

Fort Pond Inn Road Association

252 Fort Pond Inn Road, Lancaster, MA 01523 (508) 331-4889 FAX (978) 728-4544 Email: tom.christopher@comcast.net

March 20, 2020

Mr. David Koonce, Conservation Administrator
Lancaster Conservation Commission
Prescott Building, Suite # 4
701 Main Street
Lancaster, Massachusetts 01523

**RE: Determination of Applicability for Tree
Removal for Pond Inn Road Maintenance**

Dear Administrator Koonce:

Fort Pond Inn Road is a private road that services ten (10) year-round residents with homes adjacent to Fort Pond and the Montachusett Regional YMCA summer camp. Residents established the Fort Pond Inn Road Association in 2011 for the purpose of maintaining access to their homes and for periodic maintenance and snowplowing.

There is daily residential traffic, service vehicles including large rubbish trucks, and visitors that travel over a culvert under the road through which Bow Brook flows. Over the winter a large White Pine (24"+) has fallen and has changed the course of the brook and there is the potential that Fort Pond Inn Road could be topped and completely eroded if the tree is not removed and the original course of the brook restored. The Association, accordingly, requests that they be allowed to remove the tree.

Given the short duration of this maintenance the Association does not believe any mitigation is necessary, however it is open to any requirement the Commission would request.

If you have any questions I can be reached at (508) 331-4889

Sincerely,



Tim Wortley, Vice- President
Fort Pond Inn Road Association

cc: MA-DEP Central Regional Office

enc: "WPA Form 1-Determination-of-Applicablity"
"Bow Brook Work Site Location". Fort Pond Inn Road Association, Dated: 3/20/20
"White Pine Blowdown. Fort Pond Inn Road Association, Dated: 3/20/20
"Bow Brook Watercourse Change. Fort Pond Inn Road Association, Dated: 3/20/20



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 1- Request for Determination of Applicability

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

City/Town

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:

Fort Pond Inn Road Association

twortley@tiac.net

Name

E-Mail Address

192 Fort Pond Inn Road

Mailing Address

Lancaster

MA

01523

City/Town

State

Zip Code

(978) 430-3839

Phone Number

Fax Number (if applicable)

2. Representative (if any):

Firm

Tim Wortley

twortley@tiac.net

Contact Name

E-Mail Address

192 Fort Pond Inn Road

Mailing Address

Lancaster

MA

01523

City/Town

State

Zip Code

(978) 430-3839

Phone Number

Fax Number (if applicable)

B. Determinations

1. I request the Lancaster 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:

Lancaster

Name of Municipality

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

Alternative Analysis not performed given limited scope and duration of the project.



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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):

Fort Pond Inn Road

Street Address

Not Applicable

Assessors Map/Plat Number

Lancaster

City/Town

Not Applicable

Parcel/Lot Number

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

Bow Brook flowing through adjacent bordering vegetated wetland.

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

Work Site Location-Fort Pond Inn Road Association

Title

Site Conditions #1-Fort Pond Inn Road Association

Title

Site Conditions #2-Fort Pond Inn Road Association

Title

8/30/19

Date

8/30/19

Date

8/30/19

Date

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

Removal of large white pine (24+") lying across Bow Brook and impeding flow into culvert underneath Fort Pond Inn Road. If flow into the culvert is blocked there is a potential for the road to wash out.



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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).

310 CMR 10:53 (3) (f)-"Maintenance and Improvement of Existing Public Roadways, etc."

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.)

Road Association Agreement & Bylaws recorded in Bk 48411, Pg. 69 Worcester County North Registry on 1/17/12. All residents held deeds with "rights-of-way" prior to formation of Association during large storm events.



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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 (see Attachment) 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:

Tim Wortley, Vice- President Fort Pond Inn Road Association

Name

192 Fort Pond Inn Road

Mailing Address

Lancaster

City/Town

MA

State

01523

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.

