

# NOTICE OF INTENT

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261 & 273 Lincoln Road  
Sudbury, Massachusetts

January 30, 2020

**Applicant:**

Richard Williamson  
273 Lincoln Road  
Sudbury, MA 01776

**Prepared By:**

Williams & Sparages LLC  
189 North Main Street, Suite 101  
Middleton, MA 01949  
Ph: 978-539-8088  
Fax: 978-539-8200  
[www.wsengineers.com](http://www.wsengineers.com)

**W&S Project No:**

SUDB-0018





**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 3 – Notice of Intent**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

\_\_\_\_\_  
 MassDEP File Number  
 \_\_\_\_\_  
 Document Transaction Number  
 Sudbury  
 \_\_\_\_\_  
 City/Town

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



**Note:**  
 Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

**A. General Information**

1. Project Location (**Note:** electronic filers will click on button to locate project site):

261 & 273 Lincoln Road  
 a. Street Address  
 Sudbury  
 b. City/Town  
 01776  
 c. Zip Code  
 Latitude and Longitude:  
 42.39641 N  
 d. Latitude  
 71.38752 W  
 e. Longitude  
 F12  
 f. Assessors Map/Plat Number  
 1 & 2  
 g. Parcel /Lot Number

2. Applicant:

Richard  
 a. First Name  
 Williamson  
 b. Last Name  
 \_\_\_\_\_  
 c. Organization  
 273 Lincoln Road  
 d. Street Address  
 Sudbury  
 e. City/Town  
 MA  
 f. State  
 01776  
 g. Zip Code  
 \_\_\_\_\_  
 h. Phone Number  
 i. Fax Number  
 williamson01773@yahoo.com  
 j. Email Address

3. Property owner (required if different from applicant):  Check if more than one owner

(see attached)  
 a. First Name  
 b. Last Name  
 \_\_\_\_\_  
 c. Organization  
 \_\_\_\_\_  
 d. Street Address  
 \_\_\_\_\_  
 e. City/Town  
 f. State  
 g. Zip Code  
 \_\_\_\_\_  
 h. Phone Number  
 i. Fax Number  
 j. Email address

4. Representative (if any):

Greg  
 a. First Name  
 Hochmuth  
 b. Last Name  
 Williams & Sparages LLC  
 c. Company  
 189 North Main Street, Suite 101  
 d. Street Address  
 Middleton  
 e. City/Town  
 MA  
 f. State  
 01949  
 g. Zip Code  
 (978) 539-8088  
 h. Phone Number  
 (978) 539-8200  
 i. Fax Number  
 ghochmuth@wsengineers.com  
 j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

\$1,050.00  
 a. Total Fee Paid  
 \$512.50  
 b. State Fee Paid  
 \$537.50  
 c. City/Town Fee Paid



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**A. General Information (continued)**

6. General Project Description:

To restore bordering vegetated wetlands altered during the cleanup of hazardous materials.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Single Family Home                        | 2. <input type="checkbox"/> Residential Subdivision       |
| 3. <input type="checkbox"/> Commercial/Industrial                     | 4. <input type="checkbox"/> Dock/Pier                     |
| 5. <input type="checkbox"/> Utilities                                 | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation                |
| 9. <input checked="" type="checkbox"/> Other                          |   |

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1.  Yes  No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR 10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Essex South

a. County

See attached

c. Book

b. Certificate # (if registered land)

d. Page Number

**B. Buffer Zone & Resource Area Impacts (temporary & permanent)**

1.  Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
2.  Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Property Owner Information:

Paul Cleveland  
261 Lincoln Road  
Sudbury, MA 01776

Deed Reference:  
Book 11589, Page 484

Richard Williamson  
273 Lincoln Road  
Sudbury, MA 01776

Deed Reference:  
Book 71473, Page 13





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**B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)**

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	16,600+/- 1. square feet	16,600+/- 2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input checked="" type="checkbox"/> Bordering Land Subject to Flooding	unknown 1. square feet 3. cubic feet of flood storage lost	to be restored to pre-fill condition 4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet 2. cubic feet of flood storage lost	3. cubic feet replaced

f.  Riverfront Area  
1. Name of Waterway (if available) - **specify coastal or inland**

2. Width of Riverfront Area (check one):
- 25 ft. - Designated Densely Developed Areas only
  - 100 ft. - New agricultural projects only
  - 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: \_\_\_\_\_ square feet

