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# **LPOD - SPECIAL PERMIT - EPSTEIN**

## **Proposed Wood Deck**

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**Property Location:**

*17 Mahkeenac Terrace  
Map 205 Lot 38  
Stockbridge, MA*

**Applicant & Property Owners:**

*David & Ruth Epstein  
5516 Center Street  
Chevy Chase, MD 20815*

**Architect:**

*Pamela Sandler Architect, LLC  
31 Main Street, P.O. Box 1148  
Stockbridge, MA 01262*

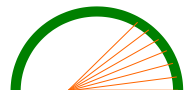
**Civil Engineer:**

*Foresight Land Services, Inc.  
1496 West Housatonic Street  
Pittsfield, MA 01201*

**September 2023**

*FLS Project# E3171*

**FORESIGHT**  
**LAND SERVICES**



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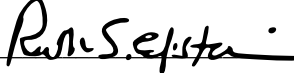


## Town of Stockbridge Special Permit Application

(\$300 Application Fee paid by applicant prior to hearing)

Application is hereby made to the **Planning Board** by:

Applicant (name): David & Ruth Epstein

Applicant Signature:  

Applicant Mailing Address: 5516 Center Street, Chevy Chase, MD 20815

Applicant phone and email: r.epstein@comcast.net (Ruth) dfe4@cornell.edu (David)

On the 22 day of September, 2023 for property shown on the Stockbridge

Assessors Map # 205, Lot # 38 Book 6938, Page 315

Owner of property: David & Ruth Epstein

Owner's signature:  

Address of property: 17 Mahkeenac Terrace, Stockbridge, MA 01262

Mailing Address: 5516 Center Street, Chevy Chase, MD 20815

Description of property: Single-family home in LPOD District

Present use of property: Residential

Project Description: Construction of a 113 SF raised wood deck

Appropriate Section of Zoning Bylaw: Section 6.5 Lake & Pond Overlay District

1. Attach six sets of scale drawings or prepared site plan with measurements showing the existing conditions and proposed changes.
2. Attach six stamped plot plans showing the locations of all structures and buildings with scaled measurements to all lot lines and between all structures
3. along with a total of five copies of this application, **six complete sets of documents.**
4. Submit **digital plans** and application to: [planningboard@stockbridge-ma.gov](mailto:planningboard@stockbridge-ma.gov)

**All applications must be submitted to the Town Clerk and accompanied by six complete sets of documents, all areas of the above form must be completed, and the proper fee paid, or the application will be deemed to be incomplete and returned to the applicant.**

## ***Lake and Pond Overlay District Checklist***

Date: September 25, 2023

Name of Applicant: David and Ruth Epstein

Address: 5516 Center Street, Chevy Chase, MD 20815

Property Affected: 17 Mahkeenac Terrace, Stockbridge, MA (Map 205, Lot 38)

(To be filled out by applicant)

1. How far from the mean high water mark is the existing structure? 85' +/-
2. Is the existing structure, lot, etc. nonconforming in any manner other than being within the LPOD? Yes X No      Explain. Lot size and frontage undersized.  
Existing house is within the 35' side zoning setbacks.
3. Is any construction being done closer to the mean high water mark than the existing structure? Yes      No X
4. Is any septic system work being done within 150' of the mean high water mark? Yes      No X
5. What is the lot coverage of the existing structure(s)? 8% Under the proposed plan? 8.4%
6. Cutting in the LPOD
  - a. Is cutting of live vegetation being done within 35' of the mean high water mark? Yes      No X
  - b. Is an alternative cutting plan being proposed? Yes      No X  
If so, is a description of natural shrubbery and replacement plantings, if required, included? Yes      No
7. Excavation in the LPOD
  - a. Are any changes being made to roads/driveways? Yes      No X
  - b. Any removal of soil? Yes      No X
  - c. Any demolition being done? Yes      No X

(continued on other side)

(To be filled out by Planning Board.)

**8. Does the application/plan include:**

1.   X   locus map
2.   X   scaled drawing of property showing existing watercourses,  
existing features, parking and loading areas with materials, and  
erosion control measures
3.   X   grading and drainage plan with 2' contour lines in building area  
and 5' contour lines elsewhere
4.   X   construction time schedule

**9. What is the Conservation Commission's opinion?** Request for Determination was  
submitted on September 11, 2023

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**LAND USE TABLES**

EPSTEIN PROPERTY - 17 Mahkeenac Terrace, Stockbridge, MA 01262

**ZONING TABLES**

DISTRICT: R-2 TAX MAP #205, LOT #38			
ZONING SETBACKS	REQ.	EXISTING RESIDENCE	PROPOSED RESIDENCE
FRONT: EAST	40'	164' ±	NO CHANGE
SIDE: NORTH	35'	20' ±	NO CHANGE
SIDE: SOUTH	35'	24' ±	NO CHANGE
REAR: WEST	35'	85' ±	NO CHANGE
HEIGHT:	35'	<35'	NO CHANGE

TOTAL LOT SIZE:	25,700.4 (0.59 ACRES)
10% COVERAGE ALLOWED:	2,570 SF
20% MASS ALLOWED:	5,140 SF

EXISTING – RESIDENCE	COVERAGE	MASS
FIRST FLOOR:	1,421 SF	1,421 SF
DECK & PORCH:	50 SF	50 SF
SECOND FLOOR:	120 SF CANTILEVERED	1,541 SF
BASEMENT:	0 SF	634 SF
GARAGE:	±460 SF	±460 SF

TOTAL EXISTING	COVERAGE	MASS
TOTAL AREA:	2,050± SF	4,100± SF
TOTAL PERCENTAGE: (ENTIRE LOT)	8.0 %	15.9 %

PROPOSED – RESIDENCE	COVERAGE	MASS
FIRST FLOOR:	1,421 SF	1,421 SF
DECK:	162± SF	162± SF
SECOND FLOOR:	120 SF CANTILEVERED	1,541 SF
BASEMENT:	0 SF	634 SF
GARAGE:	460± SF	460± SF

TOTAL PROPOSED	COVERAGE	MASS
TOTAL AREA:	2,163± SF	4,218 ± SF
TOTAL PERCENTAGE: (ENTIRE LOT)	8.4 %	16.4 %

**LPOD**

15% COVERAGE ALLOWED IN THE LPOD	11%
AREA OF LAKE & POND OVERLAY DISTRICT (LPOD)	±13.900 SF

LAKE & POND OVERLAY DISTRICT COVERAGE	EXISTING		PROPOSED	
	AREA	PERCENT OF LPOD	AREA	PERCENT OF LPOD
HOUSE	1,421 SF	10.2 %	1,421 SF	10.2 %
DECK	50 SF	0.4 %	162± SF	1.2 %
TOTAL	1,471 SF	10.6 %	1,583± SF	11.4 %

## 1.0 PROJECT SCOPE

The applicant is David and Ruth Epstein, the deeded owners of the property. Applicant proposes to add a small above-grade deck to the existing single-family home. Ground construction will be limited to a single 6"x6" post on a concrete pier in existing lawn area, no closer to the lake than the current front line of the house.

The proposed deck is modest in size, 113 square feet, only slightly exceeding the 100 square footage that would qualify for a permit exemption. The deck floor will be permeable (wooden boards a full story above ground level). The size and the design of the deck will be consistent with, or less extensive than, decks on adjacent and nearby homes.

The property is within the R-2 zoning district and the existing structure is located within the Lake and Pond Overlay district (LPOD) as well as within Wetlands Protection Act (WPA) 100-foot buffer zone of the Bank of Stockbridge Bowl (the lake). The site work is proposed to be done using methods to protect the interests of the Wetlands Protection Act, the Stockbridge wetland bylaw and the LPOD district regulations. Sedimentation and Erosion control measures are proposed between the work area and the wetland resource area and shall be maintained according to erosion control standards (attached) until the site has stabilized with permanent vegetation.

## 2.0 EXISTING CONDITIONS

The property contains approximately 0.59 acres on the east side of Stockbridge Bowl. The property has approximately 90 feet of frontage on Stockbridge Bowl and 90 feet frontage on Mahkeenac Terrace. The lot has a 30' grade change sloping gradually down toward the lake. The eastern portion of the lot is more level up to the road. Most of the lot is maintained as lawn interspersed with mature trees.

The lot is developed with two existing structures, a single-family home and a garage. The house is located approximately central to the parcel approximately 85 feet east of Stockbridge Bowl and 164 feet from Mahkeenac Terrace. There is an existing paved driveway that passes the garage and provides parking and access to the house. The garage is outside of the LPOD. The house is serviced by a well and town sewer.

Wetland resource areas observed associated with the project area are Land Under Water Body (10.56) (Stockbridge Bowl), Bank (10.54) and Bordering Land Subject to Flooding (10.57). MassGIS shows Estimated Habitat of Rare Species PH 1287 as being off the shoreline in the lake but not on land. Bank has an associated 100-foot buffer zone. No portion of the proposed deck will be in the area of NHESP PH1287.

## 3.0 ZONING

The parcel fronts on Mahkeenac Terrace and lies in the R-2 Residence zone. The lot is also subject to the Lake and Pond Overlay District (LPOD) within 150 feet of the High-Water mark of

Stockbridge Bowl. The parcel is preexisting non-conforming and contains approximately 0.59 acres of land with approximate 90 feet of frontage. R-2 requires 2 acres and 250 feet of frontage. The existing house is setback from the south side line at 24', the north sideline at 20' and the lakefront high-water mark by approximately 85'. Side setbacks require a structure to be located 35 feet from the property line so the existing house has preexisting non-conforming side yards. The proposed deck will not encroach any closer to the south sideline or into the Lake Pond Overlay District (LPOD) than the existing house. The deck will be raised 8-10' off the ground on one 6x6' corner post adjoined to the first floor of the existing house above the walkout basement level.

### **Section 6.1.2: Requirements for Extension, Reconstruction or Change in Use**

The proposed deck is a change to a residential pre-existing nonconforming structure and as such, will require a Special Permit from the Board of Selectmen. As set forth in that application, the proposed deck will not be in greater non-conformity with open space and yard requirements relative to the existing structure (as set out in Section 6.1.2.c), and will not be more detrimental than the pre-existing nonconforming structure or use to the neighborhood.

### **Section 6.5: Lake and Pond Overlay District (LPOD)**

*The Lake and Pond Overlay District (LPOD) is intended to protect and enhance the principal lakefronts and shorelines of the Town of Stockbridge; to maintain safe and healthful conditions; to prevent and control water pollution; and to preserve habitat, vegetative cover and natural beauty.*

The existing house is within the 150-foot Lake and Pond Overlay District (LPOD) of Stockbridge Bowl. The project has been designed to have no adverse impact on the environment, public health, or safety. The project shall be maintained on a stabilized site and minimize exposed soils. Erosion control devices shall be constructed prior to any work on site. Construction debris shall be deposited directly into a container to be brought off site to a legal disposal facility. The contractor shall minimize disturbance and grade and seed any disturbed areas after construction. Minimal excavation is proposed for the drilling of a single post hole. Care shall be taken to protect trees.

