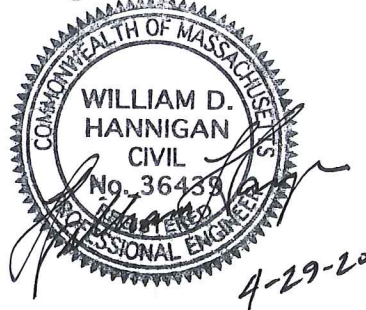


**Request for Determination of  
Applicability  
Haul Road Restoration**

*0 Old Union Turnpike  
in  
Lancaster, Massachusetts*

*April 29, 2020*



***Prepared for: SATYRS REALTY TRUST***

*George P. Kiritsy, Trustee  
294 West Boylston Street  
West Boylston, Massachusetts 01583  
(508) 886-2800*

***Prepared by: Hannigan Engineering, Inc.***

*8 Monument Square  
Leominster, Massachusetts 01453  
(978) 534-1234*

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COVER SHEET

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- Lancaster Wetland Bylaw Fee Form
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- USGS Quadrangle Map

## **1.0 NARRATIVE**

### **1.1 Introduction**

On behalf of the applicant, SATYRS Realty Trust, George P. Kiritsy, Trustee, Hannigan Engineering, Inc. has prepared this Request for Determination of Applicability (RDA) relative to the restoration of buffer zone area off Old Union Turnpike as part of a recent Enforcement Order dated April 14, 2020 (EO) issued to the abutting property owner. This is being filed for review by the Lancaster Conservation Commission relative to the Massachusetts Wetlands Protection Act (WPA) and the Local Wetland Bylaw as they may apply.

Currently, there are two solar energy arrays being constructed to the west and to the east of the subject property. The property where the haul road is located is not the under same ownership as either of the two solar projects. As such, this filing is made by the landowner to resolve the encroachment into the buffer zone described in the EO. The subject property is shown on the updated Assessor Map on the Town Website as Map 3, Parcel 11. This property derives title from deeds recorded at the District Registry of Deeds (Bk. 60600, Pg. 354; Bk. 60922, Pg. 335; and Bk. 60923, Pg. 68).

Within the EO, it is acknowledged that the filing of a Notice of Intent is requested. However, due to the current Executive Order issued by the Governor, the ability to get beyond a typical Notice of Intent appeal period in a timely manner is questionable. This office has received information relative to permits subject to an appeal period, such as a Notice of Intent, that the appeal period is stayed until the Governor lifts the Executive Order. Thus, to enable the restoration of this area as quickly as possible, this office has deferred to filing an RDA.

The area of disturbance runs between the two solar projects currently under construction at 0 Old Union Turnpike (Map 3, Parcel 4) and 238 Old Union Turnpike (Map, Parcel 11C). The contractor for the project, ProTech Energy, Inc. created this haul road for the purpose of moving fill material from the western site to the eastern site. Although sufficient erosion control was installed along the haul road, the disturbance of this area constitutes a violation of the Act and its regulations, along with the local bylaw.

Since the EO was issued, the use of this haul road has ceased. This office has prepared a Restoration Plan (attached) and is incorporating a Restoration Sequence (attached) as prepared by Caron Environmental Consultants (CEC) as part of this submittal. The intent is to regrade the area back to its original grades, removing tire ruts that were created as part of the haul road use. Upon completion of the grading the area would be loamed and seeded as outline in the Restoration Sequence provided by CEC.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

Lancaster  
City/Town

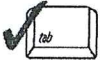
**WPA Form 1- Request for Determination of Applicability**

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:

SATYRS REALTY TRUST - George P. Kiritsy, Trustee

georgekiritsy@gmail.com

Name

E-Mail Address

294 West Boylston Street

Mailing Address

West Boylston

MA

01583

City/Town

State

Zip Code

(508) 886-2800

Phone Number

Fax Number (if applicable)

2. Representative (if any):

Hannigan Engineering, Inc.

