



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

Re: Notice of Intent 265 Lake Avenue, Worcester, MA 01608 MBL: 17-030-00002

Dear Worcester Conservation Commission:

Goddard Consulting, LLC is pleased to submit this Notice of Intent (NOI) on behalf of the applicant, Cherele Gentile, for the property known as 265 Lake Avenue in Worcester, MA. The applicant is filing an after-the-fact Notice of Intent for clearing vegetation within the Buffer Zone associated with a great pond (Lake Quinsigamond). The applicant proposes a restoration plan which will entail the installation of native plants and invasive species management within the cleared area. The applicant also proposes a stairway descending the sloped cleared area to allow for safe access to the waterfront. This application is being filed under the Massachusetts Wetlands Protection Act (the WPA), Regulations 310 CMR 10.00 et, al, and the City of Worcester Wetlands Protection Ordinance (the Ordinance).

A list of enclosed documents is as follows:

- NOI Application (WPA Form 3)
- Wetlands Fee Transmittal Form
- Copy of Checks
- Affidavit of Service, Notification to Abutters, & Certified Abutters List
- Wetland Border Report, 249, 261, 265 Lake Avenue, Worcester, MA, Goddard Consulting, LLC. 09/11/2020
- USGS of Site, Goddard Consulting, LLC. 07/27/2023
- Orthophoto of Site with Resource Areas, Goddard Consulting, LLC. 07/27/2023
- Enforcement Order, CC-EO-2023-006, dated 07/11/2023
- Restoration Planting Plan, 265 Lake Avenue, Worcester, MA 01608, prepared by Goddard Consulting LLC, dated 08/23/2023

117 Fullers Lane, Milton, MA 02186



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1.0 Existing Conditions

The site of the proposed project consists of a lot now known as 265 Lake Avenue (MBL: 17-030-00002)—one of the four subdivided lots of the properties previously known as 249, 261, and 265 Lake Avenue (MBL: 17-029-00010; 17-030-0002A; 17-030-00002). The site totals +/- 15,763 square feet (SF) and has been recently disturbed by unauthorized vegetation clearing in the Buffer Zone associated with Lake Quinsigamond. The flat front of the site rapidly descends into a steep slope that reaches the waterfront at the rear of the site. The clearing occurred on this steep slope.

At the base of the slope, towards the very back of the lot, a Bank resource area (delineated by Goddard Consulting, LLC in September 2020) meets the waters of Lake Quinsigamond, a great pond consisting of both Bank and Land Under Waterways (LUW) resource areas. The soils and vegetation on the slope indicate the site is upland with no Bordering Vegetated Wetlands (BVW). Prior to clearing, the slope had been planted with a series of plants approved under DEP File # 349-1245. This vegetation had been cut down along with trees at the base of the slope. A total of 12 trees were removed along the base of slope.

The following trees were removed:

- 3-6" trees:
 - o 4 red maple
 - o 2 gray birch
 - o 1 red oak
- 6"+ trees:
 - o 4 gray birch
 - o 1 American elm

According to Mass GIS data layers, this site is not located within an Area of Critical Environmental Concern (ACEC) or Outstanding Resource Waters (ORW). Flood Zone A and Bordering Lands Subject to Flooding (BLSF) are found at the base of the slope in the back of the lot, in an area totaling approximately +/- 179 SF.

Due to the presence of resource areas on site, the eastern, back portion of the lot is subject to regulated Buffer Zones, stretching from the northern lot line to southern lot line. The Buffer Zones consist of the 15-foot "No Disturb" Buffer Zone, the 30-foot "No Structure" Buffer Zone, and the 50 and 100-foot Buffer Zones.

2.0 Project Summary

General Procedures

Supervision: All work within the Restoration Area shall be supervised by a qualified wetland scientist. The supervisor shall submit monitoring reports to the Conservation Commission as described below. Repots shall contain details of all work performed and photographs of completed conditions.

Step 1: Install Erosion Control Barriers

Erosion control barriers in the form of silt fence and straw bales will be installed and will remain in place until the conclusion of the project.

Step 2: Remove Invasive Species

Invasive species will be removed from the cleared area. Invasive species shall be removed from the Restoration Area in accordance with the methods and restrictions proposed in this document.

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Step 3: Stairway Installation

A stairway is proposed down the slope to provide access to the lake. The stairway is still being designed and further information will be presented to the Commission as it becomes available.

Step 4: Planting

Shrub plantings shall be planted in accordance with the methods and restrictions proposed in this document.

Step 5: Restoration Area Monitoring

- **a. Seasonal monitoring** shall be conducted in the Restoration Area by a qualified wetland scientist for a period of two years after the restoration effort. This monitoring program will consist of early summer and early fall inspections. Any invasive species, soil erosion, or planting mortality will be documented if present, monitored, and addressed in a manner consistent with the methodology proposed in this document.
- **b. At least 75% of the surface area** of the Restoration Area shall be re-established with indigenous plant species within two growing seasons. If the Restoration Area does not meet the 75% re-vegetation requirement by the end of the second growing season after installation, the Applicant shall submit a remediation plan to the Commission for approval that will achieve restoration goals. This plan must include an analysis of why the areas have not successfully re-vegetated and how the applicant intends to resolve the problem.

