

Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

# WPA Form 3 – Notice of Intent

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

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):

Lake Sargent Drive/Felix Street (Lot 1)

a. Street Address

Leicester

b. City/Town

01524

c. Zip Code

Latitude and Longitude:

19A

f. Assessors Map/Plat Number

d. Latitude

19.1

g. Parcel /Lot Number

e. Longitude

RECEIVED

2. Applicant:

Bob & Shari

a. First Name

Frigon

b. Last Name

NOV 16 2016

c. Organization

163 Northwest Road

d. Street Address

Spencer

e. City/Town

508-885-4304

h. Phone Number

i. Fax Number

MA

f. State

slfsbr@charter.net

j. Email Address

01562

g. Zip Code

Town of Leicester  
Planning & Inspectional Services

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):

a. First Name

b. Last Name

c. Company

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

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

500.00

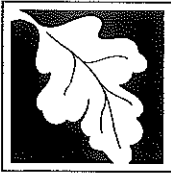
a. Total Fee Paid

237.50

b. State Fee Paid

262.50

c. City/Town Fee Paid



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

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City/Town

**A. General Information (continued)**

6. General Project Description:

The proposed project consists of the construction of a single-family home, driveway, retaining wall, well, grading and associate site work.

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

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

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

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

2. Limited Project Type

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

8. Property recorded at the Registry of Deeds for:

Worcester

a. County

23591

c. Book

b. Certificate # (if registered land)

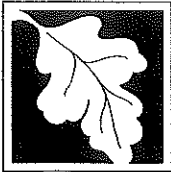
11

d. Page Number

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

1. ☒ 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.
2. ☐ 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.

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

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
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. ☐ 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:

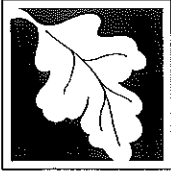
a. total square feet \_\_\_\_\_ b. square feet within 100 ft. \_\_\_\_\_ c. square feet between 100 ft. and 200 ft. \_\_\_\_\_

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.

Resource Area                      Size of Proposed Alteration                      Proposed Replacement (if any)

a. ☐ Designated Port Areas                      Indicate size under Land Under the Ocean, below

b. ☐ Land Under the Ocean                      1. square feet  
2. cubic yards dredged

c. ☐ Barrier Beach                      Indicate size under Coastal Beaches and/or Coastal Dunes below

d. ☐ Coastal Beaches                      1. square feet                      2. cubic yards beach nourishment

e. ☐ Coastal Dunes                      1. square feet                      2. cubic yards dune nourishment

Size of Proposed Alteration                      Proposed Replacement (if any)

f. ☐ Coastal Banks                      1. linear feet

g. ☐ Rocky Intertidal Shores                      1. square feet

h. ☐ Salt Marshes                      1. square feet                      2. sq ft restoration, rehab., creation

i. ☐ Land Under Salt Ponds                      1. square feet

2. cubic yards dredged

j. ☐ Land Containing Shellfish                      1. square feet

k. ☐ 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. ☐ Land Subject to Coastal Storm Flowage                      1. square feet

4. ☐ Restoration/Enhancement

If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

5. ☐ Project Involves Stream Crossings

a. number of new stream crossings

b. number of replacement stream crossings



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 Notice of Intent – 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](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

Oct. 2008

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.1.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](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](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  
1213 Purchase Street – 3rd Floor  
New Bedford, MA 02740-6694  
Email: [DMF.EnvReview-South@state.ma.us](mailto: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](mailto: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.

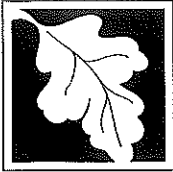
**D. Additional Information**

- ☐ 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

Provided by MassDEP:

**WPA Form 3 – Notice of Intent**

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

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.

Site Plan- Lot 1 Lake Sargent Drive, Leicester

a. Plan Title

Finlay Engineering

John Finlay

b. Prepared By

c. Signed and Stamped by

11/4/16

1" = 20'

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

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

**E. Fees**

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

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

4872

11/14/16

2. Municipal Check Number

3. Check date

4871

11/14/16

4. State Check Number

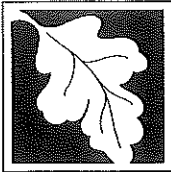
5. Check date

Robert & Shari Frigon

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.

Shawn Eagon

1. Signature of Applicant

11-14-16

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.

