

Town of Stockbridge  
Special Permit Application

**Fee: \$300**

Application is hereby made to the Planning Board by:

Applicant (name): Steven Averbuch and Rachel Rivest

Applicant Signature: Steven Averbuch - Rachel Rivest

Applicant Mailing Address: 24 Andrews Lane, Princeton, NJ 08540

On the 11th day of July 2022 for property shown on the Stockbridge

Assessors Map # 101, Lot # 27 Book 6953, Page 48

Owner of property: Steven Averbuch and Rachel Rivest

Owner's signature: Steven Averbuch - Rachel Rivest

Address of property: 36 Lake Drive

Mailing Address: 24 Andrews Lane, Princeton, NJ 08540

Description of property: 0.28 Acre parcel developed with single family house

Present use of property: Residential

Project Description: Construction of two small additions, new septic system and dock

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

Attach six sets of scale drawings with measurements showing the existing conditions and proposed changes. Also attach six plot plans showing the locations of all structures and buildings with scaled measurements to all lot lines and between all structures, along with a total of five copies of this application.

All applications must be 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.

**APPLICANT: STEVEN AVERBUCH AND RACHEL RIVEST**

**SPECIAL PERMIT  
LAKE AND POND OVERLAY DISTRICT**

**CONSTRUCTION OF TWO ADDITIONS  
TO SINGLE FAMILY HOUSE AND SITE WORK**

**36 LAKE DRIVE  
STOCKBRIDGE, MA 01262**

**JULY 2022**



**WHITE ENGINEERING, INC.  
55 S. MERRIAM STREET  
PITTSFIELD, MA 01201  
(PH) 413-443-8011  
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## *Lake and Pond Overlay District Checklist*

Date: July 11, 2022

Name of Applicant: Steven Averbuch and Rachel Rivest

Address: 24 Andrews Lane Princeton, NJ 08540

Property Affected: 36 Lake Drive, Stockbridge, MA 01262

(To be filled out by applicant)

1. How far from the mean high water mark is the existing structure? 15'
2. Is the existing structure, lot, etc. nonconforming in any manner other than being within the LPOD? Yes X No      Explain. Structure encroaches on front yard setback, required is 40-ft, existing is 23-ft proposed is 25-ft, Lot is 13,442 SF in size, required is 87,120 SF, Frontage is 177 ft required is 250 ft
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 X No
5. What is the lot coverage of the existing structure(s)? 9.4% Under the proposed plan? 9.9%
6. Cutting in the LPOD
  - a. Is cutting of live vegetation being done within 35' of the mean high water mark? Yes X No
  - b. Is an alternative cutting plan being proposed? Yes X No       
If so, is a description of natural shrubbery and replacement plantings, if required, included? Yes X No
7. Excavation in the LPOD
  - a. Are any changes being made to roads/driveways? Yes X No
  - b. Any removal of soil? Yes X No
  - c. Any demolition being done? Yes X No

(continued on other side)

(To be filled out by Planning Board.)

8. Does the application/plan include:

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

9. What is the Conservation Commission's opinion? \_\_\_\_\_

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## 1.0 PROJECT SCOPE

The applicants, Steven Averbuch and Rachel Rivest , proposes to demolish a portion of an existing house built in 1960, and construct two small additions, seasonal dock and new septic system on property located at 36 Lake Drive.

## 2.0 EXISTING CONDITIONS

The subject of this application is a 0.28 acre property on the southwest shore of Stockbridge Bowl. The site is served by a drilled well. A new on-site septic system will be constructed.

## 3.0 WETLAND RESOURCE AREAS

Wetland resource areas associated with Stockbridge Bowl in the vicinity of property are Land Under Water Body 10.56 (LUWB), Bank 10.54, and Bordering Vegetated Wetland 10.5S(BVW) associated with Stockbridge Bowl and an intermittent stream. A Notice of Intent has been submitted to the Stockbridge Conservation Commission for work within areas subject to protection under the Wetlands Protection Act and Town of Stockbridge Wetland Bylaw. An Order of Conditions has been issued.

According to the current Natural Heritage & Endangered Species Program (NHESP) mapping, the work area is located within an area of Estimated Habitat of Rare Wildlife and an area of Priority Habitat of Rare Species (PHI 300). There are no Certified or Potential Vernal Pools within the vicinity of the project. NHESP has reviewed the project and had no concerns of a prohibited take.

