

August 10, 2020

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

Re: Notice of Intent Project Narrative  
265 Lake Ave, Worcester

To the Worcester Conservation Commission & Staff-

The owner of 265 Lake Ave, Ms. Cherele Gentile, is pleased to submit this Notice of Intent application to conduct landscaping on Lot 4 at 265 Lake Ave in Worcester. The demolition of 249, 261 and 265 Lake Ave, as well as the construction of the single-family dwelling on Lot 4 was permitted in July 2019 under DEP File #349-1245 and CC-2019-026. No change is proposed to the scope covering the demolition and construction of the single family home in the existing Order and all current conditions can be adhered to completely except for Condition #36 as this request is to extend the previously approved limit of work. This request is being made under a new Notice of Intent application under the recommendation of the Commission Staff. If the Commission, MassDEP and/or Staff determine it is preferred that the work is included under an amendment to the original Order of Conditions for any reason, the applicant is fully amenable to either permit.

### **Existing Conditions**

The applicant is seeking permission to landscape the severely degraded slope between the previously approved limit of work and the bank of the lake, resulting in a significant improvement to the 100-foot buffer to the lake. The existing slope from the approved limit of work to the bank is overrun with bittersweet vines choking the existing trees, as well as multiflora rose, Japanese barberry, Japanese knotweed, and burning bush. The trees located on the slope consist of 2 large white pines each over 70 feet tall, numerous sumac, 1 yellow maple, 1 red oak, and red maple and gray birch saplings. The white pines are hazardous and beginning to lean. As is common along the lake in this area, a strong storm will soon down them and the damage from the large root ball and significant trunk can be severe and may destabilize the severe slope. The sumac, yellow maple and red oak are almost completely overrun with bittersweet vine. Even the removal of the vine would not be enough to save the trees underneath.

### **Wetland Resource Areas**

No activity or fill is proposed within any resource areas on the property, including the bank, land under water or the bordering land subject to flooding (BLSF) on the site for this project. The Firmette included in this application shows the lake lies within Zone A; but the lake does not have a mapped base flood elevation. The water level within the lake lies at 358' and the existing bank on this property sits at elevation 360'. No work is proposed along the bank. The resource area delineation for the bank for this project is the bank flagging approved in the July 2019 DEP

File #349-1245 and CC-2019-026. The bank, including the gray birch along the bank, shall not be cut, pruned or altered.

### **Proposed Activity**

The attached proposed landscape plan shows the final location of the home and the installation of an in-ground swimming pool, both proposed outside the 100-foot buffer zone. The proposed landscape plan shows the removal of all tree species and replacement with a natural, native, low maintenance slope stabilizing planting plan by a licensed landscape architect, Kris Romaniak of Perrone Landscaping. Native plant species utilized include summer sweet, panicled dogwood, witchhazel, winterberry, cardinal flower, joe pye weed, cinnamon fern, blueberry and arrowwood. The winterberry and blueberry will also improve the habitat by providing food source for birds and small mammals. As can be seen in the plan, plant spacing mimics the natural environment and prohibits mowing or mulching. The proposed plan would be a significant improvement to the buffer to the lake, providing stabilization, wildlife habitat and food, as well as the removal of hazard trees and invasive species.

During a site visit in July 2020, a cement staircase was discovered leading to the water. The staircase is mostly buried and consists of pre-cast steps which are now half-buried and strewn down the slope. The plan proposes to remove these degraded precast stairs and replace with a new staircase that would restore the homeowners historic access to the water. The staircase would be no more 48-inches wide and terminate 5 feet from the bank of the lake. The existing cement stair pieces visible on the surface and within the first 12-inches would be removed by hand/shovel and properly disposed. The area for the new staircase shall be prepared with hand tools and stair shall be set in place by hand. No equipment shall enter beyond the previously approved limit of work for the removal, preparation and installation of the stairs. Due to the severe slope, it is not possible for equipment of any kind be used on the slope other than the reach of the crane located within the previously approved and already disturbed area at the top of the slope.

The erosion controls utilized in the initial demolition phase are still in place and would provide more than adequate protection for the work proposed in this amendment request. All erosion controls will be inspected, maintained and restored as appropriate and as required in the current Order. The plans previously approved in DEP File #349-1245 and CC-2019-026 are included in this application as reference.