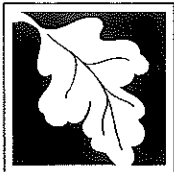
**For MassDEP:**

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.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**NOI Wetland Fee Transmittal Form**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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



## A. Applicant Information

### 1. Location of Project:

Lake Sargent Drive/Felix Street (Lot 1)

a. Street Address

Leicester

b. City/Town

c. Check number

d. Fee amount

### 2. Applicant Mailing Address:

Bob & Shari

a. First Name

Frigon

b. Last Name

c. Organization

163 Northwest Road

d. Mailing Address

Leicester

e. City/Town

MA

f. State

01562

g. Zip Code

508-885-4304

h. Phone Number

i. Fax Number

slfsbr@charter.net

j. Email Address

### 3. Property Owner (if different):

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

## B. Fees

Fee should be calculated using the following process & worksheet. ***Please see Instructions before filling out worksheet.***

**Step 1/Type of Activity:** Describe each type of activity that will occur in wetland resource area and buffer zone.

**Step 2/Number of Activities:** Identify the number of each type of activity.

**Step 3/Individual Activity Fee:** Identify each activity fee from the six project categories listed in the instructions.

**Step 4/Subtotal Activity Fee:** Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

**Step 5/Total Project Fee:** Determine the total project fee by adding the subtotal amounts from Step 4.

**Step 6/Fee Payments:** To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**NOI Wetland Fee Transmittal Form**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**B. Fees** (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category II (single-family home)	1	500.00	500.00

**Step 5/Total Project Fee:** 500.00

**Step 6/Fee Payments:**

Total Project Fee:	500.00
	a. Total Fee from Step 5
State share of filing Fee:	237.50
	b. 1/2 Total Fee less \$12.50
City/Town share of filling Fee:	262.50
	c. 1/2 Total Fee plus \$12.50

**C. Submittal Requirements**

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection  
Box 4062  
Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

**To MassDEP Regional Office** (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)



ROBERT W. FRIGON  
SHARI L. FRIGON  
163 NORTHWEST RD.  
SPENCER, MA 01562

53-7159-2113

4873

11/14/2016

PAY to the order of Town of Leicester \$ 125.00  
one hundred twenty-five <sup>00</sup>/<sub>100</sub> DOLLARS

SPENCER BANK  
SPENCER, MASSACHUSETTS 01562

FOR

Shari Frigon

MP



ROBERT W. FRIGON  
SHARI L. FRIGON  
163 NORTHWEST RD.  
SPENCER, MA 01562

53-7159-2113

4872

11/14/2016

PAY to the order of Town of Leicester \$ 265.50  
two hundred sixty-five <sup>50</sup>/<sub>100</sub> DOLLARS

SPENCER BANK  
SPENCER, MASSACHUSETTS 01562

FOR

Shari Frigon

MP



ROBERT W. FRIGON  
SHARI L. FRIGON  
163 NORTHWEST RD.  
SPENCER, MA 01562

53-7159-2113

4871

11/14/2016

PAY to the order of Commonwealth of Mass \$ 237.50  
two hundred thirty-seven <sup>50</sup>/<sub>100</sub> DOLLARS

SPENCER BANK  
SPENCER, MASSACHUSETTS 01562

FOR

Shari Frigon

MP

Notification of Abutters Under the  
Massachusetts Wetlands Protection Act and the Town of Leicester Wetlands Bylaw

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, you are hereby notified of the following:

- A. The name of the applicant is Bob & Shari Frigon.
- B. The applicant has filed a Notice of Intent with the Conservation Commission for the municipality of Leicester seeking to construct a single-family home, driveway, retaining wall, well, grading, and associated site work within the 100-foot Buffer Zone to areas Subject to Protection Under the Wetlands Protection Act (General Laws Chapter 131, Section 40) and the Town of Leicester Wetlands Bylaw.
- C. The address where the planned activity will take place Lake Sargent Drive/Felix Street (Lot 1), Leicester.
- D. Copies of the Notice of Intent may be examined and obtained by contacting the applicant at 508-885-4304, during regular business hours.

For more information, call Bob & Shari Frigon at (508) 885-4304 or the Leicester Conservation Commission to make an appointment to review the filing materials.

- E. Information regarding the date, time and place of the public hearing may be obtained from Bob & Shari Frigon, by calling this telephone number (508) 885-4304 during regular business hours or by contacting the Leicester Conservation Commission.

