

NOTICE OF PUBLIC HEARING SUDBURY CONSERVATION COMMISSION

The Sudbury Conservation Commission will hold a public hearing to review the Notice of Intent filing to remove thirteen trees within the 100-foot buffer zone, at 270 Old Lancaster Road, Sudbury MA, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw. Alicia and Brett Clancy, applicants. The hearing will be held virtually on Thursday, September 24, at 6:45 pm, via Zoom. Please see the Conservation Commission web page for further information.

<https://sudbury.ma.us/conservationcommission/meeting/conservation-commission-meeting-thursday-september-24-2020/>

SUDBURY CONSERVATION COMMISSION
September 14, 2020



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

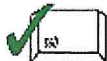
Provided by MassDEP:

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):

270 Old Lancaster Rd

a. Street Address

Sudbury

b. City/Town

01776

c. Zip Code

Latitude and Longitude:

d. Latitude

e. Longitude

f. Assessors Map/Plat Number

1:108-0005

g. Parcel /Lot Number

2. Applicant:

Brett & Alicia

a. First Name

Clancy

b. Last Name

c. Organization

270 Old Lancaster Rd

d. Street Address

Sudbury

e. City/Town

MA

f. State

01776

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

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

Brett & Alicia

a. First Name

Clancy

b. Last Name

c. Organization

270 Old Lancaster Rd

d. Street Address

Sudbury

e. City/Town

MA

f. State

01776

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

a. First Name

b. Last Name

c. Company

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

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

\$110.00

a. Total Fee Paid

\$42.50

b. State Fee Paid

\$67.50

c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

Removal of high-risk trees

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

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Commercial/Industrial | 4. <input type="checkbox"/> Dock/Pier |
| 5. <input type="checkbox"/> Utilities | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation |
| 9. <input type="checkbox"/> 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 CMR 10.24(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 County South

a. County

70182

b. Certificate # (if registered land)

95

c. Book

d. Page Number

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

- ☒ 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.
- ☐ Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

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



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

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

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

| Resource Area | Size of Proposed Alteration | Proposed Replacement (if any) |
|--|---|--|
| d. <input type="checkbox"/> Bordering Land Subject to Flooding | 1. square feet 3. cubic feet of flood storage lost | 2. square feet 4. cubic feet replaced |
| e. <input type="checkbox"/> Isolated Land Subject to Flooding | 1. square feet 2. cubic feet of flood storage lost | 3. cubic feet replaced |
| f. <input type="checkbox"/> Riverfront Area | 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:

square feet

4. Proposed alteration of the Riverfront Area:

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. ☐ Restoration/Enhancement

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

a. square feet of BVW _____

b. square feet of Salt Marsh _____

5. ☐ Project Involves Stream Crossings

a. number of new stream crossings _____

b. number of replacement stream crossings _____



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C. Other Applicable Standards and Requirements

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

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

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

August 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/nhesp/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/nhesp/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)

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.



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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.

Map of Proposed Tree Removals and Previous Tree Failures

a. Plan Title

Daniel E. Cathcart

Daniel E. Cathcart

b. Prepared By

August 28, 2020

c. Signed and Stamped by

Not to scale

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

5. ☐ If there is more than one property owner, please attach a list of these property owners not listed on this form.
6. ☐ Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7. ☐ Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
8. ☒ Attach NOI Wetland Fee Transmittal Form
9. ☐ Attach Stormwater Report, if needed.

E. Fees

1. ☐ Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

| | |
|------------------------------------|-----------------------------------|
| 1819 | August 31, 2020 |
| 2. Municipal Check Number | 3. Check date |
| 1818 | August 31, 2020 |
| 4. State Check Number | 5. Check date |
| Alicia | Clancy |
| 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.



