

DETERMINATION OF APPLICABILITY

PREPARED FOR:

WENDY M. STEARNS

202 LAKE ROAD

STURBRIDGE, MA 01518

FOR PROPERTY LOCATED ON:

202 LAKE ROAD

STURBRIDGE, MA 01518

PREPARED BY:

JALBERT ENGINEERING

54 MAIN STREET

STURBRIDGE, MA 01566

508-347-5136

JOB NO: 20119

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PROPOSED SITE PLAN 20119

NARRATIVE

THE APPLICANT IS PROPOSING TO REPOINT THE EXISTING SHORE LINE WALL IN FRONT OF THE PROPERTY LOCATED AT 202 LAKE ROAD (MAP 9, STREETCODE 380, PARCEL 202). THE LOT DOES NOT LIE WITHIN A MAPPED AREA OF PRIORITY HABITAT OF RARE WILDLIFE AS SHOWN ON THE LATEST DATA LAYERS ON MASSGIS .

SEVERAL MEASURES WILL BE TAKEN TO PROTECT THE INTEREST OF THE WETLANDS PROTECTION ACT AND STURBRIDGE WETLAND BYLAWS. NO WORK WILL BE DONE UNTIL THE DRAW DOWN OF THE POND. SECONDLY, AN EROSION CONTROL BARRIER HAS BEEN PROPOSED TO CONTROL RUNOFF DURING THE CEMENTING OF THE SHORE LINE WALL. THE BARRIER WILL DEFINE THE LIMIT OF WORK ADJACENT TO ALUM POND.

Please refer to the Jalbert Engineering, Inc. Design plan, Drawing No. 20119 for additional information.



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:

WENDY M. STEARNS

Name

E-Mail Address

202 LAKE ROAD

Mailing Address

STURBRIDGE

MA

01518

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

2. Representative (if any):

JALBERT ENGINEERING, INC.

Firm

LEONARD S. JALBERT

LSJALBERT@JALBERTENGINEERING.COM

Contact Name

E-Mail Address

54 MAIN STREET

Mailing Address

STURBRIDGE

MA

01566

City/Town

State

Zip Code

508-347-5136

508-347-7962

Phone Number

Fax Number (if applicable)

B. Determinations

1. I request the STURBRIDGE 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:

STURBRIDGE

Name of Municipality

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



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):

Street Address _____ City/Town _____

Assessors Map/Plat Number _____ Parcel/Lot Number _____

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

THE WALL IS LOCATED ON THE EASTERLY SHORE OF BIG ALUM AT THE NORTHERLY END OF THE POND. THE LOT IS SHOWN ON TAX MAP 9 PARCEL 202.

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

PROPOSED WALL REPAIR - PLAN # 20119 _____ 10/1/20 _____
Title Date

_____ Date _____

_____ Date _____

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

THE WALL WILL BE REPOINTED ONLY AND NO REPLACEMENT OR RELOCATION OF THE WALL WILL TAKE PLACE. ALL WORK WILL BE COMPLETED DURING THE DRAW DOWN OF THE POND. THE WORK AREA WILL BE PROTECTED WITH A SOIL EROSION BARRIER.



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).

THE EXISTING SHORE WALL IS TO BE REPOINTED DURING THE DRAW DOWN AND A EROSION CONTROL BARRIER WILL BE INSTALLED PRIOR TO ANY WORK. SEE PLAN # 20119 FOR DETAILS.

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.)



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:

WENDY M. STEARNS

Name

202 LAKE ROAD

Mailing Address

STURBRIDGE

City/Town

MA

State

01518

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.

