March 7, 2017

Littleton Conservation Commission
Littleton Town Offices
37 Shattuck Street
Littleton, MA 01460

Re: Notice of Intent, Couper Farm Estates; Lot 5
180 Great Road & 0 Goldsmith Street, Littleton, MA

1. Introduction

Goddard Consulting, LLC (Goddard) is pleased to submit this Notice of Intent (NOI) on behalf of the applicant, Matt Field, M&M Realty Trust. This NOI application is for Lot 5 for Couper Farm Estates off Great Road and Goldsmith Street in Littleton. This NOI is a joint filing under the MA Wetlands Protection Act (WPA) and the Town of Littleton Wetlands Protection Bylaw.

The applicant filed an Abbreviated Notice of Resource Area Delineation (ANRAD) on July 26, 2016, which requested confirmation of all wetland resource area boundaries within the subject properties. An ORAD was issued by the Conservation Commission on September 13, 2016. Resources on site consist of Bordering Vegetated Wetland.

2. Project Description

Work proposed on Lot 5 consists of the construction of a single family house, septic tank and deck within the 50-100 ft buffer zone and grading and lawn within the 0-50 ft No Disturbance Area (NDA). The area of proposed alteration within the NDA is 5,780 sq ft. A waiver request is attached for work within the NDA. The buffer zone will already be cleared in Lot 5 for grading, stormwater, and sewer line construction as described in an active NOI for the overall Couper Farm Estates project (DEP File #204-0833).

3. Proposed Resource Area Impacts

No wetland resource area impacts are proposed in Lot 5. Erosion control barriers will be installed at the limit of work to ensure no impacts occur to down-gradient resource areas.

4. Compliance with Performance Standards

The WPA Regulations [310 CMR 10.02(2)[b]] do not contain performance standards for Buffer Zone Alteration. All reasonable efforts to avoid, minimize and mitigate adverse impacts on the Buffer Zone have been considered, but the project design requires that Buffer Zone be altered in order to achieve the desired lawn and grading in the rear of the lot. The altered area of
Buffer Zone does not contain slopes greater than 15%, and erosion and sedimentation controls will be installed along the limit of work throughout the project area in order to prevent any siltation into the wetlands during construction.

Two hard copies and one electronic copy of this application package are enclosed, along with 3 full size site plans. The titles of all documents enclosed are as follows:

- Cover letter with project description and compliance with performance standards
- NOI (WPA Form 3) Application form
- Wetland Fee Transmittal Form, Copy of Checks
- Littleton Conservation Commission Checklist
- Affidavit of Service
- Certified Abutter List
- Notification to Abutters
- USGS Site Locus, Goddard Consulting, LLC. 12/21/16
- Orthophoto View of Site, Goddard Consulting, LLC. 12/21/16
- Waiver for Work within the 0-50 ft NDA
- NOI Site Plan Lot 5 – Couper Farm Estates, Markey & Rubin Civil Engineering. 3/6/17

Please feel free to contact us if you have any questions.

Very truly yours,
GODDARD CONSULTING, LLC

by
Nicole Hayes, PWS
Professional Wetland Scientist

CC:
- Matt Field, M&M Realty Trust, 442 King Street, Littleton, MA 01460
- Barbara O’Connell & Kristen Schelhase, Trustees, Couper Farm Irrevocable Trust, 203 Turkey Lane, Buxton, ME 04093
- W.D Chisholm, On the Rail Farm, 390 Goodrich Street, Lunenberg, MA 01462
- DEP-CERO, Wetlands Division, 8 New Bond Street, Worcester, MA 01606
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

A. General Information

1. Project Location (Note: electronic filers will click on button to locate project site):
   180 Great Road & 0 Goldsmith Street
   Littleton 01460
   a. Street Address
   b. City/Town
   42.538029 -71.459820
   c. Zip Code
   d. Latitude
   e. Longitude
   U5 / U11
   f. Assessors Map/Plat Number
   g. Parcel / Lot Number

2. Applicant:
   Matt Field
   a. First Name
   b. Last Name
   M & M Realty Trust
   c. Organization
   442 King Street
   d. Street Address
   Littleton 01460
   e. City/Town
   f. State
   978-337-6375
   g. Zip Code
   h. Phone Number
   i. Fax Number
   mfield@ownnewengland.com
   j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner
   Barbara O'Connell & Kristen Scheihase
   a. First Name
   b. Last Name
   Cooper Farm Irrevocable Trust
   c. Organization
   203 Turkey Lane
   d. Street Address
   Buxton 04093
   e. City/Town
   f. State
   g. Zip Code
   h. Phone Number
   i. Fax Number
   j. Email address

4. Representative (if any):
   Nicole Hayes
   a. First Name
   b. Last Name
   Goddard Consulting, LLC
   c. Company
   291 Main Street, Suite 8
   d. Street Address
   Northborough 01532
   e. City/Town
   f. State
   508-393-3784
   g. Zip Code
   nicole@goddardconsultingllc.com
   h. Phone Number
   i. Fax Number
   j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):
   $500.00 and $125.00 bylaw
   a. Total Fee Paid
   237.50
   b. State Fee Paid
   262.50
   c. City/Town Fee Paid
A. General Information (continued)

6. General Project Description:

Single family house, septic tank and deck within the 50-100 ft BVW buffer zone and grading and lawn within the 0-50 ft BVW buffer zone.

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

1. ☒ Single Family Home 2. ☐ Residential Subdivision

3. ☐ Commercial/Industrial 4. ☐ Dock/Pier

5. ☐ Utilities 6. ☐ Coastal engineering Structure

7. ☐ Agriculture (e.g., cranberries, forestry) 8. ☐ Transportation

9. ☐ Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. ☐ Yes ☒ No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

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

8. Property recorded at the Registry of Deeds for:

Middlesex South

a. County 43210 / 43320
b. Certificate # (if registered land) 329 / 285
c. Book d. Page Number

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

1. ☒ Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.

