

5/23/13

Acton Conservation Commission
Acton Town Hall
472 Main Street
Acton, MA 01720

Dear Acton Conservation Commission:

Goddard Consulting, LLC is pleased to submit this Notice of Intent application (NOI) on behalf of the applicant, W.D. Chisholm of Mt. Laurel Realty, for the construction of two single-family residences within a parcel known as 12 Summer Street, Lot #2 (Maps F2B and G2, Parcel 200). The nearby wetland resource areas, including Bordering Vegetated Wetlands (BVW) and Riverfront Area of Muddy Brook were delineated on January 12th, 2012. The attached Wetland Border Report includes a description of the wetland resource areas and MA DEP BVW Data Sheets.

According to the 2008 MA Natural Heritage Atlas, this site is *not* located within an Estimated Habitat of Rare Wildlife and Priority Habitat of Rare Species. No potential or certified vernal pools are mapped within the site.

The applicant proposes to construct 2 single-family homes with a common driveway. There are two small wetland alteration areas, with a wetland replication area of about 1.66 times the size of the alteration areas. Any work in the BVW is with the intent of constructing the common driveway. The first single family home will not be built in the BVW Buffer Zone, however the second home will have a portion of the house built in the BVW Buffer Zone. All work is kept outside of the Riverfront Area.

Four hard copies of the NOI application are enclosed, along with four full-size plans. An electronic copy will be submitted separately. The titles of all the documents enclosed are as follows:

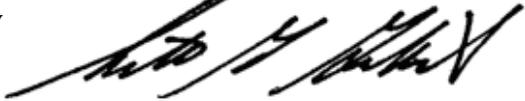
- NOI (WPA Form 3) Application Form
- NOI Wetland Fee Transmittal Form
- Copy of Checks
- Affidavit of Service, Abutters List, Notification to Abutters
- *Wetland Border Report*. Goddard Consulting, LLC. 1/12/12.
- *Wetland Replication Plan*. Goddard Consulting, LLC. 5/22/13.
- *USGS Site Locus*. Goddard Consulting, LLC. 5/20/13.
- *Notice of Intent Plan for the Central Street- P.C.R.C.* R. Wilson and Associates. 5/20/13

If there are any questions concerning this submission, please do not hesitate to contact us.

Sincerely,

Goddard Consulting, LLC

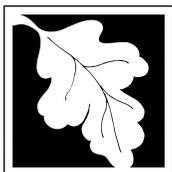
by

A handwritten signature in black ink, appearing to read "Scott G. Goddard". The signature is written in a cursive style with a large, sweeping initial "S".

Scott G Goddard, PWS
Professional Wetland Scientist

cc:

- W.D. Chisholm, Mt. Laurel Realty, 390 Goodrich Street, Lunenburg, MA 01462
- Wetlands Division, DEP-CRO, 627 Main Street Worcester, Massachusetts 01608



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
and The Town of Acton Wetland Protection Bylaw

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):

<u>12 Summer Street, Lot #2</u>	<u>Acton</u>	<u>01720</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>42.468250</u>	<u>-71.475679</u>	
d. Latitude	e. Longitude	
<u>F2B and G2</u>	<u>200</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>William D.</u>	<u>Chisholm</u>	
a. First Name	b. Last Name	
<u>Mt. Laurel Realty</u>		
c. Organization		
<u>390 Goodrich Street</u>		
d. Street Address		
<u>Lunenburg</u>	<u>MA</u>	<u>01462</u>
e. City/Town	f. State	g. Zip Code
<u>(978) 815-0968</u>	<u>chisholmkim@aol.com</u>	
h. Phone Number	i. Fax Number	j. Email Address

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

<u></u>	<u></u>	
a. First Name	b. Last Name	
<u></u>		
c. Organization		
<u></u>		
d. Street Address		
<u></u>	<u></u>	<u></u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>Scott</u>	<u>Goddard</u>	
a. First Name	b. Last Name	
<u>Goddard Consulting, LLC</u>		
c. Company		
<u>P.O. Box 299</u>		
d. Street Address		
<u>Northborough</u>	<u>MA</u>	<u>01532</u>
e. City/Town	f. State	g. Zip Code
<u>(508) 525-0762</u>	<u>scott@goddardconsultingllc.com</u>	
h. Phone Number	i. Fax Number	j. Email address

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

<u>\$2060</u>	<u>\$1017.50</u>	<u>\$1042.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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Provided by MassDEP:
MassDEP File Number
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City/Town

A. General Information (continued)

6. General Project Description:

Two single-family homes, one with no work in Buffer zone; site work within Buffer Zone for second single-family home; BVW crossing for common driveway.

