



**NOTICE OF PUBLIC MEETING
SUDBURY CONSERVATION COMMISSION**
Monday, August 21, 2023 at 7:00 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 determine jurisdiction of a Vegetated Wetland at 821 Boston Post Road, in Sudbury, MA. William Conti, Applicant. The meeting will be held on Monday, August 21, 2023 at 7:00 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-august-21-2023/>

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

SUDBURY CONSERVATION COMMISSION
8/9/2023



Request for Determination of Applicability (RDA)
821 Boston Post Road, Sudbury
Map: K04, Parcels: 10, 102, 103

August 7, 2023

Sudbury Conservation Commission
275 Old Lancaster Road
Sudbury, MA 01776

Re: Request for Determination of Applicability (RDA)
821 Boston Post Road (Map: K04, Parcels: 10, 102, 103)
Sudbury, Massachusetts 01776

Dear Sudbury Conservation Commission,

On behalf of William Conti (the Applicant), Goddard Consulting, LLC (Goddard) is hereby submitting this Request for Determination of Applicability (RDA) to seek a Determination that identifies the jurisdictional status of the isolated vegetated wetland (IVW) on the property known as 821 Boston Post Road in Sudbury, MA (Parcels: K04-10, K04-102, K04-103). This is a filing under the Massachusetts Wetlands Protection Act (WPA) and the Sudbury Wetlands Bylaw and Regulations.

The identified wetland contains no inlets or outlets that connect to other wetlands and is isolated in nature. The site is a gradual hillside, increasing in elevation from the street to the rear of the site. It is our professional opinion that the isolated wetland found on this site is not jurisdictional under the WPA or Sudbury's Wetland Protection Bylaw. The WPA does not take jurisdiction over IVWs and we believe that this wetland does not qualify as Isolated Land Subject to Flooding (ILSF). The Sudbury Wetland Bylaw does not specifically protect Isolated Vegetated Wetlands. We are therefore seeking a negative determination under the WPA and Sudbury Wetlands Bylaw.

The following documents are provided as attachments:

- WPA Form 1 – RDA Application Form
- Wetland Border Report, Goddard Consulting, LLC, 3/31/2023
- Site Locus USGS Map, Goddard Consulting LLC, 3/31/2023
- Orthophoto and Soils Map, Goddard Consulting LLC, 3/31/2023
- NHESP Map, Goddard Consulting, LLC, 3/31/2023
- FEMA Map, Goddard Consulting, LLC, 3/31/2023
- *ANRAD Plan of 821 Boston Post Road in Sudbury, MA*, Connerstone Engineering, Inc., 7/21/2023

If you have any questions, please feel free to contact Ryan Roseen at (508) 393-3784.

Sincerely,
Goddard Consulting, LLC

Ryan Roseen
Wildlife Biologist & Wetland Scientist

Cc: MassDEP Northeast Regional Office, 150 Presidential Way, Woburn, MA 01801
Bill Conti, 12 Patricia Road, Sudbury, MA 01776



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:

William Conti

Name

E-Mail Address

12 Patricia Road

Mailing Address

Sudbury

City/Town

MA

State

01776

Zip Code

Phone Number

Fax Number (if applicable)

2. Representative (if any):

Goddard Consulting, LLC

Firm

Ryan Roseen

Contact Name

ryan@goddardconsultingllc.com

E-Mail Address

291 Main Street, Suite 8

Mailing Address

Northborough

City/Town

MA

State

01532

Zip Code

508-393-3784

Phone Number

Fax Number (if applicable)

B. Determinations

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

- Checked boxes a, c, and d. 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

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



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.)



WPA Form 1- Request for Determination of Applicability

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:

Name

Mailing Address

City/Town

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.

