

**Stamski and McNary, Inc.**  
Engineering - Planning – Surveying  
1000 Main Street Acton, MA 01720 (978) 263-8585

## **Notice of Intent**

Under the Massachusetts Wetland Protection Act,  
M.G.L. c. 131, s. 40

and

Town of Acton Wetlands Protection Bylaw

**for**

**15 Main Street  
Map I-2, Parcel 41  
Acton, MA 01720**

Applicant: John Anderson  
20 Main Street  
Acton, MA 01720

Owner: Steven P. & Barbara J. Giles  
15 Main Street  
Acton, MA 01720

Date: May 5, 2014

SM-5235



## Table of Contents

- Notice of Intent – WPA Form 3
- NOI Wetland Fee Transmittal Form
- Certified Abutters List / Affidavit / Notice to Abutters

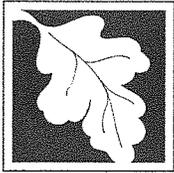
### Attachments:

- A. Project Narrative
- B. U.S.G.S. Map
- C. Massachusetts Natural Heritage Atlas 13<sup>th</sup> Edition, Effective: October 1, 2008
- D. FEMA Flood Insurance Map
- E. DEP Field Data Forms
- F. Wetland Permitting Plan by Stamski and McNary, Inc.



**Notice of Intent - WPA Form 3**





**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**

**WPA Form 3 – Notice of Intent**

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Acton

City/Town

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



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

**A. General Information**

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

<u>15 Main Street</u>	<u>Acton</u>	<u>01720</u>
a. Street Address	b. City/Town	c. Zip Code
<u>Latitude and Longitude:</u>	<u>42°26'53"N</u>	<u>71°27'11" W</u>
	d. Latitude	e. Longitude
<u>Map I-2</u>	<u>Parcel 41</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>John</u>	<u>Anderson</u>	
a. First Name	b. Last Name	
<u>c. Organization</u>		
<u>20 Main Street</u>		
d. Street Address		
<u>Acton</u>	<u>MA</u>	<u>01720</u>
e. City/Town	f. State	g. Zip Code
<u>978 815 4734</u>	<u>janderson@thepaperstore.com</u>	
h. Phone Number	i. Fax Number	j. Email Address

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

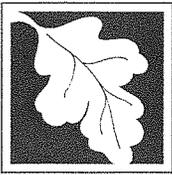
<u>Steven P. &amp; Barbara J.</u>	<u>Giles</u>	
a. First Name	b. Last Name	
<u>c. Organization</u>		
<u>15 Main Street</u>		
d. Street Address		
<u>Acton</u>	<u>MA</u>	<u>01720</u>
e. City/Town	f. State	g. Zip Code
<u>h. Phone Number</u>	<u>i. Fax Number</u>	<u>j. Email address</u>

4. Representative (if any):

<u>George</u>	<u>Dimakarakos, P.E.</u>	
a. First Name	b. Last Name	
<u>Stamski and McNary Inc.</u>		
c. Company		
<u>1000 Main Street</u>		
d. Street Address		
<u>Acton</u>	<u>MA</u>	<u>01720</u>
e. City/Town	f. State	g. Zip Code
<u>(978) 263 8585</u>	<u>(978) 263-9883</u>	<u>gd@stamskiandmcnary.com</u>
h. Phone Number	i. Fax Number	j. Email address

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

<u>\$165</u>	<u>\$70.00</u>	<u>\$95.00(plus \$33 Bylaw fee)</u>
a. Total Fee Paid	b. State Fee Paid	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:

The proposed project is to replace the collapsing existing 30" culvert underneath the driveway and associated headwalls with a new 30" culvert and headwalls in the same location. The existing driveway will be re-surfaced.

### 7a. Project Type Checklist:

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

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

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

2. Limited Project

### 8. Property recorded at the Registry of Deeds for:

Middlesex South

a. County

19161

c. Book

b. Certificate # (if registered land)

553

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.

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



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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)

Table with 3 columns: Resource Area, Size of Proposed Alteration, Proposed Replacement (if any). Rows include: d. Bordering Land Subject to Flooding, e. Isolated Land Subject to Flooding, f. Riverfront Area.

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: 63,227 square feet

4. Proposed alteration of the Riverfront Area:

Table with 3 columns: a. total square feet (4644), b. square feet within 100 ft. (4644), c. square feet between 100 ft. and 200 ft. (0)

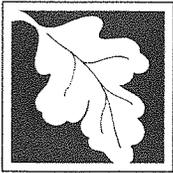
- 5. Has an alternatives analysis been done and is it attached to this NOI? Yes No
6. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

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.

Table with 3 columns: Resource Area, Size of Proposed Alteration, Proposed Replacement (if any). Rows include: a. Designated Port Areas, b. Land Under the Ocean, c. Barrier Beach, d. Coastal Beaches, e. Coastal Dunes.



