

Leicester Zoning Board of Appeals

PERMIT TYPE: ☒ Special Permit ☐ Variance

Date: _____

Owner Information			
Owner Name:		Steven + Deborah Bryant	
Owner Signature:		<i>[Signature]</i>	
Address:		36 LAKE DR, Leicester MA 01562	
Phone:	508-769-9757	Fax:	508-885-4003
Email:	steve@GuarantyGlass.NET		
Applicant Information			
Applicant Name:		Steven V Bryant	
Applicant Signature:		<i>[Signature]</i>	
Address:		36 LAKE DR, Leicester MA 01562	
Phone:	508-769-9757	Fax:	508-885-4003
Email:	steve@GuarantyGlass.NET		
Project Information			
Project Address:		36 LAKE DR,	
Zoning District:		SA	
Assessors Map & Parcel #	27A-D	Deed Reference (Book & Page):	38601/383
Applicable Zoning Bylaw Section(s):			
Brief Description of Application:			
To Build new Home on lot and remove existing structure on same area			
State Briefly Reasons for Variance or Special Permit:			
House needs to be in same location because of position of septic system, well and driveway.			

Attach additional pages as necessary to fully describe the application.



Town Of Leicester
OFFICE OF THE INSPECTOR OF CODES
3 Washburn Square
Leicester, Massachusetts 01524-1333
Phone: (508) 892-7003 Fax: (508) 892-1163
Building & Zoning Enforcement
Jeff Taylor

Plumbing & Gas Inspector

John P. Dolen

Wiring Inspector

John Markley

Date: December 19, 2017

Steven Bryant
36 Lake Drive
Leicester, ma. 01524

Dear Mr. Bryant;

You have applied to demolish your existing home located at the aforementioned address and build a new home in its place. Your property is located in the suburban agricultural zoning district, and in this district you need 40' for setbacks to the property lines in all directions. Your home is 4.5 feet from the side property line and is therefore a preexisting non-conforming structure. Your new home will not be placed further into the setback area.

At this time I must deny your application based on the setback information. You will need to apply to the Zoning Board of Appeals for a Special Permit to expand the home according to MGL 40A section 6.

Please see the town clerk and ask for a special permit application and follow the instructions. If you have any questions regarding this letter, please direct them to this office.

Jeff Taylor, CBO
Inspector of Buildings
Zoning Enforcement Officer

Cc.
Zoning Board of Appeals

Jim, you will need Con Com First
Jeff Taylor

N/F
GEORGE J. BOSCO, JR. &
KARYN A. COLEMAN
BK. 41149 PG. 338
LOT 10
PL. BK. 60 PL. 12

WETLAND FLAGS FROM SITE PLAN BY
GOBI LAND ENGINEERING DTD. 10/30/17

20' RIGHT OF WAY
N58°00'00"E
126±

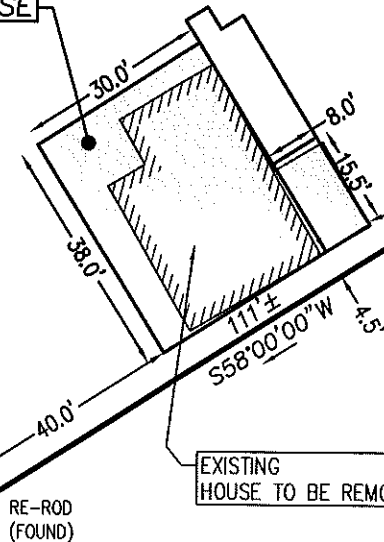
LOTS 11-12
12,000 sq. ft.±
0.275 acres±

BURNCOAT POND

RE-ROD
(FOUND/HELD)

PROPOSED
NEW HOUSE

LAKE DRIVE
N32°09'00"W
100.00'

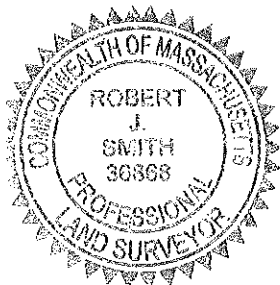


EXISTING
HOUSE TO BE REMOVED

N/F
SPIROS G. KAPERONIS
BK. 45185 PG. 239
LOTS 13-14
PL. BK. 60 PL. 12

NOTE:
NEW HOUSE TO BE BUILT SUBSTANTIALLY IN SAME PLACE
AS EXISTING HOUSE
(NO CLOSER TO SIDE LOT LINE)

DEED REF: 38601/383
PLAN REF: 60/12
ZONED: SA
ASSESSORS REF: 27A-D1



BUILDING PERMIT PLAN

PREPARED FOR:
STEVEN W. & DEBORAH A. BRYANT
36 LAKE DRIVE
LEICESTER, MASSACHUSETTS

SCALE: 1"=30'

DATE: DECEMBER 8, 2017

B&R SURVEY, INC.

