



TOWN OF LEICESTER CONSERVATION COMMISSION

3 Washburn Square
Leicester, MA 01524-1333
Phone: 508-892-7007 – Fax: 508-892-7070
www.leicesterma.org

CONSERVATION COMMISSION AGENDA

Wednesday, November 8, at 6:30 PM
Select Board Meeting Room

RECEIVED
2023 NOV - 1 AM 10:09
TOWN CLERK'S OFFICE
LEICESTER, MASS.

Call to Order

Approval of Minutes: 9-13-23 and 10-11-23

1. Public Hearings

6:35 PM Public Hearing: Request to Amend Final Order of Conditions – 20-22 Lake Drive (DEP# 197-0691) Applicant: Teresa Kopec. Add two concrete block retaining walls: one approximately 20 ft long and 4 ft high with 5 concrete steps near the driveway, and the second behind the house on the lake side approximately 80 ft long and 4 ft high with 5 concrete steps.

2. Request for Certificate of Compliance

- 0,90,92 Huntoon Memorial Highway. Applicant: JMC/TBG Leicester LLC

3. Discussion

- Blueberry Lane (Lots 6-9) – Application for Forest Cutting
- 15 Bond St - status of timeline for wetland restoration plan
- 120 White Birch St - bond request amount
- Jay Lussier – Stiles Res drawdown discussion
- Use of NOI funds
- MGL Ch 40 Sec 5G Municipal Waterways Fund
- MACC Dues 7/1/23 – 6/30/24 - \$452

4. Miscellaneous/Board Updates

**Please note that agenda items may be taken out of order*

Minutes

Leicester Conservation Commission Meeting Minutes September 13, 2023

Location: Leicester Town Hall, Select Board Meeting Room

Member Present: Stephan Parretti, JoAnn Schold, Ashlyn Coyle, Vanessa Lopez

Members Absent: James Cooper

Others Present: Kristen Jacobsen, Town Planner

Call to Order: Chairman Parretti called the meeting to order at 6:30 PM

1. 59 Burncoat Lane – Request for Certificate of Compliance

The Applicant, Mr. Gorman, was not in attendance. Ms. Schold stated that they need an as-built. Mr. Parretti agreed and said there was also no letter from the engineering firm and asked Ms. Jacobsen to send correspondence saying they need to do a site meeting or, preferably, Mr. Gorman needs to have his engineer reviewing his Order of Conditions and respond whether he has satisfactorily completed the project per the plan.

2. 0 Blueberry Lane – Request for Determination of Applicability

Glenn Krevosky was present on behalf of the applicant. He thanked Conservation for conducting a site visit and gave an overview of the evaluation he submitted for the RDA. He said that wetlands were found below the site on the 2 lots below the lot in question, and silt fencing will be put in on the last lot down to ensure no flow if Conservation issues negative determination so project can begin.

Ms. Schold said she visited the site and the clearing people where there and the clearing was already done. This is a moot point for the RDA. If they are going to build a house, they need to be in compliance with Town regulations. Mr. Krevosky said they filed an RDA to show that there were no wetlands within 100 feet from the project. Ms. Schold stated an RDA is not necessary if it's 230 feet away from wetlands. Mr. Krevosky said he wanted a paper trail saying they were x number of feet away from wetlands. Ms. Schold said she was ok with RDA but asked why they didn't file a cutting plan. Mr. Krevosky said he is only involved in the wetland plan. Applicant, Steven Antanavica, said he didn't file a cutting plan because he didn't know he needed one. Mr. Krevosky asked what is the minimum area. Ms. Schold said tree cutting regulations are in the Town Wetland Bylaw. Mr. Antanavica said he went to the Building Inspector and Planning Board and they told him he didn't need to do anything.

Mr. Parretti asked what work was being done now, if they were still clearing, and that they need to define where the wetlands are located. Mr. Krevosky said that is what the wetland plan shows. Mr. Krevosky asked for determination as after the fact RDA.

Mr. Parretti asked if there were any comments from the public and there were none.

Motion: Ms. Schold made a motion to give the Applicant a negative determination and work does not require the filing of a Notice of Intent.

Second: Ms. Coyle

Discussion: None

Vote: Four – yes. One – Absent. Motion carried.

3. 257 Pine Street – Notice of Intent for decommissioning of an existing cesspool and install a Title 5 tight tank.

Mr. Mark Elbag, P.E. was present on behalf of the Applicant, Wilbert Dellarosa. He said that this is a septic repair plan with no increase in flow, serving a single-family house, with well and cesspool on site. Applicant is proposing a well and tight tank due to lack of space for Title 5 compliance. The project is within buffer of Bordering Vegetated Wetland (BVW) and riverfront of perennial stream. The cesspool will be filled.

Mr. Parretti asked if he was upgrading from cesspool to tight tank and Mr. Elbag said yes, that the cesspool is in failure and within the groundwater table. Ms. Schold asked if MassDEP had any comments. Mr. Elbag said that a MassDEP number was issued with no comments and provided copy to the Commission.

Mr. Parretti asked if there were any comments from the public and there were none.

Motion: Ms. Schold make a motion to approve DEP #197-0704 for the decommissioning of the existing cesspool and installation of Title 5 tight tank and in accordance with the plan, install silt fencing and notify Conservation when it's done so they can inspect.

Second: Ms. Coyle.

Discussion: None

Vote: Four - yes. One – absent. Motion carried.

4. 17 Fairview Drive – Notice of Intent for repairs to existing retaining wall

Diane Mercadante was not present and she asked to continue to October meeting. Ms. Schold said Ms. Mercadante needs to send out abutters list. Ms. Jacobsen will reach out to the Ms. Mercandante.

5. 0 & 31 Chapel Street – Notice of Intent for office building with associated driveway and stormwater structures and a warehouse with associated driveway and stormwater structures.

The Commission received an email from Applicant requesting to continue to October 11, 2023. Mr. Krevosky was present and asked to be heard on the project. He sent a sketch of historic mill site and swale with information on what was there in the 1990s and what is there now. The swale is clear on the plan which also defines the limit of parking and water conveyance structure. The lower lot is low and flat and then drops off. This area was used as parking for original mill. The area has been flagged/staked and now shown on the plan with limit of fill. The de-graded riverfront

area (Quinebaug River) is lacking in topsoil. It is within 100-year floodplain but the Applicant is going to remove silty clay and put in 4-6 inches of topsoil as part of the restoration. They will also kill the Japanese knotweed.

Mr. Parretti asked if they still wanted a continuance and Mr. Krevosky said yes. Mr. Parretti said Mr. Krevosky has a new plan to submit to Conservation and MassDEP and will be placed on the October meeting or the one after depending on when things are submitted.

Mr. Krevosky said that Art Allen with EcoTec came out and said it was all historical mill site and no riverfront area on the property and that's why they came to Conservation. Ms. Schold asked that because this has been on agenda for so long, that the project come off the agenda until the Applicant wants to be placed back on. Mr. Krevosky agreed and said they would re-notify abutters and re-advertise the legal ad.

Discussion

- **Board of Health approval for beaver dam.**

Ms. Jacobsen explained that there have been occasions in the past that MassPort, the Worcester Airport, has needed to remove beaver dams. It was requested that BOH be able to sign off on the removal of beaver dams specially harming the runway lighting which is the one they are removing as it was in danger of being damaged. Requested formal motion to ok the BOH to sign off on this request to remove the dam.

Mr. Parretti explained that someone in office needs to sign or someone has to go out there and sign and suggested administrative approvals of things minor in nature. Ms. Schold said this would just be for the airport only.

Motion: Ms. Schold made a motion to approve the BOH to sign off on beaver dam approval on the Worcester Airport area.

Second: Mr. Parretti

Discussion: None

Vote: Four – yes. 1 - absent. Motion carried.

Ms. Jacobsen said that Jan Park from Common Ground Land Trust provided info on the importance of beavers for the Board to look at.

- **Review restoration plan for 15 Bond St.**

Jay Giggey from 15 Bond Street was present. He said Brandon Faneuf with Ecosystem-Solutions provided the plan from June 2023. Steve asked when work will start. Mr. Giggey said it's full of water right now. Mr. Parretti asked who is doing the work and removal. Mr. Giggey said Greg Bogman will do it when they can get in there. Mr. Giggey thought he needed a DEP permit to start. Mr. Parretti said he did not as it's under an enforcement order. Mr. Parretti wants the wetland company and contractor to look at the project and give a definitive answer as when it will start. Ms. Schold asked for a timeline. Mr. Giggey said it would probably have to happen after the ground

freezes. Mr. Parretti said it's dated June and they should have had it done in June and Mr. Giggey needs to reach out to the contractors and provide a timeline within the next two weeks, before the next meeting.

Miscellaneous/Board Updates

- 82 Baldwin Street

Mr. Parretti said that 82 Baldwin is another prior issue that has been going on way too long and that his understanding is that Mr. Krevosky is now retained as the overseer. Mr. Krevosky said no, that he sent the Town a proposal to oversee the removal of this material for the Town. Mr. Ramez Almonla, owner of 82 Baldwin St., was present. Mr. Krevosky gave the town a report. The material is not in the water, it's in the upland and was put there by Mr. Almonla because he's a landscaper and now it's going over the edge. They reviewed it with RSI Construction, Ross Lemansky. Mr. Almonla would hire Mr. Lemansky and Mr. Krevosky's sole task would be to review the work for the Town as the peer reviewer to make sure it's put back to its original condition. Mr. Krevosky said it's in the floodplain and riverfront but it's a pretty simple project to cleanup. Mr. Krevosky passed out some photos to the Board showing the area in question.

Ms. Schold said she has a problem with the Applicant not hiring his own wetland specialist to do this. She has no problem with Mr. Krevosky coming in after Mr. Almonla's specialist does the work. She said Mr. Almonla has had several years to resolve this and hasn't hired anyone. Ms. Schold was under the impression that the Town would pay Mr. Krevosky. Mr. Krevosky said that Mr. Almonla would pay his peer review fee. Mr. Parretti asked about the timeline and Mr. Krevosky estimated a few weeks. Ms. Schold asked Mr. Krevosky to please let the Board know when the project is started and finished, and he agreed to do so.

General Discussion:

Ms. Jacobsen informed the Commission about the MACC conference and asked who wanted to be signed up. Mr. Parretti asked her to send out the info and sign up whoever on the Commission is interested.

Ms. Lopez asked if Conservation ever did any outreach or education. Mr. Parretti said they haven't in the past but have talked about creating some brochures. Mr. Parretti said they have the NOI funds but need approval to spend that money. Ms. Lopez asked if there is money to purchase land. Mr. Parretti said land would have to be purchased at market value and the town wouldn't allocate a 2 ½ override to fund purchase. Ms. Lopez asked if the Community Preservation Act (CPA) was an option for the Town. Ms. Schold said that once the Town owns a parcel of land, the Town is responsible for the land maintenance and liability. Mr. Parretti likes the idea of buying land to protect but funding and timeliness of purchase is difficult. Ms. Schold and Mr. Parretti mentioned Common Ground and Greater Worcester Land Trust as better avenues for purchasing property. Mr. Parretti suggested Ms. Lopez bring any ideas or grants to the Commission's attention to see if it's something that they are capable of doing.

Ms. Jacobsen said the Town is considering hiring a part time Conservation agent. Mr. Parretti asked about the possibility of doing administrative letters for projects that are so minor that they don't require RDAs or NOIs. Ms. Jacobsen said Ware's Conservation Agent used to do site visits and then report to Conservation. Mr. Parretti said Sturbridge gave a staff person the ability to do a letter based on the site visit and conversation with the property owner. He wants to streamline the permitting process so minor projects are not held up. Ms. Jacobsen will look into this. General discussion about the fee schedule, whether fees should be raised and if they are, is the increase justified.

Ms. Coyle informed the Commission that Travis McAuley lives on Waite Pond and wants to get a \$3,000 study done. Waite Pond does not have a lake association but has applied for grants. Ms. Schold asked what the study was for and Ms. Coyle responded that it's for weed control and trash removal and Waite Pond dam is Town owned. Ms. Coyle wants to invite Mr. McAuley to a meeting to talk about it and see if the Commission can assist with the cost of study. Ms. Schold is concerned about setting precedent. Mr. Parretti asked if the Town can use NOI money for that and Ms. Schold said she would contact DEP and look into using NOI funds for the study. Ms. Lopez asked if there is any Town work being done about invasive species and Ms. Schold offered to look into it and what company(s) might be able to help.

Steve welcomed Kristen aboard as new Town Planner.

Motion: Ms. Schold made a motion to adjourn.

Second: Ms. Coyle

Vote: Four – yes. 1 - absent. Motion carries.

Meeting adjourned at 7:40 p.m.

Respectfully Submitted by:
Lisa Westwell, Administrative Assistant
to the Planning Department

Date Approved: _____

Conservation Commission Board Signatures

Stephan Parretti, Chair

Vanessa Lopez, Member

James Cooper, Vice Chair

Ashlyn Coyle, Member

JoAnn Schold, Member

Leicester Conservation Commission Meeting Minutes October 11, 2023

Location: Leicester Town Hall, Select Board Meeting Room

Member Present: Stephan Parretti, James Cooper, Vanessa Lopez

Members Absent: JoAnn Schold, Ashlyn Coyle

Others Present: Kristen Jacobsen, Town Planner, Lisa Westwell, Administrative Assistant

Call to Order: Chairman Parretti called the meeting to order at 6:30 PM

1. Public Hearing: 23 Marshall Street – Notice of Intent (DEP File #197-708)

Mr. Parretti opened the public hearing at 6:41 p.m. Mr. Jason Dubois, P.E. of DC Engineering, Inc. was present on behalf of the Applicants. Mr. Dubois explained that the septic system was in failure and needs replacement and that the whole property is within the riparian zone. In order to keep the system 100 feet from the existing well, they have to place the system in the proposed location. Mr. Dubois said he spoke with Mia McDonald at MassDEP about comment regarding Bordering Land Subject to Flooding (BLSF) and told her the system was as far away as possible. Mr. Parretti agreed that there was nowhere else to put it even with BLSF. Mr. Parretti asked if there were any questions/comments from the public and there were none. Mr. Parretti closed the public hearing at 6:45 p.m.

Motion: Mr. Cooper made a motion to approve the NOI.

Second: Ms. Lopez

Discussion: None

Vote: Three – yes. Two – Absent. Motion carried.

2. Public Hearing: 19 Marlboro Dr. and 54 Fairview Dr. – Notice of Intent (DEP File #197-707)

Mr. Parretti opened the public hearing at 6:47 p.m. Mr. Mark Elbag, P.E. of M.A. Elbag Engineering, Inc. Mr. Elbag was present on behalf of the Applicants. Mr. Elbag explained that 21 Marlboro Dr. is the end of Marlboro Dr. and is a paper street, that 19 Marlboro Dr. is before it and that 21 is officially 54 Fairview Dr. but lots are connected. Mr. Elbag explained that the current cesspool is in failure. Mr. Parretti asked if he was altering 243 s.f. of the 100 ft. buffer zone. Mr. Elbag stated no, that it's a temporary alteration of the wetland which is currently lawn area. The tank will go in the lawn area. Mr. Parretti asked if the cesspool was being upgraded to septic and Mr. Elbag said it was an upgrade. Mr. Parretti asked if there were any questions/comments from the public and there were none. Mr. Parretti closed the public hearing at 6:50 p.m.

Motion: Mr. Cooper made a motion to approve the NOI.

Second: Ms. Lopez

Discussion: None

Vote: Three – yes. Two – Absent. Motion carried.

Discussion

- **Next Meeting Dates**

November 8, 2023 and December 13, 2023

- **NOI Fees**

Tabled as Ms. Schold is not in attendance.

- **Fee Schedules in Other Towns**

Ms. Lopez handed out some fees schedules of other Towns. There was general discussions about fees and the matter was tabled to the December meeting.

Motion: Mr. Cooper made a motion to adjourn.

Second: Ms. Lopez

Vote: Three – yes. Two - absent. Motion carried.

Meeting adjourned at 6:55 p.m.

Respectfully Submitted by:
Lisa Westwell, Administrative Assistant
to the Planning Department

Date Approved: _____

Conservation Commission Board Signatures

Stephan Parretti, Chair

Vanessa Lopez, Member

James Cooper, Vice Chair

Ashlyn Coyle, Member

JoAnn Schold, Member

20-22 Lake Drive



Town of Leicester
CONSERVATION COMMISSION
LEICESTER, MASSACHUSETTS, 01524-1333
Phone: 508-892-7007 Fax: 508-892-7070
www.leicesterma.org

RECEIVED
2023 OCT 25 PM 12:16
TOWN CLERK'S OFFICE
LEICESTER, MASS.

PUBLIC HEARING NOTICE
Leicester Conservation Commission

20-22 Lake Drive

The Leicester Conservation Commission will hold a Public Hearing on **Wednesday, November 8, 2023 at 6:35 PM** in the Conference Room of the Leicester Town Hall, 3 Washburn Square, Leicester, MA in accordance with M.G.L. c.131 s.40 and the Town of Leicester Wetland Bylaw to hear a request to Amend a Final Order of Conditions filed by Teresa Kopec to add two concrete block retaining walls: one approx. 20 ft. long and 4 ft. high with 5 concrete steps near the driveway, and the second behind the house on the lake side approx. 80 ft. long and 4. ft high with 5 concrete steps. Site Location: 20-22 Lake Drive, Assessors Parcels 27A-A4 and 27A-A5, Zoned Suburban Agricultural (SA).

Anyone wishing to comment or hear discussion should be present at the above stated date and time. The submitted documents may be viewed in the Leicester Town Conservation Commission Office during Town Hall hours or online at leicesterma.org.

Stephan Parretti, Chair
Leicester Conservation Commission

Published in Worcester Telegram & Gazette: Tuesday, October 31, 2023

Lisa Westwell

RECEIVED

From: TERESA & MAREK <termakopec@gmail.com>
Sent: Sunday, October 22, 2023 12:57 PM
To: Lisa Westwell
Subject: Amending Order of Conditions- Kopec
Attachments: Town of Leicester Conservation RE Retaining walls info.pdf

OCT 23 2023

**Town of Leicester
Planning Department**

Good afternoon Lisa. Thank you for the e-mail.

October 22, 2023

To the Board of Conservation

From Teresa And Marek Kopec
20 Lake Drive
Leicester, MA 01524
(508) 335-1238

I am looking to Amend Order of Conditions for DEP#197-0691.

To add 2 retaining walls.

1st wall will be to hold back the bank where the driveway will be. On the left side of the house if you're looking from the street.

The wall will be approximately 20 ft long and 4 feet high.

2nd wall will be to hold the bank back behind the house (if you're looking from the street)

it will be 80 feet long and 4 feet high.

I'm enclosing the quote from Camosse Masonry Supply and one of the quotes from a contractor. I'm also attaching the spec sheet on the type of

retaining wall/stones to be used and drawings from the engineer as well as my husbands drawing on how the wall will look.

Thank you.



Camosse
masonry supply

Camosse Masonry Supply
64 Southwest Cutoff
Worcester MA 01604
508.755.6193
Fax: 508.792.5672



QUOTE

2310-252319

PAGE 2 OF 2

SOLD TO
CASH (FOR SALES ONLY) MAKE ACCOUNT!!!!!!

JOB ADDRESS
KOPEC LEICESTER

ACCOUNT	JOB
CASH	0
CREATED ON	10/21/2023
EXPIRES ON	11/20/2023
BRANCH	1000
CUSTOMER PO#	
STATION	C5
CASHIER	JK1
SALESPERSON	
ORDER ENTRY	JK1
MODIFIED BY	

1

Item	Description	D	Quantity	UM	Price	Per	Amount
P4	LARGE SINGLE PALLET DEPOSIT NO DEPOSIT RETURN WITHOUT SLIP!	N	13	EA	30.0000	EA	390.00
Adjustment	Delivery Charge						340.00
Refundable							1
							Two trips
							\$170 ea
No pallet credit will be given without an invoice. There is ABSOLUTELY NO RETURNS on any bagged products, stone, veneers, bulk items, or concrete pavers or wall systems. We will allow returns on salable products with authorization. There is a 20% restock. We sell products which contain crystalline silica dust. Avoid inhalation when cutting or handling products as it can cause serious illness. Use at your own risk.					Subtotal	7,505.62	
					MA 6.25% Sales Tax	423.48	
					Total	7,929.10	

Buyer:

Signature



Camosse
masonry supply

Camosse Masonry Supply
64 Southwest Cutoff
Worcester MA 01604
508.755.6193
Fax: 508.792.5672



QUOTE

2310-252319

PAGE 1 OF 2

SOLD TO
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JOB ADDRESS
KOPEC LEICESTER

ACCOUNT	JOB
CASH	0
CREATED ON	10/21/2023
EXPIRES ON	11/20/2023
BRANCH	1000
CUSTOMER PO#	
STATION	C5
CASHIER	JK1
SALESPERSON	
ORDER ENTRY	JK1
MODIFIED BY	

1

Item	Description	D	Quantity	UM	Price	Per	Amount
COMMENT	73' WALL						
0631093000	DIAMOND STRAIGHT FACE GREY 1.41 PCS/SF 45 PCS/PAL 72#/EA GENEST		80	EA	8.6150	EA	689.20
0631093004	DIAMOND STRAIGHT CORNER GREY 6X9X18 30 PER PALLET GENEST 2,265 LBS PER PALLET (22.5 SF/PER PALLET) (7.5 SF/LAYER) PILLAR BLOCK		18	EA	21.5522	EA	387.94
0631093500	DOUBLE SIDED GREY CAP sold by the piece 3x12x17/15.5 1.35 LF/PC 108'/PAL 80 PC/PAL 8 PCS/LAYER GENEST SPLIT		55	EA	8.7078	EA	478.93
COMMENT	20' WALL						
0631093000	DIAMOND STRAIGHT FACE GREY 1.41 PCS/SF 45 PCS/PAL 72#/EA GENEST		370	EA	8.6150	EA	3,187.55
0631093004	DIAMOND STRAIGHT CORNER GREY 6X9X18 30 PER PALLET GENEST 2,265 LBS PER PALLET (22.5 SF/PER PALLET) (7.5 SF/LAYER) PILLAR BLOCK		32	EA	21.5522	EA	689.67
0631093500	DOUBLE SIDED GREY CAP sold by the piece 3x12x17/15.5 1.35 LF/PC 108'/PAL 80 PC/PAL 8 PCS/LAYER GENEST SPLIT		17	EA	8.7078	EA	148.03
0607000200	GRANITE TREAD 3' x 12" x 2"		14	EA	78.7932	EA	1,103.10
0302050400	SRW GLUE 10 OZ TUBE VOC ADHESIVE RETAINING WALL & PAVER ADHESIVE 12 / CASE		12	EA	7.6000	EA	91.20

No pallet credit will be given without an invoice. There is ABSOLUTELY NO RETURNS on any bagged products, stone, veneers, bulk items, or concrete pavers or wall systems. We will allow returns on salable products with authorization. There is a 20% restock. We sell products which contain crystalline silica dust. Avoid inhalation when cutting or handling products as it can cause serious illness. Use at your own risk.

Buyer:

Subtotal

Sales Tax

Total


Signature



On Site Inc sent you an estimate

Hey guys, so here is a breakdown of the estimate.

