

Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

Sturbridge

City/Town

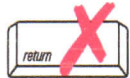
WPA Form 1- Request for Determination of Applicability

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:

Kenneth Leblanc

Name

leblanc90@charter.net

E-Mail Address

34 Newman Avenue

Mailing Address

Southbridge

City/Town

MA

State

01550

Zip Code

(508) 735-2535

Phone Number

Fax Number (if applicable)

2. Representative (if any):

EBT Environmental Consultants, Inc.

Firm

Glenn E. Krevosky

Contact Name

glenn.krevosky@charter.net

E-Mail Address

601 Main Street

Mailing Address

North Oxford

City/Town

MA

State

01537

Zip Code

(508) 769-3659

Phone Number

Fax Number (if applicable)

B. Determinations

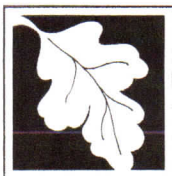
1. I request the Sturbridge make the following determination(s). Check any that apply:
Conservation Commission

- ☒ 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

Name of Municipality

- ☐ e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).



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C. Project Description

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

263 New Boston Road

Street Address

Sturbridge

City/Town

Parcel ID: 455-01144-263

Assessors Map/Plat Number

Parcel/Lot Number

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

(See attached C.1.b. Area Description)

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

(See attached C.1.c. Plan and/or Map Reference)

Title

Date

Title

Date

Title

Date

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

No work proposed at this time.

C.1.b. Area Description

The site is a 10.61-acre wooded lot with uplands dominated by Northern Red Oak and White Pine. The land located to the west of the subject parcel was a former gravel removal operation - still evident from aerial flyovers.

The borrow pit's cut (with an approximate 1:1 slope) abutting the subject property's western property boundary ranges from 20' to 30'. The highly permeable soils excavated from the pit (evident from EBT, Inc. site inspections) are Merrimack (Hydrologic Soil Group A). The excavation process, which occurred greater than 30 years ago caused the subject property's wetlands to be drained. The fringes of the drained wetlands are now growing with FACU plants such as White Ash, White Pine, Hay-Scented Fern, Mountain Laurel, etc.

The drained wetlands on the subject site are of 2 types; the southern area is a Red Maple tree swamp with light brush understory and the northeastern area is a wet meadow shrub swamp with a scattering of wetland bushes. There are no pooling areas evidenced by leaf staining nor having water for 2 consecutive months in the spring due to the drained water table.

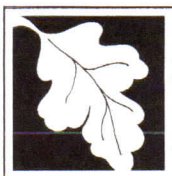
The applicant is requesting through this RDA to have a site inspection to view the two wetland areas just described and see the minimal area for pooling as of 2/20/2022 was approximately 10' by 12' with 4" of water. The second area closer to the road had no water. The applicant's representative will go to the site every 4 days during the month of March with a fine mesh seining net viewing and seining the pooling area looking for obligate vernal pool inhabitants i.e., Fairy Shrimp, Spotted Salamander egg masses, Wood Frog egg masses, etc. The documentation will be submitted to the Conservation Agent, if any species are found, to set up a site inspection.

C.1.c. Plan and/or Map Reference

Project Location: 263 New Boston Road, Sturbridge

Applicant: Kenneth Leblanc

- 1A. East Brookfield USGS Quad, dated 2018
- 2A. Sturbridge GIS Mapping, dated 4/12/2021
- 3A. MA Oliver Map, dated 4/20/2021
- 4A. Copy of RDA Fee Check
- 5A. Sturbridge Abutters List, dated 2/23/2022
- 6A. Notification to Abutters, dated 2/23/2022
- 7A. Affidavit of Service, dated 2/23/2022
- 8A. 2001 Aerial Photo



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C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

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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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:

Five Star Realty Trust (Kenneth LeBlanc, trustee)

Name

34 Newman Avenue

Mailing Address

Southbridge

City/Town

MA

State

01550

Zip Code

Signatures:

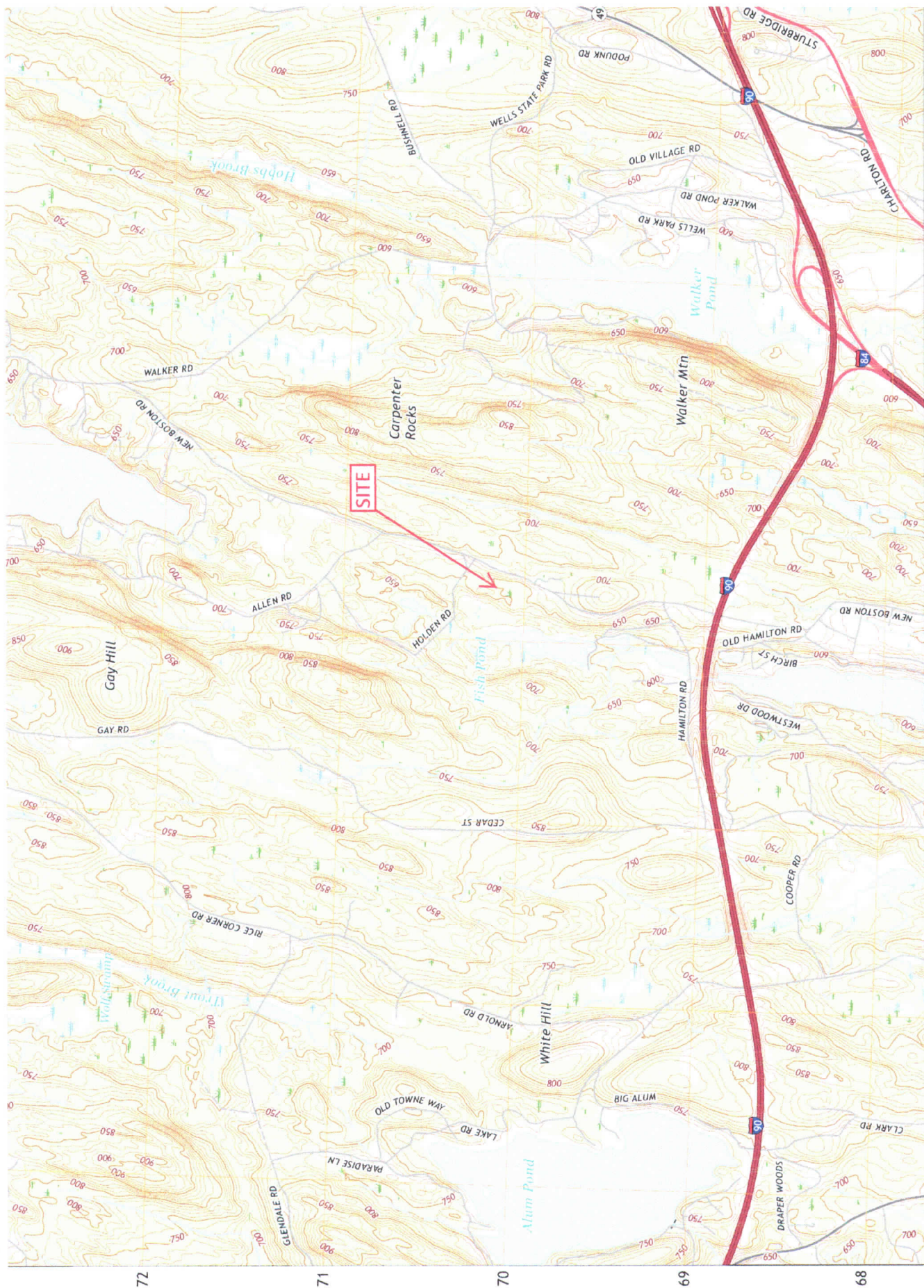
I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Kenneth LeBlanc
Signature of Applicant

2/22/2022
Date

Gleann E Knevosky
Signature of Representative (if any)

