



February 29, 2016

Chairman
Town of Acton Conservation Commission
472 Main Street
Acton, MA 01720

RE: Notice of Intent Application
2798.820 kW Ground Mounted PV Facility
APN H1 Lot 6
Acton, Massachusetts

Dear Chairman:

Borrego Solar Systems is pleased to submit our Notice of Intent to the Acton Conservation Commission (ACC) for the above referenced project. The following information is attached:

- Four (4) copies of the Site Plans + one (1) electronic version
- One (1) copies of the Stormwater Management Report + one (1) electronic version
- Four (4) sets of Notice of Intent narrative, WPA Form 3, Wetland Delineation Report
- Certified Abutters List
- Check # 1994 (\$262.50) made payable to the Town of Acton (WPA)
- Check # 1996 (\$237.50) made payable to the Massachusetts DEP
- Check # 2016 (\$47.50) made payable to the Town of Acton (Bylaw)

We respectfully request to present our Notice of Intent application to the ACC at the next regularly scheduled hearing in March 2016. Please contact me at 978-513-2621 if you have any comments.

Sincerely,

David Albrecht, PE
Principal Civil Engineer

Attachments

C: MADEP - Central Region (full application)
MA DEP – Boston Office (Transmittal and fee)

Description of Work:

The project characteristics are:

- 10.3 acres within fenced area
- 7,668 - 365 w LG Electronics modules
- 25° Tilt Angle
- 32- Sungrow inverters
- 3,433 lf- 6 foot chain link fence w/3 strands barb wire
- 650 lf – 12 foot wide gravel road
- Transformer
- Switchgear
- Data acquisition system (DAS)



Figure 1-RBI Racking



Figure 2-RBI Racking



Figure 3-RBI Racking

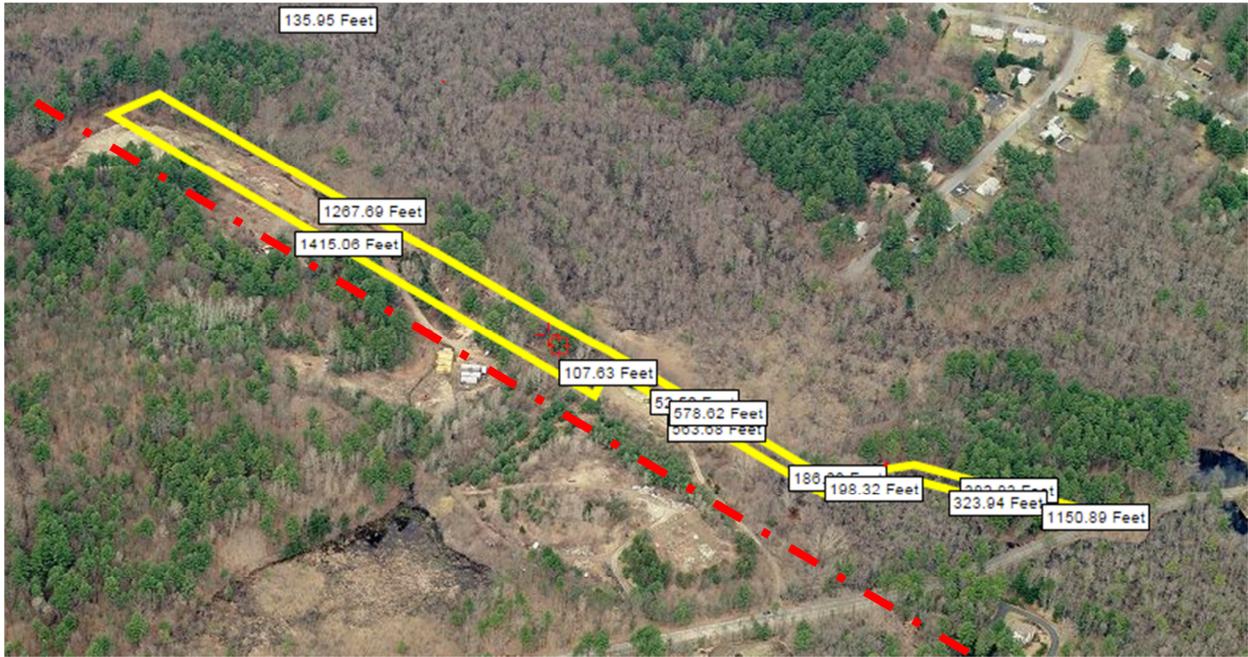


Photo #1 – Existing Conditions aerial looking northwesterly.