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

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\_\_\_\_\_  
MassDEP File Number  
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\_\_\_\_\_  
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 checked="" type="checkbox"/> Project Involves Stream Crossings		
	_____	_____
	a. number of new stream crossings	b. number of replacement stream crossings
		1

## C. Other Applicable Standards and Requirements

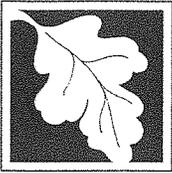
### Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

- 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

October 1, 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/nhosp/regulatory\\_review/ mesa/ mesa\\_fee\\_schedule.htm](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

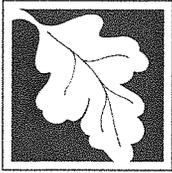
1.  Project is exempt from MESA review.  
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, [http://www.mass.gov/dfwele/dfw/nhosp/regulatory\\_review/ mesa/ mesa\\_exemptions.htm](http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/ mesa/ mesa_exemptions.htm); the 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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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  
 Attn: Environmental Reviewer  
 1213 Purchase Street – 3rd Floor  
 New Bedford, MA 02740-6694

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

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

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

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

b. ACEC

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

a.  Yes  No

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

a.  Yes  No

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

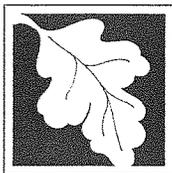
a.  Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:

1.  Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
2.  A portion of the site constitutes redevelopment
3.  Proprietary BMPs are included in the Stormwater Management System.

b.  No. Check why the project is exempt:

1.  Single-family house

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



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

Provided by MassDEP:

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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.

Wetland Permitting Plan

a. Plan Title

Stamski and McNary Inc.

b. Prepared By

May 6, 2014

d. Final Revision Date

George Dimakarakos, P.E.

c. Signed and Stamped by

1"=20'

e. Scale

f. Additional Plan or Document Title

g. Date

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



# WPA Form 3 – Notice of Intent

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

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## E. Fees

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

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

2. Municipal Check Number	6191	3. Check date	5/6/14
4. State Check Number	6190	5. Check date	5/6/14
6. Payor name on check: First Name	WEDGEWOOD REALTY TRUST		
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		2. Date	5/6/14
3. Signature of Property Owner (if different)		4. Date	5/6/14
5. Signature of Representative (if any)		6. Date	

### For Conservation Commission:

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

### For MassDEP:

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

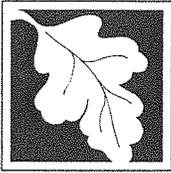
### Other:

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

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

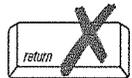
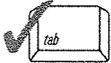
**NOI Wetland Fee Transmittal Form**





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

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



**A. Applicant Information**

1. Location of Project:

15 Main Street \_\_\_\_\_ Acton \_\_\_\_\_  
 a. Street Address \_\_\_\_\_ b. City/Town \_\_\_\_\_  
 6190 \_\_\_\_\_ \$70.00 \_\_\_\_\_  
 c. Check number \_\_\_\_\_ d. Fee amount \_\_\_\_\_

2. Applicant Mailing Address:

John \_\_\_\_\_ Anderson \_\_\_\_\_  
 a. First Name \_\_\_\_\_ b. Last Name \_\_\_\_\_  
 \_\_\_\_\_  
 c. Organization \_\_\_\_\_  
 20 Main Street \_\_\_\_\_  
 d. Mailing Address \_\_\_\_\_  
 Acton \_\_\_\_\_ MA \_\_\_\_\_ 01720 \_\_\_\_\_  
 e. City/Town \_\_\_\_\_ f. State \_\_\_\_\_ g. Zip Code \_\_\_\_\_  
 (978) 815-4734 \_\_\_\_\_ janderson@thepaperstore.com \_\_\_\_\_  
 h. Phone Number \_\_\_\_\_ i. Fax Number \_\_\_\_\_ j. Email Address \_\_\_\_\_

3. Property Owner (if different):

Steven P. & Barbara J. \_\_\_\_\_ Giles \_\_\_\_\_  
 a. First Name \_\_\_\_\_ b. Last Name \_\_\_\_\_  
 \_\_\_\_\_  
 c. Organization \_\_\_\_\_  
 15 Main Street \_\_\_\_\_  
 d. Mailing Address \_\_\_\_\_  
 Acton \_\_\_\_\_ MA \_\_\_\_\_ 01720 \_\_\_\_\_  
 e. City/Town \_\_\_\_\_ f. State \_\_\_\_\_ g. Zip Code \_\_\_\_\_  
 \_\_\_\_\_  
 h. Phone Number \_\_\_\_\_ i. Fax Number \_\_\_\_\_ j. Email Address \_\_\_\_\_

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

**B. Fees**

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

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

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

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

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

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

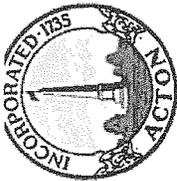
**Step 6/Fee Payments:** To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.





