

**ZONING BOARD OF APPEALS  
REQUEST FOR DETERMINATION**

**PREPARED FOR:  
WENDY M. STEARNS  
202 LAKE ROAD  
STURBRIDGE, MA 01518**

**FOR PROPERTY LOCATED AT:  
202 LAKE ROAD  
STURBRIDGE, MASSACHUSETTS  
PROJECT No. 17232**

**PREPARED BY:  
JALBERT ENGINEERING  
54 MAIN STREET  
STURBRIDGE, MA 01566  
(508) 347-5136**

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REQUEST FOR DETERMINATION

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DEEDS

FORM STT.A1

JALBERT ENGINEERING, INC. PLAN, DRAWING No. 17232

HOUSE PLANS

## NARRATIVE

The Applicant is proposing to demolish an existing single family residence and construct a new 2 story single family residence 202 Lake Road (Map 9, Street Code 380, Parcel 202) with associated site work. Associated site work is to include grading and landscaping. The property is located within the 100-foot buffer zone to Alum Pond. The lot does not lie within a mapped area of Priority Habitat of Rare Wildlife as shown on the latest data layers on MassGIS as produced by Natural Heritage and Endangered Species Program (NHESP).

The lot and present residence existed prior to any zoning requirements. A copy of the Assessor's Field Card for 202 Lake Road is attached and indicates the structure was built in 1915. The existing 884 sq.ft. residence (including steps and porches) is to be razed and removed. The existing house is in violation of the rear zoning setback and is entirely within the 50-foot local wetland buffer and portions are within the 25-foot as well. The applicant is proposing to construct a 3,374 sq. ft. square foot single-family residence which includes porches, steps and an attached garage. The new residential structure is proposed to conform to current zoning setback requirements. The new structure will be completely outside the 25-foot wetland buffer as established by the Town of Sturbridge Wetland Bylaw and this proposal reduces building occupancy within the 50-foot buffer by 6%.

As for the regulated wetland buffer zones, demolition, some diseased tree removal, re-grading and landscaping is proposed within the 25-foot buffer and 50-foot local buffers. Any disturbance with the 25-foot buffer is temporary and will be restored and remained vegetated. A walkway will be maintained to access the steps and dock area at the shoreline.

Several measures have been taken to protect the interest of the Wetlands Protection Act and the Town Sturbridge Wetland Bylaw. The proposed residence has been moved further away from Big Alum Pond than that which exists. Secondly, an erosion and siltation control barrier has been proposed to control runoff during demolition and construction. This barrier will define the limit of work adjacent to Alum Pond. Thirdly, there are no significant grade

changes proposed within the 50-foot buffer. Please refer to the Jalbert Engineering, Inc. design plan, Drawing No. 17232 for additional information.

REQUEST FOR DETERMINATION  
NON-CONFORMING USE, LOT OR STRUCTURE  
ONE AND TWO FAMILY DWELLINGS  
(2010)

TOWN OF STURBRIDGE  
ZONING BOARD OF APPEALS

Property Owner WENDY M. STEARNS  
 Property Address 202 LAKE ROAD  
 Mailing Address 202 LAKE ROAD FISKDALE, MA 01518  
 Telephone 508-335-686 Email \_\_\_\_\_  
 Deed Reference 53964/301 Purchase Date JUNE 29, 2015  
 Assessor's Map # 9 SC380 P 202 \$25.00 Fee/Check # 31488

1. Complete the required, existing and proposed conditions:

Zoning District SUBURBAN RES

	Zoning Requirements	Existing Conditions	Proposed Conditions
Maximum Lot Area	3/4 AC	28,840 S.F.	28,840 S.F.
Maximum Frontage	125'	91.20'	91.20'
Maximum % Coverage	15	3.34	11.98
Minimum Front Setback	30'	162.7'	162.7'
Minimum Side Setback	15'	37'/17.2'	16'/18'
Minimum Rear Setback	15'	10.5'	54'
Maximum Height Mean	35'	20'	23'
Maximum Stories	2	1	2

Services available to the subject property:	Existing	Proposed
Type of water services (i.e. municipal water or private well)	PRIVATE WELL	SAME
Type of sewage disposal (i.e. municipal sewage disposal or private septic system)	MUNICIPAL	SAME
Type of storm drainage (i.e. sewers, ditches, swales or other means)	NONE	NONE

2. Is this property presently compliant with Title V?



Yes

No

3. Attach the following and check off:



A Plot Plan Survey, prepared by a Massachusetts licensed land surveyor, including lot lines, a foundation survey of all existing structures and proposed new structures, with setbacks; and the location of wells, septic fields or septic systems.



