Stamski and McNary, Inc.
Engineering - Planning – Surveying
1000 Main Street Acton, MA 01720 (978) 263-8585

Notice of Intent

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

for

The Residences at Constitution Drive
At 27 Jackson Drive
Map E-3, Parcel 25
Acton, MA 01720

Applicant: Lexington Holding, LLC
6 Open Space Drive
Sandwich, MA 02563

Date: October 3, 2013

SM-4993

Table of Contents

- Notice of Intent – WPA Form 3
- NOI Wetland Fee Transmittal Form
- Certified Abutters List / Affidavit / Notice to Abutters

Attachments:

A. Project Narrative

B. U.S.G.S. Map

C. Massachusetts Natural Heritage Atlas 13th Edition, Effective: October 1, 2008

D. FEMA Flood Insurance Map

E. ORAD Issued January 3, 2013

F. Definitive Subdivision Plan Set by Stamski and McNary, Inc.

G. Stormwater Management Report by Stamski and McNary, Inc.
(Including Stormwater Operation and Maintenance Manual)

Notice of Intent - WPA Form 3

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

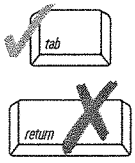
Provided by MassDEP:

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):

27 Jackson Drive — a. Street Address
Acton — b. City/Town
01720 — c. Zip Code

Latitude and Longitude:
42°29'29"N — d. Latitude
71°27'08" W — e. Longitude

Map E-3 — f. Assessors Map/Plat Number
Parcel 25 — g. Parcel /Lot Number

2. Applicant:

Mark — a. First Name
Schulman — b. Last Name
Lexington Holding, LLC — c. Organization
6 Open Space Drive — d. Street Address
Sandwich — e. City/Town
MA — f. State
02563 — g. Zip Code
(508) 740-8411 — h. Phone Number
i. Fax Number
Schulman123@gmail.com — j. Email Address

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

Xiaohong — a. First Name
Qin — b. Last Name
c. Organization
27 Jackson Drive — 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):

Richard J. — a. First Name
Harrington — b. Last Name
Stamski and McNary Inc. — c. Company
1000 Main Street — 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
rjh@stamskiandmcnary.com — j. Email address

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

$1050.00(plus $210 Bylaw Fee) — a. Total Fee Paid
$512.50 — b. State Fee Paid
$537.50(Plus $210 Bylaw Fee) — c. City/Town Fee Paid

A. General Information (continued)

6. General Project Description:

The proposed project is to replace an existing driveway within the buffer zone of a BVW with a private way with associated grading, utilities, stormwater and erosion controls.

7a. Project Type Checklist:

1. ☐ Single Family Home
2. ☒ Residential Subdivision
3. ☐ Limited Project Driveway Crossing
4. ☐ Commercial/Industrial
5. ☐ Dock/Pier
6. ☐ Utilities
7. ☐ Coastal Engineering Structure
8. ☐ Agriculture (e.g., cranberries, forestry)
9. ☐ Transportation
10. ☐ 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	1491905
a. County	b. Certificate # (if registered land)
60598	183
c. Book	d. Page Number

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

1. ☒ 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.
2. ☐ 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. ☐ Bank	1. linear feet	2. linear feet
b. ☐ Bordering Vegetated Wetland	1. square feet	2. square feet
c. ☐ Land Under Waterbodies and Waterways	1. square feet	2. square feet
	3. cubic yards dredged	

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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. ☐ Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	4. cubic feet replaced
e. ☐ Isolated Land Subject to Flooding	1. square feet	
	2. cubic feet of flood storage lost	3. cubic feet replaced
f. ☐ 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.

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

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

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

		Size of Proposed Alteration	Proposed Replacement (if any)
f. ☐	Coastal Banks	1. linear feet	
g. ☐	Rocky Intertidal Shores	1. square feet	
h. ☐	Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. ☐	Land Under Salt Ponds	1. square feet 2. cubic yards dredged	
j. ☐	Land Containing Shellfish	1. square feet	
k. ☐	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. ☐	Land Subject to Coastal Storm Flowage	1. square feet	

4. ☐ 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 BVW | b. square feet of Salt Marsh

5. ☐ 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:**

October 1, 2008
b. Date of map

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
100 Hartwell Street, Suite 230
West Boylston, MA 01583

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 "Commonwealth of Massachusetts - NHESP" 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.

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

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

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

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.

Definitive Subdivision Plan for The Residences at Constitution Drive
a. Plan Title

Stamski and McNary Inc.
b. Prepared By

George Dimakarakos, P.E.
c. Signed and Stamped by

October 2, 2013
d. Final Revision Date

1"=40'
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.

