



EcoTec, Inc.

ENVIRONMENTAL CONSULTING SERVICES

102 Grove Street

Worcester, MA 01605-2629

508-752-9666 / Fax: 508-752-9494

June 1, 2021

Leicester Conservation Commission
Town Hall
3 Washburn Square
Leicester, MA 01524

Re: Notice of Intent

Subject Property: 59 Burncoat Lane, Leicester, MA

Dear Commission Members:

Enclosed please find one copy of a Notice of Intent ("NOI") and attachments, along with one full-size site plan, submitted on behalf of the Applicant: Richard Gorman, Sr. This NOI is filed under the Massachusetts Wetlands Protection Act and the Leicester Wetland Bylaw for the above-referenced property. This filing comprises:

- This cover letter;
- WPA Form 3 (Notice of Intent);
- Copies of filing fee checks including Bylaw fee (\$27.50) and Town portion of WPA fee (\$67.50);
- Certified Abutters List;
- EcoTec Wetland Evaluation Report with USGS Map Section & DEP Data Forms;
- Conservation Commission Plan (1 page) by DC Engineering, dated May 19, 2021.

A copy of this filing has been submitted by certified mail, return receipt requested to the Central Regional Office of the Department of Environmental Protection and to the property owner, as required. The abutters will be notified, and Certificates of Mailing will be provided, as soon as the public hearing notice is provided to me.

This NOI pertains to proposed restoration of, and improvements to, the waterfront at 59 Burncoat Lane. The restoration work is proposed to address an Enforcement Order dated November 30, 2020. The work includes the following:

- Removal of an existing stone wall/breakwater which was constructed within Land Under Water associated with Burncoat Pond. A photo of the existing waterfront is attached. It is my understanding that the stone wall was constructed with rocks removed from the bottom of Burncoat Pond. The stone in the wall will be removed, by hand. Approximately 16 cubic yards of stone will be removed from the pond and used to construct a dry wall along the southerly property line. Approximately 4 cubic yards will be used to stabilize the Bank of Burncoat Pond which is presently eroding due to wave action.

- Approximately 16 cubic yards of beach sand and stone steps were added to the Bank and Land Under Water in order to create a beach area. The wall stone to be removed from the pond will compensate for the loss of flood storage associated with the sand placement.
- A paver walkway will be constructed leading from the stone steps to the existing shed/boathouse. A limit of work sediment/control barrier is proposed between the walkway and the pond and all disturbed areas will be stabilized upon project completion, as noted on the project plan.
- Existing, lower tree branches, along the northerly and southerly property lines, will be pruned to provide vistas and to enhance pond access.

We look forward to meeting with the Commission regarding this project. If you have any questions, please feel free to contact me at any time.

Sincerely,



Arthur Allen
Senior Environmental Scientist

cc: DEP-CERO Wetlands & Waterways
Richard Gorman, Sr., Applicant

AA/NOI/59 Burncoat NOI Cover.doc



59 Burncoat Lane Shoreline on December 15, 2020



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):

59 Burncoat Lane

a. Street Address

Leicester

b. City/Town

01524

c. Zip Code

Latitude and Longitude:

42.239016

d. Latitude

-71.945614

e. Longitude

27A

f. Assessors Map/Plat Number

E30

g. Parcel /Lot Number

2. Applicant:

Richard L.

a. First Name

Gorman Sr.

b. Last Name

c. Organization

59 Burncoat Lane

d. Street Address

Leicester

e. City/Town

MA

f. State

01524

g. Zip Code

413-668-8023

h. Phone Number

i. Fax Number

rgormanrt@yahoo.com

j. Email Address

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

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Arthur

a. First Name

Allen

b. Last Name

EcoTec, Inc.

c. Company

102 Grove Street

d. Street Address

Worcester

e. City/Town

MA

f. State

01605

g. Zip Code

508-752-9666

h. Phone Number

i. Fax Number

aallen@ecotecinc.com

j. Email address

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

\$110

a. Total Fee Paid

\$42.50

b. State Fee Paid

\$67.50

c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

Restore Land Under Water by removing rock wall/breakwater. Stabilize pond Bank. After-the-fact approval for stone steps and beach nourishment. Add paver walkway. Prune trees along property side-lines.

