

# 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:

Matt Gagner

Name

152 Freeman Road

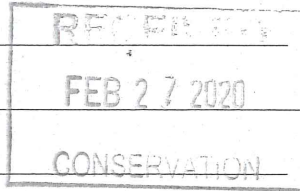
Mailing Address

Charlton

City/Town

Cell 508-248-7093 or Office 508-958-7069

Phone Number



gagsee444@yahoo.com

E-Mail Address

MA  
State

01507  
Zip Code

NA

Fax Number (if applicable)

2. Representative (if any):

JD Land and Natural Resource Stewardship

Firm

James DiMaio MLF #350

Contact Name

96 Hunt Road

Mailing Address

West Brookfield

City/Town

Cell 774-200-9726 Office 508-867-0508

Phone Number

jdimaio@rocketmail.com

E-Mail Address

MA  
State

01585  
Zip Code

NA

Fax Number (if applicable)

## B. Determinations

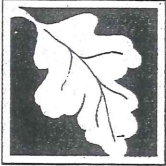
1. I request the Sturbridge make the following determination(s). Check any that apply:  
Conservation Commission

- 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).



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**C. Project Description**

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

<u>30 Ladd Road</u>	<u>Sturbridge</u>
Street Address	City/Town
<u>375</u>	<u>01324-011 / 01355-030</u>
Assessors Map/Plat Number	Parcel/Lot Number

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

375-01324-011 (3.5 acres) is flat current and old pasture with individual hardwood and pine trees within the field and young pine trees invading the sides of the pastures. The field, where there are no or few trees has been mowed for hay production and hay bales for years, including 2019 & 2020. There are stone walls, electrical and barbed wire fences on the borders of the field except the southern border of the field.

375-0355-030 (2 fields, 2.9 acres & 3.9 acres) These are old pastures that are primarily forested with slopes from flat to 3%, 6%, 9%  
See attached sheet for continued description.

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

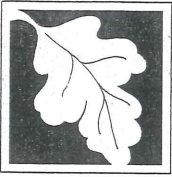
<u>Map 1 Vicinity</u>	<u>02/05/2020</u>
Title	Date
<u>Map 2 Wetland Determination Map</u>	<u>11/07/2019</u>
Title	Date
<u>Map 3 Project Vicinity Map</u>	<u>02/13/2020</u>
Title	Date

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

The objective is to improve, expand and restore old fields to their original size for hay production and develop an agricultural storage area by removing trees including their root systems, removing surface rock and grading the surface to be flat, applying grass seed, lime and fertilizer as needed.

The landowner desires to clean up the site by removing abandon tires, metal and miscellaneous debris, such as wood, glass and discarded plastic material. There is a substantial amount of debris. Some of the material (tires) are in drainages that lead into aquatic resources. The landowner desires to use a very small excavator with a small thumb attachment to carefully pick up tires and load them on equipment designed for low impact to the forest resources ( such as a forwarder). Some tires may be picked up by hand. Note - See Map 3 for a location of a small drainage with tires in it.





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### 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).

Agricultural exemption of the Wetland Protection Act where existing fields or new fields will not impact bordering wetland areas or vegetation. See attached sections of regulations pertaining to agriculture. A 25 foot filter strip is required for agricultural projects and this project exceeds this requirement.

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.)

NA

WPA Form 1 – Request for Determination of Applicability Con't.

**C. Project Description**

B. Area Description Con't.

A small portion of the 3.0 acre field is currently in grass and mowed for grass production annually and a 2.35 area that is relatively flat and forested with trees to be used as an agricultural storage area for equipment and resources such as hay and forest products.

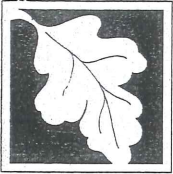
**Section C Con't**

Map 4 & 5 USGS Elevation Maps

02/27/2020

Maps 6, 7 and 8 DEP Wetlands Determination Ariel Photo Maps

02/27/2020



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### 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:

Matt Gagner

Name

152 Freeman Road

Mailing Address

Charlton

City/Town

MA

State

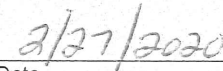
01507

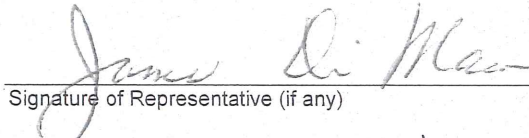
Zip Code

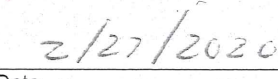
Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

  
Signature of Applicant

  
Date

  
Signature of Representative (if any)

  
Date



**Agriculture:** For the purposes of 310 CMR 10.04 the following words and phrases have the following meanings: (a) Land in Agricultural Use means land within resource areas or the Buffer Zone presently and primarily used in producing or raising one or more of the following agricultural commodities for commercial purposes:

1. animals, including but not limited to livestock, poultry, and bees;
2. fruits, vegetables, berries, nuts, maple sap, and other foods for human consumption;
3. feed, seed, forage, tobacco, flowers, sod, nursery or greenhouse products, and ornamental plants or shrubs;

and 4. forest products on land maintained in forest use, including but not limited to biomass, sawlogs, and cordwood, but not including the agricultural commodities described in 310 CMR 10.04: Agriculture(a)1. through 3.

