

July 23, 2024

Worcester Conservation Commission  
455 Main Street, Room 404  
Worcester, MA 01608

Re: Notice of Intent  
0 McAvey Way & 1393 Grafton Street, Worcester MA (Parcel IDs: 41-028-00002 & 41-28-53-55)

Dear Worcester Conservation Commission,

Goddard Consulting, LLC (Goddard) is pleased to submit this after-the-fact Notice of Intent on behalf of the applicant McAvey Realty, LLC for the properties known as 0 McAvey Way & 1393 Grafton Street, Worcester MA (Parcel IDs: 41-028-00002 & 41-28-53-55). This Notice of Intent is for the expansion of a contractor yard into the buffer zone to a bordering vegetated wetland. The applicant seeks an Order of Conditions that would allow the work that has already been conducted to remain. This NOI application is a joint filing under the MA Wetlands Protection Act (WPA) and the City of Worcester Wetlands Protection Ordinance. Enclosed are the supporting documentation for the project for your review and approval.

A list of enclosed documents is as follows:

- Regulatory Compliance Narrative
- NOI Application (WPA Form 3)
- Copy of Checks
- Affidavit of Service, Notification to Abutters Form, Certified Abutters List
- Wetland Border Report, Goddard Consulting, LLC, dated 11/22/2023, inclusive of:
  - DEP Bordering Vegetated Wetland Determination Form
  - Orthophoto of Locus Site, Goddard Consulting LLC, 11/13/2023
  - 2019 Orthophoto of Locus Site, Goddard Consulting LLC, 11/22/2023
  - Orthophoto with NRCS Soil Survey, Goddard Consulting LLC, 11/13/2023
  - Orthophoto with DEP Mapped Wetlands, Goddard Consulting LLC, 11/13/2023
  - Orthophoto with NHESP Mapping, Goddard Consulting LLC, 11/13/2023
  - USGS of Locus Site, Goddard Consulting LLC, 11/13/2023
- Plan Showing Existing Conditions Prepared for McAvey Realty LLC McAvey Way Worcester, Massachusetts*, dated 12/20/2024 [sic], prepared by Jarvis Land Survey, Inc.

If you have any questions, please feel free to contact Chris Frattaroli at (508) 557-8770.

Sincerely,  
Goddard Consulting, LLC



Chris Frattaroli  
Wetland Scientist

CC: MassDEP Central Regional Office, 8 New Bond Street, Worcester, MA 01606  
Richard Patient, McAvey Realty LLC, 50 Lake Avenue, Worcester, MA 01604

## REGULATORY COMPLIANCE NARRATIVE

### 1.0 INTRODUCTION AND BACKGROUND

On 4/26/2023, the Worcester Conservation Commission issued an Enforcement Order (CC-EO-2023-003) for work within the 100-foot buffer zone to a bordering vegetated wetland consisting of vegetation removal and grading. This work was undertaken to expand the usable area of the contractor yard located at 0 McAvey Way (Parcel ID: 48-028-0002). This work also extended onto the neighboring parcel, 1393 Grafton Street (Parcel ID: 48-28-53-55), which is also owned by the Applicant, McAvey Realty LLC.

On 11/21/2023, Goddard conducted a site inspection to evaluate site conditions and perform a wetland delineation. This wetland boundary is delineated in the field with flag series GCA1-GCA14. Vegetation of the wetland consists primarily of eastern cottonwood, buttonbush, common buckthorn, silky dogwood and grapevine. Please see attached Wetland Border Report for delineation details.

### 2.0 EXISTING CONDITIONS

The locus site, 0 McAvey Way, is situated at the end of the McAvey Way cul-de-sac, abutting a CSX Railroad right of way at the rear. The site consists of a contractor laydown and storage yard. This contractor yard extends minimally onto the 1393 Grafton Street parcel, which is also owned by McAvey Realty LLC. A bordering vegetated wetland (BVW) system is present slightly offsite to the southeast. This BVW casts a 100-foot buffer zone onto the locus site.

The site contains a number of vehicles, storage containers, construction materials, and various machinery and equipment. No impervious surfaces are present within the 100-foot buffer zone. A substantial berm, approximately four feet in height, is present at the rear of the contractor yard, serving as a barrier between the yard the BVW system.



Photo 1: View of the 0 McAvey Way parcel facing southeast. BVW is located beyond berm in background of photo.

According to the MassGIS data layers for the Natural Heritage & Endangered Species Program (NHESP), the locus site is not located within Estimated Habitats of Rare Wildlife or Priority Habitat of Rare Species. The site is not located in an Area of Critical Environmental Concern (ACEC) or an Outstanding Resource Waters Area (ORW). The site does not fall within a jurisdictional FEMA Flood Zone. A potential vernal pool is mapped slightly offsite to the east.

