

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 construction of an addition, within the 100-foot Buffer Zone and 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw, at 18 Tavern Circle, Sudbury MA. Shafiqul and Shahnaz Islam, Applicants. The hearing will be held on Monday, September 13, 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-september-13-2021-2/>.

SUDBURY CONSERVATION COMMISSION

August 23, 2021



August 16, 2021

Ms. Lori Capone Coordinator
Conservation Commission
Dept. of Public Works Bldg.
275 Old Lancaster Road
Sudbury, MA 01776

RE: NOI for 18 Tavern Circle, Sudbury

Dear Lori:

Please find the following set of documents for the NOI filed on behalf of Shafiquel & Shanaz Islam TRS, The Islam Family 2020 Trust. Additionally, an electronic copy will be sent to you with this mailing.

1. Project Narrative (includes narrative, alternatives analysis & restoration report)
2. WPA Form 3 with Wetland Fee Transmittal Form
3. DEP Field Data Forms
4. USGS Locus Map
5. Site Plan (24"x36" printed and a .dwg CAD plan)
6. Certified Abutter Map
7. Certified Abutter List
8. Notification & Affidavit of Service
(Please place the legal notice in the *Sudbury Town Crier* and bill the applicant.)
9. Sudbury Bylaw filing fee.

The applicant proposes to add a small addition to the side of the existing house. Of note, the house sits within both the Riverfront Area and 100' buffer to the BVW.

Please contact me with any questions or concerns. Thank you.

Very truly yours,

Patrick C. Garner
Wetland Scientist, Hydrologist

Copy to: DEP, Shafiquel & Shanaz Islam TRS, The Islam Family 2020 Trust

August 12, 2021

NARRATIVE: NOTICE OF INTENT

**18 Tavern Circle
Sudbury, MA**

by Patrick C. Garner, Wetland Scientist

GENERAL NARRATIVE

The residential site has an existing single family home that was built prior to 1996. The owners propose to build an addition on the northerly side of the house, as well as a deck.

The home was built on a narrow esker between two Resource Areas, both being Bordering Vegetated Wetlands (BVW). The westerly and northerly BVW borders Second Division Brook, a perennial stream. The home is served by a single driveway that terminates at a garage at the southerly side of the house.

BVW on this site is a wooded swamp with a mix of trees, shrubs and scattered herbaceous species. The hydrology for the associated wetland species is driven by seasonal ground water and contact from incipient flooding associated with the brook. Species in the BVW include Eastern white pine, Northern red oak, Red maple, winterberry, Highbush blueberry, Canada mayflower, various sedges, Sensitive fern and Cinnamon fern.

While on site I observed no unusual habitat features, and no vernal pools. The site, with the exception of the area developed for the former house, is largely natural.

In addition, I anticipate no adverse effects from the proposed addition. Adverse Effect under the WPA means a “greater than negligible change in the resource area or one of its characteristics or factors that diminishes the value of the resource area to one or more of the specific interests of M.G.L. c. 131, § 40.”

Further, the WPA specifically defines “interests” which it regulates. Those include: *protection of public and private water supply; protection of ground water supply; flood control; storm damage prevention; prevention of pollution; protection of land containing shellfish; protection of fisheries; and protection of wildlife habitat.*

My professional opinion is that none of these interests will be impacted by the project.

ALTERNATIVES ANALYSIS

The property is largely in the 200-foot Riverfront Area (RA) of Second Division Brook which lies to the west and north of the property. The owner has considered alternative locations for the proposed house extension. *None has as little impact to buffer zone or RA as the proposed location.* Those alternatives are discussed below.

As indicated on the Notice of Intent (NOI), the total RA within the property is 115,440 s.f. Area within the 0 - 100' inter-riparian zone is 74,403 s.f. Area within the 100 - 200 foot zone is 41,037 s.f. (10% of the total RA = 11,544 s.f.)

Actual impacts to RA are:

- 0 - 100' inter-riparian zone 1,010 s.f
- 100 - 200 foot zone 240 s.f.

No Build Alternative

This would not serve the proposed improvement, and is not considered.

Other Alternatives

The expansion is proposed on the northerly side of the house. In that location existing conditions are lawn (poor condition). To add the 20x32 foot room, no trees would be cut, no excavation necessary and no grading required. Impacts to buffer zone and RA would be minimal.

