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By Mattie VandenBoom at 2:16 pm, Oct 02, 2024



The City of
Worcester

Conservation Commission

c/o Division of Planning & Regulatory Services
455 Main Street, Room 404, Worcester, MA 01608
P | 508-799-1400 x 31440 F | 508-799-1406
planning@worcesterma.gov

**Submission Requirements for Notices of Intent:
Local Ordinance Only**

1) Submit one digital copy of the following:

- A. **Application Form** (available as a fillable PDF form here: <http://www.worcesterma.gov/planning-regulatory/boards/conservation-commission>).
- An application with signatures** by all petitioners and all owners (i.e. all owners on the deed must sign). *Note:* If property is owned by a corporate entity, a party authorized to execute documents as listed on the Secretary of State's corporate listing must sign the application (or provide the minutes of a Board meeting, authorizing an alternate party to sign).
- B. **Certified abutters' list and map** (obtained from City Hall, Room 209; see "Guidance - Abutter Notification Requirements" here: <http://www.worcesterma.gov/planning-regulatory/boards/conservation-commission>).
- C. **A copy of the notice** mailed (or to be mailed) to the abutters; see "Guidance - Abutter Notification Requirements" here: <http://www.worcesterma.gov/planning-regulatory/boards/conservation-commission>. *Note:* Proof of abutter notification, such as a certificate of mailing or certified mail receipts, must be provided prior to the hearing.
- D. **A NOI Fee Transmittal form** (available as a fillable PDF form here: <http://www.worcesterma.gov/planning-regulatory/boards/conservation-commission>).
- E. **Plan of Land.** Please see the next page regarding specific information required to be provided thereon, any items excluded from the plan require the grant of a waiver from the Commission. Please provide:
- A to-scale, electronically signed & stamped plan in PDF format (one full size hard copy shall be provided if an electronically signed & stamped plan cannot be provided)
- F. **Hydrology & Stormwater Management Report.** If the project is subject to the provisions of the MassDEP Stormwater Management Standards (310 CMR 10.05(6)(k)-(q)), please provide:
- A Stormwater Report in PDF format, electronically signed & stamped by a Professional Engineer (one hard copy shall be provided if an electronically signed & stamped report cannot be provided).
 - ➔ **Precipitation totals used in Stormwater Report calculations shall be based on the upper bound of the 90% confidence interval of the NOAA Atlas 14 point precipitation frequency estimates.**
- G. **Fee(s):**
- Provide the appropriate fee(s) according to the most updated **local** Fee Schedules, as applicable (<http://www.worcesterma.gov/planning-regulatory/boards/conservation-commission>).
- Please make checks payable to the City of Worcester.

2) How to Submit:

- A. **Digital Copy:** All applications, plans, and materials must be submitted in PDF format to planning@worcesterma.gov by the Application Filing Deadline date (available here: <http://www.worcesterma.gov/planning-regulatory/boards/conservation-commission>).
- B. **Hardcopies:** If the plan and/or stormwater report (if applicable) cannot be electronically signed & stamped, one full size hard copy must be mailed to the City of Worcester Division of Planning & Regulatory Services, City Hall, 455 Main Street, Room 404, Worcester, MA 01608 or dropped off between 8:30 a.m. - 2 p.m. Monday - Friday.

Plan Requirements: Engineering Information to be provided with the NOI Application

(Source: Worcester Wetlands Protection Regulations, approved by the Worcester Conservation Commission on July 2, 1990, as amended.)

