



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

Littleton

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):

1 and 2 Monarch Drive

a. Street Address

Littleton

b. City/Town

01460

c. Zip Code

Latitude and Longitude:

Map 10

f. Assessors Map/Plat Number

d. Latitude

e. Longitude

16, 16A and 16 B

g. Parcel /Lot Number

2. Applicant:

Kyle

a. First Name

Raynor

b. Last Name

VMD Industries V LLC

c. Organization

733 Turnpike Street, Rte 114

d. Street Address

North Andover

e. City/Town

MA

f. State

01845

g. Zip Code

(440) 382-5335

h. Phone Number

i. Fax Number

kaynor@vmdcompanies

j. Email Address

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

see attached

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Susan

a. First Name

Carter

b. Last Name

Places Associates, Inc.

c. Company

256 Great Road, Suite 4

d. Street Address

Littleton

e. City/Town

MA

f. State

01460

g. Zip Code

(978) 486-0334

h. Phone Number

i. Fax Number

scarter@placesassociates.com

j. Email address

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

\$3,380 WPA + 2515 local

a. Total Fee Paid

1,677.50

b. State Fee Paid

1702.50 + 2515 = 4,217.50

c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

Site development of a 98,000 s.f. industrial building and appurtenances at 2 Monarch Drive. Portions of the building, parking area, drainage and utilities are in the 100' Buffer Zone. Project includes upgrades to the existing utilities and septic system for 1 Monarch Drive. Project is in a Priority Habitat Area and includes a Habitat Enhancement area and an animal crossing culvert under Monarch Drive.

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

- | | |
|---|---|
| 1. <input type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input checked="" type="checkbox"/> Commercial/Industrial | 4. <input type="checkbox"/> Dock/Pier |
| 5. <input type="checkbox"/> Utilities | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation |
| 9. <input type="checkbox"/> 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 CMR 10.24(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:

see attached

a. County

b. Certificate # (if registered land)

c. Book

d. Page Number

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

- ☒ Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- ☐ Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

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



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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 3. cubic yards dredged	2. square feet

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

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. <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 _____	



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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 2021

b. Date of map

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 0
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.

07-22228

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 - Cohasset to Rhode Island border, and the Cape & Islands:

North Shore - Hull 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).



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

Online Users:

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

4. Is any portion of the proposed project within an Area 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.



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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.

see attached

a. Plan Title

Places Associates, Inc.

Susan E. Carter, P.E.

b. Prepared By

9-6-2022

c. Signed and Stamped by

as shown

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:

1003

2. Municipal Check Number

1002

4. State Check Number

VMD Industrial V LLC

6. Payor name on check: First Name

9/1/2022

3. Check date

9/1/2022

5. Check date

7. Payor name on check: Last Name

Owner Information
VMD Industries V LLC
Notice of Intent

Map 10 Parcels 16A and 16B

Property Owner:

VMD Industries V LLC
733 Turnpike Street, Rte 114
North Andover, MA 01845

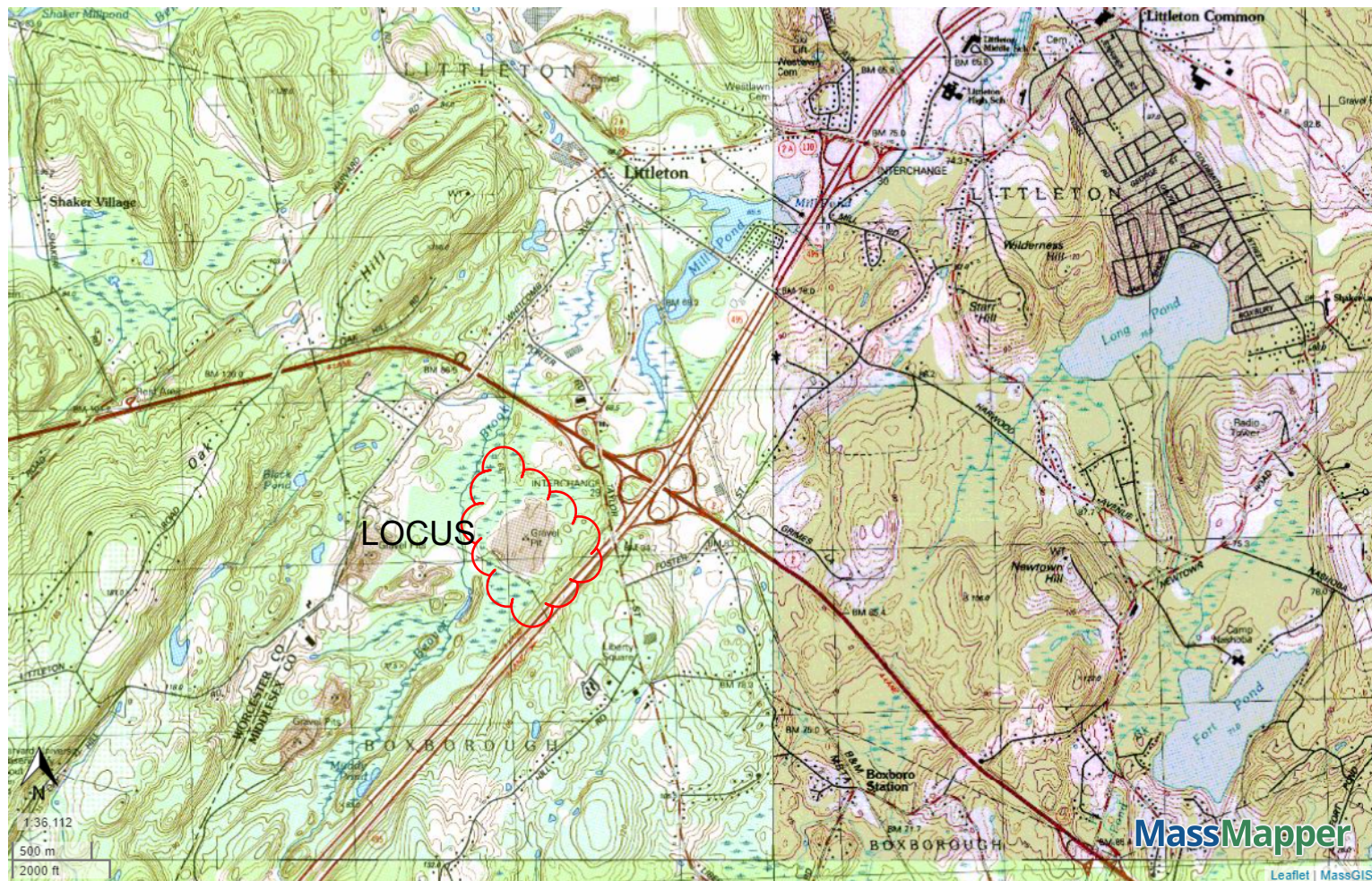
MSRD Bk. 80012 pg. 323

Map 10 Parcel 16:

Property Owner:

CDK Realty Venture One, LLC
410 Boston Post Road, Suite 28
Sudbury, MA 01776-3034

MSRD Bk. 62584 pg. 122



Property Tax Parcels
USGS Topographic Maps

Notification to Abutters

By Hand Delivery, Certified Mail (return receipt requested), or Certificates of Mailing

This is a notification required by law. You are receiving this notification because you have been identified as the owner of land abutting another parcel of land for which certain activities are proposed. Those activities require a permit under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40).

In accordance with the second paragraph of the Massachusetts Wetlands Protection Act, and 310 CMR 10.05(4)(a) of the Wetlands Regulations, you are hereby notified that:

- A. A Notice of Intent was filed with the Littleton Conservation Commission on Sept 6, 2022 seeking permission to remove, fill, dredge, or alter an area subject to protection under M.G.L. c. 131 §40. The following is a description of the proposed activity/activities:

Site development of a 98,000 s.f. industrial building and appurtenances at 2 Monarch Drive. Portions of the building, parking area, drainage and utilities are in the 100' Buffer Zone. Project includes upgrades to the existing utilities and septic system for the existing building at 1 Monarch Drive. Project is in a Priority Habitat Area and includes a Habitat Enhancement area and an animal crossing culvert under Monarch Drive. Portions of the utility upgrades, drainage outfalls and the Habitat Enhancement are within the 50' wetlands setback. No alterations of wetlands are proposed.

