

## AFFIDAVIT OF SERVICE

*Under Massachusetts Wetlands Protection Act and the Littleton Wetlands Protection ByLaw (Chapter 171), this form must be completed and submitted with the Notice of Intent, Abbreviated Notice of Resource Area Delineation or Request for Determination of Applicability.*

I, Sustainable Property Group LLC / Michael Symula (name of applicant or representative) certify under the pains and penalties of perjury that on 09/18/2023 (date) I gave notification to abutters in compliance with the second paragraph of the Massachusetts General Laws Chapter 131, Section 40, DEP requirements for Abutter Notification and with the Littleton Wetlands ByLaw 171-2.D in connection with the following matter:

A (choose one of below)

☐ Abbreviated Notice of Resource Area Delineation

☐ Request for Determination of Applicability

☒ Notice of Intent / Abbreviated Notice of Intent

☐ Request for Amended Order of Conditions (MADEP File # 204-\_\_\_\_\_)

has been filed under the Massachusetts Wetlands Protection Act and Littleton Wetlands Protection ByLaw by Michael Symula (name of applicant) with the Littleton Conservation Commission on 09/19/2023 (date) for the property located at 18 Porter Road, Littleton, MA (address of land where work is proposed).

The list of abutters with their addresses and a copy of the Notification Abutter form as sent to the abutters is attached to this Affidavit of Service.

Michael Symula

Name

09/19/2023

Date



**TOWN OF LITTLETON  
BOARD OF ASSESSORS**

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

Date: July 18, 2023

Re: Certified List of Abutters Conservation Commission

Applicant: Michael Symula  
Name of Firm: Sustainable Property Group  
Mailing Address 44 Hiley Brook Rd, Stow, MA 01775

**Subject Parcel Location:** 18 Porter Road  
**Subject Parcel No.:** R12-9-A  
**Subject Owner Name:** Mathew Wilbert

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) 13 including the subject parcels + 1 Applicant Requesting Abutter's List.

**Certified by:**

Hanna Axon, Office Assistant

16 PORTER RD	R12 10 0
LUC: 101	
VOKES GREGORY N	
VOKES CYNTHIA S	
16 PORTER RD	
LITTLETON, MA 01460	
12 PORTER RD	R12 12 0
LUC: 101	
KIM BU SUK	
KIM SOON HYUN	
12 PORTER RD	
LITTLETON, MA 01460	
6 PORTER RD	R12 25 2
LUC: 101	
CHEMUTURI NAGENDRA	
CHEMUTURI SARADA	
6 PORTER RD	
LITTLETON, MA 01460	
4 PORTER RD	R12 25 3
LUC: 101	
JACKSON DAVID A	
JACKSON SYBIL C	
4 PORTER RD	
LITTLETON, MA 01460	
OFF PORTER RD	R12 25 4
LUC: 974	
LITTLETON TOWN OF	
WATER DEPARTMENT	
PO BOX 1305	
LITTLETON, MA 01460	
30 PORTER RD	R12 6 0
LUC: 400	
30 PORTER LLC	
346 UNIVERSITY AVE	
WESTWOOD, MA 02090	
24 PORTER RD	R12 6 A
LUC: 400	
SAJAWI CORPORATION	
24 PORTER RD	
LITTLETON, MA 01460	
19 PORTER RD	R12 8 B
LUC: 101	
TURNER FAMILY TRUST	
TRUSTEE TURNER J CONSTANCE	
19 PORTER RD	
LITTLETON, MA 01460	
23 PORTER RD	R12 8 C
LUC: 101	
VESTY JAMES	
VESTY URSULA DE AZEVEDO	
23 PORTER ROAD	
LITTLETON, MA 01460	
20 PORTER RD	R12 9 0
LUC: 101	
CAMPBELL KEITH EDWARD	
20 PORTER ROAD	
LITTLETON, MA 01460	

18 PORTER RD	R12 9 A
LUC: 101	
WILBERT MATTHEW M	
WILBERT DEBORAH J	
18 PORTER RD	
LITTLETON, MA 01460	
22 PORTER RD	R12 9 B
LUC: 101	
KORHONEN JONATHAN P	
KORHONEN ELIZABETH S	
22 PORTER RD	
LITTLETON, MA 01460	
101 TAYLOR ST	U40 7 1
LUC: 101	
WRIGHT BRIAN K	
101 TAYLOR ST	
LITTLETON, MA 01460	

F. Copies of the filing may be obtained electronically from (check one) the X applicant or \_\_\_ the applicant's representative by calling 978 - 855 - 1248 during the following times:  
9 to 5