**Certified Abutters List / Affidavit / Notice to Abutters**





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

Brian McMillen  
 Principal Assessor

Locus: 15 Main St  
 Parcel ID: 1-2 -41

Parcel ID	Location	Owner	Co-Owner	Mailing Address	City
12-22	31 CONANT ST	MATTHEWS JOHN R	MATTHEWS ALINA ANNA	3 PLAINFIELD DR	DUDLEY, MA 01571
12-33	18-22 MAIN ST	WEDGEWOOD REALTY TRUST	C/O ROBERT ANDERSON	20 MAIN STREET	ACTON, MA 01720
12-36	21 MAIN ST	JAMES DAVID M	MARTIN KAREN A	21 MAIN ST	ACTON, MA 01720
12-48	4 MAIN ST	WEDGEWOOD REALTY TRUST	C/O ROBERT ANDERSON	20 MAIN STREET	ACTON, MA 01720
12-49	13 MAIN ST	GALLAGHER SHANNON D	BEAUREGARD DANIEL P	13 MAIN ST	ACTON, MA 01720
12-50	51 CONANT ST	BENWAY MATTHEW A		51 CONANT ST	ACTON, MA 01720
12-59-1	57 CONANT ST	CUNNINGHAM MATTHEW + CHRISTIN		57 CONANT ST	ACTON, MA 01720

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

*Marty Abbott*  
 Marty Abbott

5-May-14

Acton Assessors Office

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

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

The Applicant: John Anderson

Address: 20 Main Street, Acton, MA 01720 Phone: (978) 815-4734

has filed an Notice of Intent with the Acton Conservation Commission seeking permission to remove, fill, dredge or alter an Area Subject to Protection under the Wetlands Protection Act .

Applicant's Representative: Stamski and McNary, Inc.

Address 1000 Main, Acton, MA 01720 Phone: (978) 263-8585

The address of the property where the activity is proposed: 15 Main Street

Town Atlas Plate/Map I-2 Parcel/Lot 41

Project Description: Replace the collapsing existing 30" culvert underneath the driveway and headwalls with a new 30" culvert and headwalls in the same location. The existing driveway will be re-surfaced.

Copies of the Notice of Intent may be examined at the Conservation Office, Acton Town Hall, 472 Main Street, Acton. Between the hours of 8:00 A.M. and 4:30 P.M. Monday through Friday. For more information please call the Conservation Office at 978-264-9631.

A Public Hearing will be held at the Acton Town Hall, 472 Main Street, on Wednesday, 5/21  
at 7:15 P.M.

(date)

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

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

**\*Central Region: 508-792-7650**  
Southeast Region: 508-946-2700

Northeast Region: 978-694-3200  
Western Region: 413-784-1100

AFFIDAVIT OF SERVICES  
Under the Massachusetts Wetlands Protection Act  
(to be submitted to the Massachusetts Department of  
Environmental Protection and the Conservation Commission  
when filing a Notice of Intent )

I, James Melvin, hereby certify under the pains and penalties of perjury that on 5 / 8 / 14 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 John Anderson with the  
Acton Conservation Commission for property located  
at 15 Main Street Map I-2 Parcel 41.

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

Name:

*James Melvin*

Date: 5/8/14



**Attachment A**  
**Project Narrative**



## Project Narrative

### Existing Conditions

The site consists of a 1.49 acre lot containing an existing single family dwelling. The lot contains a paved driveway and culvert located within the 100' buffer zone, Bordering Land Subject to Flooding, and Riverfront Area. There is a stream that flows south to north through the center of the site. The stream, Pratts Brook, is shown as perennial on the USGS map; however the owner has indicated that it is intermittent. Pratts Brook flows underneath the existing driveway through a 30" culvert which is collapsing.

### Project Description

The proposed project is to replace the existing 30" RCP culvert and headwalls with a new 30" Class V RCP culvert and concrete headwalls. The existing driveway will be re-surfaced.

### Resource Area Descriptions

The resource areas include a Bordering Vegetated Wetland (BVW), Bordering Land Subject to Flooding (BLSF), and Riverfront Area. The BVW is located on site through the center of the site as delineated by B & C Associates on April 18, 2014. The wetland borders on Pratts Brook which flows from south to north underneath the driveway through the existing culvert. The BLSF is shown on the plan and was approximated using a FIRMette map. The Riverfront Area includes the majority of the site. Also, Bank and Land Under Water are associated with Pratts Brook.

