

Stamski And McNary, Inc.

Engineering - Planning - Surveying

80 Harris Street; Acton, MA 01720 (978) 263-8585

Notice of Intent

Under Massachusetts Wetland Protection Act
M.G.L.c. 131,s.40 &
The Town of Acton Wetlands Protection Bylaw

For

West Acton Village Ecology
Acton, MA

August 26, 2009

Applicant: 531 Mass Ave LLC
543 Massachusetts Ave
Acton, MA 01720



August 18, 2009

Dear Members of the Conservation Commission:

Please find enclosed our proposal for the West Acton Village Ecology (WAVE). This project has been in planning for several years, and been shaped by many one-on-one and group meetings with neighbors, businesses, elected officials, and town staff. As part of our public outreach, we held an open house at our office in which we invited nearly three hundred West Acton Village residents to view the plans and provide us with feedback. We also presented at a public information session in front of the Planning Board at Town Hall attended by over one hundred people. We have met formally and informally with many town boards, and recently were given permits by the Historic District Commission to proceed. Support for this plan and the revitalization of this section of West Acton Village has been overwhelming.

As with all speculative development projects, the interior floor plans of WAVE are constantly changing and must remain fluid to accommodate different potential tenants. Just prior to submission of our application to your commission, we learned that the donor who planned to finance the theater component needed to withdraw from the project due to the current economic situation. As a result, if we are unable to find a new donor for this component we may revise the floor plans to accommodate a smaller, more versatile type of arts and community space, or make other interior changes necessary to pick-up the rentable area required to make the project economically feasible. **However, we want to assure you that these changes will not substantively impact the site plan, site engineering, or exterior design. The site impacts will remain the same regardless of which tenants ultimately occupy the space.**

Thank you for your time reviewing our submission. We look forward to meeting with you in person.

Sincerely,

MATHIAS

Mathias Rosenfeld

Michael

Michael Rosenfeld

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Certified List of Abutters

Affidavit of Services

Notification to Abutters

Attachments:

- U.S.G.S. Locus Map
- FEMA Flood Insurance Rate Map
- NHESP Map
- Plans: Site Plan by Stamski and McNary, Inc.; Dated July 31, 2009
Landscape Plan by Kim Ahern Landscape Architects,; Dated July 31, 2009
- Supplemental Engineering Data (bound separately)
 - Drainage Calculations
 - Earth Removal Calculations
 - Water Balance Calculations
 - Draft Stormwater Pollution Prevention Plan

Project Narrative

Narrative

West Acton Village Ecology Project Overview (prepared by applicant)

The *West Acton Village Ecology (WAVE)* is a combination of adaptive re-use and new construction on the vacant properties adjacent to our office, *OMR Architects*, located in the old St. Elizabeth's Church building in West Acton Village.

Our proposal is the result of many conversations with town and village residents, business owners, community and cultural groups, Acton school and community education representatives, town boards and administrators, and elected officials. These discussions have revealed a strong desire for environmentally responsible, community-based development that enriches Acton's cultural landscape, preserves its heritage, strengthens local business, and reflects the goals expressed in the West Acton Village Master Plan and Acton Comprehensive Community Plan Visioning Workshops.

We are committed to the Village and to achieving these community needs. We have been business owners in West Acton for 25 years, and are driven (and as in all of our work) to ensure that WAVE is environmentally sensitive, respectful of the past, and forward looking.

Goals

The project name, "West Acton Village Ecology", represents the central theme of *connection*. We want WAVE to help connect people to cultural opportunities, educational resources, the built and natural environment, local history, and a *shared sense of community*. We believe that reinforcing and strengthening these connections fosters a greater understanding, appreciation, and responsibility for each other and the places we live.

In addition to this overarching goal, we hope to achieve the following **objectives**:

- **Preserve the existing historic village scale, rhythm, and spirit.**
- **Model environmentally responsible** planning, design, construction, and occupancy.
- **Support the long-term sustainability of local businesses and intergenerational community connections** within the village.
- **Establish a local home for the arts and community gathering.**
- **Link learning, cultural, recreational, and business opportunities** with a safer, quieter, and more **pedestrian-oriented public streetscape.**

Program

Theater

The theater will be an intimate venue for drama, dance, music, lectures, independent film, and other community events. Several cultural groups in and around Acton have expressed interest and enthusiasm in utilizing this community resource.

Multipurpose Community Space

Multipurpose space is designed with movable partitions to flexibly accommodate art classes, exercise groups, rehearsal space, small banquets, and community meetings.

The theater and community space will each be served by a common day-lit lobby designed to feel open and accessible to the public through a strong visual connection to the street and playground. A removable exterior wall of glass doors can be opened to physically connect the lobby to the street as an open-air gathering space for farmer's markets, art fairs, and other community events.

Restaurant/Shops/Workspace

The existing buildings' historic character will create a strong identity for workspace, a full service restaurant, and four shops sized to accommodate local business. These businesses will add jobs, workers, and patrons who will visit existing village businesses. They will also benefit from close proximity to the cultural activity in the theater, educational activity in the multi-purpose space, and recreational activity in the playground – which together create a strong community-based anchor to support the Village's economic health.

Streetscape and Public Space

The reclaimed public streetscape is a vital part of restoring the Village's function as a center for pedestrian-centered civic and commercial activity. Many people have expressed concern about the high traffic speeds on Mass Ave. Reduced speed limits, signage, a new crosswalk to the playground, on-street parking, and traffic calming road design will help slow traffic and help Mass Ave become a safer, quieter, and pedestrian friendly village street.

