



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Northeast Regional Office • 205B Lowell Street, Wilmington MA 01887 • 978-694-3200

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

Received

NOV 13 2018

Sudbury Conservation Department

November 9, 2018

Doris Smith
401 Peakham Road
Sudbury, MA 01776

Re: WETLANDS/SUDBURY
DEP File# 301-1229
137 Mossman Road
**SUPERSEDING ORDER OF
CONDITIONS**

Dear Ms. Smith:

The Northeast Regional Office of the Department of Environmental Protection, Wetlands Program (MassDEP) has completed its review of the file referenced above in preparation for issuance of a Superseding Order of Conditions. Pursuant to the provisions of Massachusetts General Laws, Chapter 131, Section 40, MassDEP is issuing the enclosed Superseding Order of Conditions (SOC) allowing the project based upon: 1) information and plans submitted; 2) information gathered during previous site inspections; and 3) conditions MassDEP has deemed necessary to protect the statutory interests identified in the Wetlands Protection Act ("the Act").

The proposed project is for the construction of a single-family house with an attached garage, Title 5 septic system, retaining wall and dry well on a 0.92 acre lot.

Based upon a review of the project site and information contained in the file, the MassDEP has determined that the project site contains the following Area Subject to Protection under the Act: Bordering Vegetated Wetlands (BVW). Said Area is presumed to be significant to the protection of one or more of the statutory interests of the Act as noted in the attached Superseding Order of Conditions. A certified vernal pool is located within the BVW. A portion of the project is within the 100 foot Buffer Zone associated with BVW.

On July 6, 2018, the Sudbury Conservation Commission (SCC) issued an Order of Conditions (OOC) denying the project because it determined that the proposed work could not be conditioned to meet the performance standards for BVW, specifically the storm damage protection, flood control, prevention of pollution and protection of wildlife habitat. You filed an appeal on July 18, 2018 based on your belief that the proposed project is protective of these interests.

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: www.mass.gov/dep

Printed on Recycled Paper

MassDEP held a site visit on August 21, 2018 attended by your consultant and members of the SCC. The lot slopes gradually to the southwest from Mossman Road transitioning from a mature pine forest to a forested shrub BVW with a portion of the vernal pool located in BVW on the property. The area of the lot where the project is proposed appears to have been disturbed in the past. The house, garage, septic system and drywell will be located in the southerly portion of the lot at a minimum of 100 feet from the vernal pool. The on-site BVW is at least 70 feet from the project erosion controls and the associated buffer zone will remain undisturbed. The grading on the southern end of the project site will be approximately 20 feet from an off-site BVW that is more than 100 feet from the vernal pool.

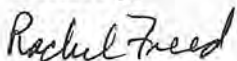
At the site visit, MassDEP requested and the applicant agreed to provide infiltration of rooftop runoff based on the SCC's concern about runoff from the project affecting the down-gradient property. A revised plan was received by MassDEP on September 5, 2018 showing a subsurface infiltration system with a capacity of 200 cubic feet and sized to infiltrate one inch of roof runoff (155 cubic feet). Soil test pits were also requested by MassDEP and results show that soil is permeable and the estimated seasonal high groundwater elevation will provide at least a 2 foot separation from the bottom of the infiltration system.

Based on the record, information provided by the applicant, information gathered at the site visit and consideration of all issues raised through the appeal, it is MassDEP's opinion that the proposed project meets the performance standards for BVW and is protective of the interests of the Act.

It is MassDEP's position that the enclosed Superseding Order of Conditions approving the project as proposed serves to protect the statutory interests identified in the Wetlands Protection Act, M.G.L. Chapter 131, Section 40. However, MassDEP reserves the right, should there be further proceedings in this case, to raise additional issues and present further evidence as may be appropriate. Should you or any concerned party dispute these findings, your attention is directed to the language at the end of the enclosed Superseding Order specifying the rights and procedures for appeal.

Should there be any questions in this matter, please contact Gary Bogue at (978) 694-3372 or gary.bogue@state.ma.us.

Sincerely,



Rachel Freed
Deputy Regional Director
Bureau of Water Resources
NERO

cc: Goddard Consulting, LLC, 291 Main Street, Suite 8, Northborough, MA 01532
Sudbury Conservation Commission, 275 Old Lancaster Road, Sudbury, MA 01776



WPA Form 5 – Superseding Order of Conditions
Massachusetts Department of Environmental Protection
Bureau of Resource Protection – Wetlands Program
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File #

301-1229

A. General Information

1. From: Department of Environmental Protection
Issuing Authority
2. This issuance is for (check one):
a. ☒ Superseding Order of Conditions
b. ☐ Amended Superseding Order of Conditions
3. To: Applicant:
Doris Smith
a. First Name b. Last Name
401 Peakham Road
c. Organization
d. Mailing Address Line 1
Sudbury MA 01776
e. City/Town f. State g. Zip Code
4. Property Owner (if different from applicant):

a. First Name b. Last Name

c. Organization
d. Mailing Address Line 1

e. City/Town f. State g. Zip Code
5. Project Location:
137 Mossman Road Sudbury
a. Street Address b. City/Town
D08 19
c. Assessors Map/Plat Number d. Parcel/Lot Number
- Latitude and Longitude, if known:
e. Latitude f. Latitude

A. General Information (cont'd)

6. Property recorded at the Registry of Deeds (attach additional information if more than one parcel):
Middlesex South
a. County b. Certificate (if registered land)
14015 378
c. Book d. Page
7. Dates: 12/20/2017 7/6/2018
a. Date NOI Filed b. Date of Site Visit c. Date of Issuance of Local Order



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

See Special Conditions

a. Plan Title

b. Prepared By

c. Signed and Stamped By

d. Final Revision Date

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, the Department finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection 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 Department hereby finds the project, as proposed, is (check one):

Approved subject to:

- a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. The Department 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.

B. Findings (cont'd)

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 these interests, 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.



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- 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.**

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

3. ☐ Buffer Zone Impacts: Shortest distance between limit of project disturbance and wetland boundary (if available) 25
a. linear feet

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. ☐ Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. ☐ Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. ☐ Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. c/y dredged	f. c/y dredged		
7. ☐ Bordering Land Subject to Flooding	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. ☐ 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. ☐ Riverfront area	a. total sq. feet	b. total sq. feet		
Sq feet within 100 feet	c. square feet	d. square feet	e. square feet	f. square feet
Sq feet between 100-200 feet	g. square feet	h. square feet	i. square feet	j. square feet

B. Findings (cont'd)

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

10. ☐ Designated Port Areas - Indicate size under Land Under the Ocean, below

Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
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11. ☐ Land Under the Ocean
- | | |
|----------------|----------------|
| a. square feet | b. square feet |
| c. c/y dredged | d. c/y dredged |
12. ☐ Barrier Beaches - Indicate size under Coastal Beaches and/or Coastal Dunes below.
13. ☐ Coastal Beaches
14. ☐ Coastal Dunes
- | | | | |
|----------------|----------------|-----------------|--------|
| a. square feet | b. square feet | c. c/y nourish. | d. c/y |
|----------------|----------------|-----------------|--------|
15. ☐ Coastal Banks
- | | | | |
|----------------|----------------|-----------------|--------|
| a. square feet | b. square feet | c. c/y nourish. | d. c/y |
|----------------|----------------|-----------------|--------|
16. ☐ Rocky Intertidal Shores
- | | |
|----------------|----------------|
| a. linear feet | b. linear feet |
|----------------|----------------|
17. ☐ Salt Marshes
- | | |
|----------------|----------------|
| a. square feet | b. square feet |
|----------------|----------------|
18. ☐ Land Under Salt Ponds
- | | | | |
|----------------|----------------|----------------|----------------|
| a. square feet | b. square feet | c. square feet | d. square feet |
| a. square feet | b. square feet | | |
| c. c/y dredged | d. c/y dredged | | |
19. ☐ Land Containing Shellfish
- | | | | |
|----------------|----------------|----------------|----------------|
| a. square feet | b. square feet | c. square feet | d. square feet |
|----------------|----------------|----------------|----------------|
20. ☐ Fish Runs - Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above
21. ☐ Land Subject to Coastal Storm Flowage
- | | |
|----------------|----------------|
| a. c/y dredged | b. c/y dredged |
| a. square feet | b. square feet |



C. General Conditions Under Massachusetts Wetlands Protection Act

(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.
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.
6. If this Order constitutes an Amended Superseding Order of Conditions, this Amended Superseding Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Superseding 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.
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 Department 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, "MA DEP"]

"File Number 301-1229"



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

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 DEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Department of Environmental Protection.
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 Department 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.
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 Department.
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 Department, 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.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. **The work associated with this Order (the “Project”) is (1) ☐ is not (2) ☒ 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.



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

- 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;
 - 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 19(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 BMPs 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, and 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 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(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.



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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.

Brief Project Description: Construction of a single-family house, garage and driveway, Title 5 system, and rooftop infiltration system.

Special Conditions (See attached sheet(s) for additional Special Conditions numbered 20 through 37.

D. Findings Under Municipal Wetlands Bylaw or Ordinance

To the extent that the Order is based on a municipal bylaw or ordinance, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no jurisdiction to supersede the local by-law order.



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E. Issuance

This Order is valid for three years from the date of issuance, unless otherwise specified as a special condition pursuant to General Conditions 4 or 6.

Issued by: **Department of Environmental Protection:**

Signature:

Rachel Freed

Rachel Freed, Deputy Regional Director

This Order is issued to the applicant as follows:

☐ by Hand delivery on:

Date

☒ by certified mail on:

November 9, 2018

Date

F. Recording Information

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 Page 10 of this form shall be submitted to the Department.