According to FEMA Firm Panel 250042 0005B, the property is not located within the 100-year or 500-year floodplain.

The property is not within an Area of Critical Environmental Concern (ACEC).

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.

## 4.0 ZONING

The parcel fronts on Lake Drive within the R-2 Residence zones

### **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 structure is within the 150-foot LPOD of Stockbridge with the closest point being 15' from Stockbridge Bowl. The project has been designed to ensure the proposed additions are no closer to Stockbridge Bowl. The side setbacks are met and the front setback is increased from 23-ft to 25-ft.

To accommodate the proposed additions the applicant proposes a tree re-planting plan, wetland restoration plan and stormwater management.

The applicant proposes a new floating dock near the southeast corner of the house. The current dock and platform will be removed and the wetland restored. The dock has been configured to comply with the Stockbridge Zoning Bylaw requirements of a maximum length of 25' beyond the high water line and 200 square foot area

### **Purpose**

The proposed project's purpose is create a utility room and to revamp the entryway to a water tight area. A new septic system will be installed northeast of the house with grading to create a smooth lawn area. The platform at the waters edge will be removed and restored to wetland. The floating dock will be relocated and an aggressive replanting plan has been produced.

#### **6.5.1 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 project is within the LPOD as it lies within the 150' setback to Stockbridge Bowl.

#### **6.5.2 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.

#### **6.5.3 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 project is within the LPOD and requires a permit from the Planning Board.

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 exemption of the requirement for a Special Permit.

#### **6.5.4 Prohibited Activities**

*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*

Waste water discharge is approved by board of health. No other pollutants proposed to be used on site.

- *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 wetlands will be restored in the area of the platform and will also be enhanced by the removal of invasive shrubs and replacement with native plantings.. Soils and rock from the septic system excavation not used for backfill, landscaping or driveway realignment will be hauled off site.

#### **6.5.5 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 will have no adverse impact on the environment utilizing the construction period erosion and sedimentation controls and construction practices identified in the enclosed Stormwater Pollution Prevention Plan (SWPPP). Long term stormwater management requirements are met with details of the stormwater management system identified in the attached Stormwater Report.

#### **6.5.6 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.

#### **6.5.7 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;*

The enclosed site plan set prepared by SK Design Group Inc. prepared for Averbuch and Rivest Residence with drawing revision date of May 10, 2022 and Proposed Planting Plan for Steven Averbuch and Rachel Rivest by White Engineering Inc revision date May 20, 2022.

- *Boundaries of the property plotted to scale;*

Surveyed boundaries of property are shown, to scale, on the site plan based on the survey prepared by Taconic Land Consultants for 38 Lake Drive with a boundary agreement between the two parties for the shared line.

- *Existing watercourses;*

The existing watercourse, and intermittent stream Stockbridge Bowl, are shown on the plan.

- *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;*

The enclosed plan set shows existing and proposed topography associated with the proposed additions, septic and grading.

- *The location, design, and construction materials of all driveway, parking and loading*



areas;

The area of driveway reconfiguration to accommodate the septic tanks is shown on the attached drawing.

*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 is being sought;*

The work area is a single catchment with Stockbridge Bowl being the receiving water.

*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

The stormwater infiltration rates using the LPOD table for Sandy Loam soils group B Design Infiltration Rate of 1.02 Inches/Hour.

- *Plans and specifications for soil erosion and sedimentation control measures*  
Erosion control measures are shown on the attached plans. Silt fence will be used throughout the entire site. Specification for soil stockpiles to be tarped are included in the SWPPP.
- *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;*
  1. September 2022- Begin tree work
  2. September 2022- Begin demolition and Construction
  3. October 2022- Install Septic System and driveway
  4. October 2022 or May 2023- Implement planting plan-

*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 .

<b>Stormwater Pollutant</b>	<b>Sources</b>	<b>Site Specific Information</b>
Nutrients (Nitrogen & Phosphorus)	Urban Runoff, Animal Waste, Fertilizers, Failing Septic System	No Urban Runoff, No Animal Waste proposed, No Fertilizers proposed within LPOD Replacing Failed Septic System
Bacteria	Urban Runoff, Animal Waste, Failing Septic System	No Urban Runoff, No Animal Waste proposed. Replacing Failed Septic System
Metals	Industrial Processes, Automobile Pollutants Metal Roofs	No Industrial processes, Automobile Pollutants low for single family house site. Any metal roof to be coated first
Total Suspended Solids	Construction Sites, Other Disturbed and/or Non-Vegetated Lands, Eroding Banks, Road Sanding, Urban Runoff	Erosion and Sedimentation Controls as proposed prior to construction. All lands to be stabilized upon completion of work.

