

Waite Pond Dam Repairs Notice of Intent

Proponent: Town of Leicester
Leicester, Massachusetts

January 30, 2024



317 Iron Horse Way, Suite 204
Providence, RI 02908



January 30, 2024

Town of Leicester Conservation Commission
3 Washburn Square
Leicester, MA 01524

RE: Notice of Intent
Waite Pond Dam Repairs
Waite Pond
Leicester, MA 01524

Dear Commission Members:

On behalf of the Town of Leicester, Fuss & O'Neill has prepared the enclosed Notice of Intent (NOI) for the Waite Pond Dam Repairs located at Waite Pond in Leicester, Massachusetts. The proposed project will occur within Riverfront Area which is protected under the Massachusetts Wetlands Protection Act M.G.L. c. 131 §40 (WPA), the Massachusetts Wetland Protection Regulations 310 CMR §10.00 (Wetland Regulations), and the Town of Leicester Wetlands Protection Bylaw (Local Wetland Bylaw).

The enclosed NOI application package includes the WPA Form 3 along with the supporting project narrative, figures, and supplemental information. This NOI will be filed online through eDEP.

If you have any questions, please feel free to contact me at 401-533-5968 or at KBerchielli@fando.com. Thank you for your consideration of this NOI and we look forward to meeting with the Commission.

Sincerely,

Ken Berchielli
Water Resources Engineer

108 Myrtle Street
Suite 502
Quincy, MA
02171
t 617.282.4675
800.286.2469
f 617.481.5885

www.fando.com

California
Connecticut
Maine
Massachusetts
New Hampshire
Rhode Island
Vermont

c: MassDEP, Central Region
David Genereux, Town of Leicester Administrator

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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):

Waite Pond Dam

a. Street Address

Leicester

b. City/Town

01524

c. Zip Code

Latitude and Longitude:

21A

f. Assessors Map/Plat Number

42.24900

d. Latitude

-71.88708

e. Longitude

A48

g. Parcel /Lot Number

2. Applicant:

David

a. First Name

Genereux

b. Last Name

Town of Leicester

c. Organization

3 Washburn Square

d. Street Address

Leicester

e. City/Town

MA

f. State

01524

g. Zip Code

508-892-7077

h. Phone Number

GenereuxD@leicesterma.org

j. Email Address

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):

Ken

a. First Name

Berchielli

b. Last Name

Fuss & O'Neill, Inc

c. Company

317 Iron Horse Way, Suite 204

d. Street Address

Providence

e. City/Town

RI

f. State

02908

g. Zip Code

401-533-5968

h. Phone Number

i. Fax Number

KBerchielli@fando.com

j. Email address

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

Exempt

a. Total Fee Paid

Exempt

b. State Fee Paid

Exempt

c. City/Town Fee Paid



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Bureau of Resource Protection - Wetlands

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A. General Information (continued)

6. General Project Description:

The proposed project will be a vertical extension of the retaining wall on the right side of the spillway (when looking downstream) to Waite Pond Dam. The extension is necessary to contain flow over the spillway within the channel during significant storm events. See Attached for more details.

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)

310 CMR 10.53(3)(i) - Dam Maintenance

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

36166

c. Book

b. Certificate # (if registered land)

286 (See also Tax Taking at Book 28857, Page 196)

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

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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 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

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 checked="" type="checkbox"/> Riverfront Area	Kettle Brook - Inland 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: 6,340
square feet

4. Proposed alteration of the Riverfront Area:

<u>1,540</u>	<u>1,540</u>	<u>0</u>
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.



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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. ☐ 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 _____



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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

August 2021

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 <https://www.mass.gov/ma-endangered-species-act-mesa-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.



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

- (c) ☐ MESA filing fee (fee information available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).

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, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; 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 - Bourne to Rhode Island border, and the Cape & Islands:

North Shore - Plymouth to New Hampshire border:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: dmf.envreview-south@mass.gov

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: dmf.envreview-north@mass.gov

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.

- c. ☐ Is this an aquaculture project?

- d. ☐ Yes ☐ No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).



Massachusetts Department of Environmental Protection
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WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

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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.



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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.

See Attached List

a. Plan Title

b. Prepared By

c. Signed and Stamped by

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:

2. Municipal Check Number

3. Check date

4. State Check Number

5. Check date

6. Payor name on check: First Name

7. Payor name on check: Last Name



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WPA Form 3 – Notice of Intent

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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, David Genereux, Town Administrator

2. Date

3. Signature of Property Owner (if different)

4. Date

5. Signature of Representative, Ken Berchielli, Fuss & O'Neill, Inc.

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:

Waite Pond

a. Street Address

Leicester

b. City/Town

Exempt

d. Fee amount

c. Check number

2. Applicant Mailing Address:

David

a. First Name

Genereux

b. Last Name

Town of Leicester

c. Organization

3 Washburn Square

d. Mailing Address

Leicester

e. City/Town

MA

f. State

01524

g. Zip Code

508-892-7077

h. Phone Number

i. Fax Number

GenereuxD@leicesterma.org

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

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NOI Wetland Fee Transmittal Form

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B. Fees (continued)

[illegible]

Step 5/Total Project Fee: Exempt

Step 6/Fee Payments:

Total Project Fee:	<u>Exempt</u>
	a. Total Fee from Step 5

State share of filing Fee:	<u>Exempt</u>
	b. 1/2 Total Fee less \$12.50

City/Town share of filling Fee: Exempt
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.)

Notice of Intent – List of Attachments Waite Pond Dam Repairs

Section D: Additional Information

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

- i. Plan Title: Waite Pond Dam Repairs: Construction Drawings
Prepared by Fuss & O'Neill
Signed and Stamped By: Philip W. Moreschi, P.E.
Scale: As noted
Final Revision Date: April 2020
- ii. Plan Title: Waite Pond Dam Repairs: Right Training Wall Extension Sheet SK-01 and SK-02
Prepared by Fuss & O'Neill
Signed and Stamped By: Stuart Harris, P.E.
Scale: As noted
Final Revision Date: October 2022

1 Introduction

Project Name: Waite Pond Dam Repairs
Project Location: Waite Pond, 42.24900, -71.88708, Leicester, MA
Proponent: Town of Leicester

Pursuant to the Massachusetts Wetlands Protection Act M.G.L. c. 131 §40 (MAWPA), the Massachusetts Wetland Protection Regulations 310 CMR §10.00 (Wetland Regulations), and the Town of Leicester Wetlands Protection Bylaw (Local Wetland Bylaw), this Notice of Intent (NOI) has been prepared for the Waite Pond Dam repairs located at Waite Pond in Leicester, Massachusetts (site).

In accordance with 310 CMR 10.05(4), notices will be sent by certified mail, return receipt requested, to abutters at least seven days prior to the public hearing. A “Request for Abutters List” was submitted to the Leicester Board of Assessors, and the official provided list will be used to send Certified Mail notices of the project (*Appendix C*). Certified mail receipts will be provided separately, upon receipt. The Construction Drawings (Sept. 2020 – June 2021) are included in *Appendix A*.

1.1 Project Location

Waite Pond Dam is located at latitude 42.24900 North and longitude 71.88708 West on Kettle Brook in Worcester County. The project location is depicted on the Site Location Map, included as *Figure 1* in this report. The dam sits at the east end of Waite Pond at the intersection of Chapel Street and Waite Street in Leicester, Massachusetts.

1.2 Purpose and Need

Repairs to Waite Pond Dam were completed from September 2020 through April 2021 under an Order of Conditions approved on July 17, 2018 (MassDEP file #197-0621) and a Chapter 253 Dam Safety Permit No. 243-2018-243 (see *Appendix F*). The repairs included the demolition of the existing dam and replacement of all appurtenances, including the embankment, low-level outlet, and primary spillway. After the repairs were completed, it was determined that the as-built configuration of the right training wall was susceptible to overtopping during the spillway design flood (SDF). Due to the Significant Hazard classification for Waite Pond Dam, the spillway design flood is defined as a 100-year flood pursuant to 302 CMR §10.00 (Dam Safety). The wall is susceptible to overtopping due to the geometry, as the wall slopes downward prior to the primary spillway, allowing the potential for water to flow over the right training wall onto the downstream face of the embankment. Excessive flow over the side of the right training wall along the embankment may cause erosion of the embankment, which threatens the integrity of the dam and increases risk to the public within the downstream area. Therefore, the proposed scope of work to be covered under this NOI includes vertically extending the right training wall to provide adequate lateral freeboard along the right training wall during the SDF.

2 Existing Conditions

2.1 Project Site

Refer to the Waite Pond Dam Repairs Construction Drawings in *Appendix A* for the current as-built conditions as of January 2024. Refer to *Appendix D* for Site Photos and *Appendix E* for the Wetland Delineation Report.

Waite Pond Dam is an earthen embankment dam with a structural height of 14 feet and hydraulic height at normal pool of 10 feet. The upstream face of the dam consists of stone armoring. The downstream right face of the dam consists of grass cover with approximately 3H:1V slopes. The downstream left embankment consists of a relatively flat gravel area used for parking. A toe drain is situated on the left and right downstream slopes of the dam with a clean out at the surface.

The primary spillway is a concrete broad crested weir structure with a 1-foot-tall timber weir board supported by stainless steel angle slots grouted in place. The spillway is 42 feet long and 9 feet high measured from the concrete dissipation basin to the crest of the spillway. The limits of the primary spillway are formed by two concrete training walls. The left training wall extends approximately 60 feet into the downstream channel to support the parking area and the left downstream face of the dam. The right training wall terminates at the edge of the energy dissipation slab.

The low-level outlet is formed by a 24-inch ductile iron pipe with a slide gate located rectangular concrete gate chamber. The outlet pipe discharges to the streambed at the base of concrete energy dissipation slab. The intake for the outlet is upstream of the dam within the impoundment. A submerged concrete headwall supports a stainless-steel trash rack immediately upstream of the pipe invert. Existing conditions plans are included in *Appendix A*. Existing site photographs are included in *Appendix D*.

The following are basic dam characteristics and elevations:

Dam Name:	Waite Pond Dam
Nat. ID Number:	MA00987
State ID Number:	3-14-151-21
Town	Leicester
Dam Owner:	Town of Leicester 3 Washburn Square, Leicester, MA 01524
Dam Caretaker:	Town of Leicester 3 Washburn Square, Leicester, MA 01524
Hazard Potential:	Significant
Size Classification:	Intermediate
Location of Dam (town):	Leicester
Coordinate location (lat, long):	42.24900, -71.88708
Street Address:	West of Chapel/Waite Street Intersection
Purpose of the Dam:	Current: Recreation

	Historical: Originally to power a small mill of which there are no longer any traces
Length:	120 feet
Structural Height:	14 feet
Hydraulic Height:	10 feet
Type of Dam:	Earthen
	Low-Level Outlet: 24-inch ductile iron pipe

2.2 Environmental Resources Not Present

Based on a review of available information, the following environmental resources are not present within the Project Site:

- Natural Heritage and Endangered Species Program (NHESP) Estimated Habitats of Rare Wildlife
- NHESP Priority Habitats of Rare Species
- Areas of Critical Environmental Concern
- Outstanding Resource Waters
- Preservation Restriction
- Local Historic District
- Massachusetts Historic Landmark
- MassDEP Wellhead Protection Areas

2.3 Wetland Resource Areas

Wetland resource areas were delineated on by Ms. Sara Fusco, PWS, then of Fuss & O'Neill, Inc. on September 17, 2013. The purpose of the delineation was to locate the jurisdictional limits of areas regulated under the Wetland Protection Act (M.G.L. c. 131 sec. 40) and the associated Wetland Protection regulations (310 CMR 10) using methodology presented in the Massachusetts DEP Handbook: Delineating Bordering Vegetated Wetlands, March 1995, the 1987 ACOE Wetland Delineation Manual, and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region, January 2012

The following resource areas are located within the Project Locus and are described within the Wetland Report in *Appendix E*.

- Inland Bank
- Bordering Vegetated Wetlands
- Land Under Water Bodies and Waterways
- Bordering Land Subject to Flooding
- Riverfront Area

Resource area impacts are discussed in *Section 5*.

3 Project Description

The proposed project is to vertically extend the right (when looking downstream) training wall of the primary spillway. The vertical wall extension is necessary to contain flow over the primary spillway during significant storm events. The proposed configuration of the retaining wall with the vertical extension is consistent with the proposed conditions authorized under the 2018 Dam Safety Permit for the project.

The wall will be vertically extended by chipping off one inch of concrete from the top of the existing downstream wall to receive the wall extension. The wall extension will be constructed with cast-in-place concrete with steel reinforcing bars (rebar) embedded in the concrete across the joint and water stops embedded in the concrete to create a structurally continuous, watertight joint. The proposed joint is designed to contain sufficient and properly configured rebar so that the concrete is functionally equivalent to a monolithic structure with the same design life as the concrete around the joint. The inclusion of the vertical wall extension and the joint is important because a potential dam safety condition could develop if the wall is not extended.

The construction of the extension will be completed during the seasonal pond drawdown authorized under an existing Order of Conditions from the Town of Leister (MassDEP #197-0681; See *Appendix F*). An extension to the 2018 Chapter 253 permit for the proposed project was granted by the Department of Conservation and Recreation Office of Dam Safety on November 7, 2023 (See *Appendix F*).

Site access will be achieved on foot by walking around the downstream channel. There will be no vehicular disturbance on the embankment of the dam. Concrete will be poured using a pump truck that utilizes a crane boom with a pump to pour concrete within timber forms. The proposed work is shown on the right training wall vertical extension drawings included in *Appendix B*.

3.1 Stormwater Management

In accordance with 310 CMR 10.05(6)(k)-(q), the Massachusetts Stormwater Standards must be adhered to with stormwater best management practices to attenuate pollutants and to provide a setback from the receiving waters and wetlands.

The Stormwater Management Standards apply to stormwater runoff from all industrial, commercial, institutional, office, residential and transportation projects that are subject to regulation under M.G.L. c. 131, § 40 including site preparation, construction, and redevelopment and all point source stormwater discharges from said projects within an Area Subject to Protection under M.G.L. c. 131, § 40 or within the Buffer Zone.

No new impervious surfaces or point source discharges will result from the proposed activities. Per the recommended final decision issued on July 29, 2016 in the Matter of Berkshire Community College Docket # WET-2015-023 from the MassDEP Office of Appeals and Dispute Resolution, it was ruled that 310 CMR 10.05(6)(k) through (q) does not apply to a project that does not propose a “point source” or “stormwater discharge” within resource areas or their Buffer Zones.

3.2 Construction Sequence

The proposed project will occur during the seasonal pond drawdown authorized under an existing Town of Leicester Conservation Commission Order of Conditions (MassDEP # 197-0691; *Appendix F*).

The following is a description of the anticipated construction sequence. The actual sequence will be determined by the selected contractor.

- Remove security fencing
- Prepare existing right retaining wall to receive the wall extension
- Construct wall extension
- Replace security fencing

4 Alternatives Analysis

Due to the potential safety risk associated with the current condition of the right training wall, extending the wall is required to provide adequate lateral freeboard during the SDF. For this reason, additional alternatives for the proposed project were not considered. Providing the additional wall section will protect the surrounding and downstream areas near the dam. Impacts to surrounding resource areas were minimized to the greatest extent possible.

5 Inland Resource Impacts

This project is a **Limited Project** as defined under 310 CMR 10.53 (3)(i) “for the maintenance, repair and improvement (but not substantial enlargement...) of structures, including dams and reservoirs and appurtenant works to such dams and reservoirs... which existed on the effective date of 310 CMR 10.51 through 10.60 (April 1, 1983).”

The following sections document the project impacts to each individual resource. The below table summarizes the anticipated impacts for the project.

Table 1. Wetland Resource Area Impact Summary

Resource Area	Length/Area of Alteration	Associated Work
Riverfront Area	1,510 SF (Temporary) 30 SF (Permanent)	Temporary impacts associated with staging and work areas. Permanent impacts associated with the right training wall vertical extension.