Adding the expansion to the *southern* side of the house is not feasible as the existing garage exists in that location, and the interior layout is not conducive for the purpose of the proposed use.

Adding the expansion to either the front or rear of the house (east or west sides) would create measurable impacts to the BVW buffer zone. In addition, on the *west* side of the house impacts to RA would occur. In either case, some trees would have to be cut and the general area widened from its current envelope — which the owner rejects.

Therefore, the proposed location on the northern side of the house creates the least environmental impacts, and is most conducive to the interior layout of the existing home.

RESTORATION/ENHANCEMENT

BACKGROUND

The proposed expansion of the existing house will cause a small loss of open space within both the 100-foot buffer to BVW and within the Riverfront Area. The expansion will cause the loss of 640 s.f. (while a second-story deck will arguably represent the loss of another 570 s.f.) Neither of these changes will require foundations or additional impervious area. The surface of the deck will not be pervious, with decking spaced at 1/4" to 1/2" intervals, allowing both light and stormwater to pass.

In acknowledgement of these alterations, the owner proposes to restore/enhance a portion of the northernmost existing lawn. When the home was built around 30 years ago, the area proposed would have been upland woods situated upgradient and between the western, northern and eastern areas of BVW.

The area proposed for restoration lies between two low stone walls shown on the NOI plan. The area proposed for restoration totals 1,675 s.f. This area is approximately 40% more area than that impacted, if both the house expansion and deck are counted. If the house expansion alone is counted — a more accurate representation of impacts — then the proposed restoration is approximately 2 1/2 times greater than the open space loss.

RESTORATION PROCEDURE

The following procedure will be followed to restore/enhance the described area:

1. An erosion control barrier, consisting of 8-inch diameter wattles, will be installed along the edge of the restoration area to prevent erosion into downgradient areas.
2. No excavation will occur — existing grades will be maintained.
3. A landscape expert must monitor restoration work.
4. Restoration will include the following plant material:

TYPE

<u>Common Name</u>	<u>Scientific name</u>	<u>Height</u>	<u>Indicator status</u>	<u>#</u>
N. Red oak	<i>Quercus rubra</i>	2-3'	FACU	2
Sugar maple	<i>Acer sacc.</i>	2-3'	FACU	2
Alternate-leaved Dogwood	<i>Cornus alternifolia</i>	18-24"	UPL	4
Witch hazel	<i>Hamamelis virgin.</i>	18-24"	FAC	4
Bayberry	<i>Morella pensyl.</i>	18-24"	FAC	4
Lowbush blueberry	<i>Vaccinium august.</i>	18-24"	FACU	4

The restoration area will be monitored over the subsequent two growing seasons to be certain that at least 75% of the area is covered with healthy vegetation. Monitoring will occur at least in spring and fall once planting is complete.

A photographic record will be kept both before and after work is begun. If 75% of the restoration area is not covered with healthy plants at the end of two years, additional stock must be purchased (see type listed above) and planted.



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):

18 TAVERN CIRCLE

a. Street Address

SUDBURY

b. City/Town

01776

c. Zip Code

Latitude and Longitude:

42.434410

d. Latitude

-71.429740

e. Longitude

AO7-0311

f. Assessors Map/Plat Number

Lot 11A

g. Parcel /Lot Number

2. Applicant:

SHAFIQUL & SHAHNAZ

a. First Name

ISLAM TRS

b. Last Name

THE ISLAM FAMILY 2020 TRUST

c. Organization

18 TAVERN CIRCLE

d. Street Address

SUDBURY

e. City/Town

MA

f. State

01776

g. Zip Code

978/460-2462

h. Phone Number

i. Fax Number

SHAFIQUL.ISLAM@TUFTS.EDU

j. Email Address

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

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):

PATRICK

a. First Name

GARNER

b. Last Name

PATRICK C GARNER CO INC

c. Company

109 WHITNEY STREET

d. Street Address

NORTHBOROUGH

e. City/Town

MA

f. State

01532

g. Zip Code

508/393-3200

h. Phone Number

i. Fax Number

PATRICKGARNER@ME.COM

j. Email address

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

\$110

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:

APPLICANT PROPOSES TO ADD A SMALL ADDITION TO THE NORTHERLY SIDE OF THE EXISTING HOUSE. HOUSE SITS WITHIN BOTH RIVERFRONT AREA AND THE 100' BUFFER TO BVW.