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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:

270 Old Lancaster Rd

a. Street Address

b. City/Town

c. Check number

d. Fee amount

2. Applicant Mailing Address:

a. First Name

b. Last Name

c. Organization

270 Old Lancaster Rd

d. Mailing Address

Subdury

e. City/Town

MA

f. State

01776

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

3. Property Owner (if different):

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

B. Fees

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

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

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

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

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

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

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

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



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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 |
|-------------------------|--------------------------------|--------------------------------------|---------------------------------|
| Catergory I | | | \$110.00 |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

Step 5/Total Project Fee: \$110.00

Step 6/Fee Payments:

Total Project Fee: \$110.00

a. Total Fee from Step 5

State share of filing Fee: \$42.50

b. 1/2 Total Fee less \$12.50

City/Town share of filing Fee: \$67.50

c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

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

Department of Environmental Protection
Box 4062
Boston, MA 02211

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

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



Plant Healthcare Consultants

American Society of Consulting Arborist • International Society of Arboriculture
Massachusetts Arborist Association • Massachusetts Tree Wardens and Foresters Association
TREE INVENTORIES • APPRAISALS • DIAGNOSIS • TREE RISK ASSESSMENTS



Tree Evaluation – 270 Old Lancaster Road, MA

Prepared for:

Alicia Clancy
270 Old Lancaster Road
Sudbury, MA 01776

Prepared by:

Daniel E. Cathcart
Certified Consulting Arborist
Plant Healthcare Consultants
76 Stony Brook Rd
Westford, MA 01886

August 23, 2020

Carl A. Cathcart • Daniel E. Cathcart
Plant Healthcare Consultants, Partnership
76 Stony Brook Rd. Westford, MA. 01886 • Phone (978) 764-6549 ~ (617) 237-7695
carl.phc@verizon.net • dan.cathcart@gmail.com • www.treeconsultant.com

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Summary

On August 11, 2020 I met Mrs. Alicia Clancy at her residence located at 270 Old Lancaster Road, Sudbury, MA at approximately 2:00 pm.

Mrs. Clancy has concerns about several large trees and the risks they pose to his house, property and family. Mrs. Clancy would like to remove 13 trees; 12 *Pinus strobus* (White pine) and 1 *Acer saccharum* (Sugar maple) of various sizes to reduce risk of damage to her property.

The Town of Sudbury's Conservation Commission informed Mrs. Clancy that the trees that she wants to remove are in a Wetland Protection Act (WPA) Buffer Zone. As such, she needs to submit the necessary documents to receive a waiver to proceed with the work.

I inspected the 13 trees around Mrs. Clancy's property. It is my opinion that the trees do pose a potential risk to Mrs. Clancy's house, property and family. I arrived at this opinion upon inspecting the tree's health, location, anchorage, potential risk points and defects. My observations are included in this report.

Additionally, there has been 4 tree failures in the past couple years of similar trees on the property. In one instance a tree struck a neighbor's car totaling it.

Introduction

Mrs. Clancy called my office on August 6, 2020 to inquire about retaining my services as a Consulting Arborist. Mrs. Clancy is planning to remove some trees on his property at 270 Old Lancaster Road, Sudbury, MA 01776. The trees are in the designated buffer zone of protected wetlands. Mrs. Clancy is seeking independent, third party assistance, in procuring the necessary documentation to proceed with her tree removal plans. An appointment was scheduled for August 11, 2020 at 270 Old Lancaster Road, Sudbury, MA at 2:00 pm to discuss, inspect and gather data for creating this report.

Background & History

The Sudbury Conservation Commission ("SCC") was established in 1962 to protect local natural resources and features and to act as stewards of the town's conservation properties.

The SCC has legal authority granted under The Conservation Commission Act, by the Massachusetts Wetlands Protection Act, and by the Sudbury Wetlands Administration Bylaw.

To receive the proper permits to perform the tree removals Mrs. Clancy is required to submit appropriate documentation and applications to the SCC, including a Notice of Intent ("NOI").

The work Mrs. Clancy is proposing falls under Notice of Intent Project - Category 1:

- a.) Work on single family lot; addition, pool, etc.;
- b.) Site work without a house;
- c.) Control vegetation;
- d.) Resource improvement;

Carl A. Cathcart ▪ Daniel E. Cathcart
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76 Stony Brook Rd. Westford, MA. 01886 ▪ Phone (978) 764-6549 ~ (617) 237-7695
carl.phc@verizon.net ▪ dan.cathcart@gmail.com ▪ www.treeconsultant.com

- e.) Work on septic system separate from house;
- f.) Monitoring well activities minus roadway;
- g.) New agricultural or aquaculture projects.