4. Proposed alteration of the Riverfront Area:  
a. total square feet \_\_\_\_\_ b. square feet within 100 ft. \_\_\_\_\_ c. square feet between 100 ft. and 200 ft. \_\_\_\_\_

5. Has an alternatives analysis been done and is it attached to this NOI?  Yes  No

6. Was the lot where the activity is proposed created prior to August 1, 1996?  Yes  No

3.  Coastal Resource Areas: (See 310 CMR 10.25-10.35)

**Note:** for coastal riverfront areas, please complete **Section B.2.f.** above.



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City/Town \_\_\_\_\_

**B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)**

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:  
 Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet _____	
	2. cubic yards dredged _____	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet _____	2. cubic yards beach nourishment _____
e. <input type="checkbox"/> Coastal Dunes	1. square feet _____	2. cubic yards dune nourishment _____
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	1. linear feet _____	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet _____	
h. <input type="checkbox"/> Salt Marshes	1. square feet _____	2. sq ft restoration, rehab., creation _____
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet _____	
	2. cubic yards dredged _____	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet _____	
k. <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	
	1. cubic yards dredged _____	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet _____	

4.  Restoration/Enhancement  
 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.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW \_\_\_\_\_

b. square feet of Salt Marsh \_\_\_\_\_

5.  Project Involves Stream Crossings

a. number of new stream crossings \_\_\_\_\_

b. number of replacement stream crossings \_\_\_\_\_



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**C. Other Applicable Standards and Requirements**

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

**Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review**

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to [http://maps.massgis.state.ma.us/PRI\\_EST\\_HAB/viewer.htm](http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm).

- a.  Yes  No **If yes, include proof of mailing or hand delivery of NOI to:**

**Natural Heritage and Endangered Species Program**  
**Division of Fisheries and Wildlife**  
**1 Rabbit Hill Road**  
**Westborough, MA 01581**

8/2017

b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review\*

1.  Percentage/acreage of property to be altered:

(a) within wetland Resource Area \_\_\_\_\_ percentage/acreage

(b) outside Resource Area \_\_\_\_\_ percentage/acreage

2.  Assessor's Map or right-of-way plan of site

2.  Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work \*\*

(a)  Project description (including description of impacts outside of wetland resource area & buffer zone)

(b)  Photographs representative of the site

\* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/>). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

\*\* MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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**C. Other Applicable Standards and Requirements (cont'd)**

- (c)  MESA filing fee (fee information available at [http://www.mass.gov/dfwele/dfw/nhosp/regulatory\\_review/ mesa/ mesa\\_fee\\_schedule.htm](http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/ mesa/ mesa_fee_schedule.htm)). Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

*Projects altering 10 or more acres of land, also submit:*

- (d)  Vegetation cover type map of site
- (e)  Project plans showing Priority & Estimated Habitat boundaries
- (f) OR Check One of the Following
1.  Project is exempt from MESA review.  
 Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, [http://www.mass.gov/dfwele/dfw/nhosp/regulatory\\_review/ mesa/ mesa\\_exemptions.htm](http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/ mesa/ mesa_exemptions.htm); the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)
2.  Separate MESA review ongoing. a. NHESP Tracking # \_\_\_\_\_ b. Date submitted to NHESP \_\_\_\_\_
3.  Separate MESA review completed.  
 Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.
3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?
- a.  Not applicable – project is in inland resource area only      b.  Yes     No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

Division of Marine Fisheries -  
 Southeast Marine Fisheries Station  
 Attn: Environmental Reviewer  
 836 South Rodney French Blvd.  
 New Bedford, MA 02744  
 Email: [DMF.EnvReview-South@state.ma.us](mailto:DMF.EnvReview-South@state.ma.us)

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -  
 North Shore Office  
 Attn: Environmental Reviewer  
 30 Emerson Avenue  
 Gloucester, MA 01930  
 Email: [DMF.EnvReview-North@state.ma.us](mailto:DMF.EnvReview-North@state.ma.us)

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.





