



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

Littleton  
City/Town

**WPA Form 1- Request for Determination of Applicability**

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

**A. General Information**

**Important:**  
When filling out  
forms on the  
computer, use  
only the tab key  
to move your  
cursor - do not  
use the return  
key.



1. Applicant:

Kelly Driscoll

Name

kpdkod@yahoo.com

E-Mail Address

11 Edward Dr

Mailing Address

Littleton

City/Town

MA

State

01460

Zip Code

978-729-3216

Phone Number

Fax Number (if applicable)

2. Representative (if any):

Firm

Contact Name

E-Mail Address

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

**B. Determinations**

1. I request the Littleton Conservation Commission make the following determination(s). Check any that apply:

- ☐ a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- ☐ b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- ☒ c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- ☒ d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

Name of Municipality

- ☐ e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).



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### C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

11 Edward Dr

Street Address

Littleton

City/Town

R12

Assessors Map/Plat Number

33-11

Parcel/Lot Number

- b. Area Description (use additional paper, if necessary):

The 3 trees to be removed are in the natural area. See attached plan.

- c. Plan and/or Map Reference(s):

Title

Date

Title

Date

Title

Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

I would like to remove 3 hazard trees. See attached plan for locations.



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**C. Project Description (cont.)**

- b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

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3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- ☐ Single family house on a lot recorded on or before 8/1/96
- ☐ Single family house on a lot recorded after 8/1/96
- ☐ Expansion of an existing structure on a lot recorded after 8/1/96
- ☐ Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96
- ☐ New agriculture or aquaculture project
- ☐ Public project where funds were appropriated prior to 8/7/96
- ☐ Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- ☐ Residential subdivision; institutional, industrial, or commercial project
- ☐ Municipal project
- ☐ District, county, state, or federal government project
- ☐ Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

- b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)

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**D. Signatures and Submittal Requirements**

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Kelly Driscoll

Name

11 Edward Dr

Mailing Address

Littleton

City/Town

MA

State

01460

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

*Kelly Driscoll*

Signature of Applicant

11/24/2024

Date

Signature of Representative (if any)

Date



## 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: 11/24/2024 Applicant/Owner: Kelly Driscoll

Map/Lot: R12 33-11 Project Address: 11 Edward Dr, Littleton, MA 01460

**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:** The 3 trees are a hazard and need to be removed.

**What specific action(s) is the Waiver being asked for?** Removal of 3 hazard trees.

**How is the action(s) in the public interest, necessary to avoid a taking, necessary to prevent a safety hazard or water dependent?** A certified arborist inspected the 3 trees and declared them to be a hazard/safety issue.

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

The 3 trees I need to remove are a hazard/safety issue.

I recently planted 4 River Birch and 3 Kousa Dogwood. See attached plan for location.

Existing and proposed site conditions (ie, impervious, lawn & disturbed areas) (square feet; show on plan): See attached.

Existing and proposed distances of land uses from wetland resource areas (show on plan):  
See attached.

Analysis of less environmentally damaging practicable alternative: None

Proposed short term and long term protection of wetland resource areas: None

Is the site in a Zone I, II or III (groundwater) or Zone A, B or C (surface water) water supply area: No

Are there critical, unique or sensitive resource areas in the area (ie, NHESP mapped habitat, vernal pools, unusual wetland types, cold water fisheries, outstanding resource waters, Core Habitat, Conservation land, etc); show on plan: No

Other factors for consideration: \_\_\_\_\_

Signature: Kelly Nicoll Project: 11 Edward Dr

11 Edward Dr, Littleton

OPEN SPACE

planted 3 2-3"

Kousa Dogwood

2' diameter Ash

(to be removed?)

(20')

planted 4 2-3"  
white birch

50' Buffer

100' buffer

72'

62'

48'

OPEN  
SPACE

(15')

7" dead tree  
unknown  
(to be removed)

(10')

20" Red maple  
(to be removed)

House

Edward Dr.

11 Edward Dr, Littleton

NEW ENGLAND  
**TREE MASTERS**  
DIVISION OF HIGH QUALITY INC.

CJ Santos  
New England Tree Masters  
871 Massachusetts Ave  
Boxborough MA 01719  
Newenglandtreemasters@yahoo.com  
978-263-8008

October 9th, 2024

Site: 11 Edward Drive, Littleton MA 01460

To Whom This May Concern,

I am writing to you as a professional arborist to address a pressing matter concerning the trees located on the property at 11 Edward Drive, Littleton MA 01460. This consists of 3 trees in the back yard. There is a two foot diameter Ash in the far left of the backyard which is leaning and has a 10 inch section at the base without bark. A wound this large is too big to be healed by this type of tree. It will begin to rot which cause the tree fall in a wind storm. The client is concerned it will fall. The 10 inch dead tree can fall without wind and it is a hazard.

