



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 3 – Notice of Intent

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

Provided by DEP

Acton

Town

A. General Information

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.

1. Applicant:

Martin & Jo Ellen Hirsch

Name

E-Mail Address (if applicable)

39 Arlington Street

Mailing Address

Acton

MA

01720

City/Town

State

Zip Code

978-263-8094

Phone Number

Fax Number (if applicable)

2. Representative (if any):

Stamski & McNary, Inc.

Firm

GeorgeDimakarakos, P.E.

StamMcNary@AOL.COM

Contact Name

E-Mail Address (if applicable)

80 Harris Street

Mailing Address

Acton

MA

01720

City/Town

State

Zip Code

(978)-263-8585

Phone Number

(978)-263-9883

Fax Number (if applicable)

3. Property Owner (if different from applicant):

(Applicant from above) & Thomas P. Benton

Name

35 Arlington Street

Mailing Address

Acton

MA

01720

City/Town

State

Zip Code

4. Total Fee:

\$ 55 (+\$11 Bylaw fee)

(from Appendix B: Wetland Fee Transmittal Form)

5. Project Location:

35 & 39 Arlington Street

Street Address

Acton

City/Town

D-3

22-3 & 22-5

Assessors Map/Plat Number

Parcel /Lot Number

6. Registry of Deeds:

Middlesex South

County

13875 & 13032

Book

198 & 474

Page

Certificate (if Registered Land)



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A. General Information (cont.)

7. Summary of Project Impacts:

a. Is any work being proposed in the Buffer Zone?

Yes If yes, how many square feet?

1,600 s.f. +/-

No

b. List the impacts of proposed activities on each wetland resource areas (temporary and permanent impacts, prior to restoration and mitigation):

Resource Area

Size of Impact (e.g., sq. ft.)

<u>Resource Area</u>	<u>Size of Impact (e.g., sq. ft.)</u>

B. Project Description

1. General Project Description:

Removal of garage, pavement, and foundation in Buffer Zone of Bordering Vegetated Wetland.

2. Plan and/or Map References:

See Table of Contents

Title

Date



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C. Activities Subject to Regulation

1. a. Check the applicable resource areas if work is to be conducted in an associated Buffer Zone:

Inland Resource Areas

- Inland Bank
- Bordering Vegetated Wetland (BVW)

Coastal Resource Areas

- Coastal Beach
- Rocky Intertidal Shore
- Salt Marsh
- Barrier Beach
- Coastal Dune
- Coastal Bank

b. Complete for all proposed activities located, in whole or in part, in Wetland Resource Area(s).

Inland Resource Areas:

Bordering Vegetated Wetlands:

Square Feet altered

Square Feet replaced

Land Under Water Bodies:

Square Feet altered

Cubic Yards dredged

Bank:

Linear Feet altered

Coastal Resource Areas:

Coastal Dune:

Square Feet altered

Cubic Yards/Volume removed

Salt Marsh:

Square Feet altered

Coastal Bank:

Linear Feet altered

Bordering Land Subject to Flooding:

Volume of Flood Storage Lost (cubic feet)

Volume of Flood Storage Compensation (cubic feet)

Isolated Land Subject to Flooding:

Volume of Flood Storage Lost (cubic feet)

Volume of Flood Storage Compensation (cubic feet)

Land Under Salt Pond:

Square Feet altered

Cubic Yards dredged

Rocky Intertidal Zone:

Square Feet altered

Designated Port Area:

Square Feet altered



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C. Activities Subject to Regulations (cont.)

Fish Run:

Land Containing Shellfish:

Linear Feet altered

Square Feet altered

Land Subject to Coastal Storm Flowage:

Beach:

Square Feet altered

Square Feet altered

Land Under Ocean:

Square Feet altered

Cubic Yards dredged

Riverfront Area:

a. Name of Waterway (if available):

b. Width of Riverfront Area (check one):

25 ft. - Designated Densely Developed Areas only

100 ft. - New agricultural projects only

200 ft. - All other projects

c. Describe how the Mean Annual High-Water Line was determined:

d. Distance of proposed activity closest to the Mean Annual High-Water line:

Feet

e. Total area of Riverfront Area on the site of the proposed project:

Square Feet

f. Proposed alteration of the Riverfront Area:

Total Square Feet

Square Feet within 100 ft.

Square Feet between 100 ft. and 200 ft.



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C. Activities Subject to Regulation (cont.)