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

- | | |
|---|---|
| 1. <input checked="" 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 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)

2. Limited Project Type

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

a. County

50937

c. Book

b. Certificate # (if registered land)

358

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.



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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 checked="" type="checkbox"/> Bank | 106 1. linear feet | 106 2. linear feet |
| b. <input type="checkbox"/> Bordering Vegetated Wetland | 1. square feet | 2. square feet |
| c. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways | 198 1. square feet 0 3. cubic yards dredged | 198 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 type="checkbox"/> Riverfront Area | 1. Name of Waterway (if available) - specify coastal or inland | |

2. Width of Riverfront Area (check one):

- ☐ 25 ft. - Designated Densely Developed Areas only
- ☐ 100 ft. - New agricultural projects only
- ☐ 200 ft. - All other projects

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

4. Proposed alteration of the Riverfront Area:

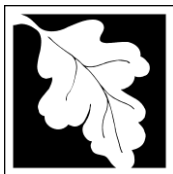
a. total square feet _____ b. square feet within 100 ft. _____ c. square feet between 100 ft. and 200 ft. _____

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

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

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

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



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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. ☐ 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. ☐ Project Involves Stream Crossings

a. number of new stream crossings _____

b. number of replacement stream crossings _____



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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.

- 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

12/15/2020

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 <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/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.



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

- (c) ☐ MESA filing fee (fee information available at http://www.mass.gov/dfwele/dfw/nhESP/regulatory_review/ mesa/ mesa_fee_schedule.htm).
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, http://www.mass.gov/dfwele/dfw/nhESP/regulatory_review/ mesa/ mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)
 2. ☐ Separate MESA review ongoing. a. NHESP Tracking # _____ 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:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: DMF.EnvReview-South@state.ma.us

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: DMF.EnvReview-North@state.ma.us

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.



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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.



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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.

Conservation Commission Plan

a. Plan Title

DC Engineering & Survey, Inc.

Jason D. Dubois, PE

b. Prepared By

c. Signed and Stamped by

May 19, 2021

1"=20'

d. Final Revision Date

e. Scale

EcoTec Wetland Evaluation Report

May 20, 2021

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:

20846

5/27/2021

2. Municipal Check Number

3. Check date

20847

5/27/2021

4. State Check Number

5. Check date

EcoTec, Inc.

6. Payor name on check: First Name

7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection
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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. Date

3. Signature of Property Owner (if different)

4. Date

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 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.

5. If there is more than one property owner, please attach a list of these property owners not listed on this form.
6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
8. Attach NOI Wetland Fee Transmittal Form
9. Attach Stormwater Report, if needed.

E. Fees

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

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

- | | |
|------------------------------------|-----------------------------------|
| 2. Municipal Check Number | 3. Check date |
| 4. State Check Number | 5. Check date |
| 6. Payor name on check: First Name | 7. Payor 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 project location.



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:

59 Burncoat Lane

a. Street Address

20847

c. Check number

Leicester

b. City/Town

\$42.50

d. Fee amount

2. Applicant Mailing Address:

Richard L.

a. First Name

Gorman, Sr.

b. Last Name

c. Organization

59 Burncoat Lane

d. Mailing Address

Leicester

e. City/Town

MA

f. State

01524

g. Zip Code

413-668-8023

h. Phone Number

i. Fax Number

rgormanrt@yahoo.com

j. Email Address

3. Property Owner (if different):

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).



| Step 1/Type of Activity | Step 2/Number of Activities | Step 3/Individual Activity Fee | Step 4/Subtotal Activity Fee |
|---|-----------------------------|--------------------------------|--------------------------------------|
| Cat. 1.a.(single family home - waterfront improvements) | 1 | \$110 | \$110 |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| Step 5/Total Project Fee: | | | \$110 |
| Step 6/Fee Payments: | | | |
| Total Project Fee: | | | \$110 |
| State share of filing Fee: | | | \$42.50 |
| City/Town share of filling Fee: | | | \$67.50 |
| | | | a. Total Fee from Step 5 |
| | | | b. 1/2 Total Fee less \$12.50 |
| | | | c. 1/2 Total Fee plus \$12.50 |

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.

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.)

