



TOWN OF LEICESTER CONSERVATION COMMISSION

3 Washburn Square
Leicester, MA 01524-1333

Phone: 508-892-7007 – Fax: 508-892-7070

www.leicesterma.org

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TOWN CLERK'S OFFICE
LEICESTER, MASS.

CONSERVATION COMMISSION AGENDA

REVISED

Wednesday, January 17, 2024 at 6:30 PM
Select Board Meeting Room

Call to Order

Approval of Minutes: December 13, 2023

1. **Waite Pond Dam** – Repairs – Emergency Certification Review/Ratification
2. **19 Marlboro Dr./54 Fairview Dr.** - Performance Bond
3. **651 Main Street** – Request for Certificate of Compliance (DEP File #197-0677)
4. **Discussion/Updates**
 - Declaration of Position Vacancy per Leicester General Bylaws Chapter 4 § 6.
 - National Grid 2024 Massachusetts Rights-of-Way Vegetation Management Yearly Operational - Comments for 2024
 - National Grid Notification of Utility Maintenance in the ROW – exempt
 - 458 Pine Street – Complaint
 - 120 White Birch Street – Performance Bond - Status
 - 160 Peter Salem Rd – As-Built - Status
 - 15 Bond St. – Status
 - 82 Baldwin St - Status
 - 385 Main St - Complaint - Jan's Package Store - Status
 - 257 Pine Street – Status
 - 214 Rawson Street - Status

5. Miscellaneous/Board Updates

Please note that agenda items may be taken out of order.

Minutes

Leicester Conservation Commission Meeting Minutes December 13, 2023

Location: Leicester Town Hall, Select Board Meeting Room

Member Present: Stephan Parretti, JoAnn Schold, James Cooper, Vanessa Lopez

Members Absent: Ashlyn Coyle

Others Present: Lisa Westwell, Administrative Assistant

Call to Order: Chairman Parretti called the meeting to order at 6:40 PM

Motion: Mr. Cooper made a motion to accept the 4/12/23, 5/10/23, 6/29/23, 8/9/23, and 11/8/23 minutes.

Second: Ms. Schold

Discussion: None

Record of Vote:

Stephan Parretti	Aye
James Cooper	Aye
JoAnn Schold	Aye
Vanessa Lopez	Absent
Ashlyn Coyle	Absent
Three (3) in Favor. None (0) Opposed. Two (2) Absent.	
Approved 3 to 0	

1. 314 Stafford Street - Request for Certificate of Compliance (DEP File #197-0425)

Septic System Repair Plan. Applicant: Dennis and Lorna O'Day

Mr. John Finlay, P.E. was present on behalf of the Applicants. Mr. Parretti asked if a certification letter and as-built had been submitted and if a site visit had been conducted. Ms. Schold said she conducted site visit and was fine with everything.

Motion: Ms. Schold made a motion to issue the Certificate of Compliance for 314 Stafford Street DEP File #197-0425.

Second: Mr. Cooper

Discussion: None

Record of Vote:

Stephan Parretti	Aye
James Cooper	Aye
JoAnn Schold	Aye
Vanessa Lopez	Absent
Ashlyn Coyle	Absent

**Three (3) in Favor. None (0) Opposed.
Two (2) Absent.**

Approved 3 to 0

2. Sargent Pond Association - Request to Extend Order of Conditions (DEP File #197-0662)
Solitude Lake Management

Mr. Tanner Pook, Associate Project Manager, with Solitude was present on behalf of Sargent Pond Association. Mr. Pook said that Solitude was looking to extend the Order of Conditions and had conducted treatments and surveys in 2021 and 2022 and would like to continue with the weed control management. Mr. Parretti asked if this was the first request for extension for this Order of Conditions and Mr. Pook said yes. Ms. Schold asked what year it was issued, and Ms. Westwell said December 2020 for three years.

Motion: Ms. Schold made a motion to extend the Order of Conditions for Sargent Pond Association for DEP File 197-0662.

Second: Mr. Cooper

Discussion: None

Record of Vote:

Stephan Parretti	Aye
James Cooper	Aye
JoAnn Schold	Aye
Vanessa Lopez	Absent
Ashlyn Coyle	Absent
Three (3) in Favor. None (0) Opposed. Two (2) Absent.	
Approved 3 to 0	

3. 187 Main Street - #2 Fuel Spill – Emergency Certification Review/Ratification

No one was present for this project. Ms. Westwell said that this spill was being handled by CMG Environmental and MassDEP and the work has been taken over by MassDEP. Ms. Westwell said Jerry Clark with CMG sent email updates and they need Conservation to ratify the Emergency Certification to continue work.

Motion: Ms. Schold made a motion for the Commission to sign the Emergency Certification form for 187 Main Street.

Second: Mr. Cooper

Discussion: None

Record of Vote:

Stephan Parretti	Aye
James Cooper	Aye
JoAnn Schold	Aye
Vanessa Lopez	Absent
Ashlyn Coyle	Absent
Three (3) in Favor. None (0) Opposed. Two (2) Absent.	
Approved 3 to 0	

Vanessa Lopez entered the meeting at 6:46 pm.

4. 160 Peter Salem Road – Emergency Certification Review/Ratification

Ms. Westwell informed the Commission that the Board of Health issued an emergency permit for septic repair when the D-box failed and that the Commission needed to vote whether or not to ratify/sign the Certification. Ms. Schold said she went by the site and was fine with it and said they would need to provide an as-built. Ms. Westwell said we don't have an as-built yet but it's in the Special Conditions in the emergency permit. Ms. Schold asked if they had an active NOI. Mr. Parretti said they are just going to give the emergency certification and request an as-built. Ms. Schold asked if they could put a time limit on the as-built. Mr. Parretti suggested making the deadline the next Conservation meeting on January 17, 2024.

Motion: Ms. Schold made a motion for the Commission to approve/ratify the Emergency Certification for 160 Peter Salem Road with the condition that an as-built plan be submitted by the January 17, 2024 Conservation Commission meeting.

Second: Mr. Cooper

Discussion: None

Record of Vote:

Stephan Parretti	Aye
James Cooper	Aye
JoAnn Schold	Aye
Vanessa Lopez	Abstain
Ashlyn Coyle	Absent
Three (3) in Favor. None (0) Opposed. One (1) Abstain. One (1) Absent.	
Approved 3 to 0	

5. Hazard Mitigation Plan – Public Outreach

Mike Dupuis, Fire Chief, and Mr. Peter Cusolito, emergency management consultant, presented the Hazard Mitigation Plan. Chief Dupuis said the Town needs a new Plan and it's being presented for public comment. Mr. Cusolito said the plan is due to FEMA by early March. The Plan makes Leicester eligible for FEMA recovery funds and pre-disaster grants. Mr. Cusolito said the 2024 Plan will mirror the state's plan and that Leicester's Plan will rank hazards based on past events and zero probability events, such as coastal storms and tsunamis, will not be included. Mr. Cusolito said the Town's input is important as permitting is a huge mitigation of hazard probability. Mr. Cusolito said CMRPC did the 2018 Hazard Mitigation Plan and now that want input to update it. Ms. Jan Parke, Greenville St., offered to help through the Common Ground Land Trust and said that the public input into this Plan are vital for grants and the Town has a grant writer. The Commission thanked Chief Dupuis and Mr. Cusolito for their work on the Plan.

Discussion

- **15 Bond St. – Review of wetland restoration report**

No one was present to represent this project. Mr. Parretti asked Ms. Westwell to send EBT Environmental's report certified mail/return receipt and email to Mr. Jay Giggey and copy his wetland consultant, Brandon Fanuef.

- **82 Baldwin St. – status update**

Ms. Westwell said that Ross Lemansky with RSI Enterprises would be starting the restoration work next week.

- **385 Main St. – Complaint - Jan's Package Store**

Ms. Westwell informed the Commission of the complaint regarding debris from open dumpsters on the property littering Kettle Brook in violation of the Wetlands Protection Act and Leicester Wetlands Bylaw. Ms. Westwell said the Board of Health had conducted a site visit and issued a fine and that she had sent a second warning letter to the owner of Jan's Package Store, but neither the Board of Health or Conservation had received a response. Mr. Parretti said the trash is going everywhere and they have been there before and the trash was going into the stream. Mr. Parretti wants to send a letter and possibly engage MassDEP. Ms. Schold said the BOH letter included a fine so she asked if the Commission should wait and see what happens with Board of Health before doing anything else. Ms. Westwell suggested a joint site visit between the Board of Health and Conservation. Mr. Parretti said Conservation can fine daily and if MassDEP gets involved it'll be even more expensive. Mr. Parretti to speak with the Board of Health and set up a site visit for next week.

- **2024 Meeting Dates**

The proposed Conservation Commission meeting dates were reviewed, revised, and agreed upon by the Commission, unless otherwise posted.

Miscellaneous/Board Updates

- **257 Pine St.** – Ms. Westwell informed the Commission that she contacted the owner, Wilbert Delarosa, and he recorded the Order of Conditions, and signed a site inspection request form. Ms. Schold asked if he had cleaned up the trash. Ms. Westwell said Mr. Delarosa said he would clean up the trash and that he would send photos of the erosion controls. Ms. Westwell recommended the Commission conduct a site visit.
- **214 Rawson St.** – Ms. Westwell said the developer, Sam Harvey, had notified her that the re-flagging was completed, and they were ready for a site visit.
- **Waite Pond Dam repairs** – Ms. Westwell informed the Commission that she had received an email from Fuss & O’Neil, the engineers, regarding repairs that needed to be conducted at Waite Pond Dam during the current drawdown. Ms. Schold asked if they were waiting for approval from Office of Dam Safety (ODS). Ms. Westwell said they are working with the ODS. Mr. Parretti said it made sense for them to conduct the repairs during the drawdown and if Dam Safety is guiding them to do repairs, they should do them. Ms. Westwell said she asked for the ODS order from the engineer for the Emergency Certification. The Emergency Certification gets filed with MassDEP too. The Commission asked her to continue working with the engineers to facilitate the repairs.

Motion: Ms. Schold made a motion to adjourn.

Second: Mr. Cooper

Discussion: None

Record of Vote:

Stephan Parretti	Aye
James Cooper	Aye
JoAnn Schold	Aye
Vanessa Lopez	Aye
Ashlyn Coyle	Absent
Four (4) in Favor. None (0) Opposed. One (1) Absent.	
Approved 4 to 0	

Meeting adjourned at 7:31 p.m.

Respectfully Submitted by:
Lisa Westwell, Administrative Assistant
to the Planning Department

Date Approved: _____

Conservation Commission Board Signatures

Stephan Parretti, Chair

Vanessa Lopez, Member

James Cooper, Vice Chair

Ashlyn Coyle, Member

JoAnn Schold, Member

Waite Pond Dam Emergency Certificate Review

From: McDonald, Mia (DEP) <Mia.McDonald@mass.gov>
Sent: Tuesday, December 26, 2023 3:12 PM
To: Ken Berchielli <Kberchielli@fando.com>; Brian E. Kortz <BKortz@fando.com>
Cc: Genereux, David <genereuxd@leicesterma.org>; 'jacobsenk@leicesterma.org' <jacobsenk@leicesterma.org>; conservation@leicesterma.org
Subject: FW: LEICESTER - EC - Waite Pond Dam-Chapel St. - Fuss & O'Neill, Inc.

Hello Ken & Brian -

This does not appear to be in the spirit of an Emergency as the dam safety order was issued 14 years ago, and this design is dated several months ago. MassDEP expects to see a Notice of Intent filed with the Leicester Conservation Commission for this project, even if it is filed after-the-fact.

Please call or email with any questions.

Thank you,
Mia

Mia McDonald
Circuit Rider/Environmental Analyst
MassDEP Wetlands Central Regional Office
Cell: 857-303-2114

From: Ken Berchielli <Kberchielli@fando.com>
Sent: Thursday, December 28, 2023 10:51 AM
To: McDonald, Mia (DEP) <Mia.McDonald@mass.gov>; Brian E. Kortz <BKortz@fando.com>
Cc: Genereux, David <genereuxd@leicesterma.org>; Kristen Jacobsen <jacobsenk@leicesterma.org>; Conservation Commission <conservation@leicesterma.org>
Subject: RE: LEICESTER - EC - Waite Pond Dam-Chapel St. - Fuss & O'Neill, Inc.

Mia, thank you for reaching out on the status of the Emergency Certificate for the Waite Pond Dam right training wall repairs. Just to follow up on our phone call, we will file a Notice of Intent with the Leicester Conservation Commission for the February 14th board meeting.

We are planning to proceed with the work the week of January 2nd, I will confirm exact days with the Contractor. Please let me know if you folks have any additional questions.

Best,

Ken
Ken Berchielli, EIT, MS
Water Resources Engineer
Fuss & O'Neill, Inc. | Kberchielli@fando.com
(401) 533-5968

317 Iron Horse Way Suite 204 | Providence, RI 02908

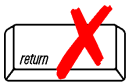


Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Emergency Certification Form
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. Emergency Information

Important:

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



- Issuance From: LEICESTER CONSERVATION COMMISSION
Issuing Authority
1. Site Location: Waite Pond Dam, Chapel St., Leicester, MA
2. Reason for Emergency:
Conduct extension repairs to the right training wall to safely pass the spillway design flood on Town owned Waite Pond Dam during current drawdown.
3. Applicant to perform work: Fuss & O'Neill, Inc.(Engineer) and T. Ford Company Inc. (Contractor)
4. Public agency to perform work or public agency ordering the work to be performed:
Massachusetts Department of Conservation and Recreation Office of Dam Safety (ODS)
5. Date of Site Visit: 12/19/2023 Start Date: 01/02/2023 End Date*: 01/31/2024
* no later than 30 days from start date or 60 days in the case of an Immediate Response Action approved by DEP to address an oil/hazardous material release.
6. Work to be allowed*:
Work is limited to extending the right training wall using additional rebar reinforcement and concrete. (See additional documents attached)

* May not include work beyond that necessary to abate the emergency.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Emergency Certification Form
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Signatures

Certified to be an Emergency by this Issuing Authority.

LEICESTER CONSERVATION COMMISSION

Signatures:


Signature

Stephan Parretti

Printed Name

Signature

James Cooper

Printed Name

Signature

JoAnn Schold

Printed Name

Signature

Vanessa Lopez

Printed Name

Signature

Ashlyn Coyle

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

A copy of this form must be provided to the appropriate DEP Regional Office.

C. General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Emergency Certification or subject to enforcement action.
2. This Emergency Certification does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of property rights.
3. This Emergency Certification does not relieve the applicant or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. Any work conducted beyond that described above, and any work conducted beyond that necessary to abate the emergency, shall require the filing of a Notice of Intent.
5. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Emergency Certification at reasonable hours to evaluate compliance with this Certification, and may require the submittal of any data deemed necessary by the Conservation Commission or the Department for that evaluation.
6. This Emergency Certification shall apply to any contractor or any other person performing work authorized under this Certification.
7. No work may be authorized beyond 30 days from the date of this certification without written approval of the Department.



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Emergency Certification Form

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

D. Special Conditions

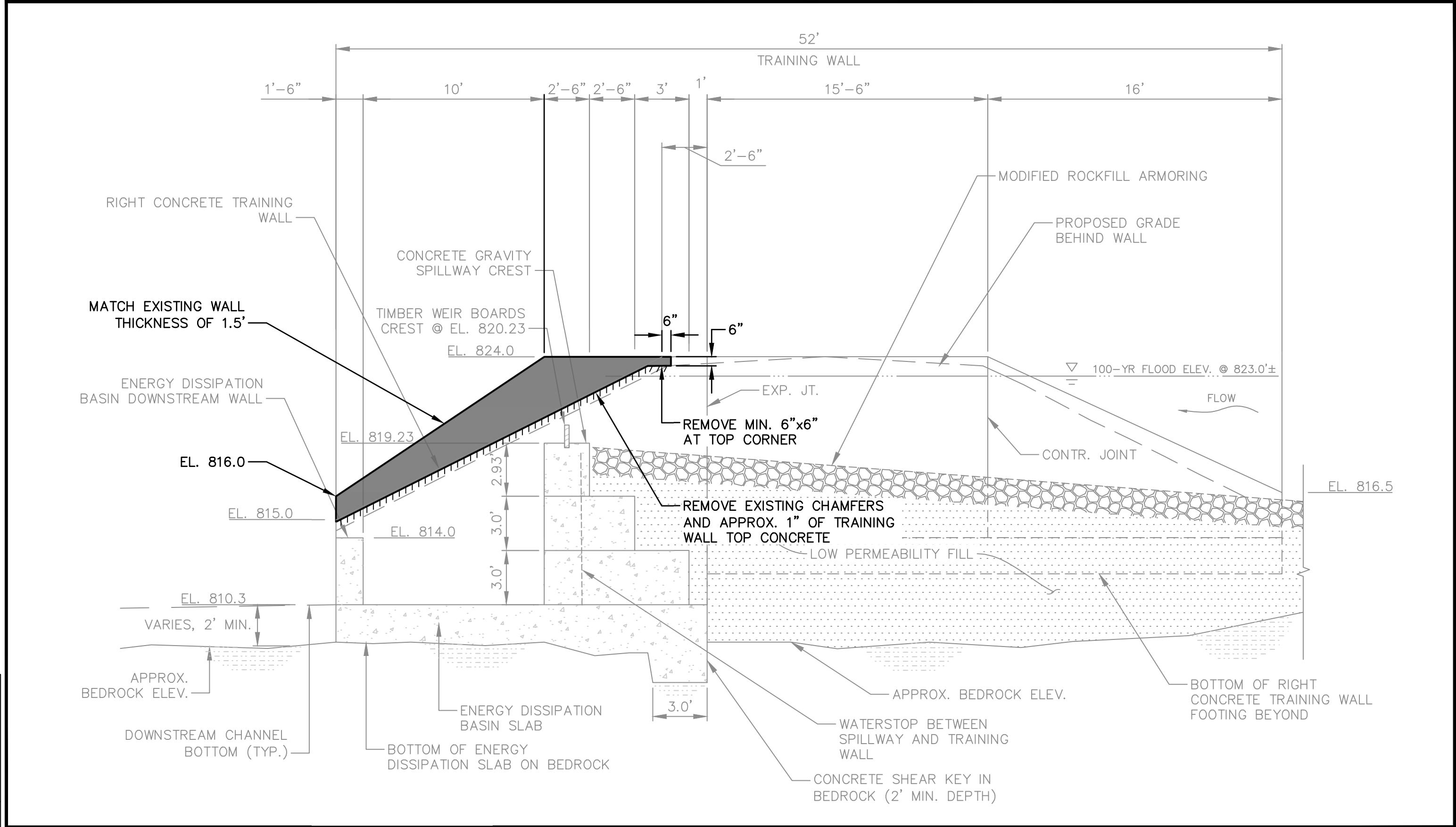
The project will allow for site visits from the Leicester Conservation Commission and/or Town staff. The DEP File # sign is inadequate and must be replaced prior to start of work. The engineer or contractor will notify the Leicester Conservation Commission when work commences. An As-Built and letter certifying substantial compliance will be required and submitted to the Leicester Conservation Commission once repairs are complete.

E. Appeals


The Department may, on its own motion or at the request of any person, review: an emergency certification issued by a conservation commission and any work permitted thereunder; a denial by a conservation commission of a request for emergency certification; or the failure by a conservation commission to act within 24 hours of a request for emergency certification. Such review shall not operate to stay the work permitted by the emergency certification unless the Department specifically so orders. The Department's review shall be conducted within seven days of: issuance by a conservation commission of the emergency certification; denial by a conservation commission of the emergency certification; or failure by a conservation commission to act within 24 hours of a request for emergency certification. If certification was improperly granted, or the work allowed thereunder is excessive or not required to protect the health and safety of citizens of the Commonwealth, the Department may revoke the emergency certification, condition the work permitted thereunder, or take such other action as it deems appropriate.

Wall Extension Plans with Photo
From Fuss & O'Neill, Inc. (Engineer)

File: J:\DWG\2008\1286\A80\Civil\Plan\20081286A80_SK01.dwg Layout: SK-01 Plotted: 2022-10-13 10:58 AM Saved: 2022-10-13 10:58 AM User: Jtatar
PC3: AUTOCAD PDF (GENERAL DOCUMENTATION).PC3 STB/CTB: FO,STB
LAYER STATE:



1		CHANGE ORDER NO. 4	SHH/DLW	DLW
No.	DATE	DESCRIPTION	DESIGNER	REVIEWER



Stuart Harris

Fuss & O'Neill

2022.10.18

10:26:54-04'00'

SCALE:

HORZ.: 1" = 5'

VERT.:

DATUM:

HORZ.: NAVD88

VERT.: NAD83

0 2.5 5

GRAPHIC SCALE



FUSS & O'NEILL

317 IRON HORSE WAY, SUITE 204
PROVIDENCE, RI 02908
401.861.3070
www.fando.com

TOWN OF LEICESTER

TRAINING WALL ELEVATION DETAIL

WAITE POND DAM REPAIRS

CHapel Street

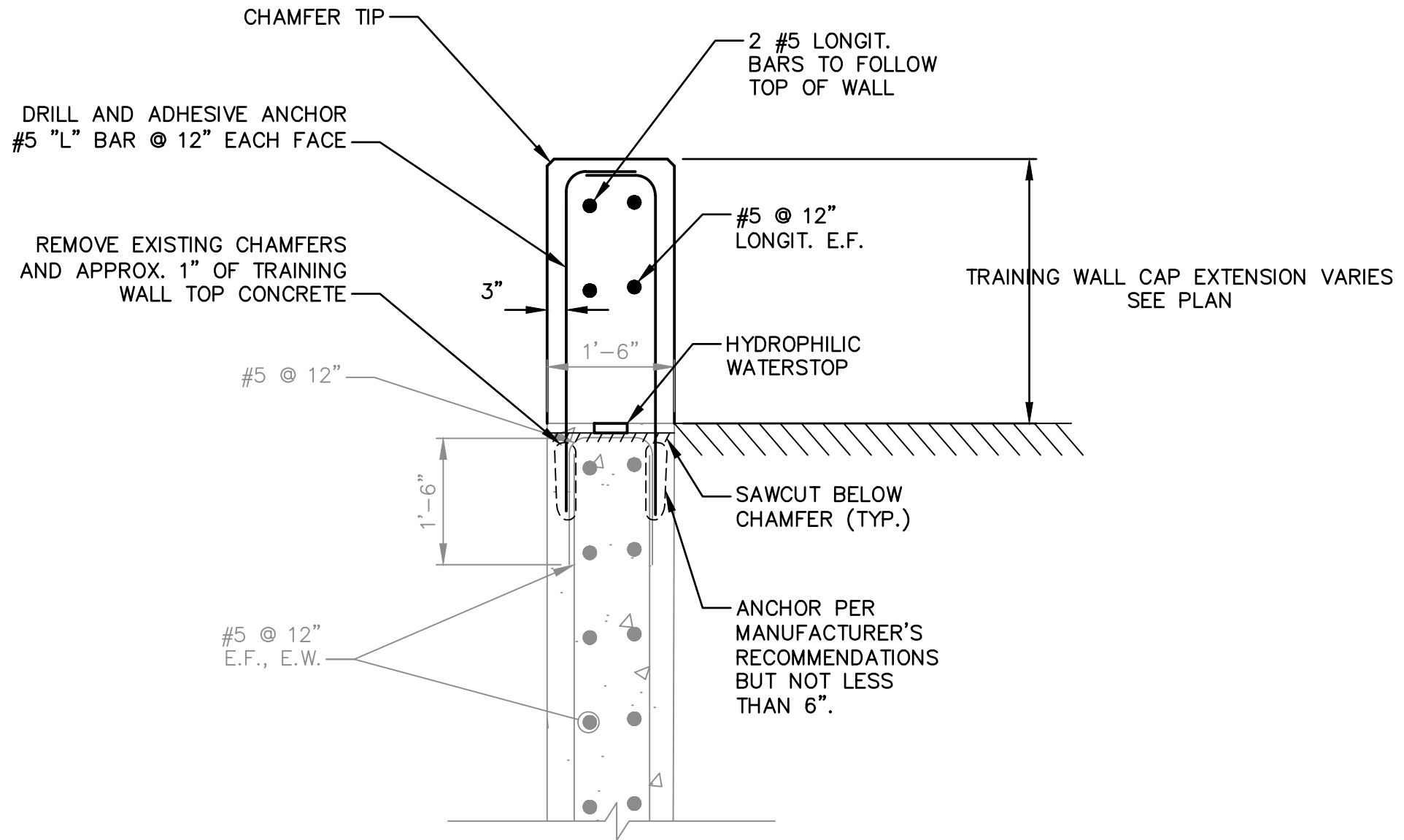
LEICESTER, MASSACHUSETTS

PROJ. No.: 20081286.A80

DATE: OCTOBER 2022

SK-01

File: J:\DWG\2008\1286\A80\Civil\Plan\20081286A80_SK01.dwg Layout: SK-02 Plotted: 2022-10-13 10:58 AM Saved: 2022-10-13 10:58 AM User: JTatar
PC3: AUTOCAD PDF (GENERAL DOCUMENTATION).PC3 STB/CTB: FO,STB
LAYER STATE: MS VIEW:



No.	DATE	CHANGE ORDER NO. 4	DESCRIPTION	SHH/DLW	DLW
1					



Stuart Harris
Fuss & O'Neill
2022.10.18
10:26:40-04'00'

SCALE:	HORZ.: 1" = 20'
	VERT.:
DATUM:	HORZ.: NAD83
	VERT.: NAVD88
0 10 20	
GRAPHIC SCALE	



FUSS & O'NEILL

317 IRON HORSE WAY, SUITE 204
PROVIDENCE, RI 02908
401.861.3070
www.fando.com

TOWN OF LEICESTER
TRAINING WALL SECTION DETAIL
WAITE POND DAM REPAIRS
CHAPEL STREET
LEICESTER, MASSACHUSETTS

PROJ. No.: 20081286.A80
DATE: OCTOBER 2022
SK-02



Chapter 253 Permit Extension

Worcester South District Registry of Deeds Electronically Recorded Document

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Recording Information

Document Number	: 105554
Document Type	: PER
Recorded Date	: December 18, 2023
Recorded Time	: 11:24:00 AM
Recorded Book and Page	: 70005 / 225
Number of Pages(including cover sheet)	: 5
Receipt Number	: 1551612
Recording Fee	: \$105.00

Worcester South District Registry of Deeds
Kathryn A. Toomey, Register
90 Front St
Worcester, MA 01608
(508) 368-7000



Certified Mail No. 7019 1120 0000 5149 4787
Return Receipt Requested

M.G.L. Chapter 253
Dam Safety Permit No. 243-2018-243
Amendment #1/Extension #2

Applicant

Ken Berchielli
Fuss & O'Neill, Inc.
317 Iron Horse Way, Suite 204
Providence, RI 02908

On behalf of:
Town of Leicester
c/o David Genereux, Administrator
3 Washburn Square
Leicester, MA 01524

Re: Waite Pond Dam Repairs
National Dam ID: MA00987
Registry Location: Worcester, Deed Book 13554, Page 81
Owner: Town of Leicester
Dam Location: Leicester

Date: November 7, 2023

Dear Mr. Berchielli:

The Department of Conservation and Recreation (DCR) Office of Dam Safety (ODS) has received your emails of October 24 and 26, 2023 email requesting an extension of the Ch. 253 Dam Safety Permit previously issued for repairs at Waite Pond Dam. ODS understands that the extension is requested to allow the project contractor to construct a vertical reinforced concrete extension of the spillway's right training wall. ODS understands construction is currently anticipated to begin next month and conclude by March 2024.

Dam Safety Permit No. 243-2018-243 is hereby extended and amended to permit the work indicated on the drawings titled "**Waite Pond Dam Repairs, Permitting Plan Set, MA00987, Chapel Street, Leicester, Massachusetts, September 20, 2017**" revised August 12, 2018; as well as the training wall modifications

COMMONWEALTH OF MASSACHUSETTS · EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS

Department of Conservation and Recreation
180 Beaman Street
West Boylston, MA 01583
508-792-7423 508-792-7805 Fax
www.mass.gov/dcr



Maura T. Healey
Governor

Kimberley Driscoll
Lt. Governor

Rebecca L. Tepper, Secretary
Executive Office of Energy & Environmental Affairs
Brian Arrigo, Commissioner
Department of Conservation & Recreation

shown on drawings “SK-01, Training Wall Elevation Detail” and “SK-02, Training Wall Section Detail” dated October 2022.

Permission is granted subject to the following conditions:

- (a) At least 21 days before the start of construction, the applicant shall provide a completed **DAM SAFETY IMPROVEMENTS – NOTICE OF CONSTRUCTION** (form attached) with a construction schedule to the DCR/ODS - Permits Section.
- (b) For all features of the repair project, the dam engineer (Fuss & O’Neill) shall notify ODS of any design change from the original design submitted with the permit application due to regulatory requirements, changes in field conditions or any other unanticipated occurrence. This notification shall be a formal submittal to ODS which includes all relevant revised plans, computations and data (survey, geotechnical, etc.) supporting the design change(s). This submittal shall be forwarded to ODS by registered mail, return receipt requested, and will require an amendment to the permit. Review time may vary based upon the complexity of the design change(s), however, ODS will generally issue the permit amendment within five (5) days of receipt of a complete design revision submittal.
- (c) The dam engineer must report to ODS any unforeseen incidents that occur at the work site during the repair work. Unforeseen incidents include, but are not limited to, cofferdam overtopping or failure, significant uncontrolled seepage into the work area, significant earth support failures or slope failures. The report must explain in detail what occurred, corrective measures taken to mitigate the occurrence and any impacts the occurrence may have had on the repair plan. If the incident results in a design change, ODS must be provided revised design documents (refer to Condition (b), above).
- (d) The following shall be prepared by the contractor, approved by the dam engineer, and submitted to ODS prior to construction:
 - A cofferdam design. The cofferdam shall be carefully designed to resist anticipated forces without failing and to ensure that seepage around, under, or through the cofferdam is manageable;
 - A water control and diversion plan describing methods to be employed to allow work to be performed “in the dry” and to manage both the water level in Waite Pond and outflow from Waite Pond while dam rehabilitation is in progress; and
 - A flood response plan. While construction is underway, weather forecasts, stream flows and water levels must be monitored to allow adequate time to respond to rising water levels at the construction site. If high water levels are expected, equipment and materials shall be removed from the work area and personnel evacuated. Sufficient materials and equipment required for flood response shall be maintained in a safe location at, or near, the construction site.
- (e) The dam engineer shall invite ODS to the preconstruction meeting, another project meeting at 50% completion and the final inspection meeting. ODS reserves the right to make site visits and inspections at any time during the permit period. ODS requests the following items be addressed at the pre-construction meeting:

- Identification of the
 - resident engineer (owner's representative overseeing the project);
 - contractor's qualified site superintendent; and
 - dam engineer's representative overseeing the project;
- Emergency contact information for the contractor and resident engineer;
- Water control features anticipated and the process for the dam engineer to either develop or approve the overall control and diversion of water plan. Any flood emergency warning and response procedures shall be identified;
- Level of dam engineer construction oversight including: identification of any critical construction items to be overseen by the dam engineer; procedures for the dam engineer's review and approval of shop drawings and other submittals; documentation of dam engineer's approval of any design modifications; procedures for coordinating and scheduling the dam engineer's inspection of critical construction elements; and
- Presentation of the initial construction schedule with identification and discussion of major items.