7a. Project Type Checklist:

- 1. [X] Single Family Home
2. [] Residential Subdivision
3. [X] 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:

Southern Middlesex

a. County

58521

c. Book

b. Certificate # (if registered land)

358

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.

Table with 3 columns: Resource Area, Size of Proposed Alteration, Proposed Replacement (if any). Rows include Bank, Bordering Vegetated Wetland, and Land Under Waterbodies and Waterways.



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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. [] Bordering Land Subject to Flooding
e. [] Isolated Land Subject to Flooding
f. [] Riverfront Area
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:
4. Proposed alteration of the Riverfront Area:
5. Has an alternatives analysis been done and is it attached to this NOI?
6. Was the lot where the activity is proposed created prior to August 1, 1996?

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
b. [] Land Under the Ocean
c. [] Barrier Beach
d. [] Coastal Beaches
e. [] Coastal Dunes



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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 BVW	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/nhosp/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**

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 "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/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: | North Shore - Hull to New Hampshire: |
| Division of Marine Fisheries - Southeast Marine Fisheries Station
Attn: Environmental Reviewer
1213 Purchase Street – 3rd Floor
New Bedford, MA 02740-6694 | 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:
- Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 - A portion of the site constitutes redevelopment
 - Proprietary BMPs are included in the Stormwater Management System.
- b. No. Check why the project is exempt:
- 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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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
and The Town of Acton Wetland Protection Bylaw

Provided by MassDEP:	
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.

Notice of Intent Plan for Central Street- P.C.R.C

a. Plan Title

R. Wilson and Associates

b. Prepared By

5/20/13

d. Final Revision Date

Russell D. Wilson

c. Signed and Stamped by

1"= 50'

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.



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
and Acton Wetlands Protection Bylaw

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>3532</u>	3. Check date <u>2/18/13</u>
4. State Check Number <u>3549</u>	5. Check date <u>4/4/13</u>
6. Payor name on check: First Name <u>W. D.</u>	7. Payor name on check: Last Name <u>Chisholm</u>

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 (William Chisholm, Mt. Laurel Realty Trust) <u>[Signature]</u>	2. Date <u>2/13/13</u>
3. Signature of Property Owner (William Chisholm) <u>[Signature]</u>	4. Date <u>2/13/13</u>
5. Signature of Representative (Scott Goddard, Goddard Consulting, LLC) <u>[Signature]</u>	6. Date <u>2/23/13</u>

For Conservation Commission:

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

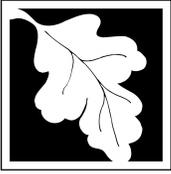
For MassDEP:

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

Other:

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

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



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

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



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

A. Applicant Information

1. Applicant:

William D. Chisholm
 a. First Name b. Last Name

Mt. Laurel Realty
 c. Organization

390 Goodrich Street
 d. Mailing Address

Lunenburg MA 01462
 e. City/Town f. State g. Zip Code

(978) 815-0968 chisholmkim@aol.com
 h. Phone Number i. Fax Number j. Email Address

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:

12 Summer Street, Lot#2 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.



Town of Acton
 472 Main Street
 Acton, MA 01720
 Telephone (978) 929-6621
 Fax (978) 929-6430