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### C. Other Applicable Standards and Requirements (cont'd)

**Online Users:**  
 Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
- a.  Yes  No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
- a.  Yes  No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
- a.  Yes  No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
- a.  Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1.  Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
  2.  A portion of the site constitutes redevelopment
  3.  Proprietary BMPs are included in the Stormwater Management System.
- b.  No. Check why the project is exempt:
1.  Single-family house
  2.  Emergency road repair
  3.  Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

### D. Additional Information

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

**Online Users:** Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1.  USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2.  Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



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**D. Additional Information (cont'd)**

3.  Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4.  List the titles and dates for all plans and other materials submitted with this NOI.

Wetland/Buffer Zone Restoration Plan

a. Plan Title

Williams & Sparages LLC

Richard L. Williams, PE

b. Prepared By

c. Signed and Stamped by

February 10, 2020

1" = 20'

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

5.  If there is more than one property owner, please attach a list of these property owners not listed on this form.
6.  Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7.  Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
8.  Attach NOI Wetland Fee Transmittal Form
9.  Attach Stormwater Report, if needed.

**E. Fees**

1.  Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

2696

2. Municipal Check Number

2-1-2020

3. Check date

2695

4. State Check Number

2-1-2020

5. Check date

Richard

6. Payor name on check: First Name

Williamson

7. Payor name on check: Last Name



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Sudbury  
City/Town

#### F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

→	<i>[Handwritten Signature]</i>	2-5-20
	1. Signature of Applicant	2. Date
→	SAME AS ABOVE	
	3. Signature of Property Owner (if different)	4. Date
	<i>[Handwritten Signature]</i>	2-7-2020
	5. Signature of Representative (if any)	6. Date

**For Conservation Commission:**

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

**For MassDEP:**

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a copy of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

**Other:**

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent



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I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

<u>Richard C. Williamson</u>	<u>2/1/2020</u>
1. Signature of Applicant	2. Date
<u>[Signature]</u>	<u>2-7-2020</u>
3. Signature of Property Owner (if different)	4. Date
<u>[Signature]</u>	6. Date
5. Signature of Representative (if any)	

### For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

### For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

### Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

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



**A. Applicant Information**

**1. Location of Project:**

261 & 273 Lincoln Road Sudbury  
 a. Street Address b. City/Town  
 2695 \$512.50  
 c. Check number d. Fee amount

**2. Applicant Mailing Address:**

Richard Williamson  
 a. First Name b. Last Name  
 \_\_\_\_\_  
 c. Organization  
 273 Lincoln Road  
 d. Mailing Address  
 Sudbury MA 01776  
 e. City/Town f. State g. Zip Code  
 \_\_\_\_\_  
 h. Phone Number i. Fax Number williamson01773@yahoo.com  
 \_\_\_\_\_  
 j. Email Address

**3. Property Owner (if different):**

\_\_\_\_\_ \_\_\_\_\_  
 a. First Name b. Last Name  
 \_\_\_\_\_  
 c. Organization  
 \_\_\_\_\_  
 d. Mailing Address  
 \_\_\_\_\_  
 e. City/Town f. State g. Zip Code  
 \_\_\_\_\_  
 h. Phone Number i. Fax Number j. Email Address  
 \_\_\_\_\_

**B. Fees**

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).

Fee should be calculated using the following process & worksheet. **Please see instructions before filling out worksheet.**

**Step 1/Type of Activity:** Describe each type of activity that will occur in wetland resource area and buffer zone.

**Step 2/Number of Activities:** Identify the number of each type of activity.

**Step 3/Individual Activity Fee:** Identify each activity fee from the six project categories listed in the instructions.

**Step 4/Subtotal Activity Fee:** Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

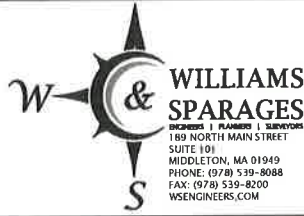
**Step 5/Total Project Fee:** Determine the total project fee by adding the subtotal amounts from Step 4.

