

Cedar Meadow Lake Watershed District

August 26, 2019

Mr. Stephen Parretti, Chairman
Leicester Conservation Commission
Leicester Town Offices
3 Washburn Square
Leicester, Massachusetts 01524

Via: Hand Delivery

Reference: Notice of Intent
Cedar Meadow Lake Annual Drawdown and Dam Maintenance
Leicester, Massachusetts

Dear Mr. Parretti and Members of the Commission:

On behalf of the Cedar Meadow Lake Watershed District (CMLWD), we are hereby submitting a Notice of Intent for the annual Cedar Meadow Lake Drawdown and Dam Maintenance. This is a new Notice of Intent (NOI) being filed at the request of the Commission as the original Order of Conditions and subsequent Extension to the Order of Conditions (DEP #197-0584, WCRD bk. 54421 / pg. 24) for the annual drawdown and dam maintenance plan for Cedar Meadow Lake (assessors map 28, parcel A12) has expired (October 2018). The Commission issued the Order on September 24, 2015 approving the CMLWD Annual Drawdown and Dam Maintenance Plan and Preservation/Action plan. Aside from the general DEP conditions associated with the Order, the Commission approved and issued Special Conditions as part of the Order, namely Special Conditions #21 through #57 (copy attached).

This filing has been prepared in accordance with the Massachusetts Wetlands Protection Act (WPA) and WPA Regulations (310 CMR 10.00) and Town of Leicester Wetland By-law and Regulations. This filing contains the following for your reference:

1. Notice of Intent Form 3
2. 8.5" x 11" USGS Locus Map
3. FEMA Flood Map 25027C0780-81 E (dated July 4, 2011)
4. NHESP Atlas
5. MA DEP Surface Water and Wellhead Protection Map
6. 2019 Annual Drawdown and Maintenance Plan
7. Cedar Meadow Lake Preservation Plan
8. 2019-2020 Cedar Meadow Lake Action Plan
9. Memorandum Addressing Past DEP Concerns
10. Excerpts from "The Practical Guide to Lake Management in Massachusetts Generic Environmental Impact Report"
11. Copy of Order of Conditions/Special Conditions DEP #197-0584

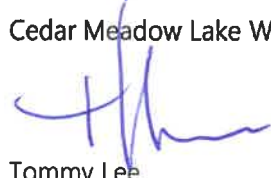
Mr. Stephen Parretti, Chairman
Leicester Conservation Commission
August 26, 2019
Page 2

The CMLWD has worked with the Commission, DEP and DCR successfully managing a drawdown and maintenance project on the lake since 1997 which has resulted in a well maintained, high quality water body and dam. The goal is to ensure the same for many years to come, therefore we are requesting that the Commission grant an Order of Conditions for a period of 3 to 5 years for the CMLWD Lake Drawdown and Dam Maintenance. Thank you in advance to your attention to this matter.

Please do not hesitate to contact us if you require any additional information or have any questions regarding this request and we look forward to discussing this Notice with the Commission at their next public hearing.

Very truly yours,

Cedar Meadow Lake Watershed District



Tommy Lee
CMLWD Chairman

 vice chair
for

Michele M. Cosper
District Clerk

Cc: MA DEP CERO (1 Copy)
CMLWD Management Team



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Leicester

City/Town

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



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

Off 142 Charles Street

a. Street Address

Leicester

b. City/Town

01581

c. Zip Code

Latitude and Longitude:

28

f. Assessors Map/Plat Number

N42-22-57

d. Latitude

W 71-93-63

e. Longitude

A12 0

g. Parcel /Lot Number

2. Applicant:

a. First Name

Cedar Meadow Lake Watershed District

c. Organization

P.O. Box 320

d. Street Address

Leicester

e. City/Town

MA

f. State

01524

g. Zip Code

clerk@cedarmeadow.org

j. Email Address

h. Phone Number

i. Fax Number

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

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Tommy

a. First Name

Lee

b. Last Name

Cedar Meadow Lake Watershed District

c. Company

d. Street Address

e. City/Town

f. State

g. Zip Code

774-239-1799

h. Phone Number

i. Fax Number

tommyjoelee@gmail.com

j. Email address

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

Exempt

a. Total Fee Paid

b. State Fee Paid

c. City/Town Fee Paid



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Leicester

City/Town

A. General Information (continued)

6. General Project Description:

Conduct annual drawdown of the water to a level approximately 3' below the spillway elevation (5' for emergency or extensive repairs) in the Fall of each year (typically 2nd or 3rd weekend of October). The purpose of the drawdown is to control nuisance aquatic vegetation and to perform maintenance and repairs to the upstream face of the dam and low level outlet (former OOC DEP #197-0584)

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

- | | |
|---|---|
| 1. <input type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Commercial/Industrial | 4. <input type="checkbox"/> Dock/Pier |
| 5. <input type="checkbox"/> Utilities | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation |
| 9. <input checked="" type="checkbox"/> Other | |

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. ☐ Yes ☒ No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR 10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Worcester

a. County

18866

c. Book

b. Certificate # (if registered land)

367

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- ☐ Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- ☒ Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Leicester

City/Town

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input checked="" type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet 2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - specify coastal or inland	

2. Width of Riverfront Area (check one):

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

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

square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet

b. square feet within 100 ft.

c. square feet between 100 ft. and 200 ft.

5. Has an alternatives analysis been done and is it attached to this NOI?

☐ Yes ☐ No

6. Was the lot where the activity is proposed created prior to August 1, 1996?

☐ Yes ☐ No

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Leicester

City/Town

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet _____ 2. cubic yards dredged _____	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet _____	2. cubic yards beach nourishment _____
e. <input type="checkbox"/> Coastal Dunes	1. square feet _____	2. cubic yards dune nourishment _____
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	1. linear feet _____	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet _____	
h. <input type="checkbox"/> Salt Marshes	1. square feet _____	2. sq ft restoration, rehab., creation _____
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet _____	
	2. cubic yards dredged _____	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet _____	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged _____	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet _____	
4. <input type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.	
	a. square feet of BVW _____	b. square feet of Salt Marsh _____
5. <input type="checkbox"/> Project Involves Stream Crossings		
	a. number of new stream crossings _____	b. number of replacement stream crossings _____



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Leicester

City/Town

C. Other Applicable Standards and Requirements

- ☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

- a. ☐ Yes ☒ No **If yes, include proof of mailing or hand delivery of NOI to:**

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581

8/1/17

b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review*

1. ☐ Percentage/acreage of property to be altered:

(a) within wetland Resource Area

percentage/acreage

(b) outside Resource Area

percentage/acreage

2. ☐ Assessor's Map or right-of-way plan of site

2. ☐ Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

(a) ☐ Project description (including description of impacts outside of wetland resource area & buffer zone)

(b) ☐ Photographs representative of the site

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/>). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Leicester

City/Town

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

- (c) ☐ MESA filing fee (fee information available at http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/ mesa/ mesa_fee_schedule.htm). Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

- (d) ☐ Vegetation cover type map of site
- (e) ☐ Project plans showing Priority & Estimated Habitat boundaries
- (f) OR Check One of the Following
1. ☐ Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/ mesa/ mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)
 2. ☐ Separate MESA review ongoing. a. NHESP Tracking # _____ b. Date submitted to NHESP _____
 3. ☐ Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.
3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?
- a. ☒ Not applicable – project is in inland resource area only b. ☐ Yes ☐ No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

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

North Shore - Hull to New Hampshire border:

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

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Leicester

City/Town

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

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
 a. ☐ Yes ☒ No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
 b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
 a. ☐ Yes ☒ No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
 a. ☐ Yes ☒ No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
 a. ☐ Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
 1. ☐ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 2. ☐ A portion of the site constitutes redevelopment
 3. ☐ Proprietary BMPs are included in the Stormwater Management System.
- b. ☐ No. Check why the project is exempt:
 1. ☐ Single-family house
 2. ☐ Emergency road repair
 3. ☐ Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

- ☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. ☒ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. ☒ Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Leicester

City/Town

D. Additional Information (cont'd)

3. ☐ Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. ☒ List the titles and dates for all plans and other materials submitted with this NOI.