PROFESSIONAL LAND SURVEYORS

100 GROVE STREET
WORCESTER, MA 01605

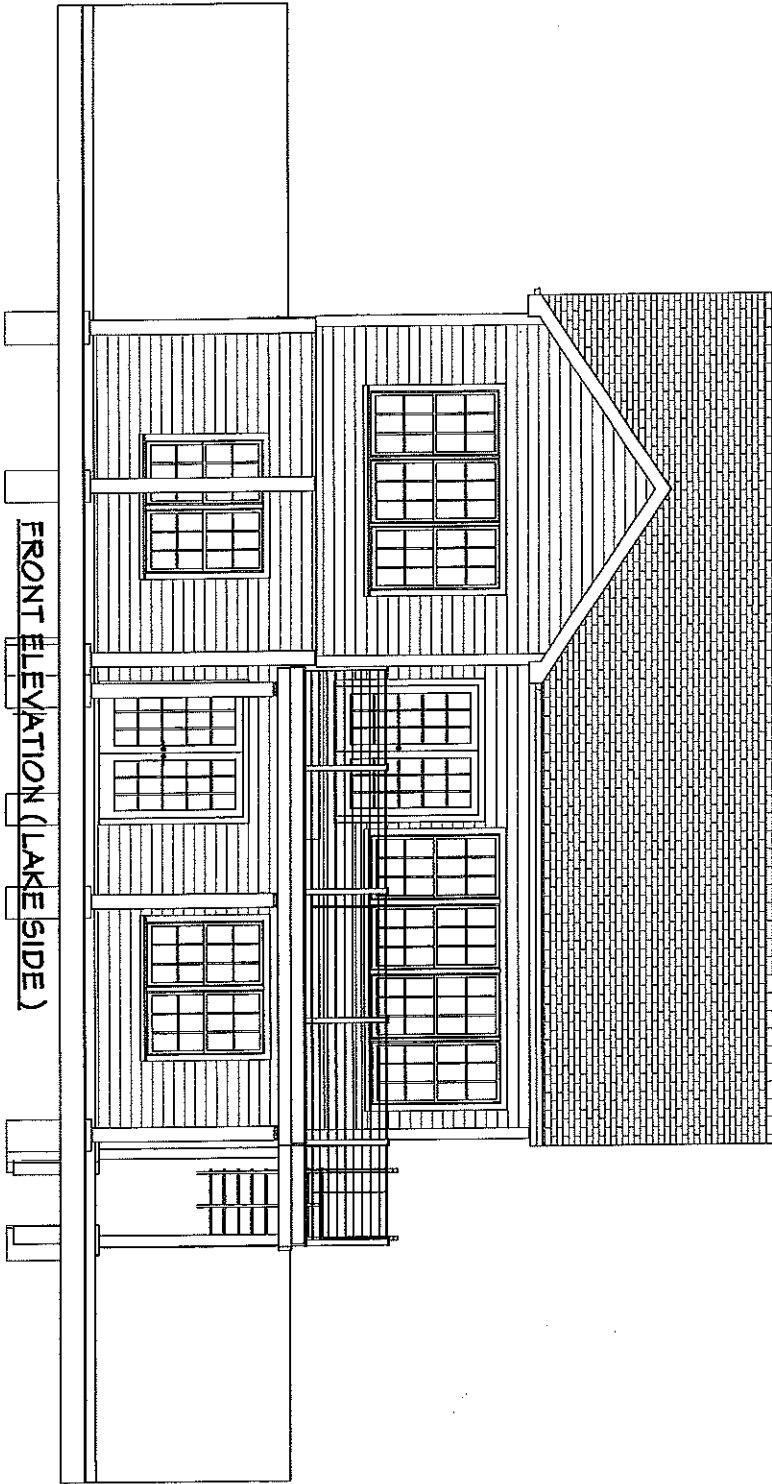
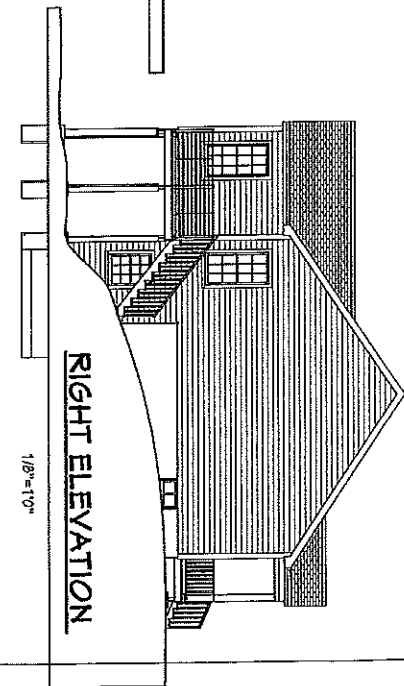
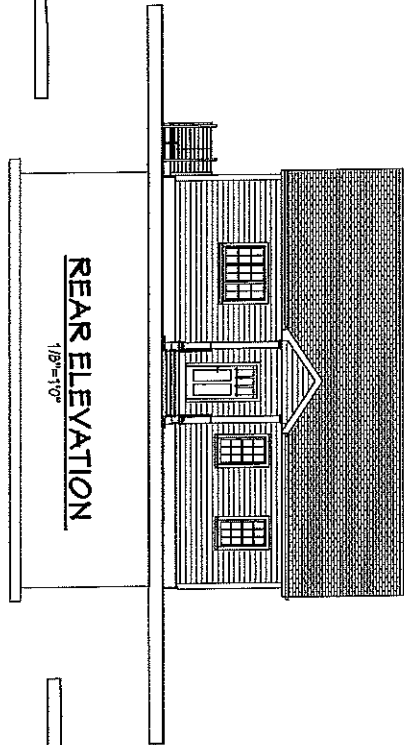
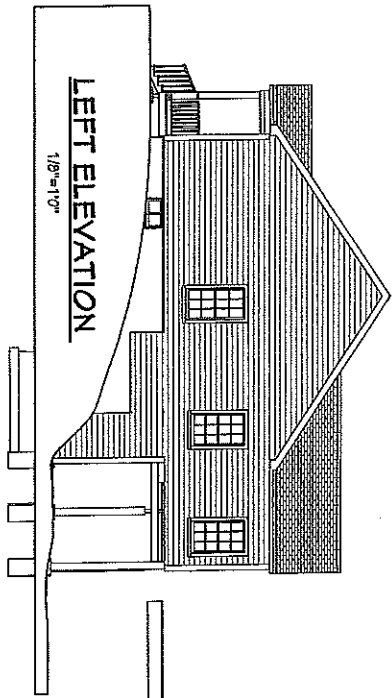
TEL. 508.766.8579
FAX. 508.421.4797