**Step 6/Fee Payments:** To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

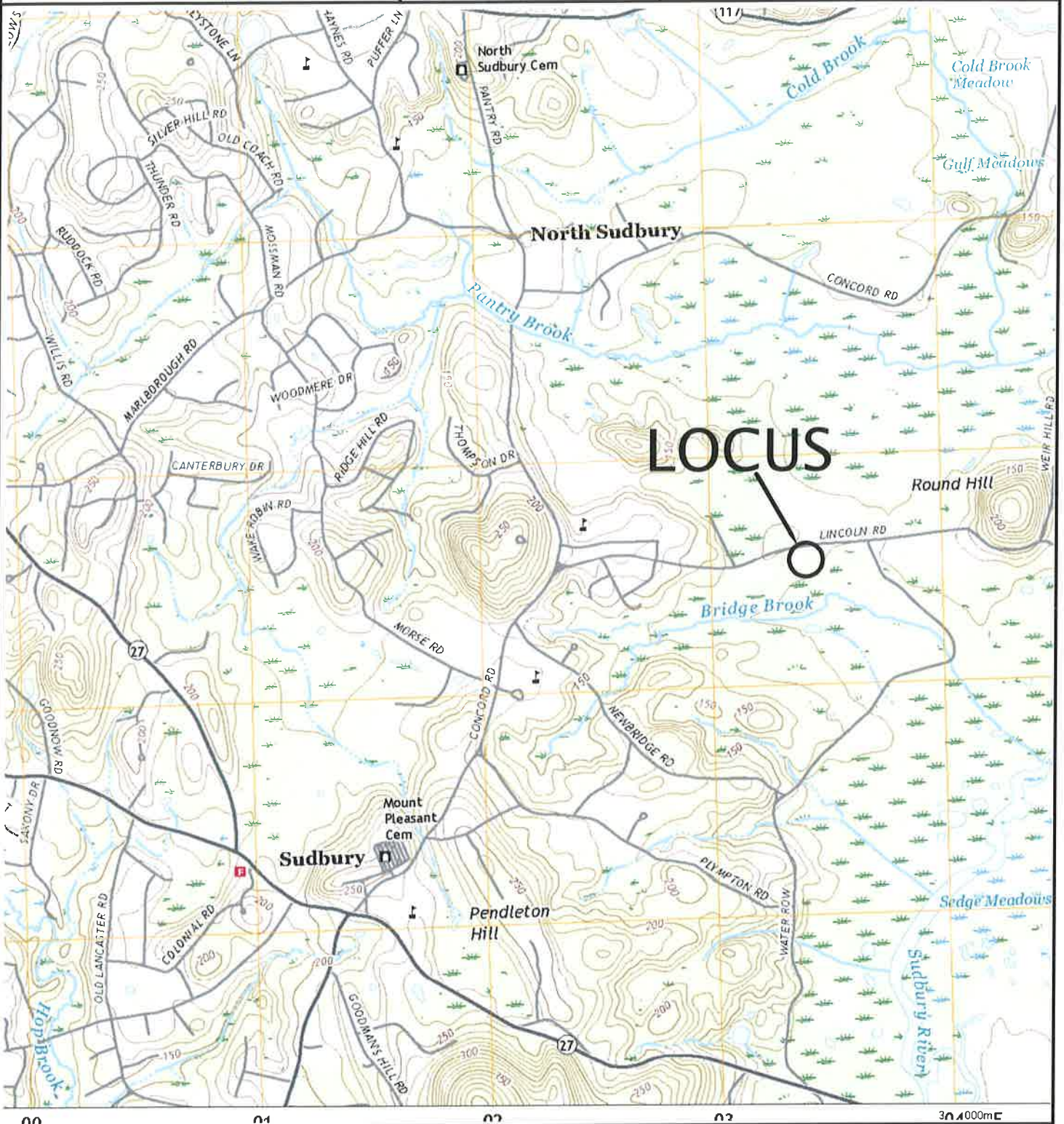




WILLIAMS & SPARAGES  
CIVIL ENGINEERING &  
LAND SURVEYORS



189 NORTH MAIN STREET  
SUITE 101  
MIDDLETON, MA 01949  
PHONE: (978) 539-8088  
FAX: (978) 539-8200



UNITED STATES GEOLOGIC SURVEY MAP  
MAYNARD, MASS QUAD  
SCALE: 1:24,000 (metric contours)

LOCUS MAP  
261 & 273 LINCOLN ROAD  
SUDBURY, MA 01776



## **Introduction:**

Williams & Sparages LLC (W&S) was contracted to assist the property owners at 261 & 273 Lincoln Road with the permitting required to temporarily alter/restore jurisdictional wetland resource areas that were impacted during a #2 heating fuel oil spill.

Wetland Resource areas were delineated by Leah Basbanes, from Basbanes Wetland Consulting.

