

GRAHAM & HARSIP, P.C.

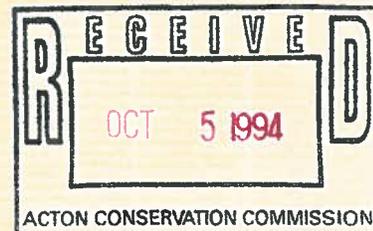
ATTORNEYS AT LAW
STRAWBERRY HILL BUILDING
289 GREAT ROAD
ACTON, MA 01720

STEVEN R. GRAHAM
BARRY S. HARSIP

LAURA B. MOODY

TEL: (508) 264-0480
FAX: (508) 264-4990

October 5, 1994



HAND DELIVERED

Mr. Thomas Tidman
Conservation Commission
Town of Acton
Acton, MA 01720

Re: Acorn Park Realty Trust
DEP File No. 85-264, Acton No. 75-195

Dear Mr. Tidman:

This letter is to request a Certificate of Compliance for the above-noted Order of Conditions. No work was ever initiated in connection with said Order. New Orders of Condition were issued with respect to the present development.

Very truly yours,

GRAHAM & HARSIP, P.C.

A handwritten signature in blue ink, appearing to read "S. R. Graham".

Steven R. Graham

SRG/jdd

STAMSKI AND McNARY, INC.

80 Harris Street
Acton, Massachusetts 01720
(508) 263-8585
FAX (508) 263-9883

RECEIVED

SEP 10 1993

ACTON CONSERVATION COMMISSION

BRUCE M. STAMSKI, P.E.

WILLIAM F. McNARY, P.L.S.

Sept. 9, 1993

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

RE: Request for Amended Order of Conditions
DEP File No. 85-238
Bylaw File No. 75-158
Acorn Park; Acton, MA

Dear Commission Members:

On behalf of our client, Acorn Park Realty Trust, we hereby request the above mentioned Order of Conditions be amended to reflect the revised layout of Acorn Park as shown on the 2 sets of 26 plans enclosed with this request. Also enclosed are two sets of calculations relating to the project design. Enclosed, please find a Notice of Public Hearing being sent to the abutters of the project. We look forward to the public hearing on October 6, 1993 at 8 p.m.

Sincerely,

For Stamski and McNary, Inc,



Bruce M. Stamski, P.E.

Enclosures

cc Acorn Park Realty Trust
DEP(with enclosures)

TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

April 15, 1993

TO: Donna Jacobs, Assistant Planner
FROM: Tom Tidman, Conservation Administrator
SUBJECT: Acorn Park Preliminary Subdivision

1. From the preliminary plan, it appears that at least 18 of the proposed single family dwellings fall within 100' of on-site wetlands. Each of these proposed dwellings will require a separate Notice of Intent filing.
2. The isolated wetlands pockets shown on the plans are significant habitat for a wide variety of amphibians, and are very likely certifiable vernal pools. They should not take direct discharge from drains. Drainage basins should intercept runoff prior to entering the isolated wetlands. This does not appear to be the case between Lots 34 and 35.
3. Streets A, B and D will require a Notice of Intent filing, as they have not previously been approved by Conservation.
4. Several additional lots may require Notice of Intent filings, however, the detail on the preliminary plan is limited and the 100' wetlands buffer is not shown.
5. All on-site wetlands will require to be re-flagging with corresponding identification numbers shown on the final plans.
6. No additional wetlands crossings will be permitted on this 69.12 acre site.

TT:ahm

716

85-238

(To be provided by DEP)

City/Town ACTON 75-158

Applicant Acorn Park Realty Trust

Commonwealth
of Massachusetts

Certificate of Compliance
Massachusetts Wetlands Protection Act, G.L. c. 131, §40

From ACTON CONSERVATION COMMISSION Issuing Authority

To Acorn Park Realty Trust One Naogq Park Drive, Acton,
(Name) (Address) MA 01720

Date of Issuance March 16, 1994

This Certificate is issued for work regulated by an Order of Conditions issued
to Acorn Park Realty Trust dated November 4, 1987

and issued by the Acton Conservation Commission

- 1. It is hereby certified that the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.
- 2. It is hereby certified that only the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed: (If the Certificate of Compliance does not include the entire project, specify what portions are included.)
- 3. It is hereby certified that the work regulated by the above-referenced Order of Conditions was never commenced. The Order of Conditions has lapsed and is therefore no longer valid. No future work subject to regulation under the Act may be commenced without filing a new Notice of Intent and receiving a new Order of Conditions.

