

## **Request for Determination of Applicability**

Russell Memorial Park Accessibility Improvements

92 South Main Street

Leicester, Massachusetts 01524

### **Town of Leicester**

Leicester, Massachusetts

December 22, 2022



**FUSS & O'NEILL**

108 Myrtle Street, Suite 502

Quincy, MA 02171



December 22, 2022

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

RE: Request for Determination of Applicability  
Russell Memorial Park Accessibility Improvements  
92 South Main Street  
Leicester, MA 01524

Dear Commission Members:

On behalf of the Town of Leicester, and in association with the Central Massachusetts Regional Planning Commission (CMRPC), Fuss & O'Neill has prepared the enclosed Request for Determination of Applicability (RDA) for the construction of new accessible sidewalks and parking spaces located at 92 South Main Street in Leicester, Massachusetts. Based on a site walk that occurred with Stephen Parretti, Chair of the Conservation Commission, and representatives from Fuss & O'Neill and CMRPC on October 26, 2022, it is our understanding that the proposed project is not located within any areas protected under the Massachusetts Wetlands Protection Act M.G.L. c. 131 §40 (WPA) and the Massachusetts Wetland Protection Regulations 310 CMR §10.00 (Wetland Regulations).

However, portions of the proposed project do fall within the jurisdiction of the Town of Leicester Conservation Commission Rules and Regulations for Administering the Town of Leicester Wetlands Protection Bylaw (Local Wetland Bylaw), specifically work within the 100-Foot Buffer Zone of Isolated Vegetated Wetlands (IVW). Based on our discussions with Mr. Parretti during the site walk, an RDA is required to be submitted in order for the Conservation Commission to approve this work.

The enclosed RDA application package includes WPA Form 1 along with the supporting project narrative, figures, abutters list, and project plans.

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Suite 502  
Quincy, MA  
02171  
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800.286.2469  
f 617.481.5885

[www.fando.com](http://www.fando.com)

California  
Connecticut  
Maine  
Massachusetts  
New Hampshire  
Rhode Island  
Vermont

F:\P2015\0407\A30\CDV\Permitting\WPA RDA\RDA.docx  
Corres.



Town of Leicester Conservation Commission  
December 22, 2022  
Page 2

If you have any questions, please feel free to contact me at 617 379-5545 or at [jdeninger@fando.com](mailto:jdeninger@fando.com). Thank you for your consideration of this RDA and we look forward to meeting with the Commission.

Sincerely,

Jack Deninger  
Civil Engineer

c: Chris Dunphy, CMRPC

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# Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

Leicester

City/Town

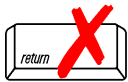
## WPA Form 1- Request for Determination of Applicability

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

### A. General Information

#### Important:

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



1. Applicant:

Town of Leicester

Name

N/A

E-Mail Address

3 Washburn Square

Mailing Address

Leicester

City/Town

MA

State

01524

Zip Code

508 892 7000

Phone Number

Fax Number (if applicable)

2. Representative (if any):

Fuss & O'Neill, Inc.

Firm

Jack Deninger

Contact Name

jdeninger@fando.com

E-Mail Address

108 Myrtle Street, Suite 502

Mailing Address

Quincy

City/Town

MA

State

02171

Zip Code

617 379 5545

Phone Number

Fax Number (if applicable)

### B. Determinations

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

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

Town of Leicester

Name of Municipality

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



**Massachusetts Department of Environmental Protection**

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Leicester

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

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

**C. Project Description**

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

90 & 92 South Main Street

Street Address

Leicester

City/Town

21/A3

Assessors Map/Plat Number

0

Parcel/Lot Number

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

Refer to Section 2 - Project Description attached.

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

Russell Memorial Park Accessibility Improvements; 92 South Main Street;  
Permitting Plans

12/22/2022

Date

Title

Date

Title

Date

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

Refer to Section 2 - Project Description attached.



## Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

Leicester

City/Town

# WPA Form 1- Request for Determination of Applicability

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

## C. Project Description (cont.)

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

The proposed project does not fall under the jurisdiction of the Massachusetts Wetlands Protection Act M.G.L. c. 131 §40 and the Massachusetts Wetland Protection Regulations 310 CMR §10.00. However, portions of the proposed project do fall within the jurisdiction of the Town of Leicester Conservation Commission Rules and Regulations for Administering the Town of Leicester Wetlands Protection Bylaw, specifically work within the 100-Foot Buffer Zone of Isolated Vegetated Wetlands (IVW).