Please refer to the Lake and Pond Overlay District Checklist and the Zoning Tables attached at the end of this narrative.

#### **6.5.1 Purpose**

The proposed project is consistent with the purpose of the LPOD, as stated in Section 6.5.1, which is to protect and enhance the Stockbridge Bowl lakefront, among other areas, to maintain safe and healthful conditions; to prevent and control water pollution; and to preserve habitat, vegetative cover, and natural beauty.

#### **6.5.2 Description**

*This LPOD shall include:*

- *The lakefront of the Stockbridge Bowl, Lily Pond, Echo Lake, Mohawk Lake and Agawam Lake and one hundred fifty (150) feet back from the high-water mark of these waterbodies;*



- *The shoreline of the Housatonic River and its permanent tributaries and one hundred fifty (150) feet back from the high-water mark of the River and its permanent tributaries; and*
- *Kampoosa Bog, which shall include all the contiguous or hydrologically connected Wetland Resources Areas as defined under the Massachusetts Wetland Protection Act and Regulations (310 CMR 10), draining ultimately into Kampoosa Brook, upstream of the earthen berm that extends easterly from Route 7 shown on Stockbridge tax map #26, lot #49 and one hundred fifty (150) feet back from their boundaries.*

The project is within the LPOD of Stockbridge Bowl.

### **6.5.3 Relation to Other Districts**

*The LPOD is an overlay district mapped over other districts. Where there is an inconsistency between the requirements of Section 6.5 and the regulations otherwise applicable in such other districts, the more restrictive provision shall be deemed to apply.*

The project is also within the R-2 District fronting on Mahkeenac Terrace.

### **6.5.4 Applicability**

*a. Jurisdictional Activities - Except as otherwise provided in Section 6.5, no building, structure or land use activity shall be permitted except pursuant to a special permit issued by the Planning Board pursuant to the requirements of Sections 6.3 and 6.5. For the purposes of Section 6.5, "land use activity" shall mean any significant change in the physical characteristics of land or the physical or chemical characteristics of the wastewater produced from a building or structure, but excluding any exempt uses listed in paragraph b of this subsection. Except as otherwise provided in said paragraph b, "land use activity" shall include, but not be limited to: any extension or alteration of an existing structure; any removal of vegetation; any road or driveway; any excavation for the purpose of removing earth materials off-site; and any facility designed to prevent or mitigate the impacts of stormwater or associated drainage.*

The proposed deck is within the LPOD.

*b. Exempt Activities - The following activities do not require a special permit, but must nevertheless comply with the requirements of subsection 6.5.9:*

- *Any principal or accessory use, otherwise permitted by this Bylaw, to be located within an existing structure, provided that any extension or alteration of such structure does not increase the height of the structure and is no closer to the high water mark than the existing structure; the resulting structure complies with applicable yard, lot coverage and floor area requirements of Section 5.5; and the chemical characteristics of any wastewater produced from such use are not significantly changed;*
- *Ordinary repair or maintenance of, or interior alterations to, existing structures;*
- *Removal of dead, diseased or dying trees and vegetation;*
- *Ordinary pruning or maintenance of shrubs or trees;*
- *Other gardening uses that do not involve the cutting of shrubs or trees;*
- *Structures under one hundred (100) square feet in footprint area; and*
- *Recreational, municipal*

The project does not qualify for any of these exemptions. The proposed deck would exceed the 100 square foot exemption limit by 13 square feet.

### 6.5.5 Prohibited Activities

The proposed deck does not involve any prohibited activities set forth in Section 6.5.5.

*The following activities shall be prohibited within the LPOD:*

- *The storage or dumping of any waste material, junk, refuse, or other debris;*  
There is no proposed storage or dumping of any waste material, junk, refuse or other debris. Any demolition will be loaded into a container and disposed of off-site in a legal manner.
- *The discharge or application of wastewater or any pollutant except as specifically permitted by the Board of Health; and*  
There is no proposed discharge or application of wastewater or any pollutant. The property is on town sewer.
- *The relocation of perennial or intermittent watercourses, the filling or reclaiming of wetlands and watercourses, the mining or off-site removal of topsoil, subsoil, clay, peat, gravel, sand, shale or other similar materials.*  
There is no proposed alteration of wetlands or water courses. There is no proposed removal of soils from the site.

### 6.5.6 Required Findings

*The Planning Board shall approve a special permit for any building, structure or land use activity within the LPOD if it finds that the building, structure or land use activity meets all application and site plan requirements set forth in Section 6.3 and subsection 6.5.8 and all applicable land use and development standards set forth in subsection 6.5.9.*

This submittal meets the application and site plan requirements of Section 6.3 and Subsection 6.5.8 (see below). The project proposes to have no adverse impact on the environment. Sedimentation control is proposed. Stormwater management requirements are addressed. There are no stormwater impacts.

### 6.5.7 Procedure

*The procedure for review and approval under this section shall be as set forth in Sections 6.3 and 6.5. A Site Plan satisfying the requirements of subsections 6.3.7 and 6.5.8 is required for any proposed building, structure or land use activity within the LPOD for which a special permit is required. Special permit applications and site plans shall be submitted to the Board of Selectmen for its review and comment to the Planning Board.*

A site plan satisfying these requirements has been submitted along with the application of the Special Permit and LPOD criteria and checklist.

### 6.5.8 Application and Site Plan Requirements

*In addition to the application and site plan data required by Section 6.3, an Applicant for a special permit pursuant to Section 6.5 shall submit the following information to the Planning Board for its review:*

- *The location and description of existing and proposed features;*  
A Site Plan showing existing conditions and the proposed deck have been developed for the project and are part of the submittal.
- *Boundaries of the property plotted to scale;*  
Surveyed boundaries of property are shown on the site plans.
- *Existing watercourses;*  
Existing watercourses (Stockbridge Bowl) are shown.
- *A grading and drainage plan, showing existing and proposed contours at a two (2) foot contour in the area of activities for which a special permit under section 6.5 is being sought, and a five (5) foot contour elsewhere;*  
Existing grading is shown on the plan at two-foot contour intervals. There is no change in grading proposed by the project. The installation of one small post pier will not affect drainage.
- *The location, design, and construction materials of all driveway, parking and loading areas;*  
The driveway and parking area exist and are not proposed to change. They lie outside the LPOD.
- *The location of all stormwater drainage areas (catchments) for each distinct receiving water/wetland area within and/or downgradient of activities for which a special permit under section 6.5 is being sought;*  
The entire stormwater drainage area (catchment) is contained within the drainage area of Stockbridge Bowl. There is no proposed impact from the deck construction.
- *Soils-based stormwater infiltration rates using the following table:*

Texture Class	NRCS Hydrologic Soil Group	Design Infiltration Rate
Sand	A	8.27
Loamy Sand	A	2.41
Sandy Loam	B	1.02
Loam	B	0.52
Silt Loam	C	0.27
Sandy Clay Loam	C	0.17
Clay Loam	D	0.09
Silty Clay Loam	D	0.06
Sandy Clay	D	0.05
Silty Clay	D	0.04

Clay	D	0.02
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The stormwater infiltration rates using the LPOD table for Loam Soils Group B Design Infiltration Rate of 0.52 Inches/Hour.

- *Plans and specifications for soil erosion and sedimentation control measures;*  
Erosion control measures are shown and detailed on the plan as SCB-4.
- *A timing schedule indicating anticipated starting and completion dates, the sequence of anticipated tasks, and the duration of exposure of each disturbed area prior to the completion of effective erosion and sediment control measures;*  
A proposed schedule is attached - total project time is projected to be approximately 1 month.
- *For any land use activity involving the construction or expansion of a building or structure, the paving of roads, or the creation of driveway, parking and loading area, the results of a pollutant loading model demonstrating that stormwater flow on or from the site will not result in a discharge of any pollutant in violation of subsection 6.5.5. Such model shall evaluate the loadings of nutrients (nitrogen and phosphorus), bacteria, metals and total suspended solids, the expected removal rates associated with any stormwater treatment facility and the resulting loads to the LPOD. The site plan shall be developed subsequent to, and in accordance with an existing natural resources conditions inventory that shows topography including steep slopes (greater than 10%), severe slopes (greater than 20%), soils limitations (constraints related to septic system suitability and erosive characteristics as mapped by the USDA, Natural Resources Conservation Service) and vegetation.*  
No increase in the discharge of pollutants is proposed (nutrients, bacteria, metals, or total suspended solids) from the site. The following represents information from the Mass DEP Stormwater Policy Volume 2, Table 1.2: Stormwater Pollutants, Sources, and Related Items.

Stormwater Pollutant	Sources	Site Specific Information
Nutrients Nitrogen & Phosphorous	Urban Runoff, Animal Waste, Fertilizers, Failing Septic System	No Urban Runoff, No Animal Waste proposed, No Fertilizers proposed within LPOD.
Bacteria	Urban Runoff, Animal Waste, Failing Septic System	No Urban Runoff, No Animal Waste proposed.
Metals	Industrial Processes, Automobile Pollutants, Metal Roofs	No Industrial processes proposed, Automobile pollutants low for single family house site, Non Metal roofs existing and proposed
Total Suspended Solids	Construction Sites, Other Disturbed and/or Non-Vegetated Lands, Eroding Banks, Road	Erosion and Sedimentation Controls are proposed prior to construction. All land to be stabilized upon completion of

	Sanding, Urban Runoff	work.
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Site plan has been developed to include all topography within the construction site; the soil limitations are based on NRCS web-soil mapping being Nellis loam.

### **6.5.9 Land Use and Development Standards All Buildings, Structures and Land Use Activities Shall Comply with the Following Standards:**

#### ***a. Development of Lots***

- *The minimum setback from the high-water mark for buildings and structures shall be one hundred (100) feet.*  
The existing building is setback from the mean high-water mark by approximately 85 feet to nearest building, the house; the proposed deck will be farther from the high-water mark.
- *The maximum lot coverage by buildings, structures and impermeable surfaces within the LPOD shall be fifteen (15) percent of the total lot area within the LPOD.*  
Building Lot coverage within the LPOD district is proposed to be 11.0%, less than the 15% allowed within the LPOD.
- *All driveway, parking and loading areas shall be constructed of permeable materials.*  
The driveway and parking area exist and lie outside the LPOD.

