

01/29/2026

Ashland Conservation Commission
Greg Wands - Chair
101 Main Street
Ashland, MA 01721

61 Waverly Street Comprehensive Permit / 24142

RE: Comment Letter Responses

Dear Mr. Wands and members of the Commission:

SMMA is pleased to provide this memorandum on behalf of the Applicant, The Gutierrez Company, to respond to the comments prepared by the Conservation Agent in their letter sent to the Applicant on January 27, 2025. This letter is the Conservation Agent's second review comment letter. The majority of the original comments from their initial review letter received on November 20, 2025 have been closed – 38 of the 44 Applicant responses stated "No further comment." In order to help facilitate review, the following letter will address only the 6 open items.

The Conservation Agent's original comments are below in black font, followed by the Applicant's original responses in *blue italics*, followed by the Conservation Agent's follow up comments in **bold**, followed by the Applicant's follow up responses in **bold blue italics**.

Comment Responses

General Comments

- d. Dewatering plan has not been provided. Dewatering plan should be provided.

Response: Previous responses to comments from SMMA and Sanborn Head & Associates (SHA) describes how the limited surface bedrock removal is not anticipated to alter the groundwater flow patterns. The project Construction Documents will include the specification 31 23 19 Construction Dewatering that will require the contractor to submit a Dewatering Plan with drawings and supporting engineering calculations for the proposed surface water control and dewatering systems including locations, methods, sizing, equipment, power and standby power, etc.

The project will obtain coverage under 2022 NPDES Construction General Permit (CGP) that will require preparation of a Stormwater Pollution Prevention Plan (SWPPP) including project and site specific dewatering methods. Dewatering methods shall include, but are not limited to:

- pumping through silt bags,*
- pumping to temporary sediment basins,*
- adding flocculant to basins if needed to accelerate settlement, and*
- use of frac tanks if needed for additional storage for settlement.*

The Applicant will submit the Dewatering Plan, SWPPP and proof of NPDES CGP coverage to the Town prior to construction.

Conservation Agent Comment #2: The Conservation Commission has a precedent to require a dewatering plan as part of the NOI process to ensure that the proposal will not impact the wetlands on the site, or existing stormwater features. There may sometimes be a condition that any minor changes to the plan may be approved by the Conservation Agent if needed, provided that the Commission is updated within a reasonable time. A complete dewatering plan should still be provided for the Commission to review and approve.

Response #2: Applicant can provide a dewatering plan if requested by the Commission.

Sheet C-111 Comments

- I. Soil stockpiles are shown without erosion control barriers. Erosion control should be shown in a perimeter around all stockpiles.

Response: Drawing C-111: Site Preparation Plan is revised to show perimeter erosion controls around soil stockpiles. The Contractor will be required to follow the SWPPP requirements regarding stockpiles.

Conservation Agent Comment #2: Plan now calls for compost sock around all stockpiles, but references detail A7 on plan sheet C-501. This detail shows a compost sock for perimeter control of the site, and not for stockpile perimeter. The Commission typically requires some separation from the toe of slope on the stockpiles to the erosion controls to mitigate overtopping. Additionally, the Commission has typical standard conditions as to the accepted height, slope, and location of stockpiles, which will may be more restrictive than typical SWPPP requirements.

Please also confirm if the stockpiles will be present in these locations after completion of the stormwater features, as the Commission requires all stockpiles to be located more than 50-feet away from stormwater structures (namely catch basins, surface basins, and swales).

Response #2: Detail A7/C-501 is a generic detail for the compost sock product and installation – the detail is applicable to both perimeter erosion controls and stockpiles. Drawing C-111: Site Preparation Plan shows a 3-ft wide separation from stockpile toe-of-slope to the compost sock which is deemed adequate. The drawing can be revised or a note can be provided to increase the separation to mitigate overtopping or address other typical stockpile conditions as required by the Commission. General Erosion Control Note #8 requires fencing around stockpiles over 10-ft in height.

It is anticipated that soil stockpiles will be required in the early earthwork construction phases but will be removed as the stormwater infrastructure is installed. The C-111 and C-131 drawings can be revised or a note can be provided to locate stockpiles more than 50-ft away from stormwater structures, as required by the Commission.