Existing private front yards will be reclaimed as a public streetscape filled with native gardens, trees, and sitting areas that will increase pedestrian accessibility, create casual gathering space, and facilitate community events such as Oktoberfest around the playground. Trees, including disease resistant elms, will shade the street, attract birds, and restore the character of the Village that existed before many of the elm trees were destroyed. A new birch grove with a small picnic area will overlook the wetlands.

Parking

Residents have expressed a desire that new off-street parking in the Village be hidden from view. A covered parking lot built into the site's natural grade is hidden from the street and offers a sheltered drop-off/pick-up point. The open-air parking design creates

views to the rear woodlands, and means that ventilation systems aren't required, which saves energy.

Parking that isn't covered will be screened from view by buildings, landscaped berms, and vegetation. On-street parking spaces will offer public access to the playground, eliminate the dangerous illegal parking currently on Mass Ave, and increase the overall accessibility of village businesses.

(following prepared by Stamski and McNary, Inc.)

Existing Conditions:

The majority of work will occur on three previously developed residential lots. #525 Mass. Ave. currently contains a house, driveway, stone retaining wall, and cesspool all within the 100' Buffer Zone. This property is bounded to the east by Fort Pond Brook and consequently contains Riverfront Area. This lot presently has a mowed yard area that extends over 50 feet into the Bordering Vegetated Wetland (BVW) and contains a shed. A portion of the cesspool and driveway are also within the 200' Riverfront Area.

531 Mass. Ave. contains a residential dwelling, a barn with a gravel drive, leaching pits, and stone retaining walls. 537 Mass. Ave. contains a house with a gravel driveway and a separate paved parking area. A soil absorption system is within the Buffer Zone. A building with a wood deck contains commercial office space at 541 Mass. Ave. This existing building is served by a common parking area also serving 543-545 Mass. Ave. and 3-7 Spruce Street, which contain a variety of commercial uses. A portion of the building, a parking lot, septic system and drainage appurtenances at 3 Spruce Street are within the Buffer Zone of a BVW.

All of the properties, excepting 525 Mass. Ave, are covered by an existing order of conditions that permitted the construction of a parking lot, retaining walls and a stormwater management system. These features are presently under construction or in place.

Resource Areas and Buffer Zone:

Riverfront Area:

Riverfront Area associated with Fort Pond Brooks exists on the east end of the proposed site. A portion of the riverfront area has been developed and contains a circular driveway, septic system, landscaped areas and Mass. Ave. Work in the Riverfront Area is described below.

Bordering Vegetated Wetlands:

The BVW extends from 3 Spruce Street to Mass. Ave. Portions of the BVW have been degraded by yard areas and invasive vegetation. Removal of the shed and re-naturalization of the yard area in the BVW is proposed, but no other work proposed within the BVW.

Bordering Land Subject to Flooding:

The site contains Bordering Land Subject to Flooding (BLSF), which has an elevation of 203.3', according to the FEMA flood maps. The shed removal and re-naturalization of vegetation noted above is also within the BLSF, but no other work is proposed within this resource area.

Buffer Zone:

A 100 foot Buffer Zone extends from the edge of the BVW over much of the site. Work within this area is described below.

Proposed Work:

Riverfront Area:

The proposed work includes reuse of a previously developed Riverfront Area. A previously developed Riverfront Area is defined as being a riverfront area degraded prior to August 7, 1996 by impervious surfaces from existing structures or pavement. The relevant section the regulations is *310 CMR 10.58(5): Redevelopment Within Previously Developed Riverfront Areas: Restoration and Mitigation*. The purpose of 310 CMR 10.58(5) is to ensure the proposed work improves existing site conditions. In order for projects to meet this goal, the Department of Environmental Protection has established a set of criteria. The work to redevelop previously developed riverfront areas shall conform to these criteria. The criteria are located at 310 CMR 10.58(5)(a) through 310 CMR 10.58(5)(h). Following is a general explanation of the work involved in the riverfront area followed by how each criterion of 310 CMR 10.58(5) has been met.

There is approximately 84,273 square feet of Riverfront Area on site, with approximately 13,403 square feet of that being previously degraded or altered by development activity. These areas include the existing circular drive, septic system, shed and earthen fill areas related to the construction of Mass. Ave. many years ago. Approximately 9,700 square feet of alteration is proposed, with approximately 3,340 square feet of that being degraded area. Of the proposed alteration, approximately 1,000 square feet will be restoration of the Riverfront Area that contains the yard area that is within the BVW, BLSF, and Buffer Zone. A parking area, a portion of a soil absorption system, a stormwater collection system, a walkway and grading are proposed within the Riverfront Area. The remaining portion of the Riverfront Area will be landscaped to restore vegetative coverage consisting of grass, shrubs, and trees. A rain garden will also be incorporated into the landscaped area. This is an improvement over existing poor grass conditions. Additionally, there will no longer be paved parking areas draining to Fort Pond Brook without stormwater controls. A soil absorption system that will receive treated effluent will be partially located within the Riverfront Area and the untreated sewage that discharges into a cesspool will be eliminated.

310 CMR 10.58(5)(a)

The proposed work shall result in an improvement over existing conditions of the capacity of the Riverfront Area to protect the interests identified in M.G.L. chapter 131, Section 40 (a.k.a. Wetlands Protection Act).

310 CMR 10.58(5)(b)

Stormwater management has been provided according to the stormwater management standards established by the Department of Environmental Protection. See detailed drainage calculations attached.

310 CMR 10.58(5)(c)

The existing condition closest to the river, Fort Pond Brook, is the existing toe of a steep slope that was apparently filled when Mass. Ave was constructed and is located approximately 60 feet from the mean annual high water line at its closest point. The proposed alteration closest to the mean annual high water line is the construction of the proposed rain garden at approximately 75 feet at the closest point. Therefore, proposed work is not located closer to the river than existing conditions.

