

The Sudbury Conservation Commission will hold a public hearing to review the Notice of Intent filing to replace a septic system within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw, at 15 Elmwood Avenue, Sudbury, MA. Eugene Warner, Applicant. The hearing will be held on Monday, January 23, 2023 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-january-23-2023/

SUDBURY CONSERVATION COMMISSION 1/11/2023



Wetlands Delineation & Permitting Wildlife Studies Herpetology Vernal Pool Ecology Botany Aerial Imagery

Notice of Intent Pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, §40) & the Town of Sudbury Wetlands Administration Bylaw (Article XXII)

Installation of New Sewage Disposal System within Buffer Zone to BVW



15 Elmwood Ave Sudbury, Massachusetts (Map / Parcels: F04-0421)

> Submitted by: Eugene Warner 15 Elmwood Avenue Sudbury, MA 01776

Prepared by:
Oxbow Associates, Inc.
P.O. Box 971
Acton, MA 01720-0971
P 978-929-9058
www.oxbowassociates.com

January 9, 2023



Notice of Intent 15 Elmwood Avenue, Sudbury Parcel F04-0421

January 9, 2023

Applicant/Owner: Eugene Warner

AJEF LLC 72 French Road Sudbury, MA

Contents:

Affidavit of Service

WPA Form 3 – Notice of Intent (NOI)
WPA Appendix B – Wetland Fee Transmittal Form
Project Narrative
USGS Locus Map
NHESP Rare Species Map
FEMA Floodplain Mao
FEMA Firmette
Copies of Filing Fee Checks
Certified List of Abutters
Notification to Abutters

Plans: "Proposed Sewage Disposal System"

15 Elmwood Avenue

Sudbury, MA

December 28, 2022

1" = 20'

Prepared by: Connorstone Engineering, Inc.

121 Boston Post Road Sudbury, MA 01776



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

15 Elmwood Avenue		Sudbury	01776
a. Street Address		b. City/Town	c. Zip Code
Latitude and Longitude:		42.39663	-71.45485
		d. Latitude	e. Longitude
F04	-	0421	mhar
f. Assessors Map/Plat Number		g. Parcel /Lot Nu	mber
Applicant:			
Eugene		Warner	
a. First Name		b. Last Name	
c. Organization			
15 Elmwood Avenue			
d. Street Address		N 4 A	01776
Sudbury e. City/Town		MA f. State	01776 g. Zip Code
646-232-5328		warnered43@ya	0 1
	i. Fax Number	j. Email Address	anoo.com
AJEF LLC c. Organization			
/2 French Road			
72 French Road d. Street Address			
		MA	01776
d. Street Address Sudbury e. City/Town		f. State	g. Zip Code
d. Street Address Sudbury e. City/Town 646-232-5328		f. State warnered43@ya	g. Zip Code
d. Street Address Sudbury e. City/Town 646-232-5328	i. Fax Number	f. State	g. Zip Code
d. Street Address Sudbury e. City/Town 646-232-5328	i. Fax Number	f. State warnered43@ya	g. Zip Code
d. Street Address Sudbury e. City/Town 646-232-5328 h. Phone Number Representative (if any): Ronald	i. Fax Number	f. State warnered43@ya j. Email address Strohsahl	g. Zip Code ahoo.com
d. Street Address Sudbury e. City/Town 646-232-5328 h. Phone Number Representative (if any): Ronald a. First Name		f. State warnered43@ya j. Email address	g. Zip Code ahoo.com
d. Street Address Sudbury e. City/Town 646-232-5328 h. Phone Number Representative (if any): Ronald a. First Name Oxbow Associates, In		f. State warnered43@ya j. Email address Strohsahl	g. Zip Code ahoo.com
d. Street Address Sudbury e. City/Town 646-232-5328 h. Phone Number Representative (if any): Ronald a. First Name Oxbow Associates, In c. Company		f. State warnered43@ya j. Email address Strohsahl	g. Zip Code ahoo.com
d. Street Address Sudbury e. City/Town 646-232-5328 h. Phone Number Representative (if any): Ronald a. First Name Oxbow Associates, Inc. Company P.O. Box 971		f. State warnered43@ya j. Email address Strohsahl	g. Zip Code ahoo.com
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d. Street Address Sudbury e. City/Town 646-232-5328 h. Phone Number Representative (if any): Ronald a. First Name Oxbow Associates, Inc. Company P.O. Box 971 d. Street Address Acton		f. State Warnered43@ya j. Email address Strohsahl b. Last Name	g. Zip Code ahoo.com 01720 g. Zip Code
d. Street Address Sudbury e. City/Town 646-232-5328 h. Phone Number Representative (if any): Ronald a. First Name Oxbow Associates, In c. Company P.O. Box 971 d. Street Address Acton e. City/Town 978-929-9058		f. State Warnered43@ya j. Email address Strohsahl b. Last Name MA f. State	g. Zip Code ahoo.com 01720 g. Zip Code
d. Street Address Sudbury e. City/Town 646-232-5328 h. Phone Number Representative (if any): Ronald a. First Name Oxbow Associates, In c. Company P.O. Box 971 d. Street Address Acton e. City/Town 978-929-9058	i. Fax Number	f. State Warnered43@ya j. Email address Strohsahl b. Last Name MA f. State ron@oxbowass j. Email address	g. Zip Code ahoo.com 01720 g. Zip Code
d. Street Address Sudbury e. City/Town 646-232-5328 h. Phone Number Representative (if any): Ronald a. First Name Oxbow Associates, In c. Company P.O. Box 971 d. Street Address Acton e. City/Town 978-929-9058 h. Phone Number	i. Fax Number	f. State Warnered43@ya j. Email address Strohsahl b. Last Name MA f. State ron@oxbowass j. Email address	g. Zip Code ahoo.com 01720 g. Zip Code



