

# EcoTec, Inc.

## ENVIRONMENTAL CONSULTING SERVICES

102 Grove Street  
Worcester, MA 01605-2629  
508-752-9666 – Fax: 508-752-9494

September 28, 2021

Paxton Conservation Commission  
Town Office Building  
697 Peasant Street  
Paxton, MA 01612

Re: 46 Davis Hill Road, Paxton

Subject: Notice of Intent Application

Dear Commission Members:

Enclosed please find three (3) copies of a Notice of Intent submitted on behalf of the Applicant: Justin Newton filed under the Massachusetts Wetlands Protection Act and Town of Paxton Wetlands Protection Bylaw for the above referenced property. The proposed project consists of the repair of an existing retaining wall and associated site drainage improvements within the 100-foot Buffer Zone. During construction, wetland resource areas will be protected by installing straw wattles and siltation fencing at the limit of work, which will be maintained until all disturbed areas have been fully stabilized.

This filing comprises:

1. This cover letter;
2. The Notice of Intent forms with required attachments;
3. Checks to cover filing fees, recording fees, and legal notice;
4. Wetland Resource Evaluation by EcoTec, Inc. dated July 17<sup>th</sup>, 2021; and
5. Proposed Wall Replacement Plan, prepared by Quinn Engineering dated 9/9/2021.

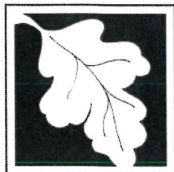
One (1) copy of this filing has been submitted by certified mail, return receipt requested to the Central Regional Office of the Department of Environmental Protection and one copy of this filing has been submitted to the property owner and applicant.

We look forward to meeting with the Commission to discuss this project. If you have any questions, please feel free to contact me at any time.

Sincerely,



Scott Jordan  
Senior Environmental Scientist



**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

Paxton

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):

46 Davis Hill Rd.

a. Street Address

Paxton

b. City/Town

01612

c. Zip Code

Latitude and Longitude:

18

f. Assessors Map/Plat Number

42 18' 51" N

d. Latitude

71 55' 51" W

e. Longitude

198

g. Parcel /Lot Number

2. Applicant:

Justin

a. First Name

Newton

b. Last Name

c. Organization

46 Davis Hill Road

d. Street Address

Paxton

e. City/Town

MA

f. State

01612

g. Zip Code

774-239-8469

h. Phone Number

i. Fax Number

Newton.jus@gmail.com

j. Email Address

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

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):

Scott

a. First Name

Jordan

b. Last Name

EcoTec, Inc.

c. Company

102 Grove St.

d. Street Address

Worcester

e. City/Town

MA

f. State

01605

g. Zip Code

508-752-9666 x226

h. Phone Number

i. Fax Number

sjordan@ecotecinc.com

j. Email address

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

110.00

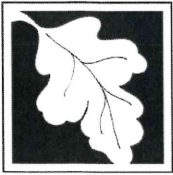
a. Total Fee Paid

42.50

b. State Fee Paid

67.50

c. City/Town Fee Paid



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**A. General Information (continued)**

6. General Project Description:

Repair of a failing retaining wall and site drainage improvements including: grading and repair roof drain within the Buffer Zone to a BVW.

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

- |                                                                       |                                                           |
|-----------------------------------------------------------------------|-----------------------------------------------------------|
| 1. <input checked="" type="checkbox"/> Single Family Home             | 2. <input type="checkbox"/> Residential Subdivision       |
| 3. <input type="checkbox"/> Commercial/Industrial                     | 4. <input type="checkbox"/> Dock/Pier                     |
| 5. <input type="checkbox"/> Utilities                                 | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation                |
| 9. <input type="checkbox"/> 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 CMR 10.24(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

57302

c. Book

b. Certificate # (if registered land)

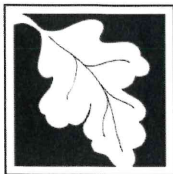
333

d. Page Number

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

- ☒ 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.
- ☐ 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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Bureau of Resource Protection - Wetlands

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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 3. cubic yards dredged	2. square feet

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

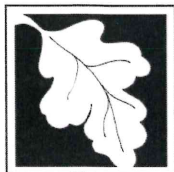
a. total square feet \_\_\_\_\_ b. square feet within 100 ft. \_\_\_\_\_ c. square feet between 100 ft. and 200 ft. \_\_\_\_\_

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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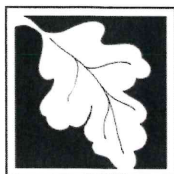
City/Town

**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.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet _____ 2. cubic yards dredged _____	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet _____	2. cubic yards beach nourishment _____
e. <input type="checkbox"/> Coastal Dunes	1. square feet _____	2. cubic yards dune nourishment _____
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	1. linear feet _____	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet _____	
h. <input type="checkbox"/> Salt Marshes	1. square feet _____	2. sq ft restoration, rehab., creation _____
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet _____	
	2. cubic yards dredged _____	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet _____	
k. <input type="checkbox"/> 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 dredged _____	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet _____	
4. <input type="checkbox"/> 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. <input type="checkbox"/> 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**

