



TOWN OF WARE

Conservation Commission

126 Main Street, Ware, Massachusetts 01082

t. 413.967.9648

NOTICE OF INTENT - APPLICATION GUIDELINE

Property Owners Name Brian Kellaher Phone Number 352-205-0220

Representative EBT Environmental Consultants, Inc. Phone Number 508-769-3659

Project Location 130 Gilbertville Road Assessors ID 36-0-44

Date NOI Mailed to DEP xx/xx/xx Date NOI Mailed to NHESP n/a

This is a guideline of items to be submitted to the Ware Conservation Commission at the time of filing the Notice of Intent Application. Please submit 7 copies of everything including a CD of the scanned items in PDF format to the Ware Conservation Commission.

Prepare:

- ☒ Complete most recent DEP WPA Form 3 (Notice of Intent Application)
- ☒ Plans and Calculations - Clearly describing the location, nature of the work including all necessary stormwater documents if applicable
- ☒ Copy of the town's portion of the fee - payable to: Town of Ware
- ☒ Copy of state's portion of the fee - payable to: Commonwealth of MA
- ☒ Copy of the Certified Abutters List obtained from the Assessor's Office
- ☒ Copy of the completed Abutter's Certification Form
- ☒ Assessors Card and Assessors GIS Map identifying the locus and with a scale
- ☒ An 8.5 x 11 copy of the most recent Natural Heritage Map identifying the locus and with a scale
- ☒ An 8.5 x 11 copy of the FIRM Map identifying the locus and with a scale
- ☒ An 8.5 x 11 color section of the USGS Quadrangle (topo) identifying the locus and with a scale
- ☐ Confirmation that a copy of the NOI was sent to NHESP, if applicable
- ☐ CD of application and supporting documents scanned in PDF format



Submit:

- ☒ Mail 1 copy of items above to: DEP Western Region, 427 Dwight Street, Springfield, MA 01103
- ☒ Mail ONLY the "NOI Wetland Fee Transmittal Form" (2 pgs.) with the State check to: DEP, Box 4062, Boston, MA 02211 (But be sure to include a copy in the packet for DEP Springfield and Town)
- ☒ Submit 7 copies of items above to the Ware Conservation Department

After Submission to Conservation Department:

- ☐ Submit a legal ad to the local newspaper - Ware River News - confirm with the Conservation Department of meeting date. Legal ad should be published 2 weeks prior to meeting date.
- ☐ Mail Notices to Abutters via Certificate of Mailing

At the Public Hearing:

- ☐ Bring Proof of legal ad to the scheduled public hearing meeting



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

Ware

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):

130 Gilbertville Road

a. Street Address

Ware

b. City/Town

01082

c. Zip Code

42.286033

d. Latitude

-72.212530

e. Longitude

Latitude and Longitude:

36

f. Assessors Map/Plat Number

0-44

g. Parcel /Lot Number

2. Applicant:

Brian

a. First Name

Kellahe

b. Last Name

c. Organization

130 Gilbertville Road

d. Street Address

Ware

e. City/Town

MA

f. State

01082

g. Zip Code

(352) 205-0220

h. Phone Number

i. Fax Number

bkellahe@yahoo.com

j. Email Address

3. Property owner (required if different from applicant):

☐ Check if more than one owner

(Same as above)

a. First Name

b. Last Name

c. Organization

d. Street Address

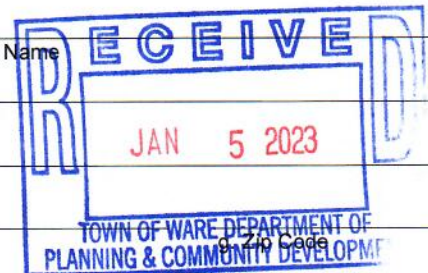
e. City/Town

f. State

h. Phone Number

i. Fax Number

j. Email address



4. Representative (if any):

Glenn

a. First Name

Krevosky

b. Last Name

EBT Environmental Consultants, Inc.

