



Ecosystem Solutions, Inc.
100 Centerville Rd., Suite 4
Warwick, RI 02886

**Request for Determination of Applicability
1039 Stafford Street / Map 46, Lots B4 and B5
Leicester, Massachusetts**



Prepared for: Christopher & Charlene Cote
1039 Stafford St.
Leicester, MA 01542

July 2021



Ecosystem Solutions, Inc.

100 Centerville Rd.
Warwick, RI 02886

RI: 401-615-8885
MA: 508-997-0268
www.ecosystem-solutions.com

July 2, 2021

Project no. W21-1449

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

**RE: REQUEST FOR DETERMINATION OF APPLICABILITY
1039 Stafford Street / Map 46C, Lot B5
Leicester, MA**

Mr. Parretti,

Please find attached a Request for Determination of Applicability (RDA) for the above-referenced property (Property). This application is submitted in accordance with the Massachusetts Wetlands Protection Act (M.G.L. 131, Section 40) (Act), the Massachusetts Wetlands Regulations (310 CMR 10.00) (Regulations), the Town of Seekonk General Wetlands Protection Bylaw and its Rules & Regulations (Bylaw). In this packet you will find:

- One (1) original and one (1) copy of the RDA package;
- Five (5) copies of restoration/site plans (11x17");
- Check made out to the Town of Leicester in the amount of \$50.00 for an RDA;
- Property and wetland description, USGS topographic map, FEMA Firmette, and aerial photography w/ overlays.

Property Description

The Property is located on the south side of Stafford Road opposite a mill site, ±650' northeast of the intersection of Stafford Street and Mill Street. The site is a 0.742 acre parcel with a single-family house built circa 1840. It includes an unpaved driveway, recreational lawn and shade trees, a garage, several small outbuildings, and a forested area to the south. The Property is bordered on the west by the French River.

Wetland Description

There are no wetland resources areas besides Riverfront Area on the subject Property. The Riverfront Area is associated with the French River. Further, according to the attached FEMA Firmette, the property is not located within floodplain, and therefore is not Bordering Land Subject to Flooding.

Proposed Project

The work proposed is restoration work in response to the Enforcement Order issued on 11/19/2020 in response to tree removal activities on the Property. While this work will take place within the Riverfront Area, it is to restore the area to pre work conditions. This work will include planting trees in the area of cutting and brush/debris removal from the Riverfront Area. Please see the attached restoration plan, "Restoration_Plan_StaffordSt_Leicester_June-2021_wAttachments". As per the attached restoration plan, the applicant will be conducting restoration work within $\pm 6.5\%$ of the Riverfront Area on-site.

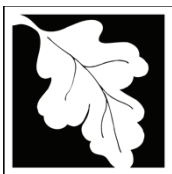
Looking at 310 CMR 10.00, I believe that the best regulatory fit for this project falls under section 10.58(4)(d)3. which states that the 'issuing authority shall allow the construction of a single-family house, a septic system if no sewer is available, and a driveway, on a lot recorded before August 7, 1996 where the size or shape of the lot within the riverfront area prevents the construction from meeting the requirements of 310 CMR 10.58(4)(d)1. or 2. In this case, I believe that where this is only for restoration of the previously disturbed area, the overall impacts associated with the work are de minimus in relation to the Public Interests stated in 310 CMR 10.00 and the Leicester Bylaw. We hope that based on this information, you can recommend that a permit for the proposed restoration work be issued.

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

Sincerely,
Ecosystem Solutions, Inc.
Brandon B. Faneuf, M.S.
PWS, RPSS, CWB, CPESC

attachments
BF/bw





Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Leicester
City/Town

WPA Form 1- Request for Determination of Applicability

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

A. General Information

Important:

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



1. Applicant:

Christopher Cote & Charlene Cote

Name

E-Mail Address

1039 Stafford Street

Mailing Address

Leicester

MA
State

01542
Zip Code

City/Town

Phone Number

Fax Number (if applicable)

2. Representative (if any):

Ecosystem Solutions Inc.