Brian McMullen
 Assessor

Parcel Location 12 SUMMER ST Rear
Parcel I.D.: G1-200

Location	Parcel ID	Owner	Co-Owner	Mailing Address	City	ST
20 SUMMER ST	F2.B-104-1	WALLACE DAVID A	C/O WALKER ISAAC + ELIZABETH	20 SUMMER ST	ACTON	MA
12 SUMMER ST	F2.B-106	MADDEN JR PAUL B	MADDEN JOY C	12 SUMMER STREET	ACTON	MA
66 WILLOW ST	F2.B-112-1	DUNN WILLIAM J	ANN B	68 WILLOW ST	ACTON	MA
8 SUMMER ST	F2.B-113	METZGER BRUCE P	SUSAN L	8 SUMMER ST	ACTON	MA
76 WILLOW ST	G1-27	BANKS GARY P. + BANKS	NANCY H. AS TRUSTEE	76 WILLOW ST	ACTON	MA
88 WILLOW ST	G1-44-1	BAJWA SUKHJINDER		88 WILLOW ST	ACTON	MA
102 WILLOW ST	G1-85	RED ACRE DEVELOPMENT	C/O KENT KATHERINE A	102 WILLOW ST	ACTON	MA
100 WILLOW ST BEHIND	G1-87	HAMEL SR GARY	PRIMMER JILL	100 WILLOW STREET	ACTON	MA
106 WILLOW ST	G1-114	OSBORN JEREMY	OSBORN KRISTIN	106 WILLOW ST	ACTON	MA
108 WILLOW St Rear	G1-302	TOWN OF ACTON		472 MAIN STREET		
162 CENTRAL ST	G2-72	TOWN OF ACTON		472 MAIN STREET	ACTON	MA

Abutters and owners of land directly opposite on any public or private street or way and abutters to the abutters within 100 hundred feet of the property line all as they appear on the most recent applicable tax list.

Brian McMullen
 Acton Assessors Office

5/21/13

AFFIDAVIT OF SERVICE

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

I, Rachel Watsky hereby certify under the pains and penalties of perjury that on May 23, 2013 I gave notification to abutters in Compliance with the second paragraph of Massachusetts General Law Chapter 131, Section 40, and the DEP Guide to Abutter Notification dating April, 8, 1994 in connection with the following matter:

A Notice of Intent was filed under the Massachusetts Wetlands Protection Act and the Town of Acton Wetlands Protection Bylaw by W. D. Chisholm with the Acton Conservation Commission on 05/23/2013 for a property located at 12 Summer Street, Lot #2.

The form of the notification, and the list of abutters to whom it was given, and their addresses, are attached to this Affidavit of Service.

Rachel Watsky
(Name)

05/23/13
(Date)

**Notification to Abutters Under the
Massachusetts Wetlands Protection Act and
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 Wetlands Protection Bylaw you are hereby notified of the following:

The Applicant: W. D. Chisholm, Mt. Laurel Realty

Address: 390 Goodrich St, Lunenburg, MA 01462

Phone: (978) 815-0968

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 Wetlands Protection Act and the Acton Bylaw.

Applicant's Representative: Scott Goddard, Goddard Consulting LLC.

Address: P.O. Box 299, Northborough, MA 01532 Phone: (508) 525-0726

The address of the property where the activity is proposed: 12 Summer Street Lot #2, Acton, MA.

Town Atlas Plat/Map: F2B and G2

Parcel/Lot: 200

Project description: Building of 2 single-family houses, with driveway crossing wetland on parcel.

Copies of the Notice of Intent may be examined at the **Conservation Office, Acton Town Hall**, 472 Main Street, Acton between the hours of **9:00am and 4:30pm Monday through Friday**. For more information please call the Conservation Office at **(978) 929-6634**.

A Public hearing will be held at the **Acton Town Hall, 472 Main Street**, on Wednesday, **06/05/2013 at 8:45 pm.**

The notice of the 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 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 of DEP. To contact DEP, call:

***DEP Central Region: (508) 792-7650
627 Main Street, Worcester MA 01608**

2/20/12

Mr. Steve Marsh
Westchester Homes, Inc.
30 Nagog Park Drive, Suite 225
Acton, MA 01720

Re: Wetland Border Report
12 Summer Street (near Central Street), Acton, MA

On January 8, 2012 the wetland resource areas were delineated on a 15-acre parcel in the rear of 12 Sumer Street (frontage on Central Street) in Acton, MA. The wetland border was flagged using the criteria in the most recent edition of MA Wetland Protection Act (WPA) and Regulations 310 CMR 10.00 *et al* as well as the Acton Wetlands Protection Bylaw. Hydric soil indicators, vegetational changes, hydrological indicators, and topography were all considered for delineation purposes. The Bordering Vegetated Wetland (BVW) flags are blue and are denoted by SGG #. Mean Annual High Water (MAHW) flags are pink and are denoted by SGG MAHW #.