Photo #2 – Looking southwesterly along proposed interconnection route



Photo #3 – Looking westerly down pole line route. Town line to the left.



Photo #4 – Broken culvert along pole line route.

Notice of Intent

2798.820 kW Solar Energy Generating Facility

APN Map R31 Lot 6
Stow, MA

APN Map H1 Lot 6
Acton, MA

Prepared by:

Borrego Solar Systems, Inc.
55 Technology Drive, Suite 102
Lowell, MA 01851

Submitted to:

Town of Stow Conservation Commission
380 Great Road
Stow, MA 01775
&
Town of Acton Conservation Commission
472 Main Street
Acton, MA 01720

In Association with:
New England Environmental

February 29, 2016

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1.0 INTRODUCTION

Borrego Solar Systems, Inc. in association with New England Environmental (NEE) have prepared this Notice of Intent (NOI) for a 2798.820 kW (DC) renewable energy generating facility. This is a joint Notice of Intent since the project consists of the installation of one (1) individual ground-mounted solar photovoltaic system on land in both Stow and Acton, Massachusetts at (APN Map R31 Lot 6) and (APN Map H1 Lot 6), respectively. Although this is a joint application, the majority of the work associated with the solar project is in Stow, Massachusetts. The interconnection route is located entirely in Acton, Massachusetts. There are portions of the project that are located within the wetland resource areas (more specifically the Buffer Zone to BVW) under the jurisdiction of the Wetlands Protection Act and the Stow Wetlands Protection Article 8 Bylaw and the Acton Wetlands Bylaw.

This NOI is submitted in conformance with the *Massachusetts Wetlands Protection Act* (M.G.L. Chapter 131 § 40) as well as the Stow Wetlands Protection Article 8 and Acton Wetlands Bylaw. Although the proposed activities meet the performance standards for applicable resource areas, the Applicant is requesting the Conservation Commission's to review the project in accordance with the WPA.

2.0 EXISTING CONDITIONS

The site is located in northern Stow/southern Acton in Worcester County along the west side of South Acton Road. The current use of the parcels is generally commercial and forest land. The site is an active landscaping stockpiling and storage commercial business as well as the site of an old saw mill and storage facility for sawn wood. Access to the site is via a gravel roadway and on-site gravel, dirt and recycled asphalt ways. That portion of the parcel planned for the project site (within the project fences) will consist of approximately 10.3 acres. The project site is bounded by vacant land to the west, town conservation land to the north (Acton's Hen Brook) and south (Stow's Captain Sargent's Family Conservation Area) and South Acton Road and vacant land to the east. Refer to Figure 1 – *Site Locus Map* and Figure 2 – *Site Aerial Map*.

2.1 Soils

Soils underlying the project area consist of the following:

- 52A, Freetown Muck, 0 to 1% slope, very poorly drained, Hydrologic soil group (HSG) A/D;
- 254B, Merrimac Fine Sandy Loam, 3 to 8 percent slopes, Hydrologic soil group A;
- 260B, Sudbury Fine sandy loam, 3 to 8 percent slopes, Hydrologic soil group B;
- 307B, Paxton Fine sandy loam, 0 to 8 percent slopes, extremely stony, HSG C;

- 307C, Paxton Fine sandy loam, 8 to 15 percent slopes, extremely stony, HSG C;
- 307D, Paxton Fine sandy loam, 15 to 25 percent slopes, extremely stony, HSG C; and
- 652, Udorthents, refuse substratum.

3.0 RESOURCE DELINEATION

Wetland resource areas that fall under the jurisdiction of the Wetlands Protection Act the local bylaw were field delineated by New England Environmental on July 20, 2015. A copy is in Appendix E. Resource area delineation's were performed utilizing the definitions and criteria promulgated under the *Massachusetts Wetlands Protection Act* (M.G.L. c. 131, § 40), the implementing *Regulations* (310 CMR 10.55(2) (c) and the U.S. Army Corps of Engineers *National Wetlands Plant List* (2012, Indicators for New England Portions of the Region). The extent of vegetated wetland was determined through observations of the existing plant communities while verifying wetland hydrology through interpretation of soil characteristics and other indications of surface hydrology. Soils were analyzed for texture and color to determine soil morphology in accordance with the most up to date standards including methodology from the DEP handbook entitled *Delineating Bordering Vegetated Wetlands* (1995). Evidence of surface hydrology was determined through visual inspection of existing site conditions including typical indicators such as water marks, drift-lines, water-stained leaves, sediment deposits, and drainage patterns. The wetland delineation was surveyed (using GPS) by NEE at the same time as the delineation and is shown on the attached plans. Topography is also based on the GIS/LIDAR information provided by Doucet Survey of Newmarket, New Hampshire.

