

NOTICE OF PUBLIC HEARING SUDBURY CONSERVATION COMMISSION

The Sudbury Conservation Commission will hold a public hearing to review the Notice of Intent filing for the removal of five trees and replanting of native trees and shrubs, within the 100-foot Buffer Zone, pursuant to the State Act and Town Bylaw, at 21 Phillips Road, Sudbury MA. Gina Kelly, Applicant. The hearing will be held on Monday, August 23, 2021 at 6:45 pm, via remote participation.

Please see the Conservation Commission web page for further information.

<https://sudbury.ma.us/conservationcommission/meeting/conservation-commission-meeting-monday-august-23-2021/>

SUDBURY CONSERVATION COMMISSION

August 3, 2021

HANCOCK
ASSOCIATES
Surveyors | Engineers | Scientists

#24078

June 21, 2021

Sudbury Conservation Commission
Department of Public Works Building
275 Old Lancaster Road
Sudbury, MA 01776

Re: Notice of Intent (NOI) – 21 Phillips Road, Sudbury, MA

Dear Commission Members,

On behalf of Gina Kelly (Applicant), Hancock Associates hereby submits this Notice of Intent in request to permit removal of five (5) mature trees at an existing single-family home at 21 Phillips Road in Sudbury. One (1) tree is proposed for removal within Bordering Vegetated Wetland (BVW), whereas four (4) trees are proposed for removal within the 100-foot Buffer Zone to BVW. In accordance with the Sudbury Tree Removal Policy, as compensatory mitigation, herein we propose to replace the taken trees at a 2:1 ratio with ten (10) native trees and shrubs that will grow smaller in stature. We believe this scope of work will be of nominal risk to have any adverse impacts to wetland resource areas, and respectfully request that the Commission consider issuance of an Order of Conditions to permit the scope of work described herein.

Existing Conditions and Wetland Resource Areas

The property is located at 21 Phillips Road in Sudbury (identified as Map F06/Lot 0105 on Sudbury Assessors Maps). The property is a 1.07-acre residential lot developed with a single-family home. A portion of this lot is regulated under the Massachusetts Wetlands Protection Act (WPA, M.G.L. c. 131 § 40). All the proposed work will occur within the 100-ft Buffer Zone with no anticipated impacts to the surrounding wetland resource areas.

Prior to performing field wetland delineations, an environmental constraints desktop assessment of the subject property was performed through review of MassGIS data layers, USGS 7.5-minute quadrangle maps, NRCS soil survey data, aerial photography, Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs).

Based on this review, there are no environmental sensitive resource areas such as NHESP mapped Estimated or Priority Rare Species Habitats, NHESP Certified or Potential Vernal Pools, Outstanding Resource Waters (ORWs), Areas of Critical Environmental Concern (ACECs), Cold

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Water Fisheries, Surface Water Protection Zones, Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), or Wellhead Protection Zones on the subject property.

On May 5, 2021, a Staff Wetland Scientist field delineated the limit of off property BVW with a wetland flag series demarcated as WF flags series A100 through 112. This wetland resource area was delineated in accordance with the guidance document Delineating Bordering Vegetated Wetlands under the Massachusetts Wetlands Protection Act published by the MassDEP Division of Wetlands and Waterways in March 1995, 310 CMR 10.00. All wetland flags were located via survey and plotted to the Plot Plan herein by a Professional Land Surveyor (PLS) (refer to Plot Plan of Land in Sudbury, MA). This BVW broadcasts 100-foot buffer zone onto the subject property for which this NOI is being filed.

Proposed Work

The Applicant is concerned about five (5) large trees behind her home. To abate any risk of property damage or injury, the Applicant is proposing to remove these trees on the property.

Five (5) trees within the 100-ft Buffer Zone are proposed to be removed. The chart below outlines each tree and its diameter at breast height (DBH).

