Notice of Intent

2 Spectacle Pond Road
Littleton, MA

March 2017

Submitted to:
Littleton Conservation Commission
16 Shattuck Street, Town Offices
Littleton, MA 01460

Submitted by:
Stoneyard.com, LLC
2 Spectacle Pond Road
Littleton, MA 01460

Prepared by:
Goldsmith, Prest & Ringwall, Inc.
39 Main Street, Suite 301
Ayer, MA 01432

Project No:
091016A
# Table of Contents

WPA Form 3 - Notice of Intent

Narrative / Cover Letter

Locus Map - USGS Quad (1"=2000' & Enlarged)

Wetland Data Sheets

## Appendix

Letter of Agent Authorization

Assessor's Map

Affidavit of Service

Abutter Notice

Certified List of Abutters Within 100'

WPA Appendix B - Wetland Fee Transmittal Form

Copy of Fee Checks

## Attachments

Commercial Development, Stoneyard.com, LLC, NOI Permit Plan, dated February 2017

Fee Checks
A. General Information

1. Project Location (Note: electronic filers will click on button to locate project site):
   - 2 Spectacle Pond Road, Littleton, MA 01460
     a. Street Address
     b. City/Town
     c. Zip Code
     d. Latitude
     e. Longitude
     f. Assessors Map/Plat Number
     g. Parcel/Lot Number
     Latitude and Longitude: 41° 33' 14" 71° 31' 51"

2. Applicant:
   - Jerry Croteau, Jr.
     a. First Name
     b. Last Name
     Stoneyard.com, LLC
     c. Organization
     2 Spectacle Pond Road
     d. Street Address
     Littleton, MA 01460
     e. City/Town
     f. State
     g. Zip Code
     h. Phone Number
     i. Fax Number
     j. Email Address
     978-742-9800 978-742-9898 jerry@stoneyard.com

3. Property owner (required if different from applicant): □ Check if more than one owner
   a. First Name
   b. Last Name
   c. Organization
   d. Street Address
   e. City/Town
   f. State
   g. Zip Code
   h. Phone Number
   i. Fax Number
   j. Email address

4. Representative (if any):
   - Bruce Ringwall
     a. First Name
     b. Last Name
     Goldsmith, Prest & Ringwall, Inc.
     c. Company
     39 Main Street, Suite 301
     Ayer, MA 01432
     d. Street Address
     e. City/Town
     f. State
     g. Zip Code
     h. Phone Number
     i. Fax Number
     j. Email address
     978-772-1590 978-772-1591 bringwall@gpr-inc.com

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):
   - $1,050.00
     a. Total Fee Paid
     b. State Fee Paid
     c. City/Town Fee Paid
     $512.50
     $537.50
A. General Information (continued)

6. General Project Description:
   Extending the existing waste block walls and installing waste block erosion control to the existing and proposed waste block wall within the 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 CMR 10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

   South Middlesex
   a. County ____________________________ b. Certificate # (if registered land) ____________________________
   40757 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>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Resource Area</th>
<th>Size of Proposed Alteration</th>
<th>Proposed Replacement (if any)</th>
</tr>
</thead>
<tbody>
<tr>
<td>d. ☐ Bordering Land Subject to Flooding</td>
<td>1. square feet</td>
<td>2. square feet</td>
</tr>
<tr>
<td>e. ☐ Isolated Land Subject to Flooding</td>
<td>1. square feet</td>
<td>2. cubic feet of flood storage lost</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>f. ☐ Riverfront Area</td>
<td>1. Name of Waterway (if available) - specify coastal or inland</td>
<td></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

- ☐ 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>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Resource Area</th>
<th>Size of Proposed Alteration</th>
<th>Proposed Replacement (if any)</th>
</tr>
</thead>
<tbody>
<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></td>
<td>2. cubic yards dredged</td>
<td></td>
</tr>
<tr>
<td>j. ☐ Land Containing Shellfish</td>
<td>1. square feet</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>l. ☐ Land Subject to Coastal Storm Flowage</td>
<td>1. cubic yards dredged</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 BVW

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 (fee 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:

(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, 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 02740-6694
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:
      • Response to enforcement order. (No new impervious surfaces)
         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.

   Commercial Development, Stoneyard.com, LLC, NOI Permit Plan
   a. Plan Title
   Goldsmith, Prest & Ringwall, Inc.
   b. Prepared By
   Douglas E. Miller
   c. Signed and Stamped by
   February 2017
   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


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:

   206466
   2. Municipal Check Number
   206467
   3. Check date
   3/2/17
   3/18/17
   4. State Check Number
   Stoneyard, Inc.
   6. Payor name on check: First Name
   7. Payor name on check: Last Name
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 3/6/17

3. Signature of Property Owner (if different)

4. Date 3/6/17

5. Signature of Representative (if any)

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.
NARRATIVE
to accompany
NOTICE OF INTENT
2 Spectacle Pond Road, Littleton, MA

GENERAL

The project property is located along the west side of Spectacle Pond Road; north of Ayer Road (Rte. 110 & Rte. 2A) and east of Willow Road. The property consists of industrial and open material storage space. The project site is bordered to the southwest by the Boston & Maine Railroad and to the east & west by bordering vegetated wetland. The site is surrounded by a 100-yr floodplain limit at el. 219.0 as mapped by FEMA. The site slopes moderately (5-10%) to a high point (el. 228.3) at the west of the site and to a low point (el. 218±) at the outlet of the infiltration basin in the northeast corner of the open storage area. NCSS mapping classifies the majority soils on-site as Merrimac-Urban Land Complex of hydraulic soil group “A”, with soils in the surrounding wetland area being classified as Freetown Muck of hydraulic soil group “D”.

