

**Stamski and McNary, Inc.**

Engineering - Planning - Surveying

1000 Main Street Acton, MA 01720 (978) 263-8585

[www.stamskiandmcnary.com](http://www.stamskiandmcnary.com)

## Notice of Intent

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

and

The Town of Acton Wetland Protection Bylaw

for

**353 Main Street  
Acton, MA 01720**

Applicant: Robert Pace  
21 Royal Crest Drive #9  
North Andover, MA 01845

Date: October 29, 2015

## **Table of Contents**

- Project Narrative
- Notice of Intent – WPA Form 3
- Certified Abutters List / Affidavit / Notice to Abutters

### Attachments:

- A. U.S.G.S. Map
- B. Massachusetts Natural Heritage Atlas 13<sup>th</sup> edition, Effective: October 1, 2008
- C. FEMA Flood Insurance Map
- D. DEP BVW Delineation Field Data Forms
- E. Sewage Disposal Plan by Stamski and McNary, Inc.

## **Project Narrative**

## **Project Narrative**

### **Project Description**

The proposed project is to construct a single family dwelling, sewage disposal system, driveway and associated appurtenances within the 100' Buffer Zone of a Bordering Vegetated Wetland (BVW).

### **Existing Conditions**

The site is a vacant lot that abuts Route 2 West. The site consists largely of woods and BVW with a cleared area outside of the BVW. Much of the area outside the BVW has been previously disturbed.

### **Resource Area Descriptions**

The resource area includes a Bordering Vegetated Wetland (BVW). The BVW is located to the south of the site.

### **Massachusetts Endangered Species Act Review:**

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

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

A portion of the proposed driveway and associated grading is located within the 50' "Undisturbed Natural Vegetation" as well as the 75' No-Build. Per Section F8.3 of the Bylaw a 0-foot setback for structures necessary for upland access where reasonable alternative access is unavailable is allowed. The only upland access to the property is off of Main Street and a majority of the site is wetlands. Therefore, no means of alternate access exist that would keep the driveway outside either the 50' "Undisturbed Natural Vegetation" or 75' No-Build. The proposed dwelling and sewage disposal system, with the exception of a portion of the force main, will be located outside the 75' No-Build.

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

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

### **Summary:**

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

**Notice of Intent - WPA Form 3**



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

Provided by MassDEP:

**WPA Form 3 – Notice of Intent**

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

MassDEP File Number

Document Transaction Number

Acton

City/Town

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



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

**A. General Information**

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

<u>353 Main Street</u>	<u>Acton</u>	<u>01720</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:	<u>42D 28' 46" N</u>	<u>71D 26' 42" W</u>
	d. Latitude	e. Longitude
<u>F3</u>	<u>70</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Robert</u>	<u>Pace</u>	
a. First Name	b. Last Name	
c. Organization		
<u>21 Royal Crest Drive #9</u>		
d. Street Address		
<u>North Andover</u>	<u>MA</u>	<u>01845</u>
e. City/Town	f. State	g. Zip Code
<u>(603) 548-9990</u>	<u>Rpace100@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>First Evergreen Properties, LLC</u>		
a. First Name	b. Last Name	
c. Organization		
<u>36 Summer Street SS3-2</u>		
d. Street Address		
<u>Natick</u>	<u>MA</u>	<u>01760</u>
e. City/Town	f. State	g. Zip Code
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

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

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

<u>\$500.00</u>	<u>\$237.50</u>	<u>\$262.50+\$100.00 Bylaw Fee</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



# WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Acton

City/Town

## A. General Information (continued)

6. General Project Description:

Construction of a single family dwelling with a sewage disposal system, driveway and associated appurtenances within the 100' Buffer Zone of a Bordering Vegetated Wetland.

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:

Middlesex South

a. County

63833

c. Book

b. Certificate # (if registered land)

415

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.



# WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Acton

City/Town

## 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.

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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	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

- f.  Riverfront Area
1. Name of Waterway (if available) - specify coastal or inland
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.
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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)

**Note:** for coastal riverfront areas, please complete **Section B.2.f.** above.



# WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Acton

City/Town

## 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.  Restoration/Enhancement  
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

\_\_\_\_\_

a. square feet of BVW

\_\_\_\_\_

b. square feet of Salt Marsh

5.  Project Involves Stream Crossings

\_\_\_\_\_

a. number of new stream crossings

\_\_\_\_\_

b. number of replacement stream crossings



# WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Acton

City/Town

## C. Other Applicable Standards and Requirements

- 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

- October 1, 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.



# WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Acton

City/Town

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

(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.



# WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Acton

City/Town

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

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

4. Is any portion of the proposed project within an Area 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.



# WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Acton

City/Town

## 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.

### Sewage Disposal Plan

a. Plan Title

Stamski and McNary, Inc.

b. Prepared By

October 28, 2015

d. Final Revision Date

George Dimakarakos, P.E.

c. Signed and Stamped by

As shown

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:

1038

2. Municipal Check Number

1040

4. State Check Number

David

6. Payor name on check: First Name

10/30/15

3. Check date

10/30/15

5. Check date

Russell

7. Payor name on check: Last Name



# WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Acton

City/Town

## 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 *Daniel R. Price*

3. Signature of Property Owner (if different) \_\_\_\_\_

5. Signature of Representative (if any) \_\_\_\_\_

2. Date *10/29/2015*

4. Date \_\_\_\_\_

6. Date \_\_\_\_\_

### For Conservation Commission:

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

### For MassDEP:

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

### Other:

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

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



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

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



**A. Applicant Information**

1. Location of Project:

353 Main Street  
 a. Street Address  
 1040  
 c. Check number  
 Acton  
 b. City/Town  
 \$ 237.50  
 d. Fee amount

2. Applicant Mailing Address:

Robert  
 a. First Name  
 Pace  
 b. Last Name  
 c. Organization  
 21 Royal Crest Drive #9  
 d. Mailing Address  
 North Andover MA 01845  
 e. City/Town f. State g. Zip Code  
 (603) 548-9990 rpace100@aol.com  
 h. Phone Number i. Fax Number j. Email Address

3. Property Owner (if different):

a. First Name  
 First Evergreen Properties, LLC  
 c. Organization  
 36 Summer Street SS3-2  
 d. Mailing Address  
 Natick MA 01760  
 e. City/Town f. State g. Zip Code  
 h. Phone Number i. Fax Number j. Email Address

**B. Fees**

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

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

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

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

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

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

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

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



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

**B. Fees (continued)**

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Construction of a single family dwelling, sewage disposal system, driveway and associated appurtenances.	1	\$500.00	\$500.00
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**Step 5/Total Project Fee:** \_\_\_\_\_

**Step 6/Fee Payments:**

Total Project Fee:	\$500.00
State share of filing Fee:	a. Total Fee from Step 5 \$237.50
City/Town share of filling Fee:	b. 1/2 Total Fee less \$12.50 \$262.50 + \$100.00 Bylaw Fee

**C. Submittal Requirements**

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

Department of Environmental Protection  
 Box 4062  
 Boston, MA 02211

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

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

1000, LLC  
DAVID C RUSSELL  
28 COUNTRY CLUB LANE  
MIDDLETON, MA 01949

53-7027/2113

1040

DATE 10/30/15 PMP

PAY TO THE ORDER OF Commonwealth of Massachusetts \$ 237.50  
Two Hundred thirty-seven 50/100 DOLLARS

Heat Reactive Ink

SECURITY BLUE INK SECURITY

**Everett**  
CO-OPERATIVE  
Bank

419 BROADWAY  
EVERETT, MA 02149  
617-387-1110

MEMO 353 Acton



LOOK FOR FRAUD-DETERRING FEATURES INCLUDING THE SECURITY SQUARE AND HEAT-REACTIVE INK. DETAILS ON BACK.