#### ***b. Erosion and Sedimentation Control***

- *Natural vegetation shall be maintained on at least seventy-five percent (75%) of the total lot area within the LPOD.*  
No change in vegetation coverage area is proposed.
- *Grading shall not result in the creation of slopes greater than twenty percent (20%) within the LPOD.*  
No change in grading is proposed.
- *Activities that result in slopes exceeding ten percent (10%) shall incorporate the use of staked straw bales, siltation fences, sedimentation basins and silt traps to control sedimentation and erosion during construction. Such practices shall be implemented within twenty-four (24) hours of clearing and excavation and shall be maintained until completion of all such activities.*  
Erosion and sedimentation control locations and details are shown on the plans. Erosion and sedimentation controls shall be placed prior to any construction activity on the site and shall be maintained until the site has stabilized and the Conservation Commission has authorized removal.
- *All activities shall be completed within 90 days from original clearing and excavation, except as otherwise authorized by the Building Inspector, in order to minimize exposure to sedimentation and erosion.*  
The project will be kept to the most efficient time frame possible. Disturbed areas shall be stabilized with cover within 90 days unless otherwise authorized. Erosion control measures

and maintenances are proposed and specified to stabilize the site. The sediment control barrier will function as a sediment trap and limit of work. There is no change in runoff from the proposed project.

- *In cleared areas surrounding the creation of new impermeable surfaces, temporary or permanent vegetative landscaping shall be employed within seven (7) days of initial clearing and excavation.*

Temporary and permanent vegetative landscaping will be employed within seven days as applicable.

- *Stockpiled soils or other erodible materials shall be securely covered and/or vegetated to avoid erosion and sedimentation during construction.*

Any stockpiling of soils will be temporary and will be covered with a tarp to avoid erosion and sedimentation

### ***c. Stormwater Management***

- *Upon completion of activities for which a special permit under Section 6.5 has been granted, stormwater runoff rates shall match pre-development (natural) conditions for the two-, twenty-five- and one-hundred- (2-, 25- and 100-) year events in each catchment area.* Post development Stormwater runoff rates match pre-development conditions. No change is proposed to grading or groundcover with the exception of one small post anchor.

- *Upon completion of activities for which a special permit under Section 6.5 has been granted, annual groundwater recharge rates shall match pre-development (natural) conditions to preserve groundwater supplies and to protect baseflow to downgradient streams, lakes and wetlands.*

Annual stormwater recharge rates will match post-development conditions in order to preserve groundwater supplies and to protect base flows. No change is proposed to natural conditions. One small post anchor shall not impact the flow of groundwater.

- *Upon completion of activities for which a special permit under Section 6.5 has been granted, additional stormwater recharge shall be provided in an amount equal to the total volume of consumptive uses of groundwater withdrawals, such as drinking water and irrigation, on the site.*

No groundwater withdrawal is proposed within the LPOD area. There is no irrigation proposed within the LPOD area. There are no proposed paved areas or metallic roof and therefore Stormwater treatment facilities are not applicable.

- *Stormwater treatment using bioretention areas, constructed wetlands or organic filters shall be provided for the first flush (one-inch) rainstorm from roads, other paved areas and metallic roofs prior to infiltration/recharge. Stormwater treatment facilities may be designed to include both static storage and dynamic infiltration (infiltration that occurs during the peak 2 hours of the design storm event).*

There are no proposed new roads, paving or metal roofing to contribute pollutants to stormwater. Erosion control is provided for. Proposed slopes will retain vegetative cover. Water rights will not be affected by the project.

- Pollutant loading shall be less than the following receiving water standards:

- a. Phosphorus 0.08 mg/liter

- b. Bacteria 200 colonies/100 milliliters

- c. Metals applicable federal and state drinking water standards

No pollutant loads containing Phosphorous, bacteria, or metals are proposed (see Table in Section 3.0 Zoning subsection 6.5.8).

#### ***d. Cutting***

- *Except as otherwise permitted by this subsection, no vegetation may be removed within thirty-five (35) feet extending inland from any point along the high-water mark. This area shall be maintained as an undisturbed natural buffer strip.*

No vegetation removal within the thirty-five (35) foot area inland from the high water mark is proposed.

- *For the purpose of water access, a contiguous clear-cut opening in the buffer strip, not to exceed thirty-five (35) feet in width or twenty percent (20%) of the lot's frontage along the water, whichever is less, shall be permitted. Such opening shall not be less than thirty (30) degrees from perpendicular to the water's edge*

No vegetation removal within the thirty-five (35) foot area inland from the high water mark is proposed is proposed.

#### **4.0 WETLAND RESOURCE AREAS**

The parcel contains wetland resource areas regulated under MGL Chapter 131 § 40, Wetlands Protection Act and Local Wetland Bylaws. A map showing the Floodplain of Stockbridge Bowl is also included with this submission. There will be no alteration to flood plain volumes within the area shown as 100-year flood plain per FEMA mapping. All proposed work is outside of wetland resource areas and is only within the buffer zone of the lake Bank. Natural Heritage and Endangered Species interests show as being within Stockbridge Bowl. No portion of the project is within the NHESP polygon. The project meets the performance standards of the Wetlands Protection Act.

Erosion control devices and practices shall be implemented to protect resource areas. This project, as designed, will not affect Stockbridge Bowl or wetland resource areas on the parcel. There will be no fill placed in the Floodplain of Stockbridge Bowl. A Request for Determination has been submitted to the Stockbridge Conservation Commission.

#### **5.0 SOILS AND DRAINAGE**

According to the U.S. Department of Agriculture, Web Soil Survey of Berkshire County, Massachusetts soils in this area are Nellis loam, 3 to 8 percent slopes, very stony.

#### **6.0 SEWAGE DISPOSAL**

The existing residence is served by town sewer.

#### **7.0 WATER SUPPLY**

The property is currently serviced by an existing drilled well located on the lot.

#### 8.0 OTHER UTILITIES

There is no proposed change to any existing utilities or new utilities being installed as part of this project.

#### 9.0 DRIVEWAY AND PARKING

An existing paved driveway serves the lot and a garage exists on site. Both are entirely outside of the LPOD, all Wetland Resource areas and buffer zones.

#### 10.0 SOLID WASTE

Domestic solid waste is disposed of in a legal manner by an independent hauler arranged by the owner.

#### 11.0 OPEN SPACE, LAND LEFT IN NATURAL STATE

Existing grades have been left undisturbed as much as possible. There is no proposed work from the lakeshore to 85 feet from the shore. All exposed soil areas will be loam, seeded then straw mulched. There is no proposed change to grades.

#### 12.0 ARCHITECTURAL ELEMENTS AND VISUAL IMPACT

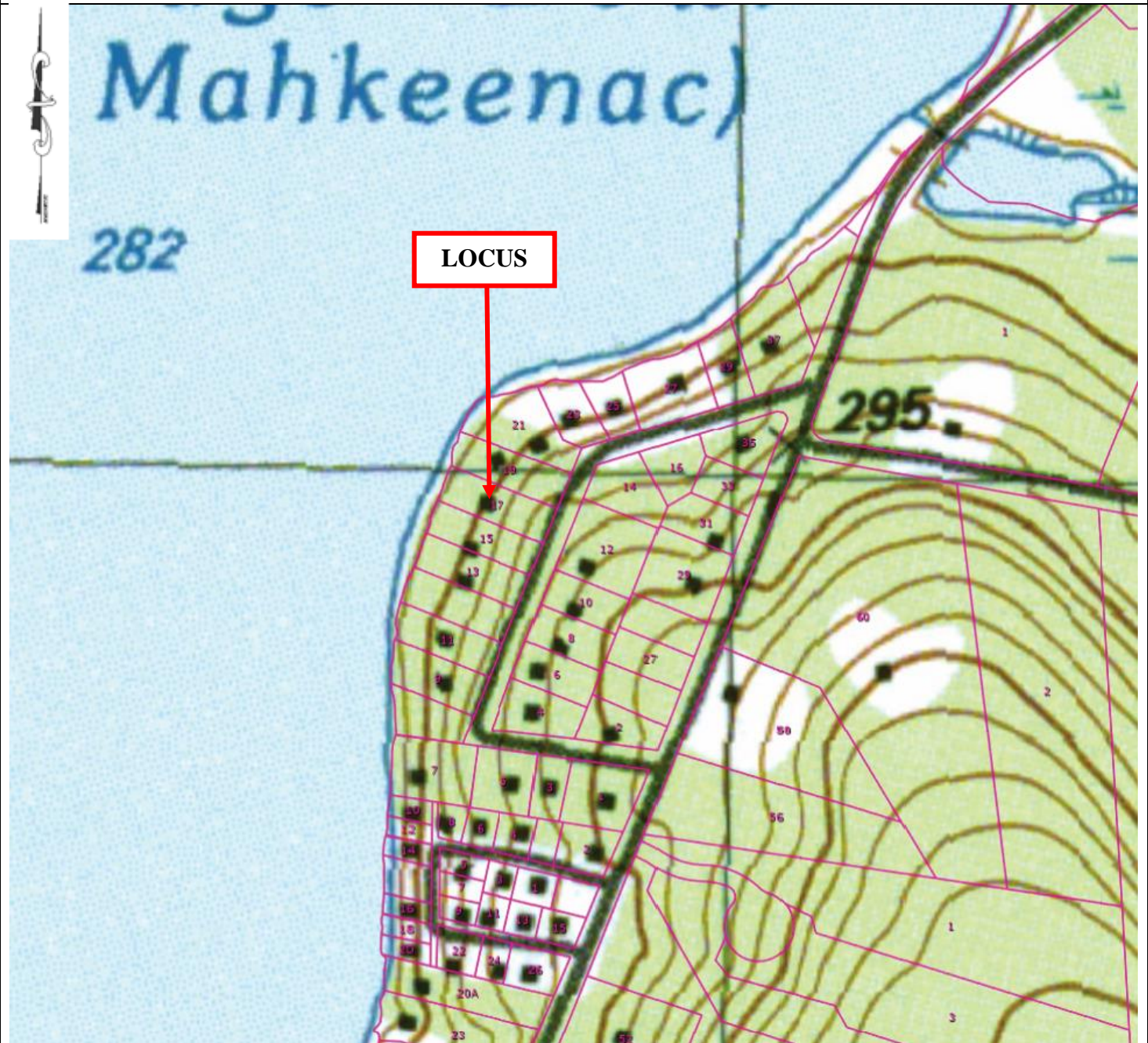
The small proposed deck fits with the existing structure and the neighborhood aesthetics.

#### 13.0 LANDSCAPING AND LIGHTING

No lighting (other than access lighting at the door leading to the deck for safety purposes) or landscaping are proposed. Fixtures shall be downlighting and shielded.



UNITED STATES GEOLOGICAL SURVEY MAP



N.T.S.