Step 6: Continued Management

Due to the high likelihood of invasive recurrence on the site, the applicant seeks the ability to conduct as-necessary removal of invasive species in perpetuity. Additional vegetative management efforts shall implement only low impact removal methods such as hand cutting/pulling and cut stump herbicide application (in upland areas only). All work beyond the scope of this Restoration Plan shall be conducted in coordination with a qualified wetland scientist. If deemed necessary, all herbicide application shall be performed by an applicator licensed in the state of Massachusetts possessing a sound working knowledge of native/invasive plant identification.

Invasive Vegetation Management Methods

Physical Cutting and Pulling by Hand

Physical cutting and pulling by hand will take place in the Restoration Area and will involve laborers physically cutting and removing the roots of invasive species with shovels and other hand tools. All vegetative material shall be removed from the site and disposed of in a manner consistent with state and local regulations.

Cut Stump Treatment

Cut stump treatment will take place on invasive plants with greater than 2-inch diameter stems in the Restoration Area.

Cut stump treatments consist of physical cutting of target species followed by an herbicide treatment applied with a nozzle or painted onto the surface of the stump. This method allows for accurate use of the product and has minimal impact on the environment compared to broad spectrum sprays. The recommended herbicide is glyphosate, which rapidly biodegrades when it reaches soil, and acts to inhibit photosynthesis.

Due to the proximity of the Restoration Area to the adjacent wetland resource areas, glyphosate formulations for use in aquatic applications are recommended. These formulations use surfactants which are less detrimental to aquatic organisms, thereby reducing the likelihood of negative impacts to establishes aquatic communities within the pond. The specific formulation which is recommended for this application goes by the industry name Rodeo.

All herbicide application shall be performed by an applicator licensed in the state of Massachusetts possessing a sound working knowledge of native/invasive plant identification.



Planting Native Species

The applicant has cleared most of the trees and mowed down much of the vegetation in the Buffer Zone. To mitigate the effects of this clearing on the Buffer Zone and associated resource areas, the applicant proposes a restoration planting plan with associated erosion control measures. A total of +/- 5,399.69 SF will be restored within the 100-foot Buffer Zone. The planting plan will include 52 creeping juniper (*Juniperus horizontalus*) shrubs, 52 fragrant sumac (*Rhus aromatica*) shrubs, 52 native bunch grasses, 5 flowering big-bracted-dogwood (*Benthamidia florida*) trees, and 7 Canada serviceberry (*Amelanchier canadensis*) trees.

Goddard recommends plant species such as fragrant sumac and creeping juniper that will create a dense low thicket in this difficult sloped environment. Weeds and invasive species have continuously been observed competing with native plantings and natural vegetation. The dense thicket and subsequent shading that fragrant sumac and creeping juniper tend to create will assist in preventing this competition in the future. Fragrant sumac and creeping juniper prefer cliff-like growing conditions as well as upland soil and sun exposure. These conditions are prominent on this slope. Additionally, fragrant sumac and creeping juniper are known to assist in erosion control and to be low-maintenance and pest resistant—promoting their heartiness and presumed success on the slope.

The two tree species are proposed at the base of the slope so that their canopies may grow over the lake, providing shade to facilitate lower water temperatures.

Table 1: Restoration Within Each Buffer Zone

Buffer Zones	Total (SF)	Tree Plantings (#)	Shrub Plantings (#)
0-15' Buffer Zone	982.88	12	3
15-30' Buffer Zone	1,017.24	0	37
Between the 30' Buffer Zone and	3,399.57		
proposed Limit of Work		0	116
(approximately 80' from Bank)			
Total Restoration Area	5,399.69	12	156

3.0 Regulatory Compliance

This project will comply with the regulations set forth in the WPA and the Ordinance. Bordering Land Subject to Flooding (BLSF) and the Buffer Zone to Bank will be restored. The stairway is still being designed and further information will be presented to the Commission as it becomes available. Due to the steep slope of the buffer zone, the stairway will provide access from the top of the slope to the bottom of the slope for access to the lake. Adequate sedimentation controls in the form of silt fence and straw bales will installed at the limit of work and at the base of the steep slope to prevent sediment from entering the resource areas.

3.1 Request for a waiver of section 4.2.4 - Activities Within the Buffer Zone – General Performance Standards

The applicant requests a waiver from the Commission for section 4.2.4 – Activities within the Buffer Zone – General Performance Standards of the Worcester Wetlands Protection Regulations. Vegetation has been removed within the locally regulated 30-foot Buffer Zone and 15-foot Buffer Zone to Bank. Plantings are proposed in these Buffer Zones to restore the areas. A staircase is proposed in these Buffer Zones to allow safe access to the waterfront. The stairway is still being designed and further information will be presented to the Commission as it becomes available. Regulatory compliance with the ordinance will be described when the design becomes available.

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4.0 Conclusion

Goddard Consulting believes that the proposed project will not have any adverse impacts on the interests identified in M.G.L. c. 131 section 40 and under the Worcester Wetlands Protection Ordinance. The restoration meets all regulatory compliance standards under the WPA and the Ordinance. Once the stairway design becomes available, the Applicant will provide a regulatory compliance narrative and respectfully request that the Commission issues an Order of Conditions approving the proposed project. Please feel free to contact us if you have any questions.