Firm

William D. Hannigan

wdhannigan@hanniganengineering.com

Contact Name

8 Monument Square

Mailing Address

Leominster

MA

01453

City/Town

State

Zip Code

978-534-1234

Phone Number

978-534-6060

Fax Number (if applicable)

**B. Determinations**

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

- ☐ 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:

Lancaster

Name of Municipality

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



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

Lancaster  
City/Town

**WPA Form 1- Request for Determination of Applicability**

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

**C. Project Description**

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

0 Old Union Turnpike

Street Address

Lancaster

City/Town

3

Assessors Map/Plat Number

11

Parcel/Lot Number

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

The project area is between two solar energy projects currently under construction.

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

Site Restoration Plan

Title

April 29, 2020

Date

Title

Date

Title

Date

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

The work proposed involves the restoration of an existing field area which was disturbed while being used as a haul road for the solar energy project to the west of the subject parcel of land. (See Attached Narrative and Restoration Sequence)



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Bureau of Resource Protection - Wetlands

Lancaster  
City/Town

**WPA Form 1 - Request for Determination of Applicability**

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

**C. Project Description (cont.)**

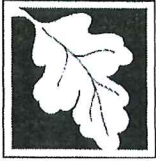
b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

Work proposed is relative to restoration of a disturbed area per an Enforcement Order issued to the developer of the solar energy project on April 14, 2020. (See Narrative)

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.)



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

Lancaster  
City/Town

**WPA Form 1- Request for Determination of Applicability**

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

**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:

SATYRS REALTY TRUST - George P. Kiritsy, Trustee

Name

294 West Boylston Street

Mailing Address

West Boylston

City/Town

MA

State

01583

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.

Signature of Applicant

Date

Signature of Representative (if any)

