

**NOTICE OF PUBLIC HEARING
SUDBURY CONSERVATION COMMISSION
Monday, June 3, 2024 at 7:00 PM
Virtual Meeting**

The Sudbury Conservation Commission will hold a public hearing to review the Notice of Intent filing to construct a detached garage within the 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw, at 11 Allene Avenue, Sudbury, MA. Jeffrey Gray, Applicant. The hearing will be held on Monday, June 3, 2024 at 7:00 pm, via remote participation.

Please see the Conservation Commission web page for further information.

<https://sudbury.ma.us/conservationcommission/meeting/conservation-commission-meeting-monday-june-3-2024./>

SUDBURY CONSERVATION COMMISSION
5/23/24

Stamski and McNary, Inc.

Engineering - Planning – Surveying

1000 Main Street Acton, MA 01720 (978) 263-8585

www.stamskiandmcnary.com

Notice of Intent

Under the Massachusetts Wetland Protection Act,
M.G.L. c. 131, s. 40
Town of Sudbury Wetlands Administration Bylaw

for

**11 Allene Avenue
Map G06, Parcel 0592
Sudbury, MA 01776**

Applicant: Jeffrey Gray
11 Allene Avenue
Sudbury, MA 01776

Date: May 14, 2024

SM-7472

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WPA Form 3 – Notice of Intent

Certified List of Abutters / Affidavit / Notice to Abutters

Attachments:

A. U.S.G.S. Locus Map

B. Massachusetts Natural Heritage Atlas 15th edition, Effective: August 1, 2021

C. FEMA Map

D. Wetland Permitting Plan by Stamski and McNary, Inc.

Project Narrative

Project Narrative

Existing Conditions

The site consists of a 0.46+/- acre lot, 11 Allene Avenue. The lot contains an existing single-family dwelling, detached garage connected to the dwelling by a stone walkway, concrete pavers, deck, shed, porch, existing driveway, and existing sewage disposal system. There is a perennial stream off-site to the northwest of the site that projects the 200-foot Riverfront Area on the property.

Project Description

The project involves construction of a detached garage that connects to the existing driveway. A portion of the existing driveway will be removed and expanded to facilitate the proposed garage. A native planting area/pollinator garden is also proposed.

The project requires a notice of intent filing since the work proposed is inside the 200-foot Riverfront Area. There will be a siltation barrier down gradient of the proposed work.

Resource Area Descriptions

The resource area is a Riverfront Area. The Mean Annual High-Water Line (MAHW) was delineated by wetland scientist David Crossman of B&C Associates and located by field survey.

Compliance with General Performance Standards for BVW 310 CMR 10.55(4) (a-e):

The General Performance Standards for a Bordering Vegetated Wetland have been met since the proposed activity does not involve removing, filling, dredging, or altering of a BVW. The proposed siltation controls will prevent indirect alteration of wetlands during construction.

Compliance with General Performance Standard for the Riverfront Area 310 CMR 10.58(4):

All work within the Riverfront Area is in previously disturbed areas from when the single-family lot was built. There is no work proposed in the 100-foot inner riparian zone besides the native planting area which is replacing lawn. The proposed structure is only within the outer 100 feet of the Riverfront Area. Siltation controls are proposed to protect this resource area.

There is no practicable and substantially equivalent economic alternative to the proposed project with less adverse effects on the interests identified in M.G.L. c. 131 § 40 and the work will have no significant adverse impact on the riverfront area to protect interests identified in M.G.L. c 131 § 40.

(a) Protection of Other Resource Areas.

The work within the Riverfront Area is all located within a previously developed area.

(b) Protection of Rare Species.

The site is not located in a Priority or Estimated Habitat of Rare Species.

(c) Practicable and Substantially Equivalent Economic Alternatives.

There is no practicable and substantially equivalent economic alternative to the proposed project with less adverse effects on the interests identified in M.G.L. c. 131 § 40.

Alternative Analysis

Project Purpose

The purpose of this project within the Riverfront Area is to construct a proposed new garage while adhering to the General Performance Standards 310 CMR 10.58.

Alternative 1 – Propose the detached garage in the location shown on the Wetland Permitting Plan.

Alternative 2 – Add an attached garage. However, it would put the work closer to the mean annual high water (MAHW) line and require additional construction costs.

Alternative Analysis Conclusions - The preferred Alternative 1 allows the applicant to pursue their full interests in the project. This also promotes minimal disturbance of existing vegetation. The construction activities proposed will not have a significant adverse impact to the Riverfront Area which is already a developed single-family lot. The proposed detached garage is situated as distant as feasible from the MAHW. The proposed detached garage is as far from the river as possible while adhering to zoning setbacks. The applicant had pursued a variance to put the garage even further from the river, closer to Allene Avenue, but the ZBA rejected the proposal.

CMR 10.58 (5) Redevelopment Within Previously Developed Riverfront Areas; Restoration and Mitigation

Notwithstanding the provisions of 310 CMR 10.58(4)(c) and (d), the issuing authority may allow work to redevelop previously developed riverfront area, provided the proposed work improves existing conditions:

- a. At a minimum, proposed work shall result in an improvement over existing conditions of the capacity of the riverfront area to protect the interests identified in M.G.L. c. 131 § 40. When a lot is previously developed but no portion of the riverfront area is degraded, the requirements of 310 CMR 10.58(4) shall be met.*

The proposed garage is in an existing disturbed area with limited capacity to support wildlife. The conversion of lawn to native plantings will be a net improvement to the site's capacity to support wildlife. Roof runoff from a portion of the proposed garage is directed to drip edges to control runoff, an improvement to the existing condition where the existing garage runoff flows freely towards the stream.

- b. Stormwater management is provided according to standards established by the department.*

This project is not subject to the Massachusetts Stormwater Management Standards as it

is a single-family dwelling. A stone drip edge is proposed for the proposed garage, which will decrease the rate and volume of runoff going to the river as the existing garage has no stormwater controls.

- c. Within 200-foot riverfront areas, proposed work shall not be located closer to the river than existing conditions or 100 feet, whichever is less, or not closer than existing conditions within 25-foot riverfront areas, except in accordance with 310 CMR 10.58(5)(f) or (g).*

The proposed detached garage is between the existing detached garage and the existing sewage disposal system and will be no closer to the MAHW than the existing garage. The addition is proposed greater than 100 feet from the MAHW. The inner 100-foot Riverfront Area will be improved by replacing lawn with a native planting area.

- d. Proposed work, including expansion of existing structures, shall be located outside the riverfront area or toward the riverfront area boundary and away from the river, except in accordance with 310 CMR 10.58(5)(f) or (g).*

The proposed detached garage is situated as distant as feasible from the MAHW. The applicant attempted to place the garage closer to Allene Avenue (and further from the MAHW) which would require a variance for the setback to the lot line. However, the ZBA denied that request, so the garage is as far from the MAHW as possible while adhering to zoning setbacks.

