

8/10/15

Acton Conservation Commission  
Acton Town Hall  
472 Main Street  
Acton, MA 01720

Re: Bylaw-only NOI Application  
176 Central Street (formerly 12 Summer Street rear), Acton, MA

Dear Acton Conservation Commission:

Goddard Consulting, LLC is pleased to submit this Notice of Intent (NOI) application under the Acton Wetlands Protection Bylaw only on behalf of the applicant, W. D. Chisholm of Mt. Laurel Realty, for the construction of two single-family residences within a parcel known currently as 176 Central Street (Map G2, parcel 200). The nearby wetland resource areas, including Bordering Vegetated Wetlands (BVW), Bordering Land Subject to Flooding (BLSF), and Riverfront Area of Muddy Brook were delineated on January 12, 2012 and the boundaries adjusted and accepted during the summer of 2014 during the Wetlands Protection Act-only NOI filing. The attached Wetland Border Report includes a description of the wetland resources and MA DEP BVW Data Sheets. The WPA-only NOI filing (DEP file #085-1148) was approved in April 2015, and the separate filings were meant to highlight the differences between the WPA and the Bylaw and allow discussion and approval under the differing regulations separately.

According to the 2008 MA Natural Heritage Atlas, this site is *not* located within an Estimated Habitat of Rare Wildlife and Priority Habitat of Rare Species. No potential or certified vernal pools are mapped within this site.

The applicant proposes to construct 2 single-family homes with a common driveway. There is some wetland alteration and BLSF alteration proposed, with wetland replication at approximately 1.9 times the size of the alteration areas with additional restoration proposed. There is compensatory storage proposed for the BLSF fill at a 1:1 cubic foot ratio. Any work in the BVW is with the intent of constructing the common driveway with the associated retaining walls and infiltration trenches, along with a sidewalk for public access to the trail system on the site. The first single-family home will not be built within the BVW Buffer Zone, however the second home will have a portion of the house built within the BVW Buffer Zone. A substantial amount of planting is proposed, both for the wetland replication and restoration areas, as well as for buffer zone restoration.

The Order of Conditions issued under the Massachusetts Wetlands Protection Act (WPA) for this project is included in the application. In the Order (OOC), the amount of Bordering Vegetated Wetland to be altered is 830 s.f., with the amount of proposed replacement at 1,375 s.f., which is 1.66 times the amount to be altered. Not mentioned is the amount of proposed in-place restoration. These numbers may be from the original filing of the NOI, before the wetland line was reviewed by a peer reviewer and adjusted. The current calculations are as follows: 1538 s.f. of alteration, 2950 s.f. of replication with an additional 1762 s.f. of in-place restoration. The OOC mentioned 649 s.f. of proposed alteration to Bordering Land Subject

to Flooding (BLSF) with 649 c.f. of flood storage. The current calculations have 990 s.f. and 649 c.f. of BLSF proposed alteration, with 865 s.f. of proposed replacement, and exactly 649 c.f. of proposed alteration and proposed replacement. Portions of the special conditions listed (i.e. numbers 17, 18, 22, and 23) relate to regulations of the local bylaw as well as to documents submitted during the WPA NOI process. Those documents will be included in the contents of this application.

The work proposed does fall within the 50-foot undisturbed buffer zone under the Bylaw. This is discussed further in the waiver request attached to this application. Although the project proposes vegetation removal, grading of slope, and driveway construction within 50 feet of the wetland, also proposed is significant vegetation replanting and mitigation. The amount of trees proposed to be removed within 25 feet of the wetland is 35. The amount of trees proposed to be removed from 25 feet to 50 feet from the wetland is 23. There are 44 trees proposed to be removed from within the 50-foot to 75-foot buffer. From the 75-foot to the 100-foot buffer, there are 18 trees proposed to be removed. The 105 trees and 34 shrubs proposed to be planted as mitigation do not include the trees and shrubs proposed as mitigation for the wetland and BLSF alteration.

The work proposed was approved under the WPA, and therefore the final documents presented during that process will be included in this application to prevent any miscommunication. Four hard copies of the NOI application are enclosed, along with four full-size sets of plans. An electronic copy will be submitted separately. The titles of all the documents enclosed are as follows:

- NOI cover letter
- NOI (WPA form 3) application form
- *Fee Calculation*
- Copy of check
- Affidavit of service, abutters list, notification to abutters
- *Wetland Border Report*. Goddard Consulting LLC. Revised 2/25/14
- *Wetland Replication Plan*. Goddard Consulting LLC. Revised 2/2/15
- *Construction Sequence*. Goddard Consulting LLC. 2/25/15.
- *Operation & Maintenance Plan*. Goddard Consulting LLC. Revised 3/9/15
- *Waiver Request*. Goddard Consulting, LLC. 7/22/15
- *Additional Information*. Goddard Consulting LLC. 3/16/15
- *Order of Conditions for DEP File #085-1148*. Acton Conservation Commission. 4/15/15.
- *USGS Site Locus*. Goddard Consulting LLC. 5/20/13
- *Orthophoto view of site*. Goddard Consulting LLC. 2/27/14
- *Buffer Zone Tree & Shrub Replanting Plan*. Goddard Consulting LLC. 3/14/15
- Site Plans by R. Wilson & Associates as follows:
  - *Overview for Notice of Intent Sheet 1*. Revised 2/25/15
  - *Notice of Intent Plan Sheet 2*. Revised 2/25/15
  - *Notice of Intent Plan Sheet 3*. Revised 2/25/15
  - *Cross-section Plan for Proposed Driveway Sheet 4*. Revised 2/25/15
  - *P.C.R.C. Driveway Profile & Details Sheet 5*. Revised 2/25/15
  - *Notice of Intent Plan Showing Trees for Removal Sheet 6*. Revised 2/25/15
  - *Notice of Intent Plan Showing Trees for Removal Sheet 7*. Revised 2/25/15

- *Replication Area Sheet 8. Revised 2/25/15*
- *Conservation Restriction Plan. Revised 2/25/15*

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

Sincerely,  
GODDARD CONSULTING, LLC

by

A handwritten signature in black ink, appearing to read "Scott Goddard", written in a cursive style.

Scott Goddard, Principal & PWS

CC:

- W. D. Chishom, 390 Goodrich St, Lunenburg, MA 01462
- Steve Marsh, 360 Massachusetts Ave, Acton, MA 01720



**WPA Form 3 – Notice of Intent**  
Town of Acton Wetlands Protection Bylaw ONLY

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**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>176 Central Street (orig. 12 Summer St rear)</u>	<u>Acton</u>	<u>01720</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:	<u>42.468250</u>	<u>-71.475679</u>
	d. Latitude	e. Longitude
<u>G2</u>	<u>200</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>William</u>	<u>Chisholm</u>	
a. First Name	b. Last Name	
<u>Mt. Laurel Realty</u>		
c. Organization		
<u>390 Goodrich Street</u>		
d. Street Address		
<u>Lunenburg</u>	<u>MA</u>	<u>01462</u>
e. City/Town	f. State	g. Zip Code
<u>(978) 815-0968</u>	<u>chisholmkim@aol.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>Scott</u>	<u>Goddard</u>	
a. First Name	b. Last Name	
<u>Goddard Consulting, LLC</u>		
c. Company		
<u>291 Main Street, Suite 8</u>		
d. Street Address		
<u>Northborough</u>	<u>MA</u>	<u>01532</u>
e. City/Town	f. State	g. Zip Code
<u>(508) 393-3784</u>	<u>scott@goddardconsultingllc.com</u>	
h. Phone Number	i. Fax Number	j. Email address

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

<u>\$512 local fee</u>	<u>N/A, local filing only</u>	<u>\$512 local filing fee</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



**A. General Information (continued)**

6. General Project Description:

Two single family homes, one with no structures within the Buffer Zone, one with construction within the Buffer Zone. BWW crossing and Bordering Land Subject to Flooding fill for driveway. Wetland replication, restoration, and BLSF compensatory storage proposed.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1.  Single Family Home
- 2.  Residential Subdivision
- 3.  Commercial/Industrial
- 4.  Dock/Pier
- 5.  Utilities
- 6.  Coastal engineering Structure
- 7.  Agriculture (e.g., cranberries, forestry)
- 8.  Transportation
- 9.  Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration 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. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Southern Middlesex

a. County

58521

c. Book

b. Certificate # (if registered land)

358

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.



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

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

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	1538 sf 1. square feet	2950 sf replication, 1762 sf restoration
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
d. <input checked="" type="checkbox"/> Bordering Land Subject to Flooding	990 sf 1. square feet 649 cf 3. cubic feet of flood storage lost	865 sf 2. square feet 649 cf 4. cubic feet replaced

e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet 2. cubic feet of flood storage lost	3. cubic feet replaced
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f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available)	
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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)



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

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.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	_____	
	1. square feet	
	_____	
	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	_____	_____
	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	_____	_____
	1. square feet	2. cubic yards dune nourishment
	<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**

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Notice of Intent – Required Actions (310 CMR 10.11).

**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](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  
1 Rabbit Hill Road  
Westborough, MA 01581

- 2008  
b. Date of map

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.f, 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).*

- 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

- 2.  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

\* 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.



