

August 15, 2022

Charlemont Conservation Commission  
Town Hall – 157 Main Street  
Charlemont, MA 01339

RE: Berkshire East Ski Resort  
Thunder Mountain Road  
Charlemont, Massachusetts

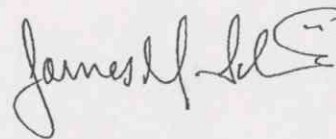
Dear Commission Members;

Enclosed please find five (5) copies of a *Request for Determination of Applicability* (RDA) prepared for Berkshire East Ski Resort located on Thunder Mtn. Rd., Charlemont Massachusetts (Map 2, Lots 1 and 27). As required, a copy has been filed with the Western Regional Office of the Massachusetts Department of Environmental Protection in Springfield, MA.

The work proposed under this application involves restoration of the 100-ft buffer zone associated with a recent culvert replacement.

If you should have any questions or concerns, or require additional information, please don't hesitate to contact the office.

Sincerely,  
SK DESIGN GROUP, INC.



James M. Scalise

Cc: Western MassDEP  
Jon Schaefer – Berkshire East Ski Resort  
Attorney William Martin  
File

G:\SK DESIGN GROUP\2022\220100 Berk East-Complaint to DEP\Documents\Word\1 RDA Cover Letter.docx



# WPA Form 1- Request for Determination of Applicability

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

## A. General Information

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



1. Applicant:
- Berkshire East Ski Resort  
Name  
66 Thunder Mountain Rd.  
Mailing Address  
Charlemont  
City/Town  
(802) 349-8223  
Phone Number
- j\_schaefer@yahoo.com  
E-Mail Address
- MA  
State  
01339  
Zip Code
- Fax Number (if applicable)
2. Representative (if any):
- SK Design Group, Inc.  
Firm  
James M. Scalise  
Contact Name  
2 Federico Drive - Suite 1  
Mailing Address  
Pittsfield  
City/Town  
(413) 443-3537  
Phone Number
- jscalise@sk-designgroup.com  
E-Mail Address
- MA  
State  
01201  
Zip Code
- (413) 445-5376  
Fax Number (if applicable)

## B. Determinations

1. I request the Charlemont Conservation Commission make the following determination(s). Check any that apply:
- a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:
- \_\_\_\_\_  
Name of Municipality
- e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).
- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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## C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

66 Thunder Mtn. Road	Charlemont
Street Address	City/Town
2	1.27
Assessors Map/Plat Number	Parcel/Lot Number

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

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

Plan to Accompany RDA, Prepared for Berkshire East Ski Resort, Located at 66 Thunder Mtn. Rd., Charlemont, Mass	August 5, 2022
	Date
Title	Date
Title	Date

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

The work entails restoration of the 100-ft. buffer zone associated with a recent emergency culvert replacement.

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### C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

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3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)

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### D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Berkshire East Ski Resort

Name

66 Thunder Mountain Rd.

Mailing Address

Charlemont

City/Town

MA

State

01339

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

JOHN SCHAEFER  
Signature of Applicant

8/15/22  
Date

Robert S. Fournis  
Signature of Representative (if any)

08/05/22  
Date