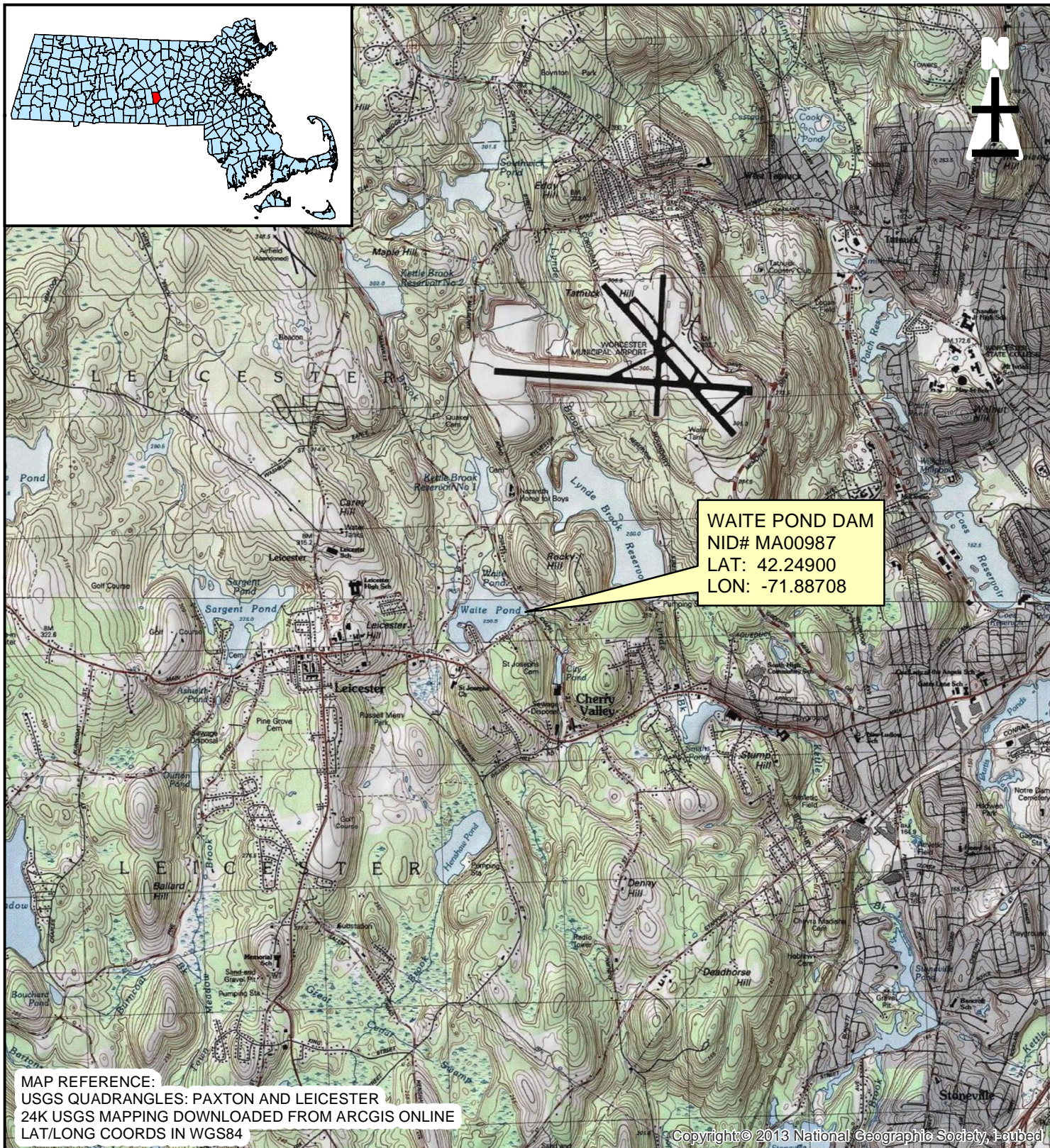
Resource Area	Length/Area of Alteration	Associated Work
25-Foot No Disturb Zone	980 SF (Temporary) 30 SF (Permanent)	Temporary impacts associated with staging and work areas. Permanent impacts associated with the right training wall vertical extension.

- o Note that the 25-foot No Disturb Zone overlaps with the Riverfront Area

Approximately 6,340 SF of Riverfront Area exists on the project site. All project disturbance will occur within the 100-foot buffer zone, first 100-feet of Riverfront Area, and the local 25-foot No Disturb Zone. No significant impacts to resource areas are anticipated. Approximately 1,510 SF (980 SF within the No-Disturb Zone) of temporary disturbance is required for construction staging and work areas. Approximately 30 SF of permanent impacts to Riverfront Area, Buffer Zone, and the No-Disturb Zone is associated with the vertical extension of the right training wall. The proposed is a vertical extension from the existing footprint of the right training wall and will not result in an expansion of the existing dam footprint. Locations of temporary and permanent disturbance are shown in *Appendix B sheet SK-03*.

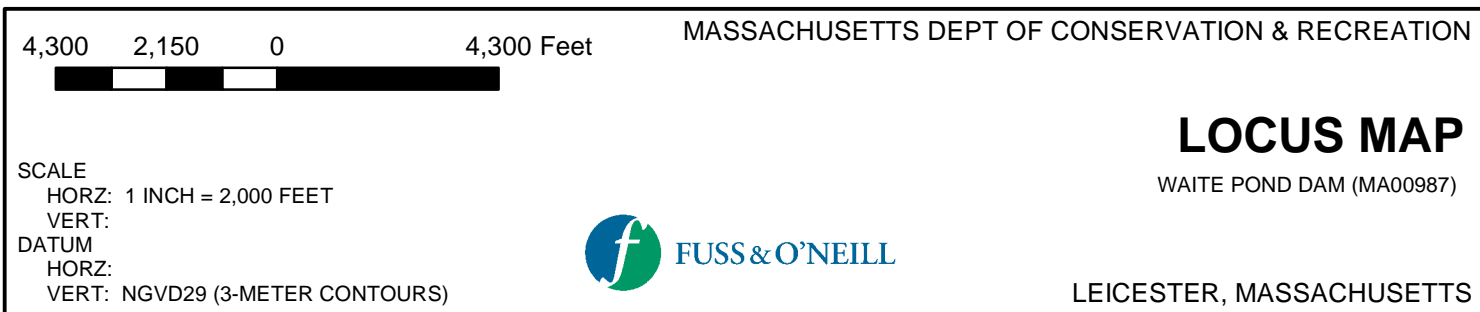
The project consists of improved maintenance of a structure (not enlargement) in existence on August 7, 1996, and therefore it qualifies for an exemption from the requirements for Riverfront Area [310 CMR 10.58(1) through (5)] pursuant to 310 CMR 10.58(6)(a). As such, the requirement for the Evaluation of Alternatives and the adherence to the Massachusetts Stormwater Management Standards under this section do not apply. Additionally, since the dam is owned by the Town, it could be argued that the activity is exempt from filing of an NOI under 310 CMR 10.58(6)(a) for maintenance of an existing Town-owned structure without impact to any other resource area. Nevertheless, the proposed work will result in no significant changes over existing conditions of the capacity of the RA to protect the interests identified in M.G.L. c. 131 § 40.

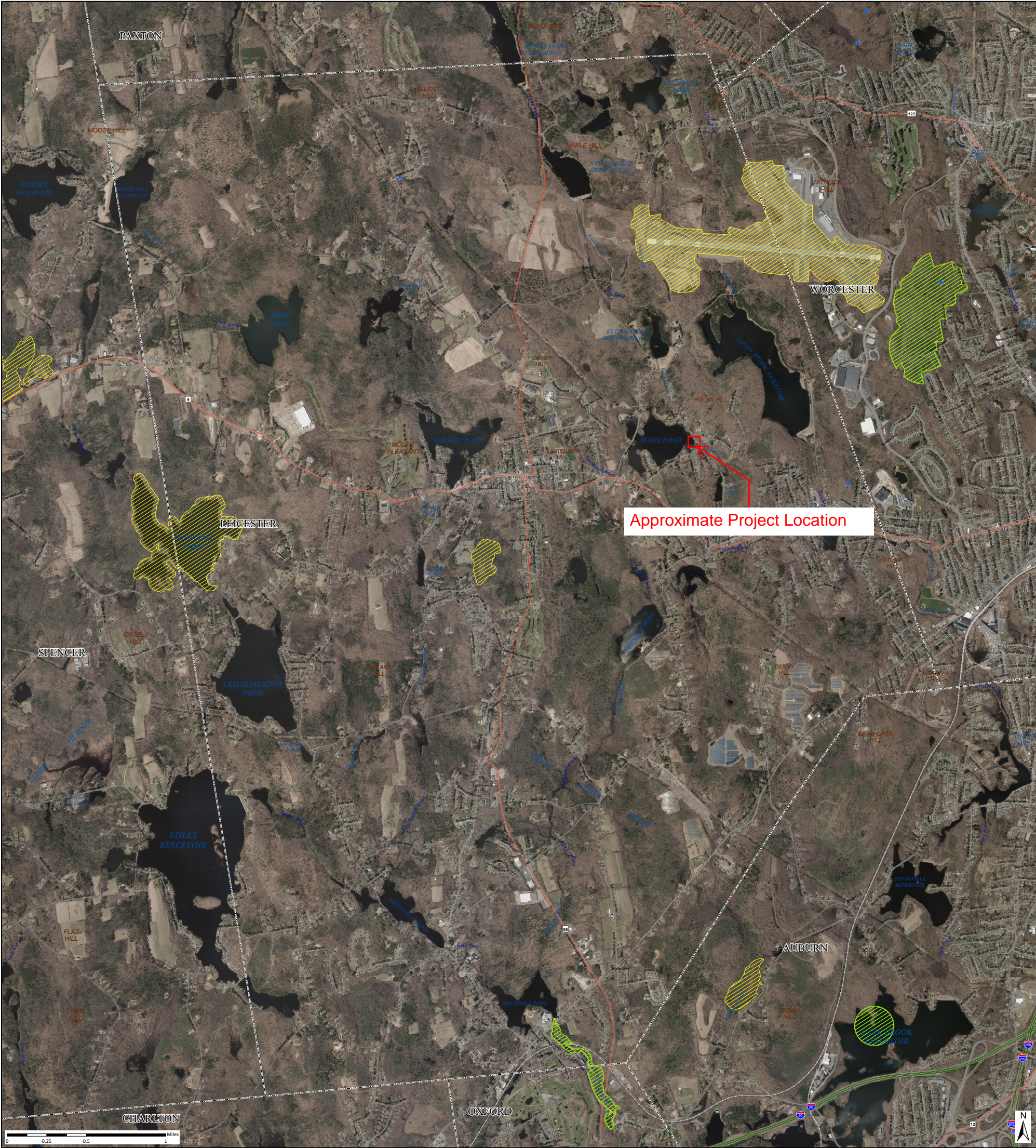
Figures



NOVEMBER 2016

FIGURE 1





LEICESTER

Priority Habitats and Estimated Habitats

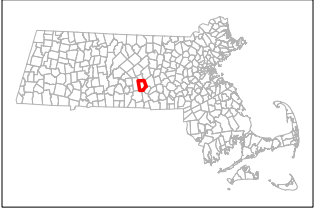
Priority Habitats, for use with the MA Endangered Species Act Regulations (321 CMR 10)
Estimated Habitats, for use with the MA Wetlands Protection Act Regulations (310 CMR 10)
Effective August 1, 2021



Natural Heritage & Endangered Species Program
1 Rabbit Hill Road, Westborough, MA 01581
tel: (508) 389-6360; fax: (508) 389-7890

Data Sources:
Priority Habitats and Estimated Habitats: created by NHESP in 2021.
Certified Vernal Pools: created by NHESP, July 20, 2021.
Town Boundaries: 1:25,000 community boundary data, from MassGIS (updated March, 2017).
Roads: MassDOT roads, from MassGIS (updated 2018).
Digital Orthophoto: 15cm resolution, taken in 2019, from MassGIS.

Priority Habitat of Rare Species	Priority Habitat of Rare Species and also Estimated Habitat of Rare Wildlife	Certified Vernal Pools (as of July 20, 2021)
Project or Activity falls within Priority Habitat only: - You must file directly with NHESP pursuant to Massachusetts Endangered Species Act (MESA)	Project or Activity is within BOTH Estimated Habitat and Priority Habitat: - Is a Notice of Intent (NOI) under wetlands regulations required? - Yes Send copy of NOI to NHESP and must also file under MESA (streamlined MESA-NOI filing option available) - No MESA filing only (see 'Priority Habitat' details at left)	Town Boundary
Examples of projects: single family home, subdivision, commercial building, widening of driveway/road, beaver dam removal, etc.		Transportation: Interstate U.S. Highway State Route Non-numbered Route Railroad
Some projects or activities may be exempt from MESA filing: see 321 CMR 10.14	For more information, see our website at www.mass.gov/nhesp	



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs
Charlie Baker, Governor
Kathleen A. Theoharides, Secretary



NOVEMBER 2016

FIGURE 3



Appendix A

Construction Drawings (September 2020 – June 2021)

Construction Drawings Provided Separately

Appendix B

Right Training Wall Extension Drawings (January 2024)

WAITE POND DAM REPAIRS

RIGHT TRAINING WALL EXTENSION

MA00987 · CHAPEL STREET · LEICESTER · MASSACHUSETTS

JANUARY 2024

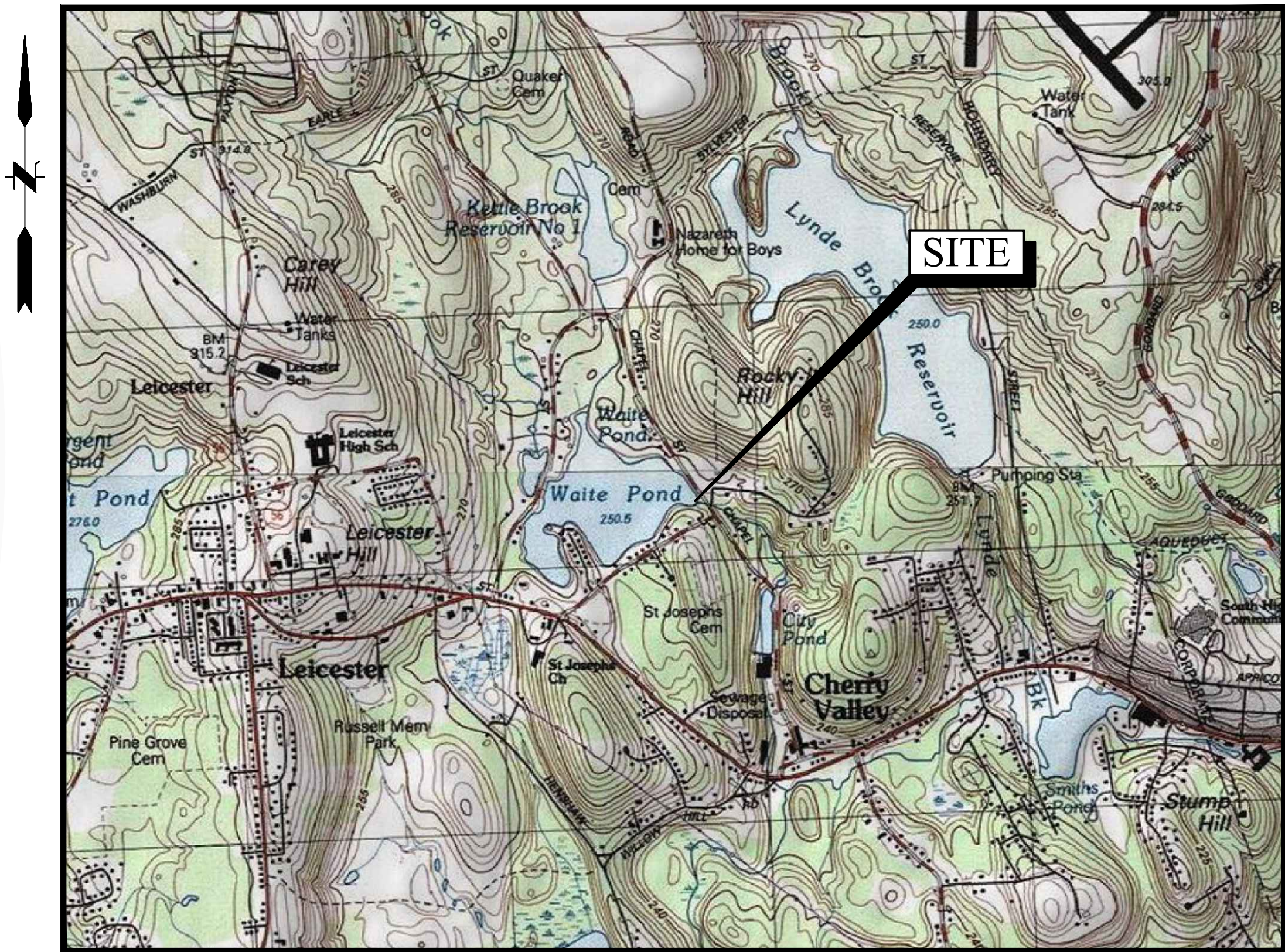
PREPARED FOR
TOWN OF LEICESTER
3 WASHBURN SQUARE
LEICESTER, MA 01524



PREPARED BY
FUSS & O'NEILL
317 IRON HORSE WAY, SUITE 204
PROVIDENCE, RI 02908
401.861.3070
www.fando.com

SHEET INDEX

SHEET No.	SHEET TITLE
GI-001	COVER SHEET
SK-03	TRAINING WALL ELEVATION DETAIL
SK-02	TRAINING WALL SECTION DETAIL
SK-03	EXISTING CONDITIONS PLAN (JANUARY 2024)
SK-04	RESOURCE AREA IMPACTS

