

General Information

What authority does the Board of Appeals have?

The Board of Appeals obtains its authority under the Massachusetts General Laws Chapter 40A §14 and the Town of Littleton's Zoning By-law 173-6 to hear and decide *appeals*, to hear and decide applications for *Chapter 40A special permits*, and to hear and decide petitions for *variances*. The Board of Appeals also hears and decides applications for *special permits for low and moderate income housing* under Massachusetts General Laws Chapter 40B Sections 20, 21, 22, and 23.

What is an Appeal?

Pursuant to Massachusetts General Laws Chapter 40A §8 and Littleton Zoning By-law 173-6 B(3) and 173-6 B(5) the Board of Appeals hears and decides appeals by any person aggrieved by any written order or decision of the Zoning Enforcement Officer or other administrative official in violation of any provision of Massachusetts General Laws Chapter 40A or the Littleton Zoning By-laws. Building permits withheld by the Building Commissioner acting under MGL C. 41, §81Y as a means of enforcing the Subdivision Control Law may also be issued by the Board of Appeals. Action taken by the Building Commissioner acting under the Code of Littleton Chapter 152 will also be heard by the Board of Appeals. *If the Zoning Enforcing Officer or other administrative official does not issue a written order or decision, the Board of Appeals will not hear the appeal.* Appeals from the written decisions of the Zoning Enforcement Officer or other administrative official must be filed with the Office of the Town Clerk pursuant to Massachusetts General Laws Chapter 40A Section 15 within thirty (30) days from the date of the written order or decision which is being appealed. **Failure to file a timely appeal is fatal.**

What is a Chapter 40A Special Permit?

Certain uses of property are permitted as a matter of right. However, the Littleton Zoning By-laws provide that other uses are not allowed in certain zoning districts, and that specific types of uses shall only be permitted in specified zoning districts upon the issuance of a Special Permit from the Board of Appeals pursuant to Massachusetts General Laws Chapter 40A § 9, 9A, and 9B. Special Permits may be issued only for uses which are in harmony with the general purpose and intent of the By-law, and may be subject to general or specific provisions set forth therein, and such permits may also impose conditions, safeguards and limitations on time or use. A Special Permit, unlike a Variance, may be conditioned by limiting its duration to the term of ownership or use by the Applicant. When a Special Permit application is accompanied by plans or specifications detailing the work to be undertaken, the plans and specifications become conditions of the issuance of the permit. Therefore, once a Special Permit is granted, modification of the plans or specifications require as a prerequisite, modification of the Special Permit through the filing of a successive Special Permit application. No building permit may be issued by the Building Commissioner for a use or structure that requires a Special Permit until 1) a Special Permit has been granted by the Board of Appeals, 2) the expiration of the twenty (20) day appeal period pursuant to Massachusetts General Laws Chapter 40A Section 11, and 3) the Special Permit has been recorded at the Middlesex South District Registry of Deeds. The Building Commissioner shall require proof of recording at the Registry of Deeds from the Town Clerk prior to issuance of a building permit. No party is entitled "as a matter of right" to a Special Permit. The Board of Appeals, in the proper exercise of its discretion, is free to deny a Special Permit even if the facts show that such a permit could be lawfully granted. **Special Permits 40A shall lapse 24 months following the granting unless substantial use or construction has commenced.**

What is a Chapter 40B Special Permit?

Chapter 40B is a state statute, which enables local Boards of Appeals to approve affordable housing developments under flexible rules if at least 25% of the units have long-term affordability restrictions. Also known as the Comprehensive Permit Law, Chapter 40B was enacted in 1969 to help address the shortage of affordable housing statewide by reducing unnecessary barriers created by local approval processes, local zoning, and other restrictions. Its goal is to encourage the production of affordable housing in all communities throughout the Commonwealth. **Special Permits 40B shall lapse 3 years from the date the permit becomes final unless construction authorized by a comprehensive permit has begun, or unless specifically noted otherwise in the permit by the Board of Appeals.**

What is a Variance?

A Variance is a waiver of the zoning rules adopted by the Citizens of Littleton at Town Meeting. A Variance may be granted pursuant to the Littleton Zoning By-laws and Massachusetts General Laws Chapter 40A Section 10. Accordingly, it is only in rare instances and under exceptional circumstances that relaxation of the general restrictions established by the Zoning By-laws are permitted. A Variance is distinguished from a Special Permit. The Variance is used to authorize an otherwise prohibited use or to loosen dimensional requirements otherwise applicable to a structure. No person has a right to a Variance. *Variance of "use" is almost never granted by the Board of Appeals. Variance of "dimensional" requirements is granted in rare occasions.* The Board of Appeals has no discretion to grant a Variance unless the petitioner provides evidence, and that the Board of Appeals determines that, owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law. Even if the Board of Appeals find that such hardship exists, it may exercise its discretion and not grant a Variance. No building permit may be issued by the Building Commissioner for a use or structure that requires a Variance until 1) a Variance has been granted by the Board of Appeals, 2) the expiration of the twenty (20) day appeal period pursuant to Massachusetts General Laws Chapter 40A Section 11, and 3) the Variance has been recorded at the Middlesex South District Registry of Deeds. The Building Commissioner shall require proof of recording at the Registry of Deeds from the Town Clerk prior to issuance of a building permit. **Rights authorized by a Variance must be exercised within 1 year of granting, or said variance shall lapse.**

Page 4

received
11/29/2022 8:35am
Kluken
Asst Town Clerk

ZBA Case No. 22-965 Address 331 Goldsmith St.

