



OXBOW ASSOCIATES, INC.

Wetlands Delineation and Permitting Wildlife Studies Herpetology Vernal Pool Ecology

Notice of Intent

**Pursuant to the Massachusetts Wetlands
Protection Act (M.G.L. c. 131, §40) and the Town of Acton
Wetland Protection Bylaw**

**Restoration of a Bordering Vegetated Wetland
& Riverfront Area**

**196 Great Road
Acton Chrysler Dodge Jeep RAM
Acton, MA**

Submitted by:

**Acton Chrysler
196 Great Road
P.O. Box 2289
Acton, MA 01720**

Prepared by:

**Oxbow Associates, Inc.
P.O. Box 971
Acton, MA 01720-0971**

**P 978 929-9058
F 978 635-1892
www.oxbowassociates.com**

July 23, 2014

**Notice of Intent – Pursuant to the Massachusetts Wetlands Protection Act and
the Town of Acton Wetland Protection By-Law**

**Applicant/Owner: Acton Chrysler
196 Great Road
P.O. Box 2289
Acton, MA 01720**

Map / Parcel : F4-3

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**Prepared by: Oxbow Associates, Inc.
P.O. Box 971
Acton, MA 01720**

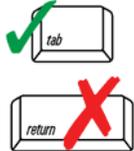


WPA Form 3 – Notice of Intent

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>196 Great Road</u>	<u>Acton</u>	<u>01720</u>
a. Street Address	b. City/Town	c. Zip Code
<u>Latitude and Longitude:</u>	<u>42.488017</u>	<u>-71.417642</u>
<u>F4</u>	d. Latitude	e. Longitude
f. Assessors Map/Plat Number	<u>3</u>	
	g. Parcel /Lot Number	

2. Applicant:

<u>Coleman</u>	<u>Hoyt, President</u>	
a. First Name	b. Last Name	
<u>Acton Chrysler</u>		
c. Organization		
<u>196 Great Road</u>		
d. Street Address		
<u>Acton</u>	<u>MA</u>	<u>01720</u>
e. City/Town	f. State	g. Zip Code
<u>978-893-1137</u>	<u>coleman.hoyt@actonchrysler.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></u>	<u></u>	
a. First Name	b. Last Name	
<u></u>		
c. Organization		
<u></u>		
d. Street Address		
<u></u>	<u></u>	<u></u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>Brian</u>	<u>Butler</u>	
a. First Name	b. Last Name	
<u>Oxbow Associates, Inc.</u>		
c. Company		
<u>629 Massachusetts Avenue</u>		
d. Street Address		
<u>Boxboro</u>	<u>MA</u>	<u>01719</u>
e. City/Town	f. State	g. Zip Code
<u>978-929-9058</u>	<u>Butler@oxbowassociates.com</u>	
h. Phone Number	i. Fax Number	j. Email address

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

<u>\$750.00</u>	<u>\$362.50</u>	<u>\$387.50 (+\$150.00 bylaw fee)</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

Restoration of a Bordering Vegetated Wetland and Riverfront Area.

7a. Project Type Checklist:

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

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

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

2. Limited Project

8. Property recorded at the Registry of Deeds for:

Southern Middlesex

a. County
58728

b. Certificate # (if registered land)
303

c. Book

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 checked="" type="checkbox"/> Bank	0 1. linear feet	0 2. linear feet
b. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	1,025 (temporary) 1. square feet	1,025 (restored) 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)

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: 62,375 +/- square feet

4. Proposed alteration of the Riverfront Area:

Table with 3 columns: 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.

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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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 checked="" 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	a. number of new 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
Route 135, North Drive
Westborough, MA 01581**

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/nhesp/regulatory_review/ mesa/ mesa_fee_schedule.htm).

Make check payable to "Natural Heritage & Endangered Species Fund" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

(d) Vegetation cover type map of site

(e) Project plans showing Priority & Estimated Habitat boundaries

d. OR Check One of the Following

1. Project is exempt from MESA review.

Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/ mesa/ mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. Separate MESA review ongoing.

_____ a. NHESP Tracking #

_____ b. Date submitted to NHESP

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/dfwele/dfw/nhesp/nhesp.htm>, regulatory review tab). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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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
838 South Rodney French Blvd.
New Bedford, MA 02744

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: Restoration, See Narrative.

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.



WPA Form 3 – Notice of Intent

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

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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.