1000, LLC  
DAVID C RUSSELL  
28 COUNTRY CLUB LANE  
MIDDLETON, MA 01949

53-7027/2113

1039

DATE 10/30/15 PMP

PAY TO THE ORDER OF Town of Acton \$ 100.00  
One Hundred 00/100 DOLLARS

Heat Reactive Ink

SECURITY BLUE INK SECURITY

**Everett**  
CO-OPERATIVE  
Bank

419 BROADWAY  
EVERETT, MA 02149  
617-387-1110

MEMO 353 Main Acton



LOOK FOR FRAUD-DETERRING FEATURES INCLUDING THE SECURITY SQUARE AND HEAT-REACTIVE INK. DETAILS ON BACK.

1000, LLC  
DAVID C RUSSELL  
28 COUNTRY CLUB LANE  
MIDDLETON, MA 01949

53-7027/2113

1038

DATE 10/30/15 PMP

PAY TO THE ORDER OF Town of Acton \$ 262.00  
Two Hundred sixty-two 00/100 DOLLARS

Heat Reactive Ink

SECURITY BLUE INK SECURITY

**Everett**  
CO-OPERATIVE  
Bank

419 BROADWAY  
EVERETT, MA 02149  
617-387-1110



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



Town of Acton  
 472 Main Street  
 Acton, MA 01720  
 Telephone (978) 264-9622  
 Fax (978) 264-9630

Brian McMullen  
 Chief Assessor

Locus: 353 Main Street  
 Parcel ID: F3-70

Location	Parcel ID	Owner	Co-Owner	Mailing Address	City ST Zip
F3-32	362 MAIN ST	WALKER REALTY LLC		2 LAN DR	WESTFORD, MA 01886
F3-33	364 MAIN ST	WALKER REALTY LLC		2 LAN DR	WESTFORD, MA 01886
F3-34	366 MAIN ST	THISSELL CATHERINE		366 MAIN ST	ACTON, MA 01720
F3-46	371 MAIN ST	TOWN OF ACTON	POLICE STATION	472 MAIN ST	ACTON, MA 01720
F3-52	367 MAIN ST	TOWN OF ACTON		472 MAIN STREET	ACTON, MA 01720
F3-54	352 MAIN ST	WALKER REALTY LLC		2 LAN DR	WESTFORD, MA 01886
F3-56	363 MAIN ST	GEISSERT JACK O ET UX TR	ALLISON REALTY TRUST	363 MAIN ST	ACTON, MA 01720
F3-61-1	350 MAIN ST	WALKER REALTY LLC		2 LAN DRIVE	WESTFORD, MA 01886
F3-70-17	10 STACYS WY BES	ACTON TOWN OF		472 MAIN STREET	ACTON, MA 01720
F3-70-18	10 STACYS WY	KIRWIN WILLIAM C	KIRWIN JANET L	10 STACYS WY	ACTON, MA 01720
F3-70-19	12 STACYS WY	RAMASWAMY SAVITHRI	PANDIAN VIJAYARAGAVAN	12 STACYS WY	ACTON, MA 01720
F3-70-20	7 STACYS WY	ESECSO ROBERT M	ESECSO RENEE SCHUR	7 STACYS WY	ACTON, MA 01720
F3-70-21	8 STACYS WY	LIU QING	TANG YANHUA	8 STACYS WY	ACTON, MA 01720
F3-70-22	5 STACYS WY	ABERDALE ANDREW A	ABERDALE LINDALEIGH R	5 STACYS WY	ACTON, MA 01720

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

Kelly Schorr  
 Acton Assessors Office  
 27-Oct-15

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

I, William Hall, hereby certify under the pains and penalties of perjury that on 11 / 5 / 15 I gave notification to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the DEP Guide to Abutter Notification dated April 8, 1994, in connection with the following matter:

A Notice of Intent filed under the Massachusetts  
Wetlands Protection Act by Robert Pace with the  
Acton Conservation Commission for area located  
within 353 Main Street.

