

**NOTICE OF PUBLIC MEETING  
SUDBURY CONSERVATION COMMISSION  
Monday, November 14, 2022 at 6:45 PM  
Virtual Meeting**

The Sudbury Conservation Commission will hold a public meeting to review the Request for Determination of Applicability filing under the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw to construct a shed within the 100-foot Buffer Zone at 35 Crystal Lake Drive, in Sudbury, MA. Cheryl & Paul Brown, Applicants. The meeting will be held on Monday, November 14, 2022 at 6:45 pm, via Zoom.

Copies of the application may be reviewed on the Conservation Department web page at:

<https://sudbury.ma.us/conservationcommission/meeting/conservation-commission-meeting-monday-november-14-2022/>

Please contact the Conservation Office with any questions at 978-440-5470.

SUDBURY CONSERVATION COMMISSION  
10/31/2022



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

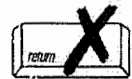
Sudbury  
City/Town

**WPA Form 1- Request for Determination of Applicability**

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

**A. General Information**

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



1. Applicant:

Cheryl & Paul Brown  
Name  
178 White Pond Rd  
Mailing Address  
Hudson  
City/Town  
978-701-7806  
Phone Number  
Pbrown178@gmail.com  
E-Mail Address  
MA  
State  
01749  
Zip Code  
Fax Number (if applicable)

2. Representative (if any):

Firm  
Contact Name  
E-Mail Address  
Mailing Address  
City/Town  
State  
Zip Code  
Phone Number  
Fax Number (if applicable)

**B. Determinations**

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

a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.

b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.

c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.

d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

Sudbury  
Name of Municipality

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

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OCT 27 2022

Sudbury Conservation Department



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**C. Project Description**

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

35 Crystal Lake Drive	Sudbury
Street Address	City/Town
F04	0818
Assessors Map/Plat Number	Parcel/Lot Number

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

**See Attached**

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

_____	_____
Title	Date
_____	_____
Title	Date
_____	_____
Title	Date

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



## WPA Form 1- Request for Determination of Applicability

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

### C. Project Description (cont.)

- b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).
3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.
- Single family house on a lot recorded on or before 8/1/96
  - Single family house on a lot recorded after 8/1/96
  - Expansion of an existing structure on a lot recorded after 8/1/96
  - Project, other than a single-family house or public project, where the applicant owned the lot before 8/7/96
  - New agriculture or aquaculture project
  - Public project where funds were appropriated prior to 8/7/96
  - Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
  - Residential subdivision; institutional, industrial, or commercial project
  - Municipal project
  - District, county, state, or federal government project
  - Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.
- b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



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

#### D. Signatures and Submittal Requirements

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

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

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

Name and address of the property owner:

Cheryl Brown + Paul Brown  
 Name  
178 White Pond Rd  
 Mailing Address  
Sudbury Ma  
 City/Town  
Ma 01749  
 State Zip Code

Signatures:

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

Paul Brown Cheryl Brown Oct 25, 2022  
 Signature of Applicant Date

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

C1.a.

Project Location:

35 Crystal Lake Drive, Sudbury, MA

Assessors Map:F04 Lot: 0818

C1b: Area Description:

The property is an 18,492 SF lot with 95'+- of frontage on Crystal Lake Drive. The property borders Crystal Lake to the rear.

The zoning is A-Res. The property is adjacent to the left by a residential home and to the right by conservation property.

C1c: Plan and or Map Reference

USGS Map

Assessors Map: F04-18

Certified Plot Plan of 35 Crystal Lake Dr Sudbury MA T. Dipersio July 21, 2011

Existing Conditions Plan of 35 Crystal Lake Dr in Sudbury MA T. Dipersion February 8, 2012

Wetland Enhancement & Planting Schematic B&C Associates October 10, 2009 (showing location of original shed)

C2.a Work Description

We are proposing to construct a shed measuring 8'x12' entirely within the buffer zone as shown on the attached Cerified Plot Plan and existing conditions plan of 35 Crystal Lake Drive in Sudbury MA dated July 21, 2011 and February 8, 2012 by T. Dipersio

The shed would be located 65+- from the edge of the water and 5.5'+- from the side property line.