c. Company

601 Main Street

d. Street Address

North Oxford

e. City/Town

MA

f. State

01537

g. Zip Code

(508) 769-3659

h. Phone Number

i. Fax Number

glenn.krevosky@charter.net

j. Email address

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

\$165.00

a. Total Fee Paid

\$70.00

b. State Fee Paid

\$95.00

c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

See attached A.6. General Project Description

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

- | | |
|---|---|
| 1. <input type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Commercial/Industrial | 4. <input type="checkbox"/> Dock/Pier |
| 5. <input type="checkbox"/> Utilities | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation |
| 9. <input checked="" type="checkbox"/> 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)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR 10.24(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:

Hampshire

a. County

13441

c. Book

b. Certificate # (if registered land)

294

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.



A.6. General Project Description

Site: 130 Gilbertville Road, Ware

Applicant: Brian Kellahe

The applicant proposes to construct a ± 330 square foot addition and ± 196 square foot deck within the outer riparian zone and the 100-foot buffer zone to a bordering vegetated wetland. Alternative analysis is attached to the Notice of Intent – Exhibit 8A.

“Due to the way the home is situated, the only practical location of the addition would be off the front of the home. There is an existing paved driveway that is approximately 8 feet away from the rear of the home and a well house another 6 feet from the driveway. Also, there are no rear doors on the home and would require exterior walls to be removed to add onto the rear of the home, and I would also have to relocate the electrical service to the home.” -Brian Kellahe

Although ± 209.51 square feet of the western portion of the lot was sold off in 2002 to give frontage to 269 Upper Church Street, Ware, no work had occurred in the riverfront area on the lot/there was no requirement for a 310 CMR 10.00 filing.

Glenn E. Krevosky of EBT Environmental Consultants, Inc. delineated the wetland boundaries on 10/28/2022 with 7 A series and 4 B series wetland flags - utilizing soils, vegetation, and indicators of hydrology according to 310 CMR 10.55 (2) (c). The mean annual high-water line was delineated on 10/28/2022 with 8 MAHW flags according to 310 CMR 10.58.

The erosion control measures of staked 9” straw wattles backed by entrenched silt fence, shown on the site plan, shall be placed prior to site work. These measures shall be maintained in good working order throughout the project until all exposed soils are final graded, loamed, seeded, and stabilized with well-established soil stabilizing vegetation.





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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	2. square feet
	3. cubic yards dredged	

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	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	UNT to a UNT to the Ware River - 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: 75,250.3
square feet

4. Proposed alteration of the Riverfront Area:

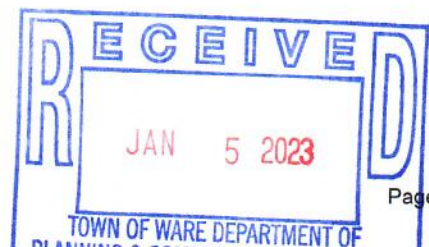
<u>800</u>	<u>0</u>	<u>800</u>
a. total square feet	b. square feet within 100 ft.	c. square feet between 100 ft. and 200 ft.

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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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	
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b. <input type="checkbox"/> Land Under the Ocean	<div>1. square feet</div> <div>2. cubic yards dredged</div>	
--	---	--

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>Resource Area</u>	<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	
--	----------------	--

i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet	2. sq ft restoration, rehab., creation
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j. <input type="checkbox"/> Land Containing Shellfish	1. square feet	
k. <input type="checkbox"/> Fish Runs	2. cubic yards dredged	

l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet	
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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

Current
MassMapper

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

percentage/acreage

(b) outside Resource Area

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 <https://www.mass.gov/mas-endangered-species-act-mesa-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.



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

- (c) ☐ MESA filing fee (fee information available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).

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, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; 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@mass.gov

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: dmf.envreview-north@mass.gov

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.

- c. ☐ Is this an aquaculture project? d. ☐ Yes ☐ No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).



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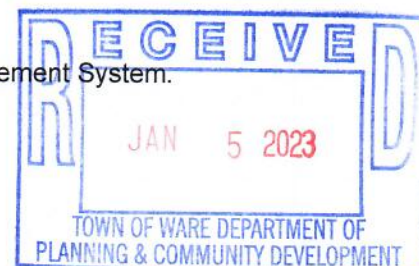
Ware

City/Town

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

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

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.