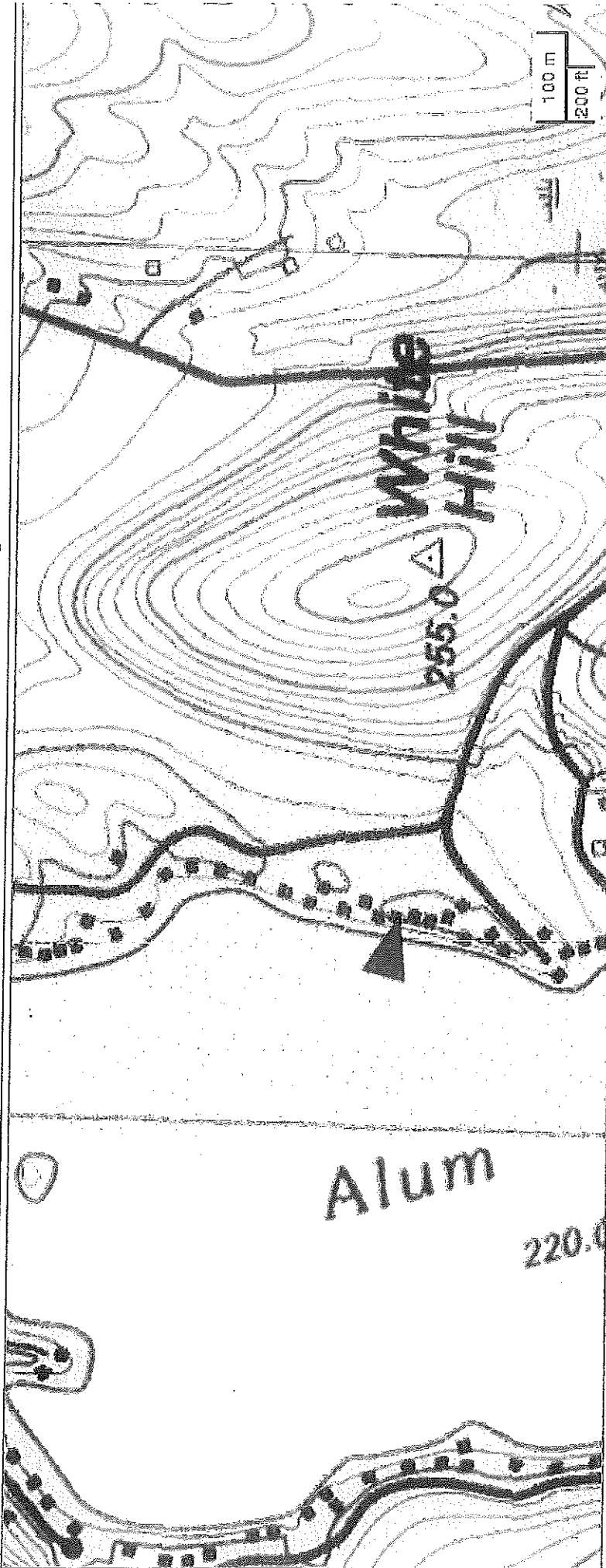
Wendy Stearns
Signature of Applicant

October 15, 2020
Date

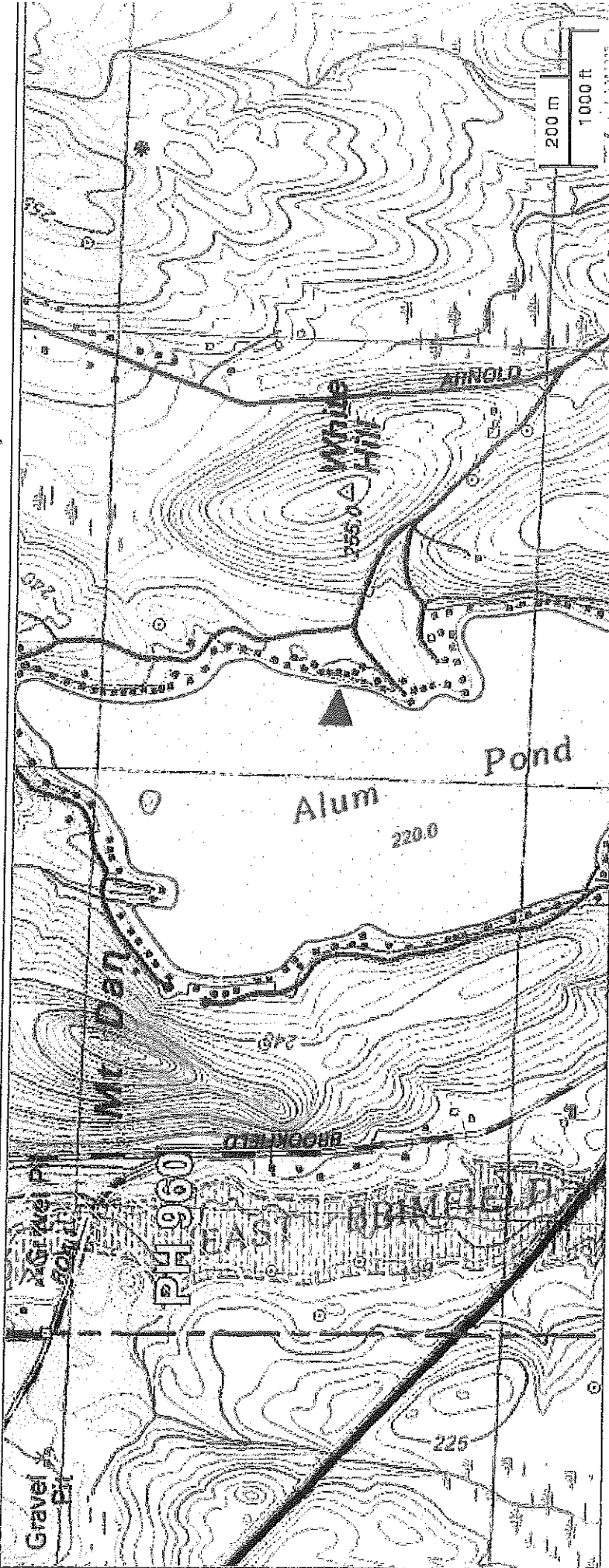
Scorand Gilbert
Signature of Representative (if any)

