

NOTICE OF PUBLIC HEARING SUDBURY CONSERVATION COMMISSION

The Sudbury Conservation Commission will hold a public hearing to review the Notice of Intent filing for a construction of a garage with associated driveway, grading and tree removal within Wetlands jurisdiction, pursuant to the state Act and local Bylaw, at 26 DeMarco Road, Sudbury MA. Thomas Kelly, applicant. The hearing will be held on Mon., March 22, 2021 at 6:45 pm, via Zoom. Please see the Conservation Commission web page for further information.

https://sudbury.ma.us/conservationcommission/meeting/conservation-commissionmeeting-monday-march-22-2021/

SUDBURY CONSERVATION COMMISSION March 9, 2021

Stamski and McNary, Inc Engineering - Planning - Surveying 000 Main Street Acton, MA

1000 Main Street Acton, MA 01720 (97) www.StamskiandMcNary.com

Date:

March 8, 2020

SM-6665

Thomas Kelly 26 Demarco Road Sudbury, MA 01776

For

26 Demarco Road Map 08, Lot 0104 Sudbury, MA 01776

Applicant/Owner

Notice of Intent

Under the Massachusetts Wetland Protection Act, M.G.L. c. 131, s. 40 and The Town of Sudbury Wetlands Administration

Table of Contents

Project Narrative

Notice of Intent – WPA Form 3

Certified Abutters List / Affidavit / Notice to Abutters

Attachments:

- A. U.S.G.S. Map
- B. Massachusetts Natural Heritage Atlas 13th edition, Effective: August 1, 2017
- C. FEMA Flood Insurance Rate Map
- D. Field Data Sheets
- E. Photos of the Site
- F. Wetland Permitting Plan by Stamski and McNary, Inc.

Project Narrative

Project Narrative

Existing Conditions:

The site is a $0.86\pm$ acre lot off Demarco Road. The property currently contains a single-family dwelling and paved driveway. There is Bordering Vegetated Wetland and an intermittent stream in the center of the parcel to the east of the dwelling. A $240\pm$ square foot portion of the existing house has been removed under permit B-21-36.

Project Description

The proposed project is for the construction of a detached garage to the north of the existing dwelling, an extension of the paved driveway to the north and west of the dwelling, and repaving the existing driveway. Proposed work within the 100' Buffer Zone includes construction of the garage and a portion of the paved driveway as well as grading due to construction. Construction will take place mostly on existing lawn area on the property and will require minimal tree clearing with no major trees proposed to be removed. A siltation barrier will be provided to prevent indirect alteration of resource areas during construction. Areas for mitigation are proposed to offset impacts from construction and restore areas within the 100' Buffer Zone.

Resource Area Description

The resource areas on site include Bordering Vegetated Wetland (BVW) and Land Under Water. The BVW was delineated by wetland scientist David Crossman of B&C Associates, Inc. The Land Under Water is shown as an intermittent stream on the town USGS map.

Compliance with General Performance Standards for BVW 310 CMR 10.55(4)

The general performance standards for a Bordering Vegetated Wetland have been met since the proposed activity does not involve any filling, dredging, or altering of a BVW. Siltation controls will be provided to prevent any indirect alteration of the resource areas during construction.

Compliance with General Performance Standards for Land Under Water 310 CMR 10.56(4)

The general performance standards for Land Under Water have been met since the proposed activity does not involve any work within the intermittent stream. Siltation controls will prevent indirect alteration of the resource area during construction.

Compliance with Sudbury Wetlands Administration Bylaw Regulations

The on-site stream is a Type I intermittent stream. The drainage area of the stream is under 0.5 square miles, and therefore determined to be intermittent under 310 CMR 10.58. There are no practical alternatives with less adverse effects on the interests identified in M.G.L. c. 131 § 40 and the work, including proposed mitigation, will have no significant adverse impact on the upland resource area to protect interests identified in M.G.L. c 131 § 40.

There is 1,121 square feet of work proposed within 100' of the intermittent stream, and 2,251 square feet of mitigation area is proposed in the buffer zone using a native wetland seed mix.

Alternatives are outlined below:

Alternatives Analysis:

Project Purpose: The purpose of this project is as follows: Construction of a detached garage and associated paved driveway as well as repaving the existing driveway.

Alternative 1: Construct the garage as proposed to the rear of the existing dwelling, and construct the driveway to the northwest of the dwelling. This would keep construction of the garage within building setbacks and allow for the work to remain mostly on existing lawn area on the property. Disturbed surfaces will be covered with a native loam and seed mix to offset impacts from construction. This is the preferred alternative.