1. This was broken up at approximately 80 foot in length and 20 foot wall construction cost. Cost this was will be approximately

Show full details 

20 Lake Dr Leicester Ma

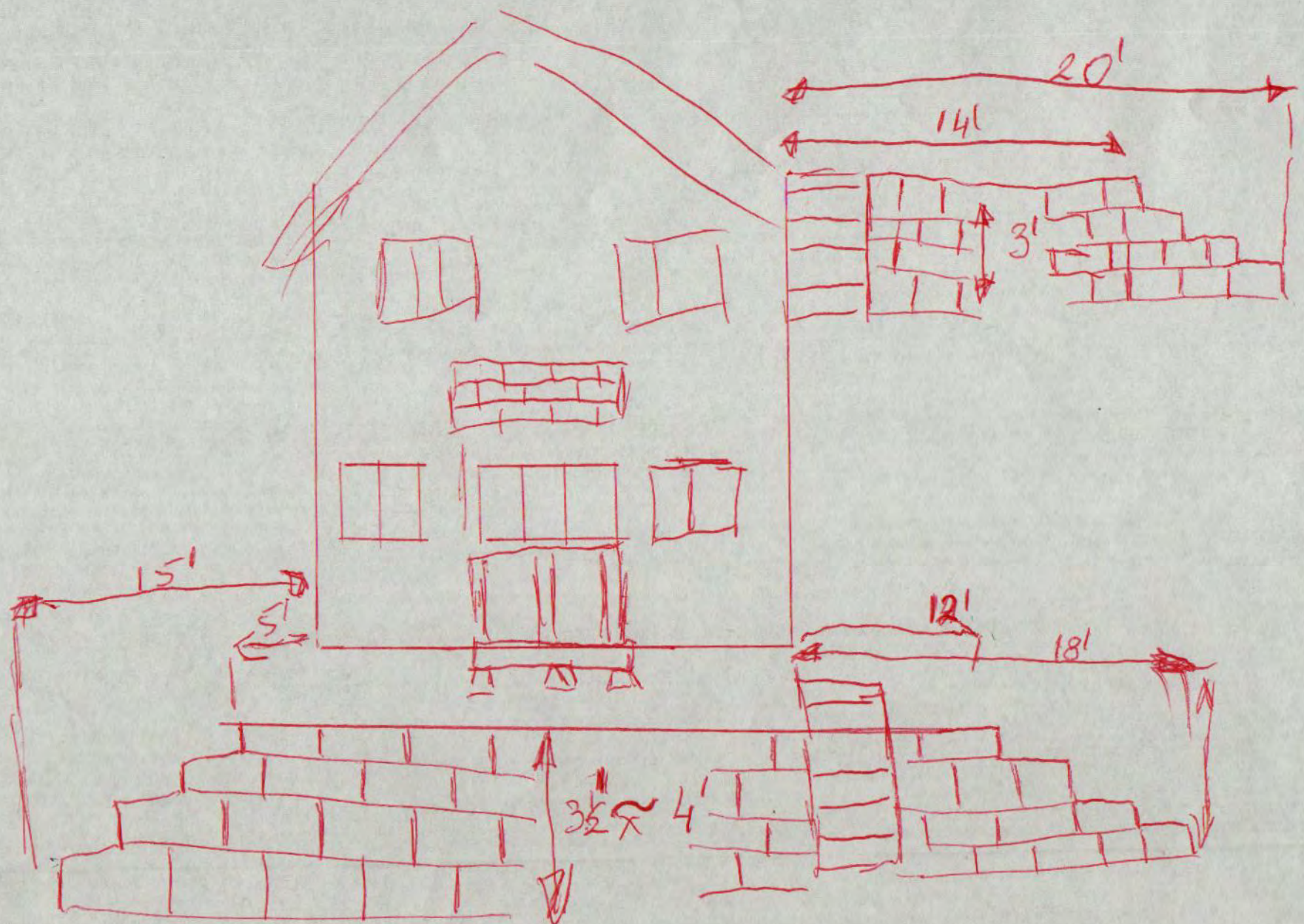
Service date: October 30, 2023

80 foot block retaining wall	\$14,000.00
20 foot block retaining wall	\$2,800.00
10 granite steps installed (5 up top and 5 lower level)	\$5,200.00
Subtotal	\$22,000.00
Total	\$22,000.00

On Site Inc

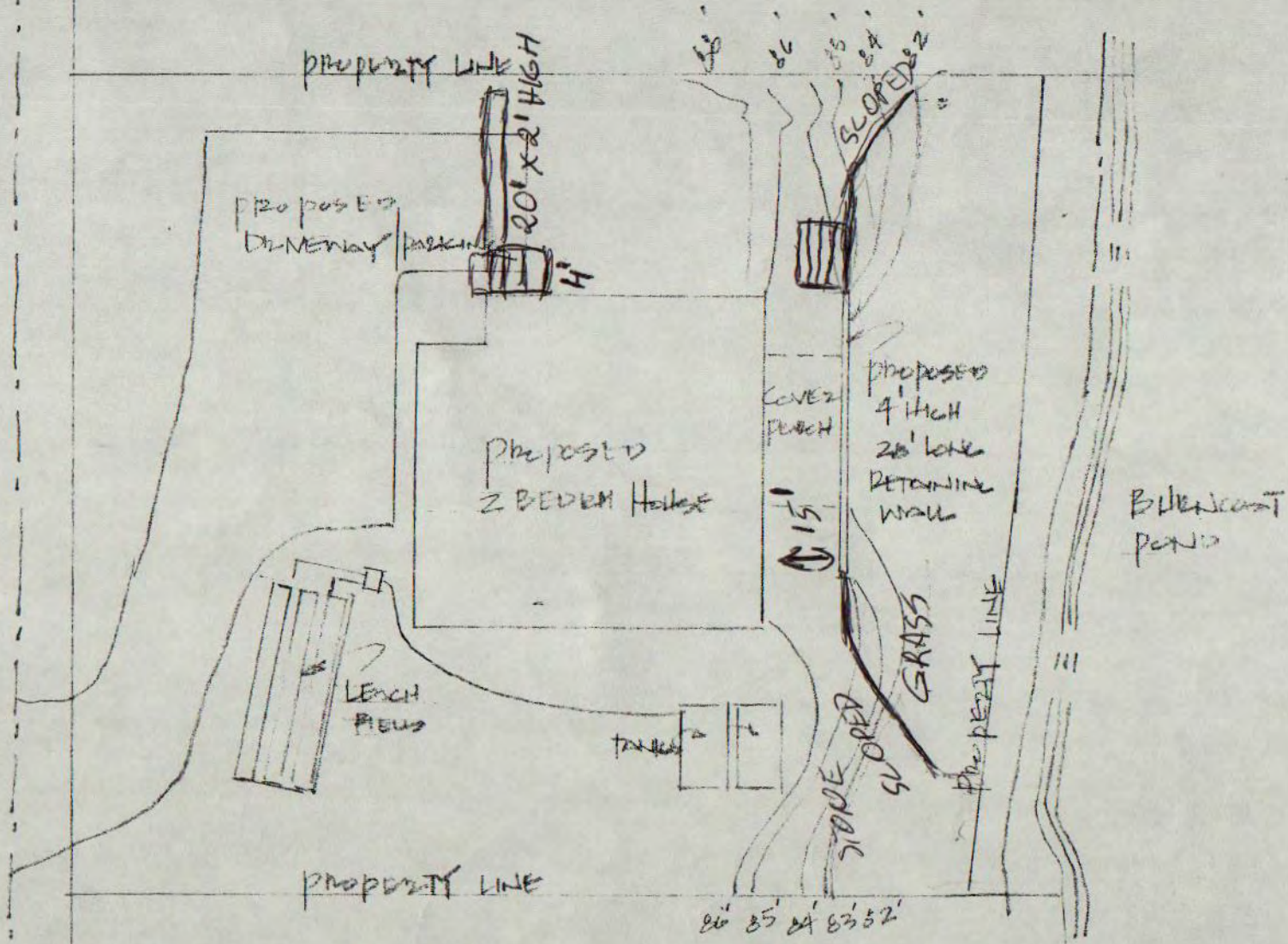
tony.onsiteservices@gmail.com

STREET HERE



WATER HERE

LAKE DRIVE



SCALE 1" = 20'-0"

KOPER RESIDENCE
20-22 LAKE DRIVE
WORCESTER, MA

GENEST CONCRETE WORKS, INC. - GUIDE SPECIFICATIONS FOR ANCHOR WALL
SYSTEMS RETAINING WALL

SECTION 32 32 00
RETAINING WALLS
(Section 02830)

PART 1 - GENERAL

1.01 SECTION INCLUDES

**** NOTE TO SPECIFIER ** Delete items below not required for project.**

- A. Concrete segmental retaining wall units.
- B. Geosynthetic reinforcement.
- C. Leveling pad base.
- D. Drainage aggregate.
- E. Reinforced Backfill.
- F. Drainage pipe.
- G. Pre-fabricated Drainage Composite.
- H. Geotextile Filter.
- I. Impervious Materials.
- J. Construction Adhesive.

1.02 RELATED SECTIONS

**** NOTE TO SPECIFIER ** Delete section below if not relevant to this project; add others as required.**

- A. Section 310000 - Earthwork: For finish grading.

1.02 REFERENCES

**** NOTE TO SPECIFIER ** Delete references from the list below that are not actually required by the text of the edited section.**

- A. American Association of State Highway Transportation Officials (AASHTO):
 - 1. AASHTO M288 Geotextile Specification for Highway Applications.
 - 2. AASHTO Standard Specifications for Highway Bridges.
- B. American Society for Testing and Materials (ASTM):
 - 1. ASTM C140 - Standard Test Methods for Sampling and Testing Concrete Masonry Units and Related Units.
 - 2. ASTM C1262 - Standard Test Method for Evaluating the Freeze-Thaw Durability of Manufactured Concrete Masonry Units and Related Concrete Units.
 - 3. ASTM C1372 - Standard Specification for Segmental Retaining Wall Units.
 - 4. ASTM D448 - Standard Classification for Sizes of Aggregate for Road and Bridge Construction.
 - 5. ASTM D698 - Standard Test Methods for Laboratory Compaction Characteristics of Soil Using Standard Effort (12,400 ft-lbf/cu ft) (600 kN-m/cu.m.).
 - 6. ASTM D1556 - Standard Test Method for Density and Unit Weight of Soil In Place by the Sand Cone Method
 - 7. ASTM D1557 - Standard Test Methods for Laboratory Compaction Characteristics of Soil Using Modified Effort (56,000 ft-lbf/cu ft) (2700 kN-m/cu.m.).
 - 8. ASTM D2487 - Standard Classification of Soils for Engineering Purposes (Unified Soil Classification System).
 - 9. ASTM D2922 - Standard Test Methods for Density of Soil and Soil-Aggregate In Place by Nuclear Methods (Shallow Depth).

GENEST CONCRETE WORKS, INC. - GUIDE SPECIFICATIONS FOR ANCHOR WALL
SYSTEMS RETAINING WALL

10. ASTM D3034 - Standard Specification for Type PSM Poly (Vinyl Chloride) (PVC) Sewer pipe and Fittings.
 11. ASTM D4318 - Standard Test Methods for Liquid Limit, Plastic Limit, and Plasticity Index of Soils.
 12. ASTM D4491 - Standard Test Method for Water Permeability of Geotextiles by the Permittivity Method.
 13. ASTM D4595 - Standard Test Method for Tensile Properties of Geotextiles by the Wide-Width Strip Method.
 14. ASTM D4873 - Standard Guide for Identification, Storage and Handling of Geosynthetics.
 15. ASTM D5084 - Standard Test Method for Measurement of Hydraulic Conductivity of Saturated Porous Materials Using a Flexible Wall Permeameter.
 16. ASTM D5262 - Standard Test Method for Evaluating the Unconfined Tension Creep Behavior of Geosynthetics.
 17. ASTM D5321 - Standard Test Method for Determining the Coefficient of Soil and Geosynthetic or Geosynthetic and Geosynthetic Friction by the Direct Shear Method.
 18. ASTM D5818 - Standard Practice for Obtaining Samples of Geosynthetics from a Test Section for Assessment of Installation Damage.
 19. ASTM D6637 - Standard Test Method for Determining Tensile Properties of Geogrids by the Single or Multi-Rib Tensile Method.
 20. ASTM D6638 - Standard Test Method for Determining Connection Strength Between Geosynthetic Reinforcement and Segmental Concrete Units.
 21. ASTM D6916 - Standard Test Method for Determining the Shear Strength Between Segmental Concrete Units.
 22. ASTM D6706 - Standard Test Method for Measuring Geosynthetic Pullout Resistance in Soil.
 23. ASTM F405 - Standard Specification for Corrugated Polyethylene (PE) Tubings and Fittings.
 24. ASTM G51 - Standard Test Method for Measuring pH of Soil for Use in Corrosion Testing.
- C. Federal Highway Administration
1. Elias, V., Christopher, B., and Berg, R., "Mechanically Stabilized Earth Walls and Reinforced Soil Slopes Design and Construction Guidelines", Federal Highway Administration Report No. FHWA-NHI-00-043, March 2001.
 2. Elias, V., Christopher, B., and Berg, R., "Corrosion/Degradation of Soil Reinforcements for Mechanically Stabilized Earth Walls and Reinforced Soil Slopes", Federal Highway Administration Report No. FHWA-NHI-00-044, March 2001.
- D. National Concrete Masonry Association (NCMA)
1. NCMA Design Manual For Segmental Retaining Walls, Second Edition, Second Printing (1997) or the Design Manual for Segmental Retaining Walls, Third Edition, (2010)

1.03 DEFINITIONS

- A. Concrete Segmental Retaining Wall (SRW) Units: Dry-stacked masonry units used as the retaining wall fascia.
- B. Reinforced Backfill: Soil which is used as fill behind the SRW unit, and within the reinforced soil mass (if applicable).
- C. Drainage Aggregate: Material used (if applicable) within, between, and directly behind the concrete retaining wall units.
- D. Stabilized Aggregate: A formulated mix design of clean stone, cement, and water

GENEST CONCRETE WORKS, INC. - GUIDE SPECIFICATIONS FOR ANCHOR WALL
SYSTEMS RETAINING WALL

- that creates a permeable homogeneous zone (mass). It is obtained by the elimination of fine aggregates (sand) from the normal concrete mix.
- E. Geotextile Filter: Material used for separation and filtration of dissimilar soil types.
 - F. Foundation Soil: Soil mass supporting the leveling pad and reinforced soil zone of the retaining wall system.
 - G. Geosynthetic Reinforcement: Polymeric material designed specifically to reinforce the soil mass.
 - H. Pre-fabricated Drainage Composite: Three-dimensional geosynthetic drainage medium encapsulated in a geotextile filter, used to transport water.
 - I. Impervious Materials: Clay soil or low permeability geosynthetic used to prevent water percolation into the drainage zone and reinforced backfill behind the wall.
 - J. Global Stability: The general mass movement of a soil reinforced segmental retaining wall structure and adjacent soil mass.
 - K. Project Geotechnical Engineer: A registered engineer who provides site observations, recommendations for foundation support, and verifies soil shear strength parameters.

1.04 SUBMITTALS

- A. Submit under provisions of Section 01300:
 - 1. Product Data: Material description and installation instructions for each manufactured product specified.
 - 2. Shop Drawings: Retaining wall system design, including wall elevation views, geosynthetic reinforcement layout, pertinent details, and drainage provisions. The shop drawings shall be signed by a registered professional engineer licensed in the state of wall installation.
 - 3. Design Calculations: Engineering design calculations prepared in accordance with the NCMA Design Manual For Segmental Retaining Walls, or the AASHTO Standard Specifications for Highway Bridges, Section 5.8 (whichever is applicable). Analysis of global stability must be addressed and incorporated into the shop drawings.
 - 4. Samples:
 - a. Furnish one unit in the color and face pattern specified, if requested.
 - b. Furnish 12 inch square or larger piece of the geosynthetic reinforcement specified.
 - 5. Test Reports: Independent laboratory reports stating moisture absorption and compressive strength properties of the concrete retaining wall units meet the Project Specifications when tested in accordance with ASTM C140, Sections 6, 8 and 9.
- B. LEED Submittals:
 - 1. Manufacturer shall provide product certificate for credit MR 4.1 materials and resources recycled content 5%. Use concrete segmental retaining wall units with supplementary cementing materials such as fly ash or slag.
 - 2. Manufacturer shall provide product certificate for credit MR 4.2 materials and resources recycled content 10%. Use concrete segmental retaining wall units with supplementary cementing materials such as fly ash or slag.
 - 3. Manufacturer shall provide certificates for credit MR 5.1 materials and resources regional materials. Use locally manufactured concrete segmental retaining wall units and aggregate materials.
 - 4. Manufacturer shall provide product certificates for credit MR 5.2 materials and resources regional materials. Use locally extracted materials for concrete segmental retaining wall units.

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SYSTEMS RETAINING WALL

1.05 QUALITY ASSURANCE

- A. Manufacturer's Qualifications:
 - 1. Member in good standing with the National Concrete Masonry Association.
 - 2. Manufacturer shall provide systematic testing of retaining wall units during production by a National Concrete Masonry Association Certified Masonry Testing Technician.
 - 3. Manufacturer shall provide independent quality assurance test results for retaining wall units manufactured and tested within a calendar year.
- B. Installer Qualifications: All products listed in this section are to be installed by a single installer with a minimum of five (5) years demonstrated experience in installing products of the same type and scope as specified.

**** NOTE TO SPECIFIER ** Include a mock-up if the project size and/or quality warrant taking such a precaution. The following is one example of how a mock-up on a large project might be specified. When deciding on the extent of the mock-up, consider all the major different types of work on the project.**

1.06 DELIVERY, STORAGE, AND HANDLING

- A. Store products in manufacturer's unopened packaging until ready for installation.
- B. Concrete Retaining Wall Units and Accessories: Deliver, store, and handle materials in accordance with manufacturer's recommendations, in such a manner as to prevent damage. Check the materials upon delivery to assure that proper material has been received. Store above ground on wood pallets or blocking. Remove damaged or otherwise unsuitable material, when so determined, from the site.
 - 1. Exposed faces of concrete wall units shall be free of chips, cracks, stains, and other imperfections detracting from their appearance, when viewed from a distance of 10 feet.
 - 2. Prevent mud, wet cement, adhesives and similar materials that may harm appearance of units, from coming in contact with system components.
- C. Geosynthetics (including geosynthetic reinforcement, geotextile filter, pre-fabricated drainage composite) shall be delivered, stored, and handled in accordance with ASTM D4873.

1.07 EXTRA MATERIALS

- A. Furnish Owner with 3 replacement units identical to those installed on the Project.

PART 2 - PRODUCTS

**** NOTE TO SPECIFIER ** Retain only products / color required on this project and delete all others.**

2.01 DIAMOND RETAINING WALLS

- A. Acceptable Manufacturer: Genest Concrete Works, Inc.
 - 1. Contact: Genest Concrete Works, Inc. 36 Wilson Street, Sanford, Maine 04073, phone: 1-800-332-4773, fax: 1-207-490-5076, www.GenestConcrete.com. Email: sales@genest-concrete.com
- B. Physical Requirements: Meet ASTM C 1372, except the unit height dimension shall not vary more than plus or minus 1/16 inch from that specified in the ASTM reference, not including the textured face.
- C. Diamond - 6 inch (152mm) Straight Face:
 - 1. Color: [Gray], [Tan]

GENEST CONCRETE WORKS, INC. - GUIDE SPECIFICATIONS FOR ANCHOR WALL
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2. Texture: Split Rock Face.
3. Dimensions:
 - a. Front Height: 6 inches (152mm).
 - b. Front Length: 17 1/8 inches (435mm).
 - c. Front Depth: 12 inches (305mm).
 - d. Weight: 72 lbs. (32.7 kg) per unit.
 - e. Setback: 1 1/8 inches (29mm).
- D. Diamond - 6 inch (152mm) Beveled Face:
 1. Color: [Gray], [Tan]
 2. Texture: Split Rock Face.
 3. Dimensions:
 - a. Front Height: 6 inches (152mm).
 - b. Front Length: 15 7/8 inches (403mm).
 - c. Front Depth: 12 inches (305mm).
 - d. Weight: 68 lbs. (30.8 kg) per unit.
 - e. Setback: 1 1/8 inches (29mm).
- E. Diamond Cap:
 1. Color: [Gray], [Tan]
 2. Front Height: 3 inches (76mm).
 3. Front Length: 17 inches (431mm).
 4. Front Depth: 12 inches (305mm).
 5. Back Length: 15-1/2 inches (374 mm).
 6. Weight: 44 lbs. (20 kg) per unit.
 7. Coverage: 1.13 lin. ft (344mm).
- F. Diamond Step:
 1. Color: [Gray], [Tan]
 2. Front Height: 6 inches (152mm).
 3. Front Length: 16 inches (406mm).
 4. Front Depth: 12 inches (305mm).
 5. Weight: 86 lbs (39 kg) per unit.
- G. Substitutions: Not permitted.
- H. Product: Subject to compliance with requirements: [provide the following:] [provide one of the following:] [available products that maybe incorporated into the work include, the following:]

2.02 RELATED PRODUCTS

- A. Geosynthetic Reinforcement: Polyester fiber geogrid or geotextile, HDPE or polypropylene woven geotextile, as shown on the Drawings.
 1. Geotextile fabric: Manufactured by Synteen Technical Fabrics, Lancaster, SC 800-796-8336. Supplied by Genest Concrete Works, Inc.
 - a. Material Type and Description: [Specify material type and description].
 - b. Material Standard: [Specify material standard.].
 - c. Manufacturer: Acceptable to concrete retaining wall unit manufacturer.
 2. Or approved equal.
- B. Leveling Pad Base:
 1. Aggregate Base: Crushed stone or granular fill meeting the following gradation as determined in accordance with ASTM D448:
 - a. Sieve: 1 inch - 100 percent passage.
 - b. Sieve: No. 4 - 35 to 70 percent passage.
 - c. Sieve: No. 40 - 10 to 35 percent passage.
 - d. Sieve: No. 200 - 3 to 10 percent passage.

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- e. Base Thickness: 6 inch (152mm) minimum compacted thickness.
- 2. Concrete Base: Non-reinforced lean concrete base.
 - a. Compressive Strength: 3000 psi (minimum).
 - b. Base Thickness: At least 2 inches (52mm).
- C. Drainage Aggregate: Clean crushed stone or granular fill meeting the following gradation as determined in accordance with ASTM D448:
 - 1. Sieve: 1 inch - 100 percent passage.
 - 2. Sieve: 3/4 inch - 75 to 100 percent passage.
 - 3. Sieve: No. 4 - 0 to 60 percent passage.
 - 4. Sieve: No. 40 - 0 to 50 percent passage.
 - 5. Sieve: No. 200 - 0 to 5 percent passage.
- D. Backfill: Soil free of organics and debris and consisting of either GP, GW, SP, SW, or SM type, classified in accordance with ASTM D2487 and the USCS classification system.
 - 1. Soils classified as SC, ML and CL are considered suitable soils for segmental retaining walls with a total height of less than 10 feet unless the Plasticity Index (PI) is 20 or more.
 - 2. Maximum particle size for backfill is 4 inches.
 - 3. Unsuitable soils are organic soils and those soils classified as CH, OH, MH, OL, or PT.
- I. Impervious Material: Clayey soil or other similar material which will prevent percolation into the drainage zone behind the wall.
- J. Drainage Pipe: Perforated or slotted PVC or corrugated HDPE pipe manufactured in accordance with D3034 and/or ASTM F405. The pipe may be covered with a geotextile filter fabric to function as a filter.
- K. Construction Adhesive: Exterior grade adhesive as recommended by the retaining wall unit manufacturer.
 - 1. Construction Adhesive Manufacturer: SRW Products, Princeton, MN, 763-389-2722. www.srwproducts.com
 - a. Material Type and Description: [specify material type and description]
 - b. Material Standard: [specify material standard]
 - c. Manufacturer: Acceptable to concrete retaining wall unit manufacturer.
 - 2. Or approved equal.

PART 3 – EXECUTION

**** NOTE TO SPECIFIER ** In Paragraph below, select appropriate entity.**

3.01 EXAMINATION

- A. Examine the areas and conditions under which the retaining wall system is to be erected, and notify the Architect/Engineer/Owner/Contractor in writing of conditions detrimental to the proper and timely completion of the work. Do not proceed with the work until unsatisfactory conditions have been corrected.
- B. Promptly notify the wall design engineer of site conditions which may affect wall performance, soil conditions observed other than those assumed, or other conditions that may require a reevaluation of the wall design.
- C. Verify the location of existing structures and utilities prior to excavation.

3.02 PREPARATION

- A. Ensure surrounding structures are protected from the effects of wall excavation.
- B. Excavation support, if required, is the responsibility of the Contractor, including the

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stability of the excavation and its influence on adjacent properties and structures.

3.03 EXCAVATION

- A. Excavate to the lines and grades shown on the Drawings. Over-excavation not approved by the Architect will not be paid for by the Architect / Engineer / Owner / Contractor. Replacement of these soils with compacted fill and/or wall system components will be required at the Contractor's expense. Use care in excavating to prevent disturbance of the base beyond the lines shown.

3.04 FOUNDATION PREPARATION

- A. Excavate foundation soil as required for footing or base dimension shown on the Contract Drawings, or as directed by the Project geotechnical engineer.
- B. The Project geotechnical engineer will examine foundation soil to ensure that the actual foundation soil strength meets or exceeds that indicated on the Drawings. Remove soil not meeting the required strength. Oversize resulting space sufficiently from the front of the block to the back of the reinforcement, and backfill with suitable compacted backfill soils.
- C. The Project geotechnical engineer will determine if the foundation soils will require special treatment or correction to control total and differential settlement.
- D. Fill over-excavated areas with suitable compacted backfill, as recommended by the Project geotechnical engineer.

3.05 BASE COURSE PREPARATION

- A. Place base materials to the depths and widths shown on the Contract Drawings, upon undisturbed soils, or foundation soils prepared as specified in this section.
 - 1. Extend the leveling pad laterally at least 6 inches in front and behind the lowermost concrete retaining wall unit.
 - 2. Provide aggregate base compacted to 6 inches thick (minimum).
 - 3. The Contractor may at their option, provide a concrete leveling pad as specified in Subparagraph 2.02.B.2, in lieu of the aggregate base.
 - 4. Where a reinforced footing is required by local code official, place footing below frost depth.
- B. Compact aggregate base material to provide a level, hard surface on which to place the first course of units.
- C. Prepare base materials to ensure complete contact with retaining wall units. Gaps are not allowed.

3.06 ERECTION

- A. General: Erect units in accordance with manufacturer's instructions and recommendations, and as specified herein.
- B. Place first course of concrete wall units on the prepared base material. Check units for level and alignment. Maintain the same elevation at the top of each unit within each section of the base course.
- C. Ensure that foundation units are in full contact with natural or compacted soil base.
- D. Place concrete wall units side-by-side for full length of wall alignment. Alignment may be done by using a string line measured from the back of the block. Gaps are not allowed between the foundation concrete wall units.
- E. Place at least 12 inches (305mm) of drainage aggregate between, and directly behind the concrete wall units. Fill voids in retaining wall units with drainage aggregate. Provide a drainage zone behind the wall units to within 9 inches of the final grade. Cap the backfill and drainage aggregate zone with 12 inches (305mm) of impervious material.
- F. Install drainage pipe at the lowest elevation possible, to maintain gravity flow of

GENEST CONCRETE WORKS, INC. - GUIDE SPECIFICATIONS FOR ANCHOR WALL
SYSTEMS RETAINING WALL

water to outside of the reinforced zone. Slope the main collection drainage pipe, located just behind the concrete retaining wall units, 2 percent grade minimum to provide gravity flow to the daylighted areas. Daylight the main collection drainage pipe through the face of the wall, and/or to an appropriate location away from the wall system at each low point and at 50 foot (15.25 m) maximum intervals along the wall. Alternately, the drainage pipe can be connected to a storm sewer system at 50 foot (15.25 m) maximum intervals.

- G. Remove excess fill from top of units and install next course. Ensure drainage aggregate and backfill are compacted before installation of next course.
- H. Check each course for level and alignment. Adjust units as necessary to maintain level and alignment prior to proceeding with each additional course.
- I. Install each succeeding course placing units in a random pattern. Backfill as each course is completed. Pull the units forward until the locating surface of the unit contacts the locating surface of the units in the preceding course. Interlock wall segments that meet at corners by overlapping successive courses. Attach concrete retaining wall units at exterior corners with adhesive specified.
- J. Install geosynthetic reinforcement in accordance with geosynthetic manufacturer's recommendations and the Contract Drawings.
 - 1. Orient geosynthetic reinforcement with the highest strength axis perpendicular to the wall face.
 - 2. Prior to geosynthetic reinforcement placement, place the backfill and compact to the elevation of the top of the wall units at the elevation of the geosynthetic reinforcement.
 - 3. Place geosynthetic reinforcement at the elevations and to the lengths shown on the Contract Drawings.
 - 4. Lay geosynthetic reinforcement horizontally on top of the concrete retaining wall units and the compacted backfill soils. Place the geosynthetic reinforcement within one inch of the face of the concrete retaining wall units. Place the next course of concrete retaining wall units on top of the geosynthetic reinforcement.
 - 5. The geosynthetic reinforcement shall be in tension and free from wrinkles prior to placement of the backfill soils. Pull geosynthetic reinforcement hand-taut and secure in place with staples, stakes, or by hand-tensioning until the geosynthetic reinforcement is covered by 6 inches (152mm) of loose fill.
 - 6. The geosynthetic reinforcements shall be continuous throughout their embedment lengths. Splices in the geosynthetic reinforcement strength direction are not allowed.
 - 7. Do not operate tracked construction equipment directly on the geosynthetic reinforcement.
 - 8. At least 6 inches of compacted backfill soil is required prior to operation of tracked vehicles over the geosynthetic reinforcement. Keep turning of tracked construction equipment to a minimum.
 - 9. Rubber-tired equipment may pass over the geosynthetic reinforcement at speeds of less than 5 miles per hour. Turning of rubber-tired equipment is not allowed on the geosynthetic reinforcement.

