



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Spencer
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:

Justin Zuffante

Name

E-Mail Address

140 Spencer Road

Mailing Address

Oakham

City/Town

MA

01068

State

Zip Code

774.289.5344

Phone Number

seamlesscustom@gmail.com

Fax Number (if applicable)

2. Representative (if any):

DC Engineering & Survey, Inc.

Firm

Jason Dubois

Contact Name

jdub862001@yahoo.com

E-Mail Address

32 Cranberry Meadow Road

Mailing Address

Charlton

City/Town

MA

01507

State

Zip Code

508.769.6659

Phone Number

Fax Number (if applicable)

B. Determinations

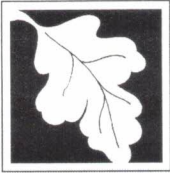
1. I request the Leicester make the following determination(s). Check any that apply:
Conservation Commission

- ☐ 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:

Leicester Local Wetland Bylaw

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):

Blueberry Lane

Street Address

26A

Assessors Map/Plat Number

Leicester

City/Town

A2

Parcel/Lot Number

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

The existing vacant property has a compacted gravel pad prepared for development. The lot is relatively flat with a island wetland located just offsite to the southeast boundary. This vegetated wetland does not border a waterway or waterbody; accordingly, the vegetated wetlands would not be regulated as Bordering Vegetated Wetlands under the Act. A 100-foot Buffer Zone extends horizontally outward from Vegetated Wetlands under the Leicester Wetland Bylaw.

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

Site Plan

Title

4/12/21

Rev.6/23/21

Title

Date

Title

Date

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

Proposed self storage facility and associated site work. Erosion control barriers are proposed and the area will be treated with loam and seed once work is completed.



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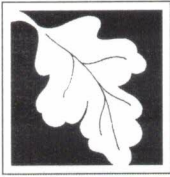
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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).

Work is not regulated under the act for bordering vegetated wetlands, there is no buffer zone.

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:

Justin Zuffante

Name

140 Spencer Road

Mailing Address

Oakham

City/Town

MA

State

01068

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 of Applicant

Date

Signature of Representative (if any)

Date

Town of Leicester

Abutters List

CONCOM RDA

ParcelID	Location	Owner	Co-Owner	Mailing Address	City	State	Zip
26A A31 0	BLUEBERRY LN	PRATTE MARTIN J		31 RAWSON DR	LEICESTER	MA	01524
26A A33 0	1497 MAIN ST	B AND A REALTY LLC		71 E CHARLTON RD	SPENCER	MA	01562
26A B1 0	1485 MAIN ST	BLUEBERRY REALTY LLC		2 ANGELL TERRACE	LEICESTER	MA	01524
26A B18 0	2 MT PLEASANT AV	GIBNEY JAMES J		2 MT PLEASANT AVE	LEICESTER	MA	01524
26A B3 0	BLUEBERRY LN	LEICESTER WATER SUPPLY		124 PINE STREET	LEICESTER	MA	01524

End of Report

Above is a certified list of direct abutters including abutters across the street.
 Subject property: Blueberry Lane, Assessors Map 26A-A2, Deed Ref. 57636/338
 Subject owner(s): Justin Zuffante

Sandy Genna, Principal Assessor
 Prepared by: Kathleen Asquith, Assistant



EcoTec, Inc.

ENVIRONMENTAL CONSULTING SERVICES

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

June 30, 2021

Jason D. Dubois, PE
DC Engineering & Survey, Inc.
32 Cranberry Meadow Road
Charlton, MA 01507

RE: Wetland Resource Evaluation, Blueberry Lane, Leicester, MA

Dear Jay:

On June 21, 2021, 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 conducted the inspection.

The subject site consists of a <1-acre-acre parcel located on the east side of Blueberry Lane, approximately 300 feet south of Route 9. The upland portions of the site have been recently cleared and leveled with gravel. There is a narrow perimeter of upland forest on the east and south sides of the site. 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. Wetlands were evaluated in the field in accordance with the definition set forth in the regulations at 310 CMR 10.55(2)(c). 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." 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 Wetland Plant List (Massachusetts 2012 Final State Wetland Plant List)*, ERDC/CRREL TR-12-11 (Lichvar, 2012). Federal wetlands were presumed to have boundaries conterminous with the delineated Isolated Vegetated Wetlands. One set of DEP Bordering Vegetated Wetland Delineation Field Data Forms completed for observation plots located in the wetlands and uplands near flag A-2 is attached.

