



# TOWN OF LEICESTER CONSERVATION COMMISSION

3 Washburn Square  
Leicester, MA 01524-1333  
Phone: 508-892-7007 – Fax: 508-892-7070  
[www.leicesterma.org](http://www.leicesterma.org)

## CONSERVATION COMMISSION AGENDA

Wednesday, March 13, 2024 at 6:30 PM  
Select Board Meeting Room

RECEIVED  
2024 MAR -6 AM 10:59  
TOWN CLERK'S OFFICE  
LEICESTER, MASS.

### Call to Order

#### 1. Public Hearings

##### **Public Hearing (Continued from 2/14/24):**

##### Notice of Intent – Waite Pond Dam (DEP #197-Pending)

Repairs to Waite Pond Dam described as the vertical extension of the retaining wall on the right side of the spillway. Applicant: Town of Leicester.

##### **Public Hearing:**

##### Notice of Intent – 434 Mulberry St. (DEP #197-Pending)

For the purpose of a septic repair system within the 100' buffer zone of BVW. Applicant: 434 Mulberry LLC

##### **Public Hearing:**

##### Notice of Intent – Boutilier Rd., Henshaw St., Peter Salem Rd., Pine St., and Stafford St. (DEP #197-Pending)

For activities associated with exploratory geotechnical soil borings along the E5/E6 Transmission Lines Right-of-Way within Bordering Vegetated Wetlands, the 100' buffer zone to Bordering Vegetated Wetlands, 200' Riverfront Area, and 25' no disturb zone. Applicant: BSC Group, Inc. for New England Power Company

#### 2. Request for Extension Permit for Stiles Reservoir (DEP #197-0607)

Applicant: Solitude Lake Management for Stiles Reservoir

#### 3. Requests for Certificates of Compliance

- 473 Whittemore Street - Applicant: Petra Broda - DEP #197-0276
- 53 River St – Applicant: EBT Environmental - DEP #197-0397
- 53 River St– Applicant: EBT Environmental - DEP #197-0508

#### 4. Recommendations to Board of Selectmen for appointments to the Open Space & Rec Plan Implementation Committee:

- Vanessa Lopez
- Vivian Giles

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

**5. Discussion**

- 214 Rawson Street – Re-flagging status
- 122 White Birch Street – Complaint – status
- 15 Bond St. – Response to Krevosky review

**6. Approval of Minutes:**

- January 17, 2024
- February 14, 2024

**7. Miscellaneous/Board Updates**

- 257 Pine Street – Update
- Municipal Waterways Fund
- Tree Removal Policy – Draft
- Native Plant List

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TOWN CLERK'S OFFICE  
LEICESTER, MASS.

Public Hearing (Cont.)

Waite Pond Dam Repairs – NOI

Public Hearing  
434 Mulberry St. - NOI



**Town of Leicester**  
**CONSERVATION COMMISSION**  
LEICESTER, MASSACHUSETTS, 01524-1333  
Phone: 508-892-7007 Fax: 508-892-7070  
[www.leicesterma.org](http://www.leicesterma.org)

**PUBLIC HEARING NOTICE**  
**Leicester Conservation Commission**

**434 Mulberry Street**

RECEIVED  
2024 FEB 20 PM 4:01  
TOWN CLERK'S OFFICE  
LEICESTER, MASS.

**The Leicester Conservation Commission** will hold a Public Hearing on **Wednesday, March 13, 2024 at 6:30 PM** in the Conference Room of the Leicester Town Hall, 3 Washburn Square, Leicester, MA in accordance with M.G.L. c.131 s.40 and the Town of Leicester Wetland Bylaw to hear the Notice of Intent filed by 434 Mulberry LLC for the purpose of a septic system repair within the 100' buffer zone of bordering vegetated wetlands. Site Location: 434 Mulberry Street, Assessor's Parcel: 5-A1-0, Zone: Suburban Agricultural (SA).

Anyone wishing to comment or hear discussion should be present at the above stated date and time. The submitted documents may be viewed in the Leicester Town Conservation Commission Office during Town Hall hours or online at [leicesterma.org](http://leicesterma.org).

Stephan Parretti, Chair  
Leicester Conservation Commission

Published in Worcester Telegram & Gazette: Monday, March 4, 2024

## Ad Preview

### PUBLIC HEARING NOTICE Leicester Conservation Commission

434 Mulberry Street

The Leicester Conservation Commission will hold a Public Hearing on Wednesday, March 13, 2024 at 6:30 PM in the Conference Room of the Leicester Town Hall, 3 Washburn Square, Leicester, MA in accordance with M.G.L. c.131 s.40 and the Town of Leicester Wetland Bylaw to hear the Notice of Intent filed by 434 Mulberry LLC for the purpose of a septic system repair within the 100' buffer zone of bordering vegetated wetlands. Site Location: 434 Mulberry Street, Assessor's Parcel: 5-A1-0, Zone: Suburban Agricultural (SA). Anyone wishing to comment or hear discussion should be present at the above stated date and time. The submitted documents may be viewed in the Leicester Town Conservation Commission Office during Town Hall hours or online at leicesterma.org.

Stephan Parretti, Chair  
Leicester Conservation  
Commission  
March 4, 2024

**Lisa Westwell**

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**From:** CERO\_NOI@MassMail.state.ma.us  
**Sent:** Monday, March 11, 2024 1:31 PM  
**To:** needllc@hotmail.com; thomas.rebula@mass.gov; needllc@hotmail.com  
**Cc:** cero\_noi@state.ma.us; Conservation Commission; Donna Main; cero\_noi@state.ma.us  
**Subject:** MassDEP NOI File Number

COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
CENTRAL REGIONAL OFFICE  
8 NEW BOND STREET, WORCESTER, MA 01606 508-792-7650

Date: 03/11/2024

Municipality LEICESTER

RE: **NOTIFICATION OF WETLANDS PROTECTION ACT FILE NUMBER**

The Department of Environmental Protection has received a Notice of Intent filed in accordance with the Wetlands Protection Act (M.G.L. c. 131, §40):

<b>Applicant</b> 434 MULBERRY LLC		<b>Owner Address</b>
<b>Address</b>	16 GAY ST, ARLINGTON MA 02474	
<b>Locus</b>	434 MULBERRY ST , LEICESTER MA 01524	

This project has been assigned the following file # : **CE 197-0711**

ISSUANCE OF A FILE NUMBER INDICATES ONLY COMPLETENESS OF SUBMITTAL, NOT APPROVAL OF APPLICATION

Although a file # is being issued, please note the following:

No Comment

Regards,  
for MassDEP,

(508)-767-2721  
Thomas.Rebula@Mass.gov



**New  
England  
Environmental  
Design, LLC**

P.O. Box 376, Rutland, MA 01543 Phone: (508) 829-7222 Email: [needllc@hotmail.com](mailto:needllc@hotmail.com)

TOWN OF LEICESTER  
CONSERVATION COMMISSION  
7 WASHBURN SQUARE  
LEICESTER, MA 01524

ENCLOSED PLEASE FIND THE NOTICE OF INTENT FOR:  
434 MULBERRY, LLC  
16 GAY ST  
ARLINGTON, MA 02474

PROJECT LOCATION: 434 MULBERRY ST  
LEICESTER, MA 01524  
JOB# 19125-23

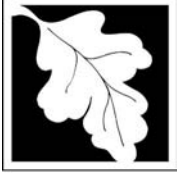
BELOW IS A LIST OF ALL PLANS & OTHER MATERIALS SUBMITTED WITH THE 434  
MULBERRY, LLC/ 434 MULBERRY ST NOTICE OF INTENT:

- REPAIR SUBSURFACE SEWAGE DISPOSAL SYSTEM
- NOTICE OF INTENT FEE TRANSMITTAL FORM
- COPY OF CHECKS FOR STATE AND TOWN FEE PAYMENT
- AFFIDAVIT OF SERVICE
- COPY OF NOTIFICATION TO ABUTTERS
- CERTIFIED LIST OF ABUTTERS
- MA GIS LOCUS MAP
- USGS MAP
- BVW FORMS

If you have any questions or need any further information, please feel free to contact me at  
(508) 829-7222.

Sincerely,

Julian P. Votruba  
New England Environmental Design, LLC



Massachusetts Department of Environmental Protection

## **eDEP Transaction Copy**

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Here is the file you requested for your records.

To retain a copy of this file you must save and/or print.

Username: **NEEDLLC1**

Transaction ID: **1675402**

Document: **WPA Form 3 - NOI**

Size of File: **270.50K**

Status of Transaction: **In Process**

Date and Time Created: **2/9/2024:2:07:46 PM**

**Note:** This file only includes forms that were part of your transaction as of the date and time indicated above. If you need a more current copy of your transaction, return to eDEP and select to "Download a Copy" from the Current Submittals page.



**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 #:  
eDEP Transaction #:1675402  
City/Town:LEICESTER

**A.General Information**

**1. Project Location:**

a. Street Address	434 MULBERRY ST	c. Zip Code	01524
b. City/Town	LEICESTER	e. Longitude	71.89178W
d. Latitude	42.27376N	g.Parcel/Lot #	1
f. Map/Plat #	5A		

**2. Applicant:**

☐ Individual ☒ Organization

a. First Name		b.Last Name	
c. Organization	434 MULBERRY LLC		
d. Mailing Address	16 GAY ST		
e. City/Town	ARLINGTON	f. State	MA
g. Zip Code			02474
h. Phone Number		i. Fax	
j. Email			

**3.Property Owner:**

☐ more than one owner

a. First Name		b. Last Name	
c. Organization	434 MULBERRY LLC		
d. Mailing Address	16 GAY ST		
e. City/Town	ARLINGTON	f.State	MA
g. Zip Code			02474
h. Phone Number		i. Fax	
j.Email			

**4.Representative:**

a. First Name	JULIAN P	b. Last Name	VOTRUBA
c. Organization	NEW ENGLAND ENVIRONMENTAL DESIGN LLC		
d. Mailing Address	P.O. BOX 376		
e. City/Town	RUTLAND	f. State	MA
g. Zip Code			01543
h.Phone Number	508-829-7222	i.Fax	
j.Email			NEEDLLC@HOTMAIL.COM

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

a.Total Fee Paid	110.00	b.State Fee Paid	42.50	c.City/Town Fee Paid	67.50
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**6.General Project Description:**

SEPTIC SYSTEM REPAIR

**7a.Project Type:**

- |   |  |
|---|--|
| 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 (eg., cranberries, forestry) |
| 9. <input type="checkbox"/> Transportation                    | 10. <input checked="" type="checkbox"/> Other                        |

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



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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:

**a. County:**

WORCESTER

**b. Certificate:**

**c. Book:**

51480

**d. Page:**

220

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

1. Buffer Zone & Resource Area Impacts (temporary & permanent):

☒ This is a Buffer Zone only project - 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 B.3. Coastal Resource Areas)

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
---------------	-----------------------------	-------------------------------

a. ☐ Bank

1. linear feet

2. linear feet

b. ☐ Bordering Vegetated Wetland

1. square feet

2. square feet

c. ☐ Land under Waterbodies and Waterways

1. Square feet

2. square feet

3. cubic yards dredged

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 any)

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

**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 #:  
eDEP Transaction #:1675402  
City/Town:LEICESTER

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)

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
---------------	-----------------------------	-------------------------------

a. <input type="checkbox"/> Designated Port Areas	Indicate size under	Land under the ocean below,
b. <input type="checkbox"/> Land Under the Ocean	1. square feet	
	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes, below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	1. square feet	2. cubic yards dune nourishment
f. <input type="checkbox"/> Coastal Banks	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet	
h. <input type="checkbox"/> Salt Marshes	1. square feet	2. sq ft restoration, rehab, crea.
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet	
	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet	

#### 4. Restoration/Enhancement

☐ Restoration/Replacement

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 entered the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

## 5. Projects Involves Stream Crossings

#### Project Involves Streams Crossings

If the project involves Stream Crossings, please enter the number of new stream crossings/number of replacement stream crossings.



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eDEP Transaction #:1675402  
City/Town:LEICESTER

a. number of new stream crossings

b. number of replacement stream crossings

**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 of Endangered Species program (NHESP)?

a. ☐ Yes ☒ No

If yes, include proof of mailing or hand delivery of NOI to:  
Natural Heritage and Endangered Species  
Program  
Division of Fisheries and Wildlife  
1 Rabbit Hill Road  
Westborough, MA 01581

b. Date of map:8/2017

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18)....

c. Submit Supplemental Information for Endangered Species Review \* (Check boxes as they apply)

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

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

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

b. ☐ Photographs representative of the site

c. ☐ MESA filing fee (fee information available at: <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/mass-endangered-species-act-mesa/mesa-fee-schedule.html> )

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

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

d. ☐ Vegetation cover type map of site

e. ☐ Project plans showing Priority & Estimated Habitat boundaries

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/eea/agencies/dfg/dfw/laws-regulations/cmr/321-cmr-1000-massachusetts-endangered-species-act.html#10.14>; 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.



**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:  
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eDEP Transaction #:1675402  
City/Town:LEICESTER

\* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review...

2. For coastal projects only, is any portion of the proposed project located below the mean high waterline 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:

North Shore - Hull to New Hampshire:

Division of Marine Fisheries -  
Southeast Marine Fisheries Station

Attn: Environmental Reviewer  
836 S. Rodney French Blvd  
New Bedford, MA 02744

Division of Marine Fisheries -  
North Shore Office

Attn: Environmental Reviewer  
30 Emerson Avenue  
Gloucester, MA 01930

If yes, it 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 DEP Website for ACEC locations). **Note:** electronic filers click on Website.

b. ACEC Name

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?

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, Explain why the project is exempt:

1. ☒ Single Family Home

2. ☐ Emergency Road Repair

3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family



**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

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Provided by MassDEP:  
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eDEP Transaction #:1675402  
City/Town:LEICESTER

☐ housing project) with no discharge to Critical Areas.

**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 by regular mail delivery.

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

☐ Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

<b>a. Plan Title:</b>	<b>b. Plan Prepared By:</b>	<b>c. Plan Signed/Stamped By:</b>	<b>c. Revised Final Date:</b>	<b>e. Scale:</b>
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REPAIR  
SUBSURFACE  
SEWAGE DISPOSAL  
SYSTEM

NEW ENGLAND  
ENVIRONMENTAL  
DESIGN LLC

ZACHARY T. MANN,  
SANITARIAN

12/13/2023

1"=20'

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.



**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 #:  
eDEP Transaction #:1675402  
City/Town:LEICESTER

**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:

12145	2/9/2024
2. Municipal Check Number	3. Check date
12144	2/9/2024
4. State Check Number	5. Check date
NEW ENGLAND ENVIRONMENTAL DESIGN LLC	
6. Payer name on check: First Name	7. Payer name on check: Last Name

**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 property location.

434 MULBERRY LLC	2/9/2024
1. Signature of Applicant	2. Date
434 MULBERRY LLC	2/9/2024
3. Signature of Property Owner(if different)	4. Date
JULIAN P. VOTRUBA	2/9/2024
5. Signature of Representative (if any)	6. Date

**For Conservation Commission:**

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

**For MassDEP:**

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

**Other:**

If the applicant has checked the "yes" box in Section C, Items 1-3, above, refer to that section and the Instructions for additional submittal requirements.

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



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands  
**WPA Form 3 - Notice of Wetland Fee Transmittal**  
**Form**

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

Provided by MassDEP:  
MassDEP File #:  
eDEP Transaction #:1675402  
City/Town:LEICESTER

**A. Applicant Information**

**1. Applicant:**

a. First Name		b. Last Name	
c. Organization	434 MULBERRY LLC		
d. Mailing Address	16 GAY ST		
e. City/Town	ARLINGTON	f. State	MA
g. Zip Code	02474		
h. Phone Number		i. Fax	
j. Email			

**2. Property Owner:(if different)**

a. First Name		b. Last Name	
c. Organization	434 MULBERRY LLC		
d. Mailing Address	16 GAY ST		
e. City/Town	ARLINGTON	f. State	MA
g. Zip Code	02474		
h. Phone Number		i. Fax	
j. Email			

**3. Project Location:**

a. Street Address	434 MULBERRY ST	b. City/Town	LEICESTER
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Are you exempted from Fee? ☐

**Note:** Fee will be exempted if you are one of the following:

- City/Town/County/District
- Municipal Housing Authority
- Indian Tribe Housing Authority
- MBTA

State agencies are only exempt if the fee is less than \$100

**B. Fees**

Activity Type	Activity Number	Activity Fee	RF Multiplier	Sub Total
E.) WORK ON SEPTIC SYSTEM SEPARATE FROM HOUSE	1	110.00		110.00

City/Town share of filing fee	State share of filing fee	Total Project Fee
\$67.50	\$42.50	\$110.00

## **AFFIDAVIT OF SERVICE**

*Under the Massachusetts Wetlands Protection Act  
(To be submitted to the Massachusetts Department of Environmental Protection, the  
Conservation Commission, when filing a Notice of Intent)*

I, Julian P. Votruba, hereby certify under the pains and penalties of perjury that on February 9, 2024 I gave notification to abutters in compliance with the second paragraph of the Massachusetts General Laws Chapter 131, Section 40, and the DEP Guide to Abutter Notification dated April 8, 1994, in connection with the following matter:

A Notice of Intent filed under the Massachusetts Wetlands Protection Act by 434 Mulberry, LLC. with the Town of Leicester Conservation Commission for 434 Mulberry St located in the Town of Leicester.

The form of the notification, and a list of the abutters to whom it was given and their addresses, are attached to the Affidavit of Service.

  
\_\_\_\_\_  
Julian P. Votruba  
New England Environmental Design, LLC

2/9/24  
Date

**NOTIFICATION TO ABUTTERS UNDER THE**  
**MASSACHUSETTS WETLANDS PROTECTION ACT**

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, you are hereby notified of the following:

- A. The name of the applicant is: 434 Mulberry, LLC
- B. The applicant has filed a Notice of Intent with the Conservation Commission for the Town of Leicester seeking permission to remove, fill, dredge or *alter* an area subject to protection under the Massachusetts Wetlands Protection Act (General Laws Chapter 131, Section 40).
- C. The address where the activity is proposed is: 434 Mulberry St., Leicester.
- D. Copies of the Notice of Intent may be examined at the Town of Leicester Town Clerks or Conservation Commission Office during regular office hours. For more information, call the Town of Leicester Conservation Commission.
- E. The meeting will be held **on date and time to be determined by the Town of Leicester's Conservation Commission.**

NOTE: Notice of the public hearing, including its time, date, and place will be published at least five days in advance in the *local newspaper*.

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



# 300 feet Abutters List Report

Leicester, MA  
January 25, 2024

## Subject Property:

Parcel Number: 5-A1-0  
CAMA Number: 5-A1-0  
Property Address: 434 MULBERRY ST

Mailing Address: 434 MULBERRY LLC  
16 GAY ST  
ARLINGTON, MA 02474

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## Abutters:

Parcel Number: 5-A2-0  
CAMA Number: 5-A2-0  
Property Address: MULBERRY ST

Mailing Address: SOUTHWICK JASON J  
103 MARSHALL STREET  
LEICESTER, MA 01524-1007

Parcel Number: 5-A6.7-0  
CAMA Number: 5-A6.7-0  
Property Address: MULBERRY ST

Mailing Address: MASSPORT  
ONE HARBORSIDE DR STE 200S  
EAST BOSTON, MA 02128-2909

Parcel Number: 6-C4-0  
CAMA Number: 6-C4-0  
Property Address: 121 MARSHALL ST

Mailing Address: DAVITT MEREDITH DAVITT PATRICK  
121 MARSHALL ST  
LEICESTER, MA 01524

Parcel Number: 6-C5.2-0  
CAMA Number: 6-C5.2-0  
Property Address: 401 MULBERRY ST

Mailing Address: MULLANEY ERIN E SZCZESUIL DANIEL J  
401 MULBERRY ST  
LEICESTER, MA 01524

Parcel Number: 6-C5.3-0  
CAMA Number: 6-C5.3-0  
Property Address: 403 MULBERRY ST

Mailing Address: SAVAGE THOMAS J JR SAVAGE GABRIELLE J  
403 MULBERRY ST  
LEICESTER, MA 01524

Parcel Number: 6-C5.4-0  
CAMA Number: 6-C5.4-0  
Property Address: 405 MULBERRY ST

Mailing Address: GENTILE PETER J GENTILE PATRICIA A  
405 MULBERRY  
LEICESTER, MA 01524

Parcel Number: 6-C5-0  
CAMA Number: 6-C5-0  
Property Address: 399 MULBERRY ST

Mailing Address: DURKAN JOHN  
399 MULBERRY STREET  
LEICESTER, MA 01524

Above is a certified list of abutters and abutters to abutters within 300 feet including across the street.  
Subject Property 434 Mulberry Street Map 5A lot 1 Deed Reference 51480-220  
Subject Owners 434 Mulberry, LLC  
Certified by Alyce D Johns, Interim Assessor

*Alyce D Johns*



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

1/25/2024

Page 1 of 1

3.1  
3.11 AC.

359

507.60

213.09

41.08

188.87

113.89

53.24

91.53

120

401.52

4

2.42 AC.

200.82

2

1.28 AC.

260

297.72

134.08

75.14

103.55

217.88

216.86

STREET

163.75

165.01

288.93

966.40

1

4.13 AC.

3.1

19.74 AC

565.16

64

203.67

630.54

1305

118.11

238.3

61.96



**BORDERING VEGETATED WETLAND DETERMINATION FORM**

Project/Site: \_\_\_\_\_ City/Town: \_\_\_\_\_ Sampling Date: \_\_\_\_\_

Applicant/Owner: \_\_\_\_\_ Sampling Point or Zone: \_\_\_\_\_

Investigator(s): \_\_\_\_\_ Latitude / Longitude: \_\_\_\_\_

Soil Map Unit Name: \_\_\_\_\_ NWI or DEP Classification: \_\_\_\_\_

Are climatic/hydrologic conditions on the site typical for this time of year? Yes \_\_\_\_\_ No \_\_\_\_\_ (If no, explain in Remarks)

Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? (If yes, explain in Remarks)

Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If yes, explain in Remarks)

**SUMMARY OF FINDINGS – Attach site map and photograph log showing sampling locations, transects, etc.**

Wetland vegetation criterion met?	Yes _____ No _____	<b>Is the Sampled Area within a Wetland?</b> Yes _____ No _____
Hydric Soils criterion met?	Yes _____ No _____	
Wetlands hydrology present?	Yes _____ No _____	
Remarks, Photo Details, Flagging, etc.:		

**HYDROLOGY**

<b>Field Observations:</b>		
Surface Water Present?	Yes _____ No _____	Depth (inches) _____
Water Table Present?	Yes _____ No _____	Depth (inches) _____
Saturation Present (including capillary fringe)?	Yes _____ No _____	Depth (inches) _____
<b>Wetland Hydrology Indicators</b>		
Reliable Indicators of Wetlands Hydrology	Indicators that can be Reliable with Proper Interpretation	Indicators of the Influence of Water
_____ Water-stained leaves _____ Evidence of aquatic fauna _____ Iron deposits _____ Algal mats or crusts _____ Oxidized rhizospheres/pore linings _____ Thin muck surfaces _____ Plants with air-filled tissue (aerenchyma) _____ Plants with polymorphic leaves _____ Plants with floating leaves _____ Hydrogen sulfide odor	_____ Hydrological records _____ Free water in a soil test hole _____ Saturated soil _____ Water marks _____ Moss trim lines  _____ Presence of reduced iron _____ Woody plants with adventitious roots _____ Trees with shallow root systems _____ Woody plants with enlarged lenticels	_____ Direct observation of inundation _____ Drainage patterns _____ Drift lines _____ Scoured areas _____ Sediment deposits  _____ Surface soil cracks _____ Sparsely vegetated concave surface _____ Microtopographic relief _____ Geographic position (depression, toe of slope, fringing lowland)
Remarks (describe recorded data from stream gauge, monitoring well, aerial photos, previous inspections, if available):		

This form is only for BVW delineations. Other wetland resource areas may be present and should be delineated according to the applicable regulatory provisions.

**VEGETATION** – Use both common and scientific names of plants.

<u>Tree Stratum</u>		Plot size _____					
				Indicator Status	Absolute % Cover	Dominant? (yes/no)	Wetland Indicator? (yes/no)
Common name		Scientific name					
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
				_____ = Total Cover			
<u>Shrub/Sapling Stratum</u>		Plot size _____					
				Indicator Status	Absolute % Cover	Dominant? (yes/no)	Wetland Indicator? (yes/no)
Common name		Scientific name					
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
				_____ = Total Cover			
<u>Herb Stratum</u>		Plot size _____					
				Indicator Status	Absolute % Cover	Dominant? (yes/no)	Wetland Indicator? (yes/no)
Common name		Scientific name					
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
10.							
11.							
12.							
				_____ = Total Cover			

**VEGETATION** – continued.

<u>Woody Vine Stratum</u>		Plot size _____			
		Indicator Status	Absolute % Cover	Dominant? (yes/no)	Wetland Indicator? (yes/no)
Common name		Scientific name			
1.					
2.					
3.					
4.					
_____ = Total Cover					

<u>Rapid Test:</u> Do all dominant species have an indicator status of OBL or FACW? Yes _____ No _____				
<u>Dominance Test:</u>	Number of dominant species	Number of dominant species that are wetland indicator plants		Do wetland indicator plants make up ≥ 50% of dominant plant species? Yes _____ No _____
<u>Prevalence Index:</u>		Total % Cover (all strata)	Multiply by:	Result
	OBL species		X 1	=
	FACW species		X 2	=
	FAC species		X 3	=
	FACU species		X 4	=
	UPL species		X 5	=
	Column Totals	(A)		(B)
Prevalence Index		B/A =		Is the Prevalence Index ≤ 3.0? Yes _____ No _____
<u>Wetland vegetation criterion met?</u> Yes _____ No _____				

**Definitions of Vegetation Strata**

- Tree - Woody plants 3 in. (7.62 cm) or more in diameter at breast height (DBH), regardless of height
- Shrub / Sapling - Woody plants less than 3 in. (7.62 cm) DBH and greater than or equal to 3.3 ft. (1 m) tall
- Herb - All herbaceous (non-woody plants, regardless of size, and woody plants less than 3.3 ft. (1 m) tall
- Woody vines - All woody vines greater than 3.3 ft. (1 m) in height

Cover Ranges	
Range	Midpoint
1-5 %	3.0 %
6-15 %	10.5 %
15-25 %	20.5 %
26-50 %	38.0 %
51-75 %	63.0 %
76-95 %	85.5 %
96-100 %	98.0 %

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains      <sup>2</sup>Location: PL=Pore Lining, M=Matrix

**Restrictive Layer (if observed)**    Type: \_\_\_\_\_    Depth (inches): \_\_\_\_\_

Remarks:

Hydric Soils criterion met? Yes \_\_\_\_\_ No \_\_\_\_\_

**BORDERING VEGETATED WETLAND DETERMINATION FORM**

Project/Site: \_\_\_\_\_ City/Town: \_\_\_\_\_ Sampling Date: \_\_\_\_\_

Applicant/Owner: \_\_\_\_\_ Sampling Point or Zone: \_\_\_\_\_

Investigator(s): \_\_\_\_\_ Latitude / Longitude: \_\_\_\_\_

Soil Map Unit Name: \_\_\_\_\_ NWI or DEP Classification: \_\_\_\_\_

Are climatic/hydrologic conditions on the site typical for this time of year? Yes \_\_\_\_\_ No \_\_\_\_\_ (If no, explain in Remarks)

Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? (If yes, explain in Remarks)

Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If yes, explain in Remarks)

**SUMMARY OF FINDINGS – Attach site map and photograph log showing sampling locations, transects, etc.**

Wetland vegetation criterion met?	Yes _____ No _____	<b>Is the Sampled Area within a Wetland?</b> Yes _____ No _____
Hydric Soils criterion met?	Yes _____ No _____	
Wetlands hydrology present?	Yes _____ No _____	
Remarks, Photo Details, Flagging, etc.:		

**HYDROLOGY**

<b>Field Observations:</b>		
Surface Water Present?	Yes _____ No _____	Depth (inches) _____
Water Table Present?	Yes _____ No _____	Depth (inches) _____
Saturation Present (including capillary fringe)?	Yes _____ No _____	Depth (inches) _____
<b>Wetland Hydrology Indicators</b>		
Reliable Indicators of Wetlands Hydrology	Indicators that can be Reliable with Proper Interpretation	Indicators of the Influence of Water
_____ Water-stained leaves _____ Evidence of aquatic fauna _____ Iron deposits _____ Algal mats or crusts _____ Oxidized rhizospheres/pore linings _____ Thin muck surfaces _____ Plants with air-filled tissue (aerenchyma) _____ Plants with polymorphic leaves _____ Plants with floating leaves _____ Hydrogen sulfide odor	_____ Hydrological records _____ Free water in a soil test hole _____ Saturated soil _____ Water marks _____ Moss trim lines  _____ Presence of reduced iron _____ Woody plants with adventitious roots _____ Trees with shallow root systems _____ Woody plants with enlarged lenticels	_____ Direct observation of inundation _____ Drainage patterns _____ Drift lines _____ Scoured areas _____ Sediment deposits  _____ Surface soil cracks _____ Sparsely vegetated concave surface _____ Microtopographic relief _____ Geographic position (depression, toe of slope, fringing lowland)
Remarks (describe recorded data from stream gauge, monitoring well, aerial photos, previous inspections, if available):		

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**VEGETATION** – Use both common and scientific names of plants.

<u>Tree Stratum</u>		Plot size _____					
				Indicator Status	Absolute % Cover	Dominant? (yes/no)	Wetland Indicator? (yes/no)
Common name		Scientific name					
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
				_____ = Total Cover			
<u>Shrub/Sapling Stratum</u>		Plot size _____					
				Indicator Status	Absolute % Cover	Dominant? (yes/no)	Wetland Indicator? (yes/no)
Common name		Scientific name					
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
				_____ = Total Cover			
<u>Herb Stratum</u>		Plot size _____					
				Indicator Status	Absolute % Cover	Dominant? (yes/no)	Wetland Indicator? (yes/no)
Common name		Scientific name					
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
10.							
11.							
12.							
				_____ = Total Cover			

**VEGETATION** – continued.

<u>Woody Vine Stratum</u>		Plot size _____			
		Indicator Status	Absolute % Cover	Dominant? (yes/no)	Wetland Indicator? (yes/no)
Common name		Scientific name			
1.					
2.					
3.					
4.					
_____ = Total Cover					

<u>Rapid Test:</u> Do all dominant species have an indicator status of OBL or FACW? Yes _____ No _____				
<u>Dominance Test:</u>	Number of dominant species	Number of dominant species that are wetland indicator plants		Do wetland indicator plants make up ≥ 50% of dominant plant species? Yes _____ No _____
<u>Prevalence Index:</u>		Total % Cover (all strata)	Multiply by:	Result
	OBL species		X 1	=
	FACW species		X 2	=
	FAC species		X 3	=
	FACU species		X 4	=
	UPL species		X 5	=
	Column Totals	(A)		(B)
Prevalence Index		B/A =		Is the Prevalence Index ≤ 3.0? Yes _____ No _____
<u>Wetland vegetation criterion met?</u> Yes _____ No _____				

**Definitions of Vegetation Strata**

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- Shrub / Sapling - Woody plants less than 3 in. (7.62 cm) DBH and greater than or equal to 3.3 ft. (1 m) tall
- Herb - All herbaceous (non-woody plants, regardless of size, and woody plants less than 3.3 ft. (1 m) tall
- Woody vines - All woody vines greater than 3.3 ft. (1 m) in height

Cover Ranges	
Range	Midpoint
1-5 %	3.0 %
6-15 %	10.5 %
15-25 %	20.5 %
26-50 %	38.0 %
51-75 %	63.0 %
76-95 %	85.5 %
96-100 %	98.0 %

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains      <sup>2</sup>Location: PL=Pore Lining, M=Matrix

**Restrictive Layer (if observed)**    Type: \_\_\_\_\_    Depth (inches): \_\_\_\_\_

Remarks:

Hydric Soils criterion met? Yes \_\_\_\_\_ No \_\_\_\_\_

# BORDERING VEGETATED WETLAND DETERMINATION FORM

Project/Site: \_\_\_\_\_ City/Town: \_\_\_\_\_ Sampling Date: \_\_\_\_\_  
 Applicant/Owner: \_\_\_\_\_ Sampling Point or Zone: \_\_\_\_\_  
 Investigator(s): \_\_\_\_\_ Latitude / Longitude: \_\_\_\_\_  
 Soil Map Unit Name: \_\_\_\_\_ NWI or DEP Classification: \_\_\_\_\_

Are climatic/hydrologic conditions on the site typical for this time of year? Yes \_\_\_\_\_ No \_\_\_\_\_ (If no, explain in Remarks)

Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? (If yes, explain in Remarks)

Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If yes, explain in Remarks)

**SUMMARY OF FINDINGS – Attach site map and photograph log showing sampling locations, transects, etc.**

Wetland vegetation criterion met?	Yes _____ No _____	<b>Is the Sampled Area within a Wetland?</b> Yes _____ No _____
Hydric Soils criterion met?	Yes _____ No _____	
Wetlands hydrology present?	Yes _____ No _____	
Remarks, Photo Details, Flagging, etc.:		

**HYDROLOGY**

<b>Field Observations:</b>		
Surface Water Present?	Yes _____ No _____	Depth (inches) _____
Water Table Present?	Yes _____ No _____	Depth (inches) _____
Saturation Present (including capillary fringe)?	Yes _____ No _____	Depth (inches) _____
<b>Wetland Hydrology Indicators</b>		
Reliable Indicators of Wetlands Hydrology	Indicators that can be Reliable with Proper Interpretation	Indicators of the Influence of Water
_____ Water-stained leaves _____ Evidence of aquatic fauna _____ Iron deposits _____ Algal mats or crusts _____ Oxidized rhizospheres/pore linings _____ Thin muck surfaces _____ Plants with air-filled tissue (aerenchyma) _____ Plants with polymorphic leaves _____ Plants with floating leaves _____ Hydrogen sulfide odor	_____ Hydrological records _____ Free water in a soil test hole _____ Saturated soil _____ Water marks _____ Moss trim lines  _____ Presence of reduced iron _____ Woody plants with adventitious roots _____ Trees with shallow root systems _____ Woody plants with enlarged lenticels	_____ Direct observation of inundation _____ Drainage patterns _____ Drift lines _____ Scoured areas _____ Sediment deposits  _____ Surface soil cracks _____ Sparsely vegetated concave surface _____ Microtopographic relief _____ Geographic position (depression, toe of slope, fringing lowland)
Remarks (describe recorded data from stream gauge, monitoring well, aerial photos, previous inspections, if available):		

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<u>Tree Stratum</u>		Plot size _____					
				Indicator Status	Absolute % Cover	Dominant? (yes/no)	Wetland Indicator? (yes/no)
Common name		Scientific name					
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
				_____ = Total Cover			
<u>Shrub/Sapling Stratum</u>		Plot size _____					
				Indicator Status	Absolute % Cover	Dominant? (yes/no)	Wetland Indicator? (yes/no)
Common name		Scientific name					
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
				_____ = Total Cover			
<u>Herb Stratum</u>		Plot size _____					
				Indicator Status	Absolute % Cover	Dominant? (yes/no)	Wetland Indicator? (yes/no)
Common name		Scientific name					
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
10.							
11.							
12.							
				_____ = Total Cover			

**VEGETATION** – continued.

<u>Woody Vine Stratum</u>		Plot size _____			
		Indicator Status	Absolute % Cover	Dominant? (yes/no)	Wetland Indicator? (yes/no)
Common name		Scientific name			
1.					
2.					
3.					
4.					
_____ = Total Cover					

<u>Rapid Test:</u> Do all dominant species have an indicator status of OBL or FACW? Yes _____ No _____				
<u>Dominance Test:</u>	Number of dominant species	Number of dominant species that are wetland indicator plants		Do wetland indicator plants make up ≥ 50% of dominant plant species? Yes _____ No _____
<u>Prevalence Index:</u>		Total % Cover (all strata)	Multiply by:	Result
	OBL species		X 1	=
	FACW species		X 2	=
	FAC species		X 3	=
	FACU species		X 4	=
	UPL species		X 5	=
	Column Totals	(A)		(B)
Prevalence Index		B/A =		Is the Prevalence Index ≤ 3.0? Yes _____ No _____
<u>Wetland vegetation criterion met?</u> Yes _____ No _____				

**Definitions of Vegetation Strata**

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Cover Ranges	
Range	Midpoint
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26-50 %	38.0 %
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96-100 %	98.0 %

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains      <sup>2</sup>Location: PL=Pore Lining, M=Matrix

**Restrictive Layer (if observed)**    Type: \_\_\_\_\_    Depth (inches): \_\_\_\_\_

Remarks:

Hydric Soils criterion met? Yes \_\_\_\_\_ No \_\_\_\_\_

**BORDERING VEGETATED WETLAND DETERMINATION FORM**

Project/Site: \_\_\_\_\_ City/Town: \_\_\_\_\_ Sampling Date: \_\_\_\_\_

Applicant/Owner: \_\_\_\_\_ Sampling Point or Zone: \_\_\_\_\_

Investigator(s): \_\_\_\_\_ Latitude / Longitude: \_\_\_\_\_

Soil Map Unit Name: \_\_\_\_\_ NWI or DEP Classification: \_\_\_\_\_

Are climatic/hydrologic conditions on the site typical for this time of year? Yes \_\_\_\_\_ No \_\_\_\_\_ (If no, explain in Remarks)

Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? (If yes, explain in Remarks)

Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If yes, explain in Remarks)

**SUMMARY OF FINDINGS – Attach site map and photograph log showing sampling locations, transects, etc.**

Wetland vegetation criterion met?	Yes _____ No _____	<b>Is the Sampled Area within a Wetland?</b> Yes _____ No _____
Hydric Soils criterion met?	Yes _____ No _____	
Wetlands hydrology present?	Yes _____ No _____	
Remarks, Photo Details, Flagging, etc.:		

**HYDROLOGY**

<b>Field Observations:</b>		
Surface Water Present?	Yes _____ No _____	Depth (inches) _____
Water Table Present?	Yes _____ No _____	Depth (inches) _____
Saturation Present (including capillary fringe)?	Yes _____ No _____	Depth (inches) _____
<b>Wetland Hydrology Indicators</b>		
Reliable Indicators of Wetlands Hydrology	Indicators that can be Reliable with Proper Interpretation	Indicators of the Influence of Water
_____ Water-stained leaves _____ Evidence of aquatic fauna _____ Iron deposits _____ Algal mats or crusts _____ Oxidized rhizospheres/pore linings _____ Thin muck surfaces _____ Plants with air-filled tissue (aerenchyma) _____ Plants with polymorphic leaves _____ Plants with floating leaves _____ Hydrogen sulfide odor	_____ Hydrological records _____ Free water in a soil test hole _____ Saturated soil _____ Water marks _____ Moss trim lines  _____ Presence of reduced iron _____ Woody plants with adventitious roots _____ Trees with shallow root systems _____ Woody plants with enlarged lenticels	_____ Direct observation of inundation _____ Drainage patterns _____ Drift lines _____ Scoured areas _____ Sediment deposits  _____ Surface soil cracks _____ Sparsely vegetated concave surface _____ Microtopographic relief _____ Geographic position (depression, toe of slope, fringing lowland)
Remarks (describe recorded data from stream gauge, monitoring well, aerial photos, previous inspections, if available):		

This form is only for BVW delineations. Other wetland resource areas may be present and should be delineated according to the applicable regulatory provisions.