3.07 BACKFILL PLACEMENT

- A. Place reinforced backfill, spread and compact in a manner that will minimize slack in the reinforcement.
- B. Place fill within the reinforced zone and compact in lifts not exceeding 6 to 8 inches (loose thickness) where hand-operated compaction equipment is used, and not exceeding 12 inches (loose thickness) where heavy, self-propelled compaction equipment is used.
 - 1. Only lightweight hand-operated compaction equipment is allowed within 4 feet of the back of the retaining wall units. If the specified compaction cannot be

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achieved within 4 feet of the back of the retaining wall units, replace the reinforced soil in this zone with drainage aggregate material.

C. Compaction testing shall be done in accordance with ASTM D1556 or ASTM D2922.

**** NOTE TO SPECIFIER ** In the paragraph below, select revised modified Proctor densities if necessary, in lieu of standard Proctor densities specified**

- D. Minimum Compaction Requirements for Fill Placed in the Reinforced Zone
1. The minimum compaction requirement shall be determined by the project geotechnical engineer testing the compaction. At no time shall the soil compaction requirements be less than 95 percent of the soil's standard Proctor maximum dry density (ASTM D698) [modified Proctor maximum dry density (ASTM D1557)] for the entire wall height
 2. Utility Trench Backfill: Compact utility trench backfill in or below the reinforced soil zone to 98 percent of the soil's standard Proctor maximum dry density (ASTM D698) [modified Proctor maximum dry density (ASTM D1557)], or as recommended by the Project geotechnical engineer. If the height from the utility to finish grade is higher than 30 feet, increase compaction to 100 percent of the standard Proctor density [modified Proctor density].
 - a. Utilities must be properly designed (by others) to withstand all forces from the retaining wall units, reinforced soil mass, and surcharge loads, if any.
 3. Moisture Content: Within 2 percentage points of the optimum moisture content for all wall heights.
 4. These specifications may be changed based on recommendations by the Project geotechnical engineer.
 - a. If changes are required, the Contract Sum will be adjusted by written Change Order.
- E. At the end of each day's operation, slope the last level of compacted backfill away from the interior (concealed) face of the wall to direct surface water runoff away from the wall face.
1. The General Contractor is responsible for ensuring that the finished site drainage is directed away from the retaining wall system.
 2. In addition, the General Contractor is responsible for ensuring that surface water runoff from adjacent construction areas is not allowed to enter the retaining wall area of the construction site.
- F. Refer to Article 3.10.D for compaction testing.

3.08 CAP UNIT INSTALLATION

- A. Apply adhesive to the top surface of the unit below and place the cap unit into desired position.
- B. Cut cap units as necessary to obtain the proper fit.
- C. Backfill and compact to top of cap unit.

3.09 SITE CONSTRUCTION TOLERANCES

- A. Site Construction Tolerances:
1. Vertical Alignment: Plus or minus 1 ½ inches (38mm) over any 10 foot (3048mm) distance, with a maximum differential of 3 inches (76mm) over the length of the wall.
 2. Horizontal Location Control From Grading Plan
 - a. Straight Lines: Plus or minus 1 ½ inches (38mm) over any 10 foot (3048mm) distance.
 - b. Corner and Radius Locations: Plus or minus 12 inches (305mm).
 - c. Curves and Serpentine Radii: Plus or minus 2 feet (610mm).
 3. Immediate Post Construction Wall Batter: Within 2 degrees of the design

GENEST CONCRETE WORKS, INC. - GUIDE SPECIFICATIONS FOR ANCHOR WALL
SYSTEMS RETAINING WALL

- batter of the concrete retaining wall units.
4. Bulging: Plus or minus 1 ¼ inches (32mm) over any 10 foot (3048mm) distance.

3.10 FIELD QUALITY CONTROL

- A. Installer is responsible for quality control of installation of system components.
- B. The Owner or General Contractor, at their expense, will retain a qualified professional to perform quality assurance checks of the installer's work.
- C. Correct work which does not meet these specifications or the requirements shown on the Drawings at the installer's expense.
- D. Perform compaction testing of the reinforced backfill placed and compacted in the reinforced backfill zone.
 - 1. Testing Frequency:
 - a. One test for every 2 vertical feet (610mm) of fill placed and compacted, for every 50 lineal feet (15.25 lm) of retaining wall.
 - b. Vary compaction test locations to cover the entire area of the reinforced soil zone, including the area compacted by the hand-operated compaction equipment.

3.11 ADJUSTING AND CLEANING

- A. Replace damaged units with new units as the work progresses.
- B. Remove debris caused by wall construction and leave adjacent paved areas broom clean.

END OF SECTION

Notification to Abutters

By Hand Delivery, Certified Mail (return receipt requested), or Certificates of Mailing

This is a notification required by law. You are receiving this notification because you have been identified as the owner of land abutting another parcel of land for which certain activities are proposed. Those activities require a permit under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40).

In accordance with the second paragraph of the Massachusetts Wetlands Protection Act, and 310 CMR 10.05(4)(a) of the Wetlands Regulations, you are hereby notified that:

- A. A Request to Amend a Final Order of Conditions was filed with the Town of Leicester Conservation Commission on October 22, 2023 seeking permission to remove, fill, dredge, or alter an area subject to protection under M.G.L. c. 131 §40. The following is a description of the proposed activity/activities:

Add two concrete block retaining walls: one approximately 20 ft long and 4 ft high with 5 concrete steps near the driveway, and the second behind the house on the lake side approximately 80 ft long and 4 ft high with 5 concrete steps.

- B. The name of the applicant is: Teresa Kopec.
- C. The address of the land where the activity is proposed is: 20-22 Lake Drive. Assessors Map 27A-A4 and 27A-A5.
- D. Copies of the Request to Amend the Order of Conditions may be examined or obtained at the office of the Leicester Conservation Commission, located at 3 Washburn Square, Leicester, MA 01524. The regular business hours of the Commission are Monday, Wednesday, and Thursday 8:00 a.m. – 5:00 p.m. and Tuesday 8:00 a.m.-7:00 p.m., and the Commission may be reached at 508.892.7007. An administrative fee may be applied for providing copies of the NOI and plans.
- E. Copies of the Notice of Intent may be obtained from the applicant by calling Theresa Kopec at 508-335-1238.
- F. Information regarding the date, time, and location of the public hearing regarding the Notice of Intent may be obtained from the Leicester Conservation Commission. Notice of the public hearing will be published at least five business days in advance, in the Worcester Telegram & Gazette.



300 feet Abutters List Report

Leicester, MA
October 25, 2023

Subject Property:

Parcel Number: 27A-E5-0
CAMA Number: 27A-E5-0
Property Address: 20 LAKE DR

Mailing Address: KOPEC TERESA KOPEC MAREK
PO BOX 70534
WORCESTER, MA 01607

Abutters:

Parcel Number: 27-A1.1-0
CAMA Number: 27-A1.1-0
Property Address: 11 LAKE DR

Mailing Address: ALTMAN JONATHAN ALTMAN JENNIFER
11 LAKE DR
LEICESTER, MA 01524

Parcel Number: 27-A1.2-0
CAMA Number: 27-A1.2-0
Property Address: 15 LAKE DR

Mailing Address: COLEMAN IV JOHN E TRUSTEE OF OF
THE JOHN E COLE
18 LAKE DR
LEICESTER, MA 01524-0065

Parcel Number: 27-A1.3-0
CAMA Number: 27-A1.3-0
Property Address: 19 LAKE DR

Mailing Address: WITKOWSKI LIVING TRUST WITKOWSKI
SANDRA FRANCIS TRUS
25 LAKE DRIVE
LEICESTER, MA 01524

Parcel Number: 27A-A5-0
CAMA Number: 27A-A5-0
Property Address: LAKE DR

Mailing Address: ROYCEWICZ JEFFREY E
37 LAKE DRIVE
LEICESTER, MA 01524

Parcel Number: 27A-A6-0
CAMA Number: 27A-A6-0
Property Address: 25 LAKE DR

Mailing Address: WITKOWSKI LIVING TRUST WITKOWSKI
SANDRA FRANCIS TRUS
25 LAKE DRIVE
LEICESTER, MA 01524

Parcel Number: 27A-D2-0
CAMA Number: 27A-D2-0
Property Address: 34 LAKE DR

Mailing Address: KAPERONIS SPIROS G
34 LAKE DRIVE
LEICESTER, MA 01524

Parcel Number: 27A-D3-0
CAMA Number: 27A-D3-0
Property Address: 32 LAKE DR

Mailing Address: R&S LIOCE REALTY TRUST LIOCE
RUDOLPH JR SUSAN C TRUST
95 HIGHLAND STREET
MILFORD, MA 01757

Parcel Number: 27A-D4-0
CAMA Number: 27A-D4-0
Property Address: 30 LAKE DR

Mailing Address: R&S LIOCE REALTY TRUST LIOCE
RUDOLPH JR SUSAN C TRUST
95 HIGHLAND STREET
MILFORD, MA 01757

Parcel Number: 27A-E1-0
CAMA Number: 27A-E1-0
Property Address: LAKE DR

Mailing Address: LINDQUIST MAE JOANN SHEPARD
NIKOSEY KAREN
21 WHIPPLE ST
WORCESTER, MA 01607

Parcel Number: 27A-E10-0
CAMA Number: 27A-E10-0
Property Address: 21 BURNCOAT LN

Mailing Address: MACMAJOR SUSAN
21 BURNCOAT LANE
LEICESTER, MA 01524



www.cai-tech.com

10/25/2023

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300 feet Abutters List Report

Leicester, MA
October 25, 2023

Parcel Number: 27A-E11-0
CAMA Number: 27A-E11-0
Property Address: 23 BURNCOAT LN

Mailing Address: SALEM MARY G
23 BURNCOAT LN
LEICESTER, MA 01524

Parcel Number: 27A-E12-0
CAMA Number: 27A-E12-0
Property Address: 25 BURNCOAT LN

Mailing Address: ALVAREZ TODD
25 BURNCOAT LN
LEICESTER, MA 01524

Parcel Number: 27A-E13-0
CAMA Number: 27A-E13-0
Property Address: 27 BURNCOAT LN

Mailing Address: WROBLESKI THADDEUS C WROBLESKI
JO-ANN
27 BURNCOAT LN
LEICESTER, MA 01524

Parcel Number: 27A-E14-0
CAMA Number: 27A-E14-0
Property Address: 29 BURNCOAT LN

Mailing Address: GERVAIS SUSAN E TRUSTEE SUSAN E
REALTY TRUST - 2022
29 BURNCOAT LANE
LEICESTER, MA 01524

Parcel Number: 27A-E2-0
CAMA Number: 27A-E2-0
Property Address: LAKE DR

Mailing Address: LINDQUIST MAE JOANN SHEPARD
NIKOSEY KAREN
21 WHIPPLE ST
WORCESTER, MA 01607

Parcel Number: 27A-E3-0
CAMA Number: 27A-E3-0
Property Address: 24 LAKE DR

Mailing Address: LINDQUIST MAE SHEPARD JOANNE
CACCCIAPOUTI DE
21 WHIPPLE ST
WORCESTER, MA 01607

Parcel Number: 27A-E4-0
CAMA Number: 27A-E4-0
Property Address: 22 LAKE DR

Mailing Address: KOPEC TERESA KOPEC MAREK
PO BOX 70534
WORCESTER, MA 01607

Parcel Number: 27A-E6-0
CAMA Number: 27A-E6-0
Property Address: 18 LAKE DR

Mailing Address: COLEMAN IV JOHN E COLEMAN
JESSICA
18 LAKE DRIVE
LEICESTER, MA 01524

Parcel Number: 27A-E7-0
CAMA Number: 27A-E7-0
Property Address: 16 LAKE DR

Mailing Address: QUINLIVAN THOMAS M
10 FIELD WAY
WORCESTER, MA 01602

Parcel Number: 27A-E8-0
CAMA Number: 27A-E8-0
Property Address: 14 LAKE DR

Mailing Address: MIKSYS LINAS
14 LAKE DRIVE
LEICESTER, MA 01524-2007

Parcel Number: 27A-E9-0
CAMA Number: 27A-E9.1-0
Property Address: BURNCOAT LN

Mailing Address: MACMAJOR SUSAN
21 BURNCOAT LANE
LEICESTER, MA 01524

Parcel Number: 27A-E9-0
CAMA Number: 27A-E9-0
Property Address: BURNCOAT LN

Mailing Address: MACMAJOR SUSAN
21 BURNCOAT LANE
LEICESTER, MA 01524



www.cai-tech.com

10/25/2023

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Page 2 of 3



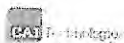
300 feet Abutters List Report

Leicester, MA
October 25, 2023

Parcel Number: 27-B6-0
CAMA Number: 27-B6-0
Property Address: BURNCOAT POND

Mailing Address: BURNCOAT POND WATERSHED DISTRI
PO BOX 346
LEICESTER, MA 01524

Above is a certified list of abutters and abutters to abutters within 300 feet including across any street or body of water.
Subject property: 20 Lake Drive Map 27A Lot E5 Deed book 65518 page 185.
Subject owner: Teresa Kopek and Marek Kopek
Certified by Alyce D Johns, Interim Principal Assessor



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10/25/2023

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Page 3 of 3

Account Number:	692723
Customer Name:	Leicester Planning Board
Customer Address:	Leicester Planning Board TOWN HALL 3 WASHBURN SQ LEICESTER MA 01524
Contact Name:	Alaa Abusalah
Contact Phone:	
Contact Email:	AbusalahA@leicesterma.org
PO Number:	

Date:	10/25/2023
Order Number:	9449252
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	47.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
NEO WOR Telegram & Gazette	1	10/31/2023 - 10/31/2023	Govt Public Notices
NEO WOR telegram.com	1	10/31/2023 - 10/31/2023	Govt Public Notices

Order Confirmation Amount	\$62.98
----------------------------------	----------------

**PUBLIC HEARING
NOTICE**

**Leicester Conservation
Commission**

20-22 Lake Drive

The Leicester Conservation Commission will hold a Public Hearing on Wednesday, November 8, 2023 at 6:35 PM in the Conference Room of the Leicester Town Hall, 3 Washburn Square, Leicester, MA in accordance with M.G.L. c.131 s.40 and the Town of Leicester Wetland Bylaw to hear a request to Amend a Final Order of Conditions filed by Teresa Kopec to add two concrete block retaining walls: one approx. 20 ft. long and 4 ft. high with 5 concrete steps near the driveway, and the second behind the house on the lake side approx. 80 ft. long and 4. ft high with 5 concrete steps. Site Location: 20-22 Lake Drive, Assessors Parcels 27A-A4 and 27A-A5, Zoned Suburban Agricultural (SA).

Anyone wishing to comment or hear discussion should be present at the above stated date and time. The submitted documents may be viewed in the Leicester Town Conservation Commission Office during Town Hall hours or online at leicesterma.org.

Stephan Parretti, Chair

Leicester Conservation Commission

Published in Worcester

Telegram & Gazette: Tuesday, October 31, 2023



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PO Box 70534
Worcester MA 01607

To:

Wroblewski Tadeo
Wroblewski Tadeo
27 Burncoat Lane
Leicester MA 01524

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PS Form 3817, April 2007 PSN 7530-02-000-9065



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To:

Withowski Livingstone
Withowski Sandra Francis
25 Lake Drive
Leicester MA 01524

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Worcester MA 01607

To:

SALEN MARU
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Roycevia Jeffery
37 LANE Drive
Leicester MA 01524

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TERESA KOPPEL
PO Box 70534
Worcester MA 01607

To:

Ros Lioce Health
Lioce Rudolph
95 Highland Street
Milford MA 01507

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PO Box 70534
Worcester MA 01607

To:

Quintian Thomas
10 Field Way
Worcester MA 01607

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Korel
PO Box 70524
Worcester MA 01607

To:

Miksys LINDA
14 LAKE DRIVE
Leicester MA 01524

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From:

Lenta Korel
PO Box 70534
Worcester MA 01607

To:

MACMAZOR SUSAN
21 BURNINGWAT LANE
Leicester MA 01524

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Tenise Korel
PO Box 70524
Worcester MA 01607

To:

Linguist Moe
Shepard Joanne Caccia Pou
21 Whipple Street
Worcester MA 01607

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From:

Teresa Kopel
PO Box 70534
Worcester MA 01607

To:

Linguist Marc
Joan Sheppard Nikosey KAR
81 Whipple's Street
Worcester MA 01607

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From:

Teresa Kopel
PO Box 70534
Worcester MA 01607

To:

KAREN SPILG
34 LAURENCE
Leicester MA 01524

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Teresa Kopel
PO Box 70534
Worcester MA 01607

To:

Gervais Suzanne
29 Barncoat Lane
Leicester MA 01524

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PO Box 7053
Worcester MA 01607

OXFORD MA
01540

OCT 27 2023

Postmark Here

To:

Coleman IV John E
TRUSTEE OF THE JOHN E
18 LAKE DRIVE
Leicester MA 01524

USPS

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TENEKA KOPPE
PO Box 70534
Worcester MA 01607

OXFORD MA
01540

OCT 27 2023

Postmark Here

To:

Coleman IV John E
Coleman
18 LAKE DRIVE
Leicester MA 01524

USPS

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From:

TENEKA KOPPE
PO Box 70534
Worcester MA 01607

OXFORD MA
01540

OCT 27 2023

Postmark Here

To:

Brian Coat
PO Box 346
Leicester MA 01524

USPS

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From:

James Kopf
PO Box 70534
Leicester MA 01540

To:

ALVAREZ
05 Beacon Ln
Leicester MA 01524

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From:

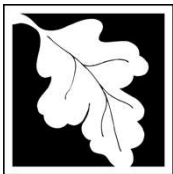
James Kopf
PO Box 70534
Leicester MA 01540

To:

Altman Jonathan
11 LAKE DRIVE
Leicester MA 01524

Postmark Here

PS Form 3817, April 2007 PSN 7530-02-000-9065



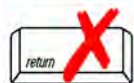
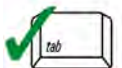
Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 197-0691
 MassDEP File #
 eDEP Transaction #
LEICESTER
 City/Town

A. General Information

Please note:
 this form has
 been modified
 with added
 space to
 accommodate
 the Registry
 of Deeds
 Requirements

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

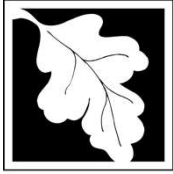


1. From: Leicester
 Conservation Commission
2. This issuance is for
 (check one): a. ☐ Order of Conditions b. ☒ Amended Order of Conditions
3. To: Applicant:

<u>Teresa</u>	<u>Kopec</u>	
a. First Name	b. Last Name	
<u>PO Box 70534</u>		
c. Organization		
d. Mailing Address		
<u>Worcester</u>	<u>MA</u>	<u>01607</u>
e. City/Town	f. State	g. Zip Code
4. Property Owner (if different from applicant):

<u></u>	<u></u>	
a. First Name	b. Last Name	
<u></u>		
c. Organization		
<u></u>		
d. Mailing Address		
<u></u>	<u></u>	<u></u>
e. City/Town	f. State	g. Zip Code
5. Project Location:

<u>20-22 Lake Drive</u>	<u>Leicester</u>
a. Street Address	b. City/Town
<u>27A</u>	<u>A4 and A5</u>
c. Assessors Map/Plat Number	d. Parcel/Lot Number
Latitude and Longitude, if known:	
<u> </u> d m s d. Latitude	<u> </u> d m s e. Longitude



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

197-0691

MassDEP File #

eDEP Transaction #

LEICESTER

City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Worcester

a. County

65518

c. Book

b. Certificate Number (if registered land)

185

d. Page

7. Dates: 8/17/2022 9/14/2022 9/14/2022
a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Ex 2 Bedroom SFH. 20-22 Lake Drive, Leicester, MA. Proposed Septic Repair Site Plan

a. Plan Title

Clear Water Environmental

b. Prepared By

8/12/2022

d. Final Revision Date

Drawings for 2 additional retaining walls

f. Additional Plan or Document Title

Elizabeth Dupre, Civil Engineer RS#1210

c. Signed and Stamped by

1"=20'

e. Scale

g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

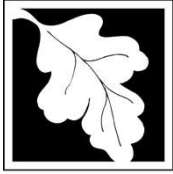
Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- a. ☐ Public Water Supply b. ☐ Land Containing Shellfish c. ☒ Prevention of Pollution
d. ☐ Private Water Supply e. ☐ Fisheries f. ☒ Protection of Wildlife Habitat
g. ☒ Groundwater Supply h. ☒ Storm Damage Prevention i. ☒ Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

197-0691

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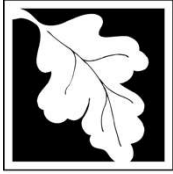
B. Findings (cont.)

Denied because:

- b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3. ☐ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	<u> </u> a. linear feet	<u> </u> b. linear feet	<u> </u> c. linear feet	<u> </u> d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
	<u> </u> e. c/y dredged	<u> </u> f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
Cubic Feet Flood Storage	<u> </u> e. cubic feet	<u> </u> f. cubic feet	<u> </u> g. cubic feet	<u> </u> h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	<u> </u> a. square feet	<u> </u> b. square feet		
Cubic Feet Flood Storage	<u> </u> c. cubic feet	<u> </u> d. cubic feet	<u> </u> e. cubic feet	<u> </u> f. cubic feet
9. <input type="checkbox"/> Riverfront Area	<u> </u> a. total sq. feet	<u> </u> b. total sq. feet		
Sq ft within 100 ft	<u> </u> c. square feet	<u> </u> d. square feet	<u> </u> e. square feet	<u> </u> f. square feet
Sq ft between 100-200 ft	<u> </u> g. square feet	<u> </u> h. square feet	<u> </u> i. square feet	<u> </u> j. square feet



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

197-0691

MassDEP File #

eDEP Transaction #

LEICESTER

City/Town

B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. ^{cu yd} nourishment	d. ^{cu yd} nourishment
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. ^{cu yd} nourishment	d. ^{cu yd} nourishment
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <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			
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

197-0691

MassDEP File #

eDEP Transaction #

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City/Town

B. Findings (cont.)

* #23. 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.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. ☐ Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

24. ☐ Stream Crossing(s):

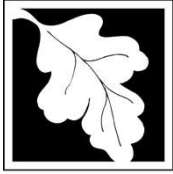
a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on _____ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

197-0691

MassDEP File #

eDEP Transaction #

LEICESTER

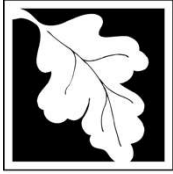
City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]

"File Number 197-0691 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

197-0691

MassDEP File #

eDEP Transaction #

LEICESTER

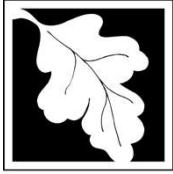
City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
 - (1) ☐ is subject to the Massachusetts Stormwater Standards
 - (2) ☒ is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
 - i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

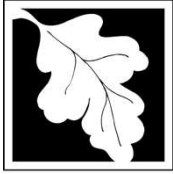
i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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

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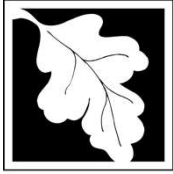
C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
 - 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 - 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 - 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

See attached Administrative Orders #21-53

- 20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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

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D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No
2. The Leicester Conservation Commission hereby finds (check one that applies):
 - a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw	2. Citation
---------------------------------	-------------

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.
 - b. ☒ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

<u>Leicester Wetland Protection Bylaw</u>	<u>VIII</u>
1. Municipal Ordinance or Bylaw	2. Citation
3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.
 The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

See attached Administrative Orders #21-53



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

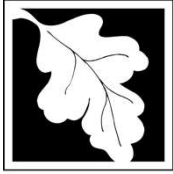
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E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance. 11/8/2023
 Please indicate the number of members who will sign this form. 1. Date of Issuance
 This Order must be signed by a majority of the Conservation Commission. 2. Number of Signers
 The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

_____ Signature	Stephan Parretti Printed Name
_____ Signature	JoAnn Schold Printed Name
_____ Signature	James Cooper Printed Name
_____ Signature	Vanessa Lopez Printed Name
_____ Signature	Ashlyn Coyle Printed Name
_____ Signature	_____ Printed Name
_____ Signature	_____ Printed Name
_____ Signature	_____ Printed Name

<input type="checkbox"/> by hand delivery on _____ Date	<input checked="" type="checkbox"/> by certified mail, return receipt requested, on _____ Date
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Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

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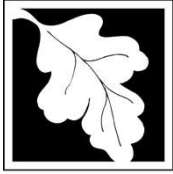
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City/Town

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



Massachusetts Department of Environmental Protection
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Provided by MassDEP:

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G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner

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

Book

Page

In accordance with the Order of Conditions issued on:

Date

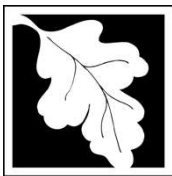
If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number: _____

**Request for Departmental Action Fee
Transmittal Form**

Provided by DEP _____

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

A. Request Information

1. Location of Project

a. Street Address _____

b. City/Town, Zip _____

c. Check number _____

d. Fee amount _____

2. Person or party making request (if appropriate, name the citizen group's representative):

Name _____

Mailing Address _____

City/Town _____

State _____

Zip Code _____

Phone Number _____

Fax Number (if applicable) _____

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name _____

Mailing Address _____

City/Town _____

State _____

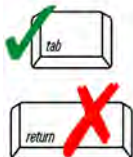
Zip Code _____

Phone Number _____

Fax Number (if applicable) _____

4. DEP File Number: _____

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



B. Instructions

1. When the Departmental action request is for (check one):

- ☐ Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- ☐ Superseding Determination of Applicability – Fee: \$120
- ☐ Superseding Order of Resource Area Delineation – Fee: \$120



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

Request for Departmental Action Fee Transmittal Form

Provided by DEP

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

B. Instructions (cont.)

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection
Box 4062
Boston, MA 02211

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Town of Leicester Conservation Commission
SPECIAL CONDITIONS
DEP File #197-0691

(Conditions 1 to 20 are found in the DEP Orders)

PROJECT DESCRIPTION:

The Applicant proposes to remove an existing outhouse, retain an existing shed, and build a new single-family home and related improvements. The original Order of Conditions (#197-0691) has been amended to include two retaining walls. The proposed project is located with the following resources areas: 100' Buffer Zone of Burncoat Pond.