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:

MIDDLESEX

a. County

75090

c. Book

b. Certificate # (if registered land)

396

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 checked="" 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: 115,440
square feet

4. Proposed alteration of the Riverfront Area:

<u>1,250</u>	<u>1,010</u>	<u>240</u>
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**

Current

b. Date of map

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

- c. Submit Supplemental Information for Endangered Species Review*

1. ☐ Percentage/acreage of property to be altered:

(a) within wetland Resource Area

percentage/acreage

(b) outside Resource Area

percentage/acreage

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

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

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

(b) ☒ Photographs representative of the site

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/ma-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.

NOTICE OF INTENT PLAN

a. Plan Title

PATRICK C GARNER CO INC.

PATRICK GARNER

b. Prepared By

c. Signed and Stamped by

8/08/21

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:

#1138

2. Municipal Check Number

8/10/21

3. Check date

#1137

4. State Check Number

8/10/21

5. Check date

SHAFIQUL

6. Payor name on check: First Name

ISLAM

7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection
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WPA Form 3 – Notice of Intent

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

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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

8/12/21

2. Date

3. Signature of Property Owner (if different)

4. Date

8/12/21

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



A. Applicant Information

1. Location of Project:

18 TAVERN CIRCLE

a. Street Address

#1137

c. Check number

SUDBURY

b. City/Town

\$42.50

d. Fee amount

2. Applicant Mailing Address:

SHAFIQL & SHAHNAZ

a. First Name

ISLAM TRS

b. Last Name

THE ISLAM FAMILY 2020 TRUST

c. Organization

18 TAVERN CIRCLE

d. Mailing Address

SUDBURY

e. City/Town

MA

f. State

01776

g. Zip Code

978/460-2462

h. Phone Number

i. Fax Number

SHAFIQL.ISLAM@TUFTS.EDU

j. Email Address

3. Property Owner (if different):

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

B. Fees

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
BUFFER ZONE HOUSE EXPANSION	1	\$110	\$110
Step 5/Total Project Fee:			<u>\$110</u>
Step 6/Fee Payments:			
Total Project Fee:			<u>\$110</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.

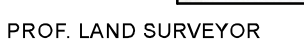
b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

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.)

LOTS 7 & 12

TECHNICAL NOTES:

--ALL EXISTING CONDITIONS
SURVEY--LOCATED BY THIS
FIRM ON 7/22/21.



—SHAFIQUK & SHANAZ ISLAM
18 TAVERN CIRCLE, SUDBURY



508.393.3200 www.patrickgarner.com

SUDBURY, MASS.

DF 1

POWDER MILL ROAD

LOT 11A
170,319 SF

SECOND DIVISION ROOK

CONSERV. RESTRICTION

LAWN AREA
TO BE RESTORED
TO WOODS
1675 SF

213.1 Sq.ft.

1.5 Acres.
66685.7 Sq.ft.

100 F.I. BUTLER

GRADING EASEMENT -

100 FT. BUFFER

DRIVE CONTINUES OVER AN EASEMENT TO TAVERN CIRCLE--

AFFIDAVIT OF SERVICE
Under the Massachusetts Wetland Protection Act

I, Patrick Garner , hereby certify under the pains and penalties of perjury that
on August 16, 2021, I gave notification to abutters in compliance with the second
paragraph of Mass. General Laws Chapter 131, Section 40, and the DEP Guide to
Abutter Notification in connection with the following matter:

A Notice of Intent (NOI) filed under the Massachusetts Wetland Protection Act by
Shafiqul & Shahnaz Islam TRS, The Islam Family 2020 Trust with the Sudbury
Conservation Commission on August 16, 2021, for property located at 18 Tavern Circle,
Sudbury.

