



Town of Sturbridge

Conservation Commission

Request For Determination of Applicability (RDA) Packet

Packet for filing of applications
under the Wetland Protection Act, MGL Ch. 131, sec 40,
and the Sturbridge Wetland Bylaw

Enclosed in this packet are the forms needed for submitting a Request for Determination of Applicability to the Town of Sturbridge Conservation Commission. It contains the following forms needing completion:

- **Request for Determination of Applicability Application Coversheet/Check List**
- **Mass DEP WPA Form 1: Request for Determination of Applicability Instructions(4pp) and Application Form(4pp)**
RDA's can be used for minor projects where the applicant requests that the Commission determine if the work is subject to the Wetland Protections Act and or the Sturbridge Wetland Bylaw. It can also be used to request a ruling for the Commission if a particular site contains resource areas or jurisdictional buffer zone to resource areas.
- **Sturbridge Conservation Commission Affidavit of Service:**
This document is your witness that abutters have been notified according to regulations.
- **Town of Sturbridge Notification to Abutters**
Use this blank document to provide necessary information to abutters
- **Town of Sturbridge Proof of Paid Tax**
This document must be signed by the Finance Department
- **Abutter List Request**
- **Sturbridge Bylaw Filing Fee Sheet**

Please contact our office with any questions in regards to filing this application or process.



**Town of Sturbridge
Conservation Commission
Request for Determination of Applicability Application
Coversheet/Checklist**

Date	4/19/2023
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Fill all white cells completely

Parcel	Map: 24 Lot: 374	Applicant name	Steve Vann
Address	374 Main Street Sturbridge MA	Address	PO Box 217, Lyndonville NY
Assessors		Email	ray@htprojectsolutions.com
Map/Plat	24, 374	Phone	585-393-3784
Book & Page	400, 104		
Owner name		Representative	Steven Riberdy
Address		Address	291 Main Street, #8, Northborough MA
Email		Email	steven@goddardconsultingllc.com
Phone		Phone	508-393-3784

Components of a Complete RDA

State Form: WPA Form 1	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Plan	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Property Owner Permission (if applicable)	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Narrative	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
TOPO Map identifying locus with scale	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Natural Heritage Map with WH, PH, & VP data	Included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Not applicable to project
Tax Form	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Fees \$ <u>200</u>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Abutter Information	
★ Certified abutters list (within 200')	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
★ Abutter notification form	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
★ Affidavit & proof -- bring to hearing	<i>Present them at the hearing</i>
Other Attachments, e.g.	

Conservation Commission Wetland Permit Process

NOI	Process
1	Obtain a Certified list of all abutters within 200' of property lines from the Assessor's Office. (may take 10 business days)
2	Obtain a Tax Form Sign-Off by the Finance Department
3	<p>Submit applications (see bullets below) by noon of the Tuesday deadline (16 days before the desired hearing):</p> <p>a. <u>To Sturbridge Conservation Commission</u>: 301 Main St., Sturbridge, MA 01566</p> <ul style="list-style-type: none"> • This coversheet (1 paper copy) • Complete application -- see the checklist on the other side of this page (2 paper copies and 1 pdf) <ul style="list-style-type: none"> • <i>Plans must be stamped by an engineer if any component of the project requires engineering.</i> • Check <p>b. <u>To Mass DEP Central Regional Office</u>: 8 New Bond Street, Worcester, MA 01606</p> <ul style="list-style-type: none"> • Complete application -- see the checklist on the other side of this page (1 paper copy) • Email a complete application to CERO_NOI@mass.gov <p>c. <u>To Property Owner</u>: (if different from Applicant) 8 New Bond Street, Worcester, MA 01606</p> <ul style="list-style-type: none"> • Complete application -- see the checklist on the other side of this page (1 paper copy)
4	<i>Upon receipt of a complete application, the Conservation Agent will schedule a Public hearing/meeting.</i>
5	Once you are provided the date and time of the hearing, notify all abutters within 200' of the property line using the Town's " Notification to Abutters Form " by certified mail, certificate of mailing, or hand delivery with signatures 7 business days prior to the Hearing. (Present proof of notification prior to the beginning of the public hearing.)
6	<i>The Conservation Agent will place a legal ad in a local newspaper and the Applicant will be billed for the ad.</i>
7	Stake the project. 2 weeks in advance of the public hearing, stake all proposed structures, erosion control barriers, stormwater systems, etc. within Con Com jurisdiction. (<i>Agent will confirm requirements</i>)
8	<i>The Conservation Commission and/or Agent will perform a site visit before the public hearing to confirm existing conditions and proposed work. If you wish to be informed of the time of the visit, please contact the Con Com office.</i>
9	<p>Attend the public hearing/meeting. The applicant or representative is required to provide proof of abutter notification (including Affidavit of Service), proof of legal advertisement, briefly present the project, and answer any questions about possible impacts on wetlands. At the end of the hearing, the Con Com will either:</p> <ul style="list-style-type: none"> • Issue a Determination (DET) or • Approve a continuation of the public hearing to allow time for additional information to be provided.
10	Receive and read the decision. Some Determinations may include conditions. Contact the Con Com if you have any questions.
11*	Wait-out the 10-Day appeal period. A decision of the Con Com can be appealed by MassDEP or by any abutter, applicant, or 10-citizen group within 10 business days of the decision.
12*	Install SCC file number sign and erosion controls.
13*	Schedule and attend a pre-construction site visit. Contact the Conservation office to schedule the site visit.
14*	Execute the project. The project must be completed within 3 years, unless an extension of the permit is issued; extensions must be requested at least 30 days prior to the expiration of the permit.