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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.

Proposed Addition Plan

a. Plan Title

R.H. LeMaitre

Robert H. LeMaitre

b. Prepared By

c. Signed and Stamped by

12/21/2022

1"=40'

d. Final Revision Date

e. Scale

See attached D.4. Additional Information

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:

110

2. Municipal Check Number

12/28/2022

3. Check date

109

4. State Check Number

12/28/2022

5. Check date

Brian

Kellaher

6. Payor name on check: First Name

7. Payor name on check: Last Name

D.4. Additional Information

Project Location: 130 Gilbertville Road, Ware

Applicant: Brian Kellaher

- 1A. Proposed Addition Plan: prepared for Brian Kellaher by R.H. LeMaitre, dated 12/21/2022
- 2A. Ware USGS Quad, dated 2021
- 3A. Ware GIS Map, dated 12/27/2022
- 4A. Fee Transmittal Form & Check Copies
- 5A. Town of Ware Abutters' List, dated 11/2/2022
- 6A. Abutters Notification, dated 1/4/2023
- 7A. Affidavit of Service, dated 1/4/2023
- 8A. 310 CMR 10.58 Alternative Analysis, dated 1/3/2023
- 9A. Simplified Wildlife Habitat Evaluation, dated 10/28/2022





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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

12/28/2022
2. Date

3. Signature of Property Owner (if different)

4. Date

5. Signature of Representative (if any)

6. Date

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.