Common name	Scientific name	DBH
White pine	<i>Pinus strobus</i>	15"
Yellow birch	<i>Betula alleghaniensis</i>	22"
White pine	<i>Pinus strobus</i>	29"
White pine	<i>Pinus strobus</i>	30"
White pine	<i>Pinus strobus</i>	36"

The trees will be cut and stump ground to level grade without removal of root system; therefore no earth disturbance is proposed. At the discretion of the Conservation Commission, the Applicant can install temporary perimeter sediment controls between the trees and down gradient wetland resource areas if the Commission deems necessary. All other surrounding shrubs and groundcover layer plants will remain to retain soil stabilization through existing root structure. The project, as proposed, is designed to protect the interests of the Wetlands Protection Act as defined by 310 CMR 10.01 (2).

The Applicant is willing to offer planting of compensatory native small trees and shrubs elsewhere within the buffer zone on the property at a rate of 2:1 replacement. Herein with

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propose planting the following native species: four (4) American witch-hazel (*Hamamelis virginiana*, FACU); three (3) black chokeberry (*Aronia melanocarpa*, FAC); and three (3) sweet pepperbush (*Clethra alnifolia*, FAC).

Conclusion

As described herein, we believe the proposed scope of work to remove five (5) trees, with the planting of compensatory native small trees and shrubs elsewhere at a rate of 2:1 replacement within the 100-foot Buffer Zone is of low risk to have any adverse impact to the associated wetland resource area. We therefore request that the Commission consider issuance of an Order of Conditions to permit the scope of work described herein. Thank you for your consideration in this matter.

Regards,
Hancock Associates on behalf of Gina Kelly



Keith Downing, WPIT
Staff Wetland Scientist

cc: MassDEP Northeast Regional Office (NERO)

Attachments:

- A – WPA Form 3
- B – Figures
- C – Abutter Notification
- D – Filing Fees
- E – Plot Plan

Attachment A 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

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):

21 Phillips Road

a. Street Address

Sudbury

b. City/Town

01776

c. Zip Code

Latitude and Longitude:

42.397874

d. Latitude

71.440002

e. Longitude

F06

f. Assessors Map/Plat Number

0105

g. Parcel /Lot Number

2. Applicant:

Gina

a. First Name

Kelly

b. Last Name

c. Organization

21 Phillips Road

d. Street Address

Sudbury

e. City/Town

MA

f. State

01776

g. Zip Code

(508) 322-8908

h. Phone Number

i. Fax Number

gmckelly32@gmail.com

j. Email Address

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

SAME AS APPLICANT

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):

Keith

a. First Name

Downing, WPIT

b. Last Name

Hancock Associates

c. Company

315 Elm Street

d. Street Address

Marlborough

e. City/Town

MA

f. State

01752

g. Zip Code

(508) 460-1111

h. Phone Number

(508) 460-1121

i. Fax Number

kdowning@hancockassociates.com

j. Email address

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

\$110.00

a. Total Fee Paid

\$42.50

b. State Fee Paid

\$67.50

c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

Removal of five (5) trees from within Bordering Vegetated Wetland and/or associated buffer zone.

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

- | | |
|---|---|
| 1. <input checked="" 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 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:

Southern Middlesex

a. County

69185

c. Book

b. Certificate # (if registered land)

358

d. Page Number

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

- ☒ 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.
- ☐ 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.



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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 type="checkbox"/> Bordering Vegetated Wetland	1. square feet	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 type="checkbox"/> Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 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. <input type="checkbox"/> 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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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. <input type="checkbox"/> 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. <input type="checkbox"/> 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.

- 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

MassGIS accessed
July 13, 2021

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 <https://www.mass.gov/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.



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

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

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, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; 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:

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: dmf.envreview-south@mass.gov

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: dmf.envreview-north@mass.gov

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.

- c. ☐ Is this 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).



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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.

