

REQUEST FOR DETERMINATION OF APPLICABILITY

Filed Under the Massachusetts Wetlands Protection Act and the
Town of Acton Wetlands Bylaw

for

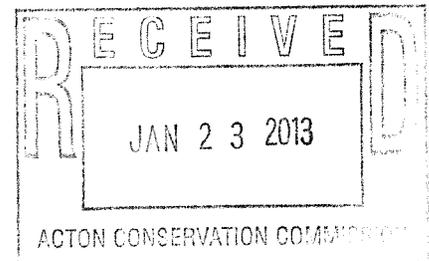
Maintenance to an Existing Commercial Structure

Located at

113 Main Street

APPLICANT

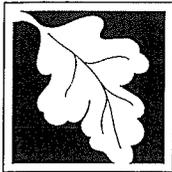
Mark E. Brown
121 Slough Road
Harvard, Massachusetts 01451
Project Number 28622



REPRESENTATIVE

Gary A. Shepard
David E. Ross Associates, Inc.
Civil Engineers, Land Surveyors, & Environmental Consultants
P. O. Box 368
Ayer, MA 01432





Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Acton
City/Town

WPA Form 1- Request for Determination of Applicability

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

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.



1. Applicant:
- Mark E. Brown mebconstruction1@gmail.com
 Name E-Mail Address
- 121 Slough Road
 Mailing Address
- Harvard MA 01451
 City/Town State Zip Code
- 978-549-0222
 Phone Number Fax Number (if applicable)
2. Representative (if any):
- David E. Ross Associates, Inc.
 Firm
- Gary A. Shepard gshepard@davidross.com
 Contact Name E-Mail Address
- P.O. Box 368
 Mailing Address
- Ayer MA 01432
 City/Town State Zip Code
- 978-772-6232
 Phone Number 978-772-6258
Fax Number (if applicable)

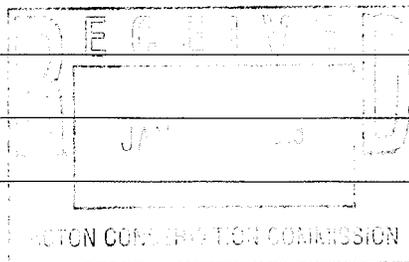
B. Determinations

1. I request the Acton make the following determination(s). Check any that apply:
Conservation Commission

- a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

Acton
Name of Municipality

- e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).





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C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

<u>113 Main Street</u>	<u>Acton</u>
Street Address	City/Town
<u>H-2A</u>	<u>57</u>
Assessors Map/Plat Number	Parcel/Lot Number

- b. Area Description (use additional paper, if necessary):

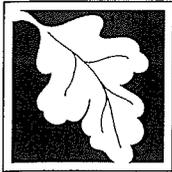
Work is proposed on the masonry portion of the western-most building in the Erikson Grain complex. The building is bounded to the north by Fort Pond Brook. To the east there is a smaller attached wood frame building. To the south there is a paved parking lot. Main Street is located to the west. The edge of the stream is constrained by a rock reinforced slope. A masonry dam extends northward from the slope near the middle of the building. The foundation of the building sits on top of the manmade rock structure. The horizontal offset from the building to the edge of the brook is less than one foot. The building is located several feet above the maximum flood elevation.

- c. Plan and/or Map Reference(s):

<u>Locus Map - USGS Quadrangle</u>	<u>1/17/13</u>
Title	Date
<u>Certified Inspection Plan, 113 Main Street, Acton, MA</u>	<u>1/10/13</u>
Title	Date
<u> </u>	<u> </u>
Title	Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

See attached letter.



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C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

310 CMR 10.58(6)(a) states that maintenance of a structure that was in existence on August 7, 1996 located within the riverfront area does not require the filing of a Notice of Intent for work within the Riverfront Area. For work within the 100-foot buffer zone, 310 CMR 15.10.02(2)(b) states that a Notice of Intent is required if, in the judgement of the issuing authority, the work will alter the protected area. In this Request for Determination of Applicability we are requesting that the Commission find that the proposed work will not alter a protected area, and therefore no NOI is required.