1. 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**

9/20/2021

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\*

1. ☐ 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

2. ☐ 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 \*\*

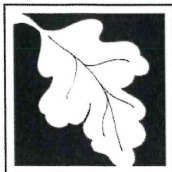
(a) ☐ Project description (including description of impacts outside of wetland resource area & buffer zone)

(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/ma-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 - Cohasset to Rhode Island border, and the Cape & Islands:

North Shore - Hull to New Hampshire border:

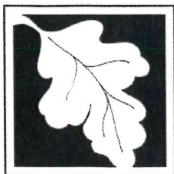
Division of Marine Fisheries -  
Southeast Marine Fisheries Station  
Attn: Environmental Reviewer  
836 South Rodney French Blvd.  
New Bedford, MA 02744  
Email: [dmf.envreview-south@mass.gov](mailto:dmf.envreview-south@mass.gov)

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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Bureau of Resource Protection - Wetlands

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City/Town

## **C. Other Applicable Standards and Requirements (cont'd)**

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

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

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.

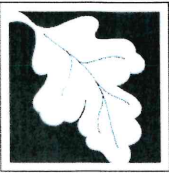
## **D. Additional Information**

- ☐ 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.



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

**WPA Form 3 – Notice of Intent**

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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.

Proposed Wall Replacement Plan in Paxton, Massachusetts 46 Davis Hill Road

a. Plan Title

Quinn Engineering, Inc.

Kevin J. Quinn

b. Prepared By

c. Signed and Stamped by

1"=20'

d. Final Revision Date

e. Scale

Wetland Resource Evaluation by EcoTec, Inc.

9/9/2021

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:

21008

9/25/21

2. Municipal Check Number

3. Check date

21009

9/25/21

4. State Check Number

5. Check date

EcoTec, Inc.

6. Payor name on check: First Name

7. Payor name on check: Last Name

4. State Check Number

5. Check date

6. Payor name on check: First Name

7. Payor name on check: Last Name

## 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.

1. Signature of Applicant

2. Date

3. Signature of Property Owner (if different)

4. Date

5. Signature of Representative (if any)

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.

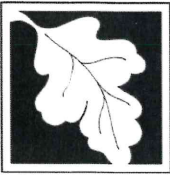
### For MassDEP:

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:

46 Davis Hill Road

a. Street Address

Paxton

b. City/Town

\$110.00

d. Fee amount

c. Check number

2. Applicant Mailing Address:

Justin

a. First Name

Newton

b. Last Name

c. Organization

46 Davis Hill Road

d. Mailing Address

Paxton

e. City/Town

774-239-8469

h. Phone Number

MA

f. State

01612

g. Zip Code

Newton.jus@gmail.com

j. Email Address

i. Fax Number

3. Property Owner (if different):

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.

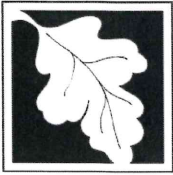
**Step 3/Individual Activity Fee:** Identify each activity fee from the six project categories listed in the instructions.

**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
Category I (a)	1	110.00	110.00
Step 5/Total Project Fee:			110.00

**Step 6/Fee Payments:**

Total Project Fee:	110.00
	a. Total Fee from Step 5
State share of filing Fee:	42.50
	b. 1/2 Total Fee less \$12.50
City/Town share of filling Fee:	67.50
	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.)



**Town of Paxton  
Board of Assessors  
697 Pleasant Street  
Paxton, MA 01612  
(508) 799-7231 - phone  
(508) 797-0966 - fax**

### **46 Davis Hill Rd – Abutters List**

map_par_id	owner1	own_addr	own_city	own_state	own_zip
18/192	PRUNIER DAVID G & RHIANNON A	764 PLEASANT ST	PAXTON	MA	01612
18/180F	CONTE JAY J. & JULIA A.	4 ARROWHEAD DR	PAXTON	MA	01612
18/17	WHITE WILLIAM D & ROBERTA C	727 PLEASANT ST	PAXTON	MA	01612
18/15	CHANEY HUNTER B. & CASAVANT CHANEY ANNE	755 PLEASANT ST	PAXTON	MA	01612
18/15A	CASAVANT - CHANEY ANNE M.	755 PLEASANT ST	PAXTON	MA	01612
18/16	TROMBLEY KIMBERLY A	735 PLEASANT ST	PAXTON	MA	01612
18/197	NOBREGA EDWARD A & WOOD CARRIE A	48 DAVIS HILL RD	PAXTON	MA	01612
18/179B	LAVOIE BEVERLY A & TESSIER RUSSELL H	57 RICHARDS AVE	PAXTON	MA	01612
18/195	BAKER MARK C & MARY A	52 DAVIS HILL RD	PAXTON	MA	01612
18/193	SPADAFOR JOHN A & VOLPE REBECCA A	754 PLEASANT ST	PAXTON	MA	01612
18/194	CHICOINE ALFRED J JR	748 PLEASANT ST	PAXTON	MA	01612

18/196	GREENE RONALD T & REBECCA J	50 DAVIS HILL RD	PAXTON	MA	01612
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## Kateri M. Clute

Kateri M. Clute,  
Principal Assessor, Town of Paxton  
697 Pleasant St., Paxton, MA 01612  
508/799-7231 Ext 16, Fax 508/797-0966  
[kclute@townofpaxton.net](mailto:kclute@townofpaxton.net)

Notification of Abutters Under the  
Massachusetts Wetlands Protection Act and the Town of Paxton Wetlands Bylaw

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, you are hereby notified of the following:

- A. The name of the applicant is Justin Newton.
- B. The applicant has filed a Notice of Intent with the Conservation Commission for the municipality of Paxton seeking permission repair a retaining wall within an Area Subject to Protection Under the Wetlands Protection Act (General Laws Chapter 131, Section 40) and the Town of Paxton Wetlands Bylaw.
- C. The address where the planned activity will take place is 46 Davis Hill Road.
- D. Copies of the Notice of Intent may be examined and obtained by making an appointment at EcoTec, Inc., 102 Grove Street, Worcester, MA, during regular business hours.