William Conti

Signature of Applicant (William Conti)

7/24/23

Date

Ryan Roseen

Signature of Representative (if any)(Ryan Roseen - Goddard Consulting, LLC)

8/3/2023

Date

Wetland Border Report

Site Locus: 821 Boston Post Road, Sudbury, MA 01776

Prepared for: Bill Conti

Prepared by: Goddard Consulting LLC, 291 Main St, Suite 8, Northborough MA 01532

Date: 3/31/2023

INTRODUCTION

On March 4, 2023, the wetland resources were delineated on land located on or near 821 Boston Post Road, Sudbury, MA 01776 (refer to enclosed locus maps). The wetland border was flagged using the criteria in the most recent edition of MA Wetland Protection Act (WPA) and Regulations 310 CMR 10.00 et al. Hydric soil indicators, vegetation changes, hydrological indicators, and topography were all considered for delineation purposes.

The titles of attached documents are as follows:

- DEP Bordering Vegetated Wetland Determination Forms
- Site Locus USGS Map, Goddard Consulting LLC, 03/31/2023
- Orthophoto and Soils Map, Goddard Consulting LLC, 03/31/2023
- NHESP Map, Goddard Consulting LLC, 03/31/2023
- FEMA Map, Goddard Consulting LLC, 03/31/2023

SUMMARY OF FINDINGS

The boundary of the Isolated Vegetated Wetland (IVW) on-site was delineated with flag series GCA1-GCA58. The sampling point for the BVW determination took place near flag GCA7. Vegetation upgradient of the BVW consists of red oak, white pine, and oriental bittersweet. Vegetation downgradient of the BVW consists of red maple, white oak, winterberry, and cinnamon fern.

Soils identified on the property include fine sandy loams. In the wetland soil sample, an organic layer was found from 0-7" (10YR2/2), and FSL (10YR5/1 with 10YR5/6 redox at 15%) was found from 7-12" at soil horizon C. In the upland soil sample, a FSL layer (10YR2/2) was found from 0-6" and fine sandy loam (10YR5/6) was found from 6-10". More detailed information about soils is included in the attached Soil Map and the DEP Bordering Vegetated Wetland Determination Forms.

According to the MassGIS data layers for the Natural Heritage & Endangered Species Program (NHESP), the locus site is located within Estimated and Priority Habitat of Rare Wildlife. The site is not located in an Outstanding Resource Waters Area (ORW) or an Area of Critical Environmental Concern (ACEC). The site does not fall within a jurisdictional FEMA Flood Zone. There are no mapped certified or potential vernal pools on site.

The MA Wetlands Protection Act and the Town of Sudbury do not take jurisdiction over Isolated Vegetated Wetlands (IVW).

A Request for Determination (RDA) should be filed with the Sudbury Conservation Commission to determine if the area is jurisdictional or not.

DESCRIPTION OF REGULATED INLAND RESOURCE AREA

The table below provides the regulatory jurisdiction, flag numbers/colors, and wetland types and locations for the resource areas delineated.

Resource Area	Regulatory Jurisdiction	Flag Numbers and Color	Wetland Types and Locations
Isolated Vegetated Wetland (IVW)	No state or local jurisdiction	GCA1-GCA58 (Blue flags)	The boundary IVW located on-site.

SITE PHOTOS



Photo 1. View of wetland (facing south).



Photo 2. Another view of the site (facing west).

Sincerely,
Goddard Consulting, LLC



Ryan Roseen
Wildlife Biologist & Wetland Scientist

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no

title/date: Interim Soil Survey of Middlesex County - 1991 (Maps - 1989)

map number: MA017

soil type mapped: 103C - Charlton-Hollis-Rock outcrop complex

hydric soil inclusions: _____

Are field observations consistent with soil survey? yes no

Remarks: _____

2. Soil Description

<u>Horizon</u>	<u>Depth (inches)</u>	<u>Matrix Color</u>	<u>Mottles Color or Texture</u>
A	0-6"	10YR 2/2	FSL
B	6-10"	10YR 5/6	FSL

Remarks: Hit refusal at 10" (rock)

3. Other: _____

Conclusion: Is soil hydric? yes no

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

- Site inundated: _____
- Depth to free water in observation hole: _____
- Depth to soil saturation in observation hole: _____
- Water marks: _____
- Drift Lines: _____
- Sediment deposits: _____
- Drainage patterns in BVW: _____
- Oxidized rhizospheres: _____
- Water-stained leaves: _____
- Recorded data (stream, lake, or tidal gauge; aerial photo; other):