The proposed site plan set as well as the SWPPP ensure that there will be no increase in the pollutants identified in the chart referenced in Mass DEP Stormwater Policy Volume 2, Table 1.2: Stormwater Pollutants, Sources, and Related Items.

**6.5.8 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 100 feet.*

Existing house is 15 feet from the high water mark with the proposed house is no closer than 15 feet to Stockbridge Bowl.

- *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.*

Lot coverage is 9.9% of the LPOD area.

- *All driveways, parking and loading areas shall be constructed of permeable materials.*

Existing driveway is gravel. Driveway expansion to be gravel.

**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.*

Upon completion of the proposed project including the proposed tree replacement and construction of the rain gardens the property will have at least 75% natural vegetation within the LPOD.

- *Grading shall not result in the creation of slopes greater than twenty percent (20%) within the LPOD.*

The project as proposed does not create any new slopes exceeding 20%.

- *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.*

An erosion and sediment control plan has been proposed on the site plans as well as the enclosed SWPPP.

- *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.*

Disturbed areas shall be stabilized with cover within 90 days unless otherwise authorized. Erosion control measures will be maintained until project completion and not removed until authorized by the

Stockbridge Conservation Commission.

- *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.*

Once the septic and site work are completed temporary vegetation will be established prior to final planting.

*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 along with a straw wattle around the perimeter of the pile.

**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.*

Upon completion of site development stormwater runoff rates will match pre-development rates for 2, 25 and 100 year storms. The new 65 SF of roof area will be directed to an infiltration trench and the rain garden.

*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 pre-development through infiltration with the stone trench and rain garden.

- *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.*

The applicant proposes to capture and infiltrate all proposed runoff generated on site which far exceeds the consumptive use of domestic water and irrigation.

- *Stormwater treatment using bioretention areas, constructed wetlands or organic filters shall be provided for the first flush (1") 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 is no proposed pavement of the driveway.

- *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). The final roof materials have not been selected but if a metal roof were to be proposed it would be treated with a silicone membrane which would increase the longevity of the roof and prevent metals from degrading groundwater quality. A Jet Bat pretreatment unit is proposed for the septic system which provides greater pollutant removal from the waste water than a standard septic tank.

**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.*

The trees proposed to be cut within the 35' setback are necessary for the construction of the septic system. The location of the leach field was limited by site constraints including drinking water wells. A tree replanting plan accounting for all trees removed within the 100' buffer zone to Stockbridge Bowl.

*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.*

Invasive honeysuckle and barberry will be removed for the dock placement. Native replanting will occur in this area as well.

## 5.0 SOILS AND DRAINAGE

The soils on the property are sandy loam and we have utilized the 1.02 in/hr as the design infiltration rate as identified in the Stockbridge Zoning Bylaw. The drainage has been designed to allow all proposed runoff to be captured and collected through a stone infiltration trench and rain garden to manage the increase roof area and existing site conditions.

## 6.0 SEWAGE DISPOSAL

A new septic system is proposed to serve the existing home. The septic system is with 150-ft of the lake due to site constraints including well locations. The proposed leachfield will utilize the Oakson Drip Irrigation system and a Jet Bat aeration tank will be used which is a DEP approved Innovation & Alternative (IA) technology that we have used with great success.

## 7.0 WATER SUPPLY

An existing private well will continue to serve the house.

## 8.0 OTHER UTILITIES

There will be no change to existing utilities.

## 9.0 DRIVEWAY AND PARKING

The existing driveway is gravel and the driveway reconfiguration to accommodate the septic system will be gravel.

## 10.0 SOLID WASTE

Construction waste will be stored in an approved container and removed from the site by a licensed hauler. Debris material will not be stored on-site, outside of the container. Domestic solid waste will be disposed of in a legal manner by an independent hauler arranged by the owner.

## 11.0 OPEN SPACE, LAND LEFT IN NATURAL STATE

Greater than 70% of the land within the LPOD will remain in its natural state.