TOWN OF LITTLETON
BOARD OF APPEALS
37 Shattuck Street
P.O. Box 1305
Littleton, MA 01460
Tel: 978-540-2420

APPLICATION FOR PUBLIC HEARING
Pursuant to MGL Chapter 40A, 40B and 41 and the Littleton Zoning Bylaws

TOWN USE ONLY
Received by the Town Clerk Office

The filing is not official until stamped by the Town Clerk

Filing Fee paid: \$ _____ Check # _____

Pursuant to the provisions of Chapter 40, §57 of the Massachusetts General Laws as adopted by Town Meeting 2003, this document must be signed by the Tax Collector verifying payment of taxes.

Deborah A. Richard
Signature of Tax Collector

The undersigned hereby submits this petition for the following action (check all that apply):

- ☐ Appeal of Decision of Building Inspector or other administrative official (see page 2)
- ☐ Special Permit (40A) (see page 2)
- ☒ Variance (see page 3)
- ☐ Comprehensive Permit (40B) Complete additional application (see page 2)

PETITIONER: Signature Jonathan P. Worthley Date: 11/12/2022
Print Name Jonathan P. Worthley Phone # 978 846 5567
Address 66 Steep Rd Email Address jpworthley@gmail.com
Westford MA 01886
Town, State, Zip Deed Reference: Bk _____ Page _____

PROPERTY OWNER: include authorization of Owner for Petitioner to represent Owner, if unsigned

Signature Eli Richardson Date _____ Phone # 774 451 1115
Print Name (if different from petitioner) Eli Richardson Email erichardson1@gmail.com

Address (if different from petitioner) _____

ASSESSOR MAP & PARCEL NUMBER _____

ZONING DISTRICT: R VC B IA IB (Circle all that apply)

- Check box if applicable ☐ AQUIFER DISTRICT
☐ WATER RESOURCE DISTRICT

FEES
Residential Property \$200 filing + \$105 recording fee + \$25 abutter list + \$176.53 public hearing notice = \$ 506.53
Commercial Property \$350 filing + \$105 recording fee + \$25 abutter list + \$176.53 public hearing notice = \$ 656.53
Comprehensive Permit \$1000 + \$100/unit over 10 units
Please make check payable to Town of Littleton

Appeal

Under MGL c 40A § 8

The undersigned hereby appeals a written order or decision of the Building Commissioner / Zoning Officer or other administrative official alleged to be in violation of the provisions of MGL c. 40A or the Zoning By-laws to the Board of Appeals for the Town of Littleton.

1. From what Town Official or Board is the appeal being sought?

Mandatory: Attach copies of written order or decision under appeal

Administrative Official _____

Date of order / decision _____

2. Which statute or Zoning Bylaw do you rely for your appeal?

MGL c.40A § _____

Zoning Bylaw § _____

Code of Littleton § _____

You may also consider whether you qualify for relief under any other authority of the Board to grant a Special Permit or Variance.

3. I hereby certify that I have read the Board of Appeals Instructions for Appellants and that the statements within my appeal and attachments are true and accurate to the best of my knowledge and belief.

Signature _____

Print name _____

Special Permit 40A

Under MGL c 40A § 9

The undersigned hereby petitions the Board of Appeals for the Town of Littleton to grant a Special Permit for the reasons hereinafter set forth and in accordance with the applicable provisions of the Zoning By-law.

1. Special Permits are expressly permitted in the Zoning Bylaws. Which Zoning Bylaw section do you rely for your appeal?

Zoning Bylaw § _____

2. Why are you applying for a Special Permit? Attach a written statement that specifically describes existing conditions and your objectives, along with necessary exhibits as listed in the filing instructions. *You may also consider whether you qualify for relief under any other authority of the Board to grant a variance.*

3. I hereby certify that I have read the Board of Appeals Instructions for petitioners and that the statements within my petition and attachments are true and accurate to the best of my knowledge and belief.

Signature _____

Print Name _____

See supplemental instructions: Littleton Zoning Board of Appeals Rules for the Issuance of a Comprehensive Permit under

Special Permit 40B

Under MGL c 40B

M.G.L.c40B

Variance

Under MGL c 40A § 10

The undersigned hereby petitions the Board of Appeals for the Town of Littleton to vary, in the manner and for the reasons hereinafter set forth, the applicable provisions of the Zoning By-law.

1. Specifically, from what Zoning bylaw section are you seeking relief? _____

2. Why are you seeking relief from a literal enforcement of this Zoning Bylaw?

Attach a written statement that specifically describes existing conditions and your objectives, along with plans, specifications, certified plot plan and any documentation necessary to support your request.

3. Show evidence that you meet the minimum requirements of a variance under section 173-6 B (2) of the Littleton Zoning Bylaws.

Attach a written statement which specifically includes why, owing to conditions (soil, shape, or topography) especially affecting the premises, but not affecting generally the zoning district in which it is located, a literal enforcement of the Zoning By-law would result in a substantial hardship to you. Applicant must clearly demonstrate the lack of alternative remedies.

4. I hereby certify that I have read the Board of Appeals Instructions for petitioners and that the statements within my petition and attachments are true and accurate to the best of my knowledge and belief.