Alternative 2: Construct an attached garage on the west side of the dwelling in order to keep work out of 100' Buffer Zone. This would require construction of the garage to take place within building setbacks. The current garage footprint would also have to be reduced in size in order to fit within property lines as the existing house is within 20.4 feet of the property line. This is not the preferred alternative.

Alternative 3: Construct an attached garage on the north side of the house facing the west property line in order to keep garage within building setbacks and partially outside 100' Buffer Zone. In order to provide the necessary pavement to meet the garage, the garage would have to be located in the center of the dwelling, and this would require removing the existing deck as well as alterations to the existing house. Much of the pavement across from the garage would be located very close to an existing fence on the west property line. This is not the preferred alternative.

Summary

This project has been designed to meet the performance standards of the Wetland Protection Act. This project has also been designed to meet the performance standards of the Sudbury Wetlands Administration Bylaw Regulations. Erosion controls are proposed to protect the resource areas during construction. Mitigation areas are proposed to offset impacts of construction within the Buffer Zone.

Notice of Intent - WPA Form 3



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

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):

26 Demarco Road		Sudbury	01776
a. Street Address		b. City/Town	c. Zip Code
المتغيطة معطا معطين		42.3842 N	71.4222 W
Latitude and Longitud	le:	d. Latitude	e. Longitude
Map G08		Lot 0104	
f. Assessors Map/Plat Nun	nber	g. Parcel /Lot Number	
Applicant:			
Thomas		Kelly	
a. First Name		b. Last Name	
c. Organization			
26 Demarco Road			
d. Street Address			
Sudbury		MA	01776
e. City/Town		f. State	g. Zip Code
978-760-6163		thomasbkelly@gmail.com	
h. Phone Number	i. Fax Number	j. Email Address	
Property owner (requ	ired if different from a	applicant):	e than one owner
a. First Name c. Organization	ired if different from a		e than one owner
a. First Name	ired if different from a		e than one owner
a. First Name c. Organization	ired if different from a		e than one owner
a. First Name c. Organization d. Street Address	ired if different from a	b. Last Name	
a. First Name c. Organization d. Street Address e. City/Town	i. Fax Number	b. Last Name	
a. First Name c. Organization d. Street Address e. City/Town h. Phone Number	i. Fax Number	b. Last Name	
a. First Name c. Organization d. Street Address e. City/Town h. Phone Number Representative (if any	i. Fax Number	b. Last Name f. State j. Email address	
a. First Name c. Organization d. Street Address e. City/Town h. Phone Number Representative (if any <u>Nathanial</u> a. First Name Stamski and McNary,	i. Fax Number y):	b. Last Name f. State j. Email address	
a. First Name c. Organization d. Street Address e. City/Town h. Phone Number Representative (if any Nathanial a. First Name	i. Fax Number y):	b. Last Name f. State j. Email address	
a. First Name c. Organization d. Street Address e. City/Town h. Phone Number Representative (if any <u>Nathanial</u> a. First Name Stamski and McNary,	i. Fax Number y):	b. Last Name f. State j. Email address	
a. First Name c. Organization d. Street Address e. City/Town h. Phone Number Representative (if any Nathanial a. First Name Stamski and McNary, c. Company	i. Fax Number y):	b. Last Name f. State j. Email address	
a. First Name c. Organization d. Street Address e. City/Town h. Phone Number Representative (if any Nathanial a. First Name Stamski and McNary, c. Company 1000 Main Street	i. Fax Number y):	b. Last Name f. State j. Email address	
a. First Name c. Organization d. Street Address e. City/Town h. Phone Number Representative (if any Nathanial a. First Name Stamski and McNary, c. Company 1000 Main Street d. Street Address	i. Fax Number y):	b. Last Name f. State j. Email address Cataldo b. Last Name	g. Zip Code
a. First Name c. Organization d. Street Address e. City/Town h. Phone Number Representative (if any Nathanial a. First Name Stamski and McNary, c. Company 1000 Main Street d. Street Address Acton	i. Fax Number y):	b. Last Name f. State j. Email address	g. Zip Code

\$110.00	\$42.50	\$67.50 + Bylaw \$25.00
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid

Page 2 of 9

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

WPA Form 3 – Notice of Intent

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

MassDEP File Number
Document Transaction Number
Sudbury
City/Town

Provided by MassDEP:

A. General Information (continued)

6. General Project Description:

Construction of a detached garage and paved driveway within 100' Buffer Zone of a Bordering Vegetated Wetland and 100' of an intermittent stream. Siltation controls provided. See Narrative.