### Massachusetts Endangered Species Act Review:

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

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

The proposed work is within the 100' Buffer Zone. The work associated with this filing is within the 50' "Undisturbed Natural Vegetation" but the proposed work involves a structure that is wetland dependent as the existing culvert is collapsing and provides a hydraulic connection for the perennial stream. The proposed culvert is to be located in the same location as the existing culvert.

### Compliance with Stormwater Management Standards:

The proposed work is on a single family dwelling and is therefore exempt from the Stormwater Management Standards.

### Compliance with General Performance Standards for BVW 310 CMR 10.55:

The General Performance Standards for a Bordering Vegetated Wetland have been met since the proposed activity does not involve removing, filling, dredging or altering of a BVW. Any work within the BVW will be temporary. The proposed siltation barrier and sandbags will be installed to prevent alteration of the BVW during construction.

**Compliance with General Performance Standards for Land Subject to Flooding 310 CMR 10.55:**

The General Performance Standards for Bordering Land Subject to Flooding have been met since the proposed activity does not involve removing, filling, dredging or altering of any area within the designated flood plain associated with Pratts Brook. Any work within the Bank will be temporary. The proposed siltation controls will prevent indirect alteration of the BLSF and Flood Plain during construction.

**Compliance with General Performance Standards for Bank 310 CMR 10.54:**

The General Performance Standards for Bank have been met since the proposed activity does not involve removing, filling, dredging or altering of any Bank bordering on Pratts Brook. Any work within the Bank will be temporary. The proposed siltation barrier and sandbags will be installed to prevent alteration of Bank during construction.

**Compliance with General Performance Standards for Land Under Water Bodies and Waterways (Under any Creek, River, Stream, Pond or Lake) 310 CMR 10.56:**

The General Performance Standards for Land Under Water have been met since the proposed activity does not involve removing, filling, dredging or altering of any land within Pratts Brook. Any work within the Land Under Water will be temporary. The proposed siltation barrier and sandbags will be installed to prevent alteration of the Land Under Water during construction.

**Compliance with General Performance Standards for the Riverfront Area 310 CMR 10.58(4):**

There is no practical and substantially equivalent economic alternative to the proposed project with less adverse effects on the interests identified in M.G.L. c. 131 § 40 and the work, including proposed mitigation, will have no significant adverse impact on the riverfront area to protect interests identified in M.G.L. c. 131 § 40.

A. Protection of Other Resource Areas.

The proposed culvert and headwalls are replacing the existing culvert and headwalls which allow the passage of the un-named perennial stream underneath the driveway. The proposed work is to replace the existing culvert and headwalls in the same location. The existing driveway will be re-surfaced. All other work within the Riverfront Area is temporary. Any work within the Bank, BVW, BLSF and Land Under Water will be temporary and siltation controls will prevent any impact of the resource areas.

B. Protection of Rare Species.

The proposed work is not within Estimated Habitat of Rare wildlife, nor within vernal pool habitat.

C. Practicable and Substantially Equivalent Economic Alternatives.

There is no practicable and substantially equivalent economic alternative to the proposed project with less adverse effects on the interests identified in M.G.L. c. 131 § 40.

Alternatives are outline below.

## Alternatives Analysis

### Project Purpose

The purposes of this project are as follows:

1. Replace a collapsing 30” culvert and headwalls with a new 30” culvert and headwalls in the same location and re-surface the existing driveway.

Alternative 1: Replace the collapsing 30” RCP culvert and headwalls with a 30” Class V RCP culvert and concrete headwalls in the same location. The existing driveway will be re-surfaced. This is the preferred alternative.

Alternative 2: Leave the collapsing existing culvert and headwalls. This may cause a blockage of the perennial stream and prevent access to the existing single family dwelling on site. This is not the preferred alternative.

### **CMR 10.58 (4)(C)(3)(D) No Significant Adverse Impacts**

The work will have no significant adverse impacts as outlined in the regulations as follows:

*1. Within the Riverfront Areas, the issuing authority may allow alteration of up to 5000 square feet or 10% of the Riverfront Area within a lot...*

*1.a. Preserve existing vegetation to the maximum extent feasible:*

The existing vegetation shall remain except for any vegetation adjacent to the existing culvert and headwalls. The total work within the Riverfront area is 4644+/- S.F. There is approximately 63,227+/- S.F. of Riverfront Area on site. The proposed work does not cause any additional alteration to the Riverfront Area from the existing conditions.

*1.b. Stormwater is managed according to standards established by the department in the Stormwater Policy (Handbook)...*

The Massachusetts Stormwater Handbook does not apply to this project.

*1.c. Proposed work does not impair the capacity to the riverfront area to provide important wildlife habitat functions...*

The proposed work does not change any wildlife habitat functions from the current day conditions.

1.d. *Proposed work shall not impair groundwater or surface water quality by nonpoint source pollution.*

A siltation barrier is proposed to prevent erosion and control sediment movement during construction.