Signature _____

Print name _____

Filing Instructions

1. **IMPORTANT: SEE THE BUILDING COMMISSIONER/ZONING ENFORCEMENT OFFICER BEFORE YOU FILL OUT THIS APPLICATION.** He will assist you with the proper zoning sections and application request(s). His review may save time by preventing delays in the hearing process.

2. Bring the completed application packet to the Administrative Assistant to the Building Commissioner who will assist you in filing with the Town Clerk.

Necessary Exhibits— provide 3 copies and an electronic copy of the following with the completed application:

1. A copy of the most recently recorded plan of land or where no such plan exists, a copy of a plot plan endorsed by a registered engineer or land surveyor. The plan should show;
 - A) metes and bounds of the subject land
 - B) adjacent streets and other names and readily identifiable landmarks and fixed objects
 - C) dimensional layout of all buildings
 - D) distances and setbacks from the various boundaries
 - E) exact dimensions, setbacks and specifications of any new construction, alterations, additions or installations
 - F) direction of North
 - G) the name of each abutting property owner
2. Copy of the latest recorded deed
3. A written statement which details the basis for your petition
4. Pictures, plans, maps, drawings and models are always helpful in explaining the problem
5. In cases pertaining to signs, a scale print of the sign lettering and colors
6. In cases pertaining to subdivisions of land, prints should show the proposed subdivision endorsed by a registered engineer or land surveyor
7. In cases pertaining to Accessory dwellings evidence that the Board of Health has approved the septic system
8. The date of the building construction and the history of ownership are useful in finding facts about the case

Completed applications filed with the Town Clerk by the third Thursday of the month will be considered at the next regularly scheduled Zoning Board of Appeals meeting, held on the third Thursday of the following month. The Board in its discretion may dismiss an application or petition for failure to comply with any of the foregoing rules



JPWORKS
66 SLEIGH ROAD
WESTFORD, MA 01886
PHONE 978-692-6026

2029

53-91827113
32

11-22-2022

of fee

CHECK NUMBER

Pay to the
Order of

\$ 506.53

Town of Littleton

Five hundred size of 53/1000

of fees



www.dcu.org

Photo
Safe
Signature
Date on back



For

Variance Appeal

St. P. Worley

MP

12312138

12312138

2029

Charles Clarke

Town of Littleton

DATE:

11/29/2022

176 - Appeals

Schedule of Departmental Payments to the Treasurer

Source/From Whom	Account Name	Account Number	Amount
			\$
			\$
331 Goldsmith Street	Board Receipts	00011763-432000	ZBAFEE \$200.00
Jonathan Worthley			CLK FEE \$105.00
			BOA FEE \$25.00
		13044370-484000	ZBAADS \$176.53
			\$
			\$
			\$
			\$
			\$

TOTAL Turnover

\$506.53

Credit \$

Cash \$

Checks \$ **\$506.53**

TOTAL \$506.53

Must equal total above

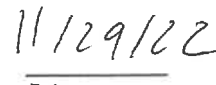
The above listed receipts, collected by the Committee/Department have been turned over to the Treasurer.


Committee/Department Signature


Date

Received from the Committee/Department the total as listed above.


Treasurer's Office Signature


Date

To: Zoning Board of Appeals

The reason for requesting this variance is to construct a portico over the 4x6 granite landing primarily to add an attractive appearance to the front of the home and to provide shelter while entering the front door and to prevent slipping accidents from the icing and wetness on the granite during bad weather.

Sincerely,

Jonathan Worthley



THIS PLAN IS NOT TO BE USED
FOR THE ESTABLISHMENT OF
PROPERTY LINES, DIVISION
OF TOWNSHIP, LANDSCAPING

Certified Plot Plan

331 Goldsmith Street

Littleton, Mass.