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

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

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



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

Leicester  
City/Town

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

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

**D. Signatures and Submittal Requirements**

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

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

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

Name and address of the property owner:

Town of Leicester

Name

3 Washburn Square

Mailing Address

Leicester

City/Town

MA

State

01524

Zip Code

Signatures:

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



Signature of Applicant

12/20/22

Date

Signature of Representative (if any)

Date

# 1 Introduction

This Request for Determination of Applicability (RDA) has been prepared for the construction of new accessible sidewalks and parking spaces located at 92 South Main Street in Leicester, Massachusetts (site). The proposed project does not fall under the jurisdiction of the Massachusetts Wetlands Protection Act M.G.L. c. 131 §40 (WPA) and the Massachusetts Wetland Protection Regulations 310 CMR §10.00 (Wetland Regulations). However, portions of the proposed project do fall within the jurisdiction of the Town of Leicester Conservation Commission Rules and Regulations for Administering the Town of Leicester Wetlands Protection Bylaw (Local Wetland Bylaw), specifically work within the 100-Foot Buffer Zone of Isolated Vegetated Wetlands (IVW).

The project location is depicted on the Site Location Map, included as *Figure 1* in this report. The Certified Abutters List is included in *Appendix A*.

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## 1.1 Filing Fees

The RDA does not require an application fee because it's a Town project.

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# 2 Project Description

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## 2.1 Existing Conditions

The project is located on an approximately 15 acre site on the southern side of South Main Street and is identified by the Town of Leicester Assessor as 21-A3-0. The site is bounded by South Main Street to the north and forested areas to the south, west, and east. The site currently consists of four (4) baseball/softball fields, a concession building, and gravel sidewalks and parking. Site Photographs depicting existing conditions are included in *Appendix B*.

A detailed wetland delineation has not been performed for this project. Based on our review of the existing conditions on our site walk with Mr. Parretti, we have approximated the limits of “undisturbed vegetation” on the Permitting Plans. This limit represents the extents of the existing grassed areas that were being maintained (i.e., actively mowed) at the time of our site visit. The actual limits of IVW are assumed to be inward of this limit.

- The Site is not mapped within a NHESP Priority Habitats of Rare Species or Estimated Habitats of Rare Wildlife
- The site is not mapped within an Area of Critical Environmental Concern (ACEC)
- The site is not located in the vicinity of an Outstanding Resource Water or Special Resource Water area as designated in 314 CMR 4.00
- The site is not located in the vicinity of a cold-water fishery as designated in 314 CMR 4.00
- The site is located in a recharge area for public water supplies as defined in 310 CMR 22.00, specifically a Zone A and Zone C

- Federal Emergency Management Agency (FEMA) mapping shows that the site is not located within the Special Flood Hazard Area (SFHA). The FEMA Flood Map is included in *Figure 2*.

---

## 2.2 Proposed Conditions

The project includes the construction of new accessible sidewalks and parking spaces for the baseball/softball fields and bleachers. Improvements include four (4) accessible parking spaces in the existing gravel parking lot with sidewalks connecting the parking to dugouts, bleachers, and the concessions building. The sidewalks and parking will be primarily constructed on previously disturbed gravel surfaces. Except for the proposed culvert replacement noted in Section 2.2.1 below, all work has been located outside the limits of “undisturbed vegetation”. As of the date of this application, the parking spaces will be bituminous concrete pavement and the sidewalks will be concrete pavement. However, a different hardscaped surface may be selected if cost reductions are required. The proposed work is depicted on the Permitting Plans, which are included as *Appendix C*.

### 2.2.1 Stormwater Management

The existing stormwater management system will remain with the exception of a replacement storm drain to the west of the parking lot. The existing 10-inch PVC pipe will be replaced with a 12-inch RCP pipe with culvert ends and riprap outfalls. The earthwork associated with this construction will result in minor disturbance to the undisturbed vegetation on the site.

### 2.2.2 Erosion and Sediment Controls

Erosion and sedimentation controls will be installed in accordance with the “Massachusetts Erosion and Sediment Control Guideline for Urban and Suburban Areas”. Erosion and sedimentation controls will be installed prior to construction and maintained for the duration of the project until construction is complete and disturbed areas have been stabilized. Location and details of the erosion and sedimentation controls for the project are shown on the Permitting Plans, which are included as *Appendix C*.