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: 3968	3. Check date: 9/18/13
4. State Check Number: 3967	5. Check date: 9/18/13
6. Payor name on check: First Name: WINIFRED	7. Payor name on check: Last Name: PIERCE

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	2. Date: Sept 18, 2013
3. Signature of Property Owner (if different)	4. Date: 09/18/2013
5. Signature of Representative (if any)	6. Date: 9/18/13

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.

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

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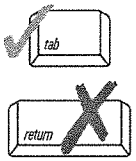


A. Applicant Information

1. Location of Project:

27 Jackson Drive	Acton
a. Street Address	b. City/Town
3967	512.50
c. Check number	d. Fee amount

2. Applicant Mailing Address:

Mark	Schulman
a. First Name	b. Last Name

Lexington Holding, LLC
c. Organization

6 Open Space Drive
d. Mailing Address

Sandwich	MA	02563
e. City/Town	f. State	g. Zip Code

(508) 740-8411		Schulman123@gmail.com
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

Xiaohong	Qin
a. First Name	b. Last Name

c. Organization

27 Jackson Drive
d. Mailing Address

Acton	MA	01720
e. City/Town	f. State	g. Zip Code

h. Phone Number	i. Fax Number	j. Email Address

B. Fees

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).

Fee should be calculated using the following process & 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.

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
Road Construction	1	1050	1050

Step 5/Total Project Fee:

Step 6/Fee Payments:

Total Project Fee:	1050 a. Total Fee from Step 5
State share of filing Fee:	512.50 b. 1/2 Total Fee **less** $12.50
City/Town share of filling Fee:	537.50(+ $210 Bylaw) 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.)

WINIFRED A. PIERCE
ATTORNEY AT LAW
CLIENT IOLTA ACCOUNT
P.O. BOX 20777
WORCESTER, MA 01602

3967
51-7218/2211

DATE 9-18-13

PAY TO THE ORDER OF Commonwealth of Mass | $ 512 50

Five Hundred Twelve 50/100 DOLLARS

Security Features Details on Back.

PEOPLE'S UNITED BANK

FOR _____ Winifred A Pierce MP

WINIFRED A. PIERCE
ATTORNEY AT LAW
CLIENT IOLTA ACCOUNT
P.O. BOX 20777
WORCESTER, MA 01602

3968
51-7218/2211

DATE 9-18-13

PAY TO THE ORDER OF Town of Acton, MA | $ 537 50

Five Hundred Thirty-Seven 50/100 ~~DOLLARS~~

Security Features Details on Back.

PEOPLE'S UNITED BANK

FOR _____ Winifred A Pierce MP

WINIFRED A. PIERCE
ATTORNEY AT LAW
CLIENT IOLTA ACCOUNT
P.O. BOX 20777
WORCESTER, MA 01602

3969
51-7218/2211

DATE 9-18-13

PAY TO THE ORDER OF Town of Acton, MA | $ 210.00

Two Hundred Ten 00/100 DOLLARS

Security Features Details on Back.

PEOPLE'S UNITED BANK

FOR _____ Winifred A Pierce MP

Certified Abutters List / Affidavit / Notice to Abutters

Town of Acton
472 Main Street
Acton, MA 01720
Telephone (978) 929-6621
Fax (978) 929-6340

Brian McMullen
Principal Assessor

Locus: **27 Jackson Dr**
Parcel ID: **E3-25**

Parcel ID	Location	Owner	Co-Owner	Mailing Address	City
E3-10-11	10 MADISON LN	DUNN THOMAS F	DUNN LOUISE M	10 MADISON LN	ACTON, MA 01720
E3-10-15	12 MADISON LN	NORDSTROM CARL H		12 MADISON LANE	ACTON, MA 01720
E3-10-19	33 JACKSON DR	ROWLES BRIAN C	ROWLES ELAINE M	33 JACKSON DR	ACTON, MA 01720
E3-114	110 NEWTOWN RD	GRIGSBY BARRY		110 NEWTOWN RD	ACTON, MA 01720
E3-114-1	108B NEWTOWN RD	SRINIVASAN VENKATESH	SRINATH JAYANTHI	108B NEWTOWN RD	ACTON, MA 01720
E3-25-1	31 JACKSON DR	MACFARLANE IVOR S	MACFARLANE DIANE M	31 JACKSON DR	ACTON, MA 01720
E3-25-2	29 JACKSON DR	HINDS RAYNARD	HINDS SANDRA	29 JACKSON DRIVE	ACTON, MA 01720
E3-26	25 JACKSON DR	MICHAEL STEPHEN +AMY		25 JACKSON DR	ACTON, MA 01720
E3-26-1	19 JACKSON DR	GUPTA ANUP	GUPTA ARCHANA	19 JACKSON DR	ACTON, MA 01720
E3-26-2	21 JACKSON DR	THIIM MICHAEL	ROCKWELL-THIIM CHRISTINE	21 JACKSON DRIVE	ACTON, MA 01720
E3-42-3	69 WASHINGTON DR	BERGER RICHARD	FITZPATRICK MARCIA	69 WASHINGTON DR	ACTON, MA 01720
E3-87-65	11 MONROE DR	DIRIK ART	DIRIK SEHNAZ	11 MONROE DR	ACTON, MA 01720

The owner of sharing a common boundary or corner with the site of the proposed activity (100 feet)
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.