Annual Draw Down Plan

a. Plan Title

CMLWD

b. Prepared By

2019-2020

d. Final Revision Date

Preservation Plan and 2019-2020 Action Plan, USGS locus, NHESP

f. Additional Plan or Document Title

c. Signed and Stamped by

n/a

e. Scale

as-noted

g. Date

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

E. Fees

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

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

N/A

2. Municipal Check Number

3. Check date

N/A

4. State Check Number

5. Check date

6. Payor name on check: First Name

7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Leicester

City/Town

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

1. Signature of Applicant

2. Date

3. Signature of Property Owner (if different)

4. Date

5. Signature of Representative (if any)

6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

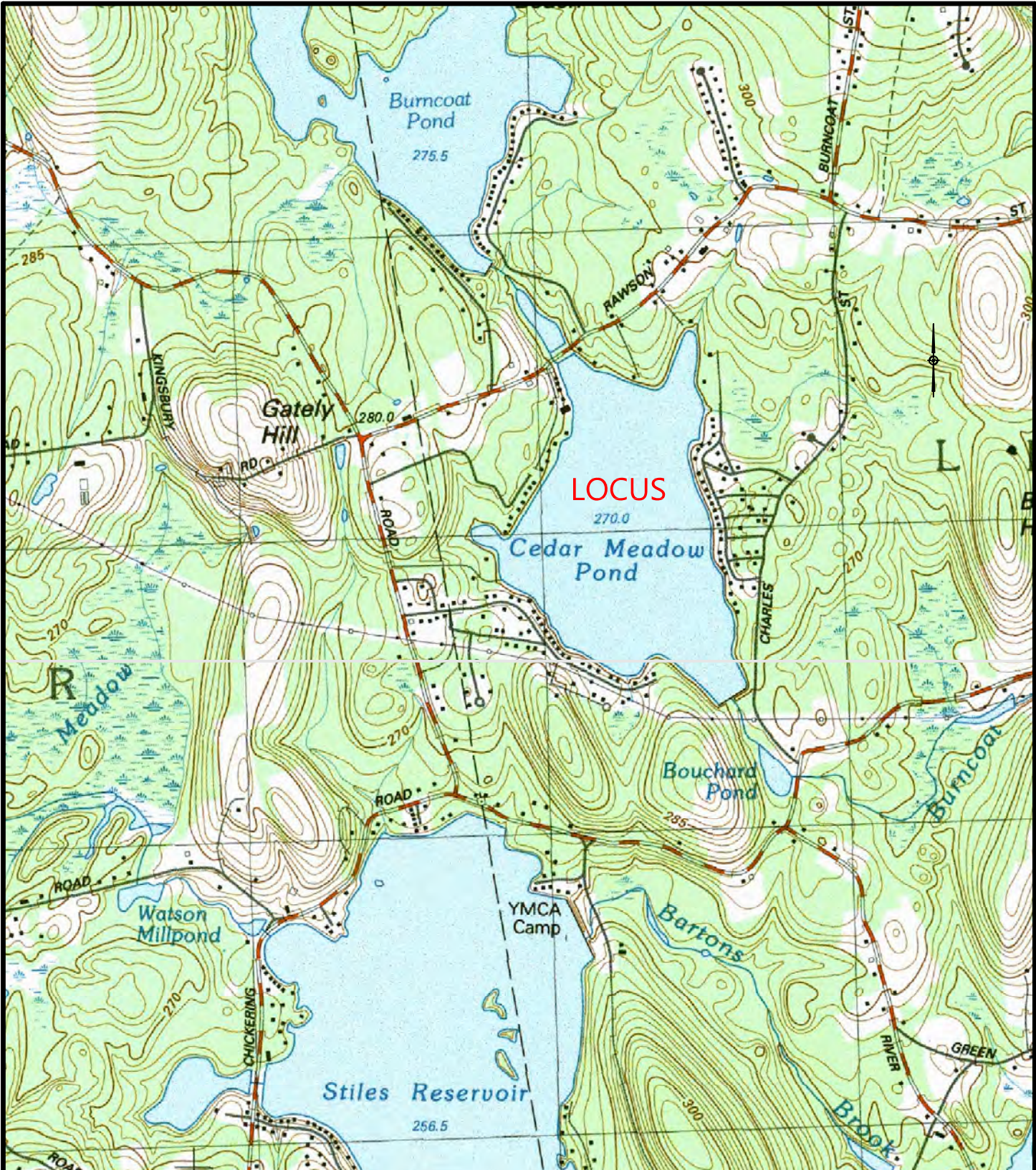
For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



PREPARED BY:

WDA
DESIGN
GROUP

31 EAST MAIN STREET, WESTBOROUGH, MA | 508.366.6552
WDA-DG.COM

TITLE:

USGS LOCUS PLAN
Cedar Meadow Lake
Leicester, MA

PREPARED FOR:

CEDAR MEADOW LAKE
WATERSHED DISTRICT
Fairview Drive, Leicester, MA

SOURCE:

USGS TOPOGRAPHIC MAP

DATE:

__/__/__

JOB NO.:

REV. NO.:

DRAWN BY:

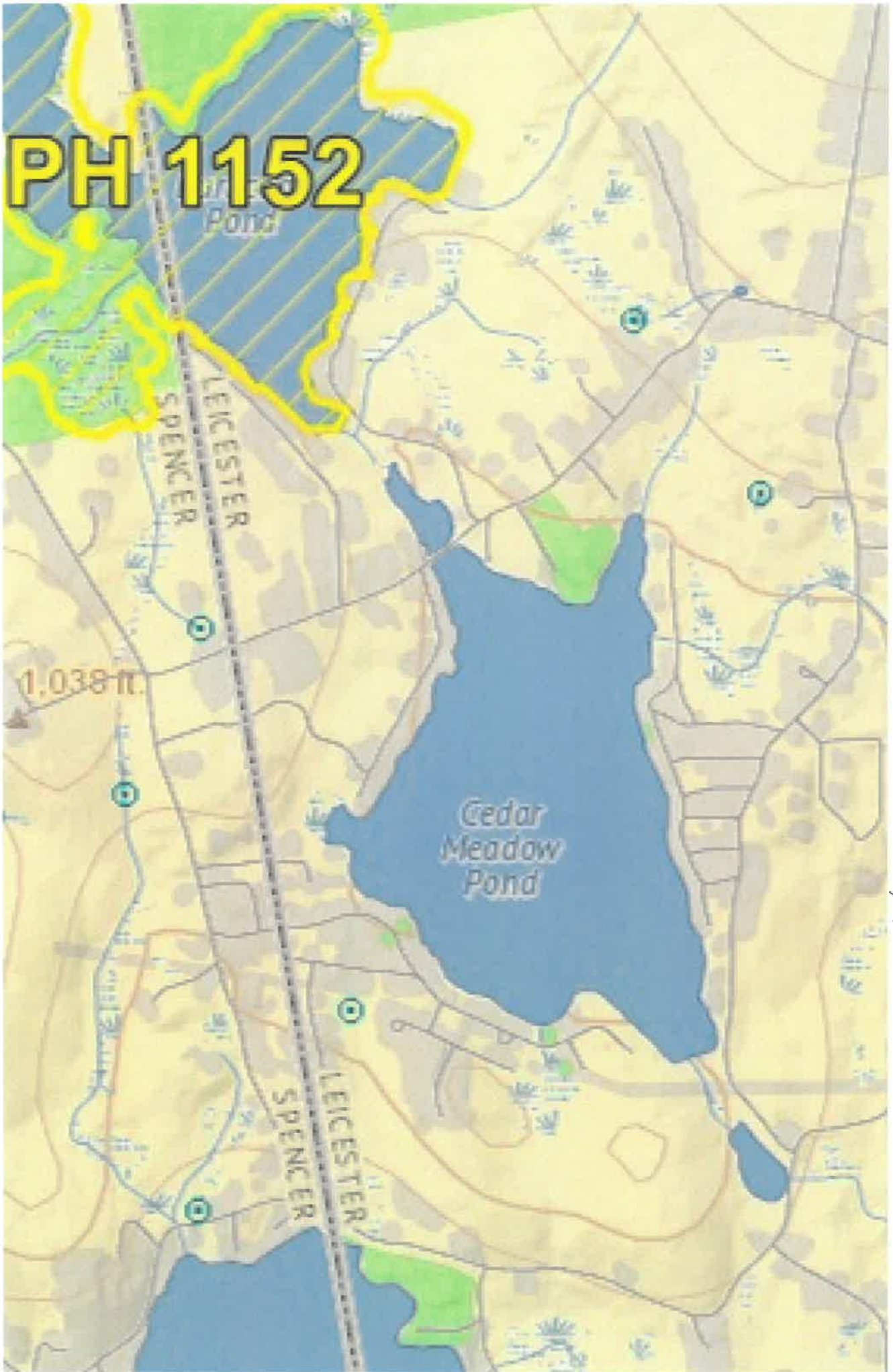
FILE NO.:

REV DATE:

__/__/__



PH 1152





MA DEP SURFACE WATER
& WELLHEAD PROTECTION AREAS

Cedar Meadow Lake Watershed District

August 2019

Annual Draw Down and Dam Maintenance Plan

The Cedar Meadow Lake Watershed District proposes to continue to conduct an annual five foot (5') draw down of the lake water level for weed control and dam maintenance purposes. Such draw downs have been conducted successfully for many years with the approval of the Conservation Commission.