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

1.	Single Family Home	2. 🗌 Residential Subdivision
3.	Commercial/Industrial	4. Dock/Pier
5.	Utilities	6. 🗌 Coastal engineering Structure
7.	Agriculture (e.g., cranberries, forestry)	8. 🔲 Transportation

9. 🗌 Other

1. 🗌

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)?

Voc	🛛 No	If yes, describe which limited project applies to this project. (See 310 CMR
163		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 CMR10.24(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:

Middlesex	
a. County	b. Certificate # (if registered land)
75311	515
c. Book	d. Page Number

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

- 1. X 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.





Massachusetts Department of Environmental Protection Bureau of Resource Protection - Wetlands Provided by MassDEP:

WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number Sudbury City/Town

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

	<u>Resour</u>	r <u>ce Area</u>	Size of Proposed Alteration	Proposed Replacement (if any)
For all projects	a. 🗌	Bank	1. linear feet	2. linear feet
affecting other Resource Areas, please attach a	b. 🔄	Bordering Vegetated Wetland	1. square feet	2. square feet
narrative explaining how the resource	c. 🗌	Land Under Waterbodies and	1. square feet	2. square feet
area was delineated.		Waterways	3. cubic yards dredged	
	<u>Resour</u>	rce Area	Size of Proposed Alteration	Proposed Replacement (if any)
	d. 🗌	Bordering Land Subject to Flooding	1. square feet	2. square feet
	e. 🗌	Isolated Land	3. cubic feet of flood storage lost	4. cubic feet replaced
	е. 🔛	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) - sp	ecify coastal or inland
	2.	Width of Riverfront Area	(check one):	
		25 ft Designated E	Densely Developed Areas only	
		100 ft New agricul	tural projects only	
		200 ft All other pro	ojects	
	3.	Total area of Riverfront Ar	ea on the site of the proposed proje	ect: square feet
	4.	Proposed alteration of the	Riverfront Area:	
	a.1	total square feet	b. square feet within 100 ft.	c. square feet between 100 ft. and 200 ft.
	5.	Has an alternatives analys	sis been done and is it attached to t	his NOI?
	6.	Was the lot where the acti	vity is proposed created prior to Au	gust 1, 1996? 🗌 Yes 🗌 No
3	3. 🗌 Co	astal Resource Areas: (Se	ee 310 CMR 10.25-10.35)	
	Note:	for coastal riverfront areas	s, please complete Section B.2.f . a	bove.



Massachusetts Department of Environmental Protection Provided by MassDEP:

Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 MassDEP File Number

Document Transaction Number Sudbury 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		<u>Resou</u>	rce Area	Size of Proposed Alteration	Proposed Replacement (if any)
transaction number		a. 🗌	Designated Port Areas	Indicate size under Land Ur	nder the Ocean, below
(provided on your receipt page) with all		b. 🗌	Land Under the Ocean	1. square feet	
supplementary information you submit to the				2. cubic yards dredged	
Department.		c. 🗌	Barrier Beach	Indicate size under Coastal E	Beaches and/or Coastal Dunes below
		d. 🗌	Coastal Beaches	1. square feet	2. cubic yards beach nourishment
		e. 🗌	Coastal Dunes	1. square feet	2. cubic yards dune nourishment
				Size of Proposed Alteration	Proposed Replacement (if any)
		f. 🗌	Coastal Banks	1. linear feet	
		g. 🗌	Rocky Intertidal Shores	1. square feet	
		h. 🗌	Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
		i. 🗌	Land Under Salt Ponds	1. square feet	
				2. cubic yards dredged	
		j. 🗌	Land Containing Shellfish	1. square feet	
		k. 🗌	Fish Runs		Banks, inland Bank, Land Under the nder Waterbodies and Waterways,
		ı. 🗖	Land Subject to	1. cubic yards dredged	
	4		Coastal Storm Flowage	1. square feet	
	4.	If the p	footage that has been enter		nd resource area in addition to the above, please enter the additional
		a. squar	e feet of BVW	b. square feet	of Salt Marsh
	5.	🗌 Pro	oject Involves Stream Cross	sings	
		a. numb	er of new stream crossings	b. number of r	replacement stream crossings



Massachusetts Department of Environmental Protection Provided by MassDEP:

Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number Sudbury City/Town

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

 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.

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
August 1, 2017	1 Rabbit Hill Road Westborough, MA 01581
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. Dercentage/acreage of property to be altered:

(a) within wetland Resource Area

percentage/acreage

(b) outside Resource Area

percentage/acreage

- 2. C 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 <u>https://www.mass.gov/ma-</u> endangered-species-act-mesa-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.



Massachusetts Department of Environmental Protection Provided by MassDEP:

Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

MassDEP File Number

Document Transaction Number Sudbury City/Town

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

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

(c) MESA filing fee (fee information available at <u>https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review</u>).