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

A. General Information (continue

Λ.	General information (continued)	
6.	General Project Description: Installation of septic system within buffer zone	to BVW
7a.	Project Type Checklist: (Limited Project Types see	Section A. 7b.)
	1. X Single Family Home	2. Residential Subdivision
	3. Commercial/Industrial	4. Dock/Pier
	5. Utilities	6. Coastal engineering Structure
	7. Agriculture (e.g., cranberries, forestry)	8. Transportation
	9. Other	
7b.		
	2. Limited Project Type	
	If the proposed activity is eligible to be treated as a CMR10.24(8), 310 CMR 10.53(4)), complete and a Project Checklist and Signed Certification.	
8.	Property recorded at the Registry of Deeds for:	
	Middlesex South	
	a. County	b. Certificate # (if registered land)
	55439 c. Book	200 d. Page Number
В.	Buffer Zone & Resource Area Impa	
1.	Buffer Zone Only – Check if the project is located Vegetated Wetland, Inland Bank, or Coastal Re	ed only in the Buffer Zone of a Bordering
2.	☐ Inland Resource Areas (see 310 CMR 10.54-10 Coastal Resource Areas).	
	Check all that apply below. Attach narrative and any project will meet all performance standards for each standards requiring consideration of alternative project.	of the resource areas altered, including

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rov	rided by MassDEP:
	MassDEP File Number
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	Sudbury
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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. D Bank	1. linear feet	2. linear feet
b. Bordering Vegetated Wetland	1. square feet	2. square feet
c. Land Under Waterbodies and	1. square feet	2. square feet
Waterways	3. cubic yards dredged	
Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. Bordering Land Subject to Flooding	1. square feet	2. square feet
□ Instated Land	3. cubic feet of flood storage lost	4. cubic feet replaced
e.	1. square feet	
	2. cubic feet of flood storage lost	3. cubic feet replaced
f. Riverfront Area	1. Name of Waterway (if available) - spe	cify coastal or inland
2. Width of Riverfront Area	(check one):	
25 ft Designated D	ensely Developed Areas only	
☐ 100 ft New agricult	ural projects only	
200 ft All other proj	ects	
3. Total area of Riverfront Are	ea on the site of the proposed projec	square feet
4. Proposed alteration of the	Riverfront Area:	-1
a. total square feet	b. square feet within 100 ft.	c. square feet between 100 ft. and 200 ft.
5. Has an alternatives analys	s been done and is it attached to th	is NOI? Yes No
6. Was the lot where the activ	rity is proposed created prior to Aug	ust 1, 1996?
3. Coastal Resource Areas: (See	9 310 CMR 10.25-10.35)	

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Note: for coastal riverfront areas, please complete Section B.2.f. above.



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Provide	ed by MassDEP:
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Ci	ity/Town

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

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
Include your
document
transaction
number
(provided on you
receipt page)
with all
supplementary
information you
submit to the
Department.

Resou	rce Area	Size of Proposed Alteration	Proposed Replacement (if any)
а. 🔲	Designated Port Areas	Indicate size under Land Ur	nder the Ocean, below
b. 🔲	Land Under the Ocean	1. square feet	
		2. cubic yards dredged	
c. 🔲	Barrier Beach	Indicate size under Coastal E	Beaches and/or Coastal Dunes below
d. 🔲	Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. 🗌	Coastal Dunes	1. square feet	2. cubic yards dune nourishment
		Size of Proposed Alteration	Proposed Replacement (if any)
f. 🗌	Coastal Banks	1. linear feet	
g. 🔲	Rocky Intertidal Shores	1. square feet	_
h. 🔲	Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. 🔲	Land Under Salt Ponds	1. square feet	
		2. cubic yards dredged	
j. 🔲	Land Containing Shellfish	1. square feet	
k. 🔲	Fish Runs		Banks, inland Bank, Land Under the Inder Waterbodies and Waterways,
		1. cubic yards dredged	
I. 🔲	Land Subject to Coastal Storm Flowage	1. square feet	
If the p			nd resource area in addition to the above, please enter the additional
a. squar	e feet of BVW	b. square feet	t of Salt Marsh
☐ Pro	oject Involves Stream Cros	sings	
a. numb	er of new stream crossings	b. number of i	replacement stream crossings

4.

5.



