

# Town of Sudbury

## CONSERVATION COMMISSION

275 Old Lancaster Rd.  
Sudbury, MA 01776  
Tel: 978-440-5471  
ConCom@sudbury.ma.us

November 22, 2022

Cavicchio Greenhouses, Inc.  
Paul Cavicchio  
Rachel Harrington  
110 Codjer Lane  
Sudbury, MA 01776

Dear Mr. Cavicchio and Ms. Harrington,

Enclosed please find a 60-day Emergency Certification to conduct remediation work at 110 Codjer Lane as described in the Request provided by EcoTec, Inc. dated November 21, 2022. This Emergency Certification Form allows you to conduct the following remediation work in response to the fire that occurred on the property on October 12, 2022.

Work permitted includes the following activities:

1. Collection with heavy equipment and transfer of fire debris (building materials and contents) located on the flat paved and gravel surface areas outside the wetland with placement of this material into secure containers for appropriate off-site disposal and recycling;
2. Cutting down of trees that were heavily damaged and presumably killed by the fire;
3. Collection of debris on the slope and wetland by workers on foot, for proper disposal;
4. Collection of ash, other fine particle debris, and contaminated soil as determined necessary using a combination of:
  - Workers on foot with rakes and shovels;
  - A vactor system. This system consists of a high-powered vacuum truck which would remain on the firm elevated surface near the burned building, and a large hose operated by workers on foot using hand tools (e.g., rakes and shovels) to collect and loosen material to be vactored. Vactor contents are then transported off site for proper disposal.
  - Backhoe or excavator, to be operated from the elevated upland, reaching down into the wetland guided by workers on foot.
5. Wetland delineation (already completed) and characterization, including impact areas;
6. Survey;
7. Sampling with hand tools of environmental media (e.g., soil, groundwater, surface water, sediment);
8. Post-remediation restoration plantings with native species. At this time, we propose that a detailed planting plan be developed later for review and approval by the Commission or its designee, based upon the extent of disturbance required for site cleanup.

The Commission requires the following additional actions and requirements:

1. Please notify the Conservation Office when remediation work is scheduled so that we can inspect work if needed.
2. Please submit a detailed restoration plan for review and approval within 60 days of issuance of this Emergency Certificate.
3. Restoration must be completed no later than June 1, 2023.

Please do not hesitate to contact me with any questions or concerns.

Respectfully for the Conservation Commission,



Lori Capone  
Conservation Coordinator

cc: Department of Environmental Protection – Northeast Region  
Maryanne Bilodeau, Interim Town Manager  
Bill Murphy, Sudbury Board of Health Director  
Paul McManus, EcoTec, Inc.  
Jeffrey W. Garretson, Common Sense Environmental, Inc.



Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Wetlands  
**WPA Emergency Certification Form**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**A. Emergency Information**

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



Issuance From: Sudbury Conservation Commission  
Issuing Authority

1. Site Location: 110 Codjer Lane

2. Reason for Emergency:  
Remediation work associated with a fire that occurred on October 12, 2022.

3. Applicant to perform work: Cavicchio Greenhouses, Inc.

4. Public agency to perform work or public agency ordering the work to be performed:  
MA Department of Environmental Protection

5. Date of Site Visit:	Start Date:	End Date*:
<u>October 13, 2022</u>	<u>November 23, 2022</u>	<u>January 21, 2023</u>

\* no later than 30 days from start date or 60 days in the case of an Immediate Response Action approved by DEP to address an oil/hazardous material release.

6. Work to be allowed\*:  
Remediation work as described in the Request from EcoTec, Inc. in letter dated November 21, 2022, attached hereto.

\* May not include work beyond that necessary to abate the emergency.



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Emergency Certification Form**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**B. Signatures**

Certified to be an Emergency by this Issuing Authority.