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

Name: 

Date: 11/5/15

**NOTIFICATION TO ABUTTERS**  
**UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT**

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

The Applicant: Robert Pace

Address: 21 Royal Crest Drive #9, North Andover, MA 01845 Phone: (603) 548-9990

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

Applicant's Representative: Stamski and McNary, Inc.

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

The address of the property where the activity is proposed: 353 Main Street

Town Atlas Plate/Map: F3 Parcel/Lot: 70

Project Description: The construction of a single family dwelling, sewage disposal system, driveway and associated appurtenances within the 100' Buffer Zone of a Bordering Vegetated Wetland.

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

A Public Hearing will be held at the Acton Town Hall, 472 Main Street, on Wednesday,  
November 18, 2015 at 7:30 P.M.

(date)

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

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

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

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

**Attachment A**  
**U.S.G.S. Map**

# MIDDLESEX COUNTY

LEOMINSTER 26 KM.  
4.3 KM. TO INTERSTATE 495

27° 30"

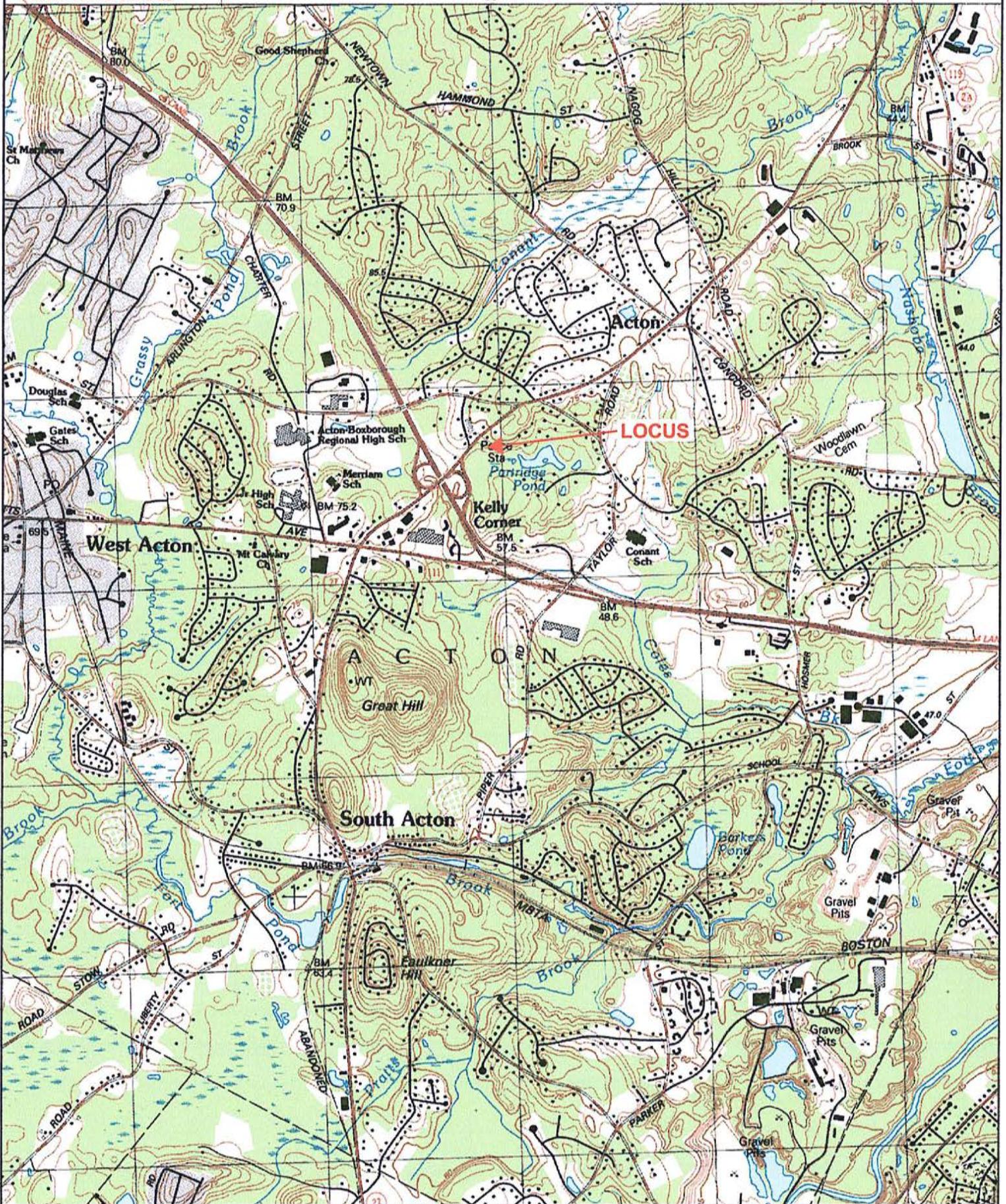
299

300

LOWELL 21 KM.  
CHELMSFORD 13 KM.

7.1 KM. TO INTERSTATE

25'