Firm

Bruce Webb

bruce@esi-env.com

Contact Name

E-Mail Address

100 Centerville Road

Mailing Address

Warwick

RI
State

02886
Zip Code

City/Town

(401) 864-6035

Phone Number

Fax Number (if applicable)

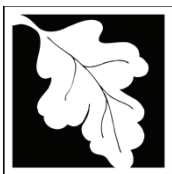
B. Determinations

1. I request the Leicester make the following determination(s). Check any that apply:
Conservation Commission

- ☐ a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- ☐ b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- ☒ c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- ☐ d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

Name of Municipality

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



WPA Form 1- Request for Determination of Applicability

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

C. Project Description

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

1039 Stafford Street

Street Address

Leicester

City/Town

46C

Assessors Map/Plat Number

B4, B5

Parcel/Lot Number

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

Riparian area to French River, currently driveway access to single family house forested on the west and south side of the driveway and lawn and structures on the north and east side.

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

Figure_1_June-2021

Title

6-14-2021

Date

Title

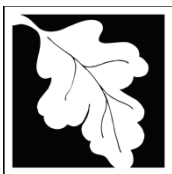
Date

Title

Date

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

See attached restoration plan "Restoration_Plan_StaffordSt_Leicester_June-2021_wAttachments"



WPA Form 1- Request for Determination of Applicability

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

C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- ☒ Single family house on a lot recorded on or before 8/1/96
- ☐ Single family house on a lot recorded after 8/1/96
- ☐ Expansion of an existing structure on a lot recorded after 8/1/96
- ☐ Project, other than a single-family house or public project, where the applicant owned the lot before 8/7/96
- ☐ New agriculture or aquaculture project
- ☐ Public project where funds were appropriated prior to 8/7/96
- ☐ Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- ☐ Residential subdivision; institutional, industrial, or commercial project
- ☐ Municipal project
- ☐ District, county, state, or federal government project
- ☐ Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)

Lot fits 310 CMR 10.58 (4)(d)3. as it was built circa 1840. See attached property card



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Leicester
City/Town

WPA Form 1- Request for Determination of Applicability

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

D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Christopher Cote & Charlene Cote

Name

1039 Stafford Street

Mailing Address

Leicester

City/Town

MA

State

01542

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Signature of Applicant

Date

Signature of Representative (if any)

Date

NOTICE OF INTENT
ABUTTER NOTIFICATION LETTER

DATE: July 19, 2021

RE: Leicester Conservation Commission Public Hearing
REQUEST FOR DETERMINATION OF APPLICABILITY

To Whom It May Concern,

As an abutter, please be advised that a REQUEST FOR DETERMINATION OF APPLICABILITY (RDA) application has been filed with the Leicester Conservation Commission under the Massachusetts Wetlands Protection Act and Regulations.

APPLICANT: Christopher Cote & Charlene Cote

PROJECT ADDRESS OR LOCATION: 1039 Stafford Street
Leicester MA
Map 46C, Lot B5

APPLICATION DESCRIPTION: Restoration of Riverfront Area following tree removal.

APPLICANT'S AGENT: Ecosystem Solutions, Inc.
100 Centerville Road
Warwick, RI 02886

PUBLIC HEARING: Leicester Town Hall
3 Washburn Square
Leicester, MA 01524

Date and Time: **August 11th, 2021**
6:30pm

NOTE: You may consult a copy of "Worcester Telegram", or contact the Leicester Conservation Commission at (508) 892-7007 for more information regarding the time and date of the public hearing.

NOTE: Plans and application describing the proposed activity are on file with and can be examined at the Leicester Conservation Commission Office by calling (508) 892-7007.

NOTE: Copies of the NOI may be obtained from the Applicant's Representative, Ecosystem Solutions, Inc., by calling (508) 997-0268 between the hours of 8:30am and 5:00pm, Monday through Friday. You may be charged for the cost of the copy.

