

3/6/14

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

Dear Acton Conservation Commission:

Goddard Consulting, LLC is pleased to submit this Notice of Intent application (NOI) under the WPA only on behalf of the applicant, W.D. Chisholm of Mt. Laurel Realty, for the construction of two single-family residences within a parcel known as 12 Summer Street, Lot #2 (Map G2, Parcel 200). The nearby wetland resource areas, including Bordering Vegetated Wetlands (BVW) and Riverfront Area of Muddy Brook were delineated on January 12<sup>th</sup>, 2012. The attached Wetland Border Report includes a description of the wetland resource areas and MA DEP BVW Data Sheets. The original project was filed under both the Acton Wetland Protection Bylaw and the Wetland Protection Act on May 24, 2013. Due to a need to review the wetland line and adjust the site plan, the hearings were continued into October 2013. In October, due to a need to complete the revisions to the site plan and to rehang removed wetland flags, the hearing was continued to May 2014. The NOI was withdrawn in December 2013 under the Wetland Protection Act only and was discussed at the January 15, 2014 hearing. The NOI under the Bylaw was withdrawn in February 2014 and was discussed at the February 19<sup>th</sup>, 2014 hearing. This NOI is being filed under the WPA only to highlight the differences between the WPA and the Bylaw and allow discussion and approval under the differing regulations separately.

According to the 2008 MA Natural Heritage Atlas, this site is *not* located within an Estimated Habitat of Rare Wildlife and Priority Habitat of Rare Species. No potential or certified vernal pools are mapped within the site.

The applicant proposes to construct 2 single-family homes with a common driveway. There are two small wetland alteration areas, with a wetland replication area of about 1.66 times the size of the alteration areas. Any work in the BVW is with the intent of constructing the common driveway. The first single family home will not be built in the BVW Buffer Zone, however the second home will have a portion of the house built in the BVW Buffer Zone. All work is kept outside of the Riverfront Area.

Four hard copies of the NOI application are enclosed, along with four full-size plans. An electronic copy will be submitted separately. The titles of all the documents enclosed are as follows:

- NOI Cover Letter
- NOI (WPA Form 3) Application Form
- NOI Wetland Fee Transmittal Form

- Copy of Checks
- Affidavit of Service, Abutters List, Notification to Abutters
- *Wetland Border Report*. Goddard Consulting, LLC. Revised 2/25/2014.
- *Wetland Replication Plan*. Goddard Consulting, LLC. 5/22/13.
- *USGS Site Locus*. Goddard Consulting, LLC. 5/20/13.
- *Orthophoto View of Site*. Goddard Consulting, LLC. 2/27/2014.
- *Notice of Intent Plan for the Central Street- P.C.R.C.* R. Wilson and Associates. 5/20/13

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

Sincerely,

Goddard Consulting, LLC

by

A handwritten signature in black ink, appearing to read "Scott G. Goddard", written over a horizontal line.

Scott G Goddard, PWS  
Professional Wetland Scientist

cc:

- W.D. Chisholm, Mt. Laurel Realty, 390 Goodrich Street, Lunenburg, MA 01462
- Wetlands Division, DEP-CERO, 627 Main Street Worcester, Massachusetts 01608
- Eva Szkaradek, Acton Town Clerk, 472 Main Street, Acton, MA 01720



# WPA Form 3 – Notice of Intent

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

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):

12 Summer St Rear, Lot #2

a. Street Address

Acton

b. City/Town

01720

c. Zip Code

Latitude and Longitude:

42.468250

d. Latitude

-71.475679

e. Longitude

G2

f. Assessors Map/Plat Number

200

g. Parcel /Lot Number

2. Applicant:

William D.

a. First Name

Chisholm

b. Last Name

Mt. Laurel Realty

c. Organization

390 Goodrich St

d. Street Address

Lunenburg

e. City/Town

MA

f. State

01462

g. Zip Code

(978) 815-0968

h. Phone Number

i. Fax Number

chisholmkim@aol.com

j. Email Address

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

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Scott

a. First Name

Goddard

b. Last Name

Goddard Consulting LLC

c. Company

P.O. Box 299

d. Street Address

Northborough

e. City/Town

MA

f. State

01532

g. Zip Code

(508) 525-0762

h. Phone Number

i. Fax Number

scot@goddardconsultingllc.com

j. Email address

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

\$2060

a. Total Fee Paid

\$1017.50

b. State Fee Paid

\$1042.50

c. City/Town Fee Paid



# 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

## A. General Information (continued)

### 6. General Project Description:

Two single-family homes, one with no work within the Buffer Zone, one within the Buffer Zone. BVW crossing for a common driveway.

### 7a. Project Type Checklist:

- |  |   |
|--|---|
| 1. <input checked="" type="checkbox"/> Single Family Home                | 2. <input type="checkbox"/> Residential Subdivision                   |
| 3. <input checked="" 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:

Southern Middlesex

a. County

58521

c. Book

b. Certificate # (if registered land)

358

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 checked="" type="checkbox"/> Bordering Vegetated Wetland | 830 sf<br>1. square feet                 | 1375 sf<br>2. square feet     |
| c. <input type="checkbox"/> Land Under Waterbodies and Waterways   | 1. square feet<br>3. cubic yards dredged | 2. square feet                |



# 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

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

| <u>Resource Area</u>  | <u>Size of Proposed Alteration</u>  | <u>Proposed Replacement (if any)</u>  |
|---|---|---|
| d. <input type="checkbox"/> Bordering Land<br>Subject to Flooding | 1. square feet _____<br>3. cubic feet of flood storage lost _____   | 2. square feet _____<br>4. cubic feet replaced _____                                    |
| e. <input type="checkbox"/> Isolated Land<br>Subject to Flooding  | 1. square feet _____<br>2. cubic feet of flood storage lost _____   | 3. cubic feet replaced _____  |
| f. <input type="checkbox"/> Riverfront Area                       | 1. Name of Waterway (if available) _____<br>2. Width of Riverfront Area (check one):<br><input type="checkbox"/> 25 ft. - Designated Densely Developed Areas only<br><input type="checkbox"/> 100 ft. - New agricultural projects only<br><input type="checkbox"/> 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:<br>a. total square feet _____  | b. square feet within 100 ft. _____<br>c. square feet between 100 ft. and 200 ft. _____ |
|   | 5. Has an alternatives analysis been done and is it attached to this NOI? <input type="checkbox"/> Yes <input type="checkbox"/> No  |   |
|   | 6. Was the lot where the activity is proposed created prior to August 1, 1996? <input type="checkbox"/> Yes <input type="checkbox"/> 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.

