

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 - Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And Leicester Wetlands Protection By-Law/Ordinance

MassOEP File Number

Document Transaction Number

Leicester

City/town

Important:
When filling out
forms on the

computer, use
only the tabkey

to move your
cursor - do not

use the return
key.

Note:
Before
completing this
form consult
your local
Conservation

Commission
regarding any

municipal bylaw
or ordinance.

A. General Information

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

17 Fairview Drive

Leicester

a. Street Address

b. City/town

Latitude and Longitude:

42.225765

-71.944962

d. Latitude

e. Longitude

41AA9

18

f. Assessors Map/Plat Number

g. Parcel /Lot Number

2. Applicant:

Diane

Mercadante

a. First Name

b. Last Name

c. Organization

17 Fairview Drive

d. Street Address

Leicester

MA

01524

e. City/town

f. State

g. Zip Code

508 892 1864

h. Phone Number

i. Fax Number

j. Email Address

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

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

a. First Name

b. Last Name

c. Company

d. Street Address

RECEIVED

AUG 15 2023

Town of Leicester
Development & Inspectional Services

Representative (if any): N/A

b. First Name

b. Last Name

c. Company

d. Street Address

e. Citytown

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

Total WPA Fee Paid (from NOi Wetland Fee Transmittal Form):

\$500

_, \$
237.50

\$ 262.50

aTotal Fee Paid

b. State Fee Paid

c. Citytown Fee Paid

WPA Form 3 - Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And Leicester Wetlands Protection By-Law/Ordinance

A. General Information (continued)

6. General Project Description:
(See Attached)

7a. Project Type Checklist:

- | | |
|--|---|
| 1. <input type="checkbox"/> Single Family Home ✓ | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Limited Project Driveway Crossing | 4. <input type="checkbox"/> Commercial/Industrial |
| 5. <input type="checkbox"/> Dock/Pier | 6. <input type="checkbox"/> Utilities |
| 7. <input type="checkbox"/> Coastal Engineering Structure | 8. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) |
| 9. <input type="checkbox"/> Transportation | 10. <input checked="" type="checkbox"/> Other— repair retaining wall |
| 10. Is any portion of the proposed activity eligible to be treated as a limited project subject to 310 | |

CMR

11. 24 (coastal) or 310 CMR 10.53 (inland)?

1. ☐ Yes ☒ No If yes, describe which limited project applies to this project:

2. Limited Project

8. Property recorded at the Registry of Deeds for:

Worcester

a. County

b. Certificate# (if registered land)

19444

105

c. Book

d. Page Number

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

1. ☒ Buffer Zone Only - Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
2. ☐ Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section 8.3, Coastal Resource Areas).

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

For all projects

affecting other
Resource Areas,

please attach a narrative
explaining how the resource

area was delineated.

Resource Area**Size of Proposed Alteration**a. **D** Bank**Proposed Replacement (if any)**b. **D**Bordering
Vegetated
Wetland

1. linear feet

2. linear feet

1. square feet

2. square feet

c. **D** Land

Under

Water
bodies
and
Water
ways

1. linear feet

2. linear feet

3. cubic yards dredged

A6. GENERAL PROJECT DESCRIPTION -17 Fairview Ave. Leicester, MA
ON cedar Meadow pond

The Applicant, proposes to repair existing retaining wall approximately 125 feet

The mitigating measures of tightly aligned double-staked haybales backed by entrenched silt fence shall be placed prior to site work. These measures shall be maintained in good working order throughout the project

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 - Notice of Intent

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And Leicester Wetlands Protection By-Law/Ordinance

Leicester
c;tyrrown

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

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement Of any</u>
d. Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	4. cubic feet replaced
e. Isolated Land Subject to Flooding	1. square feet	
	2. cubic feet of flood storage lost	3. cubic feet replaced
f. Riverfront Area	1. Name of Waterway (if available)	

2. Width of Riverfront Area (check one):

25 ft. - Designated Densely Developed Areas only

100 ft. - New agricultural projects only

200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project:

square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet

b. square feet within 100 ft.

c. square feet between 100 ft. and 200 ft.

5. Has an alternatives analysis been done and is it attached to this NOI?

Yes ☐ No

6. Was the lot where the activity is proposed created prior to August 1, 1996?

Yes ☐ No

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

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

Online Users:

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

Resource Area

d. ☐ Coastal Beaches

a. Designated Port Areas

b. Land Under the Ocean

c. Barrier Beach

Size of Promsed
Alteration

Indicate size under Land Under
the Ocean, below

Indicate size under Coastal Beaches and/or Coastal Dunes below

Proposed
Replacement (if
any)

1. square feet

1. square feet

2. cubic yards beach nourishment

2. cubic yards dredged

e. Coastal Dunes

1. square feet

2. cubic yards dune nourishment

Massachusetts Department of
Environmental Protection
Bureau of Resource Protection -
Wetlands

Provided by MassDEP: MassDEP File Number

Document Transaction Number

**WPA Form 3 - Notice
of Intent**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And Leicester Wetlands Protection By-Law/Ordinance