NOTE: You may also contact the Department of Environmental Protection, Central Regional Office for more information about this application or the Wetlands Protection Act at (508) 792-7650.

07/12/2021

Town of Leicester

CONFIRM RDA

Page 1 of 1

11:38:30AM

Abutters List

ParcelID	Location	Owner	Co-Owner	Mailing Address	City	State	Zip
46 A2 0	STAFFORD ST	CENTRAL WATER DISTRICT CO IN		P O BOX 327	ROCHDALE	MA	01542-0327
46 A2.1 0	1030 STAFFORD ST	STAFFORD INDUSTRIES INC		P O BOX 327	ROCHDALE	MA	01542-0327
46C B4 0	STAFFORD ST	CLEMMY PAUL F	CLEMMY LILLIAN E	PO BOX 148	ROCHDALE	MA	01542-0148
46C B6 0	1037 STAFFORD ST	BARRIERE DAVID L	BARRIERE ANN M	1037 STAFFORD ST	ROCHDALE	MA	01542
46C B8 0	1015 STAFFORD ST	CLEVELAND MARGARET A		PO BOX 38	ROCHDALE	MA	01542

End of Report

Above is a certified list of direct abutters including abutters across the street.

Subject property: 1039 Stafford Street, Assessors Map 46C-B5, Deed Ref. 57618/69

Subject owner(s): Christopher & Charlene Cote

Sandy Genna, Principal Assessor

Prepared by: Kathleen Asquith, Assistant

TOWN OF LEICESTER

ASSESSORS HAVE TEN DAYS TO PROCESS YOUR REQUEST, PLEASE PLAN AHEAD!

\$10.00 PREPAID AT TIME OF REQUEST FOR FIRST THREE PAGES, \$5.00 PER PAGE AT

TIME OF PICKUP FOR EACH ADDITIONAL PAGE.

Subject Information

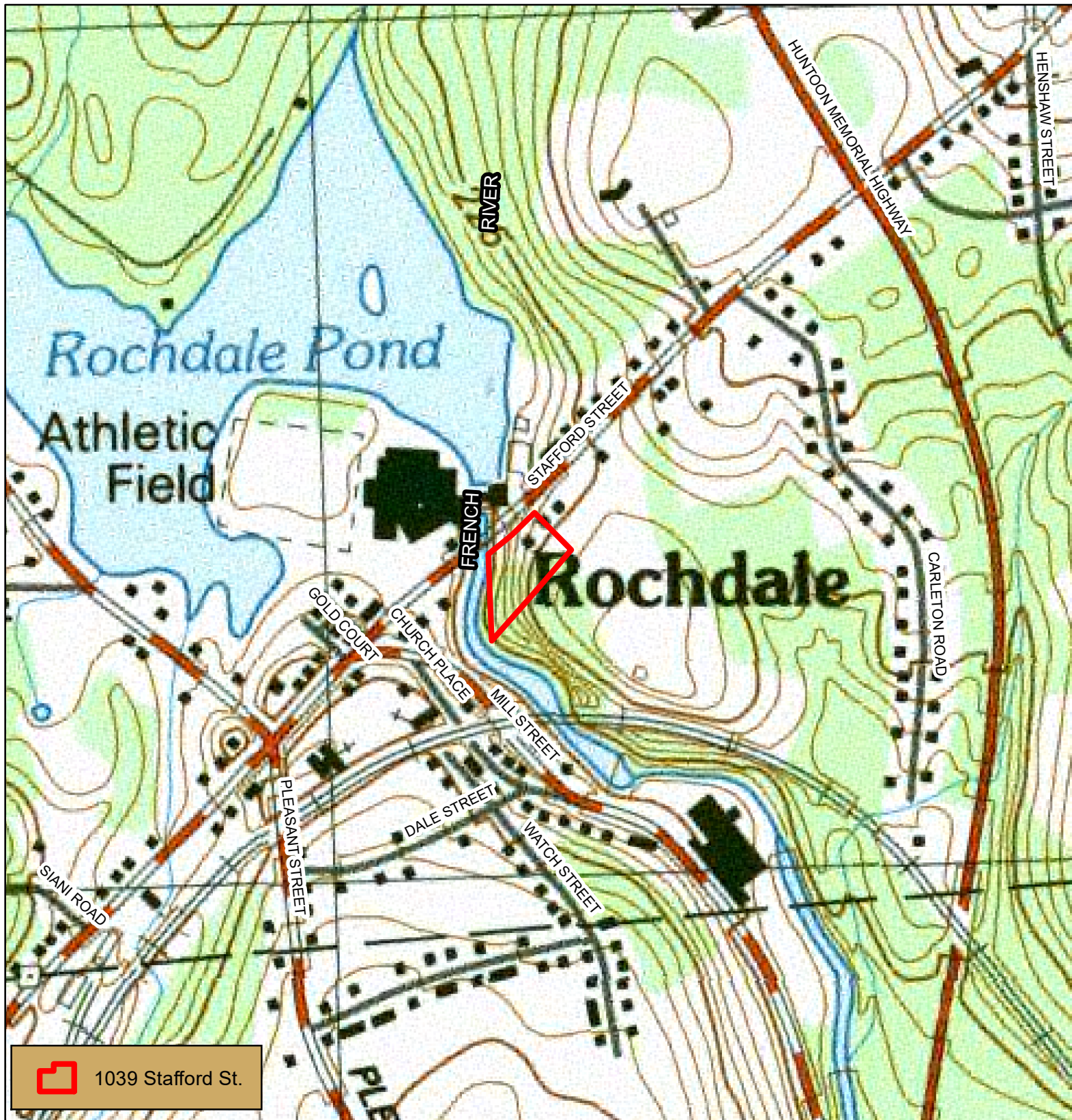
Parcel	Assessors Map:	Parcel:	Deed Ref#:
Owner(s)			
Street Address			

