



TOWN OF WARE

Conservation Commission

126 Main Street, Ware, Massachusetts 01082

t. 413.967.9648 ext. 180

April 25, 2022

Peterson Landscaping & Tree Removal
Attn: Hector Peterson
4 Cummings Road
Ware, MA 01082

**RE: Determination of Applicability RDA-2022-05
Landscaping
Parcel 49-0-77, 112 Shoreline Drive**

Dear Mr. Peterson:

Enclosed please find the Determination of Applicability Form, WPA – Form 2, issued by the Ware Conservation Commission on April 20, 2022.

At their meeting that evening, the Commission unanimously voted to issue a Negative Determination, Number 3 granting permission to remove the overgrowth of juniper and bittersweet and replace with native trees, shrubs, and perennials as described on the plan prepared by "Coletta Landscape Design, 2 South Park Drive, Wilbraham, MA, designed by James Coletta, PLA, ASLA, dated March 5, 2022, having no revisions, and being sheet 1 of 1."

The Commission approved the project with the following conditions:

1. Any equipment needing refueling shall be outside the 100ft buffer.
2. All motorized equipment must be parked outside the buffer zone overnight.
3. Erosion controls under DEP 317-0475 shall remain in place until this project is complete.
4. A site inspection by the Agent must be conducted before the removal of erosion controls.

Please note that there is a ten-day appeal period before you can begin work on this project. The waiting period is ten business days from the date of issuance, being April 25, 2022.

If you have any questions or concerns, please feel free to contact the office at the number above.

Sincerely,

Nicole Croteau
Conservation Administrator

cc: DEP Western Region, 436 Dwight St, Springfield, MA 01103
Paul Farkas, 21 Erskine Drive, Longmeadow, MA 01106
File RDA-2022-05

The Conservation Commission is the official agency charged with the protection of our community's natural resources.


Massachusetts Department of Environmental Protection

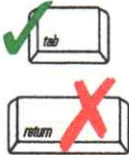
Bureau of Resource Protection - Wetlands

WPA Form 2 – 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.



From:

Ware

Conservation Commission

To: Applicant

Peterson Landscaping & Tree Removal

Name

4 Cummings Road

Mailing Address

Ware

MA

01082

City/Town

State

Zip Code

Property Owner (if different from applicant):

Paul Farkas

Name

21 Erskine Drive

Mailing Address

Longmeadow

MA

01106

City/Town

State

Zip Code

1. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

RDA Application, Project Description, NOI Approved Plan

03/22/2022

Title

Date

Farkas Property, 112 Shoreline Drive, Ware, MA site plan - 1pg

03/05/2022

Title

Date

Title

Date

2. Date Request Filed:

03/22/2022

B. Determination

Pursuant to the authority of M.G.L. c. 131, § 40, the Conservation Commission considered your Request for Determination of Applicability, with its supporting documentation, and made the following Determination.

Project Description (if applicable):

Removal of existing overgrown juniper hedge and oriental bittersweet within the 100ft shoreline buffer as indicated on the plan. The removal will start approx 10ft from the shoreline and continue 20ft beyond the 100ft buffer zone. All debris from removal will be disposed off site. The exposed land will then be planted with a mix of native trees, shrubs, and perennials using the species indicated on the planting list and as shown on the site plan. The existing soil will be amended to provide appropriate growing conditions for the new native plantings. All erosion controls measures will be kept in place until plants are well established. No changes to the existing grade are proposed. A 30ft wide unpaved foot path using gravel with a geostabilizer underlayment is proposed.

Project Location:

112 Shoreline Drive

Street Address

49

Assessors Map/Plat Number

Ware

City/Town

0-77

Parcel/Lot Number



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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B. Determination (cont.)