Plot Plan of Land in Sudbury Massachusetts

a. Plan Title

Hancock Associates

Greg Gould, PLS

b. Prepared By

c. Signed and Stamped by

6/22/21

1:30

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:

180

July 26, 2021

2. Municipal Check Number

3. Check date

179

July 26, 2021

4. State Check Number

5. Check date

6. Payor name on check: First Name

7. Payor name on check: Last Name



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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

2. Date

3. Signature of Property Owner (if different)

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:

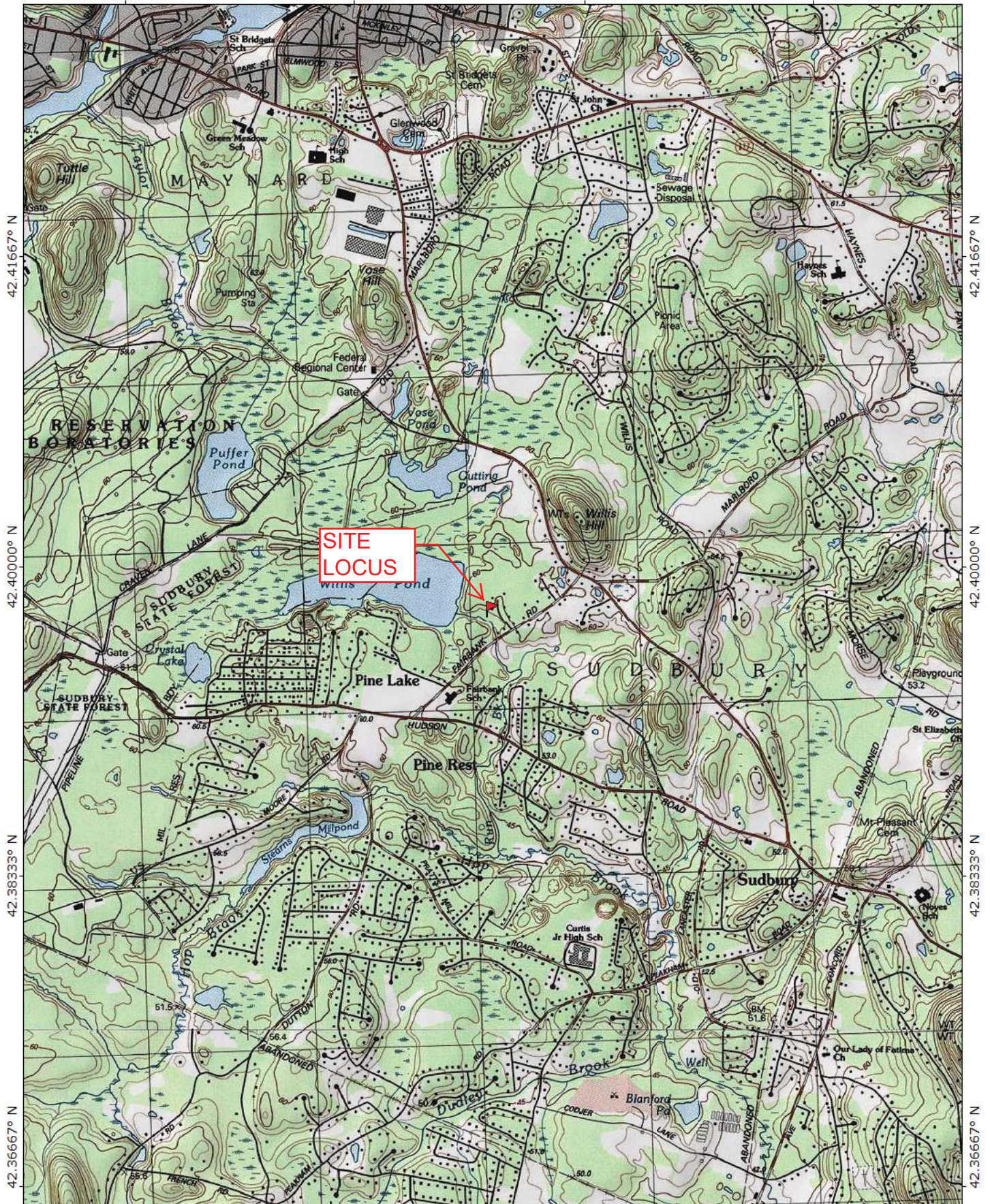
One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

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.