130 Gilbertville Road

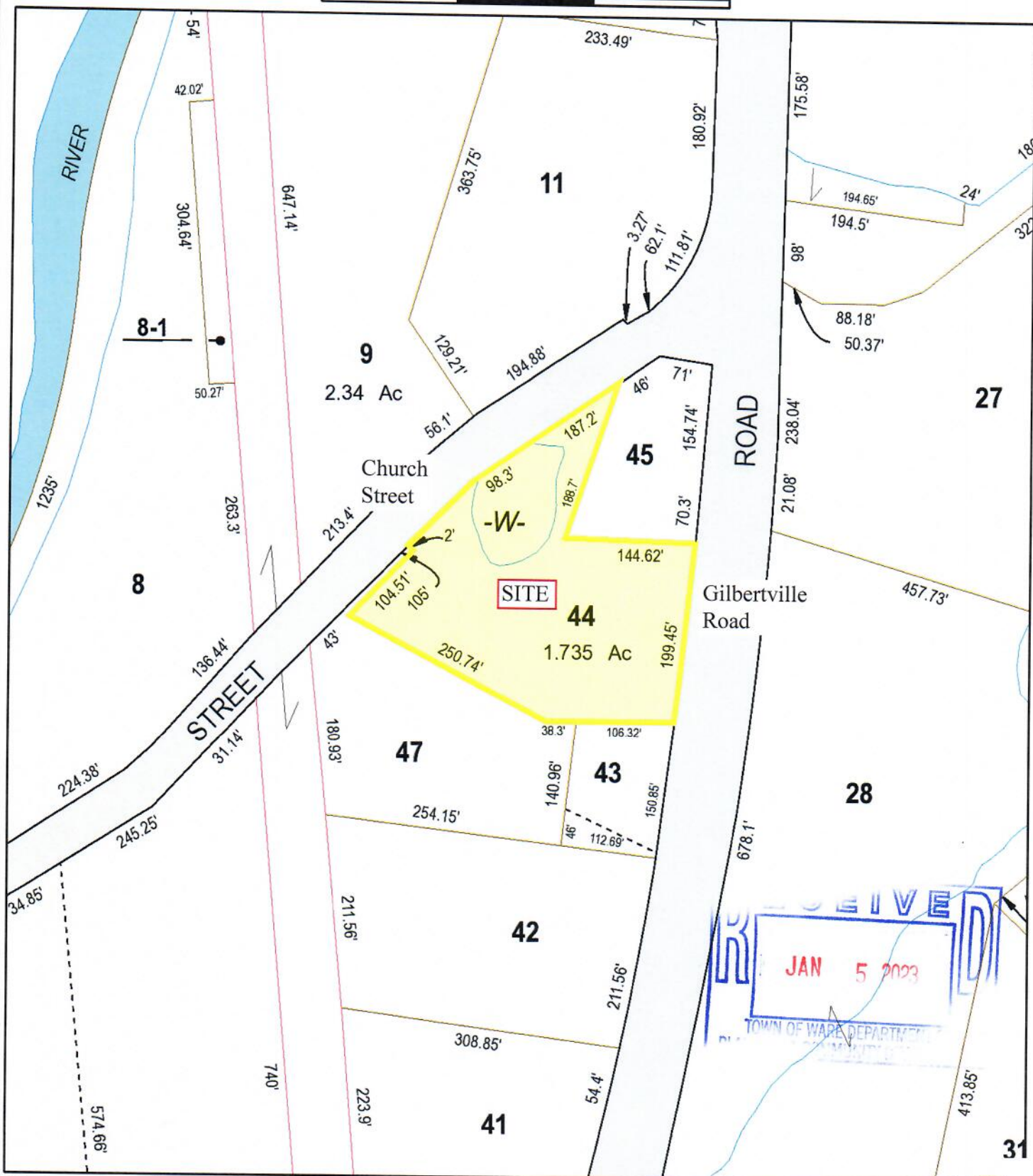
Ware, MA



December 27, 2022

1 inch = 150 Feet

www.cai-tech.com



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

3A



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:

130 Gilbertville Road

a. Street Address

109 (110 municipal)

c. Check number

Ware

b. City/Town

\$70.00 (\$95.00 municipal)

d. Fee amount

2. Applicant Mailing Address:

Brian

a. First Name

Kellaheer

b. Last Name

c. Organization

130 Gilbertville Road

d. Mailing Address

Ware

e. City/Town

MA
f. State

01082
g. Zip Code

(352) 205-0220

h. Phone Number

i. Fax Number

bkellaheer@yahoo.com
j. Email Address

3. Property Owner (if different):

(Same as above)

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).



Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 1.a. (in RFA)	1.5	\$110.00	\$165.00

RECEIVED
JAN 5 2023
TOWN OF WARE DEPARTMENT OF
PLANNING & COMMUNITY DEVELOPMENT

Step 5/Total Project Fee: \$165.00

Total Project Fee:	<u>\$165.00</u>
	a. Total Fee from Step 5
State share of filing Fee:	<u>\$70.00</u>
	b. 1/2 Total Fee less \$12.50
City/Town share of filling Fee:	<u>\$95.00</u>
	c. 1/2 Total Fee plus \$12.50

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.)

BRIAN J. KELLAHER
130 GILBERTVILLE ROAD
WARE, MA 01082

109

53 7409 2113

12-28-2022 DATE

CHECK ARMOR

PAY TO THE ORDER OF Commonwealth of Massachusetts \$ 70.00
Seventy and 00/100 DOLLARS

North Brookfield
35 Summer Street
North Brookfield, MA 01535
NorthBrookfieldSavingsBank.com

FOR DEP Remit

Brian Kellahe

BRIAN J. KELLAHER
130 GILBERTVILLE ROAD
WARE, MA 01082

110

53 7409 2113

12-28-2022 DATE

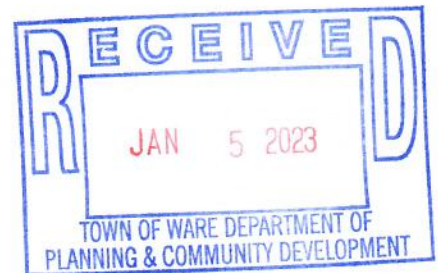
CHECK ARMOR

PAY TO THE ORDER OF Town of Ware \$ 75.00
Seventy five and 00/100 DOLLARS

North Brookfield
35 Summer Street
North Brookfield, MA 01535
NorthBrookfieldSavingsBank.com

FOR DEP Remit

Brian Kellahe





100 foot Abutters List Report

Ware, MA

November 02, 2022

Subject Property:

Parcel Number: 36-0-44
CAMA Number: 36-0-44
Property Address: 130 GILBERTVILLE RD

Mailing Address: KELLAHER BRIAN
130 GILBERTVILLE RD
WARE, MA 01082

Abutters:

Parcel Number: 24-0-38
CAMA Number: 24-0-38
Property Address: OLD RAILROAD BED

Mailing Address: MASSACHUSETTS CENTRAL RAILROAD

P O BOX 250 850 SO BARRE RD
SO BARRE, MA 01074

Parcel Number: 36-0-11
CAMA Number: 36-0-11
Property Address: 278 UPPER CHURCH ST

Mailing Address: PILCH STEPHEN K
278 UPPER CHURCH ST
WARE, MA 01082

Parcel Number: 36-0-27
CAMA Number: 36-0-27
Property Address: 135 GILBERTVILLE RD

Mailing Address: BISH WILLIAM LIFE ESTATE BISH
DOROTHY LIFE ESTATE
135 GILBERTVILLE RD
WARE, MA 01082

Parcel Number: 36-0-28
CAMA Number: 36-0-28
Property Address: GILBERTVILLE RD

Mailing Address: YOUR DEAL SOURCE INC
67 BURRINGTON RD
WEST BROOKFIELD, MA 01585

Parcel Number: 36-0-43
CAMA Number: 36-0-43
Property Address: 128 GILBERTVILLE RD

Mailing Address: CREVIER NELLIE V LIFE ESTATE
CREVIER ROY R
128 GILBERTVILLE RD
WARE, MA 01082

Parcel Number: 36-0-45
CAMA Number: 36-0-45
Property Address: 132 GILBERTVILLE RD

Mailing Address: POLAK RODNEY J
3 ROBBINS RD
WARE, MA 01082

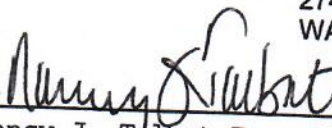
Parcel Number: 36-0-47
CAMA Number: 36-0-47
Property Address: 269 UPPER CHURCH ST

Mailing Address: SOURDIF JEFFREY J SOURDIF HOLLY A
269 UPPER CHURCH ST
WARE, MA 01082

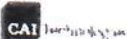
Parcel Number: 36-0-9
CAMA Number: 36-0-9
Property Address: 274 UPPER CHURCH ST

Mailing Address: LUSSIER ROGER O LUSSIER BETTE-
ANN
274 UPPER CHURCH ST
WARE, MA 01082

November 2, 2022 A true copy attest:



Nancy J. Talbot Town Clerk, Ware, MA



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.

11/2/2022

Abutters List Report - Ware, MA

Page 5A

**Notification to Abutters Under the
Massachusetts Wetlands Protection Act**

(This form must be completed and copies sent, by certified mail, certificate of mailing or hand-delivered, to all abutters within 100 feet of the location of the project)

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, you are hereby notified of the following:

- A. The name of the Applicant is Brian Kellaheer.
- B. The Applicant has filed a Notice of Intent (NOI) with the Ware Conservation Commission.
- C. The address or location of the lot where the activity is proposed is 130 Gilbertville Road, Ware.
- D. The applicant proposes to construct a ± 330 square foot addition and ± 196 square foot deck within the outer riparian zone and the 100-foot buffer zone to a bordering vegetated wetland.
- E. Copies of the NOI may be obtained or examined by calling Glenn E. Krevosky of EBT Environmental Consultants, Inc., 601 Main Street, North Oxford, MA 01537 at (508)769-3659 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 Ware Conservation Commission at (413)967-9648 between the hours of 8:00am to 4:00pm, Monday through Friday.