No equipment shall pass the previously approved limit of work. Tree removal shall occur by crane that shall be located at the top of the slope on previously disturbed area and within the previously approved limit of work. All stumps of trees greater than 6-inche diameter at breast height (DBH) shall be cut flush with the ground and the stumps ground down to the surface. As detailed in the Project Sequence attached at the end of this narrative, the removal of all other vegetation shall occur by hand. The area shall be cleared and planted as detailed in the plan. The plantings shall begin immediately. The plants selected were chosen for their size and stabilizing properties. The roots of the proposed plants shall stabilize the slope before the existing vegetation has decayed, resulting in a more stabilized slope than the current conditions.

## **Waiver Request under Discretionary Allowance**

We respectfully request a waiver of performance standard 4.2.4. of the Worcester Wetlands Protection Regulations that prohibits structures (walkways) in the 30-foot buffer and work within the 15-foot buffer under:

*Section C. Discretionary Allowances - The structures, Improvements and Work otherwise prohibited under subsections (A) and (B), above, may be allowed by the Conservation Commission if the applicant demonstrates and the Commission finds:*

*1. Alternatives to the applicant's proposal have been considered, and no reasonable alternative is available; and*

The applicant is seeking to improve the existing hazardous and deteriorated buffer with a more stable, natural and native landscape, as well as restore the historic water access. Alternatives include:

- a. Leave the area in its current state. The invasive species have overtaken the area. As mentioned previously, the existing hazard trees will fall and destabilize the sever slope.
- b. Install the proposed stairs outside the 30-foot buffer. The property is valued as waterfront and access to the water is allowed under state law and arguably under the local bylaw due to the existing staircase and historic access.
- c. Remove invasive species and hazard trees and replace with a stable, natural and native landscape and restore the historic access to the water with replacement of the staircase.

Under the three alternatives, the proposed plan ("c") is the most reasonable and provides the greatest benefit to the lake and the homeowner.

*2. The project scope and design minimize work in close proximity to any resource area; and*

No work is proposed along the bank or within 5 feet. The bank and 5 foot adjacent area is fully stabilized with 8-12" gray birch whose roots are embedded in the bank and canopy extends over the water, providing habitat and shade. Just beyond this area is a degraded slope full of invasive species and hazard trees. Work is proposed as far from the bank and highly valued immediate buffer as possible in order to provide the improved slope and buffer without disturbing the established bank.

*3. The particular site conditions (including, but not limited to slope, soil type and City of Worcester Wetlands Protection Ordinance and Wetlands Protection Regulations - 17 - hydrology) will allow prevention of wetlands damage from such work; and*

This project proposes to improve the slope/buffer to prevent future damage from invasive species and hazard trees that will destabilize the area. The erosion controls, which were previously approved and remain in place, are more than adequate to protect the resource areas.

*4. The work will not lead to further encroachments on the resource area after completion of the project; and*

The installation of the proposed planting plan provides a dense, natural area that, once installed, minimizes future activity in proximity to the resource area. The dense plantings will prevent mowing, docks and further encroachment from all directions. The stairs have been minimized to a width of 48-inches just to allow safe access to the water by walking.

*5(A) the structure, improvement or activity is a component of any project to provide public access to and within the resource area after completion of the project;*

Not applicable.

*or (B) the permitted activity will not materially impair significant conservation interests and is consistent with the interests and purpose of the wetlands protection ordinance.*

By permitting the installation of an improved buffer to Lake Quinsigamond with an Order of Conditions, the proposed project fully supports the purpose and interests of the City of Worcester Wetlands Protection Ordinance to control activities deemed by the Conservation Commission likely to have a significant or cumulative effect upon wetland values. In this case, the cumulative effects of the project are the removal of invasive plants and a more natural and stable slope/buffer.

We look forward to discussing this request at your first available public meeting. Please call or email with any questions.