Sincerely, Goddard Consulting, LLC

Mitch Maslanka

Mitch Maslanka Wetland Scientist

Cc: Mass DEP – CERO, Wetlands and Waterways Division, 8 New Bond Street, Worcester, MA 01606 Cherele Gentile, 265 Lake Avenue, Worcester, MA 01604



WPA Form 3 - Notice of Intent

A. General Information

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 And the City of Worcester Wetlands Protection Ordinance

Provided by MassDEP:		
MassDEP File Number		
Document Transaction Number		
Worcester		
City/Town		
Oity/ 1 OWII		

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.

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

. Project Location (Note: elect	TOTAL THE IS WILL CHEK	on bullon to locate	e project site).
265 Lake Avenue		Worcester	01604
a. Street Address		b. City/Town	c. Zip Code
Latitude and Longitude:		42.26425	-71.75389
_		d. Latitude	e. Longitude
MBL: 17-030		-00002	
f. Assessors Map/Plat Number		g. Parcel /Lot Nu	mber
2. Applicant:			
Cherele		Gentile	
a. First Name		b. Last Name	
c. Organization			
265 Lake Avenue			
d. Street Address			
Worcester		MA	01604
e. City/Town		f. State	g. Zip Code
508-769-6201		office@cariglia.co	m
h. Phone Number i. Fax	Number	j. Email Address	
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	
Representative (if any):			
Mitch		Maslanka	
a. First Name		b. Last Name	
Goddard Consulting, LLC			
c. Company			
291 Main Street, Suite 8			
d. Street Address			
Northborough		MA	01532
e. City/Town		f. State	g. Zip Code
508-615-2041		mitch@goddardco	onsultingllc.com
h. Phone Number i. Fax	Number	j. Email address	
5. Total WPA Fee Paid (from N	OI Wetland Fee Tra	ansmittal Form):	
\$110+\$150 Bylaw & Late	\$42.50		\$67.50+\$150 Bylaw & Late
Fee+\$25 Ad Fee	b. State Fee	Paid	Fee+\$25 Ad Fee
a. Total Fee Paid			c. City/Town Fee Paid

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rovided by MassDEP:		
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	Worcester	
	City/Town	

Α.	General Information (continued)				
6.	General Project Description:				
	After-the-fact NOI filed for clearing vegetation within proposed along with a proposal to install a staircase				
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.					
	2. Limited Project Type If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(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 63402 c. Book	b. Certificate # (if registered land) 215 d. Page Number			
R	Buffer Zone & Resource Area Impa				
 Buffer Zone Only – Check if the project is located only in the Buffer Zone Vegetated Wetland, Inland Bank, or Coastal Resource Area. Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Coastal Resource Areas). 		ed only in the Buffer Zone of a Bordering rce Area.			
	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)

Resource Area Size of Proposed Alteration Proposed Replacement (if any) Bank 1. linear feet 2. linear feet b. П **Bordering Vegetated** 1. square feet 2. square feet Wetland c. 🗌 Land Under 1. square feet 2. square feet Waterbodies and Waterways 3. cubic yards dredged Resource Area Size of Proposed Alteration Proposed Replacement (if any) 180 (Vegetation cleared and 180 (Vegetation cleared and d. 🖂 **Bordering Land** Proposed Replanting) Proposed Replanting) Subject to Flooding 1. square feet 2. square feet 3. cubic feet of flood storage lost 4. cubic feet replaced е. 🗌 Isolated Land Subject to Flooding 1. square feet 2. cubic feet of flood storage lost 3. cubic feet replaced f. \square Riverfront Area 1. Name of Waterway (if available) - specify coastal or inland 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: 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)

please attach a narrative explaining how the resource area was delineated.

For all projects affecting other

Resource Areas.

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.

4.

5.

Resource Area		Size of Proposed	I Alteration	Proposed Replacement (if any)
а. 🗌	Designated Port Areas	Indicate size under Land Under the Ocean, below		
b. 🗌	Land Under the Ocean	1. square feet		
		2. cubic yards dredge	ed	
с.	Barrier Beach	Indicate size und	er Coastal Beac	hes and/or Coastal Dunes below
d. 🗌	Coastal Beaches	1. square feet		2. cubic yards beach nourishment
e. 🗌	Coastal Dunes	1. square feet		2. cubic yards dune nourishment
		Size of Proposed	I Alteration	Proposed Replacement (if any)
f.	Coastal Banks	1. linear feet		
g. 🗌	Rocky Intertidal Shores	1. square feet		
h. 🗌	Salt Marshes	1. square feet		2. sq ft restoration, rehab., creation
i. 🗌	Land Under Salt Ponds	1. square feet		
		2. cubic yards dredge	ed	
j. 🗌	Land Containing Shellfish	1. square feet		
k. 🗌	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 dredge	ed	
	Land Subject to Coastal Storm Flowage storation/Enhancement	1. square feet		
	footage that has been enter			esource area in addition to the e, please enter the additional
a. square feet of BVW			b. square feet of Sa	lt Marsh
☐ Pro	☐ Project Involves Stream Crossings			
a. numbe	a. number of new stream crossings		b. number of replace	ement 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).