Attachment B Figures



42.41667° N

42.40000° N

42.38333° N

42.36667° N

42.41667° N

42.40000° N

42.38333° N

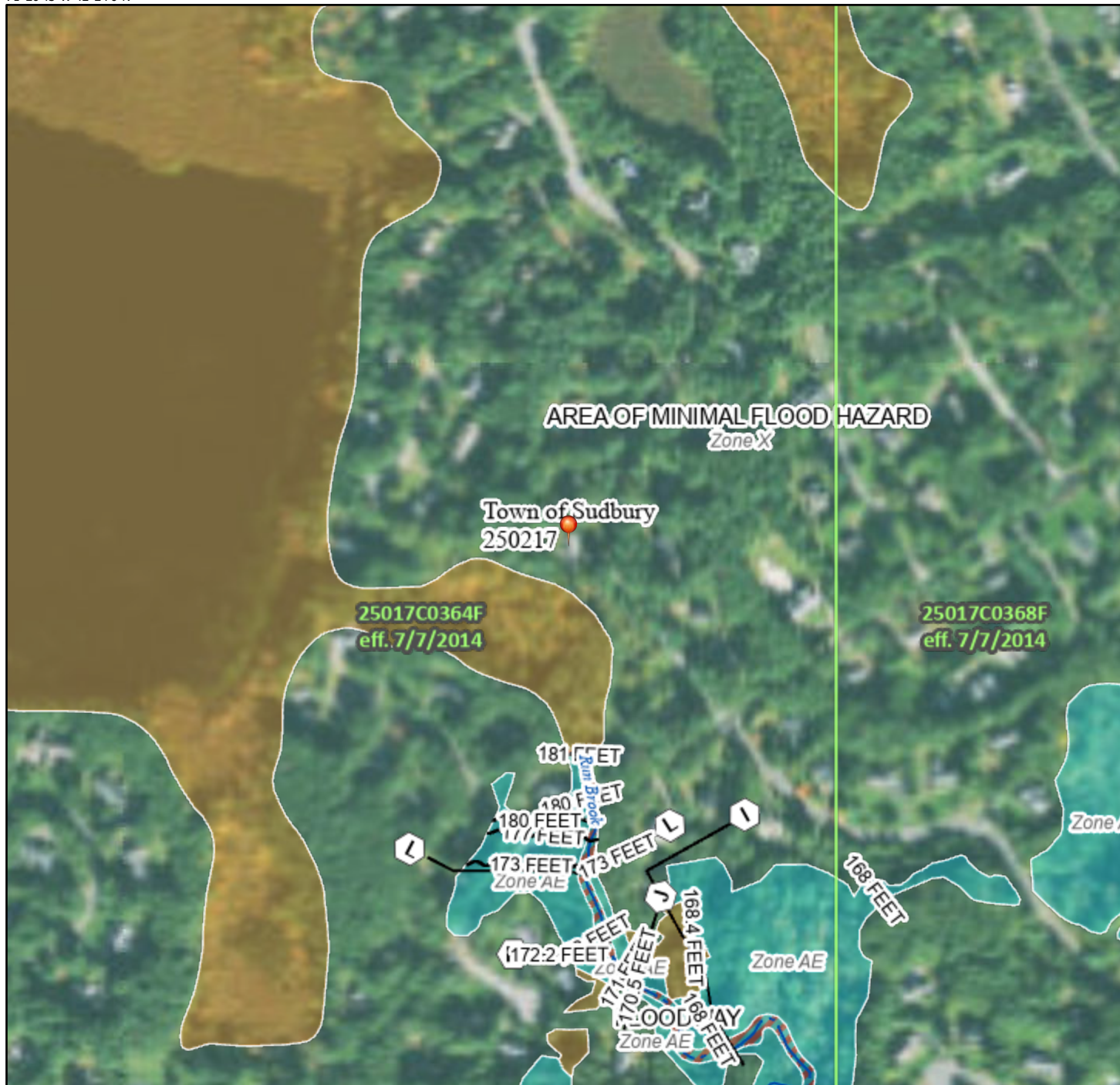
42.36667° N



National Flood Hazard Layer FIRMette



71°26'43"W 42°24'6"N



0 250 500 1,000 1,500 2,000 Feet 1:6,000

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

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		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
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
OTHER FEATURES		Levee, Dike, or Floodwall
		Cross Sections with 1% Annual Chance Water Surface Elevation
OTHER FEATURES		Coastal Transect
		Base Flood Elevation Line (BFE)
OTHER FEATURES		Limit of Study
		Jurisdiction Boundary
OTHER FEATURES		Coastal Transect Baseline
		Profile Baseline
OTHER FEATURES		Hydrographic Feature
		Digital Data Available
MAP PANELS		No Digital Data Available
		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 authoritative NFHL web services provided by FEMA. This map was exported on **7/13/2021 at 9:49 AM** 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 unmapped and unmodernized areas cannot be used for regulatory purposes.

Attachment C Abutter Notification

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 **Applicant** is Gina Kelly
- 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 **address** of the lot where the activity is proposed: 21 Phillips Road
- D. The **proposed activity** is: Removal of five (5) mature trees within Bordering Vegetated Wetlands and/or associated buffer zone.
- E. A **Public Hearing** regarding this Notice of Intent will be held on:
Monday, August 23, 2021 at 6:30 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:**
- From your computer, smart phone or tablet:
- _____
 - Meeting ID: _____
 - From your phone: **978-639-3366 or 470 250 9358**
- H Copies of the Notice of Intent may be examined by visiting this Website:
<https://sudbury.ma.us/conservationcommission/meetings/>