**Compliance with Massachusetts River and Stream Crossing Standards:**

It is not feasible to increase the size of the culvert due to potential downstream flooding impacts and negative effects on the wetland ecosystem.

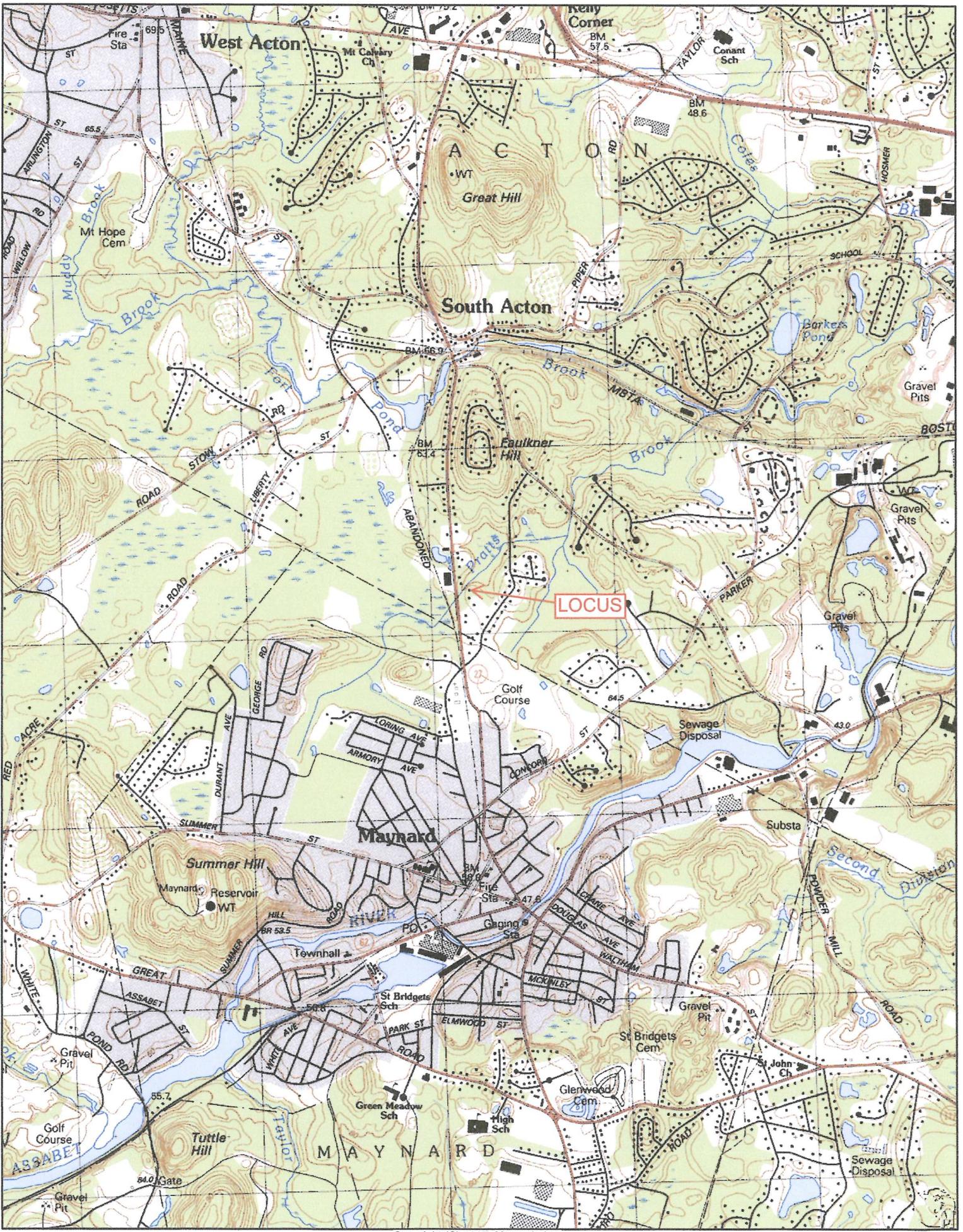
The culvert has been designed to avoid or mitigate inlet drops, outlet drops, flow contraction that provides significant turbulence, tailwater armoring, tailwater scour pools, and physical barriers to fish and wildlife passage. Also, as recommended within the standards, a non-smooth walled pipe has been specified.

**Summary:**

The project has been designed to meet the performance standards of the Wetland Protection Act and Rivers Act regulations. Erosion controls have been proposed to protect wetland resource areas during construction.

