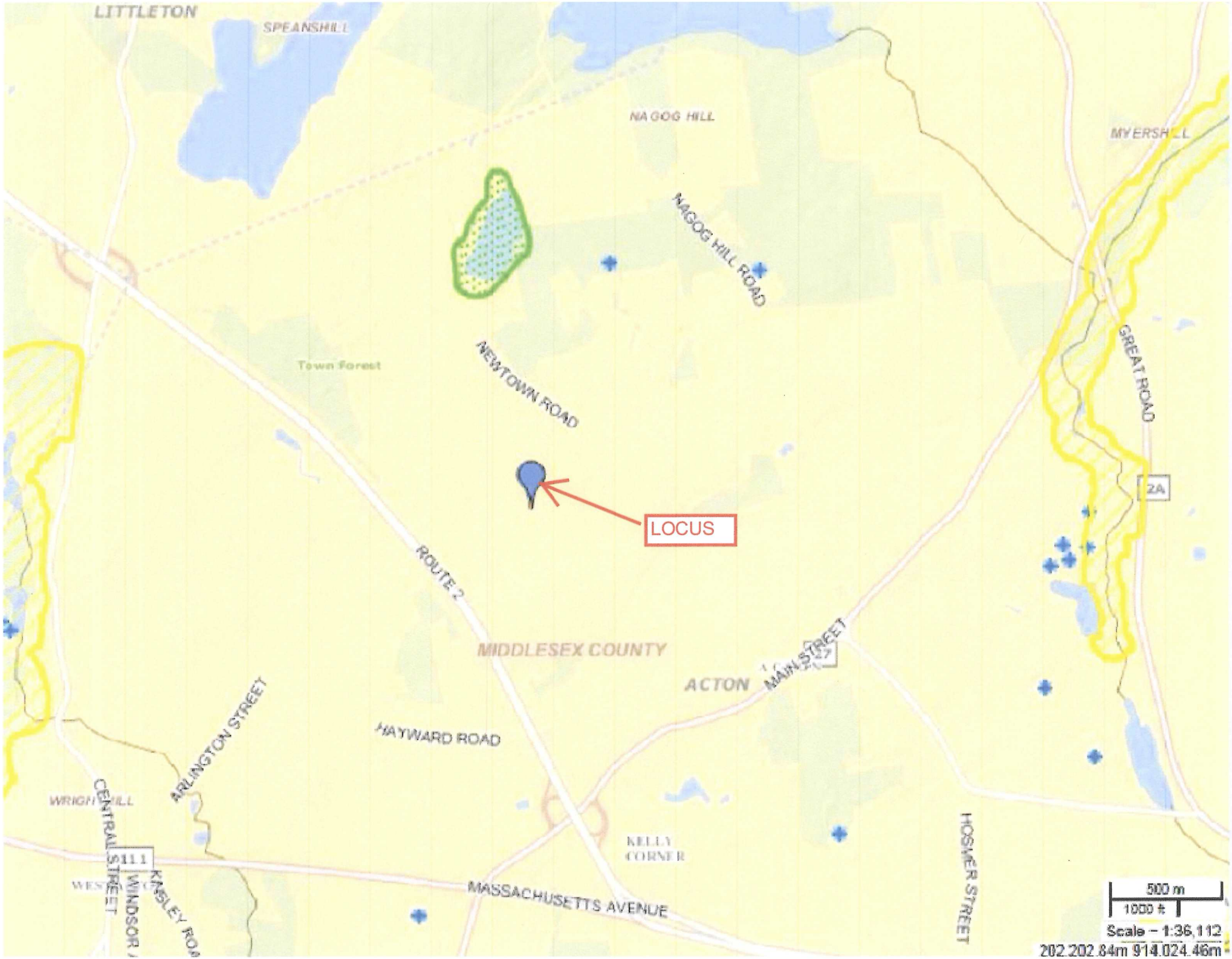
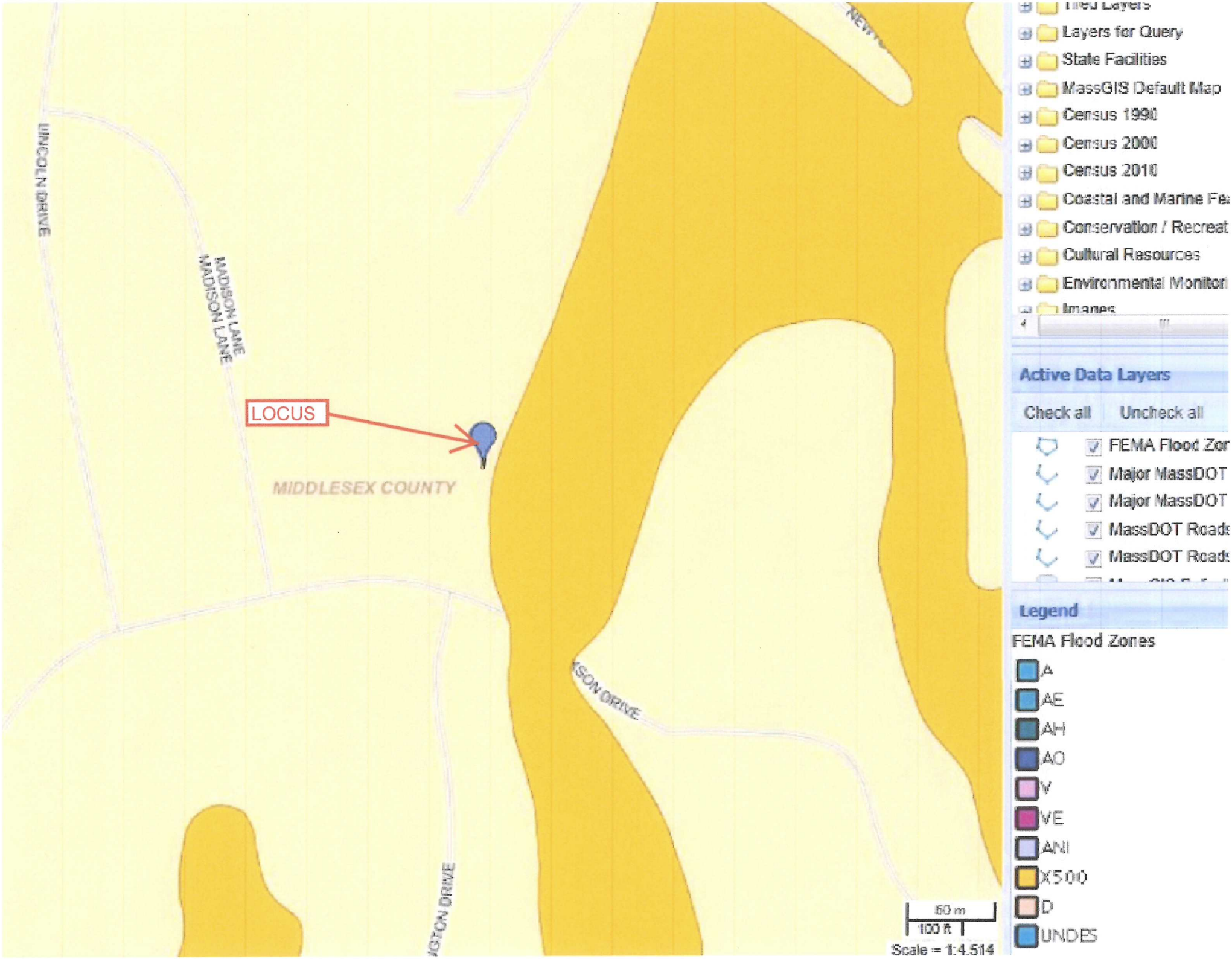
Attachment C
Massachusetts Natural Heritage Atlas 13th Edition