- G. The public hearing/meeting will be held on Oct. 8. Information regarding the date and time of the public hearing/meeting may be obtained from the Littleton Conservation Commission (see contact info at the end of this notice).
- H. Notice of the public hearing/meeting, including date and time will be published at least five business days in advance in a paper of local circulation. The agenda, noting times will be posted at Town Hall and at <https://ma-littleton.civicplus.com/AgendaCenter/Search/?term=&CIDs=13,&startDate=&endDate=&dateRange=&dateSelector=> at least 48 hours in advance of the meeting. It is currently anticipated that this meeting will be held entirely remotely, pursuant to “An Act Relative to Extending Certain State of Emergency Accommodations” (July 16, 2022) and the extension of that Act through March 21, 2025. If the meeting is held remotely, instructions for remote viewing of, and participation in, the meeting will be included in the agenda and may also be obtained from the Littleton Conservation Commission.

You may contact the Littleton Conservation Commission staff ([Conservation@littletonma.org](mailto:Conservation@littletonma.org); 978-540-2428), or the Massachusetts Department of Environmental Protection/ Central Region (508-792-7650) at 8 New Bond Street, Worcester, MA 01606) for information about this application

9-14-2023



## Littleton Conservation Commission

37 Shattuck Street / Room 303

Phone: 978 540-2428

Fax: 978 952-2321

### Littleton Wetland Protection Regulations

#### Waiver Request Requirement Information (Section 1.4)

Date: 09/18/2023 Applicant/Owner: Sustainable Property Group LLC

Map/Lot: R12 9 A Project Address: 18 Porter Road, Littleton, MA

In order request a waiver, the following provides a guidance for required information (attach additional text, plans, photos or graphics if needed):

Project purpose and need: See attached Project Narrative and Maps

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What specific action(s) is the Waiver being asked for? See attached Project Narrative and Maps

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How is the action(s) in the public interest, necessary to avoid a taking, necessary to prevent a safety hazard or water dependent? See attached Project Narrative and Maps

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How is the action(s) consistent with the intent and purpose of the Bylaw? \_\_\_\_\_

See attached Project Narrative and Maps

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**Are there critical, unique or sensitive resource areas in the area (ie, NHESP mapped habitat,**

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# Notice of Intent / Project Narrative

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18 Porter Road, Littleton, MA 01460

Sustainable Property Group  
44 Hiley Brook Road  
Stow, MA 01775



## Project Narrative

### 1) Project Overview

The subject site is located at 18 Porter Road in Littleton (Parcel ID: R12-9-A), which is a 3-acre single-family lot with an existing house constructed in or around 1975. The applicant is seeking an Order of Conditions to retroactively permit the replacement of an existing deck as well as to permit the planting of native wetland shrubs to enhance the buffer zone to an adjacent wetland on site.

The original deck was cantilevered off the eastern-facing side of the house. This deck was replaced by one that extends 10' further than the original. The new deck is supported by four posts with bigfoot footings. The area where the footings were installed was previously dirt and gravel, so no native vegetation was removed as part of this work and minimal ground disturbance was required to complete it.

Following the deck's replacement, the applicant was advised by Town officials that the work required permitting under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40) and Town of Littleton Wetlands Protection Bylaw (Chapter 171).

The deck was measured on MassMapper to be approximately 48 feet from the corner of the house, or 38 feet from the deck footings. The deck was physically measured to be 28' from the apparent edge of the wetland and the deck footings (approximately 4 square feet total at ground level) are the only alterations to the wetland buffer zone. During our measurements, this edge was determined by the standing water in the area.

To provide mitigation for the new structure, the applicant is seeking to plant native wetland shrub species to enhance the functionality of the wetland buffer zone. The plantings shall be placed as close to the wetland boundary as possible or located in coordination with the Commission or its Agent. The following species are proposed (subject to substitution for a similar/equivalent species dependent upon availability):

Scientific Name	Common Name	Classification	Size	Quantity
Clethra alnifolia	Sweet Pepperbush	FAC	2-3 gallon pot	1
Vaccinium corymbosum	Highbush Blueberry	FACW	2-3 gallon pot	1
Viburnum dentatum	Northern Arrowwood	FACW	2-3 gallon pot	1
Alnus incana	Speckled Alder	FACW	2-3 gallon pot	1
Cornus amomum	Silky Dogwood	FACW	2-3 gallon pot	1

As part of this Notice of Intent, the applicant is also seeking a waiver from Section 4.2(2) of the Littleton Wetlands Protection Regulations, as the deck footings were installed within the locally regulated 50' no-disturb buffer zone.

It is our opinion that the deck, as installed, will not have an adverse impact on the adjacent wetland resource areas, and that the proposed native shrub plantings will provide an enhancement to the interests protected under the Act and Bylaw. Furthermore, we would argue that the removal of the deck at this point would cause additional disturbance within the protected buffer zone.