**VEGETATION** – Use both common and scientific names of plants.

<u>Tree Stratum</u>		Plot size _____					
				Indicator Status	Absolute % Cover	Dominant? (yes/no)	Wetland Indicator? (yes/no)
Common name		Scientific name					
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
				_____ = Total Cover			
<u>Shrub/Sapling Stratum</u>		Plot size _____					
				Indicator Status	Absolute % Cover	Dominant? (yes/no)	Wetland Indicator? (yes/no)
Common name		Scientific name					
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
				_____ = Total Cover			
<u>Herb Stratum</u>		Plot size _____					
				Indicator Status	Absolute % Cover	Dominant? (yes/no)	Wetland Indicator? (yes/no)
Common name		Scientific name					
1.							
2.							
3.							
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10.							
11.							
12.							
				_____ = Total Cover			

**VEGETATION** – continued.

<u>Woody Vine Stratum</u>		Plot size _____			
		Indicator Status	Absolute % Cover	Dominant? (yes/no)	Wetland Indicator? (yes/no)
Common name		Scientific name			
1.					
2.					
3.					
4.					
_____ = Total Cover					

<u>Rapid Test:</u> Do all dominant species have an indicator status of OBL or FACW? Yes _____ No _____				
<u>Dominance Test:</u>	Number of dominant species	Number of dominant species that are wetland indicator plants		Do wetland indicator plants make up ≥ 50% of dominant plant species? Yes _____ No _____
<u>Prevalence Index:</u>		Total % Cover (all strata)	Multiply by:	Result
	OBL species		X 1	=
	FACW species		X 2	=
	FAC species		X 3	=
	FACU species		X 4	=
	UPL species		X 5	=
	Column Totals	(A)		(B)
Prevalence Index		B/A =		Is the Prevalence Index ≤ 3.0? Yes _____ No _____
<b>Wetland vegetation criterion met?</b> Yes _____ No _____				

**Definitions of Vegetation Strata**

- Tree - Woody plants 3 in. (7.62 cm) or more in diameter at breast height (DBH), regardless of height
- Shrub / Sapling - Woody plants less than 3 in. (7.62 cm) DBH and greater than or equal to 3.3 ft. (1 m) tall
- Herb - All herbaceous (non-woody plants, regardless of size, and woody plants less than 3.3 ft. (1 m) tall
- Woody vines - All woody vines greater than 3.3 ft. (1 m) in height

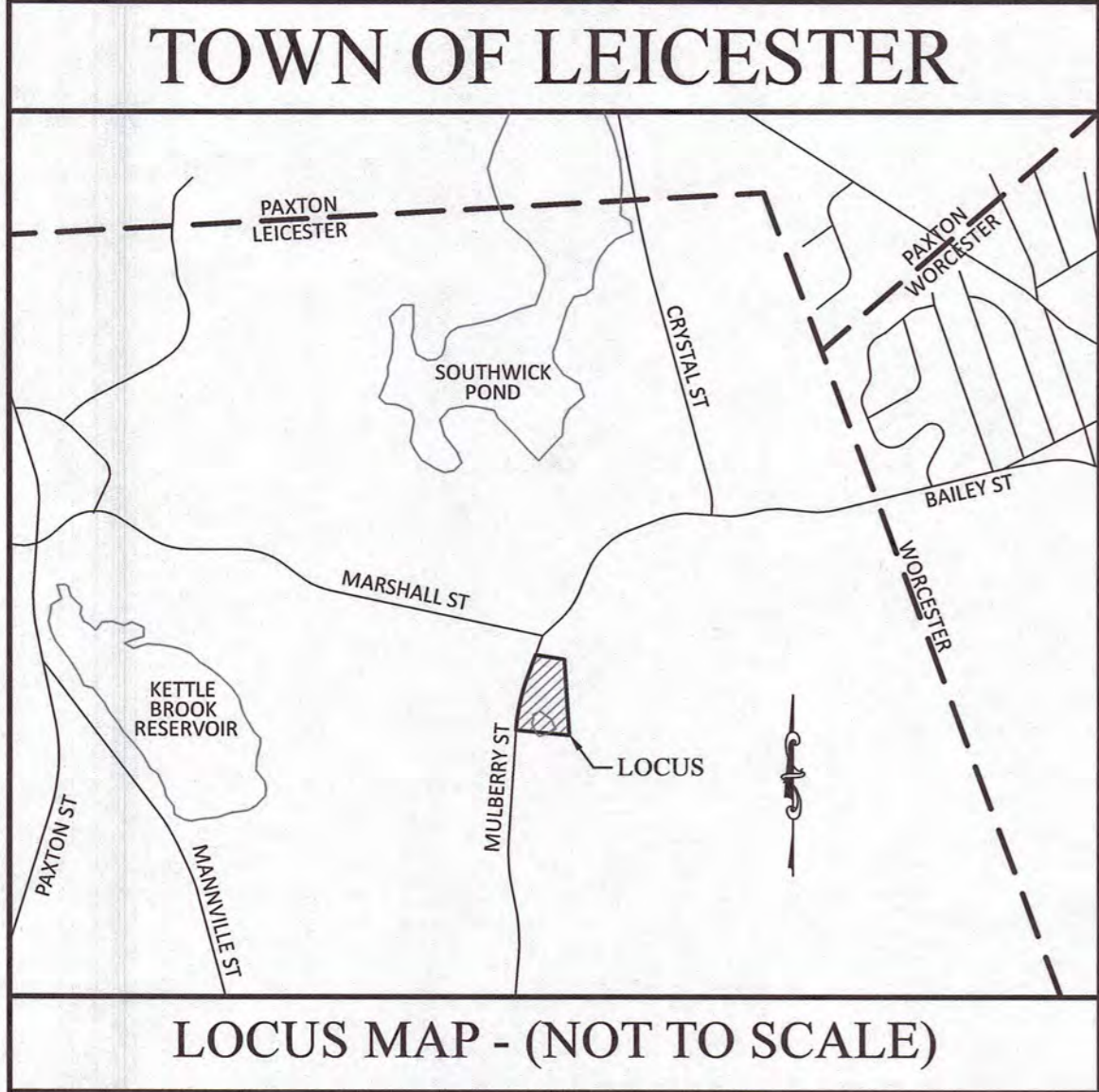
Cover Ranges	
Range	Midpoint
1-5 %	3.0 %
6-15 %	10.5 %
15-25 %	20.5 %
26-50 %	38.0 %
51-75 %	63.0 %
76-95 %	85.5 %
96-100 %	98.0 %

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains      <sup>2</sup>Location: PL=Pore Lining, M=Matrix

**Restrictive Layer (if observed)**    Type: \_\_\_\_\_    Depth (inches): \_\_\_\_\_

Remarks:

Hydric Soils criterion met? Yes \_\_\_\_\_ No \_\_\_\_\_



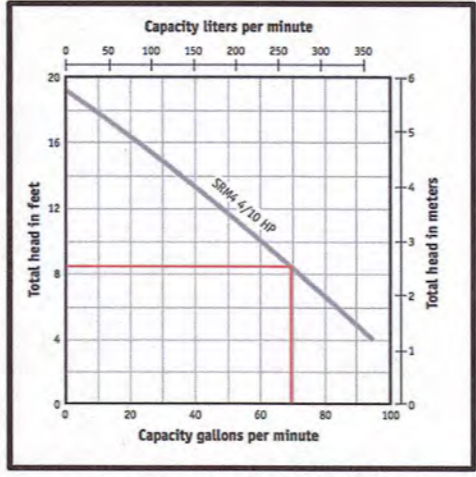
PUMP CHAMBER  
RESERVE CAPACITY  
EFFLUENT RESERVE CAPACITY  
VOLUME BETWEEN ALARM SWITCH AND INVERT  
RESERVE CAPACITY = 8.0' x 4.5' x 2.796' x 7.48' = 752.9  
752.9 / 440 = 1.71  
1.71 DAYS OF STORAGE

BUOYANCY CALCULATIONS  
BASED ON:  
WACHUSETT PRECAST, INC.  
1000 GALLON TANK, 6" WALL, 7" TOP, H-20  
WEIGHT PER MANUFACTURER = 16,000 LBS.  
OUTSIDE DIMENSIONS = 9.00' x 5.50' x 6.00'

UPLIFT PRESSURE:  
9.00' x 5.50' x 6.00' x 62.4 LBS/C.F. = 18,532.80 LBS  
(ASSUMING FULL SUBMERSION)

SOIL COVER ON TOP OF TANK:  
9.00' x 5.50' x 1' x 74 LBS/C.F. = 3,663 LBS

SUBTRACT WEIGHT FOR RISER AREAS:  
4.00' x 5.50' x 1' x 74 = 160.15 LBS PER RISER,  
TWO RISERS = 320.30 LBS  
(16,000 + 3,663 - 320.30 = 19,342.70)  
(19,342.70 > 18,532.80)

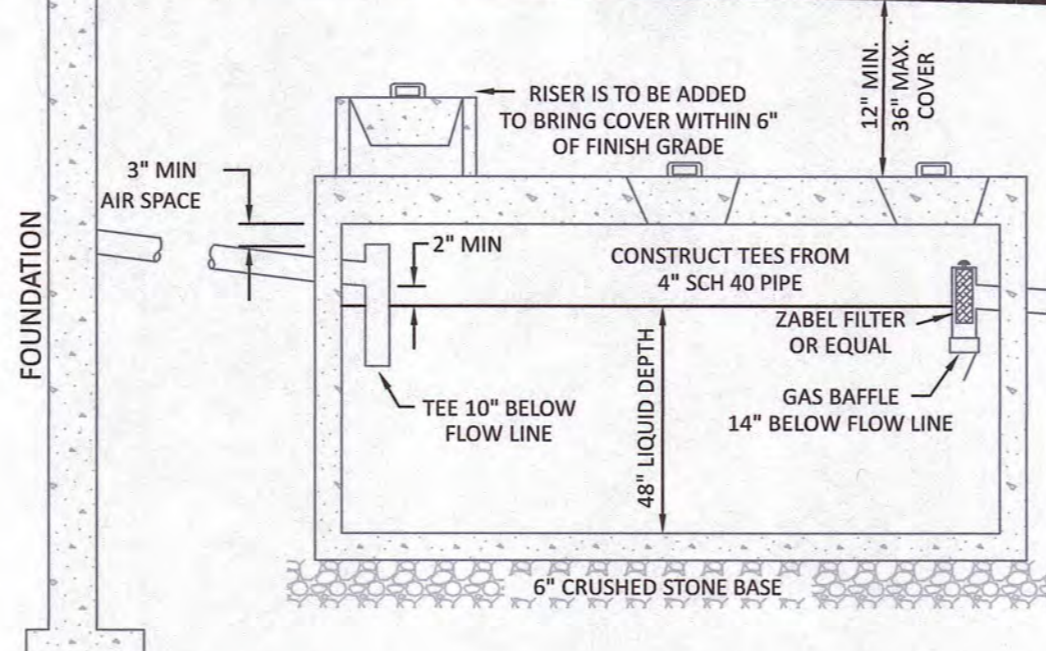


RUNNING AT 69 GPM CAN PUMP 8.44' OF HEAD  
73.33 GALLONS @ 6 CYCLES PER DAY = 440 GALLONS PER DAY  
RUN TIME = 1.08 MINUTES PER CYCLE

PUMP DESIGN CALCULATIONS	
REQUIRED PIPE LENGTH	26.5'
CHANGE IN ELEVATION (HEAD)	7.16'
TOTAL FRICTION LOSS	1.28'
TOTAL HEAD	8.44'

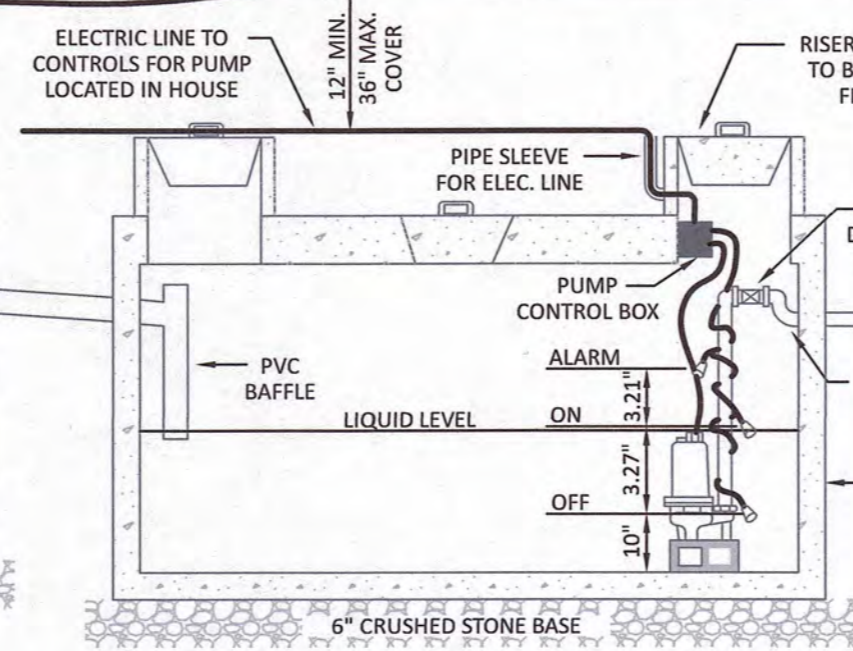
\*USE MYPDS SRM4 OR EQUIVALENT  
PERFORMANCE: 8.44' OF HEAD @ 69 GPM 4/10 HP, 115V, SINGLE  
PHASE MOTOR CAPABLE OF PASSING A 2" SOLID

NOTE:  
ALL SEPTIC COMPONENTS SHALL BE MARKED WITH MAGNETIC TAPE OR  
COMPARABLE MEANS IN ORDER TO LOCATE THEM ONCE BURIED.



SEPTIC TANK  
H-10 LOADING  
1500 GALLONS PER  
310 CMR 15.226(2)

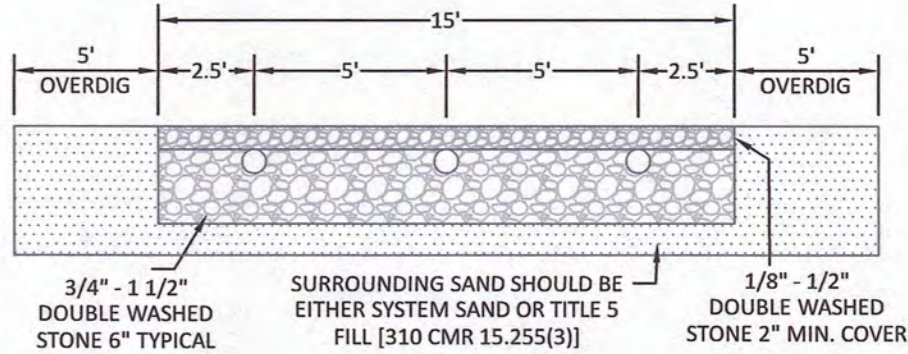
NOTE:  
ALL PUMPS MUST BE EQUIPPED WITH A HIGH WATER LEVEL ALARM LOCATED IN THE  
BUILDING SERVED WHICH IS POWERED BY A CIRCUIT SEPARATE FROM THE CIRCUITS TO  
THE PUMPS. 310 CMR 15.231(9).



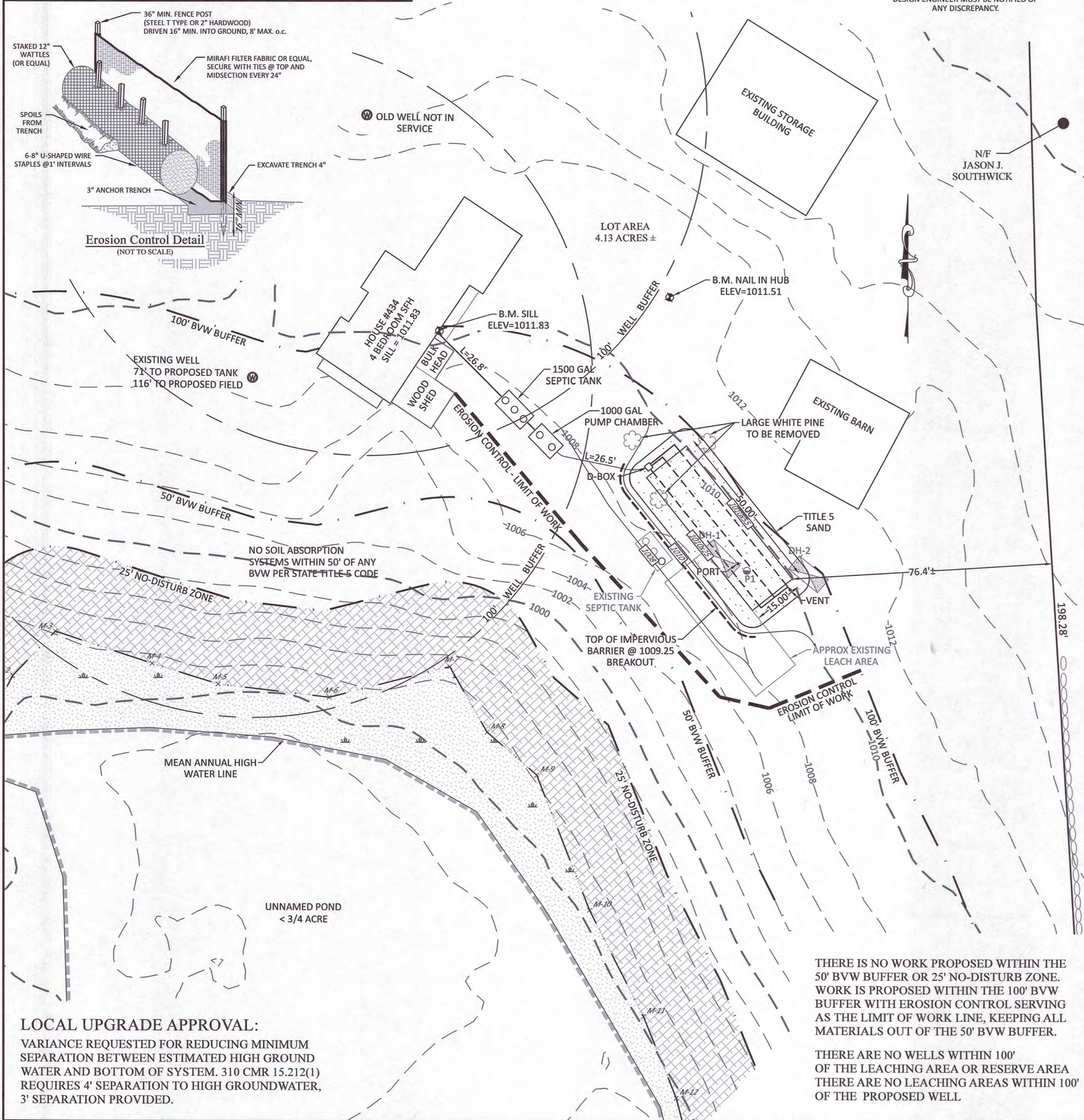
PUMP CHAMBER  
H-20 LOADING  
1000 GALLONS  
310 CMR 15.231

### SYSTEM PROFILE (NOT TO SCALE)

### LEACH FIELD CROSS SECTION (NOT TO SCALE)



SCHEDULE OF ELEVATIONS	
INVERT @ HOUSE (EXISTING)	1006.66
TANK INLET	1006.60
TANK OUTLET	1005.75
PUMP CHAMBER INLET	1005.50
PUMP OFF SWITCH	1001.91
D-BOX INLET	1009.07
D-BOX OUTLET	1008.90
INV. @ BEGIN OF FIELD	1008.75
INV. @ END OF FIELD	1008.50
TOP OF FIELD ELEVATION	1009.25
BOTTOM OF FIELD ELEVATION	1008.00
SURFACE ELEVATION	1010.00
E.S.H.G.W. ELEVATION	1005.00
G.W. SEPARATION PROVIDED	3.00'



### GENERAL NOTES

- ALL MODIFICATIONS TO THIS PLAN MUST BE PREAPPROVED IN WRITING BY THE DESIGN ENGINEER AND THE LOCAL BOARD OF HEALTH. ALL MODIFICATIONS MADE WITHOUT APPROVAL FROM THE DESIGN ENGINEER OR THE LOCAL BOARD OF HEALTH ARE THE SOLE RESPONSIBILITY OF THE SITE CONTRACTOR.
- ALL CONSTRUCTION METHODS AND MATERIALS SHALL CONFORM WITH THE REQUIREMENTS OF THE LOCAL BOARD OF HEALTH AND THE STATE ENVIRONMENTAL CODE TITLE 5.
- THE CONSTRUCTION OF PERMANENT STRUCTURES UPON THE DISPOSAL SYSTEM OR RESERVE AREA IS NOT ALLOWED.
- TO OBTAIN A CERTIFICATE OF COMPLIANCE, THREE INSPECTIONS WILL BE REQUIRED BY THE DESIGN ENGINEER:
  - BOTTOM INSPECTION FOLLOWING THE EXCAVATION OF TOPSOIL & SUBSOIL.
  - FOLLOWING THE INSTALLATION OF THE SYSTEM COMPONENTS PRIOR TO BACKFILL.
  - FINAL GRADING.
- MACHINERY THAT MAY CRUSH OR DISTURB THE PIPE SHALL NOT BE ALLOWED ON THE DISPOSAL AREA.
- THIS SYSTEM WAS NOT DESIGNED TO FACILITATE A GARBAGE DISPOSAL.
- TOPSOIL, SUBSOIL, PEAT, FILL, AND OTHER IMPERVIOUS MATERIALS SHALL BE REMOVED FROM ALL AREAS WITHIN THE LEACHING FACILITY AND FOR A DISTANCE OF 5 FEET IN ALL DIRECTIONS THEREFROM.
- WHERE A SEWAGE DISPOSAL SYSTEM IS TO BE CONSTRUCTED IN FILL, THE FILL SHALL BE PLACED AND COMPACTED IN NO GREATER THAN 12 INCH LIFTS OR ALLOWED TO SETTLE FOR A MINIMUM OF ONE YEAR. THE FILL MATERIAL MUST CONFORM WITH THE REQUIREMENTS OF THE LOCAL BOARD OF HEALTH AND STATE ENVIRONMENTAL CODE TITLE 5, SECTION 15.255
- TITLE 5 SAND CERTIFICATE MUST BE SUBMITTED TO THE BOARD OF HEALTH AND THE DESIGN ENGINEER PRIOR TO CONSTRUCTION.
- THE BASE FOR THE SEPTIC TANK, PUMP CHAMBER, AND DIST. BOX MUST BE COMPACTED BY A VIBRATORY TAMPER.
- INTERIOR PLUMBING SHALL BE CONNECTED TO THE PROPOSED SEPTIC SYSTEM WITH THE EXCEPTION OF WATER SOFTENERS AND/OR WATER CONDITIONING SYSTEMS.
- WELLS WITHIN 100' OF THE PROPOSED SEPTIC SYSTEM ARE SHOWN.
- APPLICABLE STATE AND LOCAL PERMITS SHALL BE ACQUIRED PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION.
- HYDRAULIC CEMENT IS REQUIRED TO SEAL ALL CONNECTIONS AT THE SEPTIC TANK, PUMP CHAMBER, AND D-BOX.
- CONSERVATION APPROVAL MAY BE REQUIRED IF ANY PROPOSED ALTERATION IS LOCATED WITHIN 100' OF A RESOURCE AREA.
- ALL SEPTIC COMPONENTS SHALL BE MARKED WITH MAGNETIC TAPE OR COMPARABLE MEANS IN ORDER TO LOCATE THEM ONCE BURIED.
- IT IS RECOMMENDED THAT NEW ENGLAND ENVIRONMENTAL DESIGN, L.L.C. IS RETAINED TO STAKE OUT THE PROPOSED SUBSURFACE SEWAGE DISPOSAL SYSTEM IN THE PROPOSED LOCATION AND VERIFY THE ELEVATION OF THE PROPOSED DESIGN.

THIS SEPTIC DESIGN IS NOT A GUARANTEE THAT THE SYSTEM WILL FUNCTION AS INTENDED OR THAT IT WILL FUNCTION FOR A DISCLOSED PERIOD OF TIME. NO WARRANTIES ARE IMPLIED BY THIS DESIGN.

TEST HOLE INFORMATION SHOWN REPRESENTS SOILS AT THAT LOCATION ONLY, AND IS NOT TO BE CONSIDERED AN IMPLIED OR EXPRESSED WARRANTY OF THE SOILS BEYOND THE LIMITS OF THE TEST HOLES.

#### NOTES:

- ALL MATERIALS FOR S.D.S. CONSTRUCTION ARE TO BE INSTALLED IN 6" LIFTS.
- CLEAN TITLE 5 SAND IS REQUIRED.
- TITLE 5 SAND CERTIFICATE MUST BE SUBMITTED TO THE BOARD OF HEALTH AND THE DESIGN ENGINEER PRIOR TO CONSTRUCTION.
- USE CAUTION WHILE BACKFILLING.

### SOIL EVALUATION

SOIL EVALUATOR: JULIAN P. VOTRUBA SE# 2519 - WITNESSED BY: MCKENZIE FALKER - DATE PERFORMED: 11-20-2023

DEEP HOLE-1		ELEVATION=1008.50	
DEPTH FROM SURFACE (INCHES)	SOIL HORIZON	SOIL TEXTURE (USDA)	SOIL COLOR (MUNSELL)
0-4"	A	SL	10YR 3/4
4-24"	B	SL	10YR 5/6
24-121"	C	SL	2.5Y 5/4

DEEP HOLE-2		ELEVATION=1010.33	
DEPTH FROM SURFACE (INCHES)	SOIL HORIZON	SOIL TEXTURE (USDA)	SOIL COLOR (MUNSELL)
0-4"	A	SL	10YR 3/4
4-24"	B	SL	10YR 5/6
24-120"	C	SL	2.5Y 5/4

PARENT MATERIAL		GLACIAL TILL	
DEPTH TO BEDROCK		>121"	
STANDING WATER IN HOLE		76"	
WEEPING FROM PIT FACE		76"	
E.S.H.G.W. DEPTH		60" BELOW	

PERCOLATION TESTS			
TEST #	DEPTH	DATE	PERC. RATE
1	40"	11-20-2023	10 MPI
2			
PERC TEST BY: JULIAN P. VOTRUBA			
WITNESSED BY: MCKENZIE FALKER			

DEEP HOLE-1A		ELEVATION=	
DEPTH FROM SURFACE (INCHES)	SOIL HORIZON	SOIL TEXTURE (USDA)	SOIL COLOR (MUNSELL)

DEEP HOLE-2A		ELEVATION=	
DEPTH FROM SURFACE (INCHES)	SOIL HORIZON	SOIL TEXTURE (USDA)	SOIL COLOR (MUNSELL)

I CERTIFY THAT ON 6/94 I HAVE PASSED THE SOIL EVALUATOR EXAMINATION APPROVED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THAT THE ANALYSIS WAS PERFORMED BY ME CONSISTENT WITH THE REQUIRED TRAINING, EXPERTISE, AND EXPERIENCE DESCRIBED IN 310 CMR 15.017

SIGNATURE: *Julian P. Votruba* DATE 11-20-2023

### DESIGN DATA

TYPE OF BUILDING: SFH NO. OF BEDROOMS/EMPLOYEES: 4  
NO GARBAGE GRINDER (DISPOSAL) ALLOWED  
DESIGN PERCOLATION RATE: 10 MPI LTAR: .60  
DAILY FLOW: 4x110=440

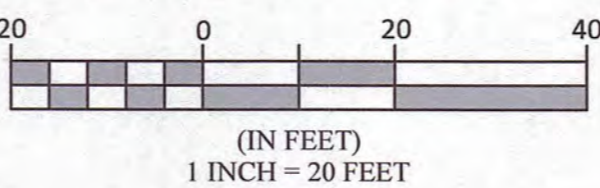
REQUIRED LEACHING AREA  
DESIGN FLOW / LTAR: 440/0.60=733.33 S.F.  
TOTAL LEACHING AREA = (L x W)  
15 x 50 = 750 S.F.  
TOTAL DESIGN FLOW = LEACHING AREA x LTAR  
750 x 0.60 = 450 G.P.D.  
DESIGN FLOW > DAILY FLOW  
450 > 440

## REPAIR SUBSURFACE SEWAGE DISPOSAL SYSTEM

CONTRACTOR TO VERIFY ACTUAL LOCATION OF EXISTING UTILITY SERVICES IN THE FIELD PRIOR TO CONSTRUCTION.



### GRAPHIC SCALE

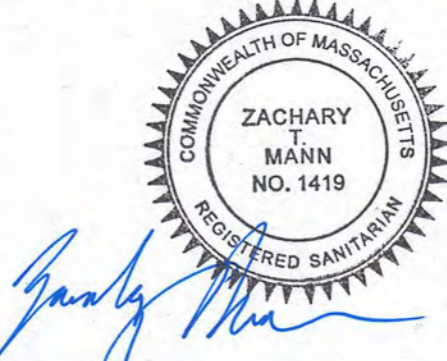


### TYPICAL LEGEND

IRON PIPE	O	EXIST. CONT. MAJ.	1000	WELL LOCATION	W
CONCRETE BOUND	□	EXIST. CONT. MIN.	1002	PERC. TEST	PT
BOUNDARY LINE	---	PROP. CONT.	1700	DEEP HOLE	HD
ABUTTER LINE	---	WETLAND LINE	---	BENCHMARK	BM
EASEMENT LINE	---	WETLAND BUFFER	---	DRAINAGE LINE	DL
SETBACK LINE	---	EROSION CONTROL	---	DRAIN MANHOLE	DM
STONEWALL	---	PAVEMENT EXIST.	---	CATCH BASIN	CB
TREE LINE	---	PAVEMENT PROP.	---		

### REVISIONS

REV	DATE	COMMENT	BY
1			
2			
3			
4			



PREPARED FOR: 434 MULBERRY, L.L.C.  
16 GAY STREET  
ARLINGTON, MA. 02474  
PROPERTY ADDRESS: 434 MULBERRY STREET  
LEICESTER, MA. 01524

New England Environmental Design, LLC  
Environmental Consultants Civil Engineering Consultants Land Surveying Consultants  
P.O. Box 376 Rutland, MA 01543 Ph: (609) 828-7222 needl@hotmail.com

DATE: 12/13/2023 SCALE: 1"=20' SHEET: 1 OF 1 JOB#: 19125-23

# Public Hearing

## BSC Group for NE Power - NOI

Boutilier Rd., Henshaw St., Peter Salem Rd.,  
Pine St. and Stafford St.



**Town of Leicester**  
**CONSERVATION COMMISSION**  
LEICESTER, MASSACHUSETTS, 01524-1333  
Phone: 508-892-7007 Fax: 508-892-7070  
[www.leicesterma.org](http://www.leicesterma.org)

RECEIVED  
2024 FEB 27 PM 5:59  
TOWN CLERK'S OFFICE  
LEICESTER, MASS.

**PUBLIC HEARING NOTICE**  
**Leicester Conservation Commission**

**New England Power Company – 7 Soil Borings**  
**Boutilier Rd., Henshaw St., Peter Salem Rd., Pine St., and Stafford St.**

The Leicester Conservation Commission will hold a Public Hearing on **Wednesday, March 13, 2024 at 6:30 PM** in the Conference Room of the Leicester Town Hall, 3 Washburn Square, Leicester, MA in accordance with M.G.L. c.131 s.40 and the Town of Leicester Wetland Bylaw to hear the Notice of Intent filed by BSC Group, Inc. on behalf of New England Power Company for activities associated with exploratory geotechnical soil borings along the E5/E6 Transmission Lines Right-of-Way within Bordering Vegetated Wetlands, the 100' buffer zone to Bordering Vegetated Wetlands, 200' Riverfront Area, and 25' no disturb zone in Leicester, MA. Site Locations (Assessors Parcels): Boutilier Rd. (36-A1.3-0), Henshaw St. (31-B-23-0), Peter Salem Rd. (30-A7-0), Pine St. (40-B3-0), and Stafford St. (36-B2-0).

Anyone wishing to comment or hear discussion should be present at the above stated date and time. The submitted documents may be viewed in the Leicester Town Conservation Commission Office during Town Hall hours or online at [leicesterma.org](http://leicesterma.org).

Stephan Parretti, Chair  
Leicester Conservation Commission

Published in Worcester Telegram & Gazette: Monday, March 4, 2024

## Ad Preview

### PUBLIC HEARING NOTICE

Leicester Conservation  
Commission

New England Power  
Company – 7 Soil Borings  
Boutilier Rd., Henshaw St.,  
Peter Salem Rd., Pine St.,  
and Stafford St.

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Anyone wishing to comment or hear discussion should be present at the above stated date and time. The submitted documents may be viewed in the Leicester Town Conservation Commission Office during Town Hall hours or online at leicesterma.org.

Stephan Parretti, Chair  
Leicester Conservation  
Commission

Published in Worcester  
Telegram & Gazette:  
Monday, March 4, 2024

3/4/2024

**NEW ENGLAND POWER COMPANY**  
**Central to Western MA Energy Improvement Project**  
**E5/F6 Transmission Lines Soil Boring Program**

**Notice of Intent**

**Leicester, MA**  
**Conservation Commission**  
**February 2024**

Prepared for:  
New England Power Company  
170 Data Drive  
Waltham, MA 02451

BSC Project No. 89599.46

---

FEBRUARY 27, 2024

Leicester Conservation Commission  
3 Washburn Square  
Leicester, MA 01524

**RE: Notice of Intent  
Central to Western MA Energy Improvement Project  
E5/F6 Transmission Lines Soil Boring Program  
Leicester, Massachusetts  
New England Power Company**

Dear Members of the Leicester Conservation Commission:

BSC Group, Inc. (BSC) is filing this Notice of Intent (NOI) on behalf of the New England Power Company (NEP) for activities associated with exploratory geotechnical soil borings along the E5/F6 Transmission Lines Right-of-Way (ROW) in Leicester, Massachusetts (the Project). The proposed borings are necessary for the planning and design of future improvements to the lines. This NOI is being submitted in accordance with the Massachusetts Wetlands Protection Act (M.G.L. Ch.131, S.40) (WPA), its implementing regulations (310 CMR 10.00) and the Leicester Wetlands Protection Bylaw (Chapter 14) and its implementing regulations.

Project activities subject to review under the WPA and the Leicester Bylaw include seven (7) soil borings at the following Structures and locations: Structures 100 and 101 off of Pine Street, two (2) soil borings by Structure 88 off Peter Salem Road, Structure 84 off of Henshaw Street, Structure 79 off of Boutilier Road, and Structure 74 off of Stafford Street. Project activities will be located within an existing, managed ROW and along historically used access. Activities will be located within Bordering Vegetated Wetlands (BVW), the 200-foot Riverfront Area (RFA) associated with Burncoat Brook, the 100-foot Buffer Zone to BVW/Inland Bank, and the locally regulated 25-foot No Disturb Zone. Refer to **Attachment B** for the Site Locus Map and Environmental Resource Map showing the locations of the borings and resource areas.

Temporary construction mats will be used within wetlands to create a stable travel and work surface area. Trimming and mowing of vegetation may also be required to facilitate access. Although the Project will result in temporary impacts to BVW and RFA, the areas will be restored, and no permanent wetland impacts are anticipated. Grading and boulder removal is required to facilitate access and provide a stable work area at the boring locations at Structure 84, 79 and 74 within the 100-ft Buffer Zone.

Due to the nature and purpose of the proposed activities, there are no practical alternatives to the Project. However, no adverse impacts to wetland resource areas or values protected by the WPA are anticipated. Construction mats associated with utility projects are regulated by the Comprehensive Water Quality Certification for Utility Maintenance (Transmittal #23-WW10-0008-APP), between National Grid and the Massachusetts Department of Environmental Protection ("MassDEP"), which provides permit coverage under the 401 Water Quality Certification Program. As

such, and as requested by MassDEP, construction mats are not included in the attached WPA Form 3. However, the approximate square footage of temporary impacts is included for reference within the enclosed Project Narrative.

This Project qualifies as a Limited Project in accordance with the WPA regulations (310 CMR 10.53(3)(d)) which allows for the "construction, reconstruction, operation and maintenance of... overhead public utilities..." provided there are no alternatives, best available measures are used to minimize adverse effects during construction, and that vegetation and existing grades are restored. Best Management Practices (BMPs), including sediment and erosion controls, will be implemented during construction, further minimizing the likelihood of adverse impacts to resource areas. NEP has performed an analysis of alternatives, and the Project has been designed to avoid and minimize adverse impacts to wetland resource areas to the greatest extent practicable. Therefore, this NOI serves as a request for an Order of Conditions and a waiver from the 25-ft No Disturb Zone under Section IV(B) of the Leicester Bylaw for the activities described herein.

We respectfully request that this matter be heard at the next scheduled Conservation Commission hearing. A copy of this application has also been sent to the Central Regional Office of the Department of Environmental Protection (via eDEP). If you have any questions regarding the enclosed information, please contact me at (617) 896-4341 or Michael Tyrrell of New England Power Company at (603) 801-4140. Thank you for your consideration in this matter.

Thank you,  
BSC Group, Inc.



Carolyn Gorss  
Ecological Project Manager, BSC group, Inc.

cc: Michael Tyrrell, New England Power Company  
MassDEP Central Regional Office  
Leicester Select Board  
Leicester Planning Board  
Leicester Board of Appeals  
Leicester Board of Health  
Leicester Agricultural Commission  
Leicester Town Engineer  
Leicester Building Inspector

Enclosed:

	WPA Form 3 Checklist
	Copy of filing fee checks
<b>Attachment A:</b>	Project Narrative
<b>Attachment B:</b>	USGS Locus Map & Environmental Resources Map
<b>Attachment C:</b>	Site Photographs
<b>Attachment D:</b>	Certified List of Abutters, Abutters Notification Letter
<b>Attachment E:</b>	National Grid's BMPs (EG-303NE)

# Table of Contents

Central to Western MA Energy Improvement Project  
E5/F6 Transmission Lines Soil Boring Program  
Leicester, Massachusetts  
Notice of Intent

---

WPA FORM 3	NOTICE OF INTENT FORM COPY OF FILING FEE CHECKS
ATTACHMENT A	PROJECT NARRATIVE
ATTACHMENT B	USGS SITE LOCUS MAP ENVIRONMENTAL RESOURCES MAP
ATTACHMENT C	SITE PHOTOGRAPHS
ATTACHMENT D	CERTIFIED ABUTTERS LIST ABUTTER NOTIFICATION LETTER
ATTACHMENT E	NATIONAL GRID'S BEST MANAGEMENT PRACTICES

# **COPY OF FILING FEE CHECKS**



**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

City/Town

**Important:**

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



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

**A. General Information**

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

E5/F6 Transmission Lines Right-of-Way (ROW)

a. Street Address

Latitude and Longitude:

see attached

f. Assessors Map/Plat Number

Leicester

b. City/Town

From: 42.221901°N

To: 4.212420°N

see attached

g. Parcel /Lot Number

01453

c. Zip Code

From: 71.938388°W

To: 71.878915°W

2. Applicant:

Michael

a. First Name

Tyrrell

b. Last Name

New England Power Company (NEP)

c. Organization

170 Data Drive

d. Street Address

Waltham

e. City/Town

(603) 801-4140

h. Phone Number

i. Fax Number

MA

f. State

02451

g. Zip Code

michael.tyrrell@nationalgrid.com

j. Email Address

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

NEP has easement rights

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):

Carolyn

a. First Name

Gorss

b. Last Name

BSC Group, Inc.

c. Company

One Mercantile Street, Suite 610

d. Street Address

Worcester

e. City/Town

617-896-4341

h. Phone Number

i. Fax Number

MA

f. State

01608

g. Zip Code

cgorss@bscgroup.com

j. Email address

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

\$750.00

a. Total Fee Paid

\$362.50

b. State Fee Paid

\$387.50

c. City/Town Fee Paid



**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

City/Town

**A. General Information (continued)**

6. General Project Description:

NEP is proposing to conduct exploratory soil borings for planning and design purposes, associated with future improvements to the E5/F6 transmission lines. Borings and access will be within BVW, 200-foot RFA associated with Burncoat Brook, and the 100-ft Buffer Zone. Work pad and/or access grading and boulder removal is proposed within the 100-ft Buffer Zone for two (2) boring locations.

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

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

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

1. ☒ Yes ☐ No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)  
310 CMR 10.53(3)(d) which allows the "...construction, reconstruction, operation and maintenance of underground and overhead public utilities..."

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

8. Property recorded at the Registry of Deeds for:

Worcester North

a. County

See attached

c. Book

b. Certificate # (if registered land)

See attached

d. Page Number

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

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

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



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

**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

City/Town

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

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

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

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

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: ~858,6000  
square feet

4. Proposed alteration of the Riverfront Area:

<u>&lt;1 (temporary)</u>	<u>&lt;1 (temporary)</u>	<u>0</u>
a. total square feet	b. square feet within 100 ft.	c. square feet between 100 ft. and 200 ft.

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

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

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

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



**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

City/Town

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

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

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

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet _____ 2. cubic yards dredged _____	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet _____	2. cubic yards beach nourishment _____
e. <input type="checkbox"/> Coastal Dunes	1. square feet _____	2. cubic yards dune nourishment _____
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	1. linear feet _____	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet _____	
h. <input type="checkbox"/> Salt Marshes	1. square feet _____	2. sq ft restoration, rehab., creation _____
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet _____	
	2. cubic yards dredged _____	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet _____	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged _____	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet _____	
4. <input type="checkbox"/> Restoration/Enhancement		
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.		
a. square feet of BVW _____	b. square feet of Salt Marsh _____	
5. <input type="checkbox"/> Project Involves Stream Crossings		
a. number of new stream crossings _____	b. number of replacement stream crossings _____	



**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

City/Town

**C. Other Applicable Standards and Requirements**

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

**Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review**

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

- a. ☐ Yes ☒ No **If yes, include proof of mailing or hand delivery of NOI to:**

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

August 2021

b. Date of map

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

- c. Submit Supplemental Information for Endangered Species Review\*

1. ☐ Percentage/acreage of property to be altered:

(a) within wetland Resource Area

percentage/acreage

(b) outside Resource Area

percentage/acreage

2. ☐ Assessor's Map or right-of-way plan of site

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

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

(b) ☐ Photographs representative of the site

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

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

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



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

**WPA Form 3 – Notice of Intent**

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Leicester

City/Town

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

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

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

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

- (d) ☐ Vegetation cover type map of site

- (e) ☐ Project plans showing Priority & Estimated Habitat boundaries

- (f) OR Check One of the Following

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

2. ☐ Separate MESA review ongoing.

a. NHESP Tracking #

b. Date submitted to NHESP

3. ☐ Separate MESA review completed.

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

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

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

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

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

North Shore - Hull to New Hampshire border:

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

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

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

- c. ☐ Is this an aquaculture project?

- d. ☐ Yes    ☐ No

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



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

# **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

City/Town

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

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

## **D. Additional Information**

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

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

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

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



**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

City/Town

**D. Additional Information (cont'd)**

3. ☒ Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.
4. ☒ List the titles and dates for all plans and other materials submitted with this NOI.
- |  |                          |
|--|--------------------------|
| Central to Western MA Energy Improvement Project Soil Boring Program |                          |
| a. Plan Title  |                          |
| BSC Group, Inc.  | N/A                      |
| b. Prepared By   | c. Signed and Stamped by |
| 02/22/2024   | 1" = 100'                |
| d. Final Revision Date   | e. Scale                 |
| USGS Site Locus Map  | 2/22/2024                |
| f. Additional Plan or Document Title                                 | g. Date                  |
5. ☐ If there is more than one property owner, please attach a list of these property owners not listed on this form.
6. ☐ Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7. ☐ Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
8. ☒ Attach NOI Wetland Fee Transmittal Form
9. ☐ Attach Stormwater Report, if needed.

**E. Fees**

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

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

3622, 3621	2/26/2024
2. Municipal Check Number	3. Check date
N/A - eDEP payment	2/27/2024
4. State Check Number	5. Check date
BSC Companies, Inc.	
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

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.

1. Signature of Applicant

2/27/2024

2. Date

3. Signature of Property Owner (if different)

4. Date

2/26/2024

6. Date

5. Signature of Representative (if any)

**For Conservation Commission:**

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

**For MassDEP:**

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

**Other:**

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

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



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

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



## A. Applicant Information

### 1. Location of Project:

E5/F6 Transmission Lines Right-of-Way (ROW)

a. Street Address

N/A - eDEP payment

c. Check number

Leicester

b. City/Town

\$362.50

d. Fee amount

### 2. Applicant Mailing Address:

Michael

a. First Name

Tyrrell

b. Last Name

New England Power Company (NEP)

c. Organization

170 Data Drive

d. Mailing Address

Waltham

e. City/Town

MA

f. State

02451

g. Zip Code

(603) 801-4140

h. Phone Number

i. Fax Number

michael.tyrrell@nationalgrid.com

j. Email Address

### 3. Property Owner (if different):

NEP has easement rights

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

## B. Fees

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

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

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

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

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

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

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

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



**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

# NOI Wetland Fee Transmittal Form

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

### B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 2e + 1.5x RFA Modifier	1	\$500 x 1.5	\$750.00
Step 5/Total Project Fee:			\$750.00

### Step 6/Fee Payments:

Total Project Fee:	<u>\$750.00</u>
	a. Total Fee from Step 5
State share of filing Fee:	<u>\$362.50</u>
	b. 1/2 Total Fee <b>less</b> \$12.50
City/Town share of filling Fee:	<u>\$387.50</u>
	c. 1/2 Total Fee <b>plus</b> \$12.50

### C. Submittal Requirements

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

Department of Environmental Protection  
Box 4062  
Boston, MA 02211

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

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

**RE: WPA Form 3 Section A.8**

Boring ID#s	Parcel ID	Closest Cross Road	Book, Page of Easement
B-101	40 B3 0	Pine Street	2020, 47
B-100	40 B3.3 0		
B-88A	30 A6 0	Peter Salem Road	2020, 27
B-88B	30 A7 0		Fee Owned: 4133, 318
B-84	31 B23 0	Henshaw Street	2020, 486
B-79	36 A1.3 0	Boutlier Road	2020, 257
B-74	36 B2 0	Stafford Street	2020, 28

**BSC COMPANIES, INC.**

803 SUMMER STREET  
BOSTON, MASSACHUSETTS 02127

3622

DATE 2/26/24

  
53-179/113

PAY  
TO THE  
ORDER OF

 Eastern Bank

Boston, MA 02110  
easternbank.com  
1-800-EASTERN

FOR 100181.00-23

TWO SIGNATURES REQUIRED OVER \$2,500  
NOT VALID AFTER 180 DAYS

\$ 387.50

  
Security Features

Details on back

**BSC COMPANIES, INC.**  
803 SUMMER STREET  
BOSTON, MASSACHUSETTS 02127

3621

DATE 2/26/24

  
53-179/113

PAY  
TO THE  
ORDER OF

 Eastern Bank

Boston, MA 02110  
easternbank.com  
1-800-EASTERN

FOR 100181.00-23

TWO SIGNATURES REQUIRED OVER \$2,500  
NOT VALID AFTER 180 DAYS

\$ 90.63

  
Security Features

Details on back

# Attachment A

Central to Western MA Energy Improvement Project  
E5/F6 Transmission Lines Soil Boring Program  
Leicester, Massachusetts  
Notice of Intent

PROJECT NARRATIVE

## **1 INTRODUCTION**

BSC Group, Inc. (BSC) is filing this Notice of Intent (NOI) on behalf of the New England Power Company (NEP) for activities associated with exploratory geotechnical soil borings along the E5/F6 Transmission Lines Right-of-Way (ROW) in Leicester, Massachusetts (the Project). The proposed borings are necessary for the planning and design of future improvements to the lines. This NOI is being submitted in accordance with the Massachusetts Wetlands Protection Act (M.G.L. Ch.131, S.40)(WPA), its implementing regulations (310 CMR 10.00) and the Leicester Wetlands Protection Bylaw (Chapter 14) and its implementing regulations.

Project activities subject to review under the WPA and the Leicester Bylaw include seven (7) soil borings at the following Structures and locations: Structures 100 and 101 off of Pine Street, two (2) soil borings by Structure 88 off Peter Salem Road, Structure 84 off of Henshaw Street, Structure 79 off of Boutillier Road, and Structure 74 off of Stafford Street. Project activities will be located within an existing, managed ROW and along historically used access. Activities will be located within Bordering Vegetated Wetlands (BVW), the 200-foot Riverfront Area (RFA) associated with Burncoat Brook, the 100-foot Buffer Zone to BVW/Inland Bank, and the locally regulated 25-foot No Disturb Zone. Refer to **Attachment B** for the Site Locus Map and Environmental Resource Map showing the locations of the borings and resource areas.

Temporary construction mats will be used within wetlands to create a stable travel and work surface area. Trimming and mowing of vegetation may also be required to facilitate access. Although the Project will result in temporary impacts to BVW, and RFA, the areas will be restored, and no permanent wetland impacts are anticipated. Grading and boulder removal is required to facilitate access and provide a stable work area at the boring locations at Structures 89, 79 and 74 within the 100-ft Buffer Zone.

Due to the nature and purpose of the proposed activities, there are no practical alternatives to the Project. However, no adverse impacts to wetland resource areas or values protected by the WPA are anticipated. Construction mats associated with utility projects are regulated by the Comprehensive Water Quality Certification for Utility Maintenance (Transmittal #23-WW10-0008-APP), between National Grid and the Massachusetts Department of Environmental Protection (“MassDEP”), which provides permit coverage under the 401 Water Quality Certification Program. As such, and as requested by MassDEP, construction mats are not included in the attached WPA Form 3. However, the approximate square footage of temporary impacts is included for reference within the enclosed Project Narrative.

This Project qualifies as a Limited Project in accordance with the WPA regulations (310 CMR 10.53(3)(d)) which allows for the “construction, reconstruction, operation and maintenance of... overhead public utilities...” provided there are no alternatives, best available measures are used to minimize adverse effects during construction, and that vegetation and existing grades are restored. Best Management Practices (BMPs), including sediment and erosion controls, will be implemented during construction, further minimizing the likelihood of

adverse impacts to resource areas. NEP has performed an analysis of alternatives, and the Project has been designed to avoid and minimize adverse impacts to wetland resource areas to the greatest extent practicable. Therefore, this NOI serves as a request for an Order of Conditions and a waiver from the 25-ft No Disturb Zone under Section IV (B) of the Leicester Bylaw for the activities described herein.

## **2 EXISTING CONDITIONS**

Project activities are proposed at structures along the E5/F6 Transmission Lines ROW in Leicester, MA. The ROW is generally oriented northwest to southeast and is currently used for overhead electric utility transmission operations. Vegetation within the ROW is regularly maintained for compatibility with the facilities. The upland and wetland areas within the ROW are dominated by scrub-shrub/herbaceous communities, typical of transmission line ROWs. Dominant land uses adjacent to the ROW primarily include forested land and single-family properties.

### **2.1 Resource Area Summary**

BSC conducted both a Desktop Analysis (using MassGIS data layers, FEMA Firmette, and other publicly available data), and wetland field delineations, to assess permitting requirements pursuant to the WPA. Wetland delineations were conducted in the summer and fall of 2022, in accordance with the methodology described in the MassDEP *Handbook on Delineating Bordering Vegetated Wetlands* (Published in March 1995).

The Environmental Resources Map in **Attachment B** depicts existing conditions, wetland resource areas, and buffer zones, in relation to the proposed activities. Permanent impacts are proposed for grading and boulder removal to improve access and/or work areas for Borings B-84, B-79 and B-74 in 100-foot Buffer Zone to BVW associated with Structure 84, 79, and 74. Temporary impacts are proposed within BVW, RFA, and 100-foot Buffer Zone to BVW.

### **2.2 Bordering Vegetated Wetland (BVW)**

BVW within the E5/F6 ROW is generally a mixture of scrub/shrub and emergent wetland types, typical of managed ROWs. No permanent impacts to BVW are proposed. The borings will result in less than 1 square foot (sf) of temporary impact.

### **2.3 Riverfront Area (RFA)**

The borings at Structure 101 and Structure 100 are located within the inner RFA associated with Burncoat Brook. No permanent impacts to RFA are proposed. The borings will result in less than 1 sf of temporary impact.

