



404 Wyman Street, Suite 375, Waltham, Massachusetts 02451 • 781.419.7696
10 Hemingway Drive, 2nd Floor, East Providence, Rhode Island 02915 • 401.434.5560
780 Lynnhaven Parkway, Suite 400, Virginia Beach, Virginia 23452 • 757.821.3095

environmental consulting & engineering services

June 15, 2020

Edward Goodwin, Chair
Sturbridge Conservation Commission
301 Main Street
Sturbridge, Massachusetts 01566

**Re: Notice of Intent
Wells State Park Beach Maintenance Project
Sturbridge, Massachusetts
ESS Project No. M402-000**

Dear Mr. Goodwin,

Enclosed, please find one original and one copy of the Notice of Intent (NOI) application for the Wells State Park Beach Maintenance Project. ESS Group, Inc. (ESS) has prepared this NOI application on behalf of the Massachusetts Department of Conservation and Recreation (DCR) Lakes and Ponds Program for compliance with the Massachusetts Wetlands Protection Act (WPA) and the Sturbridge Wetland Protection Bylaw. A copy of the complete NOI application has been submitted to the MassDEP Central Regional Office and the Natural Heritage and Endangered Species Program (NHES)

If you have any questions, please contact me at (401) 330-1233 or apatterson@essgroup.com. Thank you for your attention to this matter.

Sincerely,

ESS GROUP, INC.

A handwritten signature in blue ink, appearing to read "Alexander H. Patterson".

Alexander H. Patterson
Project Scientist

C: James Straub, DCR
MassDEP Central Regional Office
Natural Heritage and Endangered Species Program





Wells State Park Beach Maintenance Project Notice of Intent

Sturbridge, Massachusetts

PREPARED FOR:

Massachusetts Department of Conservation and Recreation
Lakes and Ponds Program
251 Causeway Street, Suite 800
Boston, Massachusetts 02114

PREPARED BY:

ESS Group, Inc.
10 Hemingway Drive, 2nd Floor
East Providence, Rhode Island 02915

ESS Project No. M402-000

June 2020



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- Figure 1 Project Locus
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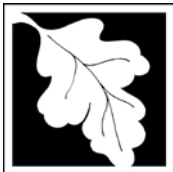
- Table 1 Proposed Temporary Work in Resource Areas and Buffer Zones

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- Attachment A Photographic Log
Attachment B NHESP Response Letter

WPA Form 3 – Notice of Intent





Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Sturbridge

City/Town

Important:

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

159 Walker Pond Road
a. Street Address

Sturbridge
b. City/Town

01566
c. Zip Code

Latitude and Longitude:
42.1446
d. Latitude

-72.0608
e. Longitude

660-01233
f. Assessors Map/Plat Number

159
g. Parcel /Lot Number

2. Applicant:

Jim
a. First Name

Straub
b. Last Name

Massachusetts Department of Conservation and Recreation
c. Organization

251 Causeway Street, Suite 600
d. Street Address

Boston
e. City/Town

MA
f. State

02114
g. Zip Code

617-626-1353
h. Phone Number

i. Fax Number

jim.straub@state.ma.us
j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Alexander
a. First Name

Patterson
b. Last Name

ESS Group, Inc.
c. Company

10 Hemingway Drive, 2nd Floor
d. Street Address

East Providence
e. City/Town

RI
f. State

02915
g. Zip Code

401-330-1233
h. Phone Number

i. Fax Number

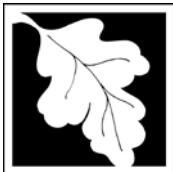
apatterson@essgroup.com
j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

\$500.00
a. Total Fee Paid

\$237.50
b. State Fee Paid

\$262.50
c. City/Town Fee Paid



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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A. General Information (continued)

6. General Project Description:

DCR is proposing to maintain the Walker Pond public swim beach by replacing the upper one foot of degraded sand with an equal volume of new, clean sand, with the goal of improving the recreational value of the swim beach. The work will occur in BLSF, Riverfront Area, and buffer zone.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1. Single Family Home
- 2. Residential Subdivision
- 3. Commercial/Industrial
- 4. Dock/Pier
- 5. Utilities
- 6. Coastal engineering Structure
- 7. Agriculture (e.g., cranberries, forestry)
- 8. Transportation
- 9. Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

- 1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

Beach maintenance - 310 CMR 10.53(3)(h)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Worcester

a. County

b. Certificate # (if registered land)

c. Book

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- 1. Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2. Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



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Bureau of Resource Protection - Wetlands

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City/Town

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input checked="" type="checkbox"/> Bordering Land Subject to Flooding	6,200 1. square feet 0 3. cubic feet of flood storage lost	2. square feet 4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet 2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input checked="" type="checkbox"/> Riverfront Area	Trib. to Walker Pond (inland) 1. Name of Waterway (if available) - specify coastal or inland	

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: 8,900,000 (approx.)
square feet

4. Proposed alteration of the Riverfront Area:

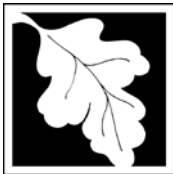
<u>4,120</u>	<u>990</u>	<u>3,130</u>
a. total square feet	b. square feet within 100 ft.	c. square feet between 100 ft. and 200 ft.

5. Has an alternatives analysis been done and is it attached to this NOI? Yes No

6. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



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City/Town

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet 2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	1. square feet	2. cubic yards dune nourishment

	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet	
h. <input type="checkbox"/> Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet 2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above 1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet	

4. Restoration/Enhancement
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

5. Project Involves Stream Crossings

a. number of new stream crossings

b. number of replacement stream crossings



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C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

- a. Yes No **If yes, include proof of mailing or hand delivery of NOI to:**

**Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581**

March 2020

b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review*

1. Percentage/acreage of property to be altered:

(a) within wetland Resource Area	<u>0</u> percentage/acreage
(b) outside Resource Area	<u>5,570 sqft</u> percentage/acreage

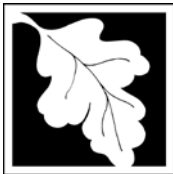
2. Assessor's Map or right-of-way plan of site

2. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

- (a) Project description (including description of impacts outside of wetland resource area & buffer zone)
- (b) Photographs representative of the site

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/>). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



Massachusetts Department of Environmental Protection
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C. Other Applicable Standards and Requirements (cont'd)

(c) MESA filing fee (fee information available at http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/mesa/mesa_fee_schedule.htm).
Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

(d) Vegetation cover type map of site

(e) Project plans showing Priority & Estimated Habitat boundaries

(f) OR Check One of the Following

1. Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/mesa/mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. Separate MESA review ongoing. a. NHESP Tracking # _____ b. Date submitted to NHESP _____

3. Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

a. Not applicable – project is in inland resource area only b. Yes No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

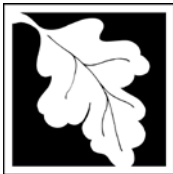
South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: DMF.EnvReview-South@state.ma.us

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: DMF.EnvReview-North@state.ma.us

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File Number
Document Transaction Number
Sturbridge
City/Town

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

C. Other Applicable Standards and Requirements (cont'd)

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
 a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
 b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
 a. Yes No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
 a. Yes No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
 a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
 1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 2. A portion of the site constitutes redevelopment
 3. Proprietary BMPs are included in the Stormwater Management System.
 b. No. Check why the project is exempt:
 1. Single-family house
 2. Emergency road repair
 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

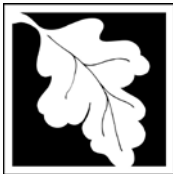
D. Additional Information

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



Massachusetts Department of Environmental Protection
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Sturbridge
City/Town

D. Additional Information (cont'd)

3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. List the titles and dates for all plans and other materials submitted with this NOI.

a. Plan Title

b. Prepared By

c. Signed and Stamped by

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

5. If there is more than one property owner, please attach a list of these property owners not listed on this form.

6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8. Attach NOI Wetland Fee Transmittal Form

9. Attach Stormwater Report, if needed.

E. Fees

1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

65198 & 65199

2. Municipal Check Number

6/10/2020

3. Check date

65197

4. State Check Number

6/10/2020

5. Check date

ESS Group, Inc.