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
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**C. Other Applicable Standards and Requirements (cont'd)**

(c)  MESA filing fee (fee information available at [http://www.mass.gov/dfwele/dfw/nhesp/regulatory\\_review/ mesa/ mesa\\_fee\\_schedule.htm](http://www.mass.gov/dfwele/dfw/nhesp/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

(f) 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](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 \_\_\_\_\_

3.  Separate MESA review completed.  
 Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. 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, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, 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  
 Email: [DMF.EnvReview-South@state.ma.us](mailto:DMF.EnvReview-South@state.ma.us)

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -  
 North Shore Office  
 Attn: Environmental Reviewer  
 30 Emerson Avenue  
 Gloucester, MA 01930  
 Email: [DMF.EnvReview-North@state.ma.us](mailto:DMF.EnvReview-North@state.ma.us)

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.



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

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

4. 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
5. 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
6. 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
7. 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  
 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**

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

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.



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## D. Additional Information (cont'd)

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.

See Attached cover letter

a. Plan Title

b. Prepared By

c. Signed and Stamped by

d. Final Revision Date

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.

## 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:

3844

2. Municipal Check Number

8/5/15

3. Check date

N/A

4. State Check Number

N/A

5. Check date

William

6. Payor name on check: First Name

Chisholm

7. Payor name on check: Last Name



# WPA Form 3 – Notice of Intent

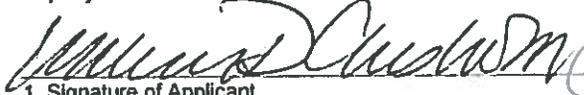
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## F. Signatures and Submittal Requirements

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

8-6-15  
2. Date

3. Signature of Property Owner (if different)

8/10/15  
4. Date

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.

# W. D. CHISHOLM CORP.

TELEPHONE (978) 537-0900 FAX (978) 537-2650

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29 CHISHOLM TRAIL, LANCASTER, MA 01523

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**Fee Calculations: Bylaw ONLY**

<b>Step 1/Type of Activity</b>	<b>Step 2/Number of Activities</b>	<b>Step 3/Individual Activity Fee</b>	<b>Step 4/Subtotal Activity Fee</b>
<u>1a—with bylaw percentage</u>	<u>1</u>	<u>\$110 x .2</u>	<u>\$22</u>
<u>2a--- with bylaw percentage</u>	<u>1</u>	<u>\$500 x .2</u>	<u>\$100</u>
<u>2b—with bylaw percentage</u>	<u>1</u>	<u>\$500 x .2</u>	<u>\$100</u>
<u>4a</u>	<u>1</u>	<u>\$1,450 x .2</u>	<u>\$290</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
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**Step 5/Total Project Fee:** \$512 bylaw fee only

**Step 6/Fee**

**Payments:**

<b>Total Project Fee:</b>	<u>\$512 bylaw only</u>
<b>State share of filing Fee:</b>	<u>a. Total Fee from Step 5</u> <u>N/A</u>
<b>City/Town share of filling Fee:</b>	<u>b. 1/2 Total Fee less \$12.50</u> <u>\$512 bylaw only</u> <u>c. 1/2 Total Fee plus \$12.50</u>

3844

5-7017/2110  
761

EXPLANATION	AMOUNT

**MOUNTAIN LAUREL REALTY COMPANY**  
**HOUSE ACCOUNT**  
 390 GOODRICH ST  
 LUNENBURG, MA 01462

PAY AMOUNT OF \$512.00 **FIVE HUNDRED TWELVE DOLLARS**



\$ 512.00

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER
5/5	Town of Acton	Central Street	

CITIZENS BANK  
 MASSACHUSETTS

*[Signature]*  
 AUTHORIZED SIGNATURE

⑆003844⑆ ⑆21070175⑆ 1139866432⑆

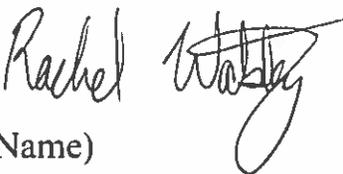
AFFIDAVIT OF SERVICE

Under the Town of Acton Wetlands Protection Bylaw

I, Rachel Watsky hereby certify under the pains and penalties of perjury that on August 10 2015 I gave notification to abutters in Compliance with the second paragraph of Massachusetts General Law Chapter 131, Section 40, and the DEP Guide to Abutter Notification dating April, 8, 1994 in connection with the following matter:

A Notice of Intent was filed under the Town of Acton Wetlands Protection Bylaw by W. D. Chisholm with the Acton Conservation Commission on 08/10/2015 for a property located at 176 Central Street.

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

  
(Name)

08/10/15  
(Date)



Town of Acton  
 472 Main Street  
 Acton, MA 001720  
 Telephone (978) 264-9622  
 Fax (978) 264-9630

Brian McMullen  
 Assistant Assessor

Locus: 176 Central St  
 Parcel ID: G2-200

Location	Parcel ID	Owner	Co-Owner	Mailing Address	City	ST	Zip
20 SUMMER ST	F2.B-104-1	WALKER ISAAC	WALKER ELIZABETH	20 SUMMER ST	ACTON	MA	01720
12 SUMMER ST	F2.B-106	MADDEN JR PAUL B	MADDEN JOY C	12 SUMMER ST	ACTON	MA	01720
66 WILLOW ST	F2.B-112-1	DUNN WILLIAM J	DUNN ANN B	68 WILLOW ST	ACTON	MA	01720
8 SUMMER ST	F2.B-113	METZGER BRUCE P	METZGER SUSAN L	8 SUMMER ST	ACTON	MA	01720
76 WILLOW ST	G1-27	BANKS GARY P & BANKS NANCY H	AS TRUSTEES	76 WILLOW ST	ACTON	MA	01720
88 WILLOW ST	G1-44-1	BAJWA SUKHJINDER		88 WILLOW ST	ACTON	MA	01720
102 WILLOW ST	G1-85	KENT KATHERINE A		102 WILLOW ST	ACTON	MA	01720
100 WILLOW ST BEHIND	G1-87	HAMEL SR GARY	PRIMMER JILL	100 WILLOW ST	ACTON	MA	01720
106 WILLOW ST	G1-114	OSBORN JEREMY	OSBORN KRISTIN	106 WILLOW ST	ACTON	MA	01720
108 WILLOW St Rear	G1-320	TOWN OF ACTON		472 MAIN ST			
162 CENTRAL ST	G2-72	TOWN OF ACTON		472 MAIN ST	ACTON	MA	01720
169 CENTRAL ST	F2.B-114	DUMONT TYLER	DUMONT AMANDA	169 CENTRAL ST	ACTON	MA	01720

The owner of land sharing a common boundry 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.

*Kelly Schorr*

Kelly Schorr 9-Apr-15

Acton Assessors Office

8/10/15

Re: Notification of Abutters  
176 Central Street (formerly known as Lot 2 12 Summer Street)

Dear Abutter:

Enclosed please find a Notification to Abutters form to inform you of a public hearing that will be held by the Town of Acton Conservation Commission under Acton Wetlands Protection Bylaw and Regulations. The subject of the hearing is for the proposed construction of 2 single-family homes and a driveway crossing wetland on a parcel known as 176 Central Street (G2-200) located in Acton, MA.

Should you have any questions relative to this project, feel free to contact Goddard Consulting at 508-393-3784 or the Town of Acton Conservation Commission at (978) 929-6634.

Lastly, if you are receiving this notice, there is a high likelihood that your property also may contain wetland resource areas, be with 100 feet of wetlands, or be within 200 feet to a regulated stream. If so, activity on your property may be subject to similar permitting requirements. Goddard Consulting is well experienced in the nuances of this town and is fully capable to assist you. If you are considering a project on your property, please contact us for all your wetland consulting and permitting needs.

Very truly yours,  
GODDARD CONSULTING, LLC

by



Scott Goddard, Principal & PWS

Notification to Abutters Under the  
Town of Acton Wetlands Protection Bylaw

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

The Applicant: W. D. Chisholm, Mt. Laurel Realty

Address: 390 Goodrich St, Lunenburg, MA 01462

Phone: (978) 815-0968

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 Acton Wetlands Protection Bylaw.

Applicant's Representative: Scott Goddard, Goddard Consulting LLC.

Address: 291 Main Street, Suite 8, Northborough, MA 01532 Phone: (508) 393-3784

The address of the property where the activity is proposed: 176 Central Street, Acton, MA.

Town Atlas Plat/Map: G2

Parcel/Lot: 200

Project description: Building of 2 single-family houses, with driveway crossing wetland on parcel.

Copies of the Notice of Intent may be examined at the **Conservation Office, Acton Town Hall, 472 Main Street, Acton** between the hours of **9:00am and 4:30pm 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, **09/02/2015** at **7:15 pm**.

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 of DEP. To contact DEP, call:

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

Revised 2/25/14  
2/20/12

Mr. Steve Marsh  
Westchester Homes, Inc.  
30 Nagog Park Drive, Suite 225  
Acton, MA 01720

Re: Wetland Border Report  
12 Summer Street (near Central Street), Acton, MA

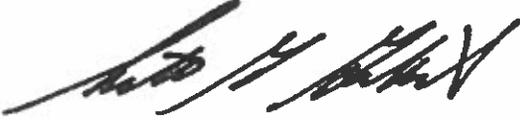
On January 8, 2012 the wetland resource areas were delineated on a 15-acre parcel in the rear of the 12 Summer Street (frontage on Central Street) in Acton, MA. The wetland border was flagged using the criteria in the most recent edition of the MA Wetland Protection Act (WPA) and Regulations 310 CMR 10.00 *et al* as well as Acton Wetlands Protection Bylaw. Hydric soil indicators, vegetational changes, hydrological indicators, and topography were all considered for delineation purposes. The Bordering Vegetated Wetland (BVW) flags are blue and denoted by SGG #. Mean Annual High Water (MAHW) flags are pink and are denoted by SGG MAHW #.