WPA Form 3 – Notice of Intent

Provided by MassDEP:	
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Sudbury	
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Ma	assach	nusetts Wetlands	Protection Act M.	.G.L. c. 131, §40	Sudbury City/Town
_	Otho	ar Annlicable	Standards and	d Requirements	<u> </u>
Ċ.	Othe	ei Applicable	Standards and	i Requirements	•
	compl				. Skip Section C and hecklists – Required Actions
Str	eamlir	ned Massachuse	tts Endangered Sp	ecies Act/Wetland	s Protection Act Review
1.	the mo	ost recent Estimated al Heritage and End achusetts Natural He	l Habitat Map of State	e-Listed Rare Wetland gram (NHESP)? To vie	of Rare Wildlife as indicated on Wildlife published by the ew habitat maps, see the
	a. 🗌 💙	Yes ⊠ No If	yes, include proof o	of mailing or hand de	livery of NOI to:
Ma	assGIS b. Date		Natural Heritage an Division of Fisherie 1 Rabbit Hill Road Westborough, MA		Program
	comple comple by con up to 9	10.18). To qualify fo ete Section C.1.c, a ete Section C.2.f, if inpleting Section 1 o 90 days to review (u	r a streamlined, 30-da nd include requested applicable. If MESA s f this form, the NHES nless noted exception	ay, MESA/Wetlands P materials with this No supplemental informati P will require a separa ns in Section 2 apply,	,
	c. Sub	mit Supplemental Ir	nformation for Endang	gered Species Review	*
	1.	☐ Percentage/ac	reage of property to b	oe altered:	
		(a) within wetland	Resource Area	percentage/acreage	
		(b) outside Resour	ce Area	percentage/acreage	
	2.	☐ Assessor's Ma	ap or right-of-way plaı	n of site	
2.				g wetland resource ar	eas and areas outside of

Project description (including description of impacts outside of wetland resource area &

Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

tree/vegetation clearing line, and clearly demarcated limits of work **

Photographs representative of the site

(a) 🔲

(b) .

buffer zone)

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⁻ Some projects not in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see https://www.mass.gov/maendangered-species-act-mesa-regulatory-review).

^{**} 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.



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

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	Sudbury
	City/Town

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

Make o	(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 <i>mail to NHESP</i> at above address					
Projects	s altering 10 or more acres of land, also subn	nit:				
(d)	Vegetation cover type map of site					
(e)	Project plans showing Priority & Estimat	ed Habitat boundaries				
(f) OF	R Check One of the Following					
1. 🗌	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" deter Permit with approved plan.	mination or valid Conservation & Management				
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 a	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						
please con		ense. For coastal towns in the Northeast Region, al towns in the Southeast Region, please contact				
c.	this an aquaculture project?	d. ☐ Yes ☐ No				
If yes, inclu	ide a copy of the Division of Marine Fishe	ries Certification Letter (M.G.L. c. 130, § 57).				



Online Users: Include your document transaction number

(provided on your receipt page) with all supplementary information you submit to the Department.

Massachusetts Department of Environmental ProtectionBureau of Resource Protection - Wetlands

WPA Form 3 - Notice of Intent

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

Prov	rided by MassDEP:
	MassDEP File Number
	Document Transaction Number
	Sudbury
	City/Town

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

4.	Is any p	ortio	n of the pro	oposed project within an Area of Critical Environmental Concern (ACEC)?	
	a. 🗌 Y	es	⊠ No	If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEF Website for ACEC locations). Note: electronic filers click on Website.	>
	b. ACEC				_
5.				oposed project within an area designated as an Outstanding Resource Water n the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?	
	a. 🔲 Y	es	⊠ No		
6.				e subject to a Wetlands Restriction Order under the Inland Wetlands c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105))?
	a. 🗌 Y	es	⊠ No		
7.	Is this p	rojec	ct subject to	provisions of the MassDEP Stormwater Management Standards?	
	a. 🗌	Star	ndards per	copy of the Stormwater Report as required by the Stormwater Management 310 CMR 10.05(6)(k)-(q) and check if:	
	1.			or Low Impact Development (LID) site design credits (as described in Fr Management Handbook Vol. 2, Chapter 3)	
	2.] .	A portion o	of the site constitutes redevelopment	
	з. 🗆		Proprietary	BMPs are included in the Stormwater Management System.	
	b. 🗵	No.	Check why	the project is exempt:	
	1. 🛭	₹	Single-fam	ily house	
	2.		Emergency	y road repair	
	3. [idential Subdivision (less than or equal to 4 single-family houses or less than 4 units in multi-family housing project) with no discharge to Critical Areas.	
D.	Add	itio	nal Info	rmation	
				n Ecological Restoration Limited Project. Skip Section D and complete I Restoration Notice of Intent – Minimum Required Documents (310 CMR	
	Applica	nts n	nust include	e the following with this Notice of Intent (NOI). See instructions for details.	
				the document transaction number (provided on your receipt page) for any of on you submit to the Department.	
	1. 🛛	suffi	cient inforn	map of the area (along with a narrative description, if necessary) containing mation for the Conservation Commission and the Department to locate the sites may omit this item.)	e.