Additionally, land in agricultural use means land within resource areas or the Buffer Zone presently and primarily used in a manner related to, and customarily and necessarily used in, producing or raising such commodities, including but not limited to: existing access roads and livestock crossings; windbreaks; hedgerows; field edges; bee yards; sand pits; landings for forest products; fence lines; water management projects such as reservoirs, farm ponds, irrigation systems, field ditches, cross ditches, canals/channels, grass waterways, dikes, sub-surface drainage systems, watering facilities, water transport systems, and water storage systems; agricultural composting sites; agricultural storage and work areas; and land under farm structures.

Land in agricultural use may lie inactive for up to five consecutive years unless it is under a United States Department of Agriculture (USDA) contract for a longer term pursuant to the Conservation Reserves Program (the Food Securities Act of 1985, as amended by the Food, Agriculture, Conservation and Trade Act of 1990; and 7 CFR 1410), or it is used for the forestry purposes described in 310 CMR 10.04: Agriculture(b)14. through 17. The issuing authority may require appropriate documentation, such as a USDA Farm Plan or aerial photography, to demonstrate agricultural use

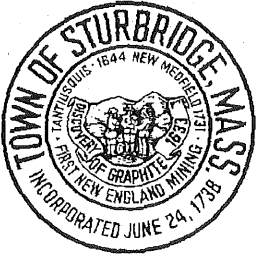
5. the management of existing field edges, limited to within 100 feet from the land in production, including the following practices: a. mowing; b. burning; c. brush cutting; and d. removing trees. The management of any field edge that falls within a Bordering Vegetated Wetland is not intended to allow the conversion of Bordering Vegetated Wetland into cropland. Therefore, the field management practices described in 310 CMR 10.04: Agriculture (b)(5)a. through d. may occur in a Bordering Vegetated Wetland provided that: i. the cutting or removal of trees and understory vegetation shall **not occur within 25 feet of the bank of a water body that is not managed within the land in production** (field ditches, cross ditches, grass waterways, irrigation

systems, and farm ponds are examples of managed water bodies) unless the trees or understory vegetation are removed to control alternative hosts but no more than 50% of the canopy may be removed, or except to maintain existing dikes; ii. slash, branches, and limbs resulting from the cutting and removal operations shall not be placed within 25 feet of the bank of a water body that is not managed within the land in production; and iii. no tilling, filling, excavation, or other change in the existing topography shall occur within the field edge;

6. the maintenance and repair of existing fences and the management of temporary fence lines;

The distinction between ongoing work on or related to land in agricultural production, and agricultural expansion, has not been sufficiently clear to farmers or to conservation commissions. The Department of Environmental Protection (DEP) has attempted to clarify the exemptions through policy. In 1991, the Legislature determined that stronger measures to reduce this confusion were necessary and it enacted legislation directing DEP to develop new, clearer regulations.

In response to that mandate, DEP has adopted the following regulations. They make it clear that normal maintenance and improvement of land in agricultural use is exempt from the Wetlands Protection Act and is not subject to regulations adopted pursuant to the Act - provided that the activities fall within the newly-adopted definitions. No Determination of Applicability is required for exempt activities; however, the Determination of Applicability process is intended for use when there is doubt as to whether or not an activity is exempt. Nothing in 310 CMR 10.00 changes the need to independently evaluate whether permits are required under federal laws such as Sections 401 and 404 of the Clean Water Act



# 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, Ma H Gagner, hereby certify under the pains and penalties of perjury that on (date) March 3, 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 James Di Maio with the Sturbridge Conservation Commission on (date) 02/ for the property located at 30 Ladd Road Sturbridge.

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

Ma H Gagner  
(signature of applicant) (date)

Ma H Gagner  
(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: Matt Gagnier
- B. The address of the lot(s) where the activity is proposed is: 30 Ladd Road Sturbridge
- C. The nature of the activity proposed includes: Improve or create 3 fields and an Ag Storage Area
- 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: Jim DiMaggio, by calling telephone # 774-200-9726 on the following days of the week: Mon-Fri between the hours of 7 AM and 5 PM.