We do not feel that the shed will create any adverse impacts to resource areas during and following work. This shed would replace a shed previously removed and is in the same approximate location. We would hand dig and fill concrete pilings using 10" sonotubes. Additionally, we would store any gasoline (used for lawn mower and snow blower) in a container placed inside a plastic bin to assure there is no leakage.

2.b

We believe this to be a minor activity as described in 310.10.02 and not subject to regulation under M.G.L.

c. 131, &401.

(b) Activities Within the Buffer Zone.

1.Minor activities, as described in 310 CMR 10.02(2)(b)2., within the buffer zone and

outside any areas specified in 310 CMR 10.02(1)(a) through (e) are not otherwise subject

to regulation under M.G.L. c. 131, § 40 provided that the work is performed: solely within the buffer zone, as prescribed in 310 CMR 10.02(2)(b)2.a. through q., in a manner

so as to reduce the potential for any adverse impacts to the resource area during construction, and with post-construction measures implemented to stabilize any

disturbed  
areas.

2. The following minor activities, provided that they comply with 310 CMR 10.02(2)(b)1., are not otherwise subject to regulation under M.G.L. c. 131, § 40:  
e. The conversion of lawn to uses accessory to residential structures such as decks, sheds, ... provided the activity, including material staging and stockpiling is located more than 50 feet from the mean annual high-water line within the Riverfront Area, Bank or from Bordering Vegetated Wetland, whichever is farther, and erosion and sedimentation controls are implemented during construction.

I purchased the property in 1982. The proposed shed is essentially in the same place we previously had a shed as shown on plan by John Lauretani dated 3-2-93 and by a plan by Thomas Dipersio July 15, 2009.

As such, we believe that additionally, we meet the criteria for Conditional Exception as delineated in the Sudbury Wetlands Administration Bylaw Regulations  
Revised: September 25, 2017

### 3. CONDITIONAL EXCEPTIONS

#### 3.1 Exceptions for Existing Single Family Residential Structures

As stipulated in Section 3 of the Bylaw:

"The application and permit required by the Bylaw shall not be required for maintaining, repairing, replacing, or enlarging an existing and lawfully located single family residential structure or appurtenance thereto unless said filing is otherwise required by state or federal law."

The intent of this partial exemption is to allow owners of single family homes, built prior to the Bylaw, to continue to live and work according to the rules, regulations, and assumptions under which they originally purchased their homes...However those whose properties were developed prior to the Bylaw might face an undue burden under the Bylaw because the configuration of their lot and associated development were determined without prior knowledge of the Bylaw. In contrast, single family residences built after the Bylaw could be appropriately planned around restrictions in order to minimize constraints.

#### 3.1.1 Definition and Application of the Term "Existing"

The term "existing" refers to structures placed in service prior to July 27, 1994, and refers to both

the single family structure and any appurtenance claiming exemption.

Therefore, the application and permit required by this Bylaw shall apply to work associated with

entirely new structures (those that are not replacing antecedents) placed in service

on or after

July 27, 1994, whether or not they would be considered appurtenant.

In those instances where a state or federal filing is required for projects associated with existing

single family residences, the full application and permit required by the Bylaw does apply.

