

Philip R. Stoddard

ATTORNEY & COUNSELOR AT LAW

184 MAIN STREET

SPENCER, MASSACHUSETTS 01562

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(508) 885-2557

(508) 885-6083

FACSIMILE

(508) 885-5243

March 19, 2020

Conservation Commission

3 Washburn Square

Leicester, MA 01524

RE: 3 FLAGG DRIVE, LEICESTER, MA 01524

FLAGG, BARBARA

PARCEL ID#38 A2 0

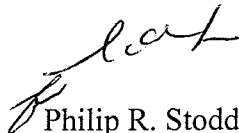
Dear Tiffany,

Enclosed please find two requests for a Certificate of Compliance on the above-captioned, one is from 1997 and the second is from 2000. I have reached out to the Cherry Valley Rochdale Water District just to see if by chance they had possibly received a Certificate of Compliance years ago and that there was a possibility that our title examiner may have missed it in the title search, unfortunately no such luck. Additionally, I have sent these to your attention via email.

We have a pending sale for 3 Flagg Road. We recognize that the Board does not meet again until April 8, 2020 and would appreciate your cooperation in presenting the enclosed requests at your next scheduled meeting.

Should you have any questions, please feel free to contact my office. Thanking you in advance for your attention and cooperation in this matter.

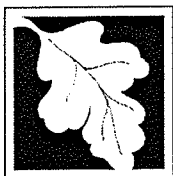
Sincerely,



Philip R. Stoddard

PRS:sal

Enclosure



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

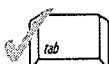
DEP File Number:

197-181
Provided by DEP

A. Project Information

Important:

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



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

1. This request is being made by:

Barbara F. Flagg Trustee of The Flagg Realty Trust

Name

13 Edward Street

Mailing Address

Leicester

MA

01524

City/Town

State

Zip Code

508-892-3348

Phone Number

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

Cherry Valley & Rochdale Water District

Applicant

January 21, 1997

197-181

Dated

DEP File Number

3. The project site is located at:

Flagg Drive

Leicester

Street Address

City/Town

Assessors Map/Plat Number

38 A2 0

Parcel/Lot Number

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

Charles Flagg, Jr., and Barbara F. Flagg

Property Owner (if different)

Worcester

18676

125

County

Book

Page

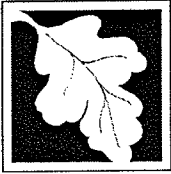
Certificate (if registered land)

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

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

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

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



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?

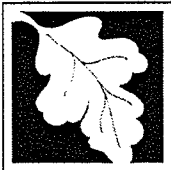
☒ Yes

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

DEP File Number:

WPA Form 8B – Certificate of Compliance

197-181

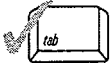
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by DEP

A. Project Information

Important:

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



1. This Certificate of Compliance is issued to:

Barbara F. Flagg, Trustee of the Flagg Realty Trust

Name

13 Edward Street

Mailing Address

Leicester

MA

01524

City/Town

State

Zip Code

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

Cherry Valley & Rochdale Water District

Name

January 21, 1997

197-181

Dated

DEP File Number

3. The project site is located at:

Flagg Drive

Leicester

Street Address

City/Town

38 A2 0

Assessors Map/Plat Number

Parcel/Lot Number

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

Cherry Valley & Rochdale Water District

Property Owner (if different)

Worcester

18676

125

County

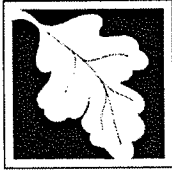
Book

Page

Certificate

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

Date



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 8B – Certificate of Compliance
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

197-181

Provided by DEP

B. Certification

Check all that apply:

- ☐ **Complete Certification:** It is hereby certified that the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.
- ☐ **Partial Certification:** It is hereby certified that only the following portions of work regulated by the above-referenced Order of Conditions have been satisfactorily completed. The project areas or work subject to this partial certification that have been completed and are released from this Order are:
-
- ☐ **Invalid Order of Conditions:** It is hereby certified that the work regulated by the above-referenced Order of Conditions never commenced. The Order of Conditions has lapsed and is therefore no longer valid. No future work subject to regulation under the Wetlands Protection Act may commence without filing a new Notice of Intent and receiving a new Order of Conditions.
- ☐ **Ongoing Conditions:** The following conditions of the Order shall continue: (Include any conditions contained in the Final Order, such as maintenance or monitoring, that should continue for a longer period).
- Condition Numbers:
-
- ☐ **Order of Resource Area Delineation:** It is hereby certified that the wetland resource area delineation for the above-referenced Order of Conditions has been satisfactorily completed

C. Authorization

Issued by:

Leicester

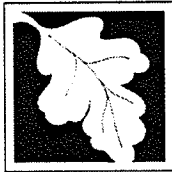
Conservation Commission

Date of Issuance

This Certificate must be signed by a majority of the Conservation Commission and a copy sent to the applicant and appropriate DEP Regional Office (See <http://www.mass.gov/eea/agencies/massdep/about/contacts/>).

Signatures:

_____	_____
_____	_____
_____	_____
_____	_____



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 8B – Certificate of Compliance
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

197-181

Provided by DEP

D. Recording Confirmation

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

Detach on dotted line and submit to the Conservation Commission.

To:

Leicester

Conservation Commission

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

Flagg Drive n/k/a 3 Flagg Drive

Project Location

197-181

DEP File Number

Has been recorded at the Registry of Deeds of:

Worcester

County

for:

Barbara F. Flagg, Trustee of The Flagg Realty Trust

Property Owner

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

Date

Book

Page

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

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

Document Number

Signature of Applicant

Order of Conditions
Massachusetts Wetlands Protection Act
G.L. c. 131, §40
and the Town of Leicester Wetland Bylaws

From The Leicester Conservation Commission

Issuing Authority

TO Cherry Valley & Rochdale Water Dist.

Charles J. Flagg and Barbara F. Flagg
Leonard T. Pilling and Janet M. Pilling
(Name of property owner) and
Cherry Valley and Rochdale
District

Address P.O. Box 138
Rochdale, MA 01542

Address

This Order is issued and delivered as follows:

☐ by hand delivery to person making request on _____ (date)

☒ by certified mail, return receipt requested on February 26, 1997 (date)

This project is located at Flagg Drive, Pine Street & Henshaw Street, Leicester, MA

The property is recorded at the Registry of Charles J. Flagg, Jr. and Barbara F. Flagg
Deeds in Book 13038, Page 49 (Flagg Drive)

Leonard T. Pilling and Janet M. Pilling
Cherry Valley and Rochdale Water District
~~BOOK~~ Book 7116, Page 280 (Pine Street) and Books ~~PAGE~~ 3646, Page 555 & 3608, Page 191
(Henshaw Street)

Certificate (if registered) _____

The Notice of Intent for this project was filed on January 21, 1997 (date)

The public hearing was closed on February 6, 1997 (date)

Findings

The Leicester Conservation Commission will be known as LCC..

The LCC has reviewed the above-referenced Notice of Intent and plans and has held a public hearing on the project. Based on the information available to the LCC at this time, the LCC has determined that the area on which the proposed work is to be done is significant to the following interests in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject to Protection under the Act (check as appropriate):

- ☒ Public water supply
☒ Private water supply
☒ Ground water supply

- ☒ Flood Control
☒ Storm damage prevention
☒ Prevention of pollution

- ☐ Land containing shellfish
☐ Fisheries
☒ Protection of Wildlife Habitat

Total Filing Fee Submitted ** State Share _____
(¼ fee in excess of \$25)

City/Town Share _____

Total Refund Due \$ _____ City/Town Portion \$ _____ State Portion \$ _____
(¼ total) (¼ total)