Soil disturbance, stabilization measures, stockpile locations, construction waste management procedures, and hazardous materials storage procedures shall be recorded and maintained as part of the Stormwater Pollution Prevention Plan (SWPPP). This will be prepared as required under the EPA NPDES General Permit for Discharge from Construction Activities prior to the start of construction.

### 2.2.3 Construction Sequence

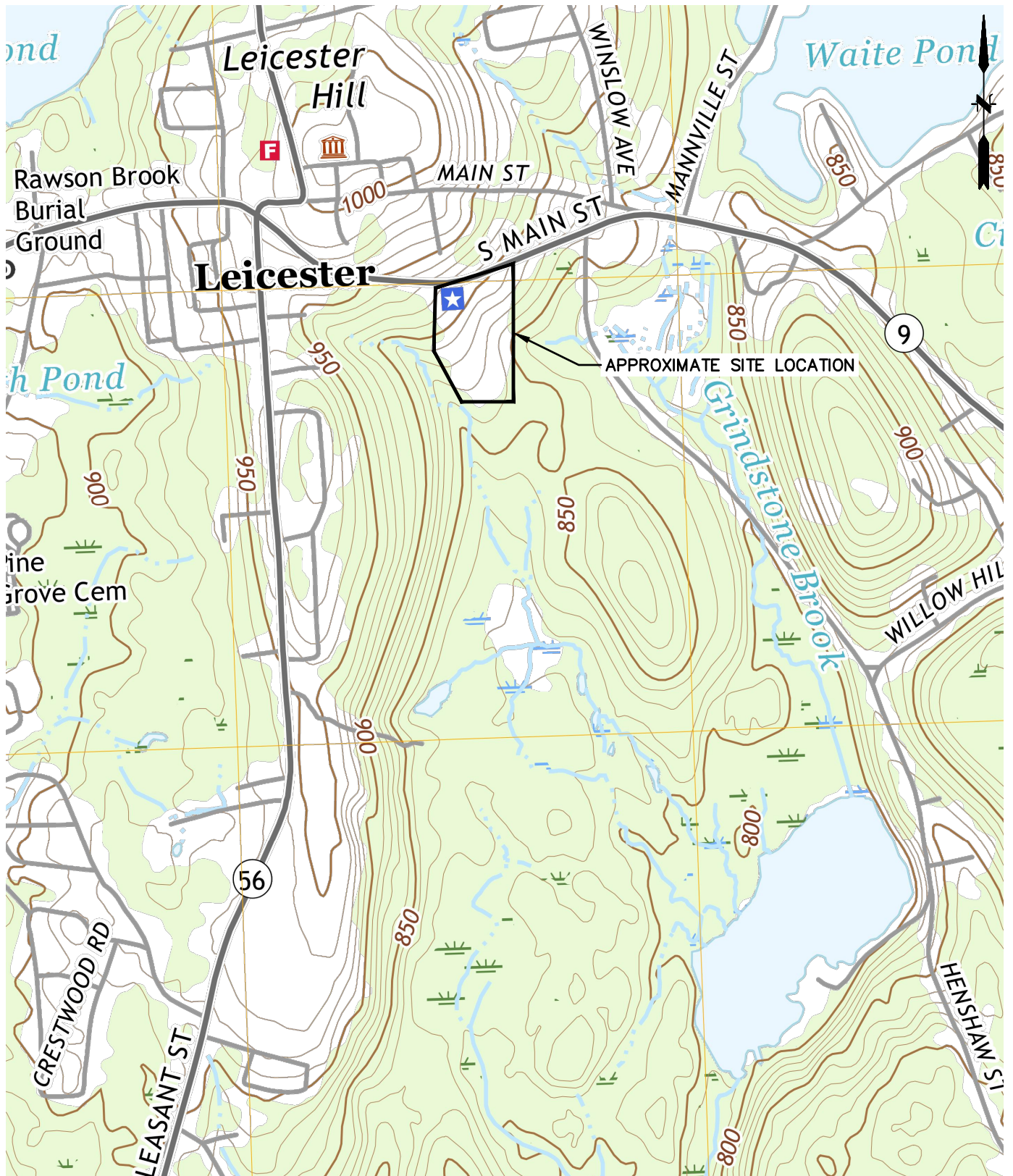
A detailed construction sequence is included on the Permitting Plans, which are included as *Appendix C*. This construction sequence is subject to change based on construction methods, weather, or due to other unforeseen circumstances. Any changes to the sequence of construction shall be addressed in the SWPPP, which shall be updated during construction to address site conditions.

