



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 3 – Notice of Intent
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

ACTON

01720
c. Zip Code

A. General Information

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.

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

7 Silver Hill Rd

a. Street Address

ACTON

b. City/Town

Latitude and Longitude:

I-3 (64-12)

f. Assessors Map/Plat Number

d. Latitude

64-12

e. Longitude

g. Parcel /Lot Number

2. Applicant:

Theodore

a. First Name

ATKINSON

b. Last Name

c. Organization

7 Silver Hill Rd

d. Street Address

ACTON

e. City/Town

MA

f. State

01720

g. Zip Code

978-263-6837

h. Phone Number

i. Fax Number

PATTEDATK@ADL.COM

j. Email Address

3. Property owner (required if different from applicant):

Check if more than one owner

SAME

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

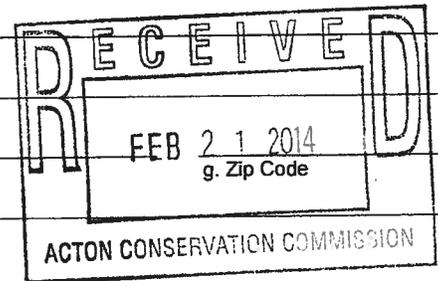
f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address



4. Representative (if any):

a. First Name

b. Last Name

c. Company

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

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

\$ 110.00

a. Total Fee Paid

\$ 42.50

b. State Fee Paid

\$ 67.50

c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

REPLACEMENT OF AN EXISTING RETAINING WALL
(SEE ATTACHED PLAN).

7a. Project Type Checklist:

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

<u>Middlesex South Registry</u>		<u>226674</u>	
a. County		b. Certificate # (if registered land)	
<u>01263</u>		<u>124</u>	
c. Book		d. Page Number	

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

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

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

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

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



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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 Subject to Flooding	1. square feet _____ 3. cubic feet of flood storage lost _____	2. square feet _____ 4. cubic feet replaced _____
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet _____ 2. cubic feet of flood storage lost _____	3. cubic feet replaced _____
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) _____ 2. Width of Riverfront Area (check one): <input type="checkbox"/> 25 ft. - Designated Densely Developed Areas only <input type="checkbox"/> 100 ft. - New agricultural projects only <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: 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? <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. <input type="checkbox"/> 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 _____ 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.



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

	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	_____	
	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	_____	
	1. square feet	
h. <input type="checkbox"/> Salt Marshes	_____	_____
	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	_____	
	1. square feet	

	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	_____	
	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	

	1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	
	1. square feet	
4. <input type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.	
	_____	_____
	a. square feet of BVW	b. square feet of Salt Marsh
5. <input type="checkbox"/> Project Involves Stream Crossings		
	_____	_____
	a. number of new stream crossings	b. number of replacement stream crossings

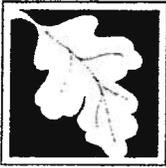
C. Other Applicable Standards and Requirements

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/priority_habitat/online_viewer.htm.
- a. Yes No **If yes, include proof of mailing or hand delivery of NOI to:**

Oct. 1, 2008
 b. Date of map

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



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

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

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

1. Percentage/acreage of property to be altered:
 - (a) within wetland Resource Area _____ percentage/acreage
 - (b) outside Resource Area _____ percentage/acreage
2. Assessor's Map or right-of-way plan of site
3. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work ****
 - (a) Project description (including description of impacts outside of wetland resource area & buffer zone)
 - (b) Photographs representative of the site
 - (c) MESA filing fee (fee information available at: http://www.mass.gov/dfwele/dfw/nhosp/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/nhosp/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/nhosp/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.