Requestor Information

Name			
Telephone	Email		

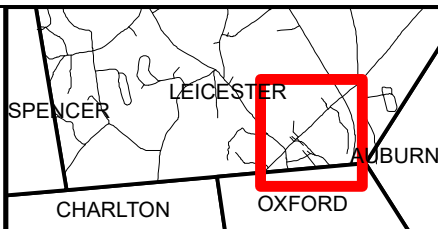
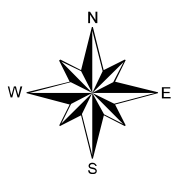
Board/Department	Description of Required Abutters List
Conservation Commission RDA	Direct abutters, including abutters across any street
Conservation Commission NOI	Abutters and abutters to abutters within <u>300 feet</u> , including across any street or body of water ¹
Planning Board Special Permit, <u>Major</u> Site Plan Review, or Definitive Subdivision	Abutters and abutters to abutters within <u>300 feet</u> , including across any street
Zoning Board of Appeals Special Permit OR Variance	Abutters and abutters to abutters within <u>300 feet</u> , including across any street
Board of Health	Specify Distance (consult with Board of Health Staff to determine the required distance) _____
Board of Selectmen Class II License	Direct abutters, including abutters across any street
Board of Selectmen Liquor License	Direct abutters, including abutters across any street AND schools, churches, or hospitals within 500 feet
Other. Please specify Board/Department _____	Please specify: _____ Direct Abutters _____ feet Other: _____

1 An applicant who proposes work solely within Land under Water Bodies or Waterways, or solely within a Lot with an area greater than 50 acres, is required to provide notification only to Abutters whose Lot is within three hundred feet from the *Project Site*. An applicant proposing a Linear- shaped Project greater than 1,000 feet in length is required to provide notification only to Abutters whose Lot is within 1,000 feet from the Project Site.