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Massachusetts Department of Environmental Protection – Northeast Regional Office
Issuing Authority

To: Department of Environmental Protection
Issuing Authority

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

137 Mossman Road, Sudbury
Project Location

301-1229
DEP File Number

Has been recorded at the Registry of Deeds of:

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



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G. Appeal Rights and Time Limits

The applicant, the landowner, any person aggrieved by the Superseding Order, Determination or other Reviewable Decision as defined at 310 CMR 10.04, who previously participated in the proceedings leading to this Reviewable Decision, the conservation commission, or any ten (10) residents of the city or town where the land is located if at least one resident was previously a participant in the permit proceeding, are hereby notified of their right to appeal this Reviewable Decision pursuant to M.G.L. c.30A, § 10, provided the request is made by certified mail or hand delivery to the Department, along with the appropriate filing fee and a MassDEP Fee Transmittal Form within ten (10) business days of the date of issuance of this Superseding Order or Determination, and addressed to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
One Winter Street, 2nd Floor
Boston, MA 02108

A copy of the request (hereinafter also referred to as Appeal Notice) shall at the same time be sent by certified mail or hand delivery to the Conservation Commission, the applicant, the person that requested the Superseding Order or Determination, and the issuing office of the MassDEP at:

MassDEP – NERO
Wetlands Program
205B Lowell Street
Wilmington, MA 01887

In the event that a ten resident group requested the Superseding Order or Determination, the Appeal Notice shall be served on the designated representative of the ten resident group, whose name and contact information is included in this Reviewable Decision (when relevant).

Contents of Appeal Notice

An Appeal Notice shall comply with the Department's Rules for Adjudicatory Proceedings, 310 CMR 1.01(6) and 310 CMR 10.05(7)(j), and shall contain the following information:

- (a) the MassDEP Wetlands File Number, name of the applicant, landowner if different from applicant, and address of the project;
- (b) the complete name, mailing address, email address, and fax and telephone numbers of the party filing the Appeal Notice; if represented by consultant or counsel, the name, fax and telephone numbers, email address, and mailing address of the representative; if a ten residents group, the same information for the group's designated representative;
- (c) if the Appeal Notice is filed by a ten (10) resident group, then a demonstration of participation by at least one resident in the previous proceedings that led to this Reviewable Decision;
- (d) if the Appeal Notice is filed by an aggrieved person, then a demonstration of participation in the previous proceeding that led to this Reviewable Decision and sufficient written facts to demonstrate status as a person aggrieved;
- (e) the names, telephone and fax numbers, email addresses, and mailing addresses of all other interested parties, if known;



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- (f) a clear and concise statement of the alleged errors contained in the Department's decision and how each alleged error is inconsistent with 310 CMR 10.00 and does not contribute to the protection of the interests identified in the Wetlands Protection Act, M.G.L. c. 131, § 40, including reference to the statutory or regulatory provisions that the party filing the Appeal Notice alleges has been violated by the Department's Decision, and the relief sought, including any specific desired changes to the Department's decision;
- (g) a copy of the Department's Reviewable Decision that is being appealed and a copy of the underlying Conservation Commission decision if the Reviewable Decision affirms the Conservation Commission decision;
- (h) a statement that a copy of the request has been sent by certified mail or hand delivery to the applicant and the conservation commission; and
- (i) if asserting a matter that is Major and Complex, as defined at 310 CMR 10.04(1), a statement requesting that the Presiding Officer make a designation of Major and Complex, with specific reasons supporting the request.

Filing Fee and Address

A copy of the Appeal Notice along with a MassDEP Fee Transmittal Form and a valid check or money order payable to the Commonwealth of Massachusetts in the amount of one hundred dollars (\$100) must be mailed to:

Commonwealth of Massachusetts
Department of Environmental Protection
Commonwealth Master Lockbox
P.O. Box 4062
Boston, Massachusetts 02211

The request will be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city or town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory hearing filing fee pursuant to 310 CMR 4.06(2) for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file an affidavit setting forth the facts believed to support the claim of undue financial hardship together with the hearing request as provided above.

SUPERSEDING ORDER OF CONDITIONS
DEP File Number 301-1229
Special Conditions

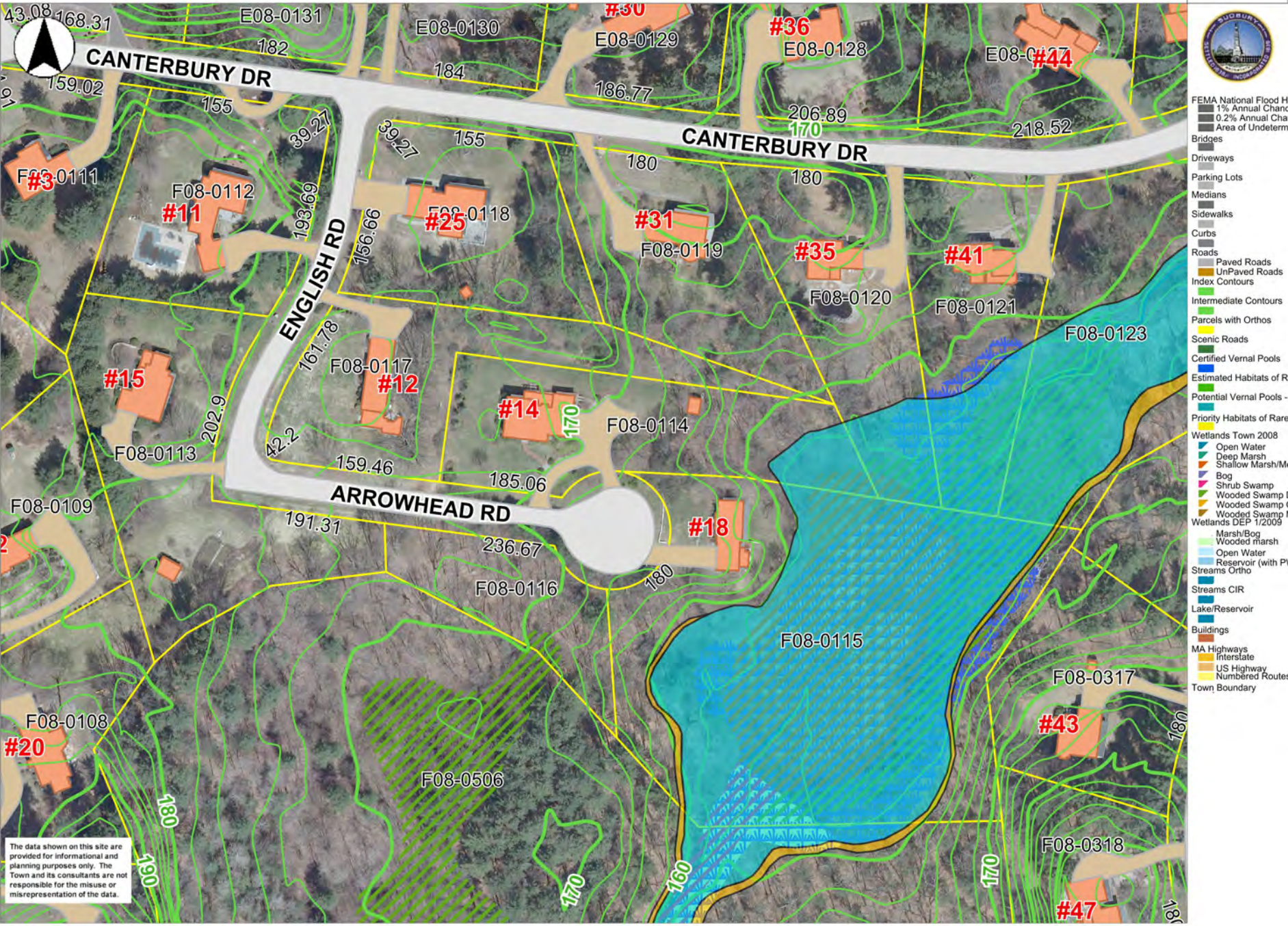
20. All work shall conform with the following plans, reports and Special Conditions:

Plans entitled, "Proposed Sewage Disposal System" one sheet, dated 9/8/2017, last revised 10/10/2018, prepared by Sullivan, Connors and Associates, signed and stamped by Vito Colonna, P.E.

- 21. No work shall commence on-site until all appeal periods have elapsed and this Superseding Order of Conditions has been recorded with the Registry of Deeds and MassDEP has been formally notified via the form provided at the end of this Order.**
22. A copy of this Superseding Order shall be included in all construction contracts and shall supersede any conflicting requirements.
23. Any proposed or executed change in the plans approved under this Superseding Order shall require the applicant to file a new Notice of Intent with the Conservation Commission or to inquire of the MassDEP in writing whether the change is substantial enough to require a new filing. A copy shall be sent at the same time to the Conservation Commission.
24. Prior to construction, the applicant shall develop a maintenance plan for the stormwater infiltration system for use by future home owners that shall be submitted to the MassDEP for review and approval. **The approved maintenance plan shall be recorded as an ongoing condition on the deed of the future homeowner. This condition shall remain in effect in perpetuity and shall be recorded as such on the Certificate of Compliance.**
25. Prior to any earth-moving activities or clearing of vegetation, filter fabric fencing shall be installed upgradient of all resource areas along the limit of activity between areas to be disturbed and all downgradient wetlands, as shown on the referenced plan. These erosion controls shall indicate the limit of disturbance. There shall be no activity beyond the erosion control barrier.
- 26. At the conclusion of construction, the limit of disturbance shall be permanently marked with stone markers or fencing approved by the conservation commission. Any activity proposed beyond this boundary must file a Notice of Intent with the conservation commission. This condition shall remain in effect in perpetuity and shall be recorded as such on the Certificate of Compliance.**
27. Prior to any construction, the applicant shall hold a preconstruction meeting at which time erosion controls will be inspected and the proposed construction sequence will be reviewed. At the time of this meeting, limit of work staking shall be in place. The applicant will notify both MassDEP and the Conservation Commission of the time and date of this meeting at least one week prior to the meeting date.
28. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means.
29. Excess soil, rock and debris excavated or generated during the course of this project shall be removed from the site and disposed of in a legal manner. Records as to the destination of all materials, including excess fill and loam, to be removed from the site shall be kept on file and shall be provided to the MassDEP and the Commission upon request.
30. During construction, storing, servicing or cleaning of equipment, including but not limited to fueling, adding or applying lubricants or hydraulic fluids, or washing/rinsing of trucks or equipment, shall be performed outside of jurisdictional areas.
31. During work on this project there shall be no intentional discharge of pollutants or release of any oil or hazardous

material, including sediments contaminated by any such discharge or release, into any jurisdictional area. The Contractor shall take all reasonable precautions to prevent the discharge of pollutants or the release of oil or hazardous material by ignorance, negligence, accident or vandalism. Any release of oil or hazardous material that is a reportable quantity pursuant to the MCP, accidental or otherwise, including sediments, shall be reported in accordance with the MCP and to MassDEP's Wetlands Program, the MassDEP Bureau of Waste Site Cleanup (BWSC), the Sudbury Fire Department and the Conservation Commission.

