February 6, 2020

Worcester Conservation Commission
Worcester Division of Planning & Regulatory Services
City Hall
455 Main Street, Room 404
Worcester, MA 01608

Re: Notice of Intent (NOI)
Salisbury Street @ Willowbrook Drive, Worcester
Applicant: Xenos Custom Homes, LLC

Dear Commission Members:

Enclosed please find one original and two (2) copies of a Notice of Intent (NOI), submitted on behalf of the Xenos Custom Homes, LLC filed under the Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance for the above referenced property. This filing comprises:

1. This cover letter;
2. The NOI form with required attachments;
3. Checks to cover filing fees and legal ad;
4. Wetland Resource Evaluation by EcoTec, Inc. dated January 30, 2020; and

One (1) copy of this filing has been submitted by certified mail, return receipt requested to the Department of Environmental Protection and a copy has been provided to the property owner and applicant. All abutters have been notified via certificates of mailing and proof of mailing will be provided to the Commission.

This NOI application includes the construction of two (2) single family homes, driveways, grading, utilities and associated site work. Erosion controls consisting of staked straw bales and properly entrenched silt fencing will be installed prior to construction and maintained until all areas are stabilized and the Commission approves the removal of the barriers. The general construction sequence is as follows:

1. Installation of erosion controls;
2. Clearing vegetation;
3. Install construction entrance
4. Install foundations and rough grade
5. Construct homes and connect utilities;
6. Complete grading;
7. Install lawn, landscaping and pave driveways.

The proposed project includes work within the 15-foot “No Disturb” setback under the Wetlands Protection Ordinance and regulations. This work is limited to removal of the chain link fencing and a portion of a tennis court and installation of topsoil and seeding of the area located within the 15-foot
setback. Therefore, the applicant is seeking a waiver from the regulations to complete this work. This conforms to the regulatory requirements because removal of the tennis court and fencing will not impair significant conservation interests and is consistent with the interests and purpose of the wetlands protection ordinance.

We look forward to meeting with the Commission regarding this project. If you have any questions, please feel free to contact me at any time.

Sincerely,

Scott M. Morrison, PWS
Senior Environmental Scientist
A. General Information

1. Project Location (Note: electronic filers will click on button to locate project site):
   - Salisbury Street
   - a. Street Address
   - b. City/Town
   - c. Zip Code
   - Latitude and Longitude:
     - 55-006
     - d. Latitude
     - 0002A
     - e. Longitude
     - f. Assessors Map/Plat Number
     - g. Parcel/Lot Number

2. Applicant:
   - Sean
   - a. First Name
   - b. Last Name
   - Xenos Custom Homes, LLC
   - c. Organization
   - 53 Mixter Road
   - d. Street Address
   - Holden
   - e. City/Town
   - 508-847-9679
   - f. Phone Number
   - i. Fax Number
   - MA
   - g. State
   - 01520
   - h. Zip Code
   - shanexns@verizon.net
   - j. Email Address

3. Property owner (required if different from applicant): □ Check if more than one owner
   - Charles
   - a. First Name
   - Snell
   - b. Last Name
   - 2721 Harbor Court
   - c. Organization
   - d. Street Address
   - Augustine
   - e. City/Town
   - FL
   - f. State
   - 32084
   - g. Zip Code
   - h. Phone Number
   - i. Fax Number
   - j. Email address

4. Representative (if any):
   - Scott
   - a. First Name
   - Morrison
   - b. Last Name
   - EcoTec, Inc.
   - c. Company
   - 102 Grove Street
   - d. Street Address
   - Worcester
   - e. City/Town
   - 508-752-9666 x227
   - f. Phone Number
   - 508-752-9494
   - i. Fax Number
   - MA
   - g. State
   - 01605
   - h. Zip Code
   - smorrison@ecotecinc.com
   - j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):
   - 1,000.00
     - a. Total Fee Paid
   - 487.50
     - b. State Fee Paid
   - 512.50
     - c. City/Town Fee Paid
A. General Information (continued)

6. General Project Description:
   The proposed project consists of the construction of two (2) single-family homes, driveways, grading, utilities, and associated site work within the 100-foot Buffer Zone.