2. ☐ Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.
B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont’d)

<table>
<thead>
<tr>
<th>Resource Area</th>
<th>Size of Proposed Alteration</th>
<th>Proposed Replacement (if any)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. ☐ Bank</td>
<td>1. linear feet</td>
<td>2. linear feet</td>
</tr>
<tr>
<td>b. ☐ Bordering Vegetated Wetland</td>
<td>1. square feet</td>
<td>2. square feet</td>
</tr>
<tr>
<td>c. ☐ Land Under Waterbodies and Waterways</td>
<td>1. square feet</td>
<td>2. square feet</td>
</tr>
<tr>
<td></td>
<td>3. cubic yards dredged</td>
<td></td>
</tr>
<tr>
<td>d. ☐ Bordering Land Subject to Flooding</td>
<td>Size of Proposed Alteration</td>
<td>Proposed Replacement (if any)</td>
</tr>
<tr>
<td>e. ☐ Isolated Land Subject to Flooding</td>
<td>1. square feet</td>
<td>2. square feet</td>
</tr>
<tr>
<td>f. ☐ Riverfront Area</td>
<td>3. cubic feet of flood storage lost</td>
<td>4. cubic feet replaced</td>
</tr>
</tbody>
</table>

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.
# 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.

<table>
<thead>
<tr>
<th>Resource Area</th>
<th>Size of Proposed Alteration</th>
<th>Proposed Replacement (if any)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. ☐ Designated Port Areas</td>
<td>Indicate size under Land Under the Ocean, below</td>
<td></td>
</tr>
<tr>
<td>b. ☐ Land Under the Ocean</td>
<td>1. square feet</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2. cubic yards dredged</td>
<td></td>
</tr>
<tr>
<td>c. ☐ Barrier Beach</td>
<td>Indicate size under Coastal Beaches and/or Coastal Dunes below</td>
<td></td>
</tr>
<tr>
<td>d. ☐ Coastal Beaches</td>
<td>1. square feet</td>
<td>2. cubic yards beach nourishment</td>
</tr>
<tr>
<td>e. ☐ Coastal Dunes</td>
<td>1. square feet</td>
<td>2. cubic yards dune nourishment</td>
</tr>
<tr>
<td></td>
<td>Size of Proposed Alteration</td>
<td>Proposed Replacement (if any)</td>
</tr>
<tr>
<td>f. ☐ Coastal Banks</td>
<td>1. linear feet</td>
<td></td>
</tr>
<tr>
<td>g. ☐ Rocky Intertidal Shores</td>
<td>1. square feet</td>
<td></td>
</tr>
<tr>
<td>h. ☐ Salt Marshes</td>
<td>1. square feet</td>
<td>2. sq ft restoration, rehab., creation</td>
</tr>
<tr>
<td>i. ☐ Land Under Salt Ponds</td>
<td>1. square feet</td>
<td></td>
</tr>
<tr>
<td>j. ☐ Land Containing Shellfish</td>
<td>2. cubic yards dredged</td>
<td></td>
</tr>
<tr>
<td>k. ☐ Fish Runs</td>
<td>Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1. cubic yards dredged</td>
<td></td>
</tr>
<tr>
<td>l. ☐ Land Subject to Coastal Storm Flowage</td>
<td>1. square feet</td>
<td></td>
</tr>
</tbody>
</table>

4. ☐ Restoration/Enhancement

If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

- a. square feet of BW
- b. square feet of Salt Marsh

5. ☐ Project Involves Stream Crossings

- a. number of new stream crossings
- b. number of replacement stream crossings
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

   2008
   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).

2. ☐ Submit Supplemental Information for Endangered Species Review

   1. ☐ Percentage/acreage of property to be altered:

      (a) within wetland Resource Area

      (b) outside Resource Area

   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 http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/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.
C. Other Applicable Standards and Requirements (cont’d)

(c) ☐ MESA filing fee (see information available at http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/mesa/mesa_fee_schedule.htm). 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:

(c) ☐ 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, http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/mesa/mesa_exemptions.htm; 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:

Division of Marine Fisheries - Southeast Marine Fisheries Station
Attn: Environmental Reviewer
1213 Purchase Street – 3rd Floor
New Bedford, MA 02740-6894
Email: DMF.EnvReview-South@state.ma.us

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries - North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: DMF.EnvReview-North@state.ma.us

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. Other Applicable Standards and Requirements (cont’d)

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
   a. ☐ Yes ☒ No
      If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). Note: electronic filers click on Website.

b. ACEC

5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
   a. ☐ Yes ☒ No

6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
   a. ☐ Yes ☒ No

7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
   a. ☐ Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
      1. ☐ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
      2. ☐ A portion of the site constitutes redevelopment
      3. ☐ Proprietary BMPs are included in the Stormwater Management System.
   b. ☒ No. Check why the project is exempt:
      1. ☒ Single-family house
      2. ☐ Emergency road repair
      3. ☐ Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

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

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. ☐ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)

2. ☐ Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.
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.