Findings

Wetland A consists of a wooded swamp-type Isolated Vegetated Wetland which is associated with several, small, shallow seasonal ponding areas. Plant species observed include red maple (*Acer rubrum*) trees, saplings, and/or shrubs; highbush blueberry (*Vaccinium corymbosum*) and glossy buckthorn (*Rhamnus cathartica*) shrubs and sensitive fern (*Onoclea sensibilis*), jewelweed (*Impatiens capensis*) and poison ivy (*Toxicodendron radicans*) ground cover. Evidence of wetland hydrology, including hydric soils, evidence of flooding and pore linings was observed within the delineated wetland. This vegetated wetland does not border a waterway or waterbody; accordingly, the vegetated wetlands would not be regulated as Bordering Vegetated Wetlands under the Act. A 100-foot Buffer Zone extends horizontally outward from Vegetated Wetlands under the Leicester Wetland Bylaw.

Flag Numbers	Flag Type	Wetland Types and Locations
A-1 to A-13 (A-1 connects to A-13)	Blue Flags	Boundary of Isolated Vegetated Wetlands with minimal evidence of seasonal ponding.

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 most recent National Flood Insurance Program flood profile data indicates that Bordering Land Subject to Flooding does not occur 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 boundary. Bordering Land Subject to Flooding does not have a Buffer Zone under the Act. A copy of the most recent FEMA/FIRM flood zone map is attached to this report.

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 mapped streams within 200 feet. 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, valid from August 1, 2017, there are no Estimated Habitats [for use with the Act and Regulations (310 CMR 10.00 *et seq.*)], Priority Habitats [for use with Massachusetts Endangered Species Act (M.G.L. Ch. 131A; “MESA”) and MESA Regulations (321 CMR 10.00 *et seq.*)], or Certified Vernal Pools on or in the immediate vicinity of the site. A copy of this map is attached.

Wetland Resource Evaluation, Blueberry Lane, Leicester, MA
July 30, 2020
Page 3.

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,
ECOTEC, INC.

A handwritten signature in dark ink, appearing to read 'Arthur Allen', with a long horizontal flourish extending to the right.

Arthur Allen, CPSS, CWS, CESSWI, ASE
Vice President

Attachments (5, 8 pages)

AA/Wetland/Leicester Blueberry Wet Report 6.30.2021

EcoTec, Inc.

QUALIFICATIONS

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)
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.Harrod, & 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: Blueberry Ln., Leicester DEP File # _____

Section I. Vegetation Number: TPU Transect # A2 Date of Delin: 6/21/2021

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	Red Maple	Acer rubrum		100		100.0 YES	FAC *
Sapling	Red Maple	Acer rubrum		20		66.7 YES	FAC *
	Sugar Maple	Acer saccharum		10		33.3 YES	FACU-
Shrub	Sugar Maple	Acer saccharum		10		66.7 YES	FACU-
	Red Oak	Quercus rubra		5		33.3 YES	FACU-
Ground	Wood Aster	Aster macrophyllus		5		16.7 YES	NL
	Poison Ivy	Toxicodendron radicans		5		16.7 YES	FAC *
	Canada mayflower	Maianthemum canadense		20		66.7 YES	FAC-
Vine							

Vegetation Conclusions		
Number of dominant wetland indicator plants	3	Number of dominant non-wetland indicator plants
Is the number of dominant wetland plants equal or greater than the number of dominant non-wetland plants?		NO
		5

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

Applicant

Prepared by: EcoTec, Inc

Project Location: Blueberry Ln., Leicester

DEP File #

Section II. Indicators of Hydrology

Transect # A2

Date of Delin: 6/21/2021

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
O	1-0		
A	0-8	10YR 2/2	
Bw	8-15	10YR 5/6	5% 10YR 4/6

