



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Ware, MA
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:

Richard and Susan Fly

rfly6016@comcast.net

Name

E-Mail Address

19 Coldbrook Drive

Mailing Address

Ware

MA

01082

City/Town

State

Zip Code

978.870.7452

Phone Number

Fax Number (if applicable)

2. Representative (if any):

Firm

Contact Name

E-Mail Address

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

B. Determinations

1. I request the Conservation Commission 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:

Ware

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):

19 Coldbrook Drive

Street Address

Ware, MA

City/Town

14

Assessors Map/Plat Number

9 - 15

Parcel/Lot Number

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

This is a developed, residential lot of 1.633 acres with a 2200 square foot home, asphalt driveway and landscaped yard in the Pennybrook Estates subdivision. The property is bounded on the east and west by woods and designated wetland areas, to the north by a rock wall and to the south by Coldbrook Drive.

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

Lot 10 & 11 Existing Conditions (w/location of pond)

Title

June 20, 2017

Date

As-Built Foundation Plan (w/location of pond)

Title

Dec. 12, 2017

Date

Title

Date

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

We want to create a small pond to attract wildlife and, ultimately, qualify for a Certified Wildlife Habitat designation from the National Wildlife Federation. It will be a self-contained (recirculating water) Backyard EcoSystem pond (14' x 20' approximate) using 45 mil EPDM rubber pond liner, local stone and gravel. It would also include a number of native and aquatic plants. The pond will be excavated and 30 inches at its deepest. All material removed will be used (along with a small amount of clean fill brought in) to level the area of our backyard where the pond will be constructed. None of the work will take place within the designated wetlands area and should do no more than abut the buffer zone on the west side of the property, as shown on the attached maps. The work will not alter any area subject to protection under MGL. (Please note attachments showing section views of the pond design and composition.) Existing vegetation (dense ferns, trees, shrubs, etc). will also protect against the limited threat of erosion during the two-day installation time.



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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).

None of the work will take place in a wetland area and should do no more than abut the buffer zone. 310 CMR 10.02(2)(b)2e would appear to apply: "The conversion of lawn to uses accessory to residential structures such as decks, sheds, patios, pools, replacement of a basement bulkhead and the installation of a ramp for compliance with accessibility requirements, provided the activity, including material staging and stockpiling is located more than 50 feet from the mean annual high-water line within the Riverfront Area, Bank or from Bordering Vegetated Wetland, whichever is farther, and erosion and sedimentation controls are implemented during construction. The conversion of such uses accessory to existing single family houses to lawn is also allowed."

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:

Richard and Susan Fly

Name

19 Coldbrook Drive

Mailing Address

Ware

City/Town

MA

State

01082

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.