21. PROJECT SPECIFIC CONDITIONS:

- a. Applicant shall provide a 48-hour notice to the Conservation Commission when silt fence is installed and ready for inspection.

PRIOR TO CONSTRUCTION

22. **This document in its entirety shall be recorded at the Registry of Deeds,** immediately following the 10-day appeal period, which commences upon the date of issuance, and before all or **any** part of the site is sold and/or work commenced. **Proof of said recording must be returned to the Leicester Conservation Commission before any work shall commence or sale finalized.** **Failure to comply with these Orders of Conditions shall automatically invalidate this permit.**
23. Prior to any work commencing on the site, including any clearing of vegetation or disturbance of soils, the applicant shall comply with the following:
 - a. **Display the DEP file number for this Order.**
 - b. The applicant shall notify the Conservation Commission at least 48 hours prior to any activity on the site and shall provide the name(s) and telephone number(s) of all person(s) responsible for compliance with this Order.
24. The approved erosion control shall be installed as indicated on the approved plan and shall be inspected by a member of the Conservation Commission prior to start of work.

GENERAL CONDITIONS

25. In the event this land or any part thereof changes ownership before or during construction, the current owner shall notify the new owner, prior to the transfer of ownership, by registered mail, of this Order and shall forward proof of this notification to the LCC. The Commission shall be notified in writing within 30 days of all transfers of title of any portion of property that take place prior to the issuance of the Certificate of Compliance. Any member of the Conservation Commission or its designated agent shall have full powers to act on its behalf in administering and enforcing this Order. This document shall be included by reference in all contracts, plans and specifications dealing with the activity that is the subject of this Order, and that are created or modified after the issuance date of this Order, along with a statement that this Order shall supersede any conflicting contractual arrangements, plans or specifications.

26. In case of emergencies, problems, or the need to discuss site conditions with the Conservation Commission, please contact the Commission or its agent during business hours at (508)892-7007.
27. The applicant shall provide a copy of this Order to the person or persons supervising the activity that is the subject of this Order, and will be responsible for understanding and complying with the terms and conditions of this Order as well as any others performing work or activity subject to this Order of Conditions. A copy of this Order of Conditions, construction plans, and copies of the documents and reports shall be on the site upon commencement and during any site work for contractors to view and adhere to.
28. If **any** change is made in the above-described plan(s) which may or will alter an area subject to protection under the Wetlands Protection Act, 310 CMR 10.00 and the Leicester Wetland Bylaw and Wetland Bylaw Regulations, the applicant shall inquire from this Commission or its agent, prior to implementing the change in the field, whether the change is significant enough to require the filing of a new Notice of Intent. Any errors in the plans or information submitted by the applicant shall be considered changes and the above procedures shall be followed.
 - a. If the LCC finds said changes to be insignificant to the interests of the Act and/or the Town of Leicester Wetland Bylaws, then the LCC will so notify the Applicant in writing.
 - b. If the LCC finds said changes to be significant and/or deviate from the original plans, Notice of intent (NOI), or these Orders of Conditions (OOC) the applicant shall file an amended NOI following the same process as a new NOI. No work shall be undertaken until the Amended OOC are issued and recorded at the Registry of Deeds.
29. This Order authorizes only the activity described on the approved plan(s) and approved documents referenced in this Order. Any other or additional activity in areas within the jurisdiction of the Commission will require separate review and approval by the Commission or its agent.
30. The Commission reserves the right, after a public hearing process, to impose additional conditions on portions of this project to mitigate any impacts which result from site erosion, or any noticeable degradation of surface water quality discharging from the site.
31. The applicant and any person involved in the activity that is the subject of this Order shall notify the Commission or its agent immediately upon discovery of any matter related to this Order that may affect any area within the jurisdiction of the Commission. A stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair or replace silt fences, hay bales, erosion control blankets, stone riprap, filter berms or any other devices planned for use during construction.
32. The area of construction shall remain in a stable condition at the close of each construction day. Erosion controls should be inspected at this time, and repaired, reinforced or replaced as necessary.
33. Erosion control devices may be temporarily modified based upon experience at the site. Temporary modifications shall not be deemed approved or permanent, until approved by the Commission or Commission's Agent. All such devices shall be inspected, cleaned or

replaced during construction and shall remain in place until such time as stabilization of all areas that may impact resource areas is permanent.

34. Within thirty days of completion, all disturbed areas shall be permanently stabilized with vegetative cover, using sufficient top soil to assure long-term vegetative growth. Continued maintenance of this area, in a manner which assures permanent stabilization and precludes any soil erosion, shall be the responsibility of the applicant.
35. If soils are to be left disturbed for longer than 90 days, a temporary cover of rye or other grass should be established to prevent erosion and sedimentation. If the season is not appropriate for plant growth, exposed surfaces shall be stabilized by other appropriate erosions control measures, firmly anchored, to prevent soils from being washed by rain or flooding.
36. Erosion control devices shall remain in place and properly functioning until all exposed soils have been stabilized with final vegetative cover and the Conservation Commission and/or its Administrator has authorized their removal.
37. The following are prohibited within the wetlands resource areas and associated buffer zones unless expressly permitted by this Order or the plans approved herewith.
 - a. All construction materials, earth stockpiles, landscaping materials, slurry pits, waste products, refuse, debris, stumps, slash, or excavate. These materials may only be stockpiled or collected in areas shown on the plan or they must be placed or stored under cover and surrounded by a double-staked row of hay bales to prevent contact with rain water outside of the buffer zone.
 - b. No material of any kind may be buried, placed or dispersed in areas within the jurisdiction of the Commission by activities that are the subject of this Order
 - c. There shall be no pumping of water from or into wetland resource areas.
 - d. All waste products, grubbed stumps, slash or construction materials. This specifically includes dumpsters.
 - e. Storage of fuel, oil, or other pollutants or hazardous substances.
 - f. No vehicle re-fueling or storage overnight.
 - g. No equipment is to enter or cross-wetland resource areas at any time unless the location of disturbance is marked on the plans referenced in this Order and flagged in the field.
 - h. Cement trucks shall not be washed out in any wetland resource or buffer zone area, or into any drainage system. Any deposit of cement or concrete products into a buffer zone or wetland resource area shall be immediately removed.
 - i. Any material placed in wetland resource areas by the applicant without express authorization under this Order shall be removed by the applicant upon demand by the Conservation Commission or its agent. Such areas shall be immediately restored to their pre-disturbance condition.
38. Workers shall be informed that no use of machinery, storage of machinery or materials, stockpiling of soil or any other construction activity is to occur beyond the erosion control barriers at any time.

39. All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders or any other components shall be fixed immediately.
40. Immediately upon the installation of the headwalls and riprap, haybales shall be set and staked around the inlet to prevent sediments from entering the drainage system, wetlands or water bodies.
41. The Conservation Commission shall be notified when any maintenance functions that may impact the wetlands, such as, but not limited to, removing accumulated sediments, are to be performed.
42. Site grading and construction shall be scheduled to avoid periods of high surface water. Debris removal must be conducted during frozen ground conditions.
43. All disturbed areas and slopes shall be loamed and seeded or stabilized through the use of erosion control blankets or other approved means. All disturbed areas will be graded, loamed and seeded prior to November 1 of the year if possible. No disturbed areas or stockpiled material will be left unprotected or without erosion controls during the winter.
44. Loaming and seeding will occur within (5 - 30) days of final grading. Barren areas should be stabilized by seeding if work on the project is interrupted for more than 90 days. If the 90 days are in the winter, the applicant shall request a determination from the Commission as to whether seeding or an alternative measure should be conducted.
45. Pursuant to the provisions of 310 CMR 10.53.3. the proposed project utilizes the maximum limit of wetlands to be disturbed on one parcel and for one project.
46. The applicants, owners, and their successors and assignees shall maintain all culverts, collection basins, traps, retention and detention ponds, outlet structures, BMP devices and other elements of drainage systems, structural and capacity of all structures unless put into an easement to the Town, in order to avoid blockages and siltation which might cause failure of the system and/or detrimental impacts to on-site or off-site resource areas.
47. The applicants, owners, and their successors and assignees shall maintain all stabilized slopes shall be maintained as designed and constructed, whether "bioengineered" or mechanically-stabilized slopes.
48. Subject to approval by the Commission, the applicant shall submit an Operations and Maintenance Plan (O&M) for stormwater management systems, including Best Management Practices. In addition, a Long Term Pollution Prevention Plan (LTPP) is required (see Condition 19d). No additional filings will be required to conduct maintenance of the above referenced structures.
49. Pesticides, herbicides, fungicides, and fertilizers **shall not be used** within 100 feet of the wetlands. Organic pesticides, herbicides, fungicides and fertilizers may be used subject to the review and approval of the Conservation Commission. Only slow-release organic granular type fertilizers shall be used within the wetland buffer zone. This shall be noted in the Certificate of Compliance and shall be an ongoing condition.
50. De-icing chemicals (e.g. sodium, potassium, and calcium chloride) in excess of residential application standards are prohibited on driveways located in wetland resource areas and buffer zones. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.

51. Dumping Prohibited: There shall be no dumping of leaves, grass clippings, brush, or other debris into: wetlands areas, replication areas, stream threads or other areas subject to jurisdiction by the Leicester Conservation Commission. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
52. Prior to the issuance of a Certificate of Compliance and upon the sale of the property to subsequent owners, the new owner shall provide a letter to the Conservation Commission acknowledging that he/she understands the wetland restrictions bound to this property. A copy of this letter and a set of As Built Plans shall accompany the written request for a Certificate of Compliance. This shall be an ongoing condition and shall be recorded in the deed and on subsequent deeds.

0, 90, 92 Huntoon Memorial Highway

RECEIVED

SEP 28 2023

Town of Leicester
Development & Inspectional Services



September 28, 2023

Mr. Stephen Parretti, Chairman
Leicester Conservation Commission
3 Washburn Square
Leicester, MA 01524

Re: Request for Certificate of Compliance, DEP File #197-0683
Warehouse Development at 0, 90, and 92 Huntoon Memorial Highway (Rt. 56)

Mr. Parretti,

On behalf of our client, JMC/TBG Leicester, LLC and its successor owner, BP Leicester Fee Owner LLC for the above referenced Project, VHB respectfully submits this package documenting that the work depicted on the approved Leicester Central Site Plans (the Plans) has been completed in substantial conformance to the Site Plans with the insignificant adjustments listed below, which are located outside of the wetland buffer zones and riverfront area. For reference, attached please find two copies of the completed MassDEP WPA Form 8A – Request for Certificate of Compliance, the as-built plan titled Record Survey, dated August 8, 2023, prepared by Control Point Associates, and the associated Order of Conditions.

- Additional trees and shrubs beyond those proposed on the site plans were planted in various locations around the site as a landscaping enhancement
- An added tenant entrance island at the east end of the building which displaced 3 parking stalls
- Clearing north of the surface stormwater retention pond (outside of buffer zones) restored with seeding and tree plantings
- Loam and seed was replaced with crushed stone in interior parking lot islands and perimeter areas, and around electrical transformers
 - Despite the change in surface material, these areas remain pervious and are not expected to impact the stormwater management design

Please let me know if you have any questions and advise on the next steps.

Sincerely,

Vanasse Hangen Brustlin, Inc.

A handwritten signature in blue ink, appearing to read "Justin Dufresne".

Justin Dufresne, P.E.

Managing Director

RECEIVED
2023 OCT -3 PM 3:37
TOWN OF LEICESTER
LEICESTER, MASS.

Engineers | Scientists | Planners | Designers

120 Front Street, Suite 500, Worcester, Massachusetts 01608

P 508.752.1001 F 508.459.0877 www.vhb.com



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 8A – Request for Certificate of Compliance

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

DEP File Number:

197-0683

Provided by DEP

A. Project Information

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Important:

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



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

1. This request is being made by:

JMC/TBG Leicester LLC

Name

100 Grandview Road, Suite 203

Mailing Address

Braintree

City/Town

781-849-0011

Phone Number

MA
State

02184
Zip Code

Town of Leicester
Development & Inspectional Services

SEP 28 2023

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

JMC/TBG Leicester LLC

Applicant

September 29, 2022

Dated

197-0683

DEP File Number

3. The project site is located at:

0, 90, 92 Huntoon Memorial Highway

Street Address

44

Assessors Map/Plat Number

Leicester

City/Town

A4.1, A5, A6

Parcel/Lot Number

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

ASR Realty Company LLC

Property Owner (if different)

Worcester

County

68384

Book

1

Page

Certificate (if registered land)

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

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

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

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

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2023 OCT -3 PM 3:38
TOWN OF LEICESTER
DEVELOPMENT & INSPECTIONAL SERVICES
LEICESTER MASS.



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 8A – Request for Certificate of Compliance

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

DEP File Number:

197-0683

Provided by DEP

A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

☒ Yes

If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

☐ No

B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).

Worcester South District Registry of Deeds Electronically Recorded Document

This is the first page of the document – Do not remove

Recording Information

RECEIVED

SEP 28 2023

Town of Leicester
Development & Inspectional Services

Document Number	: 114379
Document Type	: ORD
Recorded Date	: October 21, 2022
Recorded Time	: 01:18:30 PM
Recorded Book and Page	: 68384 / 1
Number of Pages(including cover sheet)	: 22
Receipt Number	: 1477676
Recording Fee	: \$105.00

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2023 OCT -3 PM 3:38
TOWN CLERK'S OFFICE
LEICESTER, MASS.

Worcester South District Registry of Deeds
Kathryn A. Toomey, Register
90 Front St
Worcester, MA 01608
(508) 798-7717



TOWN OF LEICESTER CONSERVATION COMMISSION

LEICESTER, MA 01524-1333

Phone: 508-892-7007 – Fax: 508-892-7070

www.leicesterma.org

September 29, 2022

JMC/TBG Leicester LLC
100 Grandview Road, Suite 203
Braintree, MA 02184

RE: 0, 90, 92 Huntoon Memorial Highway
Leicester, MA 01524
DEP#197-0683

Please be advised that the following administrative changes have been approved and made to the Leicester Conservation Commission Order of Conditions for DEP# 197-0683. The amendments include clarification of the total square footage of Riverfront Area impact and Date Notice of Intent Filed.

Clarification of the total square footage of Riverfront Area impact: The Leicester Conservation Commission issued the Order of Conditions for DEP# 197-0683 on March 23, 2022, referencing the Approved Site Plans prepared by VHB dated March 7, 2022, showing 35,715 SF of total Riverfront Area impact. The Order recorded with the Worcester South Registry of Deeds on April 6, 2022 (Book 67394, Page 331) incorrectly lists a total square footage of 34,406. The amended order clarifies the Conservation Commission's determination and approval of 35,715 SF of Riverfront Area impact.

Date Notice of Intent Filed: The Order recorded with the Worcester South Registry of Deeds on April 6, 2022 (Book 67394, Page 331) incorrectly lists a filing date of 12/27/2022. The correct date of notice of intent filed is 12/27/2021.

If you have any questions, the Leicester Conservation Commission can be reached at conservation@leicesterma.org or 508-892-7007.

Best Regards,

Ayaa M. Abusalah
Director of Development & Inspectional Services/Town Planner



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by
MassDEP:

197-0683
MassDEP File #

eDEP Transaction #

Leicester
City/Town

A. General Information

Please note: this form has been modified with added space to accommodate the Registry of Deeds Requirements

1. From: Leicester
Conservation Commission
2. This issuance is for (check one):
a. ☒ Order of Conditions b. ☐ Amended Order of Conditions
3. To: Applicant:
- a. First Name _____ b. Last Name _____
- JMC/TBG Leicester LLC
- c. Organization _____
- 100 Grandview Rd, Suite 203
- d. Mailing Address _____
- Braintree MA 02184
- e. City/Town _____ f. State _____ g. Zip Code _____

Important: When filling out forms on the computer, use only the tab key to

4. Property Owner (if different from applicant):
- Robert Sigel
- a. First Name _____ b. Last Name _____
- ASR Realty Compant LLC
- c. Organization _____
- 117 Paddock Circle
- d. Mailing Address _____
- Mashpee MA 02649
- e. City/Town _____ f. State _____ g. Zip Code _____

5. Project Location:
- 0, 90, 92 Huntoon Memorial Highway
- a. Street Address _____ b. City/Town _____
- 44
- A4.1, A5, A6
- c. Assessors Map/Plat Number _____ d. Parcel/Lot Number _____



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by
 MassDEP:

197-0683
 MassDEP File #

eDEP Transaction #

Leicester

City/Town

Latitude and Longitude, if known: d m s d m s
d. Latitude e. Longitude

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
 Worcester South
- a. County Worcester b. Certificate Number (if registered land) 170, 151, 86
54687, 54687, 66504
- c. Book 12/27/2021 d. Page 3/23/2022
3/23/2022
7. Dates: a. Date Notice of Intent Filed 12/27/2021 b. Date Public Hearing Closed 3/23/2022 c. Date of Issuance 3/23/2022
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
 Leicester Central, 0, 90, 92 Huntoon Memorial Highway, Leicester, MA 01524
- a. Plan Title Chris Hagen/VHB Justin W. Dufresne/VHB
 b. Prepared By March 7, 2022 c. Signed and Stamped by 1"=200'
 d. Final Revision Date March 7, 2022 e. Scale 1"=200'
- f. Additional Plan or Document Title March 7, 2022 g. Date March 7, 2022

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:
- Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- a. ☐ Public Water Supply b. ☐ Land Containing Shellfish c. ☐ Prevention of Pollution
 d. ☐ Private Water Supply e. ☐ Fisheries f. ☐ Protection of Wildlife Habitat
 g. ☐ Groundwater Supply h. ☐ Storm Damage Prevention i. ☐ Flood Control
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by
MassDEP:
197-0683
MassDEP File #

eDEP Transaction #
Leicester
City/Town

B. Findings (cont.)

Denied because:

- b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3. ☐ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. c/y dredged	f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input checked="" type="checkbox"/> Riverfront Area	35,715 a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by
MassDEP:

197-0683

MassDEP File #

eDEP Transaction #

Leicester

City/Town

Sq ft between 100-
200 ft

35,715

g. square feet

h. square feet

i. square feet

j. square feet

B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <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			
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet



Massachusetts Department of Environmental Protection
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Provided by
MassDEP:
197-0683
MassDEP File #

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Leicester
City/Town

Sq ft between 100-
200 ft

g. square feet

h. square feet

i. square feet

j. square feet

B. Findings (cont.)

* #23. 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.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. ☐ Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

24. ☐ Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on 03/23/2025 unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by
MassDEP:

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MassDEP File #

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Leicester
City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number 197-0683 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by
MassDEP:

197-0683

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Leicester

City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
 - (1) ☒ is subject to the Massachusetts Stormwater Standards
 - (2) ☐ is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
 - i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by
MassDEP:
197-0683
MassDEP File #

eDEP Transaction #
Leicester
City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

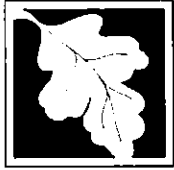
i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by
 MassDEP:

197-0683
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eDEP Transaction #
 Leicester
 City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

Please see attached administrative conditions on page 9a-9e

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.

**Town of Leicester Conservation Commission
ADMINISTRATIVE ORDERS
DEP File #197-0683**

(Conditions 1 to 20 are found in the DEP Orders)

PROJECT DESCRIPTION: the project consists of approximately 267,600 square feet of building space, ancillary landscape improvements, parking spaces, and utility improvements to support the construction of a warehouse/industrial facility.

21. PROJECT SPECIFIC CONDITIONS:

- Notify the the Conservation Commission when erosion and sedimentation control measures are installed. Control measures are subject to inspection by the Commission.
- Vegetative cover shall include plant materials recommended in the Leicester Planning Board's Landscaping Regulations. It is strongly suggested that plant material be considered 'low maintenance' and 'native' to reduce the requirements of maintaining the plants and insuring healthy stock.

PRIOR TO CONSTRUCTION

22. **This document in its entirety shall be recorded at the Registry of Deeds,** immediately following the 10-day appeal period, which commences upon the date of issuance, and before all or **any** part of the site is sold and/or work commenced. **Proof of said recording must be returned to the Leicester Conservation Commission before any work shall commence or sale finalized. Failure to comply with these Orders of Conditions shall automatically invalidate this permit.**
23. Prior to any work commencing on the site, including any clearing of vegetation or disturbance of soils, the applicant shall comply with the following:
- a. **Display the DEP file number for this Order.**
 - b. The applicant shall notify the Conservation Commission at least 48 hours prior to any activity on the site and shall provide the name(s) and telephone number(s) of all person(s) responsible for compliance with this Order.
24. The approved erosion control shall be installed as indicated on the approved plan and shall be inspected by a member of the Conservation Commission prior to start of work.

GENERAL CONDITIONS

25. In the event this land or any part thereof changes ownership before or during construction, the current owner shall notify the new owner, prior to the transfer of ownership, by registered mail, of this Order and shall forward proof of this notification to the LCC. The Commission shall be notified in writing within 30 days of all transfers of title of any portion of property that take place prior to the issuance of the Certificate of Compliance. Any member of the Conservation Commission or its designated agent shall have full powers to act on its behalf in administering and enforcing this Order. This document shall be included by reference in all contracts, plans and specifications dealing with the activity that is the subject of this

Order, and that are created or modified after the issuance date of this Order, along with a statement that this Order shall supersede any conflicting contractual arrangements, plans or specifications.

26. In case of emergencies, problems, or the need to discuss site conditions with the Conservation Commission, please contact the Commission or its agent during business hours at (508)892-7007.
27. The applicant shall provide a copy of this Order to the person or persons supervising the activity that is the subject of this Order, and will be responsible for understanding and complying with the terms and conditions of this Order as well as any others performing work or activity subject to this Order of Conditions. A copy of this Order of Conditions, construction plans, and copies of the documents and reports shall be on the site upon commencement and during any site work for contractors to view and adhere to.
28. If any change is made in the above-described plan(s) which may or will alter an area subject to protection under the Wetlands Protection Act, 310 CMR 10.00 and the Leicester Wetland Bylaw and Wetland Bylaw Regulations, the applicant shall inquire from this Commission or its agent, prior to implementing the change in the field, whether the change is significant enough to require the filing of a new Notice of Intent. Any errors in the plans or information submitted by the applicant shall be considered changes and the above procedures shall be followed.
 - a. If the LCC finds said changes to be insignificant to the interests of the Act and/or the Town of Leicester Wetland Bylaws, then the LCC will so notify the Applicant in writing.
 - b. If the LCC finds said changes to be significant and/or deviate from the original plans, Notice of intent (NOI), or these Orders of Conditions (OOC) the applicant shall file an amended NOI following the same process as a new NOI. No work shall be undertaken until the Amended OOC are issued and recorded at the Registry of Deeds.
29. This Order authorizes only the activity described on the approved plan(s) and approved documents referenced in this Order. Any other or additional activity in areas within the jurisdiction of the Commission will require separate review and approval by the Commission or its agent.
30. The Commission reserves the right, after a public hearing process, to impose additional conditions on portions of this project to mitigate any impacts which result from site erosion, or any noticeable degradation of surface water quality discharging from the site.
31. The applicant and any person involved in the activity that is the subject of this Order shall notify the Commission or its agent immediately upon discovery of any matter related to this Order that may affect any area within the jurisdiction of the Commission. A stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair or replace silt fences, hay bales, erosion control blankets, stone riprap, filter berms or any other devices planned for use during construction.
32. The area of construction shall remain in a stable condition at the close of each construction day. Erosion controls should be inspected at this time, and repaired, reinforced or replaced as necessary.

33. Erosion control devices may be temporarily modified based upon experience at the site. Temporary modifications shall not be deemed approved or permanent, until approved by the Commission or Commission's Agent. All such devices shall be inspected, cleaned or replaced during construction and shall remain in place until such time as stabilization of all areas that may impact resource areas is permanent.
34. Within thirty days of completion, all disturbed areas shall be permanently stabilized with vegetative cover, using sufficient top soil to assure long-term vegetative growth. Continued maintenance of this area, in a manner which assures permanent stabilization and precludes any soil erosion, shall be the responsibility of the applicant.
35. If soils are to be left disturbed for longer than 90 days, a temporary cover of rye or other grass should be established to prevent erosion and sedimentation. If the season is not appropriate for plant growth, exposed surfaces shall be stabilized by other appropriate erosions control measures, firmly anchored, to prevent soils from being washed by rain or flooding.
36. Erosion control devices shall remain in place and properly functioning until all exposed soils have been stabilized with final vegetative cover and the Conservation Commission and/or its Administrator has authorized their removal.
37. The following are prohibited within the wetlands resource areas and associated buffer zones unless expressly permitted by this Order or the plans approved herewith.
 - a. All construction materials, earth stockpiles, landscaping materials, slurry pits, waste products, refuse, debris, stumps, slash, or excavate. These materials may only be stockpiled or collected in areas shown on the plan or they must be placed or stored under cover and surrounded by a double-staked row of hay bales to prevent contact with rain water outside of the buffer zone.
 - b. No material of any kind may be buried, placed or dispersed in areas within the jurisdiction of the Commission by activities that are the subject of this Order
 - c. There shall be no pumping of water from or into wetland resource areas.
 - d. All waste products, grubbed stumps, slash or construction materials. This specifically includes dumpsters.
 - e. Storage of fuel, oil, or other pollutants or hazardous substances.
 - f. No vehicle re-fueling or storage overnight.
 - g. No equipment is to enter or cross-wetland resource areas at any time unless the location of disturbance is marked on the plans referenced in this Order and flagged in the field.
 - h. Cement trucks shall not be washed out in any wetland resource or buffer zone area, or into any drainage system. Any deposit of cement or concrete products into a buffer zone or wetland resource area shall be immediately removed.
 - i. Any material placed in wetland resource areas by the applicant without express authorization under this Order shall be removed by the applicant upon demand by the Conservation Commission or its agent. Such areas shall be immediately restored to their pre-disturbance condition.

