

DEPOT VILLAGE PROFESSIONAL BUILDING  
3 CONVERSE STREET, SUITE 203  
PALMER, MA 01069

TEL. (413) 283-6210  
FAX (413) 289-1025  
EMAIL: [SANDE@SHERMANFRYDRYK.COM](mailto:SANDE@SHERMANFRYDRYK.COM)

## SHERMAN & FRYDRYK, LLC

*Land Surveying and Engineering*

[www.shermanfrydryk.com](http://www.shermanfrydryk.com)



June 10, 2020

Town of Sturbridge  
Conservation Commission  
308 Main Street  
Sturbridge, MA 01566

RE: Old Green Acres, LLC  
100 Breakneck Road  
Lots 7-A & 11  
Sturbridge, MA

Dear Commission Members:

Please find enclosed two copies of the Request for Determination filed on behalf of the above referenced project along with the filing fee of \$25.

As shown on the attached locus map, the site is not located in a priority, estimated, or habitat area (Appendix 2).

Also, as shown on the attached Flood Insurance Rate Map, the locus property is not within the mapped 100-year flood plain (Appendix 3).

DEP has been forwarded a copy of this Request.

We look forward to meeting with you to discuss this project in greater detail.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Donald J. Frydryk', written over a horizontal line.

Donald J. Frydryk, P.E., P.L.S.

C DEP – Wetlands  
Old Green Acres, LLC



# Town of Sturbridge

*Barbara A. Barry, Finance Director*

Department/Board/Committee: Conservation Commission

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

Property Owner: Old Green Acres, LLC

Property Location: Lots 7-A & 11, 100 Breakneck Road

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

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

\_\_\_\_\_  
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, Kevin Aliengena, hereby certify under the pains and penalties of perjury that on (date) \_\_\_\_\_, 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 Old Green Acres, LLC with the Sturbridge Conservation Commission on (date) \_\_\_\_\_ for the property located at \_\_\_\_\_.

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

 6.10.20  
(signature of applicant) (date)

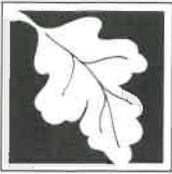
Kevin Aliengena  
(name of applicant-printed or typed)

F:\Home\CONSERVATION\Forms\Affidavit of Service.doc

Town Hall  
308 Main Street  
Sturbridge, MA 01566

508-347-2506  
(f) 508-347-5886

*The Town of Sturbridge is an Equal Opportunity Organization*



# 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:

Old Green Acres

Name

E-Mail Address

113 Bethany Road

Mailing Address

Monson

MA

01057

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

2. Representative (if any):

Sherman & Frydryk, LLC, Land Surveying and Engineering

Firm

Donald J. Frydryk

dfrydryk@shermanfrydryk.com

Contact Name

E-Mail Address

3 Converse Street, Suite 203

Mailing Address

Palmer

MA

01069

City/Town

State

Zip Code

(413) 283-6210

(413) 289-1025

Phone Number

Fax Number (if applicable)

## B. Determinations

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

- 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):

100 Breakneck road	Sturbridge
Street Address	City/Town
ID 170-0481-100	
Assessors Map/Plat Number	Parcel/Lot Number

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

The existing lots consisted on mature woodland and have since been cleared. The lots slope away from Breakneck Road to the west towards I-84.

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

Old Green Acres, LLC, Request for Determination, 100 Breakneck Road, Sturbridge, MA, Lots 7-A & 11	6/3/19
	Date
Title	Date
Title	Date

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

Work on the site consist of the construction of two single family homes each with their own private driveway, septic system, and well.



## 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).

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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.)