310 CMR 10.58(5)(d)

Proposed work, including expansion of existing structures, shall be located toward the Riverfront Area boundary and away from the river. The existing site conditions, project goals, restoration goal to improve water quality, and alternative analysis led to the chosen design. The design has moved the proposed driveway further away from Fort Pond Brook, than the existing driveway, incorporated areas of grass between impervious areas to improve upon existing conditions within the riverfront, and provides a significant amount of additional diverse vegetation.

310CMR 10.58(5)(e)

The area of proposed work shall not exceed the amount of degraded area, provided that the proposed work may alter up to 10% if the degraded area is less than 10% of the Riverfront Area. The entire work area is degraded and/or previously developed.

310 CMR 10.58(5)(f)

The proposed project does not exceed existing degrading conditions, therefore no restoration is required. The project does propose the removal of a shed and re-naturalization of a lawn area that lies within the Riverfront Area, BVW and BLSF. This area is about 1,000 sf within the Riverfront area.

310 CMR 10.58(5)(g)

N/A

310 CMR 10.58(5)(h)

No restoration is required for the proposed project, therefore no continuing condition is necessary in the Certificate of Compliance in regards to 310 CMR 10.58(5)(f) and CMR 10.58(5)(g).

Bordering Vegetated Wetland and Bordering Land Subject to Flooding:

The only activity proposed within the BVW and BLSF is the removal of an existing shed and the re-naturalization of an existing lawn area. These minor activities will not require excavation or alteration of these resource areas, except that there will be an improvement over time.

Buffer Zone:

Much of the work area depicted on the plan is within work area that was previously permitted under the current order of conditions. The work area within the buffer zone on the site is about 45,300 sf. Of this, approximately 28,200 sf (62%) is within the existing work area. The 17,100 sf of work located at 525 Mass. Ave. was not within the previous work area, but is entirely within existing developed areas that either contain pavement, structures or landscaped areas.

Due to site limitations, work in the Buffer Zone is unavoidable. Beginning on the east end of the site, a rain garden will treat runoff from the new parking area that will be constructed. A new open parking area will be constructed and will be over a new soil absorption system that will discharge treated effluent. The existing sewage disposal system, which is comprised of cesspools, at 525 will be removed. A new septic tank, grease trap, sewage treatment tank, and pump chamber will be installed. In the middle of the site, the proposed multipurpose facility is to be constructed. The back half of the structure will be within the 100' Buffer Zone. In an effort to reduce impervious area, parking will be provided underneath the structure. This covered parking will result in a more environmentally sensitive design since the paved surface will not generate runoff, will not require sanding and deicing as the open parking area under construction would. Under this parking lot, a proprietary Stormceptor 900 will treat runoff from the majority of the site before discharging to the infiltration basin that was previously permitted. On the west end of the proposed facility, a conventional septic system will be removed and replaced with a portion of the proposed septic system that includes wastewater treatment. At the request of the Acton Historic District Commission, a historic barn will be relocated from 537 Mass. Ave to 3 Spruce Street. The existing shop at the end of the building at 3 Spruce Street will be provided with an expanded yard within a proposed fence to secure an outdoor storage area.

All work will be done in compliance with the design plans, including the Stormwater Pollution Prevention plan that will protect resource areas from construction related activities. Over the long term, resource areas will be protected by the proposed permanent vegetation and compliance with the stormwater management standards and stormwater management system.

Compliance with Acton Wetland Bylaw:

The local wetland bylaw prohibits certain activities within the Buffer Zone as well as other setback areas. The Bylaw has provisions for the expansion of existing non-conformities to the extent that they exist under Section F8.3 of the Bylaw:

"Pre-existing activities or structures not meeting the setbacks set forth above need not be discontinued or removed [but shall be deemed to be nonconforming]. No new activity shall be commenced and no new structure shall be located closer to the edge of wetlands or vernal pools than existing non-conforming like activities or structures, but the Commission may permit new activity or structures as close to the edge of wetlands or vernal pools if it finds that such activity or structure will not affect the interests protected by the Bylaw no more adversely than the existing activity or structure."

And similarly under Section 3.3 of the local regulations:

"Work associated with pre-existing structures or activities not presently in compliance with Section 3.2 may not increase the degree of "non-conformance" of those structures or activities. No new activity shall be commenced and no new structure shall be located closer to the edge of a Wetland Resource Area than existing non-conforming like Activities or structures, but the Commission may permit new like Activity or structures as close to the Wetland Resource Area as the existing like Activity or structure if it finds such Activity or structure will not affect the interests provided for in the Bylaw more adversely than the existing Activity or structure."

The new activities that will be commenced will not be closer than the existing like activities. At 525 Mass. Ave., the existing disturbed area extends 50 feet into the wetland, i.e. minus 50 feet. This includes yard area and an existing shed. Also, an area was apparently filled in conjunction with the construction of Mass. Ave. which left fill at a zero (0) foot setback. The existing driveway is setback from the BVW at 39 feet. The new activity on this portion of the site will include clearing to a setback of 15 feet, which is much greater than the -50 foot existing non-conformity; grading at a distance of 15 feet from the BVW, which is greater than the 0 foot existing nonconformity; and a driveway and parking area at a 39 foot setback; which is equal to the existing non-conformity.

The area at 531 and 537 Mass. Ave. which is subject to the existing order of conditions was permitted under the 25 foot no disturb and 40 foot no structure setbacks of the previous bylaw. As such, the existing activities on this portion of the site are at those minimum setbacks. The new activity in this area will primarily be the construction of the multipurpose building. It will be located over the existing retaining walls and will consequently be located at the same 40 foot setback to the BVW. This is a significant improvement over the previously permitted open parking area since the paved surface will not generate runoff, will not require sanding and deicing as the open parking area under construction would. A small storage garage will also be located over the smaller retaining wall at the existing 40 foot setback and has the same benefits over open parking.