ROBERT J. SMITH, R.P.L.S.

DATE

DRAWN BY: RPB

PROJECT NO. 17-325



ELEVATIONS.

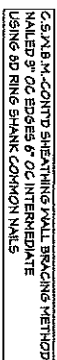
SCALE 1/4"=1'0"

PLAN PREPARED FOR
STEVE BRYANT

PLAN PROVIDED BY
LAURA'S DRAFTING
AND DESIGN

220 TAYLOR ST
GRANBY MA

467-2894

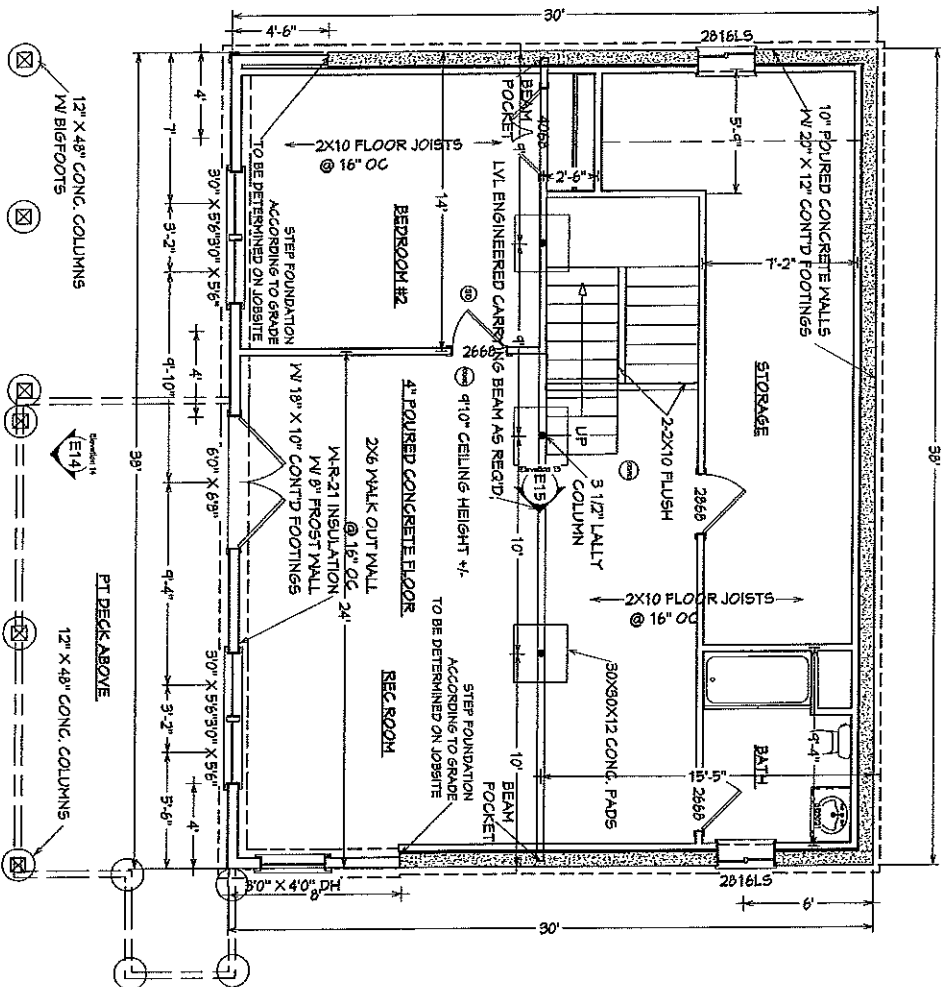


FLOOR PLAN.
SCALE 1/4"=1'0"

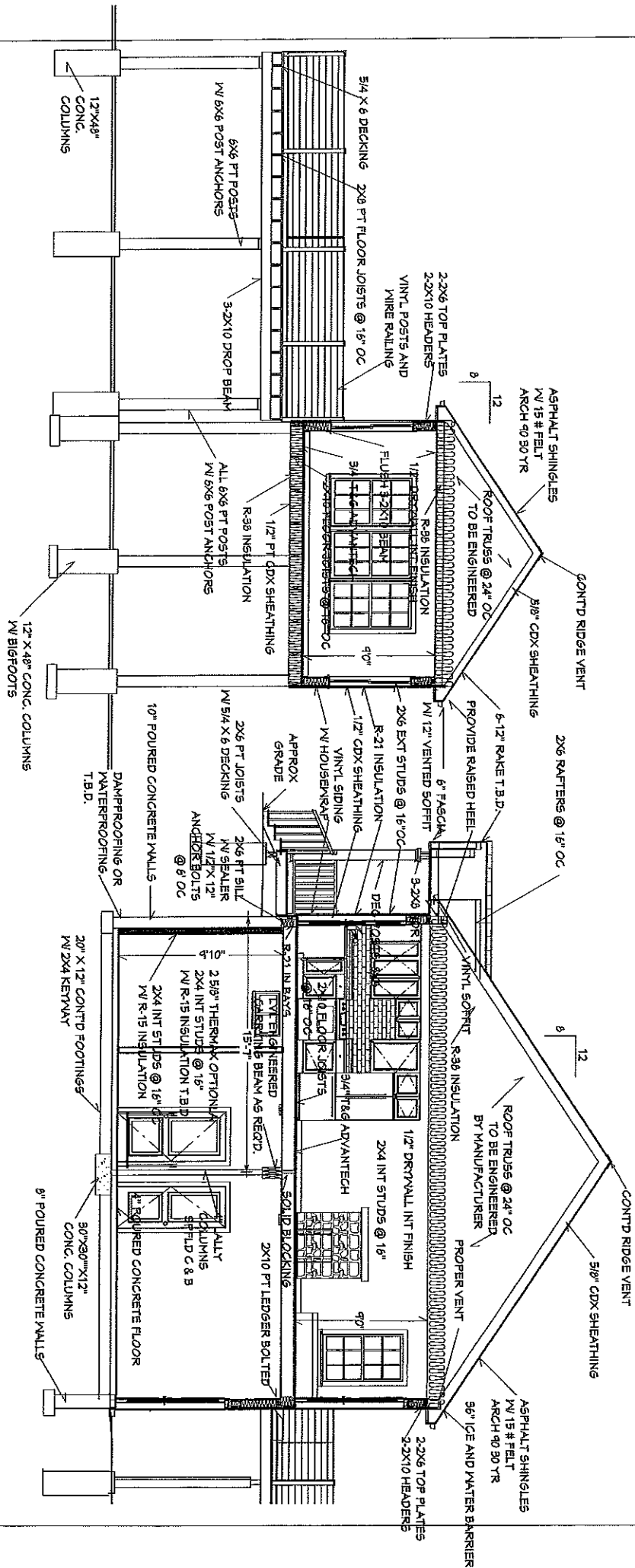
SCALE 1/4"=1'0"