LITTLETON
SPEANSHILL
NAGOG HILL
MYERSHILL
NAGOG HILL ROAD
Town Forest
NEWTOWN ROAD
GREAT ROAD
2A
LOCUS
ROUTE 2
MIDDLESEX COUNTY
ACTON
MAIN STREET
HAYWARD ROAD
ARLINGTON STREET
WRIGHT HILL
CENTRAL STREET
111
WINDSOR
KINSLEY ROAD
KELLY CORNER
MASSACHUSETTS AVENUE
HOSMER STREET
500 m
1000 ft
Scale – 1:36,112
202 202.84m 914 024.46m

Attachment D
FEMA Flood Insurance Map


LOCUS
MIDDLESEX COUNTY
LINCOLN DRIVE
MADISON LANE
MADISON LANE
Layers for Query
State Facilities
MassGIS Default Map
Census 1990
Census 2000
Census 2010
Coastal and Marine Fe
Conservation / Recreat
Cultural Resources
Environmental Monitori
Active Data Layers
Check all
Uncheck all
FEMA Flood Zor
Major MassDOT
Major MassDOT
MassDOT Roads
MassDOT Roads
Legend
FEMA Flood Zones
A
AE
AH
AO
V
VE
ANI
X500
D
UNDES
50 m
100 ft
Scale = 1:4,514

Attachment E
ORAD Issued January 3, 2013

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 4B – Order of Resource Area Delineation