Ecosystem Solutions, Inc.
100 Centerville Rd., Suite 4 Warwick, RI 02886

FIGURE 1



USGS Topographic Map
1039 Stafford Street / Map 46C, Lot B5
Leicester, Massachusetts

DATE: 07-02-2021

PROJECT #: W21-1449

CREATED BY: BW

SCALE: 1 inch = 500 feet

USGS Leicester Quadrant



National Flood Hazard Layer FIRMMette



71°54'31"W 42°12'N



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

1:6,000

71°53'54"W 42°11'33"N

Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

Legend Figure 2

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

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
MAP PANELS		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
		Digital Data Available
		No Digital Data Available
		Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

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

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 7/2/2021 at 1:17 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

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



Ecosystem Solutions, Inc.

100 Centerville Rd., Suite 4
Warwick, RI 02886

RI: 401-741-3263
MA: 508-997-0268
www.ecosystem-solutions.com

July 02, 2021

Project no. W21-1449

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

RE: Restoration Plan
1039 Stafford Street; Map 46C, Lot B5
Leicester, Massachusetts

Mr. Parretti:

Ecosystem Solutions, Inc. presents the following restoration plan for the above-referenced property (Property). A site investigation for wetland resource areas was conducted by a professional wetland scientist on April 5, 2021, and was performed in accordance with the Massachusetts Wetlands Protection Act (M.G.L. 131, §40) (Act), the Massachusetts Wetlands Regulations (310CMR 10.00), Department of Environmental Protection (DEP) Policy 95-1, the US Army Corps of Engineers (ACOE) 1987 Wetland Delineation Manual, and its 2009 Supplement for the Northeast Region. Policy 95-1 specifically outlines the current DEP criteria and methodology for defining BVW's in Massachusetts. Both the ACOE Manual and Policy 95-1 allow for the use of the environmental characteristics of hydrophytic vegetation, hydric soils and hydrology in order to identify wetland areas.

Background

A complaint was received in July 2020 that tree cutting was taking place in the Riverfront Area. A Cease & Desist letter was sent certified mail 7/23/2020 and signed for on 7/28/2020. The letter requested the Property owner attend the next Conservation Commission meeting and provide a restoration plan. No response was received, and DEP became involved, issuing an Enforcement Order on 11/19/2020, requiring a restoration plan by 12/16/2020. The Property owner retained our services in January, with the first site inspection taking place on January 19, 2021.

During a site visit with personnel from ESI on February 10, 2021, members of the Leicester Conservation Commission had expressed concern that tree clearing activities had taken place between the western edge of the southwest driveway and the French River. A detailed inspection of the slope between the driveway and the Mean Annual High Water mark of the French River revealed no additional logs or brush from cutting, and no stumps were found in this area. There is a large tree that appears to have fallen to the north by the bridge, however this tree is still connected to its root system and is in fact still alive. There are smaller trees and limbs to the north towards the bridge, however these appear to have fallen naturally or from heavy cover of Oriental bittersweet (*Celastrus orbiculatus*). They show no signs of having been cut and are without bark for the most part, indicating

they are natural in source and have been there for quite some time. These small trunks and limbs now provide wildlife habitat. Photos of this area are attached in an additional document.

A number of mature trees were cut in upland adjacent to the French River on the Property, but within the 200' Riverfront Area/Outer Riparian Zone without a permit. The area of cutting is located approximately south of the southwest driveway. The largest number of these were large mature Eastern white pine. The remainder were small Maple and a small Ash, with trunks <5". Some of the brush from tree cutting was deposited over the western edge of the driveway within the Inner Riparian Zone, totaling about 700 square feet. The location of trees cut is shown in Figure 1 (attached), as is the Riverfront area extending out from the Mean Annual High Water line of the French River. The total number and species of trees cut down is detailed in Table 2:

Table 1: Riverfront Area Disturbance Summary

Total Riverfront Area On-Site	±61,000 square feet
Disturbed Outer Riparian Zone (100'-200')	±3,000 square feet
Disturbed Inner Riparian Zone (0'-100')	±1,000 square feet
Percent of total disturbed Riverfront Area	±6.5% (4,000/61000)
Trees in RFA cut >5" diameter	10
Trees in RFA cut <5" diameter	10



Picture 1: Area of interest before trees were cut. Looking southwesterly. Undated photo by Chris Cote.



