



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.

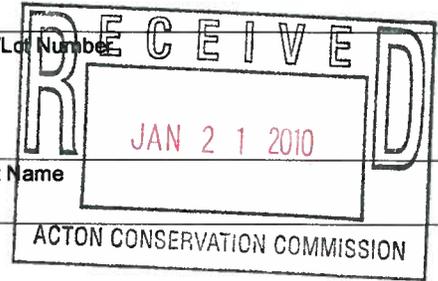


Note:
 Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

Arlington Street
 a. Street Address
 Acton
 b. City/Town
 01720
 c. Zip Code
 Latitude and Longitude:
 42-29-10 N
 d. Latitude
 71-27-51 W
 e. Longitude
 N/A
 f. Assessors Map/Plat Number
 N/A
 g. Parcel /Lot Number



2. Applicant:

a. First Name
 Acton Water District
 c. Organization
 693 Massachusetts Avenue; P.O. Box 953
 d. Street Address
 Acton
 e. City/Town
 MA
 f. State
 01720
 g. Zip Code
 978-263-9107
 h. Phone Number
 i. Fax Number
 j. Email Address

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

N/A
 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):

Charles
 a. First Name
 Caron
 b. Last Name
 Caron Environmental Consulting
 c. Company
 247 Bragg Hill Road; P.O. Box 417
 d. Street Address
 Westminster
 e. City/Town
 MA
 f. State
 01473
 g. Zip Code
 978-874-5469
 h. Phone Number
 978-874-1790
 i. Fax Number
 caronenv@aol.com
 j. Email address

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

Exempt
 a. Total Fee Paid
 Exempt
 b. State Fee Paid
 Exempt
 c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

The replacement of approximately 3500 feet of water main along Arlington Street, between Hayward and Charter Roads. All of the work will occur with the currently disturbed road right of way.

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 type="checkbox"/> Commercial/Industrial |
| 5. <input type="checkbox"/> Dock/Pier | 6. <input checked="" 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:

10.53 (3) d (there is no need to claim this status for this project)

2. Limited Project

8. Property recorded at the Registry of Deeds for:

N/A

a. County _____

b. Certificate # (if registered land) _____

c. Book _____

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.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
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. square feet _____ 3. cubic yards dredged _____	2. square feet _____



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

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
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 checked="" type="checkbox"/> Riverfront Area	Grassy 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:

Grandfathered
square feet _____

4. Proposed alteration of the Riverfront Area:

No New Disturbance

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.

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

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
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 _____



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

October 2008
 b. Date of map



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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/nhosp/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/nhosp/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/nhosp/nhosp.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.



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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:

Division of Marine Fisheries - Southeast Marine Fisheries Station
Attn: Environmental Reviewer
1213 Purchase Street – 3rd Floor
New Bedford, MA 02740-6694 | North Shore - Hull to New Hampshire:

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: Water Main Replacement only.
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.



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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.

(see attached table of contents)

a. Plan Title

b. Prepared By

c. Signed and Stamped by

d. Final Revision Date

e. Scale

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.



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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

3. Check date

4. State Check Number

5. Check date

6. Payor name on check: First Name

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.

Paul E. Curran - As Agent

1. Signature of Applicant

1/21/10

2. Date

3. Signature of Property Owner (if different)

Paul E. Curran

4. Date

1/21/10

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:

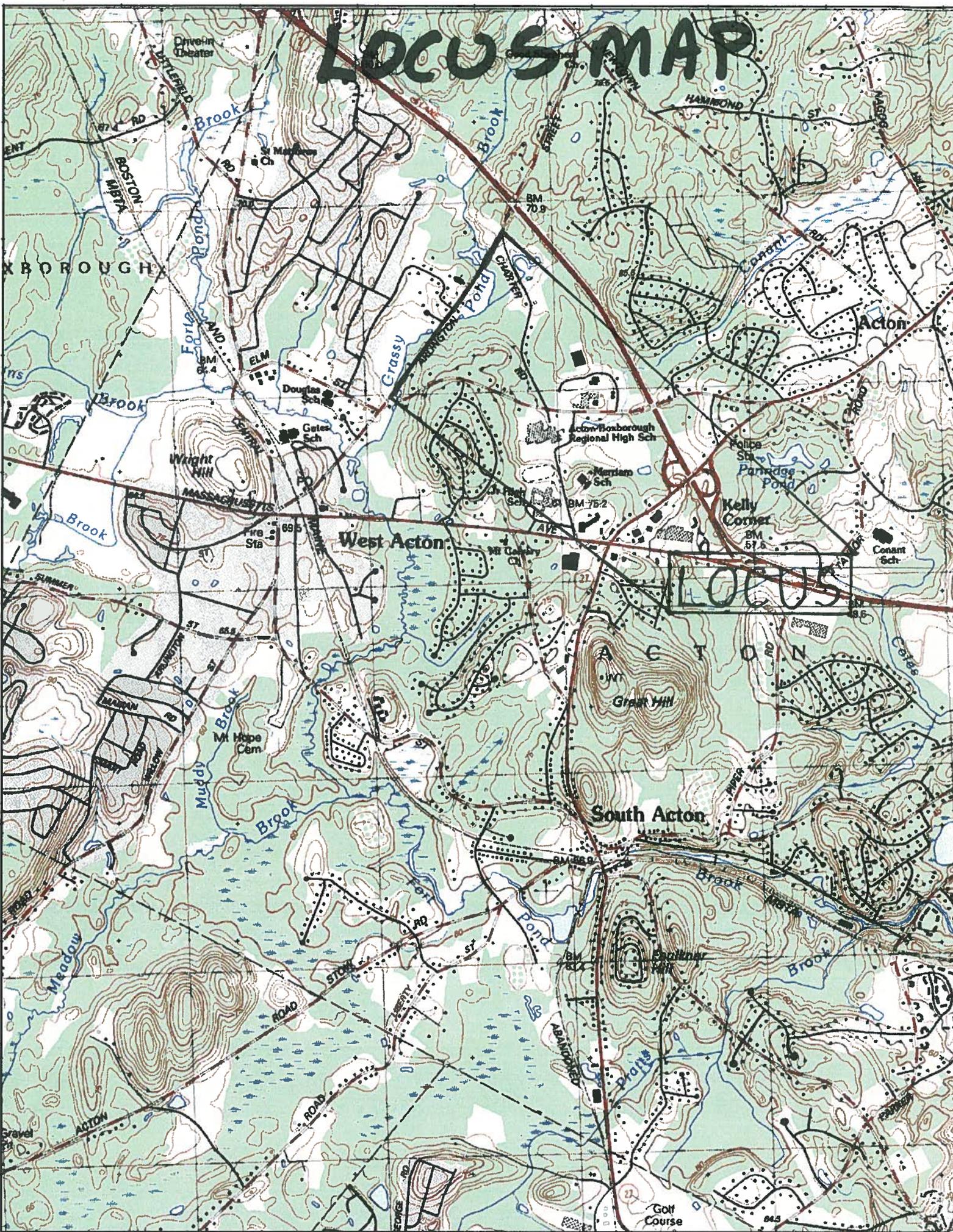
One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a copy of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

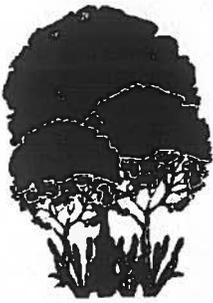
Other:

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.

LOCUS MAP





Caron Environmental Consulting

978-874-5469

Wetlands • Forestry • Permitting • Habitat Studies

August 7, 2009

Mr. Richard G. Protasowicki, P.E.
Wright-Pierce, Inc.
200 Brickstone Square; Suite 505
Andover, MA 01810

Re: Wetland Delineation
Arlington Street/Acton

Dear Mr. Protasowicki:

As requested, we have delineated the wetlands along Arlington Street in Acton between Freedom Farm Road and Hayward Road. The delineation was conducted on March 31, 2009 and was based on observations of the plant communities and soil conditions.

The edges of wetlands were delineated with blue flagging labeled A1 to A10, B1 to B4, C1 to C5, D1 to D8, E1 to E3, F1 to F5, G1 to G8, H1 to H19, I1 to I6, J1 to J3, K1 to K7, L1 to L8, M1 to M6 and N1 to N13. In addition, there are wetlands located behind houses or within lawn and landscaped areas in three locations where we did not feel it was appropriate to place flags. In these areas the wetlands appear to be far enough from the road that accurate locations are not necessary, and the surveyors should be able to estimate the location of the wetlands. These locations are behind House #133, near the Arlington Street/Haywood Road intersection behind House #156 and behind Houses # 98 and 100.