- B. The name of the applicant is: VMD Industries V LLC.
- C. The address of the land where the activity is proposed is: 1 and 2 Monarch Drive, Assessor's Map 10, Parcels 16, 16A and 16B

Copies of the Notice of Intent may be examined or obtained at the office of the Littleton Conservation Commission, located at Town Offices, 37 Shattuck St, room B100. The regular business hours of the Commission are M-Th 9:00 – 1:00, and the Commission may be reached at (978)540-2428.

- D. Copies of the Notice of Intent may be obtained from the applicant or Places Associates, Inc.) representative by calling (978) 486-0334. An administrative fee may be applied for providing copies of the NOI and plans.
- E. Information regarding the date, time, and location of the public hearing regarding the Notice of Intent may be obtained from the Littleton Conservation Commission. Notice of the public hearing will be published at least five business days in advance, in the Lowell Sun.

Notification provided pursuant to the above requirement does not automatically confer standing to the recipient to request Departmental Action for the underlying matter. See 310 CMR 10.05(7)(a)4.



**TOWN OF LITTLETON
BOARD OF ASSESSORS**

P.O. BOX 1305
LITTLETON, MA 01460
(978) 540-2410
FAX: (978) 952-2321

Date: February 1, 2022

Re: Certified List of Abutters Conservation Commission

Applicant: Cathy McDonnell
Name of Firm: Places Associates, Inc.
Mailing Address 256 Great Rd, Suite 4, Littleton, MA 01460

Subject Parcel Location: Monarch Drive
Subject Parcel No.: R10 16 A and R10 16 B
Subject Owner Name: VMD Companies

M.G.L. Chapter 131: Section 40 "Any person filing a notice of intention with a conservation commission shall at the same time give written notification thereof, by delivery in hand or certified mail, return receipt requested, to all abutters within one hundred feet of the property line of the land where the activity is proposed, but not limited to, owners of land directly opposite said proposed activity on any public or private street or way, and in another municipality or across a body of water. When a notice of intent proposes activities on land under water bodies and waterways or on a tract of land greater than 50 acres, written notification shall be given to all abutters within 100 feet of the proposed project site. For the purposes of this action, "project site" shall mean lands where the following activities are proposed to take place: dredging, excavating, filling, grading, the erection, reconstruction or expansion of a building or structure, the driving of pilings, the construction or improvement of roads or other ways and the installation of drainage, sewerage and water systems, and "land under water bodies and waterways" shall mean the bottom of, or land under, the surface of the ocean or an estuary, creek, river stream, pond or lake. When a notice of intent proposes activity on a linear shaped project site longer than 1,000 feet in length, notification shall be given to all abutters within 1,000 feet of the proposed project site. If the linear project site takes place wholly within an easement through another person's land, notice shall also be given to the landowner. Said notification shall be at the applicant's expense, and shall state where copies of the notice of intention may be examined and obtained and where information regarding the date, time and place of the public hearing may be obtained. Proof of such notification, with a copy of the notice mailed or delivered, shall be filed with the conservation commission."

I hereby certify the attached list of abutter (s) as stated in the M.G.L. Chapter 131, Section 40.

Number of Abutter (s) 6. Additional Abutters exist within the Town of Boxborough.

Certified by:

April Iannacone, Assistant Assessor

RECEIVED

JAN 31 2022

BOARD OF ASSESSORS
LITTLETON, MA

TOWN OF LITTLETON

REQUEST FOR CERTIFIED LIST OF ABUTTERS

THE FEE FOR PREPARING THE LIST IS AS FOLLOWS:

Within 300 feet: \$25.00	- updated list up to 6 mo.: \$10.00
Within 100 feet: \$10.00	- updated list up to 6 mo: \$5.00
Direct & across the street: \$5.00	- updated list up to 6 mo: no charge

THE FEE MUST BE PAID AT THE TIME THE REQUEST IS MADE

Applicant: Cathy McDonnell Name of Firm: Places Associates, Inc.

Address: 256 Great Rd, Suite 4, Littleton, MA 01460

Contact Phone #: 978-486-0334

Email Address: cmcdonnell@placesassociates.com

Request abutters list for:

Owner Name: VMD Companies

Property Location: Monarch Dr

Parcel ID: Map R-10: Parcels 16A and 16B (consider these two as one parcel when making lists)

Date you need the list by: Monday, February 14th, 2022

The Assessors' Office will generate & certify the requested **abutters list**, for the appropriate boards. Please check the appropriate departments.

Planning Board	_____	Ch 40A Sec 11 (300 feet)
" "	_____	Ch 41 Sec 81T (anr) (applicant & abutters)
" "	<u>X, 300 ft</u>	RMD Special Permit 300 feet & 1500 feet
Board of Appeals	_____	Ch 40A Sec 11 (300 feet)
Conservation Comm	<u>X, 100 ft</u>	Ch 131 Sec 40 (100 feet) or (1000 feet)
Board of Selectmen	_____	Ch 138 Sec 12, 15A (abutters & 500 ft if Within school, church or hosp)
Board of Health	_____	310 CMR 15.000 (direct & across the street)
Other	_____	Specify

We are no longer able to provide mailing labels.

