



Certified Mail No. 7019 1120 0000 5149 3513
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M.G.L. Chapter 253
Dam Safety Permit
Permit No. 294 - 2025 - 464

Applicant

Lara Sup, PE
Fuss & O'Neill, Inc.
1550 Main Street, Suite 400
Springfield, MA 01103

On behalf of:
City of Fitchburg
c/o Nicholas Erickson, Commissioner of Public Works
301 Broad Street
Fitchburg, MA 01420

Re: McTaggarts Pond Dam Removal and Phillips Brook Restoration Project
National Dam ID: MA00879
Registry Location: Southern Worcester County, Deed Book 2614, Page 262
Owner: City of Fitchburg
Dam Location: Fitchburg

Date: October 21, 2025

Dear Ms. Sup:

Reference is made to the application dated August, 2025 and supplemental information provided by Fuss & O'Neill, Inc. (F&O). These were submitted for Department of Conservation and Recreation (DCR) Office of Dam Safety (ODS) regulatory review of the above-referenced dam removal project.

Permission is hereby granted under M.G.L. Chapter 253, as amended, to perform work indicated on the drawings titled "**McTaggarts Pond Dam (MA00879) Removal and Phillips Brook Restoration Project**" dated December 2024 and as described in supporting documentation provided by F&O.

COMMONWEALTH OF MASSACHUSETTS · EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS

Department of Conservation and Recreation
180 Beaman Street
West Boylston, MA 01583
508-792-7423 508-792-7805 Fax
www.mass.gov/dcr



Maura T. Healey
Governor

Kimberley Driscoll
Lt. Governor

Rebecca L. Tepper, Secretary
Executive Office of Energy & Environmental Affairs
Nicole LaChapelle, Commissioner
Department of Conservation & Recreation

Permission is granted subject to the following conditions:

- (a) At least 21 days before the start of construction, the dam owner shall provide the DCR/ODS - Permits Section a completed **DAM SAFETY IMPROVEMENTS – NOTICE OF CONSTRUCTION** (form attached) with a construction schedule and proof of recording of the Ch. 253 Permit at the Registry of Deeds in the county where the dam lies. If the Notice of Construction provided to ODS lacks a construction schedule, proof of recording of the permit, or an explanation of why permit recording is not possible, ODS will return the Notice of Construction to the dam owner indicating the Notice of Construction is incomplete and informing the owner that construction shall not commence until ODS has received a complete Notice of Construction with the required attachments.
- (b) For all features of the project, the Dam Engineer (F&O) shall notify ODS of any design change from the original design submitted with the permit application due to regulatory requirements, changes in field conditions or any other unanticipated occurrence. This notification shall be a formal submittal to ODS which includes all relevant revised plans, computations and data (survey, geotechnical, etc.) supporting the design change(s). This submittal shall be forwarded to ODS by registered mail, return receipt requested, and will require an amendment to the permit. Review time may vary based upon the complexity of the design change(s), however, ODS will generally issue the permit amendment within five (5) business days of receipt of a complete design revision submittal.
- (c) The Dam Engineer must report to ODS any unforeseen incidents that occur at the work site during project work. Unforeseen incidents include, but are not limited to, significant uncontrolled seepage into the work area, significant earth support failures or slope failures. The report must explain in detail what occurred, corrective measures taken to mitigate the occurrence and any impacts the occurrence may have had on the project. If the incident results in a design change, ODS must be provided revised design documents (refer to Condition (b), above).
- (d) The following shall be prepared by the contractor, approved by the Dam Engineer, and submitted to ODS prior to construction:
 - Cofferdam designs. The cofferdams shall be carefully designed to resist anticipated forces without failing and to ensure that seepage around, under, or through the cofferdams is manageable;
 - A water control and diversion plan describing methods to be employed to allow work to be performed “in the dry” and to manage both the water level in McTaggarts Pond and outflow from Phillips Brook while construction is in progress; and
 - A flood response plan. While construction is underway, weather forecasts, stream flows and water levels shall be monitored to allow adequate time to respond to rising water levels at the construction site. If high water levels are expected,

equipment and materials shall be removed from the work area and personnel evacuated. Sufficient materials and equipment required for flood response shall be maintained in a safe location at, or near, the construction site.

- (e) A sufficient level of construction oversight shall be provided by the Dam Engineer to ensure the work conforms to: the project plans and specifications; the Ch. 253 Permit conditions; and generally-accepted dam construction practices as determined by the U.S. Army Corps of Engineers, the U.S. Bureau of Reclamation and/or the U.S. Natural Resources Conservation Service.

Guidance, procedures, checklists, worksheets and references to aid in construction quality assurance are available in the United States Department of Agriculture Natural Resources Conservation Service National Engineering Handbook Part 645-Construction Inspection.

For access to a .pdf copy of NEH Part 645, please email ODS at dam.safety@mass.gov .