*may be applicable for some Determinations with conditions

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.



March 30, 2023
Request for Determination of Applicability (RDA)
374 Main Street, Sturbridge MA
Map 24, Lot 374

March 30, 2023

Sturbridge Conservation Commission
301 Main Street
Sturbridge, MA

Re: Request for Determination of Applicability (RDA)
374 Main Street (Map 24, Lot 374)
Sturbridge, Massachusetts 01566

Dear Sturbridge Conservation Commission,

On behalf of JSC Management Group, (the Applicant), Goddard Consulting, LLC (Goddard) is hereby submitting this Request for Determination of Applicability (RDA) to seek a Determination on whether the Wetlands Protection Act and Sturbridge Bylaw apply to the work proposed on 374 Main Street in Sturbridge and whether this work can be permitted under the RDA. This is a filing under the Massachusetts Wetlands Protection Act (WPA) and the Sturbridge Wetlands Bylaw and Regulations.

Site Description/Existing Conditions:

This site consists of approximately 1.2 Acres of a completely developed lot containing an existing Burger King and associated parking and drive-through facility. The restaurant is approximately 600 feet south of Cedar Pond, and about 200 feet east of a perennial stream that casts Riverfront Area (RA) into sections of the proposed work. The site borders the intersection between Main Street and Sheraton Drive, with the main entrance located on the south edge of the parcel. The Burger King rests on an asphalt paved lot, with a single drive through wrapping around the west edge of the building. There are small, landscaped patches (landscape islands) around the outer extent of the paved lot to the south along Main Street and lining the northern sides of the drive-thru.



Photo 1: Existing Conditions of current lot & Burger King.

Resource Areas:

As defined in the Wetlands Protection Act in 310 CMR 10.58 (2), “A river is any natural flowing body of water that empties to any ocean, lake, pond, or other river and which flows throughout the year. Rivers include streams that are perennial because surface water flows within them throughout the year.” Further defined, “A Riverfront Area is the area of land between a river’s mean annual high-water line and a parallel line measured horizontally.”

The 200-foot Riverfront Area cuts through the middle of the site, cast off a perennial stream flowing from Cedar Pond outlet stream to the west of the site (off-site). Approximately 23,900 square feet of the site falls within this RA boundary. The Mean Annual High Water Line (MAHWL) was delineated in the field by Goddard Consulting in December 2022, flagged with series GC R1-R6. The MAHWL is an emergent marsh environment located below the MAHWL, covered in dominant vegetation such as cattail and a shrubby, vine covered wooded slope.



Photo 2: View of the perennial stream flowing off Cedar Pond.

Proposed Project Conditions:

Work proposed with this RDA includes modifying the existing drive-thru & adding a second drive-thru lane /kiosk to an already developed site, as well as replacing landscaping. Some of this work is within the extent of Riverfront Area.