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

3. Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.
2. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?
- a. Not applicable – project is in inland resource area only
- b. Yes No If yes, include proof of mailing or hand delivery of NOI to either:
- | | |
|---|--|
| South Shore - Cohasset to Rhode Island, and the Cape & Islands: | North Shore - Hull to New Hampshire: |
| Division of Marine Fisheries - Southeast Marine Fisheries Station
Attn: Environmental Reviewer
1213 Purchase Street – 3rd Floor
New Bedford, MA 02740-6694 | Division of Marine Fisheries - North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930 |

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

3. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
- a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC
4. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
- a. Yes No
5. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
- a. Yes No
6. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
- a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
- 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

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

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

D. Additional Information

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

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

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

PLOT PLAN - WITH WALL LOCATION
 a. Plan Title
Ralph Nelson
 b. Prepared By
9/7/78
 d. Final Revision Date

Ralph Nelson
 c. Signed and Stamped by
1" = 40'
 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.

AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act

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

I, Theodore Atkinson, hereby certify under the pains and penalties of perjury that on 2/20/2014 I gave notification to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the DEP Guide to Abutter Notification dated April 8, 1994, in connection with the following matter:

A Notice of Intent filed under the Massachusetts Wetlands Protection Act by Theodore H. Atkinson with the Acton Conservation Commission on 2/20/2014 for property located at 7 Silver Hill Rd., Acton.

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

Theodore H. Atkinson
Name

2/20/2014
Date



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

Brian McMullen
 Principal Assessor

LOCUS
 PARCEL ID 7 SILVER HILL RD
 13-64-12

Parcel ID	Location	Owner	Co-Owner	Mailing Address	City	ST	Zip
13-64-11	9 SILVER HILL RD	KOHOUT PAUL S	KOHOUT JOY B	9 SILVERHILL RD	ACTON	MA	01720
13-64-13	5 SILVER HILL RD	STONE BRUCE W	SUE G	5 SILVERHILL RD	ACTON	MA	01720
13-64-22	10 SILVER HILL RD	KARKANTIS PANOS		10 SILVER HILL RD	ACTON	MA	01720
13-64-23	8 SILVER HILL RD	SECHREST WALTERS & CYNTHIA G		8 SILVER HILL RD	ACTON	MA	01720
13-64-24	6 SILVER HILL RD	ELICONE CHRISTOPHER P	KAHLE LAURIE B	6 SILVER HILL RD	ACTON	MA	01720
13-64-3	119 PARKER ST REAR	DEMAND RESOURCES	C/O LAWRENCE S NICHOLS	37 MOHEGAN ROAD	ACTON	MA	01720

The owner of land sharing a common boundary or corner with the site of the proposed activity (100 feet) in any direction, including land located directly across a street, way, creek, river, stream, brook or canal. The above are as they appear on the most recent applicable taxes.