The following Determination(s) is/are applicable to the proposed site and/or project relative to the Wetlands Protection Act and regulations:

Positive Determination

Note: No work within the jurisdiction of the Wetlands Protection Act may proceed until a final Order of Conditions (issued following submittal of a Notice of Intent or Abbreviated Notice of Intent) or Order of Resource Area Delineation (issued following submittal of Simplified Review ANRAD) has been received from the issuing authority (i.e., Conservation Commission or the Department of Environmental Protection).

☐ 1. The area described on the referenced plan(s) is an area subject to protection under the Act. Removing, filling, dredging, or altering of the area requires the filing of a Notice of Intent.

☐ 2a. The boundary delineations of the following resource areas described on the referenced plan(s) are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as this Determination is valid.

☐ 2b. The boundaries of resource areas listed below are not confirmed by this Determination, regardless of whether such boundaries are contained on the plans attached to this Determination or to the Request for Determination.

☐ 3. The work described on referenced plan(s) and document(s) is within an area subject to protection under the Act and will remove, fill, dredge, or alter that area. Therefore, said work requires the filing of a Notice of Intent.

☐ 4. The work described on referenced plan(s) and document(s) is within the Buffer Zone and will alter an Area subject to protection under the Act. Therefore, said work requires the filing of a Notice of Intent or ANRAD Simplified Review (if work is limited to the Buffer Zone).

☐ 5. The area and/or work described on referenced plan(s) and document(s) is subject to review and approval by:

Name of Municipality

Pursuant to the following municipal wetland ordinance or bylaw:

Name

Ordinance or Bylaw Citation



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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B. Determination (cont.)

- ☐ 6. The following area and/or work, if any, is subject to a municipal ordinance or bylaw but not subject to the Massachusetts Wetlands Protection Act:
-
- ☐ 7. If a Notice of Intent is filed for the work in the Riverfront Area described on referenced plan(s) and document(s), which includes all or part of the work described in the Request, the applicant must consider the following alternatives. (Refer to the wetland regulations at 10.58(4)c. for more information about the scope of alternatives requirements):
- ☐ Alternatives limited to the lot on which the project is located.
 - ☐ Alternatives limited to the lot on which the project is located, the subdivided lots, and any adjacent lots formerly or presently owned by the same owner.
 - ☐ Alternatives limited to the original parcel on which the project is located, the subdivided parcels, any adjacent parcels, and any other land which can reasonably be obtained within the municipality.
 - ☐ Alternatives extend to any sites which can reasonably be obtained within the appropriate region of the state.

Negative Determination

Note: No further action under the Wetlands Protection Act is required by the applicant. However, if the Department is requested to issue a Superseding Determination of Applicability, work may not proceed on this project unless the Department fails to act on such request within 35 days of the date the request is post-marked for certified mail or hand delivered to the Department. Work may then proceed at the owner's risk only upon notice to the Department and to the Conservation Commission. Requirements for requests for Superseding Determinations are listed at the end of this document.

- ☐ 1. The area described in the Request is not an area subject to protection under the Act or the Buffer Zone.
- ☐ 2. The work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent.
- ☒ 3. The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any).
 - 1) Any equipment needing refueling shall be outside the 100ft buffer.
 - 2) All motorized equipment must be parked outside the buffer zone overnight.
 - 3) Erosion Controls under DEP 317-0475 shall remain in place until this project is complete.
 - 4) A site inspection by the Agent must be conducted before the removal of erosion controls.
- ☐ 4. The work described in the Request is not within an Area subject to protection under the Act (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent, unless and until said work alters an Area subject to protection under the Act.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

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B. Determination (cont.)

- ☐ 5. The area described in the Request is subject to protection under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required:

Exempt Activity (site applicable statutory/regulatory provisions)

- ☐ 6. The area and/or work described in the Request is not subject to review and approval by:

Name of Municipality

Pursuant to a municipal wetlands ordinance or bylaw.