6. Payor name on check: First Name

7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 3 – Notice of Intent
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number _____
 Document Transaction Number _____
 Sturbridge
 City/Town

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

1. Signature of Applicant *[Handwritten Signature]*

2. Date *6/11/20*

3. Signature of Property Owner (if different) *[Handwritten Signature]*

4. Date _____

5. Signature of Representative (if any) *Alexander Paterson*

6. Date *6/15/2020*

TR BOR AP

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a copy of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.

Wetlands Fee Transmittal Form





Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



A. Applicant Information

1. Location of Project:

159 Walker Pond Road Sturbridge
 a. Street Address b. City/Town
 _____ \$237.50
 c. Check number d. Fee amount

2. Applicant Mailing Address:

Jim Straub
 a. First Name b. Last Name
 Massachusetts Department of Conservation and Recreation
 c. Organization
 251 Causeway Street, Suite 600
 d. Mailing Address
 Boston MA 02114
 e. City/Town f. State g. Zip Code
 617-626-1353 jim.straub@state.ma.us
 h. Phone Number i. Fax Number j. Email Address

3. Property Owner (if different):

 a. First Name b. Last Name

 c. Organization

 d. Mailing Address

 e. City/Town f. State g. Zip Code

 h. Phone Number i. Fax Number j. Email Address

B. Fees

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Inland limited project - Cat. 2e	1	\$500.00	\$500.00
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Step 5/Total Project Fee:			\$500.00
Step 6/Fee Payments:			
Total Project Fee:			\$500.00
			a. Total Fee from Step 5
State share of filing Fee:			\$237.50
			b. 1/2 Total Fee less \$12.50
City/Town share of filing Fee:			\$262.50
			c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)



Town of Sturbridge

Conservation Commission

Filing Fee Worksheet

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

Applicant MASSACHUSETTS DEPARTMENT OF CONSERVATION AND RECREATION

Applicant Representative JIM STRAUB

Project location 159 WALICER POND ROAD

TOTAL STATE FEE REQUIRED FOR PROJECT

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

State Fee Category(s) CAT . 2e

Total State Fee for project (include Riverfront Area adjustment if applicable) 500.⁰⁰

State share of State Fee \$ 237.50

Local share of State Fee \$ 262.50

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: \$ 237.50

Total Town Share of State Fee: \$ 262.50

Total Local Fee: \$ 312.50

***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.



Enter your transmittal number

X286316
Transmittal Number

Your unique Transmittal Number can be accessed online:
<http://www.mass.gov/eea/agencies/massdep/service/approvals/transmittal-form-for-payment.html>

Massachusetts Department of Environmental Protection Transmittal Form for Permit Application and Payment

1. Please type or print. A separate Transmittal Form must be completed for each permit application.

2. Make your check payable to the Commonwealth of Massachusetts and mail it with a copy of this form to: MassDEP, P.O. Box 4062, Boston, MA 02211.

3. Three copies of this form will be needed.

Copy 1 - the original must accompany your permit application. **Copy 2** must accompany your fee payment. **Copy 3** should be retained for your records

4. Both fee-paying and exempt applicants must mail a copy of this transmittal form to:

MassDEP
P.O. Box 4062
Boston, MA
02211

*** Note:**
For BWSC Permits, enter the LSP.

A. Permit Information

Cat. 2e

Inland limited project

1. Permit Code: 4 to 7 character code from permit instructions

2. Name of Permit Category

Beach Maintenance

3. Type of Project or Activity

B. Applicant Information – Firm or Individual

Massachusetts Department of Conservation and Recreation

1. Name of Firm - Or, if party needing this approval is an individual enter name below:

2. Last Name of Individual

3. First Name of Individual

4. MI

251 Causeway Street, Suite 600

5. Street Address

Boston

MA

02114

617-626-1353

6. City/Town

7. State

8. Zip Code

9. Telephone #

10. Ext. #

Jim Straub

jim.straub@state.ma.us

11. Contact Person

12. e-mail address

C. Facility, Site or Individual Requiring Approval

Wells State Park

1. Name of Facility, Site Or Individual

2. Street Address

159 Walker Pond Road

MA

01566

3. City/Town

4. State

5. Zip Code

6. Telephone #

7. Ext. #

8. DEP Facility Number (if Known)

9. Federal I.D. Number (if Known)

10. BWSC Tracking # (if Known)

D. Application Prepared by (if different from Section B)*

ESS Group, Inc.

1. Name of Firm Or Individual

10 Hemingway Drive, 2nd Floor

2. Address

East Providence

Ri

02915

401-330-1233

3. City/Town

4. State

5. Zip Code

6. Telephone #

7. Ext. #

Alexander Patterson

8. Contact Person

9. LSP Number (BWSC Permits only)

E. Permit - Project Coordination

1. Is this project subject to MEPA review? yes no
If yes, enter the project's EOE file number - assigned when an Environmental Notification Form is submitted to the MEPA unit:

EOEA File Number

F. Amount Due

DEP Use Only

Permit No:

Rec'd Date:

Reviewer:

Special Provisions:

1. Fee Exempt (city, town or municipal housing authority)(state agency if fee is \$100 or less).
There are no fee exemptions for BWSC permits, regardless of applicant status.
2. Hardship Request - payment extensions according to 310 CMR 4.04(3)(c).
3. Alternative Schedule Project (according to 310 CMR 4.05 and 4.10).
4. Homeowner (according to 310 CMR 4.02).

65197

\$237.50

June 10, 2020

Check Number

Dollar Amount

Date

Project Narrative





1.0 INTRODUCTION

Wells State Park is an approximately 1,400-acre state-owned protected open space and recreational resource located in Sturbridge, Massachusetts (Figure 1). Walker Pond is a key recreational and natural resource within the state park and provides opportunities for swimming, fishing, boating, and other recreational opportunities. Through years of recreational use and exposure to the elements, beach sand at the Walker Pond public swim beach has become degraded, which in turn has decreased the value of the swim beach as a recreational resource within the state park (Attachment A). The Massachusetts Department of Conservation and Recreation (DCR) is proposing to undertake maintenance of the swim area with the goal of restoring its recreational value to park visitors. Beach maintenance work will entail replacement of the upper one foot of sand within the existing footprint of the pond's swim beach with an equal volume of new, triple washed clean sand (Figure 2). Existing, degraded sand will be transported to a final disposal area at an upland location in the Park. The proposed beach maintenance work will occur within and in the vicinity of resource areas and buffer zones defined by the Massachusetts Wetlands Protection Act (WPA) and the Sturbridge Wetlands Bylaw. Therefore, the work will require an Order of Conditions issued by the Sturbridge Conservation Commission. The disposal area is also located within Priority Habitats of Rare Species and Estimated Habitats of Rare Wildlife, and therefore will also require review by the Massachusetts Natural Heritage and Endangered Species Program (NHESP) pursuant to the Massachusetts Endangered Species Act (MESA).

2.0 PROJECT DESCRIPTION

The proposed beach maintenance project entails the excavation of approximately 230 cubic yards of degraded sand from the existing swimming beach and the addition of an equal volume of new, triple washed clean sand. The project will not result in any change to existing slopes, vegetation clearing, or the addition of impervious surfaces (Figure 3).

2.1 Project Schedule and Construction Sequence

The work associated with the project will take place in 2020 and is expected to take approximately four weeks. Work will occur during daylight hours (typically 7:00 am to 6:00 pm). The project schedule may be influenced by weather conditions.