Marty Abbott 27-Sep-13

Acton Assessors Office

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: Lexington Holdings LLC

Address: 6 Open Space Drive Sandwich, MA Phone: (508) 740-8411

has filed an 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: Stamski and McNary, Inc.

Address 1000 Main, Acton, MA 01720 Phone: (978) 263-8585

The address of the property where the activity is proposed: 27 Jackson Drive

Town Atlas Plate/Map E-3 Parcel/Lot 25

Project Description: Improve and extend the existing driveway to serve a 5 residential lot subdivision, construction of a basin, water quality swale, a level spreader, and all associated grading within the 100' buffer zone of a BVW.

Copies of the Notice of Intent may be examined at the Conservation Office, Acton Town Hall, 472 Main Street, Acton. Between the hours of 8:00 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, 10/16 at 7:45 P.M.

(date)

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

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. Acton is in the Central Region. To contact DEP, call:

***Central Region: 508-792-7650** Northeast Region: 978-694-3200

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

I, James Melvin, hereby certify under the pains and penalties of perjury that on __/__/____ 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 Lexington Holding, LLC with the Acton Conservation Commission for property located at 27 Jackson Drive Map E3, Parcel 25.

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: Date: / /

Project Narrative

Existing Conditions

The site is approximately 4.02 acres and contains a single family dwelling (#27) with paved driveway access from Jackson Drive. The dwelling is presently served by town water, underground utilities and a private on-site sewage disposal system. Abutting properties along Jackson Drive to the south and Madison Lane to the west are also served by town water and private on-site sewage disposal systems, while the abutting dwellings to the north along Newtown Road and east along Jackson Drive are served by both individual private on-site wells and on-site sewage disposal systems. The vegetative cover consists of an open grass area and woodland with additional mulch and cleared landscape areas situated along the driveway access within the buffer zone. A Bordering Vegetated Wetland (BVW) is located on site to the east which is adjacent to an intermittent Stream. Currently, there are no controls in place to manage stormwater runoff.

Project Description

The applicant proposes to remove the existing paved driveway in order to construct a private way designed to common driveway standards under a Residential Compound Subdivision to serve five residential dwellings. The new paved driveway with stormwater control structures will be constructed at a greater distance (50' min) from the edge of BVW than the existing pavement condition of 45.4'± from edge of BVW. The entrance will be widened from 12' to 18' to allow for the safe passage of vehicles from Jackson Drive. The new driveway is 12' from the flared entrance to STA 2+00. The pavement is widened up to 16' from STA 2+00 to the beginning of the cul-de-sac to allow for the safe passage of vehicles to and from the five proposed dwellings. The cul-de-sac is 14' wide to allow for emergency vehicle access. All buffer zone work associated with this driveway is primarily within previous disturbed areas consisting of either pavement or cleared landscape areas.

The proposed activity associated with the driveway pavement and stormwater controls (50' minimum to edge of BVW) will not encroach any closer towards the edge of wetlands than existing like activity (45.4'±). The same limit of clearing (19.2'±) will also be maintained from the edge of wetlands. Stormwater runoff will be controlled and released back into its natural drainage patterns following development.

A siltation barrier will be installed along the limit of work line during construction, and all disturbed areas will be loamed and seeded. Work within the 100' Buffer Zone includes the construction of the private way, associated grading, water main, underground utilities and stormwater controls consisting of deep sump/hooded catch basins, a water quality swale, an infiltration basin, a subsurface drainage area and a level spreader.

A separate Notice of Intent will be filed for the work inside the 100' Buffer Zone associated with the individual house on Lot 5. A request for Determination of Applicability will be filed for the minor work on Lot 1.

Resource Area Descriptions

The resource area is a Bordering Vegetated Wetland (BVW). The BVW is located on site to the east and was delineated by B & C Associates. The delineation was confirmed with an ORAD, DEP File # 85-1105. The wetland borders on an intermittent stream which ultimately drains into Conant Brook.

Massachusetts Endangered Species Act Review:

The project is not located in an area subject to MESA review.