****Municipalities are exempt from NOI filing fees.**

Return to:

Cherry Valley & Rochdale Water District

4/1/94 P.O. Box 138

Rochdale MA 01542

310 CMR - 423

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, by-laws 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 and both that date and the special circumstances warranting the extended time period are set forth 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, containing 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. No work shall be undertaken until all administrative appeal periods from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Final order 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 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 the LCC on the form at the end of this Order prior to the commencement of the work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in the size bearing the words, "Massachusetts Department of Environmental Protection, File Number #197-181".
10. Where the Department of Environmental Protection is requested to make a determination and to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.

4/1/94

310 CMR - 424

(USGS)-Worcester South Quad

Haybales and 12/96

Siltation Fence

LCC

LCC

Special Conditions (Use additional paper if necessary)

Special Conditions, DEP File #197-181:

12a. Special Conditions include the following conditions #13 through #28 on the attached pages 5-3A through 5-3D, herewith declared to be a part of this Order.

13. The Leicester Conservation Commission, herein after referred to as the LCC, approved this Notice of Intent with the following conditions:

14. This document in its entirety, and the plans approved by this Order, which consists of 8 pages starting with page number 5-1 and ending with page 5-4, 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. Proof of said Registration (use form at lower portion of page 5-4) will be returned to the LCC before work shall commence. Failure to comply with this Order of Conditions, shall be deemed cause to revoke this permit.

4/1/94

310 CMR - 425

15. This Order shall apply to any successor in control or successor in interest of the property described in the Notice of Intent and accompanying plans. In the event of this land or any part thereof changing 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.

16. This Order covers only the work and work area described in the Notice of Intent and plans listed on pages 5-3A/B. Any work or alteration, within 100 feet of any resource area elsewhere on the property or any subdivided lot is not allowed under this Order.

17. 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.

4/1/94

310 CMR - 426

19. In advance of any work on this project, the applicant or property owner shall notify the LCC and arrange an on-site conference between the LCC project representative, the contractor and himself. The purpose of this conference is to insure that all of the conditions of this permit are understood.

20. 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.

C. If the LCC finds, by majority vote, said changes to be significant and would substantially change the nature, scope, purpose or impact of the project on wetland resources, then the LCC will direct the applicant to file a new Notice of Intent.

21. 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.

22. 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.

25. There shall be no disturbance of wetlands past the stabilization line.

26. All materials to be removed from the site shall comply with the State and Federal Statutes.

27. 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.

28. This Order applies only to the work and work area described in the Notice of Intent. Any work or alteration within any resource area or 100' buffer zone on this property and/or any subdivided lot(s) is not allowed under this Order of Conditions.

described in and who executed, the foregoing instrument, and acknowledged that he/she executed the same at his/her free will and deed.

Notary Public

My Commission Expires

The applicant has agreed, any person aggrieved by this Order, any owner of land abutting the land upon which the proposed work is to be done, or any residents of the city or town in which such land is located, are hereby notified of their right to request the Department of Environmental Protection to issue a Superseding Order, providing the request is made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form as provided in 310 CMR 10.03(7) within ten days from the date of issuance of this determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and the applicant.

Detach on dotted line and submit to the _____ prior to commencement of work.

To _____ Issuing Authority

Please be advised that the Order of Conditions for the project at _____

File Number #197-181 has been recorded at the Registry of _____ and

has been noted in the chain of title of the affected property in accordance with General Condition 8 on _____ 19 _____.

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

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

Signature _____ Applicant

4/1/94

310 CMR - 427

executed the same as his/her free act and deed.

Notary Public

My Commission Expires

The applicant, the owner, any person aggrieved by the Superseding Order, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request an adjudicatory hearing pursuant to G.L. c. 30A, §10 providing the request is made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form as provided in 310 CMR 10.03(7) within ten days from the date of issuance of this Superseding Order, and is addressed to: Docket Clerk, Office of General Counsel, Department of Environmental Protection, One Winter Street, Boston, MA 02108. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and the applicant, and any other party.