A total of five (5) wetland resource areas were identified and delineated on the Site. The five (5) areas and the numbering of flag series are shown in Table 1 below.

The overall area of the arrays and fence areas are shown in Table 1 below.

Table 1 - Wetland Resource Areas

| Resource Area | Numbered Flags | Type of Resource | Jurisdiction |
|---------------|----------------|------------------|--------------|
| A | A1 – A16 | IVW | State |
| B | B1 – B37 | BVW | State |
| C | C1 – C113 | BVW | State |
| D | D1 - D21 | Bank | State |
| E | E1 - E18 | BVW | State |

4.0 PROPOSED CONDITIONS

The existing topography of the project area will be maintained throughout the construction phase and construction completion. Besides the electrical equipment areas, the access roads

through to the solar array and the access roadway off of the existing gravel access, there will be no grading.

4.1 Solar Arrays.

A total of 7,668 solar modules will be installed on ground-mounted racks supported by driven piles. Approximately 741 (9.7%) solar modules will be located in Acton and the remaining 6,927 (90.3%) will be located in Stow. This support system minimizes the need for earthwork and land disturbance. Using this type of foundation systems, the disturbance of the existing soil and loam will be significantly reduced. Earthwork associated with leveling off the difficult terrain will be necessary.

4.2 Access Drives.

Access to the site will be via the existing access gravel driveway (approximately 1,000 lineal feet of 12- to 15-foot wide) at the existing South Acton Road driveway and an additional 620 lineal feet of 16-foot gravel road will be constructed as part of the proposed solar system. A portion of the new gravel road is located within the buffer zone to bordering vegetated wetlands. No asphalt pavement will be constructed. This access will be utilized for only the operations and maintenance vehicles. During construction a construction exit for sedimentation control will be constructed at the intersection with the current access road. This exit will act as a tracking pad to minimize silt/sediment reaching South Acton Road.

4.3 Interconnection Route.

The interconnection for the solar project will occur at an existing utility pole on the west side of Stow Street in Acton approximately 420 feet north of the municipal town line. A number of new utility company poles (2) will be installed between this point of interconnection along an existing dirt road. The solar system owner will also have two (2) pole-mounted equipment poles in this area. These four (4) poles will be equipped with: a utility recloser pole, a utility meter pole, an owner meter cluster pole and an owner load break pole. The dirt road will be improved with 6-inches of gravel for the utility company (Eversource) to access their two (2) poles/equipment. This portion of the interconnection is entirely within Acton and within the 100-foot buffer zone of both Bordering Vegetated Wetlands (series B and C) and also an Isolated Vegetated Wetlands (series A). Adjacent trees that may interfere with the overhead wires and poles will be either cut or pruned, depending on location.

Between the last pole-mounted equipment pole (approximately 130 feet from Stow Street, the interconnection route travels southwesterly down the existing dirt road turns westerly down an old cart path that is now primarily bordering vegetated wetlands and buffer zone. New utility poles will be used to carry the overhead wires to the most northeasterly corner

of the solar system to a riser pole where the cabling will travel underground to the electrical equipment area. All these poles and equipment are within Acton. In order to install these we will be utilizing off-road pole-setting trucks and/or swamp mats in the wetland areas. Depending on the time of year we may be able to work on frozen ground in order to install the poles. A bucket truck will be used to pull cable from pole to pole. Trees that interfere with the overhead wires will be cut and/or pruned as necessary. Vegetative debris will be left in the vicinity. Earth disturbance (ruts, spoils from utility pole installation) will be raked out and spread prior to seeding with New England Wetmix supplied by New England Wetland Plants, Inc. at a rate of 1lb. per 2,500 square feet.

