CIVIL ENGINEERS • LAND SURVEYORS • ENVIRONMENTAL CONSULTANTS

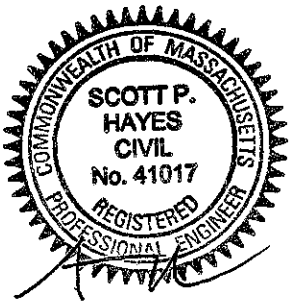
FORESITE ENGINEERING

16 Gleasondale Rd., Suite 1-1
Stow, Massachusetts 01775
Phone: (978) 461-2350
Fax: (978) 841-4102
www.foresite1.com

NOTICE OF INTENT

"HAYWARD FARM DEFINITIVE SUBDIVISION"
121 HAYWARD ROAD
ACTON, MASSACHUSETTS

Assessors Map E-2 Parcels 261-2, 261-3, 262, 272 & 273



Date: November 18, 2014

Prepared for:
Acton Management, Inc.
P.O. Box 2350
Acton, Massachusetts 01720

Prepared by:
FORESITE Engineering Associates, Inc.
16 Gleasondale Road, Suite 1-1
Stow, Massachusetts 01775

CONTENTS

1. WPA Form 3: Notice of Intent

2. NOI Wetland Fee Transmittal Form

3. Copies of Filing Fee Checks

4. Certified List of Abutters

5. Copy of Notice to Abutters

6. Affidavit of Service under Massachusetts Wetland Protection Act

7. Order of Resource Area Delineation dated April 17, 2014

8. USGS Locus Map, Maynard Quadrangle, 1987; Scale 1" = 2000'

9. "Stormwater Report & Calculations for Hayward Farm, a Proposed Residential Subdivision" dated August 29, 2014, prepared by FORESITE Engineering

10. "Hayward Farm Definitive Subdivision Plan" Sheets 5, 7, 8, 9 & 10 dated August 29, 2014, prepared by FORESITE Engineering, scale as noted.

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):

Hayward Farm Definitive Subdivision, 121 Hayward Road

Acton — b. City/Town

01720 — c. Zip Code

Latitude and Longitude:

42° 28' 58" N — d. Latitude

71° 27' 47" W — e. Longitude

Map E-2 — f. Assessors Map/Plat Number

Parcels 261-2, 261-3, 262, 272 & 273 — g. Parcel /Lot Number

2. Applicant:

Stephen — a. First Name

Steinberg — b. Last Name

Acton Management, Inc. — c. Organization

P.O. Box 2350 — d. Street Address

Acton — e. City/Town

MA — f. State

01720 — g. Zip Code

(978) 263-2989 x2 — h. Phone Number

(978) 263-0403 — i. Fax Number

actonmgt@verizon.net — j. Email Address

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

Dean — a. First Name

Charter — b. Last Name

c. Organization

81 Charter Road — d. Street Address

Acton — e. City/Town

MA — f. State

01720 — g. Zip Code

(508) 277-6601 — h. Phone Number

i. Fax Number

dcharter@acton-ma.gov — j. Email address

4. Representative (if any):

Scott — a. First Name

Hayes — b. Last Name

FORESITE Engineering Associates, Inc. — c. Company

16 Gleasondale Road, Suite 1-1 — d. Street Address

Stow — e. City/Town

MA — f. State

01775 — g. Zip Code

(978) 461-2350 — h. Phone Number

(978) 841-4102 — i. Fax Number

scott@foresite1.com — j. Email address

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

$1,550.00 — a. Total Fee Paid

$762.50 — b. State Fee Paid

$787.50 — c. City/Town Fee Paid

A. General Information (continued)

6. General Project Description:

Construction of a subdivsion roadway and associated utilities, drainage and grading within 100-ft of an area subject to protection under the Wetlands Protection Act and Town of Acton Wetland Protection Bylaw

7a. Project Type Checklist:

1. ☐ Single Family Home
2. ☒ Residential Subdivision
3. ☐ Limited Project Driveway Crossing
4. ☐ Commercial/Industrial
5. ☐ Dock/Pier
6. ☐ Utilities
7. ☐ Coastal Engineering Structure
8. ☐ Agriculture (e.g., cranberries, forestry)
9. ☐ Transportation
10. ☐ 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	243257, 243258, 243259
a. County	b. Certificate # (if registered land)
52019	285, 287
c. Book	d. Page Number

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

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

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

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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. ☐ Bank	1. linear feet	2. linear feet
b. ☐ Bordering Vegetated Wetland	1. square feet	2. square feet
c. ☐ Land Under Waterbodies and Waterways	1. square feet	2. square feet
	3. cubic yards dredged	

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	1. square feet	2. square feet
	3. cubic feet of flood storage lost	4. cubic feet replaced
e. ☐ Isolated Land Subject to Flooding	1. square feet	
	2. cubic feet of flood storage lost	3. cubic feet replaced
f. ☐ Riverfront Area	1. Name of Waterway (if available)	

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: _____ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet _____ b. square feet within 100 ft. _____ c. square feet between 100 ft. and 200 ft. _____

5. Has an alternatives analysis been done and is it attached to this NOI? ☐ 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	1. square feet	
	2. cubic yards dredged	
c. ☐ Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. ☐ Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. ☐ Coastal Dunes	1. square feet	2. cubic yards dune nourishment

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

	Size of Proposed Alteration	Proposed Replacement (if any)
f. ☐ Coastal Banks	1. linear feet	
g. ☐ Rocky Intertidal Shores	1. square feet	
h. ☐ Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. ☐ Land Under Salt Ponds	1. square feet 2. cubic yards dredged	
j. ☐ Land Containing Shellfish	1. square feet	
k. ☐ 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. ☐ Land Subject to Coastal Storm Flowage	1. square feet	

4. ☐ 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. ☐ 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://maps.massgis.state.ma.us/PRI_EST_HAB/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

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/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/mass-endangered-species-act-mesa/mesa-fee-schedule.html). 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/eea/agencies/dfg/dfw/laws-regulations/cmr/321-cmr-1000-massachusetts-endangered-species-act.html#10.14; 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

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* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/). 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.

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:

Division of Marine Fisheries - Southeast Marine Fisheries Station
Attn: Environmental Reviewer
1213 Purchase Street – 3rd Floor
New Bedford, MA 02740-6694

North Shore - Hull to New Hampshire:

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

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

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

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.

"Hayward Farm Definitive Subdivision Plan" Sheets 5, 7, 8, 9 & 10
a. Plan Title

FORESITE Engineering
b. Prepared By

Scott Hayes, PE
c. Signed and Stamped by

August 29, 2014
d. Final Revision Date

As Noted
e. Scale

"Stormwater Report & Calculations for Hayward Farm, a Proposed Residential Subdivision"

August 29, 2014
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.

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:

4768	11/19/14
2. Municipal Check Number	3. Check date
4769	11/19/14
4. State Check Number	5. Check date
FORESITE ENGINEERING	
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.

(AGENT FOR APPLICANT)	11/19/14
1. Signature of Applicant	2. Date
	11/18/2014
3. Signature of Property Owner (if different)	4. Date
SCOTT HAYES, P.E.	11/19/14
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.

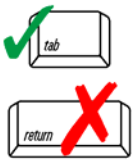
The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.

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. Location of Project:

Hayward Farm Subdivision - 121 Hayward Rd.	Acton
a. Street Address	b. City/Town
4769	$762.50
c. Check number	d. Fee amount

2. Applicant Mailing Address:

Stephen	Steinberg	
a. First Name	b. Last Name	
Acton Management, Inc.		
c. Organization		
P.O. Box 2350		
d. Mailing Address		
Acton	MA	01720
e. City/Town	f. State	g. Zip Code
(978) 263-2989 x2	(978) 263-0403	actonmgt@verizon.net
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

Dean	Charter	
a. First Name	b. Last Name	
c. Organization		
81 Charter Road		
d. Mailing Address		
Acton	MA	01720
e. City/Town	f. State	g. Zip Code
(508) 277-6601		dcharter@acton-ma.gov
h. Phone Number	i. Fax Number	j. Email Address

B. Fees

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

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.