A current abutter's list, available from the Town Assessor's Office.



A certificate of Taxes Paid from the Director of Taxes.

4. Describe the current usage of this lot:


CURRENTLY A YEAR AROUND COTTAGE. THIS COTTAGE WILL BE  
RAZED AND REBUILT FOR YEAR AROUND USE.

5. Describe the character of the abutting properties, neighborhood and zoning district: THE SURROUNDING AREA CONSISTS OF BOTH  
SEASONAL AND YEAR AROUND RESIDENCES.

6. Describe the proposed construction, identifying all items for which a building permit will be applied, including any demolition, reconstruction and new construction, the location and description of any footprint additions, additional

floors, accessory attached or unattached buildings, driveways, lot clearings and plantings. THE EXISTING BUILDING WILL BE RAZED AND REBUILT IN THE VICINITY OF THE EXISTING COTTAGE. THE DRIVEWAY WILL NOT BE ALTERED AND THE SITE WILL BE REPLANTED.

**NOTE TO THE APPLICANT:** This ZBA Determination is valid only for those construction activities identified on this application. Any additional building permit applications or activities relating to this property will nullify any determinations under this application. Any misstatement of facts in the application may be grounds for nullification and revocation of the determination. The application is responsible for the cost of Public Hearing Notices, to be paid at the Hearing.

  
Leonard S. Jalbert, Agent  
Signature of Owner

Dec. 28, 2017  
Date

**DETERMINATION**

Based on the facts presented on this application and after a Site Inspection and Public Hearing, the Zoning Board of Appeals, by majority vote at its meeting on

\_\_\_\_\_ find that this application:

\_\_\_ Does not intensify the existing or create additional non-conformities and the owner may apply for a building permit for the described activities as shown on the attached survey forthwith.

\_\_\_ The ZBA includes the following directives and clarifications to the Building Inspector