PROJECT HISTORY

In 2004, David Ross Company submitted a Notice of Intent and Site Plan for the main manufacturing center of Stoneyard.com, LLC on the southern two-thirds of the site which includes the building, parking areas, truck scale, storage bins and the associated stormwater basin. Despite extensive investigation, no design stormwater computations were found to be available from the engineer of record, or from the Town. In 2009, GPR prepared plans that addressed the expansion of areas for storage at the west-northwest end of the property adjacent to Bennett’s Brook, plus an area near the railroad bridge on the southeast corner of the property.

An Enforcement Order was issued in April 2014 and released in January 2015, after the Stoneyard made improvements. GPR filed a NOI for rehabilitation to the stormwater basin and other remedial measures shown on the 2004 Ross Plan in 2014, but the Commission did not approve the project and the NOI was withdrawn in July 2015. The purpose of the 2014 NOI was to perform revisions to the stormwater basin and other areas in order to make maintenance easier to perform and prevent sediment, including a substantial amount of sediment from an off-site source from entering the site and ultimately entering the adjacent wetland.

Regardless, since January 2015, the Stoneyard has implemented best management practices for process water recirculation and street sweeping in addition to continuing long-established maintenance practices. Stoneyard.com, LLC has noticed a sudden and dramatic drop in sediment accumulation in their stormwater system. Weekly cleanings of the various catchments that were necessary to keep up with the prior sediment buildups are no longer needed, and the intervals for such cleanings are being stretched out. The management of sediment accumulation onsite went from a near constant activity to something more reasonable and manageable for this industrial rock manufacturing operation.

Stoneyard.com, LLC continues to look for ways to improve the conditions of their manufacturing site and have recognized that there are two offsite drainage flows onto their property that have compounded their onsite stormwater problems for years. The first flow is from the adjacent private road and Lenox Management, LLC properties to the east. The second is flow piped from Spectacle Pond Road. Both of these flows end up in the Stoneyard’s stormwater basin.
and they are seeking ways to mitigate this burden. There does not appear to be an agreement between the Town and the Stoneyard for the Spectacle Pond Road discharge. The discharge from Lenox Management, LLC, property appears to be a construction error in the grading of the private drive that ought to be corrected, and could be corrected with minor grading changes. However, the Stoneyard is powerless to correct either of these issues.

On December 1, 2016, the Commission issued an Enforcement Order alleging several violations and the attached Notice of Intent and plan is in response to that Order.

Alleged Violations:

Area 1: Storage of unconsolidated material, placement of fill along previous edge of fill, catch basin needs to be cleaned and protected.

Area 2: Pipe that was to be plugged is still conveying water; southern dirt road is directly importing sediment to the swale, area near weir has not been maintained clear of sediment.

Area 3: Basin is discharging sediment laden water to wetlands in at least two places.

Area 4: Edge of fill has been pushed closer to wetland edge.

Area 5: Sediment laden water is leaving the site and controls that had been previously established are no longer effective.

Area 6: Ongoing Onyx operation has crossed the established boulder no-work line and sediment from road crossing is not being controlled by erosion controls; unable to verify of boulder line is being observed in the western side as operations were ongoing.

PROPOSED SITE IMPROVEMENTS

The proposed mitigating measures are limited to relatively small portions of the site. They include:

- Extending the waste block wall on the southern corner of the property as well as the waste block wall on the northwest corner of the property. These extensions are intended to both act as a limit of work during business operations and to prevent sediment from being carried to the bordering vegetated wetland. Additionally, a straw wattle will be placed directly behind the waste block wall and covered with clean crushed stone. This will prevent any remaining sedimentation from seeping through cracks in the wall or under the wall.
- Construction of a 112’ x 24’ shed on the northeast side of the existing building to house a BLAH BLAH water filtration system to clean the process water being used in the building. This shed is beyond the 100’ wetland buffer and the filtration system will allow for more recycling of the process water and dramatically decrease sediment entering the swale and stormwater basin west of the building.
- Other improvements include the proposed grading of the southern corner of the property to a proposed Sediment forebay adjacent to the southern edge of the waste block wall. This is intended to allow the settling of sedimentation before overflowing to the bordering vegetated wetlands.
- The Onyx operation is complete and the area will be restored and the limit of work re-established.
JURISDICTION

The primary resource area is Bennett’s Brook, a stream which defines the northwest property boundary of the site. Attendant to this resource area are a bordering vegetated wetland and a 100-yr floodplain limit, located on the property and bordering the area of proposed work. Associated with the bordering vegetated wetland is a 100’ wetland buffer zone area. A 100’ and a 200’ riverfront area associated with Bennett’s Brook, both of which are significantly outside of the limits of proposed work. This site is also located within the Water Resource Overlay District as defined by the Town of Littleton Zoning Bylaws.

