



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 1- Request for Determination of Applicability**

City/Town

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

**A. General Information**

**Important:**

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



1. Applicant:

Benjamin & Kelsey Brigham

Name

BrighamBen@yahoo.com

E-Mail Address

38 Burncoat Lane

Mailing Address

Leicester

City/Town

Ma

State

01524

Zip Code

774-452-5063

Phone Number

Fax Number (if applicable)

2. Representative (if any):

N/A

Firm

N/A

Contact Name

N/A

E-Mail Address

N/A

Mailing Address

N/A

City/Town

N/A

State

N/A

Zip Code

N/A

Phone Number

N/A

Fax Number (if applicable)

**B. Determinations**

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

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

Name of Municipality

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

There will be silt fence and straw wattle going down the side property line abutting lot 7 that will go all the way to back property line. Then there will also be silt fence and hay bales going on the back property line where we will be building and then will finish the rest of the back property line with silt fence and straw wattle so no debris can get into wetlands or neighbors property. I do have a property fence abutting lot 10 that will also keep any debris from going into that property also.



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**C. Project Description (cont.)**

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

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

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**D. Signatures and Submittal Requirements**

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

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

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

Name and address of the property owner:

Benjamin Brigham & Kelsey Brigham  
Name

38 Burncoat Lane  
Mailing Address

Leicester  
City/Town

MA  
State

01524  
Zip Code

Signatures:

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

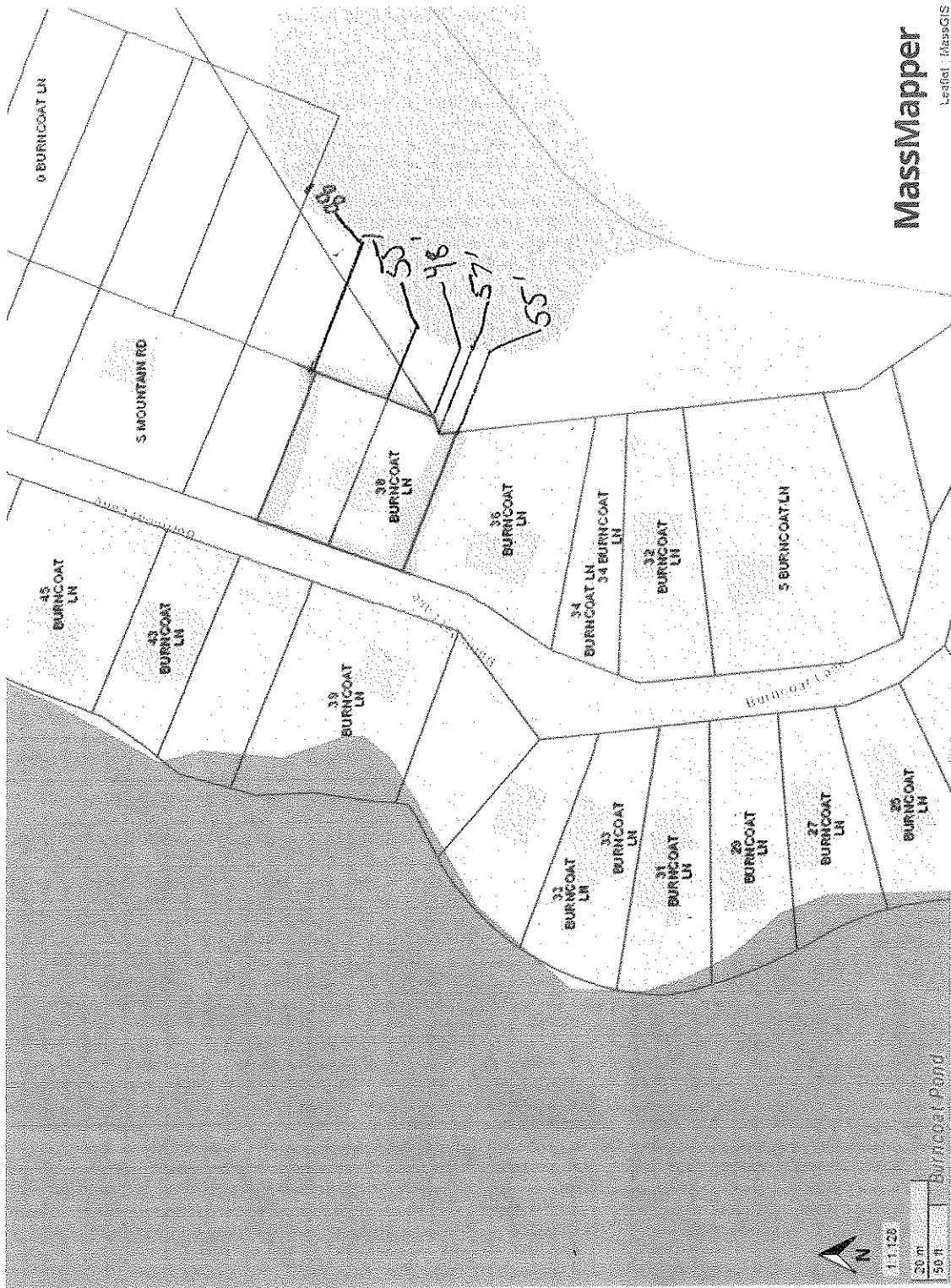
Benjamin Brigham  
Signature of Applicant