**FORESIGHT LAND SERVICES, INC.**  
ENGINEERING • SURVEYING • PLANNING  
1496 West Housatonic Street  
Pittsfield, MA 01201

**Figure 1**  
**USGS Stockbridge QUAD, 1987 ed.**  
Source MASSGIS

17 Mahkeenac Terrace  
Stockbridge, MA



USDA WEB SOIL SURVEY MAP



Map Unit Symbol	Map Unit Name
501B	Amenia silt loam, 3 to 8 percent slopes, very stony
505C	Nellis loam, 8 to 15 percent slopes
506B	Nellis loam, 3 to 8 percent slopes, very stony

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**Figure 2**  
**USDA Web Soil Survey Map**  
**Source:** USDA Natural Resources Conservation Service  
  
17 Mahkeenac Terrace  
Stockbridge, MA

PRIORITY HABITATS AND ESTIMATED HABITATS Effective August 1, 2021  
Priority Habitats for use with the MA Endangered Species Act Regulations (321 CMR 10)  
Estimated Habitats for use with the MA Wetland Protection Act Regulations (310 CMR 10)  
Produced by Natural Heritage & Endangered Species Program

*MA Division of Fisheries and Wildlife*



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**Figure 3**  
**Priority Habitat Map**  
Source MASSGIS

17 Mahkeenac Terrace  
Stockbridge, MA



# NATIONAL FLOOD INSURANCE PROGRAM



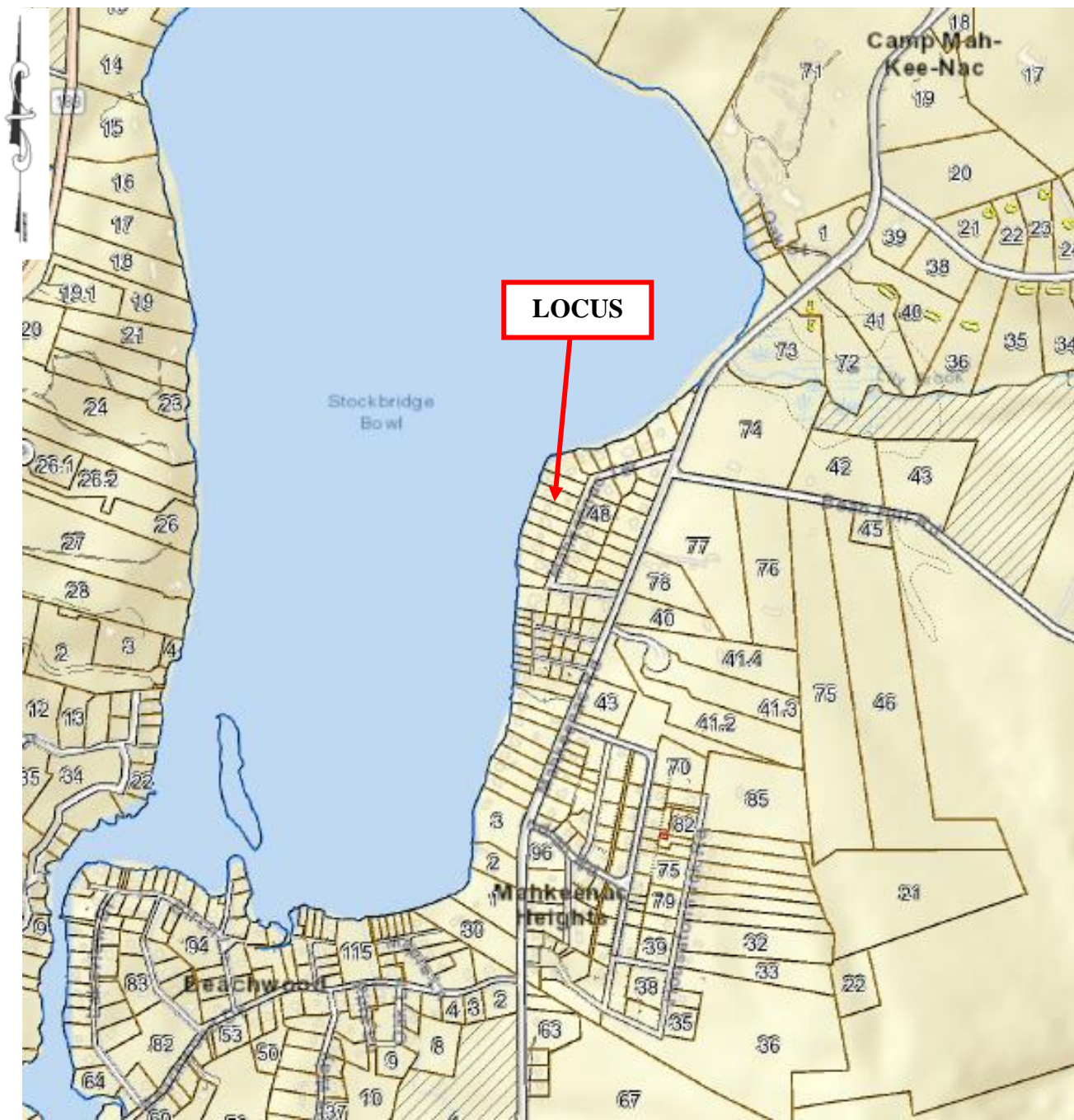
N.T.S.

**FORESIGHT LAND SERVICES, INC.**  
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Pittsfield, MA 01201

**Figure 4**  
**FEMA Flood Insurance Rate Map**  
Source MASSGIS

17 Mahekeenac Terrace  
Stockbridge, MA

## ASSESSOR'S MAP



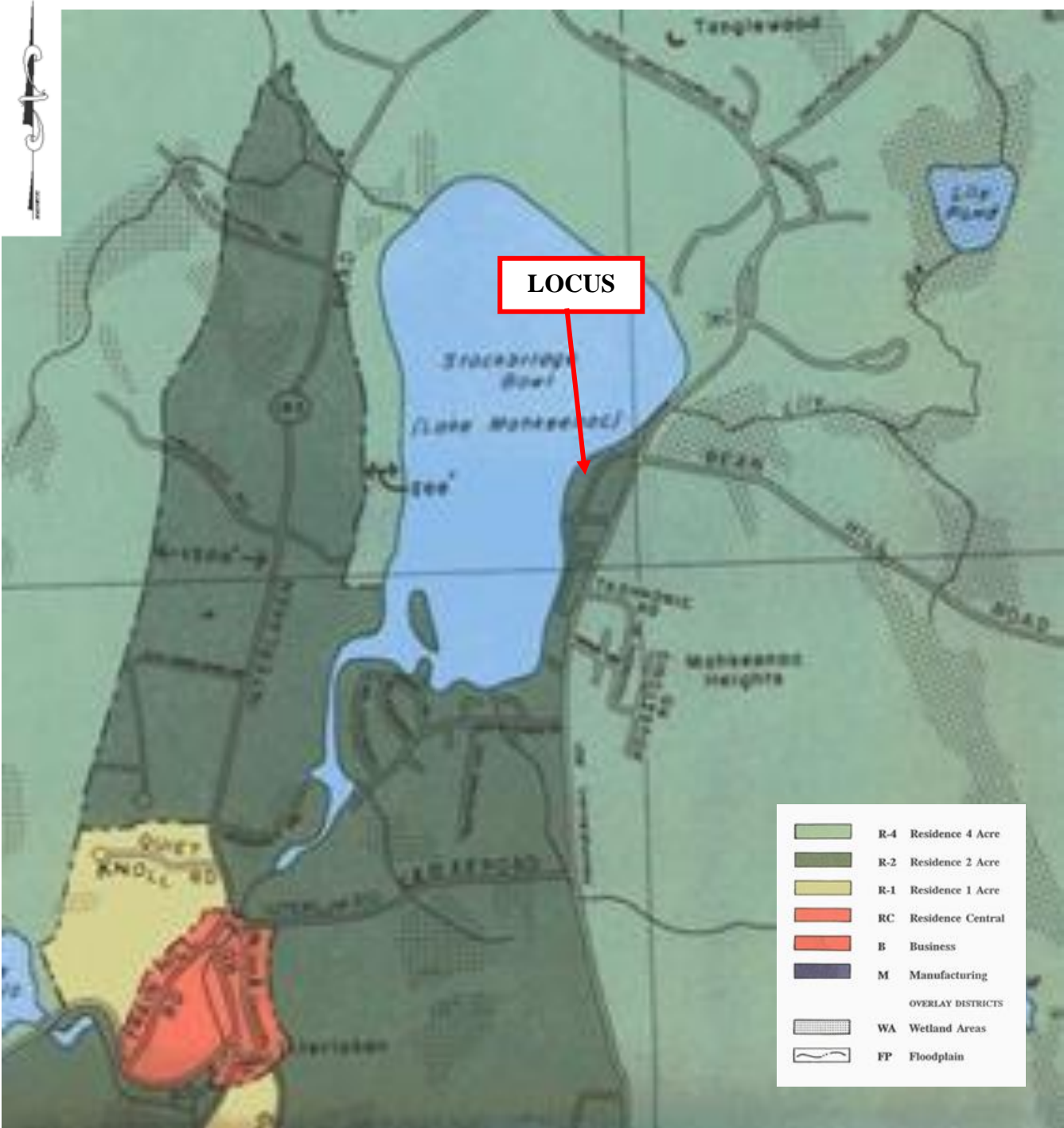
N.T.S.

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**Figure 5**  
**Stockbridge**  
**Map #205, Lot #38**  
**Source:** AxisGIS from Stockbridge Assessor's Site  
17 Mahkeenac Terrace  
Stockbridge, MA



ZONING MAP



N.T.S.

**FORESIGHT LAND SERVICES, INC.**  
ENGINEERING • SURVEYING • PLANNING  
1496 West Housatonic Street  
Pittsfield, MA 01201

**Figure 6**  
**Stockbridge Zoning Map**  
**Source:** Stockbridge Bylaws

17 Mahkeenac Terrace  
Stockbridge, MA



2021 00979182

Bk: 6938 Pg: 315 Doc: DEED  
 Page: 1 of 3 06/18/2021 11:48 AM

**KNOW ALL PERSONS BY THESE PRESENTS**

Locus: 17 Mahkeenac Terrace, Stockbridge, MA

**WESTON HICKS AND ANN HICKS**, a married couple, of Stockbridge, MA, for consideration paid of **THREE MILLION SIX HUNDRED THOUSAND (\$3,600,000.00) DOLLARS** grant to **DAVID EPSTEIN AND RUTH EPSTEIN**, Husband and Wife, as **TENANTS BY THE ENTIRETY**, and whose residential and post office address is 5516 Center Street, Chevy Chase, MD 20815, with **QUITCLAIM COVENANTS**, the property situated in the Town of Stockbridge, Berkshire County, Massachusetts, more particularly bounded and described as set forth in Schedule A attached and made a part hereof.

