



12/23/13

Acton Conservation Commission
472 Main Street
Acton, MA 01720

Re: Notice of Intent
114 River Street, Acton, MA

Dear Acton Conservation Commission,

Goddard Consulting, LLC is pleased to submit this Notice of Intent (NOI) on behalf of the applicant, Westchester Homes, Inc. for the construction of a single-family dwelling within a parcel known as 114 River Street (H3-209). The resource area is Riverfront Area of Fort Pond located across River Street and Bordering Vegetated Wetlands (BVW) associated with Fort Pond Brook.

Project History

- May 2001, a Notice of Intent was filed for the construction of a single- family house Under the Massachusetts Wetland Protection Act and the Acton Wetland Protection Bylaw.
- October 2001 the Order of Conditions issued by the Action Conservation Commission was appealed under the Massachusetts Wetland Protection Act.
- April 2002 Superseding Order of Conditions (SOC) was issued by the Massachusetts Department of Environmental Protection affirming the Order of Conditions issued by the Acton Conservation Commission. The SOC was extended to April 29, 2008 and has since expired.

Project description

The applicant requests once again for approval of the previously approved site plan to construct a single - family house within the outer riparian zone of a perennial stream (jurisdictional under the MA WPA and The Acton Wetland Protection By-Law) and minor grading within Buffer Zone to Bordering Vegetated Wetland (BVW). Minimal grading will occur ninety feet (90) from the Bordering Vegetated Wetlands. There is no proposed alteration of Bordering Vegetated Wetlands. According to the Mass GIS Data Layers for NHESP, this site is not located within an Estimated Habitat of Rare Wildlife nor are there any certified vernal pools on or near the site. There is no work within the 100- year floodplain.

Regulatory Compliance

The entirety of the proposed alteration will take place within the outer Riverfront Area, however no work is located within the inner 100 feet of the Riverfront. No work is proposed in the BVW or to the Bank of the stream, and 625s.f. of the driveway and proposed grading is within the 100f.t buffer zone of bordering vegetated wetlands.

The Massachusetts Wetland Protection Act

Due to the atypical shape of the lot, the project design is constrained in terms of size and location of the proposed structure; the lot was recorded prior to August 7, 1996. For these reasons, the project is in compliance with 310 CMR 10.58(4)(d)3., which states:

3. Notwithstanding the provisions of 310 CMR 10.58(4)(d)1. or 2., the issuing authority shall allow the construction of a single family house, a septic system if no sewer is available, and a driveway, on a lot recorded before August 7, 1996 where the size or shape of the lot within the riverfront area prevents the construction from meeting the requirements of 310 CMR 10.58(4)(d)1. or 2., provided that:

a. The lot can be developed for such purposes under the applicable provisions of other municipal and state law; and

b. The performance standards of 310 CMR 10.58(4)(d) are met to the maximum extent feasible. In difficult siting situations, the maximum extent of yards around the houses should be limited to the area necessary for construction. Except where the lot contains vernal pool habitat or specified habitat sites of rare species, a wildlife habitat evaluation study shall not be required.

In compliance with section 3a: the lot is zoned for residential homes, and the proposed modest-sized home is consistent with the character of the surrounding neighborhood.

Incompliance with section 3b., the project complies with 310 CMR 10.58(4)(d)1a-d:

a: The work is located entirely outside the inner 100 feet of Riverfront Area.

b: Though not subject to State stormwater management regulations, two roof drywells are proposed. These drywells will infiltrate all runoff from the new impervious surfaces.

c: The work proposed does not impair the capacity of the riverfront area to provide important wildlife habitat functions, nor are there any vernal pool habitats to impact. A wildlife habitat evaluation is not required, but an Appendix A wildlife habitat evaluation has been conducted, and no significant wildlife habitat was found. The Appendix A sheet has been attached.

d: The proposed erosion control barrier will surround the limit of work.