The construction sequence will take place in the following order, but some tasks may occur simultaneously or in a different sequent based on the contractor's selected means and methods:

- Site access
- Establishment of temporary stockpile area and erosion/sedimentation controls
- Excavation of degraded beach sand
- Transportation of degraded beach sand to disposal area
- Placement of new, clean sand
- Site clean-up and restoration of access points

2.2 Work Description

DCR is proposing to mechanically remove existing beach sand from a public swim beach on Walker Pond and replace this material with an equal volume of new, triple washed clean sand to improve the



recreational value of the beach. The proposed activities would involve the removal of approximately 230 cubic yards of sand from an approximately 0.14-acre (6,200-square foot) area at Walker Pond swim beach (Figure 3). Prior to the start of work, the contractor will establish temporary erosion and sedimentation controls along the perimeter of the work area to limit runoff and sedimentation into adjacent undisturbed aquatic habitats. Conventional earth-moving equipment will be used to remove material from the sand replacement area to a depth of one foot below existing grade. The removal of material from the sand replacement area will begin at one end of the work area and the excavated materials will be transported using dump trucks to the disposal area (Figure 4).

Construction equipment will access the work area via Wells State Park Road. Vehicles leaving the project site at the conclusion of construction will be cleaned of sand and debris on the vehicle body and wheels by the contractor before entering public roadways. Vehicle sand and debris carryout that washes onto public roadways will be cleaned by the contractor as needed.

Following the removal of material as described above, clean sand (approximately 230 cubic yards) will be placed and graded within the sand replacement area in order to restore the pre-excavation grade of the beach. The surface area and volume of new, clean sand placed on the beach will be equal to that which was excavated, such that there will be no net change in the volume of material or the ground surface elevations in the work area.

3.0 EXISTING CONDITIONS

Walker Pond is an approximately 100-acre impoundment of Hobbs Brook located within Wells State Park in Sturbridge, Massachusetts. The Walker Pond State Park beach is located along the northwestern shoreline of the pond. Parking, and picnic areas are situated to the north and west of the beach area. Walker Pond is surrounded by many walking, hiking, and mountain biking trails, and a boat launch is located at the northern end of the waterbody.

Walker Pond is not located within an Area of Critical Environmental Concern (ACEC) or an Outstanding Resource Water (ORW) area. Walker Pond is not a public drinking water supply, and is not located within designated Zone A, B, or C Surface Water Supply Protection Zones. Two Interim Wellhead Protection Area (Zone II) and associated non-community groundwater wells, are located to the northeast of Walker Pond. There are no designated Sole Source Aquifers or Non-Potential Drinking Water Source Areas within or in the vicinity of Walker Pond.

3.1 Wetland Resource Areas

Several wetland resource areas that fall under the jurisdiction of the Massachusetts WPA and the Sturbridge Wetlands Bylaw occur in the vicinity of the project areas. The Inland Bank of Walker Pond and Bordering Vegetated Wetlands (BVW) in the vicinity of the proposed work areas was delineated in the field by an ESS wetland scientist on February 4, 2020. Resource areas and buffer zones in the vicinity of the work area are described in the following section and depicted on Figure 2.

3.1.1 Inland Bank

Inland Bank is defined at 310 CMR 10.54 as the land which contains water within a waterbody or waterway and is located between the mean annual low water level and the mean annual high-water level of a waterbody or waterway. When Bordering Vegetated Wetland (BVW) is present, Inland Bank is located between the LUW and the BVW. When BVW is not present, Inland Bank is located



between LUW and the upland. Inland Bank provides habitat for vegetation and a variety of animals, including small mammals, reptiles, and amphibians.

The Inland Bank in the vicinity of the work areas consists of unvegetated sandy recreational swim beach.

3.1.2 Bordering Vegetated Wetland

BVW is defined at 310 CMR 10.55 as freshwater wetlands that border creeks, rivers, streams, and ponds, and include wet meadows, bogs, marshes, and swamps. BVW provides habitat for a diverse array of plant and animal species and functions to retain stormwater and attenuate pollutants.

Wetland habitats identified have been categorized based on field observation using the Classification of Wetlands and Deepwater Habitats of the United States (Cowardin *et al.*1979) and the WPA. One wetland system was identified north of the proposed project area. The wetland was delineated by the C (C1-C13) flag series and extends offsite to the west. This wetland is classified as a seasonally flooded/saturated palustrine broad-leaved deciduous forest (PFO1E), with trees 18 to 24 inches diameter at breast height (dbh) and 50 to 60 feet tall. The primary tree species present are red maple (*Acer rubrum*) and white pine (*Pinus strobus*). The dominant shrub species within this wetland are sweet pepperbush (*Clethra alnifolia*), and mountain laurel (*Kalmia latifolia*).

3.1.3 Land Under Water

Per 310 CMR 10.56, the land under Walker Pond is considered LUW and occurs below the mean annual low water level of the reservoir. LUW provides substrate for aquatic plant growth and habitat for aquatic animals.

3.1.4 Bordering Land Subject to Flooding

Per 310 CMR 10.57, Bordering Land Subject to Flooding (BLSF) is defined as an area with low, flat topography adjacent to and inundated by flood waters rising from creeks, rivers, streams, ponds, or lakes. BLSF extends from the banks of these waterways and waterbodies; where a BVW occurs, it extends from the upper limit of the BVW.

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for the project vicinity was reviewed to determine whether any portions of the project site are BLSF. According to the FIRM which covers the project area (Map Number 25027C0768E, Effective Date: July 4, 2011), the Walker Pond swim beach and its immediate vicinity are within Flood Zone AE (the 100-year flood zone) with a base flood elevation of 584 feet North American Vertical Datum 1988.

3.1.5 Riverfront Area

Riverfront Area as defined in 310 CMR 10.58 is the area of land between a river's mean annual high-water line measured horizontally outward from the river and a parallel line located 200 feet away. Under the Sturbridge Wetlands Bylaw, the first 100 feet of the 200-foot Riverfront Area is designated as the inner riparian zone, and the next 100 feet is designated as the outer riparian zone. Riverfront Areas serve to protect surface and groundwater supplies, control flooding, and provide wildlife habitat.

Portions of the project area are located within both the inner and outer riparian zones of the Riverfront Area associated with an unnamed perennial stream located to the north of the swim beach.



3.1.6 Buffer Zones

Although not a resource area, the Inland Bank and BVW resource areas have an associated 100-foot buffer zone under the WPA and a 200-foot buffer zone under the Sturbridge Wetlands Bylaw, which begin at the upper boundary of the resource area. Work which occurs within the buffer zone is subject to the jurisdiction of the Sturbridge Conservation Commission under the WPA and the Sturbridge Wetlands Bylaw. Under the Sturbridge Wetlands Bylaw, the first 25 feet of the 100-foot buffer zone is designated as a No Disturb Buffer, and the first 50 feet of the 100-foot buffer zone is designated as a No Structure Buffer.

Work at the beach will occur entirely within the 50-foot No Structure Buffer, and largely within the 25-foot No Disturb Buffer. Areas to be disturbed during sand replacement activities consist of unvegetated maintained sandy beach. Outside of the work areas, typical vegetation within the buffer zone includes maintained grass picnic areas with scattered white pine and red oak (*Quercus rubra*).

3.2 Massachusetts Natural Heritage and Endangered Species Data Review

The material disposal is proposed within a cleared area used for park maintenance equipment and material which is located within both Priority Habitats of Rare Species (PH 987) and Estimated Habitats of Rare Wildlife (EH 776) (Figure 4). Accordingly, a Request for State-listed Species Information form was sent to the Massachusetts Natural Heritage and Endangered Species Program (NHESP) in March 2020. The NHESP response letter dated March 23, 2020 (Attachment B) identified two state-listed species associated with these mapped habitat areas: the wood turtle, and an endangered data-sensitive reptile species. A brief description of the wood turtle is provided below.

Wood Turtle

The wood turtle (*Glyptemys insculpta*) is a freshwater turtle species that ranges throughout northeastern North America, including Massachusetts. The Commonwealth of Massachusetts lists wood turtle as a species of Special Concern; the species is not listed at the federal level. Wood turtles primarily inhabit river and stream corridors, especially areas characterized by slow-moving water, mid-sized watercourses, sandy substrates, and densely vegetated shorelines. From November to March, wood turtles hibernate in stream substrates. Nesting occurs in June with nest hatching taking place in August and September (NHESP 2015).