NOTE: Notice of the public hearing, including the date, time and place will be published at least five (5) days in advance in the Worcester Telegram and Gazette.

**NOTE: Notice of the public hearing, including the date, time and place will be posted in the City or Town Hall not less than forty-eight (48) hours in advance.**

**NOTE: You also may contact your local Conservation Commission or the nearest Department of Environmental Protection Regional Office for more information about this application or the Wetlands Protection Act. To contact DEP, call:**

DEP Central Region: (508) 792-7650.

# Town of Leicester

## Abutters List

11/14/2016

9:36:50AM

ParcelID	Location	Owner	Co-Owner	Mailing Address	City	State	Zip
19 A7 0	1430 MAIN ST	LEICESTER COUNTRY CLUB LLC		PO BOX 136	LEICESTER	MA	01524
19A A18 0	5 FELIX ST	KVALITA JR JOHN C		25 LAKE AV	LEICESTER	MA	01524
19A A19 0	FELIX ST	HARRIS RICHARD A		37 WILLIAM CASEY RD	SPENCER	MA	01562
19A A20 0	27 LAKE SARGENT DR	COLE III FRANK	COLE SUZANNE	27 LAKE SARGENT DR	LEICESTER	MA	01524
19A A21 0	29 LAKE SARGENT DR	BEVERIDGE KENDRA M		29 LAKE SARGENT DRIVE	LEICESTER	MA	01524
19A A9 0	MAIN ST	CARTER JOHN P	CARTER APRIL R	1304 MAIN ST	LEICESTER	MA	01524
19A D19 0	30 LAKE SARGENT DR	PATTERSON JOSEPH E	PATTERSON MARILYN E	30 LAKE SARGENT DRIVE	LEICESTER	MA	01524
19A D20 0	28 LAKE SARGENT DR	HINES KATHLEEN		28 LAKE SARGENT DRIVE	LEICESTER	MA	01524
19A D21 0	26 LAKE SARGENT DR	HARRIS RICHARD A		37 WILLIAM CASEY RD	SPENCER	MA	01562
19A D22 0	2 FELIX ST	PALZZOLO LAUREN		2 FELIX ST	LEICESTER	MA	01524
19A D24 0	49 LAKE AV	MA LUYA		49 LAKE AVE	LEICESTER	MA	01524
19A D25 0	59 LAKE AV	BISSON RAYMOND G	BISSON DEBRA A	59 LAKE AV	LEICESTER	MA	01524
19A D26 0	65 LAKE AV	BROSANAN DAVID M	BROSANAN KATHY A	65 LAKE AV	LEICESTER	MA	01524
19A D27 0	69 LAKE AV	THIBAUD SANDRA M		69 LAKE AVE	LEICESTER	MA	01524-1905

End of Report

Above is a certified list of abutters and abutters to abutters within 300 feet of subject.  
 Subject property: Felix Street, Assessors Map 19A-A19.1-0, Deed Ref. 23591/11  
 Subject owner(s): Richard A. Harris

John Prescott, Principal Assessor

Prepared by: Kathleen Asquith, Assistant

# EcoTec, Inc.

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## ENVIRONMENTAL CONSULTING SERVICES

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

November 3, 2016

Bob and Shari Frigon  
163 Northwest Road  
Spencer, MA 01562

RE: Wetland Resource Evaluation, Lot 1 Lake Sargent Road, Leicester, Massachusetts

Dear Mr. & Mrs. Frigon:

On October 20, 2016, EcoTec, Inc. inspected the above-referenced property for the presence of wetland resources as defined by: (1) the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, § 40; the “Act”) and its implementing regulations (310 CMR 10.00 *et seq.*; the “Regulations”); (2) the U.S. Clean Water Act (i.e., Section 404 and 401 wetlands); and (3) the Town of Leicester Wetlands Protection Bylaw. Scott Morrison, PWS conducted the inspection.

The subject site consists of a 0.5-acre parcel located to the west of Lake Sargent Drive in Leicester. The upland portions of the site consist of undeveloped forest. Plant species observed include northern red oak (*Quercus rubra*), white oak (*Quercus alba*), eastern white pine (*Pinus strobus*), black cherry (*Prunus serotina*), red maple (*Acer rubrum*), American beech (*Fagus grandifolia*) and white ash (*Fraxinus americana*), trees and/or saplings; poison ivy (*Toxicodendron radicans*) climbing woody vines; American witch-hazel (*Hamamelis virginiana*), shrubs; and bracken fern (*Pteridium aquilinum*), hayscented fern (*Dennstaedtia punctilobula*), and wild-lily-of-the-valley (*Maianthemum canadense*) ground cover. The wetland resources observed on the site are described below.