32. All disturbed slopes shall be 3:1 or flatter except where appropriate rip-rap, sod, or retaining walls are planned, and all slopes not to be rip-rapped or paved shall be vegetated for stabilization (loamed and seeded).
33. In areas where dewatering becomes necessary, all discharge water shall be pumped into a sediment trap constructed in a proper upland area or through a series of filter pipes or shall be treated by other methods acceptable to the MassDEP and the Conservation Commission in order to remove all suspended sediments within the water and thereby prevent siltation of nearby water courses and vegetated wetlands. The MassDEP and the Conservation Commission shall be notified in advance as to what method will be employed on site. In no way shall silty water ever be discharged into any Resource Areas by the contractor or any other subcontractor involved in the project.
34. Tree and brush removal shall be conducted in a manner which shall minimize tree and brush cutting and prevent impacts to jurisdictional areas to the maximum extent practicable. Cut vegetation shall not be disposed of in jurisdictional areas.
35. The estimated seasonal high groundwater elevation shall be field confirmed to ensure that the two foot separation between the bottom of the infiltration system and the groundwater elevation shall be met. The field data shall be sent to the conservation commission and MassDEP prior to construction of the system.
36. The construction site shall be completely cleaned, cleared of construction equipment and debris and permanently stabilized after the completion of the work and prior to the Contractor leaving the site.
37. Upon completion of the project, the applicant shall request a Certificate of Compliance from MassDEP with a copy to the conservation commission and shall submit the following information with the request:
 - a) A written statement by a professional engineer or land surveyor registered in the Commonwealth of Massachusetts certifying compliance with the approved plans referenced above and this Superseding Order of Conditions and setting forth deviations, if any exist.
 - b) An as-built site plan prepared by a registered land surveyor or registered professional engineer showing the location of the house, driveway, stormwater infiltration system, landscaping, elevations, associated grading, limit of work line, and the limits of all wetland jurisdictional areas.



- FEMA National Flood Hazard
- 1% Annual Chance Flood
- 0.2% Annual Chance Flood
- Area of Undetermined Flood Hazard
- Bridges
- Driveways
- Parking Lots
- Medians
- Sidewalks
- Curbs
- Roads
 - Paved Roads
 - Unpaved Roads
- Index Contours
- Intermediate Contours
- Parcels with Orthos
- Scenic Roads
- Certified Vernal Pools
- Estimated Habitats of Rare Species
- Potential Vernal Pools - 12'
- Priority Habitats of Rare Species
- Wetlands Town 2008
 - Open Water
 - Deep Marsh
 - Shallow Marsh/Meadow
 - Bog
 - Shrub Swamp
 - Wooded Swamp Deciduous
 - Wooded Swamp Coniferous
 - Wooded Swamp Mixed
- Wetlands DEP 1/2009
 - Marsh/Bog
 - Wooded marsh
 - Open Water
 - Reservoir (with PWS)
- Streams Ortho
- Streams CIR
- Lake/Reservoir
- Buildings
- MA Highways
 - Interstate
 - US Highway
 - Numbered Routes
- Town Boundary

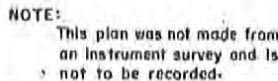
The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.

0 170 340 ft

Printed on 11/19/2018 at 01:42 PM

MapsOnline

SUDBURY, MASS.
Owned by: A.J.LANE CONST. CORP.
Scale: 1"=40' Date: SEPT. 4, 1969



I HEREBY CERTIFY THAT THE BUILDINGS
ON THIS PROPERTY ARE LOCATED AS
SHOWN ON THE ABOVE PLAN AND COM-
PLY WITH THE ZONING LAWS OF THE
TOWN OF SUDBURY.



PREPARED BY

COLBURN ENGINEERING
454 Main Street, Hudson, Mass.
Registered Land Surveyors &
PROFESSIONAL ENGINEERS

PLAN REFERENCE
Title: PLAN OF LAND IN SUDBURY

Date: SEPT. 4, 1969

Recorded: MIDDLESEX COUNTY REGISTRY

HIS AFFIDAVIT RD

18 Arrowhead Road

285

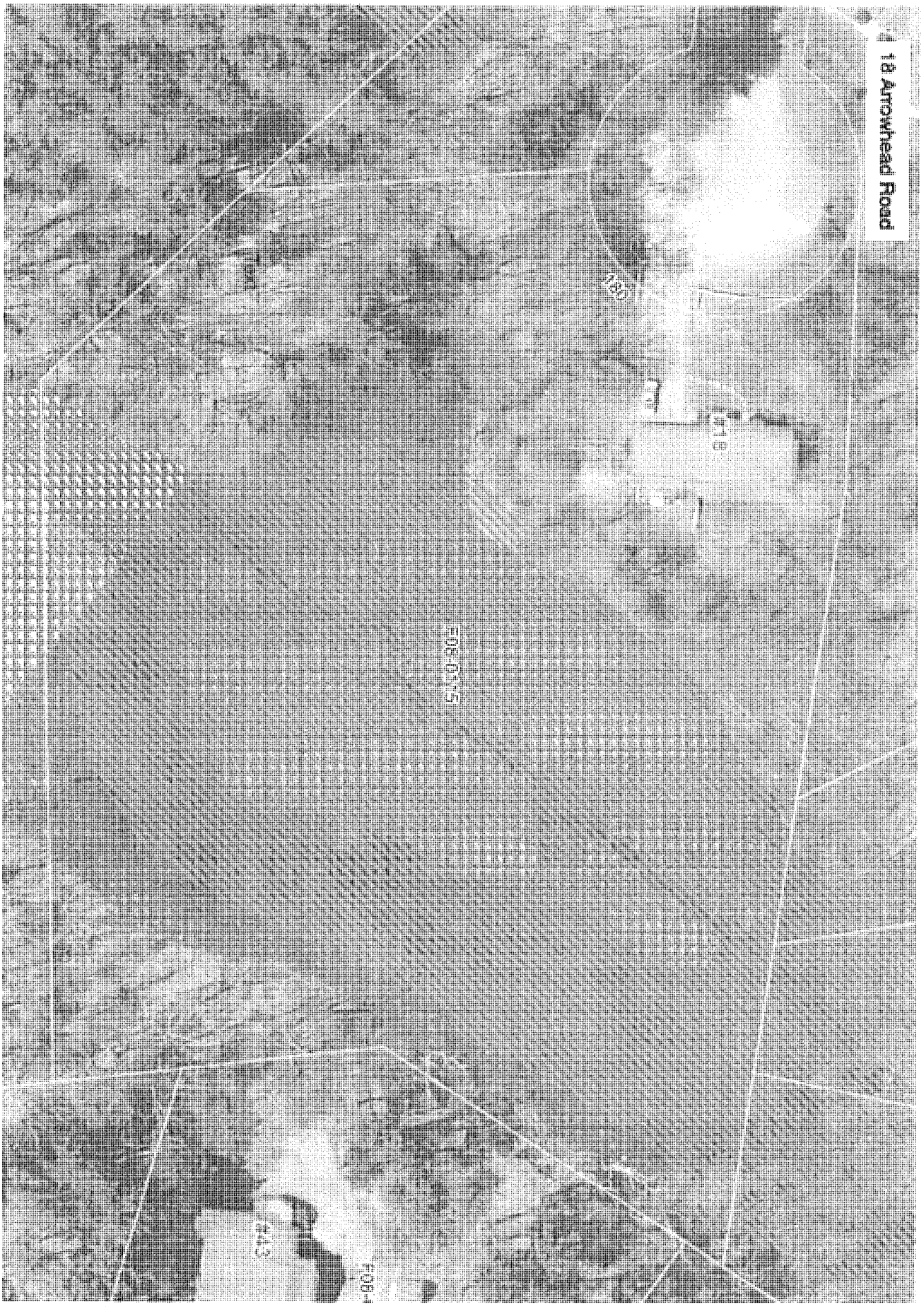
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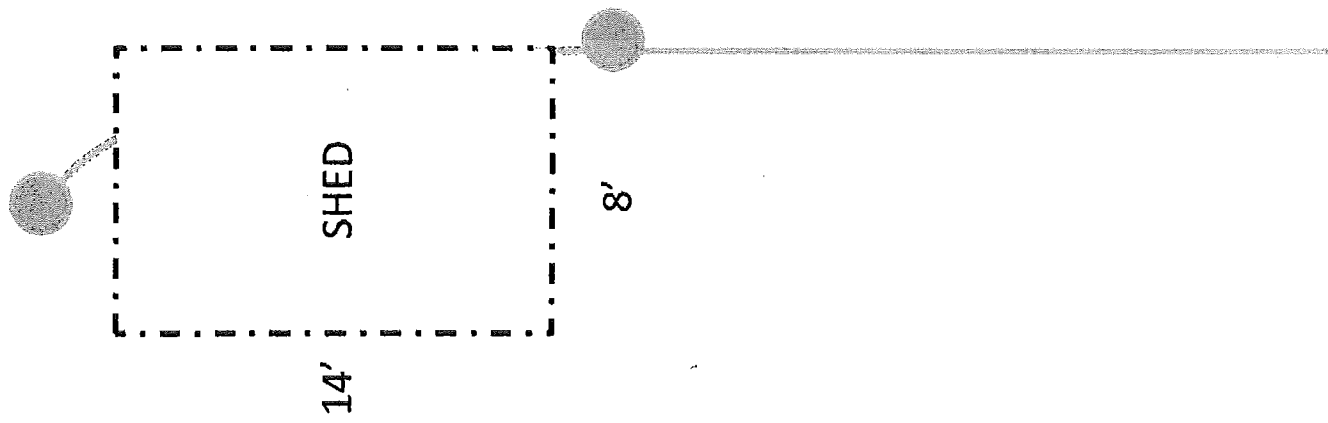
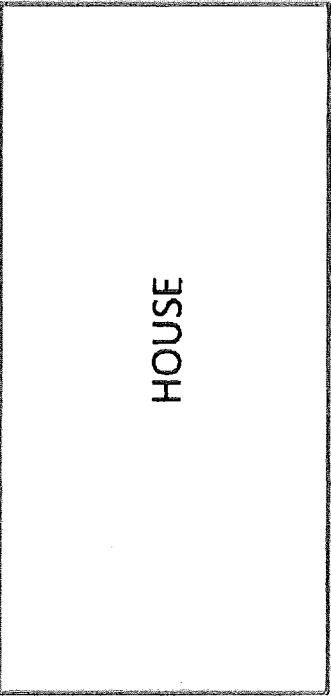
FOB-015