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

Provided by MassDEP:
85-1105
MassDEP File Number

eDEP Transaction Number

ACTON
City/Town

A. General Information

From: ACTON
1. Conservation Commission

2. This Issuance is for (check one):

a. ☒ Order of Resource Area Delineation

b. ☐ Amended Order of Resource Area Delineation

3. Applicant:

MARK
a. First Name

SCHULMAN
b. Last Name

LEXINGTON HOLDINGS, LLC
c. Organization

6 OPEN SPACE DRIVE
d. Mailing Address

SANDWICH
e. City/Town

MA
f. State

02563-3100
g. Zip Code

4. Property Owner (if different from applicant):

XIAOHONG
a. First Name

QIN
b. Last Name

c. Organization

27 JACKSON DRIVE
d. Mailing Address

ACTON
e. City/Town

MA
f. State

01720
g. Zip Code

5. Project Location:

27 JACKSON DRIVE
a. Street Address

ACTON
b. City/Town

01720
c. Zip Code

E-3
d. Assessors Map/Plat Number

25
e. Parcel/Lot Number

Latitude and Longitude (in degrees, minutes, seconds):

42° 29' 29" N
f. Latitude

71° 27' 05" W
g. Longitude

6. Dates:

DECEMBER 6, 2012
a. Date ANRAD filed

DECEMBER 19, 2012
b. Date Public Hearing Closed

DECEMBER 19, 2012
c. Date of Issuance

7. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

RESOURCE AREA DELINEATION PLAN
a. Title

DECEMBER 6, 2012
b. Date

DEP BVW DELINEATION FIELD DATA FORMS
c. Title

OCTOBER 18, 2012
d. Date

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 4B – Order of Resource Area Delineation

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

Provided by MassDEP:
85-1105
MassDEP File Number

eDEP Transaction Number

ACTON
City/Town

B. Order of Delineation

1. The Conservation Commission has determined the following (check whichever is applicable):

   a. ☒ **Accurate**: The boundaries described on the referenced plan(s) above and in the Abbreviated Notice of Resource Area Delineation are accurately drawn for the following resource area(s):

      1. ☒ Bordering Vegetated Wetlands
      2. ☐ Other resource area(s), specifically:

      a. _____

      _____

   b. ☐ **Modified**: The boundaries described on the plan(s) referenced above, as modified by the Conservation Commission from the plans contained in the Abbreviated Notice of Resource Area Delineation, are accurately drawn from the following resource area(s):

      1. ☐ Bordering Vegetated Wetlands
      2. ☐ Other resource area(s), specifically:

      a. _____

      _____

   c. ☐ **Inaccurate**: The boundaries described on the referenced plan(s) and in the Abbreviated Notice of Resource Area Delineation were found to be inaccurate and cannot be confirmed for the following resource area(s):

      1. ☐ Bordering Vegetated Wetlands
      2. ☐ Other resource area(s), specifically:

      _____

      _____

      3. ☐ The boundaries were determined to be inaccurate because:

      _____

      _____

      _____

C. Findings

This Order of Resource Area Delineation determines that the boundaries of those resource areas noted above, have been delineated and approved by the Commission and are binding as to all decisions rendered pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c.131, § 40) and its regulations (310 CMR 10.00). This Order does not, however, determine the boundaries of any resource area or Buffer Zone to any resource area not specifically noted above, regardless of whether such boundaries are contained on the plans attached to this Order or to the Abbreviated Notice of Resource Area Delineation.

This Order must be signed by a majority of the Conservation Commission. The Order must be sent 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 DEP Regional Office (see http://www.mass.gov/dep/about/region/findyour.htm).

D. 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 DEP Regional Office to issue a Superseding Order of Resource Area Delineation. When requested to issue a Superseding Order of Resource Area Delineation, the Department's review is limited to the objections to the resource area delineation(s) stated in the appeal request. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for 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 of Resource Area Delineation 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 Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

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 bylaw or ordinance, and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 4B – Order of Resource Area Delineation

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

Provided by MassDEP:
85-1105
MassDEP File Number

eDEP Transaction Number

ACTON
City/Town

E. Signatures

Date of Issuance

Please indicate the number of members who will sign this form. 1. Number of Signers

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

This Order is valid for three years from the date of issuance.

If this Order constitutes an Amended Order of Resource Area Delineation, this Order does not extend the issuance date of the original Final Order, which expires on unless extended in writing by the issuing authority.

This Order is issued to the applicant and the property owner (if different) as follows:

2. ☐ By hand delivery on

a. Date

3. ☒ By certified mail, return receipt requested on

a. Date 1/3/2013

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