For more information call Scott Jordan of EcoTec at (508) 752-9666 x226 to make an appointment to review the filing materials. This is the applicant's representative.

- E. Information regarding the date, time and place of the public hearing may be obtained from EcoTec, Inc., by calling this telephone number (508) 752-9666 during regular business hours.

**NOTE: Notice of the public hearing, including the date, time and place will be published at least five (5) days in advance in the Worcester Telegram & Gazette.**

**NOTE: Notice of the public hearing, including the date, time and place will be posted in the Town Hall not less than forty-eight (48) hours in advance.**

**NOTE: You also may contact your local Conservation Commission or the nearest Department of Environmental Protection Regional Office for more information about this application or the Wetlands Protection Act. To contact DEP, call:**

Paxton Conservation Commission: (508) 753-2803 ext. 11  
Central Region: (508) 792-7650

**EcoTec, Inc.**  
**ENVIRONMENTAL CONSULTING SERVICES**  
102 Grove Street  
Worcester, MA 01605-2629  
508-752-9666 – Fax: 508-752-9494

06/09/2021

Justin Newton  
46 Davis Hill Rd.  
Paxton

RE: Wetland Resource Evaluation, 46 Davis Hill Rd., Paxton, Massachusetts

Dear Mr. Newton:

On June 8<sup>th</sup>, 2021, EcoTec, Inc. inspected the above-referenced property for the presence of wetland resources as defined by: (1) the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, § 40; the “Act”) and its implementing regulations (310 CMR 10.00 *et seq.*; the “Regulations”); and (2) the U.S. Clean Water Act (i.e., Section 404 and 401 wetlands). Scott Jordan and Kate O’Donnell of EcoTec, Inc. conducted the inspection.

The subject site consists of a 1-acre parcel located in Paxton, Massachusetts. The upland portions of the site consisted of a single-family house surrounded by lawn and wooded areas. Plant species observed include northern red oak (*Quercus rubra*), white oak (*Quercus alba*), eastern white pine (*Pinus strobus*), black cherry (*Prunus serotina*), red maple (*Acer rubrum*), American beech (*Fagus grandifolia*), white ash (*Fraxinus americana*) trees and/or saplings; and poison ivy (*Toxicodendron radicans*), and maple-leaf viburnum (*Viburnum acerifolium*) ground cover.

**Methodology**

The site was inspected, and areas suspected to qualify as wetland resources were identified. The boundary of Bordering Vegetated Wetlands was delineated in the field in accordance with the definition set forth in the regulations at 310 CMR 10.55(2)(c). Section 10.55(2)(c) states that “The boundary of Bordering Vegetated Wetlands is the line within which 50% or more of the vegetational community consists of wetland indicator plants and saturated or inundated conditions exist.” The methodology used to delineate Bordering Vegetated Wetlands is further described in: (1) the BVW Policy “*BVW: Bordering Vegetated Wetlands Delineation Criteria and Methodology*,” issued March 1, 1995; and (2) “*Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act: A Handbook*,” produced by the Massachusetts Department of Environmental Protection, dated March 1995. The plant taxonomy used in this report is based on the *National List of Plant Species that Occur in Wetlands: Massachusetts* (Fish and Wildlife Service, U.S. Department of the Interior, 1988). Federal wetlands were presumed to have boundaries conterminous with the delineated

Bordering Vegetated Wetlands. One set of DEP Bordering Vegetated Wetland Delineation Field Data Forms completed for observation plots located in the wetlands and uplands near flag A-5 is attached. The table below provides the Flag Numbers, Flag Type, and Wetland Types and Locations for the delineated wetland resources.

Flag Numbers	Flag Type	Wetland Types and Locations
Start A1 to A19 Stop	Blue Flags	Boundary of Bordering Vegetated Wetlands located in the northeastern portion of the site that is associated with an intermittent stream.

### Findings

Wetland A (i.e., flags 1 to 19) consists of a wooded swamp located in the northeastern portion of the site that is associated with an intermittent stream. Plant species observed include red maple (*Acer rubrum*), swamp white oak (*Quercus bicolor*) trees and/or saplings; common winterberry (*Ilex verticillata*), arrow-wood (*Viburnum dentatum*) shrubs; and cinnamon fern (*Osmunda cinnamomea*), royal fern (*Osmunda regalis*), and sensitive fern (*Onoclea sensibilis*) ground cover. Evidence of wetland hydrology, including hydric soils was observed within the delineated wetland. This vegetated wetland borders an intermittent stream; accordingly, the vegetated wetlands would be regulated as Bordering Vegetated Wetlands and the intermittent stream would be regulated as Bank under the Act. A 100-foot Buffer Zone extends horizontally outward from the edge of Bordering Vegetated Wetlands and Bank under the Act.