A notice of Claim for an Adjudicatory Hearing shall comply with the Department's Rules for Adjudicatory Proceedings, 310 CMR 1.01(6), and shall contain the following information:

- (a) the DEP Wetlands File Number, name of the applicant and address of the project
- (b) the complete name, address and telephone number of the party filing the request, and, if represented by counsel, the name and address of the attorney;
- (c) the names and addresses of all other parties, if known;
- (d) a clear and concise statement of (1) the facts which are grounds for the proceedings, (2) the objections to this Superseding Order, including specifically the manner in which it is alleged to be inconsistent with the Department's Wetlands Regulations (310 CMR 10.00) and does not contribute to the protection of the interests identified in the Act, and (3) the relief sought through the adjudicatory hearing, including specifically the changes desired in the Superseding Order;
- (e) a statement that a copy of the request has been sent to the applicant, the conservation commission and each other party or representative of such party, if known.

Failure to submit all necessary information may result in a dismissal by the Department of the Notice of Claim for an Adjudicatory Hearing.

Detach on dotted line and submit to the _____ prior to commencement of work.

To _____ Issuing Authority

Please be advised that the Order of Conditions for the project at _____

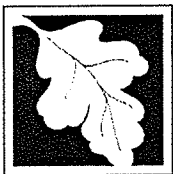
File Number #197-181 _____ has been recorded at the Registry of _____ and
has been noted in the chain of title of the affected property in accordance with General Condition 8 on _____ 19 _____.

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

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

Signature _____ Applicant

4/1/94



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

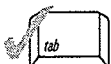
DEP File Number:

197-223
Provided by DEP

A. Project Information

Important:

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



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

1. This request is being made by:

Barbara F. Flagg, Trustee of The Flagg Realty Trust

Name

13 Edward Street

Mailing Address

Leicester

City/Town

MA
State

01524
Zip Code

508-892-3348

Phone Number

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

Charles Flagg

Applicant

May 2000

Dated

197-223

DEP File Number

3. The project site is located at:

Lot #2 Flagg Drive n/k/a 3 Flagg Drive

Street Address

Leicester

City/Town

38 A2 0

Parcel/Lot Number

Assessors Map/Plat Number

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

Charles Flagg

Property Owner (if different)

Worcester

County

41390
Book

257
Page

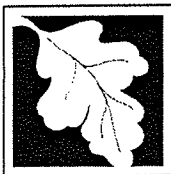
Certificate (if registered land)

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.



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

DEP File Number:

WPA Form 8B – Certificate of Compliance

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

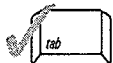
197-223

Provided by DEP

A. Project Information

Important:

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



1. This Certificate of Compliance is issued to:

Barbara F. Flagg, Trustee of The Flagg Realty Trust

Name

13 Edward Street

Mailing Address

Leicester

MA

01562

City/Town

State

Zip Code

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

Charles Flagg

Name

July 5, 2000

197-223

Dated

DEP File Number

3. The project site is located at:

Lot #2 Flagg Drive n/k/a 3 Flagg Drive

Street Address

Leicester

City/Town

38 A2 0

Assessors Map/Plat Number

Parcel/Lot Number

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

Charles Flagg

Property Owner (if different)

Worcester

41390

257

County

Book

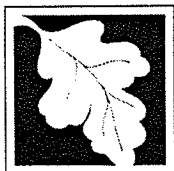
Page

Worcester

Certificate

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

Date



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 8B – Certificate of Compliance

197-223

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

Provided by DEP

B. Certification

Check all that apply:

- ☐ **Complete Certification:** It is hereby certified that the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.
- ☐ **Partial Certification:** It is hereby certified that only the following portions of work regulated by the above-referenced Order of Conditions have been satisfactorily completed. The project areas or work subject to this partial certification that have been completed and are released from this Order are:
-
- ☐ **Invalid Order of Conditions:** It is hereby certified that the work regulated by the above-referenced Order of Conditions never commenced. The Order of Conditions has lapsed and is therefore no longer valid. No future work subject to regulation under the Wetlands Protection Act may commence without filing a new Notice of Intent and receiving a new Order of Conditions.
- ☐ **Ongoing Conditions:** The following conditions of the Order shall continue: (Include any conditions contained in the Final Order, such as maintenance or monitoring, that should continue for a longer period).
- Condition Numbers:
-
- ☐ **Order of Resource Area Delineation:** It is hereby certified that the wetland resource area delineation for the above-referenced Order of Conditions has been satisfactorily completed

C. Authorization

Issued by:

Leicester

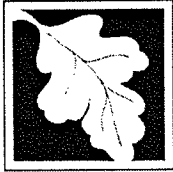
Conservation Commission

Date of Issuance

This Certificate must be signed by a majority of the Conservation Commission and a copy sent to the applicant and appropriate DEP Regional Office (See <http://www.mass.gov/eea/agencies/massdep/about/contacts/>).

Signatures:

_____	_____
_____	_____
_____	_____
_____	_____



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 8B – Certificate of Compliance
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

197-223

Provided by DEP

D. Recording Confirmation

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

Detach on dotted line and submit to the Conservation Commission.

To:

Leicester

Conservation Commission

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

Lot #2 Flagg Drive n/k/a 3 Flagg Drive

Project Location

197-223

DEP File Number

Has been recorded at the Registry of Deeds of:

Worcester

County

for:

Barbara F. Flagg, Trustee The Flagg Realty Trust

Property Owner

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

Date

Book

Page

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

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

Document Number

Signature of Applicant

Order of Conditions
Massachusetts Wetlands Protection Act
G.L. c. 131, §40



Bk: 41390 Pg: 257 Doc: ORD
Page: 1 of 10 08/27/2007 12:23 PM

From LEICESTER CONSERVATION COMM. Issuing Authority

TO CHARLES FLAGG
(Name of person making request) (Name of property owner)

Address 1090 STAFFORD ST. Address _____

This Order is issued and delivered as follows:

☐ by hand delivery to person making request on _____ (date)

☒ by certified mail, return receipt requested on _____ (date)

This project is located at Lot #2 FLAGG DRIVE

The property is recorded at the Registry of DEEDS

Book 13028 Page 49

Certificate (if registered) _____

The Notice of Intent for this project was filed on _____ (date)

The public hearing was closed on May 18, 2000 (date)

Findings

The LCC has reviewed the above-references Notice of Intent and plans and has held a public hearing on the project. Based on the information available to the LCC at this time, the LCC has determined that the area on which the proposed work is to be done is significant to the following interests in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject to Protection under the Act (check as appropriate):

- | | | |
|---|--|---|
| <input type="checkbox"/> Public water supply | <input type="checkbox"/> Flood Control | <input type="checkbox"/> Land containing shellfish |
| <input type="checkbox"/> Private water supply | <input type="checkbox"/> Storm damage prevention | <input type="checkbox"/> Fisheries |
| <input type="checkbox"/> Ground water supply | <input type="checkbox"/> Prevention of pollution | <input type="checkbox"/> Protection of Wildlife Habitat |

Total Filing Fee Submitted _____ State Share _____
(1/4 fee in excess of \$25)

City/Town Share _____

Total Refund Due \$ _____ City/Town Portion \$ _____ State Portion \$ _____
(1/4 total) (1/4 total)

Return to: Cynthia Harabedian
4 Flagg Drive
Leicester, MA 01524

4/5/96

310 CMR - 423

ORDERS AND CONDITIONS

I. GENERAL

1. Special Conditions include the following conditions 1 through ____ on the attached pages 5-3A through ____ 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 10 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.
-

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.