Text

#43

FOB-4



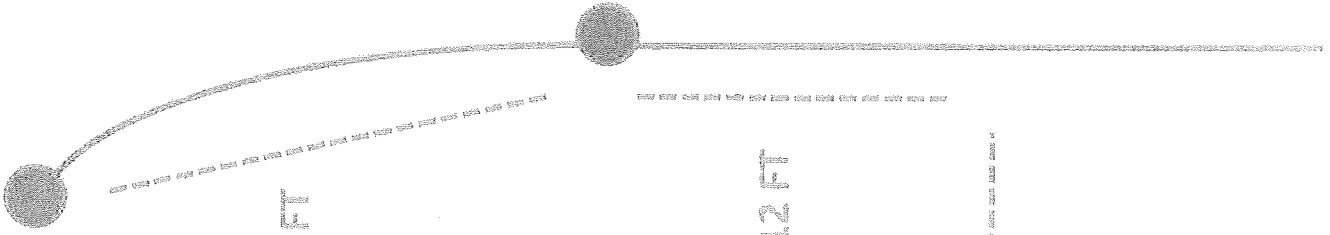


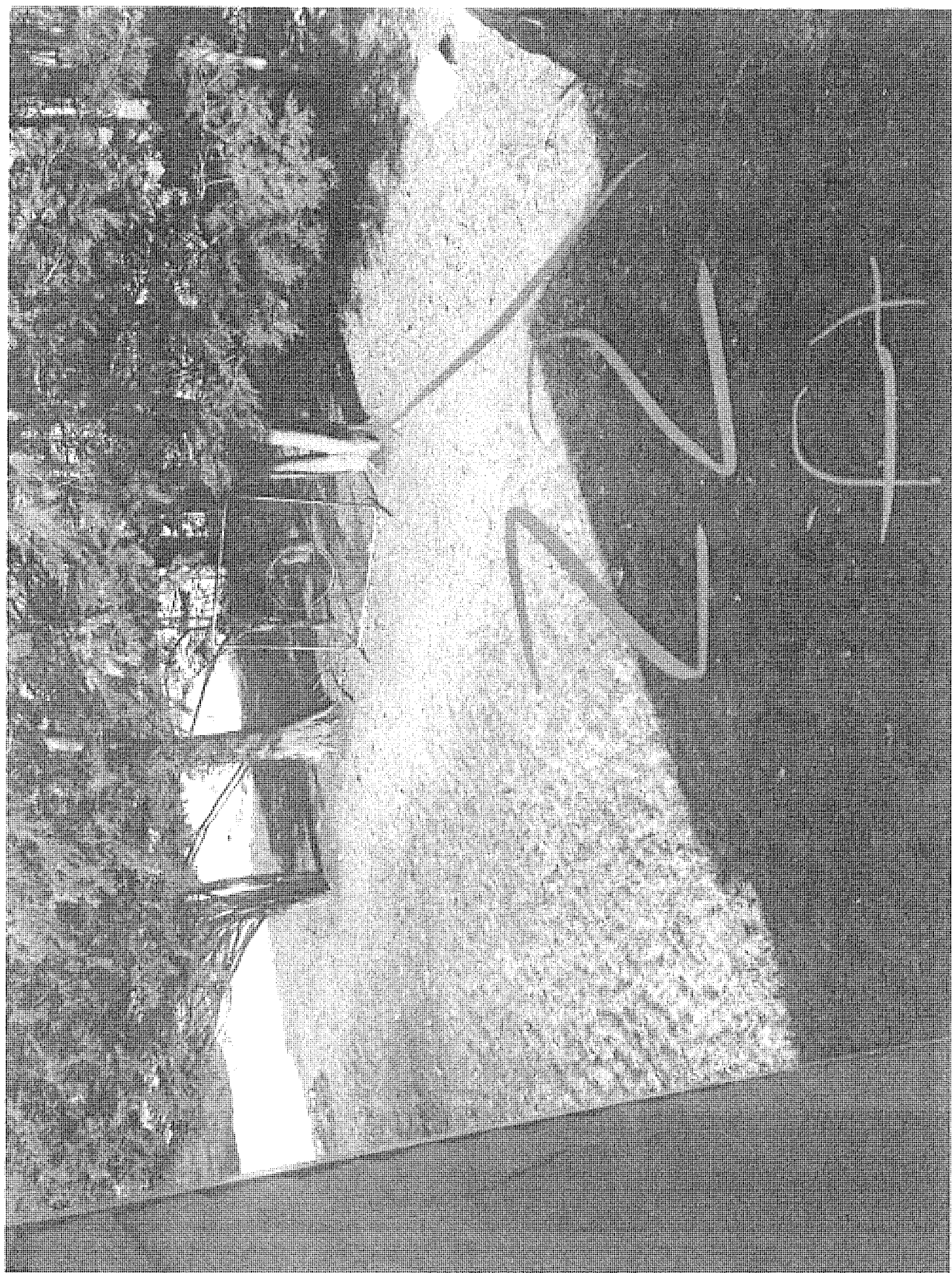
HOUSE

19 FT

12 FT

22 FT









Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 1- Request for Determination of Applicability

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

City/Town _____

C. Project Description

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

39 Dawson Drive

Street Address

Sudbury

City/Town

Assessors Map/Plat Number

Parcel/Lot Number

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

Single family house

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

GIS Site Map

Title

Date

Title

Date

Title

Date

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

Several pine and maple trees on the edge of back yard lean toward the house. Plan to prune the tree and cut short. In addition, a maple tree on the right side of front yard decays at the base and need to be removed.

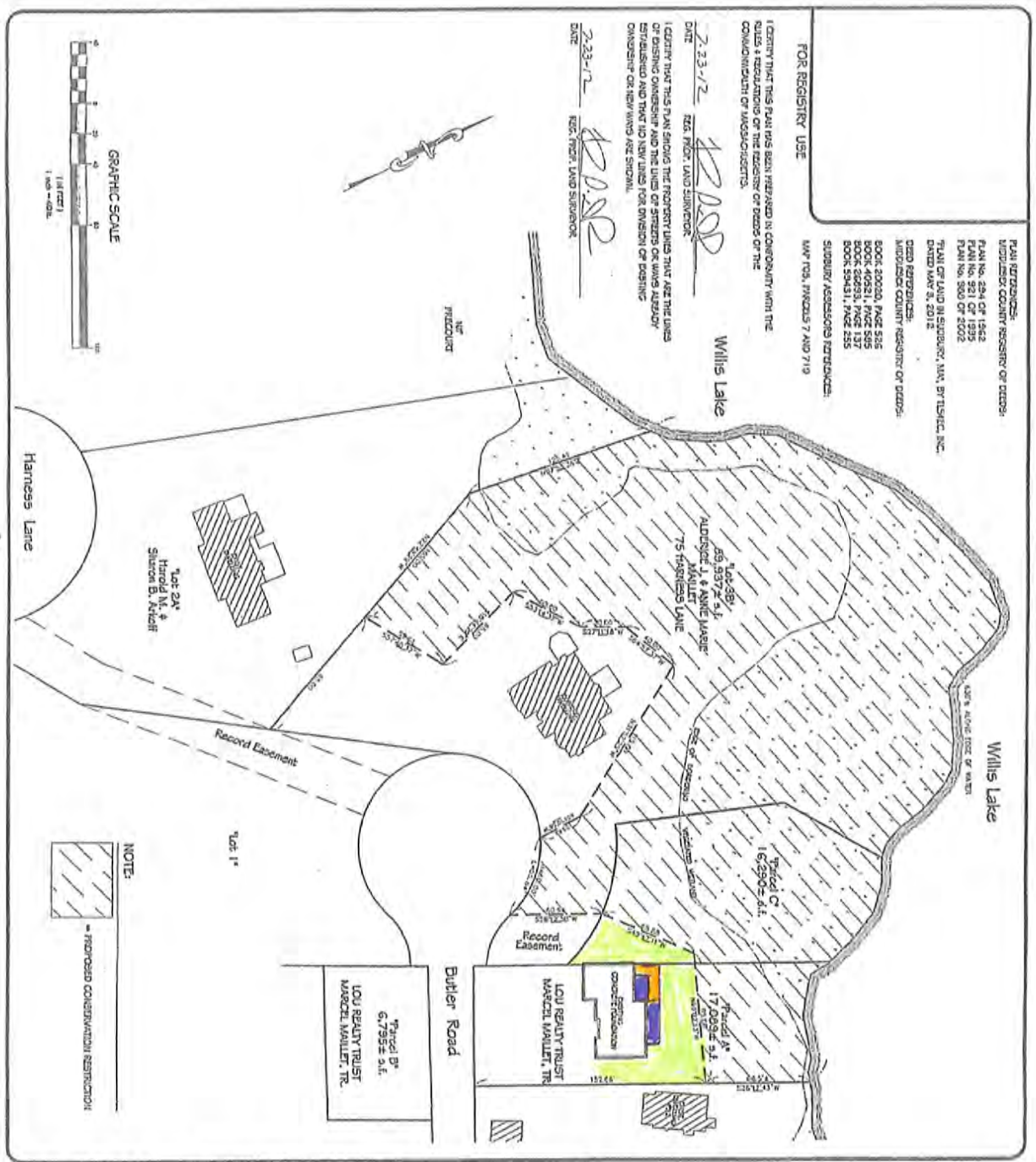


The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.