1/31/2022  
Date

\_\_\_\_\_  
Signature of Representative (if any)

\_\_\_\_\_  
Date

Property Tax Parcels



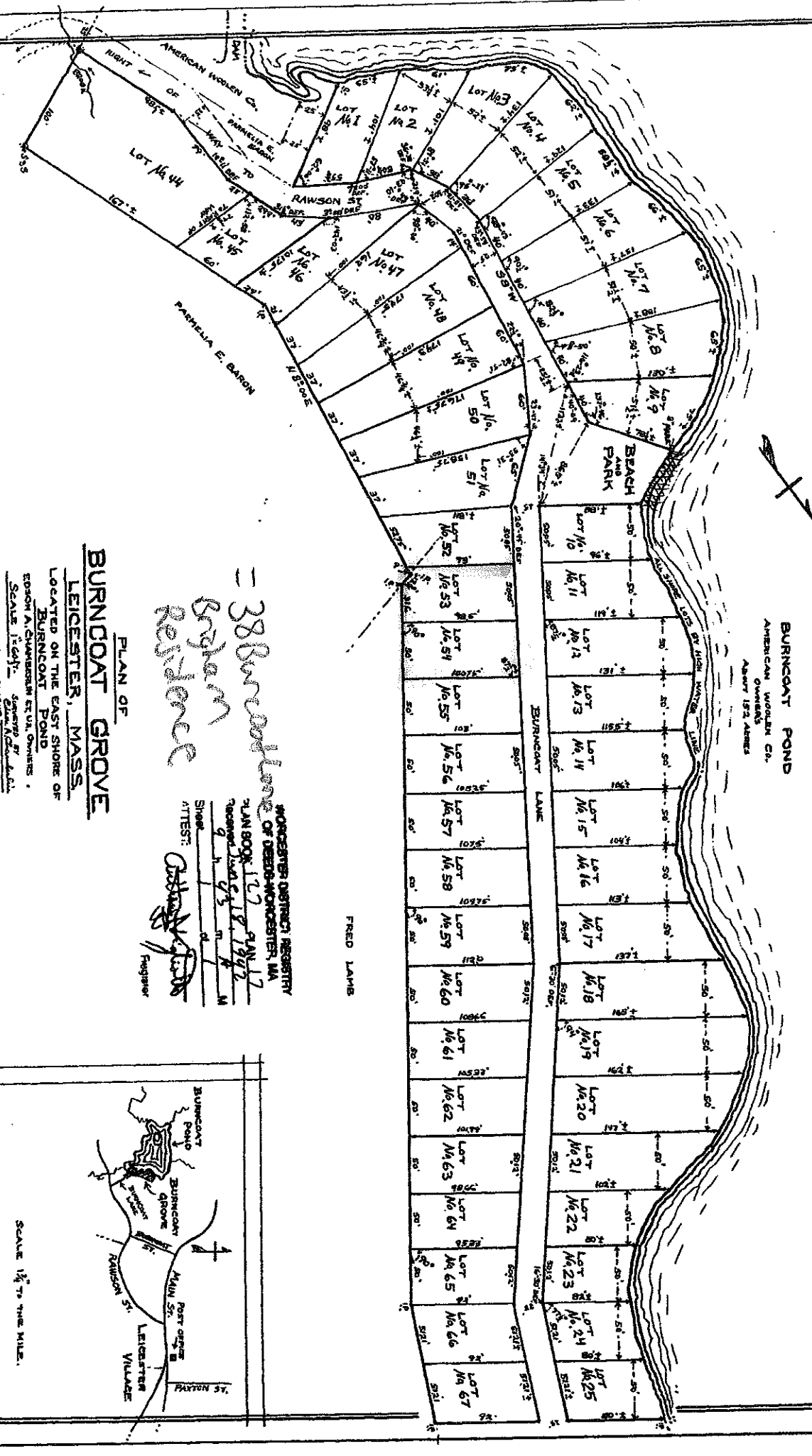
38 Burncoat Lane  
= Property of  
Brigham Residence