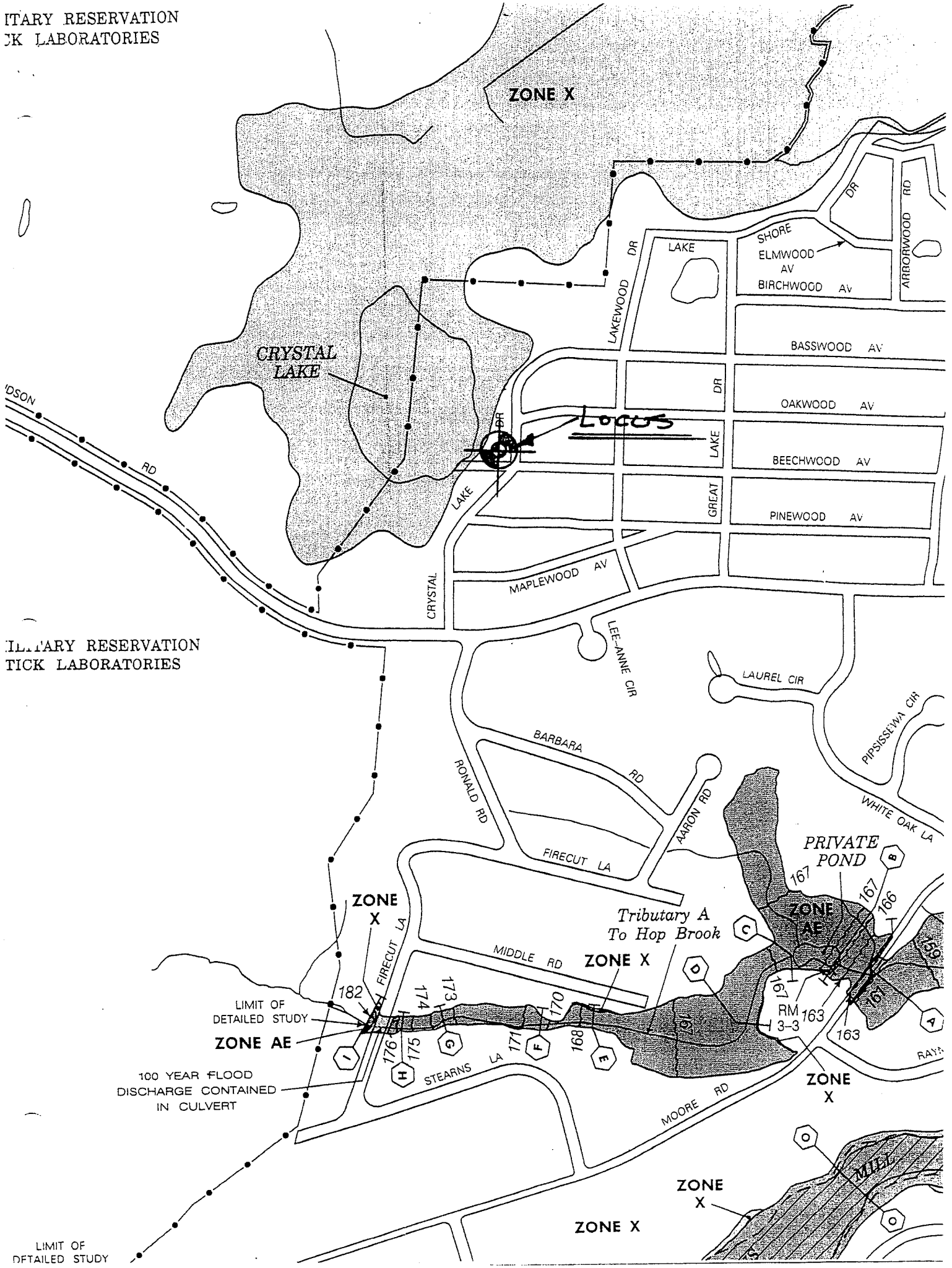
The above notwithstanding there are a number of other special rules and exemptions in the

Bylaw pertaining to single family residences that existed prior to July 27, 1994, such as