Throughout this application, we will describe the protected resource areas on site and detail the project's compliance with applicable regulatory performance standards.

## **2) Resource Areas Present on Site**

### **Bordering Vegetated Wetland**

310 CMR 10.55(2) defines Bordering Vegetated Wetlands as “freshwater wetlands which border on creeks, rivers, streams, ponds and lakes. The types of freshwater wetlands are wet meadows, marshes, swamps and bogs. Bordering Vegetated Wetlands are areas where the soils are saturated and/or inundated such that they support a predominance of wetland indicator plants.”

A Bordering Vegetated Wetland associated with Beaver Brook is present on much of the eastern half of the property as well as to the south of the property line. The MassGIS wetlands layer identifies this area as a deep marsh to the east and as a wooded swamp to the south. The wetland boundary was obtained from the MassGIS layer and confirmed through visual observation in the field.

The proposed work is not within the BVW but is within the 100' buffer zone associated with it.

### **Bordering Land Subject to Flooding**

310 CMR 10.57(2) defines the boundary of Bordering Land Subject to Flooding (BLSF) to be “the estimated maximum lateral extent of flood water which will theoretically result from the statistical 100-year frequency storm”.

FEMA FIRM panel 25017C0219F (eff. 7/7/2014) shows that the 100-year floodplain (AE) associated with Beaver Brook covers most of the subject site, with a small area that includes the western portion of the house mapped above the base flood elevation (225' – NAVD88).

The proposed work is within Bordering Land Subject to Flooding.

### **Inland Bank**

310 CMR 10.54(2) defines inland bank as “the portion of the land surface which normally abuts and confines a water body. It occurs between a water body and a vegetated bordering wetland and adjacent flood plain, or, in the absence of these, it occurs between a water body and an upland.”

The Bank of Beaver Brook is present on the property, its location was determined based on review of aerial imagery, which shows a clear transition from open water to a vegetated wetland. The proposed work is approximately 135' from Bank and is therefore not within this resource area or its associated 100' buffer zone.

### **Riverfront Area**

310 CMR 10.58(2) defines Riverfront Area as the area of land between a river's mean annual high water line and a 200' parallel line measured horizontally. Beaver Brook is mapped by USGS as a perennial stream, and therefore has an associated Riverfront Area.

Much of the Riverfront Area on site overlaps with the Bordering Vegetated wetland, however a portion of it also overlaps with the land. The proposed work is located within the outer 100' of the Riverfront Area.

### **3) Compliance with Applicable Regulatory Performance Standards**

#### **Riverfront Area**

310 CMR 10.58(5) outlines the performance standards associated with the redevelopment of a previously developed Riverfront Area. A previously developed riverfront area is defined to contain "areas degraded prior to August 7, 1996, by impervious surfaces from existing structures or pavement, absence of topsoil, junkyards, or abandoned dumping grounds." As the house on this property was constructed prior to 1996, the proposed work requires compliance with the performance standards for redevelopment outlined below but does not require an alternatives analysis as outlined in 310 CMR 10.58(4).

Per 310 CMR 10.58(5), work to redevelop previously developed riverfront areas shall conform to the following criteria:

*(a) At a minimum, proposed work shall result in an improvement over existing conditions of the capacity of the riverfront area to protect the interests identified in M.G.L. c. 131 § 40.*

The proposed work includes the installation of four deck footings, conservatively estimated to have 4 square feet of permanent impact, and native shrub plantings designed to provide at least 20 square feet of vegetative cover at plant maturity. The impact of the deck footings is expected to be minimal, and the native shrub plantings are expected to provide an improvement over existing conditions within the Riverfront Area, and promote the interests identified in the Act.

*(b) Stormwater management is provided according to standards established by the Department.*

Per 310 CMR 10.05(6)(k)(l) the Stormwater Standards are not applicable, as the proposed work is on a single-family house.

*(c) Within 200 foot riverfront areas, proposed work shall not be located closer to the river than existing conditions or 100 feet, whichever is less, or not closer than existing conditions within 25 foot riverfront areas, except in accordance with 310 CMR 10.58(5)(f) or (g).*

The proposed work is closer than existing conditions but is not closer than 100 feet.

*(d) Proposed work, including expansion of existing structures, shall be located outside the riverfront area or toward the riverfront area boundary and away from the river, except in accordance with 310 CMR 10.58(5)(f) or (g).*

The proposed work involves expansion of an existing structure toward the river, but mitigation is proposed pursuant to 10.58(5)(g).

*(e) The area of proposed work shall not exceed the amount of degraded area, provided that the proposed work may alter up to 10% if the degraded area is less than 10% of the riverfront area, except in accordance with 310 CMR 10.58(5)(f) or (g).*

The proposed work will alter less than 0.1% of the total riverfront area on-site, but mitigation will be provided pursuant to 10.58(5)(g).