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



August 16, 2021

Patrick Garner

Date

MassDEP Field Data Form and Instructions

The Department of Environmental Protection's field data form should be used when delineating the boundary of a Bordering Vegetated Wetland (BVW) under the Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, Section 40) and regulations (310 CMR 10.55). It should be used whether the boundary is delineated by vegetation alone or by vegetation and other indicators of wetland hydrology. Note: if detailed vegetative assessment is not necessary for the site, make a note on the data form and submit it. The field data form should be submitted with a Request for Determination of Applicability or a Notice of Intent. Details on the criteria for delineating a BVW boundary and the terminology used in this field data form are described in the handbook, *Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act* (MA Department of Environmental Protection, Division of Wetlands and Waterways, 1995).

INSTRUCTIONS

The data form includes a section on project identification, including the applicant's name, the name of the person performing the delineation, project location, and the MassDEP file number, if available. If vegetation alone is presumed adequate to delineate the BVW boundary, mark the first box, complete Section I of the data form, and submit the document. If vegetation and other indicators of hydrology are used to delineate the BVW boundary, mark the second box, complete Sections I and II of the form, and submit the document. MassDEP has selected the dominance test as the preferred method of vegetation analysis at sample plot locations. The information gathered for that method should be recorded on the form. If a method other than the dominance test is used, mark the third box and explain the method and why it was used.

Section I: Vegetation

Section I should be used to record information about the vegetation within an observation plot and on a transect used to delineate the BVW boundary. Note the date of the delineation. Submit a separate data form for each observation plot. Attach supplemental sheets if more space is needed.

A. Sample Layer and Plant Species

Record each plant species using common and scientific names for the following layers:

Ground Cover: woody vegetation less than 3 feet in height (seedlings), non-climbing woody vines less than 3 feet in height, and non-woody vegetation (including

mosses) of any height within a 5-foot radius plot; Shrubs: woody vegetation between 3 feet and 20 feet in height within a 15-foot radius plot;

Saplings: woody vegetation over 20 feet in height with a diameter at breast height (dbh) greater than or equal to 0.4 inches to less than 5 inches within a 15-foot radius plot; (note: dbh is measured 4.5 feet from the ground);

Climbing woody vines: woody vines that are attached, rooted, or climbing on trees, saplings, or shrubs within a 30-foot radius plot; and

Trees: woody vegetation with a dbh of 5 inches or greater and over 20 feet in height within a 30-foot radius plot.

If you do not recognize a plant species or do not know a plant's name, call it a generic name. Unknown plants need to be identified only if they are determined to be dominant plants. In that case, a plant identification book or key may be used to determine the species.

B. Percent Cover

Determine percent cover (or basal area for trees) for each plant species in each layer by visual analysis or measurement. (See handbook for information about determining percent cover, page 12.)

C. Percent Dominance

Determine percent dominance for each plant species by dividing the percent cover or basal area for each plant species by the total percent cover or basal area for the layer. (See handbook for information about the dominance test, pages 15-19.)

D. Dominant Plants

1. Identify the dominant plants. Dominant plants are:

- plants with a percent dominance of 50 percent or greater, or plants whose percent dominance add up to immediately exceed 50 percent;
- plants with a percent dominance of 20 percent or greater;
- plants with a percent dominance equal to a plant already listed as a dominant species.

2. Determine common and scientific names for any unknown plants identified as dominant plants.

E. Wetland Indicator Category

1. Identify the Wetland Indicator Category for all dominant plant species using the *National List of Plant Species That Occur in Wetlands: Massachusetts*.

2. Use an asterisk to mark the wetland indicator plants. Wetland indicator plants are any of the following:

- plant species listed in the Wetlands Protection Act;
- plants in the genus *Sphagnum*;
- plants listed as Facultative (FAC), Facultative+ (FAC+), Facultative Wetland(FACW-), Facultative Wetland (FACW), Facultative Wetland+ (FACW+) or Obligate (OBL);
- plants with morphological or physiological adaptations (such as buttressed or fluted trunks, shallow roots, or adventitious roots).

If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk (e.g. White pine, *Pinus strobus*, FacU*/shallow roots, buttressed trunks).

Vegetation Conclusion

List the number of dominant wetland indicator plants and the number of dominant non-wetland indicator plants. If the number of dominant wetland indicator plants is equal to or greater than the number of non-wetland indicator plants, and vegetation alone is presumed adequate for the delineation, the plot is located in a BVW.

