



# TOWN OF LEICESTER CONSERVATION COMMISSION

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## CONSERVATION COMMISSION AGENDA

Wednesday, December 13, at 6:30 PM  
Select Board Meeting Room

### Call to Order

### Approval of Minutes:

- April 12, 2023
- May 10, 2023
- June 29, 2023
- August 9, 2023
- November 8, 2023

### 1. Request for Certificate of Compliance

- 314 Stafford Street – Septic System Repair Plan. Applicant: Dennis and Lorna O'Day (DEP File # 197-425)

### 2. Request to Extend Order of Conditions

- Sargent Pond Association DEP File # 197-0662. Representative from Solitude: Senior Project Manager Keith Gazaille

### 3. 187 Main Street – #2 Fuel Spill - Emergency Certification Review/Ratification

### 4. 160 Peter Salem Rd – emergency septic repair per BOH Title 5 Agent - Emergency Certification Review/Ratification

### 5. Hazard Mitigation Plan - Public Outreach

### 6. Discussion

- 15 Bond St. - Review of wetland restoration report
- 82 Baldwin St - Status update
- 385 Main St - Complaint - Jan's Package Store
- 2024 Meeting Date

### 7. Miscellaneous/Board Updates

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

# Minutes

## Town of Leicester

Conservation Commission  
3 Washburn Square  
Leicester, MA. 01524  
(508) 892-7007  
www.leicesterma.org



## Conservation Commission

Stephen Parretti, Chair  
James Cooper, Vice-Chair  
JoAnn Schold, Member  
Vanessa Lopez, Member

## Conservation Commission Meeting Minutes

**Date:** April 12, 2023

**Time:** 6:30PM

**Location:** Leicester Town Hall, Select Board Meeting Room

**Commissioners Present:** Stephen Parretti, JoAnn Schold, Vanessa Lopez

**Commissioners Absent:** James Cooper

**Others Present:** Donna Main, Department of Inspectional Services Assistant

### Order of Business

#### 1. Certificate of Compliance (COC)

- a. 47 Fairview Drive (DEP# 197-0382) Applicant: Paul Dufresne
- b. 80 Green Street (DEP# 197-0288) Applicant: Brenda Usher

#### 2. Extension Request

39 Burncoat Lane (DEP # 197-0441) Applicant: Peter Dolan

#### 3. Request for Determination of Applicability (RDA)

209 Clark Street Applicant: US Bank Trust NA

#### 4. Notice of Intent (NOI)

- a. 778 Main Street (DEP #197-0696) Applicant: Charlton Road Realty, LLC  
*\*Applicant Requested a Continuance\**
- b. 153 Paxton Street (DEP #197-0697) Applicant: Central Land Development, LLC
- c. 0 Chapel Street (DEP #197-0670) Applicant: Armory Street LLC  
*\*Applicant Requested a Continuance\**
- d. 31 Chapel Street (DEP #197-0669) Applicant: Armory Street, LLC  
*\*Applicant Requested a Continuance\**

#### 5. Special Permit & Stormwater Permit Amendment

710 Main Street (SP2018-03) Applicant: Farnham Properties

#### 6. Approval of Minutes

June 8, 2022  
July 13, 2022  
September 14, 2022  
October 12, 2022  
February 15, 2023  
March 8, 2023

#### 7. Discussion/Miscellaneous

- a. 82 Baldwin Street, Violation
- b. 15 Bond Street, Violation
- c. 38 Manville Street
- d. Auburn Street Bridge

Chairman Parretti opened the meeting at 6:30 pm

**1. Extension Request**

39 Burncoat Lane (DEP #197-0441), Applicant Peter Dolan

The Original OOC was issued in 2006 and extended to 2021, for septic and to build a house. The Septic has been done but the house has not been built yet. They would like to extend the orders so they can build the house and sell it.

**Motion:** Ms. Schold moves to approve the extension of DEP# 197-0441) 39 Burncoat Lane

**Second:** Ms. Lopez

**Discussion:** None

**Vote:** (2-1-0) Ms. Schold abstained

**2. Request for Determination of Applicability (RDA)**

209 Clark Street Applicant: US Bank Trust, NA

Bob Murphey of Murphey and Associates representing Alpha Omega. There was an original RDA approved from 2017, to repair the septic at the location but due to the pandemic the work was not completed. The Board of Health has reapproved the plans, which are the same as before. There will be no work in the wetland area. Ms. Schold has no issues with the project she did advise Mr. Murphey to let the Commission know when the straw waddles are in place so they can be inspected.

**Motion:** Ms. Schold motion to approve the RDA with a negative three (3) determination

**Second:** Ms. Lopez

**Discussion:** None

**Vote:** (3-0-0)

**3. Notice of Intent (NOI)**

153 Paxton Street Applicant: Central Land Development

Peter Lavoie Engineer, representing

Mr. Parretti mentions that this is a plan that was previously approved by a previous owner owner and there appears to be some discrepancies between their original wetland flag and the new ones. The town will have their own consultant look at both and overlay the two to compare and figure out what the discrepancies are and if there is any impact because of them.

*<Recording stopped – continued on second video recording>*

**4. Special Permit & Stormwater Permit Amendment**

710 Main Street Applicant: Farnham Properties

The applicants have already received approval from Planning for the Amendment on April 4, 2023, they did want them to present to Conservation as well for this approval. The changes will be made to lot three (3), they would like to omit the retaining wall and great a slope and walk out from the home. This is a much safer option than the wall that was originally proposed at 13' with a fence on top. The Board decided to conduct a site visit with the Applicants and provide guidance based on that visit.

**5. Certificate of Compliance (COC)**

**47 Fairview Drive (DEP #197-0382)**

Mr. Paretti said they have a letter from Coyle Engineering and Mr. Dufresne complied with the original OOC.

**Motion:** Ms. Schold moved to issue the Certificate of Compliance for 47 Fairview Drive.

**Second:** Ms. Lopez

**Discussion:** None

**Vote:** (3-0-0)

**80 Green Street (DEP# 197-0288) Applicant: Brenda Usher**

No one was present to represent this project.

#### **Miscellaneous:**

- **82 Baldwin St.** The Applicant, Mr. Ramez Almonia, was present to say he was in contract with Glenn Krevosky.
- **38 Mannville St.** – Applicant, Mark Olson, was present to ask about putting on a deck. Ms. Main said they have an amendment to other plans and has an Order of Conditions with one amendment pertaining to gardening and now they want to amend their deck plans.

**Motion:** Ms. Schold moved to approve a minor change to original NOI (DEP 197-0692) for 38 Mannville St. for the deck.

**Second:** Ms. Lopez

**Discussion:** None

**Vote:** (3-0-0)

- **Auburn Street Bridge:** Ms. Main passed out info from Samantha Chatterton, the Town's grant writer. The Town was awarded a small bridge grant related to the Auburn Street bridge. WSP and the Town have entered into an agreement to do this work. Ms. Chatterton asked conservation to review and let her know if there is anything WSP needs to fill out. Jan Parke was present and said the Common Ground Land Trust owns land abutting this bridge and she's concerned about the stream. Mr. Parretti said bid package should include Conservation permitting since it abuts a river.
- Mr. Glenn Krevosky gave the Commission an update on the Mill project.

#### **6. Approval of Minutes**

June 8, 2022, July 13, 2022, September 14, 2022, October 12, 2022

February 15, 2023, March 8, 2023

**Motion:** Ms. Schold moves to approve minutes as written

**Second:** Ms. Lopez

**Discussion:** None

**Vote:** (2-1-0) Ms. Lopez abstained

Mr. Parretti introduced new Conservation Commission member, Vanessa Lopez.

**Motion:** Ms. Schold moved to adjourn

**Second:** Ms. Lopez

**Discussion:** None

**Vote:** (3-0-0)

**Meeting Minutes Respectfully Submitted by:**

**Donna K. Main, DIS Assistant / Lisa Westwell, Administrative Assistant to the Planning Department**

**Date Approved: December 13, 2023**

**Conservation Commission Board Signatures**

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Stephan Parretti, Chair

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JoAnn Schold, Member

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James Cooper, Vice Chair

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Vanessa Lopez, Member

## Town of Leicester

Conservation Commission  
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## Conservation Commission

Stephen Parretti, Chair  
James Cooper, Vice-Chair  
JoAnn Schold, Member  
Vanessa Lopez, Member

## Conservation Commission Meeting Minutes

**Date:** May 10, 2023

**Time:** 6:30PM

**Location:** Leicester Town Hall, Select Board Meeting Room

**Commissioners Present:** Stephen Parretti, James Cooper, JoAnn Schold, Vanessa Lopez

**Others Present:** John Charbonneau, Town Planner/Director of Inspectional Services, Donna Main, Department of Inspectional Services Assistant

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### Order of Business

#### 1. National Grid-Enhanced Vegetation Management Approval

#### 2. Notice of Intent (NOI)

- a. 778 Main Street (DEP #197-0696) Applicant: Charlton Road Realty, LLC  
*\*Applicant Requested a Continuance to June 14, 2023\**
- b. 153 Paxton Street (DEP #197-0697) Applicant: Central Land Development, LLC
- c. 0 Chapel Street (DEP #197-0670) Applicant: Armory Street LLC  
*\*Applicant Requested a Continuance\**
- d. 31 Chapel Street (DEP #197-0669) Applicant: Armory Street, LLC  
*\*Applicant Requested a Continuance\**

#### 3. Special Permit & Stormwater Permit Amendment

710 Main Street (SP2018-03) Applicant: Farnham Properties

#### 4. Certificate of Compliance

- a. 77 Charles Street (DEP#197-0631)
- b. 80 Green Street (DEP#197-0288)

#### 5. Approval of Minutes

- 01-12-2022
- 03-23-2022
- 04-13-2022
- 05-18-2022

#### 6. Discussion/Miscellaneous

## 1. Certificate of Compliance

- a. 77 Charles Street (DEP#197-0631)
- b. 80 Green Street (DEP#197-0288)

General Discussion: Neither Applicant was present for the above CoC requests. Mr. Parretti asked if we had any letters or information on the two CoCs. Ms. Main explained that both properties that have been sold. 80 Green St was sold and they want to release the OOC for the new owners which is why we only have a Title 5 and the lawyer said the original Order was very vague so it's hard to do anything. Ms. Schold asked Ms. Main to check with the Board of Health to see if the new septic was completed. 77 Charles Street is same situation. The house has sold and there is a letter from the Engineer.

*James Cooper joined the meeting at 6:35 pm.*

## 2. National Grid - Enhanced Vegetation Management

Rob Huddit and Bill Mulcahey from National Grid Forestry

They have identified five (5) trees on Willow Hill Road in Cherry Valley that are on a conservation lot. The trees are either seriously decayed and/or dead and pose a hazard to power lines. They are seeking approval to cut the trees. Mr. Parretti asked if they were poles on the road or part of the high-tension wires. Mr. Huddit said they are along the road and are distribution wires. The stumps will be left, and they are at least 120' away from any wetlands.

**Motion:** Ms. Schold moved to approve the tree cutting plan of five (5) trees for National Grid's Enhanced Vegetation Management

**Second:** Mr. Cooper

**Discussion:** None

**Vote:** (4-0-0)

## 3. Notice of Intent (NOI) - 153 Paxton Street (DEP#197-0697)

### *Ms. Schold Recused and Left the Room*

Glen Krevosky, Mr. Parretti, and the Applicant Matt Schold walked the property and saw that there was need for some minor revisions needed to a few of the wetland flags and there were some replication questions. Mr. Krevosky was able to review the NOI application and supporting documents. There were a few spots, three (3) were reflagged as the wetland areas were slightly larger than previously noted. The changes have been noted on the most recent set of plans with revision dates listed. Holes were dug in the replication area to show that there is hydric soil within 12 inches of the cut. They dug about two and a half to three feet (2 ½-3) of topsoil, and they did find hydric soil under that. Photos and details were provided, and they did find that there would be hydric soils within 12 inches of the final cut. Mr. Schold's Engineer knows the plans well and knows the soils and Mr. Krevosky agrees with most of his plans other than the three (3) minor alterations that have been made to the plan. Just a note for the public that this is just for the roadway not the homes that may eventually be built. Recommendations have been made that the report shows what kind of plants will be planted in the replication area and that they are all plants are native to the area. Mr. Parretti stated that Conservation is only concerned with the road and if it conforms to MassDEP wetland regulations and Town of Leicester Wetland Bylaws. In general Mr. Krevosky is satisfied with the plan and recommend that Order of Conditions should be issued pending the receipt of replication report.

**Motion:** Mr. Cooper to approve the road as shown on plans and under the guidance of our consultant on the issues that have been addressed with conditions such as the use of silt fencing, scheduling/monitoring/reviewing the replication area, coming up with a bond amount and releasing the Order of Conditions within 21 days.



**Second:** Ms. Lopez

**Discussion:** None

**Vote:** (3-0-1) Ms. Schold recused

**Ms. Schold re-joined the meeting at 7:26 pm.**

**4. Special Permit & Stormwater Permit Amendment**

710 Main Street (SP2018-03) Applicant: Farnham Properties

Mr. Parretti said this is for modifying the stabilization methods of Lot 3. No one was present for this project. Ms. Schold said this is the duplexes where they want to take the wall down. Ms. Schold and Ms. Lopez conducted a site visit and agree with the requested modification. Mr. Parretti said they want to amend their Order so they can take out wall and put in a slope.

Jan Parke from Greenville Street, Leicester, asked if there would be a new order for them to plant native vegetation on the slope. Mr. Parretti said they have already graded and it will be lawn grass. Ms. Parke asked if Commission could make suggestions on ground cover. Mr. Parretti said they can suggest native grasses but they can't require it as there is no bylaw. Mr. Parretti said he does not want to set a precedence and the Commission will consider it.

**Motion:** Mr. Cooper made a motion to amend the NOI for 710 Main St. to include the retaining wall and a grass slope.

**Second:** Vanessa

**Discussion:** None

**Vote:** (4-0) passed unanimously.

**5. Certificate of Compliance**

- a. 77 Charles Street (DEP# 197-0631). Mr. Parretti said the Commission received a letter and as-built from Jay Dubois, P.E. with DC Engineering, inc. saying the work was done in compliance per the NOI. Ms. Schold conducted a site visit and she would recommend they approve the CoC.

**Motion:** Ms. Lopez moved to issue the Certificate of Compliance for 77 Charles Street, DEP #197-0631.

**Second:** Mr. Cooper

**Discussion:** None

**Vote:** (4-0) passed unanimously.

- b. 80 Green Street (DEP#197-0288). Mr. Parretti asked what the project was for. It was a septic system in 2002. Ms. Main said a Title 5 inspection was done in May 2022 so they are trying to get their CoC so they can have escrow money released. Ms. Schold saw the area and it seems stable. Ms. Main said relator said OOC was very vague. Mr. Parretti said it's been 21 years on a septic emergency so he feels they should get their CoC.

**Motion:** Ms. Schold moved to issue the Certificate of Compliance for 80 Green Street, DEP #197-0288.

**Second:** Mr. Cooper

**Discussion:** None

**Vote:** (4-0) passed unanimously.

## 6. Approval of Minutes

- 01-12-2022
- 03-23-2022
- 04-13-2022
- 05-18-2022

Ms. Schold offered corrections:

- April 13, 2022 – last page Rossen s/b Rawson. This project has a cease and desist and she wants a follow up to see if they have a bond.
- January 12, 2022 – second page under request for CoC 214 Rawson St. has two conflicting DEP numbers. Please clarify.

**Motion:** Mr. Cooper moved to approve the minutes with the procedural changes noted by Ms. Schold.

**Second:** Ms. Schold

**Discussion:** None

**Vote:** (3-0-1) Ms. Lopez abstained. Motion passed.

Mr. Zachary Credulis from Remodel and Renew Home Improvement asked to be heard. Mr. Credulis is looking to replace a deck at 2 Lake Shore Drive. Owner had a retaining wall built on the lake and they are replacing the deck, same footprint. They will be using 12 inch sono tubes going 4 feet down and removing old footings. Mr. Parretti summarized the project and asked what they wanted. Mr. Credulis said they wish to Amend the NOI to include the new deck. Mr. Credulis said the project is about 30-35' from the water.

**Motion:** Mr. Cooper made motion to amend NOI based on Applicant's information.

**Second:** Ms. Lopez

**Discussion:** None

**Vote:** (4-0) Motion passed.

### New Business:

- 214 Rawson St: Ms. Schold said she put a Cease and Desist on 214 Rawson Street because they cleared the lot without erosion control. Erosion control is now up so they need to do a site visit.
- 59 Lakeview Drive – Ms. Schold complaint came in. They did have the DEP sign up, but wattles are not where they are supposed to be. Ms. Schold tried to go there but no one home so she left her card, but no one called. Ms. Main has not gotten a call either. Mr. Parretti suggested sending them an email.
- Blueberry Lane – tree cutting on land owned by Steve Antanavica. Ms. Schold asked Ms. Main to call Mr. Antanavica and tell him to stop work and come before the Commission.
- 20-22 Lake Drive – Ms. Schold and Ms. Lopez did a site visit. The DEP sign up but there are no wattles. Ms. Main told her she needed to file an NOI to have the trees cut. Ms. Schold said she can amend the Order.

**Motion:** Mr. Cooper made a motion to adjourn.

**Second:** Ms. Lopez

**Discussion:** None

**Vote:** (4-0) Motion passed.

The meeting adjourned at 7:40 p.m.

**Meeting Minutes Respectfully Submitted by:**  
**Donna K. Main, DIS Assistant / Lisa Westwell, Assistant to Planning Department**

**Date Approved: December 13, 2023**

**Conservation Commission Board Signatures**

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Stephan Parretti, Chair

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JoAnn Schold, Member

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James Cooper, Vice Chair

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Vanessa Lopez, Member

## Leicester Conservation Commission Meeting Minutes June 29, 2023

**Location:** Leicester Town Hall, Select Board Meeting Room

**Member Present:** Stephan Parretti, James Cooper, JoAnn Schold

**Members Absent:**

**Others Present:**

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**Call to Order:** Chairman Parretti called the meeting to order at 6:31 PM

**1. Request for Determination of Applicability - 565 Pine Street. Applicant Charles and Karen Shearns. Construction of an inground pool.**

Mr. Brian McCune from Graz Engineering was present on behalf of the Applicants. Applicant has an Order of Conditions for a new home. They are filing the RDA to add the pool. Mr. Parretti asked if there were any questions and there were none.

**Motion:** Ms. Schold made a motion approve the RDA with a negative 3 determination with the condition that the engineer let the commission know when the hay bales are up.

**Second:** Mr. Cooper

**Discussion:** None

**Record of Vote:**

Stephan Parretti	Aye
James Cooper	Aye
JoAnn Schold	Aye
<b>Three (3) in Favor. None (0) Opposed.</b>	
<b>Approved 3 to 0</b>	

**2. 55 Waite Street. Applicant Lynette Diaz. Installation of an above ground pool and extension of an existing deck.**

Ms. Diaz said she wants to install an above ground pool and extend her deck 3' to be up to the pool. Ms. Diaz stated the project will be done outside of 25' disturb zone. Mr. Parretti did a site visit and it's a flat area. Ms. Diaz stated that there would be no heavy equipment down by the water.

Mr. Parretti asked if there were any questions and there were none.

**Motion:** Ms. Schold made a motion to approve the RDA with a negative 3 determination with the condition that the Applicant notify the Commission when the project is complete.

**Second:** Mr. Cooper

**Discussion:** None

**Record of Vote:**

Stephan Parretti	Aye
James Cooper	Aye
JoAnn Schold	Aye
<b>Three (3) in Favor. None (0) Opposed.</b>	
<b>Approved 3 to 0</b>	

**3. Notice of Intent – 0 Chapel St. and 31 Chapel St. (DEP #197-0670).**

No one was present for this project.

**4. Notice of Intent – 63 Fairview Drive (DEP #197-0669). Applicant: Patrick Byrne for Owen and Matt Clifford. NOI to replace existing deck.**

Mr. Owen Clifford was present. Ms. Clifford said deck is rotting so they want to replace the footprint, go out 14 inches, move the stairs, remove the catwalk and replaced with a landing off the kitchen door. Mr. Parretti said he is currently 51' off the water and he would be 50' and Mr. Clifford confirmed this.

Mr. Parretti asked if there were any questions and there were none.

**Motion:** Mr. Cooper made a motion to approve the NOI for 63 Fairview Drive with wattles and condition that they call when wattles are installed so Commission can do inspection..

**Second:** Ms. Schold

**Discussion:** None

**Record of Vote:**

Stephan Parretti	Aye
James Cooper	Aye
JoAnn Schold	Aye
<b>Three (3) in Favor. None (0) Opposed.</b>	
<b>Approved 3 to 0</b>	

**5. Order of Conditions Amendment – 20-22 Lake Dr. (DEP File #197-0691). Amendment to remove trees and add a retaining wall.**

Ms. Kopec was she wanted to amend her order of conditions to remove trees by the shed. Ms. Schold asked if she would wait to cut the trees when they lower the water and Ms. Kopec said yes. Ms. Kopec had a question on the retaining wall because it has a steep slope. Excavator suggested a retaining wall after work started with the Order of Conditions so that is why she is before the Commission. Mr. Parretti concurs that the trees are a minor change, but the retaining wall is not minor and the Applicant has not decided what type of retaining wall she wants. Ms. Kopec said the porch is ten feet from the water and the retaining wall is directly under the porch. Ms. Schold said she has no problem with the trees, but she wants more information about the wall type. Ms. Kopec said she doesn't have the information on what type of wall she will do yet because the excavator is not coming back as the foundation is already in. Ms. Kopec said an architect is helping her and that she wants to get the septic system in before she decides on the wall. Mr. Parretti thinks she needs to get further along in the process and then come back to the Commission. Mr. Cooper said it doesn't affect the distance from the water. Mr. Parretti said to call when the contractor is coming back and they will do a site visit.

Mr. Parretti asked if there were any questions and there were none.

**Motion: Mr. Cooper made a motion to allow the cutting of trees without removing stumps.**

**Second:** Ms. Schold

**Discussion:** None

**Record of Vote:**

Stephan Parretti	Aye
James Cooper	Aye
JoAnn Schold	Aye
<b>Three (3) in Favor. None (0) Opposed.</b>	
<b>Approved 3 to 0</b>	

**6. Extension of Order of Conditions for Stiles Reservoir (DEP #197-0607). Applicant Solitude Lake Management**

No one was present for this project.

Mr. Parretti said there was an Order of Conditions from 2017 and Ms. Schold said it was due to expire June 19 so the Commission had already given one extension. Mr. Parretti said DEP does not like OOCs extended more than once for drawdowns. Mr. Parretti suggested continuing Solitude to the next meeting since no one was present.