### 3.0 PROPOSED PROJECT







As the proposed work has already been completed, the Applicant seeks an Order of Conditions that would allow the completed work to remain in its current state.

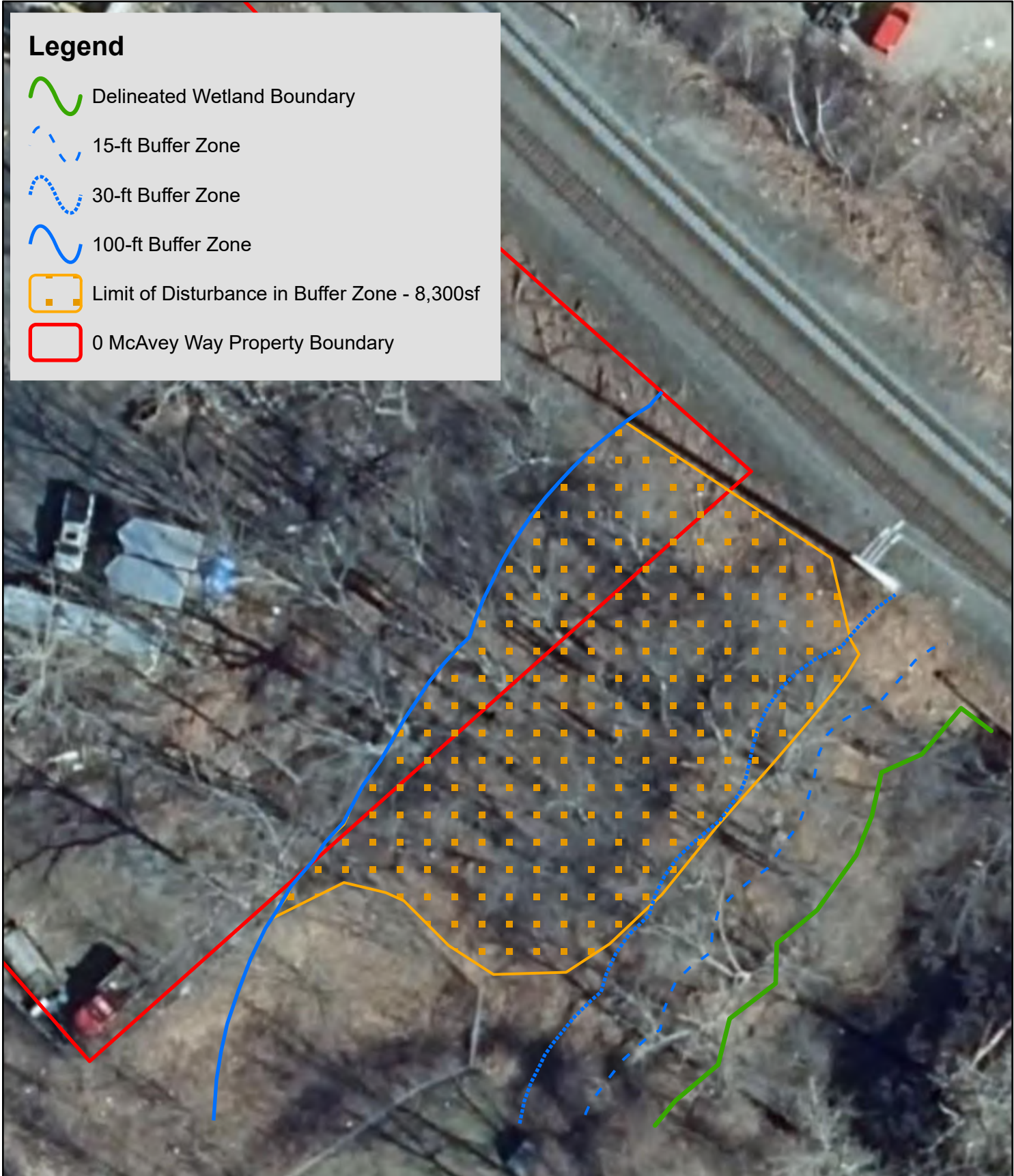
This previously completed work consists of the clearing of a wooded area to expand the contractor yard. The total square footage of disturbance within the 100-foot buffer zone measures approximately 8,300 square feet. No work was conducted within the 15-foot “No Touch” buffer zone. This area was cleared of vegetation and graded flat to create usable space for parking and storage. This grading resulted in the creation of an approximately 4-foot-high berm at the rear of the contractor yard. This berm effectively renders it impossible for any runoff or sediment from the contractor yard to reach the BVW system to the southeast, as well as serving as a physical barrier to future encroachment towards the wetland resource. In addition to the effective erosion control provided by this berm, a silt fence and straw wattle were installed at the limit of disturbance upon the issuance of the Enforcement Order. No impervious surfaces were installed within the buffer zone.