Marty Abbott

Marty Abbott
 Assessor's Office

2/20/2014





CERTIFIED PLOT PLAN

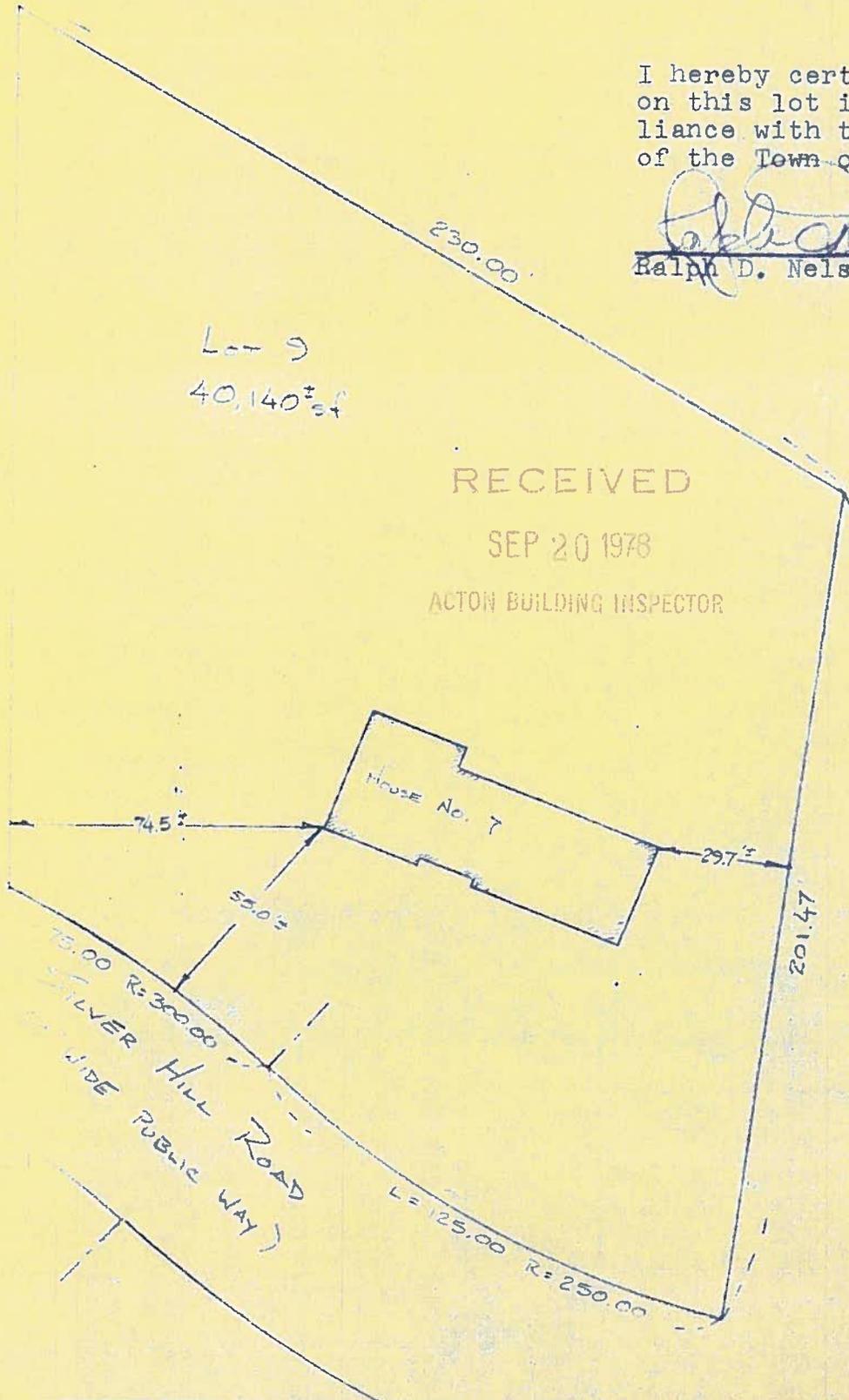
Lot 9 Silver Hill Road, Acton, Mass
Owned by: Power Homes, Inc.

NELSON ENGINEERING
144 SUDBURY ROAD, CONCORD, MASS.

SEPT. 7, 1978 Scale 1" = 40'