WPA Form 3 and NOI Narrative

- a. Under Section C.1.b Date of the NHESP map is not provided.

Response: The WPA Form 3 was prepared in October 2025 and referenced the 15th Edition of the Massachusetts Natural Heritage Atlas effective August 1, 2021, Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program.

Conservation Agent Comment #2: Please provide the revised WPA form showing that date and submit it and any additionally revised documents and plans to MassDEP.

Response #2: Enclosed is the WPA Form 3 with the date of the NHESP provided. This will also be provided to DEP.

Stormwater Checklist and Report

- b. The existing hydrology map shows soil lines that appear to be based on the USGS estimates. While this is typically best practice, conditions should be confirmed in the field. Specifically, this map shows the Narragansett soil series within the wetlands on the property. This is highly unlikely to be accurate, as Narragansett soils are well-draining upland soils. A change in this line may result in a change in the calculations for infiltration on the site and should be further reviewed. The wetlands report provided by Goddard Consulting provides data on the soil conditions with color/ hue, texture, and depths of layers which should be suitable to guide some determination along the wetlands line as to the soil type. Notably, the wetlands soils are noted in said report to have 10” of much for the O layer, with restrictive rock layer just beneath. This is inconsistent with the Narragansett soil series shown on the existing hydrology map. Any changes on this should also be shown on the proposed hydrology map.

Response: The hydrology model has been updated based on comments from GCG Associates regarding underlying soils and corresponding Hydrologic Soil Groups (HSG), along with input from SHA regarding the presence of shallow bedrock.

Conservation Agent Comment #2: Provided materials state that the soil was reclassified to HSG A/D, but that HSG B was used in HydroCAD due to no HSG A/D option existing. Please clarify why HSG B was chosen as opposed to HSG C.

Response #2: The Curve Number (CN) value for Woods in Good Condition and HSG A is 30, and the CN for Woods in Good Condition and HSG D is 77, yielding an average of 53.5 which is nearly identical to Woods in Good Condition and HSG B with a CN value of 55. In contrast, HSG C would yield a higher Curve Number and would overestimate runoff relative to the composite A/D soil condition.

- c. The Peak Discharge Rate Summary table shows DP-1 as having proposed peak discharge rates for the 2-year and 10-year 24-hour storms increased from predevelopment rates. The notes in the report state the “increases are equal to 0.0 cfs... [and] is considered negligible”. Neither 0.02 or 0.04 is equal to 0.0; and the Massachusetts Stormwater Handbook does not allow for any increases in peak discharge rate. The stormwater design must be modified so that the increase is equal or less than pre-development conditions.

Response: The enclosed Peak Discharge Rate Summary is updated to reflect the current hydrology model with comments from GCG Associates incorporated. There is no increase in peak discharge for the 2-year and 10-year 24-hour storm events for design points discharging to wetland resource areas (new DP-1, DP-2, and DP-3) and as such, the project meets this performance standard. Reducing the negligible increase for the 10-year 24-hour storm events to DP-4 and DP-5 (which do not discharge to a wetland resource area) would require clear-cutting approximately 33,000 square feet of existing tree and native vegetation that is proposed to remain as a buffer between the project and the adjacent residential property. Further, it would require blasting and trenching a pipe for approximately 800 linear feet through the property. This disturbance is neither beneficial to the environment, the neighbors, nor advances any WPA interests.

Conservation Agent Comment #2: DP-4 and DP-5 discharge to the roadway drainage which outlets into the Sudbury River in front of the Ashland Public Safety Building, and therefore outlets to a wetlands resource area. Additionally, the applicant should verify

with the Ashland DPW on the capacity of the roadway drainage to accept to an increase in stormwater.

As shown on the current table provided, there is an increase in DP-1 (to the Waverly Street culverts) consisting of 1.4cfs in the 100-year storm. Please provide the analysis required by to confirm off-site flooding will not occur. DP-2 has a similar increase of 0.88cfs and DP3 of 0.13cfs for a combined increase of 1.01cfs to the wetland resource area, which also flows to the Waverly Street culvert and would add to the increase there as well. Please provide the analysis required by the stormwater standards to confirm no off-site flooding.

