

Notice of Intent

***11 Duggan Road
Acton, MA***

December 2013

**Submitted to:
Acton Conservation Commission
472 Main Street
Acton, MA 01720**

**Submitted by:
Widmayer Realty trust
Michael Widmayer
11 Duggan road
Acton, MA 01720**

**Prepared by:
Goldsmith, Prest & Ringwall, Inc.
39 Main Street, Suite 301
Ayer, MA 01432**

**Project No:
131028**



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Prepared by Goldsmith, Prest & Ringwall, Inc. Dated December 2013

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WPA Form 3 – Notice of Intent

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

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

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



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

A. General Information

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

<u>11 Duggan Road</u>	<u>Acton</u>	<u>01720</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>G-1</u>	<u>42° 27' 55"</u>	<u>71° 29' 14"</u>
f. Assessors Map/Plat Number	d. Latitude	e. Longitude
	<u>154</u>	
	g. Parcel /Lot Number	

2. Applicant:

<u>Michael</u>	<u>Widmayer</u>	
a. First Name	b. Last Name	
<u>Widmayer Realty Trust</u>		
c. Organization		
<u>11 Duggan Road</u>		
d. Street Address		
<u>Acton</u>	<u>MA</u>	<u>01720</u>
e. City/Town	f. State	g. Zip Code
<u>978-772-6000</u>	<u>---</u>	<u>mwidmayer@orionind.com</u>
h. Phone Number	i. Fax Number	j. Email Address

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

<u>- Same -</u>	<u>---</u>	
a. First Name	b. Last Name	
<u>---</u>		
c. Organization		
<u>---</u>		
d. Street Address		
<u>---</u>	<u>---</u>	<u>---</u>
e. City/Town	f. State	g. Zip Code
<u>---</u>	<u>---</u>	<u>---</u>
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>Nicholas</u>	<u>Pauling, PE</u>	
a. First Name	b. Last Name	
<u>Goldsmith, Prest & Ringwall, Inc.</u>		
c. Company		
<u>39 Main Street</u>		
d. Street Address		
<u>Ayer</u>	<u>MA</u>	<u>01432</u>
e. City/Town	f. State	g. Zip Code
<u>978-772-1590</u>	<u>978-772-1591</u>	<u>npauling@gpr-inc.com</u>
h. Phone Number	i. Fax Number	j. Email address

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

<u>\$110.00</u>	<u>\$42.50</u>	<u>\$67.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

Replacement of failed on-site subsurface sewage disposal system.

7a. Project Type Checklist:

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

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

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

2. Limited Project

8. Property recorded at the Registry of Deeds for:

Middlesex South

a. County

48659

c. Book

b. Certificate # (if registered land)

175

d. Page Number

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

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

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

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

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



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

Resource Area: d. Bordering Land Subject to Flooding, e. Isolated Land Subject to Flooding, f. Riverfront Area. Includes questions about width of riverfront area, total area, and alternatives analysis.

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: a. Designated Port Areas, b. Land Under the Ocean, c. Barrier Beach, d. Coastal Beaches, e. Coastal Dunes. Includes instructions for indicating size under Land Under the Ocean and Coastal Beaches and/or Coastal Dunes.



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

	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	--- 1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	--- 1. square feet	
h. <input type="checkbox"/> Salt Marshes	--- 1. square feet	--- 2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	--- 1. square feet	
	--- 2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	--- 1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	--- 1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	--- 1. square feet	
4. <input type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.	
	--- a. square feet of BVW	--- b. square feet of Salt Marsh
5. <input type="checkbox"/> Project Involves Stream Crossings		
	--- a. number of new stream crossings	--- b. number of replacement stream crossings

C. Other Applicable Standards and Requirements

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

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

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

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

Online Resource
b. Date of map



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

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

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

1. Percentage/acreage of property to be altered:

(a) within wetland Resource Area	---
	percentage/acreage
(b) outside Resource Area	---
	percentage/acreage
2. Assessor's Map or right-of-way plan of site
3. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work ****
 - (a) Project description (including description of impacts outside of wetland resource area & buffer zone)
 - (b) Photographs representative of the site
 - (c) MESA filing fee (fee information available at: http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/ mesa/ mesa_fee_schedule.htm).
Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address
Projects altering 10 or more acres of land, also submit:
 - (d) Vegetation cover type map of site
 - (e) Project plans showing Priority & Estimated Habitat boundaries

d. OR Check One of the Following

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

---	---
a. NHESP Tracking #	b. Date submitted to NHESP

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

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



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

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

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

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

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

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

North Shore - Hull to New Hampshire:

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

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

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

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

a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.

b. ACEC

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

a. Yes No

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

a. Yes No

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

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

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

2. A portion of the site constitutes redevelopment

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

b. No. Check why the project is exempt:

1. Single-family house

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



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

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

D. Additional Information

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

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

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

Subsurface Sewage Disposal System - Upgrade - 11 Duggan Road, Acton, MA

a. Plan Title

Goldsmith, Prest & Ringwall, Inc.

b. Prepared By

Dec. 2013

d. Final Revision Date

f. Additional Plan or Document Title

Douglas E. Miller, PE

c. Signed and Stamped by

As Noted

e. Scale

g. Date

- 5. If there is more than one property owner, please attach a list of these property owners not listed on this form.
- 6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
- 7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
- 8. Attach NOI Wetland Fee Transmittal Form
- 9. Attach Stormwater Report, if needed.



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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:

4039708 & 4039709 10/16/2013
2. Municipal Check Number 3. Check date
4039707 10/16/2013
4. State Check Number 5. Check date
Nixon Peabody LLP
6. Payor name on check: First Name 7. Payor name on check: Last Name

F. Signatures and Submittal Requirements

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

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

Nicholas Pauliny AS AGENT FOR APPLICANT 12/4/13
1. Signature of Applicant 2. Date
Nicholas Pauliny AS AGENT FOR OWNER 12/4/13
3. Signature of Property Owner (if different) 4. Date
Nicholas Pauliny 12/4/13
5. Signature of Representative (if any) 6. Date

For Conservation Commission:

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

For MassDEP:

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

Other:

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

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

NARRATIVE
to accompany
NOTICE OF INTENT
11 Duggan Road, Acton, MA

GENERAL

The subject site is an existing residential property containing a total of 0.5± acres of land on the northwestern side of Duggan Road at its intersection with Smart Road being part of a development originally called Colonial Acres. A Bordering Vegetated Wetland (BVW) runs along the properties entire southern limit. The resource area functions as a conveyance for the drainage collection system within the surrounding street network, discharging from the 18-inch pipe near the properties southern most corner and flowing east to west along the aforementioned boundary.

The current on site subsurface sewage disposal system serving the existing five bedroom dwelling has been determined to be in failure as it no longer meets the requirements of Title 5 (310 CMR 15.000). Work proposed within this Notice is the removal of the failed system and replacement in the same general area.