#### 2.4 Locally Regulated Buffer Zones

The Leicester Bylaw recognizes the 100-foot Buffer Zone as a protected resource area and also establishes a 25-foot No Disturb Zone from the edge of BVW and Bank. Temporary and permanent impacts are proposed within these Buffer Zones.

#### 2.5 Other Resource Areas

Other resource areas identified near the Project area include Zone II Wellhead Protection Area. No other resource areas were identified within or near the Project area, including Certified Vernal Pools, NHESP Priority/Estimated Habitat, Areas of Critical Environmental Concern (ACEC), or Outstanding Resource Waters (ORW).

### **3 PROJECT ACTIVITIES AND ANTICIPATED IMPACTS**

#### 3.1 Summary

The Project proposes exploratory borings at seven (7) locations along the E5/F6 Transmission Lines requiring temporary wetland matting for work envelope and access within BVW and access road and work area improvement activities. Permanent Project impacts are associated within the improvements of access and work areas associated with Borings B-84, B-79 and B-74. Temporary Project impacts are associated with soil boring activities and the use of construction matting within BVW for access.

#### 3.2 Soil Borings

The purpose of the borings is to evaluate subsurface conditions for foundation design associated with the future replacement of these structures. A small drill rig will be used to perform the soil borings; each boring hole will be approximately four (4) to six (6) inches in diameter. Each soil boring is typically completed within 1-2 days, further minimizing the likelihood of adverse impacts to resource areas. Soils from the boring hole will be temporarily stored adjacent to the boring location. Within wetlands, soil will be placed on construction mats, underlain with filter fabric. If the soil remains overnight, it will be properly contained (fiber rolls, etc.). Upon completion of the work, bored-out soil will be used to backfill the hole.

#### 3.3 Access Route and Work Area Improvements

Access roads along the ROW allow NEP and contractor personnel to construct, inspect, and maintain the existing transmission line facilities. After careful planning and field

investigations, NEP has determined that existing and previously used access routes can be utilized to complete the proposed soil boring activities.

In some cases, existing access roads will require maintenance to support the safe passage of soil boring equipment. For example, gravel may be added to provide a stable and level surface for vehicles or minor grading will be conducted to remove boulders and widen the access road up to 12-feet wide for safe passage of a matting truck.

Select locations will require access improvements as described above. Specifically, along the access to B-79 and B-74, boulder removal and grading along the access will be required to allow the safe and stable use of equipment. The work area around the boring location for B-84, B-79 and B-74 will require spot grading to allow for the safe and stable use of equipment. Following grading at the work envelope, disturbed areas will be seeded and stabilized to allow the area to revegetate.

Approximately 1,700 sf of grading is proposed within the work envelop for boring B-84 within the 100-ft Buffer Zone to BVW. Approximately 3,200 square feet (sf) of grading is proposed within the 100-ft Buffer Zone to BVW along the access and work envelope for boring B-79. Approximately 2,500 sf of grading and boulder removal within the 100-ft Buffer Zone to BVW is proposed along the access and work envelope for boring B-74. Work within these areas is largely unavoidable due to the current configuration of the electric utility infrastructure and the need to have a safe access and create a stable area to perform the proposed borings.

Approximately 9,457 square feet of temporary construction mats will be used to provide access through and a stable work area within BVW. No permanent impacts are proposed to BVW. Temporary and permanent impacts to resource areas are described in Table 1 below.

Table 1. Jurisdictional Areas Permanent (P) / Temporary Impacts (T) Summary (sf = square feet)

Boring ID	Activities	Access	BVW	BLSF	RFA	100-ft Buffer Zone to BVW	25-Foot No Disturb Zone
B-101	Soil boring and temporary access	Pine Street	3,961 sf (matting T)	--	<1 sf (soil boring - T)	--	--
B-100	Soil boring work pad	Pine Street	224 sf (matting T)	465 sf (matting T)	<1 sf (soil boring - T)	<1 sf (soil boring - T)	<1 sf (soil boring - T)
B-88A	Soil boring	Peter Salem Road	1,780 sf (matting T)	--	--	--	--
B-88B	Soil boring	Peter Salem Road	550 sf (matting T)	--	--	--	--
B-84	Workpad grading	Henshaw Street	--	--	--	<1 sf (soil boring - T) 1,700 sf (P)	<1 sf (soil boring - T) 766 sf (P)
B-79	Access and workpad improvement	Boutilier Road	--	--	--	<1 sf (soil boring - T) 3,200 sf (P)	732 sf (P)
B-74	Soil boring, access and workpad improvements	Stafford Street	2,942 sf (temporary matting for boring access)	--	--	<1 sf (soil boring - T) 2,500 sf (P)	624 sf (P)

#### **4 CONFORMANCE WITH PERFORMANCE STANDARDS OF THE WPA**

The proposed activities meet the performance standards of the WPA at 310 CMR 10.55(4) and 310 CMR 10.58(4). Due to the nature and purpose of the proposed activities, there are no practicable alternatives to the Project. However, no significant adverse impacts to wetland resource areas or values protected by the WPA are anticipated. The project will result in 9,457 square feet of temporary impacts in BVW and less than 0.20 square feet of temporary impact in RFA. BMPs will be implemented to protect resource areas and following the completion of work the areas will be restored to pre-existing conditions.

##### **4.1 Limited Project Status**

Although the Project meets the criteria to be considered a Limited Project, as outlined in 310 CMR 10.53(3)(d) which allows for the construction, reconstruction, operation, and maintenance of overhead public utilities that may, under certain circumstances, be permitted without meeting the performance standards of the WPA. Nonetheless, the Project has been designed to meet all applicable performance standards for each affected resource area. In accordance with general condition 310 CMR 10.53(3)(d)2, the proposed Project will implement BMPs to ensure the adjacent resource areas are adequately protected, and impacts to the surrounding area are reduced, minimized, and restored to the maximum extent practicable. Project-specific BMPs are further discussed in Section 5 of the narrative.

##### **4.2 Bordering Vegetated Wetland, 310 CMR 10.55**

Activities within BVW include temporary matting for access and a work area, and two (2) soil borings located at Structures 101 and 88A. Work is proposed along historically used access routes and previously disturbed areas around the existing structures.

*[310 CMR 10.55(4)(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.*

The Project will not destroy or impair the BVW. No permanent impacts are proposed.

*[310 CMR 10.55(4)(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...*

The Project will not result in a loss of BVW.

*[310 CMR 10.55(4)(c)] – 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 a portion of Bordering Vegetated Wetland when...*

The Project will not result in a loss of BVW.

*[310 CMR 10.55(4)(d)] – Notwithstanding the provisions of 310 CMR 10.55(4)(a), (b) and (c), no project may be permitted which will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.59.*

No portions of the Project are located within areas of NHESP Priority and Estimated Habitat.

*[310 CMR 10.55(4)(e)] – Any proposed work shall not destroy or otherwise impair any portion of a Bordering Vegetated Wetland that is within an Area of Critical Environmental Concern designated by the Secretary of Energy and Environmental Affairs under M.G.L. c. 21A, § 2(7) and 301 CMR 12.00: Areas of Critical Environmental Concern.*

The Project is not located within an ACEC.

#### **4.3     200-foot Riverfront Area**

Activities within 200-foot RFA include two (2) soil borings, B-101 and B-100. Work is proposed along historically used access routes and previously disturbed areas around the existing structures. No permanent impacts are proposed.

*[310 CMR 10.58(4)(a)] – Protection of Other Resource Areas. The work shall meet the performance standards for all other resource areas within the riverfront area... When work in the riverfront area is also within the buffer zone to another resource area, the performance standards for the riverfront area shall contribute to the protection of the interests of M.G.L. c. 131 § 40 in lieu of any additional requirements that might otherwise be imposed on work in the buffer zone within the riverfront area.*

The Project has been designed to conform to the performance standards of other resource areas as described in this Notice of Intent.

*[310 CMR 10.58(4)(b)] – Protection of Rare Species. No project may be permitted within the riverfront area which will have any adverse effect on specified habitat site of rare wildlife or*

*upland, vertebrate or invertebrate species, as identified in the procedures established under 310 CMR 10.59 or 10.37, or which will have any adverse effect on vernal pool habitat certified prior to the filing of the Notice of Intent.*

No portions of the Project are located within areas of NHESP Priority and Estimated Habitat.

*[310 CMR 10.58(4)(c)] – Practicable and Substantially Equivalent Economic Alternatives. There must be no practicable and substantially equivalent economic alternative to the proposed project with less adverse effects on the interests identified in M.G.L. c. 131 § 40.*

Work within 200-foot RFA has been limited as much as possible and is proposed within the managed portion of the existing ROW. There are no practicable and substantially equivalent economic alternatives to the Project with less adverse effects on the interests identified in the Act.

*[310 CMR 10.58(4)(d)] – No Significant Adverse Impact. The work, including proposed mitigation measures, must have no significant adverse impact on the riverfront area to protect the interests identified in M.G.L. c. 131, § 40.*

The Project is proposed within an existing ROW that is cleared and maintained in accordance with an approved Vegetation Management Plan and local, state, and federal law and regulation. Maintenance of existing transmission line ROWs occurs on a routine basis as necessary, also in compliance with local, state, and federal law and regulation. NEP recognizes that maintaining/reestablishing the natural vegetation within the 200-foot RFA is critical to protecting water supplies, providing flood control, preventing pollution and protecting wildlife and fisheries habitat.

Temporary impacts where unavoidable for installation of linear site-related utilities are allowed within the 200-foot RFA, provided the area is restored to its natural conditions (310 CMR 10.58 (4)(d) 1.a.). Protective measures and BMPs will be in place to avoid and minimize impacts. Consequently, the Project will not result in a significant adverse impact or impairment or reduce the capacity of the 200-foot RFA to provide important wildlife habitat functions.

*[310 CMR 10.58(5)] – Redevelopment Within Previously Developed Riverfront Areas*

Although all work will occur within an existing ROW that is actively managed, and previously existing access roads and work envelopes will be re-established and improved, NEP is not filing this NOI under the redevelopment provisions at MA WPA regulations 310 CMR 10.58(5). Access roads will not be located any closer to the river than existing or historical routes.

The 100-ft Buffer Zone is a regulated resource area under the Town of Leicester’s Wetland Protection Bylaw; however, there are no performance standards for the Buffer Zone.

## **5 PROPOSED MITIGATION TECHNIQUES**

NEP has established procedures that are to be followed by all employees and contractors performing construction and maintenance activities on transmission ROWs. These procedures, or BMPs, are outlined in National Grid’s Environmental Guidance document Access, Maintenance and Construction Best Management Practices (EG-303NE) to ensure that all NEP projects are completed in accordance with all applicable environmental laws and regulations as well as company policies and compliance objectives. The following sections provide a summary of BMPs that will be implemented for this Project. See **Attachment E** for an excerpt of National Grid’s Environmental Guidance Document, Access, Maintenance and Construction Best Management Practices, Sediment and Erosion Controls.

### **5.1 Sediment and Erosion Controls**

Erosion and sediment control measures will 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 delineates work areas and contains construction activities within approved locations. Erosion and sediment control measures may include silt fence, weed-free straw bale barriers, straw wattles, or similar treatment.

BMPs will be inspected and maintained in working order until all disturbed areas are stabilized. Please refer to **Attachment E** for erosion and sediment control details.

### **5.2 Construction Access**

Existing and historically used access routes will be utilized to the greatest extent practicable, as shown on the Environmental Resources Map in **Attachment B**. Temporary construction mats will be used to provide access through BVW. Construction mats are a typical BMP used by NEP to protect the wetland substrate, root systems/seed banks and existing vegetation. Construction mats will be placed on top of existing vegetation and will be removed upon completion of work. If necessary, the wetland area will be restored through seeding and stabilization.

### **5.3 Mowing and Vegetation Management**

Prior to the commencement of work, vegetation within the ROW will be mowed to provide access for vehicles and personnel.

#### 5.4 Restoration of Disturbed Areas

Disturbed areas will be returned to pre-construction elevations and conditions to the extent practicable. In areas of vegetated ground, disturbed areas will be seeded with an appropriate conservation seed mixture and/or mulched and allowed to re-vegetate.

Temporary soil erosion and sediment control devices will be removed following the stabilization of disturbed areas. Temporary construction mats will be removed from wetlands. In addition, construction debris and non-biodegradable controls will be removed from the site following construction and site stabilization.

## **6 CONCLUSION**

Although portions of the Project will occur within wetland resource areas, the proposed Project will:

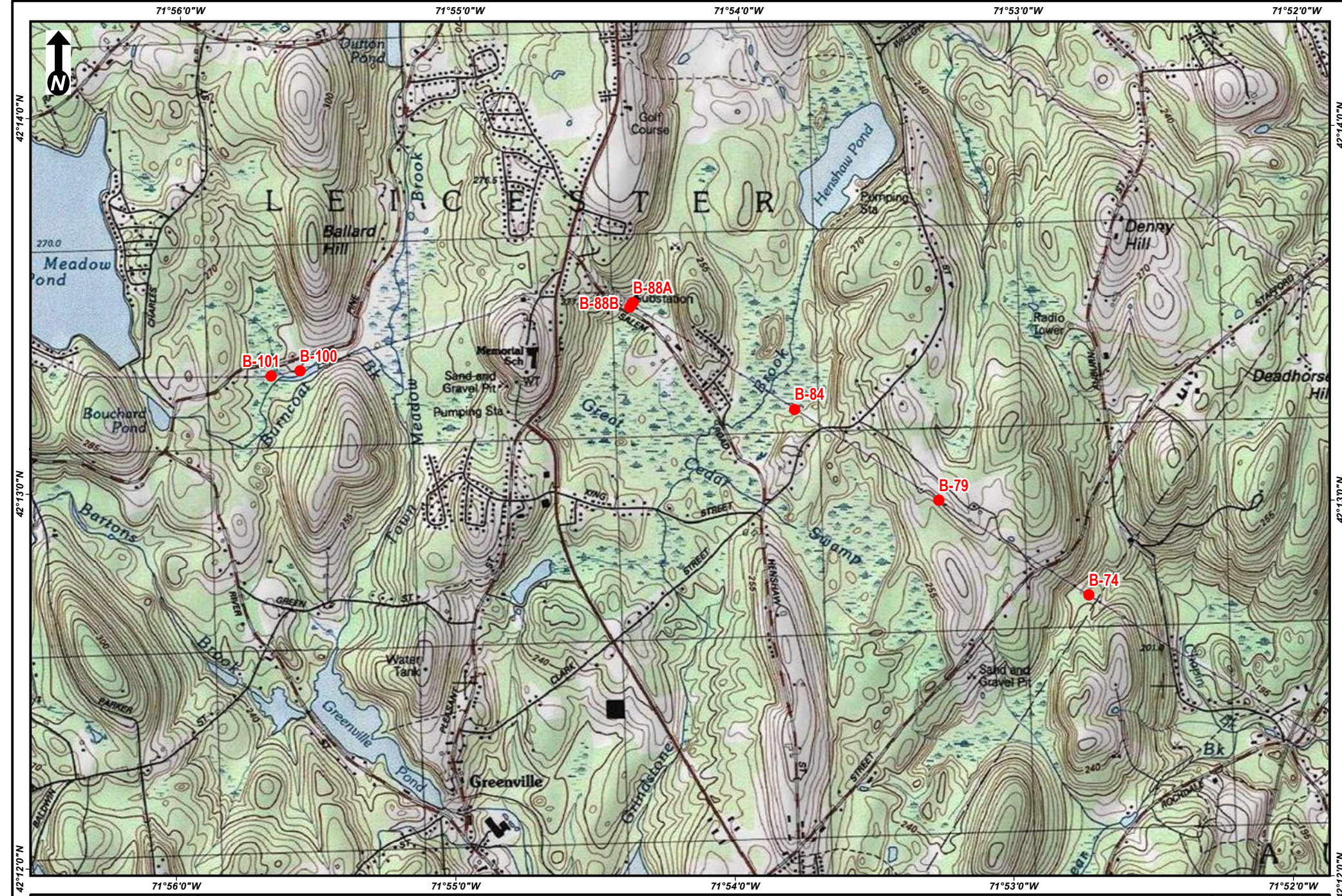
- Minimize disturbance by utilizing an existing disturbed ROW to the greatest extent practicable;
- Maximize use of upland access roads to the greatest extent practicable;
- Result in only temporary impacts to BVW, RFA, and Buffer Zone; and
- Utilize appropriate BMPs to protect wetland resource areas from sedimentation and soil disturbance during boring activities.

Therefore, NEP requests the Leicester Conservation Commission find this proposal adequately protective of the public interests identified in the WPA and Leicester Wetland Protection Bylaw and issue an Order of Conditions and a waiver from the 25-ft No Disturb Zone for the activities described in this narrative.

# **Attachment B**

Central to Western MA Energy Improvement Project  
E5/F6 Transmission Lines Soil Boring Program  
Leicester, Massachusetts  
Notice of Intent

USGS SITE LOCUS MAP  
ENVIRONMENTAL RESOURCES MAP

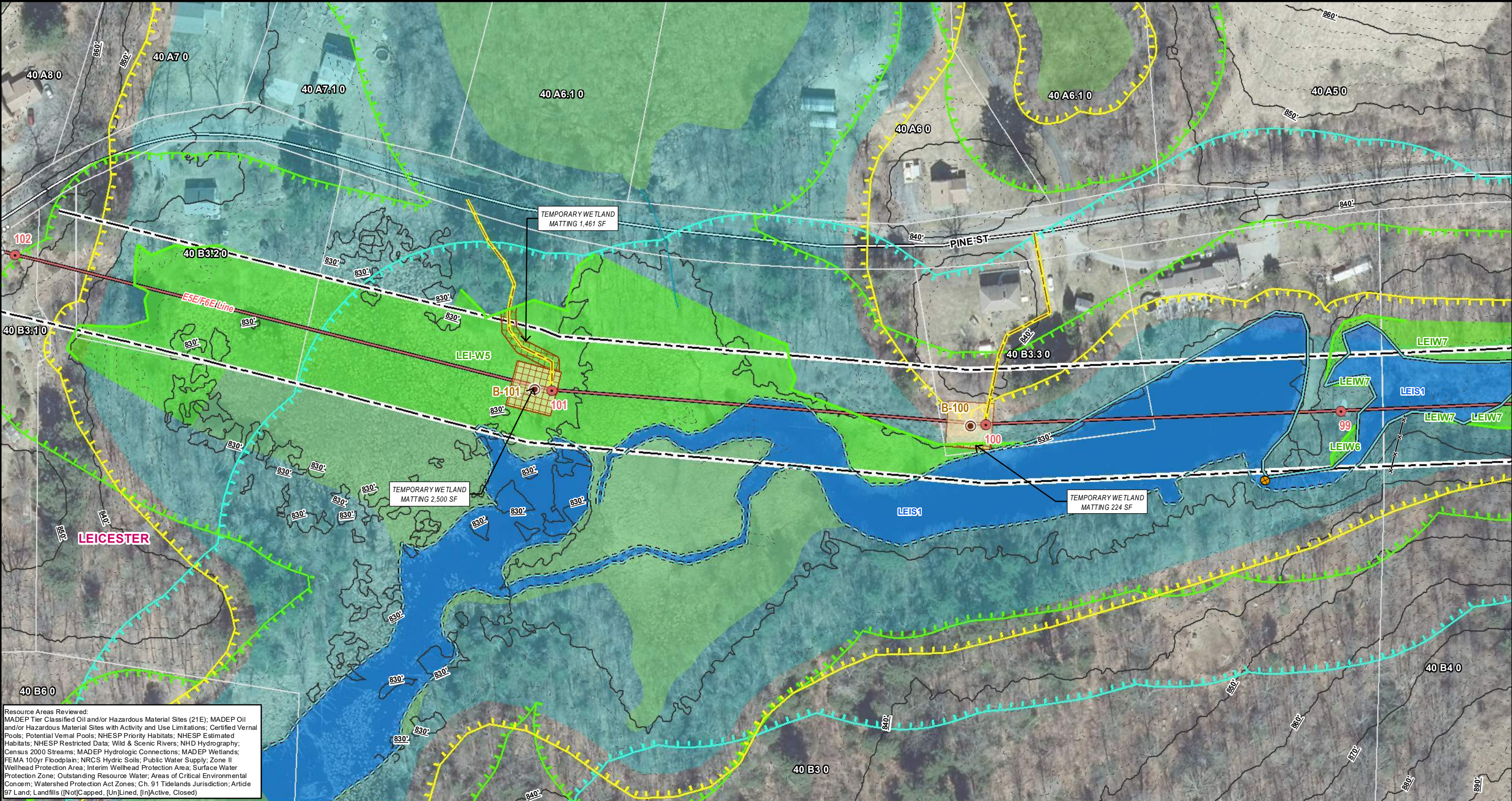


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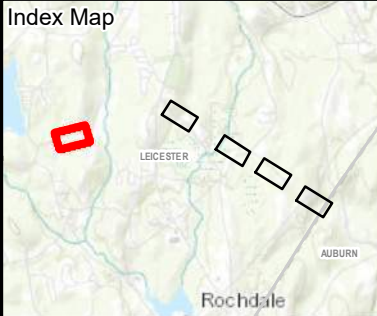
**CENTRAL TO WESTERN MA ENERGY IMPROVEMENT PROJECT**  
**SOIL BORING PROGRAM**  
**USGS Site Location Map**  
**Leicester, MA**

Source: Copyright©  
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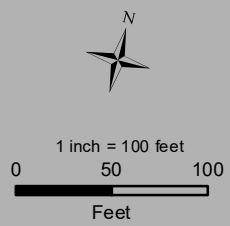


Resource Areas Reviewed:  
MADEP Tier Classified Oil and/or Hazardous Material Sites (21E); MADEP Oil and/or Hazardous Material Sites with Activity and Use Limitations; Certified Vernal Pools; Potential Vernal Pools; NHESP Priority Habitats; NHESP Estimated Habitats; NHESP Restricted Data; Wild & Scenic Rivers; NHD Hydrography; Census 2000 Streams; MADEP Hydrologic Connections; MADEP Wetlands; FEMA 100yr Floodplain; NRCS Hydric Soils; Public Water Supply; Zone II Wellhead Protection Area; Interim Wellhead Protection Area; Surface Water Protection Zone; Outstanding Resource Water; Areas of Critical Environmental Concern; Watershed Protection Act Zones; Ch. 91 Tidelands Jurisdiction; Article 97 Land; Landfills ([Not]Capped, [Un]Lined, [In]Active, Closed)



Soil Boring	Field Delineated Stream Centerline	Zone II Wellhead Protection Area	Culvert
Existing Structure	Field Delineated Inland Bank	Interim Wellhead Protection Area	Parcel Boundaries
Existing Overhead Line	Estimated Inland Bank	FEMA 100yr Floodplain*	
Edge of ROW	Field Delineated Stream Area*	Town Boundary	
Preferred Access Road	Perennial Stream	Access Gate	
Alternate Access Road	MADEP Hydrologic Connections	Fenceline	
Construction Matting	MADEP Wetlands*	Stonewall	
Work Envelope*	25ft No Disturb Zone	2ft Contour	
Field Delineated Wetland Lines	100ft Buffer to Wetlands & Streams	10ft Contour	
Field Delineated Wetlands*	200ft Riverfront Area		

\*Indicates Layers Set to Transparency

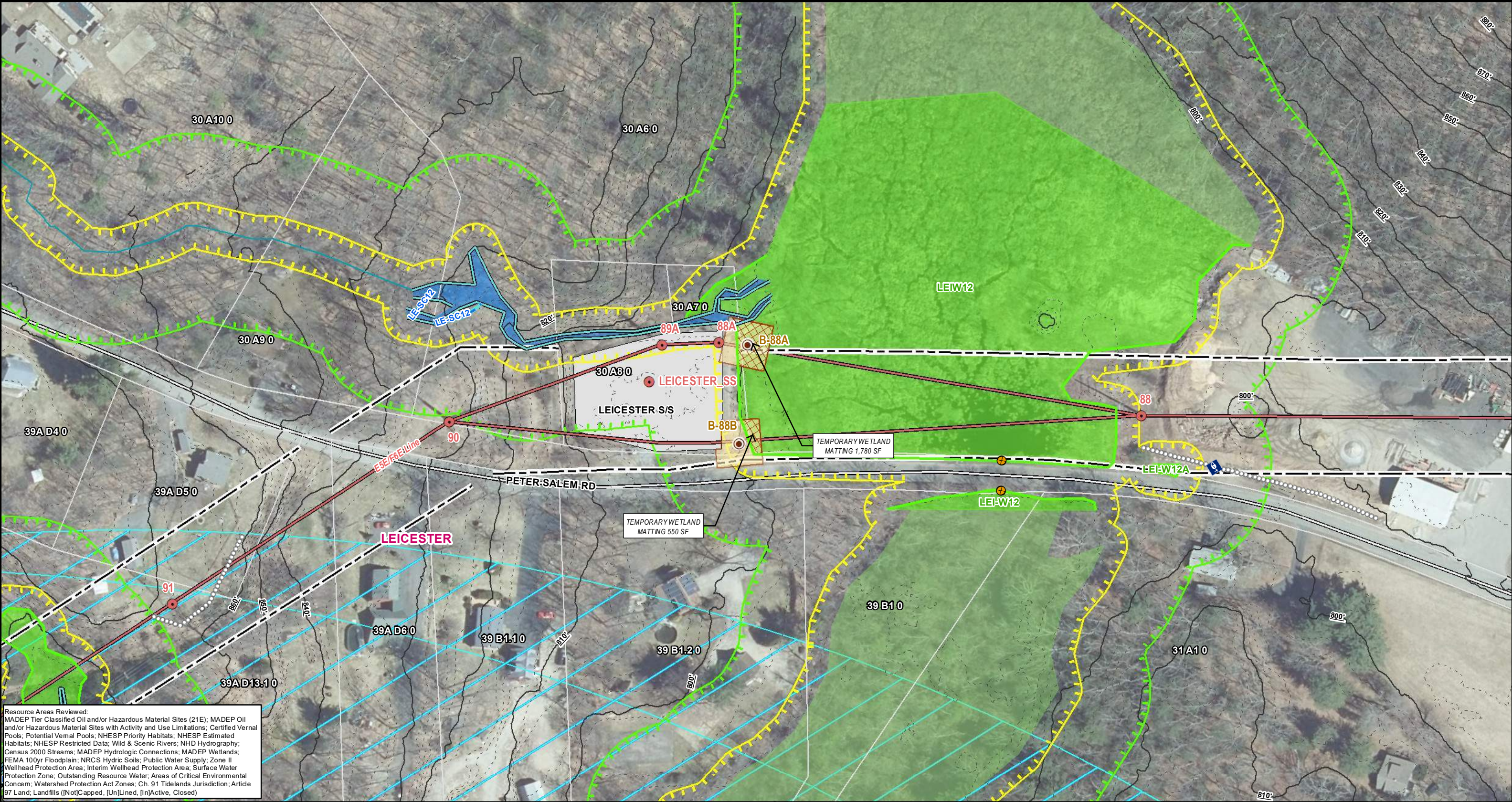


**CENTRAL TO WESTERN MA ENERGY  
IMPROVEMENT PROJECT  
E5/F6 TRANSMISSION LINES SOIL  
BORING PROGRAM**

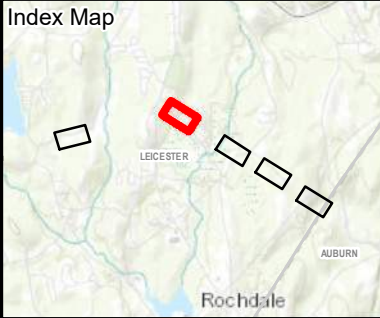
**Environmental Resources Map**

Leicester, MA  
Page 1 of 5

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



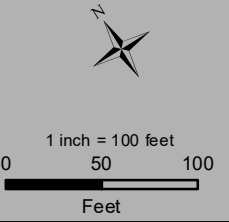
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**Legend**

Soil Boring	Field Delineated Stream Centerline	Zone II Wellhead Protection Area	Culvert
Existing Structure	Field Delineated Inland Bank	Interim Wellhead Protection Area	Parcel Boundaries
Existing Overhead Line	Estimated Inland Bank	FEMA 100yr Floodplain*	
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Construction Matting	MADEP Wetlands*	2ft Contour	
Work Envelope*	25ft No Disturb Zone	10ft Contour	
Field Delineated Wetland Lines	100ft Buffer to Wetlands & Streams		
Field Delineated Wetlands*	200ft Riverfront Area		

\*Indicates Layers Set to Transparency



**CENTRAL TO WESTERN MA ENERGY  
IMPROVEMENT PROJECT  
E5/F6 TRANSMISSION LINES SOIL  
BORING PROGRAM**

**Environmental Resources Map**

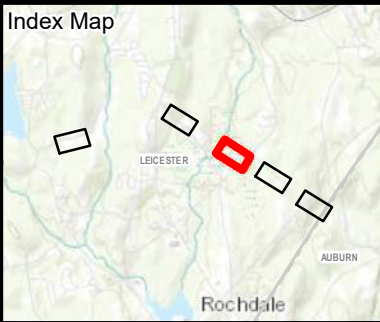
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Page 2 of 5

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Resource Areas Reviewed:  
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**Legend**

- Soil Boring
- Existing Structure
- Existing Overhead Line
- Edge of ROW
- Preferred Access Road
- Alternate Access Road
- Construction Matting
- Work Envelope\*
- Field Delineated Wetland Lines
- Field Delineated Wetlands\*

- Field Delineated Stream Centerline
- Field Delineated Inland Bank
- Estimated Inland Bank
- Field Delineated Stream Area\*
- Perennial Stream
- MADEP Hydrologic Connections
- MADEP Wetlands\*
- 25ft No Disturb Zone
- 100ft Buffer to Wetlands & Streams
- 200ft Riverfront Area

- Zone II Wellhead Protection Area
- Interim Wellhead Protection Area
- FEMA 100yr Floodplain\*
- Town Boundary
- Access Gate
- Fenceline
- 2ft Contour
- 10ft Contour

- Culvert
- Parcel Boundaries

\*Indicates Layers Set to Transparency

1 inch = 100 feet

0 50 100 Feet

**CENTRAL TO WESTERN MA ENERGY  
IMPROVEMENT PROJECT  
E5/F6 TRANSMISSION LINES SOIL  
BORING PROGRAM**

**Environmental Resources Map**

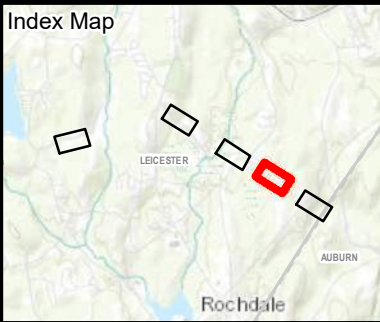
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Page 3 of 5

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

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**Legend**

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Existing Structure	Field Delineated Inland Bank	Interim Wellhead Protection Area	Parcel Boundaries
Existing Overhead Line	Estimated Inland Bank	FEMA 100yr Floodplain*	
Edge of ROW	Field Delineated Stream Area*	Town Boundary	
Preferred Access Road	Perennial Stream	Access Gate	
Alternate Access Road	MADEP Hydrologic Connections	Stonewall	
Construction Matting	25ft No Disturb Zone	2ft Contour	
Work Envelope*	100ft Buffer to Wetlands & Streams	10ft Contour	
Field Delineated Wetland Lines	200ft Riverfront Area		
Field Delineated Wetlands*			

\*Indicates Layers Set to Transparency

1 inch = 100 feet

0 50 100 Feet

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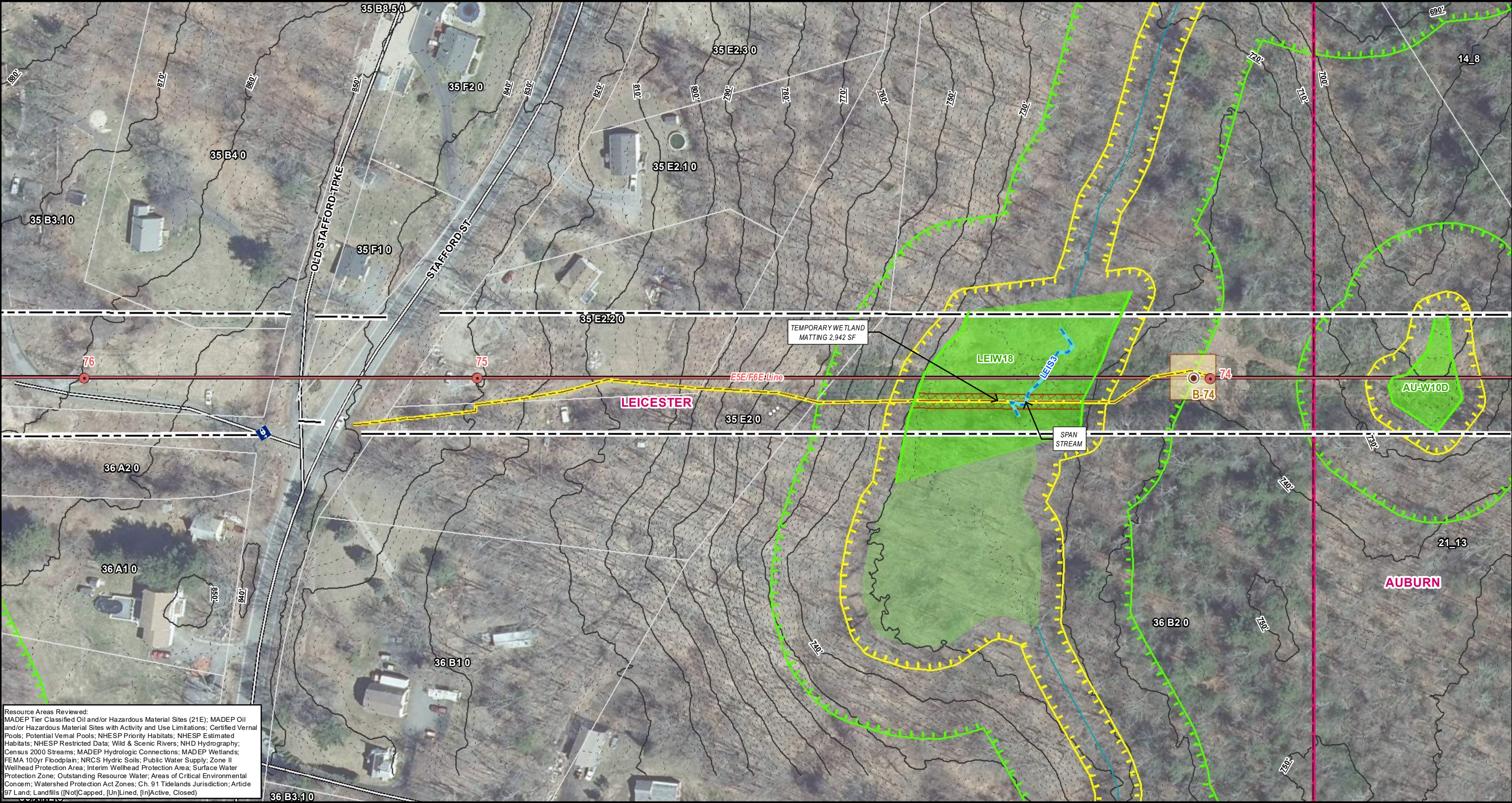
**CENTRAL TO WESTERN MA ENERGY  
IMPROVEMENT PROJECT  
E5/F6 TRANSMISSION LINES SOIL  
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**Environmental Resources Map**

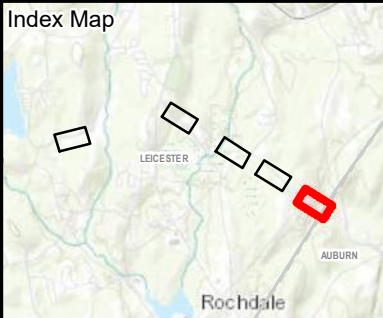
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Page 4 of 5

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

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Resource Areas Reviewed:  
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**Legend**

- Soil Boring
- Existing Structure
- Existing Overhead Line
- Edge of ROW
- Preferred Access Road
- Alternate Access Road
- Construction Matting
- Work Envelope\*
- Field Delineated Wetland Lines
- Field Delineated Wetlands\*

- Field Delineated Stream Centerline
- Field Delineated Inland Bank
- Estimated Inland Bank
- Field Delineated Stream Area\*
- Perennial Stream
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- 200ft Riverfront Area

- Zone II Wellhead Protection Area
- Interim Wellhead Protection Area
- FEMA 100yr Floodplain\*
- Town Boundary
- Access Gate
- Stonewall
- 2ft Contour
- 10ft Contour

- Culvert
- Parcel Boundaries

\*Indicates Layers Set to Transparency

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0 50 100 Feet

**CENTRAL TO WESTERN MA ENERGY  
IMPROVEMENT PROJECT  
E5/F6 TRANSMISSION LINES SOIL  
BORING PROGRAM**

**Environmental Resources Map**

Leicester, MA  
Page 5 of 5

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# Attachment C

Central to Western MA Energy Improvement Project  
E5/F6 Transmission Lines Soil Boring Program  
Leicester, Massachusetts  
Notice of Intent

SITE PHOTOGRAPHS



**Photo #1:** View of existing Structure 101 within BVW. Boring B-101 is proposed approximately 19 feet west of the existing structure within BVW. Temporary wetland matting will be used for the access and work pad related to this structure. *Facing southeast*



**Photo #2:** View of existing Structure 100 within the 100-ft Buffer Zone.. Boring B-100 is proposed approximately 17 feet west of the existing structure. *Facing northeast*



**Photo #3:** View of structures 88A (right) and 88B (left). Boring B-88A is proposed approximately 31 feet southeast and B-88B is proposed approximately 35 feet southeast of Structure 88A. Temporary wetland matting will be used on the work pad of both structures within wetland LEI-W12. *Facing northeast*



**Photo #4:** View of existing Structure 84. Boring B-84 is proposed approximately 18 feet southeast of the existing structure. Grading is proposed at the boring location within the 100-ft Buffer Zone To BVW. *Facing north*



**Photo #5:** View of existing Structure 79 within the 100-ft Buffer Zone. Boring B-79 is proposed approximately 18 feet southeast of the existing structure. Grading is proposed within the 100-ft Buffer Zone. *Facing northeast*



**Photo #6:** View of existing Structure 74. Boring B-74 is proposed approximately 18 feet northwest of the existing structure. Grading along the access and at the bore location is proposed within the 100-ft Buffer Zone. *Facing southwest*

# Attachment D

Central to Western MA Energy Improvement Project  
E5/F6 Transmission Lines Soil Boring Program  
Leicester, Massachusetts  
Notice of Intent

CERTIFIED ABUTTERS LIST  
ABUTTERS NOTIFICATION LETTER

## Notification to Abutters

By Hand Delivery, Certified Mail (return receipt requested), or Certificates of Mailing

*This is a notification required by law. You are receiving this notification because you have been identified as the owner of land abutting another parcel of land for which certain activities are proposed. Those activities require a permit under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40).*

In accordance with the second paragraph of the Massachusetts Wetlands Protection Act, and 310 CMR 10.05(4)(a) of the Wetlands Regulations, you are hereby notified that:

- A. A Notice of Intent was filed with the Leicester Conservation Commission on February 27, 2024 seeking permission to remove, fill, dredge, or alter an area subject to protection under M.G.L. c. 131 §40. The following is a description of the proposed activity/activities:

The New England Power Company (NEP) is proposing to conduct exploratory geotechnical soil borings for planning and design of future improvements to the E5/F6 Transmission Lines. Seven (7) borings are proposed within Bordering Vegetated Wetlands (BVW), and the 100-foot Buffer Zone to Bordering Vegetated Wetlands (BVW), 200-foot Riverfront Area (RFA). Work pad and access improvements will also be conducted within 100-foot Buffer Zone to BVW.

- B. The name of the applicant is: New England Power Company
- C. The address of the land where the activity is proposed is: E5/F6 Transmission Lines Right-of-Way (ROW) between Stafford Street and Pine Street in Leicester.
- D. Copies of the Notice of Intent may be examined or obtained at the office of the Leicester Conservation Commission, located at (Leicester Conservation Commission, 3 Washburn Square, Leicester, MA 01524). The regular business hours of the Commission are by appointment.
- E. Copies of the Notice of Intent may be obtained from the applicant or (their) representative by calling (Carolyn Gorss), (representative) at (617-896-4341). An administrative fee may be applied for providing copies of the NOI and plans.
- F. Information regarding the date, time, and location of the public hearing regarding the Notice of Intent may be obtained from the Leicester Conservation Commission. Notice of the public hearing will be published at least five business days in advance, in The Sentinel & Enterprise.

Notification provided pursuant to the above requirement does not automatically confer standing to the recipient to request Departmental Action for the underlying matter. See 310 CMR 10.05(7)(a)4.