From: [Richard Gorman](#)
To: [Arthur Allen](#)
Subject: 59 Burncoat Lane Abutters List
Date: Tuesday, May 4, 2021 3:12:25 PM
Attachments: [Image1.PNG](#)

05/04/2021

12:53:29PM

Town of Leicester

Abutters List

CONCOM NOI

Page 1 of 1

| ParcelID | Location | Owner | Co-Owner | Mailing Address | City | State | Zip |
|------------|----------------|---------------------------|------------------------|------------------|-----------|-------|------------|
| 27 B6 0 | BURNCOAT POND | BURNCOAT POND WATERSHED D | | PO BOX 346 | LEICESTER | MA | 01524 |
| 27 C1 0 | 64 BURNCOAT LN | HOVAGIMIAN MATTHEW | | 26 NUGGET DRIVE | CHARLTON | MA | 01507 |
| 27 C1 51 0 | BURNCOAT LN | COMEAU MICHAEL F | COMEAU KAREN M | 69 BURNCOAT LN | LEICESTER | MA | 01524 |
| 27A E28 0 | BURNCOAT LN | ROESCH DOUGLAS | | 2 BIXBY STREET | SPENCER | MA | 01562 |
| 27A E29 0 | 57 BURNCOAT LN | HONEYMAN T W TRUST | HONEYMAN THOMAS W EL | 54 ELLIS DRIVE | WORCESTER | MA | 01609 |
| 27A E33 0 | 65 BURNCOAT LN | THEBODO STEVEN A TRUSTEE | THEBODO IRREVOCABLE TR | 65 BURNCOAT LN | LEICESTER | MA | 01524 |
| 27A E34 0 | 67 BURNCOAT LN | COMEAU MICHAEL F | COMEAU KAREN M | 69 BURNCOAT LN | LEICESTER | MA | 01524 |
| 27A F17 0 | BURNCOAT LN | ROESCH DOUGLAS | | 2 BIXBY STREET | SPENCER | MA | 01562 |
| 27A F18 0 | BURNCOAT LN | HONEYMAN T W TRUST | HONEYMAN THOMAS W EL | 54 ELLIS DRIVE | WORCESTER | MA | 01609 |
| 27A F19 0 | 60 BURNCOAT LN | RYAN JESSICA L | | 60 BURNCOAT LANE | LEICESTER | MA | 01524 |
| 27A F20 0 | 62 BURNCOAT LN | LINCOLN GORDON A | | 62 BURNCOAT LANE | LEICESTER | MA | 01524-0304 |
| 27A F21 0 | BURNCOAT LN | LINCOLN GORDON A | | 62 BURNCOAT LANE | LEICESTER | MA | 01524-0304 |
| 27A F22 0 | BURNCOAT LN | LINCOLN GORDON A | | 62 BURNCOAT LANE | LEICESTER | MA | 01524-0304 |
| 27A F23 0 | BURNCOAT LN | LINCOLN GORDON A | | 62 BURNCOAT LANE | LEICESTER | MA | 01524-0304 |

End of Report

Richard Lasdoce Gorman Sr

EcoTec, Inc.
ENVIRONMENTAL CONSULTING SERVICES
102 Grove Street
Worcester, MA 01605-2629
508-752-9666 – Fax: 508-752-9494

April 25, 2021

Richard Gorman, Sr.
59 Burncoat Lane
Leicester, MA 01524

RE: Wetland Resource Evaluation, 59 Burncoat Lane, Leicester, MA

Dear Richard:

On December 15, 2020, EcoTec, Inc. inspected the above-referenced property for the presence of wetland resources as defined by: (1) the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, § 40; the “Act”) and its implementing regulations (310 CMR 10.00 *et seq.*; the “Regulations”); and (2) the U.S. Clean Water Act (i.e., Section 404 and 401 wetlands). Arthur Allen, CPSS, CWS, CESSWI conducted the inspection.

The subject site consists of a \pm 0.5-acre parcel located in on the west side of Burncoat Lane with frontage on Burncoat Pond. The upland portions of the site consist of a house and landscaped yard. The wetland resources observed on the site are described below.