Site Plan for Restoration, Mass. GIS base data, July 23, 2014

a. Plan Title

Oxbow Associates, Inc.

b. Prepared By

July 23, 2014

d. Final Revision Date

c. Signed and Stamped by

1" = 50'

e. Scale

f. Additional Plan or Document Title

g. Date

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



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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:

071210 + 071209	23 July 2014
2. Municipal Check Number	3. Check date
071208	23 July 2014
4. State Check Number	5. Check date
ACTON LINCOLN MERCURY, INC.	
6. Payor name on check: First Name	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.

	7/23/2014
1. Signature of Applicant	2. Date
3. Signature of Property Owner (if different)	4. Date
	7-23-14
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.



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. Applicant:

Coleman		Hoyt, President	
a. First Name		b. Last Name	
Acton Chrysler			
c. Organization			
196 Great Road			
d. Mailing Address			
Acton		MA	01720
e. City/Town		f. State	g. Zip Code
978-893-1137		coleman.hoyt@actonchrysler.com	
h. Phone Number	i. Fax Number	j. Email Address	

2. Property Owner (if different):

_____		_____	
a. First Name		b. Last Name	

c. Organization			

d. Mailing Address			
_____		_____	_____
e. City/Town		f. State	g. Zip Code
_____		coleman.hoyt@actonchrysler.com	
h. Phone Number	i. Fax Number	j. Email Address	

3. Project Location:

196 Great Road		Acton
a. Street Address		b. City/Town

B. Fees

The fee should be calculated using the following six-step process and 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.

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

Notice of Intent
Wetland Restoration and Installation of a Pedestrian Foot Bridge
for Employee and Public Safety
196 Great Road, Acton, MA
July 24, 2014

The site is located west of Great Road in Acton and east of Nashoba Brook and the recently approved Bruce Freeman Rail Trail alignment. The property contains the Chrysler of Acton car dealership building, parking lot, and landscaped lawns and amenities. Acton Chrysler also leases facilities on the lot directly to the south.

The southern portion of the property contains a recently installed foot bridge which traverses Nashoba Brook, and leads from the Chrysler parking lot to the a Dunkin' Donuts shop and other leased automotive facilities beyond the fee owned property. The foot bridge is wooden with two granite steps, the total area of which, is $\pm 4.5 \times \pm 28'$ (125 sq. ft.). East of the footbridge, wood chips have been spread within the Bordering Vegetated Wetland (BVW: 310 CMR 10.55), and near the Bank (Bank: 310 CMR 10.54) of the Nashoba Brook tributary.

On or about May 29, 2014 a MA DEP Analyst observed work being conducted in and around a stream and its associated BVW on the southern portion of the property and informed the dealership that the activities were in violation of the Act. Similar activities had been periodically conducted in the past in order to maintain lines of site and aesthetics between the two adjoining properties. Prior activities appear to have maintained an early successional plant community associated with the stream drainage without significant detriment to the resource. Discharges of untreated road silt appear to have had the greatest influence on the character of the BVW and stream; the channel shows evidence of significant deposition of road silt, some of which may occasionally flush out to Nashoba Brook, but much of which serves to reconfigure the stream channel over time.

On May 30, and June 2, 2014, Oxbow Associates, Inc. (OA, specifically B. Butler) reviewed the wetland violation. On June 18, 2014, OA flagged the resource areas with blue flags marked OA R1-R24 and BVW OA A – OA W. Vegetation includes: red maple (*Acer rubrum*), speckled alder (*Alnus rugosa*), glossy buckthorn (*Frangula alnus*), sensitive fern (*Onoclea sensibilis*), hay-scented fern (*Dennstaedtia punctilobula*), royal fern (*Osmunda regalis*), poison ivy (*Toxicodendron radicans*), jewelweed (*Impatiens capensis*), goldenrod (*Solidago* sp.), skunk-cabbage (*Symplocarpus foetidus*), jack-in-the-pulpit (*Arisaema triphillum*), buttercup (*Ranunculus* sp.), bedstraw (*Galium* sp.), and grape (*Vitis* sp.).

It is OA's opinion that the area south of the unnamed tributary, delineated by blue flags, labeled OA-1 to OA-8, as well as the area north of the tributary delineated by as OA-A to OA-W is subject to jurisdiction under the Wetlands Protection Act as a Bordering Vegetated Wetland (BVW: 310 CMR 10.55) as well as under Town of Acton Wetlands Protection Bylaw.

