

# **Notice of Intent Report**

**For**

**30 Mill Lane  
Littleton, MA**

**Prepared For**

M & B Investments LLC  
31 Diamond Street  
North Chelmsford, MA 01863

**Prepared By**

Norse Environmental Services, Inc.  
92 Middlesex Road, Unit 4  
Tyngsboro, MA 01879

August 2023  
Revised August 30, 2023

## Narrative

The applicant is proposing to raze a single-family dwelling, abandon the existing septic system, construct a new single family dwelling with garage, deck, bulkhead, walkway, driveway, subsurface sewage disposal system, rooftop infiltration, driveway trench, grading and associated utilities within the 100 ft. Buffer Zone of a Bordering Vegetated Wetland. Erosion controls will be set and maintained for the duration of the project.

## Site Description

The site consists of 15,685 +/- s.f. of land located westerly on Mill Lane in Littleton, MA. A dilapidated single-family dwelling, decks, walkway, driveway, septic system and fencing are located on the property. The parcel is overgrown with lawn, shrubs and trees.

A bordering vegetated wetland located on the adjacent property is flagged in the field and labeled on the plan as WF-1BVW – WF-3BVW and WF 1A -WF 2A. The wetland is a red maple swamp consisting of norway maple (*Acer platanoides*), red maple (*Acer rubrum*), glossy buckthorn (*Rhamnus frangula*) and cinnamon fern (*Osmunda cinnamomea*).

## Soils

The Middlesex County Soil Survey maps this site as Charlton-Hollis-Rock outcrop complex. Charlton-Hollis-Rock outcrop complex consists of well drained Charlton soils, somewhat excessively drained Hollis soils and rock outcrops, that occur in such intricate patterns on the landscape, that it is not practical to separate them at the scale of mapping. Generally, these areas consist of about 50 percent Charlton soils, 15 percent Hollis soils, 10 percent rock outcrop and 25 percent other soils. Major limitations are related to rockiness and slope, and depth to bedrock in the Hollis soil.

## 310 CMR 10.03: General Provisions: Buffer Zone

### (1) Burden of Proof

(a) Any person who files a Notice of Intent to perform any work within an Area Subject to Protection under M.G.L. c. 131, § 40 or within the Buffer Zone has the burden of demonstrating to the issuing authority:

1. that the area is not significant to the protection of any of the interests identified in

M.G.L. c. 131, § 40; or

2. that the proposed work within a resource area will contribute to the protection of the interests identified in M.G.L. c. 131, § 40 by complying with the general performance standards established by 310 CMR 10.00 for that area.

*The proposed work within the 100 ft. Buffer Zone will contribute to the protection of the interests identified in M.G.L. c. 131, § 40 by complying with the general performance standards established by 310 CMR 10.00 for the area. No work is proposed within the wetland.*

3. that proposed work within the buffer zone will contribute to the protection of the interests identified in M.G.L. c. 131, § 40, except that proposed work which lies both within the riverfront area and within all or a portion of the buffer zone to another resource area shall comply with the performance standards for riverfront areas at 310 CMR 10.58. For minor activities as specified in 310 CMR 10.02(2)b.1. within the riverfront area or the buffer zone to another resource area, the Department has determined that additional conditions are not necessary to contribute to the protection of the interests identified in M.G.L. c. 131, § 40.

*The project complies with 310 CMR 10.00 The Massachusetts Wetland Protection Act.*

**TOWN OF LITTLETON WETLAND PROTECTION REGULATIONS**  
**SECTION 4**  
**PERFORMANCE STANDARDS AND RESTRICTIONS**

**4.1 SEQUENCE OF CONSTRUCIONS**

The Applicant shall provide a detailed sequence of construction to the Commission in the Application as part of the standard filing requirements. Said sequence shall be followed by the Applicant, unless amended and approved by the Commission.

*Please see Plan for the Construction Sequence.*

**4.2 WETLAND SETBACKS FOR NEW ACTIVITIES AND STRUCTURES**

(1) In order to fulfill the purpose of the Bylaw, new activities and structures in Areas Subject to Protection or Buffer Zones shall be avoided to the extent practicable. Any such activities that are permitted shall be restricted as set forth within this Section. Minor activities in the Buffer Zone that require no filing under the MassDEP Regulations (as set forth in 310 CMR 10.02(2)(b)(1) and (2) of the MassDEP Regulations) shall require no filing under these Regulations, pursuant to Section 171-6 of the Bylaw.

(2) In the judgment of the Commission, any new activity (other than travel by foot or non-motorized vehicle or removal of invasive vegetation using proper methods) or structure within 50 feet of a Bank or BVW is likely to alter the Bank or BVW. No new

activity or structure (other than the aforesaid travel or removal of invasive vegetation) shall be allowed within the No-Disturbance Area(s) set forth below except under a Waiver as provided in Section 1.4 of these Regulations (or as otherwise provided in these Regulations). This is the minimum distance for the No-Disturbance Area; the distance may be extended further by the Commission if deemed necessary for the protection of the Interests of the Bylaw, up to the outer extent of the Buffer Zone as established in the Bylaw.

- a) No-Disturbance Area: This is any area within the BVW or Bank and the first 50 feet of the Buffer Zone from BVW or Bank. No activities or work is permitted other than passive (foot or non-motorized vehicle) passage and removal of invasive vegetation if done in compliance with these Regulations. Except as noted, no vegetation may be disturbed, and the area should remain unchanged from its pre-project state.
- b) Marking the No-Disturbance Area: The commission may require the limits of No Disturbance be marked prior to construction.

