

Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**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):

120 Prospect Street  
a. Street Address

Acton  
b. City/Town

01720  
c. Zip Code

Latitude and Longitude:

G-2  
f. Assessors Map/Plat Number

20  
g. Parcel /Lot Number

d. Latitude

e. Longitude

2. Applicant:

Westchester Corp.  
c. Organization

Suite 304, 411 Mass Avenue  
d. Street Address

Acton  
e. City/Town

MA  
f. State

01720  
g. Zip Code

978-771-8935  
h. Phone Number

978-263-0447  
i. Fax Number

j. Email Address

a. First Name

b. Last Name

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

Patricia B. & Calvin W.  
a. First Name

Cumings  
b. Last Name

c. Organization

120 Prospect Street  
d. Street Address

Acton  
e. City/Town

MA  
f. State

01720  
g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Robert  
a. First Name

Elliott  
b. Last Name

R. Wilson & Associates, Inc.  
c. Company

P.O. Box 236, 312 Great Road  
d. Street Address

Littleton  
e. City/Town

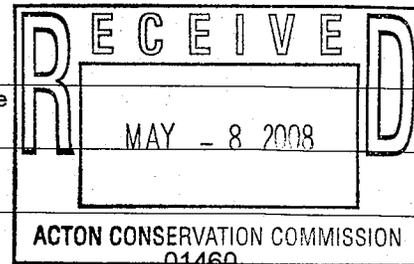
MA  
f. State

01460  
g. Zip Code

978-486-0203  
h. Phone Number

978-486-0644  
i. Fax Number

relliott@rwilsonassociates.com  
j. Email address

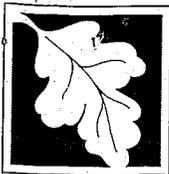


5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

1000  
a. Total Fee Paid

475  
b. State Fee Paid

525  
c. City/Town Fee Paid



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## A. General Information (continued)

### 6. General Project Description:

Project is in connection with the subdivision (Approval Not Required) of an existing lot into 2 residential lots, the razing of the existing dwelling and proposed construction of 2 single family dwellings within the 100 foot buffer zone to a bordering vegetated wetlands.

### 7a. Project Type Checklist:

- |                                                               |                                                                       |
|---------------------------------------------------------------|-----------------------------------------------------------------------|
| 1. <input checked="" type="checkbox"/> Single Family Home     | 2. <input type="checkbox"/> Residential Subdivision                   |
| 3. <input type="checkbox"/> Limited Project Driveway Crossing | 4. <input type="checkbox"/> Commercial/Industrial                     |
| 5. <input type="checkbox"/> Dock/Pier                         | 6. <input type="checkbox"/> Utilities                                 |
| 7. <input type="checkbox"/> Coastal Engineering Structure     | 8. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) |
| 9. <input type="checkbox"/> Transportation                    | 10. <input type="checkbox"/> Other                                    |

### 7b. Is any portion of the proposed activity eligible to be treated as a 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:

2. Limited Project

### 8. Property recorded at the Registry of Deeds for:

Middlesex South

a. County

20308

c. Book

b. Certificate # (if registered land)

048

d. Page Number

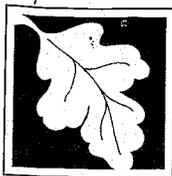
## B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- 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.

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. linear feet 3. cubic yards dredged	2. linear feet



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## B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet 2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available)	

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: \_\_\_\_\_ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet _____	b. square feet within 100 ft. _____	c. square feet between 100 ft. and 200 ft. _____
----------------------------	-------------------------------------	--------------------------------------------------

5. Has an alternatives analysis been done and is it attached to this NOI?  Yes  No

6. Was the lot where the activity is proposed created prior to August 1, 1996?  Yes  No

3.  Coastal Resource Areas: (See 310 CMR 10.25-10.35)

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.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet 2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	1. square feet	2. cubic yards dune nourishment

Online Users:  
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.



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## B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

	<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 BWV

b. square feet of Salt Marsh

## C. Other Applicable Standards and Requirements

### 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://www.mass.gov/dfwele/dfw/nhosp/nhregmap.htm>.

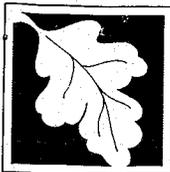
a.  Yes  No **If yes, include proof of mailing or hand delivery of NOI to:**

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

October 1, 2006

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.d, 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).*



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## C. Other Applicable Standards and Requirements (cont'd)

### 1. 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
- 3.  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
  - (c)  MESA filing fee (fee information available at: <http://www.mass.gov/dfwele/dfw/nhesp/nhenvmesa.htm>)  
Make check payable to "Natural Heritage & Endangered Species Fund" 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

### d. 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/nhenvexemptions.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 Number	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.

\* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see [www.nhosp.org](http://www.nhosp.org) regulatory review tab). 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.



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## C. Other Applicable Standards and Requirements (cont'd)

2. 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 or hand delivery of NOI to either:

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

North Shore - Hull to New Hampshire:

Division of Marine Fisheries - Southeast Marine Fisheries Station  
Attn: Environmental Reviewer  
838 South Rodney French Blvd.  
New Bedford, MA 02744

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

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.

3. 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

4. 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

5. 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

6. Is this project subject to provisions of the MassDEP Stormwater Management Standards?

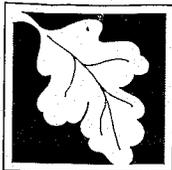
- a.  Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:

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.

**Online Users:**  
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.



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## D. Additional Information

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.
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.

Notice of Intent Plan for 120 Prospect Street, Acton, Mass.

a. Plan Title

R. Wilson & Associates, Inc

Russell D. Wilson

b. Prepared By

c. Signed and Stamped by

1 inch=20 feet

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

May 5, 2008

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:

1002

2. Municipal Check Number

5/7/08

3. Check date

1003

4. State Check Number

5/7/08

5. Check date

Westchester Homes, Inc

6. Payor name on check: First Name

7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

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Document Transaction Number

Acton

City/Town

**F. Signatures and Submittal Requirements**

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

1. Signature of Applicant	<i>Stephen M. ...</i>	2. Date	<i>May 7 2008</i>
3. Signature of Property Owner (if different)	<i>Daniel B. &amp; Robert W. Cumings</i>	4. Date	<i>5/8/08</i>
5. Signature of Representative (if any)	<i>Russell Wilson</i>	6. Date	<i>5/8/08</i>

**For Conservation Commission:**

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

**For MassDEP:**

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

**Other:**

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

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



Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Wetlands  
**NOI Wetland Fee Transmittal Form**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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



**A. Applicant Information**

1. Applicant:

a. First Name \_\_\_\_\_ b. Last Name \_\_\_\_\_  
 Westchester Corp  
 c. Organization  
 Suite 304, 411 Mass Avenue  
 d. Mailing Address  
 Acton \_\_\_\_\_ Ma \_\_\_\_\_ 01720  
 e. City/Town \_\_\_\_\_ f. State \_\_\_\_\_ g. Zip Code  
 978-771-8935 978-263-0447  
 h. Phone Number \_\_\_\_\_ i. Fax Number \_\_\_\_\_ j. Email Address \_\_\_\_\_

2. Property Owner (if different):

Patricia and Calvin \_\_\_\_\_ Cumings \_\_\_\_\_  
 a. First Name \_\_\_\_\_ b. Last Name \_\_\_\_\_  
 c. Organization  
 120 Prospect Street  
 d. Mailing Address  
 Acton \_\_\_\_\_ MA \_\_\_\_\_ 01720  
 e. City/Town \_\_\_\_\_ f. State \_\_\_\_\_ g. Zip Code  
 h. Phone Number \_\_\_\_\_ i. Fax Number \_\_\_\_\_ j. Email Address \_\_\_\_\_

3. Project Location:

120 Prospect Street \_\_\_\_\_ Acton \_\_\_\_\_  
 a. Street Address \_\_\_\_\_ b. City/Town \_\_\_\_\_

**B. Fees**

The fee should be calculated using the following six-step process and 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.

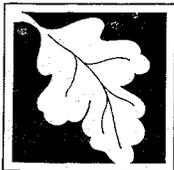
**Step 3/Individual Activity Fee:** Identify each activity fee from the six project categories listed in the instructions.

**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  
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**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
Category 2(a)	2	500	1000

**Step 5/Total Project Fee:** 1000

**Step 6/Fee Payments:**

Total Project Fee: 1000  
 a. Total Fee from Step 5

State share of filing Fee: b. 1/2 Total Fee less \$12.50

City/Town share of filing Fee: c. 1/2 Total Fee plus \$12.50

**C. Submittal Requirements**

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

Department of Environmental Protection  
 Box 4062  
 Boston, MA 02211

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

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

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: Westchester Corp.