- 5.1 General - Plans shall describe the proposed activity and its effect on the environment. All plans, drawings, sketches, and calculations shall be dated and signed by the person responsible for their preparation. Plans and drawings involving the practice of surveying or engineering shall be stamped and signed by a professional surveyor or engineer if required by the Commission. Plans shall be consistent with those submitted to other City boards and departments.
- 5.3 Plan Requirements for a Notice of Intent - Unless otherwise authorized by the Commission, plans submitted for a Notice of Intent shall include the following information at a minimum:
- a) A project locus map copied from a U.S. Geological Survey quadrangle sheet or City of Worcester map showing the location of the proposed project.
 - b) Names and locations of adjacent roadways.
 - c) Property lines including distances.
 - d) On all drawings the title designating the project location, the name of the person preparing the drawings, the date prepared and any revision dates.
 - e) Delineation of all known wetland resource areas and the Buffer Zone for Bordering Vegetated Wetland **(Conservation Commission's clarification - showing 15', 30', 50' and 100' buffers for jurisdictional wetlands, 25' Riverfront area, &/or a 100' buffer for a storm drains/catch basins, etc.)**.
 - f) Location of all present and proposed structures and paved areas.
 - g) Existing and proposed contours of the entire site and affected adjacent areas. Generally, two (2) foot contours should be shown. Contours should refer to the National Geodetic Vertical Datum of 1927 and any amendments thereof. **(Conservation Commission's clarification - NAVD 88 should be used)**
 - h) Location of existing and proposed stormwater management facilities and associated engineering data.
 - i) Location of proposed wetland areas to be filled and associated replication areas. Cross sections showing slopes, bank and bottom treatment of each wetland resource to be altered. Locations of cross sections must be specified.
 - j) Locations and elevations of cellars or floors and subsurface sewage disposal systems, including leaching facilities and reserve leaching areas.
 - k) Soil characteristics of the site.
 - l) Erosion and sediment control plans.
 - m) Layout and site plans shall be drawn at commonly acceptable scales, preferably one (1) inch = forty (40) feet with detail and profile drawings drawn to appropriate scales.
 - n) For plans involving construction of areas in excess of one acre, methods for stabilizing cleared areas of the site during extended shutdown due to weather, economic conditions or any other cause should be provided.
 - o) The sequence of construction for proposed erosion and sediment controls, clearing and grubbing, excavation, installation of improvements, grading, and stabilization.
 - p) For projects requiring hydraulic/hydrologic calculations, plans showing subcatchment areas, cover, soil types, drainage paths and design points with labeling which corresponds to the calculations should be provided. Analysis of the 1 (or 2), 10, 25, and 100 year frequency storms for pre-development and post-development conditions should be provided as appropriate, including a concise summary of peak rates of flow at design points and flood elevations and duration. Massachusetts Stormwater Standards, or standards otherwise required by the ordinance or regulations, shall be met using design storms based on NOAA Atlas 14, Cornell's Northeast Regional Climate Center data, or if newer data is available, most conservative data based on highest precipitation amounts. **(Conservation Commission's clarification - precipitation totals used in Stormwater Report calculations shall be based on the upper bound of the 90% confidence interval of the NOAA Atlas 14 point precipitation frequency estimates.)**
- 5.4 Other Information - The requirements stated above are not definitive or exclusive. Some may be omitted in a particular case and an applicant may be required to submit additional information deemed necessary to determine compliance with the Ordinance. Applicants and their consultants are encouraged to contact Conservation Commission staff to ascertain information requirements for specific projects.

Abutter Notification Guidance

The following Conservation Commission filing types require abutter notification to be completed by the applicant:

- Notice of Intent – under Wetlands Protection Act and/or Wetlands Protection Ordinance
- Abbreviated Notice of Intent
- Abbreviated Notice of Resource Area Delineation
- Request to Amend an Order of Conditions

Notification Process:

1. **Obtain a Certified List of Abutters** from the City of Worcester Assessing Department (City Hall, 455 Main Street, Second Floor, Room 209). Submit a copy of this list to the Office of the Commission at the time of filing. *Note: An abutters list is current if it is less than three (3) months old at the time notice is provided.*
2. **Prepare a written notification.** *Note: A copy of the notice must be submitted to the Office of the Conservation Commission prior to or at the first hearing.* It is recommended that the following information is included in the notice to abutters:
 - 1) The applicant's name;
 - 2) The project's address;
 - 3) Type of the City of Worcester Conservation Commission filing (NOI, ANRAD, etc.) and the reason for Commission's review;
 - 4) Description of the proposal;
 - 5) 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);
 - 6) Please add the following statements:
 - *This application may be viewed 8:30am-2:00pm at the Division of Planning & Regulatory Services, City Hall, 455 Main Street, Room 404, Worcester, MA. Contact phone number - 508-799-1400 x31440.*
 - *Notice of the public hearing, including its date, time and place, will be published at least 7 calendar days prior to the hearing in the Worcester Telegram & Gazette.*
 - *Agenda for the public hearing, including its date, time, and place, will be posted on the City website (<http://www.worcesterma.gov/city-clerk/agendas-minutes/boards-commissions>) not less than 48 hours prior to the hearing.*
3. Provide **notification to abutters.** Notification shall be provided by the applicant, concurrent with the filing of an application with the Office of the Commission, but **must be postmarked a minimum of seven (7) business days (excluding legal holidays) prior to the public hearing**, via one of the following methods:
 - A. **Hand Delivery.** The applicant shall provide a notarized affidavit, certifying the dates on which deliveries were conducted and that notification was completed in compliance with the current certified abutters list.
 - B. **Certified Mail**, return receipt requested. The original Certified Mail receipts and return receipts must be submitted to the Office of the Conservation Commission prior to or at the first hearing.
 - C. **Certificate of Mailing.** The original certificate of mailing(s) must be submitted to the Office of the Conservation Commission prior to or at the first hearing.