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, <u>https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat</u>; 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.		
2.		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 North Shore - Hull to New Hampshire border: the Cape & Islands:

Division of Marine Fisheries -Southeast Marine Fisheries Station Attn: Environmental Reviewer 836 South Rodney French Blvd. New Bedford, MA 02744 Email: <u>dmf.envreview-south@mass.gov</u> Division of Marine Fisheries -North Shore Office Attn: Environmental Reviewer 30 Emerson Avenue Gloucester, MA 01930 Email: <u>dmf.envreview-north@mass.gov</u>

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.

с. 🗌	Is this an	aquaculture	project
U	is uns an	aquaculture	project

d. 🗌	Yes	No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).

	Bu M	Assachusetts Department of Environmental Protection reau of Resource Protection - Wetlands /PA Form 3 – Notice of Intent assachusetts Wetlands Protection Act M.G.L. c. 131, §40	Provided by MassDEP: MassDEP File Number Document Transaction Number Sudbury City/Town				
	C.	Other Applicable Standards and Requirements	(cont'd)				
	4.	Is any portion of the proposed project within an Area of Critical Enviror	nmental Concern (ACEC)?				
Online Users: Include your document		a. Yes No If yes, provide name of ACEC (see instruction Website for ACEC locations). Note: electronic					
transaction		b. ACEC					
number (provided on your receipt page) with all supplementary	5.	Is any portion of the proposed project within an area designated as an (ORW) as designated in the Massachusetts Surface Water Quality Sta					
		a. 🗌 Yes 🛛 No					
information you submit to the Department.	6.	b. 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 Mana	gement Standards?				
		 a. Yes. Attach a copy of the Stormwater Report as required by th Standards per 310 CMR 10.05(6)(k)-(q) and check if: 1. Applying for Low Impact Development (LID) site design cr Stormwater Management Handbook Vol. 2, Chapter 3) 	-				
		2. A portion of the site constitutes redevelopment					
		3. Proprietary BMPs are included in the Stormwater Manage	ment 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 sing or equal to 4 units in multi-family housing project) with no					
	D.	Additional Information					
		This is a proposal for an Ecological Restoration Limited Project. Skip S Appendix A: Ecological Restoration Notice of Intent – Minimum Requir 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.



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Provided by MassDEP:

MassDEP File Number

Document Transaction Number Sudbury City/Town

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

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

Wetland Permitting Plan a. Plan Title	
Stamski and McNary, Inc.	George Dimakarakos, P.E.
b. Prepared By	c. Signed and Stamped by
March 8, 2021	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:

2602	02/16/2021
2. Municipal Check Number	3. Check date
2601	02/16/2021
4. State Check Number	5. Check date
Thomas Brendan	Kelly
6. Payor name on check: First Name	7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection Provided by MassDEP:

Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

MassDEP	Hie Number	
Document	Transaction	Number
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.

1. Signature of Applicant 3. Signature of Property/Owner (if different)	2. Date 01/16/2021 4. Date
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.



Massachusetts Department of Environmental Protection Bureau of Resource Protection - Wetlands NOI Wetland Fee Transmittal Form

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

Important: When	
filling out forms	
on the computer,	1
use only the tab	••
key to move your	
cursor - do not	
use the return	
key.	

tab return

A. Applicant I	nformation
----------------	------------

. . .

1. Location of Proje	ect:		
26 Demarco Roa	ad	Sudbury	
a. Street Address		b. City/Town	
2601		\$42.50	
c. Check number		d. Fee amount	
2. Applicant Mailing	J Address:		
Thomas		Kelly	
a. First Name		b. Last Name	
c. Organization			
26 Demarco Roa	ad		
d. Mailing Address			
Sudbury		MA	01776
e. City/Town		f. State	g. Zip Code
978-7606163		thomasbkelly@gmail.com	
h. Phone Number	i. Fax Number	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	

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

B. Fees

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.



Massachusetts Department of Environmental Protection Bureau of Resource Protection - Wetlands NOI Wetland Fee Transmittal Form