Date

**APPENDIX A**  
**LOCAL WETLAND BYLAW FEE**



# SATYRS REALTY TRUST

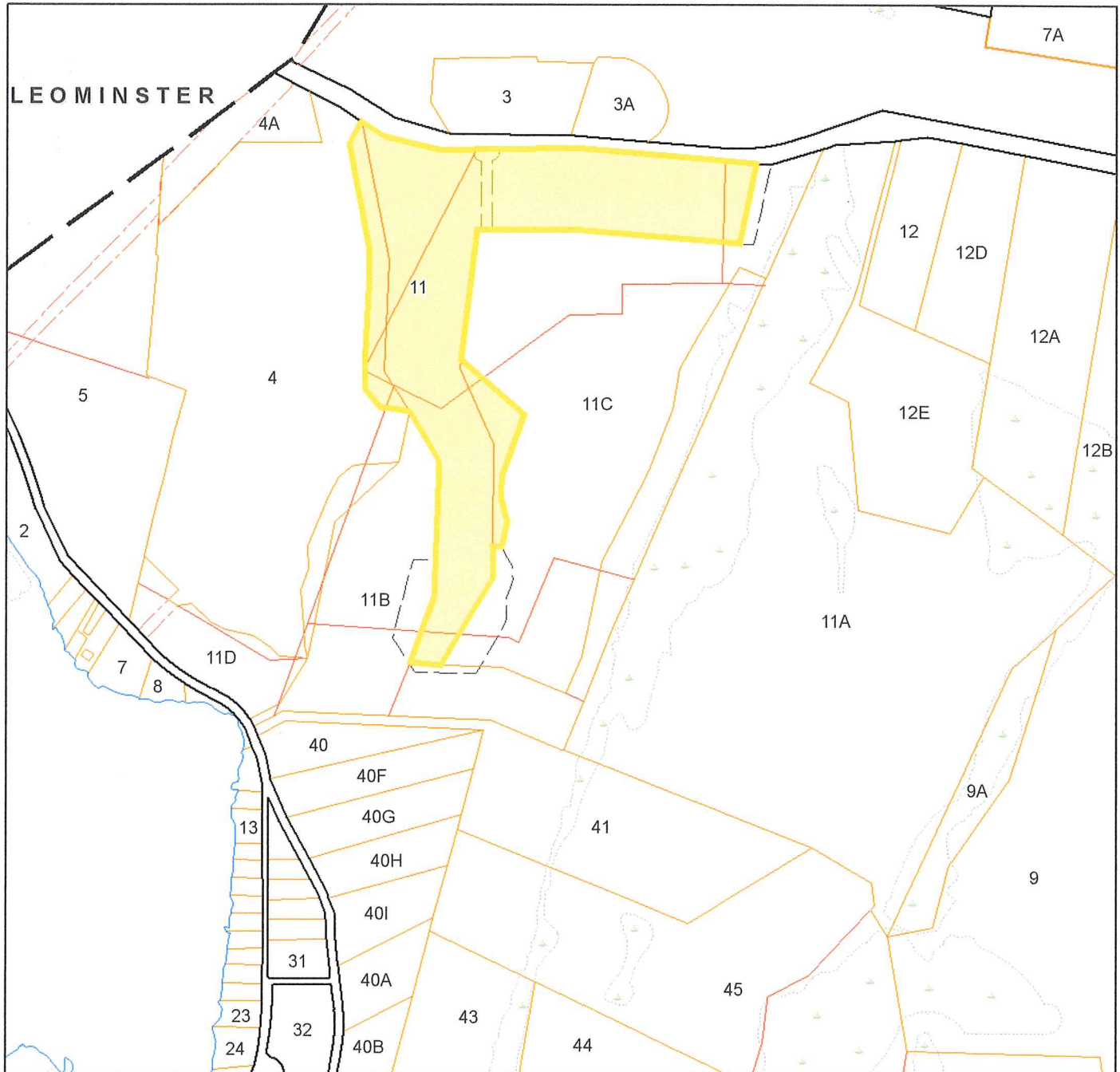
Lancaster, MA



1 inch = 555 Feet



April 30, 2020



Large Scale	Property Line	Tract Line
CAI Town Line	Public Road	RoadNotPar
Common Line	Right of Way	Wetland
PWater	Utility	Wet Areas

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

# Filing Fees

[Printer-Friendly Version](#)

## Lancaster Wetlands Protection Bylaw Filing Fees

Mail Lancaster Filing Fees, along with a copy of this form, the DEP form and copy of DEP check plus Local portion of DEP fees (see opposite side) to:

**Lancaster Office of Community Development and Planning**  
695 Main Street, Suite 4, Lancaster, MA 01523

### Notice of Intent:

*Applicant should file unless a property preexisted to this bylaw (All applicants will still be required to file with State DEP)*

#### Category 1 \$150: \_\_\_\_\_

- a) work on single family lot of the scope of an addition, pool, etc.,
- b) site work without a house in BVW or buffer
- c) control vegetation of bordering vegetative wetland, including removal of trees
- d) resource improvement including bank improvement on riverfront or improvements to BVW buffers
- e) work on septic system separate from house
- f) monitoring well activities minus roadway

#### Category 2 \$300.00 \_\_\_\_\_

- a) construction of single family house
- b) parking lot
- c) beach nourishment
- d) electric generating facility activities
- e) inland limited projects minus road crossings and agriculture
- f) each crossing for driveway to single family house
- g) each project source (storm drain) discharge
- h) control vegetation in development
- i) water level variations
- j) any other activity not in Category 1, 3, 4, 5 or 6
- k) water supply exploration

#### Category 3 \$700.00 \_\_\_\_\_

- a) site preparation (for development) beyond Notice of Intent scope
- b) each building (for development) including site
- c) road construction not crossing or driveway
- d) hazardous cleanup
- e) water supply development

#### Category 4 \$1500.00 \_\_\_\_\_

- a) each crossing for development or commercial road
- b) dam, sluiceway, tidegate (safety) work
- c) landfills operation/closures
- d) sand and gravel operations
- e) railroad line construction
- f) bridge
- g) hazardous waste alterations to resource areas
- h) dredging
- i) package treatment plant and discharge
- j) airport tree clearing
- k) oil and/or hazardous material release response actions

Category 5 \$1050.00 \_\_\_\_\_  
a) work on docks, piers, revetments, dikes, etc. (inland)

**Request for Determination of Applicability:**

RDA for Single Family Homeowner \$100.00 \_\_\_\_\_  
RDA for developer or other \$50.00/per acre X \_\_\_\_\_

Total Disturbed Area=11,640 sf

**Abbreviated Notice of Resource Area Delineation:**

The ANRAD fee is calculated as follows:

Single family house project X number of feet of BVW X \$3.00 = Total fee not to exceed \$300.

