

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



TEL. (413) 283-6210
FAX (413) 289-1025
EMAIL: SANDF@Shermanfrydryk.com
www.shermanfrydryk.com

SHERMAN & FRYDRYK
Land Surveying, Engineering and Scientists

March 15, 2021

A Division of Hancock Survey Associates, Inc.

Town of Ware
Conservation Commission
126 Main Street
Ware, MA 01082

RE: Ana Estien
Parcel 39-3, Doane Road
Ware, MA

Dear Commission Members:

Please find enclosed two (2) copies of the Request for Determination filed on behalf of the above referenced project.

Also enclosed is a check for \$75 for the required filing fee and a copy of the legal notice sent to Turley Publications for publishing.

As shown on the attached maps, the locus property is not located within a Priority Habitat of Rare Species or Estimated Habitat of Rare Wildlife delineated area as shown on the latest Massachusetts Natural Heritage mapping dated August 2017. The property is not located in the 100-year flood plain as shown on the FIRM Community Panel #2501720010B.

As required, 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,

COVERED FOR Privacy
Purposes

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

C DEP – Wetlands
Ana Estien

Request for Determination
Under the
Massachusetts Wetlands Protection Act

Prepared For

Ana Estien

Parcel 39-3 Doane Road

Ware, MA

Prepared for:

Applicant & Owner:
Ana Estien
22 Highland Street
Springfield, MA 01109

Prepared by:

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





Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Ware
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:

Ana Estien

Name

E-Mail Address

22 Highland Street

Mailing Address

Springfield

City/Town

MA

State

01109

Zip Code

Phone Number

Fax Number (if applicable)

2. Representative (if any):

Sherman & Frydryk

Firm

Donald J. Frydryk

Contact Name

dfrydryk@shermanfrydryk.com

E-Mail Address

3 Converse Street, Suite 203

Mailing Address

Palmer

City/Town

MA

State

01069

Zip Code

(413) 283-6210

Phone Number

(413) 289-1025

Fax Number (if applicable)

B. Determinations

1. I request the Ware 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:

Name of Municipality

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Ware
City/Town

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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):

Parcel 39-3, Doane Road

Street Address

Map 22

Assessors Map/Plat Number

Ware

City/Town

39-3

Parcel/Lot Number

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

Work will take place at Parcel 39-3 Doane Road, Access to the site will be off the north side of Doane Road. The work area is a wooded lot sloping to east towards the wetland limit.

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

Plan of Proposed Sewage Disposal System Prepared for, Ana Estien, Parcel
39-3 Doane Road, Ware, MA, Request for Determination

2/11/21

Date

Title

Date

Title

Date

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

Ana Estien proposes to construct a four bedroom single family home with a paved driveway, private well, sanitary sewage disposal system, and lawn area. The project's only disturbances within the 100-foot buffer will be resulting from fill associated with septic system construction. The work limit down gradient of the fill will be delineated by placement of straw wattles. The work within the site will include clearing of trees, excavation for building and leach facility construction, final grading, development of a garden, and loam and seeding of the disturbed areas.



WPA Form 1- Request for Determination of Applicability

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

C. Project Description (cont.)

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

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- ☐ Single family house on a lot recorded on or before 8/1/96
- ☐ Single family house on a lot recorded after 8/1/96
- ☐ Expansion of an existing structure on a lot recorded after 8/1/96
- ☐ Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96
- ☐ New agriculture or aquaculture project
- ☐ Public project where funds were appropriated prior to 8/7/96
- ☐ Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- ☐ Residential subdivision; institutional, industrial, or commercial project
- ☐ Municipal project
- ☐ District, county, state, or federal government project
- ☐ Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Ware
City/Town

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:

Ana Estien

Name

22 Highland Street

Mailing Address

Springfield

City/Town

MA

State

01109

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.