- e. The area of proposed work shall not exceed the amount of degraded area, provided that the proposed work may alter up to 10% if the degraded area is less than 10% of the riverfront area, except in accordance with 10.58(5)(f) or (g).*

Most of the lot (0.46 acres) has previously been degraded with either home, lawn, shed or driveway. The only tree to be removed is a planted 11-inch apple tree. Additionally, a portion of the shrubs near the proposed detached garage is proposed to be removed.

- f. When an applicant proposes restoration on-site of degraded riverfront area, alteration may be allowed notwithstanding the criteria of 310 CMR 10.58(5)©, (d), and (e) at a ratio in square feet of at least 1:1 or restored area to area of alteration not conforming to the criteria. Areas immediately along the river shall be selected for restoration. Alteration not conforming to the criteria shall begin at the riverfront area boundary. Restoration shall include:*

- 1. Removal of all debris, but retaining any trees or other mature vegetation;*

An area of lawn, approximately 702 square feet, is proposed to be replaced with native plantings. A portion of shrubs near the proposed detached garage and a planted 11-inch apple tree are proposed to be removed.

- 2. Grading to a topography which reduces runoff and increases infiltration;*

No grade change is proposed, but the native plantings will reduce runoff and increase infiltration compared to a manicured lawn. Additionally, the new garage includes a

proposed stone drip edge, which will help decrease runoff even more.

3. *Coverage by topsoil at a depth consistent with natural conditions at the site; and*

The existing topsoil on site should be sufficient for the native plantings.

4. *Seeding and planting with an erosion control seed mixture, followed by plantings of herbaceous and woody species appropriate to the site.*

The proposed plantings include native shrubs and perennials.

- g. *When an applicant proposes mitigation either on-site or in the riverfront area within the same general area of the river basin, alteration may be allowed notwithstanding the criteria of 310 CMR 10.58(5)(c), (d), or (e) at a ratio in square feet of at least 2:1 of mitigation area to area of alteration not conforming to the criteria or an equivalent level of environmental protection where square footage is not a relevant measure. Alteration not conforming to the criteria shall begin at the riverfront area boundary. Mitigation may include off-site restoration of riverfront areas, conservation restrictions under M.G.L. c. 184, §§ 31 through 33 to preserve undisturbed riverfront areas that could be otherwise altered under 310 CMR 10.00, the purchase of development rights within the riverfront area, the restoration of bordering vegetated wetland, projects to remedy an existing adverse impact on the interests identified in M.G.L. c. 131, § 40 for which the applicant is not legally responsible, or similar activities undertaken voluntarily by the applicant which will support a determination by the issuing authority of no significant adverse impact. Preference shall be given to potential mitigation projects, if any, identified in a River Basin Plan approved by the Secretary of the Executive Office of Energy and Environmental Affairs.*

The project includes native plantings over an area of 702 s.f. which is larger than the net increase from the proposed garage, and drip edge (476 s.f.).

Compliance with Town of Sudbury Article XXII Wetlands Administration and Wetlands Administration Bylaw Regulations:

The proposed activity will not decrease the existing lot's capacity to support wildlife. The structure proposed is between the existing dwelling and existing soil absorption system. The addition of a drip edge for the proposed garage, and the conversion of a portion of lawn to native plantings will result in a net improvement to wildlife habitat and stormwater runoff. There is no work proposed within the Adjacent Upland Resource Area.

Summary:

The project has been designed to meet the performance standards of the Wetland Protection Act. The project has also been designed to meet the Wetlands Bylaw. Erosion controls have been proposed to protect wetland resource areas during construction.

WPA Form 3 – Notice of Intent



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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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

1. Project Location (**Note:** electronic filers will click on button to locate project site):

<u>11 Allene Avenue</u>	<u>Sudbury</u>	<u>01776</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>G06</u>	<u>42d 23' 24" N</u>	<u>71d 26' 21" W</u>
f. Assessors Map/Plat Number	d. Latitude	e. Longitude
	<u>0592</u>	
	g. Parcel /Lot Number	

2. Applicant:

<u>Jeffrey</u>	<u>Gray</u>	
a. First Name	b. Last Name	
c. Organization		
<u>11 Allene Avenue</u>		
d. Street Address		
<u>Sudbury</u>	<u>MA</u>	<u>01776</u>
e. City/Town	f. State	g. Zip Code
<u>774-232-1572</u>	<u>jeffitalia@yahoo.com</u>	
h. Phone Number	i. Fax Number	j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

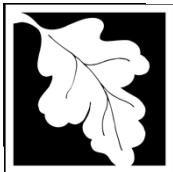
<u></u>	<u></u>	
a. First Name	b. Last Name	
c. Organization		
<u></u>		
d. Street Address		
<u></u>	<u></u>	<u></u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>Daniel</u>	<u>Carr</u>	
a. First Name	b. Last Name	
<u>Stamski and McNary, Inc.</u>		
c. Company		
<u>1000 Main Street</u>		
d. Street Address		
<u>Acton</u>	<u>MA</u>	<u>01720</u>
e. City/Town	f. State	g. Zip Code
<u>978-263-8585 X214</u>	<u>djc@stamskiandmcnary.com</u>	
h. Phone Number	i. Fax Number	j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

<u>\$165</u>	<u>\$70</u>	<u>\$95 + \$25 Bylaw fee</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

Work within the 200-foot Riverfront area contains construction of a new detached garage and abandoning the existing one.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1. 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. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

- 1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Middlesex South

a. County

52802

c. Book

b. Certificate # (if registered land)

96

d. Page Number

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

- 1. Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2. Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any 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.



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

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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet 2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input checked="" type="checkbox"/> Riverfront Area	Run Brook (inland) 1. Name of Waterway (if available) - specify coastal or inland	

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: 15,907 square feet

4. Proposed alteration of the Riverfront Area:

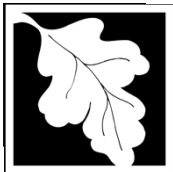
476 a. total square feet 0 b. square feet within 100 ft. 476 c. square feet between 100 ft. and 200 ft.