38. Workers shall be informed that no use of machinery, storage of machinery or materials, stockpiling of soil or any other construction activity is to occur beyond the erosion control barriers at any time.
39. All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders or any other components shall be fixed immediately.
40. Immediately upon the installation of the headwalls and riprap, haybales shall be set and staked around the inlet to prevent sediments from entering the drainage system, wetlands or water bodies.
41. The Conservation Commission shall be notified when any maintenance functions that may impact the wetlands, such as, but not limited to, removing accumulated sediments, are to be performed.
42. Site grading and construction shall be scheduled to avoid periods of high surface water. Debris removal must be conducted during frozen ground conditions.
43. All disturbed areas and slopes shall be loamed and seeded or stabilized through the use of erosion control blankets or other approved means. All disturbed areas will be graded, loamed and seeded prior to November 1 of the year if possible. No disturbed areas or stockpiled material will be left unprotected or without erosion controls during the winter.
44. Loaming and seeding will occur within (5 - 30) days of final grading. Barren areas should be stabilized by seeding if work on the project is interrupted for more than 90 days. If the 90 days are in the winter, the applicant shall request a determination from the Commission as to whether seeding or an alternative measure should be conducted.
45. Pursuant to the provisions of 310 CMR 10.53.3, the proposed project utilizes the maximum limit of wetlands to be disturbed on one parcel and for one project.
46. The applicants, owners, and their successors and assignees shall maintain all culverts, collection basins, traps, retention and detention ponds, outlet structures, BMP devices and other elements of drainage systems, structural and capacity of all structures unless put into an easement to the Town, in order to avoid blockages and siltation which might cause failure of the system and/or detrimental impacts to on-site or off-site resource areas.
47. The applicants, owners, and their successors and assignees shall maintain all stabilized slopes shall be maintained as designed and constructed, whether "bioengineered" or mechanically-stabilized slopes.
48. Subject to approval by the Commission, the applicant shall submit an Operations and Maintenance Plan (O&M) for stormwater management systems, including Best Management Practices. In addition, a Long Term Pollution Prevention Plan (LTPP) is required (see Condition 19d). No additional filings will be required to conduct maintenance of the above referenced structures.
49. Pesticides, herbicides, fungicides, and fertilizers **shall not be used** within 100 feet of the wetlands. Organic pesticides, herbicides, fungicides and fertilizers may be used subject to the review and approval of the Conservation Commission. Only slow-release organic granular type fertilizers shall be used within the wetland buffer zone. This shall be noted in the Certificate of Compliance and shall be an ongoing condition.

50. De-icing chemicals (e.g. sodium, potassium, and calcium chloride) in excess of residential application standards are prohibited on driveways located in wetland resource areas and buffer zones. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
51. Dumping Prohibited: There shall be no dumping of leaves, grass clippings, brush, or other debris into: wetlands areas, replication areas, stream threads or other areas subject to jurisdiction by the Leicester Conservation Commission. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
52. Prior to the issuance of a Certificate of Compliance and upon the sale of the property to subsequent owners, the new owner shall provide a letter to the Conservation Commission acknowledging that he/she understands the wetland restrictions bound to this property. A copy of this letter and a set of As Built Plans shall accompany the written request for a Certificate of Compliance. This shall be an ongoing condition and shall be recorded in the deed and on subsequent deeds.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by
MassDEP:
197-0683
MassDEP File #

eDEP Transaction #
Leicester
City/Town

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☐ Yes ☐ No
2. The _____ hereby finds (check one that applies):
Conservation Commission

- a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. ☐ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

1. Municipal Ordinance or Bylaw

2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

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MassDEP File #

eDEP Transaction #

Leicester
City/Town

E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

3/23/2022
1. Date of Issuance

Please indicate the number of members who will sign this form.

4

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

2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Ashlyn Coyle
Signature

Ashlyn Coyle
Printed Name

[Signature]
Signature

STEPHEN P. MARRAS
Printed Name

Signature

Printed Name

[Signature]
Signature

JoAnn Schold
Printed Name

[Signature]
Signature

James A. Cooper
Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

☐ by hand delivery on

☒ by certified mail, return receipt requested, on

Date

Date

4/6/2022



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by
MassDEP:
197-0683
MassDEP File #

eDEP Transaction #
Leicester
City/Town

wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the

G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for: Property Owner

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

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by
MassDEP:
197-0683
MassDEP File #

eDEP Transaction #
Leicester
City/Town

Signature of Applicant



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

**Request for Departmental Action Fee
Transmittal Form**

Provided by DEP

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

A. Request Information

1. Location of Project

a. Street Address

b. City/Town, Zip

c. Check number

d. Fee amount

2. Person or party making request (if appropriate, name the citizen group's representative):

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name

Mailing Address

City/Town

State

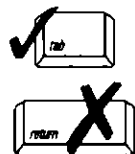
Zip Code

Phone Number

Fax Number (if applicable)

4. DEP File Number:

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



B. Instructions

1. When the Departmental action request is for (check one):

- ☐ Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- ☐ Superseding Determination of Applicability – Fee: \$120
- ☐ Superseding Order of Resource Area Delineation – Fee: \$120



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
Request for Departmental Action Fee
Transmittal Form

DEP File Number:

Provided by DEP

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

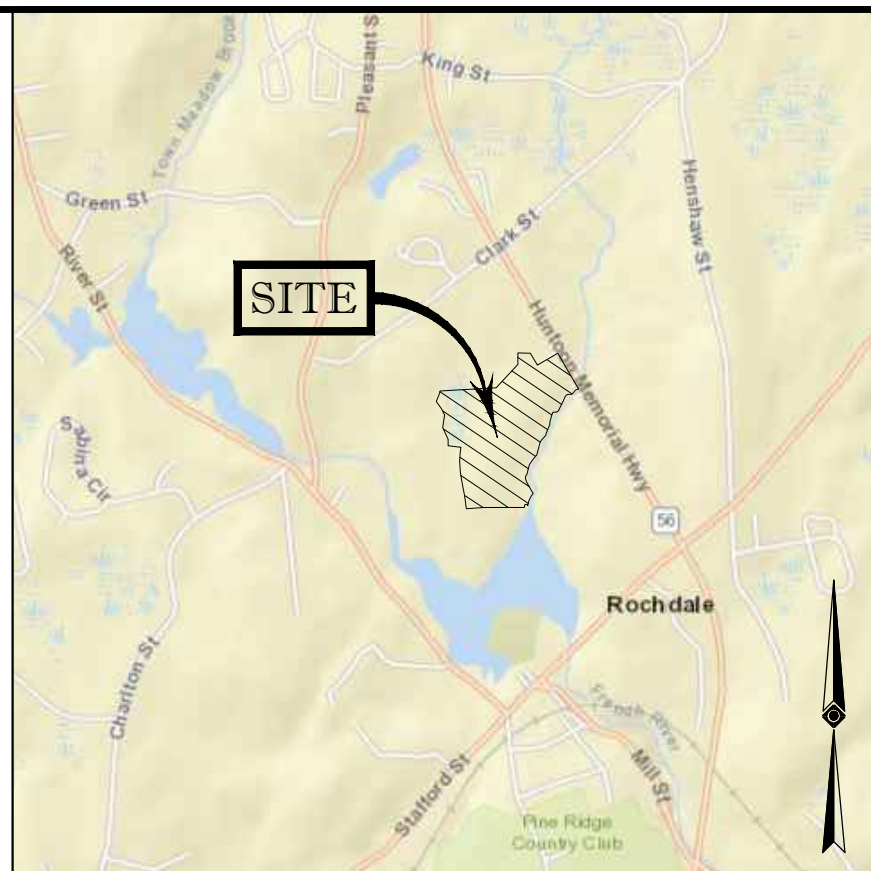
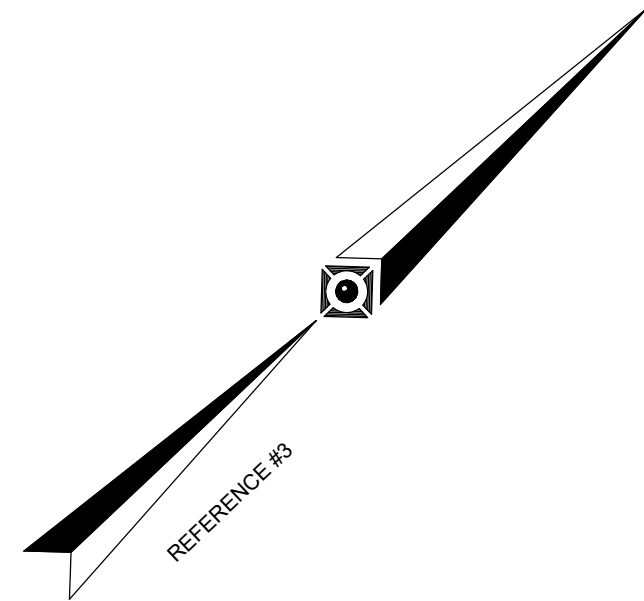
B. Instructions (cont.)

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection
Box 4062
Boston, MA 02211

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

- LEGEND
- BLDG BUILDING
- BFFA BUILDING FOOTPRINT AREA
- SB0H STONE BOUND w/DRILL HOLE



LOCUS MAP
NOT TO SCALE

NOTES:

- PROPERTY KNOWN AS LOTS A4.1, A5 & A6 AS SHOWN ON THE TOWN OF LEICESTER, WORCESTER COUNTY, COMMONWEALTH OF MASSACHUSETTS, MAP NO. 44.
- LOT A4.1 AREA = 277,780 SQUARE FEET OR 6.377 ACRES.
LOT A5 AREA = 14,225 SQUARE FEET OR 0.327 ACRES.
LOT A6 AREA = 1,891016 SQUARE FEET OR 43.412 ACRES.
TOTAL AREA = 2,183,021 SQUARE FEET OR 50.116 ACRES.

- LOCATION OF UNDERGROUND UTILITIES ARE APPROXIMATE. LOCATIONS AND SIZES ARE BASED ON UTILITY MARK-OUTS, ABOVE GROUND STRUCTURES THAT WERE VISIBLE & ACCESSIBLE IN THE FIELD, AND THE MAPS AS LISTED IN THE REFERENCES AVAILABLE AT THE TIME OF THE SURVEY. AVAILABLE ASBUILT PLANS AND UTILITY MARKOUT DOES NOT ENSURE MAPPING OF ALL UNDERGROUND UTILITIES AND STRUCTURES. BEFORE ANY EXCAVATION IS TO BEGIN, ALL UNDERGROUND UTILITIES SHOULD BE VERIFIED AS TO THEIR LOCATION, SIZE AND TYPE BY THE PROPER UTILITY COMPANIES. CONTROL POINT ASSOCIATES, INC. DOES NOT GUARANTEE THE UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA EITHER IN SERVICE OR ABANDONED.

THE SOURCE OF UNDERGROUND UTILITIES ARE SHOWN UTILIZING A QUALITY LEVEL SYSTEM:

QUALITY LEVEL D - UTILITIES SHOWN BASED UPON REFERENCE MAPPING OR ORAL HISTORY. NOT FIELD VERIFIED.

QUALITY LEVEL C - LOCATION OF UTILITY SURFACE FEATURES SUPPLEMENTS REFERENCE MAPPING. INCLUDES MARKOUT BY OTHERS.

QUALITY LEVEL B - UTILITY LOCATION DATA IS COLLECTED THROUGH GEOPHYSICAL SENSING TECHNOLOGY TO SUPPLEMENT SURFACE FEATURES AND OR REFERENCE MAPPING. INCLUDES MARKOUT BY CONTROL POINT ASSOCIATES, INC.

QUALITY LEVEL A - HORIZONTAL AND VERTICAL LOCATION OF UTILITIES ARE OBTAINED USING VACUUM EQUIPMENT EXCAVATION OR OTHER METHODS TO EXPOSE THE UTILITY. LOCATION SHOWN AT SINGLE POINT WHERE EXCAVATION OCCURRED UNLESS UTILITY WAS LOCATED PRIOR TO FILLING.

ALL FOUR TYPES MAY NOT BE PRESENT ON THIS SURVEY.

- THIS PLAN IS BASED ON INFORMATION PROVIDED BY CLIENT, A SURVEY PREPARED IN THE FIELD BY CONTROL POINT ASSOCIATES, INC., AND OTHER REFERENCE MATERIAL AS LISTED HEREON.

- THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO THE RESTRICTIONS, COVENANTS AND/OR EASEMENTS THAT MAY BE CONTAINED THEREIN. IT IS STRONGLY RECOMMENDED THAT A COMPLETE TITLE SEARCH BE PROVIDED TO THE SURVEYOR FOR REVIEW PRIOR TO THE PLACEMENT OF OR ALTERATION TO IMPROVEMENTS ON THE PROPERTY.

- EXISTING FIRM: BY GRAPHIC PLOTTING ONLY PROPERTY IS PARTIALLY LOCATED IN FLOOD HAZARD ZONE X-UNSHADED (AREA OF MINIMAL FLOOD HAZARD); PROPERTY IS PARTIALLY LOCATED IN FLOOD HAZARD ZONE X-SHADED (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); PROPERTY IS PARTIALLY LOCATED IN FLOOD HAZARD ZONE A (WITHOUT BASE FLOOD ELEVATION (BFE)) & PROPERTY IS PARTIALLY LOCATED IN FLOOD HAZARD ZONE AE (WITH BFE OR DEPTH), PER REF. #2.

- ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88), BASED ON GPS OBSERVATIONS UTILIZING THE KEYSTONE VRS NETWORK (KEYNETGPS). TEMPORARY BENCH MARKS SET:

TBM-A: MAG NAIL SET IN ASPHALT PAVEMENT, ELEVATION= 780.26'

TBM-B: MAG NAIL SET IN ASPHALT PAVEMENT, ELEVATION= 756.80'

- PRIOR TO CONSTRUCTION IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THAT THE BENCHMARKS ILLUSTRATED ON THIS SKETCH HAVE NOT BEEN DISTURBED AND THEIR ELEVATIONS HAVE BEEN CONFIRMED. ANY CONFLICTS MUST BE REPORTED PRIOR TO CONSTRUCTION.

- THE OFFSETS SHOWN ARE NOT TO BE USED FOR THE CONSTRUCTION OF ANY STRUCTURE, FENCE, PERMANENT ADDITION, ETC.

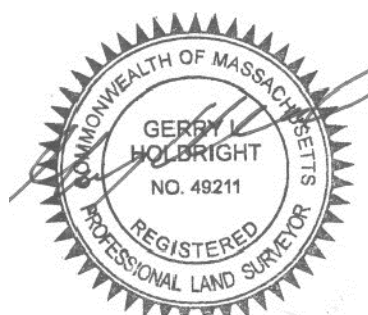
- PARTIAL TOPOGRAPHY SHOWN HEREON PER CONTRACTUAL AGREEMENT WITH CLIENT.

- THE PURPOSE OF THIS PLAN IS TO SHOW THE AS-BUILT CONDITIONS OF THE SITE.

SEE SHEET 2 THRU 4 OF 4 FORTOPOGRAPHIC & FEATURE

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.

NOT A VALID ORIGINAL DOCUMENT UNLESS EMBOSSED WITH RAISED IMPRESSION OR STAMPED WITH A BLUE INK SEAL.



8-08-2023
DATE

GERRY L. HOLDRIGHT, PLS

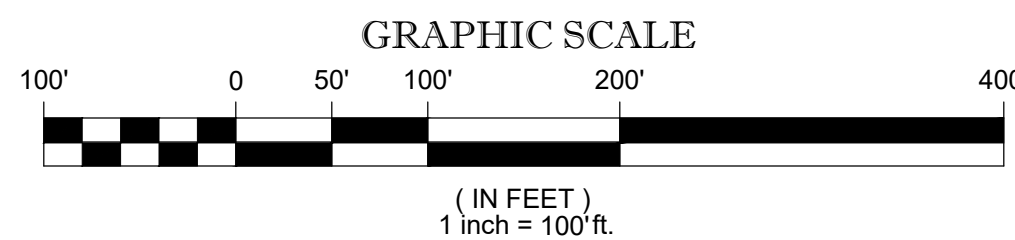
MASSACHUSETTS PROFESSIONAL LAND SURVEYOR #49211

FIELD DATE 7-27-2023	RECORD SURVEY ARCO NATIONAL NEW ENGLAND, L.L.C.
FIELD BOOK NO. 23-10	0, 90 & 92 HUNTOON MEMORIAL DRIVE MAP 44, LOTS A4.1, A6 & A5
FIELD BOOK PG. 24	TOWN/CITY OF TOWN OF LEICESTER, WORCESTER COUNTY COMMONWEALTH OF MASSACHUSETTS

FIELD CREW J.S.A.	WARREN, NJ 908-668-0099
DRAWN: R.A.B.	ALBANY, NY 518-317-5010
REVIEWED: B.A.V.	ROCHESTER, NY 585-250-1764
APPROVED: G.L.H.	PHILADELPHIA, PA 800-668-1819
DATE 8-08-2023	CHALFONT, PA 215-712-9888
SCALE 1"=100'	HAUPPAUGE, NY 631-580-2645
FILE NO. 03-220300-00	MANHATTAN, NY 646-780-0411
DWG. NO. 1 OF 4	

REFERENCES:

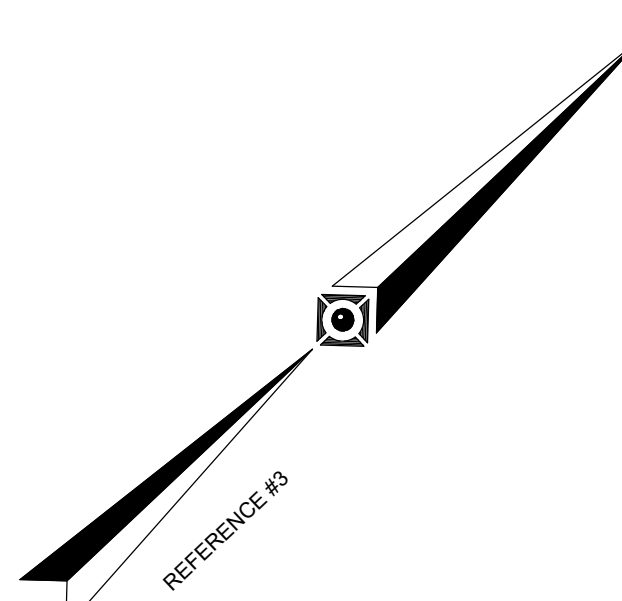
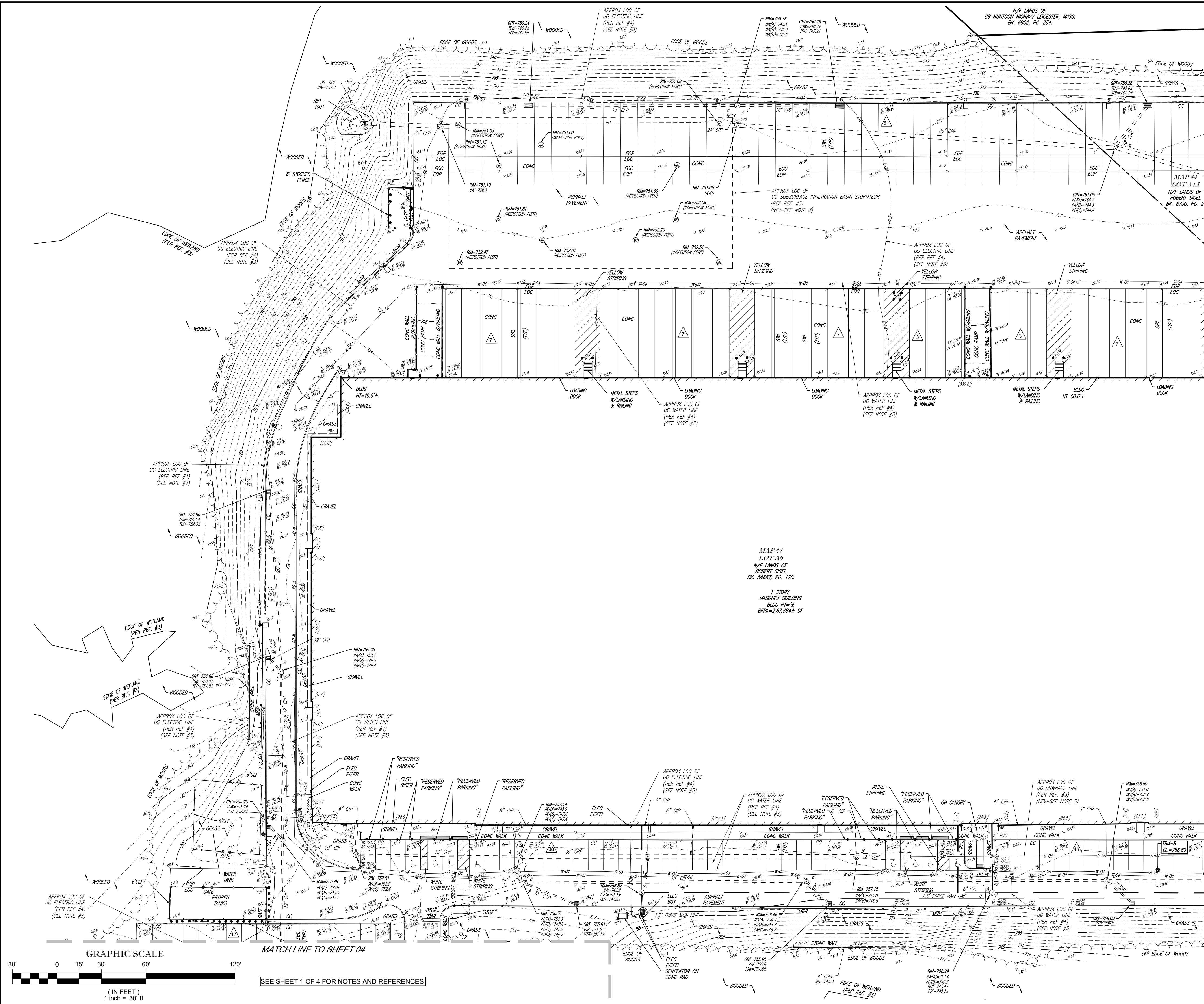
- THE TAX ASSESSOR'S MAP OF TOWN OF LEICESTER, WORCESTER COUNTY, MAP 44.
- MAP ENTITLED "NATIONAL FLOOD INSURANCE PROGRAM, FIRM, FLOOD INSURANCE RATE MAP, WORCESTER COUNTY, PANEL 784 OF 1075", MAP NUMBER 2502C0784F, MAP REVISED: JUNE 21, 2023.
- ELECTRONIC CAD FILE OF CIVIL EXISTING CONDITIONS & PROPOSED MANUFACTURING, INDUSTRIAL OR WAREHOUSE, CALLED 15392.00 - PR. PROVIDED BY THE CLIENT.
- ELECTRONIC CAD FILE CONTAINING THE AS-BUILT UTILITY INFORMATION, PROVIDED BY CLIENT.



THE COMMONWEALTH OF MASSACHUSETTS REQUIRES NOTIFICATION BY EXCAVATORS, DESIGNERS, OR ANY PERSON PREPARING TO DISTURB THE EARTH'S SURFACE ANYWHERE IN THE COMMONWEALTH.

CONTROL POINT ASSOCIATES, INC. ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF CONTROL POINT ASSOCIATES, INC. IS PROHIBITED.

CONTROL POINT ASSOCIATES, INC. ALL RIGHTS RESERVED.
THIS DOCUMENT IS THE PROPERTY OF CONTROL POINT ASSOCIATES, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF CONTROL POINT ASSOCIATES, INC. IS PROHIBITED.



- LEGEND**
- 124 --- EXISTING CONTOUR
 - 125 --- EXISTING SPOT ELEVATION
 - × TC 123.45 EXISTING TOP OF CURB ELEVATION
 - × BC 123.45 EXISTING BOTTOM OF CURB ELEVATION
 - × TW 123.45 EXISTING TOP OF WALL ELEVATION
 - × SW 122.85 EXISTING BOTTOM OF WALL ELEVATION
 - HYDRANT
 - WV WATER VALVE
 - UNKNOWN VALVE
 - SM GAS METER
 - EM ELECTRIC METER
 - OH OVERHEAD WIRES
 - W APPROX. LOC. UNDERGROUND WATER LINE
 - E APPROX. LOC. UNDERGROUND ELECTRIC LINE
 - D APPROX. LOC. UNDERGROUND DRAINAGE LINE
 - S APPROX. LOC. UNDERGROUND SANITARY / SEWER LINE
 - CATCH BASINS
 - PAINTED HANDICAPPED
 - SIGN
 - AREA LIGHT
 - BOLLARD
 - METAL GUIDE RAIL
 - PARKING SPACE COUNT
 - CLEAN OUT
 - UNKNOWN TERMINUS
 - ROOF DRAIN
 - DMH DRAINAGE/STORM MANHOLE
 - EMH ELECTRIC MANHOLE
 - MH UNKNOWN MANHOLE
 - SMH SANITARY/SEWER MANHOLE
 - SWL SOLID WHITE LINE
 - UG UNDER GROUND
 - CLF CHAIN LINK FENCE
 - DC DEPRESSURE CURB
 - EOC EDGE OF CONCRETE
 - EOP EDGE OF PAVEMENT
 - BLDG BUILDING
 - BFA BUILDING FOOTPRINT AREA
 - SBWH STONE BOUND W/DRILL HOLE
 - EL ELEVATION
 - PVC POLYVINYL CHLORIDE PIPE
 - CPP CORRUGATED PLASTIC PIPE
 - INV INVERT ELEVATION
 - GRT GRATE ELEVATION
 - BOT BOTTOM ELEVATION
 - 1.0' OFFSET OF STRUCTURE AT GROUND LEVEL RELATIVE TO PROPERTY LINE
 - Subsurface Utility Quality Level D
 - Tree & Trunk Size
 - CONIFEROUS TREE & TRUNK SIZE

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.