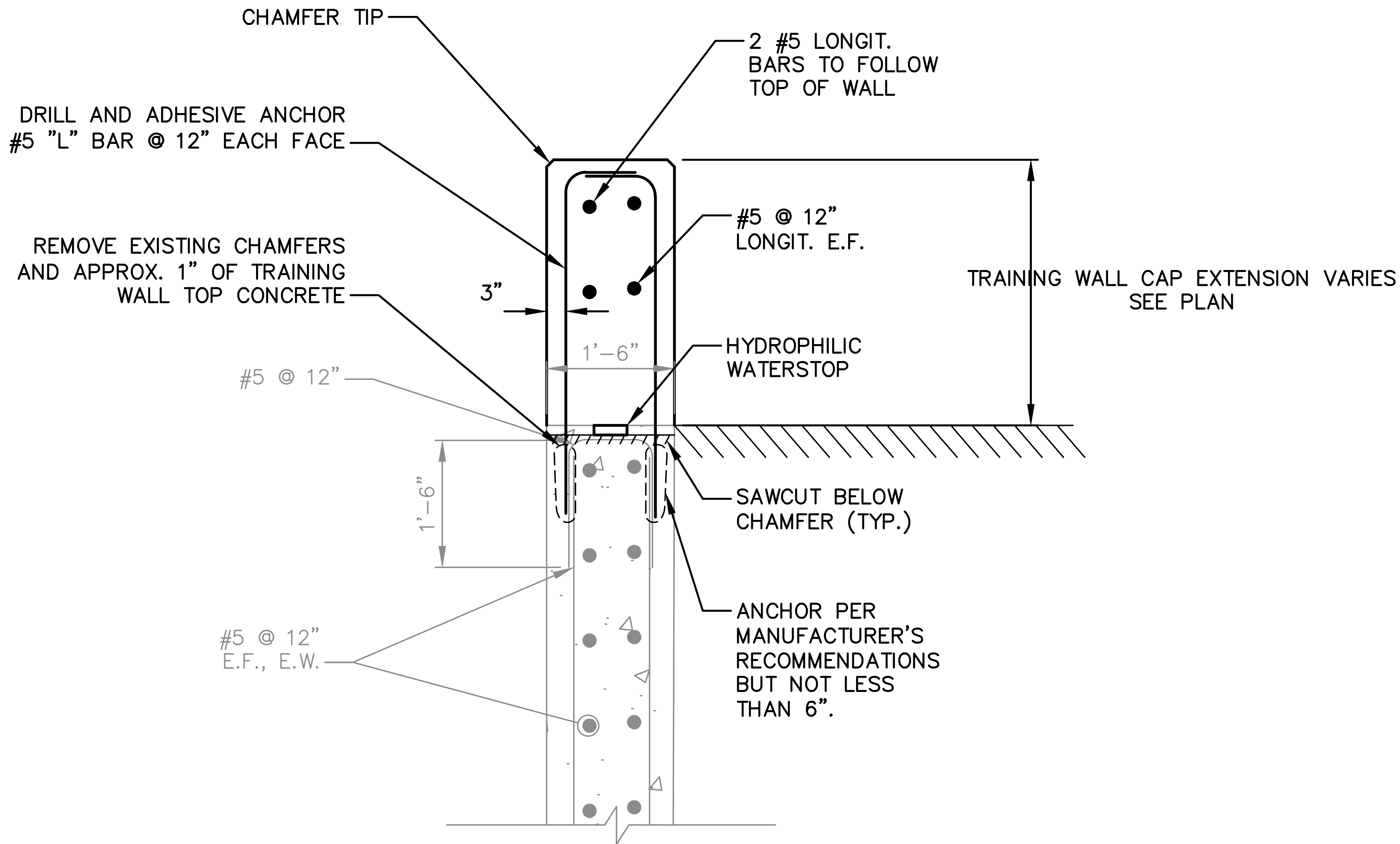


LOCATION MAP
SCALE: 1" = 2000'

PROJ. No.: 20081286.A80
DATE: MONTH YEAR

GI-001

File: J:\DWG\2008\1286\A80\Civil\Plan\20081286A80_SK01.dwg Layout: SK-02 Plotted: 2022-10-13 10:58 AM Saved: 2022-10-13 10:58 AM User: JTalar
PC3: AUTOCAD PDF (GENERAL DOCUMENTATION) PC3 STB/CTB: FO,STB
LAYER STATE:



1		CHANGE ORDER NO. 4	SHH/DLW	DLW	
No.	DATE	DESCRIPTION	DESIGNER	REVIEWER	



Stuart Harris
Fuss & O'Neill
2022.10.18
10:26:40-04'00'

SCALE:	
HORZ.: 1"=10'	
VERT.:	
DATUM:	
HORZ.: NAD83	
VERT.: NAVD88	
0 5 10	
GRAPHIC SCALE	



FUSS & O'NEILL
317 IRON HORSE WAY, SUITE 204
PROVIDENCE, RI 02908
401.861.3070
www.fando.com

TOWN OF LEICESTER
TRAINING WALL SECTION DETAIL
WAITE POND DAM REPAIRS
CHAPEL STREET
LEICESTER, MASSACHUSETTS

PROJ. No.: 20081286.A80
DATE: OCTOBER 2022
SK-02



Appendix C

Certified Abutters List

TOWN OF LEICESTER

ASSESSORS HAVE TEN DAYS TO PROCESS YOUR REQUEST, PLEASE PLAN AHEAD!

\$10.00 PREPAID AT TIME OF REQUEST FOR FIRST THREE PAGES, \$5.00 PER PAGE AT
TIME OF PICKUP FOR EACH ADDITIONAL PAGE.

Subject Information

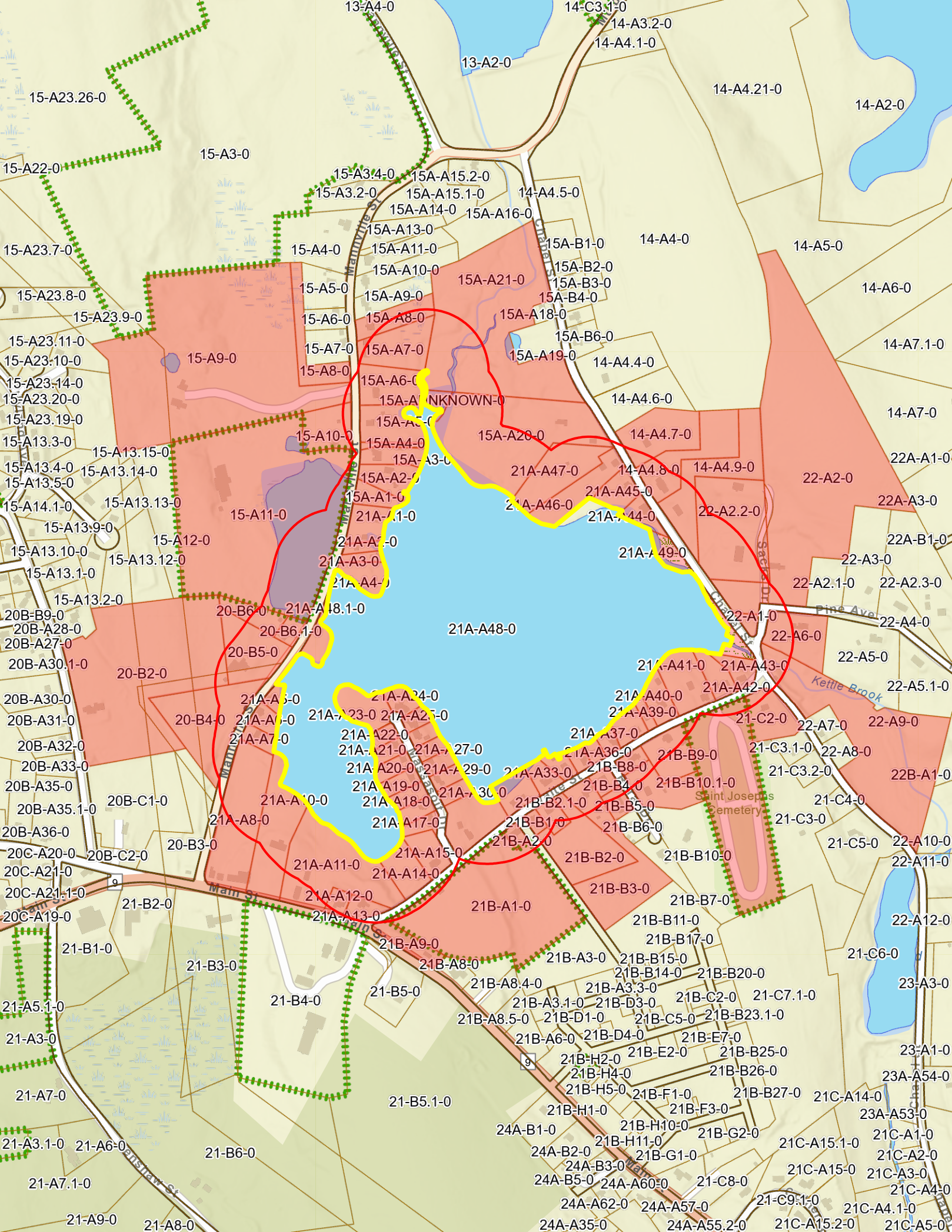
Parcel	Assessors Map: 21A	Parcel: A48	Deed Ref#: 36166-286
Owner(s)	Town of Leicester		
Street Address	Waite Pond		

Requestor Information

Name	Alison Baranovic (Fuss & O'Neill, Inc)		
Telephone	860-327-6013	Email	ABaranovic@fando.com

	Board/Department	Description of Required Abutters List
	Conservation Commission RDA	Direct abutters, including abutters across any street
●	Conservation Commission NOI	Abutters and abutters to abutters within <u>300 feet</u> , including across any street or body of water ¹
	Planning Board Special Permit, <u>Major</u> Site Plan Review, or Definitive Subdivision	Abutters and abutters to abutters within <u>300 feet</u> , including across any street
	Zoning Board of Appeals Special Permit OR Variance	Abutters and abutters to abutters within <u>300 feet</u> , including across any street
	Board of Health.	Specify Distance (consult with Board of Health Staff to determine the required distance) _____
	Board of Selectmen Class II License	Direct abutters, including abutters across any street
	Board of Selectmen Liquor License	Direct abutters, including abutters across any street AND schools, churches, or hospitals within 500 feet
	Other. Please specify Board/Department _____	Please specify: _____ Direct Abutters _____ feet Other: _____

1 An applicant who proposes work solely within Land under Water Bodies or Waterways, or solely within a Lot with an area greater than 50 acres, is required to provide notification only to Abutters whose Lot is within three hundred feet from the *Project Site*. An applicant proposing a Linear- shaped Project greater than 1,000 feet in length is required to provide notification only to Abutters whose Lot is within 1,000 feet from the Project Site.





300 feet Abutters List Report

Leicester, MA

January 25, 2024

Subject Property:

Parcel Number: 21A-A48-0
CAMA Number: 21A-A48-0
Property Address: MANNVILLE ST

Mailing Address: TOWN OF LEICESTER TOWN HALL
3 WASHBURN SQUARE
LEICESTER, MA 01524

Abutters:

Parcel Number: 14-A4.7-0
CAMA Number: 14-A4.7-0
Property Address: 184 CHAPEL ST

Mailing Address: MIKULSKI MICHAEL
184 CHAPEL STREET
LEICESTER, MA 01524

Parcel Number: 14-A4.8-0
CAMA Number: 14-A4.8-0
Property Address: 182 CHAPEL ST

Mailing Address: ROPIAK TANNER P DUCHARME
HANNAH M
182 CHAPEL ST
LEICESTER, MA 01524

Parcel Number: 14-A4.9-0
CAMA Number: 14-A4.9-0
Property Address: 180 CHAPEL ST

Mailing Address: WHITE RUSSEL J
180 CHAPEL ST
LEICESTER, MA 01524

Parcel Number: 15-A10-0
CAMA Number: 15-A10-0
Property Address: 93 MANNVILLE ST

Mailing Address: ROSHCIN ROMAN A
56 BARROWS RD
WORCESTER, MA 01609

Parcel Number: 15-A11-0
CAMA Number: 15-A11-0
Property Address: 91 MANNVILLE ST

Mailing Address: KNIGHTS OF COLUMBUS K OF C
COUNCIL 4528
91 MANNVILLE ST P O BOX 143
LEICESTER, MA 01524

Parcel Number: 15-A8-0
CAMA Number: 15-A8-0
Property Address: MANNVILLE ST

Mailing Address: BOLDUC DONNA L C/O DONNA L
PEPPER
2418 SE DRAYTON ROAD
PORT ST LUCIE, FL. 34952

Parcel Number: 15-A9-0
CAMA Number: 15-A9-0
Property Address: 101 MANNVILLE ST

Mailing Address: KOBEL HENRY F KOBEL CAROL
P O BOX 87
LEICESTER, MA 01524

Parcel Number: 15A-A2-0
CAMA Number: 15A-A2-0
Property Address: 90 MANNVILLE ST

Mailing Address: SNAPE PAUL
90 MANNVILLE STREET
LEICESTER, MA 01524-1123

Parcel Number: 15A-A20-0
CAMA Number: 15A-A20-0
Property Address: 171 CHAPEL ST

Mailing Address: WHITWORTH HERBERT H WHITWORTH
DOROTHY E
171 CHAPEL ST
LEICESTER, MA 01524

Parcel Number: 15A-A21-0
CAMA Number: 15A-A21-0
Property Address: 185 CHAPEL ST

Mailing Address: BONARDI FLORENCE A TRUSTEE
BONARDI FAMILY TRUST D
53 PROCTOR STREET
WORCESTER, MA 01606



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300 feet Abutters List Report