CONCLUSION

The project proposes improvements to enable business operations to operate in propriety and has been designed to minimize impacts to the resource areas during construction and thereafter. We feel the project represents no degradation to the interests defined in the MassDEP Wetland Protection bylaw and the Town of Littleton Wetland Protection Bylaw. We trust that the Conservation Commission will feel the same and approved the work and release the Enforcement Order.
### DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

**Applicant:** ____________________  **Prepared by:** B & C Associates Inc.  **Project location:** Spectacle Pond Road, Littleton  **DEP File #:_____**

Check all that apply:
- [ ] Vegetation alone presumed adequate to delineate BWV boundary: fill out Section I only
- [ ] Vegetation and other indicators of hydrology used to delineate BWV boundary: fill out Sections I and II
- [ ] Method other than dominance test used (attach additional information)

### Section I. Vegetation

<table>
<thead>
<tr>
<th>Observation Plot Number</th>
<th>Transect Number</th>
<th>Date of Delineation: 4/22/09</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Sample Layer and Plant Species</strong></td>
<td><strong>B. Percent Cover</strong>&lt;br&gt;(or basal area)</td>
<td><strong>C. Percent Dominance</strong></td>
</tr>
<tr>
<td><strong>Herbaceous:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hayscented Fern</td>
<td>Dennstaedtia punctilobula</td>
<td>20.5</td>
</tr>
<tr>
<td>Cinnamon Fern</td>
<td>Osmunda cinnamomea</td>
<td>10.5</td>
</tr>
<tr>
<td>Sensitive Fern</td>
<td>Onoclea sensibilis</td>
<td>3.0</td>
</tr>
<tr>
<td>Canada Mayflower</td>
<td>Mairanthemum canadense</td>
<td>3.0/137.0</td>
</tr>
<tr>
<td><strong>Shrubs:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Winterberry</td>
<td>Ilex verticillata</td>
<td>10.5</td>
</tr>
<tr>
<td>Arrowwood</td>
<td>Viburnum dentatum</td>
<td>3.0/13.5</td>
</tr>
<tr>
<td><strong>Saplings:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Red Maple</td>
<td>Acer rubrum</td>
<td>10.5</td>
</tr>
<tr>
<td>American Elm</td>
<td>Ulmus americana</td>
<td>10.5</td>
</tr>
<tr>
<td>White Ash</td>
<td>Fraxinus americana</td>
<td>10.5/31.5</td>
</tr>
<tr>
<td><strong>Lianas:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>None</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Overstory:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Red Maple</td>
<td>Acer rubrum</td>
<td>235.6</td>
</tr>
<tr>
<td>Black Oak</td>
<td>Quercus velutina</td>
<td>136.6</td>
</tr>
<tr>
<td>Bigtooth Aspen</td>
<td>Populus grandidentata</td>
<td>95.7</td>
</tr>
<tr>
<td>Gray Birch</td>
<td>Betula populifolia</td>
<td>67.2</td>
</tr>
<tr>
<td>White Ash</td>
<td>Fraxinus americana</td>
<td>44.6/579.9</td>
</tr>
</tbody>
</table>

* Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus Sphagnum; plants listed as FAC, FAC+, FACW+, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

### Vegetation conclusion:

- Number of dominant wetland indicator plants: *6*
- Number of dominant non-wetland indicator plant: *3*

**Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants?**

*YES*

*If vegetation alone is presumed adequate to delineate the BWV boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.*

BC 0904-04  A DEP:3/95
Section II.  Indicators of Hydrology
Hydric Soil Interpretation

1. Soil Survey

   Is there a published soil survey for this site?
   title/date: Middlesex County
   map number: 22
   soil type mapped: Merrimac-Urban land complex
   hydric soil inclusions:

   Are field observations consistent with soil survey? YES

   Remarks:

2. Soil Description

   Horizon | Depth | Matrix Color | Mottles Color
   ------- | ----- |------------- |---------------
   A       | 0-12” | 10 YR 2/2   |               |
   B       | 12-15”| 10 YR 4/6   | 7.5 YR 4/4    |

   Remarks: Refusal @ 15”

3. Other: 13’ 5” to Wetland Flag # 20
           13’ 6” to Wetland Flag # 21

Conclusion: Is soil hydric? NO

Other Indicators of Hydrology: (check all that apply and describe)

   □ Site inundated: ________________________________
   □ Depth to free water in observation hole: ___________
   □ Depth to soil saturation in observation hole: __________
   □ Water marks: _________________________________
   □ Drift lines: ________________________________
   □ Sediment deposits: ___________________________
   □ Drainage patterns in BVW: _______________________
   □ Oxidized rhizospheres: _________________________
   □ Water-stained leaves: __________________________
   □ Recorded data (stream, lake, or tidal gauge; aerial photo; other): ________________________________
   □ Other: _______________________________________

Vegetation and Hydrology Conclusion

Number of wetland indicator plants ≥ number of non-wetland indicator plants  
   Yes          No

Wetland hydrology present:
   hydric soil present  
   other indicators of hydrology present  

Sample location is in a BVW  

Submit this form with the Request for Determination of Applicability or Notice of Intent
### Section I. Vegetation