248 8547198

Marcel Maillet
94 Butler Rd

Lawn area
Proposed Addition
Existing



FOR REGISTRY USE

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES & REGULATIONS OF THE REGISTER OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

DATE: 7-23-12 REG. FROM: LAND SURVEYOR

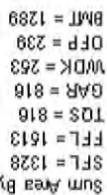
I CERTIFY THAT THIS PLAN SHOWS THE PROPERTY LINES THAT ARE THE LINES OF EXISTING OWNERSHIP AND THAT NO LINES FOR DIVISION OF EIGHTH OWNERSHIP OR NEW WINDS ARE SHOWN.

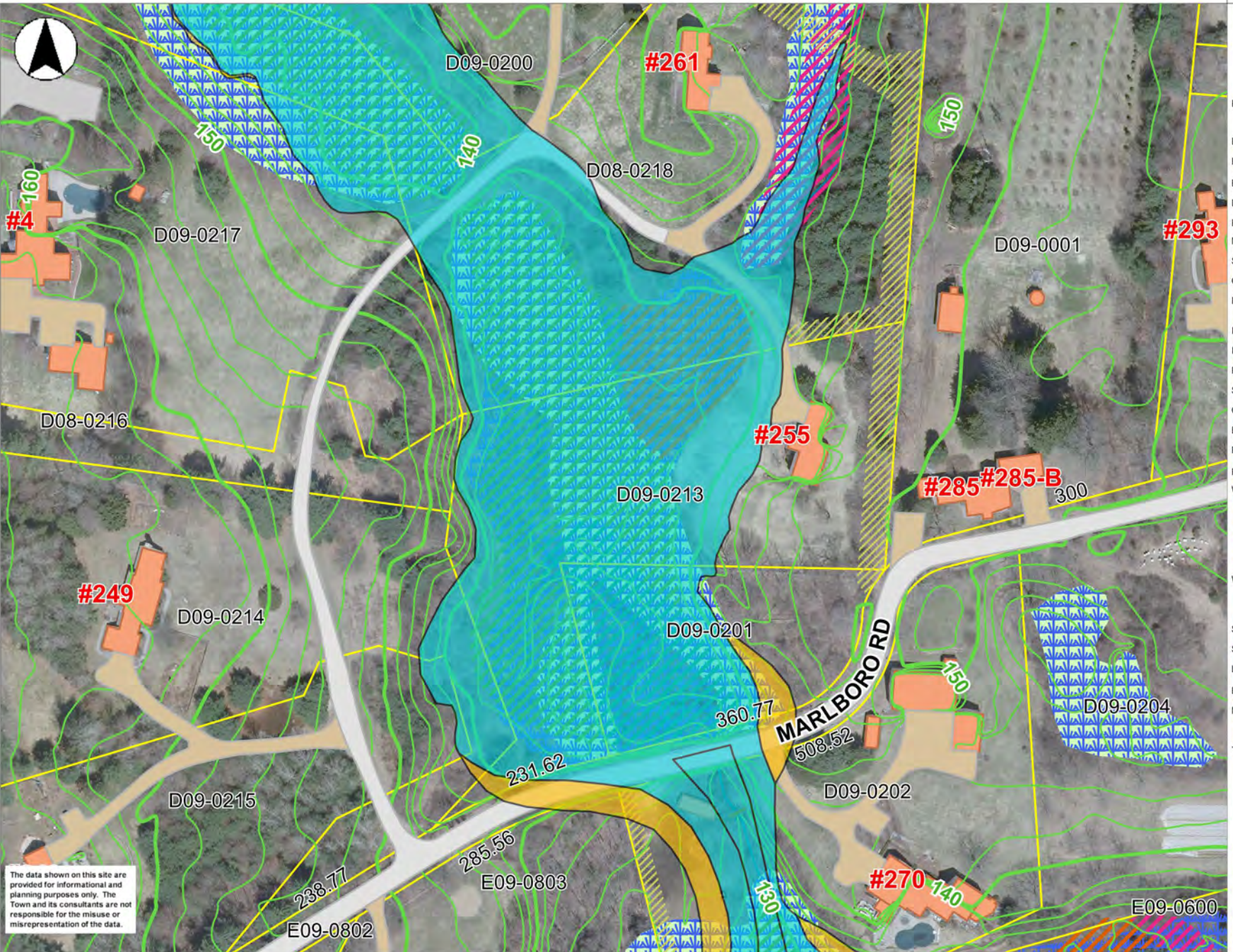
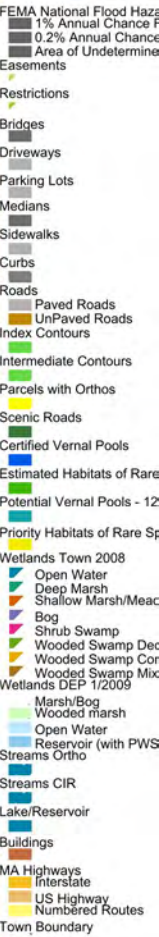
DATE: 7-23-12 REG. FROM: LAND SURVEYOR

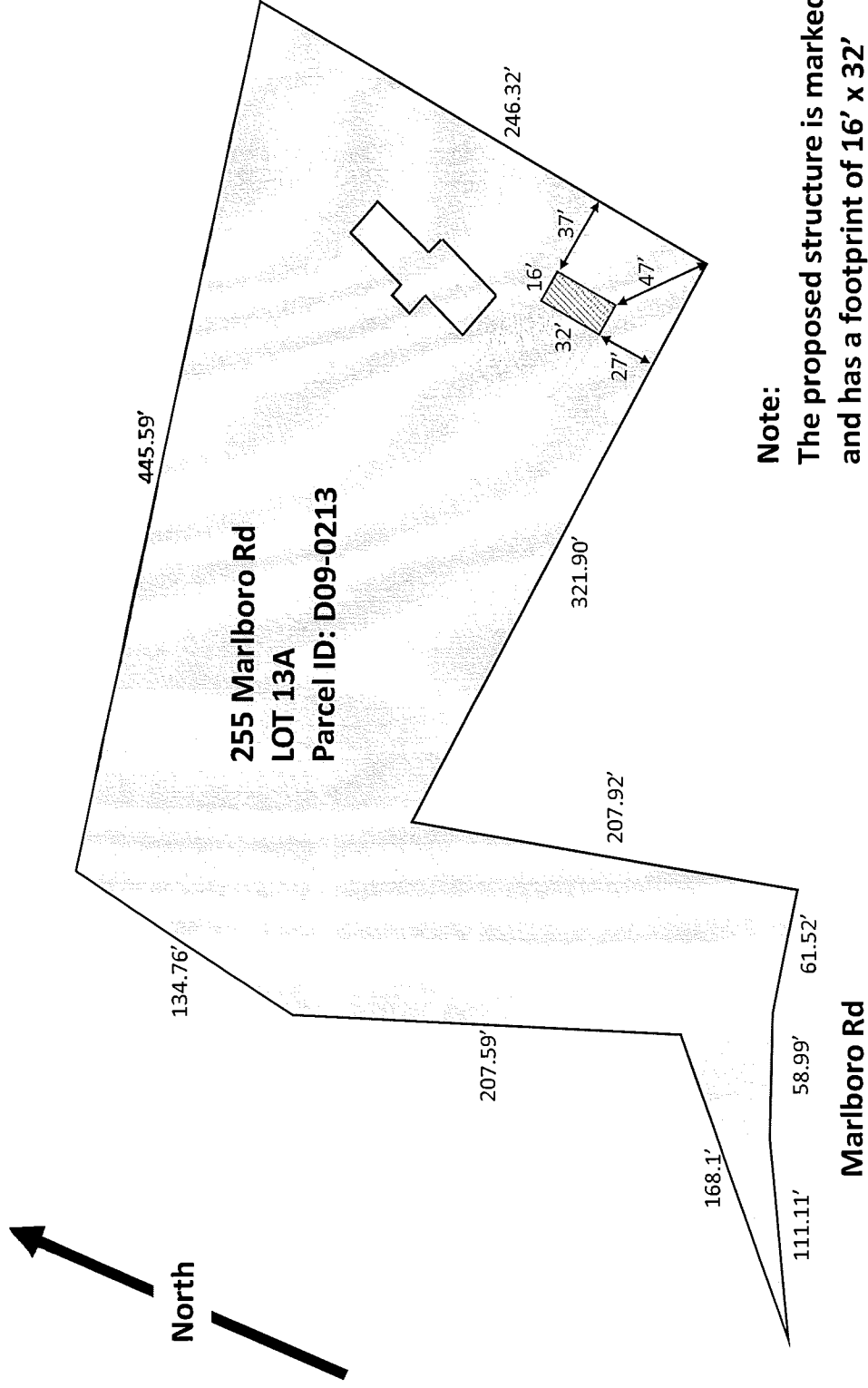
PLAN REFERENCES:
MIDDLESEX COUNTY REGISTER OF DEEDS:
PLAN No. 284 OF 1962
PLAN No. 921 OF 1995
PLAN No. 500 OF 2002
PLAN OF LAND IN SUDBURY, MA, BY THE REG. INC.
DATED MAY 3, 2012
DEED REFERENCES:
MIDDLESEX COUNTY REGISTER OF DEEDS:
BOOK 20020, PAGE 525
BOOK 40581, PAGE 595
BOOK 45581, PAGE 595
BOOK 59431, PAGE 255
SUDBURY ASSOCIATION REFERENCES:
MAP NOS. PAGES 7 AND 719

THOMAS DIPIERIO, P.L.S. LICENSE #29864		Prepared For: LOU REALTY TRUST MARCEL MAILLET, TR. BUTLER ROAD SUDBURY, MA 01776	Order By: AS NOTED	Prepared By: THOMAS LAND SURVEYORS & ENGINEERS, CONSULTANTS, INC. Land Surveyors and Registered Professional Surveyors MASSACHUSETTS REG. NO. 10178	SCALE: 1"=40' DRAWN: ED. TO. MA. CHECKED: TD. FILE NAME: 110478-01-01-01-01-01-01 PLOT DATE: July 23, 2012 JOB NO.: 2470	PLAN OF LAND IN SUDBURY, MA	SHEET 1 OF 1
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Sudbury, Mass. 01776







RENEY, MORAN & TIVNAN, INC.