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



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D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Erikson Grain Mill Inc.
Name
113 Main Street
Mailing Address
Acton
City/Town
MA
State
01720
Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Mark E Brown
Signature of Applicant
Date: 01/16/2013

[Signature]
Signature of Representative (if any)
Date: 1/17/13

DAVID E. ROSS ASSOCIATES, INC.

Civil Engineers, Land Surveyors, Environmental Consultants

January 17, 2013

Acton Conservation Commission
472 Main Street
Acton, MA 01720

re: Request for Determination of Applicability
Erikson Grain Mill Exterior Improvements
Project No. 28622

Dear Commission Members:

This Request for Determination of Applicability has been filed on behalf of our client, Mark E. Brown Construction, for exterior repairs and improvements proposed for one of the Erikson Grain buildings located at 113 Main Street.

The building is located within one foot of a wetland resource area, Fort Pond Brook. The brook is a perennial stream subject to protection under the Rivers Protection Act. While the Commission clearly has jurisdiction over the area, the proposed work is maintenance on an existing structure and will have no impact on the protected area. Therefore, we are asking that the Commission find that no Notice of Intent is required. We are open to discussing whatever conditions will make the Commission comfortable with issuing a negative determination.

The following three major exterior repair items will be addressed. In addition, there will be minor carpentry, masonry, and repair work as needed to make the building exterior structurally sound and weather tight. There will be no change to the building footprint. There will be no change in the quantity of runoff and existing runoff patterns will not change in any way.

ROOF REPLACEMENT: The existing rolled asphalt roof will be removed. Structurally compromised roof frame timbers will be removed and replaced with new frames and sheathing. The finished surface will be a rubber roof.

WINDOW REPLACEMENT: One large window on the north wall will be removed and replaced with a smaller window.

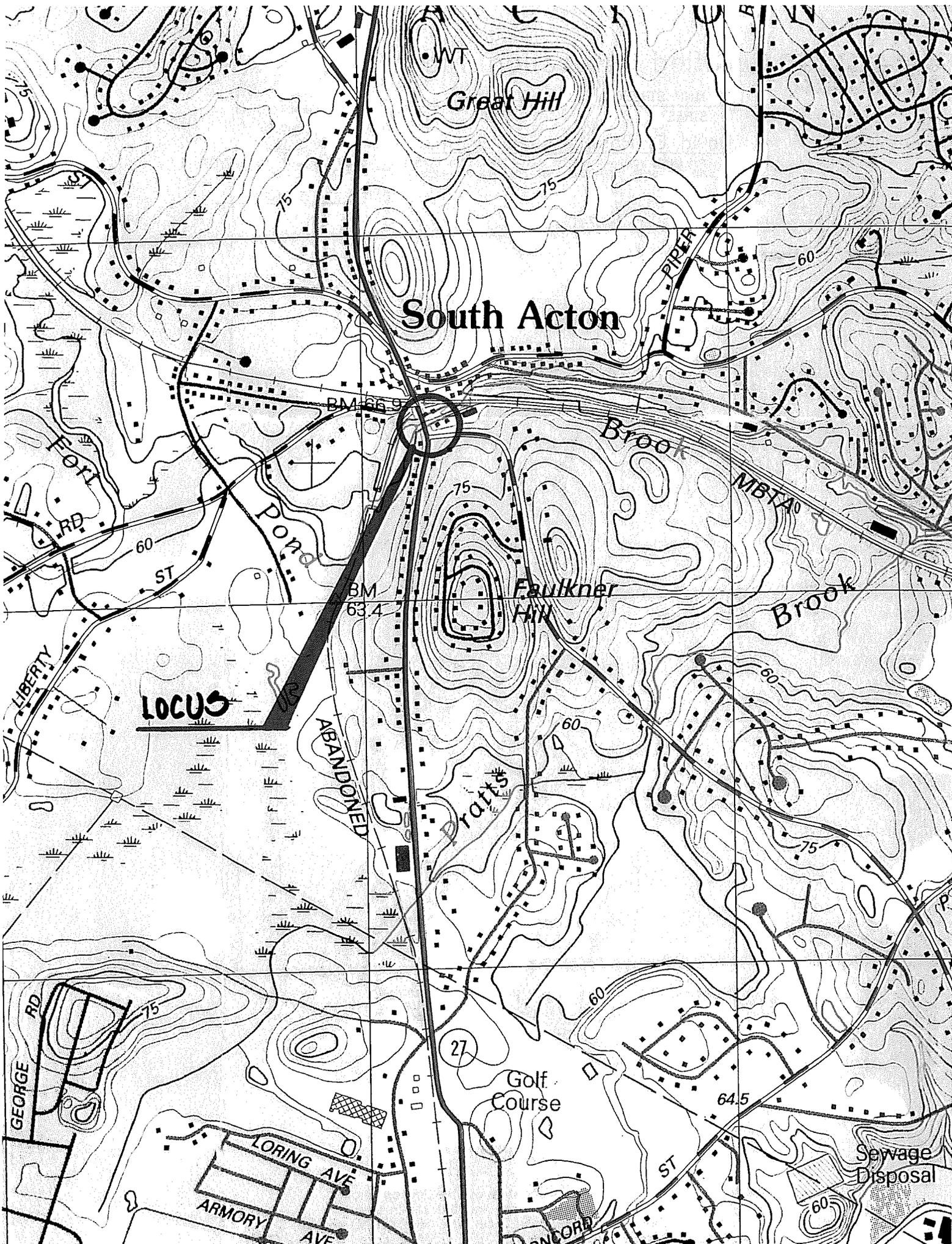
FOUNDATION REPAIR: Several stones in the fieldstone foundation are loose and have moved. They will be reinserted into the foundation and mortared in place. This work will be done by hand and with hand tools only.