The parcel contains BVW delineated with flags SGG #A1 through SGG #A67 along with SGG #1 through SGG #8. Flags SGG #A1 and SGG #8 are on the edge of a raised walking trail and do not connect to one another. Much of the boundary follows closely alongside a walking trail along the toe of a fairly steep slope. A perennial stream, Muddy Brook (having a clearly defined bank), moves through the BVW. The MAHW boundary of Muddy Brook is field delineated with flags SGG MAHW #1 through SGG MAWH #15 along the portion of the brook that is within 200 feet of the upland areas. There is a regulated Riverfront Area within 200 feet of Muddy Brook.

SGG #A4 was documented using MA DEP Data Sheets, and those sheets are attached. According to the 2008 MA Natural Heritage Atlas, this site *is not* located within an Estimated Habitat of Rare Wildlife, nor is the site mapped for certified or potential vernal pools. All proposed work within 100 feet of delineated BVW or within 200 feet of Muddy Brook requires the filing of a Notice of Intent (NOI) with the Acton Conservation Commission. Furthermore, the boundaries of these resource areas can be field verified by the Commission through the filing of an Abbreviated Notice of Resource Area Delineation (ANRAD). If there are any questions concerning this report or for assistance with permitting, please do not hesitate to contact me.

Very truly yours,
GODDARD CONSULTING, LLC

by 

Scott Goddard, Manager & PWS

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

 Applicant: Westchester Homes

 Prepared by: Goddard Consulting, LLC

 Project location: 12 Summer Street, Acton

DEP File #: _____

Check all that apply:

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

Section I. Vegetation		Observation Plot Number: SGG #A4	Transect Number: Upgradient	Date of Delineation: 8-Jan-12	
Sample Layer and Plant Species	Scientific name	% Cover	% Dominance	Dominant Plant (yes or no)	Wetland Indicator Category*
<i><u>Tree Layer</u></i>					
Red maple	<i>Acer rubrum</i>	30%	60.0%	yes	FAC*
Black birch	<i>Betula lenta</i>	10%	20.0%	yes	FACU
White pine	<i>Pinus strobus</i>	10%	20.0%	yes	FAC-
<i><u>Sapling Layer</u></i>					
Red maple	<i>Acer rubrum</i>	5%	100.0%	yes	FAC*
<i><u>Shrub Layer</u></i>					
none					
<i><u>Climbing Woody Vine</u></i>					
none					
<i><u>Ground Cover</u></i>					
Spinulose woodfern	<i>Dryopteris spinulosa</i>	5%	25.0%	yes	FAC+*
Cinnamon fern	<i>Osmunda cinnamomea</i>	15%	75.0%	yes	FACW*
Remarks: _____					
Morphological Adaptations: <u>0</u>		Description: _____			
* An asterisk after indicator status denotes wetlands plants: plants listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus Sphagnum; or plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL.					
Vegetation conclusion:					
Number of dominant wetland indicator plants: 4			Number of dominant non-wetland indicator plants: 2		
Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? yes					

If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no
 title/date: Interim Soil Survey of Middlesex County - 1991 (Maps - 1989)
 map number: Acton
 soil type mapped: Hinckley
 hydric soil inclusions: none

Are field observations consistent with soil survey? yes no
 Remarks: _____

2. Soil Description

Horizon	Depth (inches)	Matrix Color	Mottles Color or Texture
Ap	0-5"	10YR3/2	no redox
Bw	5-15"+	10YR5/6	no redox

Remarks: _____

 3. Other: _____

Conclusion: Is soil hydric? yes no

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

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

Vegetation and Hydrology Conclusion for Upgradient of SGG #A4		
	<u>yes</u>	<u>no</u>
Number of wetland indicator plants		
>= number of non-wetland plants	X	
Wetland hydrology present:		
hydric soils present		X
other indicators of hydrology present		X
Sample location is in a BVW		X

