



April 29, 2025

Conservation Commission
37 Shattuck Street
1st Floor, B100
Littleton, MA 01460

Re: Notice of Intent – 97 & 99 Mill Road
Owner: Littleton Light and Electric Department, 39 Ayer Rd, Littleton, MA 01460
Applicant: Steve Bern, Citizens Energy Corporation

Dear Commission Members:

On behalf of the applicant, Citizens Energy (*'Proponent'*), The Morin-Cameron Group, Inc. (*'MCG'*) hereby submits a WPA Form 3: Notice of Intent Application to construct a new Battery Energy Storage System (*'BESS'*) at 97 & 99 Mill Road which is owned by Littleton Electric Light Department (*'LELD'*). The proposed project involves the construction of an enclosed electrical equipment area, five (5) utility poles that will service the electrical equipment area, removal of stockpiles, stabilization of gravel access areas and restoration of previously degraded/disturbed riverfront area. The proposed electrical equipment area includes four (4) BESS Enclosures, three (3) Transformers, one (1) 25kV SGU (Switchgear Unit) and one (1) BOS (Balance of System) Control Panel. The electrical equipment area is proposed to be put into service through proposed underground and overhead cables, a series of five (5) new utility poles will be installed along the existing access route and connected to an existing utility pole at the Northern corner of the property near the intersection of Warren Street and Mill Road.

The proposed BESS enclosure is situated along the boundary of Route 495 on within a 4.4 acre property with frontage on Mill Road. The property is entirely developed between lot lines and Beaver Brook as a mill and lumberyard. The property was recently acquired by LELD and now being used for municipal electric and light operations as well as other temporary contracting uses such as materials stockpiling. The property is within the Industrial B (IB) Zoning District. The property is bounded by Beaver Brook, a perennial stream which has a 200' riverfront area extending from its bank. LEC Environmental Consultants, Inc. (*'LEC'*) conducted a site evaluation on April 17, 2024 to identify and delineate protectable Wetland Resource Areas associated with Beaver Brook. There is also a small isolated vegetated wetland located within the Route 495 right of way which has a 100' buffer zone under the Little Wetland Bylaw that extends into the site. LEC delineated with sequentially numbered, blue flags numbered R1 through R45, The Bank - MAHW (Mean Annual High Water) Line. MCG used these flag locations to determine the 100' & 200' Riverfront Area, which are shown on the Redevelopment Site Plans (*'Plans'*). In addition to the stream, according to the July 7, 2014 Federal Emergency Management

Agency Flood Insurance Rate Map for Littleton, Massachusetts (Map No: 25017C0236F), the property is partially located within Zone X [Area determined to be outside of the 0.2% annual chance floodplain, Zone AE [Special flood hazard areas subject to inundation by the 1% annual chance flood: Base Flood Elevation of 214.2 feet (NAVD88) identified by "water surface elevation" as established at cross section "Q" and the Zone AE Floodway [*The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights*]. The FEMA Flood Profile Baseline Elevation 214.2 (BLSF) was location was determined from an on-the-ground existing conditions instrument survey performed by MCG in April/June 2024 and is shown on the Plans.

According to the Act Regulations, [310 CMR 10.58 29a)], Riverfront Area is defined as the area of land between a river's mean annual high-water and a parallel line measured horizontally 200 feet away. The Riverfront Area is not defined in the Town of Littleton bylaw. The Riverfront Area extends 200 feet horizontally from the Bank - MAHW line of Beaver Brook as described above and includes portions of the existing developed buildings and other cleared and/or grassed areas. The total Riverfront Area on the property is approximately 171, 287 SF (square feet) with approximately 94,711 SF being previously degraded (areas with absence of topsoil and with impervious surfaces). The proposed work falls mostly within the riverfront area and entirely within previously degraded portions of the property.

The proponent proposes to construct a 42' x 105'-4" fenced enclosure to secure the new electrical equipment. The enclosure is situated in a portion of the parcel as far from the stream as possible without impacting access to existing buildings and structures on the premises. Full access around the enclosure is also necessary for maintenance and emergency access. Despite the efforts to keep the enclosure as far as possible from the stream, it still falls entirely within the outer 100'-200' riverfront area. This work, within previously developed riverfront area is permissible under the Wetlands Protection Act Regulations, 310 CMR 10.58.

According to 310 CMR 10.58(5), the project is considered "*Redevelopment Within Previously Developed Riverfront Area*" because it falls entirely within the footprint of the developed riverfront area. According to the regulation, "*the issuing authority may allow work to redevelop a previously developed riverfront area, provided the proposed work improves existing conditions*". The project is considered redevelopment because it falls within a "*degraded or previously developed area*". The regulations go on to state that "*A previously developed riverfront area contains areas degraded prior to August 7, 1996 by impervious surfaces from existing structures or pavement, absence of topsoil, junkyards, or abandoned dumping grounds*". In this case, the property is devoid of topsoil and consists of areas of pavement and buildings that have been in place since well before August 7, 1996. The issuing authority can permit work within the degraded riverfront area provided that the proponent demonstrates compliance with eight (8) performance standards.

- (a) *At a minimum, proposed work shall result in an improvement over existing conditions of the capacity of the riverfront area to protect the interests identified in M.G.L. c. 131 § 40. When a lot is previously developed but no portion of the riverfront area is degraded, the requirements of 310 CMR 10.58(4) shall be met.*

The proposed project will result in an improvement over existing conditions of the capacity of the riverfront area to protect the interest of the Wetlands Protection Act. The project proposes to remove compacted gravel (impervious) surfaces and to loam/seed these areas to a pervious surface. This reduction in impervious surface will improve stormwater management within the RFA.

The project includes provisions to restore a portion of the inner-most riverfront area adjacent to the proposed work. This includes removal of fill and gravel and replacement with loam and a pollinator meadow mix. The work will not disturb any mature trees and maintain two (2) mature trees. A total of 4,356 square feet of land will be restored between 18' to 90' from the stream bank.

(b) Stormwater management is provided according to standards established by the Department.

The project will result in a reduction in impervious surface area by removing 2 concrete structures and the gravel mentioned above. The proponent proposes to remove and dispose of approximately 719 SF of existing sheds (2) where the proposed crushed stone access route will be constructed. The proposed electrical equipment area will add a total of 1,572 SF of impervious area (concrete pad platforms). The proposed removal/restoration of gravel and the addition of crushed stone will result in a net reduction of approximately 638 SF of gravel area on site. Overall the project has been designed to reduce the amount of compacted gravel/impervious surfaces within the 100'/200' RFA, which results in a net reduction of impervious surfaces on site by 20,596 SF.

With the reduction in impervious area, mitigation of runoff is not necessary, and the project will improve its capacity to infiltrate stormwater by decreasing impervious area. The use also does not involve any paved surfaces with vehicles requiring treatment. During construction, erosion control measures will be deployed to ensure silt is contained on site during construction. The project fully complies with standards 1-10 of the Stormwater Management Handbook as a redevelopment project.