Address 411 Mass Avenue, Acton

Phone: 978-263-

have 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: R. Wilson & Associates, Inc.

Address P.O. Box 236, Littleton, MA 01460

Phone: 978-486-0203

The address of the property where the activity is proposed: 120 Prospect Street

Town Atlas Plate G-2 Parcel 20

Project description: Project is in connection with the proposed razing of the existing dwelling and construction of 2 single family dwellings within the 100 foot buffer zone to a bordering vegetated wetlands.

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. For more information please call the Conservation Office at 978-264-9631.

A public hearing will be held at the Acton Town Hall, 472 Main Street on  
May 21, 2008 @ 8:15 p.m.

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

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. To contact DEP call: 508-792-7650.

Town of Acton  
 472 Main Street  
 Acton, MA 01720  
 Telephone (978) 264-6922  
 Fax (978) 264-9530



Ben McMillan  
 Assistant Assessor

120 PROSPECT ST  
 02-20

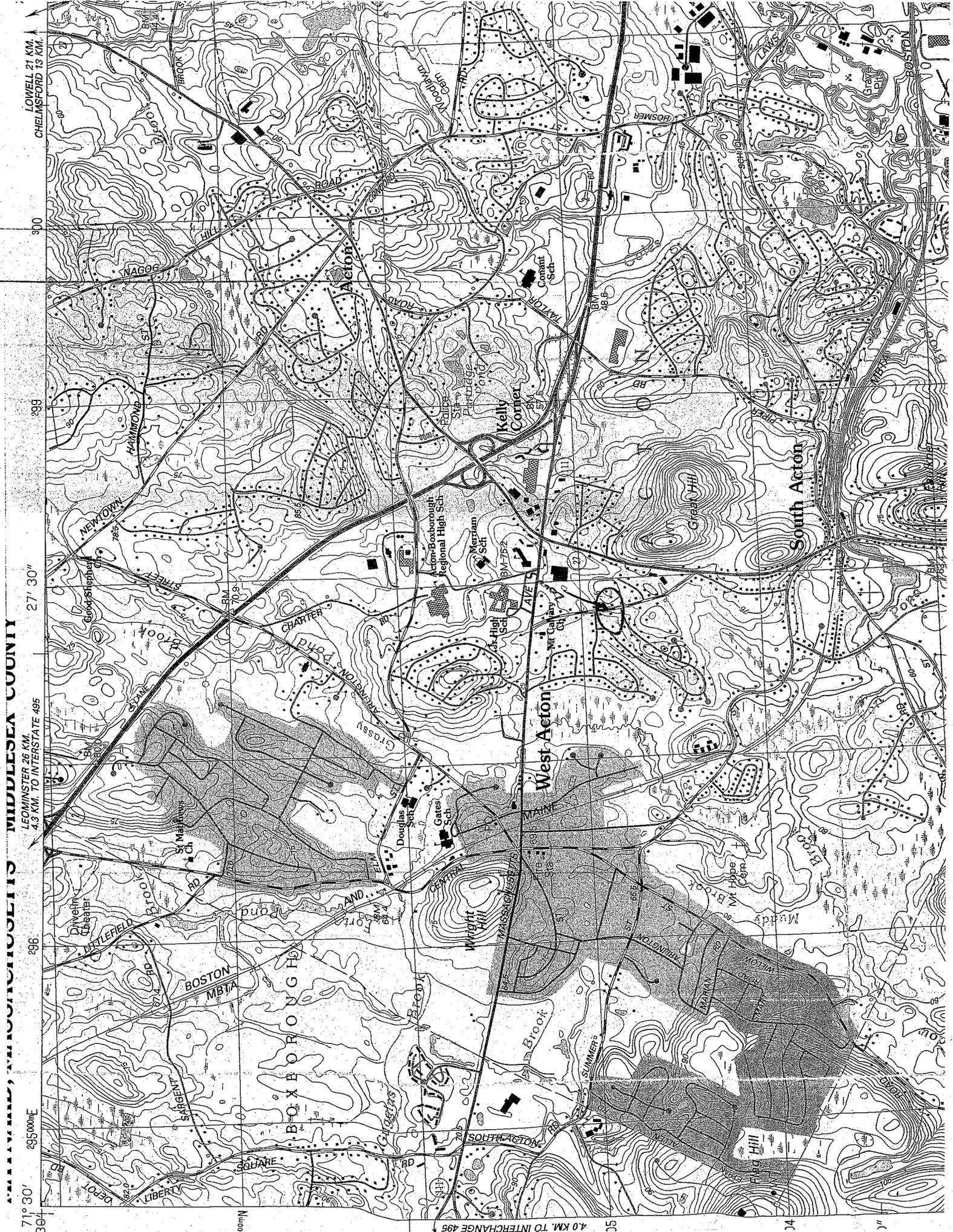
Lot(s):  
 Parcel ID:

Location	Parcel ID	Owner	Co-Owner	Mailing Address	City	ST	Zip
4 SPENGER RD	02-7	KUCHIMANCHI PADMALA	KUCHIMANCHI SATYA N	4 SPENGER RD	ACTON	MA	01720
124 PROSPECT ST	02-8	THATCHER RUTH H	HARRIS DAVID A	124 PROSPECT ST	ACTON	MA	01720
4 LOTHROP RD	02-18	WILSON JAMES E	WILSON JAMES E	4 LOTHROP RD	ACTON	MA	01720
8 LOTHROP RD	02-33	MACHARIA RESERBANDRA S	MACHARIA JYOTHI	117 PROSPECT ST	ACTON	MA	01720
116 PROSPECT ST	02-35	HIGGINS BRIAN D		6 LOTHROP RD	ACTON	MA	01720
9 TUTTLE DR	02-44	PERRY JOSEPH + PERRY MARY	C/O PERRY HELDER S	115 PROSPECT ST	ACTON	MA	01720
115 PROSPECT ST	02-45	KELMAR DANIEL M	KELMAR LAURA ANN	115 PROSPECT ST	ACTON	MA	01720
109 PROSPECT ST	02-46	SHARFAZ DAVID M		3 TUTTLE DR	ACTON	MA	01720
				109 PROSPECT ST	ACTON	MA	01720

The corner of land, showing a common boundary or corner with the site of the proposed activity (100 feet) in every 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.

*Benjamin McMillan*  
 Benjamin McMillan  
 Assessor/ Clerk  
 Acton Assessors Office

5-May-08



LOWELL 21 KM.  
CHELMSFORD 13 KM.

300

299

27' 30"

MIDDLESEX COUNTY

LEOMINSTER 26 KM.  
4.3 KM. TO INTERSTATE 495

296

295 0000E

71° 30'

361

4.0 KM. TO INTERCHANGE 495

50

74

# DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant: \_\_\_\_\_ Prepared by: B & C Associates Inc. Project location: 120 Prospect Street, Acton DEP File #: \_\_\_\_\_

Check all that apply:

- Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
- Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II
- Method other than dominance test used (attach additional information)

Section I. Vegetation		Observation Plot Number: <u>1</u>	Transect Number: <u>A</u>	Date of Delineation: <u>4/22/08</u>	
A. Sample Layer and Plant Species (by common/scientific name)		B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category *
Herbaceous:	Hayscented Fern	10.5	22%	Yes	UPL
	Skunk Cabbage	10.5	22%	Yes	OBL
	Cinnamon Fern	10.5	22%	Yes	FACW
	Canada Mayflower	10.5	22%	Yes	FAC-
	Jewelweed	3.0	6%	No	FACW
	Swamp Dewberry	3.0/48.0	6%	No	FACW
Shrubs:	Black Cherry	20.5	34%	Yes	FACU
	Winged Euonymus	10.5	14%	Yes	
	Crabapple	10.5	14%	Yes	
	American Elm	10.5	14%	Yes	FACW-
	Japanese Barberry	3.0	5%	No	FACU
	Multiflora Rose	3.0	5%	No	FACU
	White Ash	3.0/61.0	5%	No	FACU
Saplings:	White Ash	63.0/63.0	100%	Yes	FACU
Lianas:	Poison Ivy	10.5	44%	Yes	FAC
	American Bittersweet	10.5	44%	Yes	FACU-
	Myrtle	3.0/24.0	12%	No	UPL
Overstory:	Red Maple	2015.9	89%	Yes	FAC
	White Pine	255.5/2271.4	11%	No	FACU

\* Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

**Vegetation conclusion:**

Number of dominant wetland indicator plants: 5 Number of dominant non-wetland Indicator plant: 5

Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? YES

**Section II. Indicators of Hydrology  
Hydric Soil Interpretation**

**1. Soil Survey**

Is there a published soil survey for this site? **YES**

title/date: Middlesex County 3/91

map number: 1

soil type mapped: Charlton-Hollis-Urban land Complex, rocky

hydric soil inclusions:

Are field observations consistent with soil survey? **YES**

Remarks:

**2. Soil Description**

Horizon	Depth	Matrix Color	Mottles Color
A	0-5"	10 YR 2/2	
B	5-16"	10 YR 4/6	

**Other Indicators of Hydrology: (check all that apply and describe)**

- Site inundated: \_\_\_\_\_
- Depth to free water in observation hole: \_\_\_\_\_
- Depth to soil saturation in observation hole: \_\_\_\_\_
- Water marks: \_\_\_\_\_
- Drift lines: \_\_\_\_\_
- Sediment deposits: \_\_\_\_\_
- Drainage patterns in BWV: \_\_\_\_\_
- Oxidized rhizospheres: \_\_\_\_\_
- Water-stained leaves: \_\_\_\_\_
- Recorded data (stream, lake, or tidal gauge; aerial photo; other): \_\_\_\_\_
- Other: \_\_\_\_\_

**Vegetation and Hydrology Conclusion**

Number of wetland indicator plants  Yes  No  
 ≥ number of non-wetland indicator plants

Wetland hydrology present:  Yes  No  
 hydric soil present

other indicators of hydrology present

**Sample location is in a BWV**

Remarks:

3. Other: 5'5" to Wetland Flag # 5  
 10'2" to Wetland Flag # 6

Conclusion: Is soil hydric? **NO**

# DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

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Check all that apply:

- Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
- Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II
- Method other than dominance test used (attach additional information)

Section I. Vegetation Observation Plot Number: 2 Transect Number: A Date of Delineation: 4/22/08

A. Sample Layer and Plant Species (by common/scientific name)	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category *
Herbaceous:				
Cinnamon Fern	10.5	33%	Yes	FACW *
Skunk Cabbage	10.5	33%	Yes	OBL *
Poison Ivy	10.5/31.5	33%	Yes	FAC *
Osmunda cinnamomea				
Symplocarpus foetidus				
Toxicodendron radicans				
Shrubs:				
Black Cherry	20.5	28%	Yes	FACU
Multiflora Rose	10.5	14%	Yes	FACU
Japanese Barberry	10.5	14%	Yes	FACU
Winged Euonymus	10.5	14%	Yes	FACU
American Elm	10.5	14%	Yes	FACW- *
European Buckthorn	10.5	14%	Yes	FAC *
White Ash	3.0/73.0	4%	No	FACU
Fraxinus americana				
Saplings:				
White Ash	38.0	50%	Yes	FACU
American Elm	38.0/76.0	50%	Yes	FACW- *
Lianas:				
Poison Ivy	10.5	78%	Yes	FAC *
Myrtle	3.0/13.5	22%	Yes	UPL
Toxicodendron radicans				
Vinca minor				
Overstory:				
Red Maple	1914.3	87%	Yes	FAC *
White Pine	294.0/2208.3	13%	No	FACU

\* Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

**Vegetation conclusion:**

Number of dominant wetland indicator plants: 8 Number of dominant non-wetland Indicator plant: 5

Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? YES

**Section II. Indicators of Hydrology  
Hydric Soil Interpretation**

**1. Soil Survey**

Is there a published soil survey for this site? **YES**

title/date: **Middlesex County 3/91**

map number: **1**

soil type mapped: **Charlton-Hollis-Urban land Complex, rocky**

hydric soil inclusions: **Yes**

Are field observations consistent with soil survey? **NO**

Remarks:

**2. Soil Description**

Horizon	Depth	Matrix Color	Mottles Color
A	0-15"	10 YR 2/1	
B	15-17"	10 YR 5/2	7.5 YR 3/4

**Other Indicators of Hydrology: (check all that apply and describe)**

- Site inundated: \_\_\_\_\_
- Depth to free water in observation hole: \_\_\_\_\_
- Depth to soil saturation in observation hole: \_\_\_\_\_
- Water marks: \_\_\_\_\_
- Drift lines: \_\_\_\_\_
- Sediment deposits: \_\_\_\_\_
- Drainage patterns in BVW: \_\_\_\_\_
- Oxidized rhizospheres: \_\_\_\_\_
- Water-stained leaves: \_\_\_\_\_
- Recorded data (stream, lake, or tidal gauge, aerial photo; other): \_\_\_\_\_
- Other: \_\_\_\_\_

**Vegetation and Hydrology Conclusion**

- Number of wetland indicator plants  Yes  No
- ≥ number of non-wetland indicator plants
- Wetland hydrology present:
- hydric soil present
- other indicators of hydrology present
- Sample location is in a BVW**