Bordering Land Subject to Flooding is an area that floods due to a rise in floodwaters from a bordering waterway or water body. Where flood studies have been completed, the boundary of Bordering Land Subject to Flooding is based upon flood profile data prepared by the National Flood Insurance Program. Section 10.57(2)(a)3. states that "The boundary of Bordering Land Subject to Flooding is the estimated maximum lateral extent of flood water which will theoretically result from the statistical 100-year frequency storm." The project engineer should evaluate the most recent National Flood Insurance Program flood profile data to determine if Bordering Land Subject to Flooding occurs on the site. Bordering Land Subject to Flooding would occur in areas where the 100-year flood elevation is located outside of or upgradient of the delineated Bordering Vegetated Wetlands or Bank boundary. Bordering Land Subject to Flooding does not have a Buffer Zone under the Act.

The Massachusetts Rivers Protection Act amended the Act to establish an additional wetland resource area: Riverfront Area. Based upon a review of the current USGS Map (i.e., Worcester North Quadrangle, dated 1983, attached) and observations made during the site inspection, a stream that is not shown on the USGS Map is located within the delineated wetland. The watershed area for this stream at the site was determined to be 0.12 square miles, which is less than 0.5 square miles (see attached watershed calculations). As such, the stream would be designated intermittent under the Massachusetts Wetlands Protection Act regulations.

NAME

DATE, 2018

Page 3.

Furthermore, based upon a review of the current USGS Map and observations made during the site inspection, there are no other mapped or unmapped streams located within 200 feet of the site. Accordingly, Riverfront Area would not occur on the site. Riverfront Area does not have a Buffer Zone under the Act.

The Regulations require that no project may be permitted that will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures set forth at 310 CMR 10.59. Based upon a review of the *Massachusetts Natural Heritage Atlas*, 14<sup>th</sup> edition, Priority Habitats and Estimated Habitats from the NHESP Interactive Viewer, valid from August 1, 2017, and Certified Vernal Pools from MassGIS, there are no Estimated Habitats [for use with the Act and Regulations (310 CMR 10.00 *et seq.*)], Priority Habitats [for use with Massachusetts Endangered Species Act (M.G.L. Ch. 131A; "MESA") and MESA Regulations (321 CMR 10.00 *et seq.*)], or Certified Vernal Pools on or in the immediate vicinity of the site. A copy of this map is attached.

The reader should be aware that the regulatory authority for determining wetland jurisdiction rests with local, state, and federal authorities. Brief descriptions of our experience and qualifications are attached. If you have any questions, please feel free to contact us at any time.

Cordially,  
ECOTEC, INC.



Scott Jordan, CPESC  
Senior Environmental Scientist



Kate O'Donnell  
Wetland Scientist

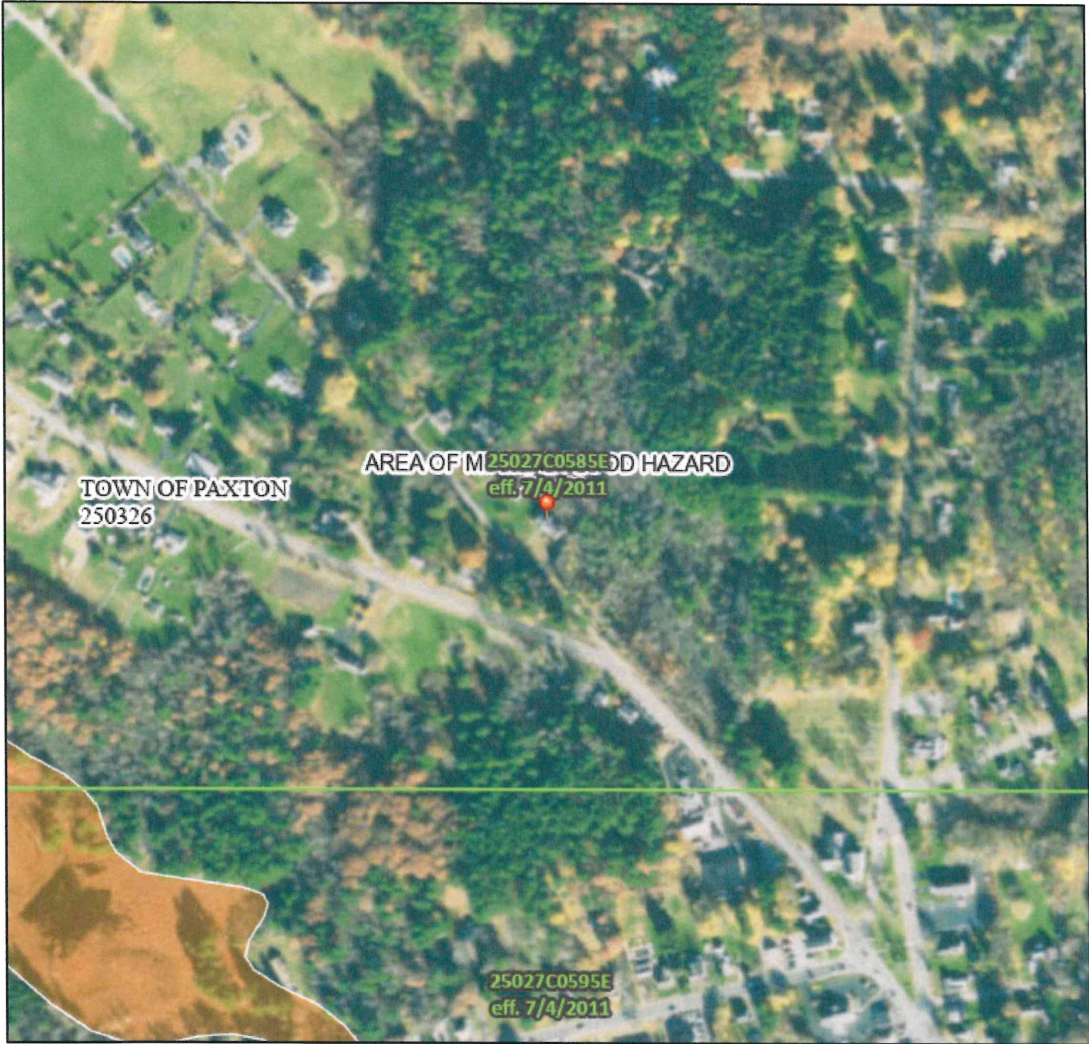
Attachments (6, 11 pages)