## 7. Approval of Minutes

- 12-19-2002
- 04-12-2023
- 05-10-23

Ms. Schold and Mr. Cooper did not have a chance to read the minutes. Mr. Parretti is tabling them to the next meeting.

### Discussion:

Jan Parke was present. Ms. Schold said there is an ANR project on Pine St. and they didn't have to come before conservation because there are no wetlands, but there is a lot of run off. Ms. Parke said she wrote a letter to DPW about this issue. Ms. Parke said the catch basins are stuffed with silt. Ms. Schold said it's going over the road and into the wetland area. Ms. Parke said when they first did the clearing, there was heavy rain. Mr. Parretti said projects outside of wetland jurisdiction then causes issues to the wetlands, it becomes jurisdictional. Ms. Schold said they are ANR lots and not a subdivision but since it's causing a wetland issue, it's under wetland regulations. Mr. Parretti said they should do a site visit and work with them to stop the silt run off. Mr. Parretti suggested Ms. Schold meet with Chris the DPW Director.

**Motion: Ms. Schold made a motion to adjourn.**

**Second:** Mr. Cooper

**Discussion:** None

### Record of Vote:

Stephan Parretti	Aye
James Cooper	Aye
JoAnn Schold	Aye
<b>Three (3) in Favor. None (0) Opposed.</b>	
<b>Approved 3 to 0</b>	

Meeting adjourned at 6:43 p.m.

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

**Date Approved: December 13, 2023**

## Conservation Commission Board Signatures

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Stephan Parretti, Chair

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Vanessa Lopez, Member

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James Cooper, Vice Chair

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Ashlyn Coyle, Member

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JoAnn Schold, Member



## Leicester Conservation Commission Meeting Minutes August 9, 2023

**Location:** Leicester Town Hall, Select Board Meeting Room

**Member Present:** Stephan Parretti, James Cooper, JoAnn Schold, Vanessa Lopez

**Members Absent:** Ashlyn Coyle

**Others Present:** Donna Main, DIS Assistant

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

### 1. 112 Huntoon Memorial Highway – Request for Certificate of Compliance

The Commission reviewed the as-built and Mr. Peter Engle, P.E.'s certification letter. Mr. Parretti asked if there were any comments from the public and there were none.

**Motion:** Ms. Schold made a motion to approve the Certificate of Compliance request for 112 Huntoon Memorial Highway.

**Second:** Ms. Lopez

**Discussion:** None

#### Record of Vote:

Stephan Parretti	Aye
James Cooper	Absent
JoAnn Schold	Aye
Vanessa Lopez	Aye
Ashlyn Coyle	Absent
<b>Three (3) in Favor. None (0) Opposed.</b>	
<b>Two (2) Absent.</b>	
<b>Approved 3 to 0</b>	

### 2. Stiles Reservoir – Extension of Order of Conditions

Mr. Dominic Morengallo from Solitude Lake Management was present on behalf of for Stiles Lake Water District. Mr. Morengallo provided a project update on past weed control and said they wanted to extend the Order of Conditions to keep it current. Mr. Parretti read an email from Judy Schmidt with MassDEP saying that due to COVID the Order of Conditions was automatically extended until April 10, 2024. Mr. Parretti also said that MassDEP commented that now that the dam has been repaired, they will be considering whether a 6' drawdown is appropriate when evaluating extension requests. Mr. Morengallo said he believes that's a different Order.

Fran with Stiles Lake said the typical drawdown is 6' feet but now DEP only wants to allow them to drawdown 3' when their current permit expires. Mr. Morengallo said they have two Orders; one for drawdown and one for herbicide treatments.

### 3. 694 Stafford Street – Request for Determination of Applicability

Mr. Mendez was present to represent Ana Martinez. Ms. Martinez would like to replace existing deck behind the house and make it 6 feet wider. House is 75' away from wetlands to beyond 50' buffer. Mr. Parretti said the existing deck is about 60-65' feet from water. Ms. Schold said they are still within the 100' buffer. Mr. Parretti said they are not within the no disturb. Mr. Parretti asked if there were any comments from the public and there were none.

**Motion: Ms. Schold made a motion to approve the RDA with a negative 3 determination for 694 Stafford Street according to the project description.**

**Second:** Mr. Cooper

**Discussion:** None

#### Record of Vote:

Stephan Parretti	Aye
James Cooper	Aye
JoAnn Schold	Aye
Vanessa Lopez	Aye
Ashlyn Coyle	Absent
<b>Four (4) in Favor. None (0) Opposed. One (1) Absent.</b>	
<b>Approved 4 to 0</b>	

### 4. 48 Lake Drive – Notice of Intent for replacement of failed septic system (DEP #197-0705)

Ms. Main said MassDEP issued File # with no comments. Ms. MaryAnn DiPinto with Three Oaks Environmental was present for the applicant. The existing system is being abandoned in place and is closer to the pond than the new system. There is nowhere else to place the system. Ms. DiPinto does not know if BOH has approved the plan. Ms. Schold said erosion control is right in front of the lake. Ms. DiPinto said it will be in front of the wall. Mr. Parretti asked if there were any comments from the public and there were none.

**Motion: Ms. Schold made a motion to approve the NOI for 48 Lake Drive with condition that Commission be notified when erosion controls are in.**

**Second:** Ms. Lopez

**Discussion:** None

#### Record of Vote:

Stephan Parretti	Aye
James Cooper	Aye
JoAnn Schold	Aye
Vanessa Lopez	Aye
Ashlyn Coyle	Absent

**Four (4) in Favor. None (0) Opposed. One (1) Absent.**

**Approved 4 to 0**

**5. 43 Fairview Drive – Notice of Intent for replacement of failed septic system (DEP #197-0700)**

Jason Dubois, P.E. with DC Engineering, Inc. was present. Mr. Dubois said it was a failed septic system on the lake side and the new system has been placed as far away from the water and the wells as possible. Ms. Schold conducted a site visit and has no concerns. Mr. Parretti asked if there were any comments from the public and there were none.

**Motion: Ms. Schold made a motion to approve the NOI for 43 Fairview Drive with condition that Commission be notified when erosion controls are in.**

**Second: Mr. Cooper**

**Discussion: None**

**Record of Vote:**

Stephan Parretti	Aye
James Cooper	Aye
JoAnn Schold	Aye
Vanessa Lopez	Aye
Ashlyn Coyle	Absent
<b>Four (4) in Favor. None (0) Opposed. One (1) Absent.</b>	
<b>Approved 4 to 0</b>	

**6. 778 Main Street – Notice of Intent for three multi-family buildings and associated parking, stormwater, and utilities (DEP #197-0696)**

Mr. James Bernadino with CMG Engineering was present. Mr. Bernadino explained the revisions made to the plan per the Zoning Board of Appeals about work withing the Water Resource Protection District (WRPD). ZBA issued a denial so they revised the plans to reduce the plan from 25 units to 13 units. Resulted in limiting impervious area in WRPD. Graves Engineering peer reviewed the plan and ZBA approved the Special Permit. Project is scheduled for next week with the Planning Board and Mr. Bernadino expects the hearing to be closed next week. There is BVW near Waite Pond and 15,300 s.f. of buffer zone impacts (about 1/3 acre) which is 10,000 s.f. less than original plan. Mr. Bernadino said the FEMA flood elevation shown on plan has been evaluated and he has no concern. Mr. Bernadino described the placement and type of erosion and stormwater controls.

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

Ms. Schold asked if MassDEP had any comments. Mr. Bernadino said MassDEP had comments on the original submission which have been addressed and that CMG submitted the revised plans to MassDEP and have not gotten any comments back yet. Ms. Schold wants to reach out to Mia McDonald at MassDEP about the revised plans.

**Motion: Ms. Schold made a motion for conditional approval of the NOI with the understanding that they have to come back to the Commission if MassDEP comes back with comments and that there are no major Planning Board changes.**

**Second:** Mr. Cooper

**Discussion:** None

**Record of Vote:**

Stephan Parretti	Aye
James Cooper	Aye
JoAnn Schold	Aye
Vanessa Lopez	Aye
Ashlyn Coyle	Absent
<b>Four (4) in Favor. None (0) Opposed. One (1) Absent.</b>	
<b>Approved 4 to 0</b>	

**7. 65 Lakeview Drive – Notice of Intent for back yard improvements on the lake front (DEP #197-0703)**

Applicant Denisse Valentine said they want to reduce the grade by building several levels on the slope not more than 13” high each so they have a gradual slope from the house to the lake. Building steps will help stop the erosion as the water currently runs down the hill. Paul Morris is the contractor. Mr. Parretti asked how close the deck is from the water. Ms. Valentine said the deck will be outside the 50’ buffer. Ms. Schold said the last terrace step is within the 25’ buffer.

**Motion: Ms. Schold made a motion to approve of the NOI for 65 Lakeview Drive as stated with the conditions that the Applicant provides a construction detail.**

**Second:** Mr. Cooper

**Discussion:** None

**Record of Vote:**

Stephan Parretti	Aye
James Cooper	Aye
JoAnn Schold	Aye
Vanessa Lopez	Aye
Ashlyn Coyle	Absent

**Four (4) in Favor. None (0) Opposed. One  
(1) Absent.**

**Approved 4 to 0**

**8. 120 White Birch Street – Notice of Intent for construction of a single family home and associated utilities (DEP #197-0701)**

Peter Engle, P.E. with McClure Engineering was present on behalf of the Applicant, Paul Blanchard. There are two intermittent streams on the property and one riverfront on the side. All wetlands have been flagged. Board of Health (BOH) wants new perk tests so McClure is proposing a temporary stream crossings for the testing and if perk tests are good, they will proceed with finalizing and submitting the septic plan to the BOH. Mr. Engle is also proposing wetland replication. Mr. Parretti asked if Mr. Engle had seen MassDEP comments. Mr. Engle said they had and provided MassDEP with a letter form Art Allen at EcoTec.

Ms. Schold said a bond would be required for the wetland replication areas to be put down before construction begins on the building. Mr. Parretti asked if we had set amounts in the bylaw on a per s.f. basis. Mr. Cooper asks if they were asking for approval of the temporary stream crossing or the whole project. Mr. Engle asked if the Commission would grant approval for temporary and permanent stream crossings contingent upon successful perk testing.

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

**Motion: Ms. Schold made a motion to approve the NOI for 120 White Birch Street with a replication bond in place at the time, be notified of start of construction for erosion control inspection, and be informed of results of soil testing.**

**Second:** Mr. Cooper

**Discussion:** None

**Record of Vote:**

Stephan Parretti	Aye
James Cooper	Aye
JoAnn Schold	Aye
Vanessa Lopez	Aye
Ashlyn Coyle	Absent
<b>Four (4) in Favor. None (0) Opposed. One (1) Absent.</b>	
<b>Approved 4 to 0</b>	

**9. 69 Burncoat Lane – Notice of Intent to construct an addition to an existing home (DEP #197-0702)**

Jason Kirtz, Architect of Record on behalf of the client. Client wants to put on an addition and has already gotten approval from BOH. Ms. Schold asked if they had to go to Zoning for that. Mr. Kirtz said yes as it is a non-conforming lot and smaller than it is allowed. Mr. Parretti asked if there were any MassDEP comments and Ms. Main said no comments.

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

**Motion: Ms. Schold made a motion to approve the NOI for 69 Burncoat Lane with the condition that they call for erosion control inspection.**

**Second:** Ms. Schold

**Discussion:** None

**Record of Vote:**

Stephan Parretti	Aye
James Cooper	Aye
JoAnn Schold	Aye
Vanessa Lopez	Aye
Ashlyn Coyle	Absent
<b>Four (4) in Favor. None (0) Opposed. One (1) Absent.</b>	
<b>Approved 4 to 0</b>	

**10. Miscellaneous/Board Updates**

- Jan Parke asked if there had been any complaints on 102 River St. as she received a video of discharge going into the pond. Ms. Main said she had gotten no calls. Mr. Parretti said it is the one they approved and he will look at the video and do a site visit.
- Ms. Schold asked the status of Baldwin St. because court asked them to keep on top of it.
- Ms. Schold asked about the status of Bond St. Mr. Parretti asked owner to come to next meeting with an update.
- Ms. Schold said there was a situation at Pine St. and she called DEP and it is all set for now.
- Ms. Schold - 38 Manville St. – she conducted a site visit and gave ok to remove some of the silt fence.
- Ms. Schold - 28 Salminen Drive complaint from neighbor that she has heard noise. Ms. Main reached out to Building Commissioner, Town Administrator, and BOH.

- Ms. Schold said Ms. Lopez went to a Planning Board reconstruction meeting and they are going to hire a planner with no planning experience. Ms. Main said they interviewed a new applicant for Town Planner with experience and they plan to hire a part time Conservation Agent.
- Mr. Cooper went to Pleasant St/Route 56 and said three houses were built behind the houses. Mr. Cooper does not think it's within 200' of any wetlands. Ms. Schold said they had a letter from EcoTec saying they weren't in the wetlands. There may be siltation issues.
- Ms. Main said a man from Pine St. will be coming in to have some trees removed.

### **11. Appointment of Commissioners:**

Mr. Parretti nominates Ms. Schold as Chair and Vice Chair. Ms. Schold declines and nominates Mr. Parretti as Chair and Mr. Cooper as Vice Chair.

#### **Record of Vote:**

Stephan Parretti	Aye
James Cooper	Aye
JoAnn Schold	Aye
Vanessa Lopez	Aye
Ashlyn Coyle	Absent
<b>Four (4) in Favor. None (0) Opposed. One (1) Absent.</b>	
<b>Approved 4 to 0</b>	

**Motion: Ms. Schold made a motion to adjourn.**

**Second:** Ms. Lopez

**Discussion:** None

#### **Record of Vote:**

Stephan Parretti	Aye
James Cooper	Aye
JoAnn Schold	Aye
Vanessa Lopez	Aye
Ashlyn Coyle	Absent
<b>Four (4) in Favor. None (0) Opposed. One (1) Absent.</b>	
<b>Approved 4 to 0</b>	

Meeting adjourned at 7:41 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 November 8, 2023

**Location:** Leicester Town Hall, Select Board Meeting Room

**Member Present:** Stephan Parretti, JoAnn Schold, James Cooper, Vanessa Lopez

**Members Absent:** Ashlyn Coyle

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

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**Call to Order:** Chairman Parretti called the meeting to order at 6:35 PM

### **1. Public Hearing: 20-22 Lake Drive – Request to Amend Order of Conditions (DEP File #197-0691)**

Mr. Marek Kopec explained that the slope of the property towards the lake is the reason they want to add two retaining walls so the walls can prevent runoff to the water. Mr. Parretti asked who is doing the work. Mr. Kopec said they had one quote, but would request additional quotes if the request to amend was approved. Mr. Parretti asked if the walls were any closer to the water and Mr. Kopec stated they were not. Mr. Parretti asked if there were any questions/comments from the public and there were none.

**Motion:** Ms. Schold made a motion to grant the change to the Order of Conditions for 20-22 Lake Drive with conditions that site inspection would be done when silt fence was installed and that the applicant would be required to submit as as-built once the project was complete.

**Second:** Mr. Cooper

**Discussion:** None

### **Record of Vote:**

Stephan Parretti	Aye
James Cooper	Aye
JoAnn Schold	Aye
Vanessa Lopez	Aye
Ashlyn Coyle	Absent
<b>Four (4) in Favor. None (0) Opposed. One (1) Absent.</b>	
<b>Approved 4 to 0</b>	

### **2. 0, 90, 92 Huntoon Memorial Highway - Request for Certificate of Compliance (DEP File #197-0683)**

Mr. John Brennan and Mr. Richard Whitehouse, VHB's engineer, were present. Mr. Brennan stated that all work was done outside the buffer. The Commission reviewed the letter from VHB and the as-built plan. Mr. Parretti asked Mr. Whitehouse if he had conducted a site visit and found the project to be in conformance with the Order of Conditions and Mr. Whitehouse stated yes.

**Motion:** Ms. Schold made a motion to issue the Certificate of Compliance for 0, 90, 92 Huntton Memorial Highway.

**Second:** Ms. Lopez

**Discussion:** None

**Record of Vote:**

Stephan Parretti	Aye
James Cooper	Aye
JoAnn Schold	Aye
Vanessa Lopez	Aye
Ashlyn Coyle	Absent
<b>Four (4) in Favor. None (0) Opposed. One (1) Absent.</b>	
<b>Approved 4 to 0</b>	

**Discussion**

- **Blueberry Lane (Lots 6-9) – Application for Forest Cutting**

Mr. Antanavica was present. Mr. Parretti said the application was an after the fact application for work that was already done in violation of the Forest Cutting Bylaw and the Commission was issuing a \$144 fine per the Bylaw.

**Motion:** Ms. Schold made a motion to issue a \$144 fine per the Forest Cutting Bylaw.

**Second:** Ms. Lopez

**Discussion:** None

**Record of Vote:**

Stephan Parretti	Aye
James Cooper	Aye
JoAnn Schold	Aye
Vanessa Lopez	Aye
Ashlyn Coyle	Absent
<b>Four (4) in Favor. None (0) Opposed. One (1) Absent.</b>	
<b>Approved 4 to 0</b>	

- **120 White Birch St. – Bond Request Amount**

Mr. Parretti read the letter from McClure with the estimated restoration cost per EcoTec, Inc.

**Motion:** Ms. Schold made a motion to set the Bond amount at \$2,500 for the wetland replication.

**Second:** Mr. Cooper

**Discussion:** None

**Record of Vote:**

Stephan Parretti	Aye
James Cooper	Aye
JoAnn Schold	Aye
Vanessa Lopez	Aye
Ashlyn Coyle	Absent
<b>Four (4) in Favor. None (0) Opposed. One (1) Absent.</b>	
<b>Approved 4 to 0</b>	

- **Stiles Reservoir Drawdown Discussion – Jay Lussier**

Mr. Lussier said that Stiles Reservoir has a drawdown permit and conducts a 6’ drawdown each November 1<sup>st</sup>. Mr. Lussier spoke with Judith Schmitz at MassDEP and she told him the regulations had changed regarding drawdowns over 3’. He explained the issues with only a 3’ drawdown including the inability to maintain spillway and repair beach areas. He said Stiles is having the lake surveyed at 3’ and 6’ and is also in discussion with Spencer. Jan Parke spoke and said the Town owns Greenville and Waite Dams and she will help put together a list of lake association contacts for Mr. Lussier. Mr. Lussier said he will keep the Commission informed.

- **51 Lakeview Drive**

Owner Nancy Begin is looking for guidance on removing 7 trees and part of an 8<sup>th</sup> tree on Cedar Meadow Lake. A site visit was scheduled for Friday, Nov. 10<sup>th</sup>.

- **142 Charles Street**

Mr. Rene Dube of 15 Beach Street asked the Commission about removing 4 trees and doing canopy work at 142 Charles St. A site visit was scheduled for Friday, Nov. 10<sup>th</sup>.

- **Use of NOI Funds**

JoAnn said she got an email from Mia McDonald, Leicester’s DEP Circuit Rider, and the NOI and ANRAD funds can only be used for Conservation administration and enforcement.

- **Municipal Waterways Fund**

Ms. Westwell explained MGL Chapter 60B (i) boat excise tax funds to be deposited into a municipal waterways fund established under the provisions of Chapter 40 Section 5G. The sums

received may be appropriated for specific waterways improvements and maintenance as outlined in Chapter 40, Section 5G. Ms. Jacobsen added that this would have to be voted on at a Town Meeting. The Commission asked Ms. Westwell to gather more information on how much the Town takes in for boat excise and what types of projects other towns have used these monies to fund.

- **MACC Dues for 2024**

Annual renewal for Massachusetts Association of Conservation Commissions: \$452. The Commission asked Ms. Jacobsen to renew the membership.

- **214 Rawson St.**

Sam Harvey with Integrity called the office to inform the Commission that they were ready to begin the restoration work and asked if they wanted to do an inspection. The Commission asked Ms. Westwell to contact Mr. Harvey and ask him to have the wetland areas re-flagged and then call for an inspection.

- **Approval of Minutes – 9/13/23 and 10/11/23**

**Motion:** Mr. Cooper made a motion to approve the 9/13/23 and 10/11/23 minutes.

**Second:** Ms. Lopezr

**Discussion:** None

**Record of Vote:**

Stephan Parretti	Aye
James Cooper	Aye
JoAnn Schold	Aye
Vanessa Lopez	Aye
Ashlyn Coyle	Absent
<b>Four (4) in Favor. None (0) Opposed. One (1) Absent.</b>	
<b>Approved 4 to 0</b>	

- **82 Baldwin St.**

Ms. Schold asked Ms. Westwell to reach out to the owner of 82 Baldwin Street and find out if Mr. Krevosky is working with them.

**Motion:** Mr. Cooper made a motion to adjourn.

**Second:** Ms. Lopezr

**Discussion:** None

**Record of Vote:**

Stephan Parretti	Aye
James Cooper	Aye
JoAnn Schold	Aye
Vanessa Lopez	Aye
Ashlyn Coyle	Absent
<b>Four (4) in Favor. None (0) Opposed. One (1) Absent.</b>	
<b>Approved 4 to 0</b>	

Meeting adjourned at 7:55 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

# 314 Stafford Street

## CoC Request



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

DEP File Number:

**WPA Form 8A – Request for Certificate of Compliance**

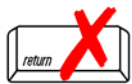
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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.



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:

Dennis and Lorna O'Day

Name

314 Stafford Street

Mailing Address

Leicester

MA

01524

City/Town

State

Zip Code

Phone Number

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

Dennis & Lorna O'Day

Applicant

05/08/06

197-425

Dated

DEP File Number

3. The project site is located at:

314 Stafford Street

Leicester

Street Address

City/Town

34A

D7

Assessors Map/Plat Number

Parcel/Lot Number

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

Dennis & Lorna O'Day

Property Owner (if different)

Worcester

38947

302

County

Book

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.



**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:

Provided by DEP

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**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

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**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>).



***Finlay Engineering Services***

*625 Chandler Street  
Worcester, MA. 01602  
(508) 757-1595*

November 15, 2023

Town of Leicester  
Conservation Commission  
Town Hall  
3 Washburn Square  
Leicester, Massachusetts 01524

Subject: 314 Stafford Street  
Leicester, Massachusetts  
DEP File number: 197-425

Attention: Ms. Lisa Westwell, Administrative Assistant

Dear Ms. Westwell:

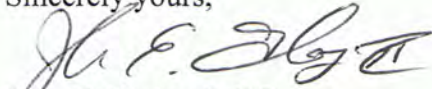
Finlay Engineering Services, on behalf of Dennis and Lorna O'Day, performed a site investigation on this date to view the completed work areas that were depicted on the design plan prepared by Finlay Engineering Services dated revised May 9, 2006. I have enclosed a Request for Certificate of Compliance (WPA Form 8A) for your review and approval.