OR

\_\_\_ Does increase the non-conforming nature and requires a

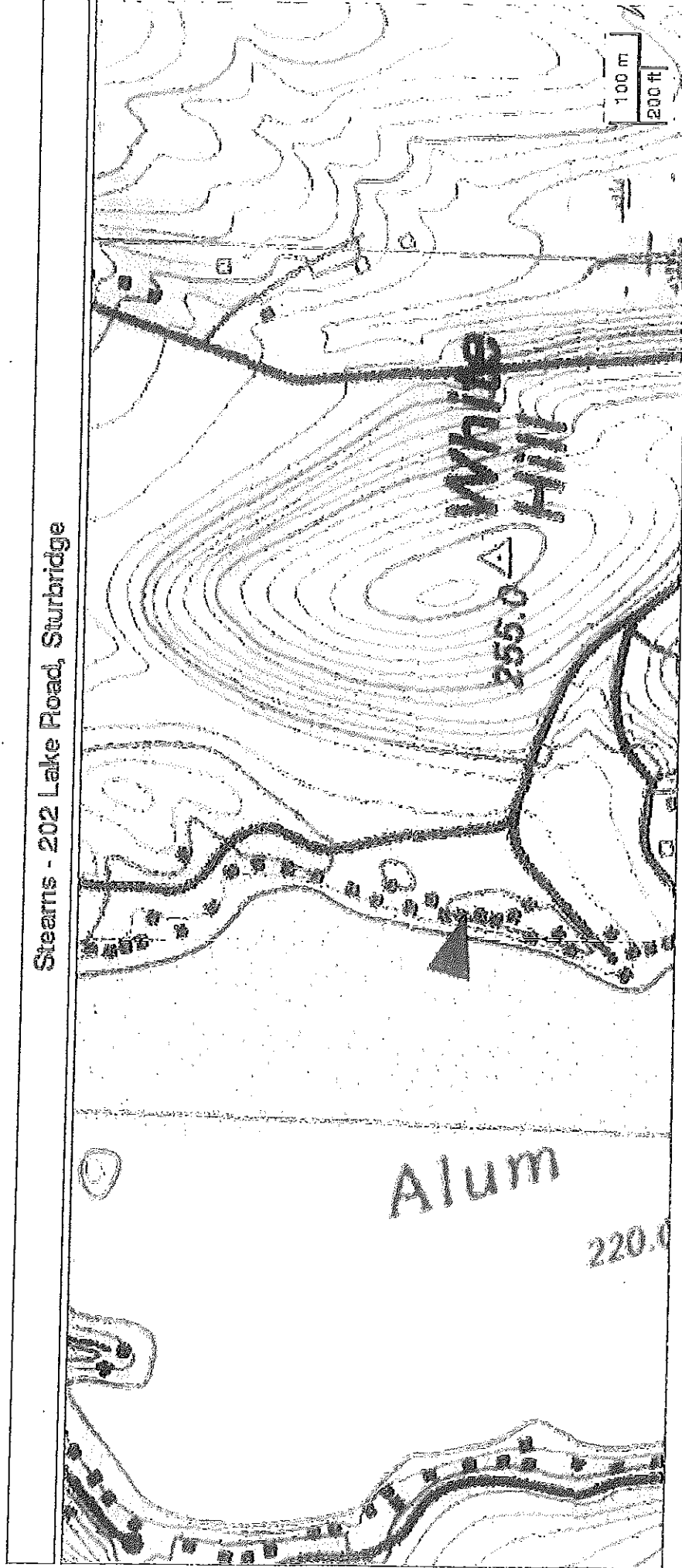
\_\_\_ Special Permit and a

\_\_\_ Variance from the Zoning Board of Appeals including but not limited to the following:

\_\_\_\_\_  
Zoning Board Chairman

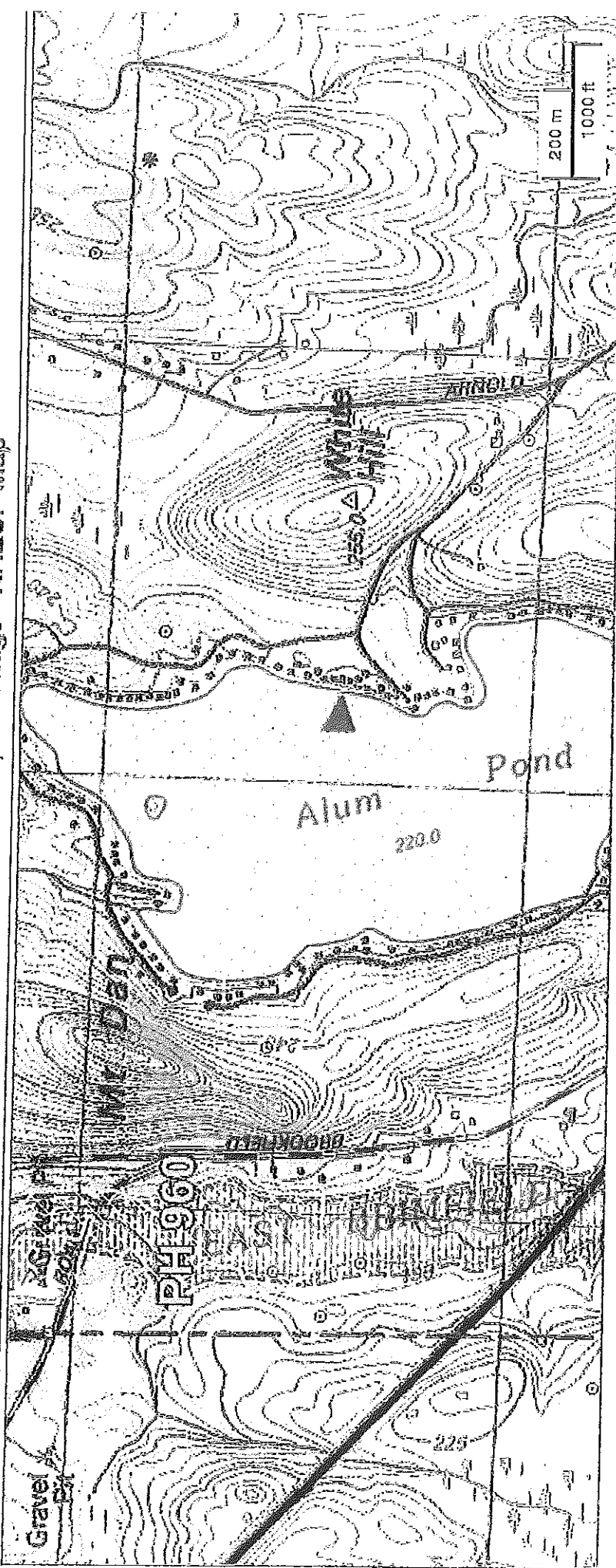
\_\_\_\_\_  
Date

Stearns - 202 Lake Road, Sturbridge

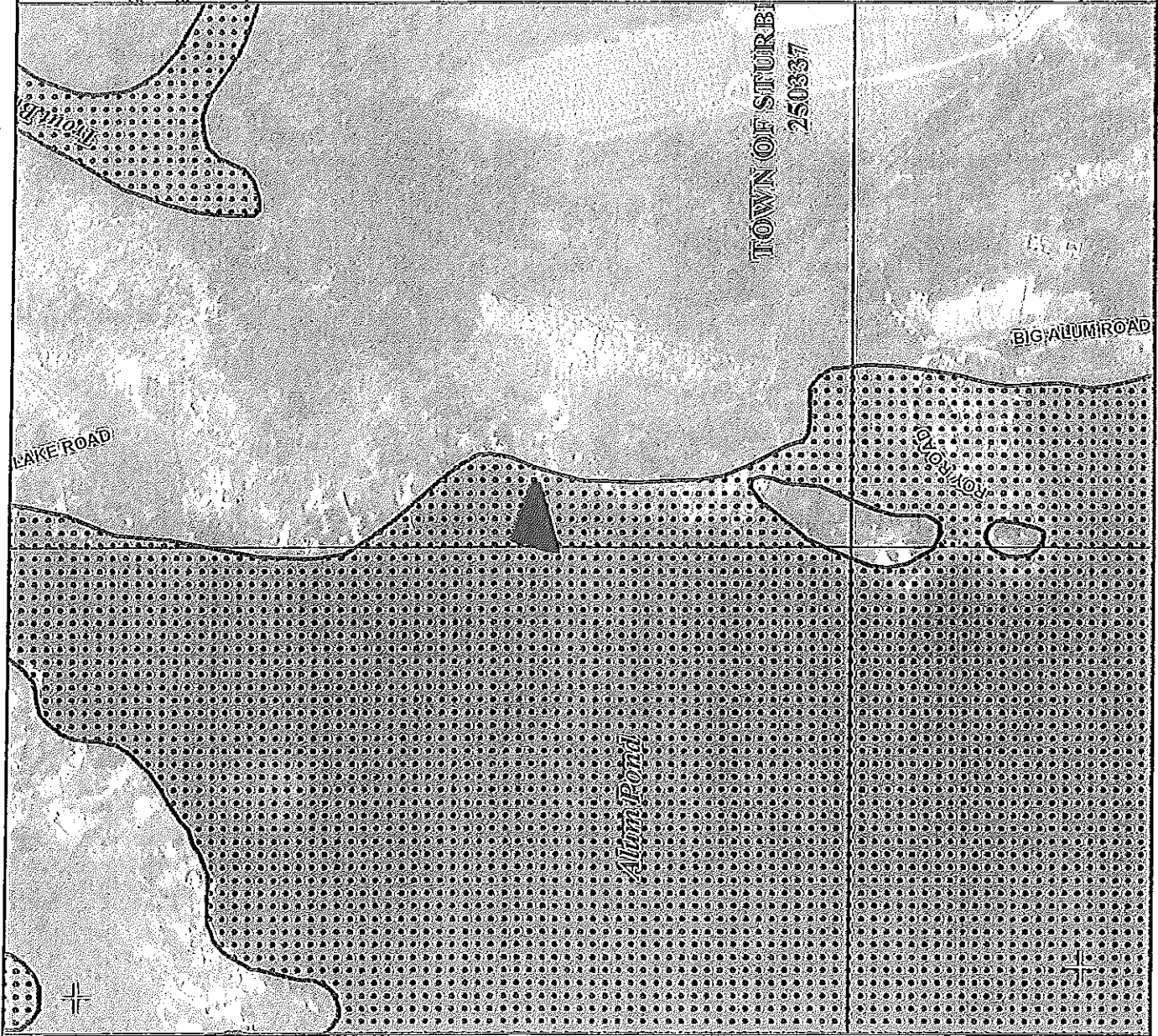




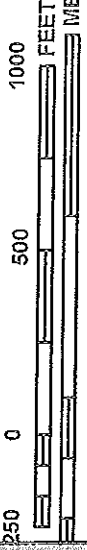
Stearns - 202 Lake Road, Sturbridge - NHESP Map



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 250337  
 BROOKFIELD, TOWN OF STURBRIDGE, TOWN OF

PANEL SUFFIX  
 0763 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](http://www.msc.fema.gov)



# Town of Sturbridge

## Conservation Commission

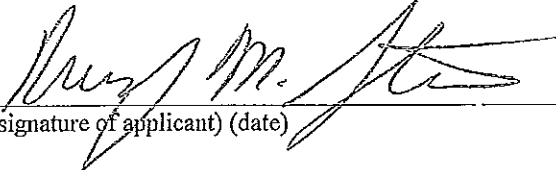
### STURBRIDGE CONSERVATION COMMISSION AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act and the Town of Sturbridge Wetland Bylaws I, Leonard S. Jalbert, PE, hereby certify under the pains and penalties of perjury that on (date) Dec. 28, 2017, 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

that was filed under the Massachusetts Wetlands Protection Act and the Town of Sturbridge Bylaws, by Wendy M. Stearns with the Sturbridge Conservation Commission on (date) Dec. 28, 2017 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.

 12-27-17  
(signature of applicant) (date)

Wendy M. Stearns  
(name of applicant-printed or typed)



# Town of Sturbridge

## Conservation Commission

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

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 M. 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: Raze an existing and construct a new single-family home
- 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 at the Sturbridge Conservation Department, 301 Main Street, Center Office Building, Sturbridge, MA between the hours of 9:00 a.m. – 3:30 p.m. Monday through Friday. Additional times may available by appointment. Please call ahead to check for availability. (508) 347-2506