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

1. ☑ Single Family Home
2. ☐ Residential Subdivision
3. ☐ Commercial/Industrial
4. ☐ Dock/Pier
5. ☐ Utilities
6. ☐ Coastal engineering Structure
7. ☐ Agriculture (e.g., cranberries, forestry)
8. ☐ Transportation
9. ☐ Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?
   1. ☑ Yes ☒ No

   If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

   If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(6), 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
   b. Certificate # (if registered land)
   c. Book
   d. Page Number

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

1. ☑ Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.

2. ☐ Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

   Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.
## B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont’d)

<table>
<thead>
<tr>
<th>Resource Area</th>
<th>Size of Proposed Alteration</th>
<th>Proposed Replacement (if any)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. □ Bank</td>
<td>1. linear feet</td>
<td>2. linear feet</td>
</tr>
<tr>
<td>b. □ Bordering Vegetated Wetland</td>
<td>1. square feet</td>
<td>2. square feet</td>
</tr>
<tr>
<td>c. □ Land Under Waterbodies and Waterways</td>
<td>1. square feet</td>
<td>2. square feet</td>
</tr>
<tr>
<td></td>
<td>3. cubic yards dredged</td>
<td></td>
</tr>
<tr>
<td>Resource Area</td>
<td>Size of Proposed Alteration</td>
<td>Proposed Replacement (if any)</td>
</tr>
<tr>
<td>d. □ Bordering Land Subject to Flooding</td>
<td>1. square feet</td>
<td>2. square feet</td>
</tr>
<tr>
<td></td>
<td>3. cubic feet of flood storage lost</td>
<td>4. cubic feet replaced</td>
</tr>
<tr>
<td>e. □ Isolated Land Subject to Flooding</td>
<td>1. square feet</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2. cubic feet of flood storage lost</td>
<td></td>
</tr>
<tr>
<td>f. □ Riverfront Area</td>
<td>1. Name of Waterway (if available) - specify coastal or inland</td>
<td></td>
</tr>
<tr>
<td>2. Width of Riverfront Area (check one):</td>
<td></td>
<td></td>
</tr>
<tr>
<td>□ 25 ft. - Designated Densely Developed Areas only</td>
<td></td>
<td></td>
</tr>
<tr>
<td>□ 100 ft. - New agricultural projects only</td>
<td></td>
<td></td>
</tr>
<tr>
<td>□ 200 ft. - All other projects</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Total area of Riverfront Area on the site of the proposed project:</td>
<td>square feet</td>
<td></td>
</tr>
<tr>
<td>4. Proposed alteration of the Riverfront Area:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. total square feet</td>
<td>b. square feet within 100 ft.</td>
<td>c. square feet between 100 ft. and 200 ft.</td>
</tr>
<tr>
<td>5. Has an alternatives analysis been done and is it attached to this NOI?</td>
<td>□ Yes □ No</td>
<td></td>
</tr>
<tr>
<td>6. Was the lot where the activity is proposed created prior to August 1, 1996?</td>
<td>□ Yes □ No</td>
<td></td>
</tr>
</tbody>
</table>

3. □ Coastal Resource Areas: (See 310 CMR 10.25-10.35)

**Note:** for coastal riverfront areas, please complete Section B.2.f. above.
### 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.