S

	(310 CMF	R 10.11).	
St	reamlined	Massachusetts Endangered Sp	pecies Act/Wetlands Protection Act Review
1.	 Is any portion of the proposed project located in Estimated Habitat of Rare Wildlife as indice the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the Massa Natural Heritage Atlas or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm. 		e-Listed Rare Wetland Wildlife published by the Natural HESP)? To view habitat maps, see the <i>Massachusetts</i>
	a. Yes	No If yes, include proof of the pro	f mailing or hand delivery of NOI to:
	2021 b. Date of ma	Division of Fisherie 1 Rabbit Hill Road Wasthorough, MA (
If yes, the project is also subject to Massachusetts Endangered CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlan complete Section C.1.c, and include requested materials with the Section C.2.f, if applicable. If MESA supplemental information is completing Section 1 of this form, the NHESP will require a separate 90 days to review (unless noted exceptions in Section 2 apply)		B). To qualify for a streamlined, 30-da Section C.1.c, and include requested 2.f, if applicable. <i>If MESA supplement</i> of Section 1 of this form, the NHESP v	ay, MESA/Wetlands Protection Act review, please materials with this Notice of Intent (NOI); OR complete that information is not included with the NOI, by will require a separate MESA filing which may take up
	c. Submit	Supplemental Information for Endang	pered Species Review*
	1.	Percentage/acreage of property to b	pe altered:
	(a)	within wetland Resource Area	percentage/acreage
	(b)	outside Resource Area	percentage/acreage
	2.	Assessor's Map or right-of-way plan	n of site
wetlands juris			g wetland resource areas and areas outside of loosed conditions, existing and proposed cated limits of work **
	(a)	Project description (including describuffer zone)	iption of impacts outside of wetland resource area &
	(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.



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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 <i>mail to NHESP</i> 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				
	Project is exempt from MESA review. Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.1 http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/mesa/mesa_exemptions.html the NOI must still be sent to NHESP if the project is within estimated habitat pursuant 310 CMR 10.37 and 10.59.)			
	2.	Separate MESA review ongoing.	a. NHESP Tracking #	b. Date submitted to NHESP
	3. 🗌 Pe	Separate MESA review completed. Include copy of NHESP "no Take" dete ermit with approved plan.	ermination or valid Conse	rvation & Management
3.	3. For coastal projects only, is any portion of the proposed project located below the mean high wate line or in a fish run?			w the mean high water
	a. Not applicable – project is in inland resource area only b. Yes No			☐ No
	If yes, inclu	ude proof of mailing, hand delivery, or ele	ectronic delivery of NOI to	either:
	South Shore the Cape &	e - Cohasset to Rhode Island border, and Islands:	North Shore - Hull to New	Hampshire border:
	Southeast M Attn: Enviro 836 South F New Bedfor	Marine Fisheries - Marine Fisheries Station nmental Reviewer Rodney French Blvd. rd, MA 02744 F.EnvReview-South@state.ma.us	Division of Marine Fisheri North Shore Office Attn: Environmental Revie 30 Emerson Avenue Gloucester, MA 01930 Email: <u>DMF.EnvRevie</u>	ewer

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.

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

Massachusetts Department of Environmental ProtectionBureau of Resource Protection - Wetlands

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rov	rided by MassDEP:
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C. Other Applicable Standards and Requirements (cont'd)

	0 00000	approximation and the quite contents (contents)
4.	Is any port	tion 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.		tion of the proposed project within an area designated as an Outstanding Resource Water designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
	a. 🗌 Yes	No No
6.		tion of the site subject to a Wetlands Restriction Order under the Inland Wetlands n 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 proj	ect subject to provisions of the MassDEP Stormwater Management Standards?
		es. Attach a copy of the Stormwater Report as required by the Stormwater Management randards per 310 CMR 10.05(6)(k)-(q) and check if: 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	o. 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.	Addition	onal Information
		roposal for an Ecological Restoration Limited Project. Skip Section D and complete A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR
	Applicants	s must include the following with this Notice of Intent (NOI). See instructions for details.
		sers : Attach the document transaction number (provided on your receipt page) for any of the information you submit to the Department.
	su	SGS or other map of the area (along with a narrative description, if necessary) containing ifficient information for the Conservation Commission and the Department to locate the site. Electronic filers may omit this item.)

the boundaries of each affected resource area.

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

2.



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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 And the City of Worcester Wetlands Protection Ordinance

rov	ided by MassDEP:
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	Worcester City/Town
	City/ TOWIT

D. Additional Information (cont'd)

Transmittal Form) to confirm fee payment:

2903; 2905 (Bylaw); 2904 (Ad Fee)

6. Payor name on check: First Name

2. Municipal Check Number

4. State Check Number

2902

	3. 🛛	Identify the method for BVW and other reserved Data Form(s), Determination of Appli	cability, Order of Resource /	
	and attach documentation of the methodology. 4. \(\subseteq \) List the titles and dates for all plans and other materials submitted with this NOI. Restoration Planting Plan, 265 Lake Avenue, Worcester, MA 01608 a. Plan Title Goddard Consulting LLC			
	b. P	Prepared By	c. Signed and Stamped by	
		/22/2023	1" = 15'	
	d. F	inal Revision Date	e. Scale	
	f. Ad	dditional Plan or Document Title		g. Date
	5.	If there is more than one property owner, plisted on this form.	lease attach a list of these p	property owners not
	6.	Attach proof of mailing for Natural Heritage	and Endangered Species F	Program, if needed.
	7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.			if needed.
	8. 🛛	Attach NOI Wetland Fee Transmittal Form		
	9.	Attach Stormwater Report, if needed.		
F	Fees			
	1.	Fee Exempt: No filing fee shall be assesse the Commonwealth, federally recognized Incty, or the Massachusetts Bay Transportation	dian tribe housing authority,	
	Applica	ants must submit the following information (in	n addition to pages 1 and 2	of the NOI Wetland Fee

8/1/2023; 8/1/2023; 8/1/2023

7. Payor name on check: Last Name

3. Check date

5. Check date Cariglia

8/1/2023

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Provided by MassDEP:

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Worcester

City/Town

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.