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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2. 🗵



WPA Form 3 – Notice of Intent

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

Prov	ided by MassDEP:
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Additional Information (cont'd)

υ.	Ada	itional information (confd)					
	3. 🗙	Identify the method for BVW and other reso Field Data Form(s), Determination of Applic and attach documentation of the method	ability, Order of Resource				
	4. 🗙	List the titles and dates for all plans and oth	er materials submitted with	n this NOI.			
	Pro	pposed Sewage Disposal System					
	a. Plan Title						
		nnorstone Engineering					
		repared By	c. Signed and Stamped by				
		cember 28, 2022	1 inch = 20 feet				
	d. F	inal Revision Date	e. Scale				
	f. Ad	dditional Plan or Document Title		g. Date			
	5. 🗌	If there is more than one property owner, ple listed on this form.	ease attach a list of these	property owners not			
	6. 🗌	Attach proof of mailing for Natural Heritage	and Endangered Species	Program, if needed.			
	7.	Attach proof of mailing for Massachusetts D	ivision of Marine Fisheries	, if needed.			
	8. 🗵	Attach NOI Wetland Fee Transmittal Form					
	9. Attach Stormwater Report, if needed.						
<u> </u>	Fees						
	 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:						
	7472	,	January 9, 2023				
2. Municipal Check Number 3. Check date							
	7473		January 9, 2023				
		Check Number	5. Check date	5. Check date			
		Associates, Inc.					
	Payor	name on check: First Name	7. Payor name on check: Last Name				

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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

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

1 Signature of Applicant

3 Signature of Property Owney (1) gillgrent)

5. Signature of Representative (if any)

Date

Jan. 5, 2023

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.





Α.	Applicant Inforn	nation						
1.	Location of Project:							
	15 Elmwood Avenue		Sudbury					
	a. Street Address		b. City/Town					
	7473		\$25.00					
	c. Check number		d. Fee amount					
2.	Applicant Mailing Address	ss:						
	Eugene		Warner					
	a. First Name		b. Last Name					
	c. Organization 15 Elmwood Avenue							
	d. Mailing Address							
	Sudbury		MA	01776				
	e. City/Town		f. State g. Zip Code					
	646-232-5328		warnered43@yahoo.com					
	h. Phone Number	i. Fax Number	j. Email Address					
3.	Property Owner (if differ	ent):						
	a. First Name		b. Last Name					
	AJEF LLC							
	c. Organization							
	72 French Road							
	d. Mailing Address			04770				
	Sudbury		MA	01776				
	e. City/Town		f. State	g. Zip Code				
	646-232-5328		warnered43@yahoo.com					
	h. Phone Number	i. Fax Number	j. Email Address					

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

B. Fees

Fee should be calculated using the following process & worksheet. *Please see Instructions before filling out worksheet.*

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

NOI Wetland Fee Transmittal Form

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

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual	Step 4/Subtotal Activity Fee
	of Activities	Activity Fee	ree
Cat. 1. a)	1	\$110.00	\$110.00
	Step 5/To	tal Project Fee:	\$110.00
	Step 6/I	Fee Payments:	
	Total	Project Fee:	\$110.00
	Total	Froject Fee.	a. Total Fee from Step 5
	State share	of filing Fee:	\$42.50 b. 1/2 Total Fee less \$12.50
	City/Town share	of filling Fee:	\$67.50 c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

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

> Department of Environmental Protection Box 4062 Boston, MA 02211

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

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



Narrative to Accompany Notice of Intent Filing Septic System Replacement 15 Elmwood Avenue, Sudbury

The accompanying Notice of Intent is submitted for the approval of an on-site sewage disposal system (SDS) in place of a failed system servicing a two-bedroom single-family home. The property lies partially within the Buffer Zone to a Bordering Vegetated Wetland (BVW; 310 CMR 10.55). The proposed replacement SDS leach field has been designed to be located as far as possible from the BVW and will replace an existing cesspool, located at the edge of the wetland. This installation will improve local surface and groundwater quality protection.

Existing Conditions

The property is located north of Birchwood Avenue, south of Elmwood Avenue, west of Arborwood Road, and east of Great Lake Drive. The site encompasses approximately 0.4± acres and contains a single-family house with a gravel driveway, flagstone walkways, and a manicured yard. The periphery of the site is forested. Topography on the property is generally flat, but gradually slopes to the south toward a shrub-scrub wetland system.

Resource Area Description

Oxbow Associates, Inc. (OA: specifically, R. Strohsahl) reviewed the above referenced site with specific regard to wetland resource areas on December 2, 2022. This evaluation was conducted in accordance with standard methodology for delineating vegetated wetlands under the Massachusetts Wetlands Protection Act (the "Act"; MGL Ch. 131, §40), its Regulations (310 CMR 10.00), and the Town of Sudbury Wetlands Administration Bylaw (Article XXII) and its Regulations.

The scrub-shrub wetland is within an isolated basin located south of Willis Lake extending east-west between Arrowwood Road and Great Lake Drive. Within the western end of the basin there is an area of open water which qualifies as a "Pond" under the Bylaw (Section 9, >5,000sf). The remaining basin is a shallow palustrine wetland, characterized by pit-and-mound topography with tussock and hummock understory and a dense shrub-dominated overstory. The bottom composition within the water is generally composed of a mucky peat and on the day of inspection there was less than six inches of standing water within the wetland areas directly adjacent to the property. The edges of the basin are steep and there were no visible culverts connecting under any of the surrounding roads to any other wetland system.