NOT A VALID ORIGINAL DOCUMENT UNLESS EMBOSSED WITH RAISED IMPRESSION OR STAMPED WITH A BLUE INK SEAL

GERRY L. HOLDRIGHT, PLS
MASSACHUSETTS PROFESSIONAL LAND SURVEYOR #49211

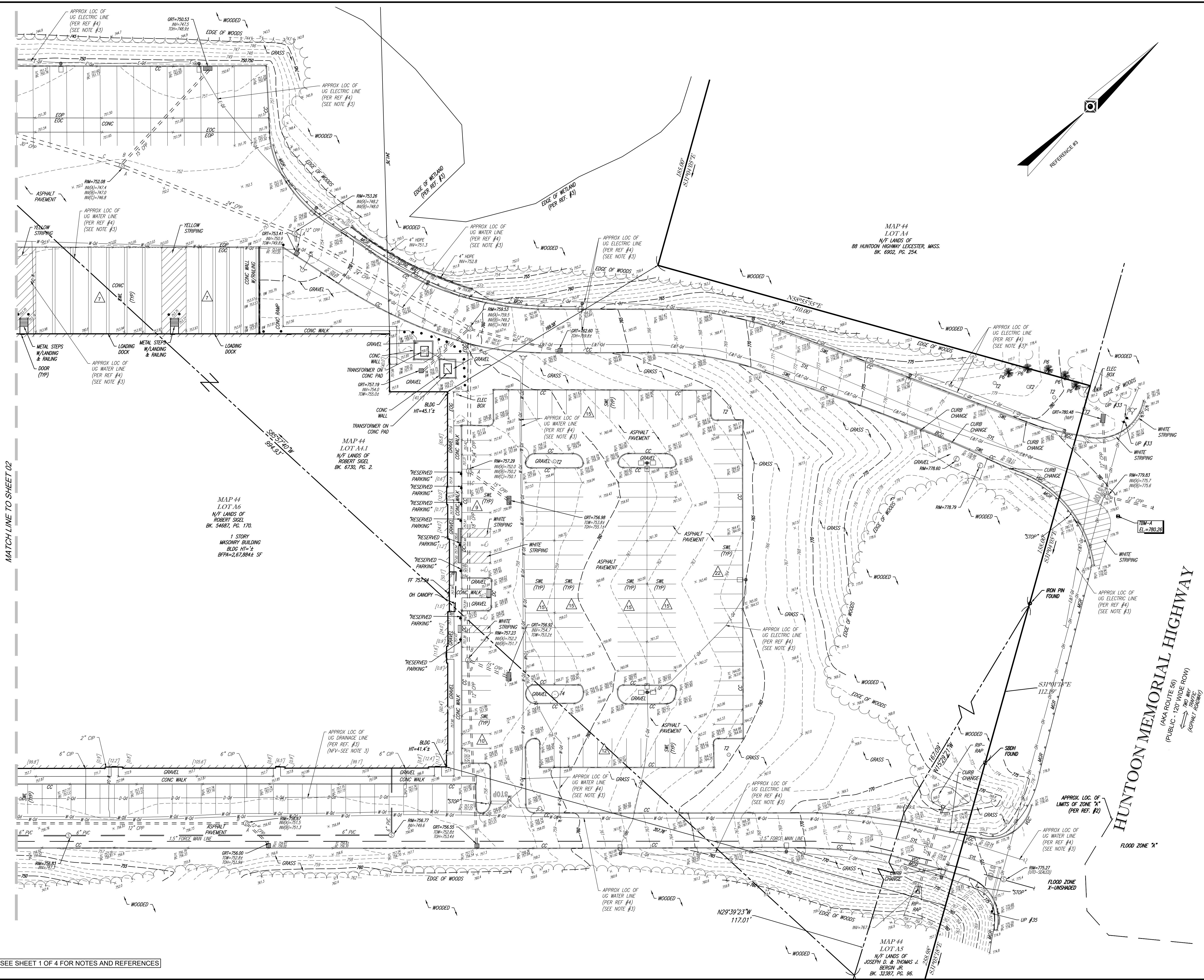
8-08-2023
DATE

RECORD SURVEY
ARCO NATIONAL NEW ENGLAND, L.L.C.
0, 90 & 92 HUNTOON MEMORIAL DRIVE
MAP 44, LOTS A4.1, A6 & A5
TOWNSHIP OF TOWN OF LEICESTER, WORCESTER COUNTY
COMMONWEALTH OF MASSACHUSETTS

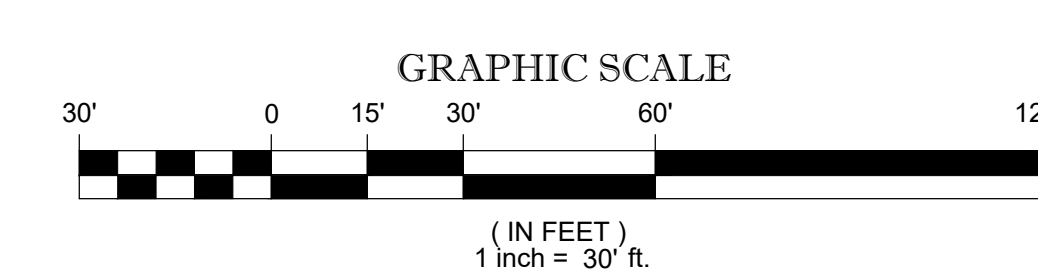
CONTROL POINT ASSOCIATES, INC.
WARREN, NJ 908-668-0099
MT LAUREL, NJ 609-857-2099
ALBANY, NY 518-217-5010
ROCHESTER, NY 585-250-1764
PHILADELPHIA, PA 800-668-1819
CHALFONTE, PA 215-712-8988
HAUPPAUGE, NY 631-580-2645
MANHATTAN, NY 646-780-0411

FIELD DATE: 7-27-2023
FIELD BOOK NO: 23-10
FIELD BOOK PG: 24
FIELD CREW: J.S.A.
DRAWN: R.A.B.
REVIEWED: B.A.V.
APPROVED: G.L.H.
DATE: 8-08-2023
SCALE: 1"=30'
FILE NO: 03-220300-00
DWG. NO: 2 OF 4

MATCH LINE TO SHEET 02



- LEGEND
- 124 EXISTING CONTOUR
 - 125 EXISTING SPOT ELEVATION
 - 123.45 EXISTING TOP OF CURB ELEVATION
 - 123.45 EXISTING BOTTOM OF CURB ELEVATION
 - 123.45 EXISTING TOP OF WALL ELEVATION
 - 123.45 EXISTING BOTTOM OF WALL ELEVATION
 - HYDRANT
 - WATER VALVE
 - UNKNOWN VALVE
 - GAS METER
 - ELECTRIC METER
 - OVERHEAD WIRES
 - APPROX. LOC. UNDERGROUND WATER LINE
 - APPROX. LOC. UNDERGROUND ELECTRIC LINE
 - APPROX. LOC. UNDERGROUND DRAINAGE LINE
 - APPROX. LOC. UNDERGROUND SANITARY / SEWER LINE
 - CATCH BASINS
 - PAINTED HANDICAPPED
 - SIGN
 - AREA LIGHT
 - BOLLARD
 - METAL GUIDE RAIL
 - PARKING SPACE COUNT
 - CLEAN OUT
 - UNKNOWN TERMINUS
 - ROOF DRAIN
 - DMH DRAINAGE/STORM MANHOLE
 - EMH ELECTRIC MANHOLE
 - MH UNKNOWN MANHOLE
 - SMH SANITARY/SEWER MANHOLE
 - SML SOLID WHITE LINE
 - UG UNDER GROUND
 - CLF CHAIN LINK FENCE
 - DC DEPRESSED CURB
 - EOC EDGE OF CONCRETE
 - EOP EDGE OF PAVEMENT
 - BLDG BUILDING
 - BFFA BUILDING FOOTPRINT AREA
 - SBFH STONE BOUND w/DRILL HOLE
 - EL ELEVATION
 - PVC POLYVINYL CHLORIDE PIPE
 - CPP CORRUGATED PLASTIC PIPE
 - INV INVERT ELEVATION
 - GRT GRATE ELEVATION
 - BOT BOTTOM ELEVATION
 - 1.0' OFFSET OF STRUCTURE AT GROUND LEVEL RELATIVE TO PROPERTY LINE
 - SUS SUBSURFACE UTILITY QUALITY LEVEL D
 - 16" TREE & TRUNK SIZE
 - 16" CONIFEROUS TREE & TRUNK SIZE



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.

NOT A VALID ORIGINAL DOCUMENT UNLESS EMBOSSED WITH RAISED IMPRESSION OR STAMPED WITH A BLUE INK SEAL

GERRY L. HOLDRIGHT, PLS
MASSACHUSETTS PROFESSIONAL LAND SURVEYOR #49211

8-08-2023
DATE

RECORD SURVEY
ARCO NATIONAL NEW ENGLAND, L.L.C.
0, 90 & 92 HUNTON MEMORIAL DRIVE
MAP 44, LOTS A4.1, A6 & A5
TOWN/CITY OF TOWN OF LEICESTER, WORCESTER COUNTY
COMMONWEALTH OF MASSACHUSETTS

CONTROL POINT ASSOCIATES, INC.
WARREN, NJ 908-668-0099
MT LAUREL, NJ 609-857-2099
ALBANY, NY 518-217-5010
ROCHESTER, NY 585-250-1764
352 TURNPIKE ROAD
SOUTHBOROUGH, MA 01772
508-948-3000 - 508-948-3003 FAX
WWW.CPASURVEY.COM

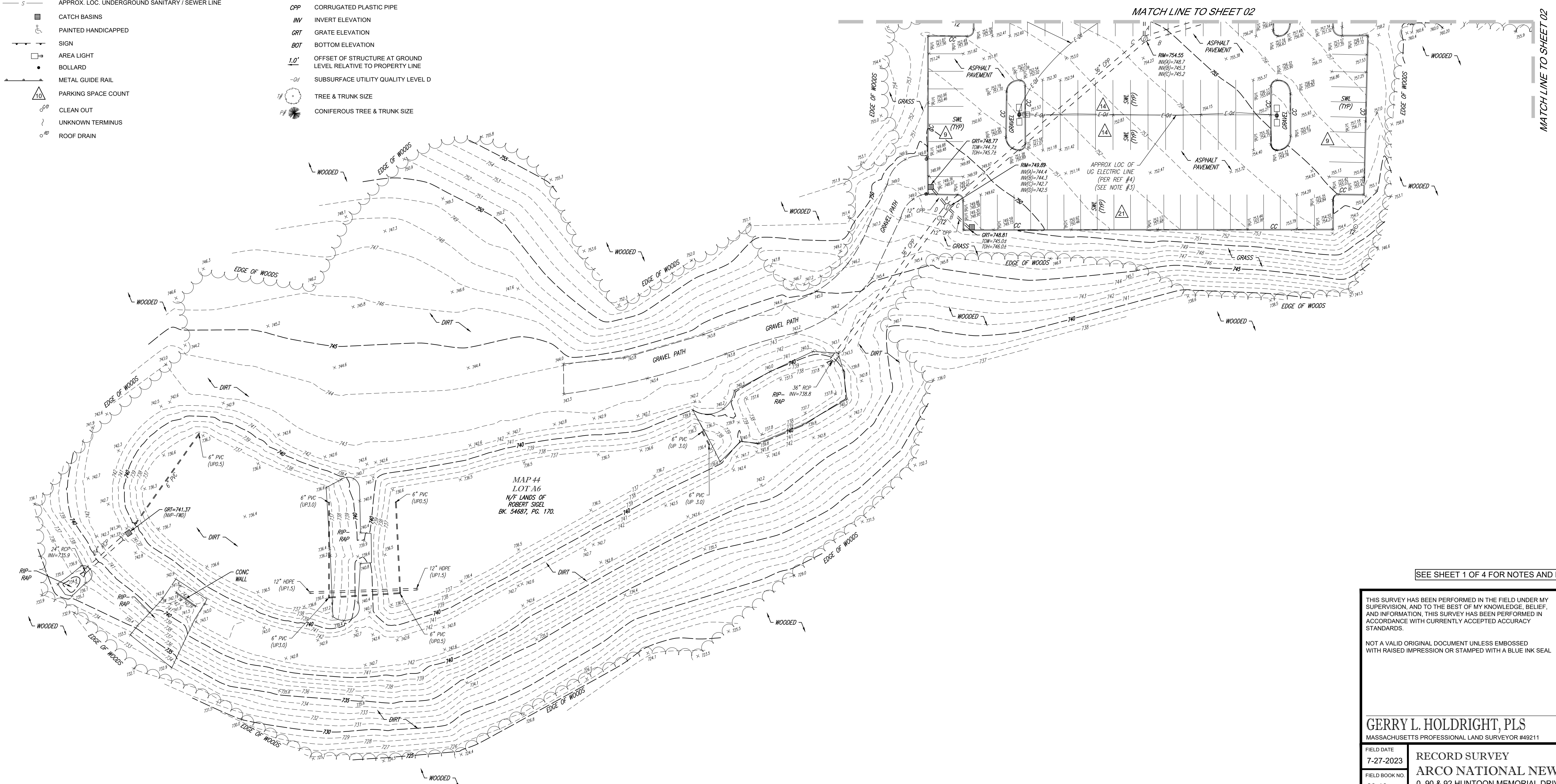
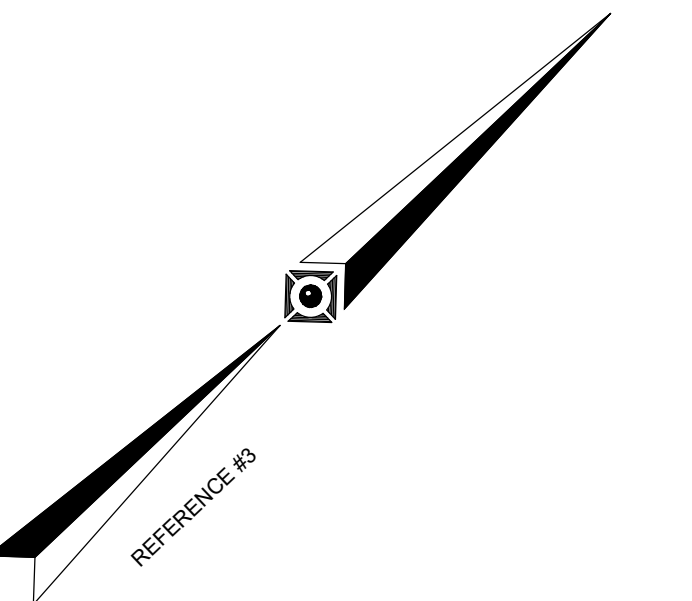
CHALFONT, PA 215-712-9888
HAUPPAUGE, NY 631-580-2645
MANHATTAN, NY 646-780-0411

REVIEWED: B.A.V. APPROVED: G.L.H. DATE: 8-08-2023 SCALE: 1"=30' FILE NO.: 03-220300-00 DWG. NO.: 3 OF 4

CONTROL POINT ASSOCIATES, INC. ALL RIGHTS RESERVED. NO PART OF THIS SURVEY MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF CONTROL POINT ASSOCIATES, INC. IS PROHIBITED.

SEE SHEET 1 OF 4 FOR NOTES AND REFERENCES

LEGEND			
	EXISTING CONTOUR		DRAINAGE/STORM MANHOLE
	EXISTING SPOT ELEVATION		ELECTRIC MANHOLE
	EXISTING TOP OF CURB ELEVATION		UNKNOWN MANHOLE
	EXISTING BOTTOM OF CURB ELEVATION		SANITARY/SEWER MANHOLE
	EXISTING TOP OF WALL ELEVATION		SOLID WHITE LINE
	EXISTING BOTTOM OF WALL ELEVATION		UNDER GROUND
	HYDRANT		CHAIN LINK FENCE
	WATER VALVE		DEPRESSED CURB
	UNKNOWN VALVE		EDGE OF CONCRETE
	GAS METER		EDGE OF PAVEMENT
	ELECTRIC METER		BUILDING
	OVERHEAD WIRES		BUILDING FOOTPRINT AREA
	APPROX. LOC. UNDERGROUND WATER LINE		STONE BOUND w/DRILL HOLE
	APPROX. LOC. UNDERGROUND ELECTRIC LINE		ELEVATION
	APPROX. LOC. UNDERGROUND DRAINAGE LINE		PVC
	APPROX. LOC. UNDERGROUND SANITARY / SEWER LINE		CORRUGATED PLASTIC PIPE
	CATCH BASINS		INVERT ELEVATION
	PAINTED HANDICAPPED		GRATE ELEVATION
	SIGN		BOTTOM ELEVATION
	AREA LIGHT		OFFSET OF STRUCTURE AT GROUND LEVEL RELATIVE TO PROPERTY LINE
	BOLLARD		SUBSURFACE UTILITY QUALITY LEVEL D
	METAL GUIDE RAIL		TREE & TRUNK SIZE
	PARKING SPACE COUNT		CONIFEROUS TREE & TRUNK SIZE
	CLEAN OUT		
	UNKNOWN TERMINUS		
	ROOF DRAIN		



SEE SHEET 1 OF 4 FOR NOTES AND REFERENCES

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.

NOT A VALID ORIGINAL DOCUMENT UNLESS EMBOSSED WITH RAISED IMPRESSION OR STAMPED WITH A BLUE INK SEAL.

GERRY L. HOLDRIGHT, PLS
MASSACHUSETTS PROFESSIONAL LAND SURVEYOR #49211

8-08-2023
DATE

RECORD SURVEY
ARCO NATIONAL NEW ENGLAND, L.L.C.
0, 90 & 92 HUNTOON MEMORIAL DRIVE
MAP 44, LOTS A4.1, A6 & A5
TOWN/CITY OF TOWN OF LEICESTER, WORCESTER COUNTY
COMMONWEALTH OF MASSACHUSETTS

CONTROL POINT ASSOCIATES, INC.
WARREN, NJ 908-668-0099
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FIELD CREW
J.S.A.
DRAWN
R.A.B.
REVIEWED
B.A.V.

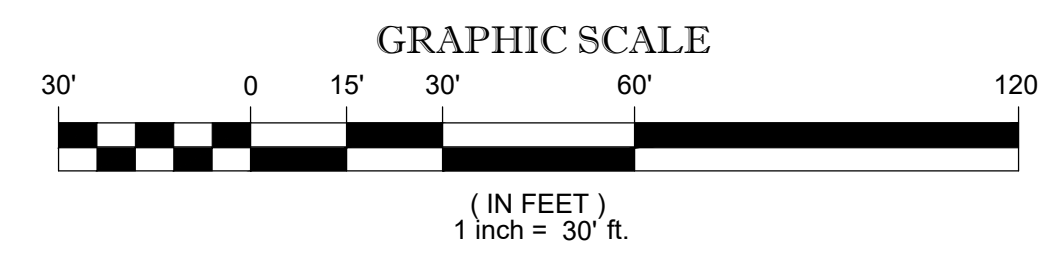
APPROVED
G.L.H.

DATE
8-08-2023

SCALE
1"=30'

FILE NO.
03-220300-00

DWG. NO.
4 OF 4



CONTROL POINT ASSOCIATES, INC. ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF CONTROL POINT ASSOCIATES, INC. IS PROHIBITED.

For Registry of Deeds Use Only



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

DEP File Number: _____

WPA Form 8B – Certificate of Compliance

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

Provided by DEP _____

A. Project Information

Important:

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



1. This Certificate of Compliance is issued to:

Name

Mailing Address

City/Town

State

Zip Code

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

Name

Dated

DEP File Number

3. The project site is located at:

Street Address

City/Town

Assessors Map/Plat Number

Parcel/Lot Number

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

Property Owner (if different)

County

Book

Page

Certificate

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

Date

B. Certification

Check all that apply:

- ☐ **Complete Certification:** It is hereby certified that the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

DEP File Number: _____

WPA Form 8B – Certificate of Compliance

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

Provided by DEP

B. Certification (cont.)

- **Partial Certification:** It is hereby certified that only the following portions of work regulated by the above-referenced Order of Conditions have been satisfactorily completed. The project areas or work subject to this partial certification that have been completed and are released from this Order are:

- **Invalid Order of Conditions:** It is hereby certified that the work regulated by the above-referenced Order of Conditions never commenced. The Order of Conditions has lapsed and is therefore no longer valid. No future work subject to regulation under the Wetlands Protection Act may commence without filing a new Notice of Intent and receiving a new Order of Conditions.

- **Ongoing Conditions:** The following conditions of the Order shall continue: (Include any conditions contained in the Final Order, such as maintenance or monitoring, that should continue for a longer period).

Condition Numbers:

- **Order of Resource Area Delineation:** It is hereby certified that the wetland resource area delineation for the above-referenced Order of Conditions has been satisfactorily completed

C. Authorization

Issued by:

Conservation Commission

Date of Issuance

This Certificate must be signed by a majority of the Conservation Commission and a copy sent to the applicant and appropriate DEP Regional Office (See <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

DEP File Number: _____

WPA Form 8B – Certificate of Compliance

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

Provided by DEP

C. Authorization (cont.)

Signatures:

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name



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

DEP File Number: _____

Provided by DEP

D. Recording Confirmation

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

Detach on dotted line and submit to the Conservation Commission.

To:

Conservation Commission

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

Project Location

DEP File Number

Has been recorded at the Registry of Deeds of:

County

for:

Property Owner

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

Date

Book

Page

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

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

Document Number

Signature of Applicant

Blueberry Ln – Lots 6-9



**TOWN OF LEICESTER
CONSERVATION COMMISSION
3 Washburn Square
LEICESTER, MASSACHUSETTS, 01524-1333**

RECEIVED

OCT 16 2023

**Town of Leicester
Planning Department**

APPLICATION FOR FOREST CUTTING

The undersigned hereby applies for a permit for Forest Cutting in the Town of Leicester and issued by the Leicester Conservation Commission.

PLEASE PRINT

Name of Applicant Stephan & Dana Antanavica Phone _____

Mailing Address 33 Lakeview Drive, Spencer, MA 01562

Email address gwen@antanavica.net Cell phone (774) 696-2122

Location of Project Lots 6-9 Blueberry Lane Map & Parcel # 26A-B7, B8, B9 & B10

Owner of Property (if different) (Same as above)

Owner Mailing Address _____

Proposed Start Date 6/2023 Duration of Project Completed

Acreage to be affected 1.44

Purpose of Project Clear for house lot

Special Conditions(if applicable) _____

Has a plan been filed with the DEM? No Date filed _____

Enclosed Plans? Yes Enclosed fee? Yes - \$50.00

I have read and agreed to comply with ALL the Forest Cutting By-law of the Town of Leicester, the State of Massachusetts Forest Cutting Practices Act G.L Chapter 132 Section 41, and Wetlands Protection Act G.L Chapter 131 Section 40.

Permit expires 1 year from date of issue.

I will also notify the Leicester Conservation Commission upon completion of the project.

Signature of Applicant [Signature] Date 10/10/2023

****Note ***\$50.00 fee per application due at filing.*****

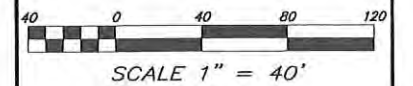
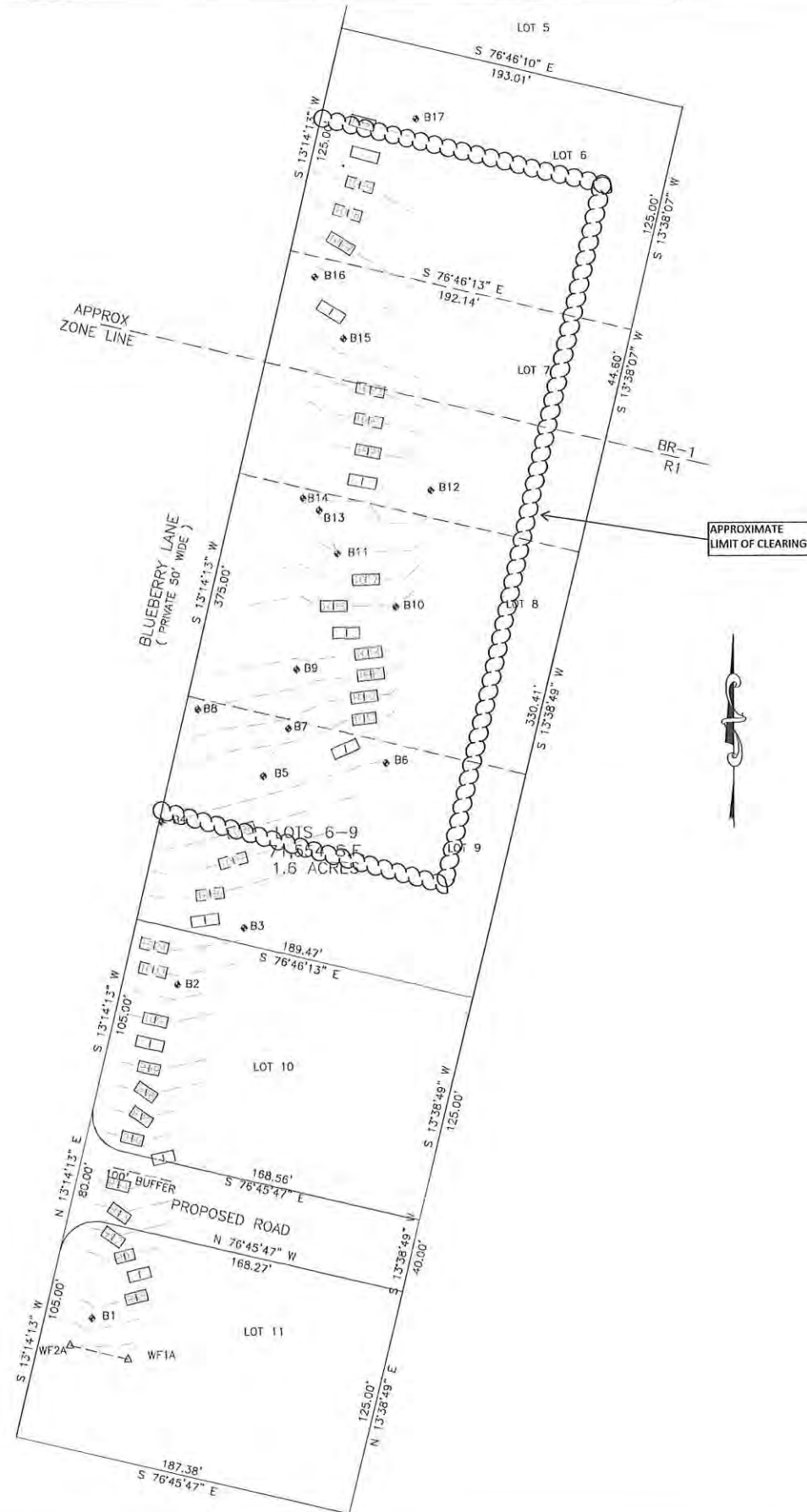
REC'D CLK# 6808845795
\$50

OFFICE USE:Hearing Date: _____ Permit # _____

SOIL BORING LOG

B1 10 YR 5/4 @13"
B2 10 YR 4/4 @15"
B3 10 YR 4/4 @13"
B4 10 YR 4/4 @13"
B5 10 YR 4/4 @15"
B6 10 YR 4/4 @13"
B7 10 YR 4/4 @13"
B8 10 YR 4/4 @13"
B9 10 YR 4/4 @13"
B10 10 YR 4/4 @13"
B11 10 YR 4/3 @13 W/NO EVID 1ST 6"
B12 10 YR 4/4 @17"
B13 10 YR 4/3 @13 W/NO EVID 1ST 6"
B14 10 YR 4/3 @13 W/NO EVID 1ST 6"
B15 10 YR 4/4 @16"
B16 10 YR 4/4 @13"
B17 10 YR 4/4 @13"

SOIL BORINGS PERFORMED BY EBT INC. 6-11-23



ASSESSOR REFERENCE(S):
26A-B6,B7,B8,B9

PLAN REFERENCE(S):
375-114

DEED REFERENCE(S):
68989-125

THIS PLAN SHOWS THE PROPERTY LINES THAT ARE THE LINES OF EXISTING OWNERSHIPS AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW LINES FOR DIVISION OF OWNERSHIP OR FOR NEW WAYS ARE SHOWN.



THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.



hs&t group, inc.
PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS
75 HANING STREET - 2ND FLOOR
WORCESTER, MASSACHUSETTS 01610-1723
PHONE: 508-757-4944 FAX: 508-752-5895
WWW.HS&TGROUP.NET

SOIL BORING PLAN
13 BLUEBERRY LA LEICESTER MA

APPLICANT(S)/OWNER(S):
STEPHAN & DANA ANTANAVICA
33 LAKEVIEW DR SPENCER MA 01562

DATE: 07-26-23	COMP'D: DJT	FIELD: JRT
SCALE: 1"=40'	CAD: DJT	FLD. BK: 670-14
ZONE: BR1-R1	REV'D:	BLUEBERRY13TOPO

JOB NUMBER: 7854	SHEET NUMBER: 1 OF 1
DWG NUMBER:	

CHAPTER 13: FOREST CUTTING (STM 10-13-82)

1. No person shall engage in major forest cutting operations with the Town of Leicester before obtaining a permit from the Leicester Conservation Commission.
2. Major forest cutting operation shall be defined as the cutting of more than 30% of the standing timber over 8" Diameter Breast High (DBH) per acre, or clear cutting of more than 10 acres within 2 weeks or any cutting which included 30 acres or more.
3. Person shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof administrative agency, public or quasi-public corporation, or body, or any other legal entity or its legal representative, agents or assigns excluding state and federal governments operating on state or federal lands.
4. Any person may obtain from the Leicester Conservation Commission an exemption from this by-law by demonstrating possession of (1) an approved cutting plan issued by the State of Massachusetts Forester under the Massachusetts Forest Cutting Practices Act G.L. Chapter 132, Section 41 or (2) a final order of conditions issued under the Wetland's Protection Act, G.L. Chapter 131, Section 40 which, in the Conservation Commission's opinion adequately covers the forestry activity proposed.
5. The applicant shall apply in writing, including a copy of the proposed cutting plan, to the Conservation Commission by Certified Mail or hand delivery to the Town Clerk for the Town of Leicester to be forwarded to the Conservation Commission. A public hearing will be held within 14 days after 5 days' notice of hearing is published in a local newspaper. The cost of the newspaper notice will be paid by the applicant.
6. The Conservation Commission will issue a permit, when the required cutting plan is in compliance with Massachusetts General Laws Chapter 132, Section 40, and all Forest Practices adopted under Chapter 132 Section 41, or a denial of permit, with written reasons within 5 days of the public hearing.
7. If a major forest cutting operation involves the removal, filling, dredging, or altering of any bank, freshwater wetland, flat, marsh, meadow, bog, swamp, creek, river, stream, pond, or land, under said waters of any land subject to flooding, a Notice of Intent must be filed under Massachusetts General Laws Chapter 131, Section 40, prior to issuance of a permit. Definitions set forth in said chapter and section are hereby made a part of this by-law.
8. The permit, if issued, shall contain conditions necessary to protect the public health, safety and welfare, the environment, future forest growth, recreation, wildlife habitat and aesthetics.
9. The Conservation Commission may require posting of a bond with surety, running to the municipality, to secure faithful and satisfactory performance of work, in such sum and upon such conditions as the Conservation Commission may require. The amount of such bond shall not exceed the estimated cost of work required or the restoration of affected lands and properties if the work is not performed as required, whichever is greater. Forfeiture of any such bond shall be recoverable at the suit of the municipality in Superior Court. Such bond shall be released upon completion of the major forest cutting operation as per the proposed cutting plan previously submitted.
10. Any person aggrieved by a decision of the Conservation Commission, may within 10 days from said Commission's decision, appeal such decision to Superior Court. The Party making such appeal shall at

the same time send a copy thereof by certified mail or hand delivery to the Town Clerk for the Town of Leicester to be forwarded to the Commission who conducted the hearing hereunder.

11. Whoever violates any provision of this by-law section shall be punishable by a fine of not more than one hundred dollars per acre violated. Each day or portion thereof of continuing violation shall constitute a separate offense.

12. The Leicester Conservation Commission may at a later date submit to town meeting for vote, an amount to establish a reasonable permit fee. Such fee can be charged only by vote of town meeting.

November 6, 2023

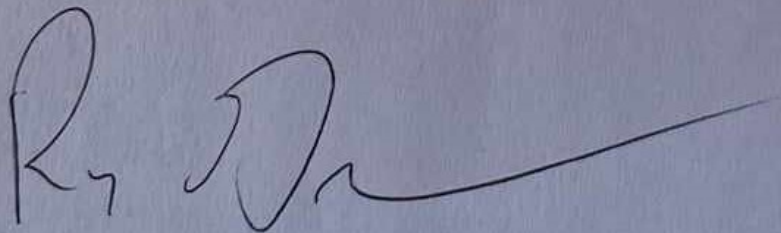
Godin Land Clearing
28 Marble Road
Spencer, MA 01562

RE: 13 Blueberry Lane, Leicester MA 01524

To Whom It May Concern,

With regards to foresting performed at 13 Blueberry Lane Leicester, MA the majority of clearing was underbrush, vines, saplings and miscellaneous trees with trunks under 5" in diameter. We removed approximately 63 trees over 5" in diameter, 17 of which were 8"- 9" and 1-that was significantly rotted and hazardous was 11". There were no trees larger than 11" in diameter. The remaining 55 were between 5" and 8" in diameter. Debris was chipped and removed from the area along with the stumps.

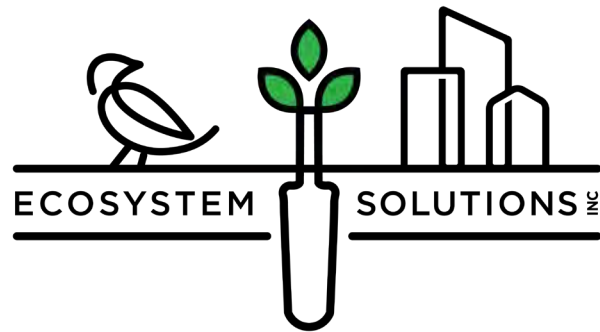
Sincerely,

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

Rodger Godin
Godin Land Clearing

15 Bond St.

Est. 2003



RI: 401.741.3263
MA: 508.997.0268
www.ecosystem-solutions.com

November 7, 2023

Project no. W23-1832

Steve Parretti, Chair
Conservation Commission
3 Washburn Square
Leicester, MA 01524

RE: RESTORATION AREA COMPLETION REPORT
15 Bond Street / Map 10, Lot B1
Leicester, Massachusetts

Chair Parretti,

Ecosystem Solutions, Inc. (ESI) respectfully submits this report in compliance with the requirements of the Leicester Conservation Commission to restore alterations/disturbance adjacent to a fire pond where excavation took place and spoils were laid on the adjacent BVW. The disturbance consisted of ± 855 square feet of BVW, as outlined in our report of June 2023. Mr. Giggey performed the work required to restore the BVW in the first week of October 2023.



Picture 1. Looking west at the restored BVW from Watson Street. Straw was laid over the area of excavated spoil material as an erosion control practice.

It is ESI's opinion that the restoration work has brought the area back to pre-disturbance conditions and the area is stable. Therefore, the work is in substantial compliance with the Commission's request to repair the impacted BVW.



Picture 2. Looking west at the western end of the restoration area. Straw wattles can be seen on the left side, which acts as the limit of work and erosion/sedimentation control barrier, as required.

We believe that given the level topography of the affected area and the attention to erosion control practices that the area will remain stable over the winter and easily revegetate in the spring and summer of 2024. With the Commission's approval, I recommend closing out this matter.

Should you have any questions regarding this letter, please do not hesitate to call using the contact information above.

Sincerely,

Ecosystem Solutions, Inc.

Brandon B. Faneuf, M.S., Principal
PWS, RPSS, CWB, CPESC

BF/bf



120 White Birch St.

Lisa Westwell

From: chris@mcclureengineers.com
Sent: Wednesday, October 4, 2023 5:54 PM
To: Lisa Westwell
Cc: Kristin Heybeck
Subject: RE: 120 White Birch Street - DEP File #197-0701

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Lisa,

Just reviewed our records on this one and it seems a bit convoluted. So I guess there was a bond requirement but no number ever established, the property Owner stated he went to the Town to give a check but no one knew what the charge was so he couldn't leave the check. (not certain the who, whys or where). So maybe the Town wanted the consultant to propose a number so in talking with EcoTec they have suggested a \$2/square foot amount of \$1700 – maybe round up to \$2K.

Let me know if this helps the process along.

Thanks
Chris

Christopher P. McClure, P.E.

McClure Engineering, Inc.
119 Worcester Road
Charlton, MA 01507
T: 508.248.2005 x 1002
F: 508.248.4887
C: 774.230.2332



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From: chris@mcclureengineers.com
Sent: Monday, October 2, 2023 3:55 PM
To: Lisa Westwell <westwell@leicesterma.org>
Cc: Kristin Heybeck <kheybeck@mcclureengineers.com>
Subject: RE: 120 White Birch Street - DEP File #197-0701

Lisa – Received, thank you, and we will get on this request.

Chris

Christopher P. McClure, P.E.

McClure Engineering, Inc.
119 Worcester Road
Charlton, MA 01507
T: 508.248.2005 x 1002
F: 508.248.4887
C: 774.230.2332



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From: Lisa Westwell <westwelll@leicesterma.org>
Sent: Monday, October 2, 2023 3:47 PM
To: chris@mcclureengineers.com
Subject: 120 White Birch Street - DEP File #197-0701

Good afternoon Chris,
Peter Engle submitted an NOI for Paul Blanchard, Jr. for a new single family home that involved work in a river front area and an intermittent stream crossing (151-2863-O). The Commission approved the NOI and an OOC was issued and recorded. As a condition, the Commission required the applicant to provide a bond for the wetland replication work and are requesting an estimate for that anticipated work. Please call or email with any questions or if you need additional information. Thank you in advance for your assistance with this request.

Sincerely,

Lisa Westwell
Administrative Assistant
to the Planning Department
Town of Leicester
3 Washburn Square
Leicester, MA 01524
508.892.7007 x 120
westwelll@leicesterma.org

Stiles Reservoir

Lisa Westwell

From: Contact form at Leicester MA <cmsmailer@civicplus.com>
Sent: Monday, October 16, 2023 11:01 AM
To: Lisa Westwell
Subject: [Leicester MA] Stiles Lake concerns with DEP drawdown regulations (Sent by Jay Lussier, vze252t9@charter.net)

Follow Up Flag: Follow up
Flag Status: Completed

Hello westwelll,

Jay Lussier (vze252t9@charter.net) has sent you a message via your contact form (<https://www.leicesterma.org/user/21626/contact>) at Leicester MA.

If you don't want to receive such e-mails, you can change your settings at <https://www.leicesterma.org/user/21626/edit>.

Message:

In working toward renewing the SLWD annual drawdown permit with DEP it has become known that the regulations have changed.

Stiles has had a 6 ft drawdown in the past. The new DEP regulation specifies a drawdown of no more than 3 ft. The SLWD is not aligned with this change.

The SLWD is requesting an item be added to the Agenda of the next LCC meeting in order for this new regulation to be discussed.

SLWD will also share at a high level the course of action it is planning to undertake.

Respectfully.

Jay Lussier

Lisa Westwell

From: McDonald, Mia (DEP) <Mia.McDonald@mass.gov>
Sent: Tuesday, October 31, 2023 3:51 PM
To: Lisa Westwell
Subject: RE: DEP File # 197-0353 and Drawdown Regs
Attachments: Aquatic Plant Management_Geilen_Spetember 2022.pdf; L2 Lakes Ponds Aquatic Plant Manage.pdf

- What is the actual procedure for lakes that wish to conduct more than a 3 foot drawdown? Do they have to include all of this information with their NOI application? [Yes, the applicant must include their drawdown procedure and demonstrate it will not alter the resource areas. The applicant should also confer with DFW if any negative impacts will be on habitat.](#)
- Is there any financial assistance for Towns or lake associations that wish to conduct drawdowns over 3 feet? [Not that I know of. I don't think drawdowns over 3' are considered good management practice in general.](#)
- Will the local Conservation Commissions have any jurisdiction over drawdowns over 3 feet or will DEP evaluate and approve OOCs for this? [The Commission may make their own decision based on the information provided in the NOI. DEP often flags drawdowns over 3' and has intervened recently on a drawdown over 3'. FYI: we flag NOIs of concern to review the OOC to confirm the performance standards are met in the issued OOC.](#)
- Are there any upcoming training programs for Commissions who review NOIs for drawdown and/or herbicide application? [I'm attaching some PDFs of trainings we have on file for lake and pond treatment. The file labelled L2 has more slides than the other on drawdown that might be helpful to you.](#)

We are getting more staff in the next few months and when that happens I'm hoping to be able to host more trainings like other regional Circuit Riders. I have put this topic on my list of trainings. In the meantime, we have a training once every 2 months called the CERO/NERO ConCom Network. Did you get the recent email that we are meeting Nov 16 via Teams for a WPA 101 Trivia session?

-Mia

From: Lisa Westwell <westwelll@leicesterma.org>
Sent: Tuesday, October 31, 2023 1:53 PM
To: McDonald, Mia (DEP) <Mia.McDonald@mass.gov>
Subject: RE: DEP File # 197-0353 and Drawdown Regs

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Mia,

Ok then we will ask him to file a new NOI. As for eDEP, I'll create a new account and appreciate your help with that one!

While I have you, I read over the drawdown portion of the guidelines. I'm trying to get a handle on what the DEP expects from applicants and the local ConComs...

- What is the actual procedure for lakes that wish to conduct more than a 3 foot drawdown? Do they have to include all of this information with their NOI application?
- Is there any financial assistance for Towns or lake associations that wish to conduct drawdowns over 3 feet?

- Will the local Conservation Commissions have any jurisdiction over drawdowns over 3 feet or will DEP evaluate and approve OOCs for this?
- Are there any upcoming training programs for Commissions who review NOIs for drawdown and/or herbicide application?

Information for Proper Application

The listing of key considerations provided in Table 5 indicates the extensive data needs for proper implementation of this technique. Key needs include:

- ◆ Detailed hydrology and lake morphometry to allow estimates of drawdown and refill times under the range of potential conditions
- ◆ Knowledge of outlet features essential to releasing and holding water
- ◆ Maps of aquatic macrophytes and expected area of exposure
- ◆ Evaluation of sediment types and slopes in expected drawdown zone
- ◆ Biological surveys of populations perceived to be at risk from drawdown
- ◆ Assessment of downstream channel configuration and resources, to facilitate planning to minimize adverse impacts
- ◆ Local well depths or water supply intake elevations
- ◆ A carefully crafted monitoring program to track water levels and outflow, and to assess potential impacts, positive and negative

Sincerely,

Lisa Westwell

Administrative Assistant
to the Planning Department
Town of Leicester
3 Washburn Square
Leicester, MA 01524
508.892.7007 x 120
westwelll@leicesterma.org

From: McDonald, Mia (DEP) <Mia.McDonald@mass.gov>
Sent: Tuesday, October 31, 2023 1:40 PM
To: Lisa Westwell <westwelll@leicesterma.org>
Subject: RE: DEP File # 197-0353

Hi Lisa – When I add 462 days to the expiration date of 6/1/22, I get a new (tolled) expiration date of 9/6/23. If the applicant has not requested an extension yet, then it appears that this OOC is currently expired.

Also: I FINALLY was able to log into Leicester's old eDEP account associated with Elizabeth Marc-Aurele/LCCOM and can confirm that the town never issued any permits from this account. If you would like to start using eDEP, please create a new account. We recommend the account is linked to a general and shared email inbox, and the password is shared or filed for future staff access.

Let me know if you need any help creating an account or using eDEP.

-Mia

From: Lisa Westwell <westwelll@leicesterma.org>
Sent: Tuesday, October 31, 2023 12:08 PM

To: McDonald, Mia (DEP) <Mia.McDonald@mass.gov>

Subject: DEP File # 197-0353

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good morning Mia,

Leicester Conservation extended an Order of Conditions until June 1, 2022. The applicant was told that due to COVID, the permit would automatically be extended for 444 days. I just want to confirm that this permit is in fact expired and that the applicant will need to file a new NOI.

Sincerely,

Lisa Westwell

Administrative Assistant
to the Planning Department
Town of Leicester
3 Washburn Square
Leicester, MA 01524
508.892.7007 x 120
westwelll@leicesterma.org

MGL Ch 40 Sec 5G

Municipal Waterways Fund

Part I ADMINISTRATION OF THE
GOVERNMENT

Title IX TAXATION

Chapter EXCISE ON BOATS, SHIPS AND
60B VESSELS IN LIEU OF LOCAL
PROPERTY TAX

Section EXCISE TAXES
2

Section 2. (a) Except as hereinafter provided there shall be assessed and levied by each city and town in each fiscal year on every vessel, and its equipment, for the privilege of using the waterways of the commonwealth, an excise measured by the value thereof, as hereinafter defined and determined, at the rate of ten dollars per thousand of valuation.

(b) Any person who owns such a vessel on July first shall annually, on or before August first, make a return on oath to the assessors of the city or town where such vessel is habitually moored or docked, or in the case of a vessel which has no mooring or docking space, where said vessel is principally situated, setting forth the vessel's registration or documentation number, if any; an adequate description, as well as the owner's estimate of the fair cash value of said vessel and any engine or motor used to propel said vessel, as of the next preceding July first; and the place of habitual mooring or docking or other principal location of said vessel.

(c) For the purpose of computing the excise under this chapter the value of each such vessel, and its equipment, shall be deemed to be the fair cash value as determined by the assessors of each city and town, but not in excess of the following values:



(d) The payment of such excise shall exempt such owner from any other tax applicable to said vessels and their equipment under chapter fifty-nine.

(e) If an owner fails to make such a return within the time herein provided, the assessors may abate the tax otherwise imposed by this chapter if such owner provides the assessors with a reasonable excuse for failure to file

such return and if the return is filed on or before October thirty-first of the year in which the tax is assessed; but no abatement hereunder shall reduce the tax otherwise imposed to an amount less than the sum of the excise imposed by this section plus fifty per cent thereof.

(f) Said excise shall be assessed in the city or town where the vessel is habitually moored or docked, or in the case of a ship or vessel which has no mooring or docking space, where the ship or vessel is principally situated; provided, however, that if more than one municipality owns property in a harbor, the municipality which maintains such harbor in which the vessel is habitually moored, docked or situated shall assess and collect said excise; and provided, further, that where more than one municipality maintains portions of the harbor, the municipality which maintains that portion of the harbor in which the vessel is habitually moored, docked or situated shall assess and collect said excise.

(g) Nothing in this section shall be construed to prevent the board of assessors from granting an abatement in any case in which the excise aforesaid is, in the opinion of the board, excessive.

(h) If during any fiscal year ownership of a boat subject to an excise under this chapter is transferred by sale or otherwise, or if during any fiscal year the owner of a boat subject to such an excise removes to another state and registers a boat in such other state and surrenders or does not renew his registration in this state, the excise under this chapter shall be reduced, upon application, by an abatement equal to the proportion of an excise under this chapter on such boat for the full fiscal year which the number of months in said year remaining after the month in which such transfer by sale or otherwise or such surrender or expiration of registration occurs bears to twelve.

(i) All sums received from the excise imposed under this chapter shall be paid into the treasury of the city or town and fifty per cent of said excise shall be credited to the municipal waterways improvement and maintenance fund established under the provisions of section five G of chapter forty.

Part I ADMINISTRATION OF THE
GOVERNMENT

Title VII CITIES, TOWNS AND DISTRICTS

Chapter POWERS AND DUTIES OF CITIES
AND TOWNS
40

Section MUNICIPAL WATERWAYS
IMPROVEMENT AND
5G MAINTENANCE FUNDS

Section 5G. A city or town may establish a municipal waterways improvement and maintenance fund to receive revenue under subsection (i) of section 2 of chapter 60B and under section 10A of chapter 91 and sums received from the commonwealth or the federal government, and may appropriate monies in said fund for (1) maintenance, dredging, cleaning and improvement of harbors, inland waters and great ponds of the commonwealth, (2) the public access thereto, (3) the breakwaters, retaining walls, piers, wharves and moorings thereof, and (4) law enforcement and fire prevention.

NATURAL & HISTORIC RESOURCES

The Town of Leicester completed an Open Space and Recreation Plan in November 2007. As is noted in the Chapter 1 (Introduction), the 2007 Open Space and Recreation Plan serves as the state required Open Space & Recreation Chapter of this Master Plan. The recent Open Space Plan also addresses and much of the required Natural Resources Chapter. This Chapter, therefore, will identify key issues related to Natural Resource protection, and in particular will more fully address historic preservation issues not addressed in the 2007 Open Space Plan.

NATURAL RESOURCES

As noted above, natural resources are addressed in full detail in the recently completed Open Space and Recreation Plan, summarized below.

Open Space & Recreation Plan Summary

Leicester's development over time can be traced to the abundant water resources found within its borders, much of which provide drinking water for neighboring towns. Settled as a farming community, Leicester thrived during the Industrial Revolution in the manufacture of hand cards for the textile industry. Today, although Leicester is no longer an industrial center, its waterways continue to suffer the effects of industrial development.

At the headwaters of three drainage basins, Leicester affects numerous communities downstream; the Blackstone, French and Chicopee River Watershed regions collectively drain over fourteen hundred square miles. As a member of the Blackstone River Valley National Heritage Corridor, it shares remnants of the region's industrial past as well as the support of regional redevelopment efforts. Protecting water resources in Leicester, especially ground water resources, is a priority for the town, as is recognizing and protecting cultural and historic resources.

Water resources encouraged industrial development in Leicester; they have also limited residential development. Ranging in size from less than one acre to more than 100 acres, ponds, lakes, and reservoirs cover approximately 850 acres of Leicester. Surface waters, including thirty-seven streams and twenty-six bodies of water, seven of which are drinking water reservoirs, are evenly distributed throughout the town. Four of the seven reservoirs serve the city of Worcester and are located in the northeast quadrant of town, within the Blackstone River Watershed. Despite the numerous water resources within the town, no town beaches are open to the public for swimming, and there are few points of access for fishing. Many in town indicated in the Open Space Plan survey that existing recreational facilities are inadequate, but the town has not conducted a comprehensive analysis of its recreation and conservation needs and existing resources.

well as three blocks of interior forests that are essential to the lives of interior plant and animal species (Massachusetts Geographical Information Systems). And since Leicester's vegetated landscape has had to evolve for both dry and saturated soils, the forests have a species diversity and ecological richness. At least one swamp of rare inland Atlantic white cedar has been identified by the National Heritage and Endangered Species Program (further described in Section 4, subsections D. Vegetation, and E. Fisheries & Wildlife).

Settled by colonists as a farming community, since then Leicester has continually lost its farmland to forest regeneration and, as more commonly in the later part of the twentieth-century, development (Leicester Master Plan 8-1).

Currently, scattered cropland and pasture make up 6% of the town's open space (second to forests). But of the 3,540 acres of prime agricultural soils in town, only 863 acres are currently being used for active agriculture (Mass GIS, 2014). An additional 121 acres of prime agricultural soils lay beneath Leicester's permanently protected forests (Mass GIS). However, Leicester's farmland continues to produce an array of bounty that includes vegetables, fruit, meat, eggs, dairy, maple syrup, honey, flowers, herbs, value-added products, compost, and stock animals (*Local Food Guide for Worcester County: Farm Guide for Leicester, MA*, 2014). Several of Leicester's farms strive to be pesticide spray-free by using integrated pest management, which helps reduce nutrients and chemicals in runoff that would otherwise impair water resources. **See Map 4.1, Agricultural Soils.**

Leicester's economic past was driven by its abundant water resources (Leicester Master Plan 7-1). During the Industrial Revolution multitudes of small mills disrupted streams to harness hydraulic energy (Emory 23). New ponds and lakes were formed and the flows of feeder streams were altered. Marshes, bogs, and swamps evolved from the saturated soils. Although the mills are mostly gone, many of the dams remain. Today these millponds serve wildlife as well as the rural character of the town, but no longer provide the energy they were once designed for. Mostly privately owned, these water bodies largely remain unavailable for recreation or fishing.

See also subsection F. Scenic Resources and Unique Environments.

C. Water Resources



Rochdale Pond (photo by M. Buck)

Like forests, water is a prominent feature in Leicester's rural environment. Ranging in size from less than one acre to more than 100 acres, ponds, lakes, and reservoirs cover approximately 850 acres of town. But multiple of the town's ponds and streams are impaired by invasive species, eutrophication, and pollutants. Also, aging dams pose high risks of failure. Despite the prevalence of water, there is no public water access, no town beach, and very limited fishing available to residents outside of the Southwick Pond Preserve. **See Map 6.1, Water Resources.**

1. Watersheds

A watershed is a geographic area of land in which all surface and ground water flows downhill to common point, such as a river, stream, pond, lake, wetland, or estuary. Leicester is located at the

headwaters and within the watersheds of three major rivers: the Blackstone, the French, and the Chicopee. The watersheds for each of these are described below:

The **Blackstone River Watershed** encompasses all or part of 29 communities in south central Massachusetts and Rhode Island. 382 square miles of its total drainage area of 640 square miles are in Massachusetts (this includes 24 of the 48 river miles). The watershed also encompasses 1300 acres of lakes, ponds, and reservoirs. The major tributaries of the Blackstone are the Quinsigamond, West, Mumford, Mill, and Peters Rivers. Worcester and Providence, the second and third largest population centers in New England, are in the Blackstone Watershed.