## Figure 1

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Site Location Map





**MAP REFERENCE:**  
THIS MAP WAS PREPARED FROM THE FOLLOWING 7.5 MINUTE USGS MAP:  
LEICESTER, MA, 2021

SCALE:
HORZ.: 1" = 1000'
VERT.:
DATUM:
HORZ.:
VERT.:
0 500 1000
GRAPHIC SCALE



**FUSS & O'NEILL**

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QUINCY, MA 02171  
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www.fando.com

TOWN OF LEICESTER

SITE LOCATION MAP

RUSSELL MEMORIAL PARK

LEICESTER

MASSACHUSETTS

PROJ. No.: 20150407.A30  
DATE: 12/22/2022

**FIGURE 1**



## Figure 2

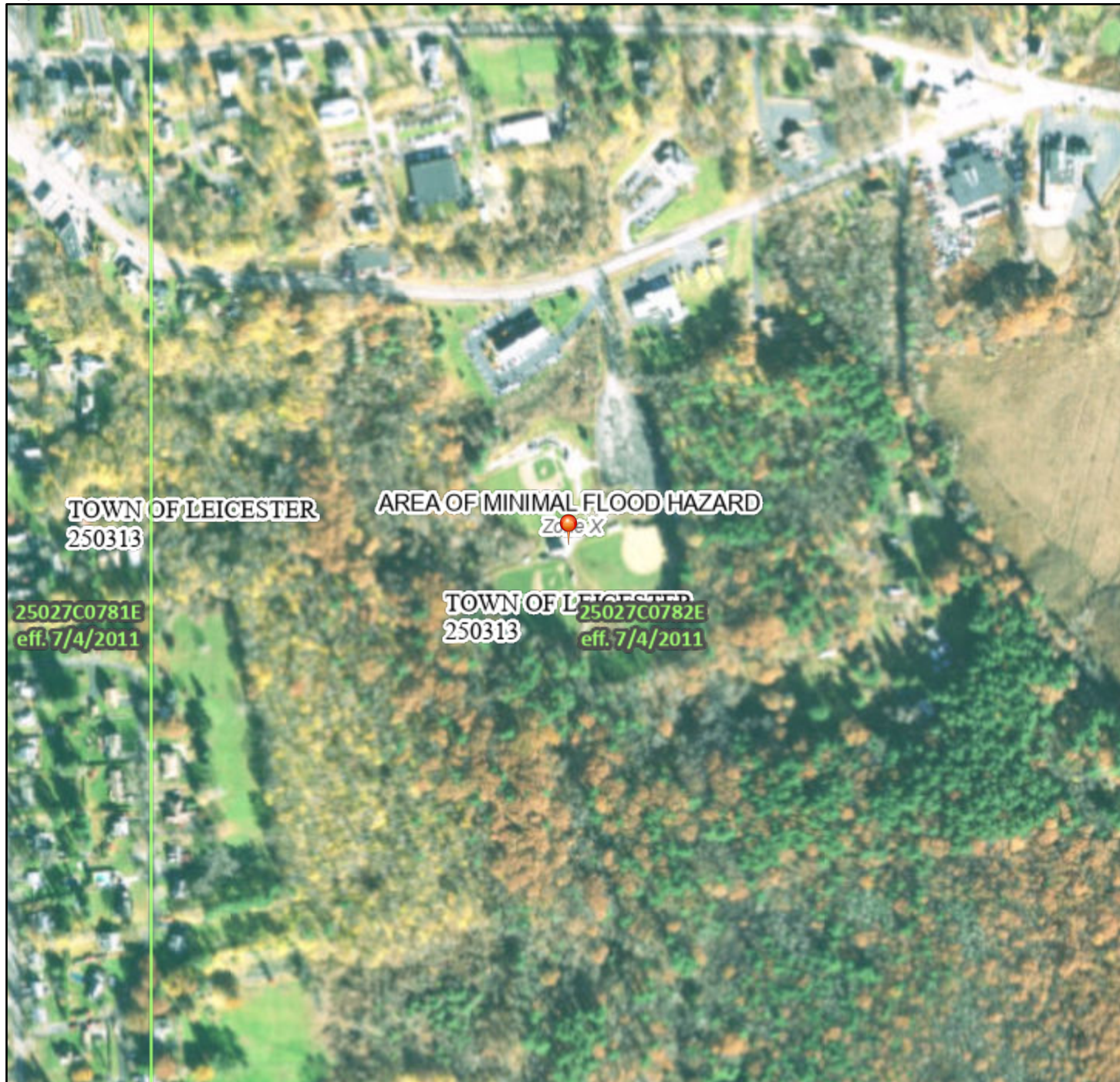
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FEMA Flood Map