The first process of construction would involve demolition. This includes the removal of curbing, replacing directional signage, pavement striping, removal of the current drive-thru menu, removal of a concrete pad, and removal of miscellaneous landscaping around the drive-thru.



March 30, 2023
Request for Determination of Applicability (RDA)
374 Main Street, Sturbridge MA
Map 24, Lot 374

After demolition, reconfiguration of the lot, drive-thru, and landscaping would begin. Modifications to the existing drive-thru include adding merging double lanes within the RA. Erosion controls will be installed in the catch basins, and wattles will be installed around any soil stockpiles on the pavement. This additional drive-through is to be 31.5 by 30 feet wide, just along the outside edge of Riverfront Area, within areas currently paved.

Other pre-existing conditions expected to change with the proposed work include some of the impervious surface where landscape islands are being moved to become less impervious post-construction. Currently, 94% of the existing surface on site is impervious, but post-construction that would lower to 90% through addition of new landscape islands on areas that are currently pavement. Sections of asphalt pavement on either side of the first & second drive-thrus, as well as south of the site at the entrance from Main Street are being replaced with mulch & new plantings. Specified areas of existing plantings around the site are to remain, with their mulch refreshed as needed.

No changes to the site grade or current stormwater system are proposed through this project.

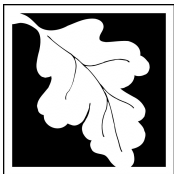
The following documents are provided as attachments:

- WPA Form 1 – RDA Application Form
- Sturbridge Conservation Commission Affidavit of Service
- Town of Sturbridge Notification to Abutters
- Town of Sturbridge Proof of Paid Tax
- Abutter List Request
- Site Locus USGS Map, Goddard Consulting LLC, 3/1/2023
- Orthophoto Map, Goddard Consulting LLC, 3/1/2023
- Sturbridge Bylaw Filing Fee Sheet
- Copy of check

If you have any questions, please feel free to contact Steven Riberdy at (508) 393-6962.

Sincerely,
Goddard Consulting, LLC

Steven Riberdy, MS, PWS, CWB, CE, CERP, PSS
Lead Biologist, Soil Scientist and Manager



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:

Steve Vann _____ Ray@htprojectsolutions.com _____
 Name E-Mail Address
 PO Box 217, Lyndonville NY, 14098 _____
 Mailing Address
 Lyndonville _____ NY _____ 01498 _____
 City/Town State Zip Code
 585-703-6562 _____
 Phone Number Fax Number (if applicable)

2. Representative (if any):

Goddard Consulting _____
 Firm
 Scott Goddard _____ scott@goddardconsultingllc.com _____
 Contact Name E-Mail Address
 291 Main Street, Suite 8 _____
 Mailing Address
 Northborough _____ MA _____ 01532 _____
 City/Town State Zip Code
 508-393-3784 _____
 Phone Number Fax Number (if applicable)

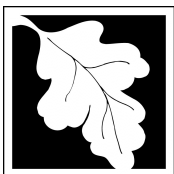
B. Determinations

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, MA _____
 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):

374 Main Street	Sturbridge
Street Address	City/Town
24	374
Assessors Map/Plat Number	Parcel/Lot Number

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

Burger King on 374 Main Street, Sturbridge MA.

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

Existing Conditions Map	2/8/2023
Title	Date
Site Locus USGS Map	3/1/2023
Title	Date
_____	_____
Title	Date

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

Re-doing landscaping & adding a second double drive through on the developed lot. This will create a less impervious surface post-construction than pre-existing due to landscape islands.



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).

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:

35 Sockanosset Cross Road Cranston, RI 02920

Name

JANCO

Mailing Address

PO Box 217

City/Town

Lyndonville

State

NY

14098

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.