We look forward to discussing this project with you at an upcoming Conservation Commission meeting.

Very truly yours,
DAVID E. ROSS ASSOCIATES, INC.

by:


Gary A. Shepard



South Acton

Great Hill

Faulkner Hill

LOCUS

ABANDONED

Pratt's

Golf Course

Sewage Disposal

GEORGE RD

LORING AVE

ARMORY AVE

DONCORS ST

27

64.5

BM 63.4

BM 64.9

FORT RD

ST

POND

Brook

MBTA

Brook

PIPER

LIBERTY

60

75

75

60

75

60

60

75

75

60

60

THIS PLAN IS NOT TO BE USED FOR THE ESTABLISHMENT OF PROPERTY LINES, ERECTION OF FENCES OR LANDSCAPING.

Certified Inspection Plan

113 MAIN STREET

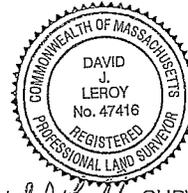
ACTON, MA.

STREET

TOWN

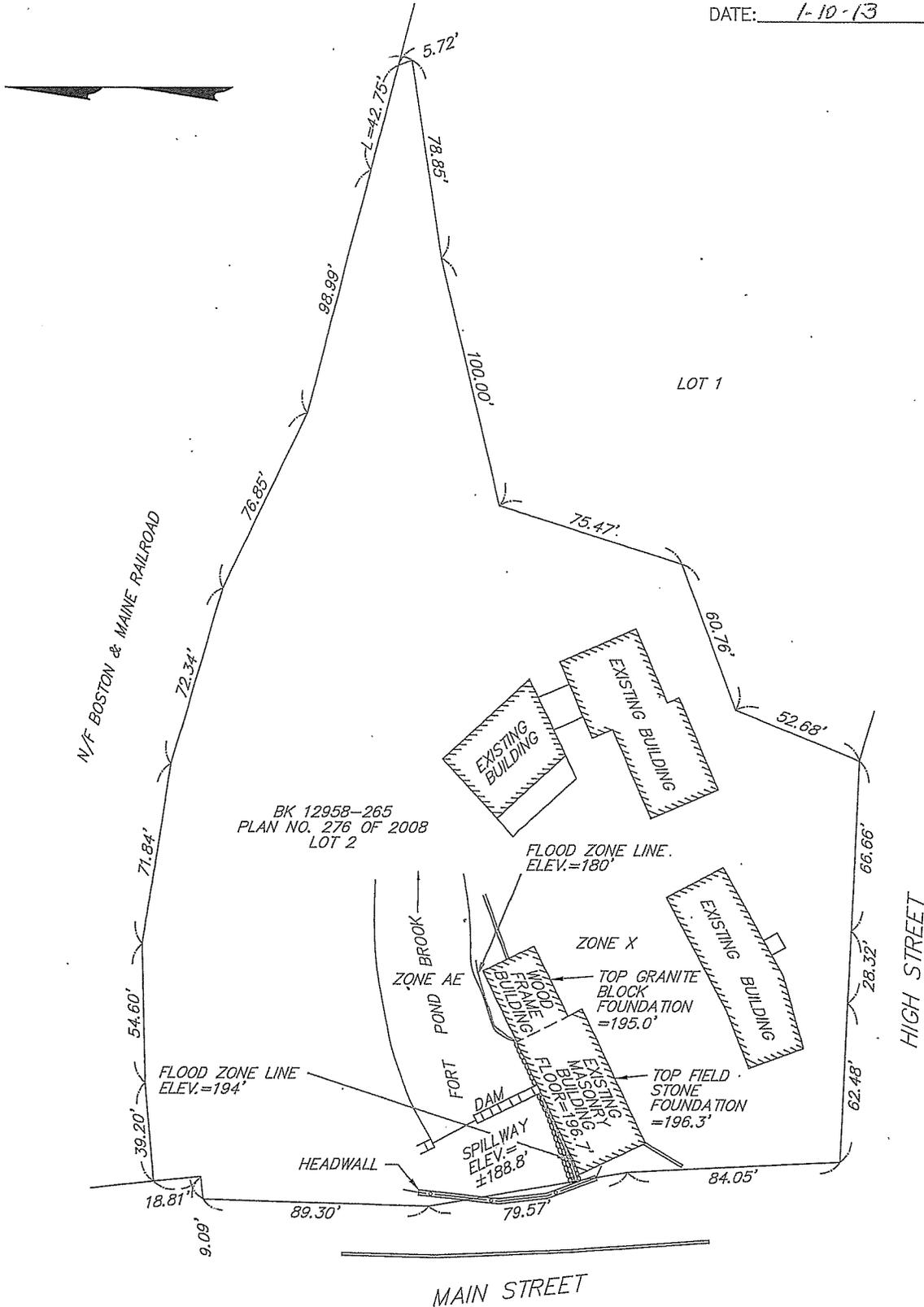
David E. Ross Associates, Inc.

111 FITCHBURG ROAD - P.O. BOX 368 - AYER, MASS 01432
(978) 772-6232 368-1065 448-3916 FAX 772-6258



David J. Leroy SURVEYOR

DATE: 1-10-13



I certify that the existing structures are located on the lot as shown.
I further certify that the existing structures are located within the Federal Flood Zone as shown per Flood Insurance Rate Map (FIRM) for the Town of Acton, Mass., Community Panel No. 250176 0354 E dated June 4, 2010.

THIS PLAN IS NOT TO BE USED FOR THE ESTABLISHMENT OF PROPERTY LINES, ERECTION OF FENCES OR LANDSCAPING.

Certified Inspection Plan

113 MAIN STREET

ACTON, MA.