PLAN PREPARED FOR
STEVE BRYANT

PLAN PROVIDED BY
LAURA'S DRAFTING
AND DESIGN
220 TAYLOR ST
GRANBY MA
467-2899



FOUNDATION PLAN
 SCALE 1/4"=1'0"
 PLAN PREPARED FOR
 STEVE BRYANT
 PLAN PROVIDED BY
 LAURA'S DRAFTING
 AND DESIGN
 220 TAYLOR ST
 GRANBY MA
 487-2899



To the best of my knowledge these plans are drawn to comply with owner's and/or builder's specifications and any changes made on them after prints are made will be done at the owner's and/or builder's expense and responsibility. The contractor shall verify all dimensions and enclosed drawing.

LAURA'S ACCT DRAFTING is not liable for errors once construction has begun. While every effort has been made in the preparation of this plan to avoid mistakes, the maker can not guarantee against human error. The contractor of the job must check all dimensions and other details prior to construction and be solely responsible thereafter.

CROSS SECTION

SCALE 1/4"=1'0"

PLAN PREPARED FOR
STEVE BRYANT

PLAN PROVIDED BY
LAURA'S DRAFTING
AND DESIGN
220 TAYLOR ST
GRANBY MA
467-2896



2006 00040058
Bk: 38601 Pg: 383 Doc: DEED
Page: 1 of 2 03/22/2006 11:20 AM

QUITCLAIM DEED

MASSACHUSETTS EXCISE TAX
Worcester District ROD #20 001
Date: 03/22/2006 11:20 AM
Ctrl# 049243 01470 Doc# 00040058
Fee: \$638.40 Cons: \$139,900.00

I, Pengwynne P. Blevins of Arlington, Middlesex County, Massachusetts being unmarried, for consideration paid, and in full consideration of

One Hundred Thirty-nine Thousand Nine Hundred (\$139,900.00) Dollars

grant to Steven W. Bryant and Deborah A. Bryant, as tenants by the entirety,

of Spencer, MA

with quitclaim covenants

the land in Leicester, situated on the easterly side of Lake Drive and being Lots 11 and 12 as shown on a plan of Burncoat Village in said Leicester, made by E.A. Chamberlin, Engineer, dated July 27, 1929 and recorded with Worcester District Registry of Deeds, Plan Book 60, Plan 12, bounded and described as follows:

BEGINNING at a point in the easterly side of Lake Drive at the intersection of said line with a twenty-foot right of way which runs from Lake Drive to Burncoat Pond, so called;

THENCE northeasterly by said right of way about one hundred twenty-two (122) feet to the high water mark of said Burncoat Pond;

THENCE by said high water mark of the Pond southerly to Lot 13 on said plan;

THENCE running southwesterly and parallel with the first described line about one hundred two (102) feet to said easterly line of Lake Drive;

THENCE northwesterly by said Lake Drive to the point of beginning.

WITH right of way to public highway as shown on said plan.

For title see Deed recorded on September 23, 1986 at Book 9813, Page 073.