# National Flood Hazard Layer FIRMette



71°54'27"W 42°14'47"N



0 250 500 1,000 1,500 2,000 Feet

1:6,000

71°53'50"W 42°14'21"N

Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
		Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **12/19/2022 at 10:24 AM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

## **Appendix A**

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### Certified Abutters List



# 300 foot Abutters List Report

Leicester, MA  
December 06, 2022

## Subject Properties:

Parcel Number: 21-A3-0  
CAMA Number: 21-A10-0  
Property Address: MAIN ST

Mailing Address: COTE VIRGINIA M  
P.O. BOX 153  
BREMEN, ME 04551-0153

Parcel Number: 21-A3-0  
CAMA Number: 21-A3-0  
Property Address: 90 92 SOUTH MAIN ST

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

---

## Abutters:

Parcel Number: 20C-A12-0  
CAMA Number: 20C-A12-0  
Property Address: 993 MAIN ST

Mailing Address: BECKER COLLEGE LEICESTER  
CAMPUS  
WASHBURN SQ  
LEICESTER, MA 01524

Parcel Number: 20C-A15-0  
CAMA Number: 20C-A15-0  
Property Address: 963 MAIN ST

Mailing Address: BECKER COLLEGE LEICESTER  
CAMPUS  
WASHBURN SQ  
LEICESTER, MA 01524

Parcel Number: 20C-A17-0  
CAMA Number: 20C-A17-0  
Property Address: 119 SOUTH MAIN ST

Mailing Address: S & D REALTY TRUST LLC C/O JOHN  
MILLETTE  
780 IANA SE  
KAILUA, HI 96734

Parcel Number: 20C-A18-0  
CAMA Number: 20C-A18-0  
Property Address: 905 MAIN ST

Mailing Address: HO HIEP NGO TINH  
43 FOX MEADOW DR  
WORCESTER, MA 01602

Parcel Number: 20C-A19-0  
CAMA Number: 20C-A19-0  
Property Address: 121 SOUTH MAIN ST

Mailing Address: SPENCER SAVINGS BANK  
176 MAIN STREET  
SPENCER, MA 01562

Parcel Number: 20C-A20-0  
CAMA Number: 20C-A20-0  
Property Address: 883 MAIN ST

Mailing Address: DAVIS CARA L  
883 MAIN ST  
LEICESTER, MA 01524

Parcel Number: 20C-A21.1-0  
CAMA Number: 20C-A21.1-0  
Property Address: SOUTH MAIN ST

Mailing Address: WHEELER PHILIP J AYRES PAUL F  
504 FALLON GROVE WAY  
RALEIGH, NC 27608

Parcel Number: 20C-A21-0  
CAMA Number: 20C-A21-0  
Property Address: 879 MAIN ST

Mailing Address: PABARROO CANDICE A MARVEL  
LAWRENCE F  
879 MAIN ST  
LEICESTER, MA 01524

Parcel Number: 20C-A22.1-0  
CAMA Number: 20C-A22.1-0  
Property Address: 81 SOUTH MAIN ST

Mailing Address: ROMAN REAL ESTATE HOLDINGS LLC  
19 LAMBS GROVE  
SPENCER, MA 01562



# 300 foot Abutters List Report

Leicester, MA  
December 06, 2022

Parcel Number: 20C-A22-0  
CAMA Number: 20C-A22-0  
Property Address: 79 SOUTH MAIN ST

Mailing Address: BECKER COLLEGE  
61 SEVER ST  
WORCESTER, MA 01609

Parcel Number: 20C-B1-0  
CAMA Number: 20C-B1-0  
Property Address: 869 MAIN ST

Mailing Address: CANANE KATHLEEN A  
852 MAIN STREET  
LEICESTER, MA 01524

Parcel Number: 21-A1-0  
CAMA Number: 21-A1-0  
Property Address: 76 SOUTH MAIN ST