STREET

TOWN

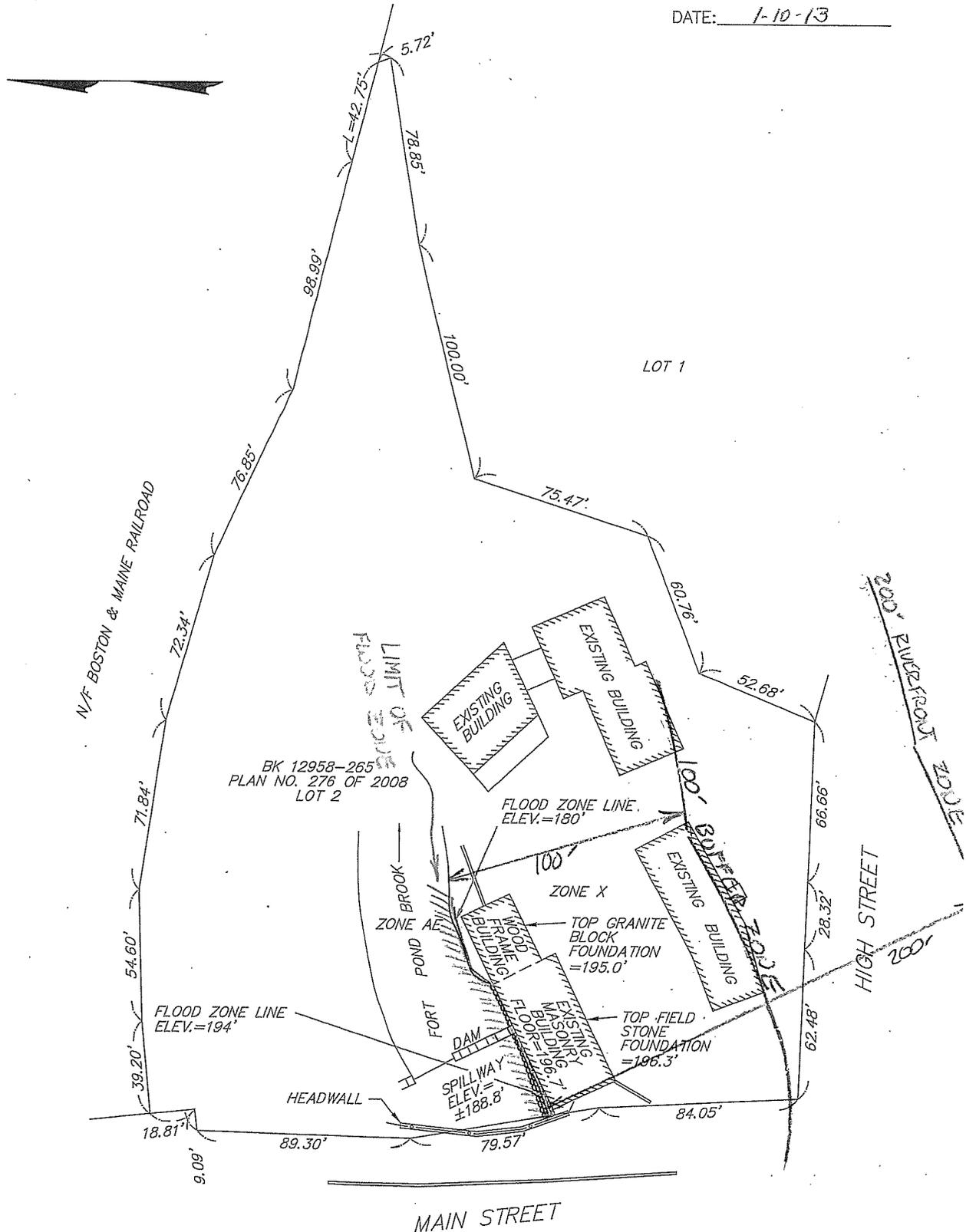
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