



Amended Notice of Intent

Single-family Home Addition 117 ARLINGTON STREET ACTON, MA

Prepared For:
Mark Saganich
117 Arlington Street
Acton, MA 01720

Prepared By:
Hancock Associates
#18567

March 2016

DANVERS OFFICE
185 Centre Street
Danvers, MA 01923
Phone: (978) 777-3050
Fax: (978) 774-7816

MARLBOROUGH OFFICE
315 Elm Street
Marlborough, MA 01752
Phone: (508) 460-1111
Fax: (508) 460-1121

CHELMSFORD OFFICE
34 Chelmsford Street
Chelmsford, MA 01824
Phone: (978) 244-0110
Fax: (978) 244-1133

TABLE OF CONTENTS

ATTACHMENT A WPA FORM 3

ATTACHMENT B PROJECT NARRATIVE

ATTACHMENT C FIGURES

ATTACHMENT D ABUTTER NOTIFICATION LETTER AND AFFIDAVIT

ATTACHMENT E FILING FEES

ATTACHMENT F PROJECT PLANS

Attachment A WPA Form 3



WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Acton

City/Town

Important:

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



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

A. General Information

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

117 Arlington Street

a. Street Address

Acton

b. City/Town

01720

c. Zip Code

Latitude and Longitude:

42.485316 degrees

d. Latitude

-71.465061 degrees

e. Longitude

E2

f. Assessors Map/Plat Number

233

g. Parcel /Lot Number

2. Applicant:

Mark

a. First Name

Saganich

b. Last Name

c. Organization

117 Arlington Street

d. Street Address

Acton

e. City/Town

MA

f. State

01720

g. Zip Code

(978) 621-9457

h. Phone Number

i. Fax Number

adbresidential@gmail.com

j. Email Address

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

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

David

a. First Name

Cowell, PWS, CWB, CESSWI

b. Last Name

Hancock Associates

c. Company

185 Centre Street

d. Street Address

Danvers

e. City/Town

MA

f. State

01923

g. Zip Code

(978) 777-3050

h. Phone Number

i. Fax Number

dcowell@hancockassociates.com

j. Email address

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

\$198.00

a. Total Fee Paid

\$70.00

b. State Fee Paid

\$128.00

c. City/Town Fee Paid



WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

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Document Transaction Number

Acton

City/Town

A. General Information (continued)

6. General Project Description:

Construction of a single-family home addition, new in-ground swimming pool, and subsurface sewage disposal system, portions of which will occur within the 200-foot Riverfront Area and 100-foot buffer zone to Bordering Vegetated Wetlands.

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

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

64219

c. Book

b. Certificate # (if registered land)

529

d. Page Number

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

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

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



WPA Form 3 - Notice of Intent

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

Provided by MassDEP:
Date:
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.

Table with 3 columns: Resource Area, Size of Proposed Alteration, Proposed Replacement (if any). Rows include Bank, Bordering Vegetated Wetland, and Land Under Waterbodies and Waterways.

Table with 3 columns: Resource Area, Size of Proposed Alteration, Proposed Replacement (if any). Rows include Bordering Land Subject to Flooding and Isolated Land Subject to Flooding.

- f. [X] 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
[X] 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: 72,993 square feet

4. Proposed alteration of the Riverfront Area:
2,781 a. total square feet 0 b. square feet within 100 ft. 2,781 c. square feet between 100 ft. and 200 ft.

- 5. Has an alternatives analysis been done and is it attached to this NOI? [X] Yes [] No
6. Was the lot where the activity is proposed created prior to August 1, 1996? [X] 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. <input type="checkbox"/> Restoration/Enhancement | If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here. | |
| | _____ | _____ |
| | a. square feet of BVW | b. square feet of Salt Marsh |
| 5. <input type="checkbox"/> Project Involves Stream Crossings | | |
| | _____ | _____ |
| | a. number of new stream crossings | b. number of replacement stream crossings |



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.