4.4 Stormwater Management.

The existing watersheds of the project parcel will be generally maintained throughout the construction phase and construction completion. The only impervious areas proposed for the project include approximately 200 square feet of concrete equipment pads. The only other changes in surface topography include any grading of those areas of the site where historic mining and commercial activities (saw mill, stump dump, etc.) occurred. Additional work associated with diversion berms and swales is also shown on the plans. An insignificant amount of impervious surface has been added, and with a fairly significant change of cover type and slope proposed, the post-development peak rate of runoff less than the pre-development peak rate of runoff and does not require the construction of runoff control measures. These calculations are shown in the Drainage Report prepared by Prime Engineering. Refer to Appendix D.

To minimize changes to peak rates of runoff and to control erosion the following design criteria were employed:

- Development of more level evenly sloped lot;
- Maintain existing drainage patterns and drainage exit points;
- Install appropriate erosion and sedimentation control measures; and
- Meet the Stormwater Management Standards as provided in 310 CMR 10.05(6)(k) through (q).

4.5 Erosion and Sedimentation Controls.

Erosion control measures including (but not limited to) silt fence, staked hay bales, bio-mulch tubes, wood strand berms and various wood mulch blankets have been incorporated into the design plans (see attached) to minimize erosion and siltation from running off the site. Frequent (as required by the EPA Construction General Permit) inspections will be maintained throughout the construction period by the Applicant and remain in place until proper stabilization has been achieved and a Certificate of Compliance has been issued by the Towns of Acton and Stow Conservation Commission's.

Disturbed areas shall be re-seeded in accordance with the attached plans.

4.6 Project Schedule.

It is estimated that necessary permits through the Towns of Stow and Acton will be obtained by late Winter 2016. Based on this permitting schedule, we would prepare final construction level documents suitable for building permit submission as well as construction bidding. It is anticipated that the project construction period will be 4-5 months and that the proposed facility will come on line in late 2016.

5.0 AVOIDANCE AND MINIMIZATION MEASURES

This section describes the measures that were taken in the design as well as construction and operation to avoid and minimize impacts to wetland resource areas.

5.1 Purpose

Design of the module layout is based on lengths of strings, spacing of rows (due to latitude and sun angle) as well as desired power output and interconnection feasibility. The project was laid out with the following state regulated (Wetlands Protection Act [WPA]) wetland resources areas in mind: Bordering Vegetated Wetlands (BVW) and Buffer Zone to BVW.

5.2 Design

In order to minimize impacts to wetland resource areas and to maximize the potential of the site, the project layout utilized the following minimization measures:

- Project layout and shape.
- Minimized earthwork in sensitive areas.
- Minimized tree and or vegetation clearing in sensitive areas.
- Utilizing existing access roads.
- Relocated trench excavations (land disturbance) away from resource areas.
- Kept majority of vehicle access aisles outside of resource areas.

Specifically, these are addressed in conjunction with each of the resource areas below:

Stow

- Bordering Vegetated Wetlands: There is approximately 0.63 acres of delineated BVW on the 20 acre Stow parcel and there are no impacts proposed to the BVW as part of this project.
- Buffer Zone: The 100-foot Buffer Zone associated with the BVW on site is for the protection of the BVW and minimal impacts are proposed as part of this project. There is approximately 2.57 acres of Buffer Zone on the 20 acre Stow parcel. The

project perimeter fence is a minimum distance of 42.2± feet from the BVW (wetland flag #E-4) and the nearest solar module is 52.2± feet from the BVW (wetland flag #E-4), at the southeast corner of the parcel. There is approximately 0.77 acres (30% of the Buffer Zone onsite) of tree clearing (no stumping) within the 100-foot buffer zone. In order to minimize shading we are clearing trees to within 5 feet of the bank of wetland E and wetland D. Tree clearing/stumping within the 100-foot Buffer Zone (inside the perimeter fence) is approximately 11,460 square feet (10% of the Buffer Zone onsite). In both cases the impact is temporary as the areas will remain vegetated. There is approximately <2 square feet of permanent impact in the buffer zone: the driven pile foundations (5 each of W6 x 8.5 H-piles) and the fence posts, (52 each at 2 ½" diameter). See Table 3 below for overall impact quantities.

The overall buffer zone impacts of the project are shown in Table 2 below.

Table 2 - Stow Buffer Zone Impacts

| Buffer Zone Impact (sf/acres) | Type of Impact | Impact Description | Mitigation |
|-------------------------------|----------------|------------------------|--|
| 33,400 sf (0.77) | Temporary | Tree clearing only | Seeding w/Native Grass & Wildflower seed |
| 11,460 sf (0.26) | Temporary | Tree clearing/stumping | Seeding with Ernst Solar Farm mix |
| 2 < sf | Permanent | H-piles/fence posts | None proposed |

Areas outside of the fenced areas and within the 100-foot buffer zone will be cleared but not grubbed (i.e.. stumps will be left). These areas will also be reseeded with a New England Wildflower and Native Grass seed at a rate of 6 lbs/acre.