5. Has an alternatives analysis been done and is it attached to this NOI? Yes No

6. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

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



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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	_____	
	1. square feet	

	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	_____	_____
	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	_____	_____
	1. square feet	2. cubic yards dune nourishment

	Size of Proposed Alteration	Proposed Replacement (if any)
f. <input type="checkbox"/> Coastal Banks	_____	
	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	_____	
	1. square feet	
h. <input type="checkbox"/> Salt Marshes	_____	_____
	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	_____	
	1. square feet	

	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	_____	
	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	

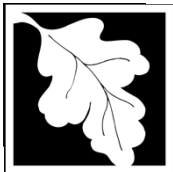
	1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	
	1. square feet	

4. Restoration/Enhancement
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

_____	_____
a. square feet of BVW	b. square feet of Salt Marsh

5. Project Involves Stream Crossings

_____	_____
a. number of new stream crossings	b. number of replacement stream crossings



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C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

- Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

a. Yes No **If yes, include proof of mailing or hand delivery of NOI to:**

**Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581**

August 1, 2021
b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); OR complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

c. Submit Supplemental Information for Endangered Species Review*

- Percentage/acreage of property to be altered:
 - (a) within wetland Resource Area _____ percentage/acreage
 - (b) outside Resource Area _____ percentage/acreage

2. Assessor's Map or right-of-way plan of site

- Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **
 - (a) Project description (including description of impacts outside of wetland resource area & buffer zone)
 - (b) Photographs representative of the site

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

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

** 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.



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

- (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 **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

- (d) Vegetation cover type map of site

- (e) Project plans showing Priority & Estimated Habitat boundaries

- (f) OR Check One of the Following

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" determination or valid Conservation & Management Permit with approved plan.

3. 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 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:

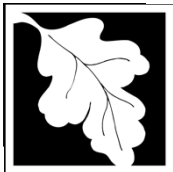
Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: dmf.envreview-south@mass.gov

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: dmf.envreview-north@mass.gov

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

- c. Is this an aquaculture project? d. Yes No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).



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

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

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
 a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
 b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
 a. Yes No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
 a. Yes No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
 a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
 1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 2. A portion of the site constitutes redevelopment
 3. Proprietary BMPs are included in the Stormwater Management System.
 b. No. Check why the project is exempt:
 1. Single-family house
 2. Emergency road repair
 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. 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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D. Additional Information (cont'd)

3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. List the titles and dates for all plans and other materials submitted with this NOI.

Wetland Permitting Plan

a. Plan Title

Stamski and McNary, Inc.

George Dimakarakos

b. Prepared By

c. Signed and Stamped by

May 14, 2024

1" = 20'

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

5. If there is more than one property owner, please attach a list of these property owners not listed on this form.

6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8. Attach NOI Wetland Fee Transmittal Form

9. Attach Stormwater Report, if needed.

E. Fees

1. 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:

0287, 0288

2. Municipal Check Number

05/01/2024

3. Check date

0289

4. State Check Number

05/01/2024

5. Check date

Jeffrey

6. Payor name on check: First Name

Gray

7. Payor name on check: Last Name



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.

	30APR2024
1. Signature of Applicant	2. Date
3. Signature of Property Owner (if different)	4. Date
5. Signature of Representative (if any)	6. Date

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:

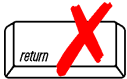
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

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.



A. Applicant Information

1. Location of Project:

11 Allene Avenue	Sudbury
a. Street Address	b. City/Town
0289	\$70
c. Check number	d. Fee amount

2. Applicant Mailing Address:

Jeffrey	Gray	
a. First Name	b. Last Name	
c. Organization		
11 Allene Avenue		
d. Mailing Address		
Sudbury	MA	01776
e. City/Town	f. State	g. Zip Code
774-232-1572	jeffitalia@yahoo.com	
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

a. First Name	b. Last Name	
c. Organization		
d. Mailing Address		
e. City/Town	f. State	g. Zip Code
h. Phone Number	i. Fax Number	j. Email Address

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.

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

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Construction of a Detached Garage in a Riverfront Area	1	\$110 x 1.5	\$165
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Step 5/Total Project Fee:			\$165
Step 6/Fee Payments:			
Total Project Fee:			\$165
			a. Total Fee from Step 5
State share of filing Fee:			\$70
			b. 1/2 Total Fee less \$12.50
City/Town share of filing Fee:			\$95 + \$25 Bylaw fee
			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.

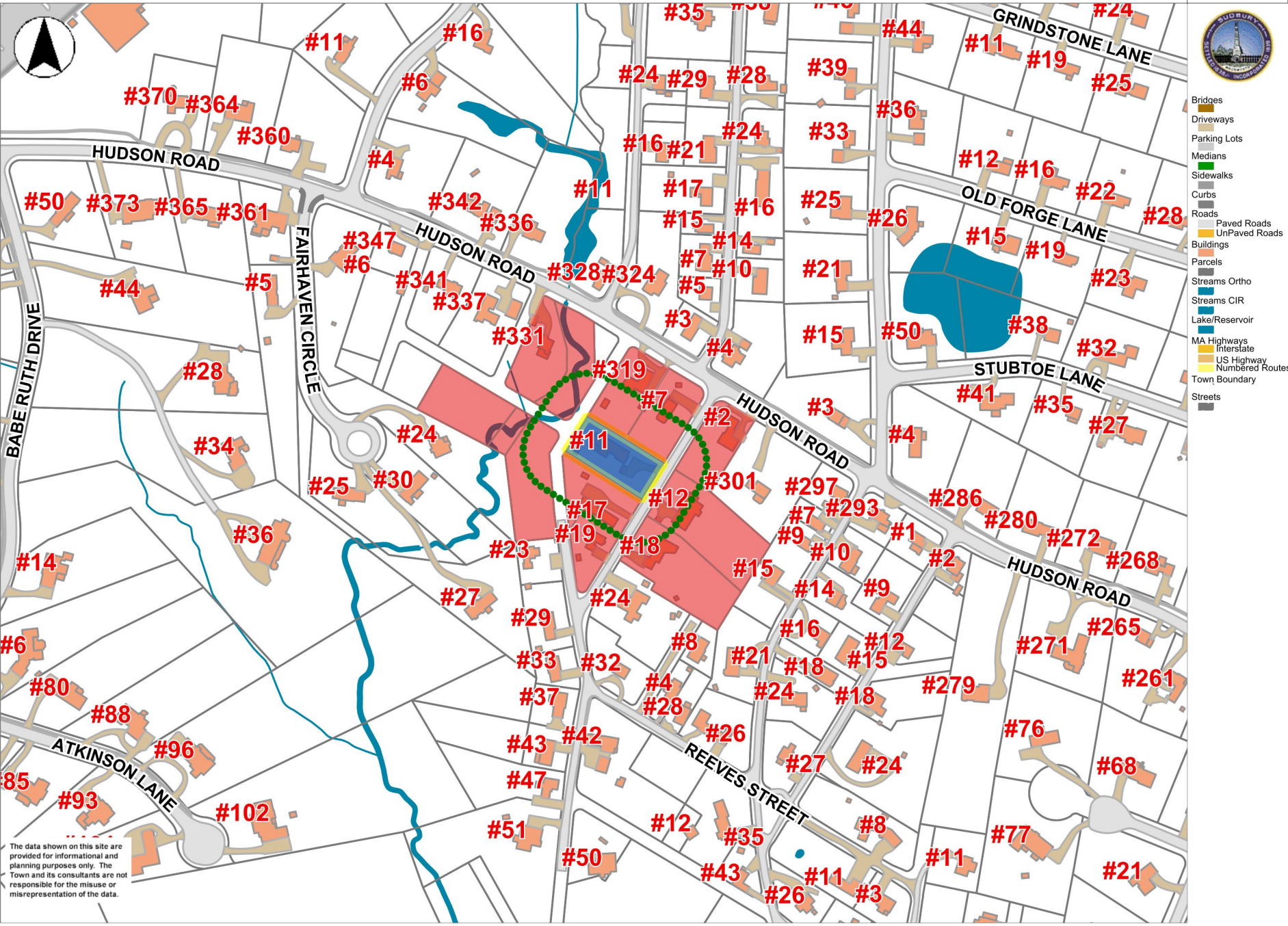
To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