Steven Vann

Signature of Applicant

04/10/2023

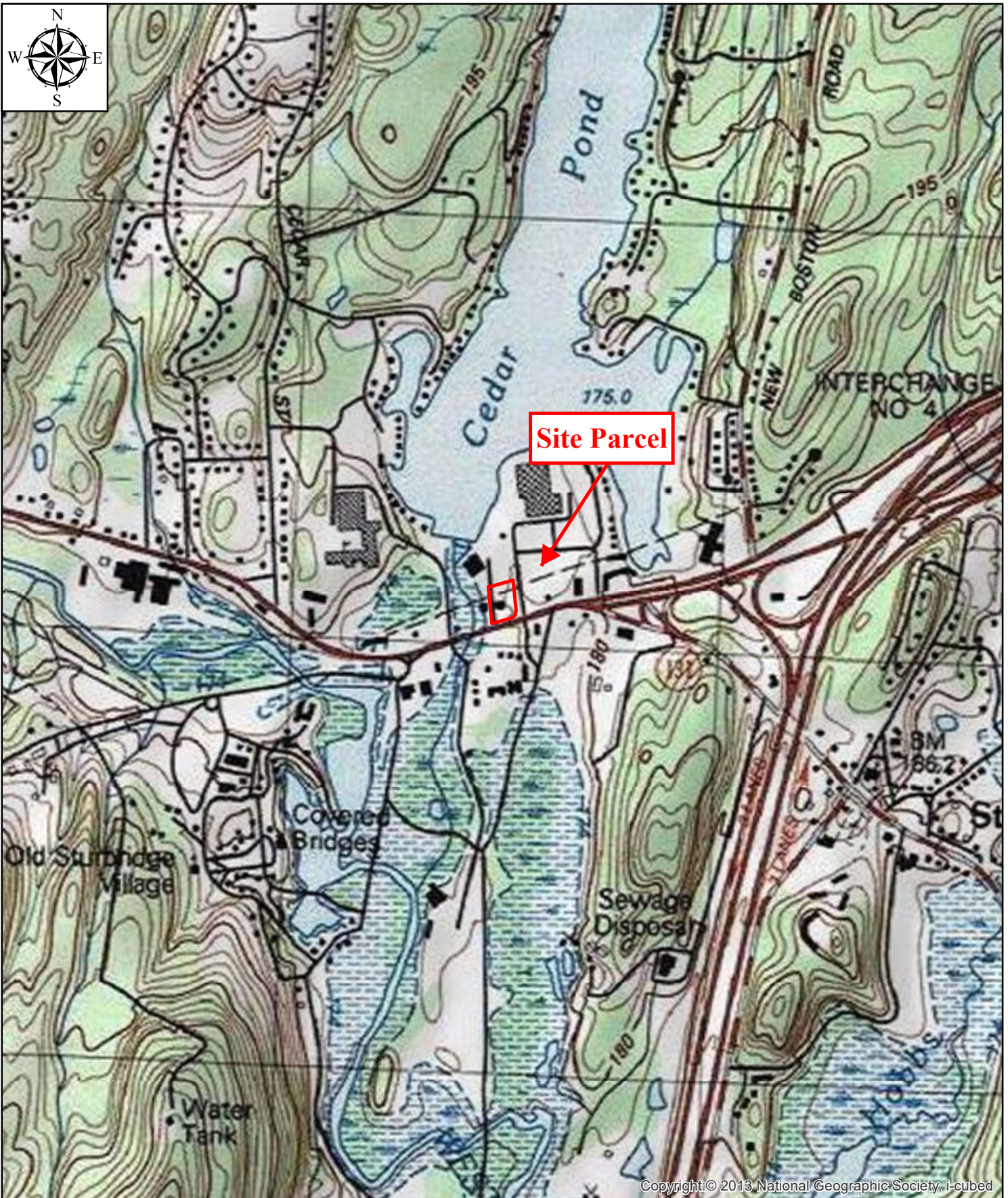
Date

Maya Pope

Signature of Representative (if any)

4/11/2023

Date



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Date: 3/1/2023

GC Job Number:
287-007

Request for Determination Site Locus USGS Map

0 500 1,000
Feet

GODDARD CONSULTING
Strategic Wetland Permitting LLC

1 in = 1,000 ft

374 Main Street
Sturbridge, MA

Map: 24, Lot: 374

Figure 1



Legend
 Site Parcel



Date: 3/1/2023

GC Job Number:
287-007

Request for Determination Orthophoto Map

0 50 100
Feet

GODDARD CONSULTING
Strategic Wetland Permitting LLC

374 Main Street
Sturbridge, MA

1 in = 100 ft

Map: 24, Lot: 374

Figure 2



Town of Sturbridge

Barbara A. Barry, Finance Director

Department/Board/Committee: Sturbridge Conservation Commission

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

Property Owner: JSC Management Group

Property Location: 374 Main Street, Sturbridge MA, 01566

- The license/permit may be released.
 The license/permit may not be released.