The parcel contains BVW delineated with flags SGG #A1 through SGG #A67 along with SGG #1 through SGG #8. Flags SGG #A1 and SGG #8 are on the edge of a raised walking trail and do not connect to one another. Much of the boundary follows closely alongside a walking trail along the toe of a fairly steep slope. A perennial stream, Muddy Brook, (having a clearly defined bank), moves through the BVW. The MAHW boundary of Muddy Brook is field delineated with flags SGG MAHW #1 through SGG MAHW #15 along the portion of the brook that is within 200 feet of the upland areas. There is a regulated Riverfront Area within 200 feet of Muddy Brook. SGG #A4 was documented using MA DEP Data sheets, and those sheets are attached.

Due to a site walk with the Commission during the summer of 2013, the wetland line was reviewed, especially in the area where the walking trail curves away from the toe of slope. Soil samples were taken throughout the area between flags SGG #A29 and #A30. The area between the two flags was documented using the MA DEP Data Sheets and those sheets are attached. The line was reviewed carefully and is believed to be correct as is. The soils and the vegetation did not indicate that the wetland extended further than shown on the plans. The upland side of the boundary is dominated by red and white oak, white pine, witch hazel, and hay-scented fern, while the wetland side of the boundary is dominated by red maple, white pine, highbush blueberry, northern arrowwood, and cinnamon fern. The vegetation dominance, especially as regards the change in the fern species, demonstrates that the wetland line was accurate.

According to the 2008 MA Natural Heritage Atlas, this site *is not* located within an Estimated Habitat of Rare Wildlife, nor is the site mapped for certified or potential vernal pools. If there are questions concerning this report or for assistance with permitting, please do not hesitate to contact us.

Very truly yours,  
GODDARD CONSULTING, LLC

by 

Scott Goddard, Principal & PWS

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

Applicant: Westchester Homes

Prepared by: Goldhard Consulting, LLC

Project location: 12 Summer Street, Acton

DEP File # \_\_\_\_\_

Check all that apply:

- Vegetation alone presumed adequate to delineate B/W boundary (fill out Section I only)  
 Vegetation and other indicators of hydrology used to delineate B/W boundary (fill out Sections I and II)  
 Method other than dominance test used (attach additional information)

**Section I. Vegetation**

Observation Plot Number: SRG #A4

Transect Number: Upgradient

Date of Delineation: 8-Jan-12

Sample Layer and Plant Species	Scientific name	% Cover	% Dominance	Dominant Plant (yes or no)	Wetland Indicator Category*
<b>Tree Layer</b>					
Red maple	<i>Acer rubrum</i>	30%	60.0%	Yes	FAC*
Black birch	<i>Betula lenta</i>	10%	20.0%	Yes	FACU
White pine	<i>Pinus strobus</i>	10%	20.0%	Yes	FAC
<b>Shrub Layer</b>					
Red maple	<i>Acer rubrum</i>	5%	100.0%	Yes	FAC*
<b>Herb Layer</b>					
none					
<b>Climbing Vines - 12e</b>					
none					
<b>Ground Cover</b>					
Spadose woodfern	<i>Thyphoides spinulosa</i>	5%	25.0%	Yes	FAC**
Cinnamon fern	<i>Osmunda cinnamomea</i>	15%	75.0%	Yes	FACW*

**Remarks:**

Morphological Adaptations: ( )

Description: \_\_\_\_\_

\* An asterisk after indicator name denotes wetlands plants listed in the Wetlands Protection Act (MGL c. 131 s. 40A) plants in the genus *Sphagnum*, or plants listed as FAC, FACU, FACW, FACW\*, or OHL.

**Vegetation conclusions:**

Number of dominant wetland indicator plants: 4

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

Number of dominant non-wetland indicator plants: 2

If vegetation alone is presumed adequate to delineate the B/W 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?

Interim Soil Survey of Middlesex County - 1991 (Alaps - 1989)

yes  no

map number: Acton

soil type mapped: Hinckley

hydric soil inclusions: none

yes  no

Are field observations consistent with soil survey?

yes  no

Remarks:

**2. Soil Description**

Horizon Ap Depth (inches) 0-5" Matrix Color 10YR3/2 Mottles: Color or Texture no redox

Bw 5-15"+ 10YR3/6 no redox

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: \_\_\_\_\_

Drill 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 Uprgradient of SGG #A4**

Number of wetland indicator plants  
 >= number of non-wetland plants

yes

no

X

Wetland hydrology present:

hydric soils present

X

other indicators of hydrology present

X

Sample location is in a BVW

X

*Submit data 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

Prepared by: Goldhard Consulting, LLC

Project location: 12 Summer Street, Acton

DEP File # \_\_\_\_\_

Check all that apply:

- Vegetation alone presumed adequate to delineate B/WV boundary.  Fill out Section I only.  
 Vegetation and other indicators of hydrology used to delineate B/WV boundary.  Fill out Sections I and II.  
 Method other than dominance test used (attach additional information)

Section I. Vegetation

Observation Plot Number: SGCF #A4

Transect Number: Dowgratland

Date of Delineation: 8-Jan-12

Sample Layer and Plant Species	Scientific name	% Cover	% Dominance	Dominant Plant (yes or no)	Wetland Indicator Category*
<b>Tree Layer</b>					
Red maple	<i>Acer rubrum</i>	50%	76.0%	yes	FAC*
White pine	<i>Pinus strobus</i>	10%	15.4%	no	FAC-
Black birch	<i>Betula lenta</i>	5%	7.7%	no	FACU
<b>Shrub Layer</b>					
none	none				
<b>Herb Layer</b>					
European buckhorn	<i>Rhamnus frangula</i>	10%	100.0%	yes	FAC*
<b>Climbing Woody Vine</b>					
none	none				
<b>Ground Cover</b>					
Cinnamon fern	<i>Adiantum cinnamomeum</i>	50%	71.4%	yes	FACW*
Spinnulose woodfern	<i>Dryopteris spinulosa</i>	20%	28.6%	yes	FAC**

Remarks:

Morphological Adaptations: 0

Description:

\* An asterisk after indicator status denotes wetland plants listed in the Wetlands Protection Act (MGL c.131, s.40), plants in the genus Sphagnum, or plants listed as FAC, FAC-, FACW, FACU, FACW+, or OBL.

Vegetation conclusion:

Number of dominant wetland indicator plants: 4

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

If vegetation alone is presumed adequate to delineate the B/WV boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.

Number of dominant non-wetland indicator plants: 0

**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: Acton  
 soil type mapped: Freeborn muck  
 hydric soil inclusions: Swansen, Scarborough, Berryland, Slipican, Wareham, Saugatuck, Pipestone

Are field observations consistent with soil survey?

yes  no

Remarks:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**2. Soil Description**

Horizon O Depth (inches) 0-20" Matrix Color 5Y2/1 Mottles Color or Texture muck

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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: <12"

Water marks: \_\_\_\_\_

Drill 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 Downgradient of SGG #A4		
	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*



Revised February 2, 2015  
May 22, 2013

## **Wetland Replication Plan**

### **12 Summer Street – Lot #2**

Acton, Massachusetts

**Submitted to:**

Acton Conservation Commission  
472 Main Street  
Acton, MA 01720

**Prepared for:**

Mt. Laurel Realty  
304 Goodrich Street  
Lunenburg, MA 01462

**Prepared by:**

Goddard Consulting, LLC  
291 Main Street, Suite 8  
Northborough, MA 01532

## Introduction

In order to mitigate the proposed impacts to wetland resource areas, the following Wetland Replication Plan is proposed. It is proposed to fully restore the wetland function and value incurred by the proposed filling of two areas of Bordering Vegetated Wetland (BVW) resource area totaling 1,538 s.f. Refer to "*Notice of Intent Plan*" prepared by R. Wilson Associates, dated 2/2/15, for proposed alteration and replication locations.

Approximately 2,950 s.f. of BVW will be created as mitigation for the permanent alteration of 1,538 s.f. of BVW, along with approximately 1,762 s.f. of in-place restoration of the existing foot path within wetland along the proposed driveway and any temporary alteration from erosion control. The BVW replication area is located adjacent to wetland flags #A48 to A56, at the 190-foot existing contour line. No net loss of BVW is proposed, rather a total of 1,412 s.f. of additional BVW will be created as a result of this project.

## Existing Conditions

The overall wetland system in the vicinity of the replication area consists of forested wetland, with numerous medium-sized red maples forming a dense tree canopy. There are pockets of shallow standing water interspersed among the maples, and numerous hummocks covered with tussock sedge (Photo 1). The proposed wetland replication would be designed to go around existing trees to prevent removal.



**Photo 1- Forested wetland habitat in BVW near replication area.**

At the wetland edge, the habitat transitions from standing pockets of water to dry land, with tussock sedge becoming more sparse, some skunk cabbage, small arrowwood and glossy buckthorn shrubs, and poison ivy ground cover (Photo 2). Further north, the vegetation at the

wetland edge consists of Canada mayflower, cinnamon fern, and some silky dogwood shrubs.