151 TAYLOR ST R10 14 0

LUC: 404

LML LITTLETON LLC

401 EDGEWATER PLACE, SUITE 265
WAKEFIELD, MA 01880

1 MONARCH DR R10 16 0

LUC: 402

CDK REALTY VENTURE ONE LLC

410 BOSTON POST RD STE 28
SUDBURY, MA 01776-3034

MONARCH DR R10 16 A

LUC: 440

CDK-MEL LLC

410 BOSTON POST ROAD, SUITE 28
SUDBURY, MA 01776-3034

MONARCH DR R10 16 B

LUC: 440

CDK-MEL LLC

410 BOSTON POST ROAD, SUITE 28
SUDBURY, MA 01776-3034

MONARCH DR R10 16 C

LUC: 440

NBP II LITTLETON LLC

303 Congress Street

4th Floor

BOSTON, MA 02210

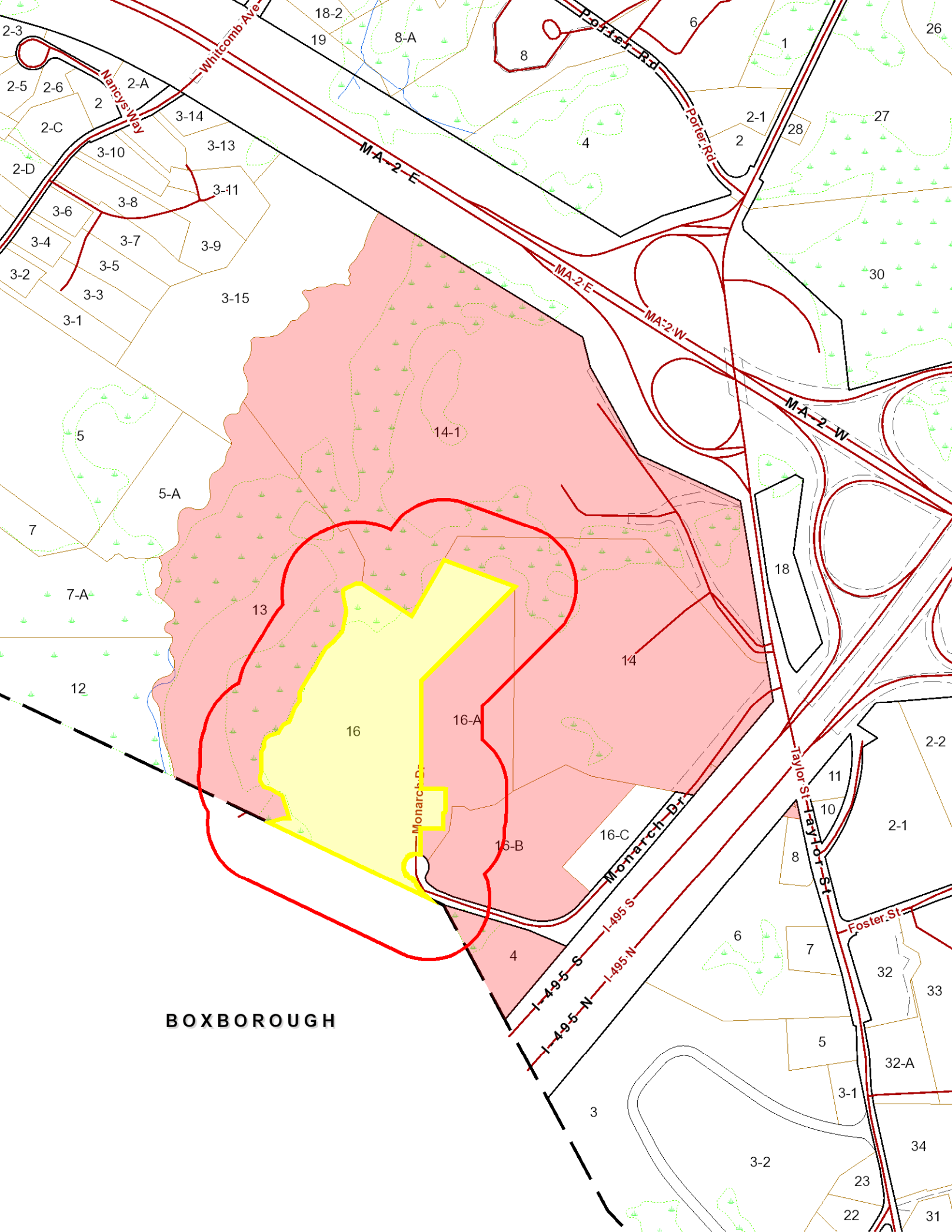
MONARCH DR R10 4 0

LUC: 601

HARVARD SPORTSMENS CLUB INC

P.O.BOX 114

HARVARD, MA 01451





300 foot Abutters List Report

Boxborough, MA
March 30, 2022

THIS IS A CERTIFIED ABUTTERS LIST FROM THE TOWN OF BOXBOROUGH. WE CERTIFY THAT ALL THE NAMES AND ADDRESSES OF ALL PROPERTY OWNERS ARE ACCURATE TO THE BEST OF OUR KNOWLEDGE.

Sandra McDermott 3/30/22
Office of the Board of Assessors Date



Subject Property:

Parcel Number: 02-003-000
CAMA Number: 02-003-000
Property Address: 3 REAR MONARCH DRIVE

Mailing Address: GUTIERREZ ARTURO J/JOHN A TRUS
SWEENEY DANIEL G, TRUSTEES
200 WHEELER ROAD
BURLINGTON, MA 01803

Abutters:

Parcel Number: 01-003-000
CAMA Number: 01-003-000
Property Address: 250 LITTLETON COUNTY ROAD

Mailing Address: HARVARD SPORTSMENS CLUB, INC
PO BOX 114
HARVARD, MA 01451

Parcel Number: 02-002-000
CAMA Number: 02-002-000
Property Address: 5 REAR MONARCH DRIVE

Mailing Address: HARVARD SPORTSMENS CLUB, INC
PO BOX 114
HARVARD, MA 01451

Parcel Number: 02-004-000
CAMA Number: 02-004-000
Property Address: 1 REAR MONARCH DRIVE

Mailing Address: HARVARD SPORTSMENS CLUB, INC
PO BOX 114
HARVARD, MA 01451

Parcel Number: 02-006-000
CAMA Number: 02-006-000
Property Address: 995B REAR BEAVER BROOK
ROAD