The work at the site appears to have been substantially completed in accordance with the approved design plan and the Order of Conditions that is recorded at the Worcester South Registry of Deeds in Deed Book 38947 Page 302. One (1) copy of the as-built plan that was supplied to the Leicester Board of Health is attached for your review and approval.

The area has been stable for a substantial period of time.

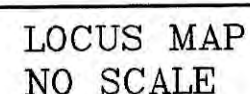
If you have any questions or comments, please feel free to contact me.

Sincerely yours,

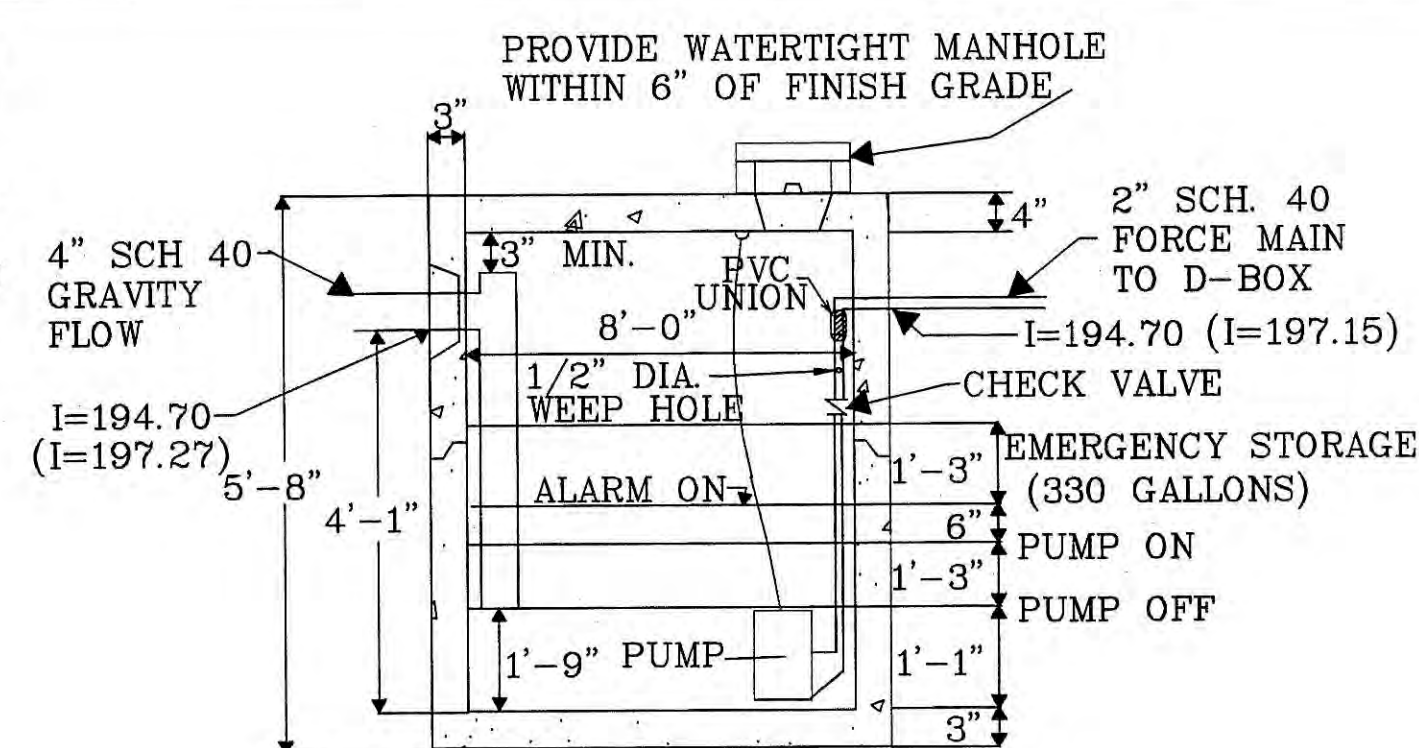


John E. Finlay II, P.E.  
Principal Engineer





NOTE A: ALL TOPSOIL, SUBSOIL, AND DELETERIOUS MATERIAL, IF ANY, MUST BE EXCAVATED AND REMOVED BELOW THE LEACHING AREA AND TO A DISTANCE OF 5 FEET FROM ALL SIDES OF THE LEACHING AREA. EXCAVATE DOWN TO 3 INCHES BELOW THE SURFACE OF THE NATURAL PERMEABLE SOIL, BACKFILL AS, REQUIRED WITH A CLEAN GRAVEL OR SAND FILL MATERIAL, FREE FROM FINES, CLAY, ORGANIC MATERIAL, AND LARGE BOULDERS, HAVING A PERCOLATION RATE IN ITS ORIGINAL LOCATION AND AFTER PLACEMENT OF TWO MINUTES PER INCH OR FASTER. CONSTRUCT TRENCHES IN THIS MATERIAL. SEE 310 CMR 15.255 (3) FOR MATERIAL SPECIFICATION.



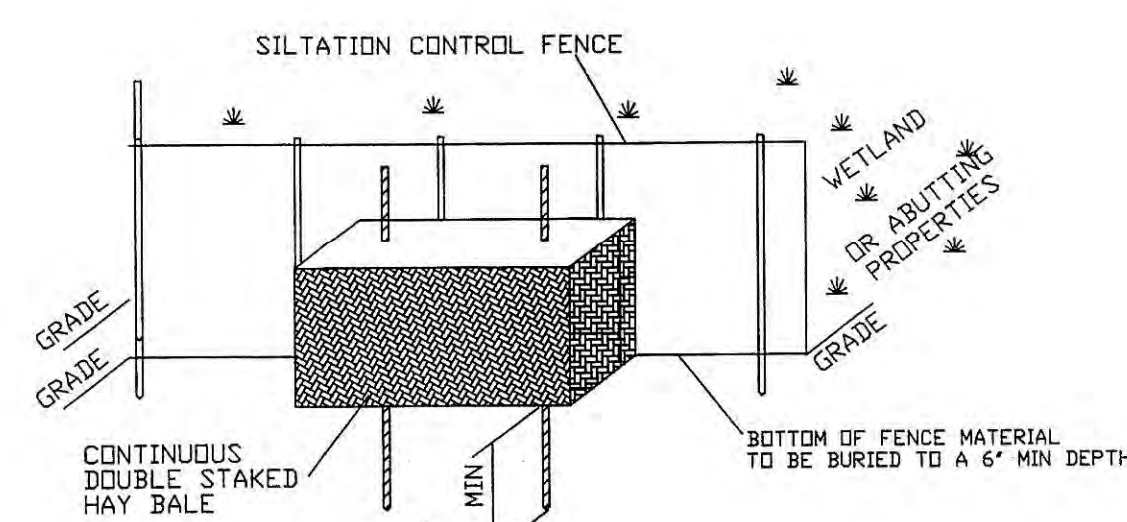
PLACE ON 6" LEVEL AND  
STABLE GRAVEL BASE  
*PUMP CHAMBER DETAIL*

NO SCALE

PUMP CHAMBER: CHASE PRECAST PRODUCT NO. ST1000A (INSIDE DIM. 8' X 4.5') OR APPROVED EQUAL BY DESIGN ENGINEER

## PUMP SYSTEM NOTES

- 1.) SPECIFICATION FOR SIMPLEX INJECTOR PUMP:  
GOULD SUBMERSIBLE PUMP MODEL 3887, SERIES NO. WS0312BF, 230 VOLT, 4.9 AMPS, SINGLE PHASE, 1/3 HP OR APPROVED EQUAL.
- 2.) FOUR (4) FEET OF MINIMUM COVER MUST BE MAINTAINED OVER THE ENTIRE LENGTH OF THE 2" FORCE MAIN. THE FORCE MAIN WILL BE INSULATED TO PREVENT FREEZING IN AREAS WHERE THE COVER REQUIREMENT CANNOT BE MET.
- 3.) THE ALARM SHALL BE ON A SEPARATE CIRCUIT AND BE IN A "NOTICABLE AREA" AS AGREED UPON WITH THE BOARD OF HEALTH. "ALARM SHALL BE BOTH AUDIBLE AND VISUAL.
- 4.) PUMP AND CONTROL FLOATS SHALL BE READILY VISIBLE AND REMOVABLE. CONTROLS SHALL BE SELF CONTAINED, MERCURY SWITCH FLOATS. NO SPLICES ON ANY WIRES SHALL BE ALLOWED WITHIN THE PUMP CHAMBER. ALL ELECTRICAL WORK SHALL CONFORM WITH APPLICABLE CODES.
- 5.) CONTRACTOR SHALL ASCERTAIN POWER IS AVAILABLE PRIOR TO ORDERING PUMP AND ACCESSORIES.



### TYPICAL ENVIRONMENTAL CONTROL BARRIER (ECB)

NO SCALE  
SILT TEX EROSION FENCING  
MAN. BY GEO-SYNTHETICS INC  
(OR APPROVED EQUAL)

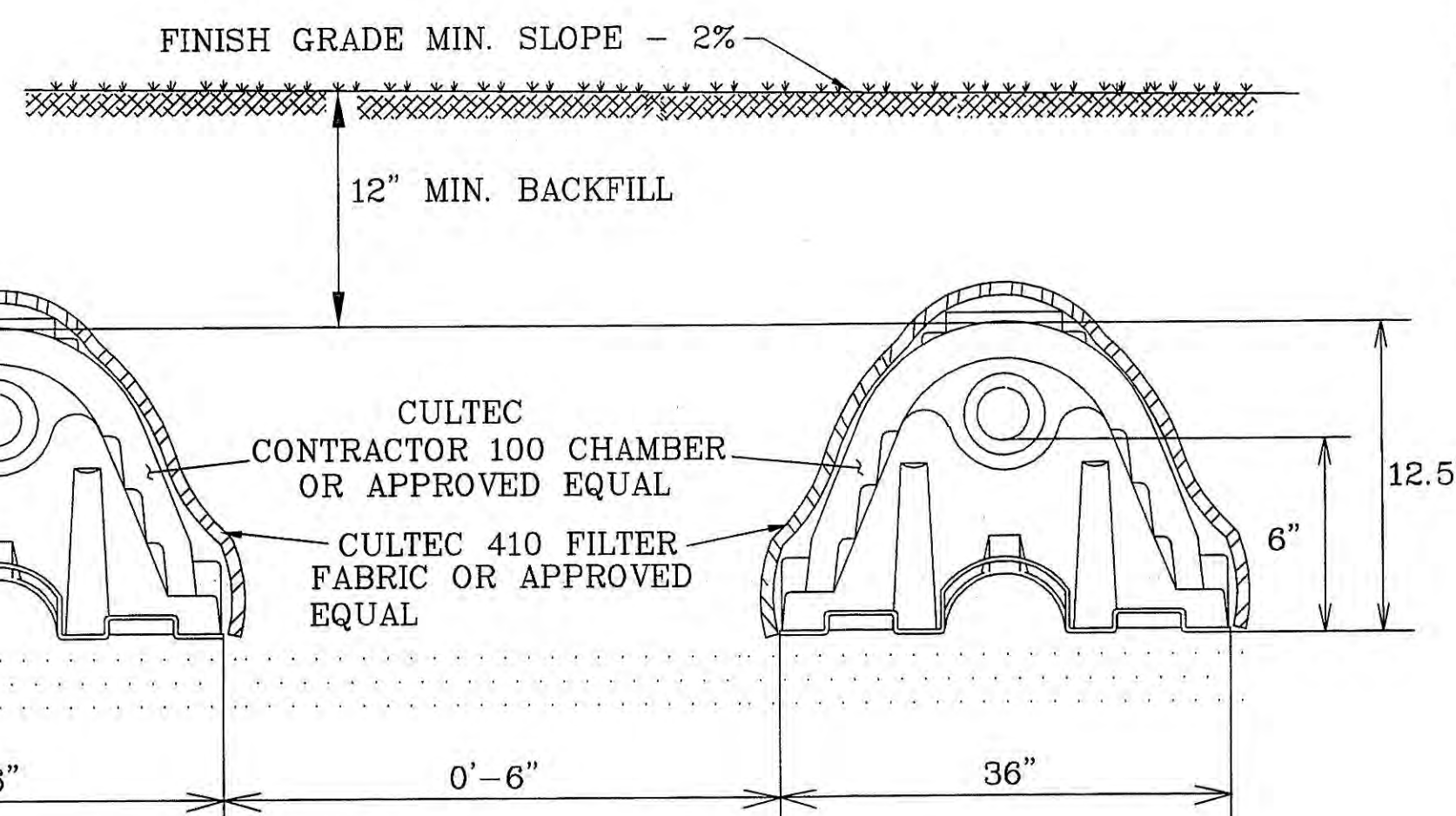
I CERTIFY THAT ON JULY 1995 I HAVE PASSED THE  
SOIL EVALUATOR EXAMINATION APPROVED BY THE DEPARTMENT  
OF ENVIRONMENTAL PROTECTION AND THAT THE ABOVE ANALYSIS  
WAS PERFORMED BY ME CONSISTENT WITH THE REQUIRED TRAINING,  
EXPERTISE AND EXPERIENCE DESCRIBED IN 310 CMR 15.017.

SIGNATURE W. E. Gray II DATE 8/18/09

### BREAKOUT CALCULATIONS

BREAKOUT EL. = 200.54

DISTANCE = 15' MIN.



TYPICAL LEACH BED SECTION  
NO SCALE

\* MINIMUM OF TWO HOLES REQUIRED AT EVERY PROPOSED DISPOSAL AREA  
PARENT MATERIAL (GEOLOGIC) GLACIAL TILL DEPTH TO BEDROCK: 88"±  
DEPTH TO GROUNDWATER: STANDING WATER IN HOLE 74" WEEPING FROM PIT FACE 38"  
ESTIMATED SEASONAL HIGH GROUND WATER: 28"

\* MINIMUM OF TWO HOLES REQUIRED AT EVERY PROPOSED DISPOSAL AREA  
PARENT MATERIAL (GEOLOGIC) GLACIAL TILL DEPTH TO BEDROCK: NONE AT 97"  
DEPTH TO GROUNDWATER: STANDING WATER IN HOLE 82" WEEPING FROM PIT FACE 80"  
ESTIMATED SEASONAL HIGH GROUND WATER: 36"

\* MINIMUM OF TWO HOLES REQUIRED AT EVERY PROPOSED DISPOSAL AREA  
PARENT MATERIAL (GEOLOGIC) GLACIAL TILL DEPTH TO BEDROCK: 90"  
DEPTH TO GROUNDWATER: STANDING WATER IN HOLE 85" WEEPING FROM PIT FACE 69"  
ESTIMATED SEASONAL HIGH GROUND WATER: 36"

\* MINIMUM OF TWO HOLES REQUIRED AT EVERY PROPOSED DISPOSAL AREA  
PARENT MATERIAL (GEOLOGIC) GLACIAL TILL DEPTH TO BEDROCK : NONE AT 64"  
DEPTH TO GROUNDWATER: STANDING WATER IN HOLE 36" WEEPING FROM PIT FACE 38"  
ESTIMATED SEASONAL HIGH GROUND WATER : 36"

### GENERAL NOTES

- 1.) NO PROPERTY LINE SURVEY AT THIS TIME. WE RELY ON EXISTING PLANS AND DEEDS OF RECORD.
- 2.) ALL CONSTRUCTION TO CONFORM TO TITLE 5 OF THE MASSACHUSETTS STATE ENVIRONMENTAL CODE AND THE BOARD OF HEALTH REQUIREMENTS FOR THE TOWN OF LEICESTER, MASSACHUSETTS.
- 3.) TIGHT JOINT PIPING TO CONSIST OF POLYVINYL CHLORIDE PIPE (P.V.C.) , SCHEDULE 40 , UNLESS OTHERWISE NOTED.
- 4.) HEAVY MACHINERY NOT PERMITTED TO PASS OVER PIPE OR LEACHING AREA.
- 5.) UNDERGROUND UTILITY INFORMATION IS PLOTTED FROM VISIBLE FIELD LOCATIONS AND AVAILABLE RECORDS. THE LOCATIONS ARE APPROXIMATE ONLY AND VERIFICATION MUST BE MADE IN THE FIELD.
- 6.) NO GARBAGE DISPOSAL IS ALLOWED WITH THIS DESIGN.
- 7.) NO FOOTING DRAINS OR DRY WELLS ARE TO BE LOCATED WITHIN 20 FEET OF THE LEACHING SYSTEM OR THE EXPANSION AREA OR WITHIN 10 FEET OF THE SEPTIC TANK .
- 8.) THIS PLAN IS FOR THE DESIGN AND CONSTRUCTION OF THE SUBSURFACE SEWAGE DISPOSAL SYSTEM ONLY .
- 9.) NO CHANGE SHALL BE MADE TO THIS PLAN WITHOUT THE APPROVAL OF THE DESIGN ENGINEER AND THE BOARD OF HEALTH.
- 10.) A COPY OF THIS PLAN MUST BE FURNISHED TO THE CONTRACTOR CONSTRUCTING THE SYSTEM AND A COPY MUST BE KEPT ONSITE DURING CONSTRUCTION .
- 11.) ELEVATION DATUM IS ASSUMED .
- 12.) FOR PROPER PERFORMANCE SEPTIC TANK SHOULD BE INSPECTED AT LEAST ONCE A YEAR AND WHEN THE TOTAL DEPTH OF SCUM AND SOLIDS EXCEEDS 1/3 THE LIQUID DEPTH OF THE TANK THE TANK SHOULD BE PUMPED ( USUALLY TWO YEARS ) .
- 13.) ALL KNOWN WATER SUPPLY WELLS WITHIN 100' OF THE PROPOSED SUBSURFACE SEWAGE DISPOSAL FACILITY ARE SHOWN.
- 14.) THE BORDERING VEGETATED WETLAND WAS DELINEATED BY ECOTEC INC.

### LEGEND

- |           |  |
|-----------|--|
| — 100 —   | INDICATES EXISTING CONTOUR             |
| — (100) — | INDICATES PROPOSED CONTOUR             |
| ■ T.P. 1  | INDICATES TEST PIT LOCATION AND NUMBER |
| ● P-1     | INDICATES PERC TEST LOCATION & NUMBER  |

### PERCOLATION TEST DATA

P-1	P-3
DEPTH: 54"	DEPTH: 45"
RATE: 5 M.P.I.	RATE: 14 M.P.I.
DATE: NOVEMBER 1, 2005	DATE: MAY 5, 2006
TEST PERFORMED BY: FINLAY	ENGINEERING SERVICES
TEST WITNESSED BY: EARL BERNIER,	LEICESTER B.O.H.
SOIL EVALUATED BY: JOHN E. FINLAY II,	P.E.

### DESIGN DATA


- 1.) ESTIMATED HYDRAULIC LOADING :  
3 BEDROOMS AT 110 GALLONS/DAY/BEDROOM = 330 GALS./DAY
- 
- 2.) SEPTIC TANK SIZE: 1500 GALLONS
- 3.) LEACHING AREA BASED ON A PERCOLATION RATE OF 15 M.P.I.

TOTAL LEACHING AREA: 120 L.F. AT 5.00 S.F./L.F. = 600 S.F.

$$600 \text{ S.F.} \times 0.56 \text{ GALS./S.F.} = 336 \text{ GALLONS (PROVIDED)}$$

ACTUAL HYDRAULIC LOADING = 330 GALS/DAY (REQUIRED)

REPLACEMENT

08/18/09	3	AS-BUILT LOCATIONS & ELEVATIONS	JEF
05/09/06	2	BOARD OF HEALTH AGENT COMMENTS	JEF
DATE	ISSUE	REVISION	DESCRIPTION
<p>PROPOSED SUBSURFACE SEWAGE DISPOSAL SYSTEM</p> <p>PREPARED FOR</p> <p>DENNIS F. &amp; LORNA J. O'DAY</p> <p>314 STAFFORD STREET</p> <p>LEICESTER , MASSACHUSETTS</p>			
 <p>FINLAY ENGINEERING SERVICES</p> <p>625 CHANDLER STREET WORCESTER , MASSACHUSETTS</p>		<p>DES. JEF   DWN. TDS   CHK. JEF</p> <p>SCALE 1"=20'   DATE 12/29/09</p> <p>PLAN NUMBER 050634</p> <p>SHEET 1 OF 1</p>	



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

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**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

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Printed Name

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Printed Name

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Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name



**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

---

**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

# Sargent Pond Association Request to Extend Order of Conditions

November 13, 2023

Leicester Conservation Commission  
3 Washburn Square  
Leicester, MA 01524

Via Email

RE: Sargent Pond, Leicester, Massachusetts  
Order of Conditions, DEP File # 197-0662

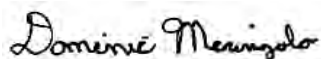
Dear Commission Members:

On behalf of our client the Sargent Pond Association, SOLitude Lake Management, would like to request a three-year extension to the current Orders of Conditions, DEP File # 197-0662, for the continued maintenance of the aquatic vegetation in Sargent Pond. This Order is due to expire on December 17th, 2023.

SOLitude Lake Management has previously conducted treatments at Sargent Pond in accordance with the above referenced Order, as required. All applications have been undertaken by licensed professionals of SOLitude Lake Management's team in accordance with the manufacturer's label. A "License to Apply" has been acquired from the Division of Watershed Management at MassDEP in Worcester on an annual basis.

As a result, we hope that the Commission will allow this request and issue an extension for the continued management of Sargent Pond. If you have any questions or need additional information, please feel free to contact us.

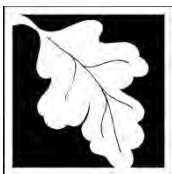
Sincerely,

A handwritten signature in black ink that reads "Dominic Meringolo".

Dominic Meringolo  
Senior Environmental Engineer/Project Manager  
dmeringolo@solitudelake.com  
mary.nickerson@solitudelake.com

**Competitively Sensitive & Proprietary Materials** – The information contained herein is the intellectual property of SOLitude Lake Management. Recipient may not disclose to any outside party any proprietary information, processes, or pricing contained in this document or any of its attachments without the prior written consent of SOLitude Lake Management. This document is provided to the recipient in good faith and it shall be the responsibility of the recipient to keep the information contained herein confidential.





# Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

DEP File Number:

## WPA Form 7 – Extension Permit for Orders of Conditions

197-0662

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

Provided by DEP

### A. General Information

#### Important:

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



1. Applicant:

David Baril - Sargent Pond Association

Name

123 Paxton Street

Mailing Address

Leicester

City/Town

MA

State

01524

Zip Code

2. Property Owner (if different):

Name

Mailing Address

City/Town

State

Zip Code

### B. Authorization

The Order of Conditions (or Extension Permit) issued to the applicant or property owner listed above on:

12/13/2023

Date

Issued by:

LEICESTER

Conservation Commission

for work at:

Sargent Pond

Street Address

Great Pond, N/A

Assessor's Map/Plat Number

Parcel/Lot Number

recorded at the Registry of Deeds for:

Worcester

County

64501

Book

250

Page

Certificate (if registered land)

is hereby extended until:

12/16/2026

Date

Date the Order was last extended (if applicable)

This date can be no more than 3 years from the expiration date of the Order of Conditions or the latest extension. Only unexpired Orders of Conditions or Extension may be extended.

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



**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

**WPA Form 7 – Extension Permit for Orders of Conditions**

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

DEP File Number:

197-0662

Provided by DEP

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**B. Authorization (cont.)**

Issue Date (mm/dd/yyyy)

Signatures:

Signature

Stephan Parretti

Printed Name

Signature

James Cooper

Printed Name

Signature

JoAnn Schold

Printed Name

Signature

Vanessa Lopez

Printed Name

Signature

Ashlyn Coyle

Printed Name

Signature

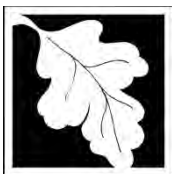
Printed Name

Signature

Printed Name

Signature

Printed Name



**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

**WPA Form 7 – Extension Permit for Orders of Conditions**

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

DEP File Number:

197-0662

Provided by DEP

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**C. Recording Confirmation**

The applicant shall record this document in accordance with General Condition 8 of the Order of Conditions (see below), complete the form attached to this Extension Permit, have it stamped by the Registry of Deeds, and return it to the Conservation Commission.

Note: General Condition 8 of the Order of Conditions requires the applicant, prior to commencement of work, to record the final Order (or in this case, the Extension Permit for the Order of Conditions) 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, it shall be noted in the Registry's Granter Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, it shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done.

Detach this page and submit it to the Conservation Commission prior to the expiration of the Order of Conditions subject to this Extension Permit.

To:

\_\_\_\_\_  
Conservation Commission

Please be advised that the Extension Permit to the Order of Conditions 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 in accordance with General Condition 8 of the original Order of Conditions on:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Book

\_\_\_\_\_  
Page

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

\_\_\_\_\_  
Instrument Number

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

\_\_\_\_\_  
Document Number

\_\_\_\_\_  
Signature of Applicant

187 Main Street  
Emergency Certification

## Lisa Westwell

---

**From:** Andrew Donoghue <adonoghue@cmgenv.com>  
**Sent:** Monday, November 6, 2023 12:02 PM  
**To:** Lisa Westwell  
**Subject:** RE: 187 Main Street, Leicester  
**Attachments:** 2021 Aerial.pdf; Wetlands.pdf; LIDAR.pdf

Hi Lisa,

Thanks for your patience (I meant to get this to you earlier) and it was good speaking with you as well. The site is at 187 Main Street. An estimated 250-275 gallons of No.2 fuel oil leaked from an outdoor above ground tank to the ground surface. The release was discovered and reported to DEP on Friday, November 3. The DEP contact is Phil Olsen (I don't have his number, but I'll get it to you) and the release tracking number (RTN) is 2-0022479.

Jerry Clark from our office (508-320-0233) is out there this morning. They are in the process of trying to determine if the pond was impacted. I'll keep you updated on that. I have attached some imagery from MassMapper to help show where the site is, the wetlands, and surface relief (LIDAR). The oil appears have flowed along south-southwesterly path toward a drainage swale at the southwest end of the property (this is visible on the LIDAR image) and not toward the intermittent stream that runs along the easterly site boundary.

Please feel free to reach out to Jerry or me with any questions.

Thanks!

Andy

Andrew Donoghue, LSP  
Licensed Site Professional  
[ADonoghue@CMGEnv.com](mailto:ADonoghue@CMGEnv.com)



67 HALL ROAD STURBRIDGE, MA 01566  
OFFICE (774) 241-0901  
TOLL FREE (866) 304-7625  
FAX (774) 241-0906

---

**From:** Lisa Westwell <westwell@leicesterma.org>  
**Sent:** Monday, November 6, 2023 8:28 AM  
**To:** Andrew Donoghue <adonoghue@cmgenv.com>  
**Subject:** 187 Main Street, Leicester

Good morning Andy,

It was nice speaking with you this morning. Thank you again for the heads up on the fuel spill at 187 Main Street. You may send any info here and I'll keep the Conservation Commission informed. If you'd like to send along Jerry's number, I can share it with Steve Parretti, Conservation Chair.

Sincerely,

*Lisa Westwell*

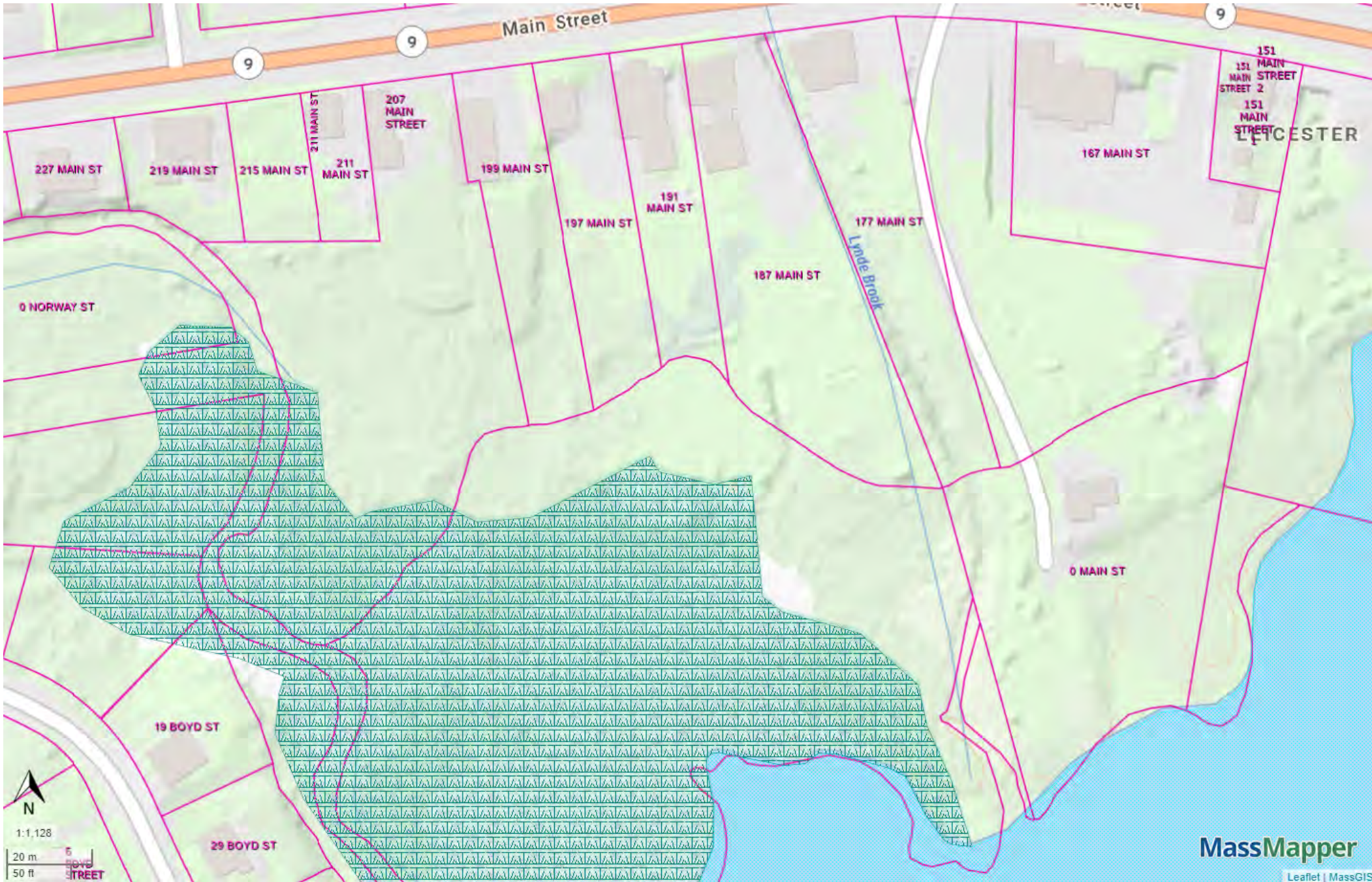
Administrative Assistant  
to the Planning Department  
Town of Leicester  
3 Washburn Square  
Leicester, MA 01524  
508.892.7007 x 120  
[westwell@leicesterma.org](mailto:westwell@leicesterma.org)





Property Tax Parcels  
2021 Aerial Imagery





DEP Wetlands Detailed With Outlines

- Barrier Beach System
- Barrier Beach-Deep Marsh
- Barrier Beach-Wooded Swamp Mixed Trees
- Barrier Beach-Coastal Beach
- Barrier Beach-Coastal Dune
- Barrier Beach-Marsh
- Barrier Beach-Salt Marsh
- Barrier Beach-Shrub Swamp
- Barrier Beach-Wooded Swamp Coniferous
- Barrier Beach-Wooded Swamp Deciduous
- Bog
- Coastal Bank Bluff or Sea Cliff
- Coastal Beach
- Coastal Dune
- Cranberry Bog
- Deep Marsh
- Barrier Beach-Open Water
- Open Water
- Rocky Intertidal Shore
- Salt Marsh
- Shallow Marsh Meadow or Fen
- Shrub Swamp
- Tidal Flat
- Wooded Swamp Coniferous
- Wooded Swamp Deciduous
- Wooded Swamp Mixed Trees

Property Tax Parcels





Property Tax Parcels  
Shaded Relief from Lidar

## MassMapper

Leaflet | MassGIS

## Lisa Westwell

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**From:** Jerry Clark <JClark@cmgenv.com>  
**Sent:** Wednesday, November 15, 2023 7:33 AM  
**To:** Lisa Westwell  
**Subject:** RE: 187 Main St, Leicester - Fuel Spill

Hi Lisa,

We have accomplished quite a bit but have a lot to do. So far, the following actions have been completed/initiated:

1. Installed absorbent boom in a tributary (herein the "stream") to the wetland
2. Installed harbor boom in the stream
3. Installed two oil/water separators in the stream
4. Skimmed oil from boomed areas in the stream
5. Completed a drone fly over the wetland to inspect for migration of oil to the wetland and pond
6. Installed harbor boom at the pond outfall
7. Inspected several stream and wetland 2-3 times per week and will continue to do so
8. Installed an exhaust blower at the neighboring house located at 191 Main Street due to complaint of petroleum odor in the basement

We are working closely with DEP. Our contact is Phil Olsen in the ER section.

Please note, we have confirmed an undermined amount of oil is in the wetland and it has migrated to the pond. We have implemented steps to mitigate additional oil flowing to the wetland/pond.

Please feel free to reach out direct to me at 508-320-0233 with any questions.

Gerald M.Clark (Jerry)  
Principal



(508) 320-0233

---

**From:** Lisa Westwell <westwelll@leicesterma.org>  
**Sent:** Tuesday, November 14, 2023 9:35 AM  
**To:** Jerry Clark <JClark@cmgenv.com>  
**Subject:** 187 Main St, Leicester - Fuel Spill

Good morning Jerry,

I'm touching base on the status of the spill/remediation at 187 Main St. Would you please provide an update when you get a chance?

Sincerely,

*Lisa Westwell*  
Administrative Assistant  
to the Planning Department  
Town of Leicester

3 Washburn Square  
Leicester, MA 01524  
508.892.7007 x 120  
[westwell@leicesterma.org](mailto:westwell@leicesterma.org)

## Lisa Westwell

---

**From:** Jerry Clark <JClark@cmgenv.com>  
**Sent:** Monday, December 11, 2023 8:54 AM  
**To:** Lisa Westwell  
**Subject:** Re: 187 Main Street, Leicester

Good morning,

It was nice to finally meet you on Friday.

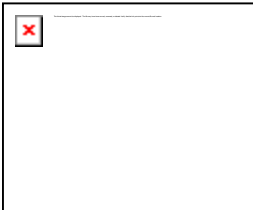
Since my last update, the following has transpired:

- 1) Site owner has filed for financial inability,
- 2) DEP has taken over response actions
- 3) We have installed a harbor boom at the outfall of the pond located off of Gerald Ct,
- 4) We have installed an oil recovery well in the immediate area of the former leaking above ground storage tank (AST),
- 5) We have removed impacted soil in the AST area,
- 6) We have skimmed accumulated oil from the stream and wetland and continue to do so,
- 7) We have skimmed oil and pumped groundwater from the newly installed recovery well (in the AST area) and continue to do so, and
- 8) We are installing groundwater monitoring wells today to evaluate oil migration and groundwater directional flow.

Plans moving forward will include continued oil recovery and likely installation of harbor boom in the wetland.

Please feel contact me with any questions.

Gerald M. Clark (Jerry)  
Principal



CMG Environmental, Inc.

[67 Hall Road](#)

[Sturbridge, MA 01566](#)

Office - [774-241-0901](#)

Cell - 508-320-0233

Fax – [774-241-0906](#)

Sent from my iPhone

On Dec 6, 2023, at 1:30 PM, Lisa Westwell <westwell@leicesterma.org> wrote:

Hi Jerry,

Conservation is meeting December 13, 2023 and I'd like to provide an update on the fuel spill with anything that's transpired since your last email of November 15<sup>th</sup>. I am aware that DEP issued a Notice of Responsibility and have a copy of that already. Thank you in advance.

Sincerely,

*Lisa Westwell*

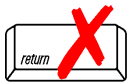
Administrative Assistant  
to the Planning Department  
Town of Leicester  
3 Washburn Square  
Leicester, MA 01524  
508.892.7007 x 120  
[westwelll@leicesterma.org](mailto:westwelll@leicesterma.org)



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Emergency Certification Form**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

## A. Emergency Information

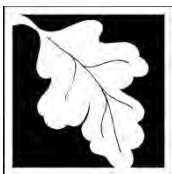
**Important:**  
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



- Issuance From: LEICESTER CONSERVATION COMMISSION  
Issuing Authority  
187 Main Street
1. Site Location: \_\_\_\_\_
2. Reason for Emergency:  
275 gallon heating oil leak into marshland
3. Applicant to perform work: CMG Environmental Inc, NEDT and MassDEP
4. Public agency to perform work or public agency ordering the work to be performed:  
MassDEP
5. Date of Site Visit: 11/13/23 Start Date: 11/13/23 End Date\*: 1/13/24  
\* no later than 30 days from start date or 60 days in the case of an Immediate Response Action approved by DEP to address an oil/hazardous material release.
6. Work to be allowed\*:  
Site work to remediate emergency caused by oil spill on residential properties/lawn, adjacent wetlands and Smith Pond.

\* May not include work beyond that necessary to abate the emergency.





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Emergency Certification Form**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

## B. Signatures

Certified to be an Emergency by this Issuing Authority.

Leicester Conservation Commission

Signatures:

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

**A copy of this form must be provided to the appropriate DEP Regional Office.**

## C. General Conditions

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 Emergency Certification or subject to enforcement action.
2. This Emergency Certification does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of property rights.
3. This Emergency Certification does not relieve the applicant or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. Any work conducted beyond that described above, and any work conducted beyond that necessary to abate the emergency, shall require the filing of a Notice of Intent.
5. 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 Emergency Certification at reasonable hours to evaluate compliance with this Certification, and may require the submittal of any data deemed necessary by the Conservation Commission or the Department for that evaluation.
6. This Emergency Certification shall apply to any contractor or any other person performing work authorized under this Certification.
7. No work may be authorized beyond 30 days from the date of this certification without written approval of the Department.



**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

**WPA Emergency Certification Form**

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

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**D. Special Conditions**

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**E. Appeals**

The Department may, on its own motion or at the request of any person, review: an emergency certification issued by a conservation commission and any work permitted thereunder; a denial by a conservation commission of a request for emergency certification; or the failure by a conservation commission to act within 24 hours of a request for emergency certification. Such review shall not operate to stay the work permitted by the emergency certification unless the Department specifically so orders. The Department's review shall be conducted within seven days of: issuance by a conservation commission of the emergency certification; denial by a conservation commission of the emergency certification; or failure by a conservation commission to act within 24 hours of a request for emergency certification. If certification was improperly granted, or the work allowed thereunder is excessive or not required to protect the health and safety of citizens of the Commonwealth, the Department may revoke the emergency certification, condition the work permitted thereunder, or take such other action as it deems appropriate.





Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Central Regional Office • 8 New Bond Street, Worcester MA 01606 • 508-792-7650

Maura T. Healey  
Governor

Kimberley Driscoll  
Lieutenant Governor

Rebecca L. Tepper  
Secretary

Bonnie Heiple  
Commissioner

### **URGENT LEGAL MATTER: PROMPT ACTION NECESSARY**

November 16, 2023

187 Main Street Realty LLC  
453 Leicester Street  
Auburn, MA 01501  
[spazpro@aol.com](mailto:spazpro@aol.com)

RE: #2 Fuel Oil Release  
187 Main Street  
Leicester

ATTN: David Szczepaniak,  
Owner

RTN: 2-0022479

### **NOTICE OF RESPONSIBILITY** **M.G.L. c. 21E, 310 CMR 40.0000**

Dear Mr. Szczepaniak:

The Department of Environmental Protection (MassDEP or the Department) was notified on November 3, 2023, at 9:39 a.m., that a release of an unknown quantity of #2 fuel oil (heating oil), likely to exceed the reportable quantity of ten (10) gallons within 24 hours, occurred at the above-referenced property (the Site). Specifically, up to approximately 200 gallons of fuel oil released from a corroded 275-gallon above ground storage tank (AST) located outside of the residential and commercial building at the Site. The fuel oil impacted soil at the subject property and abutting property, and surface water within a wetland and pond near the Site. Such condition required oral notification to MassDEP as soon as possible but not more than 2-hours after obtaining knowledge of a reportable condition and performance of an Immediate Response Action (IRA). In light of the notification and other information available, MassDEP wishes to ensure that you are aware of your rights and responsibilities under the Massachusetts Oil and Hazardous Material Release Prevention and Response Act, M.G.L. c. 21E, and the Massachusetts Contingency Plan (MCP), 310 CMR 40.0000.

MassDEP has identified the property, or portions thereof, as a disposal site that requires the performance of cleanup or other response actions. The cleanup of disposal sites is governed by Chapter 21E and the MCP. MassDEP has assigned Release Tracking Number (RTN) **2-0022479** to this disposal site for the release notification received.

This information is available in alternate format. Please contact Melixza Esenyie at 617-626-1282.  
TTY# MassRelay Service 1-800-439-2370  
MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

Printed on Recycled Paper

MassDEP also has reason to believe that you (as used in this Notice, "you" refers to 187 Main Street Realty LLC) are a party with potential liability for response action costs and damages under Chapter 21E, § 5.

The attached summary is intended to provide you with information about liability under Chapter 21E to assist you in deciding what actions to take in response to this Notice.

**IMMEDIATE RESPONSE ACTIONS**

On November 3 and 10, 2023, you/your agent proposed certain response actions. MassDEP gave oral approval to conduct the proposed IRA pursuant to 310 CMR 40.0410. The approval included the following conditions:

- Apply absorbent materials to the area of the spill and containerize the resulting waste material for proper disposal/recycling off-site at a licensed facility;
- Deploy containmnet and absorbent booms, setup a downstream oil water separator and remove fuel oil from water at the sump pump discharge/wetland area, and pond;
- Recover fuel oil and oily water from the impacted wetland and pond area using a vacuum truck and absorbents as needed;
- Remove the contents of the AST and containerize the waste for proper disposal off-site at a licensed facility;
- Install and maintain a recovery well(s) and/or interceptor trench, and recovery of fuel oil and/or oil impacted groundwater from the subsurface for temporary storage onsite in a holding (frac) tank, pending characterization and disposal/recycling off-site at a licensed facility;
- Install and maintain active fans/blowers and a polyethylene sheeting vapor barrier as needed to ventilate the basement of the abutting residence to minimize vapor migration into the living space of the residence;
- Within 60 days, excavate up to 100 cubic yards of contaminated soil associated with this release and properly dispose of the contaminated soil within 120 days of removal pursuant to 310 CMR 40.0030;
- Investigate soil and groundwater conditions outside and beneath the building, and assess surface water impacts, to determine the extent of fuel oil contamination and propose an IRA modification to further mitigate impacted soil, and remediate contaminated groundwater and/or surface water; and
- Continually assess for conditions of substantial release migration (SRM) and critical exposure pathways (CEPs).

187 Main Street Realty LLC; 187 Main Street; Leicester, MA; RTN 2-0022479

**You must notify MassDEP as soon as possible via telephone, if you do not proceed with the IRA as approved.**

You must dispose of any Remediation Waste as defined by the MCP, including, without limitation, contaminated soil and/or debris, generated at the location in accordance with 310 CMR 40.0030. Any Bill of Lading accompanying such waste **must bear the seal and signature of a Licensed Site Professional (LSP).**

**NECESSARY RESPONSE ACTIONS AND APPLICABLE DEADLINES**

**Please be advised that November 3, 2023, is considered to be the date of release/threat of release notification. This date will be the baseline for calculating compliance with deadlines contained within the MCP.**

The MCP requires responsible parties and any other person undertaking response actions at a disposal site to perform Immediate Response Actions in response to releases/threats of release, Imminent Hazards and Conditions of Substantial Release Migration. Such persons must continue to evaluate the need for Immediate Response Actions and notify MassDEP immediately if such a need exists.

As an integral part of the response action(s) for this release/threat of release, you must also submit a completed *Release Notification & Retraction Form* in accordance with 310 CMR 40.0300 and either an IRA Plan (310 CMR 40.0420), or IRA Completion Statement (310 CMR 40.0427), or a Permanent Solution Statement (310 CMR 40.1000) whichever is applicable to MassDEP by **January 2, 2024**, (within **60 days** of the date of the release/threat of release notification or the date of service of this Notice, whichever comes first).

Unless otherwise provided by MassDEP, responsible parties have one year from the initial date notice of a release/threat of release is provided to MassDEP pursuant to 310 CMR 40.0300 or from the date MassDEP issues a Notice of Responsibility, whichever occurs earlier, to file with MassDEP one of the following submittals: (1) a completed Tier Classification Submittal; or (2) a Permanent Solution Statement. The deadline for these submittals for this disposal site is **November 3, 2024**.