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

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Work on Single-Family Lot	<u>1</u>	\$110.00	\$110.00
		otal Project Fee:	\$110.00
	Step 6/	Fee Payments:	
	Total	Project Fee:	\$110.0 a. Total Fee from Step 5
	State share	of filing Fee:	\$42.50 b. 1/2 Total Fee less \$ 12.50
	City/Town share	e of filling Fee:	\$67.50 + Bylaw \$25.00 c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection Box 4062 Boston, MA 02211

b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

Certified Abutters List / Affidavit / Notice to Abutters

abutters_id_field	abutters_owner1	abutters_owner2	abutters_address	abutters_address2	abutters_town	abutters_state	abutters_zip	abutters_bookpage	abutters_location
G08-0007	CONGREGATION BETH EL OF THE	SUDBURY RIVER VALLEY INC	109 HUDSON ROAD		SUDBURY	MA	01776	18786-233	109 HUDSON RD
G08-0103	KUMAR VIRENDRA		22 DEMARCO RD		SUDBURY	MA	01776	75496-326	22 DEMARCO RD
G08-0104	KELLY THOMAS		21 PHILEMON WHALE		SUDBURY	MI	01776	75311-513	26 DEMARCO RD
G08-0105	PRIKHODKO STANISLAV &	JOVTEAC LARISA	32 DEMARCO RD		SUDBURY	MA	01776	75450-507	32 DEMARCO RD
G08-0106	STADNIKOV ANTON & TARAN OLGA		31 DEMARCO RD		SUDBURY	MA	01776	52695-62	31 DEMARCO RD
G08-0107	ABBOT CAROL A & JONES JULIE A	TRUSTEES OF THE DEMARCO ROAD	27 DEMARCO RD		SUDBURY	MA	01776	49252-243	27 DEMARCO RD
G08-0108	KIM JIN K & ELEA JIREH		19 DEMARCO RD		SUDBURY	MA	01776	65122-237	19 DEMARCO RD

VERIFIED OWNERS: FEBRUARY 16,2021 LOHAJ- 12LOHA

TOWN OF SUDBURY BOARD OF ASSESSORS 278 OLD SUDDURY ROAD SUDBURY, MA 01776



AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act And the Sudbury Wetlands Administration

To be Submitted to the Massachusetts Department of Environmental Protection and the Sudbury Conservation Commission when filing a **Notice of Intent**

I, <u>Nathanial Cataldo</u>, hereby certify under the Pains and Penalties of Perjury that on <u>March 8, 2021</u> (date) I gave notification to abutters in compliance with the second paragraph of Massachusetts General Laws, 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 has been filed under the Massachusetts Wetlands Protection Act by <u>Thomas Kelly</u> (applicant name) with the Sudbury Conservation Commission on <u>March 8, 2021</u> (date) for property located at <u>26 Demarco Road</u> (address).

The completed notification, and a list of the abutters to whom it was given and their addresses, are attached to this Affidavit of Service.

Nathanial Cataldo

Name (applicant or applicant representative)

March 8, 2021

Date

Notification to Abutters Under the Massachusetts Wetlands Protection Act and the Sudbury Wetlands Administrative Bylaw

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 **<u>Applicant</u>** is <u>Thomas Kelly</u>
- B. The Applicant has filed a Notice of Intent with the Sudbury Conservation Commission seeking permission to work in an Area Subject to Protection (Wetland Resource Area and/or Buffer Zone) under the Massachusetts Wetlands Protection Act (General Laws Chapter 131, Sec.40) and the Town of Sudbury Wetlands Administrative Bylaw.
- C. The <u>address</u> of the lot where the activity is proposed: <u>26 Demarco Road</u>

D. The **proposed activity** is: Construction of a garage and paved driveway within 100' Buffer Zone of a Buffer Zone of a Bordering Vegetated Wetland and 100' of an intermittent stream. Silation controls will be

provided and mitigation areas are proposed to offset impacts of construction.

- E. A **Public Hearing** regarding this Notice of Intent will be held on: Monday, March 22, 2021 at 6:45 PM.
- F. **Public Participation will be via Virtual Means Only** In light of the ongoing COVID-19 coronavirus outbreak, Governor Baker issued an emergency Order on March 12, 2020, allowing public bodies greater flexibility in utilizing technology in the conduct of meetings under the Open Meeting Law. The Town of Sudbury Conservation Commission greatly values the participation of its citizens in the public meeting process, but given the current circumstances and recommendations at both the state and federal levels to limit or avoid public gatherings, including Governor Baker's ban on gatherings of more than 10 people, together with the present closure of Sudbury Town Hall and other public buildings to the public, the Town has decided to implement the "remote participation" procedures allowed under Governor Baker's emergency Order for all boards, committees, and commissions.

