




-  - runoff chamber
-  - new addition
-  - gravel driveway



4 Confidence Way, Sudbury
 Building Addition & Driveway
 Rev. 10/09/2018
 Parcel ID: K09-0003

NOTICE OF INTENT

for

35 MAPLE AVENUE



October 9, 2018

Prepared for:
Maple Meadows Condominiums
35 Maple Avenue
Sudbury, MA 01776

Prepared by:
Paul Finger Associates
14 Spring Street
Second Floor
Waltham, MA 02451
PFA No. 301-10301.00

October 9, 2018

Thomas Friedlander, Chairman
Sudbury Conservation Commission
Department of Public Works Building
275 Old Lancaster Road
Sudbury, MA 01776

Via: FedEx

Reference: Notice of Intent
35 Maple Avenue
Sudbury, MA
Project No. 301-1008.00

Dear Mr. Friedlander and Members of the Commission:

On behalf of Maple Meadows condominiums, Paul Finger Associates respectfully submits this Notice of Intent (NOI) in connection with the restoration of the riverfront area adjacent to 54 Maple Avenue and a management plan to maintain a portion of the Conservation Recreation area and septic system easement as meadow along with the control of invasive species at 35 Maple Avenue in Sudbury, Massachusetts. This application is filed in accordance with Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40, 310 CMR 10.00. The project is located entirely within previously disturbed areas. Portions of the proposed work will occur within the 200 foot Riverfront Area under the state Wetlands Protection Act (WPA).

Pursuant to the Massachusetts Wetlands Protection Act, a copy of the NOI package has been sent to the Northeast Regional Office of the Massachusetts Department of Environmental Protection (DEP). Notification to abutters regarding this NOI has been made via certified mail on this date. A copy of the abutter notification form and a list of abutters are provided in this filing.

Also enclosed are two checks in the amount of \$67.50 to cover the local portion of the state fee and \$50.00 to cover the Wetlands Bylaw filing fee. In addition, \$42.50 has been forwarded to the DEP Lock Box to cover the state portion of the NOI filing fee. Copies of the checks are provided in the NOI.

Should you have any questions or require additional information in this regard, please do not hesitate to contact us.

Very truly yours,
PAUL FINGER ASSOCIATES


Paul J. Finger RLA
President

Enclosures: Application and Site Plans
Sudbury Filing Fees (check #159 for \$67.50 and check #161 for \$50.00)
Cc: Maple Meadows Condominium
DEP Northeast Regional Office
File

H:\FDA\PFA Project Data\301-1008.00 Maple Meadows\Documents\Letters\301-1008.00_LT_35 Maple Ave NOI Cover letter 2018-10-09.doc

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SECTION 1

WPA FORM 3 - NOTICE OF INTENT FORM SUMMARY OF DOCUMENTS



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

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

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

<u>35 Maple Avenue</u>	<u>Sudbury</u>	<u>01776</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:	<u>42.358024</u>	<u>-71.417686</u>
	d. Latitude	e. Longitude
<u>K08-0020</u>	<u>20</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Mark</u>	<u>Vargo</u>	
a. First Name	b. Last Name	
<u>Maple Meadows Condominiums</u>		
c. Organization		
<u>35 Maple Avenue</u>		
d. Street Address		
<u>Sudbury</u>	<u>MA</u>	<u>01776</u>
e. City/Town	f. State	g. Zip Code
<u>617-515-0859</u>	<u>markwvargo@gmail.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	
<u>Maple Meadows Condominiums</u>		
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>Paul</u>	<u>Finger</u>	
a. First Name	b. Last Name	
<u>Paul Finger Associates, Inc.</u>		
c. Company		
<u>14 Spring Street</u>		
d. Street Address		
<u>Waltham</u>	<u>MA</u>	<u>02451</u>
e. City/Town	f. State	g. Zip Code
<u>781-647-4900</u>	<u>781-232-6307</u>	<u>pfinger@pfai.net</u>
h. Phone Number	i. Fax Number	j. Email address

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

<u>\$110</u>	<u>\$42.50</u>	<u>\$67.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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:

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A. General Information (continued)

6. General Project Description:

This Notice of Intent proposes the restoration of the riverfront area adjacent to the property at 54 Maple Avenue as well as a management plan to maintain a portion of the Conservation Recreation area and septic system easement as meadow along with the control of invasive species within this area.

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

a. County

24984

c. Book

b. Certificate # (if registered land)

146

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.



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:

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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.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
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	2. square feet

	3. cubic yards dredged	

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
d. <input type="checkbox"/> Bordering Land Subject to Flooding	_____	_____
	1. square feet	2. square feet

	3. cubic feet of flood storage lost	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	<u>Hop Brook and Allowance Brook</u>	
	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: 999,000
square feet

4. Proposed alteration of the Riverfront Area:

<u>Restoration</u>	<u>Restoration</u>	<u>Restoration and after the fact</u>
a. total square feet	b. square feet within 100 ft.	alteration 75 ft of driveway

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.



Massachusetts Department of Environmental Protection
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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.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
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
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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Provided by MassDEP:

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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

1. 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**

- 2017 _____
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*

1. 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

2. 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 <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/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.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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

Provided by MassDEP:

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

- (c) MESA filing fee (fee information available at http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/mesa/mesa_fee_schedule.htm). 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, http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/mesa/mesa_exemptions.htm; 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:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: DMF.EnvReview-South@state.ma.us

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: DMF.EnvReview-North@state.ma.us

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.



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:

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

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

- 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.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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Provided by MassDEP:

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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.
See attached List of Plans
 a. Plan Title _____
 b. Prepared By _____ c. Signed and Stamped by _____
 d. Final Revision Date _____ t _____
 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:

<u>159</u>	<u>10/3/2018</u>
2. Municipal Check Number	3. Check date
<u>160</u>	<u>10/3/2018</u>
4. State Check Number	5. Check date
<u>Paul Finger Associates, Inc.</u>	
6. Payor name on check: First Name	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:

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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

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.

Thomas Friedlander, Chairman
Sudbury Conservation Commission
Department of Public Works Building
275 Old Lancaster Rd
Sudbury, MA 01776

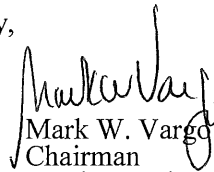
October 3, 2018

re: 35 Maple Avenue NOI

Dear Mr. Friedlander and Commissioners:

Please be informed that Maple Meadows Condominiums has authorized Paul Finger of Paul Finger Associates to sign on its behalf as Applicant and Representative before the Sudbury Conservation Commission for the sole purpose of Notice of Intent for restoration of the Riverfront Area that will apply to 35 Maple Avenue., Sudbury, MA.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark W. Vargo". The signature is written in a cursive style with a large initial "M".

Mark W. Vargo
Chairman
Maple Meadows Condominium Trust

October 9, 2018

Property Owners of Maple Meadows Condominiums

Unit 101 Barbara & Paul Lieberman
Unit 102 Joanne Gillespie & Dennis Rapa
Unit 103 Pam & Charles Wadsworth
Unit 201 Joan & Robert Lamkin
Unit 202 Elaine Burkley
Unit 203 Carole & Wayne Parrish
Unit 301 Patricia & Theodore Tabloski
Unit 302 Margaret & Cornelius Brady
Unit 303 Lynn Moore
Unit 401 Francesca Radbill
Unit 402 Phillip Katz
Unit 501 Susan & Antony Revis
Unit 502 Carol & Franz Weiberth
Unit 503 Goldie Dropkin
Unit 601 Lauren & Noah Perlman
Unit 602 Leona & Leon Goodman
Unit 701 Burton & Maxine Aaronson
Unit 702 Jeffrey Conlin
Unit 703 Karen & Mark Vargo
Unit 801 Phyllis & Edward Lubar
Unit 802 Norina Boyle
Unit 901 Maile Hulihan & Michael Couch
Unit 902 Marietta & Dan Floru
Unit 1001 Marilyn & John Sorvillo
Unit 1002 Debb Colony & Edward Tocci
Unit 1101 Richard & Viola Morse
Unit 1102 Roel & Willemina Daing
Unit 1103 Mary & Wayne Henderson

Summary of Documents

35 Maple Avenue

October 9, 2018

Page 1 of 1

No.	Document Title	Scale
	Notice of Intent Application – 35 Maple Avenue by Paul Finger Associates	N/A
L-1.0	Existing Conditions Plan	1"=100'
L-2.0	Riverfront Alteration Plan	1"=100'
L-2.1	Riverfront Alteration Plan Enlargement #1	1"=50'
L2.2	Riverfront Alteration Plan Enlargement #2	1"=50'

SECTION 2

NARRATIVE

INTRODUCTION

This Notice of Intent is filed under the Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, Section 40) (the WPA) and implementing Massachusetts Department of Environmental Protection regulations (310 CMR 10.00) (the Regulations) and the Town of Sudbury Wetland Administration Bylaw Regulations revised September 25, 2017.

The Applicant, Maple Meadows Condominiums, located at 35 Maple Avenue, Sudbury, Massachusetts, is in receipt of a Notice of Violation dated June 11, 2018 associated with the establishment of a lawn area to the north of 54 Maple Avenue within the 200-foot Riverfront of Hop Brook. In addition to the lawn encroachment within the Riverfront Area, there were lawn clippings that appear to have been placed within the Riverfront area.

This Notice of Intent proposes the restoration of the riverfront area adjacent to the property at 54 Maple Avenue as well as a management plan to maintain a portion of the Conservation Recreation area and septic system easement as meadow along with the control of invasive species within this area.

Please note that this Notice of Intent is intended to address only land under the ownership of Maple Meadows Condominium and not 54 Maple Street.

“Maple Meadows” aka “The Meadows” was approved by an ORDER OF CONDITIONS DEP & SWAB FILE #301-838 dated March 29, 2004. The property consists of 28.76 acres all of which all has experienced disturbance at different times in the past due to farming operations. The southerly property line is Allowance Brook, a perennial stream with a large floodplain. At least 80% of the property will remain undeveloped with a perpetuity conservation restriction placed on 19.6 acres. Much of the area was to remain undeveloped and was to be restored through the cleanup of years of abandoned farm debris and dumping and the planting of native species. The development is a cluster plan of 22 two-bedroom units and one one-bedroom unit on the west side of the property.

Conditions of DEP File number 301-0838 required the applicant to mow the native species meadow one time a year in the fall and to manage invasive species to prevent colonizing. In addition, a Conservation Restriction was to be established over a portion of the property.

In 2008 pursuant to Sections 31, 32 and 33 of Chapter 184 of the Massachusetts General Laws, a Conservation Restriction was granted to the Town of Sudbury, for a 19.6-acre portion of the property. One of the conditions of the transaction was also the requirement to mow the native species meadow one time a year in the fall and an allowable use includes the use or application of any fertilizer, herbicide or pesticide or other mechanical device or chemical means for the control of noxious, nuisance or invasive plant or animal species in accordance with a plan approved in writing by grantee.

Phase 1 of the project was completed but due to economic reasons site work was halted before final grading was complete. An ORDER OF CONDITIONS- DEP & SWAB FILE #301-1035 dated Feb. 22, 2010 was issued to accommodate the revised siting of the remaining units to maximize distance between the units and the new resource areas

The Orders of Conditions required eight large greenhouse foundations and portions of former greenhouse structures located all or partially within the riverfront area to be removed and the area restored as a native meadow that will be mowed one time each year. A boiler house containing asbestos was demolished and the existing gravel farm road around the perimeter of the site was converted to a narrower walking trail. All of these conditions have been complied with. It is our understanding that As Built Plans have been prepared and that other than the maintenance of the “Meadow” the project is in compliance with the issued Orders of Conditions which have now expired.

It is the applicant's intent that after an Order of Conditions has been issued on this filing, a request for a Certificate of Compliance will be submitted for approval by the Commission on the outstanding OOC's.

EXISTING CONDITIONS

General

The project site is comprised of approximately 28.76 acres. Maple Meadows Condominium occupies the south westerly portion of the site at 35 Maple Avenue.

See Figure 1 for the location of the parcel comprising the project site.

Wetland Resources

While the Parcel contains all resource areas including, but not limited to, BVW, Bank, BLSF and LUWW, the proposed activities will take place in only the Riverfront Area and buffer zone to BVW and Bank. The parcel is within the Riverfront Area and the 100-foot Buffer Zone associated with the Hop Brook and Allowance Brook, which flow generally easterly.

Consistent with all previous NOI's filed on the property, no attempt was made to confirm the exact 200' riverfront area through the identification of mean annual high water as it was felt to be unnecessary due to the disturbed state of the entire property.

The following briefly describes the wetland resource areas located on the site. Plan L-2.0 generally depicts the locations and boundaries of these site resource areas.

Buffer Zone (310 CMR 10.02)

The Buffer Zone extends 100 feet horizontally from the Bank and Bordering Vegetated Wetland whichever is greater.

Riverfront Area (310 CMR 10.58)

Amendments to the WPA added to G.L. c. 131 s. 40 provide definitions for the term "Riverfront Area", including a general definition of the Riverfront Area as the area 200 feet from a river's mean annual high-water line (MAHW).

Estimated Habitats of Rare Wildlife (for inland wetlands) (310 CMR 10.59)

In accordance with the most recent 2017 Natural Heritage Endangered Species Program (NHESP) Map, the site is not located within Estimated Habitat of Rare Wildlife or Priority Habitat of Rare Species, and the site does not contain potential or certified vernal pools. See Figure 2.

PROPOSED WORK IN RESOURCE AREAS

The project as proposed and conditioned in this Order qualifies as reuse of a degraded or previously developed area; existing conditions will be greatly improved; and no work shall occur within the 100' inner riparian area except for restoration, a minor amount of septic grading, and the construction of the trail as shown on the referenced plan.

No attempt was made to confirm the exact 200' riverfront area through the identification of mean annual high water as it was felt to be unnecessary due to the disturbed state of the entire property.

The site plan for the project also included a 50-foot-wide access to the Septic area which we understand was set aside for the purposes of maintenance access to the "Meadow" and for maintenance of the septic system. The 50-foot easement was modified several times to allow for the construction of two single family homes at 54 Maple Ave and 55 Maple Avenue.

The developer of Maple Meadows Condominium was also the developer of the single-family residences at 54 and 55 Maple Avenue. As a result, there were modifications to the property line and the establishment of several easements. The following summarizes the alterations of the RA on the site. In addition to the establishment of a residential lawn, a small portion of the residential driveway for 54 Maple Avenue was constructed on 35 Maple Avenue within an easement that was established by the developer. This driveway also falls within the RA. According to the property owner of 54 Maple Avenue, the developer was also responsible for the grading of the site and they seeded the area and installed an irrigation system.

Description	Existing Area (SF)	%	Proposed (SF)	%
Total Riverfront Area (35 Maple Avenue)	999,000 +/-	N/A	N/A	N/A
Existing Driveway (For 54 Maple)	75 +/-		75 +/-	
Maple Meadows (Phase 1)	30,000 +/-		30,000 +/-	
Conversion to residential lawn (North Side) Inner Riparian Zone	0		0 (to be restored)	
Conversion to residential lawn (North Side) Outer Riparian Zone	7,000 +/-		0 (To be restored)	
Total				

Also, with additional analysis, 2,300 +/- sf of the residential lawn was established in the Conservation Restriction which is a prohibited activity. This area will be restored to "Meadow".

The project improvements on site include restoration of the riverfront that has been planted as a bluegrass lawn. In addition, the applicant is submitting a proposed plan for the restoration of the "Meadow" for the Commission's approval. The "Meadow" management is attached to the NOI in Section 6.

COMPLIANCE WITH WETLAND RESOURCE PERFORMANCE STANDARDS

Buffer Zone (310 CMR 10.02)

The only activity that is proposed within the 100-foot Buffer Zone from the bank and Bordering Vegetated Wetland is the restoration of the "Meadow". Specific measures are proposed to minimize earth disturbance within the buffer zone. No erosion controls are anticipated to be required.

Bank (310 CMR 10.54)

There is no work with the Bank on site and therefore this performance standard is not applicable to the project.

Bordering Vegetated Wetland (310 CMR 10.55)

There is no work proposed within BVW on site, and therefore this performance standard is not applicable to the project.

Land Under Waterbodies and Waterways (LUWW) (310 CMR 10.56)

There is no work proposed within LUWW on site, and therefore this performance standard is not applicable to the project.

Bordering Land Subject to Flooding (BLSF) (310 CMR 10.57)

There is no work proposed within BLSF on site and therefore this performance standard is not applicable to the project.

Riverfront Area (310 CMR 10.58)

The Riverfront Area extends 200 feet from the Bank of the Hop and Allowance Brooks.

No work is proposed within the 100-foot inner riparian zone portion of the 200-foot Riverfront Area.

Specific work within the remaining outer 100 feet of the 200-foot Riverfront Area includes the majority of the restoration work.