   NOI Site Plan Lot 5
   a. Plan Title
   Markey and Rubin Civil Eng.
   b. Prepared By
   Jonathan Markey
   c. Signed and Stamped by
   3/6/17
   d. Final Revision Date
   1=20
   e. Scale

   1. 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


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:

   3275, 3277
   2. Municipal Check Number
   3276
   4. State Check Number
   Field Development Inc

   6. Payor name on check: First Name

   7. Payor name on check: Last Name

   2/22/17
   3. Check date

   2/22/17
   5. Check date

   7. Payor name on check: Last Name
3. Additional Property owner (0 Goldsmith Street):

<table>
<thead>
<tr>
<th>W.D. Chisholm</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a. First Name</td>
<td>On the Rail Farm Co Inc.</td>
</tr>
<tr>
<td>c. Organization</td>
<td>390 Goodrich Street</td>
</tr>
<tr>
<td>d. Street Address</td>
<td>Lunenburg</td>
</tr>
<tr>
<td>e. City/Town</td>
<td>MA</td>
</tr>
<tr>
<td>f. State</td>
<td>01462</td>
</tr>
<tr>
<td>g. Zip Code</td>
<td></td>
</tr>
<tr>
<td>h. Phone Number</td>
<td>i. Fax Number</td>
</tr>
<tr>
<td>j. Email address</td>
<td></td>
</tr>
</tbody>
</table>
WPA Form 3 – Notice of Intent
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And Littleton Wetlands Protection Bylaw

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 (Matthew Field, 142 Westside Road, Littleton)

2. Date 3/20/17

3. Signature of Property Owner (Barbara O’Connell & Kristen Schallhase, Trustees)

4. Date 3/20/17

Signature of Property Owner (Dan Chisholm, On the Rail Farm, Inc.)

5. Signature of Representative

For Conservation Commission:
Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NCI 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 NCI 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.
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 (Matthew Field, MAM Realty Trust)

2. Date

3. Signature of Property Owner (Barbara O’Connell & Kristen Schellhase, Trustee)

4. Date

Signature of Property Owner (Dan Chisholm, On the Ball Farm, Inc.)

5. Signature of Representative

2-15-17

5. 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

A. Applicant Information

1. Location of Project:
   180 Great Road
   a. Street Address
   b. City/Town
   c. Check number
   d. Fee amount

2. Applicant Mailing Address:
   Matthew
   a. First Name
   b. Last Name
   M and M Realty Trust
   c. Organization
   442 King Street
   d. Mailing Address
   Littleton
   e. City/Town
   MA 01460
   f. State
   g. Zip Code
   978-337-6375
   h. Phone Number
   mfield@ownnewenglan.com
   i. Fax Number
   j. Email Address

3. Property Owner (If different):
   Barbara O'Connell and Kristen Schellhase
   a. First Name
   b. Last Name
   Cooper Farm Irrevocable trust
   c. Organization
   203 Turkey Lane
   d. Mailing Address
   Buxton
   e. City/Town
   ME 04093
   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.
B. Fees (continued)

<table>
<thead>
<tr>
<th>Step 1/Type of Activity</th>
<th>Step 2/Number of Activities</th>
<th>Step 3/Individual Activity Fee</th>
<th>Step 4/Subtotal Activity Fee</th>
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<td>$500.00</td>
<td>$500.00</td>
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Step 5/Total Project Fee: ____________

Step 6/Fee Payments:

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<tbody>
<tr>
<td>a. Total Fee from Step 5</td>
<td>$237.50</td>
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<tr>
<td>State share of filing Fee:</td>
<td>$262.50</td>
</tr>
<tr>
<td>b. 1/2 Total Fee less $12.50</td>
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</tr>
<tr>
<td>City/Town share of filing Fee:</td>
<td></td>
</tr>
<tr>
<td>c. 1/2 Total Fee plus $12.50</td>
<td></td>
</tr>
</tbody>
</table>

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.)
Field Development Inc
442 King Street
Lilliston, MA 01460
978)466-3800

PAY TO THE ORDER OF
Town of Lilliston
$ 262.50

Two Hundred Sixty Two dollars-
DOLLARS

North Middlesex Savings Bank
Ayer, MA 01432

FOR Lot 5

Date 2/22/17

Signature

Field Development Inc
442 King Street
Lilliston, MA 01460
978)466-3800

PAY TO THE ORDER OF
Commonwealth of MA
$ 237.50

Two Hundred Thirty Seven dollars 50/100
DOLLARS

North Middlesex Savings Bank
7 Main Street
Ayer, MA 01432

FOR Lot 5

Date 2/22/17

Signature

Field Development Inc
442 King Street
Lilliston, MA 01460
978)466-3800

PAY TO THE ORDER OF
Town of Lilliston
$ 125.00

One Hundred Twenty Five
DOLLARS

North Middlesex Savings Bank
7 Main Street
Ayer, MA 01432

FOR Lot 5

Date 2/22/17

Signature
Littleton Conservation Commission
37 Shattuck Street / Room 303
Phone: 978 540-2428
Fax: 978 952-2321

Filing Procedure Summary
Submit this checklist with application

The following procedures must be followed when filing under M.G.L. c. 131, §40 or the Littleton Wetlands Protection, Chapter 171 for a wetland permit. The procedure applies to Notice of Intents, Abbreviated Notice of Intents, Request for Determinations, and Abbreviated Notice of Resource Area Determinations.

This summary is not to be considered all inclusive and in no way should an applicant misconstrue its contents to replace any part of M.G.L. c. 131, §40 or the Littleton Wetlands Protection, Chapter 171.

✓ (1) one electronic file of complete submittal emailed to the Conservation Coordinator and 2 hard copies (with full sized, color plans) filed with the Conservation Commission hand delivered or mailed and received in the office before noon of filing deadline. Additional copies may be required of some projects. Please call ahead to determine meeting dates and filing deadlines.

✓ (1) one complete copy of the application must be filed with Department of Environmental Protection at:
Department of Environmental Protection
8 New Bond Street
Worcester, Massachusetts 01608

✓ The applicant must include a certified list of abutters (including those in adjacent Towns) located within 100 feet of the property boundaries, according to the most recent records of the Town Assessors, or as determined by MADEP policy on abutter notification. If a Town line is within 300 feet of the Limit of Work, then that Town’s Conservation Commission must also be notified.