Based on our observations, OA believes that the wetland resource areas located on or adjacent to the site includes Isolated Land Subject to Flooding (ILSF; 310 CMR 10.57) under the Act, and a "freshwater wetland" (Section 2.1.3) under the Bylaw. At least part

of the wetland system may also qualify as a vernal pool, which is further protected under the local Bylaw Regulations.

OA was unable to confirm whether there are intermittent stream channels located elsewhere within the basin, or if the area of open water occasionally exceeds the 10,000 square foot threshold to be considered a Pond under the Act. To meet the most comprehensive permitting requirements, we are also classifying the wetland system as Bordering Vegetated Wetland (BVW; 310 CMR 10.55) under the Act with the same boundary delineated under the Bylaw.

OA delineated the limit of the BVW affecting the property with blue plastic flags labeled A1 through A17. The wetland boundary was delineated based on topography, predominance of wetland vegetation, and indicators of hydrology which include hydric soils (redoximorphic features), silt-stained leaves, buttressed tree roots, and limit of standing water.

Vegetation associated with the wetland includes: red maple (*Acer rubrum*), eastern white pine (*Pinus strobus*), gray birch (*Betula populifolia*), speckled alder (*Alnus incana*), sweet pepperbush (*Clethra alnifolia*), gray dogwood (*Swida racemosa*), highbush blueberry (*Vaccinium corymbosum*), winterberry holly (*Ilex verticillata*), maleberry (*Lyonia ligustrina*), glossy false buckthorn (*Frangula alnus*), northern spicebush (*Lindera benzoin*), purple loosestrife (*Lythrum salicaria*), water willow (*Decodon verticillatus*), tussock sedge (*Carex stricta*), cinnamon fern (*Osmundastrum cinnamomeum*), sensitive fern (*Onoclea sensibilis*), jewelweed (*Impatiens capensis*), skunk cabbage (*Symplocarpus foetidus*), northern bog clubmoss (*Lycopodiella inundata*), Lindberg's hypnum moss (*Calliergonella lindbergii*), and *Sphagnum* spp. mosses.

Vegetation within the upland on the property includes white pine, oaks (*Quercus* spp.), red maple, glossy false buckthorn, winged euonymus (*Euonymus alatus*), and goldenrods (*Solidago* spp.)

According to the Massachusetts Natural Heritage and Endangered Species Program Atlas (15th Edition; MassGIS 2021), there is no Priority or Estimated Habitat for rare species, or certified or potential vernal pools immediately on the property. However, there are mapped rare species polygons (PH 1400, EH 995) associated with Willis Pond, located directly across from the subject property, and portions of the flagged wetland system may be considered vernal pool habitat.

Proposed Project

The Applicant proposes to replace the failing cesspool on the property with a new sewage disposal system (SDS) along the northern boundary of the lot, to meet the requirements of Title V. The proposed design includes the replacement of the existing cesspool located south of the house with a new 1,500-gallon septic tank and leach field north of the house, within the existing lawn. The existing cesspool and laundry pit will be pumped, left in situ, and backfilled for safety. The existing plumbing for the waste pipes

will be rerouted from the rear of the house to the west side of the house towards the proposed septic tank.

The leach field and septic tank will be installed into the existing lawn north of the house, where the current water line is installed. The water line will need to be relocated away from the proposed septic tank before its construction. All proposed work will occur within the 100-foot buffer zone to the BVW as it envelops the entirety of the property. At the closest point the septic tank will be located at 32.4 feet, and the leaching lines will be located 50.0 feet, from the BVW edge, respectively. A poly barrier is proposed between the leach field and the house, as the leaching lines are located within 10 feet of the existing slab (8 feet), and within 20 feet of the existing foundation (13.7 feet).

All work will occur within the buffer zone (and adjacent upland resource area) to the BVW, within the existing lawn. Additional system details are provided on the accompanying Proposed Sewage Disposal System Plan (January 26, 2022).

The area of the proposed leaching bed has two >12-inch trees that will need to be removed before installation can begin. The trees will be replaced with native shrubs following the "Tree Removal Performance Standards" provided by the Sudbury Conservation Commission, if necessary.

Following the installation of the leach field, the area will be graded, loamed, and seeded to lawn, and replacement shrubs will be installed.

Erosion control will be installed around the limit of work within the buffer zone and will consist of a staked silt fence with 10-inch straw wattles. Erosion control will be repaired by the contractor as needed with sufficient spare silt fence and wattle to be kept on site. The driveway will be used for all construction access, and all stockpiled soils will be removed from the site after each day. Existing vegetation will be maintained, where possible. All disturbed areas will be stabilized as soon as is feasible and loamed and seeded at completion.

Alternatives Analysis

Due to the size and configuration of the property alternative locations for the placement of the septic system and leach field were considered but ultimately dismissed. No work could be completed to the south of the house without approaching the estimated ILSF boundary, the wetland boundary, and high groundwater.