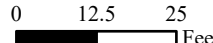



Photo 2: View of berm at rear of contractor yard.

### Legend

-  Delineated Wetland Boundary
-  15-ft Buffer Zone
-  30-ft Buffer Zone
-  100-ft Buffer Zone
-  Limit of Disturbance in Buffer Zone - 8,300sf
-  0 McAvey Way Property Boundary



Date: 6/6/2024	GC Job Number: 348-042	<h2>Resource Area and Impact Summary</h2>	
 <b>GODDARD CONSULTING</b> Strategic Ecological Consulting			0 McAvey Way & 1393 Grafton Street Worcester, MA

## **4.0 REGULATORY COMPLIANCE WITH WETLANDS PROTECTION ACT**

### **4.1 BUFFER ZONE (100-FOOT)**

The WPA Regulations do not contain performance standards for Buffer Zone Alteration (310 CMR 10.02(2)(b)). All reasonable efforts to avoid, minimize and mitigate adverse impacts on the Buffer Zone have been considered. The previously conducted work is unlikely to impair the capacity of the buffer zone to act effectively as a buffer. Erosion and sedimentation controls have been implemented along the limit of disturbance to protect downgradient resource areas. Approximately 30-feet of vegetated buffer is still present between the contractor yard and the wetland resource area at the east.

### **4.2 BORDERING VEGETATED WETLAND**

No impacts to the BVW at the southeast of the site have occurred to this point, nor are any impacts to the BVW planned or expected. The +/- 4-foot-tall berm at the rear of the contractor yard will provide effective, long-term prevention of surface runoff and sedimentation towards the BVW. No sedimentation or erosion towards the BVW has been observed.

## **5.0 REGULATORY COMPLIANCE WITH CITY OF WORCESTER WETLANDS ORDINANCE**

### **5.1 EROSION AND SEDIMENT CONTROL (SECTION 3.2)**

Section 3.2.2 of the City of Worcester Wetlands Protection Regulations presumes that removal of vegetation or disturbance of surfaces will result in the occurrence of erosion. In this case, Goddard believes that the condition of the soils and slopes present on the site overcomes the presumption that sediment will leave the disturbed area. Namely, the approximately 4-foot-tall berm at the rear of the contractor yard constitutes a permanent barrier to sediments leaving the disturbed area. Any sediment carried by stormwater would have to rise over the crest of this berm before it could flow downhill towards the wetland resource area. Additionally, the contractor yard itself is very level, further limiting the potential for erosion. No erosion or sedimentation towards wetland resource areas has been noted to date.

### **5.2 BUFFER ZONE GENERAL PERFORMANCE STANDARDS (SECTION 4.2)**

Section 4.2.4A of the City of Worcester Wetlands Protection Regulations prohibits the installation of any “permanent or temporary foundation, building, road, sidewalk, bridge, sign, billboard or other permanent or temporary structure” within 30 feet of a wetland resource area. The usable area of the contractor yard is approximately 32 feet from the wetland boundary at its closest point. No permanent or temporary structures are currently located, or proposed, within 30 feet of a wetland resource area.

Section 4.2.4B of the City of Worcester Wetlands Protection Regulations prohibits “grading, filling, excavation, removal of vegetation or other construction activity” within 15 feet of a wetland resource area. The limit of disturbance is located approximately 20-30 feet from the wetland boundary. No vegetation removal or grading activities occurred, or is proposed, within 15 feet of a wetland resource area.

## **6.0 CONCLUSION**

In summary, Goddard Consulting believes that the above-described project will not have any adverse impacts on the interests identified in the Wetlands Protection Act or the City of Worcester’s Wetlands Ordinance. The project meets all regulatory compliance standards under the Wetlands Protection Act and the City of Worcester’s Wetlands



Ordinance; therefore, Goddard Consulting respectfully requests that the Worcester Conservation Commission issue an Order of Conditions approving the project and allowing the previously completed work to remain.