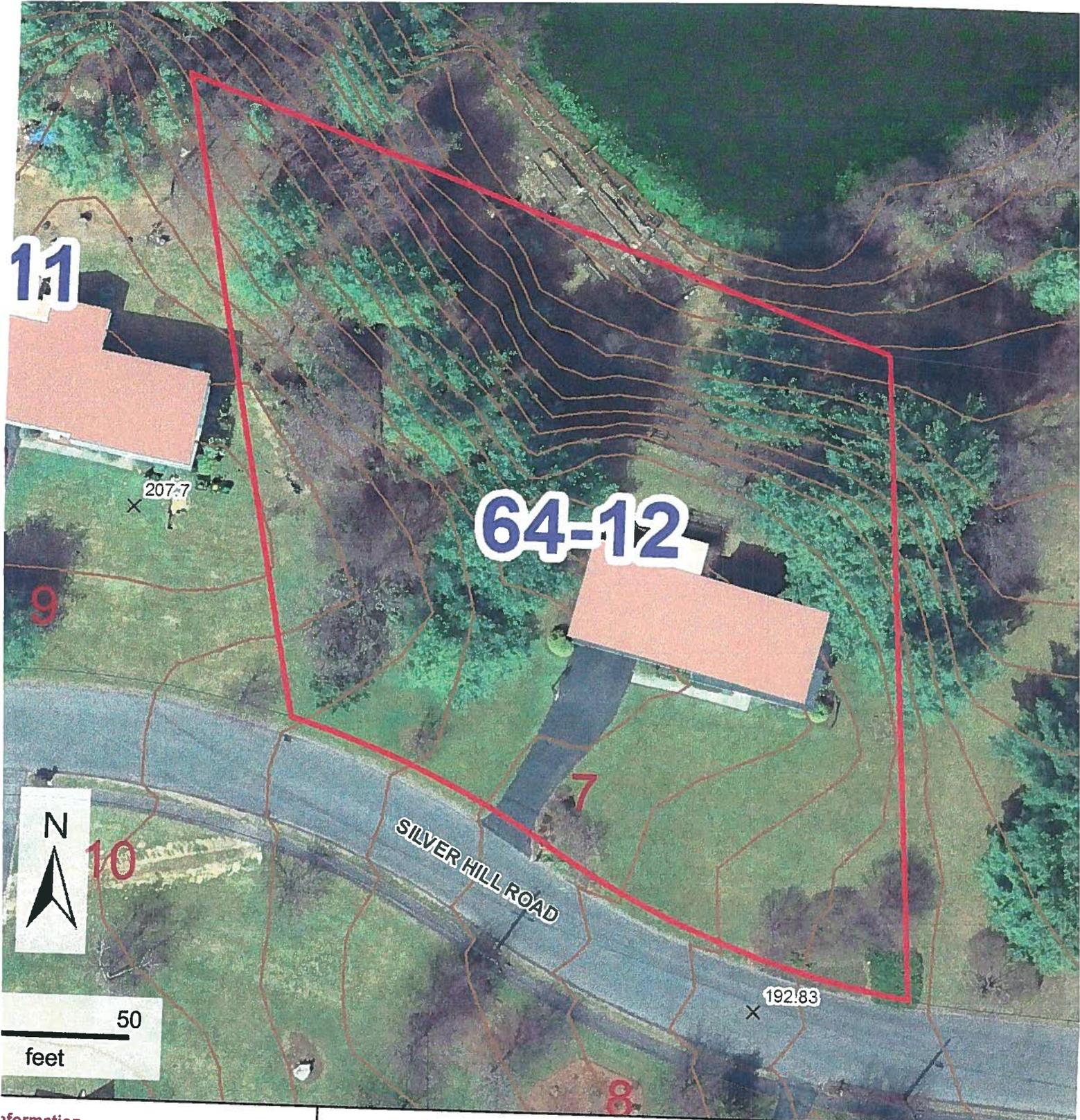
I hereby certify that the dwelling on this lot is located in compliance with the Zoning By-Laws of the Town of Acton, Mass.

Ralph D. Nelson
Ralph D. Nelson



NOTE

This plan is intended for mortgage purposes only. It is not to be used to establish fence lines, property lines, etc.



Information
 13-64-12
 7 SILVER HILL RD



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

This data set/map is for planning purposes only and should not be used for larger scale analysis. The Town of Acton



64-12

Existing Wall

SILVER HILL ROAD

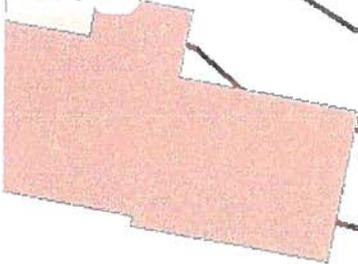
192.83

7

8

GRATE

11

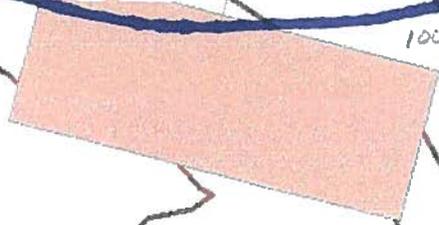


X 207.7

50' BUFFER

100' BUFFER

64-12



100' Buffer
= 100'