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**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:

Old Green Acres, LLC

Name

113 Bethany Road

Mailing Address

Monson

City/Town

MA

State

01057

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



6/10/2020

Signature of Representative (if any)

Date

**Request for Determination**  
**Under the**  
**Town of Sturbridge Wetland Bylaws**  
**100 Breakneck Road, Lots 7-A & 11**  
**Sturbridge, MA**  
**Site Development**  
**For**  
**Old Green Acres, LLC**

**Prepared for:**

Applicant & Owner:  
Old Green Acres, LLC  
113 Bethany Road  
Monson, MA 01057

**Prepared by:**

Sherman & Frydryk, LLC  
Land Surveying and Engineering  
3 Converse Street, Suite 203  
Palmer, MA 01069





# **REQUEST FOR DETERMINATION**

## **Old Green Acres, LLC**

100 Breakneck Road

Lots 7-A & 11

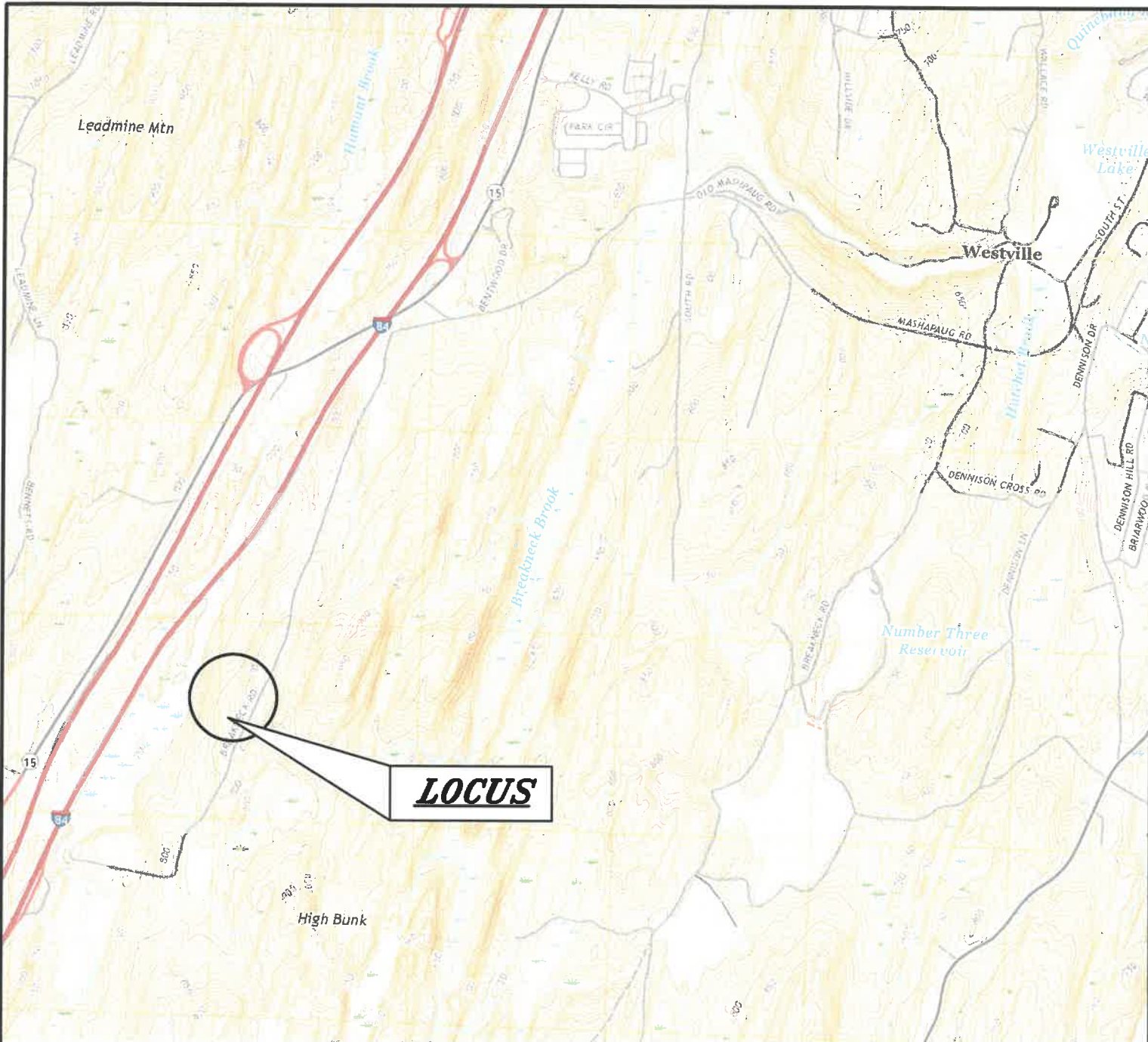
Sturbridge, MA

### List of Attachments

Appendix 1	Site Locus Plans
Appendix 2	Estimated Habitat Plan
Appendix 3	Flood Insurance Rate Map
Appendix 4	Filing Fee Worksheet
Appendix 5	Narrative
Appendix 6	Abutter Notification Information
Supplement 1	Plan entitled “Old Green Acres, LLC, Request for Determination, 100 Breakneck Road, Sturbridge, MA, Lots 7-A & 11”, prepared by Sherman & Frydryk, Land Surveying and Engineering, dated June 3, 2020, (One Sheet).