Leicester, MA
January 25, 2024

Parcel Number: 15A-A3-0
CAMA Number: 15A-A3-0
Property Address: 92 MANNVILLE ST

Mailing Address: IRSFELD
92 MANNVILLE ST
LEICESTER, MA 01524

Parcel Number: 15A-A4-0
CAMA Number: 15A-A4-0
Property Address: MANNVILLE ST

Mailing Address: IRSFELD JAMES ANTHONY
92 MANNVILLE ST
LEICESTER, MA 01524

Parcel Number: 15A-A5-0
CAMA Number: 15A-A5-0
Property Address: 96 MANNVILLE ST

Mailing Address: ERAZO MAYRA L
96 MANNVILLE ST
LEICESTER, MA 01524

Parcel Number: 15A-A6-0
CAMA Number: 15A-A6-0
Property Address: 98 MANNVILLE ST

Mailing Address: SENKO FUAT
98 MANNVILLE STREET
LEICESTER, MA 01524

Parcel Number: 15A-A7-0
CAMA Number: 15A-A7-0
Property Address: 112 MANNVILLE ST

Mailing Address: GOYETTE CLIFFORD P GOYETTE
KAREN A
112 MANNVILLE ST
LEICESTER, MA 01524

Parcel Number: 15A-A8-0
CAMA Number: 15A-A8-0
Property Address: 114 MANNVILLE ST

Mailing Address: HISMAN CHELSEA LEE SABOURIN
JEFFREY T
114 MANNVILLE ST
LEICESTER, MA 01524

Parcel Number: 20-B2-0
CAMA Number: 20-B2-0
Property Address: 14 WINSLOW AV

Mailing Address: REALE FRANK R JOYCE C REALE
FAMILY TRUST
14 WINSLOW AVE
LEICESTER, MA 01524

Parcel Number: 20-B4-0
CAMA Number: 20-B4-0
Property Address: MANNVILLE ST

Mailing Address: MASS ELECTRIC CO PROPERTY TAX
DEPT
40 SYLVAN ROAD
WALTHAM, MA 02451

Parcel Number: 20-B5-0
CAMA Number: 20-B5-0
Property Address: 43 MANNVILLE ST

Mailing Address: COONEY MICHAEL F CHERYL M 43
MANNVILLE ST RLTY TRUST
P O BOX 333
LEICESTER, MA 01524-0333

Parcel Number: 20-B6.1-0
CAMA Number: 20-B6.1-0
Property Address: 51 MANNVILLE ST

Mailing Address: CLOTAR ROBERT F
51 MANNVILLE ST
LEICESTER, MA 01524

Parcel Number: 20-B6-0
CAMA Number: 20-B6-0
Property Address: 51 MANNVILLE ST

Mailing Address: CLOTAR ROBERT F
51 MANNVILLE ST
LEICESTER, MA 01524

Parcel Number: 21A-A1-0
CAMA Number: 21A-A1-0
Property Address: 84 MANNVILLE ST

Mailing Address: LAMOUREUX MARC A LAMOUREUX
DEBRA A
84 MANNVILLE ST
LEICESTER, MA 01524-0432



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300 feet Abutters List Report

Leicester, MA
January 25, 2024

Parcel Number: 21A-A10-0 CAMA Number: 21A-A10-0 Property Address: 790 MAIN ST	Mailing Address: ENTWISTLE JR CHARLES W CW ENTWISTLE TR CWE REV TR 790 MAIN STREET LEICESTER, MA 01524
Parcel Number: 21A-A11-0 CAMA Number: 21A-A11-0 Property Address: 778 MAIN ST	Mailing Address: CHARLTON ROAD REALTY LLC 25 WATERVILLE LANE SHREWSBURY, MA 01545
Parcel Number: 21A-A12-0 CAMA Number: 21A-A12-0 Property Address: 774 MAIN ST	Mailing Address: WHEELER RANDY L WHEELER ANN M 774 MAIN STREET LEICESTER, MA 01524-1306
Parcel Number: 21A-A13-0 CAMA Number: 21A-A13-0 Property Address: 1 WAITE ST	Mailing Address: PHAM CUC 1 WAITE STREET LEICESTER, MA 01524
Parcel Number: 21A-A14-0 CAMA Number: 21A-A14-0 Property Address: 25 WAITE ST	Mailing Address: MORLEY EDWARD J MORLEY CLAUDETTE C 25 WAITE STREET LEICESTER, MA 01524
Parcel Number: 21A-A15-0 CAMA Number: 21A-A15-0 Property Address: 25 WAITE ST	Mailing Address: MORLEY EDWARD J MORLEY CLAUDETTE C 25 WAITE STREET LEICESTER, MA 01524
Parcel Number: 21A-A16-0 CAMA Number: 21A-A16-0 Property Address: 5 MASSASOIT DR	Mailing Address: MCCULLOUGH GLORIANN O MCCULLOUGH GRAHAM P 5 MASSASOIT DR LEICESTER, MA 01524
Parcel Number: 21A-A17-0 CAMA Number: 21A-A17-0 Property Address: 7 MASSASOIT DR	Mailing Address: SCALLEY RYAN 7 MASSASOIT DRIVE LEICESTER, MA 01524
Parcel Number: 21A-A18-0 CAMA Number: 21A-A18-0 Property Address: 9 MASSASOIT DR	Mailing Address: FLUET JOSEPH J FLUET KATHLEEN A 9 MASSASOIT DR LEICESTER, MA 01524
Parcel Number: 21A-A19-0 CAMA Number: 21A-A19-0 Property Address: 11 MASSASOIT DR	Mailing Address: OLEARY ANDREW R OLEARY CAROL F 11 MASSASOIT DR LEICESTER, MA 01524
Parcel Number: 21A-A2-0 CAMA Number: 21A-A2-0 Property Address: MANNVILLE ST	Mailing Address: LAW MARIE L PO BOX 425 LEICESTER, MA 01524
Parcel Number: 21A-A20-0 CAMA Number: 21A-A20-0 Property Address: 13 MASSASOIT DR	Mailing Address: SCHULMAN STEVEN A SCHULMAN LINDA S 13 MASSASOIT DR LEICESTER, MA 01524



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1/25/2024

Page 3 of 8



300 feet Abutters List Report

Leicester, MA
January 25, 2024

Parcel Number: 21A-A21-0
CAMA Number: 21A-A21-0
Property Address: 15 MASSASOIT DR

Mailing Address: ZMAYEFSKI JEFFREY A
15 MASSASOIT DRIVE
LEICESTER, MA 01524

Parcel Number: 21A-A22-0
CAMA Number: 21A-A22-0
Property Address: 17 MASSASOIT DR

Mailing Address: MURPHY MCCANCE DONNA M
17 MASSASOIT DR
LEICESTER, MA 01524

Parcel Number: 21A-A23-0
CAMA Number: 21A-A23-0
Property Address: 19 MASSASOIT DR

Mailing Address: EARLE THERESA M
19 MASSASOIT DR
LEICESTER, MA 01524

Parcel Number: 21A-A24-0
CAMA Number: 21A-A24-0
Property Address: 18 MASSASOIT DR

Mailing Address: JEROME GEORGE JEROME SANDRA
18 MASSASOIT DR
LEICESTER, MA 01524

Parcel Number: 21A-A25-0
CAMA Number: 21A-A25-0
Property Address: 16 MASSASOIT DR

Mailing Address: FERDELLA KARYN M
16 MASSASOIT DR
LEICESTER, MA 01524

Parcel Number: 21A-A26-0
CAMA Number: 21A-A26-0
Property Address: 14 MASSASOIT DR

Mailing Address: DALE CARL S DALE SHARYN E
14 MASSASOIT DR
LEICESTER, MA 01524-1104

Parcel Number: 21A-A27-0
CAMA Number: 21A-A27-0
Property Address: 12 MASSASOIT DR

Mailing Address: PASZUK CHRISTINE
12 MASSASOIT DR
LEICESTER, MA 01524

Parcel Number: 21A-A28-0
CAMA Number: 21A-A28-0
Property Address: 10 MASSASOIT DR

Mailing Address: MERCIER A J MERCIER ERIN A
10 MASSASOIT DRIVE
LEICESTER, MA 01524

Parcel Number: 21A-A29-0
CAMA Number: 21A-A29-0
Property Address: 8 MASSASOIT DR

Mailing Address: GREENE DENVER GREENE ABIGAIL
8 MASSASOIT RD
LEICESTER, MA 01524

Parcel Number: 21A-A3-0
CAMA Number: 21A-A3-0
Property Address: 82 MANNVILLE ST

Mailing Address: LAW MARIE L
PO BOX 425
LEICESTER, MA 01524

Parcel Number: 21A-A30-0
CAMA Number: 21A-A30-0
Property Address: 6 MASSASOIT DR

Mailing Address: O'LEARY CHRISTINE G HOLMES
MICHAEL
6 MASSASOIT DR
LEICESTER, MA 01524

Parcel Number: 21A-A31-0
CAMA Number: 21A-A31-0
Property Address: 35 WAITE ST

Mailing Address: PHILLIPS SR ALLEN PHILLIPS
MICHELLE M
35 WAITE ST
LEICESTER, MA 01524



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300 feet Abutters List Report

Leicester, MA
January 25, 2024

Parcel Number: 21A-A32-0
CAMA Number: 21A-A32-0
Property Address: 51 WAITE ST

Mailing Address: SMITH JUSTON O
51 WAITE ST
LEICESTER, MA 01524

Parcel Number: 21A-A33-0
CAMA Number: 21A-A33-0
Property Address: 55 WAITE ST

Mailing Address: DIAZ LYNNETTE
55 WAITE STREET
LEICESTER, MA 01524

Parcel Number: 21A-A34-0
CAMA Number: 21A-A34-0
Property Address: 65 WAITE ST

Mailing Address: COLBY ROLAND B COLBY ARLENE R
65 WAITE ST
LEICESTER, MA 01524

Parcel Number: 21A-A35-0
CAMA Number: 21A-A35-0
Property Address: 67 WAITE ST

Mailing Address: MURZYCKI LOUIS JOAN TRUSTEES
MURZYCKI FAMILY 2011 IRREV. TR
67 WAITE ST
LEICESTER, MA 01524

Parcel Number: 21A-A36-0
CAMA Number: 21A-A36-0
Property Address: 69 WAITE ST

Mailing Address: JAROSKI JR EDWARD R
69 WAITE ST
LEICESTER, MA 01524-1120

Parcel Number: 21A-A37-0
CAMA Number: 21A-A37-0
Property Address: 73 WAITE ST

Mailing Address: ARMSTEAD WOODSON L
73 WAITE ST
LEICESTER, MA 01524

Parcel Number: 21A-A38-0
CAMA Number: 21A-A38-0
Property Address: 77 WAITE ST

Mailing Address: ROBSON JAMES D III ROBSON
SUZANNE B
77 WAITE ST
LEICESTER, MA 01524

Parcel Number: 21A-A39-0
CAMA Number: 21A-A39-0
Property Address: 81 WAITE ST

Mailing Address: FAWLS JOAN M TRUSTEE JOAN M
FAWLS LIVING TRUST
321 ELIOT ST
MILTON, MA 02186

Parcel Number: 21A-A4-0
CAMA Number: 21A-A4-0
Property Address: MANNVILLE ST

Mailing Address: LAW MARIE L
PO BOX 425
LEICESTER, MA 01524

Parcel Number: 21A-A40-0
CAMA Number: 21A-A40-0
Property Address: 85 85A WAITE ST

Mailing Address: MCCAULEY JESSICA MCCAULEY
TRAVIS
85 WAITE ST
LEICESTER, MA 01524

Parcel Number: 21A-A41-0
CAMA Number: 21A-A41-0
Property Address: 95 WAITE ST

Mailing Address: FORD DANA J
95 WAITE ST
LEICESTER, MA 01524

Parcel Number: 21A-A42-0
CAMA Number: 21A-A42-0
Property Address: 97 WAITE ST

Mailing Address: SILBERSTEIN CHARLES G CHARLES G
SILBERSTEIN REV TRS
97 WAITE ST
LEICESTER, MA 01524



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Leicester, MA
January 25, 2024

Parcel Number: 21A-A43-0 CAMA Number: 21A-A43-0 Property Address: 99 WAITE ST	Mailing Address: BOURASSA BRIAN BOURASSA KIM 99 WAITE STREET LEICESTER, MA 01524
Parcel Number: 21A-A44-0 CAMA Number: 21A-A44-0 Property Address: 165 CHAPEL ST	Mailing Address: MILLER RICHARD F MILLER SANDRA L 165 CHAPEL STREET LEICESTER, MA 01524
Parcel Number: 21A-A45-0 CAMA Number: 21A-A45-0 Property Address: 167 CHAPEL ST	Mailing Address: MAGNANO DAVID 167 CHAPEL ST LEICESTER, MA 01524
Parcel Number: 21A-A46-0 CAMA Number: 21A-A46-0 Property Address: 169 CHAPEL ST	Mailing Address: VARGAS BIENVENIDA VARGAS JULIO C 169 CHAPEL ST LEICESTER, MA 01524
Parcel Number: 21A-A47-0 CAMA Number: 21A-A47-0 Property Address: 169.5 CHAPEL ST	Mailing Address: DOHERTY EDWARD J 169.5 CHAPEL ST LEICESTER, MA 01524
Parcel Number: 21A-A48.1-0 CAMA Number: 21A-A48.1-0 Property Address: MANNVILLE ST	Mailing Address: LEICESTER WATER SUPPLY 124 PINE STREET LEICESTER, MA 01524
Parcel Number: 21A-A49-0 CAMA Number: 21A-A49-0 Property Address: CHAPEL ST	Mailing Address: BARROWS CHRISTOPHER L 48 MORTON STATION ROAD CHARLTON, MA 01507-1320
Parcel Number: 21A-A5-0 CAMA Number: 21A-A5-0 Property Address: 42 MANNVILLE ST	Mailing Address: CARLSON JENNIFER 42 MANVILLE ST LEICESTER, MA 01524
Parcel Number: 21A-A6-0 CAMA Number: 21A-A6-0 Property Address: 40 MANNVILLE ST	Mailing Address: VU LOAN MICHAUD ERIC 40 MANNVILLE ST LEICESTER, MA 01524
Parcel Number: 21A-A7-0 CAMA Number: 21A-A7-0 Property Address: 38 MANNVILLE ST	Mailing Address: OLSON MARK S MCNALLY CHERYL A. 38 MANNVILLE STREET LEICESTER, MA 01524`
Parcel Number: 21A-A8-0 CAMA Number: 21A-A8-0 Property Address: 800 MAIN ST	Mailing Address: ENTWISTLE III CHARLES W 800-802 MAIN ST LEICESTER, MA 01524
Parcel Number: 21A-A8-0 CAMA Number: 21A-A9-0 Property Address: 804 MAIN ST	Mailing Address: ENTWISTLE III CHARLES W 800 MAIN STREET LEICESTER, MA 01524



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300 feet Abutters List Report