**Attachment B**  
**U.S.G.S. Map**







**Attachment C**  
**Massachusetts Natural Heritage Atlas 13<sup>th</sup> Edition**





**Priority Habitats and Estimated Habitats - Effective October 1, 2008**  
*Priority Habitats for use with the MA Endangered Species Act Regulations (321 CMR 10)*  
*Estimated Habitats for use with the MA Wetlands Protection Act Regulations (310 CMR 10)*

Produced by the Natural Heritage & Endangered Species Program

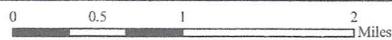
website: [www.nhesp.org](http://www.nhesp.org)



Page Index

p.43	p.44	p.45	p.46	p.47
p.65	p.66		p.68	p.69
p.87	p.88	p.89	p.90	p.91

- Priority Habitat of Rare Species
- Priority Habitat of Rare Species and also Estimated Habitat of Rare Wildlife
- Certified Vernal Pool (as of July 31, 2008)



Maynard Quad



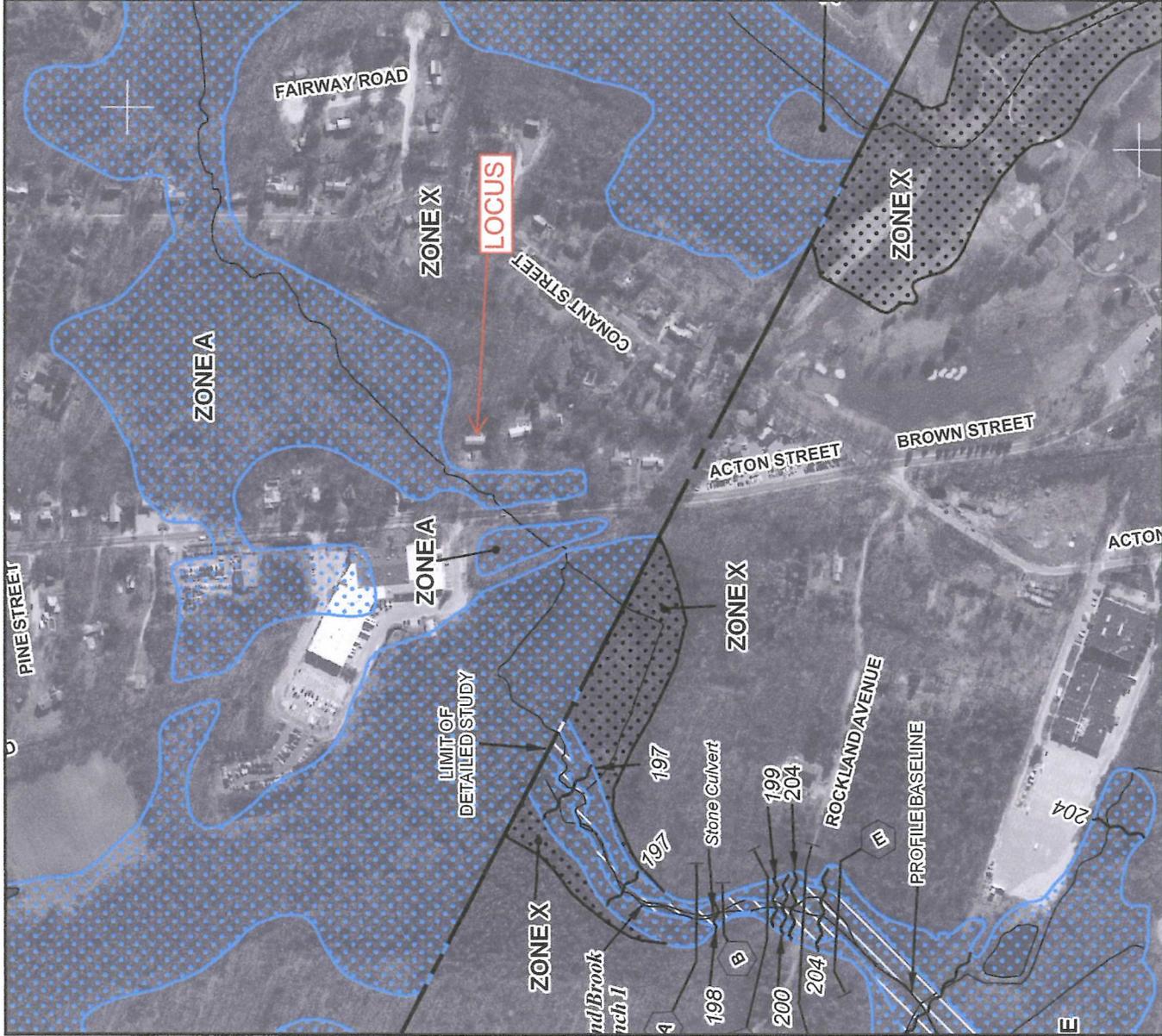
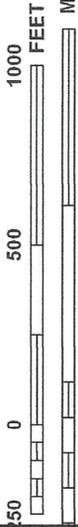


**Attachment D**  
**FEMA Flood Insurance Map**





MAP SCALE 1" = 500'