REGISTERED LAND SURVEYORS

33 BURNCOAT STREET

WORCESTER, MA 01605-1811

508-852-5203 (PHONE)

508-853-2913 (FAX1)

508-853-8364 (FAX2)

RMT.INC@VERIZON.COM (EMAIL)

REGISTRY MIDDLESEX SOUTH

BASED UPON DOCUMENTATION PROVIDED, REQUIRED MEASUREMENTS WERE MADE OF THE FRONTAGE AND BUILDING(S) SHOWN ON THIS MORTGAGE INSPECTION PLAN. IN OUR JUDGEMENT ALL VISIBLE EASEMENTS ARE SHOWN AND THERE ARE NO VIOLATIONS OF ZONING REQUIREMENTS REGARDING STRUCTURES TO PROPERTY LINE OFFSETS (UNLESS OTHERWISE NOTED IN DRAWING BELOW).

NOTE: NOT DEFINED ARE ABOVEGROUND POOLS, DRIVEWAYS, OR SHEDS WITH NO FOUNDATIONS. THIS IS A MORTGAGE INSPECTION PLAN, NOT AN INSTRUMENT SURVEY. DO NOT USE TO ERECT FENCES, OTHER BOUNDARY STRUCTURES, OR TO PLANT TREES. LOCATION OF THE STRUCTURE(S) SHOWN HEREON IS EITHER IN COMPLIANCE WITH LOCAL ZONING FOR PROPERTY LINE OFFSET REQUIREMENTS, OR IS EXEMPT FROM VIOLATION ENFORCEMENT ACTION UNDER MASS. G.L. TITLE VII, CHAP. 40A, SEC. 7, UNLESS OTHERWISE NOTED. THIS CERTIFICATION IS NON-TRANSFERABLE. THE ABOVE CERTIFICATIONS ARE MADE WITH THE PROMOTION THAT THE INFORMATION PROVIDED IS ACCURATE AND THAT THE MEASUREMENTS USED ARE ACCURATELY LOCATED IN RELATION TO THE PROPERTY LINES.

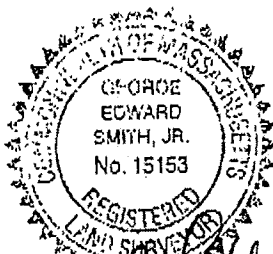
MORTGAGE INSPECTION PLAN

NAME MICHAEL & TUSHALINI DALEYLOCATION 255 OLD MARLBORO ROADSUDBURY, MASCALE 1" = 100' DATE JUNE 17, 2002DEED BOOK/PAGE 14795-116PLAN BOOK/PLAN 874 OF 1982

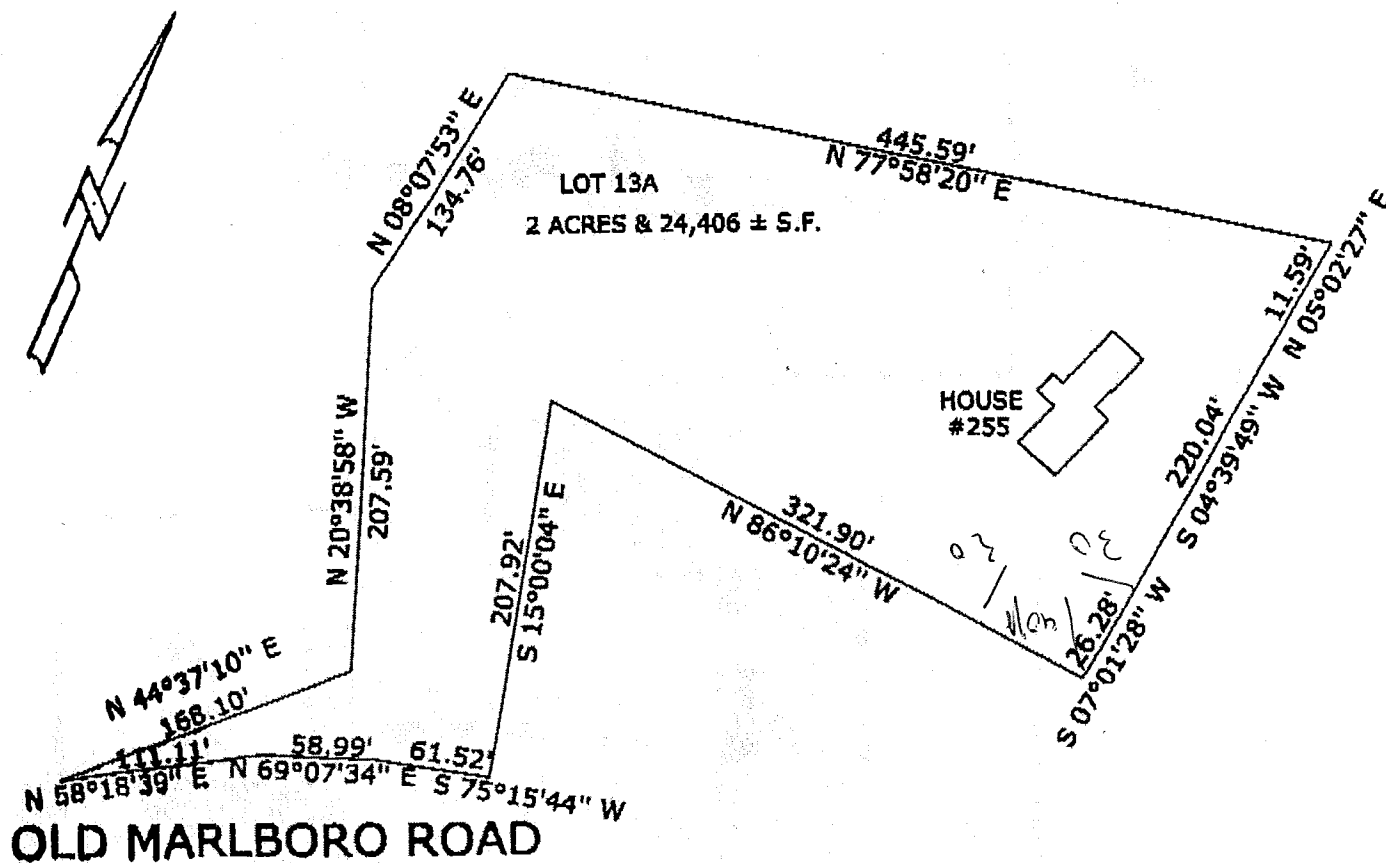
WE CERTIFY THAT THE BUILDING(S) ARE NOT WITHIN THE SPECIAL FLOOD HAZARD AREA. SEE HUD MAP:

4B DTD 06.01.82

FLOOD HAZARD ZONE HAS BEEN DETERMINED BY SCALE AND IS NOT NECESSARILY ACCURATE. UNTIL DEFINITIVE PLANS ARE ISSUED BY HUD AND/OR A VERTICAL CONTROL SURVEY IS PERFORMED, PRECISE ELEVATIONS CANNOT BE DETERMINED.

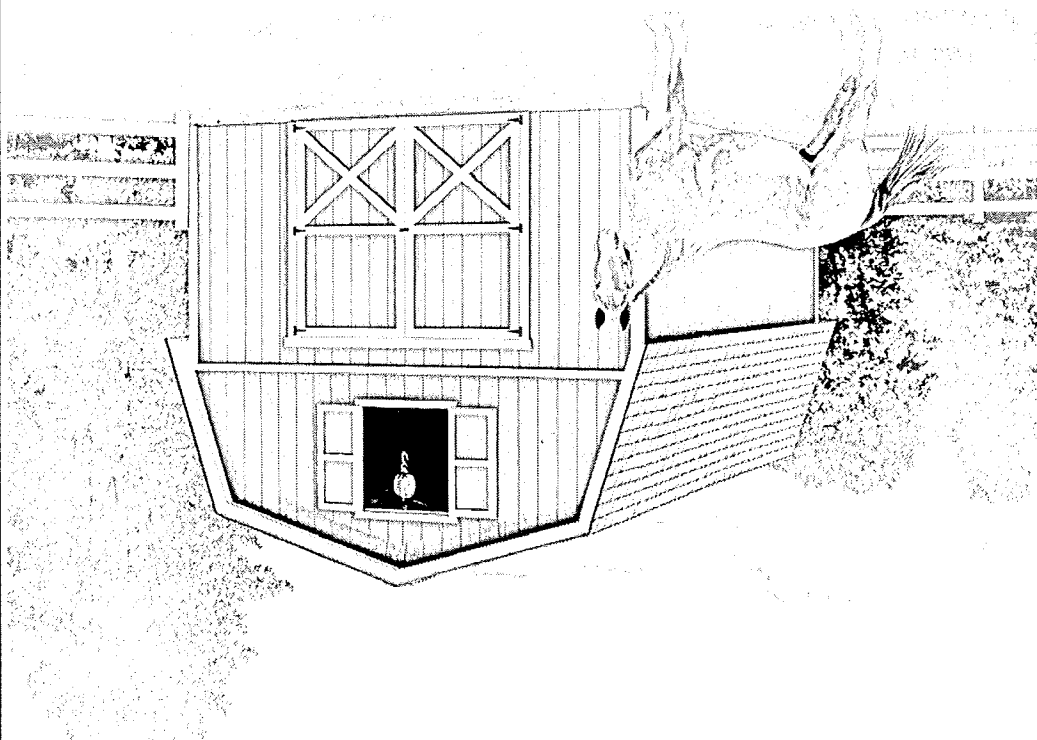


George E. Smith, Jr.