- a. Yes No **If yes, include proof of mailing or hand delivery of NOI to:**

**Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581**

- 2008 _____
b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.1.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review*

- 1. Percentage/acreage of property to be altered:

(a) within wetland Resource Area _____
percentage/acreage

(b) outside Resource Area _____
percentage/acreage

- 2. Assessor's Map or right-of-way plan of site

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

- (a) Project description (including description of impacts outside of wetland resource area & buffer zone)

- (b) Photographs representative of the site

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

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



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).
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; 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

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

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

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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.

a. Plan Title

b. Prepared By

c. Signed and Stamped by

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

5. If there is more than one property owner, please attach a list of these property owners not listed on this form.

6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8. Attach NOI Wetland Fee Transmittal Form

9. Attach Stormwater Report, if needed.

E. Fees

1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

602

2. Municipal Check Number

March 1, 2016

3. Check date

603

4. State Check Number

March 1, 2016

5. Check date

Mark

6. Payor name on check: First Name

Saganich

7. Payor name on check: Last Name



WPA Form 3 – Notice of Intent

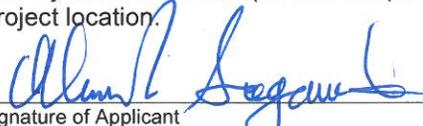
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

| | |
|-----------------------------|--|
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| 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.

| | |
|---|---------|
|  | 3/1/16 |
| 1. Signature of Applicant | 2. Date |
|  | 3/1/16 |
| 3. Signature of Property Owner (if different) | 4. Date |
|  | 3/1/16 |
| 5. Signature of Representative (if any) | 6. Date |

For Conservation Commission:

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

For MassDEP:

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

Other:

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

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

Attachment B Project Narrative

1.0 INTRODUCTION

On behalf of Mark Saganich (Applicant), Hancock Associates is hereby filing this Amended Notice of Intent (NOI) under the Massachusetts Wetlands Protection Act (WPA) and associated Regulations, and the Town of Acton Wetland Protection Bylaw and Regulations for the construction of a home addition, new septic system, and in-ground swimming pool at a single-family home located at 117 Arlington Street in Acton, MA. Work will also entail removal of a small concrete slab foundation. Portions of the project will occur within the 200-foot Riverfront Area associated with Grassy Pond Brook, a USGS mapped and named perennial stream. Portions of the work are also proposed within the 100-foot buffer zone to Bordering Vegetated Wetlands (BVW) and 75-foot “No Build” setback zone under the local Town of Acton bylaw.

The Applicant previously filed a Notice of Intent for development of a home addition and new septic system on the property in 2014, and was issued an Order of Conditions (MassDEP File # 85-1169 issued on December 18, 2014). Work was never initiated under the previously issued Order, and construction plans have since been revised with a modified layout for the home addition and a new in-ground swimming pool, described in detail herein. In addition, the client is proposing to remove an existing small concrete foundation location within the Riverfront Area, representing a reclamation of impervious surface area to be returned to a natural vegetative state. The modified plans have been designed to avoid, minimize, and mitigate for impacts to jurisdictional wetland resource areas and their associated buffer zones to the maximum extent practicable. Best Management Practices (BMPs) for erosion and sediment control, dewatering, and topsoil stockpiling will be utilized until construction is complete and all disturbances are stabilized. The work also conforms to all performance standards for Riverfront Area under the WPA. Accordingly, the Applicant is requesting that the Town of Acton Conservation Commission issues an amended Order of Conditions for the above referenced project.

Changes Since Previous Filing

Since the previous 2014 NOI filing and Order of Conditions issuance, the layout of the home addition has been revised and a new in-ground swimming pool has been added (see attached site plan). The applicant also proposes to remove a small concrete slab foundation from the Riverfront Area and return the location to a natural vegetated condition. Plans for the installation of a new septic system and raise in elevation of the basement foundation of the existing dwelling, as previously permitted, has not changed since the previous issuance of an Order of Conditions, therefore this scope of work is omitted from this amended Notice of Intent.

The following table details the changes since the previous filing:

| Feature | As Previously Conditioned | As Currently Proposed |
|--|----------------------------------|------------------------------|
| Building Footprint | 3,181 sf | 2,630 sf |
| Alteration within Riverfront Area | 1,259 sf | 2,781 sf |
| Alteration within local 75-foot “No Build” Zone | 266 sf | 233 sf |

Note: There have been no changes to the septic system repair layout or design since the previous issued Order, therefore this feature was not included in the calculations of changes since the previous filing.

As revised, the building footprint has been reduced, and there is a slight reduction of square footage of alteration within the local 75-foot “No Build” setback zone, however with the addition of the in-ground swimming pool, alteration within the outer 100-feet of the 200-foot Riverfront Area has increased by 1,522sf. As currently proposed, the project will entail the alteration of approximately 3.8% of the Riverfront Area located within the property, and the revised plan still meets or exceeds the performance standards under the WPA for work within Riverfront Area.