COVERED FOR Privacy
Purposes

Signature of Applicant

Date

3-10-2021

COVERED FOR Privacy Purposes

Signature of Representative (if any)

Date

3/12/2021



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Ware
City/Town

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01109

Zip Code

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Signature of Applicant

Date

Signature of Representative (if any)

Date

REQUEST FOR DETERMINATION

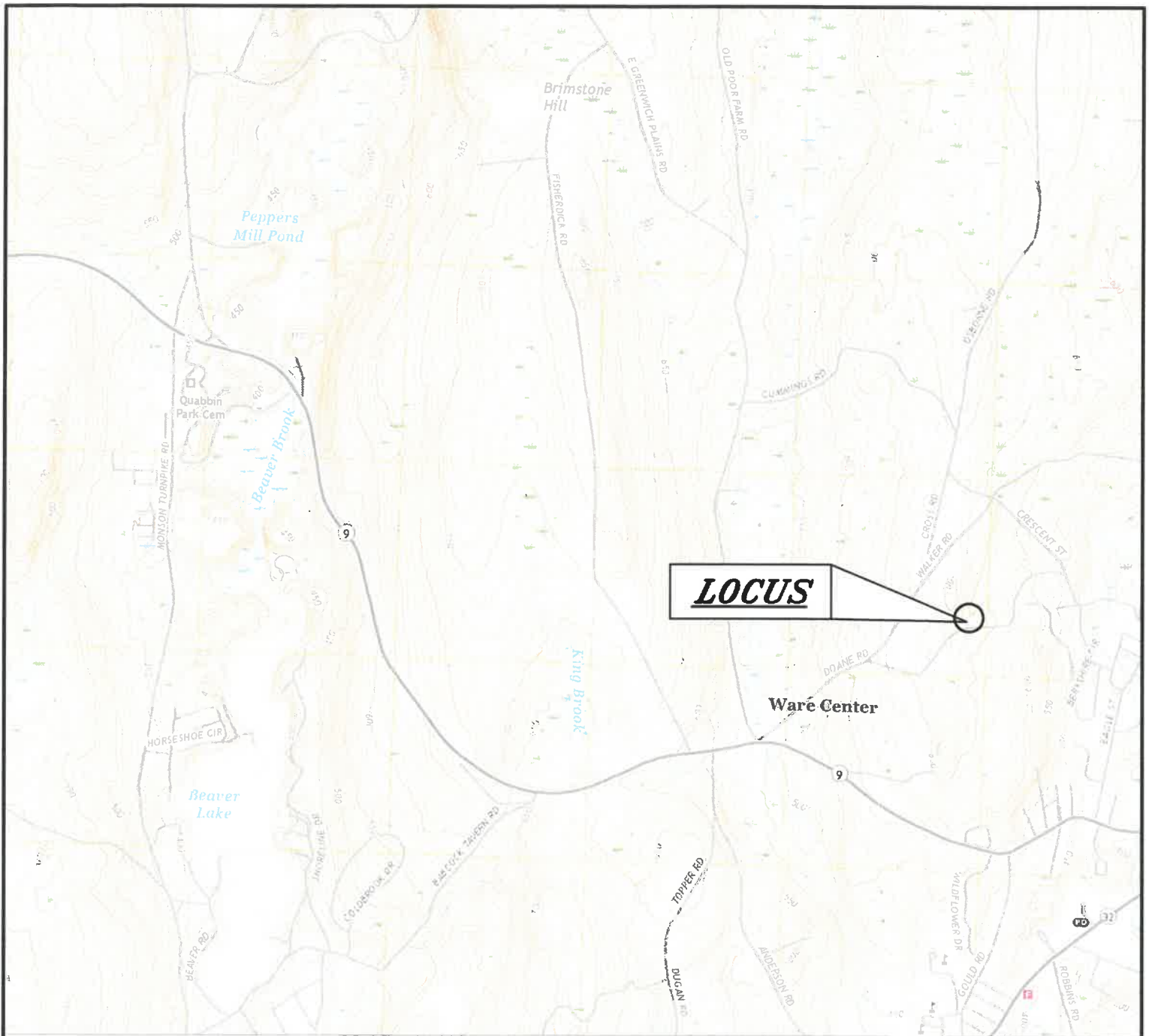
Ana Estien
Proposed Single Family Home
Parcel 39-3, Doane Road
Ware, MA

List of Attachments

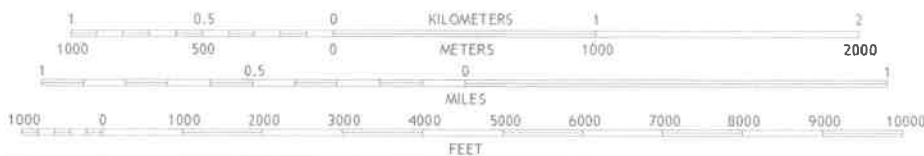
Appendix 1	Site Locus Plans
Appendix 2	Estimated Habitat Plan
Appendix 3	Flood Insurance Rate Map
Appendix 4	Abutter Notification Form/Affidavit of Service
Appendix 5	RDA Narrative
Supplement 1	Plans entitled "Plane of Proposed Sewage Disposal System Prepared for Ana Estien, Parcel 39-3 Doane Road, Ware, MA, Request for Determination" prepared by Sherman & Frydryk, Land Surveying and Engineering, dated March 4, 2021 (one sheet)