Legal Advertising: Please note that the Office of the Conservation Commission will submit a legal ad for the project to the Worcester Telegram & Gazette which will be published 5 business days prior to the hearing.

Source of the Notification Requirements:

1) City of Worcester Wetlands Protection Ordinance – Section 5(a)

“Section 5: Notice and Hearings

(a) Any person filing a Notice of Intent or a Request for Determination of Applicability with the Commission at the same time shall provide notice thereof in accordance with the Wetlands Protection Act, G. L. Ch. 131, Sec. 40.”

2) 310 CMR 10.05 (4) (Code of Massachusetts Regulations) as last amended.

Per October, 2014 revision:

“...Concurrent with the filing of the Notice of Intent, the applicant shall provide notification to all Abutters. Notwithstanding the foregoing, the requirement to provide Abutter notification is subject to the following limits. An applicant is required to provide notification to an Abutter whose Lot is separated from the Project Locus by a public or private street or body of water only if the Abutter's Lot is within 100 feet from the property line of the Project Locus.

An applicant who proposes work solely within Land under Water Bodies or Waterways, or solely within a Lot with an area greater than 50 acres, is required to provide notification only to Abutters whose Lot is within one hundred feet from the Project Site. An applicant proposing a Linear-shaped Project greater than 1,000 feet in length is required to provide notification only to Abutters whose Lot is within 1,000 feet from the Project Site.

Abutter notification is not required for projects proposed by the Massachusetts Department of Transportation Highway Division pursuant to St. 1993, c. 472 as approved on January 13, 1994.

The applicant shall provide notification at the mailing addresses shown on the most recent applicable tax list from the municipal assessor. Notification shall be at the applicant's expense. The notification shall state where within the municipality copies of the Notice of Intent may be examined or obtained and where information on the date, time, and location of the public hearing may be obtained.

To ensure compatibility with local procedures, applicants must comply with any rules of the local conservation commission pertaining to the location for examining or obtaining the Notice of Intent and information about the hearing.

The applicant shall provide written notification to all Abutters required to be notified by hand delivery or certified mail, return receipt requested, or by certificates of mailing. Mailing at least seven days prior to the public hearing shall constitute timely notice. The applicant shall present either the certified mail receipts or certificate of mailing receipts for all Abutters at the beginning of the public hearing. The presentation of the receipts for all abutters required to be notified as identified on the tax list shall constitute compliance with Abutter notification requirements.

The conservation commission shall determine whether the applicant has complied with Abutter notification requirements. The Department will dismiss Requests for Action based on allegations of failure to comply with Abutter notification requirements, absent a clear showing by an Abutter seeking Department action that the applicant failed to notify the Abutter. An applicant submitting a Notice of Intent for a project that is also subject to 310 CMR 9.00: Waterways and/or 314 CMR 9.00: 401 Water Quality Certification for Discharge of Dredged or Fill Material, Dredging, and Dredged Material Disposal in Waters of the United States Within the Commonwealth may provide joint public notice by appending to the public notice required by 310 CMR 9.13: Public Notice and Participation Requirements and/or 314 CMR 9.05: Submission of an Application, as applicable, notification that a Notice of Intent is pending before the issuing authority, provided the notification complies with 310 CMR 10.05(4). An applicant may provide a joint public notice, even if the Notice of Intent is not a Combined Application...”

Notice of Intent Application Form

City of Worcester Wetlands Protection Ordinance

To be filled out if the only trigger for review is 1) proximity (100-ft or less) to any existing or proposed inlet to any storm drain, catch basin, or other storm drain system component discharging to any lake, pond, river, stream, or wetland (see City of Worcester Wetlands Protection Ordinance) &/or 2) Isolated Land Subject to Flooding trigger (when stricter than the Wetlands Protection Act trigger). If other triggers are applicable – please fill out WPA NOI Form instead and indicate that it is filed both under the Wetlands Protection Act **and** the Ordinance.