Temporary impacts (i.e. installing the sedimentation controls, construction staking and installing fence posts) will be limited to 5 feet outside the project fence. There will be no part of the projects roads, concrete pads/electrical equipment (inverters, transformers) within the 100-foot buffer zone in Stow.

No portion of the project falls within the 100-year floodplain (elevation 198) within Stow.

Acton

- Bordering Vegetated Wetlands: There is approximately 1.0 acres of delineated BVW on the 4.5 acre Acton parcel and the only permanent impacts proposed to the BVW as part of this project include up to three (3) utility poles. Access to the solar site (and this project) will via the existing culvert crossing shown on the plans. The culvert and side slopes are in good condition. Currently, construction vehicles accessing the site use this crossing and will continue to use it during construction.

Access to the interconnection route will be via an old gravel road where the gravel was removed 20+ years ago. There are still aspects (culvert, bridge) still visible. As part of the solar project this route will be temporarily improved in order to install the overhead wires and utility poles. Some tree pruning will occur in order to provide safe clearances from the pole line. Construction access will utilize truck mounted pole setting vehicles and/or swamp mats depending on the time of year the interconnection is constructed. Anticipated temporary impacts are approximately a 470 linear utility route at a maximum width of 18 feet.

- Isolated Vegetated Wetlands (IVW): Wetland series A (A1 – A16) delineates a depression regulated by the State WPA as well as the Town of Acton Wetlands Bylaw. There are no direct impacts to the IVW.

The town of Acton Wetlands Bylaw institutes a 100-foot buffer zone to IVW. Impacts to this area include: improvement of dirt road to a linear dirt/gravel road of approximately 1,500 square feet; and installation of six (6) utility poles of approximately <5 square feet.

- Buffer Zone: The 100-foot Buffer Zone associated with the BVW on site is for the protection of the BVW and minimal impacts are proposed as part of this project. There is approximately 2.41 acres of Buffer Zone on the 4.5 acre Acton parcel. The project perimeter fence is a minimum distance of 49.8± feet from the BVW (wetland flag #C-57) and the proposed gravel road is approximately 31.3 feet from wetland flag #C-57, as well. There is approximately 0.28 acres (11% of the Buffer Zone onsite) of tree clearing (no stumping) within the 100-foot buffer zone. Tree clearing/stumping within the 100-foot Buffer Zone (inside the perimeter fence) is approximately 1,300 square feet (1% of the Buffer Zone onsite). In both cases the impact is temporary as the areas will remain vegetated. Much of this area now is in poor condition with trash and old construction equipment laying around. There is approximately 12,220 square feet of permanent impact in the buffer zone: 12,217 square feet of gravel road, the driven pile foundations (20 each of W6x8.5 H-piles) and the fence posts, (90 each at 2 ½" diameter). See Table 3 below for overall impact quantities.

The overall buffer zone impacts of the project are shown in Table 2 below.

Table 3 - Acton Buffer Zone Impacts

| Buffer Zone Impact (sf/acres) | Type of Impact | Impact Description | Mitigation |
|-------------------------------|----------------|------------------------|--|
| 12,000 sf (0.28) | Temporary | Tree clearing only | Seeding w/Native Grass & Wildflower seed |
| 1,300 sf (0.03 acs) | Temporary | Tree clearing/stumping | Seeding with Ernst Solar Farm mix |
| 12,217 sf | Permanent | Gravel Road | None proposed |
| <3.5 sf | Permanent | H-piles/fence posts | None proposed |

Areas outside of the fenced areas and within the 100-foot buffer zone will be cleared but not grubbed (i.e.. stumps will be left). These areas will also be reseeded with a Wildflower and Native Grass seed at a rate of 6 lbs/acre.

Temporary impacts (i.e. installing the sedimentation controls, construction staking and installing fence posts) will be limited to 5 feet outside the project fence.

The only permanent impact of the project in the 100-year floodplain (elevation 198), within Acton is the installation of the utility poles (3). Less than 5 cubic feet of impact to floodplain volume.