ODS shall be provided a copy of the preconstruction meeting minutes.

- (f) The dam engineer shall provide ODS written documentation that he has reviewed and approved all pertinent submittals or samples concerning critical project dam features including, but not limited to: low-permeability fill; filter sand; materials to backfill stump removal cavities; rip rap; rockfill armoring; concrete mix design; reinforcing steel; pipe and fittings; sluice gate, operator and associated hardware; and water stops. This documentation may be in the form of a submittal log which may be submitted as part of the "as-built" report, described below.
- (g) Upon project completion the applicant shall submit to ODS a **DAM SAFETY CERTIFICATE OF COMPLETION** (form attached). With this certificate of completion submit one bound (utilizing plastic comb bindings) as-built report with 11"x17" record drawings signed and stamped by a registered professional civil engineer with contractor's signature attesting that all work was performed according to the plans and specifications. The as-built report shall include documentation of submittals reviewed and approved by the dam engineer, copies of any materials or construction testing reports and color photos of construction phases and appurtenant installations. Photograph numbers, location and direction in which each photo was taken must be identified. An electronic copy of the as-built report and record drawings shall be provided in PDF (compatible with Adobe Reader Version 9.3 or later) on CD-R (not CD-RW) format compact disc. Each CD shall be provided with a jewel case and a label indicating the dam project name, NID No., the town in which the dam is located and the date of the as-built report.
- (h) Once the dam repairs have been completed and the reservoir has returned to its normal elevation, the dam engineer shall submit a Phase I Inspection documenting the condition of the dam. The manual and report are required prior to ODS issuing a Certificate of Compliance.

Any permit issued by DCR shall be subject to revocation by order of the Commissioner if the permittee fails to conform to 302 CMR 10.00, Dam Safety Rules and Regulations, provisions of this permit, or any other applicable laws and regulations.

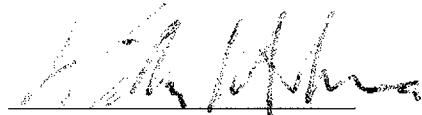
This permit does not release the applicant from the requirements of any other regulatory authority. Such authorizations and/or notifications include, but are not limited to:

Local Conservation Commission;
Massachusetts Department of Environmental Protection (DEP);
Massachusetts Department of Fish and Game (DFG);
Massachusetts Executive Office of Environmental Affairs (EOEA), MEPA Unit; and
U.S. Army Corps of Engineers.

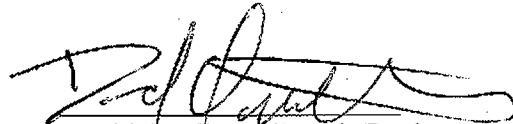
This extended permit must be recorded by the applicant at the Registry of Deeds in the county where the dam lies. Recording must be done prior to the commencement of construction and a copy of the recorded permit filed with the Office of Dam Safety.

This amended and extended permit remains valid for six (6) years from the permit's original date of issue: **August 31, 2018.**

Permit expiration date: **August 31, 2024.**



William Salomaa, Director
DCR Office of Dam Safety



David Ouellette, Permit Engineer
DCR Office of Dam Safety

Attachments: Dam Safety Improvements – Notice of Construction form
Dam Safety Certificate of Completion form

Office of Dam Safety
Certificate of Non-Compliance
and Dam Safety Order



April 3, 2009

Certified Mail No. 7007 2560 0001 3209 6073
Return Receipt Requested

Mr. Robert Reed
Town of Leicester
3 Washburn Square
Leicester, MA 01524

Subject: CERTIFICATE OF NON-COMPLIANCE and DAM SAFETY ORDER

Dam Name: Waite Pond Dam
Location: Leicester
National ID No: MA00987
Known Condition: Poor
Hazard Potential: Significant

Dear Mr. Reed:

In accordance with 302 CMR 10.08, the Department of Conservation and Recreation (DCR), Office of Dam Safety (ODS) has determined that **Waite Pond Dam** does not meet accepted dam safety standards and is a potential threat to public safety. Therefore, ODS is issuing a **CERTIFICATE OF NON-COMPLIANCE and DAM SAFETY ORDER**.

Records at ODS indicate that the Town of Leicester is the owner of the Waite Pond Dam. The Dam is classified by ODS as an Intermediate Size, **Significant Hazard Potential** Structure. Significant Hazard Potential Dams are dams that may cause the loss of life and property damage in the event of dam failure.

On March 10, 1998, an inspection of the Waite Pond Dam was completed by engineering consultant, HALEY & ALDRICH. As a result of this inspection, the dam was determined to be **STRUCTURALLY DEFICIENT** and in **POOR CONDITION**. The dam has been found to be in need of repair, breaching or removal to bring the dam into compliance with dam safety regulations.

G.L. c. 253, §§ 44-48 and 302 CMR 10.00 set forth the jurisdiction for the Office of Dam Safety and its authority to take action and order actions to be taken. For your information a copy of 302 CMR 10.00 Dam Safety is enclosed.

COMMONWEALTH OF MASSACHUSETTS • EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS

Department of Conservation and Recreation
251 Causeway Street, Suite 600
Boston MA 02114-2119
617-626-1250 617-626-1351 Fax
www.mass.gov/dcr



Deval L. Patrick
Governor

Timothy P. Murray
Lt. Governor

Ian A. Bowles, Secretary
Executive Office of Energy & Environmental Affairs
Richard K. Sullivan, Jr., Commissioner
Department of Conservation & Recreation

DAM SAFETY ORDER:

In accordance with the authority of G.L. c. 253, § 47, 302 CMR 10.07 and 10.08 you are hereby **ORDERED** to comply with the following:

- 1) Conduct Follow-up Inspections:** You must complete follow-up visual inspections at 6-month intervals, conducted by a registered professional civil engineer qualified to conduct dam inspections, at your cost, until adequate repairs are made or the dam is adequately breached. The first Follow-up inspection shall be submitted to ODS no later than **June 5, 2009**.

Follow-up inspections are to be summary in format and shall provide a written description, including photographs, of any changes in condition. Your engineer shall include a cover letter on engineering firm letterhead that briefly summarizes the current follow-up inspection and findings. The cover letter shall be signed and stamped by the Registered Professional Engineer in charge of the inspection. You shall submit one (1) hard copies and one (1) electronic pdf copy of all completed follow-up visual inspection reports to ODS within 30 days of the date of follow-up inspection field work.

- 2 Conduct Phase II Inspection and Investigations.** Within 180 days of receipt of this **CERTIFICATE OF NON-COMPLIANCE and DAM SAFETY ORDER** you must hire, at your cost, a qualified registered professional engineer with dam engineering experience (engineer) to conduct a Phase II Inspection and Investigation of the dam to evaluate the structural integrity and spillway hydraulic adequacy of your dam and to develop/implement a plan to bring the dam into compliance with dam safety regulations by adequately repairing, breaching or removing the dam (see attached Phase II Investigation Outline).
- a. The owner shall commence the Phase II Inspection and Investigation no later than **December 31, 2009**. The Phase II Inspection and Investigation is to conform to the attached Phase II Investigation Outline. You are to, in a letter to ODS no later than **December 15, 2009**, identify your selected engineer and inform ODS of the start date of the Phase II work.
- b. The Phase II Inspection and Investigation is to be completed, signed and stamped by your engineer and copies of the Phase II final report are to be delivered to ODS no later than **June 2, 2010**.

You shall include a cover letter with the submitted Phase II report which describes your selected alternative to bring the dam into compliance with dam safety regulations. You shall submit a statement of your intent to implement inspection report recommendations to address structural and operational deficiencies to ODS upon submission of the required Phase II Inspection and Investigation completed by your engineer. With your Phase II submittal you must also provide a proposed timeline to design, permit and construct the selected alternative to repair, breach or remove the dam.

- 3. Bring the dike into compliance and complete repair, breach or removal no later than June 2, 2011.** With your Phase II submittal, you must also provide a proposed timeline to design, permit and construct the selected alternative to repair, breach or remove the dam. The selected alternative must be completed, and the dike brought into compliance with Dam Safety Regulations, by June 2, 2011.

4 Additional Requirements:

- a. You shall furnish copies of all required submittals listed above via certified mail.
- b. To maintain compliance with the Commonwealth's Wetlands Protection Laws the owner may need to seek requisite approval in accordance with G.L. c. 131, § 40. You are obligated to contact and maintain communication with any other local, state or federal permitting agency to ensure compliance with the Wetlands Protection Act and any other regulatory compliance.
- c. You must inform the following parties about the condition of the dam and your developing plans to bring the dam into compliance with dam safety regulations: all abutters of the impoundment upstream; property owners within one-half mile downstream of the Waite Pond Dam; Bill Davis, District Manager, Central Region Wildlife District, Division of Fisheries & Wildlife, 211 Temple Street, West Boylston, MA 01583; Phil Nadeau, Department of Environmental Protection, Central Region, 627 Main Street, Worcester, MA 01608; Bob DuPuis, Leicester Emergency Management Director; Douglas A. Belanger, Chair, Board of Selectmen, Town of Leicester.

Please be advised that in accordance with G.L. c.253, § 47, "any person...who fails to comply with the provisions of this chapter or of any order, regulation or requirement of the department relative to dam safety, shall be fined an amount not to exceed \$500 for each offense, to be fixed by the court." Furthermore, each violation shall be regarded as a separate and distinct offense and, in case of continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense.

Nothing in this order releases the owner from the requirements of any prior Dam Safety Order issued for this dike, including any Dam Safety Order to submit follow-up inspections on a 90 day schedule.

In accordance with 302 CMR 10.08 this **CERTIFICATE OF NON-COMPLIANCE and DAM SAFETY ORDER** will be recorded at the Registry of Deeds. Issuance of a Certificate of Compliance following adequate repair or breaching of the dam will be required to discharge the **CERTIFICATE OF NON-COMPLIANCE and DAM SAFETY ORDER**.

Please direct any technical questions, correspondence, or submittals to Edward Hughes, Department of Conservation and Recreation, Office of Dam Safety, 251 Causeway Street, Suite 800, Boston, MA 02114. Legal questions should be directed to the DCR Assistant General Counsel, Ariana Johnson, 251 Causeway Street, Suite 600, Boston, MA 02114. Additional dam safety information can be found at the DCR-ODS website.

<http://www.mass.gov/dcr/pe/damSafety/index.htm>.

Thank you for your cooperation.

Sincerely,



Richard K. Sullivan, Jr.
Commissioner

CC: Douglas A. Belanger, Chair, Board of Selectmen, Town of Leicester
Bob DuPuis, Leicester Emergency Management Director
Steve Parretti, Chairman, Leicester Conservation Commission
Paul Sneeringer, U.S. Army Corps
Phil Nadeau, DEP Wetlands Section Chief
Alicia McDevitt, MEPA
Bill Davis, DFW
Jack Murray, DCR
Noel Baratta, DCR
Michael Misslin, DCR
William Salomaa, DCR
Edward Hughes, DCR
Ariana Johnson, Esq., DCR
Joan Kimball, Riverways

**Department of Conservation and Recreation
Office of Dam Safety
Phase II Inspection and Investigation Outline**

I.	Review of existing information.....
II.	Updated Detailed Phase I surface inspection in compliance with Office of Dam Safety Phase I Inspection format.....
III.	Subsurface Investigations – borings, sampling, analysis.....
IV.	Topographic Survey, wetlands flagging/delineation, of sufficient detail to support not only the Phase II effort, but sufficient for the future implementation of design phase.....
V.	Stability and seepage analyses – Seismic and static stability evaluation of dam (upstream and downstream slopes, internal materials), seepage potential, internal erosion potential, piping potential.....
VI.	Hydrologic/Hydraulic Analysis and spillway inadequacy resolution.....
VII.	Alternatives analysis and presentation of conceptual designs and associated estimated design, permitting and construction costs to bring the dam structure into compliance with Chapter 253 Section 44-48 and 302 CMR 10.00 Dam Safety Regulations by either executing selected repair plan or breach plan.....
VIII.	Final Report Presented to the Office of Dam Safety.....

**Commonwealth of Massachusetts
Department of Conservation and Recreation
Office of Dam Safety Poor Condition Dam Follow-up Inspection Form**

(Complete this inspection form and provide a cover letter on consulting firm letterhead that briefly summarizes the current follow-up inspection and findings. The cover letter shall be signed and stamped by the Registered Professional Engineer in charge of the inspection)

Dam Name:
Dam Owner:
Nat. ID Number:
Hazard Potential:
Location of Dam (town):
Coordinate location (lat,long):
Date of Inspection:
Weather:

Consultant Inspector(s): firm name and name of Registered Professional Engineer
in charge of inspection.

Others in Attendance at Field Inspection: include list of names, affiliation and
phone numbers.

Attachments: Updated site sketch with photo locations, Updated photos, and
copy of locus map from Phase I report and other applicable
attachments.

- I. Previous Inspection date/Overall Condition:**
 - Date of most recent formal Phase I Inspection Report:
 - List the overall condition reported in most recent Phase I Inspection Report:
- II. Previous Inspection Deficiencies:**
 - List identified deficiencies in the most recent Phase I Inspection Report:
- III. Overall Condition of Dam at the Time of the Current Follow-up Inspection:**
 - a. State the current condition**
 - b. Have conditions changed since the previous inspection? Yes or no.**
- IV. Comparison of Current Conditions to Condition Listed in Previous Phase I Inspection Report:**
 - a. Have any of the deficiencies listed in the previous Phase I Inspection Report worsened?**
 - b. If yes, list the changes.**
 - c. Are there any additional deficiencies that have been identified in the current inspection?**

d. If yes, list the deficiencies and describe.

V. Dam Safety Orders:

- **List dam safety orders that have been issued to the dam owner pertaining to this dam.**

VI. Maintenance:

1. **Indicate if there exists an operation and maintenance plan for the dam.**
2. **Indicate if it appears the dam is being maintained.**

VII. Recommendations:

VIII. Other Comments or Observations:

IX. Updated Site Sketch with Photo Locations:

X. Updated Photos:

XI. Copy of Locus Map from Phase I Report:

XII. Other applicable attachment:

19 Marlboro/54 Fairview Dr.
Performance Bond

Opinion of Probable Construction Cost

Prepared by: Mark Elbag, P.E.

Date: 1/10/2024

Project Location: 21 Marlboro Drive, Leicester

MassDEP File No.: 197-0707

Plan Reference: Repair Subsurface Sewage Disposal System

Dated April 7, 2023

Last Revised August 1, 2023

Temporary Wetland Disturbance:

		Unit Cost	Unit Total
Erriosion Control Install & Maintain	80 LF	\$1.50 LF	\$120.00
Install Loam & Wetland Seed	243 SF	\$2.00 SF	\$486.00
		Total	\$606.00
	Per Town Regs:	Total x 1.5	\$909.00
		Use	\$1,000.00

Town of Leicester Conservation Commission
SPECIAL CONDITIONS

DEP File #197-0707

(Conditions 1 to 20 are found in the DEP Orders)

PROJECT DESCRIPTION:

Title 5 Septic System Repair serving a single family dwelling with no increase in flow. Proposed alteration/replacement of 243 s.f. of bordering vegetated wetland.

21. PROJECT SPECIFIC CONDITIONS:

- a. The Applicant will be required to submit a bond, per Leicester Wetland Bylaw Section XI. A., in an amount to be determined by the Leicester Conservation Commission based on an estimated cost of the proposed replication work.

PRIOR TO CONSTRUCTION

22. **This document in its entirety shall be recorded at the Registry of Deeds,** immediately following the 10-day appeal period, which commences upon the date of issuance, and before all or **any** part of the site is sold and/or work commenced. **Proof of said recording must be returned to the Leicester Conservation Commission before any work shall commence or sale finalized.** **Failure to comply with these Orders of Conditions shall automatically invalidate this permit.**
23. Prior to any work commencing on the site, including any clearing of vegetation or disturbance of soils, the applicant shall comply with the following:
 - a. **Display the DEP file number for this Order.**
 - b. The applicant shall notify the Conservation Commission at least 48 hours prior to any activity on the site and shall provide the name(s) and telephone number(s) of all person(s) responsible for compliance with this Order.
24. The approved erosion control shall be installed as indicated on the approved plan and shall be inspected by a member of the Conservation Commission prior to start of work.

GENERAL CONDITIONS

25. In the event this land or any part thereof changes ownership before or during construction, the current owner shall notify the new owner, prior to the transfer of ownership, by registered mail, of this Order and shall forward proof of this notification to the LCC. The Commission shall be notified in writing within 30 days of all transfers of title of any portion of property that take place prior to the issuance of the Certificate of Compliance. Any member of the Conservation Commission or its designated agent shall have full powers to act on its behalf in administering and enforcing this Order. This document shall be included by reference in all contracts, plans and specifications dealing with the activity that is the subject of this Order, and that are created or modified after the issuance date of this Order, along with a statement that this Order shall supersede any conflicting contractual arrangements, plans or specifications.

PERFORMANCE SECURITY AGREEMENT

Address/DEP File #197-0707

This agreement dated the **17th day of January 2024** is entered into between the Town of Leicester, through its Conservation Commission (herein called "Town") and Douglas and Shelley Cook (herein called "owners") who are the owners of the premises known as 19 Marlboro Drive and 54 Fairview Drive (aka 21 Marlboro Drive) , as described in Deed of Worcester District Registry of Deeds, Book 68269, Page 266 and being Parcels 41A-D11 and D12 in the Assessor's records of the Town.

Whereas, upon application by the Owners, the Town through the Conservation Commission issued an Order of Conditions pursuant to Massachusetts Wetland Protections Act M.G.L. Ch. 131, Section 40, dated October 10, 2023 DEP file number 197-0701 and which was recorded in Worcester District Registry of Deeds on December 15, 2023 in Book 70000, Page 333 and

Whereas pursuant to said order Town requires that Owners furnish to the Town a \$ _____ dollar Performance Bond to secure restoration of the area(s) as required in such order.

This Agreement shall remain in full force and effect until the Owners have fully satisfactorily performed all their obligations under said Order of Conditions and this Agreement shall be binding upon the Owners, their heirs, successors and/or assigns as their interest may appear.

Now therefore, in view of the foregoing, the Town and the Owners agree as follows:

1. Owners will give the Town of Leicester a certified bank check made out to the Town of Leicester; Conservation Commission for the sum of \$ _____ which will be put in the charge of the Town of Leicester.
2. In the event the Owners fail to restore the site as required in said Orders of Conditions, then, in that event, Town after providing Owners with a Notice of Default and a sixty (60) day Opportunity to Cure, may complete such replication as may be necessary, and be entitled to deduct the cost thereof from said deposit. Any sums not so expended shall be returned to the owners under paragraph number 3 below.
3. Upon completion of the work on said premises and upon a Certificate of Compliance of the Orders of Conditions by the Conservation Commission, Town shall return the monies plus any interest to the Owners.
4. Owners agree to proceed with all construction pursuant to the Order and such other permits as are required by the Town of Leicester.

The Town of Leicester, acting by and through its Conservation Commission hereby agrees to accept the aforesaid monies in the amount specified in this Agreement as security for the performance as set forth in the Order of Conditions.

Any amendment to this Agreement and/or to the Security shall be agreed upon in writing by all parties to this Agreement.

Signed as a sealed instrument on the date set forth above.

Owner(s) (or Project Representative):

Town of Leicester Conservation Commission

Douglas Cook

Stephan Parretti

Shelley Cook

James Cooper

JoAnn Schold

Vanessa Lopez

Ashlyn Coyle

651 Main Street
Certificate of Compliance
Request



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 8A – Request for Certificate of Compliance

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

DEP File Number:

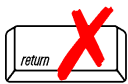
197-0677

Provided by DEP

A. Project Information

Important:

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



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

Mark Klinger/MKEP 770 LLC

Name

265 Sunrise Highway, Suite 1368

Mailing Address

Rockville Center

City/Town

NY

State

11570

Zip Code

Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

Mark Klinger/MKEP 770 LLC

Applicant

11/24/2021

Dated

197-0677

DEP File Number

3. The project site is located at:

651 Main Street

Street Address

Leicester

City/Town

21

Assessors Map/Plat Number

5.1

Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for:

Property Owner (if different)

County

Book

Page

Certificate (if registered land)

5. This request is for certification that (check one):

☐ the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

☐ the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

☒ the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 8A – Request for Certificate of Compliance

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

DEP File Number:

197-0677

Provided by DEP

A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

☐ Yes

If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

☐ No

B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).

For Registry of Deeds Use Only



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

DEP File Number: _____

WPA Form 8B – Certificate of Compliance

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

Provided by DEP

A. Project 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. This Certificate of Compliance is issued to:

Name

Mailing Address

City/Town

State

Zip Code

2. This Certificate of Compliance is issued for work regulated by a final Order of Conditions or Order of Resource Area Delineation issued to:

Name

Dated

DEP File Number

3. The project site is located at:

Street Address

City/Town

Assessors Map/Plat Number

Parcel/Lot Number

The final Order of Conditions or Order of Resource Area Delineation was recorded at the Registry of Deeds for:

Property Owner (if different)

County

Book

Page

Certificate

4. A site inspection was made in the presence of the applicant, or the applicant's agent, on:

Date

B. Certification

Check all that apply:

- ☐ **Complete Certification:** It is hereby certified that the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

DEP File Number: _____

WPA Form 8B – Certificate of Compliance

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

Provided by DEP

B. Certification (cont.)

- **Partial Certification:** It is hereby certified that only the following portions of work regulated by the above-referenced Order of Conditions have been satisfactorily completed. The project areas or work subject to this partial certification that have been completed and are released from this Order are:

- **Invalid Order of Conditions:** It is hereby certified that the work regulated by the above-referenced Order of Conditions never commenced. The Order of Conditions has lapsed and is therefore no longer valid. No future work subject to regulation under the Wetlands Protection Act may commence without filing a new Notice of Intent and receiving a new Order of Conditions.

- **Ongoing Conditions:** The following conditions of the Order shall continue: (Include any conditions contained in the Final Order, such as maintenance or monitoring, that should continue for a longer period).

Condition Numbers:

- **Order of Resource Area Delineation:** It is hereby certified that the wetland resource area delineation for the above-referenced Order of Conditions has been satisfactorily completed

C. Authorization

Issued by:

Conservation Commission

Date of Issuance

This Certificate must be signed by a majority of the Conservation Commission and a copy sent to the applicant and appropriate DEP Regional Office (See <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number: _____

WPA Form 8B – Certificate of Compliance

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

Provided by DEP

C. Authorization (cont.)

Signatures:

Signature _____	Printed Name _____
Signature _____	Printed Name _____
Signature _____	Printed Name _____
Signature _____	Printed Name _____
Signature _____	Printed Name _____
Signature _____	Printed Name _____
Signature _____	Printed Name _____
Signature _____	Printed Name _____



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

DEP File Number: _____

WPA Form 8B – Certificate of Compliance

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

Provided by DEP

D. Recording Confirmation

The applicant is responsible for ensuring that this Certificate of Compliance is recorded in the Registry of Deeds or the Land Court for the district in which the land is located.

Detach on dotted line and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Certificate of Compliance for the project at:

Project Location

DEP File Number

Has been recorded at the Registry of Deeds of:

County

for:

Property Owner

and has been noted in the chain of title of the affected property on:

Date

Book

Page

If recorded land, the instrument number which identifies this transaction is:

If registered land, the document number which identifies this transaction is:

Document Number

Signature of Applicant

Declaration of Position Vacancy
Per Leicester General Bylaws
Chapter 4 § 6

CHAPTER 4: ADVISORY & BY-LAW COMMITTEES

SECTION 1.

There shall be an Advisory Committee consisting of seven (7) legal voters of the Town, who shall be appointed as herein provided. A quorum of the Advisory Committee shall consist of a majority of the membership of the Committee. No elected or appointed Town official shall be eligible on said Committee.

SECTION 2.

Following adoption of this by-law, a Committee comprised of the Moderator, the Chairperson of the Select Board or designee and the Chairperson of the Advisory Committee or designee shall appoint three (3) members to three-year terms. Said appointments shall be made prior to August 31. The terms of office of said members shall commence immediately upon qualification and shall expire on June 30th. Such committee shall choose its own officers and shall serve without pay and it shall cause to be kept a true record of its proceedings. A Committee comprised of the Moderator, the Chairperson of the Select Board or designee and the chairperson of the Advisory Committee or designee shall fill any unexpired terms to the Advisory Committee as soon as possible after the Town Clerk has been notified that a vacancy exists. No employee of the Town of Leicester will be eligible to serve on the Advisory Board.

SECTION 3.

Any article in any warrant for a Town meeting shall be referred to the Advisory Committee for its consideration by the Select Board at the Select Board's first meeting following the submission of the article. The Select Board after drawing any such warrant shall transmit immediately a copy thereof to each member of said committee. A public hearing shall be held at least twenty-four hours before the Annual Town Meeting upon all such articles, unless a public hearing by some other tribunal is required by law, and a notice of such hearing shall be posted in at least four public places in the Town. Said committee shall, after due consideration of the subject matter of such articles, report thereon to the Annual Town Meeting, in writing, such recommendations as it deems best to the interest of the Town and its citizens. Should a petition for a public hearing, signed by at least ten (10) legal voters of the Town, be presented to the Chairman of the Advisory Committee at least six days prior to any Special Town Meeting, then the Advisory Committee shall hold a public hearing, in accordance with this section.

SECTION 4.

There shall be a By-Law Committee consisting of five (5) legal voters of the Town who shall be appointed as herein provided.

SECTION 5.

The Select Board, following the adoption of this by-law, shall by July 1st appoint two (2) members of said committee for a term of three (3) years, two (2) members for a term of two (2) years, and one (1) member for a term of one (1) year. Thereafter the appointments shall be for a period of three (3) years.

SECTION 6.

Unless otherwise governed by Mass General Laws and Town bylaws a member of a committee appointed by the Town Meeting or the Select Board or a member of the Committee as described in Chapter 4 Section 2. who is absent from three (3) posted meetings of the committee may in the discretion of the Committee chairperson be deemed to have vacated his or her appointment on the committee and the committee chairperson shall declare a vacancy in the position and report the

vacancy to the Town Clerk. In the case of an appointment made by the Select Board, the Select Board shall make a new appointment to fill the vacant position and in the case of an appointment made by the Town Meeting, the Moderator shall make a new appointment to fill the vacant position.

National Grid Correspondence

RECEIVED

DEC 11 2023

nationalgrid

December 5, 2023

**Town of Leicester
Planning Department**

Leicester Select Board Chair
3 Washburn Square
Leicester, MA 01524

Dear Select Board Chair:

In compliance with 333 CMR 11.06, 45 Day Yearly Operational Plan Public Notice, Review and Comment, please review National Grid's 2024 Yearly Operational Plan (YOP) at the following website (hard copy available upon request): https://www9.nationalgridus.com/transmission/c3-8_standocs.asp. A copy of the Environmental Monitor Notice is enclosed and published under the Massachusetts Environmental Policy Act (MEPA).

The map(s) for your municipality can also be found on the above website (scroll through the pdf to your municipality). If you have any trouble viewing the maps, please contact me.

Please review the YOP map(s) that locate the right-of-way corridors and the plotted location of known sensitive areas including public and private drinking water supplies. If there are any additional sensitive areas located on or near the rights-of-way, please advise us as soon as possible so we may establish GIS permanent records and implement appropriate field protective actions. **We particularly rely on this process to collect corrections to the public wells and to record the location of private wells.**

National Grid's YOP details specific information pertaining to the intended 2024 program. Please note that the YOP also lists the rights-of-way from the 2023 treatment program in case National Grid needs to request a "touch-up" retreatment of scattered locations from our contractor(s). If upon review of the previous year's treatments, National Grid finds a site(s) within your municipality that need follow-up treatments, this letter serves as notification of that follow-up treatment. The individual landowner(s) will also be notified about this work. *Please note that scheduled rights-of-way are subject to change based on workplan constraints.*

This notification also serves as a 21-day herbicide application notification. As detailed in National Grid's Five-Year Vegetation Management Plan (VMP) and Yearly Operational Plan (YOP), this treatment is conducted as a component of an integrated vegetation management (IVM) program that also utilizes mechanical and natural control techniques. National Grid's Five-Year Vegetation Management Plan (2024-2028) is posted at the following website (hard copy available upon request) https://www9.nationalgridus.com/transmission/c3-8_standocs.asp.

As described in the VMP and YOP, the program will consist of a late winter-spring mechanical control, cut surface (CST), basal treatment, or dormant stem; a summer selective foliage or cut stubble, and, as necessary, fall CST, basal, or dormant stem treatments.

In compliance with 333 CMR 11.06-11.07, no herbicide applications will occur before the conclusion of the 45-day YOP review period, the 21 day treatment notice and the 48 hour newspaper notice. At the end of these review periods, which can run concurrently, no application shall commence more than ten days before nor conclude more than ten days after the treatment periods listed above.