## 12.0 ARCHITECTURAL ELEMENTS AND VISUAL IMPACT

The proposed house will use natural colors and materials. Existing mature trees along the shoreline to remain as well as the additional trees to be planted will provide a natural screen of the house from Stockbridge Bowl.

## 13.0 LANDSCAPING AND LIGHTING

Enclosed with this application is a planting plan showing the proposed trees, shrubs, and plugs to be planted on the property within the LPOD.

# Stormwater Pollution Prevention Plan (SWPPP)

For

Steven Averbuch and Rachel Rivest

36 Lake Drive, Stockbridge, MA

July 2022



White Engineering, Inc.  
55 South Merriam Street  
Pittsfield, MA 01201  
(P) 413-443-8011  
(F) 413-443-8012

**Stormwater Pollution Prevention Plan**  
**Prepared for**  
**36 Lake Drive**

This project involves demolition of an existing chimney and entry and construction of a 2 small additions to a single-family home, new septic system, well and stormwater management system and dock. Land disturbing activities will include: tree cutting, construction, grading and replanting.

The order of activities will be as follows:

1. Install all required silt fencing, straw bales, and straw wattles
2. Tree cutting
3. Disconnection of overhead power lines and utilities
4. Demolition of the existing chimney and entry and proper disposal of demolition debris
5. Framing and construction of the proposed additions
6. Setting of septic tank, pump chamber and construction of leachfield and new driveway
7. Construction of final stormwater management rain garden
8. Final tree planting, topsoil and seeding of all disturbed areas and planting of rain garden
9. Upon complete establishment of vegetative cover, inspection by White Engineering, Inc., representatives of the Stockbridge Conservation Commission, the erosion controls will be removed.

**Controls:**

**Temporary Stabilization** - Topsoil stock pile areas and disturbed portions of the site where construction activity temporarily ceases for at least twenty-one (21) days will be stabilized with temporary seed and mulch no later than seven (7) days from the last construction activity in that area. The temporary seed shall be erosion seed mix, as specified in Mass. Highway Standard Specifications for Highways and Bridges, M6.03.1, applied at the rate of 100 pounds per acre. After seeding, each area shall be mulched with 4,000 pounds per acre of straw.

**Permanent Stabilization** - Disturbed portions of the site where construction activities permanently cease shall be stabilized with permanent seed no later than seven (7) days after the last construction activity. The permanent seed shall be seed mix for grassplots and islands, as specified in Mass. Highway Standard Specifications for Highways and Bridges, M6.03.0, applied at the rate of 100 pounds per acre. After seeding, each area shall be mulched with 4,000 pounds per acre of straw.

**Stormwater Management** - Runoff, including that which will be generated from the installation of new impervious surfaces as well as that which will be intercepted by the placement of impervious surfaces including structures and the driveways, will be captured with surface grading and roof leaders. Once stormwater has been collected, it will be routed through stormwater control structures including stone trench and rain garden. The design objective of the stormwater management system is to ensure that potential on-site impacts from flooding or erosion due to the proposed development are mitigated. There are no anticipated off-site impacts.

Annual recharge rates at the site are improved by the roof runoff being collected and sent to infiltration. The ability to maintain or exceed current recharge rates will be achieved by the infiltration through the rain gardens.



Erosion and sedimentation controls shall be installed prior to commencement of work to prevent impacts during construction.

**Other Controls:**

**Waste Materials** - All waste will be collected, stored, and disposed of properly so as not to pollute the construction site. Any such disposal shall be removed by a licensed solid waste management company. If deemed required, a dumpster shall be located at the site and shall meet all local and state regulations. The dumpster will be emptied a minimum of once a week or more often, if necessary. No construction waste material shall be permitted to be buried on site. All personnel will be instructed regarding the correct procedure for waste disposal. Notices stating these practices will be posted in the site trailer and the individual, who manages the day-to-day on site operations, will be responsible for seeing that these practices are followed.

**Hazardous Waste** - All hazardous waste materials will be disposed of in a manner specified by local or state regulations or by the manufacturer. Site personnel will be instructed in these practices and the individual who manages day-to-day site operations will be responsible for seeing that these practices are followed.

**Sanitary Waste** - All sanitary waste will be collected from the portable units a minimum of once per week by a licensed sanitary waste management contractor as required by local regulation.