(c) Within 200-foot riverfront areas, proposed work shall not be located closer to the river than existing conditions or 100 feet, whichever is less, or not closer than existing conditions within 25-foot riverfront areas, except in accordance with 310 CMR 10.58(5)(f) or (g).

No work is proposed closer to the stream bank than the existing condition. Restoration efforts will increase the natural buffer between 24' to 90' from the stream bank.

(d) Proposed work, including expansion of existing structures, shall be located outside the riverfront area or toward the riverfront area boundary and away from the river, except in accordance with 310 CMR 10.58(5)(f) or (g).

The fence enclosure was situated outside the 100' buffer zone. Further, the enclosure was value engineered to reduce its footprint size by approximately 30% during pre-application consultation with the Littleton Conservation Commission Agent. Any other area on the property

that would accommodate the enclosure and required access around it would have to be situated within the 100' riverfront area which is not desirable.

- (e) *The area of proposed work shall not exceed the amount of degraded area, provided that the proposed work may alter up to 10% if the degraded area is less than 10% of the riverfront area, except in accordance with 310 CMR 10.58(5)(f) or (g).*

All work occurs within the degraded riverfront area. No new riverfront area alteration is proposed.

- (f) *When an applicant proposes restoration on-site of degraded riverfront area, alteration may be allowed notwithstanding the criteria of 310 CMR 10.58(5)(c), (d), and (e) at a ratio in square feet of at least 1:1 of restored area to area of alteration not conforming to the criteria. Areas immediately along the river shall be selected for restoration. Alteration not conforming to the criteria shall begin at the riverfront area boundary. Restoration shall include: 1. removal of all debris but retaining any trees or other mature vegetation; 2. grading to a topography which reduces runoff and increases infiltration; 3. coverage by topsoil at a depth consistent with natural conditions at the site; and 4. seeding and planting with an erosion control seed mixture, followed by plantings of herbaceous and woody species appropriate to the site;*

There is no new alteration proposed that requires restoration. During the survey, it was determined that the developed portion of the site extended beyond the property line into land owned by the Littleton Conservation Commission (Assessor's Map U35, Lot 30). This land, plus land within the property will be restored. The restoration area is 4,356 square feet with 3,314 square feet being offsite. There will be no changes to existing topography and no removal of mature trees. Some minor pruning of hanging limbs will be necessary but not removal of mature trees.

- (g) *When an applicant proposes mitigation either on-site or in the riverfront area within the same general area of the river basin, alteration may be allowed notwithstanding the criteria of 310 CMR 10.58(5)(c), (d), or (e) at a ratio in square feet of at least 2:1 of mitigation area to area of alteration not conforming to the criteria or an equivalent level of environmental protection where square footage is not a relevant measure. Alteration not conforming to the criteria shall begin at the riverfront area boundary. Mitigation may include off-site restoration of riverfront areas, conservation restrictions under M.G.L. c. 184, §§ 31 through 33 to preserve undisturbed riverfront areas that could be otherwise altered under 310 CMR 10.00, the purchase of development rights within the riverfront area, the restoration of bordering vegetated wetland, projects to remedy an existing adverse impact on the interests identified in M.G.L. c. 131, § 40 for which the applicant is not legally responsible, or similar activities undertaken voluntarily by the applicant which will support a determination by the issuing authority of no significant adverse impact. Preference shall be given to potential mitigation projects, if any, identified in a River Basin Plan approved by the Secretary of the Executive Office of Energy and Environmental Affairs*

The project does not propose any mitigation. This standard does not apply.

(h) The issuing authority shall include a continuing condition in the Certificate of Compliance for projects under 310 CMR 10.58(5)(f) or (g) prohibiting further alteration within the restoration or mitigation area, except as may be required to maintain the area in its restored or mitigated condition. Prior to requesting the issuance of the Certificate of Compliance, the applicant shall demonstrate the restoration or mitigation has been successfully completed for at least two growing seasons.

This condition will be met once the final certificate of compliance is issued by the commission and recorded to the title of the property. This prohibition of alteration to the restored area is typically noted in this recording.

Alternatives Analysis

Evidence has been put forth that the project qualifies as a redevelopment of degraded riverfront area. As such, the performance standards for new work within the riverfront area do not apply. However, in consulting with the Littleton Conservation Commission agent, it was requested to walk through the alternative designs that were considered for this project proposal as efforts were made to minimize its footprint and impact within the riverfront area. The following is an abbreviated alternatives analysis.

Alternative Locations

Alternative locations were considered for the fence enclosure. The most desirable location is near the entrance of the site, east of the driveway entrance and nearest to Mill Road. This area would place the fence enclosure entirely within degraded riverfront area but between 25' to 75' from the bank. This was not a desirable location as it was very close to the bank.

Situating the enclosure in the middle of the site, outside the riverfront area was considered. This would require demolition and removal of existing structures that are currently in use on the property. This would not work because of the loss of these buildings which causes operational and economic adversity for the owner and does not garner any benefit to the interests of the riverfront area over that of the desired alternative.

The proponent considered shifting the enclosure closer to the existing building and further away from Beaver Brook. This option would not allow for emergency vehicles to access around the entirety of the proposed enclosure.

Alternative Designs

The original design was approximately 30% larger than that which is proposed on the plans included herewith. During the design process, the Littleton Conservation Commission agent requested that we examine a smaller footprint for the fence enclosure. The proponent had engineers redesign the enclosure to reduce its length by approximately 30'. This reduced footprint allowed the enclosure to be situated entirely outside the 100' riverfront area and maintain the emergency access around the nearest building. The larger enclosure was not as desirable as the selected alternative.

Selected Alternative

The selected alternative is that which is described herein to place the reduced enclosure footprint, outside the 100' riverfront area. It includes restoration of the inner riparian zone and stabilization of surfaces currently encumbered by soil stockpiles and debris. The proposed alternative will also reduce impervious area. No other alternative balanced the interests of the act, minimized impacts to the existing uses of the property and still achieved the project goals of bringing battery energy storage to the Littleton Electric system.

On behalf of the proponent, we humbly request the Commission's vote in support of approving an Order of Conditions for the project. Should you have any questions or concerns, or require additional information, please do not hesitate to contact the undersigned at (978) 777-8586.

Sincerely,

THE MORIN-CAMERON GROUP, INC.

Daniel Sievers, PE
Project Engineer



Scott P. Cameron, PE
Vice President

DTS/SPC/kmm

Attachments

cc: Citizens Energy Corporation
Mass DEP

**Littleton Conservation Commission**

37 Shattuck Street / Room 303

Phone: 978 540-2428

Fax: 978 952-2321

NOI Plan Filing Procedure Summary**Submit this checklist with application****(rev February 14, 2024)**

Plans Checklist to accompany application for Notice of Intent (NOI). This is a Bylaw Supplemental form to aid you in submitting complete and appropriate information on your plans. These are suggested/expected items to be shown on the plans but will not necessarily be applicable to all projects. Note that the Commission requires a colored plan for presentation purposes.