4.0 IMPACT AVOIDANCE AND MINIMIZATION

4.1 Wetland Resource Areas and Buffer Zones

The project has been designed to avoid any work within the Inland Bank, LUW, and BVW resource areas. Sand replacement will entail work within the BLSF resource area, the Riverfront Area, and the buffer zones; however, the project will not result in any changes to existing grades, vegetation clearing, or the addition of impervious surfaces. Post-construction site conditions will be the same as existing conditions, except that the existing, degraded beach sand will be replaced with new, triple washed clean sand.

Table 1. Proposed Temporary Work in Resource Areas and Buffer Zones

Resource Area or Buffer Zone	Area of Temporary Work (sf)
BLSF	6,200
Inner Riparian Riverfront Area	990
Outer Riparian Riverfront Area	3,130
25-foot No Disturb Buffer	5,470
50-foot No Structure Buffer	730

To avoid impacts to resource areas in the vicinity of the work area, the sand replacement area has been offset from the Inland Bank by one foot and from BVW areas by five feet. Temporary erosion and sedimentation controls will be installed within these setbacks prior to the start of work. The specific types of erosion and sedimentation controls to be used will be determined by the contractor based on site conditions at the time of work, but may include silt fence, silt socks, or other methods. The use of erosion and sedimentation controls will minimize impacts to adjacent undisturbed Inland Bank and LUW areas by controlling the spread of suspended solids and preventing increases in turbidity and sedimentation.

4.2 Priority and Estimated Habitats

As stated in Section 3.2, the approximately 5,570-square foot material disposal area is located in Priority and Estimated Habitats. To avoid potential impacts to the species in question, beach maintenance activities would be conducted between 2 November and 31 March. In the unlikely event beach maintenance occurred between 1 April and 1 November, DCR would consult with NHESP prior to the start of the work for site specific management recommendations including, but not limited to; avoiding all reptiles encountered, developing a protection plan and implementing active sweeps during the period of dumping materials at the disposal site.

5.0 REGULATORY COMPLIANCE

5.1 Massachusetts Wetlands Protection Act

The Massachusetts WPA (M.G.L. c. 131, § 40) and its implementing regulations (310 CMR 10.00) provide for the protection of wetland resource areas and the public benefits provided by these areas as identified by the Act. The proposed project is eligible to be reviewed under the WPA as a limited project pursuant to 310 CMR 10.53(3)(h): *“The maintenance of beaches and boat launching ramps which existed on the effective date of 310 CMR 10.51 through 10.60 (April 1, 1983).”*

The work area is located within portions of the BLSF and Riverfront Area associated with Walker Pond and its tributaries. A discussion of the project’s compliance with the performance standards for these resource areas is provided in the following sections. As discussed in Section 4, the project will not result in temporary or permanent alterations to the other resource areas in the vicinity of the work areas (Inland Bank, LUW, and BVW).

5.1.1 Bordering Land Subject to Flooding

Performance standards for the BLSF resource area are provided in 310 CMR 10.57(4)(a). Discussion of the project’s compliance with these standards is provided below.



310 CMR 10.57(4)(a)(1): *Compensatory storage shall be provided for all flood storage volume that will be lost as the result of a proposed project within Bordering Land Subject to Flooding, when in the judgment of the issuing authority said loss will cause an increase or will contribute incrementally to an increase in the horizontal extent and level of flood waters during peak flows.*

Work within the BLSF resource area will not result in any loss of flood storage capacity, as the excavated sand will be replaced with an equal volume of new sand.

310 CMR 10.57(4)(a)(2): *Work within Bordering Land Subject to Flooding, including that work required to provide the above-specified compensatory storage, shall not restrict flows so as to cause an increase in flood stage or velocity.*

Work within the BLSF resource area is limited to excavation and replacement of sand and does not include the addition of any fill or structures. Therefore, the project will not alter flows or result in any change in flood stage or velocity.

310 CMR 10.57(4)(a)(3): *Work in those portions of bordering land subject to flooding found to be significant to the protection of wildlife habitat shall not impair its capacity to provide important wildlife habitat functions.*

The ability of BLSF within the work area to provide wildlife habitat functions will not be altered as a result of the project. Post-construction conditions at the beach will be unchanged from pre-construction conditions; project activities will not involve any vegetation clearing, creation of impervious surfaces, or changes in ground cover.

5.1.2 Riverfront Area

General performance standards for Riverfront Area are provided in 310 CMR 10.58(4)(a) through (d). Discussion of the project's compliance with these standards is provided below.

310 CMR 10.58(4)(a): Protection of Other Resource Areas - *The work shall meet the performance standards for all other resource areas within the riverfront area, as identified in 310 CMR 10.30 (Coastal Bank), 10.32 (Salt Marsh), 10.55 (Bordering Vegetated Wetland), and 10.57 (Land Subject to Flooding). When work in the riverfront area is also within the buffer zone to another resource area, the performance standards for the riverfront area shall contribute to the protection of the interests of M.G.L. c. 131, § 40 in lieu of any additional requirements that might otherwise be imposed on work in the buffer zone within the riverfront area.*

As discussed in Section 4.0, the proposed project will not result in any alteration of the Inland Bank, LUW, or BVW resource areas. The project's compliance with performance standards for the BLSF resource area is discussed in Section 5.1.1.

310 CMR 10.58(4)(b): Protection of Rare Species - *No project may be permitted within the riverfront area which will have any adverse effect on specified habitat sites of rare wetland or upland, vertebrate or invertebrate species, as identified by the procedures established under 310 CMR 10.59 or 10.37, or which will have any adverse effect on vernal pool habitat certified prior to the filing of the Notice of Intent.*



As discussed in Section 3.2, a portion of the project area is located in Priority and Estimated Habitat of two state-listed species and therefore will require review and approval by the Natural Heritage and Endangered Species Program (NHESP) under the Massachusetts Endangered Species Act (MESA). The project's compliance with MESA is discussed in Section 5.3.

310 CMR 10.58(4)(c): Practicable and Substantially Equivalent Economic Alternatives - *There must be no practicable and substantially equivalent economic alternative to the proposed project with less adverse effects on the interests identified in M.G.L. c. 131 § 40.*

The purpose of the proposed project is to restore the recreational value of the Walker Pond swim beach by removing and replacing existing degraded beach sand with clean sand. A no-action alternative to the proposed work is not acceptable, as failure to maintain the beach would result in further decreases in recreational value of the area. As approximately half of the total beach area is located within the 200-foot Riverfront Area, there are no reasonable conditions or alternatives that would accomplish the goals of the beach maintenance project and result in less adverse effects on the interests identified in the WPA.

310 CMR 10.58(4)(d): No Significant Adverse Impact - *The work, including proposed mitigation measures, must have no significant adverse impact on the riverfront area to protect the interests identified in M.G.L. c. 131, § 40.*

Riverfront resource area function and value will remain unchanged due to project activities. Temporary disturbance will take place only within the beach area, no impervious surfaces will be added, and no clearing of vegetation, changes in site grade, or changes in ground cover will occur during project activities.

5.2 Sturbridge Wetlands Protection Bylaw

In accordance with §4.13 of the Sturbridge Wetlands Protection Regulations, DCR requests a waiver from the 25-foot No Disturb Buffer at the Walker Pond swim beach to allow sand replacement work to proceed.

The project site is an existing unvegetated maintained recreational beach, and sand replacement will occur only within this previously disturbed beach area. Adjacent resources areas will be clearly marked to prevent inadvertent encroachment during project activities, and excavation and sand replacement activities will be offset from the Inland Bank and BVW resource area boundaries by one and five, respectively. No changes to habitat quality, impervious surface area, ground cover, vegetation, or grade will occur within the areas disturbed within the 25-foot No Disturb Buffer or resource areas. Use and future maintenance of the project area, following the completion of project work, will have no detrimental impact upon adjacent habitat areas or water quality within Walker Pond, as post-construction conditions at the beach will be unchanged from pre-construction conditions.

The purpose of the proposed project is to remove and replace existing sand with clean sand at a swim beach. As the beach area is located within the 25-foot No Disturb Buffer, there are no reasonable conditions or alternatives that would allow the proposed activity to proceed without working in this area.