**APPENDIX 1**

**SITE LOCUS PLANS**



SCALE 1:24 000



SOUTHBRIDGE, MA, CT

2018

**SHERMAN & FRYDRYK, LLC**  
*Land Surveying and Engineering*



3 Converse St.  
 Suite 203  
 Palmer, MA 01089

**SITE LOCUS ON U.S.G.S. SOUTHBRIDGE QUAD**

PREPARED FOR  
**OLD GREEN ACRES, LLC**  
 100 BREAKNECK ROAD  
 STURBRIDGE, MA

DATE: 6/3/20

PROJECT NO: 17012B

DRAFTING: GAB

CHECKED: KTT

APPROVED: N/A

HORZ: 1:24,000

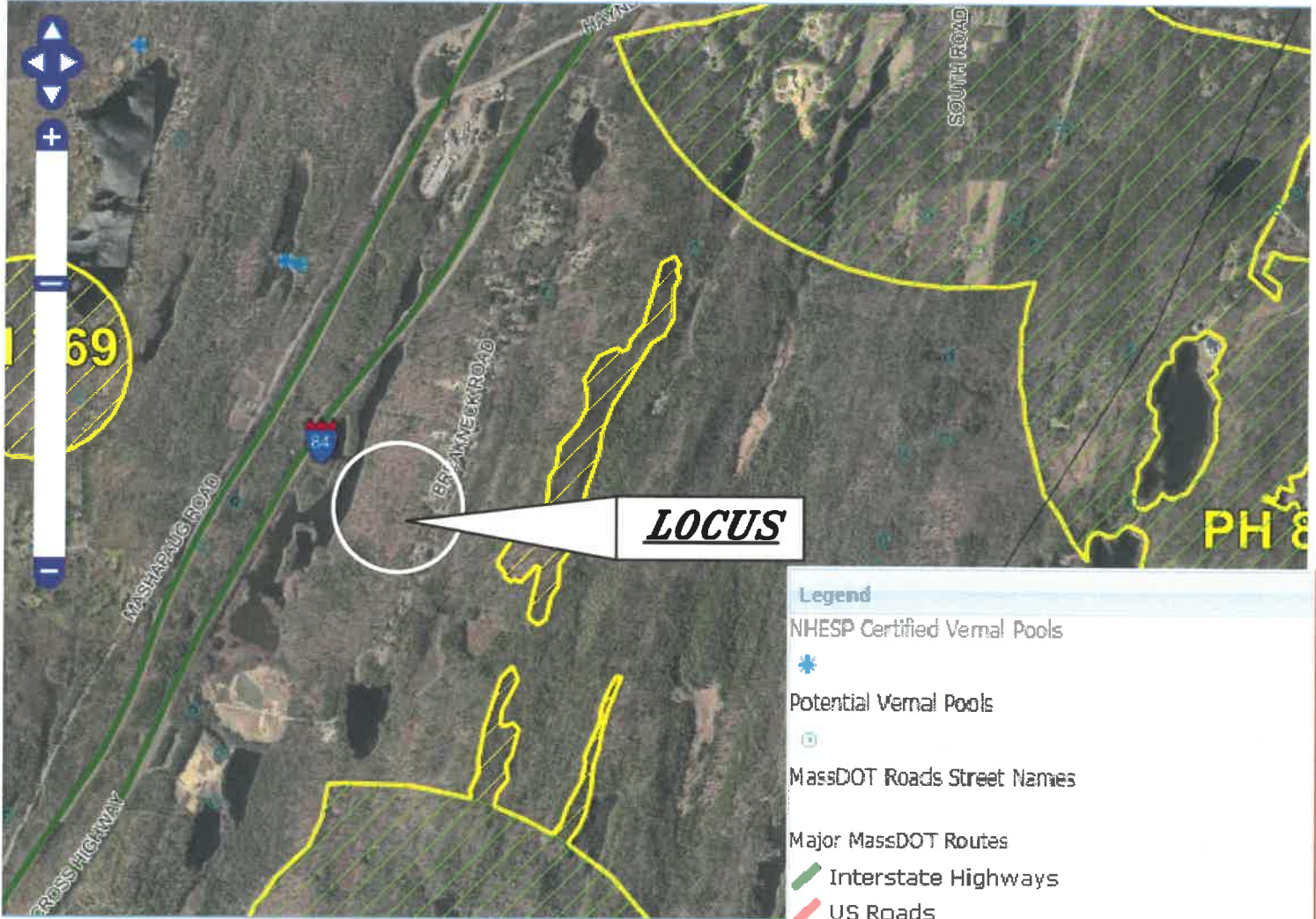
## **APPENDIX 2**

### **ESTIMATED HABITAT PLAN**



Search for a location

Zoom to a town



0 m

Legend

- NHESP Certified Vernal Pools
- \* (blue asterisk)
- Potential Vernal Pools
- (blue circle)
- MassDOT Roads Street Names
- Major MassDOT Routes
- (green line) Interstate Highways
- (red line) US Roads
- (pink line) State
- Massachusetts Towns
- (black square)
- NHESP Estimated Habitats of Rare Wildlife
- (green square)
- NHESP Priority Habitats of Rare Species
- (yellow square)