- I. Copies of the Notice of Intent may be obtained from either The Applicant, or the Applicant’s representative Hancock Associates, by calling this telephone number: **(508) 460-1111** between the hours of **9AM-5PM Mon-Fri**

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).

Abutter Notification Form for Conservation Notice of Intent

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

DocuSigned by:
Gina Kelly
5B1979FFFE03411...

2. Date

7/25/2021

3. Signature of Property Owner (if different)

4. Date

SAME AS APPLICANT

5. Signature of Representative (if any)

6. Date

Abutters may be found on the MAPS section on Town of Sudbury website.

Abutters List[print this list](#)

Date: July 08, 2021

Subject Property Address: 21 PHILLIPS RD Sudbury, MA
Subject Property ID: F06-0105

Search Distance: 100 Feet

Prop ID: F06-0005
Prop Location: 97 FAIRBANK RD Sudbury, MA
Owner: GRINHAM JAMES L
Co-Owner: C/O JEMEAH R T, JAMES GRINHAM
Mailing Address:

97 FAIRBANK RD
SUDBURY, MA 01776

Prop ID: F06-0012
Prop Location: FAIRBANK RD Sudbury, MA
Owner: CENTAURO ANDREW C & EILEEN M
Co-Owner:
Mailing Address:
37 WEBSTER CIRCLE
SUDBURY, MA 01776

Prop ID: F06-0104
Prop Location: 25 PHILLIPS RD Sudbury, MA
Owner: OLLQUIST JOHN C & RHONDA M
Co-Owner:
Mailing Address:
25 PHILLIPS RD
SUDBURY, MA 01776

Prop ID: F06-0106
Prop Location: 3 PHILLIPS RD Sudbury, MA
Owner: DEWARE ALEXANDRA &
Co-Owner: FRACZEK CHRISTOPHER
Mailing Address:
3 PHILLIPS RD
SUDBURY, MA 01776

Prop ID: F06-0107
Prop Location: 10 PHILLIPS RD Sudbury, MA
Owner: WILSON JEFFREY DALE JR &
Co-Owner: WILSON MARGARET ANN
Mailing Address:
10 PHILLIPS RD
SUDBURY, MA 01776

Prop ID: F06-0108
Prop Location: 20 PHILLIPS RD Sudbury, MA
Owner: WOLFMAN HARVEY T & MARY M
Co-Owner: TRUSTEES TWENTY PHILLIPS ROAD
Mailing Address:
20 PHILLIPS RD
SUDBURY, MA 01776

Prop ID: F06-0109
Prop Location: 28 PHILLIPS RD Sudbury, MA
Owner: GULKO ERIC P & STACIE L TRS
Co-Owner: GULKO FAMILY REALTY TRUST
Mailing Address:
28 PHILLIPS RD
SUDBURY, MA 01776

Attachment D Filing Fees



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, use only the tab key to move your cursor - do not use the return key.