- (f) The Dam Engineer shall invite ODS to the preconstruction meeting, another project meeting at 50% completion and the final inspection meeting. ODS reserves the right to make site visits and inspections at any time during the permit period. ODS requests the following items be addressed at the pre-construction meeting:
- Identification of the
 - resident engineer (Owner's representative overseeing the project);
 - contractor's qualified site superintendent; and
 - Dam Engineer's representative overseeing the project.
 - Provide emergency contact information for the contractor and resident engineer;
 - Presentation of the resident engineer's weekly work schedule and discussion of the level of construction oversight to be provided by the resident engineer;
 - Water control features anticipated and the process for the Dam Engineer to either develop or approve the overall control and diversion of water plan. Flood emergency warning and response procedures must be identified;
 - Level of Dam Engineer construction oversight including: identification of any critical construction items to be overseen by the Dam Engineer; procedures for the Dam Engineer's review and approval of shop drawings and other submittals; documentation of Dam Engineer's approval of any design modifications; procedures for coordinating and scheduling the Dam Engineer's inspection of critical construction elements;
 - Anticipated schedule of construction meetings and required attendees. It is expected that while construction is ongoing, weekly construction meetings will be held and attended by the Dam Engineer, the resident engineer, the contractor's superintendent and other appropriate participants; and
 - Presentation of the initial construction schedule with identification and discussion of major items.

ODS shall be provided a copy of the preconstruction meeting minutes.

- (g) The Dam Engineer shall provide ODS written documentation that he/she has reviewed and approved all pertinent submittals or samples concerning critical project dam features. This documentation may be in the form of a submittal log which may be submitted as part of the “as-built” report, described below.
- (h) Upon completion of work the Applicant shall submit to ODS a **DAM SAFETY CERTIFICATE OF COMPLETION** (form attached). With this certificate of completion submit one bound (utilizing plastic comb bindings) as-built report with 11”x17” record drawings signed and stamped by a registered professional civil engineer with contractor’s signature attesting that all work was performed according to the plans and specifications. The as-built report shall include documentation of submittals reviewed and approved by the Dam Engineer, copies of any materials or construction testing reports and color photos of construction phases and appurtenant installations. Photograph numbers, location and direction in which each photo was taken must be identified. An electronic copy (as a .pdf) of the as-built report and record drawings shall be provided to ODS via email, .ftp site or on a USB flash drive.
- (i) Upon completion of work, the Dam Engineer shall submit an **APPLICATION TO CHANGE HAZARD CLASSIFICATION OF DAM** with supporting documentation demonstrating how the dam in its as-built condition will perform (i.e., maximum impoundment level and storage volume resulting from the 100-year design storm and/or water surface profiles demonstrating the breached embankment will not re-impound water). Refer to the ODS website for the application form and description of required information. Refer to 302CMR10.00 for the jurisdictional criteria for a dam.
- (j) The Certificate of Completion, as-built report and Application to Change Hazard Classification of Dam shall be provided to ODS within 90 days of substantial completion of work unless ODS agrees to later submission of these documents. Submission of these documents is required prior to ODS issuing a Certificate of Approval.

Any permit issued by DCR shall be subject to revocation by order of the Commissioner if the permittee fails to conform to 302 CMR 10.00, Dam Safety Rules and Regulations, provisions of this permit, or any other applicable laws and regulations.

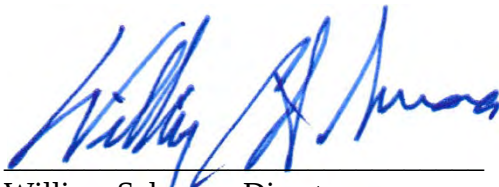
This permit does not release the applicant from the requirements of any other regulatory authority. Such authorizations and/or notifications include, but are not limited to:

Local Conservation Commission;
Massachusetts Department of Environmental Protection (DEP);
Massachusetts Department of Fish and Game (DFG);
Massachusetts Executive Office of Environmental Affairs (EOEA), MEPA Unit; and
U.S. Army Corps of Engineers.

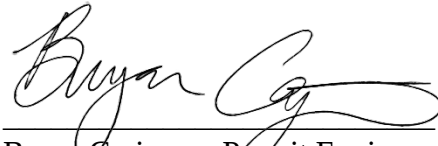
This permit must be recorded by the applicant at the Registry of Deeds in the county where the dam lies. Recording must be done prior to the commencement of construction and a copy of the recorded permit filed with the Office of Dam Safety.

This permit remains valid for two (2) years from the date of issue: **October 21, 2025.**

Permit expiration date: **October 21, 2027.**



William Salomaa, Director
DCR, Office of Dam Safety



Bryan Carignan, Permit Engineer
DCR, Office of Dam Safety

CC: Nickolas Erickson, Fitchburg Commissioner of Public Works

Attachments: Dam Safety Improvements – Notice of Construction form
Dam Safety Certificate of Completion form
Application to Change Hazard Classification of Dam

Informational (NOT TO BE RECORDED AT REGISTRY OF DEEDS)

Excerpts from Dam Safety Rules Regulations:

302 CMR 10.09(5): Recording a Chapter 253 Permit.

A permit to construct, drawdown, repair, alter, breach or remove a dam shall be recorded at the Registry of Deeds in the county where the dam lies. Recording must be done prior to the commencement of construction and a copy of the recorded permit filed with the Commissioner.