If vegetation alone has been chosen for the delineation at this site, complete only Section I and submit the form with a Request for Determination of Applicability or a Notice of Intent. Otherwise, continue the delineation process and record information for Section II on the second page of the form.

Section II: Indicators of Hydrology

Section II should be used to record information on indicators of hydrology in those areas where vegetation alone is not presumed adequate to delineate the BVW boundary, or to overcome the presumption that vegetation alone is adequate.

Hydric Soil Interpretation

1. Soil Survey: Record information about the site from the Soil Survey Report prepared by the U.S. Natural Resources Conservation Service (NRCS) - formerly called the Soil Conservation Service.
2. Soil Description: Record information based on observations at a soil test hole located within the vegetation observation plot. Describe the soil profile of each soil horizon, noting the depth. Identify the matrix and mottles colors by hue, value, and chroma (information from Munsell Soil Color Charts). For example, 10YR 5/2. Notes on soil texture and other soil characteristics may be recorded in the Remarks section.
3. Other: note any additional information used to determine if hydric soil is present, such as regional field indicator guides.

Conclusion: Indicate whether the soil is hydric based on information observed in the field. (See list of Hydric Soil Indicators in the handbook, page 29.)

Other Indicators of Hydrology

Record observations of other indicators of hydrology. Check and describe all that apply. Due to their seasonal or temporal nature, these other indicators generally are used in conjunction with vegetation and soils to determine the location of the BVW boundary.

Vegetation and Hydrology Conclusion

Determine if the observation plot is in a BVW. The observation plot is in a BVW if the number of dominant wetland indicator plants is equal to or greater than the number of dominant non-wetland indicator plants, and if hydric soil or other indicators of hydrology are present.

For an observation plot located in a disturbed area, any one of the three indicators is sufficient to determine that the sample location is in a BVW. In that case, make a note on the form about that conclusion.

Submit the completed form with a Request for Determination of Applicability or a Notice of Intent.

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

Applicant: Prepared by: Patrick Garner Project location: 118 Tavern Circle, Sudbury DEP File #:N/A

Check all that apply:

- ☐ Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
- ☒ **XX** 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.

Vegetation	Observation Plot Number:		Transect Number: 1	Date of Delineation: 8/06/21
A. Sample Layer & Plant Species (by common/scientific name)	B. Percent Cover (or basal Area)	C. Percent Domi- nance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*

Herbaceous

Cinn fern	FACW
Sensitive fern	FACW
Sedge, northeastern	OBL
Canada mayflower	FAC

Shrub

Highbush blueberry	FACW
Winterberry	FACW
Pepperbush	FAC

Tree

Red maple	FAC
N. red oak	UPL
E. white pine	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 plants: 0

Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? yes no

If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? **yes** no
title/date:
map number:
soil type mapped:
hydric soil inclusions:

Are field observations consistent with soil survey? yes no
Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
A	0-2	10YR 3/2	
B	20-16	10YR 4/2	

Remarks:
> 2% redox

3. Other:

Conclusion: Is soil hydric? **yes** no

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

- ☐ Site Inundated: **No**
- ☐ Depth to free water in observation hole: NA
- ☐ Depth to soil saturation in observation hole: NA
- ☐ Water marks: Few
- ☐ Drift lines: _____
- ☐ Sediment Deposits: _____
- ☐ Drainage patterns in BVW: _____
- ☐ Oxidized rhizospheres: NA
- ☐ Water-stained leaves: In lower sections
- ☐ Recorded Data (streams, lake, or tidal gauge; aerial photo; other):