The project meets the regulatory definition of Redevelopment within Previously Developed Riverfront Areas, and therefore, the performance standards provided under 310 CMR 10.58(5) apply to the project.

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 a previously developed riverfront area, provided the proposed work improves existing conditions. Redevelopment means the replacement, rehabilitation or expansion of existing structures, improvement of existing roads, **or reuse of degraded or previously developed areas. A previously developed riverfront area contains areas degraded prior to August 7, 1996 by impervious surfaces from existing structures or pavement, the absence of topsoil,** junkyards, or abandoned dumping grounds. Work to redevelop previously developed riverfront areas shall conform to the following criteria:

(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.

(b) Stormwater management is provided according to standards established by the Department.

(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).

(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).

(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 310 CMR 10.58(5)(f) or (g).

(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) (c), (d), and (e) at a ratio in square feet of at least 1:1 of 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;
2. Grading to a topography which reduces runoff and increases infiltration;
3. Coverage by topsoil at a depth consistent with natural conditions at the site; and
4. Seeding and planting with an erosion control seed mixture, followed by plantings of herbaceous and woody species appropriate to the site;

(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 are undertaken voluntarily by the applicant which will support a determination by the issuing authority of no significant adverse impact.

The following summarizes the project's compliance with the performance standards:

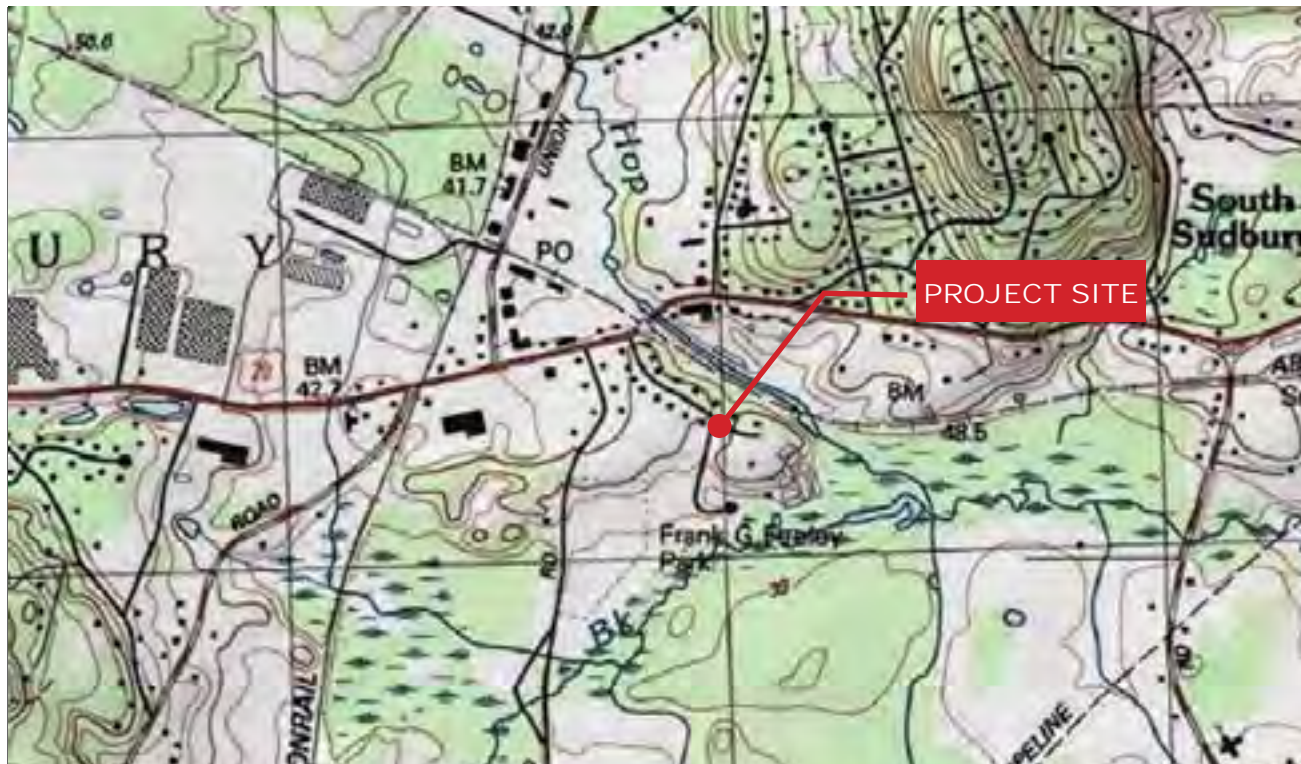
The project will substantially improve existing Riverfront Area by restoring a section of the Riverfront that was converted to a residential lawn to a "Meadow" using native plant material.

Based on the above, the project meets the applicable performance standards for Redevelopment Within a Previously Developed Riverfront Area as provided in 310 CMR 10.58(5).

SECTION 3

SITE LOCUS MAP
NHESP ESTIMATED HABITAT OF RARE WILDLIFE MAP

Fig. 1
USGS Locus



Source: MassGIS
Scale: Not to Scale
PFA No. 301-1008.00

35 Maple Avenue
Sudbury, MA

Fig. 2
National Heritage and Endangered Species Map



LEGEND



Source: MassGIS, NHESP Estimated Habitat of Rare Wildlife
 Scale: Not to Scale
 PFA No. 301-1008.00

35 Maple Avenue
Sudbury, MA

SECTION 4

**AFFIDAVIT OF SERVICE
ABUTTER NOTIFICATION
PROJECT ABUTTERS**

AFFIDAVIT OF SERVICE

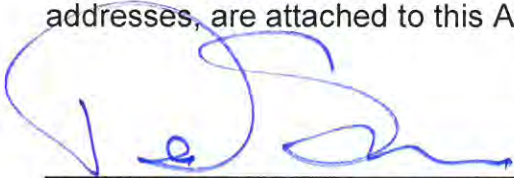
**Under the Massachusetts Wetlands Protection Act
for Filing under the State Wetlands Act**

(to be submitted to the Massachusetts Department of Environmental Protection and the Andover Conservation Commission when filing a Notice of Intent)

I, Paul J. Finger, hereby certify under the pains and penalties of perjury that on October 9, 2018, I gave notification to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the DEP Guide to Abutter Notification dated April 8, 1994 and revised in 2012, in connection with the following matter:

A Request for an Order of Conditions filed under the Massachusetts Wetlands Protection Act by Maple Meadows Condominium with the Sudbury Conservation Commission on October 9, 2018 for the proposed project at 35 Maple Avenue, Sudbury, MA.

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



Paul Finger Associates, Inc.

October 9, 2018

Date

**Notification to Abutters Under the
Massachusetts Wetlands Protection Act**

In accordance with the second paragraph of Massachusetts General Law Chapter 131, Section 40, you are hereby notified of the following.

- A. The name of the applicant is Maple Meadows Condominium
- B. The applicant has filed a Notice of Intent with the Conservation Commission for the municipality of Sudbury is seeking permission to remove, fill, dredge, or alter an Area Subject to Protection Under the Wetlands Protection Act (General Laws Chapter 131, Section 40).
- C. The address of the lot where the activity is proposed is 35 Maple Avenue
- D. Copies of the Notice of Intent may be examined at Sudbury Conservation Commission Office – 275 Old Lancaster Road, Sudbury, MA 01776 between the hours of 9:00 AM and 4:00 PM on the following days of the week:
Monday - Friday
For more information call: (978) 440-5471.
Check one: This is the applicant , representative , or other (specify):
Conservation Commission
- E. Copies of the Notice of Intent may be obtained from either (check one) the applicant , or the applicant's representative , by calling this telephone number (781) 647-4900 between the hours of 9:00 AM and 5:00 PM on the following days of the week:
Monday through Friday
- F. Information regarding the date, time, and place of the public meeting may be obtained from SSudbury Conservation Commission by calling this telephone number (978) 623-8630 between the hours of 9:00 AM and 4:00 PM on the following days of the week:
Monday - Friday.
Check one: This is the applicant , representative , or other (specify):
Conservation Commission

Note: Notice of the public hearing, including its date, time, and place, will be published at least five (5) days in advance in the Sudbury Town Crier

Note: Notice of the public hearing, including its date, time, and place, will be posted in the City or Town Hall not less than forty-eight (48) hours in advance.

Note: You may also contact your local Conservation Commission or the nearest Department of Environmental Protection Regional Office for more information about this application or the Wetlands Protection Act. To contact DEP, call:

Central Region: 508-792-7650
Southeast Region: 508-946-2700

Northeast Region: 978-694-3200
Western Region: 413-784-1100

abutters_id_field	abutters_owner1	abutters_owner2	abutters_address	abutters_address	abutters_town	_state	zip	abutters_location
K08-0019	MACDONALD JAMES R &	TEPLOW DEBORAH R	31 MAPLE AVE		SUDBURY	MA	01776	31 MAPLE AVE
K08-0021	VELLOM DANIEL C		28 MAPLE AVE		SUDBURY	MA	01776	28 MAPLE AVE
K08-0026	GOLDBERG KENNETH M TRS	C/O INTRUM CORP	60 WELLS AVENUE STE 100		NEWTON	MA	02459	383 BOSTON POST RD
K08-0026	GOLDBERG KENNETH M TRS	C/O INTRUM CORP	60 WELLS AVENUE STE 100		NEWTON	MA	02459	365 BOSTON POST RD
K08-0026	GOLDBERG KENNETH M TRS	C/O INTRUM CORP	60 WELLS AVENUE STE 100		NEWTON	MA	02459	361 BOSTON POST RD
K08-0026	GOLDBERG KENNETH M TRS	C/O INTRUM CORP	60 WELLS AVENUE STE 100		NEWTON	MA	02459	385-G BOSTON POST RD
K08-0026	GOLDBERG KENNETH M TRS	C/O INTRUM CORP	60 WELLS AVENUE STE 100		NEWTON	MA	02459	359 BOSTON POST RD
K09-0069	MASS BAY TRANSPORTATION AUTH		50 HIGH ST		BOSTON	MA	02110	MAPLE AVE
K09-0071	LEIBOWITZ HENRY & PEPPI JOELLE		50 MAPLE AVE		SUDBURY	MA	01776	50 MAPLE AVE
K09-0072	AINSWORTH MARY JANE		44 MAPLE AVE		SUDBURY	MA	01776	44 MAPLE AVE
K09-0073	COXALL HAROLD		15 PINE ST		WELLESLEY	MA	02481	34 MAPLE AVE
K09-0074	GRIFFITH DAVID & ELIZABETH		55 MAPLE AVE		SUDBURY	MA	01776	55 MAPLE AVE
K09-0059-0-1	THOMPSON ROBERT J		5 APPLESEED DR		WESTBOROUGH	MA	01581	321 BOSTON POST RD
K09-0059-0-2	FEE MICHAEL C & HART CHARLES F		321 BOSTON POST RD		SUDBURY	MA	01776	321 BOSTON POST RD
K09-0059-0-2A1	ANDERSON ROBERT M TRS	RMA REALTY TRUST	321 BOSTON POST RD		SUDBURY	MA	01776	321 BOSTON POST RD UNIT A
K09-0059-0-2B1	ANDERSON ROBERT M TRS	RMA REALTY TRUST	321 BOSTON POST RD		SUDBURY	MA	01776	321 BOSTON POST RD UNIT B
K09-0059-0-3A1	POYDAR HENRY R TRS	IVY REALTY TRUST	76 BIRCHWOOD LN		LINCOLN	MA	01773	321 BOSTON POST RD UNIT A
K09-0059-0-3B1	POYDAR HENRY R TRS	IVY REALTY TRUST	76 BIRCHWOOD LN		LINCOLN	MA	01773	321 BOSTON POST RD UNIT B
K09-0059-0-3C1	PEDULLA BARBARA M	TRUSTEE OF THE BARBARA M	321 BOSTON POST RD UNIT 3C		SUDBURY	MA	01776	321 BOSTON POST RD UNIT C
K09-0059-0-3D1	PRCC LLC		321 BOSTON POST RD UNIT 3D		SUDBURY	MA	01776	321 BOSTON POST RD UNIT D
K09-0059-0-4A1	RPG PROPERTIES LLC		321 BOSTON POST RD	UNIT 4A 4B	SUDBURY	MA	01776	321 BOSTON POST RD UNIT A
K09-0059-0-4B1	RPG PROPERTIES LLC		321 BOSTON POST RD	UNIT 4A 4B	SUDBURY	MA	01776	321 BOSTON POST RD UNIT B
K09-0059-0-4C1	NICKERSON GLENDON B & GLENDON	B JR & DAVID A TRS	321 BOSTON POST RD SUITE 4C		SUDBURY	MA	01776	321 BOSTON POST RD UNIT C
K09-0059-0-1A3	SALVIA PETER M & SUSAN W		45 BISHOP LANE		SUDBURY	MA	01776	323 BOSTON POST RD UNIT A
K09-0059-0-1B3	SALVIA PETER M & SUSAN W		45 BISHOP LANE		SUDBURY	MA	01776	323 BOSTON POST RD UNIT B
K09-0059-0-1C3	GERBE THOMAS		323 BOSTON POST RD UNIT 1C		SUDBURY	MA	01776	323 BOSTON POST RD UNIT C
K09-0059-0-2A3	STONE LAURA & RICHARD		323 2A BOSTON POST RD		SUDBURY	MA	01776	323 BOSTON POST RD UNIT A
K09-0059-0-2B3	HELWIG MARK W & RUTHIE		18 NADINE RD		FRAMINGHAM	MA	01701	323 BOSTON POST RD UNIT B
K09-0059-0-2C3	HELWIG MARK W & RUTHIE		18 NADINE RD		FRAMINGHAM	MA	01701	323 BOSTON POST RD UNIT C
K09-0059-0-2D3	HELWIG MARK W & RUTHIE		18 NADINE RD		FRAMINGHAM	MA	01701	323 BOSTON POST RD UNIT D
K09-0059-0-3A3	323 BOSTON POST ROAD REALTY LL		323 BOSTON POST RD STE 3A		SUDBURY	MA	01776	323 BOSTON POST RD UNIT A
K09-0059-0-3B3	323 BOSTON POST ROAD REALTY LL		323 BOSTON POST RD STE 3A		SUDBURY	MA	01776	323 BOSTON POST RD UNIT B
K09-0059-0-3C3	LOPILATO PAUL V &	LAFRATTA PHILIP J	323 BOSTON POST RD UNIT 3C		SUDBURY	MA	01776	323 BOSTON POST RD UNIT C
K09-0059-0-3D3	LOPILATO PAUL V &	LAFRATTA PHILIP J	323 BOSTON POST RD UNIT 3D		SUDBURY	MA	01776	323 BOSTON POST RD UNIT D
K09-0059-0-4A3	RONG QING DU		323 BOSTON POST RD 4A		SUDBURY	MA	01776	323 BOSTON POST RD UNIT A
K09-0059-0-4B3	RONG QING DU		323 BOSTON POST RD 4A		SUDBURY	MA	01776	323 BOSTON POST RD UNIT B
K09-0059-0-4C3	SUITE 4C LLC		323 BOSTON POST RD 4C		SUDBURY	MA	01776	323 BOSTON POST RD UNIT C
K09-0059-0-15	O`CONNOR REALTY GROUP LLC		325 BOSTON POST RD UNIT 1		SUDBURY	MA	01776	325 BOSTON POST RD
K09-0059-0-25	POST ROAD PROPERTIES LLC		26 SPRING ST		SUDBURY	MA	01776	325 BOSTON POST RD
K09-0059-0-35	ARCH PROPERTY GROUP LLC		3 BROOKSIDE FARM LN		SUDBURY	MA	01776	325 BOSTON POST RD
K09-0059-0-45	MCGLYNN PARTNERS LLC		325 BOSTON POST ROAD		SUDBURY	MA	01776	325 BOSTON POST RD
K09-0057-0-1A	SPENCER THOMAS W JR		327A BOSTON POST RD		SUDBURY	MA	01776	327 BOSTON POST RD UNIT A
K09-0057-0-1B	PEDO REALTY LLC		45 MEADOWBROOK CIR		SUDBURY	MA	01776	327 BOSTON POST RD UNIT B
K09-0057-0-1C	STRAUS MERRIL & ELLEN		327 BOSTON POST RD SUITE C		SUDBURY	MA	01776	327 BOSTON POST RD UNIT C
K09-0057-0-1D	YAFFE PETER E & STEINBERG	CAROL S TRS PETER E YAFFE TRS	327 BOSTON POST RD		SUDBURY	MA	01776	327 BOSTON POST RD UNIT D

