GODDARD CONSULTING LLC
Scott Goddard, PWS
Professional Wetland Scientist

12/26/13

Acton Conservation Commission
Acton Town Hall
427 Main Street
Acton, MA 01720

Dear Acton Conservation Commission:

Goddard Consulting, LLC is pleased to submit this Notice of Intent (NOI) on behalf of the applicant, Steve Marsh of Westchester Homes, Inc, for the construction of a single-family home with associated utilities and grading within 100 feet of a Bordering Vegetated Wetland and an Isolated Vegetated Wetland on the parcels known as 121 and 123 Concord Rd and 4 Horseshoe Drive (G-4-49-6, G-4-49-4, and G-4-49-13). The resource areas on 121 Concord Rd and 4 Horseshoe Drive were delineated and approved in the previous ANRAD filing (DEP #CE-085-1128). 123 Concord Rd was delineated October 21st, 2013.

Existing Conditions

The three existing parcels are vacant with no previous construction. 4 Horseshoe Drive contains Isolated Vegetated Wetland non-jurisdictional under the WPA. 121 Concord Rd contains Isolated Vegetated Wetland non-jurisdictional under the WPA and a Bordering Vegetated Wetland with an intermittent stream jurisdictional under both the WPA and the Acton Wetlands Protection Bylaw. The intermittent stream continues onto 123 Concord Road. The parcels follow a gentle slope to the intermittent stream, which runs along Concord Road. Much of the proposed work is within the 100-foot Buffer Zone.

Proposed Conditions

All structures will be built outside the 75' No Build Setback and all grading will be outside the 50' No Disturb Setback under the Acton Wetlands Protection Bylaw. A portion of the proposed house will be within 100 feet of the Bordering Vegetated Wetland. The proposed house will be on the parcel 123 Concord Road, with grading on 121 Concord Rd and grading and the septic leaching area on 4 Horseshoe Drive. The proposed driveway will exit onto Horseshoe Drive.

Alternatives Analysis

Option 1: No work done. This alternative is practicable in protecting the resource areas, as no construction would leave the site as it currently exists, however, this is impracticable financially for the applicant.

Option 2: Move the house: This alternative is not possible, as the proposed house and septic system is as far from the resource areas as can be allowed while still complying with zoning bylaws. The house

is proposed in the only area outside the 100-foot Buffer Zone, and the leaching area is moved outside of both the BVW Buffer Zone and the IVW 75' Buffer Zone.

Option 3: Adjust the size of the house: This alternative would do little to move the house outside of the 100-foot Buffer Zone as only a small portion of the currently proposed house is outside the Buffer Zone. It would also be impracticable for the applicant as the proposed house is the same size or smaller than the surrounding houses.

These alternatives would have some positive impact on protecting the resource areas, however, they would impact the applicant negatively financially and economically. Overall, other than the No Work Alternative, none of the alternatives protect the site more than the proposed project do.

Construction Sequence

1. Installation of erosion controls
2. Excavation of septic system and leaching area
3. Installation of septic and leaching
4. Grading of site
5. Installation of foundation and driveway

Regulatory Compliance

The proposed construction will take place within 100 feet of the BVW and Intermittent Stream. Due to the shape and the size of the lots and the existing constraints due to the resource areas and the zoning bylaws, the project design is controlled in terms of size and location of the proposed house, driveway, and associated utilities and grading.

The Massachusetts Wetlands Protections Act is relevant as follows:

- 310 CMR 10.03(3) specifies that septic systems, so long as they are designed to comply with 310 CMR 15.00, are presumed to protect the eight interests identified in the WPA as long as they are not located with coastal resource areas or bordering vegetated wetlands. The proposed septic system has been located outside of all resources areas and complies with the WPA.
- All work proposed is at least 50 feet from the Bordering Vegetated Wetland, intermittent stream, or the Isolated Vegetated Wetland, and therefore protects the values of the WPA.

The Acton Wetlands Protection Bylaw and Regulations is relevant as follows:

- Section F8.3 of the Bylaw states the setbacks required under the Bylaw. The proposed project complies with the 50-foot buffer of undisturbed natural vegetation as well as the 75-foot setback of all structures. The proposed house and driveway are outside of the 75-foot setback.
- Section F8.4 requires sedimentation and erosion control to prevent transport of sediment into the wetlands. The project proposes a barrier of haybales at the edge of all proposed work. The proposed haybales will fall either at or outside of the 50-foot No Disturb Buffer Zone.