6.0 REGULATORY COMPLIANCE

Under the Wetlands Protection Act and the Stow Wetlands Protection Article 8 and Acton Wetlands Bylaw, the following performance standards are addressed:

6.1 Wetlands Protection Act

6.1.1. Buffer Zone

The proposed work within the buffer zone has been minimized to the greatest degree possible to protect the interests under the Wetlands Protection Act. The overall permanent impact to the 100-foot buffer zone is approximately <2 square feet in Stow and approximately 12,220 square feet in Acton. Permanent impacts in Acton are associated with the gravel access road located in a similar location as an old gravel cart path where the gravel was removed some 20+ years ago.

6.1.2. Bordering Vegetated Wetlands

There is no permanent work to be performed in the BVW in Stow. Permanent Impacts in Acton are associated with the installation of utility poles. Temporary impacts (construction) are associated with installation of the overhead utilities.

7.0 CONCLUSION

Borrego Solar Systems, Inc. proposes to construct and operate the new ground-mounted solar photovoltaic energy (renewable) generating facility at APN Map R31 Lot 6 in Stow and APN Map H1 Lot 6 in Acton, Massachusetts. Work under the jurisdiction of the Wetlands Protection Act and the Stow Wetlands Protection Article 8 and Acton Wetlands Bylaw includes construction of solar modules and associated electrical equipment (including the utility interconnection), gravel roads and a perimeter security fence.

The project includes the following impacts:

Stow

- 44,860 square feet (1.01 acres) of temporary impact within the 100-foot buffer zone to Bordering Vegetated Wetlands (tree clearing and tree clearing/grubbing). These areas will be re-seeded with appropriate New England seed mixes including wildflowers/native grasses.
- < 2 square feet of permanent impact within the 100-foot buffer zone (fence posts/H-piles)

Acton

- 13,300 square feet (0.31 acres) of temporary impact within the 100-foot buffer zone to Bordering Vegetated Wetlands (tree clearing and tree clearing/grubbing). These areas will be re-seeded with appropriate New England seed mixes including wildflowers/native grasses.
- < 3.5 square feet of permanent impact within the 100-foot buffer zone (gravel roadway/fence posts/racking)
- < 5 cubic feet of impact to the 100-year floodplain (Bordering Land Subject to Flooding) is expected with the permanent installation of utility poles.

We respectfully request that the Stow and Acton Conservation Commissions find that the interests of the Wetlands Protection Act and the Stow Wetlands Protection Article 8 General Bylaw and Acton Wetlands Bylaw are protected and that an Order of Conditions be issued for the project.



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 the interconnection route to a 2798.820 kw ground-mounted solar energy generating facility. The entire system is located in Stow, MA.

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

a. County

15751

c. Book

b. Certificate # (if registered land)

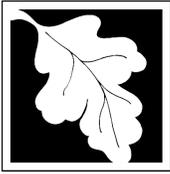
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d. Page Number

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

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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. <input type="checkbox"/> 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. |
|----------------------|-------------------------------|--|

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.

| Resource Area | Size of Proposed Alteration | Proposed Replacement (if any) |
|---|--|----------------------------------|
| 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 |

| Resource Area | Size of Proposed Alteration | Proposed Replacement (if any) |
|---|---|--|
| 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

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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.

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**

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

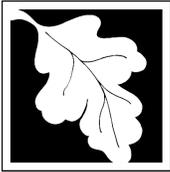
- 2. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work**

(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/nhosp/regulatory_review/ mesa/ mesa_fee_schedule.htm). Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

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

- (d) Vegetation cover type map of site
- (e) Project plans showing Priority & Estimated Habitat boundaries
- (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/nhosp/regulatory_review/ mesa/ mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)
- 2. Separate MESA review ongoing. _____ a. NHESP Tracking # _____ b. Date submitted to NHESP
- 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:

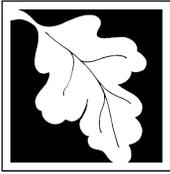
South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

North Shore - Hull to New Hampshire border:

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

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: 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 |

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.

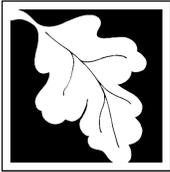
D. Additional Information

- 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.



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.

Site Use Plans 2798.820 kw DC STC Rated Solar Electric System

a. Plan Title

Borrego Solar Systems, Inc.