Leicester, MA
January 25, 2024

Parcel Number: 21B-A1-0 CAMA Number: 21B-A1-0 Property Address: 22 WAITE ST	Mailing Address: TOWN OF LEICESTER LEICESTER COMMUNITY FIELD 3 WASHBURN SQUARE LEICESTER, MA 01524
Parcel Number: 21B-A2-0 CAMA Number: 21B-A2-0 Property Address: 50 WAITE ST	Mailing Address: LACH ANNA STARUK COONEY CHERYL 50 WAITE STREET LEICESTER, MA 01524
Parcel Number: 21B-A9-0 CAMA Number: 21B-A9-0 Property Address: 724 MAIN ST	Mailing Address: CANANE RONALD E CANANE KATHLEEN A 852 MAIN ST LEICESTER, MA 01524
Parcel Number: 21B-B1-0 CAMA Number: 21B-B1-0 Property Address: 52 WAITE ST	Mailing Address: WILLETTE SUSAN E 52 WAITE ST LEICESTER, MA 01524
Parcel Number: 21B-B10.1-0 CAMA Number: 21B-B10.1-0 Property Address: 1 RURAL DR	Mailing Address: ALBRIZIO DAVID B ALBRIZIO MICHELLE A 1 RURAL DR LEICESTER, MA 01524
Parcel Number: 21B-B2.1-0 CAMA Number: 21B-B2.1-0 Property Address: 56 WAITE ST	Mailing Address: DUGGAN DENNIS H DUGGAN KATHLEEN 56 WAITE ST LEICESTER, MA 01524
Parcel Number: 21B-B2-0 CAMA Number: 21B-B2-0 Property Address: HAWTHORNE ST	Mailing Address: RYAN JORDAN HAWTHORNE ST LEICESTER, MA 01524
Parcel Number: 21B-B3-0 CAMA Number: 21B-B3-0 Property Address: 66 WAITE ST	Mailing Address: COMEAU MICHAEL J 66 WAITE STREET LEICESTER, MA 01524
Parcel Number: 21B-B4-0 CAMA Number: 21B-B4-0 Property Address: 68 WAITE ST	Mailing Address: RICE CRAIG R LANE CHRISTINE 68 WAITE ST LEICESTER, MA 01524
Parcel Number: 21B-B5-0 CAMA Number: 21B-B5-0 Property Address: 4 RURAL DR	Mailing Address: LEBLANC ADAM 4 RURAL DR LEICESTER, MA 01524
Parcel Number: 21B-B8-0 CAMA Number: 21B-B8-0 Property Address: 80 WAITE ST	Mailing Address: RIVERS LISA M RIVERS BRIAN K 80 WAITE ST LEICESTER, MA 01524
Parcel Number: 21B-B9-0 CAMA Number: 21B-B9-0 Property Address: 82 WAITE ST	Mailing Address: FISH JOSEPH R 82 WAITE ST LEICESTER, MA 01524



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300 feet Abutters List Report

Leicester, MA
January 25, 2024

Parcel Number: 21-C1-0
CAMA Number: 21-C1-0
Property Address: 90 WAITE ST

Mailing Address: TOWN OF LEICESTER ST JOSEPHS
CEMETERY
3 WASHBURN SQUARE
LEICESTER, MA 01524

Parcel Number: 21-C2-0
CAMA Number: 21-C2-0
Property Address: 100 WAITE ST

Mailing Address: MURDOCK BRENDEN T
100 WAITE ST
LEICESTER, MA 01524

Parcel Number: 22-A1-0
CAMA Number: 22-A1-0
Property Address: PINE AV

Mailing Address: LEICESTER WATER SUPPLY
P.O. BOX 86
LEICESTER, MA 01524

Parcel Number: 22-A2.2-0
CAMA Number: 22-A2.2-0
Property Address: 5 SACKS DR

Mailing Address: DAIGE JOHN V DAIGE TRICIA M
5 SACKS DR
CHERRY VALLEY, MA 01611

Parcel Number: 22-A2-0
CAMA Number: 22-A2-0
Property Address: 2 SACKS DR

Mailing Address: DAIGE PATRICIA
2 SACKS DR
CHERRY VALLEY, MA 01611

Parcel Number: 22-A6-0
CAMA Number: 22-A6-0
Property Address: 2 PINE AV

Mailing Address: DEE AMY E TRUSTEE MADORE FAM
TRUST
2 PINE AVE
CHERRY VALLEY, MA 01611

Parcel Number: 22-A9-0
CAMA Number: 22-A9-0
Property Address: 120 CHAPEL ST

Mailing Address: LEICESTER WATER SUPPLY
124 PINE STREET
LEICESTER, MA 01524

Above is a certified list of abutters and abutters to abutters within 300 feet.
Subject Property Waite Pond Map 21A Lot A48 Deed Reference 36166 page 286
Subject Owner; Town of Leicester
Certified by Alyce D. Johns, Interim Assessor
Alyce D Johns



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ALBRIZIO DAVID B
ALBRIZIO MICHELLE A
1 RURAL DR
LEICESTER, MA 01524

COLBY ROLAND B
COLBY ARLENE R
65 WAITE ST
LEICESTER, MA 01524

EARLE THERESA M
19 MASSASOIT DR
LEICESTER, MA 01524

ARMSTEAD WOODSON L
73 WAITE ST
LEICESTER, MA 01524

COMEAU MICHAEL J
66 WAITE STREET
LEICESTER, MA 01524

ENTWISTLE III CHARLES W
800 MAIN STREET
LEICESTER, MA 01524

BARROWS CHRISTOPHER L
48 MORTON STATION ROAD
CHARLTON, MA 01507-1320

COONEY MICHAEL F CHERYL M
43 MANNVILLE ST RLTY TRUS
P O BOX 333
LEICESTER, MA 01524-0333

ENTWISTLE III CHARLES W
800-802 MAIN ST
LEICESTER, MA 01524

BOLDUC DONNA L
C/O DONNA L PEPPER
2418 SE DRAYTON ROAD
PORT ST LUCIE, FL. 34952

DAIGE PATRICIA
2 SACKS DR
CHERRY VALLEY, MA 01611

ENTWISTLE JR CHARLES W
CW ENTWISTLE TR CWE REV T
790 MAIN STREET
LEICESTER, MA 01524

BONARDI FLORENCE A TRUSTE
BONARDI FAMILY TRUST D
53 PROCTOR STREET
WORCESTER, MA 01606

DAIGE JOHN V
DAIGE TRICIA M
5 SACKS DR
CHERRY VALLEY, MA 01611

ERAZO MAYRA L
96 MANNVILLE ST
LEICESTER, MA 01524

BOURASSA BRIAN
BOURASSA KIM
99 WAITE STREET
LEICESTER, MA 01524

DALE CARL S
DALE SHARYN E
14 MASSASOIT DR
LEICESTER, MA 01524-1104

FAWLS JOAN M TRUSTEE
JOAN M FAWLS LIVING TRUST
321 ELIOT ST
MILTON, MA 02186

CANANE RONALD E
CANANE KATHLEEN A
852 MAIN ST
LEICESTER, MA 01524

DEE AMY E TRUSTEE
MADORE FAM TRUST
2 PINE AVE
CHERRY VALLEY, MA 01611

FERDELLA KARYN M
16 MASSASOIT DR
LEICESTER, MA 01524

CARLSON JENNIFER
42 MANVILLE ST
LEICESTER, MA 01524

DIAZ LYNNETTE
55 WAITE STREET
LEICESTER, MA 01524

FISH JOSEPH R
82 WAITE ST
LEICESTER, MA 01524

CHARLTON ROAD REALTY LLC
25 WATERVILLE LANE
SHREWSBURY, MA 01545

DOHERTY EDWARD J
169.5 CHAPEL ST
LEICESTER, MA 01524

FLUET JOSEPH J
FLUET KATHLEEN A
9 MASSASOIT DR
LEICESTER, MA 01524

CLOTAR ROBERT F
51 MANNVILLE ST
LEICESTER, MA 01524

DUGGAN DENNIS H
DUGGAN KATHLEEN
56 WAITE ST
LEICESTER, MA 01524

FORD DANA J
95 WAITE ST
LEICESTER, MA 01524

GOYETTE CLIFFORD P
GOYETTE KAREN A
112 MANNVILLE ST
LEICESTER, MA 01524

LAMOUREUX MARC A
LAMOUREUX DEBRA A
84 MANNVILLE ST
LEICESTER, MA 01524-0432

MERCIER A J
MERCIER ERIN A
10 MASSASOIT DRIVE
LEICESTER, MA 01524

GREENE DENVER
GREENE ABIGAIL
8 MASSASOIT RD
LEICESTER, MA 01524

LAW MARIE L
PO BOX 425
LEICESTER, MA 01524

MIKULSKI MICHAEL
184 CHAPEL STREET
LEICESTER, MA 01524

HISMAN CHELSEA LEE
SABOURIN JEFFREY T
114 MANNVILLE ST
LEICESTER, MA 01524

LAW MARIE L
PO BOX 425
LEICESTER, MA 01524

MILLER RICHARD F
MILLER SANDRA L
165 CHAPEL STREET
LEICESTER, MA 01524

IRSFELD
92 MANNVILLE ST
LEICESTER, MA 01524

LEBLANC ADAM
4 RURAL DR
LEICESTER, MA 01524

MORLEY EDWARD J
MORLEY CLAUDETTE C
25 WAITE STREET
LEICESTER, MA 01524

IRSFELD JAMES ANTHONY
92 MANNVILLE ST
LEICESTER, MA 01524

LEICESTER WATER SUPPLY
124 PINE STREET
LEICESTER, MA 01524

MURDOCK BRENDEN T
100 WAITE ST
LEICESTER, MA 01524

JAROSKI JR EDWARD R
69 WAITE ST
LEICESTER, MA 01524-1120

LEICESTER WATER SUPPLY
P.O. BOX 86
LEICESTER, MA 01524

MURPHY MCCANCE DONNA M
17 MASSASOIT DR
LEICESTER, MA 01524

JEROME GEORGE
JEROME SANDRA
18 MASSASOIT DR
LEICESTER, MA 01524

MAGNANO DAVID
167 CHAPEL ST
LEICESTER, MA 01524

MURZYCKI LOUIS JOAN TRUST
MURZYCKI FAMILY 2011 IRRE
67 WAITE ST
LEICESTER, MA 01524

KNIGHTS OF COLUMBUS
K OF C COUNCIL 4528
91 MANNVILLE ST P O BOX 143
LEICESTER, MA 01524

MASS ELECTRIC CO
PROPERTY TAX DEPT
40 SYLVAN ROAD
WALTHAM, MA 02451

O'LEARY CHRISTINE G
HOLMES MICHAEL
6 MASSASOIT DR
LEICESTER, MA 01524

KOBEL HENRY F
KOBEL CAROL
P O BOX 87
LEICESTER, MA 01524

MCCAULEY JESSICA
MCCAULEY TRAVIS
85 WAITE ST
LEICESTER, MA 01524

OLEARY ANDREW R
OLEARY CAROL F
11 MASSASOIT DR
LEICESTER, MA 01524

LACH ANNA
STARUK COONEY CHERYL
50 WAITE STREET
LEICESTER, MA 01524

MCCULLOUGH GLORIANN O
MCCULLOUGH GRAHAM P
5 MASSASOIT DR
LEICESTER, MA 01524

OLSON MARK S
MCNALLY CHERYL A.
38 MANNVILLE STREET
LEICESTER, MA 01524`

PASZUK CHRISTINE
12 MASSASOIT DR
LEICESTER, MA 01524

SCALLEY RYAN
7 MASSASOIT DRIVE
LEICESTER, MA 01524

WHEELER RANDY L
WHEELER ANN M
774 MAIN STREET
LEICESTER, MA 01524-1306

PHAM CUC
1 WAITE STREET
LEICESTER, MA 01524

SCHULMAN STEVEN A
SCHULMAN LINDA S
13 MASSASOIT DR
LEICESTER, MA 01524

WHITE RUSSEL J
180 CHAPEL ST
LEICESTER, MA 01524

PHILLIPS SR ALLEN
PHILLIPS MICHELLE M
35 WAITE ST
LEICESTER, MA 01524

SENKO FUAT
98 MANNVILLE STREET
LEICESTER, MA 01524

WHITWORTH HERBERT H
WHITWORTH DOROTHY E
171 CHAPEL ST
LEICESTER, MA 01524

REALE FRANK R JOYCE C
REALE FAMILY TRUST
14 WINSLOW AVE
LEICESTER, MA 01524

SILBERSTEIN CHARLES G
CHARLES G SILBERSTEIN REV
97 WAITE ST
LEICESTER, MA 01524

WILLETTE SUSAN E
52 WAITE ST
LEICESTER, MA 01524

RICE CRAIG R
LANE CHRISTINE
68 WAITE ST
LEICESTER, MA 01524

SMITH JUSTON O
51 WAITE ST
LEICESTER, MA 01524

ZMAYEFSKI JEFFREY A
15 MASSASOIT DRIVE
LEICESTER, MA 01524

RIVERS LISA M
RIVERS BRIAN K
80 WAITE ST
LEICESTER, MA 01524

SNAPE PAUL
90 MANNVILLE STREET
LEICESTER, MA 01524-1123

ROBSON JAMES D III
ROBSON SUZANNE B
77 WAITE ST
LEICESTER, MA 01524

TOWN OF LEICESTER
LEICESTER COMMUNITY FIELD
3 WASHBURN SQUARE
LEICESTER, MA 01524

ROPIAK TANNER P
DUCHARME HANNAH M
182 CHAPEL ST
LEICESTER, MA 01524

TOWN OF LEICESTER
ST JOSEPHS CEMETERY
3 WASHBURN SQUARE
LEICESTER, MA 01524

ROSHCHIN ROMAN A
56 BARROWS RD
WORCESTER, MA 01609

VARGAS BIENVENIDA
VARGAS JULIO C
169 CHAPEL ST
LEICESTER, MA 01524

RYAN JORDAN
HAWTHORNE ST
LEICESTER, MA 01524

VU LOAN
MICHAUD ERIC
40 MANNVILLE ST
LEICESTER, MA 01524

Appendix D

Site Photos



Photo 1: Overview of primary spillway from downstream (September 2023)



Photo 2: Overview right training wall (September 2023)



Photo 3: Overview of downstream channel (January 2024)



Photo 4: Overview of spillway from downstream (January 2024)



Photo 5: Overview of wall extension (January 2024)

Appendix E

Wetland Delineation Report (October 2013)



FUSS & O'NEILL

Site Investigation and Inland Resource Area Delineation Report

Report Date: October 30, 2013

Prepared For: Robert T. Reed
Town Administrator
Town of Leicester
3 Washburn Square
Leicester, Massachusetts 01524

Site Location: Waite Pond Dam, Leicester, MA

Inspection Date: September 17, 2013

Regulated Inland Wetland Resource Areas:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Bank | <input checked="" type="checkbox"/> Bordering Vegetated Wetland (BVW) |
| <input checked="" type="checkbox"/> Land Under Water Bodies and Waterways | <input checked="" type="checkbox"/> Land Subject to Flooding (BLSF/ILSF) |
| <input checked="" type="checkbox"/> Riverfront Area | <input type="checkbox"/> Isolated Vegetated Wetland |
| <input checked="" type="checkbox"/> Buffer Zone | <input type="checkbox"/> Estimated Habitats of Rare Wildlife |
| <input type="checkbox"/> Vernal Pool | |

Delineated Resource Area Field Numbering Sequence [as depicted on the attached Resource Map]:

Bank/LUWW: A099 to A111; B100 to B112 **BVW:** C100 to C106

Wetland and watercourse resource areas were delineated in accordance with applicable local, state and federal statutes, as detailed within the Resource Area Description attachment. This delineation does not constitute an official wetland boundary until such time as it is accepted and approved by local, state or federal regulatory agencies.

146 Hartford Road
Manchester, CT
06040
t 860.646.2469
800.286.2469
f 860.533.5143

www.fando.com

Connecticut
Massachusetts
Rhode Island
South Carolina

The wetlands delineation was conducted by:

Sara S. Fusco, CPESC
Wetland Scientist/Soil Scientist

att

ATTACHMENTS

- Resource Area Description
- DEP Bordering Vegetated Wetland (310 CMR 10.55)
Delineation Field Forms
- NRCS Soil Map and Soil Report
- Resource Area Sketch Map
- MassGIS: OLIVER generated FEMA Map

Fuss & O'Neill Inc. performed a wetland resource area field inspection and delineation within 100 feet of Waite Pond Dam in Leicester, Massachusetts on September 17, 2013. The purpose of the delineation was to locate the jurisdictional limits of areas regulated under the Wetland Protection Act (M.G.L. c. 131 sec. 40) and the associated Wetland Protection regulations (310 CMR 10). The extent of the resource area determination is referred to herein as "the area of interest" and depicted on the attached Wetland Sketch Map. Inland wetland resource areas identified in the area of interest during the field inspection include: Bordering Vegetated Wetlands (BVW), Bank, Land Under Water Bodies and Waterways (LUWW), Riverfront Area, and Buffer Zone. MA Natural Heritage Endangered Species Program (NHESP) Priority Habitat for Rare Species and Estimated Habitat for Rare Wildlife are not depicted within the area of interest on maps retrieved from MassGIS.