Four hard copies and 1 electronic copy of the NOI application are enclosed. The titles of all the documents enclosed are as follows:

- NOI Cover Letter
- NOI Checklist
- NOI Application Form (WPA Form 3)

- NOI Wetland Fee Transmittal Form and Copy of Fee Checks
- Affidavit of Service, Abutters List, Notification to Abutters
- FIRMette. Goddard Consulting LLC. 12/18/2013.
- USGS Map. Goddard Consulting LLC. 5/20/2013 and 12/18/2013.
- Ortho Map. Goddard Consulting LLC.10/21/2013 12/18/2013.
- *Subsurface Sewage Disposal Design Site Plan- 4 Horseshoe Drive*. Markey & Rubin Civil Engineering. 11/11/2013.
- *Subsurface Sewage Disposal Design Detail Sheet- 4 Horseshoe Drive*. Markey & Rubin Civil Engineering. 11/11/2013.

If there are any questions concerning this submission, please do not hesitate to contact us.

Sincerely,

Goddard Consulting, LLC

by

Scott G Goddard, PWS
Professional Wetland Scientist

cc:

- Steve Marsh, Westchester Homes, Inc., 360 Massachusetts Ave., Acton, MA 01720
- George & Judith Collison, 14 Horseshoe Drive, Acton, MA 01720
- MassDEP-CERO, Wetlands Division, 627 Main Street, Worcester, MA, 01608

FORM 3 Instructions continued

2. All applications to the Town of Acton (four hard copies and one electronic) shall include:
   a. Notice of Intent (Form 3)
      OR
   b. Abbreviated Notice of Intent (Form 4)
   c. A map or plot plan which shall include:
      - Location of existing structures
      - Proposed work (structures or grading)
      - Wetlands boundaries
      - 100' buffer zone boundaries, and the 50' natural vegetative and 75' no-build setbacks
      - Flood plain boundaries
      - Erosion control measures to be used during and after construction
      - Existing and proposed topography where necessary
3. All structures within the buffer zone shall be staked for identification by the Commission on a site inspection prior to the hearing.
4. The applicant shall notify the Town Clerk and the owner of the property.
5. The applicant shall send one copy of the Notice of Intent (Form 3) or Abbreviated Notice of Intent (Form 4) and two copies of the plans to the D.E.P. Central Regional Office[1].
6. All abutters shall be notified by certified mail, or have signed documentation that abutters have been notified. Applicants must attain a certified abutters list from the Assessor's Office (978-929-6621 or assessors@acton-ma.gov). Abutters are owners of land sharing a common boundary or corner with the site of the proposed activity in any direction, including land located directly across a street, way, creek, river stream, brook, or canal AND within 100' of property boundary line (as noted under the Wetlands Protection Act). Notification to abutters shall include the:
   - Location of project
   - Date, time and place of hearing (call Conservation Office for date & time prior to filing)
   - Type of project
7. A newspaper advertisement stating date, time, and place of the hearing shall be placed by the Commission at the applicant's expense.
8. A filing fee as determined in 801 CMR 4.02 (310), 50-percent of the fee in excess of $25 made payable to the Commonwealth of Massachusetts and sent to the D.E.P. lock box[2], and the remainder of the fee (along with an additional local filing fee) made payable to the Town of Acton, due at time of submission. The local filing is 20% of the State fee, as defined in the Town of Acton Bylaw Rules and Regulations.

[1] Department of Environmental Protection
Central Regional Office
627 Main Street
Worcester, MA 01608

[2] D.E.P (lock box re: fees)
PO Box 4062
Boston, MA 02211

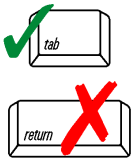
Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Town of Acton Wetlands Protection Bylaw

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):

a. Street Address	b. City/Town	c. Zip Code
4 Horseshoe Drive	Acton	01720

Latitude and Longitude:

d. Latitude	e. Longitude
42.477375	-71.416379

f. Assessors Map/Plat Number	g. Parcel /Lot Number
G-4	49-13. 49-6

2. Applicant:

a. First Name	b. Last Name
Steve	Marsh

c. Organization: Westchester Homes, Inc

d. Street Address: 360 Massachusetts Ave

e. City/Town	f. State	g. Zip Code
Acton	MA	01720

h. Phone Number	i. Fax Number	j. Email Address
(978) 771-8935		kingst435@msn.com

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

a. First Name	b. Last Name
George and Judith	Collison

c. Organization:

d. Street Address: 14 Horseshoe Drive

e. City/Town	f. State	g. Zip Code
Acton	MA	01720

h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

a. First Name	b. Last Name
Scott	Goddard

c. Company: Goddard Consulting LLC

d. Street Address: P.O. Box 299

e. City/Town	f. State	g. Zip Code
Northborough	MA	01532

h. Phone Number	i. Fax Number	j. Email address
(508) 525-0726		scott@goddardconsultingllc.com

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

a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid
$500 + $100 Bylaw	$237.50	$262.50 + $100 Bylaw

A. General Information (continued)

6. General Project Description:

To construct a single-family home with associated utilities and grading on G-4-49-6 with the leaching field located on G-4-49-13 and grading on G-4-49-4.