APPENDIX 1

SITE LOCUS PLANS



SCALE 1:24 000



WINSOR DAM, MA
2018

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



3 Converse St.
Suite 203
Palmer, MA 01069

SITE LOCUS ON U.S.G.S. WINSOR DAM QUAD

PREPARED FOR
ANA ESTIEN
PARCEL 39-3, DOANE ROAD
WARE, MA

DATE: 2/12/21

PROJECT NO: 19004A

DRAFTING: GAB

CHECKED: KTT

APPROVED: N/A

HORZ: 1:24,000



TAX MAP
TOWN OF WARE
HAMPSHIRE COUNTY, MASSACHUSETTS
PREPARED BY
JAMES W. SEWALL COMPANY, OLD TOWN, MAINE
SCALE: 1 INCH = 200 FEET

	20	
	MAP NUMBER	
21	22	23
	16	

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



3 Converse St.
Suite 203
Palmer, MA 01069

SITE LOCUS ON MAP 22, PARCEL 39-3
PREPARED FOR
ANA ESTIEN
PARCEL 39-3, DOANE ROAD
WARE, MA

DATE: 2/12/21

PROJECT NO: 19004A

DRAFTING: GAB

CHECKED: KTT

APPROVED: N/A

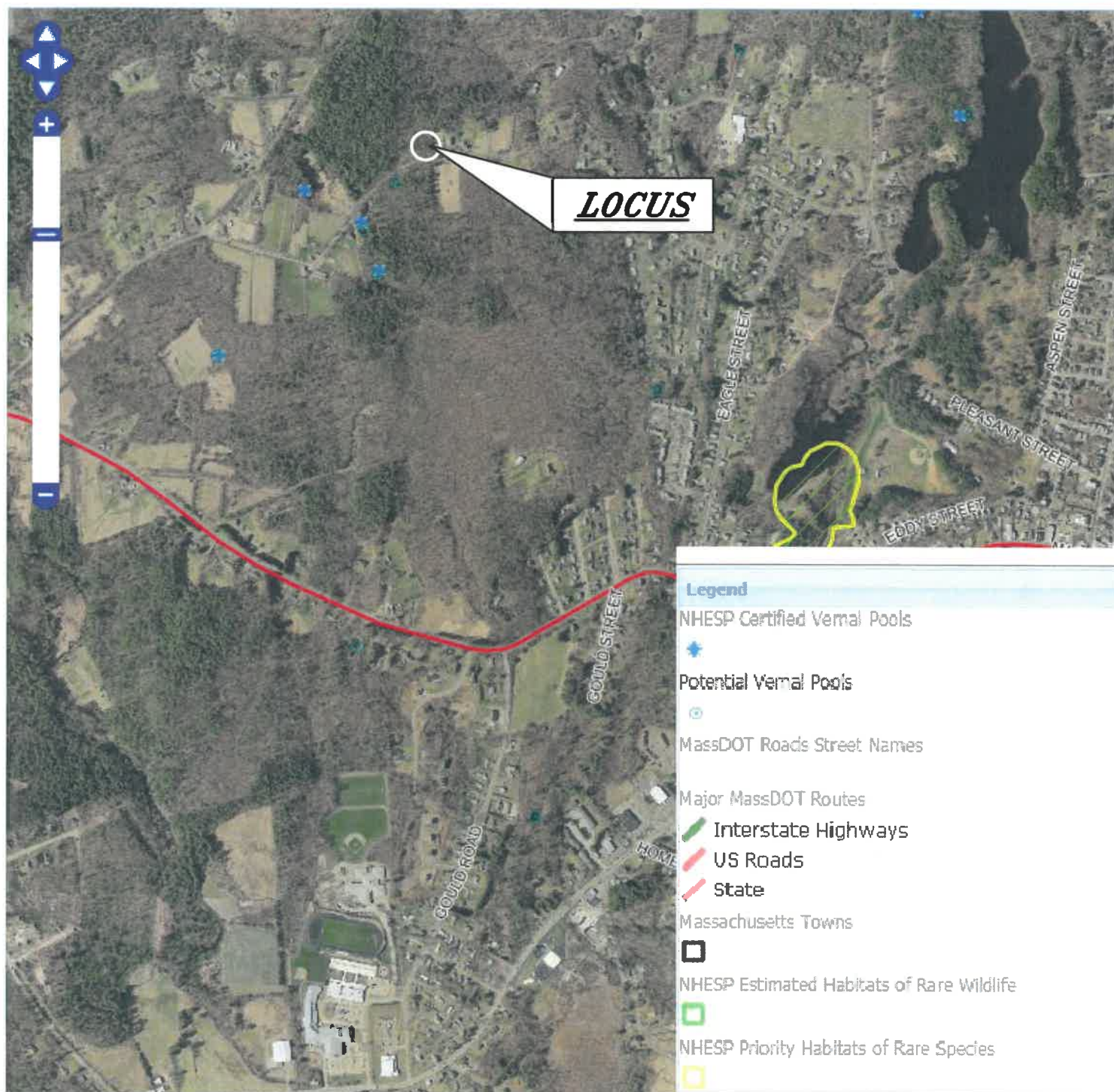
HORZ: N/A

APPENDIX 2

ESTIMATED HABITAT PLAN

Search for a location

Zoom to a town



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



3 Converse St.
Suite 203
Palmer, MA 01069

SITE LOCUS ON NATURAL HERITAGE MAPPING

PREPARED FOR
ANA ESTIEN
PARCEL 39-3, DOANE ROAD
WARE, MA

DATE: 2/12/21

PROJECT NO: 19004A

DRAFTING: GAB

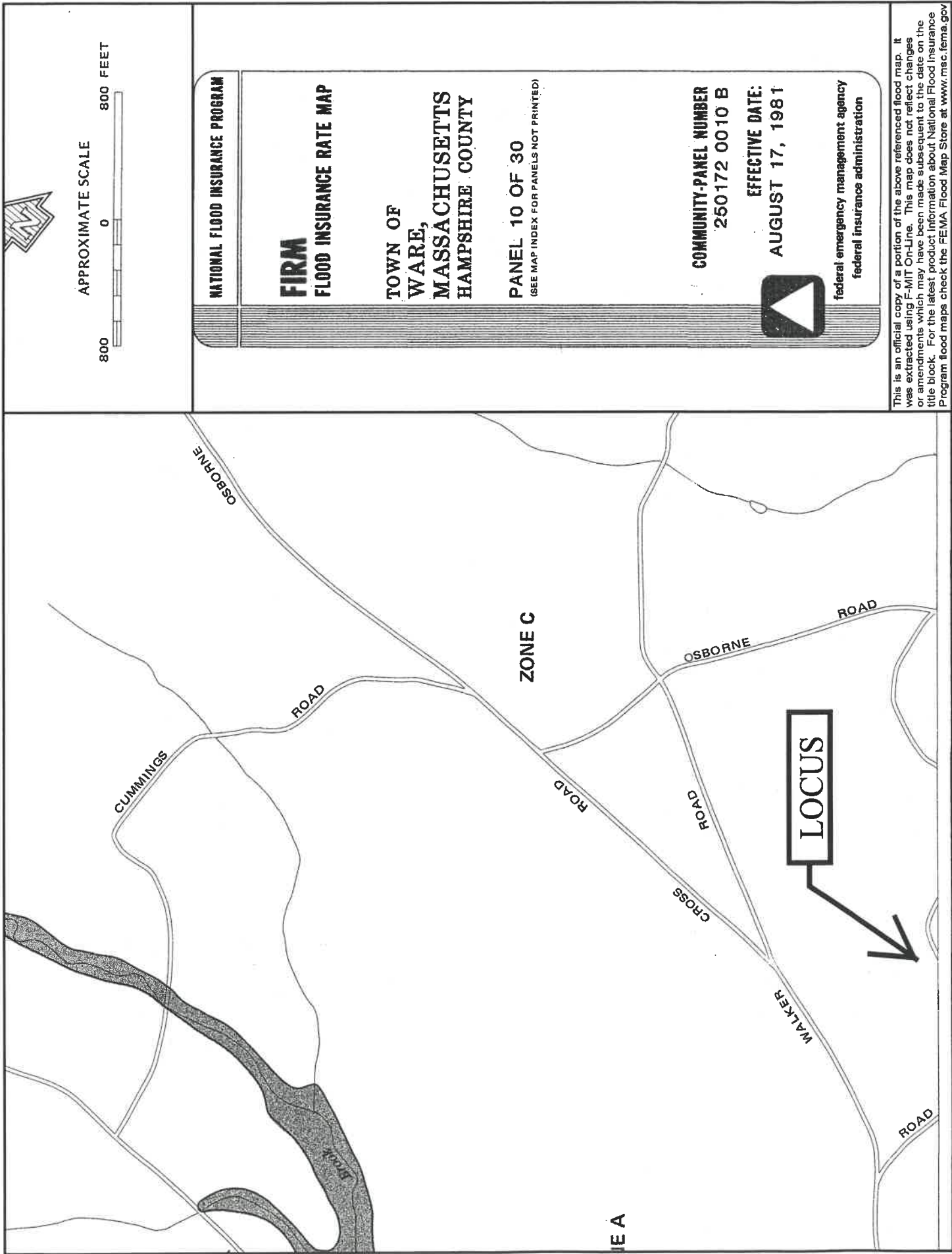
CHECKED: KTT

APPROVED: N/A

HORZ: N/A

APPENDIX 3

FLOOD INSURANCE RATE MAP



APPROXIMATE SCALE



NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

TOWN OF
WARE,
MASSACHUSETTS
HAMPSHIRE COUNTY

PANEL 10 OF 30
(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER
250172 0010 B

EFFECTIVE DATE:
AUGUST 17, 1981



federal emergency management agency
federal insurance administration

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.fema.gov

APPENDIX 4

ABUTTER NOTIFICATION FORM & AFFIDAVIT OF SERVICE

AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act

I, Donald J. Frydryk, P.E., P.L.S., hereby certify under the pains and penalties of perjury that on March 15th, 2021, I gave notification to abutters in compliance with the second paragraph of 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 filed under the Massachusetts Wetlands Protection Act by Ana Estien with the Ware Conservation Commission for the proposed construction of a single-family home, and associated site improvements at Map 22, Parcel 39-3, Doane Road, Ware, MA

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

COVERED FOR Privacy Purposes

Name

Date

3/15/21

NOTIFICATION TO ABUTTERS UNDER THE MASSACHUSETTS WETLAND PROTECTION ACT AND OF WARE WETLAND BYLAW REGULATIONS

In accordance with the second paragraph of Massachusetts General Laws, Chapter 131, § 40, as well as the Town of Ware Wetland Bylaws, you are hereby notified of the following permit application for work within a wetland resource area and/or with the 200-foot buffer zone to a resource area:

- A. The name of the applicant is: Ana Estien
- B. The address of the lot(s) where the activity is proposed is: Parcel 39-3, Doane Road