✓ The applicant, at the applicant’s expense, shall post to each abutter (and owner if owner is not applicant) by Certificated Mail (Return Receipt Requested), or by hand delivery with signature of abutter a copy of the Abutter Notification Form. An Affidavit of Service of such notification shall also be provided. Abutters signed acknowledgement of notification (ie, green Return Receipt cards) shall be provide at the first public meeting/hearing.

✓ At the applicant’s expense, the Commission shall publish a legal notice in a newspaper of local circulation announcing the public hearing. The Notice will be published at least five (5) working days prior to the meeting and will include the date, time and location of the public hearing. The newspaper will bill the applicant directly. This bill must be paid before the legal notice will be published. Please provide information on who will pay the newspaper (owner, applicant and/or representative) with the application.

✓ Filing fees for MADEP and Town of Littleton under the MA Wetlands Protection Act regulations, as well as the Littleton Wetlands Protection ByLaw filing fee. Provide a copy of all checks with the filing.

PROJECT NAME/ADDRESS:  NOT Individual Lots
Couper Farm Estates
DATE: 3/7/17
**Plans Checklist** to accompany application for Notice of Intent (NOI). This is a Bylaw Supplemental form to aid you in submitting complete and appropriate information on your plans.

All lines must be marked X or identified as Not Applicable (N/A), or noted as to where the information can be found.

(1) _____ North arrow  _____ Locus insert  _____ Bar scale (preferably 1 in = 20 to 40 ft.)

(2) Title Block with Following Information:
   - [ ] Plan Title
   - [ ] Applicant(s) Name(s), address & phone
   - [ ] Property Owner Name(s), address & phone
   - [ ] Location/street name & number
   - [ ] Assessor map, lot, Registry book, page on all lots w/activity (see Report enclosed)
   - [ ] Plan preparer(s) name, title, stamp, company name, address phone & fax
   - [ ] Date plan prepared, last revised, and revision notes

(3) _____ Existing contours

(4) _____ Existing structure(s) with natural and man-made features, including stone walls and trails

(5) _____ Trees over 8-inch diameter breast height within resource areas and buffer zones

(6) _____ Property lines; clearly mark limits of review area if entire property is not under review

(7) [ ] Existing utilities, rights-of-way, easements, ancient ways or other deed by ways

(8) [ ] Name of wetland scientist responsible for identifying wetland boundaries (see Report enclosed)

(9) [ ] Date wetland was flagged (must be no more than 3 years prior to current date) (see Report)

(10) [ ] Wetland resource area boundaries with flag numbers

(11) [ ] 100 foot buffer zone limits and 50-foot No Disturb limit

(12) [ ] Notations identifying all wetland types and delineation methodology

(13) _____ Shortest distance to all resource areas from closest proposed structure (use arrow) (see Report)

(14) _____ Shortest distance to all resource areas from closest point of erosion control materials (see Report)

**PROJECT NAME/ADDRESS:** Not Individual Lots  **DATE:** 3/7/17

Copper Farm Estates
(15)  ✔ Proposed contours (one foot increments)

(16)  ✔ Proposed location of utility lines

(17)  ✔ Proposed structure(s) (including driveway work, septic components, etc)

(18)  ✔ Existing and proposed stormwater management features (including temporary controls)

(19)  N/A Watersheds and drainage areas

(20)  N/A Test pit, boring holes and logs

(21)  N/A Conservation post detail and plaque detail

(22)  N/A Location of temporary stockpiles w/notation of content (e.g. excavated soils)

(23)  N/A Location of snow storage areas

(24)  N/A Cross-sections, particularly at key areas of slopes near wetland resource areas

(25)  N/A Mitigation plans as needed

(26)  N/A Construction sequencing

PROJECT NAME/ADDRESS:  Not Individual Lots  DATE:  3/7/17

Cooper Farm Estates
The two full sized color plans (and presentation plan) should be colored as follows.

<table>
<thead>
<tr>
<th>Check if present</th>
<th>Feature</th>
<th>Line Type</th>
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<td>Existing tree line</td>
<td>Green solid</td>
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<tr>
<td>n/A</td>
<td>Proposed tree line</td>
<td>Green dashed</td>
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<tr>
<td>✓</td>
<td>Bordering Vegetated Wetlands*</td>
<td>Dark blue solid</td>
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<tr>
<td>n/A</td>
<td>Bank/Land Under Water</td>
<td>Light blue dashed</td>
</tr>
<tr>
<td>✓</td>
<td>100 foot buffer from BVW and/or Bank</td>
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<tr>
<td>✓</td>
<td>50 foot No Disturb limit from BVW and/or Bank</td>
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<tr>
<td>n/A</td>
<td>Vernal Pool</td>
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<tr>
<td>n/A</td>
<td>Vernal Pool 100 foot</td>
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<td>n/A</td>
<td>Bordering Lands Subject to Flooding</td>
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<td>n/A</td>
<td>Isolated Lands Subject to Flooding</td>
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<td>n/A</td>
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<tr>
<td>n/A</td>
<td>100 foot and 200 foot Riverfront Area</td>
<td>Light red dashed</td>
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<tr>
<td>n/A</td>
<td>Bank, Wetland, Land Under Water, Riverfront Area and Floodplain</td>
<td>Red solid with differentiated stippling/cross hatching</td>
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<tr>
<td>n/A</td>
<td>Mitigation Area</td>
<td>Red dashed line with differentiated stippling/cross hatching</td>
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<td>n/A</td>
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<tr>
<td>✓</td>
<td>Limit of work</td>
<td>Brown solid</td>
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</table>