2.0 EXISTING CONDITIONS

The property at 117 Arlington Street is currently developed with a single-family ranch-style residential home with a detached garage located on 1.85 acres of land. The property is serviced by town water and currently has nonconforming onsite wastewater treatment.

2.1 Wetland Resource Area Summary

As previously delineated and approved under the prior NOI and OOC, with the exception of the northern corner of the property in which the septic system is located, the majority of the parcel is located within the 200-foot Riverfront associated with Grassy Pond Brook, a perennial stream. In addition, there is land delineated as Bordering Vegetated Wetlands (BVW) located on the property as well. According to the most recent FEMA Flood Insurance Rate Map (FIRM) issued for this location (Map Number 25017C0352F, issued on July 7, 2014), portions of the property are located within the 100-year floodplain coinciding with elevation 204' (see FEMA FIRM in Attachment C).

No other sensitive resource areas, such as Natural Heritage and Endangered Species program (NHESP) estimated or priority rare species habitats, NHESP potential or certified vernal pools, Areas of Critical Environmental Concern (ACECs), or Outstanding Resource Waters (ORWs) were identified within proximity of the proposed project.

PROPOSED ACTIVITIES AND ANTICIPATED IMPACTS

The basement of the existing single-family home extends below the “wet season” water table and the 100-year floodplain elevation. As previously permitted, the basement of the existing home will be elevated to decrease groundwater intrusion. There are no changes to this scope since issuance of the previous OOC.

Also as previously permitted, the existing septic system is at or below the seasonally high groundwater table and will be replaced with a system conforming to Title 5 and the more restrictive regulations of the Town of Acton Board of Health. This will require relocation of all system components to the north side of the home, outside of the 200-foot Riverfront Area and 75-foot “No Build” Zone. There are no changes to this scope since issuance of the previous OOC.

Work beyond the scope of the previously issued OOC will entail the construction of a home addition with a modified layout and a new in-ground swimming pool (see attached site plans). As revised, the footprint of the home addition has been reduced by approximately 550sf and will no longer utilize the existing garage to be modified with a master bedroom. The home addition and pool will expand directly from the existing dwelling. Since the previous Order, the applicant also proposes to remove a small concrete slab within the Riverfront Area, representing a reclamation of impervious surface area to be returned to a vegetated permeable state. Ground disturbing activities associated with the work will entail excavation, backfill, light grading, and stabilization. Best Management Practices for construction activities are detailed in Section 4.0.

3.1 Drainage

In accordance with WPA regulations 310 CMR 10.05(6)(l)1., the Massachusetts Stormwater Management Standards shall not apply to work on a single-family home, therefore preparation and submittal of a Stormwater Report under the WPA is not required. Drainage for the new home addition will therefore be provided using conventional methods. Runoff will drain through aluminum gutters and downspouts with splash-guards, and infiltrate into the surrounding vegetated areas adjacent to the home. To provide for storage and recharge of roof runoff, drip line recharge trenches are proposed along eave lines.

3.2 Alternatives Analysis

In accordance with the General Performance Standards for Riverfront Area in section 10.58(4) of the WPA regulations, *“...the applicant shall prove by a preponderance of the evidence that there are no practicable and substantially equivalent economic alternatives to the proposed project with less adverse effects on the interests identified in M.G.L. c.131 § 40 and that the work, including proposed mitigation, will have no adverse impact of the Riverfront Area to protect the interests identified in M.G.L. C.131 § 40.”* Furthermore, in accordance with Scope of Alternatives in section 10.58(4)2, *“The scope of alternatives under consideration shall be commensurate with the type and size of the project. The issuing authority shall presume that alternatives beyond the scope described below are not practicable and therefore need not be considered... a. The area under consideration for practicable alternatives is limited to the lot for activities associated with the construction or expansion of a single family house on a lot recorded on or before August 1, 1996”*.