**SHERMAN & FRYDRYK, LLC**  
*Land Surveying and Engineering*



3 Converse St.  
 Suite 203  
 Palmer, MA 01069

**SITE LOCUS ON NATURAL HERITAGE MAPPING**

PREPARED FOR  
**OLD GREEN ACRES, LLC**  
**100 BREAKNECK ROAD**  
**STURBRIDGE, MA**

DATE: 6/3/20

PROJECT NO: 17012B

DRAFTING: GAB

CHECKED: KTT

APPROVED: N/A

HORZ: N/A

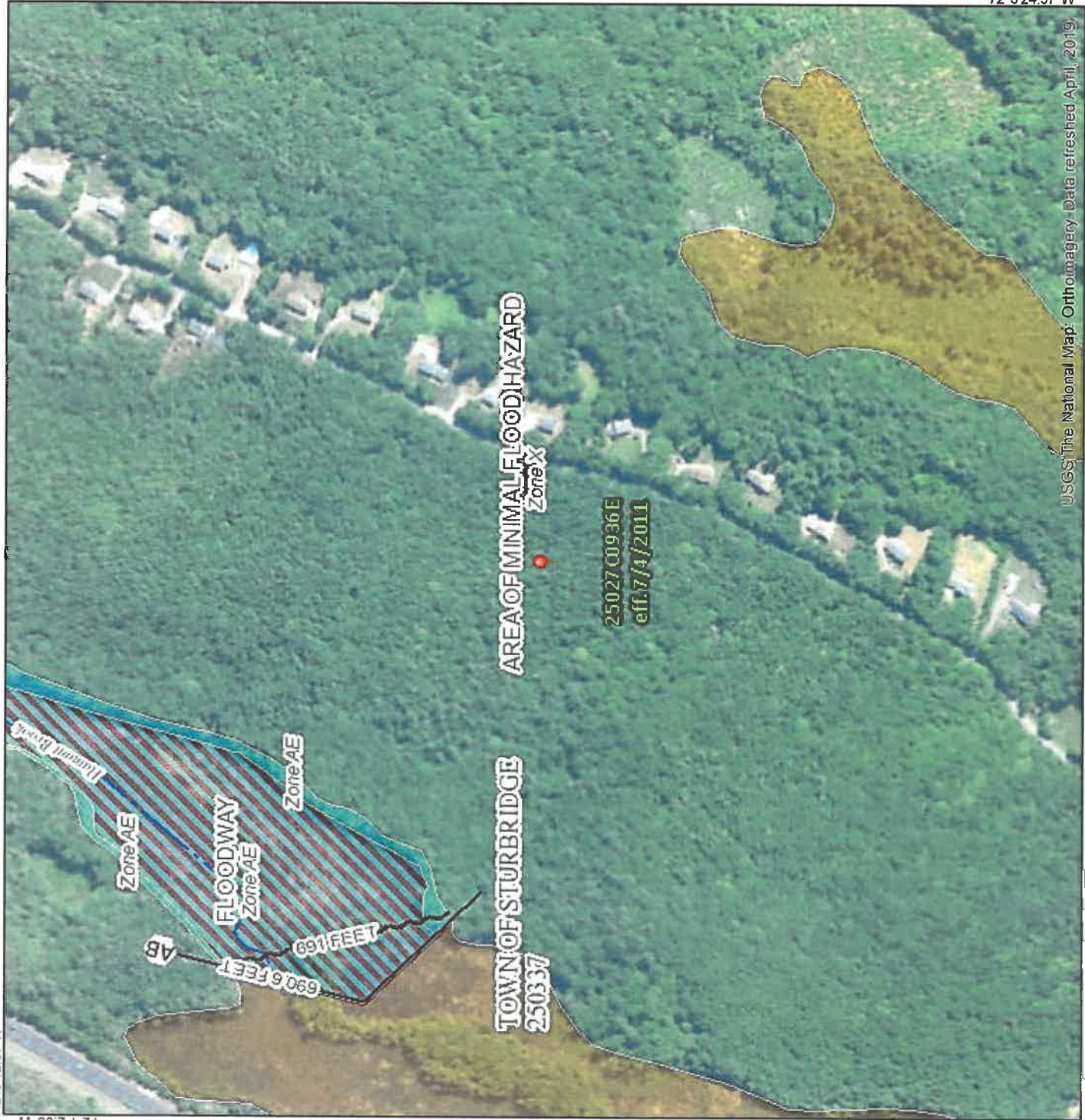
**APPENDIX 3**

**FLOOD INSURANCE RATE MAP**

# National Flood Hazard Layer FIRMette



42°3'12.07"N



USGS The National Map: Orthimagery. Data refreshed April, 2019. 42°2'45.36"N



72°6'24.57"W

## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

<p><b>SPECIAL FLOOD HAZARD AREAS</b></p> <ul style="list-style-type: none"> <li> Without Base Flood Elevation (BFE) Zone A, V, A99</li> <li> With BFE or Depth Zone AE, AO, AH, VE, AR</li> <li> Regulatory Floodway</li> </ul>	<p><b>OTHER AREAS OF FLOOD HAZARD</b></p> <ul style="list-style-type: none"> <li> 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with draining areas of less than one square mile (Zone 2)</li> <li> Future