Sincerely,

Cherele Gentile, Owner & Trustee  
Manor Real Estate Trust  
email: [cgentile@cariglia.com](mailto:cgentile@cariglia.com)

Mia McDonald, Environmental Scientist  
telephone: 508-450-7268  
email: [mia.c.mcdonald@gmail.com](mailto:mia.c.mcdonald@gmail.com)

## **Project Sequence**

1. Inspect and repair all erosion controls including all haybales and silt fence, turbidity curtain, erosion control blankets and netting fence as shown in the previously approved Demolition Plan for 241 & 269 Lake Ave, dated 4/24/2019.
2. Remove trees greater than 6" DBH by crane. No trees located along the bank shall be removed.
3. Remove all trees, saplings and bushes from the slope. No tree, brush or vegetation shall be removed from the bank.
4. All remaining brush vegetation shall be cut down to the ground or hand pulled. Stumps of trees, saplings and bushes shall be ground flat to surface. No stumps shall be pulled.
5. Temporary stabilization measures shall be implemented as the vegetation is cleared. These measures include but are not limited to erosion control blankets or the spreading of straw over the exposed area. No area shall remain bare and exposed, even overnight.
6. Plantings shall be installed by hand immediately following the removal of the vegetation. Spacing and types as shown in the Perrone Landscaping Planting Plan for Lot 4 249 & 261 Lake Ave submitted with this application.
7. Plantings shall be inspected for the two following growing seasons. Any plantings showing signs of decay shall be replaced.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

# WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

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



**Note:**  
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

## A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

265 Lake Ave

a. Street Address

Worcester

b. City/Town

01604

c. Zip Code

Latitude and Longitude:

17-030

f. Assessors Map/Plat Number

d. Latitude

-00002

g. Parcel /Lot Number

e. Longitude

2. Applicant:

Cherele

a. First Name

Gentile, Trustee

b. Last Name

Manor Real Estate Trust

c. Organization

269 Lake Ave

d. Street Address

Worcester

e. City/Town

MA

f. State

01604

g. Zip Code

508-769-6201

h. Phone Number

i. Fax Number

cgentile@cariglia.com

j. Email Address

3. Property owner (required if different from applicant):  Check if more than one owner

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

a. First Name

b. Last Name

c. Company

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

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

110

a. Total Fee Paid

42.50

b. State Fee Paid

67.50

c. City/Town Fee Paid



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**A. General Information (continued)**

6. General Project Description:

Proposed landscaping and replacement of stairs within 100-foot buffer of bank of Lake Quinsigamond.

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

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Single Family Home             | 2. <input type="checkbox"/> Residential Subdivision       |
| 3. <input type="checkbox"/> Commercial/Industrial                     | 4. <input type="checkbox"/> Dock/Pier                     |
| 5. <input type="checkbox"/> Utilities                                 | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation                |
| 9. <input type="checkbox"/> Other                                     |   |

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1.  Yes  No      If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR 10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Worcester

a. County

54791

c. Book

b. Certificate # (if registered land)

163

d. Page Number

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

- Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



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**B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)**

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Bank	1. linear feet _____	2. linear feet _____
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet _____	2. square feet _____
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet _____ 3. cubic yards dredged _____	2. square feet _____

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet _____ 3. cubic feet of flood storage lost _____	2. square feet _____ 4. cubic feet replaced _____
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet _____ 2. cubic feet of flood storage lost _____	3. cubic feet replaced _____
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - specify coastal or inland _____	

2. Width of Riverfront Area (check one):
- 25 ft. - Designated Densely Developed Areas only
  - 100 ft. - New agricultural projects only
  - 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: \_\_\_\_\_ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet \_\_\_\_\_      b. square feet within 100 ft. \_\_\_\_\_      c. square feet between 100 ft. and 200 ft. \_\_\_\_\_

5. Has an alternatives analysis been done and is it attached to this NOI?       Yes  No
6. Was the lot where the activity is proposed created prior to August 1, 1996?       Yes  No

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

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



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**B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)**

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:  
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet _____ 2. cubic yards dredged _____	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet _____	2. cubic yards beach nourishment _____
e. <input type="checkbox"/> Coastal Dunes	1. square feet _____	2. cubic yards dune nourishment _____
	Size of Proposed Alteration	Proposed Replacement (if any)
f. <input type="checkbox"/> Coastal Banks	1. linear feet _____	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet _____	
h. <input type="checkbox"/> Salt Marshes	1. square feet _____	2. sq ft restoration, rehab., creation _____
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet _____ 2. cubic yards dredged _____	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet _____	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged _____	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet _____	

4.  Restoration/Enhancement  
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

5.  Project Involves Stream Crossings

a. number of new stream crossings

b. number of replacement stream crossings



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**C. Other Applicable Standards and Requirements**

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

**Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review**

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to [http://maps.massgis.state.ma.us/PRI\\_EST\\_HAB/viewer.htm](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**

Online viewer 08/20  
b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); OR complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review\*

1.  Percentage/acreage of property to be altered:
  - (a) within wetland Resource Area \_\_\_\_\_ percentage/acreage
  - (b) outside Resource Area \_\_\_\_\_ percentage/acreage

2.  Assessor's Map or right-of-way plan of site

2.  Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work \*\*
  - (a)  Project description (including description of impacts outside of wetland resource area & buffer zone)
  - (b)  Photographs representative of the site

\* Some projects not in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/mas-endangered-species-act-mesa-regulatory-review>).

Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

\*\* MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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

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

Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

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

- (d)  Vegetation cover type map of site
- (e)  Project plans showing Priority & Estimated Habitat boundaries
- (f) OR Check One of the Following

1.  Project is exempt from MESA review.  
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2.  Separate MESA review ongoing. a. NHESP Tracking # \_\_\_\_\_ b. Date submitted to NHESP \_\_\_\_\_

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

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

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

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

South Shore - 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@mass.gov](mailto:dmf.envreview-south@mass.gov)

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@mass.gov](mailto:dmf.envreview-north@mass.gov)

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

- c.  Is this an aquaculture project?      d.  Yes     No

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



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**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.

**Online Users:**  
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.



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**D. Additional Information (cont'd)**

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

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

Lot 4 249 & 261 Lake Ave Worcester, MA

a. Plan Title

Kris Romaniak, Perrone Landscaping

b. Prepared By

c. Signed and Stamped by \_\_\_\_\_

d. Final Revision Date

e. Scale

Project Narrative and Project Sequence

8/10/20

f. Additional Plan or Document Title

g. Date

- 5.  If there is more than one property owner, please attach a list of these property owners not listed on this form.
- 6.  Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
- 7.  Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
- 8.  Attach NOI Wetland Fee Transmittal Form
- 9.  Attach Stormwater Report, if needed.

**E. Fees**

1.  Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

<u>2630</u>	<u>8/11/2020</u>
2. Municipal Check Number	3. Check date
<u>2629</u>	<u>8/11/2020</u>
4. State Check Number	5. Check date
<u>Cherele</u>	<u>Gentile</u>
6. Payor name on check: First Name	7. Payor name on check: Last Name



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## F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.



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1. Signature of Applicant



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2. Date

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3. Signature of Property Owner (if different)

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4. Date

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5. Signature of Representative (if any)

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6. Date

### For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

### For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

### Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**NOI Wetland Fee Transmittal Form**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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



**A. Applicant Information**

1. Location of Project:

265 Lake Ave \_\_\_\_\_ Worcester \_\_\_\_\_  
 a. Street Address b. City/Town  
 \_\_\_\_\_ 42.50 \_\_\_\_\_  
 c. Check number d. Fee amount

2. Applicant Mailing Address:

Cherele \_\_\_\_\_ Gentile \_\_\_\_\_  
 a. First Name b. Last Name  
 Trustee, Manor Real Estate Trust \_\_\_\_\_  
 c. Organization  
 269 Lake Ave \_\_\_\_\_  
 d. Mailing Address  
 Worcester \_\_\_\_\_ MA \_\_\_\_\_ 01604  
 e. City/Town f. State g. Zip Code  
 508-769-6201 \_\_\_\_\_ cgentile@cariglia.com \_\_\_\_\_  
 h. Phone Number i. Fax Number j. Email Address

3. Property Owner (if different):

\_\_\_\_\_ \_\_\_\_\_  
 a. First Name b. Last Name  
 \_\_\_\_\_  
 c. Organization  
 \_\_\_\_\_  
 d. Mailing Address  
 \_\_\_\_\_ \_\_\_\_\_ f. State \_\_\_\_\_ g. Zip Code  
 e. City/Town  
 \_\_\_\_\_ \_\_\_\_\_  
 h. Phone Number i. Fax Number j. Email Address

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).

**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.



**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

**B. Fees (continued)**

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 1: work on a SF lot	1	110	110

**Step 5/Total Project Fee:** \_\_\_\_\_

**Step 6/Fee Payments:**

Total Project Fee:	110
State share of filing Fee:	a. Total Fee from Step 5 42.50
City/Town share of filling Fee:	b. 1/2 Total Fee less \$12.50 67.50
	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.)