The wetland flags are primarily located along the edge of bordering vegetated wetlands. Most of the delineated wetlands border on Grassy Pond Brook, which crosses Arlington Street in multiple locations. Grassy Pond Brook is a perennial stream, and as such, has a Riverfront Area along it. As the proposed work is for the replacement of a water main the Riverfront Area should not have any regulatory impact.

The cover types in both the wetlands and uplands are variable. Most of the wetlands are forested, but there are areas of shrubs, herbaceous vegetation and open water. The cover types in the uplands include forest, lawn, paved areas, brushland and field. The most abundant species in the wetlands include red maple, American elm, slippery elm, swamp white oak, European buckthorn, arrow-wood, speckled alder, elderberry, swamp dogwood, highbush blueberry, winterberry, swamp rose, poison ivy, tussock sedge, reed canary grass, *Phragmites*, cattails, purple loosestrife, cinnamon fern and skunk cabbage. While the soil conditions are variable, the wetland soils generally have an 8-inch deep organic horizon with a Munsell Soil Color of 10 YR 2/1. The underlying Bg-horizon has a color of 10 YR 6/1.

The dominant species observed in the uplands include red oak, scarlet oak, white oak, black oak, red maple, white pine, quaking aspen, black cherry, European buckthorn, arrow-wood, multiflora rose, Morrow honeysuckle, yews, poison ivy, goldenrods and hay-scented fern. In many of the locations along the road the soils are udorthents (human disturbed or deposited soils). In the more natural areas the upland soils typically have a 4-inch deep A-horizon with a color of 10 YR 3/2. The underlying Bw-horizon extends to a depth of at least 16 inches and has a color of 10 YR 5/4.

August 7, 2009

Mr. Richard G. Protasowicki, P.E.

Wright-Pierce, Inc.

Re: Wetland Delineation

Arlington Street/Acton

Page 2.

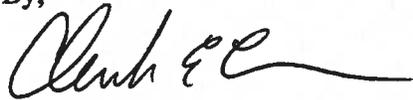
The 13th Edition of the Natural Heritage Atlas does not show any Estimated/Priority Habitat Areas or Certified Vernal Pools near the site.

If you should have any questions in regards to this matter, please feel free to contact us.

Very truly yours,

CARON ENVIRONMENTAL CONSULTING,

By,

A handwritten signature in black ink, appearing to read "Charles E. Caron", with a long, sweeping horizontal line extending to the right.

Charles E. Caron

PROJECT NARRATIVE

Project Introduction and Overview

This Notice of Intent (NOI) is being filed by the Acton Water District in accordance with the Massachusetts Wetlands Protection Act (MAWPA) (M.G.L. Chapter 131, Section 40), and its implementing regulations (310 CMR 10.00) and the Acton Wetlands By-Law. This NOI is being filed for work within the 100-foot buffer zone from bordering vegetated wetlands and bank. Work is also proposed within the Riverfront Area, but is grandfathered as the project is the replacement of an existing utility line and no new areas of alteration are proposed.

The proposed project involves the replacement of a water main. Approximately 3500 feet of new water main is to be installed. All of the work will occur within the roadway or the already developed road shoulder. Directional drilling will be used to install the pipe beneath existing culverts in three locations, avoiding the need for work within any wetland areas.

Existing Conditions

The water main is to be installed along Arlington Street. Arlington Street is a paved road with grass shoulders and sidewalks in some areas. The road runs through a residential area that contains widely spaced houses. The land along the road is primarily forested or lawn.

Several areas of wetlands are located adjacent to Arlington Street, including Grassy Pond Brook. The wetlands were delineated in March of 2009 and the locations are shown on the attached site plans.

Project Impacts and Mitigation

Riverfront Area:

The 200-foot Riverfront Area from Grassy Pond Brook encompasses much of the proposed water main route. As the project involves the replacement of an existing utility line, with no new disturbance of the Riverfront Area, it appears that the project is grandfathered and exempt from the Riverfront Area regulations. The proposed work, however, is in compliance with those regulations.

Buffer Zone:

Work is proposed within the buffer zone along much of the water main route. All of the work will occur in the existing road right of way and no new disturbance will be created. In three locations directional drilling will be used to install the water main beneath culverts. Staked haybales and silt fence will be installed between the work and the resource areas as shown on the site plan.