1633

Potential Treatment Periods*

February 1, 2024 – May 30, 2024	May 30, 2024 - Oct 15, 2024	Oct 15, 2024 – Dec 31, 2024
CST	Foliar	CST
Basal	CST	Basal
Dormant stem	Basal	Dormant Stem
	Cut stubble	

* The exact treatment dates are dependent upon weather conditions and field crew progress.

Commonwealth of Massachusetts recommended herbicides for use in sensitive areas listed in Section 7 (pages 13-15) of the YOP will be selectively applied to target vegetation by experienced, Massachusetts' licensed/certified applicators that walk along the rights-of-way using backpack equipment. Copies of the manufacturers' herbicide labels and fact sheets are also included in the YOP, Appendices 8 and 9.

The work will be performed by one of the following vegetation management vendors:

Lewis Tree Service, Inc.	Stanley Tree	Vegetation Control Service, Inc.	Davey Tree Expert Co.
300 Lucius Gordon Drive	662 Great Road	2342 Main Street	1500 N Mantua St
West Henrietta, NY 14586	North Smithfield, RI 02896	Athol, MA 01331	Kent, OH 44240
(585) 436-3208	(401) 765-4677	(978) 249-5348	800-445-8733
Lucas Tree Experts	BluRoc	North Eastern Tree Service	Rainbow Treecare
12 Northbrook Drive	15 Atwood Dr, Suite 301	1000 Pontiac Ave	11571 K-Tel Dr.
Falmouth, ME 04105	Northampton, MA 01060	Cranston, RI 02920	Minnetonka, MN 55343
(800) 339-8873	(413) 887-3653	(401) 941-7204	952-922-3810

This informational 21-day notification follows Chapter 132B, section 6B of the Massachusetts General Laws, 333 CMR 11.05-11.07 Rights of Way Management and Chapter 85, Section 10 of the Acts of 2000. National Grid's vegetation management program is subject to federal and state regulations only. By statute, local permits or rulings are not applicable.

For inquiries concerning safety of the herbicides, please contact:

MDAR-Pesticide Division-ROW Coordinator
251 Causeway Street, Suite 500
Boston, MA 02114-2151
Telephone: (617) 626-1782

Please contact me if you have any questions about the application and monitoring of the vegetation management program. Email: mariclaire.rigby@nationalgrid.com Phone: 781-290-8310

Sincerely,

Mariclaire Rigby

Mariclaire Rigby
Principal Vegetation Strategy Specialist

CC: Board of Health, Conservation Commission, Private and Public Water Suppliers
Massachusetts Department of Agricultural Resources

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

225 Turnpike Road, 3rd Floor, Southborough, MA 01772
617-626-1700 fax: 617-626-1850 www.mass.gov/agr



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GOVERNOR

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LIEUTENANT
GOVERNOR

Rebecca L. Tepper
SECRETARY

Ashley E. Randle
COMMISSIONER

NOTICE

Pursuant to the provisions of the Rights-of-Way Management Regulations, 333 CMR 11.00, to apply herbicides to control vegetation along rights-of-way, a five year Vegetation Management Plan (VMP) and a Yearly Operational Plan (YOP) must be approved by the Massachusetts Department of Agricultural Resources (MDAR). National Grid has submitted and holds a current VMP, therefore, notice of receipt of a YOP and procedures for public review is hereby given as required by Section 11.06 (3).

National Grid has submitted a YOP to MDAR for 2024 and National Grid's YOP identifies the following municipalities as locations where they intend to use herbicides to treat their electric Rights-of-Way in 2024:

Abington	Chelmsford	Hanover	Melrose	Raynham	Stoughton
Adams	Clarksburg	Haverhill	Mendon	Reading	Sturbridge
Andover	Colrain	Heath	Methuen	Rehoboth	Swampscott
Attleboro	Dighton	Holbrook	Milford	Rowe	Swansea
Auburn	Dracut	Hopedale	Millbury	Salem	Taunton
Avon	East Bridgewater	Lawrence	Monroe	Saugus	Tewksbury
Ayer	Easton	Leicester	Montague	Seekonk	Uxbridge
Berkley	Florida	Leominster	North Adams	Shelburne	West Bridgewater
Billerica	Gill	Littleton	North Andover	Somerset	Westford
Bridgewater	Grafton	Lowell	North Reading	Spencer	Whitman
Brockton	Greenfield	Lynnfield	Pembroke	Sterling	

In 2024 National Grid will conduct a selective herbicide treatment program on their rights-of-way as part of an Integrated Vegetation Management (IVM) program on transmission and distribution lines.

The intended vegetation control program will be consistent with the guidelines set forth in National Grid's VMP and YOP. Herbicides will be selectively applied to target vegetation by licensed/certified applicators carrying backpack or hand held application equipment.

National Grid will only use herbicides recommended by MDAR for use in sensitive areas for their IVM program. Pursuant to 333 CMR 11.04, no herbicides will be sprayed within any designated "no spray sensitive sites." Instead, mechanical only methods will be used to control vegetation in these areas.

Public notification will be provided to each "affected" municipality at least twenty-one days prior to any herbicide application and in a newspaper notification at least 48 hours before the beginning of the spray season.

In accordance with 333 CMR 11.06 (2), National Grid's YOP includes the identification of target vegetation; methods of identifying, marking and protecting sensitive areas; application techniques; the herbicides, application rates, carriers and adjuvants proposed for use; alternative control measures, a list of the application companies and YOP supervisor; procedures for handling, mixing and loading herbicides; emergency resources including local, state and federal emergency telephone numbers; maps of the rights-of-way that include mapped sensitive areas, and herbicide fact sheets and labels.

PUBLIC REVIEW

MDAR seeks to verify the location of sensitive areas defined in Section 11.02 and reported in the YOP. MDAR itself has a limited ability to survey the geography, land use and water supplies in all the communities through which rights-of-way pass. Municipalities have most of this information readily available, and the particular knowledge with which to better certify the sensitive areas in their communities. MDAR, therefore, requests, and urges the assistance of the "affected" municipalities in reviewing the completeness and accuracy of the maps contained in the submitted YOP.

The YOP can be viewed on MDAR's website: <http://www.mass.gov/eea/agencies/agr/pesticides/vegetation-management-and-yearly-operation-plans.html> or National Grid's website: https://www9.nationalgridus.com/transmission/c3-8_standocs.asp

MDAR has established the following procedures for this review:

Copies of the YOP and this *Notice* will be sent by the applicant to the Conservation Commission, Board of Health (or designated health agent), the Head of Government (Mayor, City Manager, Chair of the Board of Selectman) and appropriate water suppliers of each municipality where herbicides are to be applied during the calendar year of 2024; and if applicable, to the Natural Heritage Endangered Species Program of the Massachusetts Department of Fisheries and Wildlife, the Massachusetts Water Resource Authority and the Massachusetts Department of Conservation and Recreation. Municipal agencies and officials will have forty-five days, following receipt of the YOP, to review its map for inaccuracies and omissions in the location of "sensitive areas not readily identifiable in the field."

Municipal agencies and officials are requested to forward the YOP to the appropriate official(s) in their municipality who are qualified to certify the accuracy of the sensitive areas indicated on the maps. The maps should then be "corrected" and returned to the applicant and a copy should be sent to MDAR, at the address listed below, within the forty-five day review period. If a city or town needs more time to carry out this review, it should send a written request for an extension to MDAR and cite why there is a "good cause" for requesting additional time.

The applicant is required to make corrections and the corrected maps will be sent back to the city/town that requested the disputed changes within fifteen days of receipt of the request. MDAR will decide whether or not the YOP should be approved without the requested changes. MDAR will consider the "final approval" of a YOP individually for each municipality.

The twenty-one day public review period of the Municipal Notification Letter may serve concurrently with the forty-five day YOP review period in order to provide public notifications as required by 333 CMR 11.06-7, if the applicant has an approved VMP and if all the requisite city-town offices that received copies of the YOP completed their review and all corrections were duly made by the applicant and approved by MDAR.

A failure by the city/town to respond to the applicant's submission of the YOP within the forty-five day period will automatically be considered by MDAR to indicate agreement by the municipal officials with the sensitive area demarcations provided by the applicant in their YOP.

Any questions or comments on the information provided in this *Notice* and the procedures established for the municipal review outlined above should be addressed to:

Clayton Edwards, Rights-of-Way Programs
Massachusetts State Pesticide Bureau
225 Turnpike Road,
Southborough, MA 01772

Any questions or comments regarding the YOP should be addressed to:

Mariclaire Rigby
Lead Vegetation Strategy Specialist
National Grid Vegetation Management Strategy
939 Southbridge Street, Worcester, MA 01610

COMMENT PERIOD ENDS AT THE CLOSE OF BUSINESS (5pm) Friday, January 22, 2024



RIGHT-OF-WAY VEGETATION MANAGEMENT

Additional Information about National Grid's Integrated Vegetation Management (IVM) Program:



National Grid utilizes a program called Integrated Vegetation Management (IVM) to maintain its rights-of-way (ROW) floor (WIRE ZONE AND BORDER ZONE in the above illustration). The ROW is the off-road section of our lines, these are not the poles and lines that run along the roadside. The IVM program encourages the establishment of a low growing plant community within the ROW using mechanical, biological, & herbicide treatments. Our IVM program is based on 4-5-year cycles which schedule crews to target incompatible vegetation as selectively as possible and then allows early successional ecological communities (low-growing plants and shrubs) to help maintain compatible vegetation between treatment programs. Because we have been using this program since the 1960's our ROWs consist mainly of compatible growing species. It's important to note that the cycles allow us to treat different ROWs in our system each year, so not all the ROWs in one town will necessarily be treated in the same year.

The vegetation management work is being performed in accordance with 333 CMR 11.00 Rights of Way Management and the provisions of the Massachusetts Wetlands Protection Regulations (310 CMR 10.02(2)(a)(2) that allow for the maintaining, repairing, or replacing, but not substantially changing or enlarging, existing structures or facilities. This work is done to keep vegetation away from electrical transmission lines and facilities to prevent power outages and ensures the safety and reliability of the existing lines therefore, it constitutes maintenance of utility structures and facilities.

The herbicide maintenance work is also covered under 310 CMR 10.03 (6): Presumption Concerning Application of Herbicides. (a) Any application of herbicides within any Area Subject to Protection under M.G.L. c. 131, § 40 or the Buffer Zone associated with a structure or facility which is: 1. existing and lawfully located; 2. used in the service of the public; and 3. used to provide electric, gas, water, sewer, telephone, telegraph and other telecommunication services shall be presumed to constitute work performed in the course of maintaining such structure or facility, and shall be accorded the exemption of such work under M.G.L. c. 131, § 40, only if the application of herbicides to that structure or facility is

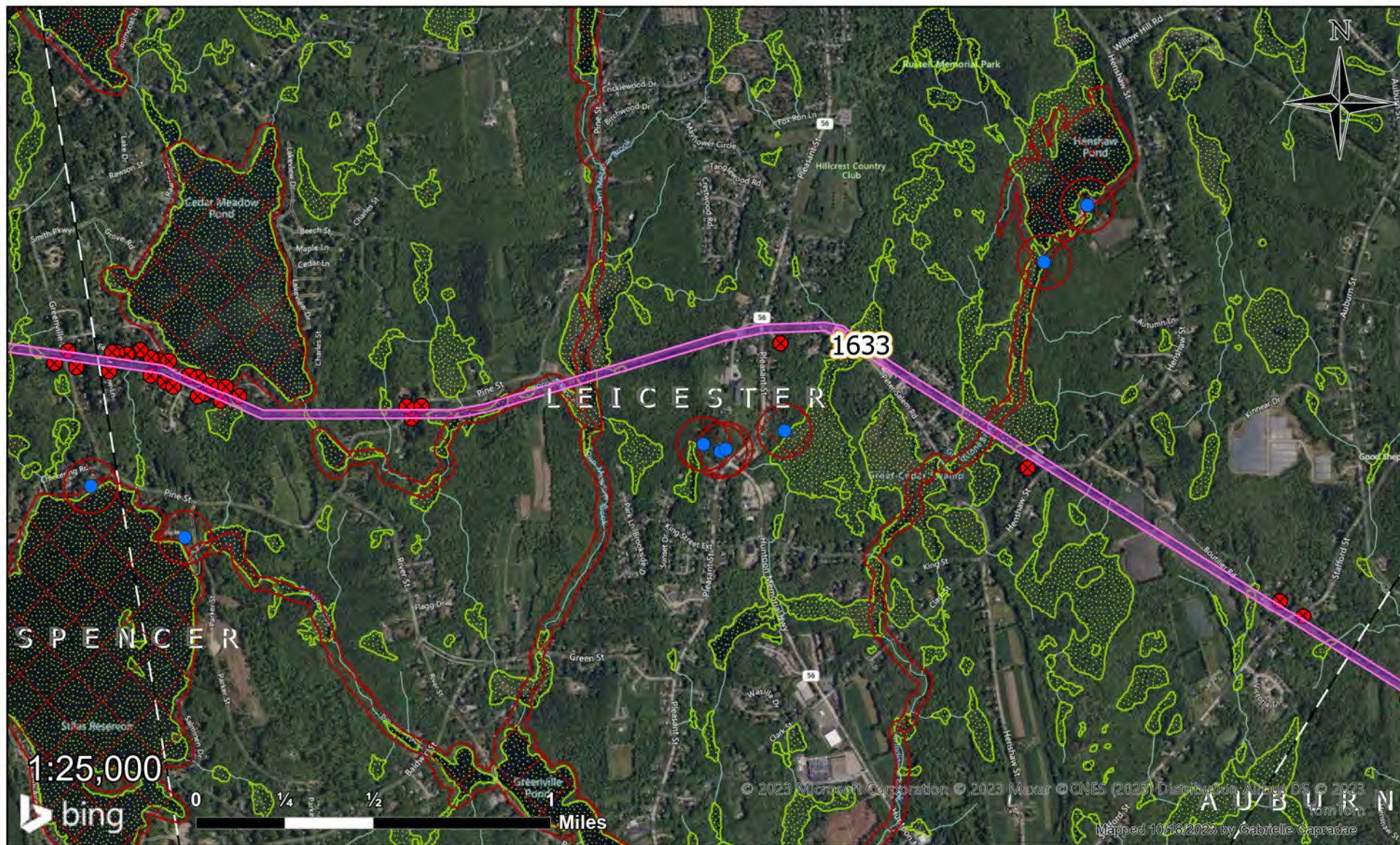
performed in accordance with such plans as are required by the Department of Food and Agriculture pursuant to 333 CMR 11.00: Rights of Way Management, effective July 10, 1987.

National Grid uses field GIS software to gather data on the ROW. Before we begin any ROW vegetation maintenance work, professionally trained forestry staff field inventory the ROW 1-2 years ahead of the scheduled maintenance year and prescribe the work for the crews. Each site is GIS mapped and designated with a land use type, site prescription, and any special notes. When making the prescription all land use factors are considered: proximity to water, sensitive areas, wetlands, landowner concerns, priority habitat, etc. GIS shapefiles/locations of wetlands and other sensitive areas provided from the state and local municipalities are added to our GIS. In addition, all the necessary state listed buffers have also been applied to our GIS. (Please see Appendix 6 of the YOP for the list of buffers). National Grid Forestry staff and contracted field crews conducting the ROW work all use the GIS software in the field to help identify the work and sensitive area requirements.

In addition to using GIS field software, National Grid chooses to only use herbicides from the MA Sensitive Materials List. These are herbicides that may be used in sensitive areas. (ex: wetlands). In areas where we use herbicides, the herbicide treatments are selectively applied by trained, licensed applicators using hand-held equipment. Two methods of application are primarily used. A preparatory Cut and Stump Treatment (CST) is made where trees must be hand cut near inhabited areas, roads, and for all trees over 12 feet tall. A foliage application consisting of the same materials is made selectively to target species only less than 12 feet tall over the remaining portion of the right-of-way. In both treatment methods, applicators walk to each target plant and apply minimal amounts of herbicide. National Grid does not utilize any broadcast treatments. All herbicides have been approved for use by the U.S. Environmental Protection Agency as well as the MA Department of Agriculture (MDAR). Herbicide use in Massachusetts is solely regulated by MDAR. <https://www.mass.gov/rights-of-way-vegetation-management> . ***Important: if you note any additional sensitive areas, please notify us so we can add them to our GIS and apply the necessary buffers.***

National Grid is currently taking part in a study to quantify the biodiversity found within our rights-of-way. <https://www.tdworld.com/vegetation-management/article/21239573/national-grids-biodiversity-study-for-integrated-vegetation-management>

For more information about the study: <https://bioaudit.acrt.com/national-grid/>



- Public Well
- ✕ Private Well
- ▭ Right of Way
- ▭ Wetland
- ▭ Town Border
- ▭ No Herbicide Use

Right-of-Way 1633

Leicester, MA

Planned Work 2024

nationalgrid



2024

**Massachusetts Rights-of-Way
Vegetation Management
Yearly Operational Plan**

TABLE OF CONTENTS

SECTION	TOPIC	PAGE
	SUMMARY	4
1	INTRODUCTION	5
2	LOCATION OF PROPOSED HERBICIDE TREATMENTS IN 2024	6
3	INTEGRATED VEGETATION MANAGEMENT, INCLUDING ALTERNATIVE CONTROL METHODS	6
4	IDENTIFICATION OF INCOMPATIBLE TARGET VEGETATION	8
5	SENSITIVE AREAS	10
6	DESCRIPTION OF MAP(S) LOCATING THE RIGHTS-OF-WAY	14
7	PROPOSED HERBICIDES, CARRIERS, ADJUVANTS AND RATES	14
8	PROCEDURES AND LOCATIONS FOR HANDLING, MIXING, AND LOADING HERBICIDE CONCENTRATES	17
9	INDIVIDUALS SUPERVISING THE YOP	18
10	CONTRACTORS THAT WILL PERFORM HERBICIDE TREATMENTS	19
11	REMEDIAL SPILL AND EMERGENCY PLAN	19

LIST OF TABLES

TABLE #	TOPIC	PAGE
TABLE 1	TANK MIXES FOR LOW VOLUME FOLIAR APPLICATIONS	15
TABLE 2	TANK MIXES FOR CUT STUMP TREATMENT (CST) APPLICATIONS	16
TABLE 3	TANK MIXES FOR LOW VOLUME BASAL APPLICATIONS	16
TABLE 4	TANK MIXES FOR DORMANT STEM APPLICATIONS	16
TABLE 5	TANK MIXES FOR TREE GROWTH REGULATOR APPLICATIONS	16
TABLE 6	HERBICIDE MANUFACTURERS	20
TABLE 7	STATE AGENCIES	21
TABLE 8	EMERGENCY SERVICES	21
TABLE 9	NATIONAL GRID CONTACTS IN THE CASE OF A SPILL OR ACCIDENT	21
TABLE 10	REMEDIAL PLAN TO ADDRESS SPILLS	22

APPENDICES

APPENDIX #	TOPIC	PAGE
APPENDIX 1	333 CMR 11.00, RIGHTS-OF-WAY MANAGEMENT	23
APPENDIX 2	RIGHTS-OF-WAY PROPOSED FOR TREATMENT IN 2024	42
APPENDIX 3	RIGHTS-OF-WAY TREATED IN 2023	44
APPENDIX 4	LIST OF MUNICIPALITIES FOR NOTIFICATION IN 2024	46
APPENDIX 5	LIST OF COMMUNITY WATER SUPPLIERS	48
APPENDIX 6	SENSITIVE AREAS: TABLE AND ILLUSTRATIONS OF LIMITED SPRAY AND NO SPRAY AREAS	51
APPENDIX 7	LIST OF COMPATIBLE SPECIES AND INCOMPATIBLE SPECIES	56
APPENDIX 8	HERBICIDE LABELS	60
APPENDIX 9	HERBICIDE FACT SHEETS	62
APPENDIX 10	NATIONAL GRID ENVIRONMENTAL POLICY	64

SUMMARY

The purpose of this Yearly Operational Plan (hereafter referred to as “YOP”) is to outline the National Grid USA Electric Companies’ (hereafter referred to as “National Grid”) 2024 program for managing vegetation with herbicides on the included rights-of-way. This program and YOP have been developed in compliance with 333 CMR 11.00, Rights-of-way Management regulations administered by the Massachusetts Department of Agricultural Resources (MDAR).

In compliance with 333 CMR 11.06 and 11.07 and Chapter 85 of the Acts of 2000, the YOP and notification process provides for a 45 day public review and comment period which starts when MDAR publishes a notice in the Environmental Monitor, a 21 day review period for the municipal notification letter (may run simultaneously), and a 48 hour newspaper notice. These review periods give communities an opportunity to provide information that help identify additional areas that may require specific precautions or protection.

Under the supervision of our professional foresters, herbicide applications are part of an Integrated Vegetation Management (IVM) program that also uses mechanical and natural controls and takes into consideration the cultural use of the landscape. This IVM program is outlined in our Five-Year Vegetation Management Plan (VMP), copies of which are available upon request or at:

https://www9.nationalgridus.com/transmission/c3-8_standocs.asp

National Grid retains independent, experienced contractors to perform the treatment applications using herbicide and mechanical control methods. Herbicides are only applied by trained, licensed applicators using hand-held equipment under the direct supervision of certified supervisors/foremen.

Any comments on this YOP should be directed to the contact person listed in Section 9.

1. INTRODUCTION

In compliance with 333 CMR 11.00, Rights-of-way Management, National Grid's Yearly Operational Plan (YOP) outlines their 2024 vegetation management program on selected electrical transmission and sub-transmission rights-of-way. This YOP is consistent with the terms and procedures set forth in National Grid's 2024-2028 Vegetation Management Plan (VMP); with the Massachusetts Pesticide Control Act (Chapter 132B); with all pertinent clauses in Chapter 85 of the Acts of 2000; with the Massachusetts Endangered Species Act (MESA; MGL c. 131 A) and regulations (321 CMR 10.00); Wetlands Protection (310 CMR 10.00) and Drinking Water (310 CMR 22.00) regulations of the Massachusetts Department of Environmental Protection, and with all state and federal acts and regulations that apply to right-of-way vegetation management in the Commonwealth of Massachusetts.

The purpose of 333 CMR 11.00 is to establish a statewide and uniform regulatory process which will minimize the uses of, and potential impacts from, herbicides in rights-of-way on human health and the environment while allowing for the benefits to public safety provided by the selective use of herbicides (333 CMR 11.01).

333 CMR 11.00 (Appendix 1) is the most comprehensive rights-of-way regulation in New England. It requires an Integrated Pest Management (in this case IVM) approach to right-of-way vegetation management; the establishment of standards and procedures to prevent unreasonable risks to humans or the environment, and a multi-layered system of public and municipal notification that requests input about environmentally and culturally sensitive areas. All of this is outlined in National Grid's VMP and annual YOPs, the vehicles for establishing and implementing IVM programs, which serve as guides for the public, state and municipal officials, vegetation management contract personnel and National Grid.

National Grid's IVM program is carried out over the course of a three to five year maintenance cycle on the company's 1,500 miles of rights-of-way throughout the Commonwealth. These transmission and sub-transmission electric line rights-of-way cover a range of terrain types from remote countryside to the middle of busy population

centers. In all locations, the rights-of-way must be kept clear of vegetation that may interfere with the safe, reliable delivery of electric services. To achieve this goal, National Grid utilizes the IVM program described in the VMP and summarized below in Section 3.

2. LOCATION OF PROPOSED HERBICIDE TREATMENTS IN 2024

The rights-of-way proposed for herbicide treatments in 202 are listed in Appendix 2 and the rights-of-way listed to facilitate “touch up” on segments treated in 2023 are listed in Appendix 3. The municipalities, through which they pass, are listed in two tables in Appendix 4, one for the municipalities for 2024 lines and one for the municipalities for 2023 “touch-up” lines (some municipalities are listed in both tables). Please note that the proposed ROWs may change due to workplan constraints.

3. INTEGRATED VEGETATION MANAGEMENT, INCLUDING ALTERNATIVE CONTROL METHODS

National Grid’s selective use of herbicides for vegetation management is done within the context of the IVM program outlined in our VMP. In brief: IVM is a combination of mechanical, chemical and natural controls that minimize the disadvantages and maximize the benefits of each. The integration of all three controls creates a well-balanced program that reduces the negative impact on compatible vegetation while controlling incompatible vegetation. IVM is an environmentally responsible means of intentionally managing succession by maintaining vegetation below heights that interfere with the delivery of electrical service.

Mechanical and chemical controls are the direct techniques used to target incompatible vegetation (for example, mowing, hand-cutting, selective pruning and herbicide applications, as described in Section 6 of the VMP). Natural control is the process of working with the cycles of plant succession and interspecies competition to facilitate the spread and stabilization of early succession plant communities that discourage the establishment of taller, woody vegetation. Natural controls are the result of the conscientious, selective use of mechanical and chemical controls. All three

controls depend upon each other in a continuous cycle that employs the unique advantages of each.

The cultural component of the IVM program is not technically a control method. Cultural controls are recognizing and managing landscape changes along the right-of-way that prescribe the choice of IVM techniques and adapting or limiting the specific control methods to suit the management situation. These are areas of a right-of-way in which geologic, geographic, climactic, environmental and legal factors along with economic, agricultural, social and recreational uses of the landscape affect the application of IVM management techniques to the existing vegetation.

Within an IVM program, inspections, timing of applications and avoiding fixed schedules maximizes control while minimizing herbicide use. The rights-of-way scheduled for mechanical and chemical treatments in 2024 have incompatible vegetation heights that average from six to ten feet and/or low to moderate densities. Where herbicides are applied by trained, licensed and certified applicators using hand held equipment, applicators will walk to each incompatible plant and apply the minimal effective amount of herbicide (selective herbicide applications).

Mechanical control methods will be used where regulatory, cultural and/or National Grid policy restrictions require hand cutting and/or mowing, including but not limited to the following situations:

1. All vegetation over 12 feet in height will be cut or mowed and when appropriate the stumps treated with herbicides to prevent re-sprouts.
2. All conifers less than two feet in height are not treated.
3. Non sprouting conifers taller than two feet are hand-cut or mowed without herbicides applied to the stumps.
4. Pitch Pine stumps which re-sprout are cut and treated with herbicides.

5. Hand cutting and/or mowing are used in “no-spray” *sensitive areas* (see Appendix 6).
6. Mowing and/or hand cutting are used in areas where easement, National Grid policy and/or landowner agreements preclude herbicide applications.
7. Right-of-way sections devoid of trees: areas where compatible, low growing, shrubs, ferns and grasses make up the vegetative cover; wet areas where a high water table prevents trees from growing; and areas where land use prevents the establishment of trees are not treated with herbicides.

4. IDENTIFICATION OF INCOMPATIBLE TARGET VEGETATION

The primary target “pest” on an electric right-of-way is woody vegetation, primarily trees that are capable of interrupting the safe delivery of energy products to our customers. Other incompatible vegetation includes dense woody vegetation, vines, noxious, nuisance and poisonous vegetation, and all vegetation that interferes with access around structures, access roads & trails, substations and anywhere in which vegetation prevents access to the right-of-way for inspections, maintenance, repairs and emergency access to the lines.

With a few exceptions, all incompatible species will be removed or controlled during a treatment operation. Within the cleared width of the right-of-way, all incompatible species, except conifers less than two feet tall, will be removed or controlled.

Tree species are identified as woody plants that mature at heights exceeding 15 feet. These trees must be removed because they are capable of growing tall enough to grow into or fall onto the lines. In rare isolated instances, such as in steep ravines and on severe slopes, the electric lines are high enough off the ground so that mature trees will not interfere with the operation of the line and, therefore, trees may be left.

Except in no-spray sensitive areas (see Section 5), hardwoods over 12 feet tall are hand cut and the stumps treated with herbicides. Hardwoods less than 12 feet tall

and woody plant species that present safety problems are treated with herbicides using either low volume foliar or basal application methods. As mentioned above, Pitch Pine is the only conifer species treated with herbicides.

Trees that need to be removed will be identified visually by trained treatment crews and include, but are not limited to:

Ash	Cherry	Maple
Aspen	Hemlock	Oak
Beech	Pine	Willow
Birch	Poplar	

All woody vegetation (trees, shrubs, vines) on or encroaching upon existing roads or pathways or immediately adjacent to line structures or equipment will be treated by mechanical or herbicide control methods. If no access along the right-of-way exists, a pathway will be created and maintained in a suitable location by treating all woody vegetation within the selected route. Woody vegetation must be treated in these areas to ensure access to and along the right-of-way, and access to line structures for safe and efficient inspection, maintenance, and repair operations.

Other plant species to be controlled include shrub and vine species and vegetation that because of heavy thorn growth or dermal toxicity may be hazardous including, but not limited to:

Alder	Grapevines	Poison Ivy
Bittersweet	Greenbriar	Sumac (poison)
Blackberry	Hawthorne	Viburnums
Buckthorn	Japanese Knotweed	Virginia Creeper
Bush Honeysuckle	Multiflora Rose	Winterberry

Not all vegetation on the right-of-way are considered incompatible species, in fact, most species are compatible. Compatible plant species that provide the natural controls in our IVM program include, but are not limited to:

Azaleas	Mountain Holly	Spirea
Buttonbush	Mountain Laurel	Sumac
Chokeberry	Privet	Sweet Fern
Common Juniper	Rhododendron	Sweet Pepperbush
Dogwoods	Sedges	Viburnums
High & Low Bush Blueberries	Shadbush	Ferns
Huckleberry	Sheep Laurel	Grasses & Herbaceous sp.

For a complete list of compatible vegetation species and incompatible vegetation species refer to Appendix 7.

5. SENSITIVE AREAS

The general definition of sensitive areas regulated by 333 CMR 11.04 is as follows:

...any areas within Rights-of-way, including No-Spray and Limited-Spray Areas, in which public health, environmental or agricultural concerns warrant special protection to further minimize risks of unreasonable adverse effects.

National Grid also has its own designated sensitive areas including landowner agreements and easement restrictions. Protecting these sites is accomplished by defining specific areas and establishing limited spray and no-spray areas and treatment restrictions within these borders based on the sensitivity of each site and the requirement to minimize any unreasonable adverse impacts within that area.