Submit this form with the Request for Determination of Applicability or Notice of Intent

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no
 title/date: Interim Soil Survey of Middlesex County - 1991 (Maps - 1989)
 map number: Acton
 soil type mapped: Freeown muck
 hydric soil inclusions: Swansea, Scarborough, Berryland, Sippican, Wareham, Saugatuck, Pipestone

Are field observations consistent with soil survey? yes no
 Remarks: _____

2. Soil Description

Horizon	Depth (inches)	Matrix Color	Mottles Color or Texture
O	0-20"	5Y2/1	muck

Remarks: _____

3. Other: _____

Conclusion: Is soil hydric? yes no

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

- Site inundated: _____
- Depth to free water in observation hole: _____
- Depth to soil saturation in observation hole: < 12"
- Water marks: _____
- Drift Lines: _____
- Sediment deposits: _____
- Drainage patterns in BVW: _____
- Oxidized rhizospheres: _____
- Water-stained leaves: _____
- Recorded data (stream, lake, or tidal gauge; aerial photo; other): _____
- Other: _____

Vegetation and Hydrology Conclusion for Downgradient of SGG #A4		
	<u>yes</u>	<u>no</u>
Number of wetland indicator plants		
>= number of non-wetland plants	X	
Wetland hydrology present:		
hydric soils present	X	
other indicators of hydrology present	X	
Sample location is in a BVW	X	

Submit this form with the Request for Determination of Applicability or Notice of Intent



May 22, 2013

Wetland Replication Plan

12 Summer Street – Lot #2

Acton, Massachusetts

Submitted to:

Acton Conservation Commission
472 Main Street
Acton, MA 01720

Prepared for:

Mt. Laurel Realty
304 Goodrich Street
Lunenburg, MA 01462

Prepared by:

Goddard Consulting, LLC
P.O. Box 299
Northborough, MA 01532

Introduction

In order to mitigate the proposed impacts to wetland resource areas, the following Wetland Replication Plan is proposed. It is proposed to fully restore the wetland function and value incurred by the proposed filling of two small areas of Bordering Vegetated Wetland (BVW) resource area totaling 830 s.f. Refer to “*Notice of Intent Plan*” prepared by R. Wilson Associates, dated 5/20/13, for proposed alteration and replication locations.

Approximately 1,375 s.f. of BVW will be created as mitigation for the permanent alteration of 830 s.f. of BVW. The BVW replication area is located adjacent to wetland flags #A48 to A54, at the 190-foot existing contour line. No net loss of BVW is proposed, rather a total of 845 s.f. of additional BVW will be created as a result of this project.

Existing Conditions

The overall wetland system in the vicinity of the replication area consists of forested wetland, with numerous medium-sized red maples forming a dense tree canopy. There are pockets of shallow standing water interspersed among the maples, and numerous hummocks covered with tussock sedge (Photo 1).



Photo 1- Forested wetland habitat in BVW near replication area.

At the wetland edge, the habitat transitions from standing pockets of water to dry land, with tussock sedge becoming more sparse, some skunk cabbage, small arrowwood and glossy buckthorn shrubs, and poison ivy ground cover (Photo 2). Further north, the vegetation at the wetland edge consists of Canada mayflower, cinnamon fern, and some silky dogwood shrubs.



Photo 2 - Wetland habitat at BVW border, near flag #A49.

The replication area itself consists of small white pine and oak trees near wetland flags #A48- A50 (Photo 3).



Photo 3 - Habitat in southern portion of replication area, facing BVW.

An existing trail runs through the eastern portions of the area (Photo 4).



Photo 4 - Existing foot trail within replication area, facing north.

Planting Plan (see attached plan)

The goal of the replication area is to mimic the existing vegetation, soils, and wetland functions of the adjacent BVW. Therefore, the plan calls for the planting of red maple trees, silky dogwood and arrowwood shrubs, and clumps of tussock sedge ground cover. The area is designed to accommodate temporary flooding in early spring, but will remain dry most of the year. The existing trail will be re-routed outside of the area to the east.