All other projects X number of feet of BVW X \$3.00 = Total fee not to exceed \$3,000 \_\_\_\_\_

**Request for Certificate of Compliance:**

Initial requests for Certificates of Compliance \$60.00 \_\_\_\_\_

*If a site fails to be approved for a Certificate of Compliance, a fee of \$60.00 will be assessed for each subsequent site visits needed to issue the Certificate of Compliance.*

**Others:**

Request for a *duplicate* original of Order of Conditions, Amended Order of Conditions, or Certificate of Compliance: \$60.00 \_\_\_\_\_

**Extensions** \$200.00 \_\_\_\_\_

**Amendment to Order of Conditions** \$200.00 \_\_\_\_\_

**ADD \$50.00 for Legal Notice** \$50.00 X \_\_\_\_\_

**Total Lancaster Wetland Bylaw Fees** \$100.00 \_\_\_\_\_

Mail Lancaster Filing Fees, along with a copy of this form, the DEP form and copy of DEP check plus Local portion of DEP fees (see opposite side) to:

**Lancaster Office of Community Development and Planning**

**695 Main Street, Suite 4**

**Lancaster, MA 01523**

*Applicant should file unless a property preexisted to this bylaw (All applicants will still be required to file with State DEP)*

## **Massachusetts Wetlands Protection Act and River Protection Act Filing Fees:**

*Instructions for Calculating Wetland Filing Fees for NOI Fee Transmittal Form:*

*The wetland filing fee should be calculated using the following steps based on a hypothetical project involving two driveway crossings through a Riverfront Area and Bordering Vegetated Wetland and six single family houses in Riverfront Area only.*

**Category Activities and Fees:**

**Category 1:**        \$110 \_\_\_\_\_

- a.) work on single family lot; addition, pool, etc.
- b.) site work without a house
- c.) control vegetation
- d.) resource improvement
- e.) work on septic system separate from house
- f.) monitoring well activities minus roadway
- g.) new agricultural or aquaculture projects

**Category 2:**        \$500 \_\_\_\_\_

- a.) construction of single family house
- b.) parking lot
- c.) beach nourishment
- d.) electric generating facility activities
- e.) inland limited projects minus road crossings and agriculture
- f.) each crossing for driveway to single family house
- g.) each project source (storm drain) discharge
- h.) control vegetation in development
- i.) water level variations
- j.) any other activity not in Category 1, 3, 4, 5 or 6
- k.) water supply exploration

**Category 3:**        \$1,050 \_\_\_\_\_

- a.) site preparation (for development) beyond Notice of Intent scope
- b.) each building (for development) including site
- c.) road construction not crossing or driveway
- d.) hazardous cleanup
- e.) water supply development

**Category 4:**        \$1,450 \_\_\_\_\_

- a.) each crossing for development or commercial road
- b.) dam, sluiceway, tidegate (safety) work
- c.) landfills operation/closures
- d.) sand and gravel operations
- e.) railroad line construction
- f.) bridge
- g.) hazardous waste alterations to resource areas
- h.) dredging
- i.) package treatment plant and discharge
- j.) airport tree clearing
- k.) oil and/or hazardous material release response actions

**Category 5** (Fee is \$4 per linear foot; total fee not less than \$100 or more than \$2,000):

- a.) work on docks, piers, revetments, dikes, etc. (coastal or inland) \_\_\_\_\_

**Category 6** (Fee is \$2 per linear foot for each resource area):

For each resource area delineation, the fee shall not exceed \$200 for activities associated with a single family house or \$2,000 for all other activities).

\_\_\_\_\_

*Examples of How to Calculate Wetland Filing Fees*

Example 1: New single family house with associated work located within Riverfront Area (RA) only: There is one Category 2 activity (2.a., single family home construction and associated work).

Fee for home and associated work (RA): = \$500

Total Fee: \$500

Fee due City/Town: \$262.50 (\$500/2 + \$12.50)

Fee due State: \$237.50 (\$500/2 - \$12.50)

Example 2 : Construction of 10 single family homes within a subdivision, eight of the homes are within a Riverfront Area (RA), and a portion of each of the two re-maining homes are within Bordering Vegetated Wetland (BVW) and RA. There will be 4 stormwater discharges located within BVW's Buffer Zone. There also is one lim-ited project access roadway reviewable under 310 CMR

10.53(3)(e) located in BVW and RA. There are ten Category 2 projects (2(a.), 10 homes each involving work in a wetland resource area) and one Category 4 project 4(a.), limited project for access to resi-

dential subdivision). The fee for review of the stormwater discharges is included in Category 2(a.).