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

Number of wetland indicator plants ≥ number of non-wetland indicator plants

Wetland hydrology present:

Hydric soil present

Other indicators of hydrology present

Sample Location is in a BVW

Yes

No

☐

☒

☐

☒

☐

☒

☐

☒

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

Applicant: _____ Prepared by: EcoTec, Inc Project Location: Blueberry Ln., Leicester DEP File # _____

Section I. Vegetation Number: TPW Transect # A2 Date of Delin: 6/21/2021

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	Red Maple	Acer rubrum		90		90.0 YES	FAC *
	Trembling Aspen	Populus tremula		10		10.0 NO	FACU
Sapling	Red Maple	Acer rubrum		10		100.0 YES	FAC *
	White Ash	Fraxinus americana		10		50.0 YES	FACU
Shrub	Trembling Aspen	Populus tremula		10		50.0 YES	FACU
	Sensitive Fern	Onoclea sensibilis		10		50.0 YES	FACW *
Ground	Poison Ivy	Toxicodendron radicans		5		25.0 YES	FAC *
	Jewelweed	Impatiens capensis		5		25.0 YES	FACW *
Vine							

Vegetation Conclusions		
Number of dominant wetland indicator plants	5	Number of dominant non-wetland indicator plants
Is the number of dominant wetland plants equal or greater than the number of dominant non-wetland plants?	YES	YES

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

Applicant

Prepared by: EcoTec, Inc

Project Location: Blueberry Ln., Leicester

DEP File #

Section II. Indicators of Hydrology

Number: TPW

Transect # A2

Date of Delin: 6/21/2021

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
O	1-0		
A	0-4	10YR 3/2	
Bw	4-15	10YR 4/3	10% 10YR 5/2
			15% 7.5YR 4/6

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

Number of wetland indicator plants ≥ number of non-wetland indicator plants

Wetland hydrology present:

Hydric soil present

Other indicators of hydrology present

Sample Location is in a BVW

Yes

No

☒

☐

☒

☐

☒

☐

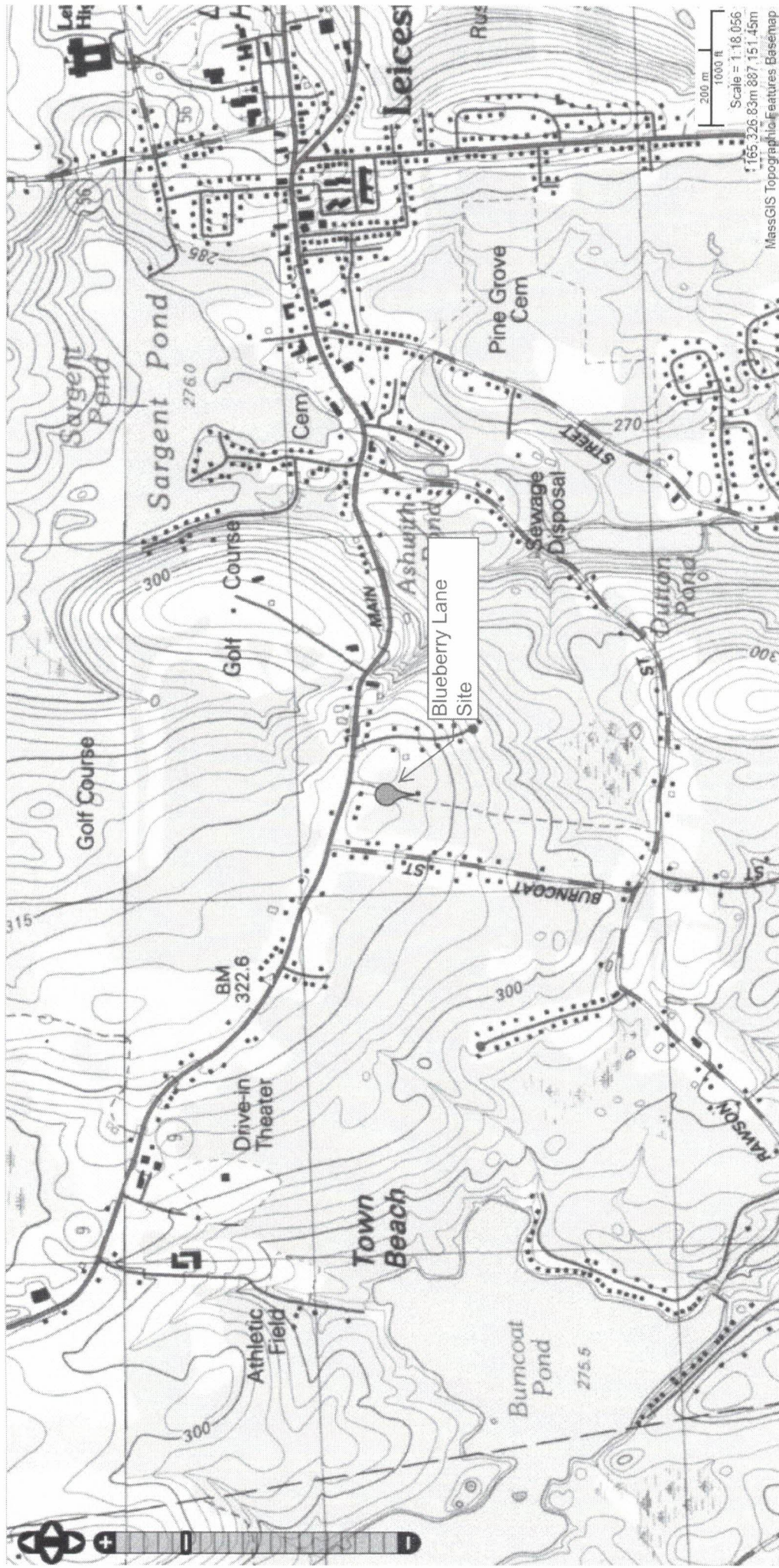
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3. Other