Sudbury Conservation Commission

Signatures:

*DAVE HENKELS*  
 Signature

David Henkels  
 Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

**A copy of this form must be provided to the appropriate DEP Regional Office.**

**C. General Conditions**

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Emergency Certification or subject to enforcement action.
2. This Emergency Certification does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of property rights.
3. This Emergency Certification does not relieve the applicant or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. Any work conducted beyond that described above, and any work conducted beyond that necessary to abate the emergency, shall require the filing of a Notice of Intent.
5. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Emergency Certification at reasonable hours to evaluate compliance with this Certification, and may require the submittal of any data deemed necessary by the Conservation Commission or the Department for that evaluation.
6. This Emergency Certification shall apply to any contractor or any other person performing work authorized under this Certification.
7. No work may be authorized beyond 30 days from the date of this certification without written approval of the Department.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Emergency Certification Form**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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### D. Special Conditions

1. The Applicant shall notify the Conservation Office when remediation work is scheduled.
  2. A detailed restoration plan shall be submitted for review and approval within 60 days of issuance of this Emergency Certificate. Restoration efforts shall be completed no later than June 1, 2023.
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### E. Appeals

The Department may, on its own motion or at the request of any person, review: an emergency certification issued by a conservation commission and any work permitted thereunder; a denial by a conservation commission of a request for emergency certification; or the failure by a conservation commission to act within 24 hours of a request for emergency certification. Such review shall not operate to stay the work permitted by the emergency certification unless the Department specifically so orders. The Department's review shall be conducted within seven days of: issuance by a conservation commission of the emergency certification; denial by a conservation commission of the emergency certification; or failure by a conservation commission to act within 24 hours of a request for emergency certification. If certification was improperly granted, or the work allowed thereunder is excessive or not required to protect the health and safety of citizens of the Commonwealth, the Department may revoke the emergency certification, condition the work permitted thereunder, or take such other action as it deems appropriate.

# EcoTec, Inc.

## ENVIRONMENTAL CONSULTING SERVICES

102 Grove Street

Worcester, MA 01605-2629

508-752-9666 – Fax: 508-752-9494

November 21, 2022

Lori Capone, Conservation Coordinator  
Sudbury Conservation Commission  
275 Old Lancaster Road  
Sudbury, MA 01776

via email: [concom@sudbury.ma.us](mailto:concom@sudbury.ma.us)

Re: Cavicchio Greenhouses, Inc.  
110 Codjer Lane, Sudbury

Subject: Request for Wetlands Emergency Certification for Post-Fire Cleanup

Dear Lori Capone and Commission Members:

As you are likely aware, on October 12, 2022, a fire destroyed a storage building at the Cavicchio Greenhouses Inc. (“Cavicchio”) property at 110 Codjer Lane. On November 15, 2022, the Massachusetts Department of Environmental Protection (“MassDEP”) issued a Notice of Responsibility to Cavicchio under the Massachusetts Contingency Plan (“MCP” – 310 CMR 40.00) requiring that Immediate Response Action (“IRA”) activities be undertaken on the site to assess, and if necessary, conduct remediation. On November 16, 2022, Timothy E. Choate, Sudbury Fire Department Assistant Fire Chief reported by email to Cavicchio that: “The area that was affected by the fire can be cleaned up as the fire dept. and fire investigative team have completed their work there.” This release of the site by the Fire Department allows Cavicchio to proceed with site cleanup, assessment for possible contamination, and remediation as needed.

The fire occurred at a building situated on a paved area at the top of a fill slope adjacent to a large Bordering Vegetated Wetland (“BVW”). The BVW was affected by the burning of some vegetation nearest to the building, and by the discharge of ash and possible other particulates into the wetland in fire suppression water. Sample photographs are provided below.

Cavicchio desires to proceed as quickly as possible with the assessment and cleanup. In my opinion, the timing for the work is favorable, with no snow or frost and a date outside the growing season. Therefore, this letter is a request, on behalf of Cavicchio, for a Wetlands Emergency Certification to proceed with the required work. The work is being conducted under the direct oversight of:

- Property owner: Rachel M. Harrington, COO - Cavicchio Greenhouses, Inc.
- MCP compliance: Jeffrey W. Garretson LSP – Common Sense Environmental
- Wetlands compliance: Paul J. McManus, SPWS – EcoTec Inc.