<table>
<thead>
<tr>
<th>Resource Area</th>
<th>Size of Proposed Alteration</th>
<th>Proposed Replacement (if any)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. ☐ Designated Port Areas</td>
<td>Indicate size under Land Under the Ocean, below</td>
<td></td>
</tr>
<tr>
<td>b. ☐ Land Under the Ocean</td>
<td>1. square feet</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2. cubic yards dredged</td>
<td></td>
</tr>
<tr>
<td>c. ☐ Barrier Beach</td>
<td>Indicate size under Coastal Beaches and/or Coastal Dunes below</td>
<td></td>
</tr>
<tr>
<td>d. ☐ Coastal Beaches</td>
<td>1. square feet</td>
<td>2. cubic yards beach nourishment</td>
</tr>
<tr>
<td>e. ☐ Coastal Dunes</td>
<td>1. square feet</td>
<td>2. cubic yards dune nourishment</td>
</tr>
<tr>
<td>f. ☐ Coastal Banks</td>
<td>1. linear feet</td>
<td></td>
</tr>
<tr>
<td>g. ☐ Rocky Intertidal Shores</td>
<td>1. square feet</td>
<td></td>
</tr>
<tr>
<td>h. ☐ Salt Marshes</td>
<td>1. square feet</td>
<td>2. sq ft restoration, rehab., creation</td>
</tr>
<tr>
<td>i. ☐ Land Under Salt Ponds</td>
<td>1. square feet</td>
<td></td>
</tr>
<tr>
<td>j. ☐ Land Containing Shellfish</td>
<td>2. cubic yards dredged</td>
<td></td>
</tr>
<tr>
<td>k. ☐ Fish Runs</td>
<td>Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above</td>
<td></td>
</tr>
<tr>
<td>l. ☐ Land Subject to Coastal Storm Flowage</td>
<td>1. cubic yards dredged</td>
<td></td>
</tr>
<tr>
<td>4. ☐ Restoration/Enhancement</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>a. square feet of BVW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. square feet of Salt Marsh</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. ☐ Project Involves Stream Crossings</td>
<td>a. number of new stream crossings</td>
<td>b. number of replacement stream crossings</td>
</tr>
</tbody>
</table>
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

      Jan. 13, 2020

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

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* Some projects not in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.
C. Other Applicable Standards and Requirements (cont’d)

(c) ☐ MESA filing fee (fee information available at http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/mesa/mesa_fee_schedule.htm). Make check payable to "Commonwealth of Massachusetts - NHESP" and mail to NHESP at above address

Projects altering 10 or more acres of land, also submit:

(d) ☐ Vegetation cover type map of site

(e) ☐ Project plans showing Priority & Estimated Habitat boundaries

(f) OR Check One of the Following

1. ☐ Project is exempt from MESA review. Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/mesa/mesa_exemptions.htm; 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.

3. ☐ Separate MESA review completed. Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

a. ☒ Not applicable – project is in inland resource area only  
   b. ☐ Yes  ☐ No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:
Division of Marine Fisheries -  
Southeast Marine Fisheries Station  
Attn: Environmental Reviewer  
836 South Rodney French Blvd.  
New Bedford, MA 02744  
Email: DMF_EnvReview-South@state.ma.us

North Shore - Hull to New Hampshire border:
Division of Marine Fisheries -  
North Shore Office  
Attn: Environmental Reviewer  
30 Emerson Avenue  
Gloucester, MA 01930  
Email: DMF_EnvReview-North@state.ma.us

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. Other Applicable Standards and Requirements (cont’d)

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.
D. Additional Information (cont’d)

3. ☒ Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. ☒ List the titles and dates for all plans and other materials submitted with this NOI.
   - Site Plan- 2A & 2B Salisbury Street, Worcester
     - a. Plan Title
     - b. Prepared By
       - 2/3/2020
     - c. Signed and Stamped by
       - 1" = 20'
     - d. Final Revision Date
     - e. Scale
     - f. Additional Plan or Document Title
     - g. Date

5. ☐ If there is more than one property owner, please attach a list of these property owners not listed on this form.