Purpose

The purpose of the annual draw down is to expose shallow areas of the shoreline to freezing conditions for weed control purposes and to maintain the dam structure and control mechanisms.

Draw Down Process

The Cedar Meadow Lake Dam has a forty-two foot (42') wide spillway that controls water levels during the Spring through Fall periods annually. The dam is equipped with a low level outlet, and four foot (4') wide emergency spillway channel with flash boards that is approximately three feet (3') below the spillway elevation.

The annual draw down will commence during the second or third week of October to give mollusks and amphibians sufficient time to move below the water line. The draw down will be conducted slowly, ideally averaging about one inch per day over a sixty (60) day period, until the water level is five feet (5') below the spillway elevation. The water will be held at this elevation until the exposed portion of the lake bottom thoroughly freezes to kill nuisance weeds. The low level outlet will then be closed to allow water levels to rise to the spillway channel elevation where the open spillway channel will maintain water levels at between two and two and one half feet (2 ½') below the spillway elevation. The low level outlet will be opened as necessary during the winter to achieve the desired ice and water levels to minimize ice damage to shoreline structures. Flash boards will be reinstalled in the spillway channel after the ice cap melts in the Spring to bring water levels back to the spillway elevation. This process is conducted slowly to ensure downstream water flow while the lake is being refilled.

It has been the District's practice to give the lake a "rest" from the affects of full draw downs approximately once every three years. Water levels are reduced approximately three feet beginning in October. The spillway channel is left open to maintain water levels between two (2) and two and one half feet (2 ½) below the spillway elevation for the duration of the Winter to minimize ice damage to shoreline structures.

Weeds such as Eurasian Milfoil, that are ordinarily covered by up to five feet of water during the Spring through Fall periods, die off when exposed to freezing conditions. Additionally, as the water level increases the ice cap has the effect of pulling up or damaging other nuisance vegetation.

Dam Maintenance

Most of the water-side face of the dam is exposed during a full five foot (5') draw down. This provides the opportunity to maintain the water-side face of the dam. Mortar is periodically applied, mechanically or by hand, to seal the face of the dam to prevent excess volumes of water from entering the dam structure. When voids within the dam structure are known or suspected it is necessary to drill four to eight inch diameter holes through the dam crest into the voids and to inject concrete to fill these voids.

To conform with Office of Dam Safety requirements, and to ensure the continued safety and integrity of the dam, it is also necessary to periodically excavate test holes or to collect core-drilled samples, and to conduct seismic testing to determine or verify the internal construction of the dam. The above described maintenance activity and testing is performed under the supervision of a qualified engineering firm and with the approval of the Massachusetts Office of Dam Safety.

The crest of the dam is periodically mowed to keep grass and weed cover under control. Loam and seed is applied as necessary to maintain the dam crest in good condition.

Conservation Commission approval will be sought separately for more extensive work than described above and for any dam repair excavation work beneath the dam crest.

For the Cedar Meadow Lake Watershed District



Tommy Lee, Chairman

Michelle M. Cosper, District Clerk

Cedar Meadow Lake Watershed District

CEDAR MEADOW LAKE

PRESERVATION PLAN

CEDAR MEADOW LAKE PRESERVATION PLAN

MISSION STATEMENT

The mission of the Cedar Meadow Lake Watershed District is to preserve, protect, maintain, and enhance the environmental and recreational qualities of Cedar Meadow Lake as a natural resource for the benefit of the abutters to the lake, the Town of Leicester, and the public in general.

OBJECTIVES

- * A safe and sound dam capable of maintaining water elevations at spillway levels.
- * A lake in which harmful aquatic vegetation is held in check.
- * A lake in which high water quality standards are maintained.
- * A watershed in which high ecological and environmental quality standards are maintained.
- * Good communications among the Proprietors of the District, and with public officials, State and local agencies, and others interested in preserving lakes and ponds in the Town of Leicester and elsewhere.

CEDAR MEADOW LAKE WATERSHED DISTRICT

CEDAR MEADOW LAKE

2019 - 2020

ACTION PLAN

CURRENT SITUATION

May 2019

This winter was a relatively "normal" winter however in the late fall and early spring we experienced unseasonable rainfall which resulted in the lake not drawing down to the desired elevation over the entire draw down period. By our records, we do not record that the lake ever drew down below -30" during the entire draw down period with the lowest period taking place in mid-February. Total ice out was observed in mid-March. The upper channel flash boards were installed on March 30th when the lake elevation was at -24" with approximately 12" of water flowing thru the upper channel. Due to the unseasonable rainfall, the took place following the end of the draw down the lake filled in approximately 12 days. The lake has remained normal level since and as of today we are running approximately 6-8" above spillway elevation. We are aware that some folks were unable to remove their docks in the late fall due to the water levels and some were unable to install their docks this spring due to the water levels however mother nature was in charge and did not offer much relief on either end.

The District purchased new no trespassing signs in the spring of 2018 and had them "permanently" installed on the dam crest, fences and gates. We also had the chain link fences repaired and replaced the fencing with commercial chain link to help prevent cutting. If any proprietors see suspicious activity or trespassers on the dam please feel free to contact the Leicester Police department.

The dam is considered to be in fair condition by the Massachusetts Office of Dam Safety, primarily due to the presence of large diameter trees within 15 feet of the downstream toe of the dam. The Office of Dam Safety is concerned that the integrity of the dam could be damaged if these trees were uprooted during heavy rain and wind conditions, and they suggest these trees removed. The district "cut back" the trees to the limit of our property this past spring and we also had the gate house masonry repaired and painted.

The Rawson Street bridge replacement project was completed in late October of 2018. In recent weeks we have heard from Mr. Stiles that there has been an uptick of fishing and illegal parking from the area of the new bridge along with speeding. Mr. Stiles is working with Town Officials to curb these activities and some measures have taken place including additional signage, speed enforcement and parking barriers.

As a reminder from last year, thanks to our treasurer, Terry O'Coin, you can now connect with our District via Twitter & Facebook. On a routine basis, Terry posts monthly meeting minutes, newsletters and other important messages. Also of note, the photo used on our webpage was selected by the Town to be used on the Towns annual report! Michelle Cosper has done an excellent job with our "electronic mailing" list and significantly reduced our hard copy mailings over the last several years.

Last summer ESS Group performed a lake mapping of aquatic growth. The results of this mapping were positive with no new areas of concern. Details of the mapping are available on our website or we can send you a copy via email if you wish. The management committed has elected to not take any action with herbicidal treatment at this time.

Members of the District are continuing to pay off the USDA loan taken to pay the \$1,714,000 judgment against the District via betterments. *The District will make the sixth annual USDA payment in June 2019*

**CEDAR MEADOW LAKE
2019 - 2020
ACTION PLAN**

GOAL 1. DAM MAINTENANCE

Maintain the dam in good condition and provide the ability to engage in periodic draw downs or other actions to maintain the lake in good condition. Routine maintenance will include periodic mowing of the upper dam surface.

Responsibility: Management Committee with assistance of qualified contractors

Resources: Funds contained in the Annual Budget

GOAL 2. ENGINEERING SERVICES

Maintain a professional relationship with an engineering firm to provide expertise and guidance with respect to the maintenance and repair of the dam.

Responsibility: Management Committee

Resources: Funds contained in the Annual Budget

GOAL 3. TREE REMOVAL

Acquire the land on the south side of the dam to cut large trees and brush within 15 feet of the dam structure as ordered by the Office of Dam Safety.

Responsibility: Management Committee

Resources: Funds contained in the Annual Budget

GOAL 4. WEED CONTROL - DRAW DOWN

Draw down the lake five feet beginning in late September or early October and maintain this water elevation until the lake bottom freezes for weed control purposes. Thereafter, endeavor to maintain lake levels between 24 and 36 inches below the spillway elevations during that portion of the winter when the lake is covered with ice to minimize ice damage to shoreline structures.

