

## Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

City/Town

# WPA Form 1- Request for Determination of Applicability

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

## A. General Information

**Important:**

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

**1. Applicant:**

ROBERT GAGETZ

BOB@ACCESS-CONNECTIONS.COM

Name

E-Mail Address

PO 811

Mailing Address

LITTLETON

City/Town

MA

State

01460

Zip Code

MA

Phone Number

9784907005

Fax Number (if applicable)

**2. Representative (if any):**

Firm

Contact Name

E-Mail Address

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

## B. Determinations

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

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

Name of Municipality

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



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### C. Project Description

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

ISANDAS POINT RD

Street Address

046-

Assessors Map/Plat Number

LITTELTON

City/Town

29-8

Parcel/Lot Number

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

100 foot buffer and 50' NDA adjacent to house.

(See pictures)

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

Title

Date

Title

Date

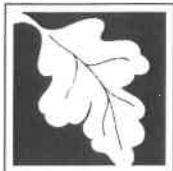
Title

Date

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

3-7 PINE TREES ON BANK CLOSE TO HOUSE NEED TO BE REMOVED

UNSAFE, THREATENING HOUSE



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

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

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

Single family house on a lot recorded on or before 8/1/96

Single family house on a lot recorded after 8/1/96

Expansion of an existing structure on a lot recorded after 8/1/96

Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96

New agriculture or aquaculture project

Public project where funds were appropriated prior to 8/7/96

Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision

Residential subdivision; institutional, industrial, or commercial project

Municipal project

District, county, state, or federal government project

Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

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

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**D. Signatures and Submittal Requirements**

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

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

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

Name and address of the property owner:

ROBERT GAST

Name

PO 811

Mailing Address

LITTLETON

City/Town

MA

State

01460

Zip Code

Signatures:

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

Robert W. Gast

Signature of Applicant

8-27-23

Date

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Signature of Representative (if any)

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Date



**TOWN OF LITTLETON  
BOARD OF ASSESSORS**

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

Date: September 26, 2023

Re: Certified List of Abutters Conservation Commission

Applicant: Robert Gaetz

Name of Firm:

Mailing Address 1 Sandas Pt. Rd, P.O. Box 811

**Subject Parcel Location: 1 Sandas Pt. Rd**

**Subject Parcel No.: U46-29-B**

**Subject Owner Name: Robert Gaetz and Anne Pelagatti**

M.G.L. Chapter 131: Section 40 ..... "Any person filing a notice of intention with a conservation commission shall at the same time give written notification thereof, by delivery in hand or certified mail, return receipt requested, to all abutters within one hundred feet of the property line of the land where the activity is proposed, but not limited to, owners of land directly opposite said proposed activity on any public or private street or way, and in another municipality or across a body of water. When a notice of intent proposes activities on land under water bodies and waterways or on a tract of land greater than 50 acres, written notification shall be given to all abutters within 100 feet of the proposed project site. For the purposes of this action, "project site" shall mean lands where the following activities are proposed to take place: dredging, excavating, filling, grading, the erection, reconstruction or expansion of a building or structure, the driving of pilings, the construction or improvement of roads or other ways and the installation of drainage, sewerage and water systems, and "land under water bodies and waterways" shall mean the bottom of, or land under, the surface of the ocean or an estuary, creek, river stream, pond or lake. When a notice of intent proposes activity on a linear shaped project site longer than 1,000 feet in length, notification shall be given to all abutters within 1,000 feet of the proposed project site. If the linear project site takes place wholly within an easement through another person's land, notice shall also be given to the landowner. Said notification shall be at the applicant's expense, and shall state where copies of the notice of intention may be examined and obtained and where information regarding the date, time and place of the public hearing may be obtained. Proof of such notification, with a copy of the notice mailed or delivered, shall be filed with the conservation commission." .....

I hereby certify the attached list of abutter (s) as stated in the M.G.L. Chapter 131, Section 40.

Number of Abutter(s) 2 including the subject parcels + 1 Applicant Requesting Abutter's List.

Certified by:

  
\_\_\_\_\_  
Hanna Axon, Office Assistant

## AFFIDAVIT OF SERVICE

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

I, ROBERT W. GAETZ (name of applicant or representative) certify under the pains and penalties of perjury that on 9-27-2023 (date) I gave notification to abutters in compliance with the second paragraph of the Massachusetts General Laws Chapter 131, Section 40, DEP requirements for Abutter Notification and with the Littleton Wetlands ByLaw 171-2.D in connection with the following matter:

A (choose one of below)

Abbreviated Notice of Resource Area Delineation  
 Request for Determination of Applicability  
 Notice of Intent / Abbreviated Notice of Intent  
 Request for Amended Order of Conditions (MADEP File # 204-\_\_\_\_\_)

has been filed under the Massachusetts Wetlands Protection Act and Littleton Wetlands Protection ByLaw by ROBERT W. GAETZ (name of applicant) with the Littleton Conservation Commission on 9-27-2023 (date) for the property located at 1 SANDAS PONUT RD (address of land where work is proposed).

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

Robert W. Gaetz

Name

9-27-23

Date

2 SANDAS POINT RD                    U46 29 D

LUC: 101

LEON WEAVER & ANN BOUSQUET REV  
WEAVER LEON&BOUSQUET ANN R-TRS  
PO BOX 2297  
LITTLETON, MA 01460

1 SANDAS POINT RD                    U46 29 B

LUC: 109

PELAGATTI ANNE A  
GAETZ ROBERT W  
P O BOX 811  
LITTLETON, MA 01460



## Littleton Conservation Commission

37 Shattuck Street / Room 303

Phone: 978 540-2428

Fax: 978 952-2321

## Littleton Wetland Protection Regulations

### Waiver Request Requirement Information (Section 1.4)

Date: 9.27.23 Applicant/Owner: ROBERT GAYE

Map/Lot: U46-29-B Project Address: 1 SANDAS POINT RD

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

Project purpose and need: PINE TREES THREATENING HOUSE/ DRIVEWAY  
NEED TO BE REMOVED

What specific action(s) is the Waiver being asked for? TREES REMOVED WITHIN  
50'

How is the action(s) in the public interest, necessary to avoid a taking, necessary to prevent a safety hazard or water dependent? SOME TREES FELL ON CARS LAST WK.  
REMAINING TREES THREATENING HOUSE/ CARS

How is the action(s) consistent with the intent and purpose of the Bylaw? WITHIN 50' OF WETLAND, THREATENING HOUSE/ DRIVEWAY

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

PICTURES LATER, ARDOREST LETTER / FORM

COMING OCT.

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

PICTURES COMING

Analysis of less environmentally damaging practicable alternative: REMOVE MOST THREATENING TREES

Proposed short term and long term protection of wetland resource areas:

PLANT POLLINATORS, ETC.

Is the site in a Zone I, II or III (groundwater) or Zone A, B or C (surface water) water supply area:

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

Other factors for consideration: SOME TREES ALREADY FELL, ONE SERIOUSLY DAMAGING OUR CAR

Signature: Roslit W. Day Project: TREE REMOVAL