Best Barns USA
Assembly Book
Revised August 17, 2017



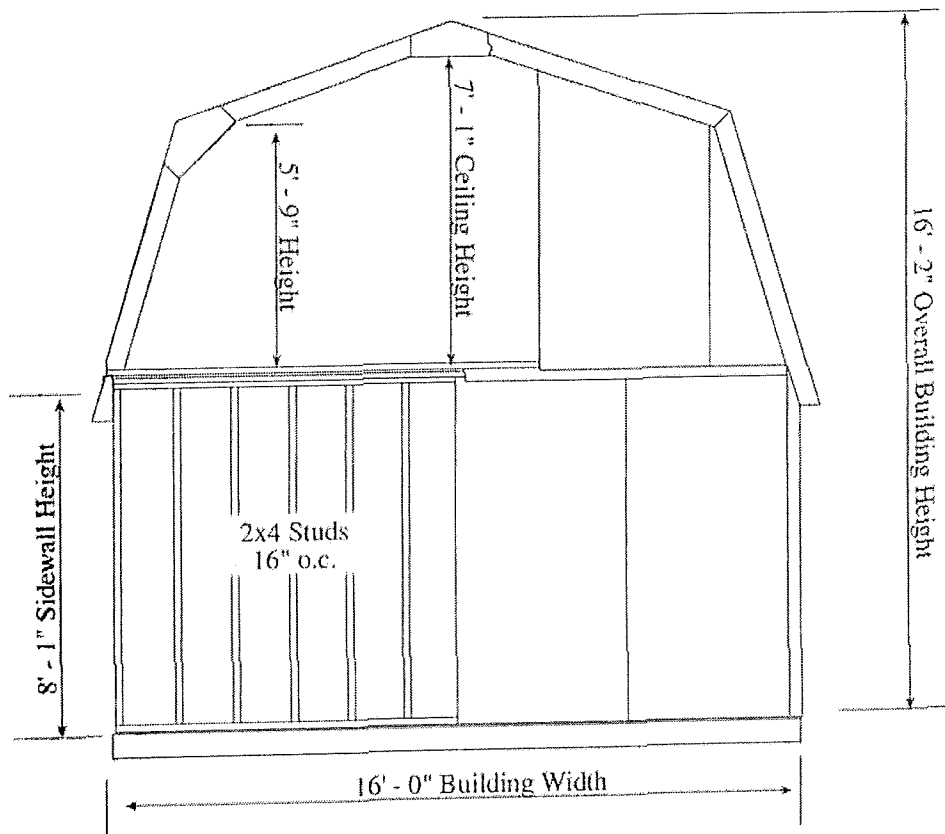
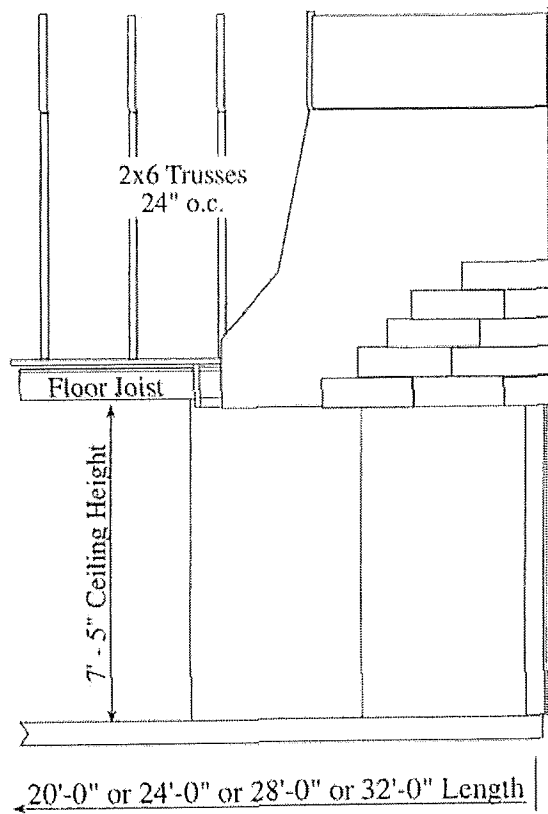
the Roanoke 16'x32' Building w/ full loft

Manufactured by Reynolds Building Systems, Inc.
205 Arlington Drive
Greenville, PA 16125

This manual is copyrighted. Under the copyright laws, this manual may not be copied, in whole or in part, without consent from Reynolds Building Systems, Inc. © Copyright 2012



Richmond / Roanoke Cross Section



Richmond / Roanoke
16ft. wide x ____ ft. long
2 Story Gambrel Building

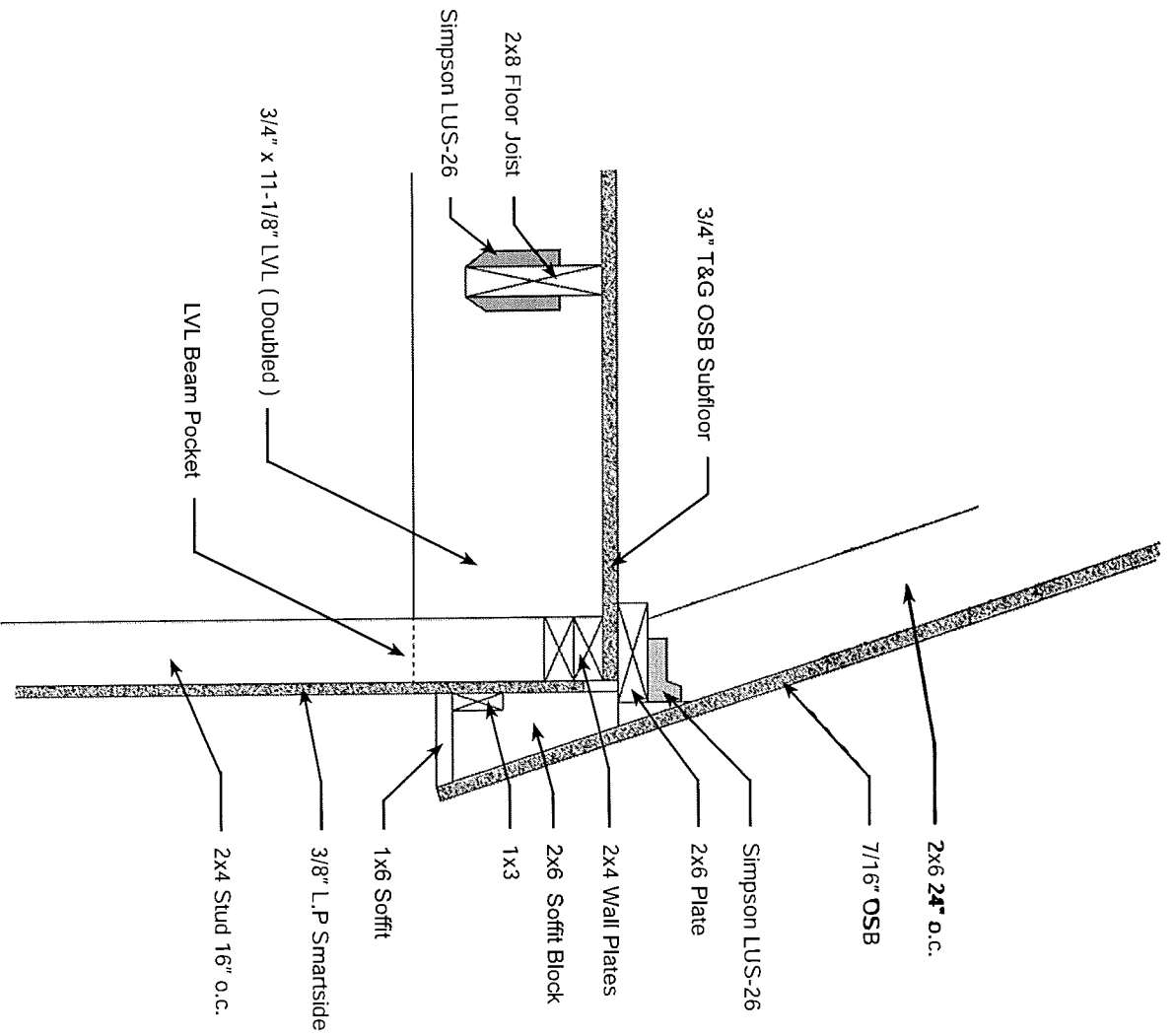
Manufactured by:
Reynolds Building Systems, Inc.
205 Arlington Drive
Greenville, PA 16125
phone: 800-245-1577
fax: 724-646-0772