The portion of the work behind 3 Spruce Street includes the relocation of the existing historic barn and a fenced storage area. Three Spruce Street presently has the following non-conformities: grading and clearing associated with infiltration basin = 0 feet, center of basin berm = 5 feet, pavement = 15 feet and building = 73 feet. The placement of the barn, which is being relocated at the request of the Acton Historic District Commission, requires the relocation of a retention basin such that the berm will be set back 38 feet from the BVW, which is greater than the 5 foot existing non-conformity. The barn will be located 61 feet from the BVW, which may be considered similar to the existing 15 foot pavement setback by the Commission for the same coverage reasons stated above. The barn will also be in the location of a previously permitted driveway. The fenced storage area will be 40 feet from the BVW, which is much greater than the 0 foot non-conformity.

Waiver

Several informal meetings were held with various representatives of the Conservation Commission. It was suggested that a waiver may be required for the proposed project for wetland setbacks. Though we feel that the project meets the standards outlined above regarding existing non-conformities, we hereby request, to the extent that a it is required, a waiver to Section F8.3 of the Acton Wetland Protection Bylaw and Section 3.2 of the Regulations to allow the construction as described with setbacks outlined above.

This waiver is needed in order to meet the goals of the project and which provide Public Benefits:

Goals and Public Benefits

WAVE is intended to help connect people to cultural opportunities, educational resources, the built and natural environment, local history, and a shared sense of community. Reinforcing and strengthening these connections fosters a greater understanding, appreciation, and responsibility for each other and the places people live.

In addition to this overarching goal, the following objectives are being pursued:

- Preserve the existing historic village scale, rhythm, and spirit.
- Model environmentally responsible planning, design, construction, and occupancy.
- Support the long-term sustainability of local businesses and intergenerational community connections within the village.
- Establish a local home for the arts and community gathering.
- Link learning, cultural, recreational, and business opportunities with a safer, quieter, and more pedestrian-oriented public streetscape.

The granting of this waiver is consistent with the Intent and purpose of the Bylaw, which is to protect the wetlands and buffer zone, by controlling activities deemed to have a significant impact upon wetland interests. This project protects such interests as flows:

Public or private water supply: The site presently contains numerous non-conforming activities that will be improved by incorporation into a cohesive project that addresses stormwater and sewage disposal with advanced technologies and contemporary standards. There is presently untreated stormwater that reaches wetlands and there are several either obsolete or untreated sewage disposal points on the site that will be eliminated.

Groundwater and Surface Water: Again, the cohesive project that addresses stormwater and sewage disposal with advanced technologies and contemporary standards will have a marked positive impact on groundwater quality and surface water quality.

Flood control: The area of proposed work is not located within Land Subject to Flooding or floodplain. No work is proposed within the BVW or BLSF, except for removal of a shed and re-naturalization of a lawn area that will improve flood storage capacity of the resource areas.

Erosion control: A comprehensive Stormwater Pollution Prevention Plan will protect resource areas during construction and a Long Term Operation and Maintenance Plan and permanent vegetation will provide protection into the future.

Storm damage prevention: No work is proposed within the limits of the BVW or BLSF except for removal of a shed and re-naturalization of a lawn area that will be improve the capacity for storm damage prevention.

Water pollution prevention: The applicant is not proposing to store or dispose of any hazardous materials onsite. The cohesive project that addresses stormwater and sewage disposal with advanced technologies and contemporary standards will have a marked positive impact on water pollution control.

Fisheries: The contemporary Stormwater Management System and Sewage Disposal System, each with an operation and maintenance plan, will offer the best long term protections to Fort Pond Brook for fish populations.

Protection of endangered or threatened species: This site is not located within the Estimated Habitat of Rare Wildlife.

Wildlife habitat: Since there is no work proposed within the BVW or BLSF except for removal of a shed and re-naturalization of a lawn area, the wildlife habitat of the resource area will remain unchanged. A natural buffer will remain between the limit of work and the BVW in the upland and the aggressive planting schedule will provide significant new habitat areas that will extend from the wetland to the newly improved streetscape. The proposed work will largely occur within the existing yard areas and degraded areas that have already been disturbed from their natural state.

**WPA Form 3
(Notice of Intent)**



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

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

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):

525-541 Massachusetts Ave., 3-7 Spruce St.

a. Street Address

Acton

b. City/Town

01720

c. Zip Code

Latitude and Longitude:

42°23'34" N

d. Latitude

71°28'16" W

e. Longitude

Map F-2A

f. Assessors Map/Plat Number

Parcel 103

g. Parcel /Lot Number

2. Applicant:

a. First Name

531 Mass Ave LLC

c. Organization

543 Massachusetts Ave.

d. Street Address

Acton

e. City/Town

MA

f. State

01720

g. Zip Code

978-264-0160

h. Phone Number

978-266-1650

i. Fax Number

j. Email Address

3. Property owner (required if different from applicant):

Check if more than one owner

*List Attached

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):

George

a. First Name

Dimakarakos

b. Last Name

Stamski and McNary, Inc.

c. Company

80 Harris St.

d. Street Address

Acton

e. City/Town

MA

f. State

01720

g. Zip Code

978-263-8585

h. Phone Number

978-263-9883

i. Fax Number

gd@stamskiandmcnary.com

j. Email address

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

\$1,575 (plus \$315 bylaw fee)

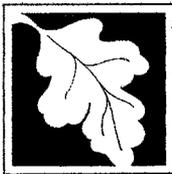
a. Total Fee Paid

\$800

b. State Fee Paid

\$775 (plus \$315 bylaw fee)

c. City/Town Fee Paid



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City/Town _____

A. General Information (continued)

6. General Project Description:

The project will construct a mutli use facility with associated parking, drainage, utilities, and septic system within the Buffer Zone.