Below in italics is a summary of the events that have transpired since the spill occurred as described by Mr. Joseph Jammallo, President of Cushing, Jammallo & Wheeler, Inc. (CJW) who were contracted to provide project oversight and management as the Licensed Site Professional (LSP) for the project.

*According to Mr. Richard Williamson, the property owner of 273 Lincoln Road (site), he received a delivery of #2 heating fuel oil sometime shortly before December 25, 2019 to fill his 275-gallon above ground steel storage tank (AST) that was located in eastern portion of his basement. Subsequent to the oil delivery, Mr. Williamson left the premises for a few days and when he returned on December 27<sup>th</sup> and entered his home, he encountered a petroleum odor. Upon further investigation, he observed the fuel oil release in the basement and called the Sudbury, MA Fire Department (SFD). On December 27, 2019, the SFD dispatch reported a 250-gallon release of #2 heating oil from the AST in Mr. Williamson's basement to the Massachusetts Department of Environmental Protection (MADEP). The release was due to a failed AST as Lt. Graham of the SFD indicated that a hole was observed in the bottom of the AST. The release impacted the basement's concrete floor and fuel oil also flowed into a large separation between the basement foundation wall and floor slab*

*Lt. Graham further reported that fuel oil flowed under the floor to a sump (located at the southeast portion of the basement) and was discharged, via a sump pump, to the back yard of the residence. The discharge location is in close proximity to a wetland such that the fuel oil was released into the wetland. The SFD and Clean Harbors Environmental Services (CHES), who responded to the release, used its absorbents in an attempt to contain the release.*

*Under the Massachusetts Contingency Plan (MCP) (310 CMR 40.0000), the release is considered to be a "sudden, continuous or intermittent release to the environment of oil...when: (a) the quantity of the release is equal to or greater than the applicable Reportable Quantity (in this case, 10 gallons); and (b) it is likely that the release occurred within any period of 24 consecutive hours or less." Such a release is to be reported to the MADEP within 2 hours after obtaining knowledge that such a release meets these criteria. The reporting of the release to MADEP resulted in the MADEP issuing Release Tracking Number (RTN) 3-36059 and also triggered an Immediate Response Action (IRA under the MCP (310 CMR 40.0410). As described in the MCP, IRAs "shall assess a release, threat of release and/or site conditions and, where appropriate, contain, isolate, remove or secure a release or threat of release of oil and/or hazardous material in order to: (a) abate, prevent or eliminate an Imminent Hazard to health, safety, public welfare or the environment; and/or (b) respond to other time-critical release, threat of release and/or site conditions." Mr. Kenneth Sanderson of MADEP orally approved the following initial actions:*





- *“Properly apply, remove, drum, manage, transport, and dispose of absorbents needed to help contain and cleanup this release;*
- *Utilize a vacuum truck to recover free product as needed;*
- *Install a vapor barrier and ventilate of the [house] sing a negative air pressure machine; and*
- *Perform assessment activities to determine the nature and extent of the release.”*

*CJW is performing the environmental assessment and guiding the cleanup efforts. Mr. Joseph Jammallo, President of CJW, is also providing project oversight and management as the Licensed Site Professional (LSP). U.S. Ecology is the contractor performing the cleanup activities.*

*When CJW first arrived at the site, the wetlands impact was evident since either red-dyed #2 fuel oil product and/or red oil sheens were observed on wetlands water/soil over an area covering approximately 13,000 square feet (130 feet x 100 feet). The release not only impacted the wetlands portion of the property located at 273 Lincoln Road but also wetlands associated with the easterly abutting property at 261 Lincoln Road, which is owned by Mr. Paul Cleveland.*

*Mr. Jammallo contacted the Sudbury Conservation Commission and spoke with Ms. Lori Capone, Conservation Coordinator. Ms. Capone provided an Emergency Certification from the Sudbury Conservation Commission to Mr. Williamson to commence remediation work. The “Work to be Allowed” under the Emergency Certification noted:*

- *“Tree removal required for installation of a temporary access road and within the excavation area;*
- *Installation of a temporary access road;*
- *Excavation and removal of contaminated soils;*
- *Installation of clean fill;*
- *Removal of the temporary access road;*
- *Stabilization of all disturbed areas with a native seed mix; and,*
- *Cover disturbed areas with straw.”*

*Mr. Christopher Bresnahan of MADEP has been actively involved in this matter and has visited the site and provided various approvals to perform cleanup activities. To date, Mr. Bresnahan has verbally authorized the following additional IRAs:*