(here Gentleto	8/2/2023
1. Signature of Applicant (Cherelle Gentile)	2. Date
Draw Lashe	8/2/2023
Signature of Property Owner (if different)	4. Date / 0 / 0 0 0
Metal Maslunda	8/2/2023
5. Signature of Representative (Mitch Maslanka, Goddard Consulting, LLC)	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 Informa	ation					
Location of Project:	Location of Project:					
265 Lake Avenue	265 Lake Avenue					
a. Street Address		b. City/Town				
2902		\$42.50				
c. Check number		d. Fee amount				
2. Applicant Mailing Address	s:					
Cherele		Gentile				
a. First Name	a. First Name					
c. Organization						
265 Lake Avenue	265 Lake Avenue					
d. Mailing Address						
Worcester		MA	01604			
e. City/Town		f. State	g. Zip Code			
508-769-6201		office@cariglia.com				
h. Phone Number	i. Fax Number	j. Email Address				
3. Property Owner (if differen	Property Owner (if different):					
a. First Name		b. Last Name				
c. Organization						
d. Mailing Address						
e. City/Town		f. State	g. Zip Code			

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

h. Phone Number

Fee should be calculated using the following process & worksheet. *Please see Instructions before filling out worksheet.*

j. Email Address

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.

i. Fax Number

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 (continue

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
1.a) Work on a single-family residential lot	1	\$110	\$110
1.1 work on a single-family lot	<u> </u>	\$75	\$75 (bylaw)
Late Filing (bylaw)	1	\$75	\$75 (bylaw)
Advertising Fee (bylaw)	1	\$25	\$25 (bylaw)
	Step 5/Te	otal Project Fee:	\$110+\$150 Bylaw & Late Fee+\$25 Ad Fee
	Step 6	/Fee Payments:	
	Total	Project Fee:	\$110+\$150 Bylaw & Late Fee+\$25 Ad Fee a. Total Fee from Step 5
	State share	State share of filing Fee:	
	City/Town shar	e of filling Fee:	\$67.50+\$150 Bylaw & Late Fee+\$25 Ad Fee 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.)

AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act & Worcester Wetlands Protection Ordinance

I, <u>Mitch Maslanka</u> hereby certify under the pains and penalties of perjury that on <u>August 23, 2023</u> I gave notification to abutters in Compliance with the second paragraph of Massachusetts General Law Chapter 131, Section 40, the Worcester Wetlands Protection Ordinance and the DEP Guide to Abutter Notification dating April, 8, 1994 in connection with the following matter:

A Notice of Intent was filed under the Massachusetts Wetlands Protection Act & Worcester Wetlands Protection Ordinance by <u>Cherele Gentile</u> with the Worcester Conservation Commission on <u>August 23, 2023</u> for the property located at <u>265 Lake Avenue</u>, <u>Worcester</u>, <u>MA 01604 (MBL: 17-030-00002)</u>.

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

With Maslanka	August 23, 2023
(Name)	(Date)

Notification to Abutters under the Massachusetts Wetlands Protection Act and Worcester Wetlands Protection Ordinance

In accordance with the Massachusetts General Laws Chapter 131, Section 40, and the Worcester Wetlands Protection Ordinance, you are hereby notified of the following

- A. The name of the applicant is: Cherele Gentile
- B. The applicant has filed the following with the City of Worcester Conservation Commission:
 - X A Notice of Intent (application) seeking permission to remove, fill, dredge, or alter an area subject to protection under the Wetlands Protection Act and the Wetland Protection Ordinance.
- C. The address or location of the lot where the activity is proposed or planned is: 265 Lake Avenue, Worcester, MA 01604
- D. Project Description: The applicant is filing an after-the-fact Notice of Intent for clearing vegetation within the Buffer Zone area associated with a great pond (Lake Quinsigamond). A restoration plan is proposed along with a proposed wooden staircase leading down to the lake.
- E. "Date, time and place of the public hearing can be obtained from the Division of Planning & Regulatory Services at the time of filing; however, the notice can be sent prior to a set hearing date"
- F. 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.
- G. 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.
- H. 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
- I. This meeting of the Worcester Conservation Commission will be conducted via **hybrid** (i.e., both in person and virtual) **participation**.
- J. Members of the public may view the meeting live from the City Website at www.worcesterma.gov/video-on-demand or in Levi Lincoln Chamber, Room 309. Most meetings are also broadcast on the local government cable channel (Spectrum Channel 192). Public participation will be facilitated through a call-in number, 415-655-0001 (Access Code: 160 973 4358).
- K. For more information concerning this application, to view application materials or the meeting agenda, or **to submit comments** in advance of the hearing, contact the Planning Division at planning@worcesterma.gov (preferred) or (508) 799-1400 x 31440. Application materials may also be viewed on the City's website at www.worcesterma.gov/planning-regulatory/boards/conservation-commission