MASSACHUSETTS EXCISE TAX  
 Middle Berkshire ROD 001  
 Date: 06/18/2021 11:48 AM  
 Ctrl# 041307 09969 Doc# 00979182  
 Fee: \$16,416.00 Cons: \$3,600,000.00

## SCHEDULE A

The land in Stockbridge, Berkshire County, Massachusetts, bounded and described as follows:

Being lot numbered twelve (12) as shown on plan of Lake Mahkeenac Terrace, Stockbridge, Massachusetts, laid out by Mahkeenac Associates, Inc. July 8, 1952, A.J. Kohlhofer, Engineer, recorded in the Berkshire Middle District Registry of Deeds in Book 417-B, Page 145, together with all the right title and interest of the grantors in and to any land lying between the premises conveyed and low water mark of Lake Mahkeenac.

Said premises are subject to the easements and restrictions, insofar as the same are now in force and applicable with all of the rights and privileges contained in deed of Stanton J. McCroary, et ux, dated March 4, 1963, and recorded in Berkshire Middle District Registry of Deeds, Book 758, Page 434.

Subject to a Special Permit to Weston Hicks and Ann Hicks dated February 26, 2014 and recorded in said Registry in Book 5365, Page 216 on April 18, 2014.

As per M.G.L. c188 §13, the Grantors, under oath and subject to the pains and penalties of perjury, do hereby depose, state and certify that: (i) we release all rights of Homestead in the subject realty, (ii) that no spouse, no non-owner spouse, former spouse, or any other person resides in the home, and (iii) at the time of delivery of this deed, no spouse, former spouse, or any other person is entitled to claim the benefit of an existing estate of homestead.

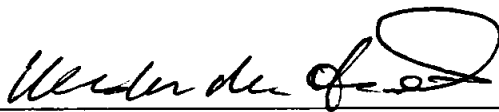
Being the same premises conveyed to Weston Hicks and Ann Hicks by deed of Robert A. Yawitt and Phyllis S. Yawitt dated December 19, 2012 and recorded in the Berkshire Middle District Registry of Deeds at Book 5108, Page 60 on December 24, 2012.

This conveyance creates no new boundaries.

Real estate taxes for the current fiscal year have been apportioned between the parties hereto as of the date of delivery of this deed.



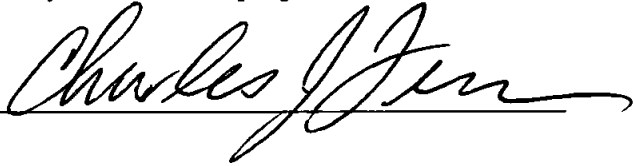
Witness our hands and seals this 2<sup>nd</sup> day of June, 2021.

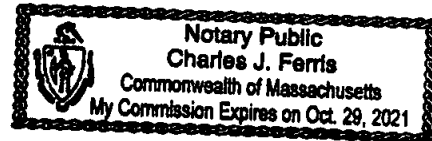
  
\_\_\_\_\_  
Weston Hicks

  
\_\_\_\_\_  
Ann Hicks

COMMONWEALTH OF MASSACHUSETTS  
BERKSHIRE, ss

On this 2<sup>d</sup> day of June, 2021, before me, the undersigned notary public, personally appeared, **Weston Hicks and Ann Hicks**, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

  
\_\_\_\_\_





Steven A. Mack, P.E.\*  
Marc S. Volk  
Marc A. Levassuer

**Exhibit B**  
Estimated Construction Schedule & Sequence  
Epstein Project  
17 Mahkeenac Terrace  
Stockbridge, MA 01262

Start Date: October 2023  
Deck Construction and Related Work

Phase	Activity	Approximate Time (Cumulative Days)
1	Mobilization, Erosion Control	2 Days (2)
2	Post foundation, Remove Siding	3 Days (5)
3	Framing	3 Days (8)
-	Decking	2 Days (10)
4	Railings	2 Days (12)
	Touch up siding, Painting	2 Days (14)
5	Seeding as Necessary	1 Day (15)

**Total Time:** 3 Weeks

**EXHIBIT C**  
**GENERAL CONDITIONS:**  
*Construction-Phase Measures For*  
*Control of Sediment and Erosion And*  
*Protection of Wetlands*

1. Do not disturb existing vegetated areas far in advance of construction. Limit disturbance only to the extent and duration required for imminent construction activities. Retain and protect natural vegetation and vegetative filter strips wherever possible.
2. Temporary vegetation or a heavy mat of wood chips shall be established on all earth stockpiles or stripped areas which will be bare for more than two months and less than 12 months. Such vegetation shall consist of a commercial conservation seed mixture with a high percentage of annual rye grass. Permanent herbaceous cover shall be established on areas which would be bare more than 12 months.
3. A heavy mat of straw mulch, wood chips, erosion control netting, mesh or blanket matting shall be used on disturbed areas if vegetation cannot be established due to season or on-going construction process, or if otherwise required.
4. Silt fence or carefully positioned staked straw bales shall be installed along the downhill edge of disturbed earthwork areas where required to control erosion and sedimentation.
5. Water courses, including intermittent drainage swales, shall be protected from siltation by silt fence barriers or carefully positioned staked straw bale check dams.
6. Sediment traps shall be constructed downhill of disturbed areas and upstream of watercourses and/or wetlands. Trapped sediments shall be removed from the basins during the construction period before they become 50% full to prevent sediment from being transported downhill. Dispose of sediments in on-site upland disposal areas, properly graded, seeded and mulched.
7. Permanent drainage control structures shall be installed as early as possible in the construction process. Drains shall be provided with drain inlet sediment filters and/or traps.
8. Do not fuel construction equipment or store fuel or other potential contaminants within 100 feet of water courses or wetlands.
9. Precast concrete shall be washed down at the manufacturer's plant. Cast-in-place concrete within 100 feet of watercourses/wetlands shall be placed so as to minimize runoff of stormwater from fresh concrete, through use of sumps, diversions, etc. Concrete trucks and equipment contaminated with fresh concrete shall not be washed down within 100 feet of wetlands.
10. An adequate stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair silt fences, straw bales, stone-riprap filter dikes or any other devices planned for use during construction.
11. The areas of construction should remain in a stable condition at the close of each construction day. Erosion controls shall be inspected at this time, and maintained or reinforced if necessary.
12. Strictly adhere to all general and special conditions of any Wetlands Protection Act Permits, including plans, details, construction sequencing outline, and other applicable requirements.



# Property Card: 17 MAHKEENAC TR

Town of Stockbridge, MA

## Parcel Information

<b>Parcel ID:</b> 205-038-000-000 <b>Vision ID:</b> 707 <b>Owner:</b> EPSTEIN DAVID & RUTH <b>Co-Owner:</b> <b>Mailing Address:</b> 5516 CENTER ST  CHEVY CHASE, MD 20815	<b>Map:</b> 205 <b>Lot:</b> 38 <b>Use Description:</b> SFR WATER <b>Zone:</b> R2 <b>Land Area in Acres:</b> 0.59
Sale History	Assessed Value
<b>Book/Page:</b> 6938/315 <b>Sale Date:</b> 6/18/2021 <b>Sale Price:</b> \$3,600,000	<b>Land:</b> \$1,046,100 <b>Buildings:</b> \$657,400 <b>Extra Bldg Features:</b> \$0 <b>Outbuildings:</b> \$7,000 <b>Total:</b> \$1,710,500