| <u>Resource Area</u>                              | <u>Size of Proposed Alteration</u>                             | <u>Proposed Replacement (if any)</u>   |
|---|--|--|
| a. <input type="checkbox"/> Designated Port Areas | Indicate size under Land Under the Ocean, below                |  |
| b. <input type="checkbox"/> Land Under the Ocean  | 1. square feet _____<br>2. cubic yards dredged _____           |  |
| c. <input type="checkbox"/> Barrier Beach         | Indicate size under Coastal Beaches and/or Coastal Dunes below |  |
| d. <input type="checkbox"/> Coastal Beaches       | 1. square feet _____   | 2. cubic yards beach nourishment _____ |
| e. <input type="checkbox"/> Coastal Dunes         | 1. square feet _____   | 2. cubic yards dune nourishment _____  |

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



# WPA Form 3 – Notice of Intent

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

MassDEP File Number \_\_\_\_\_

Document Transaction Number \_\_\_\_\_

Acton \_\_\_\_\_

City/Town \_\_\_\_\_

## 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/nhESP/regulatory\\_review/priority\\_habitat/online\\_viewer.htm](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 \_\_\_\_\_



# 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 \_\_\_\_\_

## 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/esa\\_fee\\_schedule.htm](http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/mesa/esa_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/esa/esa\\_exemptions.htm](http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/esa/esa_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/nhosp.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.



# 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

## 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<br>Attn: Environmental Reviewer<br>1213 Purchase Street – 3rd Floor<br>New Bedford, MA 02740-6694 | Division of Marine Fisheries - North Shore Office<br>Attn: Environmental Reviewer<br>30 Emerson Avenue<br>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:
- Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
  - A portion of the site constitutes redevelopment
  - Proprietary BMPs are included in the Stormwater Management System.
- b.  No. Check why the project is exempt:
- Single-family house

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



# 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

## 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.

Notice of Intent Plan for the Central Street- P.C.R.C in Acton, Mass.

a. Plan Title

R. Wilson Associates

b. Prepared By

5/20/2013

d. Final Revision Date

Russell Wilson

c. Signed and Stamped by

1"=50'

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.



# WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

Acton

City/Town

## E. Fees

- 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          | 3693    | 3. Check date                     | 1/15/14  |
| 4. State Check Number              | 3692    | 5. Check date                     | 1/15/14  |
| 6. Payor name on check: First Name | WILLIAM | 7. Payor name on check: Last Name | Chisholm |

## 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 (William Chisholm, Mt. Laurel Realty Trust)   | <i>William Chisholm</i> | 2. Date | 1/15/14 |
| 3. Signature of Property Owner (William Chisholm)                       | <i>William Chisholm</i> | 4. Date | 1/15/14 |
| 5. Signature of Representative (Scott Goddard, Goddard Consulting, LLC) | <i>Scott Goddard</i>    | 6. Date | 1/15/14 |

### 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:

12 Summer St, Lot #2  
 a. Street Address  
 Acton  
 b. City/Town  
 3692/3693  
 c. Check number  
 \$1017.50/\$1042.40  
 d. Fee amount

2. Applicant Mailing Address:

William D.  
 a. First Name  
 Chisholm  
 b. Last Name  
 Mt. Laurel Realty  
 c. Organization  
 390 Goodrich Street  
 d. Mailing Address  
 Lunenburg  
 e. City/Town  
 MA  
 f. State  
 01462  
 g. Zip Code  
 (978) 815-0968  
 h. Phone Number  
 chisholmkim@aol.com  
 i. Fax Number  
 j. Email Address

3. Property Owner (if different):

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

**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 |
|-------------------------|-----------------------------|--------------------------------|------------------------------|
| 1a                      | 1                           | \$110                          | \$110                        |
| 2a                      | 1                           | \$500                          | \$500                        |
| 4a                      | 1                           | \$1,450                        | \$1,450                      |
|                         |                             |                                |                              |
|                         |                             |                                |                              |
|                         |                             |                                |                              |
|                         |                             |                                |                              |
|                         |                             |                                |                              |
|                         |                             |                                |                              |

**Step 5/Total Project Fee:** \$2,060

**Step 6/Fee Payments:**

|                                 |  |
|---------------------------------|--|
| Total Project Fee:              | <u>\$2,060</u>   |
| State share of filing Fee:      | a. Total Fee from Step 5<br><u>\$1,017.50</u>            |
| City/Town share of filling Fee: | b. 1/2 Total Fee <b>less</b> \$12.50<br><u>\$1042.40</u> |
|                                 | c. 1/2 Total Fee <b>plus</b> \$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

I, Rachel Watsky hereby certify under the pains and penalties of perjury that on March 6, 2014 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 by W. D. Chisholm with the Acton Conservation Commission on 03/06/2014 for a property located at 12 Summer Street, Lot #2.