Resource Area Descriptions

Bordering Vegetated Wetlands (BVW): Regulatory Framework and Delineation Methodology

As stated in 310 CMR (2)(a), "Bordering Vegetated Wetlands are freshwater wetlands which border on creeks, rivers, streams, ponds and lakes. The types of freshwater wetlands are wet meadows, marshes, swamps and bogs. Bordering Vegetated Wetlands are areas where the soils are saturated and/or inundated such that they support a predominance of wetland indicator plants. The ground and surface water regime and the vegetation community which occur in each type of freshwater wetland are specified in M.G.L. c 131 sec. 40."

Fuss & O'Neill Inc. delineated bordering vegetated wetlands within 100 feet of Waite Pond Dam in accordance with methodology provided in the Massachusetts DEP handbook, Delineating Bordering Vegetated Wetlands under the Massachusetts Wetlands Protection Act, dated March 1995, the 1987 Corps of Engineers Wetlands Delineation Manual, and the Regional Supplement to the Corps of Engineers Wetlands Delineation Manual: Northcentral and Northeast Region, dated 2012. Consecutively numbered flags were placed in the field to demarcate the wetland boundary and data regarding vegetation, soils, and hydrology was gathered to complete the required MassDEP BVW delineation field forms, attached. Wetlands were categorized in accordance with Classification of Wetlands and Deepwater Habitats of the United States, Cowardin et.al. 1979.

Hydric soil determinations were made in accordance with Field Indicators for Identifying Hydric Soils in New England (NEIWPCC, 2004). The Wetland Indicator Status for plant species was ascertained using the USACE Northcentral and Northeast 2013 Regional Wetland Plant List. The Wetland Indicator Status is used to designate a plant species' preference for growth in a wetland or upland habitat as follows:

- Obligate Wetland (OBL): Hydrophyte, almost always occur in wetlands
- Facultative Wetland (FACW): Hydrophyte, usually occur in wetlands, but may occur in non-wetlands
- Facultative (FAC): Hydrophyte, occur in wetlands and non-wetlands

- Facultative Upland (FACU): nonhydrophyte, usually occur in non-wetlands, but may occur in wetlands
- Upland (UPL): Nonhydrophyte, almost never occur in wetlands

BVW: Resource Area DescriptionVegetation

The BVW within the area of interest is a palustrine emergent groundwater seep. It is located on a concave hillslope east of the dam and south of Kettle Brook (wetland flags: C100 to C106). Common vegetation identified within the hillside seep included: arrow-wood, *Viburnum dentatum* (FAC); jewelweed, *Impatiens capensis* (FACW); Jack-in-the-pulpit, *Arisaema triphyllum* (FAC); cinnamon fern, *Osmundastrum cinnamomeum* (FACW); and, royal fern, *Osmunda regalis* (OBL).

Hydrology

The delineated BVW is hydrologically connected to Kettle Brook, which flows southeast from Waite Pond. Groundwater was observed seeping from the hillside during the investigation.

Soils

The Natural Resource Conservation Service (NRCS) mapped soil types adjacent to the dam include: well drained Paxton, fine sandy loam; and, very poorly drained Whitman, sandy loam. Detailed information regarding each of these soil series is included within the [NRCS Soil Map and Soil Report](#) attachment. Results of the detailed field analyses of soils within the area of interest were generally consistent with the published NRCS soil mapping. The area north of Kettle Brook is mapped as Whitman sandy loam but was found to consist of rip rap, stone retaining walls and well drained human transported material (HTM). These materials are present due to historic disturbances associated with the channelization of the watercourse and construction of the parking area adjacent to Chapel Street.

Bank: Regulatory Framework and Delineation Methodology

Bank is defined under 310 CMR 10.54(2)(c) as “the portion of the land surface which normally abuts and confines a water body. It occurs between a water body and a vegetated bordering wetland and adjacent flood plain, or, in the absence of these, it occurs between a water body and an upland.” Fuss & O'Neill Inc. performed a delineation of Bank within the area of interest using consecutively numbered flags placed in the field to demarcate the Bank of a perennial stream (Kettle Brook) as well as the Banks of Waite Pond in the vicinity of the dam.

Bank: Resource Description

Bank along the perennial watercourse (Kettle Brook) coincided with the Mean Annual High-Water Line (MAHWL)/bankfull, as defined under 310 CMR 10.58 (2)(a)(2). Bank along Waite Pond is located between the surrounding upland and the water body. Bank was located in the field by the first observable break in topography (flags: A099 to A111 and B100 to B112).

Riverfront Area: Regulatory Framework and Delineation Methodology

Riverfront Area is defined under 310 CMR 10.58(2)(a) as *“the area of land between a river’s mean annual high water line and a parallel line measured horizontally.”* 310 CMR 10.58(2)(a)(1) defines rivers as, *“any natural flowing body of water that empties to any ocean, lake, pond or other river and which flows throughout the year. Rivers include streams (see 310 CMR 10.04: Stream) that are perennial because surface water flows within them throughout the year. Intermittent streams are not rivers as defined herein because surface water does not flow within them throughout the year.”* 310 CMR 10.58(2)(a)(2) further specifies that *“The Riverfront Area is the area of land between a river’s mean annual high-water line measured horizontally outward from the river and a parallel line located 200 feet away, ...”* continuing with exceptions that are not applicable to the area of interest.

The extent of the Riverfront Area adjacent to Waite Pond dam is determined by measuring a horizontal line 200 feet from the delineated mean annual high-water line of the perennial watercourse, Kettle Brook. As previously detailed, the mean annual high water line of the brook coincides with the delineated Bank resource.

Riverfront Area: Resource Area Description

The Riverfront Area within the area of interest includes the following regulated resource areas: Bordering Land Subject to Flooding (BLSF), BVW, Bank, Land Under Water Bodies and Waterways, and Buffer. No vernal pools, isolated vegetated wetlands, or Natural Heritage Endangered Species Program habitats of rare species or rare wildlife are located within the Riverfront Area in the area of interest. The Riverfront Area within the area of interest also includes roadways and private residential properties. Evidence of wildlife usage within the Riverfront Area was limited to sightings of common songbirds.

Land Under Water Bodies and Waterways (LUWW)

LUWW is defined under 310 CMR 10.56 (2)(a) as *“the land beneath any creek, river, stream, pond or lake. Said land may be composed of organic muck or peat, fine sediments, rocks or bedrock.”* The boundary of LUWW is defined as the mean annual low water level (310 CMR 10.56 (2)(c)). LUWW was not specifically field delineated. For the intents and purposes of this resource area delineation, the delineated Banks of the perennial stream and Waite Pond are analogous to the limits of LUWW.

Land Subject to Flooding (LSF)

Bordering Land Subject to Flooding (BLSF) is defined in 310 CMR 10.57 (2)(a)(1) as “*an area with low, flat topography adjacent to and inundated by flood waters rising from creeks, rivers, streams, ponds or lakes. It extends from the banks of these waterways and water bodies; where a bordering vegetated wetland occurs, it extends from said wetlands.*” 310 CMR (2)(a)(3) further states that the boundary of BLSF “*is the estimated maximum lateral extent of flood water which will theoretically result from the statistical 100-year frequency storm.*” The BLSF boundary within the area of interest was determined through use of the MassGIS’s Online Mapping Tool (OLIVER), attached. The National Flood Hazard Layer is provided by the Federal Emergency Management Agency (FEMA). Information provided by FEMA is generally consistent with observed field conditions.

Buffer Zone

Buffer Zone is defined in 310 CRM 10.04 as “that area of land extending 100 feet horizontally outward from the boundary of any area specified in 310 CMR 10.02(1)(a). Buffer Zone within the area of interest is associated with BVW and Bank. The buffer zone in the area of interest contains roadways and private residential properties, including wooded areas and mown lawns. Common vegetation occurring within the Buffer in the area of interest includes: sugar maple, *Acer saccharum* (FACU); pignut hickory, *Carya glabra* (FACU); eastern white pine, *Pinus strobus* (FACU); red maple, *Acer rubrum* (FAC); gray birch, *Betula populifolia* (FAC); beech, *Fagus grandifolia* (FACU); staghorn sumac, *Rhus hirta*; (not classified); Virginia creeper, *Parthenocissus quinquefolia* (FACU); bittersweet, *Celastrus orbiculatus* (not classified); tatarian honeysuckle, *Lonicera tatarica* (FACU); brambles, *rubus spp.*; Canada mayflower, *Maianthemum canadense* (FACU), and mown lawn.



DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Forms

- Observation Plot: 1W; Transect: 1
- Observation Plot: 2U; Transect: 1

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

Applicant: Town of Leicester Prepared by: Sara Fusco Project location: Waite Pond Dam DEP File #: _____
 Check all that apply:

- ☐ Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
☒ Vegetation and other indicators 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:	Transect Number:	Date of Delineation:
A. Sample Layer & Plant Species (by common/scientific name)	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)

Shrubs

Arrow-wood (*Viburnum dentatum*) 8% 100% yes FAC *

Herb

Jewelweed (*Impatiens capensis*) 20% 25% yes FACW *

Jack-in-the-pulpit (*Arisaema triphyllum*) 5% 6.25% no FAC *

Cinnamon fern (*Osmunda cinnamomeum*) 30% 37.5% yes FACW *

Royal fern (*Osmunda regalis*) 25% 31.25% yes OBL *

* 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 conclusion:

Number of dominant wetland indicator plants: 4

Number of dominant non-wetland indicator plants: 0

Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? yes no

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

Other Indicators of Hydrology: (check all that apply & describe)

- ☐ Site Inundated: _____
- ☒ Depth to free water in observation hole: 4-4"
- ☒ Depth to soil saturation in observation hole: at surface
- ☒ Water marks: _____
- ☐ Drift lines: _____
- ☐ Sediment Deposits: _____
- ☐ Drainage patterns in BVW: _____
- ☐ Oxidized rhizospheres: _____
- ☒ Water-stained leaves: _____
- ☐ Recorded Data (streams, lake, or tidal gauge; aerial photo; other): _____
- _____
- _____
- ☐ Other: _____

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes ☒ no ☐

title/date: _____

map number: NECS Web Soil

soil type mapped: Survey

hydric soil inclusions: _____

Are field observations consistent with soil survey? yes ☐ no ☐

Remarks:

General consistent with the exception of disturbed areas north of Kettle Brook.

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
<u>AP</u>	<u>8"</u>	<u>10YR 4/1</u>	
<u>Bg</u>	<u>—</u>	<u>7.5YR 2/1</u>	<u>2.5YR 5/4</u>

Remarks:

Very rocky $\geq 20\%$; could not dig below $\pm 12"$

3. Other:

Ground water observed in test hole

Conclusion: Is soil hydric? yes ☒ no ☐

Vegetation and Hydrology Conclusion

	Yes	No
Number of wetland indicator plants \geq # of non-wetland indicator plants	<u>2</u>	_____
Wetland hydrology present:		
Hydric soil present	<u>2</u>	_____
Other indicators of hydrology present	<u>2</u>	_____
Sample location is in a BVW	<u>2</u>	_____

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

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

Applicant: Town of Leicester Prepared by: Sara Fusco Project location: White Pond Dam DEP File #: _____

Check all that apply:

- ☒ Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
- ☐ Vegetation and other indicators 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:	Transect Number:	Date of Delineation:
A. Sample Layer & Plant Species (by common/scientific name)	B. Percent Cover (or basal area)	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*

<u>Tree</u>			
Sugar Maple (<i>Acer saccharum</i>)	30%	60%	yes
Pignut Hickory (<i>Carya glabra</i>)	20%	40%	yes
<u>Liana</u>			
V. creeper (<i>Parthenocissus quinquefolia</i>)	10%	55.5%	yes
Bittersweet (<i>Celastrus orbiculatus</i>)	8%	44.6%	yes
<u>shrub</u>			
Staghorn sumac (<i>Rhus hirta</i>)	10%	100%	yes
<u>Herb</u>			
NY Fern (<i>Parathypteris noveborac</i>)	10%	14.2%	no
Mown Lawn	60%	85.7%	yes
			FACU
			FACU
			FACU
			Not classified
			Not classified.
			FAC.

* 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 conclusion:

Number of dominant wetland indicator plants: 0

Number of dominant non-wetland indicator plants: 3

Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? yes no

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



NRCS Soil Map and Soil Report

Soil Map—Worcester County, Massachusetts, Southern Part
(Waite Pond)




Soil Map—Worcester County, Massachusetts, Southern Part
(Waite Pond)

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:25,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Worcester County, Massachusetts, Southern Part

Survey Area Data: Version 5, Jan 30, 2007

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Mar 30, 2011—May 1, 2011

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Worcester County, Massachusetts, Southern Part (MA615)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
1	Water	1.2	23.2%
73A	Whitman sandy loam, 0 to 3 percent slopes, extremely stony	0.9	16.9%
305C	Paxton fine sandy loam, 8 to 15 percent slopes	3.1	59.8%
Totals for Area of Interest		5.1	100.0%

Map Unit Description (Brief, Generated)

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions in this report, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

The Map Unit Description (Brief, Generated) report displays a generated description of the major soils that occur in a map unit. Descriptions of non-soil (miscellaneous areas) and minor map unit components are not included. This description is generated from the underlying soil attribute data.

Additional information about the map units described in this report is available in other Soil Data Mart reports, which give properties of the soils and the limitations, capabilities, and potentials for many uses. Also, the narratives that accompany the Soil Data Mart reports define some of the properties included in the map unit descriptions.

Report—Map Unit Description (Brief, Generated)

Worcester County, Massachusetts, Southern Part

Map Unit: 1—Water

Component: Water (100%)

Generated brief soil descriptions are created for major soil components. The Water is a miscellaneous area.

Map Unit: 73A—Whitman sandy loam, 0 to 3 percent slopes, extremely stony

Component: Whitman (70%)

The Whitman component makes up 70 percent of the map unit. Slopes are 0 to 3 percent. This component is on depressions on till plains. The parent material consists of friable coarse-loamy eolian deposits over dense coarse-loamy lodgment till derived from metamorphic rock. Depth to a root restrictive layer, densic material, is 12 to 30 inches. The natural drainage class is very poorly drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is low. Shrink-swell potential is low. This soil is not flooded. It is frequently ponded. A seasonal zone of water saturation is at 0 inches during January, February, March, April, May, June, September, October, November, December. Organic matter content in the surface horizon is about 74 percent. Nonirrigated land capability classification is 7s. This soil meets hydric criteria.

Component: RIDGEBURY (10%)

Generated brief soil descriptions are created for major components. The RIDGEBURY soil is a minor component.

Component: SWANSEA (10%)

Generated brief soil descriptions are created for major components. The SWANSEA soil is a minor component.

Component: other soils (10%)

Generated brief soil descriptions are created for major components. The other soils soil is a minor component.

Map Unit: 305C—Paxton fine sandy loam, 8 to 15 percent slopes

Component: Paxton (75%)

The Paxton component makes up 75 percent of the map unit. Slopes are 8 to 15 percent. This component is on drumlins on uplands, drumlinoid ridges on uplands. The parent material consists of friable coarse-loamy eolian deposits over dense coarse-loamy lodgment till derived from schist. Depth to a root restrictive layer, densic material, is 18 to 38 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is low. Shrink-swell potential is low. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 24 inches during February, March, April. Organic matter content in the surface horizon is about 4 percent. Nonirrigated land capability classification is 3e. This soil does not meet hydric criteria.

Component: CHARLTON (10%)

Generated brief soil descriptions are created for major components. The CHARLTON soil is a minor component.

Component: CANTON (8%)

Generated brief soil descriptions are created for major components. The CANTON soil is a minor component.

Component: WOODBRIDGE (5%)

Generated brief soil descriptions are created for major components. The WOODBRIDGE soil is a minor component.