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

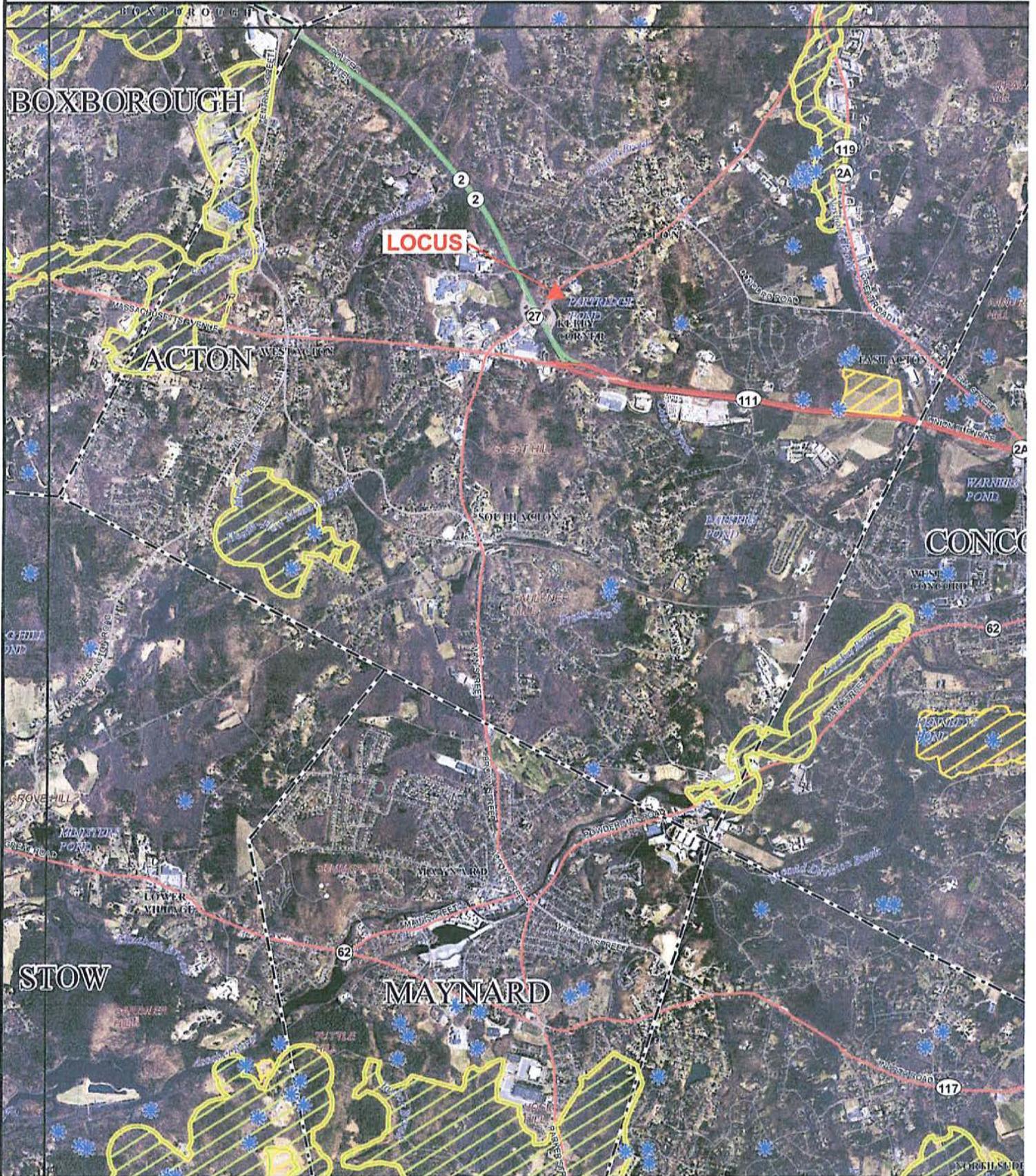


# Priority Habitats and Estimated Habitats - Effective 01/01/2010

*Priority Habitats for use with the MA Endangered Species Act Regulations*  
*Estimated Habitats for use with the MA Wetlands Protection Act Regulations*

Produced by the Natural Heritage & Endangered Species Program

website: [www.mass.gov/nhe](http://www.mass.gov/nhe)