Name

Ordinance or Bylaw Citation

C. Authorization

This Determination is issued to the applicant and delivered as follows:

- ☐ by hand delivery on ☒ by certified mail, return receipt requested on

Date

April 25, 2022

Date

This Determination is valid for **three years** from the date of issuance (except Determinations for Vegetation Management Plans which are valid for the duration of the Plan). This Determination does not relieve the applicant from complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.

This Determination must be signed by a majority of the Conservation Commission. A copy must be sent to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>) and the property owner (if different from the applicant).

Paul Farkus, 112 Shoreline Drive, Ware, MA 01082



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 2 – Determination of Applicability
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

C. Authorization (cont.)

Paul Farkus, 112 Shoreline Drive, Ware, MA 01082

Signatures:

Km
 Signature

K Rosenbeck
 Printed Name

[Signature]
 Signature

Dennis Cote
 Printed Name
Thomas Barnes
 Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

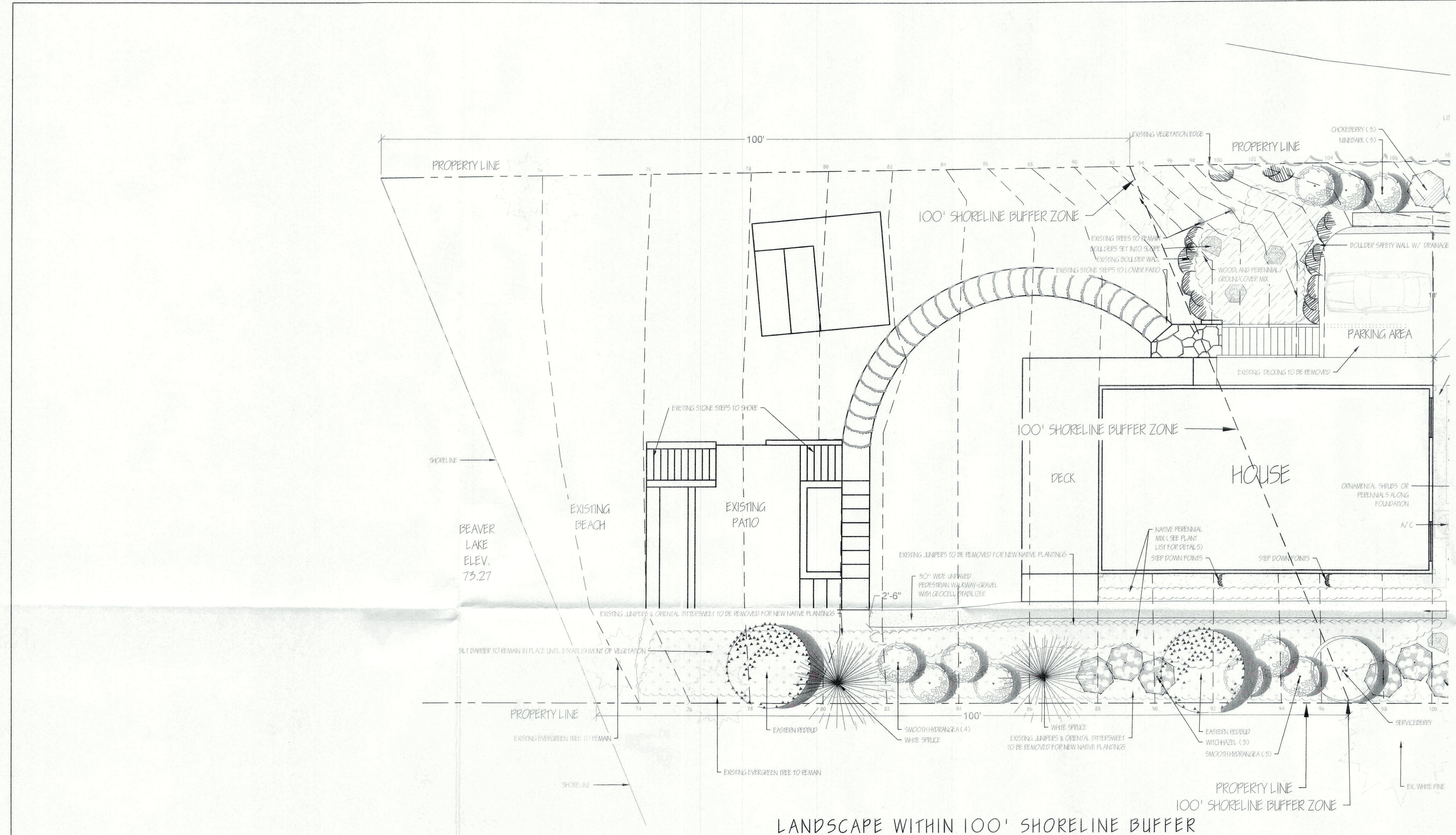
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Signature