Conditions 1% Annual Chance Flood Hazard (Zone X)</li> <li> Area with Reduced Flood Risk due to Levee. See Notes. (Zone X)</li> <li> Area with Flood Risk due to Levee (Zone D)</li> </ul>
<p><b>OTHER AREAS</b></p> <ul style="list-style-type: none"> <li> Area of Minimal Flood Hazard (Zone X)</li> <li> Effective LOMRS</li> <li> Area of Undetermined Flood Hazard (Zone X)</li> </ul>	<p><b>GENERAL STRUCTURES</b></p> <ul style="list-style-type: none"> <li> Channel, Culvert, or Storm Sewer</li> <li> Levee, Dike, or Floodwall</li> </ul>
<p><b>OTHER FEATURES</b></p> <ul style="list-style-type: none"> <li> Cross Sections with 1% Annual Chance Water Surface Elevation</li> <li> Coastal Transect</li> <li> Base Flood Elevation Line (BFE)</li> <li> Limit of Study</li> <li> Jurisdiction Boundary</li> <li> Coastal Transect Baseline</li> <li> Profile Baseline</li> <li> Hydrographic Feature</li> </ul>	<p><b>MAP PANELS</b></p> <ul style="list-style-type: none"> <li> Digital Data Available</li> <li> No Digital Data Available</li> <li> Unmapped</li> </ul>