6. ☐ Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7. ☐ Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8. ☒ Attach NOI Wetland Fee Transmittal Form


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:

<table>
<thead>
<tr>
<th>Fee</th>
<th>Amount</th>
<th>Date</th>
<th>Check Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1880</td>
<td></td>
<td>2/10/2020</td>
<td></td>
</tr>
<tr>
<td>1881</td>
<td></td>
<td>3. Check</td>
<td>2/10/2020</td>
</tr>
<tr>
<td></td>
<td></td>
<td>date</td>
<td></td>
</tr>
<tr>
<td>4. State Check Number</td>
<td></td>
<td>5. Check date</td>
<td></td>
</tr>
<tr>
<td>Xenos Custom Builders, LLC</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Payor name on check: First Name</td>
<td></td>
<td>7. Payor name on check: Last Name</td>
<td></td>
</tr>
</tbody>
</table>
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

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(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
2. Date

3. Signature of Property Owner (if different)
4. Date

5. Signature of Representative (if different)
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.
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

A. Applicant Information

1. Location of Project:
   Salisbury Street
   a. Street Address  
   b. City/Town
   (1881-state) (1880-local)
   c. Check number
   487.50
   d. Fee amount

2. Applicant Mailing Address:
   Sean
   a. First Name
   Xenos
   b. Last Name
   Xenos Custom Homes, LLC
   c. Organization
   53 Mixter Road
   d. Mailing Address
   Holden
   e. City/Town
   MA
   f. State
   01520
   g. Zip Code
   508-847-9679
   h. Phone Number
   shanexns@verizon.net
   i. Fax Number
   j. Email Address

3. Property Owner (if different):
   Charles
   a. First Name
   Snell
   b. Last Name
   c. Organization
   2721 Harbor Court
   d. Mailing Address
   Augustine
   e. City/Town
   FL
   f. State
   32084
   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.
### B. Fees (continued)

<table>
<thead>
<tr>
<th>Step 1/Type of Activity</th>
<th>Step 2/Number of Activities</th>
<th>Step 3/Individual Activity Fee</th>
<th>Step 4/Subtotal Activity Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category II (SFH)</td>
<td>2</td>
<td>500.00</td>
<td>1,000.00</td>
</tr>
</tbody>
</table>

Step 5/Total Project Fee: 1,000.00

**Step 6/Fee Payments:**

- Total Project Fee: 1,000.00  
  - a. Total Fee from Step 5
- State share of filing Fee: 487.50  
  - b. 1/2 Total Fee less $12.50
- City/Town share of filing Fee: 512  
  - 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.)
Notification of Abutters Under the Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Ordinance

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

A. The name of the applicant is Xenos Custom Homes, LLC.

B. The applicant has filed a Notice of Intent with the Conservation Commission for the municipality of Worcester seeking permission to construction two (2) single family homes, driveways, grading, and associated site work within the Buffer Zone to an Area Subject to Protection Under the Wetlands Protection Act (General Laws Chapter 131, Section 40) and the City of Worcester Wetlands Ordinance.

C. The address where the planned activity will take place is Salisbury Street @ Willowbrook Drive, Worcester.

D. Copies of the Notice of Intent may be examined and obtained by making an appointment at EcoTec, Inc., 102 Grove Street, Worcester, MA, during regular business hours.

For more information call Scott Morrison of EcoTec at (508) 752-9666 x227 to make an appointment to review the filing materials. This is the applicant’s representative.

E. Information regarding the date, time and place of the public hearing may be obtained from EcoTec, Inc., by calling this telephone number (508) 752-9666 during regular business hours.

This application may be viewed 8:30am-2:00pm at the Division of Planning & Regulatory Services, City Hall, 455 Main Street, Room 404, Worcester, MA. Contact phone number - 508-799-1400 x31440.

Notice of the public hearing, including its date, time and place, will be published at least 7 calendar days prior to the hearing in the Worcester Telegram & Gazette.

Agenda for the public hearing, including its date, time, and place, will be posted on the City website (http://www.worcesterma.gov/city-clerk/agendas-minutes/boards-commissions) not less than 48 hours prior to the hearing.