Of the 1.85 acres of land on the property, approximately 90% is located within the 200-foot Riverfront Area, severely limiting available onsite areas for development located outside of the resource area. In addition, of the limited available land on the property located outside of Riverfront Area, the new septic system will occupy most of this space out of necessity, and setback restrictions along Perkins Lane, further limits locations of potential development on the property. As proposed, with the exception of the *“no build”* alternative, there are no other practicable alternatives available which would result in less alteration within Riverfront Area. As proposed, no work will occur within the 100-foot Inner Riparian Zone, as all proposed work is situated within the outer limits of the Riverfront Area. As proposed, the project would alter only 2,781sf of Riverfront Area, representing 3.8% of the Riverfront Area located within the property. In accordance with the Wetlands Protection Act Regulations, 310 CMR 10.58(4)(3)(d)1., *“Within*

200 foot Riverfront Areas, the issuing authority may allow the alteration of up to 5000 square feet or 10% of the Riverfront Area within the lot, whichever is greater, on a lot recorded on or before October 6, 1997.”.

With implementation of Best Management Practices during construction it is our opinion that the Performance Standards for Riverfront Area to “*protect the private and public water supply; protect groundwater; provide flood control; prevent storm damage; prevent pollution; protect land containing shellfish; protect wildlife habitat; and protect fisheries*” have been met as proposed.

4.0 CONSTRUCTION BEST MANAGEMENT PRACTICES

4.1 Sediment Controls

Prior to the initiation of any ground disturbing activities, sediment controls such as staked strawbales, fiber rolls, or similar treatment, will be installed between the limits of disturbance and down gradient wetland resource areas. These controls will be installed contiguous and flush with the ground, and maintained throughout construction in functional condition.

4.2 Material Management

During construction of the pool, displaced soils will be stockpiled outside of wetland resource areas in a manner that will prevent sediment deposition from entering wetlands. In the event of forecasted rain events, stockpiles will either be covered or perimeter sediment controls will be installed on the ground below the toe of slope of the stockpile. All or a portion of the native soils excavated for the pool will be used in mounding the new septic system. Any excess displaced soils will be legally disposed. Stone tracking aprons will be installed at driveway entrances prior to initiation of work to prevent sediment tracking onto public roadway. In the event that sediment tracking onto public roadways occurs, the contractor will be responsible for cleaning the roadway.

Although no hazardous materials of appreciable volume are anticipated to be used onsite, during construction it can be anticipated that small volumes of hazardous materials such as fuels, paints, and other agents will be present. Contractors will maintain all hazardous materials in labeled suitable containment and will utilize drop cloths or secondary containment throughout construction. The contractor will have spill kits readily available in the event of a spill.

4.3 Dewatering

Onsite dewatering during construction is probable, given the work at or below the water table. Dewatering will be restricted to discharge through a filter bag into preferably a vegetated upland area outside of wetland resource areas. Dewatering will be monitored at all times such that flow rates are maintained to provide suitable filtration. In the event that suitable filtration is not being achieved through a filter bag alone, the contractor may build a sediment settling basin with staked strawbales and filter fabric in which the filter bag will be placed to provide additional filtration.

4.4 Restoration

All disturbed areas will be restored and stabilized to the greatest extent practicable following completion of construction. Disturbed soils will be seeded and monitored until vegetative cover has emerged and final stabilization is achieved. All construction materials will be removed from the site upon completion of construction. All temporary sediment controls will be removed upon achievement of final stabilization.

