

Notice of Intent  
Under the  
Massachusetts Wetlands Protection Act, G.L. c. 131, s. 40  
and  
Town of Acton Wetlands Protection Bylaw

**EUA 58  
ACORN PARK DRIVE  
ACTON, MASSACHUSETTS**

May 15, 1995

Prepared for:

Acorn Homes, Inc.  
150 Wood Road  
Braintree, MA 02184

Prepared by:

Stamski and McNary, Inc.  
80 Harris Street  
Acton, MA 01720

Engineering - Planning - Surveying

DEP File No.

[Redacted Box]

(To be provided by DEP)

Form 3

City/Town Acton

Applicant Acorn Homes, Inc.

Commonwealth  
of Massachusetts

Department of  
Defense  
United States  
of America

Notice of Intent  
Under the  
Massachusetts Wetlands Protection Act, G.L. c. 131, §40  
and  
Application for a Department of the Army Permit  
and

Town of Acton Wetlands Protection Bylaw

Part I: General Information

1. Location: Street Address Acorn Park Drive; Acton, MA  
Lot Number EUA 58
2. Project: Type Residential Description Grading for house, drive and utilities within Buffer Zone.
3. Registry: County Middlesex Current Book 16746 & Page 567  
Certificate (if Registered Land) \_\_\_\_\_
4. Applicant Acorn Homes, Inc. Tel. 617-328-8200  
Address 150 Wood Road; Braintree, MA 02184
5. Property owner Acorn Park Realty Trust Tel. 617-259-0555  
Address One Nagog Park; Acton, MA
6. Representative Stephen F. Vassa c/o Acorn Homes, Inc. Tel. 617-328-8200  
Address 150 Wood Road; Braintree, MA 02184
7. a. Have the Conservation Commission and the Department's Regional Office each been sent, by certified mail or hand deliver, 2 copies of completed Notice of Intent, with supporting plans and documents?  
Yes  No
- b. Has the fee been submitted? Yes  No
- c. Total Filing Fee submitted \$250.00 (Plus \$50.00 Bylaw fee)
- d. City/Town Share of Filing Fee \$137.50 State share of Filing Fee \$112.50  
(sent to City/Town) (1/3 of fee in excess of \$25, sent to DEP)
- e. Is a brief statement attached indicating how the applicant calculated the fee?  Yes  No



12. Is the project within estimated habitat which is indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetlands Wildlife (if any) published by the Natural Heritage and Endangered Species Program?

YES [ ] NO [ X ] Date printed on the Estimated Habitat Map  
 NO MAP AVAILABLE [ ] (if any), 1994 Atlas Edition

If yes, have you sent a copy of the Notice of Intent to the Natural Heritage and Endangered Species Program via the U.S. Postal Service by certified or priority mail (or otherwise sent it in a manner that guarantees delivery within two days) no later than the date of the filing of this Notice of Intent with the conservation commission and the DEP regional office?

YES [ ] NO [ ]

If yes please attach evidence of timely mailing or other delivery to the Natural Heritage and Endangered Species Program.

**Part II: Site Description**

Indicate which of the following information has been provided (on a plan, in narrative description or calculations) to clearly, completely and accurately describe existing site conditions.

Identifying  
 Number/Letter  
 (of plan, narrative  
 or calculations)

<u>B</u>	<u>Natural Features</u> soils
<u>B</u>	Vegetation
<u>A, B</u>	Topography
<u>A, B</u>	Open water bodies (including ponds and lakes)
<u>A, B</u>	Flowing water bodies (including streams and rivers)
<u>n.a.</u>	Public and private surface water and ground water supplies on or within 100 feet of site
<u>B</u>	Maximum annual ground water elevations with dates and location of test
<u>B</u>	Boundaries of resource areas checked under Part 1, item 11 above
<u>n.a.</u>	Other
	<u>Man-made Features:</u>
<u>B</u>	Structures (such as buildings, piers, towers and headwalls)
<u>B</u>	Drainage and flood control facilities at the site and immediately off the site, including culverts and open channels (with inverts), dams and dikes
<u>n.a.</u>	Subsurface sewage disposal systems
<u>B</u>	Underground utilities

B                Roadways and parking areas

    B                Property boundaries, easements and rights-of-way

  n.a.              Other

**Part III: Work Description**

Indicate which of the following information has been provided (on a plan, in narrative description or calculations) to clearly, completely and accurately describe work proposed within each of the resource areas checked in Part I, item 11 above.