Sensitive areas regulated by 333 CMR 11.00 include the following:

Water Supplies:

- Zone I's
- Zone II's
- IWPA's (Interim Wellhead Protection Areas)
- Class A Surface Water Sources
- Tributaries to a Class A Surface Water Source
- Class B Drinking Water Intakes
- Private Wells

Surface Waters:

- Wetlands
- Water Over Wetlands
- The Mean Annual High Water Line of a River
- The Outer Boundary of a Riverfront Area
- Certified Vernal Pools

Cultural Sites:

- Agricultural Areas
- Inhabited Areas

Wildlife Areas:

- Certified Vernal Pool Habitat
- Priority Habitat

These sensitive areas consist of no-spray areas in which herbicide use is prohibited, larger limited spray areas where herbicide use is allowed under certain conditions, and/or areas that require special treatment recommendations. Appendix 6 includes diagrams and a table detailing these conditions. Treatment in limited spray areas requires the use of herbicides from the *Sensitive Area Materials List* and application restrictions in 333 CMR 11.04 or in the case of Priority Habitat of State-listed species, approval of the YOP by the Natural Heritage and Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries & Wildlife.

For the purpose of identification, sensitive areas are also separated into readily identifiable in the field and not readily identifiable in the field designations:

1. Sensitive areas “readily identifiable in the field” will be treated and marked according to all applicable restrictions listed in 333 CMR 11.00 and National Grid’s VMP. These areas include but are not limited to rivers and streams, surface waters, wetlands, inhabited areas, agricultural areas and road buffers.

2. Sensitive areas “not readily identifiable in the field” are identified by the use of the data marked on our maps and additional data collected in the YOP and notification processes before the time of treatment. These areas include, but are not limited to public ground water supplies, public surface water supplies and tributaries, private wells, Priority Habitats, certified vernal pools, landowner agreements and easement restrictions.

Sensitive areas will be identified using the appropriate resources and methods from the following list (some of which are already included in National Grid’s records):

1. National Grid right-of-way maps, records and institutional knowledge,
2. Massachusetts Department of Environmental Protection water supply maps and/or GIS mapping layers available through MassGIS,
3. MDAR, Municipal Board of Health maps and lists, and National Grid records of identified private wells along the right-of-way,
4. Correspondence, meetings and input from municipalities within the 45 day YOP and 21 day municipal right-of-way notification letter review and comment periods and the 48 hour newspaper notification (under 333 CMR 11.06 & 11.07 and Chapter 85 of the Acts of 2000),
5. Correspondence and meetings resulting from National Grid's abutter notification procedure,
6. A point person who verifies identified sensitive areas and any additional areas that may require special precautions,
7. United States Geological Survey (USGS) topographical maps,
8. Information from contractor’s knowledge and records,
9. Information from MassGIS,
10. Confidential information from NHESP, and
11. A copy of the YOP and VMP.

As appropriate, sensitive areas will be identified and marked in the field by either National Grid personnel, trained and experienced vegetation management contract personnel, and/or by individuals trained in the identification of sensitive areas.

Priority Habitat of State-Listed Species

In compliance with 321 CMR 10.14, Massachusetts Endangered Species Act Regulations, Part II Exemptions, National Grid has submitted this YOP for approval by the NHESP.

Under the approval process, details about the Priority Habitat of State-listed species that our activities might affect and management recommendations are shared with National Grid under strict confidentiality agreements. Using this data and best management practices, National Grid and contract personnel will follow the appropriate vegetation management treatment methods within these sensitive areas. To identify Priority Habitats, National Grid and vegetation management contract personnel are trained to recognize Priority Habitats using one of the following tools: paper maps, GPS coordinates and/or GIS systems. Particularly sensitive State-listed species will be reviewed and identified in the field for protection by NHESP approved biologists.

Treatment of Wetlands

Pursuant to 333 CMR 11.04(4)(c) based upon the results of two right-of-way wetland impact studies, the Massachusetts Department of Food and Agriculture (now MDAR) in consultation with the Department of Environmental Protection and the Right-of-way Advisory Panel, made a determination that utilities may treat incompatible plant species, except pines, selectively with herbicides in wetlands, under the guidance of an IVM program and with sensitive area approved herbicides except within ten feet of standing or flowing water.

6. DESCRIPTION OF MAP(S) LOCATING THE RIGHTS-OF-WAY

YOP map(s) locating the right(s)-of-way and sensitive areas not readily identifiable in the field will be sent to the appropriate municipal officials.

The maps will include the most current data available at the time of printing. To ensure that applicable sensitive areas are identified on the maps, National Grid is requesting municipal verification of areas currently mapped and the identification of any areas not mapped.

The maps are resources and a tool for the public and vegetation management crews, therefore, they contain the data needed to identify, mark and treat sensitive areas appropriately. At the time of treatment, additional sensitive area information that is collected will be added to the information utilized by National Grid's vegetation management contractors. Please note that Zone II's are included on the maps, however, National Grid only uses herbicides approved for use within this type of limited spray sensitive area.

7. PROPOSED HERBICIDES, CARRIERS, ADJUVANTS and RATES

Only Commonwealth of Massachusetts recommended herbicides for use in sensitive areas will be used on the full length and width of National Grid's right-of-way corridors. National Grid may utilize any materials noted in the Rights of Way Sensitive Area Materials List (<https://www.mass.gov/info-details/rights-of-way-sensitive-area-materials-list>). Current proposed herbicide labels are in Appendix 8 and herbicide fact sheets developed and/or approved by MDAR are in Appendix 9.

The following tables outline the proposed herbicides, tank mixes, application methods and estimated application rates:

Table 1: Tank Mixes for Low Volume Foliar Applications				
Herbicides & Adjuvants	Active Ingredient	EPA Registration Number(s)	Mix Concentration (per 100 gals. Water)	Estimated Application Rate of Active Ingredient Per Acre
Krenite S*	Ammonium Salt of Fosamine	42750-247	6-10%	32-128 oz.
Escort XP or Patriot	Metsulfuron-Methyl	432-1549 or 228-391	2-4 oz.	0.125-0.8 oz.
Rodeo, Aquaneat, Roundup Pro, or Roundup Custom, Ranger Pro, GlyphoMax Plus	Glyphosate	62719-324, 228-365 524-475, 524-343, 524-517, 62719-322	3-5%	16-128 oz.
Arsenal Powerline, or Polaris**	Isopropylamine salt of Imazapyr	241-431 228-534	0.125%-1%	2-8 oz.
Milestone	Triisopropanolammonium salt of 2-pyridine	62719-519	0.1-0.5%	4-7 oz.
	carboxylic acid			
Vastlan***	Triclopyr choline acetic acid, choline salt	62719-687	2-7%	16-128 oz.
Induce, Cleancut, or Aqua Fac or other equivalent surfactant****	not applicable	not applicable	0.125%-1%	1-16 oz.
Thinvert (carrier)*****	Mixed with:	62719-324	per label rate	5 gal.
	Rodeo (Glyphosate)			
	Polaris (Imazapyr)	228-534		
	Escort XP (Metsulfuron-Methyl)	352-439		
	Milestone	62719-519		
Point Blank or other drift retardant	not applicable	not applicable	6-16 oz.	1-2 oz.
Carrier: Water	not applicable	not applicable	not applicable	not applicable
* Rodeo or Krenite S are often applied in combination with Escort and Arsenal Powerline or Polaris.				
** Imazapyr will not be applied on the same right-of-way in two consecutive years.				
***Vastlan will only be utilized if the product is added in 2024 to the MA ROW Sensitive Area Materials List				
**** Equivalent surfactants, drift retardants and basal oils will only be used in case those				
listed are no longer available or more effective alternatives become available.				
***** Will be mixed in accordance with manufacturer's label.				

Table 2: Tank Mixes for Cut Stump Treatment (CST) Applications

Herbicides & Adjuvants	Active Ingredient	EPA Registration Number(s)	Concentration (per 100 gals. Water)	Application Rate of Active Ingredient Per Acre
Rodeo, Aquaneat, Roundup Pro, or Roundup Custom	Glyphosate	62719-324, 228-365 524-475, 524-343	40%-50%	Per density of target stems
Garlon 4 Ultra	Triclopyr	62719-527	15%-30%	0.5-3 pints
Arsenal Powerline or Polaris**	Isopropylamine salt of Imazapyr	241-431 228-534	3%-5% (mixed with Rodeo)	Per density of target stems
Carriers: Water or Windshield Washing Fluid	not applicable	not applicable	not applicable	not applicable

** Imazapyr will not be applied on the same right-of-way in two consecutive years.

Table 3: Tank Mixes for Low Volume Basal Applications

Herbicides & Adjuvants	Active Ingredient	EPA Registration Number(s)	Mix Concentration (per 100 gals. Water)	Application Rate of Active Ingredient Per Acre
Garlon 4 Ultra	Triclopyr	62719-527	15%-30%	0.5-3 pints
Arsenal, Poweline or Polaris**	Isopropylamine salt of Imazapyr	241-431 228-534	3%-5%	Per density of target stems
Carrier: Arborchem's low odor basal oil or equivalent	not applicable	not applicable	70%-85%	24-144 oz.

Table 4: Tank Mixes for Dormant Stem Applications

Herbicides & Adjuvants	Active Ingredient	EPA Registration Number(s)	Mix Concentration (per 100 gals. Water)	Application Rate of Active Ingredient Per Acre
Garlon 4 Ultra	Triclopyr	62719-527	2%	Per density of target stems
Arsenal Powerline or Polaris	Isopropylamine salt of Imazapyr	241-431 228-534	0.5	6 pints per acre or less
Milestone	Triisopropanolammonium salt of 2-pyridine carboxylic acid	62719-519	0.33%	7 oz/acre or less
Carrier: Arborchem's low odor basal oil or equivalent	Not applicable	Not applicable	2-4%	Per density of target stems

Table 5: Tank Mixes for Tree Growth Regulator Applications

Herbicides & Adjuvants	Active Ingredient	EPA Registration Number(s)	Mix Concentration (per 100 gals. Water)
Cambistat	Paclobutrazol	74779-3	9.10%
Induce, Cleancut, or Aqua Fac or other equivalent surfactant****	not applicable	not applicable	.125-1%

8. PROCEDURES AND LOCATIONS FOR HANDLING, MIXING, AND LOADING HERBICIDE CONCENTRATES

National Grid retains independent contractors to accomplish all aspects of handling, mixing, and loading herbicide concentrates. As a contractual term, contractors are required to comply with all applicable laws, regulations, and rules pertaining to handling, mixing, and loading herbicide concentrates.

The majority of the handling, mixing, and loading of herbicide concentrates is done at the contractor's base location. If it is necessary to handle, mix, or load herbicide concentrates at any other location, the contractor is required to comply with herbicide label directions and existing regulations regarding setbacks from Sensitive Areas and safety precautions.

However, National Grid does expect that at a minimum, the following standards will be followed:

1. No handling, mixing, or loading of herbicide concentrates will be done on a right-of-way in the following situation:
 - a. within the buffer zones adjacent to any drinking water supplies or surface water,
 - b. within 100 feet of any other Sensitive Area.
2. All water to be used mixing herbicide solutions will be secured from a faucet or open bodies of water, that are not drinking water supplies.
3. If pumps are used they must be equipped with anti-siphoning devices.
4. Pumps and hoses used for water will not be used to pump or mix herbicides.

9. INDIVIDUALS SUPERVISING THE YOP

Overall supervision of the YOP will be performed by:

Mariclaire Rigby
Principal Specialist
939 Southbridge Street
Worcester, MA 01610
(781) 290-8310

The New England Lead Vegetation Strategy Specialist is ultimately responsible for the preparation and implementation of this YOP including: work scheduling, procurement of necessary permits, municipal notifications, local and state officials, or other interested parties, and for ensuring overall compliance with the VMP and this YOP.

Coordination of the field application of the YOP, including prescription of herbicides, general application methods for each right-of-way, and contractor selection will be performed by National Grid Vegetation Operations:

Seth Bernatchez	Jonathan Duval	Eric George
Director	Forestry Supervisor	Forestry Supervisor
164 Viscoloid Ave	1250 Brayton Point Rd	1101 Turnpike St
Leominster, MA 01453	Somerset, MA 02725	North Andover, MA 01845
(978) 725-1493	(978) 840-3816	(978) 725-1046

10. CONTRACTORS THAT WILL PERFORM HERBICIDE TREATMENTS

National Grid retains independent, professional, experienced contractors to perform the treatment applications. The contractor's supervisors and foremen are responsible for: field level implementation of this YOP, coordinating and observing the daily activities of the treatment crews, providing liaison between National Grid and landowners, local officials or other interested parties, and ensuring compliance with the VMP and YOP.

The following contractors may perform herbicide applications on National Grid's rights-of-way:

Lewis Tree Service, Inc.	Stanley Tree	Vegetation Control Service, Inc.	Davey Tree Expert Co.
300 Lucius Gordon Drive	662 Great Road	2342 Main Street	1500 N Mantua St
West Henrietta, NY 14586	North Smithfield, RI 02896	Athol, MA 01331	Kent, OH 44240
(585) 436-3208	(401) 765-4677	(978) 249-5348	800-445-8733
Lucas Tree Experts	BluRoc	North Eastern Tree Service	Rainbow Treecare
12 Northbrook Drive	15 Atwood Dr, Suite 301	1000 Pontiac Ave	11571 K-Tel Dr.
Falmouth, ME 04105	Northampton, MA 01060	Cranston, RI 02920	Minnetonka, MN 55343
(800) 339-8873	(413) 887-3653	(401) 941-7204	952-922-3810

11. REMEDIAL SPILL AND EMERGENCY PLAN

This section is offered as a general procedural guide for responding to chemical spills or related accidents (related accidents include, but are not limited to fire, poisoning and vehicle accidents). National Grid contracts with independent, professional, certified herbicide applicators that are responsible for the containment, clean up and reporting of chemical spills or accidents. The following is, therefore, only a guide to the minimum resources that shall be available to the treatment crew in the event of a chemical spill or emergency:

Types of Chemical Spills that Require Action

Chemicals include, but are not limited to the following:

- | | |
|--|--|
| <input type="checkbox"/> <input type="checkbox"/> Herbicides | <input type="checkbox"/> <input type="checkbox"/> Diesel Fuel |
| <input type="checkbox"/> <input type="checkbox"/> Bar and Chain Oil | <input type="checkbox"/> <input type="checkbox"/> Gasoline |
| <input type="checkbox"/> <input type="checkbox"/> Motor and Hydraulic Oil/Fluids | <input type="checkbox"/> <input type="checkbox"/> Title 3 Hazmat Materials |

Required Spill Response Equipment

As a minimum, the treatment crew should have available on the job site:

- | | |
|--|--|
| <input type="checkbox"/> YOP with Emergency Contact List | <input type="checkbox"/> Shovel |
| <input type="checkbox"/> Safety Data Sheets (SDS) | <input type="checkbox"/> Broom |
| <input type="checkbox"/> Product Label | <input type="checkbox"/> Flagging |
| <input type="checkbox"/> Product Fact Sheets (when applicable) | <input type="checkbox"/> Leak Proof Container |
| <input type="checkbox"/> Appropriate Absorbent Material | <input type="checkbox"/> Heavy-duty Plastic Bags |

Personal Contact

In the event of **Personal Contact** with hazardous chemicals:

- ☐ Wash affected area with plenty of soap and water
- ☐ Change clothing which has absorbed hazardous chemicals
- ☐ If necessary, contact a physician
- ☐ If necessary, contact the proper emergency services
 - ☐ If necessary, follow the procedures for Reportable or Non-Reportable Spills as outlined below
- ☐ Avoid breathing the fumes of hazardous chemicals.

Clean-up Procedures

Education and attention will constantly be directed at accident and spill prevention, however, in the event of an unfortunate incident, a spill response check list is included below (Table 8) which can be filled out and used as a procedural guide.

Reference Tables (information subject to change as necessary)

Table 6: Herbicide Manufacturers

MANUFACTURER	PHONE NUMBER
Albaugh Inc.	800-247-8013
Bayer Environmental Science	800-334-7577
BASF Corporation	800-832-4357
Corteva	800-992-5994
Nufarm	877-325-1840
Rainbow Treecare	877-272-6747

Table 7: State Agencies

State Agency	Telephone Number	Special Instructions
MDAR, Pesticide Bureau	(617) 626-1700	A.S.A.P. (within 48 hours)
Massachusetts Department of Environmental Protection, Emergency Response Section	Emergency Response Coordinator: (617) 292-5507	For emergencies involving reportable quantities of hazardous materials, call within 2 hours.
	Southeast Region: (508) 946-2700	<u>Required info:</u> City/town, street address, site name (if applicable), material, quantity released, environment impact
	Northeast Region: (978) 694-3200	
	Central Region: 508) 792-7650	
	Western Region: (413) 784-1100	
Massachusetts Poison Information Centers	800-682-9211	For medical emergencies involving suspected or known pesticide poisoning symptoms

Table 8: Emergency Services

Emergency Service	Telephone Number	Special Instructions
Massachusetts State Police	(508) 820-2121	Framingham, after hours number
Local Police/Fire Dept	911	
ChemTrec	(800) 424-9300	
Clean Harbors	(800) OIL-TANK	
Pesticide Hotline	(800) 858-7378	PST: 5:30 am - 4:30 pm web:www.NPIC.orst.edu

Table 9: National Grid Contacts in the case of a spill or accident

Name	Telephone Number	Address
Jonathan Duval	(508) 730-4007	National Grid 1250 Brayton Point Rd Somerset, MA 02725
Eric George	(978) 725-1046	National Grid 1101 Turnpike Street North Andover, MA 01845
Seth Bernatchez	(978) 725-1493	National Grid 164 Viscoloid Ave Leominster, MA 01453

Table 10: Remedial Plan to Address Spills**REPORTABLE SPILLS**

(Spills of a reportable quantity of material, in accordance with 310 CMR 40.0000):

FOLLOW STEPS 1-11 and contact the National Grid Transmission Forester

NON-REPORTABLE SPILLS

FOLLOW STEPS 1 - 4, 7 - 11 and contact the National Grid Transmission Forester

Order	ACTION		Done (v)
1	Use any and all PPE as directed by product label or SDS.		
2	Cordon-off spill area to unauthorized people and traffic to reduce the spread and exposure of the spill.		
3	Identify source of spill and apply corrective action, if possible stop or limit any additional amount of spilled product.		
4	Contain spill and confine the spread by damming or diking with soil, clay or other absorbent materials.		
5	Report spill of "reportable quantity" to the Massachusetts DEP and DAR:		
	Massachusetts MDAR, Pesticide Bureau	(617) 626-1700	
	Massachusetts Department of Environmental Protection, Emergency Response Section (appropriate region)	See Table 5	
6	If the spill cannot be contained or cleaned-up properly, or if there is a threat of contamination to any bodies of water, immediately contact any of the following applicable emergency response personnel:		
	Local fire, police, rescue	911	
	National Grid Transmission Forester	See Table 7	
	Product Manufacturer(s)	See Table 6 and/or Herbicide Label (Appendix 8)	
	ChemTrec	(800) 424-9300	
	Additional Emergency Personnel		
	If there is a doubt as to who should be notified, contact Massachusetts State Police.	(508) 820-2121 or 911	
7	Remain at the scene to provide information and assistance to responding emergency clean-up crews.		
8	Refer to the various sources of information relative to handling and clean up of spilled product.		
9	If possible, complete the process of "soaking up" with absorbent materials.		
10	Sweep or shovel contaminated products and soil into leak proof containers for proper disposal at approved location.		
11	Spread activated charcoal over spill area to inactivate any residual herbicide.		

APPENDIX 1

33 CMR 11.00 RIGHTS-OF-WAY MANAGEMENT

333 CMR 11.00: RIGHTS OF WAY MANAGEMENT

Section

11.01	Purpose
11.02	Definitions
11.03	General Provisions
11.04	Sensitive Area Restrictions
11.05	Vegetation Management Plan (VMP)
11.06	Yearly Operational Plan (YOP)
11.07	Public Notification
11.08	Notice of Modification and Revocation
11.09	Right-of-Appeal
11.10	Penalties
11.11	Rights-of-Way Advisory Panel

11.01: Purpose

The purpose of 333 CMR 11.00 is to establish a statewide and uniform regulatory process which will minimize the uses of, and potential impacts from herbicides in rights-of-way on human health and the environment while allowing for the benefits to public safety provided by the selective use of herbicides. Specific goals of 333 CMR 11.00 are to:

1. Ensure that an Integrated Pest Management (IPM) approach to vegetation management is utilized on all rights-of-way covered by 333 CMR 11.00.
2. Establish standards, requirements and procedures necessary to prevent unreasonable risks to humans or the environment, taking into account the economic, social and environmental costs and benefits of the use of any pesticide.
3. Ensure ample opportunity for public and municipal agency input on potential impacts of herbicide application to rights-of-way in environmentally sensitive areas.
4. Establish a mechanism for public and municipal review of rights-of-way maintenance plans.

11.02: Definitions

For the purposes of 333 CMR 11.00, unless the context clearly requires otherwise, the following definitions shall apply:

Agricultural Area includes, but is not limited to, actively cultivated gardens, greenhouses, orchards, fields, pastures, and other areas under cultivation or agricultural management.

Applicant, any person representing any federal, state or local government or agency, utility, railroad or pipeline, that intends to maintain a right-of-way in the Commonwealth by application of herbicides.

Associated Surface Water Body, as identified on the most current available maps prepared by the Department of Environmental Protection, any body of water that is hydrologically connected to a Class A surface water source.

Ballast, the coarse gravel or crushed rock on which the ties, tracks and switching, signaling and communication devices of a railroad are laid.

Broadcast, any non-selective herbicide application technique which results in application to all vegetation within a target area.

Certified Vernal Pool, a confined basin depression, certified and mapped by NHESP pursuant to the provisions of 310 CMR 10.57(2)(a)5,6, which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, and which is free of adult fish populations.

Certified Vernal Pool Habitat, that vernal pool habitat which has been certified and mapped by NHESP pursuant to the provisions of 310 CMR 10.57(2)(a)5,6 or, in the event that such habitat has not been mapped, the area extending 100 feet horizontally outward from the boundary of any Certified Vernal Pool.

Class A Waters, waters which are designated as a source of public water supply, as defined in 314 CMR 4.05(3)(a).

Class B Drinking Water Intakes, intakes to Class B waters suitable as sources of public water supply with appropriate treatment, as defined at 314 CMR 4.05(3)(b) and as identified on the most current available maps prepared by the Department of Environmental Protection.

Department, the Department of Agricultural Resources.

FIFRA, the Federal Insecticide, Fungicide and Rodenticide Act, Public Law 92- 516.

Foliar Treatment, any technique which applies herbicide to leaves of target vegetation.

Inhabited Area, any area where people generally live, work or gather, including, but not limited to, any residence, school, hospital, park or recreational facility.

Interim Wellhead Protection Area (IWPA), for public water systems using wells or well fields that lack a Department of Environmental Protection-approved Zone II, an interim wellhead protection area, as that term is defined in the Massachusetts drinking water regulations, 310 CMR 22.02, and as identified on the most current available maps prepared by the Department of Environmental Protection, shall apply. Generally, this is a 1/2- mile radius for sources whose approved pumping rate is 100,000 gallons per day or greater. For smaller sources, the radius in feet is determined by multiplying the approved pumping rate in gallons per minute by 32 and adding 400.

Limited Application Waiver, a waiver from the requirements of 333 CMR 11.05 and 11.06, granted at the Department's sole discretion pursuant to 333 CMR 11.03(14), when the reason for the application is emergency public health or safety or when the application is for one time only.

Limited Spray Area, any area that is both within a Right-of-Way and within:

- (a) any Zone II or IWPA
- (b) a distance of between 100 feet and 400 feet of any Class A Surface Water Source
- (c) a distance of between 10 and 200 feet of any tributary or associated surface water body where the tributary or associated surface water body runs outside the Zone A for the Class A surface water source
- (d) a lateral distance of between 100 and 200 feet for 400 feet upstream, on both sides of the river, of a Class B Drinking Water Intake
- (e) a distance of between 50 and 100 feet of any identified Private Well
- (f) a distance of between 10 and 100 feet of any Wetlands or Water Over Wetlands
- (g) a distance of between 10 feet from the mean annual high water line of any river and the outer boundary of the Riverfront Area
- (h) a distance of between ten feet from any Certified Vernal Pool and the outer boundary of any Certified Vernal Pool Habitat
- (i) a distance of 100 feet of any Agricultural or Inhabited Area.

Low Pressure, pressure under 60 pounds per square inch (psi).

Maps, United States Geological Survey maps of scale 1:25,000 or other maps, as determined by the Department, which are of such accuracy and scale to provide sufficient detail so that sensitive areas can be delineated.

NHESP, the Natural Heritage and Endangered Species Program within the Massachusetts Division of Fisheries and Wildlife.

No-Spray Area, any area that is both within a Right-of-Way and within:

- (a) any Zone I
- (b) 100 feet of any Class A Surface Water Source
- (c) 100 feet of any tributary or associated surface water body where the tributary or associated surface water body runs within 400 feet of a Class A surface water source
- (d) 10 feet of any tributary or associated surface water body where the tributary or associated surface water body is at a distance greater than 400 feet from a Class A surface water source
- (e) a lateral distance of 100 feet for 400 feet upstream, on both sides of the river, of a Class B Drinking Water Intake
- (f) 50 feet of any identified Private Well
- (g) 10 feet of any Wetlands or Water Over Wetlands
- (h) 10 feet of the mean annual high-water line of any river
- (i) 10 feet of any Certified Vernal Pool.

Person, an individual, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or its political subdivisions, administrative agencies, public or quasi-public corporation or body, or any other

legal entity or its legal representatives, agent or assignee, or a group of persons.

Person Aggrieved, any person who, because of an act or failure to act by the Department may suffer an injury in fact which is different either in kind or magnitude from that suffered by the general public and which is within the scope of the interests identified in 333 CMR 11.00. Such person must specify in writing sufficient facts to allow the Department to determine whether or not the person is in fact aggrieved.

Private Well, any private drinking water supply identified by the local Board of Health, the well owner or the Department of Agricultural Resources.

Private Well Registry, a registry of private wells located within 100 feet of a right-of-way which is maintained by the Department of Agricultural Resources. Homeowners must notify the Department by completing a registration form which is available directly from the Department or online at the Department website.

Public Ground Water Source, a source of water for a Public Water Supply System, as that term is defined in the Massachusetts drinking water regulations at 310 CMR 22.02.

Public Water Supplier, as defined at 310 CMR 22.02(1), any person who owns or operates a public water supply system.

Right(s)-of-Way (ROW), any roadway, or thoroughfare on which public passage is made and any corridor of land over which facilities such as railroads, powerlines, pipelines, conduits, channels or communication lines or bicycle paths are located.

Rights-of-Way Advisory Panel, a panel established to advise the Department on issues relating to 333 CMR 11.00 and to fulfill specific functions as detailed within 333 CMR 11.05 and 11.11.

River, a river as defined at 310 CMR 10.04 and as identified on the most current available maps prepared by the Department of Environmental Protection.

Riverfront Area, a riverfront area as defined at 310 CMR 10.58(2) and as identified on the most current available maps prepared by the Department of Environmental Protection. In general, this term shall mean the area between the mean annual high-water line of a perennially flowing river and a parallel line 200 feet away.

Selective Application, any application of herbicides, in such a manner that the delivery to the target vegetation is optimized and delivery to non-target vegetation and the environment is minimized.

Sensitive Areas, as defined in 333 CMR 11.04, any areas within Rights-of-Way, including No-Spray and Limited-Spray Areas, in which public health, environmental or agricultural concerns warrant special protection to further minimize risks of unreasonable adverse effects.

State-listed Species, any species on the Massachusetts list of Endangered, Threatened, and Special Concern Species as described in the Massachusetts Endangered Species Act (M.G.L. c. 131A; 321 CMR 10.02).

State-listed Species Habitat, the Estimated Habitats of Rare Wildlife (310 CMR 10.59 and 10.37) and the Priority Habitats for State-listed Species (321 CMR 10.02) as shown on the most recent edition of the Massachusetts Natural Heritage Atlas prepared by NHESP.

Stem Treatment, any technique including, but not limited to, stump, basal, stem, injection, banding, frill, or girdle and any other technique which delivers herbicide at low pressure to the stump, base or stem of the target vegetation.

Surface Water Source, any lake, pond, reservoir, river, stream or impoundment designated as a public water supply in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00, as identified on the most current available maps prepared by the Department of Environmental Protection.

Target Vegetation, any plant species which has the potential to interfere with the operation and safety of the right-of-way.

Touch-up Application, any limited application of herbicides following an initial treatment, which is necessary to achieve the desired vegetation control.

Tributary, as identified on the most current available maps prepared by the Department of Environmental Protection, any body of running, or intermittently running, water which moves in a definite channel, naturally or artificially created, in the ground due to a hydraulic gradient, and which ultimately flows into a Class A surface water source, as defined in 314 CMR 4.05(3)(a).

Vegetation Management Plan (VMP), a long term management plan for the applicant's right-of-way system which describes the intended program for vegetation control over a five year period.

Vernal Pool, see Certified Vernal Pool.

Water Over Wetlands, the ocean or any estuary, lake or pond as defined at 310 CMR 10.04.

Wetland(s),
any of the following areas as defined in 310 CMR 10.02(1)(a), (b), (c) and (f):

- | | |
|-------------------------|---------------------|
| (a) Any bank, | the ocean |
| any freshwater wetland, | any estuary |
| any coastal wetland, | any creek |
| any beach, | bordering any river |
| any dune, | on any stream |
| any flat, | any pond |
| any marsh, | or any lake |
| or any swamp | |

- (b) Land under any of the water bodies listed above
- (c) Land subject to tidal action
- (f) Riverfront area.