STREET

TOWN

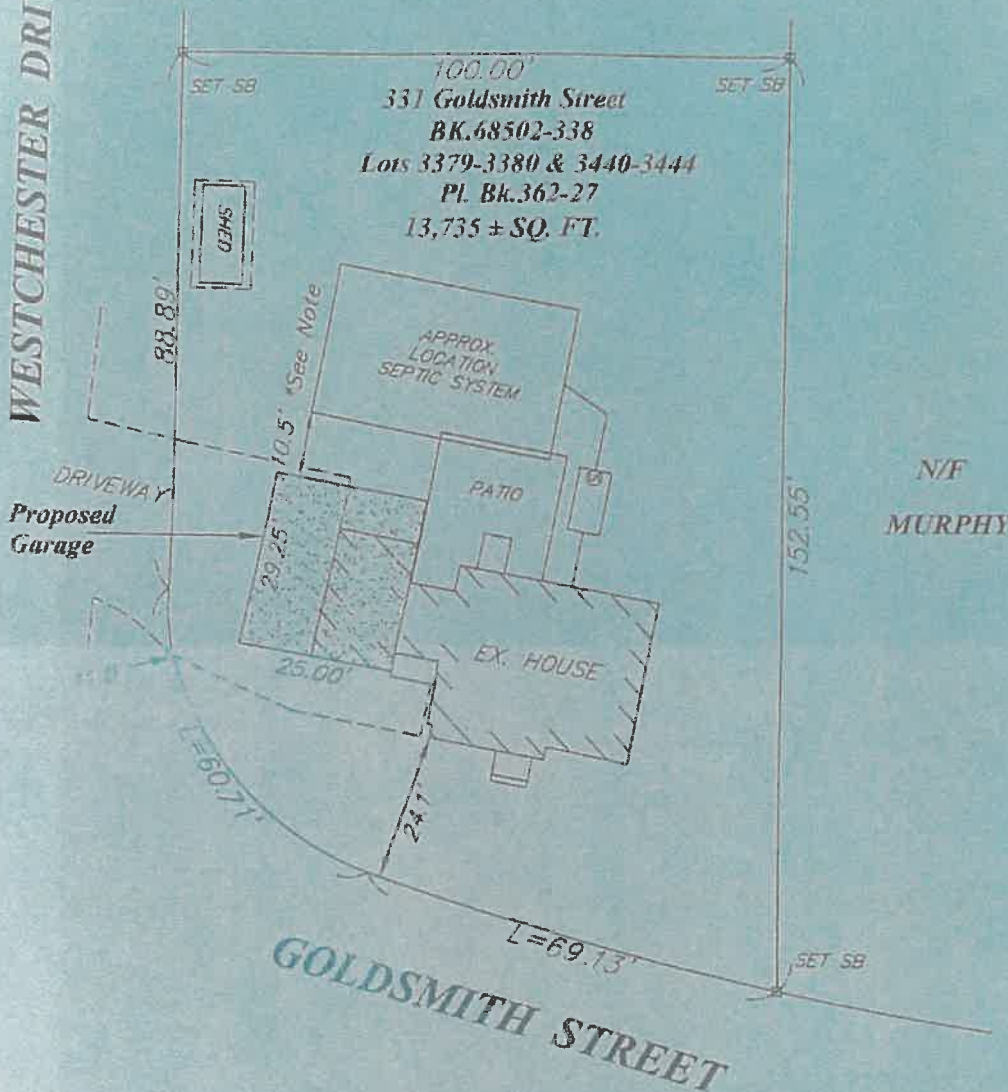
David E. Ross Associates, Inc.

6 LANCASTER COUNTY ROAD - P.O. BOX 795 - HARVARD, MASS 01451
(978) 772-8232 FAX 772-8258



WESTCHESTER DRIVE

N/F MANN



Existing Lot Coverage = 22.5 ± %
Proposed Lot Coverage = 22.5 ± %

Zoning Classification: Residence

Scale: 1"=20'

I certify that the existing house and proposed garage are located on the lot as shown.
I further certify that the existing house and proposed garage are located within Flood
Zone "X" (unshaded) per Flood Insurance Rate Map (FIRM) for the Town of Littleton,
Community Panel No. 25020 0236 F Dated July 7, 2014.

*NOTE: Per the Town of Littleton Board of Health Regulations (Title V) the elevation of the
proposed garage floor must be at a higher elevation than the leaching stone of the
existing septic system.

APR 2014

Southern Middlesex - 20/20 Perfect Vision i2 Document Detail Report

Current datetime: 11/17/2022 9:42:26 AM

Doc#	Document Type	Town	Book/Page	File Date	Consideration
214623	DEED		68502/338	11/30/2016	360000.00
Property-Street Address and/or Description					
331 GOLDSMITH ST					
Grantors					
DONOVAN THOMAS B, DONOVAN ALLYSON M					
Grantees					
RICHARDSON LORILEI MICHAUD, RICHARDSON WILLIAM ELI IV					
References-Book/Pg Description Recorded Year					
68502/356 HOME 2016, 80455/55 ORD 2022					
Registered Land Certificate(s)-Cert# Book/Pg					

Middlesex South Registry of Deeds
Electronically Recorded Document

This is the first page of the document - Do not remove

Recording Information

Document Number	: 214623
Document Type	: DEED
Recorded Date	: November 30, 2016
Recorded Time	: 12:54:45 PM
Recorded Book and Page	: 68502 / 338
Number of Pages(including cover sheet)	: 3
Receipt Number	: 2024901
Recording Fee (including excise)	: \$1,766.60

MASSACHUSETTS EXCISE TAX
Southern Middlesex District ROD # 001
Date: 11/30/2016 12:54 PM
Ctrl# 254574 02952 Doc# 00214623
Fee: \$1,641.60 Cons: \$360,000.00

Middlesex South Registry of Deeds
Maria C. Curtatone, Register
208 Cambridge Street
Cambridge, MA 02141
617-679-6300
www.middlesexsouthregistry.com

QUITCLAIM DEED

We, THOMAS B. DONOVAN and ALLYSON M. DONOVAN (signing for the purpose of releasing Homestead), being married, of Littleton, Middlesex County, Massachusetts,

for consideration paid, and in full consideration of THREE HUNDRED SIXTY THOUSAND AND 00/100 (\$360,000.00) DOLLARS

grant to LORILEI MICHAUD RICHARDSON and WILLIAM ELI RICHARDSON, IV, Husband and Wife as Tenants by the Entirety

of 331 Goldsmith Street, Littleton, Massachusetts 01460

with QUITCLAIM COVENANTS,

The land in Littleton, Middlesex County, Massachusetts, with building thereon, being Lots numbered 3440, 3441, 3442, 3443, and 3444, Westchester Drive and Goldsmith Street, as designated and shown on a Plan entitled "Plan B of Long Lake, Town of Littleton, Middlesex County, Massachusetts," and recorded with Middlesex South District Deeds in Book of Plans No. 362, Plan 27, bounded as follows:

EASTERLY: by Goldsmith Street,

SOUTHEASTERLY by a curve at the intersection of Goldsmith Street and Westchester Drive, 67.774 feet;

SOUTHERLY by said Westchester Drive,

WESTERLY by Lot 3380 on said plan, 100 feet;

NORTHERLY: by Lots 3434 and 3439 on said plan.