Identifying  
Number/Letter  
(of plan, narrative  
or calculations)

    B                Planview and Cross Section of:  
Structures (such as buildings, piers, towers and headwalls)

  n.a.              Drainage and flood control facilities, including culverts  
and open channels (with inverts), dams and dikes

    B                Subsurface sewage disposal systems & underground utilities

  n.a.              Filling, dredging and excavating, indicating volume and  
composition of material

  n.a.              Compensatory storage areas, where required in accordance  
with Part III, Section 10.57(4) of the regulations.

  n.a.              Wildlife habitat restoration or replication areas

  n.a.              Other

  n.a.              Point Source Discharge  
Description of characteristics of discharge from point  
source (both closed and open channel), when point of  
discharge falls within resource area checked under Part I,  
item 11 above, as supported by standard engineering  
calculations, data and plans, including but not limited to  
the following:

1. Delineation of the drainage area contributing to the point of discharge;
2. Pre- and post-development peak run-off from the drainage area, at the point of discharge, for at least the 10-year and 100-year frequency storm;
3. Pre- and post-development rate of infiltration contributing to the resource area checked under Part I, item 11 above;
4. Estimated water quality characteristics of pre- and post-development run-off at the point of discharge.

**Part IV: Mitigating Measures**

1. Clearly, completely and accurately describe, with reference to supporting plans and calculations where necessary:
- (a) All measures and designs proposed to meet the performance standards set forth under each resource area specified in Part II or Part III of the regulations; or
  - (b) Why the presumptions set forth under each resource area specified in Part II or Part III of the regulations do not apply.

<input type="checkbox"/> Coastal <input type="checkbox"/> Inland	Resource Area Type:	Identifying number or letter of support documents

<input type="checkbox"/> Coastal <input type="checkbox"/> Inland	Resource Area Type:	Identifying number or letter of support documents

<input type="checkbox"/> Coastal <input type="checkbox"/> Inland	<b>Resource Area Type:</b>  	<b>Identifying number or letter of support documents</b>  

2. Clearly, completely and accurately describe, with reference to supporting plans and calculations where necessary:
- (a) all measures and designs to regulate work within the Buffer Zone so as to ensure that said work does not alter an area specified in Part I, Section 10.02(1)(a) of these regulations; or
  - (b) if work in the Buffer Zone will alter such an area, all measures and designs proposed to meet the performance standards established for the adjacent resource area, specified in Part II or Part III of these regulations.

<input checked="" type="checkbox"/> Coastal <input type="checkbox"/> Inland	<b>Resource Area Type Bordered          By 100-Foot Discretionary Zone:</b>  	<b>Identifying number or letter of support documents</b>  
<p>A 25' natural buffer to wetlands is proposed.          All impervious surfaces will be 40' from wetlands.          Haybales will protect wetlands during construction.</p>	    	<p>B</p>

**Part V: Additional Information for a Department of the Army Permit**

1. COE Application No. \_\_\_\_\_  
(to be provided by COE)
2. \_\_\_\_\_  
(Name of waterway)
3. Names and addresses of property owners adjoining your property:
4. Document other project alternatives (i.e., other locations and/or construction methods, particularly those that would eliminate the discharge of dredged or fill material into waters or wetlands).
5. 8 1/2" x 11" drawings in planview and cross-section, showing the resource area and the proposed activity within the resource area. Drawings must be to scale and should be clear enough for photocopying.