- Other: _____

Vegetation and Hydrology Conclusion for Upgradient of A7		
	<u>yes</u>	<u>no</u>
Number of wetland indicator plants		
>= number of non-wetland plants		X
Wetland hydrology present:		
hydric soils present		X
other indicators of hydrology present		X
Sample location is in a BVW		X

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

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

 Applicant: William Conti

 Prepared by: Goddard Consulting LLC

 Project location: 821 Boston Post Road, Sudbury

DEP File #: _____

- Check all that apply:
- Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
 - 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: <u>A7</u>	Transect Number: <u>Downgradient</u>	Date of Delineation: <u>4-Mar-23</u>		
Sample Layer and Plant Species	Scientific name	% Cover	% Dominance	Dominant Plant (yes or no)	Wetland Indicator Category*
<u>Tree Layer</u>					
Red Maple	<i>Acer rubrum</i>	38%	79.2%	Yes	FAC*
Northern White oak	<i>Quercus alba</i>	10%	20.8%	No	FACU
<u>Sapling Layer</u>					
Red Maple	<i>Acer rubrum</i>	10%	100.0%	Yes	FAC*
<u>Shrub Layer</u>					
Winterberry	<i>Ilex verticillata</i>	3%	100.0%		FACW*
<u>Climbing Woody Vine</u>					
<u>Ground Cover</u>					
Cinnamon Fern	<i>Osmundastrum cinnamomeum</i>	3%	100.0%	Yes	FACW*
Remarks: * An asterisk after common plant name indicates stunted growth; ** indicates extremely stunted growth					
Morphological Adaptations: <u>0</u>			Description: _____		
* An asterisk after indicator status denotes wetlands plants: plants listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus Sphagnum; or plants listed as FAC, FACW, or OBL.					
Vegetation conclusion:					
Number of dominant wetland indicator plants: 3			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					

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: Interim Soil Survey of Middlesex County - 1991 (Maps - 1989)

map number: MA017

soil type mapped: 103C Charlton-Hollis-Rock outcrop complex

hydric soil inclusions: _____

Are field observations consistent with soil survey? yes no

Remarks: _____

2. Soil Description

Horizon	Depth (inches)	Matrix Color	Mottles Color or Texture
O	0-7"	10YR 2/2	FSL
B	7-12"	10YR 5/1	10YR 5/6 15% FSL

Remarks: Hit refusal at 12" (rock)

3. Other:

Conclusion: Is soil hydric? yes no

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

Site inundated: _____

Depth to free water in observation hole: 3"