**Photo 2 - Wetland habitat at BVW border, near flag #A49.**

The replication area itself consists of small white pine and oak trees near wetland flags #A48-A56 (Photo 3).



**Photo 3 - Habitat in southern portion of replication area, facing BVW.**

An existing trail runs through the eastern portions of the area (Photo 4).



**Photo 4 - Existing foot trail within replication area, facing north.**

#### Planting Plan (see attached plan)

The goal of the replication area is to mimic the existing vegetation, soils, and wetland functions of the adjacent BVW. Therefore, the plan calls for the planting of red maple saplings, silky dogwood and arrowwood shrubs, and clumps of tussock sedge and boneset ground cover. The area is designed to accommodate temporary flooding in early spring, but will remain dry most of the year. The existing trail will be re-routed outside of the area to the east.

#### General Installation and Monitoring Procedures

- **Supervision:** All work within the replication area and restoration areas shall be supervised by a qualified wetlands scientist/consultant.
- **Timing:** In order to optimize planting conditions, fall construction is preferred. The optimal time of year for plant installation is September to mid-October.

**Step 1: Survey.** Field stake limits of replication area.

**Step 2: Erosion control.** Install new erosion control barrier along western boundary of replication area to prevent any alteration to adjacent BVW.

**Step 3: Vegetation Removal.** Remove trees, shrubs and herbaceous vegetation (including stumps) from within replication area, with care being taken not to allow any debris beyond the erosion control barrier. Some existing red maple trees will remain in the wetland replication area as determined by the supervising wetland scientist. If grading needs to be performed close to

these trees, a field determination will be made during construction to decide what grading is acceptable around these trees. During construction, care will be taken to disturb the roots as little as possible, including techniques such as making clean root cuts, hand grading, and placing mulch over the exposed areas after work has been done to protect the roots from drying out. The edge of the wetland replication plan is designed to prevent removal of as many trees as possible.

**Step 4: Excavation.** An excavator shall remove all upland soil up to the edge of the erosion control barrier within the replication area to at least 12 inches below finish grade elevation (190' +/-) or where natural muck or wetland soils are observed and the wetland scientist determines that a suitable depth has been reached. The site contractor shall work from the wetland side and move upgradient.

**Step 5: Final Grading.** Upon removal of all soil, suitable hydric soils shall be graded up from the existing haybale and silt fence edge to the edge of the replication area. The final grade for the replication area shall be 189-190' +/- . A minimum of 12 inches of the translocated topsoil from the BVW fill areas as well as any additional topsoil mixed with leaf compost shall be placed and shall be stabilized by an organic mulch tackifier. The soils are to be inspected and approved by the wetland scientist prior to installation.

**Step 6: Planting.** The following planting schedule is proposed. The plantings will be placed with the herbaceous closest to the existing wetland line, then the shrubs, then the saplings in order to imitate the existing wetland. Precise citing of plants will be done by wetland scientist in the field prior to installation.

- 5 red maple trees (*Acer rubrum*) – 4-6' tall
- 20 silky dogwood (*Cornus amomum*) – 3-4' tall
- 20 arrowwood (*Viburnum dentatum* or *recognitum*) – 3-4' tall
- 200 tussock sedge (*Carex stricta*) - 2" plugs
- 100 Boneset (*Eupatorium perfoliatum*)- 2" plugs
- 100 Joe-Pye Weed (*Eupatorium maculatum*)- 2" plugs
- New England Wetmix (Wetland Seed Mix), New England Wetland Plants- 2 lbs
- Native mulch shall be spread throughout the replication area upon completion of plantings.

**Step 7: Restoration.** The in-place restoration of the trail within BVW and the erosion control will be performed after the completion of the stabilization measures for the construction and once the erosion control can be removed. De-compaction of the soils shall be performed prior to the seed mixes. Goddard recommends the use of a seed mix in the erosion control footprint as well as in the existing trail consisting of the New England wetmix seed mix from New England Wetland Plants or the equivalent. The seed mix should be placed in the appropriate ratio, with a layer of hay or mulch placed on top to stabilize. The proposed plantings in the restoration areas are:

- 5 red maple trees, (*Acer rubrum*)- 4-6' tall
- 15 silky dogwood (*Cornus amomum*)- 3-4' tall
- 15 arrowwood (*Viburnum dentatum* or *recognitum*) – 3-4' tall
- New England Wetmix, New England Wetland Plants- 1 lb

**Step 8: Bordering Land Subject to Flooding Restoration.** Once the BLSF mitigation area is completed, it will need to be restored with native vegetation and monitored for invasive plant species. There is approximately 649 cubic feet of fill proposed within BLSF, and 649 cubic feet of compensatory storage proposed. The topsoil from the excavation area should be put aside and once excavation is completed, the topsoil returned to its location at the appropriate grade. The compensatory storage area will be replanted with native vegetation as follows:

- 2 gray birch trees (*Betula populifolia*)—4-6' tall
- 3 Sweet pepperbush (*Clethra alnifolia*)—3-4' tall
- 4 Witch hazel (*Hamamelis virginiana*)—3-4' tall
- 3 Highbush blueberry (*Vaccinium corymbosum*)—3-4' tall
- New England Roadside Matrix Upland Seed mix- 1 lb (to be used within the compensatory storage area as well as along the upgradient slope).

**Step 9: Monitoring and Reporting.** Monitoring for three full growing seasons shall occur with annual reporting to the Acton Conservation Commission. Monitoring will include documentation of success or failure of the replication area and the restoration areas. Success will be measured by the replication standards in the Wetlands Protection Act, specifically, suitable wetland soils, wetland hydrology, and 75% cover of wetland vegetation after two seasons. Where plant mortality or other indicator of failure is evident, the wetland scientist will recommend steps to correct. A soil, plant (with % coverage), and wildlife inventory will be submitted with each inspection report.

#### Performance Standards for Soils

1. If manmade topsoil is used in the replication area, the topsoil will consist of a mixture of equal volumes of organic materials and topsoil. Decomposed clean leaf compost is the preferred soil amendment.
2. "Clean" soils refer to a negligible amount of physical contaminants (plastic) or chemical contaminants (hazardous to plants and/or animals).
3. Compost should be free of invasive plant species.
4. Stockpiling standards are as follows:
  - a. Soil should not be stockpiled in wetlands or waters
  - b. Seek approval for location of stockpiled materials
  - c. Avoid stockpiling compost organics in piles over 4 feet in height
  - d. Protect stockpiles from surface water flow by containing them with hay bales and/or silt fence
  - e. Cover stockpiles with a material that prevents erosion (tarp, erosion control mat, straw, and/or temporary seed)
  - f. Inspect and repair protection measures listed above regularly (weekly), as well as before (if possible) and after storm events
  - g. Maintain moisture in the soils during droughty periods
5. Avoid soil compaction if possible or have measures prepared to rectify compaction.
6. Irrigate the plantings in the wetland replication area during the first growing season after planting to prevent drying out.

#### Invasive Plant Species Management

1. The existing replication area and BVW has few invasive plant species. To prevent the spread of invasive plant species into the site, the following measures are suggested:
  - a. Check machinery and clean it before entering the site to prevent the spread of seeds.
  - b. Ensure that the soils and compost brought on site are from companies that do not mix contaminated soils.
2. Should invasive plant species be found within the replication and restoration areas, the following measures are suggested to remove and discourage the species:
  - a. Mechanical measures:
    - i. Hand-pulling
    - ii. Hand-cutting
  - b. Chemical measures: (to be used as a last resort or if mechanical measures will not impact the specific invasive species)
    - i. Cut-stump treatment
3. The invasive plant species, like European buckthorn, within 20 feet of the wetland replication area will be hand-removed.
4. The wetland replication and restoration areas will be monitored for a period of two years following the completion of the work for invasive species growth. Management will be performed as necessary.

2/25/15

Acton Conservation Commission  
Acton Town Hall  
472 Main Street  
Acton, MA 01720

Re: Construction Sequence

Central Street/ 12 Summer Street rear, Acton, MA (DEP File #085-1148)

**Construction Sequence:**

The following sequence serves as initial guidance for the project, although the actual activities and schedule may be adjusted by the site contractor if needed:

1. Notify the Conservation Commission prior to silt fence staking.
2. Stake out the silt fence by survey, including the silt fence around the project location, the wetland replication area, and the compensatory storage area.
3. Install silt fencing along wetland replication area, compensatory storage area, and the limit of work for the project location, creating an access point for the wetland replication work and the compensatory storage work.
4. Notify Conservation Commission of silt fence installation.
5. Set up staging area in the proposed house lot B location, outside of the 100-foot Buffer Zone and the 200-foot Riverfront Area. This will be used to hold fill for the driveway as well as excavated materials from the wetland replication area, compensatory storage area, and cut slopes in separate piles. Any wetland soils will be reused for the wetland replication area. Supplies for the construction of the driveway, trenches, retaining walls, etc will be stored here as well.
6. Bring in fill as needed to create access to the site.
7. Clear access to the wetland replication area.
8. Perform wetland replication work and compensatory storage creation as laid out in the approved Wetland Replication Plan written by Goddard Consulting, LLC as mentioned in the Order of Conditions. An environmental monitor with the duties specified below will begin their routine inspections.
9. Invasive species should be removed from the wetland replication area, the compensatory storage area, the footpath restoration areas, and the surrounding areas as specified in the Wetland Replication Plan narrative in the Order of Conditions.
10. Notify Commission of wetland replication work completion.
11. Leave erosion control for wetland replication in place, repair any damage to erosion control for project area, so that the wetland replication area is protected.
12. Begin clearing for driveway construction and house construction.
13. Perform grading and hauling of fill for project area.
14. Stabilize slopes with loam and hydroseeding with a seed mix (NE Erosion Control/ Restoration for Dry Sites or NE Native Warm Season Grass mix) and tackifier. The slopes should be stabilized as they are brought to the approved grade.
15. Once grading and stabilization completed, begin installation of driveway, retaining walls, and infiltration trenches.
16. While construction of the driveway and houses is on-going, the monitoring of the replication area, footpath restoration areas, and compensatory storage area should be performed to report on native plant species growth and invasive species control with reports submitted annually (mid- to late- summer).