Picture 2. Showing the area where trees were cut along the edge of the driveway- looking west toward the French River. Photo by ESI during first site visit.

Table 2: Trees Removed

Eastern White Pine	<i>Pinus strobus</i>	10
Maple	<i>Acer sp.</i>	9
Ash	<i>Fraxinus sp.</i>	1

Restoration

Restoration of the site will be accomplished by planting 5 Red maple trees and 5 Oak trees along the existing tree line where the original cutting took place, for 10 trees will be planted total. The Maple will be planted on the Maple and Oak have been chosen as they are appropriate native species for the location, increase diversity within the riparian zone, and hardwoods among the pines were starting to succeed softwoods already. Maple and Oak also reduce the risk have having to manage tree growth in the future to limit wind damage, as White pine is one of the most susceptible trees to wind damage. The two piles of brush in the inner riparian zone will be removed. Sections of White pine trunk which were placed over the edge of the driveway will be removed, as well as the remaining large White pine stumps. The pile of cut brush and yard waste at the bottom of the driveway near Stafford Street will also be removed. The location of trees to be planted, and of the brush piles to be removed, the logs and stumps to be removed, and the small brush and yard waste pile are also shown in Figure 1.

Table 3: Planting List

Red Maple	<i>Acer rubrum</i>	5
Oak	<i>Quercus sp.</i>	5

Conclusion

Given the history of trying to resolve this situation, we feel this restoration plan offers the best way forward to that resolution. We feel that the plan to restore the vegetation serves the public interest and meets the goals of CMR 310, and hope to work with the Conservation Commission to resolve this situation.

Should you have any questions regarding this letter, or would like to conduct a site walk with me, please do not hesitate to call at (401) 741-3263 or by using the other contact information above.

Sincerely,

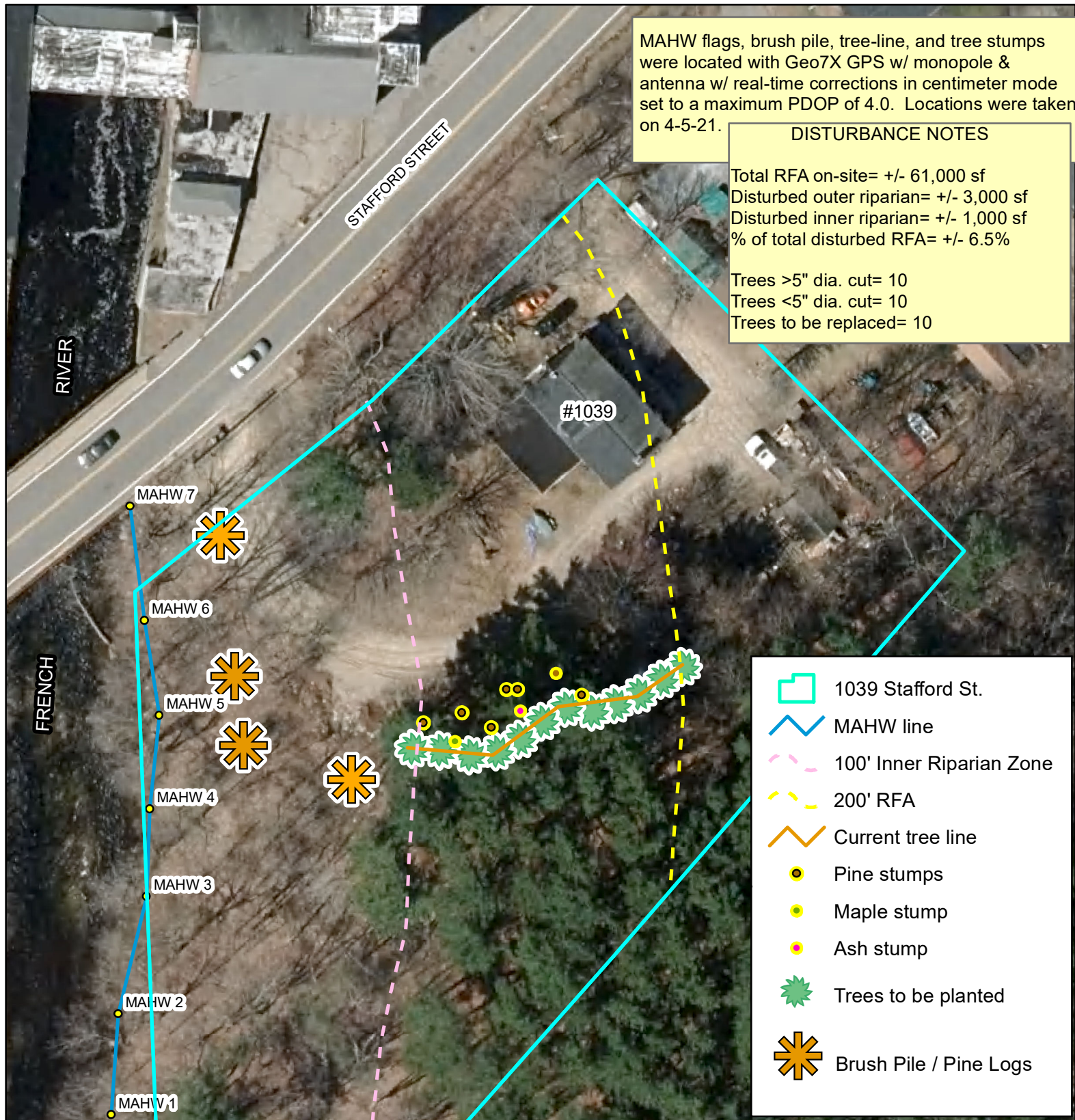
Ecosystem Solutions, Inc.