<table>
<thead>
<tr>
<th>Observation Plot Number</th>
<th>Transect Number</th>
<th>Date of Delineation</th>
<th>A. Sample Layer and Plant Species</th>
<th>B. Percent Cover</th>
<th>C. Percent Dominance</th>
<th>D. Dominant Plant</th>
<th>E. Wetland Indicator Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>A</td>
<td>4/22/09</td>
<td>Herbaceous:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Cinnamon Fern</td>
<td>Osmunda cinnamomea</td>
<td>20.5</td>
<td>50%</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Sensitive Fern</td>
<td>Onoclea sensibilis</td>
<td>20.5/41.0</td>
<td>50%</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Shrubs:</td>
<td>Viburnum dentatum</td>
<td>10.5/10.5</td>
<td>100%</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Saplings:</td>
<td>Ulmus americana</td>
<td>10.5</td>
<td>50%</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Red Maple</td>
<td>Acer rubrum</td>
<td>10.5/21.0</td>
<td>50%</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Lianas:</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Overstory:</td>
<td>Acer rubrum</td>
<td>287.4</td>
<td>58%</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Bigtooth Aspen</td>
<td>Populus grandidentata</td>
<td>95.7</td>
<td>19%</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Gray Birch</td>
<td>Betula populifolia</td>
<td>67.2</td>
<td>14%</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>White Ash</td>
<td>Fraxinus americana</td>
<td>44.6/579.9</td>
<td>9%</td>
<td>No</td>
</tr>
</tbody>
</table>

* Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus Sphagnum; plants listed as FAC, FAC+, FACW+, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

### Vegetation conclusion:

Number of dominant wetland indicator plants: 6  Number of dominant non-wetland Indicator plant: 0

Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? YES
Section II. Indicators of Hydrology
Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site?

title/date: Middlesex County

map number: 22

soil type mapped: Freetown muck, ponded

hydric soil inclusions: __________________________

Are field observations consistent with soil survey? NO

Remarks:

2. Soil Description

<table>
<thead>
<tr>
<th>Horizon</th>
<th>Depth</th>
<th>Matrix Color</th>
<th>Mottles Color</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>0-15”</td>
<td>10 YR 2/2</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>15-22”</td>
<td>10 YR 4/3</td>
<td></td>
</tr>
</tbody>
</table>

Remarks:

3. Other:

14’ 5” to Wetland Flag # 20
19’ 4” to Wetland Flag # 21
17’ 5” Downgradient from A1

Conclusion: Is soil hydric? YES

Other Indicators of Hydrology: (check all that apply and describe)

☐ Site inundated: ______________________________

☐ Depth to free water in observation hole: 15”

☐ Depth to soil saturation in observation hole: 3”

☐ Water marks: ________________________________

☐ Drift lines: ________________________________

☐ Sediment deposits: __________________________

☐ Drainage patterns in BVW: ____________________

☐ Oxidized rhizospheres: _______________________

☐ Water-stained leaves: _________________________

☐ Recorded data (stream, lake, or tidal gauge; aerial photo; other):

☐ Other: ______________________________________

Vegetation and Hydrology Conclusion

Number of wetland indicator plants: □ Yes □ No

≥ number of non-wetland indicator plants: □

Wetland hydrology present: □

hydric soil present: □

other indicators of hydrology present: □

Sample location is in a BVW: □

Submit this form with the Request for Determination of Applicability or Notice of Intent
### Section I. Vegetation

<table>
<thead>
<tr>
<th>Observation Plot Number: 1</th>
<th>Transect Number: B</th>
<th>Date of Delineation: 4/27/09</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Sample Layer and Plant Species (by common/scientific name)</strong></td>
<td><strong>B. Percent Cover (or basal area)</strong></td>
<td><strong>C. Percent Dominance</strong></td>
</tr>
<tr>
<td>Herbaceous:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Canada Mayflower</td>
<td><em>Maianthemum canadense</em></td>
<td>20.5</td>
</tr>
<tr>
<td>Upland Grasses</td>
<td><em>Gramineae sp.</em></td>
<td>3.0</td>
</tr>
<tr>
<td>Common Cinquefoil</td>
<td><em>Potentilla simplex</em></td>
<td>3.0</td>
</tr>
<tr>
<td>Arrowwood</td>
<td><em>Viburnum dentatum</em></td>
<td>3.0/29.5</td>
</tr>
<tr>
<td>Shrubs:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tartarian Honeysuckle</td>
<td><em>Lonicera tatarica</em></td>
<td>10.5</td>
</tr>
<tr>
<td>Multiflora Rose</td>
<td><em>Rosa multiflora</em></td>
<td>10.5</td>
</tr>
<tr>
<td>Highbush Blueberry</td>
<td><em>Vaccinium corymbosum</em></td>
<td>10.5</td>
</tr>
<tr>
<td>Red Maple</td>
<td><em>Acer rubrum</em></td>
<td>3.0</td>
</tr>
<tr>
<td>Winterberry</td>
<td><em>Ilex verticillata</em></td>
<td>3.0</td>
</tr>
<tr>
<td>European Buckthorn</td>
<td><em>Rhamnus frangula</em></td>
<td>3.0</td>
</tr>
<tr>
<td>Old Field Raspberry</td>
<td><em>Rubus alnus</em></td>
<td>3.0/43.5</td>
</tr>
<tr>
<td>Saplings:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Red Maple</td>
<td><em>Acer rubrum</em></td>
<td>20.5</td>
</tr>
<tr>
<td>Shadbush</td>
<td><em>Amelanchier intermedia</em></td>
<td>20.5/41.0</td>
</tr>
<tr>
<td>Lianas:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>American Bittersweet</td>
<td><em>Celastrus scandens</em></td>
<td>3.0/3.0</td>
</tr>
<tr>
<td>Overstory:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Red Maple</td>
<td><em>Acer rubrum</em></td>
<td>551.6</td>
</tr>
<tr>
<td>Black Oak</td>
<td><em>Quercus velutina</em></td>
<td>123.1</td>
</tr>
<tr>
<td>Black Cherry</td>
<td><em>Prunus serotina</em></td>
<td>38.5</td>
</tr>
<tr>
<td>Gray Birch</td>
<td><em>Betula populifolia</em></td>
<td>23.9/737.1</td>
</tr>
</tbody>
</table>

* Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

### Vegetation conclusion:

Number of dominant wetland indicator plants: 4  Number of dominant non-wetland indicator plant: 4

Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? **YES**
Section II. Indicators of Hydrology
Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site?

title/date: Middlesex County
map number: 22
soil type mapped: Merrimac-Urban land complex
hydric soil inclusions:

Are field observations consistent with soil survey? YES

Remarks:

2. Soil Description

<table>
<thead>
<tr>
<th>Horizon</th>
<th>Depth</th>
<th>Matrix Color</th>
<th>Mottles Color</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>0-15”</td>
<td>10 YR 2/2</td>
<td></td>
</tr>
</tbody>
</table>

Remarks: Refusal @ 15”

3. Other:

23' 3” to Wetland Flag # 65
22' 10” to Wetland Flag # 66

Conclusion: Is soil hydric? NO

Other Indicators of Hydrology: (check all that apply and describe)

☐ Site inundated: __________________________

☐ Depth to free water in observation hole: __________

☐ Depth to soil saturation in observation hole: __________

☐ Water marks: __________________________

☐ Drift lines: __________________________

☐ Sediment deposits: __________________________

☐ Drainage patterns in BVW: __________________________

☐ Oxidized rhizospheres: __________________________

☐ Water-stained leaves: __________________________

☐ Recorded data (stream, lake, or tidal gauge; aerial photo; other): __________________________

☐ Other: __________________________

Vegetation and Hydrology Conclusion

Number of wetland indicator plants ≥ number of non-wetland indicator plants

☐ Yes ☐ No

Wetland hydrology present:

☐ hydric soil present

☐ other indicators of hydrology present

Sample location is in a BVW

☐ Yes ☐ No

Submit this form with the Request for Determination of Applicability or Notice of Intent
**DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form**

Applicant: ___________________  
Prepared by: B & C Associates Inc.  
Project location: Spectacle Pond Road, Littleton  
DEP File #: _______

Check all that apply:
- [ ] Vegetation alone presumed adequate to delineate BVW boundary; fill out Section I only
- [x] Vegetation and other indicators of hydrology used to delineate BVW boundary; fill out Sections I and II
- [ ] Method other than dominance test used (attach additional information)

<table>
<thead>
<tr>
<th>Section I. Vegetation</th>
<th>Observation Plot Number: 2</th>
<th>Transect Number: B</th>
<th>Date of Delineation: 4/27/09</th>
</tr>
</thead>
</table>
| **A. Sample Layer and Plant Species**  
(by common/scientific name) | **B. Percent Cover (or basal area)** | **C. Percent Dominance** | **D. Dominant Plant (yes or no)** | **E. Wetland Indicator Category** |
| Herbaceous: | | | | |
| Canada Mayflower | Maianthemum canadense | 10.5 | 28% | Yes | FAC- |
| Stiff Clubmoss | Lycopodium annotinum | 10.5 | 28% | Yes | FAC |
| Skunk Cabbage | Symplocarpus foetidus | 10.5 | 28% | Yes | OBL |
| Swamp Dewberry | Rubus hispidus | 3.0 | 8% | No | FACW |
| Upland Grasses | Graminaceae sp. | 3.0/37.5 | 8% | No | UPL |
| Shrubs: | | | | |
| Highbush Blueberry | Vaccinium corymbosum | 20.5 | 55% | Yes | FACW- |
| European Buckthorn | Rhamnus frangula | 10.5 | 28% | Yes | FAC |
| Winterberry | Ilex verticillata | 3.0 | 8% | No | FACW |
| Tartarian Honeysuckle | Lonicera tatarica | 3.0/37.0 | 8% | No | FACU |
| Saplings: | | | | |
| Red Maple | Acer rubrum | 20.5/20.5 | 100% | Yes | FAC |
| Lianas: | | | | |
| American Bittersweet | Celastrus scandens | 3.0/3.0 | 100% | Yes | FACU |
| Overstory: | | | | |
| Red Maple | Acer rubrum | 1184.6 | 84% | Yes | FAC |
| Black Oak | Quercus velutina | 187.0 | 13% | No | UPL |
| Black Cherry | Prunus serotina | 38.5/1410.1 | 3% | No | FACU |

* Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

**Vegetation conclusion:**

Number of dominant wetland indicator plants: 6  
Number of dominant non-wetland Indicator plant: 2

Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? **YES**

*If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.*

BC 0904-04  
A DEP: 3.95
Section II. Indicators of Hydrology
Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site?