*(f) When an applicant proposes restoration on-site of degraded riverfront area...*

Restoration of degraded riverfront area is not proposed.

*(g) When an applicant proposes mitigation either on-site or in the riverfront area within the same general area of the river basin, alteration may be allowed notwithstanding the criteria of 310 CMR 10.58(5)(c), (d), or (e) at a ratio in square feet of at least 2:1 of mitigation area to area of alteration not conforming to the criteria or an equivalent level of environmental protection where square footage is not a relevant measure...*

Mitigation in the form of native shrub plantings is proposed at a ratio of 5:1 to the area of alteration associated with the deck footings.

*(h) The issuing authority shall include a continuing condition in the Certificate of Compliance for projects under 310 CMR 10.58(5)(f) or (g) prohibiting further alteration within the restoration or mitigation area, except as may be required to maintain the area in its restored or mitigated condition. Prior to requesting the issuance of the Certificate of Compliance, the applicant shall demonstrate the restoration or mitigation has been successfully completed for at least two growing seasons.*

The applicant shall ensure that the native shrub plantings survive and will replace any of the plantings that do not. Documentation shall be provided to the Commission that the mitigation plantings are successful over two growing seasons prior to requesting a Certificate of Compliance.

### **Bordering Land Subject to Flooding (310 CMR 10.57)**

Per 310 CMR 10.57(4)(a), work within Bordering Land Subject to Flooding shall meet the following performance standards:

*1. Compensatory storage shall be provided for all flood storage volume that will be lost as the result of a proposed project within Bordering Land Subject to Flooding, when in the judgment of the issuing authority said loss will cause an increase or will contribute incrementally to an increase in the horizontal extent and level of flood waters during peak flows...*

The applicant is not proposing compensatory storage as the only impacts to Bordering Land Subject to Flooding are the deck posts, which are conservatively estimated to cover a ground surface area of 4 square feet and remove 4 cubic feet of flood storage capacity on site. Given the size of the site and the adjacent floodplain & wetland area, the alteration is assumed to be de minimis and seems unlikely to contribute incrementally to an increase in the horizontal extent and level of flood waters during peak flows. Furthermore, the native shrub plantings are expected to promote storm damage prevention and flood control.

*2. Work within Bordering Land Subject to Flooding, including that work required to provide the above-specified compensatory storage, shall not restrict flows so as to cause an increase in flood stage or velocity.*

The area beneath the deck will not be enclosed, therefore the proposed work will not restrict flows so as to cause an increase in flood stage or velocity.

*3. Work in those portions of bordering land subject to flooding found to be significant to the protection of wildlife habitat shall not impair its capacity to provide important wildlife habitat functions...*

The proposed work is expected to improve wildlife habitat functions through the planting of native shrub species, which is expected to vastly outweigh any impact from the four new deck footings.

### **Wetland Setbacks (Section 4.2, Littleton Wetland Protection Regulations)**

Section 4.2 of the Littleton Wetland Protection Regulations prohibits new activity or structure within 50' of a BVW or Bank. Given that the constructed deck is within the 50' buffer zone, the applicant is seeking a Waiver from this provision pursuant to Section 1.4 of the regulations, which requires that:

*a) in the public interest, necessary to avoid a taking, necessary to prevent a safety hazard, or water dependent; and*

The proposed work would be in the public interest, as it would constitute a new environmental improvement in the conditions of the buffer zone. The area where the deck footings were installed was a previously disturbed area with a gravel/dirt surface. The proposed planting of native shrubs would enhance the functionality of the buffer zone, and would promote wildlife habitat, storm damage prevention, flood control, prevention of pollution, among the other interests identified in the Act.

*b) consistent with the intent and purpose of the Bylaw; and*

The stated purpose of the Bylaw is to "protect the wetland and water resources of the Town of Littleton...". The proposed work will result in a net improvement to the resource areas and buffer zone on site, which is consistent with this purpose.

*c) the least environmentally damaging practicable alternative.*

If the deck were required to be removed, additional ground disturbance within the 50' buffer zone would be required. If the deck is allowed to remain, the only permanent alterations would be the four footings that were installed to support it. The applicant proposes to offset this impact with the planting of native shrubs, which would constitute a net improvement in environmental conditions.

### **Buffer Zone Activity (Section 4.3, Littleton Wetland Protection Regulations)**

The work has been proposed to comply with the performance standards in the Bylaw for activity in the buffer zone as outlined in Section 4.3 of the regulations:

*(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...*

The proposed deck is unlikely to significantly impair the values and functions of the adjacent resource areas, in fact, the functions and values are likely to be promoted through the mitigation planting of native wetland shrub species.