K09-0057-0-1E	DICKMAN ERIC S		327 BOSTON POST RD UNIT 1E		SUDBURY	MA	01776	327 BOSTON POST RD UNIT E
K09-0057-0-1F	CTA REAL ESTATE HOLDINGS LLC		327 F BOSTON POST RD		SUDBURY	MA	01776	327 BOSTON POST RD UNIT F
K09-0057-0-11A	KARASSIK PETER S TRS	PETERS REALTY TRUST	329A BOSTON POST ROAD		SUDBURY	MA	01776	329 BOSTON POST RD UNIT A
K09-0057-0-11B	SHANNON PRODUCTS CORP		329 BOSTON POST RD, UNIT 2B		SUDBURY	MA	01776	329 BOSTON POST RD UNIT B
K09-0057-0-11C	CTA REAL ESTATE HOLDINGS LLC		327 F BOSTON POST RD		SUDBURY	MA	01776	329 BOSTON POST RD UNIT C
K09-0057-0-11D	CTA REAL ESTATE HOLDINGS LLC		327 F BOSTON POST RD		SUDBURY	MA	01776	329 BOSTON POST RD UNIT D
K10-0041	TOWN OF SUDBURY	CONSERVATION	278 OLD SUDBURY ROAD		SUDBURY	MA	01776	LANDHAM RD
L08-0011	MCCARTHY ELIZABETH A &	MCCARTHY FREDERIC F JR& AMY L	598 BOSTON POST RD		SUDBURY	MA	01776	LANDHAM RD
L08-0012	TOWN OF SUDBURY FEELEY FIELD	PARK & RECREATION	278 OLD SUDBURY ROAD		SUDBURY	MA	01776	200 RAYMOND RD
L08-0013	TOWN OF SUDBURY	CONSERVATION	278 OLD SUDBURY ROAD		SUDBURY	MA	01776	RAYMOND RD
L09-0002	SUDBURY VALLEY TRUSTEES INC		18 WOLBACH RD		SUDBURY	MA	01776	LANDHAM RD
L09-0003	SUDBURY VALLEY TRUSTEES INC		18 WOLBACH RD		SUDBURY	MA	01776	COOLIDGE LN
K09-0081	TOWN OF SUDBURY	C/O CONSERVATION COMISSION	278 OLD SUDBURY RD		SUDBURY	MA	01776	0 BOSTON POST RD
K09-5000	MASS BAY TRANSPORTATION		10 PARK PLAZA		BOSTON	MA	02116	RAILWAY
K08-0020-0-101	LIEBERMAN PAUL E & BARBARA J		35 MAPLE AVE	UNIT 101	SUDBURY	MA	01776	35 MAPLE AVE UNIT 101
K08-0020-0-102	RAPA DENNIS MD &	GILLESPIE JOANNE	35 MAPLE AVE	UNIT 102	SUDBURY	MA	01776	35 MAPLE AVE UNIT 102
K08-0020-0-103	WADSWORTH PAMELA R & CHARLES K		35 MAPLE AVE	UNIT 103	SUDBURY	MA	01776	35 MAPLE AVE UNIT 103
K08-0020-0-901	HULIHAN MAILE		35 MAPLE AVE	UNIT 901	SUDBURY	MA	01776	35 MAPLE AVE UNIT 901
K08-0020-0-902	FLORU DAN & MARIETTA		35 MAPLE AVE	UNIT 902	SUDBURY	MA	01776	35 MAPLE AVE UNIT 902
K08-0020-0-701	AARONSON BURTON C & MAXINE		35 MAPLE AVE	UNIT 701	SUDBURY	MA	01776	35 MAPLE AVE UNIT 701
K08-0020-0-201	LAMKIN ROBERT B & JOAN R		35 MAPLE AVE	UNIT 201	SUDBURY	MA	01776	35 MAPLE AVE UNIT 201
K08-0020-0-202	BURKLEY ELAINE J	TRUSTEE OF MAPLE MEADOWS	35 MAPLE AVE	UNIT 202	SUDBURY	MA	01776	35 MAPLE AVE UNIT 202
K08-0020-0-203	PARRISH R WAYNE & CAROLE B	TRUSTEES OF THE PARRISH	35 MAPLE AVE	UNIT 203	SUDBURY	MA	01776	35 MAPLE AVE UNIT 203
K08-0020-0-601	PERLMAN NOAH & LAUREN		35 MAPLE AVE	UNIT 601	SUDBURY	MA	01776	35 MAPLE AVE UNIT 601
K08-0020-0-401	RADBILL FRANCESCA		35 MAPLE AVE	UNIT 401	SUDBURY	MA	01776	35 MAPLE AVE UNIT 401
K08-0020-0-402	KATZ PHILIP		35 MAPLE AVE	UNIT 402	SUDBURY	MA	01776	35 MAPLE AVE UNIT 402
K08-0020-0-501	REVIS SUSAN M & ANTONY		35 MAPLE AVE UNIT 501		SUDBURY	MA	01776	35 MAPLE AVE UNIT 501
K08-0020-0-502	WEIBERTH FRANZ J & CAROL L		35 MAPLE AVE UNIT 502		SUDBURY	MA	01776	35 MAPLE AVE UNIT 502
K08-0020-0-602	GOODMAN LEON & LEONA		35 MAPLE AVE	UNIT 602	SUDBURY	MA	01776	35 MAPLE AVE UNIT 602
K08-0020-0-702	CONLIN JEFFREY L		35 MAPLE AVE	UNIT 702	SUDBURY	MA	01776	35 MAPLE AVE UNIT 702
K08-0020-0-703	VARGO MARK W & KAREN M		35 MAPLE AVE	UNIT 703	SUDBURY	MA	01776	35 MAPLE AVE UNIT 703
K08-0020-0-802	NORINA BOYLE		35 MAPLE AVE UNIT 802		SUDBURY	MA	01776	35 MAPLE AVE UNIT 802
K08-0020-0-801	LUBAR EDWARD & PHYLLIS TRS	MAPLE AVENUE REALTY TRUST	35 MAPLE AVE UNIT 801		SUDBURY	MA	01776	35 MAPLE AVE UNIT 801
K08-0020-0-503	DROPKIN GOLDIE		35 MAPLE AVE UNIT 503		SUDBURY	MA	01776	35 MAPLE AVE UNIT 503
K08-0020-0-301	TABLOSKI THEODORE F & PATRICIA A		35 MAPLE AVE UNIT 301		SUDBURY	MA	01776	35 MAPLE AVE UNIT 301
K08-0020-0-302	BRADY CORNELIUS W & MARGARET		35 MAPLE AVE UNIT 302		SUDBURY	MA	01776	35 MAPLE AVE UNIT 302
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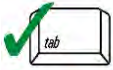
SECTION 5

**WETLAND FEE TRANSMITTAL
COPY OF FILING FEE CHECKS**



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:

<u>35 Maple Avenue</u>	<u>Sudbury</u>
a. Street Address	b. City/Town
<u>160</u>	<u>\$42.50</u>
c. Check number	d. Fee amount

2. Applicant Mailing Address:

<u>Mark</u>	<u>Vargo</u>	
a. First Name	b. Last Name	
<u>Maple Meadows Condominiums</u>		
c. Organization		
<u>35 Maple Avenue</u>		
d. Mailing Address		
<u>Sudbury</u>	<u>MA</u>	<u>01776</u>
e. City/Town	f. State	g. Zip Code
<u>617-515-0859</u>	<u>markwvargo@gmail.com</u>	
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

<u></u>	<u></u>	
a. First Name	b. Last Name	
<u></u>		
c. Organization		
<u></u>		
d. Mailing 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

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
Restoration	1	1	\$110
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Step 5/Total Project Fee: _____

Step 6/Fee Payments:

Total Project Fee:	\$110
State share of filing Fee:	\$42.50
City/Town share of filing Fee:	\$67.50
	a. Total Fee from Step 5
	b. 1/2 Total Fee less \$12.50
	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.)

Paul Finger Associates, Inc.
14 Spring Street, Suite 2
Waltham, MA. 02451
(781) 647-4900

SANTANDER BANK, NA
One Moody Street
Waltham, MA 02451
60-7269/2313

159

10/3/2018


PAY TO THE ORDER OF Town of Sudbury

\$ **67.50

Sixty-Seven and 50/100***** DOLLARS

PROTECTED AGAINST FRAUD

Town of Sudbury
322 Concord Road
Sudbury, MA 01776



MEMO
NOI for 35 Maple Ave

⑈000 159⑈ ⑆231372691⑆ 3571349067⑈

Paul Finger Associates, Inc.
14 Spring Street, Suite 2
Waltham, MA. 02451
(781) 647-4900

SANTANDER BANK, NA
One Moody Street
Waltham, MA 02451
60-7269/2313

160

10/3/2018

PAY TO THE ORDER OF Commonwealth of Massachusetts

\$ **42.50

Forty-Two and 50/100***** DOLLARS

PROTECTED AGAINST FRAUD

Department of Environmental Protection
Box 4062
Boston, MA 02211



MEMO
NOI for 35 Maple Ave., Sudbury, MA

⑈000 160⑈ ⑆231372691⑆ 3571349067⑈

Paul Finger Associates, Inc.
14 Spring Street, Suite 2
Waltham, MA. 02451
(781) 647-4900

SANTANDER BANK, NA
One Moody Street
Waltham, MA 02451
60-7269/2313

161

10/3/2018

PAY TO THE ORDER OF Town of Sudbury

\$ **50.00

Fifty and 00/100***** DOLLARS

PROTECTED AGAINST FRAUD

Town of Sudbury
322 Concord Road
Sudbury, MA 01776



MEMO
Wetlands ByLaw Filing Fee NOI 35 Maple Ave

⑈000 161⑈ ⑆231372691⑆ 3571349067⑈



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Details on Back Intuit® CheckLock™ Secure Check

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SECTION 6

OPERATION AND MAINTENANCE PLAN

1.0 INTRODUCTION

This report provides an operation and maintenance plan to suppress invasive and native woody vegetation while encouraging existing herbaceous grass and wildflower plant species in an existing overgrown meadow. It also provides an order of operations to convert an area of cool season mown lawn into a meadow of grass and forb plant species. The work areas (A through E) are identified on Figure 1.

This report is organized according to the type of meadow related work;

Section 2.0- management methodologies for overgrown meadow areas

Section 3.0- installation of new meadow/ conversion of mown lawn

This report will reference land held in Conservation Restriction (CR) and invasive plant species listed on the "*Evaluation of Non- Native Plant Species for Invasiveness in Massachusetts*" authored by the Massachusetts Invasive Plant Advisory Group.

A site visit to 54 Maple Avenue and portions of the Maple Meadows Condominium on land to the east/southeast between the residences and Hop Brook was conducted on September 7, 2018. This plan incorporates the results of that site visit and provides measures to address the operation, maintenance, and establishment of a meadow landscape in 5 different areas. The goal of this plan is to provide a 5-year operation and management plan for all the meadow areas identified on Figure 1. Existing and overgrown meadows shall be re-established over time via high frequency mowing early in the implementation of the plan with declining frequency in later years. This plan also provides options for the installation of a new meadow with an associated long-term management plan. Some seasons may require multiple mowing activities in the years after this plan ends to rejuvenate the perennial grasses and forbs and provide some weed control.

2.0 MEADOW RE-ESTABLISHMENT/ INVASIVE SPECIES MANAGEMENT

AREA A- LAND IN CONSERVATION RESTRICTION

AREA B- LEACH FIELD

AREA E- ACCESS WAY

2.1 AREA A

Area 'A' identified on Figure 1 is land within the Conservation Restriction (CR) that can be described as a typical New England successional agriculture field replete with woody and herbaceous species and a mix of native, "weedy" but not listed as invasive, and state listed noxious and invasive plant species. In addition, the area can be described as layered herbaceous, woody, and vine plant types with vines such as bittersweet that cover or are entangled within native and invasive woody plant species. Area 'A' will be managed to achieve invasive species control and to have a desired meadow species re-established. It is our understanding that the northern and westerly boundaries of the CR will be monumented in the field with Bernsten Markers to clearly establish the limits of this area.

Recommendations:

Year 0 (2018)

- Fall/Winter
-

-
1. Cut or mow the entire area and remove slash. The first cut should take place when the ground is frozen to avoid rutting and disturbance of the ground surface. Slash shall be removed in order to encourage regrowth of desired herbaceous vegetation
 2. Woody stumps shall remain at a height no taller than 4" above adjacent grade. This height should be low enough to allow for subsequent mowing with brush hog type implement
 3. Reasonable efforts shall first be made to remove wood chips generated from cutting. Wood chips may be spread or scattered into a thin layer (1" max.) to allow regrowth of desirable herbaceous vegetation.
 4. No earth work or regrading shall occur. Any soil disturbance or bare soil created from the use of machinery shall be reseeded with the native warm season grass mix and the cool season companion grasses specified in Section 3.2 below.
 - Note: Some weedy or noxious and invasive species may grow more vigorously from being cut or mown. Additional and routine mowing may not be sufficient and other control measures may need to be discussed in subsequent years

Year 1-3; 2019 through 2021

The management of Area A should follow the mow schedule outlined in Area 'E' beginning in 2019 once the woody species have been cut down as described above. Area 'A' has a high population of woody and vine species that are both "weedy" in nature or listed as noxious and invasive. Mowing should continue in Area 'A' while simultaneously being monitored for woody sprouts emerging from the remaining stumps and the vigor, vitality, and density of the vines and any herbaceous species.

- Mid-Summer 2019- Prior to Late Summer Mowing;
The occurrence of desired meadow species shall be evaluated. Mowing at this frequency for 3 growing seasons or more could suppress the desired meadow species over time.
- Mid-Summer 2021- Prior to Late Summer Mowing
Evaluate the density of desired meadow species and the control of noxious and invasive woody and vine species to determine any changes in meadow re-establishment. The use of selective herbicides (cut and swab application methods on woody plants and targeted foliar application on vine species) should be considered if mowing is ineffective at suppressing woody sprouts on remaining stumps, vines, and herbaceous invasive species. Use of herbicides will be submitted to the Sudbury Conservation Commission for approval prior to use.

2.2 AREA B- LEACH FIELD

Area 'B' shown on Figure 1 is the septic leach field area not included in the CR. A portion of this area is within the 200' Riverfront and likely has some woody plant species present. It is our understanding that the boundaries of the septic area will be monumented in the field with Bernsten Markers to clearly establish the limits of this area. The control of woody species should follow the operation and maintenance scope and timeline set forth for Area 'A.' The methodology for controlling or suppressing the growth of herbaceous "weedy" or noxious and invasive plant shall follow the methodology for Area 'E' below.

2.3 AREA E

A rapid assessment of Area E determined that it was predominantly herbaceous plant species with dispersed, dense stands of mugwort. Routine mowing is recommended to suppress any woody plants and noxious or invasive species. However, routine mowing alone may likely not suppress mugwort given its rhizomatous growth.

See mowing and monitoring schedule below. The area should be monitored for the vitality, vigor, and spread of weedy or noxious and invasive species.

- 2018 (Year 0)
Fall; Mow and remove clippings
- 2019, 2020, 2021 (Year 1, 2, 3) Mow Schedule
Mid May
Late June/ Early July
Late August- Prior to seed head emergence

Notes: Continued mowing at this rate may begin to suppress desired herbaceous meadow species. The area shall be monitored for the spread and vitality of noxious and invasive plant species compared to the density or population of desired meadow species. Alternative control methods may need to be discussed if target species remain while desired species are being affected. If herbicide use is prohibited, and target invasive species remain, mowing (3) times per year shall continue. Suppression of desired meadow species may occur.

- 2022 (Year 4) Mow Schedule:
Late September to allow wildflowers and forbs to flourish if mugwort or other target species are eradicated
- 2023 (Year 5) Mow Schedule:
Late September to allow wildflowers and forbs to flourish; Any incidence of mugwort or other target species should initiate (3) times per year mow schedule in subsequent growing seasons.

3.0 MEADOW INSTALLATION

3.1 AREA C & D- MOWN LAWN IN RIVERFRONT/ LEACH FIELD ACCESS

A meadow is to be established in an area of cool season mown lawn grasses located in the 200-Foot Riverfront Area- see Figure 1. The limit of the 200-Foot Riverfront area shall be staked in the field to determine the limits of the work area prior to renovation activities.

The meadow shall be initially seeded with the meadow grass species only. Wildflowers can be added as seed or plugs in smaller areas once the meadow grass species have established. This allows for more effective establishment of the desired meadow grasses and management of broadleaf weeds. Wildflower seed(s) can be added in year 2. The meadow seed matrix is included as an appendix to this report.

Irrigation lines or heads should be removed or adjusted so the meadow does not receive long-term irrigation. The area to be seeded with grassy meadow species may be irrigated during the germination period but shall cease once the grasses germinate. Any irrigation used during the germination period should be weather dependent.