Responsibility: Management Committee

Resources: Volunteer hours and minor administrative expenses

**CEDAR MEADOW LAKE
2019 - 2020
ACTION PLAN**

GOAL 5. WEED CONTROL - HERBICIDES

Maintain a professional relationship with and retain the services of a lake management organization to continue to monitor and manage the proliferation of Fanwort (Cabomba) and other weeds.

Responsibility: Management Committee

Resources: Funds contained in the Annual Budget and volunteer hours

GOAL 6. FINANCING

Collect betterments through the Town of Leicester Tax Collector's office and make annual payments on long term USDA Rural Development loan. Maintain betterment pre-payments in safe investment vehicles to realize a rate of return.

Responsibility: Management Committee with the assistance of the Finance Committee.

Resources: Volunteer hours and minimal administrative expenses

GOAL 7. COMMUNICATIONS

Communicate information regarding happenings on and around the lake through periodic newsletters and the District's web site www.cedarmeadow.org. Continue to move the distribution of newsletters from U. S. Mail to e-mail.

Responsibility: District Clerk and District Treasurer

Resources: Funds contained in the Annual Budget

**Memorandum
Addressing Past DEP Concerns**

Memorandum

Date: August 19, 2019
Subject: 2019 NOI for Cedar Meadow Lake Draw Down
To: Leicester Conservation Commission
From: Tommy Lee, Chariman and Michelle M. Cosper, District Clerk
Cedar Meadow Lake Watershed District (District)

During the District's drawdown filing in 2010, the Department of Environmental Protection in its attached directive dated June, 29, 2010 noted several points that were addressed as outlined herein and are re-submitted as applicable to the 2019 submittal (The second drawdown NOI and subsequent Order of Conditions expired in 2015 (DEP File #197-0584):

- 1) Impacts on shallow drinking water wells shall be avoided.

The District conducted a study of 7 shallow wells around Cedar Meadow Lake in October and November of 1999, when the lake level was drawn down more than 7 feet during dam repairs, and again in November of 2001 when the lake was drawn down 5 feet, to determine the impact, if any, of a lake draw down on shallow wells. Water elevations within the sampled wells, and the water elevations of the lake were recorded weekly over a 6 week period in 1999 and spot checked over a similar period two years later. No correlation was found between lake water levels and well water levels. Rather, there was a correlation between rainfall and well water levels. During the 15 years that The District has conducted annual draw downs, only one complaint that the lake draw down had caused a problem with a well was received. The District concluded that there was no connection between the lake draw down and this well problem because the complaining party's well was not a shallow well, was located more than 100 feet from the lake, and the house being served by this well was approximately 40 feet above the high water mark of the lake. The complaining party took steps to resolve the well problems.

- 2) Any impacts on bordering vegetation shall be noted.

As a result of many annual draw downs, the shoreline areas that are exposed during draw downs are free of vegetation. There are three shallow coves on the lake; two large coves on the north end of the lake and one smaller cove on the west shoreline. The shorelines of the larger coves are free of vegetation due to past draw downs. The vast majority of the lake bottoms in these coves remain under water during the deepest of draw downs and are covered with nuisance aquatic vegetation.

The small cove on the west shoreline is dewatered during a deep draw down. This area is a favored fish spawning area and water levels are always restored before the start of the annual spawning period. The predominant bordering vegetation includes reed plants (cattails). These plants have hardy tuber root systems and are not negatively impacted by the draw downs. Water lilies, although reported to be susceptible to draw downs, return each spring.

- 3) Project shall conform to GEIR prepared for DEP for lake draw downs.

Attached please find a copy of that section of the referenced Generic Environmental Impact

Report (GEIR), also currently referred to as “The Practical Guide to Lake Management in Massachusetts, relating to draw downs. The following describes how the District’s draw down proposal conforms with this GEIR.

A) How it Works - Page 79

The description of “How it Works” accurately describes the draw down process historically employed at Cedar Meadow Lake.

B) Benefits - Page 80

The District has experienced most of the described benefits. The exposed shoreline areas are free of vegetation. Fine sediments have washed off sloped areas in the draw down zone to create a courser substrate. Damage to shoreline embankments and shoreline structures has been held to a minimum. Shoreline property owners use the opportunity to perform general clean-up and removal of accumulated leaves and branches.

The draw downs at Cedar Meadow Lake, Burncoat Pond, and Stiles Reservoir played an important role in saving the dam at Rochdale Pond when threatened by record rainfall and resultant flooding in October of 2005. Record rainfall was experienced between 10/6 and 10/15. Water levels in the lake were down 39 inches at the start of this period. By 10/15, when the dam at Rochdale Pond was under so much pressure that dam failure was imminent, the Fire Chief requested that all outflow from Cedar Meadow Lake and Stiles Reservoir be stopped to minimize downstream flows to Rochdale Pond. During the following 7 hours, water levels in Cedar Meadow Lake increased 13 inches at the most critical time with respect to a possible dam failure at Rochdale Pond. Due to the draw down, Cedar Meadow Lake was able to hold back approximately 450 acre feet of water that would have otherwise flowed to exacerbate the problems at the Rochdale Pond dam.

C) Detriments - Page 80

Many of the detriments described in the GEIR have not been experienced at Cedar Meadow Lake. Specifically:

- i) The lake has not experienced an algae bloom in 19 years of District control.
- ii) As is described above, annual draw downs have not negatively impacted shallow wells.
- iii) The early (second to third week in October) start of the annual draw downs is specifically intended to allow slow moving fauna such as fresh water mussels or crayfish to move below the waterline. Anecdotal evidence from Lake Lashaway in East Brookfield indicates that fresh water mussel population was, initially, negatively impacted by their annual 8 foot draw down (3’ greater than Cedar Meadow), but have since recovered. One abutter to Cedar Meadow Lake expressed concern that the annual draw downs might be eliminating fresh water mussels, only to find that the real cause was a very active Muskrat.
- iv) Fish populations have not been affected. Anecdotal evidence based on reports from experienced fishermen indicate a growing (in both size and number) Largemouth Bass

population. It has also been speculated that a growing Chain Pickerel population has reduced the Sunfish population to the benefit of the Bass population because Sunfish feed off Bass egg deposits in spawning areas.

- v) Normal water levels are always restored well before the start of the annual fish spawning period.
- vi) The start of the draw down is timed to allow hibernating reptiles and amphibians to move as the water levels slowly change.
- vii) Aquatic mammals and birds do not appear to be negatively impacted. Muskrat, Beaver, and Great Blue Heron return each Spring. And bald eagles and osprey are often observed fishing within the pond and utilizing large bordering trees.

D) Information for Proper Application - Page 81

The Dam Caretaker and Management Committee of the District have a carefully crafted draw down program that monitors and tracks water levels and downstream water flows. The capacities of the emergency spillway channel and low level outlet are well known, as are the impacts of historic draw downs with respect to the affects on nuisance aquatic vegetation and shoreline sediment deposits.

E) Factors Favoring the Use of This Technique - Page 81

All the factors favoring annual draw downs that are listed on Page 81 of the GEIR are present at Cedar Meadow Lake.

F) Performance Guidelines - Page 81

The Cedar Meadow Lake draw down program conforms with some, but not all, of the Performance Guidelines listed on pages 81 and 82.

- i) Experience over 19 annual draw downs has demonstrated the desired affects on aquatic vegetation and wildlife.
- ii) There is no practical way of measuring outflow to achieve a specific targeted rate per square mile of watershed given the variables of precipitation and head pressure on the lake outlets.
- iii) The original targeted draw down level is 5 feet and not the prior stated 3 feet. A 5 foot draw down has been achieved successfully many times. Once the lake bottom thoroughly freezes, water elevation is raised and maintained at 2 to 2.5 feet below the spillway elevation for the remainder of the winter to minimize ice damage to shoreline structures.
- iv) The planned draw downs will commence at the second or third weekend of October (not November) and at a rate averaging 1 inch per day (not 3 inches).
- v) Full lake status is usually attained in mid March as soon as the ice cap leaves the lake.