Subject to and together with the benefit of easements, restrictions, and rights of way of record, if any, and still in force and applicable.

Locus: 331 Goldsmith Street, Littleton MA 01460

ALSO

The land in Littleton, Middlesex County, Massachusetts, being Lots numbered 3379 and 3380, as designated and shown on a plan entitled "Map B of Long Lake, Town of Littleton, Middlesex County, Massachusetts," duly recorded with Middlesex South District Deeds in Book of Plans No. 362, Plan 27.

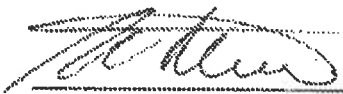
Subject to and together with the benefit of easements, restrictions, and rights of way of record, if any, and still in force and applicable.

The undersigned Grantor, by signing below, hereby releases any and all rights of Homestead he has acquired in and to the within conveyed premises, and further states under the pains and penalties of perjury that there are no other persons entitled to Homestead rights in the within conveyed property.

For title see Deed dated January 10, 2011, recorded with Middlesex South District Registry of Deeds in Book 56256, Page 187.

WITNESS our hands and seals as of this 28th day of November, 2016.


Allyson M. Donovan

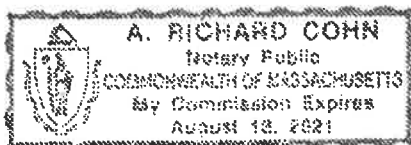

Thomas B. Donovan

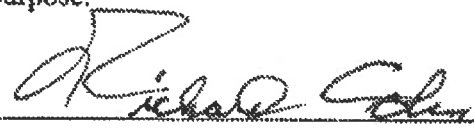
COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

November 28, 2016

On this 28th day of November, 2016, before me, the undersigned notary public, personally appeared Thomas B. Donovan and Allyson M. Donovan, proved to me through satisfactory evidence of identification, which were Massachusetts Driver's Licenses, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.




A. Richard Cohn, Notary Public

My Commission Expires: 08/13/2021

File #16-2753 Deed

Southern Middlesex - 20/20 Perfect Vision i2 Document Detail Report

Current datetime: 11/17/2022 9:45:07 AM

Doc#	Document Type	Town	Book/Page	File Date	Consideration
110195	ORDER		80455/55	07/19/2022	
Property-Street Address and/or Description					
331 GOLDSMITH ST					
Grantors					
LITTLETON TOWN CONSERVATION, RICHARDSON WILLIAM IV, RICHARDSON LORILEI					
Grantees					
References-Book/Pg Description Recorded Year					
68502/338 DEED 2016					
Registered Land Certificate(s)-Cert# Book/Pg					

4
ORIGINAL
pvo2022 00110195
Bk: 80455 Pg: 55 Doc: ORD
Page: 1 of 20 07/19/2022 03:04 PM**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands****WPA Form 5 – Order of Conditions**Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Littleton Wetlands Protection BylawProvided by MassDEP:
204-0963 331 Goldsmith
MassDEP File #eDEP Transaction #
Littleton
City/Town**A. General Information**Please note:
this form has
been modified
with added
space to
accommodate
the Registry
of Deeds
RequirementsImportant:
When filling
out forms on
the
computer,
use only the
tab key to
move your
cursor - do
not use the
return key.

1. From: Littleton
Conservation Commission
2. This issuance is for (check one):
a. ☒ Order of Conditions b. ☐ Amended Order of Conditions

3. To: Applicant:

William and Lorlei

a. First Name

Richardson IV

b. Last Name

c. Organization

331 Goldsmith St

d. Mailing Address

Littleton

e. City/Town

MA

f. State

01460

g. Zip Code

4. Property Owner (if different from applicant):

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

5. Project Location:

331 Goldsmith

a. Street Address

Littleton

b. City/Town

U15

c. Assessors Map/Plat Number

75

d. Parcel/Lot Number

Latitude and Longitude, if known:

d

m

s

d. Latitude

d

m

s

e. Longitude



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
204-0963 331 Goldsmith
MassDEP File #

eDEP Transaction #
Littleton
City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
Middlesex South
a. County 68502 b. Certificate Number (if registered land) 338
c. Book 338 d. Page 338
7. Dates: Jan 19 2022 May 17, 2022 May 23, 2022
a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
Plan of Land in Littleton MA prepared for William Richardson
a. Plan Title David E. Ross Assoc and Matthew S. Marrow Env Consulting Robert Conway
c. Signed and Stamped by May 11, 2022
d. Final Revision Date e. Scale Restoration Plan prep by Matthew S. Marrow Env Consulting April 11, 2022
f. Additional Plan or Document Title g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- a. ☐ Public Water Supply b. ☐ Land Containing Shellfish c. ☒ Prevention of Pollution
d. ☐ Private Water Supply e. ☐ Fisheries f. ☒ Protection of Wildlife Habitat
g. ☐ Groundwater Supply h. ☒ Storm Damage Prevention i. ☐ Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
204-0963 331 Goldsmith
MassDEP File #

eDEP Transaction #
Littleton
City/Town

B. Findings (cont.)

Denied because:

- b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3. ☒ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) 50
a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. c/y dredged	f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
204-0963 331 Goldsmith
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eDEP Transaction #
Littleton
City/Town

B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. ^{cu yd} nourishment	d. ^{cu yd} nourishment
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. ^{cu yd} nourishment	d. ^{cu yd} nourishment
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
204-0963 331 Goldsmith
MassDEP File #

eDEP Transaction #
Littleton
City/Town

B. Findings (cont.)

* #23. 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.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. ☐ Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

24. ☐ Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on _____ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



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C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number 204-0963 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
 - (1) ☐ is subject to the Massachusetts Stormwater Standards
 - (2) ☒ is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
 - i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

SEE ATTACHED

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No
2. The Littleton Conservation Commission hereby finds (check one that applies):

- a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. ☒ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Littleton Wetlands Protection Bylaw

1. Municipal Ordinance or Bylaw

Ch 171

2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

SEE ATTACHED

Littleton Conservation Commission

MA Wetlands Protection Act and ByLaw Special Order of Conditions

DEP File #204-0963

Owner/Applicant: Richard and Lorilei Richardson IV

Project Title/Address: 331 Goldsmith

Findings: This Order of Conditions is for construction of a garage adjacent to the existing house. This is also for restoration of a retaining wall and grading that was done in the 50-foot No Disturb Area. The proposed project will have no direct temporary or permanent wetland resource area impacts. An Enforcement Order was issued for the retaining wall work, and that Enforcement Order will be lifted once the restoration work is completed.

Findings Under the Littleton Wetlands Protection Bylaw Regulations:

All work is outside the 50-foot No Disturb Area of the Littleton Wetlands Protection Bylaw regulations except for the approved restoration work. Under section 6.1(4) of the Bylaw, all activities that result in a net increase of impervious area within the Buffer Zone and Areas Subject to Protection of more than 1,000 sf or 5%, whichever is less, must demonstrate compliance with the Massachusetts Stormwater Standards. The proposed project will not exceed that threshold.

The Commission found, pursuant to Section 1.4 of its Wetlands Protection Regulations, that a waiver of the minimum 50-foot No Disturbance Area (NDA) was in the public interest, consistent with the intent and purpose of the Wetlands Protection Bylaw, and the least environmentally damaging practicable alternative (LEDPA). In granting this waiver, the Commission considered that the work in the 50foot NDA is specifically to restore previously disturbances in that area.

PRE-CONSTRUCTION CONDITIONS

PC-1. Pursuant to General Condition #9, the Order of Conditions must be registered in the Registry of Deeds, Middlesex South prior to commencement of work. The Littleton Conservation Commission (LCC) hereby orders that it be recorded in the registry and notice filed with the LCC no later than four (4) weeks from the date of this Order of Conditions. Failure to comply with this condition may be deemed cause to revoke this Order of Conditions.

PC-2. This Order of Conditions shall apply to any successor in interest or successor in control of the property. In the event that this property should change in ownership before or during construction or before a Certificate of Compliance is issued, any successor in interest or successor in control of this property shall meet with the LCC before construction shall begin or continue.

PC-3. In conjunction with the sale of the property or any subdivision of the property governed by this Order of Conditions before a Certificate of Compliance is issued the Applicant shall submit to the LCC a signed statement by the buyer that he/she is aware of an outstanding Order or Conditions on the development and has received a copy of this Order of Conditions. The new owner shall attend a scheduled meeting to review guidelines.

PC-4. Any change or changes made or intended to be made, in the plans shall require the Applicant to file a new Notice of Intent, or to inquire of the LCC in writing whether the change or changes are substantial enough to require a new filing.

PC-5. Members and agents of the LCC shall have the right to enter and inspect the premises at any time and without notice to evaluate compliance with the Order of Conditions, and the LCC may require the submittal of any data necessary for the LCC to evaluate compliance.

PC-6. This document shall be included in all construction contracts and sub-contracts dealing with the work proposed and shall supersede any conflicting contract requirements.

PC-7. This document and approved plans shall be kept available on site at all times in a watertight enclosure.

PC-8. The Applicant/Owner is responsible for ensuring that all persons performing the permitted activities are fully aware of the terms and conditions of this Order.

PC-9. Prior to construction the general contractor shall designate a construction staging area, located outside all resource areas and buffer zones. All construction trailers, portable sanitary facilities, material storage and overnight parking of equipment shall be in the staging area. The perimeter of the staging area shall be protected as necessary with silt fence and the ground surface shall be protected with washed stone or another suitable non-erosive material.

PC-10. An area for cleanup and or maintenance of construction equipment shall be designated prior to construction. Any runoff resulting from the washing of trucks or construction equipment (include cement trucks) shall neither be directed to, nor dumped in, any on-site drainage system or in any area subject to protection under the Massachusetts Wetlands Protection Act. Any such washing shall occur in a designated area, protected by washed stone, outside of all resource areas and buffer zones. All construction vehicles exiting the property shall be cleaned of soil prior to traveling on public streets within the Town of Littleton.