Meadow Seed Methodology

- Preparation

The existing mown lawn to be converted to a meadow shall be thinned by mechanical means to expose minimal areas of bare soil, reduce competition from the established cool season grasses, and allow for a stable seed bed by leaving some existing grasses rooted in. The cool season mown lawn may also be entirely removed by scraping the grass from the soil by using a

sod cutter. This method will expose bare soil across the entire work area while not significantly altering the soil surface compared to the use of earthmoving equipment. The sod cutter could be used to remove alternating rows of mown lawn which might balance the need for a seed bed while also allowing existing established mown lawn to provide some erosion control. Over time the meadow species will out-compete the remaining cool season lawn. Removing the entire mown lawn at one time is not recommended.

▪ **Application & Germination**

Meadow grass seed may be applied in a broadcast method by hand, using a slit seeder or hydro-mulched. The preparation method and the type of seed may determine how the seed is applied to the soil surface.

- a. If the area is prepared by scraping the cool season mown lawn in alternating rows with a sod cutter from the work area, the seed is best applied by being broadcast by hand, sown in with a rake, watered, and covered by hydro-mulch or weed free straw.
- b. If a slit seeder is used to prepare the work area by thinning the existing lawn, a slit seeder may then be used to seed the meadow species. However, meadow grass species typically have large, fluffy or chaffy seeds that do not easily pass through a typical seed box mounted on the slit seeder. The slit seeder implement should be verified to have the appropriate seed box for seeds of this size and texture.

The area shall be monitored once per week until the germination of meadow grasses can be verified. The germination period typically lasts 3 weeks to 1 month following the application of seed and approximately 75% of the seeded area has germination. Once germination has been confirmed, irrigation shall stop, and establishment monitoring shall begin.

▪ **Establishment**

The establishment period shall be the first full growing season through the end of the third growing season. Monitoring shall occur 2 times per month for the first growing season, then occur 1 time per month for the last 2 growing seasons. Establishment monitoring shall occur April 15 through November 1. The establishment period shall evaluate meadow grass establishment, monitor and take necessary action against weed competition, and determine if re-seeding or over-seeding will be necessary. Re-seeding or over-seeding shall occur between August 15th through August 30th.

- a. Hand weeding may occur at any time so long as no damage or uprooting of the meadow grass species occurs.
- b. Mowing shall not occur until after germination has been confirmed. The area shall be mown if weed competition is taller than 3" and not until after the seeded species have grown at least 2-inches. Mowing height shall be no lower than 2-inches.
- c. Regular mowing may occur to manage weed growth. Regular mowing shall respond to the height of the meadow grasses. Mowing should not remove more than 1/3 of the leaf height of the meadow grasses.
- d. Reseeding or over-seeding shall occur in the middle of August if deemed necessary during establishment monitoring. Field conditions, the amount of existing bare soil, and the density of existing meadow grass species shall determine re-seeding or over-seeding methodology and seed rates. Typical over-seeding rates are half of the initial seeding rate per thousand square feet. If re-seeding or over-seeding is not necessary, regular mowing may continue to control annual weeds as needed but mowing should not remove more than 1/3 of the leaf of the meadow grasses. Clippings shall be removed.
- e. Monitor for weedy and noxious or invasive plant species

- Year 2 Meadow Grass Growth/ Wildflower Seeding
 - a. Mow the area in mid spring to encourage meadow grass growth. Clippings shall be removed.
 - b. Determine if forbs will be installed as seed or plug. If seeded see 'c' through 'g'
 - c. Lightly scarify small areas within meadow with a rake to create a seed bed within the grasses.
 - d. Apply wildflower seed and sow ¼" to ½" depth into soil and "water" in the seed. Cover the seed with fiber mulch and wet it with water or cover with weed free straw.
 - e. Monitor all areas for wildflower germination, weed competition, and meadow grass growth
 - f. No mowing shall occur until the wildflowers have germinated.
 - g. Mid to late mowing shall occur only to suppress weed competition and shall be not remove more than 1/3 of the leaf of desired meadow grasses or forbs.
 - 1) Wildflower Plugs Installation
 - a. Mow the area in mid spring to encourage meadow grass growth. Clippings shall be removed.
 - b. Install plugs into the soil and water the plants
 - c. Plant moisture and water needs shall be monitored during the summer months along with meadow grass establishment
 - d. Mowing shall not occur again until the following spring. Hand weeding can occur at any time so long as plugs are not damaged or uprooted.

- Year 3-5 Meadow Establishment
 - a. Mid spring; Mow to encourage growth. Mowing shall not remove more than 1/3 of the leaf of the meadow species.
 - b. Establishment monitoring should continue to evaluate meadow growth and weed competition. Any mowing should be developed to address the specific growth habits of target weeds. Routine mowing effects on desired meadow species should be

3.2 GRASSY MEADOW SPECIES LIST

Meadow Grasses	Percent of Mix
Little Bluestem 'Camper' (<i>Schizachyrium scoparium</i>)	60
Indiangrass (<i>Sorghastrum nutans</i>)	20
Switchgrass 'Summer' (<i>Panicum virgatum</i>)	20

Seed Rate: 1.5 lbs/ 1,000 sq.ft.

Meadow Wildflower Mix	Percent of Mix
Wild Blue Lupine (<i>Lupinus perennis</i>)	33%
Blackeyed Susan (<i>Rudbeckia hirta</i>)	33%
New England Aster (<i>Aster novae-angliae</i>)	33%

Rate; .5 lbs/ 1,000 sq.ft.

Companion Grasses

Annual ryegrass (*Lolium multiflorum*)

Rate; 1lb/ 1,000

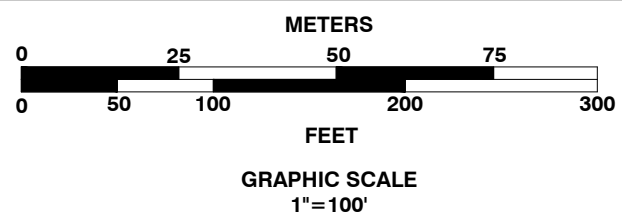
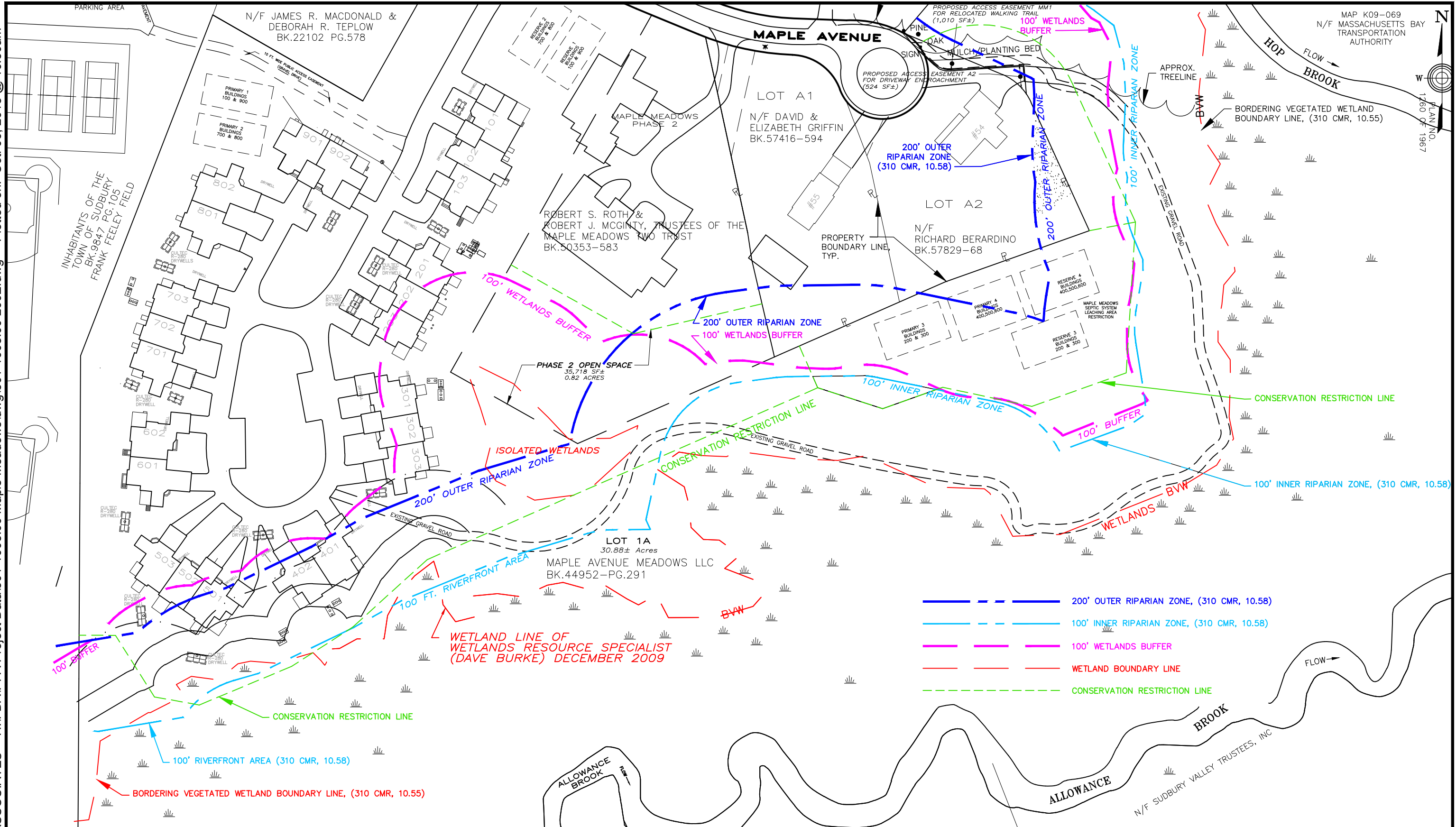
Hard fescue (*Festuca ovina*)

Rate; 2lbs/ 1,000 sq.ft.

SECTION 7

SITE PLANS

© PAUL FINGER ASSOCIATES H:\FIDAI\PA Project Data\301-1008.00 Maple Meadows\dwg\301-1008.00 200E.dwg Plotted on: Oct. 06, 2018 @ 10:30am

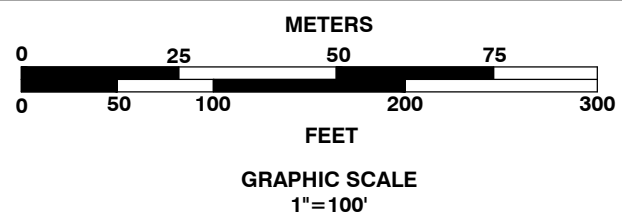
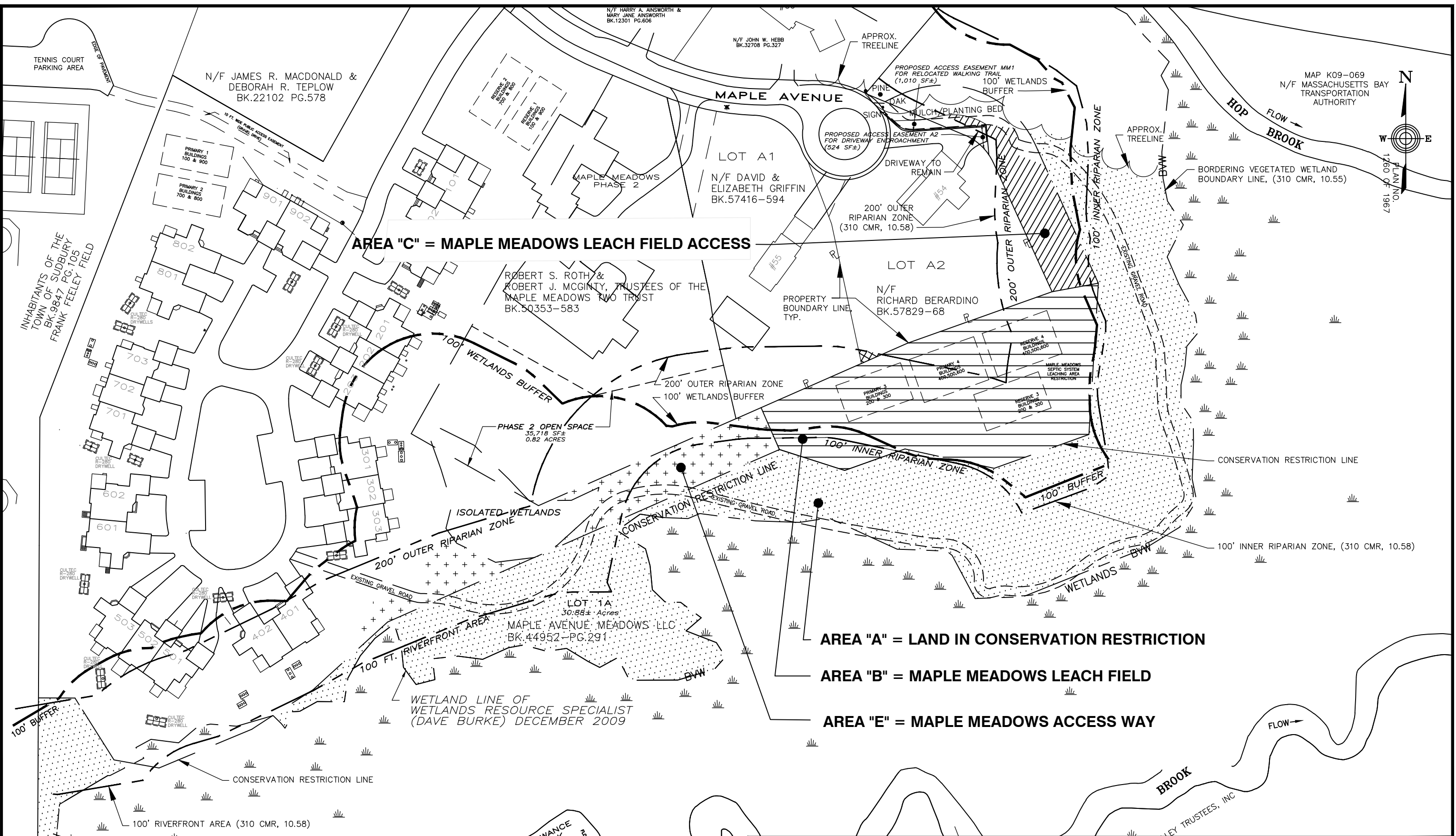


ofa Landscape Architects • Planners
Civil Engineers • Wetland Scientists
PAUL FINGER ASSOCIATES
14 Spring Street (781) 647-4900 f
Second Floor (781) 647-4924 f
Waltham, Massachusetts 02451-4429 info@pfa.net

MAPLE MEADOWS
Sudbury, Massachusetts
01776

EXISTING CONDITIONS PLAN
SCALE: 1"=100'
Date: Oct 06, 2018
File No: 301-1008.00 200E.dwg
L-1.0