Fee for single family homes:

8 in RA (\$500 for each of the 8 homes) = \$4,000

2 in BVW: \$1,000 x 1.5 (RA) = \$1,500

Fee for limited project access: \$1,450 (BVW) x 1.5 (RA) = \$2,175

Total Fee: = \$7,675

Fee due City/Town: \$3,850 (\$7,675/2 + 12.50)

Fee due State: \$3,825 (\$7,675/2 - \$12.50)

*Mail transmiial forms and DEP payments, payable to:Commonwealth of Massachusetts*

Department of Environmental Protection

Box 4062

Boston, MA 02211

*Add:*

*Lancaster Wetlands Protection Bylaw Filing Fees Calculated from above*

WARNING: SECURITY SCREEN ON FRONT AND BACK. MICROPRINTING FRONT AND BACK. MAGNIFY TO VERIFY ORIGINAL DOCUMENT.

**HANNIGAN  
ENGINEERING, INC.**

CIVIL ENGINEERS & LAND SURVEYORS  
8 MONUMENT SQUARE  
LEOMINSTER, MASSACHUSETTS 01453-5712  
(978) 534-1234

ROLLSTONE BANK & TRUST  
FITCHBURG, MA 01420  
53-7073/2113

RESERVE ACCOUNT

1281

4/29/2020

PAY TO THE  
ORDER OF

Town of Lancaster

\*\*100.00

\$

One Hundred and 00/100

DOLLARS

Town of Lancaster  
Prescott Building  
701 Main Street  
Lancaster, MA 01523

*William Long*

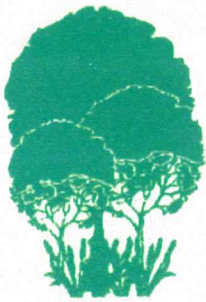
MEMO

RDA Fee & Ad Fee - SATYRS Realty Trust

⑈001281⑈ ⑆211370736⑆ 88 102222 2⑈

Security Features: See Warning Band and Back for Details

**APPENDIX B**  
**ADDITIONAL INFORMATION**



# Caron Environmental Consulting, LLC

Wetlands • Forestry • Permitting • Habitat Studies

HAUL ROAD RESTORATION SEQUENCE  
SATYRS REALTY TRUST PROPERTY  
OLD UNION TURNPIKE  
LANCASTER, MA

1. In the event of conflicts with the Enforcement Orders or Approvals from the Conservation Commission the Commission's requirements shall followed.
2. Ensure that the existing erosion controls are in proper condition and conduct any necessary maintenance before work begins.
3. Using an excavator smooth out any ridges of soil that extend above the natural grades and break up areas of compacted soil by raking with the excavator teeth.
4. Using topsoil stockpiled on the site place topsoil to raise the grades to match the natural grades. Efforts should be made to avoid smearing or compacting the topsoil.
5. Seed all disturbed areas with New England Wetland Plants' *Erosion Control/Restoration Mix for Dry Sites* (or approved equal) at a minimum rate of 1 pound per 1250 square feet. Per the suppliers specifications this seed may be applied using hydroseeding, mechanical spreading or by hand. If hydroseeding is used it shall be done using straw or a straw-like material, and not cellulose fiber.
6. If hydroseeding was not utilized lightly mulch the area with weed-free straw.
7. Block each end of the former haul road route with construction fencing or erosion control barriers.
8. If unusually dry conditions appear to be inhibiting the germination and/or growth of the grasses during the first summer the area should be watered as needed.
9. Once the grasses are fully established and the area is stabilized the erosion control measures should be removed.

OLD UNION TURNPIKE, LANCASTER, MASSACHUSETTS

42°33'16", 71°45'45"

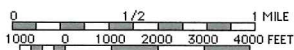
42°33'16", 71°39'39"



42°27'01", 71°45'45" NAD83

42°27'01", 71°39'39"

MN ↗ TN  
16°



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