### Methodology

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

Vegetated Wetlands. One set of DEP Bordering Vegetated Wetland Delineation Field Data Forms completed for observation plots located in the wetlands and uplands near flag A-2 is attached. The table below provides the Flag Numbers, Flag Type, and Wetland Types and Locations for the delineated wetland resources.

Flag Numbers	Flag Type	Wetland Types and Locations
Start A1 to A3 Stop	Blue Flags	Boundary of Bordering Vegetated Wetlands located to the south of the site that is associated with an intermittent stream.
Start B1 to B6 Stop	Blue Flags	Boundary of Bordering Vegetated Wetlands located to the east of the site across Lake Sargent Drive that is associated with an intermittent stream.

### Findings

Wetland A and B (i.e., flags A1 to A3 and B1 to B6) consists of a forested/shrub swamp located to the south and east the of the site that is associated with an intermittent stream. Plant species observed include red maple (*Acer rubrum*), gray birch (*Betula populifolia*), and American elm (*Ulmus americana*) trees and/or saplings; poison ivy (*Toxicodendron radicans*) climbing woody vines; highbush blueberry (*Vaccinium corymbosum*), common winterberry (*Ilex verticillata*), arrow-wood (*Viburnum dentatum*), speckled alder (*Alnus rugosa*), silky dogwood (*Cornus amomum*), and American elderberry (*Sambucus canadensis*) shrubs; and sheep-laurel (*Kalmia angustifolia*), bristly blackberry (*Rubus hispida*), cinnamon fern (*Osmunda cinnamomea*), royal fern (*Osmunda regalis*), sensitive fern (*Onoclea sensibilis*), skunk-cabbage (*Symplocarpus foetidus*) and spotted touch-me-not (*Impatiens capensis*) ground cover. Evidence of wetland hydrology, including hydric soils, high groundwater, saturated soils, and drainage patterns, was observed within the delineated wetland. This vegetated wetland borders an intermittent stream; accordingly, the vegetated wetlands would be regulated as Bordering Vegetated Wetlands and the intermittent stream would be regulated as Bank under the Act and Bylaw. A 100-foot Buffer Zone extends horizontally outward from the edge of Bordering Vegetated Wetlands under the Act and Bylaw.

Bordering Land Subject to Flooding is an area that floods due to a rise in floodwaters from a bordering waterway or water body. Where flood studies have been completed, the boundary of Bordering Land Subject to Flooding is based upon flood profile data prepared by the National Flood Insurance Program. Section 10.57(2)(a)3. states that "The boundary of Bordering Land Subject to Flooding is the estimated maximum lateral extent of flood water which will theoretically result from the statistical 100-year frequency storm." Based upon a review of the Flood Insurance Rate Map, Worcester County, Massachusetts, Map Number 25027C0781E, Effective Date July 4, 2011, there is a mapped Zone A (i.e., 100-year floodplain with an unspecified flood elevation) located along the frontage of the lot. Bordering Land Subject to Flooding would occur in areas where the 100-year flood elevation is located outside of or upgradient of the delineated Bordering Vegetated Wetlands boundary. Bordering Land Subject to Flooding does not have a Buffer Zone under the Act.



Mr. & Mrs. Frigon  
November 3, 2016  
Page 3.

The Massachusetts Rivers Protection Act amended the Act to establish an additional wetland resource area: Riverfront Area. Based upon a review of the current USGS Map (i.e., Worcester South Quadrangle, dated 1983, attached) and observations made during the site inspection, a stream that is not shown on the USGS Map is located to the east of the site. The watershed area for this stream at the site was determined to be approximately .02 square miles, which is substantially less than 0.5 square miles. As such, the stream would be designated intermittent under the Massachusetts Wetlands Protection Act regulations. Furthermore, based upon a review of the current USGS Map and observations made during the site inspection, there are no other mapped or unmapped streams located within 200 feet of the site. Accordingly, Riverfront Area would not occur on the site. Riverfront Area does not have a Buffer Zone under the Act.

