



SPENCER MASSACHUSETTS

APPLICATION PROCESS SIGNATURE FORM

There are three different application that can be submitted to undertake work in a jurisdictional area: a Notice of Intent (NOI), a Request for a Determination of Applicability (RDA) and an Administrative Approval. All three application have different criterial for submission and approval and the NOI & RDA are governed by both state law and the local by-law, whereas the administrative approval is governed by the local by-law only.

When potential applicant requests advise from the Conservation Agent on which application to file, the opinion of the Agent is based on information given by the potential applicant and any other information available to the Agents, e.g. the town's GIS system. The Agent has no legal right to go onto private property at any time until after and application is filed, or permission of the property owner is given.

It is important that all applicants understand that after an applicant is filed, additional information may come to light e.g. via a field inspection or application review, that may impact the scope of the submitted application and the approval process. In addition, the Agent is not the final approval authority on RDA's and NOI's, that authority rests with the Commission. Therefore, it is the applicant who has the ultimate responsibility to decide which application to file.

Considering the above, please sign below indicating an understanding of the policy and submit it with the application.

Susan Baucher

Signature of Applicant

March 11, 2024

Date



SPENCER MASSACHUSETTS

SITE VISIT ACCESS

"The conservation commission, its members and agents, and the Department employees may enter upon privately owned land for the purpose of performing their duties under M.G.L. c. 131, § 40, and 310 CMR 10.00." 310 CMR 10.08(1).

Prior to the approval of the project at 27 Jolicoeur Avenue (street address), the Spencer Conservation Commission aims to schedule an in-person site visit and complete an inspection report. The Commission will contact the applicant or representative to schedule the initial visit and may request the presence of the applicant(s) or a representative.

Throughout the duration of the project, the Spencer Conservation Commission may conduct additional inspections to: ensure that the project is being executed within the parameters of the Order of Conditions (if applicable), inspect erosion control, inspect the site for disturbances caused by extreme weather conditions, or if there is a suspicion of a violation of the Wetlands Protection Act, 310 CMR.

A copy of any and all inspection reports completed by the agent, or its members can be requested, if one is not provided, for no cost.

☒ I grant the Spencer Conservation Commission permission to enter the property for the purpose of performing their duties if I (the applicant) am not present or unavailable, until a Certificate of Compliance has been issued.

☐ I DO NOT grant the Spencer Conservation Commission permission to enter the property for the purpose of performing their duties if I (the applicant) am not present or unavailable.

Please note that if the Commission is unable to fulfill their responsibilities and inspect the property to the best of their ability, the application may be denied and/or a Certificate of Compliance may not be issued upon completion.

Susan Boucher

Applicant/Representative Name

Susan Boucher

Applicant/Representative Signature

March 11, 2024

Date



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Spencer

City/Town

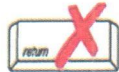
WPA Form 1- Request for Determination of Applicability

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

A. General Information

Important:

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



1. Applicant:

Susan Boucher

sueboucher214@gmail.com

Name

E-Mail Address

27 Jolicoeur Avenue

Mailing Address

Spencer

MA

01562

City/Town

State

Zip Code

413-478-4555

Phone Number

Fax Number (if applicable)

2. Representative (if any):

Firm

Contact Name

E-Mail Address

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

B. Determinations

1. I request the Spencer make the following determination(s). Check any that apply:
Conservation Commission

- ☐ a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- ☐ b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- ☒ c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- ☐ d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

Name of Municipality

- ☐ e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).

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C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

27 Jolicoeur Avenue

Street Address

Spencer

City/Town

14

Assessors Map/Plat Number

U26-27

Parcel/Lot Number

- b. Area Description (use additional paper, if necessary):

See Attached

- c. Plan and/or Map Reference(s):

Title

Date _____

Title

Date _____

Title

Date _____

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

See Attached



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C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

See Attached

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- ☐ Single family house on a lot recorded on or before 8/1/96
- ☐ Single family house on a lot recorded after 8/1/96
- ☐ Expansion of an existing structure on a lot recorded after 8/1/96
- ☐ Project, other than a single-family house or public project, where the applicant owned the lot before 8/7/96
- ☐ New agriculture or aquaculture project
- ☐ Public project where funds were appropriated prior to 8/7/96
- ☐ Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- ☐ Residential subdivision; institutional, industrial, or commercial project
- ☐ Municipal project
- ☐ District, county, state, or federal government project
- ☐ Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



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D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Susan Boucher

Name

27 Jolicoeur Avenue

Mailing Address

Spencer

City/Town

MA

State

01562

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Susan Boucher

Signature of Applicant

March 11, 2024

Date

Signature of Representative (if any)

Date

C. Project Description

1. b

Area description:

The oak tree is located approximately 10 feet from the shoreline of Cranberry Meadow Pond, and is centered between the neighboring property lines. The tree is approximately 50 feet from the applicant's house and 45 feet from the house after the applicant's. The tree is estimated to be at least 60 feet tall and leaning towards the house after the applicant's.

2. a

Project description:

The applicant's house and their neighbor's house are at risk of damage if this rotting, large oak tree were to fall during any time. McNeely Tree Services would come to cut the tree down. They plan to climb the tree in order to cut it and remove the pieces by hand, walking the cut pieces up the yard and driveway to their vehicles. There will be no use of cranes or mechanical equipment to reach the tree due to the applicant's septic system located between their house and the tree. The tree has a large hole/opening on the north side of the trunk, at the base. The opening is 7 inches across, and 22 inches tall, and one is able to reach inside the opening and up approximately 10 inches, with visible rotting inside. The opening is on the opposite side of the direction the tree is leaning, which is southwest. The circumference of the base of the tree is estimated to be 3 feet or larger.

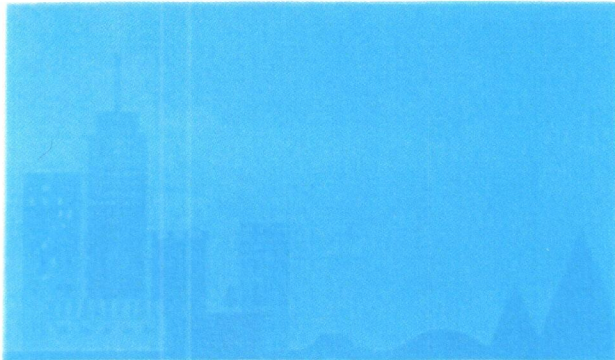
2. b

This project is anticipated to be exempt from filing a full Notice of Intent as the applicant's house and their neighbor's house are at severe risk if the tree were to come down naturally. Both homes would be severely damaged by large branches as well as the trunk.

Google Maps 27 Jolicoeur Ave



Imagery ©2023 MassGIS, Commonwealth of Massachusetts EOE, Maxar Technologies, Map data ©2023 20 ft



27 Jolicoeur Ave

Building



 27 Jolicoeur Ave, Spencer, MA 01562