Wetlands Determination, a written determination of the boundaries of Wetlands and boundaries of areas within 100 feet of Wetlands in accordance with the regulations of the Department of Environmental Protection (DEP) at 310 CMR 10.05(3)(a)1. and 2.. 310 CMR 10.03(6)(b) require applicants not eligible for a public utility exemption to submit these determinations with their VMPs if they will apply herbicides within 100 feet of wetlands and will not submit a Notice of Intent under M.G.L.c. 131, §40, the Wetlands Protection Act. In order to obtain a Wetlands Determination, the applicant should submit a request to the conservation commission on maps of a scale that will enable the conservation commission or Department of Environmental Protection to find and delineate the boundaries of Wetlands and buffer zones within the vicinity of the right-of-way herbicide management area. To be considered “valid”, the Wetlands Determination should be made no sooner than six months immediately prior to the submission of the Vegetation Management Plan. The Wetlands Determination shall cover the period of the Vegetation Management Plan only and shall expire at the end of the five year period of that Vegetation Management Plan.

Yearly Operational Plan (YOP), the yearly operational plan which describes the detailed vegetation management operation for the calendar year consistent with the terms of the long term Vegetation Management Plan.

Zone A, as identified on the most current available maps prepared by the Department of Environmental Protection, the protective land area for a Surface Water Source, Class A water source, Tributary, or Associated Surface Water Body defined in 310 CMR 22.02 as:

- (a) the land area between the Class A surface water source and the upper boundary of the bank;
- (b) the land area within a 400 foot lateral distance from the upper boundary of the bank of a Class A surface water source, as defined in 314 CMR 4.05(3)(a); and
- (c) the land area within a 200 foot lateral distance from the upper boundary of the bank of a Tributary or Associated Surface Water Body.

Zone I, as identified on the most current available maps prepared by the Department of Environmental Protection and as defined at 310 CMR 22.02, the protective radius required around a public water supply well or wellfield. For public water system wells with approved yields of 100,000 gallons per day (gpd) or greater, the protective radius is 400 feet. Tubular wellfields require a 250 foot protective radius. Protective radii for all other public water system wells are determined by the following equation: Zone I radius in feet = $(150 \times \log \text{ of pumping rate in gpd}) - 350$.

Zone II, as identified on the most current available maps prepared by the Department of Environmental Protection and as defined at 310 CMR 22.02, the aquifer recharge area for a public water supply well or wellfield.

11.03: General Provisions

- (1) No person shall use an herbicide for the purpose of clearing or maintaining a right-of-way unless appropriately certified by the Department, or licensed by the Department and working under the on-site supervision of an appropriately certified applicator.
- (2) No person shall use an herbicide for the purpose of clearing or maintaining a right-of-way except in accordance with a Vegetation Management Plan (VMP) and a Yearly Operational Plan (YOP) as approved by the Department. The YOP shall be available at the work site at all times during herbicide applications and be made available to the Department and municipal officials including the Conservation Commission and Board of Health upon reasonable request.
- (3) No person shall handle, mix or load an herbicide concentrate on a right-of-way within 100 feet of a sensitive area.
- (4) The perimeter of any sensitive areas which are not readily identifiable on the ROW shall be identified with a clearly visible marker system, consistent with the VMP, prior to any herbicide application.
- (5) No foliar application of herbicides shall be used to control vegetation greater than 12 feet in height except for side trimming.
- (6) No herbicide shall be applied when the wind velocity is such that there is a high propensity to drift off target and/or during measurable precipitation, and no person shall apply herbicides in such a manner that results in drift into any No-spray Area.
- (7) No person shall apply herbicides by aircraft for the purpose of clearing or maintaining a right-of-way.
- (8) No touch-up applications shall be carried out except under the following conditions:
 - (a) Touch-up applications must occur within 12 months of the initial application.
 - (b) All applicable public notification procedures of M.G.L. c. 132B, § 6B, as outlined in 333 CMR 11.07(1) and (3), are followed.
 - (c) No more than 10% of the initially identified target vegetation on the applicant's right-of-way in any municipality may be treated and the total amount of herbicide applied in any one year shall not exceed the limits specified by the label or Yearly Operational Plan.
 - (d) The Department may impose such additional restrictions or conditions on the use of herbicides as it deems necessary to protect public health and the environment.
- (9) The Department will maintain mailing lists of individuals and groups desiring to obtain notices on various aspects of the Program.

(10) No person shall apply any herbicide identified as a Potential Ground Water Contaminant pursuant to 333 CMR 12.00 to a right-of-way.

(11) No person shall use an herbicide for the purpose of clearing or maintaining a right-of-way unless that person has obtained the most current available map of public ground water sources from the Department of Environmental Protection.

(12) No person shall use an herbicide for the purpose of clearing or maintaining a right-of-way unless that person has done one or more of the following:

- (a) obtained a current list of identified Private Wells within 100 feet of the right-of-way from the Board of Health, or
- (b) obtained a current list of all private wells, within 100 feet of the right of way from the Department of Agricultural Resources private well registry; or
- (c) followed an alternative Private Well identification method outlined in an approved YOP.

(13) The applicator shall provide any employee of any state agency, or authority as defined in M.G.L. c. 3, § 39, when such employee is, within a right-of-way, using pesticides, supervising the use of pesticides, or present during the use of pesticides, with personal protective equipment and clothing. Applicators should note that other federal or state laws or regulations pertaining to pesticide applications may require this personal protective equipment to include protections according to Material Safety Data Sheets (MSDS's), the product label, and any other supporting technical data supplied by the manufacturer.

(14) Notwithstanding the provisions of 333 CMR 11.03(2) or other provisions of 333 CMR 11.00, the Department may, at its sole discretion, issue Limited Application Waivers to applicants wishing to apply herbicides to clear or maintain rights-of-way without VMPs or YOPs, but only under the following conditions:

- (a) The applicant must demonstrate either:
 - 1. that the application will not occur more than once in a five-year period unless a VMP and a YOP are prepared and all other requirements of 333 CMR 11.00 are met; or
 - 2. that the application is necessary to protect public health or safety.
- (b) The applicant must still adhere to all public notification requirements established at 333 CMR 11.07(1) and (3).
- (c) The applicant must provide the Department with a letter establishing the concurrence of the chief elected official or board of selectmen of the municipality where the application is to be made.
- (d) The applicant may only use herbicides on the Department's "Herbicides Recommended for Use in Sensitive Areas List."
- (e) If the application could impact Wetlands, the Department recommends that the applicant send a copy of its application for a Limited Application Waiver to the Department of Environmental Protection's Division of Wetlands and Waterways no less than 21 days before the proposed application.
- (f) It should be noted that, with certain exceptions for public utilities, wetlands regulations at 310 CMR 10.03(6)(b) currently require

Wetlands Determinations prior to any application within 100 feet of a Wetland.

Limited Application Waivers shall be issued solely at the Department's discretion, and the Department may impose such additional restrictions or conditions on the use of herbicides as it deems necessary to protect public health and the environment.

11.04: Sensitive Area Restrictions

(1) General

In any sensitive area:

- (a) No more than the minimum labeled rate of herbicide for the appropriate site, pest, and application method shall be applied.
- (b) Herbicides shall only be applied selectively by low pressure, using foliar techniques or basal or cut-stump applications, or other method approved for use by the Department.
- (c) No person shall apply herbicides for the purpose of clearing or maintaining a right-of-way in such a manner that results in drift to any area within 10 feet of standing or flowing water in a wetland; or area within 400 feet of a public drinking water supply well; or area within 100 feet of any Class A surface water used as a public water supply; or area within 50 feet of a Private Well.
- (d) Only herbicides specified by the Department as acceptable for use in sensitive areas pursuant to the Cooperative Agreement executed between the Department of Agricultural Resources and the Department of Environmental Protection on July 1-2, 1987, or future amendments thereto, shall be used in sensitive areas. Applicants proposing to use an herbicide which has been registered for use on rights-of-way but has not yet been evaluated pursuant to the provisions of the Cooperative Agreement may request that such herbicides be evaluated pursuant to said provisions. For an herbicide that has been evaluated pursuant to the provisions of the Cooperative Agreement, applicants proposing to use such herbicide in a manner inconsistent with the terms and conditions of use imposed in the guidelines may request a modification or waiver of such terms or conditions. A request for such modification or waiver shall provide a detailed rationale for use, with all relevant data including but not limited to environmental fate, efficacy and human health effects of the proposed herbicide. Such herbicides and/or uses shall be subject to the evaluation standards adopted by the Departments of Agricultural Resources and Environmental Protection in the Cooperative Agreement.

Commentary

Applicants not eligible for the public utilities exemption from the Wetlands Protection Act outlined at 310 CMR 10.03(6)(a), who wish to apply pesticides registered for use in Massachusetts to rights-of-way, may choose to apply herbicides determined to be suitable for use in sensitive areas in accordance with the provisions of the Cooperative Agreement mentioned above or, alternatively, such applicants may

proceed pursuant to the provisions of 310 CMR 10.00 as authorized by M.G.L. c. 131, § 40.

- (e) The Department may impose such additional restrictions or conditions on the use of herbicides within or adjacent to sensitive areas as it determines necessary to protect human health or the environment. Such changes may be proposed by a municipal agency or individual during the public comment period.
- (f) In the event of a question or dispute as to which setback applies to a sensitive area, the most restrictive setback shall apply.

(2) Water Supplies

(a) Public Ground Water Sources

- 1. No herbicides shall be applied within a Zone I.
- 2. No herbicides shall be applied within a Zone II or IWPA unless:
 - a. A minimum of 24 months has elapsed since the last application to the site; and
 - b. Herbicides are applied selectively by low pressure, using foliar techniques or basal or cut-stump applications.

(b) Class A Public Surface Water Sources, Associated Surface Water Bodies, Tributaries and Class B Drinking Water Intakes

- 1. No herbicides shall be applied within 100 feet of any Class A public surface water source.
- 2. No herbicides shall be applied within 100 feet of any tributary or associated surface water body located within the Zone A of a Class A public surface water source, or within 10 feet of any tributary or associated surface water body located outside of the Zone A of the Class A public surface water source.
- 3. No herbicides shall be applied within a lateral distance of 100 feet for 400 feet upstream of any Class B Drinking Water Intake.
- 4. No herbicides shall be applied within a distance of between 100 feet from any Class A surface water source and the outer boundary of any Zone A, or within a distance of between 10 feet and the outer boundary of the Zone A for any tributary or associated surface water body located outside of the Zone A of a Class A surface water source, or within a lateral distance of between 100 and 200 feet for 400 feet upstream of a Class B Drinking Water Intake, unless:
 - a. A minimum of 24 months has elapsed since the last application to the site; and
 - b. Herbicides are applied selectively by low pressure, using foliar techniques or basal or cut-stump applications.

(c) Private Wells

- 1. No herbicides shall be applied within 50 feet of an identified Private Well.

2. No herbicides shall be applied within a distance of between 50 feet and 100 feet of an identified Private Well, unless:
 - a. A minimum of 24 months has elapsed since the last application to the site; and
 - b. Herbicides are applied selectively by low pressure, using foliar techniques or basal or cut-stump applications.

(3) State-listed Species Habitat

- (a) Any person proposing to apply an herbicide within any State-listed Species Habitat who does not have a current Yearly Operational Plan approved in writing by the Division of Fisheries and Wildlife pursuant to 321 CMR 10.14(12), shall submit all necessary materials required for review pursuant to 321 CMR 10.18.
- (b) The management of vegetation within existing utility rights-of-way shall be exempt from the requirements of 321 CMR 10.18 through 10.23, provided that the management is carried out in accordance with a Yearly Operational Plan approved in writing by the Division of Fisheries and Wildlife, pursuant to 321 CMR 10.14(12).
- (c) No person shall apply an herbicide within State-listed Species Habitat unless the application is approved by the Division of Fisheries and Wildlife pursuant to 333 CMR 11.04 (3a and 3b), and such approval is submitted to the Department.

(4) Wetlands, Waters Over Wetlands, Riverfront Areas, and Certified Vernal Pools

- (a) No herbicide shall be applied on or within 10 feet of a Wetland or Water Over a Wetland, within 10 feet of the mean annual high-water line of any River, or within 10 feet of any Certified Vernal Pool.
- (b) No herbicide shall be applied on or within a distance of between 10 feet and 100 feet of any Wetland or Water Over a Wetland, within a distance of 10 feet from the mean annual high-water line of any River and the outer boundary of any Riverfront Area, or within a distance of 10 feet from any Certified Vernal Pool and the outer boundary of any Certified Vernal Pool Habitat unless:
 1. A minimum of 12 months has elapsed since the last application to the site; and
 2. Herbicides are applied selectively by low pressure, using foliar techniques or basal or cut-stump applications.
- (c) Notwithstanding 333 CMR 11.04(4) (a) –(b), public utilities providing electric, gas, water, telephone, telegraph and other telecommunication services (and other applicants, if consistent with all relevant provisions of the Massachusetts Wetlands Protection Act and its regulations in effect at the time of application) may apply herbicides on or within 10 feet of a Wetland in accordance with the following conditions:
 1. Submission of a study, the design of which is subject to prior approval by the Departments of Agricultural Resources and Environmental Protection, evaluating impacts of the proposed vegetation management

program utilizing herbicides on or within 10 feet of Wetlands, and comparing those impacts to those which would result if only non-chemical control methods were used in these areas. The study must detail vegetation management practices and use patterns specific to those used by the type of entity submitting the study; and

2. A finding by the Department, after consultation with the Rights-of-Way Advisory Panel, that the proposed vegetation management program utilizing herbicides on or within 10 feet of Wetlands will result in less impacts to the Wetlands than mechanical control.

3. Notwithstanding the above, no herbicides shall be applied on or within ten feet of any standing or flowing water in a Wetland.

(5) Inhabited and Agricultural Areas

No foliar herbicide shall be applied within 100 feet of any Inhabited Area or any Agricultural Area unless:

1. A minimum of 12 months has elapsed since the last application to the site; and
2. Herbicides are applied selectively by low pressure, using foliar techniques or basal or cut-stump applications.

11.05: Vegetation Management Plan (VMP)

(1) General.

(a) Unless otherwise specified by the Department, all VMPs should be submitted by the applicant no later than September 1st prior to the calendar year of the proposed first year of maintenance. All approved VMPs shall be effective for a five year period unless otherwise modified, or revoked by the Department.

(b) The VMP shall be presented on forms and/or format approved by the Department.

(2) Requirements. The VMP shall include, but not be limited to, the following:

- (a) General statement of goals and objectives of the VMP.
- (b) Identification of target vegetation.
- (c) Intended methods of vegetation management and rationale for use, including vegetation control techniques, equipment proposed for use, timing of applications and alternative control procedures.
- (d) Discussion of justification for proposed herbicide applications, including a description of the alternative control methods considered and the reasons that they were rejected.
- (e) Methods, references and sources for identifying sensitive areas and control strategies proposed for sensitive areas. Applicants should note that Department of Environmental Protection regulations at 310 CMR 10.03(6)(b) currently require Wetlands Determinations for applicants that are not eligible for a public utility exemption.
- (f) Operational guidelines for applicators relative to herbicide use.

- (g) Identification and qualifications of individuals developing and submitting a plan.
- (h) A detailed description of the IPM Program, showing how it will minimize the amount and frequency of herbicide application.
- (i) Description of alternative land use provisions or agreements that may be established with individuals, state, federal or municipal agencies that would minimize the need for herbicides, including the rationale for accepting or denying any reasonable request made by any individual.
- (j) Description of a remedial plan to address spills and related accidents.
- (k) For state agencies and authorities as defined in M.G.L. c. 3, § 39, a description of the applicant's policy to eliminate or, if necessary, reduce the use of pesticides for any vegetation management purpose along roadways, and a demonstration that, for the proposed application, the costs of non-chemical vegetation control significantly outweigh the benefits.

(3) Public Notice, Review and Comment.

- (a) Upon receipt of the proposed VMP, the Department shall schedule and hold appropriate regional public hearings affording all interested parties the opportunity to comment, both at the hearings and in writing to the Department, on the proposed plan.
- (b) At least 21 days prior to the public hearings, the Department shall publish notice of the hearings in the Environmental Monitor and regionally located newspapers, and send notice to municipalities covered by the plan and to the appropriate mailing list. The notice will include locations where copies of the VMP can be reviewed.
- (c) The public shall have no less than 45 days, starting from publication of the Environmental Monitor notice, to comment upon proposed VMPs, unless the Department extends the comment period for good cause.
- (d) Wherever a chief elected official, Board of Health or Conservation Commission in a municipality covered by the proposed VMP requests a copy of the proposed plan, the applicant shall, at least 21 days prior to the end of the public comment period, respond to this request. The response must either include a copy of the proposed VMP, or an Internet address where the VMP may be viewed and a note that a hard copy will be provided promptly upon further request.

(4) Disposition of VMP.

- (a) 25 copies of the proposed VMP shall be submitted to the Department. The Department shall distribute copies of the proposed VMP to each member of the Rights-of-Way Advisory Panel. The Department may, at its sole discretion, allow electronic presentation of the VMP in lieu of some or all of the 25 copies that would otherwise be submitted pursuant to this subsection.
- (b) Within 30 days of the end of the public comment period unless extended for good cause, the Rights-of-Way Advisory Panel shall review the VMPs and recommend in writing to the Department

- approval, denial or modification of each VMP; if necessary, the Advisory Panel may request additional information from the applicant.
- (c) Within 21 days of the end of the Rights-of-Way Advisory Panel review period, unless extended by the Department for good cause, the Department will notify the applicant and the Advisory Panel in writing one of the following:
 - 1. request for additional information or modification; or
 - 2. denial of VMP; or
 - 3. approval of VMP.
 - (d) The VMP may be modified, withdrawn or amended by the applicant through a written request sent by certified mail to the Department.
 - (e) Resubmission of a denied VMP, updating of a VMP, or a significant amendment to an approved VMP shall be processed according to 333 CMR 11.05.
 - (f) The applicant must send a copy of the approved VMP, or an Internet address where the VMP may be viewed and a note that a hard copy will be provided promptly upon further request, to the chief elected official, Board of Health, and Conservation Commission in each municipality covered by the plan.
- (5) Time for Action. Non-action by the Department on a VMP within the time specified herein does not constitute approval of the submitted plan. In the event that the Department fails to notify the applicant of a decision within the time specified above and upon written request from the applicant, the Commissioner must issue a finding within ten days of receipt stating the reason for the delay and providing an estimated completion date.

11.06: Yearly Operational Plan (YOP)

(1) General.

- (a) The applicant is responsible for the accuracy and completeness of all information submitted with the YOP. The YOP shall be consistent with the objectives of the VMP and shall describe the intended operational program for that calendar year.
- (b) The YOP shall be presented on forms and in a format approved by the Department.

(2) Requirements. The YOP shall include but not be limited to the following:

- (a) Maps locating the rights-of-way and sensitive areas not readily identifiable in the field;
- (b) Herbicides proposed including EPA Registration numbers, application rates, carriers and adjuvants;
- (c) Herbicide application techniques and alternative control procedures proposed.
- (d) The name, address and phone number of the company which will perform any herbicide treatment;
- (e) Identification of target vegetation;
- (f) The name, address and phone number of the individual representing the YOP applicant;

- (g) Description of methods used to flag or otherwise designate sensitive areas on the right-of-way;
- (h) Herbicide Fact Sheets as approved by the Department; and
- (i) Procedures and locations for handling, mixing and loading of herbicide concentrates.

(3) Public Notice, Review and Comment.

- (a) Upon submittal of the YOP for approval, the Department will publish a notice in the Environmental Monitor. Said notice shall be provided by the applicant and shall include the information on the municipalities through which the rights-of-way pass, a brief description of the intended program, and the procedure for public review and comment. The Department shall send notification of the publication to the applicant and the appropriate mailing list.
- (b) Upon submittal of the YOP to the Department, the applicant shall provide by certified mail under separate cover to the Board of Health, Conservation Commission, chief elected municipal official, and where applicable, the Massachusetts Water Resources Authority and Massachusetts Department of Conservation and Recreation, a copy of the proposed YOP (or an Internet address where the proposed YOP may be viewed and a note that a hard copy will be provided promptly upon request) and the Environmental Monitor notice for the municipality or municipalities in which the herbicide treatment is proposed. Community water suppliers shall receive electronic information or a one page notification by mail which provides details about where to receive more information. The applicant shall maintain copies of the packet sent to municipalities and certified mail receipts. The applicant shall make copies of the packet, certified mail receipts, and any further correspondence regarding hard copies of YOPs in lieu of Internet viewing, available to the Department upon request.
- (c) The Department shall allow a 45-day comment period on proposed YOPs, unless extended for good cause, commencing with the publication of the notice in the Environmental Monitor and receipt of the proposed YOP and Environmental Monitor notice by each municipality.
- (d) The Department may approve, deny or modify YOPs after the 45-day comment period has expired.

(4) Disposition of YOP.

- (a) The applicant shall submit the YOP to the Department at least 90 days prior to the proposed commencement of application to allow completion of the comment and review period.
- (b) The Department shall review the YOP to ensure that the YOP is consistent with the approved VMP. Any inconsistencies or deficiencies will be noted by the Department and returned with the YOP to the applicant.

- (c) Where practical, the Department shall approve or deny the YOP within 90 days of receipt. The Department will provide notice of the decision to the applicant, municipal agencies and commentators in writing.
 - (d) The approved YOP in conjunction with the VMP shall govern the application of herbicide for a period not to exceed 12 months in accordance with other laws and regulations of the State and Federal governments and impose such conditions as necessary to minimize the risk of adverse effects on human health and the environment.
- (5) Time for Action. Non-action by the Department on a YOP within the time specified herein does not constitute approval of the submitted plan. In the event that the Department fails to notify the applicant of a decision within the time specified above and upon a written request from the applicant, the Commissioner must issue a finding within ten days of receipt stating the reason for the delay and providing an estimated completion date.

11.07: Public Notification

- (1) At least 21 days in advance of application of herbicide to a right-of-way in any city or town, the applicant shall notify the Department, the board of health and the local public water supplier and, by registered mail, the mayor, city manager or chairman of the board of selectman, and the conservation commission in the municipality where the right-of-way lies. The notice shall include the following information: the approximate dates on which such herbicide application shall commence and conclude, provided however, that said application shall not commence more than ten days before nor conclude more than ten days after said approximate dates; the method and locations of application; a Department-approved Herbicide Fact Sheet on the active ingredient(s) of the herbicide(s) used; the EPA registration number(s) for the herbicide(s) used; the name, title, business address and phone number of the certified commercial applicator or licensed applicator, or the contractor, employer or employees responsible for carrying out the application. Where specific information required for this notice is already contained in the current YOP that is on file with the local official, the applicant may incorporate the appropriate pages of the YOP by reference in its notice to that official, indicating that these pages are also directly available from the applicant upon request.
- (2) This public notice may run concurrently with the public notice and comment period in 333 CMR 11.06(3), provided that the notice is distributed at least 21 days prior to the herbicide application, and that, prior to the herbicide application, the public notice and comment period has closed and the Department has granted YOP approval without modifications. When the Department's final approval requires modifications or application dates are selected after YOP approval, separate notice under 333 CMR 11.07(a) is required.
- (3) At least 48 hours prior to the application referred to in 11.07(a), the applicant must publish a conspicuous notice in at least one newspaper of general circulation in the city or town where the right-of-way lies. The notice must appear in the local section of the newspaper and measure at least four by five

inches in size. The notice shall contain the following information: the method and locations of pesticide application; the approximate dates on which the pesticide application shall commence and conclude, provided that the applications shall not commence more than ten days before nor conclude ten days after said approximate dates; a list of potential pesticides to be used; a description of the purpose of the application; and the name, title, business address and phone number of a designated contact person representing the applicant from whom any citizen may request further information. The notice should apply only to the calendar year in which the notice is published. Upon request the notice must be made available to the Department.

11.08: Notice of Modification and Revocation

- (1) The Department may suspend approval of any VMP or YOP, by written notice to the applicant and applicator, halting the application of herbicide to that right-of-way of the above mentioned YOP. After 21 days if the applicant does not request a hearing, the Department may revoke or modify the VMP and YOP, if it finds:
 - (a) that the terms, conditions of restrictions thereof, are being violated or are inadequate to avoid unreasonable adverse effects on the environment or on human health; or
 - (b) that the applicant has made a false or misleading statement or has not provided information requested by the Department or Rights-of-Way Advisory Panel; or
 - (c) that the applicant has violated any provision of the Massachusetts Pesticide Control Act or FIFRA, or any regulations, standards, orders or license issued under either.
- (2) Upon notice of revocation or modification, the applicant may modify the YOP by written request to the Department. Applications to modify the YOP shall be submitted in the manner set forth in 333 CMR 11.06 and disposed of in the manner set forth in 333 CMR 11.06. The Department may waive all or part of the requirement if it determines that the proposed changes do not significantly change the terms of the approved YOP.

11.09: Rights of Appeal

Any person aggrieved by the decision of the Department to approve, deny, modify or revoke a VMP or YOP may request an adjudicatory hearing. The request for a hearing must be received by the Department within 21 calendar days after receipt of the decision. The request should state clearly and concisely the facts of the proceeding, the reasons the decision is alleged to be inconsistent with 333 CMR 11.00 and the relief sought by the adjudicatory hearing. The adjudicatory hearing before the Pesticide Board shall be conducted in accordance with the informal rules of adjudicatory proceeding as set forth in the regulations promulgated pursuant to M.G.L. c. 30A.

11.10: Penalties

Any person who violates any provision of 333 CMR 11.00 shall be subject to the criminal and civil penalties set forth in M.G.L. c. 132 B, § 14.

11.11: Rights-of-Way Advisory Panel

- (1) A Rights-of-Way Advisory Panel shall be established to advise the Department on issues relating to 333 CMR 11.00 and to fulfill specific functions as detailed within 333 CMR 11.00.
- (2) The Department shall request that the following members participate on the Rights-of-Way Advisory Panel: the Commissioners/Secretaries or his/her designee of the Department of Environmental Protection, the Department of Public Health, and the Executive Office of Transportation and Construction; and a representative of each of the following, all to be appointed by the Department Commissioner: the Massachusetts Association of Conservation Commissions, the Massachusetts Association of Health Boards, the Massachusetts Department of Conservation and Recreation, and an Environmental Advocacy Organization Representative, a member of the University of Massachusetts Extension who is well versed in weed science and Integrated Pest Management of weeds, a representative of the Massachusetts Railroad Association, a representative of a utility company, and a commercial pesticide applicator.
- (3) Non-agency representatives shall remain on the panel for a term of five years. Any member absent from two or more consecutive meetings may be removed from the Advisory Panel at the discretion of the Commissioner of the Department, and a replacement requested from the representative agency, industry group, or association.
- (4) The Advisory Panel shall meet at least once each year, and shall hold further meetings upon the request of the Department of Agricultural Resources or at the request of any two members of the Advisory Panel.
- (5) All Advisory Panel members shall serve without compensation.

APPENDIX 2

RIGHTS-OF-WAY PROPOSED FOR TREATMENT IN 2024

Note: Rights-of-way proposed for treatment may change due to workplan constraints.

ROW #	2024 Municipalities					
1205	Somerset	Swansea	Rehoboth	Dighton		
1231	Ayer	Littleton	Westford	Chelmsford	Tewksbury	Billerica
1245	North Reading	Reading	Lynnfield			
1271	Dracut	Methuen				
1332	Rowe	Heath	Colrain	Shelburne	Greenfield	Gill
1401	Adams	North Adams	Clarksburg			
1435	Adams	North Adams	Florida	Monroe		
1437	Florida	Rowe				
1443	Methuen					
1517	Tewksbury	Andover	Lawrence			
1519	Dracut					
1536	Monroe	Rowe				
1537	Greenfield	Montague				
1581	Seekonk	Swansea	Somerset			
1585	Seekonk	Attleboro				
1633	Spencer	Leicester	Auburn	Millbury		
1635	Florida	North Adams	Adams			
1671	Grafton	Millbury				
4003	Leominster	Sterling				
4008	Whitman	Abington	Brockton	Holbrook	Avon	Stoughton
4010	Brockton					
4011	West Bridgewater	Brockton	Whitman	Bridgewater		
4015	Stoughton	Easton	Brockton			
4018	Bridgewater	Raynham	Taunton	Berkley		
4019	West Bridgewater	Brockton				
4048	East Bridgewater	Brockton				
4050	East Bridgewater					
4062	East Bridgewater	Whitman				
4070	Hanover	Pembroke				
4072	Pembroke					
4440	Uxbridge	Mendon	Hopedale	Milford		
4450	Seekonk					
5160	Methuen					
5180	Haverhill					
5200	Haverhill	North Andover				
5270	Chelmsford	Lowell	Dracut			
5430	Tewksbury					
6011	Lynnfield					
6050	Swampscott	Salem				
6072	Melrose	Saugus				
7211	Sturbridge					

Note: Rights-of-way proposed for treatment may change due to workplan constraints.

APPENDIX 3

RIGHTS-OF-WAY TREATED IN 2023

Note: Rights-of-way proposed for treatment may change due to workplan constraints.