*(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).*

Additional impervious area is limited to the four square feet of surface area taken up by the deck footings.

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

The use of fertilizers is not proposed.

#### **Wildlife Habitat (Section 4.4, Littleton Wetland Protection Regulations)**

The project is not located within an area mapped as Estimated or Priority Habitat by the Natural Heritage and Endangered Species Program (NHESP) as per the effective map for the area dated 8/1/2021. The proposed work is also outside of any areas mapped as Core Habitat or Critical Natural Landscape in BioMap. The proposed native shrub plantings are expected to promote the wildlife habitat value of the site.

#### **4) Conclusion**

The applicant is seeking an Order of Conditions to retroactively permit the replacement of an existing deck and is proposing to provide mitigation for this through the planting of native wetland shrubs. It is our opinion that the proposed work constitutes a net improvement to the values and interests protected under the Act and Bylaw and that it would be a preferable alternative to removing the constructed deck.



# Wetland Boundaries



## DEP Wetlands Original Linear Features

- SHORELINE
- HYDROLOGIC CONNECTION
- MEAN WATER LINE
- APPARENT WETLAND LIMIT
- CLOSURE LINE
- EDGE OF INTERPRETED AREA

## USGS Rivers and Streams 25k

- Stream
- INTERMITTENT STREAM
- SHORELINE
- INTERMITTENT SHORELINE
- MANMADE SHORELINE
- DITCH/CANAL
- AQUEDUCT
- DAM
- CHANNEL IN WATER