Response #2: Regarding DP-4 (sheet flow onto Waverly Street – North) and DP-5 (Existing drainage system in Union Street), the Applicant recognizes that all runoff from the project site eventually will discharge to a wetland resource area. The statement in the original comment response was in regards to direct discharges to wetland resource areas in the project vicinity. Similar to existing conditions, runoff from DP-4 and DP-5 will continue to discharge as diffuse sheet flow along the approximately ±1,800 feet of roadway project frontage before entering the existing town roadway drainage system. The majority of the sub-catchment areas contributing to these design points are from undeveloped portions of the project site.

Not only is the peak discharge rate cumulative increase from DP-4 and DP-5 of 0.14 cubic feet per second (cfs) during the 10-year 24-hour storm event (calculated using NOAA Atlas 14 rainfall intensity of 5.23 inches per hour) de minimus, it is also not practicable to isolate the effect of this flow on the existing roadway drainage capacity given that it is combined with numerous off-site contributions over the length of the system to the discharge location. As previously stated, the Applicant is willing to work with the Ashland DPW to replace the existing 12" RCP near the project entrance as that is the only physical connection with a discrete, measurable discharge point.

Regarding DP-1 (12" RCP in Waverly Street), the Applicant has submitted calculations demonstrating that the existing 12" RCP pipe has a full flow capacity of 2.52 cfs. The modeled discharge to DP-1 in the previously submitted hydrology calculations includes all off-site contributions to the existing 12" RCP pipe and shows a proposed 100-year 24-hour storm event (NOAA Atlas 14 rainfall intensity of 8.22 inches per hour) peak discharge rate of 1.80 cfs, which is less than 75% of the pipe's capacity. Accordingly, this confirms that the proposed discharge will not exceed the capacity of the existing conveyance or result in off-site flooding at this location.

Regarding DP-2 (Wetland – North), the 100-year 24-hour storm event peak discharge rate increase of 0.88 cfs equates to a peak discharge volume increase of 0.126 acre-feet (0.119 af existing, 0.245 af proposed – refer to previously submitted hydrology reports). The northern portion of the Bordering Vegetated Wetland (BVW) is 0.63 acres. This runoff volume increase would temporarily raise the water level over this area by only 2.4-inches. Based on site topography, this increase would not be sufficient to raise the water level high enough to discharge through the 12" PVC pipe at the northern end of the wetland (see photo below), where the runoff then flows through ±385 feet of densely vegetated swale with eventual discharge to the stone box culvert – all while the 8.22 inches per hour rainfall event is precipitating on the wetland, swale, and its off-site contributing drainage areas.

As such, the submitted analyses demonstrate that the modeled increases during the 100-year storm event do not exceed conveyance capacity, and will not cause off-site flooding.



Photo 1 - 12" PVC Outlet Pipe from Northern Portion of BVW

Regarding DP-3 (Existing culvert under Nikkie Terrace), site observations confirm that standing water within the southern portion of the BVW flows south along East Union Street to an existing large culvert under Nikkie Terrace and does not flow to the northern portion of the BVW through the 12" PVC pipe in the middle of the wetlands. Therefore, DP-3 does not discharge to the existing stone box culvert beneath Waverly Street.

For DP-3, the 100-year 24-hour storm event peak discharge rate increase of 0.13 cfs equates to a peak discharge volume increase of 0.134 acre-feet (0.035 af existing, 0.169 af proposed – refer to previously submitted hydrology reports). The southern portion of the Bordering Vegetated Wetland (BVW) has an area of approximately 0.66 acres. The incremental volume would temporarily raise the water level over this area by only 2.4-inches. Again, given the intensity of the 100-year 24-hour storm event and other non-project off-site contributing runoff, this localized increase would not cause off-site flooding or materially alter downstream conditions.

Regarding the stone box culvert, the Applicant submits the following Manning's Equation to determine the culvert's hydraulic capacity based on the following

conservative assumptions: 3 ft width; 3 ft height; vertical side walls; Earth, cobble bottom, clean sides; 50 ft length; and 2.0% slope. Using these parameters, the calculated full flow capacity of the culvert is 71.2 cfs.