delineation of certain adjacent upland resources, that might still apply

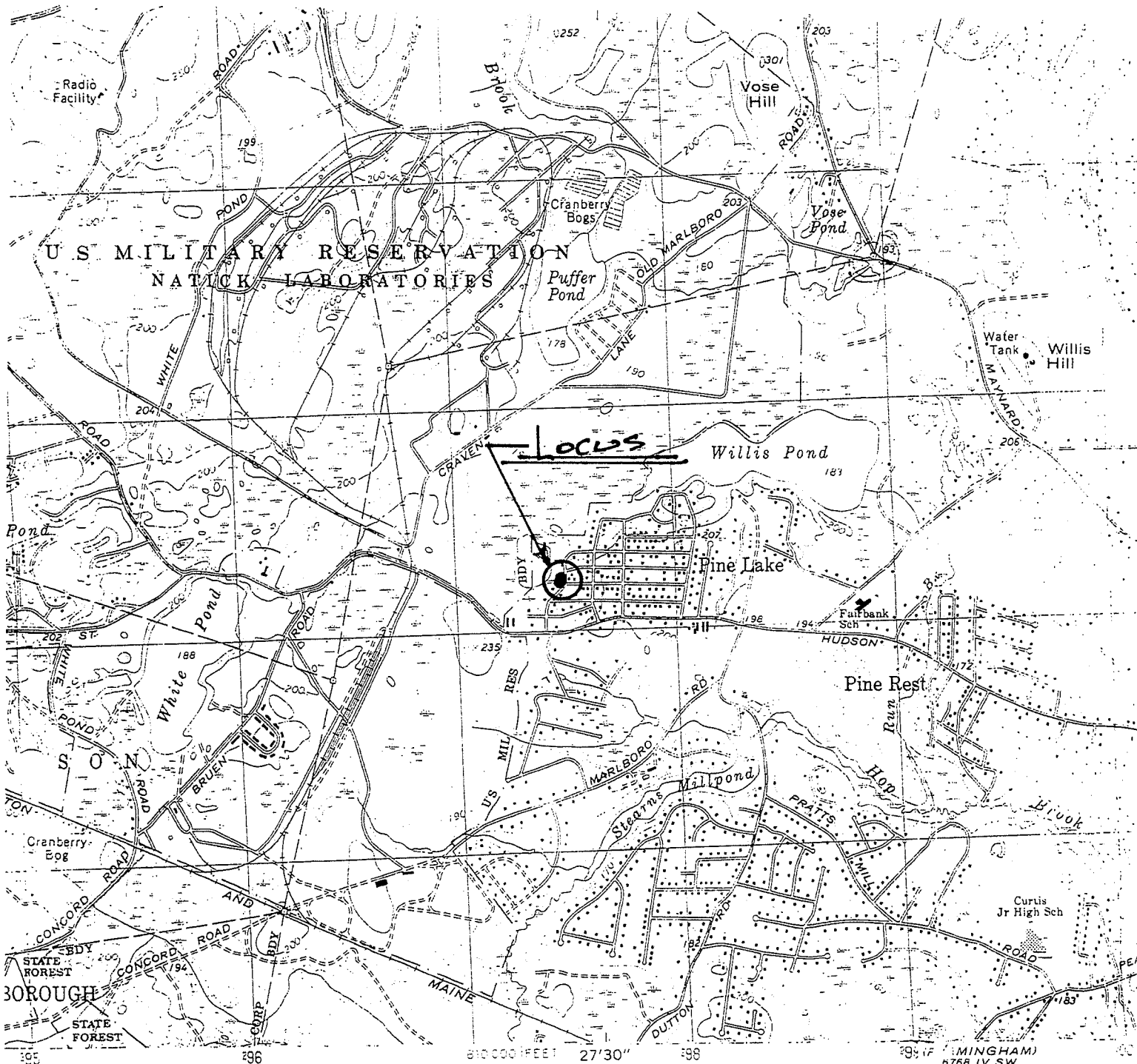


MILITARY RESERVATION  
TICK LABORATORIES



MILITARY RESERVATION  
TICK LABORATORIES

LIMIT OF  
DETAILED STUDY

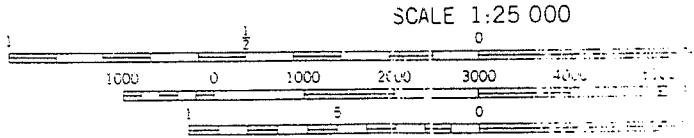
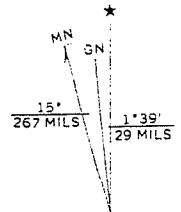


Published by the Geological Survey  
 C&GS, and Massachusetts Geodetic Survey  
 Aerial surveys 1941. Revised 1965  
 Based on 1927 North American datum  
 and on Massachusetts coordinate system,

Using Transverse Mercator grid,  
 Landholdings within the boundaries of  
 Reservations shown on this map