10/15/2020
Date

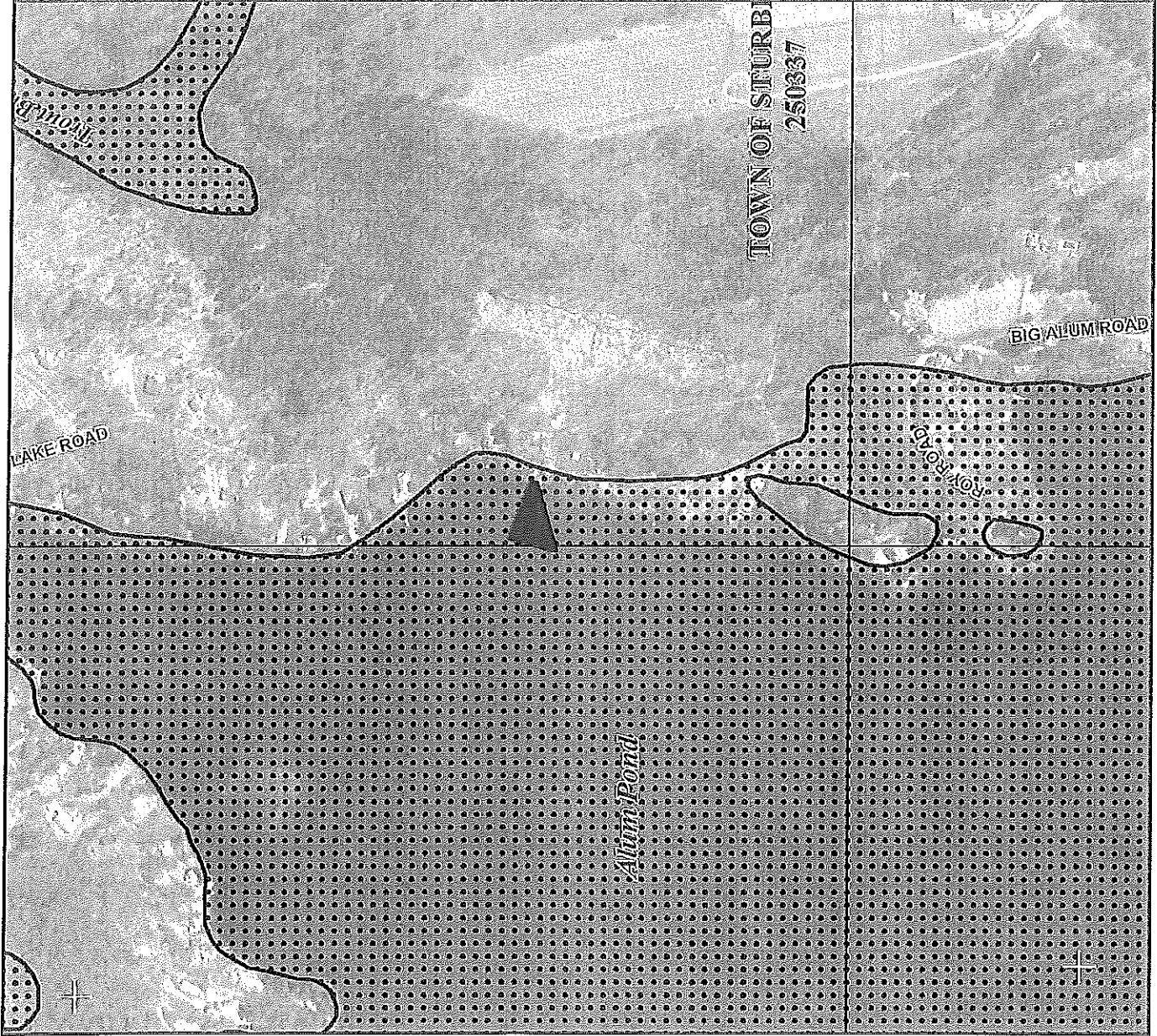
Stearns - 202 Lake Road, Sturbridge



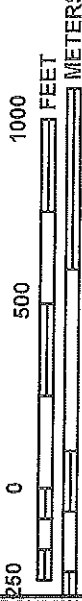
Stearns - 202 Lake Road, Sturbridge - NHESP Map