Leicester
city

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

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

Restoration/Enhancement

If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BW..J

b. square feet of Salt Marsh

C. Other Applicable Standards and Requirements

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to <http://www.mass.gov/dfwele/dfw/nhesp/nhre9.Q1ap.htm>.

a. Yes ☐ [X] No

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

Natural Heritage Atlas

P. 107 Leicester Quad

10/01/08

b. Date of map

Natural Heritage and Endangered Species Program

Division of Fisheries and Wildlife

Route 135, North Drive

Westborough, MA 01581

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

Massachusetts Department of
Environmental Protection
Bureau of Resource Protection -
Wetlands

WPA Form 3 - Notice of Intent

Provided by MassDEP: MassDEP File Number

Document Transaction Number

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And Leicester Wetlands Protection By-Law/Ordinance

Leicester
Citytown

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

1. c. Submit Supplemental Information for Endangered Species Review•

1. Percentage/acreage of property to be altered:

(a) within wetland Resource Area

percentage/acreage

(b) outside Resource Area

percentage/acreage

2. Assessor's Map or right-of-way plan of site **ATTACHED ASSESSORS MAP**

3. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work "

Project description (including description of impacts outside of wetland resource area & buffer zone)

(a) Photographs representative of the site

(b) MESA filing fee (fee information available at:

<http://www.mass.gov/dfwele/dfw/nhespinhenvmesa.htm>)

Make check payable to "Natural Heritage & Endangered Species Fund" and **mail to NHESP** at above address

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

(c) Vegetation cover type map of site

(d) Project plans showing Priority & Estimated Habitat boundaries

d. OR Check One of the Following

1 Project is exempt from MESA review.

Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhespinhenvexell.12_vions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. Separate MESA review ongoing.

a. NHESP Tracking Number

b. Date submitted to NHESP

3. Separate MESA review completed.

Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

- Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see www.nhesp.Qill regulatory review tab). Priority Habitat includes habitat for state- listed plants and strictly upland species not protected by the Wetlands Protection Act.

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 - Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number
Leicester

And Leicester Wetlands Protection By-Law/Ordinance

city/Town

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

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

a. ☐ Not applicable - project is in inland resource area only

b. ☒ Yes ☐ No If yes, include proof of mailing or hand delivery of NOi to either:

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

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
838 South Rodney French Blvd.
New Bedford, MA 02744

North Shore - Hull to New Hampshire:

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930

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

3. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

a. ☐ Yes ☒ No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.

b. ACEC

Online Users:
Include your
document
transaction
number

(provided on
your receipt
page) with all
supplementary
information you
submit to the
Department.

4. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?

a. ☐ Yes ☒ No

5. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?

a. ☐ Yes ☒ No

6. Is this project subject to provisions of the MassDEP Stormwater Management Standards? **NO**

a. ☐ Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:

1. ☐ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
2. ☐ A portion of the site constitutes redevelopment
3. ☐ Proprietary BMPs are included in the Stormwater Management System.

b. ☐ No. Check why the project is exempt:

1. ☒ Single-family house lot

**Massachusetts Department of
Environmental Protection**
Bureau of Resource Protection -
Wetlands

**WPA Form 3 - Notice
of Intent**

Massachusetts Wetlands Protection
Act M.G.L. c. 131, §40 And Leicester
Wetlands Protection By-
Law/Ordinance

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Leicester

City/Town

D. Additional Information

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

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

- 1 USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.) **ATTACHED**
- 2 Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area. **SKETCH ATTACHED**
3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.
4. List the titles and dates for all plans and other materials submitted with this NOI.

Additional Information

- | | |
|--------------------------------------|--------------------------|
| a. Plan Title | |
| b. Prepared By | c. Signed and Stamped by |
| d. Final Revision Date | e. Scale |
| f. Additional Plan or Document Title | g. Date |
5. If there is more than one property owner, please attach a list of these property owners not listed on this form.
 6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
 7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
 8. Attach NOI Wetland Fee Transmittal Form
 9. Attach Stormwater Report, if needed.

E. Fees

1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the

Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

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

2. Municipal Check Number 582

3. Check date 8/7/23

4. State Check Number 581

5. Check date 8/7/23

Diane

Mercadante

6. Payor name on check: First Name

7. Payor name on check: Last Name

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 - Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And Leicester Wetlands Protection By-Law/Ordinance

Provided by MassDEP:

MassDEP File Number _____

Document Transaction Number _____

Leicester _____

City/Town _____

F. Signatures and Submittal Requirements

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

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

X 
1. Signature of Applicant


2. Date

3. Signature of Property Owner (if different)

Signature

4. Date

5. Signature of Representative (if any) - authorized to sign for the Applicant

6. Date

For Conservation Commission:

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

For MassDEP:

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

Other:

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

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

PROJECT LOCATION: 17 Fairview Drive, Leicester, MA
ASSESSORS MAP NO.: 41AA90 **PARCEL NO.:** 18

Additional Information *ATTACHED*

- 2A - USGS Worcester South Quad 1983
- 3A - Assessors Map No. 41A A90 4A
- Fee Transmittal Form
- Abutters List
- Abutters Notification
- Affidavid of Service,