Conclusion: Is the soil hydric?

Yes



Scale = 1:18,056
165 326.83m 887 151.45m

MassGIS Topographic Features Basemap

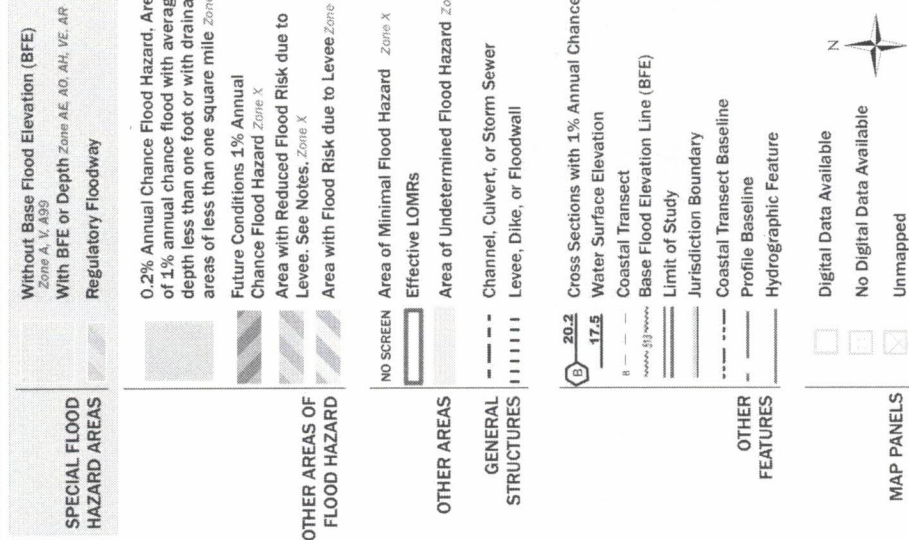
National Flood Hazard Layer FIRMette



71°56'4"W 42°14'49"N

Legend

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



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 6/30/2021 at 7:06 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.



71°55'27"W 42°14'23"N

1:6,000

Feet

2,000

1,500

1,000

500

250

0

Basemap: USGS National Map: OrthoImagery: Data refreshed October, 2020

NHESP - 6.30.2021