The 20 inch Red Maple in the far left of the backyard has a long scar which is rotting. This a hazard and can easily fall during a wind storm.

After a thorough assessment of these trees, I have identified several critical issues that necessitate their removal to ensure the safety of the homeowner, the property and to benefit the surrounding ecosystem.

**Safety Concerns:** Size, species and location of these trees are a concern for the homeowner.

Based on the aforementioned factors, it is my professional recommendation that the trees be removed to prevent safety hazards and enhance the health of the surrounding areas and property. The benefits of removing these trees outweigh the potential drawbacks, especially given the current condition and their impact on the property and ecosystem. Thank you for considering this request. Should you require any further information or wish to discuss this matter in greater detail, please do not hesitate to contact us at 978-263-8005.

Sincerely,

Specialized Arborist and Estimator  
CJ Santos



Certified Arborist # 3165  
Rich Gambale





## 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, Kelly Driscoll (name of applicant or representative) certify under the pains and penalties of perjury that on 11/26/2024 (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

  X   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 By Law by Kelly Driscoll (name of applicant) with the Littleton Conservation Commission on 11/26/2024 (date) for the property located at 11 Edward Drive, Littleton (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.

Kelly Driscoll 11/26/2024

Name

Date

9 EDWARD DR R12 30 10

LUC: 101

RAHLE DOUGLAS  
BALLEW-RAHLE DIANA  
9 EDWARD DR  
LITTLETON, MA 01460

OAK HILL RD R12 33 0

LUC: 932

LITTLETON TOWN OF  
CONSERVATION COMM  
P.O. BOX 1305  
LITTLETON, MA 01460

13 EDWARD DR R12 33 10

LUC: 101

KENNEDY ALEXANDER C  
13 EDWARD DR  
LITTLETON, MA 01460

11 EDWARD DR R12 33 11

LUC: 101

KELLY O DRISCOLL TRUST  
DRISCOLL KELLY O TRUSTEE  
11 EDWARD DR  
LITTLETON, MA 01460

14 EDWARD DR R12 33 20

LUC: 101

DOYON BRYAN  
DOYON GAIL  
14 EDWARD DR  
LITTLETON, MA 01460

8 EDWARD DR R12 33 21

LUC: 101

PRITCHETT JONATHAN J  
PRITCHETT LINDSEY  
8 EDWARD DR  
LITTLETON, MA 01460

15 EDWARD DR R12 33 9

LUC: 101

FRANCIS MATTHEW  
FRANCIS MELISSA  
15 EDWARD DR  
LITTLETON, MA 01460

## NOTIFICATION TO ABUTTERS

**Pick one:**

- ☐ Notice of Intent/Abbreviated NOI
- ☐ Abbreviated Notice of Resource Area Delineation
- ☒ Request for Determination of Applicability
- ☐ Request to Amend an Order of Conditions (MADEP File # 204 \_\_\_\_\_)

### Modification for Virtual Meetings

*Under MA Wetlands Protection Act and Littleton Wetlands Protection ByLaw (Chapter 171), this form must be completed and mailed, certified mail return receipt requested, to all abutters at their mailing addresses shown on the most recent Town Assessor's records as well as the owner (if not applicant).*

In accordance with the MA Wetlands Protection Act and Littleton Wetlands Protection ByLaw Chapter 171-2D, you are hereby notified of a public hearing on the matter described below:

- A. The applicant has filed a permit application with the Littleton Conservation Commission for work in an area subject to protection under the Massachusetts Wetlands Protection Act and Littleton Wetlands Protection ByLaw.
- B. The name of the applicant is Kelly Driscoll
- C. The address of the land where the activity is proposed is 11 Edward Dr, Littleton
- D. The work proposed is Remove 3 hazard trees.
- E. Copies of the filing may be examined at the Conservation Commission office at 37 Shattuck Street Monday through Thursday; 9:00 – 1:00 (please call first to ensure the Conservation Agent is available and not out on site visits). The office phone number is 978-540-2428.
- F. Copies of the filing may be obtained electronically from (check one) the ☒ applicant or ☐ the applicant's representative by calling 978- 729 - 3216 during the following times:  
anytime

- G. The public hearing/meeting will be held on 12/10/24. 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