As described in Section 2.0 and shown on the project plans (Figure 3), adjacent resource areas and water quality within Walker Pond will be protected through the implementation of erosion and sedimentation controls. These controls will be established outside of all work areas. Installation,



inspection, and maintenance of erosion and sedimentation controls is expected to avoid any potential impacts to the resource areas due to work occurring in the 25-foot No Disturb Buffer.

5.3 Massachusetts Endangered Species Act

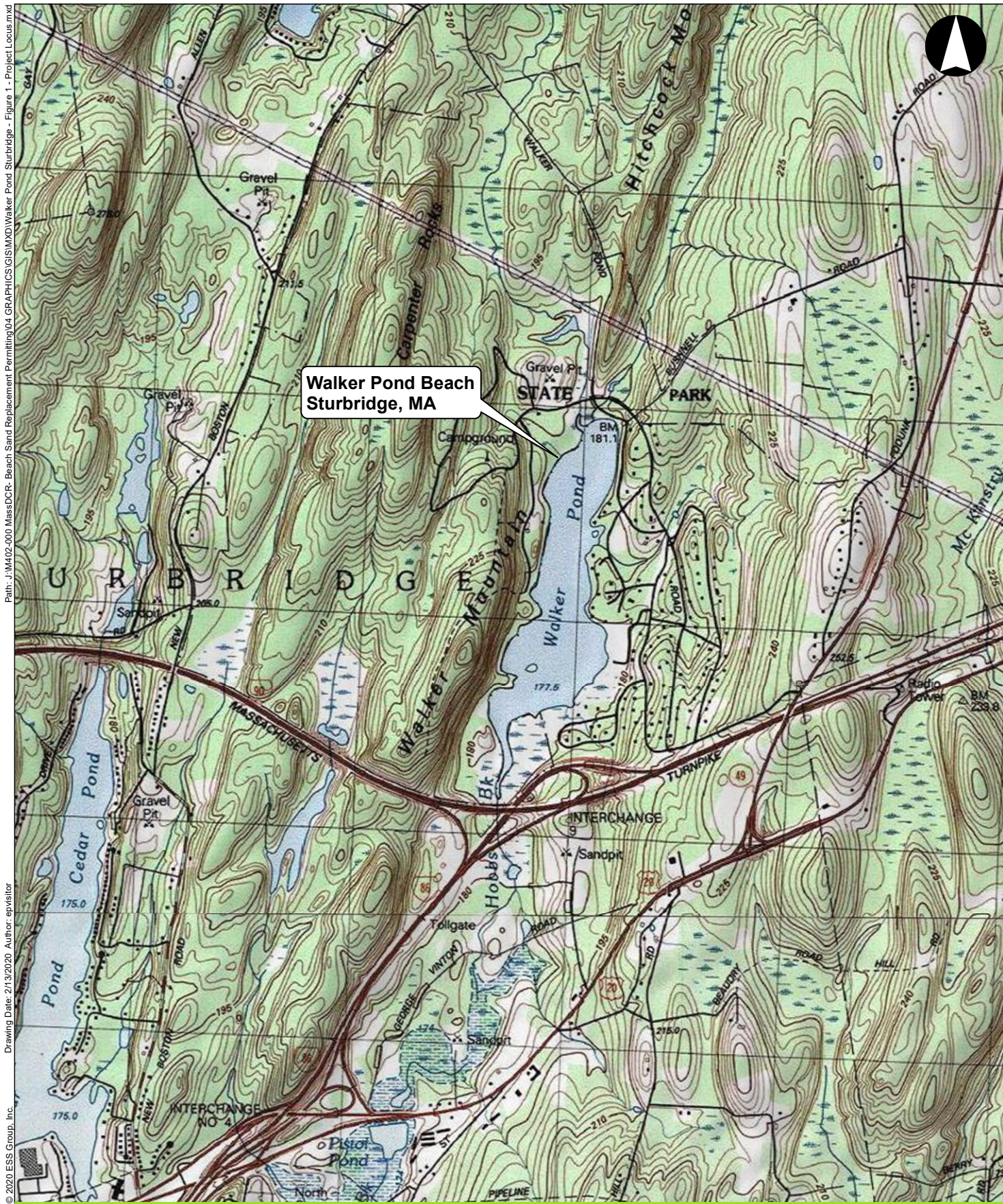
The Massachusetts Endangered Species Act (MESA) (M.G.L. c. 131A) and its implementing regulations (321 CMR 10.00) provides for the protection of endangered, threatened, and special concern species and their habitats in Massachusetts. The proposed project is located in both Priority and Estimated Habitats, and, therefore; will require review and approval by NHESP under MESA. As described in Section 4.2, the to avoid potential impacts to the species in question, beach maintenance activities would be conducted between 2 November and 31 March. In the unlikely event beach maintenance occurred between 1 April and 1 November, DCR would consult with NHESP prior to the start of the work for site specific management recommendations including, but no limited to; avoiding all reptiles encountered, developing a protection plan and implementing active sweeps during the period of dumping materials at the disposal site.

6.0 REFERENCES

[NHESP] Massachusetts Natural Heritage and Endangered Species Program. 2015. Wood turtle (*Glyptemys insculpta*) fact sheet. Accessed online March 31, 2020. <https://www.mass.gov/files/documents/2016/08/tm/glyptemys-insculpta.pdf>

Figures





Path: J:\M402-000_MassDCR_Beach_Sand_Replacement_Permitting\04_GRAPHICS\GIS\MXD\Walker_Pond_Sturbridge_Figure 1 - Project Locus.mxd
 Drawing Date: 2/13/2020 Author: epvisitor
 © 2020 ESS Group, Inc.