**Attachment C**  
**FEMA Flood Insurance Map**



MAP SCALE 1" = 500'



# NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0352F

## FIRM

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

PANEL 352 OF 656  
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:  
COMMUNITY NUMBER 250176  
ACTION TOWN OF 0352  
PANEL SUFFIX F

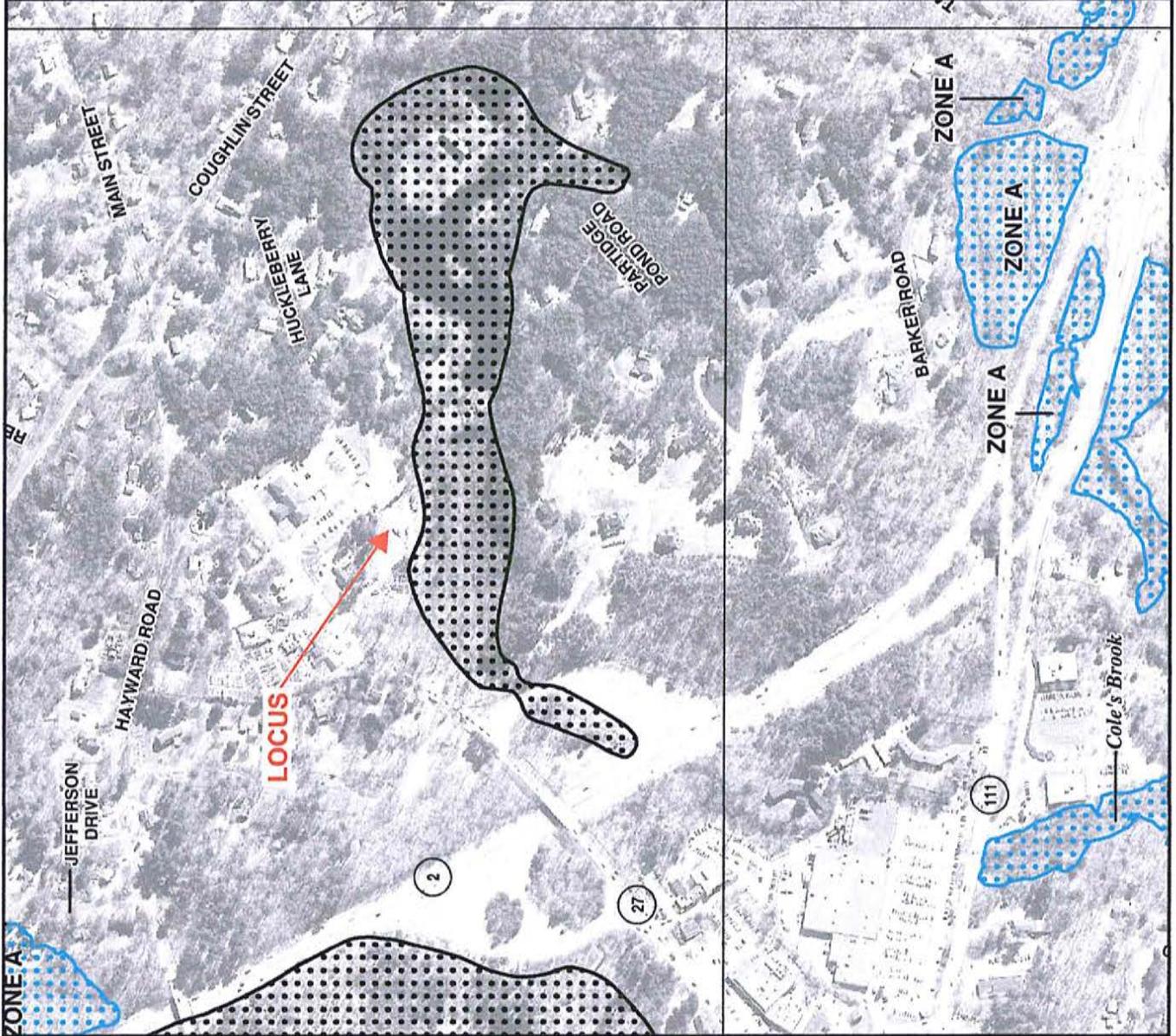
Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



