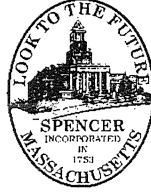


**TOWN OF SPENCER**  
*Office of Utilities & Facilities*

Steven J. Tyler, P.E.  
Superintendent  
styler@spencerma.gov



3 Old Meadow Road  
Spencer, MA 01562  
Phone: 508-885-7515  
Fax: 508-885-9416

November 22, 2016

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

**RE: Project Notification / Request for Determination of Applicability (RDA)  
Maintenance Demolition of Existing Shed at Shaw Pond  
Town of Spencer Public Drinking Water Supply**

Dear Mr. Parretti and Conservation Commissioners:

Please find the enclosed Project Notification / Request for Determination of Applicability (RDA) for the maintenance demolition and removal the existing tool house building located at the Spencer Water Department Shaw Pond reserve Public Water Supply in Leicester.

The work consists of demolition of the existing 18'x14' wooden tool house building and the removal of all demolition debris from the site. Because of the existing poor and unsafe condition of the existing tool house we plan to demolish and remove the existing structure and all related demolition debris as neatly and quickly as possible and leave the existing foundation in place. The work should be completed in a day or two at the most. We do not plan to disturb any earth or soil.

The enclosed Request for Determination of Applicability (RDA) and attachments have been provided for informational purposes and to demonstrate that all no adverse impacts to wetlands or wetlands resources will occur as a result of this project. We believe the removal of the existing unsafe structure will be an overall betterment to the environment.

We, therefore, respectfully request that a Negative Determination of Applicability be issued for this work.

We understand that the Leicester Conservation Commission is aware that as a public water utility project that does not change or substantially enlarge an existing facility it is exempt from the Wetlands Protection Act pursuant to MGL Ch. 131 ss 40 Paragraph 1 and 310 CMR 10.02 (2) (a) 2. The enclosed information is being provided to demonstrate that proper planning has been included and that no adverse impacts to the environment will be caused.

If you have any questions regarding the enclosed information, plans or any other questions or concerns, please feel free to contact our office for clarification at any time.

Thank you for your understanding and assistance in this matter.

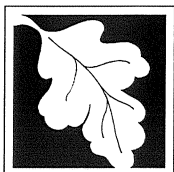
Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Tyler". The signature is fluid and cursive, with a large, stylized "S" and "T".

Steven J. Tyler, P.E.

Superintendent

Enclosures



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

Leicester  
City/Town

**WPA Form 1- Request for Determination of Applicability**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**A. General Information**

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



1. Applicant:

Town of Spencer Water Department

styler@spencerma.gov

Name

E-Mail Address

3 Old Meadow Road

Mailing Address

Spencer

MA

01562

City/Town

State

Zip Code

508-885-7525

508-885-9416

Phone Number

Fax Number (if applicable)

2. Representative (if any):

Town of Spencer Water Department

Firm

Steven J. Tyler, P.E., Superintendent

styler@spencerma.gov

Contact Name

E-Mail Address

(see above)

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

**B. Determinations**

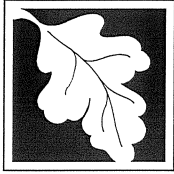
1. I request the Leicester make the following determination(s). Check any that apply:  
Conservation Commission

- ☒ a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- ☐ b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- ☐ c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- ☐ d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

Name of Municipality

- ☐ e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).

The work consists of demolition of the existing 18'x14' wooden tool house building and the removal of all demolition debris from the site. No earth disturbance. Existing foundation will be left in place. Clean up and remove all demolition debris from site.



## WPA Form 1- Request for Determination of Applicability

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

### C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

Watson Street

Street Address

Map 10

Assessors Map/Plat Number

Leicester

City/Town

Parcel 8

Parcel/Lot Number

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

Shaw Pond property and Dam. Former and current backup public water supply for the Town of Spencer.

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

Shaw Pond Dam

Title

Plan of Shaw Pond Watershed

Title

Shaw Pond, Leicester, MA (Locus Map)

Title

December 2015

Date

April 6, 1944

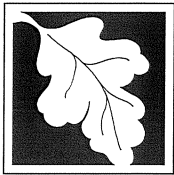
Date

October 6, 2016

Date

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

The work consists of demolition of the existing 18'x14' wooden tool house building and the removal of all demolition debris from the site. No earth disturbance. Existing foundation will be left in place. Clean up and remove all demolition debris from site. Refer to the attached photographs of the existing tool house.