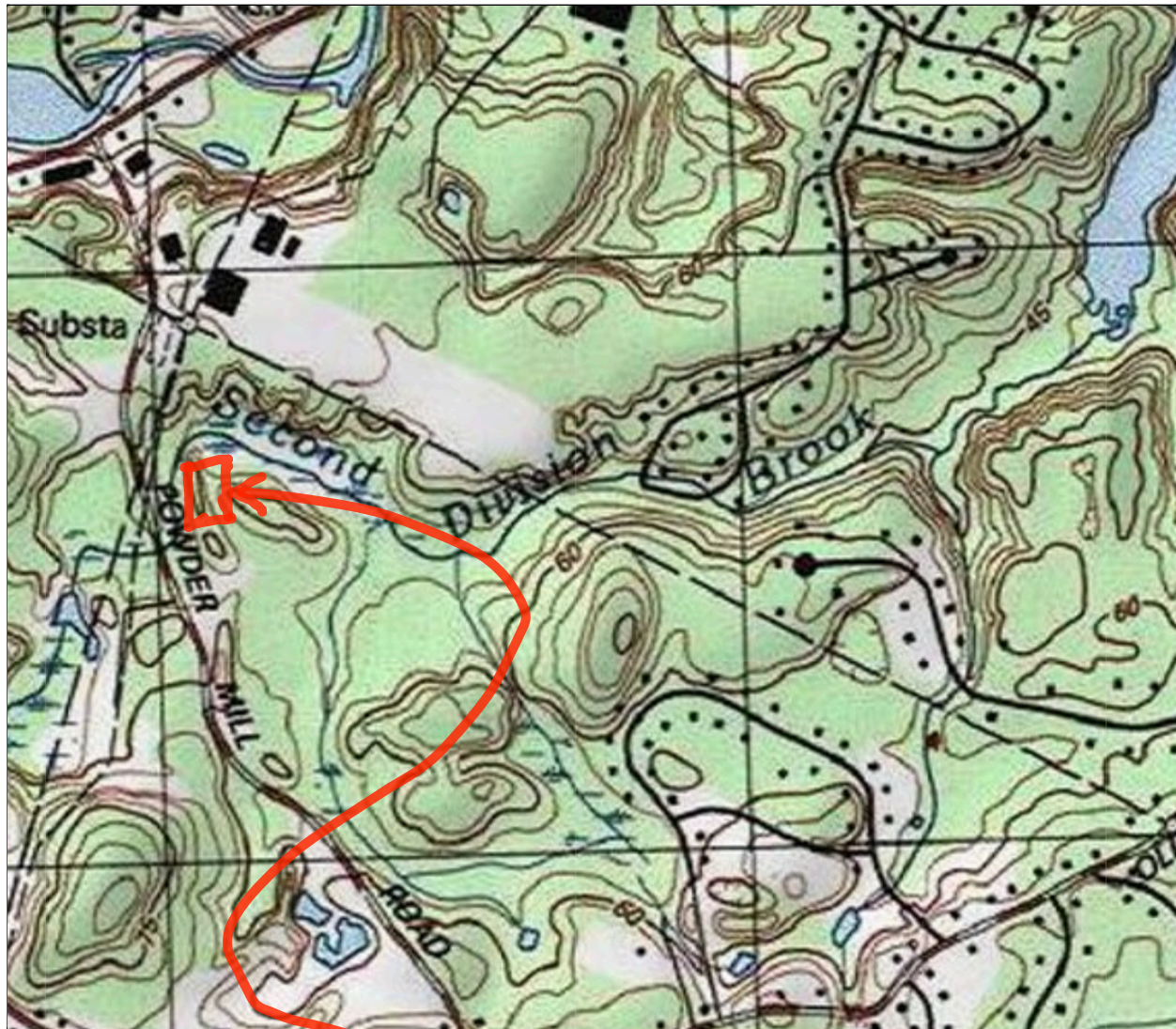
Vegetation and Hydrology Conclusion

	Yes	No
Number of wetland indicator plants ≥ # of non-wetland indicator plants	<u> Y </u>	<u> </u>
Wetland hydrology present:		
Hydric soil present	<u> Y </u>	<u> </u>
Other indicators of hydrology present	<u> </u>	<u> </u>
Sample location is in a BVW	<u> Y </u>	<u> </u>