**Maintenance and Inspections** - The following are the minimum requirements for maintenance and inspection of the above controls to ensure that they are functioning properly as intended and to ensure that if additional measures are required that they are installed when the need arises.

- All control measures will be inspected at least once each week and following any storm event of 0.5 inches or greater. If no rain gauge is present on-site, then inspections shall be following any storm event.
- All measures will be maintained in good working order; if a repair is necessary, it will be initiated within 24 hours of report. Sufficient stockpiles of controls shall be kept on-site in reserve in the event that immediate repair is required.
- Built up sediment will be removed from silt fence when it has reached a 6-inch height of the fence. In the case of straw bale barriers, it is preferable to place a second row of bales or fence upgradient of the first row when the sediment reaches the specified level.
- Silt fence/straw wattle barriers will be inspected for depth of sediment, tears, gaps, etc., and to see if the fabric or bales are secure and firmly in the ground.
- Temporary and permanent seeding and planting will be inspected for bare spots, washouts, and healthy growth initially on a daily basis until growth is established and weekly thereafter until fully established.
- Maintenance and inspection reports shall be kept and a copy of the report retained on-site. The form shall state the date of inspection or maintenance with a sketch of the area and activity along with responsibility of required actions, follow-up dates, and completion due dates.
- Individuals shall be designated responsible for inspections, maintenance, repair activities, and filling out the inspection and maintenance report. These individuals shall be properly trained in the designated areas.

**Inventory for Pollution Prevention Plan:**

The materials or substances listed below are expected to be present on-site during construction:

- Concrete
- Detergents
- Paints (enamel and latex)
- Metal Studs
- Tar
- Petroleum Based Products
- Cleaning Solvents
- Wood
- Masonry Block
- Roofing Shingles

#### **Material Management Practices:**

The following are the material management practices that will be used to reduce the risk of spills or other accidental exposure of materials and substances to storm water runoff:

##### **Good Housekeeping:**

The following good housekeeping practices will be followed on-site during the construction project:

- An effort will be made to store only enough product required to do the job.
- All materials stored on-site will be stored in a neat, orderly manner in their appropriate containers and, if possible, under a roof or other enclosure.
- Products will be kept in their original containers with the original manufacturer's label.
- Substances will not be mixed with one another unless recommended by the manufacturer.
- Whenever possible, all of a product will be used up before disposing of the container.
- Manufacturer's recommendations for proper use and disposal will be followed.
- The on-site superintendent will inspect daily to ensure proper use and disposal of materials on-site.

##### **Hazardous Products:**

These practices are used to reduce the risk associated with hazardous materials:

- Products will be kept in original containers unless they are not resealable.
- Original labels and material safety data will be retained; they contain important product information. MSDS's will be available on-site in the event of an emergency. If materials are transferred to another container, the container will be labeled accordingly.
- If surplus product must be disposed of, manufacturer's or local and state recommended methods for proper disposal will be followed.

#### **Product Specific Practices:**

The following product specific practices will be followed on-site:

##### **Petroleum Products:**

All on-site vehicles will be monitored for leaks and receive regular preventive maintenance to reduce the chance of leakage. Petroleum products will be stored in tightly sealed containers which are clearly labeled. Any asphalt substance used on-site will be applied according to the manufacturer's recommendations.

**Paints:**

All containers will be tightly sealed and stored when not required for use. Excess paint will not be discharged to the storm sewer system but will be properly disposed of according to manufacturers' instructions or state and local regulations.

**Concrete Trucks:**

Concrete trucks will not be allowed to wash out or discharge surplus concrete or drum wash water on the site within 200-feet of the lake.

**Spill Control Practices:**

In addition to the good housekeeping and management practices discussed in the previous sections of this plan, the following practices will be followed for spill prevention and cleanup:

- Manufacturer's recommended methods for spill cleanup will be clearly posted and site personnel will be made aware of the procedures and the location of the information and cleanup supplies.
- Materials and equipment necessary for spill cleanup will be kept in the material storage area on-site. Equipment and materials will include, but not be limited to, brooms, dust pans, mops, rags, gloves, goggles, kitty litter, sand, sawdust, and plastic and metal trash containers specifically for this purpose.
- All spills will be cleaned up immediately after discovery.
- The spill area will be kept well ventilated and personnel will wear appropriate protective clothing to prevent injury from contact with a hazardous substance.
- Spills of a toxic or hazardous material will be reported to the appropriate state or local government agency, regardless of the size.
- The spill prevention plan will be adjusted to include measures to prevent this type of spill from reoccurring and how to clean up the spill if there is another one. A description of the spill, what caused it, and the cleanup measures will also be included.
- The site superintendent responsible for the day-to-day site operations will be the spill prevention and cleanup coordinator. He/She will designate at least three (3) other site personnel who will receive spill prevention and cleanup training. These individuals will each become responsible for a particular phase of prevention and cleanup. The names of responsible spill personnel will be posted in the material storage area and in the office trailer on-site.