Methodology

The site was inspected, and areas suspected to qualify as wetland resources were identified. The boundary of Bordering Vegetated Wetlands or, in the absence of Bordering Vegetated Wetlands, Bank was delineated in the field in accordance with the definitions set forth in the regulations at 310 CMR 10.55(2)(c) and 310 CMR 10.54(2). Section 10.55(2)(c) states that “The boundary of Bordering Vegetated Wetlands is the line within which 50% or more of the vegetational community consists of wetland indicator plants and saturated or inundated conditions exist.” Section 10.54(2)(c) states that “The upper boundary of Bank is the first observable break in the slope or the mean annual flood level, whichever is lower.” The methodology used to delineate Bordering Vegetated Wetlands is further described in: (1) the BVW Policy “*BVW: Bordering Vegetated Wetlands Delineation Criteria and Methodology*,” issued March 1, 1995; and (2) “*Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act: A Handbook*,” produced by the Massachusetts Department of Environmental Protection, dated March 1995. The plant taxonomy used in this report is based on the *National List of Plant Species that Occur in Wetlands: Massachusetts* (Fish and Wildlife Service, U.S. Department of the Interior, 1988). Federal wetlands were presumed to have boundaries conterminous with the delineated Bordering Vegetated

Wetlands and Bank. One set of DEP Bordering Vegetated Wetland Delineation Field Data Forms completed for an observation plot located in the uplands near flag A-4 is attached.

Findings

Wetland A (i.e., flags A-1 to A-8) consists of a well-defined Bank associated with Burncoat Pond. The Bank is minimally vegetated with evidence of wave erosion and recent disturbance. There is no vegetated wetland present above the delineated Bank. The Lake would be regulated as Land Under Water Bodies and Waterways under the Act. A 100-foot Buffer Zone extends horizontally outward from the edge of Bank under the Act.

Bordering Land Subject to Flooding is an area that floods due to a rise in floodwaters from a bordering waterway or water body. Where flood studies have been completed, the boundary of Bordering Land Subject to Flooding is based upon flood profile data prepared by the National Flood Insurance Program. Section 10.57(2)(a)3. states that "The boundary of Bordering Land Subject to Flooding is the estimated maximum lateral extent of flood water which will theoretically result from the statistical 100-year frequency storm." The project engineer has reviewed the most recent National Flood Insurance Program flood profile data and has determined the extent of Bordering Land Subject to Flooding on the site. Bordering Land Subject to Flooding would occur in areas where the 100-year flood elevation is located outside of or upgradient of the delineated Bordering Vegetated Wetlands or Bank boundary. Bordering Land Subject to Flooding does not have a Buffer Zone under the Act.

The Massachusetts Rivers Protection Act amended the Act to establish an additional wetland resource area: Riverfront Area. Based upon a review of the current USGS Map (attached) and observations made during the site inspection, there are no streams or rivers within 200 feet of the site. Accordingly, Riverfront Area would not occur on the site. Riverfront Area does not have a Buffer Zone under the Act.

The Regulations require that no project may be permitted that will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures set forth at 310 CMR 10.59. Based upon a review of the *Massachusetts Natural Heritage Atlas*, 14th edition, Priority Habitats and Estimated Habitats from the NHESP Interactive Viewer, valid from August 1, 2017, and Certified Vernal Pools from MassGIS, there are no Estimated Habitats [for use with the Act and Regulations (310 CMR 10.00 *et seq.*)], but Priority Habitat is associated with Burncoat Pond and extends into the site [for use with Massachusetts Endangered Species Act (M.G.L. Ch. 131A; "MESA") and MESA Regulations (321 CMR 10.00 *et seq.*)]. There are no Certified Vernal Pools on or in the immediate vicinity of the site. A copy of this map is attached.

The reader should be aware that the regulatory authority for determining wetland jurisdiction rests with local, state, and federal authorities. A brief description of my experience and qualifications is attached. If you have any questions, please feel free to contact me at any time.

Cordially,

59 Burncoat Ln., Leicester, MA

April 25, 2021

Page 3.

ECOTEC, INC.



Attachments (5, 6 pages)

AA/Wetland/Leicester 59 Burncoat Wet Report



EcoTec, Inc.