JURISDICTION

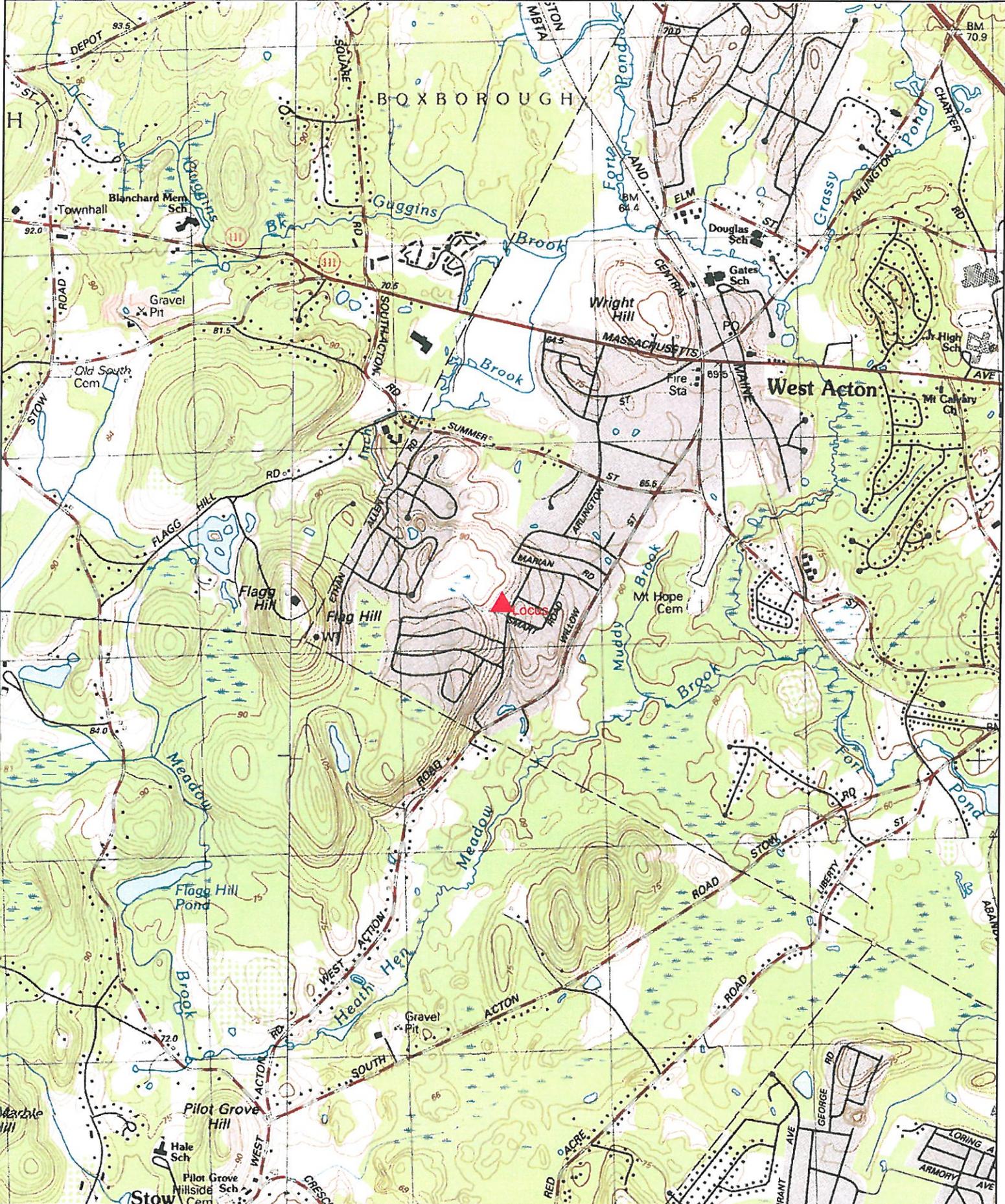
The primary resource areas are the bordering vegetated wetland located on the southern property boundary. Attendant to these resource areas is a 100' wetland buffer zone limit which extends onto the subject site.

Bordering Vegetated Wetland (310 CMR 10.55)

No wetland resource area is proposed to be disturbed under this filing; however work will be performed in the 100-foot buffer zone attendant to this resource. All proposed disturbance is located at or beyond the 75-foot buffer zone limit. The amount and footprint of earth disturbance has been proposed at the minimum allowed under current Title 5 design regulations and is located within the existing systems components to limit any vegetation removal within the resource areas buffer zone.