Certified List of Abutters / Affidavit / Notice to Abutters

100' Abutters 11 Allene Ave 3/12/2024

abutters_id_field	abutters_owner1	abutters_owner2	abutters_address	abutters_town	abutters_state	abutters_zip	abutters_location
G06-0567	SOLEN ERIK & ASHLEY		18 ALLENE AVE	SUDBURY	MA	01776	18 ALLENE AVE
G06-0568	GOTTESMAN SCOTT & BAHAR M		12 ALLENE AVE	SUDBURY	MA	01776	12 ALLENE AVE
G06-0570	BUCHANAN STEPHEN & NATASHA		2 ALLENE AVE	SUDBURY	MA	01776	2 ALLENE AVE
G06-0571	GRIFFIN PAUL & DENISE		7 ALLENE AVE	SUDBURY	MA	01776	7 ALLENE AVE
G06-0572	PANAGOPOULOS PETER T & MARIA J	TRUSTEES PANAGOPOULOS 2020	319 HUDSON RD	SUDBURY	MA	01776	319 HUDSON RD
G06-0573	VERNOOY AVA L TRUSTEE	AVA VERNOOY TRUST	17 ALLENE AVE	SUDBURY	MA	01776	17 ALLENE AVE
G06-0574	SPEZZAFERO SCOTT		19 ALLENE AVE	SUDBURY	MA	01776	19 ALLENE AVE
G06-0575	TOWN OF SUDBURY	TREASURER	278 OLD SUDBURY ROAD	SUDBURY	MA	01776	HUDSON RD
G06-0576	HUSS BRIAN T		331 HUDSON ROAD	SUDBURY	MA	01776	331 HUDSON RD
G06-0582	TOWN OF SUDBURY	CONSERVATION	278 OLD SUDBURY ROAD	SUDBURY	MA	01776	ALLAN AVE
G06-0592	GRAY JEFFREY A & BUHR TAMI		11 ALLENE AVE	SUDBURY	MA	01776	11 ALLENE AVE

Cynthia W. Gray
Assessor's Office



The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.

0 400 800 ft

Printed on 03/12/2024 at 11:31 AM

MapsOnline

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:

- A. The name of the **Applicant** is Jeffrey Gray
- B. 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.
- C. The **address** of the lot where the activity is proposed: 11 Allene Avenue, Sudbury MA: Map G06, Parcel 0592
- D. The **proposed activity** is: Construction of detached garage that connects to the existing driveway. A native planting area/pollinator garden is also proposed to replace an area of lawn.
-
- E. A **Public Hearing** regarding this Notice of Intent will be held on:
Monday, June 3rd, 2024 at 7:00 PM.
- F. **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.
- G The public may participate in this meeting via Remote Participation:**
- From your computer, smart phone or tablet:
- _____
 - Meeting ID: _____
 - From your phone: **978-639-3366** or **470 250 9358**
- H Copies of the Notice of Intent may be examined by visiting this Website:
<https://sudbury.ma.us/conservationcommission/meetings/>
- I. Copies of the Notice of Intent may be obtained from either The Applicant, or the Applicant’s representative _____, by calling this telephone number: 978-263-8585 X207 between the hours of 7:30 AM - 4:00 PM

Note: Public Hearing Notice, including its date, time, and place, will be published at least 5 days in advance in either the Sudbury Crier or MetroWest newspapers (at the applicant’s expense).

AFFIDAAFFIDAVIT OF SERVICES

Under the Massachusetts Wetlands Protection Act
(To be submitted to the Massachusetts Department of Environmental
Protection and the Conservation Commission
When filing a Notice of Intent)

I, Debbi-Ann Sebastian, hereby certify under the pains and penalties of perjury that on _____ I gave notification to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, in connection with the following matter:

A Waiver Request filed under the Massachusetts Wetlands Protection Act by Jeffrey Gray with the Sudbury Conservation Commission on June 3rd, 2024, at 7:00 PM for the property located at 11 Allene Avenue, Sudbury, MA 01776; Map G06, Parcel 0592.

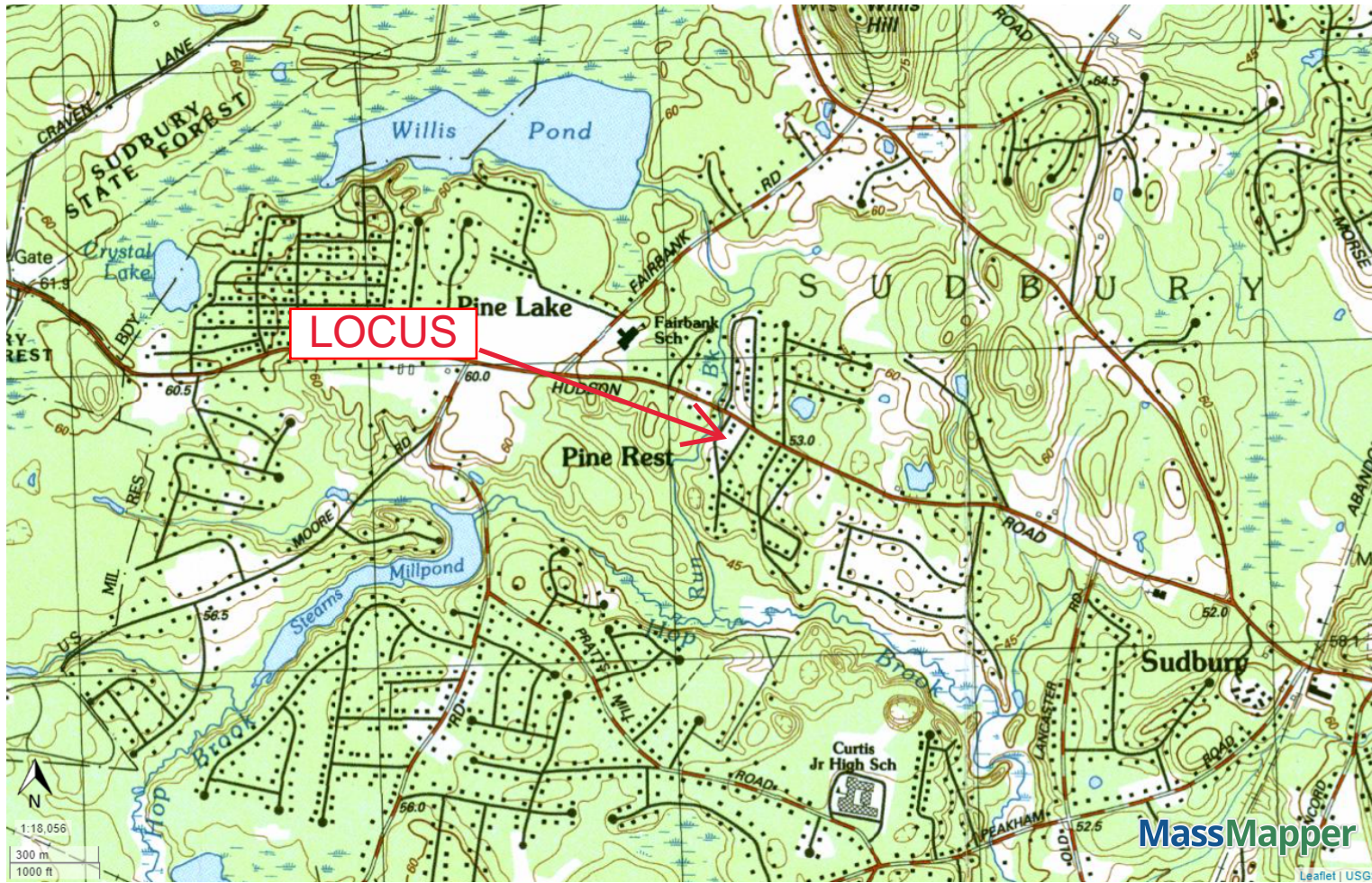
The form of notification, and a list of the abutters whom it was given and their addresses, are attached to this Affidavit of Service.