- Title/Date: Middlesex County
- Map Number: 22
- Soil Type Mapped: Freetown muck, ponded
- Hydric Soil Inclusions:

Are field observations consistent with soil survey? NO

Remarks:

2. Soil Description

<table>
<thead>
<tr>
<th>Horizon</th>
<th>Depth</th>
<th>Matrix Color</th>
<th>Mottles Color</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>0-14&quot;</td>
<td>10 YR 2/2</td>
<td></td>
</tr>
<tr>
<td>Bg</td>
<td>14-17&quot;</td>
<td>10 YR 3/1</td>
<td></td>
</tr>
</tbody>
</table>

Remarks: Refusal @ 17"

3. Other:

- 32' 6" to Wetland Flag # 65
- 15' 10" to Wetland Flag # 66
- 15' 8" Downgradient from B1

Conclusion: Is soil hydric? YES

Other Indicators of Hydrology: (check all that apply and describe)

- Site inundated: ________________________________
- Depth to free water in observation hole: ____________
- Depth to soil saturation in observation hole: 3 "
- Water marks: ________________________________
- Drift lines: ________________________________
- Sediment deposits: ________________________________
- Drainage patterns in BVW: ________________________________
- Oxidized rhizospheres: ________________________________
- Water-stained leaves: ________________________________
- Recorded data (stream, lake, or tidal gauge; aerial photo; other): ________________________________
- Other: ________________________________

Vegetation and Hydrology Conclusion

<table>
<thead>
<tr>
<th>Number of wetland indicator plants</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>≥ number of non-wetland indicator plants</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Wetland hydrology present:
- Hydric soil present
- Other indicators of hydrology present

Sample location is in a BVW

Submit this form with the Request for Determination of Applicability or Notice of Intent
Hydric Soil Indicators

Most hydric soils have a soil horizon with a chroma of 0, 1, or 2 below the A-horizon. These are referred to as low-chroma colors. (Reminder: the Munsell Soil Color Charts are used to determine soil colors.) Generally, when evaluating mineral soils for low-chroma colors or other evidence of saturation, look for indicators directly below the A-horizon and within the top 12 inches of the soil surface. In areas where the O-horizon is less than 8 inches thick, soil depths are measured from the bottom of the O-horizon. When the O-horizon is 8 inches or greater (for histosols and soils with histic epipedons), such depths are measured from the soil surface. The soil surface is the top of the mineral soil; or, for soils with an O-horizon, the soil surface is measured from the top of the O-horizon. Fresh leaf or needle fall that has not undergone observable decomposition (the litter layer) is excluded from soil and may be separately described.

The following is a list of some hydric soil indicators — any of which can be used to identify the presence of wetland hydrology:

- **Histosols** (organic soils). Histosols are soils with at least 16 inches of organic material measured from the soil surface.

- Histic epipedons. These are soils with 8 to 16 inches of organic material measured from the soil surface.

- Sulfidic material. A strong "rotten egg" smell generally is noticed immediately after the soil test hole is dug.

- Gleyed soils. Soils that are predominantly neutral gray, or occasionally greenish or bluish gray in color within 12 inches from the bottom of the O-horizon. (The Munsell Soil Color Charts have special pages for gleyed soils.)

- Soils with a matrix chroma of 0 or 1 and values of 4 or higher within 12 inches from the bottom of the O-horizon.

- Within 12 inches from the bottom of the O-horizon, soils with a chroma of 2 or less and values of 4 or higher in the matrix, and mottles with a chroma of 3 or higher.

- Within 12 inches from the bottom of the O-horizon, soils with a matrix chroma of 3 and values of 4 or higher, with 10 percent or more low-chroma mottles, as well as indicators of saturation (i.e., mottles, oxidized rhizospheres, concretions, nodules) within 6 inches of the soil surface.
Charts for Estimating Percent Redoximorphic Features

2%  5%

20%  10%

50%

AGGREGATES
0-1 FT.
0-20 common
20-

PMH
July 14, 2014

Subject: 2 Spectacle Pond Road, Littleton, MA
         Tax Map R-22, Parcel 9-1

To Whom It May Concern:

I hereby authorize Goldsmith, Prest & Ringwall, Inc., 39 Main Street, Suite 301, Ayer, MA, 978.772.1590, to act as my agent in administrative and civil engineering matters pertaining to the proposed site improvements and Notice of Intent application at the subject site. This authorization covers the execution of application forms, presentation of plans and designs, and communication with involved parties.

Respectfully,

[Signature]

Stoneyard.com, LLC.
2 Spectacle Pond Road
Littleton, MA 01460

Copy: Goldsmith, Prest & Ringwall, Inc.
      GPR File # 091016A
AFFIDAVIT OF SERVICE
Under the Massachusetts Wetlands Protection Act

(to be submitted to the Massachusetts Department of Environmental Protection
and the Conservation Commission when filing a Notice of Intent)

I, Vicki Bilafer, hereby certify under the pains and penalties of perjury that on
March 7, 2017, I gave notification to abutters in compliance with the second paragraph of
Massachusetts General Laws Chapter 131, Section 40, and the DEP Guide to Abutter
Notification dated April 8, 1994, in conjunction with the following matter:

A Notice of Intent filed under the Massachusetts Wetlands Protection Act by
STONEYARD.COM, INC. with the Littleton Conservation Commission on March 7,
2017 for property located at 2 Spectacle Pond Road, aka Assessor’s Map R-22, Parcel
9-1.