# 300 feet Abutters List Report

Leicester, MA  
February 21, 2024

## Subject Property:

Parcel Number: 36-A1.3-0  
CAMA Number: 36-A1.3-0  
Property Address: 36 BOUTILIER RD

Mailing Address: EIP ENERGY I LLC C/O LANDMARK  
DIVIDEND  
400 CONTINENTAL BLVD STE 500  
EL SEGUNDO, CA 90245

## Abutters:

Parcel Number: 35-A1-0  
CAMA Number: 35-A1-0  
Property Address: 313 HENSHAW ST

Mailing Address: ORLOFF ALEXIS  
313 HENSHAW ST  
LEICESTER, MA 01524

Parcel Number: 35-A2.1-0  
CAMA Number: 35-A2.1-0  
Property Address: 24 BOUTILIER RD

Mailing Address: CASELLO NICHOLAS A CASELLO  
JAQUELINE  
21 BOUTILIER RD  
LEICESTER, MA 01524

Parcel Number: 35-B3.1-0  
CAMA Number: 35-B3.1-0  
Property Address: 680 STAFFORD ST

Mailing Address: WITKOWSKI JR TRUSTEE WAYNE P  
WITKOWSKI FAMILY 2019 IRR TR  
PO BOX 122  
ROCHDALE, MA 01542-0122

Parcel Number: 35-B3-0  
CAMA Number: 35-B3-0  
Property Address: 500 BOUTILIER RD

Mailing Address: CASELLO NICHOLAS A MATHEWS  
JAQUELINE  
21 BOUTILIER RD  
LEICESTER, MA 01524

Parcel Number: 35-B4-0  
CAMA Number: 35-B4-0  
Property Address: 678 STAFFORD ST

Mailing Address: WITKOWSKI WAYNE JR WITKOWSKI  
LORETTA  
678 STAFFORD ST  
ROCHDALE, MA 01542

Parcel Number: 36-A1.1-0  
CAMA Number: 36-A1.1-0  
Property Address: 692 STAFFORD ST

Mailing Address: WOLFE WILLIAM WOLFE LUCILLE  
692 STAFFORD STREET  
ROCHDALE, MA 01542

Parcel Number: 36-A1.2-0  
CAMA Number: 36-A1.2-0  
Property Address: 694 STAFFORD ST

Mailing Address: MARTINEZ ANA L  
694 STAFFORD ST  
ROCHDALE, MA 01542

Parcel Number: 36-A1.4-0  
CAMA Number: 36-A1.4-0  
Property Address: BOUTILIER RD

Mailing Address: EIP ENERGY I LLC C/O LANDMARK  
DIVIDEND  
400 CONTINENTAL BLVD STE 500  
EL SEGUNDO, CA 90245

Parcel Number: 36-A1-0  
CAMA Number: 36-A1-0  
Property Address: 690 STAFFORD ST

Mailing Address: BERANTUO ERICH  
690 STAFFORD ST  
ROCHDALE, MA 01542

Parcel Number: 36-A12.1-0  
CAMA Number: 36-A12.1-0  
Property Address: HENSHAW ST

Mailing Address: POTVIN THOMAS S  
111 SUNSET DRIVE  
CHARLTON, MA 01507



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# 300 feet Abutters List Report

Leicester, MA  
February 21, 2024

Parcel Number: 36-A2-0  
CAMA Number: 36-A2-0  
Property Address: 688 STAFFORD ST

Mailing Address: DABRILA ZIGMAS DABRILA JOANNE  
325 LOVELL ST  
WORCESTER, MA 01602

Parcel Number: 36-A3.3-0  
CAMA Number: 36-A3.3-0  
Property Address: 748 STAFFORD ST

Mailing Address: WRIGHT AUDREY E TRUSTEE A E  
WRIGHT REVOCABLE TRUST  
748 STAFFORD ST  
ROCHDALE, MA 01542-1200

Parcel Number: 36-A3.4-0  
CAMA Number: 36-A3.4-0  
Property Address: 746 STAFFORD ST

Mailing Address: HILL EDWARD JEANNE TRUSTEES  
JEAH FAMILY TRUST  
746 STAFFORD ST  
ROCHDALE, MA 01542

Parcel Number: 36-A3-0  
CAMA Number: 36-A3.6-0  
Property Address: 748 B REAR STAFFORD ST

Mailing Address: WRIGHT ET AL WILLIAM S C/O PRINCE  
LOBEL TYE LLP  
100 CAMBRIDGE ST SUITE 2200  
BOSTON, MA 02114

Parcel Number: 36-A3-0  
CAMA Number: 36-A3-0  
Property Address: 748 A STAFFORD ST

Mailing Address: WRIGHT WILLIAM JACOBS THOMAS D  
PO BOX 234  
ROCHDALE, MA 01542

Parcel Number: 36-A6-0  
CAMA Number: 36-A6-0  
Property Address: HENSHAW ST

Mailing Address: BROWN MICHAEL F BROWN LAURIE A  
397 HENSHAW ST  
ROCHDALE, MA 01542

Parcel Number: 36-B2.1-0  
CAMA Number: 36-B2.1-0  
Property Address: STAFFORD ST

Mailing Address: LANGLOIS ELIZABETH CATHERINE  
DUNLOP JR GERALD ALLEN  
697 STAFFORD ST  
ROCHDALE, MA 01542

Parcel Number: 36-B3.1-0  
CAMA Number: 36-B3.1-0  
Property Address: 699 STAFFORD ST

Mailing Address: LANGLOIS ROLAND S DUNLOP-  
LANGLOIS ELIZABETH C  
699 STAFFORD ST  
ROCHDALE, MA 01542-1207

Parcel Number: 36-B3.2-0  
CAMA Number: 36-B3.2-0  
Property Address: 703 STAFFORD ST

Mailing Address: MORRISSEY KEVIN M MORRISSEY  
NICOLE E  
703 STAFFORD ST  
ROCHDALE, MA 01542

Parcel Number: 36-B3-0  
CAMA Number: 36-B3.25-0  
Property Address: 14 VICTORIA DR

Mailing Address: BROMLEY FERRIS M BROMLEY JO ANN  
M  
14 VICTORIA DR  
ROCHDALE, MA 01542

Parcel Number: 36-B3-0  
CAMA Number: 36-B3.26-0  
Property Address: 16 VICTORIA DR

Mailing Address: MASON VIRGINIA M  
16 VICTORIA DR  
ROCHDALE, MA 01542

Parcel Number: 36-B3-0  
CAMA Number: 36-B3.27-0  
Property Address: 18 VICTORIA DR

Mailing Address: GREFFRATH CHARLES A  
18 VICTORIA DR  
ROCHDALE, MA 01542



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# 300 feet Abutters List Report

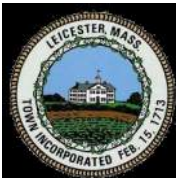
Leicester, MA  
February 21, 2024

Parcel Number: 36-B3-0 CAMA Number: 36-B3.28-0 Property Address: 20 VICTORIA DR	Mailing Address: ARNOLD THOMAS F ARNOLD LAUREN S 20 VICTORIA DR ROCHDALE, MA 01542
Parcel Number: 36-B3-0 CAMA Number: 36-B3.30-0 Property Address: 24 VICTORIA DR	Mailing Address: CLAUER HENRY G SEGAL-CLAUER JANIS H 24 VICTORIA DRIVE ROCHDALE, MA 01542
Parcel Number: 36-B3-0 CAMA Number: 36-B3.32-0 Property Address: 26 VICTORIA DR	Mailing Address: GOGGIN FAMILY TRUST GOGGIN JOHN E BONNIE D TRUSTEE 26 VICTORIA DR ROCHDALE, MA 01542
Parcel Number: 36-B3-0 CAMA Number: 36-B3.33-0 Property Address: 32 VICTORIA DR	Mailing Address: NASH CLAUDIA R 32 VICTORIA DR ROCHDALE, MA 01542
Parcel Number: 36-B3-0 CAMA Number: 36-B3.35-0 Property Address: 34 VICTORIA DR	Mailing Address: BANK OF AMERICA, TRUSTEE 34 VICTORIA DRIVE ROCHDALE, MA 01542
Parcel Number: 36-B3-0 CAMA Number: 36-B3.36-0 Property Address: 36 VICTORIA DR	Mailing Address: MURRAY JEFFREY MURRAY KATHLEEN, TRUSTESS OF 36 VICTORIA DRIVE UNIT 17 ROCHDALE, MA 01542
Parcel Number: 36-B3-0 CAMA Number: 36-B3.37-0 Property Address: 37 VICTORIA DR	Mailing Address: FRIEND JONATHAN 37 VICTORIA DR ROCHDALE, MA 01542
Parcel Number: 36-B3-0 CAMA Number: 36-B3.38-0 Property Address: 38 VICTORIA DR	Mailing Address: HARRINGTON TRACEY L KENNEDY ELIZABETH M 38 VICTORIA DRIVE UNIT 18 LEICESTER, MA 01524
Parcel Number: 36-B3-0 CAMA Number: 36-B3.39-0 Property Address: 39 VICTORIA DR	Mailing Address: BOHIGIAN ALFRED J BOHIGIAN MICHELLE J 39 VICTORIA DR ROCHDALE, MA 01542
Parcel Number: 36-B3.4-0 CAMA Number: 36-B3.4-0 Property Address: 707 STAFFORD ST	Mailing Address: KACHADOORIAN JOHN C KACHADOORIAN MARSHA K 707 STAFFORD ST ROCHDALE, MA 01542
Parcel Number: 36-B3-0 CAMA Number: 36-B3.5-0 Property Address: 1 VICTORIA DR	Mailing Address: TILSON LOUIS 1 VICTORIA DR ROCHDALE, MA 01542
Parcel Number: 36-B3-0 CAMA Number: 36-B3-0 Property Address: 705 STAFFORD ST	Mailing Address: BRIARCLIFF ESTATES SV LLC 7 MAPLE AV HOPKINTON, MA 01748



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# 300 feet Abutters List Report

Leicester, MA  
February 21, 2024

Parcel Number: 36-B7-0  
CAMA Number: 36-B7-0  
Property Address: 751 STAFFORD ST

Mailing Address: FERREIRA RAILAN GUIMARAES  
SERGIO  
401 PLEASANT STREET  
LEICESTER, MA 01524

---

Above is a certified list of direct abutters including abutters across any street.  
Subject property: Assessors Map 36-A1.3-0 Deed Ref. 58722/340  
Subject Owner: EIP Energy I LLC  
Certified by John Stencil, Assistant Assessor

*John Stencil*



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2/21/2024

Page 4 of 4



# 300 feet Abutters List Report

Leicester, MA  
February 21, 2024

## Subject Property:

Parcel Number: 30-A7-0  
CAMA Number: 30-A7-0  
Property Address: PETER SALEM RD

Mailing Address: MASS ELECTRIC CO PROPERTY TAX  
DEPT  
40 SYLVAN ROAD  
WALTHAM, MA 02451

## Abutters:

Parcel Number: 30-A6-0  
CAMA Number: 30-A6-0  
Property Address: 59 PETER SALEM RD

Mailing Address: TOWN OF LEICESTER HIGHWAY DEPT  
3 WASHBURN SQUARE  
LEICESTER, MA 01524

Parcel Number: 30-A8-0  
CAMA Number: 30-A8-0  
Property Address: PETER SALEM RD

Mailing Address: NEW ENGLAND POWER CO ATTN:  
PROPERTY TAX DEPT.  
40 SYLVAN ROAD  
WALTHAM, MA 02451

Parcel Number: 30-A9-0  
CAMA Number: 30-A9-0  
Property Address: 27 PETER SALEM RD

Mailing Address: OCOIN WILLIAM W OCOIN BETTE E  
27 PETER SALEM RD  
LEICESTER, MA 01524

Parcel Number: 31-A1-0  
CAMA Number: 31-A1-0  
Property Address: 126 PETER SALEM RD

Mailing Address: LARSON ROBERT A  
126 PETER SALEM RD  
LEICESTER, MA 01524

Parcel Number: 39A-D6-0  
CAMA Number: 39A-D6-0  
Property Address: 44 PETER SALEM RD

Mailing Address: MARCINKUS PETER A MARCINKUS  
NANCY E  
44 PETER SALEM RD  
LEICESTER, MA 01524

Parcel Number: 39-B1.1-0  
CAMA Number: 39-B1.1-0  
Property Address: 46 PETER SALEM RD

Mailing Address: GAUDET JASON K  
46 PETER SALEM RD  
LEICESTER, MA 01524

Parcel Number: 39-B1.2-0  
CAMA Number: 39-B1.13-0  
Property Address: REAR PLEASANT ST

Mailing Address: MORRIS PAUL R  
50 PETER SALEM RD  
LEICESTER, MA 01524

Parcel Number: 39-B1.2-0  
CAMA Number: 39-B1.2-0  
Property Address: 50 PETER SALEM RD

Mailing Address: MORRIS PAUL MORRIS LAURA A  
50 PETER SALEM RD  
LEICESTER, MA 01524

Parcel Number: 39-B1-0  
CAMA Number: 39-B1-0  
Property Address: HUNTOON MEMORIAL HW

Mailing Address: DICENTES JAMES  
1 GOLDEN ROAD  
LEICESTER, MA 01524

Above is a certified list of direct abutters including abutters across any street.  
Subject property: Assessors Map 30-A7-0 Deed Ref. 4133/318  
Subject Owner: Mass Electric Co  
Certified by John Stencil, Assistant Assessor

*John Stencil*



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# 300 feet Abutters List Report

Leicester, MA  
February 21, 2024

## Subject Properties:

Parcel Number: 36-B2-0  
CAMA Number: 36-B2.23-0  
Property Address: 10 VICTORIA DR

Mailing Address: LANGE FAMILY TRUST LANGE EDWARD  
R TRUSTEE  
10 VICTORIA DR  
ROCHDALE, MA 01542

Parcel Number: 36-B2-0  
CAMA Number: 36-B2.24-0  
Property Address: 12 VICTORIA DR

Mailing Address: CONNORS RICHARD L. CONNORS  
MAUREEN M  
12 VICTORIA DR UNIT 5  
ROCHDALE, MA 01542

Parcel Number: 36-B2-0  
CAMA Number: 36-B2-0  
Property Address: 697 STAFFORD ST

Mailing Address: LANGLOIS ELIZABETH CATHERINE  
DUNLOP JR GERLAD ALLEN  
697 STAFFORD STREET  
ROCHDALE, MA 01542

## Abutters:

Parcel Number: 35-E2.1-0  
CAMA Number: 35-E2.1-0  
Property Address: 661 STAFFORD ST

Mailing Address: SHAYS CHRISTOPHER  
661 STAFFORD STREET  
ROCHDALE, MA 01542

Parcel Number: 35-E2.2-0  
CAMA Number: 35-E2.2-0  
Property Address: 663 STAFFORD ST

Mailing Address: GALLANT DEREK  
663 STAFFORD ST  
ROCHDALE, MA 01542-1207

Parcel Number: 35-E2.3-0  
CAMA Number: 35-E2.3-0  
Property Address: 659 STAFFORD ST

Mailing Address: ARGUIN LEO F  
PO BOX 321  
ROCHDALE, MA 01542

Parcel Number: 35-E2.4-0  
CAMA Number: 35-E2.4-0  
Property Address: 657 STAFFORD ST

Mailing Address: ARGUIN LEO F  
PO BOX 321  
ROCHDALE, MA 01542

Parcel Number: 35-E2-0  
CAMA Number: 35-E2-0  
Property Address: STAFFORD ST

Mailing Address: ARGUIN LEO F  
PO BOX 321  
ROCHDALE, MA 01542

Parcel Number: 35-E3-0  
CAMA Number: 35-E3-0  
Property Address: 468 AUBURN ST

Mailing Address: BROOKS ANTHONY E  
34 BERLIN ST  
AUBURN, MA 01501-1126

Parcel Number: 36-B1-0  
CAMA Number: 36-B1-0  
Property Address: 695 STAFFORD ST

Mailing Address: SLAUENWHITE DAVID F SLAUENWHITE  
BARBARA J  
695 STAFFORD ST  
ROCHDALE, MA 01542



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# 300 feet Abutters List Report

Leicester, MA  
February 21, 2024

Parcel Number: 36-B2.1-0 CAMA Number: 36-B2.1-0 Property Address: STAFFORD ST	Mailing Address: LANGLOIS ELIZABETH CATHERINE DUNLOP JR GERALD ALLEN 697 STAFFORD ST ROCHDALE, MA 01542
Parcel Number: 36-B3.1-0 CAMA Number: 36-B3.1-0 Property Address: 699 STAFFORD ST	Mailing Address: LANGLOIS ROLAND S DUNLOP- LANGLOIS ELIZABETH C 699 STAFFORD ST ROCHDALE, MA 01542-1207
Parcel Number: 36-B3.2-0 CAMA Number: 36-B3.2-0 Property Address: 703 STAFFORD ST	Mailing Address: MORRISSEY KEVIN M MORRISSEY NICOLE E 703 STAFFORD ST ROCHDALE, MA 01542
Parcel Number: 36-B3-0 CAMA Number: 36-B3.25-0 Property Address: 14 VICTORIA DR	Mailing Address: BROMLEY FERRIS M BROMLEY JO ANN M 14 VICTORIA DR ROCHDALE, MA 01542
Parcel Number: 36-B3-0 CAMA Number: 36-B3.26-0 Property Address: 16 VICTORIA DR	Mailing Address: MASON VIRGINIA M 16 VICTORIA DR ROCHDALE, MA 01542
Parcel Number: 36-B3-0 CAMA Number: 36-B3.27-0 Property Address: 18 VICTORIA DR	Mailing Address: GREFFRATH CHARLES A 18 VICTORIA DR ROCHDALE, MA 01542
Parcel Number: 36-B3-0 CAMA Number: 36-B3.28-0 Property Address: 20 VICTORIA DR	Mailing Address: ARNOLD THOMAS F ARNOLD LAUREN S 20 VICTORIA DR ROCHDALE, MA 01542
Parcel Number: 36-B3-0 CAMA Number: 36-B3.30-0 Property Address: 24 VICTORIA DR	Mailing Address: CLAUER HENRY G SEGAL-CLAUER JANIS H 24 VICTORIA DRIVE ROCHDALE, MA 01542
Parcel Number: 36-B3-0 CAMA Number: 36-B3.32-0 Property Address: 26 VICTORIA DR	Mailing Address: GOGGIN FAMILY TRUST GOGGIN JOHN E BONNIE D TRUSTEE 26 VICTORIA DR ROCHDALE, MA 01542
Parcel Number: 36-B3-0 CAMA Number: 36-B3.33-0 Property Address: 32 VICTORIA DR	Mailing Address: NASH CLAUDIA R 32 VICTORIA DR ROCHDALE, MA 01542
Parcel Number: 36-B3-0 CAMA Number: 36-B3.35-0 Property Address: 34 VICTORIA DR	Mailing Address: BANK OF AMERICA, TRUSTEE 34 VICTORIA DRIVE ROCHDALE, MA 01542
Parcel Number: 36-B3-0 CAMA Number: 36-B3.36-0 Property Address: 36 VICTORIA DR	Mailing Address: MURRAY JEFFREY MURRAY KATHLEEN, TRUSTESS OF 36 VICTORIA DRIVE UNIT 17 ROCHDALE, MA 01542



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# 300 feet Abutters List Report

Leicester, MA  
February 21, 2024

Parcel Number: 36-B3-0  
CAMA Number: 36-B3.37-0  
Property Address: 37 VICTORIA DR

Mailing Address: FRIEND JONATHAN  
37 VICTORIA DR  
ROCHDALE, MA 01542

Parcel Number: 36-B3-0  
CAMA Number: 36-B3.38-0  
Property Address: 38 VICTORIA DR

Mailing Address: HARRINGTON TRACEY L KENNEDY  
ELIZABETH M  
38 VICTORIA DRIVE UNIT 18  
LEICESTER, MA 01524

Parcel Number: 36-B3-0  
CAMA Number: 36-B3.39-0  
Property Address: 39 VICTORIA DR

Mailing Address: BOHIGIAN ALFRED J BOHIGIAN  
MICHELLE J  
39 VICTORIA DR  
ROCHDALE, MA 01542

Parcel Number: 36-B3-0  
CAMA Number: 36-B3.5-0  
Property Address: 1 VICTORIA DR

Mailing Address: TILSON LOUIS  
1 VICTORIA DR  
ROCHDALE, MA 01542

Parcel Number: 36-B3-0  
CAMA Number: 36-B3-0  
Property Address: 705 STAFFORD ST

Mailing Address: BRIARCLIFF ESTATES SV LLC  
7 MAPLE AV  
HOPKINTON, MA 01748

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

Subject property: 697 Stafford Street Assessors Map 36-B2-0 Deed Ref. 68154/285

Subject Owner: Langlois, Elizabeth Catherine  
Certified by John Stencel, Assistant Assessor

*John Stencel*



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# 300 feet Abutters List Report

Leicester, MA  
February 21, 2024

## Subject Property:

Parcel Number: 31-B23-0  
CAMA Number: 31-B23-0  
Property Address: 360 HENSHAW ST

Mailing Address: GIGUERE LENOERA M TRUSTEE VAN  
HOOK IRREVOCABLE TRUST  
360 HENSHAW ST  
LEICESTER, MA 01524-1251

---

## Abutters:

Parcel Number: 31-A4-0  
CAMA Number: 31-A4-0  
Property Address: PETER SALEM RD

Mailing Address: KENNEY PHILIP  
PO BOX 525  
CHARLTON, MA 01507

Parcel Number: 31-A5.1-0  
CAMA Number: 31-A5.1-0  
Property Address: 224 PETER SALEM RD

Mailing Address: STEVENS SHAWN C  
224 PETER SALEM RD  
LEICESTER, MA 01524

Parcel Number: 31-A5-0  
CAMA Number: 31-A5-0  
Property Address: PETER SALEM RD

Mailing Address: GIGUERE LENOERA M TRUSTEE VAN  
HOOK IRREVOCABLE TRUST  
360 HENSHAW ST  
LEICESTER, MA 01524-1251

Parcel Number: 31A-E7-0  
CAMA Number: 31A-E7-0  
Property Address: PITCAIRN AV

Mailing Address: MILEY WILLIAM M C/O TODD MILEY  
48 SHERYL DRIVE  
WHITTINSVILLE, MA 01588

Parcel Number: 31A-G10-0  
CAMA Number: 31A-G10-0  
Property Address: 220 PETER SALEM RD

Mailing Address: SUTHERLAND MICHELLE A  
220 PETER SALEM RD  
LEICESTER, MA 01524

Parcel Number: 31A-G7-0  
CAMA Number: 31A-G7-0  
Property Address: PETER SALEM RD

Mailing Address: MILEY WILLIAM M C/O TODD MILEY  
48 SHERYL DRIVE  
WHITTINSVILLE, MA 01588

Parcel Number: 31A-G8-0  
CAMA Number: 31A-G8-0  
Property Address: PETER SALEM RD

Mailing Address: MILEY WILLIAM M C/O TODD MILEY  
48 SHERYL DRIVE  
WHITTINSVILLE, MA 01588

Parcel Number: 31A-G9-0  
CAMA Number: 31A-G9-0  
Property Address: 216 PETER SALEM RD

Mailing Address: LAVIN JEFFREY  
216 PETER SALEM RD  
LEICESTER, MA 01524-1281

Parcel Number: 31-B21-0  
CAMA Number: 31-B21-0  
Property Address: 330 HENSHAW ST

Mailing Address: OBRIEN JEFFREY W OBRIEN KELLY A  
330 HENSHAW ST  
LEICESTER, MA 01524

Parcel Number: 31-B22-0  
CAMA Number: 31-B22-0  
Property Address: HENSHAW ST

Mailing Address: TOWN OF LEICESTER TOWN HALL  
3 WASHBURN SQUARE  
LEICESTER, MA 01524



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# 300 feet Abutters List Report

Leicester, MA  
February 21, 2024

Parcel Number: 31-B23.1-0  
CAMA Number: 31-B23.1-0  
Property Address: 342 HENSHAW ST

Mailing Address: GIGUERE DAVID J VAN HOOK  
LEONORA  
342 HENSHAW ST  
LEICESTER, MA 01524

Parcel Number: 31-B24.1-0  
CAMA Number: 31-B24.1-0  
Property Address: PETER SALEM RD

Mailing Address: VAN HOOK ANDREW  
30 HENSHAW ST  
LEICESTER, MA 01524

Parcel Number: 31-B24-0  
CAMA Number: 31-B24-0  
Property Address: REAR PETER SALEM RD

Mailing Address: GIGUERE LENOERA M TRUSTEE VAN  
HOOK IRREVOCABLE TRUST  
360 HENSHAW ST  
LEICESTER, MA 01524-1251

Parcel Number: 36-A10-0  
CAMA Number: 36-A10-0  
Property Address: 359 HENSHAW ST

Mailing Address: RANO MICHAEL A  
359 HENSHAW ST  
LEICESTER, MA 01524

Parcel Number: 36-A11-0  
CAMA Number: 36-A11-0  
Property Address: 345 HENSHAW ST

Mailing Address: ARGUIN EMILY GABRILA  
345 HENSHAW STREET  
LEICESTER, MA 01524

Parcel Number: 36-A12-0  
CAMA Number: 36-A12-0  
Property Address: HENSHAW ST

Mailing Address: HOBART COLBY  
55 SIAS AVE  
SHREWSBURY, MA 01545

Parcel Number: 36-A5-0  
CAMA Number: 36-A5-0  
Property Address: 389 HENSHAW ST

Mailing Address: MALKASIAN MICHELE GRIFFIN PAMELA  
389 HENSHAW ST  
ROCHDALE, MA 01542

Parcel Number: 36-A6-0  
CAMA Number: 36-A6-0  
Property Address: HENSHAW ST

Mailing Address: BROWN MICHAEL F BROWN LAURIE A  
397 HENSHAW ST  
ROCHDALE, MA 01542

Parcel Number: 36-A7-0  
CAMA Number: 36-A7-0  
Property Address: HENSHAW ST

Mailing Address: DIX JOHN N DIX MARGARET M  
375 HENSHAW ST  
LEICESTER, MA 01524

Parcel Number: 36-A8-0  
CAMA Number: 36-A8-0  
Property Address: 375 HENSHAW ST

Mailing Address: DIX JOHN N DIX MARGARET M  
375 HENSHAW ST  
LEICESTER, MA 01524

Parcel Number: 36-A9-0  
CAMA Number: 36-A9-0  
Property Address: 365 HENSHAW ST

Mailing Address: DOMINY ALLEN L DOMINY MICHELE A  
365 HENSHAW ST  
LEICESTER, MA 01524

Parcel Number: 37-C14-0  
CAMA Number: 37-C14-0  
Property Address: 251 CLARK ST

Mailing Address: MEDEIROS JENNIFER M MEDEIROS  
PAUL M  
251 CLARK STREET  
ROCHDALE, MA 01542



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# 300 feet Abutters List Report

Leicester, MA  
February 21, 2024

Parcel Number: 37-D6-0  
CAMA Number: 37-D6-0  
Property Address: 300 CLARK ST

Mailing Address: TRETHEWAY CHRISTINE S  
300 CLARK STREET  
ROCHDALE, MA 01542

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

Subject property: 360 Henshaw Assessors Map 31-B23-0 Deed Ref. 52901-98

Subject Owner: Giguere, Lenora M Trustee

Certified by John Stencil, Assistant Assessor

*John Stencil*

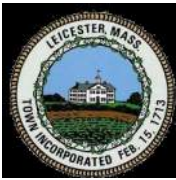


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2/21/2024

Page 3 of 3



# 300 feet Abutters List Report

Leicester, MA  
February 21, 2024

## Subject Property:

Parcel Number: 40-B3-0  
CAMA Number: 40-B3-0  
Property Address: 401 PINE ST

Mailing Address: WASGATT JAMES P FAUCHER KRISTI L  
401 PINE STREET  
LEICESTER, MA 01524

---

## Abutters:

Parcel Number: 38-A1-0  
CAMA Number: 38-A1-0  
Property Address: 332 RIVER ST

Mailing Address: SZYDLIK EWELINA CZUBAJ  
BARTLOMIEJ  
7 ENGLEWOOD AVE  
WORCESTER, MA 01603

Parcel Number: 38-A2-0  
CAMA Number: 38-A2-0  
Property Address: 3 FLAGG DR

Mailing Address: CHMURA MERRIDITH E BAJUMPAA  
CHRISTOPHER J  
3 FLAGG DRIVE  
LEICESTER, MA 01524

Parcel Number: 40-A5-0  
CAMA Number: 40-A5-0  
Property Address: PINE ST

Mailing Address: VH FARM TRUST ALGER EDGAR R 3RD  
195 RAWSON STREET  
LEICESTER, MA 01524

Parcel Number: 40-A6.1-0  
CAMA Number: 40-A6.1-0  
Property Address: 378 PINE ST

Mailing Address: MAYO EARL F MAYO BONNIE L  
378 PINE ST  
LEICESTER, MA 01524

Parcel Number: 40-A6-0  
CAMA Number: 40-A6-0  
Property Address: 380 PINE ST

Mailing Address: MAYO EARL F MAYO BONNIE J  
378 PINE ST  
LEICESTER, MA 01524

Parcel Number: 40-A7.1-0  
CAMA Number: 40-A7.1-0  
Property Address: 414 PINE ST

Mailing Address: WALSH BRITTANY WALSH SHANE  
414 PINE ST  
LEICESTER, MA 01524

Parcel Number: 40-A7-0  
CAMA Number: 40-A7-0  
Property Address: 416 PINE ST

Mailing Address: LEDOUX AMBER ROSE  
416 PINE ST  
LEICESTER, MA 01524

Parcel Number: 40-A8-0  
CAMA Number: 40-A8-0  
Property Address: 418 PINE ST

Mailing Address: SENEAL JEFFREY A SENEAL  
PATRICIA A T  
418 PINE STREET  
LEICESTER, MA 01524-0316

Parcel Number: 40-A9-0  
CAMA Number: 40-A9-0  
Property Address: PINE ST

Mailing Address: LARSON PETER W C/O KAREN ROTH  
14631 SOUTHWEST 20TH ST  
DAVIE, FL 33325

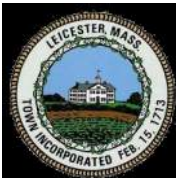
Parcel Number: 40-B2-0  
CAMA Number: 40-B2-0  
Property Address: 409 PINE ST

Mailing Address: ALFONSO RIGOBERTO JR ALFONSO  
EGETTA D  
409 PINE ST  
LEICESTER, MA 01524



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# 300 feet Abutters List Report

Leicester, MA  
February 21, 2024

Parcel Number: 40-B3.1-0  
CAMA Number: 40-B3.1-0  
Property Address: 407 PINE ST

Mailing Address: HOBBY MARK J HOBBY DENISE L  
407 PINE ST  
LEICESTER, MA 01524

Parcel Number: 40-B3.2-0  
CAMA Number: 40-B3.2-0  
Property Address: 405 PINE ST

Mailing Address: BARRETT ELIZABETH  
405 PINE ST  
LEICESTER, MA 01524

Parcel Number: 40-B3.3-0  
CAMA Number: 40-B3.3-0  
Property Address: 403 PINE ST

Mailing Address: GUERTIN JOHN J GUERTIN JACQUELYN  
L  
403 PINE ST  
LEICESTER, MA 01524

Parcel Number: 40-B4-0  
CAMA Number: 40-B4-0  
Property Address: PINE ST

Mailing Address: HODGSON JOHN E DYKAS LEON H  
3RD  
124 GREEN ST  
LEICESTER MA, MA 01542

Parcel Number: 40-B6-0  
CAMA Number: 40-B6-0  
Property Address: 411 PINE ST

Mailing Address: SEVEN HILLS COMMUNITY SERVICES  
81 HOPE AVE  
WORCESTER, MA 01603

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

Subject property: 401 Pine Assessors Map 40-B3-0 Deed Ref. 65604/381

Subject Owner: Wasgatt, James P

Certified by John Stencel, Assistant Assessor

*John Stencel*



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# **Attachment E**

Central to Western MA Energy Improvement Project  
E5/F6 Transmission Lines Soil Boring Program  
Leicester, Massachusetts  
Notice of Intent

NATIONAL GRID'S BEST MANAGEMENT PRACTICES

## SUBJECT

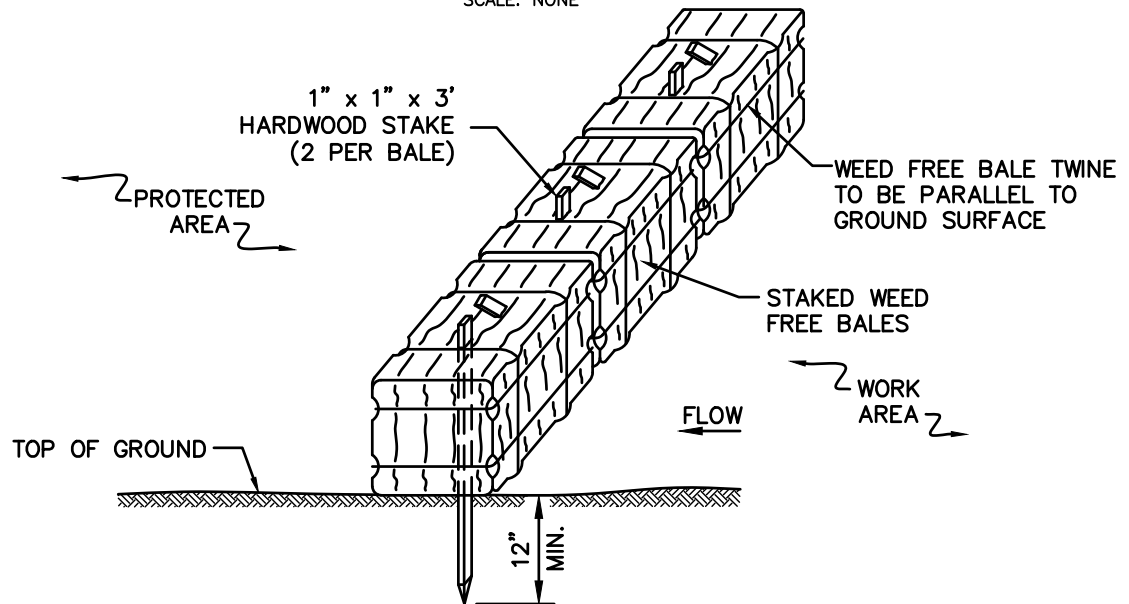
Access, Maintenance and Construction  
Best Management Practices

## Reference

EP No. 3 - Natural Resource  
Protection (Chapter 6)

**BMP DETAIL**

SCALE: NONE

**NOTES:**

1. THE GROUND SHALL BE PREPARED TO PROVIDE COMPLETE CONTACT WITH THE BALES.

**BMP PICTURE****APPROVED BY: VICE PRESIDENT, ENVIRONMENTAL SERVICES**

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SEC-1

WEED FREE BALE BARRIER

**SUBJECT**

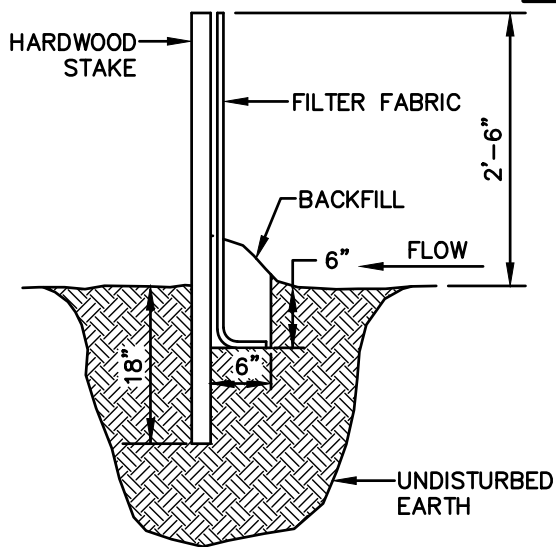
Access, Maintenance and Construction  
Best Management Practices

**Reference**

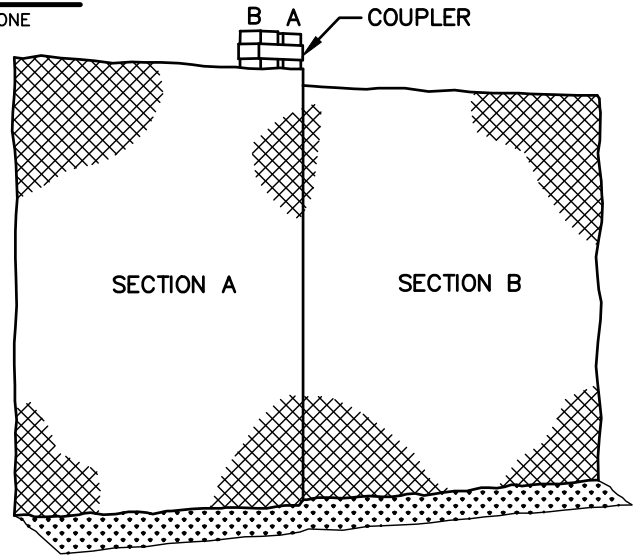
EP No. 3 - Natural Resource  
Protection (Chapter 6)

**BMP DETAIL**

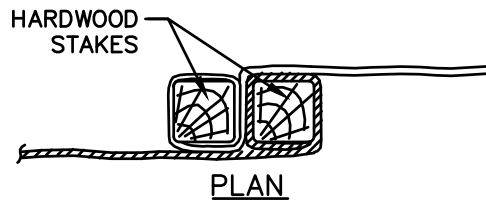
SCALE: NONE



PROFILE



SECTION



PLAN

**BMP PICTURE**



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SEC-2  
**SEDIMENT CONTROL FENCE**

## SUBJECT

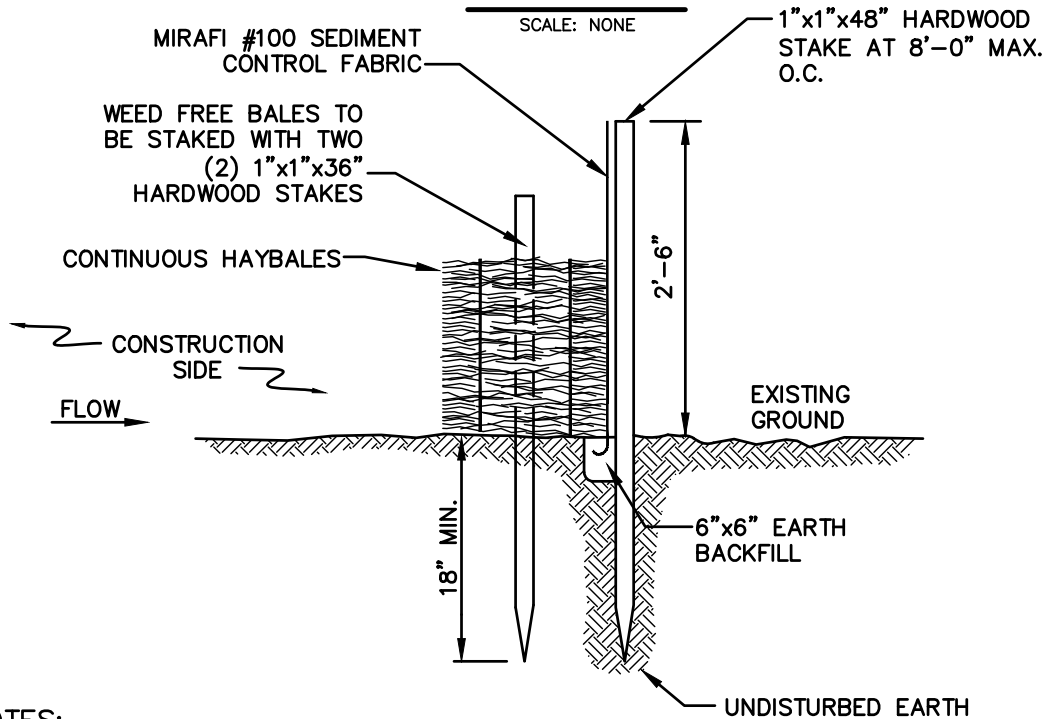
Access, Maintenance and Construction  
Best Management Practices

## Reference

EP No. 3 - Natural Resource  
Protection (Chapter 6)

**BMP DETAIL**

SCALE: NONE

**NOTES:**

1. BALES SHALL BE PLACED IN A ROW WITH THE ENDS TIGHTLY ABUTTING THE ADJACENT BALES.
2. BALES SHALL BE SECURELY ANCHORED IN PLACE BY TWO (2) 1"x1"x36" HARDWOOD STAKES DRIVEN THROUGH THE BALES. THE FIRST STAKE IN EACH BALE SHALL BE ANGLED TOWARD PREVIOUSLY LAID BALE TO FORCE BALES TOGETHER.
3. INSPECTION SHALL BE FREQUENT AND REPAIR OR REPLACEMENT SHALL BE MADE PROMPTLY AS NEEDED.
4. BALES SHALL BE REMOVED AND REPLACED WHEN THEY BECOME FILLED WITH SEDIMENT AND BLOCK OR IMPEDE STORM FLOW OR DRAINAGE.
5. BALES SHALL BE REMOVED WHEN THE EMBANKMENTS STABILIZE.
6. BALES TO BE TWINE BOUND.

**BMP PICTURE****SEC-3**

SILT FENCE /  
WEED FREE BARRIER

**APPROVED BY: VICE PRESIDENT, ENVIRONMENTAL SERVICES**

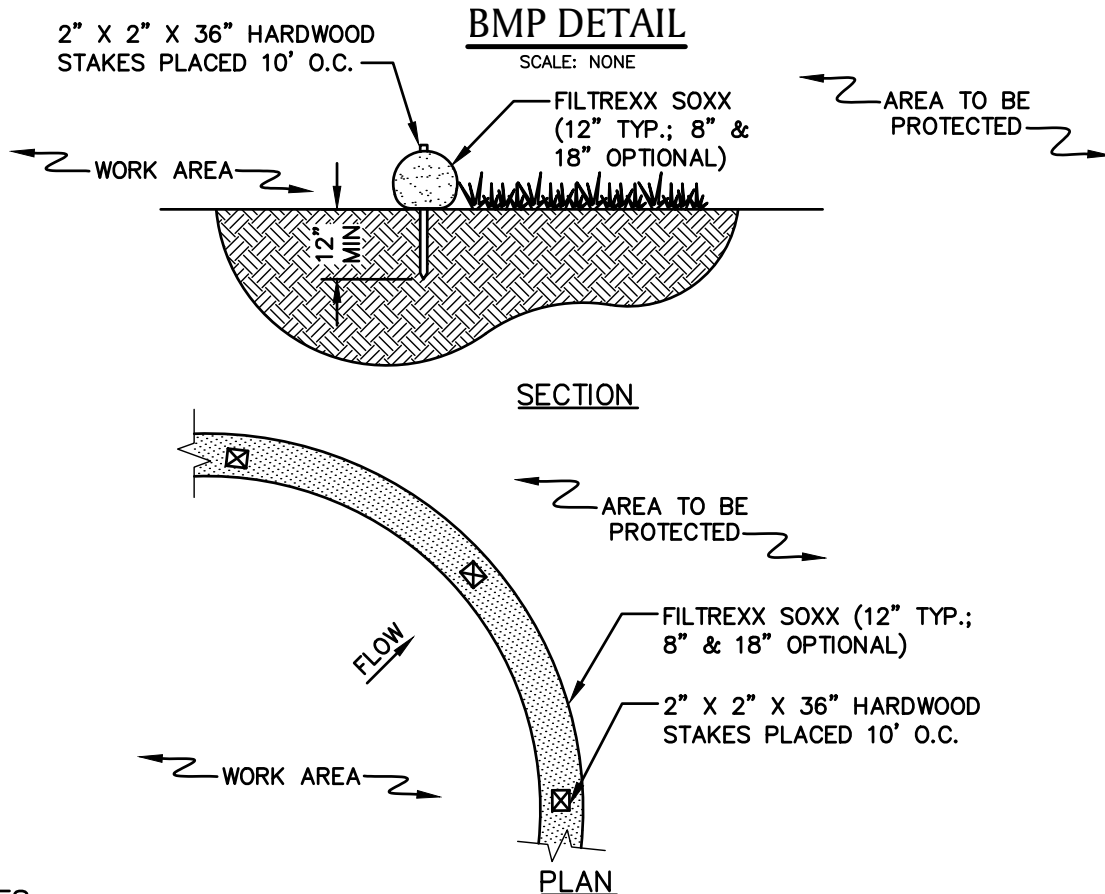
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## SUBJECT

Access, Maintenance and Construction  
Best Management Practices

## Reference

EP No. 3 - Natural Resource  
Protection (Chapter 6)

NOTES

1. PRODUCT TO BE FILTREXX SILT SOXX OR APPROVED EQUAL BY NATIONAL GRID ENVIRONMENTAL SCIENTIST.
2. ALL MATERIAL TO MEET FILTREXX SPECIFICATIONS.
3. FILTER MEDIA FILL TO MEET APPLICATION REQUIREMENTS.
4. MESH CONTAINMENT MATERIAL SHOULD BE KNITTED PHOTODEGRADABLE OR BIODEGRADABLE MATERIAL, WITH OPENING SIZES BETWEEN 1/8" – 3/8".
5. COMPOST MEDIA SHOULD HAVE PARTICLE SIZE WHERE 99% < 2", 50% > 1/2".
6. COMPOST MATERIAL TO BE DISPERSED ON SITE, AS DETERMINED BY NATIONAL GRID ENVIRONMENTAL SCIENTIST.

BMP PICTURE

\* PICTURE AND DETAIL PROVIDED BY FILTREXX LAND IMPROVEMENT SYSTEMS  
APPROVED BY: VICE PRESIDENT, ENVIRONMENTAL SERVICES  
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SEC-4  
SILT SOXX \*

## SUBJECT

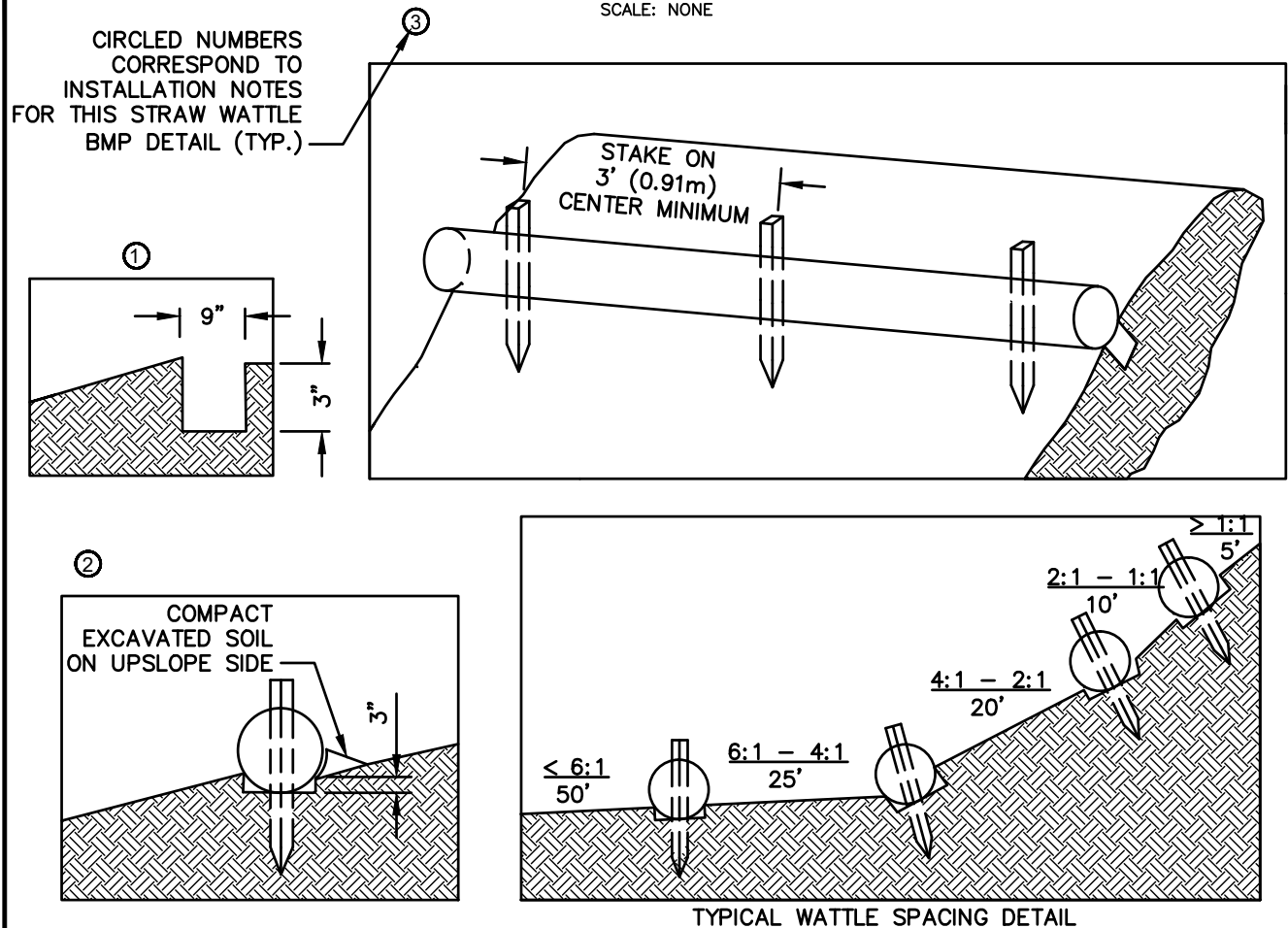
Access, Maintenance and Construction  
Best Management Practices

## Reference

EP No. 3 - Natural Resource  
Protection (Chapter 6)

**BMP DETAIL**

SCALE: NONE

**NOTES:**

1. PRODUCT TO BE TENSAR NORTH AMERICAN GREEN STRAW WATTLE OR APPROVED EQUAL BY NATIONAL GRID ENVIRONMENTAL SCIENTIST.
2. TYPICAL WATTLE SPACING BASED ON SLOPE GRADIENT. COORDINATE SPACING AND LOCATION WITH NATIONAL GRID ENVIRONMENTAL SCIENTIST.
3. MINIMUM 12" DIAMETER WATTLES SHOULD BE USED FOR HIGHLY DISTURBED AREAS (I.E., HEAVILY USED ACCESS ROAD WITH ADJACENT WETLAND) AND MINIMUM 9-10" WATTLES SHOULD BE USED FOR LESS DISTURBED SOILS.