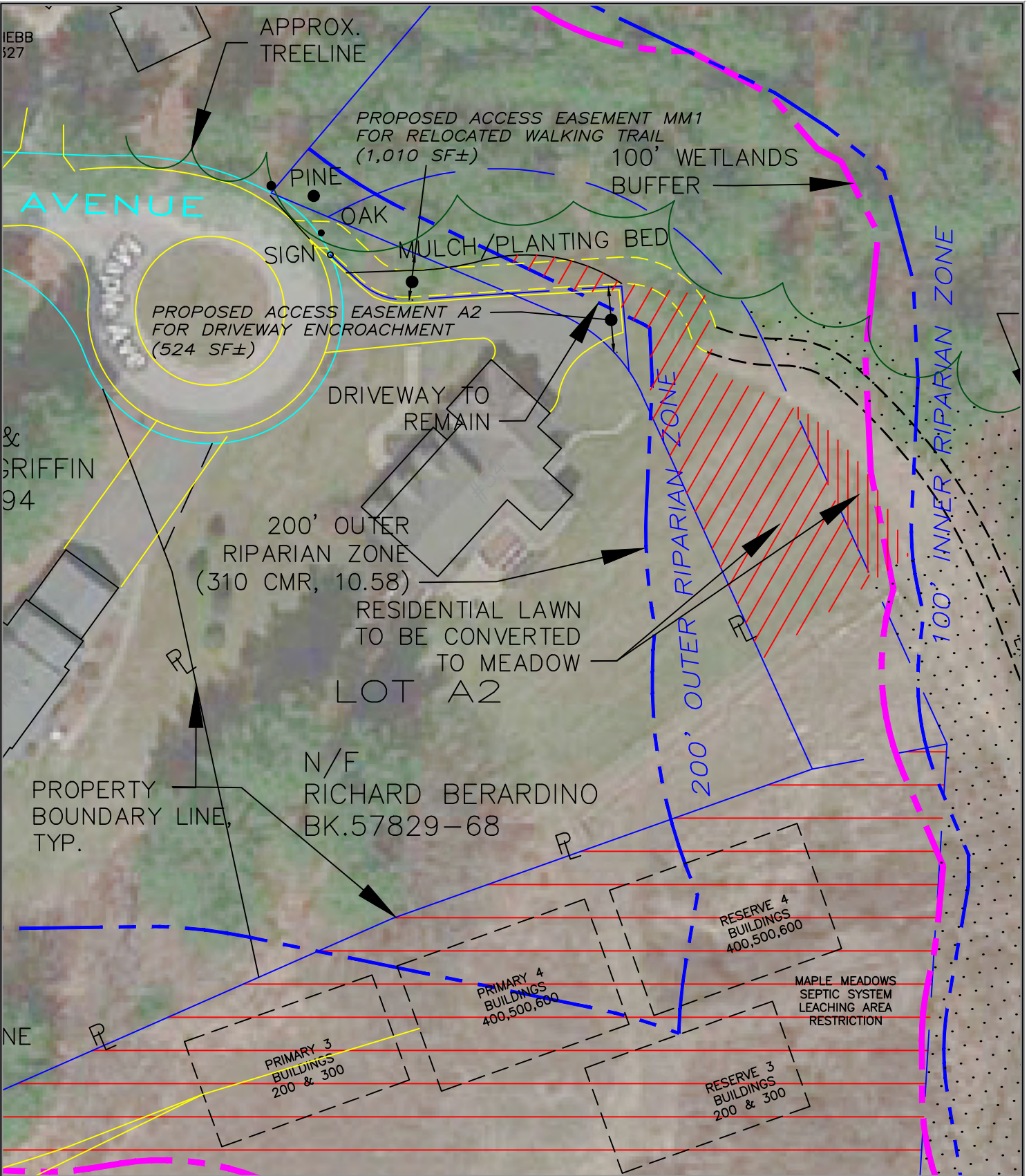
MAP K09-069
N/F MASSACHUSETTS BAY TRANSPORTATION AUTHORITY
PLAN NO. 1260 OF 1967



ofa
 Landscape Architects • Planners
 Civil Engineers • Wetland Scientists
PAUL FINGER ASSOCIATES
 14 Spring Street (781) 647-4900 t
 Second Floor (781) 647-4924 f
 Waltham, Massachusetts 02451-4429 info@pfa.net

MAPLE MEADOWS
 Sudbury, Massachusetts
01776

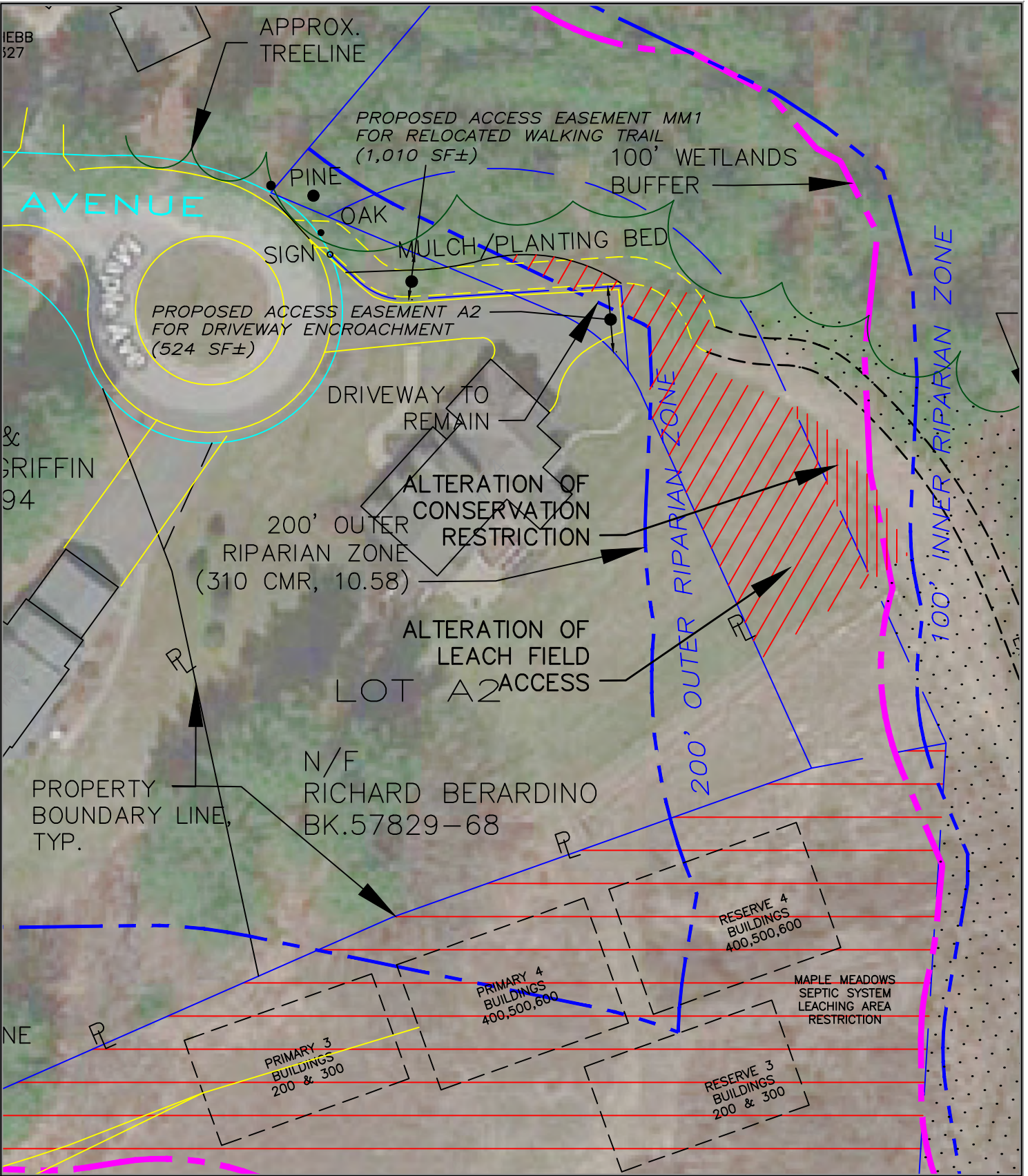
RIVERFRONT ALTERATION PLAN
 SCALE: 1"=100' **L-2.0**
 Date: Oct 05, 2018
 File No: 301-1008.00 200G_35 Maple.dwg



pf
 Landscape Architects • Planners
 Civil Engineers • Wetland Scientists
PAUL FINGER ASSOCIATES
 14 Spring Street
 Second Floor
 Waltham, Massachusetts 02451-4429
 (781) 647-4900 t
 (781) 647-4924 f
 info@pfai.net

**Maple Meadows
 Restoration Plan**
**Sudbury, Massachusetts
 01776**

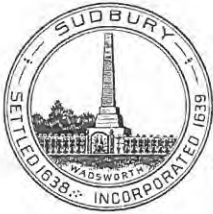
Enlargement #1
 SCALE: 1"=50'
 Date: Oct 05, 2018
 File No: 301-1008.00 200G_35 Maple.dwg
L-2.1



SECTION 8

VIOLATION NOTICE

File



Town of Sudbury

CONSERVATION

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

Wetlands • Conservation Land Management • Land Protection • Stormwater

June 11, 2018

Maple Meadows Homeowner's Association
c/o Maple Meadows Board of Trustees
Mark Vargo, Chairman of the Board
35 Maple Ave., Unit 703
Sudbury, MA 01776

Re: Notice of Violation;
35 Maple Avenue
Assessors Map K08-0020

Dear Mr. Vargo,

The Sudbury Conservation Commission has recently walked the Conservation Restriction at Maple Meadows for their Certificate of Compliance. We observed work on both 35 Maple Avenue and 54 Maple Avenue that is in violation of local and state wetland protection laws. It appears that lawn, landscaping and driveway from 54 Maple Avenue has encroached into the 200' riverfront area of Hop Brook. There may encroachment into the conservation restriction area on Maple Meadows property as well. It appears that this work may have been done by 54 Maple Avenue, however as owner of the property, any enforcement action is also against the owner as it is their responsibility for compliance.

Accordingly, this letter serves as a **Notice of Violation under section 11 of the Sudbury Wetlands Administration Bylaw. An Enforcement Order under the state Wetlands Protection Act is attached to this Violation Notice.**

To address these violations, the Commission will require you to submit a Notice of Intent under the local wetland bylaw and the Wetlands Protection Act to restore all areas within wetland jurisdiction to a natural state on your property. We suggest you work with Mr. Berardino at 54 Maple Avenue to ensure compliance on their property as well for any encroachments onto your lot. **No additional activity, including mowing, disposal of clippings or maintenance may occur, or continue, within any jurisdictional areas.**

This Notice of Intent shall be submitted to the Commission on or before 4pm on June 30, 2018. If this Notice of Intent is not received by this time, the Commission may decide to take further enforcement action and levy fines.

Failure to submit these required documents can result in fines of up to \$100 per day. This is \$100 per violation for each violation until a satisfactory plan is submitted for restoration.

Additionally, any areas outside of wetland jurisdiction but within the conservation restriction area that may have been altered must be returned to a natural state. A detailed restoration planting plan must be submitted to the Conservation Commission for approval prior to the work. Permission to perform this work must be obtained from the property owner.

You can learn more about the laws and regulations at the following on the Conservation Commission page on the Town of Sudbury website. The Notice of Intent form (the MA DEP Notice of Intent) is used for the local bylaw as well as for state applications) may be obtained from the MA DEP

website under Wetland forms, Form 3.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas R. Friedlander', written over a horizontal line.

Thomas R. Friedlander
Chairman, Sudbury Conservation Commission

cc: Conservation Commission
Town Counsel
Maple Meadows Homeowners Association Board

NOTICE OF INTENT

for

54 MAPLE AVENUE



October 9, 2018

Prepared for:
Rick Bernardino
54 Maple Avenue
Sudbury, MA 01776

Prepared by:
Paul Finger Associates
14 Spring Street
Second Floor
Waltham, MA 02451
PFA No. 301-1008.00

October 9, 2018

Thomas Friedlander, Chairman
Sudbury Conservation Commission
Department of Public Works Building
275 Old Lancaster Road
Sudbury, MA 01776

Via: FedEx

Reference: Notice of Intent
54 Maple Avenue
Sudbury, MA
Project No. 301-1008.00

Dear Mr. Friedlander and Members of the Commission:

On behalf of Rick Berardino, Paul Finger Associates respectfully submits this Notice of Intent (NOI) in connection with the restoration of a portion of the riverfront area at 54 Maple Avenue. This application is filed in accordance with Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40, 310 CMR 10.00. The project is located entirely within previously disturbed areas. Portions of the proposed work will occur within the 200 foot Riverfront Area under the state Wetlands Protection Act (WPA).

Pursuant to the Massachusetts Wetlands Protection Act, a copy of the NOI package has been sent to the Northeast Regional Office of the Massachusetts Department of Environmental Protection (DEP). Notification to abutters regarding this NOI has been made via certified mail on this date. A copy of the abutter notification form and a list of abutters are provided in this filing.

Also enclosed are two checks in the amount of \$67.50 to cover the local portion of the state fee and \$50.00 to cover the Wetlands Bylaw filing fee. In addition, \$42.50 has been forwarded to the DEP Lock Box to cover the state portion of the NOI filing fee. Copies of the checks are provided in the NOI.

Should you have any questions or require additional information in this regard, please do not hesitate to contact us.

Very truly yours,
PAUL FINGER ASSOCIATES

Paul J. Finger RLA
President

Enclosures: Application and Site Plans
Sudbury Filing Fees (check #162 for \$67.50 and check #164 for \$50.00)

Cc: Rick Berardino
DEP Northeast Regional Office
File

H:\FDA\PFPA Project Data\301-1008.00 Maple Meadows\Documents\Letters\301-1008.00_LT02_54 Maple Ave NOI Cover letter 2018-10-09.doc

TABLE OF CONTENTS

Section 1 – WPA Form 3

Section 2 – Narrative

Section 3 – Site Locus Map, NHESP Estimated Habitat of Rare Wildlife Map

Section 4 – Affidavit of Service, Abutter Notification, Project Abutters

Section 5 – Wetland Fee Transmittal & Copy of Filing Fee Checks

Section 6 – Operations and Maintenance Plan

Section 7 – Site Plans

Section 8 – Violation Notice

SECTION 1

WPA FORM 3 - NOTICE OF INTENT FORM SUMMARY OF DOCUMENTS



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

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

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

<u>54 Maple Avenue</u>	<u>Sudbury</u>	<u>01776</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:	<u>42.35907</u>	<u>-71.414453</u>
	d. Latitude	e. Longitude
<u>K09</u>	<u>0074</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Rick</u>	<u>Berardino</u>	
a. First Name	b. Last Name	
c. Organization		
<u>54 Maple Avenue</u>		
d. Street Address		
<u>Sudbury</u>	<u>MA</u>	<u>01776</u>
e. City/Town	f. State	g. Zip Code
<u>978-771-7648</u>	<u>773-328-1639</u>	<u>rberardino@rate.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		
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>Paul</u>	<u>Finger</u>	
a. First Name	b. Last Name	
<u>Paul Finger Associates, Inc.</u>		
c. Company		
<u>14 Spring Street</u>		
d. Street Address		
<u>Waltham</u>	<u>MA</u>	<u>02451</u>
e. City/Town	f. State	g. Zip Code
<u>781-647-4900</u>	<u>781-232-6307</u>	<u>pfinger@pfai.net</u>
h. Phone Number	i. Fax Number	j. Email address

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

<u>\$110</u>	<u>\$42.50</u>	<u>\$67.50</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:

This Notice of Intent (NOI) proposes the restoration of a portion of the riverfront area at 54 Maple Avenue.

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

a. County

57829

c. Book

b. Certificate # (if registered land)

68

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	2. square feet
	3. cubic yards dredged	

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	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. Riverfront Area
 Hop Brook
 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: 4,800 square feet

4. Proposed alteration of the Riverfront Area:

Restoration	Restoration	Restoration
a. total square feet	b. square feet within 100 ft.	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.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
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
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
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. <input type="checkbox"/> 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. <input type="checkbox"/> 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

- 1. 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**

2017 _____
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*

- 1. 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
- 2. 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 <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/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 http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/mesa/mesa_fee_schedule.htm). 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, http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/mesa/mesa_exemptions.htm; 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:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: DMF.EnvReview-South@state.ma.us

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: DMF.EnvReview-North@state.ma.us

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.



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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.

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



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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.
See attached List of Plans
 a. Plan Title _____
 b. Prepared By _____ c. Signed and Stamped by _____
 d. Final Revision Date _____ t _____
 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:

<u>162</u>	<u>10/3/2018</u>
2. Municipal Check Number	3. Check date
<u>163</u>	<u>10/3/2018</u>
4. State Check Number	5. Check date
<u>Paul Finger Associates, Inc.</u>	
6. Payor name on check: First Name	7. Payor name on check: Last Name



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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

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.

Summary of Documents

54 Maple Avenue

October 9, 2018

Page 1 of 1

No.	Document Title	Scale
	Notice of Intent Application – 35 Maple Avenue by Paul Finger Associates	N/A
L-1.0	Existing Conditions Plan	1"=50'
L-2.0	Riverfront Alteration Plan Plan	1"=50'

SECTION 2

NARRATIVE

INTRODUCTION

This Notice of Intent is filed under the Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, Section 40) (the WPA) and implementing Massachusetts Department of Environmental Protection regulations (310 CMR 10.00) (the Regulations) and the Town of Sudbury Wetland Administration Bylaw Regulations revised September 25, 2017.

The Applicant, **Rick Berardino**, located at 54 Maple Avenue, Sudbury, Massachusetts, is in receipt of a Notice of Violation dated June 11, 2018 associated with the establishment of a lawn area on a portion of 54 Maple Street within the 200-foot Riverfront of Hop Brook. In addition, a small portion of the driveway was constructed by the developer within the Riverfront Area and onto the property of Maple Meadows Condominium through the granting of an easement. The developer was also responsible for the construction of Maple Meadows condominium. A question was also raised as to whether the driveway was constructed within a Conservation Restriction of the Sudbury Conservation Commission.

This Notice of Intent (NOI) proposes the restoration of a portion of the riverfront area at 54 Maple Avenue.

Please note that this Notice of Intent is intended to address only land at 54 Maple Avenue and not land owned by Maple Meadows Condominium which has been addressed under a separate application.

54 Maple Street was constructed in 2011 and was not subject to the Wetlands Protection Act (WPA) as all activities were not jurisdictional. The property contained a barn that was part of the farm that was razed for the single-family home construction.

In addition to the driveway encroachment, the developer of the property graded the property to the extent that it exists today. Since there was no Order of Conditions (OOC) issued, there was no notification to the applicant who purchased the property in 2011 that there were any jurisdictional areas subject to Conservation Commission review. The applicant/owner simply seeded it as a residential lawn.