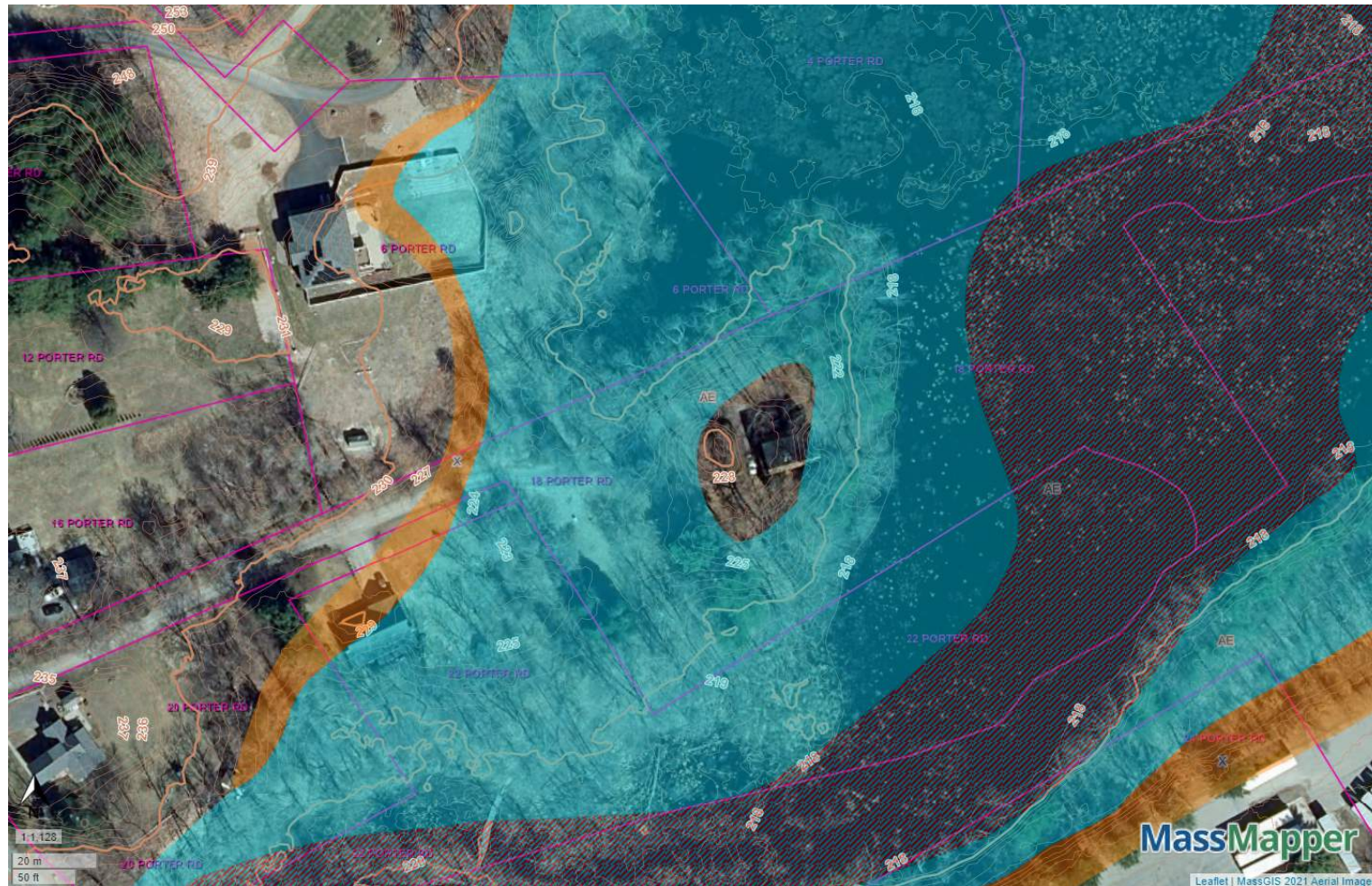
## DEP Wetlands Detailed With Outlines

- Barrier Beach System
- Barrier Beach-Deep Marsh
- Barrier Beach-Wooded Swamp Mixed Trees
- Barrier Beach-Coastal Beach
- Barrier Beach-Coastal Dune
- Barrier Beach-Marsh
- Barrier Beach-Salt Marsh
- Barrier Beach-Shrub Swamp
- Barrier Beach-Wooded Swamp Coniferous
- Barrier Beach-Wooded Swamp Deciduous
- Bog
- Coastal Bank Bluff or Sea Cliff
- Coastal Beach
- Coastal Dune
- Cranberry Bog
- Deep Marsh
- Barrier Beach-Open Water
- Open Water
- Rocky Intertidal Shore
- Salt Marsh
- Shallow Marsh Meadow or Fen
- Shrub Swamp
- Tidal Flat
- Wooded Swamp Coniferous
- Wooded Swamp Deciduous
- Wooded Swamp Mixed Trees

## Property Tax Parcels



# Floodplain & Topography



## FEMA National Flood Hazard Layer Polygons

- 1% Annual Chance Flood Hazard
