

**Request for Determination of Applicability**  
**Construction of a 24-foot Boardwalk**  
**7 New Estate Road; U37-1-0**

**Submitted By:**

**Gerry Cavallo**

**May 14, 2024**

## **Request for Determination of Applicability**

### **7 New Estate Road Boardwalk**

Currently, those who wish to cross the existing intermittent stream on 7 New Estate Road (Littleton Cemetery Land) must either jump across onto the bank or walk across an unstable log. The proposed 24-foot boardwalk would protect and prevent continued erosion of the bank from those jumping across, and would allow for safe public access across the stream. This boardwalk would be utilized to enhance the connectivity of trails at 7 New Estate Road with the trails at the adjacent Hartwell Conservation Land.

The distance between the streambed is approximately 2 feet where the boardwalk is proposed. The 24-foot boardwalk will rest on pressure treated sills and will utilize corrugated pipe. The boardwalk will be built by volunteers. This project will not require fill in, or alter wetlands. Design is attached.

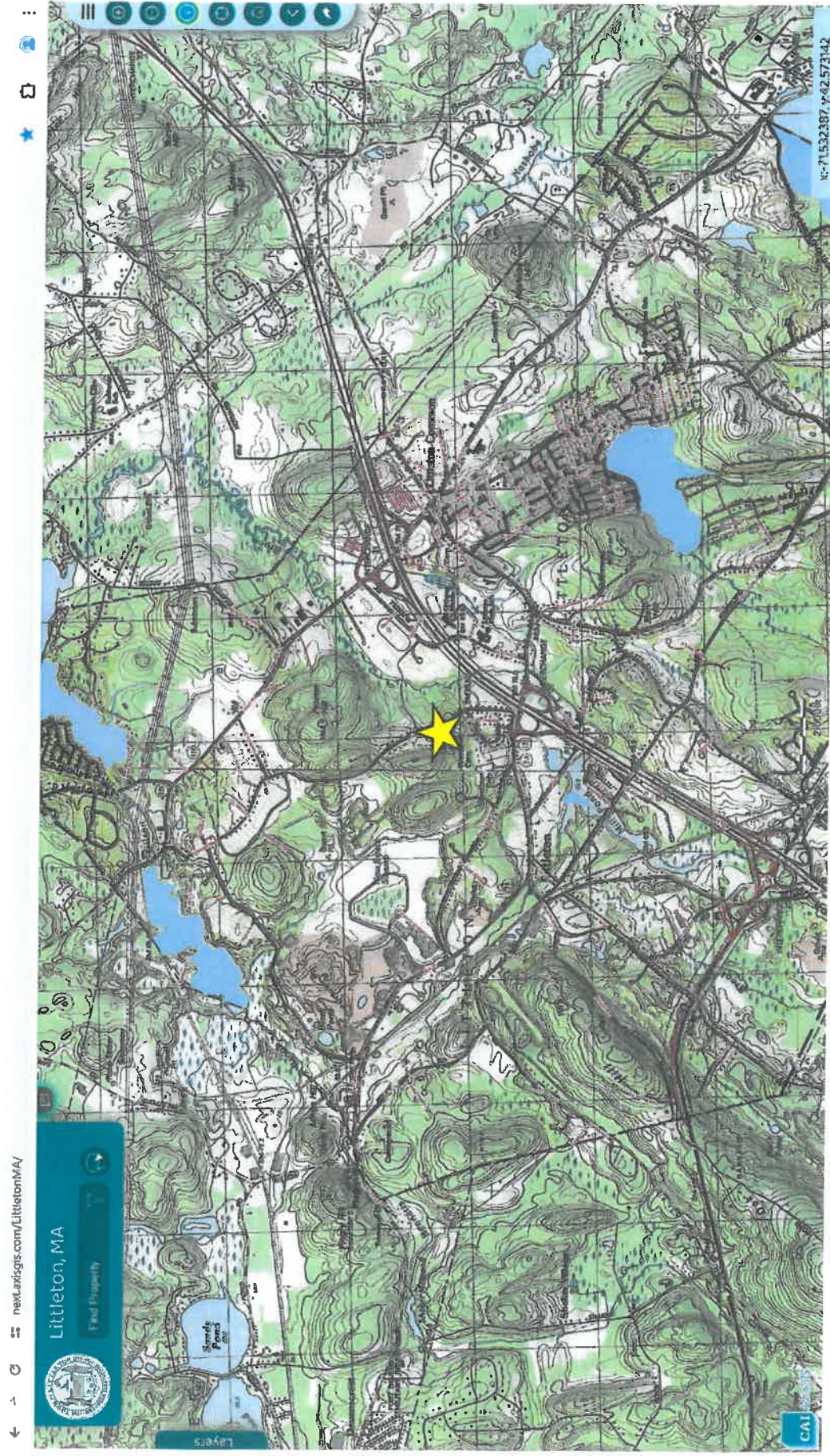


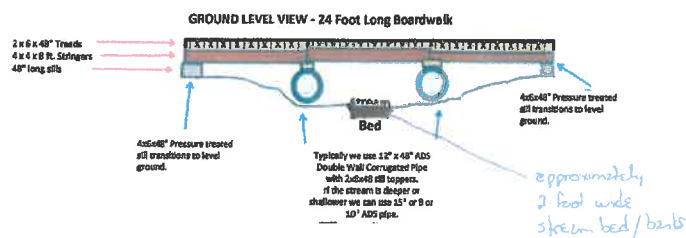
FIGURE 1 – USGS LOCUS

[illegible]



FIGURE 2 – AERIAL PHOTO

# Boardwalk Construction Plan for Hartwell/Cemetery Land Using ADS Pipe Sills



Boardwalks are constructed as follows:

48" long 12 inch ADS double wall corrugated drainage pipe from Bay State Water Works is used for sills to support the boardwalk. Although pipes are leveled into the surrounding ground, there is minimal disturbance to the wetland. Basically the boardwalk floats on the ground surface.

The ADS pipe is topped with 2x6x48 inch pressure treated boards secured with four or five No. 10 x 3 1/2" deck screws.

The Sills are then connected to one another by three 4x4x8 foot pressure treated lumber.

The 4x4s are attached to the 2x6s with 5/16 x 6" GRK structural screws.

The surface of the boardwalk is created by attaching 2x6x48" pressure treated treads to the 4x4s with No. 10 x 3 1/2" Star Drive Deck Screws spaced 3/8" apart to provide drainage.





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:

Gerry Cavallo

Name

g.cavallo@verizon.net

E-Mail Address

8 Uplands Rd

Mailing Address

Littleton

City/Town

MA

State

01460

Zip Code

978 501 5295

Phone Number

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 Littleton 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:

Littleton Conservation Commission

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):

7 New Estate Road

Street Address

U37

Assessors Map/Plat Number

Littleton

City/Town

1-0

Parcel/Lot Number

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

SEE ATTACHED

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

7 New Estate Road Boardwalk Plan

Title