Depth to soil saturation in observation hole: _____

Water marks: _____

Drift Lines: _____

Sediment deposits: _____

Drainage patterns in BVW: _____

Oxidized rhizospheres: _____

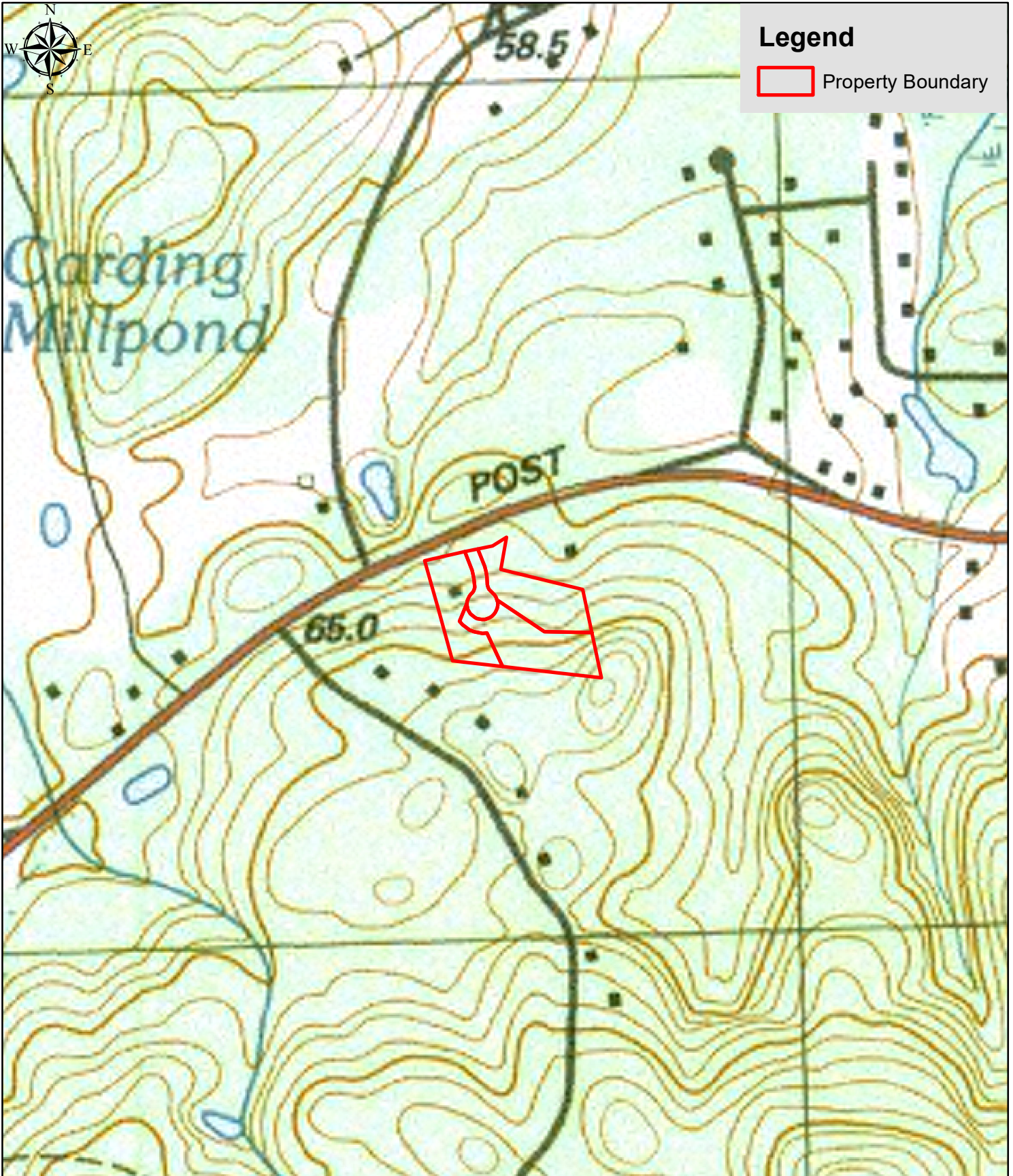
Water-stained leaves: _____

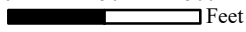

Recorded data (stream, lake, or tidal gauge; aerial photo; other):

Other: _____

Vegetation and Hydrology Conclusion for Downgradient of A7		
	<u>yes</u>	<u>no</u>
Number of wetland indicator plants		
>= number of non-wetland plants	X	
Wetland hydrology present:		
hydric soils present	X	
other indicators of hydrology present	X	
Sample location is in a BVW	X	

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



Date: 3/31/2023	GC Job Number: 288-104	Site Locus USGS Map	0 250 500  Feet	
 GODDARD CONSULTING Strategic Ecological Consulting			1 in = 500 ft	Figure 1
		821 Boston Post Road Sudbury, MA 01776		Parcel ID: K04-0010, K04-0102, K04-0103



Legend

- Property Boundary
- Soils (Polygon Outlines)