Wells State Park Beach Maintenance Project
 Sturbridge, Massachusetts

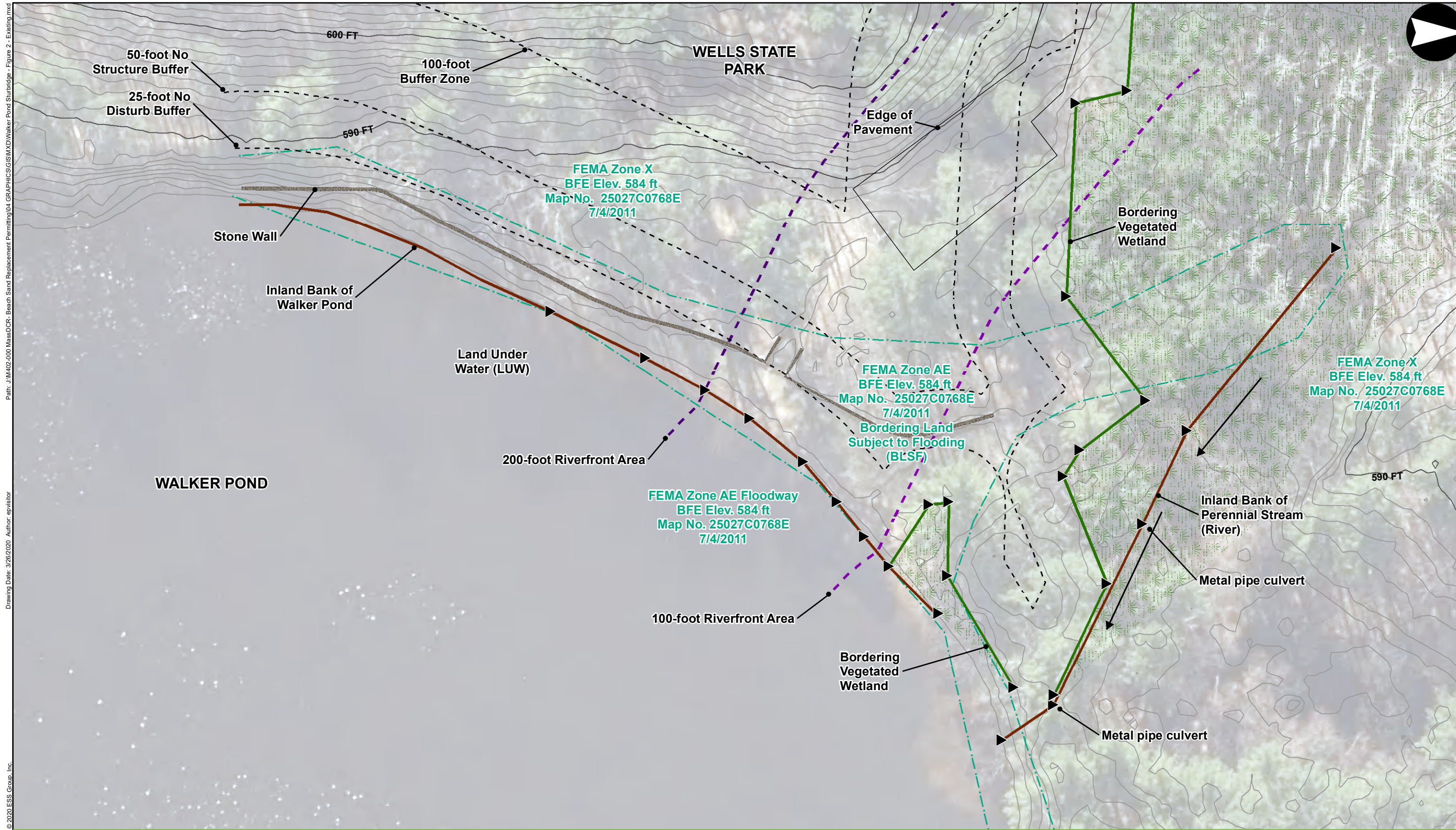
Project Locus



Source: 1) USGS, Topo Quad

Figure 1





Path: J:\M402-000\MasDCRF-Beach Sand Replacement\Permitting\04 GRAPHICS\GIS\MXD\Walker Pond Sturbridge - Figure 2 - Existing.mxd
 Drawing Date: 3/26/2020 Author: epvictor
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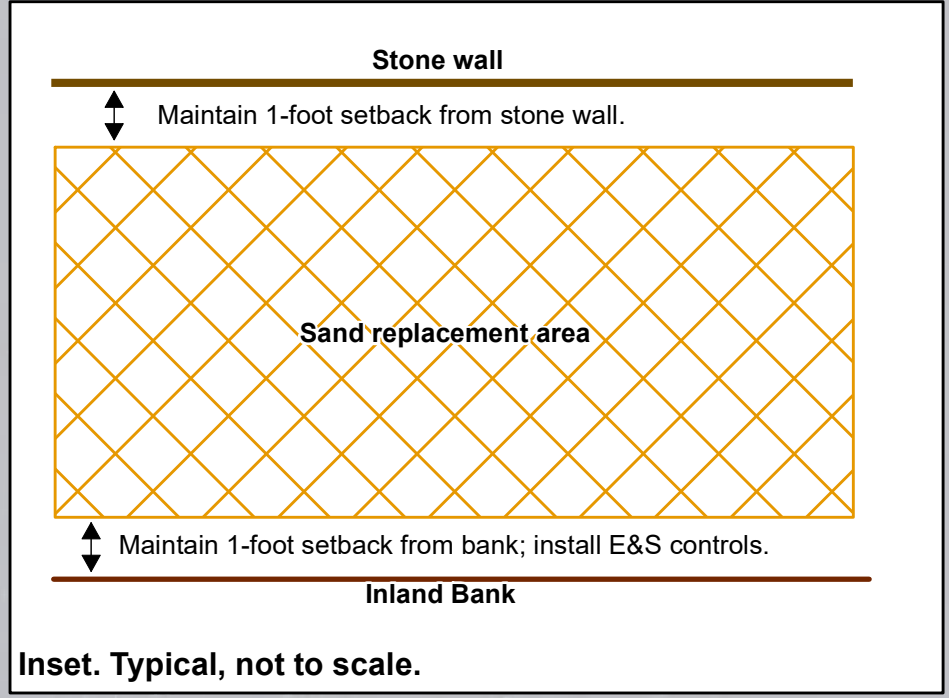
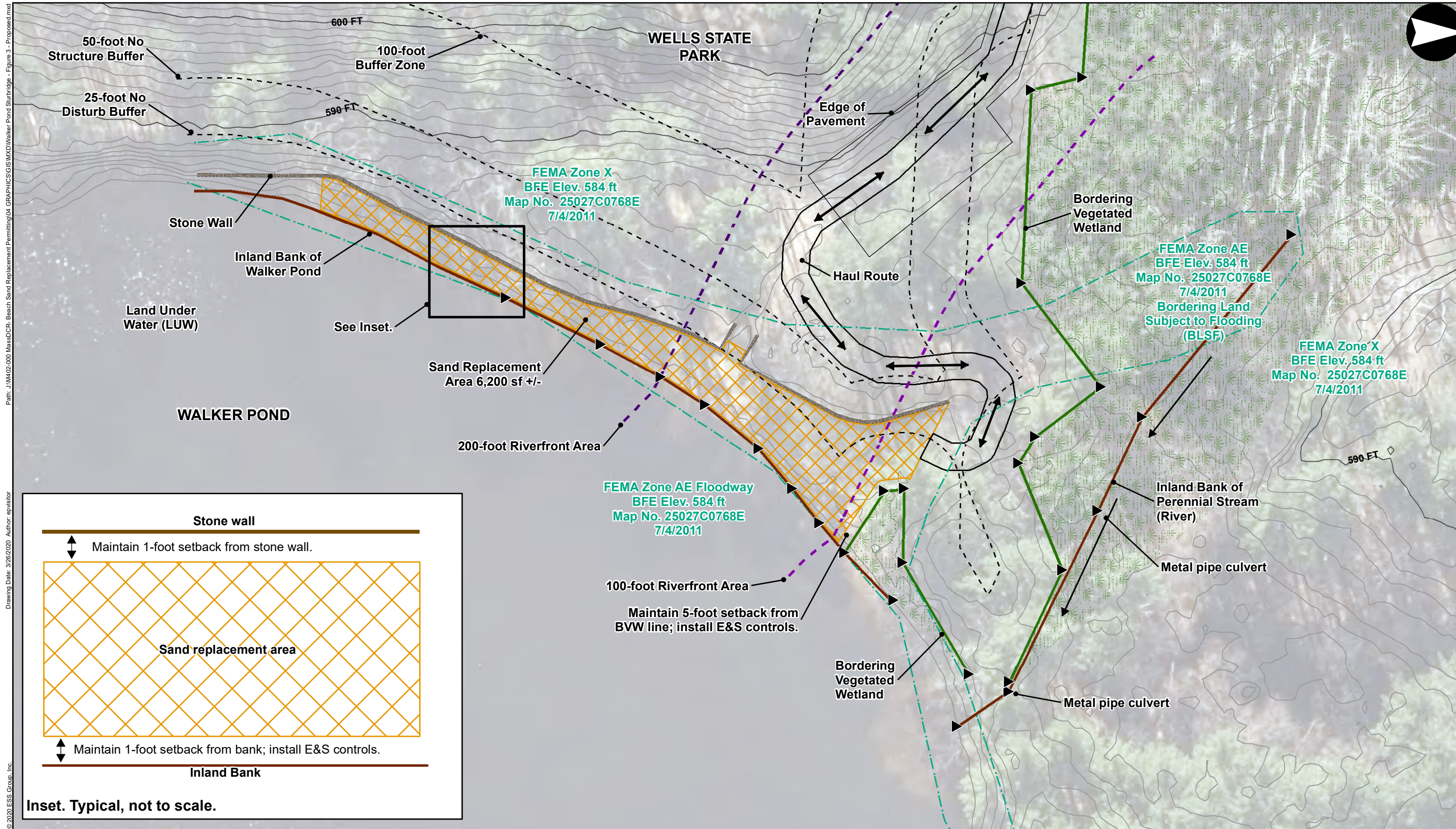
Wells State Park Beach Maintenance Project
 Sturbridge, Massachusetts