- F. Copies of the application may be obtained from either  the applicant: \_\_\_\_\_ or  the applicant's representative: Jalbert Engineering, Inc., by calling telephone # 508-347-5136 on the following days of the week: M-F between the hours of 8 AM and 4 PM.

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The Public Hearing for this application will be held in the Center Office Building, 301 Main Street, 2nd Floor on January 18, 2018 at 6:30 pm.

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**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](http://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.

**202 LAKE ROAD**

**Location** 202 LAKE ROAD

**Mblu** 380-/0 0957/- 202/ /

**Acct#** 380-00957-202

**Owner** STEARNS WENDY M

**Assessment** \$265,800

**Appraisal** \$265,800

**PID** 1887

**Building Count** 1

**Current Value**

Appraisal			
Valuation Year	Improvements	Land	Total
2018	\$30,300	\$235,500	\$265,800
Assessment			
Valuation Year	Improvements	Land	Total
2018	\$30,300	\$235,500	\$265,800

**Owner of Record**

**Owner** STEARNS WENDY M

**Sale Price** \$460,000

**Co-Owner**

**Certificate**

**Address** 202 LAKE ROAD  
FISKDALE, MA 01518

**Book & Page** 53964/ 301

**Sale Date** 07/03/2015

**Instrument** 1N

**Ownership History**

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
STEARNS WENDY M	\$460,000		53964/ 301	1N	07/03/2015
MALICKI HOLLY J & BRIAN M	\$100		22950/ 387	1A	08/31/2000
SCARR CLIFFORD G & SHIRLEY H	\$0		6988/ 115		06/06/1980