## WPA Form 1- Request for Determination of Applicability

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

### C. Project Description (cont.)

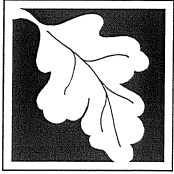
b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

This project is exempt for the Wetlands Protection Act as stated in the 1<sup>st</sup> paragraph of MGL Ch. 131 Section 40 and pursuant to 310 CMR 10.02 (2) (a) 2. ... "activities to maintain, repair or replace but not substantially enlarge an existing lawfully located structure or facility used in the service of the public and used to provide .... water services"

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- ☐ Single family house on a lot recorded on or before 8/1/96
- ☐ Single family house on a lot recorded after 8/1/96
- ☐ Expansion of an existing structure on a lot recorded after 8/1/96
- ☐ Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96
- ☐ New agriculture or aquaculture project
- ☐ Public project where funds were appropriated prior to 8/7/96
- ☐ Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- ☐ Residential subdivision; institutional, industrial, or commercial project
- ☒ Municipal project
- ☐ District, county, state, or federal government project
- ☐ Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



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

Leicester  
City/Town

**WPA Form 1- Request for Determination of Applicability**

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

**D. Signatures and Submittal Requirements**

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Town of Spencer Water Department - Steven J. Tyler, P.E., Superintendent

Name

3 Old Meadow Road

Mailing Address

Spencer

City/Town

MA

State

01562

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Signature of Applicant

Date

11/22/2016

Signature of Representative (if any)

Date





2016 11 22 Shaw Pond Tool House Photos 001



2016 11 22 Shaw Pond Tool House Photos 002



2016 11 22 Shaw Pond Tool House Photos 003



2016 11 22 Shaw Pond Tool House Photos 004



## Shaw Pond, Leicester, MA

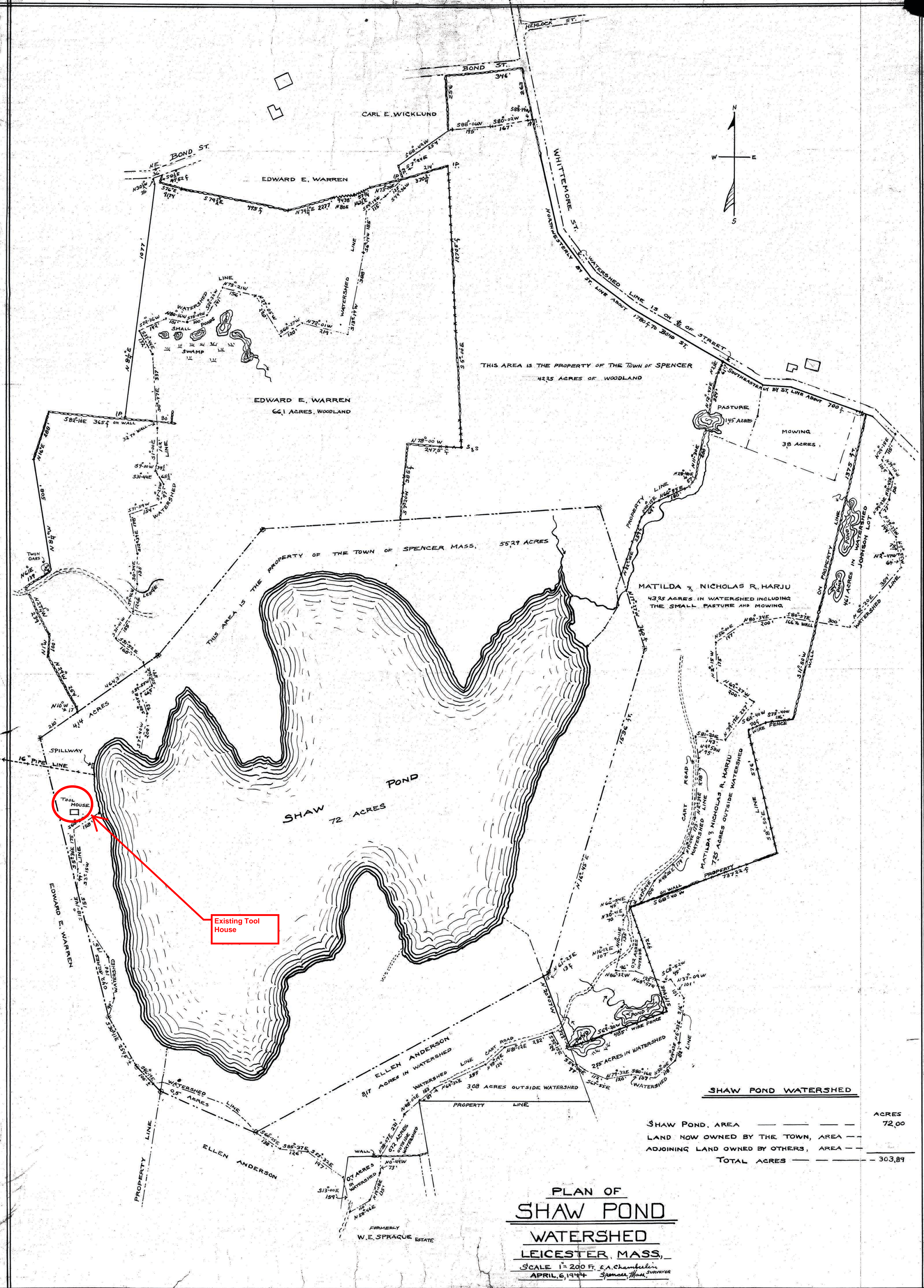


### MAP FOR REFERENCE ONLY NOT A LEGAL DOCUMENT

Town of Spencer, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 1/1/2016  
Properties updated 1/1/2016