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0354E

**FIRM**  
FLOOD INSURANCE RATE MAP  
MIDDLESEX COUNTY,  
MASSACHUSETTS  
(ALL JURISDICTIONS)

PANEL 354 OF 656  
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
ACTON, TOWN OF	250176	0354	E
MAYNARD, TOWN OF	250204	0354	E
STONINGTON, TOWN OF	250216	0354	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  
25017C0354E  
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](http://www.msc.fema.gov)



**Attachment E**  
**DEP Field Data Forms**



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

Applicant: \_\_\_\_\_ Prepared by: B & C Associates Inc. Project location: 15 Main Street, Acton DEP File #: \_\_\_\_\_

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** Observation Plot Number: 1 Transect Number: A Date of Delineation: 4/18/14

**A. Sample Layer and Plant Species (by common/scientific name)**

	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category *
Herbaceous: None				
Shrubs: Highbush Blueberry	10.5	64%	Yes	FACW-
European Buckthorn	3.0	18%	No	FAC
Red Maple	3.0/16.5	18%	No	FAC
Saplings: White Pine	10.5	50%	Yes	FACU
Red Maple	10.5/21.0	50%	Yes	FAC
Lianas: Poison Ivy	10.5/10.5	100%	Yes	FAC
Overstory: Red Oak	1362.9	70%	Yes	FACU-
White Pine	313.3	16%	No	FACU
Red Maple	227.9	12%	No	FAC
White Oak	38.5/1942.6	2%	No	FACU-

Herbaceous: None

Shrubs: Highbush Blueberry  
European Buckthorn  
Red Maple

Saplings: White Pine  
Red Maple

Lianas: Poison Ivy

Overstory: Red Oak  
White Pine  
Red Maple  
White Oak

\* Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

**Vegetation conclusion:**

Number of dominant wetland indicator plants: 3 Number of dominant non-wetland Indicator plant: 2

Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? YES

**Section II. Indicators of Hydrology  
Hydric Soil Interpretation**

**1. Soil Survey**

Is there a published soil survey for this site? **YES**

title/date: **Middlesex County 12/17/2013**

map number: **1**

soil type mapped: **Merrimac-Urban land complex**

hydric soil inclusions:

Are field observations consistent with soil survey? **YES**

Remarks:

**2. Soil Description**

Horizon	Depth	Matrix Color	Mottles Color
A	0-2"	10 YR 2/2	
B	2-12"	10 YR 4/3	

Remarks: **Refusal @ 12"**

3. Other: **12' 8" to Wetland Flag # 5  
7' 3" to Wetland Flag # 6**

Conclusion: Is soil hydric? **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**

Number of wetland indicator plants  Yes  No  
 ≥ number of non-wetland indicator plants

Wetland hydrology present: hydric soil present

other indicators of hydrology present

**Sample location is in a BVW**

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

Applicant: \_\_\_\_\_ Prepared by: B & C Associates Inc. Project location: 15 Main Street, Acton DEP File #: \_\_\_\_\_

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** Observation Plot Number: 2 Transect Number: A Date of Delineation: 4/18/14

**A. Sample Layer and Plant Species (by common/scientific name)**

	A. Sample Layer and Plant Species (by common/scientific name)	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category *
Herbaceous:	Cinnamon Fern	10.5	39%	Yes	FACW
	Skunk Cabbage	10.5	39%	Yes	OBL
	Spinulose Woodfern	3.0	11%	No	FAC+
	Swamp Dewberry	3.0/27.0	11%	No	FACW
Shrubs:	Arrowwood	20.5	60%	Yes	FAC
	European Buckthorn	10.5	31%	Yes	FAC
	Red Oak	3.0/34.0	9%	No	FACU-
Saplings:	White Ash	20.5	66%	Yes	FACU
	Red Maple	10.5/31.0	34%	Yes	FAC
Lianas:	Poison Ivy	10.5/10.5	100%	Yes	FAC
Overstory:	Red Maple	742.3	95%	Yes	FAC
	Red Oak	38.5/780.8	5%	No	FACU-

\* Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

**Vegetation conclusion:**

Number of dominant wetland indicator plants: \_\_\_\_\_ 7 Number of dominant non-wetland Indicator plant: 1

Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? YES

**Section II. Indicators of Hydrology  
Hydric Soil Interpretation**

**1. Soil Survey**

Is there a published soil survey for this site? **YES**

title/date: **Middlesex County 12/17/2013**

map number: **1**

soil type mapped: **Swansea muck**

hydric soil inclusions:

Are field observations consistent with soil survey? **YES**

Remarks:

**2. Soil Description**

Horizon	Depth	Matrix Color	Mottles Color
A	0-2"	10 YR 2/2	
B <sub>G</sub>	2-11"	10 YR 3/1	