ROW#	2023 Municipalities					
1107	Ayer	Groton	Tyngsborough	Dunstable		
1209	Wrentham	Medway	Franklin	Bellingham		
1241	North Reading	Wilmington	Andover	Tewksbury		
1243	Lynnfield	Saugus	Melrose	Wakefield		
1245	North Reading	Reading	Lynnfield			
1261	Milford	Upton	Grafton	Millbury	Sutton	
1277	Amesbury	Merrimac	West Newbury	Groveland		
1309	Dracut	Andover	Tewksbury			
1333	Barre	Petersham	New Salem	Wendell	Erving	
1421	Wendell					
1501	Saugus	Revere				
1503	Revere	Malden	Everett			
1511	Chelmsford	Lowell				
1523	Southborough	Marlborough	Hudson			
1526	Everett	Chelsea	Revere			
1527	Revere	Saugus				
1539	Lynn	Saugus	Revere			
1589	Rowe	Heath	Colrain	Charlemont	Buckland	Shelburne
1590	Weymouth					
1592	Weymouth					
1623	Shelburne	Colrain	Leyden	Bernardston		
1634	Belchertown					
1655	Sutton	Oxford	Webster	Douglas		
1695	Florida	Monroe				
2004	Swansea	Dighton				
2026	Swansea					
2028	Fall River	Somerset	Swansea			
2030	Swansea	Somerset				
4004	Northampton	Easthampton				
4008	Stoughton	Avon	Brockton	Abington	Whitman	Holbrook
4010	Brockton					
4015	Brockton	Easton	Stoughton			
4017	Stoughton					
4019	Brockton	West Bridgewater				
4052	Bridgewater	East Bridgewater				
4120	Westborough					
4260	Attleboro	Norton				
4262	Norton					
4320	Franklin	Wrentham	Plainville			
4340	Foxborough	Mansfield				
4430	Uxbridge	Millville				
5010	Andover					
5020	Andover					
5112	Andover					
5120	Lawrence	North Andover				
5150	Amesbury	Salisbury				
5180	Haverhill					
5190	Methuen	Lawrence				
5210	Georgetown	Boxford				
5230	Amesbury					
5410	Andover					
5510	Tewksbury					
6040	Boxford	Topsfield	Wenham			
6060	Lynn	Swampscott				
7210	Sturbridge	Southbridge				
7212	Southbridge					
7215	Webster					
7217	Webster					
7220	North Brookfield					
7341	Clinton					
7342	Clinton					
7440	Leominster					
7480	Leominster					
8210	Northampton					
8220	Northampton					
8240	Northampton					
8360	Williamstown	North Adams				
8410	Great Barrington	Stockbridge	Lee			
8420	Great Barrington	Sheffield				

Note: Rights-of-way proposed for treatment may change due to workplan constraints.

APPENDIX 4

LIST OF MUNICIPALITIES FOR NOTIFICATION IN 2024

(INCLUDES 2024 MUNICIPALITIES AND

2023 POTENTIAL “TOUCH UP” MUNICIPALITIES)

Note: Rights-of-way proposed for treatment may change due to workplan constraints.

2024 Municipalities						
Abington	Brockton	Grafton	Littleton	North Adams	Seekonk	Tewksbury
Adams	Chelmsford	Greenfield	Lowell	North Andover	Shelburne	Uxbridge
Andover	Clarksburg	Hanover	Lynnfield	North Reading	Somerset	West Bridgewater
Attleboro	Colrain	Haverhill	Melrose	Pembroke	Spencer	Westford
Auburn	Dighton	Heath	Mendon	Raynham	Sterling	Whitman
Avon	Dracut	Holbrook	Methuen	Reading	Stoughton	
Ayer	East Bridgewater	Hopedale	Milford	Rehoboth	Sturbridge	
Berkley	Easton	Lawrence	Millbury	Rowe	Swampscott	
Billerica	Florida	Leicester	Monroe	Salem	Swansea	
Bridgewater	Gill	Leominster	Montague	Saugus	Taunton	
2023 "Touch Up" Municipalities						
Abington	Chelsea	Franklin	Lynn	North Andover	Somerset	Webster
Amesbury	Clinton	Georgetown	Lynnfield	North Brookfield	Southborough	Wendell
Andover	Colrain	Grafton	Malden	North Reading	Southbridge	Wenham
Attleboro	Dighton	Great Barrington	Mansfield	Northampton	Stockbridge	West Bridgewater
Avon	Douglas	Groton	Marlborough	Norton	Stoughton	West Newbury
Ayer	Dracut	Groveland	Medway	Oxford	Sturbridge	Westborough
Barre	Dunstable	Haverhill	Melrose	Petersham	Sutton	Weymouth
Belchertown	East Bridgewater	Heath	Merrimac	Plainville	Swampscott	Whitman
Bellingham	Easthampton	Holbrook	Methuen	Reading	Swansea	Williamstown
Bernardston	Easton	Hudson	Milford	Revere	Tewksbury	Wilmington
Boxford	Erving	Lawrence	Millbury	Rowe	Topsfield	Wrentham
Bridgewater	Everett	Lee	Millville	Salisbury	Tyngsborough	
Buckland	Fall River	Leominster	Monroe	Saugus	Upton	
Charlemont	Florida	Leyden	New Salem	Sheffield	Uxbridge	
Chelmsford	Foxborough	Lowell	North Adams	Shelburne	Wakefield	

Note: Rights-of-way proposed for treatment may change due to workplan constraints.

APPENDIX 5

LIST OF COMMUNITY WATER SUPPLIERS

2024 MUNICIPALITIES

Note: Rights-of-way proposed for treatment may change due to workplan constraints.

CITY/TOWN	PWS NAME	MAILING NAME	MAIL ADDRESS LINE 1	MAIL TOWN	STATE	ZIP
ABINGTON	ABINGTON/ROCKLAND JOINT WTR. WORKS	ABINGTON/ROCKLAND JOINT WTR. WORKS	366 CENTRE AVENUE	ROCKLAND	MA	02370
AMESBURY	AMESBURY DPW WATER DIV.	AMESBURY WATER DEPT.	39 SOUTH HUNT RD	AMESBURY	MA	01913
ANDOVER	ANDOVER WATER DEPT	ANDOVER WATER DEPT	397 LOWELL ST	ANDOVER	MA	01810
ATTLEBORO	ATTLEBORO WATER DEPT	ATTLEBORO WATER DEPT	1296 WEST ST	ATTLEBORO	MA	02703
AVON	TOWN OF AVON	TOWN OF AVON	65 EAST MAIN STREET	AVON	MA	02322
AYER	AYER DPW WATER DIVISION	AYER DPW WATER DIVISION	25 BROOK STREET	AYER	MA	01432
AYER	DEVENS MASSDEVELOPMENT	DEVENS MASSDEVELOPMENT	33 ANDREWS PKWY	DEVENS	MA	01434
BARRE	BARRE MHP/WATERWHEEL VILLAGE	BARRE MHP INC. DBA WATERWHEEL VILLAGE	P.O. BOX 339	BARRE	MA	01005
BARRE	BARRE WATER DEPARTMENT	BARRE WATER DEPARTMENT	441 WHEELWRIGHT RD	BARRE	MA	01005
BELCHERTOWN	BELCHERTOWN WATER DISTRICT	BELCHERTOWN WATER DISTRICT	PO BOX 801	BELCHERTOWN	MA	01007
BELLINGHAM	BELLINGHAM DPW WATER SEWER DIV.	BELLINGHAM DPW WATER SEWER DIV.	26 BLACKSTONE ST	BELLINGHAM	MA	02019
BERNARDSTON	BERNARDSTON FIRE WATER DIST	BERNARDSTON FIRE & WATER DIST	PO BOX 176	BERNARDSTON	MA	01337
BOXFORD	FOUR MILE VILLAGE	FOUR MILE VILLAGE	50 FOUR MILE VLG	BOXFORD	MA	01921
BOXFORD	ANDREWS FARM WATER CO.,INC.	ANDREWS FARM	36 ANDREWS FARM RD	BOXFORD	MA	01921
BOYLSTON	BOYLSTON WATER DISTRICT	BOYLSTON WATER DISTRICT	74 MAIN ST	BOYLSTON	MA	01505
BRIDGEWATER	BRIDGEWATER WATER DEPARTMENT	BRIDGEWATER WATER DEPARTMENT	90 COTTAGE STREET	BRIDGEWATER	MA	02324
BRIDGEWATER	MCI BRIDGEWATER	MASS DEPARTMENT OF CORRECTION/DRM	50 MAPLE STREET	MILFORD	MA	01757
CHARLEMONT	WOODLAND MHP LLC	WOODLAND MHP LLC	P.O. BOX 2033	CHARLEMONT	MA	01339
CHARLEMONT	122 MAIN STREET	DISTINCTIVE HOMES REAL ESTATES, GREELISH	42 PACIFIC STREET	FITCHBURG	MA	01420
CHELMSFORD	CHELMSFORD WATER DISTRICT	CHELMSFORD WATER DISTRICT	20 WATERSHED LN	CHELMSFORD	MA	01824
CHELMSFORD	EAST CHELMSFORD WATER DISTRICT	EAST CHELMSFORD WATER DISTRICT	75 CANAL ST	CHELMSFORD	MA	01824
CHELMSFORD	NORTH CHELMSFORD WATER DIST	NORTH CHELMSFORD WATER DIST	64 WASHINGTON ST	NORTH CHELMSFORD	MA	01863
CHELSEA	CHELSEA WATER DEPT. (MWRA)	CHELSEA WATER DEPT.	500 BROADWAY SUITE 310	CHELSEA	MA	02150
COLRAIN	COLRAIN FIRE DISTRICT #1	COLRAIN FIRE DISTRICT #1	P.O. BOX 32	COLRAIN	MA	01340
COLRAIN	GRISWOLDVILLE WATER DISTRICT	RONALD VIGHT	22 CALL RD	COLRAIN	MA	01340
COLRAIN	FOUNDRY BROOK ASSOCIATION	FOUNDRY BROOK ASSOCIATION	P.O. BOX 181	COLRAIN	MA	01340
DIGHTON	DIGHTON WATER DISTRICT	DIGHTON WATER DISTRICT	192 WILLIAMS STREET	NORTH DIGHTON	MA	02764
DIGHTON	NORTH DIGHTON FIRE DISTRICT	NORTH DIGHTON FIRE DISTRICT	340 FOREST ST.	NORTH DIGHTON	MA	02764
DIGHTON	INIMA USA / AQUARIA LLC	INIMA USA / AQUARIA LLC	PO BOX 1000	NORTH DIGHTON	MA	02764
DOUGLAS	DOUGLAS WATER DEPARTMENT	DOUGLAS WATER DEPARTMENT	P.O. BOX 624, 29 CHARLES ST.	DOUGLAS	MA	01516
DRACUT	DRACUT WATER SUPPLY DISTRICT	DRACUT WATER SUPPLY DISTRICT	59 HOPKINS ST	DRACUT	MA	01826
DRACUT	KENWOOD WATER DISTRICT	KENWOOD WATER DISTRICT	62 ARLINGTON ST RM 215	DRACUT	MA	01826
DUNSTABLE	DUNSTABLE WATER DEPARTMENT	DUNSTABLE WATER DEPT	511 MAIN ST	DUNSTABLE	MA	01827
EAST BRIDGEWATER	EAST BRIDGEWATER WATER DEPT	JTREPANIER@EASTBRIDGEWATERMA.GOV	49 DEAN PLACE	EAST BRIDGEWATER	MA	02333
EASTHAMPTON	EASTHAMPTON WATER DEPT	EASTHAMPTON WATER DEPT	109 HENDRICK ST	EASTHAMPTON	MA	01027
EASTON	EASTON WATER DIV	EASTON WATER DIV	417 BAY RD	EASTON	MA	02375
ERVING	ERVING WATER DEPT	ERVING WATER DEPT	12 EAST MAIN ST	ERVING	MA	01344
ESSEX	ESSEX WATER DEPT.	ESSEX WATER DEPT.	44 CENTENNIAL GROVE RD	ESSEX	MA	01929
EVERETT	EVERETT WATER DEPT. (MWRA)	EVERETT WATER DEPT. (MWRA)	19 NORMAN STREET	EVERETT	MA	02149
FALL RIVER	FALL RIVER WATER DEPARTMENT	FALL RIVER WATER DEPARTMENT	1831 BEDFORD ST	FALL RIVER	MA	02723
FOXBOROUGH	FOXBORO WATER DEPARTMENT	FOXBORO WATER DEPARTMENT	70 ELM STREET	FOXBOROUGH	MA	02035
FRANKLIN	FRANKLIN WATER DEPARTMENT	FRANKLIN WATER DEPARTMENT	257 FISHER STREET	FRANKLIN	MA	02038
GEORGETOWN	GEORGETOWN WATER DEPARTMENT	GEORGETOWN WATER DEPARTMENT	1 MOULTON ST	GEORGETOWN	MA	01833
GRAFTON	GRAFTON WATER DISTRICT	GRAFTON WATER DISTRICT	P.O. BOX 537, 44 MILLBURY ST	GRAFTON	MA	01519
GRAFTON	SOUTH GRAFTON WATER DISTRICT	SOUTH GRAFTON WATER DISTRICT	370 PROVIDENCE ROAD	SOUTH GRAFTON	MA	01560
GRAFTON	COUNTRYSIDE CONDOMINIUM	NORTHBORO PROPERTY MANAGEMENT	27 SOUTH STREET UNIT 1	NORTHBORO	MA	01532
GRAFTON	LAUREL HILL CONDOMINIUMS	LAUREL HILL CONDOMINIUM TRUST	168 UPTON STREET	GRAFTON	MA	01519
GREAT BARRINGTON	GREAT BARRINGTON FIRE DIST	GREAT BARRINGTON FIRE DIST	17 EAST ST	GREAT BARRINGTON	MA	01230
GREAT BARRINGTON	HOUSATONIC WATER WORKS	HOUSATONIC WATER WORKS	80 MAPLE AVE STE 1	GREAT BARRINGTON	MA	01230
GROTON	GROTON WATER DEPARTMENT	GROTON WATER DEPARTMENT	173 MAIN ST	GROTON	MA	01450
GROTON	WEST GROTON WATER SUPPLY DISTRICT	WEST GROTON WATER SUPPLY DISTRICT	309 TOWNSEND RD	GROTON	MA	01472
GROTON	STILL MEADOW	STILL MEADOW VILLAGE CONDOMINIUM TRUST	285 NASHUA ROAD	GROTON	MA	01450
GROVELAND	GROVELAND WATER DEPARTMENT	GROVELAND WATER DEPARTMENT	183 MAIN ST	GROVELAND	MA	01834
HAVERHILL	HAVERHILL WATER DEPT	HAVERHILL WATER DEPT	131 AMESBURY ROAD	HAVERHILL	MA	01830
HOLBROOK	HOLBROOK PUBLIC WORKS DEPT	HOLBROOK PUBLIC WORKS DEPT	50 NORTH FRANKLIN ST	HOLBROOK	MA	02343
HUDSON	HUDSON WATER SUPPLY	HUDSON WATER SUPPLY	1 MUNICIPAL DR	HUDSON	MA	01749
LAWRENCE	LAWRENCE WATER WORKS	LAWRENCE WATER WORKS	400 WATER STREET	LAWRENCE	MA	01841
LEE	LEE WATER DEPT	LEE WATER DEPT	32 MAIN STREET	LEE	MA	01238
LEOMINSTER	LEOMINSTER WATER DIVISION	LEOMINSTER WATER DIVISION	109 GRAHAM ST	LEOMINSTER	MA	01453
LOWELL	LOWELL REGIONAL WATER UTILITY	LOWELL REGIONAL WATER UTILITY	815 PAWTUCKET BLVD	LOWELL	MA	01854
LYNN	LYNN WATER AND SEWER COMM	LYNN WATER AND SEWER COMM	390 PARKLAND AVE	LYNN	MA	01905
LYNNFIELD	LYNNFIELD CENTER WATER DISTRICT	LYNNFIELD CENTER WATER DISTRICT	83 PHILLIPS RD	LYNNFIELD	MA	01940
LYNNFIELD	LYNNFIELD WATER DIST. (MWRA)	842 SALEM STREET	842 SALEM ST	LYNNFIELD	MA	01940
MALDEN	MALDEN WATER DIVISION (MWRA)	MALDEN WATER DIVISION (MWRA)	176 PEARL STREET	MALDEN	MA	02148
MANSFIELD	MANSFIELD WATER DIVISION	TOWN OF MANSFIELD, WATER DIVISION	SIX PARK ROW	MANSFIELD	MA	02048
MARLBOROUGH	MARLBOROUGH DPW WATER DIV. (MWRA)	MARLBOROUGH DPW WATER DIV. (MWRA)	135 NEIL STREET	MARLBOROUGH	MA	01752
MEDWAY	MEDWAY WATER DEPARTMENT	MEDWAY WATER DEPARTMENT	45B HOLLISTON STREET	MEDWAY	MA	02053
MELROSE	MELROSE WATER DIVISION (MWRA)	MELROSE WATER DIVISION (MWRA)	562 MAIN ST	MELROSE	MA	02176
MERRIMAC	MERRIMAC WATER DEPARTMENT	MERRIMAC WATER DEPARTMENT	4 SCHOOL ST 2ND FL	MERRIMAC	MA	01860
METHUEN	METHUEN WATER DEPT	METHUEN WATER DEPT	25 BURNHAM RD	METHUEN	MA	01844
MILFORD	MILFORD WATER DEPARTMENT	MILFORD WATER DEPARTMENT	66 DILLA ST	MILFORD	MA	01757
MILLBURY	AQUARIAN WATER COMPANY, MILLBURY	AQUARIAN WATER COMPANY, MILLBURY	24 PROVIDENCE ST	MILLBURY	MA	01527
MILLBURY	MILLBURY IND. PARK/ PARK HILL VILLAGE	MILLBURY IND. PARK HOMEOWNERS ASSOC.	12 LATI FARM ROAD	MILLBURY	MA	01527
MONROE	MONROE WATER DISTRICT	MONROE WATER DISTRICT	BOX 66	MONROE	MA	01350

Note: Rights-of-way proposed for treatment may change due to workplan constraints.

CITY/TOWN	PWS NAME	MAILING NAME	MAIL ADDRESS LINE 1	MAIL TOWN	STATE	ZIP
NORTH ADAMS	NORTH ADAMS WATER DEPT	NORTH ADAMS WATER DEPT	59 HODGES CROSS ROAD	NORTH ADAMS	MA	01247
NORTH ANDOVER	NORTH ANDOVER WATER DEPT	NORTH ANDOVER WATER DEPT	420 GREAT POND RD	NORTH ANDOVER	MA	01845
NORTH BROOKFIELD	NORTH BROOKFIELD WATER DEPARTMENT	NORTH BROOKFIELD WATER DEPARTMENT	14 BELL ROAD	NORTH BROOKFIELD	MA	01535
NORTH READING	NORTH READING WATER DEPT.	NORTH READING WATER DEPT.	235 NORTH STREET	NORTH READING	MA	01864
NORTHAMPTON	NORTHAMPTON WATER DIVISION	NORTHAMPTON WATER DIVISION	125 LOCUST STREET	NORTHAMPTON	MA	01060
NORTON	NORTON WATER DEPARTMENT	NORTON WATER DEPARTMENT	P.O. BOX 1168	NORTON	MA	02766
OXFORD	AQUARION WATER COMPANY OXFORD	AQUARION WATER COMPANY	24 PROVIDENCE STREET	MILLBURY	MA	01527
READING	READING WATER DEPARTMENT (MWRA)	READING WATER DEPARTMENT (MWRA)	16 LOWELL STREET	READING	MA	01867
REVERE	REVERE WATER DIVISION (MWRA)	REVERE WATER DEPT. (MWRA)	281 BROADWAY	REVERE	MA	02151
SALISBURY	SALISBURY WATER DEPARTMENT	SALISBURY WATER DEPARTMENT	39 LAFAYETTE ROAD	SALISBURY	MA	01952
SAUGUS	SAUGUS WATER DEPT. (MWRA)	SAUGUS WATER DEPT. (MWRA)	515 MAIN ST	SAUGUS	MA	01906
SHEFFIELD	AQUARION WATER COMPANY	AQUARION WATER COMPANY	505 HUNTINGTON ST	SHELTON	CT	06484
SHELBURNE	SHELBURNE FALLS FIRE DISTRICT	SHELBURNE FALLS FIRE DISTRICT	121 STATE ST	SHELBURNE FALLS	MA	01370
SOMERSET	SOMERSET WATER DEPARTMENT	SOMERSET WATER DEPARTMENT	3249 COUNTY ST	SOMERSET	MA	02726
SOUTHBOROUGH	SOUTHBOROUGH DPW WATER DIVISION (MWRA)	SOUTHBOROUGH DPW WATER DIVISION (MWRA)	147 CORDAVILLE RD	SOUTHBOROUGH	MA	01772
SOUTHBRIDGE	SOUTHBRIDGE WATER DEPARTMENT	SOUTHBRIDGE WATER DEPARTMENT	185 GUELPHWOOD RD	SOUTHBRIDGE	MA	01550
STOCKBRIDGE	STOCKBRIDGE WATER DEPT	STOCKBRIDGE WATER DEPT	50 MAIN ST, PO BOX 417	STOCKBRIDGE	MA	01262
STOUGHTON	STOUGHTON WATER DEPARTMENT	STOUGHTON WATER DEPARTMENT	1748 CENTRAL ST	STOUGHTON	MA	02072
STURBRIDGE	STURBRIDGE WATER DEPARTMENT	STURBRIDGE WATER DEPARTMENT (VEOLIA)	P.O. BOX 975	STURBRIDGE	MA	01566
SUTTON	MANCHAUG WATER DISTRICT OF SUTTON	MANCHAUG WATER DISTRICT	P.O. BOX 173	MANCHAUG	MA	01526
SUTTON	WILKINSONVILLE WATER DISTRICT	WILKINSONVILLE WATER DISTRICT	P.O. BOX 173, 13A PROVIDENCE	SUTTON	MA	01590
SWAMPSCOTT	SWAMPSCOTT WATER DEPT. (MWRA)	SWAMPSCOTT WATER DEPT. (MWRA)	22 MONUMENT AVE TOWN BL	SWAMPSCOTT	MA	01907
SWANSEA	SWANSEA WATER DISTRICT	SWANSEA WATER DISTRICT	700 WILBUR AVE	SWANSEA	MA	02777
TEWKSBURY	TEWKSBURY WATER DEPARTMENT	TEWKSBURY WATER DEPARTMENT	999 WHIPPLE RD	TEWKSBURY	MA	01876
TOPSFIELD	TOPSFIELD WATER DEPARTMENT	TOPSFIELD WATER DEPARTMENT	279 BOSTON ST	TOPSFIELD	MA	01983
TYNGSBOROUGH	TYNGSBOROUGH WATER DISTRICT	TYNGSBOROUGH WATER DISTRICT	87 PROGRESS AVE UNIT 2, PO B	TYNGSBOROUGH	MA	01879
UPTON	UPTON DPW WATER/WASTEWATER DIVISION	UPTON WATER DEPT.	1 MAIN STREET SUITE 13	UPTON	MA	01568
UXBRIDGE	UXBRIDGE DPW, WATER DIVISION	UXBRIDGE DPW, WATER DIVISION	105 BLACKSTONE ST	UXBRIDGE	MA	01569
WAKEFIELD	WAKEFIELD WATER DEPT	WAKEFIELD WATER DEPT	1 LAFAYETTE ST	WAKEFIELD	MA	01880
WEBSTER	WEBSTER WATER DEPARTMENT	WEBSTER WATER DEPT.	P.O. BOX 793	WEBSTER	MA	01570
WENHAM	WENHAM WATER DEPT.	WENHAM WATER DEPT.	91 GRAPEVINE RD	WENHAM	MA	01984
WEST BRIDGEWATER	WEST BRIDGEWATER WATER DEPT	WEST BRIDGEWATER WATER DEPT	29 CYR ST	WEST BRIDGEWATER	MA	02379
WEST NEWBURY	WEST NEWBURY WATER DEPARTMENT	WEST NEWBURY WATER DEPARTMENT	381 MAIN ST	WEST NEWBURY	MA	01985
WESTBOROUGH	WESTBOROUGH WATER DEPARTMENT	WESTBOROUGH WATER DEPARTMENT	131 OAK ST	WESTBOROUGH	MA	01581
WEYMOUTH	WEYMOUTH WATER DEPARTMENT	WEYMOUTH WATER DEPARTMENT	120 WINTER STREET	WEYMOUTH	MA	02188
WEYMOUTH	SOUTHFIELD REDEVELOPEMENT AUTHORITY	SOUTHFIELD REDEVELOPEMENT AUTHORITY	223 SHEA MEMORIAL DRIVE	WEYMOUTH	MA	02190
WHITMAN	WHITMAN WATER SYSTEM	WHITMAN WATER SYSTEM	100 ESSEX ST	WHITMAN	MA	02382
WILLIAMSTOWN	WILLIAMSTOWN WATER DEPT	WILLIAMSTOWN WATER DEPT	675 SIMONDS RD	WILLIAMSTOWN	MA	01267
WILMINGTON	WILMINGTON WATER DEPT	WILMINGTON WATER DEPT	121 GLEN ROAD	WILMINGTON	MA	01887
WRENTHAM	WRENTHAM WATER DIVISION	WRENTHAM WATER DIVISION	P.O. BOX 658, 360 TAUNTON S	WRENTHAM	MA	02093

Note: Rights-of-way proposed for treatment may change due to workplan constraints.

APPENDIX 6

**SENSITIVE AREAS: TABLE AND ILLUSTRATIONS OF
LIMITED SPRAY AND NO SPRAY AREAS**

CONTROL STRATEGIES FOR SENSITIVE AREAS[#]

Sensitive Area	No-Spray and Limited Spray Areas (feet)	Control Method	Restriction Code
Public Ground Water Supplies	400'	Mechanical Only	None
Primary Recharge Area	Designated buffer zone or 1/2 mile radius	Mechanical, Recommended Herbicides*	24 months
Public Surface Water Supplies (Class A & Class B)	100'	Mechanical Only	None
	100'-400'	Recommended Herbicides	24 months
Tributary to Class A Water Source, within 400' upstream of water source	100'	Mechanical Only	None
	100'-400'	Recommended Herbicides	24 months
Tributary to Class A Water Source, greater than 400' upstream of water source	10'	Mechanical Only	None
	10'-200'	Recommended Herbicides	24 months
Class B Drinking Water Intake, within 400' upstream of intake	100'	Mechanical Only	None
	100'-200'	Recommended Herbicides	24 months
Private Drinking Water Supplies	50'	Mechanical Only	None
	50'-100'	Recommended Herbicides	24 months
Surface Waters	10'	Mechanical Only	None
	10'-100'	Recommended Herbicides	12 months
Rivers	10' from mean annual high water line	Mechanical Only	None
	10'-200'	Recommended Herbicides	12 months
Wetlands	100' (treatment in wetlands permitted up to 10' of standing water)**	Low-pressure Foliar, CST, Basal Recommended Herbicides	24 months
Inhabited Areas	100' (for high-pressure foliar only)	Recommended Herbicides	12 months
Agricultural Area (Crops, Fruits, Pastures)	100' (for high-pressure foliar only)	Recommended Herbicides	12 months
Certified Vernal Pools	10'	Mechanical Only when water is present	None
Certified Vernal Pool Habitat	10'-outer boundary of habitat	No treatment without written approval per 321 CMR 10.14(12)	
Priority Habitat	No treatment without written approval per 321 CMR 10.14(12)		

Restrictions "24 Months": A minimum of twenty-four months shall elapse between applications

"12 Months": A minimum of twelve months shall elapse between applications

*Massachusetts recommended herbicides for sensitive sites

⁺Per "Decision Concerning the Wetlands Impact Study"

[#]Table Compiled by Jeffrey M. Taylor, Vegetation Control Service, Inc.

Vegetation Control Strategies in Sensitive Areas

Required by 333 CMR 11.00 and/or approved Vegetation Management Program and Yearly Operational Plan.

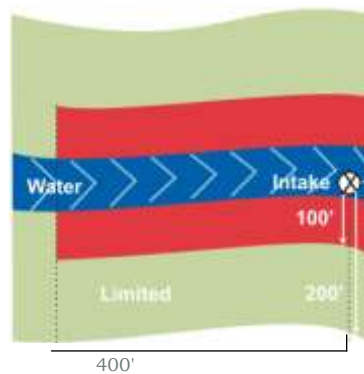
Sensitive areas not readily identified in the field:

- ♦ Mapped on electronic USGS Topographic Maps.
- ♦ Contractor will be provided electronic and hard copy of maps with which to flag the boundaries of no-herbicide zones within the right-of-way (ROW) prior to herbicide application.

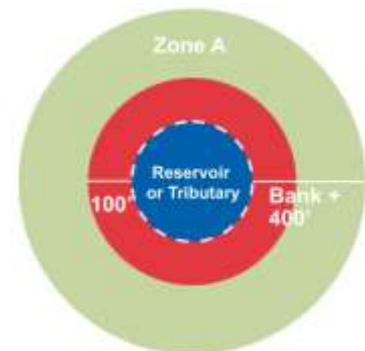
**Public Ground Water
Supply Well
Zone I**



**Drinking Water
Intake
Class B**



**Public Surface
Water Source
Class A**



**Identified Private
Drinking Water
Well**



Sensitive areas readily identifiable in the field:

- ◆ Consult USGS Topographic Maps
- ◆ Contractor will be provided electronic and hard copy of maps with which to flag the boundaries of no-herbicide zones within the right-of-way (ROW) prior to herbicide application.
- ◆ Contractor will mark additional areas not found on maps

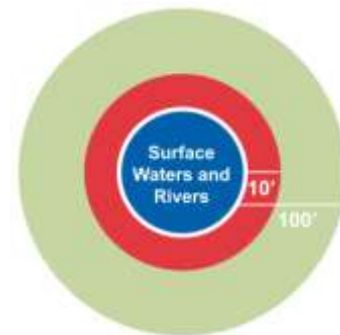
Wetlands

Defined by Chapter 131,
Section 40



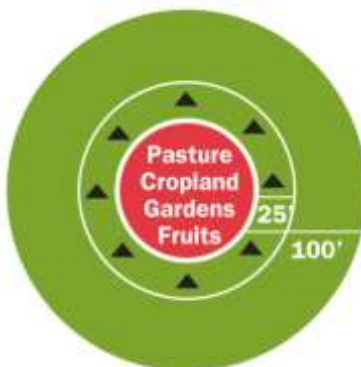
Surface Waters and Rivers

All surface water and water over wetlands.
Mean high water for rivers.