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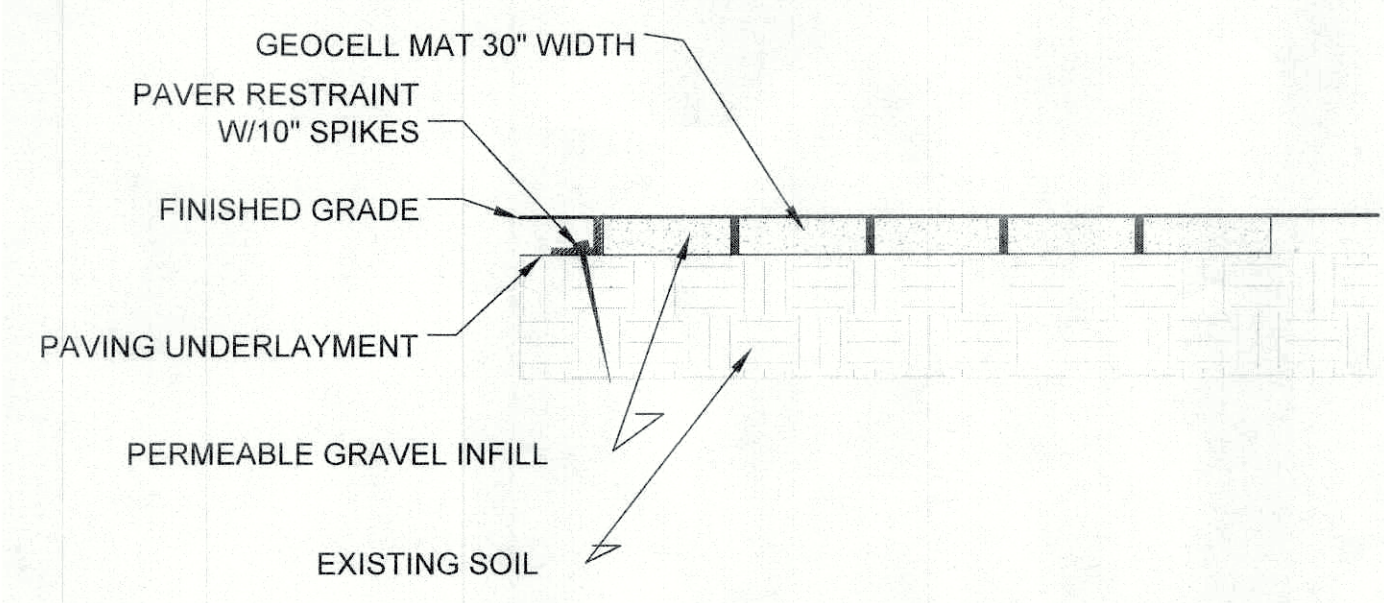
D. Appeals

The applicant, owner, any person aggrieved by this Determination, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate Department of Environmental Protection Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>) to issue a Superseding Determination of Applicability. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form (see Request for Departmental Action Fee Transmittal Form) as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant if he/she is not the appellant. The request shall state clearly and concisely the objections to the Determination which is being appealed. To the extent that the Determination is based on a municipal ordinance or bylaw and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.