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)

03/06/14  
(Date)



**Town of Acton**  
 472 Main Street  
 Acton, MA 01720  
 Telephone (978) 929-6621  
 Fax (978) 929-6430

**Parcel Location** 12 SUMMER ST Rear  
**Parcel I.D.:** G2-200

| Location             | Parcel ID  | Owner                 | Co-Owner            | Mailing Address   | City  | ST | Zip   |
|----------------------|------------|-----------------------|---------------------|-------------------|-------|----|-------|
| 20 SUMMER ST         | F2.B-104-1 | WALKER ISAAC          | WALKER ELIZABETH    | 20 SUMMER ST      | ACTON | MA | 01720 |
| 12 SUMMER ST         | F2.B-106   | MADDEN JR PAUL B      | MADDEN JOY C        | 12 SUMMER STREET  | ACTON | MA | 01720 |
| 66 WILLOW ST         | F2.B-112-1 | DUNN WILLIAM J        | ANN B               | 68 WILLOW ST      | ACTON | MA | 01720 |
| 8 SUMMER ST          | F2.B-113   | METZGER BRUCE P       | SUSAN L             | 8 SUMMER ST       | ACTON | MA | 01720 |
| 76 WILLOW ST         | G1-27      | BANKS GARY P. + BANKS | NANCY H. AS TRUSTEE | 76 WILLOW ST      | ACTON | MA | 01720 |
| 88 WILLOW ST         | G1-44-1    | BAJWA SUKHJINDER      |                     | 88 WILLOW ST      | ACTON | MA | 01720 |
| 102 WILLOW ST        | G1-85      | KENT KATHERINE A      |                     | 102 WILLOW ST     | ACTON | MA | 01720 |
| 100 WILLOW ST BEHIND | G1-87      | HAMEL SR GARY         | PRIMMER JILL        | 100 WILLOW STREET | ACTON | MA | 01720 |
| 106 WILLOW ST        | G1-114     | OSBORN JEREMY         | OSBORN KRISTIN      | 106 WILLOW ST     | ACTON | MA | 01720 |
| 108 Willow St Rear   | G1-320     | TOWN OF ACTON         |                     | 472 MAIN STREET   | ACTON | MA | 01720 |
| 162 CENTRAL ST       | G2-72      | TOWN OF ACTON         |                     | 472 MAIN STREET   | ACTON | MA | 01720 |
| 169 CENTRAL ST       | F2.B-114   | DUMONT TYLER          | DUMONT AMANDA       | 169 CENTRAL ST    | ACTON | MA | 01720 |

Abutters and owners of land directly opposite on any public or private street or way and abutters to the abutters within 100 hundred feet of the property line all as they appear on the most recent applicable tax list.

Kelly Schorr  
 Acton Assessors Office  
 1/6/13



3/6/14

Re: Notification of Abutters  
12 Summer Street, Lot #2

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. The subject of the hearing is for the proposed construction of 2 single-family homes and a driveway crossing wetland on a parcel known as 12 Summer Street, Lot #2 (G2-200) 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**

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40 you are hereby notified of the following:

The Applicant: W. D. Chisholm, Mt. Laurel Realty

Address: 390 Goodrich St, Lunenburg, MA 01462

Phone: (978) 815-0968

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: 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: 12 Summer Street Lot #2, Acton, MA.

Town Atlas Plat/Map: G2

Parcel/Lot: 200

Project description: Building of 2 single-family houses, with driveway crossing wetland on parcel.

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**.

A Public hearing will be held at the **Acton Town Hall, 472 Main Street**, on Wednesday, **04/02/2014** at **7:30 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**



Revised 2/25/14  
2/20/12

Mr. Steve Marsh  
Westchester Homes, Inc.  
30 Nagog Park Drive, Suite 225  
Acton, MA 01720

Re: Wetland Border Report  
12 Summer Street (near Central Street), Acton, MA

On January 8, 2012 the wetland resource areas were delineated on a 15-acre parcel in the rear of the 12 Summer Street (frontage on Central Street) in Acton, MA. The wetland border was flagged using the criteria in the most recent edition of the MA Wetland Protection Act (WPA) and Regulations 310 CMR 10.00 *et al* as well as Acton Wetlands Protection Bylaw. Hydric soil indicators, vegetational changes, hydrological indicators, and topography were all considered for delineation purposes. The Bordering Vegetated Wetland (BVW) flags are blue and denoted by SGG #. Mean Annual High Water (MAHW) flags are pink and are denoted by SGG MAHW #.

The parcel contains BVW delineated with flags SGG #A1 through SGG #A67 along with SGG #1 through SGG #8. Flags SGG #A1 and SGG #8 are on the edge of a raised walking trail and do not connect to one another. Much of the boundary follows closely alongside a walking trail along the toe of a fairly steep slope. A perennial stream, Muddy Brook, having a clearly defined bank, moves through the BVW. The MAHW boundary of Muddy Brook is field delineated with flags SGG MAHW #1 through SGG MAHW #15 along the portion of the brook that is within 200 feet of the upland areas. There is a regulated Riverfront Area within 200 feet of Muddy Brook. SGG #A4 was documented using MA DEP Data sheets, and those sheets are attached.

Due to a site walk with the Commission during the summer of 2013, the wetland line was reviewed, especially in the area where the walking trail curves away from the toe of slope. Soil samples were taken throughout the area between flags SGG #A29 and #A30. The area between the two flags was documented using the MA DEP Data Sheets and those sheets are attached. The line was reviewed carefully and is believed to be correct as is. The soils and the vegetation did not indicate that the wetland extended further than shown on the plans. The upland side of the boundary is dominated by red and white oak, white pine, witch hazel, and hay-scented fern, while the wetland side of the boundary is dominated by red maple, white pine, highbush blueberry, northern arrowwood, and cinnamon fern. The vegetation dominance, especially as regards the change in the fern species, demonstrates that the wetland line was accurate.

According to the 2008 MA Natural Heritage Atlas, this site *is not* located within an Estimated Habitat of Rare Wildlife, nor is the site mapped for certified or potential vernal pools. If there are questions concerning this report or for assistance with permitting, please do not hesitate to contact us.