- vi) A monitoring program is conducted to measure water clarity and total phosphorous as indicator of the general health of the lake. Historically, there has been no fish kills to warrant the collection of winter oxygen data.
- vii) It has been the District's practice to give the lake a "rest" from the affects of full draw downs approximately once every three years. These "rests" occur by plan or as a result of extraordinary levels of precipitation or mechanical failure. Water levels are reduced approximately three feet beginning in October. Under "rest" conditions, the spillway channel is left open to maintain water levels between 2 and 2 ½ feet below the spillway elevation for the duration of the Winter to minimize ice damage to shoreline structures.

G) Impacts Specific to the Wetlands Protection Act - Page 82

All the concerns listed in the section have been addressed previously in this documents including water supply, flood control, storm damage prevention, pollution, and the protection of shellfish, fish and wildlife.

Section 5

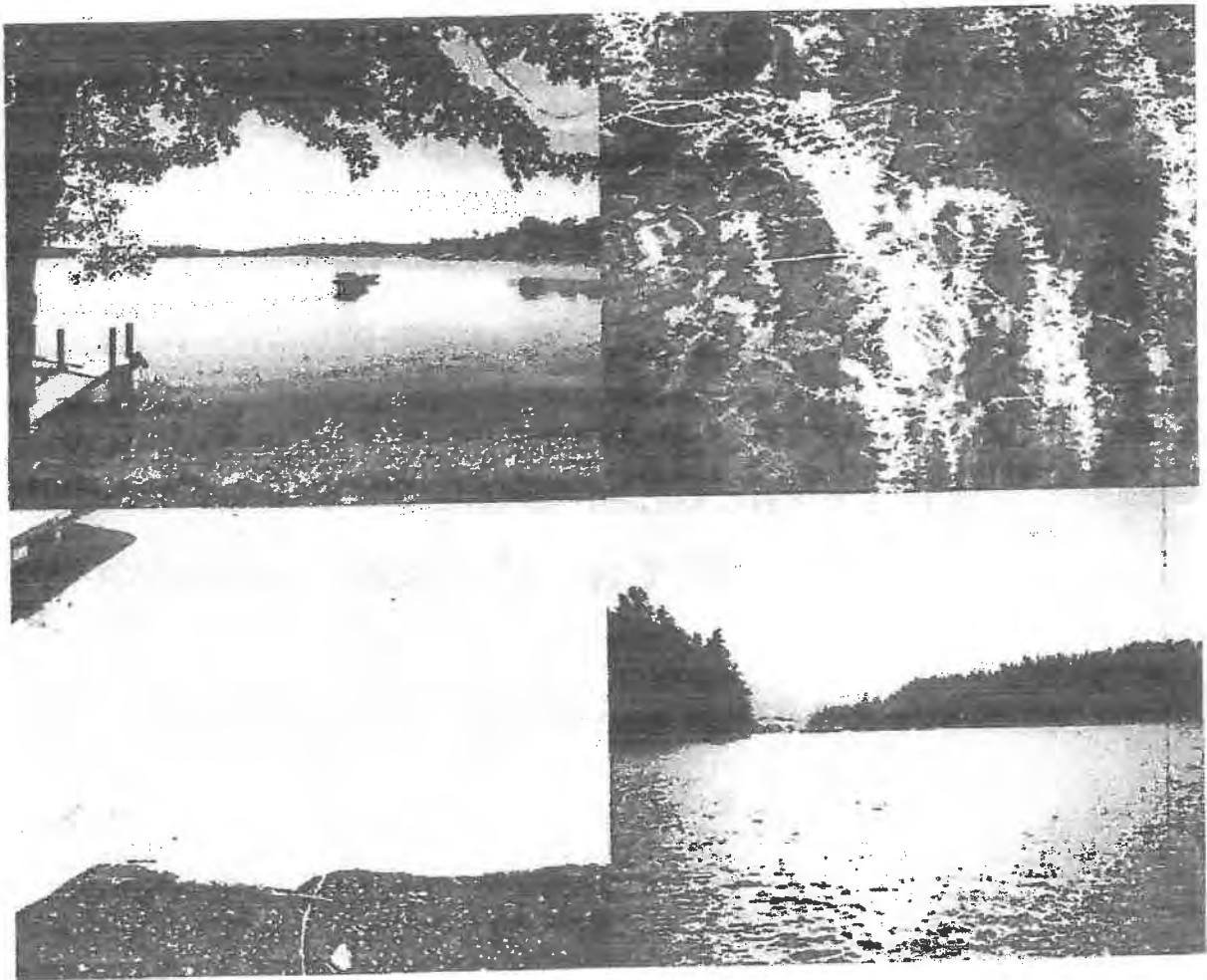
Excerpts from

The Practical Guide to Lake Management in Massachusetts

Generic Environmental Impact Report

The Practical Guide to Lake Management in Massachusetts

**A Companion to the Final Generic Environmental
Impact Report on Eutrophication and Aquatic Plant
Management in Massachusetts**



**Commonwealth of Massachusetts
Executive Office of Environmental Affairs**

2004

DRAWDOWN

How it Works

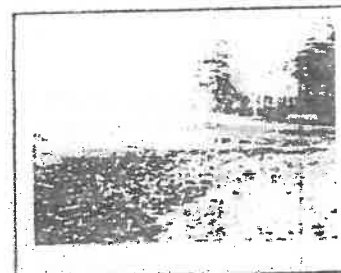
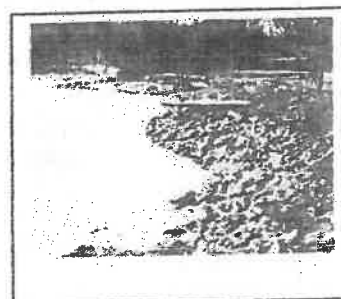
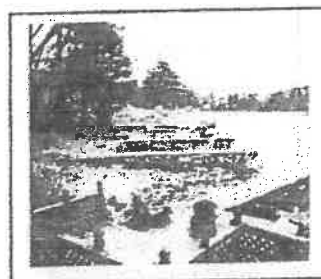
Drawdown is a process whereby the water level is lowered by gravity, pumping or siphoning and held at that reduced level for some period of time, typically several months and usually over the winter. Drawdown can provide control of plant species that overwinter in a vegetative state, and oxidation of sediments may result in lower nutrient levels with adequate flushing. Drawdowns also provide flood control and allow access for nearshore clean ups and repairs to structures. The ability to control the water level in a lake is affected by area precipitation pattern, system hydrology, lake morphometry, and the outlet structure. The base elevation of the outlet or associated subsurface pipe(s) will usually set the maximum drawdown level, while the capacity of the outlet to pass water and the pattern of water inflow to the lake will determine if that base elevation can be achieved and maintained. In some cases, sedimentation of an outlet channel or other obstructions may control the maximum drawdown level.

Several factors affect the success of drawdown with respect to plant control. While drying of plants during drawdowns may provide some control, the additional impact of freezing is substantial, making drawdown a more effective strategy during late fall and winter. However, a mild winter or one with early and persistent snow may not provide the necessary level of drying and freezing. The presence of high levels of groundwater seepage into the lake may mitigate or negate destructive effects on target submergent species by keeping the area moist and unfrozen. The presence of extensive seed beds may result in rapid re-establishment of previously occurring plant species, some of which may be undesirable. Recolonization from nearby areas may be rapid, and the response of macrophyte species to drawdown is quite variable.

Aside from direct impact on target plants, drawdown can also indirectly and gradually affect the plant community by changing the substrate composition in the drawdown zone. If there is sufficient slope, finer sediments will be transported to deeper waters, leaving behind a coarser substrate. If there is a thick muck layer present in the drawdown zone, there is probably not adequate slope to allow its movement. However, where light sediment has accumulated over sand, gravel or rock, repetitive drawdowns can restore the coarse substrate and limit plant growths.

The actual conduct of a drawdown involves facilitating more outflow than inflow for several weeks or months. After the target water level is reached, outflow is roughly matched to inflow to maintain the drawdown for the desired period, usually at least a month and often up to 3 months, usually over the winter. At a time picked to allow refill before any undesirable spring impacts can occur, outflow is reduced (although it should not be eliminated) and "excess" inflow causes the water level to rise. In some cases, refill is commenced after an inch or two of ice forms, ripping up plants and bottom material. This "extreme disturbance" approach has been applied where sediments will not dewater sufficiently to provide the level of freezing and desiccation desired, but impacts have not been studied extensively.

Despite the apparent simplicity of the concept of drawdown, proper conduct of a drawdown to maximize effectiveness and minimize adverse side effects necessitates that many considerations be



addressed (Table 5). Expected response of target species (Table 6) is of particular importance when plant control is the major goal.