9

7

10

X 192.83

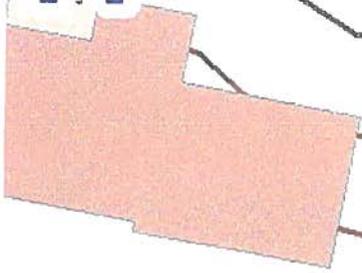
8

22



LITTLETON

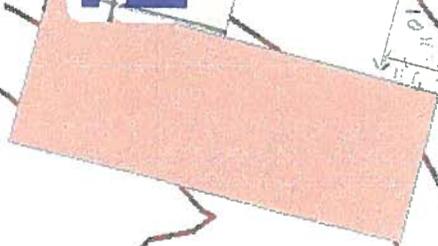
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X 207.7

9

64-12



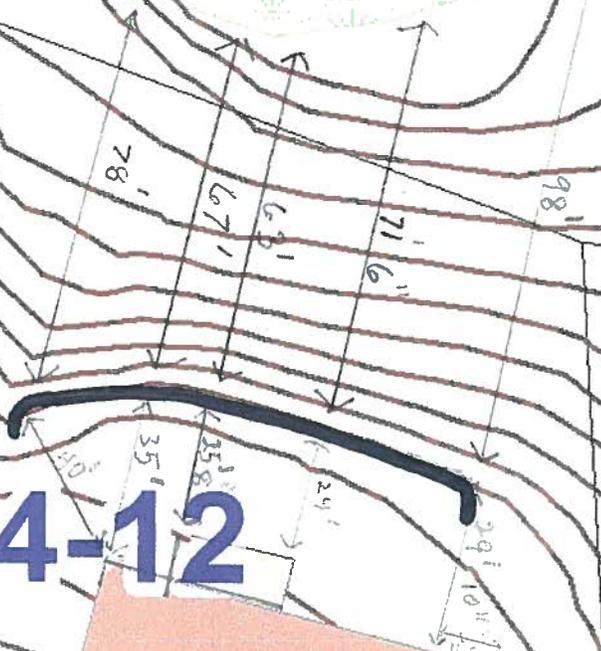
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10