Certification is required from the Division of Water Pollution Control before the Federal permit can be issued. Certification may be obtained by contacting the Division of Water Pollution Control, 1 Winter Street, Boston, Massachusetts 02108.

Where the activity will take place within the area under the Massachusetts approved Coastal Zone Management Program, the applicant certifies that his proposed activity complies with and will be conducted in a manner that is consistent with the approved program.

Information provided will be used in evaluating the application for a permit and is made a matter of public record through issuance of a public notice. Disclosure of this information is voluntary; however, if necessary information is not provided, the application cannot be processed nor can a permit be issued.

I hereby certify under the pains and 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.

Allen Elwell project Manager      4-27-95  
Signature of Applicant      Date

Acorn Homes Inc      4-27-95  
Signature of Applicant's Representative      Date

FORM  
MED 100 (TEST)  
1 MAY 82

"Exception to ENG Form 4345 approved by HQUSACE, 6 May 1982"

"This document contains a joint Department of the Army and State of Massachusetts application for a permit to obtain permission to perform activities in United States waters. The Office of Management and Budget(OMB) has approved those questions required by the US Army Corps of Engineers. OMB Number 0702-0036 and expiration date of 30 September 1983 applies". This statement will be set in 6 point type.

Re: NOI Proposed Activities and Calculated Filing Fees

CATEGORY 1 \$55 per activity

- A. Existing House/residential lot (addition, deck, garage, pool, shed, or DRIVEWAY) \_\_\_\_\_
  - B. Site Preparation (removal of vegetation, excavation, grading where home construction is not proposed under this NOI) \_\_\_\_\_
  - C. Control of nuisance vegetation by removal, herbicides, etc. within a Resource Area PER LOT pursuant to 310 CMR 10.53(4) \_\_\_\_\_
  - D. Resource Area Improvement pursuant to 310 CMR 10.53(4) other than 1C above \_\_\_\_\_
  - E. SEPTIC SYSTEMS or any part thereof/repairs, replacement, UPGRADING \_\_\_\_\_
  - F. Monitoring Wells/well \_\_\_\_\_
- TOTAL CATEGORY ONE ACTIVITIES 0

CATEGORY 2 \$250 PER ACTIVITY

- A. EACH NEW single family house INCLUDING site preparation, retention/detention basins, utilities, SEPTIC SYSTEM, roadway/driveway other than those pursuant to 310 CMR 10.53 (3e) if reviewed under a SINGLE NOI \$250.00 \_\_\_\_\_
  - B. Parking lot/ ANY size \_\_\_\_\_
  - C. Beach Nourishment \_\_\_\_\_
  - D. Coastal Activities pursuant to 310 CMR 10.24 (7a-d) including 7a-Electric Generation Facilities, 7b-Public Utilities, 7c-Coastal Limited Projects including REPAIR/MAINTENANCE of EXISTING piers, buildings, culverts, etc. \_\_\_\_\_
  - E. LIMITED PROJECT ACTIVITIES pursuant to 310 CMR 10.53 (a-d) AND 310 CMR 10.53 (f-d) per footprint. \_\_\_\_\_
  - F. NEW agricultural/aquacultural projects \_\_\_\_\_
  - G. EACH WETLAND DRIVEWAY CROSSING associated with a single family home pursuant to 310 CMR 10.53(3e) \_\_\_\_\_
  - H. ANY point source discharge \_\_\_\_\_
  - I. ANY OTHER ACTIVITY not described in categories 1, 3, 4 & 5 \_\_\_\_\_
- TOTAL CATEGORY TWO ACTIVITIES \$250.00