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 6/3/2020 at 8:14:32 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

**APPENDIX 4**

**FILING FEE WORKSHEET**





# Town of Sturbridge

## Conservation Commission

### Filing Fee Worksheet

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

Applicant Old Green Acres, LLC

Applicant Representative Sherman & Frydryk, LLC - Donald J. Frydryk, P.E., P.L.S.

Project location 100 Breakneck Road, Lots 7-A & 11

#### 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: 0.00

Total Town Share of State Fee: 25.00

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.

**APPENDIX 5**

**NARRATIVE**

## **REQUEST FOR DETERMINATION**

Old Green Acres, LLC  
100 Breakneck Road  
Lots 7-A & 11  
Sturbridge, MA

### **PROJECT NARRATIVE**

This Request for Determination has been filed by Old Green Acres, LLC for work at 100 Breakneck Road, Lots 7-A & 11. The site is approximately 1.6 miles south of Mashapaug Road. The project proposed by Old Green Acres consists of the construction of two single family homes with a private drive, septic system, and well.

The overall slope on lot 11 is over 8% therefore the local 200-foot wetland buffer is expanded to 500-feet per chapter 1.1 of the town of Sturbridge local wetland bylaw. A portion of the proposed work on lot 11 is within the 500-foot buffer to the isolated wetland element as shown on the plan.

Mitigating measures for this project include the installation of sediment barriers as shown on the plan and details. The erosion controls shall be installed along the limit of work, as shown on the plan. All disturbed areas shall be loamed and seeded. All slopes greater than 4 to 1 shall be mulched.

Erosion controls shall be installed prior to any disturbance on the site. Erosion controls shall be maintained until the Sturbridge Conservation Commission approves removal of the controls.

## **APPENDIX 6**

### **ABUTTER NOTIFICATION INFORMATION**

**NOTIFICATION TO ABUTTERS  
UNDER THE  
MA WETLANDS PROTECTION ACT  
AND  
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:

Old Green Acres, LLC

B. The address of the lot(s) where the activity is proposed is:

100 Breakneck Road, Lots 7-A & 11

C. The nature of the activity proposed includes:

Construction of two, single family homes with private driveway, septic system & well

D. The applicant has filed a \_\_\_\_\_ Notice of Intent or a XXX Request for Determination seeking permission to conduct work within a wetland, water body or resource area or a buffer zone to a wetland, waterbody or resource area subject to protection under the Wetlands Protection Act (MGL c. 131, § 40), and/or the Town of Sturbridge Wetland Bylaws.

**OR**

The applicant has filed an \_\_\_\_\_ Abbreviated Notice of Resource Area Delineation with the Sturbridge Conservation Commission seeking to confirm the wetland resource area boundaries.

**OR**

The applicant has filed a \_\_\_\_\_ request to amend an existing Order of Conditions for DEP File #300-\_\_\_\_\_

E. Copies of the application may be examined at the office of the Sturbridge Conservation Department, 301 Main Street, Center Office Building, Sturbridge, MA between the hours of 9:00 a.m. - 4:00 p.m. on Monday through Friday. Telephone: (508) 347-2506. Additional times are available by appointment. Please call ahead to check for availability.