5.0 CONCLUSION

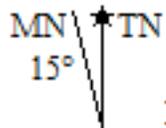
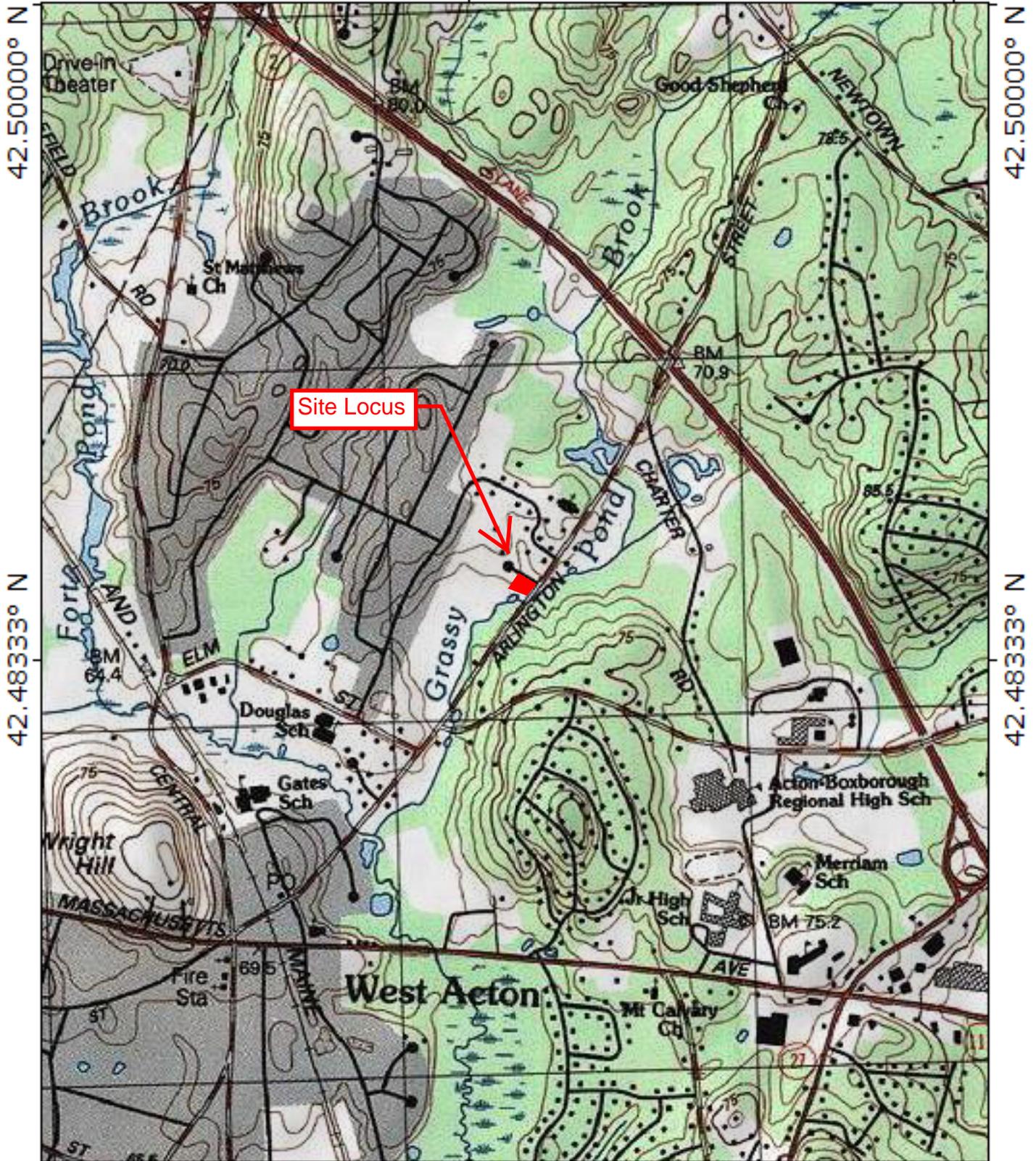
The project has been designed to minimize new alteration within the 200-foot Riverfront Area to the maximum extent practicable. Through the use of appropriate BMPs, the Project is designed to meet or exceed all Performance Standards for Riverfront Area under the WPA and implementing regulations. The Applicant is therefore requesting that the Town of Acton Conservation Commission issue an amended Order of Conditions for the above referenced scope of work.