This application requests that 10% of the Riverfront Area be allowed to remain, as a residential lawn and the driveway, as allowable within the RA performance standards and if permitted by the Conservation Commission. The remaining RA will be restored to "Meadow".

EXISTING CONDITIONS

General

The project site is comprised of approximately 0.96 acres (42,024 sf). The easterly portion of the property falls within the 200-foot Riverfront Area of Hop Brook.

See Figure 1 for the location of the parcel comprising the project site.

Wetland Resources

The only resource area on the site is Riverfront Area (RA).

Consistent with all NOI's filed on the adjacent property under the ownership of Maple Meadows, no attempt was made to confirm the exact 200' riverfront area through the identification of mean annual high water as it was felt to be unnecessary due to the disturbed state of the entire property.

The following briefly describes the wetland resource areas located on the site. Plan L-1.0 generally depicts the locations and boundaries of these site resource areas.

Riverfront Area (310 CMR 10.58)

Amendments to the WPA added to G.L. c. 131 s. 40 provide definitions for the term “Riverfront Area”, including a general definition of the Riverfront Area as the area 200 feet from a river’s mean annual high-water line (MAHW).

Estimated Habitats of Rare Wildlife (for inland wetlands) (310 CMR 10.59)

In accordance with the most recent 2008 Natural Heritage Endangered Species Program (NHESP) Map, the site is not located within Estimated Habitat of Rare Wildlife or Priority Habitat of Rare Species, and the site does not contain potential or certified vernal pools. See Figure 2.

PROPOSED WORK IN RESOURCE AREAS

The project as proposed qualifies as reuse of a degraded or previously developed area; existing conditions will be greatly improved; and no work shall occur within the 100' inner riparian. The project site was part of the farm that occupied the site. As discussed above, the Barn which occupied the site was razed for the construction of a single-family residence. Under DEP and SWAB FILE #301-838 and #301-1035 the development was permitted pursuant to 10.58(5) Redevelopment Within Previously Developed Riverfront Areas.

No attempt was made to confirm the exact 200' riverfront area through the identification of mean annual high water as it was felt to be unnecessary due to the disturbed state of the entire property.

Based on an on the ground survey, no portion of the lawn or driveway on this property encroaches on the Conservation Restriction area. There are encroachments but the encroachments are on property owned by Maple Meadows Condominium and are addressed in a separate Notice of Intent filed with the Commission.

Description	Existing Area (SF)	%	Proposed (SF)	%
Riverfront Area (35 and 54 Maple Avenue)	1,000,000+/-	N/A	N/A	N/A
Riverfront Area (54 Maple Avenue)	4,800+/-	N/A	N/A	N/A
Conversion of Riverfront to Lawn	2,600+/-	0.3%/54%	TBD	TBD
Total				

The project improvements on site include restoration of the riverfront that has been planted as a bluegrass lawn, retention of driveway.

COMPLIANCE WITH WETLAND RESOURCE PERFORMANCE STANDARDS

Riverfront Area (310 CMR 10.58)

The Riverfront Area extends 200 feet from the Bank of the Hop Brook.

No work is proposed within the 100-foot inner riparian zone portion of the 200-foot Riverfront Area.

Specific work within the remaining outer 100 feet of the 200-Foot Riverfront Area includes the majority of the restoration work and a request to allow the driveway and a portion of the lawn to remain.

The project meets the regulatory definition of Redevelopment within Previously Developed Riverfront Areas, and therefore, the performance standards provided under 310 CMR 10.58(5) apply to the project.

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 a previously developed riverfront area, provided the proposed work improves existing conditions. Redevelopment means the replacement, rehabilitation or expansion of existing structures, improvement of existing roads, **or reuse of degraded or previously developed areas. A previously developed riverfront area contains areas degraded prior to August 7, 1996 by impervious surfaces from existing structures or pavement, the absence of topsoil**, junkyards, or abandoned dumping grounds. Work to redevelop previously developed riverfront areas shall conform to the following criteria:

- (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.
- (b) Stormwater management is provided according to standards established by the Department.
- (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).
- (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).
- (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 310 CMR 10.58(5)(f) or (g).
- (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) (c), (d), and (e) at a ratio in square feet of at least 1:1 of 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;

2. Grading to a topography which reduces runoff and increases infiltration;
3. Coverage by topsoil at a depth consistent with natural conditions at the site; and
4. Seeding and planting with an erosion control seed mixture, followed by plantings of herbaceous and woody species appropriate to the site;

(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 are undertaken voluntarily by the applicant which will support a determination by the issuing authority of no significant adverse impact.

The following summarizes the project's compliance with the performance standards:

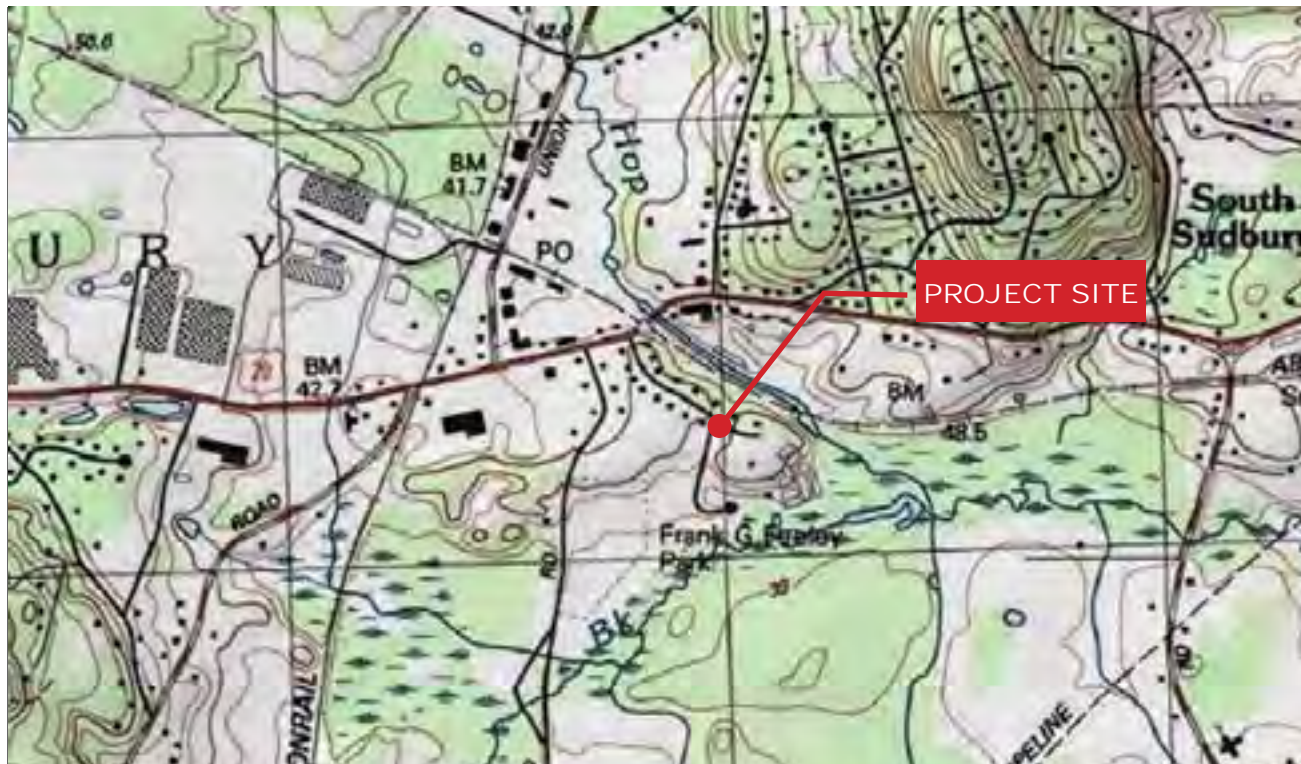
The project will improve existing Riverfront Area by restoring a section of the Riverfront that was originally part of the Farm that occupied the site and adjacent property. Farm structures were removed, and a sign family residential dwelling was constructed. Approximately 2000 sf of lawn was established within the RA. This represents 0.3% of the total Riverfront Area and 54% of the Riverfront area if just 54 Maple Avenue is considered. We would respectfully request further discussion with the Commission on whether restoration is required and if required, the extent of the restoration.

Based on the above, the project meets the applicable performance standards for Redevelopment Within a Previously Developed Riverfront Area as provided in 310 CMR 10.58(5).

SECTION 3

SITE LOCUS MAP
NHESP ESTIMATED HABITAT OF RARE WILDLIFE MAP

Fig. 1
USGS Locus



Source: MassGIS
Scale: Not to Scale
PFA No. 301-1008.00

54 Maple Avenue Sudbury, MA

Fig. 2
National Heritage and Endangered Species Map



LEGEND



Source: MassGIS, NHESP Estimated Habitat of Rare Wildlife
 Scale: Not to Scale
 PFA No. 301-1008.00

54 Maple Avenue
Sudbury, MA

SECTION 4

**AFFIDAVIT OF SERVICE
ABUTTER NOTIFICATION
PROJECT ABUTTERS**

AFFIDAVIT OF SERVICE

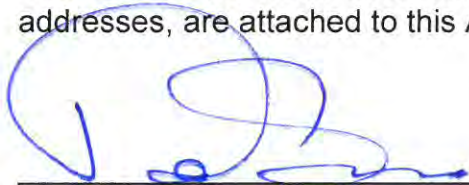
**Under the Massachusetts Wetlands Protection Act
for Filing under the State Wetlands Act**

(to be submitted to the Massachusetts Department of Environmental Protection and the Andover Conservation Commission when filing a Notice of Intent)

I, Paul J. Finger, hereby certify under the pains and penalties of perjury that on October 9, 2018, I gave notification to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the DEP Guide to Abutter Notification dated April 8, 1994 and revised in 2012, in connection with the following matter:

A Request for an Order of Conditions filed under the Massachusetts Wetlands Protection Act by Rick Bernardino with the Sudbury Conservation Commission on October 9, 2018 for the proposed project at 54 Maple Avenue, Sudbury, MA.

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



Paul Finger Associates, Inc.

October 9, 2018

Date

**Notification to Abutters Under the
Massachusetts Wetlands Protection Act**

In accordance with the second paragraph of Massachusetts General Law Chapter 131, Section 40, you are hereby notified of the following.

- A. The name of the applicant is Rick Berardino
- B. The applicant has filed a Notice of Intent with the Conservation Commission for the municipality of Sudbury is seeking permission to remove, fill, dredge, or alter an Area Subject to Protection Under the Wetlands Protection Act (General Laws Chapter 131, Section 40).
- C. The address of the lot where the activity is proposed is 54 Maple Avenue
- D. Copies of the Notice of Intent may be examined at Sudbury Conservation Commission Office – 275 Old Lancaster Road, Sudbury, MA 01776 between the hours of 9:00 AM and 4:00 PM on the following days of the week:
Monday - Friday
For more information call: (978) 440-5471.
Check one: This is the applicant , representative , or other (specify):
Conservation Commission
- E. Copies of the Notice of Intent may be obtained from either (check one) the applicant , or the applicant's representative , by calling this telephone number (781) 647-4900 between the hours of 9:00 AM and 5:00 PM on the following days of the week:
Monday through Friday
- F. Information regarding the date, time, and place of the public meeting may be obtained from SSudbury Conservation Commission by calling this telephone number (978) 623-8630 between the hours of 9:00 AM and 4:00 PM on the following days of the week:
Monday - Friday.
Check one: This is the applicant , representative , or other (specify):
Conservation Commission

Note: Notice of the public hearing, including its date, time, and place, will be published at least five (5) days in advance in the Sudbury Town Crier

Note: Notice of the public hearing, including its date, time, and place, will be posted in the City or Town Hall not less than forty-eight (48) hours in advance.

Note: You may also contact your local Conservation Commission or the nearest Department of Environmental Protection Regional Office for more information about this application or the Wetlands Protection Act. To contact DEP, call:

Central Region: 508-792-7650
Southeast Region: 508-946-2700

Northeast Region: 978-694-3200
Western Region: 413-784-1100

abutters_id_field	abutters_owner1	abutters_owner2	abutters_address	abutters_address2	abutters_to_wn	abutters_to_state	abutters_to_s_zip	abutters_location
K09-0071	LEIBOWITZ HENRY & PEPPI JOELLE		50 MAPLE AVE		SUDBURY	MA	01776	50 MAPLE AVE
K09-0072	AINSWORTH MARY JANE		44 MAPLE AVE		SUDBURY	MA	01776	44 MAPLE AVE
K09-0074	GRIFFITH DAVID & ELIZABETH		55 MAPLE AVE		SUDBURY	MA	01776	55 MAPLE AVE
K08-0020-0-101	LIEBERMAN PAUL E & BARBARA J		35 MAPLE AVE	UNIT 101	SUDBURY	MA	01776	35 MAPLE AVE UNIT 101
K08-0020-0-102	RAPA DENNIS MD &	GILLESPIE JOANNE	35 MAPLE AVE	UNIT 102	SUDBURY	MA	01776	35 MAPLE AVE UNIT 102
K08-0020-0-103	WADSWORTH PAMELA R & CHARLES K		35 MAPLE AVE	UNIT 103	SUDBURY	MA	01776	35 MAPLE AVE UNIT 103
K08-0020-0-901	HULIHAN MAILE		35 MAPLE AVE	UNIT 901	SUDBURY	MA	01776	35 MAPLE AVE UNIT 901
K08-0020-0-902	FLORU DAN & MARIETTA		35 MAPLE AVE	UNIT 902	SUDBURY	MA	01776	35 MAPLE AVE UNIT 902
K08-0020-0-701	AARONSON BURTON C & MAXINE		35 MAPLE AVE	UNIT 701	SUDBURY	MA	01776	35 MAPLE AVE UNIT 701
K08-0020-0-201	LAMKIN ROBERT B & JOAN R		35 MAPLE AVE	UNIT 201	SUDBURY	MA	01776	35 MAPLE AVE UNIT 201
K08-0020-0-202	BURKLEY ELAINE J	TRUSTEE OF MAPLE MEADOWS	35 MAPLE AVE	UNIT 202	SUDBURY	MA	01776	35 MAPLE AVE UNIT 202
K08-0020-0-203	PARRISH R WAYNE & CAROLE B	TRUSTEES OF THE PARRISH	35 MAPLE AVE	UNIT 203	SUDBURY	MA	01776	35 MAPLE AVE UNIT 203
K08-0020-0-601	PERLMAN NOAH & LAUREN		35 MAPLE AVE	UNIT 601	SUDBURY	MA	01776	35 MAPLE AVE UNIT 601
K08-0020-0-401	RADBILL FRANCESCA		35 MAPLE AVE	UNIT 401	SUDBURY	MA	01776	35 MAPLE AVE UNIT 401
K08-0020-0-402	KATZ PHILIP		35 MAPLE AVE	UNIT 402	SUDBURY	MA	01776	35 MAPLE AVE UNIT 402
K08-0020-0-501	REVIS SUSAN M & ANTONY		35 MAPLE AVE UNIT 501		SUDBURY	MA	01776	35 MAPLE AVE UNIT 501
K08-0020-0-502	WEIBERTH FRANZ J & CAROL L		35 MAPLE AVE UNIT 502		SUDBURY	MA	01776	35 MAPLE AVE UNIT 502
K08-0020-0-602	GOODMAN LEON & LEONA		35 MAPLE AVE	UNIT 602	SUDBURY	MA	01776	35 MAPLE AVE UNIT 602
K08-0020-0-702	CONLIN JEFFREY L		35 MAPLE AVE	UNIT 702	SUDBURY	MA	01776	35 MAPLE AVE UNIT 702
K08-0020-0-703	VARGO MARK W & KAREN M		35 MAPLE AVE	UNIT 703	SUDBURY	MA	01776	35 MAPLE AVE UNIT 703
K08-0020-0-802	NORINA BOYLE		35 MAPLE AVE UNIT 802		SUDBURY	MA	01776	35 MAPLE AVE UNIT 802
K08-0020-0-801	LUBAR EDWARD & PHYLLIS TRS	MAPLE AVENUE REALTY TRUST	35 MAPLE AVE UNIT 801		SUDBURY	MA	01776	35 MAPLE AVE UNIT 801
K08-0020-0-503	DROPKIN GOLDIE		35 MAPLE AVE UNIT 503		SUDBURY	MA	01776	35 MAPLE AVE UNIT 503
K08-0020-0-301	TABLOSKI THEODORE F & PATRICIA A		35 MAPLE AVE UNIT 301		SUDBURY	MA	01776	35 MAPLE AVE UNIT 301
K08-0020-0-302	BRADY CORNELIUS W & MARGARET		35 MAPLE AVE UNIT 302		SUDBURY	MA	01776	35 MAPLE AVE UNIT 302
K08-0020-0-303	MOORE LYNN H	TRUSTEE OF THE LYNN H MOORE	35 MAPLE AVE UNIT 303		SUDBURY	MA	01776	35 MAPLE AVE UNIT 303

SECTION 5

**WETLAND FEE TRANSMITTAL
COPY OF FILING FEE CHECKS**



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:

<u>54 Maple Avenue</u>	<u>Sudbury</u>
a. Street Address	b. City/Town
<u>163</u>	<u>\$42.50</u>
c. Check number	d. Fee amount

2. Applicant Mailing Address:

<u>Rick</u>	<u>Berardino</u>	
a. First Name	b. Last Name	
<u></u>		
c. Organization		
<u>54 Maple Avenue</u>		
d. Mailing Address		
<u>Sudbury</u>	<u>MA</u>	<u>01776</u>
e. City/Town	f. State	g. Zip Code
<u>978-771-7648</u>	<u>773-328-1639</u>	<u>rberardino@rate.com</u>
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

<u></u>	<u></u>	
a. First Name	b. Last Name	
<u></u>		
c. Organization		
<u></u>		
d. Mailing 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

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

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Restoration	1	1	\$110
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Step 5/Total Project Fee: _____

Step 6/Fee Payments:

Total Project Fee:	\$110
State share of filing Fee:	\$42.50
City/Town share of filing Fee:	\$67.50
	a. Total Fee from Step 5
	b. 1/2 Total Fee less \$12.50
	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.)