The **French & Quinebaug Watersheds** and the Quinebaug-Shetucket River Valley form the Thames River Watershed. The watersheds encompass approximately 1,474 square miles of land area, 251 of which occur in Massachusetts, and include all or part of 13 Massachusetts municipalities. The French River runs for 21 miles, 14 in Massachusetts, while the Quinebaug River stretches about 65 miles, 19 in Massachusetts. The region comprises the "Last Green Valley" in the megalopolis that stretches from Boston to Washington, DC.



The **Chicopee River Watershed** - the largest of the 27 major drainage basins in Massachusetts - drains more than 720 square miles of central Massachusetts before joining the Connecticut River in the City of Chicopee. It includes all or part of 39 cities and towns and a

population of almost 200,000 people (based on 2000 U.S. Census data). The watershed has a drainage area of approximately 720 square miles and includes approximately 135 rivers, 842 miles of brooks and streams, and 170 lakes, ponds, and reservoirs that collectively cover more than 48 square miles. It is comprised of three major river systems: the Swift, Ware, and Quabog Rivers that each drain approximately 200 square miles of land. The three rivers join to form the Chicopee River in the aptly named village of Three Rivers.

(Text: Executive Office of Energy and Environmental Affairs website. Map: MassGIS Oliver data, edited by Michelle Buck, Town Planner)

This geographical position poses great responsibility on Leicester to preserve clean waters for communities downstream. Few resources, however, are available to Leicester for protecting the integrity of these shared waters.

2. Surface Waters

According to Mass DEP's Division of Watershed Management multiple ponds and streams within the town are impaired (2008, 2009, 2010). The eight impaired ponds – Southwick, Sargent, Waite, Dutton, Cedar, Bouchard, Greenville, and Rochdale – are designated as such due to the presence of invasive aquatic plant and micro-invertebrate species, eutrophication, and low flow due to sedimentation (Massachusetts Department of Environmental Protection: Division of Watershed Management. 2008, 2009, 2010). Five of the town's streams, however, are impaired due to a pollutant, including the section of Kettle Brook that drain from Worcester's Kettle Brook Reservoir #1 into Waite Pond, and then again as the stream drains further south, east, and then out of town (Mass GIS). Other streams impaired by a pollutant include Burncoat Brook, Town Meadow Brook, and Grindstone Brook (Mass GIS). Grindstone Brook (which also drains directly from a surface

water drinking supply pond, Henshaw Pond) has tested positive for fecal coliform and *E. Coli.* on five occasions between May – September 1994 (Mass DEP, *French and Quinebaug* 14). Fish tissue samples taken from Waite Pond and the headwaters of the French river have tested positive for mercury (Mass DEP, *Blackstone*, 2010; *French and Quinebaug* 13). Even with these impairments all of the town's ponds and streams are classified as being at least class B (Mass DEP, 2008, 2009, 2010). Class B waters are deemed suitable for habitat, primary and secondary recreation, as well as a source of water supply with appropriate treatment.

The city of Worcester (to the east) has done the most for the protection of the Kettle Brook (the headwaters of the Blackstone River) to safeguard its own drinking water supply. Worcester owns approximately 1,071 acres within Leicester, including four reservoirs: Kettlebrook Reservoirs 1 – 3, and Lyndebrook Reservoir (Mass GIS); three of these use the Kettle Brook as a supplier of surface drinking water. This ownership also serves to protect Leicester's open space from westerly expansion of suburban sprawl, but fails to provide clean water for downstream communities as the Kettle Brook is listed as impaired a presence of *E. Coli.* (Mass DEP, *Blackstone* 5). The town of Spencer (to the west) has also preserved 94 acres of Leicester's open space and protected the 64-acre Shaw Pond (Mass GIS), which to date has not been developed as a public drinking water supply resource (Town of Spencer Open Space and Recreation Plan 17).

Case Study: John Todd's Eco-Machine, Burlington VT

Since 1995 John Todd's Eco-machine has been working as the South Burlington's sewage water treatment process. This system uses plants and micro-organisms to metabolize waste out of the water. Solids are literally digested by organisms living within the Eco-machines tanks. These tanks are situated inside of a greenhouse where plants suspended above the tanks grow and flower. Designed to achieve stable nutrient removal, an Eco-machine is a cost competitive alternative to conventional systems that also provide educational services to elementary and university students alike. An eco-machine was also built in Grafton, MA in 2006. This living system (composed of plants, micro- and macro-organisms including snails and fish) is used to treat heavy contaminates from a canal along the Blackstone River on an old industrial mill site. Proven to clean sewage and heavy contaminates, Leicester may consider implementing a comparable solution to address its water impairment issues such as organic enrichment, turbidity, fecal coliform and *E. Coli.*, and potentially mercury. Addressing these root impairments can begin to address the symptom impairments such as invasive plant and micro-invertebrate species by simply supporting the function of natural ecosystems. Pleased with the outcomes of the Eco-machine, Chuck Hefter (South Burlington's City Manager) said, "As we move into the 21st century we need to be developing ways to manage water using ecological systems. Supporting projects like the [Eco] Machine is consistent with a progressive and forward-thinking economic development strategy." (John Todd Ecological Design, South Burlington, VT).

Source: John Todd Ecological Design: City of South Burlington; The Fisherville Canal, Case Study prepared by Conway School Students

Recreation is restricted on and around surface water supply ponds and reservoirs to reduce the risk of contamination of public drinking water as a response to 9/11 (Novick). Only Southwick Pond, owned and maintained by the Greater Worcester Land Trust, is open for recreation and fishing (Novick). The town does own the dam on Waite Pond, but questions remain as to whether the dam can be used as access to the pond for recreation and fishing (Scoping Meeting). Burncoat Park (purchased in 1968 with the use of a state Self Help grant) includes 1,400 feet of town-owned shoreline without water access (*Greener Views* 17). For years the park's shoreline was used as a public beach but a series of events involving disrepair, lack of funding and maintenance, and vandalism of the park's facilities resulted in the closure of the Leicester's only beach (Scoping Meeting). The

Town also owns a small parcel of land adjacent to Greenville Pond (acquired through tax title) that has been informally used for fishing and non-motorized boat access. There is potential to expand public access and use at this site.

3. Aquifer Recharge Areas

Leicester's own drinking water supply, including its wellheads and wellhead recharge areas, are relatively well protected by the town's Water Resources Protection Overlay District which restricts certain land uses within these areas. (Refer to Section 4, subsection G. Environmental Challenges for more information regarding Leicester's water districts and drinking water supply impairments.)

4. Flood Hazard Areas

The Town of Leicester Zoning Bylaw has a Flood Plain District; the purposes of this district are to:

1. Ensure public Safety through reducing the threats to life and personal injury;
2. Eliminate new hazards to emergency response officials;
3. Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
4. Avoid the loss of utility service which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
5. Eliminate costs associated with the response and cleanup of flooding conditions; and
6. Reduce damage to public and private property resulting from flooding waters.

See Map 6.2, Flood Hazard Areas.

5. Wetlands

Leicester's abundant wetlands and floodplains serve ecological functions vital to ecosystem and community health. Disturbed, developed, and drained for decades, these natural waterscapes provide ecosystem services that work to slow, infiltrate, and filter stormwater and runoff. Federal, state, and local agencies are now heavily investing in green infrastructure designed to mimic these natural, passive, and low-cost functions, to prepare for common natural disasters and for the rise in climate change-related natural disasters

(Environmental Protection Agency. *Green Infrastructure Funding Opportunities*). Rich in wetlands and floodplains, Leicester is poised to invest in protection of these natural features (through the Massachusetts Wetlands Protection Act as well as the town's own Wetland and Stormwater Bylaws).

Leicester's water features and wetlands also serve as critical habitat for rare and important species including the inland Atlantic white cedar, the swamp lousewort, and the triangle floater mussel (*Greener Views* 19, 21). (Refer to Vegetation as well as Fisheries and Wildlife later in this section.) However, environmental stressors such as invasive

Case Study: Wetlands as Flood Storage Control, Charles River

Wetlands have the ability to spread, slow, and contain flood waters resulting in the prevention of a loss of property and life. The U.S. Army Corps of Engineers has invested in the preservation of wetlands along the Charles River (Massachusetts). Wetland restoration began in 2009. The Corps of Engineers estimated annual flood damage along the Charles River to cost \$17 million. "The Corps of Engineers concluded that conserving wetlands was a natural, less expensive solution to controlling flooding than the construction of dikes and dams alone, and they proceeded to acquire 8,103 acres of wetlands in the Charles River basin for flood protection."

Source: *Wetlands: Protecting Life and Property from Flooding*. Environmental Protection Agency, Case Study prepared by Conway School Students.

Section 8. Goals and Objectives

The general goals identified in Chapter 6 were modified through the completion of the Open Space and Recreation Planning process and analysis to create the more comprehensive set of goals and objectives below. Specifically, “Establish a continuous open space planning process” was added as a goal.

Responsible entities and timelines are included in Section 9: Action Plan.

It is an overarching goal of this Open Space & Recreation Plan to increase public participation throughout the implementation process.

Goal 1: Protect open space and natural resources, particularly water resources

- A. Develop strategies to prioritize land protection efforts.
- B. Improve water quality.
- C. Protect Significant Habitats, Vernal Pools, Wetlands, and Rare Species
- D. Increase the ecological value of protected lands through the establishment of contiguous blocks or greenways of undeveloped, permanently protected land.
- E. Preserve farmlands and forest lands
- F. Promote low-impact development practices and encourage the permanent protection of ecologically valuable land with new development.

Goal 2: Provide and maintain recreational opportunities

- A. Revitalize town parks, beginning with Hillcrest, Burncoat, Rochdale, and Towtaid to improve recreation opportunities.
- B. Provide for improved maintenance of Town recreational facilities
- C. Enhance Leicester’s trail networks to provide access to parks and increase connections between parks and neighborhoods
- D. Increase awareness and participation at recreational facilities and programs

Goal 3: Develop and maintain partnerships

- A. Form a network of partnerships to support land protection efforts and the management and upkeep of public parks.
- B. Increase the participation of landowners in the voluntary protection of private land
- C. Actively seek volunteer assistance
- D. Engage students and schools as a resource

Goal 4: Expand revenue sources and resources

- A. Adopt the Community Preservation Act.
- B. Pursue grant opportunities for open space and recreation opportunities
- C. Establish endowments to provide sustainable, independent funding of public lands.
- D. Evaluate additional funding sources such as user fees and fundraising

- E. Leverage funding toward meeting the town's goals through partnerships with local and regional land trusts and conservation organizations.

Goal 5: Establish a continuous open space planning process

- A. Designate responsible Board/Committee for general oversight of implementation
- B. Evaluate implementation progress regularly
- C. Post and publicize implementation success stories
- D. Prepare for 2021 Open Space & Recreation Plan

MACC Dues



Massachusetts Association of Conservation Commissions

protecting wetlands, open space and biological diversity through education and advocacy

September 12, 2023

Re: FY2024 MACC Dues Reminder Notice

Dear Conservation Commissioners:

Happy Autumn! This letter is a reminder that your commission has not yet paid its MACC dues for the current fiscal year. We have enclosed a copy of the invoice we sent to your commission in June. Please send your dues to our office as soon as possible; we rely on member dues for more than one third of our operating budget.

Your dues payment gives you member pricing for conservation commissioner training, conferences, MACC's *Environmental Handbook*, and reduced prices for wetlands-related publications. You also get free access to MACC members-only services such as the **Helpline**, **Web Forum**, and **Conservation Quarterly Magazine**. The **Orientation for New Commissioners** is a great introduction for new commissioners about the Wetlands Protection Act and commission operations. The **Orientation** provides information using videos and interactive Q&A sessions. Please remind your members to review this FREE resource.

Under MACC's bylaws, a commission with unpaid dues as of September 30th is no longer eligible for member pricing or other member benefits until its dues are paid. We don't want you to miss out on our **Fall Conference, on October 28, 2023, in Devens, MA**. More information is available on our website https://www.maccweb.org/page/EDFallConf_2023

On behalf of the MACC Board of Directors, staff, and members of MACC, thank you for your support and the work you do protecting natural resources in your community.

Sincerely,

Massachusetts Association of Conservation Commissions

Dorothy (Dot) McGlincy

Executive Director

Email: Dorothy.mcglinicy@maccweb.org

Enclosure

Massachusetts Association of Conservation Commissions

10 Juniper Road
Belmont, MA 02478

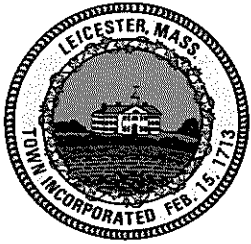
MACC ANNUAL DUES Fiscal Year 2024

Leicester Conservation Commission
3 Washburn Square
Leicester, MA 01524

Date	Invoice #
7/1/2023	FY240151

Description	Amount
MACC Dues for Fiscal Year July 1, 2023 to June 30, 2024 Please pay upon receipt. The invoiced amount provides MACC membership for all voting conservation commissioners, including those commissioners who join the commission during the year. It does not include MACC Membership for associate commissioners or commission staff. You may add MACC membership for associate commissioners and commission staff at \$60 per person. Those memberships are transferable if staff or associate membership changes during the year. Conservation commission dues are based on a formula derived from your municipality's median family income and population. Dues are unrelated to the number of commissioners. Membership benefits will be suspended if payment is not made by August 30, membership will be reinstated when dues are paid. Thank You!	452.00
ADD \$60 FOR EACH ADDITIONAL PERSON (ASSOCIATE COMMISSIONERS & STAFF)	Subtotal \$452.00
ADD \$20 FOR EACH E-HANDBOOK SUBSCRIPTION Please notify staff@maccweb.org of subscribers' names and email addresses.	Amount for additional Memberships Subscription Amount Total

51 Lakeview Drive



Town of Leicester Department of Conservation

Conservation Commission
3 Washburn Square
Leicester, MA 01524
508-892-7007

Site Inspection Request

SI-20____-____

Applicant

Name of Applicant (primary contact): Nancy Begin

Applicant's address: 51 Lakeview Drive

Daytime phone: 508-864-0356

Email address: nkingsburyb@gmail.com

Owner

Name of Owner (if different from above): _____

Address: _____

Request

Choose all that apply: Construct SFH ☐ Well ☐ Septic ☐ Construct 2/MFH ☐ Subdivision ☐

Tree removal ☒ Driveway ☐ Construct outbuilding (garage, shed, etc.) ☐

Install Pool ☐ (Circle one: above ground OR in ground)

☐ Other: _____

Property

Location of Property: 51 Lakeview Drive

Assessor's Tax Map/Lot Number: 28B A10 0

Zoning district: SA

Acreage or square footage of lot: .69 acres

If parcel is undeveloped, provide nearest Utility Poll #: N/A

Proposal

Brief description of proposed work: Owner wants to remove 7 trees and a portion of an 8th tree.

The closest tree to the water is approximately 20 feet. Requesting site visit for guidance on level of permitting (RDA v NOI) and whether Town forest cutting bylaw applies.

Signatures

I acknowledge that the Conservation Commission and/or Agent will make every effort to perform this inspection in a timely manner, yet has 30 days to render a decision.

Applicant's signature: Nancy Begin

Date: 11/5/23

Owner's signature: _____

Date: _____

Official Use Only:

Received: _____

Date Request Emailed to Agent _____ Date of site visit: _____ Signature _____

DECISION: Approved ☐

RDA required ☐

NOI required ☐

CEASE & DESIST ☐

Additional information: _____

Lisa Westwell

From: Nancy Begin <nkingsburyb@gmail.com>
Sent: Tuesday, November 7, 2023 8:59 AM
To: Conservation Commission
Subject: Nancy Begin, trees to take down
Attachments: Scanned from a Xerox Multifunction Printer.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Lisa,

Attached are photos of the trees that I would like to have taken down.

Please note on the first picture that it shows the stump with a planter on it. That is one of the trees I had cut down previously, that you have information on. There's also a pumphouse in the first picture and a number of the other pictures which you can use to determine where the trees are in relation to what I had cut down before. The previous trees were closer to the water than what I would like to have cut down, with the possible exception of one.

These trees have spider mites and are mostly dead. We are worried that with the strong winds that we get throughout the winter one might fall on the house so would like to get the process going so we can get them cut down as soon as possible. We will not remove the stumps.

The yellow house you seen the distance in the first picture is my neighbor. You can only see a small corner of my house (to the left) in the first picture. I am happy to supply additional pictures if needed.

My address is 51 Lakeview Dr., and the best number to reach me at 508-864-0356.

Thank you,
Nancy Begin

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From: Nancy Begin <nbegin@briarwoodsl.com>
Sent: Tuesday, November 7, 2023 8:43:37 AM
To: Nancy Begin <nkingsburyb@gmail.com>
Subject: NB

Nancy Kingsbury Begin
Community Sales Manager
65 Briarwood Circle
Worcester, MA 01606

Direct: 508-852-9005

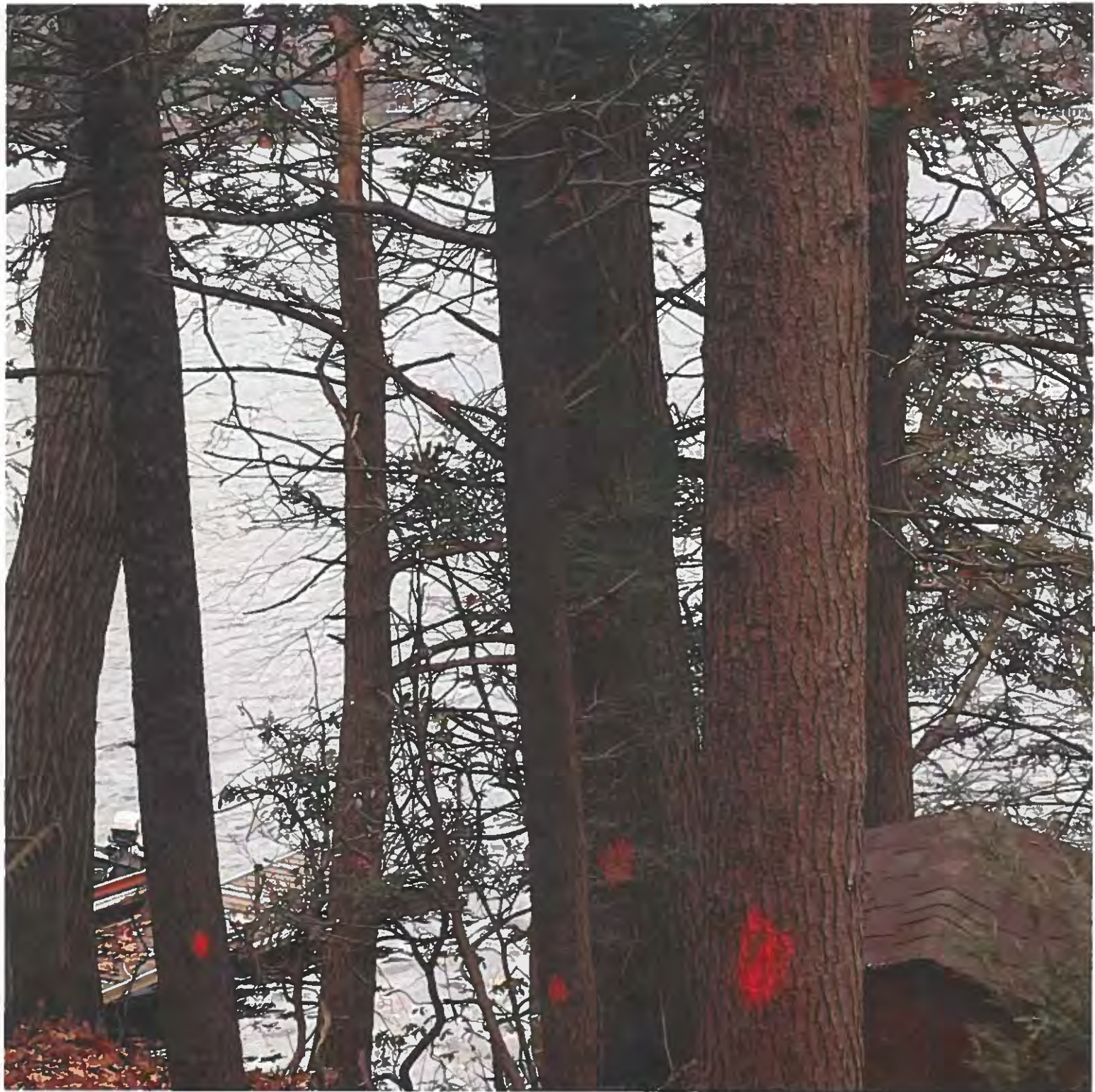
Cell: 508-864-0356

Email: nbegin@briarwoodsl.com



Pump
house
seen in
other
pictures
to use as
point of
reference

Stump
of
tree
previously
cut
down



Trees
1-4



Tree
5



Tree
#6



Don
Tree in
center
behind
others
wasn't
marked



Right
half of
this
tree is
also
recommended
to be
cut



Showing
location
compared
to
pump
house



Different
angle,
showing
location
compared
to pump
house

Lisa Westwell

From: Nancy Begin <nkingsburyb@gmail.com>
Sent: Wednesday, November 8, 2023 10:46 AM
To: westwell@leicester.ma.org; Conservation Commission
Subject: Nancy Begin - Tree cutting additional information
Attachments: Scanned from a Xerox Multifunction Printer.pdf

Hi Lisa,

I apologize for any confusion in the number of trees that I plan to have cut down. I had two cut down previously that you have record of. I numbered the ones I now want cut down on the pictures that I sent you yesterday, so there are a total of 7, with a portion of an 8th.

My property is on less than an acre and you can see from the new pictures I submitted that there are plenty of other trees so I think we will be fine with the Forest Cutting Bylaw.

I don't have the exact measurements as to how close the closest tree is to the water because it is on an embankment, but I estimate that is about 20 ft. away.

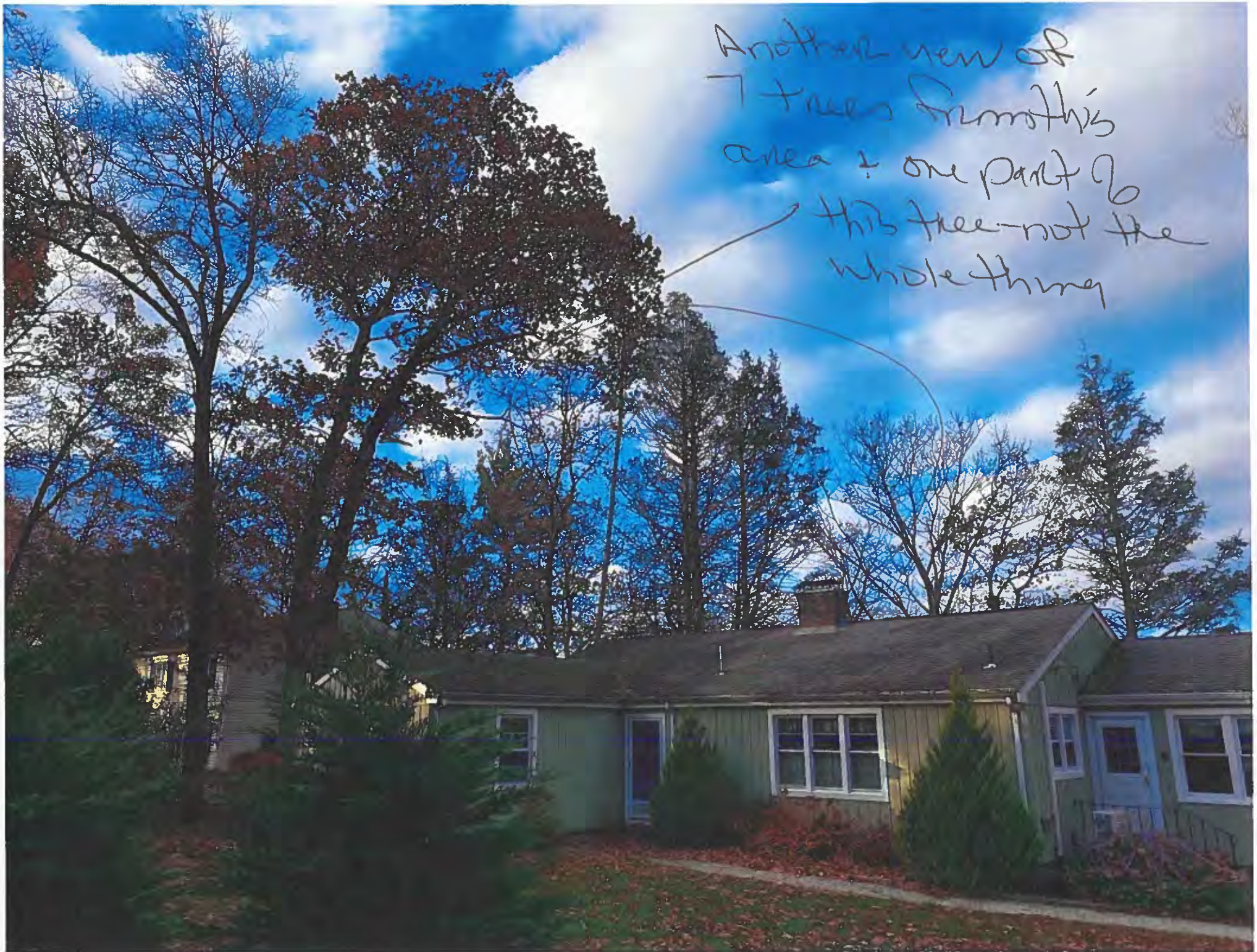
Will someone be coming by to look at the property?

Thank you,
Nancy
508-864-0356

7 trees from this area



Another view of
7 trees from this
area + one part of
this tree - not the
whole thing



Other Trees in Property