A. Applicant Information

1. Location of Project:

21 Phillips Road

a. Street Address

179

c. Check number

Sudbury

b. City/Town

\$42.50

d. Fee amount

2. Applicant Mailing Address:

Gina

a. First Name

Kelly

b. Last Name

c. Organization

21 Phillips Road

d. Mailing Address

Sudbury

e. City/Town

MA

f. State

01776

g. Zip Code

(508) 322-8908

h. Phone Number

i. Fax Number

gmckelly32@gmail.com

j. Email Address

3. Property Owner (if different):

SAME AS APPLICANT

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

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.

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



Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 1.a.	1	\$110.00	\$110.00
Step 5/Total Project Fee:			\$110.00

Total Project Fee:	<u>\$110.00</u>
	a. Total Fee from Step 5
State share of filing Fee:	<u>\$42.50</u>
	b. 1/2 Total Fee less \$12.50
City/Town share of filling Fee:	<u>\$67.50</u>
	c. 1/2 Total Fee plus \$12.50

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.

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.

Page 2 of 2

Sudbury Wetlands Administration Bylaw Fee Payments For All Applications:

Category A: Single minor project -- i.e., house addition, tennis court, swimming pool, or other accessory residential activity **\$25 per project**

Category B: New single family dwelling **\$250**

Category C: Subdivision--road and utilities only - **\$500 plus \$2 per foot** of road sideline within a resource area

Category D: Drainage, detention/retention basins **\$500 plus \$2 per 100 cubic feet of basin within a resource area**

Category E: Multiple Dwelling Structure **\$500 plus \$100/unit**, all or part of which is within a resource area

Category F: Commercial and Industrial Projects **\$500 plus \$0.50 per square foot of disturbance** in an undeveloped resource area

Category G: Application filed after Enforcement Order **double** the above fee

Category H: Determination of Applicability **no charge**

Category I: Remediation of a Contaminated Site or Enhancement of a Degraded Resource (excluding violations) **\$25.00/project**

Additional Fees:

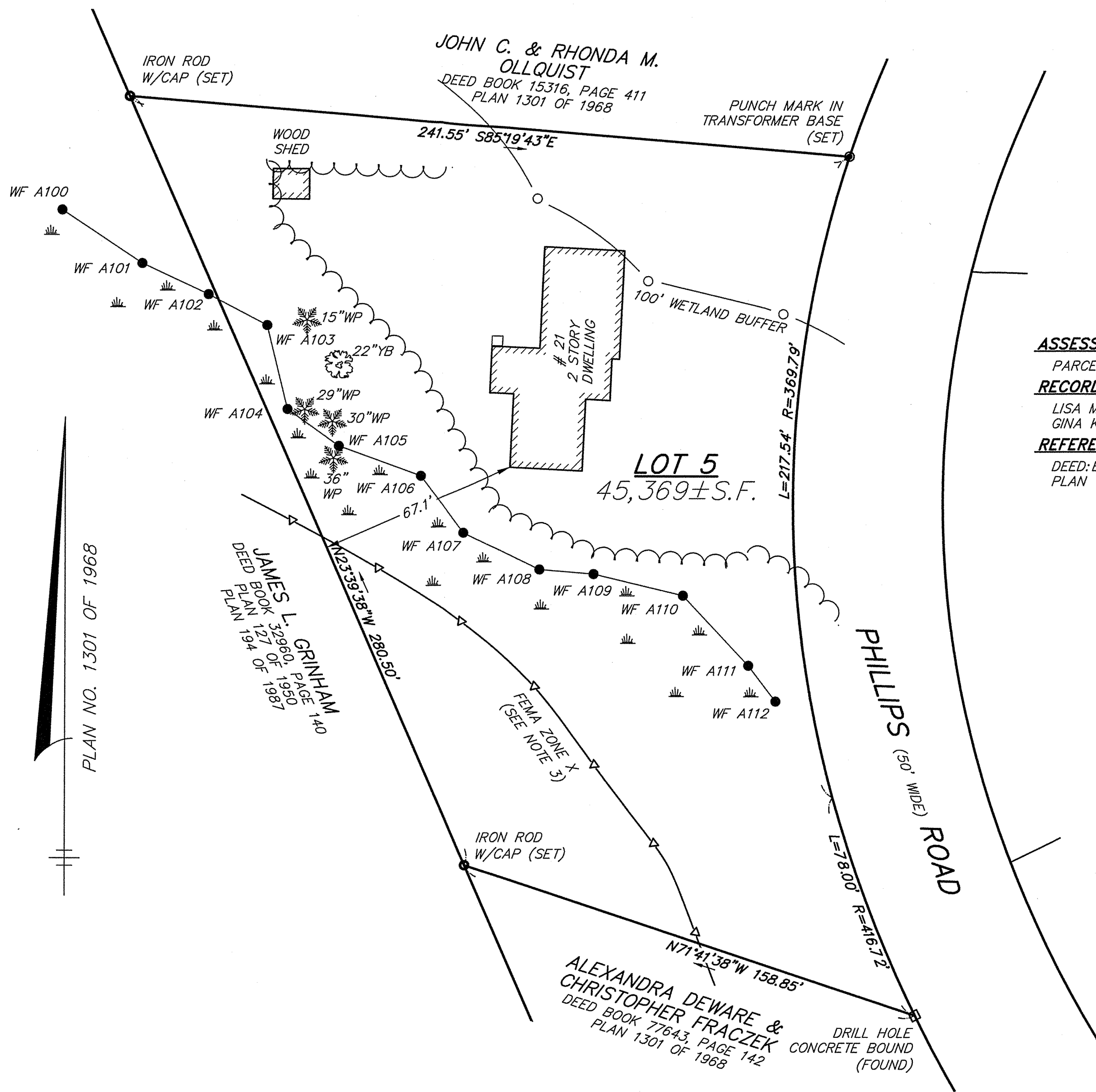
Abbreviated Notice of Resource Area Delineation:

New Construction: **\$500 plus \$2.00 for each linear foot of resource area subject to the Bylaw**

Existing Developed Single Family Lots: **\$25.00**

Inspection Fee: **\$50.00** for each status inspection conducted as a follow up to a Notice of Violation.

Attachment E Plot Plan



LEGEND:

- EDGE OF WOODED AREA/LAWN
- WFA2 LIMIT OF BORDERING VEGETATED WETLAND WITH FLAG NUMBER
- LIMIT OF 100-YEAR FLOOD PLAIN
- LIMIT OF 100-FOOT WETLAND BUFFER ZONE
- PROMINENT DECIDUOUS TREE WITH SIZE AND SPECIES
- PROMINENT CONIFEROUS TREE WITH SIZE AND SPECIES
- WP WHITE PINE
- YB YELLOW BIRCH

ASSESSORS:

PARCEL ID: F06-0105

RECORD OWNER

LISA MASSMANIAN & GINA KELLY

REFERENCES:

DEED: BOOK 69185, PAGE 358
PLAN 1301 OF 1968

NOTES:

- 1) UNDERGROUND UTILITIES ARE NOT SHOWN. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE LOCATION, SIZE & ELEVATION OF ALL UTILITIES WITHIN THE AREA OF PROPOSED WORK AND TO CONTACT "DIG-SAFE" AT 811 AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION, DEMOLITION OR CONSTRUCTION.
- 2) THE LIMIT OF BORDERING VEGETATED WETLANDS SHOWN HEREON WAS DELINEATED BY HANCOCK ASSOCIATES AND LOCATED VIA AN ON THE GROUND INSTRUMENT SURVEY.
- 3) FEMA ZONE X IS SHOWN APPROXIMATELY HEREON FROM FEMA NATIONAL FLOOD INSURANCE PROGRAM (NFIP) FLOOD INSURANCE RATE MAP (FIRM) NUMBER 25017C0364F, HAVING AN EFFECTIVE DATE OF JULY 7, 2014.
- 4) THIS PLAN IS THE RESULT OF AN ON-THE-GROUND INSTRUMENT SURVEY PERFORMED BY HANCOCK ASSOCIATES IN JUNE OF 2021.