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

NOTE: You also may contact your local Conservation Commission or the nearest Department of Environmental Protection Regional Office for more information about this application or the Wetlands Protection Act. To contact DEP, call: Central Region: 508-792-7650
CITY OF WORCESTER, MASSACHUSETTS

Edward M. Augustus, Jr.  
City Manager

John H. Valade, MAA  
Acting City Assessor

Administration and Finance  
Division of Assessing

Certified Abutters List

A list of ‘parties in interest' shall be attached to the application form and shall include the names and addresses. All such names and addresses shall be obtained from the most recent applicable tax list maintained by the City’s Assessing Department. The Assessing Department certifies the list of names and addresses.

Total Count: 8  
X Abutters

Owner: Charles A. Snell
Owner Mailing: 2721 Harbor Court  
Augustine, FL 32084

Petitioner (if other than owner): Scott Morrison
Petitioner Mailing Address: 102 Grove Street  
Worcester, MA

Petitioner Phone: 508-328-5935

Parcel Address: 0 Salisbury Street
Assessor’s Map-Block-Lot(s): 55-006-0002A

Variance:  
Special Permit:  
ConComm:  X  
Zoning:  
Hist:  
Definitive Plan:  
Other (Specify):  

25-029-00001 LOMBARDI ROBERT P + DOLORES M 0463 SALISBURY ST  
WORCESTER MA 01609
25-029-00002 NEWELL VALERIE 0467 SALISBURY ST  
WORCESTER MA 01609
55-006-00002 GLICK EDWARD M + CAROL S 47 BRISTOL DR  
BOYNTON BEACH FL 33436
55-006-00003 GOLDEN KEVIN M + ROBYN L WILLOWBROOK LANE  
WORCESTER MA 01609
55-006-00004 SCHMIDT KAREN S + MICHAEL W 0016 WILLOWBROOK LN  
WORCESTER MA 01609
55-006-00016 CARROLL LISA M 0460 SALISBURY ST  
WORCESTER MA 01609
55-006-0002A SNELL CHARLES A 2721 HARBOR CT  
AUGUSTINE FL 32084
55-006-01+35 NASIF MATTHEW L 0968 SOUTH ST  
ROSLINDALE MA 02131

This is to certify that the above is a list of abutters to Assessor's Map-Block-Lot(s) 55-006-0002A as cited above.

Certified by:  
Signature  

Date 2/7/2020
January 30, 2020

Sean Xenos
Xenos Contracting
78 Mixter Road
Holden, MA 01520

RE: Wetland Resource Evaluation, Salisbury Street, Worcester, Massachusetts

Dear Mr. Xenos:

On January 17, 2020, EcoTec, Inc. inspected the above-referenced property for the presence of wetland resources as defined by: (1) the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, § 40; the “Act”) and its implementing regulations (310 CMR 10.00 et seq.; the “Regulations”); (2) the U.S. Clean Water Act (i.e., Section 404 and 401 wetlands); and (3) the City of Worcester Wetlands Protection Ordinance. Scott M. Morrison, PWS conducted the inspection.

The subject site consists of a 0.5-acre parcel located to the east of Salisbury Street and north and west of Willowbrook Road. The upland portions of the site consist of and existing clay tennis court and undeveloped forest. Plant species observed include northern red oak (Quercus rubra), eastern white pine (Pinus strobus), apple (Pyrus malus), black cherry (Prunus serotina), red maple (Acer rubrum), white ash (Fraxinus americana), and black birch (Betula lenta) trees and/or saplings; poison ivy (Toxicodendron radicans) and oriental bitter-sweet (Celastrus orbiculata) climbing woody vines; winged euonymus (Euonymus alata), honeysuckle (Lonicera sp.), Russian olive (Elaeagnus angustifolia), and multiflora rose (Rosa multiflora) shrubs; and tree clubmoss (Lycopodium obscurum), hayscented fern (Dennstaedtia punctilobula), teaberry (Gaultheria procumbens), and wild-lily-of-the-valley (Maianthemum canadense) ground cover. The wetland resources observed on the site are described below.