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:

a. County: Middlesex South	b. Certificate # (if registered land): 207816,232859, 232859
c. Book: 01294	d. Page Number: 104

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	2. square feet
	3. cubic yards dredged	

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:**

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

2008
b. Date of map

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.

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

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.

Subsurface Sewage Disposal Design Site Plan- 4 Horseshoe Drive
a. Plan Title

Markey and Rubin
b. Prepared By

Jonathan Markey
c. Signed and Stamped by

11/11/13
d. Final Revision Date

1"=20'
e. Scale

Subsurface Sewage Disposal Design Detail Sheet- 4 Horseshoe Drive
f. Additional Plan or Document Title

11/11/13
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.

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: 196	3. Check date: 12/19/13
4. State Check Number: 195	5. Check date: 12/19/13
6. Payor name on check: First Name: Westchester Company Inc.	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.

1. Signature of Applicant (Steve Marsh, Westchester Homes, Inc)	2. Date: Dec 17 2013
3. Signature of Property Owner (George and Judith Collison) Judy Collison	4. Date: 12-17-13
5. Signature of Representative (Scott Goddard, Goddard Consulting, LLC)	6. Date: 12/24/13

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.

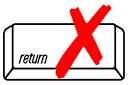
The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.

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:

4 Horseshoe Drive	Acton
a. Street Address	b. City/Town
195/196	$237.50/$262.50
c. Check number	d. Fee amount

2. Applicant Mailing Address:

Steve	Marsh
a. First Name	b. Last Name

Westchester Homes, Inc
c. Organization

360 Massachusetts Avenue
d. Mailing Address

Acton	MA	01720
e. City/Town	f. State	g. Zip Code

(978) 771-8935		kingst435@msn.com
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

George and Judith	Collison
a. First Name	b. Last Name

c. Organization

14 Horseshoe Drive
d. Mailing Address

Acton	MA	01720
e. City/Town	f. State	g. Zip Code

h. Phone Number	i. Fax Number	j. Email Address

B. Fees

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

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.

B. Fees (continued)

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

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
2a	1	$500	$500
Bylaw fee	1	$500x.2	$100

Step 5/Total Project Fee:

Step 6/Fee Payments:

Total Project Fee:	$500 +$100 Bylaw 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.)

AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act and the Town of Acton Wetlands Protection Bylaw

I, Rachel Watsky hereby certify under the pains and penalties of perjury that on December 26, 2013 I gave notification to abutters in Compliance with the second paragraph of Massachusetts General Law Chapter 131, Section 40, and the DEP Guide to Abutter Notification dating April, 8, 1994 in connection with the following matter:

A Notice of Intent was filed under the Massachusetts Wetlands Protection Act and the Town of Acton Wetlands Protection Bylaw by Steve Marsh with the Acton Conservation Commission on 12/26/2013 for a property located at 4 Horseshoe Drive.

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

Rachel Watsky
(Name)

12/26/13
(Date)

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

Brian McMullen
Principal Assessor

Locus: 121 CONCORD RD, 123 CONCORD RD, 4 HORSESHOE DR
Parcel ID: G4-49-4 + G4-49-6 + G4-49-13

Parcel ID	Location	Owner	Co-Owner	Mailing Address	City
G4-27	120 CONCORD RD	TOWN OF ACTON		472 MAIN STREET	ACTON, MA 01720
G4-49-13	4 HORSESHOE DR	COLLISON GEORGE	COLLISON JUDITH	14 HORSESHOE DR	ACTON, MA 01720
G4-49-14	14 HORSESHOE DR	COLLISON GEORGE R	COLLISON JUDITH	14 HORSESHOE DR	ACTON, MA 01720
G4-49-3	1 HORSESHOE DR	MCMANUS PAUL E	SHARON A SMITH MCMANUS	1 HORSESHOE DR.	ACTON, MA 01720
G4-49-6	123 CONCORD RD	COLLISON GEORGE	COLLISON JUDITH	14 HORSESHOE DR	ACTON, MA 01720
G4-49	127 CONCORD RD	JOHNSON ROBERT		127 CONCORD RD	ACTON, MA 01720
G4-49-17	17 HORSESHOE DR	WHITE JAMES WILFRID	WHITE SUSAN STEPHENS	17 HORSESHOE DR	ACTON, MA 01720
G4-49-4	121 CONCORD RD	COLLISON GEOGE	COLLISON JUDITH	14 HORSESHOE DR	ACTON, MA 01720
G4-49-15	8 HORSESHOE DR	WANG WEN	WANG WEI	8 HORSESHOE DR	ACTON, MA 01720
G4-49-16	12 HORSESHOE DR	DASU KAMALANAND		12 HORSESHOE DR	ACTON, MA 01720
G4-49-5	5 HORESHOE DR	GURNEE CHRISTOPER M	GURNEE NICOLE F	5 HORSESHOE 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.