Richard H. Fly *Susan E. Fly*

Signature of Applicant

Date

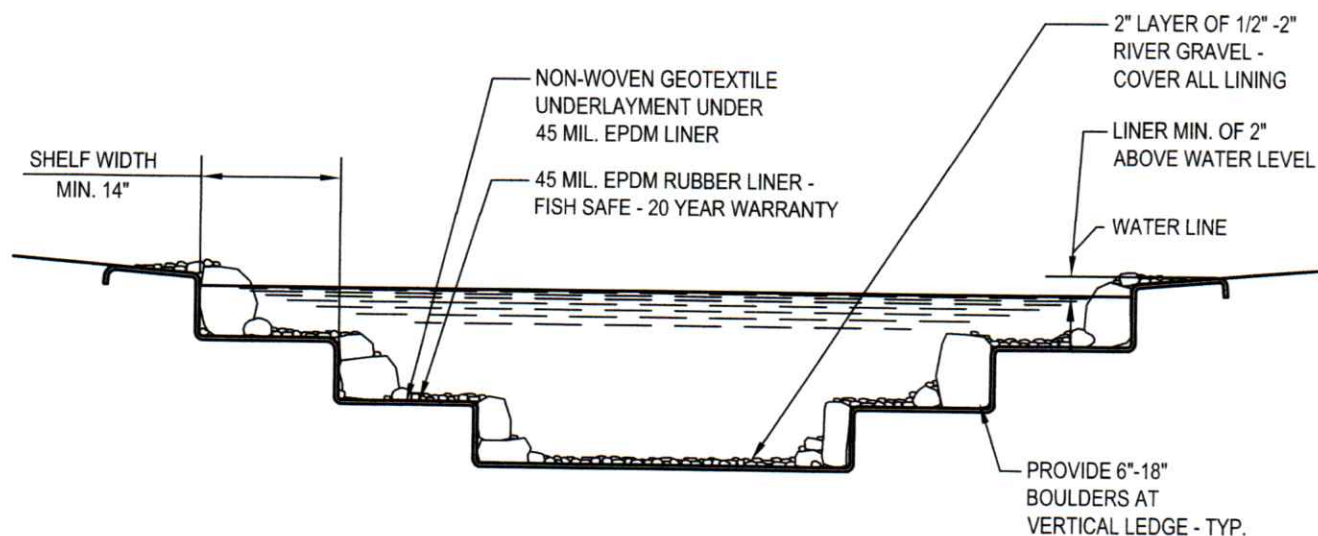
Aug. 14, 2020

Signature of Representative (if any)

Date



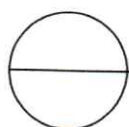
AQUASCAPE INC.
 901 AQUALAND WAY
 ST. CHARLES, IL 60174
 TOLL FREE: 1-877-766-3489
 PHONE: (630) 659-2000
 FAX: (630) 659-2100
 www.aquascapeinc.com



POND SECTION - SHELVING

NOTES:

1. INSTALLATION TO BE COMPLETED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
2. DO NOT SCALE DRAWING.
3. THIS DRAWING IS INTENDED FOR USE BY ARCHITECTS, ENGINEERS, CONTRACTORS, CONSULTANTS AND DESIGN PROFESSIONALS FOR PLANNING PURPOSES ONLY. THIS DRAWING MAY NOT BE USED FOR CONSTRUCTION.
4. ALL INFORMATION CONTAINED HEREIN WAS CURRENT AT THE TIME OF DEVELOPMENT BUT MUST BE REVIEWED AND APPROVED BY THE PRODUCT MANUFACTURER TO BE CONSIDERED ACCURATE.
5. CONTRACTOR'S NOTE: FOR PRODUCT AND COMPANY INFORMATION VISIT www.CADdetails.com/info AND ENTER REFERENCE NUMBER 037-167