An alternative layout would require a mounded system, extending off the existing grades on the north side of the property, but would require potentially filling ILSF, and moving the leach fields and septic tank closer to the wetlands.

The current configuration positions the leach field at the maximum feasible distance from the BVW, within the existing lawn, with minimal impacts to vegetation.

Summary

The proposed activities will establish a functional septic system on-site, with a clear reduced risk to water quality to on-site wetland resource areas, as well as, within groundwater and off-site wetland resource areas. The proposed leaching lines are at a greater distance from the existing cesspool and is located beyond the 50-foot BVW buffer zone. Impacts to the buffer zone have been minimized, occurring largely within the existing lawn, at the furthest location from the wetland system. Erosion and sedimentation controls have been proposed in areas within the buffer zone where soils will be disturbed.

The proposed on-site sewage disposal replacement complies with all standards of the Wetlands Protection Act as well as the local 25-foot No-Disturbance zone. The project team has considered alternatives; there is no functional equivalent project alternative that results in lesser alteration.

The septic plan has been submitted to the Sudbury Board of Health; Mr. Robert Lazo of the Sudbury Health Department witnessed the percolation test on December 20, 2022.

On behalf of the Applicant, we request that the Sudbury Conservation Commission issue an Order of Conditions approving the SDS installation as proposed on the accompanying site plan.



Representative Site Photos 15 Elmwood Avenue (Parcel F04-0421)



Photo 1: Property viewed from street, facing south. Proposed septic system to be installed between roadway and front of house.



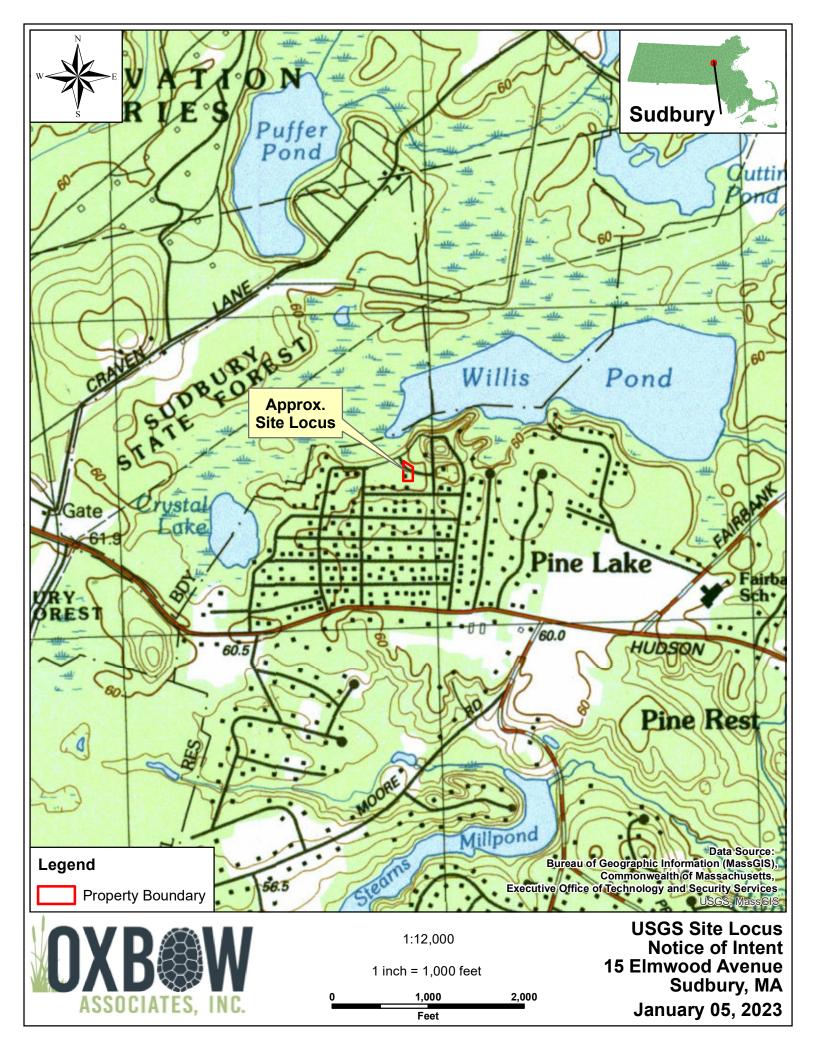
Photo 2: Extent of maintained yard on existing fill, extending to wetland edge. Lawn is a mixture of grasses and mosses. Cinder block (left) indicates location of existing cesspool.