In summary, the project will only impact land within the outer riparian area within Riverfront, and will only alter 625s.f. of buffer zone. Stormwater structures will be constructed, which mimic the present condition of roof runoff into the Riverfront and BVW buffer zone areas. There will be no significant adverse impact to wildlife habitat, and erosion control measures will be employed to prevent erosion or siltation into the wetlands during construction. **The project will therefore comply with the interests and values identified in the WPA.**

The Acton Wetland Protection Bylaw

a. No infrastructure is proposed in the BVW and the limit of the House is located outside the 100 foot Buffer Zone of Bordering Vegetated Wetland. Fort Pond Brook is located across River Street. There is no work proposed within the 50' natural vegetative and 75' no-build setbacks.

b: The proposed erosion control barrier surrounds the front and sides of the project site limit of work.

Summary

The project will impact land located in the outer riparian zone and the house is located outside the 100-foot buffer zone. There will be no significant adverse impact to wildlife habitat, and erosion control measures will be employed to prevent erosion or siltation into the BVW during construction. **The project will therefore and comply with the interest and values of the Acton Wetlands Protection Bylaw.**

Four hard copies of the NOI application are enclosed, along with four full-size plans. The titles of all the documents enclosed are as follows:

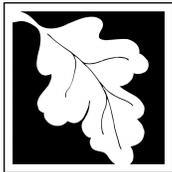
- NOI (WPA Form3) Application Form
- Simplified Wildlife Habitat Evaluation, Goddard Consulting, LLC 12/20/2013
- Notification to Abutters and Affidavit of Service
- Copy of filing fee checks
- *USGS Site Locus*. Goddard Consulting LLC. 7/22/2013
- *FEMA Flood Zone Map*. Goddard Consulting LLC. 10/29/2013
- *Orthophoto View of Site*. Goddard Consulting LLC. 7/22/2013.
- *Notice of Intent Plan – 114 River Street, Foresite Engineering Associates, Inc.* 7/27/2001.

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

Very truly yours,
GODDARD CONSULTING, LLC

by 

Scott Goddard, Principal & PWS
cc: DEP CERO
Westchester Homes, Inc
Nalinkant Parekh



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Acton

City/Town

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



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

A. General Information

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

114 River Street
a. Street Address
Acton
b. City/Town
01720
c. Zip Code
Latitude and Longitude:
42.457874
d. Latitude
-71.43.8867
e. Longitude
H3
f. Assessors Map/Plat Number
209
g. Parcel /Lot Number

2. Applicant:

Steve
a. First Name
Marsh
b. Last Name
Westchester Homes, Inc.
c. Organization
360 Massachusetts Avenue, Suite 200
d. Street Address
Acton
e. City/Town
MA
f. State
01720
g. Zip Code
(978) 771-8935
h. Phone Number
i. Fax Number
kingst435@comcast.net
j. Email Address

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

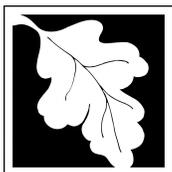
Shirpal
a. First Name
Mehta
b. Last Name
c/o Nalinkant Parekh
c. Organization
P.O. Box 66
d. Street Address
North Billerica
e. City/Town
MA
f. State
01862
g. Zip Code
h. Phone Number
i. Fax Number
j. Email address

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

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

\$665.00 + \$132.00 Bylaw fee
a. Total Fee Paid
\$320.00
b. State Fee Paid
\$345.00 + \$132 Bylaw fee
c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

Proposed construction of a single family dwelling, driveway, associated grading and utilities within
200-feet of a perennial stream and minimal grading in the buffer zone.

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

a. County

19401

c. Book

b. Certificate # (if registered land)

505

d. Page Number

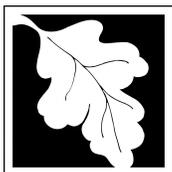
B. Buffer Zone & Resource Area Impacts (temporary & permanent)

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

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

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

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



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

Resource Area Size of Proposed Alteration Proposed Replacement (if any)
d. Bordering Land Subject to Flooding
e. Isolated Land Subject to Flooding
f. Riverfront Area Fort Pond Brook

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: 18,702 square feet

4. Proposed alteration of the Riverfront Area:

9,945 0 9,945
a. total square feet b. square feet within 100 ft. c. square feet between 100 ft. and 200 ft.