Paul Finger Associates, Inc.
14 Spring Street, Suite 2
Waltham, MA. 02451
(781) 647-4900

SANTANDER BANK, NA
One Moody Street
Waltham, MA 02451
60-7269/2313

162

10/3/2018

PAY TO THE ORDER OF Town of Sudbury

\$ **67.50

Sixty-Seven and 50/100***** DOLLARS

PROTECTED AGAINST FRAUD

Town of Sudbury
322 Concord Road
Sudbury, MA 01776

MEMO NOI Filing Fee 54 Maple Avenue

⑈000 16 2⑈ ⑆23 137 269 1⑆ 357 134 906 7⑈

Paul Finger Associates, Inc.
14 Spring Street, Suite 2
Waltham, MA. 02451
(781) 647-4900

SANTANDER BANK, NA
One Moody Street
Waltham, MA 02451
60-7269/2313

163

10/3/2018

PAY TO THE ORDER OF Commonwealth of Massachusetts

\$ **42.50

Forty-Two and 50/100***** DOLLARS

PROTECTED AGAINST FRAUD

Department of Environmental Protection
Box 4062
Boston, MA 02211

MEMO NOI Filing Fee 54 Maple Ave., Sudbury

⑈000 16 3⑈ ⑆23 137 269 1⑆ 357 134 906 7⑈

Paul Finger Associates, Inc.
14 Spring Street, Suite 2
Waltham, MA. 02451
(781) 647-4900

SANTANDER BANK, NA
One Moody Street
Waltham, MA 02451
60-7269/2313

164

10/3/2018

PAY TO THE ORDER OF Town of Sudbury

\$ **50.00

Fifty and 00/100***** DOLLARS

PROTECTED AGAINST FRAUD

Town of Sudbury
322 Concord Road
Sudbury, MA 01776

MEMO Wetlands Bylaw NOI Filing Fee 54 Maple Ave.

⑈000 16 4⑈ ⑆23 137 269 1⑆ 357 134 906 7⑈



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SECTION 6

OPERATION AND MAINTENANCE PLAN

1.0 INTRODUCTION

This report provides an operation and maintenance plan to suppress invasive and native woody vegetation while encouraging existing herbaceous grass and wildflower plant species in an existing overgrown meadow. It also provides an order of operations to convert an area of cool season mown lawn into a meadow of grass and forb plant species. The work areas (A through E) are identified on Figure 1.

This report is organized according to the type of meadow related work;

Section 2.0- management methodologies for overgrown meadow areas

Section 3.0- installation of new meadow/ conversion of mown lawn

This report will reference land held in Conservation Restriction (CR) and invasive plant species listed on the "*Evaluation of Non- Native Plant Species for Invasiveness in Massachusetts*" authored by the Massachusetts Invasive Plant Advisory Group.

A site visit to 54 Maple Avenue and portions of the Maple Meadows Condominium on land to the east/southeast between the residences and Hop Brook was conducted on September 7, 2018. This plan incorporates the results of that site visit and provides measures to address the operation, maintenance, and establishment of a meadow landscape in 5 different areas. The goal of this plan is to provide a 5-year operation and management plan for all the meadow areas identified on Figure 1. Existing and overgrown meadows shall be re-established over time via high frequency mowing early in the implementation of the plan with declining frequency in later years. This plan also provides options for the installation of a new meadow with an associated long-term management plan. Some seasons may require multiple mowing activities in the years after this plan ends to rejuvenate the perennial grasses and forbs and provide some weed control.

2.0 MEADOW RE-ESTABLISHMENT/ INVASIVE SPECIES MANAGEMENT

AREA A- LAND IN CONSERVATION RESTRICTION

AREA B- LEACH FIELD

AREA E- ACCESS WAY

2.1 AREA A

Area 'A' identified on Figure 1 is land within the Conservation Restriction (CR) that can be described as a typical New England successional agriculture field replete with woody and herbaceous species and a mix of native, "weedy" but not listed as invasive, and state listed noxious and invasive plant species. In addition, the area can be described as layered herbaceous, woody, and vine plant types with vines such as bittersweet that cover or are entangled within native and invasive woody plant species. Area 'A' will be managed to achieve invasive species control and to have a desired meadow species re-established. It is our understanding that the northern and westerly boundaries of the CR will be monumented in the field with Bernsten Markers to clearly establish the limits of this area.

Recommendations:

Year 0 (2018)

- Fall/Winter
-

-
1. Cut or mow the entire area and remove slash. The first cut should take place when the ground is frozen to avoid rutting and disturbance of the ground surface. Slash shall be removed in order to encourage regrowth of desired herbaceous vegetation
 2. Woody stumps shall remain at a height no taller than 4" above adjacent grade. This height should be low enough to allow for subsequent mowing with brush hog type implement
 3. Reasonable efforts shall first be made to remove wood chips generated from cutting. Wood chips may be spread or scattered into a thin layer (1" max.) to allow regrowth of desirable herbaceous vegetation.
 4. No earth work or regrading shall occur. Any soil disturbance or bare soil created from the use of machinery shall be reseeded with the native warm season grass mix and the cool season companion grasses specified in Section 3.2 below.
 - Note: Some weedy or noxious and invasive species may grow more vigorously from being cut or mown. Additional and routine mowing may not be sufficient and other control measures may need to be discussed in subsequent years

Year 1-3; 2019 through 2021

The management of Area A should follow the mow schedule outlined in Area 'E' beginning in 2019 once the woody species have been cut down as described above. Area 'A' has a high population of woody and vine species that are both "weedy" in nature or listed as noxious and invasive. Mowing should continue in Area 'A' while simultaneously being monitored for woody sprouts emerging from the remaining stumps and the vigor, vitality, and density of the vines and any herbaceous species.

- Mid-Summer 2019- Prior to Late Summer Mowing;
The occurrence of desired meadow species shall be evaluated. Mowing at this frequency for 3 growing seasons or more could suppress the desired meadow species over time.
- Mid-Summer 2021- Prior to Late Summer Mowing
Evaluate the density of desired meadow species and the control of noxious and invasive woody and vine species to determine any changes in meadow re-establishment. The use of selective herbicides (cut and swab application methods on woody plants and targeted foliar application on vine species) should be considered if mowing is ineffective at suppressing woody sprouts on remaining stumps, vines, and herbaceous invasive species. Use of herbicides will be submitted to the Sudbury Conservation Commission for approval prior to use.

2.2 AREA B- LEACH FIELD

Area 'B' shown on Figure 1 is the septic leach field area not included in the CR. A portion of this area is within the 200' Riverfront and likely has some woody plant species present. It is our understanding that the boundaries of the septic area will be monumented in the field with Bernsten Markers to clearly establish the limits of this area. The control of woody species should follow the operation and maintenance scope and timeline set forth for Area 'A.' The methodology for controlling or suppressing the growth of herbaceous "weedy" or noxious and invasive plant shall follow the methodology for Area 'E' below.

2.3 AREA E

A rapid assessment of Area E determined that it was predominantly herbaceous plant species with dispersed, dense stands of mugwort. Routine mowing is recommended to suppress any woody plants and noxious or invasive species. However, routine mowing alone may likely not suppress mugwort given its rhizomatous growth.

See mowing and monitoring schedule below. The area should be monitored for the vitality, vigor, and spread of weedy or noxious and invasive species.

- 2018 (Year 0)
Fall; Mow and remove clippings
- 2019, 2020, 2021 (Year 1, 2, 3) Mow Schedule
Mid May
Late June/ Early July
Late August- Prior to seed head emergence

Notes: Continued mowing at this rate may begin to suppress desired herbaceous meadow species. The area shall be monitored for the spread and vitality of noxious and invasive plant species compared to the density or population of desired meadow species. Alternative control methods may need to be discussed if target species remain while desired species are being affected. If herbicide use is prohibited, and target invasive species remain, mowing (3) times per year shall continue. Suppression of desired meadow species may occur.

- 2022 (Year 4) Mow Schedule:
Late September to allow wildflowers and forbs to flourish if mugwort or other target species are eradicated
- 2023 (Year 5) Mow Schedule:
Late September to allow wildflowers and forbs to flourish; Any incidence of mugwort or other target species should initiate (3) times per year mow schedule in subsequent growing seasons.

3.0 MEADOW INSTALLATION

3.1 AREA C & D- MOWN LAWN IN RIVERFRONT/ LEACH FIELD ACCESS

A meadow is to be established in an area of cool season mown lawn grasses located in the 200-Foot Riverfront Area- see Figure 1. The limit of the 200-Foot Riverfront area shall be staked in the field to determine the limits of the work area prior to renovation activities.

The meadow shall be initially seeded with the meadow grass species only. Wildflowers can be added as seed or plugs in smaller areas once the meadow grass species have established. This allows for more effective establishment of the desired meadow grasses and management of broadleaf weeds. Wildflower seed(s) can be added in year 2. The meadow seed matrix is included as an appendix to this report.

Irrigation lines or heads should be removed or adjusted so the meadow does not receive long-term irrigation. The area to be seeded with grassy meadow species may be irrigated during the germination period but shall cease once the grasses germinate. Any irrigation used during the germination period should be weather dependent.

Meadow Seed Methodology

- Preparation

The existing mown lawn to be converted to a meadow shall be thinned by mechanical means to expose minimal areas of bare soil, reduce competition from the established cool season grasses, and allow for a stable seed bed by leaving some existing grasses rooted in. The cool season mown lawn may also be entirely removed by scraping the grass from the soil by using a

sod cutter. This method will expose bare soil across the entire work area while not significantly altering the soil surface compared to the use of earthmoving equipment. The sod cutter could be used to remove alternating rows of mown lawn which might balance the need for a seed bed while also allowing existing established mown lawn to provide some erosion control. Over time the meadow species will out-compete the remaining cool season lawn. Removing the entire mown lawn at one time is not recommended.

▪ **Application & Germination**

Meadow grass seed may be applied in a broadcast method by hand, using a slit seeder or hydro-mulched. The preparation method and the type of seed may determine how the seed is applied to the soil surface.

- a. If the area is prepared by scraping the cool season mown lawn in alternating rows with a sod cutter from the work area, the seed is best applied by being broadcast by hand, sown in with a rake, watered, and covered by hydro-mulch or weed free straw.
- b. If a slit seeder is used to prepare the work area by thinning the existing lawn, a slit seeder may then be used to seed the meadow species. However, meadow grass species typically have large, fluffy or chaffy seeds that do not easily pass through a typical seed box mounted on the slit seeder. The slit seeder implement should be verified to have the appropriate seed box for seeds of this size and texture.

The area shall be monitored once per week until the germination of meadow grasses can be verified. The germination period typically lasts 3 weeks to 1 month following the application of seed and approximately 75% of the seeded area has germination. Once germination has been confirmed, irrigation shall stop, and establishment monitoring shall begin.

▪ **Establishment**

The establishment period shall be the first full growing season through the end of the third growing season. Monitoring shall occur 2 times per month for the first growing season, then occur 1 time per month for the last 2 growing seasons. Establishment monitoring shall occur April 15 through November 1. The establishment period shall evaluate meadow grass establishment, monitor and take necessary action against weed competition, and determine if re-seeding or over-seeding will be necessary. Re-seeding or over-seeding shall occur between August 15th through August 30th.

- a. Hand weeding may occur at any time so long as no damage or uprooting of the meadow grass species occurs.
- b. Mowing shall not occur until after germination has been confirmed. The area shall be mown if weed competition is taller than 3" and not until after the seeded species have grown at least 2-inches. Mowing height shall be no lower than 2-inches.
- c. Regular mowing may occur to manage weed growth. Regular mowing shall respond to the height of the meadow grasses. Mowing should not remove more than 1/3 of the leaf height of the meadow grasses.
- d. Reseeding or over-seeding shall occur in the middle of August if deemed necessary during establishment monitoring. Field conditions, the amount of existing bare soil, and the density of existing meadow grass species shall determine re-seeding or over-seeding methodology and seed rates. Typical over-seeding rates are half of the initial seeding rate per thousand square feet. If re-seeding or over-seeding is not necessary, regular mowing may continue to control annual weeds as needed but mowing should not remove more than 1/3 of the leaf of the meadow grasses. Clippings shall be removed.
- e. Monitor for weedy and noxious or invasive plant species

- Year 2 Meadow Grass Growth/ Wildflower Seeding
 - a. Mow the area in mid spring to encourage meadow grass growth. Clippings shall be removed.
 - b. Determine if forbs will be installed as seed or plug. If seeded see 'c' through 'g'
 - c. Lightly scarify small areas within meadow with a rake to create a seed bed within the grasses.
 - d. Apply wildflower seed and sow ¼" to ½" depth into soil and "water" in the seed. Cover the seed with fiber mulch and wet it with water or cover with weed free straw.
 - e. Monitor all areas for wildflower germination, weed competition, and meadow grass growth
 - f. No mowing shall occur until the wildflowers have germinated.
 - g. Mid to late mowing shall occur only to suppress weed competition and shall be not remove more than 1/3 of the leaf of desired meadow grasses or forbs.
 - 1) Wildflower Plugs Installation
 - a. Mow the area in mid spring to encourage meadow grass growth. Clippings shall be removed.
 - b. Install plugs into the soil and water the plants
 - c. Plant moisture and water needs shall be monitored during the summer months along with meadow grass establishment
 - d. Mowing shall not occur again until the following spring. Hand weeding can occur at any time so long as plugs are not damaged or uprooted.

- Year 3-5 Meadow Establishment
 - a. Mid spring; Mow to encourage growth. Mowing shall not remove more than 1/3 of the leaf of the meadow species.
 - b. Establishment monitoring should continue to evaluate meadow growth and weed competition. Any mowing should be developed to address the specific growth habits of target weeds. Routine mowing effects on desired meadow species should be

3.2 GRASSY MEADOW SPECIES LIST

Meadow Grasses	Percent of Mix
Little Bluestem 'Camper' (<i>Schizachyrium scoparium</i>)	60
Indiangrass (<i>Sorghastrum nutans</i>)	20
Switchgrass 'Summer' (<i>Panicum virgatum</i>)	20

Seed Rate: 1.5 lbs/ 1,000 sq.ft.

Meadow Wildflower Mix	Percent of Mix
Wild Blue Lupine (<i>Lupinus perennis</i>)	33%
Blackeyed Susan (<i>Rudbeckia hirta</i>)	33%
New England Aster (<i>Aster novae-angliae</i>)	33%

Rate; .5 lbs/ 1,000 sq.ft.