**PROCEDURES TO FOLLOW TO UNDERTAKE RESPONSE ACTIONS**

You must continue to employ or engage a Licensed Site Professional (LSP) to manage, supervise or perform all response actions that you intend to undertake at this disposal site. You may obtain a list of the names and addresses of LSPs by contacting the Board of Registration of Hazardous Waste Site Cleanup Professionals by telephone at (617) 556-1091, by visiting <http://www.mass.gov/eea/agencies/lsp>, or in person or by mail at 100 Cambridge Street, 9<sup>th</sup> Floor, Boston, Massachusetts 02114.

NOTICE OF RESPONSIBILITY

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187 Main Street Realty LLC; 187 Main Street; Leicester, MA; RTN 2-0022479

If you have any further questions, please contact Phil Olson of this office at [philip.olson@mass.gov](mailto:philip.olson@mass.gov). All future correspondence and communications regarding this disposal site should reference **RTN 2-0022479**.

Sincerely,



Anthony F. Kurpaska  
Section Chief  
Emergency Response & Risk Reduction  
Bureau of Waste Site Cleanup

AFK/RED/pwo

[ NOR/ISSUED-ER ]

Enclosures: Summary of Liability under Chapter 21E; DEP Compliance and Assurance Fees

ecc: Leicester Fire Department; [mdupuis@leicesterfireems.org](mailto:mdupuis@leicesterfireems.org)  
Leicester Board of Health; [Boardofhealth@leicesterma.org](mailto:Boardofhealth@leicesterma.org)  
Andrew Donoghue, LSP; [adonoghue@cmgenv.com](mailto:adonoghue@cmgenv.com)  
Mike Robertson, NEDT; [mrobertson@nedtinc.com](mailto:mrobertson@nedtinc.com)

cc: Database Entry

2-0022479 -- Leicester -- NOR

## SUMMARY OF LIABILITY UNDER CHAPTER 21E

As stated in the Notice of Responsibility accompanying this Summary, the MassDEP has reason to believe that you are a Potentially Responsible Party ("PRP") with potential liability under M.G.L. c. 21E, Section 5, for response action costs and damages to natural resources caused by the release and/or threat of release. The MassDEP has identified you as a PRP because it believes you fall within one or more of the following categories of persons made potentially liable by Subsection 5(a):

- any current owner or operator of a site from or at which there is or has been a release or threat of release of oil and/or hazardous material;
- any person who owned or operated a site at the time hazardous material was stored or disposed of;
- any person who arranged for the transport, disposal, storage or treatment of hazardous material to or at a site;
- any person who transported hazardous material to a transport, disposal, storage or treatment site from which there is or has been a release or threat of release of such material; and
- any person who otherwise caused or is legally responsible for a release or threat of release of oil or hazardous material at a site.

For purposes of the MCP, you are considered a Responsible Party ("RP") with actual liability under Chapter 21E if you fall within one of these categories unless you (1) are entitled to a defense under Section 5 or other applicable law, and (2) have reasonably incurred cleanup costs in an amount equal to or greater than any applicable cap on liability under Subsection 5(d).

This liability is "strict," meaning it is not based on fault, but solely on your status as an owner, operator, generator, transporter or disposer. It is also joint and several, meaning that each person who falls within one of these categories may be held liable for all response action costs incurred at the site, regardless of the existence of any other liable parties.

Section 5 provides a few narrowly drawn defenses to liability, including a defense for releases and damages caused by an act of God, an act of war or an act by a third party other than an employee, agent or person with whom the party has a contractual relationship (*see* Subsection 5(c)); a defense for certain owners of residential property at which the owner maintains a permanent residence (*see* Subsection 5(h)); and a defense for certain public utilities and agencies of the Commonwealth which own a right-of-way that is a site (*see* Subsection 5(j)).

You may voluntarily undertake response actions under the MCP without having your liability under Chapter 21E formally adjudicated by the MassDEP. If you do not take the necessary response actions, or fail to perform them in an appropriate and timely manner, the MassDEP is authorized by Chapter 21E to perform the necessary work.

By taking the necessary response actions, you can avoid liability for response action costs incurred by the MassDEP in performing these actions. If you are a RP and you fail to perform necessary response actions at the site, you may be held liable for up to three (3) times all response action costs incurred by the MassDEP and sanctions may be imposed on you for failure to perform response actions required by the MCP.

Response action costs include, without limitation, the cost of direct hours spent by MassDEP employees arranging for response actions or overseeing work performed by persons other than the MassDEP or its contractors, expenses incurred by the MassDEP in support of those direct hours, and payments to the MassDEP's contractors (for more detail on cost liability, *see* 310 CMR 40.1200: Cost Recovery). The MassDEP may also assess interest on costs incurred at the rate of twelve percent (12%), compounded annually.

Any liability to the Commonwealth under Chapter 21E constitutes a debt to the Commonwealth. To secure payment of this debt, the MassDEP may place liens on all of your property in the Commonwealth under M.G.L. c. 21E, Section 13. To recover this debt, the Commonwealth may foreclose on these liens or the Attorney General may bring legal action against you.

In addition to your potential liability for response action costs and damages to natural resources caused by the release, civil and criminal liability may also be imposed by a court of competent jurisdiction under M.G.L. c. 21E, Section

11, and civil administrative penalties may be assessed by the MassDEP under M.G.L. c. 21A, Section 16, for each violation of Chapter 21E, the MCP or any order, permit or approval issued there under.

If you are an RP and you have reason to believe that your performance of the necessary response actions is beyond your technical, financial or legal ability, you should promptly notify the MassDEP in writing of your inability in accordance with Chapter 21E, Subsection 5(e), and 310 CMR 40.0172. If you assert and demonstrate in compliance therewith that performing or paying for such response action is beyond your ability, Subsection 5(e) provides you with a limited defense to an action by the Commonwealth for recovery of two to three times the MassDEP's response action costs and 310 CMR 40.0172 provides you with a limited defense to the MassDEP's assessment of civil administrative penalties.

### **THIRD PARTY LIABILITY**

You should be aware that you might have claims against third parties for damages, including claims for contribution or reimbursement for the costs of cleanup. Such claims do not exist indefinitely but are governed by laws that establish the time allowed for bringing litigation. The MassDEP encourages you to take any action necessary to protect any such claims you may have against third parties.

In addition, per M.G.L. c.21E (6) and 40.0101, MassDEP requires that you investigate the cause of this incident and **take necessary actions where possible to prevent a recurrence and/or mitigate the extent of future releases.** Such requirements may include, without limitation, but without duplication of requirements prescribed in other programs of the Department, the preparation of contingency plans, the acquisition, construction, maintenance and operation of equipment, facilities and resources for the monitoring, prevention and control of releases, and the staffing and training of personnel regarding the prevention and control of releases of oil or hazardous material.

No disposal site will be deemed to have had all the necessary and required response actions taken for it unless and until all substantial hazards presented by the release/threat of release have been eliminated and a level of no significant risk exists or has been achieved in compliance with M.G.L. c. 21E and the MCP.

### **FINANCIAL INABILITY TO PERFORM RESPONSE ACTIONS**

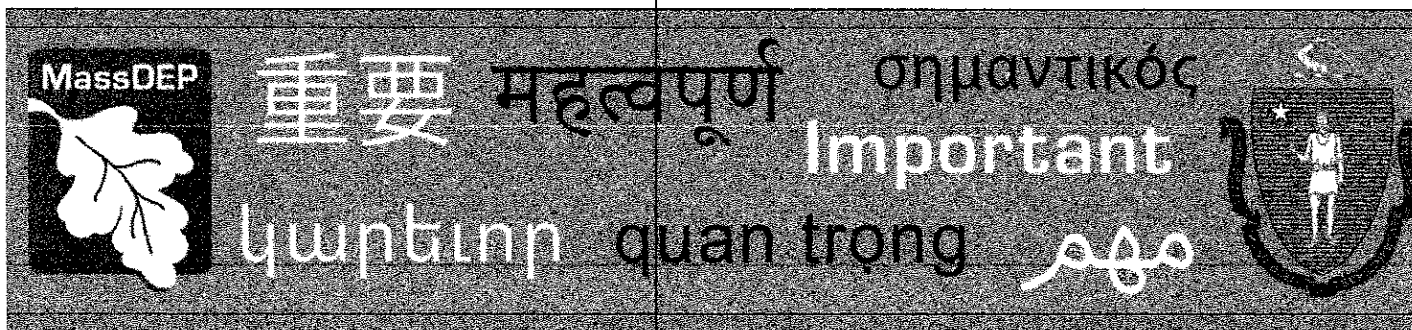
If you are unable to perform the Response Action(s) because you have reason to believe that performing the Response Actions are beyond your financial ability, you should so inform the Department in writing, in accordance with the requirements of 310 CMR 40.0172 (1), (3) and (4). The Department has Guidance available for assisting you in applying for a Department Determination of Financial Inability to Perform Response Actions. Please call (617) 874-6325 to obtain the necessary information.

Please be advised that, should the Department determine the Response Actions are beyond your financial ability, such determination does not constitute an express or implied release from liability under c. 21E, nor does it extinguish any obligation you may have to take or arrange for the Response Actions necessary to achieve a permanent solution at the above referenced site.

### **MASSDEP FEES AND DEADLINES**

**A fee of \$1,470.00 is assessed if a Permanent Solution is filed 120 days after release notification, but before Tier Classification.** Therefore, if all remediation work has been completed, you are encouraged to have the **Permanent Solution** submitted promptly to avoid the fee.

The MassDEP encourages parties having liability under M.G.L. c. 21E to take prompt action in response to releases and threats of release of oil and hazardous materials. By taking prompt action, liable parties may significantly lower cleanup costs and avoid the imposition of, or reduce the amount of, certain annual compliance assurance fees payable under 310 CMR 4.00 (e.g., no annual compliance assurance fee is due for Permanent Solution Statements submitted to the MassDEP within 120 days of the initial date of release notification).



## Communication for Non-English-Speaking Parties

*This document is important and should be translated immediately.*

If you need this document translated, please contact MassDEP's Director of Environmental Justice at the telephone number listed below.

### Español Spanish

Este documento es importante y debe ser traducido inmediatamente. Si necesita traducir este documento, póngase en contacto con el Director de Justicia Ambiental de MassDEP (*MassDEP's Director of Environmental Justice*) en el número de teléfono que figura más abajo.

### Português Portuguese

Este documento é importante e deve ser traduzido imediatamente. Se você precisar traduzir este documento, entre em contato com o Diretor de Justiça Ambiental do MassDEP no número de telefone listado abaixo.

### 繁體中文 Chinese Traditional

本文檔很重要，需要即刻進行翻譯。  
如需對本文檔進行翻譯，請透過如下列示電話號碼與 MassDEP 的環境司法總監聯絡。

### 简体中文 Chinese Simplified

这份文件非常重要，需要立即翻译。  
如果您需要翻译这份文件，请通过下方电话与 MassDEP 环境司法主任联系。

### Ayisyen Kreyòl Haitian Creole

Dokiman sa a enpòtan epi yo ta dwe tradui l imedyatman. Si w bezwen tradui dokiman sa a, tanpri kontakte Direktè. Jistis Anviwònmanal MassDEP a nan nimewo telefòn ki endike anba a.

### Việt Vietnamese

Tài liệu này và quan trọng và phải được dịch ngay. Nếu quý vị cần bản dịch của tài liệu này, vui lòng liên hệ với Giám Đốc Phòng Công Lý Môi Trường của MassDEP theo số điện thoại được liệt kê bên dưới.

### ប្រទេសកម្ពុជា Khmer/Cambodian

ឯកសារនេះមានសារៈសំខាន់  
ហើយគួរត្រូវបានបកប្រែភ្លាមៗ។  
ប្រសិនបើអ្នកត្រូវការអោយឯកសារនេះបកប្រែ  
សូមទាក់ទងនាយកផ្នែកយុត្តិធម៌បរិស្ថានរបស់  
MassDEPតាមរយៈលេខទូរស័ព្ទដែលបានរាយដូចខាងក្រោម។

### Kriolu Kabuverdianu Cape Verdean

Es dokumentu sta important i tenki ser tradusidu imediatamenti. Se nho ta presisa ke es dokumentu sta tradisidu, por favor kontata O Diretor di Justisia di Environman di DEP ku es numero di telefoni menxionadu di baixo.

Contact Deneen Simpson 857-406-0738

Massachusetts Department of Environmental Protection

100 Cambridge Street 9<sup>th</sup> Floor Boston, MA 02114

TTY# MassRelay Service 1-800-439-2370 • <https://www.mass.gov/environmental-justice>

(Version revised 8.2.2023) 310 CMR 1.03(5)(a)

## Русский Russian

Это чрезвычайно важный документ, и он должен быть немедленно переведен. Если вам нужен перевод этого документа, обратитесь к директору Департамента экологического правосудия MassDEP (MassDEP's Director of Environmental Justice) по телефону, указанному ниже.

## العربية Arabic

هذه الوثيقة مهمة وتجب ترجمتها على الفور.

إذا كنت بحاجة إلى ترجمة هذه الوثيقة، فيرجى الاتصال بمدير العدالة البيئية في MassDEP على رقم الهاتف المذكور أدناه.

## 한국어 Korean

이 문서는 중대하므로 즉시 번역되어야 합니다. 본 문서 번역이 필요하신 경우, 매사추세츠 환경보호부의 "환경정의" 담당자 분께 문의하십시오. 전화번호는 아래와 같습니다.

## հայերեն Armenian

Այս փաստաթուղթը կարևոր է, և պետք է անհապաղ թարգմանել այն:  
Եթե Ձեզ անհրաժեշտ է թարգմանել այս փաստաթուղթը, դիմեք Մասաչուսեթսի շրջակա միջավայրի պահպանության նախարարության (MassDEP) Բնապահպանական հարցերով արդարադատության ղեկավարին (Director of Environmental Justice)՝ ստորև նշված հեռախոսահամարով

## فارسی Farsi Persian

این نوشتار بسیار مهمی است و باید فوراً ترجمه شود.  
اگر نیاز به ترجمه این نوشتار دارید لطفاً با مدیر عدالت محیط زیستی MassDEP در شماره تلفن ذکر شده زیر تماس بگیرید.

## Français French

Ce document est important et doit être traduit immédiatement. Si vous avez besoin d'une traduction de ce document, veuillez contacter le directeur de la justice environnementale du MassDEP au numéro de téléphone indiqué ci-dessous.

## Deutsch German

Dieses Dokument ist wichtig und muss sofort übersetzt werden. Wenn Sie eine Übersetzung dieses Dokuments benötigen, wenden Sie sich bitte an MassDEP's Director of Environmental Justice (*Direktor für Umweltgerechtigkeit in Massachusetts*) unter der unten angegebenen Telefonnummer.

## Ελληνική Greek

Το έγγραφο αυτό είναι πολύ σημαντικό και πρέπει να μεταφραστεί αμέσως. Αν χρειάζεστε μετάφραση του εγγράφου αυτού, παρακαλώ επικοινωνήστε με τον Διευθυντή του Τμήματος Περιβαλλοντικής Δικαιοσύνης της Μασαχουσέτης στον αριθμό τηλεφώνου που αναγράφεται παρακάτω

## Italiano Italian

Questo documento è importante e deve essere tradotto immediatamente. Se hai bisogno di tradurre questo documento, contatta il Direttore della Giustizia Ambientale di MassDEP al numero di telefono sotto indicato.

## Język Polski Polish

Ten dokument jest ważny i powinien zostać niezwłocznie przetłumaczony. Jeśli potrzebne jest tłumaczenie tego dokumentu, należy skontaktować się z dyrektorem ds. sprawiedliwości środowiskowej MassDEP pod numerem telefonu podanym poniżej.

## हिन्दी Hindi

यह दस्तावेज महत्वपूर्ण है और इसका अनुवाद तुरंत किया जाना चाहिए। यदि आपको इस दस्तावेज का अनुवाद कराने की जरूरत है, तो कृपया नीचे दिए गए टेलीफोन नंबर पर MassDEP के पर्यावरणीय न्याय निदेशक से संपर्क करें।

Contact Deneen Simpson 857-406-0738

Massachusetts Department of Environmental Protection

100 Cambridge Street 9<sup>th</sup> Floor Boston, MA 02114

TTY# MassRelay Service 1-800-439-2370 • <https://www.mass.gov/environmental-justice>

(Version revised 8.2.2023) 310 CMR 1.03(5)(a)



# Please Be Aware of MassDEP Fees

Unless response actions at this site are completed within one year of the release notification date, you will be billed an Annual Compliance Assurance Fee by MassDEP for each year thereafter up to and including the year in which a Permanent Solution is achieved and filed for this disposal site. Annual Compliance Assurance Fees cover a portion of MassDEP's costs for ensuring compliance of response actions with the Massachusetts Contingency Plan. Annual Compliance Assurance Fees are issued pursuant to M.G.L. chapter 21E Section 3B and 310 CMR 4.00, the *Timely Action Schedule and Fee Provisions*. Fee categories and rates are summarized on the reverse side. Fees invoiced by MassDEP are considered a debt to the Commonwealth. Unpaid fee invoices are typically referred for collection action. Contact your Licensed Site Professional to discuss what is necessary to *complete the response actions required for this site as quickly as possible*. For more information on the Annual Compliance Assurance Fees that apply in your case, see <http://www.mass.gov/eea/agencies/massdep/cleanup/grants/waste-site-cleanup-fees.html> or contact your Licensed Site Professional or the MassDEP Fee inquiry line at (617) 292-5545.

***A thorough & timely cleanup will result in fewer MassDEP Fees.***

OVER →

## SUMMARY OF MassDEP ANNUAL COMPLIANCE ASSURANCE FEES

Type	Fee Category	Timing of Submittal (for One-Time fees)			Fee Rate	
		Within 120 days of Initial notification	After 120 days and prior to Tier Classification	After Tier Classification	Non-Homeowner	Homeowner <sup>1</sup>
One-Time Fees <sup>1</sup>	Permanent Solution	--	Permanent Solution Fee	See Note <sup>4</sup>	\$1,470	\$735
	RAM Plan	RAM Fee	RAM Fee	--	\$980	\$490
	DPS	DPS Fee	DPS Fee	--	\$1,965	\$1,965
	Notice of AUL	AUL Fee	AUL Fee	AUL Fee <sup>5</sup>	\$2,000	\$1,000
Regular Annual Fees <sup>2</sup>	Tier ID				\$4,915	\$2,455
	Tier I				\$4,320	\$1,225
	Tier II				\$2,455	\$1,225
	Temporary Solution				\$980	\$490
	Phase V				\$980	\$490

Notes: 1. One-Time Fees must be paid when submittal is made.

2. Regular Annual Fees are billed by MassDEP after Tier Classification; Fee Category is based on Status of site on each Annual Status Date.

3. Completed Homeowner Certification Form BWSC120 is required to qualify for lower Homeowner fee rates.

4. One-Time Permanent Solution Fee also applies if site is Tier ID and submittal is made within first 90 days after initial Status Date.

5. One-Time AUL Fee is applicable for a Notice of AUL filed prior to or concurrent with a Permanent Solution.

BWSC 12-5-2015

160 Peter Salem Road  
Emergency Certification



Commonwealth of Massachusetts  
City/Town of  
**Application for Disposal System  
Construction Permit**  
Form 1A

Number \_\_\_\_\_

\$ \_\_\_\_\_  
Fee

DEP has provided this form for use by local Boards of Health if they choose to do so. Before using the form, check with your local Board of Health to make sure that they will accept it.

**A. Facility Information**

**Important:**

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



Application is hereby made for a permit to: ☐ Construct a new on-site sewage disposal system  
☒ Repair or replace an existing on-site sewage disposal system  
☐ Repair or replace an existing system component

1. Location of Facility:

160 PETER SULEM

Address or Lot #

Leicester

City/Town

MA

State

01524

Zip Code

2. Owner Information

Robert Jones

Name

Address (if different from above)

City/Town

State

Zip Code

Telephone Number

3. Installer Information

Paul Morris

Name

Name of Company

50 Peter Sulem

Address

Leicester

City/Town

MA

State

01524

Zip Code

774 696 0905

Telephone Number

4. Designer Information

Name

Name of Company

Address

City/Town

State

Zip Code

Telephone Number



Commonwealth of Massachusetts  
City/Town of  
**Application for Disposal System  
Construction Permit**  
Form 1A

Number \_\_\_\_\_

\$ \_\_\_\_\_  
Fee

**A. Facility Information** (continued)

5. Type of Building:

☒ Dwelling

☐ Garbage Grinder (check if present)

Other: Type of Building \_\_\_\_\_

Number of Persons Served \_\_\_\_\_

☐ Showers

Number of showers \_\_\_\_\_

☐ Cafeteria

☐ Other fixtures

Specify other fixtures: \_\_\_\_\_

6. Design Flow:

Gallons per Day \_\_\_\_\_

Calculated Daily Flow:

Gallons \_\_\_\_\_

7. Plan:

Date of Original \_\_\_\_\_

Number of Sheets \_\_\_\_\_

Revision Date \_\_\_\_\_

Title of Plan \_\_\_\_\_

8. Description of Soil:

Replace Presby System in Same Foot Print  
using old plan

9. Nature of Repairs or Alterations (if applicable):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Date last inspected:

\_\_\_\_\_ Date





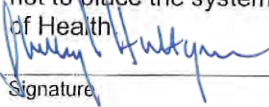
Commonwealth of Massachusetts  
City/Town of  
**Application for Disposal System  
Construction Permit**  
Form 1A

Number \_\_\_\_\_

\$ \_\_\_\_\_  
Fee

**B. Agreement**

The undersigned agrees to ensure the construction and maintenance of the aforescribed on-site sewage disposal system in accordance with the provisions of Title 5 of the Environmental Code and not to place the system in operation until a Certificate of Compliance has been issued by this Board of Health

  
Signature

12/5/2023

Date

Application Approved By:

SHELLEY E. HULTGREN - AGENT

12/5/2023

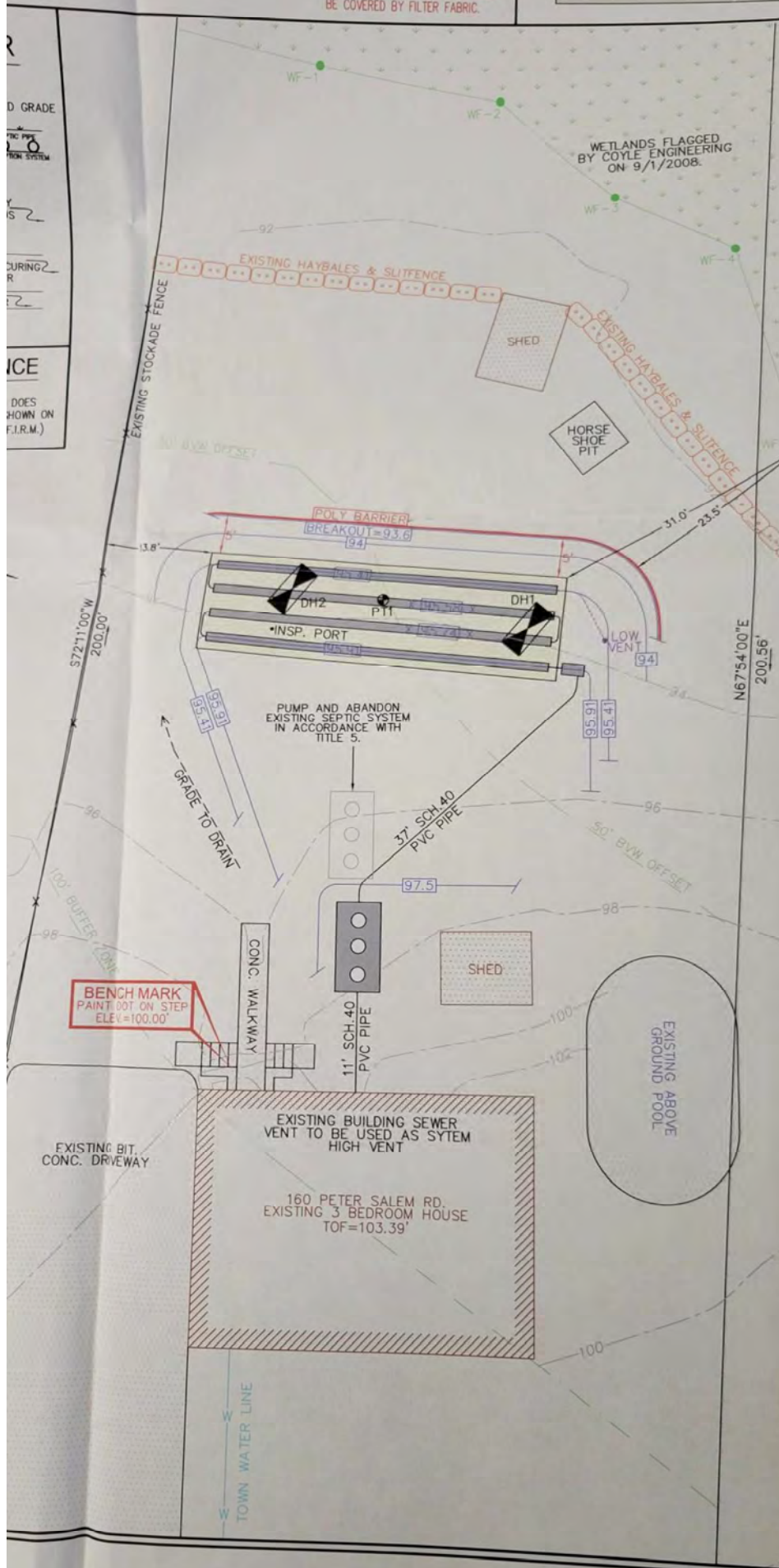
Name

Date

Application **Disapproved** for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NOTE:  
-ALL COUPLINGS AND JOINTS MUST  
BE COVERED BY FILTER FABRIC.