Very truly yours,  
GODDARD CONSULTING, LLC

by 

Scott Goddard, Principal & PWS

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

DEP File #: \_\_\_\_\_

Project location: 12 Summer Street, Acton

Prepared by: Goddard Consulting, LLC

Applicant: Westchester Homes

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

| Section I. Vegetation          |                             | Transect Number: <u>Upgradient</u> | Date of Delineation: <u>8-Jan-12</u> | Wetland Indicator Category <sup>a</sup> |
|--------------------------------|-----------------------------|------------------------------------|--------------------------------------|---|
| Sample Layer and Plant Species | Scientific name             | % Cover                            | % Dominance                          | Dominant Plant (yes or no)              |
| <i>Tree Layer</i>              |                             |                                    |                                      |   |
| Red maple                      | <i>Acer rubrum</i>          | 30%                                | 60.0%                                | yes                                     |
| Black birch                    | <i>Betula lenta</i>         | 10%                                | 20.0%                                | yes                                     |
| White pine                     | <i>Pinus strobus</i>        | 10%                                | 20.0%                                | yes                                     |
| <i>Sapling Layer</i>           |                             |                                    |                                      |   |
| Red maple                      | <i>Acer rubrum</i>          | 5%                                 | 100.0%                               | yes                                     |
| <i>Shrub Layer</i>             |                             |                                    |                                      |   |
| none                           |                             |                                    |                                      |   |
| <i>Climbing Woody Vine</i>     |                             |                                    |                                      |   |
| none                           |                             |                                    |                                      |   |
| <i>Ground Cover</i>            |                             |                                    |                                      |   |
| Spinnulose woodfern            | <i>Dryopteris spinulosa</i> | 5%                                 | 25.0%                                | yes                                     |
| Cinnamon fern                  | <i>Osmunda cinnamomea</i>   | 15%                                | 75.0%                                | yes                                     |

**Remarks:** \_\_\_\_\_

**Morphological Adaptations:** 0 \_\_\_\_\_

**Description:** \_\_\_\_\_

\* An asterisk after indicator status denotes wetlands plants: plants listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus Sphagnum; or plants listed as FAC-, FAC+, FACW-, FACW+, or OBL.

**Vegetation conclusion:**

**Number of dominant wetland indicator plants:** 4

**Number of dominant non-wetland plants:** 2

**Number of dominant non-wetland indicator plants:** 2

*If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.*

**Section II. Indicators of Hydrology**

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site?  yes  no  
 title/date: Interim Soil Survey of Middlesex County - 1991 (Maps - 1989)  
 map number: Acton  
 soil type mapped: Hinckley  
 hydric soil inclusions: none

Are field observations consistent with soil survey?  
 Remarks:  yes  no

2. Soil Description

| Horizon | Depth (inches) | Matrix Color | Mottles Color or Texture |
|---------|----------------|--------------|--------------------------|
| Ap      | 0-5"           | 10YR3/2      | no redox                 |
| Bw      | 5-15"+         | 10YR5/6      | no redox                 |
|         |                |              |                          |
|         |                |              |                          |
|         |                |              |                          |

Remarks: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

3. Other:

Conclusion: Is soil hydric?  yes  no

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

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

**Vegetation and Hydrology Conclusion for Upgradient of SGG #A4**

Number of wetland indicator plants  
 >= number of non-wetland plants yes **X** no

Wetland hydrology present:  
 hydric soils present **X**  
 other indicators of hydrology present **X**

**Sample location is in a BVW** **X**

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



**Section II. Indicators of Hydrology**

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site?

yes  no

title/date: Interim Soil Survey of Middlesex County - 1991 (Maps - 1989)

map number: Acton

soil type mapped: Freeown muck

hydric soil inclusions: Swansea, Scarboro, Berryland, Sippican, Wareham, Saugatuck, Pipestone

Are field observations consistent with soil survey?

yes  no

Remarks:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

2. Soil Description

| Horizon | Depth (inches) | Matrix Color | Mottles Color or Texture |
|---------|----------------|--------------|--------------------------|
| O       | 0-20"          | 5Y2/1        | muck                     |
| _____   | _____          | _____        | _____                    |
| _____   | _____          | _____        | _____                    |
| _____   | _____          | _____        | _____                    |

Remarks:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

3. Other:

\_\_\_\_\_  
 \_\_\_\_\_

Conclusion: Is soil hydric?

yes  no

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

- Site inundated: \_\_\_\_\_
- Depth to free water in observation hole: \_\_\_\_\_
- Depth to soil saturation in observation hole: < 12"
- Water marks: \_\_\_\_\_
- Drift Lines: \_\_\_\_\_
- Sediment deposits: \_\_\_\_\_
- Drainage patterns in BVW: \_\_\_\_\_
- Oxidized rhizospheres: \_\_\_\_\_
- Water-stained leaves: \_\_\_\_\_
- Recorded data (stream, lake, or tidal gauge; aerial photo; other): \_\_\_\_\_
- Other: \_\_\_\_\_

**Vegetation and Hydrology Conclusion for Downgradient of SGG #A4**

|   | yes | no |
|---|-----|----|
| Number of wetland indicator plants<br>>= number of non-wetland plants | X   |    |
| Wetland hydrology present:<br>hydric soils present                    | X   |    |
| other indicators of hydrology present                                 | X   |    |
| Sample location is in a BVW   | X   |    |

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

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

Applicant: **Chisholm**

Prepared by: **Goddard Consulting, LLC**  
 Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only  
 Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II  
 Method other than dominance test used (attach additional information)

DEP File #:

Project location: **Central St**

| Section I. Vegetation  | Observation Plot Number: <b>Between A29 and A30</b> | Transect Number: <b>Upgradient</b> | Date of Delineation: <b>rev. 1/28/14</b> | Wetland Indicator Category* |
|--|---|------------------------------------|--|-----------------------------|
| Sample Layer and Plant Species   | Scientific name                                     | % Cover                            | % Dominance                              | Dominant Plant (yes or no)  |
| <i>Tree Layer</i>  |   |                                    |  |                             |
| Northern white oak   | <i>Quercus alba</i>                                 | 50%                                | 52.6%                                    | yes                         |
| Red oak  | <i>Quercus rubra</i>                                | 45%                                | 47.4%                                    | yes                         |
| <i>Sapling Layer</i>   |   |                                    |  |                             |
| none   |   |                                    |  |                             |
| <i>Shrub Layer</i>   |   |                                    |  |                             |
| European buckthorn   | <i>Frangula alnus</i>                               | 3%                                 | 18.2%                                    | no                          |
| White pine   | <i>Pinus strobus</i>                                | 3%                                 | 18.2%                                    | no                          |
| Witch hazel  | <i>Hamamelis virginiana</i>                         | 11%                                | 63.6%                                    | yes                         |
| <i>Climbing Woody Vine</i>   |   |                                    |  |                             |
| None   |   |                                    |  |                             |
| <i>Ground Cover</i>  |   |                                    |  |                             |
| Hay-scented fern   | <i>Demissaedia punctilobula</i>                     | 25%                                | 100.0%                                   | yes                         |
|  |   |                                    |  | UPL                         |
| <p><b>Remarks:</b> * An asterisk after common plant name indicates stunted growth; ** indicates extremely stunted growth</p> <p><b>Morphological Adaptations:</b> 0</p> <p>* An asterisk after indicator status denotes wetlands plants listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus Sphagnum, or plants listed as FAC, FACW, or OBL.</p> <p><b>Vegetation conclusion:</b></p> <p><b>Number of dominant wetland indicator plants: 0</b></p> <p><b>Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? no</b></p> <p><b>Number of dominant non-wetland indicator plants: 4</b></p> <p><i>If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.</i></p> |   |                                    |  |                             |

**Section II. Indicators of Hydrology**

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site?

yes  no

title/date: Interim Soil Survey of Middlesex County - 1991 (Maps - 1989)  
map number: \_\_\_\_\_

soil type mapped: Windsor loamy sand, 3-8%  
hydric soil inclusions: none

Are field observations consistent with soil survey?

yes  no

Remarks:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Soil Description

|         |                |              |                          |
|---------|----------------|--------------|--------------------------|
| Horizon | Depth (inches) | Matrix Color | Mottles Color or Texture |
| A       | 0-14"+         | 10YR2/1      |                          |

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Remarks:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Other:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Conclusion: Is soil hydric?

yes  no

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

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

**Vegetation and Hydrology Conclusion for Uprgradient of Between A29 and A30**

|   |     |    |
|---|-----|----|
| Number of wetland indicator plants<br>>= number of non-wetland plants | yes | no |
|   | X   | X  |

|  |   |
|--|---|
| Wetland hydrology present:<br>hydric soils present | X |
|  |   |

|  |   |
|--|---|
| other indicators of hydrology<br>present | X |
|  |   |

Sample location is in a BWV

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

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

Applicant: **Chisholm** DEP File #:

Prepared by: **Goddard Consulting, LLC**  
 Project location: **Central St**

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

| Section I. Vegetation          |                                 | Transsect Number: <b>Downgradient</b> | Date of Delineation: <b>rev. 1/28/14</b> |
|--------------------------------|---------------------------------|---------------------------------------|--|
| Sample Layer and Plant Species | Scientific name                 | % Cover                               | % Dominance                              |
| <u>Tree Layer</u>              |                                 |                                       |  |
| Red maple                      | <i>Acer rubrum</i>              | 60%                                   | 74.5%                                    |
| White pine                     | <i>Pinus strobus</i>            | 21%                                   | 25.5%                                    |
| <u>Sapling Layer</u>           |                                 |                                       |  |
| none                           |                                 |                                       |  |
| <u>Shrub Layer</u>             |                                 |                                       |  |
| Highbush blueberry             | <i>Vaccinium corymbosum</i>     | 11%                                   | 14.6%                                    |
| Northern arrowwood             | <i>Viburnum recognatum</i>      | 21%                                   | 28.5%                                    |
| European buckthorn             | <i>Frangula alnus</i>           | 21%                                   | 28.5%                                    |
| White pine                     | <i>Pinus strobus</i>            | 21%                                   | 28.5%                                    |
| <u>Climbing Woody Vine</u>     |                                 |                                       |  |
| none                           |                                 |                                       |  |
| <u>Ground Cover</u>            |                                 |                                       |  |
| Cinnamon fern                  | <i>Osmundastrum cinnamomeum</i> | 63%                                   | 100.0%                                   |
|                                |                                 |                                       | yes                                      |

**Remarks:** \* An asterisk after common plant name indicates stunted growth; \*\* indicates extremely stunted growth  
**Morphological Adaptations:** 0  
 \* An asterisk after indicator status denotes wetlands plants: plants listed in the Wetlands Protection Act (MGL c.131, s.40), plants in the genus Sphagnum, or plants listed as FAC, FACW, or OBL.  
**Vegetation conclusion:**  
**Number of dominant wetland indicator plants: 4**  
**Number of dominant non-wetland indicator plants: 2**  
**Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? yes**  
 If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.

**Section II. Indicators of Hydrology**

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site?  yes  no  
 title/date: Interim Soil Survey of Middlesex County - 1991 (Maps - 1989)  
 map number: \_\_\_\_\_

soil type mapped: Freetown muck  
 hydric soil inclusions: Scarboro, Swansea, Freetown ponded

Are field observations consistent with soil survey?  yes  no

Remarks: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

2. Soil Description

| Horizon | Depth (inches) | Matrix Color | Mottles Color or Texture |
|---------|----------------|--------------|--------------------------|
| A       | 0-21"+         | 10YR2/1      | ice                      |
|         |                |              |                          |
|         |                |              |                          |
|         |                |              |                          |

Remarks: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

3. Other:

\_\_\_\_\_

Conclusion: Is soil hydric?  yes  no

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

- Site inundated: \_\_\_\_\_
- Depth to free water in observation hole: 6"
- Depth to soil saturation in observation hole: 4"
- Water marks: \_\_\_\_\_
- Drift Lines: \_\_\_\_\_
- Sediment deposits: \_\_\_\_\_
- Drainage patterns in BVW: \_\_\_\_\_
- Oxidized rhizospheres: \_\_\_\_\_
- Water-stained leaves: \_\_\_\_\_
- Recorded data (stream, lake, or tidal gauge; aerial photo; other): \_\_\_\_\_
- Other: \_\_\_\_\_