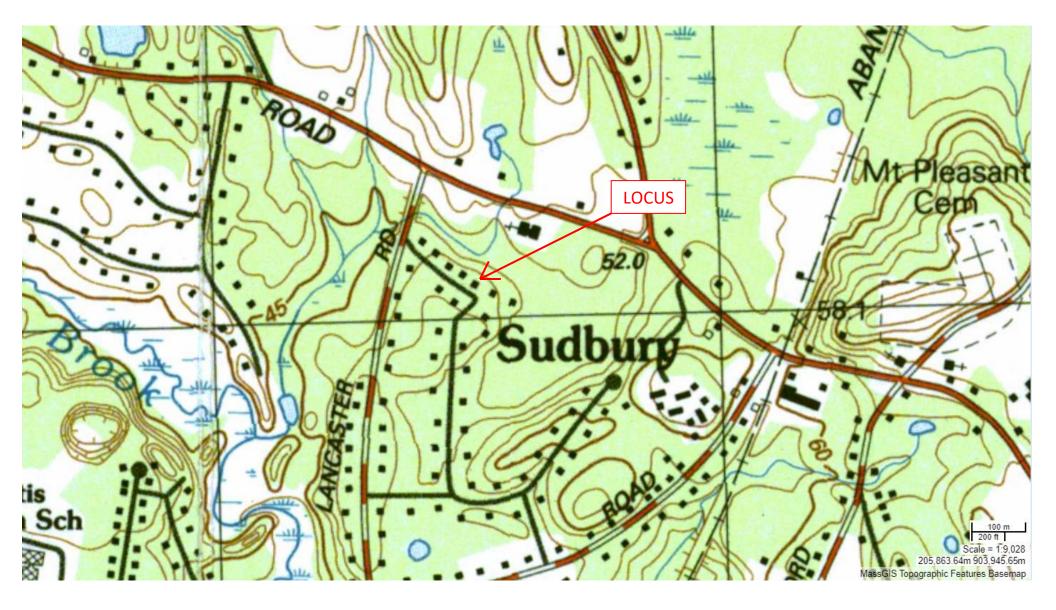
G The public may participate in this meeting via Remote Participation.

You can access this meeting using the link on the Conservation Commission website at: https://sudbury.ma.us/conservationcommission/meeting/conservation-commission-meeting-monday-march-22-2021/

- H Copies of the Notice of Intent may be examined by visiting this Website: https://sudbury.ma.us/conservationcommission/meeting/conservation-commission-meeting-mondaymarch-22-2021/
- I. Copies of the Notice of Intent may be obtained from either The Applicant, or the Applicant's representative <u>Stamski and McNary, Inc.</u>, by calling this telephone number: <u>978-263-8585</u> between the hours of <u>7:30AM-4:00</u>

Note: Public Hearing Notice, including its date, time, and place, will be published at least 5 days in advance in either the Sudbury Crier or MetroWest newspapers (at the applicant's expense).

U.S.G.S. Map



Massachusetts Natural Heritage Atlas 13th Edition



FEMA Flood Insurance Rate Map

National Flood Hazard Layer FIRMette



Legend

71°25'39"W 42°23'17"N SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT Without Base Flood Elevation (BFE) Zone A. V. A9 With BFE or Depth Zone AE, AO, AH, VE, AR SPECIAL FLOOD 169 FEET HAZARD AREAS **Regulatory Floodway** 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X Zone AE Future Conditions 1% Annual Chance Flood Hazard Zone X Area with Reduced Flood Risk due to Levee. See Notes. Zone X OTHER AREAS OF FLOOD HAZARD Area with Flood Risk due to Levee Zone D NO SCREEN Area of Minimal Flood Hazard Zone X Effective LOMRs LOCUS OTHER AREAS Area of Undetermined Flood Hazard Zone D - — – – Channel, Culvert, or Storm Sewer GENERAL STRUCTURES LIIII Levee, Dike, or Floodwall 20.2 Cross Sections with 1% Annual Chance 17.5 Water Surface Elevation **AREAOFMINIMALFLOODHAZARD** Town of Sudbury **Coastal Transect** Mase Flood Elevation Line (BFE) 250217 Limit of Study Jurisdiction Boundary --- Coastal Transect Baseline OTHER **Profile Baseline** 25017C0368F FEATURES Hydrographic Feature eff. 7/7/2014 **Digital Data Available** No Digital Data Available MAP PANELS Unmapped The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location. This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards The flood hazard information is derived directly from the Zone AE authoritative NFHL web services provided by FEMA. This map was exported on 2/11/2021 at 3:06 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time. This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for 71°25'1"W 42°22'50"N Feet 1:6.000 unmapped and unmodernized areas cannot be used for regulatory purposes. 250 500 1,000 1,500 2.000 n

Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

Field Data Sheets

DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant: _____

Prepared by: <u>B & C Associates Inc.</u>

Project location: <u>26 DeMarco Road, Sudbury</u> DEP File #:_____

Check all that apply:

□ Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only

■ Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II

□ Method other than dominance test used (attach additional information)