Assignment

The scope of this project is to evaluate the trees that Mrs. Clancy is proposing for removal, assess risk of the trees as well as the trees impact on the property and present the finding in this report as well as, to assist in the completion of the permit application documentation.

Limits of Assignment

The recommendations and conclusions provided in this report are based on visual observations only. No examinations of the tree's interiors were taken nor were and soil or plant tissue were taken and submitted for laboratory testing.

Purpose and Use of Report

The purpose of this report is to provide information regarding the trees Mrs. Clancy is proposing to remove from her property. The report includes observation about tree risk as well as additional impact on the property. This report is to accompany the NOI application as supporting documentation.

The report is the property of Mrs. Alicia Clancy and to be used and shared as she sees fit.

Observations

I inspected the thirteen trees that Mrs. Clancy proposes removing as well as identifying the location of the the four similar trees that previously failed.



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| Tree # | Species | DBH in Inches | Height in Feet |
|--------|-------------|---------------|----------------|
| 1 | White pine | 24 | 69 |
| 2 | White pine | 16 | 66 |
| 3 | White pine | 41 | 92 |
| 4 | Sugar maple | 16 | 30 |
| 5 | White pine | 36 | 89 |
| 6 | White pine | 32 | 93 |
| 7 | White pine | 30 | 96 |
| 8 | White pine | 28 | 90 |
| 9 | White pine | 32 | 89 |
| 10 | White pine | 24 | 93 |
| 11 | White pine | 16 | 75 |
| 12 | White pine | 30 | 85 |
| 13 | White pine | 36 | 89 |

Tree #1



Tree #2



Tree #3





Tree #4



Tree #5



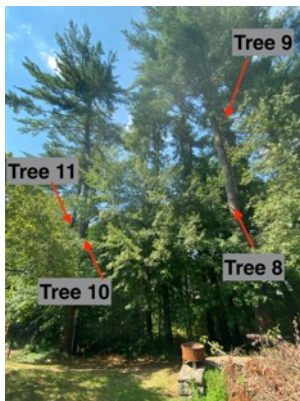
Tree #6



Tree #7



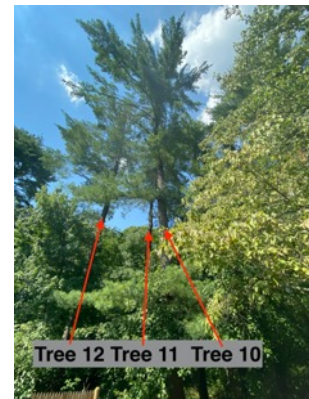
Trees #8-11



Tree #11 Decay



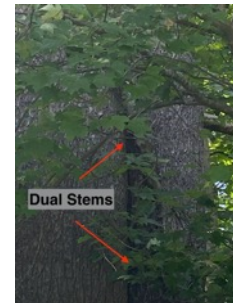
Trees #10-12



Tree #12



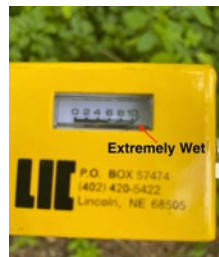
Tree #13



Proximity of Some Trees to Home



Soil Moisture



Discussion

The area surrounding the dwelling at 270 Old Lancaster Road, Sudbury, MA is quite wooded. The selective removal of the high-risk trees will not have a significant effect on integrity of the landscape.

When the lot was cleared to build the house the dynamic of the trees changed. Trees that were on the interior of a wooded lot now became the trees on the edge of the forest. This exposes the trees to forces that they have not become accustomed to. This is evident, especially in the white pines. They are tall and relatively narrow with only foliage in the upper most branches. This is a result of them growing fast to break through the canopy and get to the sunlight. Now the trees are exposed to winds and are susceptible to breakage due to uneven distribution of forces. White pines are shallow rooted and with exposure to wind forced they have the potential to uproot, as well. This situation is exacerbated by the fact that the soil so moist. Likelihood of risk is increased as evidenced by the 4 previous failures.