17. Once construction is completed, perform clean up of entire job site. Inspect for invasive species growth and submit report as needed to the Acton Conservation Commission.
18. Submit annual monitoring report to the Acton Conservation Commission and other relevant parties until 3 years have passed from the completion of the wetland replication area/ footpath restoration areas/ compensatory storage area or until the Certificate of Compliance is issued (whichever is a longer period of time).

**Duties of the Environmental Monitor:**

1. Upon commencement of the construction, the monitor should begin routine inspections (once a week or after rainfall of at least a quarter inch).
2. The routine inspections should be a review of the erosion controls and monitoring that work is proceeding as planned and following the approved site plans. Should sediment be built up halfway up the erosion control, then the contractor should be notified to remove the sediment and make any repairs to the erosion control.
3. During the construction of the wetland replication area, footpath restoration areas, and compensatory storage area, the monitor should be present to supervise the work.
4. Once the replication, restoration, and compensatory storage areas are completed, the monitor should inspect the areas for native plant growth and invasive species growth during the course of their routine inspections. Should invasive species be identified, the monitor should notify the contractor and inform them of what needs to be removed.
5. The monitor should perform the routine inspections until the construction of the driveway within the 50-foot buffer zone has been completed and the slopes stabilized.
6. Once the slopes are stabilized, the routine inspections can be decreased to once every other week and after heavy rainfall over a quarter inch. The inspections should continue to review the erosion control for damage, the slopes to ensure stability, and the replication/restoration/compensatory storage areas for native and invasive growth.
7. The monitor should send brief reports to the client after each inspection summarizing the state of the site and including any recommendations. A report summarizing the work performed should be sent to the client and the Commission once monthly.

If there are any questions about this Construction Sequence or the duties of the environmental monitor, please contact us.

Very truly yours,  
GODDARD CONSULTING, LLC

by



Scott Goddard, Principal & PWS

Revised March 9, 2015  
February 25, 2014

## **Operation and Maintenance Plan**

Re: Central Street/ 12 Summer Street rear, Acton, MA

This plan covers the proposed infiltration trenches to the driveway post-construction as well as the proposed erosion controls during construction and stabilization. The stormwater management system is referenced in the following plans:

*Sheet 2, Notice of Intent Plan for the Central Street P.C.R.C., R. Wilson and Associates, 2/25/15*

*Sheet 3, Notice of Intent Plan for the Central Street P.C.R.C., R. Wilson and Associates, 2/25/15*

*Sheet 4, Cross-section Plan for Proposed Driveway, R. Wilson and Associates, 2/25/15*

*Sheet 5, P.C.R.C. Driveway Detail & Details, R. Wilson and Associates, 2/25/15*

### **Stormwater Management System Owner:**

Prior to construction completion and/or sale of homes: Current property owner and developer

After driveway completion and/or sale of homes: Homeowner's Association

### **Responsible Party:**

During Construction: Site contractor

After Construction: Homeowner's Association

### **General Site Restrictions:**

The following conditions are imposed as part of this plan:

Illicit discharges into the stormwater management system are perpetually prohibited.

### **Housekeeping and Reporting:**

The property owner or designated property manager (Homeowner's Association) will be responsible for carrying out this operation and maintenance plan. All maintenance conducted shall be recorded and the records shall be kept for at least three years for auditing by approving authorities or relevant Town officials. The site maintenance log will be completed and at a minimum will contain the following items:

Date activity performed, last rain event before inspection, the condition of the inspected BMP, specific maintenance task, staff or contractor performing activity, verification of maintenance activity, and recommended additional maintenance tasks.

### **Routine Operation and Maintenance:**

#### *Sediment and Erosion Control*

During construction, biweekly inspection of erosion controls should be conducted by a qualified expert. Any displaced or damaged straw wattles should be restored or repaired immediately. Once stabilization procedures are performed (ex: hydroseeding of slopes), the inspection frequency can be decreased to once every two weeks.

### *Long-term Pollution Source Control*

All potential pollution materials must be stored properly inside and under cover:

Fuel, fertilizers, herbicides, pesticides, house cleaning chemicals, de-icing materials

Snow shall be plowed and stored in a vegetated area or dedicated spaces along the driveway where runoff from snow melt will be collected and treated by the driveway infiltration trenches, rather than flowing directly into the BVW. Snow will not be plowed into the BVW.

All hazardous materials (light bulbs, batteries, etc.) shall be recycled or disposed of in accordance with State and Town requirements.

Pet waste, if any, shall be collected and disposed of properly in accordance with Town Policy. **No pet wastes shall be left on the infiltration trenches or dumped into the BVW.**

### *Pavement Sweeping/ General Landscape Maintenance*

During construction, the driveway and entrance to the work site shall be swept as required by the Acton Conservation Commission.

Post construction, the proposed gravel sidewalk and infiltration trenches will be maintained as needed. The proposed gravel sidewalk will be kept clear of obstacles and maintained for handicap access as required by Planning Board. The infiltration trenches will maintained as mentioned below.

Post construction, there will be two signs placed along the sidewalk to show the public access route to the trails. One sign will be placed at the entrance to the site, with the following language: "Public Access to Trail- Stay on sidewalk, pick up after pets". The second sign will be placed where the sidewalk ends and foot traffic returns to the existing footpath, with the following language: "Public Access to Trail- Follow arrow, do not walk up driveway, please pick up after pets".

### *Drainage/ Stormwater Structure*

If the infiltration trenches are completed before construction finishes on the rest of the site, the trenches should be inspected before and after rainstorms. If the trenches are filled with debris and sediment, they should be cleaned. **After completion of construction**, the infiltration trenches should be inspected at least four times per year: once after snow melt, once in June (arrival of hurricane season), once after leaf fall, and once after the first snow fall. Any debris or excessive sediment in the trenches should be cleaned out.

The surface layer of stones should be kept clear of debris and trash. The function of the infiltration trenches should be monitored to ensure proper infiltration of stormwater. In the event of ponding or slow stormwater infiltration, clogging of the bottom surface of the trench may be occurring. Replacement of the stone and filter fabric will be required to restore for adequate infiltration.

### **Emergency Action or Accidental Spill Plan:**

In the case of an accident in the driveway, where *significant* (defined by the DEP standard mentioned in 310 CMR 40.1600, in 2014 as 5 gallons) gasoline or other petroleum products are released, the following procedures must be followed:

Plug the infiltration trenches near to the point of spillage. Immediately notify the Acton Fire Department, Board of Health, Conservation Commission, and the MA Department of Environmental Protection (DEP). Acton is in the Central Region of DEP, and the current location is 8 New Bond Street, Worcester, MA 01606, (508) 792-7650.

### Emergency Contact List:

Homeowner's Association

Town Fire Department, (978) 264-9645

Town Conservation Commission, (978) 929-6634

Town Board of Health, (978) 929-6632

DEP-CERO, spill emergency, (508) 792-7650

If any of these agencies so direct, a cleanup firm shall be immediately contacted. If the materials have remained trapped in the infiltration trenches, then the trenches shall be cleaned out. If the volume of the spill is such that materials have infiltrated into the surrounding soils and BVW, then corrective actions shall be extended as needed. As clean up technology is advancing, the technology shall be specified on site just after the spill.

**Estimated Budget:**

The estimated annual budget to perform the routine scheduled maintenance is approximately \$---. This estimate does not include the repair of the trenches, snow plowing, or other non-routine tasks.

**Summary:**

The maintenance steps outlined above are sufficient to prevent sediment accumulation from affecting the long-term performance of the infiltration trenches. If maintenance is not conducted, then the infiltration trenches may be impacted by debris or sediment, which will impeded the function of the stormwater treatment and infiltration of runoff. Routine maintenance is the most cost-effective in the long run. There are infiltration trenches along both sides of the driveway, interrupted by the gravel turnarounds.

If you have any questions, please feel free to contact us.

Very truly yours,  
GODDARD CONSULTING, LLC

by 

Scott Goddard, Principal & PWS

8/10/15

Acton Conservation Commission  
Acton Town Hall  
472 Main Street  
Acton, MA 01720

Re: Waiver Request  
176 Central Street (formerly 12 Summer Street rear), Acton, MA

Dear Acton Conservation Commission:

Goddard Consulting, LLC is pleased to submit this Waiver Request under the Acton Wetlands Protection Bylaw for the proposed project at 176 Central Street. The Waiver is required under section F4.6 of the Bylaw and section 1.5 of the Regulations.