7a. Project Type Checklist:

- | | |
|---|---|
| 1. <input type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Limited Project Driveway Crossing | 4. <input checked="" 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

a. County

See Attachment

c. Book

b. Certificate # (if registered land)

See Attachment

d. Page Number

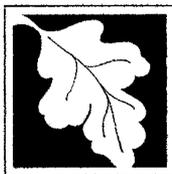
B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- 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 checked="" type="checkbox"/> Bordering Vegetated Wetland	0 1. square feet	0 2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square 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 checked="" type="checkbox"/> Bordering Land Subject to Flooding	0 1. square feet 0 3. cubic feet of flood storage lost	0 2. square feet 0 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 checked="" type="checkbox"/> Riverfront Area	Fort Pond Brook 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:

84,273
square feet

4. Proposed alteration of the Riverfront Area:

9,700	1,144	8,556
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

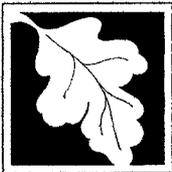
6. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

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.



WPA Form 3 – Notice of Intent

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

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City/Town

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
5. <input type="checkbox"/> Project Involves Stream Crossings		
	a. number of new stream crossings	a. number of new stream crossings

C. Other Applicable Standards and Requirements

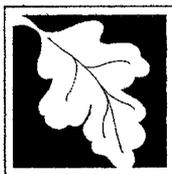
Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

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/nhesp/regulatory_review/priority_habitat/online_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
Route 135, North Drive
Westborough, MA 01581

b. Date of map



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)

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).*

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/regulatory_review/mesa/mesa_fee_schedule.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/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

* Some projects not in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/dfwele/dfw/nhesp/nhesp.htm>, 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.



WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

Acton

City/Town

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

3. Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

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

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



WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

Acton

City/Town

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

- 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

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.

Site Plan for West Acton Village Ecology

a. Plan Title

Stamski and McNary, Inc.

Joseph March, P.E., P.L.S.

b. Prepared By

c. Signed and Stamped by

July 31, 2009

varies

d. Final Revision Date

e. Scale

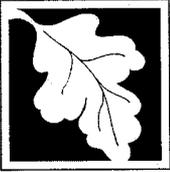
Landscape Plan

July 31, 2009

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.



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

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:

2. Municipal Check Number <u>360</u>	3. Check date <u>6/30/2009</u>
4. State Check Number <u>359</u>	5. Check date <u>6/30/2009</u>
6. Payor name on check: First Name <u>537 MASS AVE, LLC</u>	7. Payor name on check: Last Name

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.

<u></u>	<u>6/30/2009</u>
1. Signature of Applicant	2. Date
3. Signature of Property Owner (if different)	4. Date
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.

West Acton Village Ecology Owners List

MAP F-2A:

Parcel 94

Unit 2 Bitterroot Group LLC
3 Spruce Street
Acton, MA 01720

Unit 3 543-545 Mass Ave Limited Partnership
543 Massachusetts Ave
Acton, MA 01720

Parcel 97

Unit 1 Presti Family Limited Partnership
585 Massachusetts Ave
Acton, MA 01720

Parcel 103 531 Mass Ave LLC
543 Massachusetts Ave
Acton, MA 01720

Parcel 104 525 Mass Ave LLC
543 Massachusetts Ave
Acton, MA 01720

Parcel 105 525 Mass Ave LLC
543 Massachusetts Ave
Acton, MA 01720

Parcel 112 543-545 Mass Ave Limited Partnership
543 Massachusetts Ave
Acton, MA 01720

Parcel 113 541 Mass Ave LLC
543 Massachusetts Ave
Acton, MA 01720

Parcel 114 537 Mass Ave LLC
543 Massachusetts Ave
Acton, MA 01720

West Acton Village Ecology Owners List

MAP F-2A:

Parcel 94 Unit 2	Bitterroot Group LLC 3 Spruce Street Acton, MA 01720 (Deed Book 42957, Page 226)	Parcel 105	525 Mass Ave LLC 543 Massachusetts Ave Acton, MA 01720 (Deed Book 49223, Page 364)
Unit 3	543-545 Mass Ave Limited Partnership 543 Massachusetts Ave Acton, MA 01720 (Deed Book 19220, Page 223)	Parcel 112	543-545 Mass Ave Limited Partnership 543 Massachusetts Ave Acton, MA 01720 (Deed Book 15300, Page 519)
Parcel 97 Unit 1	Presti Family Limited Partnership 585 Massachusetts Ave Acton, MA 01720 (Deed Book 41606, Page 171)	Parcel 113	541 Mass Ave LLC 543 Massachusetts Ave Acton, MA 01720 (Deed Book 44299, Page 182)
Parcel 103	531 Mass Ave LLC 543 Massachusetts Ave Acton, MA 01720 (Deed Book 44299, Page 210)	Parcel 114	537 Mass Ave LLC 543 Massachusetts Ave Acton, MA 01720 (Deed Book 44299, Page 207)
Parcel 104	525 Mass Ave LLC 543 Massachusetts Ave Acton, MA 01720 (Deed Book 49223, Page 364)		

WPA Form 3
(NOI Wetland Fee Transmittal Form)