CATEGORY 3 \$525/ACTIVITY

- A. SITE PREPARATION for ANY development other than for a single family house INCLUDING removal of vegetation, excavation & grading when actual construction is NOT proposed under this NOI \_\_\_\_\_
- B. CONSTRUCTION OF EACH BUILDING within commercial, industrial, institutional, or apartment/condo/townhouse type of development, ANY PART of which is in a BUFFER ZONE or RESOURCE AREA. Associated activities: site preparation, retention/detention basin construction, septic systems, parking lots, utilities, point source discharges, sewerage treatment plants, roadways/driveways NOT subject to 310 CMR 10.53(3e) SHALL NOT BE SUBJECT TO ADDITIONAL FEES if said activities are reviewed under a SINGLE NOI \_\_\_\_\_
- C. Construction of EACH ROADWAY/DRIVEWAY within the Buffer Zone or Coastal Floodzone NOT reviewable under 310 CMR 10.53 (3e) and NOT associated with a single family house \_\_\_\_\_
- D. HAZARDOUS WASTE CLEANUP (except as noted in category 4) \_\_\_\_\_

TOTAL CATEGORY THREE ACTIVITIES

0

CATEGORY 4 \$725 PER ACTIVITY

- A. EACH WETLAND FILLING/CROSSING LIMITED PROJECT ACCESS ROADWAY/DRIVEWAY under 310 CMR 10.53 (3e) associated with COMMERCIAL, INDUSTRIAL, INSTITUTIONAL DEVELOPMENT OR RESIDENTIAL (SUBDIVISION CONSTRUCTION. (\*\*see category 2g for single family home driveway\*\*)) \_\_\_\_\_
- B. Flood Control Structures (construction, REPAIR, and/or modification) \_\_\_\_\_
- C. LANDFILLS-public & private \_\_\_\_\_
- D. SAND & GRAVEL OPERATIONS \_\_\_\_\_
- E. NEW railroad lines or EXTENSIONS of EXISTING lines \_\_\_\_\_
- F. Control of NUISANCE VEGETATION under 310 CMR 10.53(4) other than on a single family house lot \_\_\_\_\_
- G. BRIDGES (construction, reconstruction, expansion, maintenance) ASSOCIATED with a SINGLE FAMILY HOUSE LOT \_\_\_\_\_
- H. Raising or lowering WATER LEVELS \_\_\_\_\_
- I. ALTERATION OF RESOURCE AREA & diversion of water associated with HAZARDOUS WASTE CLEANUP, non-mosquito control projects, or for ANY OTHER PURPOSE NOT EXPRESSLY IDENTIFIED ELSEWHERE IN THIS FEE SCHEDULE \_\_\_\_\_
- J. DREDGING ACTIVITIES not associated with a NEW dock, pier or other structure described in category 5 \_\_\_\_\_

TOTAL CATEGORY FOUR ACTIVITIES

0

A. Construction, reconstruction, REPAIR, or replacement of DOCKS, PIERS, REVETMENTS, DIKES, or other engineering structures on COASTAL or INLAND RESOURCE AREAS including the placement of RIP-RAP or other material on coastal or inland resource areas

TOTAL CATEGORY FIVE ACTIVITIES

0

ADD ALL TOTALS

CATEGORY ONE TOTAL

0

CATEGORY TWO TOTAL

\$250.00

CATEGORY THREE TOTAL

0

CATEGORY FOUR TOTAL

0

CATEGORY FIVE TOTAL

0

DATE 4/27/95 TOTAL FILING FEE CALCULATED\*\* @ 250.00

PERSON CALCULATING FEE SCHEDULE (PRINT NAME)

Stamski and McNary, Inc.

ADDRESS 80 Harris Street

Acton, MA 01720

TELEPHONE NUMBER (508)263-8585

SIGNATURE

Caroline Wright  
Caroline Wright

**NOTICE OF INTENT FEE TRANSMITTAL FORM**

**DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF WETLANDS AND WATERWAYS**

**NOTICE OF INTENT (NOI) APPLICANT:**

**PROPERTY OWNER:**

Name Acorn Homes, Inc.