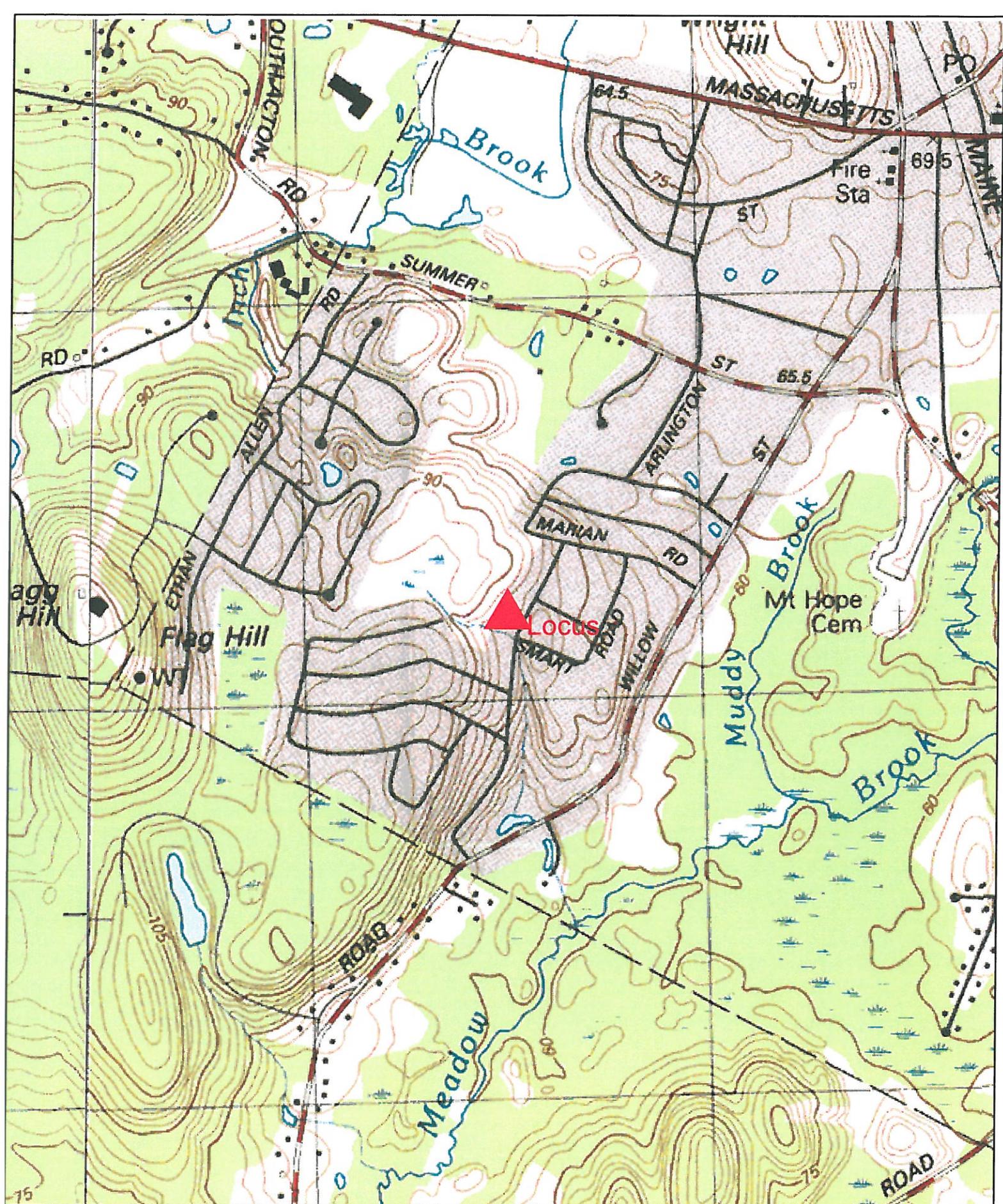
CONCLUSION

The proposed efforts will remove an existing subsurface sewage disposal system serving the existing dwelling that has been deemed to not be protecting public health per the requirements of 310 CMR 15.000 (Title 5). These efforts will represent a substantial improvement over the existing condition, while conforming to the intent and performance standards of the Massachusetts Wetland Protection Act (310 CMR 10.00) and the Acton Wetland Protection Bylaw.



Name: MAYNARD
 Date: 8/2/2013
 Scale: 1 inch equals 2000 feet

Location: 042° 27' 54.9" N 071° 29' 14.4" W
 Caption: 11 Duggan Road
 Acton, MA
 Goldsmith, Prest and Ringwall, Inc.



Name: MAYNARD
 Date: 8/2/2013
 Scale: 1 inch equals 1000 feet

Location: 042° 27' 54.9" N 071° 29' 14.4" W
 Caption: 11 Duggan Road
 Acton, MA
 Goldsmith, Prest and Ringwall, Inc.