The form of notification and a list of the abutters / addresses to whom / to which
notification has been given, are attached to this Affidavit of Service.

Vicki Bilafer (for Goldsmith, Prest & Ringwall, Inc.)

Date

3/7/17
NOTIFICATION TO ABUTTERS UNDER THE
MASSACHUSETTS WETLANDS PROTECTION ACT

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, you are hereby notified of the following:

A. The name of the applicant is **Stoneyard.com, LLC**

B. The applicant has filed a Notice of Intent with the Conservation Commission for the municipality of **Littleton**, seeking permission to remove, fill, dredge or alter an Area Subject to Protection under the Wetlands Protection Act (General Laws Chapter 131, Section 40).

C. The address of the lot where the activity is proposed is **2 Spectacle Pond Road, Littleton, MA**

D. Copies of the Notice of Intent may be examined at Goldsmith, Prest & Ringwall, Inc.’s office between the hours of 8 AM and 5 PM on the following days of the week: Monday through Friday. For more information, call: (978) 772-1590.

Check one: This is the: **applicant**, **representative**, or other (specify):

E. Copies of the Notice of Intent may be obtained from either (check one): the applicant, or **the applicant’s representative** by calling this telephone number (978) 772-1590 between the hours of 9 AM and 5 PM on the following days of the week: Monday through Friday.

F. Information regarding the date, time, and place of the public hearing may be obtained from the Commission’s office or by calling this number (978) 486-9537 between the hours of 9 AM and 12 PM on the following days of the week: Monday through Thursday.

Check one: This is the **applicant**, **representative**, or other (specify): **LITTLETON CONSERVATION COMMISSION**

NOTE: Notice of the public hearing, including its date, time, and place will be published at least five (5) days in advance in the: **Lowell Sun**

(Name of Newspaper)

NOTE: Notice of the public hearing, including its date, time, and place will be posted in the Town Hall not less than forty-eight (48) hours in advance.

NOTE: You may also contact your local Conservation Commission or the nearest Department of Environmental Protection Regional Office for more information about this application or the Wetlands Protection Act. To contact DEP, call:

- Central Region: (508) 792-7650
- Northeast Region: (978) 661-7600
- Southeast Region: (508) 946-2800
- Western Region: (413) 784-1100
Date: December 22, 2016

Re: Certified List of Abutters Conservation Commission

Applicant: Vicki Bilafar  Name of Firm: GPR Inc
Mailing Address: 39 Main St Suite 301, Ayer, MA 01432

Subject Parcel Location & Map & Parcel No: R22 9 1 1 Spectacle Pond Rd
Owner Name: Stoneway.com LLC

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 roads 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) 8, including the subject parcel + 1 Applicant Requesting Abutter’s List

Certified by: [Signature]

Celia Jornet, Assistant Assessor
<table>
<thead>
<tr>
<th>LOCATION / PID</th>
<th>OWNER</th>
<th>CO-OWNER</th>
<th>MAILING ADDRESS</th>
<th>CITY STATE ZIP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loc: 2 SPECTACLE POND RD Parcel ID #: R22 9 1</td>
<td>STONEYARD.COM, LLC</td>
<td></td>
<td>265 FOSTER ST</td>
<td>LITTLETON MA 01460-2005</td>
</tr>
<tr>
<td>Loc: 1 SPECTACLE POND RD Parcel ID #: R22 13 1</td>
<td>SPECTACLE POND ROAD ASSOCIATES</td>
<td></td>
<td>1 SPECTACLE POND ROAD</td>
<td>LITTLETON MA 01460</td>
</tr>
<tr>
<td>Loc: 5 SPECTACLE POND RD Parcel ID #: R22 9 0</td>
<td>LENOX MANAGEMENT, LLC</td>
<td></td>
<td>1 KEFE RD</td>
<td>ACTON MA 01720</td>
</tr>
<tr>
<td>Loc: 4 SPECTACLE POND RD Parcel ID #: R22 9 2</td>
<td>BREITMAIER STEVEN C TRUSTEE OF B 14 PATRICIA DR</td>
<td></td>
<td></td>
<td>AYER MA 01432</td>
</tr>
<tr>
<td>Loc: SPECTACLE POND RD Parcel ID #: R22 9 3</td>
<td>MIDDLESEX MATERIALS MGMT LLC AKA TMC LEASING LLC</td>
<td></td>
<td>1 SPECTACLE POND RD</td>
<td>LITTLETON MA 01460</td>
</tr>
<tr>
<td>Loc: KING ST Parcel ID #: U44 21 0</td>
<td>BOSTON + MAINE RAILROAD</td>
<td></td>
<td>IRON HORSE PARK</td>
<td>NO BILLERICA MA 01821</td>
</tr>
<tr>
<td>Loc: 239 AYER RD Parcel ID #: U45 15 0</td>
<td>RODGERS FAMILY HOLDINGS LLC</td>
<td></td>
<td>843 WEST HOLLIS STREET</td>
<td>NASHUA NH 03062</td>
</tr>
<tr>
<td>ALSO ABUTS THE TOWN OF AYER</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>REQUESTOR:</td>
<td>VICKI BLAHER</td>
<td>GPR INC</td>
<td>39 MAIN ST STE 303</td>
<td>AYER MA 01432</td>
</tr>
</tbody>
</table>
December 27, 2016