2/22/2022
Date



East Brookfield USGS Quad
2018

43

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41

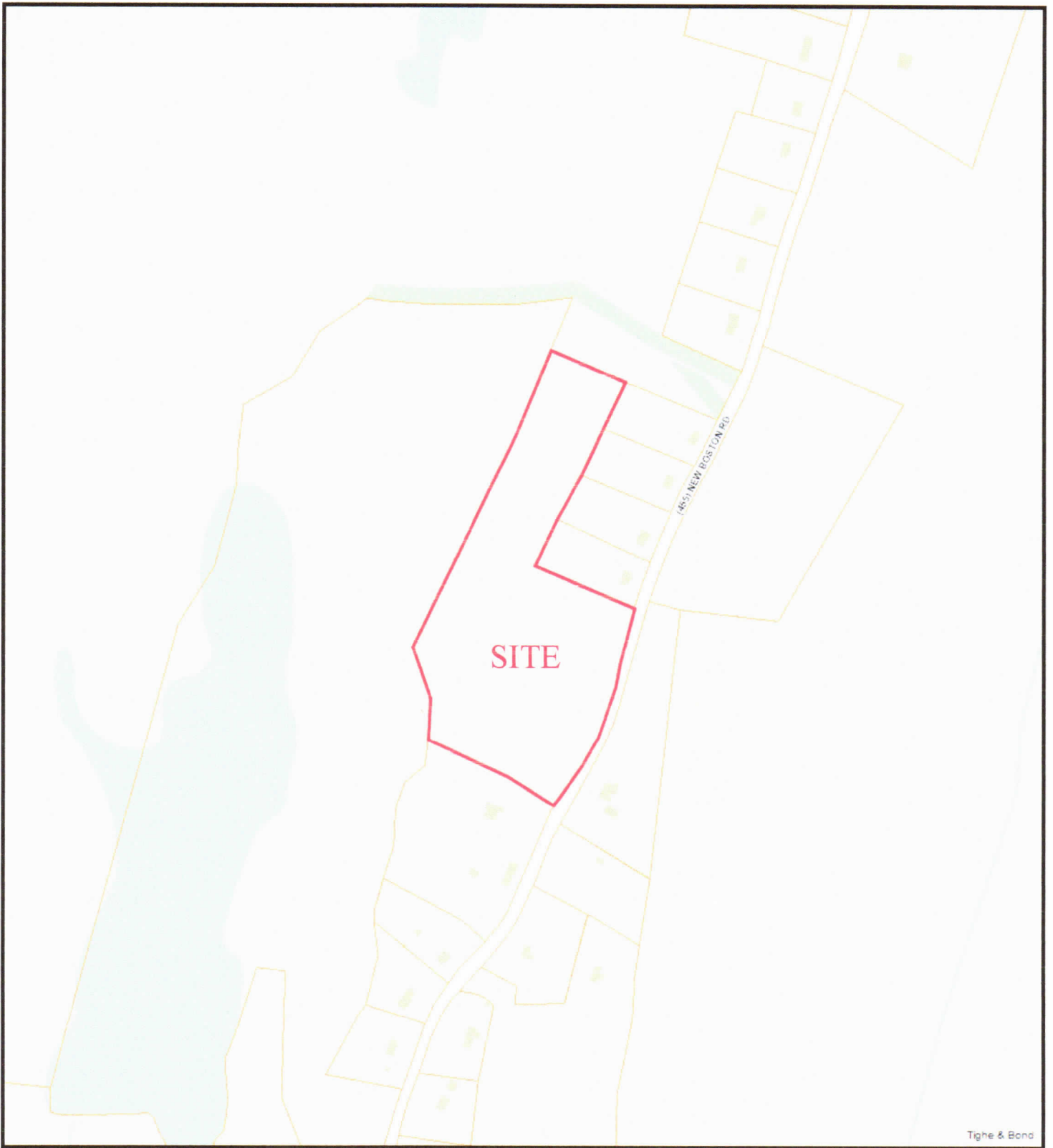
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39

38

-72.1250°

1A



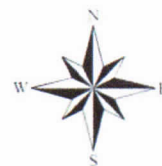
263 New Boston Road

4/12/2021 11:18:48 AM

Scale: 1"=400'

Scale is approximate

The information depicted on this map is for planning purposes only.
It is not adequate for legal boundary definition, regulatory
interpretation, or parcel-level analyses.