**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  
 Worcester  
 \_\_\_\_\_  
 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):

<u>0 Mcavey Way &amp; 1393 Grafton Street</u>	<u>Worcester</u>	<u>01604</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>41-28</u>	<u>42.234891</u>	<u>-71.746018</u>
f. Assessors Map/Plat Number	d. Latitude	e. Longitude
	<u>2 &amp; 53-55</u>	
	g. Parcel /Lot Number	

2. Applicant:

<u>Richard</u>	<u>Patient</u>	
a. First Name	b. Last Name	
<u>McAvey Realty LLC</u>		
c. Organization		
<u>50 Lake Avenue</u>		
d. Street Address		
<u>Worcester</u>	<u>MA</u>	<u>01604</u>
e. City/Town	f. State	g. Zip Code
<u>508.791.7982</u>	<u>507.792.2378</u>	<u>rpatient@patientcpa.com</u>
h. Phone Number	i. Fax Number	j. Email Address

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

Same as applicant

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):

<u>Chris</u>	<u>Frattaroli</u>	
a. First Name	b. Last Name	
<u>Goddard Consulting LLC</u>		
c. Company		
<u>291 Main Street Suite 8</u>		
d. Street Address		
<u>Northborough</u>	<u>MA</u>	<u>01532</u>
e. City/Town	f. State	g. Zip Code
<u>508-557-8770</u>	<u>chris@goddardconsultingllc.com</u>	
h. Phone Number	i. Fax Number	j. Email address

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

<u>\$1050 (+\$1000 bylaw)</u>	<u>\$512.50</u>	<u>\$537.50 (+\$1000 bylaw)</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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Provided by MassDEP:

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MassDEP File Number

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Document Transaction Number

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**A. General Information (continued)**

6. General Project Description:

After-the-fact NOI for site preparation, including grading and clearing, within the 100-foot buffer zone to a Bordering Vegetated Wetland.

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

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

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

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

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(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	b. Certificate # (if registered land)
37311	22
c. Book	d. Page Number

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

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

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





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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.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
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	2. square feet
	3. cubic yards dredged	

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	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) - <b>specify coastal or inland</b>	

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.
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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.

Table with 3 columns: Resource Area, Size of Proposed Alteration, Proposed Replacement (if any). Rows include Designated Port Areas, Land Under the Ocean, Barrier Beach, Coastal Beaches, Coastal Dunes.

Table with 3 columns: Resource Area, Size of Proposed Alteration, Proposed Replacement (if any). Rows include Coastal Banks, Rocky Intertidal Shores, Salt Marshes, Land Under Salt Ponds, Land Containing Shellfish, Fish Runs, Land Subject to Coastal Storm Flowage.

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

- 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**

August 2021  
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\*

- 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

- 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/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 - Bourne to Rhode Island border, and the Cape & Islands:

North Shore - Plymouth to New Hampshire border:

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)

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

**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

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- 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.



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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.

Plan Showing Existing Conditions

a. Plan Title

Jarvis Land Survey

Kevin Jarvis

b. Prepared By

c. Signed and Stamped by

December 20, 2024 [sic]

1" = 50'

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

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

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

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

8.  Attach NOI Wetland Fee Transmittal Form

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:

2121

7/10/24

2. Municipal Check Number

3. Check date

2120

7/10/24

4. State Check Number

5. Check date

Five Point Five Realty Trust

Richard J Patient Trustee

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.

	7/10/24
1. Signature of Applicant (Richard Patient, McAvey Realty)	2. Date
Same as applicant	
	7/15/24
3. Signature of Property Owner (if different)	4. Date
Same as applicant	
5. Signature of Representative (Chris Frattaroli, 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:**

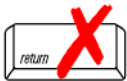
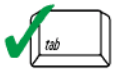
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

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 Information**

1. Location of Project:

0 McAvey Way & 1393 Grafton St	Worcester
a. Street Address	b. City/Town
2120	\$512.50
c. Check number	d. Fee amount

2. Applicant Mailing Address:

Richard	Patient	
a. First Name	b. Last Name	
McAvey Realty	c. Organization	
50 Lake Avenue	d. Mailing Address	
Worcester	MA	01604
e. City/Town	f. State	g. Zip Code
508.791.7982	507.792.2378	rpatient@patientcpa.com
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

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

**B. Fees**

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

**Step 1/Type of Activity:** Describe each type of activity that will occur in wetland resource area and buffer zone.

**Step 2/Number of Activities:** Identify the number of each type of activity.

**Step 3/Individual Activity Fee:** Identify each activity fee from the six project categories listed in the instructions.

**Step 4/Subtotal Activity Fee:** Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

**Step 5/Total Project Fee:** Determine the total project fee by adding the subtotal amounts from Step 4.

**Step 6/Fee Payments:** To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

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





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**B. Fees** (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
WPA Category 3a	1	\$1050	\$1050
Bylaw Category 3	1	\$500 * 2	\$1000

**Step 5/Total Project Fee:** \$1050 (+\$1000 bylaw)

**Step 6/Fee Payments:**

Total Project Fee:	<u>\$1050 (+\$1000 bylaw)</u> a. Total Fee from Step 5
State share of filing Fee:	<u>\$512.50</u> b. 1/2 Total Fee <b>less</b> \$12.50
City/Town share of filing Fee:	<u>\$537.50 (+\$1000 bylaw)</u>

**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.)