Component: RIDGEBURY (2%)

Generated brief soil descriptions are created for major components. The RIDGEBURY soil is a minor component.

Data Source Information

Soil Survey Area: Worcester County, Massachusetts, Southern Part
Survey Area Data: Version 5, Jan 30, 2007



FUSS & O'NEILL

Prepared By

SSF

Date

9/17/13

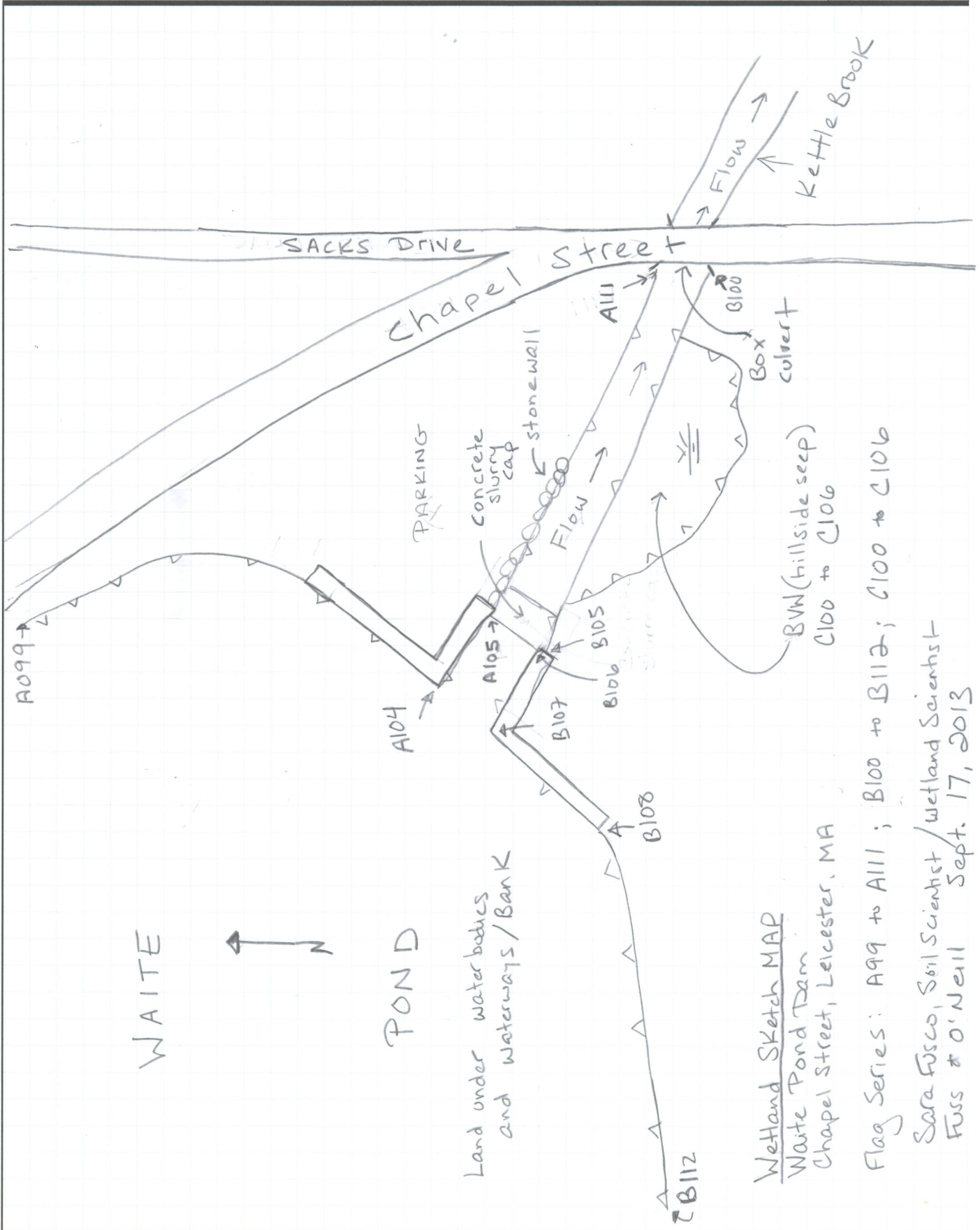
Checked By

Date

Project No

20081286.A10

Sheet No
of



Wetland Sketch Map

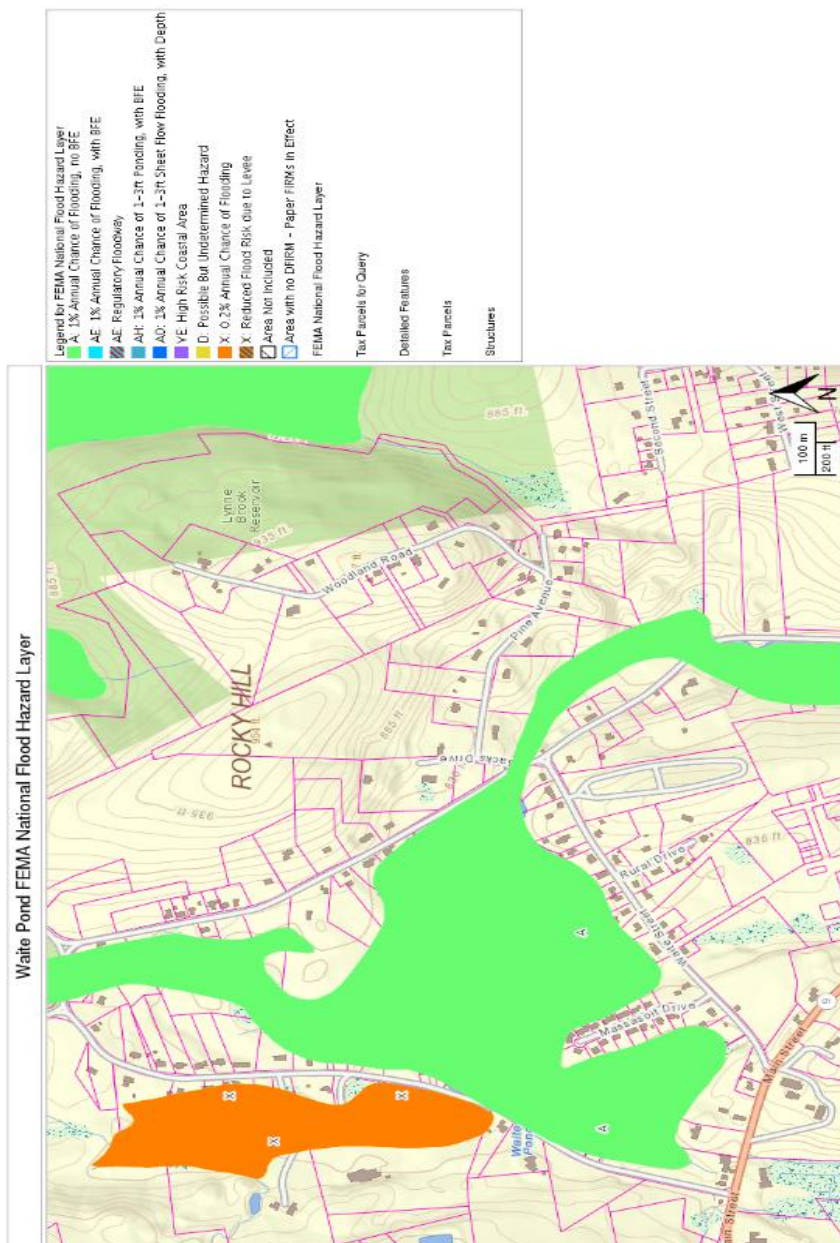
Waite Pond Dam

Chapel Street, Leicester, MA

Flag Series: A99 to A111; B100 to B112; C100 to C106

Sara Fusco, Soil Scientist / Wetland Scientist
Fuss & O'Neill Sept. 17, 2013

Waite Pond FEMA National Flood Hazard Layer



Appendix F

Permit Approvals

Worcester South District Registry of Deeds Electronically Recorded Document

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Recording Information

Document Number	: 105554
Document Type	: PER
Recorded Date	: December 18, 2023
Recorded Time	: 11:24:00 AM
Recorded Book and Page	: 70005 / 225
Number of Pages(including cover sheet)	: 5
Receipt Number	: 1551612
Recording Fee	: \$105.00

Worcester South District Registry of Deeds
Kathryn A. Toomey, Register
90 Front St
Worcester, MA 01608
(508) 368-7000



Certified Mail No. 7019 1120 0000 5149 4787
Return Receipt Requested

M.G.L. Chapter 253
Dam Safety Permit No. 243-2018-243
Amendment #1/Extension #2

Applicant

Ken Berchielli
Fuss & O'Neill, Inc.
317 Iron Horse Way, Suite 204
Providence, RI 02908

On behalf of:
Town of Leicester
c/o David Genereux, Administrator
3 Washburn Square
Leicester, MA 01524

Re: Waite Pond Dam Repairs
National Dam ID: MA00987
Registry Location: Worcester, Deed Book 13554, Page 81
Owner: Town of Leicester
Dam Location: Leicester

Date: November 7, 2023

Dear Mr. Berchielli:

The Department of Conservation and Recreation (DCR) Office of Dam Safety (ODS) has received your emails of October 24 and 26, 2023 email requesting an extension of the Ch. 253 Dam Safety Permit previously issued for repairs at Waite Pond Dam. ODS understands that the extension is requested to allow the project contractor to construct a vertical reinforced concrete extension of the spillway's right training wall. ODS understands construction is currently anticipated to begin next month and conclude by March 2024.

Dam Safety Permit No. 243-2018-243 is hereby extended and amended to permit the work indicated on the drawings titled "**Waite Pond Dam Repairs, Permitting Plan Set, MA00987, Chapel Street, Leicester, Massachusetts, September 20, 2017**" revised August 12, 2018; as well as the training wall modifications

COMMONWEALTH OF MASSACHUSETTS · EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS

Department of Conservation and Recreation
180 Beaman Street
West Boylston, MA 01583
508-792-7423 508-792-7805 Fax
www.mass.gov/dcr



Maura T. Healey
Governor

Kimberley Driscoll
Lt. Governor

Rebecca L. Tepper, Secretary
Executive Office of Energy & Environmental Affairs

Brian Arrigo, Commissioner
Department of Conservation & Recreation

shown on drawings “SK-01, Training Wall Elevation Detail” and “SK-02, Training Wall Section Detail” dated October 2022.

Permission is granted subject to the following conditions:

- (a) At least 21 days before the start of construction, the applicant shall provide a completed **DAM SAFETY IMPROVEMENTS – NOTICE OF CONSTRUCTION** (form attached) with a construction schedule to the DCR/ODS - Permits Section.
- (b) For all features of the repair project, the dam engineer (Fuss & O’Neill) shall notify ODS of any design change from the original design submitted with the permit application due to regulatory requirements, changes in field conditions or any other unanticipated occurrence. This notification shall be a formal submittal to ODS which includes all relevant revised plans, computations and data (survey, geotechnical, etc.) supporting the design change(s). This submittal shall be forwarded to ODS by registered mail, return receipt requested, and will require an amendment to the permit. Review time may vary based upon the complexity of the design change(s), however, ODS will generally issue the permit amendment within five (5) days of receipt of a complete design revision submittal.
- (c) The dam engineer must report to ODS any unforeseen incidents that occur at the work site during the repair work. Unforeseen incidents include, but are not limited to, cofferdam overtopping or failure, significant uncontrolled seepage into the work area, significant earth support failures or slope failures. The report must explain in detail what occurred, corrective measures taken to mitigate the occurrence and any impacts the occurrence may have had on the repair plan. If the incident results in a design change, ODS must be provided revised design documents (refer to Condition (b), above).
- (d) The following shall be prepared by the contractor, approved by the dam engineer, and submitted to ODS prior to construction:
 - A cofferdam design. The cofferdam shall be carefully designed to resist anticipated forces without failing and to ensure that seepage around, under, or through the cofferdam is manageable;
 - A water control and diversion plan describing methods to be employed to allow work to be performed “in the dry” and to manage both the water level in Waite Pond and outflow from Waite Pond while dam rehabilitation is in progress; and
 - A flood response plan. While construction is underway, weather forecasts, stream flows and water levels must be monitored to allow adequate time to respond to rising water levels at the construction site. If high water levels are expected, equipment and materials shall be removed from the work area and personnel evacuated. Sufficient materials and equipment required for flood response shall be maintained in a safe location at, or near, the construction site.
- (e) The dam engineer shall invite ODS to the preconstruction meeting, another project meeting at 50% completion and the final inspection meeting. ODS reserves the right to make site visits and inspections at any time during the permit period. ODS requests the following items be addressed at the pre-construction meeting:

- Identification of the
 - resident engineer (owner's representative overseeing the project);
 - contractor's qualified site superintendent; and
 - dam engineer's representative overseeing the project;
- Emergency contact information for the contractor and resident engineer;
- Water control features anticipated and the process for the dam engineer to either develop or approve the overall control and diversion of water plan. Any flood emergency warning and response procedures shall be identified;
- Level of dam engineer construction oversight including: identification of any critical construction items to be overseen by the dam engineer; procedures for the dam engineer's review and approval of shop drawings and other submittals; documentation of dam engineer's approval of any design modifications; procedures for coordinating and scheduling the dam engineer's inspection of critical construction elements; and
- Presentation of the initial construction schedule with identification and discussion of major items.

ODS shall be provided a copy of the preconstruction meeting minutes.

- (f) The dam engineer shall provide ODS written documentation that he has reviewed and approved all pertinent submittals or samples concerning critical project dam features including, but not limited to: low-permeability fill; filter sand; materials to backfill stump removal cavities; rip rap; rockfill armoring; concrete mix design; reinforcing steel; pipe and fittings; sluice gate, operator and associated hardware; and water stops. This documentation may be in the form of a submittal log which may be submitted as part of the "as-built" report, described below.
- (g) Upon project completion the applicant shall submit to ODS a **DAM SAFETY CERTIFICATE OF COMPLETION** (form attached). With this certificate of completion submit one bound (utilizing plastic comb bindings) as-built report with 11"x17" record drawings signed and stamped by a registered professional civil engineer with contractor's signature attesting that all work was performed according to the plans and specifications. The as-built report shall include documentation of submittals reviewed and approved by the dam engineer, copies of any materials or construction testing reports and color photos of construction phases and appurtenant installations. Photograph numbers, location and direction in which each photo was taken must be identified. An electronic copy of the as-built report and record drawings shall be provided in PDF (compatible with Adobe Reader Version 9.3 or later) on CD-R (not CD-RW) format compact disc. Each CD shall be provided with a jewel case and a label indicating the dam project name, NID No., the town in which the dam is located and the date of the as-built report.
- (h) Once the dam repairs have been completed and the reservoir has returned to its normal elevation, the dam engineer shall submit a Phase I Inspection documenting the condition of the dam. The manual and report are required prior to ODS issuing a Certificate of Compliance.

Any permit issued by DCR shall be subject to revocation by order of the Commissioner if the permittee fails to conform to 302 CMR 10.00, Dam Safety Rules and Regulations, provisions of this permit, or any other applicable laws and regulations.

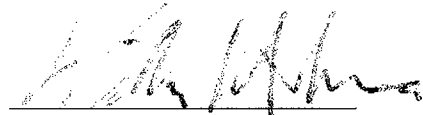
This permit does not release the applicant from the requirements of any other regulatory authority. Such authorizations and/or notifications include, but are not limited to:

Local Conservation Commission;
Massachusetts Department of Environmental Protection (DEP);
Massachusetts Department of Fish and Game (DFG);
Massachusetts Executive Office of Environmental Affairs (EOEA), MEPA Unit; and
U.S. Army Corps of Engineers.