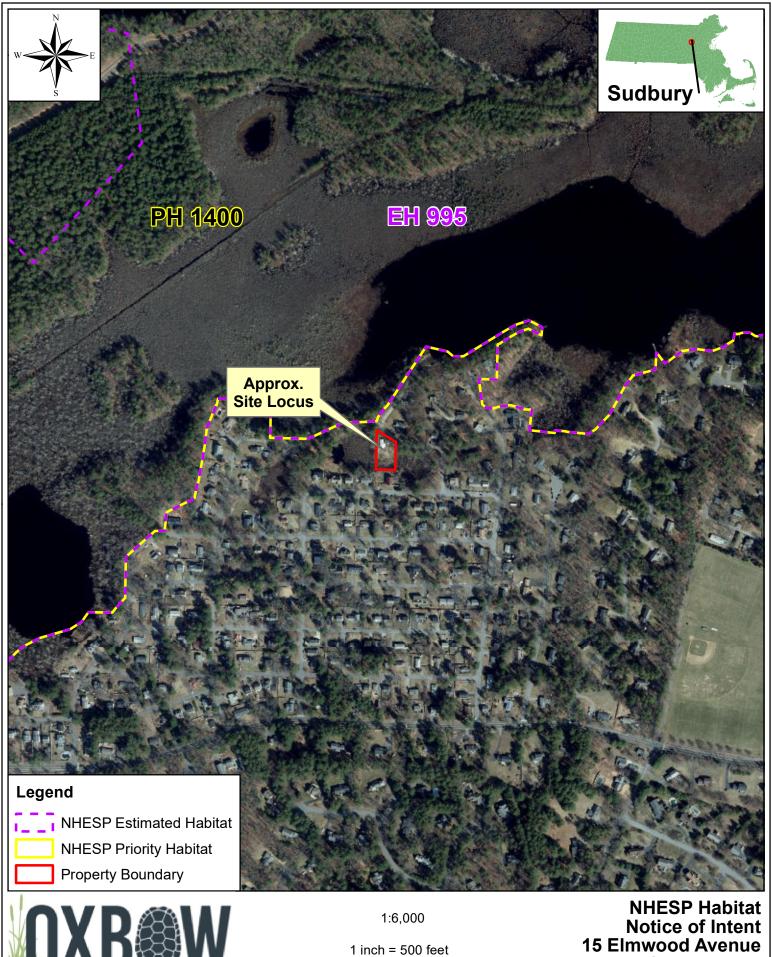


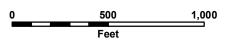
Photo 3: Mixture of mosses and grass within the wetland at the rear of the yard.



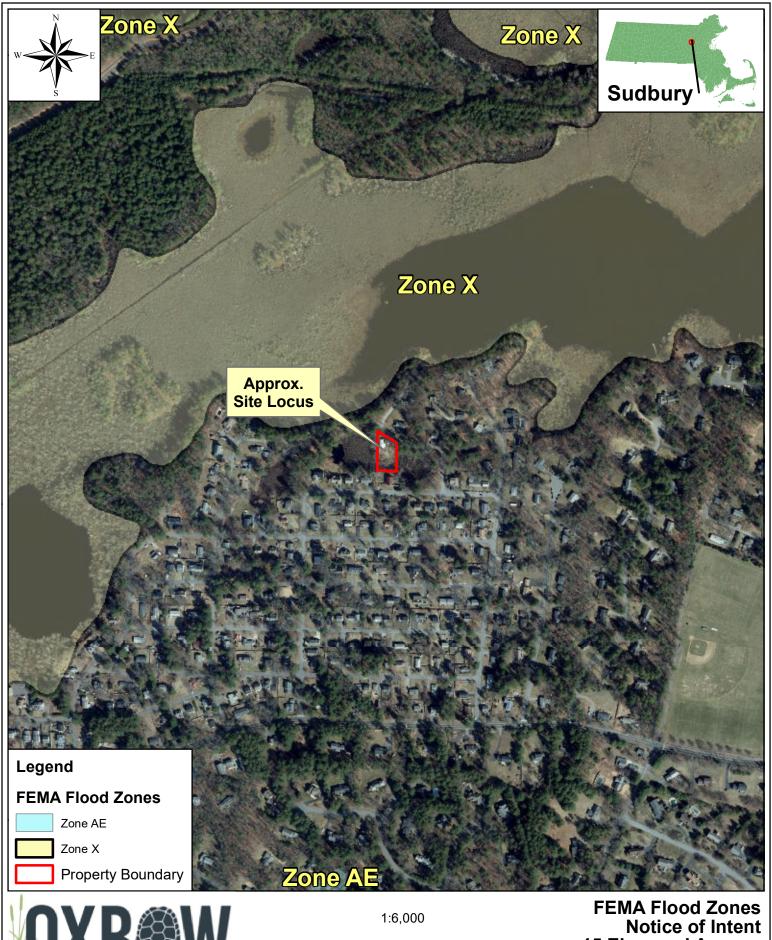
Photo 4: Area of open water to west of the property, viewed from north, along Lake Shore Drive.