*Note locations of any federal, non-state isolated vegetated wetlands

**PROJECT NAME/ADDRESS:** NOI Individual Lots  
**DATE:** 3/7/17  
Coppee Farm Estates
AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act
& Littleton Wetlands Bylaw

I, Nicole Hayes hereby certify under the pains and penalties of perjury that on 3/7/17 I gave notification to abutters in Compliance with the second paragraph of Massachusetts General Law Chapter 131, Section 40, and the DEP Guide to Abutter Notification dating April, 8, 1994 in connection with the following matter:

Twelve (12) Notice of Intents (NOIs) were filed under the Massachusetts Wetlands Protection Act and Littleton Wetlands Bylaw with the Littleton Conservation Commission on 3/7/17 for lots 5-16 located off 180 Great Road (Parcel ID: U-5-5) & a portion of 0 Goldsmith Street (Parcel ID: U 11-61-0).

One formal notification was delivered via certified mail. The Notification document listed all proposed work for each of the twelve lots. This notification letter, the list of abutters to whom it was given, and their addresses, are attached to this Affidavit of Service.

Nicole Hayes
(Name)

3/7/17
(Date)
Date: February 16, 2017

Re: Certified List of Abutters Conservation Commission

Applicant: Matt Field
Name of Firm: M&M Realty
Mailing Address: 442 King St, Littleton, MA 01460

Subject Parcel Location & Map & Parcel No: U05 5 0 (Great Rd) & U11 61 0 (Goldsmith St)
Owner Name: Couper Farm Irrev Tr & On the Rail Farm Co Inc

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) 29, including the subject parcel + 1 Applicant Requesting Abutter’s List

Certified by:

[Signature]
Celia Jorne, Assistant Assessor
Loc: 180  GREAT RD  Parcel ID #: U05 5 0
O'CONNELL BARBARA, COUPER, GOULD
COUPER FARM IRREVOCABLE TRUST
203 TURKEY LN
BUXTON, ME 04093

Loc: 180  GREAT RD  Parcel ID #: U05 5 0
O'CONNELL BARBARA, COUPER, GOULD
COUPER FARM IRREVOCABLE TRUST
203 TURKEY LN
BUXTON, ME 04093

Loc: 138  GOLDSMITH ST  Parcel ID #: U11 56 0
ANDERSON MICHAEL R
ANDERSON HEATHER L
138 GOLDSMITH ST
LITTLETON, MA 01460

Loc: 138  GOLDSMITH ST  Parcel ID #: U11 56 0
ANDERSON MICHAEL R
ANDERSON HEATHER L
138 GOLDSMITH ST
LITTLETON, MA 01460

Loc: 144  GOLDSMITH ST  Parcel ID #: U11 58 0
CARROLL KEITH TRUSTEE
DGC REALTY TRUST
193 FOSTER STREET
LITTLETON, MA 01460

Loc: 24  LAUREL RD  Parcel ID #: U12 57 0
CAPPUCCI KENNETH E
P.O. BOX 415
LITTLETON, MA 01460

Loc: 10  LAUREL RD  Parcel ID #: U12 51 0
FLANNERY RALPH S
P.O. BOX 1532/10 LAUREL RD
LITTLETON, MA 01460

Loc: 171  GREAT RD  Parcel ID #: U05 2 0
FLETCHER ADJACENT LAND LLC
C/O NANCY FLETCHER
31 SANDSTONE ROAD
WESTFORD, MA 01886

Loc: 171  GREAT RD  Parcel ID #: U05 2 0
FLETCHER ADJACENT LAND LLC
C/O NANCY FLETCHER
31 SANDSTONE ROAD
WESTFORD, MA 01886

Loc: 120  GOLDSMITH ST  Parcel ID #: U11 53 0
GOLDFARB RUTH AND BENJAMIN
C/O GERTRUDE STERNBERG
ROBERT FISHER, 23 HILLCREST DR
DOVER, NH 03820