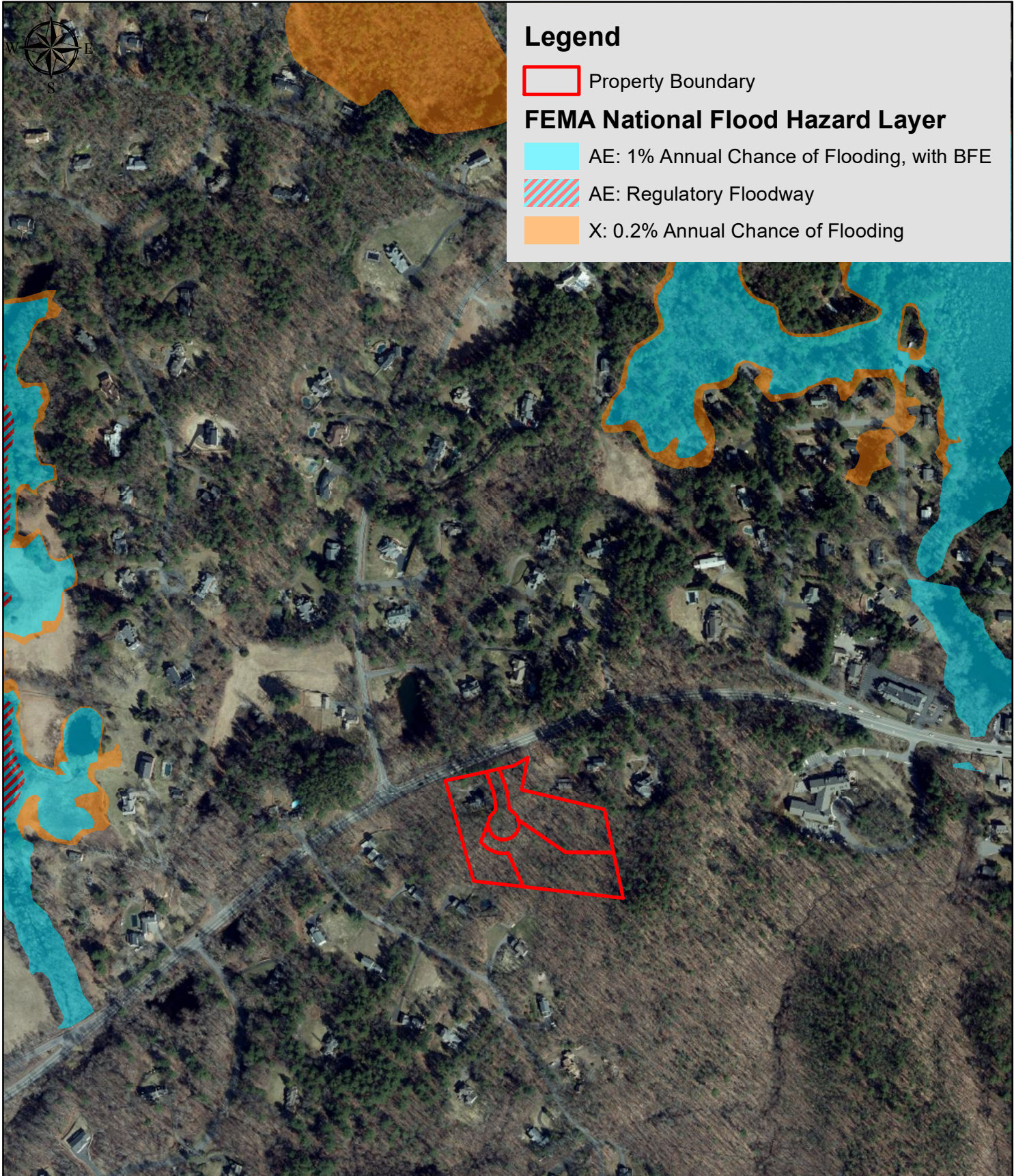
Date: 3/31/2023	GC Job Number: 288-104	Orthophoto and Soils Map	0 50 100 Feet
GODDARD CONSULTING Strategic Ecological Consulting		821 Boston Post Road Sudbury, MA 01776	1 in = 100 ft
		Parcel ID: K04-0010, K04-0102, K04-0103	Figure 2