ENVIRONMENTAL CONSULTING SERVICES

102 Grove Street
Worcester, MA 01605-2629
508-752-9666 / Fax: 508-752-9494

Arthur Allen, CPSS, CWS, CESSWI
Vice President
Soil & Wetland Scientist

Arthur Allen is the Vice President of EcoTec, Inc. and has been a senior environmental scientist there since 1995. His work with EcoTec has involved wetland delineation, wildlife habitat evaluation, environmental permitting (federal, state and local), environmental monitoring, expert testimony, peer reviews, contaminated site assessment and the description, mapping and interpretation of soils. His clients have included private landowners, developers, major corporations and regulatory agencies. Prior to joining EcoTec, Mr. Allen mapped and interpreted soils in Franklin County, MA for the U.S.D.A. Natural Resources Conservation Service (formerly Soil Conservation Service) and was a research soil scientist at Harvard University's Harvard Forest. Since 1994, Mr. Allen has assisted the Massachusetts Department of Environmental Protection and the Massachusetts Association of Conservation Commissions as an instructor in the interpretation of soils for wetland delineation and for the Title V Soil Evaluator program.

Mr. Allen has a civil service rating as a soil scientist, an undergraduate degree in Natural Resource Studies and a graduate certificate in Soil Studies. His work on the Franklin County soil survey involved interpretation of landscape-soil-water relationships, classifying soils and drainage, and determining use and limitation of the soil units that he delineated. As a soil scientist at the Harvard Forest, Mr. Allen was involved in identifying the legacies of historical land-use in modern soil and vegetation at a number of study sites across southern New England. He has a working knowledge of the chemical and physical properties of soil and water and how these properties interact with the plants that grow on a given site. While at Harvard Forest he authored and presented several papers describing his research results which were later published. In addition to his aforementioned experience, Mr. Allen was previously employed by the Trustees of Reservations as a land manager and by the Town of North Andover, MA as a conservation commission intern.

Education:

1993-Graduate Certificate in Soil Studies, University of New Hampshire
1982-Bachelor of Science in Natural Resource Studies, University of Massachusetts

Professional Affiliations:

Certified Professional Soil Scientist (ARCPACS CPSS #22529)
New Hampshire Certified Wetland Scientist (#19)
Registered Professional Soil Scientist – Society of Soil Scientists of SNE [Board Member (2000-2006)]
Certified Erosion, Sediment & Stormwater Inspector (#965)
Massachusetts Approved Soil Evaluator (#13764)
Massachusetts Arborists Association-Certified Arborist (1982 – 1998)
New England Hydric Soils Technical Committee member
Massachusetts Association of Conservation Commissions member
Society of Wetland Scientists member

Refereed Publications:

Soil Science and Survey at Harvard Forest. A.Allen. In: Soil Survey Horizons. Vol. 36, No. 4, 1995, pp. 133-142.
Controlling Site to Evaluate History: Vegetation Patterns of a New England Sand Plain. G.Motzkin, D.Foster, A.Allen, J.Harrold, & R.Boone. In: Ecological Monographs 66(3), 1996, pp. 345-365.
Vegetation Patterns in Heterogeneous Landscapes: The Importance of History and Environment. G.Motzkin, P.Wilson, D.R.Foster & A.Allen. In: Journal of Vegetation Science 10, 1999, pp. 903-920.

DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Form

Applicant

Prepared by: EcoTec, Inc

Project Location: 59 Burncoat Ln., Leicester

DEP File #

Section I. Vegetation

Number: TP-U

Transect # A-4

Date of Delin: 12/15/2020

| A. Sample layer and plant species (Enter largest to smallest % cover by layer) | | Percent Cover (or basal area) | Percent Dominance | Dominant Plant? | Wetland Indicator Category |
|---|-------------------|----------------------------------|-------------------|--------------------|----------------------------------|
| Tree | none (lawn) | | | 100.0 YES | |
| | | | | | |
| Sapling | none (lawn) | | | | |
| | | | | | |
| Shrub | none (lawn) | | | | |
| | | | | | |
| Ground | ground ivy | Glecoma hederacea | 30 | 33.3 YES | FACU |
| | timothy grass | Polytricum sp. | 20 | 20.0 YES | |
| | New England Aster | Aster novae-angliae | 30 | 30.0 YES | FACW- * |
| | purple milkweed | Asclepias purpurascens | 20 | 20.0 YES | FACU |
| Vine | | | | | |

Vegetation Conclusions

Number of dominant wetland indicator plants

1

Number of dominant non-wetland indicator plants

4

Is the number of dominant wetland plants equal or greater than the number of dominant non-wetland plants?