All lines must be marked X or identified as Not Applicable ("N/A"), or noted as to where the information can be found.

(1) X North arrow X Locus insert X Bar scale (preferably 1 in = 20 to 40 ft.)

(2) Title Block with Following Information:

 X Plan Title

 X Applicant's Name(s), address & phone

 X Property Owner Name(s), address & phone

 X Location/street name & number

 X Assessor map, lot, Registry book, page on all lots w/activity

 X Plan preparer's name, title, stamp, company name, address phone & fax

 X Date plan prepared, last revised, and revision notes

(3) X Existing contours

(4) X Existing structure(s) with natural and man-made features, including stone walls and trails

(5) X Trees over 8-inch diameter breast height within resource areas and buffer zones

(6) X Property lines; clearly mark limits of review area if entire property is not under review

(7) X Existing utilities, rights-of-way, easements, ancient ways or other deeded ways

PROJECT NAME/ADDRESS: Citizens Energy Corporation / 97 & 99 Mill Road **DATE:** 4/29/2025

- (8) X Name of wetland scientist responsible for identifying wetland boundaries
- (9) X Date wetland was flagged (must be no more than 3 years prior to current date)
- (10) X Wetland resource area boundaries with flag numbers
- (11) X 100 foot buffer zone limits and 50-foot No Disturb limit
- (12) X Notations identifying all wetland types and delineation methodology
- (13) X Shortest distance to all resource areas from closest proposed structure (use arrow)
- (14) X Shortest distance to all resource areas from closest point of erosion control materials
- (15) X Proposed contours (one foot increments)
- (16) X Proposed location of utility lines
- (17) X Proposed structure(s) (including driveway work, septic components, etc)
- (18) N/A Existing and proposed stormwater management features (including temporary controls)
- (19) N/A Watersheds and drainage areas
- (20) N/A Test pit, boring holes and logs
- (21) N/A Conservation post detail and plaque detail
- (22) N/A Location of temporary stockpiles w/notation of content (e.g. excavated soils)
- (23) N/A Location of snow storage areas
- (24) N/A Location of dumpster(s)
- (25) N/A Cross-sections, particularly at key areas of slopes near wetland resource areas
- (26) N/A Mitigation plans as needed
- (27) N/A Construction sequencing
- (28) X Details as applicable, including type of erosion controls

One full sized color plans (and presentation plan) should be colored as follows.

Check if present	Feature	Line Type
X	Existing tree line	Green solid
N/A	Proposed tree line	Green dashed
X	Bordering Vegetated Wetlands*	Dark blue solid
X	Bank/Land Under Water	Light blue dashed
X	100 foot buffer from BVW and/or Bank	Yellow solid
X	50 foot No Disturb limit from BVW and/or Bank	Yellow dashed
N/A	Vernal Pool	Purple solid
N/A	Vernal Pool 100 foot	Purple dashed
X	Bordering Lands Subject to Flooding	Orange solid
N/A	Isolated Lands Subject to Flooding	Orange dashed
X	Mean Annual High Water	Light red solid
X	100 foot and 200 foot Riverfront Area	Light red dashed
X	Bank, Wetland, Land Under Water, Riverfront Area and Floodplain	Red solid with differentiated stippling/cross hatching
X	Mitigation Area	Red dashed line with differentiated stippling/cross hatching
X	Erosion controls	Brown dashed
X	Limit of work	Brown solid

*Note locations of any federal, non-state isolated vegetated wetlands

PROJECT NAME/ADDRESS: Citizens Energy Corporation / 97 & 99 Mill Road DATE: 4/29/2025

Form Center

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Waiver Request Form

[Save Progress](#)

First Name*

Citizens Energy

Last Name*

Corporation

Date*

04/28/2025

Map/Lot*

Map U35, Lots 31-A & 31-B

Project Address*

97 & 99 Mill Road

Project purpose and need*

Construction of a new Battery Energy Storage System

In order to request a waiver, this provides a guidance for required information

Attach additional text, plans, photos, or graphics if needed

[Choose File](#) No file chosen

What specific action(s) is the waiver being asked for?*

RFA Restoration

How is the action(s) in the public interest, necessary to prevent a safety hazard or water dependent?

Restores RFA to natural condition

How is the action(s) consistent with the intent and purpose of the bylaw?

Restores RFA to natural condition

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

Existing gravel road and material stockpiles

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

Existing setback to land use (gravel road) is 18'. Proposed setback to land use (gravel road) is 29'.

Analysis of less environmentally damaging practicable alternative

This is a restoration proposal

Proposed short term and long term protection of wetland resource areas

Silt sock and stabilized surface with specialized wetland Ernst Seed Mix

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

Zone II

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

By checking the "I agree" box below, you agree and acknowledge that 1) your application will not be signed in the sense of a traditional paper document, 2) by signing in this alternate manner, you authorize your electronic signature to be valid and binding upon you to the same force and effect as a handwritten signature, and 3) you may still be required to provide a traditional signature at a later date.

☒ I agree.

Electronic Signature

Dan Sievers

Project*

97 & 99 Mill Road - Construction of a new Battery Energy Storage System

Print Only

* indicates a required field



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 &
Under the Town of Littleton Wetlands Protection Bylaw

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Littleton

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.



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

97 & 99 Mill Road

a. Street Address

Littleton

b. City/Town

01460

c. Zip Code

Latitude and Longitude:

42.534583 N

d. Latitude

71.495889 W

e. Longitude

Map U35

f. Assessors Map/Plat Number

Parcels 31-A & 31-B

g. Parcel /Lot Number

2. Applicant:

Citizens Energy Corporation

a. First Name

b. Last Name

c/o The Morin-Cameron Group, Inc.

c. Organization

66 Elm Street

d. Street Address

Danvers

e. City/Town

MA

f. State

01923

g. Zip Code

978-777-8586

h. Phone Number

i. Fax Number

Will@morincameron.com

j. Email Address

3. Property owner (required if different from applicant): ☐ Check if more than one owner

Town of Littleton

a. First Name

Municipal Light Department

b. Last Name

c. Organization

39 Ayer Road

d. Street Address

Littleton

e. City/Town

MA

f. State

01460

g. Zip Code

978-540-2222

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Will

a. First Name

Schkuta

b. Last Name

The Morin-Cameron Group, Inc.

c. Company

66 Elm Street

d. Street Address

Danvers

e. City/Town

MA

f. State

01923

g. Zip Code

978-777-8586

h. Phone Number

i. Fax Number

Will@morincameron.com

j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

\$0 (Municipal – Exempt)

a. Total Fee Paid

\$0

b. State Fee Paid

\$0

c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

Construction of a new Battery Energy Storage System.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- | | |
|---|---|
| 1. <input type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Commercial/Industrial | 4. <input type="checkbox"/> Dock/Pier |
| 5. <input checked="" type="checkbox"/> Utilities | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation |
| 9. <input type="checkbox"/> Other | |

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. ☐ Yes ☒ No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR 10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Middlesex South

a. County

97 Mill Rd: Bk 81505, Pg 534

c. Book

b. Certificate # (if registered land)

99 Mill Rd: Bk 82573, Pg 396

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- ☐ Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- ☐ Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet 2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input checked="" type="checkbox"/> Riverfront Area	Beaver Brook - Inland 1. Name of Waterway (if available) - specify coastal or inland	

2. Width of Riverfront Area (check one):

- ☐ 25 ft. - Designated Densely Developed Areas only
- ☐ 100 ft. - New agricultural projects only
- ☒ 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: 171,287
square feet

4. Proposed alteration of the Riverfront Area:

<u>17,109</u>	<u>3,391</u>	<u>13,718</u>
a. total square feet	b. square feet within 100 ft.	c. square feet between 100 ft. and 200 ft.