<u>NOTE:</u> For more information about this application or the Wetlands Protection Act you may contact the Central Regional Office of the Department of Environmental Protection at:

MassDEP CERO, 8 New Bond Street, Worcester, MA 01606, Phone: (508)792-7650



Assessing Division
Samuel E. Konieczny, MAA, City Assessor
City Hall, 455 Main Street, Worcester, MA 01608
P | 508-799-1098 F | 508-799-1021
assessing@worcesterma.gov

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: 6		
Parcei Address: Assessor's Map-Block-Lot(s):	265 LAKE AVENUE 17-030-00002	
Owner:	CARIGLIA, DIANNE + CHERELE L TRUSTEES & CARIGLIA 2021 REVOCABLE TRUST	_
Owner Mailing:	269 LAKE AVE WORCESTER, MA 01604	_
Petitioner (if other than owner): Petitioner Mailing Address: Petitioner Phone:	MITCH MASLANKA 291 MAIN ST SUITE 8 NORTHBORO 508-615-2041	
Planning: Zoning	License Commission:	Conservation Commission: X
Historical:	abis: Other:	
17-030-00002 CARIGLIA DIANNE + 17-030-0002A BAHNASSI AMJAD + HAN 17-030-001-2 GENTILE CHERELE TRUS		WORCESTER MA 01604 SHREWSBURY MA 01545 WORCESTER MA 01604

The City of Worcester Administration & Finance

17-030-00001

SUTMAN PATRICIA H TRUSTEE

0271 LAKE AVE

WORCESTER MA 01604

17-029-010-1

BAHNASSI AMJAD + HANAN

0030 BRIDLE PATH

SHREWSBURY MA 01545

MA-DEP-QUINS

LAKE QUINSIGAMOND COMMISSION

100 MAPLE AVE TURNPIKE STATION

SHREWSBURY MA 01545

This is to certify that the above is a list of abutters to Assessor's Map-Block-Lot's 17-030-00003 as cited above.

Certified by:

Samuel E. Konieczny

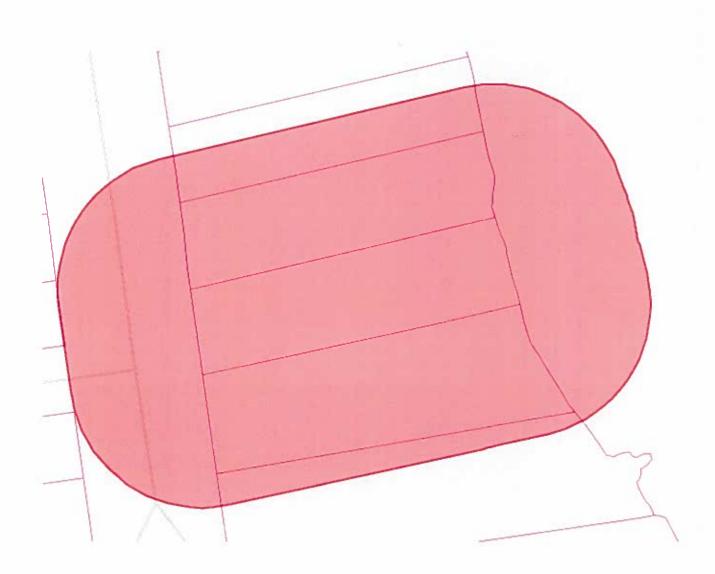
07/24/2023

Date

Signature



Abutters Map



September 11, 2020

Amjad Bahnassi, MD Behavioral Healthcare Services 435 Shrewsbury Street Worcester, MA 01604

Re: Wetland Border Report 249, 261, & 265 Lake Avenue, Worcester, MA

Dear Dr. Bahnassi:

In September of 2020, the wetland resources were delineated on a portion of land located at 249, 261, & 265 Lake Avenue in Worcester, MA. The resource areas were flagged using the criteria in the most recent edition of MA Wetland Protection Act (WPA) and Regulations 310 CMR 10.00 et al and the local Worcester Wetlands Protection Ordinance & Regulations. Hydric soil indicators, vegetation changes, hydrological indicators, and topography were all considered for delineation purposes.

The resources on site consist of the Bank of Lake Quinsigamond (which corresponded to the first break in slope) & Land Under Water (LUW). The Top of Bank was delineated with flag series GCTOB 1-12 and the Bottom of Bank was delineated with flag series GCBOB 1-9. A major portion of Bank is an old stone wall, 2-5 feet in height. Natural Bank width averaged 2 feet and height ranged from 3 to 5 feet. Upgradient of the delineated Bank, vegetation was dominant in Scarlet Oak, Gray Birch, Red Maple, Norway Maple, Black Locust, Burning Bush, Blackberry, Virginia Creeper, Oriental Bittersweet, and Poison Ivy. Soil tests revealed upland soils with color ranging from 7.5YR 3/2 in the A horizon to 7.5YR 3/6 in the B horizon.

According to the Mass GIS data layers for NHESP, this site is not located within Estimated and/or Priority Habitat of Rare Wildlife. The site is not located within an Area of Critical Environmental Concern (ACEC) or Outstanding Resource Waters (ORW) and no mapped vernal pools are located on or near the site. The site is located in a jurisdictional FEMA Flood Zone with a floodplain elevation of 358.8' NAVD88. Attached is a FEMA FIRMette map showing the Zone A flood zone.