## Building Details: Building # 1



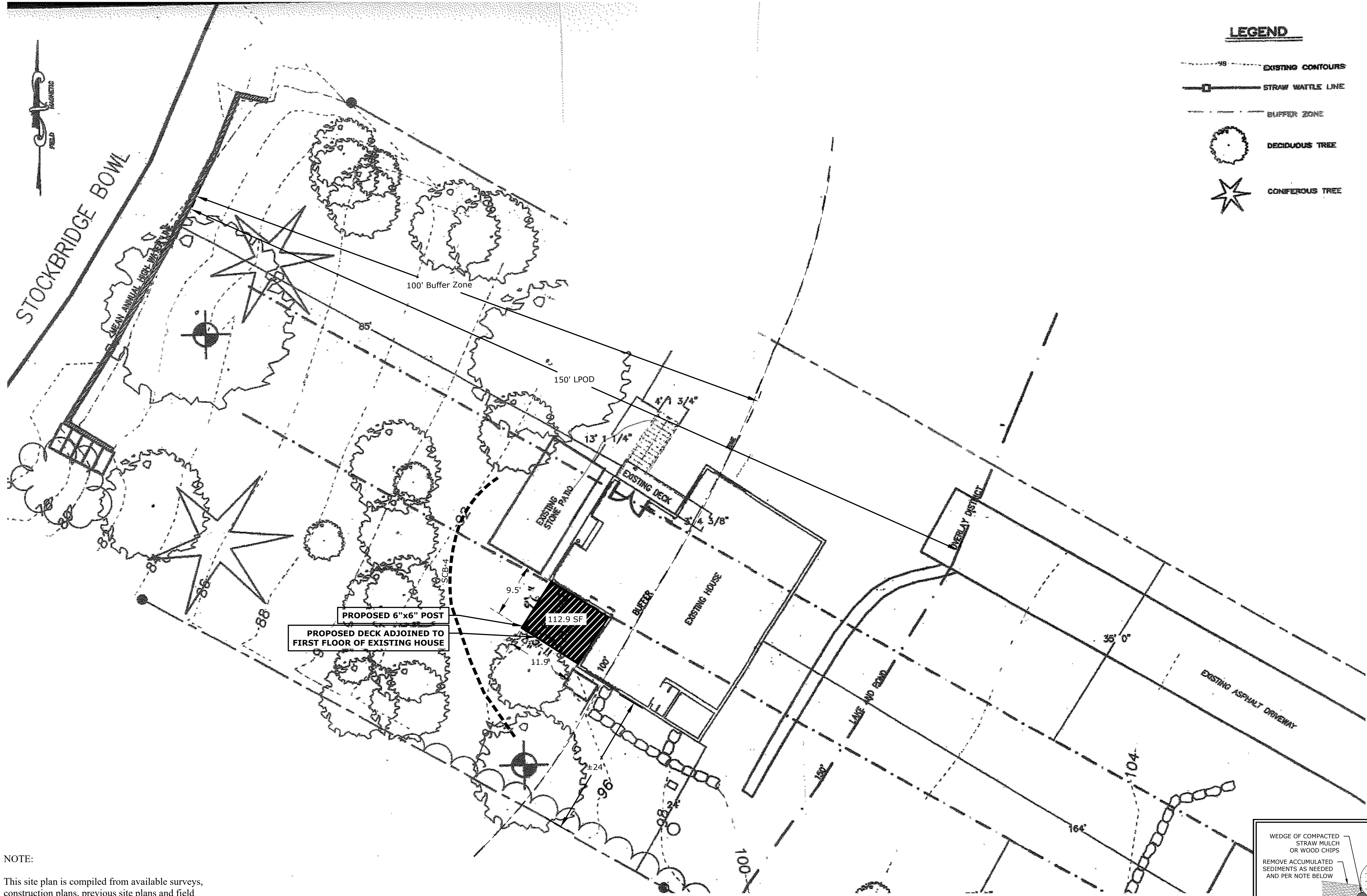
<b>Model:</b> Residential <b>Living Area:</b> 2480 <b>Appr. Year Built:</b> <b>Style:</b> Colonial <b>Stories:</b> 2 <b>Occupancy:</b> <b>No. Total Rooms:</b> 5 <b>No. Bedrooms:</b> 3 <b>No. Baths:</b> 3 <b>No. Half Baths:</b> 1	<b>Int Wall Desc 1:</b> Drywall/Sheet <b>Int Wall Desc 2:</b> <b>Ext Wall Desc 1:</b> Wood Shingle <b>Ext Wall Desc 2:</b> <b>Roof Cover:</b> Asph/F GlS/Cmp <b>Roof Structure:</b> Gable/Hip <b>Heat Type:</b> Forced Air-Duc <b>Heat Fuel:</b> Gas <b>A/C Type:</b> Central
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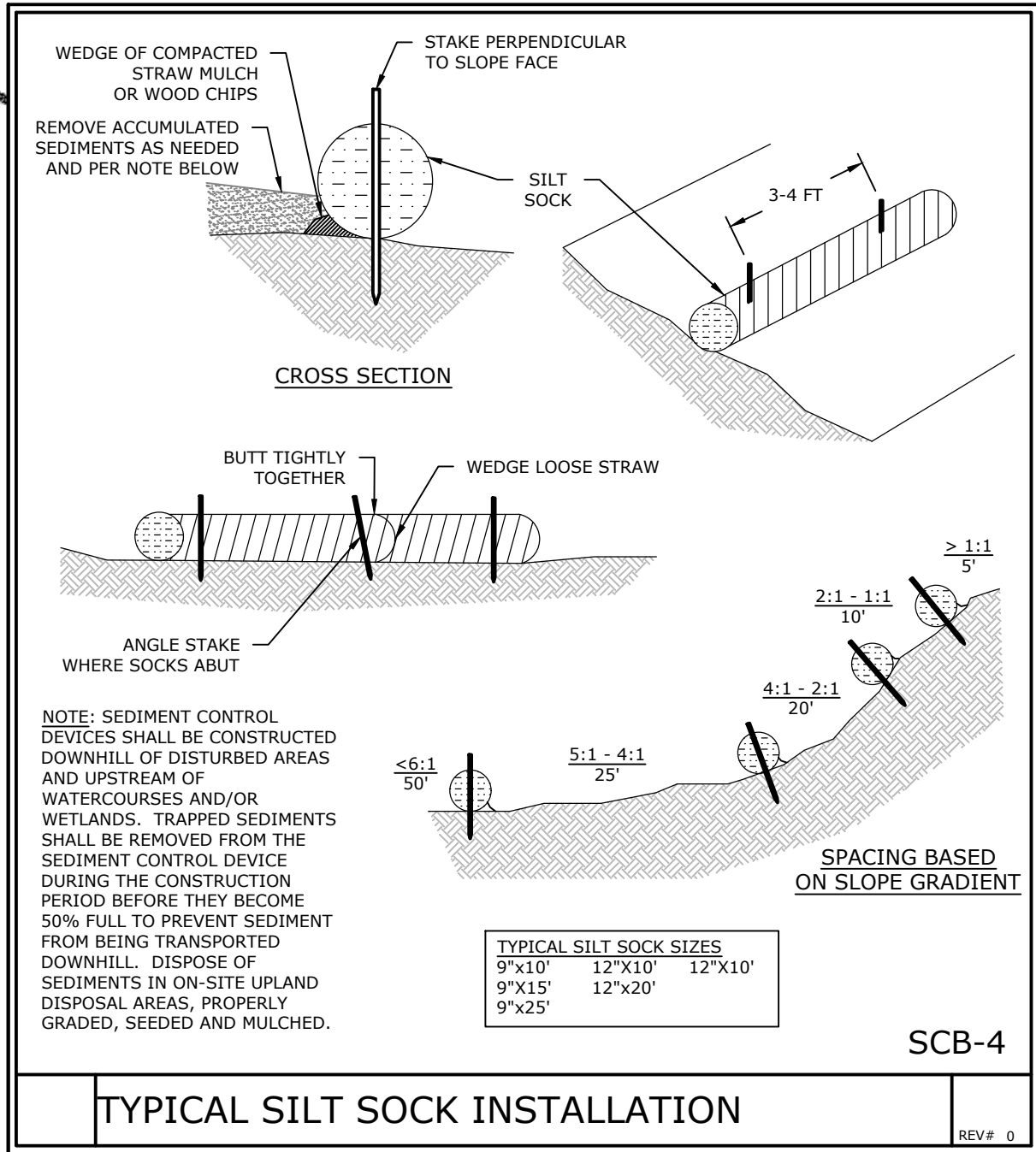
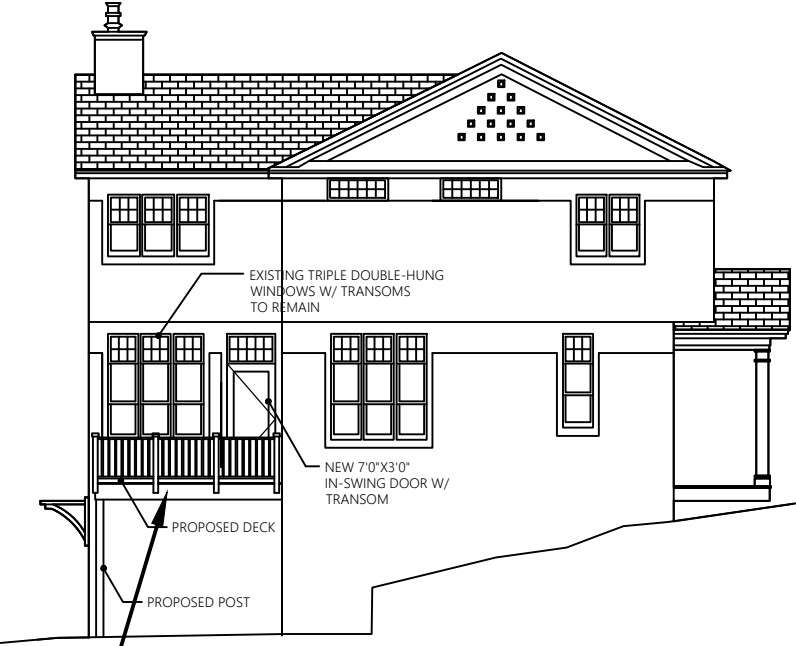
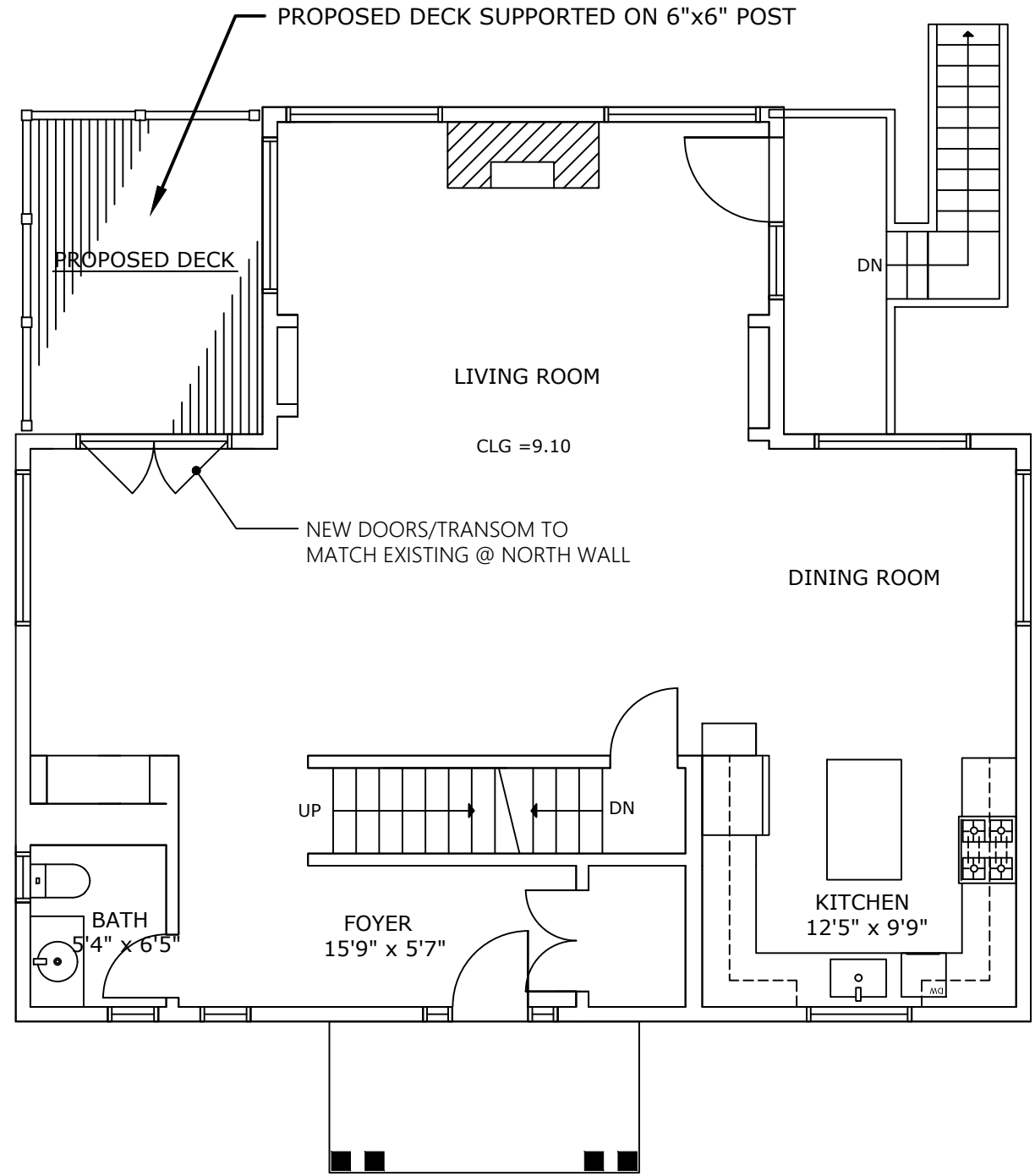
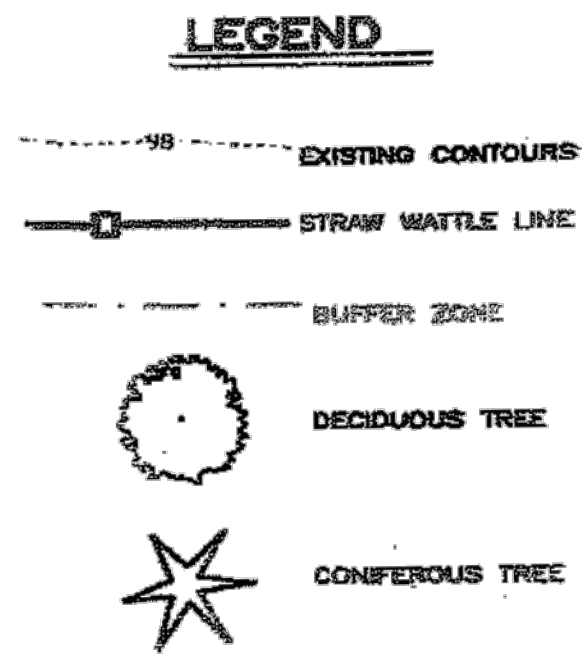
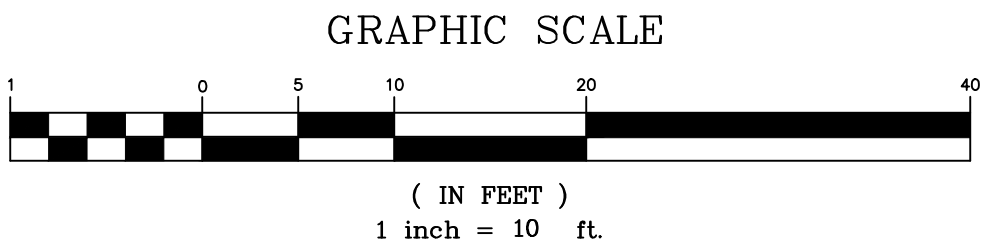
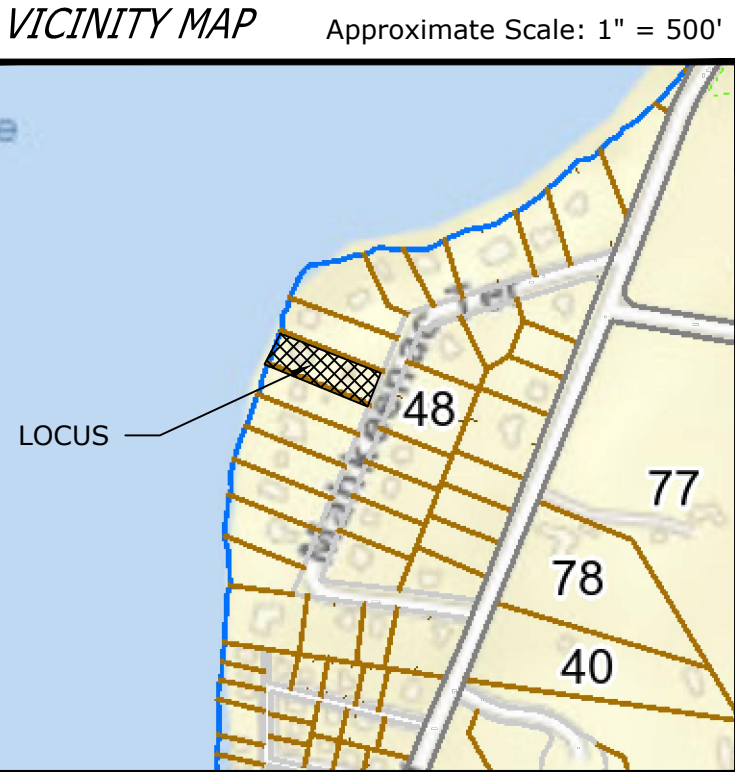
[www.cai-tech.com](http://www.cai-tech.com)