F. Copies of the application may be obtained from either (check one) the \_\_\_\_\_ applicant, or XXX the applicant's representative, by calling this telephone number ( 413-283-6210 ) on the following days of the week: Mon - Fri between the hours of: 9am - 4pm

G. Information regarding the date, time and place of the public hearing may be obtained from the Sturbridge Conservation Department. Telephone: (508) 347-2506. If available from the applicant, check here  and see the information available in # E.

NOTE: At least five days in advance, notice of the Public hearing will be published in The Southbridge News. The notice will include the hearing date, time and place.

NOTE: The Notice of the Public Hearing will be posted in the Town Hall not less than forty-eight (48) hours in advance at the Town Clerks office and at the Conservation Commission Office. Additionally, the public hearing agenda is posted on the Town's website Meeting Calendar ([www.town.sturbridge.ma.us](http://www.town.sturbridge.ma.us)) not less than forty-eight hours in advance of the hearing.

NOTE: You may contact the Sturbridge Conservation Commission Office 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.

Parcel ID	Owner	Owner Address	Owner City	State	Zip	Property Address
170-04831-103	CHIARETTO JANICE J	103 BREAKNECK ROAD	STURBRIDGE	MA	01566	103 BREAKNECK ROAD
170-04842-143	COMMONWEALTH OF MASS	1 RABBIT HILL ROAD	WESTBORO	MA	01581	143 BREAKNECK ROAD
170-04813-097A	COMMONWEALTH OF MASS	1 RABBIT HILL ROAD	WESTBORO	MA	01581	97A BREAKNECK ROAD
170-04831-107	FERREIRA GARY R	107 BREAKNECK ROAD	STURBRIDGE	MA	01566	107 BREAKNECK ROAD
170-04821-095	GUNNERSON STEPHEN	95 BREAKNECK ROAD	STURBRIDGE	MA	01566	95 BREAKNECK ROAD
170-04821-097	GUSTAVSON GARY L	97 BREAKNECK ROAD	STURBRIDGE	MA	01566	97 BREAKNECK ROAD
170-04841-111	HAMILTON ROBERT M	111 BREAKNECK ROAD	STURBRIDGE	MA	01566	111 BREAKNECK ROAD
170-04821-093	KENNEALLY JOSEPH T JR	93 BREAKNECK ROAD	STURBRIDGE	MA	01566	93 BREAKNECK ROAD
170-04831-101	LAFLAMME HEATHER	101 BREAKNECK ROAD	STURBRIDGE	MA	01566	101 BREAKNECK ROAD
170-04838-099	MESEROLE SHANNON M	99 BREAKNECK ROAD	STURBRIDGE	MA	01566	99 BREAKNECK ROAD
170-04831-106	OLD GREEN ACRES LLC	113 BETHANY ROAD	MONSON	MA	01057	106 BREAKNECK ROAD
170-04831-104	OLD GREEN ACRES LLC	113 BETHANY ROAD	MONSON	MA	01057	104 BREAKNECK ROAD
170-04841-113	PELLETIER CHAD J	113 BREAKNECK ROAD	STURBRIDGE	MA	01566	113 BREAKNECK ROAD
170-04841-109	SPRING JOHN C	109 BREAKNECK ROAD	STURBRIDGE	MA	01566	109 BREAKNECK ROAD
170-04831-105	SYLVESTRE RICHARD F	105 BREAKNECK ROAD	STURBRIDGE	MA	01566	105 BREAKNECK ROAD
237-04757-009	TOWN OF STURBRIDGE	308 MAIN STREET	STURBRIDGE	MA	01566	9 CROSS ROAD
237-04737-013	TOWN OF STURBRIDGE	TOWN HALL	STURBRIDGE	MA	01566	13 CROSS ROAD
170-05017-154	TOWN OF STURBRIDGE	TOWN HALL	STURBRIDGE	MA	01566	154 BREAKNECK 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: 100 BREAKNECK ROAD						
Certified Copy						
Assessor:						
Date:	6-2-2020					