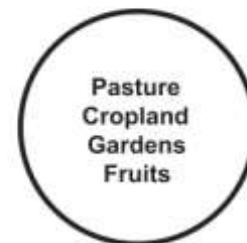


Agricultural Areas

Active - Growing Season



Inactive Agricultural



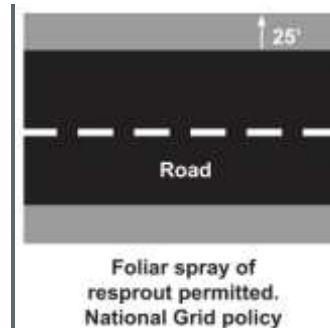
No Restrictions











Sensitive areas readily identifiable in the field: continued

- ♦ Consult USGS Topographic Maps
- ♦ Contractor will be provided electronic and hard copy of maps with which to flag the boundaries of no-herbicide zones within the right-of-way (ROW) prior to herbicide application.
- ♦ Contractor will mark additional areas not found on maps

Inhabited Areas

Where people live, work, or gather

**Road Crossings****KEY**

	= No Herbicide Use			= Limited Herbicide Use
	= Water	1.) Herbicide recommended for use in sensitive area: per (333 CMR 11.04(1)(d)).		
	= Public Ground Water Supply Well or Private Well	2.) Cut stump, basal and <u>low</u> pressure foliar.		
		3.)  24 months elapsed since previous treatment.		
		 12 months elapsed since previous treatment.		
		4.)  No herbicides applied to conifer species and carriers reviewed by DAR and DEP.		
		5.)  Cut stump only.		
		6.)  Cut stump and basal treatments. (Foliar application to resprouts is permitted.) No other conditions.		

APPENDIX 7
LIST OF COMPATIBLE SPECIES AND INCOMPATIBLE
SPECIES

EXHIBIT A:

Capable Tall Growing Species

The following is a list of tall growing tree species that are considered undesirable in most right-of-way situations and should be removed from the right-of-way floor wherever practicable, to the extent permitted by landowner constraints and easement conditions. The primary objective of the Transmission Right-of-Way Management Program is to effectively remove and control the re-growth and reinvasion of these species.

In sites, due to terrain, conductor height, or other right-of-way variable, where a normally undesirable tall growing species will never reach the ATVM clearance distances, such tree may be retained on the right-of-way during routine maintenance as long as there is no undesirable affect or risk to access, construction, reliability or public safety. Such locations will be determined through a combination of field measurements, profile mapping or other technology and will also be routinely reviewed and verified during each inventory cycle.

Ash	ASH	Cucumber Tree	CUC
Mountain	MAS	Elm	ELM
Balsam Fir	BAF	Hemlock	HEM
Basswood	BAS	Hickory	HIC
Beech	BEE	Hophornbeam	HOP
Birch	BIR	Maple	MAP
Cherry		Oak	OAK
Black	BCH	Pine	PIN
Choke	CCH	Poplar/Aspen	POP
Domestic	DCH	Red Mulberry	MUL
Pin (Fire)	PCH	Sassafras	SAS
Black Gum/Tupelo	BGU	Spruce	SPR
Black Locust	BLO	Tamarack/Larch	TAM
Black Walnut	BWA	Tree-of-Heaven	THE
Butternut	BUT	Tulip/Yellow Poplar	TUL
Catalpa	CAT	Willow	WIL
Cedar	CED	Other	OTH
Chestnut	CHE		

EXHIBIT B:

Small to Medium Trees

The following is a list of small to medium trees that may be compatible along the edges of the right-of-way, except on narrower sub-transmission rights-of-way. They should be removed within the wire zone except where the mature height would not invade the National Grid Minimum Clearance Distance (Clearance 2) or local conditions do not warrant removal. Any plant on the right-of-way that invades the National Grid Minimum Clearance Distance (Clearance 2) may be removed. These smaller tree species may be preferred for retention in buffer areas and other sensitive sites rather than taller growing tree species.

Species	Code
Apple	APP
Autumn Olive	AUT
Buckthorn	BUC
Common Buckthorn	“
European Buckthorn	“
Dogwood	
Alternate Leaf	ADG
Flowering	FDG
Cedars	CED
American Hornbeam	
“Ironwood”	HOR
Hawthorne	HAW
Mountain Maple	MOM
Pear	PER
Russian Olive	RUS
Shadbush/Serviceberry	SHD
Shrub Willow	WIL
Speckled Alder	ALD
Staghorn Sumac	SUM
Witch Hazel	WIH

EXHIBIT C:

Woody Shrubs

The following is a list of shrub species commonly found on rights-of-way across the service territory. While they are nearly always compatible in the border zone, several may grow tall enough to enter National Grid Minimum Clearance Distance (Clearance 2).

Species	Code	Species	Code
American Barberry	BAR	Privet	PRI
Chokeberry		Gooseberry	RIB
Black Chokeberry	BCB	Rose	
Red Chokeberry	RCB	Domestic	DOR
Blueberry		Multiflora	MUR
Low	BLU	Rubus	RUB
Highbush	HBL	Blackberry	"
Button Bush	BTN	Raspberry	"
Dewberry	DEW	Silverberry	
Dogwood	DOG	American	SIL
Red Osier	"	Sumac	SUM
Stiff (similar to Red Osier)	"	Smooth	"
Grey	"	Winged	"
Silky	"	Common Spicebush	SPB
Roundleaf	"	Spirea	SPI
Elderberry	ELD	Sweetfern	"
Hazelnut	HAZ	Steeple Bush	"
American Hazelnut	"	Sweetfern	SWF
Beaked Hazelnut	"	Viburnum	VIB
Honeysuckle	HON	Arrowwood	ARR
Huckleberry	HUC	Highbush Cranberry	HCR
Juniper	GRJ	Mapleleaf	MVB
Dwarf	"	Nannyberry	NAN
Ground/Trailing	"	Northern Wild Raisin	RAI
Mountain Holly	MOH	Hobblebush	HOB
Mountain Laurel	MOL	Winterberry Holly	WIN
New Jersey Tea	NJT	American Yew	AMY
Northern Prickly Ash	NPA		
Shrub Oak	SOK	Climbing Vines	
		Bittersweet	CLB
		Grape	GRA

Note that some of these species can be classified as either exotic or invasive. In addition, some of these species are noxious plants – particularly Multiflora Rose and Poison Sumac. In most situations management objectives within and adjacent to the right-of-way may warrant the removal or reduction of these species. Future discussions with State and Federal agencies to address invasive and exotic species on a landscape scale may require modifications of the current treatment course of action for some species.

APPENDIX 8

HERBICIDE LABELS

Herbicide Labels and SDS documents for the following herbicides can be found on National Grid's website:

[National Grid - Operations Documentation \(nationalgridus.com\)](http://nationalgridus.com)

Krenite S

Escort XP

Patriot

Rodeo

Aqua Neat

Roundup Pro

Roundup Custom

Ranger Pro

Glyphomax Plus

Arsenal Powerline

Polaris

Milestone

Vastlan

Garlon4 Ultra

Cambistat

APPENDIX 9
Herbicide Fact Sheets

Massachusetts Herbicide Fact Sheets can be found on the Mass.gov website

[Rights of Way Sensitive Area Materials List | Mass.gov](#)

APPENDIX 10
NATIONAL GRID ENVIRONMENTAL POLICY



Environmental Sustainability Policy

"It is essential to me as CEO that we operate in an environmentally sustainable way because we know it's the right thing to do – for society, the environment and our business."

Everyone at National Grid has a role to play in proactively supporting the environment in the way we work. We must also be honest and drive for better performance in the way we respond and learn when things don't go right".

John Pettigrew, Chief Executive



For details on the minimum performance requirements for National Grid employees to meet this policy, see our Environmental Sustainability BMS standard in the National Grid book

Date: 14 March 2019. Version 1.0

We take our responsibilities for Environmental Sustainability very seriously. As a minimum, we will meet our compliance obligations. However, we aspire to world class performance.

Scope

Our Environmental Sustainability Policy applies to you if you are employed by, or carry out work on behalf of any National Grid business.

We commit to

- Identifying our environmental risks, including climate change, and developing plans to mitigate them.
- Protecting the environment by ensuring prevention of pollution is a key consideration in the design of all our assets.
- Using resources more efficiently by using sustainable materials and reducing waste.
- Identifying opportunities to use alternatives to hazardous materials.
- Seeking ways to enhance the natural value of the areas we work for the benefit of local communities and the environment.
- Ensuring all our employees have the training, skills, knowledge and resources necessary to achieve the requirements of our internal standards.
- Setting expectations of those who work on our behalf to demonstrate the same commitment to the environment as we do and working with our supply chain to contribute to the delivery of 'Our Contribution' targets.
- Continually improving the Environmental Management System by reviewing and challenging our performance using feedback from stakeholders and benchmarking against our contemporaries.

nationalgrid

December 22, 2023

Leicester Conservation Commission
Attn: Stephen Parretti, Chairperson
3 Washburn Square
Leicester, MA 01524

RE: Notification of Utility Maintenance Activities (Public Utility Maintenance Exemption) under MGL 131, Section 40 and the Leicester Conservation Commission Rules and Regulations and Wetlands Protection Bylaw Chapter 14. E5/F6 Transmission Line Right of Way (ROW), Leicester, MA

Dear Members of the Leicester Conservation Commission:

The New England Power Company (NEP) is submitting this written notification to inform the Conservation Commission of necessary exempt utility maintenance to be performed along the E5/F6 Transmission Line Right-of-Way (ROW) in Leicester, Massachusetts (please refer to the enclosed Site Locus Map). Specifically, we are providing notification of geotechnical activities being conducted within the existing ROW during the remainder of 2023 and continuing through the spring of 2024.

This maintenance activity is the completion of geotechnical work that is being conducted to support the planning and design of the Central to Western MA Energy Improvement Project ("The Project"). The Project will involve rebuilding the transmission line infrastructure which was constructed over 100 years ago and is fast approaching the end of their asset life. The proposed geotechnical work involves traditional soil borings during which a small track-mounted drill rig will be used to perform the soil borings. Each boring hole will be approximately four (4) to six (6) inches in diameter. Soil boring activities will be completed at the location within 1-2 days, further minimizing the likelihood of adverse impacts to resource areas. Upon completion of the work, bored out soils will be used to backfill the hole. If excess soils remain, they will be disposed of in an upland location outside of resource areas and buffer zones.

Soil boring activities that are subject to the Wetlands Protection Act (WPA) will be permitted, as necessary, with the Conservation Commission; filings are anticipated to be submitted in winter 2023/2024. In the interim, we are providing notification of the exempt soil boring activities that are considered exempt in accordance with the WPA 10.02(2)(a)(2) and 10.02(2)(b)(2)(g), and the Leicester Wetlands Protection Bylaw Chapter 14, Section III. The following table provides a summary of locations where the proposed exempt activities will be conducted.

The following table provides a summary of locations where the proposed exempt activities will be conducted.

Structure Numbers	Nearest Access Point
84	Henshaw Street
88, B-88B-2, B-88A-2, B-89A, B-89B & 90	Peter Salem Road
92	Pleasant Street

BSC Group, Inc. (BSC), as a consultant to NEP, performed a desktop review of the Project site using available resources such as MassGIS data layers, USGS 7.5 minute quadrangle maps, NRCS soils maps, aerial photography, and FEMA flood insurance Rate Maps. Wetland delineations were conducted by BSC in 2019, 2022 and 2023.

Structures 84, 88, B-88B-2, B-88A-2, B-89A, B-89B, 90, and 92 and their associated access are located within the 100-ft Buffer Zone to Bordering vegetated Wetlands (BVW) / Inland Bank and/or the locally regulated 25-ft No Disturb/No Build Zone. Structure 92 is located within Zone II Wellhead Protection Area.

No other sensitive resource areas were identified within proximity to the Project in Auburn, including Areas of Critical Environmental Concern (ACEC), Outstanding Resource Waters (ORW), Surface Water Protection Zones, Outstanding Resource Waters (ORW), Natural Heritage and Endangered Species Program (NHESP) Estimated and Priority Habitat, Activity and Use Limitations, or MassDEP 21E Sites.

Trimming and mowing of vegetation to allow for access will also be required. Ground disturbance is only associated with the soil boring work which is minimal and temporary in nature. Access to the ROW will be obtained from the nearest access points, included in the table above, in Leicester, as well as existing historically utilized access roads throughout the ROW.

Erosion and sediment control measures may be installed prior to the commencement of work as necessary. These controls will function to mitigate work-related erosion and sedimentation, and to serve as a physical boundary that delineate work areas and contain construction activities within approved locations. Erosion and sediment control measures may include silt fence, weed free straw bale barriers, straw wattles or similar treatment.

If you have any questions or would like more information, please do not hesitate to contact me at 603-801-4140 or Heidi Graf of BSC Group at 617-896-4519. Thank you in advance for your attention to this matter.

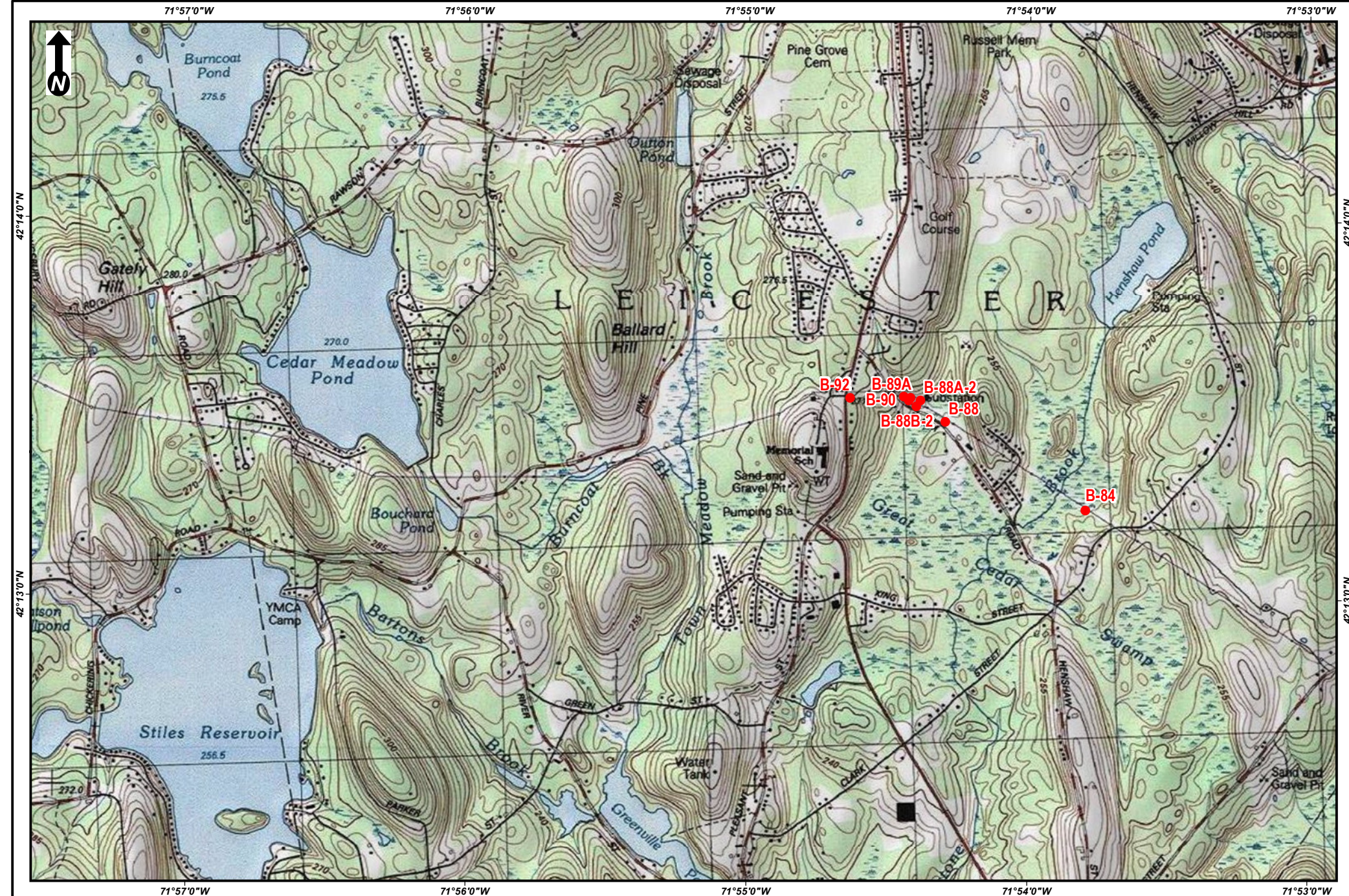
Sincerely,

New England Power Company



Michael Tyrrell
Lead Environmental Scientist

Attachment: Site Location Map
Cc: Heidi Graf, BSC Group, Inc.



Scale: 1:24,000
1 inch = 2,000 feet
0 1,000 2,000
Feet

(Page Size 8.5 x 11)

CENTRAL TO WESTERN MA ENERGY IMPROVEMENT PROJECT SOIL BORING PHASE 1A

**USGS Site Location Map
Leicester, MA**

Source: Copyright©
2013 National
Geographic Society, Inc.
cubed

nationalgrid
BSC GROUP

Pine Street
(Lots 1, 2, 7, 8)
Complaint



Town of Leicester
CONSERVATION COMMISSION
LEICESTER, MASSACHUSETTS, 01524-1333
Phone: 508-892-7007 Fax: 508-892-7070
www.leicesterma.org

MEMORANDUM

To: Conservation Commission
From: Lisa Westwell
Administrative Assistant to the Planning Department
Date: January 11, 2024
Re: Complaint – Pine Street (Lots 1, 2, 7 and 8 – House #s 508, 506, 456 and 454,
respectively) owned by PMZ Development

Timeline of Complaint:

January 11, 2024 – Lisa Westwell called Peter Hague of PMZ Development and informed him of the complaints relating to the new construction lots. He said that he has been there and spoken with his workers, Jeff and Brian, and said it was just the way the water ran in the storm. He was told that the water was running off of the new lots under construction and into the road. He was advised to go to the site and make sure his erosion controls are in place and as any runoff into the wetlands would be considered a wetland violation. A follow up email was sent to him and he was invited to attend the 1/17/24 Conservation meeting to provide the Board with an update.

January 10, 2024 – The DPW cleaned out the swale and catch basin in the area of 454 and 456. The DPW Director has been in contact with Peter Hague of PMZ Development. See photos below.





January 10, 2024 - Conservation received two more phone calls complaining about the runoff on Pine Street on the lots under construction.

January 4, 2024 - The DPW has reviewed the complaint and will clean out the basin once the contractor fixes the drainage off the hill and the swale.

December 26, 2023 Emails received from Don Cherry, 525 Main Street

The attached photos were taken at about 1 PM on Monday, December 8th, 2023. The runoff from site construction at 458 Pine Street infiltrated the wetlands behind 525 Pine Street.

458 Pine Street is on the north side of Pine Street, the wetlands affected are approximately 100 yards south of Pine Street and directly feed into Barrows Brook and on to Greenville Pond. My wife and I own a considerable length of the shoreline of this wetlands area – the wildlife and other features of this ecosystem are a huge part of the appeal of our property.

These wetlands are home to blue heron, pileate woodpeckers, beaver, wood ducks, owls and are visited by bald eagles.

While the rains on December 18th were extremely heavy, there is runoff visible from this site during and after any significant rain event. Work has been done to control runoff down the driveway at 458 Pine, but runoff from the side of the hill between the driveways at 458 and 500 Pine continues to be an issue.

Attached are additional photos of the runoff from 458 Pine Street on December 18th, 2023.

At the height of the storm, the water at the base of the driveway at 500 Pine Street, was about 1 foot deep. Even at 1 PM, the runoff on the hillside between the driveways of 458 Pine and 500 Pine was flowing with silt filled runoff.

I am not looking to see the builder / contractor penalized, I simply want this to be corrected.

Photos from Don Cherry



120 White Birch Street

Status of Performance Bond

160 Peter Salem Road

Status of As-Built



Town of Leicester
CONSERVATION COMMISSION
LEICESTER, MASSACHUSETTS, 01524-1333
Phone: 508-892-7007 Fax: 508-892-7070
www.leicesterma.org

December 18, 2023

Mr. Robert Jones
160 Peter Salem Road
Leicester, MA 01524

Mr. Paul Morris, Morris Excavating
50 Peter Salem Road
Leicester, MA 01524

Re: Emergency Certification Form – 160 Peter Salem Road

Dear Mr. Jones and Mr. Morris,

Enclosed please find, Emergency Certification Form signed by the Leicester Conservation Commission at their December 13, 2024 meeting authorized the emergency septic repair per order of the Board of Health. This Form has been emailed to MassDEP as required.

Please note the Special Conditions on Page 3 regarding a site visit, possible additional permitting, and submittal of an as-built plan by the Commission's January 17, 2024 meeting.

Please contact the office with any questions.

Sincerely,

Lisa Westwell
Administrative Assistant
to the Planning Department
508.892.7007 x 120
westwelll@leicesterma.org

15 Bond Street

Status



Town of Leicester
CONSERVATION COMMISSION
LEICESTER, MASSACHUSETTS, 01524-1333
Phone: 508-892-7007 Fax: 508-892-7070
www.leicesterma.org

CERTIFIED MAIL/RETURN RECEIPT
7022 1670 0003 2353 6867

December 18, 2023

Mr. Jay Giggey
15 Bond Street
Leicester, MA 01524

Re: Wetland Violation - Restoration - 15 Bond Street

Dear Mr. Giggey,

Please find enclosed, "Wetland Violation Restoration Report" from EBT Environmental Consultants, Inc. (EBT) dated December 8, 2023, along with referenced reports "Restoration Area Completion Report" by Ecosystem Solutions, Inc. dated 11/7/23, and EBT's letter to the Conservation Commission dated 9/16/20.

It is important that you review these documents carefully and continue to work with Ecosystem Solutions, Inc. to implement the restoration recommendations by EBT Consultants, Inc. and the Conservation Commission.

Please notify the Conservation Commission when any remaining work is scheduled to begin. The Commission has requested that you attend their next monthly meeting on January 17, 2024.

Please contact me with any questions.

Sincerely,

Lisa Westwell
Administrative Assistant to the Planning Department
Town of Leicester
3 Washburn Square
Leicester, MA 01524
508.892.7007 x 120
westwell@leicesterma.org

cc via email: Brandon B. Faneuf, M.S. Principal, Ecosystem Solutions, Inc.
Enclosures

EBT Environmental Consultants, Inc.
GLENN E. KREVOSKY, CONSULTANT

601 Main Street

North Oxford, MA 01537

glenn.krevosky@charter.net

Cell: (508)769-3659 Office: (508)987-0979

Leicester Conservation Commission
3 Washburn Square
Leicester, MA 01524

December 8, 2023

Re. (Map 10 Parcel B1) 0 Bond Street, Leicester – Wetland Violation Restoration Report

Dear Leicester Conservation Commission,

EBT Environmental Consultants, Inc. had been requested by the Leicester Conservation Commission in 2020 to review the site, we had recommended the property owner hire a wetland consultant to delineate the BVW and file a restoration plan. In EBT's original report dated 9/16/2020, the aerial map with notes had shown the extension of fill located directly north of the fire pond. At the time the area was not measured but was estimated to be 95' by 9'. The full extent of fill is $\pm 115'$ long by $\pm 16'$ (tape measured by EBT Inc. on 11/25/2023) and the depth of fill on southern side is 4' and on the northern side 2' (determined using a first refusal rod to gravel first refusal). A site inspection on 11/22 with Mr. Giggy (owner), Mr. Perretti (chair of LCC), a contractor, and I (Glenn Krevosky of EBT Inc.) revealed the fill which was required to be removed by Mr. Giggy, as it is a violation of the Wetland Protection Act, its regulations and the town of Leicester wetland bylaw, had not been removed.

The report (attached) by Ecosystem Solutions Inc. (consultant for Mr. Giggy) dated 11/7/2023 stated the fill deposited by the dredging of the fire pond had been removed. The fill created from the dredging of the fire pond was not the subject of the violation brought forward by LCC in 2020. If Mr. Giggy had presented EBT, Inc's 2020 report to Ecosystem Inc. they might have realized the fill was concrete, brick and stone placed downgradient of the farmers field to the north. Any restoration referenced by Ecosystem Inc which did occur this year appears to be additional alteration of bordering vegetated wetland. Mowed field edges at or generally at the elevation of the existing adjacent wetland are vegetated wetlands, as long as they have hydric soils.

The approximate 204.5 cubic feet of fill is delineated in the field with 4 limit of fill flags. If the Commission concurs, once the fill is removed down to the mineral base this area will become land under water body - an expansion of the original fire pond (this was the general discussion at the site inspection on 11/22).

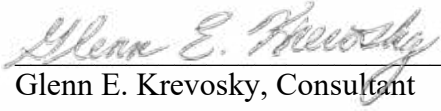
EBT Inc recommends a floating siltation boom directly on the southern side of the fill to prevent a silt plume into the adjacent land under water body when the fill is being removed. Although there should be minimal newly exposed organic material at the surface, if there is it will need to be seeded with a sedge rush wet set mix.

An additional recommendation is the Conservation Commission inform EBT, Inc. when the work is commenced so EBT can discuss the project with the contractor to ensure they understand the full parameters of the restoration.

EBT Environmental Consultants, Inc.
GLENN E. KREVOSKY, CONSULTANT

601 Main Street
North Oxford, MA 01537
glenn.krevosky@charter.net
Cell: (508)769-3659 Office: (508)987-0979

Respectfully,



Glenn E. Krevosky, Consultant

Attached: Photo Exhibit
2022 Google Earth with Notes
2016 Google Earth with Notes



Photo 1 taken by EBT, Inc. on 11/25/2023 – Showing the 4 limit of fill flags and 2 depth of fill flags. The approximate volume of fill is 204.5 cubic yards.



Photo 2 taken by EBT, Inc. on 11/25/2023 – Although growth has occurred on the fill, a portion of which deposited by 2016, bricks, concrete and rocks are still at the surface between wetland vegetation.



Photo 3 taken by EBT, Inc. on 11/11/2023 – Showing the new grass growing on Ecosystem Solutions Inc’s referenced restoration area – which was not the fill area in question by the Conservation Commission. In 2020 this was the edge of the farmers field.



Photo 4 taken by Ecosystem Solutions, Inc. on 10/5/2023 – Showing straw mulched area on Ecosystem Solutions Inc’s referenced restoration area. Mr. Giggey stated this area was where his backhoe, leaving the fill area and heading north, got stuck and it had to be pulled out with some form of towing machine.

Full extent of fill - $\pm 115'$ long by $\pm 16'$ (tape measured)

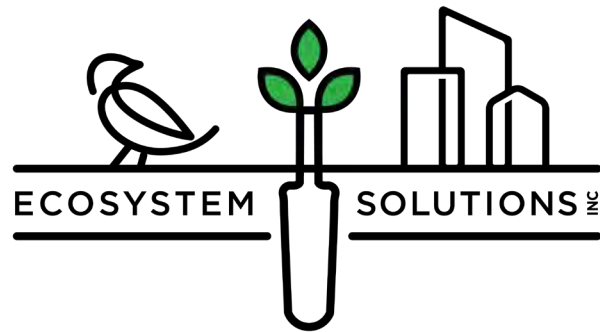
Depth of fill on southern side is 4' and depth of fill on the northern side 2' (determined using a first refusal rod to gravel first refusal).

The limit of fill is delineated in the field with 4 orange "LF" flags (2 at the road and 2 at the western limit of fill).

2022 Google Earth - Town saw-cut the road to remove the high point in the road culvert

2016 Google Earth - Fill limit -
this fill length was extended by
2019

Est. 2003



RI: 401.741.3263
MA: 508.997.0268
www.ecosystem-solutions.com

November 7, 2023

Project no. W23-1832

Steve Parretti, Chair
Conservation Commission
3 Washburn Square
Leicester, MA 01524

RE: RESTORATION AREA COMPLETION REPORT
15 Bond Street / Map 10, Lot B1
Leicester, Massachusetts

Chair Parretti,

Ecosystem Solutions, Inc. (ESI) respectfully submits this report in compliance with the requirements of the Leicester Conservation Commission to restore alterations/disturbance adjacent to a fire pond where excavation took place and spoils were laid on the adjacent BVW. The disturbance consisted of ± 855 square feet of BVW, as outlined in our report of June 2023. Mr. Giggey performed the work required to restore the BVW in the first week of October 2023.



Picture 1. Looking west at the restored BVW from Watson Street. Straw was laid over the area of excavated spoil material as an erosion control practice.

It is ESI's opinion that the restoration work has brought the area back to pre-disturbance conditions and the area is stable. Therefore, the work is in substantial compliance with the Commission's request to repair the impacted BVW.



Picture 2. Looking west at the western end of the restoration area. Straw wattles can be seen on the left side, which acts as the limit of work and erosion/sedimentation control barrier, as required.

We believe that given the level topography of the affected area and the attention to erosion control practices that the area will remain stable over the winter and easily revegetate in the spring and summer of 2024. With the Commission's approval, I recommend closing out this matter.

Should you have any questions regarding this letter, please do not hesitate to call using the contact information above.

Sincerely,

Ecosystem Solutions, Inc.

Brandon B. Faneuf, M.S., Principal
PWS, RPSS, CWB, CPESC

BF/bf



EBT Environmental Consultants, Inc.
GLENN E. KREVOSKY, CONSULTANT

601 Main Street
North Oxford, MA 01537
glenn.krevosky@charter.net
Cell: (508)769-3659 Office: (508)987-0979

Leicester Conservation Commission
3 Washburn Square
Leicester, MA 01524

September 16, 2020

Re. (Map 10 Parcels B1 & C3) Bond Street, Leicester

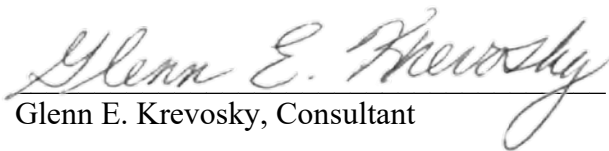
Dear Leicester Conservation Commission,

Thank you for requesting EBT, Inc to review the above referenced site. EBT, Inc. inspected the site with Mr. Parretti and the brother of the landowner on 9/10.

- We went back to the site on 9/14 with a transit to shoot the water elevations at the fire pond on the west side of Watson Road and the water elevation at the outflow of the pipe on the east side of Watson Road. This exercise was performed to show the Conservation Commission and DPW how much water is being held back by the apparent misplacement of the corrugated plastic pipe under the road, in which the water drains from west to east.
- A second point of review was the fill placed to the north of the fire pond (see attached photos with explanation).
- Lastly, the third area of concern was the fill placed on the east side of Watson Road (see attached photos with explanation).