Methodology
The site was inspected, and areas suspected to qualify as wetland resources were identified. The boundary of Bordering Vegetated Wetlands or, in the absence of Bordering Vegetated Wetlands, Bank was delineated in the field in accordance with the definitions set forth in the regulations at 310 CMR 10.55(2)(c) and 310 CMR 10.54(2). Section 10.55(2)(c) states that “The boundary of Bordering Vegetated Wetlands is the line within which 50% or more of the vegetational community consists of wetland indicator plants and saturated or inundated conditions exist.” Section 10.54(2)(c) states that “The upper boundary of Bank is the first
observable break in the slope or the mean annual flood level, whichever is lower." The methodology used to delineate Bordering Vegetated Wetlands is further described in: (1) the BVW Policy "BVW: Bordering Vegetated Wetlands Delineation Criteria and Methodology," issued March 1, 1995; and (2) "Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act: A Handbook," produced by the Massachusetts Department of Environmental Protection, dated March 1995. The plant taxonomy used in this report is based on the National List of Plant Species that Occur in Wetlands: Massachusetts (Fish and Wildlife Service, U.S. Department of the Interior, 1988). Federal wetlands were presumed to have boundaries conterminous with the delineated Bank. The table below provides the Flag Numbers, Flag Type, and Wetland Types and Locations for the delineated wetland resources.

<table>
<thead>
<tr>
<th>Flag Numbers</th>
<th>Flag Type</th>
<th>Wetland Types and Locations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Start A1 to A7 Stop (A1 connect to headwall)</td>
<td>Blue Flags</td>
<td>Boundary of Bank of an intermittent stream located in the eastern portion of the site.</td>
</tr>
<tr>
<td>Start B1 to B6 Stop (B6 connect to headwall)</td>
<td>Blue Flags</td>
<td>Boundary of Bank of an intermittent stream located in the eastern portion of the site.</td>
</tr>
</tbody>
</table>

Findings

Wetland A and B (i.e., flags A1 to A7 and B1 to B6) consists of the Bank of an intermittent stream located in the eastern portion of the site. No Bordering Vegetated Wetland was observed on the site. This wetland consists of the Bank of an intermittent stream; accordingly, the intermittent stream would be regulated as Bank under the Act and Ordinance. A 100-foot Buffer Zone extends horizontally outward from the edge of Bank under the Act and Ordinance.

Bordering Land Subject to Flooding is an area that floods due to a rise in floodwaters from a bordering waterway or water body. Where flood studies have been completed, the boundary of Bordering Land Subject to Flooding is based upon flood profile data prepared by the National Flood Insurance Program. Section 10.57(2)(a)3. states that “The boundary of Bordering Land Subject to Flooding is the estimated maximum lateral extent of flood water which will theoretically result from the statistical 100-year frequency storm.” Based upon a review of the Flood Insurance Rate Map, Worcester County, Massachusetts, Map Number 25027C0612E, Effective Date July 4, 2011, the site is mapped as Other Areas: Zone X, which is defined as areas located outside of the 0.2% annual chance flood (i.e., outside of 500-year floodplain). The project engineer should evaluate the most recent National Flood Insurance Program flood profile data to determine if Bordering Land Subject to Flooding occurs on the site. Bordering Land Subject to Flooding would occur in areas where the 100-year flood elevation is located outside of or upgradient of the delineated Bank boundary. Bordering Land Subject to Flooding does not have a Buffer Zone under the Act.