**Vegetation and Hydrology Conclusion for Downgradient of Between A29 and A30**

|   | yes | no |
|---|-----|----|
| Number of wetland indicator plants<br>>= number of non-wetland plants | X   |    |
| Wetland hydrology present:<br>hydric soils present                    | X   |    |
| other indicators of hydrology present                                 | X   |    |
| Sample location is in a BVW   | X   |    |

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



May 22, 2013

## **Wetland Replication Plan**

### **12 Summer Street – Lot #2**

Acton, Massachusetts

Submitted to:

Acton Conservation Commission  
472 Main Street  
Acton, MA 01720

Prepared for:

Mt. Laurel Realty  
304 Goodrich Street  
Lunenburg, MA 01462

Prepared by:

Goddard Consulting, LLC  
P.O. Box 299  
Northborough, MA 01532

## Introduction

In order to mitigate the proposed impacts to wetland resource areas, the following Wetland Replication Plan is proposed. It is proposed to fully restore the wetland function and value incurred by the proposed filling of two small areas of Bordering Vegetated Wetland (BVW) resource area totaling 830 s.f. Refer to “*Notice of Intent Plan*” prepared by R. Wilson Associates, dated 5/20/13, for proposed alteration and replication locations.

Approximately 1,375 s.f. of BVW will be created as mitigation for the permanent alteration of 830 s.f. of BVW. The BVW replication area is located adjacent to wetland flags #A48 to A54, at the 190-foot existing contour line. No net loss of BVW is proposed, rather a total of 845 s.f. of additional BVW will be created as a result of this project.

## Existing Conditions

The overall wetland system in the vicinity of the replication area consists of forested wetland, with numerous medium-sized red maples forming a dense tree canopy. There are pockets of shallow standing water interspersed among the maples, and numerous hummocks covered with tussock sedge (Photo 1).



Photo 1- Forested wetland habitat in BVW near replication area.

At the wetland edge, the habitat transitions from standing pockets of water to dry land, with tussock sedge becoming more sparse, some skunk cabbage, small arrowwood and glossy buckthorn shrubs, and poison ivy ground cover (Photo 2). Further north, the vegetation at the wetland edge consists of Canada mayflower, cinnamon fern, and some silky dogwood shrubs.



Photo 2 - Wetland habitat at BVW border, near flag #A49.

The replication area itself consists of small white pine and oak trees near wetland flags #A48- A50 (Photo 3).



Photo 3 - Habitat in southern portion of replication area, facing BVW.

An existing trail runs through the eastern portions of the area (Photo 4).



Photo 4 - Existing foot trail within replication area, facing north.

#### Planting Plan (see attached plan)

The goal of the replication area is to mimic the existing vegetation, soils, and wetland functions of the adjacent BVW. Therefore, the plan calls for the planting of red maple trees, silky dogwood and arrowwood shrubs, and clumps of tussock sedge ground cover. The area is designed to accommodate temporary flooding in early spring, but will remain dry most of the year. The existing trail will be re-routed outside of the area to the east.

#### General Installation and Monitoring Procedures

- **Supervision:** All work within the replication area shall be supervised by a qualified wetlands scientist/consultant.
- **Timing:** In order to optimize planting conditions, fall construction is preferred. The optimal time of year for plant installation is September to mid-October of 2013.

**Step 1: Survey.** Field stake limits of replication area.

**Step 2: Erosion control.** Install new erosion control barrier along western boundary of replication area to prevent any alteration to adjacent BVW.

**Step 3: Vegetation Removal.** Remove all trees, shrubs and herbaceous vegetation (including stumps) from within replication area, with care being taken not to allow any debris beyond the erosion control barrier.

**Step 4: Excavation.** An excavator shall remove all upland soil up to the edge of the erosion control barrier within the replication area to at least 12 inches below finish grade elevation (190' +/-) or where natural muck or wetland soils are observed and the wetland scientist determines that a suitable depth has been reached. The site contractor shall work from the wetland side and move upgradient.

**Step 5: Final Grading.** Upon removal of all soil, suitable hydric soils shall be graded up from the existing haybale and silt fence edge to the edge of the replication area. The final grade for the replication area shall be 190-191 feet. A minimum of 6 inches of topsoil shall be placed and shall be stabilized by an organic mulch tackifier. The soils are to be inspected and approved by the wetland scientist prior to installation.

**Step 6: Planting.** The following planting schedule is proposed. Precise citing of plants may be modified by wetland scientist in the field prior to installation.