Bylaw and Regulations Analysis

Regarding section 3.3 of the Bylaw, Goddard requests a Waiver of the required setbacks to the bordering vegetated wetland. The section reads as follows:

*"The setbacks shall be as follows:*

- (1) 0-foot setback for wetland-dependent structures (drain outfalls, weirs, etc.), fences, and structures necessary for upland access where reasonable alternative access is unavailable.*
- (2) 50-foot setback of undisturbed natural vegetation.*
- (3) 75-foot no-build setback to the edge of driveways, roadways, and structures.*
- (4) 50-foot chemical free area, within which no fertilizers, herbicides, pesticides or other chemical maintenance substances shall be used.*
- (5) 100-foot setback for underground storage of gasoline, oil, or other fuels and hazardous materials.*
- (6) 100-foot setback of undisturbed natural vegetation to the mean high water line for vernal pools."*

Regarding the 0-foot setback rule, the section of the proposed driveway, sidewalk, and infiltration structure that intersects the wetland is due to the fact that there is no reasonable alternative access to the upland area where the houses are proposed. Efforts are made to keep the structures away from the wetland, and where the existing slope, wetland, and property lines make that impossible, the project proposes in-place restoration as well as a greater than 1:1 ratio of replication.

Regarding the 50-foot setback, the same issue due to the steepness of slope arises making the proposed driveway location within the 50-foot setback. However, the project layout makes a great deal of effort to bring proposed structures other than the driveway out of the 50-foot setback, as well as proposing numerous plantings within the 50-foot setback to re-vegetate areas that are impacted by construction.

The 75-foot no build setback is respected beyond the driveway location and a section of the fire cistern, with plantings proposed to re-vegetate the buffer zone. The 100-foot setback for underground storage of

hazardous materials will be respected and does not need a waiver. The proposed work otherwise meets the requirements of the Bylaw and regulations.

The Waiver is in the public benefit due to the fact that the approval of the project will then place the proposed sidewalk under an easement which allows the public to continue to access the trails on the property in perpetuity. The sidewalk is proposed specifically for the safety of the public when entering the property. The sidewalk will keep impacts away from the wetland, as sections of the current trail are within the delineated wetland and the soils are compacted by travel on the trails. The placing of the sidewalk under an easement and the portion of the site not proposed for construction under the restriction protects the site from future development and reserves it for public recreation.

The project is consistent with the intent and purpose of the Bylaw in that it acts to protect the adjacent wetland and land subject to flooding by limiting impacts as much as possible by keeping construction within setbacks to the driveway and associated structures, as well as proposing significant restoration, replication, and preservation of the resources on site. Restoration and replication of the wetland and bordering land subject to flooding is in a greater than 1:1 ratio to the impact proposed, and the majority of the wetland and land subject to flooding is proposed to be placed under a restriction to prevent future development and to protect the resources.

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

Sincerely,  
GODDARD CONSULTING, LLC

by

A handwritten signature in black ink, appearing to read "Scott Goddard", written in a cursive style.

Scott Goddard, Principal & PWS

3/16/15

Acton Conservation Commission  
472 Main Street  
Acton, MA 01720

Re: Additional information requested at March 4, 2015 hearing  
12 Summer Street Rear/ Central Street NOI (DEP #085-1148)

Dear Acton Conservation Commission:

Goddard Consulting, LLC is pleased to submit this letter covering the additional information requested at the hearing held March 4<sup>th</sup>, 2015. The Commission requested the following:

1. A letter from the engineer confirming that the proposed Conservation Restriction property lines meet the Planning Board conditions.
2. Pay the Ecotec peer review invoice.
3. Create some language for the Homeowner's Association document that explains how the Association would be formed and how the maintenance of the driveway and infiltration trenches would be enforced.
4. Add a section to the O+M plan that discusses putting up signage for public access as well as some draft language for the signs.
5. Create a planting plan for the Buffer Zone after construction is completed. Include a table with the trees to be removed.
6. Create a list of the most recent documents submitted, to be referenced in the Order.

The following is a summary of the action taken towards these requests:

1. The letter from the engineer will be submitted.
2. The Ecotec invoice has been paid.

3. The Homeowner's Association document language is as follows:

*"Vehicle & Pedestrian Access Easement: The shared driveway shall be subject to a perpetual, nonexclusive easement for ingress and egress granting access to all the parcel owners and their occupants, agents, employees, guests, services and emergency vehicles, with the understanding that the gravel sidewalk along the driveway is open to the public in order to access the trail system. This public access is perpetual and cannot be removed by a future homeowner or parcel owner."*

*"The homeowners shall be responsible for monitoring the condition of the infiltration trenches and driveway surface and initiating maintenance activities as needed to maintain the driveway surface and the optimal conditions of the infiltration trenches. The homeowners shall perform their duties and functions as required in the operation and maintenance plan, which is attached hereto."*

*"Maintenance: driveway and trench maintenance and improvements will be undertaken and made whenever necessary to maintain the driveway in good operating condition at all times and to insure*

*the provision of safe access by emergency vehicles. Homeowners must split the maintenance expenses between them."*

*"Cost sharing: driveway maintenance, snow plowing, and infiltration trench maintenance costs shall be shared between the parcel owners. The share of costs shall be split evenly between the properties. The cost allocations may be adjusted per Homeowner agreement and the Town shall be updated."*

*"Amendment: This Agreement may only be amended by the consent of both Homeowners, after approval by the local Planning Board, and in the case of any amendments to the agreement with regard to the infiltration trenches, approval by the local Conservation Commission."*

*"Enforcement: This Agreement may be enforced by the parcel owners. If a court action or lawsuit is necessary to enforce this Agreement, the party commencing such action or lawsuit shall be entitled to reasonable attorney fees and costs if the party prevails. If a dispute arises over any aspect of the improvements, maintenance, repair, or replacement, a third party arbitrator shall be appointed to resolve the dispute. The decision of the arbitrator shall be final and binding on both the parcel owners. Contact information for local arbitrators can be obtained through the American Arbitration Association. Both parties shall share in the cost of any arbitration. Should the Homeowners attempt to obstruct public access to the trail system, the Town may take action against the Homeowners."*

4. The section in the O+M plan regarding signage has been added.
5. The tree removal summary and proposed planting is attached.
6. The list of the most recent documents submitted by Goddard Consulting on behalf of the applicant is as follows:

*Overview for Notice of Intent Sheet 1, R. Wilson & Associates, revised 2/25/15*

*Notice of Intent Plan Sheet 2, R. Wilson & Associates, revised 2/25/15*

*Notice of Intent Plan Sheet 3, R. Wilson & Associates, revised 2/25/15*

*Cross-section Plan for Proposed Driveway Sheet 4, R. Wilson & Associates, revised 2/25/15*

*P.C.R.C. Driveway Profile & Details Sheet 5, R. Wilson & Associates, revised 2/25/15*

*Notice of Intent Plan Showing Trees for Removal Sheet 6, R. Wilson & Associates, rev. 2/25/15*

*Notice of Intent Plan Showing Trees for Removal Sheet 7, R. Wilson & Associates, rev. 2/25/15*

*Replication Area Plan Sheet 8, R. Wilson & Associates, revised 2/25/15*

*Conservation Restriction Plan, R. Wilson & Associates, revised 2/25/15*

*Construction Sequence, Goddard Consulting, LLC, dated 2/25/15*

*Summary email from Rachel Watsky, Goddard Consulting, LLC, dated 2/27/15*

*Operation & Maintenance Plan, Goddard Consulting, LLC, revised 3/9/15*

*Wetland Replication Plan, Goddard Consulting, LLC, revised 2/2/15*

*Summary email from Rachel Watsky, Goddard Consulting, LLC, dated 2/2/15*

*Additional Information, Goddard Consulting, LLC, dated 9/11/14*

Please feel free to contact us for any clarification or if more information is needed.