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	
531 Mass Ave LLC			
c. Organization			
543 Massachusetts Ave			
d. Mailing Address			
Acton		MA	01720
e. City/Town		f. State	g. Zip Code
978-264-0160	978-266-1650	j. Email Address	
h. Phone Number	i. Fax Number		

2. 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	

3. Project Location:

525-541 Massachusetts Ave., 3-7 Spruce St.		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
 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
Category 3	1	\$1,050 x 1.5	\$1,575

Step 5/Total Project Fee: _____

Step 6/Fee Payments:

Total Project Fee:	\$1,575.00
State share of filing Fee:	a. Total Fee from Step 5 \$775.00
City/Town share of filling Fee:	b. 1/2 Total Fee less \$12.50 \$800.00 (plus \$315 bylaw fee)

C. Submittal Requirements

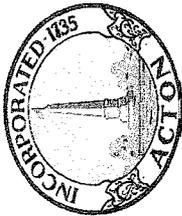
- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

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.)

Certified List of Abutters



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

Brian McMullen
 Assistant Assessor

Locus: 525-537, 541 MASS AVE & 1 SPRUCE ST #3
 Parcel ID: F2.A-105,104,103,114,113 AND F2.A-94-3

Handwritten notes:
 543-545 Mass Ave
 F2.A-112 / 113

Location	Parcel ID	Owner	Co-Owner	Mailing Address	City	ST	Zip
7 WEST RD	F2.A-29-7	BERLIED JOHN C	BERLIED ROBERTA A	7 WEST RD	ACTON	MA	01720
9 WEST RD	F2.A-29-8	CHIAO PHILLIP CHEN HSI	CHIAO ANGELA SU-CHU PENG	9 WEST RD	ACTON	MA	01720
8 WEST RD	F2.A-29-9	GALLAGHER ALISON E	C/O GALLAGHER ALISON E + CALD	8 WEST RD	ACTON	MA	01720
226 ARLINGTON ST	F2.A-29-10	PHILBRICK SCOTT D	SHARYON D	226 ARLINGTON ST	ACTON	MA	01720
11 SPRUCE ST	F2.A-93	BOTTOS NICHOLAS A TRUSTEE	BOTTOS CASSIANI N TRUSTEE	11 SPRUCE ST	ACTON	MA	01720
5-9 SPRUCE ST U1	F2.A-97	PRESTI FAMILY LP	PRESTI MANAGEMENT CORP GP	585 MASS AVENUE	ACTON	MA	01720
543 MASS AV	F2.A-112	543-545 MASSACHUSETTS AVENUE	LIMITED PARTNERSHIP	543 MASS AV	ACTON	MA	01720
542 MASS AV	F2.A-137	MAXWELL JEFFREY F	C/O FLANNERY EDWARD W	542 MASS AV	ACTON	MA	01720
536 MASS AV	F2.A-139	HENSLEIGH NANCY	CHAVEZ SUSAN HARVEY	835 BANTAM WY	PETALUMA	CA	94952
530 MASS AV	F2.A-140	TOWN OF ACTON		472 MAIN STREET	ACTON	MA	01720
516 MASS AV	F2.B-6	ONEIL RICHARD J JR	ONEIL LINDA B	36 ESTERBROOK RD	ACTON	MA	01720
540 MASS AV	F2.B-15	FLANNERY CECELIA JOAN	C/O FLANNERY EDWARD W	544 MASSACHUSETTS AV	ACTON	MA	01720
520 MASS AV	F2.B-31-10	ACTON WATER DISTRICT		PO BOX 963	ACTON	MA	01720
553 MASS AV	F2.A-102	WEST ACTON AMERICAN/EXXON/MOBIL	GILBARCO INC	ATTN: CMS MAILSTOP F-76 7300 WEST FRIENDLY AV	GREENSBORO	NC	22087
550 MASS AV	F2.A-132	BEAUDOIN RAYMOND J	JANICE E	550 MASS AVE.	ACTON	MA	01720
520 MASS AV	F2.B-5-520	DOLAN PAULINE		520 MASS AV	ACTON	MA	01720
522 MASS AV	F2.B-5-522	SLATTERY MAURA A		522 MASS AV	ACTON	MA	01720
524 MASS AV	F2.B-5-524	LIPMAN ABBY		524 MASS AV	ACTON	MA	01720
526 MASS AV	F2.B-5-526	RAYNER MARION L		526 MASS AV	ACTON	MA	01720

The owner of land sharing a common boundary or corner with the site of the proposed activity (immediate) 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.

4-Mar-09

Kimberly Hoyt
 Assessing Clerk
 Acton Assessors Office

Affidavit of Services

AFFIDAVIT OF SERVICES
Under the Massachusetts Wetlands Protection Act & Town of
Acton Wetlands Protection Bylaw
(to be submitted to the Massachusetts Department of
Environmental Protection and the Conservation Commission
when filing a Notice of Intent)

I, BENJAMIN EWING, hereby certify under the pains and penalties of perjury that on 8/27/09 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 531 Mass Ave LLC with
the Acton Conservation Commission for property
located on Assessor's Map F-2A Parcels 94, 97, 103,
104, 105, 112, 113, 114.

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:

Benjamin Ewing

Date:

8/27/09

Notification to Abutters

**NOTIFICATION TO ABUTTERS
UNDER THE TOWN OF ACTON WETLANDS PROTECTION 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 name of the applicant is 531 Mass Ave LLC.

Address: 543 Massachusetts Ave, Acton, MA; Phone: (978) 264-0160

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 Town of Acton Wetlands Protection Bylaw

Applicant's Representative: Stamski and McNary, Inc.

Address: 80 Harris Street; Acton, MA 01720 Phone: (978) 263-8585

The address of the property where the activity is proposed: 525-541 Massachusetts Ave, and 3-7 Spruce Street.