Compliance with Town of Acton Wetlands Bylaw and Wetland Bylaw Regulations:

The work or activity proposed within the 50-foot "Undisturbed Natural Vegetation" will improve upon the existing conditions. The proposed work within the 50' includes the removal of an existing driveway (45.4') that will be replaced with a new driveway located 50'+ from the BVW. Also there is a cleared area located 19' from the BVW which will be maintained. This area will be protected by a siltation barrier during construction and allowed to revegetate up to the 50' "Undisturbed Natural Vegetation" line. The proposed work within the 75' "No Build" Buffer Zone is the partial construction of a private way, a level spreader, a water quality swale, and associated shoulder grading. This work will be located further from the wetlands then the existing non-conforming activity. The existing driveway is within the 75' "No Build" Buffer Zone and 50' "Undisturbed Vegetation" zone. The proposed work will improve upon the current setbacks. The proposed work within the 100 foot Buffer Zone consists of a portion of the proposed driveway, a water quality swale, a portion of a stormwater basin, a level spreader, and associated grading.

In summary, work is proposed within the 50-foot buffer of undisturbed natural vegetation at a distance of greater than thirty-five (35) feet from the edge of BVW which is much greater than the existing non-conforming distance of nineteen (19.2'±) from the edge of BVW. Also the proposed driveway stormwater controls (50' min) will not cause any further disturbance. The impervious area (50' min) is proposed within the 75' setback but no closer than the existing setback of 46.5'±.

Compliance with Stormwater Management Standards:

A drainage narrative and calculations are attached to show compliance with the Stormwater Management Standards.

Compliance with General Performance Standards for BVW 310 CMR 10.55:

The General Performance Standards for a Bordering Vegetated Wetland have been met since the proposed activity does not involve removing, filling, dredging or altering of a BVW. The proposed siltation controls will prevent indirect alteration of wetlands during construction.

Sequence of Construction:

- Install DEP File Number Sign and have approved plans, SWPPP and Order on site.
- Install Erosion and Siltation Controls prior to any activity.
- Remove existing pavement.
- Install stabilized construction entrance.
- Cut and remove existing vegetation on site.
- Stump and grub work area.
- Strip top and sub soil and stockpile outside of buffer zone.
- Construct temporary sediment basins.
- Install water main, underground utilities and drainage structures.
- Construct stormwater management areas along private drive.
- Maintain all necessary sediment basins during construction process.

- Install gravel base per construction detail.
- Fine grade base and install binder course of pavement along entire driveway.
- Loam and seed all disturbed areas along shoulders.
- Install velocity check dams and inlet protection devices at all catch basins.
- Install finish course of pavement following construction of dwellings.
- Top dress and reseed areas in buffer zone where deemed necessary.
- Maintain siltation controls until Certificate of Compliance is issued.

Protection of the Interests of the Act and Bylaw:

Public Water Supply – The site is located outside of the Zone I and Zone II of the Town of Acton Public Drinking Water Supply. The site is also located outside of the protective Zones of the Town of Concord Public Water Supply at Nagog Pond. Based on compliance with established setback criteria for protection of public water supplies, this project will not impact this wetland value.

Private Water Supply – There are several abutting private wells located on Newtown Road and Jackson Drive to the north and east. Based on compliance with established setback criteria for private wells, this project will not impact this wetland value.

Groundwater – Stormwater controls such as hooded catch basins, an infiltration basin, and water quality swale have been selected for use at this project in accordance with DEP Stormwater management standards to protect the groundwater quality. Additional stormwater sediment and erosion controls will also be implemented to protect groundwater within the buffer zone during construction. The applicant shall not allow fuels, oils and like products used by machinery on-site to be disposed of or come in contact with surface or groundwater. Therefore with due diligence through inspection of equipment and proper storage of products necessary for the machinery used on-site, this project will not impact this wetland value.

Flood Control – The closest FEMA mapped Flood Plain is located off-site; therefore this project is not located within Land Subject to Flooding. There will be no loss in this resource area due this project. Stormwater management areas and outlet controls have been provided to control the peak rate of runoff for up to the 100-year storm event. All work is within an upland area outside of any floodplains or wetland, therefore if constructed as designed, this project will not impact this wetland value.

Erosion & Sedimentation Control – A siltation barrier will be placed on the downgradient side of the work area to contain any potential sediment from the work area. All disturbed areas will be loamed and seed to provide a vegetative cover to protect against erosion following construction. Therefore, with the incorporation of these controls, we believe this project will not impact this wetland value.

Storm Damage Prevention – All proposed dwellings will be located outside the resource areas. Stormwater controls will be implemented during and after construction prior to directing runoff towards existing drainage patterns and resource areas on-site per the MA DEP Stormwater Standards, thus maintaining existing runoff patterns on-site. Therefore, with the implementation of the proposed grading and vegetation proposed, this project will not impact this wetland value.