Significant defects are present in some of the trees as well. Multiple stems, with included bark is an inherent weak point and a potential failure point. This is especially apparent in trees #3 & #13. Decay at the root system is also a major concern as whole tree failure can result due to compromised anchorage. This is evident in trees #3 & #11.

Construction of the dwelling required regrading. As a result of the regrading the root flare, the delicate area where the trunk enters the soil, has been buried. This presents a host of concerns. Gas exchange is retarded, constant moisture allows decay to enter the tree and structural integrity is compromised. Trees #5 & #6 have this concern.

| Tree Risk - 270 Old Lancaster Road, Sudbury, MA | | | | | | | | | | | | | | | | | | | | |
|---|-------------|-----|--------|--------------|------------|----------|----------|----------|----------|-----|--------|------|--------------|-----------------|--------|-------------|--------------------------------|-------|-------------|--------|
| Tree # | Species | DBH | Height | Target | Likelihood | | | | | | | | Consequences | | | | Risk Rating (from Matrix 2) | | | |
| | | | | | Failure | | | | Impact | | | | | | | | | | | |
| | | | | | Improbable | Possible | Probable | Imminent | Very Low | Low | Medium | High | Unlikely | Somewhat Likely | Likely | Very Likely | Negligible | Minor | Significant | Severe |
| 1 | White pine | 24 | 69 | House/People | | | x | | | | | | x | | | | | | | x |
| 2 | White pine | 16 | 66 | House/People | | | x | | | | | | x | | | | | | | x |
| 3 | White pine | 41 | 92 | House/People | | | x | | | | | | x | | | | | | | x |
| 4 | Sugar maple | 16 | 30 | House/People | | | | | x | | | | x | | | | | | | x |
| 5 | White pine | 36 | 89 | House/People | | | x | | | | | | x | | | | | | | x |
| 6 | White pine | 32 | 93 | House/People | | | x | | | | | | x | | | | | | | x |
| 7 | White pine | 30 | 96 | House/People | | | x | | | | | | x | | | | | | | x |
| 8 | White pine | 28 | 90 | House/People | | | x | | | | | | x | | | | | | | x |
| 9 | White pine | 32 | 89 | House/People | | | x | | | | | | x | | | | | | | x |
| 10 | White pine | 24 | 93 | House/People | | | x | | | | | | x | | | | | | | x |
| 11 | White pine | 16 | 75 | House/People | | | x | | | | | | x | | | | | | | x |
| 12 | White pine | 30 | 85 | House/People | | | x | | | | | | x | | | | | | | x |
| 13 | White pine | 36 | 89 | House/People | | | x | | | | | | x | | | | | | | x |

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| Matrix 1 – Likelihood Matrix | | | | | Matrix 2 – Risk Rating Matrix | | | | |
|------------------------------|---------------------------------|-----------------|-----------------|-----------------|--|-------------------------|----------|-------------|----------|
| Likelihood of Failure | Likelihood of Striking a Target | | | | Likelihood of Failure & Impact (From Matrix 1) | Consequences of Failure | | | |
| | Very Low | Low | Medium | High | | Negligible | Minor | Significant | Severe |
| Imminent | Unlikely | Somewhat Likely | Likely | Very Likely | Very Likely | Low | Moderate | High | Extreme |
| Probable | Unlikely | Unlikely | Somewhat Likely | Likely | Likely | Low | Moderate | High | High |
| Possible | Unlikely | Unlikely | Unlikely | Somewhat Likely | Somewhat Likely | Low | Low | Moderate | Moderate |
| Improbable | Unlikely | Unlikely | Unlikely | Unlikely | Unlikely | Low | Low | Low | Low |

* The ISA Tree Risk Assessment process, used by a certified arborist, employs a systematic approach to evaluate all parts of a tree and determine if the tree has a likelihood of failure and if so if there is a potential target if the tree fails. Best practices and industry accepted standards are used to assess the trees and while any tree can fail at any time, the most responsible conclusions are determined. This information is compiled using the ISA Tree Risk Assessment process and a determination of risk is reached.

Alternative Analysis for Altering Upland Resource Area

As this NOI is requesting permission to remove trees from the site alternative options are quite limited.

Option 1 – Do not remove the trees.