The USGS topographic quad of the area indicates that the unnamed tributary is a perennial stream. Therefore, the area south of the stream labeled OA-1 to OA-10, and

north of the stream labeled OA-11 to OA-24 and tying in with OA-Est.RFA A-3 to A-6 is subject to the Rivers Protection Regulations (310 CMR 10.58) of the Act.

We conducted a streamstats analysis and found that the mapped contributing watershed at the design point is marginally in excess of 0.5 square mile (0.51 – 0.54). However, we have since determined that a first order drainage originating east of Esterbrook Road does not flow to the subject site as indicated on the USGS and Streamstats imagery, but joins Nashoba Brook in the vicinity of the Pedal Power mall on Great Road south of the subject property. Therefore, the contributing drainage area at the 196 Great Road design point is less than 0.5 square mile (~0.30 sq. mi.).

According to the Massachusetts Natural Heritage and Endangered Species Program, Estimated Habitats of Rare Wildlife and Certified Vernal Pools (MassGIS 2008), there are no rare wildlife species' habitats or certified vernal pools on the site.

Proposed Conditions

The applicant proposes to restore the BVW and Riverfront Area on the north and south side of the stream. The woodchips will be raked out, and the area shall be stabilized with loam, and seeded with a wetland seed mix as needed to provide complete soil coverage and stabilization.

An erosion control barrier has been installed and will be supplemented between the limit of work and wetland to minimize potential wetland impacts (See Site Plan: Orthophotograph). The barrier will consist of wooden stakes with filter fabric and coir wattles. OA believes the proposed project is compliant with the performance standards of the MA Wetlands Protection Act, and the Acton Wetlands Protection Bylaw and is likely to restore the wetland resource area to its previous function.

Two maple trees were cut in the course of the site work. These are estimated at 8" DBH. One of these trees was failing, whereas the other stump suggests one was relatively healthy. In order to offset the loss of function of these specimens we propose to insert four, (4), one-inch caliper pin oaks along the extant lawn edge of the BVW. Pin oak was selected as a native, but uncommon species in this area, and because there are several mature pin oaks incorporated in the landscaping of the property already.

Foot Bridge

A foot bridge connecting the Acton Chrysler facilities with the adjacent property to the south was installed prior to the recent disturbance in the resource area. This activity is in conflict with the general requirements of the Acton Wetlands Protection Bylaw. Nonetheless, this feature was installed in order to mitigate a clear health and safety hazard inherent to the configuration of the local businesses.

To the immediate south are commercial facilities, including a Dunkin Donuts shop. Clients and staff of Acton Chrysler have historically gone to this retail outlet either while waiting for service at the dealership, or during breaks in the case of staff. Additionally, facilities to the south are leased by Acton Chrysler as part of their business. The result is that staff and members of the public invariably go to the Dunkin Donuts and other facilities to the south. There is no sidewalk on Great Road adjacent, and particularly in

the winter, snow windrows make passage around the brook on Great Road particularly hazardous. We have not verified, but received an anecdotal report that one individual's arm was hit by a passing vehicle in one such trip between Acton Chrysler and Dunkin Donuts. Customers of the dealership have also attempted to cross the stream area in winter with unpleasant results.

In view of this largely unstoppable trend and reviewing the provision at Section 3.2 (1) of the Acton Wetlands Protection Rules and Regulations:

“0-foot setback for wetland-dependent structures (drain outfalls, weirs, etc.), fences, and structures necessary for upland access where reasonable alternative access is unavailable.”

We believe the foot bridge provides a needed public safety function, is of *de minimus* impact to the interests protected by the Bylaw and the Act and qualifies for the “reasonable alternative access” criterion – at least until such time as a sidewalk is available at Great Road.

Additionally, the foot bridge also complies with the allowances at *310 CMR 10.58 (6)* [by reference to *310 CMR 10.02(2)(b)1a*]. This feature is an, “Unpaved pedestrian walkways for private use;” and provides a safety benefit to members of the public with an involvement with either the dealership or Dunkin Donuts, or both.

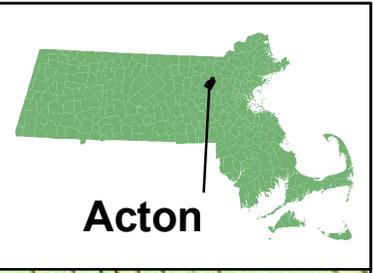
Further, the placement of the footbridge, without permanent anchors does virtually no harm to the stream environment but provides some structural cover and allows the users and property owner to inspect the condition of the brook (e.g. siltation events or obstructions); this ability is reduced in the absence of the structure.