Water Pollution Prevention – Stormwater basins and controls have been provided to meet the water quality standards for stormwater runoff prior to release towards natural drainage patterns within the buffer zone. The applicant shall not allow fuels, oils and like products used by machinery on-site to be disposed of or come in contact with surface or groundwater. Therefore with due diligence through inspection of equipment and proper storage of products necessary for the machinery used on-site including the implementation of the proposed drainage system, this project will not impact this wetland value.

Prevention and control of pollution – Stormwater controls such as hooded catch basins, an infiltration basin, and a water quality swale have been provided to meet the standards for treatment of stormwater for pollution prevention. A Stormwater Pollution Prevention Plan will also be implemented during construction. Therefore with due diligence through inspection of equipment and

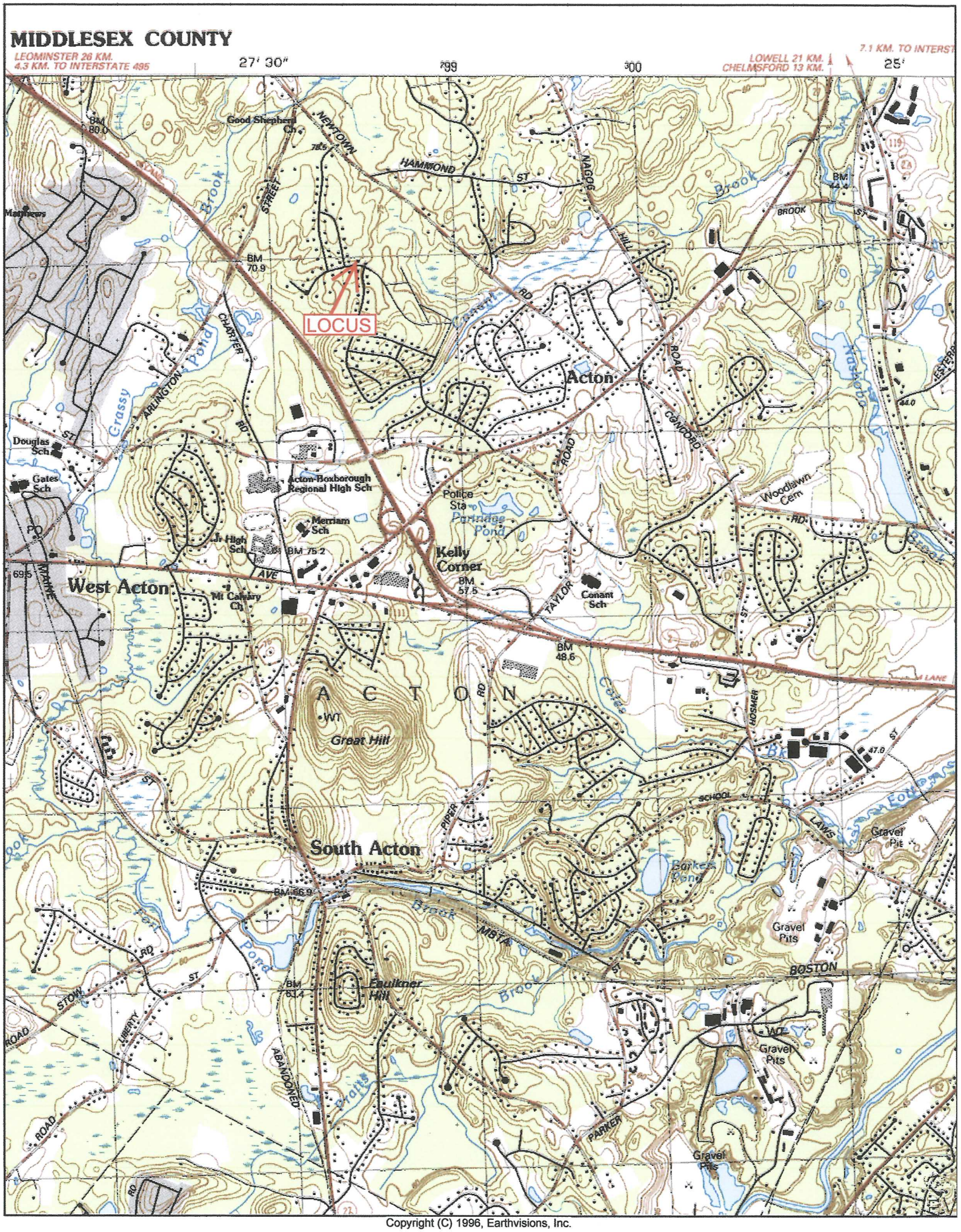
proper storage of products necessary for the machinery used on-site during construction, this project will not impact this wetland value.