CITY OF WORCESTER, MASSACHUSETTS

Edward M. Augustus, Jr.  
City Manager



Samuel Konieczny, MAA  
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: 7

Owner: Cherele Gentile Trustee  
Owner Mailing: Manor Real Estate Trust  
269 Lake Ave  
Worcester, MA 01604

Petitioner (if other than owner): Mia McDonald  
Petitioner Mailing Address: 20 Circuit Ave East  
Worcester, MA 01603

Petitioner Phone: 508-450-7268

Parcel Address: 265 Lake Avenue  
Assessor's Map-Block-Lot(s): 17-030-00002

Planning:                             Zoning:                             Liquor License:                             ConComm:   X    
Historical:                             Cannabis:                             Other:       

17-030-00002	GENTILE CHERELE TRUSTEE	0269 LAKE AVE	WORCESTER MA 01604
17-030-0002A	GENTILE CHERELE TRUSTEE	0269 LAKE AVE	WORCESTER MA 01604
17-030-001-2	GENTILE CHERELE L	0269 LAKE AVE	WORCESTER MA 01604
17-030-00001	SUTMAN DAVID B + PATRICIA H	0271 LAKE AVE	WORCESTER MA 01604
17-029-00010	GENTILE CHERELE TRUSTEE	0269 LAKE AVE	WORCESTER MA 01604
17-029-00002	ONE WATERFRONT LLC	0040 SOUTHBRIDGE ST	WORCESTER MA 01608
MA-DEP-QUINS	LAKE QUINSIGAMOND COMMISSION	PO BOX 4476	SHREWSBURY MA 01545

This is to certify that the above is a list of abutters to Assessor's Map-Block-Lot(s) 17-030-00002 as cited above.

Certified by: Samuel C. Konieczny  
Signature

7/20/2020  
Date

## **NOTIFICATION TO ABUTTERS**

Under the Massachusetts Wetlands Protection Act and  
City of Worcester Wetlands Protection 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 Cherele Gentile, Trustee, Manor Real Estate Trust
- B. The applicant has filed a Notice of Intent with the City of Worcester Conservation Commission seeking permission to remove, fill, dredge, or alter an area Subject to Protection under the Wetlands Protection Act (General Laws Chapter 131, Section 40) : proposed landscaping.
- C. The address of the lot where the activity is proposed is 265 Lake Avenue ((Parcel IDs: 17-17-030-00002)
- D. Copies of the Notice of Intent may be viewed 8:30 AM – 2:00 PM at the Division of Planning and Regulatory Services, City Hall, 455 Main Street, Room 404, Worcester MA. Contact Phone Number 508-799-1400 xt 31440

For more information, call the Worcester Conservation Commission (508) 799-1400

- E. Copies of the Notice of Intent may be obtained from the Applicant's representative by calling this telephone number (508) 450-7268 between the hours of 9:00 and 5:00 on the following days of the week – Monday through Friday.
- F. Information regarding the date, time, and place of the public hearing may be obtained from the Worcester Conservation Commission by calling this telephone number (508) 799-1400 xt 31440 between the hours of 8:30 and 5:00 on the following days of the week: Monday through Friday

NOTE: Notice of the public hearing, including date, time, and place will be published at least seven (7) days prior to the hearing in the Worcester Telegram and Gazette

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

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 MassDEP, call the Central Regional Office at (508)-792-7650

AFFIDAVIT OF SERVICE  
Under the Massachusetts Wetlands Protection Act  
And the City of Worcester Wetlands Bylaw

I, Mia McDonald, hereby certify under the pains and penalties of perjury that on August 14, 2020 I gave notification to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the DEP Guide to Abutter Notification dated April 8, 1994, in connection with the following matter:

A Notice of Intent filed under the Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Bylaw by Cherele Gentile with the Worcester Conservation Commission on August 11, 2010 for property located at 265 Lake Ave, Worcester.

