



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

LEICESTER  
City/Town

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

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

**A. General Information**

**Important:**

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



1. Applicant:

Name JAMES WASGATT E-Mail Address JWASGATT@JUNO.COM  
Mailing Address 401 PINE ST  
City/Town LEICESTER State MA Zip Code 01524  
Phone Number 603-320-0413 Fax Number (if applicable) \_\_\_\_\_

2. Representative (if any):

Firm \_\_\_\_\_  
Contact Name \_\_\_\_\_ E-Mail Address \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
City/Town \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Phone Number \_\_\_\_\_ Fax Number (if applicable) \_\_\_\_\_

**B. Determinations**

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

- ☒ 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:

TOWN OF LEICESTER MA  
Name of Municipality

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



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**C. Project Description**

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

401 PINE ST

Street Address

LEICESTER

City/Town

040

Assessors Map/Plat Number

B 3

Parcel/Lot Number

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

CURRENT DECK EXTENDS 35' ALONG THE BACK OF HOUSE AND 3 SEASON ROOM  
AND 26' 4" OUT FROM THE HOUSE. ON THE LEFT SIDE THE CURRENT  
DECK WILL BE SQUARED OFF AND EXTENDED 8' WITH A 17' WALKWAY ALONG  
THE HOUSE TO GARAGE DOOR. DECK WILL BE EXTENDED 18' ON THE LEFT WITH A  
CARVE OUT FOR THE POOL. CLOSEST DISTANCE TO BROOK IS APPROXIMATELY 30'

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

COYLE ENGINEERING SITE PLAN FOR 401 PINE ST + 2 COPIES 8"x11"

Title

04/21/03

Date

ASSESSOR'S MAP 40

Title

Date

USGS TOPOGRAPHIC MAP

Title

Date

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

SEE ATTACHED NARRATIVE LABELED WPA FORM 1 C. 2.a.

WPA Form 1

C. 2. a.

Existing Deck extends 20' 4" out from the house into the back yard and extends 35' along the dining room/kitchen and 3 season room. It is 8' short of the corner of the kitchen and 4' short of the corner of the 3 season room.

My proposal is to square off the existing deck on the right and to extend it 8' to the corner of the kitchen. At the corner of the kitchen I propose to build a 17' walkway along the house to the garage entry door for access to the deck from the driveway/garage without having to walk down into the yard and around the back for access. On the back of the deck the stairs will be reworked to extend in both directions along the deck instead of straight down into the back yard.

On the left my proposal is to extend the deck 18' to just before the wellhead then angle the deck to join the pool. At the 3 season room the deck will extend straight out to connect to the pool and will have stairs leading into the side yard for access from the front of the house. The deck will be rounded to follow the contours of the pool.

The stairs and bushes along the left side of the deck will need to be removed to extend the deck. There is also a bush which will need to be removed where the pool is going.

The pool is an 18' round above ground pool. The pool center will be 20' out from the 3 season room. The sides of the pool will be 11' out from the 3 season room and 2' from the wellhead. The closest the deck will be to the brook is approximately 30' at the new bottom right corner of the deck.

A silt fence and hay bales will be installed between the work area and the brook.





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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).

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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.

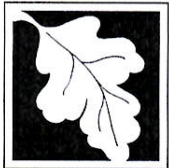
- ☐ Single family house on a lot recorded on or before 8/1/96
- ☐ Single family house on a lot recorded after 8/1/96
- ☐ Expansion of an existing structure on a lot recorded after 8/1/96
- ☒ Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96
- ☐ 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:

JAMES WASGATT  
Name  
401 PINE ST  
Mailing Address  
LEICESTER  
City/Town  
MA 01524  
State Zip Code

Signatures:

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

[Signature]  
Signature of Applicant

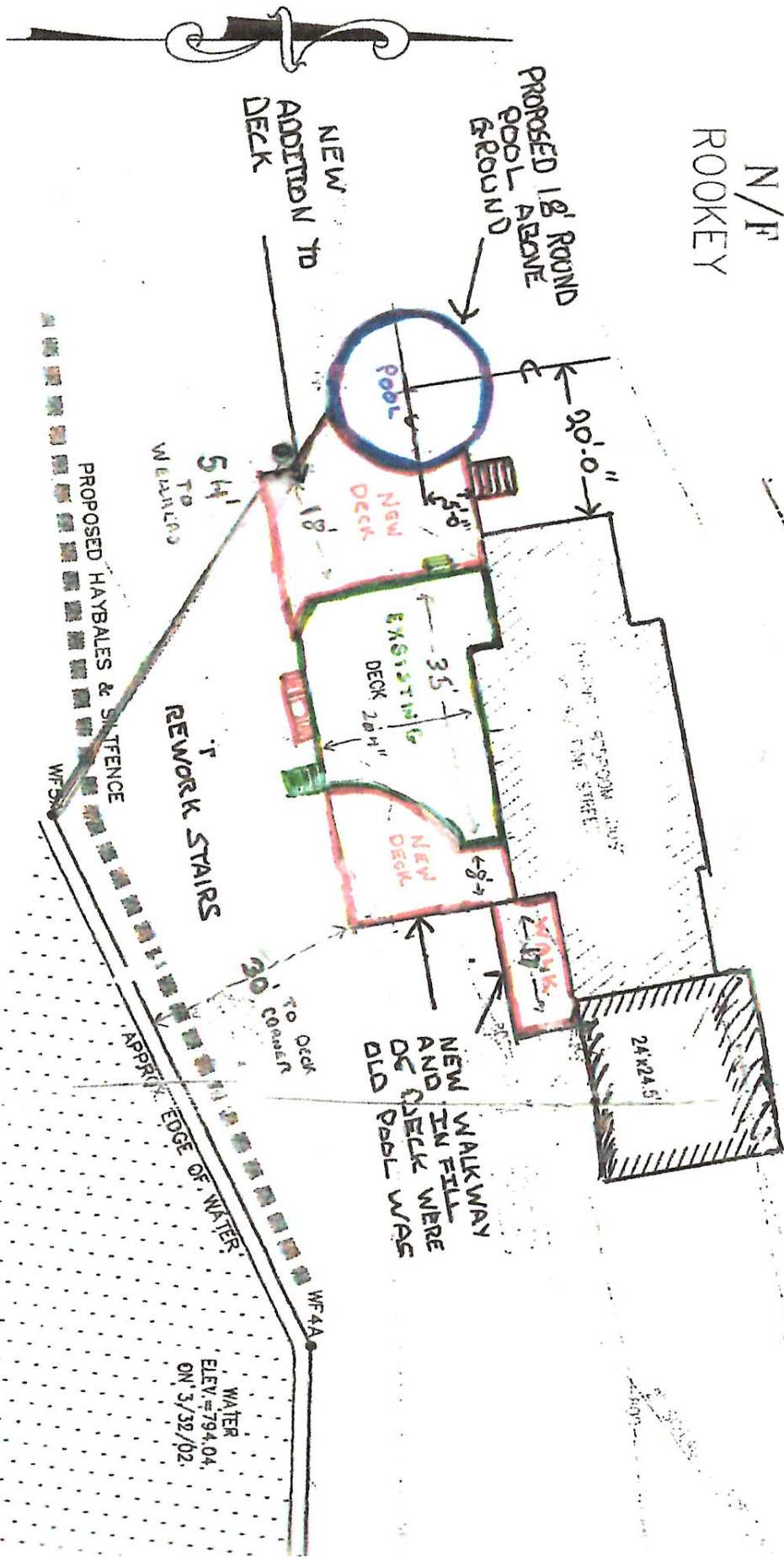
4/26/2018  
Date

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

\_\_\_\_\_  
Date

N/F  
ROOKEY

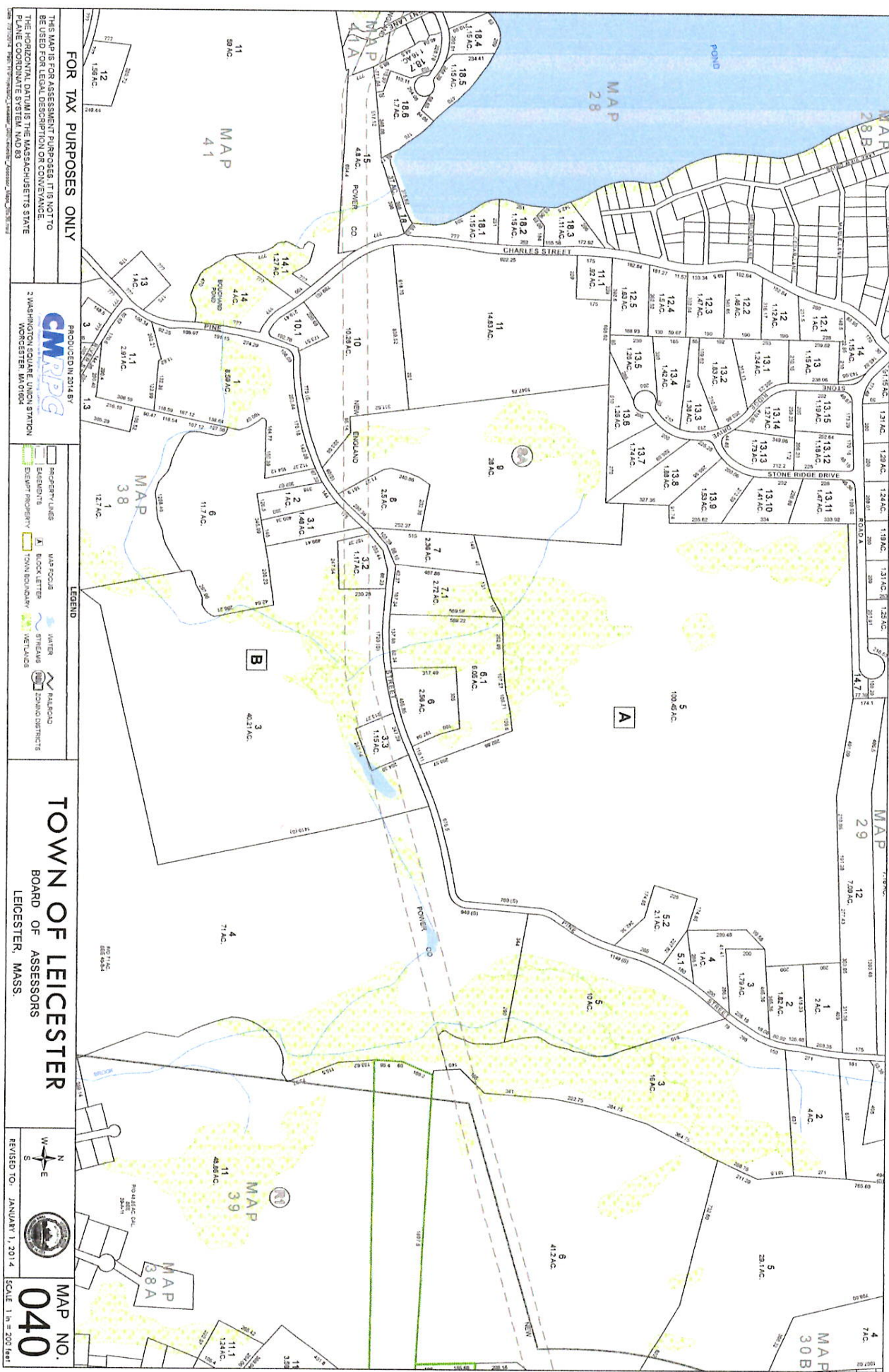
100' BUFFER ZONE



NEW ENGLAND POWER COMPANY TRANSMISSION LINE 125' WIDE

WATER  
ELEV. = 794.04,  
ON 3/32/02.





FOR TAX PURPOSES ONLY

THIS MAP IS FOR ASSESSMENT PURPOSES. IT IS NOT TO BE USED FOR LEGAL DESCRIPTION OR CONVEYANCE.

THE HORIZONTAL DATUM IS THE MASSACHUSETTS STATE PLANE COORDINATE SYSTEM, NAD 83.