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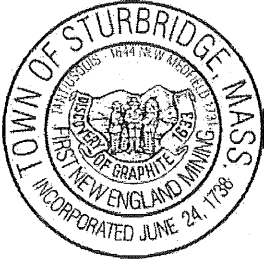
The Public Hearing for this application will be held in the Center Office Building, 301 Main Street, 2nd Floor on March 17, 2020 at 7:30 pm.

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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.



# Town of Sturbridge

Barbara A. Barry, Finance Director

Department/Board/Committee: Conservation

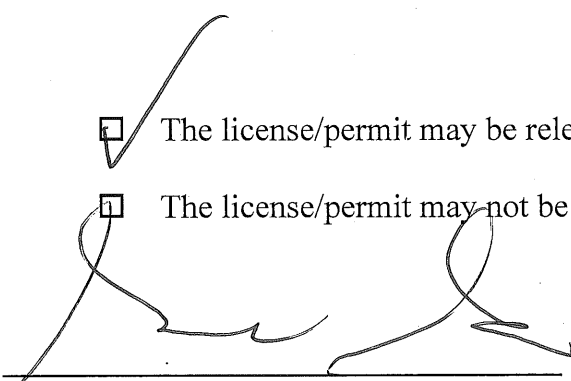
Please verify outstanding tax/fee status for the following property owner:

Property Owner: Mat Gagne

Property Location: 30 Ladd Road

The license/permit may be released.

The license/permit may not be released.

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

3-13-20  
\_\_\_\_\_  
Date

Parcel ID	Owner	Owner Address	Owner City	State	Zip	Address
375-01814-040	TOWN OF STURBRIDGE ✓	308 MAIN STREET	STURBRIDGE	MA	01566	40 LADD ROAD
375-01825-036	TOWN OF STURBRIDGE ✓	308 MAIN STREET	STURBRIDGE	MA	01566	36 LADD ROAD
518-01343-034	URBANOVITCH STEVEN J ✓	PO BOX 154	BONDSVILLE	MA	01009	34 PODUNK PIKE
	BOARD OF ASSESSORS					
Above persons listed are record owners as they appear on the most recent applicable tax list.						
Assessors are not responsible for errors or omissions. RE: M.G.L. - Chapter 40A, Section 11						
Abutters List -	Conservation Commission - 200'					
RE: 34 LADD ROAD						
Certified Copy						
Assessor:	<i>David P. Murphy</i>					
Date:	<i>2/28/2020</i>					



Parcel ID	Owner	Owner Address	Owner City	State	Zip	Address
375-01356-045	DJN CORP	PO BOX 4073	SHREWSBURY	MA	01545	45 LADD ROAD
375-01356-041	DJN CORP	PO BOX 4073	SHREWSBURY	MA	01545	41 LADD ROAD
375-01356-039	DJN CORP	PO BOX 4073	SHREWSBURY	MA	01545	39 LADD ROAD
375-01356-043	DJN CORP	PO BOX 4073	SHREWSBURY	MA	01545	43 LADD ROAD
375-01816-047	DJN CORP	PO BOX 4073	SHREWSBURY	MA	01545	47 LADD ROAD
375-01816-049	DJN CORP	PO BOX 4073	SHREWSBURY	MA	01545	49 LADD ROAD
375-01825-036	TOWN OF STURBRIDGE	308 MAIN STREET	STURBRIDGE	MA	01566	36 LADD ROAD
375-01356-037	TRUAX DAWN	83 ALLEN HILL ROAD	BRIMFIELD	MA	01010	37 LADD ROAD
375-01356-035	TRUAX DAWN	83 ALLEN HILL ROAD	BRIMFIELD	MA	01010	35 LADD ROAD
	BOARD OF ASSESSORS					
Above persons listed are record owners as they appear on the most recent applicable tax list.						
Assessors are not responsible for errors or omissions. RE: M.G.L. - Chapter 40A, Section 11						
Abutters List -	Conservation Commission - 200'					
RE: 30 LADD ROAD						
Certified Copy						
Assessor:	<i>James P. Murphy</i>					
Date:	<i>2-27-2020</i>					

Parcel ID	Owner	Owner Address	Owner City	State	Zip	Address
375-01346-033	BZURA ANDRZEJ	424 MASON ROAD EXT	DUDLEY	MA	01571	33 LADD ROAD
375-01346-031	BZURA ANDRZEJ	424 MASON ROAD EXT	DUDLEY	MA	01571	31 LADD ROAD
375-01356-039	DIN CORP	PO BOX 4073	SHREWSBURY	MA	01545	39 LADD ROAD
375-01816-049	DIN CORP	PO BOX 4073	SHREWSBURY	MA	01545	49 LADD ROAD
375-01356-037	TRUJAX DAWN	83 ALLEN HILL ROAD	BRIMFIELD	MA	01010	37 LADD ROAD
375-01356-035	TRUJAX DAWN	83 ALLEN HILL ROAD	BRIMFIELD	MA	01010	35 LADD ROAD
518-01343-034	URBANOVITCH STEVEN J	PO BOX 154	BONDSVILLE	MA	01009	34 PODUNK PIKE
	BOARD OF ASSESSORS					
Above persons listed are record owners as they appear on the most recent applicable tax list.						
Assessors are not responsible for errors or omissions. RE: M.G.L. - Chapter 40A, Section 11						
Abutters List -	Conservation Commission - 200'					
RE: 26 LADD ROAD						
Certified Copy						
Assessor:	<i>Chas P. Murphy</i>					
Date:	<i>2-28-2020</i>					