General Installation and Monitoring Procedures

- **Supervision:** All work within the replication area shall be supervised by a qualified wetlands scientist/consultant.
- **Timing:** In order to optimize planting conditions, fall construction is preferred. The optimal time of year for plant installation is September to mid-October of 2013.

Step 1: Survey. Field stake limits of replication area.

Step 2: Erosion control. Install new erosion control barrier along western boundary of replication area to prevent any alteration to adjacent BVW.

Step 3: Vegetation Removal. Remove all trees, shrubs and herbaceous vegetation (including stumps) from within replication area, with care being taken not to allow any debris beyond the erosion control barrier.

Step 4: Excavation. An excavator shall remove all upland soil up to the edge of the erosion control barrier within the replication area to at least 12 inches below finish grade elevation (190' +/-) or where natural muck or wetland soils are observed and the wetland scientist determines that a suitable depth has been reached. The site contractor shall work from the wetland side and move upgradient.

Step 5: Final Grading. Upon removal of all soil, suitable hydric soils shall be graded up from the existing haybale and silt fence edge to the edge of the replication area. The final grade for the replication area shall be 190-191 feet. A minimum of 6 inches of topsoil shall be placed and shall be stabilized by an organic mulch tackifier. The soils are to be inspected and approved by the wetland scientist prior to installation.

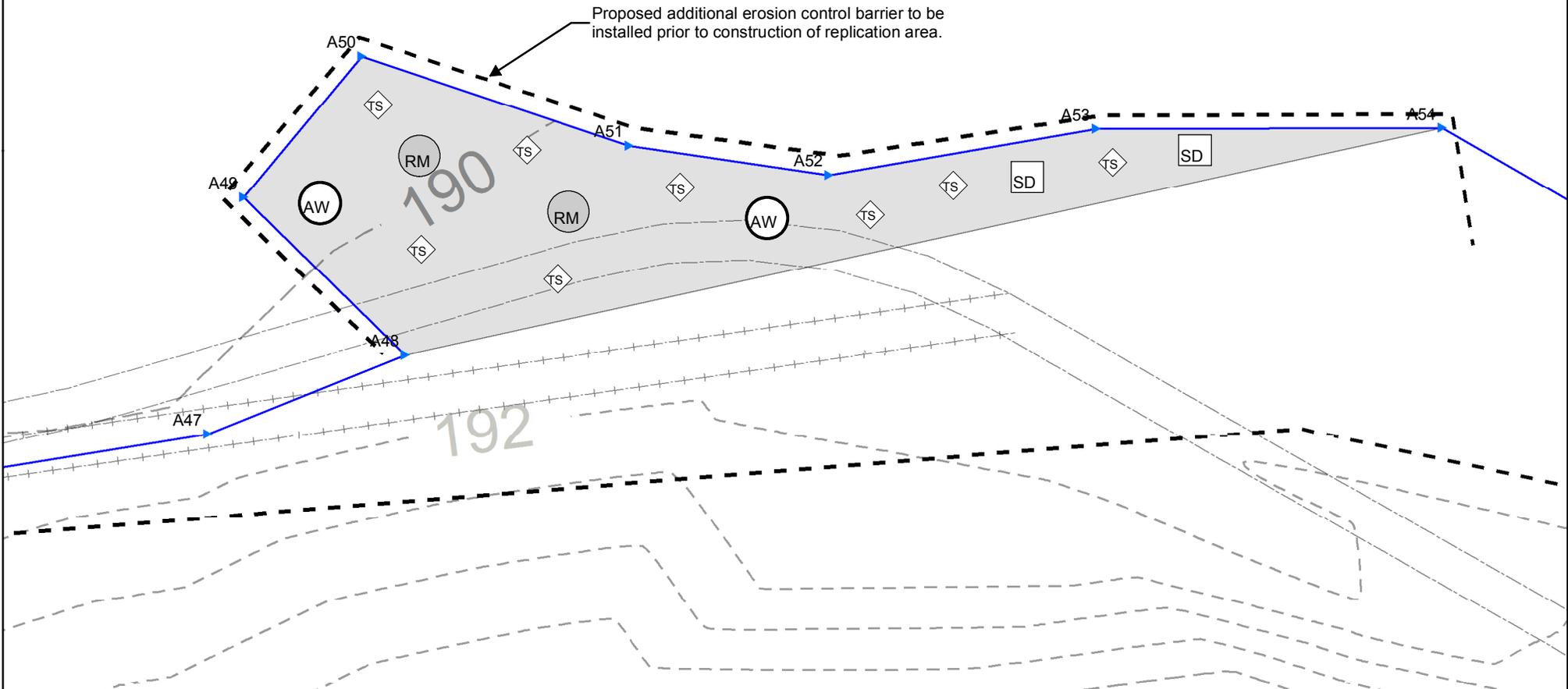
Step 6: Planting. The following planting schedule is proposed. Precise citing of plants may be modified by wetland scientist in the field prior to installation.