Name Acorn Park Realty Trust

street 150 Wood Road

street One Nagog Park

city/town Braintree

city/Town Acton

state MA zip code 02184

state MA zip code 01720

Phone Number 617-328-8200

PROJECT LOCATION: Street/Lot Number Acorn Park Drive/EUA 58

city/Town Acton

DEP FILE NUMBER (if available) \_\_\_\_\_

**NOI FILING FEE**

**DISPUTED FEE**

Total NOI Filing Fee: \$ 250.00 (Plus \$50.00  
Bylaw fee)

State Share of Filing Fee: \$ 112.50  
(1/2 of fee in excess of \$25.00)

City/Town Share of

Filing Fee: \$ 137.50

Total Disputed Fee: \$ \_\_\_\_\_

(as determined in Notice of  
Insufficient Fee letter from  
conservation commission)

State Share of Fee: \$ \_\_\_\_\_

(1/2 of total disputed fee)

City/Town Share of Fee: \$ \_\_\_\_\_

(1/2 of total disputed fee)

**INSTRUCTIONS:**

1. Send this Fee Transmittal form and a check or money order, payable to the Commonwealth of Massachusetts, to the DEP Lock Box at:

Dept. of Environmental Protection  
Box 4062  
Boston, MA 02211

2. Attach a copy of this form to the Notice of Intent submitted to the local Conservation Commission.
3. Attach a copy of this form and a copy of the DEP check to each of the Notice of Intent forms submitted to the DEP regional office.