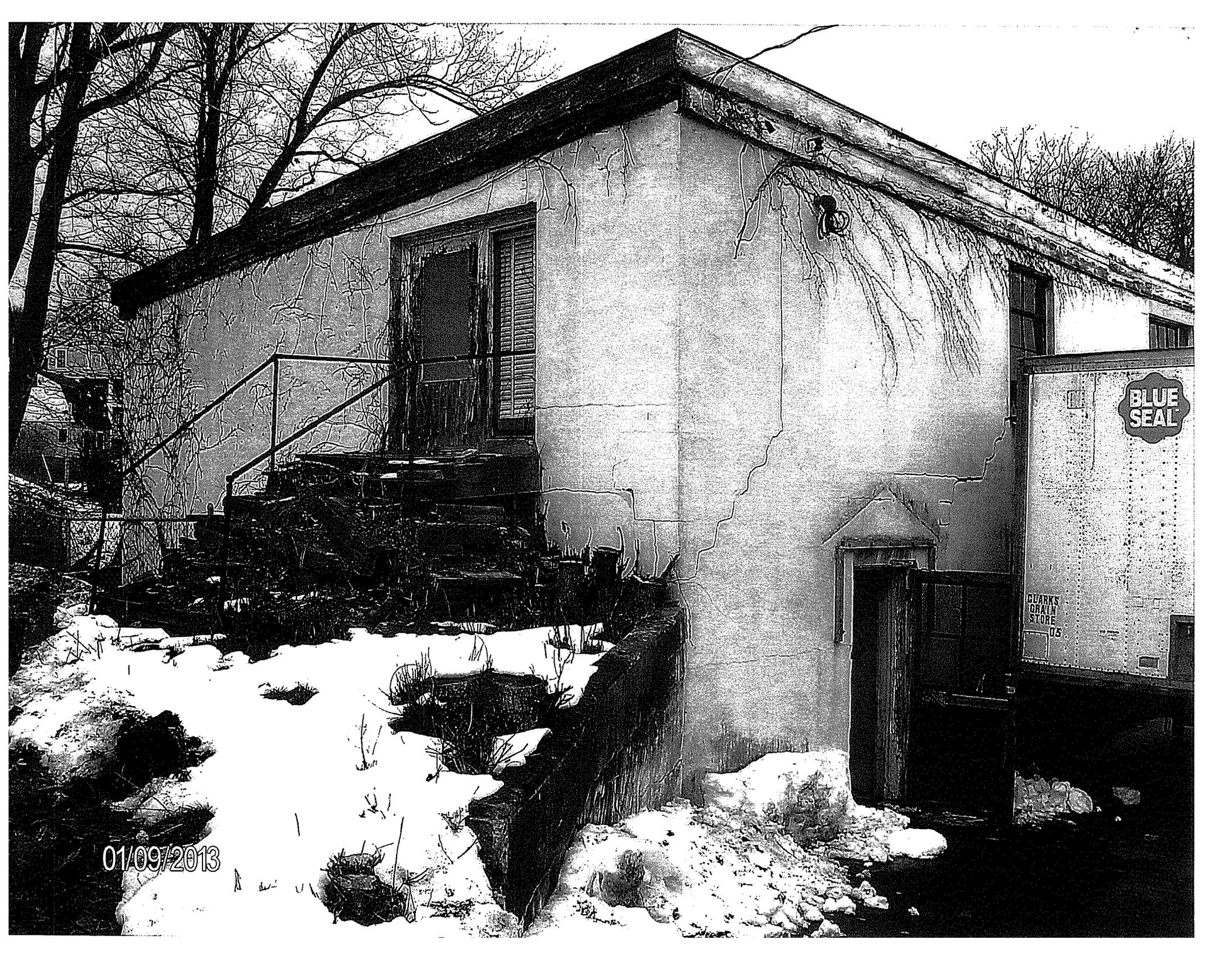
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REFERENCES: JOB #28622 NB 725-73