**INSTALLATION NOTES:**

1. BEGIN AT THE LOCATION WHERE THE WATTLE IS TO BE INSTALLED BY EXCAVATING A 2-3" DEEP X 9" WIDE TRENCH ALONG THE CONTOUR OF THE SLOPE. EXCAVATED SOIL SHOULD BE PLACED UPSLOPE FROM THE ANCHOR TRENCH.
2. PLACE THE WATTLE IN THE TRENCH SO THAT IT CONTOURS TO THE SOIL SURFACE. COMPACT SOIL FROM THE EXCAVATED TRENCH AGAINST THE WATTLE ON THE UPHILL SIDE. ADJACENT WATTLES SHOULD TIGHTLY ABUT.
3. SECURE THE WATTLE WITH 18-24" HARDWOOD STAKES EVERY 3-4' AND WITH A STAKE ON EACH END. STAKES SHOULD BE DRIVEN THROUGH THE MIDDLE OF THE WATTLE LEAVING AT LEAST 2-3" OF STAKE EXTENDING ABOVE THE WATTLE. STAKES SHOULD BE DRIVEN PERPENDICULAR TO THE SLOPE FACE.

\* DETAIL AND PICTURE PROVIDED BY TENSAR NORTH AMERICAN GREEN  
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SEC-5  
STRAW WATTLE \* (1 OF 2)

## SUBJECT

Access, Maintenance and Construction  
Best Management Practices

## Reference

EP No. 3 - Natural Resource  
Protection (Chapter 6)

BMP PICTURE

STRAW WATTLE – SHALLOW SLOPE ( $\leq 4:1$ )  
(ALTERNATE STAKING)

ALTERNATE STAKING INSTALLATION NOTES:

1. ON SHALLOW SLOPES ( $\leq 4:1$ ), STRAW WATTLE MAY BE SECURED WITH 18–24" HARDWOOD STAKES DRIVEN AGAINST THE SIDES OF THE WATTLE INSTEAD OF THROUGH. STAKES SHALL ALTERNATE SIDES, AND BE SPACED 3–4' MAX.
2. TWINE SHALL BE TIED FROM STAKE TO STAKE, CRISS-CROSSING THE STRAW WATTLE. TIE TWINE TO STAKES BELOW THE HEIGHT OF THE WATTLE.

\* DETAIL AND PICTURE PROVIDED BY TENSAR NORTH AMERICAN GREEN  
APPROVED BY: VICE PRESIDENT, ENVIRONMENTAL SERVICES  
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SEC-5  
STRAW WATTLE \* (2 OF 2)

## SUBJECT

Access, Maintenance and Construction  
Best Management Practices

## Reference

EP No. 3 - Natural Resource  
Protection (Chapter 6)

**BMP****Definition**

Applying coarse plant residue or chips, or other suitable materials, to cover the soil surface.

**Purpose**

The primary purpose is to provide initial erosion control while a seeding or shrub planting is establishing. Mulch will conserve moisture and modify the surface soil temperature and reduce fluctuation of both. Mulch will prevent soil surface crusting and aid in weed control. Mulch is also used alone for temporary stabilization in non-growing months.

**Conditions Where Practice Applies**

On soils subject to erosion and on new seedings and shrub plantings. Mulch is useful on soils with low infiltration rates by retarding runoff.

**Criteria**

Site preparation prior to mulching requires the installation of necessary erosion control or water management practices and drainage systems.

Slope, grade and smooth the site to fit needs of selected mulch products.

Remove all undesirable stones and other debris to meet the needs of the anticipated land use and maintenance required.

Apply mulch after soil amendments and planting is accomplished or simultaneously if hydroseeding is used.

Select appropriate mulch material and application rate or material needs. Determine local availability.

Select appropriate mulch anchoring material.

NOTE: The best combination for grass/legume establishment is straw (cereal grain) mulch applied at 2 ton/acre (90 lbs./1000sq.ft.) and anchored with wood fiber mulch (hydromulch) at 500 – 750 lbs./acre (11 – 17 lbs./1000 sq. ft.). The wood fiber mulch must be applied through a hydroseeder immediately after mulching.

**NOTE:**

1. PICTURE DEPICTS STRAW MULCH APPLICATION (FROM MULCH SPREADER) ON STEEP SLOPE WITH AN IMPROVED DRAINAGE SWALE.
2. COORDINATE MULCH MATERIALS AND RATES WITH NATIONAL GRID ENVIRONMENTAL SCIENTIST.

\* BMP INFORMATION FROM "NEW YORK STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL (AUGUST, 2005)." INFORMATION OBTAINED VIA WEBSITE: <http://www.dec.ny.gov/chemical/29086.html>  
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**SEC-9**

MULCH MATERIALS, RATES AND  
USES (FROM NY) \*

## SUBJECT

Access, Maintenance and Construction  
Best Management Practices

## Reference

EP No. 3 - Natural Resource  
Protection (Chapter 6)

## UPLAND ROW RESTORATION MIX – GENERAL

### Species Composition Options:

- Andropogon gerardii; Niagra Big Bluestem
- Schizachyrium scoparium; Little Bluestem
- Elymus Canadensis; Canada Wild Rye
- Elymus virginicus; Virginia Wildrye
- Lolium multiflorum; Annual Ryegrass
- Sorghastrum nutans; Indiangrass
- Chamaecrista fasciculata; Partridge Pea
- Desmodium canadense; Showy Tick Trefoil
- Heliopsis helianthoides; Ox-Eye Sunflower
- Panicum virgatum; Switchgrass
- Rudbeckia hirta; Black Eyed Susan
- Poa palustris; Fowl Bluegrass
- Agrostis perennans; Upland Bentgrass
- Agrostis alba; Redtop
- Festuca rubra; Red Fescue
- Lotus corniculatus; Birds-Foot Trefoil
- Chrysanthemum leucanthem; Ox-Eye Daisy
- Aster novae-angliae; New England Aster

### Example Seed Mixes:

1. Native Upland wildlife forage and Cover Meadow Mix – Ernst Conservation Seeds (ERNMX-123)
2. Eastern Ecotype Native Grass Mix– Ernst Conservation Seeds (ERNMX-177)
3. New England Native Warm Season Grass Mix – New England Wetland Plants, Inc.
4. New England Logging Road Mix – New England Wetland Plants, Inc.
5. Northeast Upland Wildflower/Restoration Erosion Mix – Southern Tier Consulting (STCMX-2)

## UPLAND ROW RESTORATION MIX – DRY/ROCKY SITES

### Species Composition Options:

- Festuca rubra; Red Fescue
- Schizachyrium scoparium; Little Bluestem
- Elymus Canadensis; Canada Wild Rye
- Bouteloua gracilis; Blue Grama
- Lolium multiflorum; Annual Ryegrass
- Lolium perenne; Perennial Ryegrass
- Agrostis scabra; Rough Bentgrass
- Agrostis perennans; Upland Bentgrass
- Sorghastrum nutans; Indiangrass

### Example Seed Mixes:

1. New England Erosion Control/ Restoration Mix for Dry Sites – New England Wetland Plants, Inc.
2. Ernst Conservation Seeds and similar companies can create a custom seed mix matching the composition above (with site specific additions if necessary).

## SUBJECT

Access, Maintenance and Construction  
Best Management Practices

## Reference

EP No. 3 - Natural Resource  
Protection (Chapter 6)

**WETLAND ROW RESTORATION MIX**Species Composition Options:

- *Agrostis stolonifera*; Creeping Bentgrass
- *Poa trivialis*; Rough Bluegrass
- *Alopecurus arundinaceus*; Creeping Meadow Foxtail
- *Lolium multiflorum*; Annual Ryegrass
- *Festuca rubra*; Creeping Red Fescue
- *Elymus virginicus*; Virginia Wildrye
- *Schizachyrium scoparium*; Little Bluestem
- *Andropogon gerardii*; Niagra Big Bluestem
- *Carex vulpinoidea*; Fox sedge
- *Panicum virgatum*; Switchgrass
- *Agrostis scabra*; Rough Bentgrass
- *Aster novae-angliae*; New England Aster
- *Eupatorium perfoliatum*; Boneset
- *Euthamia graminifolia*; Grass Leaved Goldenrod
- *Scirpus atrovirens*; Green Bulrush
- *Verbena hastata*; Blue Vervain
- *Juncus effusus*; Soft Rush
- *Scirpus cyperinus*; Wool Grass
- *Panicum clandestinum*; Deertongue

Example Seed Mixes

1. New England Erosion Control/Restoration Mix for Detention Basins and Moist Sites – New England Wetland Plants, Inc.
2. Northeast Wetland Grass Seed Mix – Southern Tier Consulting (STCMX-7)
3. Ernst Conservation Seeds and similar companies can create a custom seed mix matching the composition above (with site specific additions if necessary).

GERNERAL NOTES:

1. Seed mixes described herein are intended to cover a variety of typical new england landscapes. However, site specific seed mixes will need to be evaluated in coastal or mountainous regions.
2. Seed mixes described herein are intended for general ROW restoration. Site specific wetland seed mixes may be required by local, state and/or federal regulators for certain impacts to wetlands.
3. All seed mixes are to be approved by National Grid Environmental Scientist prior to construction and must conform with all project permits.
4. Seedbed preparation and maintenance as well as temporary erosion and sediment controls are crucial to the establishment of newly seeded areas. Coordinate with National Grid Environmental Scientist on seed bed preparation and maintenance as well as temporary erosion and sediment controls prior to construction.

**APPROVED BY: VICE PRESIDENT, ENVIRONMENTAL SERVICES**

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SEC-11

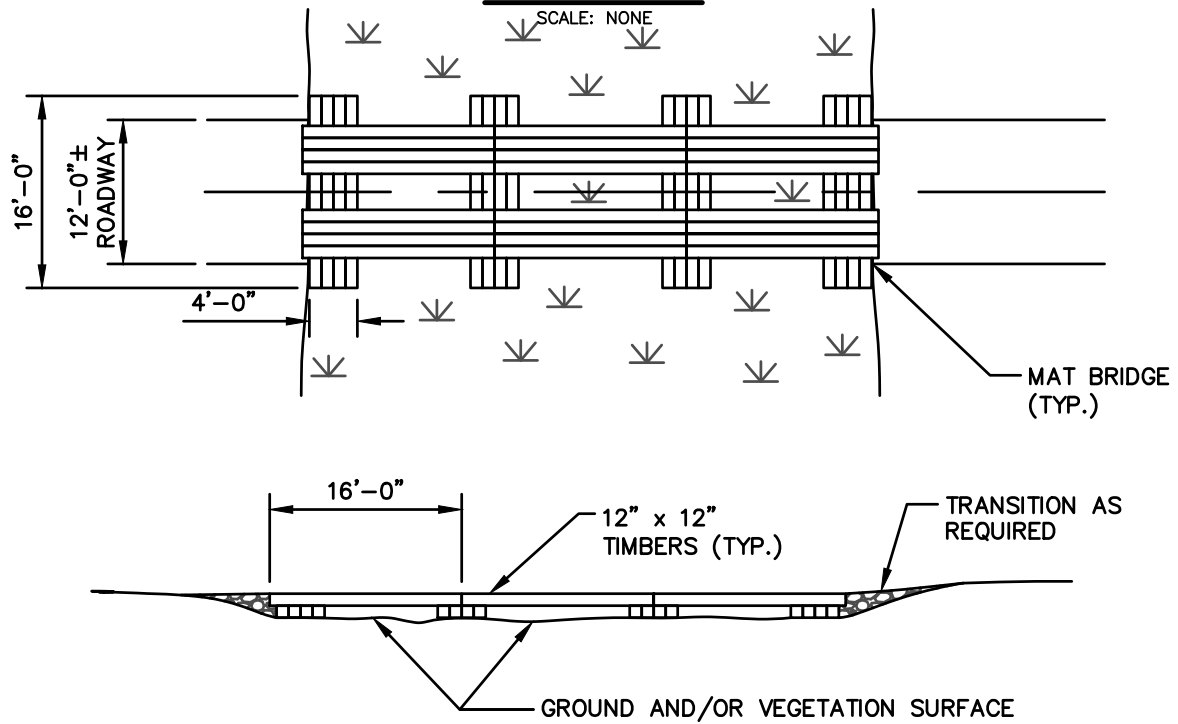
SEEDING OPTIONS -  
WETLAND SEED MIX

## SUBJECT

Access, Maintenance and Construction  
Best Management Practices

## Reference

EP No. 3 - Natural Resource  
Protection (Chapter 6)

**BMP DETAIL****NOTES:**

1. IF MATS ARE INSTALLED IN A WETLAND AREA, INSTALL EROSION CONTROLS TO CONTAIN MATERIAL UTILIZED IN THE MAT TRANSITIONS.

**BMP PICTURE**

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**CM-2**  
**CONSTRUCTION MAT BRIDGE**  
**(1 OF 2)**

## SUBJECT

Access, Maintenance and Construction  
Best Management Practices

## Reference

EP No. 3 - Natural Resource  
Protection (Chapter 6)

**BMP PICTURE - SINGLE SPAN**

SCALE: NONE

**NOTES:**

1. WHERE STREAM WIDTH ALLOWS, INSTALL CONSTRUCTION MATS TO SPAN THE WATERCOURSE IN ITS ENTIRETY WITHOUT STRINGER PLACEMENT IN THE WATER OR ANY RESTRICTION OF STREAM FLOW.
2. INSTALLATION OF THE CONSTRUCTION MAT BRIDGE SHALL NOT DAMAGE THE STREAM BED AND BANKS. WHERE POSSIBLE, FOOTERS SHALL BE PLACED PARALLEL TO THE TOP OF THE STREAM BANKS, WITH ACCESS MATTING PLACED ACROSS THE TOP OF THE STRINGERS DISTRIBUTING THE WEIGHT OF THE CONSTRUCTION EQUIPMENT.
3. AT STREAM CROSSINGS THAT CANNOT BE SPANNED BY A SINGLE SECTION OF CONSTRUCTION MATTING, AND WHERE PERMITS ALLOW, STRINGERS SHALL BE PLACED ATOP THE STREAM BED PARALLEL TO THE FLOW OF WATER.

**APPROVED BY: VICE PRESIDENT, ENVIRONMENTAL SERVICES**

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VERSION PLEASE REFER TO THE NATIONAL GRID ENVIRONMENTAL INFONET SITE.

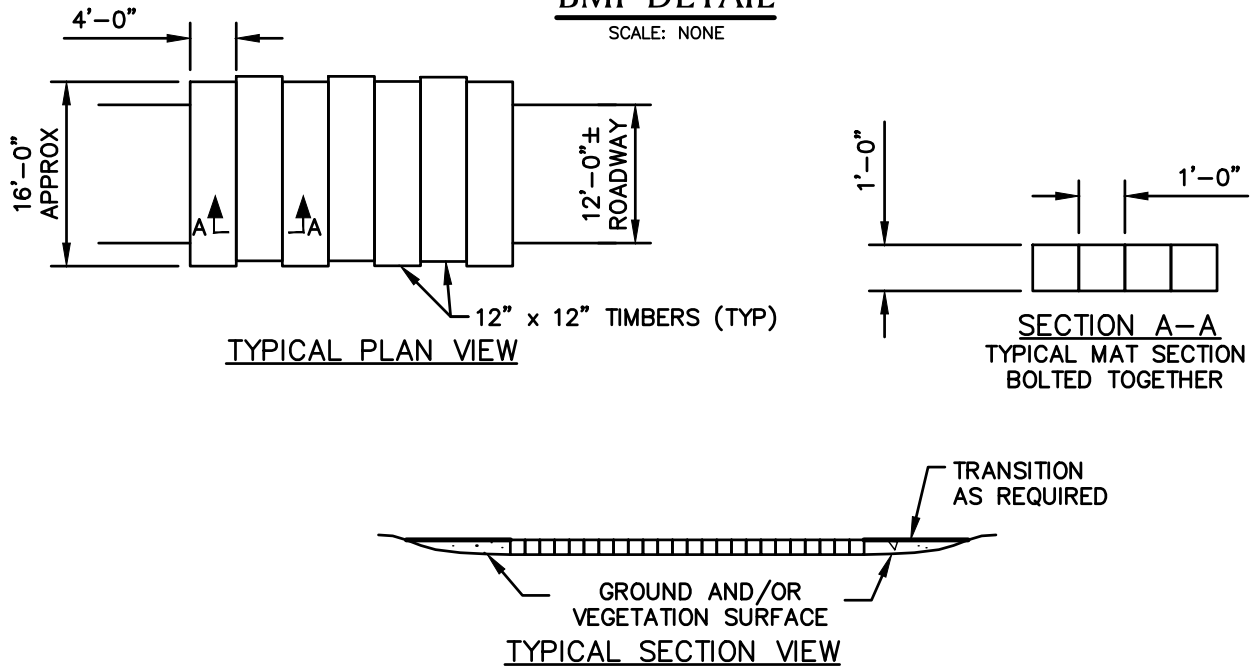
**CM-2**  
**CONSTRUCTION MAT BRIDGE**  
**(2 OF 2)**

SUBJECT  
Access, Maintenance and Construction  
Best Management Practices

Reference  
EP No. 3 - Natural Resource  
Protection (Chapter 6)

### BMP DETAIL

SCALE: NONE



#### NOTES:

1. TO BE INSTALLED IF NECESSARY TO PREVENT RUTTING, TO ACCESS STRUCTURES.
2. THIS DETAIL SHOWS TYPICAL DIMENSIONS. SOME CONTRACTOR'S CONSTRUCTION MATS ARE DIMENSIONALLY DIFFERENT FROM WHAT IS SHOWN HERE.
3. DEPENDENT ON SITE CONDITIONS, MULTIPLE LAYERS OF CONSTRUCTION MATS MAY BE INSTALLED.

### BMP PICTURE



CM-3

CONSTRUCTION MAT LAYOUT  
(WITH TRANSITION)

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## SUBJECT

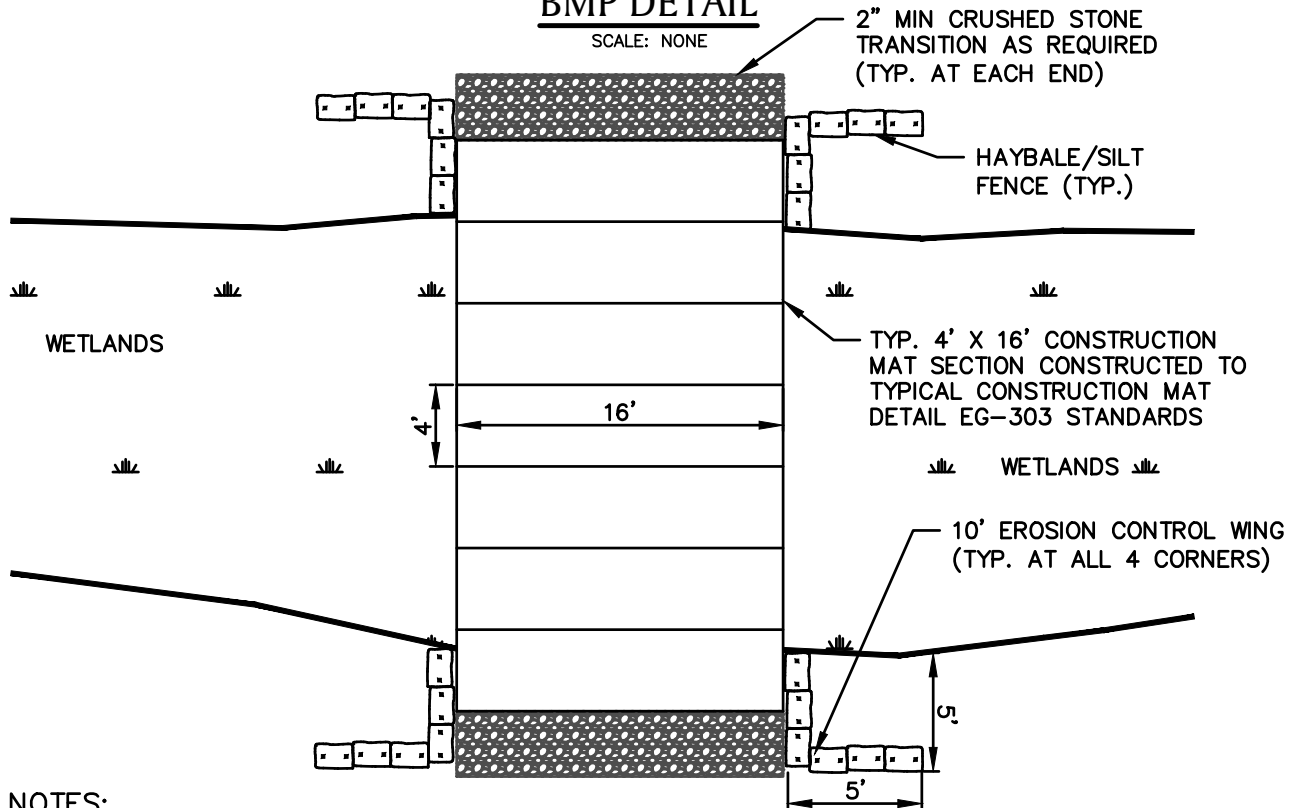
Access, Maintenance and Construction  
Best Management Practices

## Reference

EP No. 3 - Natural Resource  
Protection (Chapter 6)

**BMP DETAIL**

SCALE: NONE

**NOTES:**

1. ADD FILTER FABRIC AS NEEDED UNDER STONE TRANSITION RAMPS.
2. ALL MEASUREMENTS AND LOCATIONS ARE APPROXIMATE.

**BMP PICTURE**

CM-4

CONSTRUCTION MAT LAYOUT  
(WITH TRANSITION AND BMPs)

**APPROVED BY: VICE PRESIDENT, ENVIRONMENTAL SERVICES**

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VERSION PLEASE REFER TO THE NATIONAL GRID ENVIRONMENTAL INFONET SITE.

## SUBJECT

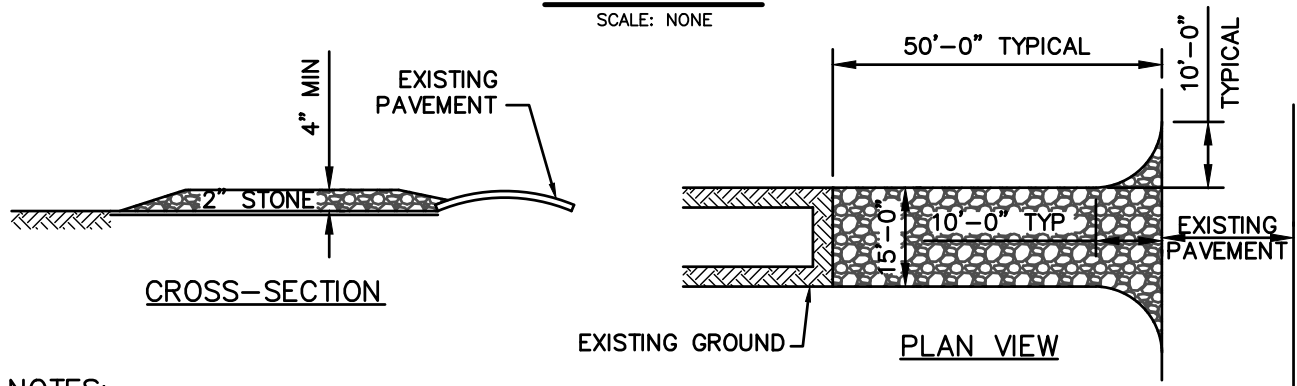
Access, Maintenance and Construction  
Best Management Practices

## Reference

EP No. 3 - Natural Resource  
Protection (Chapter 6)

**BMP DETAIL**

SCALE: NONE

**NOTES:**

1. STONE SIZE – USE 2" STONE (MINIMUM) TO 6" STONE (MAXIMUM)
2. LENGTH – GREATER THAN OR EQUAL TO 50 FEET
3. THICKNESS – 4"
4. WIDTH – FIFTEEN (15) FOOT TYP., BUT NOT LESS THAN FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS.
5. SURFACE WATER – ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED ACROSS ENTRANCE. IF PIPING IS IMPRACTICAL, MOUNTABLE BERM SHALL BE PERMITTED.
6. MAINTENANCE – THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH SHALL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY.
7. PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED.
8. THE CLEAN STONE SHOULD BE INSTALLED OVER A GEOTEXTILE FABRIC. GEOTEXTILE FABRIC MAY BE OMITTED FOR PERMANENT CONSTRUCTION ENTRANCES/EXITS ON A CASE-BY-CASE BASIS WITH THE APPROVAL OF THE NATIONAL GRID ENVIRONMENTAL SCIENTIST.
9. FOLLOWING CONSTRUCTION, THE CONSTRUCTION ENTRANCE/EXIT SHALL BE REMOVED AND THE AREA GRADED, SEEDED, AND MULCHED AS NEEDED. ENTRANCE/EXITS MAY REMAIN DEPENDING UPON FUTURE ACCESS NEEDS AND/OR PROJECT-SPECIFIC APPROVALS BUT REQUIRES APPROVALS FROM THE NATIONAL GRID ENVIRONMENTAL SCIENTIST AND PROPERTY LEGAL.

**BMP PICTURE**

**APPROVED BY: VICE PRESIDENT, ENVIRONMENTAL SERVICES**

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**CM-8**  
**TEMPORARY CONSTRUCTION**  
**ENTRANCE/ EXIT**

## SUBJECT

Access, Maintenance and Construction  
Best Management Practices

## Reference

EP No. 3 - Natural Resource  
Protection (Chapter 6)

BMP PICTURENOTE:

1. PICTURE SHOWS VIEW OF ACCESS WAY STABILIZATION ADJACENT TO A WETLAND.
2. COORDINATE STABILIZATION DESIGN AND PRODUCT WITH NATIONAL GRID ENVIRONMENTAL SCIENTIST.

## SUBJECT

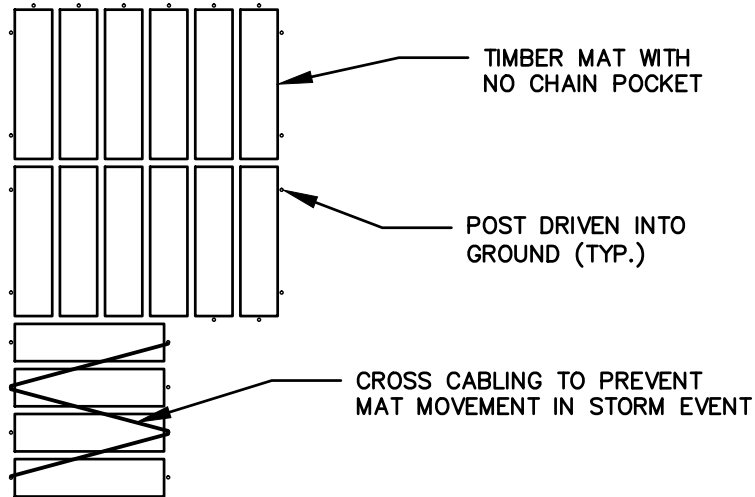
Access, Maintenance and Construction  
Best Management Practices

## Reference

EP No. 3 - Natural Resource  
Protection (Chapter 6)

**BMP DETAIL 1**

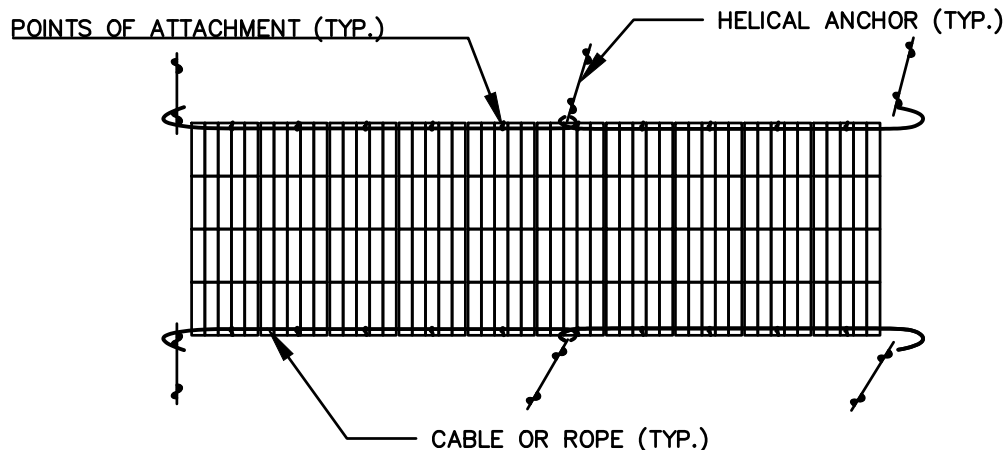
SCALE: NONE

TYPICAL PLAN VIEWNOTES:

1. EXAMPLES OF ANCHORING ONLY. MATTING CONTRACTOR SHALL PROPOSE THE METHOD OF ANCHORING BASED ON FIELD CONDITIONS.
2. ANCHORING METHOD TO BE APPROVED BY THE NATIONAL GRID ENVIRONMENTAL SCIENTIST AND TRANSMISSION LINE CONSTRUCTION SUPERVISOR.

**BMP DETAIL 2**NOTES:

1. TYPICAL HELICAL ANCHOR AND CABLE CONFIGURATION FOR MAT CONTAINMENT IN FLOODPLAINS/LAND SUBJECT TO FLOODING.
2. TYPICAL POINTS OF ATTACHMENT HEAVY STAPLES, EYE BOLTS OR OTHER SUITABLE HARDWARE TO SECURE ATTACHMENT OF MAT TO LINEAR CABLE. IF CHAIN POCKETS ARE PRESENT IN THE MATS CABLE OR ROPE CAN BE LOOPED THROUGH RODS.

**APPROVED BY: VICE PRESIDENT, ENVIRONMENTAL SERVICES**

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**CM-12**  
**EXAMPLE OF CONSTRUCTION MAT**  
**ANCHORING (1 OF 2)**

## SUBJECT

Access, Maintenance and Construction  
Best Management Practices

## Reference

EP No. 3 - Natural Resource  
Protection (Chapter 6)

BMP PICTURE 1BMP PICTURE 2

**APPROVED BY: VICE PRESIDENT, ENVIRONMENTAL SERVICES**

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CM-12

EXAMPLE OF CONSTRUCTION MAT  
ANCHORING (2 OF 2)

## SUBJECT

Access, Maintenance and Construction  
Best Management Practices

## Reference

EP No. 3 - Natural Resource  
Protection (Chapter 6)

**BMP DETAIL**

SCALE: NONE

# WIRE BACKED SILT FENCE

**MUTUAL INDUSTRIES WIRE BACKED SILT FENCE**

PART # 1776-14-24

36" X 100'

36" MISF 1776 FABRIC

24" 14GA WIRE MESH

OPENING OF MESH 2" X 4"

FABRIC HOG RINGED EVERY 12"-18" ALONG THE TOP OF THE FENCE

ROLL WEIGHT 40 LBS

32 ROLLS PER PALLET

**NOTES:**

1. PRODUCT TO BE MUTUAL INDUSTRIES' WIRE BACKED SILT FENCE OR APPROVED EQUAL BY NATIONAL ENVIRONMENTAL SCIENTIST.
2. COORDINATE INSTALLATION METHOD AND LOCATION WITH NATIONAL GRID ENVIRONMENTAL SCIENTIST.

\* PICTURE AND DETAIL PROVIDED BY MUTUAL INDUSTRIES

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AA-1

REINFORCED SILT FENCE \*

## SUBJECT

Access, Maintenance and Construction  
Best Management Practices

## Reference

EP No. 3 - Natural Resource  
Protection (Chapter 6)

BMP PICTURENOTE:

1. PICTURE SHOWS SEDIMENT FILTER WITHIN A WETLAND.

## SUBJECT

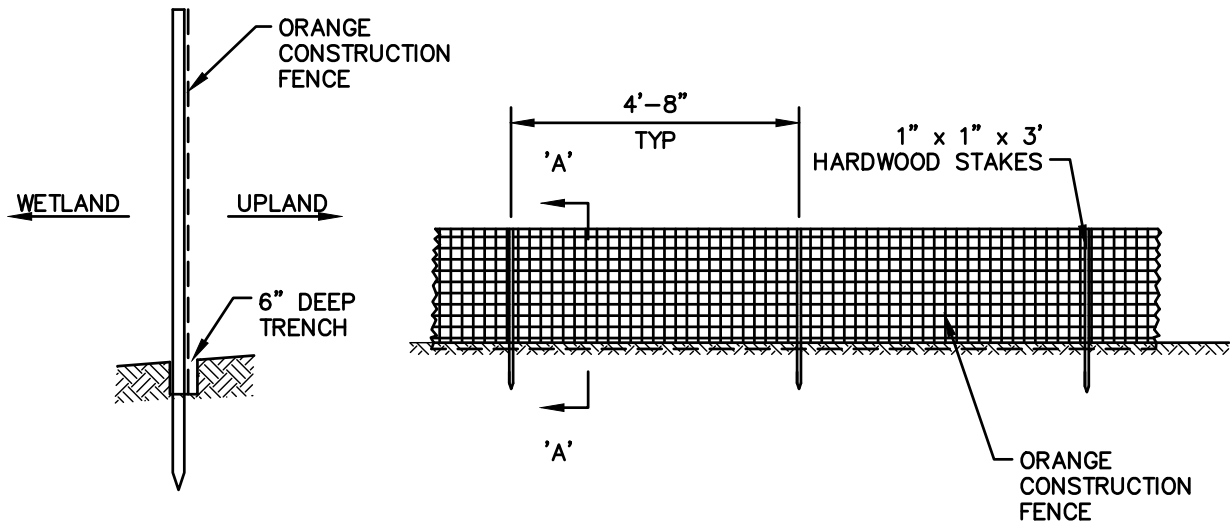
Access, Maintenance and Construction  
Best Management Practices

## Reference

EP No. 3 - Natural Resource  
Protection (Chapter 6)

**BMP DETAIL**

SCALE: NONE

SECTION A-A**BMP PICTURE****APPROVED BY: VICE PRESIDENT, ENVIRONMENTAL SERVICES**

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**AA-15**  
**BARRIER FENCE**  
**(CONSTRUCTION FENCE)**

# Stiles Reservoir

## Request for Extension Permit

February 15, 2024

Leicester Conservation Commission  
3 Washburn Square  
Leicester, MA 01524

Via email  
[westwell@leicesterma.org](mailto:westwell@leicesterma.org)

**Re: Request for Extension Permit for Stiles Reservoir – Leicester, MA  
Order of Conditions (DEP File #197-0607)**

---

Dear Commissioners:

SOLitude Lake Management has been managing Stiles Reservoir annually since 2017. On behalf of our client, the Stiles Lake Water District, please accept this as our request to the Leicester Conservation Commission that they consider issuing an Extension Permit for the current program. Our records indicate that the current order of conditions is due to expire on **April 10, 2024 with Covid tolling applied**. The Aquatic Management Program was presented to the Commission in the NOI as an ongoing maintenance project. Prudent pond management is an ongoing endeavor, requiring constant assessment & monitoring and re-evaluation of the planned chemical tasks.

The goal of the management program is to maintain open water habitat and maintain beneficial algal growth quantities with the use of USEPA/MA DAR registered aquatic herbicides or other Best Management Practices (BMPs). Based on the chemistry of the proposed products, along with the chemical dose, timing, and method of application, these herbicides can be reasonably selective for the targeted plant species with negligible risk to non-target organisms when used in accordance with their USEPA-approved labels. The management programs have been developed and reevaluated to be compatible with the goals of the Applicants, keeping in mind the regulatory responsibilities of the Leicester Conservation Commission and the MA DEP.

Since management began, tasks for Stiles Reservoir have included herbicide treatments and algaecide treatments as necessary to reduce the impairments associated with invasive aquatic plant growth and excessive algal growth. Utilization of U.S. EPA registered, and state-approved herbicides and algaecides has worked well as a management technique.

No significant changes to the program are proposed during the next three-year period. We plan to continue with herbicide/algaecide treatments in mid-summer to mitigate nuisance and invasive plant conditions.

If you have any questions or need additional information, please contact me directly.

Regards,

A handwritten signature in black ink that reads "Dominic Meringolo". The signature is written in a cursive, flowing style.

**Dominic Meringolo**

Project Manager

Senior Environmental Engineer

[dmeringolo@solitudlake.com](mailto:dmeringolo@solitudlake.com)

**Competitively Sensitive & Proprietary Materials** – The information contained herein is the intellectual property of SOLitude Lake Management. Recipient may not disclose to any outside party any propriety information, processes, or pricing contained in this document or any of its attachments without the prior written consent or SOLitude Lake Management. This document is provided to the recipient in good faith and it shall be the responsibility of the recipient to keep the information contained herein confidential.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

DEP File Number:

**WPA Form 7 – Extension Permit for Orders of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

293-0902  
Provided by DEP

**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

Jason Lussier Stiles Lake Water District

Name

P.O. Box 401

Mailing Address

Rochdale

City/Town

MA  
State

01542  
Zip Code

2. Property Owner (if different):

Name

Mailing Address

City/Town

State

Zip Code

**B. Authorization**

The Order of Conditions (or Extension Permit) issued to the applicant or property owner listed above on:

6/19/17

Date

for work at:

Stiles Reservoir

Street Address

Assessor's Map/Plat Number

Parcel/Lot Number

recorded at the Registry of Deeds for:

Worcester

County

57491  
Book

344  
Page

Certificate (if registered land)

is hereby extended until:

5/25/25

Date

This date can be no more than 3 years from the expiration date of the Order of Conditions or the latest extension. Only unexpired Orders of Conditions or Extension may be extended.

Date the Order was last extended (if applicable):

Date

Issued by:

Spencer

Conservation Commission

5/25/22  
Date



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

DEP File Number:

**WPA Form 7 – Extension Permit for Orders of Conditions**

293-0902

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

Provided by DEP

**B. Authorization (cont.)**

This Order of Conditions Extension must be signed by a majority of the Conservation Commission and a copy sent to the applicant and the appropriate DEP Regional Office (see <http://www.mass.gov/dep/about/region/findyour.htm>).

Signatures:

*Robert K. [Signature]*  
*Margaret E. [Signature]*  
*Mary M. [Signature]*  
*Charles [Signature]*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## C. Recording Confirmation

The applicant shall record this document in accordance with General Condition 8 of the Order of Conditions (see below), complete the form attached to this Extension Permit, have it stamped by the Registry of Deeds, and return it to the Conservation Commission.

Note: General Condition 8 of the Order of Conditions requires the applicant, prior to commencement of work, to record the final Order (or in this case, the Extension Permit for the Order of Conditions) in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, it shall be noted in the Registry's Granter Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, it shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done.

Detach page 3 of Form 7 and submit it to the Conservation Commission prior to the expiration of the Order of Conditions subject to this Extension Permit.

To:

Spencer

Conservation Commission

Please be advised that the Extension Permit to the Order of Conditions 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 in accordance with General Condition 8 of the original Order of Conditions on:

Date

Book

Page

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

Instrument Number

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

Document Number

Signature of Applicant

# Request for Certificate of Compliance

473 Whittemore St. (197-0276)



**Town of Leicester**  
**CONSERVATION COMMISSION**  
LEICESTER, MASSACHUSETTS, 01524-1333  
Phone: 508-892-7007 Fax: 508-892-7070  
[www.leicesterma.org](http://www.leicesterma.org)

**MEMORANDUM**

To: Conservation Commission  
From: Lisa Westwell  
Administrative Assistant to the Planning Department  
Date: March 4, 2024  
Re: Lot 2A – 473 Whittemore Street (“Tracey Estates”) – DEP File #197-0276

---

Below is a timeline for the development of Lot 2A now 473 Whittemore Street:

March 22, 2002: Original NOI for Lot 2A was filed.

General project description: “Construct a single family house and driveway with related utilities and grading within the buffer zone. A silt fence and hay bales will be used during construction to protect resource areas. Alteration to resource areas will occur to construct a sewer pipe through wetlands. This area will be restored upon completion of construction”.

April 18, 2002: OOC issued to developer, Sandra LaFlash

- Special Condition: “Restoration of crossing to a state that will allow the natural wetlands to be reclaimed”.
- Condition III. 14. The applicant shall submit an "As-built" plan and/or report to the LCC upon completion of this project. The plan and/or report shall be signed by a ENGINEER who shall certify that the work has been done in accordance with the approved plan(s) and this Order. This plan and/or report must be submitted prior to the issuance of a Certificate of Compliance.
- Condition III. 15. The applicant or property owner shall submit an "As-built" plan to the LCC upon completion of this project. A wetland specialist, who shall certify that the replication work has been done in accordance with 310 CMR 10.55 (4)(B), shall sign the plan. This plan must be submitted to the LCC prior to the issuance of a Certification of Compliance.

October 18, 2002: Sandra LaFlash sells to James Scally

January 15, 2004: Request for CoC by homeowner James Scally - denied because the site needed two growing seasons

April 30, 2004: Scally sells to Richard Domaleski

May 11, 2004: Request for CoC by James Scally – denied because the site needed two growing seasons

August 14, 2015: Richard Domaleski sells to Richard Domaleski, Trustee of The Richard Domaleski Revocable Trust

August 17, 2016: Six (6) CoCs requested by Attorney Michael Meloche for Whittemore St. and Tracey Estates were on the Conservation agenda. The Commission continued them and asked for more information. See attached.

April 20, 2018: Richard Domaleski, Trustee of The Richard Domaleski Revocable Trust sells to Petra Broda (current owner)

Undated: Stamped As-Built Septic Plan

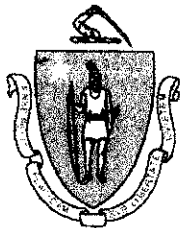
To date, no further information has been received and a CoC was not issued for 197-276 or the other 5 OOCs (197-268, 197-298, 197-301, 197-309, 197-323)

44/Jan

DEP File Number:

197-276

Provided by DEP



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
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.



From:

LEICESTER  
Conservation Commission

This issuance is for (check one):

- ☒ Order of Conditions  
☐ Amended Order of Conditions

To: Applicant:

SANDRA LAFLASH  
Name  
6 SANFRED ROAD  
Mailing Address  
LEICESTER MA 01524  
City/Town State Zip Code

Property Owner (if different from applicant):

Name  
Mailing Address  
City/Town State Zip Code

1. Project Location:

LOT 2A WHITTEMORE STREET LEICESTER  
Street Address City/Town  
11 B PART OF LOT 1  
Assessors Map/Plat Number Parcel/Lot Number

2. Property recorded at the Registry of Deeds for:

WORCESTER 23102 378  
County Book Page

Certificate (if registered land)

3. Dates:

MARCH 22, 2002 APRIL 3, 2002 APRIL 18, 2002  
Date Notice of Intent Filed Date Public Hearing Closed Date of Issuance

4. Final Approved Plans and Other Documents (attach additional plan references as needed):

Title Date

5. Final Plans and Documents Signed and Stamped by:

Name

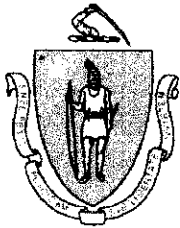
6. Total Fee:

(from Appendix B: Wetland Fee Transmittal Form)

please return to: Meloche & Meloche  
P.O. Box 126  
Spencer, MA 01562

PROPERTY: LEICESTER, Whittemore Street lot 2A

02 APR 23 AM 10:39



BK26427PG310

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

DEP File Number:

**WPA Form 5 – Order of Conditions**

197-276

Provided by DEP

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

**B. Findings**

Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act. Check all that apply:

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Public Water Supply  | <input type="checkbox"/> Land Containing Shellfish | <input type="checkbox"/> Prevention of Pollution        |
| <input type="checkbox"/> Private Water Supply | <input type="checkbox"/> Fisheries                 | <input type="checkbox"/> Protection of Wildlife Habitat |
| <input type="checkbox"/> Groundwater Supply   | <input type="checkbox"/> Storm Damage Prevention   | <input type="checkbox"/> Flood Control                  |

Furthermore, this Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved subject to:**

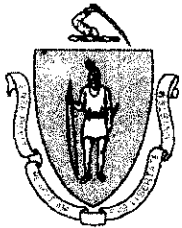
- ☒ the following conditions which are necessary, in accordance with the performance standards set forth in the wetlands regulations, to protect those interests checked above. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

**Denied because:**

- ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations to protect those interests checked above. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect these interests, and a final Order of Conditions is issued.
- ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).

**General Conditions** (only applicable to approved projects)

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 Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

197-276

Provided by DEP

---

**B. Findings (cont.)**

4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
    - a. the work is a maintenance dredging project as provided for in the Act; or
    - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
  5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
  6. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
  7. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
  8. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to this Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
  9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,
 

"Massachusetts Department of Environmental Protection" [or, "MA DEP"]  
 "File Number \_\_\_\_\_"
  10. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before DEP.
  11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
  12. The work shall conform to the plans and special conditions referenced in this order.
  13. Any change to the plans identified in Condition #12 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
  14. 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 Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
-

DEP File Number:

197-276

Provided by DEP

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

15. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.

16. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
17. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

**Special Conditions (use additional paper, if necessary):**

### Findings as to municipal bylaw or ordinance

Furthermore, the Conservation Commission hereby finds (check one that applies):

- ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

Name \_\_\_\_\_

Municipal Ordinance or Bylaw

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- ☐ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw, specifically:

Name \_\_\_\_\_

Municipal Ordinance or Bylaw

The Commission orders that all work shall be performed in accordance with the said additional conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

## Leicester Conservation Commission Orders Of Conditions

**LEICESTER CONSERVATION COMMISSION****ORDERS AND CONDITIONS****I. GENERAL**

1. Special Conditions include the following conditions 1 through ALL on the attached pages 5-3A through ALL herewith declared to be a part of this Order.
2. The Leicester Conservation Commission, herein after referred to as the LCC, approved this Notice of Intent with the following conditions:
3. This document in its entirety, (and the plan(s) approved or disapproved by this order), which consists of \_\_\_\_ pages starting with page number 5-1 and ending with page 5-\_\_\_\_, 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 LCC before any work shall commence or sale finalized. Failure to comply with this Order of Conditions shall be automatically invalidate this permit.
4. This Order shall apply to any successor in control or successor in interest of the property described in the Notice of Intent and accompanying plan(s). 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.
5. This Order covers only the work and work area described in the Notice of Intent and plan(s) listed on page 5-3A/B. Any work or alteration, within 50 feet of any resource area elsewhere on the property or any subdivided lot is not allowed under this Order.
6. This Order applies too only the roadways and related drainage structures and embankments. Work on any subdivided portion of the property which has not been included in the Notice of Intent or accompanying plan(s) listed on page 5-3A of this Order, has not been included in this Order of Conditions. Therefore, lots \_\_\_\_\_ shall require at least a Determination of Applicability from the LCC or the Department (DEP) before work shall commence within any wetland resource area or buffer zone.
7. The applicant, property owner or any person who purchases, inherits, or otherwise acquires real estate, upon which work has been done in violation of this order, shall forthwith comply with this Order or restore such real estate to its original condition.