11 Duggan Road



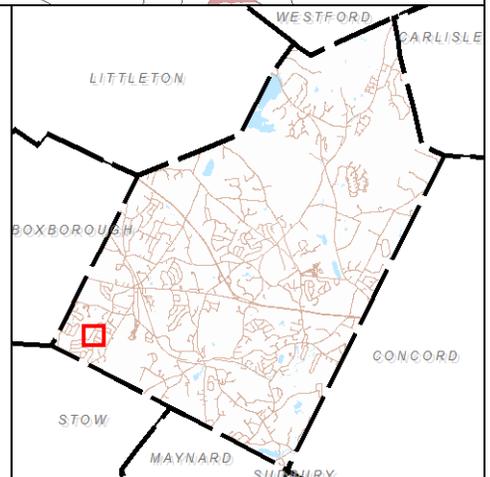
Property Information

Property ID G1-154
 Location 11 DUGGAN RD



**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

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



AFFIDAVIT OF SERVICE
Under the Massachusetts Wetlands Protection Act

(to be submitted to the Massachusetts Department of Environmental Protection
and the Conservation Commission when filing a Notice of Intent)

I, **Nicholas Pauling**, hereby certify under the pains and penalties of perjury that on **December 6, 2013**, I gave notification to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the DEP Guide to Abutter Notification dated April 8, 1994, in conjunction with the following matter:

A **Notice of Intent** filed under the Massachusetts Wetlands Protection Act by **Widmayer Realty trust, Michael Widmayer**, with the Acton Conservation Commission on **December 6, 2013** for property located at **11 Duggan Road; Assessor's Map G-1, Parcels 154**.

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


Nicholas Pauling

(for Goldsmith, Prest & Ringwall, Inc.)

12/5/13
Date

**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: Widmayer Realty Trust – Michael Widmayer

Address: 11 Duggan Road Phone: 978-772-6000

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: Goldsmith, Prest & Ringwall, Inc.

Address: 39 Main Street, Ayer, MA 01432 Phone: 978-772-1590

The address of the property where the activity is proposed: 11 Duggan Road

Town Atlas Plate/Map G-1 Parcel/Lot: 154

Project Description: Replacement of failed on site sewage disposal system.

For more information please contact the Conservation Office at 978-929-6634 or email NR@acton-ma.gov. Copies of the Notice of Intent may be examined at the Conservation Office, Acton Town Hall, 472 Main Street, Acton between the hours of 9:00 A.M. and 4:30 P.M. Monday through Friday.

A Public Hearing will be held at the Acton Town Hall, 472 Main Street, on Wednesday,
January 15, 2014 at 7:15 P.M.
(date)

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

NOTE: You may also contact your local conservation commission 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:

***DEP Central Region: 508-792-7650
627 Main Street, Worcester MA 01608**



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

Brian McMullen
 Principal Assessor

Locus: 11 DUGGAN RD
 Parcel ID: G1-154

Parcel ID	Location	Owner	Co-Owner	Mailing Address	City
G1-133	14 SQUIRREL HILL RD	LIU CHENG	WANG JINGYANG	14 SQUIRREL HILL RD	ACTON, MA 01720
G1-134	9 DUGGAN RD	WIDMAYER FRANCIS J III		9 DUGGAN ROAD	ACTON, MA 01720
G1-153	16 SQUIRREL HILL RD	WANG FUGUI + XIAO LIU		16 SQUIRREL HILL RD	ACTON, MA 01720
G1-155	8 TOWNSEND RD	LAKSHMIPATHI BOOPATHI		8 TOWNSEND RD	ACTON, MA 01720
G1-173	16 SQUIRREL HILL RD BESIDE	ACTON ESTATES LLC	C/O LANDERS SYMES: MANAGER	50 DODGE STREET	BEVERLY, MA 01915
G1-174	13 DUGGAN RD	LORENZ GARY D	LORENZ ELIZABETH E	13 DUGGAN RD	ACTON, MA 01720
G1-175	23 SMART RD	JARSKY KAREN M	JARSKY DAVID I	23 SMART RD	ACTON, MA 01720
G1-186	24 SMART RD	TRIMBLE RONALD R	ROBARGE SHERRY P	24 SMART RD	ACTON, MA 01720

The owner of land sharing a common boundry 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

Marty Abbott
 Assessor's Clerk

12/4/2013

May 22, 2013

**Subject: 11 Duggan Road, Acton, MA
Tax Map G-1, Parcel #154**

To Whom It May Concern:

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

Respectfully,

 *CO-EXECUTOR FOR THE ESTATE
OF FRANCES J. WIDMAYER*
Michael Widmayer
Co-executor of for the estate of Frances J. Widmayer
115 Mascuppic Trail
Tyngsboro, MA 01879

Copy: Goldsmith, Prest & Ringwall, Inc.
file



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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



A. Applicant Information

1. Location of Project:

11 Duggan Road Acton
 a. Street Address b. City/Town

 c. Check number d. Fee amount

2. Applicant Mailing Address:

Michale Widmayer
 a. First Name b. Last Name
Widmayer Realty trust
 c. Organization
11 Duggan Road
 d. Mailing Address
Acton MA 01720
 e. City/Town f. State g. Zip Code
978-772-6000 --- mwidmayer@orionind.com
 h. Phone Number i. Fax Number j. Email Address

3. Property Owner (if different):

- Same - ---
 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

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
category 1e	1	\$110.00	\$110.00
-	-	-	-
-	-	-	-
-	-	-	-
-	-	-	-
-	-	-	-
-	-	-	-
-	-	-	-
-	-	-	-
Step 5/Total Project Fee:			\$110.00

Step 6/Fee Payments:

Total Project Fee:	\$110.00
State share of filing Fee:	\$42.50
City/Town share of filing Fee:	\$67.50
	a. Total Fee from Step 5
	b. 1/2 Total Fee less \$12.50
	c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

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

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

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

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

NIXON PEABODY LLP
100 SUMMER STREET, BOSTON, MASSACHUSETTS 02110

DATE 10/16/2013

NO. 4039709
MELLON TRUST OF NEW ENGLAND, N.A. 5-123/110

ACCT. NO. 04254500

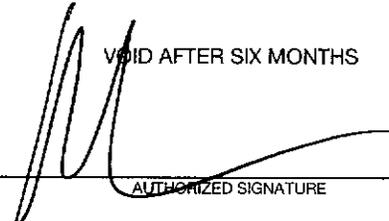
PAY ***Twenty Two dollars and 00/100***

AMOUNT \$22.00

TO THE ORDER OF

TOWN OF ACTON

VOID AFTER SIX MONTHS



AUTHORIZED SIGNATURE MP

⑈4039709⑈ ⑆011001234⑆ 14 252 2⑈

NIXON PEABODY LLP
100 SUMMER STREET, BOSTON, MASSACHUSETTS 02110

DATE 10/16/2013

NO. 4039708
MELLON TRUST OF NEW ENGLAND, N.A. 5-123/110

ACCT. NO. 04254500

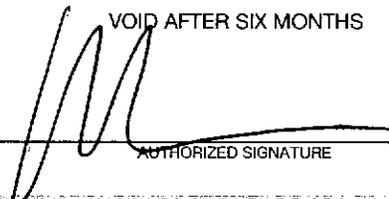
PAY ***Sixty Seven dollars and 50/100***

AMOUNT \$67.50

TO THE ORDER OF

TOWN OF ACTON

VOID AFTER SIX MONTHS



AUTHORIZED SIGNATURE MP

⑈4039708⑈ ⑆011001234⑆ 14 252 2⑈

NIXON PEABODY LLP
100 SUMMER STREET, BOSTON, MASSACHUSETTS 02110

DATE 10/16/2013

NO. 4039707
MELLON TRUST OF NEW ENGLAND, N.A. 5-123/110

ACCT. NO. 04254500

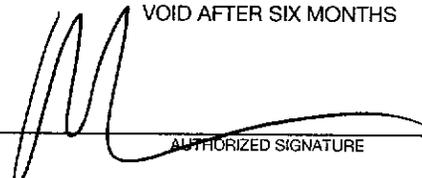
PAY ***Forty Two dollars and 50/100***

AMOUNT \$42.50

TO THE ORDER OF

COMMONWEALTH OF MASSACHUSETTS

VOID AFTER SIX MONTHS



AUTHORIZED SIGNATURE MP

⑈4039707⑈ ⑆011001234⑆ 14 252 2⑈