- Regulatory Floodway
- Area of Undetermined Flood Hazard
- 0.2% Annual Chance Flood Hazard
- Area with Reduced Risk Due to Levee
- Area Not Included

## Contours 1ft (Labels in Feet)

## Property Tax Parcels



# National Flood Hazard Layer FIRMMette



71°31'13"W 42°32'N



0 250 500 1,000 1,500 2,000 Feet 1:6,000

Basemap Imagery Source: USGS National Map 2023

## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
MAP PANELS		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
		Digital Data Available
		No Digital Data Available
		Unmapped



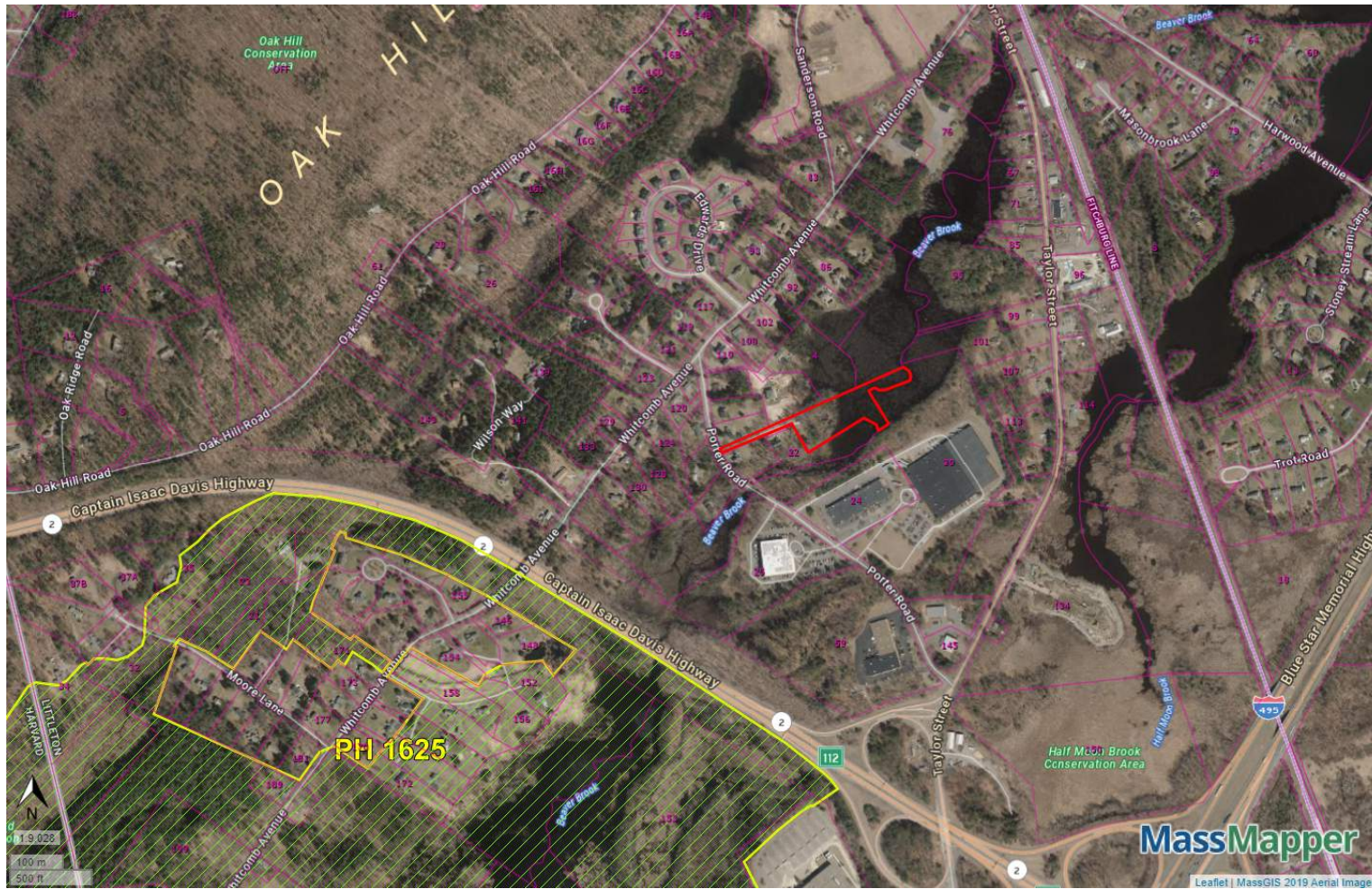
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 9/13/2023 at 7:16 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.