- 2 red maple trees (*Acer rubrum*) – 4-6' tall
- 2 silky dogwood (*Cornus amomum*) - >18" tall
- 2 arrowwood (*Viburnum dentatum* or *recognitum*) - >18" tall
- 8 tussock sedge (*Carex stricta*) - 2" plugs
- A native mulch shall be spread throughout the replication area upon completion of plantings.

Step 7: Monitoring and Reporting. Monitoring for two full growing seasons (2014 and 2015) shall occur with annual reporting to the Acton Conservation Commission. Monitoring will include documentation of success or failure of the replication area. Success will be measured by the replication standards in the Wetlands Protection Act, specifically, suitable wetland soils, wetland hydrology, and 75% cover of wetland vegetation after two seasons. Where plant mortality or other indicator of failure is evident, the wetland scientist will recommend steps to correct. A soil, plant (with % coverage), and wildlife inventory will be submitted with each inspection report.

- Erosion Control Barrier
- Wetland Line
- - Existing Trail
- + + Re-routed Trail
- Replication Area

Plant Species Details				
#	CODE	TYPE	COMMON NAME	SCIENTIFIC NAME
2	RM	TREE	Red Maple	<i>Acer rubrum</i>
2	SD	SHRUB	Silky Dogwood	<i>Cornus amomum</i>
2	VB	SHRUB	Arrowwood	<i>Viburnum dentatum</i>
8	TS	HERBACEOUS	Tussock Sedge	<i>Carex stricta</i>



Engineering Data Source: R. Wilson Associates

Date: 5/22/2013

Wetland Replication Plan

12 Summer Street, Lot #2 - Acton, MA

GODDARD CONSULTING
LLC

Scott Goddard, PWS
Professional Wetland Scientist



Wildlife Habitat Protection Guidance

Appendix A: Simplified Wildlife Habitat Evaluation

Project Information

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

12 Summer St., Lot #2, Acton, MA

Project Location (from NOI)

Daniel Wells, M.S.

Name of Person Completing Form

5/22/13

Date



Important Habitat Features

Direct alterations to the following important habitat features in resource areas may be permitted only if they will have no adverse effect (refer to Section V).

- Habitat for state-listed animal species (receipt of a positive opinion or permit from MNHESP shall be presumed to be correct. Do not refer to Section V).
- Sphagnum hummocks and pools suitable to serve as nesting habitat for four-toed salamanders
- Trees with large cavities (≥ 18 " tree diameter at cavity entrance)
- Existing beaver, mink or otter dens
- Areas within 100 feet of existing beaver, mink or otter dens (if significant disturbance)
- Existing nest trees for birds that traditionally reuse nests (bald eagle, osprey, great blue heron)
- Land containing freshwater mussel beds
- Wetlands and waterbodies known to contain open water in winter with the capacity to serve as waterfowl winter habitat
- Turtle nesting areas
- Vertical sandy banks (bank swallows, rough-winged swallows or kingfishers)

The following habitat characteristics when not commonly encountered in the surrounding area:

- Stream bed riffle zones (e.g. in eastern MA)
- Springs
- Gravel stream bottoms (trout and salmon nesting substrate)
- Plunge pools (deep holes) in rivers or streams
- Medium to large, flat rock substrates in streams



Wildlife Habitat Protection Guidance

Appendix A: Simplified Wildlife Habitat Evaluation

Activities

When any one of the following activities is proposed within resource areas, applicants should complete a Detailed Wildlife Habitat Evaluation (refer to Appendix B).