5. Has an alternatives analysis been done and is it attached to this NOI? ☒ Yes ☐ No

6. Was the lot where the activity is proposed created prior to August 1, 1996? ☐ Yes ☒ No

3. ☐ Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet	
	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	1. square feet	2. cubic yards dune nourishment

	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet	
h. <input type="checkbox"/> Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet	
	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet	

4. ☐ Restoration/Enhancement

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.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

5. ☐ Project Involves Stream Crossings

a. number of new stream crossings

b. number of replacement stream crossings



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C. Other Applicable Standards and Requirements

- ☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

a. ☐ Yes ☒ No

If yes, include proof of mailing or hand delivery of NOI to:

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581

MA GIS 2025

b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); OR complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

c. Submit Supplemental Information for Endangered Species Review*

1. ☐ Percentage/acreage of property to be altered:
 - (a) within wetland Resource Area _____ percentage/acreage
 - (b) outside Resource Area _____ percentage/acreage
2. ☐ Assessor's Map or right-of-way plan of site
2. ☐ Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **
 - (a) ☐ Project description (including description of impacts outside of wetland resource area & buffer zone)
 - (b) ☐ Photographs representative of the site

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/mā-endangered-species-act-mesa-regulatory-review>).

Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 &
Under the Town of Littleton Wetlands Protection Bylaw

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Littleton

City/Town

C. Other Applicable Standards and Requirements (cont'd)

- (c) ☐ MESA filing fee (fee information available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).

Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

- (d) ☐ Vegetation cover type map of site
- (e) ☐ Project plans showing Priority & Estimated Habitat boundaries
- (f) OR Check One of the Following

1. ☐ Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. ☐ Separate MESA review ongoing. a. NHESP Tracking # _____ b. Date submitted to NHESP _____

3. ☐ Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

- a. ☒ Not applicable – project is in inland resource area only b. ☐ Yes ☐ No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Bourne to Rhode Island border, and the Cape & Islands:

North Shore - Plymouth to New Hampshire border:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: dmf.envreview-south@mass.gov

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: dmf.envreview-north@mass.gov

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

- c. ☐ Is this an aquaculture project? d. ☐ Yes ☐ No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 &
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C. Other Applicable Standards and Requirements (cont'd)

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
a. ☐ Yes ☒ No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
a. ☐ Yes ☒ No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
a. ☐ Yes ☒ No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
a. ☒ Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1. ☐ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
2. ☒ A portion of the site constitutes redevelopment
3. ☐ Proprietary BMPs are included in the Stormwater Management System.
b. ☐ No. Check why the project is exempt:
1. ☐ Single-family house
2. ☐ Emergency road repair
3. ☐ Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

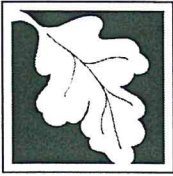
- ☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. ☒ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. ☒ Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 &
Under the Town of Littleton Wetlands Protection Bylaw

MassDEP File Number

Document Transaction Number

Littleton

City/Town

D. Additional Information (cont'd)

3. ☒ Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology. (See attached report from LEC dated 6/12/2024)
4. ☒ List the titles and dates for all plans and other materials submitted with this NOI.
 Site Redevelopment Plan in Littleton, MA, 97 & 99 Mill Road (Assessor's Map U35, Lots 31-A & 31-B) Prepared for Citizens Energy Corporation

The Morin-Cameron Group, Inc.	Scott P. Cameron, PE
b. Prepared By	c. Signed and Stamped by
4/29/2025	1" = 40'
d. Final Revision Date	e. Scale
LEC Wetland Resource Area Analysis Report	6/12/2024
f. Additional Plan or Document Title	g. Date
5. ☐ If there is more than one property owner, please attach a list of these property owners not listed on this form.
6. ☐ Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7. ☐ Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
8. ☒ Attach NOI Wetland Fee Transmittal Form
9. ☒ Attach Stormwater Report, if needed.

E. Fees

1. ☒ Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

2. Municipal Check Number

3. Check date

4. State Check Number

5. Check date

6. Payor name on check: First Name

7. Payor name on check: Last Name



June 12, 2024

Email (will@morincameron.com)

Mr. Will Schkuta
The Morin-Cameron Group, Inc.
66 Elm Street
Danvers, MA 01923

Re: **Wetland Resource Area Analysis**
97 Mill Road
Littleton, Massachusetts

[LEC File #: TMC24-170.02]

Dear Will:

Pursuant to your request, LEC Environmental Consultants, Inc., (LEC) conducted a site evaluation and Wetland Resource Area Analysis at 97 Mill Road in Littleton, Massachusetts. The purpose of the evaluation was to determine the extent of Wetland Resource Area boundaries within the property. The site evaluation was conducted in accordance with the *Massachusetts Wetlands Protection Act* (M.G.L. c. 131, s. 40, the *Act*) and its implementing Regulations (310 CMR 10.00, the *Act Regulations*), the *Littleton Wetlands Protection Bylaw* (the *Bylaw*) and *Wetland Protection Regulations* (the *Bylaw Regulations*), and the *Federal Clean Water Act* (33 U.S.C. 1344, s.404, the *CWA*) and its *Regulations* (33 CFR and 40 CFR, the *CWA Regulations*). LEC also employed the criteria provided in *Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act* (September 2022) and the *Field Indicators for Identifying Hydric Soils in New England* (Version 4, June 2020). The following report provides a general site description, wetland delineation methodology, and a description of the Wetland Resource Areas.

General Site Description

The approximately 4.4-acre, developed site is located south of Warren Street, east of Interstate 495, west of Mill Lane and north of Harwood Avenue within the central portion of Littleton (Attachment A, Figure 1). Residential development occurs to the north and east, a six-lane divided highway exists to the west, and undeveloped woodlands and wetlands are present to the south (Attachment A, Figure 2). The site is developed, containing multiple buildings, material piles, sheds, and construction vehicles. A row of boulders lines the southeastern edge of the developed area (Photo 1).

LEC Environmental Consultants, Inc.				www.lecenvironmental.com	
12 Resnik Road Suite 1 Plymouth, MA 02360 508.746.9491	380 Lowell Street Suite 101 Wakefield, MA 01880 781.245.2500	100 Grove Street Suite 310 Worcester, MA 01605 508.753.3077	P.O. Box 590 Rindge, NH 03461 603.899.6726	680 Warren Avenue Suite 3 East Providence, RI 02914 401.685.3109	
PLYMOUTH, MA	WAKEFIELD, MA	WORCESTER, MA	RINDGE, NH	EAST PROVIDENCE, RI	



Photo 1 – View of existing conditions in northeastern portions of property, facing north.