A detailed contact list is provided below.

Requested activities are described below.

November 21, 2022

Sudbury Conservation Commission

Re: Cavicchio Greenhouses, 110 Codjer Lane - Request for Wetlands Emergency Certification

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Proposed Work:

- Collection with heavy equipment and transfer of fire debris (building materials and contents) located on the flat paved and gravel surface areas outside the wetland with placement of this material into secure containers for appropriate off-site disposal and recycling;
- Cutting down of trees that were heavily damaged and presumably killed by the fire;
- Collection of debris on the slope and wetland by workers on foot, for proper disposal;
- Collection of ash, other fine particle debris, and contaminated soil as determined necessary using a combination of:
  - Workers on foot with rakes and shovels;
  - A vactor system. This system consists of a high-powered vacuum truck which would remain on the firm elevated surface near the burned building, and a large hose operated by workers on foot using hand tools (e.g., rakes and shovels) to collect and loosen material to be vactored. Vactor contents are then transported off site for proper disposal.
  - Backhoe or excavator -to be operated from the elevated upland, reaching down into the wetland guided by workers on foot.

If other techniques are found to be necessary, approval from the Commission or your designee will be sought before implementation.

Additional Activities:

In addition to the work authorization requested above, other activities that are generally not subject to wetlands permitting will be conducted and have already been initiated. These include:

- Wetland delineation (already completed) and characterization, including impact areas;
- Survey;
- Sampling with hand tools of environmental media (e.g., soil, groundwater, surface water, sediment);
- Post-remediation restoration plantings with native species. At this time, we propose that a detailed planting plan be developed later for review and approval by the Commission or its designee, based upon the extent of disturbance required for site cleanup.

I would be happy to discuss this matter with the Commission or to meet you or the Conservation Coordinator on site. Please contact me or the other parties noted on the Contact List below.

Sincerely,



Paul J. McManus, LSP, PWS

Enclosures: Site photographs 9/17/2022

C: Cavicchio Greenhouses, Inc.: Paul Cavicchio, Rachel M. Harrington, COO  
Jeffrey W. Garretson LSP

November 21, 2022  
Sudbury Conservation Commission  
Re: Cavicchio Greenhouses, 110 Codjer Lane - Request for Wetlands Emergency Certification  
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**Contact List:**

Rachel M. Harrington, COO  
Internal Operations and Legal Counsel  
Cavicchio Greenhouses, Inc.  
110 Codjer Lane  
Sudbury, MA 01776  
Tel: 978.443.7177  
[rharrington@cavicchio.com](mailto:rharrington@cavicchio.com)

Jeffrey W. Garretson LSP, Senior Project Manager  
Common Sense Environmental, Inc.  
38 Elm Street  
New Bedford, MA 02740  
Cell: 603-812-5525  
[Jeff@CommonSenseEnv.com](mailto:Jeff@CommonSenseEnv.com)

Paul J. McManus, SPWS  
President  
EcoTec, Inc.  
102 Grove Street  
Worcester, MA 01605-2629  
508-752-9666 ext. 1  
[pmcmanus@ecotecinc.com](mailto:pmcmanus@ecotecinc.com)  
Cell: 508-328-6638