NO

DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Form

Applicant

Prepared by: EcoTec, Inc

Project Location: 59 Burncoat Ln., Leicester

DEP File #

Section II. Indicators of Hydrology

Number: TP-U

Transect # A-4

Date of Delin: #####

1. Soil Survey

Is there a published soil survey for this site?

title/date

map number

soil type mapped

hydric soil inclusions

Are field observations consistent with soil survey?

Remarks:

2. Soil Description

| Horizon | Depth (inches) | Matrix Color | Mottle Color |
|---------|----------------|--------------|--------------|
| A | 0-8 | 10YR 3/3 | |
| Bw | 8-14 | 10YR 4/6 | |

Remarks Gravelly sandy loams

3. Other

Conclusion: Is the soil hydric?

No

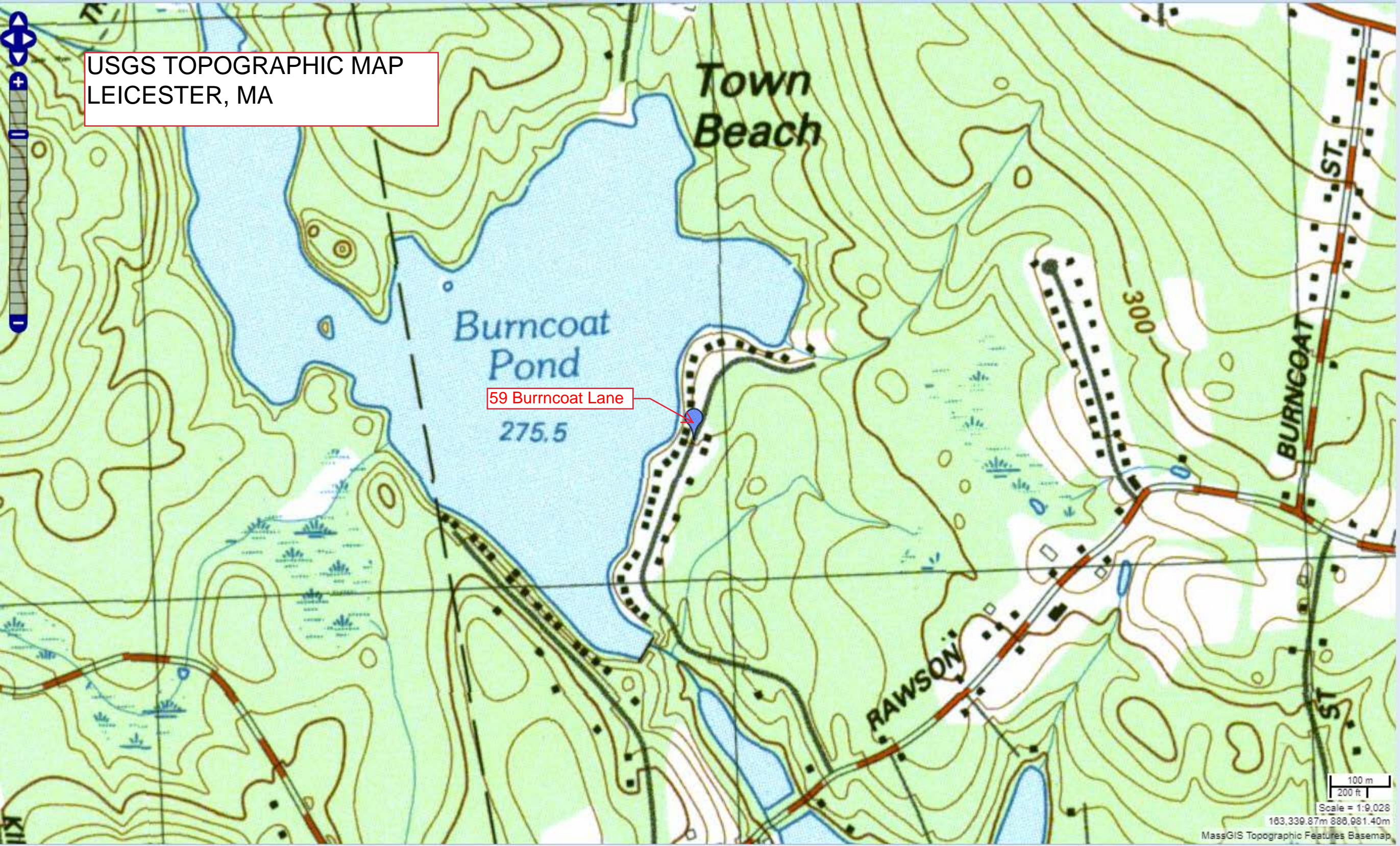
Other Indicators of hydrology (check all that apply):