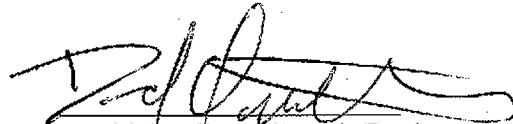
This extended permit must be recorded by the applicant at the Registry of Deeds in the county where the dam lies. Recording must be done prior to the commencement of construction and a copy of the recorded permit filed with the Office of Dam Safety.

This amended and extended permit remains valid for six (6) years from the permit's original date of issue: **August 31, 2018.**

Permit expiration date: **August 31, 2024.**



William Salomaa, Director
DCR Office of Dam Safety



David Ouellette, Permit Engineer
DCR Office of Dam Safety

Attachments: Dam Safety Improvements – Notice of Construction form
Dam Safety Certificate of Completion form



TOWN OF LEICESTER CONSERVATION COMMISSION

LEICESTER, MA 01524-1333

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

www.leicesterma.org

July 17, 2018

Enclosed is your Order of Conditions.

Please read the Order of Condition in it's entirety, as there may be special conditions listed.

This Document, in its entirety, is to be recorded at the Registry of Deeds immediately following the 10-day appeal period, which commences upon the date of issuance. Proof of this recording must be submitted to the Leicester Conservation Office before any work shall commence.

Failure to record these Orders with the Registry of Deeds is a violation of your Orders.

Prior to the start any work commencing, the Conservation Office must be notified, by calling the office at 508-892-7007.

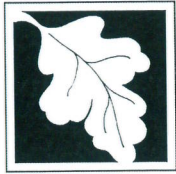
Thank you.

Please call with any questions or concerns.

Best regards,

Barbara Knox,
Department Assistant
Leicester Conservation Commission
508-892-7007
508-892-7070-fax
knoxb@leicesterma.org

Cc: DEP



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 #
 197-0621
 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:

a. First Name _____ b. Last Name _____
Town of Leicester
 c. Organization _____
3 Washburn Square
 d. Mailing Address _____
Leicester MA 01524
 e. City/Town _____ f. State _____ g. Zip Code _____

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:

Waite Pond Dam Leicester
 a. Street Address _____ b. City/Town _____
21A A48
 c. Assessors Map/Plat Number _____ d. Parcel/Lot Number _____
 Latitude and Longitude, if known: 42d24900m s -71d88708m s
 d. Latitude _____ e. Longitude _____



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A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
 Worcester
 a. County Worcester b. Certificate Number (if registered land) 286
 36166
 c. Book 286 d. Page 286
7. Dates: 11/6/2017 7/11/2018 7/17/2018
 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):
 Waite Pond Dam Repairs Permitting Plan
 a. Plan Title Waite Pond Dam Repairs Permitting Plan
 Fuss & O'Neill Philip W. Moreschi
 b. Prepared By c. Signed and Stamped by
 7/9/2018 1" = 10'
 d. Final Revision Date e. Scale
- f. Additional Plan or Document Title g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

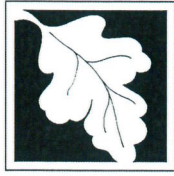
Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act).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

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

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

Approved subject to:

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



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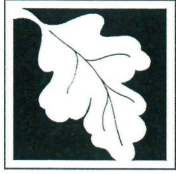
B. Findings (cont.)

Denied because:

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

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

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input checked="" type="checkbox"/> Bank	300 a. linear feet	_____ b. linear feet	_____ c. linear feet	_____ d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
6. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways	4,027 a. square feet e. c/y dredged	_____ b. square feet f. c/y dredged	_____ c. square feet	_____ d. square feet
7. <input type="checkbox"/> Bordering Land Subject to Flooding	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
Cubic Feet Flood Storage	_____ e. cubic feet	_____ f. cubic feet	_____ g. cubic feet	_____ h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	_____ a. square feet	_____ b. square feet		
Cubic Feet Flood Storage	_____ c. cubic feet	_____ d. cubic feet	_____ e. cubic feet	_____ f. cubic feet
9. <input checked="" type="checkbox"/> Riverfront Area	7,900 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	200 g. square feet	_____ h. square feet	200 i. square feet	_____ j. square feet



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B. Findings (cont.)

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

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



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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 (BWV) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. ☐ Restoration/Enhancement *:

a. square feet of BWV

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 7/17/2021 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.



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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 197-0621 "
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
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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

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

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

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



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

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

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

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

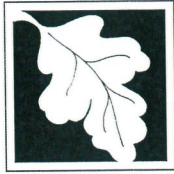
i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

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

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

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 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.



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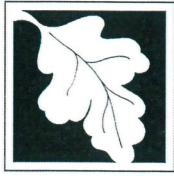
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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

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

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

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.



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No
2. The LEICESTER 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:

Town of Leicester Wetland Protection 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):

"SEE ADMINISTRATIVE ORDERS ATTACHED"

Town of Leicester Conservation Commission
Order of Conditions
Waite Pond Dam
DEP File #197-0621

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

PROJECT DESCRIPTION:

Replacement of retaining walls and embankments, creation of a downstream plunge pool energy dissipation basin, removal of existing gatehouse and replacement of low-level CMP outlet pipe and tree/stump removal.

A. PROJECT SPECIFIC CONDITIONS

- Conservation Office receiving copy of:
 - Letter from Mass Division of Fisheries and Wildlife:
 - acknowledging the proposed actual drawdown depth
 - acknowledge potential impacts on upstream water bodies and resource areas
 - confirming exemption from typical drawdown date restrictions
 - identifying any additional requirements
 - letter from DEP stating they have no additional restrictions;
- Preconstruction meeting with Conservation Commission two months prior to start of work;
- Quarterly update status reports on funding;
- Confirmation all work being done is on Town property

21 **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.

22 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.

B. ADMINISTRATIVE ORDERS

23 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.

24 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.

- 25 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.
- 26 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.
- 27 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.
- 28 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.

C. PRIOR TO CONSTRUCTION

- 29 Prior to any work commencing on the site, including any clearing of vegetation or disturbance of soils, the applicant shall comply with the following:
- a. **Display the DEP file number for this Order.**
 - b. The applicant shall notify the Conservation Commission at least 48 hours prior to any activity on the site and shall provide the name(s) and telephone number(s) of all person(s) responsible for compliance with this Order.
 - c. The approved erosion control shall be installed as indicated on the approved plan and shall be inspected by a member of the Conservation Commission prior to start of work.

D. GENERAL CONDITIONS

- 30 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.

- 31 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.
- 32 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.
- 33 Within thirty days of completion, all disturbed areas shall be permanently stabilized with vegetative cover, using sufficient top soil to assure long-term vegetative growth. Continued maintenance of this area, in a manner which assures permanent stabilization and precludes any soil erosion, shall be the responsibility of the applicant.
- 34 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.
- 35 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.
- 36 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.

- 37 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.
- 38 All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders or any other components shall be fixed immediately.
- 39 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.
- 40 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.
- 41 Site grading and construction shall be scheduled to avoid periods of high surface water. Debris removal must be conducted during frozen ground conditions.
- 42 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.
- 43 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.
- 44 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.
- 45 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.
- 46 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.
- 47 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.
- 48 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.

- 49 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.
- 50 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.
- 51 **Prior to the issuance of a Certificate of Compliance** and upon the sale of the property to subsequent owners, the new owner shall provide a letter to the Conservation Commission acknowledging that he/she understands the wetland restrictions bound to this property. A copy of this letter and a set of As Built Plans shall accompany the written request for a Certificate of Compliance. This shall be an ongoing condition and shall be recorded in the deed and on subsequent deeds.



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

Provided by MassDEP:
 CERO
 MassDEP File #
 197-0621
 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.

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]

[Handwritten signature]

☐ by hand delivery on

Date

☒ by certified mail, return receipt requested, on

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 #
 197-0621
 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:

Waite Pond Dam

Project Location

197-0621

MassDEP File Number

Has been recorded at the Registry of Deeds of:

Worcester

County

Book

Page

for: Town of Leicester
 Property Owner

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

Book

Page

In accordance with the Order of Conditions issued on:

Date

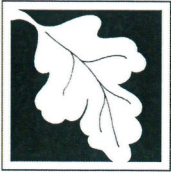
If recorded land, the instrument number identifying this transaction is:

Instrument Number

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

Document Number

Signature of Applicant



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number: _____

**Request for Departmental Action Fee
Transmittal Form**

Provided by DEP _____

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

A. Request Information

1. Location of Project

a. Street Address _____

b. City/Town, Zip _____

c. Check number _____

d. Fee amount _____

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

Name _____

Mailing Address _____

City/Town _____

State _____

Zip Code _____

Phone Number _____

Fax Number (if applicable) _____

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

Name _____

Mailing Address _____

City/Town _____

State _____

Zip Code _____

Phone Number _____

Fax Number (if applicable) _____

4. DEP File Number: _____

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



B. Instructions

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

☐ Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)

☐ Superseding Determination of Applicability – Fee: \$120

☐ Superseding Order of Resource Area Delineation – Fee: \$120



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

DEP File Number: _____

Provided by DEP _____

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

B. Instructions (cont.)

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

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

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

Worcester South District Registry of Deeds Electronically Recorded Document

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

Recording Information

Document Number	: 7719
Document Type	: ORD
Recorded Date	: January 20, 2022
Recorded Time	: 12:56:35 PM
Recorded Book and Page	: 66977 / 302
Number of Pages(including cover sheet)	: 21
Receipt Number	: 1416303
Recording Fee	: \$105.00

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

197-0681

MassDEP File #

eDEP Transaction #

Leicester

City/Town

A. General Information

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

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

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



a. First Name _____ b. Last Name _____
Town of Leicester
c. Organization _____
3 Washburn Square
d. Mailing Address _____
Leicester MA 01524
e. City/Town _____ f. State _____ g. Zip Code _____

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:

Waite Pond Leicester
a. Street Address _____ b. City/Town _____
21A A48
c. Assessors Map/Plat Number _____ d. Parcel/Lot Number _____
Latitude and Longitude, if known: 42d14m57.0732s 71d53m4484s
d. Latitude e. Longitude



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

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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

36166

c. Book

b. Certificate Number (if registered land)

286 (See also Tax Taking at Book 28857, Page 196)

d. Page

10/25/2021

1/12/2022

1/19/2022

7. Dates: 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):

Excerpts from Waite Pond Dam Construction Drawings

a. Plan Title

Fuss & O'Neill

b. Prepared By

4/14/2020

d. Final Revision Date

Waite Pond Dam Seasonal Drawdown

f. Additional Plan or Document Title

Philip W. Moreschi

c. Signed and Stamped by

1"=10'

e. Scale

10/12/2021

g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

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

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

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

Approved subject to:

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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Provided by MassDEP:

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B. Findings (cont.)

Denied because:

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

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

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	_____ a. linear feet	_____ b. linear feet	_____ c. linear feet	_____ d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
6. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways	temporary 18" drawdown - see project description on page 9a for more information.			
	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
	_____ e. c/y dredged	_____ f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
Cubic Feet Flood Storage	_____ e. cubic feet	_____ f. cubic feet	_____ g. cubic feet	_____ h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	_____ a. square feet	_____ b. square feet		
Cubic Feet Flood Storage	_____ c. cubic feet	_____ d. cubic feet	_____ e. cubic feet	_____ f. cubic feet
9. <input 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
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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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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
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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 1/12/2025 unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



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

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C. General Conditions Under Massachusetts Wetlands Protection Act

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 197-0681 "
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.



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

Provided by MassDEP:

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Leicester

City/Town

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

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

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

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



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

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

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

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

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

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

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

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 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.



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

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

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

Please see pages 9a-9e for additional conditions.

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

**Town of Leicester Conservation Commission
Order of Conditions
Waite Pond Dam
DEP File #197-0681**

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

PROJECT DESCRIPTION:

Temporary, seasonal drawdown of 18 inches at Waite Pond. The temporary drawdown will be initiated and restored by operating the Waite Pond Dam. Outside of the temporary drawdown period, the Waite Pond will be maintained at the current normal pool level. This drawdown will take place on an annual basis for as long as this Orders are valid.

A. PROJECT SPECIFIC CONDITIONS

An assessment (to be conducted by Leicester Highway Department) determining the ability to conduct the drawdown this late in the season should be submitted to the Commission for sign-off prior to the drawdown.

- 21 **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.**
- 22 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.

B. ADMINISTRATIVE ORDERS

- 23 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.
- 24 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.
- 25 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.

- 26 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.
- 27 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.
- 28 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.

C. PRIOR TO CONSTRUCTION

- 29 Prior to any work commencing on the site, including any clearing of vegetation or disturbance of soils, the applicant shall comply with the following:
 - a. **Display the DEP file number for this Order.**
 - b. The applicant shall notify the Conservation Commission at least 48 hours prior to any activity on the site and shall provide the name(s) and telephone number(s) of all person(s) responsible for compliance with this Order.
 - c. The approved erosion control shall be installed as indicated on the approved plan and shall be inspected by a member of the Conservation Commission prior to start of work.

D. GENERAL CONDITIONS

- 30 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.

- 31 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.
- 32 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.
- 33 Within thirty days of completion, all disturbed areas shall be permanently stabilized with vegetative cover, using sufficient top soil to assure long-term vegetative growth. Continued maintenance of this area, in a manner which assures permanent stabilization and precludes any soil erosion, shall be the responsibility of the applicant.
- 34 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.
- 35 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.
- 36 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.

- 37 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.
- 38 All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders or any other components shall be fixed immediately.
- 39 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.
- 40 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.
- 41 Site grading and construction shall be scheduled to avoid periods of high surface water. Debris removal must be conducted during frozen ground conditions.
- 42 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.
- 43 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.
- 44 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.
- 45 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.
- 46 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.
- 47 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.
- 48 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.

- 49 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.
- 50 **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.
- 51 **Prior to the issuance of a Certificate of Compliance** and upon the sale of the property to subsequent owners, the new owner shall provide a letter to the Conservation Commission acknowledging that he/she understands the wetland restrictions bound to this property. A copy of this letter and a set of As Built Plans shall accompany the written request for a Certificate of Compliance. This shall be an ongoing condition and shall be recorded in the deed and on subsequent deeds.



WPA Form 5 – Order of Conditions

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

197-0681

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D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☐ Yes ☐ No
2. The _____ 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):



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E. Signatures

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

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

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

1/19/2022

1. Date of Issuance

4

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.

DocuSigned by:

Stephan Paretti

Signature

Stephan Paretti

Printed Name

DocuSigned by:

JoAnn Schold

Signature

JoAnn Schold

Printed Name

DocuSigned by:

Ashlyn Coyle

Signature

Ashlyn Coyle

Printed Name

DocuSigned by:

Ryan Winslow

Signature

Ryan Winslow

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

☒ by hand delivery on

1/19/2022

☐ by certified mail, return receipt requested, on

Date

Date

The signatures above are made in accordance with MGL Ch. 110G and pursuant to the Leicester Conservation Commission's electronic signature authorization vote recorded on May 19, 2020 in Book 62422 Page 175 at the Worcester District Registry of Deeds.



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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.



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G. Recording Information

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

Conservation Commission

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

To:

Conservation Commission

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

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner

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

Book

Page

In accordance with the Order of Conditions issued on:

Date

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

Instrument Number

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

Document Number

Signature of Applicant



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number: _____

**Request for Departmental Action Fee
Transmittal Form**

Provided by DEP _____

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

A. Request Information

1. Location of Project

a. Street Address _____

b. City/Town, Zip _____

c. Check number _____

d. Fee amount _____

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

Name _____

Mailing Address _____

City/Town _____

State _____

Zip Code _____

Phone Number _____

Fax Number (if applicable) _____

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

Name _____

Mailing Address _____

City/Town _____

State _____

Zip Code _____

Phone Number _____

Fax Number (if applicable) _____

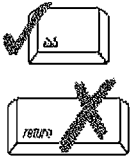
4. DEP File Number: _____

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

**Request for Departmental Action Fee
Transmittal Form**

DEP File Number:

Provided by DEP

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

B. Instructions (cont.)

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

Department of Environmental Protection
Box 4062
Boston, MA 02211

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