2. Check all methods used to delineate the Bordering Vegetated Wetland (BVW) boundary:

- Final Order of Resource Area Delineation issued by Conservation Commission or DEP (attached)
- DEP BVW Field Data Form (attached)
- Final Determination of Applicability issued by Conservation Commission (attached)
- Other Methods for Determining the BVW boundary (attach documentation):
 - 50% or more wetland indicator plants
 - Saturated/inundated conditions exist
 - Groundwater indicators
 - Direct observation
 - Hydric soil indicators
 - Credible evidence of conditions prior to disturbance.

3. a. Is any portion of the proposed project located in estimated habitat as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program?

- Yes If yes, include proof of mailing or hand delivery of NOI to :

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
Route 135, North Drive
Westborough, MA 01581

- No

2000-2001

Date of Map

b. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

- Yes If yes, provide name of ACEC (see Appendix D for ACEC locations):

- No

c. 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)?

- Yes

- No



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D. Performance Standards

1. Is any portion of the proposed activity eligible to be treated as a limited project subject to 310 CMR 10.24 or 310 CMR 10.53?

Yes If yes, describe which limited project applies to this project:

No

2. Is any activity within any Resource Area or Buffer Zone exempt from performance standards of the wetlands regulations, 310 CMR 10.00.

Yes If yes, describe which exemption applies to this project:

No

3 a. Is the project located in the Riverfront Area?

Yes If yes, indicate the proposed project purpose:

- Single Family House
- Residential Subdivision
- Transportation
- Industrial Development
- Commercial Development
- Other (describe)

b. Was the lot where the activity is proposed created prior to August 1, 1996?

Yes

No

4. a. Describe 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. Attach narrative and supporting documentation.

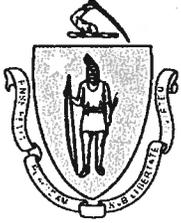
b. Is this project exempt from the DEP Stormwater Policy?

Yes If yes, explain why the project is exempt:

Single-family dwelling project

No

If no, stormwater management measures are required. Applicants are encouraged to complete Appendix C: Stormwater Management Form and submit it with this form.



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E. Additional Information

Applicants must include the following with this Notice of Intent (NOI):

- 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.
- 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.
- Other material identifying and explaining the determination of resource area boundaries shown on plans (e.g., a DEP BVW Field Data Form).
- List the titles and final revision dates for all plans and other materials submitted with this NOI.

F. Fees

The fees for work proposed under each Notice of Intent must be calculated and submitted to the Conservation Commission and the Department (see Instructions and Appendix B. Wetland Fee Transmittal Form).

No fee shall be assessed for projects of the federal government, the Department, or cities and towns of the Commonwealth.

Applicants must submit the following information (in addition to pages 1 and 2 of Appendix B) to confirm fee payment:

3631
Check Number
Martin H. + JoEllen Hirsch
Payor name on check

10/29/01
Check date
Applicant name (if different from payor)