This capacity is over thirteen times (13X) the combined proposed peak discharge rate (proposed, not just increase) from the 100-year 24-storm event leaving the project site. Accordingly, the analysis demonstrates that the existing stone box culvert has substantial hydraulic capacity relative to the project's contribution and will not be hydraulically constrained or adversely affected by the proposed discharge under the 100-year storm event.

- e. The Peak Discharge Rate Summary table shows DP-3 as having proposed peak discharge rates for the 100-year 24-hour storm increased from pre-development rates. The notes in the report state "the peak discharge rate increased by 0.10 cfs and will not increase the chance of off-site flooding". The Massachusetts Stormwater Handbook does not allow for any increases in peak discharge rate. The stormwater design must be modified so that the increase is equal or less than pre-development conditions.

Response: The Applicant respectfully disagrees with the assertion that the Massachusetts Stormwater Handbook categorically prohibits any increase in modeled peak discharge under the 100-year storm event. Stormwater Standard 2 requires that post-development peak discharge rates be evaluated and managed to prevent increased off-site flooding, and the Handbook specifically recognizes that attenuation of extreme storm events must be assessed in terms of potential downstream impacts rather than mathematical zero increase alone.

As stated in the Massachusetts Stormwater Handbook, proponents must evaluate peak discharges from the 100-year, 24-hour storm and provide BMPs to attenuate those discharges where such evaluation demonstrates that increased off-site flooding would result. Consistent with these requirements, the project's stormwater management system has been designed using BMPs to provide peak-rate attenuation and control discharge. The enclosed Peak Discharge Rate Summary shows proposed peak discharges between 0.25 cfs and 1.80 cfs for individual design points and a cumulative project increase of only 1.60 cfs for the 100-year 24-hour storm event. Importantly, the modeling demonstrates that these discharges do not result in increased off-site flooding and do not cause a material alteration of downstream drainage conditions. Accordingly, the project's stormwater system satisfies the intent and performance requirements of the Massachusetts Stormwater Management Standards.

Conservation Agent Comment #2: Response claims the total increase for the entire site is only 1.60cfs; however, the table provided shows an increase across DP-1, DP-2, and DP-3 for a total of 2.39cfs (1.38cfs in SP-1; 0.88cfs in DP-2; and 0.13cfs in DP-3) increase in the 100-year storm. Please provide the analysis to show no off-site flooding will occur.

Response #2: Refer to response above.

Sincerely,

A handwritten signature in blue ink that reads "Will Park". The signature is written in a cursive style with a large initial "W" and a distinct "Park" at the end.

Will Park, PE

Principal / Senior Civil Engineer / SMMA / wpark@smma.com / 617.520.9210

CC: *The Gutierrez Company*

Enclosures: *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

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):

<u>61 Waverly Street</u>	<u>Ashland</u>	<u>01721</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:	<u>42.264279</u>	<u>-71.445948</u>
	d. Latitude	e. Longitude
<u>15</u>	<u>012-00-000</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Israel</u>	<u>Lopez</u>	
a. First Name	b. Last Name	
<u>The Gutierrez Company</u>		
c. Organization		
<u>200 Summit Drive, Suite 400</u>		
d. Street Address		
<u>Burlington</u>	<u>MA</u>	<u>01803</u>
e. City/Town	f. State	g. Zip Code
<u>617-548-0399</u>	<u>ilopez@gutierrezco.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

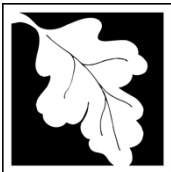
<u></u>	<u></u>	
a. First Name	b. Last Name	
<u>A and R Waverly LLC (c/o The Gutierrez Company)</u>		
c. Organization		
<u>200 Summit Drive, Suite 400</u>		
d. Street Address		
<u>Burlington</u>	<u>MA</u>	<u>01803</u>
e. City/Town	f. State	g. Zip Code
<u>617-548-0399</u>	<u>ilopez@gutierrezco.com</u>	
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>Will</u>	<u>Park</u>	
a. First Name	b. Last Name	
<u>SMMA</u>		
c. Company		
<u>1000 Massachusetts Avenue</u>		
d. Street Address		
<u>Cambridge</u>	<u>MA</u>	<u>02138</u>
e. City/Town	f. State	g. Zip Code
<u>617-520-9210</u>	<u>wpark@smma.com</u>	
h. Phone Number	i. Fax Number	j. Email address