Attachment C Figures

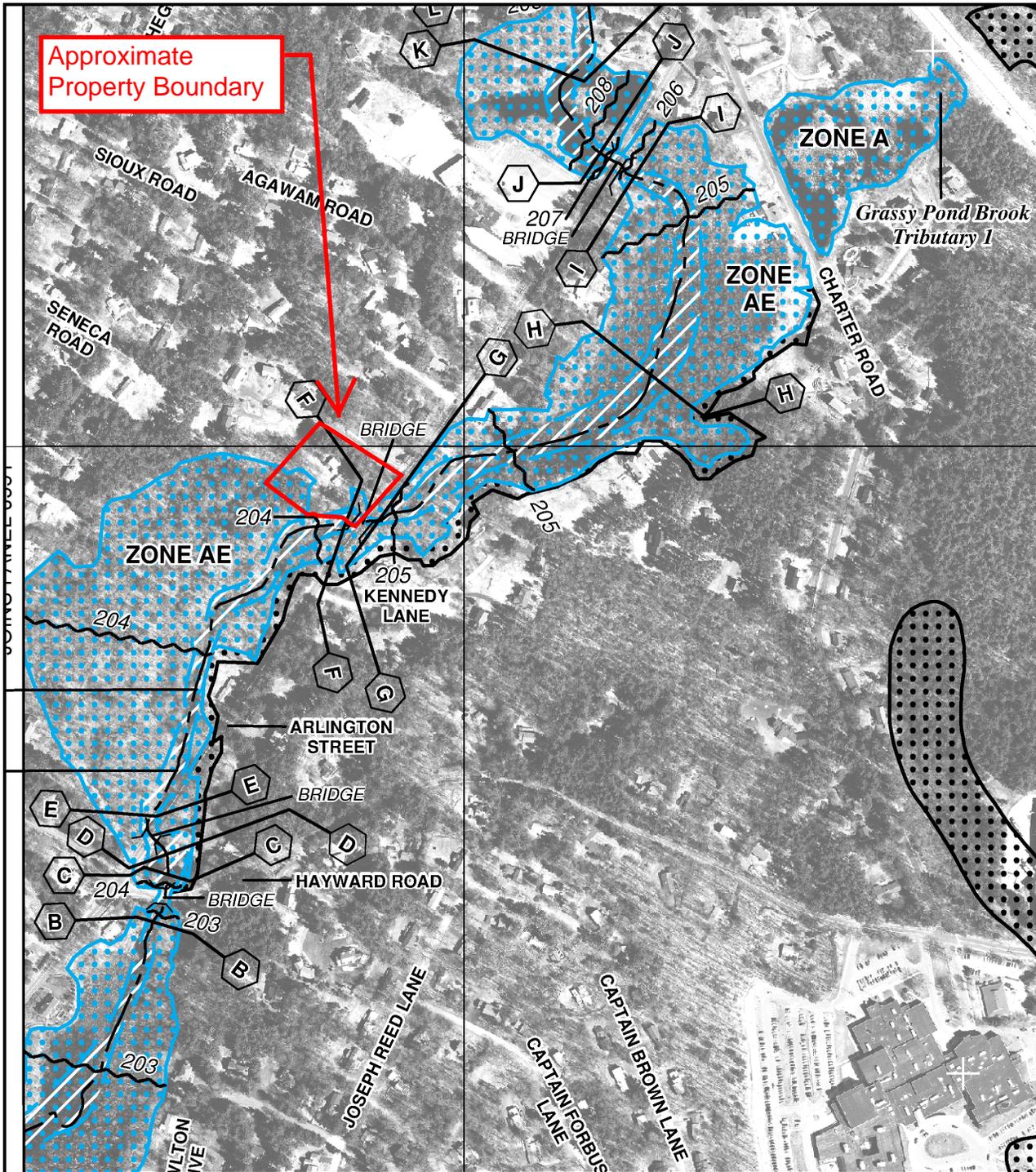
117 Arlington Road, Acton, MA Locus Map

71.46667° W

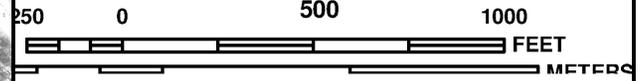
WGS84 71.45000° W



Map created with TOPO!® ©2003 National Geographic (www.nationalgeographic.com/topo)



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 | PANEL | SUFFIX |
|----------------|--------|-------|--------|
| ACTON, TOWN OF | 250176 | 0352 | 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

**Attachment D Abutter Notification Letter
And Affidavit**

AFFIDAVIT OF SERVICE

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, David Cowell, hereby certify under the pains and penalties of perjury that on March 3, 2016 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 Mark Saganich with the Acton Conservation Commission on March 3, 2016 for property located at 117 Arlington Street, Acton, MA, Acton.

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

March 3, 2016

Date

**NOTIFICATION TO ABUTTERS
UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT
AND THE TOWN OF ACTON WETLANDS BYLAW**

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

The Applicant: Mark Saganich

Address 117 Arlington Street, Acton, MA 01720 Phone (978) 621-9457

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: David Cowell, PWS, CWB, CESSWI (Hancock Associates)

Address 315 Elm Street, Marlborough, MA 01752 Phone (508) 460-1111

The address of the property where the activity is proposed 117 Arlington Street, Acton, MA 01720

Town Atlas Plate/Map E2 Parcel/Lot 233

Project Description Development of a home addition, in-ground swimming pool, and new septic system, portions of which will occur in the 200-foot Riverfront Area, 100-foot buffer zone to Bordering Vegetated Wetlands, and 75-foot "No Build" Zone

For more information please contact the Conservation Office at 978-929-6634 or email NR@acton-ma.gov. Copies of the Notice of Intent may be examined at the Conservation Office, Acton Town Hall, 472 Main Street, Acton between the hours of 9:00 A.M. and 4:30 P.M. Monday through Friday.