David M. Albrecht, P.E.

b. Prepared By

c. Signed and Stamped by

2-29-2016

As noted

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:

1994

2-18-2016

2. Municipal Check Number

3. Check date

1996

2-18-2016

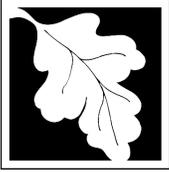
4. State Check Number

5. Check date

Borrego Solar Systems, Inc.

6. Payor name on check: First Name

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

See attached owner authorization letter

3. Signature of Property Owner (if different)

5. Signature of Representative (if any)

2-29-2016

2. Date

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.

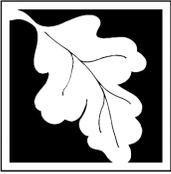
For MassDEP:

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:

| | |
|------------------------|------------------|
| <u>127 Stow Street</u> | <u>Acton</u> |
| a. Street Address | b. City/Town |
| <u>1996</u> | <u>\$ 237.50</u> |
| c. Check number | d. Fee amount |

2. Applicant Mailing Address:

| | | |
|---------------------------------------|---------------------|-----------------------------------|
| <u>David</u> | <u>Albrecht</u> | |
| a. First Name | b. Last Name | |
| <u>Borrego Solar Systems, Inc.</u> | | |
| c. Organization | | |
| <u>55 Technology Drive, Suite 102</u> | | |
| d. Mailing Address | | |
| <u>Lowell</u> | <u>MA</u> | <u>01851</u> |
| e. City/Town | f. State | g. Zip Code |
| <u>978-513-2621</u> | <u>888-643-6778</u> | <u>dalbrecht@borregosolar.com</u> |
| h. Phone Number | i. Fax Number | j. Email Address |

3. Property Owner (if different):

| | | |
|------------------------------|---------------------|-----------------------------------|
| <u>Bruce</u> | <u>Fletcher</u> | |
| a. First Name | b. Last Name | |
| <u>Fletcher Realty Trust</u> | | |
| c. Organization | | |
| <u>350 Great Road</u> | | |
| d. Mailing Address | | |
| <u>Stow</u> | <u>MA</u> | <u>01775</u> |
| e. City/Town | f. State | g. Zip Code |
| <u>978-430-6359</u> | <u>978-430-6359</u> | <u>bruceefletcher@verizon.net</u> |
| 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.



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 |
|-------------------------|-----------------------------|--------------------------------|------------------------------|
| 2D | 1 | \$ 500.00 | \$ 500.00 |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

Step 5/Total Project Fee: _____

Step 6/Fee Payments:

| | |
|--------------------------------|--------------------------------------|
| Total Project Fee: | \$ 500.00 |
| State share of filing Fee: | \$237.50 |
| City/Town share of filing Fee: | \$ 262.50 |
| | a. Total Fee from Step 5 |
| | b. 1/2 Total Fee less \$12.50 |
| | c. 1/2 Total Fee plus \$12.50 |

C. Submittal Requirements

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

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

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

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

Appendix B
Filing Fee Calculations

Calculations of Filing Fees

The proposed project consists of a 2798.820 kW (AC) rated ground-mounted solar photovoltaic energy generating facility. A portion of the work is proposed in the 100-foot Buffer Zone to Bordering Vegetated Wetlands (BVW). Under 310 CMR 10.03 (7) the following activities are included in the Wetlands Filing Fee Calculation Sheet.

Category 2(e):

Any activities reviewable under 310 CMR 10.53(3)(d) and 310 CMR 10.53(3)(f) through (l), except for those subject to 310 CMR 10.03(7)(c)4.b. Where more than one activity is proposed within an identical footprint (e.g., construction of a sewer within the footprint of a new roadway), only one fee shall be payable.

310 CMR 10.53(3)(d): The construction, reconstruction, operation and maintenance of underground and overhead public utilities, such as electrical distribution or transmission lines, or communication, sewer, water and natural gas lines, may be permitted, in accordance with the following general conditions and any additional conditions deemed necessary by the issuing authority....