Loc: 120  GOLDSMITH ST  Parcel ID #: U11 53 0
GOLDFARB RUTH AND BENJAMIN
C/O GERTRUDE STERNBERG
ROBERT FISHER, 23 HILLCREST DR
DOVER, NH 03820
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<th>Loc:</th>
<th>Parcel ID #:</th>
<th>Parcel ID #:</th>
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<tr>
<td>GOLDSMITH ST</td>
<td>U11 61 1</td>
<td>ORCHID DR</td>
</tr>
<tr>
<td>GOLDSMITH GROUP LLC</td>
<td>7 PADDOCK WY</td>
<td>HOFELDT ROBERT H</td>
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<tr>
<td>LITTLETON, MA 01460</td>
<td></td>
<td>HOFELDT REINA L</td>
</tr>
<tr>
<td>LAUREL RD</td>
<td>U12 66 0</td>
<td>GREAT RD</td>
</tr>
<tr>
<td>JAMES GERALD, JAMES SHERYL</td>
<td>JAMES JOHN</td>
<td>LITTLETON TOWN OF</td>
</tr>
<tr>
<td>P.O. BOX 5</td>
<td>LITTLETON, MA 01460</td>
<td>P.O. BOX 1305</td>
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<tr>
<td>HAWTHORNE RD</td>
<td>U12 86 0</td>
<td>GOLDSMITH ST</td>
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<td>LITTLETON TOWN OF</td>
<td>P.O. BOX 1305</td>
<td>MORIN CHRISTOPHER</td>
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<td>LITTLETON, MA 01460</td>
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<td>GREAT RD</td>
<td>U06 2 A</td>
<td>GREAT RD</td>
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<tr>
<td>PAM F INC</td>
<td>P.O. BOX 309</td>
<td>PICKARD DANIEL H</td>
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<tr>
<td>ROMILLY KENT C TRUSTEE OF THE</td>
<td>130 GOLDSMITH ST REALTY TRUST</td>
<td>ROSE RICHARD J + ELEANOR M TRS</td>
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<tr>
<td>26 ORCHID DRIVE</td>
<td>LITTLETON, MA 01460</td>
<td>502 POPLAR ST</td>
</tr>
<tr>
<td>GOLDSMITH ST</td>
<td>U17 480 0</td>
<td>LAUREL RD</td>
</tr>
<tr>
<td>SEABURG PATRICIA M</td>
<td>135 GOLDSMITH ST</td>
<td>TARKY KIM F</td>
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<tr>
<td>LITTLETON, MA 01460</td>
<td></td>
<td>LUNENBURG, MA 01462</td>
</tr>
<tr>
<td>GREAT RD</td>
<td>U06 2 5</td>
<td>GOLDSMITH ST</td>
</tr>
<tr>
<td>THE KIMBALL FARM INC</td>
<td>400 LITTLETON ROAD</td>
<td>VEILLEUX JOSEPH J</td>
</tr>
<tr>
<td>WESTFORD, MA 01460</td>
<td></td>
<td>148 GOLDSMITH STREET</td>
</tr>
</tbody>
</table>
Loc: 134  GOLDSMITH ST  Parcel ID #: U11 55 0
WEBSTER ROY E
WEBSTER LYNNE C
134 GOLDSMITH ST
LITTLETON, MA 01460

REQUESTOR:
MATT FIELD
M&M REALTY
442 KING ST
LITTLETON, MA 01460
Notification to Abutters Under the Massachusetts Wetlands Protection Act

And the Littleton Wetlands Bylaw

In accordance with the second paragraph of the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131 Sect. 40) and Sect. 10.05(4)(a) of 310 CMR 10.00, and the Northborough Wetlands Bylaw and Regulations, you are hereby notified of a public hearing on the matter described below:

A. The applicant has filed 12 Notice of Intents (NOIs) with the Conservation Commission for the municipality of Littleton, MA seeking permission to work within the 0-50 foot and 50-100 foot Wetland Buffer Zones under the Wetlands Protection Act (General Laws Chapter 131, Section 40) and the Littleton Wetlands Protection Bylaw. Work within the 0-50 ft buffer zone requires a special waiver.

B. The name of the applicant is: Matt Field, M&M Realty Trust

C. The address of the lot where the activity is proposed is: 180 Great Road (Parcel ID: U-5-5) & a portion of 0 Goldsmith Street (Parcel ID: U 11-61-0).

D. The work proposed for each house lot is summarized herein.

Copies of the NOI may be examined at Littleton Town Offices, Conservation office, between the hours of 9:00 a.m. to 12:00 p.m., Monday-Thursday. Please contact the office at (978) 540-2428 to schedule an appointment.

E. Copies of the NOI may be obtained from either (check one) the applicant ___, or the applicant’s representative X, or other ___; by calling (508) 393-3784 for a fee of $20.

F. Information regarding the date, time, and place of the public hearing may be obtained from either (check one) the applicant ___, or the applicant’s representative X, or by calling the Littleton Conservation Office at (978) 540-2428.

Note: Notice of the public hearing, including date, time and place, will be published at least five business days in advance in the Littleton Independent.

Note: Contact the Littleton Conservation Commission or the nearest Department of Environmental Protection (DEP) Office for more information about this application or the Wetlands Protection Act. To contact DEP, call: Central Region: 508-792-7650

Proposed Work for each Lot is as follows:

Lot 5
Single family house, septic tank and deck with in 50-100 ft BVW Buffer zone, Grading and lawn within 0-50 Ft Buffer zone

Lot 6
Single family housed and septic tank in the 50-100 ft BVW buffer zone, Deck, grading and lawn in the 0-50 ft Buffer zone

Lot 7
Septic tank in the 50-100 ft Buffer zone and grading and lawn in the 0-50ft buffer zone
Lot 8
Lawn and grading in the 50-100 ft Buffer zone.

Lot 9
Lawn and grading within 50-100 ft buffer zone

Lot 10
Deck, septic tank, grading and lawn within 50-100 ft buffer zone

Lot 11
Single family house, deck and septic in the 50-100 ft buffer zone and lawn and grading in the 0-50 ft buffer zone

Lot 12
Single family house in 50-100 ft buffer zone and lawn, grading, deck and septic in the 0-50 Ft buffer zone

Lot 13
Single family house in the 50-100 ft buffer zone and grading, lawn, deck and septic tank in the 0-50 ft buffer zone

Lot 14
Single family house, deck, grading, lawn and septic within 0-50 Ft Buffer zone

Lot 15
Single family house in 50-100 ft buffer zone and deck, septic, grading and lawn in the 0-50ft buffer zone

Lot 16
Single family house and septic in the 50-100 ft buffer zone and grading, lawn and deck in the 0-50 ft buffer zone.
Littleton Conservation Commission  
Littleton Town Offices  
37 Shattuck Street  
Littleton, MA 01460  

Re: Waiver Request for Individual Lot Notices of Intent, Couper Farm Estates  
180 Great Road & 0 Goldsmith Street, Littleton, MA  
Lots Included in Waiver Request: 5, 6, 10, 11, 12, 13, 14, 15, 16  

1. Introduction  

Goddard Consulting, LLC (Goddard) is pleased to submit this Waiver Request on behalf of the applicant, Matthew Field and Michael Field, Trustees of M&M Realty Trust. Section 1.4 of the Littleton Wetlands Protection Bylaw Regulations (effective 8/8/16) states that:  

\[\text{Strict compliance with these Regulations may be waived when, in the judgment of the Commission, such action is}\]

- in the public interest, necessary to avoid a taking, necessary to prevent a safety hazard, or water dependent; and  
- consistent with the intent and purpose of the Bylaw; and  
- the least environmentally damaging practicable alternative.  