**Post Construction Requirements:**

Owners will be responsible for the ongoing maintenance and inspection of the proposed system. Ongoing tasks that Owners will be responsible for include:

- Ensuring the vegetative cover over the property is maintained and stabilized.
- After any single rain event which yields the 2 Year Storm (2.9 inches in 24 hours) or any series of rain events within a short period of time and in spring, rain garden and stone trench inspected for sediment and leaf litter build up and cleaned out.

Any questions with regards to this Plan may be directed to Shannon Boomsma, at White Engineering, Inc.

Included with this document are the following:

- Site Development Plans, SK Design Group LLC and White Engineering, Inc.
- Blank Inspection Report

# Construction Inspection Form for 36 Lake Drive

Prepared By:

White Engineering, Inc.

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

Weather Conditions: \_\_\_\_\_

Purpose for

Inspection: \_\_\_\_\_  
\_\_\_\_\_

Items/Activity

Inspected: \_\_\_\_\_  
\_\_\_\_\_

Items Found in

Compliance: \_\_\_\_\_  
\_\_\_\_\_

Items Found needing

Repair: \_\_\_\_\_  
\_\_\_\_\_

If Yes, was corrective action taken: Y / N

If No, expected timeline for completion of  
tasks: \_\_\_\_\_  
\_\_\_\_\_



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:

296-0528

MassDEP File #

eDEP Transaction #

Stockbridge

City/Town

**A. General Information**

**Please note:**  
 this form has  
 been modified  
 with added  
 space to  
 accommodate  
 the Registry  
 of Deeds  
 Requirements

**Important:**  
 When filling  
 out forms on  
 the  
 computer,  
 use only the  
 tab key to  
 move your  
 cursor - do  
 not use the  
 return key.



1. From: Stockbridge  
Conservation Commission

2. This issuance is for  
 (check one): a. ☒ Order of Conditions b. ☐ Amended Order of Conditions

3. To: Applicant:

Steve / Rachel

a. First Name

Averbuch / Rivest

b. Last Name

c. Organization

36 Lake Drive

d. Mailing Address

Stockbridge

e. City/Town

MA

f. State

01262

g. Zip Code

4. Property Owner (if different from applicant):

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

5. Project Location:

36 Lake Drive

a. Street Address

101

c. Assessors Map/Plat Number

Latitude and Longitude, if known:

Stockbridge

b. City/Town

27

d. Parcel/Lot Number

42.32729Nd

m

S

73.32677Wd

m

S



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:

296-0523

MassDEP File #

eDEP Transaction #

Stockbridge

City/Town

**A. General Information (cont.)**

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Berkshire Middle

a. County

6953

c. Book

b. Certificate Number (if registered land)

48

d. Page

7. Dates: 1 April 2022 24 May 2022 16 June 2022  
a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Proposed Planting Plan for Steven Averbuch / Rachel Rivest

a. Plan Title

SK Design

b. Prepared By

10 May 2022

d. Final Revision Date

Matthew Puntin

c. Signed and Stamped by

as noted

e. Scale

f. Additional Plan or Document Title

g. Date

**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- a. ☐ Public Water Supply b. ☒ Land Containing Shellfish c. ☒ Prevention of Pollution  
d. ☒ Private Water Supply e. ☐ Fisheries f. ☒ Protection of Wildlife Habitat  
g. ☒ Groundwater Supply h. ☒ Storm Damage Prevention i. ☐ Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved subject to:**

- a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

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

Provided by MassDEP;  
**296-0528**  
MassDEP File #

eDEP Transaction #  
Stockbridge  
City/Town

**B. Findings (cont.)**

Denied because:

- b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3. ☐ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a)                      a. linear feet

**Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)**

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	8	8		
6. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	1	1		
	a. square feet	b. square feet	c. square feet	d. square feet
	e. c/y dredged	f. c/y dredged		
7. <input checked="" type="checkbox"/> Bordering Land Subject to Flooding	1	1		296
	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:

296-0528

MassDEP File #

eDEP Transaction #

Stockbridge

City/Town

**B. Findings (cont.)**

**Coastal Resource Area Impacts:** Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:

296-0 528

MassDEP File #

eDEP Transaction #

Stockbridge

City/Town

**B. Findings (cont.)**

\* #23. 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.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. ☐ Restoration/Enhancement \*:

a. square feet of BVW

b. square feet of salt marsh

24. ☐ Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

**C. General Conditions Under Massachusetts Wetlands Protection Act**

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. The work is a maintenance dredging project as provided for in the Act; or
  - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
  - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on \_\_\_\_\_ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:

296-0528

MassDEP File #

eDEP Transaction #

Stockbridge

City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act**

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,  

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]  
"File Number      296-0528 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:  
 296-0528  
 MassDEP File #

eDEP Transaction #  
 Stockbridge  
 City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
  - (1) ☐ is subject to the Massachusetts Stormwater Standards
  - (2) ☒ is NOT subject to the Massachusetts Stormwater Standards

**If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**

a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.

b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:

- i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
- ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
- iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:

296-0528

MassDEP File #

eDEP Transaction #

Stockbridge

City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

## WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

296-0528

MassDEP File #

eDEP Transaction #

Stockbridge

City/Town

### C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
  - 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
  - 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
  - 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

**A 75% survival rate of newly planted vegetation including trees is required after 3 years.**

- 20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:

296-0528

MassDEP File #

eDEP Transaction #

Stockbridge

City/Town

**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

1. Is a municipal wetlands bylaw or ordinance applicable? ☐ Yes ☐ No
2. The STOCKBRIDGE hereby finds (check one that applies):  
Conservation Commission

- a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. ☒ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Town of Stockbridge Wetlands Bylaw

1. Municipal Ordinance or Bylaw

2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

The discharge or application of wastewater or any pollutant, fertilizers, pesticides or herbicides within 200' of the resource area is prohibited.



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:  
 296-0 528  
 MassDEP File #

eDEP Transaction #  
 Stockbridge  
 City/Town

**E. Signatures**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

6-16-22  
 1. Date of Issuance

4  
 2. Number of Signers

Stockbridge

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Ron Brouker

Printed Name

Joe DeGiorgis

Printed Name

John Hart

Printed Name

Charlotte Underwood-Miller

Printed Name

Jay Rhind

Printed Name

Jamie Minacci

Printed Name

Lisa Bozzuto

Printed Name

Printed Name

☐ by hand delivery on

Date

☒ by certified mail, return receipt requested, on

Date





**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:

296-0528

MassDEP File #

eDEP Transaction #

Stockbridge

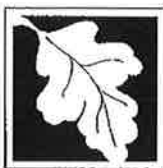
City/Town

## **F. Appeals**

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

## WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

296-0 528

MassDEP File #

eDEP Transaction #

Stockbridge

City/Town

### G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Stockbridge

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Stockbridge

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location

296-0

MassDEP File Number

Has been recorded at the Registry of Deeds of:

Berkshire Middle

County

Book

Page

for:

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

This aerial map shows the Locus area in Stockbridge, MA. The map features several streets, including Lake Drive Extension, Lake Drive, and Lake Drive South. The area is divided into numerous lots, many of which are labeled with numbers. A blue line indicates the location of Locus. The map also shows the Stockbridge area and the MassMapper logo.

Streets shown include:

- Lake Drive Extension
- Lake Drive
- Lake Drive South
- Stockbridge

Lot numbers visible include:

- 42 LAKE DR
- 40 LAKE DR
- 38 LAKE DR
- 36 LAKE DR
- 34 LAKE DR
- 32 LAKE DR
- 30 LAKE DR
- 28 LAKE DR
- 26 LAKE DR
- 24 LAKE DR
- 22 LAKE DR
- 20 LAKE DR
- 18 LAKE DR
- 16 LAKE DR
- 14 LAKE DR
- 12 LAKE DR
- 10 LAKE DR
- 8 LAKE DR
- 6 LAKE DR
- 4 LAKE DR
- 2 LAKE DR
- 1 LAKE DR