We believe that once the below scope is completed, the events preceding this filing will have a net neutral to marginally positive impact over the pre-existing site conditions in this commercial zone.

Remediation Summary

- 1. Stabilize all areas requiring remedial work with silt fence and/or coir wattles as appropriate for field conditions.**
- 2. Manually rake all wood chips from BVW areas and remove from site.**
- 3. Inspect exposed soils and apply wetland seed mix (e.g. Southern Tier Consulting shrub/herb mix or similar).**
- 4. Remove debris from stream channel and remove from site, including excess accumulations of road sand.**
- 5. Install four (4) pin oak or other approved native trees along the north BVW edge.**

- 6. Conduct a photographic documentation and prepare a brief narrative.**
- 7. Provide brief reports by October 15, for two consecutive seasons after implementation and request Certificate of Compliance under the Act and the Bylaw at the end of the second growing season.**



Acton



Approx. Site Locus

Oxbow Associates, Inc.
 Wetlands Delineation and Permitting
 Wildlife Studies • Herpetology
 Vernal Pool Ecology
 P.O. BOX 971
 ACTON, MASSACHUSETTS 01720
 PHONE: (978) 929-9058
 FAX: (978) 635-1892
 WEB: www.oxbowassociates.com

1:12,000

1 inch = 1,000 feet



USGS
196 Great Road
Acton, MA

July 20, 2014

Notice of Intent Copies of Filing Fee Checks
196 Great Road
Acton, MA

CHECK BACKGROUND AREA CHANGES COLOR GRADUALLY FROM TOP TO BOTTOM. WATERMARK ON BACK. HOLD AT ANGLE TO VIEW WHEN CHECKING ENDORSEMENT.

ACTON LINCOLN MERCURY, Inc.
dba ACTON CHRYSLER DODGE JEEP RAM

P.O. BOX 2289
ACTON, MA 01720-6289
(978) 263-7300



Enterprise
Bank

071208

71208 53-274/113

DATE
23JUL14

PAY THIS AMOUNT			
*****362	DOLLARS	50	CENTS

AMOUNT OF CHECK
*****362.50

TO THE ORDER OF
COMMONWEALTH OF MASSACHUSETTS

ACTON LINCOLN MERCURY, Inc.
dba ACTON CHRYSLER DODGE JEEP RAM
VOID AFTER 60 DAYS

⑈071208⑈ ⑆011302742⑆ 484354⑈

CHECK BACKGROUND AREA CHANGES COLOR GRADUALLY FROM TOP TO BOTTOM. WATERMARK ON BACK. HOLD AT ANGLE TO VIEW WHEN CHECKING ENDORSEMENT.

ACTON LINCOLN MERCURY, Inc.
dba ACTON CHRYSLER DODGE JEEP RAM

P.O. BOX 2289
ACTON, MA 01720-6289
(978) 263-7300



Enterprise
Bank

071209

71209 53-274/113

DATE
23JUL14

PAY THIS AMOUNT			
*****387	DOLLARS	50	CENTS

AMOUNT OF CHECK
*****387.50

TO THE ORDER OF
TOWN OF ACTON

ACTON LINCOLN MERCURY, Inc.
dba ACTON CHRYSLER DODGE JEEP RAM
VOID AFTER 60 DAYS

CHECK BACKGROUND AREA CHANGES COLOR GRADUALLY FROM TOP TO BOTTOM. WATERMARK ON BACK. HOLD AT ANGLE TO VIEW WHEN CHECKING ENDORSEMENT.

ACTON LINCOLN MERCURY, Inc.
dba ACTON CHRYSLER DODGE JEEP RAM

P.O. BOX 2289
ACTON, MA 01720-6289
(978) 263-7300



Enterprise
Bank

071210

71210 53-274/113

DATE
23JUL14

PAY THIS AMOUNT			
*****150	DOLLARS	00	CENTS

AMOUNT OF CHECK
*****150.00

TO THE ORDER OF
TOWN OF ACTON

ACTON LINCOLN MERCURY, Inc.
dba ACTON CHRYSLER DODGE JEEP RAM
VOID AFTER 60 DAYS

⑈071210⑈ ⑆011302742⑆ 484354⑈



Town of Acton
472 Main Street
Acton, MA 01720
Telephone (978) 929-5621
Fax (978) 929-6340