WETLAND\_REPORT\_Paxton\_46 Davis Hill Rd.

# National Flood Hazard Layer FIRMette



71°56'10"W 42°19'5"N



0 250 500 1,000 1,500 2,000 Feet 1:6,000 71°55'33"W 42°18'39"N  
Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
OTHER AREAS OF FLOOD HAZARD		Regulatory Floodway
		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes, Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
		Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 6/1/2021 at 5:07 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

## DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Form

Applicant		Prepared by: EcoTec, Inc		Project Location: Paxton, Davis Hill Rd. 46		DEP File #	
Section I. Vegetation		Number: TP-Upland		Transect # A-5		Date of Delin: 6/8/2021	

A.	Sample layer and plant species (Enter largest to smallest % cover by layer)	Percent Cover (or basal area)	Percent Dominance	Dominant Plant?	Wetland Indicator Category
Tree	red maple	Acer rubrum	30	66.7 YES	FAC *
	white ash	Fraxinus americana	10	22.2 YES	FACU
	eastern hemlock	Tsuga canadensis	5	11.1 NO	FACU*
Sapling	american beech	Fagus grandifolia	5	100.0 YES	FACU
Shrub	multi-flora rose	Rosa multiflora	40	66.7 YES	FACU
	norway maple	Acer platanoides	20	33.3 YES	NL
Ground	sensitive fern	Onoclea sensibilis	10	33.3 YES	FACW *
	starflower	Trientalis borealis	10	33.3 YES	FAC *
	jewelweed	Impatiens capensis	10	33.3 YES	FACW *
Vine					

<b>Vegetation Conclusions</b>			
Number of dominant wetland indicator plants	4	Number of dominant non-wetland indicator plants	4
Is the number of dominant wetland plants equal or greater than the number of dominant non-wetland plants?		YES	

## DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Form

Applicant	Prepared by: EcoTec, Inc	Project Location: Paxton, Davis Hill Rd. 46	DEP File #
Section II. Indicators of Hydrology	Number: TP-Upland	Transect # A-5	Date of Delin: 6/8/2021

### 1. Soil Survey

Is there a published soil survey for this site?

title/date

map number

soil type mapped

hydric soil inclusions

Are field observations consistent with soil survey?

Remarks:

### 2. Soil Description

Horizon	Depth (inches)	Matrix Color	Mottle Color
A	0-10	10YR 2/1	
Bw	10-14	10YR 4/6	

Remarks stony, fine, sandy loam

### 3. Other

**Conclusion: Is the soil hydric?**

No

### Other Indicators of hydrology (check all that apply):

- ☐ Site Inundated
- ☐ Depth to free water in observation hole
- ☐ Depth to soil saturation in observation hole
- ☐ Water marks
- ☐ Drift lines
- ☐ Sediment Deposits
- ☐ Drainage patterns in BVWs
- ☐ Oxidized rhizospheres
- ☐ Water stained leaves
- ☐ Recorded data (stream, lake, or tidal gauge; aerial photo; other):
- ☐ Other:

### Vegetation and Hydrology Conclusion

	Yes	No
Number of wetland indicator plants $\geq$ number of non-wetland indicator plants	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wetland hydrology present:		
Hydric soil present	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other indicators of hydrology present	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sample Location is in a BVW	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Form

Applicant		Prepared by: EcoTec, Inc		Project Location: Paxton, Davis Hill Rd. 46		DEP File #	
Section I. Vegetation		Number: TP-Wetland		Transect # A-5		Date of Delin: 6/8/2021	