Signature: _____

Date:

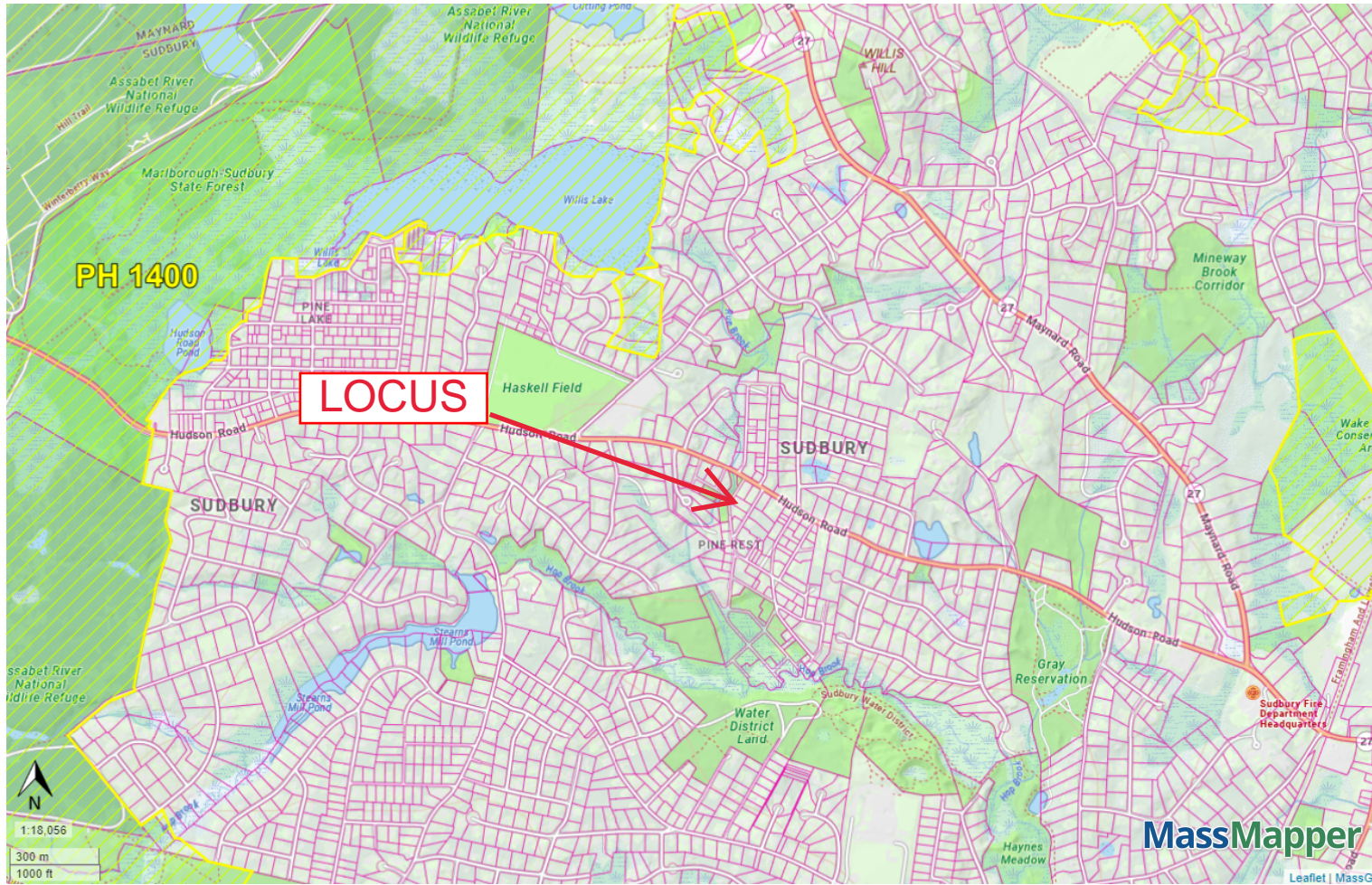
U.S.G.S. Locus Map

11 Allene Avenue



Massachusetts Natural Heritage Atlas 15th Edition

11 Allene Avenue



NHESP Priority Habitats of Rare Species



NHESP Estimated Habitats of Rare Wildlife



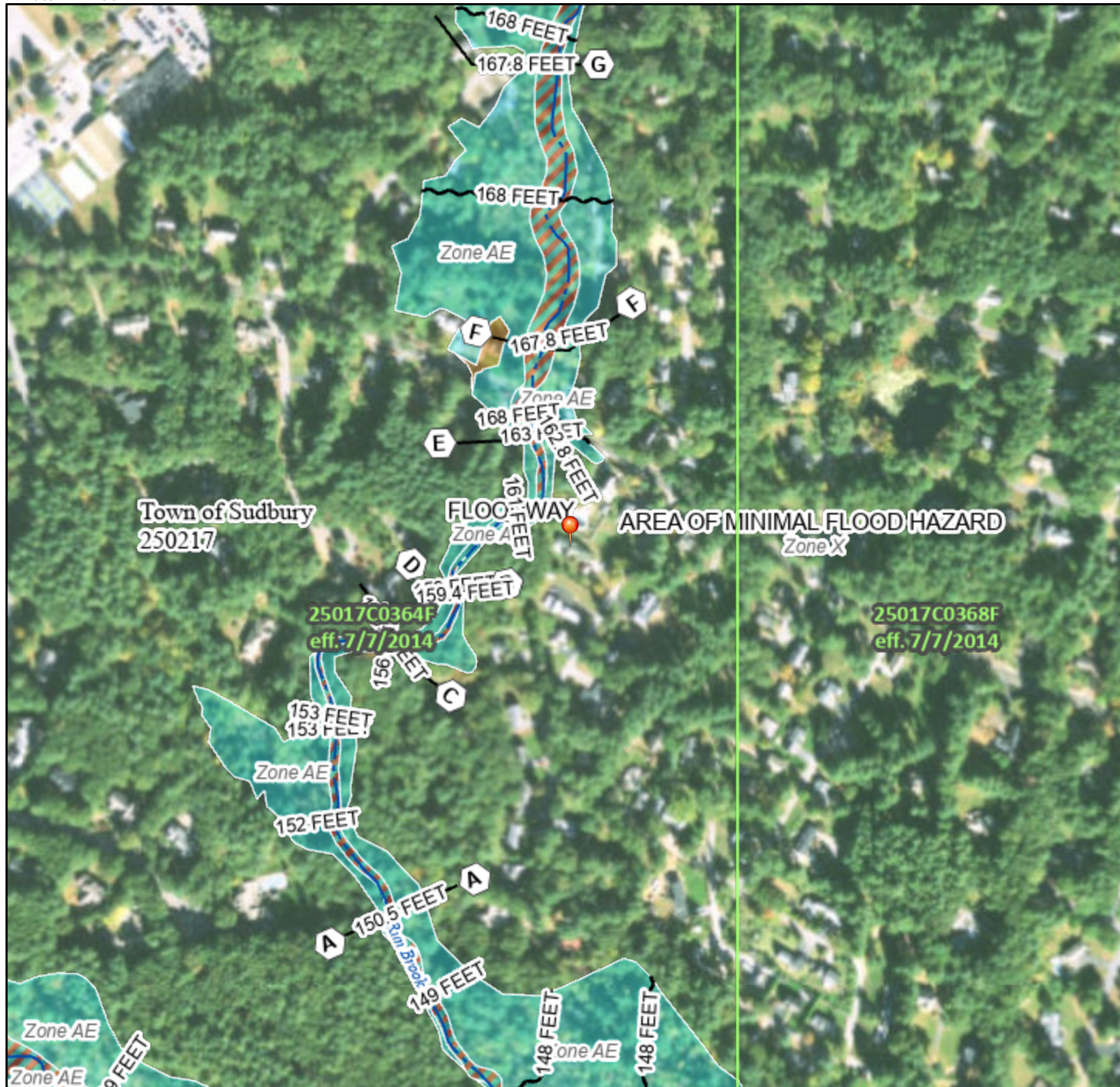
Property Tax Parcels

FEMA Map

National Flood Hazard Layer FIRMette



71°26'39"W 42°23'37"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS	Without Base Flood Elevation (BFE) Zone A, V, A99	With BFE or Depth Zone AE, AO, AH, VE, AR
	Regulatory Floodway	

OTHER AREAS OF FLOOD HAZARD	0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X	Future Conditions 1% Annual Chance Flood Hazard Zone X	Area with Reduced Flood Risk due to Levee. See Notes. Zone X	Area with Flood Risk due to Levee Zone D

OTHER AREAS	NO SCREEN Area of Minimal Flood Hazard Zone X	Effective LOMRs	Area of Undetermined Flood Hazard Zone D

GENERAL STRUCTURES	Channel, Culvert, or Storm Sewer	Levee, Dike, or Floodwall

OTHER FEATURES	Cross Sections with 1% Annual Chance Water Surface Elevation	Coastal Transect	Base Flood Elevation Line (BFE)	Limit of Study	Jurisdiction Boundary	Coastal Transect Baseline	Profile Baseline	Hydrographic Feature

MAP PANELS	Digital Data Available	No Digital Data Available	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