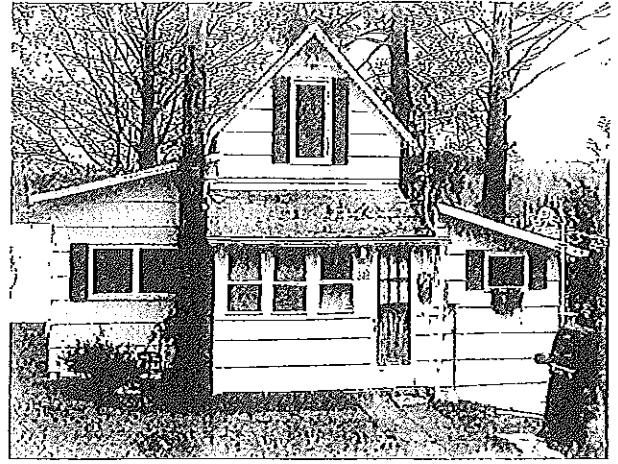
**Building Information**

**Building 1 : Section 1**

**Year Built:** 1915  
**Living Area:** 583  
**Replacement Cost:** \$50,879

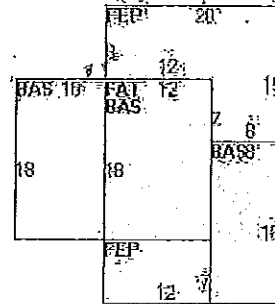
**Building Photo**

Building Percent 59  
 Good:  
 Replacement Cost  
 Less Depreciation: \$30,000



(<http://images.vgsi.com/photos/SturbridgeMAPhotos/01\01\73\04.jpg>)

**Building Layout**



Building Attributes	
Field	Description
Style	Camp
Model	Residential
Grade:	Average
Stories:	1 1/2 Stories
Occupancy	0
Exterior Wall 1	Asbest Shingle
Exterior Wall 2	
Roof Structure:	Gable/Hlp
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Carpet
Interior Flr 2	Vinyl/Asphalt
Heat Fuel	Coal or Wood
Heat Type:	Forced Air-Duc
AC Type:	None
Total Bedrooms:	1 Bedroom
Total Bthrms:	1
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	4
Bath Style:	Average
Kitchen Style:	Old Style

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	540	540
FAT	Attic, Finished	216	43
FEP	Porch, Enclosed, Finished	300	0
		1,056	583

**Extra Features**

Extra Features					Legend
Code	Description	Size	Value	Bldg #	
FLU1	FLUE-CONCRETE	1 UNITS	\$300		1

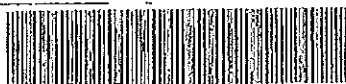
**Land**

**Land Use**

Use Code 1013

**Land Line Valuation**

Size (Acres) 0.62



2015 00065484

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  
Ctrl# 143333 12265 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

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

Saltwater 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. Steiner  
Notary Public  
My Commission Expires 10/31/2017

New London County *State of Connecticut*

On this 26<sup>th</sup> 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

Barbara A. Barry, Finance Director

Department/Board/Committee: The Zoning Board of Appeals / Conservation Commission

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

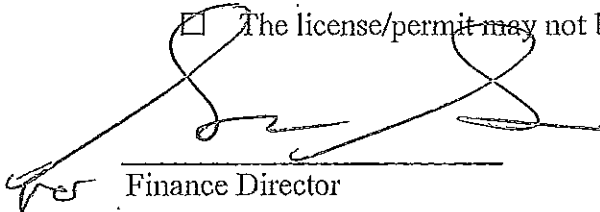
Property Owner: Wendy M. Stearns

Property Location: 202 Lake Road

Please be advised that all taxes:

The license/permit may be released.

The license/permit may not be released.