G. 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 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.

[Signature]
Signature of Applicant

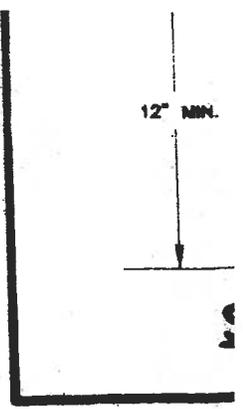
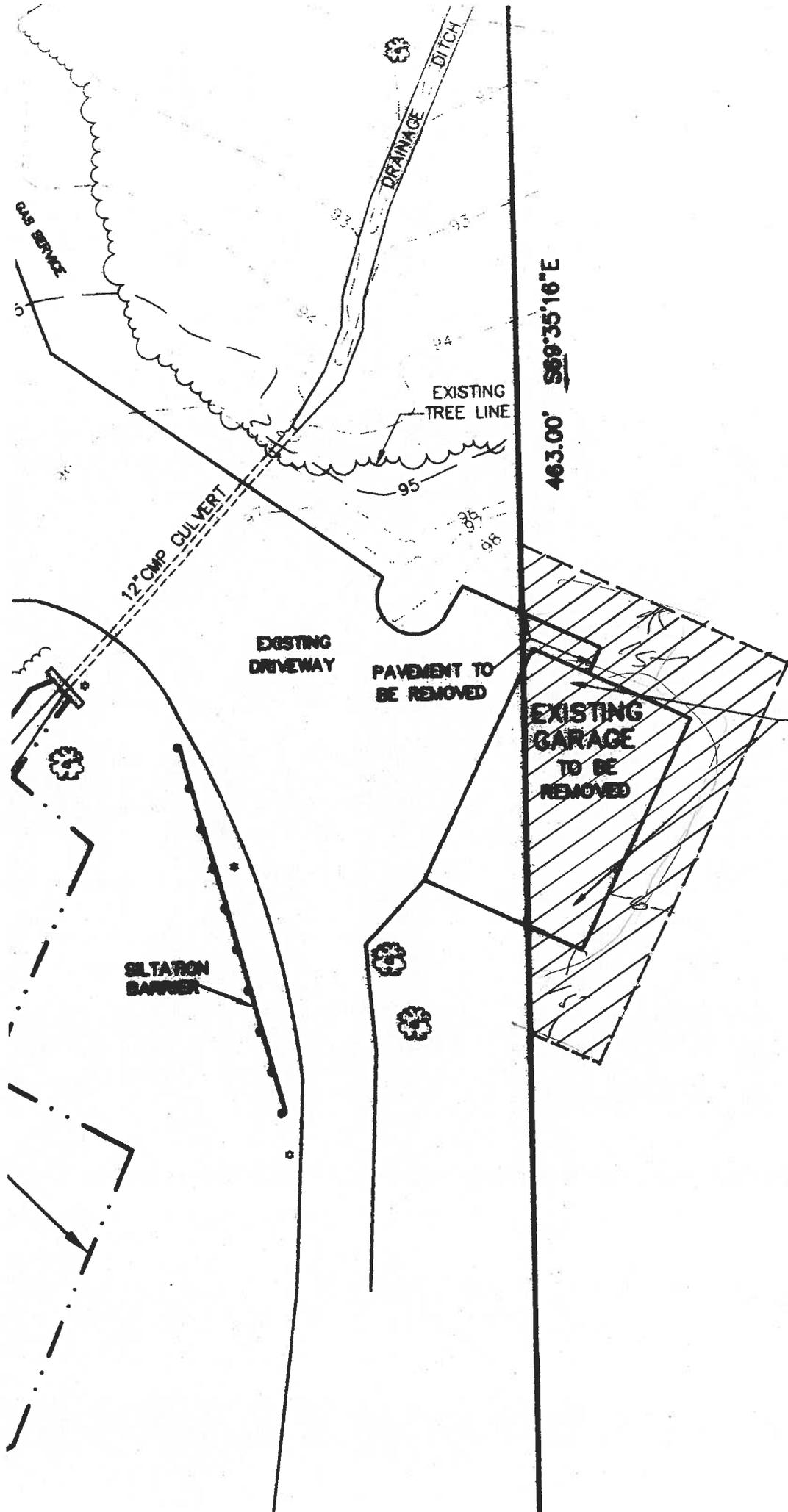
10/29/01
Date

Signature of Property Owner (if different)

Date

Signature of Representative (if any)

Date



N/F BENTON

AREA OF DISTURBANCE SHALL BE LEVELLED LOADED AND PLANTED WITH INDIGENOUS SPECIES

SCALE
1" = 20'

2/19/07



COMMONWEALTH OF MASSACHUSETTS
 EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 Central Regional Office, 627 Main Street, Worcester, MA 01608

JANE SWIFT
 Governor

BOB DURAND
 Secretary

LAUREN A. LISS
 Commissioner

NOTIFICATION OF WETLANDS PROTECTION ACT FILE NUMBER Acton
 DATE: November 12, 2001 (city/town)

The Department of Environmental Protection has received a Notice of Intent filed in accordance with the Wetlands Protection Act (M.G.L. c.131 §40):

Applicant: Martin: Jo Ellen Hirsch Owner: _____
 Address: 39 Arlington Street Address: _____
Acton, MA 01720
 Project Location: 35+39 Arlington Street

IF CHECKED, THE FOLLOWING ITEM(S) APPLY TO THIS NOTICE OF INTENT

A. This project has been assigned the following file #: 85-768

Although a file # is being issued, please note the following: _____

ISSUANCE OF A FILE NUMBER INDICATES ONLY COMPLETENESS OF THE SUBMITTAL, NOT APPROVAL OF APPLICATION

- B. No File # will be assigned to this project until the following missing information is sent to this office, to meet minimum submittal requirements in accordance with the Wetlands Protection Regulations at 310 CMR 10.00
- copy(s) of a completed Notice of Intent (form 3 or 4 whichever is applicable) and a copy of the Fee Transmittal Form, with a copy of the check for the State's share of the NOI filing fee.
 - copy(s) of plans, calculations, and other documentation necessary to completely describe the proposed work and mitigating measures to protect resource areas.
 - proof of abutter notification: ch.472 of the Acts of 1993.
 - copy(s) of plans showing compliance with Title 5 of the State Environmental Code, 310 CMR 15.00.
 - proof that a copy of your Notice of Intent has been mailed or hand-delivered to the Natural Heritage and Endangered Species Program.

Comments: _____