

**NOTICE OF PUBLIC MEETING
SUDBURY CONSERVATION COMMISSION
Monday, February 26, 2024 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 conduct soil testing within the 100-foot Buffer Zone and 200-foot Riverfront Area at 33 Union Avenue Lots 4 and 5, in Sudbury, MA. Ted Pasquarello, Applicant. The meeting will be held on Monday, February 26, 2024 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-february-26-2024/>

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

SUDBURY CONSERVATION COMMISSION
2/12/2024

February 5, 2024

F25899

Sudbury Conservation Commission
275 Old Lancaster Road
Sudbury, MA 01776

RE: Request for Determination for Soil Testing:
Lots 4 and 5 off Union Avenue at Chiswick Industrial Park

Dear Commissioners:

Enclosed herewith is a “Request for Determination” being filed under the Mass. Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw for proposed soil testing to be performed at the subject parcels in the Chiswick Industrial Park off Union Avenue. The testing is part of an evaluation of these parcels to determine the potential for possible uses and value of the property.

The following plans and document are included in this filing:

- The completed Mass. DEP “Request for Determination” form.
- EXHIBIT 1: USGS Locus Map
- EXHIBIT 2: Plan entitled “Proposed Soil Test Pit Locations....”
- This cover letter with Project Narrative contained below.

As required, a copy has also been sent to the Mass. DEP Northeast Regional Office.

PROJECT NARRATIVE

The soil testing being proposed is part of a preliminary evaluation of the sites being performed by DGT Associates for the Owner / Applicant to determine the suitability and value of the site for potential uses. The testing is to determine the general characteristic of the soils and the suitability for septic systems.

The testing will consist of up to two test pits in each of the two lots for a total of up to four tests pits. Some of the tests will be within the 100 foot Buffer Zone, no closer than 70 feet to the wetlands. The planned locations are shown on the attached Exhibit 2.

The work will include minimal clearing of brush to facilitate access to the test locations for a small backhoe. No trees over 3 inch DBH will be necessary. Testing will be done on a day with no rain. Pits will be dug and backfilled on the same day. Following backfill, the surface will be stabilized with straw or bark mulch.

Further information on the properties is included below.

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GENERAL PROPERTY DESCRIPTION

The subject parcels of land are shown on the attached Exhibit Plan 2. The base plan for this Exhibit is the record plan entitled "Plan of Land in Sudbury, Mass. Prepared for Coatings Engineering Corporation" dated January 25, 1988, by Schofield Brothers, Inc. The subject parcels include Lots 4 and 5 on that plan.

Lot 4:

This lot is 37,435 +/- sq. ft. in area located west of the former railroad line that is now to be a rail trail. The trail is currently under construction and owned by the Commonwealth of Massachusetts. The northern property line abuts the MBTA railroad right of way that is no longer used for rail. The north portion of the lot includes a 50 foot-wide access easement and driveway to the Chiswick Industrial Park to the west. The westerly property line is curved and formerly contained a rail spur that served the buildings at 27 and 33 Union Avenue. The Town of Sudbury GIS mapping includes this lot to be part of the adjacent 33 Union Avenue property to the west.

The area south of the access drive is wooded with dense shrub understory and the terrain is relatively flat. A large wetland area is located along the westerly property boundary and there is a small wetland area in the rear (south) portion of the site. The approximate locations of the wetlands are shown on the Exhibit 2 plan and are described further in this narrative below.

Lot 5:

This parcel is 18,193 +/- sq. ft. in area with 128.98 feet of frontage on Union Avenue. The rear (west) property line abuts the former railroad line that is now being constructed as a rail trail as discussed above. The MBTA Rail Line (no longer in use) abuts the northern boundary of the lot.

The northern portion of the parcel includes a 50 foot-wide access easement that serves as a main access driveway to the Chiswick Industrial Park. This lot contains signage near the access easement that shows the names of the businesses within the industrial park. The portion of the lot south of the easement is relatively flat, wooded terrain with dense shrub understory. The portion of the lot outside of the easement is approximately 11,000 square feet in area.

The southern property line abuts a private commercial property with a wetland that is approximately 80 feet to the south of Lot 5. The wetlands are shown on Exhibit 2.

WETLAND AREAS

The approximate location of the wetland resource areas on and near these properties are shown on Exhibit 2. These locations are based on research of the Mass. GIS Mapping and on-site field observations by this writer Fredric King, Wetland Specialist for DGT. During the site visit, I found the wetland delineation flagging for the Rail Trail Project to be in good condition and concurred with the locations flagged. So the locations shown on the Exhibit show those wetland boundaries.

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The wetland resource areas in this case are “Bordering Vegetated Wetlands” classified as wooded swamp and shrub swamp. These border on small drainage channels within the wetlands draining west and then southernly through Chiswick Industrial Park to Boston Post Road. The wetlands and 100 foot buffer zones are shown on the attached Exhibit 2.