Parcel ID	Owner	Owner Address	Owner City	State	Zip	Address
375-01346-033	BZURA ANDRZEJ	424 MASON ROAD EXT	DUDLEY	MA	01571	33 LADD ROAD
375-01346-031	BZURA ANDRZEJ	424 MASON ROAD EXT	DUDLEY	MA	01571	31 LADD ROAD
375-01356-029	BZURA ANDRZEJ	424 MASON ROAD EXT	DUDLEY	MA	01571	29 LADD ROAD
375-01816-049	DIN CORP	PO BOX 4073	SHREWSBURY	MA	01545	49 LADD ROAD
375-01356-035	TRUAX DAWN	83 ALLEN HILL ROAD	BRIMFIELD	MA	01010	35 LADD ROAD
518-01343-034	URBANOVITCH STEVEN J	PO BOX 154	BONDSVILLE	MA	01009	34 PODUNK PIKE
375-01346-025	TOWN OF STURBRIDGE	308 MAIN STREET	STURBRIDGE	MA	01566	25 LADD ROAD
	BOARD OF ASSESSORS					
Above persons listed are record owners as they appear on the most recent applicable tax list.						
Assessors are not responsible for errors or omissions. RE: M.G.L. - Chapter 40A, Section 11						
Abutters List -	Conservation Commission - 200'					
RE: 20 LADD ROAD						
Certified Copy						
Assessor:	<i>Alan P. Murphy</i>					
Date:	<i>2-28-2020</i>					



Parcel ID	Owner	Owner Address	Owner City	State	Zip	Address
375-01356-029	BZURA ANDRZEJ	424 MASON ROAD EXT	DUDLEY	MA	01571	29 LADD ROAD
375-01346-025	TOWN OF STURBRIDGE	308 MAIN STREET	STURBRIDGE	MA	01566	25 LADD ROAD
	BOARD OF ASSESSORS					
Above persons listed are record owners as they appear on the most recent applicable tax list.						
Assessors are not responsible for errors or omissions. RE: M.G.L. - Chapter 40A, Section 11						
Abutters List -	Conservation Commission - 200'					
RE: 16 LADD ROAD						
Certified Copy						
Assessor:	<i>Edward P. Murphy</i>					
Date:	2-28-2020					

Parcel ID	Owner	Owner Address	Owner City	State	Zip	Address
375-01323-007	BARNICLE DAVID M	7 LADD ROAD	STURBRIDGE	MA	01566	7 LADD ROAD
375-01326-027	SELLEW ANN M	PO BOX 298	CHARLTON	MA	01507	27 LADD ROAD
375-01314-018	TUPPER WAYNE P	16 RUSTIC DRIVE	WORCESTER	MA	01609	18 LADD ROAD
	BOARD OF ASSESSORS					
Above persons listed are record owners as they appear on the most recent applicable tax list.						
Assessors are not responsible for errors or omissions. RE: M.G.L. - Chapter 40A, Section 11						
Abutters List -	Conservation Commission - 200'					
RE: 11 LADD ROAD						
Certified Copy						
Assessor:	<i>James P. Murphy</i>					
Date:	<i>7-28-2020</i>					

Parcel ID	Owner	Owner Address	Owner City	State	Zip	Address
375-01323-007	BARNICLE DAVID M	7 LADD ROAD	STURBRIDGE	MA	01566	7 LADD ROAD
375-01326-027	SELLEW ANN M	PO BOX 298	CHARLTON	MA	01507	27 LADD ROAD
375-01346-025	TOWN OF STURBRIDGE	308 MAIN STREET	STURBRIDGE	MA	01566	25 LADD ROAD
	BOARD OF ASSESSORS					
Above persons listed are record owners as they appear on the most recent applicable tax list.						
Assessors are not responsible for errors or omissions. RE: M.G.L. - Chapter 40A, Section 11						
Abutters List -	Conservation Commission - 200'					
RE: 10 LADD ROAD						
Certified Copy						
Assessor:	<i>Ann P. Mayhew</i>					
Date:	2-28-2020					