Mr. Parretti, you had a concern the work was taking place in the 100-year flood plain. The attached map shows there is no 100-year flood plain in the vicinity of the property.

Respectfully,


Glenn E. Krevosky, Consultant

Attachment: Photo Exhibit
Flood Plain Mapping

filled wetland trail approximately 95 feet long by 9 feet wide containing asphalt, bricks and stone starting at the road and extending westward (see attached photo). I recommend the property owner hire a wetland consultant to delineate the bordering vegetated wetland at the southern end of the adjacent field and file a restoration plan to remove the un-permitted fill and restore the bordering vegetated wetland.

a portion of the recently placed fill is within 100' of a bordering vegetated wetland. I recommend the property owner hire a wetland consultant to delineate the bordering vegetated wetland along the east side of Watson Street east of their existing fill and other proposed work (see attached photo)

water elevation on the east side of the road is 6.4" lower than the water elevation on the west side of the road. culvert needs to be repaired/lowered. historically the swamp water elevation on the west side of the road would match the elevation on the east side of the road

fire pond

WETLAND NOTES BY
EBT ENVIRONMENTAL
CONSULTANTS, INC.
DATED 9/16/2020

20 m
100 ft

Scale = 1:2,257

162,820.85m 890,290.91m

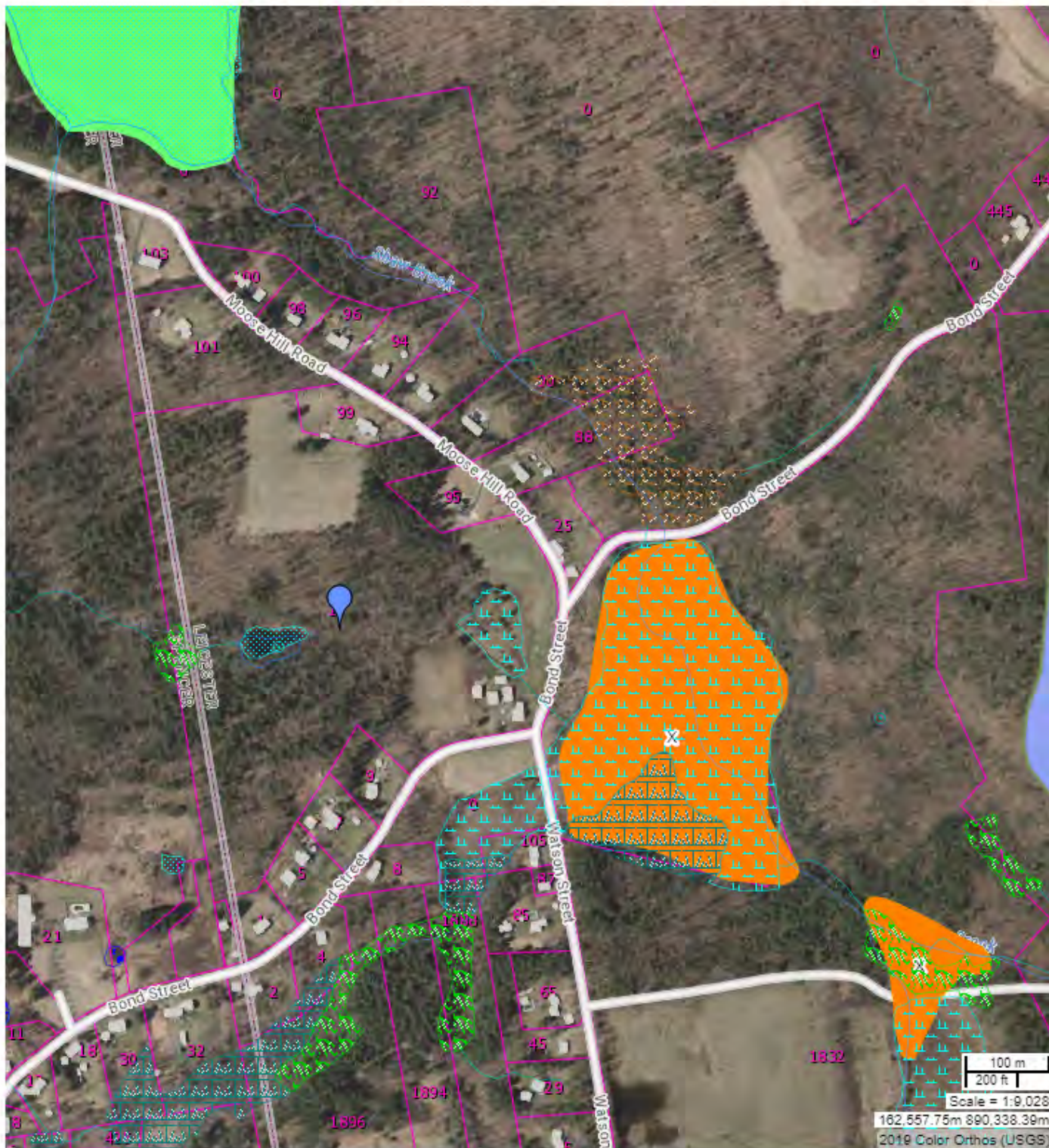
2019 Color Orthos (USGS)



Photo 1 taken by EBT, Inc. on 9/14/2020 – Showing wetland fill composed of stone tailings, concrete, and bricks with wetland herbaceous plants growing through the recently placed material. The trail created by the fill is approximately 95 feet in length (east to west) and 9 feet wide.



Photo 2 taken by EBT, Inc. on 9/10/2020 – Showing recently placed fill, a portion of which lies within 100 feet of a bordering vegetated wetland.



- ☐ Census 1990
- ☐ Census 2000
- ☐ Census 2010
- ☐ Coastal and Marine Features
- ☐ Conservation / Recreation
- ☐ Cultural Resources
- ☐ Environmental Monitoring (testing/monitoring sites)
- ☐ Images
- ☐ Index (grids/tiling schemes for certain layers)
- ☐ Infrastructure
- ☐ Physical Resources
- ☐ Political / Administrative Boundaries
- ☐ Regulated Areas

Active Data Layers

Check all | Uncheck all | Remove all

- ☒ USGS Rivers and Streams 25k
- ☒ DEP Wetlands Hydrologic Connections
- ☒ DEP Wetlands Detailed With Outlines
- ☒ DFW Coldwater Fisheries Resources
- ☒ NHESP Priority Habitats of Rare Species
- ☒ NHESP Estimated Habitats of Rare Wildlife
- ☒ Potential Vernal Pools

Legend

FEMA National Flood Hazard Layer

- A: 1% Annual Chance of Flooding, no BFI
- AE: 1% Annual Chance of Flooding, with
- AE: Regulatory Floodway
- AH: 1% Annual Chance of 1-3ft Ponding,
- AO: 1% Annual Chance of 1-3ft Sheet Flo with Depth
- VE: High Risk Coastal Area
- D: Possible But Undetermined Hazard
- X: 0.2% Annual Chance of Flooding
- X: 1% Drainage Area < 1 Sq. Mi.
- X: Reduced Flood Risk due to Levee
- Area Not Included
- Area with no DFIRM - Dater FIRMs in Eff

82 Baldwin Street

Status



Town of Leicester
CONSERVATION COMMISSION
LEICESTER, MASSACHUSETTS, 01524-1333
Phone: 508-892-7007 Fax: 508-892-7070
www.leicesterma.org

MEMORANDUM

To: Conservation Commission
From: Lisa Westwell
Administrative Assistant to the Planning Department
Date: January 11, 2024
Re: 82 Baldwin Street - Status

December 27, 2023 Update from Glenn Krevosky: The grade work was completed yesterday after 3 days of work, and the area has been seeded with Winter Rye. We will be adding Conservation Seed Mix and New England Logging Road Mix – both native. In the spring plants from New England Wetland Plants or plants from NRCS seedling sale plants to revegetate the RFA. Photos below.



Before



After

Staff Comments:

- Glenn will update the Commission again after the planting is done.
- Suggest the Commission monitor the growth for two growing seasons before closing out the project.

385 Main Street

Jan's Package Store Complaint
Status



Town of Leicester
CONSERVATION COMMISSION
LEICESTER, MASSACHUSETTS, 01524-1333
Phone: 508-892-7007 Fax: 508-892-7070
www.leicesterma.org

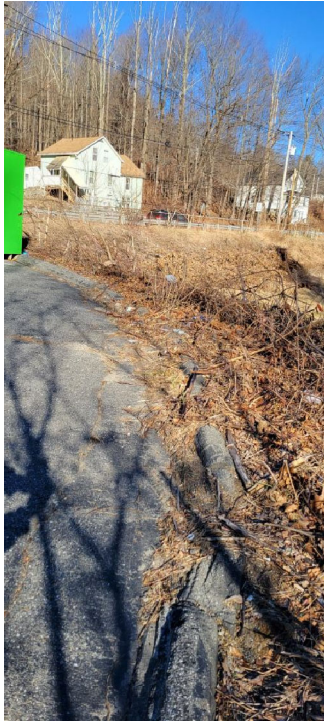
MEMORANDUM

To: File
From: Lisa Westwell
Administrative Assistant to the Planning Department
Date: January 2, 2024
Re: Site Visit – Jan’s Package Store, 385 Main Street
Present: Lisa Westwell - Planning Dept. / Conservation

A follow up site visit was conducted January 2, 2024 to gauge the progress of cleanup and dumpster relocation. The dumpsters have been moved and both lids were closed. A majority of the trash has been cleaned up along the parking lot edge, along the river, and near the donation bin.

Photos attached.

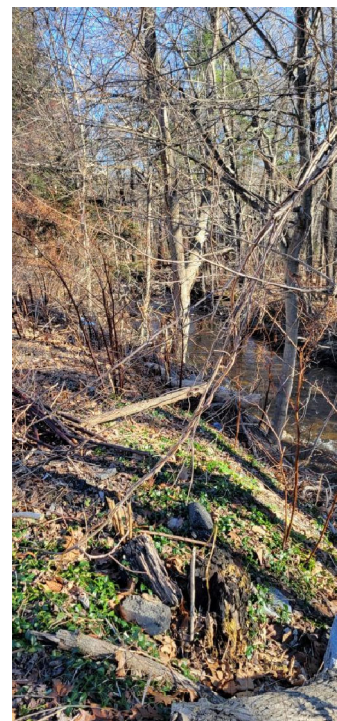
January 2, 2024 Site Visit Photos



Area by Donation Bin



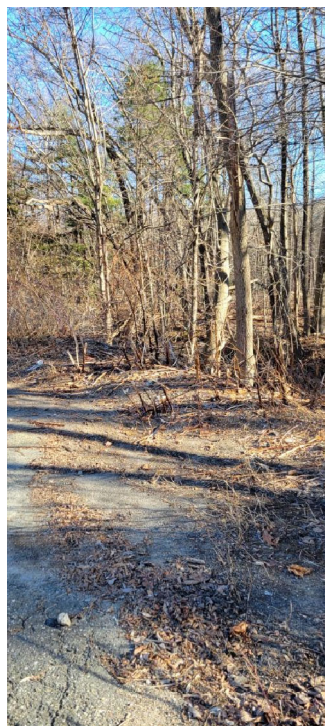
Dumpsters Relocated/Lids Closed



Area Along River



Original Dumpster Location



Original Dumpster Location



Town of Leicester
CONSERVATION COMMISSION
LEICESTER, MASSACHUSETTS, 01524-1333
Phone: 508-892-7007 Fax: 508-892-7070
www.leicesterma.org

MEMORANDUM

To: File
From: Lisa Westwell
Administrative Assistant to the Planning Department
Date: December 19, 2021 and December 21, 2023
Re: Site Visits – Jan’s Package Store, 385 Main Street
Present: Francis Dagle - BOH, JoAnn Schold - Conservation, and Lisa Westwell -
Planning Dept. / Conservation

An initial site visit was conducted December 19, 2023 at 12:30 pm. A copy of the warning letter was given to an employee who called the store manager, Arpit Patel. Ms. Schold spoke with Mr. Patel on the phone about the dumpster lids being open and trash entering Kettle Brook and asked him to call the office to set up another site visit later in the week so he could be present to discuss Board of Health and Conservation concerns. Mr. Patel did call same day and a second site visit was scheduled for December 21, 2023 at 11:00 am.

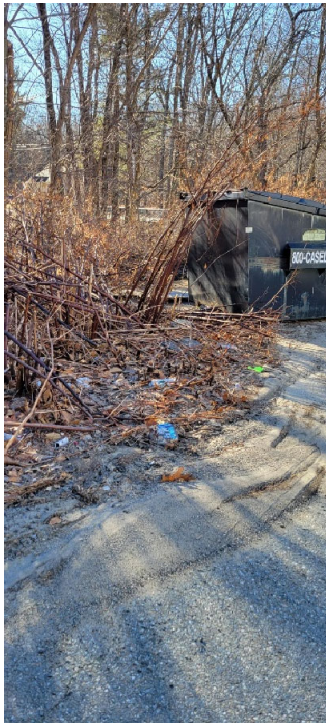
The second site visit was conducted as planned on December 21, 2023. Ms. Schold and Mr. Dagle outlined the issues with the dumpsters and debris in the wetlands and the river and suggested solutions, such as moving the dumpsters, securing the lids with locks, and posting no trespassing signs and no dumping signs to deter people from using the dumpsters. Mr. Patel said he would move the dumpsters to the top parking area on the loading dock and was installing cameras.

Mr. Patel was asked to keep the dumpster lids closed with the metal bars on to keep the lids down at all times when not in use. He was given 14 days to clean up all the trash in around the dumpsters, the donation bin, and all debris between the premises and Kettle Brook. Mr. Patel was also told that failure to comply within 14 days could result in daily fines from both the BOH and Conservation Commission.

The BOH and Conservation will conduct a follow-up inspection on January 4, 2024.

Photos attached.

December 21, 2023 Site Visit Photos



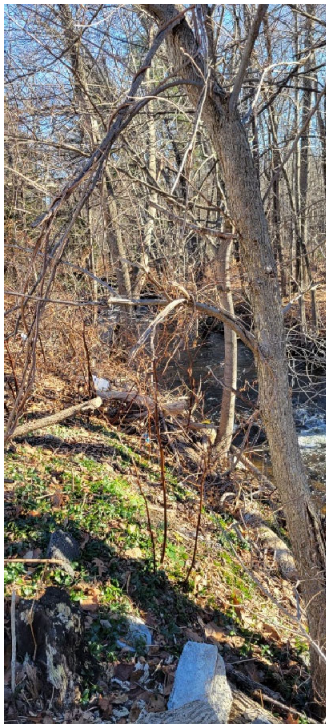
Trash by Donation Bin



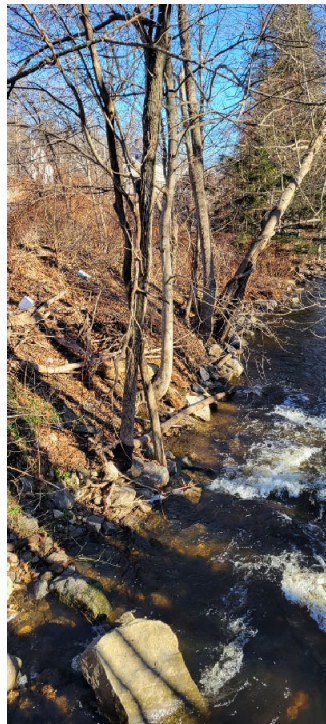
Dumpsters



Trash by Dumpsters/River



Trash Along Kettle Brook



Trash Along Kettle Brook



Trash by Dumpsters

214 Rawson Street

Status



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MEMORANDUM

To: File
From: Lisa Westwell
Administrative Assistant to the Planning Department
Date: January 17, 2024
Re: 214 Rawson Street – Wetland Replication

- Email received from Norman Hill, P.E., project engineer with Land Planning, Inc., saying the re-flagging was done on Wednesday, December 6, 2023 with a Carlson BRX-7 GPS unit with an accuracy of plus or minus one inch. Mr. Krevosky will confirm via tape measure.
- Below are the Bordering Vegetated Wetlands Replication Notes as shown on the On-Site Sewage Disposal System Plan Sheet 2 rev. 3/1/22 (approved).
- The developer has been asked to provide planting mix, number of plants, and spacing information for Conservation consideration/approval prior to start of work.
- Email received from Norman Hill, P.E. saying “The replication area for this lot will use the same hydric soils that were dug up nearby. The builder will simply get the replication area about a foot lower than the proposed elevations, and then spread the stockpiled hydric soils on top. Once the weather warms up the seeds will sprout. All plants will be native and be used to this environment.”
- Email received from Glenn Krevosky: Please see attached photo exhibit and portion of the plan outlining issues with the replication area and flagging. Also attached is a portion of 310 CMR 10.55 outlining that 75% of the surface area of the replication area is to be established with indigenous plant species. In DEP’s MA Inland Wetland Replacement Guidelines (dated 9/2022) it states replication areas are to be ‘in kind’ (if the lost wetland is Red Maple shrub swamp, then the replication area is Red Maple shrub swamp). The replication described in the plan set only calls for seeding and ferns – which is not correct. The erosion control barrier is 6 feet inside the replication area and needs to be moved at Flag 15. See attachments below.
- An estimate was requested and received from EBT Environmental to oversee the replication if the Commission so chooses.

Plan Notes:

BORDERING VEGETATED WETLANDS REPLICATION NOTES

1. The contractor and all subcontractors shall be aware of the Order of Conditions as issued by the Municipal Conservation Commission and its regulations applicable to this project.
2. The Construction Sequence for the Replication Area is to follow Section 3.0 of the D.E.P. Wetland Replication Guidelines in order to assure compliance with respect to the management of the plant species and control of invasive species. The site is to be monitored for a one year growth period to insure to success of the plant materials and to remove unwanted invasive species. The applicant/owner is responsible to water the replication area during the first growing season as necessary.
3. During the course of the replication project it may become necessary to alter the specifications due to the presence of unforeseen conditions. If this situation should occur, the Municipal Conservation Commission and the Massachusetts D.E.P. Central Region are to be notified of the proposed alterations.
4. Prior to the commencement of replication within the resource areas, the required erosion control structures are to be installed as shown on the site plans and details.
5. The current elevations in the location of the wetland replacement areas are generally less than one foot above the adjacent existing wetland. Therefore, grading will involve removal of topsoil, excavation to a sub-grade elevation approximately 8-12 inches below the proposed final elevations. Final elevations shall mimic existing grades within the adjacent wetland. A wetland scientist monitor shall be on-site during excavation to ensure adequate subgrades are achieved to intercept wetland hydrology. The wetland scientist shall be on-site during establishment of final grading of the wetland replication area.
6. All heavy construction equipment is to be located outside of the resource areas. Special care is to be taken to avoid the spillage of petroleum based products commonly associated with the operation of the construction equipment. All refueling of the construction equipment is to be done outside of the 100 foot buffer zone area.
7. The contractor is to water the entire mitigation area as necessary in order to assure the regeneration of the remaining root mass.
8. Replication of wetland resource area shall be done in unison with the filling of the existing wetland area in order to utilize the hydric soils. Soils to be used at the mitigation site shall be used immediately if possible or stockpiled for as little time possible. Where stockpiling is unavoidable, an appropriate moisture content shall be maintained to prevent the soils from drying out.
9. Translocated soils shall be moved in equipment that have been washed to prevent soil contamination and to prevent the introduction of exotic and/or invasive species to the mitigation site.
10. In the event that an adequate amount of wetland soils are not readily available to complete the amount of replication which has been designated, alternate soils are to be supplemented for this purpose. Additional organic material such as composted pine bark and sphagnum peat moss may be added to replicate the upper soil horizon.
11. Once the soils have been put in place and hand raked to a fairly smooth grade, the replication plants are to be evenly spaced and planted (with hand shovels) as shown in the details. At this time, the entire area is to be covered with a layer of loose (Seedless) hay. Once completed, heavy equipment is to no longer be allowed to work within the replication area. Additional straw wattles are to be installed along the upslope side of the replication area to further promote the stabilization of the recently tilled soil.
12. The contractor is to display good judgment when working near the wetland resource areas during adverse weather conditions. No work is to be performed in or near the replication area during periods of heavy rainfall. Refer to the Erosion and Sediment Control notes.
13. Approximately 8-12 inches of organic top soil shall be established in the wetland replication area.
14. The proposed soil shall be comprised of clean leaf compost and loam mixture, and shall have approximately 15-20 % organic matter content. the imported soil shall be inspected by the wetland scientist before placement in the replication area the loam portion of the proposed wetland soil may include existing loam from on-site with approval of the monitoring wetland scientist.
15. Pit and mound micro-topography shall be established in the wetland replication area under the oversight of the wetland scientist.
16. The native seed mix used shall be approved by the monitoring wetland scientist prior to spreading the mix.
17. Approximately 25 ferns shall be installed within shaded portions of the replication areas including cinnamon fern (*Osmunda cinnamomea*), ostrich fern (*Matteuccia struthiopteris*) and sensitive fern (*Onoclea sensibilis*).
18. Effort shall be made to minimize soil compaction during construction.
19. Under the direction of the monitoring wetland scientist, coarse woody material such as logs, stumps, small branches, and standing snags shall be placed within approximately 2-4% of the surface of the replication area. several large stones and small boulders (12" to 3' in diameter) may also be added to the mitigation areas.
20. The wetland replication area will be monitored during and following construction, including at the end of the first and second growing seasons by a qualified wetland scientist. Monitoring reports describing the relative health of the plantings will be submitted to the conservation commission with photographic documentation and recommendations for supplemental plantings, if necessary. The monitoring will include an assessment of the density of the vegetation to ensure 75% coverage by wetland indicator plants within two growing seasons. It is anticipated that opportunistic invasive wetland plants may enter and colonize the planting area; however, efforts will be made to discourage colonization by exotic invasives to the extent practicable.
21. The contractor is to notify the Municipal Conservation Commission once the regulated construction has been completed. Upon approval of the work, the contractor is to receive a Certificate of Compliance which is to be recorded at the South Worcester County Registry of Deeds.



Photo 1 taken by EBT, Inc. on 1/17/2024 – Showing replaced flag numbers appear to be off. Blue is original and pink is rehung. Distances between flags in some cases are what is shown on the site plan and in some cases are off as far as 5'.



Photo 2 taken by EBT, Inc. on 1/17/2024 – Showing replaced flag numbers appear to be off. Blue is original and pink is rehung. Distances between flags in some cases are what is shown on the site plan and in some cases are off as far as 5'.



Photo 3 taken by EBT, Inc. on 1/17/2024 – Looking south showing replication area. Replaced pink WF 17 (WF 15 on the plan) is 6’ outside of the erosion control barrier. On the plan it is at the limit of the replication area. The erosion control barrier should have been placed in the field exactly where shown on the plan – either the flag or silt fence is not where it is shown on the approved plan.

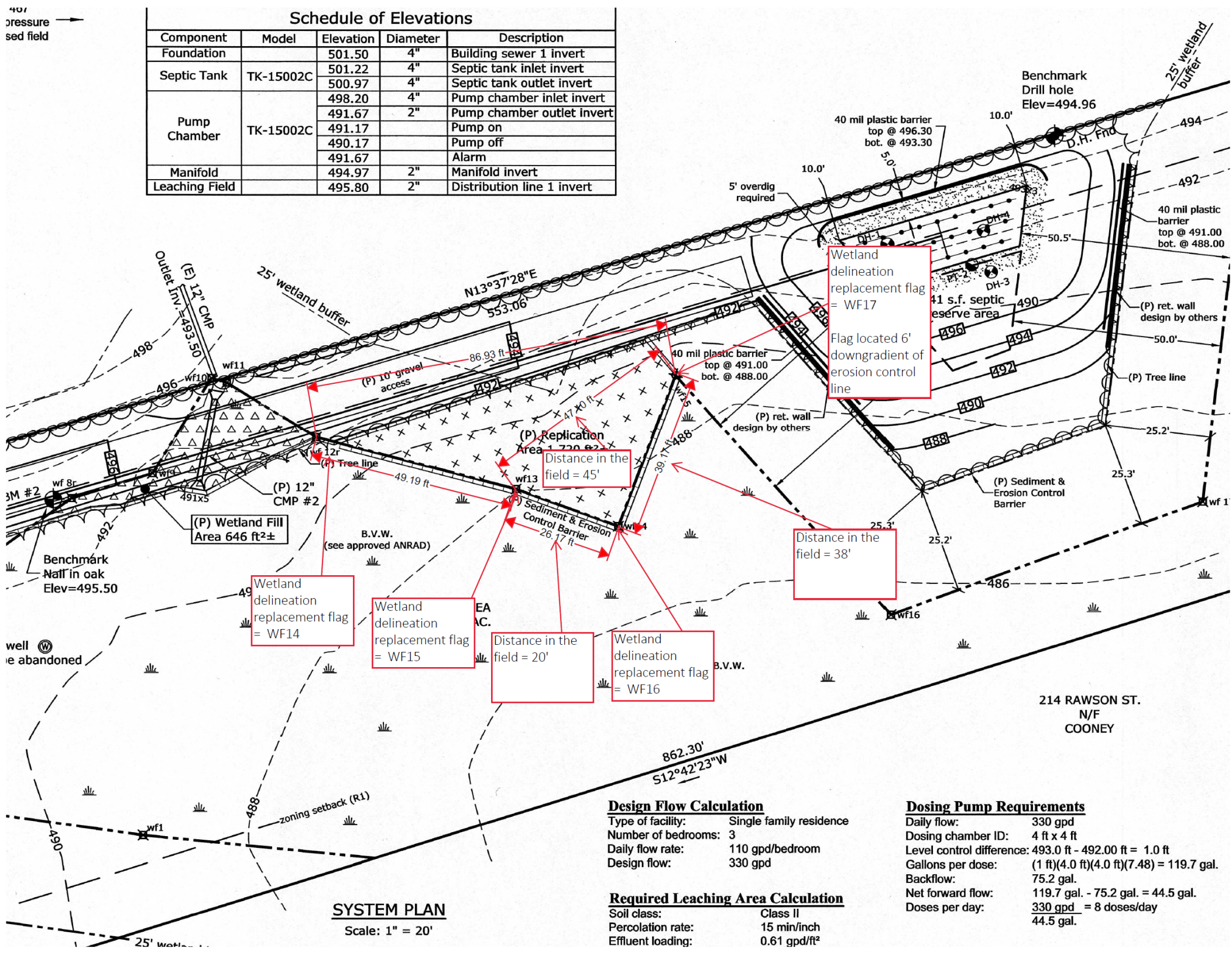


Photo 4 taken by EBT, Inc. on 12/28/2023 – Erosion gully discharging sediment into proposed replication area caused by recent storm event on 12/18/2023. The shown crushed stone was flushed into the proposed replication area (uplifted root system shown in photo is the same as in photo 3). The contractor filled the erosion gully, but in future storm events of similar size the stone will flush into the replication area again. A 6” minus rock lined shallow swale should be constructed to prevent erosion into the replication area in the future.

pressure
sed field

Schedule of Elevations

Component	Model	Elevation	Diameter	Description
Foundation		501.50	4"	Building sewer 1 invert
Septic Tank	TK-15002C	501.22	4"	Septic tank inlet invert
		500.97	4"	Septic tank outlet invert
Pump Chamber	TK-15002C	498.20	4"	Pump chamber inlet invert
		491.67	2"	Pump chamber outlet invert
		491.17		Pump on
		490.17		Pump off
		491.67		Alarm
Manifold		494.97	2"	Manifold invert
Leaching Field		495.80	2"	Distribution line 1 invert



10.55: continued

- a. groundwater, including the capillary fringe, within a major portion of the root zone;
 - b. observation of prolonged or frequent flowing or standing surface water;
 - c. characteristics of hydric soils.
3. Where an area has been disturbed (*e.g.* by cutting, filling, or cultivation), the boundary is the line within which there are indicators of saturated or inundated conditions sufficient to support a predominance of wetland indicator plants, a predominance of wetland indicator plants, or credible evidence from a competent source that the area supported or would support under undisturbed conditions a predominance of wetland indicator plants prior to the disturbance.

(3) Presumption. Where a proposed activity involves the removing, filling, dredging or altering of a Bordering Vegetated Wetland, the issuing authority shall presume that such area is significant to the interests specified in 310 CMR 10.55(1). This presumption is rebuttable and may be overcome upon a clear showing that the Bordering Vegetated Wetland does not play a role in the protection of said interests. In the event that the presumption is deemed to have been overcome, the issuing authority shall make a written determination to this effect, setting forth its grounds (Form 6).

(4) General Performance Standards.

(a) Where the presumption set forth in 310 CMR 10.55(3) is not overcome, any proposed work in a Bordering Vegetated Wetland shall not destroy or otherwise impair any portion of said area.

(b) Notwithstanding the provisions of 310 CMR 10.55(4)(a), the issuing authority may issue an Order of Conditions permitting work which results in the loss of up to 5000 square feet of Bordering Vegetated Wetland when said area is replaced in accordance with the following general conditions and any additional, specific conditions the issuing authority deems necessary to ensure that the replacement area will function in a manner similar to the area that will be lost:

1. the surface of the replacement area to be created ("the replacement area") shall be equal to that of the area that will be lost ("the lost area");
2. the ground water and surface elevation of the replacement area shall be approximately equal to that of the lost area;
3. The overall horizontal configuration and location of the replacement area with respect to the bank shall be similar to that of the lost area;
4. the replacement area shall have an unrestricted hydraulic connection to the same water body or waterway associated with the lost area;
5. the replacement area shall be located within the same general area of the water body or reach of the waterway as the lost area;
6. at least 75% of the surface of the replacement area shall be reestablished with indigenous wetland plant species within two growing seasons, and prior to said vegetative reestablishment any exposed soil in the replacement area shall be temporarily stabilized to prevent erosion in accordance with standard U.S. Soil Conservation Service methods; and
7. the replacement area shall be provided in a manner which is consistent with all other General Performance Standards for each resource area in Part III of 310 CMR 10.00.

In the exercise of this discretion, the issuing authority shall consider the magnitude of the alteration and the significance of the project site to the interests identified in M.G.L. c. 131, § 40, the extent to which adverse impacts can be avoided, the extent to which adverse