Remarks: **Refusal @ 11"**

3. Other: **15' 7" to Wetland Flag # 5  
19' 5" to Wetland Flag # 6  
21' 1" Downgradient from A1**

Conclusion: Is soil hydric? **YES**

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

- Site inundated: \_\_\_\_\_
- Depth to free water in observation hole: **9 1/2"**
- Depth to soil saturation in observation hole: **0"**
- 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**

Number of wetland indicator plants Yes  
 ≥ number of non-wetland indicator plants No

Wetland hydrology present:   
 hydric soil present

other indicators of hydrology   
 present

**Sample location is in a BVW**

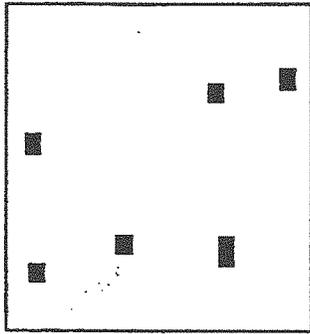
## Hydric Soil Indicators

Most hydric soils have a soil horizon with a chroma of 0, 1, or 2 below the A-horizon. These are referred to as low-chroma colors. (Reminder: the Munsell Soil Color Charts are used to determine soil colors.) Generally, when evaluating mineral soils for low-chroma colors or other evidence of saturation, look for indicators directly below the A-horizon and within the top 12 inches of the soil surface. In areas where the O-horizon is less than 8 inches thick, soil depths are measured from the bottom of the O-horizon. When the O-horizon is 8 inches or greater (for histosols and soils with histic epipedons), such depths are measured from the soil surface. The soil surface is the top of the mineral soil; or, for soils with an O-horizon, the soil surface is measured from the top of the O-horizon. Fresh leaf or needle fall that has not undergone observable decomposition (the litter layer) is excluded from soil and may be separately described.

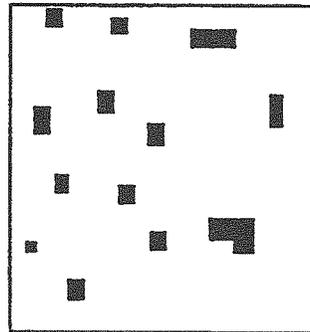
The following is a list of some hydric soil indicators - any of which can be used to identify the presence of wetland hydrology:

- ◆ Histosols (organic soils). Histosols are soils with at least 16 inches of organic material measured from the soil surface.
- ◆ Histic epipedons. These are soils with 8 to 16 inches of organic material measured from the soil surface.
- ◆ Sulfidic material. A strong "rotten egg" smell generally is noticed immediately after the soil test hole is dug.
- ◆ Gleyed soils. Soils that are predominantly neutral gray, or occasionally greenish or bluish gray in color within 12 inches from the bottom of the O-horizon. (The Munsell Soil Color Charts have special pages for gleyed soils.)
- ◆ Soils with a matrix chroma of 0 or 1 and values of 4 or higher within 12 inches from the bottom of the O-horizon.
- ◆ Within 12 inches from the bottom of the O-horizon, soils with a chroma of 2 or less and values of 4 or higher in the matrix, and mottles with a chroma of 3 or higher.
- ◆ Within 12 inches from the bottom of the O-horizon, soils with a matrix chroma of 3 and values of 4 or higher, with 10 percent or more low-chroma mottles, as well as indicators of saturation (i.e., mottles, oxidized rhizospheres, concretions, nodules) within 6 inches of the soil surface.

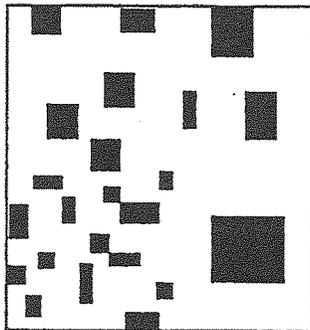
# Charts for Estimating Percent Redoximorphic Features



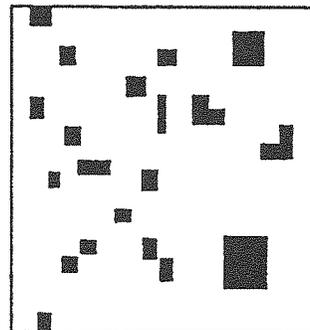
2%



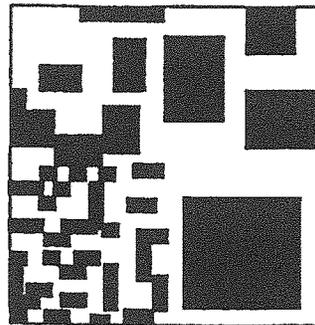
5%



20%



10%



50%

ABUNDANCE  
0-5 FEW  
6-20 common  
20+ many

**Attachment F**  
**Wetland Permitting Plan**  
**by Stamski and McNary, Inc.**