Town Atlas Map/Parcel: Map F2A, Parcels 94, 97, 103, 104, 105, 112, 113, 114.

Project Description: The project will construct a new Green mixed-use building with parking, drainage, and advanced treatment septic system.

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.

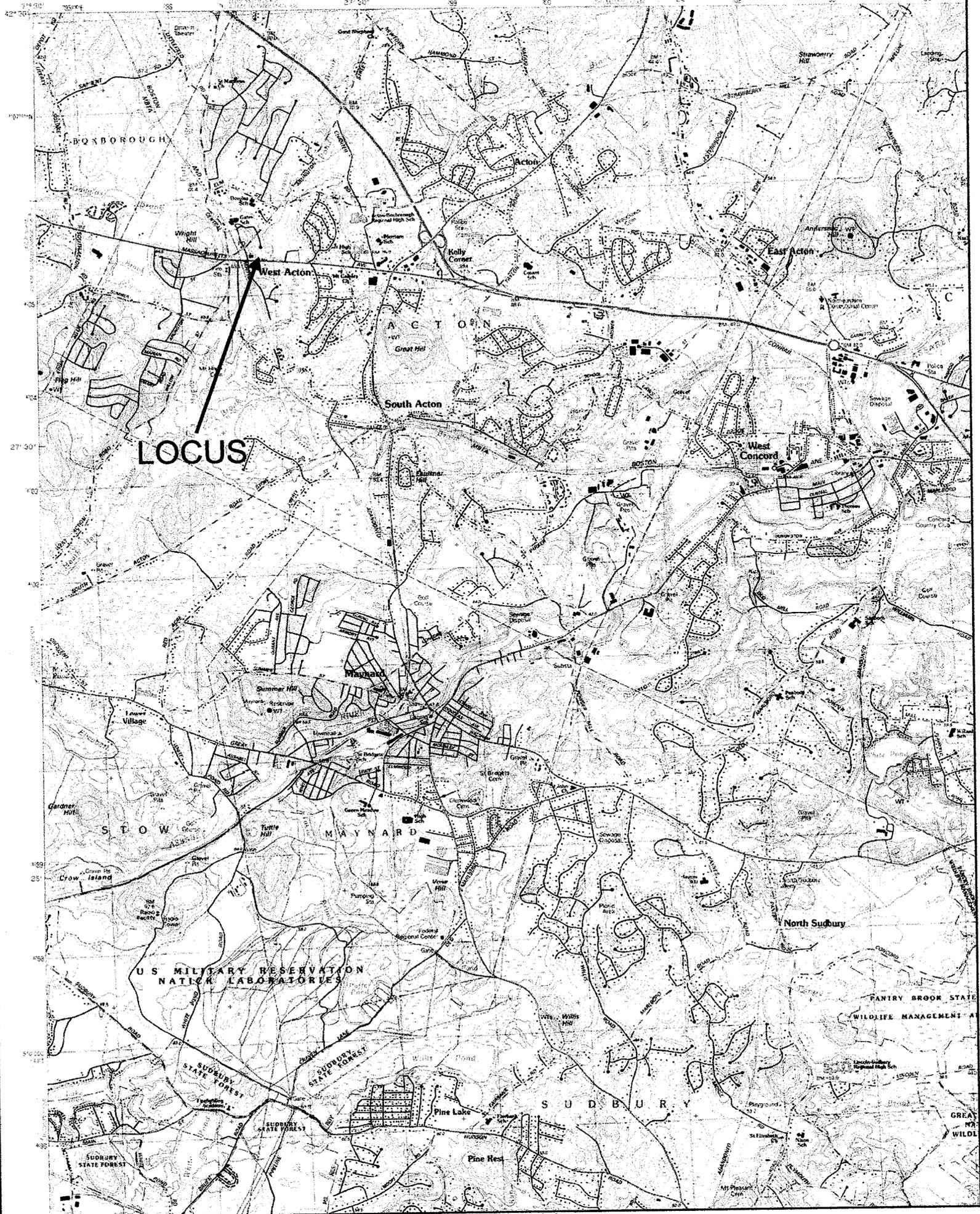
A Public Hearing will be held at the Acton Town Hall, 472 Main Street, on Wednesday, September 16, 2009 at 7:40 P.M.