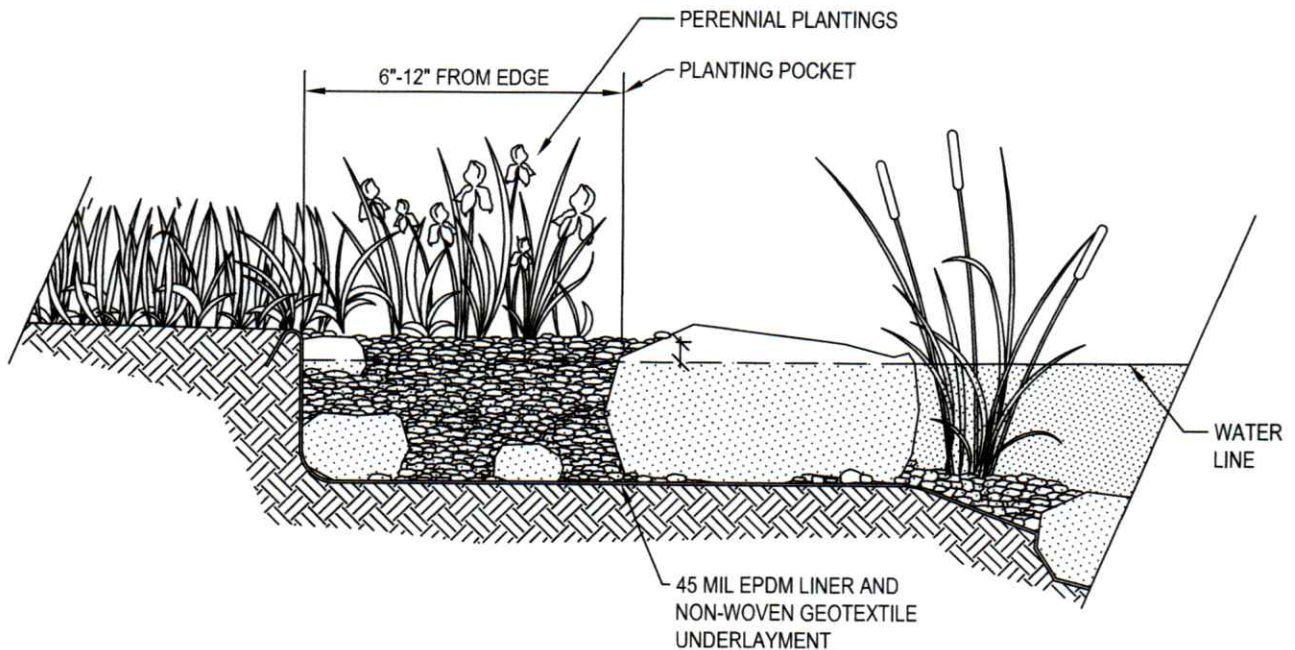


POND AND STREAM DETAIL

POND AND STREAM DETAIL: POND SECTION-SHELVING



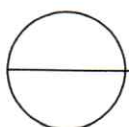
AQUASCAPE INC.
 901 AQUALAND WAY
 ST. CHARLES, IL 60174
 TOLL FREE: 1-877-766-3489
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EDGE WITH PLANTING AREA

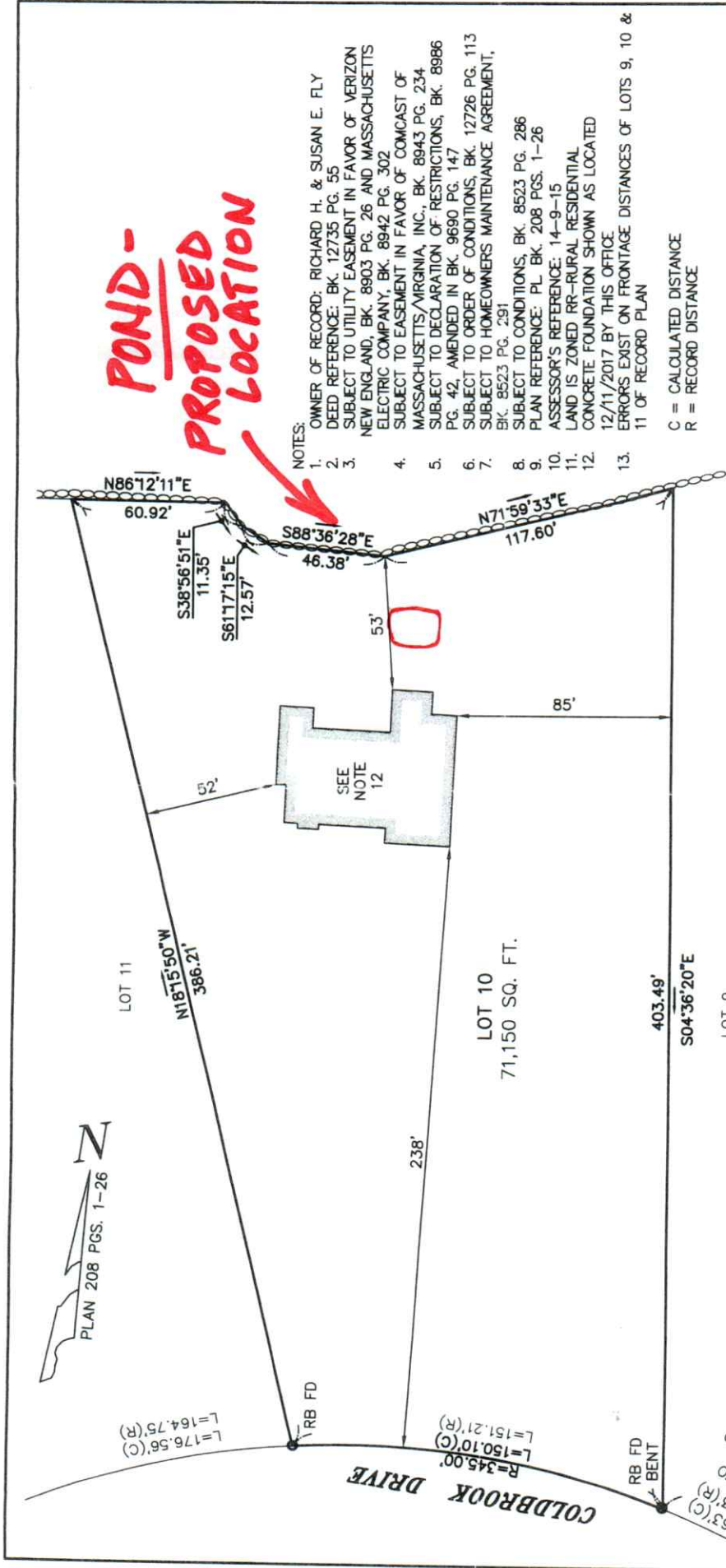
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POND AND STREAM DETAIL