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.



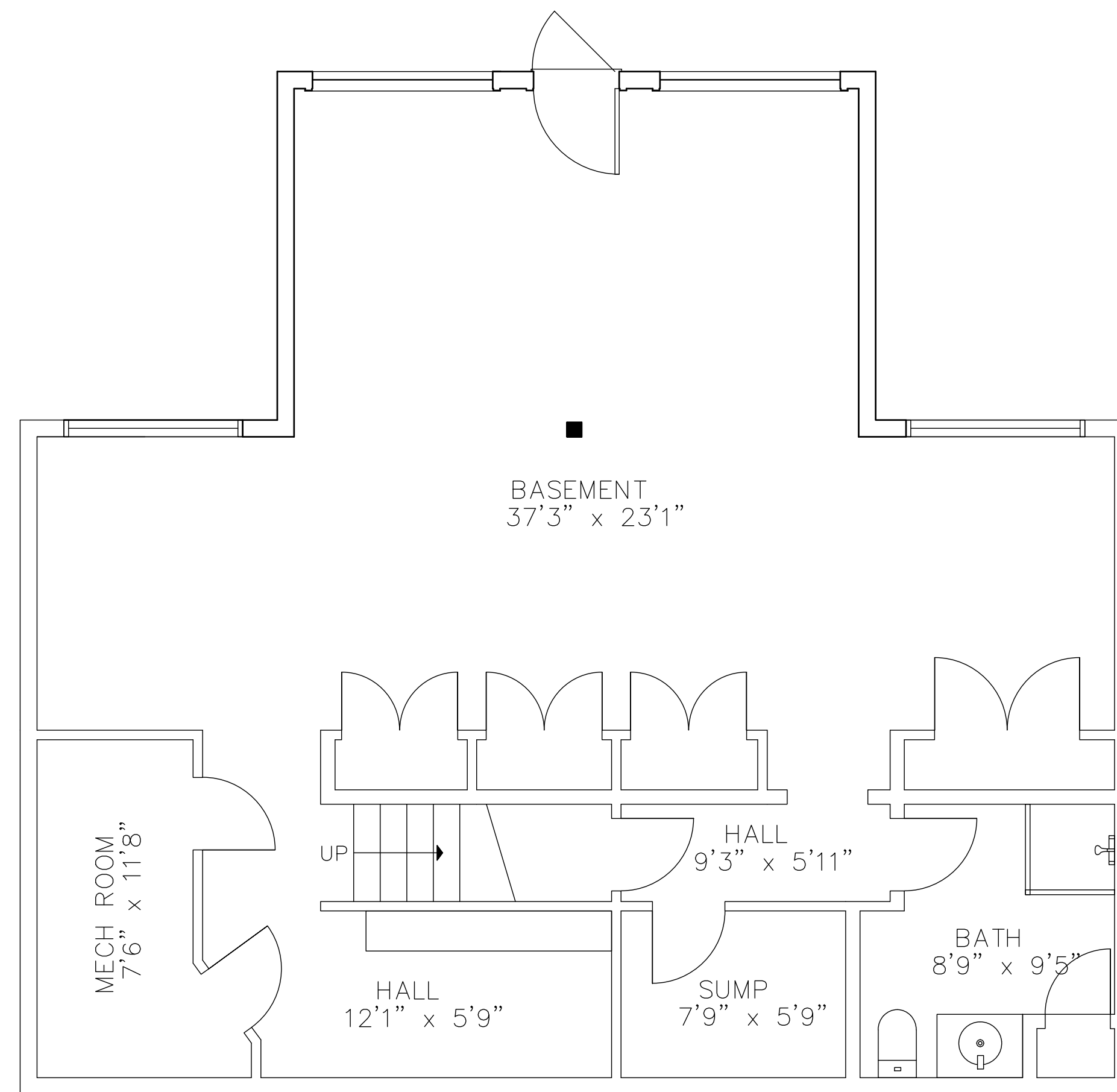


NOTE:  
This site plan is compiled from available surveys, construction plans, previous site plans and field observations and is not represented as being exact or complete. Site plan is for use with zoning & wetland permit applications only. Not for use in conveyancing.