A Public Hearing will be held at the Acton Town Hall, 472 Main Street, on Wednesday,
March 23, 2016 at 7:45 P.M.
(date)

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

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

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



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

Brian McMullen
Chief Assessor

Locus: 117 Arlington Street
Parcel ID: E2-233

| Location | Parcel ID | Owner | Co-Owner | Mailing Address | City ST Zip |
|-----------------|----------------------|-----------------------|--------------------|------------------------|--------------------|
| E2-197-3 | 7 PERKINS LN | PARNELL MATTHEW J | PARNELL PATRICIA G | 7 PERKINS LN | ACTON, MA 01720 |
| E2-197-4 | 9 PERKINS LN | TABNER JAMES V | | 9 PERKINS LN | ACTON, MA 01720 |
| E2-197 | 3 PERKINS LN | GNALL ELLEN H DELEMOS | FORTE DAVID P | 3 PERKINS LN | ACTON, MA 01720 |
| E2-237-9 | 118-124 ARLINGTON ST | ZHANG WEIDONG | WU LEI | 4 KENNEDY LANE | ACTON, MA 01720 |
| E2-237 | 110 ARLINGTON ST | FECHER RICHARD J | YEN DEBORAH J | 6 KENNEDY LN | ACTON, MA 01720 |
| E2-246 | 133 ARLINGTON ST | DYER THOMAS J | DYER CATHLEEN K | 133 ARLINGTON ST | ACTON, MA 01720 |

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

Kelly Schorr
Acton Assessors Office

29-Feb-16

Attachment E Filing Fees



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:

117 Arlington Street Acton
 a. Street Address b. City/Town
 603 \$70.00
 c. Check number d. Fee amount

2. Applicant Mailing Address:

Mark Saganich
 a. First Name b. Last Name
 c. Organization
 117 Arlington Street
 d. Mailing Address
Acton MA 01720
 e. City/Town f. State g. Zip Code
(978) 621-9457 adbresidential@gmail.com
 h. Phone Number i. Fax Number j. Email Address

3. Property Owner (if different):

a. First Name b. Last Name
 c. Organization
 d. Mailing Address
 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 |
|---------------------------------|-----------------------------|--------------------------------|------------------------------|
| 1a. Work on a single-family lot | 1 | \$110.00 | \$110.00 |
| Riverfront Area and BVW Buffer | | \$55.00 | \$55.00 |
| Local Bylaw Fee | | \$33.00 | \$33.00 |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

Step 5/Total Project Fee: _____

Step 6/Fee Payments:

| | |
|--------------------------------|--------------------------------------|
| Total Project Fee: | \$198.00 |
| State share of filing Fee: | \$70.00 |
| City/Town share of filing Fee: | \$95.00 (plus \$33.00 bylaw fee) |
| | a. Total Fee from Step 5 |
| | b. 1/2 Total Fee less \$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.)

MARK SAGANICH 11-02
117 ARLINGTON STREET
ACTON, MA 01720

603
53-7122/2113

3/1/16

Date

Pay to the Order of COMMONWEALTH OF MASS \$ 70.00

SEVENTY & NO/100 Dollars



 **Middlesex** ⁰³
Savings Bank AMEND.
ACTON, MA 01720

For 117 ARLINGTON NO1

Mark Saganich

⑆ 211371227⑆ 223082099⑆ 0603

Harland Clarke

INTOUCH® CUSTOM CREATIONS®

MARK SAGANICH 11-02
117 ARLINGTON STREET
ACTON, MA 01720

602
53-7122/2113

3/1/16

Date

Pay to the Order of TOWN OF ACTON \$ 128.-

ONE HUNDRED TWENTY EIGHT - Dollars



 **Middlesex** ⁰³
Savings Bank
ACTON, MA 01720

For 117 ARLINGTON NO1

Mark Saganich

⑆ 211371227⑆ 223082099⑆ 0602

Harland Clarke

INTOUCH® CUSTOM CREATIONS®

Attachment H Project Plans