.....
(Leave Space Blank)

4. The certificate shall be recorded in the Registry of Deeds or the Land Court for the district in which the land is located. The Order was originally recorded on 5/24/88 (date) at the

Registry of Middlesex South, Book 19068, Page 250.
Extensions recorded 2/3/89, Book 19031, Page 454
and 12/4/90, Book 20096, Page 224

5. The following conditions of the Order shall continue: (Set forth any conditions contained in the Final Order, such as maintenance or monitoring, which are to continue for a longer period.)

Issued by ACTON CONSERVATION COMMISSION

Signature(s) [Handwritten Signature]

[Handwritten Signature] [Handwritten Signature]
Peter Shanahan [Handwritten Signature]
[Handwritten Signature] [Handwritten Signature]

When issued by the Conservation Commission this Certificate must be signed by a majority of its members.

On this 16th day of March, 19 94, before me personally appeared William H. Hill, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

[Handwritten Signature]
Notary Public

March 16, 1995
My commission expires _____

Detach on dotted line and submit to the ACTON CONSERVATION COMMISSION

To ACTON CONSERVATION COMMISSION Issuing Authority

Please be advised that the Certificate of Compliance for the project at: ACORN PARK DRIVE

File Number 85-238 -/ 75-158 has been recorded at the Registry of Middlesex South

and has been noted in the chain of title of the affected property on _____, 19 _____

If recorded land the instrument number which identifies this transaction is _____

If registered land the document number which identifies this transaction is _____

Signature _____ Applicant

85-264

(To be provided by DEP)

City/Town ACTON

Applicant Acorn Park Realty Trust

Commonwealth
of Massachusetts

**Certificate of Compliance
Massachusetts Wetlands Protection Act, G.L. c. 131, §40**

From ACTON CONSERVATION COMMISSION Issuing Authority

To Acorn Park Realty Trust One Nagog Park Drive, Acton, MA 01720
(Name) (Address)

Date of Issuance October 5, 1994

This certificate is issued for work regulated by an order of Conditions issued
to Acorn Park Realty Trust dated March 15, 1989
and issued by the ACTON CONSERVATION COMMISSION

- 1. It is hereby certified that the work regulated by the above-referenced order of Conditions has been satisfactorily completed.
- 2. It is hereby certified that only the following portions of the work regulated by the above-referenced order of Conditions have been satisfactorily completed: (If the certificate of Compliance does not include the entire project, specify what portions are included.)
- 3. It is hereby certified that the work regulated by the above-referenced order of Conditions was never commenced. The order of Conditions has lapsed and is therefore no longer valid. No future work subject to regulation under the Act may be commenced without filing a new Notice of Intent and receiving a new order of Conditions.

.....
(Leave Space Blank)

4. The certificate shall be recorded in the Registry of Deeds or the Land Court for the district in which the land is located. The Order was originally recorded on 5/25/89 (date) at the

Registry of Middlesex South, Book 19839 Page 364.

5. The following conditions of the Order shall continue: (Set forth any conditions contained in the Final Order, such as maintenance or monitoring, which are to continue for a longer period.)

Issued by ACTON CONSERVATION COMMISSION

Signature(s) [Handwritten Signature]

Linda S. Maciej Peter Shanahan
[Handwritten Signature] [Handwritten Signature]

When issued by the Conservation Commission this Certificate must be signed by a majority of its members.

On this 5th day of October, 19 94, before me personally appeared William McMill to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Andrea Macsenzie March 16, 1995
Notary Public My commission expires

Detach on dotted line and submit to the ACTON CONSERVATION COMMISSION

To ACTON CONSERVATION COMMISSION Issuing Authority

Please be advised that the Certificate of Compliance for the project at: Lot B Acorn Park Drive

File Number 85-264 has been recorded at the Registry of Middlesex South

and has been noted in the chain of title of the affected property on _____, 19 _____

If recorded land the instrument number which identifies this transaction is _____

If registered land the document number which identifies this transaction is _____

Signature _____ Applicant



Commonwealth of Massachusetts
Executive Office of Environmental Affairs

**Department of
Environmental Protection**
Central Regional Office

William F. Weld
Governor

Daniel S. Greenbaum
Commissioner

RE: NOTIFICATION OF WETLANDS PROTECTION ACT FILE NUMBER ACTON
DATE: October 12, 1993 (city/town)