Mailing Address: HARVARD SPORTSMENS CLUB, INC
PO BOX 114
HARVARD, MA 01451



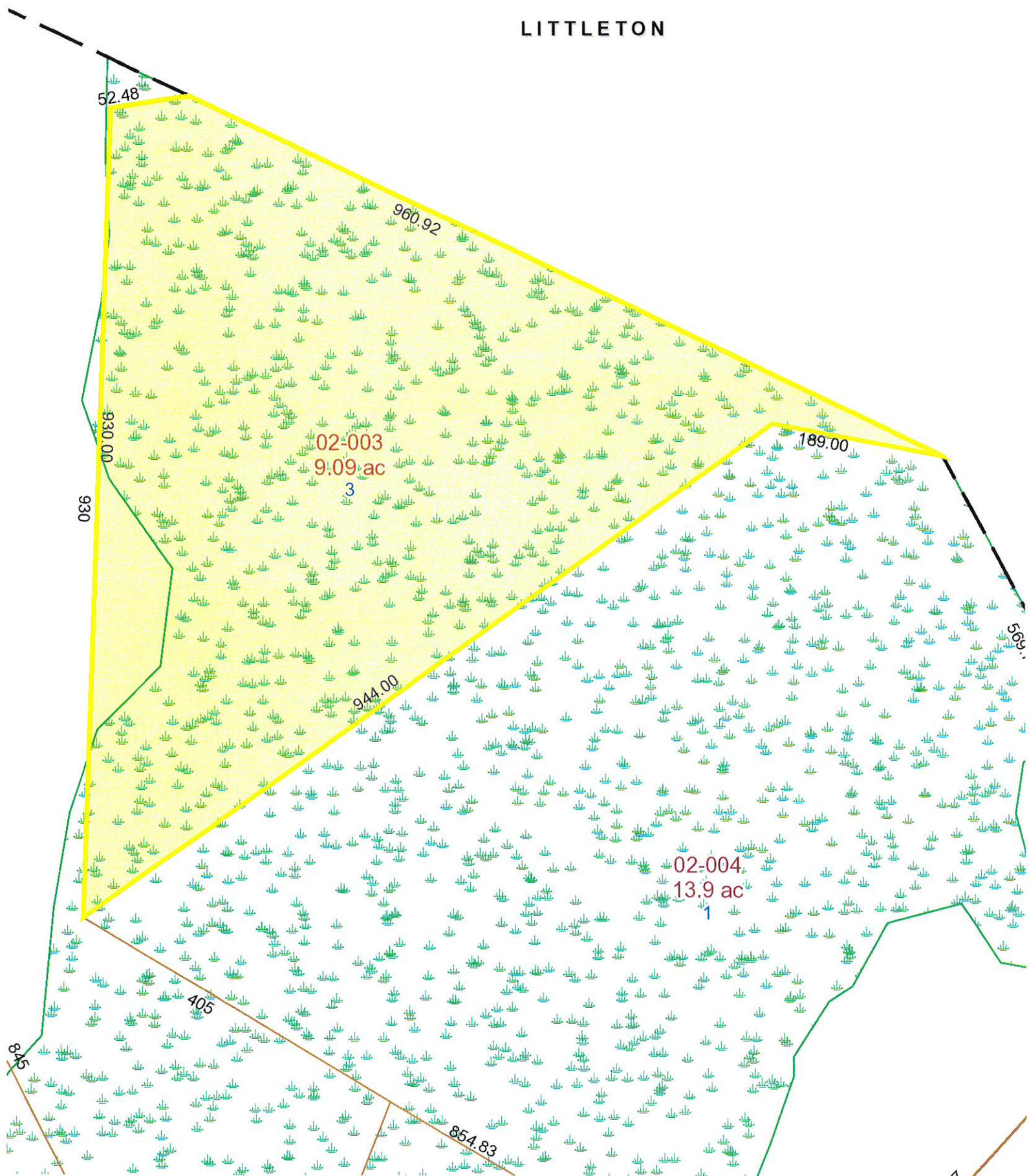
www.cai-tech.com

3/30/2022

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

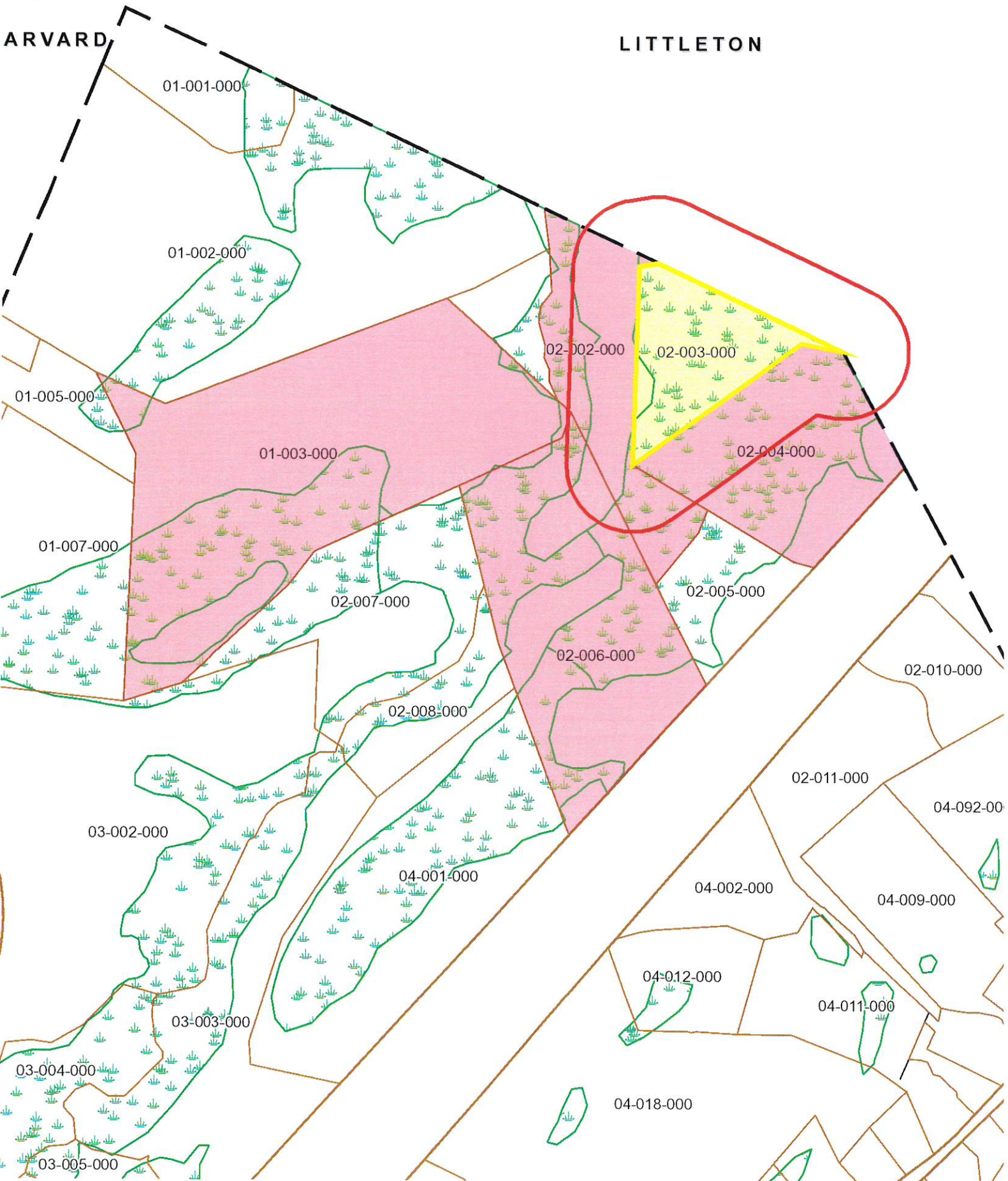
Page 1 of 1

LITTLETON



ARVARD

LITTLETON





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

Littleton

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

09/02/2022

2. Date

3. Signature of Property Owner (if different)

4. Date

5. Signature of Representative (if any)

6. Date

For Conservation Commission:

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

For MassDEP:

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

Other:

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

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



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.



A. Applicant Information

1. Location of Project:

1 and 2 Monarch Drive

a. Street Address

Littleton

b. City/Town

c. Check number

d. Fee amount

2. Applicant Mailing Address:

Kyle

a. First Name

Raynor

b. Last Name

VMD Industries V LLC

c. Organization

733 Turnpike Street, Rte 114

d. Mailing Address

North Andover

e. City/Town

MA

f. State

01845

g. Zip Code

(440) 382-5335

h. Phone Number

i. Fax Number

kraynor@vdmcompanies.com

j. Email Address

3. Property Owner (if different):

a. First Name

b. Last Name

CDK Realty Venture One, LLC

c. Organization

410 Boston Post Road, Suite 28

d. Mailing Address

Sudbury

e. City/Town

MA

f. State

01776-303

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

B. Fees

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

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

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
1.d) Resource Area (Habitat) Improvement	2	110	220
1.e) Septic System separate from building (for 1 Monarch)	1	110	110
2.g) Project Source Discharge	4	500	2000
3.b) Building incl. Site Development	1	1050	1050
Step 5/Total Project Fee:			3380

Step 6/Fee Payments:

Total Project Fee:	3380
	a. Total Fee from Step 5
State share of filing Fee:	1677.50
	b. 1/2 Total Fee less \$12.50
City/Town share of filing Fee:	1702.50+3115 local fee= \$ 4817.50

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
Box 4062
Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

VMD INDUSTRIAL V LLC
733 TURNPIKE STREET ROUTE 114
NORTH ANDOVER MA 01845-6137

Date 9/1/2022

1003
-8137/2113

Pay to the
order of TOWN OF LITTLETON

\$ 4,817.50

FOUR THOUSAND EIGHT HUNDRED SEVENTEEN AND 50/100 Dollars



MEMO NOT FILING 1-2 MARCH DR

⑆211381372⑆ 3561883459⑈ 1003

VMD INDUSTRIAL V LLC
733 TURNPIKE STREET ROUTE 114
NORTH ANDOVER MA 01845-6137

Date 9/1/2022

1002
-8137/2113

Pay to the
order of COMMONWEALTH OF MASSACHUSETTS

\$ 1,677.50

ONE THOUSAND SEVENTY SEVEN AND 50/100 Dollars



MEMO NOT FILING 1-2 MARCH DR

⑆211381372⑆ 3561883459⑈ 1002

VMD INDUSTRIAL V LLC
733 TURNPIKE STREET ROUTE 114
NORTH ANDOVER MA 01845-6137

Date 9/1/2022

1004
-8137/2113

Pay to the
order of COMMONWEALTH OF MASSACHUSETTS NHESP \$

1,800.00

ONE THOUSAND EIGHT HUNDRED AND 00/100

Dollars



MEMO: NOT REVIEW 1-2 MONARCH DR.

1:2113813721:

3561883459 1004

VMD INDUSTRIES V LLC

Project Narrative

EXISTING CONDITIONS:

The locus property is located at the end of Monarch Drive in Littleton, MA. The property contains 20.6 acres of land zoned Industrial A and is located in the Littleton Aquifer Protection District. This property shares a common driveway and infrastructure with the abutting property, 1 Monarch Drive containing an office building. The utility connections for 1 Monarch Drive are contained within utility easements that cross the locus property

The site is currently vacant land that previously had a gravel removal operation on it. Vegetative cover is sporadic, with grass areas adjacent to the driveway with areas of barren sand and shallow depths of topsoil further into the site. The site appears to have been graded for a future pad building site with a drainage ditch enveloping the developable portion of the lots. This drainage ditch is a bordering vegetated wetlands and there is a vernal pool, just east of the property. Utilities cross this drainage ditch at the 24" culvert. This ditch flows into the man-made pond located to the north of the building at 1 Monarch Drive.

Soils on this site are well sorted sands with a high permeability and a fairly consistent groundwater elevation of 224.

The entire site is contained within a priority habitat area as identified by Natural Heritage and Endangered Species Program (NHESP). A previous development proposal for this site (2008 Hilton Hotel project) resulted in a large portion of the site subject to a Conservation Restriction in conjunction with the Conservation Management Plan issued for that project. The project never went forward but the Conservation Restrictions were put in place.

There are several distinct uses identified for the CR's on Lots 1 and 2 as shown on the attached CR plan by Hayes dated 2008. These areas include the traditional Conservation Restriction Areas A-F, Drainage Areas 1-3 and Septic Areas 1 and 2. The CR for these parcels is held by the Littleton Conservation Commission.

PROPOSED PROJECT:

VMD Industries V LLC is proposing to construct a 98,150 s.f. industrial building on this site (aka Lot 2). The use of the building will be consistent with the uses allowed in both the Industrial A zoning as well as within the Aquifer Protection District. The future tenant of the building is PODS, Inc. the company that provides portable storage and moving units. They will be storing full Pods inside the building and will be storing empty units outside on the paved parking areas.

Utilities:

The proposed development will utilize Parcels 2A and 2B combined. The development area is very limited by the existing Conservation Restrictions, existing utility easements and the offsets from the property lines. VMD, in conjunction with the property owner of Lot 1 will be relocating the existing septic system from Lot 1 to the designated Septic Area 1 as shown on the Conservation Restriction Plan. This will allow the streamlining of the property lines between Lots 1 and 2. Provisions have

been made in legal documents to prevent any impact on the existing septic system for lot 1 until the new system is fully approved and functional.

Currently, the electric and communications lines to serve the existing building at 1 Monarch Drive is via an easement through Lots 2A and 2B. Upon consultation with Littleton Electric Light Department, the current overhead lines result in power outages and will need to be replaced with buried conduits. Upon further investigations, it was determined that the current service was at the end of its useful life and that the conduits themselves did not meet the current requirements (4" versus 5" currently required).

It should be noted that LELD indicated that eventually this change in service to 1 Monarch would be required but that currently, any changes are only done as emergency repairs. In the absence of this development, this replacement would have been undertaken as a limited project for maintenance of an existing utility line.