The Regulations require that no project may be permitted that will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures set forth at 310 CMR 10.59. Based upon a review of the *Massachusetts Natural Heritage Atlas*, 13<sup>th</sup> edition, Priority Habitats and Estimated Habitats, Leicester Quadrangle, valid from October 1, 2008, there are no Estimated Habitats [for use with the Act and Regulations (310 CMR 10.00 *et seq.*)], Priority Habitats [for use with Massachusetts Endangered Species Act (M.G.L. Ch. 131A; "MESA") and MESA Regulations (321 CMR 10.00 *et seq.*)], or Certified Vernal Pools on or in the immediate vicinity of the site. A copy of this map is attached.

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

Cordially,  
ECOTEC, INC.

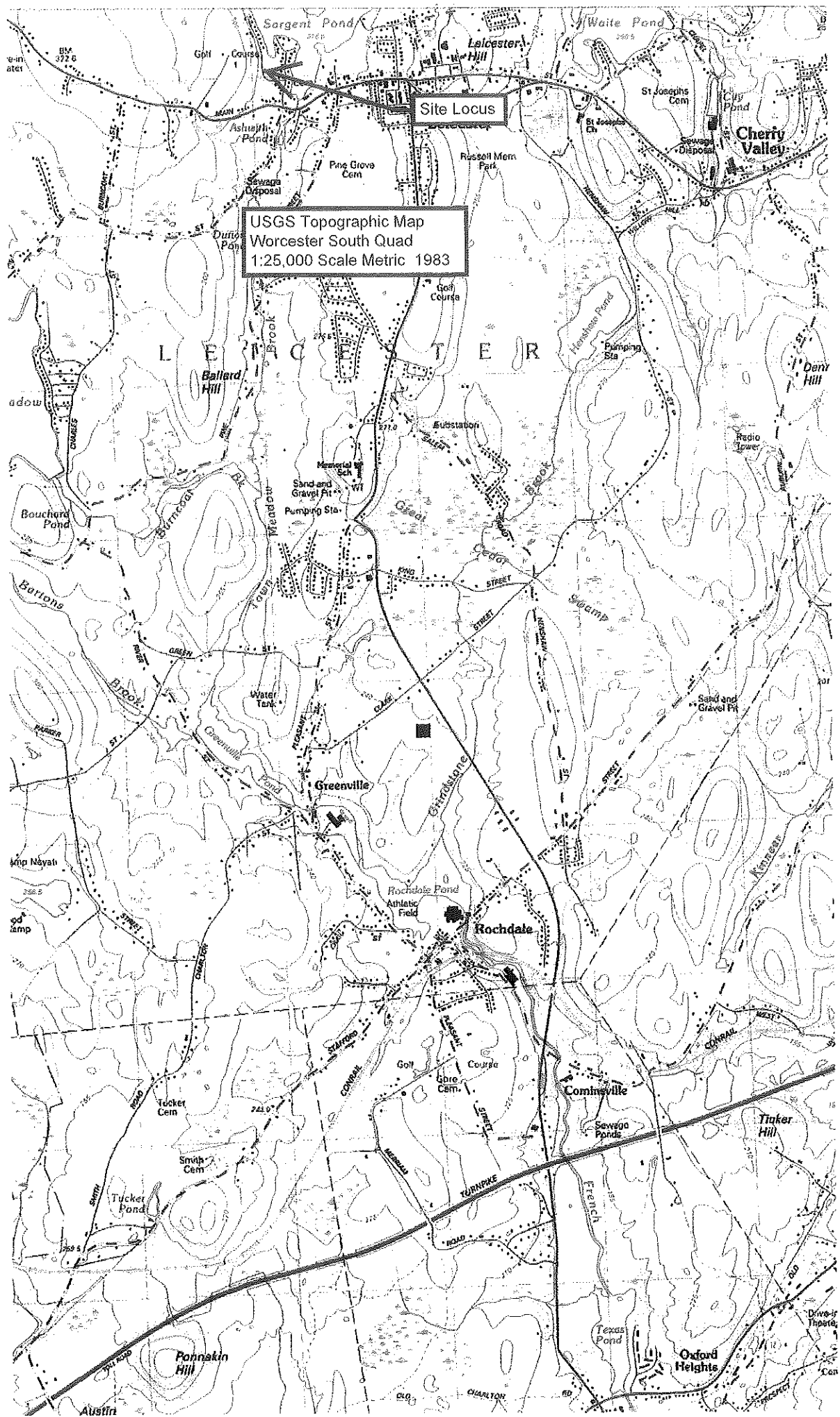


Scott M. Morrison, PWS  
Senior Environmental Scientist

Attachments (6, 8 pages)