Plant Schedule-Within 100' Shoreline Setback					
Botanical Name		Common Name	Qty	Installed Size	Spacing
Deciduous Trees					
	<i>Amelanchier canadensis</i>	Serviceberry	1	5' HT	As Shown
	<i>Cercis canadensis</i>	Eastern Redbud	2	6' HT	As Shown
Evergreen Trees					
	<i>Picea glauca</i>	White Spruce	2	6' HT	As Shown
Deciduous Shrubs					
	<i>Hydrangea arborescens</i>	Smooth Hydrangea	7	3' HT	As Shown
	<i>Hammamelis virginiana</i>	Common Witchhazel	3	4'	As Shown
Forbs & Grasses					
	<i>Asclepias incarnata</i>	Swamp Milkweed	24	PLUG	Plant in Groups of 3-5
	<i>Carex pensylvanica</i>	Pennsylvania Sedge	36	PLUG	Plant in Groups of 3-5
	<i>Dryopteris marginalis</i>	Marginal Fern	36	PLUG	Plant in Groups of 3-5
	<i>Eupatorium perfoliatum</i>	Boneset	18	PLUG	Plant in Groups of 3-5
	<i>Osmundastrum cinnamomeum</i>	Cinnamon Fern	18	PLUG	Plant in Groups of 3-5
	<i>Tiarella cordifolia</i> var. <i>cordifolia</i>	Running Foam Flower	24	PLUG	Plant in Groups of 3-5

GRAVEL PATH WITH GEOCELL
EROSION CONTROL
NO SCALE

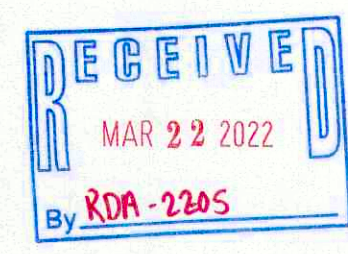


RDA PERMIT PLAN

NARRATIVE:

The proposed work for this project is the removal of existing overgrown juniper hedge and oriental bittersweet within the 100' shoreline buffer as indicated on the plan. The removals will start approx. 10' from the shoreline and continue 20' beyond the buffer setback. All debris from removals will be disposed of off-site. The exposed land will then be planted with a mix of native trees, shrubs, and perennials using the species indicated within the planting list and in the layout as shown on the plan. The existing soil will be amended to provide appropriate growing conditions for the new native plantings. All erosion control measures will be kept in place until plant establishment is determined. No changes to the existing grade are proposed within this scope of work.

A 30" wide unpaved pedestrian path using a gravel with a geostabilizer underlayment is proposed. This path would be considered a minor activity that complies with 310 CMR 10.02(b)1.

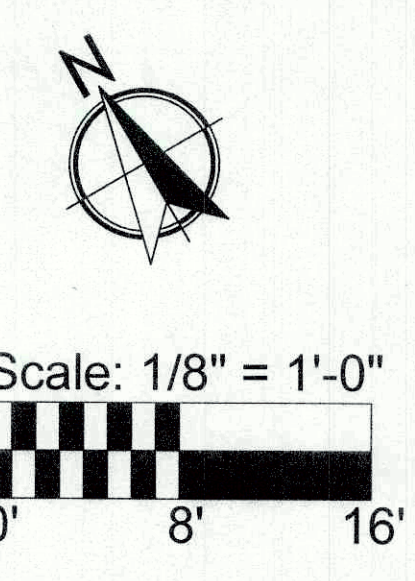


Coletta Landscape Design
2 South Park Drive
Wilbraham, MA
colettandscape.com

Farkas Property
112 Shoreline Drive
Ware, MA

Design By:
James Coletta,
PLA, ASLA

Date: 3/5/22
Rev:



Sheet:
1 of 1