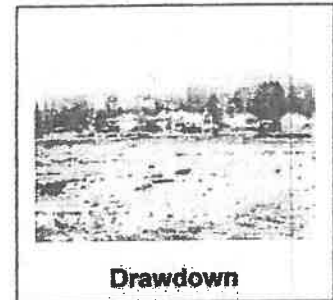
Benefits

- ◆ Kills vegetative portions of plants by drying, freezing, or physical disturbance
- ◆ Increases plant species richness in many cases
- ◆ Allows sediment oxidation and compaction, with potential reduction of sediment oxygen demand, sediment volume, and available nutrient content
- ◆ May reduce fine sediments in drawdown zone, creating coarser peripheral substrate and enhancing plant control and habitat for some organisms
- ◆ Provides protection from ice damage to shoreline and associated structures
- ◆ Facilitates access for shoreline clean-up, sediment removal, and structural maintenance
- ◆ Provides flood storage capacity

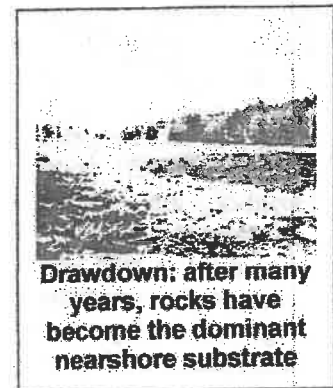
Detriments

- ◆ Will not kill seeds or other non-vegetative overwintering propagules, and may stimulate increased seed germination
- ◆ Nutrient release during exposed sediment oxidation may fuel increased algal production if not flushed from system before next growing season
- ◆ Will reduce available water for supplies, and may impair nearby shallow well production
- ◆ May strand and harm minimally mobile aquatic fauna (such as molluscs)
- ◆ Concentration of fish in smaller volume may harm some populations through predation or oxygen stress particularly in warmer months
- ◆ Fish may not be able to reach spawning areas during drawdown
- ◆ May expose and harm hibernating reptiles and amphibians
- ◆ May restrict access and cover for aquatic mammals and birds
- ◆ Limits human access where peripheral sediments are soft
- ◆ Although largely dormant in winter, hydrologically connected wetlands may experience some changes in species composition and relative abundance if dewatering occurs

The disadvantages of drawdown are linked to reduced areal coverage by water and lowered water volume and elevation. Water supply from the lake or wells may be impaired, and species that depend upon the exposed area may be harmed. Changes in exposed sediment features may affect water quality after refill. Downstream resources may be impacted as well. Repeated drawdown may result in the invasion of plants that are resistant to drawdowns, some of which may be nuisance species. Failure to refill the lake in time for spring spawning may affect fish populations. None of these impacts may be manifest, and various mitigative means may avoid or minimize them. However, it is difficult to predict the ecological impact to many non-target organisms, due largely to the lack of published information and site-specificity of many possible impacts.



Drawdown



Drawdown: after many years, rocks have become the dominant nearshore substrate



Drawdown: refill at this stage may rip plants and stumps from the bottom

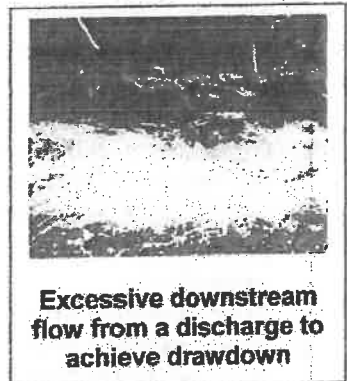
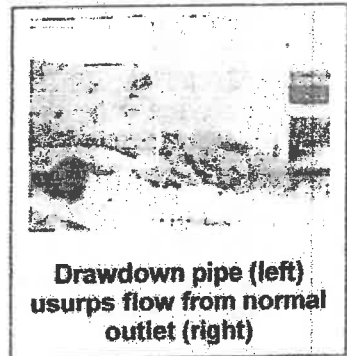


Drawdown: access provided for swimming area maintenance

Information for Proper Application

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

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



Factors Favoring the Use of this Technique

- ◆ The lake periphery is dominated by undesirable species that are susceptible to drying and freezing
- ◆ Drawdown can be achieved by gravity outflow via an existing outlet structure, or such a structure can be established for a reasonable cost
- ◆ Drawdown can reach a depth that impacts enough of the targeted plants to make a difference for recreational interests and habitat enhancement
- ◆ Areas to be exposed have sediments and slopes that promote dewatering
- ◆ Drawdown and refill can be accomplished within a few weeks under typical flow conditions and without causing downstream flows outside the natural range
- ◆ Drawdown can be timed to avoid key migration and spawning periods for non-target organisms
- ◆ Populations of molluscs or other nearshore-dwelling organisms of limited mobility are not significant
- ◆ The lake is not used for water supply and nearby wells are deep
- ◆ Flood storage capacity generated by drawdown prevents downstream flood impacts
- ◆ The downstream channel and associated resources will not be impacted by fluctuating flows expected during drawdown and refill periods
- ◆ Shoreline structures are prone to ice damage



Performance Guidelines

- ◆ Determine susceptibility of target plants to drawdown
- ◆ Evaluate potential risks to non-target flora and fauna
- ◆ Limit drawdown to 3 ft or contact the MDFG for assistance in evaluating impacts of greater drawdown
- ◆ Commence drawdown after the beginning of November

The Practical Guide to Lake Management in Massachusetts

- ◆ Achieve the target drawdown depth by the beginning of December; target a drawdown rate of <3 inches/day
- ◆ Achieve full lake status by the beginning of April
- ◆ Keep outflow during drawdown below a discharge equivalent to 4 cfs per square mile of watershed; once the target water level is achieved, match outflow to inflow to the greatest extent possible, maintaining a stable water level
- ◆ Keep outflow during refill above a discharge equivalent to 0.5 cfs per square mile of watershed
- ◆ Conduct a monitoring program that includes water level, flow, water clarity, winter oxygen, the plant community, and representative sensitive faunal populations
- ◆ After target species are controlled, evaluate the potential to move to an every other or every third year drawdown schedule

Possible Permits

- ◆ WPA permit through local Conservation Commission/DEP
- ◆ Review by NHESP (further action if protected species are present)

Impacts Specific to the Wetlands Protection Act

- ◆ Protection of public and private water supply – Potential detriment (if adequate water for supply is not maintained), but can be neutral in some cases with proper management
- ◆ Protection of groundwater supply – Potential detriment (if lowered lake level lowers groundwater), but can be neutral (if adequate groundwater level is maintained or there is no significant interaction)
- ◆ Flood control – Benefit (flood storage potential increased)
- ◆ Storm damage prevention – Benefit (flood storage potential increased), but possible detriment as exposed areas may be subject to potentially damaging storm impacts
- ◆ Prevention of pollution – May provide benefit (water quality enhancement) or detriment (water quality deterioration), but impacts generally limited
- ◆ Protection of land containing shellfish – Detriment (shellfish potentially exposed), but impacts may be neutral in some cases, and shellfish habitat may be improved overall
- ◆ Protection of fisheries - Potential detriment by temporary habitat loss, potential benefit by habitat improvement (may have benefit and detriment to different species in same lake from same drawdown)
- ◆ Protection of wildlife habitat - Potential detriment by temporary habitat loss for completely aquatic species and impact on muskrat and beaver lodges, potential benefit by habitat improvement (may have benefit and detriment to different species in same lake from same drawdown)

Cost Considerations

Drawdown is a relatively inexpensive lake management technique, if the means to conduct a drawdown are present. Where an outlet structure facilitates drawdown, the cost may be as little as what is required to obtain permits, open and close the discharge structure, and monitor. If pumps are required to lower the water level, the drawdown will be more expensive. It is unusual to alter a dam for less than \$100,000, but if the structure already supports water level control, costs of \$3,000 to \$10,000 per year would be a reasonable expectation for permitting and monitoring. Where protected species are present, permitting may be difficult and monitoring and mitigation costs can escalate.