  
\_\_\_\_\_  
Finance Director

9-8-17  
\_\_\_\_\_  
Date



# JALBERT ENGINEERING, INC.

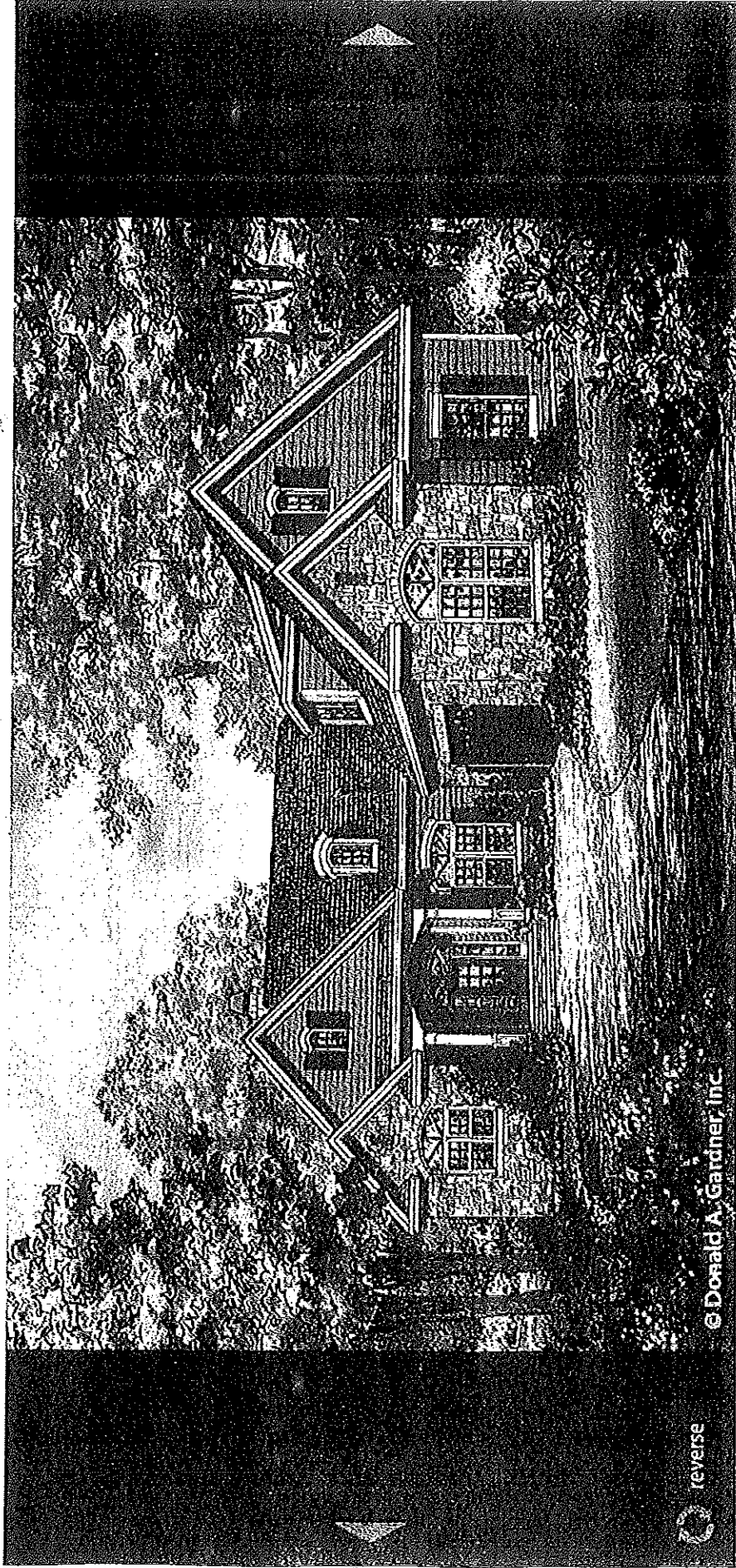
CIVIL ENGINEERS & SURVEYORS

Cedar Court • 54 Main Street  
Sturbridge, Massachusetts 01566-1244  
Telephone: (508) 347-5136 • Toll Free: 1-800-339-5136  
Fax: (508) 347-7962

PLEASE NOTE THAT SITE PLANS WERE  
ISSUED WITH THIS REPORT.