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

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
2.g. Each project source discharge	1	$500.00	$500.00
3.c. Road construction	1	$1,050.00	$1,050.00

Step 5/Total Project Fee: $1,550.00

Step 6/Fee Payments:

Total Project Fee:	$1,550.00 a. Total Fee from Step 5
State share of filing Fee:	$762.50 b. 1/2 Total Fee **less $**12.50
City/Town share of filling Fee:	$787.50 c. 1/2 Total Fee **plus** $12.50

C. Submittal Requirements

a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
Box 4062
Boston, MA 02211

b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

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

Brian McMullen

Locus: **121 HAYWARD RD**
Parcel ID: **E2-261-2, E2-261-3, E2-262, E2-272, E2-273**

Parcel ID	Location	Owner	Co-Owner	Mailing Address	City
E2-237-1	1 KENNEDY LANE	MAGASANIK JOANN L		1 KENNEDY LANE	ACTON, MA 01720
E2-237-2	3 KENNEDY LANEN	LOWE CHARLES E + AMY M		3 KENNEDY LANE	ACTON, MA 01720
E2-237-3	5 KENNEDY LANE	GELLER MARNE		5 KENNEDY LANE	ACTON, MA 01720
E2-237-4	7 KENNEDY LANE	LOWE DEREK B	HASHEMI TANAZ	7 KENNEDY LANE	ACTON, MA 01720
E2-237-5	9 KENNEDY LANE	LONGWELL CATHERINE		9 KENNEDY LANE	ACTON, MA 01720
E2-266	115 HAYWARD RD	LI TAO	YANG HUAIGUANG	115 HAYWARD RD	ACTON, MA 01720
E2-285	132 HAYWARD RD	EICHMAN JOHN		132 HAYWARD RD	ACTON, MA 01720
E2-286	122 HAYWARD RD	MURPHY ARTHUR W	MARY LYNN	122 HAYWARD RD	ACTON, MA 01720
E2-256	68 CHARTER RD	SMITH IRA D + BARBARA K		68 CHARTER RD	ACTON, MA 01720
E2-261-1	135 HAYWARD RD	BENNETT EDWARD M ET UX TR		135 HAYWARD RD	ACTON, MA 01720
E2-266	115 HAYWARD RD	LI TAO	YANG HUAIGUANG	115 HAYWARD RD	ACTON, MA 01720
E2-267	111 HAYWARD RD	LARSON GEOFFREY G		111 HAYWARD RD	ACTON, MA 01720
E2-287	114 HAYWARD RD	BAKERMAN THOMAS J TR	BAKERMAN JUDITH TR	114 HAYWARD RD	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 2-Apr-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: Acton Management, Inc.

Address: P.O. Box 2350, Acton, MA 01720 Phone: (978) 263-2989 x2

has filed a Notice of Intent with the Acton Conservation Commission seeking to alter, fill or dredge an area subject to protection under the Wetlands Protection Act and Town of Acton Wetland Bylaw.

Applicant's Representative: Scott Hayes, PE – FORESITE Engineering

Address: 16 Gleasondale Road, Suite 1-1, Stow, MA 01775 Phone: (978) 461-2350

The address of the property where the activity is proposed 121 Hayward Road

"Hayward Farm" Definitive Subdivision, a proposed 4-lot residential subdivision.