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 **wetland engineer** to supervise this project and make periodic progress reports every month 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.

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IV. LANDSCAPING, GRADING, SIDE SLOPES, DRAINAGE

16. Permanent protection to the side of the (slope, embankment, ditch) consisting of (asphalt paving, grass, plantings or stone rip rap) shall be implemented to prevent siltation of (state area of concern)
17. All exposed slopes shall receive a minimum of 4 inches of topsoil and (some ground cover, grass or other). Mulch of hay of at least 4 inches in depth shall be placed on newly seeded slopes an/or earth capable of eroding into any area of statutory interest.
18. 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.
19. The storm water detention basin shall be free draining, and not store water for prolonged periods of time after storm events and shall be maintained in good hydrological conditions, and be kept free of any litter, refuse, or other extraneous matter. The respective owner or owners in control of the property will maintain any drainage structure located on private property without an easement to the Town DPW.
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.
21. Catch basins and storm drains shall be provided with control devices to prevent products of erosion from disturbed areas from reaching wetland resource areas.
22. The-storm water detention basin shall not discharge storm water having undesirable water quality into any wetland resource area.

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23. 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.

24. 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.

25. Hay bales and/or siltation fencing must be in place and properly staked prior to any work on the site. A **single** row of firmly staked hay bales placed end to end is useful to prevent erosion of disturbed soil and to serve as a visible physical barrier denoting the limit of work. A row of hay bales shall be placed **around area depicted on plan**. This hay bale barrier shall be maintained until the disturbed area has been permanently stabilized.

26. 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.

27. The border of the resource areas on the site shall be clearly marked in the field by stakes placed at **20** 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.

28. The driveway(s) on lot(s) must be provided with a row of hay bales to prevent sedimentation and siltation at (side(s), base, etc.). This should be accomplished at the end of each workday. Hay bales should be on-site for this purpose.

29. All construction shall be done in a manner to minimize siltation effects.

30. There shall be no disturbance of wetlands past the stabilization line.

VII. POLLUTION CONTROL

31. 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.
32. All materials to be removed from the site shall comply with the State and Federal Statutes.
33. Any on-site dumpsters or excavated stockpiled material shall not be located within 100 feet of the wetland and/or resource area.
34. 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

35. 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)).

36. 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.

37. 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.

38. Any stockpiling of topsoil shall be conducted outside of any resource area and stabilized.

39. No boxes, pallets, trees or brush cuttings, dredged materials; trash or construction debris shall be placed on any wetland resource areas.

40. 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.

41. 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 in this strip, **100** feet wide and located **within the buffer zone**.

42. The protection of trees and vegetation are important to allow slow percolation of rainwater into the ground and to reduce erosion. No cutting of trees and/or vegetation is permitted in the resource area of the 100' buffer zone except as defined in these conditions and noted on the plan(s) listed on page 5-3 ___ of this Order or listed below.

43. 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)

44. 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.

ADDITIONAL CONDITIONS:

A permanent marker of unmoveable stone or cement barriers shall be placed 100 feet of wetlands to designate the buffer zone.

This Order must be signed by a majority of the Conservation Commission.

On this fifth day of July 19 2000, before me personally appeared Dianna Provencer, 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.

Richard G. Ponder
Notary Public

March 24, 2000
My Commission Expires

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the Department of Environmental Protection to issue a Superseding Order, providing the request is made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form as provided in 310 CMR 10.03(7) within ten days from the date of issuance of this determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and the applicant.

Detach on dotted line and submit to the _____ prior to commencement of work.

To Leicester Conservation Com Issuing Authority

Please be advised that the Order of Conditions for the project at Lot 2 Plass Drive

File Number 197-223 has been recorded at the Registry of Worcester and

has been noted in the chain of title of the affected property in accordance with General Condition 8 on 6/27 19 2007

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

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

Signature Raymond A. Desautels Jr., Esq. Applicant
Attorney for Applicant