Brian McKullen
Principal Assessor

Locus: 196 Great Rd
Parcel ID: F4-3

Parcel ID	Location	Owner	Co-Owner	Mailing Address	City	ST	Zip
E4-47-1	8 POST OFFICE SQ BEHIND	WATER SUPPLY DISTRICT OF ACTON	MELIA ANN M	PO BOX 953	ACTON, MA 01720		
F4-11-11	24 GRASSHOPPER LN	MELIA KEVIN C	LIN JENNIFER S	24 GRASSHOPPER LANE	ACTON, MA 01720		
F4-11-12	26 GRASSHOPPER LN	LI CHESTER C	A C TRUST	26 GRASSHOPPER LN	ACTON, MA 01720		
F4-12-101	179 GREAT RD #101	STEINBERG STEPHEN TRUSTEE	EGHO REALTY TRUST	PO BOX 2350	ACTON, MA 01720		
F4-12-102	179 GREAT RD #102	HOGAN J EGAN III TRUSTEE	A C TRUST	179 GREAT RD	ACTON, MA 01720		
F4-12-103	179 GREAT RD #103	STEINBERG STEPHEN TRUSTEE	A C TRUST	PO BOX 2350	ACTON, MA 01720		
F4-12-104	179 GREAT RD #104	STEINBERG STEPHEN TRUSTEE	A C TRUST	PO BOX 2350	ACTON, MA 01720		
F4-12-107	179 GREAT RD #107	EATON GERALD	SUMMERS CATHELEEN H	179 GREAT RD #107	ACTON, MA 01720		
F4-12-109	179 GREAT RD #109	SUMMERS PHILIP W	A C TRUST	179 GREAT RD #109	ACTON, MA 01720		
F4-12-111	179 GREAT RD #111	STEINBERG STEPHEN TRUSTEE	REMPELAKIS EVE C TRUSTEE	PO BOX 2350	ACTON, MA 01720		
F4-12-201	179 GREAT RD #201	REMPELAKIS EMMANUEL J TRUSTEE	OGRODNICK D REALTY TRUST	REMPELAKIS INVESTMENT TRUST	ACTON, MA 01720		
F4-12-202	179 GREAT RD #202	OGRODNICK DAVID M TRUSTEE	OGRODNICK D REALTY TRUST	179 GREAT RD #202	ACTON, MA 01720		
F4-12-204	179 GREAT RD #204	OGRODNICK DAVID M TRUSTEE	OGRODNICK D REALTY TRUST	179 GREAT RD	ACTON, MA 01720		
F4-12-206	179 GREAT RD #206	SVEN SUPPLIES		179 GREAT RD #206	ACTON, MA 01720		
F4-12-208	179 GREAT RD #208	179 GREAT RD LLC		198 GREAT RD	ACTON, MA 01720		
F4-12-210	179 GREAT RD #210	CASTLE KEEP LLC		179 GREAT RD #210	ACTON, MA 01720		
F4-12-212	179 GREAT RD #212	STEINBERG STEPHEN TRUSTEE	A C TRUST	PO BOX 2350	ACTON, MA 01720		
F4-3-1	198 GREAT RD	198 GREAT ROAD LLC		198 GREAT RD	ACTON, MA 1720		
F4-3-2	196 GREAT RD BESIDE	CSE PROPERTY LLC		31 INDIAN SPRING RD	CONCORD, MA 01742		
F4-4	199 GREAT RD	GALLANT RAYMOND D		PO BOX 975	ACTON, MA 01720		
F4-5-A01	187 GREAT RD #A1	LAQUIDARA KATHLEEN TR	A-1 REALTY TRUST	398 RIDGE STREET	ACTON, MA 01720		
F4-5-A02	187 GREAT RD #2	ACTION HOUSING AUTHORITY		WINDSOR AVE	ARLINGTON, MA 02174		
F4-5-A03	187 GREAT RD #A3	YOUNG LIH-KLUNG		62 WOODLAND RD	ACTON, MA 01720		
F4-5-A04	187 GREAT RD #A4	MAMMIDIPUDI ANANDAM	CHAVAN MRINALINI	1143 HIGHFIELD COURT	BEDFORD, MA 01730		
F4-5-A05	187 GREAT RD #A5	YOUNG LIH-KLUNG		62 WOODLAND RD	BETHEL PARK, PA 15102		
F4-5-A06	187 GREAT RD #A6	HOLT GEORGE PAUL		187 GREAT RD #A6	BEDFORD, MA 01730		
F4-5-B02	187 GREAT RD #B2	XRONG IRA LLC		150 MIDDLE RD	ACTON, MA 01720		
F4-5-B03	187 GREAT RD #B3	SCHAEJBE THOMAS	SCHAEJBE KAREN DEROSA	PO BOX 441686	BOXBOROUGH, MA 01719		
F4-5-B04	187 GREAT RD #B4	VARIOUS REAL ESTATE HOLDINGS INC		66 GILCREAST ROAD	SOMERVILLE, MA 02144		
F4-5-B05	187 GREAT RD #B5	DE ROSA KAREN C		24 FOX MEADOW LA	LONDONDERRY, NH 03053		
F4-5-B06	187 GREAT RD #B6	OMALLEY RICHARD		187 GREAT RD #B6	ARLINGTON, MA 02174		
F4-5-B07	187 GREAT RD #B7	DEVINE CHRISTOPHER		9 JACKSON ST	ACTON, MA 01720		
F4-5-B08	187 GREAT RD #B8	PORETTO JEFFREY	PORETTO YVONNE E	54 WILLOW STREET	SAUGUS, MA 0		
F4-5-B09	187 GREAT RD #9	PIPICH ROBERT B		1808 SHIRLEY RD	ACTON, MA 01720		
					LANCASTER, MA 01523		