- *On Friday, January 10, 2020, he approved the following modifications to the IRA to allow for the excavation of contaminated soil from the impacted woods/wetland at the 273 and 261 Lincoln Street properties:*
  - *Project activity must be performed in compliance with requirements of the Sudbury Conservation Commission (the Commission) including the Emergency Certification already issued by the Commission or if needed a subsequent Order of Conditions you would seek to obtain from the Commission;*
  - *Position mats and/or timbers below the excavator while it is located in the contaminated work area to limit transfer of contaminants to the excavator;*



- Enhance containment measures already taken by installing additional controls around the perimeter of the work area to include placement of siltation fence lined with absorbent boom and set in a shallow trench to be advanced by the contractor;
  - Designate an area within the contaminated area where manageable batches of contaminated soils and sediments will be temporarily stockpiled and allowed to drain sufficiently so they can be transferred to suitable containers for transportation and off-site management;
  - Install additional controls to contain the stockpiled material in its desired location while it is draining. These controls will consist of silt fence at a minimum but should be augmented by a layer of hay bales if needed;
  - Drainage from the excavated and temporarily stockpiled materials will be routed to shallow sump pits [which will be] installed to collect drainage from the stockpiled material.
  - Drainage collected within the sump pits shall be pumped to a holding tank to be placed at the property;
  - Sufficiently drained materials will be transferred to suitable containers for transport for off-site management;
  - Excavate and manage up to 550 cubic yards of contaminated soils and sediments from the approximately 130 -foot by 100-foot area to a depth of approximately 1 foot; and,
  - Containment and drainage collection shall be evaluated and monitored throughout the project and excavation shall be suspended if observations indicate contamination is being spread into previously uncontaminated areas.
- On January 29, 2020, Mr. Bresnahan orally approved additional modifications to the IRA Plan as follows:
    - Implement appropriate engineering and Health & safety Practices during all IRAs to ensure the safety and health of residents, on-site workers and surrounding populations;
    - Utilize appropriate engineering practices while implementing IRAs to prevent or limit damage to property, including the residential foundation, and the environment which should include consultation with a licensed structural engineer or builder;
    - Excavate and properly manage up to 20 cubic yards of contaminated soils from below the cellar floor of the residence at the location; and
    - De-water as needed to facilitate the excavation with all recovered fluids to be pumped to the on-site holding tank for later off-site management.

*Through February 6, 2010, the following assessment and response actions have been performed:*

- *Installation of a polyethylene sheeting barrier in the basement to attempt to isolate fuel oil vapors in the basement;*
- *Operation of a blower within the impacted basement area to exhaust fuel oil vapors to the exterior air;*
- *Soil borings within the basement to attempt to delineate impacted soil area beneath the basement floor;*
- *Diversion of the water which accumulates in the sump to an on-site tank for off-site disposal;*
- *Installation of monitoring wells east and south of the house at the site;*



- *Collection and laboratory analysis of groundwater samples collected from the interior and exterior monitoring wells and from the sump;*
- *Collection and laboratory analysis of a water sample from the private on-site private drinking water supply well;*
- *Collection and laboratory analysis of indoor air*
- *Construction of a gravel roadway to access the wetlands with heavy equipment;*
- *Installation of silt fencing and absorbent booms in the wetlands at the perimeter of the impacted area;*
- *Excavation of a majority of the impacted wetlands soil and pumping of wetlands impacted surface runoff. Excavated wetland soil has been stockpiled in the wetlands and surround by silt fencing;*
- *Collection and laboratory analysis of soil from the wetlands subsequent to excavation;*
- *Collection and laboratory analysis of soil from the stockpile of impacted wetlands and basement soil to characterized the soil for disposal purposes;*
- *Transportation of the portion of the impacted, stockpile soil off-site to an approved facility;*
- *Removal of a portion of the basement concrete floor measuring approximately 30 feet x 5 feet;*
- *De-watering of the groundwater in the basement to facilitate excavation of impacted soil;*
- *Removal of impacted soil within the basement; and*
- *Collection and laboratory analysis of basement soil subsequent to excavation.*