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

18 TAVERN CIRCLE
SUDBURY, MA

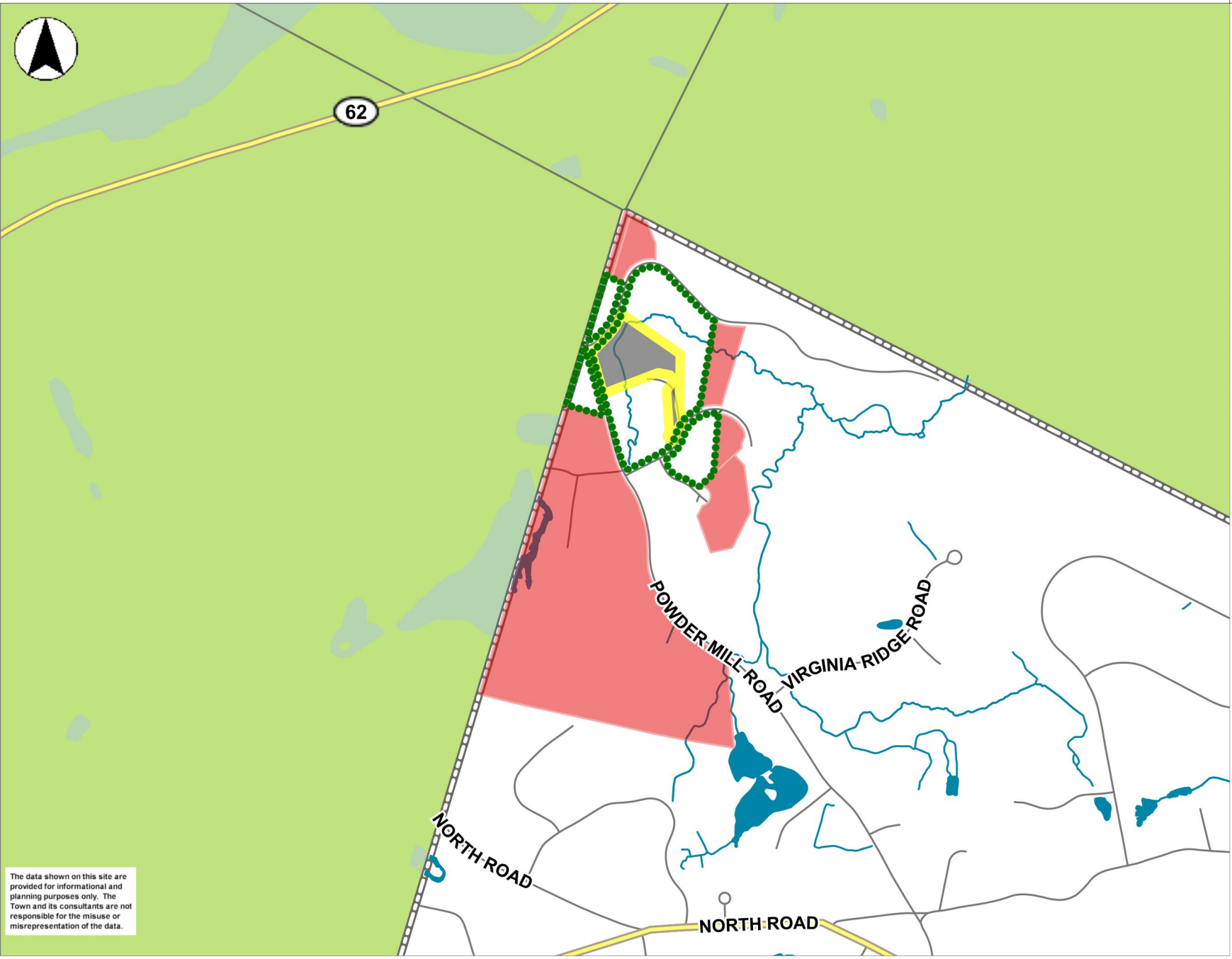
USGS LOCUS MAP



LOCUS



- Bridges
- Driveways
- Parking Lots
- Medians
- Sidewalks
- Curbs
- Roads
 - Paved Roads
 - UnPaved Roads
- Parcels
- Streams Ortho
- Streams CIR
- Lake/Reservoir
- Buildings
- MA Highways
 - Interstate
 - US Highway
 - Numbered Routes
- Town Boundary
- Streets