The installation of a parallel set of conduits to provide updated service to 1 Monarch Drive will require a six foot wide, 3-4' deep trench to be excavated to the east/north of the existing pole line and existing underground service. This location will enable the minimum setback from the existing water line to be maintained as well as the active electric and communications services.

The existing cart path will be utilized both for access and for temporary storage of the excavated materials. One small area of the cart path, in the BVW, will be outside of the erosion control barrier/limit of work to avoid any alterations to the BVW.

All work specific to this cross country utility installation will be temporary and will encompass the following:

Total work area: 9760 s.f.

Work outside the 100' buffer = 4,288 s.f

Work between 50-100' from BVW=1,599 s.f.

Work within 50' to BVW= 3933 s.f.

Drainage:

This design is in full compliance with the MADEP stormwater management standards and incorporates best management practices (BMP's) consistent with low impact development (LID) and incorporates many of the concepts emphasized in LID design. There is no increase in the rate of runoff from the site for the 2, 10, 25 or 100 year events using the latest NOAA rainfall rates which are typically used to determine climate change resiliency. The drainage calculations have been fully reviewed by the Town's consulting engineer, Green International during the Planning Board hearing process.

BMP's utilized:

- Tree Box Filters
- Hydrodynamic Separator
- Infiltration Basin
- Infiltration Trench

Two different Tree Box Filters are proposed. Those in the front of the site, are the traditional curb inlet boxes with a tree grate over the tree roots and filter medium. These are used in areas

where pedestrians are likely to be walking. The second Tree Box Filters do not have the tree grates and are located along the perimeter of the parking areas where there is a greater possibility of a stray animal falling into the filter box. Runoff will enter via a break in the berm and will recharge via a connecting infiltration trench. A small paved ramp will allow any animals to escape from this filter box.

As Littleton is a MS4 community with a Stormwater By-law, calculations for Phosphorus removal have been included in these calculations. The total Phosphorus reduction from the developed portions of the site is 89.3 % (60% required). In order to achieve such high levels of nutrient reduction, treated runoff has been recharged into the groundwater to the extent possible.

Greater detail on these calculations is contained within the Stormwater Analysis.

There are two areas where the drainage outfalls fall within the 50' no disturbance area. The first two outlets are at the cul-de-sac of Monarch Drive, at the southerly entrance to the loading areas. The existing elevations along Monarch Drive control the elevations of the proposed drainage structures on the 2 Monarch Drive site. In this instance, excavations are needed to allow the outlets to daylight.

The infiltration basin, located behind the southeast corner of the building has been designed to infiltrate and contain the 100 year storm. As sound engineering practice, an emergency overflow weir has been provided which provides protections against back to back storms and to provide a clear direction of overflow that is defined. This overflow is located within the CR that allows drainage will direct runoff into the man-made ditch. The location of this overflow was chosen to avoid the mature pine trees in the area. A waiver will be required from the local by-law for work within 50' of the BVW.

NHESP Priority Habitat

The Conservation Management Plan issued in 2008 in conjunction with the hotel project has expired. That original CMP resulted in significant portions of the wetlands and floodplain to be set in a Conservation Restriction. While the CRs were implemented, not all requirements were completed as they were dependent on the construction.

A new permit will be sought and Oxbow Associates, Inc. has been in contact with NHESP on the implementation of the provisions in the original permit. Several key components of the original CMP are included in this Notice of Intent.

The first component is the installation of a 4'x8' box culvert with openings to provide light in Monarch Drive to reduce the animal mortality. An Animal Exclusion fence, a four foot high chain link fences, set 6" into the topsoil, will direct the animals to this crossing. The hotel plan had called for the installation of a similar culvert, connected to the existing stormwater drainage in Monarch Drive, resulting in alterations to the BVW. The current proposal is to offset the culvert by 15' from the existing drainage structures to simplify construction and avoid any BVW alterations. This culvert work is entirely within the 50' buffer, however the majority of the disturbance is to the Monarch Drive pavement and shoulders.

Approximately 941' of black chain link fencing will be installed as the animal exclusion fence in conjunction with the box culvert directing animals to the crossing, preventing them from directly crossing Monarch Drive. This chain link fence will be located at the edge of the mowed

shoulders, or a minimum of 5' back from the edge of pavement to minimize potential snow damage. The fence will be toed in 6" to prevent animals from digging under the fencing. It is estimated that a width of approximately 18" along the fence line will be temporarily disturbed with the installation.

Disturbances resulting from the culvert and fencing is as follows:

Within the 50' Buffer to BVW: Culvert = 1965 s.f. , fence line= 725 s.f.

Between 50' and 100' Buffer to BVW: Fence line= 690 s.f.

The second CMP component subject to this NOI is the Habitat Enhancement Area. This area (4.26 acres) will be maintained as a nesting habitat and will require the removal of any vegetation. There is no existing direct access within the property to this area so access will be constructed between the ditch/BVW and the property line. This access will be entirely within the 50' Buffer to the BVW and will be adjacent to the property line.

The area will be planted with Little Bluestem (*Schizachyrium scoparium*) specimens on 30-40 foot centers. These should ideally be salvaged from the project site vs. commercial stock. Bluestem transplants need not survive indefinitely; they will function as nuclei for successional vegetation.

In addition, 48 course woody objects (tree butts/logs) and/or boulders > 1' in diameter will be randomly scattered across soil surface. These serve to break the line of site for predators upon adults and emerged hatchlings.

The restored habitat will be inspected every year (Aug - October) for two years following construction and at least every two years thereafter. A brief memo/photo-documentation will be provided to Littleton Conservation Commission (CR holder) and NHESP (referencing CMP number) via email delivery. Remove and control any invasives (e.g., spotted knapweed, multi-flora rose, Russian olive, autumn olive, etc.). In all cases, open soil, or mossy soil should be kept at a minimum of 60% of the restoration area. UAS may be used to quantify and document the conditions of the habitat area.

The habitat will be monitored during and for one nesting season subsequent to project completion (or two years if site work is complete during one active season). Thereafter, the fee owner of the premises will be responsible for periodic inspection and maintenance of the area in perpetuity. The maintenance plan will essentially be inspection and documentation of the prepared habitat and removal of pernicious vegetation and an obligation to maintain vegetative coverage to less than 40% of the surface area.

Disturbances directly related to the Habitat Enhancement Area are as follows:

Total Disturbance: 4.29 acres

(4.24 acres Habitat Enhancement, 0.03 acres Access)

Within 50' of the BVW= 13,345 s.f.

Between 50' and 100' Buffer to BVW= 1.53 acres

Upland outside of 100' Buffer to BVW= 2.45 acres

Local Filing Fee Calculations:

Category 1.d) Resource Area Improvement – Waivers Required for work within 50' buffer

1. Habitat Enhancement Area – create nesting area in conjunction with CMP
2. Box Culvert Crossing and Animal barrier Fence on Monarch Drive in conjunction with CMP

Category 1.e) Septic System separate from Building Replacement system for 1 Monarch Drive building

Category 2.g) Project Source Discharge-

1. Two outlets from Tree Box Filters at junction of Monarch Drive where grading is needed to daylight pipes because existing pavement so low – waiver required for both outlets
2. Emergency overflow from the easterly infiltration basin where grading is needed to control the overflow in storms greater than current 100 year storm- waiver required
3. Outlet from Tree Box Filters around northerly loading dock – 100' buffer only

Category 3.b) Each building for development including site work- waiver required for utility upgrades and sewer force mains

A portion of the building is in the 100' buffer as well as appurtenances (utilities, parking drainage, grading). The electric and communications services as well as sewer force mains, serving this project and 1 Monarch Dr. will be within the 50' buffer so a waiver is required

Total Local Fees:

Category 1 – two waivers@ \$ 55, one no waivers \$ 55	\$ 165
Category 2 – three waivers@ \$ 500, one no waiver @ \$ 250	\$ 1750
Category 3- one waiver @ 1200	\$ 1200.
Total Local Bylaw Fee	\$ 3115.00

VMD INDUSTRIES V LLC

Waiver Request Narrative

Project Purpose and Need:

VMD Industries V LLC is proposing to construct a 98,150 s.f. industrial building on this site (aka Lot 2). The use of the building will be consistent with the uses allowed in both the Industrial A zoning as well as within the Aquifer Protection District. The future tenant of the building is PODS, Inc. the company that provides portable storage and moving units. They will be storing full Pods inside the building and will be storing empty units outside on the paved parking areas. This use will develop the property in a low impact manner with less than 20 employees and smaller traffic impact than other potential industrial uses for this site.