Any request for a Waiver must be submitted to the Commission in writing at the time of filing (unless there is good cause for later submission of a Waiver request). The request must state why a Waiver is desired or needed, and how it meets the Waiver criteria. Grant of a Waiver is at the discretion of the Commission. The Commission may impose conditions on any Waiver to protect the Interests Protected by the Bylaw and the Areas Subject to Protection by the Bylaw. Such conditions may include a requirement to record a notice of the presence of Areas Subject to Protection on the property, which notice shall be generally consistent with the form provided in Appendix II of these Regulations.  

Section 4.2(2) states that:  

\[\text{In the judgment of the Commission, any new activity (other than travel by foot or non-motorized vehicle or removal of invasive vegetation using proper methods) or structure within 50 feet of a Bank or BVW is likely to alter the Bank or BVW. No activity shall be allowed within the No-Disturbance Area(s) set forth below except under a Waiver as provided in Section 1.4 of these Regulations. This is the minimum distance for the No-Disturbance Area; the distance may be extended further by the Commission if deemed necessary for the protection of the Interests of the Bylaw, up to the outer extent of the Buffer Zone as established in the Bylaw.}\]

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

2. **Reason for Waiver Request**

The Couper Farm Estates project was designed in early 2016 in connection with the signing of a Host Community Agreement (HCA) between the applicant (M&M Realty Trust) and the Town of Littleton. The HCA was subject to input of the community through plan review and numerous open hearings with the Board of Selectmen. Within the HCA, it was agreed by the parties that approximately 9 acres along Great Road would be restricted and preserved for recreational, conservation and/or agricultural purposes. A setback of 300 feet from Great Road was agreed upon to maintain the scenic vista along Great Road, a primary entryway to the Town of Littleton. In addition, the Applicant agreed to restrict and preserve approximately 13 acres in the center of the parcel as open space. This land, approximately 22.5 acres in total, will be gifted to the Town by the Applicant once the project is permitted consistent with the HCA.

The construction of the Couper Farm Estates project under the HCA would provide a clear public benefit to the citizens of Littleton, in the form of maintenance of agricultural land use, creation of open space for recreational use and preservation of scenic vistas.

At the time of the initial project design, the wetland resource areas had been delineated by Goddard Consulting, LLC, surveyed by a Professional Land Surveyor (Wilson Associates) and located on the site plan by a professional engineer, Markey & Rubin, but not confirmed by the Conservation Commission. The wetland resource area boundary was presented to the Conservation Commission for approval in an Abbreviated Notice of Resource Area Delineation (ANRAD) filed in July, 2016, and ultimately approved by the Commission via an ORAD issued in September 2016. The majority of the wetland resource area boundary remained unchanged from the time of the original Couper Farm Estates design that was presented to the Town as part of the HCA negotiations to that which was ultimately approved, therefore the original project design used for the HCA (and agreed to by the Town) was based on an accurate designation of the existing wetland resource areas and buffer zone. The plan was designed in accordance with the then current Wetlands Protection Bylaw Regulations. At the time of the plan design and signing of the HCA, the Wetlands Protection Bylaw Regulations did not contain a 50-foot No Disturbance Area (NDA) performance standard.

The Preliminary Open Space Plan was submitted to the Planning Board for review in October 2016. Based on input from the various Town departments, the final project design was completed in December 2016 and subsequently submitted to the Planning Board and as part of a Notice of Intent presently before the Commission that includes grading, stormwater management and sewer line construction within the 100-foot buffer zone and NDA (DEP File #204-0833). The project has been modified multiple times since the initial NOI application.
based on input from the Commission and their peer review consultant, Green Affiliates, resulting in a minimization of disturbance to the NDA.

The individual lot projects require grading, lawn and in some cases septic tanks and/or decks to be constructed within the NDA, despite efforts to locate work as far as possible from the wetlands. The applicant therefore requests waivers from Section 4.2(2) of the Bylaw Regulations, for the following individual Lots: 5, 6, 10, 11, 12, 13, 14, 15, 16. Note that alterations in Lots 7, 8 and 9 consist entirely of Stormwater Basin structures, which is covered within the active NOI for DEP File 204-0833, therefore no new waivers are requested for these three lots.

3. Proposed Alterations within NDA

As shown below, the majority of disturbance in the NDA is existing agricultural use including existing hayfields, a pumpkin patch, and cart paths. Total net new alteration to undisturbed habitat within the NDA is approximately 4,044 square feet in total, among the 9 lots. Note that alterations in Lots 7, 8 and 9 consist entirely of Stormwater Basin structures, which is covered within the active NOI for DEP File 204-0833, therefore no new waivers are requested for these three lots.