The main hydrologic feature associated with the site includes Beaver Brook, a perennial stream. The Brook flows eastward along the southern property boundary, then turns northward along the eastern boundary (Photo 2), ultimately flowing under Mill Road.



Photo 2 - Beaver Brook along eastern edge of property, facing south (upstream).

Vegetation within the sparsely vegetated uplands is primarily just above the Bank of Beaver Brook, consisting of red maple (*Acer rubrum*) trees, invasive multiflora rose (*Rosa multiflora*) and Morrow's honeysuckle (*Lonicera morrowii*) shrubs, and dense entanglements of Oriental bittersweet (*Celastrus orbiculatus*). Weedy herbaceous vegetation extends into the flat, barren edges of the existing developed land (Photo 3).



Photo 3 - Shrubby and invasive vegetation in uplands adjacent to Beaver Brook on the eastern side of the property.

According to the Natural Resource Conservation Service (NRCS) Web Soil Survey (for Middlesex County, Massachusetts), the site is largely comprised of Udorthents – Urban Land complex. LEC inspected soil conditions within the uplands using a hand-held, Dutch-style soil auger and observed a loam topsoil layer (A horizon) measuring 4 inches thick with a soil matrix color of 10YR 2/1. This A horizon is directly underlain by an 8 inches thick fine sandy loam subsoil (B horizon) with a soil matrix color of 10YR 3/4. No redoximorphic features or other indicators of hydrology were observed within the upland soil profile, and therefore, does not qualify as ‘hydric’ in accordance with the *Field Indicators Guide*.

Natural Heritage and Endangered Species Program (NHESP) Designation

According to the 15th Edition (August 1, 2021) of the Natural Heritage Endangered Species Program (NHESP) *Massachusetts Natural Heritage Atlas*, the site is not located within *Estimated Habitat of Rare Species* or *Priority Habitat of Rare Species*. In addition, there are no mapped certified vernal pools on or in proximity to the site (Attachment A, Figure 2).



Floodplain Designation

According to the July 7, 2014 Federal Emergency Management Agency Flood Insurance Rate Map for Littleton, Massachusetts (Map No: 25017C0236F), the property is partially located within Zone X [unshaded] - *Areas determined to be outside of the 0.2% annual chance floodplain*; Zone AE - *Special flood hazard areas subject to inundation by the 1% annual chance flood*: Base Flood Elevation of 214.2 feet (NAVD88) identified by “water surface elevation” as established at cross section “Q”; and the Zone AE Floodway: *The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights* (Attachment A, Figure 3).

Wetland Boundary Determination

LEC conducted a site evaluation on April 17, 2024 to identify and characterize and delineate protectable Wetland Resource Areas associated with Beaver Brook, a perennial stream. The extent of Wetland Resource Areas was determined by observing existing plant communities, the presence or absence of hydric soils, and hydrologic indicators in accordance with the aforementioned statutes and as further defined in the Army Corps of Engineers *Wetland Delineation Manual* (Environmental Laboratory, 1987), the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region* (Version 2, January 2012); the *Massachusetts Handbook for Delineation of Bordering Vegetated Wetlands* (Second Edition, September 2022); the *Field Indicators Guide*; and the criteria established in 310 CMR 10.55, and in the *Bylaw Regulations*.

Based on our observations, LEC determined that the Wetland Resource Areas associated with the site include Bank-Mean Annual High Water (MAHW) of Beaver Brook. The Bank-MAHW Line was delineated with sequentially numbered, blue flags numbered R1 through R45. Bordering Vegetated Wetlands (BVW) was not observed upgradient of the Bank-MAHW boundary.

Bank-Mean Annual High Water Line

Bank is defined in 310 CMR 10.54(2)(c) as *the first observable break in the slope or the mean annual flood level, whichever is lower. The lower boundary of a Bank is the mean annual low flow level.*

According to the *Act Regulations* [310 CMR 10.58(2)(a)(2)], MAHW is defined as *the line that is apparent from visible markings or changes in the character of soils or vegetation due to the prolonged presence of water and that distinguishes between predominantly aquatic and predominantly terrestrial land. Field indicators of bankfull conditions shall be used to determine the mean annual high-water line. Bankfull field indicators include but are not limited to: changes in slope, changes in vegetation, stain lines, top of pointbars, changes in bank materials, or bank undercuts...*

According to the most recent USGS map (Westford, MA 2021), Beaver Brook is perennial throughout its course in the vicinity of the property. Field bankfull indicators were utilized to determine the Bank-

MAHW Line. The Bank extends up to +/- four feet vertically above the flowing water surface, and is lined with young red maple trees, silky dogwood (*Swida amomum*) and glossy false buckthorn (*Frangula alnus*) shrubs, and some patches of skunk cabbage (*Symplocarpus foetidus*) (Photo 4).



Photo 4 - Typical conditions along Bank-MAHW of Beaver Brook, in southeastern portion of property.

Riverfront Area

According to the *Act Regulations*, [310 CMR 10.58 2(a)], Riverfront Area is defined as *the area of land between a river's mean annual high-water line and a parallel line measured horizontally 200 feet away*. Riverfront Area is not defined in the *Bylaw*.

Riverfront Area extends 200 feet horizontally from the Bank-MAHW line of Beaver Brook as described above and includes portions of the existing developed buildings and other cleared and/or graded areas.

The *Act Regulations* allow for Redevelopment within Previously Developed Riverfront Areas. 310 CMR 10.58(5) states that *notwithstanding the provisions of 310 CMR 10.58(4)(c) and (d), the issuing authority may allow work to redevelop a previously developed riverfront area, provided the proposed work improves existing conditions. Redevelopment means replacement, rehabilitation or expansion of existing structures, improvement of existing roads, or reuse of degraded or previously developed areas. A previously developed riverfront area contains areas degraded prior to August 7, 1996 by impervious surfaces from existing structures or pavement, absence of topsoil, junkyards, or abandoned dumping grounds.*



Bordering Land Subject to Flooding (BLSF)

According to the *Act Regulations*, *Bordering Land Subject to Flooding (BLSF)* is an area with low, flat topography adjacent to and inundated by flood waters rising from creeks, rivers, streams, ponds or lakes. It extends from the banks of these waterways and water bodies; where a bordering vegetated wetland occurs, it extends from said wetland [310 CMR 10.57(2)(a)1]. BLSF is not defined in the *Bylaw* or *Bylaw Regulations*, and there are no designated setbacks from the BLSF boundary in the *Act*, *Act Regulations*, *Bylaw* or *Bylaw Regulations*.

Any land extending upgradient from the landward boundary of Bank-MAHW to the adjacent Zone AE base flood elevation of 214.2 feet (NAVD88) is jurisdictional as BLSF.