Historically this site was used for gravel removal and the site appears to have been graded as a “pad ready site” with utilities which were installed in anticipation of construction on this site. During the 1986 permitting for the existing building at 1 Monarch Drive, the plans depicted a mirror image office building on this site. In 2008, a hotel was proposed for this property and during the permitting process for the hotel, a Conservation Management Permit (CMP) was issued (November 17, 2009) to mitigate a take attributable to construction within the Priority Habitat area. The CMP required the establishment of Conservation Restrictions (CR) on the parcel which have been implemented but other requirements were not met as they were specifically related to the construction of the hotel. This CMP has since expired.

The Conservation Restrictions on this site, as well as adjacent sites, contemplated portions of the CR being used for specific purposes in addition to land protection, including drainage and septic. Most of the areas designated for the use by drainage are within the Town of Littleton’s Wetlands Bylaw 50’ no disturbance buffer and cannot be utilized. The site is in the Aquifer District, resulting in the drainage design being more stringent due to the Planning Board special permit criteria (ability to isolate loading dock drainage, use of LID and the use of the NOAA Atlas 14 rainfall data which are normally used for climate resiliency impact calculations)

The waivers requested fall generally in 3 distinct groups – CMP related resource area improvements nesting habitat enhancement and the box culvert crossing; drainage discharge points related to existing site elevations; work under the site plan which includes the utility work for buried conduits for electric and sewer force mains.

Waivers being Requested

A. Category 1.d) Resource Area Enhancement

The Conservation Management Permit issued in 2009 in conjunction with the hotel project has expired. That original CMP resulted in significant portions of the wetlands and floodplain to be set in an EOEEA approved Conservation Restriction. While the CRs were implemented

and recorded, not all requirements were completed as they were dependent on project milestones and construction.

A new permit is being sought and Oxbow Associates, Inc. has been in contact with NHESP on the implementation of the provisions in the original permit, updated to fit current circumstances. Several key components of the original CMP are included in this Notice of Intent.

The first component is the installation of a 4'x8' box culvert in Monarch Drive, with openings to provide light interior to the culvert for wayfinding purposes. The existence of the culvert is intended to reduce the animal mortality. An Animal Exclusion fence, consisting of four-foot-high chain link fence, set 6" into the topsoil, will direct the animals to this crossing and prohibit road mortality where no barrier currently exists. The hotel plan had called for the installation of a similar culvert, connected to the existing stormwater drainage in Monarch Drive, resulting in alterations to the BVW. The current proposal is to offset the culvert by 15' from the existing drainage structures to simplify construction and avoid any BVW alterations. This culvert work is entirely within the 50' buffer, however, most of the proposed disturbance is to the Monarch Drive pavement and shoulders, which are previously disturbed areas.

Approximately 941' of black chain link fencing will be installed as the animal exclusion fence in conjunction with the box culvert directing animals to the crossing, preventing them from directly crossing Monarch Drive. This chain link fence will be located at the edge of the mowed shoulders, or a minimum of 5' back from the edge of pavement to minimize potential snow damage. The fence will be toed-in 6" to prevent animals from digging under the fencing. It is estimated that a width of approximately 18" along the fence line will be temporarily disturbed with the installation.

Disturbances resulting from the culvert and fencing is as follows:

Within the 50' Buffer to BVW: Culvert = 1965 s.f., fence line= 725 s.f.

Between 50' and 100' Buffer to BVW: Fence line= 690 s.f.

Distance from the BVW = 1' on easterly side of culvert

The second CMP component subject to this NOI is the Habitat Enhancement Area. This area (4.26 acres) will be restored to a suitable seral stage and thereafter maintained as nesting habitat for Blanding's turtle and will require the removal of virtually all vegetation, with limited replanting. This process essentially mimics the clearing of the land to expose mineral soils as was accomplished during the gravel extraction operations, resulting in high-quality nesting substrate that has now succeeded to weedy herbaceous and woody species (Russian olive, white pine, multiflora rose, etc.).

There is no existing direct access within the property to this area so access will be constructed between the man-made ditch/BVW and the property line. This access will be entirely within the 50' Buffer to the BVW and will be adjacent to the property line.

The area will be planted with Little Bluestem (*Schizachyrium scoparium*) specimens on 30-40 foot centers. These should ideally be salvaged from the project site vs. commercial stock. Bluestem transplants need not survive indefinitely; they will function as nuclei for successional vegetation. This approach has been successful in other instances of turtle nesting habitat creation and restoration, particularly where a long-term maintenance plan is in place.

In addition, 48 coarse woody objects (tree butts/logs) and/or boulders > 1' in diameter will be randomly scattered across soil surface. These serve to break the line of site of predators, preying on adults and emerged hatchlings.

The restored habitat will be inspected every year (Aug - October) for two years following construction and at least every two years thereafter. A brief memo/photo-documentation will be provided to Littleton Conservation Commission (CR holder) and NHESP (referencing CMP number) via email delivery. Remove and control any invasives (e.g., spotted knapweed, multiflora rose, Russian olive, autumn olive, etc.). In all cases, open soil, or mossy soil should be kept at a minimum of 60% of the restoration area. UAS may be used to quantify and document the conditions of the habitat area.

The habitat will be monitored during and for one nesting season subsequent to project completion (or two years if site work is complete during one active season). Thereafter, the fee owner of the premises will be responsible for periodic inspection and maintenance of the area in perpetuity; to be a requirement of the forthcoming CMP. The maintenance plan will essentially be inspection and documentation of the prepared habitat and removal of pernicious vegetation and an obligation to maintain vegetative coverage to less than 40% of the surface area.

Disturbances directly related to the Habitat Enhancement Area are as follows:

- Total Disturbance: 4.29 acres (4.24 acres Habitat Enhancement, 0.03 acres Access)
- Within 50' of the BVW= 13,345 s.f.
- Between 50' and 100' Buffer to BVW= 1.53 acres
- Upland outside of 100' Buffer to BVW= 2.45 acres
- Closest disturbance to the BVW = 11' (grading for access)

These two habitat enhancements are necessary components of the "net benefit" requirement allowing the Director to issue a CMP in accordance with the Regulations (321 CMR 10.23). The existing site has lost approximately 90% of suitable, open canopy nesting habitat over the precedent decades. If no development were to occur, the remaining fragments of open canopy habitat will continue to vegetate, eliminating the areas of open soil as a suitable nesting habitat. Animals will continue to cross Monarch Drive with mortalities while seeking remnant nesting habitat. The location for the proposed box culvert and related animal exclusion fence is close to the existing drainage and wetlands, providing a protected link between the existing BVWs on each side of Monarch Drive. Alternative locations would not be as effective.

The Habitat Enhancement area is located within the Conservation Restriction Areas and provides a large, uninterrupted area for nesting habitat. This area is not heavily wooded, minimizing the disturbances required to clear it for nesting habitat.

B. Category 2.g) Project Source Discharge

1. Two drainage outfalls adjacent to the existing driveway at the terminus of Monarch Drive. The proposed driveway will connect to the end of Monarch Drive. To pre-treat and attenuate runoff from the new driveway to the southerly loading dock, Tree Filter Boxes (TFB) are proposed. The TFB is set 20' upgradient of the existing pavement (elevation 227.7) and existing catchbasin to capture the maximum amount of runoff from the new pavement with

it's rim elevation set 228.7. The design uses the steepest grade practicable for turning truck traffic of five percent. The adjacent existing grades are slightly mounded, necessitating extension of the outfall into the 50' no disturbance area. The proposed outlet of 226.5 will require excavation of 1' to allow the pipe to daylight.

The disturbance with this outfall is 30' from the BVW associated with the existing manmade ditch. If not allowed, the TFB would overflow to the existing catchbasin on Monarch Drive which discharges directly into the man-made ditch and associated BVW.

This waiver is in the public interest as it allows treated runoff to flow over landscaping prior to discharge into the BVW. It is consistent with the intent of the bylaw as this area is currently maintained as a landscaped area and will not result in degradation of the buffer zone.

2. The second outlet is from the recharge area located beneath the westerly (front) parking area. The outlet elevation of 226.5 was set to provide minimal cover over the pipe and will require 1' excavation to daylight the pipe. The alterations are 33' from the BVW.

This waiver is in the public's best interest as it allows these drainage structures to daylight into a landscape area and not flow across the driveway. This outfall has been located close to the overflow for the Tree Box Filter to minimize the impact to land in the 50' Buffer and landscaping. This is consistent with the intent of the bylaw as this land is not in a natural state and the elevations are dictated by the existing elevations of Monarch Drive. This area will be stabilized upon completion and there are no expected long-term impacts.