Legend

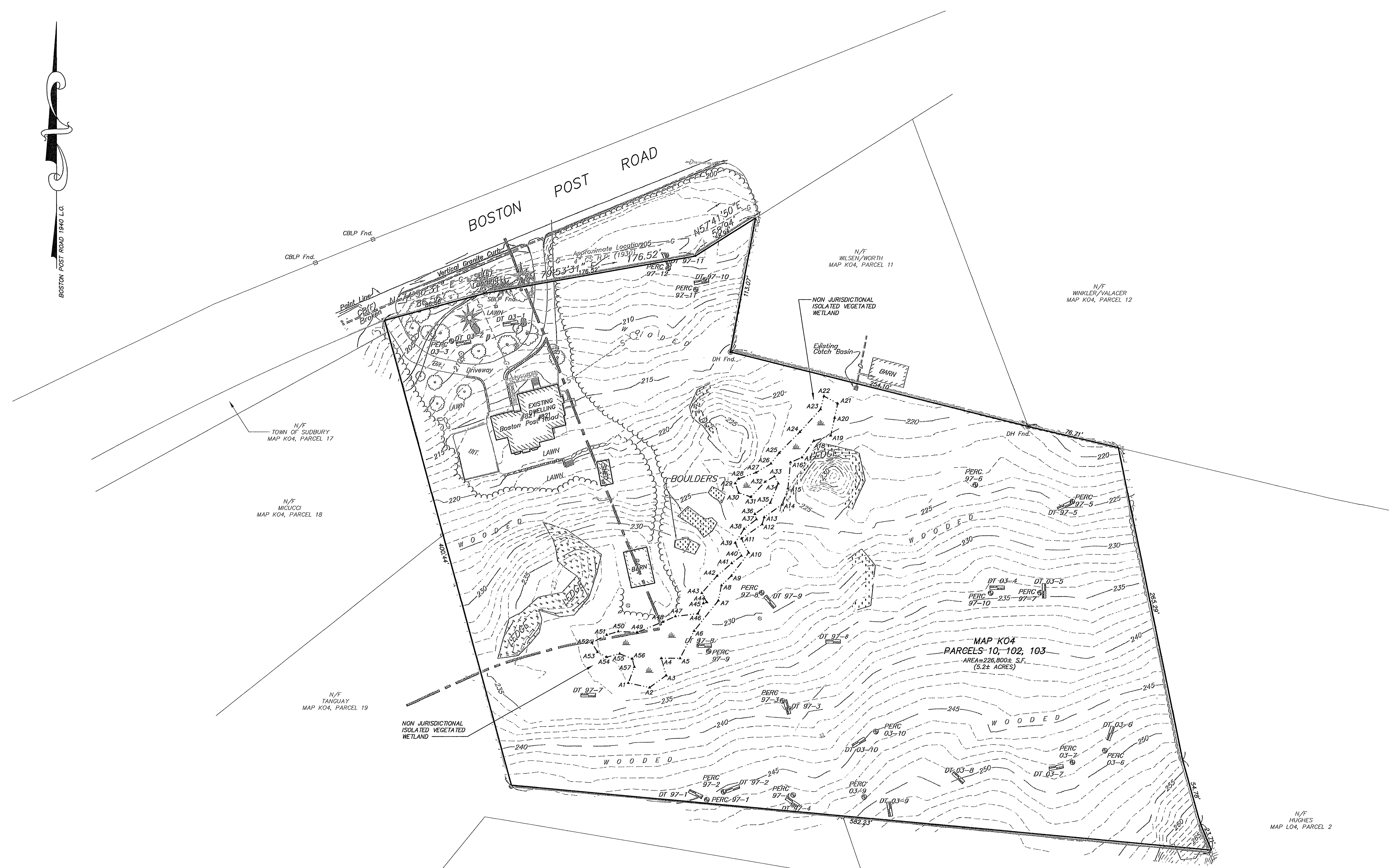
- Property Boundary
- NHESP Priority Habitats of Rare Species
- NHESP Estimated Habitats of Rare Wildlife