TREE REPLACEMENT PLAN NOTES:

TREE REPLACEMENT NOTES

1. THE SUDBURY CONSERVATION COMMISSION SHALL BE NOTIFIED NO LESS THAN ONE (1) WEEK IN ADVANCE OF THE INITIATION OF ANY TREE REMOVAL WORK.
2. A QUALIFIED RESTORATION ECOLOGIST SHALL OVERSEE ALL WORK PERFORMED BY LANDSCAPE CONTRACTOR.
3. IN THE EVENT THAT SPECIFIED PLANTINGS ARE UNAVAILABLE, SUITABLE SUBSTITUTE SPECIES MAY BE CONSIDERED, HOWEVER PLANT SELECTION SHALL BE LIMITED TO NATIVE SPECIES SUITABLE TO THE GROWING CONDITIONS OF THE SITE. ANY PROPOSED DEVIATION FROM THIS PLAN MUST BE SUBMITTED TO THE CONSERVATION COMMISSION FOR REVIEW AND APPROVAL PRIOR TO EXECUTION.

TREE REPLACEMENT PLAN

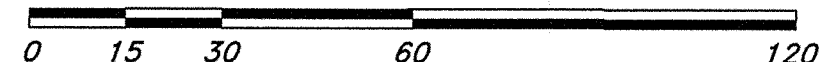
4. CONTRACTOR SHALL REMOVE FIVE (5) MATURE TREES AS SPECIFIED. STUMPS SHALL BE GROUND TO LEVEL SURFACE GRADE. NO REMOVAL OF ROOT STRUCTURE IS PROPOSED.
5. FOLLOWING REMOVAL OF TREES, CONTRACTOR SHALL INSTALL NATIVE TREES AND SHRUBS IN ACCORDANCE WITH THE FOLLOWING PLANTING SCHEDULE:

SHRUB SPECIES

- a. FOUR (4) AMERICAN WITCH-HAZEL (*Hamamelis virginiana*, FACU)
- b. THREE (3) BLACK CHOKEBERRY (*Aronia melanocarpa*, FAC)
- c. THREE (3) SWEET PEPPERBUSH (*Clethra alnifolia*, FAC)

NOTES: ALL SHRUBS SHALL BE NO LESS THAN 3' IN HEIGHT AT PLANTING.

SCALE: 1" = 30'



SITE ADDRESS:

#21
PHILLIPS
ROAD
Sudbury, Massachusetts

PREPARED FOR:

GINA
KELLY

21 Phillips Road
Sudbury, Massachusetts 01776

HANCOCK
ASSOCIATES

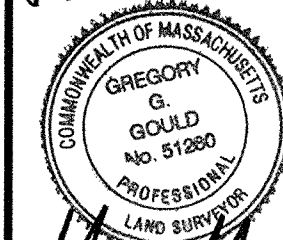
Civil Engineers

Land Surveyors

Wetland Scientists

34 CHELMSFORD ST., CHELMSFORD, MA 01824
VOICE (978) 244-0110, FAX (978) 244-1133
WWW.HANCOCKASSOCIATES.COM

6-22-21



[Signature]

NO.	BY	APP	DATE	ISSUE/REVISION DESCRIPTION

DATE: 6/22/21 DRAWN BY: JAR
SCALE: 1"=30' CHECK BY: GGG

PLOT PLAN
OF LAND IN
SUDBURY,
MASSACHUSETTS

PLOT DATE: Jul 23, 2021 3:46 pm
PATH: X:\24078-Kelly-Sudbury\Sur\DWG\

DWG: 24078sv.dwg

LAYOUT: PP

SHEET: 1 OF 1

PROJECT NO.:

24078