2024-04-24

Date

Title

Date

Title

Date

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

Construction of a 24 foot long boardwalk across an intermittent stream.



## WPA Form 1- Request for Determination of Applicability

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

### 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).

Work will not fill, dredge, or alter drainage patterns, as such, will have no impacts.

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.)



Massachusetts Department of Environmental Protection  
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City/Town

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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:

Littleton Cemetary Department

Name

7 New Estate Road

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.

Signature of Applicant

Date

May 14, 2024

Signature of Representative (if any)

Date



**TOWN OF LITTLETON  
BOARD OF ASSESSORS**

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

Date: May 13, 2024

Re: Certified List of Abutters Conservation Commission

Applicant: Time Pearson

Name of Firm: Town of Littleton Conservation Commission

Mailing Address 37 Shattuck Street, Littleton, Ma 01460

**Subject Parcel Location:** 7 New Estate Rd.

**Subject Parcel No.:** U37-1-0

**Subject Owner Name:** Town of Littleton Conservation Commission

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) 8 including the subject parcels.

Certified by:

  
Kathy Miller, Chief Assessor

HARTWELL AV	R17 3 0
HARTWELL HILL HOMES, LLC	LUC: 953
8 MASON BROOK LANE	
LITTLETON, MA 01460	
53 HARTWELL AV	R17 5 0
MCMAHON JEREMY M	LUC: 101
MCMAHON JENNIFER L	
53 HARTWELL AVE	
LITTLETON, MA 01460	
HARTWELL AV	R17 5 1
LITTLETON TOWN OF	LUC: 932
CONSERVATION COMMISSION	
PO BOX 1305	
LITTLETON, MA 01460	
55 HARTWELL AV	R17 5 4
REINHERZ DAVID J	LUC: 101
REINHERZ ANA M	
55 HARTWELL AVE	
LITTLETON, MA 01460	
65 HARTWELL AV	R17 5 8
FELIX & QUIN PITTORINO 2021 RE	LUC: 101
PITTORINO FELIX J, TRUSTEE	
65 HARTWELL AV	
LITTLETON, MA 01460	
67 HARTWELL AV	R17 6 1
WHITTAKER KARLA JONES	LUC: 101
WHITTAKER MATTHEW THOMAS	
67 HARTWELL AV	
LITTLETON, MA 01460	
66 HARTWELL AV	R17 7 H
BARTHEL JAMES LEE	LUC: 101
BARTHEL LESLIE ROSE	
66 HARTWELL AV	
LITTLETON, MA 01460	
7 NEW ESTATE RD	U37 1 0
LITTLETON TOWN OF	LUC: 931
CEMETERY DEPT	
P.O. BOX 1305	
LITTLETON, MA 01460	

## 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, Gerry Canullo (name of applicant or representative) certify under the pains and penalties of perjury that on 5/14/2024 (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 Gerry Canullo (name of applicant) with the Littleton Conservation Commission on 5/14/24 (date) for the property located at 7 New Estate 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.