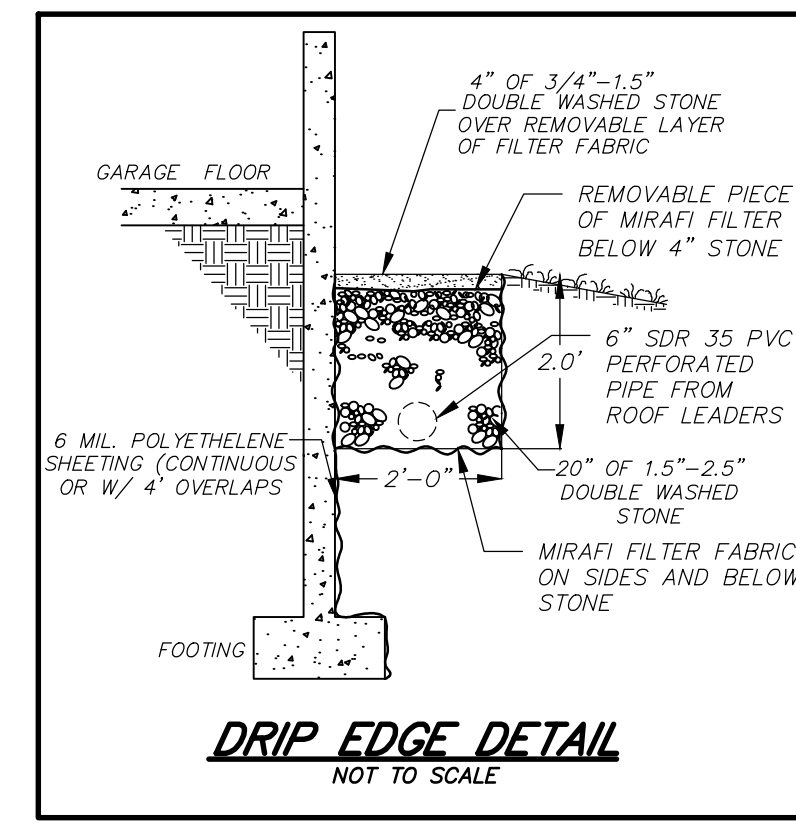
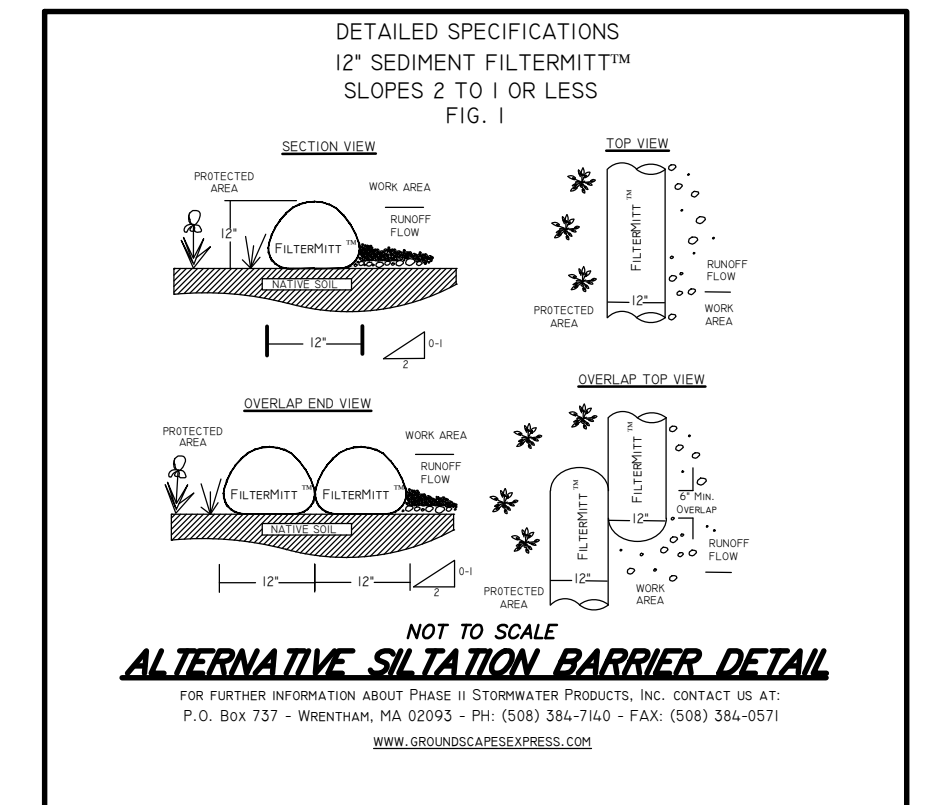
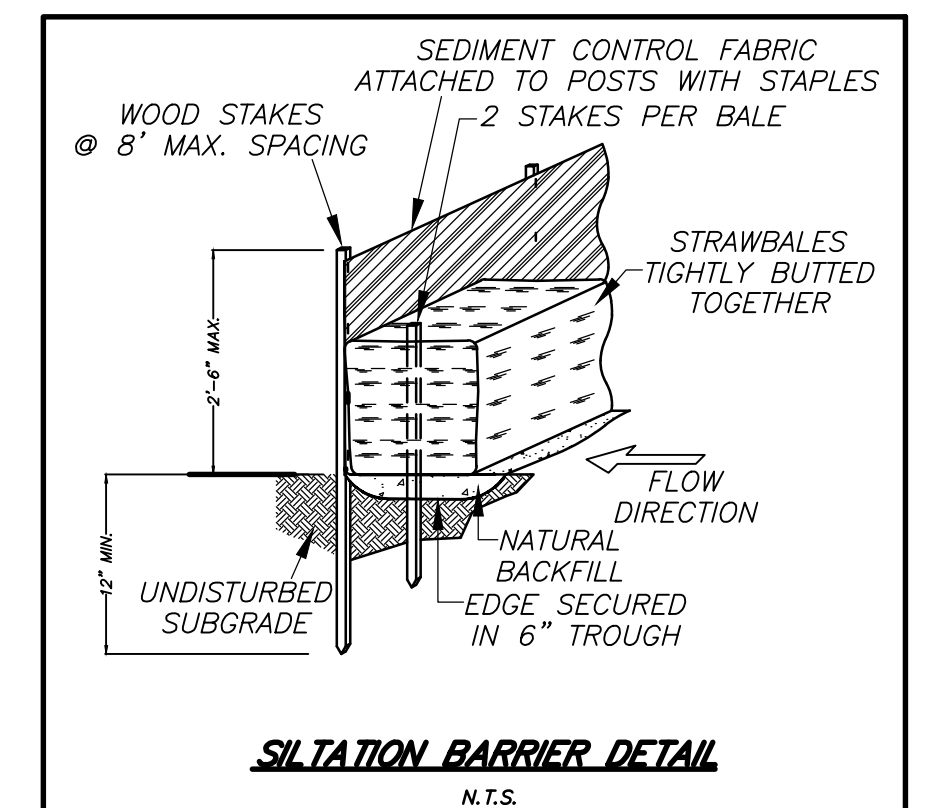
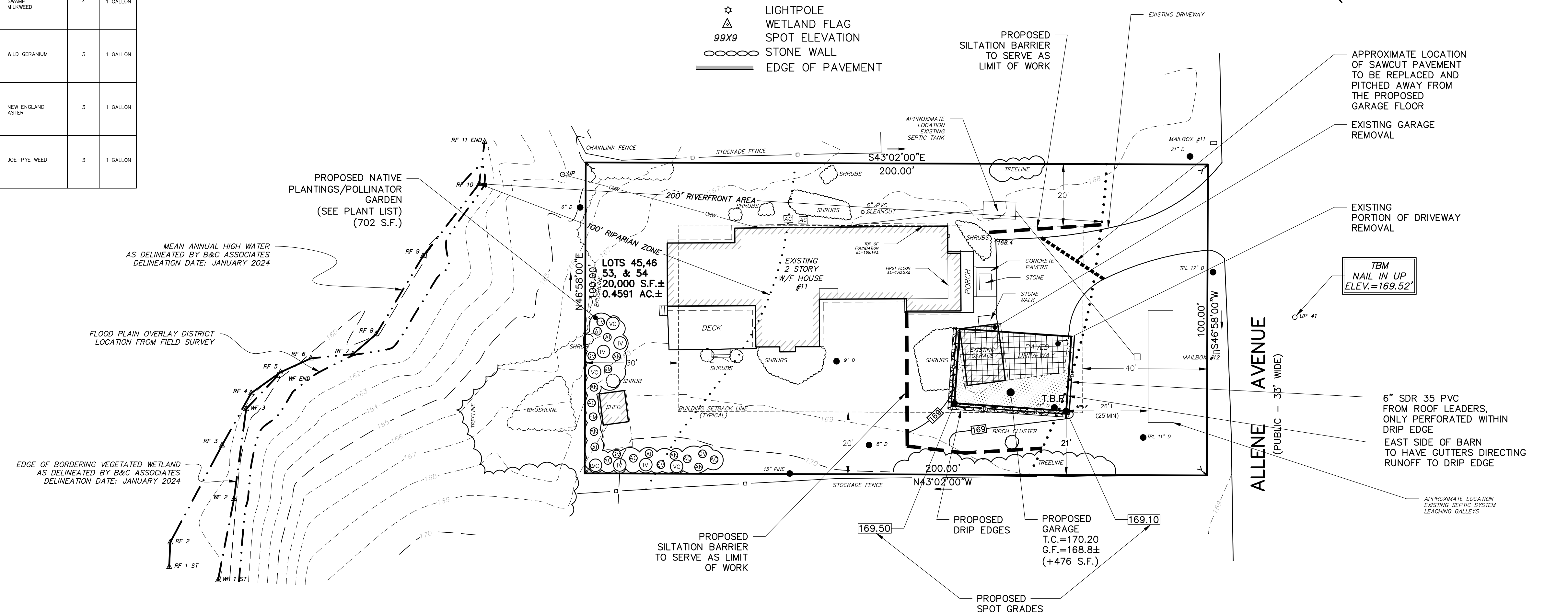
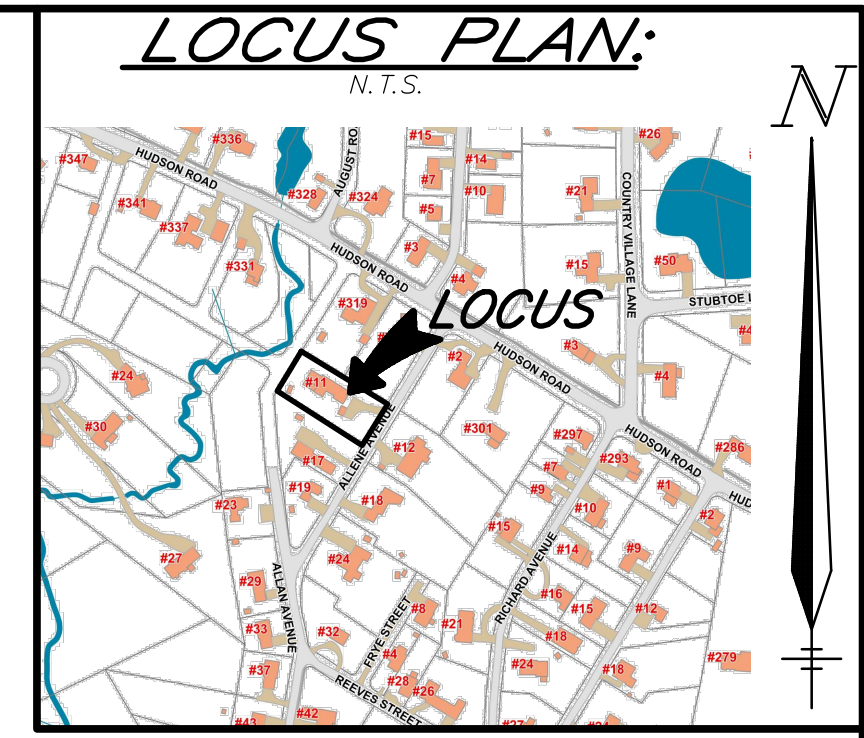
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 3/11/2024 at 3:52 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by 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.

