

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

Sudbury  
City/Town

**A. General Information**

**Important:**

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



1. Applicant:

Jo-Ann Howe

Name

joannlhowe@gmail.com

E-Mail Address

38 Birchwood Avenue

Mailing Address

Sudbury

City/Town

MA

01776

State

Zip Code

978-443-5300

Phone Number

Fax Number (if applicable)

2. Representative (if any):

Firm

Contact Name

E-Mail Address

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

**B. Determinations**

1. I request the Sudbury Con. Comm. make the following determination(s). Check any that apply:  
Conservation Commission

- ☐ a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- ☐ b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- ☐ c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- ☒ d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

Sudbury

Name of Municipality

- ☐ e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).

Received

FEB 14 2020

Sudbury Conservation Department



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**C. Project Description**

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

38 Birchwood Avenue

Street Address

F04

Assessors Map/Plat Number

Sudbury

City/Town

418

Parcel/Lot Number

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

0.33 acre rear portion, plus or minus, of 0.57 acre parcel on which my house is situated.

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

Jo-Ann L. Howe

Book 22055, page 56

Title

Date

11/2/17

Title

Date

Title

Date

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

Remove tops of 2 huge dead trees (#1 and #2 on attached map) that are likely to fall on my neighbor's house at 7 Lake Shore Drive, or across Lake Shore Drive and its power lines. 10' and 20' in height would be left for use by wildlife.

Remove large, dead, town-owned tree (#3) that fell across Lake Shore Drive last month, destroying my fence and landing in the restricted property. The town, or Eversource, removed the section of the tree that blocked the road, but left most of it on the fence and land in question, where it is a fresh-cut eyesore.

Remove a very large branch from each of 2 oak trees (#4 and #5) that are approximately on the border between my back yard and the restricted area, and which could cause substantial damage to my house if/when they fall. One of those trees has already lost a huge "branch" and is in poor health but not entirely dead.

Remove the top portion of a dead tree (#6) that's in the restricted area and directly behind my deck and living room.



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**C. Project Description (cont.)**

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

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

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

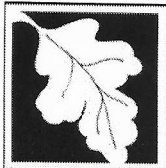
b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)

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**D. Signatures and Submittal Requirements**

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

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

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

Name and address of the property owner:

Name Jo-Ann Howe  
Mailing Address 38 Birchwood Avenue  
City/Town Sudbury  
State MA Zip Code 01776

Signatures:

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

Signature of Applicant JoAnn Howe Date 2/14/20

Signature of Representative (if any) \_\_\_\_\_ Date \_\_\_\_\_

# CHAPTER 380, ACTS OF 1966

## AMENDING CHAPTER 41, SECTION 81-X

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ARE THE LINES DIVIDING EXISTING OWNERSHIPS AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

RONALD R. TURCHI, P.L.S. 27001

TOWN ASSESSOR MAP F04, PARCEL 427

DEED BOOK 68191, PAGE 453 -- HOWE

PLAN BOOK 394, PLAN 37

PLAN No. 446 OF 1951

PLAN No. 515 OF 1976

PLAN No. 517 OF 1976

ZONED: RESIDENCE A

AREA = 40,000 sf

FRONTAGE = 180 feet

SETBACKS: FRONT = 40 feet

SIDE = 20 feet

REAR = 30 feet

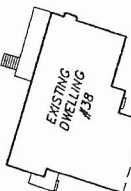
Handwritten: #7 Lake Shore Dr.

LAKE SHORE DRIVE  
(30' WIDE)

GREAT LAKE ROAD  
(40' WIDE)

BIRCHWOOD AVENUE  
(40' WIDE)

PROPOSED CONSERVATION RESTRICTION



MAP F04, PARCEL 427  
AREA=24,900 S.F.  
(0.57± ACRES)

N/T  
CYNTHIA HOWE  
MAP F04, PARCEL 418  
DEED BK. 68104, PG. 462

273.00'

158.00'

110.00'

110.00'

115.00'

115.00'

115.00'

115.00'

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### GENERAL NOTES:

1. THE CERTIFICATION SHOWN HEREON IS INTENDED TO MEET REGISTRY OF DEEDS REQUIREMENTS AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION TO THE TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN OF SUDBURY ASSESSORS RECORDS.
2. THIS PLAN IS BASED ON AN ON-THE-GROUND SURVEY BY SULLIVAN, CONNORS AND ASSOCIATES PERFORMED IN 2002 AND UPDATED IN NOVEMBER 2017.
3. LEGAL STATUS OF EASEMENTS AND WAYS, NOT DETERMINED BY THIS SURVEY.
4. THE PURPOSE OF THIS PLAN IS TO CREATE THE CONSERVATION RESTRICTION SHOWN HEREON.

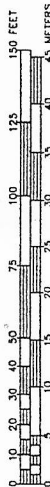
### OWNERS:

JO-ANN L. HOWE  
38 BIRCHWOOD AVENUE  
SUDBURY, MA 01776

**SULLIVAN, CONNORS  
AND ASSOCIATES**  
LAND SURVEYING AND CIVIL ENGINEERING  
121 BOSTON POST ROAD  
SUDBURY, MASSACHUSETTS 01776  
PHONE 978-443-9566 FAX: 978-443-8915

**EASEMENT PLAN OF LAND  
OF  
38 BIRCHWOOD AVENUE  
IN  
SUDBURY, MA**

GRAPHIC SCALE: 1"=30'



REVISED:

DESCRIPTION:

DRAWN BY: VHH

CHECK BY: REM

DATE: NOV. 2, 2017

SCALE: 1"=30' SHEET 1 OF 1.