The area of disturbance for the waivers identified in Waiver 1 and 2 is 722 s.f. and is 33-35' from the manmade ditch which is now BVW.

3. The other drainage feature in the 50' buffer is grading related to the emergency overflow for the infiltration basin located near the southeast corner of the building. This basin is excavated below the existing grade and will not overflow in the 100-year storm using the higher rainfall amounts from the NOAA Atlas 14. The existing elevations adjacent to the basin are approximately 230, creating a berm between the basin and the manmade ditch.

It is sound engineering practice to have an emergency overflow to control and direct any discharge during an extreme weather event. This overflow is in an area where there is exposed sandy soils with minimal vegetative cover. The proposed overflow will be stabilized and if any outflow occurs, it will be localized to a stabilized surface area.

Granting this waiver is in the public's best interest as it will provide a stabilized emergency overflow to this basin. If denied, this berm will remain as exposed soil until grass and natural vegetation eventually colonize. If the basin capacity were to be exceeded, it would overflow within the developed area and eventually flow to the BVW ditch. No long-term impacts are expected, other than provide additional stabilization to the bank, as this overflow is for emergencies.

A. Category 3.b) Each building for development including site work

Utility work, directly related to the site development will occur in the 50' buffer zone within the existing utility corridor. The existing culvert connecting the southerly and northerly positions of the ditch/BVW is approximately 105' long, resulting in most of the crossing

areas being in the 50' buffer. Under current conditions, this crossing area is a utility corridor for underground electric, communications and water service that serves lot 2 as well as the existing building at 1 Monarch Drive. A gravel cart path also crosses the culvert in this location, providing not only access to the overhead utilities but also connecting the main development area of lot 2 to the areas designated as Septic Area 1 and 2. This cart path is skewed closer to the northerly end of the culvert so that work adjacent to the cart path will be closer to the BVW than 50'.

The septic system for the new building will be in Septic Area 2 and a repair to the septic system at 1 Monarch Drive will be in Septic Area 1. Both areas will be serviced by force mains. The force mains will be located on the southerly side of the existing water main to meet the 10' minimum separation required between water and sewer pipes. As noted, disturbances from the installation of the force mains will be temporary only with minimal impact to the BVW, keeping them as close to the existing disturbed areas as possible. The force mains will be located 39' from the northerly BVW and 74' from the southerly BVW. Disturbances within the 50' buffer by the crossing is approximately 2,842 s.f., which are temporary disturbances.

The current electric service to 1 Monarch Drive is a combination of overhead lines and buried lines in conduits. The transition from overhead to buried is approximately 250' beyond the crossing. LELD has indicated that the current overhead lines are unreliable and a maintenance issue. The existing buried lines are nearing the end of life, the conduit is undersized, and the reserve conduit is unusable. As a result, new underground conduit will be required for both electric and communications from the last existing pole on Monarch to the existing 1 Monarch Dr. To maintain service to the building, the new conduit will be constructed and in operation before the existing lines can be abandoned and poles removed.

The burial of the conduits and the removal of the poles and overhead lines will require a second area with work within the 50' buffer zone. Work will be limited to the trenching for the conduit with access from the existing cart path. The BVW encroaches on the cart path requiring work within 1' of the BVW. This area is also within 100' of the certified vernal pool located along the northerly property line. Work for the utility crossing will temporarily alter 3933 s.f. of which 1830 s.f. overlap with the 100' offset to the vernal pool.

All work specific to this cross-country utility installation will be temporary and will encompass the following:

Total work area: 9760 s.f.
Work outside the 100' buffer = 4,288 s.f.
Work between 50-100' from BVW=1,599 s.f.
Work within 50' to BVW= 3933 s.f.

This waiver is in the public interest as it will provide a new septic system for 1 Monarch Drive meeting the current requirements of Title 5 with greater environmental protection provided by pre-treatment as well as provide the necessary upgrades for reliable electric service to the building. Work within the 50' buffer zone is temporary only during construction. The trenches will be stabilized and future access for any inspections will be via the existing cart path. No long-term impact on the BVW is anticipated for this utility work.

The alternative route for the utility upgrades was discussed with LELD to have the work within the right of way for Monarch Drive. This route would have been longer (approximately 1800' versus 600' of poles) and the LELD had concerns regarding the scope of the project as the entire area was adjacent to the Priority Habitat area and would include multiple areas within the 100 and 50' buffers to the BVW resulting in greater environmental impacts. Running overhead services would have required new poles with extensive canopy removal, potentially beyond the right-of-way to Monarch Drive. The usual method of buried conduit along the shoulder, has a greater potential for wetland impacts due to the steep slopes leading to the BVW.



August 30, 2022

Mr. James P. Beaton
Director of Private Equity | Vice President of Operations
V.M.D. Companies, LLC.
733 Turnpike St. Route 114
North Andover, MA 01845

**Re: Wetlands Delineation
Lots 2 A & 2B (partial Lot 1), Monarch Drive, Littleton, MA**

Dear Mr. Beaton:

In response to your request, Oxbow Associates, Inc. (OA, specifically K. Cormier, T. Tadevosyan, D. Kemmett and B. Butler) reviewed the above referenced site with specific regard to status of wetland resource areas on or adjacent to the lots, between November 30 and December 10, 2021 for the purpose of field delineating the relevant wetland resource areas on and adjacent to the project site. Additional delineation, in association with the proposed habitat enhancement area was conducted in July, 2022.

The wetland evaluation was conducted in accordance with standard methods for delineating vegetated wetlands under the Massachusetts Wetlands Protection Act (WPA, M.G.L., Ch. 131, §40) and the Town of Littleton Wetlands Protection Bylaw (Rev. March 25, 2019).

The Site is situated west of Taylor Street, and west-northwest of Interstate 495. Monarch Drive is a *cul-de-sac* that serves an existing commercial building complex and amenities at the adjacent lot (1 Monarch Dr.) to the west of the Site.

Historically, the site was part of extensive gravel extraction operations initiated in the 1960's, or prior. By 1970, the Site and three other interconnected gravel extraction areas were in full operation, including the extraction areas west of Beaver Brook and on the northern part of the "Boxboro Esker", south of Rte. 2 and east of the Beaver Brook marshes. The improvements to 1 Monarch Drive were initiated in the 1980's after cessation of the gravel works; the two-module commercial building has been more or less as-is since 1995 or prior.

In 2008 and 2009 permitting for a Hilton hotel complex was completed to with the intent to build-out of the Site, including the 1 Monarch Drive property. This project was never initiated, likely due to the effects of the economic recession of that period; the majority of permits for the hotel project have lapsed. We found by comparison that the limits of wetlands within the site were essentially similar to the prior, approved delineation. The prevalence of coarse soils and absence of local beaver obstructions helps to explain the apparent static conditions of the local wetland resource areas.

The two-lot Site being contemplated for commercial improvements is relatively flat owing to its gravel removal history and is represented by a mix of upland early successional, scrub and

grassland habitat being displaced by autumn olive and other woody species in the areas adjacent to 1 Monarch Drive. More advanced successional habitat occurs in the north and northeast parts of the Site while mature second growth coniferous/deciduous woodlands occur between Monarch Drive and the old field habitat adjacent to 1 Monarch Drive.

A chain of interconnected wetlands runs through the Site. A large, excavated stormwater pond lies northwest of the Site and is drained by an excavated ditch that leads to a culvert on Monarch Drive and the Beaver Brook marshes. A certified vernal pool (CVP #4040) straddles the property line with 151 Taylor Street, and a second, broad swale-like drainage passes through the forest in the eastern extreme of the Site, predominantly within a deeded Conservation Restriction.

According to the Web Soil Survey (accessed 13 December 2021), the soils at the Site are represented by sandy udorthents, Hinkley sandy loam on 15-25 percent slopes, Scarborough mucky fine sandy loam, on 0-3 percent slopes, and Freetown muck, ponded at 0-1 percent slopes.

On the property there are multiple regulated resource areas, including: Inland Bank (310 CMR 10.54), Bordering Vegetated Wetland (BVW; 310 CMR 10.55) and Land Under Waterbodies and Waterways (310 CMR 10.56). Using vegetation, evidence of hydric soils, and topography, OA delineated the edge of the wetland resource areas with blue winter-weight flagging tape for Series A through G and wetland flag Series X, Y, U, W and Z.