PLEASE NOTE:

- 1. Notice of the public hearing, including its date, time and place will be published at least five (5) business days in advance in the Ware River News.
- 2. Notice of the public hearing including date, time and place will be posted in the Town Hall not less than forty-eight (48) hours in advance.
- 3. You also may contact the Department of Environmental Protection (DEP) Regional Office for more information about this application or the Wetlands Protection Act. To contact the DEP:

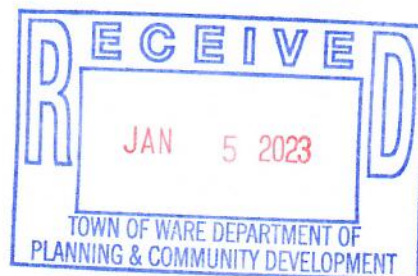
CENTRAL REGION: (508) 792-7650

NORTHEAST REGION: (617) 654-6500

WESTERN REGION: (413) 784-1100

SOUTHEAST REGION: (508) 946-2700

1/4/2023



AFFIDAVIT OF SERVICE

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

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

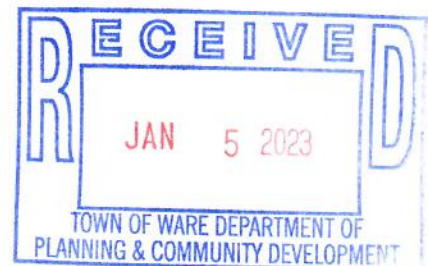
I, Glenn E. Krevosky, hereby certify under the pains and penalties of perjury that on January 4, 2023, I gave notification to abutters within 100 feet of the proposed project in compliance with the second paragraph of the Massachusetts General Laws, Chapter 131, Section 40 and the DEP Guide to Abutter Notification, dated April 8, 1994, in connection with the following matter:

A Notice of Intent (NOI) application filed under the Massachusetts Wetlands Protection Act and The Town of Ware Wetland Protection Bylaw by EBT Environmental Consultants, Inc., 601 Main Street, North Oxford, MA 01537, with the Ware Conservation Commission on January 4, 2023 for a property located at, 130 Gilbertville Road, Ware.

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

1-4-2023
Date



EBT Environmental Consultants, Inc.
GLENN E. KREVOSKY, CONSULTANT

601 Main Street
North Oxford, MA 01537
glenn.krevosky@charter.net
Cell: (508)769-3659 Office: (508)987-0979

Ware Conservation Commission
126 Main Street
Ware, MA 01082

January 3, 2023



Re. 130 Gilbertville Road, Ware – 310 CMR 10.58 (4): Alternative Analysis

Dear Commission,

The documentation below addresses the general performance standards found under 310 CMR 10.58 (4).

(4)(a) The project is not altering bank (10.54), bordering vegetated wetland (10.55), land under water body (10.56) or land subject to flooding (10.57).

(4)(b) There are no rare species polygons identified by NHESP nor vernal pool areas identified on the subject site nor within 200 feet of the subject site.

(4)(c) There are no equivalent economic alternatives to achieve the project purpose within the original parcel, subdivided parcels nor adjacent parcels formerly or presently owned by the same owner. The structure is existing and the proposed project is to construct an addition to the existing structure.

(4)(c)1.a. Any alternative locations for the addition are not feasible (see statement within Project Description).

(4)(c)1.b. The engineers used best engineering practices.

(4)(c)1.c. The project purpose is an addition to an existing home.

(4)(c)1.d. A variance, zoning or otherwise, would not reduce the alteration in the riverfront area, as the site work is attached to the existing house in the center of the lot.

(4)(d) The work in the riverfront area will have no significant adverse impacts to the interests of the Act.

(4)(d)1.a. Proposed work in the riverfront area is located in existing lawn in the outer riparian zone and across the street from the river.

(4)(d)1.b Stormwater is not required as the lot is a single family house lot.

(4)(d)1.c. Please see attached Simplified Wildlife Habitat Evaluation. The evaluation falls under simplified as we are not altering any portion of Habitat of Potential Regional or Statewide Importance or certified or documented vernal pool habitat.


EBT Environmental Consultants, Inc.
GLENN E. KREVOSKY, CONSULTANT

601 Main Street
North Oxford, MA 01537
glenn.krevosky@charter.net

Cell: (508)769-3659 Office: (508)987-0979

(4)(d)1.d. Proposed work does not impair groundwater or surface water quality – entrenched silt fence is proposed. The area of proposed alteration square footage is minimal.