A.	Sample layer and plant species (Enter largest to smallest % cover by layer)	Percent Cover (or basal area)	Percent Dominance	Dominant Plant?	Wetland Indicator Category	
Tree	eastern hemlock	Tsuga canadensis	30	42.9 YES	FACW	*
	white ash	Fraxinus americana	20	28.6 YES	FACU	
	red maple	Acer rubrum	20	28.6 YES	FAC	*
Sapling	norway maple		10	40.0 YES	NL	
	red oak	Quercus rubra	10	40.0 YES	FACU-	
	eastern hemlock	Tsuga canadensis	5	20.0 YES	FACW	*
Shrub	multi-flora rose	Rosa multiflora	10	33.3 YES	FACU	
	hickory sp.		5	16.7 YES		
	european privet	Ligustrum vulgare	5	16.7 NO	FACU	
	norway maple	Acer platanoides	5	16.7 NO	NL	
	alternate leaved dogwood	Cornus alterniflora	5	16.7 NO	NL	
	american beech	Fagus grandifolia	5	16.7 NO	FACU	
Ground	sensitive fern	Onoclea sensibilis	60	57.1 YES	FACW	*
	poison ivy	Toxicodendron radicans	40	38.1 YES	FAC	*
	maple-leaved viburnum	Viburnum acerifolia	5	4.8 NO	NL	
	sedge sp.					
Vine						

<b>Vegetation Conclusions</b>			
Number of dominant wetland indicator plants	5	Number of dominant non-wetland indicator plants	5
Is the number of dominant wetland plants equal or greater than the number of dominant non-wetland plants?		YES	

## DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Form

Applicant	Prepared by: EcoTec, Inc	Project Location: Paxton, Davis Hill Rd. 46	DEP File #
Section II. Indicators of Hydrology	Number: TP-Wetland	Transect # A-5	Date of Delin: 6/8/2021

### 1. Soil Survey

Is there a published soil survey for this site?

title/date

map number

soil type mapped

hydric soil inclusions

Are field observations consistent with soil survey?

Remarks:

### 2. Soil Description

Horizon	Depth (inches)	Matrix Color	Mottle Color
A	0-8	10YR 2/1	
B	8-12+	2.5Y 4/2	10% 10YR 4/6