36 Lake Drive, LEICESTER
Property + Grantee

Hold
Berthiaume

(2)

JM

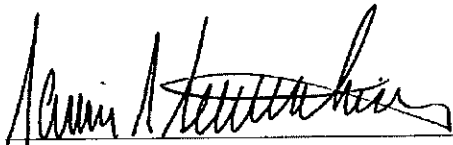
Witness my hand and seal this 22 day of March, 2006.


Pengwynne P. Blevins

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 22nd day of March, 2006, before me, the undersigned notary public, personally appeared Pengwynne P. Blevins, proved to me through satisfactory evidence of identification, which was Mass. Drivers License to be the person whose name is signed on the preceding document, and acknowledged to me that she signed it voluntarily for its stated purpose.


Notary Public

My Commission Expires: _____

Damien D. Berthiaume, Esq.
Notary Public
My Commission Expires
August 1, 2008

RECORDED
FILE 61002

ATTEST: WORC. Anthony J. Vigliotti, Register



2017 00134356

Bk: 58122 Pg: 355

Page: 1 of 19 11/30/2017 03:38 PM WD



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

Provided by MassDEP:
CERO
 MassDEP File #
 197-0617
 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:

Steven

a. First Name

Bryant

b. Last Name

c. Organization

P. O. Box 407

d. Mailing Address

Spencer

e. City/Town

MA

f. State

01562

g. Zip Code

4. Property Owner (if different from applicant):

Steven & Deborah

a. First Name

Bryant

b. Last Name

c. Organization

P.O. Box 407

d. Mailing Address

Spencer

e. City/Town

MA

f. State

01562

g. Zip Code

5. Project Location:

36 Lake Drive

a. Street Address

Leicester

b. City/Town

27A

c. Assessors Map/Plat Number

D*1

d. Parcel/Lot Number

Latitude and Longitude, if known:

42d14m10Ns

d. Latitude

71d56m55Ws

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:

CERO

MassDEP File #

197-0617

eDEP Transaction #

LEICESTER

City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Worcester

a. County

38601

c. Book

b. Certificate Number (if registered land)

383

d. Page

7. Dates: 11/2/2017 11/15/2017 11/30/2017
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):

House Replacement Project

a. Plan Title

Gobi Land Engineering

b. Prepared By

10-30-17

d. Final Revision Date

c. Signed and Stamped by

1" = 20'

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.



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 #

197-0617

eDEP Transaction #

LEICESTER

City/Town

B. Findings (cont.)

Denied because:

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

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

CERO

MassDEP File #

197-0617

eDEP Transaction #

LEICESTER

City/Town

B. Findings (cont.)

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

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



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

Provided by MassDEP:
CERO
 MassDEP File #
 197-0617
 eDEP Transaction #
LEICESTER
 City/Town

B. Findings (cont.)

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

23. ☐ Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

24. ☐ Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on 11/30/2020 unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



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

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

CERO

MassDEP File #

197-0617

eDEP Transaction #

LEICESTER

City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act

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

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number 197-0617 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

CERO

MassDEP File #

197-0617

eDEP Transaction #

LEICESTER

City/Town

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

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

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

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



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

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

CERO

MassDEP File #

197-0617

eDEP Transaction #

LEICESTER

City/Town

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

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

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

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

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

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

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

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

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



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

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

CERO

MassDEP File #

197-0617

eDEP Transaction #

LEICESTER

City/Town

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

g) The responsible party shall:

1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.

h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.

i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.

j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.

k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.

l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

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

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



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

Provided by MassDEP:
CERO
 MassDEP File #
197-0617
 eDEP Transaction #
LEICESTER
 City/Town

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No
2. The 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
36 Lake Drive
DEP File #197-0617**

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

PROJECT DESCRIPTION:

To remove the existing structure, including the foundation, pour a new foundation and construct a new home in the same general location as existing home.

A. PROJECT SPECIFIC CONDITIONS

- Wattles/wall/silt fence be installed in accordance to approve plan dated 10/15/ 2017;
 - Notify the Conservation Commission Office for an erosion control site inspection & when ready to start work;
 - Any changes made from approved plan, will require additional review by the Conservation Commission.
- 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 #

197-0617

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.

11-30-17
1. Date of Issuance

3
2. Number of Signers

Signatures:

☒ by hand delivery on

Date

11-30-17

☐ 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 #
197-0617
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:

36 Lake Drive

Project Location

197-0617

MassDEP File Number

Has been recorded at the Registry of Deeds of:

Worcester

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