Fisheries – This site is not located within an area containing fisheries. Therefore we believe this project will not impact this wetland value.

Wildlife Habitat – The proposed project will not significantly impact wildlife habitat as defined under the Act. All work is outside wetland resource areas.

Rare Species Habitat including rare plant species – The area of work is not located within an area of Estimated Habitat of Rare Wildlife as indicated on the most recent Estimated Habitat Map, Oct. 1, 2008.

Attachment B
U.S.G.S. Map



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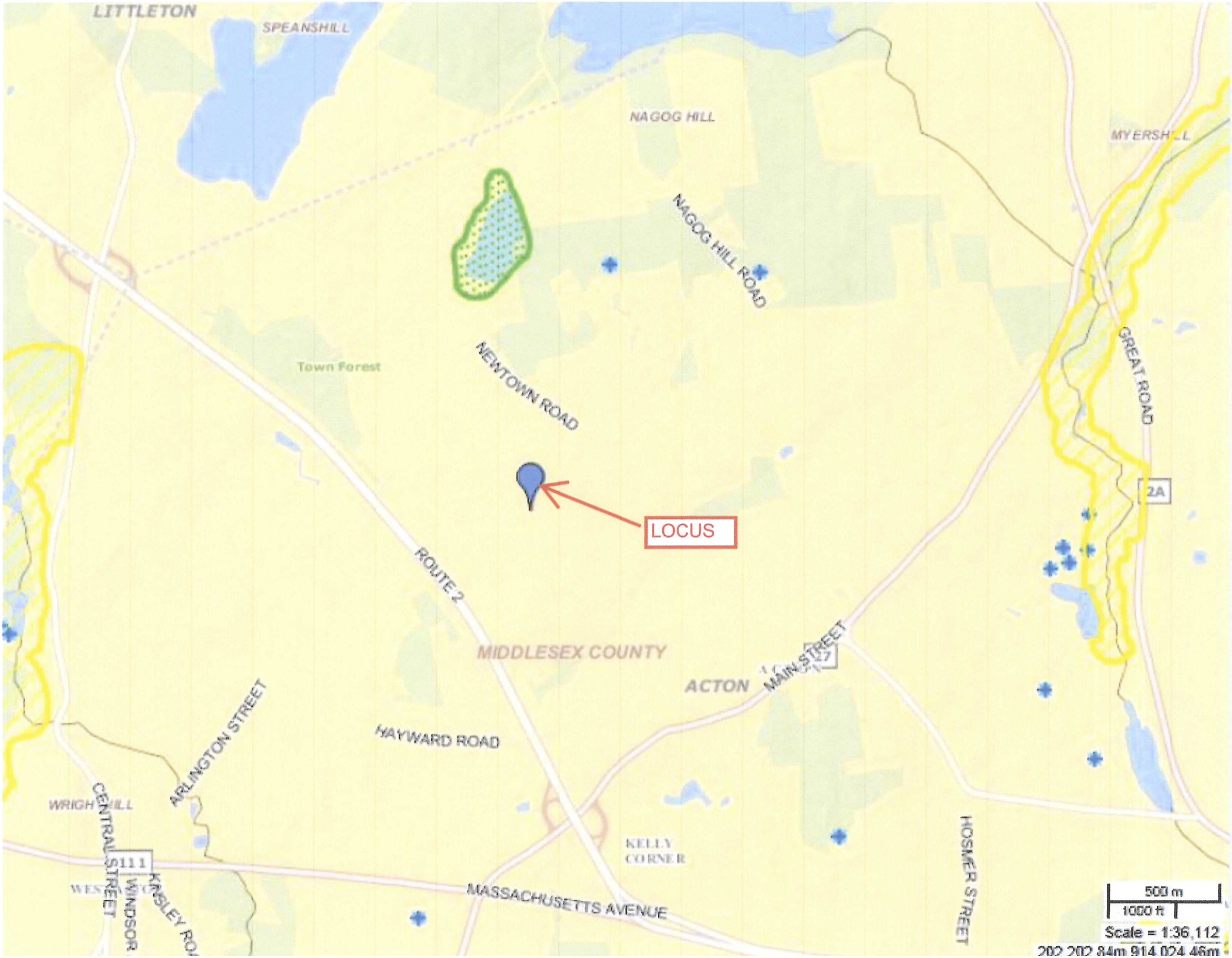
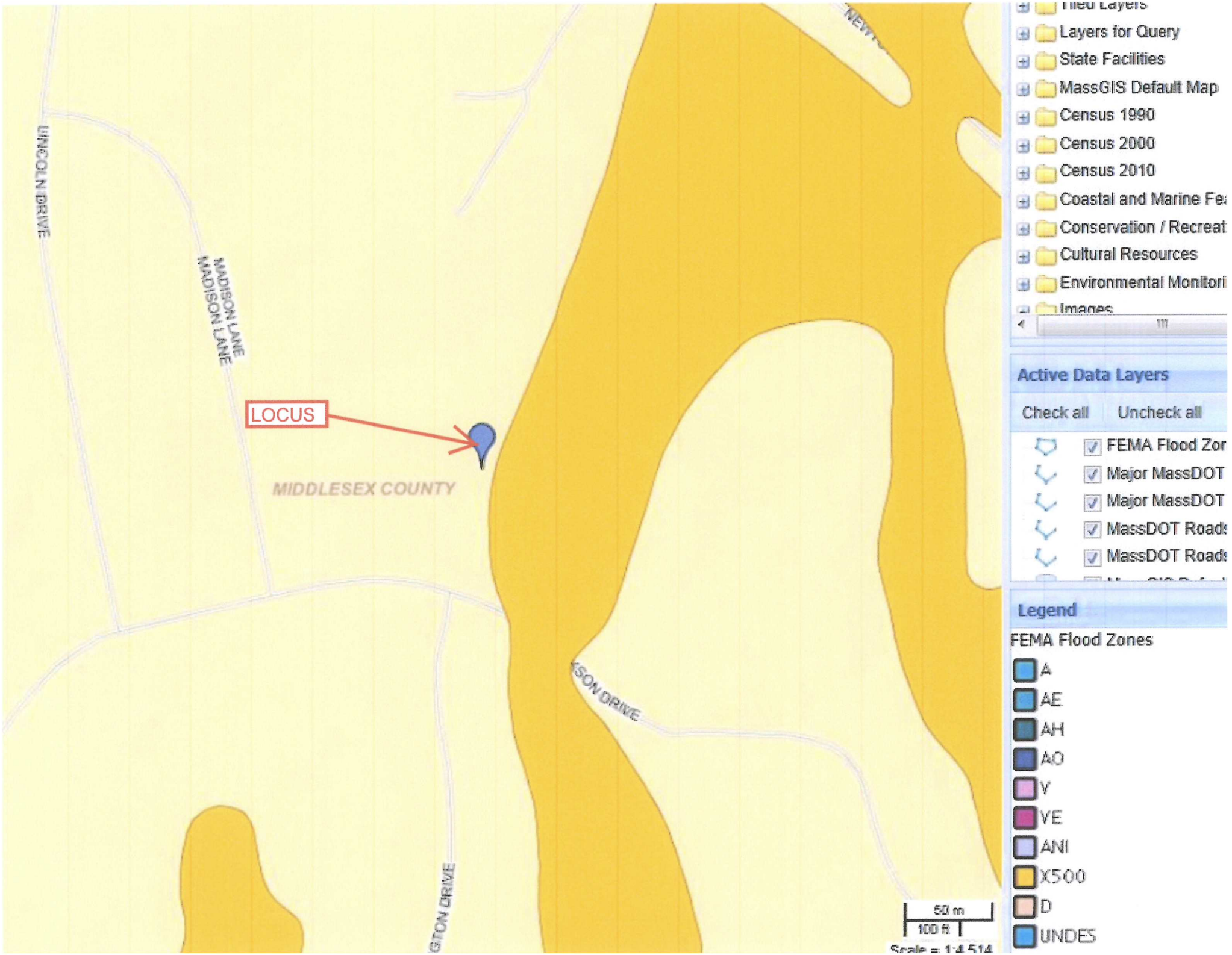
Attachment C
Massachusetts Natural Heritage Atlas 13th Edition


