



Littleton Conservation Commission

P.O. Box 1305

37 Shattuck Street

Littleton, MA 01460

Phone: 978 540-2428

FAX: 978 952 2321

E-Mail: agreeen@littletonma.org

May 20, 2024

Tim Michalski

Littleton Parks and Recreation Department

Re: Order of Conditions for 204-1002 at 22 Town Road (Long Lake Beach Path)

Dear Mr. Michalski:

On May 14, 2024 the Littleton Conservation Commission voted to issue the attached Order of Conditions for the above referenced project. While you will be responsible for ALL the Conditions, please note especially the following:

The following must be done prior to the start of work:

1. General Conditions (GC) #8: There is a 10-day appeal period from the issuance of the Order of Conditions. If you start work during this time, you are working at your own risk
2. GC #9 and Special Condition Pre-Construction Condition (SC-PC) #1: This Order of Conditions must be registered in the Registry of Deeds, Middlesex South, prior to commencement of any work. As per SC-PC#1, recording information including date, book and page must be submitted to the Littleton Conservation Commission no later than 4 weeks from the date of this Order of Conditions.
3. GC#10: A sign with the MADEP File Number must be displayed prior to work commencing.
4. GC#14 and SC-PC#4: any changes to approved plans shall require the applicant to inquire of the Conservation Commission if the changes are significant enough to require the filing of a new Notice of Intent.
5. SC-C#1 and #10: Contact the Conservation Commission office to review the project before work, other than installation of erosion controls, commences.

You have three years to complete the approved work from the effective date of May 20, 2024, although you may apply for an extension before the Order of Conditions expires. Once work is completed and the site is stabilized, you shall submit a Request for Certificate of Compliance. Please note the Commission must be notified of a transfer of the property any time prior to the issuance of the Certificate of Compliance.

Best of luck moving forward. If you need to change your site plan, please call to discuss.

Sincerely,

Amy Green
Conservation Agent
Littleton Conservation Commission

Cc: MADEP



**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:
204-1002 LL Path
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
Requirements

Important:
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:

Tim Michalski
a. First Name b. Last Name
Littleton Parks and Rec Department
c. Organization
33 Shattuck St
d. Mailing Address
Littleton MA 01460
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

Littleton Parks and Rec Department, Littleton Conservation Department
a. First Name b. Last Name
c. Organization
Littleton
d. Mailing Address
Littleton MA 01460
e. City/Town f. State g. Zip Code

5. Project Location:

22 Town Road Littleton
a. Street Address b. City/Town
U16, U16, U12, U12 66-0, 55-0, 1-0, 13-0
c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known:

d m s d m s
d. Latitude e. Longitude



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A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Middlesex

a. County

10911, 12718

c. Book

b. Certificate Number (if registered land)

405, 688

d. Page

7. Dates: 4-4-2024 5-14-2024 5-20-2024
 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):

Long Lake Beach Path Plan

a. Plan Title

b. Prepared By

5-10-2024

d. Final Revision Date

c. Signed and Stamped by

e. Scale

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.



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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) 40
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. ☐ Bank	<u> </u> a. linear feet	<u> </u> b. linear feet	<u> </u> c. linear feet	<u> </u> d. linear feet
5. ☐ Bordering Vegetated Wetland	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
6. ☐ Land Under Waterbodies and Waterways	<u> </u> a. square feet <u> </u> e. c/y dredged	<u> </u> b. square feet <u> </u> f. c/y dredged	<u> </u> c. square feet	<u> </u> d. square feet
7. ☐ Bordering Land Subject to Flooding	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
Cubic Feet Flood Storage	<u> </u> e. cubic feet	<u> </u> f. cubic feet	<u> </u> g. cubic feet	<u> </u> h. cubic feet
8. ☐ Isolated Land Subject to Flooding	<u> </u> a. square feet	<u> </u> b. square feet		
Cubic Feet Flood Storage	<u> </u> c. cubic feet	<u> </u> d. cubic feet	<u> </u> e. cubic feet	<u> </u> f. cubic feet
9. ☐ Riverfront Area	<u> </u> a. total sq. feet	<u> </u> b. total sq. feet		
Sq ft within 100 ft	<u> </u> c. square feet	<u> </u> d. square feet	<u> </u> e. square feet	<u> </u> f. square feet
Sq ft between 100-200 ft	<u> </u> g. square feet	<u> </u> h. square feet	<u> </u> i. square feet	<u> </u> j. square feet



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B. Findings (cont.)