17/w/LeicLakeSargentRdReport

**EcoTec, Inc.**





# Priority Habitats and Estimated Habitats - Effective October 1, 2008

Priority Habitats for use with the MA Endangered Species Act Regulations (321 CMR 10)

Estimated Habitats for use with the MA Wetlands Protection Act Regulations (310 CMR 10)

Produced by the Natural Heritage & Endangered Species Program

website: [www.nhesp.org](http://www.nhesp.org)



## Page Index

p.83	p.84	p.85	p.86	p.87
p.105	p.106	p.107	p.108	p.109
p.124	p.125	p.126	p.127	p.128

## Priority Habitat of Rare Species



Priority Habitat of Rare Species and also  
Estimated Habitat of Rare Wildlife

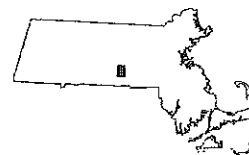


Certified Vernal Pool (as of July 31, 2008)



0 0.5 1 2 Miles

## Leicester Quad





MAP SCALE 1" = 500'



# NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0781E

## FIRM

FLOOD INSURANCE RATE MAP  
WORCESTER COUNTY,  
MASSACHUSETTS  
(ALL JURISDICTIONS)

PANEL 781 OF 1075  
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:  
COMMUNITY NUMBER 250313  
LEICESTER, TOWN OF  
PANEL 0781  
SUFFIX E

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



MAP NUMBER  
25027C0781E  
EFFECTIVE DATE  
JULY 4, 2011

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)



166000 M

PANEL 0595

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

Applicant: Prepared by: EcoTec, Inc. Project location: 26 Lake Sargent Drive DEP File #:

Check all that apply:

- ☐ Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
- ☒ Vegetation and other indications of hydrology used to delineate BVW boundary: fill out Sections I and II
- ☐ Method other than dominance test used (attach additional information)

Section I. Vegetation		Observation Plot Number: A-2	Transect Number: Upland		Date of Delineation: 10/19/16	
A. Sample Layer and Plant Species (by common/scientific name)			B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category *
Tree	red oak	<i>Quercus rubra</i>	60%	100%	yes	FACU-
Sapling	none					
Shrub	multiflora rose witch-hazel	<i>Rosa multiflora</i> <i>Hamamelis virginiana</i>	40% 20%	67% 33%	yes yes	FACU FAC-
Ground Cover	bracken fern	<i>Pteridium aquilinum</i>	20%	100%	yes	FACU

\*Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c. 131, s. 40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

**Vegetation conclusions:**  
 Number of dominant wetland indicator plants: 0  
 Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? no

Number of dominant non-wetland indicator plants: 4

If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.



Section II. Indicators of Hydrology

1. Soil Survey

Is there a published soil survey for this site? -

title/date: -  
map number: -  
soil type mapped: -  
hydric soil inclusions: -

Are field observations consistent with soil survey? -

Remarks: -

2. Soil Description

Horizon Depth (inches) Matrix Color Mottle Color

A 0-16 10YR 3/2  
R 16+

Remarks: fine sandy loam

3. Other:

Conclusion: Is soil Hydric? no

Other Indications of Hydrology: (check all that apply and describe)

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

Vegetation and Hydrology Conclusion

yes no

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

☐ ☒

Wetland hydrology present:

hydric soil present

☐ ☒

other indicators of hydrology present

☐ ☒

Sample location is in a BWV

☐ ☒

Submit this form with the Request for Determination of Applicability or Notice of Intent.

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

Applicant:

Prepared by: EcoTec, Inc.

Project location: Leicester, Lake Sargent Dr.

DEP File #:

Check all that apply:

- ☐ Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only  
☒ Vegetation and other indications of hydrology used to delineate BVW boundary: fill out Sections I and II  
☐ Method other than dominance test used (attach additional information)

Section I. Vegetation		Observation Plot Number: TPW	Transect Number: Wetland	Date of Delineation: 10/19/16	
A. Sample Layer and Plant Species (by common/scientific name)		B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category *
Tree	black birch				
	red maple				
	red oak				
Sapling	red maple				
	witch-hazel				
Shrub	cinnamon fern				
	japanese knotweed				
	jewelweed				
Ground Cover					

\*Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c. 131, s. 40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

## Vegetation conclusions:

Number of dominant wetland indicator plants: 4  
 Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? yes

If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.