2015 00106944

Bk: 54421 Pg: 24

Page: 1 of 19 10/13/2015 11:09 AM WD



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

Provided by MassDEP:
CERO
MassDEP File #
197-0584
eDEP Transaction #
LEICESTER
City/Town

A. General Information

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

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



1. From: LEICESTER
Conservation Commission

2. This issuance is for (check one):
a. ☒ Order of Conditions b. ☐ Amended Order of Conditions

3. To: Applicant:

Cedar Meadow Lake Watershed District

a. First Name

b. Last Name

c. Organization

P.O. Box 320

d. Mailing Address

Leicester

MA

f. State

01524

g. Zip Code

e. City/Town

4. Property Owner (if different from applicant):

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

5. Project Location:

Off 142 Charles Street

a. Street Address

Leicester

b. City/Town

28

A12

c. Assessors Map/Plat Number

d. Parcel/Lot Number

Latitude and Longitude, if known:

42d13'21.52 Nm s

d. Latitude

71d56'10.04Wm s

e. Longitude

1915



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

Provided by MassDEP:
CERO
MassDEP File #
197-0584
eDEP Transaction #
LEICESTER
City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
Worcester
- | | |
|-----------|--|
| a. County | b. Certificate Number (if registered land) |
| 18866 | 0367 |
| c. Book | d. Page |
7. Dates: 8/4/2015 9/16/2015 9/24/2015
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
Annual Draw Down and Dam Maintenance Plan
- | | | |
|--|----------------|--------------------------|
| a. Plan Title | b. Prepared By | c. Signed and Stamped by |
| | | |
| d. Final Revision Date | e. Scale | |
| Preservation Plan; 2015-2016 Action Plan | | |
| f. Additional Plan or Document Title | | g. Date |

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

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

- | | | |
|---|--|---|
| a. <input type="checkbox"/> Public Water Supply | b. <input checked="" type="checkbox"/> Land Containing Shellfish | c. <input checked="" type="checkbox"/> Prevention of Pollution |
| d. <input checked="" type="checkbox"/> Private Water Supply | e. <input checked="" type="checkbox"/> Fisheries | f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| g. <input checked="" type="checkbox"/> Groundwater Supply | h. <input type="checkbox"/> Storm Damage Prevention | i. <input checked="" type="checkbox"/> Flood Control |

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

Approved subject to:

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



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

Provided by MassDEP:
CERO
MassDEP File #
197-0584
eDEP Transaction #
LEICESTER
City/Town

B. Findings (cont.)

Denied because:

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

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

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



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

Provided by MassDEP:
CERO
MassDEP File #
197-0584
eDEP Transaction #
LEICESTER
City/Town

B. Findings (cont.)

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

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



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

Provided by MassDEP:
CERO
MassDEP File #
197-0584
eDEP Transaction #
LEICESTER
City/Town

B. Findings (cont.)

* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. ☐ Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

24. ☐ Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on 9/24/2018 unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



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

Provided by MassDEP:
CERO
MassDEP File #
197-0584
eDEP Transaction #
LEICESTER
City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act

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

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number 197-0584 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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

Provided by MassDEP:
CERO
MassDEP File #
197-0584
eDEP Transaction #
LEICESTER
City/Town

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

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

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

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



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

Provided by MassDEP:
CERO
MassDEP File #
197-0584
eDEP Transaction #
LEICESTER
City/Town

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

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

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

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

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

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

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

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

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



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

Provided by MassDEP:
CERO
MassDEP File #
197-0584
eDEP Transaction #
LEICESTER
City/Town

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

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

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

This project shall conform to the GEIR Guidance Documents on Lake Drawdowns for Weed Control and Maintenance

"SEE ATTACHED ADMINISTRATIVE/SPECIAL ORDERS"

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



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

Provided by MassDEP:
CERO
MassDEP File #
197-0584
eDEP Transaction #
LEICESTER
City/Town

D. Findings Under Municipal Wetlands Bylaw or Ordinance

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

Conservation Commission

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

1. Municipal Ordinance or Bylaw

2. Citation

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

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

1. Municipal Ordinance or Bylaw

2. Citation

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

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

1) These Orders are required to be recorded at the Registry of Deeds, in its entirety, after the 10-day appeal period from the date of issuance. Proof of said recording must be submitted to the Conservation Office before work can commence.

"SEE ATTACHED SPECIAL ORDERS"



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

Provided by MassDEP:
CERO
MassDEP File #
197-0584
eDEP Transaction #
LEICESTER
City/Town

E. Signatures

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

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

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

1. Date of Issuance

2. Number of Signers

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

Signatures:

[Handwritten signatures of three individuals]

☐ by hand delivery on

☒ by certified mail, return receipt requested, on

Date

Date

F. Appeals

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

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

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



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

Provided by MassDEP:
CERO
MassDEP File #
197-0584
eDEP Transaction #
LEICESTER
City/Town

G. Recording Information

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

LEICESTER

Conservation Commission

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

To:

LEICESTER

Conservation Commission

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

Off 142 Charles Street, Leicester
Project Location

197-0584
MassDEP File Number

Has been recorded at the Registry of Deeds of:

Worcester
County

Book

Page

for: Cedar Meadow Lake Watershed District
Property Owner

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

Book

Page

In accordance with the Order of Conditions issued on:

Date

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

Instrument Number

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

Document Number

Signature of Applicant



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

DEP File Number: _____

**Request for Departmental Action Fee
Transmittal Form**

Provided by DEP

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

A. Request Information

1. Location of Project

a. Street Address _____

b. City/Town, Zip _____

c. Check number _____

d. Fee amount _____

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

Name _____

Mailing Address _____

City/Town _____

State _____

Zip Code _____

Phone Number _____

Fax Number (if applicable) _____

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

Name _____

Mailing Address _____

City/Town _____

State _____

Zip Code _____

Phone Number _____

Fax Number (if applicable) _____

4. DEP File Number:

B. Instructions

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

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

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





Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

Request for Departmental Action Fee
Transmittal Form

Provided by DEP

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

B. Instructions (cont.)

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

Department of Environmental Protection
Box 4062
Boston, MA 02211

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

**Town of Leicester Conservation Commission
Order of Conditions
Cedar Meadow Lake
DEP File #197-0584**

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

PROJECT SPECIFIC CONDITIONS

- 21 The Commission approves a drawdown of 3 feet. The drawdown may commence on October 15, and a 3 foot drawdown achieved by November 15, and up 3 foot drawdown no later than December 1.
- 22 During drawdown, water levels shall be reduced gradually, by no more than 3 inches per day, per recommendation of DFW, to allow wildlife to move to deeper water prior to ice formation & substrate freezing to minimize impacts to fish and invertebrates.
- 23 When the drawdown is achieved, the lake level is to be maintained at the target level until a hard freeze of exposed lake bottom is achieved, but no later than January 31, thence commence partial refill to 3 feet below spillway.
- 24 Refilling of the lake to start by March 1 and be completed by April 1.
- 25 During re-filling of the lake, outflow must be maintained at 0.5 cfs or greater.
- 26 A log of water elevations will be maintained from the start of the drawdown to the completion of the refill (excluding only those times when the lake is frozen over). During drawdown and refill, lake elevations will be recorded daily. At other times lake elevation will be recorded weekly. Copies will be submitted to LCC at completion of drawdown and at completion of refill. In addition to water elevations, log entries will include weather conditions and identify all spillways/gates that are opened/closed.
- 27 This document in its entirety shall be recorded at the Registry of Deeds, immediately following the 10-day appeal period, which commences upon the date of issuance, and before all or any part of the site is sold and/or work commenced. Proof of said recording must be returned to the Leicester Conservation Commission before any work shall commence or sale finalized. Failure to comply with these Orders of Conditions shall automatically invalidate this permit.
- 28 In the event this land or any part thereof changes ownership before or during construction, the current owner shall notify the new owner, prior to the transfer of ownership, by registered mail, of this Order and shall forward proof of this notification to the LCC. The Commission shall be notified in writing within 30 days of all transfers of title of any portion of property that take place prior to the issuance of the Certificate of Compliance.