STEARNS - 202 LAKE ROAD, STURBRIDGE



MAP SCALE 1" = 500'



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0763E

FIRM
FLOOD INSURANCE RATE MAP
WORCESTER COUNTY,
MASSACHUSETTS
(ALL JURISDICTIONS)

PANEL 763 OF 1075
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
BROOKFIELD, TOWN OF	250288	0763	E
STURBRIDGE, TOWN OF	250337	0769	E

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER
 25027C0763E
 EFFECTIVE DATE
 JULY 4, 2011

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov



Bk: 53964 Pg: 301
Page: 1 of 3 07/03/2015 01:37 PM WD

MASSACHUSETTS EXCISE TAX
Worcester District ROD #20 001
Date: 07/03/2015 01:37 PM
Ctri# 143333 12255 Doc# 00065484
Fee: \$2,097.60 Cons: \$460,000.00

QUITCLAIM DEED

We, Brian M. Malicki and Holly J. Malicki, a couple married to each other, of 22 Heatherwood Drive, Colchester, CT and Candace E. Webb and Tracy R. Webb, a couple married to each other of 104 Heatherwood Drive, Colchester, CT

in consideration of FOUR HUNDRED SIXTY THOUSAND DOLLARS (\$460,000.00) AND NO/100 CENTS

grant to Wendy M. Stearns, Individually, of 46 McIntyre Road, Charlton MA

With quitclaim covenants

The land in Sturbridge, in the County of Worcester, Massachusetts, described as follows:

FIRST PARCEL: The land with the buildings thereon, situated in Sturbridge, Worcester County, Massachusetts, situated on the shores of "Alum Pond" and more fully described as follows;

Beginning at a point at the corner of land now or formerly owned by H.O. Durant, on the shore of said Alum Pond, and extending along said land, two hundred (200) feet to a stake, at a private road, leading to Brookfield; and thence along said road, or private way, one hundred (100) feet to land now or formerly of Susan R. Douty; thence along land of Susan R. Douty, now or formerly, to said shore of said Alum Pond, two hundred (200) feet; thence along said shore of Alum Pond, one hundred (100) feet to the point of beginning.

Also the right in common with others, to pass and repass with teams, vehicles or otherwise along said road, - leading to said Brookfield.

Property Address: 202 Lake Road, Sturbridge

3

M

Excepting from above description that parcel of land conveyed by deed of W. Conant Durant and Myrtle E. Durant to John Slosek and Mary Slosek, recorded in Worcester County Registry of Deeds on January 18, 1944, in Book 2906, Page 456.

SECOND PARCEL: The land in said Sturbridge adjoining on the east the land now or formerly of W. Conant Durant and Myrtle E. Durant, which fronts on the easterly shore of Alum Pond, bounded and described as follows:

Beginning at a point in the center line of the private road leading from Arnold Road northwesterly and northerly generally parallel to the easterly shore of Alum Pond, at the northeasterly corner of land of Charles L. Allen et ux.;

THENCE N. $72^{\circ} 27' 30''$ W. 20.74 feet to an iron pin at the westerly line of said private road, and continuing in the same course by said Allen land 107.6 feet to an iron pin at said land now or formerly of W. Conant Durant and Myrtle E. Durant;

THENCE N. $31^{\circ} 54'$ E. by land now or formerly of W. Conant Durant and Myrtle E. Durant, 82 feet to an iron pin at land of John Irwin Morris Slosek et ux.;

THENCE S. $72^{\circ} 27' 30''$ E. by land of John Irwin Morris 65.4 feet to an iron pin at the westerly line of said private road, and continuing in the same course 20.74 feet to the center line of said private road;

THENCE S. $5^{\circ} 16'$ W. by the center line of said private road about 91.2 feet to the point of beginning.

Above premises are conveyed subject to and with the benefit of all easements and rights of way of record.