ParcelID	Location	Owner	Co-Owner	Mailing Address	City	State	Zip
27 C2 0	BURNCOAT LN	OVEKA II JOHN P	OVEKA BETH-ELLEN	1 BURNCOAT LANE	LEICESTER	MA	01524
27A E19 0	39 BURNCOAT LN	GEORGE-DOLAN ROSE MARIE	DOLAN PETER M	16 HYATT STREET	WORCESTER	MA	01601
27A F7 0	36 BURNCOAT LN	JENSEN JOSEPH C	JENSEN JOYCE A	36 BURNCOAT LN	LEICESTER	MA	01524
27A F9 0	BURNCOAT LN	BRIGHAM BENJAMIN R	BRIGHAM KELSEY A	38 BURNCOAT LANE	LEICESTER	MA	01524

End of Report

Above is a certified list of direct abutters including abutters across the street.  
 Subject property: 38 Burncoat Lane, Assessors Map 27A-F8, Deed Ref. 62967/178  
 Subject owner(s): Benjamin & Kelsey Brigham

Linda Berisha, Principal Assessor  
 Prepared by: Kathleen Asquith, Assistant Assessor



BURNCOAT POND  
AMERICAN WOOLLEN CO.  
OWNERS  
ABOUT 122 ACRES

FRED LAMB

*38 Burncoat Lane  
Bryan  
Residence*

PLAN OF

**BURNCOAT GROVE**

LEICESTER, MASS.

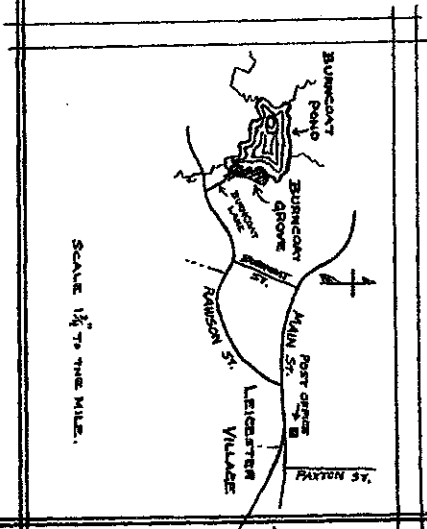
LOCATED ON THE EAST SHORE OF

BURNCOAT POND

EDSON A. CHAMBERLIN ET AL. OWNERS.

SCALE 1"=60' - SIGNED BY [Signature]  
JUNE 15, 1902.

NOTARIES PUBLIC REGISTRY  
OF DEEDS AND RECORDS  
PLAN BOOK 127, PAGE 17  
RECORDED JAN 18, 1902  
ATTEST: [Signature]  
Register



NOTES:

1. THE BEARING BASIS OF THIS SURVEY REFERS TO THE MASSACHUSETTS STATE PLANE COORDINATE SYSTEM (NAD '83) MAINLAND SYSTEM, BASED ON REAL TIME GPS OBSERVATIONS ON THE MACORS REAL-TIME NETWORK.
2. THIS PLAN IS BASED ON INFORMATION PROVIDED BY A SURVEY PREPARED IN THE FIELD BY LEVESQUE GEOMATICS AND OTHER REFERENCE MATERIAL AS LISTED HEREON.
3. THE EXISTENCE OF WETLANDS MAY BE PRESENT WITHIN 100' OF THE EASTERLY PROPOSED ADDITION AREA.