5. Has an alternatives analysis been done and is it attached to this NOI? Yes No

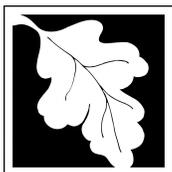
6. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

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

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

Resource Area Size of Proposed Alteration Proposed Replacement (if any)
a. Designated Port Areas Indicate size under Land Under the Ocean, below
b. Land Under the Ocean
c. Barrier Beach Indicate size under Coastal Beaches and/or Coastal Dunes below
d. Coastal Beaches
e. Coastal Dunes



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

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

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

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

C. Other Applicable Standards and Requirements

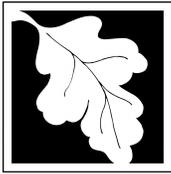
Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

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

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

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

2008 _____
b. Date of map



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

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

1. c. Submit Supplemental Information for Endangered Species Review

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

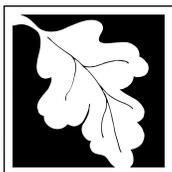
Projects altering 10 or more acres of land, also submit:
 - (d) Vegetation cover type map of site
 - (e) Project plans showing Priority & Estimated Habitat boundaries

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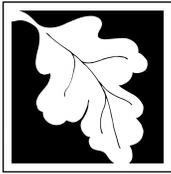
C. Other Applicable Standards and Requirements (cont'd)

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

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
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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.

Notice of Intent Plan 114 River Street

a. Plan Title

Foresite Engineering Associates, Inc.

b. Prepared By

7/27/2001

d. Final Revision Date

Scott P. Hayes, 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.



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

Provided by MassDEP:

WPA Form 3 – Notice of Intent

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And Acton Wetlands Protection Bylaw

MassDEP File Number

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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	192 (470) Goddard Consulting	3. Check date	12/12/2013
4. State Check Number	193 (469) Goddard Consulting LLC	5. Check date	12/12/2013
6. Payor name on check: First Name	Stephen	7. Payor name on check: Last Name	Marsh

F. Signatures and Submittal Requirements

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

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

1. Signature of Applicant (Steve Marsh, Westchester Corporation)	2. Date
<i>Steve Marsh</i>	12-12-13
3. Signature of Property Owner (Shirpal Mehta)	4. Date
<i>Shirpal Mehta</i>	12/23/13
5. Signature of Representative (Scott Goddard, Goddard Consulting, LLC)	6. Date
<i>Scott Goddard</i>	

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:

114 River Street
 a. Street Address 193 & 469
 c. Check number
 Acton
 b. City/Town
 \$362
 d. Fee amount

2. Applicant Mailing Address:

Steve
 a. First Name
 Westchester Homes, Inc
 c. Organization
 360 Massachusetts, Ave, Suite 200
 d. Mailing Address
 Acton
 e. City/Town
 (978) 771-8935
 h. Phone Number
 Marsh
 b. Last Name
 MA
 f. State
 01720
 g. Zip Code
 Kingst435@comcast.net
 j. Email Address
 i. Fax Number

3. Property Owner (if different):

Shirpal
 a. First Name
 c/o Nalinkant Parekh
 c. Organization
 P.O. Box 66
 d. Mailing Address
 North Billerica
 e. City/Town
 MA
 f. State
 01862
 g. Zip Code
 Mehath
 b. Last Name
 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.

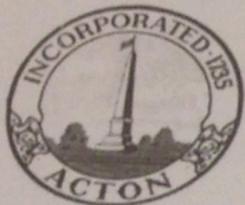
Step 2/Number of Activities: Identify the number of each type of activity.

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.