- Activities located in mapped “Habitat of Potential Regional or Statewide Importance”
- Activities affecting certified or documented vernal pool habitat, including habitat within 100’ of a certified or documented vernal pool when within a resource area
- Activities in bank, land under water, bordering land subject to flooding (presumed significant) where alterations are more than twice the size of thresholds
- Activities affecting vegetated wetlands >5000 sq. ft. occurring in resource areas other than Bordering Vegetated Wetland
- Activities affecting the sole connector between habitats >50 acres in size
- Installation of structures that prevent animal movement
- Activities for the purpose of bank stabilization using hard structure solutions that significantly affect ability of stream channel to shift and meander, or disrupt continuity in cover that would inhibit animal passage
- Dredging (greater than 5,000 sf)



USGS Site Locus

12 Summer Street, Lot #2 - Acton, MA



0 100 200 400 Feet

1 inch = 400 feet

Date: 5/20/2013

GIS Data Source: "Office of Geographic Information (MassGIS), Commonwealth of Massachusetts Information Technology Division"

GODDARD CONSULTING LLC

Scott Goddard, PWS
Professional Wetland Scientist

From: CERO_NOI@MassMail.state.ma.us
To: chisholmkim@aol.com
Cc: ceronoi@state.ma.us; Conservation Commission; ceronoi@state.ma.us
Subject: MassDEP NOI File Number
Date: Monday, June 03, 2013 11:28:49 AM

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
CENTRAL REGIONAL OFFICE
627 MAIN STREET, WORCESTER, MA 01608 508-792-7650

Date: 06/03/2013

Municipality ACTON

RE: **NOTIFICATION OF WETLANDS PROTECTION ACT FILE NUMBER**

The Department of Environmental Protection has received a Notice of Intent filed in accordance with the Wetlands Protection Act (M.G.L. c. 131, §40):

Applicant MT LAUREL REALTY 390 GOODRICH Address ST,LUNENBURG MA 01462 Locus 12 SUMMER ST-LOT 2 , ACTON MA 01720	Owner Address
---	--------------------------

This project has been assigned the following file # : **CE 085-1127**
ISSUANCE OF A FILE NUMBER INDICATES ONLY COMPLETENESS OF
SUBMITTAL, NOT APPROVAL OF APPLICATION

Although a file # is being issued, please note the following:

ADDITIONAL REQUIREMENTS:

Based upon the information submitted in and with your Notice of Intent a separate 401 Water Quality Certification application form is not required. Provided that:

- (a) activities are conducted in compliance with MGL c.131, §40 (the Wetlands Protection Act) and the Final Order of Conditions permitting the activities does not result in the loss of more than 5,000 square feet cumulatively of bordering and isolated vegetated wetlands and Land Under Water and/or the dredging of more than 100 cubic yards of Land Under Water;
- (b) the Final Order of Conditions requires at least 1:1 replacement of Bordering Vegetated Wetlands pursuant to 310 CMR 10.55(4)(b);
- (c) the project is not listed in 314 CMR 9.04(1) through (11) including: discharge of dredged or fill material to any Outstanding Resource Water; any part of a subdivision unless deed restricted, so long as the discharge is not to an Outstanding Resource Water see 314 CMR 9.04(3); activities exempt from MGL c.131, §40 (except for normal maintenance and improvement of land in agricultural or aquacultural use); discharge of dredged or fill material to an isolated vegetated wetland identified as rare and endangered species habitat; loss of any salt marsh; activities subject to an individual 404 permit.

If impacts to resource areas or project size increases beyond that described in

the Notice of Intent or there are discrepancies therein, you must notify MassDEP and request a determination that the criteria of 314 CMR 9.03 have been met before the activity may begin.

Regards,
for MassDEP,

(508)-767-2711
Maryann.Dipinto@State.MA.US