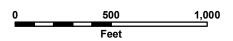


Sudbury, MA January 05, 2023





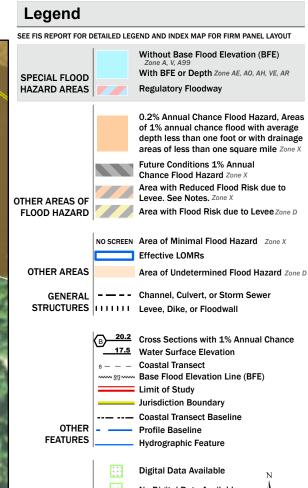
1 inch = 500 feet



FEMA Flood Zones Notice of Intent 15 Elmwood Avenue Sudbury, MA January 05, 2023

National Flood Hazard Layer FIRMette





MAP PANELS

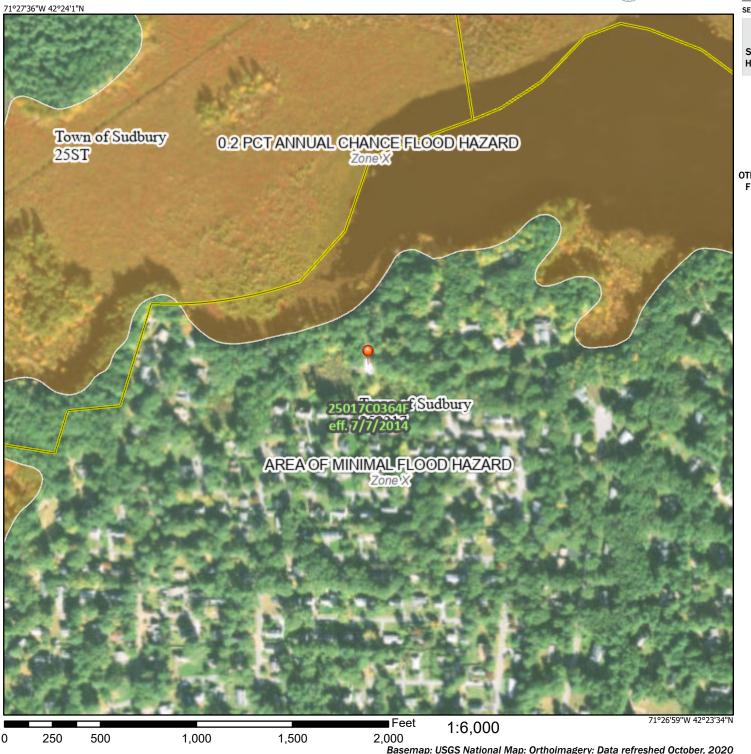
Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 1/5/2023 at 1:19 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



abutter	rs_id_field	abutters_owner1	abutters_owner2	abutters_address	abutters_address2	abutters_town	abutters_state	abutters_zip	abutters_bookpage	abutters_location
F04-041	10	TOWN OF SUDBURY	TREASURERS OFFICE	278 OLD SUDBURY RD		SUDBURY	MA	01776	58958-79	ELMWOOD AVE
F04-041	11	CHITTOCK CAMERON WINSTON TAYLO R	CHITTOCK REBECCA HYERS TAYLOR	31 LAKE SHORE DR		SUDBURY	MA	01776	75920-434	31 LAKE SHORE DR
F04-041	15	TOWN OF SUDBURY	CONSERVATION	278 OLD SUDBURY ROAD		SUDBURY	MA	01776		BIRCHWOOD AVE
F04-041	16	HALEY STERNS D & JAYNE J		24 BIRCHWOOD AVE		SUDBURY	MA	01776	27176-323	24 BIRCHWOOD AVE
F04-041	17	SHAFRAN DAVID & ENDYKE ERICA	TRUSTEES OF THE SHAFRA ENDYKE	30 BIRCHWOOD AVE		SUDBURY	MA	01776	72557-134	30 BIRCHWOOD AVE
F04-041	19	TOWN OF SUDBURY	TAX POSSESSION # 170	278 OLD SUDBURY ROAD		SUDBURY	MA	01776	13356-427	ELMWOOD AVE
F04-042	20	DIMAURO RUSSELL & MIMI		588 PEAKHAM RD		SUDBURY	MA	01776	51947-373	ELMWOOD AVE
F04-042	21	AJEF LLC		72 FRENCH RD		SUDBURY	MA	01776	55439-200	15 ELMWOOD AVE
F04-042	22	TOWN OF SUDBURY	TREASURERS OFFICE	278 OLD SUDBURY RD		SUDBURY	MA	01776	49650-383	7 ELMWOOD AVE
F04-042	23	TOWN OF SUDBURY	TREASURERS OFFICE	278 OLD SUDBRUY RD		SUDBURY	MA	01776	49650-383	ELMWOOD AVE
F04-050	01	TOWN OF SUDBURY	CONSERVATION	278 OLD SUDBURY ROAD		SUDBURY	MA	01776	12895-587	LAKE SHORE DR

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:

The name of the Applicant is
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.
The <u>address</u> of the lot where the activity is proposed:
The proposed activity is:
A Public Hearing regarding this Notice of Intent will be held on: Monday,at 6:45 PM.
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.
The public may participate in this meeting via Remote Participation:
your computer, smart phone or tablet:
 Meeting ID: From your phone: 978-639-3366 or 470 250 9358
Copies of the Notice of Intent may be examined by visiting this Website: https://sudbury.ma.us/conservationcommission/meetings/
Copies of the Notice of Intent may be obtained from either The Applicant, or the Applicant's representative, by calling this telephone number: between the hours of

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