Town Atlas Plate/Map E-2 Parcel/Lot 261-2, 261-3, 262, 272 & 273

Project Description: Clearing of vegetation, grading and construction of a subdivision roadway and associated drainage infrastructure within 100-ft of an area subject to regulation under the Wetlands Protection Act and Town of Acton Wetland Bylaw.

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 978-929-6634.

A Public Hearing will be held at the Acton Town Hall, 472 Main Street, on Wednesday,
December 3, 2014 at 7:30 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

Under the Massachusetts Wetlands Protection Act

I, SCOTT HAYES, hereby certify under the pains and penalties of perjury that on November 19, 2014, I gave notification to abutters in compliance with the second paragraph of the Massachusetts General Laws, Chapter 131, Section 40 and the DEP Guide to Abutter Notification in connection with the following matter:

> A NOTICE OF INTENT application was filed under the Massachusetts Wetlands Protection Act and Acton Wetland Bylaw by ACTON MANAGEMENT, INC. with the Acton Conservation Commission on November 19, 2014 for property located at "HAYWARD FARM SUBDIVSION" 121 HAYWARD ROAD, ACTON (a portion of ASSESSORS MAP E-2 PARCELS 261-2, 261-3, 262, 272 & 273)

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

Signature	11/19/14 Date

BOTH WAYS

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 4B – Order of Resource Area Delineation

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

Provided by MassDEP:
085-1150
MassDEP File Number

eDEP Transaction Number

Acton
City/Town

ORD

A. General Information

From: Acton
1. Conservation Commission

2014 00056713
Bk: 63567 Pg: 113 Doc: ORD
Page: 1 of 4 05/02/2014 11:24 AM

2. This Issuance is for (check one):

a. ☒ Order of Resource Area Delineation

b. ☐ Amended Order of Resource Area Delineation

3. Applicant:

Stephen — a. First Name
Steinberg — b. Last Name
Acton Management Inc. — c. Organization
P.O. Box 2350 — d. Mailing Address
Acton — e. City/Town
MA — f. State
01720 — g. Zip Code

4. Property Owner (if different from applicant): * Deed References below

Dean — a. First Name
Charter — b. Last Name
Elizabeth J Charter
c. Organization
81 Charter Road — d. Mailing Address
Acton — e. City/Town
MA — f. State
01720 — g. Zip Code

MARGINAL REFERENCE REQUESTED BOOK 52019 PAGE 287

5. Project Location:

121 Hayward Road — a. Street Address
Acton — b. City/Town
01720 — c. Zip Code
E-2 — d. Assessors Map/Plat Number
261-2, 261-3, 262, 272, 273 — e. Parcel/Lot Number

Latitude and Longitude (in degrees, minutes, seconds):
d m s — f. Latitude
d m s — g. Longitude

6. Dates:
April 2, 2014 — a. Date ANRAD filed
April 16, 2014 — b. Date Public Hearing Closed
c. Date of Issuance

MARGINAL REFERENCE REQUESTED BOOK 52019 PAGE 285

7. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

Resource Area Location Plan, 121 Hayward Road, Acton, MA — a. Title
March 27, 2014 — b. Date
c. Title
d. Date

* Recorded Land - Book 52019, Page 285
Recorded Land - Book 52019, Page 287
Land Court - Document 01488214 on Cert. of Title 243257 Lot C
Land Court - Document 01488218 on Cert. of Title 243258 Lot 10
Land Court - Document 01488219 on Cert. of Title 243259 Lot 11

Massachusetts Department of Environmental Protection
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B. Order of Delineation

1. The Conservation Commission has determined the following (check whichever is applicable):

   a. ☒ **Accurate**: The boundaries described on the referenced plan(s) above and in the Abbreviated Notice of Resource Area Delineation are accurately drawn for the following resource area(s):

      1. ☐ Bordering Vegetated Wetlands

      2. ☒ Other resource area(s), specifically:

      a. Intermittent stream, w/poorly defined bank on the site.