HEARING NOTICES FOR ALL SPECIAL PERMITS MUST BE SENT TO THE PLANNING BOARD, TOWN HALL IN THE FOLLOWING TOWNS:

Boxborough, MA 01729 **Maynard, MA 01754** **Concord, MA 01742** **Littleton, MA 01460**
Carlisle, MA 01741 **Stow, MA 01775** **Westford, MA 01886** **Sudbury, MA 01776**

Marty Allott

Acton Assessors Office

GODDARD CONSULTING LLC

Scott Goddard, PWS
Professional Wetland Scientist

12/26/13

Re: Notification of Abutters
4 Horseshoe Drive and 123 Concord Rd, Acton, MA

Dear Abutter:

Enclosed please find a Notification to Abutters form to inform you of a public hearing that will be held by the Town of Acton Conservation Commission under the MA Wetland Protection Act and the Acton Wetlands Protection Bylaw. The subject of the hearing is for the proposed construction of a single-family home on a parcel known as 123 Concord Road (G-4-49-6) with associated grading and a leaching area on parcels 121 Concord Rd (G-4-49-4) and 4 Horseshoe Drive)G-4-49-13) located in Acton, MA.

Should you have any questions relative to this project, feel free to contact Goddard Consulting at 508-525-0726 or the Town of Acton Conservation Commission at (978) 929-6634.

Lastly, if you are receiving this notice, there is a high likelihood that your property also may contain wetland resource areas, be with 100 feet of wetlands, or be within 200 feet to a regulated stream. If so, activity on your property may be subject to similar permitting requirements. Goddard Consulting is well experienced in the nuances of this town and is fully capable to assist you. If you are considering a project on your property, please contact us for all your wetland consulting and permitting needs.

Very truly yours,
GODDARD CONSULTING, LLC

by

Scott Goddard, Principal & PWS

Notification to Abutters Under the Massachusetts Wetlands Protection Act and the Town of Acton Wetlands Protection Bylaw

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

The Applicant: Steve Marsh, Westchester Homes, Inc

Address: 360 Massachusetts Ave, Acton, MA 01720 Phone: (978) 771-8935

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 and the Acton Bylaw.

Applicant's Representative: Scott Goddard, Goddard Consulting LLC.

Address: P.O. Box 299, Northborough, MA 01532 Phone: (508) 525-0726

The address of the property where the activity is proposed: 4 Horseshoe Drive, Acton, MA.

Town Atlas Plat/Map: G4 Parcel/Lot: 49-13, 49-4, 49-6

Project description: Building of a single-family house on parcel 49-6, with associated grading and leaching area on parcels 49-4 and 49-13.