Signature of Applicant

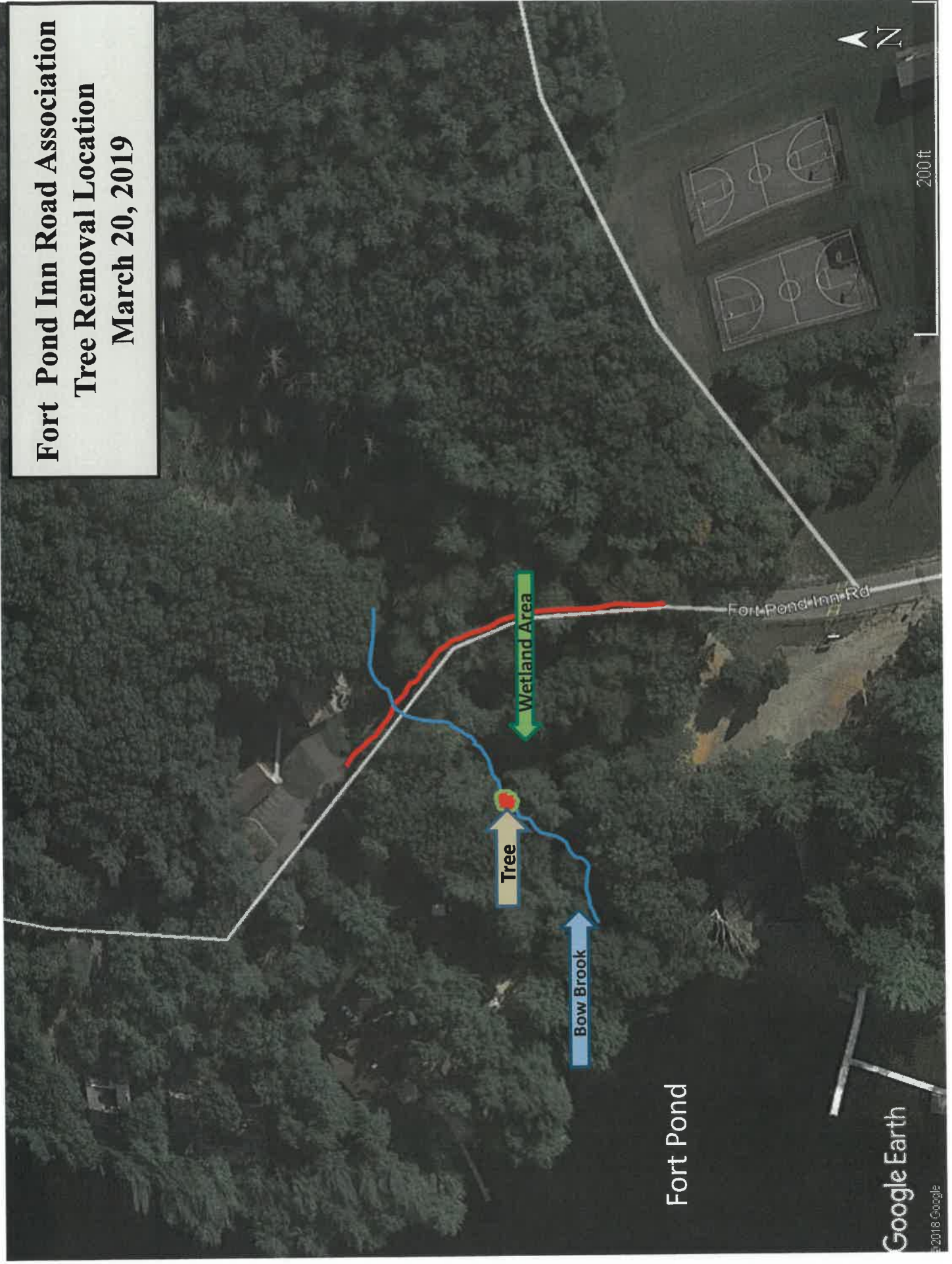
3/20/20

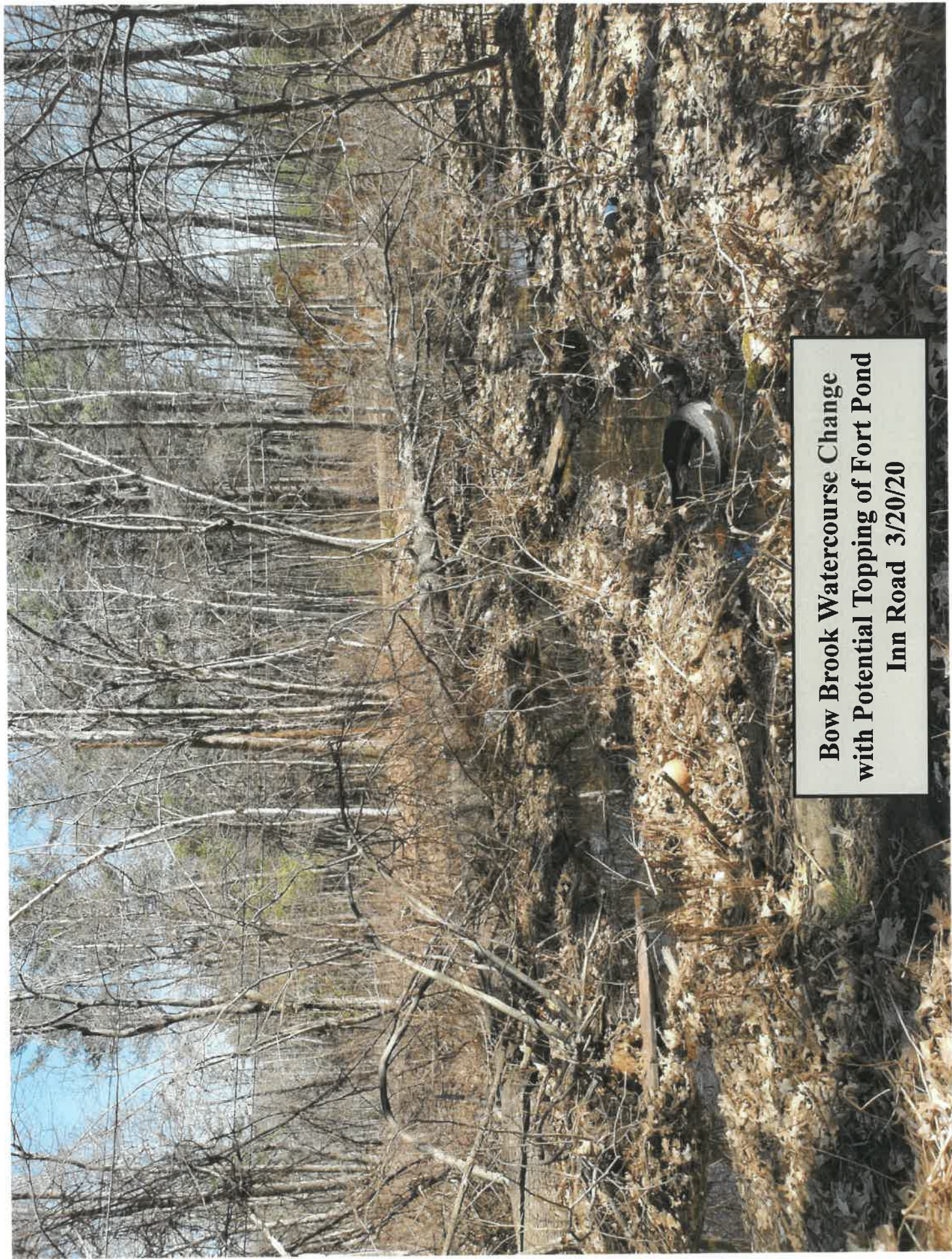
Date

Signature of Representative (if any)

Date

**Fort Pond Inn Road Association
Tree Removal Location
March 20, 2019**





**Bow Brook Watercourse Change
with Potential Topping of Fort Pond
Inn Road 3/20/20**



**White Pine (24+”) Blowdown
Blocking Culvert Entrance
For Bow Brook 3-20-20**