Vegetation within the upland portion of the abandoned gravel pit includes autumn olive (*Eleagnus umbellata*), red oak (*Quercus rubra*), bigtooth aspen (*Populus grandidentata*), gray birch (*Betula populifolia*), eastern white pine (*Pinus strobus*), occasional eastern red cedar (*Juniperus virginiana*), staghorn sumac (*Rhus typhina*), honeysuckle (*Lonicera* sp.), sweet fern (*Comptonia perigrina*), low bush blueberry (*Vaccinium angustifolium*), glossy buckthorn (*Frangula alnus*), occasional silky dogwood (*Swida ammomum*), Oriental bittersweet (*Celastrus orbiculatus*) and multiflora rose (*Rosa multiflora*). The upland mixed forest is dominated by white pine and red oak, with occasional red maple and bigtooth aspen. The understory is sparse and contains low-bush blueberry and multiflora rose with occasional ferns. Wetland vegetation is represented by red maple, American elm (*Ulmus americana*), green ash (*Fraxinus pensylvanica*), highbush blueberry (*Vaccinium corymbosum*) royal fern (*Osmundastrum regalis*), cinnamon fern (*Osmunda cinnamomea*), sensitive fern (*Onoclea sensibilis*) and species of rush (*Juncus* spp.).

We delineated wetland features using vegetation, topography, and soil characteristics during November, 2021 and July, 2022. We sampled soils using an auger and reviewed soil profiles utilizing Munsell soil color charts. We sampled standardized vegetation and soil characteristics and evaluated those using US Army Corps of Engineers Wetland delineation data-sheets at one upland and one wetland location near wetland flag OA D11 (Tables 1 and 2).

Wetland Flag Series are described below:

Series A

Wetland Series A (Flags A1-A45) runs for approximately 1,668 feet along the interior bank of the excavated ditch situated along the eastern edge of the sand pit. A Series begins at the north from the bank of the excavated storm-water pond, then runs east and south ending at a culvert

on Monarch Drive. Vegetation associated within the BVW includes: Red maple, gray birch, glossy buckthorn, dogwood (*Swida* spp.), multiflora rose and cinnamon fern.

Series B & F

Wetland Series B (Flags B1-B29) runs parallel to the A series, for approximately 995 feet along the opposite, exterior bank of the excavated ditch situated along the eastern edge of the sand pit. Vegetation associated within the BVW is similar to the A Series and includes: red maple, gray birch, glossy buckthorn, dogwood, multiflora rose, cinnamon fern. The F Series boundary is a continuation of the B Series, directed to the north.

Series C & E

Wetland Series C (Flags C1-C16) begins approximately 220 feet east of the south-eastern boundary of the anticipated limit of work (LOW) and runs for approximately 465 feet north-east along the interior northern boundary of a broad swale-like drainage that passes through the forest in the eastern extreme of the Site, predominantly within a deeded Conservation Restriction area. Vegetation associated with the BVW includes: Red maple, American Elm, gray birch, high bush blueberry, glossy buckthorn, silky dogwood, multiflora rose and cinnamon fern.

Series D & Z

Flags D1 – D19 delimit an area of forested wetland in the easter part of the Site and joins Z1 – Z12. Certified Vernal Pool #4040 lies internal to the D series.

Series G

Flags G1 -G16 delimit the extent of the Beaver Brook marsh system associated with the existing culvert on Monarch Drive.

Table 1. Upland and Wetland at Wetland Flag D11.

Upland Plot (6 feet upgradient of Flag D11)			Wetland Plot (6 feet down gradient of the Flag D11)		
Soil type: LFS			Soil Type: LFS		
Horizon	Depth	Chroma	Horizon	Depth	Chroma
O	0-1	Duff	O	0-1	Duff
A	1-6	10YR 2/1	A	1-12	10YR 2/1
B	6-18	10YR 4/6	B	12-16	10YR 3/2
			C	16-22	10YR 3/4
			C ₁	22-24	10YR 5/6

Table 2. Upland and Wetland plot comparisons (Bold = Dominant Species)

Upland Plot – D11 Vegetation Strata	Wetland Plot
Ground Cover %	
Pennsylvania sedge 75	Cinnamon fern 20 Spin. Wood fern 5 Golden Rod Trace
Shrub %	
Glossy buckthorn Trace	
Saplings %	
Red Oak 10 White Pine 10	Red Maple 50
Trees – Basal Area	
White Pine 11, 12, 10 (105/272 = 39%)	Red Maple 11, 16, 8 (110 – 78%)
Red Oak 8,16,18 (132/272 = 48%)	White Pine 5, 5 (32 – 22%)
Black Birch 11 (35/272 = 4%)	
Vines %	
Grape Trace	

Summary

It is OA's opinion that the areas delineated in the field and indicated on the submittal plan materials are subject to jurisdiction under the Wetlands Protection Act and the Town of Littleton Wetlands Protection Bylaw as a Bordering Vegetated Wetland or inland Bank.. The wetland delineation is OA's interpretation of the wetland boundary and must be reviewed and approved by the Littleton Conservation Commission before it is a legal boundary. Any activity proposed within BVW or inland Bank, is subject to review by the LCC, and may require filing a 401 Water Quality Certificate with the DEP. In addition, the Bylaw regulates a 50-foot No Disturbance Area (NDA) from jurisdictional wetland resource area boundaries. The NDA generally excludes any work from occurring within the 50-foot buffer to any resource area, including structures.

If you have any questions, please do not hesitate to contact us.

Sincerely,
Oxbow Associates, Inc.

Er. O. Benth

Brian Butler, M.S.
President



**Notice of Intent MESA Supplement
NHESP File No. 07-22228
August 30, 2022**

The Monarch Drive, Littleton project site received full approval under MESA in the form of Conservation & Management Permit (CMP) 009-136.DFW for a precedent hotel project that was not pursued. Pursuant to the CMP were several components that allowed the Director to issue the CMP in compliance with the Regulations at 321 CMR 10.23 *et seq.* The suite of “net benefit” and minimization measures that were components of the prior CMP have been integrated and improved upon in the forthcoming CMP application to be provided to the Natural Heritage Program, requesting a new CMP to be issued specific to the contemporary commercial site project.

The means by which the required minimization and net benefit will be provided for in the anticipated forthcoming CMP include:

1. The previously recorded Conservation Restrictions now held by the Littleton Conservation Commission.
2. The installation of an oversized, daylighted box culvert on Monarch Drive. The current design displaces the culvert slightly south, avoiding any wetlands alteration and simultaneously providing a dedicated, uncluttered passage for animals.
3. An escrow or other funding, inflated to match current cost of living vs. the initial funded amount specified in CMP 009-136.DFW.
4. Provision of approximately 4.2 acres of restored and perpetually maintained nesting habitat within an area former gravel pit where suitable soils bely the extant vegetation overgrowth. There is currently less than 2 functional acres of habitat extant on the premises.
5. We have initiated telemetric monitoring of four animals observed in the vicinity of the Site. This will provide guidance with regard to approach vectors and routes used by animals seeking the to-be-created nesting habitat north of the project site.

Wetlands Protection Act Regulations – 310 CMR 10.59

Whereas the project avoids all alteration of wetland resource areas, we believe that the Division’s review of the Notice of Intent can proceed independent of the MESA review process. Whereas no wetland alteration is proposed the activities are compliant with the standards at 310 CMR 10.59, prohibiting the alteration of actual wetland habitat for State-listed wetlands wildlife.

MESA

In the course of coordination with NHESP staff during 2022 we were advised that a new Checklist was not required in that the Applicant is not contesting whether or not a regulatory “take” will transpire as a result of the proposed project. Rather, we have relied upon the

prior findings and response, for a spatially similar project reviewed under NHESP File No. 07-22228.

NHESP has reviewed and commented upon the EENF submitted for the project. A SEIR is in preparation as well.

Representative site photos are provided below, predominantly in leaf-off condition for clarity.

Sincerely,
Oxbow Associates, Inc.

A handwritten signature in dark ink, appearing to read "Brian Butler".

Brian Butler, M.S.
President

Enclosure: Representative Site Photos



Photo 1 (top): Russian olive and little bluestem grasses in vicinity of the proposed building.
Photo 2 (bottom): Excavated pond located on Lot 1. This pond drains by way of an anthropogenic ditch to Monarch Drive.



Photo 3 (top): Second growth woods in former gravel extraction area, with large glacial erratic, east of building site.
 Photo 4 (bottom): Area to be restored to suitable nesting habitat seral stage of 4.2+/- acres.



Photo 5 (top): Marsh habitat to the north of the Site.
 Photo 2 (bottom): Certified Vernal Pool 4040 straddling the NE property boundary.