Property Tax Parcels

NHESP Estimated Habitats of Rare Wildlife



NHESP Priority Habitats of Rare Species

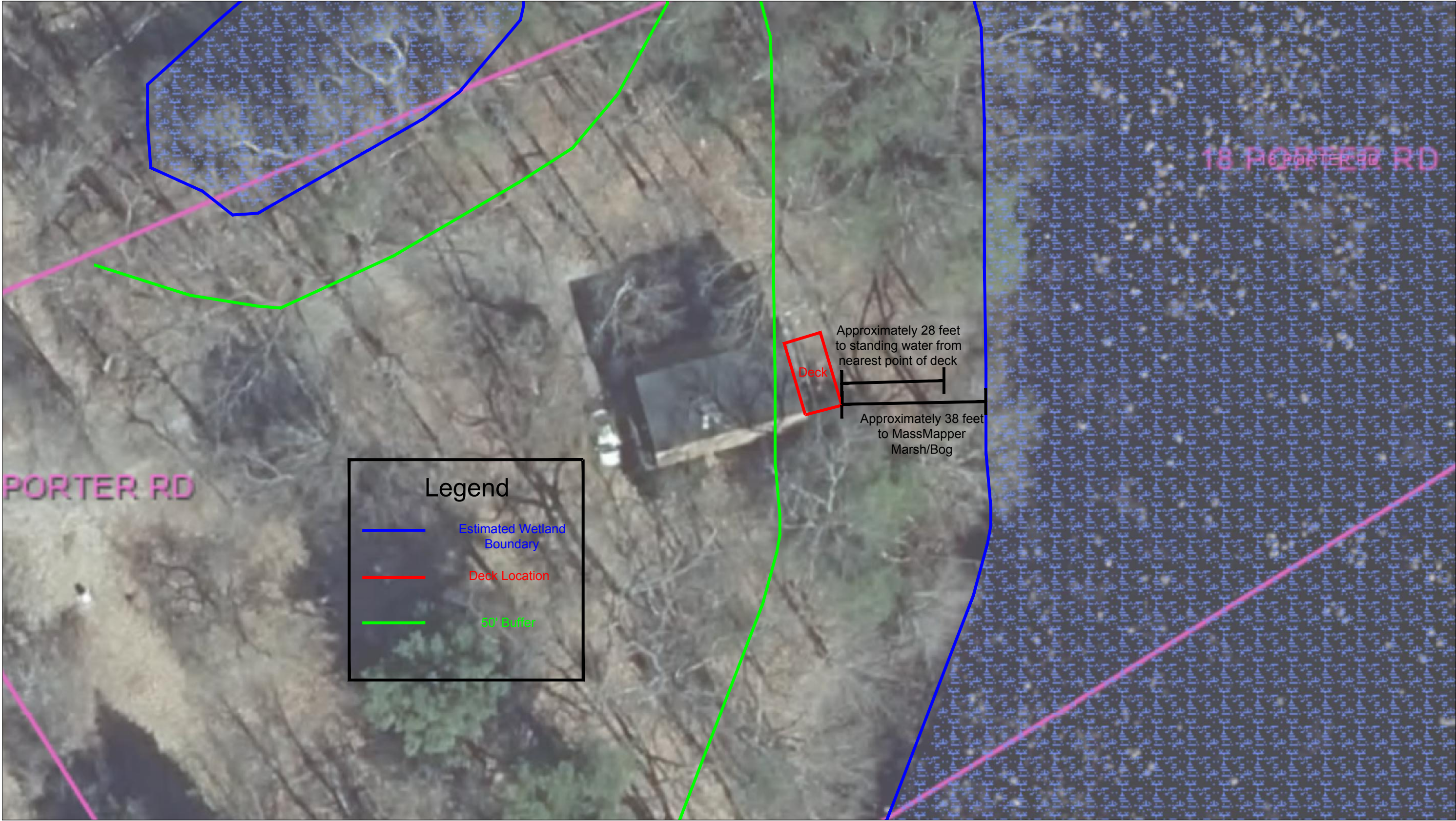




Map Features for Imagery









	<b>Deck Location &amp; Site Lay-out Map</b>		
	Site Address: 18 Porter Road, Littleton, MA 01460		
	Date Drawn: 09/10/2023		
	Drawn by: Michael Symula		
	Approx. Scale: Not to scale		





**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):

18 Porter Road

a. Street Address

Littleton

b. City/Town

01460

c. Zip Code

Latitude and Longitude:

42.52956

d. Latitude

-71.51511

e. Longitude

R12-9

f. Assessors Map/Plat Number

A

g. Parcel /Lot Number

2. Applicant:

a. First Name

b. Last Name

Sustainable Property Group, LLC

c. Organization

44 Hiley Brook Road

d. Street Address

Stow

e. City/Town

MA

f. State

01775

g. Zip Code

787-705-1830

h. Phone Number

i. Fax Number

j. Email Address

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

Matthew & Deborah

a. First Name

Wilbert

b. Last Name

c. Organization

18 Porter Road

d. Street Address

Littleton

e. City/Town

MA

f. State

01460

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

a. First Name

b. Last Name

c. Company

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

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

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:

Replacement of an existing deck with four new footings and mitigation plantings. See attached project description for details.

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

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Single Family Home             | 2. <input type="checkbox"/> Residential Subdivision       |
| 3. <input 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 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

a. County

74436

c. Book

b. Certificate # (if registered land)

534

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 checked="" type="checkbox"/> Bordering Land Subject to Flooding	4 1. square feet 4 3. cubic feet of flood storage lost	4 2. square feet 0 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 checked="" type="checkbox"/> Riverfront Area	Beaver Brook (inland) 1. Name of Waterway (if available) - <b>specify coastal or inland</b>	

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: 81,000  
square feet

4. Proposed alteration of the Riverfront Area:

<u>4</u>	<u>0</u>	<u>4</u>
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](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**

8/1/2021

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

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/ma-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 - 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](mailto: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](mailto: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.

a. Plan Title

b. Prepared By

n/a

c. Signed and Stamped by

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:

1062

2. Municipal Check Number

09/18/2023

3. Check date

1064

4. State Check Number

09/18/2023

5. Check date

Michael

6. Payor name on check: First Name

Symula

7. Payor name on check: Last Name





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**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

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:**

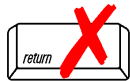
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

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.



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**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:

18 Porter Road

a. Street Address

Littleton

b. City/Town

c. Check number

d. Fee amount

### 2. Applicant Mailing Address:

a. First Name

b. Last Name

Sustainable Property Group, LLC

c. Organization

44 Hiley Brook Road

d. Mailing Address

Stow

MA

01775

e. City/Town

f. State

g. Zip Code

787-705-1830

h. Phone Number

i. Fax Number

j. Email Address

### 3. Property Owner (if different):

Matthew & Debroah

Wilbert

a. First Name

b. Last Name

c. Organization

18 Porter Road

d. Mailing Address

Littleton

MA

01460

e. City/Town

f. State

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).



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**B. Fees** (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Cat. 1a) + 50% (Riverfront Area)	1	\$110	\$165
Bylaw Fees:			
Category 1 + 25% (riverfront area) x 2 (after-the-fact filing)	1	\$55	\$137.50

**Step 5/Total Project Fee:**

**Step 6/Fee Payments:**

Total Project Fee:	\$165
State share of filing Fee:	a. Total Fee from Step 5
City/Town share of filing Fee:	\$70
	b. 1/2 Total Fee <b>less</b> \$12.50
	\$95
	c. 1/2 Total Fee <b>plus</b> \$12.50

**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.)