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

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. ☐ Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. ☐ Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. ☐ Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. ☐ Coastal Beaches	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
14. ☐ Coastal Dunes	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
15. ☐ Coastal Banks	a. linear feet	b. linear feet		
16. ☐ Rocky Intertidal Shores	a. square feet	b. square feet		
17. ☐ Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. ☐ Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. ☐ Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. ☐ 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. ☐ Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		
22. ☐ 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



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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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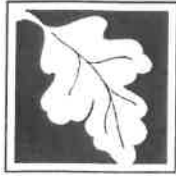
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C. General Conditions Under Massachusetts Wetlands Protection Act

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 204-1002 "
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 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(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	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 #204-1002

Owner/Applicant: Littleton Parks and Recreation Department

Project Title/Address: 22 Town Road (Long Lake Beach)

Findings: This Order of Conditions is for construction of path and related work. Resource Areas on the property include Land Under Waterbodies and Waterways, Bank, Bordering Vegetated Wetland, as well as the 100-foot buffer zone. The proposed project will have no direct temporary or permanent wetland resource area impacts.

Findings Under the Littleton Wetlands Protection Bylaw Regulations:

The proposed project will include work within the 50-foot No Disturb Area (NDA) of Littleton Wetlands Protection Bylaw regulations. 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 does not exceed these thresholds.

The Commission found, pursuant to Section 1.4 of its Wetlands Protection Regulations, that a waiver of the 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 [examples at end of document]

1. Work within the 50' NDA consists of redevelopment of the existing paver path to allow for public ADA access.

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, unless otherwise permitted and on the approved plans. 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 (including 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.

PC-12. If applicable, this order assumes septic system design(s) which still require approval by the Board of Health. Should changes to the assumed systems occur and require changes to work within jurisdictional areas, the LCC must be notified to determine if a new/amended NOI is required.

PC-13. If a Stormwater Pollution Prevention Plan (SWPPP) is required for the project, the Applicant must submit, before any construction begins, the SWPPP to the LCC. If any portion of this property is sold, then a new SWPPP must be submitted for that sold property regardless of size.

CONSTRUCTION CONDITIONS

C-1. The Commission will be notified at least one week prior to construction to allow for a pre-construction meeting. The following people shall, at a minimum, be present: Conservation Agent or Commissioner, 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) and 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. This person's contact information is to be given to the LCC (or its agent)

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.

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, or 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. If stormwater facilities, such as basins, are part of the proposed project, the Applicant shall certify that the facilities are functioning as designed. Following construction, if above ground basins do not appear to be functioning as designed, the LCC will require demonstration of actual infiltration rates using a Double-Ring Infiltrometer test, or similar.

C-21. 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-22. 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.



**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:
204-1002 LL Path
MassDEP File #

eDEP Transaction #
Littleton
City/Town

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.

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 Agent to sign on their behalf pursuant to the vote on 5-14-2024 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.

DocuSigned by:
Andrew Sammarco
Signature
EBAF7E145FBC4C8...

Andrew Sammarco
Printed Name

DocuSigned by:
Chase Gerbig
Signature
1D6653A7E8FC456...

Carl Melberg
Printed Name
Chase Gerbig
Printed Name

DocuSigned by:
Kyle Maxfield
Signature
14D00E2BA09224B7...
Michael Livingston
Signature
9D5A8750361C4ED...
Sarah Seaward
Signature
9D3E15180ADC4BC...

Ed Fultz
Printed Name
Kyle Maxfield
Printed Name
Michael Livingston
Printed Name
Sarah Seaward
Printed Name

Signature
Tim Pearson
Signature

Amy Green, Agent
Printed Name
Tim Pearson, Assistant Agent
Printed Name

☒ by hand delivery on

☐ by certified mail, return receipt requested, on

Date

5-20-2024

Date



**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:
204-1002 LL Path
MassDEP File #

eDEP Transaction #
Littleton
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

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
 204-1002 LL Path
 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

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:

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



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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
Request for Departmental Action Fee
Transmittal Form

DEP File Number:

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.