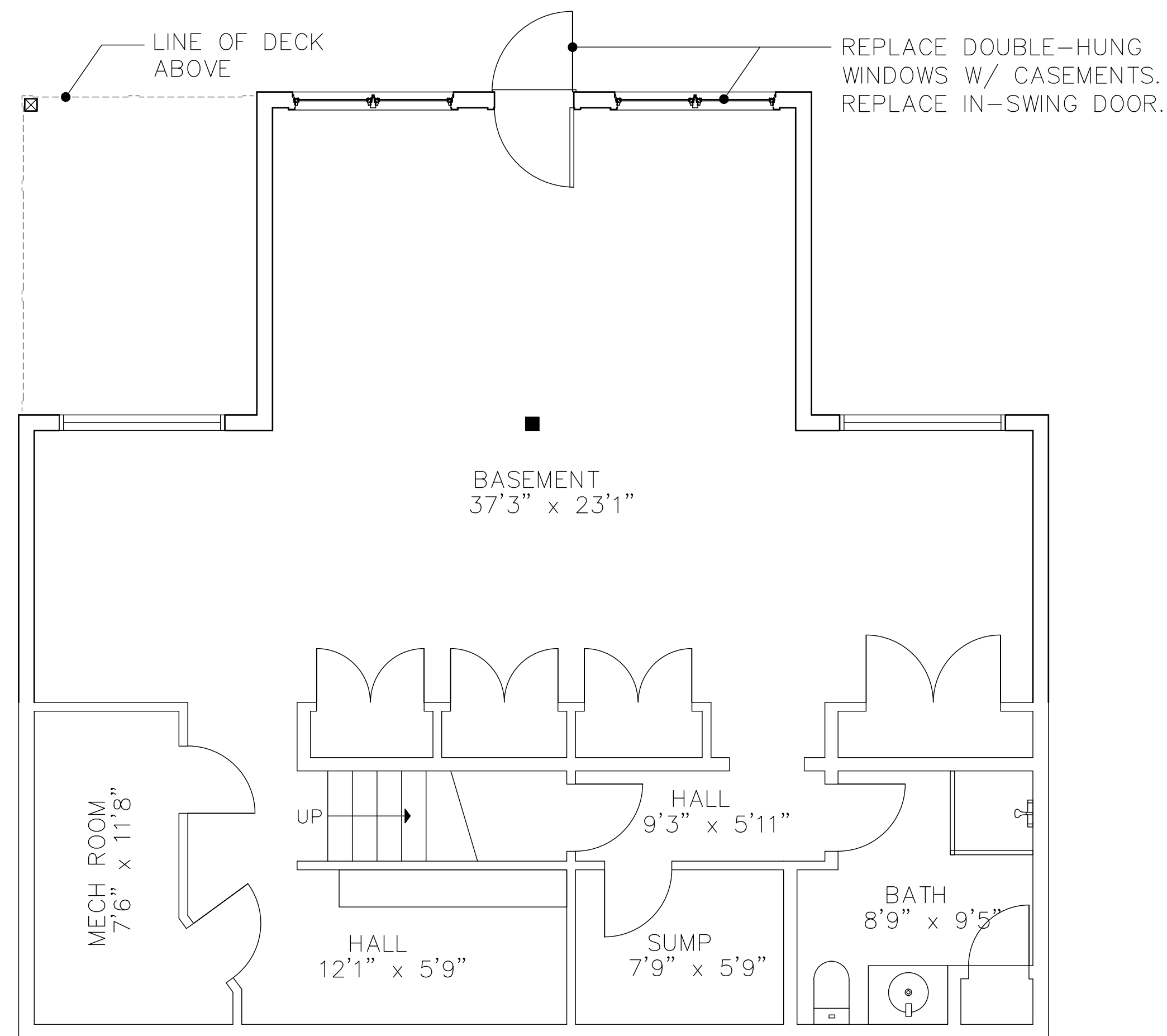


9-25-23	ISSUED FOR SPECIAL PERMIT	BGS
NO.	DATE	BY
PROJECT TITLE	PROPOSED DECK Site Plan	PROJECT NO. E3171
PROJECT TITLE	David & Ruth Epstein 17 Mahkeenac Terrace Stockbridge, MA.	SCALE AS NOTED
DATE	8/29/23	DATE
DESIGNED BY	MSV	DRAWN BY
CHECKED BY	BGS	CHECKED BY
SHEET NO.	SP-1	SHEET NO.
OF SHEETS	1	OF SHEETS
FORESIGHT LAND SERVICES	ENGINEERING SURVEYING PLANNING	FORESIGHT LAND SERVICES, INC.
1496 WEST HOUSATONIC STREET - PITTSFIELD, MA 01201	TEL (413) 499-1560 FAX (413) 499-3307 WWW.FORESIGHTLAND.COM	

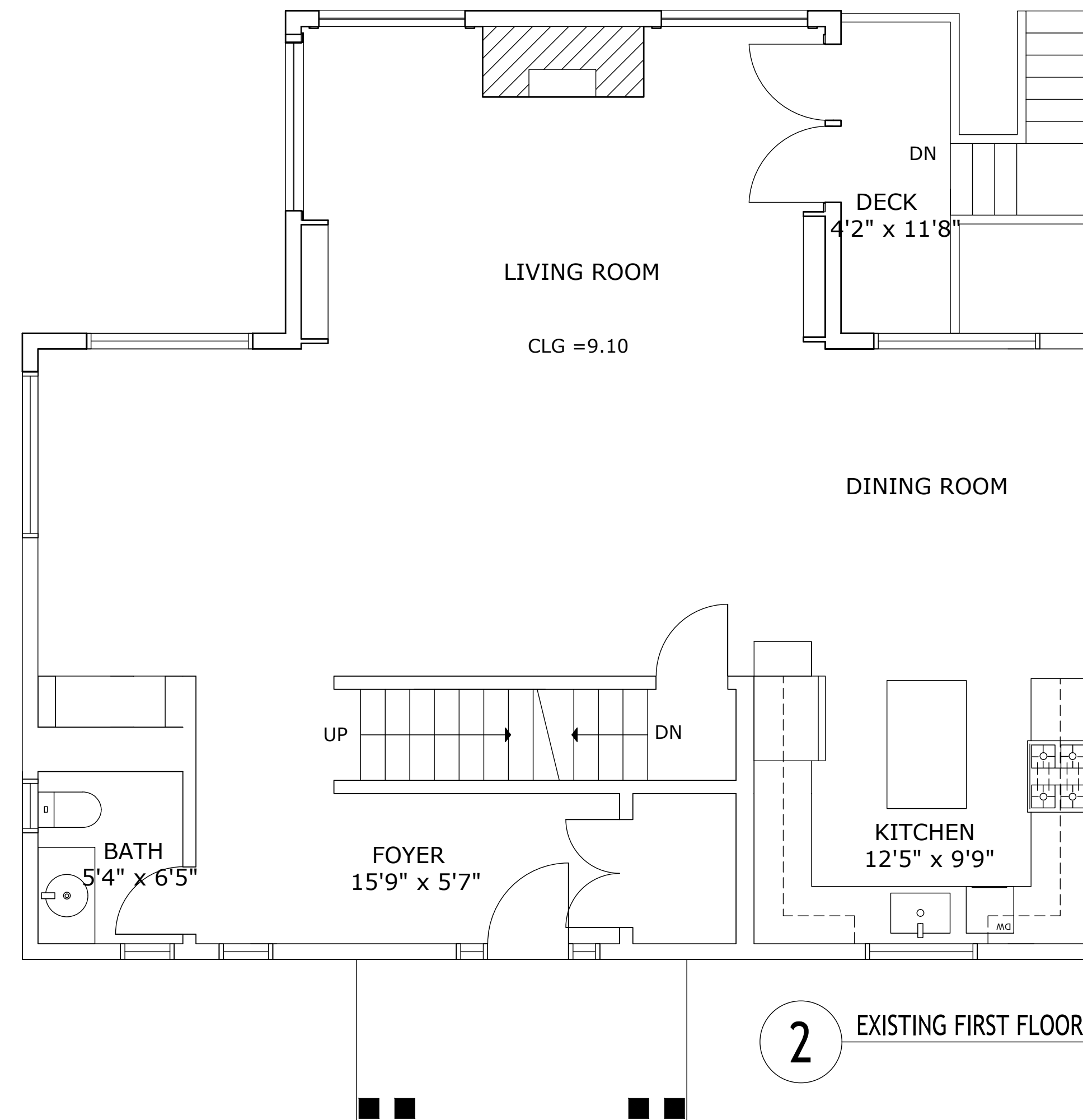




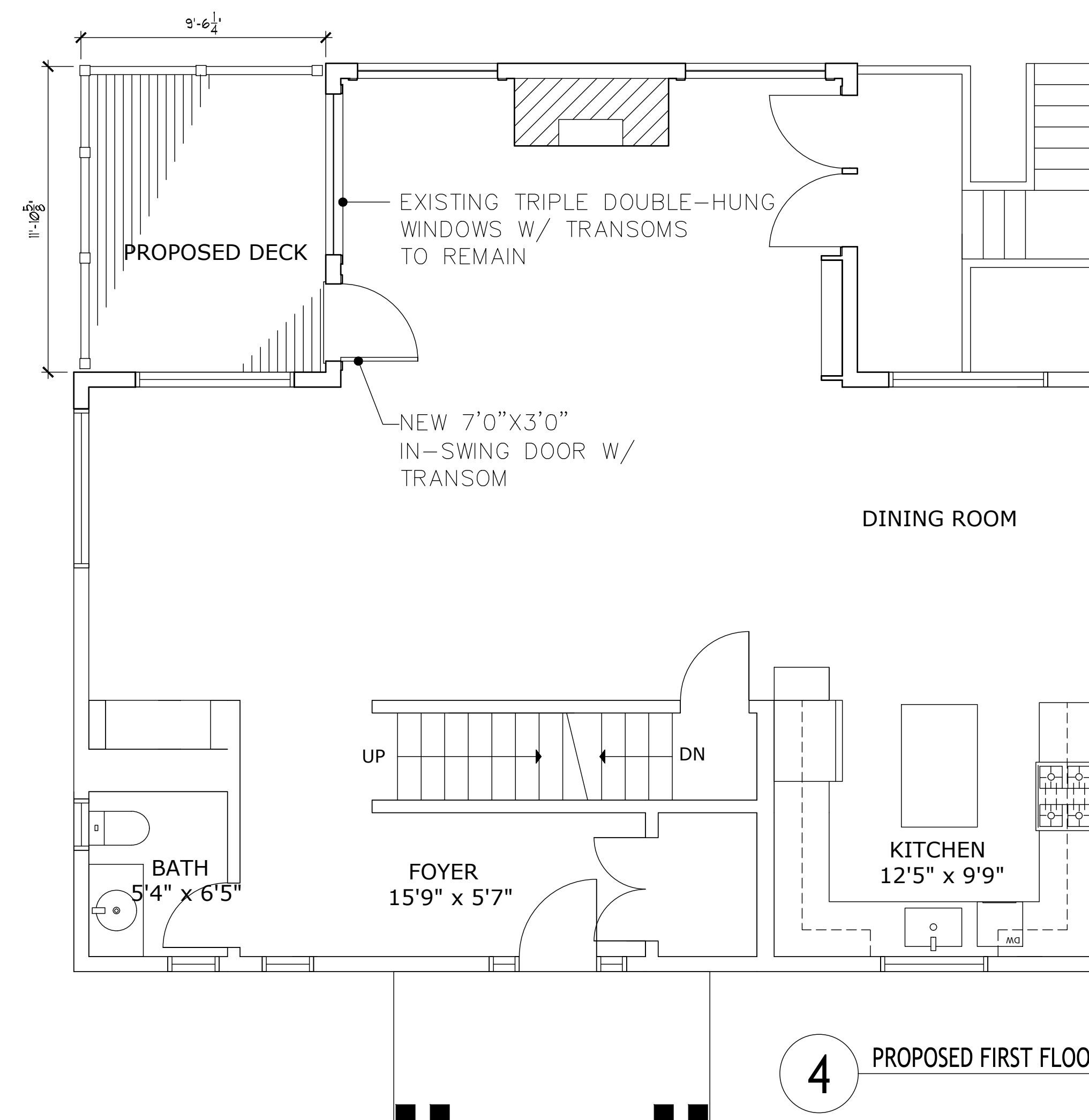
**1** EXISTING BASEMENT FLOOR PLAN 1/4" = 1'-0"



3 PROPOSED BASEMENT FLOOR PLAN - OPTION A



2 EXISTING FIRST FLOOR PLAN 1/4" = 1'-0"



4 PROPOSED FIRST FLOOR PLAN - OPTION A 1/4" = 1'-0"

## EPSTEIN RESIDENCE

17 MAHKEENAC TERRACE  
STOCKBRIDGE, MA 01262

For Review ONLY

[illegible]

**Drawing Title:**

**EXISTING & PROPOSED  
FLOOR PLANS**

Seal & Signature:	Scale: _____
	Date: _____
	Drawn By: _____
	Check By: _____
	_____

OPT. A