LITTLETON
SPEANSHILL
NAGOG HILL
MYERSHILL
NAGOG HILL ROAD
Town Forest
NEWTOWN ROAD
GREAT ROAD
2A
LOCUS
ROUTE 2
MIDDLESEX COUNTY
ACTON
MAIN STREET
HAYWARD ROAD
ARLINGTON STREET
WRIGHT HILL
CENTRAL STREET
111
WINDSOR
KINSLEY
KELLY CORNER
MASSACHUSETTS AVENUE
HOSMER STREET
500 m
1000 ft
Scale = 1:36,112

Attachment D
FEMA Flood Insurance Map


LINCOLN DRIVE
MADISON LANE
MADISON LANE
LOCUS
MIDDLESEX COUNTY
KSON DRIVE
GTON DRIVE
50 m
100 ft
Scale = 1:4,514
Layers for Query
State Facilities
MassGIS Default Map
Census 1990
Census 2000
Census 2010
Coastal and Marine Fe
Conservation / Recreat
Cultural Resources
Environmental Monitori
Images
Active Data Layers
Check all
Uncheck all
FEMA Flood Zor
Major MassDOT
Major MassDOT
MassDOT Roads
MassDOT Roads
Legend
FEMA Flood Zones
A
AE
AH
AO
V
VE
ANI
X500
D
UNDES