## Leicester Conservation Commission Orders Of Conditions

**II. GENERAL (Continued)**

8. Any request for an extension or a Certificate of Compliance of this Order of Conditions shall be submitted by Certified Mail at least thirty (30) days prior to the expiration date. The expiration date is three years from the date of issuance.

9. Any proposed changes in the plans approved under this Order must be submitted to the LCC for approval prior to implementation. One of the following responses will be made:

- A. If the LCC finds, by majority vote, said changes to be insignificant to the interests of the Act and/or the Town of Leicester Wetland Bylaws, then the LCC will so notify the Applicant in writing.
- B. If the LCC finds, by majority vote, said changes to be significant and/or deviate from the original plans, Notice of intent, or this Order of Conditions, and that the interests of the Act and/or the Leicester Wetland Bylaws would be best served by the issuance of additional conditions, the LCC will conduct another public hearing within 21 days, advertised at the applicant's expense, in order to take testimony from all interested parties. Within 21 days of the close of the public hearing, the LCC will issue an Amended Order of Conditions. No work shall be undertaken until the Amended Order of Conditions has been recorded at the Registry of Deeds and until all administrative appeal periods from the Amended Order of Conditions have elapsed.

10. Members of the LCC shall have the right to enter and inspect the property to evaluate and ensure compliance with the performance standards and conditions stated in this Order and may require the submittal of any data or information deemed necessary for said evaluation.

11. The applicant or his successor shall submit to the LCC the name, address, business and home phone number of the project supervisor who will be responsible for insuring compliance with this Order and his/her alternate.

## Leicester Conservation Commission Orders Of Conditions

**III. PROFESSIONALS AND REPORTING**

12. Prior to commencing work the applicant or his/her representative shall supply to the LCC in writing notice that such work is to begin and the date thereof.

13. The applicant and/or property owner(s) will assign a **ENGINEER** to supervise this project and make periodic progress reports to the LCC.

14. The applicant shall submit an "As-built" plan and/or report to the LCC upon completion of this project. The plan and/or report shall be signed by a **ENGINEER** who shall certify that the work has been done in accordance with the approved plan(s) and this Order. This plan and/or report must be submitted prior to the issuance of a Certificate of Compliance.

15. The applicant or property owner shall submit an "As-built" plan to the LCC upon completion of this project. A wetland specialist, who shall certify that the replication work has been done in accordance with 310 CMR 10.55 (4)(B), shall sign the plan. This plan must be submitted to the LCC prior to the issuance of a Certification of Compliance.

*The remainder of this page is blank*

Leicester Conservation Commission Orders Of Conditions

**IV. LANDSCAPING, GRADING, SIDE SLOPES, DRAINAGE**

16. Permanent protection to the side of the **slope**, consisting of **grass**, shall be implemented to prevent siltation of **AS DEPICTED ON PLAN**.
17. All exposed slopes shall receive a minimum of 3 inches of topsoil and (some ground cover, grass or other). Mulch of hay of at least 3 inches in depth shall be placed on newly seeded slopes an/or earth capable of eroding into any area of statutory interest.
18. After installation of a sewer line, the site shall be graded and planted as necessary to restore the site to its pre-development conditions.
19. All altered slopes within the 50 foot buffer zone(s), shall be no steeper than 3 horizontal to 1 vertical. Any slope greater than said 3 to 1, shall be stabilized by methods approved the USDA Soil Conservation Service and submitted to the LCC.
20. As long as construction occurs which may cause siltation in road-ways, all catch basins must have hay bale barriers preventing siltation to enter and must be maintained until all disturbed areas of concern have been stabilized.

*The remainder of this page is blank*

## Leicester Conservation Commission Orders Of Conditions

**V. SEDIMENTATION SILTATION CONTROL**

21. As soon as possible during construction, all disturbed upland areas shall be brought to final finished grade. Bare ground that cannot be permanently stabilized within 30 days shall be stabilized by temporary measures.
22. Adequate erosion and sedimentation control measures shall be implemented and maintained in effect throughout the entire construction phase, and until the site has become stabilized with an adequate vegetative cover.
23. Hay bales and/or siltation fencing must be in place and properly staked prior to any work on the site. A **double row** of firmly staked hay bales placed end to end is useful to prevent erosion of disturbed soil and to served as a visible physical barrier denoting the limit of work. A row of hay bales shall be placed **AS DEPICTED ON PLANS**. This hay bale barrier shall be maintained until the disturbed area has been permanently stabilized.
24. The applicant or his successor shall have on site at the start of any soil disturbance, removal, or stockpiling, a minimum of 20 **hay bales** and sufficient stakes for installation. Said hay bales shall be used for the control of erosion.
25. The border of the resource areas on the site shall be clearly marked in the field by stakes placed at 10 **foot** intervals. A continuous construction barrier shall be established between all construction areas (including replication/restoration areas) and wetland resource areas. Said barrier shall consist of hay bales dike or a properly installed silt fence. Workers are to be informed that no construction activity is to occur beyond this line.
26. All construction shall be done in a manner to minimize siltation effects.
27. There shall be no disturbance of wetlands past the stabilization line.

## Leicester Conservation Commission Orders Of Conditions

**VI. POLLUTION CONTROL**

28. The completion of this project shall not increase the level of pollution in the area. There shall be no discharge of gasoline or oil from any docks associated with this project.

29. All materials to be removed from the site shall comply with the State and Federal Statutes.

30. Any on-site dumpsters or excavated stockpiled material shall not be located within 100 feet of the wetland and/or resource area.

31. Materials and equipment shall be stored in a manner and location, which will minimize the compacting of soils and the concentration of run-off. Refueling of vehicles shall be in an area outside the buffer zone. If a spill occurs contaminated soils shall be removed according to guidelines established by the DEP Division of Hazardous Waste.

*The remainder of this page is blank*

## Leicester Conservation Commission Orders Of Conditions

**VII. FILLING AND EXCAVATION REQUIREMENTS**

32. SEPTIC SYSTEMS: Whether from on site or off site sources, any fill used in connection with this project shall be clean fill as defined in Title 5 of the State Environmental Code. Acceptable fill:

Fill material shall be clean, coarse, washed sand or other clean, granular material essentially free of clay, fines, dust, organic matter, large stones, masonry, stones, frozen clumps of earth, wood, tree branches, and water material, and shall have a percolation rate of less than 2 minutes per inch before and after placement. Before the fill is put in place, all trees, brush, and stumps shall be removed from the area to be filled. Topsoil, peat, and other impervious material shall be removed from all areas beneath the area to be filled by this Order. (310 CMR 15:02(17)).

33. During clearing operations, trees adjacent to wetlands should be felled away from the wetland and should be removed from the buffer zone. No stockpiling of erodable materials may occur within fifty (50) feet of any resource area. Work should proceed carefully, but as fast as possible, in order that the altered site adjacent to the wetland is stabilized as promptly as possible.

34. All waste projects, grubbed stumps, slash, construction materials, etc., shall be deposited at an approved landfill and shall not be in any manner incorporated into the project site with the exception of the reduction of stumps and slash to mulch.

35. Any stockpiling of topsoil shall be conducted outside of any resource area and stabilized.

36. No boxes, pallets, trees or brush cuttings, dredged materials; trash or construction debris shall be placed on any wetland resource areas.

37. No filling of any land beyond the limits or above the grades shown on plans referenced on page 5-3\_\_\_ of this Order is authorized.

Leicester Conservation Commission Orders Of Conditions

**IX. CONDITION OF PERPETUITY**

41. The following condition numbers 1 through ALL, shall survive this Order and shall run with the title of the property.

42. A plot plan showing all wetland boundaries, restriction boundaries and buried stumps (where these are applicable) will be provided to the individual respective lot owners. Stumps will not be buried within any wetland resource area or buffer zone.

*The remainder of this page is blank*

Leicester Conservation Commission Orders Of Conditions

**VIII. SPECIAL CONDITIONS**

38. A strip of thick brushy vegetation along the edge of a wetland is valuable to wildlife, increases absorption of rain and reduces erosion. No cutting or removal of vegetation is permitted **BEYOND THE HAYBALE LINE AS INDICATED ON PLAN.**

39. A Board of Health permit for septic system design, must be submitted to the LCC prior to any construction within 50 of any wetland resource area (on or off site)

40. It is the responsibility of the applicant or his successor to procure all other applicable Federal, State and Local permits and approvals associated with this project. These permits may include but are not necessarily limited to the following:

- A. Section 404 of the Federal Water Pollution Control Act (P.L. 92-500, 86 stat. 816), U.S. Army Corps of Engineers.
- B. Water Quality Certification in accordance with the Federal Water Pollution Control under the authority of sect.27 (5) of Chapter 21 of the Mass. General Laws as codified in 310 CMR 4.00.
- C. Sewer extension and/or sewer connector permit from DEP Division of Water Pollution Control. D.E.O.E.A. Mass. Environmental Policy Act.

**ADDITIONAL CONDITIONS:**

**RESORATION OF CROSSING TO A STATE THAT WILL ALLOW THE NATURAL WETLANDS TO BE RECLAIMED.**

**UNDER NO CIRCUMSTANCES WILL WORK BE PREFORMED IN THE WETLAND AREA DURING PERIODS OF ANY RAIN.**

**WETLAND AREAS ARE TO BE PERMANENTLY MARKED AND MAINTAINED.**

**UNDER ANY CIRCUMSTANCES IS ANY BUILDING MATERIAL TO BE BURIED ON THE LOT.**

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## Leicester Conservation Commission Orders Of Conditions

**X. WETLAND REPLICATION**

43. The seasonal elevation of ground water must be verified in the wetland replication areas once the proposed replication areas have been excavated to base grade. If seasonal high ground water is not present at or within sufficient depth to support wetlands vegetation, then the applicant is required to create a perched ground water substrate, or substantiate the elevation of ground water at another location and apply to the LCC to amend the Notice of Intent accordingly

44. All-wetland **restoration** must meet the following performance standards:

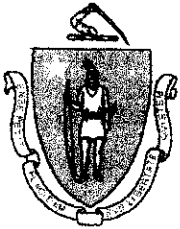
- A. The surface of the **restoration** area to be created shall equal that of the area that will be lost;
- B. The groundwater and surface elevation of the **restoration** area shall be approximately equal to that of the lost area.
- C. The overall horizontal configuration and location of the **restoration** area with respect to the bank shall be similar to that of the lost area.
- D. At least 75% of the surface of the **restoration** area shall be re-established with indigenous wetland plant species within two growing seasons, and prior to said vegetative reestablishment any exposed soil in the **restoration** area shall be temporarily stabilized to prevent erosion in accordance with standard US Soil Conservation Service methods.
- F. The **restoration** area shall be provided in a manner that is consistent with all other general performance standards for this resource area.
- G. The **restoration** area shall be located within the same area of the waterbody or reach of the waterway as the lost area. Should the **restoration** area fail to meet any of these performance standards, the LCC will require those measures necessary to achieve compliance.

45. Only clean coarse sands or gravel free of fines and organic debris (less than 10% fines) can be used for crossing of streams and wetlands.

## Leicester Conservation Commission Orders Of Conditions

**X. WETLAND REPLICATION (Continued)**

46. All work in wetlands should be done in a timely manner, in dry conditions. Dewatering techniques may be used as necessary provided that the LCC is notified in advance and that all care is taken to protect wetland resource areas.
47. Topsoil, peat and all organic soils must be removed before filling of wetlands shall commence. These soils must be used in the restoration area at same depth to assure that restoration will have a good base. Restoration area must be at final grade before any filling can commence.
48. Applicant or property owner must assign a wetlands specialist for the duration of the project who will report to the Leicester Conservation Commission during restoration.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

# WPA Form 5 – Order of Conditions

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

DEP File Number:

197-276

Provided by DEP

## B. Findings (cont.)

Additional conditions relating to municipal ordinance or bylaw:

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This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

APRIL 18, 2002

Date

This Order must be signed by a majority of the Conservation Commission. The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office (see Appendix A) and the property owner (if different from applicant).

Signatures:

*William Provencher*

*Perry D. De*

*Stephen J. Beaton*

On Eighteen

Day

Of

April, 2002

Month and Year

Before me personally appeared

*William Provencher*

to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Notary Public

*William Jay M. Vayabedian*

My Commission Expires

February 13, 2009

This Order is issued to the applicant as follows:

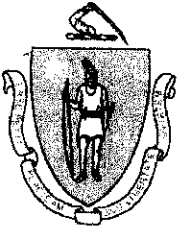
☒ by hand delivery on

☐ by certified mail, return receipt requested, on

April 18, 2002

Date

Date



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

**WPA Form 5 – Order of Conditions**

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

DEP File Number:

197-276

Provided by DEP

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**C. Appeals**

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Appendix E: Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, § 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

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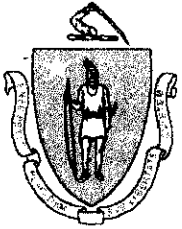
**D. Recording Information**

This Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on Page 7 of Form 5 shall be submitted to the Conservation Commission listed below.

**LEICESTER**

Conservation Commission

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

**WPA Form 5 – Order of Conditions**

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

DEP File Number:

197-276

Provided by DEP

**D. Recording Information (cont.)**

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

LEICESTER

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

LOTE 2A WHITEMORE STREET

Project Location

197-276

DEP File Number

Has been recorded at the Registry of Deeds of:

WORCESTER

County

Book

Page

for:

SANDRA LAFLASH

Property Owner

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

Book

Page

In accordance with the Order of Conditions issued on:

APRIL 18, 2002

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

**ATTEST: WORC. Anthony J. Vigliotti, Register**



# TOWN OF LEICESTER CONSERVATION COMMISSION

LEICESTER, MA 01524-1333

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

[www.leicesterma.org](http://www.leicesterma.org)

August 18, 2016

Attorney Michael Meloche  
188 Main Street  
Suite 1  
Spencer, MA 01562

Re: Outstanding Order of Conditions, Whittemore Street/Tracy Estates, Leicester, MA  
DEP #s: 197-268; 197-276; 197-298; 197-301; 197-309 & 197-323

Dear Attorney Meloche,

At the Conservation Commission meeting on Wednesday, August 17, 2016, the Certificate of Compliance requests for the above mentioned six-Order of Conditions regarding Whittemore Street and Tracy Estates were on the agenda.

The Commission continued these requests until the following additional information has been submitted:

1. A Compliance letter from a Registered Engineer included with each Certificate request, stating compliance with the performance standards and conditions stated in the Conservation Commission's Order of Conditions for that property
2. As Built Plans & a Report signed by a Registered Engineer certifying work has been done in accordance with the approved plans
3. A wetland specialist certify that the replication work has been done in accordance with 310CMR 10.55 (4)(B)
4. All documents required as noted in the Orders to receive a Certificate of Compliance.

The Commission felt your request did not include enough pertinent information for them to make a decision.

The Certificate Requests will not be placed on a future meeting agenda until the above information has been received.

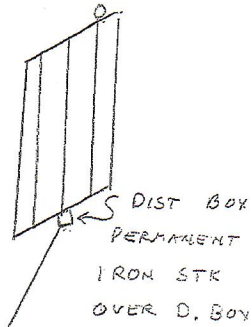
Feel free to contact me by email [knoxb@leicesterma.org](mailto:knoxb@leicesterma.org) or phone 508-892-7007 with any questions or concerns.

Thank you,

Barbara E. Knox,  
Department Assistant, ODIS  
3 Washburn Square  
Leicester, Ma. 01524  
[knoxb@leicesterma.org](mailto:knoxb@leicesterma.org)  
508-892-7007-phone  
508-892-7070-fax

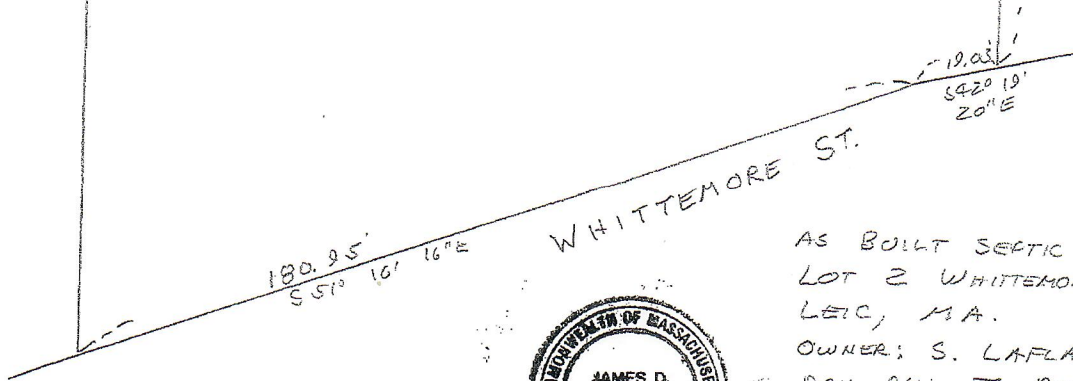
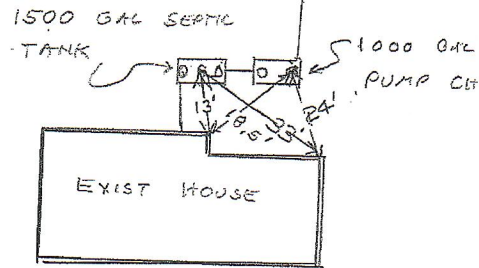
# ELEVATIONS.

BLOG SEWER @ FOUND	- 1013.31'
INLET SEPTIC TANK	- 1012.88'
OUTLET SEPTIC TANK	- 1012.65'
INLET PUMP CH.	- 1012.56'
PUMP ON	- 1009.71'
PUMP OFF	- 1007.91'
ALARM.	- 1010.01'
INLET DIST BOX	- 1013.75'
OUTLET DIST BOX	- 1013.55'
BEG. OF FIELD	- 1013.48
END OF FIELD	- 1013.33'
BTH OF FIELD	- 1012.61'

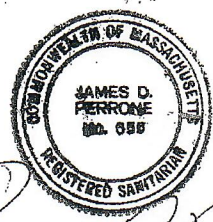


303.42'

303.38'



AS BUILT SEPTIC PLAN  
LOT 2 WHITTEMORE ST.  
LEIC, MA.  
OWNER: S. LAFLASH.  
DRN BY: J. PERRONE  
1" = 30'



*James D. Perrone*

# Petra Broda

**RECEIVED**

**MAR - 4 2024**

**Town of Leicester  
Planning Department**

## **Contact information**

(508) 735 9681

pbroda3@gmail.com

473 Whittemore Street, Leicester MA 01524

## **To**

Leicester Conservation Board

3 Washburn Square

Leicester, MA 01524

## **Dear BOARD members,**

I am writing this letter to appeal to you about an urgent matter. My family and I have lived in the great town of Leicester for 6 years. We are now in the process of selling our home to a new and eager family but have hit a roadblock. Unbeknownst to my family and I, the certificate of compliance for our property was not fully complete and as a result, we are now in limbo. Our intended sale/purchase date was scheduled for 3/7/2024. I am a travel nurse and have a new assignment due to start 3/15. The new owners have also sold their previous property and are just waiting to close so they can join the Leicester community.

I was informed by my lawyer that due to the negligence of the previous owner and the original land buyer, there is no available certificate of compliance. Lisa (who is amazing), has been reaching out to the original plot owner since 2016 with no luck. My lawyer has reached out to them as well with no luck. I am applying for a certificate of compliance in hopes that since this unfortunate situation has been in standstill since 2002, I can be granted permission to sell my home and meet all deadlines for work and sale. The new owners are willing to follow up with this situation in hopes of completing all requirements once the sale of the home is completed. Thank you and apologies for any inconvenience this has caused.

Sincerely,

**Petra Broda**

February 29, 2024



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:

197-0276  
Provided by DEP

**RECEIVED**

**A. Project Information**

**MAR - 4 2024**

**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:

Petra Broda

**Town of Leicester  
Planning Department**

Name

473 Whittemore Street

Mailing Address

Leicester

MA

01524

City/Town

State

Zip Code

508-735-9681

Phone Number

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

Sandra LaFlash c/o Meloche and Meloche, 188 Main Street Spencer MA

Applicant

4/18/2002

197-276

DEP File Number

Dated

3. The project site is located at:

473 Whittemore Street

Leicester

Street Address

City/Town

11B Part of LOT 1

2A

Assessors Map/Plat Number

Parcel/Lot Number

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

Sandra LaFlash

Property Owner (if different)

Worcester

26427

Book

309

Page

County

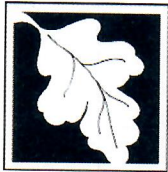
Certificate (if registered land)

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:

197-0276  
Provided by DEP

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**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

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**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>).

# Request for Certificate of Compliance

53 River St. (197-0397)



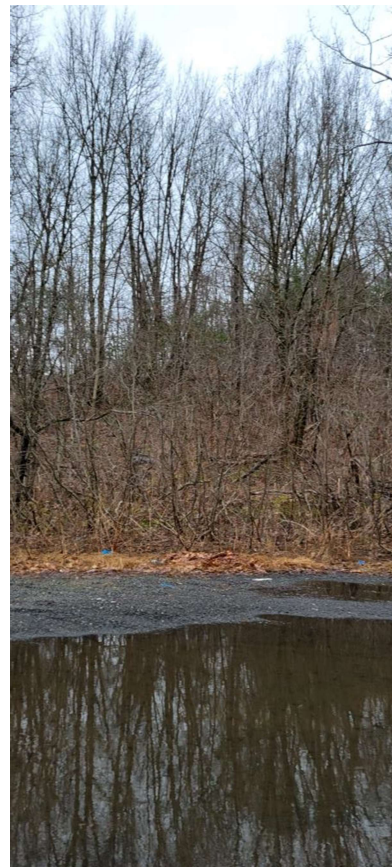
**Town of Leicester**  
**CONSERVATION COMMISSION**  
LEICESTER, MASSACHUSETTS, 01524-1333  
Phone: 508-892-7007 Fax: 508-892-7070  
[www.leicesterma.org](http://www.leicesterma.org)

**MEMORANDUM**

To: Conservation Commission  
From: Lisa Westwell  
Administrative Assistant to the Planning Department  
Date: March 12, 2024  
Re: Request for Certificates of Compliance – 43/53 River Street  
DEP File #s 197-0397 and 197-0508

---

**3/7/24 Site Visit conducted by Vanessa Lopez and Lisa Westwell**  
**Photos**





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

DEP File Number:

**WPA Form 8A – Request for Certificate of Compliance**

197-0397  
Provided by DEP

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

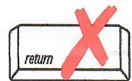
RECEIVED

**A. Project Information**

MAR - 4 2024

**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:

EBT Environmental Consultants, Inc.

Name

601 Main Street

Mailing Address

North Oxford

City/Town

(508) 769-3659

Phone Number

MA

State

01537

Zip Code

Town of Leicester  
Planning Department

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

Depot Associates, Inc.

Applicant

3/17/2005

Dated

197-0397

DEP File Number

3. The project site is located at:

53 River Street

Street Address

43

Assessors Map/Plat Number

Leicester

City/Town

D9

Parcel/Lot Number

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

(Same as above)

Property Owner (if different)

Worcester

County

36344

Book

305

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:

197-0397

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>).



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

197-397

Provided by DEP

## 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.



From:

LEICESTER

Conservation Commission



2005 00077370

Bk: 36344 Pg: 305 Doc: ORD

Page: 1 of 7 05/18/2005 10:40 AM

This issuance is for (check one):

- ☒ Order of Conditions  
☐ Amended Order of Conditions

To: Applicant:

Depot Associates

Name

P. O. Box 2917 - 11 Harvard Street

Mailing Address

Worcester

City/Town

MA

State

01613

Zip Code

Property Owner (if different from applicant):

Name

Mailing Address

City/Town

State

Zip Code

1. Project Location:

River Street

Street Address

43

Assessors Map/Plat Number

Leicester

City/Town

D-9

Parcel/Lot Number

2. Property recorded at the Registry of Deeds for:

Worcester

County

08091

Book

77-78

Page

Certificate (if registered land)

3. Dates:

1/25/05

Date Notice of Intent Filed

3/17/05

Date Public Hearing Closed

Date of Issuance

4. Final Approved Plans and Other Documents (attach additional plan references as needed):

Title

Date

5. Final Plans and Documents Signed and Stamped by:

Name

6. Total Fee:

(from Appendix B: Wetland Fee Transmittal Form)

**RETURN TO:**

**MELVYN GLICKMAN, ESQ.**  
**P.O. BOX 2917**  
**WORCESTER, MASS. 01613**



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

197-397

Provided by DEP

## B. Findings

Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act. Check all that apply:

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Public Water Supply  | <input type="checkbox"/> Land Containing Shellfish | <input type="checkbox"/> Prevention of Pollution        |
| <input type="checkbox"/> Private Water Supply | <input type="checkbox"/> Fisheries                 | <input type="checkbox"/> Protection of Wildlife Habitat |
| <input type="checkbox"/> Groundwater Supply   | <input type="checkbox"/> Storm Damage Prevention   | <input type="checkbox"/> Flood Control                  |

Furthermore, this Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved** subject to:

- ☒ the following conditions which are necessary, in accordance with the performance standards set forth in the wetlands regulations, to protect those interests checked above. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

**Denied** because:

- ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations to protect those interests checked above. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect these interests, and a final Order of Conditions is issued.
- ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).

**General Conditions** (only applicable to approved projects)

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 Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

197-397

Provided by DEP

## **B. Findings (cont.)**

4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. the work is a maintenance dredging project as provided for in the Act; or
  - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
7. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to this Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,
 

"Massachusetts Department of Environmental Protection" [or, "MA DEP"]

"File Number \_\_\_\_\_"
10. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before DEP.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order.
13. Any change to the plans identified in Condition #12 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
14. 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 Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

197-397

Provided by DEP

## B. Findings (cont.)

15. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
16. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
17. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

Special Conditions (use additional paper, if necessary):

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## Findings as to municipal bylaw or ordinance

Furthermore, the \_\_\_\_\_ hereby finds (check one that applies):  
 Conservation Commission

- ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

Name \_\_\_\_\_ Municipal Ordinance or Bylaw \_\_\_\_\_

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- ☐ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw, specifically:

Name \_\_\_\_\_ Municipal Ordinance or Bylaw \_\_\_\_\_

The Commission orders that all work shall be performed in accordance with the said additional conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

197-397

Provided by DEP

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### **C. Appeals**

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Appendix E: Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, § 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

---

### **D. Recording Information**

This Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on Page 7 of Form 5 shall be submitted to the Conservation Commission listed below.

LEICESTER

Conservation Commission



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

197-397**E. Issuance**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

1. Date of Issuance

Please indicate the number of members who will sign this form:

This Order must be signed by a majority of the Conservation Commission.

2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

Amey M. Lally  
Dianna Provencher

Stephen W. Kuntz  
Don F. Moore

**Notary Acknowledgement**

Commonwealth of Massachusetts County of

Worcester

On this

26<sup>th</sup>

Day

of

April 2005

Month

Year

Before me, the undersigned Notary Public,  
personally appeared

Dianna Provencher  
Name of Document Signer

proved to me through satisfactory evidence of identification, which was/were

MA Dr. License  
Description of evidence of identification

to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

As member of

Leicester  
City/Town

Conservation Commission

Place notary seal and/or any stamp above

This Order is issued to the applicant as follows:

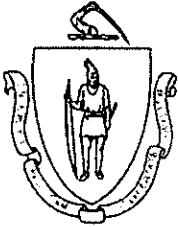
☐ by hand delivery on

☐ by certified mail, return receipt requested, on

Date

Date

Linda A. Rowden  
Signature of Notary Public  
Linda A. Rowden  
Printed Name of Notary Public  
March 24, 2006  
My Commission Expires (Date)



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

197-397

Provided by DEP

**D. Recording Information (cont.)**

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

-----

To:

LEICESTER

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

	197-397
Project Location	DEP File Number

Has been recorded at the Registry of Deeds of:

County	Book	Page

for:

Property Owner

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

Book	Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

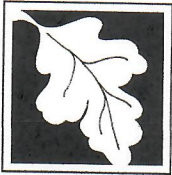
If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

# Request for Certificate of Compliance

53 River St. (197-0508)



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:

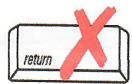
197-0508

Provided by DEP

**RECEIVED**

**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.

MAR - 4 2024

**Town of Leicester  
Planning Department**

1. This request is being made by:

EBT Environmental Consultants, Inc.

Name

601 Main Street

Mailing Address

North Oxford

City/Town

(508) 769-3659

Phone Number

MA  
State

01537  
Zip Code

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

Depot Associates, Inc.

Applicant

4/1/2009

Dated

197-0508  
DEP File Number

3. The project site is located at:

53 River Street

Street Address

43

Assessors Map/Plat Number

Leicester  
City/Town

D9  
Parcel/Lot Number

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

(Same as above)

Property Owner (if different)

Worcester

County

44058  
Book

99  
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:

197-0508

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>).



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Leicester

City/Town

197-508

**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. From: Leicester  
 Conservation Commission
2. This issuance is for (check one): a. ☒ Order of Conditions b. ☐ Amended Order of Conditions

3. To: Applicant:

Melvyn

a. First Name

Glickman

b. Last Name

Depot Associates, Inc

c. Organization

PO Box 2917/ 11 Harvard St

d. Mailing Address

Worcester

e. City/Town

MA

f. State

01613

g. Zip Code



2009 00037048

Bk: 44058 Pg: 99

Page: 1 of 21 04/08/2009 12:03 PM WD

4. Property Owner (if different from applicant):

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

5. Project Location:

River Street

a. Street Address

Leicester

b. City/Town

43

c. Assessors Map/Plat Number

D90-0

d. Parcel/Lot Number

Latitude and Longitude, if known:

e. Latitude

f. Longitude

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Worcester

a. County

b. Certificate Number (if registered land)

809177

c. Book

d. Page

7. Dates:

2/5/093/18/094/1/09

a. Date Notice of Intent Filed

b. Date Public Hearing Closed

c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Wetlands Site Plan in Leicester, MA for River St Map 43 Parcel D9

a. Plan Title

Coyle EngineeringWilliam Coyle PE# 37450

b. Prepared By

c. Signed and Stamped by

1/26/051"=20'

d. Final Revision Date

e. Scale

A6 Project Description WPA Form 32/4/09

f. Additional Plan or Document Title

g. Date



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

MassDEP File Number:

**WPA Form 5 – Order of Conditions**

197-508

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

**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act. Check all that apply:

- a. ☐ Public Water Supply      b. ☐ Land Containing Shellfish      c. ☒ Prevention of Pollution  
d. ☐ Private Water Supply      e. ☒ Fisheries      f. ☒ Protection of Wildlife Habitat  
g. ☒ Groundwater Supply      h. ☒ Storm Damage Prevention      i. ☒ Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved** subject to:

- a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

**Denied** because:

- b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect these interests, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**

**Inland Resource Area Impacts:** Check all that apply below. (For Approvals Only)

3. ☐ Buffer Zone Impacts: Shortest distance between limit of project disturbance and wetland boundary (if available)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	1658		1688	
	a. square feet	b. square feet	c. square feet	d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. c/y dredged	f. c/y dredged		



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

**WPA Form 5 – Order of Conditions**

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

MassDEP File Number:

197-508

**B. Findings (cont.)**

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input type="checkbox"/> Riverfront area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet

**Coastal Resource Area Impacts:** Check all that apply below. (For Approvals Only)

10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. c/y nourishmt.	d. c/y nourishmt.
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. c/y nourishmt.	d. c/y nourishmt.
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		



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

MassDEP File Number:

**WPA Form 5 – Order of Conditions**

197-508

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

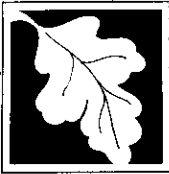
**C. General Conditions Under Massachusetts Wetlands Protection Act**

(only applicable to approved projects)

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 Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. the work is a maintenance dredging project as provided for in the Act; or
  - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
7. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to this Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]

"File Number 197-508"



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

MassDEP File Number:

**WPA Form 5 – Order of Conditions**

197-508

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

**C. General Conditions Under Massachusetts Wetlands Protection Act**

10. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order.
13. Any change to the plans identified in Condition #12 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
14. 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 Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
15. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
16. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
17. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

**NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS**

18. **The work associated with this Order (the "Project") is (1) ☐ is not (2) ☒ subject to the Massachusetts Stormwater Standards. If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**
  - a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.



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

MassDEP File Number:

**WPA Form 5 – Order of Conditions**

197-508

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

**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
  - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
  - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;
  - iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
  - v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMPs Operation and Maintenance Plan ("O&M Plan") and certifying the following: i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, and acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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

MassDEP File Number:

**WPA Form 5 – Order of Conditions**

197-508

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

**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
  2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
  3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

**read attached orders**

**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No
2. The \_\_\_\_\_ hereby finds (check one that applies):
  - a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.



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

## **WPA Form 5 – Order of Conditions**

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

MassDEP File Number:

197-508

### **D. Findings Under Municipal Wetlands Bylaw or Ordinance (cont.)**

- b. ☐ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

1. Municipal Ordinance or Bylaw

2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

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

**WPA Form 5 – Order of Conditions**

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

MassDEP File Number:

197-508

**E. Issuance**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form:

This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

4/1/09  
1. Date of Issuance

5  
2. Number of Signers

Signatures:

*Stephan R. Parretti*  
*Gleida K. Williams*  
*John P. M. Andrews*  
*John P. M. Andrews*

*[Signature]*

**Notary Acknowledgement**

Commonwealth of Massachusetts County of

Leicester

On this

Sixth

Day

of

April

Month

2009

Year

Before me, the undersigned Notary Public, personally appeared

Stephan R. Parretti

Name of Document Signer

proved to me through satisfactory evidence of identification, which was/were

signature on file

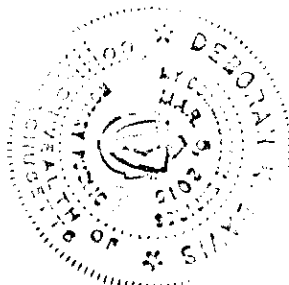
Description of evidence of identification

to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

As member of

Leicester  
City/Town

Conservation Commission



Place notary seal and/or any stamp above

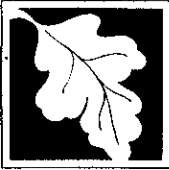
This Order is issued to the applicant as follows:

☐ by hand delivery on

☐ by certified mail, return receipt requested, on

Date

Date



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

MassDEP File Number:

## **WPA Form 5 – Order of Conditions**

197-508

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

### **F. Appeals**

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant. Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order or Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

**Section G, Recording Information is available on the following page.**



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

**WPA Form 5 – Order of Conditions**

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

MassDEP File Number:

197-508

**G. Recording Information**

This Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Leicester

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Leicester

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner

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

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

## Leicester Conservation Orders of Conditions

### A. General Conditions

1. A member of the Conservation Commission or its agent may enter and inspect the property and the activity that are the subjects of this Order at all reasonable times, with or without probable cause or prior notice, and until a Certificate of Compliance is issued, for the limited purpose of evaluating compliance with this Order (and Town Bylaw and Bylaw Regulations).
2. The term "Applicant" as used in this Order of Conditions shall refer to the owner, any successor in interest or successor in control of the property referenced in the Notice of Intent, supporting documents and this Order of Conditions. 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.
3. With respect to all conditions the Conservation Commission designates the Conservation Administrator, or any member of the Commission, as its agent with full powers to act on its behalf in administering and enforcing this Order.
4. 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.
5. The applicant shall provide a copy of this Order to the person or persons supervising the activity that is the subject of this Order, and will be responsible for ensuring that all persons performing the permitted activity are fully aware of the terms and conditions of this Order.
6. Any person performing work on the activity that is the subject of this Order is individually responsible for understanding and complying with the requirements of this Order, the Act, 310 CMR 10.00 (and Town Wetland Bylaw and Wetland Bylaw Regulations).
7. If any change is made in the above-described plan(s) which may or will alter an area subject to protection under the Wetlands Protection Act, 310 CMR 10.00 (and the Town Wetland Bylaw), the applicant shall inquire from this Commission or its agent, prior to implementing the change in the field, whether the change is significant enough to require the filing of a new Notice of Intent. Any errors in the plans or information submitted by the applicant shall be considered changes and the above procedures shall be followed.
  - A. If the LCC finds, by majority vote, said changes to be insignificant to the interests of the Act and/or the Town of Leicester Wetland Bylaws, then the LCC will so notify the Applicant in writing.
  - B. If the LCC finds, by majority vote, said changes to be significant and/or deviate from the original plans, Notice of intent, or these Orders of Conditions, and that the interests of the Act and/or the Leicester Wetland Bylaws would be best served by the issuance of additional conditions, the LCC will conduct another public hearing within 21 days, **advertised at the applicant's expense**, in order to take testimony from all interested parties. Within 21 days of the close of the public hearing, the LCC will issue an Amended Orders of Conditions. No work shall be undertaken until the Amended Orders of Conditions has been recorded at the Registry of Deeds and until all administrative appeal periods from the Amended Orders of Conditions have elapsed.

8. It is the responsibility of the applicant to complete any review required by all agencies with jurisdiction over the activity that is the subject of this Order, and to procure all required permits or approvals. These reviews, permits and approvals may include but are not limited to the following:
  - Review by the U.S. Army Corps of Engineers for any Category 2 or Individual Permit Activity, and procurement of any permits or approvals identified by the Corps.
  - Review by the DEP and procurement of any permits or approvals identified by the DEP.
  - Review by the Massachusetts Natural Heritage and Endangered Species Program for any projects within estimated and/or priority habitat and any permits or approvals identified by the Program.
  - Review by local planning boards, boards of health, zoning boards, and building inspectors, and procurement of any permits or approvals required by these boards or agencies.
9. All construction materials, earth stockpiles, landscaping materials, slurry pits, waste products, refuse, debris, stumps, slash, or excavate may only be stockpiled or collected in areas as shown and labeled on the approved plan(s), or if no such areas are shown must be placed or stored outside all resource areas and associated buffer zones under cover and surrounded by a double-staked row of hay bales to prevent contact with rain water.
10. No material of any kind may be buried, placed or dispersed in areas within the jurisdiction of the Commission by activities that are the subject of this Order, except as are expressly permitted by this Order or the plans approved herein.
  - \* Septic Systems- Whether from on site or off site sources, any fill used in connection with this project shall be clean fill as defined in Title V of the State Environmental Code. Acceptable fill shall be clean, coarse, washed sand or other clean, granular material **essentially free** of clay, fines, dust, organic matter, large stones, masonry, frozen clumps of earth, wood, tree branches and water material, and shall have a percolation rate of less than 2 minutes per inch before and after placement. Before the fill is put in place all trees, brush, and stumps shall be removed from the area to be filled. Topsoil, peat and other impervious material shall be removed from all areas beneath the area to be filled by this order. (310CMR15:02(17))
11. There shall be no pumping of water from wetland resource areas.
12. All waste products, grubbed stumps, slash, construction materials, etc. shall be deposited at least 100 feet from wetland resource areas and 200 feet from rivers, unless specified in this Order.
13. No fuel, oil, or other pollutants shall be stored in any resource area or the buffer zone thereto, unless specified in this Order.
14. Any material placed in wetland resource areas by the applicant without express authorization under this Order shall be removed by the applicant upon demand by the Conservation Commission or its agent.
15. There shall be no underground storage of fuel or other hazardous substance in areas within the jurisdiction of the Conservation Commission.
16. No trash dumpsters will be allowed within 100 feet of areas subject to protection under the Massachusetts Wetlands Protection Act or the Town's Bylaw.
17. This Order authorizes only the activity described on the approved plan(s) and approved documents referenced in this Order. Any other or additional activity in areas within the jurisdiction of the Commission will require separate review and approval by the Commission or its agent.
18. 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 LCC before any work shall commence or sale finalized. Failure to comply with these Orders of Conditions shall automatically invalidate this permit.

19. This Order shall apply to any successor in control or successor in interest of the property described in the Notice of Intent and accompanying plan(s). 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.
20. Any request for an extension or a Certificate of Compliance of these Orders of Conditions shall be submitted by Certified Mail at least thirty (30) days prior to the expiration date. The expiration date is **three years** from the date of issuance.

**B. Prior to Construction**

1. Prior to the Pre-Activity Meeting (site visit) and any work commencing on the site, the applicant shall display the DEP file number for this Order on a sign with minimum dimensions of two feet by two feet at a location clearly visible from the street. The sign shall remain in place and visible until a Certificate of Compliance is issued for the activity.
2. Prior to the Pre-Activity Meeting (site visit) and commencement of any activity on this site, the approved erosion control shall be installed as indicated on the approved plan.
3. At any time before, during or after construction, and until the issuance of a Certificate of Compliance, the Commission or its agent may require the applicant to modify, augment, restore or maintain erosion control measures associated with the activity that is the subject of this Order.
4. No clearing of vegetation, including trees, or disturbance of soil shall occur prior to the Pre-Activity Meeting (site visit). Minimal disturbance of shrubs and herbaceous plants may be allowed prior to the Pre-Activity Meeting (site visit) if absolutely necessary in order to place erosion control marker stakes where required.
5. Prior to the commencement of any activity on this site other than the placement of erosion control marker stakes, the applicant shall arrange with the Commission or its agent to conduct a Pre-Activity Meeting (site visit) between the applicant or the applicant's representative, the persons or supervisor responsible for the work, and a member of the Conservation Commission or its agent.
6. Immediately after installation of erosion controls, the Conservation Commission shall be contacted in order to conduct a follow-up inspection to ensure that erosion controls have been properly installed.
7. Prior to any activity on site, the limit of work shall be clearly marked with erosion control, stakes or flags, and shall be confirmed by the Commission or its agent. Such markers shall be checked and replaced as necessary and shall be maintained until all construction is complete. Workers shall be informed that no use of machinery, storage of machinery or materials, stockpiling of soil, or construction activity is to occur beyond this line at any time.
8. Prior to any activity on site, the limits of wetland resource areas closest to construction activities shall be flagged with surveyor's tape and the flags shall remain in place during construction.
9. 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.
10. The applicant shall engage a Professional Engineer to act as a clerk of the works. The Engineer will supervise the contractor and will inspect the site regularly whenever construction within jurisdictional area is in progress. The Engineer will immediately notify the Conservation agent of any matter that requires attention by the Commission or the agent. The Engineer will maintain records of the activity and provide weekly written reports to the Commission.

11. Prior to the Pre-Activity Meeting and commencement of any activity on this site, a check payable to the Town of Leicester shall be provided in the amount of \$4220.00 which shall be in all respects satisfactory to Town Counsel, Town Treasurer, and the Conservation Commission, and shall be posted with the Town Treasurer before commencement of work. Said bond or deposit of money shall be conditioned on the completion of all conditions stated herein, shall be signed by a party or parties satisfactory to the Conservation Commission, and Town Counsel, and shall be released after completion of the project, provided that provision, satisfactory to the Conservation Commission, has been made for performance of any conditions which are of a continuing nature. The Applicant may propose a bond or deposit release schedule keyed to completion of specific portions of the project for the Conservation Commission's review and approval.
12. A well slurry containment pit shall be constructed prior to well installation.
13. Prior to commencing any activity on the site, the applicant shall submit the following to the Conservation Commission:

A set of **photographs** depicting the project site in pre-activity condition.

**A project/construction-sequencing plan**

A **statement** signed by the applicant, owner of the property and the person responsible for the construction of the project that such individuals understand the terms and conditions as specified in the Order and that such persons agree to comply with the provisions of the Wetlands Protection Act, local Bylaw and this Order.

**C. During Construction**

1. The applicant and any person involved in the activity that is the subject of this Order shall notify the Commission or its agent immediately upon discovery of any matter related to this Order that may affect any area within the jurisdiction of the Commission.
2. All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders or any other components shall be fixed immediately.
3. At least once during each month in which construction activity occurs on site and for as long thereafter as ground remains unstabilized, the applicant shall submit a report from a registered professional engineer, registered professional land surveyor or professional wetland scientist, to the Conservation Commission certifying that, to the best of his knowledge and belief based on a careful site inspection, all work is being performed in compliance with this Order of Conditions.
4. A copy of this Order of Conditions, construction plans, and copies of the documents and reports, shall be on the site upon commencement and during any site work for contractors to view and adhere to.
5. All equipment shall be operated, parked, and maintained so as to limit alterations of wetlands and buffer zones to those areas clearly identified on the plans and demarcated in the field by the flagging and construction barriers installed pursuant to Condition B7. No equipment is to enter or cross wetland resource areas at any time unless the location of disturbance is marked on the plans referenced in this Order and flagged in the field.
6. In case of emergencies, problems, or the need to discuss site conditions with the Conservation Commission, please contact the Commission or its agent during business hours at (508) 892-7007 or leave a message.
7. Equipment for fuel storage and refueling operations shall be located outside all areas within the jurisdiction of the Commission unless indicated otherwise on the approved plan.
8. The burial of stumps and any other type of construction refuse or other waste material is prohibited in the buffer zone.
9. If the completed work differs from that in the original plans and/or conditions listed in this Order, a report must be submitted to the Commission thirty (30) days prior to completion specifying how the work differs, at which time the applicant shall first request a modification to the Order. Upon review and approval by the Commission, the applicant may request in writing a Certificate of Compliance as described above.