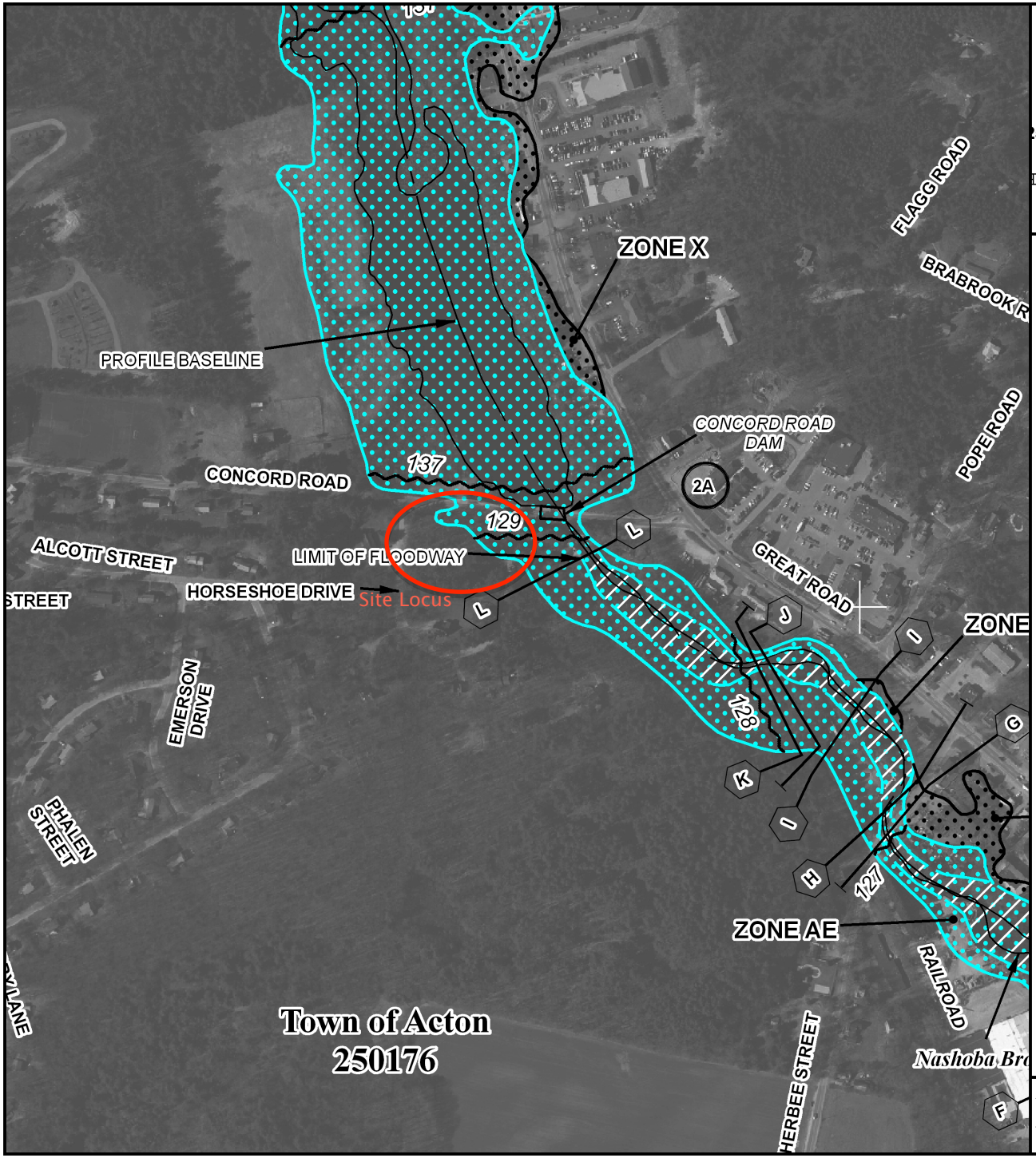
Copies of the Notice of Intent may be examined at the **Conservation Office, Acton Town Hall**, 472 Main Street, Acton between the hours of **9:00am and 4:30pm Monday through Friday**. For more information please call the Conservation Office at **(978) 929-6634** or email at **NR@acton-ma.gov.**

A Public hearing will be held at the **Acton Town Hall, 472 Main Street,** on Wednesday, **1/15/2014** at **8:30 pm**.

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 of DEP. To contact DEP, call:

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



MAP SCALE 1" = 500'

250 0 500 1000

FEET

METER

NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0356E

FIRM

FLOOD INSURANCE RATE MAP

MIDDLESEX COUNTY, MASSACHUSETTS
(ALL JURISDICTIONS)

PANEL 356 OF 656

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
ACTON, TOWN OF	250176	0356	E
CONCORD, TOWN OF	250189	0356	E

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMBER
25017C0356E

EFFECTIVE DATE
JUNE 4, 2010

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

Orthophoto View of Site

4 Horsehoe Drive - Acton, MA

N

0 25 50 100 Feet

1 inch = 100 feet

Date: 10/21/2013 and 12/18/2013

GIS Data Source: "Office of Geographic Information (MassGIS), Commonwealth of Massachusetts Information Technology Division"

GODDARD CONSULTING LLC
Scott Goddard, PWS
Professional Wetland Scientist

USGS Site Locus

4 Horsehoe Drive - Acton, MA

N

0 75 150 300 Feet

1 inch = 300 feet

Date: 5/20/2013 and 12/18/2013

GIS Data Source: "Office of Geographic Information (MassGIS), Commonwealth of Massachusetts Information Technology Division"

GODDARD CONSULTING LLC
Scott Goddard, PWS
Professional Wetland Scientist