Very truly yours,  
GODDARD CONSULTING, LLC

by 

Scott Goddard, Principal & PWS



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
085-1148  
MassDEP File #  
eDEP Transaction #  
ACTON  
City/Town

**A. General Information**

1. From: ACTON  
Conservation Commission

2. This issuance is for (check one):  
a.  Order of Conditions b.  Amended Order of Conditions

3. To: Applicant:

WILLIAM D. CHISHOLM  
a. First Name b. Last Name

MT. LAUREL REALTY  
c. Organization

390 GOODRICH STREET  
d. Mailing Address

LUNENBURG MA 01462  
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

SAME  
a. First Name b. Last Name

c. Organization

d. Mailing Address

e. City/Town f. State g. Zip Code

5. Project Location:

12 SUMMER STREET (LOT 2) ACTON  
a. Street Address b. City/Town

F-2B & G-2 200  
c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: 42.468250 71.475679  
d. Latitude e. Longitude



Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Wetlands  
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 City/Town

**A. General Information (cont.)**

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):  
 MIDDLESEX SOUTH
- |           |  |
|-----------|--|
| a. County | b. Certificate Number (if registered land) |
| 58521     | 358  |
| c. Book   | d. Page                                    |
7. Dates:      MAY 23, 2013      April 1, 2015      April 15, 2015  
                   a. Date Notice of Intent Filed      b. Date Public Hearing Closed      c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):  
 NOTICE OF INTENT PLAN FOR CENTRAL STREET PCRC
- |                                      |                |                          |
|--------------------------------------|----------------|--------------------------|
| a. Plan Title                        | b. Prepared By | c. Signed and Stamped by |
| R. WILSON & ASSOCIATES               | Feb. 25, 2015  | RUSSELL D. WILSON        |
| d. Final Revision Date               | e. Scale       |                          |
| See page 14 for plan listing         | 1" = 50'       |                          |
| f. Additional Plan or Document Title |                | g. Date                  |

**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act:
- Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- |   |  |   |
|---|--|---|
| a. <input checked="" type="checkbox"/> Public Water Supply  | b. <input type="checkbox"/> Land Containing Shellfish          | c. <input checked="" type="checkbox"/> Prevention of Pollution        |
| d. <input checked="" type="checkbox"/> Private Water Supply | e. <input checked="" type="checkbox"/> Fisheries               | f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| g. <input checked="" type="checkbox"/> Groundwater Supply   | h. <input checked="" type="checkbox"/> Storm Damage Prevention | i. <input checked="" type="checkbox"/> Flood Control                  |
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved subject to:**

- a.  the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



Massachusetts Department of Environmental Protection  
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**B. Findings (cont.)**

Denied because:

- b.  the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c.  the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3.  Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) 0  
 a. linear feet

**Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)**

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	<u>830</u> a. square feet	<u>830</u> b. square feet	<u>1375</u> c. square feet	<u>1375</u> d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. c/y dredged	f. c/y dredged		
7. <input checked="" type="checkbox"/> Bordering Land Subject to Flooding	<u>649</u> a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	<u>649</u> e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
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## B. Findings (cont.)

**Coastal Resource Area Impacts:** Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	<u>                    </u> a. square feet	<u>                    </u> b. square feet		
	<u>                    </u> c. c/y dredged	<u>                    </u> d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. nourishment cu yd	<u>                    </u> d. nourishment cu yd
14. <input type="checkbox"/> Coastal Dunes	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. nourishment cu yd	<u>                    </u> d. nourishment cu yd
15. <input type="checkbox"/> Coastal Banks	<u>                    </u> a. linear feet	<u>                    </u> b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	<u>                    </u> a. square feet	<u>                    </u> b. square feet		
17. <input type="checkbox"/> Salt Marshes	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	<u>                    </u> a. square feet	<u>                    </u> b. square feet		
	<u>                    </u> c. c/y dredged	<u>                    </u> d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
20. <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			
	<u>                    </u> a. c/y dredged	<u>                    </u> b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	<u>                    </u> a. square feet	<u>                    </u> b. square feet		



Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Wetlands  
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 City/Town

**B. Findings (cont.)**

\* #22. 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.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

22.  Restoration/Enhancement \*:  
 a. square feet of BVW \_\_\_\_\_ b. square feet of salt marsh \_\_\_\_\_
23.  Stream Crossing(s):  
 a. number of new stream crossings \_\_\_\_\_ b. number of replacement stream crossings \_\_\_\_\_

**C. General Conditions Under Massachusetts Wetlands Protection Act**

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. the work is a maintenance dredging project as provided for in the Act; or
  - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on \_\_\_\_\_ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
085-1148  
MassDEP File #  

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eDEP Transaction #  
ACTON  
City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,  

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]  
"File Number            085-1148 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

**NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS**

19. **The work associated with this Order (the “Project”) is (1)  is not (2)  subject to the Massachusetts Stormwater Standards. If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
  - ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
  - iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;
  - iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
  - v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.



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### C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement (“O&M Statement”) for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan (“O&M Plan”) and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- g) The responsible party shall:
  - 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
  - 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
  - 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

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**SEE PAGES 13 & 14 for Special Conditions.**

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**WPA Form 5 – Order of Conditions**

**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

- 1. Is a municipal wetlands bylaw or ordinance applicable?  Yes  No
- 2. The ACTON hereby finds (check one that applies):  
Conservation Commission
- a.  that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b.  that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:  
Town of Acton-Chapter F – Wetlands Bylaw
- 3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.  
The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

**This project was not filed under the Town of Acton WP By-law. No work may commence on site until such time that the Applicant has received an Order of Conditions approving the project under said By-law!**



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 5 – Order of Conditions**  
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**E. Signatures**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

4/15/2015  
 1. Date of Issuance  
6  
 2. Number of Signers

Please indicate the number of members who will sign this form.  
 This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed 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 Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

*Stephen Ferguson*  
*Thomas B. Arnold*  
*[Signature]*  
*Terrence Marthand*  
*James C. Colman*  
*Paula Goodwin*  
April 21, 2015

by hand delivery on

by certified mail, return receipt requested, on

Date

Date

**F. 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 MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of 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 associated with this appeal 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 providing written information to the Department prior to issuance of a Superseding Order.

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 ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

## WPA Form 5 – Order of Conditions

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

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### G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

ACTON

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

ACTON

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

12 SUMMER STREET, LOT 2

Project Location

85-1148

MassDEP File Number

Has been recorded at the Registry of Deeds of:

MIDDLESEX SOUTH

County

Book

Page

for:

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

## **SPECIAL CONDITIONS REQUIRED BY THE ACTON CONSERVATION COMMISSION:**

1. Prior to initiation of the work, the project foreman shall review the order with the Commission or its Agent, and shall sign and date a copy of the order acknowledging he/she has read, understands, and will abide by the order. A signed copy of the Order of Conditions will be present on-site during construction.
2. This Order of Conditions shall apply to any successor in interest or successor in control.
3. Members and agents of the Conservation Commission shall have the right to enter and inspect the premises to evaluate compliance with the Order and to require the submittal of any data deemed necessary by the Commission for that evaluation. Site walks, at the discretion of the Commission, may involve participation of the Project Monitor
4. All drainage facilities and related structures and equipment shall be continually operated and maintained so as to comply with this Order of Conditions. The operation and maintenance of the facilities and structures shall be on-going and will not expire at the end of one year or with the issuance of the Certificate of Compliance.
5. This order applies only to the work described in the Notice of Intent and shown on the plans referenced in General Condition 8. Any change made, or intended to be made, in the plans shall require the applicant to file a new Notice of Intent, or to inquire of the Commission, in writing, whether the change is substantial enough to require a new filing. No work associated with any change shall be initiated without the prior approval of the Commission or its Agent.
6. The Conservation Commission shall have the right to file this Order of Conditions in the Registry of Deeds should the applicant fail to do so within 60 days.
7. Accepted engineering and construction standards and procedures shall be followed in the completion of this project.
8. The Commission shall be notified in writing 10 days prior to the commencement of any site work. Failure to so notify the Commission shall result in the issuance of an Enforcement Order. No work shall commence in till such time as the Commission or its Agent has inspected and approved the surveyed erosion control line.
9. The Petitioner is advised that this Order in no way absolves him of responsibility to other property owners upon whose land he discharges water directly or indirectly.
10. Erosion control measures approved by the Commission shall be installed prior to the first phase of construction and the Commission shall be notified of their placement and no work shall begin before inspection by the Commission and or its Agent. Erosion Control measures will be reviewed onsite by the Commission's Agent and the Project Monitor prior to commencement of work.
11. Any materials collected by the erosion control measures shall be removed and properly disposed of.
12. All site work shall be completed as quickly as possible to minimize the duration of exposure of disturbed areas. If work is suspended for more than 30 days the applicant shall consult with the Commission and or its Agent to determine appropriate temporary stabilization methods to be employed and maintained during the period of inactivity.
13. No salt or other deicing chemicals shall be used on roadways and parking areas on the site.
14. All disturbed upland areas not otherwise addressed in this application shall be covered with six inches of topsoil and seeded.
15. Violation of any condition of this Order may result in the issuance of an Enforcement Order. Such Enforcement Order, if issued, will require the immediate cessation of all work until a hearing is held; such hearing will be held not more than 10 days from the issuance of the Enforcement Order.

16. The work authorized hereunder shall be completed within three years from the date of this Order unless the Order is renewed prior to expiration. Acton Bylaw permits only one (three year) extension of the OOC.
17. There shall be no use of fertilizers, pesticides, herbicides or chemicals of any kind within the 50-foot buffer zone.
18. There shall be no underground storage of gasoline, oil or other fuels or hazardous materials within the one-hundred (100) foot buffer zone. Please refer to Acton's wetlands bylaw.
19. The Commission reserves the right to impose additional conditions to mitigate any actual or potential impacts resulting from the permitted work.
20. Once approved by the Commission or its Agent, all erosion control measures must be removed from the site within 30 days of the stabilization of the area of activity.
21. The Applicant shall place 2-3 foot diameter boulders, (5 feet on center) buried to one half their depth along the 50 foot buffer zone line from where it crosses the extreme eastern property boundary of Lot A to the western boundary of Lot B.
22. The Applicant shall hire a project monitor approved by the Commission. Said monitor shall oversee construction of driveway, wetland replication, floodplain compensatory storage, and planting and upland restoration, and shall provide weekly reports to the Commission and immediately report any deviations from the approved plans.
23. The Homeowners and the Homeowners' Association are responsible for the implementation and compliance with the Operations and Maintenance Plan in perpetuity.
24. The applicant shall report annually for a period of three years on the progress of the wetland replication and buffer zone restoration area. The Commission's Agent shall review the wetlands replication area with the Project Monitor for compliance.