ACORN HOMES, INC.  
150 WOOD ROAD  
BRAintree, MA 02184

BANK OF BOSTON  
THE FIRST NATIONAL BANK OF BOSTON

5-39/110

0010517

\*\*\*137 DOLLARS AND 50 CENTS

DATE  
05/11/95

CHECK NO.  
010517

PAYEE I.D.  
TOW2000

PAY THIS AMOUNT  
\$\*\*\*\*\*137.50

PAY  
TO THE  
ORDER  
OF

TOWN OF ACTON  
PO BOX 2212  
ACTON, MA 01720

AUTHORIZED SIGNATURE

⑈010517⑈ ⑆011000390⑆510 05146⑈

ACORN HOMES, INC.  
150 WOOD ROAD  
BRAintree, MA 02184

BANK OF BOSTON  
THE FIRST NATIONAL BANK OF BOSTON

5-39/110

0010491

\*\*\*112 DOLLARS AND 50 CENTS

DATE  
05/11/95

CHECK NO.  
010491

PAYEE I.D.  
COM1000

PAY THIS AMOUNT  
\$\*\*\*\*\*112.50

PAY  
TO THE  
ORDER  
OF

COMMONWEALTH OF MASSACHUSETTS

AUTHORIZED SIGNATURE

⑈010491⑈ ⑆011000390⑆510 05146⑈

ACORN HOMES, INC.  
150 WOOD ROAD  
BRAintree, MA 02184

BANK OF BOSTON  
THE FIRST NATIONAL BANK OF BOSTON

5-39/110

0010518

\*\*\*50 DOLLARS AND NO CENTS

DATE  
05/11/95

CHECK NO.  
010518

PAYEE I.D.  
TOW2000

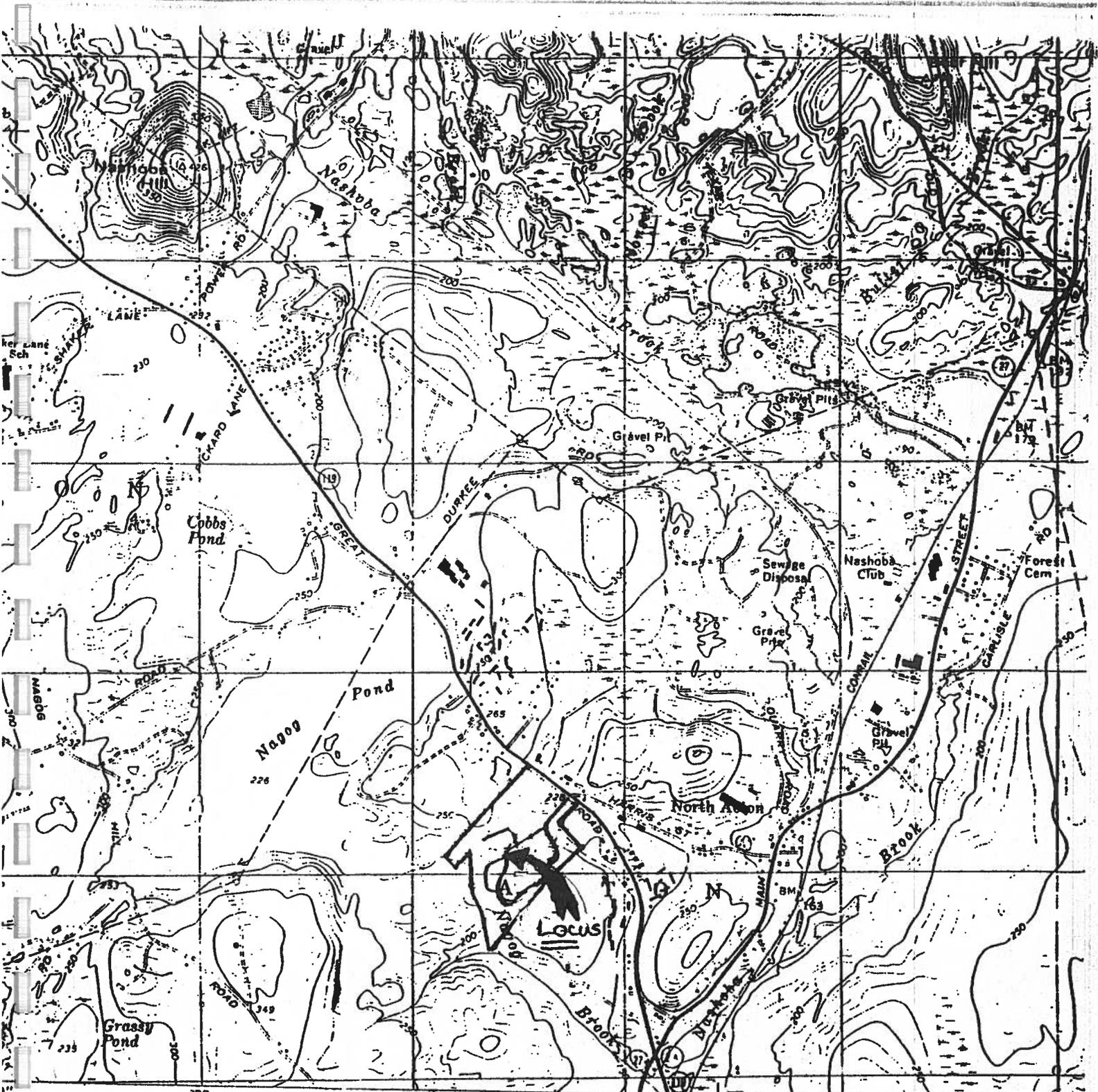
PAY THIS AMOUNT  
\$\*\*\*\*\*50.00

PAY  
TO THE  
ORDER  
OF

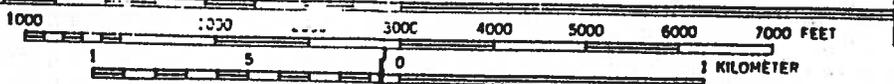
TOWN OF ACTON  
PO BOX 2212  
ACTON, MA 01720