*The existing septic system is located within lawn area and the 50 ft. No-Disturbance. The applicant is requesting a waiver to abandon the existing septic system located within the 50 ft. No-Disturbance Area, grade and maintain as lawn. The new system is proposed further away from the resource area and outside the 50 ft. No-Disturb setback.*

#### **4.3 PERFORMANCE STANDARDS FOR WORK IN THE BUFFER ZONE**

The Commission shall begin with the presumption that lands within the Buffer Zone are best left in an undisturbed and natural state to protect the adjacent Area Subject to Protection. Any activity allowed within the Buffer Zone shall be conditioned as necessary to meet the following performance standards:

- (1) The activity shall not significantly impair the values and functions of the adjacent Areas Subject to Protection. The quantity and quality of resource values and functions, as well as pre-project conditions, such as ground slope, soil conditions, vegetation, and prior disturbance of the site should be considered explicitly in making this determination. Any offsetting mitigation provided shall also be considered, including the inclusion of pedestrian and bicycle access rights-of-way in the project (which can reduce the pollutant runoff and climate change contribution associated with the project.)

*The activity shall not impair the values and functions of the resource area located on the adjacent property. The project proposes rooftop infiltration, driveway infiltration and erosion controls into the design.*

- (2) The amount of net additional impervious coverage created in the Buffer Zone shall be minimized to the extent feasible (including by use of pervious alternatives).

*The existing impervious in the Buffer Zone is 1,340 s.f. The project proposes 2,060 s.f. in the Buffer Zone or 720 s.f. new impervious. The applicant is proposing rooftop and driveway infiltration to mitigate for the additional impervious area.*

(3) Land owners shall minimize application of fertilizers containing nitrogen and phosphorus, other than for agricultural uses.

*The land owner shall minimize application of fertilizers containing nitrogen and phosphorus to maintain the lawn area.*

#### **4.5 WETLAND SETBACKS FOR EXISTING STRUCTURES AND ACTIVITIES**

Work associated with pre-existing structures or activities (in place prior to August 8, 2016) not presently in compliance with Section 4.2 may not increase the degree of "non-conformance" of those structures or activities.

*The existing septic system is located within the 50 ft. No Disturbance in an area of lawn. The applicant is requesting a waiver to abandon the existing septic system, grade and maintain this area as lawn.*

#### **4.7 EROSION PREVENTION**

Installation of a siltation barrier between the proposed Limit of Work and the remaining Buffer Zone is required to prevent sediment-laden runoff from entering Areas Subject to Protection. Such sediments shall be removed and siltation barriers monitored and replaced when deemed necessary by the Commission or its agent. In addition, soil stabilization of disturbed areas is required to minimize migration of soil to and beyond said siltation barriers.

*Straw wattle erosion controls are proposed at the limit of work to protect the resource area. Any sediment shall be removed, monitored and replaced when necessary for the duration of the project.*

#### **4.8 EROSION PREVENTION INSTALLATION**

Proposed location of the siltation barriers (e.g., silt fencing, wattles, and/or strawbales) and soil stabilization method(s) shall be shown on the Plan submitted in the application. Erosion prevention devices shall be installed prior to the commencement of Activities on the site. The Commission requires erosion prevention installation standards as defined in: Erosion and Sedimentation Control Standards, Middlesex Conservation District.

*See plan for straw wattles location and detail. Erosion controls shall be installed prior to commencement of the project.*

#### **4.10 CONSTRUCTION DEBRIS**

There shall be no disposal or burial of construction debris (i.e. scrap lumber, metals, concrete, asphalt, piping, logs, stumps, etc.) within the Buffer Zone unless approved by the Commission under the filing. Illegal disposal of said debris shall result in a stop work

order, fine, required removal of said debris, or all of the above. The Commission may allow the creation of a spoils area, which would be required to be designated on the project Plans, if it will not harm Areas Subject to Protection.

*No disposal or burial of construction debris shall take place within the Buffer Zone. The applicant is proposing a stockpile area outside the 100 ft. Buffer Zone.*

## **SECTION 6 STORMWATER MANAGEMENT**

### **6.1 EXPANSION OF APPLICABILITY OF THE MASSACHUSETTS STORMWATER STANDARDS**

Regulation of stormwater runoff is important to the protection of Areas Subject to Protection. Therefore, the following categories of activities, if they require an Order of Conditions under the Bylaw, must demonstrate compliance with the Massachusetts Stormwater Standards for all stormwater originating from the portions of the project subject to the Commission's jurisdiction or discharging from the project to Areas Subject to Protection or the Buffer Zone:

- (4) All activities that result in a net increase of impervious areas within the Buffer Zone and Areas Subject to Protection of more than 1,000 sf or 5%, whichever is less. In the case of the construction or expansion of a single-family house that results in the aforesaid increase in impervious area, the Massachusetts Stormwater Standards shall be applied to the maximum extent practicable.

*The existing impervious area within the Buffer Zone is 1,340 sf. and the project proposes 2,060 s.f. impervious within the Buffer Zone or net increase of 720 s.f. The project shall apply the Massachusetts Stormwater Standards to the maximum extent practicable. The engineer has redesigned the plan to incorporate (2) cultec chambers to collect and infiltrate the roof runoff. In addition, the infiltration trench has been redesigned and is 6 inches deeper to infiltrate the stormwater.*

*Please see the revised Notice of Intent Plan, revision date 8-29-23, and stormwater calculations prepared by Land Engineering & Environmental Services, Inc.*