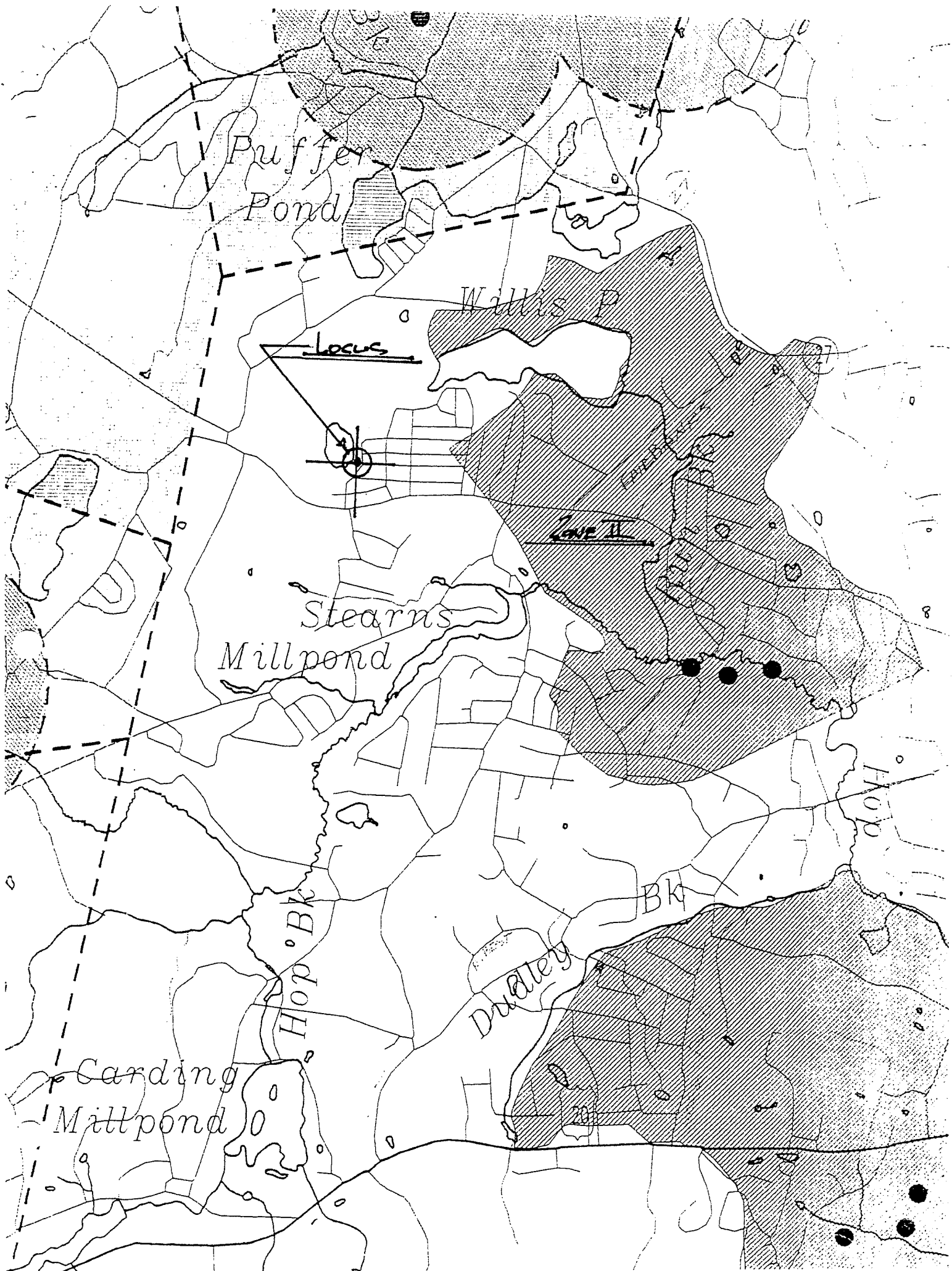
This map was prepared in cooperation with  
 the U.S. Army and aerial photographs taken in 1971 and  
 1975. The map was checked. Map edited 1979

UTM GRID AND 1979 MAGNETIC NORTH  
 DECLINATION AT CENTER OF SHEET



CONTOUR INTERVAL 10 FEET  
 NATIONAL GEODETIC VERTICAL DATUM OF 1983

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY  
 FOR SALE BY U. S. GEOLOGICAL SURVEY, RESTON, VIRG  
 A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVA

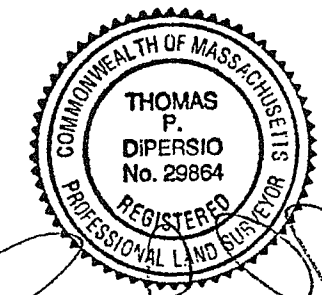




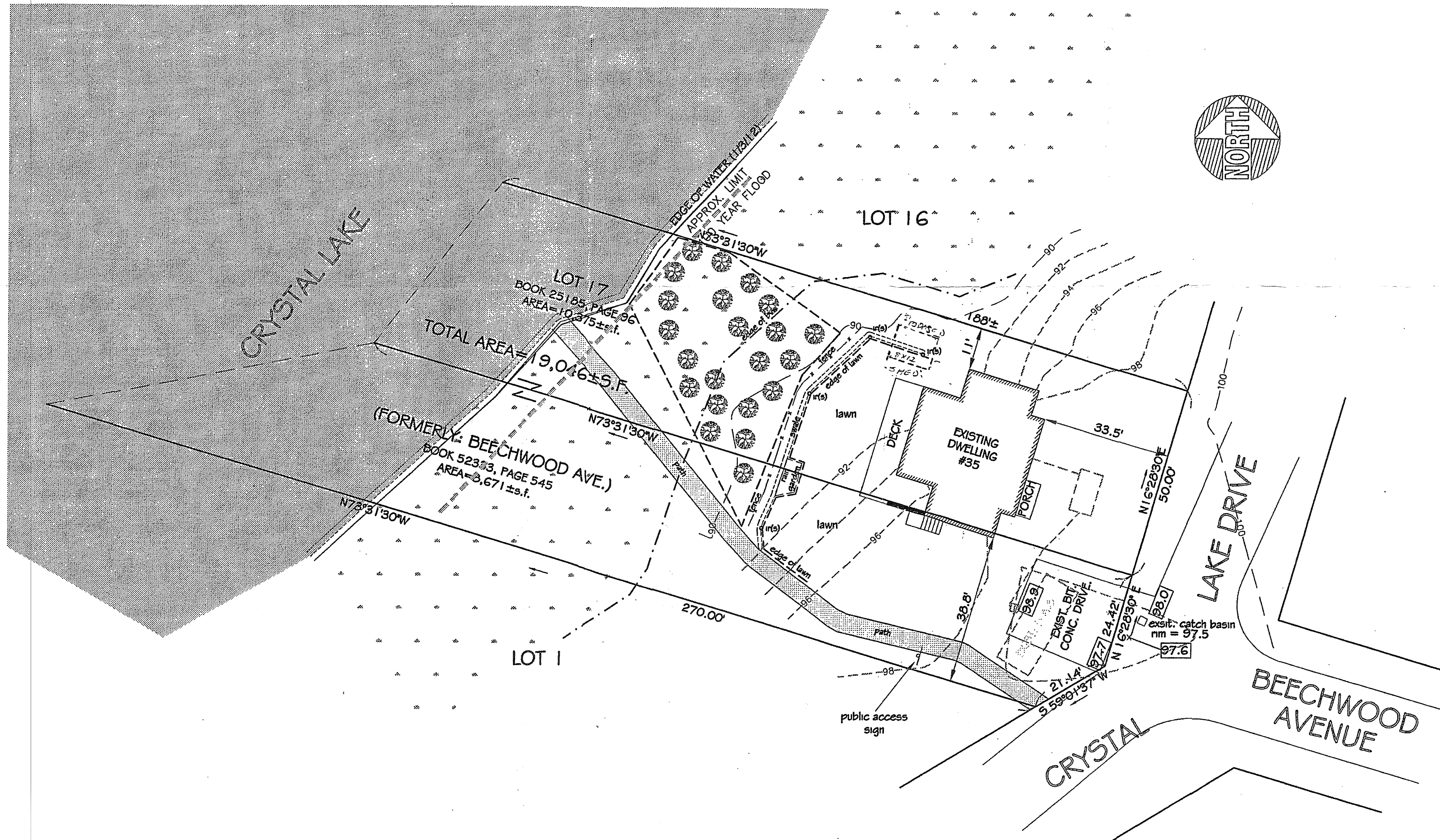
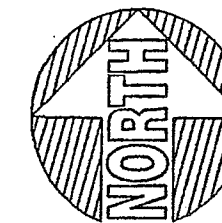