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

<u>\$1,050.00</u>	<u>\$512.50</u>	<u>\$537.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

Development of one (1) multi-family five-story building containing 226 apartment units with associated earthwork, parking and circulation, utilities and stormwater management.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1. Single Family Home
- 2. Residential Subdivision
- 3. Commercial/Industrial
- 4. Dock/Pier
- 5. Utilities
- 6. Coastal engineering Structure
- 7. Agriculture (e.g., cranberries, forestry)
- 8. Transportation
- 9. Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration 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. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Middlesex South Registry of Deeds

a. County

44359

c. Book

b. Certificate # (if registered land)

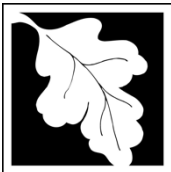
306-441

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.



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

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet	2. square feet
	3. cubic yards dredged	

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet	
	2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - specify coastal or inland	

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:

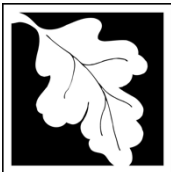
a. total square feet	b. square feet within 100 ft.	c. square feet between 100 ft. and 200 ft.
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5. Has an alternatives analysis been done and is it attached to this NOI? Yes No

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)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



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

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

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

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	_____	
	1. square feet	

	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	_____	_____
	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	_____	_____
	1. square feet	2. cubic yards dune nourishment

	<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. 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



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C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

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://maps.massgis.state.ma.us/PRI_EST_HAB/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
1 Rabbit Hill Road
Westborough, MA 01581**

August 1, 2021
(15th edition)

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.2.f, 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).*

- 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

2. 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 **

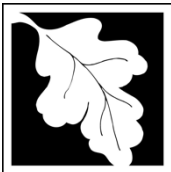
(a) Project description (including description of impacts outside of wetland resource area & buffer zone)

(b) Photographs representative of the site

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/endangered-species-act-mesa-regulatory-review>).

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)

(c) MESA filing fee (fee information available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).

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

(f) 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, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; 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 _____

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

3. 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, hand delivery, or electronic delivery of NOI to either:

South Shore - Bourne to Rhode Island border, and the Cape & Islands:

North Shore - Plymouth to New Hampshire border:

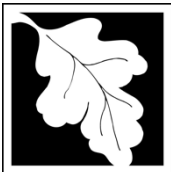
Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: dmf.envreview-south@mass.gov

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: dmf.envreview-north@mass.gov

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.

c. Is this an aquaculture project? d. Yes No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).



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

City/Town

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

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

4. 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
5. 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
6. 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
7. 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
 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

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

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.



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

City/Town

D. Additional Information (cont'd)

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

a. Plan Title

SMMA

Jennifer Howe, PE

b. Prepared By

c. Signed and Stamped by

10/17/2025

1"=40'

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

5. If there is more than one property owner, please attach a list of these property owners not listed on this form.

6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8. Attach NOI Wetland Fee Transmittal Form

9. Attach Stormwater Report, if needed.

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:

004017

10/15/2025

2. Municipal Check Number

3. Check date

004016

10/15/2025

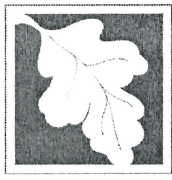
4. State Check Number

5. Check date

The Gutierrez Company

6. Payor name on check: First Name

7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

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

MassDEP File Number

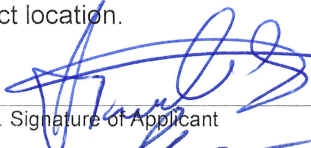
Document Transaction Number


City/Town

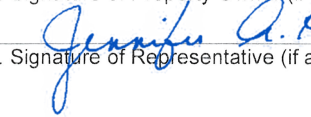
F. Signatures and Submittal Requirements

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 MANAGING DIR. OF DEVELOPMENT
THE GUTIERREZ COMPANY


 3. Signature of Property Owner (if different) Manager A&R Waverly LLC


 5. Signature of Representative (if any) Jennifer A. Howe

10/29/2025
 2. Date

10/29/2025
 4. Date

10/29/2025
 6. Date

For Conservation Commission:

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

For MassDEP:

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

Other:

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

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