Being the same premises conveyed by Warranty Deed of Clifford G. Scarr and Shirley H. Scarr to Holly J. Malicki, Brian M. Malicki, Candace E. Webb and Tracy R. Webb said deed dated August 14, 2000 and recorded with Worcester County Registry of Deeds in Book 22950, Page 389.

We, Brian M. Malicki and Holly J. Malicki and Candace E. Webb and Tracy R. Webb, the Grantors named herein, do hereby voluntarily release all of our rights of Homestead, if any, as set forth in M.G.L. Chapter 188 and swear under oath that there is/are no other person or persons entitled to any homestead rights other than those executing this deed.

Witness my hand and seal this 29 day of June, 2015

Brian M. Malicki
Brian M. Malicki

Holly J. Malicki
Holly J. Malicki

Candace E. Webb
Candace E. Webb

Tracy R. Webb
Tracy R. Webb

Soldand County

State of Connecticut

On this 29 day of June, 2015, before me, the undersigned notary public, personally appeared Brian M. Malicki and Holly J. Malicki, proved to me through satisfactory evidence of identification, which was ✓ photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document(s), and acknowledged to me that he/she signed it voluntarily for its stated purpose, and as his/her free act and deed.

Joan H. Staller
Notary Public
My Commission Expires 10/31/2017

New London County

State of Connecticut

On this 26th day of June, 2015, before me, the undersigned notary public, personally appeared Candace Webb and Tracy Webb, proved to me through satisfactory evidence of identification, which was ✓ photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document(s), and acknowledged to me that he/she signed it voluntarily for its stated purpose, and as his/her free act and deed.

Joan Campbell
Notary Public

JOAN CAMPBELL
NOTARY PUBLIC
MY COMMISSION EXPIRES AUG. 31, 2018



Town of Sturbridge

Conservation Commission

Notification to Abutters under the MA Wetlands Protection Act and the Town of Sturbridge Wetland Bylaw Regulations

(certificates of mailing, certified mail, or hand-delivery with abutter signature required as proof of notification)

In accordance with the second paragraph of Massachusetts General Laws, Chapter 131, § 40, as well as the Town of Sturbridge Wetland Bylaws, you are hereby notified of the following permit application for work within a wetland resource area and/or within the 200-foot buffer zone to a resource area:

- A. The name of the applicant is: Wendy Stearns
- B. The address of the lot(s) where the activity is proposed is: 202 Lake Road
- C. The nature of the activity proposed includes: Shore wall to be re-painted
- D. The applicant has filed the following in accordance with the Wetlands Protection Act (MGL c. 131, § 40), and/or the Town of Sturbridge Wetland Bylaws.
 - Notice of Intent seeking permission to conduct work within a wetland, water body or resource area
 - Request for Determination seeking permission to conduct work within a buffer zone to a wetland, waterbody or resource area
 - Abbreviated Notice of Resource Area Delineation seeking to confirm the wetland resource area boundaries.
 - Request to amend an existing Order of Conditions for DEP File #300-_____
- E. Copies of the application may be examined on the Sturbridge Conservation Commission webpage under Recent Filings on the Town of Sturbridge Website www.sturbridge.gov. For additional questions regarding availability contact us at (508)347-2506
- F. Copies of the application may be obtained from either the applicant: _____ or the applicant's representative: _____, by calling telephone # 508-347-5136 on the following days of the week: M-F between the hours of 9am and 3 pm.

The Public Hearing for this application will be held virtually from Sturbridge Town Hall, Veterans Hall, 308 Main Street, 2nd Floor on _____ at _____ pm.

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting law, G.L. c. 30A Section 18, and the Governor's March 16, 2020 Order imposing strict limitations on the number people that may gather in one place, this meeting of the Sturbridge Conservation Commission will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation can be found on the Town's website at <https://www.sturbridge.gov/town-administrator/pages/how-access-virtual-meeting>. For this meeting, members of the public who wish to listen and or watch the meeting may do so either online via the Town's on demand video broadcast, on cable television on channel 191, or dial into the meeting at 774-304-1455, enter 1428# for the meeting number and 12345 for the access code. (This phone number is only active for the public during public meetings). No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post of the Town's website an audio or video recording, transcript, or other comprehensive record of the proceedings as soon as possible after the meeting.