Remarks:

- 3. Other: **11'10" to Wetland Flag # 5**
- 10'9" to Wetland Flag # 6**
- 14'2" Downgradient from A1**

Conclusion: Is soil hydric? **YES**

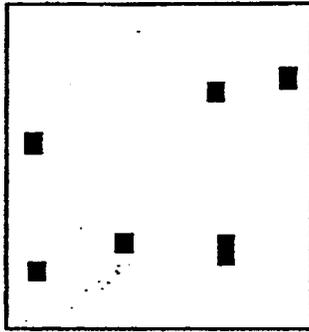
## Hydric Soil Indicators

Most hydric soils have a soil horizon with a chroma of 0, 1, or 2 below the A-horizon. These are referred to as low-chroma colors. (Reminder: the Munsell Soil Color Charts are used to determine soil colors.) Generally, when evaluating mineral soils for low-chroma colors or other evidence of saturation, look for indicators directly below the A-horizon and within the top 12 inches of the soil surface. In areas where the O-horizon is less than 8 inches thick, soil depths are measured from the bottom of the O-horizon. When the O-horizon is 8 inches or greater (for histosols and soils with histic epipedons), such depths are measured from the soil surface. The soil surface is the top of the mineral soil; or, for soils with an O-horizon, the soil surface is measured from the top of the O-horizon. Fresh leaf or needle fall that has not undergone observable decomposition (the litter layer) is excluded from soil and may be separately described.

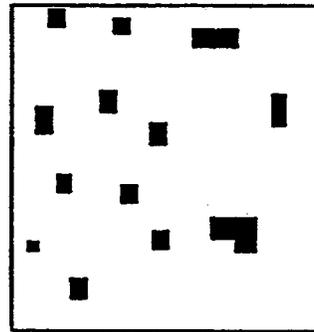
The following is a list of some hydric soil indicators - any of which can be used to identify the presence of wetland hydrology:

- ◆ Histosols (organic soils). Histosols are soils with at least 16 inches of organic material measured from the soil surface.
- ◆ Histic epipedons. These are soils with 8 to 16 inches of organic material measured from the soil surface.
- ◆ Sulfidic material. A strong "rotten egg" smell generally is noticed immediately after the soil test hole is dug.
- ◆ Gleyed soils. Soils that are predominantly neutral gray, or occasionally greenish or bluish gray in color within 12 inches from the bottom of the O-horizon. (The Munsell Soil Color Charts have special pages for gleyed soils.)
- ◆ Soils with a matrix chroma of 0 or 1 and values of 4 or higher within 12 inches from the bottom of the O-horizon.
- ◆ Within 12 inches from the bottom of the O-horizon, soils with a chroma of 2 or less and values of 4 or higher in the matrix, and mottles with a chroma of 3 or higher.
- ◆ Within 12 inches from the bottom of the O-horizon, soils with a matrix chroma of 3 and values of 4 or higher, with 10 percent or more low-chroma mottles, as well as indicators of saturation (i.e., mottles, oxidized rhizospheres, concretions, nodules) within 6 inches of the soil surface.

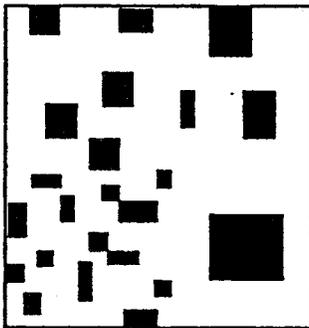
# Charts for Estimating Percent Redoximorphic Features



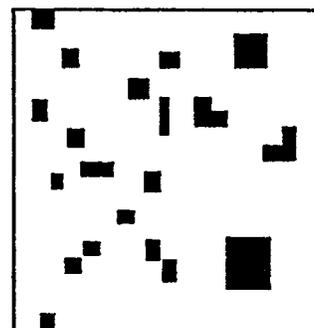
2%



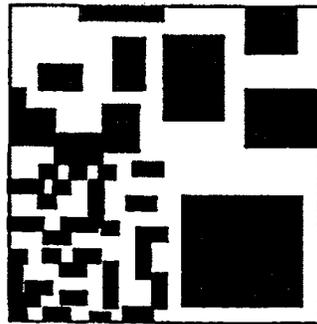
5%



20%



10%



50%

ABUNDANCE  
0-2 FFW  
2-20 common  
20+ rare