MAP NUMBER  
25017C0352F  
MAP REVISED  
JULY 7, 2014

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)



**Attachment D**  
**DEP BVW Delineation Field Data Forms**

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

Applicant: \_\_\_\_\_ Prepared by: B & C Associates Inc. Project location: 353 Main Street, Acton DEP File #: \_\_\_\_\_

Check all that apply:

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

**Section I. Vegetation** Observation Plot Number: 1 Transect Number: A Date of Delineation: 3/16/2015

A. Sample Layer and Plant Species (by common/scientific name)	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category *
Herbaceous: Cinnamon Fern Swamp Dewberry	63.0 3.0/66.0	95% 5%	Yes No	FACW FACW
Shrubs: White Pine Arrowwood Shagbark Hickory European Buckthorn Multiflora Rose Highbush Blueberry	10.5 10.5 3.0 3.0 3.0 3.0/33.0	32% 32% 9% 9% 9% 9%	Yes Yes No No No No	FACU FAC FACU- FAC FACU FACW-
Saplings: Black Birch White Pine	20.5 10.5/31.0	66% 34%	Yes Yes	FACU FACU
Lianas: Poison Ivy Groundnut	3.0 3.0/6.0	50% 50%	No No	FAC FACW
Overstory: Red Oak Red Maple Black Birch American Elm	2375.8 460.3 428.3 38.5/3302.9	72% 14% 13% 1%	Yes No No No	FACU- FAC FACU FACW-

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

**Vegetation conclusion:**

Number of dominant wetland indicator plants: 2 Number of dominant non-wetland indicator plant: 4  
 Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? NO

*If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.* BC 1502-01 MA DEP: 3/95

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

**1. Soil Survey**

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

title/date: **Middlesex County 09/19/2014**

map number: **1**

soil type mapped: **Charlton-Hollis-Rock outcrop complex**

hydric soil inclusions:

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

Remarks:

**2. Soil Description**

Horizon	Depth	Matrix Color	Mottles Color
A	0-6"	10 YR 2/1	
B	6-14"	10 YR 3/4	

Remarks: **Refusal @ 14"**

3. Other: **11' 3" to Wetland Flag # 13  
5' 0" to Wetland Flag # 14**

Conclusion: Is soil hydric? **NO**

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

- Site inundated: \_\_\_\_\_
- Depth to free water in observation hole: **9"**
- Depth to soil saturation in observation hole: **0"**
- Water marks: \_\_\_\_\_
- Drift lines: \_\_\_\_\_
- Sediment deposits: \_\_\_\_\_
- Drainage patterns in BWV: \_\_\_\_\_
- Oxidized rhizospheres: \_\_\_\_\_
- Water-stained leaves: \_\_\_\_\_
- Recorded data (stream, lake, or tidal gauge; aerial photo; other): \_\_\_\_\_
- Other: \_\_\_\_\_

**Vegetation and Hydrology Conclusion**

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

Wetland hydrology present:  
 hydric soil present

other indicators of hydrology present

**Sample location is in a BWV**

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

Applicant: \_\_\_\_\_ Prepared by: B & C Associates Inc. Project location: 353 Main Street, Acton DEP File #: \_\_\_\_\_

Check all that apply:

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

**Section I. Vegetation** Observation Plot Number: 2 Transect Number: A Date of Delineation: 3/16/2015

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

	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category *
<b>Herbaceous:</b>				
Cinnamon Fern	20.5	87%	Yes	FACW *
Meadow Spikemoss	3.0/23.5	13%	No	FACW *
<b>Shrubs:</b>				
Arrowwood	20.5	58%	Yes	FAC *
Highbush Blueberry	3.0	8%	No	FACW- *
American Elm	3.0	8%	No	FACW- *
Multiflora Rose	3.0	8%	No	FACU *
European Buckthorn	3.0	8%	No	FAC *
Shagbark Hickory	3.0/35.5	8%	No	FACU- *
<b>Saplings:</b>				
White Pine	10.5	33%	Yes	FACU
Black Birch	10.5	33%	Yes	FACU
Red Maple	10.5/31.5	33%	Yes	FAC *
<b>Lianas:</b>				
Groundnut	3.0/3.0	100%	Yes	FACW *
<b>Overstory:</b>				
Black Birch	408.7	64%	Yes	FACU
Red Maple	192.6	30%	Yes	FAC *
American Elm	38.5/639.8	6%	No	FACW- *

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

**Vegetation conclusion:**

Number of dominant wetland indicator plants: 5 Number of dominant non-wetland indicator plant: 3

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 BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.* BC 1502-01 MA DEP, 3/95

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

1. Soil Survey

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

title/date: **Middlesex County 09/19/2014**

map number: **1**

soil type mapped: **Swansea muck**

hydric soil inclusions:

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

Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
O <sub>A</sub>	0-18"	10 YR 2/1	

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

- Site inundated: \_\_\_\_\_
- Depth to free water in observation hole: **9"**
- Depth to soil saturation in observation hole: **0"**
- Water marks: \_\_\_\_\_
- Drift lines: \_\_\_\_\_
- Sediment deposits: \_\_\_\_\_
- Drainage patterns in BWV: \_\_\_\_\_
- Oxidized rhizospheres: \_\_\_\_\_
- Water-stained leaves: \_\_\_\_\_
- Recorded data (stream, lake, or tidal gauge; aerial photo; other): \_\_\_\_\_
- Other: \_\_\_\_\_

**Vegetation and Hydrology Conclusion**

- |  | Yes                                 | No                       |
|--|-------------------------------------|--------------------------|
| Number of wetland indicator plants<br>≥ number of non-wetland indicator plants | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Wetland hydrology present:<br>hydric soil present                              | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| other indicators of hydrology<br>present                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <b>Sample location is in a BWV</b>   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Remarks:

3. Other: **11' 9" to Wetland Flag # 13  
 6' 2" to Wetland Flag # 14  
 10' 0" Downgradient from A1**

Conclusion: Is soil hydric? **YES**

**Attachment E**  
**Sewage Disposal Plan**