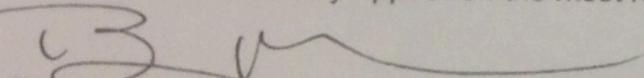
Town of Acton
472 Main Street
Acton, MA 01720
Telephone (978) 929-6621
Fax (978) 929-6340

Brian McMullen
Principal Assessor

Locus: 114 River Street
Parcel ID: H3 - 209

Parcel ID	Location	Owner	Co-Owner	Mailing Address	City
H3-186	12 OLDE SURREY DR	O'ROURKE LAURENCE M	O'ROURKE SARAH	12 OLDE SURREY DR	ACTON, MA 1720
H3-202	108 RIVER ST	MILLER ALEX A		PO BOX 1319	WOONSOCKET, RI 2895
H3-203	110 RIVER ST	RASHBAUM JAY S	COOK-RASHBAUM PATRICIA A	110 RIVER STREET	ACTON, MA 1720
H3-204	10 OLDE SURREY DR	PENNINGTON JOSEPH L	BETTY PAME	10 OLDE SURREY DR	ACTON, MA 1720
H3-210	8 OLDE SURREY DR	COHEN ADRIA P VAIL OSBORNE		8 OLDE SURREY DR	ACTON, MA 1720
H3-211	6 OLDE SURREY DR	PRAJAPATI SHASHI	SINGH MOHIT	6 OLDE SURREY DR	ACTON, MA 1720
H3-226	115 RIVER ST	BURKE REALTY TRUST	C/O KRISALIJO LLC	115 R RIVER ST	ACTON, MA 1720
H3-226-1	105 RIVER ST	BURKE REALTY TRUST	C/O KRISALIJO LLC	115 R RIVER ST	ACTON, MA 1720

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.


Brian McMullen

29-Oct-13

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, Rachel Watsky, hereby certify under the pains and penalties of perjury that on December 31, 2013 I gave notification to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the DEP Guide to Abutter Notification dated April 8, 1994, in connection with the following matter:

A Notice of Intent filed under the Massachusetts Wetlands Protection Act by Steve Marsh with the Acton Conservation Commission on December 24th, 2013 for property located at 114 River Street, 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.

Rachel Watsky
Name

December 31, 2013
Date

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

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

The Applicant: Steve Marsh, Westchester Homes, Inc

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

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

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 114 River Street, Acton, MA 01720

Town Atlas Plate/Map H3 Parcel/Lot 209

Project Description Construction of a single-family home, within 200-foot Riverfront Area.

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. 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,
January 15th, 2014 at 8:45pm 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*.

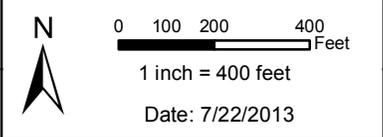
NOTE: You may also contact your local conservation commission or the nearest Department of Environmental Protection Regional Office* for the information about this application or, the Wetlands Protection Act. Acton is in the Central Region. To contact DEP, call:

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



USGS Site Locus

114 River Street - Acton, MA



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





FEMA Flood Zone Map

114 River Street - Acton, MA


 0 25 50 100 Feet
 1 inch = 100 feet
 Date: 10/29/2013

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

GODDARD CONSULTING
LLC
 Scott Goddard, PWS
 Professional Wetland Scientist



 Property Boundary

Orthophoto View of Site

114 River Street - Acton, MA



0 25 50 100 Feet

1 inch = 100 feet

Date: 7/22/2013

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

GODDARD CONSULTING
LLC

Scott Goddard, PWS
Professional Wetland Scientist

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

 Applicant: Westchester Homes, Inc

 Prepared by: Goddard Consulting, LLC

 Project location: 114 River Street, Acton, MA

DEP File #: _____

Check all that apply:

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> | Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only |
| <input checked="" type="checkbox"/> | Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II |
| <input type="checkbox"/> | Method other than dominance test used (attach additional information) |