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Emergency Certification Form**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

## A. Emergency Information

**Important:**

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



Issuance From: \_\_\_\_\_

Issuing Authority

1. Site Location: \_\_\_\_\_

2. Reason for Emergency: \_\_\_\_\_

3. Applicant to perform work: \_\_\_\_\_

4. Public agency to perform work or public agency ordering the work to be performed: \_\_\_\_\_

5. Date of Site Visit: \_\_\_\_\_

Start Date: \_\_\_\_\_

End Date\*: \_\_\_\_\_

\* no later than 30 days from start date or 60 days in the case of an Immediate Response Action approved by DEP to address an oil/hazardous material release.

6. Work to be allowed\*: \_\_\_\_\_

\* May not include work beyond that necessary to abate the emergency.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Emergency Certification Form**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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## B. Signatures

Certified to be an Emergency by this Issuing Authority.

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

**A copy of this form must be provided to the appropriate DEP Regional Office.**

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## C. General Conditions

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 Emergency Certification or subject to enforcement action.
2. This Emergency Certification does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of property rights.
3. This Emergency Certification does not relieve the applicant or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. Any work conducted beyond that described above, and any work conducted beyond that necessary to abate the emergency, shall require the filing of a Notice of Intent.
5. 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 Emergency Certification at reasonable hours to evaluate compliance with this Certification, and may require the submittal of any data deemed necessary by the Conservation Commission or the Department for that evaluation.
6. This Emergency Certification shall apply to any contractor or any other person performing work authorized under this Certification.
7. No work may be authorized beyond 30 days from the date of this certification without written approval of the Department.





**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

**WPA Emergency Certification Form**

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

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**D. Special Conditions**

A site visit will be conducted upon project completion. Applicant may be required to submit an after the fact RDA or NOI. Applicant will be required to submit an as-built plan stamped by a civil engineer.

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**E. Appeals**

The Department may, on its own motion or at the request of any person, review: an emergency certification issued by a conservation commission and any work permitted thereunder; a denial by a conservation commission of a request for emergency certification; or the failure by a conservation commission to act within 24 hours of a request for emergency certification. Such review shall not operate to stay the work permitted by the emergency certification unless the Department specifically so orders. The Department's review shall be conducted within seven days of: issuance by a conservation commission of the emergency certification; denial by a conservation commission of the emergency certification; or failure by a conservation commission to act within 24 hours of a request for emergency certification. If certification was improperly granted, or the work allowed thereunder is excessive or not required to protect the health and safety of citizens of the Commonwealth, the Department may revoke the emergency certification, condition the work permitted thereunder, or take such other action as it deems appropriate.

# Hazard Mitigation Plan

## Public Outreach

# 1. Introduction

## 1.1. Hazard Mitigation and Resiliency

Hazard Mitigation is a sustained action taken to permanently reduce or eliminate long-term risk to people and their property from the effect of natural, technological, or human-caused hazards. Mitigation actions help safeguard people and public safety and can significantly reduce the impact of future disasters.

Resilience is the capacity of individuals, communities, businesses, institutions, and governments to adapt to changing conditions and prepare for, withstand, and rapidly recover from disruptions to everyday life, such as hazard events.

The Disaster Mitigation Act (DMA) 2000 (Public Law 106-390) provides the legal basis for FEMA mitigation planning requirements for State, Local and Tribal governments as a condition of mitigation grant assistance. DMA 2000 amended the Robert T. Stafford Disaster Relief and Emergency Assistance Act by repealing the previous mitigation planning provisions and replacing them with a new set of requirements that emphasize the need for State, Local, and Tribal entities to closely coordinate mitigation planning and implementation efforts.

ResilientMass is the state's initiative to build capacity for climate change adaptation and resiliency. The 2023 Massachusetts State Hazard Mitigation and Climate Adaptation Plan identifies strategies and specific, measurable actions state agencies will take to address risks to the human health and safety, communities, critical assets and infrastructure, natural resources, governance, and economy of the Commonwealth. The Municipal Vulnerability Preparedness (MVP) Program supports communities in Massachusetts to identify climate hazards, assess vulnerabilities, and develop action plans to improve resilience to climate change.

Pre-disaster planning and investment in preventative measures can significantly reduce the cost of tomorrow's post-disaster recovery and help post-disaster operations become more efficient. By planning ahead, Leicester minimizes the economic and social disruption that results from natural hazards including floods, severe weather Nor'easters and hurricanes which can result in the destruction of property, loss or interruption of jobs, loss of business and loss of life.

Mitigation strategies include a mix of physical initiatives to limit the impacts of natural hazards, such as rebuilding culverts and XXXXXXX, as well as regulatory/planning initiatives such as revised zoning ordinances and maintaining land use regulations.

The purpose of this plan is to identify actions and policies for the Town of Leicester to minimize the social and economic loss and hardships resulting from natural hazards. These hardships include the loss of life, destruction of property, damage to crucial infrastructure and critical facilities, loss/interruption of jobs, loss/damage to businesses, and loss/damage to significant historical structures.

Formal adoption and implementation of this document will allow Leicester to continue to participate in the NFIP Regulations pertaining to FEMA's flood mitigation grants and local hazard mitigation plans are provided in the Code of Federal Regulations (CFR), Title 44, Part 201.

Adoption of this Hazard Mitigation Plan will also protect Leicester's eligibility for federal grants available through FEMA's Hazard Mitigation Assistance Programs, including the Hazard Mitigation Grant Program (HMGP), Flood Mitigation Assistance (FMA), and Pre-Disaster Mitigation (PDM).

FEMA's Pre-Disaster Flood Mitigation Assistance Program makes grants available for communities to implement flood mitigation planning and activities such as acquisition, relocation, and retrofitting of structures. This program is only available for communities having a pre-existing approved hazard mitigation plan.

FEMA's Post-Disaster Hazard Mitigation Grant Program is only available for communities after a federally declared disaster. An approved mitigation plan expedites the application process for pre- and post-federal mitigation funding, as well as assist in ensuring a funded project is eligible and technically feasible.

## 1.2. Purpose of the Plan

# 2. Planning Process

## 2.1. Stakeholders

## 2.2. Public Participation

# 3. Planning Area Profile

The Town of Leicester, Massachusetts was incorporated in 1713. Leicester is bisected by Route 9 and Route 56 and is the first community west of the City of Worcester. Leicester is largely a bedroom community. The Town includes four (4) distinct villages, Leicester Center, Cherry Valley, Rochdale, and Greenville (which is now officially part of Rochdale).

Leicester is bordered by Paxton to the north, Worcester to the east, Auburn, Oxford, and Charlton to the south and Spencer to the west. Leicester lies within three watersheds, Quinebaug, Blackstone, and Chicopee.

Leicester has a total area of 24.53 square miles and a population of 11,033 (2022 U.S. Census estimate). Of Leicester's approximately 15,700 acres, only 12% had been developed as of 2017. Forests, wetlands, and water account for 76% of Leicester's total area, while 10% is open land consisting of agricultural areas, bare soil, barren land, and low vegetation (Mass Audubon, 2020).

## 3.1. Population

Total population has remained stable for the past several decades, having changed by less than 5% since 2000. Leicester is an aging community, with 29.8% of the population between the ages of 40-59 years and 24.7% over 60 years. The number of housing units in Leicester as of the 2020 census is 4,193. The number of units increased by 11.5% in the period between 2001-2010 but has seen a minor decline of

less than 2% between 2011-2020. According to the Central Massachusetts Regional Planning Commission's (CMRPC) Long Range Transportation Plan, Mobility 2040, the Town of Leicester is expected to experience minimal population growth, compared to the region, over the next 25 years.

There are two (2) Environmental Justice block groups (Minority) that compose much of the eastern portion of Leicester from Route 56 to the Worcester and Auburn lines (FIGURE). Leicester is in the lower 20% of Massachusetts municipalities for income. At \$83,015, median household annual income is slightly above the state (\$xxxxx) and Worcester County (\$xxxxx) medians. The median single family home value in fiscal year 2024 is \$360,819 with 94% of homes occupied and 85% owner-occupied.

Leicester is also part of the Blackstone River Valley National Heritage Corridor. The Corridor, an affiliated area of the National Park Service, was established by Congress in 1986 to tell the story of the American Industrial Revolution, promote the environmental recovery of the Blackstone River, and encourage the preservation of historic resources in the Corridor. The Corridor is currently managed by the Blackstone River Valley National Heritage Corridor, Inc. (Blackstone Heritage Corridor), a non-profit.

School demographics

### 3.2. Structures (Land Use and Development)

Leicester has relatively large minimum lot sizes, relatively small maximum lot coverages in any zone, and no areas where multifamily housing is allowed by right.

Additionally, Leicester's residential construction may be constrained by the availability of water and sewage infrastructure. New houses need access to water and waste disposal, but there are large areas of Leicester without public water or sewage access. Private wells and septic tanks require relatively large lots to accommodate these systems.

### 3.3. Natural Resources

From the late nineteenth to the mid-twentieth century, Worcester began acquiring the waterways in Leicester to establish a reservoir system for its growing population

#### 3.3.1. Rivers and Streams

Glaciers scraped across Leicester's landscape and left behind a series of north-south oriented drumlins that rise 50 to 150 feet. Dendritically shaped drainage patterns form three distinct river basins. Most of the drumlins are excessively drained, while most of the valley floors are poorly drained. These soil characteristics create a risk of water contamination from non-point sources, affecting above- and below-ground drinking water supplies.

The topography of Leicester divides the landscape into three watersheds, each with numerous streams and ponds. The town's glaciated terrain serves as the headwaters of the Blackstone, French, and Chicopee Rivers. Groundwater aquifers are the source of headwater streams

### 3.3.2. Conservation Lands

### 3.3.3. Open Space

## 3.4. Critical Facilities and Infrastructure

The term “critical facilities” is often used to describe structures necessary for a community to respond and recover in emergency situations. These facilities often include emergency response facilities (fire stations, police stations, emergency operation centers, health care facilities, schools, emergency shelters, utilities (water supply, wastewater treatment facilities, and power), communications facilities, and any other assets determined by the community to be of critical importance for the protection of the health and safety of the population. The adverse effects of damaged critical facilities can extend far beyond direct physical damage. Disruption of health care, fire, and police services can impair search and rescue, emergency medical care, and even access to damaged areas.

The number and nature of critical facilities in a community can differ greatly from one jurisdiction to another, and usually includes both public and private facilities. Each community needs to determine the relative importance of the publicly and privately owned facilities that deliver vital services, provide important functions, and protect special populations.

### 3.4.1. Stormwater

### 3.4.2. Water

Three existing water districts service different portions of Leicester: the Cherry Valley and Rochdale Water District (CVRWD), the Hillcrest Water District (HWD), and the Leicester Water Supply District (LWSD). Each of these districts is subscriber owned, separately administered and operates its own facilities for water service. However, the Hillcrest Water District supplements its water supply with water from the Leicester Water Supply District.

Existing water lines serve most properties in Leicester's eastern, central, and southern sections along Route 9 and Route 56 south of Leicester Center. While water lines serve these relatively densely settled areas, most vacant developable land in Leicester has no water service. Private wells serve most residential developments constructed during the last few decades.

### 3.4.3. Sewer

There are four sewer districts operating within designated service areas in Leicester including the Cherry Valley Sewer District (CVSD); the sewer district operated by the LWSD; the Hillcrest Sewer District and the Oxford-Rochdale Sewer District (ORSF).

#### 3.4.4. Utilities

#### 3.4.5. Critical Facilities

#### 3.4.6. Transportation Infrastructure

The principal highways through Leicester are Massachusetts Route 9, which runs east-west through the state, and Massachusetts Route 56, running north-south. The Massachusetts Turnpike (Interstate 90) passes near the town's southern boundary and is easily accessible from Route 56 through Auburn. The Worcester Regional Transit Authority serves Leicester with regular daily bus service along Route 9, providing access to Union Station in Worcester to the east and Spencer and the Brookfields to the west.

Public transit and pedestrian access are essential resources for low-income members of a community. Since publishing its 2009 Master Plan, Leicester commissioned a Complete Streets Prioritization Plan, which recommended pedestrian and cycling infrastructure improvements at specific locations in town. This study found that many of the suburban or rural roads in town are suitable for cycling given their width and low traffic volumes. However, several especially narrow and winding roads in town were rated as less safe given their limited sight lines and lack of shoulder (Howard Stein Hudson, 2018). The Leicester Complete Streets Prioritization Plan (2018) also confirmed that the sidewalk network is disjointed, in poor condition, or challenging to navigate with wheelchairs or strollers in many areas. In 2019, Leicester was awarded a Complete Streets Grant to improve sidewalk conditions and install a shared-use path around the Town Common.

#### 3.4.7. Dams

According to the Massachusetts Office of Dam Safety, there are 25 dams in Leicester, of which 16 are under government or quasi-government ownership and 9 are privately owned.

Dam Ownership	Quantity
Town of Leicester	2
Town of Spencer	2
City of Worcester	5
State of Massachusetts	1
Water Districts	3
Watershed Districts	2
Land Trust	1
Private	9

The Massachusetts Office of Dam Safety develops criteria for classifying dams for the purpose of establishing inspection schedules and adherence to design criteria in accordance with their potential for causing damage to life or property in the downstream area in the event of failure. The Hazard Potential Classifications are shown in the table below.

High Hazard Potential (Class I)	Dams located where failure will likely cause loss of life and serious damage to home(s), industrial
---------------------------------	---

	or commercial facilities, important public utilities, main highway(s) or railroad(s).
Significant Hazard Potential (Class II)	Dams located where failure may cause loss of life and damage to home(s), industrial or commercial facilities, secondary highway(s) or railroad(s) or cause interruption of use or service of relatively important facilities.
Low Hazard Potential (Class III)	Dams located where failure may cause minimal property damage to others. Loss of life is not expected.

Hazard and 6 are Significant Hazard. One of the Dams rated as a Significant Hazard actually meets the standard of High Hazard. The table below shows the number of dams in each category of ownership.

Owner	Dam Name	Hazard Rating	Condition
Town of Leicester	Greenville Pond Dam	High Hazard	Fair
City of Worcester	Kettle Brook Reservoir #1 Dam	High Hazard	Satisfactory
City of Worcester	Kettle Brook Reservoir #2 Dam	High Hazard	Satisfactory
City of Worcester	Kettle Brook Reservoir #3 Dam	High Hazard	Satisfactory
City of Worcester	Lynde Brook Reservoir Dam	High Hazard	Satisfactory
City of Worcester	Lynde Brook Reservoir Dike	High Hazard	Fair
Private	Rochdale Pond Dam	High Hazard	Fair
Private	Smiths Pond Dam	High Hazard	Unk
Stiles Lake Water District	Stiles Reservoir Dam	High Hazard	Satisfactory
Private	Brick City Mill Pond Dam	Significant Hazard	Unsatisfactory
Burncoat Pond Watershed District	Burncoat Pond Dam	Significant Hazard	Fair
Cedar Meadow Lake Watershed District	Cedar Meadow Lake Dam	Significant Hazard	Fair
Private	Health Camp Dam	Significant Hazard	Unsatisfactory
Private	Sargent Pond Dam	Significant Hazard	Satisfactory
Town of Leicester	Waite Pond Dam	Significant Hazard	Poor
Town of Spencer	Shaw Pond Dam	Low Hazard	
Greater Worcester Land Trust	Southwick Deep Pond Dam	Low Hazard	
Private	Southwick Upper Pond Dam	Low Hazard	

### 3.5. Economy

### 3.6. Historic and Cultural Resources

### 3.7. Historic Events in Leicester and the Surrounding Area

## 4. Risk Assessment

The risk assessment process is used to determine potential impacts of the identified hazards on the people, economy, property, and the environment. Identifying the risk and vulnerability of Leicester to natural hazards is the primary factor in determining how to allocate finite resources to determine what



mitigation actions are feasible and appropriate. The hazard analysis involves identifying the hazards that potentially threaten the town, and then analyzing them individually to determine the degree of threat that is posed by each natural hazard. Addressing risk and vulnerability through hazard mitigation measures will reduce societal, economic and environmental exposure to natural hazards impacts.

#### 4.1. Hazard Identification

A hazard is defined as “an event or physical condition that has the potential to cause fatalities, injuries, property and infrastructure damage, agricultural loss, damage to the environment, interruption of business, or other types of harm or loss.” A natural hazard can also be exacerbated by societal behavior and practice, such as building in a floodplain, or an earthquake fault. Natural disasters are inevitable, but the impacts of natural hazards can, at a minimum, be mitigated or, in some instances, prevented entirely.






In completing the updated hazard identification process, the HMPC considered the results of the Town’s Municipal Vulnerability Preparedness (MVP) planning effort (2018), as well as the 2023 State Hazard Mitigation and Climate Adaptation Plan (SHMCAP), and the 2022 State Climate Change Assessment. As a result of this process all hazards from the 2018 Leicester HMP remain in this updated risk assessment. For this updated assessment, some hazards have been consolidated or renamed to be consistent with the SHMCAP, as seen in the table below.

2018 Leicester HMP	2024 Leicester HMRP
• Dam Failure	• Average/Extreme Temperatures
• Drought	• Changes in Groundwater
• Earthquakes	• Drought
• Extreme Temperatures	• Earthquakes
• Flooding	• Flooding from Precipitation
• Hurricanes	• Dam Overtopping
• Severe Snowstorms/Ice Storms/Nor’easter	• Hurricanes/Tropical Cyclones
• Severe Thunderstorms/Tornadoes/Wind	• Invasive Species
• Wildfire/Brushfire	• Landslides/Mudflows
• Other hazards	• Other Severe Weather
	• Severe Winter Storms
	• Tornados
	• Wildfires

The Town of Leicester identified hazards, assessed the degree of vulnerability to the hazards throughout the town, examined the possible impacts of the hazards and assessed future risk. Leicester has mapped the hazard risks within the town. The map identifies critical facilities (such as emergency shelters and emergency response facilities) and the potential hazard risks in Town. The potential hazard risk data presents land uses, flood zones, public infrastructure, and social and economic risk areas.

## 4.2. Exposure and Vulnerability Sectors

The Risk Assessment process includes an analysis of the exposure and vulnerability of the community's assets, citizens, lifelines, critical facilities, economic activity, natural resources, and other areas or items that may be impacted.