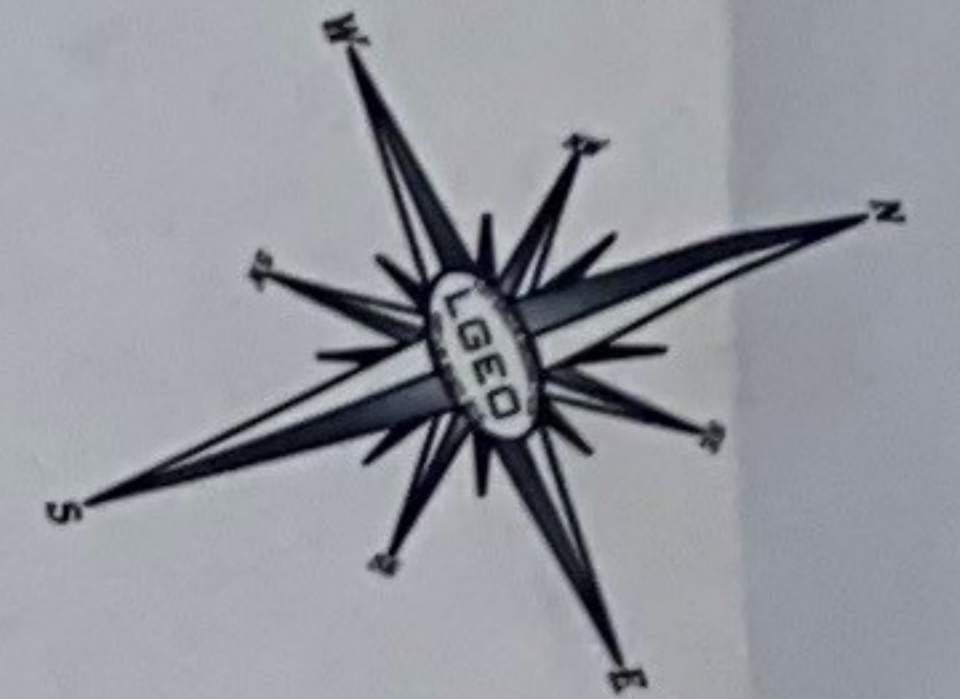
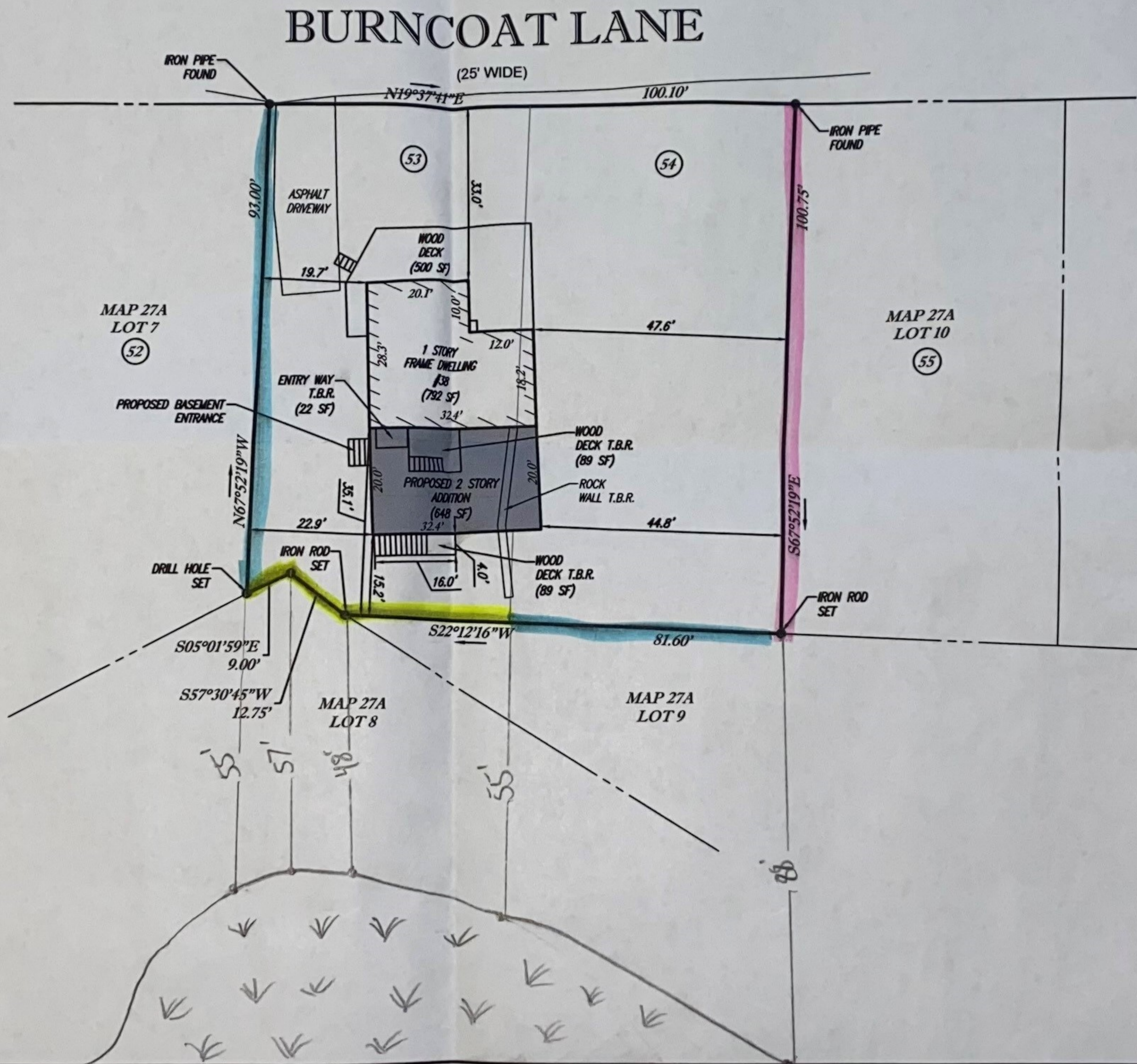
LOCUS INFORMATION:

OWNERS:  
BENJAMIN R. & KELSEY A. BRIGHAM  
38 BURNCOAT LANE  
LEICESTER, MASS. 01524  
BK. 62967, PG. 178

ZONING INFORMATION  
SUBURBAN AGRICULTURE DISTRICT  
SOURCE: TOWN OF LEICESTER ZONING MAP 2016 &  
ZONING BY-LAW JUNE 2020

ITEMS	REQUIRED	EXISTING	PROPOSED
MIN LOT AREA	80,000 SF	9,770 SF	9,770 SF
MIN FRONTAGE	200'	100.10'	100.10'
MIN FRONT YARD	40'	33.0'	33.0'
MIN SIDE YARD	40'	19.7'	22.9'
MIN REAR YARD	40'	35.1'	15.2'
MAX. COVERAGE	30%	14.36%	19.8%
MAX. HEIGHT	35'	1 STORY	1 STORY

PLAN BOOK	PLAN
127	17



<p>PLOT PLAN OF MAP 27A, LOTS 8 &amp; 9</p> <p>PREPARED FOR BENJAMIN R. &amp; KELSEY A. BRIGHAM</p> <p>38 BURNCOAT LANE TOWN OF LEICESTER WORCESTER COUNTY COMMONWEALTH OF MASSACHUSETTS</p>	<p>SEAL</p>	<p>LEVESQUE GEOMATICS INC</p> <p>43 GLENDALE ROAD STURBRIDGE, MA 01518 PHONE: (508) 868-0041</p>	<p>THIS SURVEY HAS BEEN PERFORMED IN THE FIELD UNDER MY SUPERVISION, AND TO THE BEST OF MY KNOWLEDGE, BELIEF, AND INFORMATION, THIS SURVEY HAS BEEN PERFORMED IN ACCORDANCE WITH CURRENTLY ACCEPTED ACCURACY STANDARDS.</p> <p>12/07/2021 DATE</p> <p>JOSEPH I. LEVESQUE III MASSACHUSETTS PROFESSIONAL LAND SURVEYOR #53840</p>	<p>DATE DECEMBER 6, 2021 REVISED 7, 2021</p> <p>SCALE 1" = 20'</p> <p>DRAWN JIL</p> <p>CHKD. JIL</p>	<p>JOB NO. BB03-002</p> <p>SHEET NO. 1 OF 1</p>
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Key

- = Silt Fence with straw wattle
- = Silt Fence with Hay Bales
- = Existing Fence