POND AND STREAM DETAIL: EDGE W/PLANTING AREA



NOTES:

1. OWNER OF RECORD: RICHARD H. & SUSAN E. FLY
2. DEED REFERENCE: BK. 12735 PG. 55
3. SUBJECT TO UTILITY EASEMENT IN FAVOR OF VERIZON NEW ENGLAND, BK. 8903 PG. 26 AND MASSACHUSETTS ELECTRIC COMPANY, BK. 8942 PG. 302
4. SUBJECT TO EASEMENT IN FAVOR OF COMCAST OF MASSACHUSETTS/VIRGINIA, INC., BK. 8943 PG. 234
5. SUBJECT TO DECLARATION OF RESTRICTIONS, BK. 8986 PG. 42, AMENDED IN BK. 9690 PG. 147
6. SUBJECT TO ORDER OF CONDITIONS, BK. 12726 PG. 113
7. SUBJECT TO HOMEOWNERS MAINTENANCE AGREEMENT, BK. 8523 PG. 291
8. SUBJECT TO CONDITIONS, BK. 8523 PG. 286
9. PLAN REFERENCE: PL BK. 208 PGS. 1-26
10. ASSESSOR'S REFERENCE: 14-9-15
11. LAND IS ZONED RR-RURAL RESIDENTIAL
12. CONCRETE FOUNDATION SHOWN AS LOCATED 12/11/2017 BY THIS OFFICE
13. ERRORS EXIST ON FRONTAGE DISTANCES OF LOTS 9, 10 & 11 OF RECORD PLAN

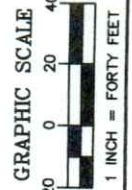
C = CALCULATED DISTANCE
R = RECORD DISTANCE

SHERMAN & FRYDRYK, LLC
Land Surveying and Engineering
3 Converse Street, Suite 203
Palmer, MA 01069



AS-BUILT FOUNDATION PLAN
RICHARD H. & SUSAN E. FLY
LOT 10 COLDBROOK DRIVE
WARE, MA

DATE: 12/12/17 SCALE: 1"=40' PROJECT #: 17027C
FIELD WORK: PWS DRAWN: KJM APPROVED: DJF



RICHARD FLY 978-870-7952