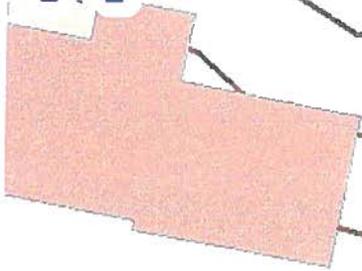
X 192.83

8

22



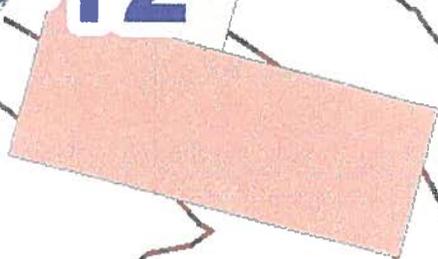
11



X 207.7

9

64-12



7

10

X 192.83

8

22

Soil Fence

Stack Piled



LITTLETON



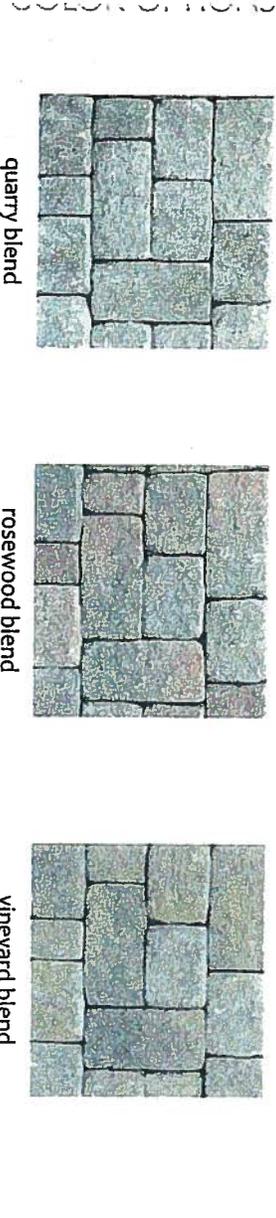
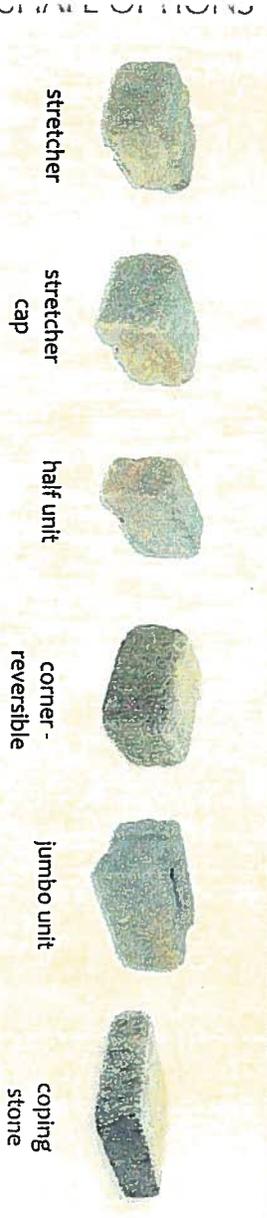
Looking to create an antique, weathered feel for your next wall project? The distinctive rich texture of Roman Pisa captures the rustic beauty and charm of hand-crafted stone walls built by the New England killed craftsmen of yesteryear. Its time-tested appearance makes a Roman Pisa wall fashionable in any landscape setting.

FEATURES

- Full component system creates a variety of ashlar patterns, as well as running bond combinations
- Drum-Roll Tumbled Split Face Finish
- Tongue and groove connection
- Planter height to tall commercial walls

Dimensions and Coverage

stretcher	6" h x 8" w x 12" d	3 pcs/sf	42 lb	26.7 sf/cube
stretcher cap	6" h x 8" w x 12" d	3 pcs/sf	42 lb	26.7 sf/cube
half unit	6" h x 4" w x 12" d	6 pcs/sf	22 lb	20 sf/cube
corner - reversible	6" h x 8" w x 12" d	—	32 lb	—
jumbo unit	6" h x 12" w x 8" d	2 pcs/sf	32 lb	40 sf/cube
coping stone	3 5/8" h x 16" w x 13" d	1.3 lf/pc	61 lb	84 lf/cube