**Wetland Permitting Plan
by Stamski And McNary, Inc**

PLANT LIST				
SYMBOL/BOTANICAL NAME	COMMON NAME	NO.	SIZE	
●	EXISTING TREE TO REMAIN	AS LISTED IN PLAN VIEW		
(V)	ILEX VERTICILLATA	WINTERBERRY	4	3-4' HT.
(VC)	VACONUM CORNIBOSUM	HIGHBUSH BLUEBERRY	4	3-4' HT.
(AC)	AQUILEGIA CANADENSIS	COLUMBINE	4	1 GALLON
(AI)	ASCLEPIAS INCARNATA	SWAMP MILKWEED	4	1 GALLON
(GM)	GERANIUM MACULATUM	WILD GERANIUM	3	1 GALLON
(AN)	ASTER NOVAE-ANGLIAE	NEW ENGLAND ASTER	3	1 GALLON
(EM)	EUTROCHUM MACULATUM	JOE-PYE WEED	3	1 GALLON

- LEGEND:**
- N/F NOW OR FORMERLY
 - OHW OVERHEAD WIRES
 - TREE
 - TREE LINE
 - UP UTILITY POLE
 - GG+ GAS GATE
 - G GAS SERVICE (BURIED)
 - WG+ WATER GATE
 - W WATER SERVICE (BURIED)
 - DMH DRAIN MANHOLE
 - D SUB-SURFACE DRAIN LINE
 - EXISTING CONTOUR
 - - - EXISTING CONTOUR
 - ☆ LIGHTPOLE
 - △ WETLAND FLAG
 - 99X9 SPOT ELEVATION
 - ○ ○ ○ STONE WALL
 - ===== EDGE OF PAVEMENT



UTILITY NOTE:

1: ALL UNDERGROUND UTILITIES SHOWN HERE WERE COMPILED ACCORDING TO AVAILABLE RECORD PLANS FROM VARIOUS UTILITY COMPANIES AND PUBLIC AGENCIES AND ARE APPROXIMATE ONLY. ACTUAL LOCATIONS MUST BE DETERMINED IN THE FIELD BEFORE DESIGNING, EXCAVATING, BLASTING, INSTALLING, BACKFILLING, GRADING, PAVEMENT RESTORATION OR REPAIRING. ALL UTILITY COMPANIES, PUBLIC AND PRIVATE, MUST BE CONTACTED INCLUDING THOSE IN CONTROL OF UTILITIES NOT SHOWN ON THIS PLAN. SEE CHAPTER 370, ACTS OF 1963 MASS. WE ASSUME NO RESPONSIBILITY FOR DAMAGES INCURRED AS A RESULT OF UTILITIES OMITTED OR INACCURATELY SHOWN. BEFORE PLANNING FUTURE CONNECTIONS THE APPROPRIATE PUBLIC UTILITY ENGINEERING DEPARTMENT MUST BE CONSULTED. DIG SAFE TELEPHONE No. 1-888-344-7233.

2: CONTRACTOR TO SECURE VALID DIGSAFE NUMBER PRIOR TO REQUESTING CONSTRUCTION LAYOUT.

RECORD OWNER
 JEFFREY A. GRAY
 TAMI BUHR
 11 ALLENE AVENUE
 SUDBURY, MA

REFERENCE
 MIDDLESEX REGISTRY OF DEEDS
 SOUTH DISTRICT
 DEED BOOK 52802 PAGE 96
 FILED PLAN No. 909

ZONING DISTRICT
 RESIDENCE A

DATUM
 NAVD OF 1988.

NOTE:
 11 ALLENE AVENUE IS NON-CONFORMING DUE TO INSUFFICIENT FRONTAGE AND AREA.

WETLAND PERMITTING PLAN
 IN
SUDBURY, MASSACHUSETTS
 (MIDDLESEX COUNTY)

FOR: **GRAY**
 SCALE: 1"=20' MAY 15, 2024

STAMSKI AND McNARY, INC.
 1000 MAIN STREET ACTON, MASSACHUSETTS
 ENGINEERING - PLANNING - SURVEYING