The Massachusetts Rivers Protection Act amended the Act to establish an additional wetland resource area: Riverfront Area. Based upon a review of the current USGS Map (i.e., Worcester

EcoTec, Inc.
North Quadrangle, dated 1983, attached) and observations made during the site inspection, a stream that is shown on the USGS map is located in the eastern portion of the site. The watershed area for this stream at the site was determined to be 0.91 square miles, which is at least one-half square miles but less than one square mile (see attached watershed map). It should be noted that Streamstats depicts the stream flowing to the west across Salisbury Street just northerly of the site. This is not consistent with the actual stream location. As such, EcoTec ran Streamstats to generate a watershed analysis using a point to the west of Salisbury Street in an effort to determine the actual watershed size and flow rates. The USGS StreamStats method printout for the stream (attached) would not generate a low flow analysis. The watershed area for this stream at the site was determined to be 0.91, which is at least one-half square miles but less than one square mile (see attached watershed map). The USGS Based upon the Streamstats (attached), surficial geology of the contributing drainage area for the stream at the site was determined to contain 0.0 percent stratified drift, which is less than 75 percent. As such, the stream would be designated intermittent under the Massachusetts Wetlands Protection Act regulations. Furthermore, based upon a review of the current USGS Map and observations made during the site inspection, there are no other mapped or unmapped streams located within 25 feet of the site. Accordingly, Riverfront Area would not occur on the site. Riverfront Area does not have a Buffer Zone under the Act.

The Regulations require that no project may be permitted that will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures set forth at 310 CMR 10.59. Based upon a review of the Massachusetts Natural Heritage Atlas, 14th edition, Priority Habitats and Estimated Habitats from the NHESP Interactive Viewer, valid from August 1, 2017, and Certified Vernal Pools from MassGIS, there are no Estimated Habitats [for use with the Act and Regulations (310 CMR 10.00 et seq.)], Priority Habitats [for use with Massachusetts Endangered Species Act (M.G.L. Ch. 131A; "MESA") and MESA Regulations (321 CMR 10.00 et seq.)], or Certified Vernal Pools on or in the immediate vicinity of the site. A copy of this map is attached.

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

Cordially,
ECOTEC, INC.

Scott M. Morrison, PWS
Senior Environmental Scientist

Attachments (5, 5 pages)
Scott Morrison is a Senior Environmental Scientist with EcoTec, Inc. Since joining EcoTec in 2000, Mr. Morrison’s project experience include wetland resource evaluation, delineation, and permitting at the local, state, and federal levels; wildlife habitat evaluation; pond and stream evaluation; vernal pool evaluation, monitoring, and certification; wetland replacement, replication, and restoration area design, construction, and monitoring; soil evaluations to determine infiltration rates and seasonal high groundwater elevations for detention basin construction; environmental sampling and analysis tasks, including soil and groundwater sample collection and handling; and expert testimony preparation. He has conducted rare species habitat assessments for the eastern box turtle, wood turtle, Blanding’s turtle, spotted turtle, and marbled salamander. He has participated in rare species studies for rare species including the marbled salamander, piping plover, eastern box turtle, and northern diamondback terrapin and developed mitigation strategies for the marbled salamander, spotted turtle, eastern box turtle and wood turtle. He has participated in visual preconstruction sweeps for the wood turtle and both preconstruction and research projects for the eastern box turtle. He has served as a consultant to municipalities, conservation commissions, engineering and survey firms. He has completed numerous wetland related projects including environmental impact assessments for proposed development, erosion control and environmental monitoring for subdivisions, commercial developments, golf courses and landfills. He has prepared Massachusetts Environmental Policy Act (MEPA) documentation, including Environmental Notification Forms (ENFs), Notice of Project Changes (NPCs), and Draft and Final Environmental Impact Reports (EIRs) including Green House Gas Assessments for various projects including subdivisions, commercial buildings, and dredging projects. Prior to joining EcoTec, Inc. Mr. Morrison worked for the Massachusetts Department of Environmental Management (currently the Department of Conservation and Recreation) where he was involved with the monitoring and protection of endangered species and rare old growth forest. He was an active member of the Spencer Conservation Commission from 1998 to 2000 where he provided oversight of proposed wetland replication projects and review of projects submitted for wetland permitting. His educational background includes courses in forestry, ecology, chemistry, soils, and natural resource policy. His prior research experience includes research on forest succession and field research on nesting piping plovers, an endangered coastal shore bird.