The MA Wetlands Protection Act and the local bylaw takes jurisdiction over Bank and LUW resources and their jurisdictional 100-foot Buffer Zones.

Any work within the resource areas and/or the 100-foot buffer zones will require a Request for Determination (RDA) or Notice of Intent (NOI) be filed with the Conservation Commission. If you need further assistance with permitting, please call us we would be happy to assist.

Very truly yours,

1 JUNI

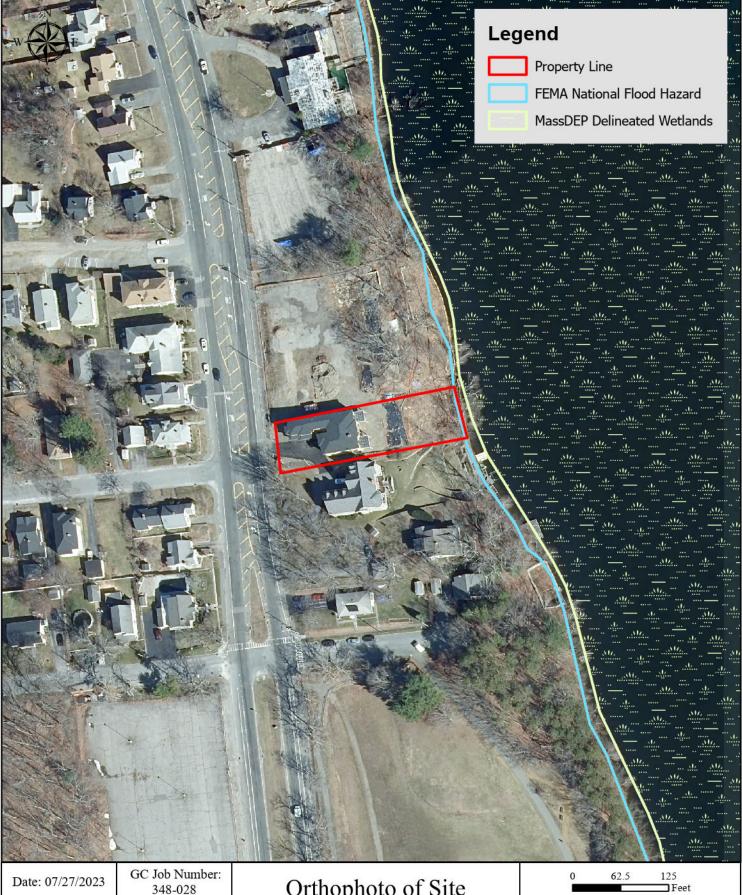
Scott Goddard, Principal & PWS





265 Lake Avenue Worcester, MA 01604 1'' = 125'

MBL: 17-030-00002





Orthophoto of Site with Resource Areas

> 265 Lake Avenue Worcester, MA 01604

125 Feet

1'' = 125'

MBL: 17-030-00002



only the tab

key to move vour cursor -

return key.

do not use the

Massachusetts Department of Environmental Protection Bureau of Resource Protection - Wetlands

WPA Form 9 – Enforcement Order

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

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P F1	IC 17	11 11 11	\Box

n/a	
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7/11/2023

Date

Important: When filling out forms on the computer, use This Enforcement Order is issued by: Worcester Conservation Commission (Issuing Authority)

To:

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CARIGLIA, DIANNE + CHERELE L TRUSTEES

Name of Violator
269 Lake Avenue

A. Violation Information

Address

1. Location of Violation:

Property Owner (if different)	
265 Lake Avenue	
Street Address	
Worcester	01604
City/Town	Zip Code
17-030	-00002
Assessors Map/Plat Number	Parcel/Lot Number

2. Extent and Type of Activity (if more space is required, please attach a separate sheet):

During a site inspection for an adjacent property on 6/27/2023, unpermitted vegetation removal was noted at the subject site within the 100' buffer zone and on the bank of Lake Quinsigamond. Several trees had been cut along the bank and adjacent slope. The existing shrub and herbaceous layers also appeared to have been cut down, but there did not appear to be substantial earth disturbance or removal of topsoil.

An Order of Conditions (CC-2020-048 & DEP#349-1280) had previously been issued for this site for construction of stairs (which was never completed), tree removal, and replacement plantings. An Enforcement Order was issued for violations of this OOC on 1/13/2021, which included the removal of several large trees (over 24" DBH) that had been explicitly noted to remain. The applicant applied for a Certificate of Compliance in August 2022. A site visit was conducted shortly thereafter, at which point it was noted that some of the replacement plantings were missing, these were subsequently re-planted, and a COC was issued on 12/2/2022.

During the 6/27/2023 site inspection, it appeared that most, if not all of the replacement plantings required by the prior OOC (15 trees, 103 shrubs, 85 perennials, 58 groundcovers) had been impacted by the recent clearing.

See Attachment B for Site Photos

B. Findings

The Issuing Authority has determined that the activity described above is in a resource area and/or buffer zone and is in violation of the Wetlands Protection Act (M.G.L. c. 131, § 40) and its Regulations (310 CMR 10.00), because:

the activity has been/is being conducted in an area subject to protection under c. 131, § 40 and the City of Worcester Wetlands Protection Ordinance (W.R.O. Part 1, c. 6) and/or the 100' buffer zone and/or the 15' no-disturbance buffer zone (W.R.O. Part 1, c. 6 § 4.2.4.B.), and/or Stormwater Protection Zone, without approval from the issuing authority (i.e., a valid Order of Conditions or Negative Determination).