A. General Information

1. Project Location:

315-317 Southwest Cutoff
 a. Street Address
 Worcester
 b. City/Town
 01604
 c. Zip Code
 Map 45
 f. Assessors Map/Plat Number
 Block 34, Lot 13
 g. Parcel /Lot Number

2. Is any portion of the proposed project jurisdictional under the Massachusetts Wetland Protection Act M.G.L. c. 131, §40?

Yes No

If yes, please file the Wetlands Protection Act Form 3 - Notice of Intent instead of this form

3. Applicant:

Ron
 a. First Name
 Arigo
 b. Last Name
 AAA Northeast, DE Corp.
 c. Company
 110 Royal Little Drive
 d. Mailing Address
 Providence
 e. City/Town
 401-868-2000
 h. Phone Number
 RI
 f. State
 02904
 g. Zip Code
 rarigo@aanortheast.com
 j. Email address
 i. Fax Number

Check if more than one owner

4. Property owner (if different from applicant):

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

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

5. Representative (if any):

Bohler Engineering MA, LLC

a. Firm
 Connor
 b. Contact Person First Name
 Bailey
 c. Contact Person Last Name
 352 Turnpike Road
 d. Mailing Address
 Southborough
 e. City/Town
 508-480-9900
 h. Phone Number
 MA
 f. State
 01772
 g. Zip Code
 cbailey@bohlereng.com
 j. Email address
 i. Fax Number

Notice of Intent Application Form

City of Worcester Wetlands Protection Ordinance

*To be filled out if the only trigger for review is 1) proximity (100-ft or less) to any existing or proposed inlet to any storm drain, catch basin, or other storm drain system component discharging to any lake, pond, river, stream, or wetland (see City of Worcester Wetlands Protection Ordinance) &/or 2) Isolated Land Subject to Flooding trigger (when stricter than the Wetlands Protection Act trigger). If other triggers are applicable – please fill out WPA NOI Form instead and indicate that it is filed both under the Wetlands Protection Act **and** the Ordinance.*

6. Is any portion of the proposed project jurisdictional under the Massachusetts Wetland Protection Act M.G.L. c. 131, §40?

Yes No

If yes, please file the Wetlands Protection Act Form 3 - Notice of Intent instead of this form

7. Which provision of the City of Worcester Wetland Protection Ordinance is this project being filed under?

The proposed project is located within 100 feet of any existing or proposed storm drain, catch basin or storm drain component.

The proposed project includes impacts to Isolated Lands Subject to Flooding (an isolated depression or closed basin without an inlet or an outlet which at least once a year confines standing water to a volume of at least 1/8 acre-foot)

8. Describe current site conditions:

Existing 1 story building and associated parking area.

9. General Project Description:

The existing building will be converted to a AAA facility and the parking area will be repaved. A, underground stormwater management system is also proposed to attenuate stormwater runoff.

10. List distance/s to, number and type of storm drain system components within 100-ft of the project:
3 existing catch basins off site, 2 existing catch basins on site, 6 existing drainage manholes off site, as close as 5 feet to proposed limit of work.

11. Does this application meet the requirements of the Massachusetts Stormwater Policy?

Yes (If yes, please attach a Stormwater Management Form) No See attached Drainage Report

Not Applicable. Explain why: _____

12. Property recorded at the Registry of Deeds for:

Worcester

a. County

161

c. Page Number

70381

b. Book

d. Certificate # (if registered land)

13. Total Fee Paid (from the City of Worcester Statement of Fee Calculation Form to be completed and included with this application)

\$525.00

a. Total Fee Paid

B. 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 Protection Ordinance.



Signature of Applicant

10/2/2024

Date

Signature of Property Owner (if different)



Date

10/02/2024

Signature of Representative (if any)

Date

Statement of Fee Calculation
 City of Worcester Wetlands Protection Ordinance & Regulations

Project: Proposed AAA facility and associated site improvements.

Date: 10/01/2024

7.2.3 Fees

| Step 1/Type of Activity | Step 2/Number Of Activities | Step 3/Individual Fee | Step 4/Subtotal Activity Fee |
|--|-----------------------------|-----------------------|------------------------------|
| Category 2: Parking Lot | One (1) | \$200.00 | \$200.00 |
| Category 2: Each Storm Drain Discharge | One (1) | \$200.00 | \$200.00 |
| Category 6: Advertising Fee | One (1) | \$25.00 | \$25.00 |
| Category 7: Certificate of Compliance | One (1) | \$100.00 | \$100.00 |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

Step5/Total Project Fee: \$525.00

Payments:

Make Checks Payable to the City of Worcester.