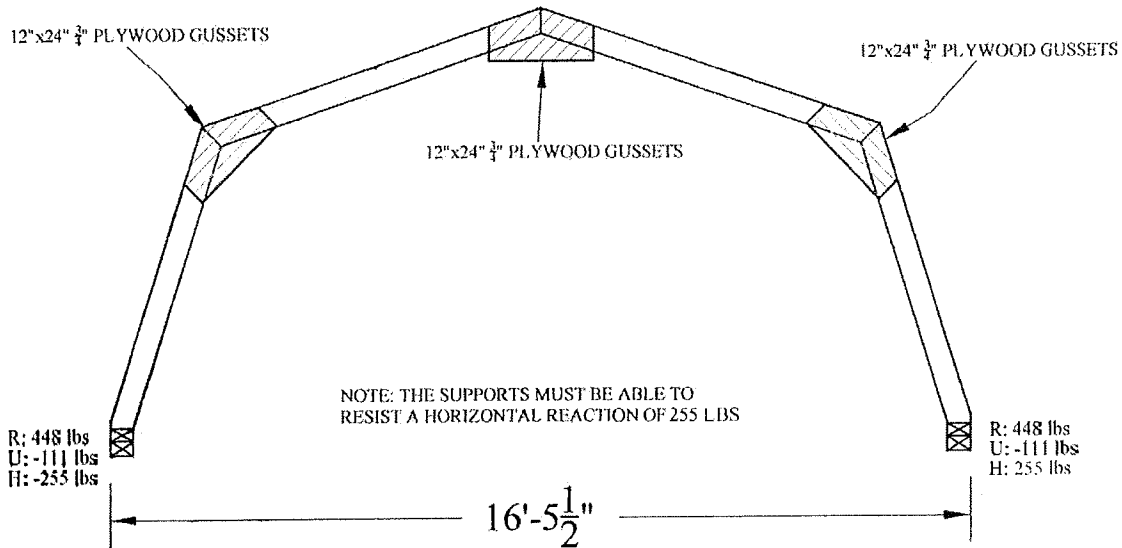
Truss & Wall Cross Section

Top of wall inclusive of LVL
support beams, loft floor joists, wall
framing and truss cross sections.
Drawing not to scale.

Instructions:
Homeowner may provide
additional information as
appropriate.

Notes:
Refer to installation manual for
further detail.





T01 16

PROBLEM:

THE SHED FRAMING MUST BE DESIGNED AND BUILT WITH PLYWOOD GUSSETS.

SOLUTION:

ATTACH 12"x24" (2) $\frac{3}{4}$ " PLYWOOD TO TRUSS WITH CONSTRUCTION GRADE WATERPROOF GLUE (PL400 OR BETTER) & (3) STAGGERED ROWS OF 12d COMMON NAILS, OR EQUIVALENT, AT 4" O.C. TO EVERY CONTACT MEMBER; STAGGER ROWS ON OPPOSING SIDES, ONE EACH SIDE. TYPICALLY (3) LOCATIONS

THE DESIGN MAY BE INSTALLED AT 16" O.C. MAX.

DESIGN LOADING (IN PSF) IS:

GROUND SNOW: 30

DEAD: 12

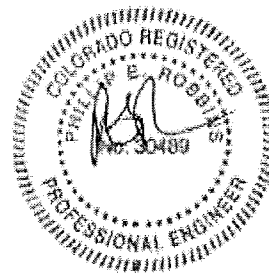
WIND: 90 MPH EXP. B MEAN ROOF HEIGHT H=<30' CATEGORY I

LUMBER DURATION IS 115%

THE LUMBER IS SPF #2 2x6

ASCE 7-05 Wind load 90 mph Vasd
ASCE 7-10 Wind load 115 mph Vult
IBC 2012, IBC 2009

UNIQUE BEARING CONDITIONS REQUIRE SPECIAL ATTENTION:
THE BUILDING DESIGNER MUST ACCOUNT FOR NOT ONLY THE BEARING REACTION BUT FOR THE HORIZONTAL THRUST & THE UPLIFT. PROVIDE MECHANICAL CONNECTION (BY OTHERS) TO RESIST FORCES SHOWN.



8/24/17

P.E. Robbins
1777 State Route 167
Victoria, IL 61485

PER171367

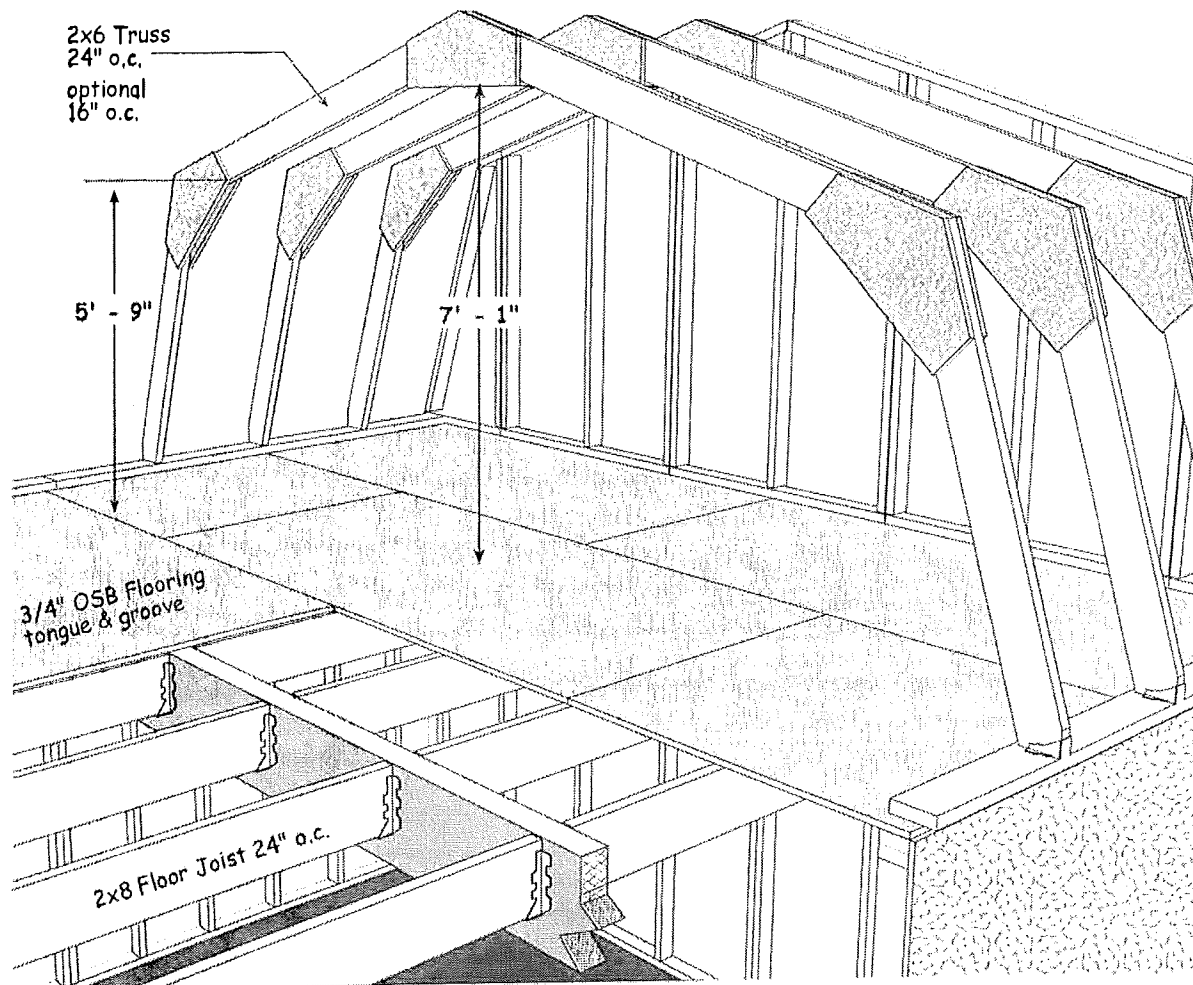
ALL PERSONS FABRICATING, HANDLING, ERECTING OR INSTALLING ANY TRUSS BASED UPON THIS TRUSS DESIGN DRAWING ARE INSTRUCTED TO REFER TO ALL OF THE INSTRUCTIONS, LIMITATIONS AND QUALIFICATIONS SET FORTH IN THE EAGLE METAL PRODUCTS DESIGN NOTES ISSUED WITH THIS DESIGN AND AVAILABLE FROM EAGLE UPON REQUEST.

TrueBuild® Software
Eagle Metal Products
Dallas, TX 75234



a division of Reynolds Building Systems, Inc.
 205 Arlington Drive, Greenville, PA 16125
 Phone 800-245-1577
 email questions@barnkits.com

Richmond / Roanoke Cross Section & Specifications



GENERAL SPECIFICATIONS

Foundation: By owner

Wall Framing: 16" o.c. wall studs, designed to meet the international building codes of BOCA, IBC-IRC-2009 and 2012 Editions. Walls furnished with treated bottom plate.

Exterior Siding: Primed 3/8" Smart Panel 8" o.c. groove with 50 year limited warranty.

Loft Floor: 2x8 floor joists, 3-1/2" x 11-7/8" support beam, 3/4" OSB tongue & groove floor.

Roof System: 2x6 trusses spaced 24" on center (30 psf flat ground snow load, 90 mph wind load). Covered with 7/16" OSB roof sheathing.

Optional 16" truss spacing provides 60 psf snow load with 152 mph wind load. *Shingles by owner.*

Exterior Trim: White pine trim for gable trim, corners, and barn doors for the Roanoke model.

Hardware: Nails for all framing, metal hangers for floor joist & hurricane hangers for trusses.



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 1- Request for Determination of Applicability

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

City/Town

C. Project Description

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

39 Dawson Drive

Street Address

Sudbury

City/Town

Assessors Map/Plat Number

Parcel/Lot Number

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

Single family house

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

GIS Site Map

Title

Date

Title

Date

Title

Date

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

Several pine and maple trees on the edge of back yard lean toward the house. Plan to prune the tree and cut short. In addition, a maple tree on the right side of front yard decays at the base and need to be removed.