Buffer Zone

According to the *Act Regulations*, Buffer Zone is the area within 100 feet of an area specified in 310 CMR 10.02(1)(a), which includes Bank. According to the *Bylaw Regulations*, Buffer Zone shall mean the area defined in 310 CMR 10.02(b), i.e., land within 100 feet of a Bank or a Bordering Vegetated Wetland.

According to *Bylaw* Section 171-1.D, Buffer Zone is a resource area subject to the protection of the *Bylaw*. The *Bylaw Regulations* (Section 4.2) establish a “No-Disturbance Area” within Buffer Zone, which prohibits any alteration within 50 feet of the Bank or BVW.

Summary

LEC conducted a site evaluation and wetland delineation on April 17, 2024 to determine the extent of Wetland Resource Areas subject to jurisdiction under the *Act* and *Act Regulations*, the *Bylaw* and *Bylaw Regulations*, the *CWA*, and the *CWA Regulations*. Based on our site evaluation and review of pertinent maps, LEC determined that the Wetland Resource Areas associated with the site include Bank-MAHW, Riverfront and BLSF (under the *Act* and *Bylaw*) and Buffer Zone (under the *Bylaw* only). Any proposed alteration within the BLSF, Buffer Zone, Beaver Brook or the associated 200-foot Riverfront Area, may require filing the necessary permit applications with the Littleton Conservation Commission and/or the Massachusetts Department of Environmental Protection. Any proposed fill within the Brook may require filing the necessary permit application with the U.S. Army Corps of Engineers.

Sincerely,

LEC Environmental Consultants, Inc.

A handwritten signature in black ink, appearing to read "Dan Wells", is positioned above the printed name.

Dan Wells

Senior Wildlife/Wetland Scientist

Attachment A

Figure 1: USGS Topographic Map

Figure 2: Orthophoto View of Site

Figure 3: FEMA FIRMette

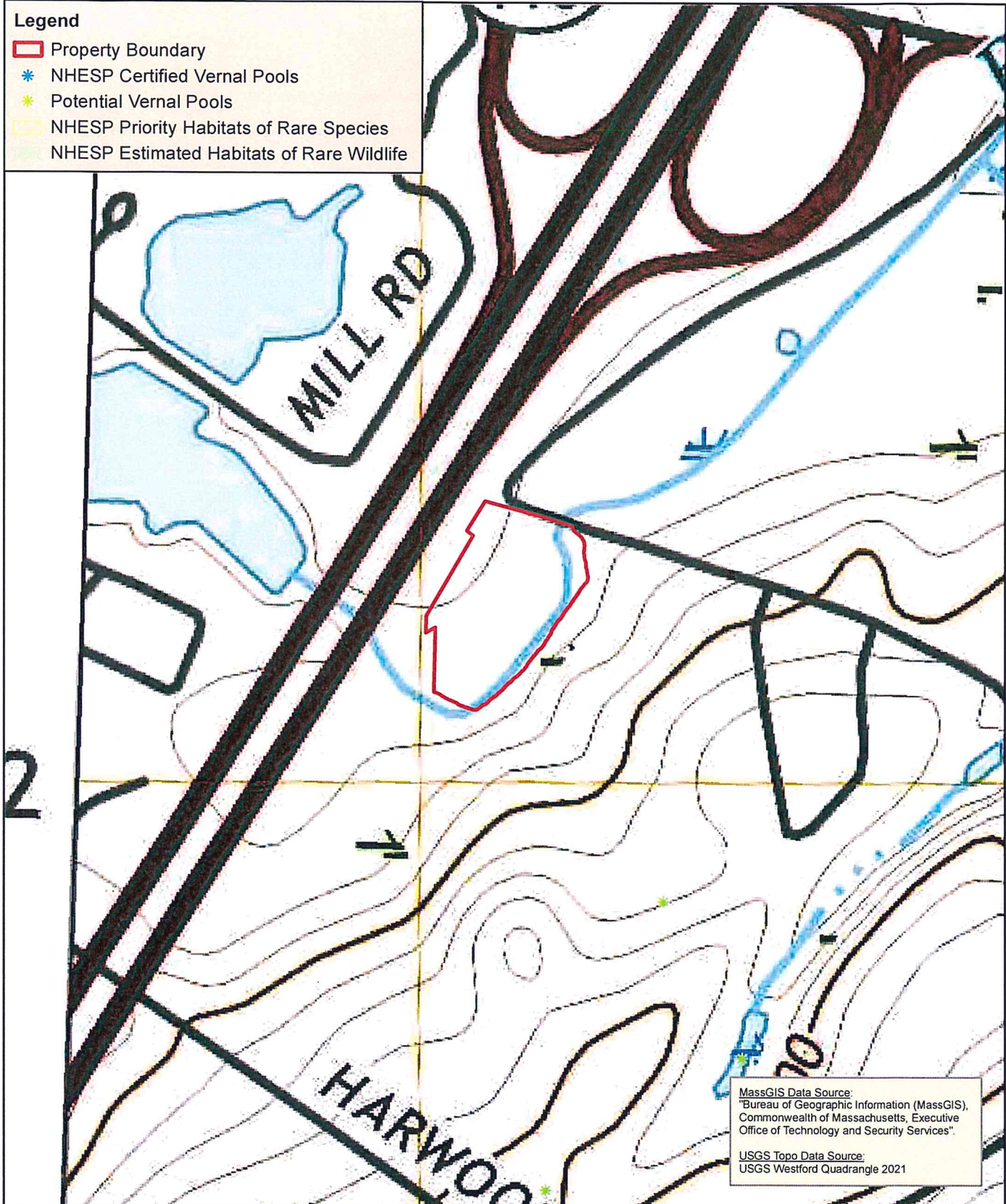


Figure 1
USGS Topographic Map





National Flood Hazard Layer FIRMette

71°30'1"W 42°32'20"N



0 250 500 1,000 1,500 2,000 Feet

1:6,000

71°29'23"W 42°31'53"N

Basemap Imagery Source: USGS National Map 2023

Legend

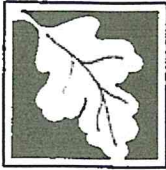
SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

- SPECIAL FLOOD HAZARD AREAS**
- Without Base Flood Elevation (BFE)
Zone A, V, A99
 - With BFE or Depth Zone AE, AO, AH, VE, AR
 - Regulatory Floodway
- OTHER AREAS OF FLOOD HAZARD**
- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
 - Future Conditions 1% Annual Chance Flood Hazard Zone X
 - Area with Reduced Flood Risk due to Levee, See Notes, Zone X
 - Area with Flood Risk due to Levee Zone D
- OTHER AREAS**
- NO SCREEN Area of Minimal Flood Hazard Zone X
 - Effective LOMRs
 - Area of Undetermined Flood Hazard Zone D
- GENERAL STRUCTURES**
- Channel, Culvert, or Storm Sewer
 - Levee, Dike, or Floodwall
- OTHER FEATURES**
- Cross Sections with 1% Annual Chance Water Surface Elevation
 - Coastal Transect
 - Base Flood Elevation Line (BFE)
 - Limit of Study
 - Jurisdiction Boundary
 - Coastal Transect Baseline
 - Profile Baseline
 - Hydrographic Feature
- MAP PANELS**
- Digital Data Available
 - No Digital Data Available
 - Unmapped
- The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 5/30/2024 at 8:40 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective Information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

**Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 &
 Under the Town of Littleton Wetlands Protection Bylaw**

MassDEP File Number

Document Transaction Number

Littleton

City/Town

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

Est. J. P...