Mailing Address: RING RAEBURN L, MADELINE I C/O  
MARK RING  
4208 TENNYSON WAY  
VENICE, FL 34293

Parcel Number: 21-A11-0  
CAMA Number: 21-A11-0  
Property Address: MAIN ST

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

Parcel Number: 21-A2-0  
CAMA Number: 21-A2-0  
Property Address: SOUTH MAIN ST

Mailing Address: RING RAEBURN L, MADELINE I C/O  
MARK RING  
4208 TENNYSON WAY  
VENICE, FL 34293

Parcel Number: 21-A3.1-0  
CAMA Number: 21-A3.1-0  
Property Address: HENSHAW ST

Mailing Address: NIST SHARON J PARLIMENT KURT K  
44 HENSHAW ST  
LEICESTER, MA 01524

Parcel Number: 21-A4-0  
CAMA Number: 21-A4-0  
Property Address: 100 SOUTH MAIN ST

Mailing Address: ME REALTY LLC  
PO BOX 639  
SHREWSBURY, MA 01545

Parcel Number: 21-A5.1-0  
CAMA Number: 21-A5.1-0  
Property Address: 102 SOUTH MAIN ST

Mailing Address: CLARK KATHERINE ADA MOSS  
THOMAS P JR  
102 SOUTH MAIN STREET  
LEICESTER, MA 01524

Parcel Number: 21-A5-0  
CAMA Number: 21-A5-0  
Property Address: 8 HENSHAW ST

Mailing Address: MOSS THOMAS P  
102 SOUTH MAIN STREET  
LEICESTER, MA 01524

Parcel Number: 21-A7.1-0  
CAMA Number: 21-A7.1-0  
Property Address: HENSHAW ST

Mailing Address: NIST SHARON J  
44 HENSHAW ST  
LEICESTER, MA 01524

Parcel Number: 21-A7-0  
CAMA Number: 21-A7-0  
Property Address: 36 HENSHAW ST

Mailing Address: FAIRBANKS DOLORES T FAIRBANKS  
REVOCABLE LIV TRUST  
36 HENSHAW ST  
LEICESTER, MA 01524

Parcel Number: 21-A9-0  
CAMA Number: 21-A9-0  
Property Address: HENSHAW ST

Mailing Address: NIST SHARON J PARLIMENT KURT K  
44 HENSHAW ST  
LEICESTER, MA 01524



# 300 foot Abutters List Report

Leicester, MA  
December 06, 2022

Parcel Number: 21-B1-0  
CAMA Number: 21-B1-0  
Property Address: 200 SOUTH MAIN ST

Mailing Address: J & S REAL ESTATE LLC  
200 SOUTH MAIN ST  
LEICESTER, MA 01524

Parcel Number: 21-B2-0  
CAMA Number: 21-B2-0  
Property Address: 861 MAIN ST

Mailing Address: BC ROADHOUSE PROPERTIES INC  
861 MAIN STREET  
LEICESTER, MA 01524

Parcel Number: 21-B6-0  
CAMA Number: 21-B6-0  
Property Address: 57 HENSHAW ST

Mailing Address: LOHNES CYNTHIA  
57 HENSHAW ST  
LEICESTER, MA 01524

Parcel Number: 25A-H10-0  
CAMA Number: 25A-H10-0  
Property Address: 15 WESLEY DR

Mailing Address: DAOUST FAMILY TRUST DAOUST  
STEPHEN G TRUSTEE  
15 WESLEY DR  
LEICESTER, MA 01524

Above is a certified list of direct abutters including abutters across any street.

Subject property: 90 & 92 South Main Street, Assessors Map 21-A3.0 Deed Ref. 26681 / 106

Subject owner(s): Town of Leicester

Linda Berisha, Principal Assessor

Prepared by: Sarah Morin, Department Assistant

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## **Appendix B**

Site Photographs



**Russell Memorial Park ADA**



Photo 1: Existing gravel parking lot.



Photo 2: Existing 10-inch PVC pipe to the west of the parking lot.



**Russell Memorial Park ADA**



Photo 3: Undisturbed vegetation adjacent to parking lot.



Photo 4: Typical existing gravel walkway.



**Russell Memorial Park ADA**



Photo 5: Typical dugout.



Photo 6: Concessions building.

## Appendix C

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Permitting Plans  
(separately bound)