Date: 3/31/2023	GC Job Number: 288-104		0 125 250 Feet	
<p style="margin: 0;">GODDARD CONSULTING Strategic Ecological Consulting</p>		<h2 style="margin: 0;">NHESP Map</h2>	1 in = 250 ft	<h2 style="margin: 0;">Figure 3</h2>
		821 Boston Post Road Sudbury, MA 01776	Parcel ID: K04-0010, K04-0102, K04-0103	



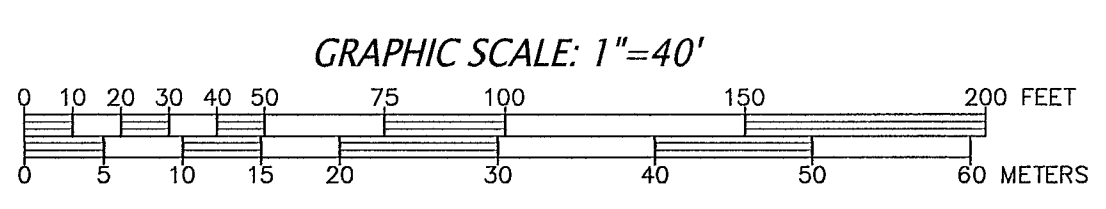
Date: 3/31/2023	GC Job Number: 288-104	<h2>FEMA Map</h2> <p>821 Boston Post Road Sudbury, MA 01776</p>	<p>0 250 500  Feet</p>	<h2>Figure 4</h2>
			<p>1 in = 500 ft</p> <p>Parcel ID: K04-0010, K04-0102, K04-0103</p>	

BOSTON POST ROAD 1940 L.C.

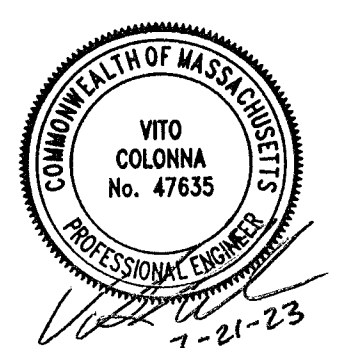


MAP K04, PARCELS 10, 102, 103
DEED BOOK 80120, PAGE 17 - CONTI

ZONED: RESIDENCE C-1
AREA = 60,000 sf
FRONTAGE = 210 feet
SETBACKS: FRONT = 40 feet
SIDE = 20 feet
REAR = 30 feet



- GENERAL NOTES:
- OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN OF SUDBURY ASSESSORS RECORDS.
 - THIS PLAN IS BASED ON RECORD PLANS AND DEEDS, LINES OF OCCUPATION, AND A PARTIAL INSTRUMENT SURVEY. THIS PLAN DOES NOT REPRESENT A PERIMETER SURVEY BY CONNORSTONE.
 - LEGAL STATUS OF EASEMENTS AND WAYS, NOT DETERMINED BY THIS SURVEY.
 - WETLANDS SHOWN HEREON WERE FLAGGED BY GODDARD CONSULTING INC. AND LOCATED ON-THE-GROUND BY CONNORSTONE ENGINEERING INC.
 - TOPOGRAPHY SHOWN IS FROM A SCANNED PLAN PREPARED BY SCHOFIELD BROTHERS OF NEW ENGLAND, DATED MAY 14, 2004. NOT TO BE CONSIDERED AN ON-GROUND SURVEY BY CONNORSTONE ENGINEERING, INC.



OWNERS:
WILLIAM CONTI
12 PATRICIA ROAD
SUDBURY, MA 01776

CONNORSTONE ENGINEERING INC.
CIVIL ENGINEERS AND LAND SURVEYORS
10 SOUTHWEST CUTOFF, SUITE 7
NORTHBOROUGH, MASSACHUSETTS 01532
PHONE: 508-393-9727 FAX: 508-393-5242

ANRAD PLAN
OF
821 BOSTON POST ROAD
IN
SUDBURY, MA

REVISED:	DESCRIPTION:
DRAWN BY: VHH	FIELD SURVEY: SMC, RLS
DATE: JULY 21, 2023	
SCALE: 1"=40'	SHEET 1 OF 1.