1. Signature of Applicant

4/28/2025

2. Date

4/28/25

3. Signature of Property Owner (if different)

David...

4. Date

4/28/25

5. Signature of Representative (if any)

6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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



A. Applicant Information

1. Location of Project:

97 & 99 Mill Road

a. Street Address

N/A - Municipal (Exempt)

c. Check number

Littleton

b. City/Town

N/A - Municipal (Exempt)

d. Fee amount

2. Applicant Mailing Address:

Citizens Energy Corp

a. First Name

c/o The Morin-Cameron Group, Inc.

c. Organization

66 Elm Street

d. Mailing Address

Danvers

e. City/Town

978-777-8586

h. Phone Number

MA

f. State

01923

g. Zip Code

Will@morincameron.com

j. Email Address

i. Fax Number

3. Property Owner (if different):

Town of Littleton

a. First Name

Municipal Light Department

b. Last Name

c. Organization

39 Ayer Road

d. Mailing Address

Littleton

e. City/Town

978-540-2222

h. Phone Number

MA

f. State

01460

g. Zip Code

j. Email Address

i. Fax Number

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).

B. Fees

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Municipal (Exempt)	1	Exempt	0

Step 5/Total Project Fee: 0

Step 6/Fee Payments:

Total Project Fee:	0
	a. Total Fee from Step 5
State share of filing Fee:	0
	b. 1/2 Total Fee less \$12.50
City/Town share of filling Fee:	0
	c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
Box 4062
Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

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, Kathleen Molina of The Morin-Cameron Group, Inc. (name of applicant or representative) certify under the pains and penalties of perjury that on April 29, 2025 (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 Citizens Energy Corporation (name of applicant) with the Littleton Conservation Commission on April 29, 2025 (date) for the property located at 97 & 99 Mill Road (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.

Kathleen Molina

Name

4/29/2025

Date

Rev 9-14-2023

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66 Elm Street, Danvers, MA 01923 978.777.8586

Providing Professional Services Since 1978

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TOWN OF LITTLETON
BOARD OF ASSESSORS

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

Date: April 17, 2025

Re: Certified List of Abutters Conservation Commission

Applicant: Citizens Energy Corporation
Name of Firm: The Morin-Cameron Group Inc
Mailing Address: 66 Elm Street Danvers MA 01923

Subject Parcel Location: 97 & 99 Mill Rd
Subject Parcel No.: U35-31-A and U35-31-B
Subject Owner Name: Town of Littleton Municipal Light Department

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

List. Certified by:

Name: Kim Prehl

Title: Office Assistant/Field Lister

HARWOOD AV	U35 1 0
	LUC: 936
LITTLETON TOWN OF	
P.O. BOX 1305	
LITTLETON, MA 01460	
MILL RD	U35 30 0
	LUC: 932
LITTLETON TOWN OF	
CONSERVATION COMM.	
PO BOX 1305	
LITTLETON, MA 01460	
97 MILL RD	U35 31 A
	LUC: 974
TOWN OF LITTLETON	
MUNICIPAL LIGHT DEPARTMENT	
39 AYER RD	
LITTLETON, MA 01460	
99 MILL RD	U35 31 B
	LUC: 971
TOWN OF LITTLETON	
MUNICIPAL LIGHT DEPARTMENT	
39 AYER RD.	
LITTLETON, MA 01460	
48 WARREN ST	U36 12 0
	LUC: 101
ZUBROWSKI BERNARD G	
48 WARREN ST	
LITTLETON, MA 01460	
60 WARREN ST	U36 13 0
	LUC: 101
TELEPCIAK JACOB C	
TELEPCIAK TONI L	
60 WARREN ST	
LITTLETON, MA 01460	

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

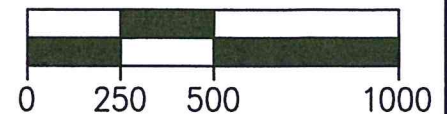
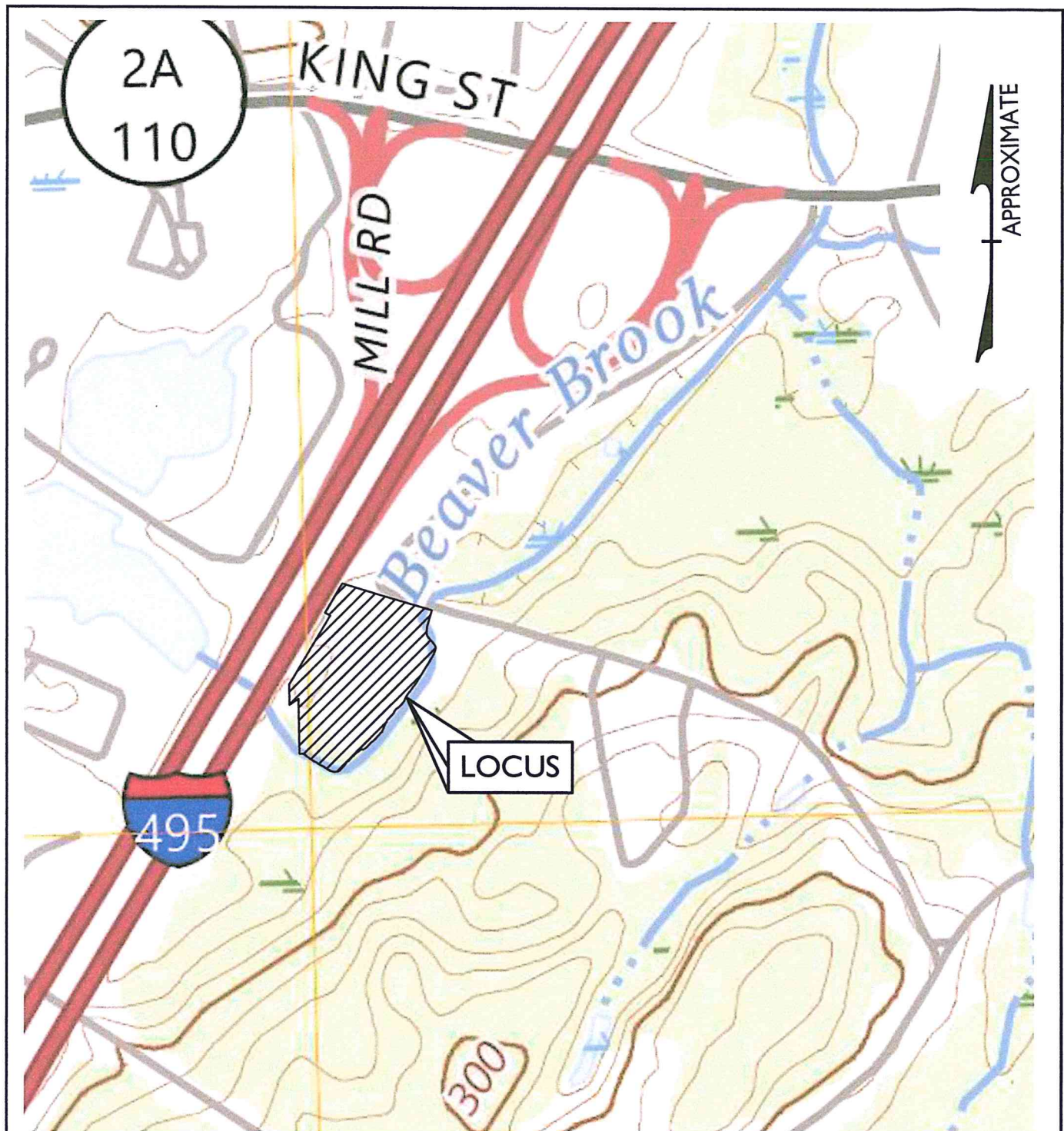
Under MA Wetlands Protection Act and Littleton Wetlands Protection ByLaw (Chapter 171), this form must be completed and mailed, certified mail return receipt requested, to all abutters at their mailing addresses shown on the most recent Town Assessor's records as well as the owner (if not applicant).