Erosion Control

1. Appropriate erosion control devices shall be in place prior to the beginning of any phases of construction, and shall be maintained during construction in the wetland areas and buffer zone. The erosion control specifications provided in the Notice of Intent and the erosion control provision in the Order will be the minimum standards for this project. Additional or modified erosion control measures may be required by the Commission at any time before, during and after construction. These will be maintained until the engineer and a member or agent of the Conservation Commission agree that they are not longer needed, at which time they will be removed, using mutually satisfactory removal procedures.
2. Under no conditions shall operation of equipment, storage of materials, stockpiling of soil, or other site disturbance take place on the wetland side of the limit of work line, nor shall stockpiling of storage of fill or materials take place within 50 feet of the limit of work line.  
All debris, fill and excavated material shall be stockpiled far enough away from wetland resource areas to prevent sediment from entering wetland resource areas.
3. Placement of erosion controls shall be directed at the site by the project engineer in order to ensure that the erosion and sedimentation controls perform as specified as part of the Notice of Intent and this Order. Note: Specific installation conditions for this condition could include the following, but should be specific to the project:
  - A row of filter fabric fencing, backed by one row of staked hay bales placed end to end, shall be placed upgradient of all resource areas along the limit of activity between all disturbed areas and the wetland.
  - Filter fabric fencing shall be set and staked every 18-36 inches at the upland side of the excavated compensation area. Filter fabric shall be no less than 15 inches high.
4. The applicant shall submit a contingency plan to the Commission for approval, which provides in an emergency for pumped water to be contained in a settling basin prior to discharge into a resource area.
5. The applicant shall designate an erosion control monitor to oversee the placement of supplemental erosion controls in an event of an emergency, and to conduct regular inspection, maintenance or replacement of erosion and sedimentation control devices. The erosion control monitor must accessible to the Commission and its agent by phone any time including evenings and weekends. This person shall be given authority by the applicant to stop construction for erosion control purposes.
6. An adequate stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair or replace silt fences, hay bales, erosion control blankets, stone riprap, filter berms or any other devices planned for use during construction.
7. The Commission reserves the right to impose additional conditions on portions of this project to mitigate any impacts which could result from site erosion, or any noticeable degradation of surface water quality discharging from the site.
8. The area of construction shall remain in a stable condition at the close of each construction day. Erosion controls should be inspected at this time, and repaired, reinforced or replaced as necessary.
9. Erosion control devices may be modified based upon experience at the site. All such devices shall be inspected, cleaned or replaced during construction and shall remain in place until such time as stabilization of all areas that may impact resource areas is permanent.
10. Within thirty days of completion of construction on any given portion of the project, all disturbed areas in the completed portion of the site shall be permanently stabilized with vegetative cover, using sufficient top soil to assure long-term vegetative growth. Continued maintenance of this area, in a manner which assures permanent stabilization and precludes any soil erosion, shall be the responsibility of the applicant.

11. Subsequent to seeding, disturbed areas will be covered with a salt hay mulch, erosion control blanket or netting, or other suitable material in order to provide an adequate surface protection until seed germination. Preference should be given to erosion control netting with biodegradable stitching.
12. If soils are to be disturbed for longer than two months, a temporary cover of rye or other grass should be established to prevent erosion and sedimentation. If the season is not appropriate for plant growth, exposed surfaces shall be stabilized by other appropriate erosions control measures, firmly anchored, to prevent soils from being washed by rain or flooding.
13. Cement trucks shall not be washed out in any wetland resource or buffer zone area, or into any drainage system. Any deposit of cement or concrete products into a buffer zone or wetland resource area shall be immediately removed.
14. Erosion and sedimentation control devices shall be inspected after each storm event and repaired or replaced as necessary. Any accumulated silt adjacent to the barriers shall be removed.
15. All stockpiles of soils existing for more than one day shall be surrounded by a row of entrenched silt fence, and shall be covered.
16. All exposed soil finish grade surfaces shall be immediately landscaped and stabilized, or loamed, seeded and mulched with a layer of mulch hay. Where necessary, the loam and seeding shall be held in place with jute netting. Outside of the growing season, exposed soil finish grade surfaces shall be stabilized with a layer of mulch hay until climate conditions allow for seeding. During construction, any area of exposed soils that will be left idle for more than 30 days shall be stabilized with a layer of mulch hay or other means approved by the Conservation Commission. Temporary stabilization methods may include, but not be limited to, hydro-seeding, straw mats, jute netting, sod, or other Commission approved method.
17. Erosion control devices shall remain in place and properly functioning until all exposed soils have been stabilized with final vegetative cover and the Conservation Commission and/or its Administrator has authorized their removal.
18. The completion of this project shall not increase the level of pollution in the area. There shall be no discharge of gasoline or oil from any docks associated with this project.
19. All materials to be removed from the site shall comply with the State and Federal Statutes.
20. Any on-site dumpsters or excavated stockpiled material shall not be located within 50 feet of the wetland and/or resource area.
21. Materials and equipment shall be stored in a manner and location, which will minimize the compacting of soils and the concentration of run-off. Refueling of vehicles shall be in an area outside the buffer zone. If a spill occurs contaminated soils shall be removed according to guidelines established by the DEP Division of Hazardous Waste.

#### Grading/Landscaping/Slope

1. Site grading and construction shall be scheduled to avoid periods of high surface water. Once begun, grading and construction shall continue in an expeditious manner to minimize the opportunity for erosion.
2. Grading shall be accomplished so that runoff shall not be directed to the property of others, except as indicated on the approved plan.
3. All disturbed areas, slopes and proposed landscape areas shall be loamed and seeded or stabilized through the use of erosion control blankets or other approved means. All disturbed areas will be graded, loamed and seeded prior to November 1 of each year, if possible. No disturbed areas or stockpiled material will be left unprotected or without erosion controls during the winter.

4. Loaming and seeding will occur within (5 - 30) days of final grading. Barren areas should be stabilized by seeding if work on the project is interrupted for more than 90 days, unless the 90 days are in the winter. If this condition should occur, the applicant shall request a determination from the Commission as to whether seeding or an alternative measure should be conducted.
5. The seed stock to be used to restore disturbed areas shall complement or contain native flora and be of proven value to local wildlife.

#### **D. After Construction / In Perpetuity**

1. Upon completion of construction and final soil stabilization, the applicant shall submit the following to the Conservation Commission to request a Certificate of Compliance (COC):
  - (1) A Completed Request for a Certificate of Compliance form (WPA Form 8A or other form if required by the Conservation Commission at the time of request).
    - (a) All wetland resource area boundaries with associated buffer zones and regulatory setback areas taken from the plan(s) approved in this Order of Conditions;
    - (b) Locations and elevations of all stormwater management conveyances, structures and best management designs, including foundation drains, constructed under this Order within any wetland resource area or buffer zone;
    - (c) Distances from any structures constructed under this Order to wetland resource areas - "structures" include, but are not limited to, all buildings, septic system components, wells, utility lines, fences, retaining walls, and roads/driveways;
    - (d) A line delineating the limit of work - "work" includes any filling, excavating and/or disturbance of soils or vegetation approved under this Order;
    - (e) Wetland resource replication areas constructed under this Order.
  - (2) Post-construction photographs demonstrating compliance with this Order, including established vegetation where required.

#### **Perpetual Conditions**

1. The maintenance, by the property owner of record or designee, of culverts to ensure serviceability during operation as designed.
2. Stabilized slopes shall be maintained as designed and constructed by the property owner of record, whether "bioengineered" or mechanically-stabilized slopes.
3. Pesticides, herbicides, fungicides, and fertilizers **shall not be used** within 100 feet of the wetlands, within the riverfront area, and within bordering land subject to flooding. Organic pesticides, herbicides, fungicides and fertilizers may be used subject to the review and approval of the Conservation Commission. This shall be noted in the Certificate of Compliance and shall be an ongoing condition.
4. De-icing chemicals (e.g. sodium, potassium, and calcium chloride) are prohibited on driveways located in wetland resource areas and buffer zones. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
5. Only slow-release organic granular type fertilizers shall be used within the wetland buffer zone. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
6. Dumping Prohibited: There shall be no dumping of leaves, grass clippings, brush, or other debris into the wetland or stream/body of water. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.

7. **Additional Alteration Prohibited:** There shall be no additional alterations of areas under Conservation Commission jurisdiction without the required review and permit(s). This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
8. Prior to the issuance of a Certificate of Compliance and upon the sale of the property to subsequent owners, the new owner shall provide a letter to the Conservation Commission acknowledging that he/she understands the wetland restrictions bound to this property. A copy of this letter shall accompany the written request for a Certificate of Compliance. This shall be an ongoing condition and shall be recorded in the deed and on subsequent deeds.

#### **E. Stormwater Management**

1. All construction and post-construction storm water management shall be conducted in accordance with supporting documents submitted with the Notice of Intent, the Department of Environmental Protection Storm water Management Policy and as approved by the Commission in this Order of Conditions (N.B. Please review DEP's Storm water Management Policy). Specific conditions should describe the storm water management system and could include
  - a. Runoff shall be directed through vegetated swales before discharging into storm water control structures.
  - b. All roof runoff except that from metal roofs shall discharge into drywells. Drywells shall be sized to accept the first 0.5 inch of runoff (except where prohibited due to ground water conditions, etc. (See Stormwater Management Policy).
  - c. A naturally vegetated buffer or filter strip shall be maintained between the (developed area) and the wetland resource area.
2. In the event that groundwater is encountered during the installation of the infiltration structures, the applicant shall contact the Conservation Commission immediately to discuss alternative designs/solutions.
3. There shall be no increase in the post-development discharges from the storm drainage system or any other changes in post-development conditions that alter the post-development watershed boundaries as currently depicted in the notice of Intent and approved by this Order of Conditions, unless specifically approved in writing by the Commission.
4. There shall be no sedimentation into wetlands or water bodies from discharge pipes or surface runoff leaving the site.
5. The Conservation Commission shall be notified in writing when any maintenance functions that may impact the wetlands, such as, but not limited to, placing backfill and repairing drains and terraces, removing accumulated sediments at the outfall pipe, are to be performed.
6. The applicants, owners, and their successors and assignees shall maintain all culverts, collection basins, traps, retention and detention ponds, outlet structures, and other elements of drainage systems, unless put into an easement to the City/Town, in order to avoid blockages and siltation which might cause failure of the system and/or detrimental impacts to on-site or off-site resource areas, and shall maintain the integrity of vegetative cover on the site.

#### **F. Wetland Replication**

1. The wetland replication shall be performed in accordance with the Plans referenced above, including the Planting Plan dated 1/5/2005, unless specified otherwise in this Order. The Commission reserves the right to require additional plantings to ensure achievement of 75% cover of wetland plant species within two full growing seasons, as specified in 310 CMR 10.55 (4) (b).

2. The wetland resource areas to be altered shall not be altered until development of the replication area is in progress and the proposed replication area is excavated to the proposed base grade. The wetland replication area shall be brought to the approximate surface elevation of the existing adjacent wetland area with 12" inches of organic soil removed from the area of filling or a clean A Horizon loam.
3. Replication of vegetation shall be 'in kind', i.e. generally similar to the area lost in terms of species composition, and cover and structure of dominant species, unless modified by the Commission. Only native plant species found on the site may be placed in the replacement area.
4. The Commission shall be given 48 hours notice prior to the beginning of construction of the replacement area. The Commission must meet with the construction engineer and the wetland specialists to discuss the requirement and to ensure compliance with all special conditions.
5. The replication area shall be constructed in the following manner:
  - a. Prior to excavation of the proposed replication area, proposed grades shall be staked by licensed land surveyors, indicating cuts necessary to achieve grades as shown on the plans. The extent of cut should include necessary over-excavation to allow for backfill of organic or clean loam materials.
  - b. Plants from the altered wetland areas shall be transplanted in their original organic material to the replacement area. Wetland plants shall be carefully dug with attention given to the root system, balled and/or burlapped in a professional manner, and temporarily stored in a shady area and watered on a daily basis.
  - c. The topsoil from the replication area shall be stockpiled separately from other soils for reuse in the replication area.
  - d. The area shall be excavated and graded to a depth of at least 12 inches below the proposed contours shown on the site plan.
  - e. The adjacent slopes shall be graded as shown on the plan with the topsoil again stockpiled.
  - f. All stockpiled soils shall be isolated from wetland resource areas and protected with plastic or canvas from erosion or drying.
  - g. Stockpiled organic soils shall then be placed on the replication site. (Ideally, wetland soils shall be placed in the replication area in such a way as to reproduce the original soil horizons.)
  - h. Prior to planting or seeding, final grades shall be surveyed by licensed land surveyors to ensure that grades have been achieved as shown on the plan.
  - i. The upper layer of the replacement area shall consist of soil, plants, plant propagules removed from the wetland to be filled, and other approved plant materials as described on a re-vegetation plan.
6. Replication construction activities must be supervised by a wetland specialist who shall be a professional with experience in wetland replication, wetland hydrology and a working knowledge of botany. Such a person shall be retained to supervise and monitor construction of the wetland replication areas until the replication area meets the requirements of this Order of Conditions.
7. Siltation barriers shall be placed at the perimeter of the replication area and at the top of any unstabilized adjacent slope. These will remain in place and be maintained until all areas are completely stabilized.
8. The siltation barriers shall serve as a limit of work delineation for project activities. No disturbance to adjacent wetland resource areas resulting from work on the project shall occur during or after construction of the replication area.

9. Following construction of the replication area and prior to other work on the site, the wetland specialist shall certify to the Commission that the area has been constructed in compliance with the Order of Condition. Such certification shall be accompanied by a plan showing the limits of the replication area and final grades as surveyed by a licensed land surveyor, which meet grades shown on the plans approved in this Order of Conditions.
10. Seasonal monitoring reports shall be prepared for each wetland replication area. Monitoring reports shall describe, using narratives, plans, and color photographs, the physical characteristics of the wetland replication areas with respect to stability, soil characteristics, survival of vegetation and plant mortality, aerial extent and distribution, species diversity and vertical stratification (i.e. herb, shrub and tree layers). A total of four monitoring reports for each replication area shall be submitted over a two year period. The monitoring reports shall be submitted for the growing season.
11. Any damage caused as a direct result of this project to any wetland resource areas shall be the responsibility of the applicant to repair, restore and/or replace. Sedimentation or erosion into these areas shall be considered damage to wetland resource areas. If sediment reaches these areas the Commission shall be contacted and a plan for abatement of the problem and proposed restoration/mitigation measures shall be submitted for approval and implementation.
12. Wetland regulation (310 CMR 10.55 (4) (b) (6) requires that at least 75% of the surface area of the replacement area be re-established with indigenous wetland plant species within two growing seasons. If monitoring data indicates that this objective cannot be met, a corrective plan of action shall be submitted to the Commission for approval, and implemented under the supervision of a wetland specialist.
13. The Commission reserves the right to impose additional conditions on portions of this project to mitigate any impacts which could result from wetland alteration or replication activities.
14. Under this Order of Conditions 1658 sq. ft. of wetland will be altered and 1688 sq. ft. of wetland is to be created and replanted with wetlands vegetation upon completion.
15. If the growing season when the wetland restoration is to be done has passed, the area shall be heavily mulched. In the event that the seed base within the soil does not readily germinate (within one month during the growing season), the area must be seeded with a wetland plant seed mix, which must contain native plant seeds and be approved by the Conservation Commission or its agent.

**Additional Conditions:**

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**APPOINTMENTS TO OPEN  
SPACE AND REC  
IMPLEMENTATION COMMITTEE**



## TOWN OF LEICESTER CITIZEN VOLUNTEER FORM

From time to time vacancies/resignations occur on various town boards and committees. Should you be interested in volunteering to serve the Town in any capacity, please complete this form. Information received will be made available to boards, committees, and departments for their reference in filling vacancies.

NAME Vanessa Lopez HOME TEL. \_\_\_\_\_  
ADDRESS: 41 pleasant st, Leicester, MA 01834 WORK TEL. \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

Are you a citizen? ☒ Yes ☐ No Are you a registered voter? ☒ Yes ☐ No

- |  |  |
|--|--|
| <input type="checkbox"/> Advisory/Finance Committee  | <input type="checkbox"/> Economic Development Committee  |
| <input type="checkbox"/> Agricultural Commission   | <input type="checkbox"/> Historical Commission   |
| <input type="checkbox"/> Arts Council  | <input type="checkbox"/> Memorial Day Committee  |
| <input type="checkbox"/> Bandstand Committee   | <input type="checkbox"/> Parks and Recreation Committee  |
| <input type="checkbox"/> Burncoat Park Planning Committee  | <input type="checkbox"/> Recycling Committee   |
| <input type="checkbox"/> Bylaw Committee   | <input type="checkbox"/> Road Conversion Committee   |
| <input type="checkbox"/> Capital Improvement Planning Comm.                                      | <input type="checkbox"/> Stormwater Committee  |
| <input type="checkbox"/> Commission on Disabilities  | <input type="checkbox"/> Zoning Board of Appeals   |
| <input checked="" type="checkbox"/> Conservation Commission<br>(Currently serving on Commission) | <input checked="" type="checkbox"/> Other <u>Open Space &amp; Rec Plan</u><br>Implementation Committee |

### AVAILABILITY FOR MEETINGS

How many times per month are you available for meetings?

☐ Four ☐ Two ☒ One ☐ Less than one

Are you available for evening meetings?

☒ Monday ☒ Tuesday ☐ Wednesday ☒ Thursday

Are you available throughout the year for committee meetings?

☐ Yes ☐ No

If not, when are you **NOT** available?

☐ Winter ☐ Spring ☐ Summer ☐ Autumn

EDUCATION: \_\_\_\_\_

Bachelors in Psychology

(Please complete reverse side)

**EMPLOYMENT EXPERIENCE:**

*Town of Leicester:* Are you currently or have you ever been employed by the Town? ☐ Yes ☒ No

If yes, state position(s) and date(s): \_\_\_\_\_

*Other Experience:* Start with present or last job (include title) and military service assignments.  
Exclude organizations' names which indicate race, religion, sex, or national origin.

Director at a town park and event venue, non profit work, activities coordinator for ARC (folks

**COMMENTS:** Please tell us why you are interested in serving on the committees noted and any additional comments you may have: \_\_\_\_\_

I feel it is important to play an active role in town decision making. I'm very community minded and also have a passion for the outdoors and public spaces

***Sometimes there is a short-term need for special background skills.***

Please indicate your field(s) of training or experience below, as appropriate. Your application will be added to the list of residents who have expressed an interest in serving in similar capacities.


***I possess the following training or experience:***

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Architecture             | <input type="checkbox"/> Communications          | <input type="checkbox"/> Computer Technology       |
| <input type="checkbox"/> Construction             | <input type="checkbox"/> Economics               | <input type="checkbox"/> Education                 |
| <input type="checkbox"/> Engineering, Civil       | <input type="checkbox"/> Engineering, Electronic | <input type="checkbox"/> Engineering, Mechanical   |
| <input type="checkbox"/> Financial Administration | <input type="checkbox"/> Fine Arts               | <input type="checkbox"/> Government Contracts      |
| <input type="checkbox"/> Health Care              | <input type="checkbox"/> Historic Activities     | <input checked="" type="checkbox"/> Human Services |
| <input type="checkbox"/> Insurance                | <input type="checkbox"/> Land Use Planning       | <input checked="" type="checkbox"/> Grant Writing  |
| <input type="checkbox"/> Law                      | <input type="checkbox"/> Management              | <input type="checkbox"/> Personnel Administration  |
| <input type="checkbox"/> Property Appraisal       | <input type="checkbox"/> Public Relations        | <input type="checkbox"/> Real Estate               |
| <input type="checkbox"/> Science                  | <input type="checkbox"/> Statistics              | <input type="checkbox"/> Survey Research           |
| <input type="checkbox"/> Systems Analysis         | <input type="checkbox"/> Transportation          |  |

Other Skills & Interests: \_\_\_\_\_

**Government or Community Volunteer Experience (Leicester or Elsewhere)**

<b>Position/Activity</b>	<b>Date(s)</b>	<b>City or Town</b>
Conservation commission member	2023-2024	Leicester
Friends of Veasey Board member	2018-2024	Groveland MA
La Casita Cultura volunteer	2022-2024	Worcester
		02-07-2024
		<b>Date</b>

eSigned via SeamlessDocs.com  
  
Kevin Chas, Applicant

*Thank you for your interest in serving the Town of Leicester*



## TOWN OF LEICESTER CITIZEN VOLUNTEER FORM

From time to time vacancies/resignations occur on various town boards and committees. Should you be interested in volunteering to serve the Town in any capacity, please complete this form. Information received will be made available to boards, committees, and departments for their reference in filling vacancies.

NAME Vivian Giles HOME TEL. \_\_\_\_\_  
ADDRESS: 140 Clark Street Rochdale Massachusetts WORK TEL. \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

Are you a citizen? ☒ Yes ☐ No

Are you a registered voter? ☐ Yes ☒ No

- |   |  |
|---|--|
| <input type="checkbox"/> Advisory/Finance Committee         | <input type="checkbox"/> Economic Development Committee    |
| <input type="checkbox"/> Agricultural Commission            | <input checked="" type="checkbox"/> Historical Commission  |
| <input type="checkbox"/> Arts Council                       | <input type="checkbox"/> Memorial Day Committee            |
| <input type="checkbox"/> Bandstand Committee                | <input type="checkbox"/> Parks and Recreation Committee    |
| <input type="checkbox"/> Burncoat Park Planning Committee   | <input type="checkbox"/> Recycling Committee               |
| <input type="checkbox"/> Bylaw Committee                    | <input type="checkbox"/> Road Conversion Committee         |
| <input type="checkbox"/> Capital Improvement Planning Comm. | <input type="checkbox"/> Stormwater Committee              |
| <input type="checkbox"/> Commission on Disabilities         | <input type="checkbox"/> Zoning Board of Appeals           |
| <input type="checkbox"/> Conservation Commission            | <input type="checkbox"/> Other <u>Open Space Committee</u> |

### AVAILABILITY FOR MEETINGS

How many times per month are you available for meetings?

☒ Four ☐ Two ☐ One ☐ Less than one

Are you available for evening meetings?

☐ Monday ☒ Tuesday ☐ Wednesday ☒ Thursday

Are you available throughout the year for committee meetings?

☒ Yes ☐ No

If not, when are you **NOT** available?

☐ Winter ☒ Spring ☐ Summer ☐ Autumn

EDUCATION: \_\_\_\_\_

I am a current junior at Leicester High School.

(Please complete reverse side)

ve you ever been

☐ No

If yes, state position(s) and date(s): \_\_\_\_\_

*Other Experience: Start with present or last job (include title) and military service assignments. Exclude organizations' names which indicate race, religion, sex, or national origin.*

I am currently a hostess one night a week at Pepe's Pizzeria in Worcester. However, I have

**I am a current Varsity Athlete at LHS.**

**COMMENTS:** Please tell us why you are interested in serving on the committees noted and any additional comments you may have: \_\_\_\_\_

I've played town sports in the past, and it has been valuable to me. I have continued my sports into clubs and travel teams. I am planning to have an environmental focus in my

***Sometimes there is a short-term need for special background skills.***

Please indicate your field(s) of training or experience below, as appropriate. Your application will be added to the list of residents who have expressed an interest in serving in similar capacities.

***I possess the following training or experience:***

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Architecture             | <input type="checkbox"/> Communications          | <input type="checkbox"/> Computer Technology      |
| <input type="checkbox"/> Construction             | <input type="checkbox"/> Economics               | <input type="checkbox"/> Education                |
| <input type="checkbox"/> Engineering, Civil       | <input type="checkbox"/> Engineering, Electronic | <input type="checkbox"/> Engineering, Mechanical  |
| <input type="checkbox"/> Financial Administration | <input type="checkbox"/> Fine Arts               | <input type="checkbox"/> Government Contracts     |
| <input type="checkbox"/> Health Care              | <input type="checkbox"/> Historic Activities     | <input type="checkbox"/> Human Services           |
| <input type="checkbox"/> Insurance                | <input type="checkbox"/> Land Use Planning       | <input type="checkbox"/> Grant Writing            |
| <input type="checkbox"/> Law                      | <input type="checkbox"/> Management              | <input type="checkbox"/> Personnel Administration |
| <input type="checkbox"/> Property Appraisal       | <input type="checkbox"/> Public Relations        | <input type="checkbox"/> Real Estate              |
| <input type="checkbox"/> Science                  | <input type="checkbox"/> Statistics              | <input type="checkbox"/> Survey Research          |
| <input type="checkbox"/> Systems Analysis         | <input type="checkbox"/> Transportation          |   |

**Other Skills & Interests:**

As a high school student, I have been invited to speak at numerous town and community events. I'm an honors and AP student at IHS.

**Government or Community Volunteer Experience (Leicester or Elsewhere)**

**Position/Activity**

Date(s)

City or Town

[illegible]

01-10-2024

CiteSpace v.5.10.R1 (64-bit)

Date \_\_\_\_\_

*Thank you for your interest in serving the Town of Leicester*

# 214 Rawson St.

## Status of Re-Flagging

EBT Environmental Consultants, Inc.  
**GLENN E. KREVOSKY, CONSULTANT**  
601 Main Street  
North Oxford, MA 01537  
[glenn.krevosky@charter.net](mailto:glenn.krevosky@charter.net)

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

Leicester Conservation Commission  
3 Washburn Square  
Leicester, MA 01524

March 13, 2024

Re. 214 Rawson Street, Leicester, Leicester – Access and Replication Area Report

Dear Leicester Conservation Commission,

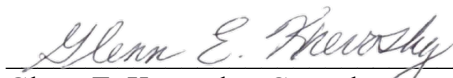
I met with Sam Harvey, the contractor, on 3/2/2024 and reviewed items shown on the attached plan and photo exhibit, sent to the Commission on 1/17/2024 (one additional note added to plan relative to erosion gully). Land Planning went back to the site and replaced all wetland flags, placed WF 4 in its original position and the client re-installed the wattle/silt fence line in the correct position behind and abutting WF 6.

Replication of the wetland was discussed. There is a Yellow Birch and Witch Hazel at the eastern limit of the replication area; according to DEP Wetland Replication Protocol, trees and bushes at the edge of the replication which can be salvaged should be saved. I requested the contractor save these plants and not significantly disrupt their root systems. I also explained to the contractor that hydric soils need to be within 12" of the final grade – this becomes crucial at the western side of the cut of the replication.

Land Planning had suggested 8 woody plants in the replication area. EBT, Inc. believes this is too scant – we added another 9 woody plants – (3) Highbush Blueberry, (3) Northern Arrowwood and (3) Common Winterberry. The contractor stated he salvaged organic soil from the lost areas to place in the replication area – we explained to the contractor if he does not have the required 64 cubic yards he will have to augment with additional organic soil. The additional soil will need to be inspected to ensure there is no exotic invasive species such as Phragmites or Japanese Knotweed. We suggest EBT, Inc. be called in for an inspection after the excavation and prior to the organic soil being placed.

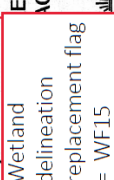
Directly west of WF 12 and west of the applicant's western property boundary is a roughed in Blueberry Lane cart road. During storm events water has flowed in a southern direction down the cart road then flowed across the applicant's access road to the septic system and caused erosion of the driveway gravel matrix into the southern end of the replication area at two locations separated by approximately 15'. It was explained to the contractor that these 2 flow paths, although now filled back in by the driveway stone matrix, is recommended to be re-excavated and a 3"-6" crushed stone matrix beveled flow path needs to be installed to carry this stormwater runoff over the access drive and down the 2:1 slope to prevent future erosion into the replication area – the contractor agreed to perform this work.

Respectfully,

  
\_\_\_\_\_  
Glenn E. Krevosky, Consultant

↑  
pressure  
sed field

Storm water from abutting property (Blueberry Lane paper street) flowing onto sewer access drive causing erosion gully. 3"-6" minus swales to be constructed to prevent erosion of existing road aggregate



862.30'  
512°42'23"W

Type of facility:	Single family residence
Number of bedrooms:	3
Daily flow rate:	110 gpd/bedroom
Design flow:	330 gpd

Daily flow:	330 gpd
Dosing chamber ID:	4 ft x 4 ft
Level control difference:	493.0 ft - 492.00 ft = 1.0 ft
Gallons per dose:	$(1 \text{ ft}) / (4.0 \text{ ft}) / (4.0 \text{ ft}) (7.48) = 119.7 \text{ gal.}$
Backflow:	75.2 gal.
Net forward flow:	119.7 gal. - 75.2 gal. = 44.5 gal.
Doses per day:	$330 \text{ gpd} = 8 \text{ doses/day}$ 44.5 gal.

Soil class:	Class II
Percolation rate:	15 min/inch
Effluent loading:	0.61 gpd/ft <sup>2</sup>

**Scale: 1" = 20'**



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.**

# 122 White Birch Street

## Complaint Status



**Town of Leicester**  
**CONSERVATION COMMISSION**  
LEICESTER, MASSACHUSETTS, 01524-1333  
Phone: 508-892-7007 Fax: 508-892-7070  
[www.leicesterma.org](http://www.leicesterma.org)

**MEMORANDUM**

To: File  
From: Lisa Westwell  
Administrative Assistant to the Planning Department  
Date: March 7, 2024  
Re: 120 White Birch Street – Complaint about 122 White Birch Street

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- Vanessa Lopez, Conservation Commissioner, and Lisa Westwell visited 120 White Birch Street to view the shed on 122 White Birch Street as requested by Mia at MassDEP.
- A property marker was located and shows the shed on the 122 White Birch Street property in an existing lawn area with no evidence of associated site work.
- Ms. Lopez and Ms. Westwell took measurements:
  - The shed corner to the nearest blue wetland flag (Edge of BVW per McClure NOI plan for 120 White Birch) is approximately 11' away and is within the 25' no disturb zone.
  - From the pink flag (Bank of stream per McClure NOI plan for 120 White Birch) to the closest shed corner (rear) was 43' away putting it within 50' of the wetlands.
  - According to Mia at MassDEP, in this scenario, the Commission could require an RDA.
- Using Assessors GIS aerial mapping, the shed was on the 120 White Birch St. property in 2019 and on the 122 White Birch property in 2021

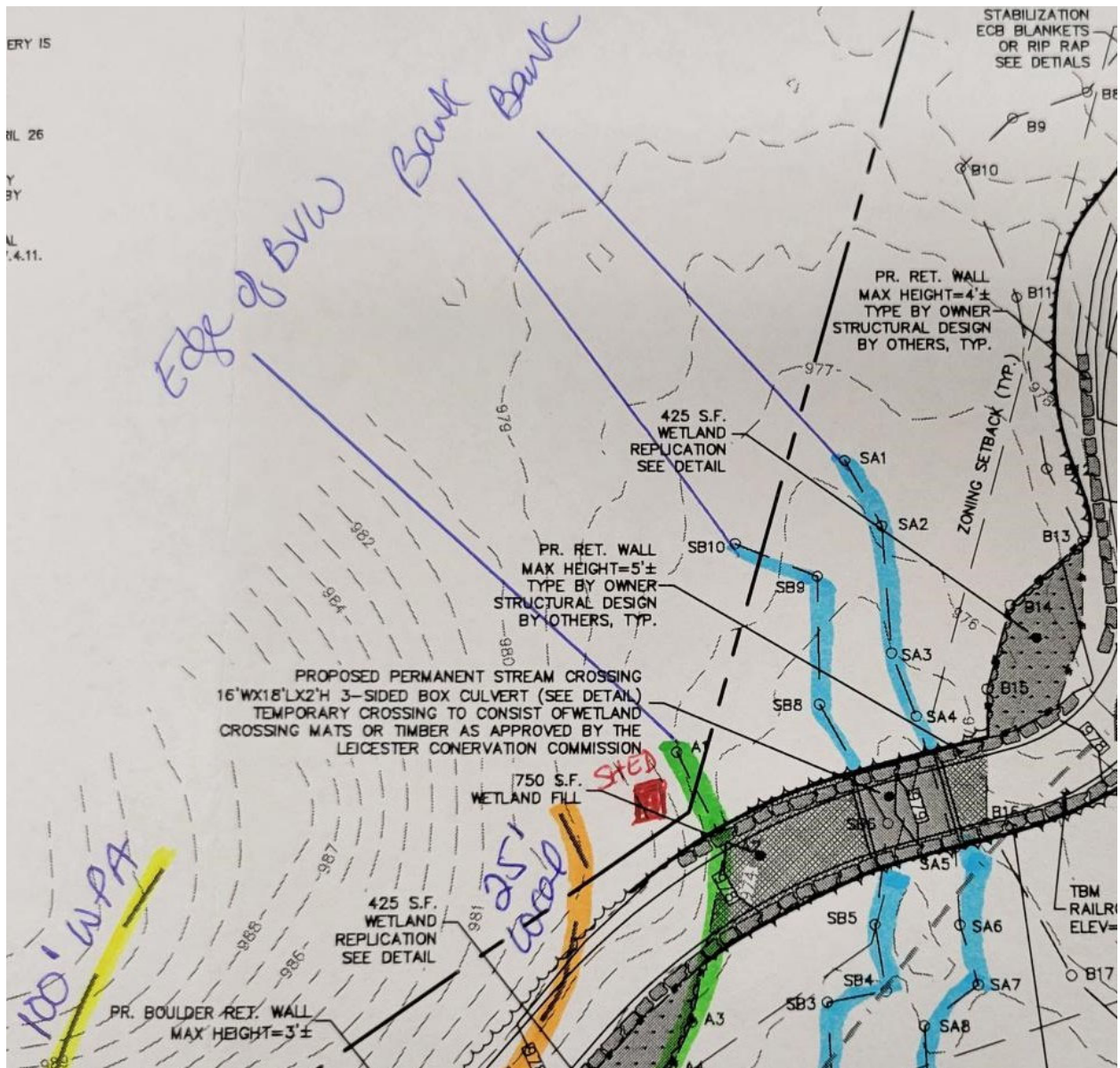
See attached marked up NOI Plan below.

ERY 15

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4.11.



# APPROVAL OF MINUTES

## Leicester Conservation Commission Meeting Minutes January 17, 2024

**Location:** Leicester Town Hall, Select Board Meeting Room

**Member Present:** Stephan Parretti, JoAnn Schold, Vanessa Lopez

**Members Absent:** Ashlyn Coyle, James Cooper

**Staff Present:** Lisa Westwell, Administrative Assistant to the Planning Department

**Member of the Public Present:** See Sign In Sheet attached.

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**Call to Order:** Chairman Parretti called the meeting to order at 6:30 PM

### 1. Waite Pond Dam – Repairs – Emergency Certification Review/Ratification

Applicant: Fuss & O'Neill

No one was present for the project. Ms. Westwell explained that an emergency certification was signed for the repairs and tonight the board needs to ratify it. She also said that MassDEP was requiring Fuss & O'Neill, the engineering firm working on the repairs, to file an after the fact Notice of Intent, that they were aware of the requirement, and expected to submit the NOI for the February 14, 2024 meeting.

**Motion:** Ms. Schold made a motion to ratify the emergency certification.

**Second:** Ms. Lopez

**Discussion:** None

#### Record of Vote:

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

### 2. 19 Marlboro Dr./54 Fairview Dr. – Performance Bond

No one was present for the project. Mr. Parretti said the restoration was pretty small. Ms. Schold asked if they had started work and Ms. Westwell said no, they had not started the project yet. Ms. Schold asked if they knew they had to come back to Conservation and Ms. Westwell stated yes. Ms. Westwell said the proposed bond was \$1,000.

**Motion:** Ms. Schold made a motion to accept the performance bond for 19 Marlboro Dr./54 Fairview Dr.

**Second:** Ms. Lopez

**Discussion:** None

**Record of Vote:**

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

**3. 651 Main Street – Request for Certificate of Compliance (DEP File #197-0677)**

Ms. Westwell said the Order of Conditions was issued with the condition that it was only valid if Colonial Drive was extended by the Planning Board, but it was not extended so the OOC was not necessary. She said that the Certificate of Compliance is a housekeeping item. Mr. Parretti said that 651 Main St. is Skyview Estates and they had come before the Commission for their project.

**Motion:** Ms. Schold made a motion for the Commission approve the Certificate of Compliance for 651 Main St. DEP File #197-0677 and that no work started or will start under the Order of Conditions.

**Second:** Ms. Lopez

**Discussion:** None

**Record of Vote:**

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

**Discussion**

- 458 Pine Street – Complaint**

Peter Hauge with PMZ Development was present for the complaint. Ms. Westwell said there are ANR lots under construction and there is a runoff complaint. Mr. Hauge said he only owns one lot and he is helping to manage one lot and they are both under construction. Mr. Hauge said his site guys have been addressing the runoff. Mr. Don Cherry, 525 Pine Street, was also present. Mr. Haugh said he doesn't own 458 Pine anymore and he is helping with the runoff issues. Mr. Hauge said he built 458 and 456 and they have been sold and signed off on. He has 506 under construction and he is helping manage 508 but it's been sold. Mr. Parretti said there six lots, four are sold, and

two are under construction. Mr. Parretti asked what he is doing to stop the runoff and Mr. Hauge said he is repairing the silt fence and hay bales. Ms. Schold offered some background. She asked if 456 was the one that is across from Mr. Cherry and Mr. Hauge said yes. Ms. Schold said there was a large rain event in July and she called MassDEP and they gave some suggestions, Mr. Hauge implemented them, and she said that site is very stable. Ms. Schold said there was still runoff that comes down from 458 and Town Highway cleaned the swales up and down the road. Mr. Cherry said the runoff that he sent photos for occurred during a significant rain event on December 8<sup>th</sup>, and that it came down from 458 and got down into the wetlands behind his house leaving a plume almost 30 feet long.

Mr. Parretti asked if 458 is causing the most issues. Mr. Cherry said 506 and 508 are the worst and he get silt in his yard and said Mr. Hauge is helping with that runoff, but 458 is still an issue. Mr. Cherry said the water runs down between 458 and 500. Ms. Schold agrees that there is still a problem at 458 and whether it's the homeowner or Mr. Hauge as the generator of the problem, there is a situation. Mr. Parretti said Mr. Hauge does not own the property and there is no Order of Conditions or Enforcement Order. Ms. Schold said they were all ANR lots and they didn't need to come to Conservation as they were outside the wetlands. Mr. Hauge said he is not doing anything with 458. Mr. Parretti asked if he was working with Don Cherry and Mr. Cherry confirmed. Ms. Schold said Mr. Hauge did the work prior to the sale. Mr. Parretti suggested a site visit and call with MassDEP. He said this is a perfect example of what happens with ANR lots when there are no stormwater requirements, which there aren't any requirements, but there should be if there are consecutive ANR lots that are being developed as it's just like a subdivision. Mr. Parretti said they will call MassDEP next week when the snow melts and conduct a site visit and then go from there. Ms. Schold said she saw the pictures of what was going into the wetland and that just can't happen. Mr. Cherry said Mr. Hauge is putting up silt fences to help stop the runoff.

- **214 Rawson Street - status update**

Sam Harvey with Integrity Site Development LLC was present. Mr. Harvey said the status is that they are on hold waiting for Conservation to approve the wetland flags so they can start the replication. Mr. Parretti asked if it's been fully staked out, everything has been re-flagged, and the erosion control is in and Mr. Harvey said yes. Mr. Harvey said he is the site guy representing the homeowner. It's his understanding that the homeowner reached out to the engineer to re-flag and they used old pink/white flags. Mr. Parretti said the owner wanted release from the proximity to the wetland zone to cut some trees and that's why they went out to do a site visit and asked the owner to have the wetlands flagged. Mr. Parretti said the site was a mess and they needed to address it before they could continue. Mr. Harvey said the work has been done. Mr. Parretti suggested Mr. Harvey go back to the owner, have them review the plans with the engineer, make sure everything has been fully flagged, and then call the office and say they are ready for inspection. Ms. Schold said that Glenn Krevosky went out already. Mr. Harvey said he was with Glenn and they walked together and Mr. Krevosky mentioned adding another culvert where the erosion took place to carry the water but Mr. Harvey doesn't know where that went. Ms. Westwell said the work has already been done by Mr. Krevosky. Mr. Parretti said he wants to meet Glenn out at the site. Mr. Harvey said they were just going to re-use the soil and it would grow in its original place. Ms. Schold said that the plantings are not correct per Glenn. Ms. Westwell said she spoke with Glenn, he went to look at the flags and questioned if they were in the right place. He asked her to call Norman and

find out how the flags were re-flagged and then went out with a tape measure and said they are not in the right place and the erosion control is in the replication area. Ms. Westwell said that Mr. Krevosky also said that they are supposed to use a native seed mix and it's supposed to be a duplicate replication but Mr. Hill, the engineer, was just going to use what was taken out of the original area and Mr. Krevosky said that's not how it's done. Ms. Westwell said she asked for a planting list and also asked Mr. Krevosky to provide an estimate for oversight services which he did and that is all in the conservation meeting packet. Mr. Parretti said they will do a site visit. Mr. Harvey will check erosion control, request the flagging be all in place from the engineer, and then he will call to schedule a site visit. Mr. Parretti and Ms. Schold said the flags needed to be blue and numbered.

- **Ken Wilson – 42 Manville St. – new project**

Mr. Wilson from Commonwealth Builders explained to the Commission that the owners want to tear down an existing addition and put up a new addition and wants to know if they need Conservation permitting. Ms. Westwell said they just bought the house, want to do an addition, and wanted to know what level of permitting they would need. Ms. Westwell said they are in the flood plain. Mr. Wilson described the project to the Commission. Mr. Parretti said they would need to file with the Commission. Ms. Schold asked if they were doing anything near the bank and Mr. Wilson said no. Ms. Schold and Mr. Parretti said they would need to file a Notice of Intent.

- **257 Pine St. – Status**

Ms. Westwell said a letter was sent to the owner asking him to record his Order of Conditions, clean up trash around the wetlands, stabilize the septic repair area, and repair the erosion controls. Ms. Westwell said she went back to check progress and most of the work is done. Ms. Schold said he has done everything he was asked to do except pick up the rest of the trash. Ms. Westwell said the Commission asked him to submit an as-built plan in time for tonight's meeting but he hadn't yet. Ms. Schold said they don't need one until he submits his Certificate of Compliance. Mr. Parretti said the Commission will put this on the March meeting agenda and check the status.

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

Ms. Schold said the dumpster lids are closed and the manager of the store did a pretty good job cleaning it up. Ms. Schold said that trash gets thrown on the property but he is the owner and has to keep it cleaned up. Jan Parke, 207 Greenville St., said she is very pleased that they moved the dumpsters but there is still trash on the bank that she sees as the Land Trust owns the property on the other side of the brook. Ms. Parke is concerned about the water that flows off the streets and down into that driveway to a dip that sends it into the brook and would like the Town to come up with a way to catch the debris and water before it goes into the brook. Mr. Parretti said the Commission would monitor the area. Ms. Parke said she was very pleased with the response from Conservation and the Board of Health.

- **82 Baldwin St. – Status**

Ms. Schold said the grading work was completed and Mr. Krevosky would update the Commission when the planting is done in the spring.

- **15 Bond St. – Status**

Mr. Parretti said Glenn went out there and they flagged it. Ms. Westwell said she sent a letter with Glenn's report to Mr. Giggey and he confirmed that he received it. Mr. Parretti asked this to be placed on the March meeting agenda.

- **160 Peter Salem Road – Status**

Ms. Westwell said they don't have an as-built yet and that was requested by the Commission as a condition of the Emergency Certification. She also said she had sent a letter to both the owner and contractor with no response. Mr. Parretti asked if the Board of Health (BOH) gave them an emergency certification and if they require an as-built. Ms. Westwell said yes, the BOH will require an as-built. Mr. Parretti asked Ms. Westwell to reach out to the BOH so we don't duplicate efforts.

- **120 White Birch Street – Performance Bond - Status**

Ms. Westwell said she made multiple calls and emails to the applicant to come in and sign the performance bond and submit the check. Ms. Westwell said she talked to the applicant in December and he said he would be in at the end of December but didn't come in. Mr. Parretti said no work had been done there lately. Mr. Parretti said give him a cease and desist order and state that it won't be lifted until he abides by the Order of Conditions.

- **National Grid – ROW Maintenance**

Mr. Parretti said they received notification of maintenance in the right of way for yearly vegetation. Ms. Schold said they don't actually have to file anything with Conservation. Mr. Parretti said they have exempt status on some stuff, but he has some questions. Mr. Parretti and Ms. Schold would like National Grid to come in and talk to them about the chemicals they are using the vegetation as he has noticed that it is killing rhododendrons and their easements go through people's yard and they need to show more care in what they spray. Ms. Schold is concerned with the number of trees they are taking down. Mr. Parretti asked Ms. Westwell to invite them to the February 14<sup>th</sup> meeting. Ms. Parke informed the Commission that the tree companies hired by National Grid take the trees down and chip them and then deposit the chips behind the Town highway barn. Mr. Parretti said the Commission would take it under advisement.

- **Declaration of Position Vacancy per Leicester General Bylaws Chapter 4 § 6**

Ms. Westwell said that a member who is absent from 3 consecutive meetings can be declared to have vacated the position. Mr. Parretti confirmed with Ms. Westwell that she had reached out to

the member multiple times with no response. Mr. Parretti said that as Chair he is invoking the bylaw and wants to have a notice of vacancy sent to the Selectboard and to have it posted.

**Motion:** Ms. Schold made a motion to accept the 12/13/23 minutes.

**Second:** Ms. Lopez

**Discussion:** None

**Record of Vote:**

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

**Motion:** Ms. Schold made a motion to adjourn.

**Second:** Ms. Lopez

**Discussion:** None

**Record of Vote:**

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

Meeting adjourned at 7:36 p.m.