LAWN

Geo fabric

Geo Grid

70 TONS
Crushed
Stone

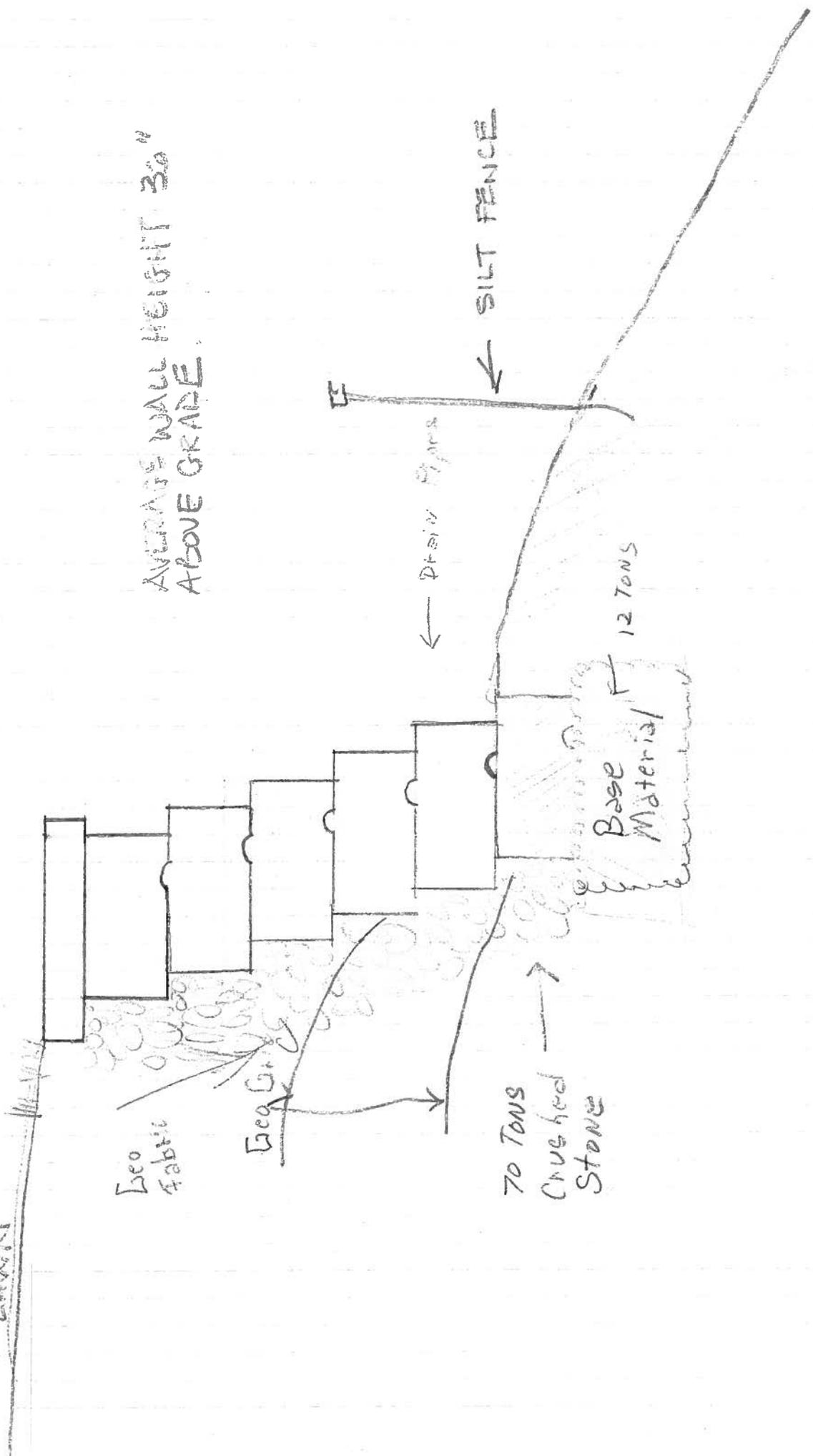
Base
Material

12 TONS

← Drain Pipes

← SILT FENCE

AVERAGE WALL HEIGHT 30"
ABOVE GRADE



**NOTIFICATION TO ABUTTERS
UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT
AND THE TOWN OF ACTON WETLANDS BYLAW**

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

The Applicant: THEODORE ATKINSON

Address 7 SILVER HILL RD. Phone 978.263.6837

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: _____

Address _____ Phone _____

The address of the property where the activity is proposed 7 SILVER HILL RD.

Town Atlas Plate/Map I - 3 Parcel/Lot 64 - 12

Project Description REPLACE EXISTING RETAINING WALL
AT REAR OF HOUSE.

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

A Public Hearing will be held at the Acton Town Hall, 472 Main Street, on Wednesday,
MARCH 5TH 2014 at 7:45 P.M.
(date)

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

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

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