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 Citizens Energy Corporation
- C. The address of the land where the activity is proposed is 97 & 99 Mill Road
- D. The work proposed is Construction of a new Battery Energy Storage System
- 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 - 777 - 8586 during the following times:
Monday - Friday 7:30am-4:30pm

- G. The public hearing/meeting will be held on 5/13/2025. 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



THE MORIN-CAMERON GROUP, INC.

66 ELM STREET, DANVERS, MA 01923

P | 978.777.8586

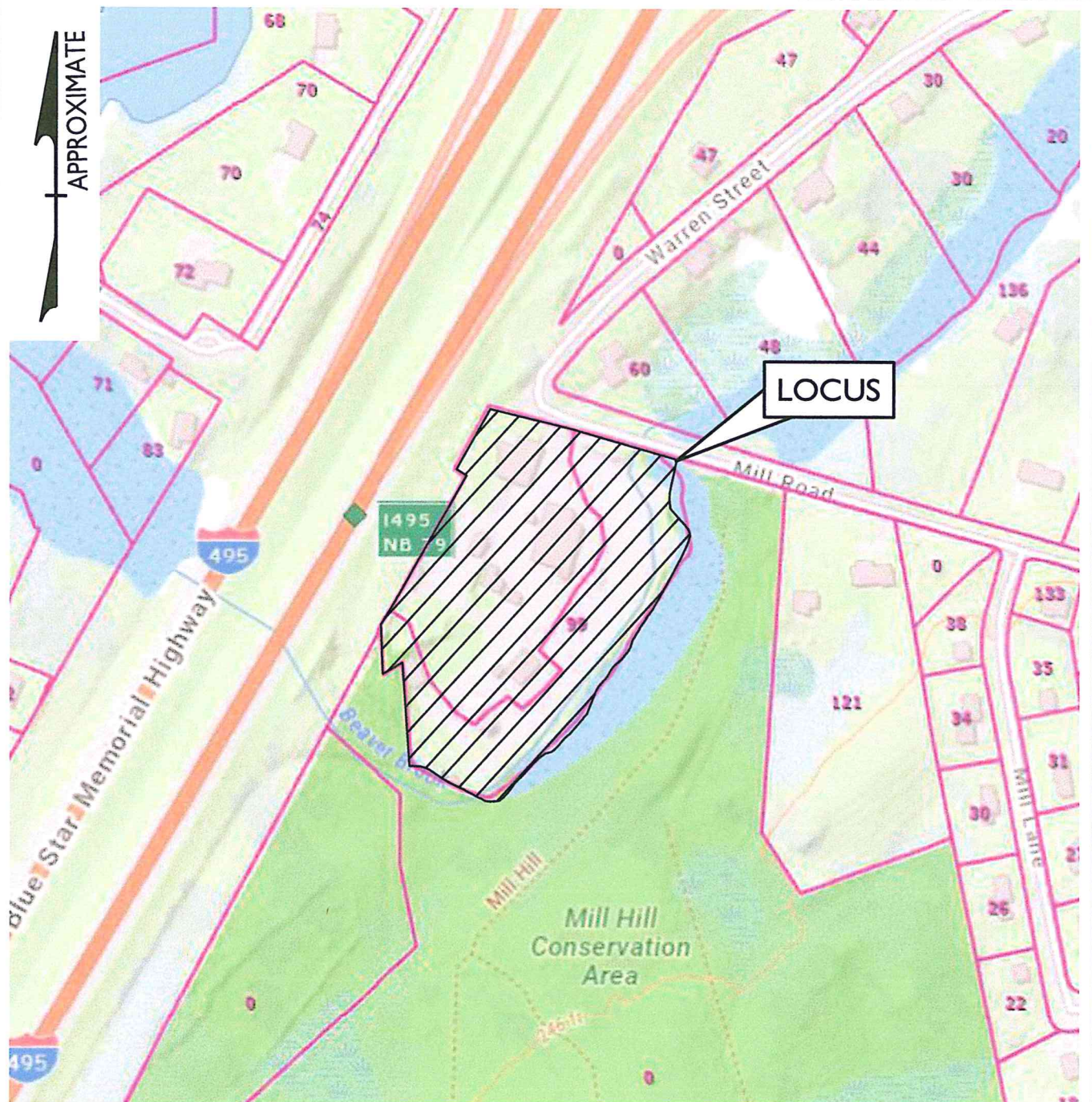
WWW.MORINCAMERON.COM

97 & 99 MILL ROAD
IN
LITTLETON, MA

DATE: APRIL 29, 2025

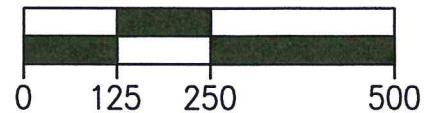
SCALE: 1" = 500'

FIGURE I: USGS MAP



NOTE:

97 & 99 MILL ROAD ARE NOT LOCATED WITHIN ESTIMATED HABITAT OF RARE SPECIES OR PRIORITY HABITAT OF RARE SPECIES. IN ADDITION, THERE ARE NO MAPPED CERTIFIED VERNAL POOLS ON OR IN PROXIMITY TO THE SITE.



THE MORIN-CAMERON GROUP, INC.

66 ELM STREET, DANVERS, MA 01923

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**NHESP MAP
97 & 99 MILL ROAD
IN
LITTLETON, MA**

DATE: APRIL 29, 2025

Scale: 1" = 250'

FIGURE #2