Respectfully,



Glenn E. Krevosky, Consultant



Project Location (from NOI): 130 Gilbertville Road, WarePerson Completing Form: Glenn E. KrevoskyDate: 10/28/2022

APPENDIX A Simplified Wildlife Habitat Evaluation

IMPORTANT HABITAT FEATURES: Direct alterations to the following important habitat features in resource areas may be permitted only if they will have no adverse effect (Refer to Section V)

- ☐ habitat for state-listed animal species (receipt of a positive opinion or permit from MNHESP shall be presumed to be correct. Do not refer to Section V).
- ☐ sphagnum hummocks and pools suitable to serve as nesting habitat for four-toed salamanders
- ☐ trees with large cavities (≥ 18 " tree diameter at cavity entrance)
- ☐ existing beaver, mink or otter dens
- ☐ Areas within 100 feet of existing beaver, mink or otter dens (if significant disturbance)
- ☐ existing nest trees for birds that traditionally reuse nests (bald eagle, osprey, great blue heron)
- ☐ land containing freshwater mussel beds
- ☐ wetlands and waterbodies known to contain open water in winter with the capacity to serve as waterfowl winter habitat
- ☐ turtle nesting areas
- ☐ vertical sandy banks (bank swallows, rough-winged swallows or kingfishers)

The following habitat characteristics when not commonly encountered in the surrounding area:

- ☐ stream bed riffle zones (e.g. in eastern MA)
- ☐ springs
- ☐ gravel stream bottoms (trout and salmon nesting substrate)
- ☐ plunge pools (deep holes) in rivers or streams
- ☐ medium to large, flat rock substrates in streams



ACTIVITIES: When any one of the following activities are proposed within resource areas, applicants should complete a Detailed Wildlife Habitat Evaluation (Refer to Appendix B).

- ☐ activities located in mapped "Habitat of Potential Regional or Statewide Importance"
- ☐ activities affecting certified or documented vernal pool habitat, including habitat within 100' of a certified or documented vernal pool when within a resource area
- ☐ activities in bank, land under water, bordering land subject to flooding (presumed significant) where alterations are more than twice the size of thresholds.
- ☐ activities affecting vegetated wetlands >5000 sq. ft. occurring in resource areas other than Bordering Vegetated Wetland
- ☐ activities affecting the sole connector between habitats >50 acres in size
- ☐ Installation of structures that prevent animal movement
- ☐ Activities for the purpose of bank stabilization using hard structure solutions that significantly affect ability of stream channel to shift and meander, or disrupt continuity in cover that would inhibit animal passage.
- ☐ dredging (greater than 5,000 sf)



EBT Environmental Consultants, Inc.
Glenn E. Krevosky
601 Main Street
North Oxford, MA 01537

Name and Address of Sender

Check type of mail or service

- ☐ Adult Signature Required
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery (COD)
- ☐ Insured Mail
- ☐ Priority Mail

☐ Priority Mail Express☐ Registered Mail☐ Return Receipt for Merchandise☐ Signature Confirmation☐ Signature Confirmation Restricted Delivery

Affix Stamp Here
(for additional copies of this receipt).
Postmark with Date of Receipt.

USPS Tracking/Article Number

Address (Name, Street, City, State & ZIP Code)

1.

Roger & Bette-Ann Lussier
274 Upper Church Street
Ware, MA 01082

Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due if Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee

2.

Jeffrey & Holly Sourdi
269 Upper Church Street
Ware, MA 01082

3.

Rodney Polak
3 Robbins Road
Ware, MA 01082

4.

Nellie & Roy Crevier, life estate
128 Gilbertville Road
Ware, MA 01082

5.

Your Deal Source Inc
67 Burrington Road
West Brookfield, MA 01585

6.

William & Dorothy Bish, life estate
135 Gilbertville Road
Ware, MA 01082

7.

Stephen Plich
278 Upper Church Street
Ware, MA 01082

8.

Massachusetts Central Railroad
PO Box 250
South Barre, MA 01074

Total Number of Pieces Listed by Sender

Total Number of Pieces Received at Post Office

Postmaster, Pfr (Name of receiving employee)

Complete in Ink

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