**NOTE:**

1. THIS PLAN IS INTENDED TO SHOW EXISTING SITE CONDITIONS BASED ON FIELD SURVEY PERFORMED ON JANUARY 3, 2012.
2. SEE SEPTIC SYSTEM DESIGN PLAN BY THOMAS LAND SURVEYORS & ENGINEERING CONSULTANTS, INC., DATED JULY 30, 2009.
3. SEE ORDER OF CONDITIONS DATED OCTOBER 16, 2009, DEP #301-1015, FOR HOUSE & SEPTIC SYSTEM CONSTRUCTION.
4. PROPERTY OWNERS:  
PAUL & CHERYL BROWN  
178 WHITE POND ROAD  
HUDSON, MA 01749
5. ○ ir(s) DENOTES IRON ROD WITH CAP SET
6. — — DENOTES POST AND RAIL FENCE
7. NO IN-GROUND IRRIGATION SYSTEM PER OWNER TESTIMONY
8. SEE PLANTING PLAN BY B&C ASSOC. DATED OCTOBER 10, 2009.



THOMAS DIPERSIO SR., P.L.S.  
LICENSE #29864



No.	Date	Description
Revisions		

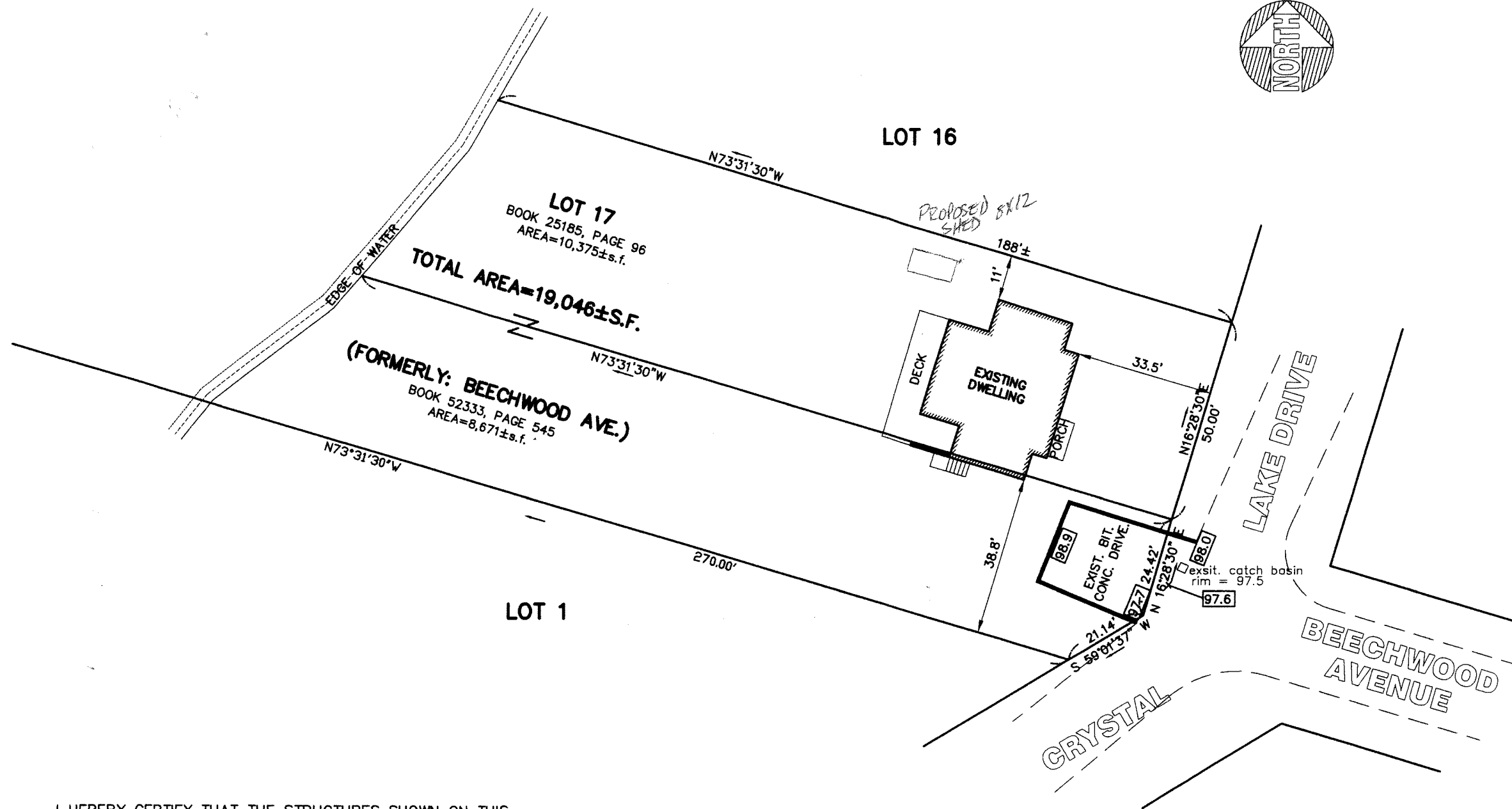
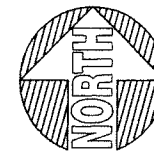
Prepared for:  
**PAUL & CHERYL BROWN**  
178 WHITE POND ROAD  
SUDBURY, MA 01776