Attachment E
ORAD Issued January 3, 2013

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 4B – Order of Resource Area Delineation

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

Provided by MassDEP:
85-1105
MassDEP File Number

eDEP Transaction Number

ACTON
City/Town

A. General Information

From: ACTON
1. Conservation Commission

2. This Issuance is for (check one):

a. ☒ Order of Resource Area Delineation

b. ☐ Amended Order of Resource Area Delineation

3. Applicant:

MARK
a. First Name

SCHULMAN
b. Last Name

LEXINGTON HOLDINGS, LLC
c. Organization

6 OPEN SPACE DRIVE
d. Mailing Address

SANDWICH
e. City/Town

MA
f. State

02563-3100
g. Zip Code

4. Property Owner (if different from applicant):

XIAOHONG
a. First Name

QIN
b. Last Name

c. Organization

27 JACKSON DRIVE
d. Mailing Address

ACTON
e. City/Town

MA
f. State

01720
g. Zip Code

5. Project Location:

27 JACKSON DRIVE
a. Street Address

ACTON
b. City/Town

01720
c. Zip Code

E-3
d. Assessors Map/Plat Number

25
e. Parcel/Lot Number

Latitude and Longitude (in degrees, minutes, seconds):

42° 29' 29" N
f. Latitude

71° 27' 05" W
g. Longitude

6. Dates:

DECEMBER 6, 2012
a. Date ANRAD filed

DECEMBER 19, 2012
b. Date Public Hearing Closed

DECEMBER 19, 2012
c. Date of Issuance

7. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

RESOURCE AREA DELINEATION PLAN
a. Title

DECEMBER 6, 2012
b. Date

DEP BVW DELINEATION FIELD DATA FORMS
c. Title

OCTOBER 18, 2012
d. Date

B. Order of Delineation

1. The Conservation Commission has determined the following (check whichever is applicable):

a. ☒ **Accurate**: The boundaries described on the referenced plan(s) above and in the Abbreviated Notice of Resource Area Delineation are accurately drawn for the following resource area(s):

1. ☒ Bordering Vegetated Wetlands
2. ☐ Other resource area(s), specifically:

a. _____

_____

b. ☐ **Modified**: The boundaries described on the plan(s) referenced above, as modified by the Conservation Commission from the plans contained in the Abbreviated Notice of Resource Area Delineation, are accurately drawn from the following resource area(s):

1. ☐ Bordering Vegetated Wetlands
2. ☐ Other resource area(s), specifically:

a. _____

_____

c. ☐ **Inaccurate**: The boundaries described on the referenced plan(s) and in the Abbreviated Notice of Resource Area Delineation were found to be inaccurate and cannot be confirmed for the following resource area(s):

1. ☐ Bordering Vegetated Wetlands
2. ☐ Other resource area(s), specifically:

_____

_____

3. ☐ The boundaries were determined to be inaccurate because:

_____

_____

_____

C. Findings

This Order of Resource Area Delineation determines that the boundaries of those resource areas noted above, have been delineated and approved by the Commission and are binding as to all decisions rendered pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c.131, § 40) and its regulations (310 CMR 10.00). This Order does not, however, determine the boundaries of any resource area or Buffer Zone to any resource area not specifically noted above, regardless of whether such boundaries are contained on the plans attached to this Order or to the Abbreviated Notice of Resource Area Delineation.

This Order must be signed by a majority of the Conservation Commission. The Order must be sent by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate DEP Regional Office (see http://www.mass.gov/dep/about/region/findyour.htm).

D. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Resource Area Delineation. When requested to issue a Superseding Order of Resource Area Delineation, the Department's review is limited to the objections to the resource area delineation(s) stated in the appeal request. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order of Resource Area Delineation will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order or Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, § 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal bylaw or ordinance, and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 4B – Order of Resource Area Delineation

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

Provided by MassDEP:
85-1105
MassDEP File Number

eDEP Transaction Number

ACTON
City/Town

E. Signatures

Date of Issuance

Please indicate the number of members who will sign this form.

1. Number of Signers

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

This Order is valid for three years from the date of issuance.

If this Order constitutes an Amended Order of Resource Area Delineation, this Order does not extend the issuance date of the original Final Order, which expires on unless extended in writing by the issuing authority.

This Order is issued to the applicant and the property owner (if different) as follows:

2. ☐ By hand delivery on

a. Date

3. ☒ By certified mail, return receipt requested on

1/3/2013

a. Date

Attachment F
Definitive Subdivision Plan Set
by Stamski and McNary, Inc.

Attachment G
Stormwater Management Report by Stamski and McNary, Inc.