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

0 1000 2000 ft

Printed on 07/26/2021 at 12:52 PM

MapsOnline

abutters_id_field	abutters_owner1	abutters_owner2	abutters_address	abutters_address2	abutters_town	abutters_state	abutters_zip	abutters_bookpage	abutters_location
A07-0002	BU CHUNSHENG & SHEN YANFEI		181 POWDER MILL RD		SUDBURY	MA	01776	47374-488	181 POWDER MILL RD
B07-0538	RIVET DEAN & KATHLEEN		17 ROSE WAY		SUDBURY	MA	01776	34988-380	17 ROSE WAY
A07-0200	NSTAR ELECTRIC COMPANY	PROPERTY TAX DEPT.	P.O. BOX 270		HARTFORD	CT	06141	9652-38	POWDER MILL RD
A07-0334	NSTAR ELECTRIC COMPANY	PROPERTY TAX DEPT.	P.O. BOX 270		HARTFORD	CT	06141	192144	CRANBERRY CIR
A07-0335	TOTH THOMAS LOUIS &	MARY KONDON	11 TAVERN CIRCLE		SUDBURY	MA	01776	22179-454	11 TAVERN CIR
A07-0336	CONNORS MICHAEL R & SARAH E		25 TAVERN CIRCLE		Sudbury	MA	01776	78148-498	25 TAVERN CIR
A07-0337	FAUST LUKE		35 TAVERN CIRCLE		SUDBURY	MA	01776	72688-19	35 TAVERN CIR
A07-0600	MAILLET JOSEPH L TRUSTEE	C/O JOS A MAILLET	19 ELAINE RD		SUDBURY	MA	01776	15409-467	POWDER MILL RD
A07-0309	SWAN JOHN S & NANCY R		10 TAVERN CIRCLE		SUDBURY	MA	01776	40858-511	10 TAVERN CIR
A07-0310	SHEN HAOQI & ZHUANG JIE		16 TAVERN CIR		SUDBURY	MA	01776	56012-448	16 TAVERN CIR
A07-0311	ISLAM SHAFIQUL & SHAHNAZ TRS	THE ISLAM FAMILY 2020 TRUST	18 TAVERN CIRCLE		SUDBURY	MA	01776	75090-396	18 TAVERN CIR
A07-0312	KRISHNAN SANJAY &	KRISHNAN TAWATER ELIZABETH	17 CRANBERRY CIR		SUDBURY	MA	01776	63732-160	17 CRANBERRY CIR
A07-0313	RAY WILLIAM W & GARVEY KERRY A		29 CRANBERRY CIR		SUDBURY	MA	01776	1289-69	29 CRANBERRY CIR
A07-0314	DREW MATTHEW R	TRUSTEE OF THE MATTHEW R DREW	801 MAIN ST - WOODMAN EATON		CONCORD	MA	01742	70205-341	20 TAVERN CIR
A07-0315	KENNELLY CYNTHIA L		26 TAVERN CIRCLE		SUDBURY	MA	01776	32194-618	26 TAVERN CIR
B07-0300	MAYNARD ROD+GUN CLUB INC		45 OLD MILL RD		MAYNARD	MA	01754	7261-9	145 POWDER MILL RD

Notification to Abutters Under the Massachusetts Wetlands Protection Act

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

A. The name of the applicant is: Shafiqul & Shahnaz Islam TRS, The Islam Family 2020 Trust.

B. The applicant has filed a Notification of Intent (NOI) with the Sudbury Conservation Commission to add a small addition to the side of the existing house. House sits within both the Riverfront Area and 100' buffer to BVW.

C. The address of the property is 18 Tavern Circle, Sudbury.

D. A paper copy of the NOI may be examined at: Sudbury Conservation Commission office at Department of Public Works Building, 275 Old Lancaster Road, Sudbury. For more information, call: 978/440-5471.

E. A paper copy or electronic version of the NOI may be obtained for a minimal fee from the applicant's representative, Patrick C. Garner Co., Inc., by calling 508/393-3200 between the hours of 9 a.m. - 5 p.m., Monday – Friday.

F. Information regarding the date, time, and place of the public hearing may be obtained from the Sudbury Conservation Commission by calling: 978/440-5471.

NOTE: Notice of the public hearing, including its date, time and place will be published at least five (5) days in advance in the local community newspaper, Sudbury Town Crier.

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

NOTE: You also may contact the nearest Department of Environmental Protection (DEP) Regional Office for more information about this application or the Wetlands Protection Act. To contact DEP, call the office below:

Northeast Region: 617/935-2160