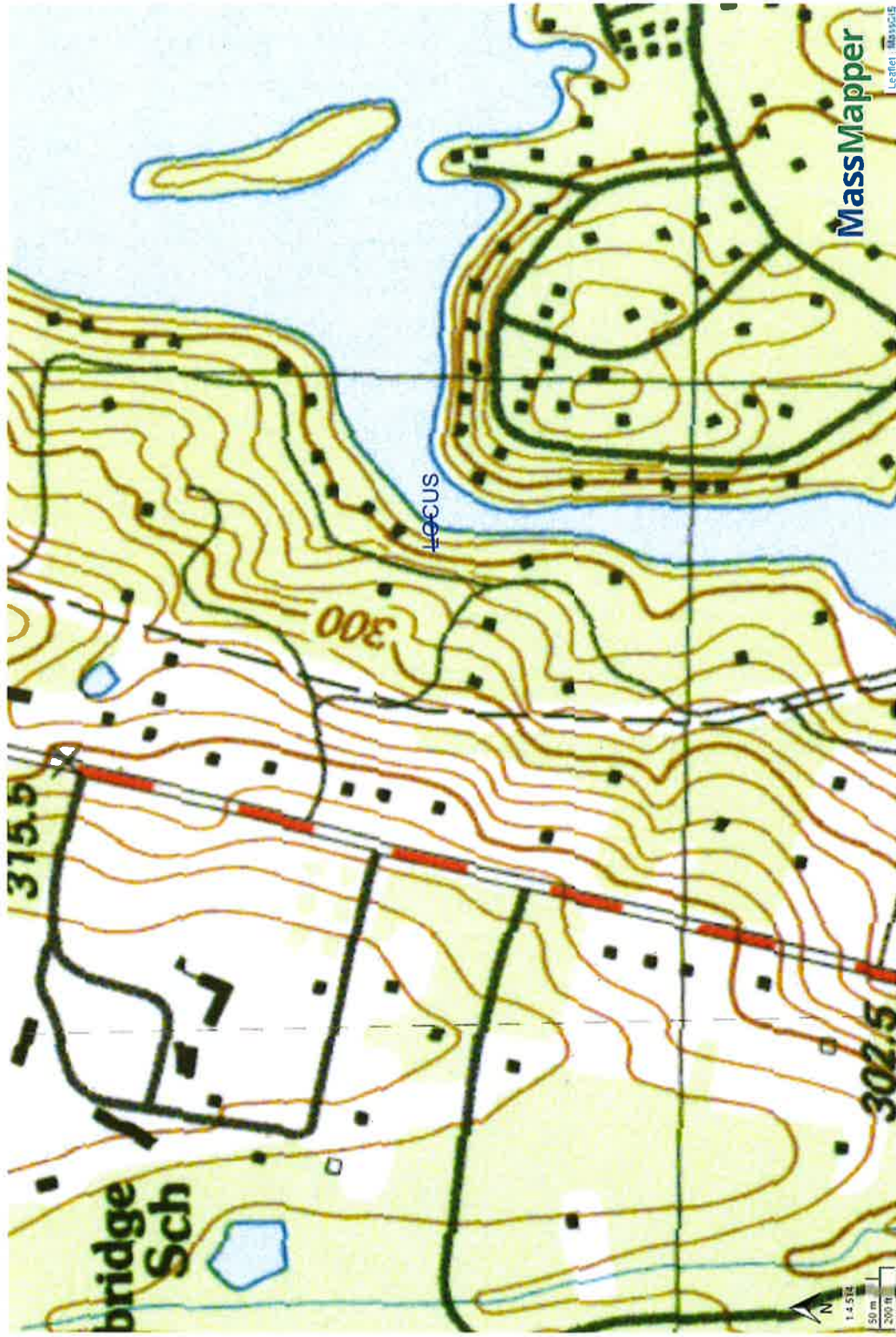
Other labels include:

- STOCKBRIDGE
- MASSMAPPER
- 1:1,250
- 20 m
- 50 ft

Property Tax Parcels  
2021 Aerial Imagery









**STEVEN AVERBUCH  
RACHEL RIVEST**

**36 LAKE DRIVE  
STOCKBRIDGE, MA**



**PROPOSED SEPTIC LOCATION**



**PROPOSED UTILITY ROOM OFF OF HOUSE**