In recent conversations with the Sudbury Conservation Coordinator, Lori Capone, we were informed that the drainage ditch along Station Road, located approximately 100 feet northeast of the subject Lot 5, was presumed to be a River under a recent wetlands filing by Eversource for a project in that area. If that stream is presumed to be a River, a substantial portion of Lot 5 would be within the 200 Riverfront Area of that stream. In response to this, DGT provided information to the Sudbury Conservation Office that the ditch had previously been accepted to be an intermittent stream under a filing in 1998 - 1999 under DEP File No. 301-631.

Under this filing, the applicant only seeks to perform the soil testing at this time, and not seeking a formal determination on the current status of the Station Road stream

Please contact me if you have any questions or need further information.

Sincerely,
DGT Associates

Fredric W. King

Fredric W. King, P.E.
Senior Engineer / Wetland Specialist

CC: Mass. DEP Northeast Region.



Massachusetts Department of Environmental Protection
Bureau of Water Resources - Wetlands

WPA Form 1- Request for Determination of Applicability

Sudbury
Municipality

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:

Ted	Pasquarello	
First Name	Last Name	
Paris Trust, 490-B Boston Post Road		
Address		
Sudbury	MA	01776
City/Town	State	Zip Code
978-440-9262	tparis490@aol.com	
Phone Number	Email Address	

2. Property Owner (if different from Applicant):

Same		
First Name	Last Name	
Address		
City/Town	State	Zip Code
Phone Number	Email Address (if known)	

3. Representative (if any)

Fredric	King	
First Name	Last Name	
DGT Associates		
Company Name		
1071 Worcester Road		
Address		
Framingham	MA	01701
City/Town	State	Zip Code
774-244-7717	fking@dgtassociates.com	
Phone Number	Email Address (if known)	

B. Project Description

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

33 Union Avenue Lots 4 and 5	Sudbury
Street Address	City/Town
42.36297	-71.42240
Latitude (Decimal Degrees Format with 5 digits after decimal e.g. XX.XXXXX)	Longitude (Decimal Degrees Format with 5 digits after decimal e.g. -XX.XXXXX)
K08	0073 and 0057
Assessors' Map Number	Assessors' Lot/Parcel Number

[How to find Latitude and Longitude](#)

[and how to convert to decimal degrees](#)

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

See attached narrative

c. Plan and/or Map Reference(s): (use additional paper if necessary)

Proposed Soil Test Pit Locations, Exhibit 2, Approximate Wetland Buffer Zone Locations	February 1, 2024
Title	Date
_____	_____
Title	Date



B. Project Description (cont.)

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

Performance of up to 4 soil test pits to determine soil characteristics and suitability of septic systems for a site evaluation. Work includes some minor brush clearing for access to the test locations. Test pits will be backfilled and stabilized at the completion of the tests. (see attached narrative).

- 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).

310 CMR 10.02 (2)(b)2.g - Minor temporary project: soil testing.

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.)



Massachusetts Department of Environmental Protection
Bureau of Water Resources - Wetlands

WPA Form 1- Request for Determination of Applicability Sudbury
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 Municipality

C. Determinations

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

- a. whether the **area** depicted on plan(s) and/or map(s) referenced above 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 above are accurately delineated.
- c. whether the **Activities** depicted on plan(s) referenced above is subject to the Wetlands Protection Act and its regulations.
- d. whether the area and/or Activities depicted on plan(s) referenced above is subject to the jurisdiction of any **municipal wetlands' ordinance or bylaw** of:

Town of Sudbury

Name of Municipality

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

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.

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.