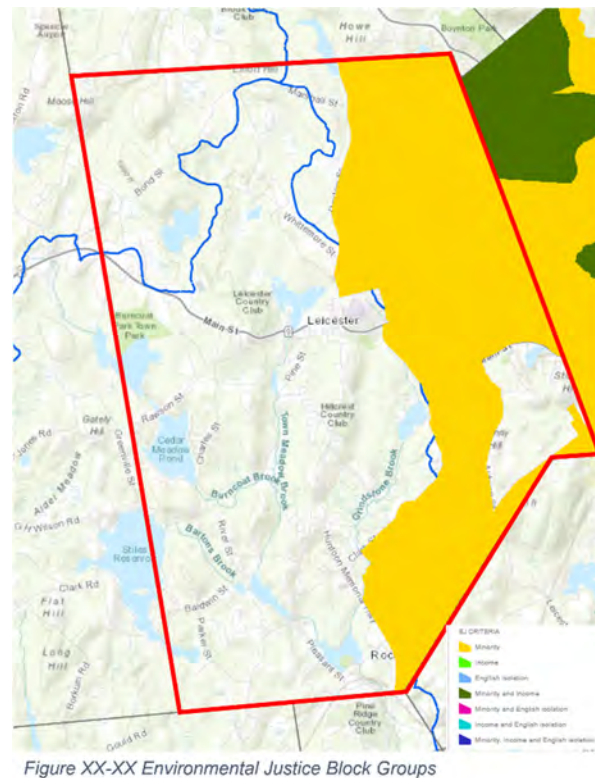
	<p><b>Human sector</b></p> <p>Impacts to people's health, welfare, and safety. Includes mortality, injury, and mental health impacts. This sector also identifies the characteristics that make populations more vulnerable to hazard exposure. To inform this sector, Leicester used data from the U.S. Census, the MA environmental justice data mapping tool, and population projections, among other sources.</p>
	<p><b>Governance sector</b></p> <p>Impacts to municipal owned buildings, government finances, and the ability of the government to run effectively and achieve its mission and functions and provide services to its service populations. Includes damage to state- or municipality-owned buildings, reductions in tax revenue, expenses for maintenance of state- or municipality-owned transportation infrastructure and impacts to government workers.</p>
	<p><b>Infrastructure sector</b></p> <p>Impacts to buildings and transportation assets and services, and to utilities infrastructure involved in providing power, communications, wastewater, stormwater, and potable water. This sector includes an assessment of community lifelines and critical assets, which enable all other aspects of society to function. Critical facilities were identified as critical assets that enable all other aspects of society to function.</p>
	<p><b>Natural environment sector</b></p> <p>Impacts to ecosystems, native species, ecosystem functions, recreation assets and open spaces, and natural resources, and how plants and animals can thrive there. Assesses vulnerabilities and consequences for critical resources and conserved lands. The Risk Assessment used geospatial data and tools such as BioMap, U.S. Geological Survey data, and others.</p>
	<p><b>Economy sector</b></p> <p>Impacts to people's ability to work and make a living, due to damage to buildings, infrastructure, industries, and the natural environment. Includes interruptions to workplace or regular economic activity; disruptions to specific sectors such as agriculture, fisheries, or tourism; and economic damages to individuals.</p>

Source: 2023 Massachusetts SHMPCAP

### 4.2.1. Human Sector

Leicester is a sparsely developed community with a population density of 476.6 people per square mile. Development has been concentrated in the central and southern portions of town along Route 9 and Route 56. Most recent construction is on frontage lots on established roads.

As noted in Section 3.1, there are two (2) Environmental Justice block groups (Minority) that compose much of the eastern portion of Leicester from Route 56 to the Worcester and Auburn lines (FIGURE). Priority populations are people or communities who are disproportionately affected by climate change due to life circumstances that systematically increase their exposure to climate hazards or make it harder to respond. In addition to factors that contribute to environmental justice status (i.e., income, race, and



language), other factors like physical ability, access to transportation, health, and age can indicate whether someone or their community will be disproportionately affected by climate change. In addition to the identified Environmental Tracts, the Town has reviewed census data to identify clusters or segments of other vulnerable populations including the elderly, mobility impaired, economically challenged, and reduced access to transportation.

According to the 2022 Massachusetts Climate Change Assessment Regional Reports, reduction in Food Safety and Security and Health and Cognitive Effects from Extreme Heat are the most urgent Human sector impacts in the Central region, with both projected to produce major magnitudes of consequence. The Assessment also addresses the negative effects of weather and climate change on mental health, including a broad range of impacts on overall wellbeing associated mostly with temperature stress.

#### 4.2.2. Governance Sector

According to the 2022 Massachusetts Climate Change Assessment Regional Reports, the most urgent Governance Sector impacts in the Central Region include increased cost in preparing for and responding to climate migration, increase demand for municipal government services including emergency response, food assistance, and state sponsored healthcare, and a reduction in state and municipal

revenues. With more significant impacts expected in urban areas, Leicester's proximity to Worcester may increase reliance on the Town's strained emergency medical assets.

The age of Leicester's core governance facilities increases the vulnerability of Town owned structures and other property from flooding, extreme heat, and extreme storms, including damage repair costs and service losses during closures.

#### 4.2.3. Infrastructure Sector

Leicester's infrastructure is susceptible to a variety of hazards because of age and a lack of maintenance. During the Community Resilience Building Workshop conducted during the 2017-2018 MVP process, infrastructure and environmental vulnerability to four hazards were identified. Storm events, such as Nor'easters, and associated wind, ice, and snow were identified as one of the Town's top hazards. Extreme precipitation and flooding, especially drainage-driven issues such as flooded roads, was identified as a second hazard. Wind and associated tree and infrastructure damage was identified as a third hazard. Impacts of extended drought, such as those seen during summer 2016 were identified as a fourth hazard. These four hazards have already had demonstrated impacts on the Town, and as climate change progresses, these hazards are expected to have ever greater consequences for infrastructure and the environment, as well as for various societal elements.

##### Bridges and Culverts

Other than local roads and stormwater, the Town relies on private utilities and subscriber owner water and sewer districts for critical services.

#### 4.2.4. Natural Environment Sector

Leicester has already seen the effects of a changing climate. Invasive species have taken over several bodies of water. According to the 2022 MCCA, Freshwater Ecosystem Degradation and Forest Health Degradation are both projected to have extreme magnitudes of consequence in the Central region. Climate change threatens freshwater ecosystems through increased nutrient loading and harmful algal bloom growth, increased contaminant concentrations during drought conditions, and shifting habitat regimes as air and water temperatures rise.

#### 4.2.5. Economy Sector

Leicester has a relatively small economic base. In 2023, there are approximately 182 businesses in Town. The most prominent industry sectors are construction/contractors (24%); health care and social assistance (12%); accommodation and food services (8%); and retail (8%). The Town is heavily reliant on residential property tax, with only 13% of the annual tax levy received from the commercial industrial sector. Climate change hazards can make it difficult for people to work because of dangerous conditions (i.e., extreme heat), transportation disruptions, and illness. Workers in the region in high-risk industries (those exposed to outdoor conditions) are projected to lose 31 hours per worker each year by 2050 and 128 hours per worker each year by 2090 (2022 MCCA).

### 4.3. Hazards

Each listed hazard has been defined based on previous occurrences and frequency, location, extent, speed of onset (warning time), secondary hazards, and impact of climate change.

### 4.4. Hazard Characterization

**Table X.X Hazard Characterization**

Category	Definition
Description	Description of hazard, its characteristics, and potential effects
Location	Describes geographic areas within Town that are affected by the hazard
Previous Occurrences	Provides information on the history of events, including their Impact on people and property
Extent	Describes the potential strength or magnitude of the hazard
Probability of Future Events	Describes the likelihood of future hazard occurrences
Vulnerability	Describes the potential impact on the community

The scales used for each category have been modified from those used in the 2018 Leicester HMP to align with the process used in the 2023 SHMPCAP.

#### 4.4.1. Location

The initial geographic reach of the hazard—that is, the locations where the hazard occurs. This ranges from multi-state to localized. The geographic reach of consequences of the hazard scale ranges from multi-state to localized, as defined in Table 5.1-6 above; it differs from the scale of impact in that it considers indirect consequences of the hazard.

Multi-state	Statewide	Regional	Localized
Impacts spanning several states or large regions of states	Effects on the entire state without significant overflow to other states	An area or division of the state with definable characteristics, such as counties with shared hazard-relevant conditions	A focused and limited area of impact

Hazard	Impact	Consequences
Average/Extreme Temperatures	Multi-state	Multi-state
Changes in Groundwater	Statewide	Localized
Drought	Multi-state	Statewide
Earthquakes	Multi-state	Multi-state

<b>Hazard</b>	<b>Impact</b>	<b>Consequences</b>
Flooding from Precipitation	Localized	Localized
Dam Overtopping	Localized	Localized
Hurricanes/Tropical Cyclones	Multi-state	Multi-state
Invasive Species	Multi-state	Multi-state
Landslides/Mudflows	Localized	Localized
Other Severe Weather	Localized	Localized
Severe Winter Storms	Multi-state	Regional
Tornados	Multi-state	Localized
Wildfires	Regional	Statewide

#### 4.4.2. Extent

The extent, or magnitude of consequence for three categories: human impacts, economic impacts, and natural environmental impacts, with a scale from very high to very low.

	Very High	High	Medium	Low	Very Low
<b>Human</b>	Loss of human life	Any injuries; disruptions of emergency routes, inability to carry out daily activities	Disruption in ability to work and/or carry out daily life and activities	Limited effects, inconvenience, minor power outages	Minimal injury and/or inconvenience
<b>Economic</b>	National-level disruption to and long-term impacts to the state and possibly at the national economy; severe economic losses across multiple sectors	Significant long-term disruption to the state economy with repercussions across multiple sectors, likely to result in economic decline, with impacts that last several years after a disaster	Prolonged disruption to economic activity that limits or restricts growth, with risk of mid- or long-term economic decline	Economic consequences to people, state, and business conditions requiring expense and effort to overcome; long-term constraints unlikely	Economic costs and consequences do not affect economic growth; economic costs may be incurred, but they are planned and are sustainable expenses
<b>Natural Environment</b>	Irreversible loss of ecosystem and/or key organisms	Extensive damage to ecosystem and/or key organisms; unlikely to recover to pre-disaster state	Damage to ecosystems or organisms, but a likely recovery to a pre-disaster state	Some losses to individual organisms but permanent ecosystem impacts unlikely	Minimal risk of impact to individual organisms or overall ecosystems

Hazard	Human	Economic	Natural Environment
Average/Extreme Temperatures	Very High	High	Very High
Changes in Groundwater	High	High	High
Drought	High	High	High
Earthquakes	High	Medium	Low
Flooding from Precipitation	Very High	High	High
Dam Overtopping	Very High	Medium	High
Hurricanes/Tropical Cyclones	Very High	High	Medium
Invasive Species	High	High	Very High
Landslides/Mudflows	High	Low	Medium
Other Severe Weather	High	Low	Low

Severe Winter Storms	Very High	Medium	Low
Tornados	High	Medium	Medium
Wildfires	High	Medium	Very High

#### 4.4.3. Probability of Future Events

The likelihood of a hazard occurring is informed by the historical record (if available) and climate projections, as well as the best available data and science for each hazard. All hazard analysis included the best available information on the likelihood of a hazard occurring.

Very High	High	Medium	Low	Very Low
Almost certain to occur multiple times in a year	Almost certain to occur at least once in a year	Likely to occur at least once every 50 years (two or more occurrences in the next century)	Likely to occur at least once by the end of the century; some examples of historical occurrences, anticipated every 10 years	Very unlikely; minimal examples of historical occurrences

No Warning	Hours	1 Day	1-5 Days	1 Week	More than 1 Week (Months or Years)
Very difficult to predict and anticipate location, severity, and onset; information available does not enable preparation	Occurs with little warning; a limited number of hours to adjust behavior or prepare	Reliable, actionable information on impact available one day (about 24 hours) allowing at least one day to prepare	Predictions of impact are accurate within one to five days before the hazard occurs	Predictions of impact are accurate enough within one week, enabling several days for preparation	Reliable, accurate prediction of hazard onset at several weeks (or significantly longer), specific enough to direct action



<b>Hazard</b>	<b>Likelihood</b>	<b>Warning Time</b>
Average/Extreme Temperatures	Very High	1-5 days
Changes in Groundwater	High	1-5 days
Drought	Medium	More than 1 week
Earthquakes	Medium	No warning
Flooding from Precipitation	Very High	1-5 days
Dam Overtopping	Very High	1 day
Hurricanes/Tropical Cyclones	Medium	1-5 days
Invasive Species	Very High	More than 1 week
Landslides/Mudflows	High	No warning
Other Severe Weather	Very High	1 day
Severe Winter Storms	High	1-5 days
Tornados	High	Hours
Wildfires	Very High	Hours

## 4.5. Hazard Description

The hazard descriptions contained in this update have been adapted to align with the 2023 SHMCAP and the 2022 Climate Assessment.

### 4.5.1. Average/Extreme Temperatures

According to the SHMCAP, extreme heat for Massachusetts is usually defined as a period of three or more consecutive days above 90 degrees Fahrenheit (°F), but more generally as a prolonged period of excessively hot weather which may be accompanied by high humidity. Extreme cold is also considered relative to the normal climatic lows in a region. Extreme cold temperatures are characterized by the ambient air temperature dropping to approximately 0°F or below.

Extreme cold is a dangerous situation that can result in health emergencies for susceptible or vulnerable people, such as those without shelter or who are stranded or who live in homes that are poorly insulated or without heat. Extreme cold events are events when temperatures drop well below normal in an area. When winter temperatures drop significantly below normal, staying warm and safe can become a challenge. Extremely cold temperatures often accompany a winter storm, which may also cause power failures and icy roads. During cold months, carbon monoxide may be high in some areas because the colder weather makes it difficult for car emission control systems to operate effectively, and temperature inversions can trap the resulting pollutants closer to the ground.

Extreme heat is a dangerous situation that can result in health emergencies for susceptible and vulnerable people, such as those without shelter or who are stranded or who live in homes that are poorly insulated or without adequate cooling. A heat wave is defined as three or more days of temperatures of 90°F or above. A basic definition of a heat wave implies that it is an extended period of unusually high atmosphere-related heat stress, which causes temporary modifications in lifestyle, and which may have adverse health consequences for the affected population. Heat waves cause more

fatalities in the U.S. than the total of all other meteorological events combined. According to the SHMCAP, more than 9,000 Americans have died from heat-related ailments (EPA, 2016) since the 1970s.

Heat impacts can be particularly significant in urban areas. Buildings, roads, and other infrastructure replace open land and vegetation. Dark-colored asphalt and roofs also absorb more of the sun's energy. These changes cause urban areas to become warmer than the surrounding areas. This forms "islands" of higher temperatures, often referred to as "heat islands." Heat islands can affect communities by increasing peak energy demand during the summer, air conditioning costs, air pollution and Green House Gas emissions, heat-related illness and death, and water quality degradation (EPA).

Many conditions associated with heat waves or more severe events (including high temperatures, low precipitation, strong sunlight, and low wind speeds) contribute to a worsening of air quality in several ways. High temperatures can increase the production of ozone from volatile organic compounds and other aerosols. Weather patterns that bring high temperatures can also transport particulate matter air pollutants from other areas of the continent. Additionally, atmospheric inversions and low wind speeds allow polluted air to remain in one location for a prolonged period of time.

#### 4.5.2. Changes in Groundwater

#### 4.5.3. Drought

Droughts are typically defined as periods of deficient precipitation. How this deficiency is experienced can depend on factors such as land use change, the existence of dams, and water supply withdrawals or diversions. Droughts can vary widely in duration, severity, and local impact.

The National Drought Mitigation Center references five common, conceptual definitions of drought:

1. Meteorological drought is a measure of departure of precipitation from normal.
2. Hydrological drought is related to the effects of precipitation shortfalls on stream flows and on reservoir and groundwater levels.
3. Agricultural drought links various characteristics of meteorological and hydrological drought to agricultural impacts, and occurs when there is not enough water available for a particular crop to grow at a particular time.
4. Socioeconomic drought is associated with the supply and demand of economic goods with elements of meteorological, hydrological, and agricultural drought.
5. Ecological drought is an episodic deficit in water availability that drives ecosystems beyond thresholds of vulnerability and impacts ecosystem services.

Drought conditions can cause a shortage of water for human consumption and reduce local firefighting capabilities. Public water suppliers may struggle to meet system demands while maintaining adequate pressure for fire suppression and meeting water quality standards. The Massachusetts DEP requires all PWSs to maintain an emergency preparedness plan.

Private well owners can be vulnerable to droughts. With declining groundwater levels, well owners may experience dry wells or sediment in their water due to the more intense pumping required to pull water from the bedrock or overburden aquifer. Wells may also develop a concentration of pollutants, which may include nitrates and heavy metals depending on local geology.

The loss of clean water for consumption and for sanitation may be a significant impact depending on the affected population's ability to quickly drill a deeper or a new well or to relocate to unaffected areas. During a drought, dry soil and the increased prevalence of wildfires can increase the amount of irritants (such as pollen or smoke) in the air. Reduced air quality can have widespread deleterious health impacts but is particularly significant to the health of individuals with pre-existing respiratory health conditions like asthma (CDC).

Lowered water levels can result in direct environmental health impacts, as the concentration of contaminants in swimmable bodies of water will increase when less water is present. Harmful algal blooms may occur, closing recreational areas.

One primary hazard in this plan that is commonly associated with drought is wildfire. A prolonged lack of precipitation dries out soil and vegetation, which becomes increasingly susceptible to ignition as the duration of the drought extends. A drought may increase the probability of a wildfire occurring.

#### 4.5.4. Earthquake

An earthquake is the vibration of the Earth's surface that follows a release of energy in the Earth's crust. New England experiences intraplate earthquakes because it is located within the interior of the North American plate. Although damaging earthquakes are rare in Massachusetts, low-magnitude earthquakes occur regularly in the state.

An earthquake is a sudden rapid shaking of the earth caused by the breaking and shifting of rock beneath the earth's surface. Earthquakes can cause buildings and bridges to collapse; disrupt gas, electric, and telephone lines; and often cause landslides, flash floods, fires, avalanches, and tsunamis. Earthquakes can occur at any time without warning.

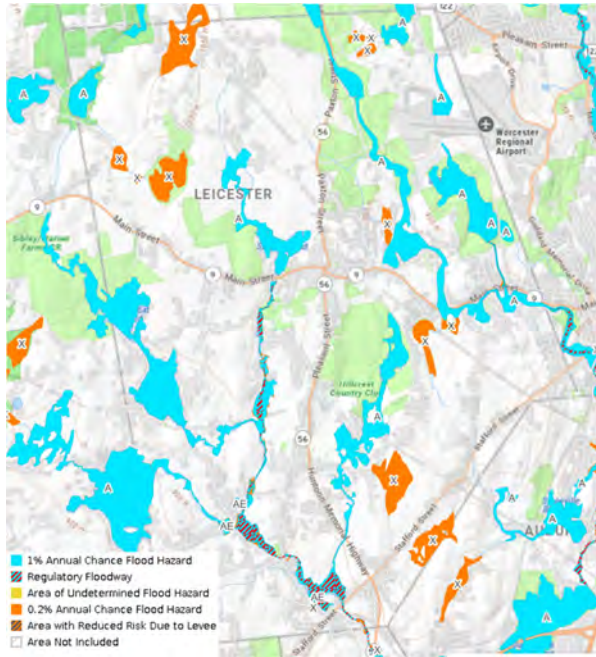
The underground point of origin of an earthquake is called its focus; the point on the surface directly above the focus is the epicenter. Earthquakes are described based on their magnitude and intensity as explained below under Extent.

New England's earthquakes appear to be the result of the cracking of the crustal rocks due to compression as the North American Plate is being very slowly squeezed by the global plate movements. As a result, New England epicenters do not follow the major mapped faults of the region, nor are they confined to particular geologic structures or terrains. Because earthquakes have been detected all over New England, seismologists suspect that a strong earthquake could be centered anywhere in the region. Furthermore, the mapped geologic faults of New England currently do not provide any indications detailing specific locations where strong earthquakes are most likely to be centered.

In addition to earthquakes occurring within the Commonwealth, earthquakes in other parts of New England can impact widespread areas. Large earthquakes in Canada, which is more seismically active than New England, can affect buildings Massachusetts. This is due in part to the fact that earthquakes in the eastern U.S. are felt over a larger area than those in the western U.S. The difference between seismic shaking in the East versus the West is primarily due to the geologic structure and rock properties that allow seismic waves to travel farther without weakening (USGS, 2012).

#### 4.5.5. Flooding From Precipitation

Nationally, flooding causes more damage annually than any other severe weather event. Flooding in Massachusetts is often the direct result of frequent weather events such as coastal storms, nor'easters,



tropical storms, hurricanes, heavy rains, and snowmelt. In an inland community such as Leicester, flooding is the result of moderate precipitation over several days, intense precipitation over a short period, or melting snowpack. Climate change will exacerbate these issues over time with the potential for more severe and frequent storm and rainfall events. Increases in precipitation and extreme storm events will result in increased inland flooding.

##### Riverine Flooding

The topography of Leicester riverine flooding often occurs after heavy rain. Areas of the Town with high slopes and minimal soil cover are particularly susceptible to flash flooding caused by rapid runoff that occurs in heavy precipitation events and in combination with spring snowmelt, which can contribute to riverine flooding. Frozen ground conditions can also contribute to low rainfall

infiltration and high runoff events that may result in riverine flooding. Some of the worst riverine flooding in Massachusetts' history occurred because of strong nor'easters and tropical storms in which snowmelt was not a factor. Tropical storms can produce very high rainfall rates and volumes of rain that can generate high runoff when soil infiltration rates are exceeded.

##### Drainage-Related Flooding

Drainage systems are designed to remove surface water from developed areas as quickly as possible to prevent localized flooding on streets and adjacent properties. They make use of a conveyance system that channels water away from a developed area to surrounding streams, bypassing natural processes of water infiltration into the ground, groundwater storage, and evapotranspiration. Flooding from overwhelmed drainage entails floods caused by increased water runoff due to development and drainage systems that are not capable of conveying high flows. Since drainage systems reduce the amount of time the surface water takes to reach surrounding streams, flooding can occur more quickly and reach greater depths than if there were no urban development at all. In almost any community with some degree of development, basement, roadway, and infrastructure flooding can result in significant damage due to poor or insufficient stormwater drainage.

##### Ice Jam

An ice jam is an accumulation of ice that acts as a natural dam and restricts the flow of a body of water. A freeze-up jam usually occurs in early winter to midwinter during extremely cold weather when super-cooled water and ice formations extend to nearly the entire depth of the river channel. This type of jam can act as a dam and begin to back up the flowing water behind it. A breakup jam, forms as a result of the breakup of the ice cover at ice-out, causing large pieces of ice to move downstream, potentially piling up at culverts, around bridge abutments, and at curves in river channels. Breakup ice jams occur when warm temperatures and heavy rains cause rapid snowmelt. The melting snow,

combined with the heavy rain, causes frozen rivers to swell. The rising water breaks the ice layers into large chunks, which float downstream and often pile up near narrow passages and obstructions (bridges and dams). Ice jams may build up to a thickness great enough to raise the water level and cause flooding upstream of the obstruction.

#### 4.5.5.1. Location

Flooding and flood-prone areas in Leicester are closely associated with the course of the Kettle Book, Lynde Brook and Town Meadow Brook and its tributary water bodies and waterways. According to a GIS analysis performed by CMRPC, there are 720 parcels in Leicester that are susceptible flooding during a 100-year or base flood events, with 188 of these parcels containing structures. Due to the hilly nature of the town, much of Leicester is upland, away from rivers and ponds and as a result, the location of this hazard is relatively “small”. Map 2 in Appendix A illustrates the FEMA FIRM 100-year flood zones in the town, as well as other locally-identified flooding areas. Despite much of the town being upland, the suburban environment, and network of imperviousness combined with inadequate drainage systems and steep slopes often leads to localized flooding due to excessive surface water runoff.