Table 1 – Existing and Proposed Conditions for NDA in Individual Lots/Areas

<table>
<thead>
<tr>
<th>Location/ Lot #</th>
<th>Total Existing sf of NDA</th>
<th>Proposed sf of Alteration within NDA</th>
<th>Existing Disturbed sf within NDA¹</th>
<th>Proposed sf of Undisturbed Habitat Alteration²</th>
<th>Percent of Undisturbed NDA Altered</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 5</td>
<td>8,722</td>
<td>6,780</td>
<td>3,708</td>
<td>3,508</td>
<td>40.2%</td>
</tr>
<tr>
<td>Lot 6</td>
<td>8,600</td>
<td>3,745</td>
<td>4,076</td>
<td>-378</td>
<td>-4.4%</td>
</tr>
<tr>
<td>Lot 7</td>
<td>No waiver</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Lot 8</td>
<td>No waiver</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Lot 9</td>
<td>No Waiver</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Lot 10</td>
<td>2,205</td>
<td>2,205</td>
<td>2,205</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Lot 11</td>
<td>4,600</td>
<td>1,918</td>
<td>1,918</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Lot 12</td>
<td>4,642</td>
<td>1,532</td>
<td>100</td>
<td>1,432</td>
<td>30.8%</td>
</tr>
<tr>
<td>Lot 13</td>
<td>3,627</td>
<td>2,140</td>
<td>2,293</td>
<td>-153</td>
<td>-4.2%</td>
</tr>
<tr>
<td>Lot 14</td>
<td>6,013</td>
<td>3,864</td>
<td>4,089</td>
<td>-225</td>
<td>3.7%</td>
</tr>
<tr>
<td>Lot 15</td>
<td>5,400</td>
<td>2,307</td>
<td>2,268</td>
<td>39</td>
<td>0.1%</td>
</tr>
<tr>
<td>Lot 16</td>
<td>2,873</td>
<td>431</td>
<td>610</td>
<td>-179</td>
<td>-6.2%</td>
</tr>
<tr>
<td>TOTALS</td>
<td>46,682</td>
<td>24,922</td>
<td>21,267</td>
<td>4,044</td>
<td>8.6%</td>
</tr>
</tbody>
</table>

¹ There are numerous areas that are existing hayfield, pumpkin patch, cart paths etc. within the NDA.

² Some area of existing disturbance will be left to grow into woods again. The proposed limit of hay bales will be the limit of the yards.
4. Compliance with Waiver Criteria

4.1 The granting of a waiver is “in the public interest, necessary to avoid a taking, necessary to prevent a safety hazard, or water dependent.”

The current Couper Farm Estates project plan provides for the creation of 22.5 acres of Open Space including preservation of existing agricultural land and dedication of recreation and open space. To preserve the scenic vista along Great Road and the existing agricultural fields, the Applicant agreed with the Town to protect an open space corridor of approximately 300 feet from Great Road. The open space will be gifted to the Town if the plan is approved substantially the form approved in the HCA. The dedication of open space and recreation space along with the preservation of the scenic vista at the entrance to Littleton is clearly in the public interest to the citizens of Littleton.

4.2 The granting of a waiver is “consistent with the intent and purpose of the Bylaw.”

The intent and purpose of the Bylaw is “to protect the wetland and water resources of the Town of Littleton by regulating activity in or near wetland resource areas.”

The portions of the 100-foot buffer zone in which the proposed work will take place are significant to the following interests protected by the Bylaw: public or private water supply, groundwater supply, flood control, to storm damage prevention, to prevention of pollution, and to the protection of wildlife habitat. The proposed work has been designed to not directly alter any wetland resource areas, and using erosion controls and stormwater management, so as not to indirectly alter and wetland resource areas, thereby not adversely impacting the interests protected by the Bylaw.

The applicant, as part of this waiver request, acknowledges that the Commission may impose conditions that it deems necessary to ensure the protection of the interests protected by the Bylaw.

The granting of a waiver would ensure the permanent protection of nearly the entire onsite wetland system by way of the large Open Space parcel in the southwestern portions of the project site. This would ensure that no alteration will ever take place within the existing forested wetland and stream habitats present within the site. Furthermore, the SW Open Space parcel would permanently protect the entire 100-foot buffer zone that extends off the wetlands from WF#50-#112, then from B16 to B38 (including C1-C12). This buffer zone, protected in its entirety throughout the above-listed portions of the wetlands, will further protect the wetland and water resources of the Town of Littleton. Absent the waiver, potential alternative development proposals outside of the HCA could involve direct wetland alteration and/or may lack any permanent land protection as open space.
4.3 The granting of a waiver is “the least environmentally damaging practicable alternative.”

The proposed work has been designed to not directly alter any wetland resource areas, and new disturbance within the NDA is minimized to have the least impact on wetland resource areas. To maintain the fixed setback from Great Road and the dedicated open space required by the terms of the HCA, the grading and stormwater management design requires the alteration of portions of the NDA. Table 1 above shows the amount of each individual lot NDA alteration. Total net new alteration to undisturbed habitat within the NDA is approximately 4,044 square feet. The majority of disturbance in the NDA will take place within existing agricultural use. A portion of this area will be allowed to return to its natural state, thus minimizing the total disturbance with the NDA. The project design provides the least damaging practicable alternative given the setback and open space constraints imposed by the HCA.

As mentioned above, absent the granting of a waiver, potential alternative development proposals outside of the HCA would be likely to come forward. Such alternative development proposals could involve direct wetland alteration and/or may lack permanent land protection as open space. It is very likely that the agricultural field in the southwest portion of the site (designated as Open Space in the current Couper Farm Estates project) would be developed.

The current Couper Farm Estates design reduces habitat fragmentation by clustering all development to the north and east of the onsite wetlands and this southwestern agricultural field. Having this agricultural field as open space ensures an uninterrupted wildlife habitat corridor between the offsite stream to the west of the site and the large onsite forested wetland. Other alternative development plans could have multiple residences and associated driveways and roadways within this agricultural field, which would effectively eliminate this wildlife migratory corridor.

Please feel free to contact us if you have any questions.

Sincerely,

Goddard Consulting, LLC

by

Daniel L. Wells, M.S.
Senior Wildlife Biologist and Wetland Scientist