Filing Fees (Stow):

| Description | Amount | Fee | Check payable to: |
|----------------------------|-------------|----------|--------------------------------------|
| Wetland Protection Act Fee | | | |
| Category 2 (d) | \$ 500 x 1= | \$ 500 | |
| Total WPA filing fee | | \$500 | |
| Checks payable to: | | | |
| State Share of Filing Fee | | \$237.50 | # 1991 Commonwealth of Massachusetts |
| Town Share of Filing Fee | | \$262.50 | # 1997 Town of Stow |
| Town of Stow Wetlands Fees | | | |
| Town Wetlands Bylaw Fee | | \$224.00 | # 1998 Town of Stow |
| | | | |

Filing Fees (Acton):

| Description | Amount | Fee | Check payable to: |
|-----------------------------|-------------|----------|--------------------------------------|
| Wetland Protection Act Fee | | | |
| Category 2 (d) | \$ 500 x 1= | \$ 500 | |
| Total WPA filing fee | | \$500 | |
| Checks payable to: | | | |
| State Share of Filing Fee | | \$237.50 | # 1996 Commonwealth of Massachusetts |
| Town Share of Filing Fee | | \$262.50 | # 1994 Town of Acton |
| Town of Acton Wetlands Fees | | | |
| | | \$ 47.50 | # 2016 Town of Acton |

Appendix C
Abutters Information

February 4, 2015

ABUTTERS LIST
MAP R-31 PARCELS 3, 4, 5, 6

| MAP/PARCEL | PARCEL DESCRIPTION | OWNER NAME | ADDRESS | CITY | STATE | ZIP CODE | DEED BOOK | DEED PAGE |
|---------------|--------------------|----------------------|----------------|-----------|-------|----------|-----------|-----------|
| 00R-31 000015 | 75 AC BARN | ROY OF STOW | 300 CHERRY ST | STOW | MA | 01775 | 14475 | 581 |
| 00R-20 000048 | 46 AC BARN | BONNIBRY ESTATE INC | 400 HANCOCK RD | POLAND | ME | 04274 | 30999 | 454 |
| 00R-31 000003 | 50 AC BARN | REICHER REALTY TRUST | PO BOX 200 | STOW | MA | 01775 | 66466 | 80 |
| 00R-31 000004 | 50 AC BARN | REICHER REALTY TRUST | PO BOX 200 | STOW | MA | 01775 | 66466 | 80 |
| 00R-31 000005 | 50 AC BARN | REICHER REALTY TRUST | PO BOX 200 | STOW | MA | 01775 | 66466 | 80 |
| 00R-31 000006 | 50 AC BARN | REICHER REALTY TRUST | PO BOX 200 | STOW | MA | 01775 | 66466 | 80 |
| 00R-31 000007 | 50 AC BARN | MOREY GEORGE | 42 HUNTING | LEXINGTON | MA | 02420 | 9731 | 1 |
| 00R-31 000008 | 50 AC BARN | MOREY GEORGE | 42 HUNTING | LEXINGTON | MA | 02420 | 10764 | 39 |
| 00R-31 000010 | 50 AC BARN | MOREY GEORGE | 42 HUNTING | LEXINGTON | MA | 02420 | 10716 | 240 |
| 00R-31 000011 | 50 AC BARN | MOREY GEORGE | 42 HUNTING | LEXINGTON | MA | 02420 | 10716 | 244 |
| 00R-31 000012 | 50 AC BARN | MOREY GEORGE | 42 HUNTING | LEXINGTON | MA | 02420 | 10716 | 244 |
| 00R-31 00007A | 50 AC BARN | SCHEPERS | 153 STOKES ST | ACTON | MA | 01720 | 1143 | 12 |

George Morey

Certified by the Board of Assessors: George Morey Date Assessed or Recertified: 2/4/16 Conservation



Town of Acton
 472 Main Street
 Acton, MA 01710
 Telephone (978) 821-1000
 Fax (978) 965-2741

Brian McMullen
 Assessor

Locus:
 Parcel:

| Parcel ID | Owner | Co-Owner | Map | Map | Map |
|-----------|-------|-------------------------|-----|-----|-----|
| H2-1 | EMMA | CONSERVATION COMMISSION | | | |
| H2-36 | EMMA | CONSERVATION COMMISSION | | | |
| H2-50 | EMMA | WOODS | | | |
| H2-62 | EMMA | C/O JOHN GILBERT | | | |
| H2-63 | EMMA | RYLE NEREDOCK'S | | | |
| H2-80 | EMMA | FLETCHER REALTY TRUST | | | |
| H1-2 | EMMA | WOODS | | | |
| H1-3 | EMMA | FLETCHER REALTY TRUST | | | |
| H1-4 | EMMA | FLETCHER REALTY TRUST | | | |

The owner of land sharing a common boundary with the above parcels is shown in any direction, including left, right, top, bottom, and diagonal, in the instrument book or catalog. The above are as they appear on the current assessment map.

Kelly Schorr
 Acton Assessors Office

02/2016