The form of the notification and a list of the abutters to whom it was given and their addresses are attached to this Affidavit of Service

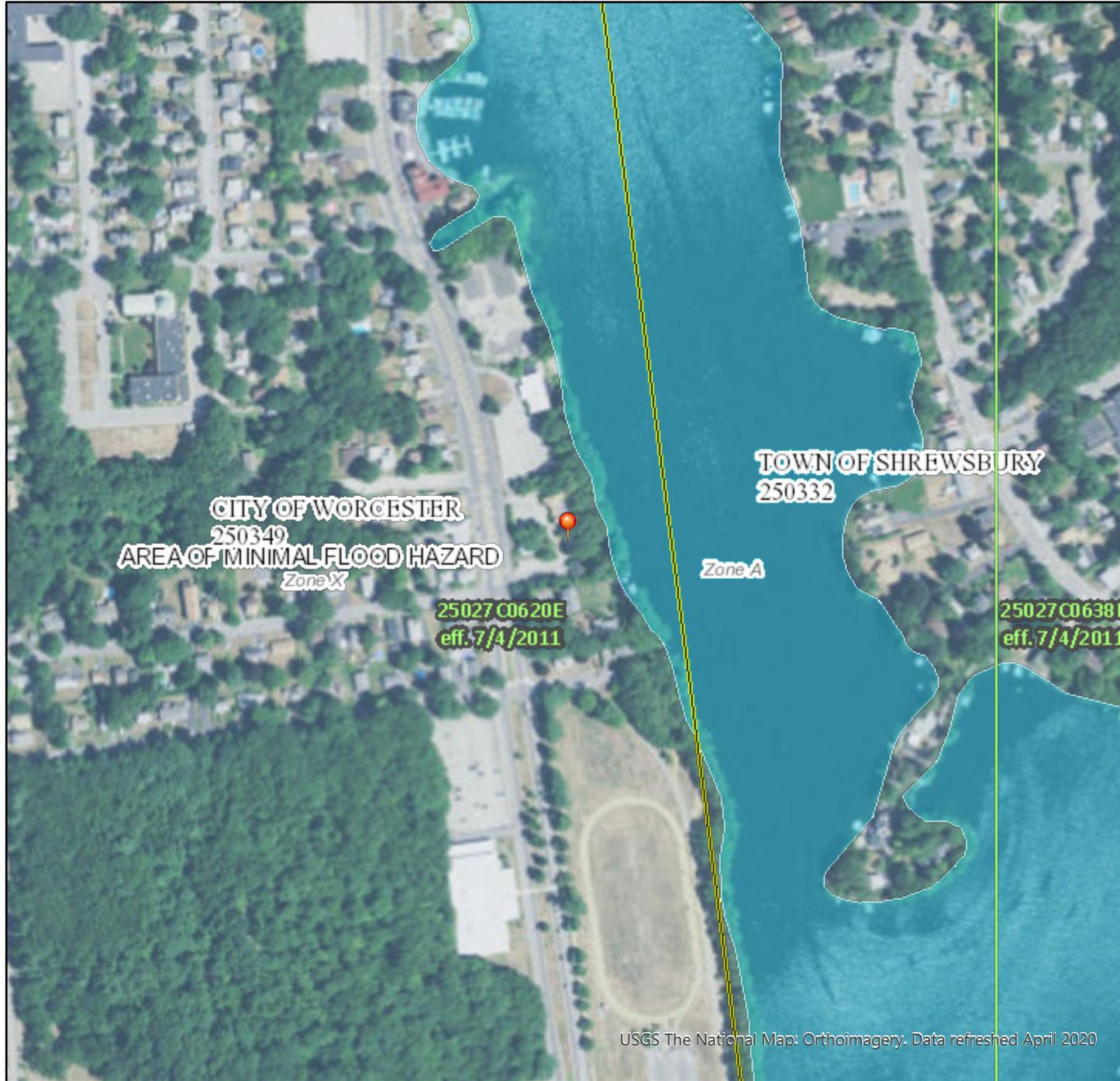
Mia McDonald  
Name

8/14/20  
Date

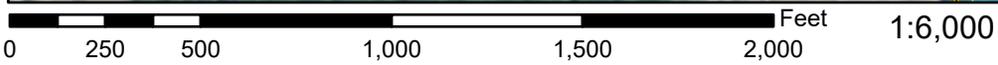
# National Flood Hazard Layer FIRMMette



71°45'33"W 42°16'5"N



USGS The National Map: Orthoimagery. Data refreshed April 2020



## Legend

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

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) <i>Zone A, V, A99</i>
		With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i>
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i>
		Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>
		Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i>
		Area with Flood Risk due to Levee <i>Zone D</i>
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i>
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard <i>Zone D</i>
		Channel, Culvert, or Storm Sewer
OTHER FEATURES		Levee, Dike, or Floodwall
		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped
		The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.



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

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **8/8/2020 at 1:31 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.