Christina Russier
Finance Director

3/1/23
Date



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, Maya, hereby certify under the pains and penalties of perjury that on (date) 4/18/202, 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

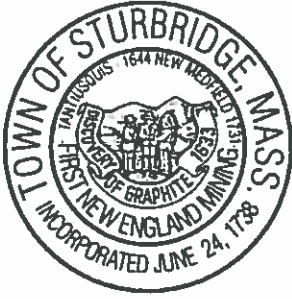
was filed under the Massachusetts Wetlands Protection Act and the Town of Sturbridge Bylaws, by Goddard Consulting LLC with the Sturbridge Conservation Commission on (date) 4/18/202 for the property located at

374 Main Street, Sturbridge MA

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

 4/18/2023
(signature of applicant) (date)

Maya Pope
(name of applicant) printed



Town of Sturbridge

Ann P. Murphy, MAA. - Principal Assessor

ABUTTER LIST REQUEST (Please allow 10 days for final list)

PARCEL ADDRESS REQUESTED 374 Main Street, Sturbridge MA 01566 (Burger King)

OWNER OF RECORD The Hollandtrotta Project

CONTACT PERSON Maya Pope

SIGNATURE *Maya Pope*

DATE 3/1/2023 TELEPHONE # 413-250-4943

COST: \$5.00 FOR EACH PARCEL REQUESTED
\$3.00 PER SHEET OF MAILING LABELS :Requesting 3 Sheets for labels

Direct Abutter

Conservation (200')

Planning / Zoning Board of Appeals (300')

Board of Selectmen Forest Cutting (200')

Liquor License (Contact assessors office for requirements)

Miscellaneous (Contact assessors office for instructions)

Town Hall, 308 Main Street
Sturbridge, MA 01566

Telephone (508) 347-2503
Fax (508) 347-2521
Email: amurphy@town.sturbridge.ma.us

STURBRIDGE WETLANDS PROTECTION BY-LAW AND REGULATIONS

WETLANDS FILING FEE CALCULATION WORKSHEET

Application Type	Qty	Town Filing Fee	TOTAL
Notice of Intent (NOI):			
Residential – Single Family:			
Accessory (Deck, Shed, Pool Septic)	_____	\$150	_____
Shoreline Work	_____	\$150	_____
New Construction	_____	\$300	_____
Residential – Other:			
Subdivision/Multi-Unit	_____	\$750	_____
Commercial/Industrial:			
New	_____	\$1500	_____
Redevelopment	_____	\$1000	_____
Limited Project (as defined in SWB & WPA)	_____	Equal to full WPA fee	_____
Alterations – located within Riverfront Area	_____	Additional 50% of Fee	_____
Application filed after Enforcement Order		Double the Municipal fee	_____
Request for Amended Order of Conditions	_____	50% of initial fee	_____
Request for Determination of Applicability (RDA):			
No Wetland Boundary Confirmation Residential:	_____	\$100	_____
No Wetland Boundary Confirmation All Other:	_____	\$200	\$200
For Wetland Boundary Confirmation File ANRAD or NOI			
Abbreviated Notice of Resource Area Delineation (ANRAD):			
Residential – Single Family:	_____	\$100	_____
All Other:			
Base Review	_____	\$300	_____
Resource Area Boundary			

Certificate of Compliance (COC):			
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Residential:

Single Family	_____	\$50	_____
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Subdivision or Multi-Unit	_____	\$150	_____
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Commercial or Industrial:	_____	\$150	_____
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If Order of Conditions has Expired	_____	Add an additional \$150	_____
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OOO Extension Request	_____	\$50	_____
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Emergency Certification (NOI may be required to be filed following issuance of Emergency Cert)	_____	\$50	_____
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Local Bylaw Fee (includes Town Filing Fee)	\$	<u>200</u>
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State Filing Fee (from DEP Wetland Transmittal Form)	\$	_____
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<u>Total Payable to "Town of STURBRIDGE"</u>	\$	<u>200</u>
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*Additional Consultant Fee may be required for reasons which may include:

- Significant amount of wetland impact;
- Extensive resource areas on a site;
- Lack of information supplied;
- Incomplete plans, reports, forms submitted;
- Supplemental information submitted.