- C. The applicant has filed a ☐ Notice of Intent or a ☒ Request for Determination seeking permission to remove, fill, dredge, or alter an Area Subject to Protection under the Wetlands Protection Act (MGL c. 131, § 40), and/or the Town of Ware Wetland Bylaws.
- D. Copies of the application may be examined at the office of the Ware Conservation Commission, located within the Building Department, Town Hall, 126 Main Street, Ware, MA between the hours of 8:00 am to 4:00 pm on Monday through Friday or by calling telephone number (413) 967-9648.
- E. Copies of the application may be obtained from either ☐ the Applicant, or ☒ the Applicant's representative, by calling telephone number 413-283-6210 between the hours of 9:00 A.M. to 4:00 P.M. on the following days of the week Monday - Friday.
- F. Information regarding the date, time and place of the public hearing may be obtained from the Conservation Commission, telephone number (413) 967-9648. If available from the Applicant, check here ☐ and see information available in E.

NOTE: The notice of the public hearing, including the date, time and place will be posted in the Town Hall not less than forty-eight (48) hours in advance and Town of Ware website www.townofware.com.

NOTE: You may contact the Ware Conservation Commission Office or the Department of Environmental Protection Western Regional Office at (413) 784-1100 with questions in regards to the Notice of Intent application process or the Wetland Protection Act.