ABUTTERS LIST FOR PARCEL: R22 9-1, 2 Spectacle Pond Road, Littleton, MA 01460
Owners(s): Stoneyard.com, LLC, 265 Foster Street, Littleton, MA 01460

<table>
<thead>
<tr>
<th>#</th>
<th>Parcel ID</th>
<th>Stno</th>
<th>Sno2</th>
<th>Property Location</th>
<th>Owners Name1</th>
<th>Owners Name2</th>
<th>Address1</th>
<th>Address2</th>
<th>City/Town</th>
<th>State</th>
<th>Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>24-1</td>
<td>4</td>
<td></td>
<td>WILLOW ROAD</td>
<td>PAN AM SOUTHERN LLC</td>
<td></td>
<td>1700 IRON HORSE PARK</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>31-5</td>
<td>0</td>
<td></td>
<td>OFF WILLOW ROAD</td>
<td>LITTLETON MOTOR COURT INC</td>
<td></td>
<td>843 WEST HOLUS ST</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>00-0000</td>
<td>0</td>
<td></td>
<td>FITCHBURG DIVISION</td>
<td>BOSTON &amp; MAINE RAILROAD</td>
<td>CIO GUILFORD TRANSPORTATION INDUS</td>
<td>IRON HORSE PARK</td>
<td>TAX DEPT - 67 HIGH STREET</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*The above list is a true copy of the records as of November 30, 2016 in the Town of Ayer Assessor's office for the last known names and addresses of owners of land located within 100 feet of the subject property in accordance with amended Mass General Law, 40A, Section 11.*

Certified: Board of Assessors
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:
   - 2 Spectacle Pond Road
   - Littleton
   - a. Street Address
   - 206467
   - b. City/Town
   - $512.50
   - c. Check number
   - d. Fee amount

2. Applicant Mailing Address:
   - a. First Name
   - b. Last Name
   - Stoneyard.com, LLC
   - c. Organization
   - 2 Spectacle Pond Road
   - d. Mailing Address
   - Littleton
   - e. City/Town
   - MA
   - f. State
   - 01460
   - g. Zip Code
   - 978-742-9800
   - h. Phone Number
   - 978-742-9898
   - i. Fax Number
   - ben@stoneyard.com
   - j. Email Address

3. Property Owner (if different):
   - a. First Name
   - b. Last Name
   - c. Organization
   - d. Mailing Address
   - 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.
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>
</tr>
</thead>
<tbody>
<tr>
<td>Category 3a</td>
<td>1</td>
<td>$1,050.00</td>
<td>$1,050.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Step 5/Total Project Fee: ______________________

Step 6/Fee Payments:

- Total Project Fee: $1,050.00
  - a. Total Fee from Step 5
- State share of filing Fee: $512.50
  - b. 1/2 Total Fee less $12.50
- City/Town share of filing Fee: $537.50
  - c. 1/2 Total Fee plus $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.)
STONEYARD INC.
265 FOSTER STREET
LITTLETON, MA 01460
(978) 742-9800  FAX (978) 742-9898
www.stoneyard.com

NORTH MIDDLESEX SAVINGS BANK
AYER, MASSACHUSETTS
53-7137/2113

PAY TO THE ORDER OF COMMONWEALTH OF MASS

Five Hundred Twelve and 50/100

$ **512.50

DOLLARS

COMMONWEALTH OF MASS
BOSTON, MA 02241-4376

VOID AFTER 90 DAYS

MEMO Notice of Intent

-------------------------

STONEYARD INC.
265 FOSTER STREET
LITTLETON, MA 01460
(978) 742-9800  FAX (978) 742-9898
www.stoneyard.com

NORTH MIDDLESEX SAVINGS BANK
AYER, MASSACHUSETTS
53-7137/2113

PAY TO THE ORDER OF TOWN OF LITTLETON

Five Hundred Thirty-Seven and 50/100

$ **537.50

DOLLARS

TOWN OF LITTLETON
TAX COLLECTOR
BOX 1305
LITTLETON, MA 01460

VOID AFTER 90 DAYS

MEMO Notice of Intent

-------------------------

STONEYARD INC.
265 FOSTER STREET
LITTLETON, MA 01460
(978) 742-9800  FAX (978) 742-9898
www.stoneyard.com

NORTH MIDDLESEX SAVINGS BANK
AYER, MASSACHUSETTS
53-7137/2113

PAY TO THE ORDER OF TOWN OF LITTLETON

Six Hundred and 00/100

$ **600.00

DOLLARS

TOWN OF LITTLETON
TAX COLLECTOR
BOX 1305
LITTLETON, MA 01460

VOID AFTER 90 DAYS

MEMO Notice of Intent

-------------------------