F4-5-B10	187 GREAT RD #B10	XRONG IRA LLC	150 MIDDLE RD	BOXBOROUGH, MA 01719
F4-5-C01	187 GREAT RD #C1	GARRAHAN RAYMOND JR	72 EDWARD DR	WINCHESTER, MA 01890
F4-5-C02	187 GREAT RD #C2	SZCZYPEK EMILY	241 SCHOOL ST	WALTHAM, MA 02451
F4-5-C03	187 GREAT RD #C3	VARIOUS REAL ESTATE HOLDINGS INC	66 GILCREAST ROAD	LONDONDERRY, NH 3053
F4-5-C04	187 GREAT RD #C4	SCHAEJBE THOMAS	PO BOX 441696	SOMERVILLE, MA 02144
F4-5-C05	187 GREAT RD #C5	WU SALLY M	187 GREAT RD #C5	ACTON, MA 01720
F4-5-C06	187 GREAT RD #C6	DAVIS JOSEPH R ET UX TRUSTEES	PO BOX 1354	MARBLEHEAD, MA 01945
F4-5-C07	187 GREAT RD #C7	SCHAEJBE THOMAS	PO BOX 441696	SOMERVILLE, MA 02144
F4-5-C08	187 GREAT RD #C8	MYCZYNEK STEVEN V	38 WALKER ST	SOMERVILLE, MA 02144
F4-5-C09	187 GREAT RD #C9	LEDONNE GEANARO	15 HUGHES STREET	QUINCY, MA 02169
F4-5-C10	187 GREAT RD #C10	CN TOWNHOME NO 1 LLC	5440 MOREHOUSE DR	SAN DIEGO, CA 0
F4-9-1	182 GREAT RD	ARDENT VENTURES LLC	PO BOX 2767	ACTON, MA 01720
F4-9-2	184 GREAT RD	184 GR CONDOMINIUM LLC	198 GREAT RD	ACTON, MA 01720

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

Marty Abbott

Marty Abbott
Assessor's Clerk

16-Jun-14

**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: Acton Chrysler Dodge Jeep RAM

Address 196 Great Road

Phone _____

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: Oxbow Associates, Inc.

Address PO Box 971 Acton, MA 01720

Phone 978-929-9058

The address of the property where the activity is proposed 169 Great Road

Town Atlas Plate/Map F4

Parcel/Lot 3

Project Description Restoration of Bordering Vegetated Wetland & 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,
August 6, 2014 at 7:00 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:

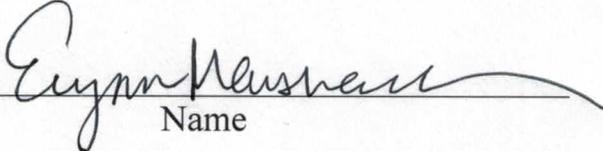
***DEP Central Region: 508-792-7650
627 Main Street, Worcester MA 01608**

Affidavit of Service

I, Erynn Marshall, hereby certify under pains and penalties of perjury that on July 24, 2014 I gave notification to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the DEP Guide to Abutter Notification date April 8, 1994 in connection with the following matter:

A Notice of Intent filed under the Massachusetts Wetlands Protection Act by Acton Chrysler with the Acton Conservation Commission on July 24, 2014 for property located at 196 Great Road, map/lot F4-3.

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


Name

July 23, 2014
Date