ADMINISTRATIVE ORDERS

- 29 Any member of the Conservation Commission or its designated agent shall have full powers to act on its behalf in administering and enforcing this Order. This document shall be included by reference in all contracts, plans and specifications dealing with the activity that is the subject of

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

- 30 In case of emergencies, problems, or the need to discuss site conditions with the Conservation Commission, please contact the Commission or its agent during business hours at (508) 892-7007.
- 31 The applicant shall provide a copy of this Order to the person or persons supervising the activity that is the subject of this Order, and will be responsible for understanding and complying with the terms and conditions of this Order as well as any others performing work or activity subject to this Order of Conditions. A copy of this Order of Conditions, construction plans, and copies of the documents and reports shall be on the site upon commencement and during any site work for contractors to view and adhere to.
- 32 If any change is made in the above-described plan(s) which may or will alter an area subject to protection under the Wetlands Protection Act, 310 CMR 10.00 and the Leicester Wetland Bylaw and Wetland Bylaw Regulations, the applicant shall inquire from this Commission or its agent, prior to implementing the change in the field, whether the change is significant enough to require the filing of a new Notice of Intent. Any errors in the plans or information submitted by the applicant shall be considered changes and the above procedures shall be followed.
 - a. If the LCC finds said changes to be insignificant to the interests of the Act and/or the Town of Leicester Wetland Bylaws, then the LCC will so notify the Applicant in writing.
 - b. If the LCC finds said changes to be significant and/or deviate from the original plans, Notice of intent (NOI), or these Orders of Conditions (OOC) the applicant shall file an amended NOI following the same process as a new NOI. No work shall be undertaken until the Amended OOC are issued and recorded at the Registry of Deeds.
- 33 This Order authorizes only the activity described on the approved plan(s) and approved documents referenced in this Order. Any other or additional activity in areas within the jurisdiction of the Commission will require separate review and approval by the Commission or its agent.
- 34 The Commission reserves the right, after a public hearing process, to impose additional conditions on portions of this project to mitigate any impacts which result from site erosion, or any noticeable degradation of surface water quality discharging from the site.

PRIOR TO CONSTRUCTION

- 35 Prior to the Pre-Activity Meeting (site visit) and any work commencing on the site, including any clearing of vegetation or disturbance of soils, the applicant shall comply with the following:
 - a. Display the DEP file number for this Order.
 - b. The applicant shall notify the Conservation Commission at least 48 hours prior to any activity on the site and shall provide the name(s) and telephone number(s) of all person(s) responsible for compliance with this Order.
 - c. The approved erosion control shall be installed as indicated on the approved plan as field located by a surveyor with minimal disturbance of shrubs and herbaceous plants only if absolutely necessary. The Environmental Professional shall review this placement prior to

the Pre-Activity meeting and shall be responsible for adjustments in it's location as necessary due to field conditions.

GENERAL CONDITIONS

- 36 The applicant and any person involved in the activity that is the subject of this Order shall notify the Commission or its agent immediately upon discovery of any matter related to this Order that may affect any area within the jurisdiction of the Commission. A stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair or replace silt fences, hay bales, erosion control blankets, stone riprap, filter berms or any other devices planned for use during construction.
- 37 The area of construction shall remain in a stable condition at the close of each construction day. Erosion controls should be inspected at this time, and repaired, reinforced or replaced as necessary.
- 38 Erosion control devices may be temporarily modified based upon experience at the site. Temporary modifications shall not be deemed approved or permanent, until approved by the Commission or Commission's Agent. All such devices shall be inspected, cleaned or replaced during construction and shall remain in place until such time as stabilization of all areas that may impact resource areas is permanent.
- 39 Within thirty days of completion of debris removal/fence installation, all disturbed areas shall be permanently stabilized with vegetative cover, using sufficient top soil to assure long-term vegetative growth. Continued maintenance of this area, in a manner which assures permanent stabilization and precludes any soil erosion, shall be the responsibility of the applicant.
- 40 If soils are to be left disturbed for longer than 90 days, a temporary cover of rye or other grass should be established to prevent erosion and sedimentation. If the season is not appropriate for plant growth, exposed surfaces shall be stabilized by other appropriate erosions control measures, firmly anchored, to prevent soils from being washed by rain or flooding.
- 41 Erosion control devices shall remain in place and properly functioning until all exposed soils have been stabilized with final vegetative cover and the Conservation Commission and/or its Administrator has authorized their removal.
- 42 The following are prohibited within the wetlands resource areas and associated buffer zones unless expressly permitted by this Order or the plans approved herewith.
 - a. All construction materials, earth stockpiles, landscaping materials, slurry pits, waste products, refuse, debris, stumps, slash, or excavate. These materials may only be stockpiled or collected in areas shown on the plan or they must be placed or stored under cover and surrounded by a double-staked row of hay bales to prevent contact with rain water outside of the buffer zone.
 - b. No material of any kind may be buried, placed or dispersed in areas within the jurisdiction of the Commission by activities that are the subject of this Order
 - c. There shall be no pumping of water from or into wetland resource areas.
 - d. All waste products, grubbed stumps, slash or construction materials. This specifically includes dumpsters.
 - e. Storage of fuel, oil, or other pollutants or hazardous substances.

- f. No vehicle re-fueling or storage overnight.
- g. No equipment is to enter or cross-wetland resource areas at any time unless the location of disturbance is marked on the plans referenced in this Order and flagged in the field.
- h. Cement trucks shall not be washed out in any wetland resource or buffer zone area, or into any drainage system. Any deposit of cement or concrete products into a buffer zone or wetland resource area shall be immediately removed.
- i. Any material placed in wetland resource areas by the applicant without express authorization under this Order shall be removed by the applicant upon demand by the Conservation Commission or its agent. Such areas shall be immediately restored to their pre-disturbance condition.

- 43 Workers shall be informed that no use of machinery, storage of machinery or materials, stockpiling of soil or any other construction activity is to occur beyond the erosion control barriers at any time.
- 44 All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders or any other components shall be fixed immediately.
- 45 Immediately upon the installation of the headwalls and riprap, haybales shall be set and staked around the inlet to prevent sediments from entering the drainage system, wetlands or water bodies.
- 46 The Conservation Commission shall be notified when any maintenance functions that may impact the wetlands, such as, but not limited to, removing accumulated sediments, are to be performed.
- 47 Site grading and construction shall be scheduled to avoid periods of high surface water. Debris removal must be conducted during frozen ground conditions.
- 48 All disturbed areas and slopes shall be loamed and seeded or stabilized through the use of erosion control blankets or other approved means. All disturbed areas will be graded, loamed and seeded prior to November 1 of the year if possible. No disturbed areas or stockpiled material will be left unprotected or without erosion controls during the winter.
- 49 Loaming and seeding will occur within (5 - 30) days of final grading. Barren areas should be stabilized by seeding if work on the project is interrupted for more than 90 days. If the 90 days are in the winter, the applicant shall request a determination from the Commission as to whether seeding or an alternative measure should be conducted.
- 50 Pursuant to the provisions of 310 CMR 10.53.3. the proposed project utilizes the maximum limit of wetlands to be disturbed on one parcel and for one project.
- 51 The applicants, owners, and their successors and assignees shall maintain all culverts, collection basins, traps, retention and detention ponds, outlet structures, BMP devices and other elements of drainage systems, structural and capacity of all structures unless put into an easement to the Town, in order to avoid blockages and siltation which might cause failure of the system and/or detrimental impacts to on-site or off-site resource areas.
- 52 The applicants, owners, and their successors and assignees shall maintain all stabilized slopes shall be maintained as designed and constructed, whether "bioengineered" or mechanically-stabilized slopes.
- 53 Subject to approval by the Commission, the applicant shall submit an Operations and Maintenance

Plan (O&M) for stormwater management systems, including Best Management Practices. In addition, a Long Term Pollution Prevention Plan (LTPP) is required (see Condition 19d). No additional filings will be required to conduct maintenance of the above referenced structures.

- 54 Pesticides, herbicides, fungicides, and fertilizers **shall not be used** within 100 feet of the wetlands. Organic pesticides, herbicides, fungicides and fertilizers may be used subject to the review and approval of the Conservation Commission. Only slow-release organic granular type fertilizers shall be used within the wetland buffer zone. This shall be noted in the Certificate of Compliance and shall be an ongoing condition.
- 55 De-icing chemicals (e.g. sodium, potassium, and calcium chloride) in excess of residential application standards are prohibited on driveways located in wetland resource areas and buffer zones. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
- 56 Dumping Prohibited: There shall be no dumping of leaves, grass clippings, brush, or other debris into: wetlands areas, replication areas, stream threads or other areas subject to jurisdiction by the Leicester Conservation Commission. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
- 57 Prior to the issuance of a Certificate of Compliance and upon the sale of the property to subsequent owners, the new owner shall provide a letter to the Conservation Commission acknowledging that he/she understands the wetland restrictions bound to this property. A copy of this letter shall accompany the written request for a Certificate of Compliance. This shall be an ongoing condition and shall be recorded in the deed and on subsequent deeds.

ATTEST: WORC. Anthony J. Vigilotti, Register