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

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

**Certifications:**
- Society of Wetlands Scientists Professional Wetland Scientist, Certification Number 2583
- Massachusetts Department of Environmental Protection Soil Evaluator, Certification Number SE 13766
- OSHA Health and Safety Training, 40-Hour, 29 CFR 1910.120
- University of Massachusetts Extension, Invasive Species Management
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 1/13/2020 at 3:31:59 PM 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.
## Basin Characteristics

<table>
<thead>
<tr>
<th>Parameter Code</th>
<th>Parameter Description</th>
<th>Value</th>
<th>Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>DRNAREA</td>
<td>Area that drains to a point on a stream</td>
<td>0.91</td>
<td>square miles</td>
</tr>
<tr>
<td>BSLDEM250</td>
<td>Mean basin slope computed from 1:250K DEM</td>
<td>4.576</td>
<td>percent</td>
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<tr>
<td>DRFTPESTR</td>
<td>Area of stratified drift per unit of stream length</td>
<td>-100000</td>
<td>square mile per mile</td>
</tr>
<tr>
<td>MAREGION</td>
<td>Region of Massachusetts for Eastern 1 for Western</td>
<td>0</td>
<td>dimensionless</td>
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<tr>
<td>ACRSDFT</td>
<td>Area underlain by stratified drift</td>
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<td>square miles</td>
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<tr>
<td>PCTSNDGRV</td>
<td>Percentage of land surface underlain by sand and gravel deposits</td>
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<td>percent</td>
</tr>
<tr>
<td>WETLAND</td>
<td>Percentage of Wetlands</td>
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<td>percent</td>
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<td>STRMTOT</td>
<td>Total length of all mapped streams (1:24,000-scale) in the basin</td>
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<td>miles</td>
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<tr>
<td>PRECPR1970-2000</td>
<td>Basin average mean annual precipitation for 1971 to 2000 from PRISM</td>
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<td>inches</td>
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<tr>
<td>OUTLEY</td>
<td>Basin outlet vertical (y) location in state plane coordinates</td>
<td>893185</td>
<td>feet</td>
</tr>
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<td>OUTLTX</td>
<td>Basin outlet horizontal (x) location in state plane coordinates</td>
<td>172745</td>
<td>feet</td>
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<td>MAXTEMPC</td>
<td>Mean annual maximum air temperature over basin area, in degrees Centigrade</td>
<td>13.9</td>
<td>feet per mi</td>
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<tr>
<td>LAKEAREA</td>
<td>Percentage of Lakes and Ponds</td>
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<td>percent</td>
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<td>LC11DEV</td>
<td>Percentage of developed (urban) land from NLCD 2011 classes 21-24</td>
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<td>percent</td>
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<td>LC11IMP</td>
<td>Average percentage of impervious area determined from NLCD 2011 impervious dataset</td>
<td>28.7</td>
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<td>LCGSSTOR</td>
<td>Percentage of water bodies and wetlands determined from the NLCD 2006</td>
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<td>percent</td>
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<td>FOREST</td>
<td>Percentage of area covered by forest</td>
<td>39.15</td>
<td>percent</td>
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<td>ELEV</td>
<td>Mean Basin Elevation</td>
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<td>BSLDEM10M</td>
<td>Mean basin slope computed from 10 m DEM</td>
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<td>CENTROIDX</td>
<td>Basin centroid horizontal (x) location in state plane coordinates</td>
<td>172349.3</td>
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<td>CENTROIDY</td>
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<td>CRSDFT</td>
<td>Percentage of area of coarse-grained stratified drift</td>
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<td>percent</td>
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