LEGAL NOTICE

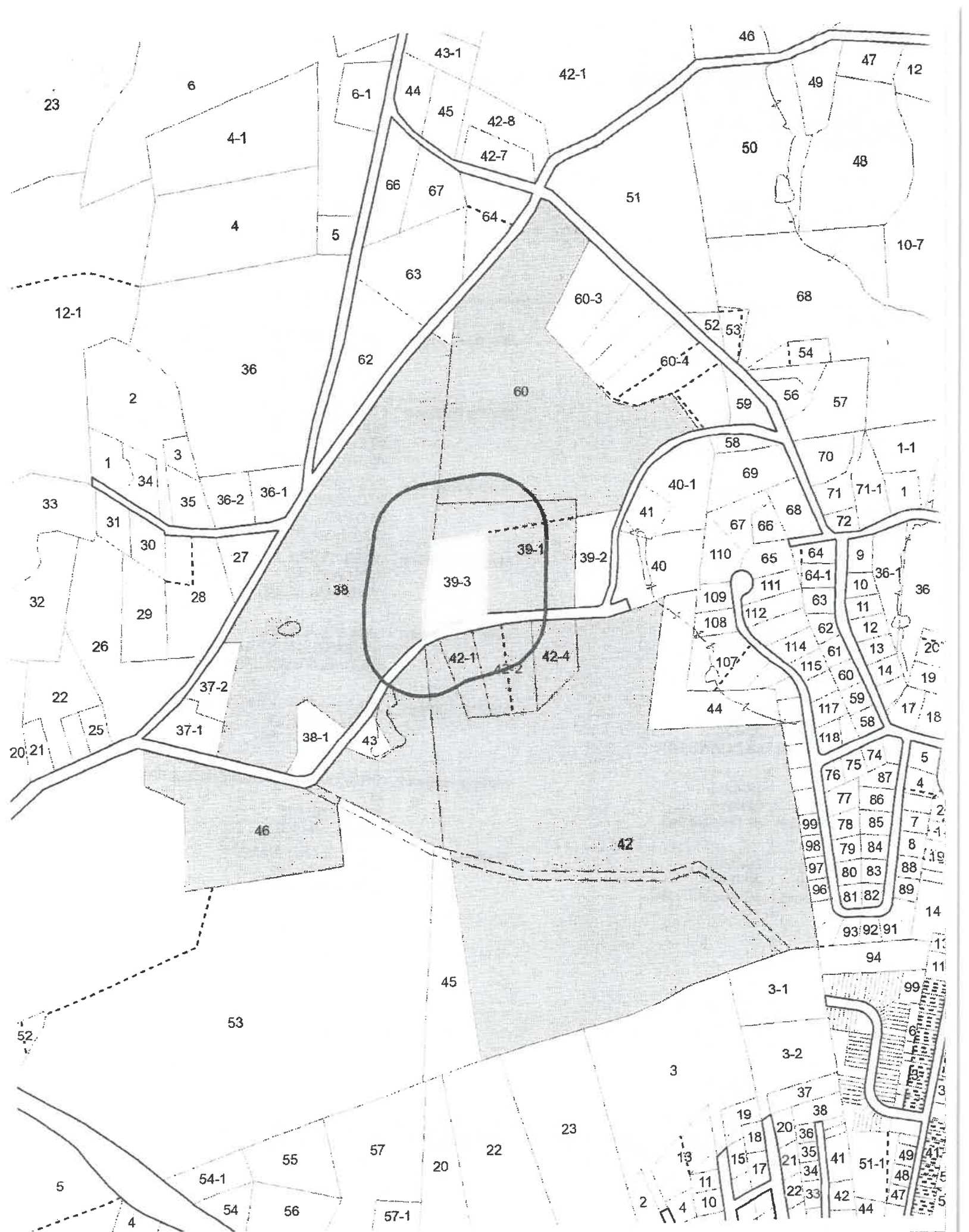
The Ware Conservation Commission will hold a public hearing on **Wednesday, April 14, 2021** at 6:30PM pursuant to the Wetlands Protection Act, M.G.L. 131 c40. The hearing will include consideration of a Request for Determination of Applicability (RDA) by Ana Estien for the construction of a single-family home and associated site improvements at Parcel 39-3 Doane Road, Ware, MA. Said hearing will be held in the Selectmen's Meeting Room, Town Hall, 126 Main Street, Ware, MA 01082. Remote Participation is Available. The meeting link can be found on the Ware Conservation Commission WEB site. To view application and related plans, contact the Conservation office at 413.967.9648 x113.

Pursuant to MGL Chapter 4, Section 13, a copy of this legal notice can be found on the Massachusetts Newspaper Publishers Association's (MNPA) website:

<http://masspublicnotices.org>.