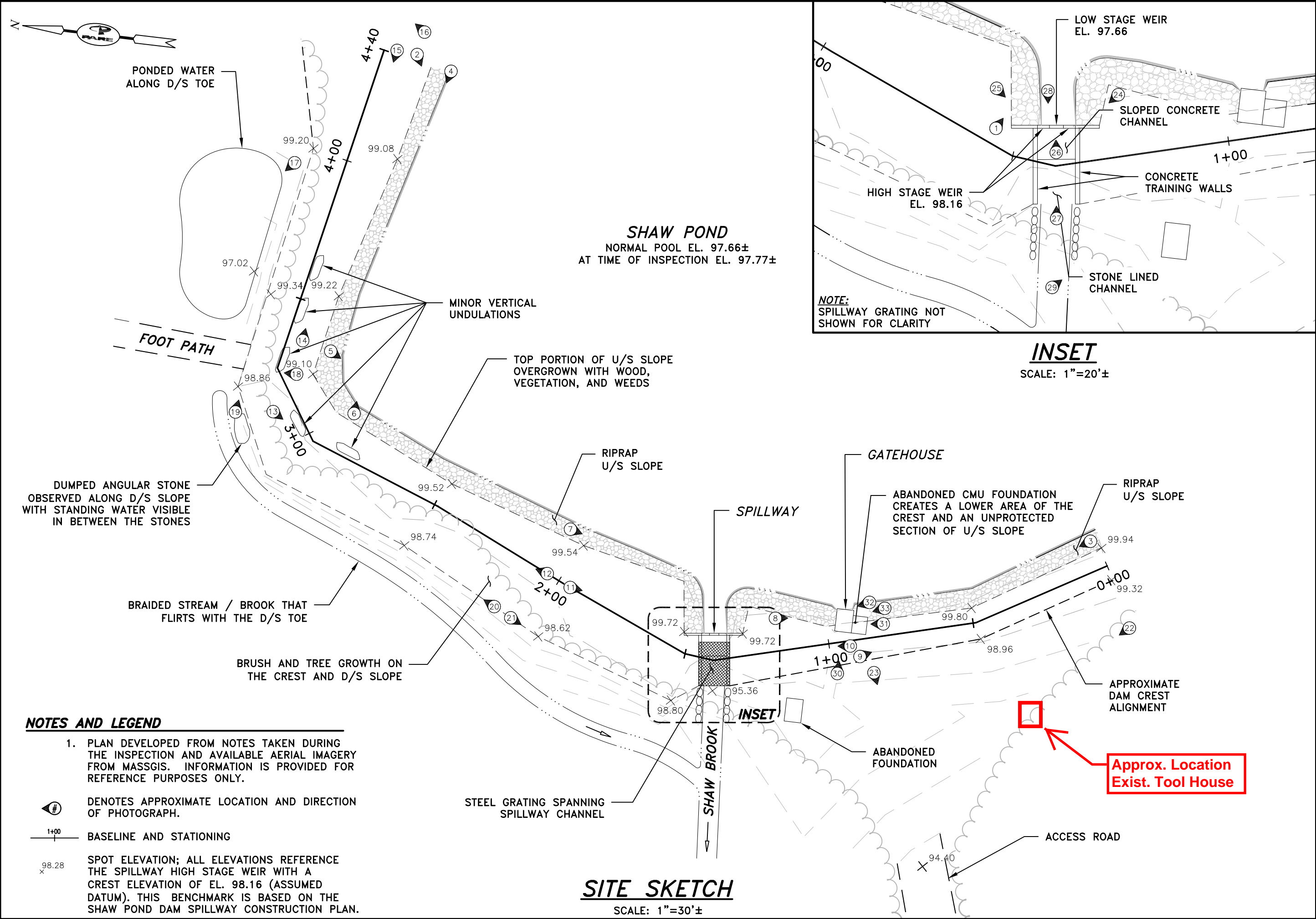




SHAW POND WATERSHED	
SHAW POND, AREA	72.00
LAND NOW OWNED BY THE TOWN, AREA	303.89
ADJOINING LAND OWNED BY OTHERS, AREA	303.89
TOTAL ACRES	303.89

PLAN OF  
SHAW POND  
WATERSHED  
LEICESTER, MASS.  
SCALE 1" = 200 FT. E.A. Chamberlain  
APRIL 6, 1944 Surveyor





**PARE**  
PARE CORPORATION  
ENGINEERS - SCIENTISTS - PLANNERS  
10 LINCOLN ROAD, SUITE 103  
FOXBORO, MA 02035  
508-543-1755

SCALE ADJUSTMENT GUIDE

0" 1"

BAR IS ONE INCH ON ORIGINAL DRAWING.

**SHAW POND DAM**  
MA01039  
LEICESTER, MASSACHUSETTS  
OWNER: TOWN OF SPENCER

REVISIONS:	

PROJECT NO.: 15047.01  
DATE: DECEMBER 2015  
SCALE: AS NOTED  
DESIGNED BY: MED  
CHECKED BY: JMB  
DRAWN BY: LMC  
APPROVED BY: JMB

**SITE SKETCH**

FIGURE NO.: 3