1 inch = 40 feet

Source: 1) Wetland features, ESS 2020; 2) Aerial images, MassGIS 2013/14
 3) Topographic contours, ESS 2020 (generated from Lidar)

Existing Conditions

Figure 2



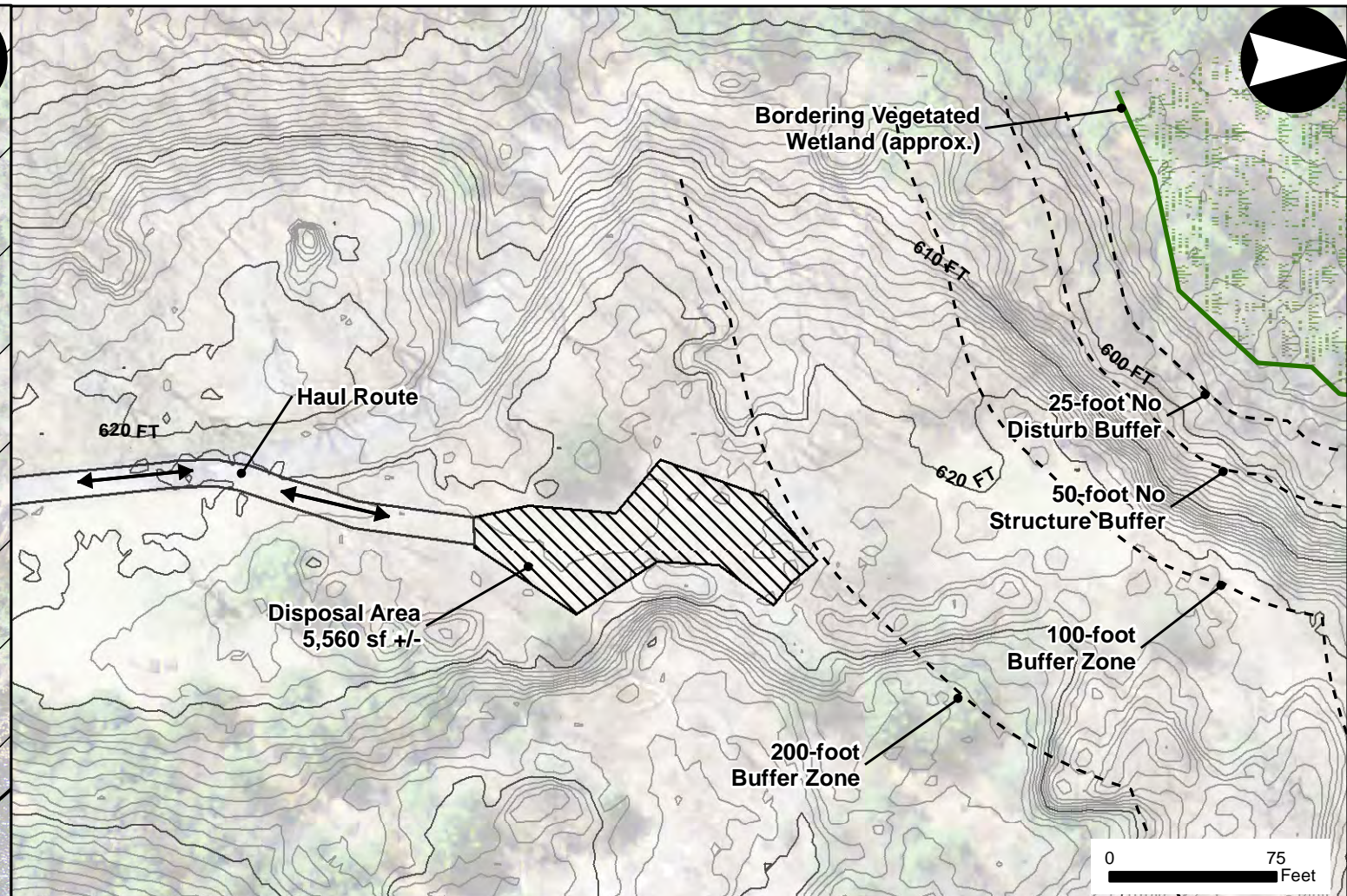
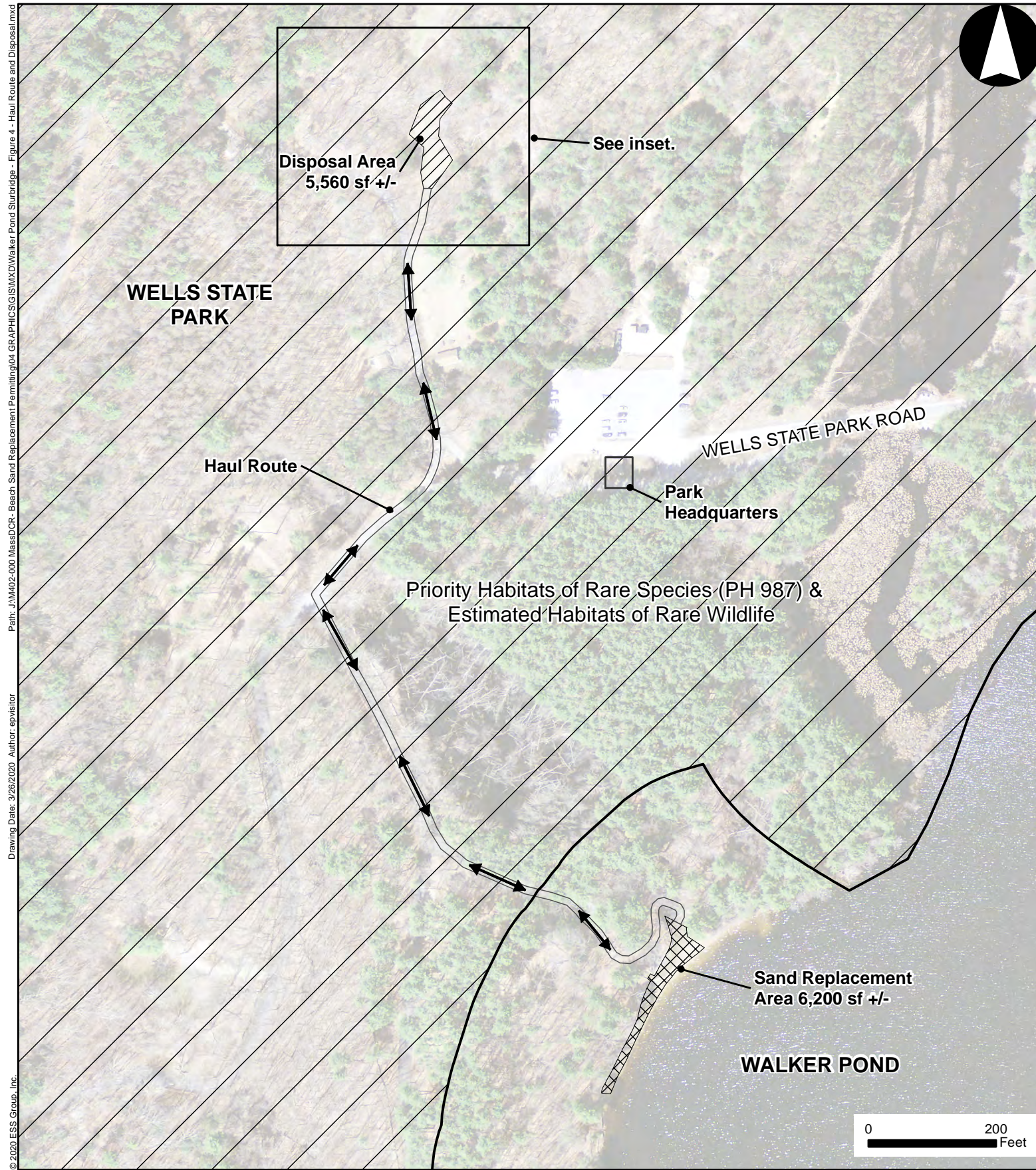
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 Drawing Date: 3/26/2020 Author: epvictor
 © 2020 ESS Group, Inc.