PLAN NO. S-13034



01/09/2013



BLUE SEAL

CLARK'S
GRAIN
05

TRIPLE CROWN
PREMIUM
HORSE FEEDS

www.

Poulin Grain

01/09/2013

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Certified Inspection Plan

113 MAIN STREET

ACTON, MA.

STREET

TOWN

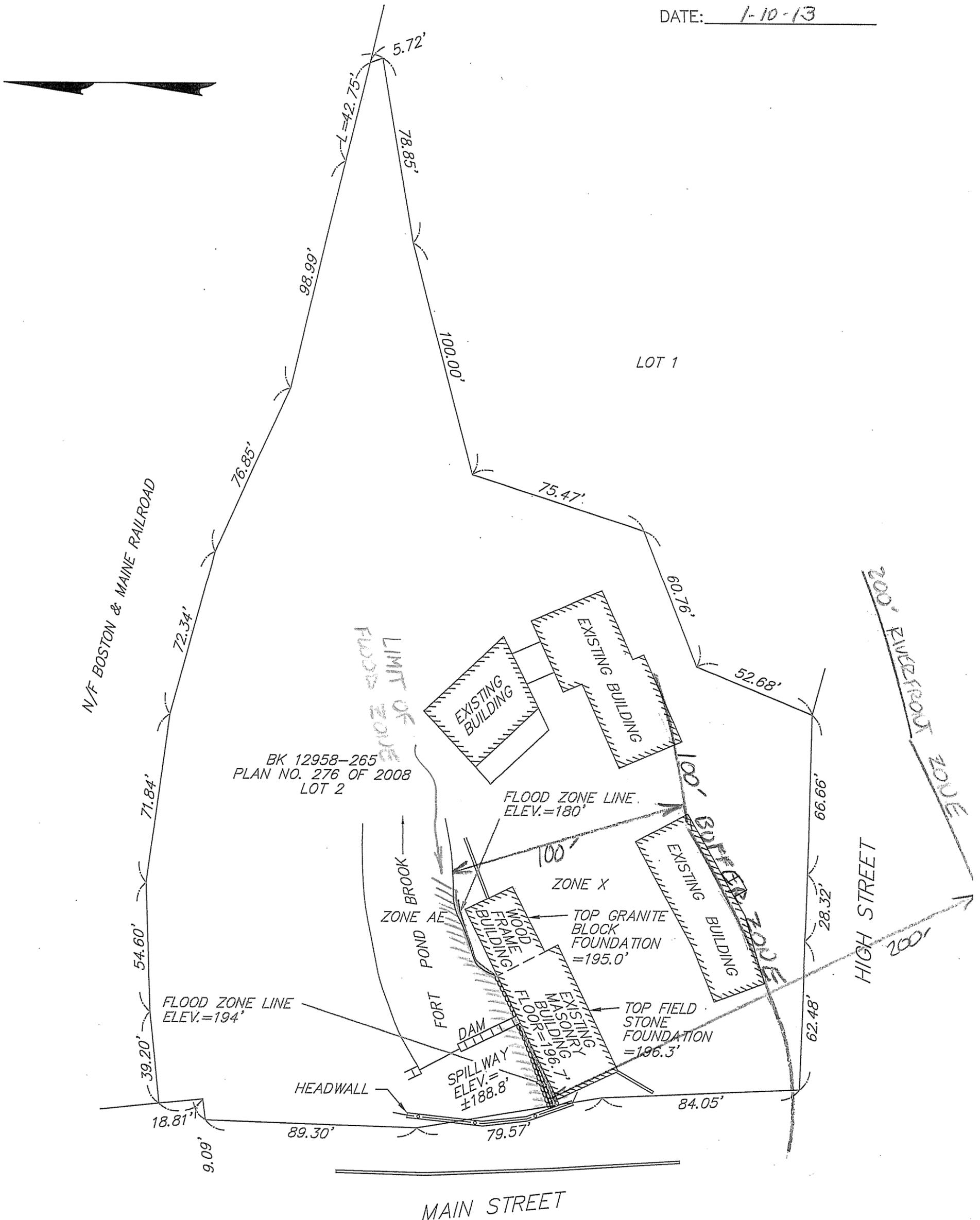
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