Section I. Vegetation	Observation Plot Number: Flag #4	Transect Number: Upgradient	Date of Delineation: July 17 2013		
Sample Layer and Plant Species	Scientific name	% Cover	% Dominance	Dominant Plant (yes or no)	Wetland Indicator Category*
<u>Tree Layer</u>					
Red maple	<i>Acer rubrum</i>	40%	100.0%	yes	FAC*
<u>Sapling Layer</u>					
Red maple	<i>Acer rubrum</i>	20%	100.0%	yes	FAC*
<u>Shrub Layer</u>					
Japanese barberry	<i>Berberis thunbergii</i>	20%	36.4%	yes	FACU
European buckthorn	<i>Rhamnus frangula</i>	15%	27.3%	yes	FAC*
Multiflora rose	<i>Rosa multiflora</i>	20%	36.4%	yes	FACU
<u>Climbing Woody Vine</u>					
American bittersweet	<i>Celastrus scandens</i>	10%	100.0%	yes	FACU-
<u>Ground Cover</u>					
Red raspberry	<i>Rubus idaeus</i>	10%	22.2%	yes	FAC-
Japanese barberry	<i>Berberis thunbergii</i>	10%	22.2%	yes	FACU
Goldenrod	<i>Solidago sp.</i>	5%	11.1%	no	NI
Multiflora rose	<i>Rosa multiflora</i>	15%	33.3%	yes	FACU
Red clover	<i>Trifolium pratense</i>	5%	11.1%	no	FACU-
Remarks: * An asterisk after common plant name indicates stunted growth; ** indicates extremely stunted growth Morphological Adaptations: <u>0</u> 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, FACW+, or OBL.					
Vegetation conclusion:					
Number of dominant wetland indicator plants: 3			Number of dominant non-wetland indicator plants: 6		
Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? no					

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: Paxton fine sandy loam, 15-25%, extremely stony
 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
Ap	0-12"	10YR3/2	
Bw	12-15"	7.5YR4/3	
R	15"+	rock	

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 Flag #4		
	yes	no
Number of wetland indicator plants >= number of non-wetland plants		X
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

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

 Applicant: Westchester Homes, Inc

 Prepared by: Goddard Consulting, LLC

 Project location: 114 River Street, Acton, MA

DEP File #: _____

Check all that apply:

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> | Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only |
| <input checked="" type="checkbox"/> | Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II |
| <input type="checkbox"/> | Method other than dominance test used (attach additional information) |

Section I. Vegetation	Observation Plot Number: Flag #4	Transect Number: Downgradient	Date of Delineation: July 17 2013		
Sample Layer and Plant Species	Scientific name	% Cover	% Dominance	Dominant Plant (yes or no)	Wetland Indicator Category*
<u>Tree Layer</u>					
Red maple	<i>Acer rubrum</i>	10%	100.0%	yes	FAC*
<u>Sapling Layer</u>					
none					
<u>Shrub Layer</u>					
none					
<u>Climbing Woody Vine</u>					
none					
<u>Ground Cover</u>					
Sensitive fern	<i>Onoclea sensibilis</i>	5%	14.3%	yes	FACW*
Jewelweed	<i>Impatiens capensis</i>	10%	28.6%	yes	FACW*
Hydrophilic grass	<i>Gramineae family</i>	10%	28.6%	yes	FACW*
Goldenrod	<i>Solidago sp.</i>	5%	14.3%	yes	NI
Poison ivy	<i>Toxicodendron radicans</i>	5%	14.3%	yes	FAC*
Remarks: * An asterisk after common plant name indicates stunted growth; ** indicates extremely stunted growth Morphological Adaptations: <u>0</u> 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+, FAC-, FACW, FACW+, or OBL.					
Vegetation conclusion:					
Number of dominant wetland indicator plants: 5			Number of dominant non-wetland indicator plants: 1		
Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? <u>yes</u>					

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: Saco mucky silt loam, 0-1%
 hydric soil inclusions: Freetown, Swansea, Limerick

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

2. Soil Description

Horizon	Depth (inches)	Matrix Color	Mottles Color or Texture
A	0-1"	10YR2/2	
Cg	1-20"+	5Y5/1	organic streaking, 10% redox 7.5YR5/4