AUTHORIZED SIGNATURE

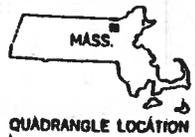
⑈010518⑈ ⑆011000390⑆510 05146⑈



(MAYNARD) 300  
 8768 IV NW  
**EA 58**  
 SCALE 1:25 000  
**ACORN PARK**

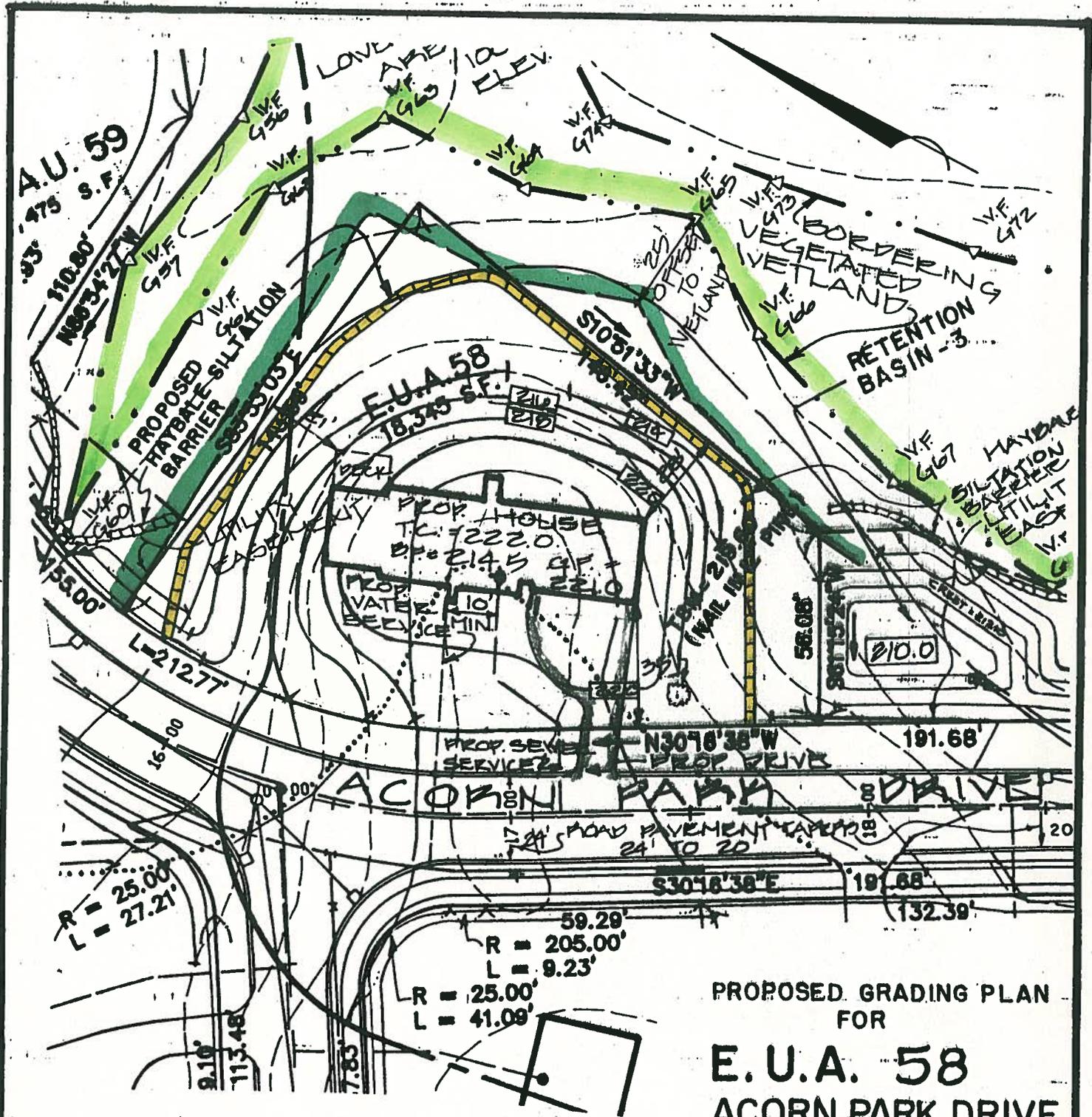


CONTOUR INTERVAL 10 FEET  
 NATIONAL GEODETIC VERTICAL DATUM OF 1929



THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS  
 FOR SALE BY U. S. GEOLOGICAL SURVEY, RESTON, VIRGINIA 22092  
 A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