PRODUCED IN 2014 BY

**CMAP**

2 WASHINGTON SQUARE, UNION STATION  
WORCESTER, MA 01604

**LEGEND**

PROPERTY LINES

EASEMENTS

BLOCK LETTER

TOWN BOUNDARY

WATER

STREAMS

WETLANDS

RAILROAD DISTRICTS

**TOWN OF LEICESTER**

BOARD OF ASSESSORS

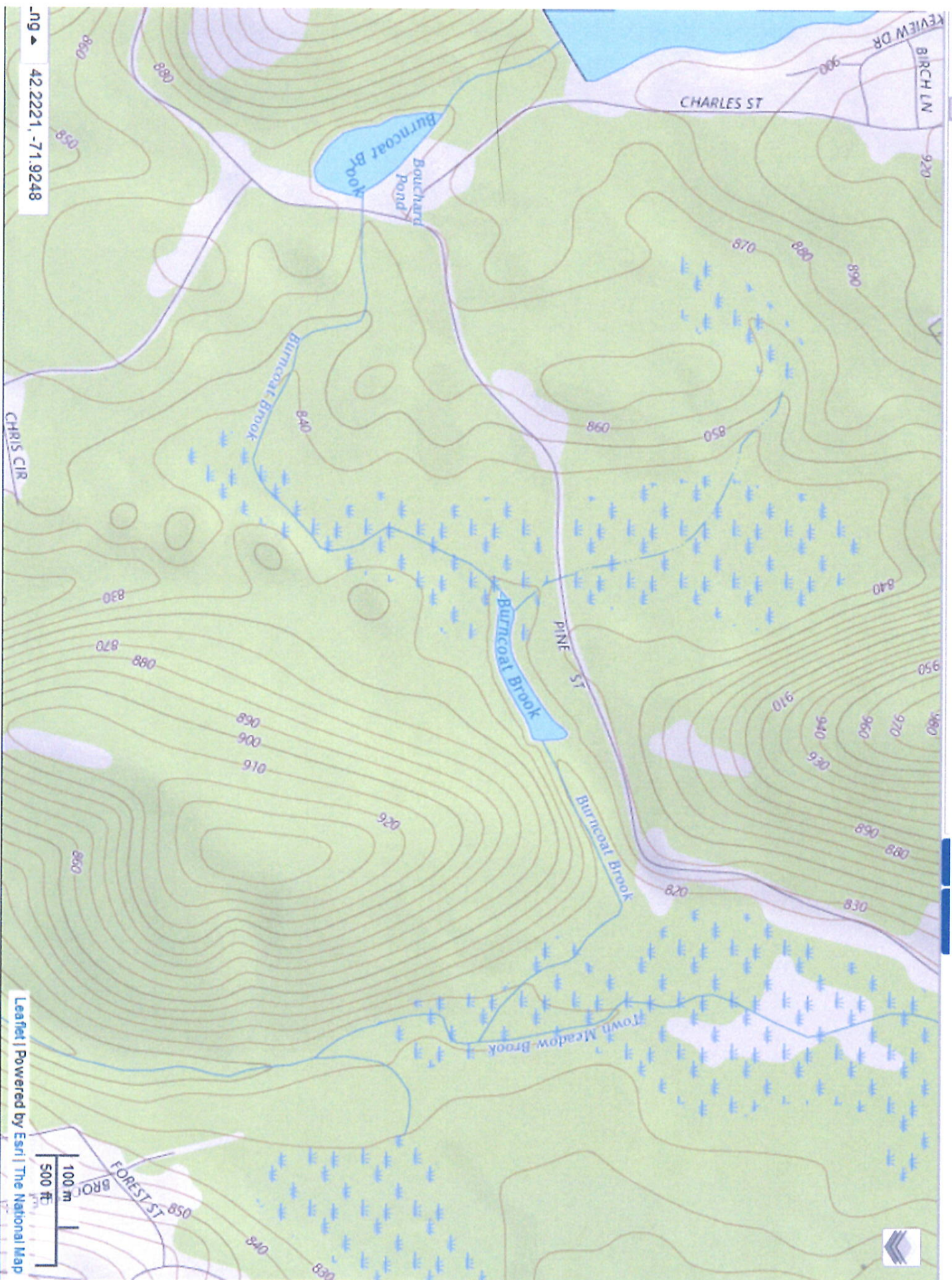
LEICESTER, MASS.

MAP NO. **040**

REVISED TO: JANUARY 1, 2014

SCALE 1" = 200'









# QUITCLAIM DEED

James P. Wasgatt, an unmarried person, of Leicester, Massachusetts, for consideration paid, and in full consideration of less than One Hundred and no/100 (\$100.00) Dollars, grants to James P. Wasgatt, and Kristi L. Faucher as joint tenants with rights of survivorship  
401 Pine Street, Leicester, Massachusetts  
with quitclaim covenants,

See Exhibit A attached hereto


Witness our hands and seals this 15<sup>th</sup> day of April, 2016

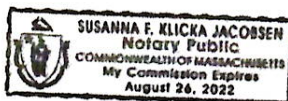
  
James P. Wasgatt

## The Commonwealth of Massachusetts

Worcester, ss

On this 15<sup>th</sup> day of April, 2016, before me, the undersigned notary public, personally appeared James P. Wasgatt, proved to me through satisfactory evidence of identification, which were: NH license, to be the person(s) whose name(s) are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

  
Notary Public:  
My commission expires:





401 Pine Street, Leicester, Massachusetts

## **Exhibit A**

The land and buildings thereon in said Leicester, being four certain tracts or parcels of land more particularly bounded and described as follows:

### **TRACT ONE:**

A certain tract of land situated in the Town of Leicester with the buildings thereon, containing about fifty (50) acres, more or less, and further described as follows:

**BEGINNING** at a stake and stones on the north side of the County Road, so-called;

**THENCE** N. 12° W. bounded East on land late of Captain Jonathan Newhall to a bush and heap of stones, the same being thirty (30) rods;

**THENCE** W. 5° S. about sixty (60) rods to land now or formerly of Deacon Fletcher;

**THENCE** Southerly on said Fletcher land thirty (30) rods to a heap of stones;

**THENCE** Easterly twelve (12) rods to a stake and stones on the south of side of said County Road;

**THENCE** Southerly thirty-seven (37) rods, bounded westerly on said Fletcher land to a stake and stones near the brook;

**THENCE** Southerly on said brook and on said Fletcher land about fifty-one (51) rods to a stake and stones;

**THENCE** E. 3° N. eighty-four (84) rods to a stake and stones;

**THENCE** N. 6° W. to County Road aforesaid, the last two lines being by land late of said Jonathan Newhall;

**THENCE** Westerly by said County Road to the bound first-mentioned.



**TRACT TWO:**

A certain parcel of land situated near the above on the south side of said road bounded and described as follows:

**BEGINNING** at the northeast corner thereof on said road;

**THENCE** by land formerly of Artemus Haven, S.  $7\frac{1}{4}^{\circ}$  E. six (6) rods and eleven (11) links to a point;

**THENCE** S.  $75\frac{1}{4}^{\circ}$  W. seventeen (17) rods and seventeen (17) links to a point;

**THENCE** N.  $33\frac{1}{2}^{\circ}$  W. four (4) rods to said road;

**THENCE** by said road N.  $56\frac{3}{4}^{\circ}$  E. thirteen (13) rods and eleven (11) links and N.  $89^{\circ}$  E. seven (7) rods and seven (7) links to the place of beginning.

**CONTAINING** one hundred twenty-three (123) square rods of land, more or less.

**TRACT THREE:**

A certain tract of land adjoining the above and bounded and described as follows:

**BEGINNING** on said road at a stake and stones;

**THENCE** S.  $33\frac{1}{3}^{\circ}$  E. four (4) rods to a point;

**THENCE** S.  $75\frac{1}{4}^{\circ}$  W. seventeen (17) rods and seventeen (17) links to a point;

**THENCE** Northerly twenty-six (26) rods and fifteen (15) links to a point;

**THENCE** Westerly fourteen (14) rods and five (5) links to a point;

**THENCE** Northerly twenty-eight (28) rods to the place of beginning.

**TRACT FOUR:**

A certain tract of land adjoining one of the above lots and bounded as follows:

On the East by the above land;

On the South by said road;

On the West and North by land formerly of Asahel B. Sprague and being enclosed with stone walls.

**CONTAINING** two and one-half ( $2\frac{1}{2}$ ) acres of land, more or less.

Excepting from the above-mentioned locus are:

(1) Parcel A containing 1.149 acres conveyed to John J. Guertin et al by deed dated April 10, 2000 recorded in Book 22492, Page 237 and as shown on plan recorded in Plan Book 754, Plan 54;

(2) A parcel containing 1.165 acres conveyed to Thomas K. Hobby, Jr. et al by deed dated October 25, 1985 recorded in Book 9034, Page 114 as shown on plan recorded in Plan Book 543, Plan 85;

(3) A parcel containing 64,450 square feet conveyed to Mark L. Hobby et al by deed dated October 24, 1977 recorded in Book 6328, Page 67 and as shown on plan recorded in Plan Book 444, Plan 81;

(4) A parcel containing 5 acres conveyed to John M. Chapman by deed dated September 15, 1930 recorded in Book 2528, Page 397 and as shown on plan recorded therewith;

<sup>in Book 2528, Page 397</sup>

(5) A parcel containing 0.94 acres conveyed to Herbert M. Corbin et al by deed dated September 25, 1950 and recorded in Book 3287, Page 350;

(6) A parcel containing 2 ½ acres conveyed to Albert G. Magnan by deed dated November 10, 1950 recorded in Book 3300, Page 397 and subsequently reconveyed to George R. Giguere et al by deed dated October 23, 1962 and recorded in Book 4330, Page 508. [All of Tract Four in the current deed (Book 10394, Page 261)]; and

(7) A parcel containing 8.64 acres conveyed to Earl J. Mayo et al by deed dated December 4, 1964 and recorded in Book 4524, Page 247.

Being the same premises conveyed to the Grantor by deed of James P. Wasgatt, dated February 26, 2016 and recorded at Worcester County Registry of Deeds in Book 54989 Page 122.

ATTEST: WORC. Anthony J. Vigliotti, Register