*Work still to be performed may or likely include:*

- *Excavation of additional wetlands soil and pumping of additional wetlands water;*
- *Collection and laboratory analysis of wetlands soil;*
- *Installation of monitoring wells within the wetlands;*
- *Collection of groundwater samples from site monitoring wells;*
- *Collection of water samples from the private on-site drinking water supply well;*
- *Collection and laboratory analysis of indoor air;*
- *Backfilling of basement; construction of a new concrete basement floor where the floor was removed;*
- *Placement of soil within the wetland area that was excavated along with seeding and plantings;*
- *Removal of the gravel access road to the wetlands;*
- *Placement of backfill in the back-yard area;*
- *Removal of silt fencing and absorbent materials from the wetlands.*

*The ultimate goal of the response actions is to reach a Permanent Solution or Temporary Solution under the MCP.*

The two properties, 261 & 273 Lincoln Road, are occupied with single family dwellings and outbuildings. An extensive Bordering Vegetated Wetland (BVW) exists that borders on Bridge Brook, a stream shown as perennial on the current USGS map. It is important to note that the spill occurred greater than 200 feet from the Mean Annual High-Water line, which delineated Bridge Brook and as a result there is no activity proposed within the 200-foot Riverfront Area.



The Notice of Intent, (NOI), is being filed for the “after the fact” permitting associated with the cleanup effort as well as the additional work required to restore and stabilize the area of interest. The attached wetland/buffer zone restoration plan was designed in accordance with the Massachusetts Inland Wetland Replication Guidelines and it contains a detailed construction methodology to ensure success.

A portion of the rear yard of 273 Lincoln Road was cut to remove contaminated soils. In addition to the restoration of the BVW and adjacent buffer zone, the NOI proposes to restore the slope behind the existing dwelling. Plantings are proposed in the resource areas and buffer zone as well as two (2) different seed mixes. To ensure success, we are proposing that the work be done under the direction of a Professional Wetland Scientist and that the restoration area be monitored for a period of at least two (2) growing seasons.

**Jurisdictional Wetland Resource Areas:**

**Bordering Vegetated Wetlands, (BVW)** – An extensive BVW exists on the southern portion of the subject property. The BVW was delineated as the A-Series, by Leah Basbanes, Basbanes Wetland Consulting, using pink surveyors flagging. Wetland flags 1A, 6A, 7A, 8A & 9A were located by survey. It appears that 2A – 5A and other flags were removed during the cleanup effort.

Approximately 16,600 square feet of BVW were altered as a result of the spill and cleanup effort. The NOI proposes to restore all of the altered BVW so that post construction there will be no net loss of BVW.

**Bordering Land Subject to Flooding, (BLSF)** – BLSF exists within the BVW that is classified as a Zone AE 100 Year FEMA Flood Plain, Elevation 121, as shown on Flood Insurance Rate Map Number 25017C0369F, with an effective date of July 7, 2014.

Alteration of BLSF is temporary and fill within the BLSF is proposed to be removed so there is no net loss of flood storage. It will be necessary to have a soil evaluator on site to oversee the excavation effort to determine where the pre-fill existing grade is during the removal of the temporary access driveway.



AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act

(To be submitted to the Massachusetts Department of Environmental Protection and the Conservation Commission when filing a Notice of Intent)

I, Greg J. Hochmuth, hereby certify under the pains and penalties of perjury that on February 10, 2020 I gave notification to abutters in compliance with the second paragraph of Massachusetts General Law Chapter 131, Section 40, and the DEP Guide to Abutter Notification dated April 8, 1994, in connection with the following matter:

A Notice of Intent application was filed under the Massachusetts Wetlands Protection Act by Richard Williamson with the Town of Sudbury Conservation Commission on, February 10, 2020 for property located at 261 & 273 Lincoln Road. The form of the notification, and a list of the abutters to whom it was given and their addresses, are attached to this Affidavit of Service.

  
Name

2-7-2020  
Date



Notification to Abutters under the  
Massachusetts Wetlands Protection Act

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, you are hereby notified of the following.