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: _____
- 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):
stream
- Other: _____

Vegetation and Hydrology Conclusion for Downgradient of Flag #4		
	yes	no
Number of wetland indicator plants >= number of non-wetland plants	X	
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

12/24/2013

WILDLIFE HABITAT EVALUATION

Introduction

The proposed 9,945 s.f. of alteration of outer Riverfront Area would trigger a Wildlife Habitat Evaluation from the WPA regulations (310 CMR 10.58). The project includes the construction of a single family home within the outer Riverfront area which may constitute a barrier to wildlife movement, which is an important wildlife habitat function listed in the regulations. The following WHE was performed in order to assess the potential impacts on wildlife movement within the Riverfront Area.

DEP Manual WHE Criteria

According to Section III. of the DEP manual, the following description and threshold established by the Wetlands Protection Act Regulations applies to wildlife habitat in Riverfront resource area:

- Presumption of Significance – *“the entire Riverfront Area is presumed to be significant for wildlife habitat.”*
- Impairment of Wildlife Habitat Threshold – *“No threshold – however, different review requirements apply depending on whether the riverfront is undisturbed (310 CMR 10.58(4)) (and the size of the impact), previously developed (310 CMR 10.58(5)) or if the activity is grandfathered or exempted from requirements for the riverfront area (310 CMR 10.58(6)).”*

Because of the potential impairment of the capacity of the Riverfront to provide movement of wildlife, Appendix A was completed. None of the “Activities” listed in Appendix A triggered the necessity of completing Appendix B – Detailed Wildlife Habitat Evaluation”.

Michèle Grenier, PWS, CWS of Goddard Consulting LLC conducted the Wildlife Habitat Evaluation on October 18, 2013 and November 23, 2013. Ms. Grenier has a master’s degree in Biology from Cornell University. and therefore meets the criteria for conducting wildlife habitat evaluations listed in the WPA Regulations (310 CMR 10.60 (1)(b)). The evaluation consisted of an inspection of the entire site, with detailed inspection of the house “impact area.” Any observed important wildlife habitat features in the vicinity of the impact area was also noted. Copies of DEP manual Appendix A form is attached.

Existing Conditions



Photo of proposed area of house

The property is a vacant sapling growth forest, and consists of a mature White Pine – Oak Forest and cover type. The perennial stream is located across River Street, and then there is additional mature forest that borders the stream.

Wildlife habitat within the impact area is limited. The site consists of a mix of young and mature forest, which provides foraging and nesting habitat for birds, and a wood-pile off site for small mammals. There are no vernal pools known to exist in the vicinity of the property so the woods are not likely to provide habitat for wood frogs or spotted salamanders. The central portion of the house location is very close to an existing house and there are no bushes with berries in the vicinity so there is little wildlife habitat and food for small birds. A cluster of oak trees is present in an area of no disturbance oaks and will provide hard mast (acorn) food source, and foraging and nesting habitat for birds.

There are no unique or uncommon habitat features present within the impact area. The main wildlife habitat functions present include hard mast (acorns) produced by the mature oak trees, shelter provided by the trees for squirrels and nesting birds. There is no longer a fox den on site and shown on the 7/27/2001 plan.

The only habitat features identified were the hard mast (oaks), and small mammal burrows in the wood-pile off site

Proposed Impacts

The project includes the construction of a proposed house and driveway. The footprint of house has been reduced to be as small as practical, and it is located in an area that does not contain any significant or uncommon wildlife habitat features.

The existing onsite Riverfront Area contains a wooded or vegetated corridor along both sides of the lot. Such riparian corridors are known to be migratory pathways for a variety of common native mammals including deer, coyotes, fox, fisher, weasels, muskrats and raccoons and in some cases reptiles and amphibians such as turtles, snakes, frogs and salamanders. In the case of large mammals, riparian migratory routes would run parallel to the stream connecting patches of natural habitat within which they could find food and shelter. In the case of reptiles and amphibians, the migratory routes are likely to run from the stream directly to an adjacent stream, pond, vernal pool, or in the case of turtles, a nesting site, therefore not on the subject site because of its distance and location from Fort Pond Brook.