Wells State Park Beach Maintenance Project
 Sturbridge, Massachusetts
 1 inch = 40 feet
 Source: 1) Wetland features, ESS 2020; 2) Aerial images, MassGIS 2013/14
 3) Topographic contours, ESS 2020 (generated from Lidar)



Proposed Conditions

Figure 3



SEDIMENTATION & EROSION CONTROL NOTES:

1. The erosion control measures shall be provided as necessary and as required by the permits.
2. Perimeter soil and erosion controls shall be placed prior to any construction activities. All soil and erosion controls shall be checked and repaired as necessary.
3. Supplemental erosion control measures shall be provided to prevent off-site transport of earth, sediment, and debris as necessary.
4. All stockpile areas shall be surrounded by erosion control barriers until such time as the material is transported to the disposal area.
5. Soils to be stockpiled for a period of more than 30 days shall be surrounded by erosion controls and be temporarily seeded and mulched.
6. Erosion control measures shall be inspected daily and during and after every rain event. Any necessary replacement or repair shall be performed promptly.
7. Excavation operations shall be phased to minimize the area disturbed or open to the elements at any given time.
8. The site shall be left in a stable condition at the close of each day during construction.

CONSTRUCTION NOTES:

1. "DIG SAFE" shall be called at 1-888-344-7233 at least 72 hours prior to excavation in accordance with Commonwealth of Massachusetts General Laws c.39-1.2.
2. All appropriate agencies and utility companies shall be notified, in writing, at least 48 hours prior to any work within 15 feet of a utility line.
3. The "construction limits" shall be established on the site by acceptable visible markers. All work and equipment shall be confined to within these limits, unless otherwise specifically authorized.
4. No changes are to be made unless authorized by DCR.
5. All applicable federal, state, and local safety codes, regulations, legal requirements, permit conditions, etc. shall be complied with.
6. Adequate precautions to protect all walks, streets, pavements, highway guards, curbing, edging, trees, plantings, structures, pipes, etc. on or off the premises, and shall repair and replace or otherwise make good at his/her own expense as required by DCR any items damaged as a result of the contractor's work.
7. All rubbish, and debris shall be disposed of in accordance with the specifications and all applicable codes and regulations. The project site shall be left in safe and clean condition upon completion of excavation operations.
8. All surfaces disturbed by this work shall be restored to their original.
9. Excavation sequence shall be coordinated to minimize disturbance of existing conditions and operations.
10. Excavation shall take place within approved work windows.
11. All existing piping and structures exposed during excavation shall be adequately supported, braced, or otherwise protected during excavation activities.
12. All necessary fees and permits shall be obtained and work shall comply with applicable municipal, state, and federal permits and requirements.

Path: J:\M402-000 MassDCR - Beach Sand Replacement\Permitting\04 GRAPHICS\GIS\MXD\Walker Pond Sturbridge - Figure 4 - Haul Route and Disposal.mxd
 Drawing Date: 3/26/2020 Author: epvictor
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Wells State Park Beach Maintenance Project

Sturbridge, Massachusetts

Source: 1) Wetland features, ESS 2020; 2) Aerial images, MassGIS 2013/14
 3) Topographic contours, ESS 2020 (generated from Lidar)
 4) Estimated and Priority Habitat, MassGIS 2017

**Haul Route,
 Disposal Area,
 and Notes**

Figure 4

Attachment A

Photographic Log





Photograph No. 1:
Swim Beach, facing southwest.



Photograph No. 2:
Swim Beach, facing west.



Photograph No. 3:
Construction access, facing south.



Photograph No. 4:
Construction access and swim beach parking, facing south.

Attachment B

NHESP Response Letter





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DIVISION OF FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581
p: (508) 389-6300 | f: (508) 389-7890
MASS.GOV/MASSWILDLIFE

March 23, 2020

Alexander Patterson
ESS Group, Inc.
10 Hemingway Dr.
East Providence RI 02915

RE: Project Location: Walker Pond Beach, Wells State Park
Town: STURBRIDGE
NHESP Tracking No.: 20-39272

To Whom It May Concern:

Thank you for contacting the Natural Heritage and Endangered Species Program of the MA Division of Fisheries & Wildlife (the "Division") for information regarding state-listed rare species in the vicinity of the above referenced site. Based on the information provided, this project site, or a portion thereof, is located **within** *Priority Habitat 987* (PH 987) and *Estimated Habitat 776* (EH 776) as indicated in the *Massachusetts Natural Heritage Atlas* (14th Edition) for the following state-listed rare species:

<u>Scientific name</u>	<u>Common Name</u>	<u>Taxonomic Group</u>	<u>State Status</u>
<i>Glyptemys insculpta</i>	Wood Turtle	Reptile	Special Concern
<i>Data Sensitive Species*</i>		Reptile	Endangered

The species listed above are protected under the Massachusetts Endangered Species Act (MESA) (M.G.L. c. 131A) and its implementing regulations (321 CMR 10.00). State-listed wildlife are also protected under the state's Wetlands Protection Act (WPA) (M.G.L. c. 131, s. 40) and its implementing regulations (310 CMR 10.00). Fact sheets for most state-listed rare species can be found on our website (www.mass.gov/nhesp).

*This species is considered a "Sensitive Species". This species is highly susceptible to collection and is therefore of high concern to Natural Heritage. Information about this species (including presence/absence) cannot be released to anyone (especially including release to third parties or published) unless such release is agreed to in writing by the Natural Heritage Program (See Massachusetts Public Records law: M.G.L. chapter 66 section 17D).

Please note that projects and activities located within Priority and/or Estimated Habitat must be reviewed by the Division for compliance with the state-listed rare species protection provisions of MESA (321 CMR 10.00) and/or the WPA (310 CMR 10.00).

Wetlands Protection Act (WPA)

If the project site is within Estimated Habitat and a Notice of Intent (NOI) is required, then a copy of the NOI must be submitted to the Division so that it is received at the same time as the local conservation commission. If the Division determines that the proposed project will adversely affect the actual

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Resource Area habitat of state-protected wildlife, then the proposed project may not be permitted (310 CMR 10.37, 10.58(4)(b) & 10.59). In such a case, the project proponent may request a consultation with the Division to discuss potential project design modifications that would avoid adverse effects to rare wildlife habitat.

A streamlined joint MESA/WPA review process is available. When filing a Notice of Intent (NOI), the applicant may file concurrently under the MESA on the same NOI form and qualify for a 30-day streamlined joint review. For a copy of the NOI form, please visit the MA Department of Environmental Protection's website: <https://www.mass.gov/how-to/wpa-form-3-wetlands-notice-of-intent>.

MA Endangered Species Act (MESA)

If the proposed project is located within Priority Habitat and is not exempt from review (see 321 CMR 10.14), then project plans, a fee, and other required materials must be sent to Natural Heritage Regulatory Review to determine whether a probable Take under the MA Endangered Species Act would occur (321 CMR 10.18). Please note that all proposed and anticipated development must be disclosed, as MESA does not allow project segmentation (321 CMR 10.16). For a MESA filing checklist and additional information please see our website: <https://www.mass.gov/regulatory-review>.

We recommend that rare species habitat concerns be addressed during the project design phase prior to submission of a formal MESA filing, as avoidance and minimization of impacts to rare species and their habitats is likely to expedite endangered species regulatory review.

This evaluation is based on the most recent information available in the Natural Heritage database, which is constantly being expanded and updated through ongoing research and inventory. If the purpose of your inquiry is to generate a species list to fulfill the federal Endangered Species Act (16 U.S.C. 1531 et seq.) information requirements for a permit, proposal, or authorization of any kind from a federal agency, we recommend that you contact the National Marine Fisheries Service at (978)281-9328 and use the U.S. Fish and Wildlife Service's Information for Planning and Conservation website (<https://ecos.fws.gov/ipac>). If you have any questions regarding this letter please contact Melany Cheeseman, Endangered Species Review Assistant, at (508) 389-6357.

Sincerely,



Everose Schlüter, Ph.D.
Assistant Director