Prepared By:  
**THOMAS LAND SURVEYORS**  
& Engineering Consultants, Inc.  
Land Surveyors, Civil & Environmental Engineers, Planning Consultants  
265 WASHINGTON STREET HUDSON, MA 01749  
PHONE: (978) 562-3661 FAX: (978) 568-8604

Title:  
**EXISTING CONDITIONS PLAN**  
OF  
**35 CRYSTAL LAKE DRIVE**  
IN  
**SUDBURY, MA**

SCALE	1"=20'
DRAWN	RD
CHECKED	T. DIPERSIO
FILE NAME	...12466DWGlas built jan...dwg
PLOTTED	
ISSUE DATE	FEBRUARY 08, 2012
JOB NO.	2131

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OCT 27 2022  
Sudbury Conservation Department



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OCT 27 2022

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**CERTIFIED PLOT PLAN**  
OF  
**35 CRYSTAL LAKE DRIVE**  
IN  
**SUDBURY, MASS.**

SCALE: 1" = 30' DATE: JULY 21, 2011

**THOMAS LAND SURVEYORS**  
& Engineering Consultants, Inc.  
Land Surveyors, Civil & Environmental Engineers, Planning Consultants

265 WASHINGTON STREET  
PHONE: (978) 562-3981

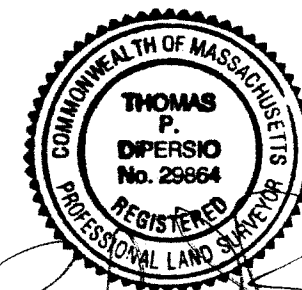
HUDSON, MA 01749  
FAX: (978) 568-8994

I HEREBY CERTIFY THAT THE STRUCTURES SHOWN ON THIS PLAN ARE NOT LOCATED WITHIN THE FLOOD HAZARD AREA AS SHOWN ON THE FEMA FLOOD HAZARD BOUNDARY MAP FOR THIS TOWN.

I CERTIFY THAT THE BUILDING SHOWN ON THIS PLAN IS LOCATED AS SHOWN, AND THAT, AT THE TIME OF CONSTRUCTION, COMPLIED WITH ZONING LAWS OF THE TOWN OF SUDBURY.

THOMAS P. DIPERSIO, Sr.  
REGISTERED PROF. LAND SURVEYOR  
LICENSE # 29864

7-21-11  
DATE







Received  
OCT 27 2022

Sudbury  
Assessor Map F04

Sudbury Conservation Department