Remarks fine sandy loam

### 3. Other

**Conclusion: Is the soil hydric?**

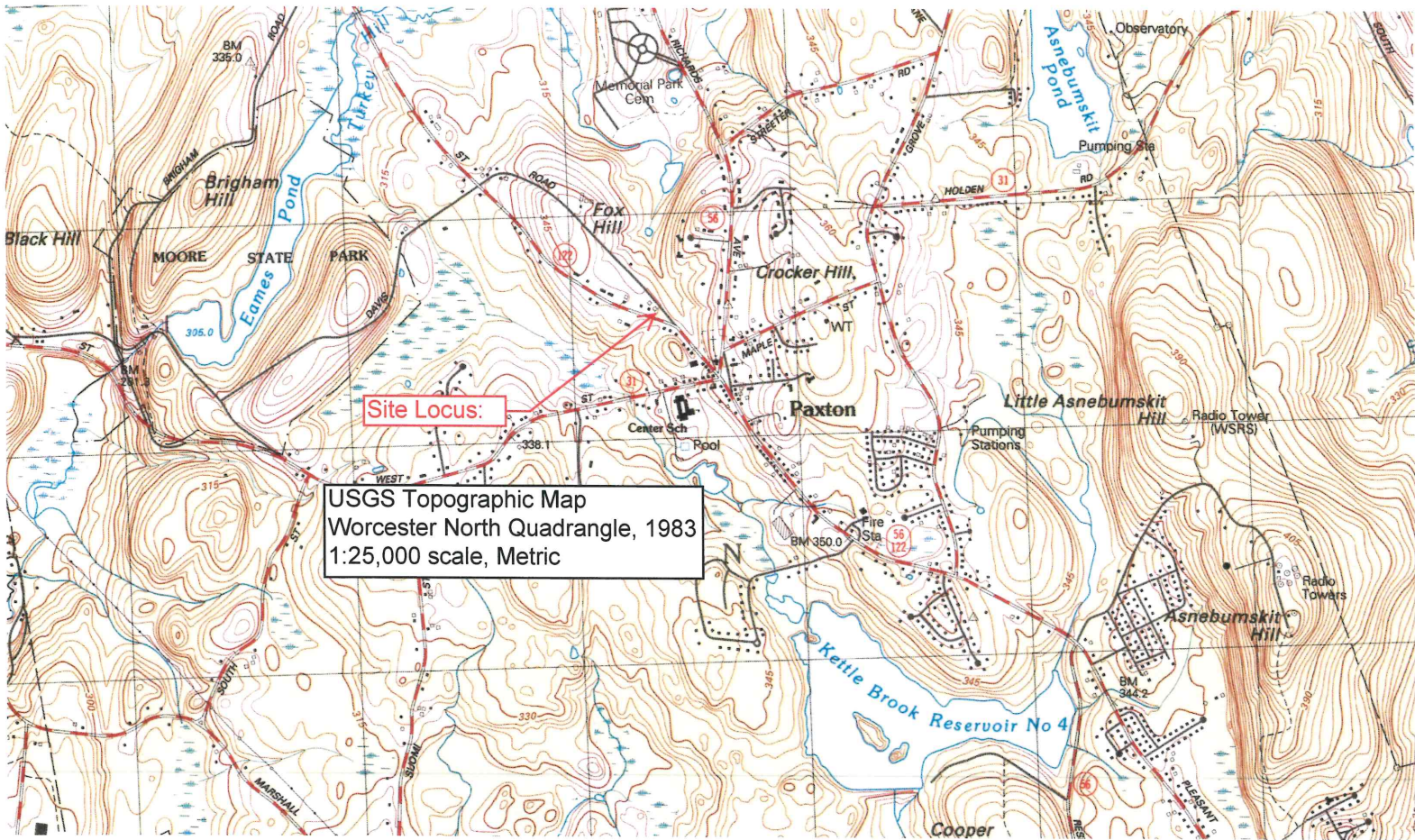
Yes

### Other Indicators of hydrology (check all that apply):

- ☐ Site Inundated
- ☐ Depth to free water in observation hole
- ☐ Depth to soil saturation in observation hole
- ☐ Water marks
- ☐ Drift lines
- ☐ Sediment Deposits
- ☐ Drainage patterns in BVWs
- ☐ Oxidized rhizospheres
- ☒ Water stained leaves
- ☐ Recorded data (stream, lake, or tidal gauge; aerial photo; other):
- ☐ Other:

### Vegetation and Hydrology Conclusion

	Yes	No
Number of wetland indicator plants $\geq$ number of non-wetland indicator plants	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wetland hydrology present:		
Hydric soil present	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other indicators of hydrology present	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sample Location is in a BVW	<input checked="" type="checkbox"/>	<input type="checkbox"/>



# StreamStats Report

Region ID: MA  
Workspace ID: MA20210609143007038000  
Clicked Point (Latitude, Longitude): 42.31591, -71.93127  
Time: 2021-06-09 10:30:29 -0400



Basin Characteristics

Parameter Code	Parameter Description	Value	Unit
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Parameter Code	Parameter Description	Value	Unit
DRNAREA	Area that drains to a point on a stream	0.12	square miles
ELEV	Mean Basin Elevation	1150	feet
LC06STOR	Percentage of water bodies and wetlands determined from the NLCD 2006	6.13	percent
BSLDEM250	Mean basin slope computed from 1:250K DEM	4.419	percent
DRFTPERSTR	Area of stratified drift per unit of stream length	-100000	square mile per mile
MAREGION	Region of Massachusetts 0 for Eastern 1 for Western	1	dimensionless
PCTSNDGRV	Percentage of land surface underlain by sand and gravel deposits	0	percent
FOREST	Percentage of area covered by forest	14.21	percent

USGS Data Disclaimer: Unless otherwise stated, all data, metadata and related materials are considered to satisfy the quality standards relative to the purpose for which the data were collected. Although these data and associated metadata have been reviewed for accuracy and completeness and approved for release by the U.S. Geological Survey (USGS), no warranty expressed or implied is made regarding the display or utility of the data for other purposes, nor on all computer systems, nor shall the act of distribution constitute any such warranty.

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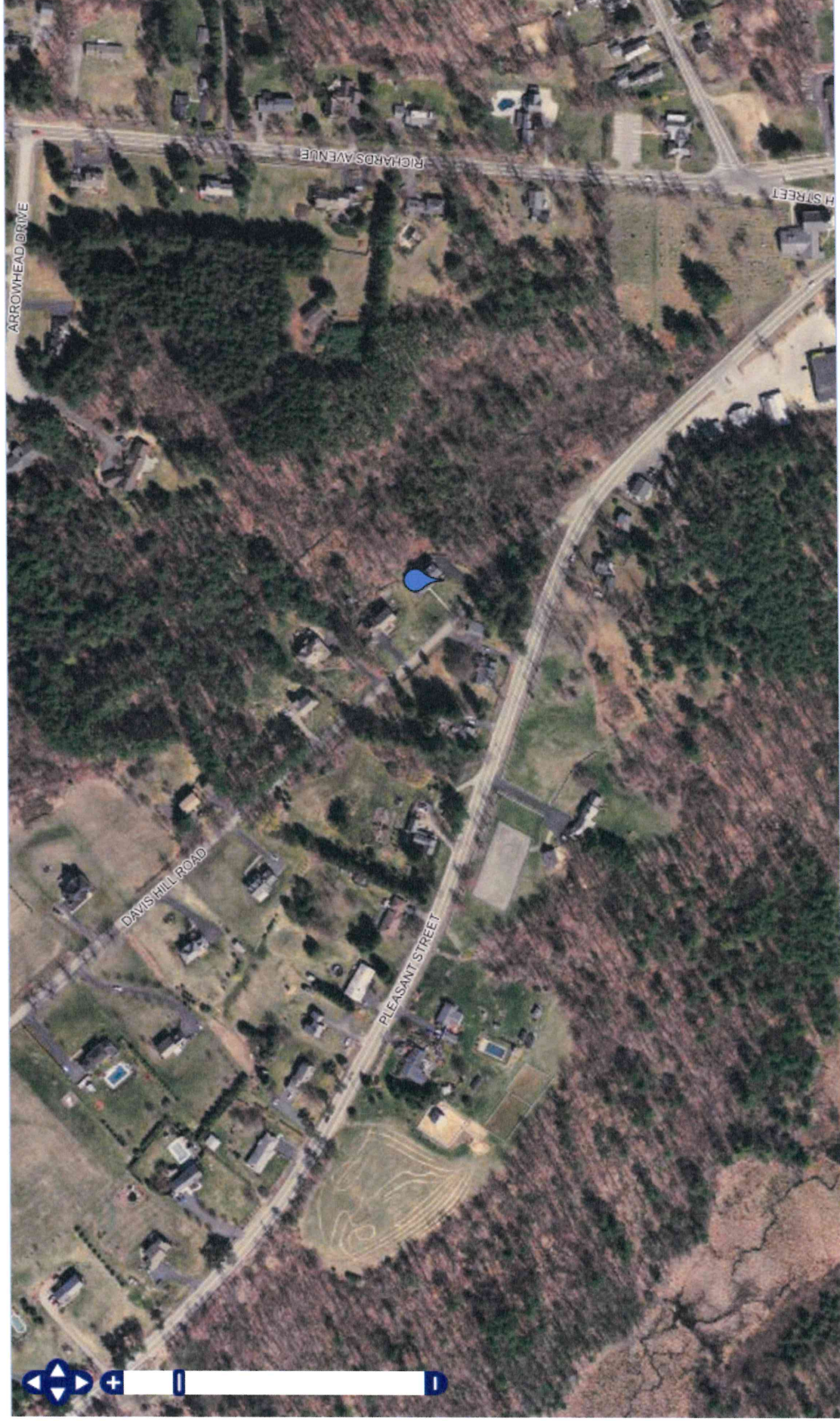
Application Version: 4.5.3