Companion Grasses

Annual ryegrass (*Lolium multiflorum*)

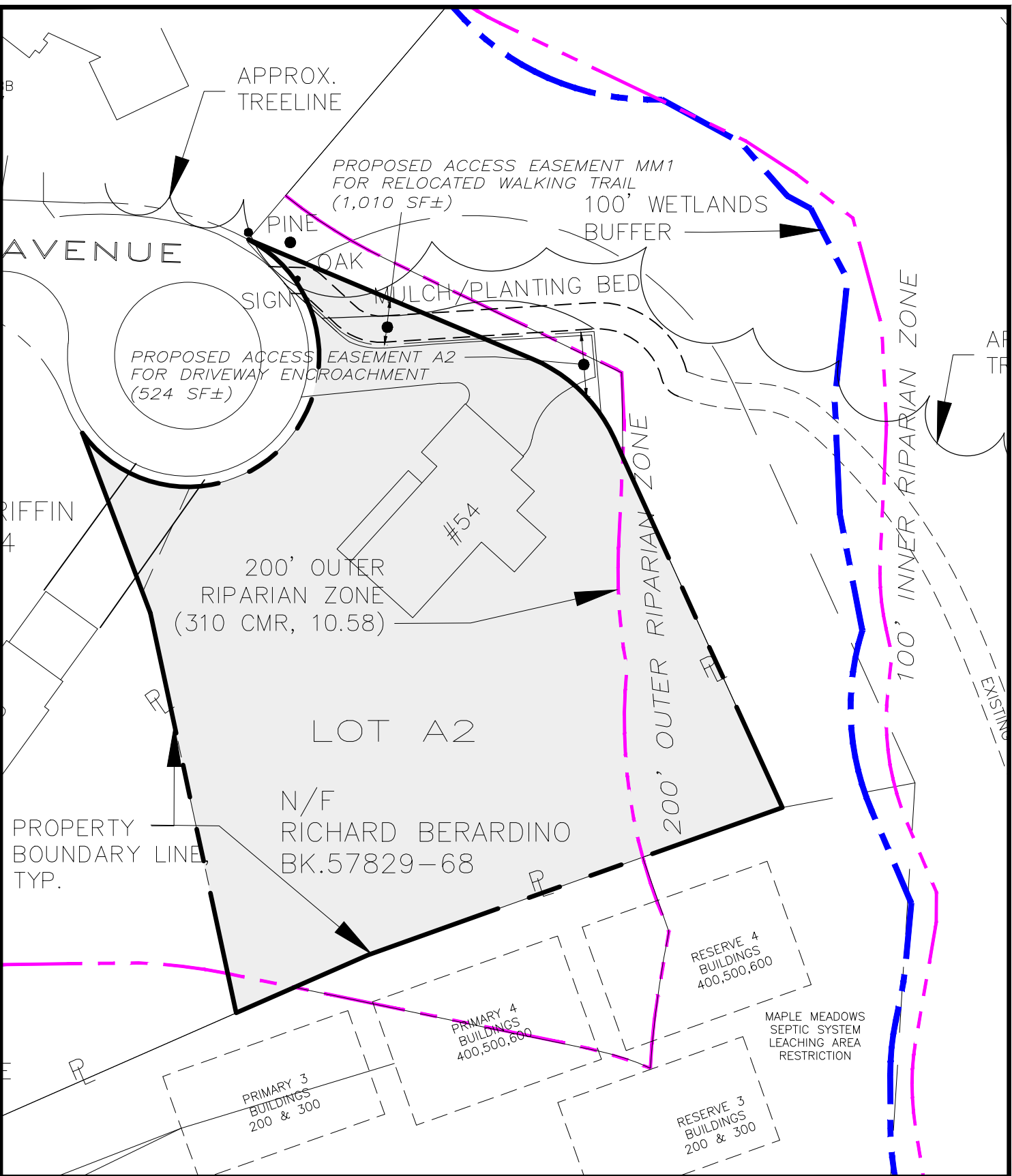
Rate; 1lb/ 1,000

Hard fescue (*Festuca ovina*)

Rate; 2lbs/ 1,000 sq.ft.

SECTION 7

SITE PLANS

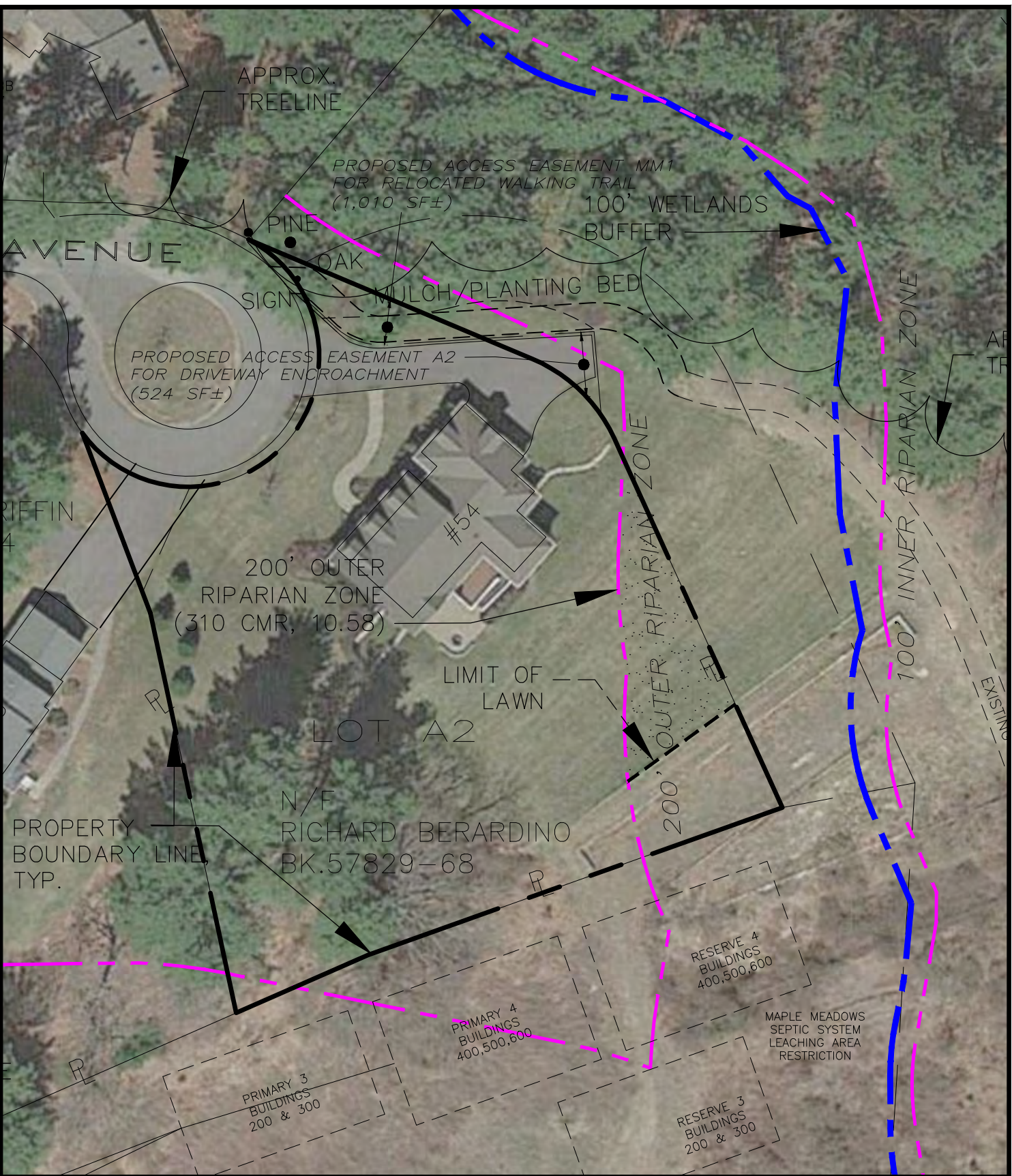


pf
 Landscape Architects • Planners
 Civil Engineers • Wetland Scientists
PAUL FINGER ASSOCIATES
 14 Spring Street
 Second Floor
 Waltham, Massachusetts 02451-4429
 (781) 647-4900 t
 (781) 647-4924 f
 info@pfai.net

54 Maple Avenue
Sudbury, Massachusetts
01776

Existing Conditions

SCALE: 1"=50'
 Date: Oct 05, 2018
 File No: 301-1008.00 200F_54 maple.dwg
L-1.0



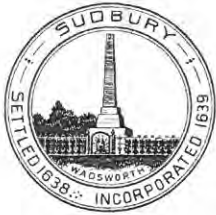
pf
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54 Maple Avenue
Sudbury, Massachusetts
01776

Riverfront
Alteration Plan
SCALE: 1"=50'
Date: Oct 05, 2018
File No: 301-1008.00 200F_54 maple.dwg
L-2.0

SECTION 8

VIOLATION NOTICE



Town of Sudbury

CONSERVATION

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

Wetlands • Conservation Land Management • Land Protection • Stormwater

June 11, 2018

Richard Berardino
54 Maple Avenue
Sudbury, MA 01776

Re: Notice of Violation;
54 Maple Avenue
Assessors Map K09-0075)

Dear Mr. Berardino,

The Sudbury Conservation Commission has recently walked the Conservation Restriction at Maple Meadows for their Certificate of Compliance. We observed work on both 35 Maple Avenue and 54 Maple Avenue that is in violation of local and state wetland protection laws. It appears that lawn, landscaping and driveway from 54 Maple Avenue has encroached into the 200' riverfront area of Hop Brook. There may encroachment into the conservation restriction area on Maple Meadows property as well. It appears that this work may have been done by 54 Maple Avenue

Accordingly, this letter serves as a **Notice of Violation under section 11 of the Sudbury Wetlands Administration Bylaw. An Enforcement Order under the state Wetlands Protection Act is attached to this Violation Notice.**

To address these violations, the Commission will require you to submit a Notice of Intent under the local wetland bylaw and the Wetlands Protection Act to restore all areas within wetland jurisdiction to a natural state on your property. We suggest you work with Maple Meadows to ensure compliance on their property as well for any encroachments from your lot.. **No additional activity, including mowing, disposal of clippings or maintenance may occur, or continue, within any jurisdictional areas.**

This Notice of Intent shall be submitted to the Commission on or before 4pm on June 30, 2018. If this Notice of Intent is not received by this time, the Commission may decide to take further enforcement action and levy fines.

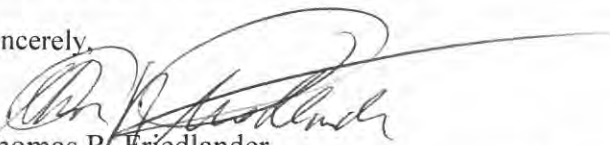
Failure to submit these required documents can result in fines of up to \$100 per day. This is \$100 per violation for each violation until a satisfactory plan is submitted for restoration.

Additionally, any areas outside of wetland jurisdiction but within the conservation restriction area that may have been altered must be returned to a natural state. A detailed restoration planting plan must be submitted to the Conservation Commission for approval prior to the work. Permission to perform this work must be obtained from the property owner.

You can learn more about the laws and regulations at the following on the Conservation Commission page on the Town of Sudbury website. The Notice of Intent form (the MA DEP Notice of Intent) is used for the local bylaw as well as for state applications) may be obtained from the MA DEP

website under Wetland forms, Form 3.

Sincerely,



Thomas R. Friedlander
Chairman, Sudbury Conservation Commission

cc: Conservation Commission
Town Counsel
Maple Meadows Homeowners Association Board



C. Project Description

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

4 Confidence Rd	Sudbury
Street Address	City/Town
36715-618	K09-0003
Assessors Map/Plat Number	Parcel/Lot Number

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

This property contains 2.508 acres of land maily classified as ONE FAM with a RANCH style building, built about 1971, having CLAPBOARD exterior and ASPHALT SH roof cover, with 1 unit, 6 total rooms, 2 total bedroom, 1 total bathroom.

c. Plan and/or Map Reference(s):

4 Confidence Way, Sudbury, Building Additon & Driveway	10/03/2018
Title	Date
_____	_____
Title	Date
_____	_____
Title	Date
_____	_____

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

Building house extention towards east and south of the existing structure. Adding gravel driveway on the east side of the building where the garage will be located. The new structure will extend current building by 10 feet to the south and 60 feet to the east as depicted on the attached plan.

Roof water runoff will be build to absorb 1 inch of rainfall or water from melting ice. The proposed added impermeable square footage is 2000 sq ft and will require total capcity of 1240 gallons of storage. The water will be collected from the roof by gutters and downspouts and delivered to the underground structural chambers. The chambers will be located as shown on the attached map of the property, which also shows the proposed location of the additon and the driveway.

EcoTec, Inc.

ENVIRONMENTAL CONSULTING SERVICES

102 Grove Street
Worcester, MA 01605-2629
508-752-9666 – Fax: 508-752-9494

PROJECT DESCRIPTION AND MITIGATION PROTOCOL

159 Concord Road
Sudbury, Massachusetts

October 15, 2018

Received

OCT 16 2018

Sudbury Conservation Department

Introduction

On October 12, 2018, EcoTec conducted a site inspection to evaluate the site to provide a project description and mitigation protocol. The work proposed is located within the 100-foot Buffer Zone to a channel draining from the roadway and parking lot across the street. As indicated by the report prepared by David Burke, Wetland Resource Specialist dated June 8, 2018, this channel is not regulated under the Wetlands Protection Act and regulations because this channel confines upland stormwater runoff and does not flow within or downgradient of a wetland resource area. However, this channel drains to a wetland and is therefore regulated under the Town of Sudbury Wetlands Protection Bylaw. Scott Morrison, PWS conducted the inspection.

Site Description

The current site conditions include an existing single-family home, paved driveway, lawn, landscaping, recently constructed deck and patio, and undeveloped forest. The proposed project includes an after the fact filing for the deck and patio as well as permitting for tree work and construction of a walkway from the patio to the front of the home. The following is a detailed description of the proposed project.

Project Description:

The Notice of Intent was filed for the construction of the deck and patio, which have been completed. It appears that these were located within and areas that consisted of lawn. The remainder of the work consists of the construction of a 4-foot wide walkway from the patio to the front of the house. This will require a short 6-inch to 1-foot high stone wall along the southern edge of the walkway to level the area for installation of the walkway. The house is surrounded by a number of trees, some are dead, others require pruning, while others are in good condition. Based upon a meeting with the homeowner, the following provides a description of the trees and the proposed treatment. A sketch plan is attached that depicts the locations of these trees.

1. Hickory: This tree contains some structural damage with several holes observed. The proposal includes trimming some of the branches that overhang the house.
2. Pin Oak: This tree appears to be in good conditions. The proposal includes trimming the branches that overhang the house.
3. Hickory: This consists of a cluster of three trees. The tree leaning toward the northern side of the house will be trimmed back. The other two trees are leaning toward the road and not a threat to the house, so they will remain.
4. White Ash: This consists of a dead tree with few branches remaining in the crown of the tree. This tree will be topped at approximately 20-feet. This will allow the snag to remain, but will eliminate the possibility of the tree falling and damaging the home.
5. White Ash: This consists of a dead tree with peeling bark and numerous branches remaining in the crown of the tree. This tree will be topped at approximately 20-feet. This will allow the snag to remain, but will eliminate the possibility of the tree falling and damaging the home.
6. White Ash: This dead white ask appears to have fallen with in the past couple weeks. This tree is laying within a wooded area and will remain.

Mitigation Protocol:

The Town of Sudbury Wetlands Protection Bylaw and more specifically: Section 7.14 Tree Removal Performance Standards do not provide details for mitigation requirements. The Bylaw does state "Property owners may trim tree branches directly overhanging dwellings without a permit". Given the lack of guidance in the regulations, the exemption of portions of the work, and the numerous trees and snags that will remain upon completion of the project, EcoTec provides the following recommendations. The intent of these recommendations are to plant a number of native shrubs and vines that will provide food and shelter for wildlife to compensate for any actual or conceived loss of habitat from the trimming or topping of the trees.

1. Erosion control barrier consisting of a silt fence has been installed and will be maintained until completion of the project.
2. The following plantings will be planted within areas A & B on the attached Ecotec Sketch Plan dated October 12, 2018 and along the edge of the deck.

Planting Plan for Mitigation Area A

<u>SPECIES; SIZE; SPACING</u>	<u>NUMBER</u>
Shrubs; min. 2.5 to 3' in height, min 1 gal container; 6' on-center average spacing or clustered Mountain laurel (<i>Kalmia latifolia</i>)	6 total

Planting Plan for Mitigation Area B

<u>SPECIES; SIZE; SPACING</u>	<u>NUMBER</u>
Shrubs; min. 2.5 to 3' in height, min 1 gal container; 6' on-center average spacing	6 total
Witch-hazel (<i>Hammemelis virginiana</i>)	
Arrow-wood (<i>Viburnum recognitum</i>)	
Sweet pepper-bush (<i>Clethra alnifolia</i>)	
Winterberry (<i>Ilex verticillata</i>)	

Planting Plan at Deck

<u>SPECIES; SIZE; SPACING</u>	<u>NUMBER</u>
Vines; min 1 gal container;	minimum or 2
Summer-grape (<i>Vitis aestivalis</i>)	
Fox-grape (<i>Vitis labrusca</i>)	
New England grape (<i>Vitis riparia</i>)	

17/E/Sudb159ConcordRdProjectDescription&MitigationProtocol



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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).

n/a

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.)

n/a



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:

Meier Laura Trustee, 4 Confidence Way Realty Trust

Name

85 Carriage Way

Mailing Address

Sudbury

City/Town

MA

State

01776

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.



Signature of Applicant

10/09/2018

Date

n/a

Signature of Representative (if any)

Date