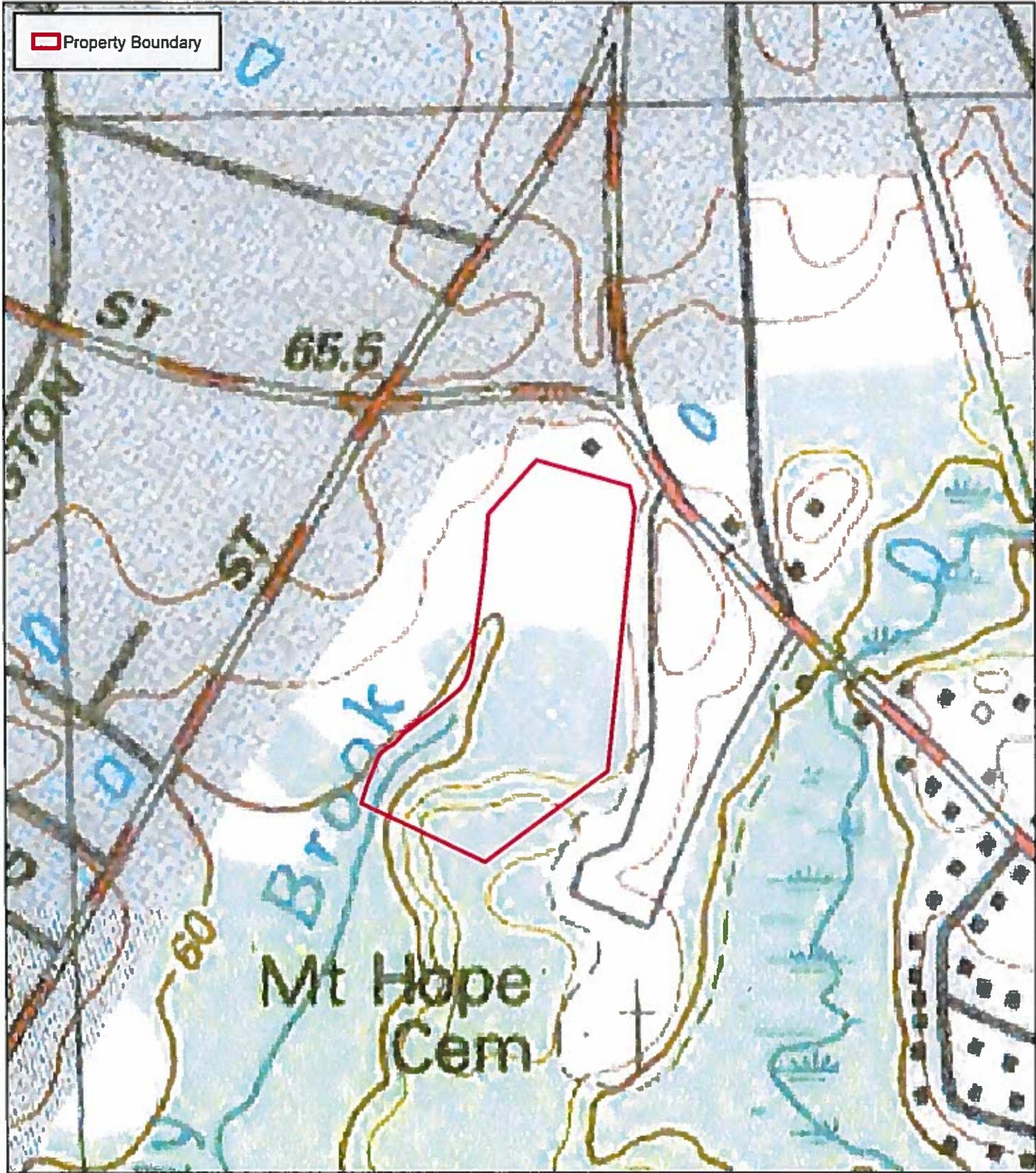
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**Issue of note: (as stated on page 10):**

This project was not filed under the Town of Acton WP By-law. No work may commence on site until such time the Applicant has received an Order of Conditions approving the project under said By-law!

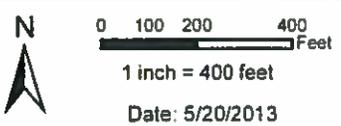
**Plans and Documents: from page 2**

Sheet 1: Overview of NOI for Proposed P.C.R.C.  
Sheet 2: Notice of Intent for the Central St. P.C.R.C. in Acton, MA  
Sheet 3: Notice of Intent Plan for the Central St. P.C.R.C.  
Sheet 4: Cross-Section Plan for Proposed Driveway  
Sheet 5: P.C.R.C. Driveway Profile and Details  
Sheet 6: Notice of Intent Plan Showing Trees for Removal  
Sheet 7: Notice of Intent Plan Showing Trees for Removal  
Sheet 8: Replication Area Plan for Proposed Driveway at Parcel A, Central St.  
Tree Replanting Plan  
Operation and Maintenance Plan  
Construction Sequence  
Wetland Replication Plan: revised Feb. 2, 2015; Lot 2, Summer St.  
Seed Selection  
Conservation Restriction Plan



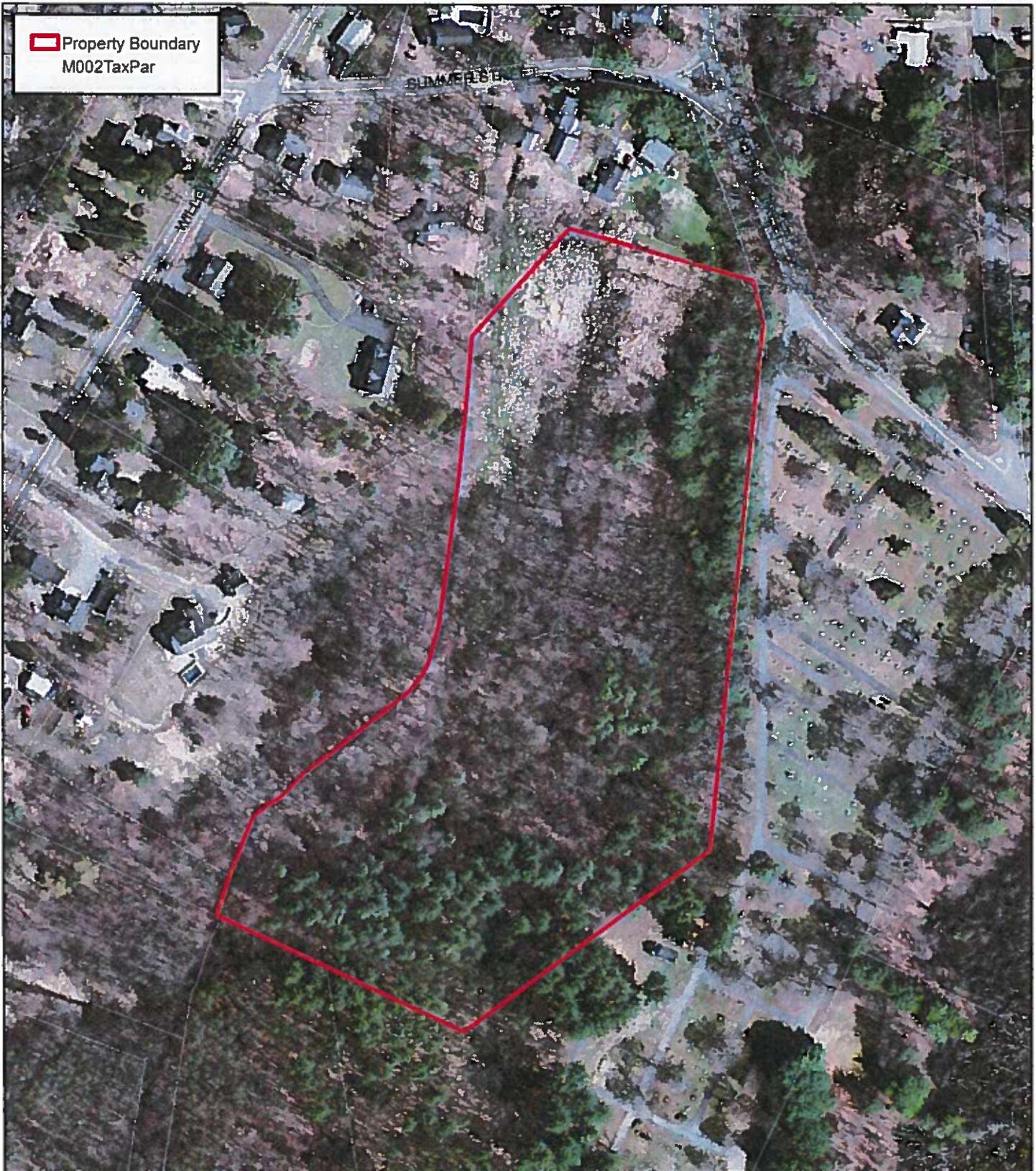
## USGS Site Locus

12 Summer Street, Lot #2 - Acton, MA



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





## Orthophoto View of Site

12 Summer Street, Lot #2 - Acton, MA



0 50 100 200  
Feet

1 inch = 200 feet

Date: 2/27/2014

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

GODDARD CONSULTING

Scott Goddard, PWS  
Professional Wetland Scientist