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

BF/hw

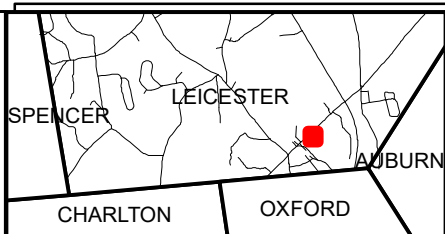
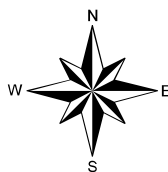
enclosures





Ecosystem Solutions, Inc.
 100 Centerville Rd., Suite 4 Warwick, RI 02886

FIGURE 1



Existing Conditions & Planting Plan
 1039 Stafford Street / Map 46C, Lots B4 & B5
 Leicester, Massachusetts

DATE: 06-14-21

PROJECT #: W21-1449

CREATED BY: BF

SCALE: 1 inch = 50 feet

2019 Aerial Orthophoto





Bank showing small barkless branches



Large trunk adjacent to river still in ground and alive (not cut down)

1039 Stafford Street / Map 46C, Lots B4, B5
Leicester, Massachusetts

SITE PHOTOGRAPHS



Ecosystem Solutions, Inc.
100 Centerville Rd., Ste. 4 Warwick, Rhode Island 02886

Project no. W21-1449


Pictures 1-2



Branches tangled in Celastrus o.



Branches tangled in Celastrus o.

1039 Stafford Street / Map 46C, Lots B4, B5 Leicester, Massachusetts	SITE PHOTOGRAPHS	
 Ecosystem Solutions, Inc. 100 Centerville Rd., Ste. 4 Warwick, Rhode Island 02886	Project no. W21-1449	Pictures 3-4



Detail of trunk showing natural break.

1039 Stafford Street / Map 46C, Lots B4, B5
Leicester, Massachusetts

SITE PHOTOGRAPHS



Ecosystem Solutions, Inc.

100 Centerville Rd., Ste. 4 Warwick, Rhode Island 02886

Project no. W21-1449

Picture 5