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

**Date Approved:** March 13, 2024

## Conservation Commission Board Signatures

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Stephan Parretti, Chair

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Vanessa Lopez, Member

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James Cooper, Vice Chair

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Ashlyn Coyle, Member

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JoAnn Schold, Member

## Leicester Conservation Commission Meeting Minutes February 14, 2024

**Location:** Leicester Town Hall, Select Board Meeting Room

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

**Members Absent:** None

**Staff Present:** Lisa Westwell, Administrative Assistant to the Planning Department

**Member of the Public Present:** See Sign In Sheet attached.

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**Call to Order:** Chairman Parretti called the meeting to order at 6:35 PM

### 1. Public Hearing: Notice of Intent – 211 Baldwin Street (DEP #197-0710)

Clearing, grading and tree removal within the 100' buffer zone and the 25' "No Disturb" buffer zone between the proposed new house and Stiles Reservoir. Applicants: James and Jennifer Mercier.

Mr. Parretti opened the public hearing at 6:35 pm

Art Allen with EcoTec, Inc. and Jennifer Mercier, owner, were present for the project. Mr. Allen said the 52 acre property used to be a summer camp. The new owners want to build a house on the lake and clear a viewing/beach area along 120' of Stiles Reservoir. Mr. Allen said 5' of vegetated bank will be left as a buffer. Mr. Allen said this plan has less area being cleared and no tree or stump removal as indicated in the original plan. Mr. Allen said MassDEP issued a file number with a comment to add permanent memorialization fixtures such as fence or boulders to prevent future encroachment.

Ms. Schold asked if the applicant was willing to do does this. Ms. Mercier said yes, and Mr. Allen said they will accept that as a condition.

Mr. Parretti asked if they are clearing 20' of the 25' no disturb and Mr. Allen said yes. Ms. Schold said she visited the site, and the beach front was previously existing and it's 52 acres.

Mr. Parretti asked if there was any comment from the public and there were none. Public hearing closed at 6:41 pm.

**Motion:** Ms. Schold made a motion to issue the Order of Conditions for 211 Baldwin St., DEP File #197-0719 with the condition that the applicant install a fence or boulders per MassDEP comments.

**Second:** Mr. Cooper

**Discussion:** None

### Record of Vote:

Stephan Parretti	Aye
James Cooper	Aye
JoAnn Schold	Aye

Vanessa Lopez	Aye
<b>Four (4) in Favor. None (0) Opposed.</b>	
<b>Approved 4 to 0</b>	

## **2. Public Hearing: Notice of Intent – Waite Pond Dam (DEP #197-Pending)**

Repairs to Waite Pond Dam described as the vertical extension of the retaining wall on the right side of the spillway. Applicant: Town of Leicester.

Mr. Parretti opened the public hearing at 6:42 pm.

Ken Berchielli and Dan Delaney with Fuss & O’Neil were present for the project on behalf of David Genereux, Town Administrator, for the Town owned Waite Pond Dam. Mr. Berchielli said the dam repairs are complete. Mr. Berchielli explained that 3 years ago the firm realized there were design flaws but the original Order of Conditions for dam repairs had expired. He said they requested Emergency Certification from the Town to do the repairs during the current drawdown and that certification was granted by the Conservation Commission, but MassDEP is requiring an after the fact Notice of Intent.

Ms. Schold said there is no DEP File # yet and asked about the orange snow fencing. Mr. Berchielli said that was to stop people from entering the work area and that there is a chain link fence on top of the new wall. Mr. Parretti asked if all work had been completed and Mr. Berchielli said yes.

Mr. Parretti asked if Fuss & O’Neil would keep the Order of Conditions (OOC) for the dam repairs open and Mr. Berchielli said they will request Certificates of Compliance for both open OOCs. Mr. Berchielli said that all work was within the buffer zone. Mr. Parretti asked if there was anything left to be stabilized and Mr. Berchielli said no.

Ms. Schold said the Commission should do a site visit to check stabilization. Mr. Delaney suggested also checking for good vegetative growth. Mr. Berchielli said they also need to close out the project and conduct a site visit with Office of Dam Safety.

Mr. Parretti asked if there were any questions from the public.

Jan Parke, 207 Greenville St., asked if the new work or fencing would hinder the public from access to fishing. Mr. Parretti said there was no issue, and the repairs are required.

Marie Law, 82 Manville St., said she received the notice to abutters but didn’t realize the work was already done. She said there was no impact to her property so she is all set.

**Motion:** Ms. Schold made a motion to continue the public hearing until March 13, 2024 as the DEP File # is still pending.

**Second:** Mr. Cooper

**Discussion:** None

### Record of Vote:

Stephan Parretti	Aye
James Cooper	Aye
JoAnn Schold	Aye
Vanessa Lopez	Aye
<b>Four (4) in Favor. None (0) Opposed. Approved 4 to 0</b>	

### 3. National Grid Maintenance – Heidi Graf with BSC Group

Heidi Graf with BSC Group was present to represent National Grid Central-West MA project with regard to soil borings. Ms. Graf said there is no crossing of wetlands, but they will file a Notice of Intent for soil borings in the spring of 2024. Ms. Schold said the Commission received an email from National Grid saying Ms. Graf could only speak to the maintenance notification letter (MNL) and not the vegetation and that it's a 3 year program.

Mr. Parretti said he is concerned about the spraying of the vegetation and the effect it may have on neighbors landscaping and other close by vegetation. Mr. Graf said that Marie Claire is the National Grid contact. Ms. Westwell said Ms. Claire sent an email declining to attend the meeting and sent Mr. Graf to answer questions about the MNL only.

Mr. Parretti asked Ms. Westwell to contact MassDEP about vegetation and why National Grid won't send a representative to talk to Conservation.

### 4. Discussion

#### • 506 & 508 Pine St. – complaint status

Peter Hauge, Alcione Delgado, and Don Cherry were present for this complaint. Ms. Schold said she visited the site last night and asked them to stop trucking soil and add erosion control then asked Peter what his plan was moving forward. Mr. Hauge said the Commission gave him until the end of this week to get erosion controls up. Mr. Hauge said they are digging the well trench and once that's inspected and backfilled, they will be able to put down more stone farther up the driveway. Mr. Hauge said Mr. Dowgiewicz is going to do the culverts under the driveways with rip rap on Thursday and Friday. Mr. Hauge asked if Conservation wanted them to close the culvert to Mr. Cherry's house as mentioned at the site visit.

Mr. Cherry said he wants three things:

- He wants the "water trespass" across his property corrected as it's been unabated since December when he first filed a complaint.
- He said the sediment plume is 2" to ¾" and 15 ft wide and less than 100' from the wetlands on his property and he wants it cleaned up.
- He wants to see the culvert on his side closed as Mr. Hauge suggested.

Mr. Parretti asked who put in the culvert. Ms. Schold said the Highway Dept. suggested culvert/swale changes and she wants an email from highway describing those changes. Mr. Parretti said he wants to hear from highway as well and wants a siltation device for the culvert. Mr. Hauge said the plan is to close the culvert at Mr. Cherry's side and extend the swale to the second existing culvert. Mr. Parretti said any siltation issues need to be permanently fixed. Mr. Hauge wants to shoot some grades along the swale to make sure the water properly flows to the second culvert.

Ms. Schold said there is a lot of runoff from the soil piles and Mr. Hauge has been asked to put netting over it, that she gave him 10 days, but it's still messy. Mr. Parretti asked if the water coming off was picking up silt. Mr. Hauge said not from the driveway but the new culverts should alleviate silt and runoff.

Mr. Parretti said there is a site visit tomorrow at 2pm, asked if highway will allow them to close the culvert, and said he wants that in writing from highway so the new swale doesn't cause more issues. Mr. Hauge said they can put check dams in every 50'.

Mr. Cherry asked Mr. Hauge what he was going to do about the silt in his yard and Mr. Hauge replied that he had talked to MassDEP and would use a silt vac or clean it up by hand.

- **120 White Birch St. – performance bond status**

Ms. Westwell informed the Commission that the owner has signed the performance agreement and submitted a check for the bond amount.

- **122 White Birch St. – complaint**

Ms. Westwell said that the owner of 120 White Birch St. had filed a complaint about a shed on the property of 122 White Birch St. asserting it was too close to the wetlands. Ms. Westwell said the complainant called MassDEP and they want Conservation to go see where the shed is in relation to the wetlands and that Harold Leaming, Building Inspector/Zoning Enforcement Officer would like to go on the site visit as well to see if the shed complies with zoning. Mr. Parretti asked if the shed had been moved and Ms. Westwell said yes it had been moved. Ms. Schold asked if there was an Order of Conditions. Ms. Westwell said she couldn't find one on file. Mr. Parretti said Conservation approved 4 lots, but they appealed to MassDEP and got a 5<sup>th</sup> lot. Ms. Westwell said she would research to see if there was a Superseding OOC. Mr. Parretti will conduct a site visit and review where the shed is with regard to the wetland flags.

- **214 Rawson Street**

Ms. Westwell informed the Commission that Mr. Harvey with Integrity Development had let her know that erosion controls were repositioned and wetlands re-flagged and he just needed to put together a planting list per Glenn Krevosky's report. Ms. Schold said Mr. Krevosky wants to go with the Commission on the site visit to confirm accuracy per plans. Mr. Parretti asked Ms. Westwell to reach out to Mr. Krevosky to see what day/time would work for him the week of February 27<sup>th</sup>.

- **MassDEP regulation amendments, staff review of bylaws and regulations and research on other Towns land disturbance bylaws/permits and tree removal policies.**

Ms. Westwell said she is seeking input from the Commission because MassDEP is currently amending the wetland regulations and this prompted her to review the local regulations. Ms. Westwell said they were last revised in 2015. She said there are some discrepancies and she wants to review them to revise them for consistency, and reduction of financial burden to applicants who apply for permits, particularly with regard to postage. Mr. Parretti concurred that this would be a good idea. Ms. Westwell pointed out that some towns have tree removal policies which would be helpful as it many times costs applicants more to apply for a permit than it does for them to remove trees. Mr. Parretti concurred with this as well and asked her to continue the review.

## 5. Miscellaneous/Board Updates

- **Sargent Pond** – Solitude Lake Management’s 2023 Year End Report - Ms. Westwell said this was simply a year end report as they had all permits.
- **160 Peter Salem Road** – Update - Ms. Westwell said the contractor submitted their as-built and CoC to the Board of Health.
- **1/17/24 minutes** - Tabled to 3/13/24 meeting.
- **Oxford’s Pollinator Program** - Ms. Westwell said she emailed them Oxford’s Pollinator Program being held March 27<sup>th</sup> and it was open for the members to attend.
- Ms. Lopez said she submitted a volunteer form to join the Open Space and Recreation Implementation Committee. Ms. Westwell will follow up on the application.

**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
<b>Four (4) in Favor. None (0) Opposed.</b>	
<b>Approved 4 to 0</b>	

Meeting adjourned at 7:26 p.m.

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

**Date Approved:** March 13, 2024

**Conservation Commission Board Signatures**

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Stephan Parretti, Chair

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JoAnn Schold, Member

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James Cooper, Vice Chair

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Vanessa Lopez, Member

# 506 & 508 Pine Street Discussion



# TOWN OF LEICESTER CONSERVATION COMMISSION

LEICESTER, MA 01524-1333

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

[www.leicesterma.org](http://www.leicesterma.org)

February 27, 2024

**Owner of 506 Pine St.**

Peter Hauge, Jr.  
PMZ Development LLC  
309 Stafford Street  
Charlton, MA 01507

**Owner 508 Pine St.**

Alcione Delgado  
Add Value LLC  
188 Central St., 4D  
Avon, MA 02322

Re: Wetland Violation

506 & 508 Pine Street, (Parcel IDs: 41 A11.2-0 and 41 A11-1-0)

Dear Mr. Hauge and Mr. Delgado,

The Town of Leicester Conservation Commission originally notified Mr. Hauge, construction manager for both parcels, on January 11, 2024, regarding the serious runoff issues from construction activity at 506 and 508 Pine Street. These activities are in violation of the Massachusetts Wetland Protection Act (M.G.L. c. 131 Section 40), the Massachusetts Clean Water Act (M.G.L. c 21 Sections 26 – 53, and the Town of Leicester Wetlands Protection Bylaw.

**The activity is outside the areas subject to protection under MGL c. 131 s. 40 and the buffer zone but has altered an area subject to MGL c.131 s.40.**

**YOU ARE HERE BY ORDERED TO CEASE AND DESIST ALL EARTH WORK SURROUNDING THE CONSTRUCTION OF THE NEW HOMES. IT DOES NOT INCLUDE ANY STREET WORK THAT THE HIGHWAY DEPARTMENT IS WORKING ON WITH THE HOMEOWNERS OR THEIR SUB-CONTRACTORS.**

**IMMEDIATELY AT 506 PINE STREET AND 508 PINE STREET**

**Failure to do so will result in fines.**

You are required to:

- Immediately repair existing erosion controls and install additional silt fencing between the work area and the swales, at the base of the driveway(s), and around the base of all soil piles.
- Immediately cover and stabilize all soil piles with jutte netting.
- Submit Erosion and Sediment Control plans for both parcels for Conservation approval.
- Bring in a Wetland Specialist to evaluate the areas impacted by the runoff and silt/sedimentation within the buffer zone, bordering vegetated wetland, Stiles Reservoir and/or Barton's Brook.

- The Wetland Specialist must also determine whether the wetlands were filled or disrupted. A report from the Wetland Specialist, with pictures, is required to be submitted to the Conservation Office confirming stabilization of these sites. Please inform the Commission when the Wetland Specialist expects to have the report submitted.
- Retain the services of a civil engineer to provide a written response to the Commission as to whether or not the parcels, either individually or combined, meet the requirements for the EPA's NPDES Construction General Permit for small construction projects.

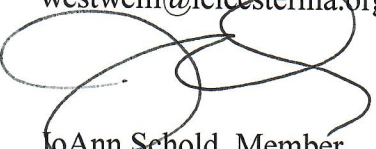
This Cease & Desist will remain in effect until all requirements are fulfilled to the satisfaction of the Conservation Commission and/or MassDEP.

You are also asked to be at the next Conservation Commission on Wednesday, March 13, 2024 with a plan to remediate any disturbed areas. The meeting starts at 6:30 p.m. and is held in the Select Board Meeting Room, bottom floor of the Leicester Town Hall at 3 Washburn Square, Leicester, MA 01524.

Sincerely,



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



JoAnn Schold, Member  
Conservation Commission  
conservation@leicesterma.org

cc: MassDEP, CERO, 8 Bond Street, Worcester, MA 01606  
Leicester Highway Department  
Leicester Board of Health  
Leicester Building Inspector/ZEO

# EcoTec, Inc.

## ENVIRONMENTAL CONSULTING SERVICES

102 Grove Street  
Worcester, MA 01605-2629  
508-752-9666 – Fax: 508-752-9494

March 7, 2024

Leicester Conservation Commission  
3 Washburn Square  
Leicester, MA 01524

Re: 506-508 Pine Street

Subject: Wetland Resource Area Impact Evaluation

Dear Commission Members:

In accordance with the “Wetlands Violation” – “Cease- and Desist” letter dated February 27, 2024 issued by the Leicester Conservation Commission, Art Allen, CWS, CPSS, and Kate O’Donnell, WPIT, of EcoTec, Inc. were contacted by Peter Hauge, Jr. of PMZ Development LLC to determine whether wetlands were “filled or disrupted” as a result of construction activities on the 506-508 Pine Street properties. EcoTec completed an evaluation of the 506-508 Pine Street properties on March 5, 2024, as well as the adjacent wetland resource areas on 525 Pine Street.

### **Findings:**

#### ***508 Pine Street***

Based upon the site evaluation, it was noted that areas on the 508 Pine Street property were recently stabilized with straw blanketing and jute matting placed over the steep slopes and soil stockpiles at the site. EcoTec noted that the rear of the property was not stabilized. However, EcoTec noted that there were erosion control barriers located on the down-gradient side of the unstable areas. In EcoTec’s opinion, the 508 Pine Street property appears to have been temporarily stabilized to sufficiently mitigate the potential for sedimentation in the downgradient wetland resource areas but recommends that the site be fully stabilized as soon as possible.

**508 Pine Street – Site Photos** (see next page)



Photo 1. 508 Pine Street appears to be mostly stable, except at the rear of the lot.



Photo 2. 508 Pine Street appears to be mostly stable, except at the rear of the lot.

***506 Pine Street***

Additionally, on the date of inspection, EcoTec noted that the 506 Pine Street property contained unstable areas including a steep slope in the front of the building that appears to have rutted in recent storms and flowed into the adjacent stormwater swales, which contained recently settled out sediment (see photo 4).

EcoTec made recommendations to the property owner including grading out the unstable slope to make the area a flat surface to support a straw blanket or jute netting for soil stabilization. Alternatively, there was a large pile of woodchips at the 506 Pine Street property, so EcoTec recommended placing the woodchips on top of the slope to provide stabilization of the soil. Based upon images provided by the property owner (see photo 5), it appears that the slope was stabilized with the woodchips on March 5, 2024.

EcoTec also recommended that two additional strawbale erosion control check dams be added across the entrance driveway at the 506 Pine Street property. Based upon photos provided by the property owner, it appears that the strawbale erosion control barriers were added to the site. Additionally, the sediment that has accumulated up to  $\frac{1}{2}$  the height of the silt fence (see photo 6) at the 506 Pine Street property should be removed to ensure continued function of the perimeter erosion controls. Finally, the rear slopes should also be stabilized as soon as possible.

**506 Pine Street – Site Photos (see next page)**



Photo 3. 506 Pine Street on March 5, 2024.



Photo 4. Roadside swale below 506 Pine Street.



Photo 5. Photo provided by property owner of woodchips added to slope and haybale check dams added to driveway entrance on 3/6/2024.



Photo 6. Areas of sediment accumulation at 506 Pine Street.

***Adjacent Wetland Resource Area Impact Evaluation on 525 Pine Street***

On the date of inspection EcoTec also met with the property owner of 525 Pine Street, Donald A. Cherry. The property at 525 Pine Street is directly to the south of 506 Pine Street. On the date of inspection, EcoTec observed a pipe extending from the stormwater culvert outlet from Pine street, across the front lawn of 525 Pine Street, that outlets adjacent to the wetland on the property (see Photo 7-8).

At the time of inspection, EcoTec observed small areas of sediment deposits surrounding the pipe extension within the front lawn of the 525 Pine Street property (see photos 9-10). Additionally, EcoTec continued down the brook at this property and found several pockets of sediment deposits within the stream and vegetated wetland on the 525 Pine Street property. EcoTec observed three areas that appeared to contain approximately 2-3 inches of sediment, and accordingly recommends that these areas be cleaned up. EcoTec placed a red flag at each of these areas labeled S1, S2, and S3. Other areas containing sediment were observed within the

wetlands and stream, however, these areas appeared to contain less than an inch of sediment and accordingly, EcoTec recommends that these areas of sediment remain.

Based upon the extent of sediment observed within the roadside drainage swales below the 506 Pine Street property, the extent of sediment within the front lawn of the 525 Pine Street, and the areas with evidence of uncontrolled discharges leaving the 506 Pine Street site, it is EcoTec's opinion that the sediment observed within the wetland resource areas at the 525 Pine Street property was likely a result of the construction activities at the 506 Pine Street property.

Flag "S1" marks an area of approximately 120 square feet (sf) near the outlet of the stream into the pond at the 525 Pine Street property. The sediment in this area appeared to be approximately 3 inches deep (see photo 11).

Flag "S2" marks an area of approximately 100 sf with sediment approximately 2 inches in depth (see photo 12).

Flag "S3" marks an area of approximately 50 sf with sediment approximately 2 inches in depth (see photo 13).

#### **Site Photos: 525 Pine Street**



Photos 7 and 8. Stormwater culvert pipe extension at 525 Pine Street.



Photos 9-10. Pockets of sediment deposits observed within lawn and down gradient of the extension pipe discharge point.



Photo 11. Location of Flag “S1”. Evidence of sediment deposits observed within stream outlet to pond.



Photo 12. Location of Flag “S2”. Evidence of sediment deposits observed within stream channel and wetlands.



Photo 13. Location of Flag “S3”. Evidence of sediment deposits observed within stream channel.

***Adjacent Wetland Resource Area Impacts Conclusions***

EcoTec recommends that the sediment within the lawn of the 525 Pine Street property, and within the S1, S2, and S3 areas as described above should be removed under a Restoration Protocol prepared by a Wetland Professional. EcoTec would be happy to prepare a protocol at the property owner's request.

***Erosion and Sedimentation Controls – Permitting and Planning***

Based upon the extent of area altered between the 506 and 508 Pine Street properties, it appears that an area of 1 acre or greater may have been altered to construct the two houses. Because the two lots were part of a common lot of development, and the total area is likely greater than an acre of land disturbance, it is EcoTec's opinion that the lots should have a Stormwater Pollution Prevention Plan ("SWPPP") under the National Pollutant Discharge Elimination System (NPDES) program under the Environmental Protection Agent (EPA).

It is EcoTec's recommendation that the property owners reach out to the site engineers and apply for a NPDES permit as soon as possible.

Please feel free to let us know if you have any questions.  
Sincerely,



Art Allen, CWS, CPSS  
Vice President



Kate O'Donnell, WPIT  
Environmental Scientist

cc. Peter Hauge, PMZ Development

# EcoTec, Inc.

## ENVIRONMENTAL CONSULTING SERVICES

102 Grove Street  
Worcester, MA 01605-2629  
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### WETLAND RESOURCE AREA RESTORATION PROTOCOL

At 525 Pine Street,  
Leicester, Massachusetts

Prepared by:



Kate O'Donnell, WPIT



Art Allen, CWS, CPSS

Prepared for:

Peter Hauge, Jr.  
PMZ Development, LLC  
309 Stafford Street,  
Charlton, MA 01507

March 8, 2024

#### INTRODUCTION

The following impact assessment, performance standards assessment and restoration protocol have been prepared by EcoTec. EcoTec was contacted by PMZ Development LLC, following a “Cease and Desist” letter issued by the Leicester Conservation Commission on February 27, 2024, for the property located at 506-508 Pine Street. The letter requires that the property owners address possible sediment impacts to wetland resource areas at adjacent properties. The restoration protocol below has been designed to provide comprehensive restoration for sediment impacted intermittent stream Bank and Bordering Vegetated Wetlands at the site.

#### FINDINGS

EcoTec was present at 506-508 Pine Street (a.k.a., “the site”) on March 5, 2024, in order to evaluate potential resource area impacts associated with stormwater runoff and erosion from 506-508 Pine Street. EcoTec provided a memorandum dated March 7, 2024, that documented the findings from the inspection and provided recommendations for site stabilization and sedimentation controls at the site. As indicated in our memorandum, we observed evidence of recent erosion of the unstable sloped area in front of the 506 Pine Street property. It appears that some of the site’s stormwater discharges flowed down the access driveway, and into the stormwater drainage swale at the street, which then flowed through the stormwater

culvert in front of 525 Pine Street, down a culvert extension pipe at 525 Pine street, and ultimately into the adjacent wetland resource areas on the 525 Pine Street property.

Upon evaluation of the adjacent wetland resource areas at the 525 Pine Street property, EcoTec identified fresh (i.e., light coloration mineral soil lacking organic matter), accumulated sediment which appears to be associated with stormwater runoff from the 506 Pine Street site. EcoTec observed several areas of deposits of sediment through the intermittent stream channel and Bordering Vegetated Wetland (“BVW”) that were less than an inch in depth. EcoTec also observed three (3) areas within the intermittent stream channel and BVW totaling approximately 270 square feet that were approximately 2-3 inches in depth. EcoTec recommends that the areas with greater than 1 inch of sediment be removed and restored.

A brief description of each identified sediment area to be restored is provided in the Table below. Representative photos of each area are attached.

<b>Impact Area Location</b>	<b>Impact Area Description</b>
S1	Approximately 120 sf of silty-sandy sediment with avg depth of 3”
S2	Approximately 100 sf of silty-sandy sediment with avg depth of 2”
S3	Approximately 50 sf of silty-sandy sediment with avg depth of 2”

### **PROPOSED WETLAND & BANK RESTORATION PROTOCOL**

The following restoration protocol has been designed for sediment removal for the three identified sediment areas as described above, located within the resource areas on the site.

1. The Conservation Commission will be notified at least 24 hours prior to commencement of restoration work.
2. A qualified wetland scientist will be on hand during the restoration work to ensure that all sediment is removed with minimum impact to underlying soils and vegetation.
3. Restoration work shall commence as soon as possible, during a dry or low-flow period, and is anticipated to take 1 to 2 days to complete, and in no event will take more than one contiguous week.
4. A 12” wattle sediment barrier shall be installed at the limit of sediment at the pond, at area ‘S1’ prior to sediment removal. The wattle will be left in place until the restoration area is stable and upon approval from the Leicester Conservation Commission.
5. Sediment removal shall commence by hand, utilizing shovels, rakes, hoes, trowels, buckets, and wheelbarrows. Care shall be taken to avoid damaging the existing vegetation and root systems during sediment removal. Sediments will be removed down to the underlying topsoil surface, as determined by the wetland scientist. Excavated materials shall be moved to an area outside of the Buffer Zone.
6. The sediment removal shall begin at the front lawn of the 525 Pine Street property and shall proceed downstream to the pond on the property.

7. If needed, based on the wetland scientist's assessment of soil stability following sediment removal, any disturbed soils within the restoration area shall be seeded with a New England Conservation/Wildlife mix, or other alternative mix, as determined by the Leicester Conservation Commission.
8. If needed, based on the wetland scientist's assessment of soil stability following sediment removal, the restoration area will be mulched with a 1" to 2" layer of salt marsh hay, weed-free straw, or hydraulically applied hydromulch to provide for temporary erosion control and moisture retention.

## SUMMARY

Upon evaluation EcoTec identified fresh, accumulated sediment which appears to be associated with stormwater runoff from the 506 Pine Street site located within: three (3) areas of the intermittent stream channel and bordering vegetated wetland, totaling approximately 270 square feet. It is EcoTec's opinion that the above restoration protocol shall restore the subject sediment impacted Bank and BVW and protect the interests of the Wetlands Protection Act.

### Site Photos



Photo 1. Sediment within lawn of 525 Pine Street.



Photo 2. Sediment within lawn of 525 Pine Street.



Photo 3. Location of flag “S1”



Photo 4. Location of Flag “S2”



Photo 5. Location of Flag “S3”.

# MUNICIPAL WATERWAYS FUND

**Snapshot of boat excise tax revenue Leicester could credit to the Municipal Waterways Fund if it's established at Town Meeting.**

<b>Calendar Year</b>	<b>Number of Boat Excise Bills Issued</b>	<b>Anticipated Revenue Minus Abated</b>	<b>50% Eligible for Municipal Waterways Fund</b>
2023	139	\$2,892.00	\$1,446.00
2022	238	\$4,171.00	\$2,085.50
2021	109	\$2,416.00	\$1,208.00
<i>Figures obtained from Nick George, Treasurer/Collector 3-4-24</i>			

**Examples of Expenditures from this Fund in Charlton, MA**

<b>Fiscal Year</b>	<b>Appropriation at Town Meeting</b>	<b>Use</b>
2011	\$1,944.00	Fire Expenses - For Dive Team Equipment
2019	\$7,900.00	Lakes Bathymetry Survey
<i>Figures obtained from Charlton Town Meeting Warrants</i>		

**MGL References**

The Massachusetts Department of Revenue has advised that a Town is required to establish a municipal waterways improvement and maintenance fund under M.G.L. c.40 §5G to fulfill M.G.L. c.60B §2, which directs that 50% of boat excise revenue collected be credited to the municipal waterways improvement and maintenance fund.

**Under M.G.L. c.40 §5G, monies may be appropriated for:**

- 1) Maintenance, dredging, cleaning and improvement of harbors, inland waters and great ponds of the commonwealth
- 2) The public access thereto
- 3) The breakwaters, retaining walls, piers, wharfs and mooring thereof; and
- 4) Law enforcement and fire prevention

**M.G.L. c.60B §2**

**Section 2: Excise taxes**

(i) All sums received from the excise imposed under this chapter shall be paid into the treasury of the city or town and fifty per cent of said excise shall be credited to the municipal waterways improvement and maintenance fund established under the provisions of section five G of chapter forty.

This fund may check some Master Plan and Open Space and Recreation Plan boxes for Town lakes/ponds/beaches (Burncoat Park and Greenville Pond.) Henshaw Pond is listed by the state as a “great pond”.

March 5, 2024

/lw

# TREE REMOVAL POLICY

- DRAFT-

## **Leicester Conservation Commission** **Tree Removal Policy – DRAFT 3/5/2024**

### **ECOLOGICAL VALUE OF TREES:**

Trees and other vegetation in and around wetland resource areas provide significant ecological functions in Leicester. Removing trees and vegetation can reduce the ability of the landscape to perform these important functions.

Root systems stabilize soils which prevent erosion into wetlands and waters and maintain soil structure. As plants absorb water and air, they filter nutrients, pollutants, and greenhouse gases, such as dust, toxins, bacteria, and carbon dioxide. A single tree can absorb thousands of gallons of water in a growing season, which helps regulate water levels. During flood events, the water retained in vegetation reduces flooding, and the vegetation itself acts as a barrier to slow and disperse flood waters. This reduces downstream flooding and property damage.

Shade from vegetation helps to regulate air, soil, and water temperature. Lower air temperatures require less energy to cool buildings in summer and certain species require cool water to survive. Leaves shield areas during storm events, preventing and minimizing storm damage. When vegetation falls to the ground, it produces rich organic soils as it decomposes. Living and dead trees and other vegetation provide important habitat for a variety of plants and animals.

**However**, the Leicester Conservation Commission (LCC) recognizes that a tree which is diseased, dying, dead, too close to a dwelling, or otherwise compromised can pose a danger to persons and property prompting their removal.

**This Tree Removal Policy does NOT apply to a major forest cutting operation defined by Town of Leicester General Bylaws Chapter 13: Forest Cutting.**

See: [https://www.leicesterma.org/sites/g/files/vyhli781/f/uploads/general\\_by\\_laws\\_06.02.2022\\_0.pdf](https://www.leicesterma.org/sites/g/files/vyhli781/f/uploads/general_by_laws_06.02.2022_0.pdf)

**This Tree Removal Policy applies to “compromised” trees and “healthy” trees, and is intended to:**

- Prevent damage to or alteration of LCC jurisdictional areas which include:
  - Town of Leicester 25’ No Disturb Zone.
  - Buffer Zone - Land within 100’ of a Wetland Resource Area.
  - Wetland Resource Areas, defined as 100-year flood zones, wetlands, streams, ponds, and marshes.
  - Riverfront Areas - Land within 200’ of a perennial stream.
- Mitigate the net loss of trees owing to their removal therefrom and to provide an expedited procedure and guidelines for tree removal where appropriate circumstances warrant their removal.

**Compromised Tree:** A “compromised” tree is either deemed to be:

- A threat to a dwelling, structure, maintained portion of their property (i.e. driveway, yard, leaching field, parked equipment, home, shed), or a public facility by virtue of its size and proximity, its state of health, or persistent insect activity; or

- Trees that have been infected with insects, fungi, or diseases that pose a safety hazard because of disease, rot, insect damage, etc., or a threat of spreading disease to the surrounding area. A letter from a Certified Arborist may be required to verify its condition as a “compromised” tree.

**Healthy Tree:** A “healthy” tree is one that is growing, and able to maintain a crown of leaves or needles. It produces new growth yearly on both its trunk and branches.

**Emergency Authorization:** In instances where there is clear evidence of a tree’s imminent failure threatening danger to persons and property (e.g. broken limbs, “sawdust” noted about the tree due to insect activity, etc.), an LCC Commissioner or a Conservation Department staff authorized by the LCC may, after a site visit and at their discretion, issue an Emergency Authorization for the immediate removal of the tree.

## **PROCEDURE:**

Any applicant proposing to remove compromised and/or healthy trees from a jurisdictional area of the LCC shall:

1. Mark each “compromised” tree to be removed with RED ribbon or string.
2. Mark each “healthy” tree with a ribbon or string in any color except red.
3. Identify each tree to be removed on a sketch or plan or in photographs to be filed with their application (numbered in a way that can be cross-referenced with application).
4. Provide a written narrative describing in detail:
  - a. For “compromised” trees – describe why this tree constitutes a “compromised” tree and the immediate danger each tree poses; and
  - b. An informal map showing the location of each tree (compromised and/or healthy) to be removed, and showing Existing Wetland Resource Areas including the 25’ No Disturb Zone, the 100’ Buffer Zone, 200’ Riverfront Area, house, trees, and other relevant features; and
  - c. The proposed method for each tree’s removal, including the handling of tree debris and any disturbed area; and
  - d. The proposed replacement for each removed tree, including tree and/or shrub species and planting location, unless otherwise exempt from replacement. The applicant/owner must describe the steps that will be taken to maintain the tree for at least 24 months after the date that it is planted.
  - e. The LCC may require the written opinion of a certified arborist in the event the health of, or danger imposed by, the “compromised” tree is unclear or has not been adequately substantiated. It is much more difficult to tell the health of deciduous tree in the winter, so the Commission suggests that trees be evaluated during the growing season. The applicant may choose an Arborist of their choice.
  - f. In any instance where an arborist or tree services company is or has been consulted to determine the status of, and recommendations for, a property’s trees, the property owner shall provide an official copy of the expert’s survey results and recommendations as part of their request to the LCC.

5. File the appropriate Application for relief with the LCC:
  - a. An Application for Administrative Approval is required for removal of no more than four (4) trees located solely within the 25' No Disturb Zone and/or up to six (6) trees outside of the 25' No Disturb Zone; or
  - b. A Request for Determination of Applicability (RDA) or Notice of Intent (NOI) is required for removal of more than six (6) trees located within the 25' No Disturb Zone and/or 100' Buffer Zone, 200' Riverfront, or Priority Habitat for rare species protected under the Massachusetts Endangered Species Act (MESA).
6. In any instance where an arborist or tree services company is or has been consulted to determine the status of, and recommendations for, a property's trees, the property owner shall provide an official copy of the expert's survey results and recommendations as part of their request to the LCC.
7. Conduct the removal of any trees in accordance with any and all conditions imposed by the LCC in granting approval for said removal.

### **Tree Mitigation Requirements**

Policy of No Net Loss of Trees. The removal of any tree shall be mitigated by its replacement with a newly planted **native** tree (minimum of 1.5" caliper), however it is not required to be of same species, nor shall the new planting necessarily be in the same locus as the tree removed. Moreover, where trees may not be the best choice of restoring the resource area, shrubs included on the "Town of Leicester Native Plant List" may be planted with the approval of the LCC. This policy of *No Net Loss of Trees* shall extend to all trees that are still alive at the time of removal. Dead trees and snags shall not be subject to the *No Net Loss of Trees* policy. The applicant/owner must describe the steps that will be taken to maintain the tree and/or shrub for at least 24 months after the date that it is planted.

Waivers. A property owner may request a waiver (in writing) for any required mitigation planting. Mitigation may be waived, for example, in the following cases subject to the discretion of the Commission:

1. The tree(s) was/were significantly damaged in a storm event.
2. The property is heavily wooded and growing new shrubs or trees would be difficult.
3. The tree to be removed is already dead.

Conditions for Tree Removal. Generally, the Commission requires that all tree removal equipment remain on landscaped or paved areas and outside of natural areas. To minimize disturbance, the only tree trunks that may be ground below the surface are those in landscaped areas or at least 50' from the Wetland Resource Area. In certain cases, the Commission and/or authorized Conservation Department staff may exercise enforcement at their discretion in the application of this policy.

### **Permission by Administrative Approval**

Once granted, Administrative Approval will be valid for **no more than thirty (30) calendar days**. Extensions may be approved at the discretion of the Conservation Commission or its agent

if a hardship can be demonstrated.

**This Policy is intended to cover only the removal of trees within the Commission's jurisdiction.** Landowners must obtain prior permission from the Conservation Commission before work of any kind (e.g., tree or brush removal, vegetation removal or cutting, lawn expansion, soil grading, and construction) is conducted in a Jurisdictional Area. All landowners are encouraged to contact the Conservation Office at (508) 892-7007 to discuss any proposed work.

#### **DEFINITIONS:**

**25' No Disturb Zone** – The minimum strip of continuous undisturbed vegetative cover for any and all resource areas is 25 feet from the outermost edge of the protected resource area in all directions. Please see: LCC Rules and Regulations for Administering the Town of Leicester Wetlands Protection Bylaw on the LCC webpage: <https://www.leicesterma.org/conservation-commission>

**Bank** - The portion of the land surface which normally abuts and confines a water body. It occurs between a water body and a vegetated bordering wetland and adjacent flood plain, or, in the absence of these, it occurs between a water body and an upland. A Bank may be partially or totally vegetated, or it may be comprised of exposed soil, gravel or stone.

**Buffer Zone** - That area of land extending 100 feet horizontally outward from the boundary of any area specified in [310 CMR 10.02\(1\)\(a\)](#).

**Riverfront Area** - The area of land between a perennial river's mean annual high water line and a parallel line located 200 feet away, measured horizontally outward from the river's mean annual high water line.

**Priority Habitat** - is the geographical extent of habitat for all state-listed rare species, both plants and animals, which are protected under the Massachusetts Endangered Species Act (MESA). Additional permitting requirements are required for work located within Priority Habitat with the Natural Heritage and Endangered Species Program. Habitat alteration within Priority Habitats may result in a "take" of a state-listed species and is subject to regulatory review by the Natural Heritage & Endangered Species Program. Additional information can be found at: [MassWildlife's Natural Heritage & Endangered Species Program](#)

#### **AUTHORITY:**

This policy has been adopted by the LCC pursuant to the authority granted by Massachusetts General Laws Chapter 131, § 40 (Wetlands Protection Act) and the regulations adopted thereunder (310 CMR 10.00).

### **ADDITIONAL RESOURCES:**

“Town of Leicester Native Plant List” available on the LCC webpage:

<https://www.leicesterma.org/conservation-commission>

Learn more about utilizing a certified arborist:

- Massachusetts Arborists Association: <http://www.massarbor.org/>
- International Society of Arboriculture: [Welcome \(isa-arbor.com\)](http://www.isa-arbor.com)

Link for the most current list of prohibited plants in Massachusetts:

<https://www.mass.gov/massachusetts-prohibited-plant-list>

# NATIVE PLANT LIST

## **Town of Leicester Recommended Native Plant List**

The following list was created to provide residents with readily available list of native plants. Please enter these plants into a Google search for photos.

### **TREES**

*Acer rubrum* - Red Maple  
*Acer saccharum* - Sugar Maple  
*Betula nigra* - River Birch  
*Benthamea florida* - Flowering Dogwood  
*Cercis canadensis* - Canada Redbud  
*Fagus grandifolia* - American Beech  
*Fraxinus pennsylvanica* - Green Ash  
*Juniperus virginiana* - Eastern Red Cedar  
*Liquidambar styraciflua* – Sweetgum  
*Magnolia virginiana* - Sweetbay Magnolia  
*Nyssa sylvatica* - Black Gum  
*Picea glauca* - White Spruce  
*Pinus resinosa* - Red Pine  
*Pinus rigida* - Pitch Pine  
*Pinus strobus* - White Pine  
*Platanus occidentalis* - American Sycamore  
*Quercus alba* - White Oak  
*Quercus palustris* - Pin Oak  
*Quercus rubra* - Northern Red Oak  
*Salix nigra* - Black Willow  
*Sassafras albidum* - Sassafras  
*Taxus canadensis* - American or Canadian Yew  
*Tilia americana* - American Linden  
*Tsuga canadensis* - Hemlock  
*Ulmus americana* – American Elm, “Valley Forge”, “New Harmony”, “Princeton”

### **SHRUBS**

*Amelanchier canadensis* – Shadbush  
*Aronia melanocarpa* - Black Chokeberry  
*Clethra alnifolia* - Summersweet  
*Comptonia peregrina* - Sweet Fern  
*Hamamelis virginiana* - Witch-hazel  
*Hypericum prolificum* - Shrubby St Johnswort  
*Ilex glabra* - Inkberry  
*Ilex verticillata* – Winterberry  
*Kalmia latifolia* - Mountain Laurel

*Lindera benzoin* - Spicebush  
*Myrica pensylvanica* – Bayberry  
*Photinia pyrifolia* - Red Chokeberry  
*Rhododendron maximum*\* - Rosebay Rhododendron  
*Rhododendron viscosum* - Swamp Azalea  
*Rhus aromatica* “Gro-Low” - Gro-low Sumac  
*Salix discolor* - Pussy Willow  
*Sambucus canadensis* - American Elder  
*Swida alternifolia* - Pagoda Dogwood  
*Swida sericea* - Red-osier (or Red Twig) Dogwood  
*Vaccinium angustifolium* - Lowbush Blueberry  
*Vaccinium corymbosum* - Highbush Blueberry  
*Viburnum dentatum* – Arrowwood Viburnum  
*Viburnum trilobum* - Cranberry Bush

## HERBACEOUS

*Aquilegia canadensis* - American Columbine  
*Asarum canadense* - Canadian Ginger  
*Asclepias incarnata* - Swamp Milkweed  
*Asclepias tuberosa* - Orange Butterfly Weed  
*Aster laevis* - Smooth Aster  
*Aster novae-angliae* - New England Aster  
*Baptisia australis* - False Blue Indigo  
*Actaea racemosa* – Snakeroot  
*Coreopsis rosea* - Pink Coreopsis  
*Coreopsis verticillata* - Thread-leaf Coreopsis  
*Dicentra exima* - Bleeding Heart  
*Echinacea* - Coneflower  
*Eupatorium maculatum* – Joe Pye Weed  
*Helianthus* - Perennial Sunflower  
*Iris cristata* - Dwarf Crested Iris  
*Liatris spicata* - Gayfeather  
*Lobelia cardinalis* - Cardinal Flower  
*Lobelia siphilitica* - Big Blue Lobelia  
*Monarda didyma* – Beebalm  
*Monarda fistulosa* - Wild Bergamot  
*Oenothera fruticosa* - Sundrops  
*Penstemon digitalis* - Beard Tongue  
*Phlox divaricata* -Woodland Phlox  
*Phlox subulata* - Moss Phlox  
*Rudbeckia* - Coneflower  
*Sanguinaria canadensis* - Bloodroot  
*Tiarella cordifolia* – Heartleaf Foamflower  
*Tiarella wherryi* – Wherry’s Foam Flower

*Zizia aptera* - Golden Alexanders  
*Zizia aurea* - Golden Alexanders

## **FERNS**

*Adiantum pedatum* - Maidenhair Fern  
*Athyrium filix-femina* - Lady Fern  
*Matteuccia struthiopteris* - Ostrich Fern  
*Osmunda cinnamomea* - Cinnamon Fern  
*Polystichum acrostichoides* - Christmas Fern

## **ORNAMENTAL GRASSES**

*Carex pensylvanica* - Pennsylvania Sedge  
*Chasmanthium latifolium* - Wild Oats/Northern Sea Oats  
*Eragrostis spectabilis* - Purple Lovegrass  
*Panicum virgatum* - Switch Grass

## **SEED MIXES**

Please refer to the following site for more information on seeds:  
Wild Seed Project in Maine: <https://wildseedproject.net/>

## **INVASIVE PLANTS SPECIES**

Please go to the following link for the most current list of prohibited plants in Massachusetts:

<https://www.mass.gov/massachusetts-prohibited-plant-list>

## **SOURCES FOR PURCHASING NATIVE PLANT MATERIALS**

### **Massachusetts**

Bigelow Nurseries, Inc.  
455 W. Main St.  
Northboro, MA 01532  
(508) 845-2143  
[www.bigelownurseries.com](http://www.bigelownurseries.com)

Garden in the Woods (Native Plant Trust)  
180 Hemenway Road  
Framingham, MA 01701  
(508) 877-7630  
[www.nativeplanttrust.org](http://www.nativeplanttrust.org)

Mahoney's Garden Center

Multiple Locations in MA  
[www.mahoneysgarden.com](http://www.mahoneysgarden.com)

Nasami Farm Nursery (Native Plant Trust)  
128 North Street  
Whately, MA  
(413) 397-9922  
[www.nativeplanttrust.org/for-your-garden-2/nasami-farm/](http://www.nativeplanttrust.org/for-your-garden-2/nasami-farm/)

New England Wetland Plants, Inc.  
14 Pearl Lane  
South Hadley, MA 01075  
(413) 548-8000  
[www.newp.com](http://www.newp.com)

Pierson Nurseries, Inc.  
24 Buzzell Road  
Biddeford, Maine 04005  
(207) 499-2994  
[www.piersonnurseries.com](http://www.piersonnurseries.com)

Russell's Garden Center  
379 Boston Post Road (Route 20)  
Wayland, MA 01778  
(508) 358-2283  
[www.russellsgardencenter.com](http://www.russellsgardencenter.com)

Sylvan Nursery, Inc.  
1028 Horseneck Road  
Westport, MA 02790  
(508) 636-4573  
[www.sylvannursery.com](http://www.sylvannursery.com)

Weston Nurseries  
Multiple Locations in MA  
[www.westonnurseries.com](http://www.westonnurseries.com)

## **Other**

Ernst Conservation Seeds  
9006 Mercer Pike  
Meadville PA 16335  
(800) 873-3321  
[www.ernstseed.com](http://www.ernstseed.com)

Millican Nursery

187 Pleasant St.  
Chichester, NH 03258  
(603) 435-6660  
[www.millicannurseriesinc.com](http://www.millicannurseriesinc.com)

Pinelands Nursery, Inc.  
323 Island Road  
Columbus, NJ 08022  
(609) 291-9486  
[www.pinelandsnursery.com](http://www.pinelandsnursery.com)

Vermont Wetland Plant Supply, LLC  
29 Old Foundry Rd.  
Orwell, VT 05760  
(802) 989-4629  
[www.vermontwetlandplants.com](http://www.vermontwetlandplants.com)