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issuing authority.



Massachusetts Department of Environmental ProtectionBureau of Resource Protection - Wetlands

WPA Form 9 – Enforcement Order
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

n/a

Name		Dated		
File Number		Condition r	number(s)	
☐ The Order of Condition	s expired on (date):	Date		
 ☐ The activity violates provisions of the Certificate of Compliance. ☐ The activity is outside the areas subject to protection under MGL c.131 s.40 and the buffer zo but has altered an area subject to MGL c.131 s.40. 				
-				
Order				
Order The issuing authority hereb	by orders the following (check all that apply):		
☐ The property owner, hi	s agents, permittees, ar	nd all others shall immed	diately cease and desist	
The issuing authority hereb The property owner, hi from any activity affecti	s agents, permittees, ar ing the Buffer Zone and ons resulting from said	nd all others shall immed of resource areas.	diately cease and desist	
The issuing authority hereby ☐ The property owner, his from any activity affects ☐ Resource area alteration returned to their original.	s agents, permittees, ar ing the Buffer Zone and ons resulting from said a al condition.	nd all others shall immed of resource areas.	•	

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The restoration shall be completed in accordance with the conditions and timetable established by the



WPA Form 9 – Enforcement Order
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

P Fi	I ~ N	l	h ~ "
P F1	IC 17	11 11 11	\Box

n/a	
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C.	Order (cont.)
	Complete the attached Notice of Intent (NOI). The NOI shall be filed with the Issuing Authority on or before:
	8/23/2023 Date
	for the following:
	See Attachment A
	No further work shall be performed until a public hearing has been held and an Order of Conditions has been issued to regulate said work. The property owner shall take the following action (e.g., erosion/sedimentation controls) to prevent further violations of the Act:
	Failure to comply with this Order may constitute grounds for additional legal action. Massachusetts General Laws Chapter 131, Section 40 provides: "Whoever violates any provision of this section (a) shall be punished by a fine of not more than twenty-five thousand dollars or by imprisonment for not more than two years, or both, such fine and imprisonment; or (b) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each violation". Each day or portion thereof of continuing
_	violation shall constitute a separate offense.
υ.	Appeals/Signatures
	Enforcement Order issued by a Conservation Commission cannot be appealed to the Department of vironmental Protection, but may be filed in Superior Court.
Qu	estions regarding this Enforcement Order should be directed to:
	Eric Flint, Conservation Agent Name 508-688-0569
	Phone Number
	Monday - Friday, 8:30 AM to 5:00 PM Hours/Days Available
	, and the second
Iss	ued by:
	Worcester Consolidation Commission
	Conservation Commission

Conservation Commission signatures required on following page.

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WPA Form 9 - Enforcement Order

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

DEP File Number:	

n/a

D. Appeals/Signatures (cont.)

In a situation regarding immediate action, an Enforcement Order may be signed by a single member or agent of the Commission and ratified by majority of the members at the next scheduled meeting of the Commission.

natures:	DocuSigned by:		
	and the	Amanda Amory	
Signature		Printed Name	
		Devin Canton	
Signature	DocuSigned by:	Printed Name	
	Joseph Charpentro	Joseph Charpentier	
Signature	F683C367C17D49E	Printed Name	
		Timothy Magliaro	
Signature	DocuSigned by:	Printed Name	
	lindsay Mystrom	Lindsay Nystrom	
Signature	—1EC379ADB20C4D0	Printed Name	
Signature		Printed Name	
Signature Signature		Printed Name Printed Name	

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Attachment A:

Required Actions Associated with this Enforcement Order (CC-EO-2023-006)

Note: All information shall be provided electronically to <u>planning@worcesterma.gov</u> and <u>flinte@worcesterma.gov</u> unless specifically stated otherwise.

- 1) On or before August 4, 2023, the violator/applicant/owner shall have a report prepared by a Professional Wetland Scientist that details the extent of the work conducted; this shall include, at a minimum, the following:
 - a. The quantity and size of any cut trees.
 - b. An evaluation of the herbaceous and shrub layer that identifies whether any of the previously planted plants remain viable.
 - c. Identification of the emergence of any invasive species.

The report shall be submitted to the Conservation Agent by email at FlintE@worcesterma.gov.

2) Prior to August 23, 2023, the violator/applicant/owner shall submit a Notice of Intent to the Commission for the clearing (retroactive) and re-planting of the buffer zone and bank. The planting plan shall be coordinated between the applicant's wetland scientist and the Conservation Agent prior to the submittal of the NOI. The NOI should also include proposed measures for managing invasive species and detail a proposed monitoring plan to ensure successful revegetation of the jurisdictional areas.

Attachment B: Site Inspection Photos (CC-EO-2023-006)

The following photos were taken on 6/27/2023 at approximately 3:30 pm





Attachment B: Site Inspection Photos (CC-EO-2023-006)





265 Lake Avenue (CC-EO-2023-006)

Attachment B: Site Inspection Photos (CC-EO-2023-006)



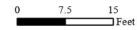


265 Lake Avenue (CC-EO-2023-006)



Restoration Planting Plan

265 Lake Avenue Worcester, MA 01608



1'' = 15'

MBL: 17-030-00002