PC-11. Prior to commencing any work the Applicant shall provide LCC with a list of all chemicals, pesticides, herbicides, fertilizers, fuels and other potentially hazardous materials anticipated to be used or stored on the premises. This list shall be updated prior to new subcontractors being allowed to store or use potentially hazardous materials on site. The method and location of storage shall be clearly described and shown on a site plan. The Applicant must immediately notify the LCC, Littleton Fire Department, and Mass DEP, when any spill of fuel, oil or hazardous waste occurs.

CONSTRUCTION CONDITIONS

C-1. The Commission will be notified one week prior to construction to allow for a pre-construction meeting. The following people shall, at a minimum, be present: Conservation Coordinator, the Applicant or their representative, the Contractor, and the individual responsible for erosion control monitoring. The purpose of the pre-construction meeting shall be to review the Order of Conditions, inspect erosion controls, discuss erosion control monitoring and collect the names and numbers of individuals responsible for the daily activities and erosion control at the site.

C-2. During construction, the owner shall identify a person who shall be available either in person or by phone (office, cell or home); this number is to be given to the LCC (or agent) who has the authority to direct the contractor to take measures of erosion and sedimentation control, to receive comments from the LCC or its agent, and cease work.

C-3. The LCC and/or its agent(s) have the authority to inform the owners or their representatives of violations of the erosion and sediment control measures of this Order. Upon such notification the owners shall take immediate action to correct the violation.

C-4. Used petroleum products from the maintenance of construction equipment and any construction debris shall be collected and disposed of off-site in a proper and prompt manner. The construction site shall be maintained in a clean condition.

C-5. No portable toilets, fuel, oil, trash, dumpsters or other possible pollutants/contaminants shall be stored in any resource area or buffer zone, unless specified on the plans for the Order of Conditions. Dumpsters shall be covered.

C-6. No overnight parking or storage of construction vehicles is allowed in resource areas or buffer zones unless specified on the plans for the Order of Conditions. No fueling of construction vehicles is allowed in resource areas or buffer zones.

C-7. During construction, dust control (if required) shall be limited to water; no salts or other wetting agents shall be used.

C-8. Any leakage or spillage of oil, hydraulic fluid, gasoline, or other pollutants must be cleaned up immediately and disposed of off the site. All fueling of equipment shall be performed outside of wetland resource areas and buffer zones. The LCC, Littleton Fire Department, Littleton Water Department and MA Department of Environmental Protection shall be notified immediately in the event of any spillage.

C-9. Appropriate erosion and sediment control measures shall be taken. These measures include but are not limited to:

- a) Once begun, the grading and construction shall move uninterrupted to completion to avoid erosion and siltation of the wetlands. If it becomes necessary to delay completion of the project, temporary measures to stabilize sensitive areas are required.

- b) As soon as possible during construction all disturbed areas shall be brought to final grade and stabilized with permanent vegetative cover.

- c) Storm drainage systems and detention basins shall be constructed during the initial phase of the project so that they may be functional during construction.

- d) The Applicant shall have on hand at the start of any soil disturbance removal or stockpiling a sufficient number of straw bales, wattles, silt fence and stakes for the control of emergency erosion problems. These emergency siltation and sediment control devices shall not be used for the normal control of erosion.

- e) If at any time sediment accumulates more than halfway up any portion of the erosion/sedimentation controls, it shall be immediately removed. The erosion/sedimentation controls may not be removed until all sedimentation is removed and area stabilized.

- f) Appropriate sedimentation and erosion controls shall be placed around any existing outlet which is to be removed before such removal may commence.

- g) Erosion controls shall be installed before any work may begin.

C-10. After the erosion control measures are installed the Applicant or their contractor shall contact the LCC so that the LCC or its agent can inspect and approve the measures before any other activity takes place on the site within a resource area or the Buffer Zone.

C-11. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order of Conditions. Construction equipment is prohibited beyond installed siltation barrier.

C-12. Erosion control methods shall consist of straw bales, 12-inch wattles and/or silt fencing, alone or in combination, as authorized by the LCC. After the erosion control measures are installed the Applicant or their contractor shall contact the LCC so that the LCC or its agent can inspect and approve the measures before any other activity takes place on the site within a resource area or the Buffer Zone

C-13. The Applicant will be required to ensure proper operations of all sediment and erosion control measures throughout the duration of the project.

C-14. No material stockpiling shall occur in a buffer zone or resource area unless in an area approved in the Notice of Intent plans.

C-15. Unless otherwise already approved on the plans for this Order, any dewatering activities on the project in which water will be directly or indirectly released to a buffer zone, wetland resource area or storm drains shall make use of a stilling pond or similar device to remove sediment before the water is released. Dewatering may commence only after LCC or its agent has been consulted and has approved the location and action in writing.

C-16. If disturbed soils are not to be actively used as part of the construction activities for more than 30 days, they shall be temporarily stabilized unless approved by the LCC. Temporary stabilization methods may include, but are not limited to, seeding, hydroseeding, straw mats, jute netting, sod, mulch, or other LCC approved methods. Continued maintenance of these areas shall be the responsibility of the Applicant. This stabilization must include provision for winter conditions. All disturbed areas within the 100-foot Buffer Zone shall be graded, loamed and seeded prior to November 1st of each year, if possible. No such disturbed areas or stockpiled materials shall be left unprotected or without erosion controls during the winter.