# The Adrian House Plan #1334

Photo 2 of 4



reverse

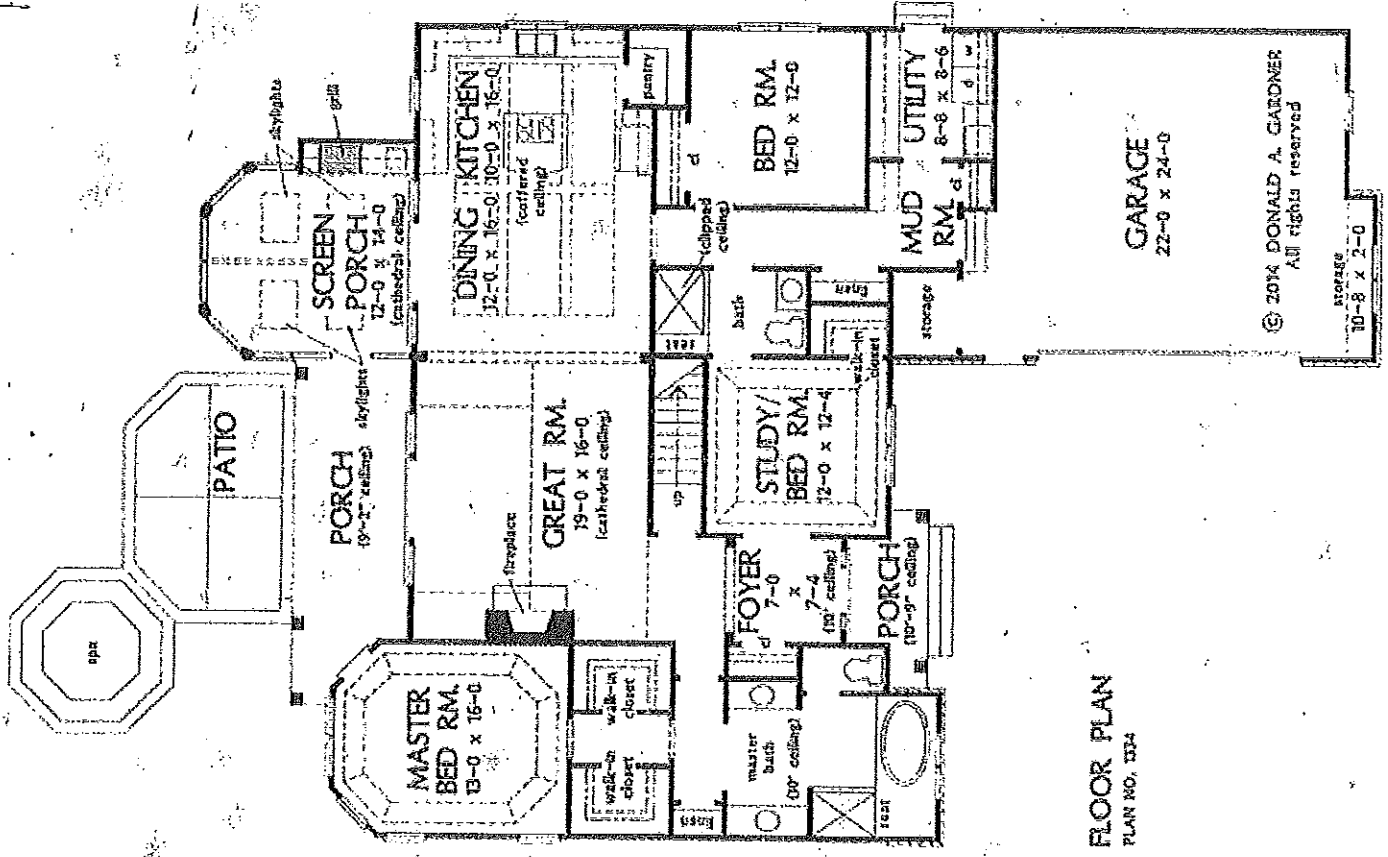
© Donald A. Gardner, Inc.

20015 Donald A. Gardner, Inc. Photographs may include modifications not shown on the plan.

STEARNS  
 SOUTHWEST  
 202 LAKE RD  
 FISKDALE

55'8"

81'2"



FLOOR PLAN  
 PLAN NO. 1134

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