2A





Town of Sturbridge

Conservation Commission

Notification to Abutters

under the MA Wetlands Protection Act and the Town of Sturbridge Wetland Bylaw Regulations
(certificates of mailing, certified mail, or hand-delivery with abutter signature required as proof of notification)

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 Kenneth Leblanc.
- B. The Applicant has filed a Request for Determination of Applicability (RDA) with the Sturbridge Conservation Commission.
- C. The address or location of the lot where the activity is proposed is 263 New Boston Road, Sturbridge.
- D. The applicant is requesting the Commission and their agent view documentation compiled by Glenn Krevosky of EBT, Inc, demonstrating there is no viable vernal pool habitat at the above referenced site. The pool was observed on 2/20/2022 was approximately 10' by 12' with 4" of water. A second area closer to the road had no water. The pool observed by the Commission agent last year, will, through the month of March, be seined (if there is water pooling) to show there are no obligate vernal pool species inhabiting the pool.
- E. Copies of the RDA may be obtained or examined by calling Glenn E. Krevosky of EBT Environmental Consultants, Inc., 601 Main Street, North Oxford, MA 01537 at (508)987-0979 between the hours of 9:00 am and 3:30 pm, Monday through Friday.
- F. Information regarding the date, time and place of the Public Hearing may be obtained by contacting the Sturbridge Conservation Commission at (508)347-2506 between the hours of 8am to 4pm Monday, Wednesday & Thursday, 8am to 7pm Tuesday and 8am to 12pm Friday.

**The Public Hearing for this application will be held in the Center Office Building, 301 Main Street,
2nd Floor**

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting law, G.L. c. 30A Section 18, and the Governor's March 15, 2020 Order imposing strict limitations on the number people that may gather in one place, this meeting of the Sturbridge Conservation Commission will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation can be found on the Town's website at <https://www.sturbridge.gov/townadministrator/pages/how-access-virtual-meeting>. For this meeting, members of the public who wish to listen and or watch the meeting may do so either online via the Town's on demand video broadcast, on cable television on channel 191, or dial into the meeting at 774-304-1455, enter 1428# for the meeting number and 12345 for the access code. (This phone number is only active for the public during public meetings). No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post of the Town's website an audio or video recording, transcript, or other comprehensive record of the proceedings as soon as possible after the meeting.

PLEASE NOTE: Notice of this Public Hearing will be published as follows:

- In The Southbridge Evening News at least five days in advance of the hearing
- In the Town Hall at the Town Clerks office, not less than 48 hours in advance of the hearing
- On the Town's Meeting Calendar not less than 48 hours in advance of the hearing (www.town.sturbridge.ma.us)
- On the Conservation Commission webpage not less than 48 hours in advance of the hearing

You may contact the Sturbridge Conservation Commission Office (508) 347-2506 or the Department of Environmental Protection Central Regional Office at 508-792-7650 with questions in regard to the Notice of Intent application process or the Wetlands Protection Act.

AFFIDAVIT OF SERVICE

UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT AND TOWN OF STURBRIDGE WETLAND PROTECTION BYLAW

(To be submitted to the Massachusetts Department of Environmental Protection & the Conservation Commission when filing a Notice of Intent)

I, Glenn E. Krevosky, hereby certify under the pains and penalties of perjury that on February 23, 2022, I gave notification to abutters within 200 feet of the proposed project in compliance with the second paragraph of the Massachusetts General Laws, Chapter 131, Section 40 and the DEP Guide to Abutter Notification, dated April 8, 1994, in connection with the following matter:

A Request for Determination of Applicability filed under the Massachusetts Wetlands Protection Act and The Town of Sturbridge Wetland Protection Bylaw by EBT Environmental Consultants, Inc., 601 Main Street, North Oxford, MA 01537, with the Leicester Conservation Commission on February 23, 2022, for a property located at, 263 New Boston Road, Sturbridge.

The form of the notification and the list of the abutters to whom it was given and their addresses are attached to this Affidavit of Service.

Glenn E. Krevosky
Signature

2-23-2022
Date



Showing New Boston Road, subject parcel and gravel pit area to the west.