   b. ☐ **Modified**: The boundaries described on the plan(s) referenced above, as modified by the Conservation Commission from the plans contained in the Abbreviated Notice of Resource Area Delineation, are accurately drawn from the following resource area(s):

      1. ☐ Bordering Vegetated Wetlands

      2. ☐ Other resource area(s), specifically:

      a.

   c. ☐ **Inaccurate**: The boundaries described on the referenced plan(s) and in the Abbreviated Notice of Resource Area Delineation were found to be inaccurate and cannot be confirmed for the following resource area(s):

      1. ☐ Bordering Vegetated Wetlands

      2. ☐ Other resource area(s), specifically:

      3. ☐ The boundaries were determined to be inaccurate because:

C. Findings

This Order of Resource Area Delineation determines that the boundaries of those resource areas noted above, have been delineated and approved by the Commission and are binding as to all decisions rendered pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c.131, § 40) and its regulations (310 CMR 10.00). This Order does not, however, determine the boundaries of any resource area or Buffer Zone to any resource area not specifically noted above, regardless of whether such boundaries are contained on the plans attached to this Order or to the Abbreviated Notice of Resource Area Delineation.

This Order must be signed by a majority of the Conservation Commission. The Order must be sent by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate DEP Regional Office (see http://www.mass.gov/dep/about/region/findyour.htm).

D. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Resource Area Delineation. When requested to issue a Superseding Order of Resource Area Delineation, the Department's review is limited to the objections to the resource area delineation(s) stated in the appeal request. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order of Resource Area Delineation will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order or Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, § 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal bylaw or ordinance, and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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Provided by MassDEP:
085-1150
MassDEP File Number

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Acton
City/Town

E. Signatures

4/16/2014
Date of Issuance

Please indicate the number of members who will sign this form. 6
1. Number of Signers

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

This Order is valid for three years from the date of issuance.

If this Order constitutes an Amended Order of Resource Area Delineation, this Order does not extend the issuance date of the original Final Order, which expires on unless extended in writing by the issuing authority.

This Order is issued to the applicant and the property owner (if different) as follows:

2. ☐ By hand delivery on

a. Date

3. ☒ By certified mail, return receipt requested on

4/17/2014
a. Date

BOTH WAYS

Doc 01670176

Southern Middlesex LAND COURT
Registry District

RECEIVED FOR REGISTRATION

On: May 02,2014 at 11:02A

Document Fee 75.00

Receipt Total: $225.00

NOTED ON: CERT 243257 BK 01363 PG 48

ALSO NOTED ON: CERT 243258 BK 1363 pg. 49
CERT 243259 BK 1363 pg 50

NAME Wilson & Scott, PC TEL
STREET ADDRESS 978 264 4770
CITY OR TOWN ZIP

MAYNARD QUADRANGLE
MASSACHUSETTS
TOPOGRAPHIC SERIES

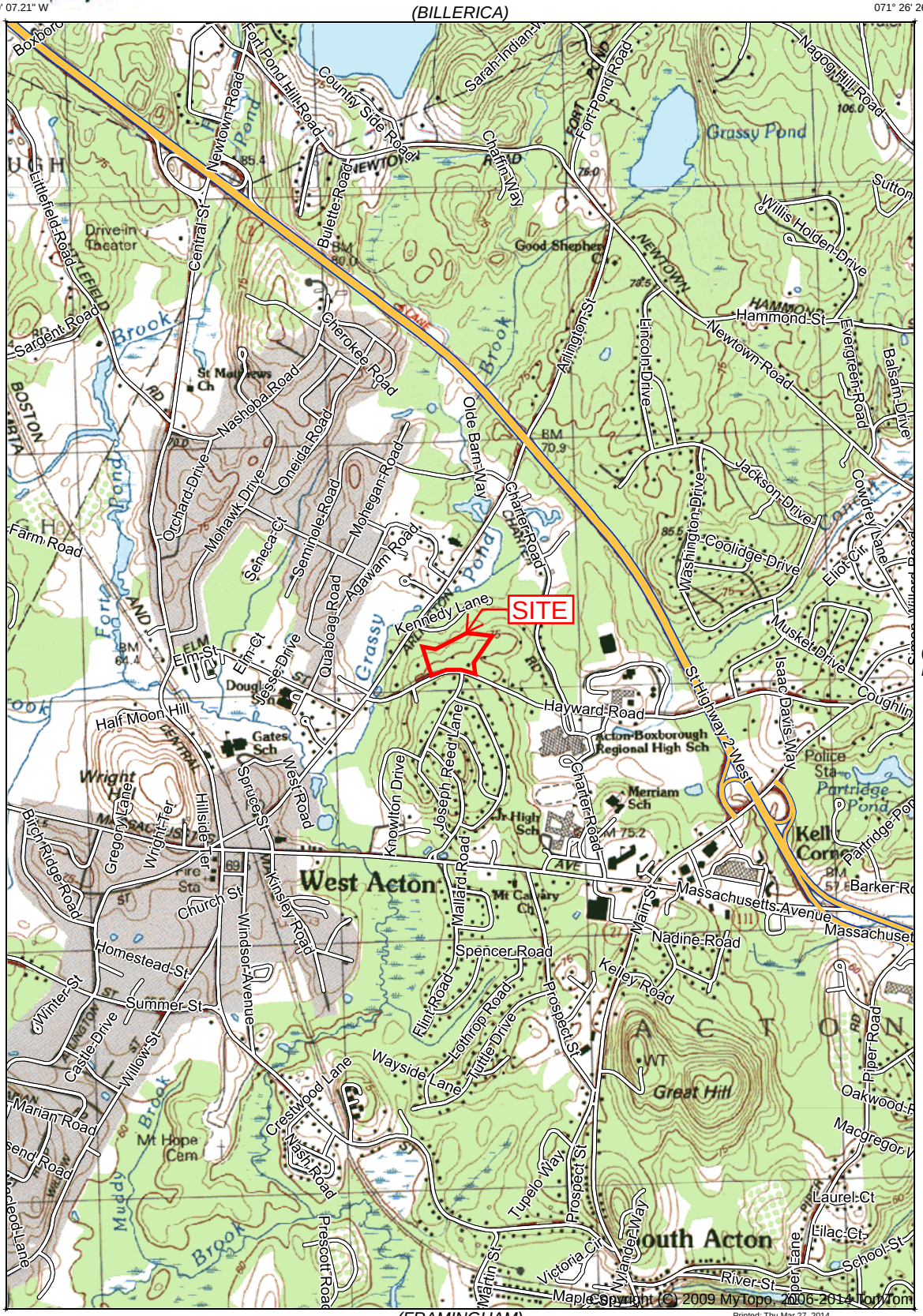
(AYER) (READING)

071° 29' 07.21" W
042° 30' 21.91" N

071° 26' 82.82" W
042° 30' 21.91" N

(BILLERICA)

(HUDSON)



(HUDSON)

(BOSTON NORTH)

042° 27' 34.34" N
071° 29' 07.21" W

(FRAMINGHAM)

Printed: Thu Mar 27, 2014

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042° 27' 34.34" N
071° 26' 82.82" W

(MARLBOROUGH)

(BOSTON SOUTH)

Declination

MN GN

GN 1.66° W
MN 14.78° W

SCALE 1:24000

0 1
MILE

0 1000
YARDS

0 1
KILOMETER

CONTOUR INTERVAL 3 METERS
NATIONAL GEODETIC VERTICAL DATUM 1929

Produced by MyTopo Terrain Navigator
Topography based on USGS 1:24,000 Maps

North American 1983 Datum (NAD83)
Universal Transverse Mercator Projection

To place on the predicted North American 1927 move the projection lines 10M N and 40M E

MAYNARD, MA
1987