Leicester, Lake Sargent Dr.- Wetland

Section II. Indicators of Hydrology

1. Soil Survey

Is there a published soil survey for this site? -

title/date: -  
map number: -  
soil type mapped: -  
hydric soil inclusions: -

Are field observations consistent with soil survey? -

Remarks: -

2. Soil Description

Horizon Depth (inches) Matrix Color Mottle Color

0 0-10  
R 10+

Remarks:

3. Other:

Conclusion: Is soil Hydric? yes

Other Indications of Hydrology: (check all that apply and describe)

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

Vegetation and Hydrology Conclusion		yes	no
Number of wetland indicator plants ≥ number of non-wetland indicator plants		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wetland hydrology present:			
hydric soil present		<input checked="" type="checkbox"/>	<input type="checkbox"/>
other indicators of hydrology present		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sample location is in a BVW		<input checked="" type="checkbox"/>	<input type="checkbox"/>

Submit this form with the Request for Determination of Applicability or Notice of Intent.



# EcoTec, Inc.

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## ENVIRONMENTAL CONSULTING SERVICES

102 Grove Street

Worcester, MA 01605-2629

508-752-9666 – Fax: 508-752-9494

**Scott M. Morrison, PWS, RPSS, SE**  
**Senior Environmental Scientist**

Scott Morrison is a Senior Environmental Scientist with EcoTec, Inc. Since joining EcoTec in 2000, Mr. Morrison's project experience include wetland resource evaluation, delineation, and permitting at the local, state, and federal levels; wildlife habitat evaluation; pond and stream evaluation; vernal pool evaluation, monitoring, and certification; wetland replacement, replication, and restoration area design, construction, and monitoring; soil evaluations to determine infiltration rates and seasonal high groundwater elevations for detention basin construction; environmental sampling and analysis tasks, including soil and groundwater sample collection and handling; and expert testimony preparation. He has conducted rare species habitat assessments for the eastern box turtle, wood turtle, Blanding's turtle, spotted turtle, and marbled salamander. He has participated in rare species studies for rare species including the marbled salamander, piping plover, eastern box turtle, and northern diamondback terrapin and developed mitigation strategies for the marbled salamander, spotted turtle, eastern box turtle and wood turtle. He has participated in visual preconstruction sweeps for the wood turtle and both preconstruction and research projects for the eastern box turtle. He has served as a consultant to municipalities, conservation commissions, engineering and survey firms. He has completed numerous wetland related projects including environmental impact assessments for proposed development, erosion control and environmental monitoring for subdivisions, commercial developments, golf courses and landfills. He has prepared Massachusetts Environmental Policy Act (MEPA) documentation, including Environmental Notification Forms (ENFs), Notice of Project Changes (NPCs), and Draft and Final Environmental Impact Reports (EIRs) including Green House Gas Assessments for various projects including subdivisions, commercial buildings, and dredging projects. Prior to joining EcoTec, Inc. Mr. Morrison worked for the Massachusetts Department of Environmental Management (currently the Department of Conservation and Recreation) where he was involved with the monitoring and protection of endangered species and rare old growth forest. He was an active member of the Spencer Conservation Commission from 1998 to 2000 where he provided oversight of proposed wetland replication projects and review of projects submitted for wetland permitting. His educational background includes courses in forestry, ecology, chemistry, soils, and natural resource policy. His prior research experience includes research on forest succession and field research on nesting piping plovers, an endangered coastal shore bird.

### **Education:**

Graduate Soil Science Certificate Program  
University of Massachusetts at Amherst, 2006  
Bachelor of Science: Natural Resource Studies  
University of Massachusetts at Amherst, 1998  
Associate of Science: Business Administration  
Quinsigamond Community College, 1996

### **Professional Affiliations:**

Registered Professional Soil Scientist, Society of Soil Scientists of  
Southern New England (SSSSNE)  
Massachusetts Association of Conservation Commissioners  
Association of Massachusetts Wetland Scientists  
Society of Wetland Scientists

### **Certifications:**

Society of Wetlands Scientists Professional Wetland Scientist,  
Certification Number 2583  
Massachusetts Department of Environmental Protection Soil Evaluator,  
Certification Number SE 13766