Primary hill  
 hard surfac  
 Inte



**REFERENCE:**

PROPERTY LINES, TOPOGRAPHY AND PROPOSED CONDITIONS TAKEN FROM A PLAN ENTITLED: "SITE DEVELOPMENT PLAN FOR ACORN PARK REALTY TRUST," APPROVED BY THE ACTON PLANNING BOARD ON: 12-30-93, SHEET 15 OF 25 BY STAMSKI & MC NARY, INC.

SM-1558

PROPOSED GRADING PLAN FOR

**E. U. A. 58**  
**ACORN PARK DRIVE**  
**ACTON, MA.**

SCALE: 1" = 40' APRIL 27, 1995  
 FOR: ACORN HOMES, INC.

PREPARED BY:  
**STAMSKI & MC NARY, INC.**  
 80 HARRIS STREET  
 ACTON, MA. 01720

**LIST OF ABUTTERS**

**Applicant: Acorn Homes, Inc.**  
150 Wood Road  
Braintree, MA 02184

**Property Owner: Acorn Park Realty Trust**  
One Nagog Park  
Acton, MA 01720

**Notification to Abutters Under the  
Massachusetts Wetlands Protection Act**

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

- A. The name of the applicant is Acorn Homes, Inc.
- B. The applicant has filed a Notice of Intent with the Conservation Commission for the municipality of Acton seeking permission to remove, fill, dredge or alter an Area Subject to Protection Under the Wetlands Protection Act (General Laws Chapter 131, section 40).
- C. The address of the lot where the activity is proposed is E.U.A. 58,  
Acorn Park Drive
- D. Copies of the Notice of Intent may be examined at Acton Conservation Commission

between the hours of 9:00A and 4:00P on the following days of the week:  
Monday - Friday

For more information, call: (508) 264 - 9631.

Check one: This is the applicant , representative , or other  (specify):  
Town of Acton

- E. Copies of the Notice of Intent may be obtained from either (check one) the applicant , or the applicant's representative , by calling this telephone number (508) 263 - 8585 between the hours of 9:00A and 2:00P on the following days of the week: Monday - Friday.
- F. Information regarding the date, time, and place of the public hearing may be obtained from Acton Conservation Commission

by calling this telephone number (508) 264 - 9631 between the hours of 9:00A and 4:00P on the following days of the week:  
Monday - Friday

Check one: This is the applicant , representative , or other  (specify):  
Town of Acton

**NOTE:** Notice of the public hearing, including its date, time, and place, will be published at least five (5) days in advance in the Acton Citizen  
(name of newspaper)

**NOTE:** Notice of the public hearing, including its date, time, and place, will be posted in the City or Town Hall not less than forty-eight (48) hours in advance.

**NOTE:** You also may contact your local Conservation Commission or the nearest department of Environmental Protection Regional Office for more information about this application or the Wetlands Protection Act. To contact DEP, call:

Central Region: 508-792-7650

Northeast Region: 617-935-2160

Southeast Region: 508-946-2800

Western Region: 413-784-1100

\* Hearing is scheduled for June 7, 1995 at the Acton Town Hall, 472 Main Street, Acton, Mass. in Room 204. The hearing time is at 8:15 p.m.

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, Caroline Wright, hereby certify

under the pains and penalties of perjury that on 5/17/95 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 Acorn Homes, Inc. with the Acton Conservation Commission on 5/17/95 for property located at E.U.A. 58, Acorn Park Drive

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.

Caroline Wright  
Name

5-17-95  
Date