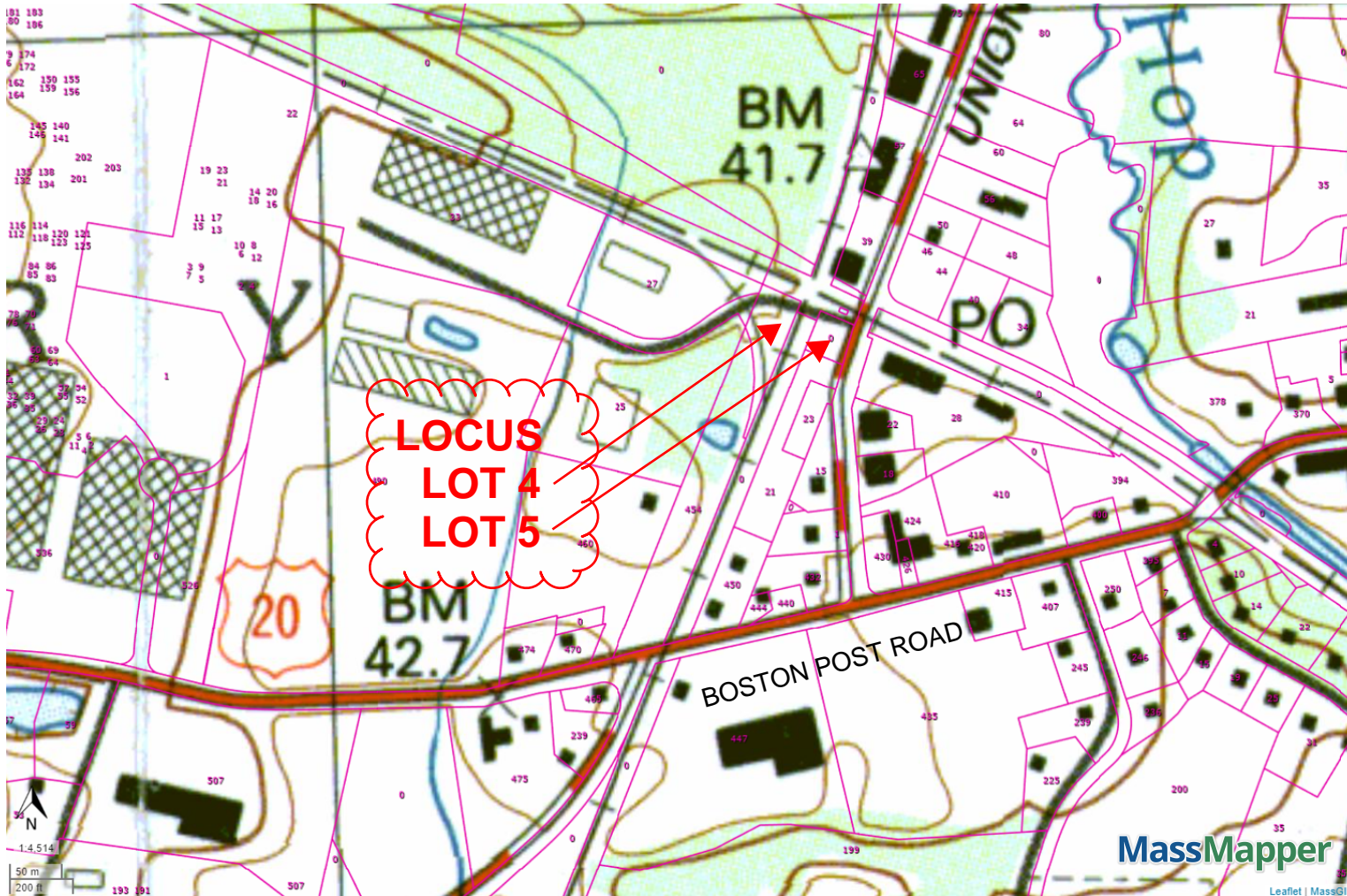
Theodore Pasquarello
Signature of Applicant

02/07/2024
Date

Fredric W. King
Signature of Representative (if any)