Gerry Canullo

Name

5/14/24

Date

## NOTIFICATION TO ABUTTERS

Pick one:

- ☐ Notice of Intent/Abbreviated NOI
- ☐ Abbreviated Notice of Resource Area Delineation
- ☒ Request for Determination of Applicability
- ☐ Request to Amend an Order of Conditions (MADEP File # 204 \_\_\_\_\_)

### Modification for Virtual Meetings

*Under MA Wetlands Protection Act and Littleton Wetlands Protection ByLaw (Chapter 171), this form must be completed and mailed, certified mail return receipt requested, to all abutters at their mailing addresses shown on the most recent Town Assessor's records as well as the owner (if not applicant).*

In accordance with the MA Wetlands Protection Act and Littleton Wetlands Protection ByLaw Chapter 171-2D, you are hereby notified of a public hearing on the matter described below:

- A. The applicant has filed a permit application with the Littleton Conservation Commission for work in an area subject to protection under the Massachusetts Wetlands Protection Act and Littleton Wetlands Protection ByLaw.
- B. The name of the applicant is Gerry Cavallo
- C. The address of the land where the activity is proposed is 7 New Estate Rd
- D. The work proposed is Construction of a boardwalk
- E. Copies of the filing may be examined at the Conservation Commission office at 37 Shattuck Street Monday through Thursday; 9:00 – 1:00 (please call first to ensure the Conservation Agent is available and not out on site visits). The office phone number is 978-540-2428.
- F. Copies of the filing may be obtained electronically from (check one) the ☐ applicant or ☒ the applicant's representative by calling 978 - 540 - 2427 during the following times:  
Mon - Wed 8:00 am - 4:30 pm

- G. The public hearing/meeting will be held on 5/28/24 information regarding the date and time of the public hearing/meeting may be obtained from the Littleton Conservation Commission (see contact info at the end of this notice).
- H. Notice of the public hearing/meeting, including date and time will be published at least five business days in advance in a paper of local circulation. The agenda, noting times will be posted at Town Hall and at <https://ma-littleton.civicplus.com/AgendaCenter/Search/?term=&CIDs=13,&startDate=&endDate=&dateRange=&dateSelector=> at least 48 hours in advance of the meeting. It is currently anticipated that this meeting will be held entirely remotely, pursuant to "An Act Relative to Extending Certain State of Emergency Accommodations" (July 16, 2022) and the extension of that Act through March 21, 2025. If the meeting is held remotely, instructions for remote viewing of, and participation in, the meeting will be included in the agenda and may also be obtained from the Littleton Conservation Commission.

You may contact the Littleton Conservation Commission staff ([Conservation@littletonma.org](mailto:Conservation@littletonma.org); 978-540-2428), or the Massachusetts Department of Environmental Protection/ Central Region (508-792-7650) at 8 New Bond Street, Worcester, MA 01606) for information about this application



## 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: 4/24/24 Applicant/Owner: Gerry Cavallo

Map/Lot: 037-1-D Project Address: 7 New Estate 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: Public use boardwalks

What specific action(s) is the Waiver being asked for? Construction of  
a 24-foot long boardwalk across an intermittent  
stream

How is the action(s) in the public interest, necessary to avoid a taking, necessary to prevent a safety hazard or water dependent? The boardwalk will allow  
the public to cross the intermittent stream  
without having to jump across

How is the action(s) consistent with the intent and purpose of the Bylaw? Public  
use of trail/land

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

Area is wooded with the  
intermittent stream

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

0, over intermittent stream

Analysis of less environmentally damaging practicable alternative:

Location  
was chosen to minimize width of crossing

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

Construction of boardwalk will be done by hand  
and boardwalk ~~will~~ will protect the  
intermittent stream

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

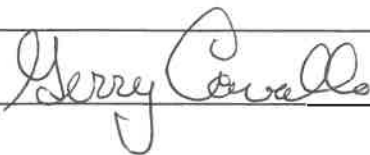
No

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:

NHESP Priority Habitat  
for Blue-spotted Salamander

Other factors for consideration:

Signature:



Project:

Boardwalk across intermittent stream