C-17. At the end of each work day the Applicant shall mechanically or manually sweep sediments from adjacent streets and/or sidewalk, unless tracking and sediment is not evident on the streets.

C-18. If unforeseen problems occur during construction which may affect the statutory interests of the Wetlands Protection Act regulations or the Littleton Wetlands Protection Bylaw and regulations, the LCC shall immediately be notified and an immediate meeting held between the LCC, the Applicant and/or the representatives, and other concerned parties to determine the correct measures employed to resolve the issue. The Applicant shall then act to correct the problems using the measures agreed upon. Subsequent to resolution, the Applicant shall document the actions in writing to the LCC.

C-19. Any damage caused as a direct result of this project to any wetland resource areas, except as permitted by this Order of Conditions, shall be the responsibility of the Applicant to repair, restore and/or replace. Sedimentation or erosion into resource areas shall be considered an alteration of that resource area. If such damage occurs, the LCC shall be notified immediately and a plan for abatement and mitigation of the problem shall be submitted for approval and implementation.

C-20. Once the site has been stabilized, the Applicant/Owner shall contact the LCC about the removal and proper disposal of all erosion controls. The LCC or its agent may conduct an inspection prior to removal. Removal of said erosion controls shall be accomplished utilizing the least invasive means possible. If silt-sock type material was used, the erosion tube can be sliced and the internal material scattered, but any netting and the siltation fence and stakes must be removed and disposed of properly; The Commission will not issue a Certificate of Compliance until erosion controls are removed and those areas stabilized.

C-21. Two (2) sets of 'as-built' plans for the project, drawn by a registered engineer or architect if the Notice of Intent plans were similarly prepared by a registered professional engineer, shall be submitted to the LCC at the same time as a written request for a Certificate of Compliance (WPA Form 8A) and shall specify in detail how the completed plan differs from that shown on the plans referred to in the Order of Conditions.

C-22. The plantings in the restoration area shall be monitored for a period of at least two years after installation before a Certificate of Compliance will be issued. Should any of the planting fail they shall be replaced and a record kept of those events. The Request for Certificate of Compliance (Condition C-21) shall include a summary of what was planted and their current conditions, as well as photos.

CONDITIONS IN PERPETUITY - The following conditions shall apply to construction activities but shall also run with the land and be binding in perpetuity on all successors in title and assigns of the Applicant; they are ongoing and do not end upon completion of this project or issuance of a Certificate of Compliance; they shall be the responsibility of the owner of record of this property. These conditions shall remain in perpetuity, and shall be recorded as such on the Certificate of Compliance.

P-1. No non-agricultural use of pesticides, (including all herbicides, fungicides or insecticides) is permitted within the Buffer Zone (unless specifically permitted), with the exception of organically-approved pesticides applied according to their labels. Application of only slow-release organic granular-type fertilizers to soil according to the labels is allowed in the Buffer Zone and lands that discharge to an area in the Buffer Zone without treatment. Any fertilizer or pesticide use is prohibited within twenty-five feet of any resource area (unless specifically permitted).

P-2. The restored area in the 50-foot NDA shall remain undisturbed other than annual mowing and possible maintenance of the plantings.



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E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

5-23-2022
1. Date of Issuance

6
2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

The individuals whose electronic signatures are affixed below have authorized the Conservation Coordinator to sign on their behalf pursuant to the vote on May 17, 2022 approving this Order of Conditions and the signature authorization recorded with the Middlesex South Registry of Deeds in Book 74580, Page 442. They also intend for their electronic signatures to serve as their signatures for any entity (such as MassDEP) that accepts electronic signatures.

Signatures:

DocuSigned by:

Andrew Sammarco

DocuSigned by:

Bryan Crowley

180620F335E7443...

DocuSigned by:

Chase Gerbin

DocuSigned by:

Kyle Mayfield

DocuSigned by:

DocuSigned by:

DocuSigned by:

S. Seaman

803E18180ADC48C...

Amy Green, for the Conservation Commission
pursuant to the above-referenced authorization

☐ by hand delivery on

Date

☒ by certified mail, return receipt
requested, on

Date

5-23-2022



**Massachusetts Department of Environmental Protection
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City/Town

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

DEP File Number: _____

**Request for Departmental Action Fee
Transmittal Form**

Provided by DEP

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

A. Request Information

1. Location of Project

a. Street Address _____

b. City/Town, Zip _____

c. Check number _____

d. Fee amount _____

2. Person or party making request (if appropriate, name the citizen group's representative):

Name _____

Mailing Address _____

City/Town _____

State _____

Zip Code _____

Phone Number _____

Fax Number (if applicable) _____

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name _____

Mailing Address _____

City/Town _____

State _____

Zip Code _____

Phone Number _____

Fax Number (if applicable) _____

4. DEP File Number:

B. Instructions

1. When the Departmental action request is for (check one):

- ☐ Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- ☐ Superseding Determination of Applicability – Fee: \$120
- ☐ Superseding Order of Resource Area Delineation – Fee: \$120

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





Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
204-0963 331 Goldsmith
MassDEP File #

eDEP Transaction #
Littleton
City/Town

G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for: Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number: _____

Request for Departmental Action Fee
Transmittal Form

Provided by DEP

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

B. Instructions (cont.)

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection
Box 4062
Boston, MA 02211

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.