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: Acorn Park Realty Trust Owner: Same

Address: One Nagog Park Address: _____

Acton, MA 01720

Project Location: Acorn Park Drive off Route 2A

IF CHECKED, THE FOLLOWING ITEM(S) APPLY TO THIS NOTICE OF INTENT:

A. This project has been assigned the following file #: 85-392

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

ISSUANCE OF A FILE NUMBER INDICATES ONLY COMPLETENESS OF SUBMITTAL, NOT APPROVAL OF APPLICATION

B. ___ No File # will be assigned to this project until the following missing information is sent to this office, to meet the minimum submittal requirements in accordance with the Wetlands Protection Regulations at 310 CMR 10.00:

- () ___ copy(s) of a completed Notice of Intent (Form 3 or Form 4 of Sect. 10.99, whichever is applicable) and a copy of the Fee Transmittal Form, with a copy of the check for the State's share of the Notice of Intent filing fee.
- () ___ copy(s) of plans, calculations, and other documentation necessary to completely describe the proposed work and mitigating measures to protect resource areas.
- () ___ copy(s) of an 8½" X 11" section of the USGS map of the area.
- () ___ copy(s) of plans showing compliance with Title 5 of the State Environmental Code, 310 CMR 15.00.
- () Proof that a copy of your Notice of Intent has been mailed or hand delivered to the Natural Heritage and Endangered Species Program.

COMMENTS: _____

(see page 2 for additional information)

C. ___ Other Regulatory Jurisdiction

- () Application has been forwarded to Waterways Regulatory Program to determine if a Chapter 91 License is required.
- () Applicant is advised to forward a copy of the Notice of Intent to the Corps of Engineers for review (call 1-800-362-4367 for information).

D. ___ 401 Water Quality Certification

The project described in your Notice of Intent requires a 401 Water Quality Certification from the Department of Environmental Protection and may require submittal of a 401 application form. See below for further details:

- () Based upon the information submitted in and with your Notice of Intent a separate 401 Water Quality Certification application form is not required. The Department of Environmental Protection has reviewed the plans submitted by the applicant and finds that there is reasonable assurance that the project or activity will be conducted in a manner that will not violate the Massachusetts Surface Water Quality Standards, provided that:
 - a) the applicant receives and complies with a Final Order of Conditions from the local conservation commission or the Department;
 - b) the Order of Conditions does not cause the loss of more than 5,000 sq. ft. of bordering vegetated wetlands and land under water and/or the dredging of more than 100 cubic yards of land under water;
 - c) any loss of vegetated wetlands has been mitigated with a minimum replication of 1:1; and
 - d) the project is not exempt from the M.G.L. c.131, §40 - the Wetlands Protection Act; is not part of a subdivision; does not cause the loss of any wetlands designated as Outstanding Resource Waters; and does not cause the loss of any salt marsh.

Therefore, provided that the above conditions are satisfied, the Final Order of Conditions will serve as the Water Quality Certification for this project. This does not relieve the applicant of the duty to comply with any other statutes or regulations.

- () Before the activity described in the Notice of Intent can commence, you must obtain a Water Quality Certification from this Regional Office. Please complete the enclosed 401 Water Quality Certification application form and file it with this Regional Office for review.
- () Your project involves dredging of greater than 100 cubic yards of material or requires a permit from the Federal Energy Regulatory Commission for work in "waters of the Commonwealth." Therefore, your proposed project is subject to 314 CMR 9.00 and requires a Water Quality Certification. Please complete the enclosed 401 Water Quality Certification application form and file it with the Department of Environmental Protection, Division of Water Pollution Control, One Winter Street, Boston, MA 02108. Contact the Division of Water Pollution Control at 617-292-5655 if you have any questions.

For more information please contact: Marielle Stone
Environmental Analyst (508) 792-7650

- | | |
|--|---|
| <ul style="list-style-type: none"> () Conservation Commission) Owner) DEP - Water Pollution Control) DEP - Waterways) Other: _____ | <ul style="list-style-type: none"> () U.S. Army Corps of Engineers <input checked="" type="checkbox"/> Representative: <u>Stanski + McNary</u> <u>80 Harris Ave</u> <u>Acton, MA 01720</u> |
|--|---|