Section I. Vo	egetation Observa	ation Plot Number: <u>1</u>	Transect Num	per: <u>A</u>	Date of	Delineation:	<u>9/17/2020</u>
	ver and Plant Species n/scientific name)		B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicato	l r Category *
Herbaceous:	Ground Ivy Cinnamon Fern	Glechoma hederacea Osmunda cinnamomea	98.0 3.0/101.0	97% 3%	Yes No	FACU FACW	*
Shrubs:	Highbush Blueberry European Buckthorn	Vaccinium corymbosum Rhamnus frangula	10.5 10.5/21.0	50% 50%	Yes Yes	FACW- FAC	*
Saplings:	American Elm	Ulmus americana	10.5/10.5	100%	Yes	FACW-	*
Lianas:	Oriental Bittersweet Poison Ivy Woodbine	Celastrus orbiculatus Toxicodendron radicans Parthenocissus quinquefolia	10.5 10.5 3.0/24.0	44% 44% 12%	Yes Yes No	UPL FAC FACU	*
Overstory:	Red Maple Red Oak Norway Spruce	Acer rubrum Quercus rubra Picea abies	636.1 571.6 38.5/1246.2	51% 46% 3%	Yes Yes No	FAC FACU- UPL	*

* Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

Vegetation conclusion: Number of dominant wetland indicator plants:	5 Number of dominant non-wetland Indicator plant:	3		
Is the number of dominant wetland plants equal to If vegetation alone is presumed adequate to delineate the BVW box	YES . BC 2009-03	MA DEP;3/95		

Section II. Indicators of Hydrology Hydric Soil Interpretation

Other Indicators of Hydrology: (check all that apply and describe)

					Site inundated:			
1. Soil Survey			Depth to free water in observation hole:					
ls th	Is there a published soil survey for this site? YES			Depth to soil saturation in observation hole:				
	title/date:	Middlesex County 6	/09/2020		Water marks:			
	map numbe	er: 31			Drift lines:			
	soil type mapped: Windsor loamy sand		□ Sediment deposits:					
	hydric soil i	nclusions:			Drainage patterns in BVW:			
Are	field observatio	ns consistent with soil sur	vey? YES					
Rer	narks:				Oxidized rhizospheres:			
2. Soil Desc	cription				Water-stained leaves:			
Horizon	Depth	Matrix Color	Mottles Color		Recorded data (stream. lake. or tidal		•	
OI	1-0"				 Other:			
В	0-13″	10 YR 3/3			tation and Hydrology Conclusion			
В	13-17"	5 YR 4/6			per of wetland indicator plants	Yes	No	
				mber of non-wetland indicator plants				
Remarks:				Wetla	and hydrology present: hydric soil present		•	
3. Other: 21' 3" to Wetland Flag # 7			other indicators of hydrology present		•			
9' 4" to Wetland Flag # 8			Sam	ole location is in a BVW		•		
Conclusion:	Is soil hydric?	NO		a -				

Submit this form with the Request for Determination of Applicability or Notice of Intent

DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant:

Prepared by: <u>B & C Associates Inc.</u>

Project location: <u>26 DeMarco Road, Sudbury</u> DEP File #:_____

Check all that apply:

□ Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only

■ Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II

□ Method other than dominance test used (attach additional information)

Section I. V	egetation Observ	ation Plot Number: <u>2</u>	Transect Num	ber: <u>A</u>	Date of	Delineation: <u>9/17/2020</u>
	ample Layer and Plant Species B. Percent Cover C. Percent D. Dominant Plant E. Wetland y common/scientific name) Indicator C				E. Wetland Indicator Category *	
Herbaceous:	Cinnamon Fern	Osmunda cinnamomea	20.5	60%	Yes	FACW *
	Woodbine	Parthenocissus quinquefolia	10.5	31%	Yes	FACU
	Ground Ivy	Glechoma hederacea	3.0/34.0	9%	No	FACU
Shrubs:	European Buckthorn	Rhamnus frangula	10.5/10.5	100%	Yes	FAC *
Saplings:	American Elm	Ulmus americana	20.5	66%	Yes	FACW- *
	White Pine	Pinus strobus	10.5/31.0	34%	Yes	FACU
Lianas:	Oriental Bittersweet	Celastrus orbiculatus	10.5	44%	Yes	UPL
	Poison Ivy	Toxicodendron radicans	10.5	44%	Yes	FAC *
	Woodbine	Parthenocissus quinquefolia	3.0/24.0	12%	No	FACU
Overstory:	Red Maple	Acer rubrum	1338.4	69%	Yes	FAC *
	Red Oak	Quercus rubra	571.6	29%	Yes	FACU-
	Norway Spruce	Picea abies	38.5/1948.5	2%	No	UPL

* Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

Vegetation conclusion: Number of dominant wetland indicator plants:	5 Number of dominant non-wetland Indicator plant:	4		
· _ · _ · _ ·	or greater than the number of dominant non-wetland plants? ndary, submit this form with the Request for Determination of Applicability or Notice of Intent.	YES . BC 2009-03	MA DEP;3/95	

Section II. Indicators of Hydrology Hydric Soil Interpretation

Other Indicators of Hydrology: (check all that apply and describe)

·· ·					Site inundated:			
1. Soil Surv					Depth to free water in observation ho	ole:		
Is there a published soil survey for this site? Y		? YES	S □ Depth to soil saturation in observa					
	title/date:	Middlesex County	y 6/09/2020		Water marks:			
	map numb	er: 31			Drift lines:			
	soil type m	apped: Freetown	muck		Sediment deposits:			
	hydric soil	inclusions:		_				
Are	field observatio	ons consistent with soil s	survey? YES		Drainage patterns in BVW:			
Rer	marks:				Oxidized rhizospheres:			
2. Soil Desc	cription			■ Water-stained leaves:				
Horizon	Depth	Matrix Color	Mottles Color		Recorded data (stream. lake. or tidal	gauge; aerial	photo; other):	
O _A	0-8″	10 YR 2/1			 Other:			
$\mathbf{B}_{\mathbf{G}}$	8-17″	10 YR 4/1						
				Vege	etation and Hydrology Conclusion Yes No			
					ber of wetland indicator plants	_	_	
				≥ nu	mber of non-wetland indicator plants			
Remarks:				Wetla	and hydrology present: hydric soil present			
3. Other:		25' 4" to Wetland Flag # 7			other indicators of hydrology present			
10' 8" to Wetland Flag # 8 13' 1" Downgradient from A1			Sample location is in a BVW					
Conclusion	: Is soil hydric?	YES		Subm	it this form with the Request for Determination	on of Applicabili	ty or Notice of Intent	

Photos of the Site









Wetland Permitting Plan By Stamski and McNary, Inc.

LEGEND:

NOW OR FORMERLY N/F • 🕄 \sim UP GG • WG• О DMH ά 99X9

G.F.

•

TREE TREE LINE UTILITY POLE GAS GATE --- GAS SERVICE (BURIED) WATER GATE DRAIN MANHOLE --- D ----- SUB-SURFACE DRAIN LINE ----- EXISTING CONTOUR LIGHTPOLE WETLAND FLAG SPOT ELEVATION 00000 STONE WALL EDGE OF PAVEMENT GARAGE FLOOR ELEVATION PROPOSED CONSTRUCTION BUFFER ZONE

D

ĒM

IARC (PUBLIC

+ O

O

 \triangleright

 \mathbf{O}

NOTES:

۰.

.

· *

ALL UNDERGROUND UTILITIES SHOWN HERE WERE COMPILED ACCORDING TO AVAILABLE RECORD PLANS FROM VARIOUS UTILITY COMPANIES AND PUBLIC AGENCIES AND ARE APPROXIMATE ONLY. ACTUAL LOCATIONS MUST BE DETERMINED IN THE FIELD BEFORE DESIGNING, EXCAVATING, BLASTING, INSTALLING, BACKFILLING, GRADING, PAVEMENT RESTORATION OR REPAIRING. ALL UTILITY COMPANIES, PUBLIC AND PRIVATE, MUST BE CONTACTED INCLUDING THOSE IN CONTROL OF UTILITIES NOT SHOWN ON THIS PLAN. SEE CHAPTER 370, ACTS OF 1963 MASS. WE ASSUME NO RESPONSIBILITY FOR DAMAGES INCURRED AS A RESULT OF UTILITIES OMITTED OR INACCURATELY SHOWN. BEFORE PLANNING FUTURE CONNECTIONS THE APPROPRIATE PUBLIC UTILITY ENGINEERING DEPARTMENT MUST BE CONSULTED. DIG SAFE TELEPHONE No. 1-888-344-7233.

2. ALL DISTURBED EARTHEN SURFACES TO BE LOAMED AND SEEDED UNLESS OTHERWISE NOTED. 3. AREAS NOTED SHALL BE SEEDED WITH NEW ENGLAND CONSERVATION/WILDLIFE MIX FROM NEW ENGLAND WETLAND PLANTS, INC. OR APPROVED EQUAL.

RECORD OWNER

THOMAS KELLY 26 DEMARCO ROAD SUDBURY, MA

REFERENCE

MIDDLESEX REGISTRY OF DEEDS SOUTH DISTRICT DEED BOOK 75311 PAGE 515 PLAN No. 1014 OF 1953