- A. The name of the applicant is Richard Williamson.
- B. The applicant has filed a Notice of Intent application with the conservation Commission for the municipality of Sudbury, MA seeking permission to conduct activities within jurisdictional areas of the Massachusetts Wetlands Protection Act.
- C. The address of the lots is 261 & 273 Lincoln Road, Sudbury, MA.
- D. Copies of the Notice of Intent, (NOI), may be examined at the offices of Williams & Sparages, between the hours of 8:00am and 4:30pm on the following days of the week: Monday through Friday. For more information, call: (978) 539-8088. This is the applicant's representative.
- E. Copies of the NOI may be viewed at the Sudbury Conservation Commission office by calling (978) 440-5471 between the hours of 8:00 am and 3:30pm on the following days: Monday-Friday, and by appointment.
- F. Information regarding the date, time and place of the public hearing may be obtained from the Sudbury Conservation Commission by calling this telephone number (978) 440-5471 between the hours of 8:00am and 3:30pm on the following days of the week: Monday - Friday, and by appointment.

Note: Notice of the Public Hearing, including its date, time and place will be published at least five (5) days in advance in the local newspaper.

Note: Notice of the Public Hearing, including its date, time and place will be posted in Town Hall not less than forty eight (48) hours in advance.

Note: You also may contact your local Conservation Commission or the nearest Department of Environmental Protection Regional Office for more information about this application or the Wetlands Protection Act.

To contact DEP call:  
Northeast Region: 978-694-3200



*Cynthia Ann 1/22/2020  
Sudbury assessor*

**Abutters List**

Date: January 22, 2020

[print this list](#)

Subject Property Address: 273 LINCOLN RD Sudbury, MA  
Subject Property ID: F12-0001

Search Distance: 100 Feet

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Prop ID: F11-0004  
Prop Location: 284 LINCOLN RD Sudbury, MA  
Owner: CAVICCHIO PAUL F JR TRS  
Co-Owner: P N J 1995 REALTY TRUST  
Mailing Address:

110 CODJER LANE  
SUDBURY, MA 01776

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Prop ID: F11-0006  
Prop Location: LINCOLN RD Sudbury, MA  
Owner: SUDBURY VALLEY TRUSTEES INC  
Co-Owner:

Mailing Address:  
18 WOLBACH RD  
SUDBURY, MA 01776

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Prop ID: F12-0002  
Prop Location: 261 LINCOLN RD Sudbury, MA  
Owner: CLEVELAND PAUL F  
Co-Owner:

Mailing Address:  
261 LINCOLN RD  
SUDBURY, MA 01776

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Prop ID: F12-0003  
Prop Location: WATER ROW Sudbury, MA  
Owner: USA - DEPT OF INTERIOR  
Co-Owner: TRACT #424

Mailing Address:  
300 WESTGATE CENTER DR  
HADLEY, MA

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*Anthony Jey 1/22/2020  
Sudbury Assessors Office*

**Abutters List**

[print this list](#)

Date: January 22, 2020

Subject Property Address: 261 LINCOLN RD Sudbury, MA  
Subject Property ID: F12-0002

Search Distance: 100 Feet

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Prop ID: F11-0004  
Prop Location: 284 LINCOLN RD Sudbury, MA  
Owner: CAVICCHIO PAUL F JR TRS  
Co-Owner: P N J 1995 REALTY TRUST  
Mailing Address:

110 CODJER LANE  
SUDBURY, MA 01776

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Prop ID: F11-0006  
Prop Location: LINCOLN RD Sudbury, MA  
Owner: SUDBURY VALLEY TRUSTEES INC  
Co-Owner:

Mailing Address:  
18 WOLBACH RD  
SUDBURY, MA 01776

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Prop ID: F12-0001  
Prop Location: 273 LINCOLN RD Sudbury, MA  
Owner: WILLIAMSON RICHARD  
Co-Owner:

Mailing Address:  
273 LINCOLN RD  
SUDBURY, MA 01776

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Prop ID: F12-0003  
Prop Location: WATER ROW Sudbury, MA  
Owner: USA - DEPT OF INTERIOR  
Co-Owner: TRACT #424

Mailing Address:  
300 WESTGATE CENTER DR  
HADLEY, MA

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Prop ID: F12-0012  
Prop Location: 233 LINCOLN RD Sudbury, MA



Owner: KANAKARIS STANLEY & CAROL L

Co-Owner:

Mailing Address:

233 LINCOLN ROAD  
SUDBURY, MA 01776

Prop ID: F12-0016

Prop Location: 244 LINCOLN RD Sudbury, MA

Owner: GREELEY JOHN C & CRONIN KELLEY

Co-Owner:

Mailing Address:

244 LINCOLN RD  
SUDBURY, MA 01776