02/07/2024
Date

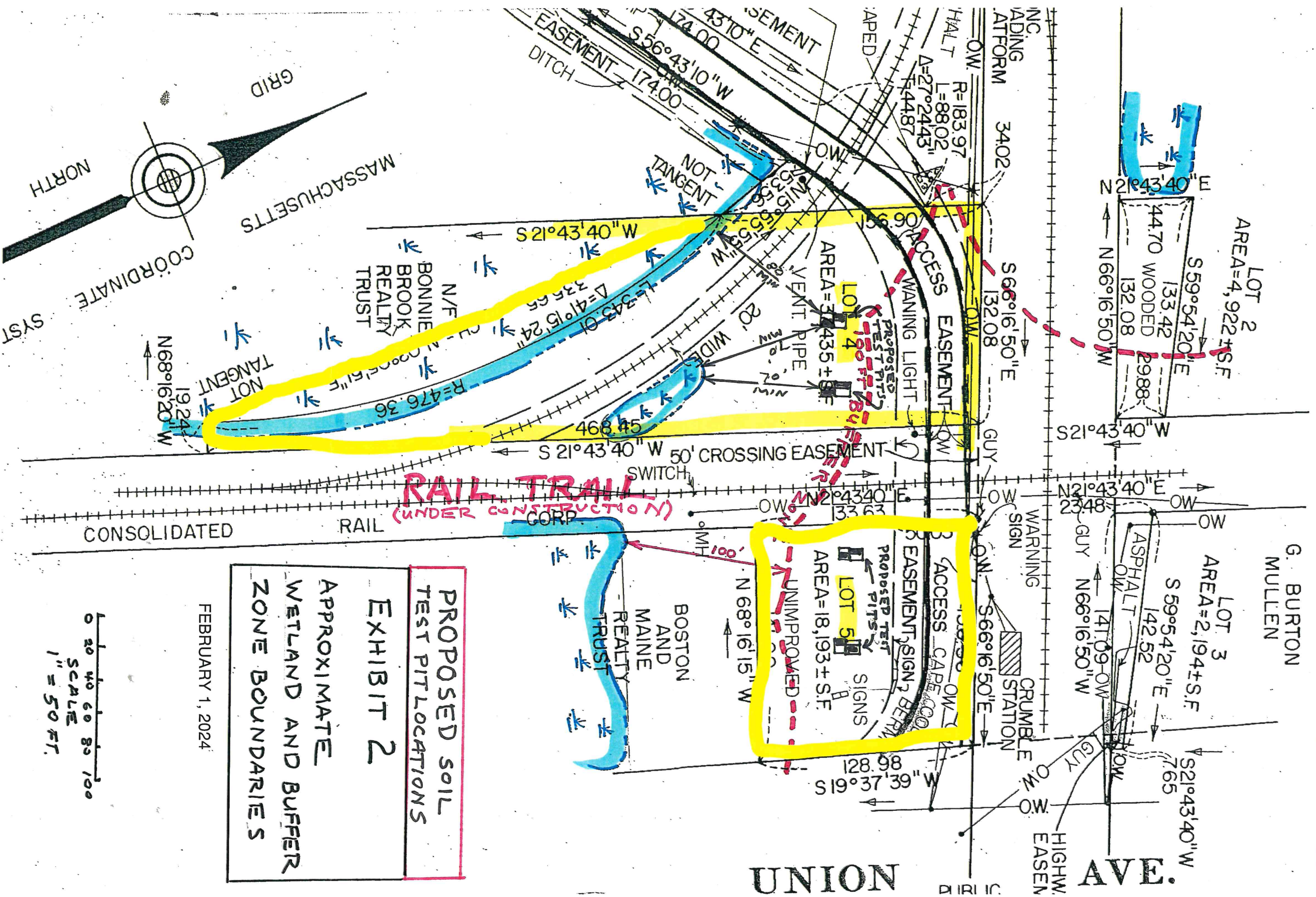
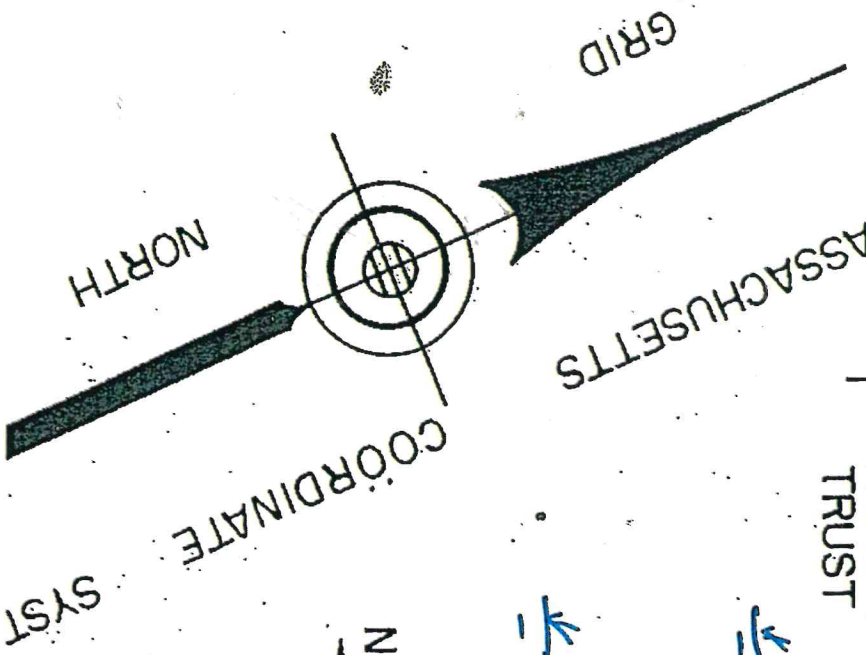
Lots 4 and 5 Off Union Avenue



Property Tax Parcels
USGS Topographic Maps

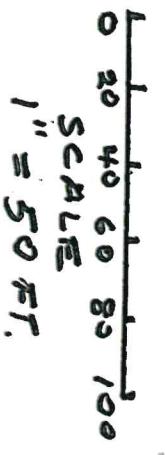


EXHIBIT 1
USGS
LOCUS MAP



**PROPOSED SOIL
 TEST PIT LOCATIONS**
EXHIBIT 2
 APPROXIMATE
 WETLAND AND BUFFER
 ZONE BOUNDARIES

FEBRUARY 1, 2024



UNION

AVE.