LEGAL AD

to run in the April 1, 2021 edition of the *Ware River News*.





300 foot Abutters List Report

Ware, MA
February 18, 2021

Subject Property:

Parcel Number: 22-39-3
CAMA Number: 22-39-3
Property Address: DOANE RD

Mailing Address: ESTIEN ANA R MELENDEZ JUAN R
ESTIEN
22 HIGHLAND ST
SPRINGFIELD, MA 01109

Abutters:

Parcel Number: 22-0-38
CAMA Number: 22-0-38
Property Address: DOANE RD

Mailing Address: KOZYRA FREDERIC A & KOZYRA FRE
KOZYRA JOSEPH E TRUSTEES OF T
141 OLD PALMER ROAD
BRIMFIELD, MA 01010

Parcel Number: 22-0-42
CAMA Number: 22-0-42
Property Address: 89 DOANE RD

Mailing Address: PODKOWKA JOHN S LIFE ESTATE
PODKOWKA BARBARA LOU LIFE ESTA
89 DOANE RD
WARE, MA 01082

Parcel Number: 22-0-46
CAMA Number: 22-0-46
Property Address: DOANE RD

Mailing Address: SZCZEPANEK JOSEPH S JR
SZCZEPANEK JODY S
56 DOANE RD
WARE, MA 01082

Parcel Number: 22-39-1
CAMA Number: 22-39-1
Property Address: 84 DOANE RD

Mailing Address: WEST TYLER J DIEMAND ELISE M
84 DOANE RD
WARE, MA 01082

Parcel Number: 22-42-1
CAMA Number: 22-42-1
Property Address: DOANE RD

Mailing Address: LACLAIR JUSTIN
165 SARGENT ST
BELCHERTOWN, MA 01007

Parcel Number: 22-42-2
CAMA Number: 22-42-2
Property Address: 83 DOANE RD

Mailing Address: JONES JOSH JONES NICOLE L
12 CHARLES ST
WARE, MA 01082

Parcel Number: 22-42-4
CAMA Number: 22-42-4
Property Address: 87 DOANE RD

Mailing Address: ORSZULAK MARK A ORSZULAK SUSAN
M
87 DOANE RD
WARE, MA 01082

Parcel Number: 28-0-60
CAMA Number: 28-0-60
Property Address: 45 WALKER RD

Mailing Address: WETTELAND DAVID F
45 WALKER RD
WARE, MA 01082



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

2/18/2021

Page 1 of 1

Parcel Number: 22-42-2
JONES JOSH
JONES NICOLE L
12 CHARLES ST
WARE, MA. 01082

Parcel Number: 22-0-38
KOZYRA FREDERIC A & KOZYR
KOZYRA JOSEPH E TRUSTEES
141 OLD PALMER ROAD
BRIMFIELD, MA. 01010

Parcel Number: 22-42-1
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165 SARGENT ST
BELCHERTOWN, MA. 01007

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ORSZULAK SUSAN M
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WARE, MA. 01082

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89 DOANE RD
WARE, MA. 01082

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SZCZEPANEK JODY S
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WARE, MA. 01082

Parcel Number: 22-39-1
WEST TYLER J
DIEMAND ELISE M
84 DOANE RD
WARE, MA. 01082

Parcel Number: 28-0-60
WETTELAND DAVID F
45 WALKER RD
WARE, MA. 01082

APPENDIX 5

NARRATIVE

REQUEST FOR DETERMINATION

Ana Estien
Proposed Single Family Home
Parcel 39-3, Doane Road
Ware, MA

PROJECT NARRATIVE

This Request for Determination has been filed by Ana Estien for work at Parcel 39-3, Doane Road (Map 22, Parcel 39-3). The work area is approximately 2,000 feet west of Crescent Street.

Ana Estien's proposed development consist of the construction of a single-family home with a hot mix asphalt driveway, private sanitary sewage disposal system, and well. The proposed project's only disturbance within the 100-foot wetland buffer will be associated with the fill for the septic system construction and will not be any closer than 90' to the wetland limit as shown on the plan. The overall site disturbance will include the clearing of trees, excavation for building and leaching facility construction, final grading, garden developpment, and loam and seeding of the disturbed areas.

Mitigating measures for this project include the installation of erosion controls along the limit of work. The erosion controls shall be installed along the limit of work to provide sediment containment before overland flow reaches the vegetated wetland. 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 Ware Conservation Commission approves removal of the controls.