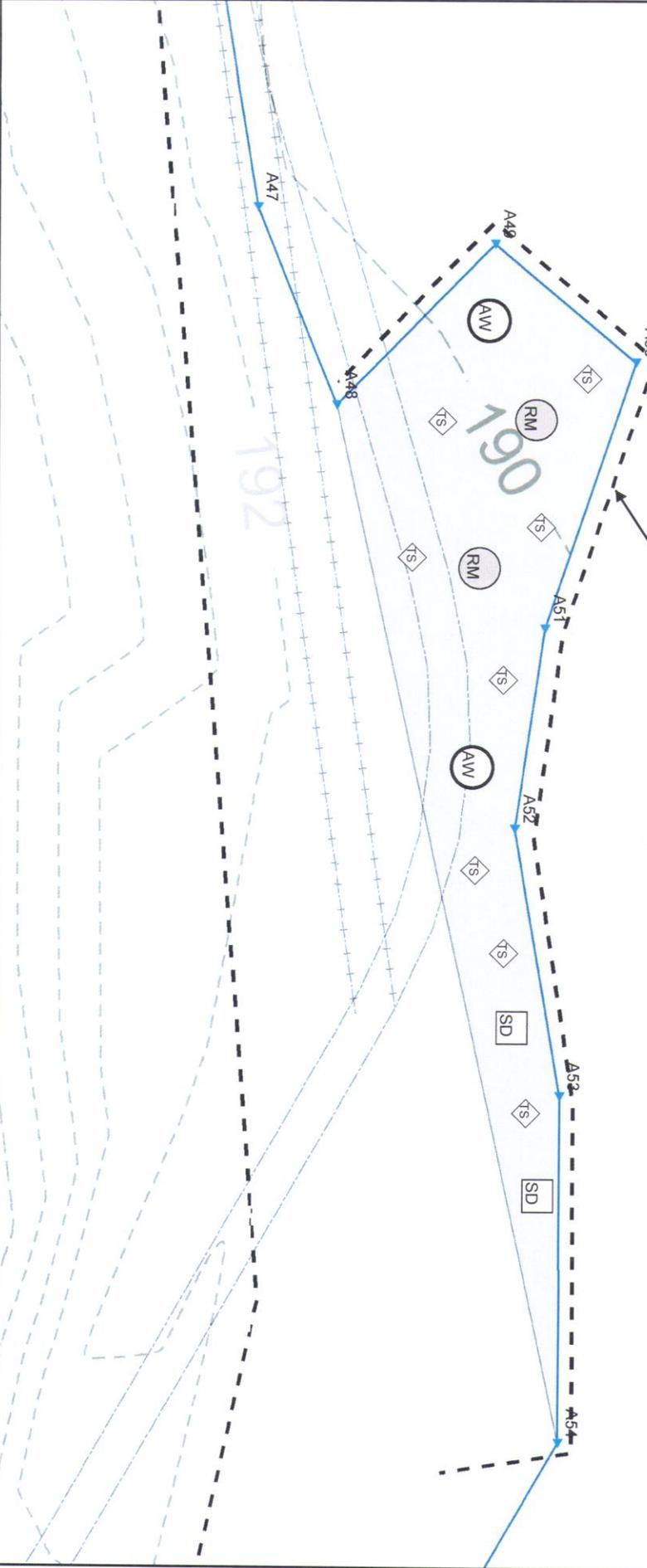
- 2 red maple trees (*Acer rubrum*) – 4-6' tall
- 2 silky dogwood (*Cornus amomum*) - >18" tall
- 2 arrowwood (*Viburnum dentatum* or *recognitum*) - >18" tall
- 8 tussock sedge (*Carex stricta*) - 2" plugs
- A native mulch shall be spread throughout the replication area upon completion of plantings.

**Step 7: Monitoring and Reporting.** Monitoring for two full growing seasons (2014 and 2015) shall occur with annual reporting to the Acton Conservation Commission. Monitoring will include documentation of success or failure of the replication area. Success will be measured by the replication standards in the Wetlands Protection Act, specifically, suitable wetland soils, wetland hydrology, and 75% cover of wetland vegetation after two seasons. Where plant mortality or other indicator of failure is evident, the wetland scientist will recommend steps to correct. A soil, plant (with % coverage), and wildlife inventory will be submitted with each inspection report.

- Erosion Control Barrier
- Wetland Line
- - - Existing Trail
- + + Re-routed Trail
- Replication Area

| Plant Species Details |      |            |               |                          |
|-----------------------|------|------------|---------------|--------------------------|
| #                     | CODE | TYPE       | COMMON NAME   | SCIENTIFIC NAME          |
| 2                     | RM   | TREE       | Red Maple     | <i>Acer rubrum</i>       |
| 2                     | SD   | SHRUB      | Silky Dogwood | <i>Cornus amomum</i>     |
| 2                     | VB   | SHRUB      | Arrowwood     | <i>Viburnum dentatum</i> |
| 8                     | Ts   | HERBACEOUS | Tussock Sedge | <i>Carex stricta</i>     |

Proposed additional erosion control barrier to be installed prior to construction of replication area.