- ☐ Site Inundated
- ☐ Depth to free water in observation hole
- ☐ Depth to soil saturation in observation hole
- ☐ Water marks
- ☐ Drift lines
- ☐ Sediment Deposits
- ☐ Drainage patterns in BVWs
- ☐ Oxidized rhizospheres
- ☐ Water stained leaves
- ☐ Recorded data (stream, lake, or tidal gauge; aerial photo; other):
- ☐ Other:

Vegetation and Hydrology Conclusion

| | Yes | No |
|--|--------------------------|-------------------------------------|
| Number of wetland indicator plants \geq number of non-wetland indicator plants | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Wetland hydrology present: | | |
| Hydric soil present | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Other indicators of hydrology present | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Sample Location is in a BVW | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

USGS TOPOGRAPHIC MAP
LEICESTER, MA



59 Burncoat Lane

Burncoat
Pond
275.5

Town
Beach

BURNCOAT
ST.

RAWSON
ST.

100 m
200 ft

Scale = 1:9,028

163,339.87m 886,981.40m

MassGIS Topographic Features Basemap

National Flood Hazard Layer FIRMMette



71°57'2"W 42°14'33"N



0 250 500 1,000 1,500 2,000 Feet 1:6,000

71°56'24"W 42°14'17"N

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

| | | |
|-----------------------------|--|---|
| SPECIAL FLOOD HAZARD AREAS | | Without Base Flood Elevation (BFE) Zone A, V, A99 |
| | | With BFE or Depth Zone AE, AO, AH, VE, AR |
| | | Regulatory Floodway |
| OTHER AREAS OF FLOOD HAZARD | | 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X |
| | | Future Conditions 1% Annual Chance Flood Hazard Zone X |
| | | Area with Reduced Flood Risk due to Levee. See Notes. Zone X |
| | | Area with Flood Risk due to Levee Zone D |
| OTHER AREAS | | NO SCREEN Area of Minimal Flood Hazard Zone X |
| | | Effective LOMRs |
| | | Area of Undetermined Flood Hazard Zone D |
| GENERAL STRUCTURES | | Channel, Culvert, or Storm Sewer |
| | | Levee, Dike, or Floodwall |
| OTHER FEATURES | | 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation |
| | | 17.5 Cross Sections with 1% Annual Chance Water Surface Elevation |
| | | Coastal Transect |
| | | Base Flood Elevation Line (BFE) |
| | | Limit of Study |
| | | Jurisdiction Boundary |
| | | Coastal Transect Baseline |
| MAP PANELS | | Digital Data Available |
| | | No Digital Data Available |
| | | Unmapped |



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **12/15/2020 at 12:29 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

NHESP ATLAS, 14TH EDITION
VALID AUGUST 1, 2017
PRIORITY HABITAT, ESTIMATED HABITAT
AND CERTIFIED VERNAL POOLS
CREATED: December 15, 2020

PH 1152

BURNCOAT LANE

59 Burncoat Ln.,
Leicester, MA

Potential Vernal Pools



NHESP Certified Vernal Pools



MassDOT Roads Street Names

Major MassDOT Routes

Interstate Highways

US Roads

State

Massachusetts Towns



NHESP Estimated Habitats of Rare
Wildlife



NHESP Priority Habitats of Rare
Species



2013-2014 Color Orthos (USGS)

Orthos 2019

2019 Color Orthos (USGS)

20 m

100 ft