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

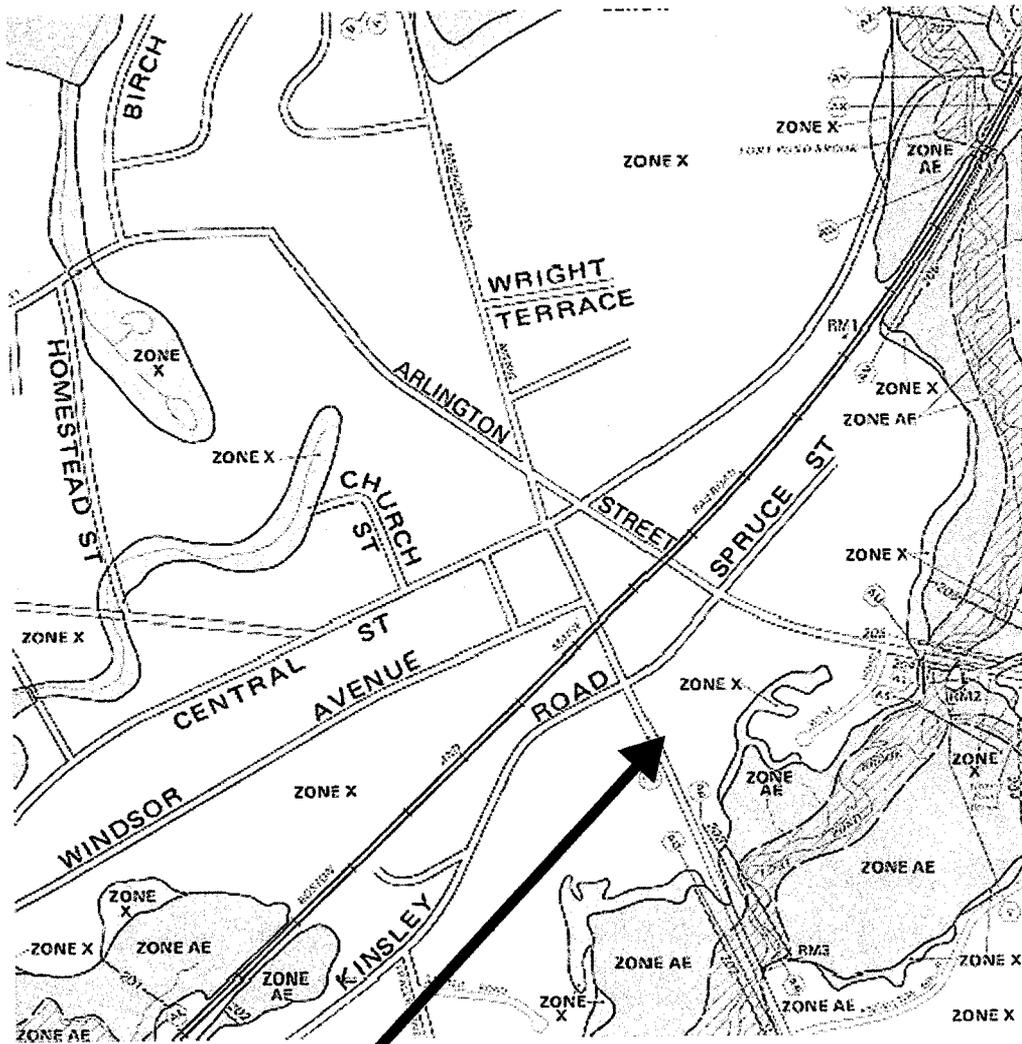
NOTE: You may also contact your local Conservation Commission for the information about this application or, the Town of Acton Wetlands Protection Bylaw.

Attachments

U.S.G.S. Locus Map

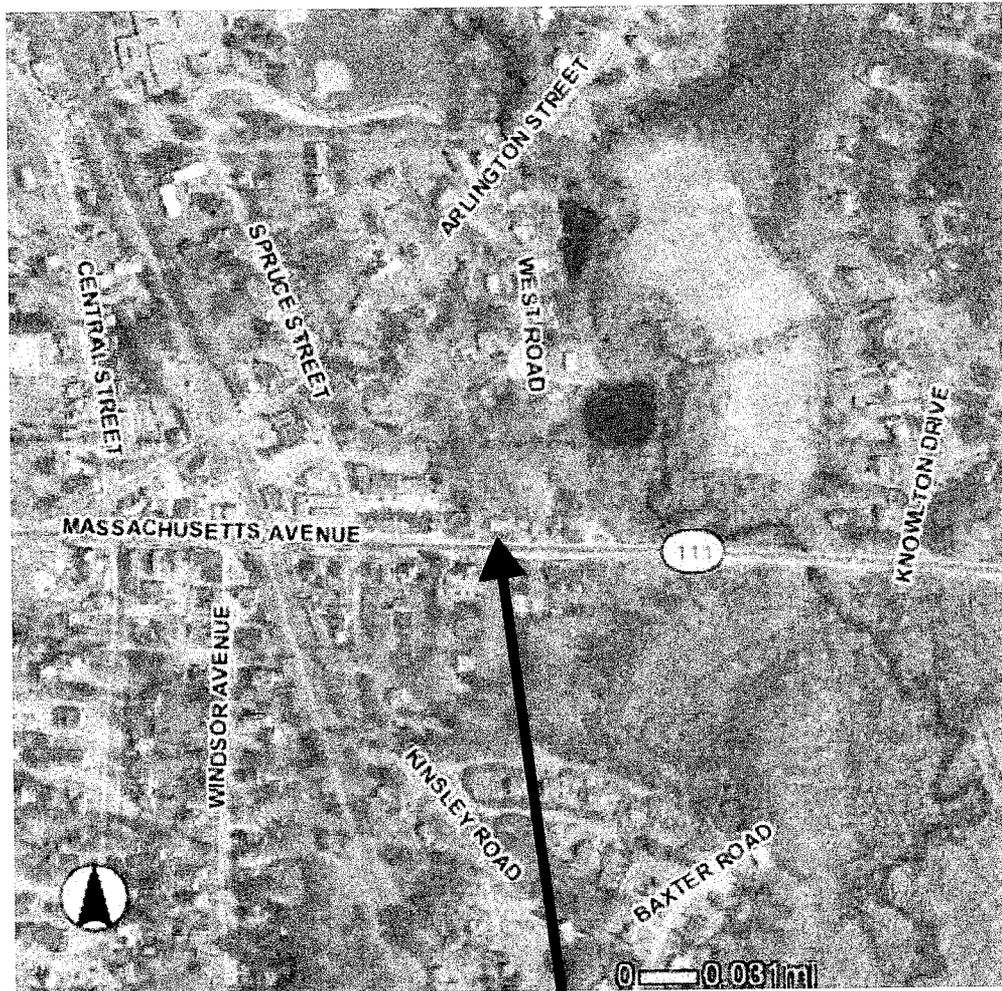


FEMA Flood Insurance Rate Map



LOCUS

NHESP Map



LOCUS

Plans