PLEASE NOTE: Notice of this Public Hearing will be published as follows:

- In The Southbridge Evening News at least five days in advance of the hearing
- In the Town Hall at the Town Clerks office, not less than 48 hours in advance of the hearing
- On the Town's Meeting Calendar not less than 48 hours in advance of the hearing (www.town.sturbridge.ma.us)
- On the Conservation Commission webpage not less than 48 hours in advance of the hearing

You may contact the Sturbridge Conservation Commission Office (508) 347-2506 or the Department of Environmental Protection Central Regional Office at 508-792-7650 with questions in regards to the Notice of Intent application process or the Wetlands Protection Act.

Town Hall
308 Main Street
Sturbridge, MA 01566

508-347-2506
(t) 508-347-5886



Town of Sturbridge

Conservation Commission

STURBRIDGE CONSERVATION COMMISSION AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act and the Town of Sturbridge Wetland Bylaws I, Leonard S. Salbert, hereby certify under the pains and penalties of perjury that on (date) Oct. 15, 2020, I gave notification to abutters in compliance with the second paragraph of the Massachusetts General Laws Chapter 131, § 40, and the DEP Guide to Abutter Notification as well as the Town of Sturbridge Wetland Bylaws, in connection with the following matter:

- A Notice of Intent OR
- A Request for Determination OR
- An Abbreviated Notice of Resource Area Delineation

was filed under the Massachusetts Wetlands Protection Act and the Town of Sturbridge Bylaws, by Salbert Engineering with the Sturbridge Conservation Commission on (date) _____ for the property located at 202 Lake Road.

The form of the Notification and a list of abutters to whom it was given and their addresses are included in the application file.

Leonard S. Salbert
(signature of applicant) (date)

Leonard S. Salbert
(name of applicant-printed or typed)

F:\Home\CONSERVATION\Forms\COVID 19 FORMS\Covid Affidavit of Service.doc



Town of Sturbridge

Conservation Commission

Filing Fee Worksheet

Under M.G.L. c 131, § 40 and the Town of Sturbridge Wetland Bylaw

Applicant Wendy Stearns

Applicant Representative Leonard S. Salbert, Salbert Engineering, Inc

Project location 202 LAKE Road

TOTAL STATE FEE REQUIRED FOR PROJECT

(Only subject to NOI and ANRAD filings—See Wetland Fee Transmittal Form):

State Fee Category(s) _____

Total State Fee for project (include Riverfront Area adjustment if applicable) _____

State share of State Fee _____

Local share of State Fee _____

TOTAL ADDITIONAL LOCAL FEE REQUIRED FOR PROJECT*:

(See Sturbridge Wetland Bylaw Regulations Section 4.17)

Standard NOI Fee = \$50.00 _____ (check if applicable)

Standard RDA Fee = \$25.00 _____ (check if applicable)

Standard ANRAD Fee = \$00.10 per foot for resource area delineation _____ (check if applicable).
feet _____ x \$00.10 = \$ _____

Standard DELINEATION Fee = \$00.10 per foot for resource area delineation _____ (for all projects).
feet _____ x \$00.10 = \$ _____

(for all projects that do not include an approved wetland delineation boundary by the Commission within 3 years prior to application submittal)

REPLICATION Monitoring Fee = \$200.00 _____ (check if applicable)
(for all projects that include wetland alteration and wetland replication)

CUMULATIVE TOTAL FEES:

Total State Fee: 0-

Total Town Share of State Fee: 0-

Total Local Fee: \$ 25.00

* Please Note:

For each NOI and ANRAD filing, please submit two (2) checks to the Town of Sturbridge, one for the town's portion of the state fee and one for the local fee(s). RDA filings only have a Local Fee at this time.

The advertising fee is not included in the calculation. The Applicant will pay the Southbridge News directly.



Town of Sturbridge

Barbara A. Barry, Finance Director

Department/Board/Committee: Finance Department

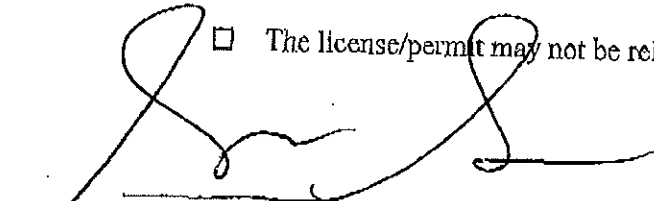
Please verify outstanding tax/fee status for the following property owner:

Property Owner: Wendy Stearns

Property Location: 202 Lake Road

The license/permit may be released.

The license/permit may not be released.



Finance Director

10/15/20
Date

NOTE: Please Fax Back to Jalbert Engineering, Inc at 1-508-347-7962.

by: Leonard S. Jalbert at 1-508-347-5136