StreamStats Services Version: 1.2.22

NSS Services Version: 2.1.2

46 davis hill road, paxton

Zoom to a town



0 m

# EcoTec, Inc.

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## ENVIRONMENTAL CONSULTING SERVICES

102 Grove Street

Worcester, MA 01605-2629

508-752-9666 – Fax: 508-752-9494

### Scott Jordan, CPESC

Senior Environmental Scientist

Scott Jordan has been an Environmental Scientist with EcoTec, Inc. since 2000. His project experience includes wetland resource evaluation and delineation; erosion and sediment control planning and monitoring, NPDES permitting and compliance monitoring, Stormwater Pollution Prevention Plan preparation, environmental monitoring, including water quality analysis, sediment analysis and wildlife habitat impact analysis; environmental permitting at local, state, and federal level; pond and stream evaluation; wildlife habitat evaluation, vernal pool evaluation; wetland replacement, restoration, and replication area design. He has served as a consultant to the development community, engineering firms, municipalities, conservation commissions, and citizen's groups. Prior to joining EcoTec, Mr. Jordan was the Senior Laboratory Technician for GeoComp Corporation where he performed numerous physical properties analysis of soils and geosynthetic materials in accordance with ASTM, and AASHTO specifications. His seven years experience evaluating New England soils includes soil analysis and classification of site-remediated soils with oil and hazardous material contamination. His educational background includes courses in organic and inorganic chemistry, biology, botany and comparative vertebrate physiology, with extensive coursework in ecology and wildlife biology. He has completed several professional training seminars including erosion and sediment control, soil evaluation, wildlife habitat evaluation, wetland mitigation, vernal pool evaluation, water quality assessment using macro-invertebrates, and river morphology and functions. He has participated in several wildlife monitoring and inventory projects, including marsh bird surveys, marbled salamander (*Ambystoma opacum*) survey, and greater black-backed gull (*Larus marinus*) inventory. His prior research experience includes behavioral and acoustic studies of the common loon (*Gavia immer*) in northwestern Maine.

**Education:** Bachelor of Science: Biology - Wildlife and Environmental, *Cum Laude*  
Framingham State College, 2000  
Biotechnology Certificate  
Middlesex Community College, 1994

### Professional

**Affiliations:** Certified Professional in Erosion and Sediment Control (Cert. #3644)  
Massachusetts Association of Conservation Commissioners  
Association of Massachusetts Wetland Scientists  
Society of Wetland Scientists  
Society of Soil Scientists of Southern New England



## **EcoTec, Inc.**

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### ENVIRONMENTAL CONSULTING SERVICES

102 Grove Street  
Worcester, MA 01605-2629  
508-752-9666 / Fax: 508-752-9494

#### **Kate O'Donnell Wetland Scientist**

Kate O'Donnell is the newest member of EcoTec, Inc. and started working in June of 2021. Her work with EcoTec, Inc. thusfar has involved wetland delineation, environmental permitting (federal, state and local), and interpretation of soils. Prior to starting at EcoTec, Kate was an undergraduate student at the College of the Holy Cross, double majoring in Biology and Environmental Studies, with a minor in geosciences. During her time as an undergrad, she conducted hydrologic and water quality research her senior year to investigate the impacts of road salt on the salinity of the Middle River in Worcester, MA. Kate is working to become a Professional Wetland Scientist in Training and is training in wetland delineation, vegetation identification, and soil properties.

#### **Education:**

2021- Bachelor of Arts in Biology and Bachelor of Arts in Environmental Studies, College of the Holy Cross

#### **Professional Affiliations:**

Society of Wetland Scientists member