To: DCR, Office of Dam Safety – Permits Section
180 Beaman Street
West Boylston, MA 01583

DAM SAFETY IMPROVEMENTS - NOTICE OF CONSTRUCTION

Dam Owner/Applicant

Name:
Representative:
Address:
Phone:
Fax:
Email Address:

Project

Project location Town/City:
Dam name:
National Dam ID Number:
State Dam ID Number:
Nature of Dam Safety Improvements:
Chapter 253 Permit date of issue:
Chapter 253 Permit expiration date:
Permit Recorded at _____ Registry of Deeds
Dam Parcel Registry of Deeds Book Number:
Dam Parcel Registry of Deeds Page Number:
Recorded Permit Registry of Deeds Book Number:
Recorded Permit Registry of Deeds Page Number:
Copy of the recorded permit attached Yes ()
Construction start date:
Construction schedule attached Yes ()

Engineer

Company Name:
Representative:
Address:
Phone:
Fax:
Email Address:

Contractor

Company Name:
Representative:
Address:
Phone:
Fax:
Email Address :

Brief description of project, note location and dates of construction:

By Contractor

Print name and title: _____

Signature and date: _____

By Engineer

Print name, title: _____

Signature and date: _____

By Dam Owner/Applicant

Print name and title: _____

Signature and date: _____

To: DCR, Office of Dam Safety – Permits Section
180 Beaman Street
West Boylston, MA 01583

DAM SAFETY CERTIFICATE OF COMPLETION

Dam Owner/Applicant

Name:
Representative:
Address:
Phone:
Fax:
Email Address:

Project

Project location Town/City:
Dam name:
National Dam ID Number:
State Dam ID Number:
Nature of Dam Safety Improvements:
Chapter 253 Permit date of issue:
Chapter 253 Permit expiration date:
Permit Recorded at _____ Registry of Deeds
Dam Parcel Registry of Deeds Book Number:
Dam Parcel Registry of Deeds Page Number:
Recorded Permit Registry of Deeds Book Number:
Recorded Permit Registry of Deeds Page Number:
Project completion date:

Engineer

Company Name:
Representative:
Address:
Phone:
Fax:
Email Address:

Contractor

Company Name:
Representative:
Address:
Phone:
Fax:
Email Address :

Brief description of project and dates of construction:

Statement of project completion in accordance with plans, specifications, dam safety permit conditions and standard construction practices:

By Contractor

Print name and title:_____

Signature and date:_____

By Engineer

Print name, title and PE stamp here:_____

Signature and date:_____

By Dam Owner/Applicant

Print name and title:_____

Signature and date:_____



APPLICATION TO CHANGE HAZARD CLASSIFICATION OF DAM

In accordance with 302 CMR 10.06 (6) Hazard Reconsideration. An owner may at any time request the Commissioner to reconsider the hazard determination. The owner's request must be filed by a registered professional civil engineer, specifying the findings and analyses with which the owner disagrees. The Commissioner will issue a written decision to the owner and the registered professional civil engineer within 30 days of receipt of a request for hazard reconsideration, and such decision shall be final and binding upon the parties.

To request a reconsideration of hazard classification, this application and all supporting information must be completed and sent via certified mail to the Commissioner of DCR at the following address:

Department of Conservation and Recreation
Office of Dam Safety – Hazard Reclassification
180 Beaman Street
West Boylston, MA 01583

All materials submitted must be sent under cover letter by the dam owner's registered professional civil engineer and accompanied by a PDF copy.

Date: _____

National ID Number: _____

Dam Name: _____

Dam Location (City or Town): _____

Owner(s) Name and Address: _____

Engineering Firm (or Engineer) Submitting Request _____



Fill in Part A or Part B

PART A: Application to Raise Hazard Classification (e.g., from Significant to High)

Current Hazard Classification: _____
(as listed in DCR Office of Dam Safety Database)

Proposed Hazard Classification: _____

Reason for Change: _____

Attach any applicable supporting information.

PART B: Application to Reduce Hazard Classification (e.g., from Significant to Low)

Current Hazard Classification: _____
(as listed in DCR Office of Dam Safety Database)

Proposed Hazard Classification: _____

Applicant must submit engineering studies to justify the change in Hazard Class. Please note that studies must be signed and stamped by the responsible engineer. Indicate the studies that accompany this application:

Hydrologic / Hydraulic Analyses
Dam Breach / Inundation Analyses
Incremental Damage Assessment
Other _____

Reason for Change: _____