#### 4.5.5.2. Extent

The average annual precipitation for Leicester and surrounding areas in central Massachusetts has been 45 to 50 inches during the past several years.

Water levels in Leicester’s rivers, streams, and wetlands rise and fall seasonally and during high rainfall events. High water levels are typical in spring, due to snowmelt and ground thaw combined with rainfall. This is a period when flood hazards are normally expected. Low water levels occur in summer due to high evaporation and plant uptake (transpiration). At any time, heavy rainfall may create conditions that raise water levels in rivers and streams above bank full stage, which then overflow to adjacent land.

Based on past records and the knowledge and experience of members of the Leicester Hazard Mitigation team and residents, the extent of the impact of localized flooding would be considered "minor".

#### 4.5.5.3. Previous Occurrences

In addition to the floodplains mapped by FEMA for the 100-year and 500-year flood, Leicester often experiences minor flooding at isolated locations due to drainage problems, or problem culverts. The following specific flooding locations were identified by the Leicester Hazard Mitigation Team based on knowledge of past flood events:

- Pine Street near the pumps for the water treatment facility. This location repeatedly floods during heavy rain events.
- Church Street at Boyd Street and Tobin Road this area repeatedly floods during rain storms
- Woodland Road

Additionally, undersized culverts and the surface sewer system are a problem town wide.

In addition to the locations listed here (and mapped in Appendix A, Map 2), there are many areas with no record of previous flood incidents that could be affected in the future by heavy rain and runoff.

In recent years, there have been 9 loss claims in Leicester made to FEMA by National Flood Insurance Program (NFIP) participants, totaling \$117,453.40. As of January, Leicester has 3 repetitive loss properties. As defined by the NFIP, a repetitive loss property is any property which the NFIP has paid for two or more flood claims of \$1,000 or more in any given 10-year period since 1978.

#### 4.5.5.4. Probability of Future Events

#### 4.5.5.5. Impact

### 4.5.6. Dam Overtopping

Dam overtopping is caused by floods that exceed the capacity of the dam, and it can occur as a result of inadequate spillway design, settlement of the dam crest, blockage of spillways, and other factors. Overtopping accounts for one-third of all dam failures in the U.S. The two primary types of dam failure are catastrophic failure (characterized by the sudden, rapid, and uncontrolled release of impounded water) and design failure (which occurs as a result of minor overflow events).

There are a number of ways in which climate change could alter the flow behavior of a river, causing conditions to deviate from what the dam was designed to handle. For example, more extreme precipitation events could increase the frequency of intentional discharges. Many other climate impacts, including shifts in seasonal and geographic rainfall patterns, could also cause the flow behavior of rivers to deviate from previous hydrographs. When flows are greater than expected, spillway overflow events (often referred to as “design failures”) can occur. These overflows result in increased discharges downstream and increased flooding potential. Therefore, although climate change will not increase the probability of catastrophic dam failure, it may increase the probability of design failures.

#### 4.5.6.1. Location

Of the 25 registered dams in Leicester

Owner	Dam Name	Hazard Rating	Condition
Town of Leicester	Greenville Pond Dam	High Hazard	Fair
City of Worcester	Kettle Brook Reservoir #1 Dam	High Hazard	Satisfactory
City of Worcester	Kettle Brook Reservoir #2 Dam	High Hazard	Satisfactory
City of Worcester	Kettle Brook Reservoir #3 Dam	High Hazard	Satisfactory
City of Worcester	Lynde Brook Reservoir Dam	High Hazard	Satisfactory
City of Worcester	Lynde Brook Reservoir Dike	High Hazard	Fair
Private	Rochdale Pond Dam	High Hazard	Fair
Private	Smiths Pond Dam	High Hazard	Unk
Stiles Lake Water District	Stiles Reservoir Dam	High Hazard	Satisfactory
Private	Brick City Mill Pond Dam	Significant Hazard	Unsatisfactory
Burncoat Pond Watershed District	Burncoat Pond Dam	Significant Hazard	Fair
Cedar Meadow Lake Watershed District	Cedar Meadow Lake Dam	Significant Hazard	Fair
Private	Health Camp Dam	Significant Hazard	Unsatisfactory
Private	Sargent Pond Dam	Significant Hazard	Satisfactory
Town of Leicester	Waite Pond Dam	Significant Hazard	Poor

Town of Spencer	Shaw Pond Dam	Low Hazard
Greater Worcester Land Trust	Southwick Deep Pond Dam	Low Hazard
Private	Southwick Upper Pond Dam	Low Hazard



- 4.5.6.2. Extent
- 4.5.7. Hurricane/Tropical Cyclone
- 4.5.8. Invasive Species
- 4.5.9. Landslide/Mudflows
- 4.5.10. Other Severe Weather
- 4.5.11. Severe Winter Storms
- 4.5.12. Tornados
- 4.5.13. Wildfires
- 4.6. National Flood Insurance Properties
- 4.7. Hazard Ranking

## ***5. Capability Assessment***

- 5.1. Assessment Purpose
- 5.2. Planning and Regulatory Capabilities
- 5.3. Administrative and Technical Capabilities
- 5.4. Financial Capabilities
- 5.5. Education and Outreach Capabilities
- 5.6. National Flood Insurance Participation
- 5.7. Opportunities to Improve Capabilities

## ***6. Mitigation Strategy***

- 6.1. Mitigation Goals
- 6.2. Range of Mitigation Actions
- 6.3. Mitigation Action Plan
- 6.4. Potential Funding Sources

## *7. Plan Integration and Maintenance*

# 15 Bond Street

## Discussion

**EBT Environmental Consultants, Inc.**  
**GLENN E. KREVOSKY, CONSULTANT**

601 Main Street  
North Oxford, MA 01537  
[glenn.krevosky@charter.net](mailto:glenn.krevosky@charter.net)  
Cell: (508)769-3659 Office: (508)987-0979

Leicester Conservation Commission  
3 Washburn Square  
Leicester, MA 01524

December 8, 2023

Re. (Map 10 Parcel B1) 0 Bond Street, Leicester – Wetland Violation Restoration Report

Dear Leicester Conservation Commission,

EBT Environmental Consultants, Inc. had been requested by the Leicester Conservation Commission in 2020 to review the site, we had recommended the property owner hire a wetland consultant to delineate the BVW and file a restoration plan. In EBT's original report dated 9/16/2020, the aerial map with notes had shown the extension of fill located directly north of the fire pond. At the time the area was not measured but was estimated to be 95' by 9'. The full extent of fill is  $\pm 115'$  long by  $\pm 16'$  (tape measured by EBT Inc. on 11/25/2023) and the depth of fill on southern side is 4' and on the northern side 2' (determined using a first refusal rod to gravel first refusal). A site inspection on 11/22 with Mr. Giggy (owner), Mr. Perretti (chair of LCC), a contractor, and I (Glenn Krevosky of EBT Inc.) revealed the fill which was required to be removed by Mr. Giggy, as it is a violation of the Wetland Protection Act, its regulations and the town of Leicester wetland bylaw, had not been removed.

The report (attached) by Ecosystem Solutions Inc. (consultant for Mr. Giggy) dated 11/7/2023 stated the fill deposited by the dredging of the fire pond had been removed. The fill created from the dredging of the fire pond was not the subject of the violation brought forward by LCC in 2020. If Mr. Giggy had presented EBT, Inc's 2020 report to Ecosystem Inc. they might have realized the fill was concrete, brick and stone placed downgradient of the farmers field to the north. Any restoration referenced by Ecosystem Inc which did occur this year appears to be additional alteration of bordering vegetated wetland. Mowed field edges at or generally at the elevation of the existing adjacent wetland are vegetated wetlands, as long as they have hydric soils.

The approximate 204.5 cubic feet of fill is delineated in the field with 4 limit of fill flags. If the Commission concurs, once the fill is removed down to the mineral base this area will become land under water body - an expansion of the original fire pond (this was the general discussion at the site inspection on 11/22).

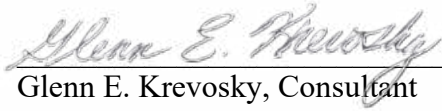
EBT Inc recommends a floating siltation boom directly on the southern side of the fill to prevent a silt plume into the adjacent land under water body when the fill is being removed. Although there should be minimal newly exposed organic material at the surface, if there is it will need to be seeded with a sedge rush wet set mix.

An additional recommendation is the Conservation Commission inform EBT, Inc. when the work is commenced so EBT can discuss the project with the contractor to ensure they understand the full parameters of the restoration.

EBT Environmental Consultants, Inc.  
**GLENN E. KREVOSKY, CONSULTANT**

601 Main Street  
North Oxford, MA 01537  
[glenn.krevosky@charter.net](mailto:glenn.krevosky@charter.net)  
Cell: (508)769-3659 Office: (508)987-0979

Respectfully,



---

Glenn E. Krevosky, Consultant

Attached: Photo Exhibit

2022 Google Earth with Notes

2016 Google Earth with Notes



**Photo 1 taken by EBT, Inc. on 11/25/2023 – Showing the 4 limit of fill flags and 2 depth of fill flags. The approximate volume of fill is 204.5 cubic yards.**



**Photo 2 taken by EBT, Inc. on 11/25/2023 – Although growth has occurred on the fill, a portion of which deposited by 2016, bricks, concrete and rocks are still at the surface between wetland vegetation.**





**Photo 3 taken by EBT, Inc. on 11/11/2023 – Showing the new grass growing on Ecosystem Solutions Inc's referenced restoration area – which was not the fill area in question by the Conservation Commission. In 2020 this was the edge of the farmers field.**



**Photo 4 taken by Ecosystem Solutions, Inc. on 10/5/2023 – Showing straw mulched area on Ecosystem Solutions Inc's referenced restoration area. Mr. Giggey stated this area was where his backhoe, leaving the fill area and heading north, got stuck and it had to be pulled out with some form of towing machine.**



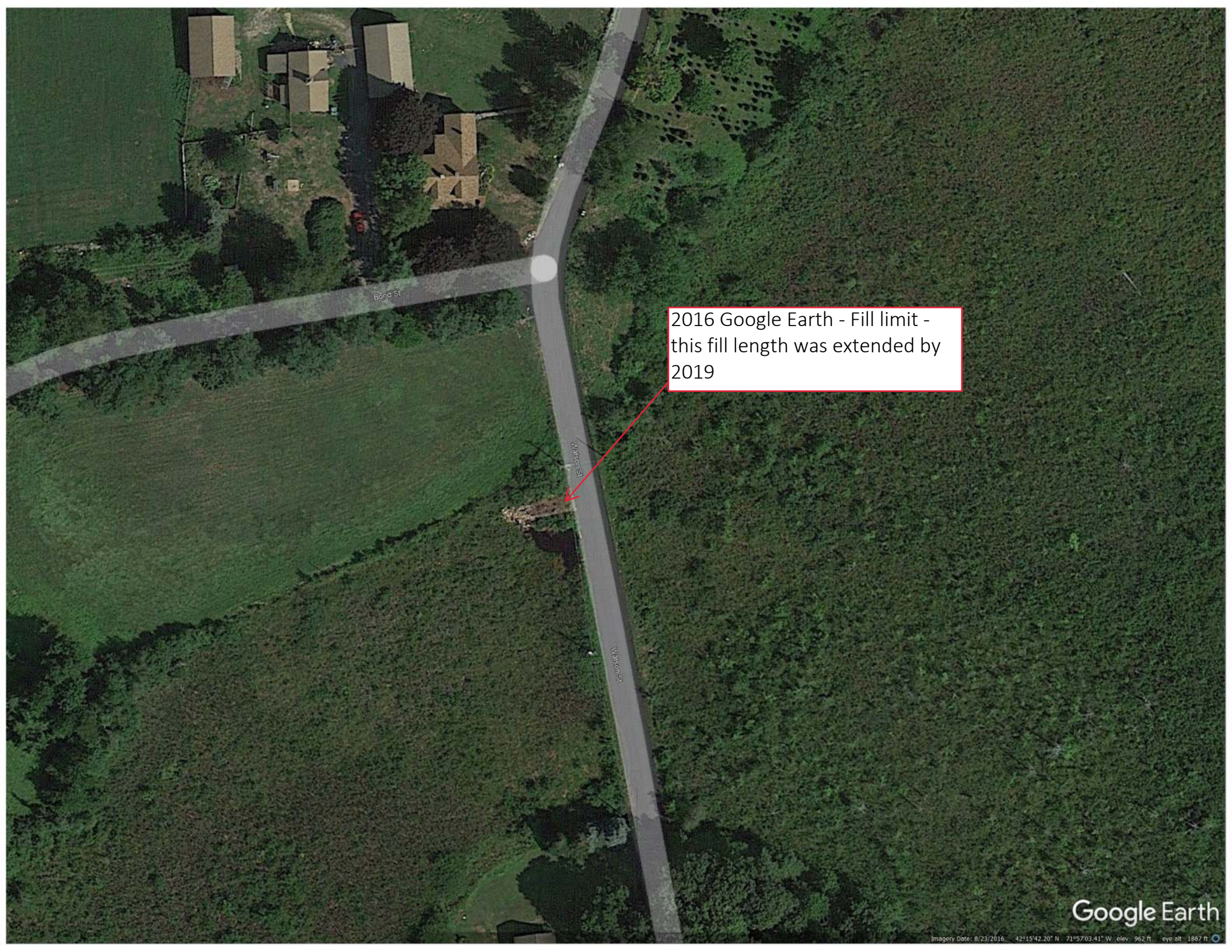
Full extent of fill -  $\pm 115'$  long by  $\pm 16'$  (tape measured)

Depth of fill on southern side is 4' and depth of fill on the northern side 2' (determined using a first refusal rod to gravel first refusal).

The limit of fill is delineated in the field with 4 orange "LF" flags (2 at the road and 2 at the western limit of fill).

2022 Google Earth - Town saw-cut the road to remove the high point in the road culvert

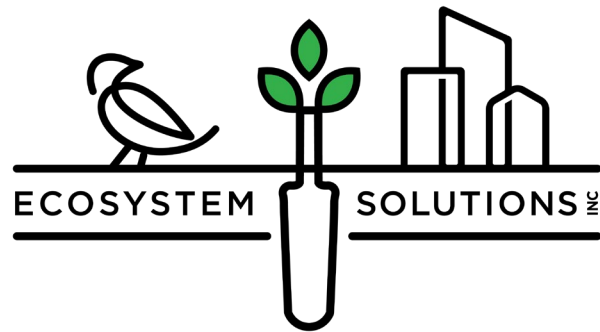


An aerial photograph from Google Earth showing a road intersection. A road labeled 'Bond St' runs horizontally across the upper left. Another road, labeled 'Water St' vertically, runs from the bottom towards the center. A third road, labeled 'Main St', branches off to the right from 'Water St'. A white circular marker is placed at the intersection of 'Bond St' and 'Water St'. A red arrow points from a text box to a spot on 'Water St' just below the intersection. The surrounding area is a mix of green fields and dense trees. In the top left, there are several buildings with brown roofs.

2016 Google Earth - Fill limit -  
this fill length was extended by  
2019



Est. 2003



RI: 401.741.3263  
MA: 508.997.0268  
[www.ecosystem-solutions.com](http://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  $\pm 855$  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



# 82 Baldwin Street

## Discussion



385 Main Street

Jan's Package Store - Complaint

## Lisa Westwell

---

**From:** Francis Dagle  
**Sent:** Friday, December 1, 2023 1:27 PM  
**To:** Common Ground Land Trust  
**Cc:** mbakerwood@gmail.com; Ellen Sousa; jojos@charter.net; Lisa Westwell; Genereux, David; Montiverdi, Christopher  
**Subject:** RE: Pollution of Kettle Brook/dumpster violation

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Jan,

I appreciate your email. In response to your complaint, I conducted a thorough inspection and observed a poorly maintained rubbish container, resulting in scattered waste, including into a protected water resource. Considering the documented violation by the Board of Health in the past, we are issuing a fine. The broader issue of water resource pollution necessitates involvement from the Conservation Commission, as it is a fundamental violation of the Wetlands Protection Act.

On Monday I will begin collaborating with the Conservation Commission to conduct a comprehensive investigation and jointly propose a resolution to effectively address the current situation and implement long-term measures to prevent future pollution. I am open to scheduling a meeting to provide updates at your convenience.

Thank you,  
Francis Dagle  
Health Director  
Town of Leicester

---

**From:** Common Ground Land Trust <info@commongroundlt.org>  
**Sent:** Thursday, November 30, 2023 5:23 PM  
**To:** Francis Dagle <DagleF@leicesterma.org>  
**Cc:** mbakerwood@gmail.com; Ellen Sousa <ellenwsousa@icloud.com>; jojos@charter.net; Lisa Westwell <westwell@leicesterma.org>  
**Subject:** Pollution of Kettle Brook/dumpster violation

Dear Mr. Dagle

This is to follow up on our conversation of Wed. Nov. 29. I visited your office and brought pictures of my observation

from the Kettle Brook bridge on Auburn St.

There has been more debris blowing from the open dumpsters behind the Beer Mart on Rte. 9.

This has been a chronic problem for a few years.

The land trust owns land across the brook from where the dumpsters are placed. It is clearly visible that the covers of the dumpsters are left open and trash blows out and down the bank into the brook.

This has been reported to the Conservation Commission more than once and to your office also.

I believe visits and verbal warnings have been made and one written notice that I am aware of.

I strongly suggest that a violation fine be considered by your dept. and /or the Conservation Comm.



I have shared this note with our Exec. Comm and the problem has been discussed several times with our Bd of Dir.

We urge you make monitoring of this situation a priority.

Thank you,

Jan Parke, Pres.

Common Ground Land Trust, Inc.  
PO Box 400  
Leicester MA 01524  
Email: [info@commongroundlt.org](mailto:info@commongroundlt.org)  
Web: commongroundlt.org  
Tel: 774-371-0156

*Protecting open space in Spencer and Leicester MA since 2006*



**Town of Leicester**  
**CONSERVATION COMMISSION**

3 Washburn Square  
Leicester, Massachusetts, 01524-1333  
Phone: 508-892-7007 Fax: 508-892-7070  
[www.leicesterma.org](http://www.leicesterma.org)

**CERTIFIED MAIL/RETURN RECEIPT**  
**7022 1670 0003 2353 6850**

December 5, 2023

Jan's Package Store  
Attn: Pallavibahen Patel  
385 Main Street  
Cherry Valley, MA 01611

Dear Mr. Patel:

The Leicester Conservation Commission received a complaint on November 30, 2023, that debris from the dumpsters located at 385 Main Street is entering and polluting Kettle Brook in violation of the Massachusetts Wetland Protection Act (M.G.L. c. 131 Section 40), the Massachusetts Clean Water Act (M.G.L. c. 21 Sections 26 – 53, and the Town of Leicester Wetlands Protection Bylaw.

The same issue was addressed in a warning letter from the Conservation Commission to Jan's Package Store dated July 28, 2021. This letter serves as the second formal warning to keep your trash receptacles closed when not in use. Failure to comply may result in enforcement actions and fines assessed by the Town of Leicester and the Commonwealth of Massachusetts.

Please call or email with any questions and thank you for your cooperation.

Sincerely,

Lisa Westwell  
Administrative Assistant  
to the Planning Department  
508.892.7007 x 120  
[westwell@leicesterma.org](mailto:westwell@leicesterma.org)



# **TOWN OF LEICESTER CONSERVATION COMMISSION**

**3 Washburn Square  
LEICESTER, MA 01524-1333**  
Phone: 508-892-7007 – Fax: 508-892-7070  
[www.leicesterma.org](http://www.leicesterma.org)

July 28, 2021

Jan's Package Store  
385 Main St  
Leicester, MA 01524

To Whom it May Concern:

On April 28, 2021 the Leicester Conservation Commission received a complaint that waste from your business' dumpster was falling out and littering nearby areas. A Commissioner visited the site that same day to find the dumpster completely open, along with trash in the brook behind your business. Please consider this memo a formal warning to keep your trash receptacle closed whenever it is not in use.

Please reach out with any questions you may have regarding this warning.

Brooke Hultgren  
Department Assistant, Conservation  
508-892-7007  
[hultgrenb@leicesterma.org](mailto:hultgrenb@leicesterma.org)



# OFFICE OF THE BOARD OF HEALTH TOWN OF LEICESTER

3 WASHBURN SQUARE • LEICESTER, MASSACHUSETTS 01524-1333  
TELEPHONE: (508) 892-7008 • FAX: (508) 892-1163

November 30, 2023

**Sent via US Certified & Regular Mail:**

Pallaribahen Patel  
Jan's Package Store  
385 Main Street  
Cherry Valley, MA 01611

**RE: Dumpster Violation  
385 Main Street  
Cherry Valley, MA 01611**

Dear Property Owner:

As a result of a complaint, on November 30, 2023, Francis Dagle, Health Director for the Leicester Board of Health conducted a plain view inspection of the above referenced property. The inspection revealed violations of the requirements of State Sanitary Code 105 CMR 590.000 and the 2013 Food Code, that need correction:

## **VIOLATIONS**

### **Exterior:**

**1. Outdoor Receptacles uncovered, causing rubbish to collect around refuse area.**

In violation of Food Code chapter 5-501.113 COVERING RECEPTACLES (B), 590.005 and 5-501.115 MAINTAINING REFUSE AREAS AND ENCLOSURES

**Note:** Repeat violation on 11/30/23: **\$50.00 fine**

### **Corrective Action:**

Clean refuse area and maintain appropriate covering for receptacles.

You are hereby ordered to correct the above **violation** within **twenty-four (24) hours** of receipt of this letter. Failure to do so may result in a suspension of your permit to operate.

**Enclosed you will find a ticket for the repeat violation (second offense) which totals (\$50.00 x 1 repeat violation = \$50.00), Fifty Dollars, \$50.00.**

If you have any questions concerning this matter, you may contact the Leicester Health Department at 508-892-7008.

Sincerely,

*Francis Dagle*

Francis Dagle  
Health Director

# 2024 Meeting Dates



# **Town of Leicester**

## **Planning Department**

3 Washburn Square

Leicester, Massachusetts, 01524-1333

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

[www.leicesterma.org](http://www.leicesterma.org)

## **Conservation Commission 2024 Meeting Dates\***

January 10, 2024	July 10, 2024
February 14, 2024	August 14, 2024
March 13, 2024	September 11, 2024
April 10, 2024	October 9, 2024
May 8, 2024	November 13, 2024
June 12, 2024	December 11, 2024

\*Scheduled dates may be subject to change or cancellation