At the 114 River Street site, there is not an existing forested strip of habitat that runs parallel to the stream. River Street provides this division. There are no streams, ponds, vernal pools or turtle-nesting habitat within or near the property where the proposed work will take place or on site, therefore any migratory routes or corridors present in the onsite Riverfront Area would be expected to run parallel to the stream, and the proposed house would not interrupt such movement.

The lot does not provide valuable nesting habitat and the proposed open side yard and back yard will allow movement, therefore the proposed project is not a significant impact to wildlife habitat functions.

Conclusions

The construction of a single family home does not hinder movement of wildlife from the riparian corridor into the front and side yards, and there is no significant habitat present on the lot from which animals would be blocked.

There are no turtle species likely to migrate regularly to and from the stream for nesting. The proposed alteration of the upland habitat within the impact area will continue to provide limited wildlife habitat functions. It is concluded that the 114 River Street Project has been designed to avoid, minimize and mitigate adverse effects on wildlife habitat, and that it will not, following two growing seasons of project completion and thereafter, substantially reduce its capacity to provide wildlife habitat functions.

Sincerely,
GODDARD CONSULTING, LLC

Michèle F. Grenier, PWS, CWS

Michèle F. Grenier, PWS, CWS
Senior Wetland Scientist



Wildlife Habitat Protection Guidance

Appendix A: Simplified Wildlife Habitat Evaluation

Project Information

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

114 River Street

Project Location (from NOI)

Michele F. Grenier, PWS, CWS

Name of Person Completing Form

10/18/2013,

11/23/2013



Important Habitat Features

Direct alterations to the following important habitat features in resource areas may be permitted only if they will have no adverse effect (refer to Section V).

- Habitat for state-listed animal species (receipt of a positive opinion or permit from MNHESP shall be presumed to be correct. Do not refer to Section V).
- Sphagnum hummocks and pools suitable to serve as nesting habitat for four-toed salamanders
- Trees with large cavities (≥ 18 " tree diameter at cavity entrance)
- Existing beaver, mink or otter dens
- Areas within 100 feet of existing beaver, mink or otter dens (if significant disturbance)
- Existing nest trees for birds that traditionally reuse nests (bald eagle, osprey, great blue heron)
- Land containing freshwater mussel beds
- Wetlands and waterbodies known to contain open water in winter with the capacity to serve as waterfowl winter habitat
- Turtle nesting areas
- Vertical sandy banks (bank swallows, rough-winged swallows or kingfishers)

The following habitat characteristics when not commonly encountered in the surrounding area:

- Stream bed riffle zones (e.g. in eastern MA)
- Springs
- Gravel stream bottoms (trout and salmon nesting substrate)
- Plunge pools (deep holes) in rivers or streams
- Medium to large, flat rock substrates in streams



Wildlife Habitat Protection Guidance

Appendix A: Simplified Wildlife Habitat Evaluation

Activities

When any one of the following activities is proposed within resource areas, applicants should complete a Detailed Wildlife Habitat Evaluation (refer to Appendix B).

- Activities located in mapped “Habitat of Potential Regional or Statewide Importance”
- Activities affecting certified or documented vernal pool habitat, including habitat within 100’ of a certified or documented vernal pool when within a resource area
- Activities in bank, land under water, bordering land subject to flooding (presumed significant) where alterations are more than twice the size of thresholds
- Activities affecting vegetated wetlands >5000 sq. ft. occurring in resource areas other than Bordering Vegetated Wetland
- Activities affecting the sole connector between habitats >50 acres in size
- Installation of structures that prevent animal movement
- Activities for the purpose of bank stabilization using hard structure solutions that significantly affect ability of stream channel to shift and meander, or disrupt continuity in cover that would inhibit animal passage
- Dredging (greater than 5,000 sf)