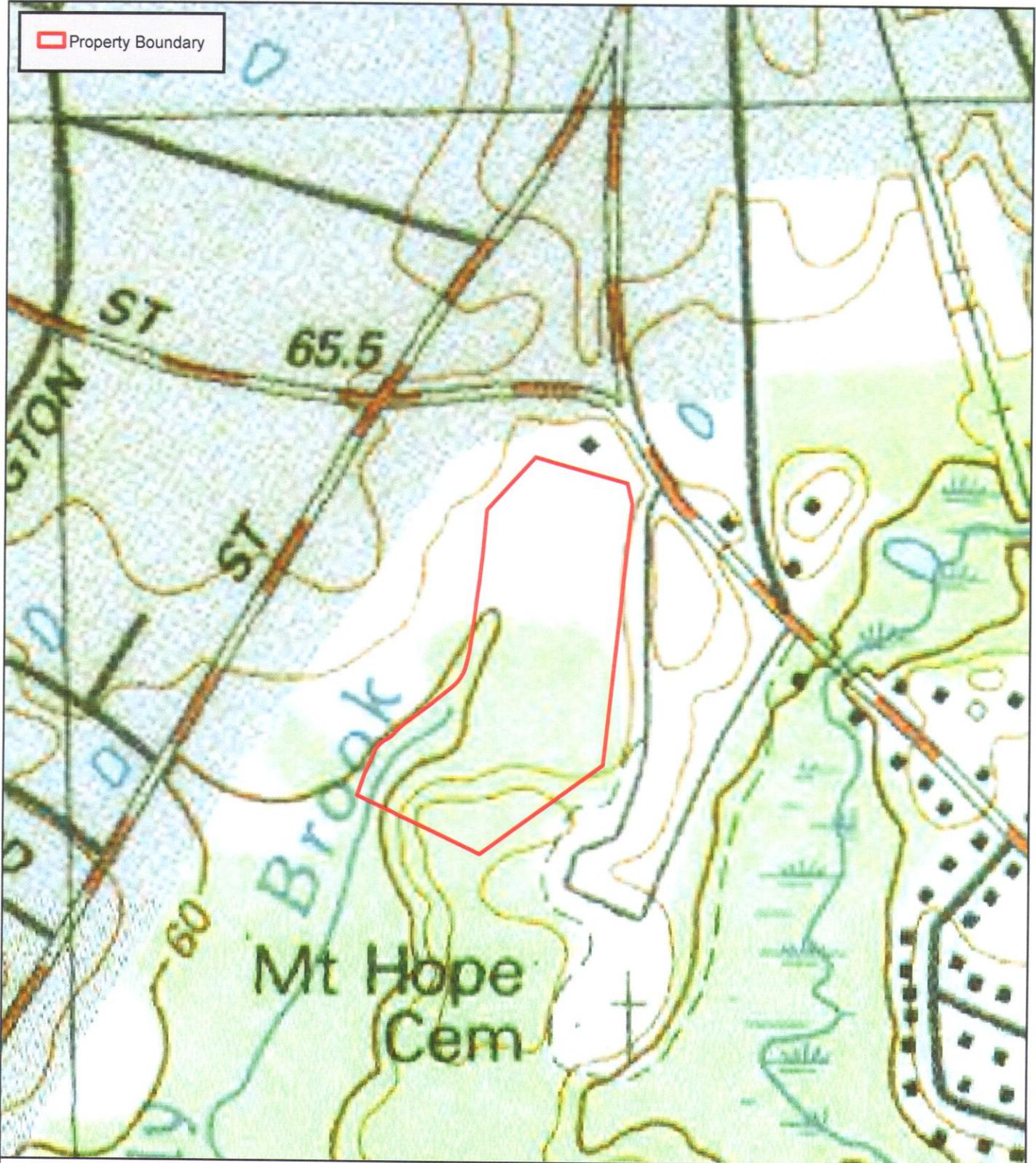


Engineering Data Source: R. Wilson Associates  
Date: 5/22/2013

# Wetland Replication Plan

12 Summer Street, Lot #2 - Acton, MA





## USGS Site Locus

12 Summer Street, Lot #2 - Acton, MA



0 100 200 400 Feet

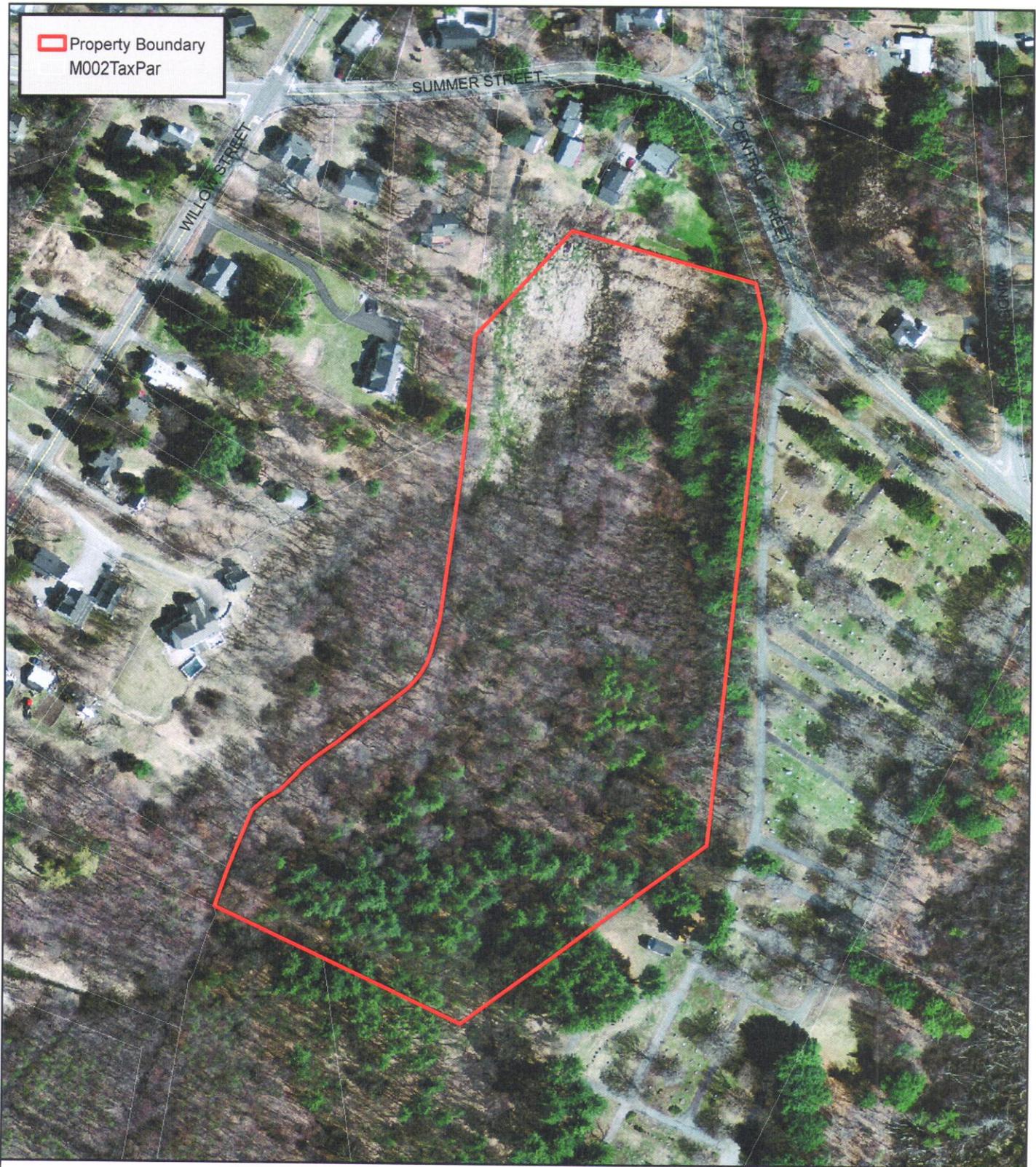
1 inch = 400 feet

Date: 5/20/2013

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

GODDARD CONSULTING LLC

Scott Goddard, PWS  
Professional Wetland Scientist



## Orthophoto View of Site

12 Summer Street, Lot #2 - Acton, MA



0 50 100 200  
Feet

1 inch = 200 feet

Date: 2/27/2014

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

GODDARD CONSULTING  
LLC

Scott Goddard, PWS  
Professional Wetland Scientist