

Lake Shore Drive Japanese Knotweed

Request for Determination of Applicability

Littleton Conservation Department

August 27, 2024

Request for Determination of Applicability

Lake Shore Drive Japanese Knotweed

Multi-year herbicide treatment of Japanese knotweed (*Fallopia japonica*) is proposed for a 170' x 20' patch of Japanese Knotweed along Lake Shore Drive. This patch, which sits on an upland shelf along the lake, has been routinely mowed by the Highway Department but continues to spread. Going forward it is expected that there would continue to be mowing early in the season to suppress growth, and then applying selective herbicide treatment using a backpack sprayer and stem applicator with glyphosate (Lesco Prosecutor Pro; foliar). The application will only target Japanese knotweed, and can be used as a comparison site to nearby efforts which are being conducted with multiple cuttings and removal of stems. No in-water work will be needed or occur. Application is done when there is minimal wind and no rain in the forecast.

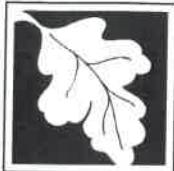
The treated stand will be mapped using GPS. Follow up monitoring will include photographs of the stand and description of plant species that are returning. Currently it is assumed that there will be two years of follow up treatment if necessary,

The attached figures show the site locus and photographs of the knot weed stand. Abutter information is also attached.









Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 1- Request for Determination of Applicability
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

City/Town

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



A. General Information

1. Applicant:

Tim
Name
37 Shattuck St
Mailing Address
Littleton
City/Town
9785402427
Phone Number

Pearson
E-Mail Address
MA
State
01460
Zip Code
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

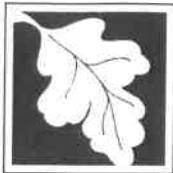
1. I request the Littleton _____ make the following determination(s). Check any that apply:

Conservation Commission

- 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
Name of Municipality

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



C. Project Description

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

Lake Shore Drive

Street Address

U12

Assessors Map/Plat Number

Littleton

City/Town

14-0

11-3
Parcel/Lot Number

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

20' x 170' patch of Japanese knotweed located 5 feet from Long Lake

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

Lake Shore Drive Phragmites

Title

8/7/2024

Date

Title

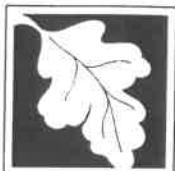
—

Title

→

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

Multi-year herbicide treatment. See attached



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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).

No resource area 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.)



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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:

Town of Littleton

Name

37 Shattuck St P.O. Box 1305

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

8/26/24

Date

Signature of Representative (if any)

Date



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: 8/27/2024 Applicant/Owner: Town of Littleton

Map/Lot: U12-14-0 Project Address: Lake Shore Drive

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: Without interference Japanese Knotweed will continue to spread and colonize areas of the bank along Long Lake

What specific action(s) is the Waiver being asked for? Glyphosate- based herbicide treatment of 3,400 square feet of Japanese Knotweed adjacent to the bank of Long Lake

How is the action(s) in the public interest, necessary to avoid a taking, necessary to prevent a safety hazard or water dependent? Japanese Knotweed is an invasive species that aggressively colonizes areas and pushes out native plant species, thus threatening biodiversity

How is the action(s) consistent with the intent and purpose of the Bylaw? Preservation of native plant species and the ecological value they provide

Existing and proposed site conditions (ie, impervious, lawn & disturbed areas) (square feet; show on plan): Existing is a 3,400 square foot patch of Japanese Knotweed. Proposed is an area consisting of native vegetation

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

3 ft from Long Lake

Analysis of less environmentally damaging practicable alternative: None

Proposed short term and long term protection of wetland resource areas: Herbicide will not be applied when winds or rain are forecast.

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: No

Other factors for consideration: None

Signature: Tar P. **Project:** Knotweed



**TOWN OF LITTLETON
BOARD OF ASSESSORS**
P.O. BOX 1305
LITTLETON, MA 01460
(978) 540-2410
FAX: (978) 952-2321

Date: August 27, 2024

Re: Certified List of Abutters Conservation Commission

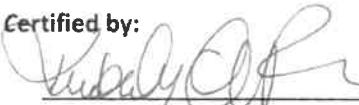
Applicant:	<u>Amy Green</u>
Name of Firm:	<u>Town of Littleton</u>
Mailing Address:	<u>37 Shattuck St Littleton MA 01460</u>
Subject Parcel Location:	<u>Lake Shore Drive</u>
Subject Parcel No.:	<u>U12 14 0</u>
Subject Owner Name:	<u>Town of Littleton Conservation Commission</u>

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) 32 including the subject parcels + 1 Applicant Requesting Abutter's

List. Certified by:


Name: Kim Prehl
Title: Office Assistant

TOWN RD	U12 10	8 ELM RD	U17 129 0	11 LAKE SHORE DR	U17 207 0
LITTLETON TOWN OF PARK DEPARTMENT PO BOX 1305 LITTLETON, MA 01460	LUC: 930	THE RAFFI FAMILY TRUST RAFFI KATHLEEN TRUSTEE 8 ELM RD LITTLETON, MA 01460	LUC: 101	LORD LINDA R 11 LAKE SHORE DR LITTLETON, MA 01460	LUC: 101
BEACH DR	U12 12 0	35 LAKE SHORE DR	U17 156 0	LAKE SHORE DR	U17 208 0
LITTLETON TOWN OF CONSERVATION COMMISSION PO BOX 1305 LITTLETON, MA 01460	LUC: 932	COREY ETHAN 35 LAKE SHORE DR LITTLETON, MA 01460	LUC: 101	LITTLETON TOWN OF CONSERVATION COMMISSION PO BOX 1305 LITTLETON, MA 01460	LUC: 932
BEACH DR	U12 13 0	33 LAKE SHORE DR	U17 157 0	3 GROVE RD	U17 217 0
LITTLETON TOWN OF CONSERVATION COMMISSION PO BOX 1305 LITTLETON, MA 01460	LUC: 932	O'DWYER RONALD F OAKLAND KATHLEEN M 33 LAKE SHORE DR LITTLETON, MA 01460	LUC: 101	KINGHORN KATELEN WILMOT JR KEITH 3 GROVE RD LITTLETON, MA 01460	LUC: 101
LAKE SHORE DR	U12 14 0	EMERSON DR	U17 158 0	53 LAKE SHORE DR	U17 47 0
LITTLETON TOWN OF CONSERVATION COMMISSION PO BOX 1305 LITTLETON, MA 01460	LUC: 932	CALABRO JOHN CALABRO CAROL M 14 BEVERLY RD ACTON, MA 01720	LUC: 132	FITZPATRICK NEIL J 53 LAKE SHORE DR LITTLETON, MA 01460	LUC: 101
LAKE SHORE DR	U12 15 0	1 EMERSON DR	U17 160 0	51 LAKE SHORE DR	U17 49 0
LITTLETON TOWN OF CONSERVATION COMMISSION PO BOX 1305 LITTLETON, MA 01460	LUC: 932	MIZZONI BRIAN A 1 EMERSON DR LITTLETON, MA 01460	LUC: 101	WHITAKER JOHN S WHITAKER CAROLYN Y 104 CONGRESS ST APT 1 PORTLAND, ME 04101	LUC: 101
2 ASPEN RD	U17 10	29 LAKE SHORE DR	U17 181 0	1 BIRCH RD	U17 63 0
ALAN IRA SILBERBERG FAMILY TRU TRUSTEE SILBERBERG ALAN IRA 2 ASPEN RD LITTLETON, MA 01460	LUC: 101	MCDEVITT MICHELLE 29 LAKE SHORE DR LITTLETON, MA 01460	LUC: 101	DEGEN MARIA-TERESA 1 BIRCH RD LITTLETON, MA 01460	LUC: 101
5 DOGWOOD RD	U17 125 0	27 LAKE SHORE DR	U17 182 0	49 LAKE SHORE DR	U17 64 0
VIKLUND THOMAS FENNELLY LAUREN 5 DOGWOOD RD LITTLETON, MA 01460	LUC: 101	TUCKER C DAVID TUCKER A DOROTHY 27 LAKE SHORE DRIVE LITTLETON, MA 01460	LUC: 101	FOLEY KATHLEEN ANN 10 SARAH DOUBLET RD LITTLETON, MA 01460-2240	LUC: 101
3 DOGWOOD RD	U17 126 0	21 LAKE SHORE DR	U17 203 0	4 CEDAR RD	U17 65 0
WALSH DIANE P 3 DOGWOOD RD LITTLETON, MA 01460	LUC: 101	FOLSOM JONATHAN B FOLSOM MARTHA S 21 LAKE SHORE DR LITTLETON, MA 01460	LUC: 101	S & S FAMILY TRUST TRUSTEE FOSS STEPHEN S 4 CEDAR RD LITTLETON, MA 01460	LUC: 101
37 LAKE SHORE DR	U17 127 0	17 LAKE SHORE DR	U17 205 0	3 CEDAR RD	U17 96 0
GASPARI 2022 TRUST TRUSTEE GASPARI MARIANNE L 843 ANDOVER ST LOWELL, MA 01852	LUC: 101	NEILD DUSTIN O. NEILD LYNN T 17 LAKE SHORE DRIVE LITTLETON, MA 01460	LUC: 101	GERAGHTY JAMES A WOOD JOAN C 10 CHARLES GATE E APT 601 BOSTON, MA 02215-2349	LUC: 101
36 LAKE SHORE DR	U17 128 0	15 LAKE SHORE DR	U17 206 0	43 LAKE SHORE DR	U17 97 0
GRUBER MICHAEL GRUBER JOYCE E 148 PINE HILL RD BOXBORO, MA 01719	LUC: 101	PUTNAM STEPHEN 15 LAKE SHORE DR LITTLETON, MA 01460	LUC: 101	WOOD JOAN C GERAGHTY JAMES A 10 CHARLES GATE E APT 601 BOSTON, MA 02215-2349	LUC: 101

2 DOGWOOD RD

U17 99 0

LUC: 101

KLEIN SEBASTIEN

KLEIN JENNIFER

2 DOGWOOD RD

LITTLETON, MA 01460

32 FOSTER ST

U20 12 0

LUC: 950

NEW ENGLAND FORESTRY FNDTN INC

PO BOX 1346

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, Tim Pearson *(name of applicant or representative)* certify under the pains and penalties of perjury that on 8-28-2024 *(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 Conservation Department *(name of applicant)* with the Littleton Conservation Commission on 8-27-2024 *(date)* for the property located at Lake Shore Drive *(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.

Tim Pearson

Name

Rev 9-14-2023

8/26/24

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 Tim Pearson

C. The address of the land where the activity is proposed is Lake Shore Drive

D. The work proposed is Japanese Knotweed Treatment

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 X applicant or _____ the applicant's representative by calling 978 - 540 - 2427 during the following times: Mon – Thurs 8:00am – 4:00pm

G. The public hearing/meeting will be held on 9-10-2024. 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; 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