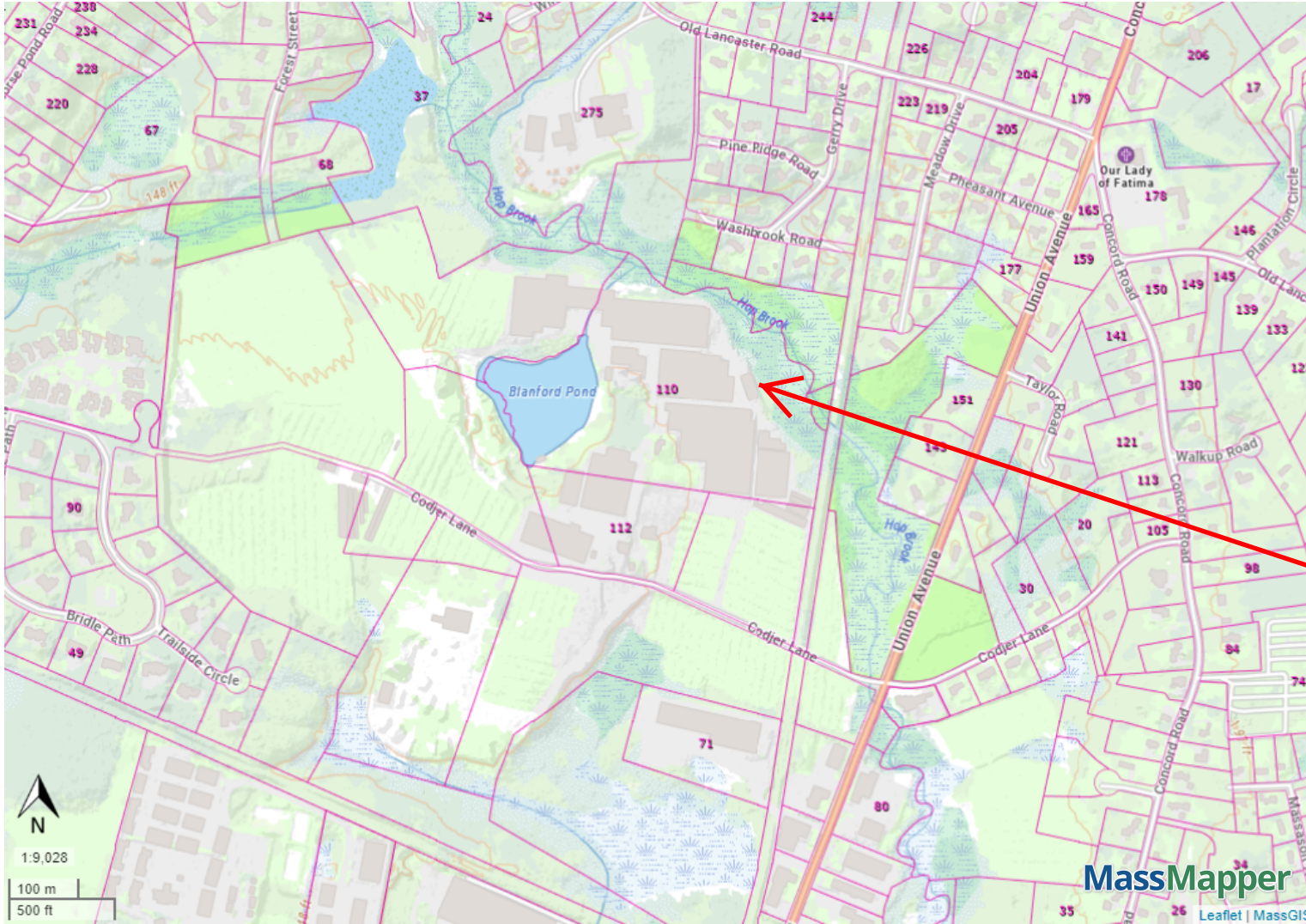
**SITE PHOTOGRAPHS 11/17/2022**







# Cavecchio Fire Locus



NHESP Estimated Habitats of Rare Wildlife



NHESP Priority Habitats of Rare Species



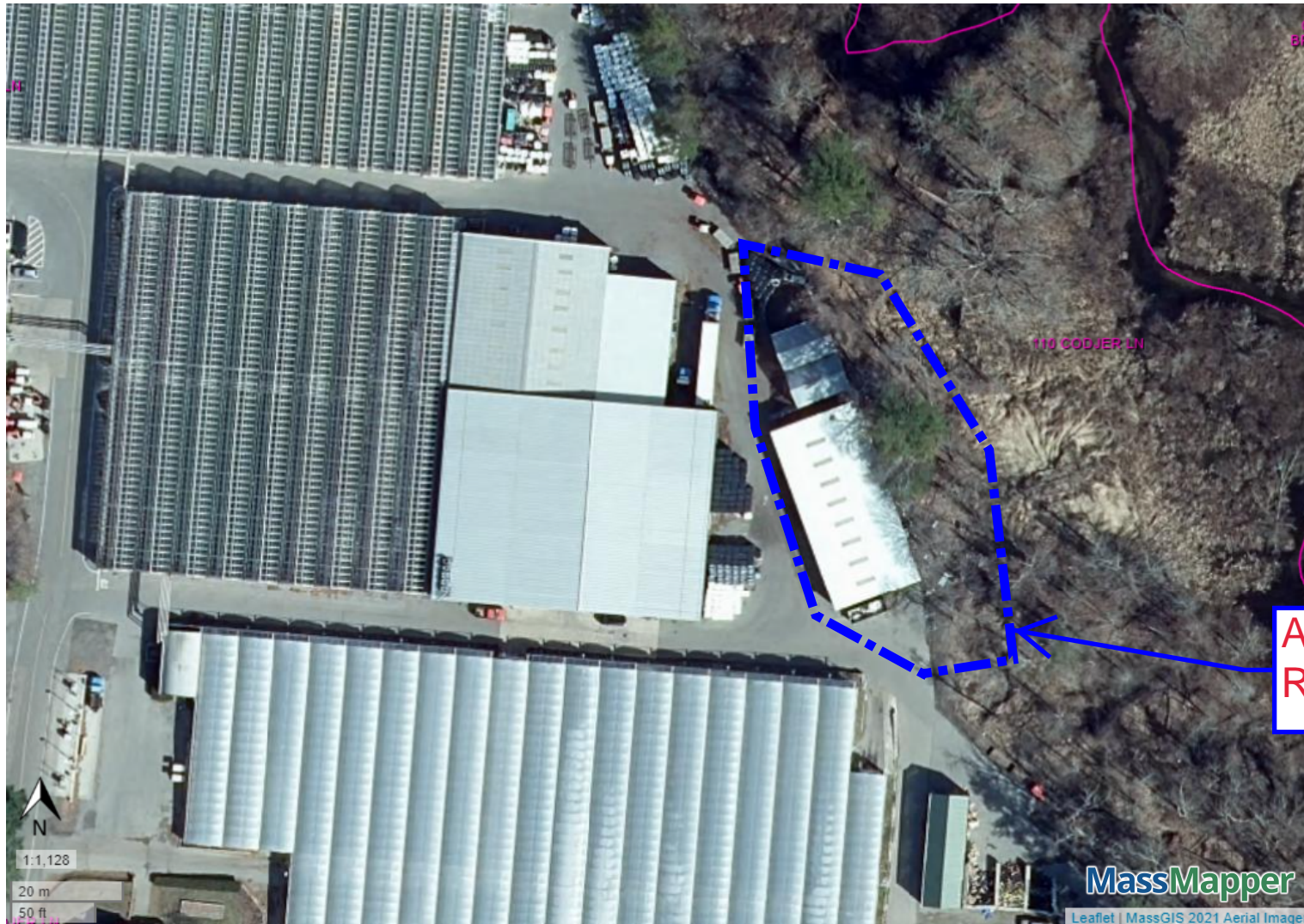
NHESP Certified Vernal Pools



Property Tax Parcels

Fire Locus

# Cavecchio Prelim Work Area



- NHESP Estimated Habitats of Rare Wildlife  
□
- NHESP Priority Habitats of Rare Species  
□
- NHESP Certified Vernal Pools  
\*
- Property Tax Parcels

Approx Location of Required Fire Cleanup