This option is not practical because it does not remove the risk of tree failure.

Option 2 – Remove the trees and implement mitigation to limit impact to upland resource area.

This is the only viable option to reduce the risk of tree failure and damage to people and property while maintaining the integrity of the protected wetlands.

Mitigation Plan

Trees #1 - #6 do not lie in a close proximity the river and their removal will have little impact on the protected area or the habitats within.

The main area of concern to maintain wetland protection involves the removal of trees #7 - #13 as they lie closest to the river and will have impact on integrity of the area and habitats within. As such this mitigation plan will focus on this area.

Trees #7 & #8 shall have the canopy and all live branches removed and leave the trunk standing to a height of ~15'. This will allow for potential habitats for wildlife. Retaining these trunks will also help control erosion.

To mitigate removal of trees #9 - #13 the following native species will be planted to replace these trees. This will help preserve the area to its condition prior to the removal of the trees.

| Latin Name | Common Name | Size | # of units | Benefits |
|-------------------------------|-----------------------|--------|------------|-----------------------------|
| <i>Amelanchier canadensis</i> | Shadblow Serviceberry | 10 gal | 3 | Produce berries for birds |
| <i>Juniperus virginiana</i> | Eastern red cedar | 6-7' | 2 | Provide shade and screening |
| <i>Kalmia latifolia</i> | Mountain laurel | 3-4' | 2 | Favorable to pollinators |

The selection of plantings will help preserve the area, benefit wildlife, and will not present similar concerns in the near future.

Conclusion

It is my professional opinion that all the trees assessed in this report meet the criteria set forth by the SCC and should be removed.

All the trees pose a potential risk to the property and residents.

The buffer zone is heavily wooded, and the removal of the proposed trees will not negatively impact the integrity and benefits of the buffer zone.

These conclusions were arrived at are based on my training, education, observations and professional experience.

Recommendations

I recommend the removal of all the trees evaluated and discussed in the report.

Glossary of Terms

| | |
|---------------------|---|
| Absorbing Roots | Fine, fibrous roots that take up water and minerals; most of them are within the top 12 inches of soil |
| Branch Union | The structural union of a lateral branch to the tree stem. |
| Caliper | Is measured approximately 6-12" from the root collar. Caliper is an American Nursery Standard measurement. Synonym for trunk diameter used to measure the size of nursery stock; by convention, measured 6" above the ground. |
| Canopy | The part of the crown composed of leaves and small twigs. |
| Certified Arborist | A professional arborist possessing current certification issued by the Massachusetts Arborists Association (MAA) and/or the International Society of Arboriculture (ISA) |
| Co-dominant | equal in size and relative importance usually associated with either the trunk/stems or scaffold limbs/ branches in the crown. |
| Crown | The upper part of a tree, measured from the lowest branch, including all the branches and foliage |
| DBH | Stands for Diameter Breast Height. The diameter of a tree measured at 4.5 feet above the ground. |
| Drip-line | Perimeter of the area under a tree including the branches and leaves |
| Establishment | The process of a tree becoming acclimated to a new environment, usually correlating the new root development that can sustain normal biological functions of the tree |
| LCR | Live Crown Ratio (LCR) is the percentage of foliar growth compared the height of the tree. Lower LCR result in higher stresses to the trunk. |
| Pruning | Systematic removal of branches of a plant usually a woody perennial |
| Restoration Program | A plan of maintenance and monitoring of trees to maximize survival or recovery rate of damaged or newly planted trees |
| Root Collar | Area at the base of the tree where the roots and the stem merge |
| Soil Compaction | Compression of the soil resulting in a reduction of the total air or pore space |
| Stress | Any change in environment conditions that produce a less than ideal plant response |

Assumptions and Limited Conditions

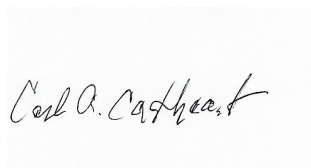
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9. Loss or alteration of any part of this report invalidates the entire report.

Certification of Performance

Plant Healthcare Consultants certify that:

1. We have personally inspected the tree and property referred to in this report and have stated our findings accurately.
2. We have no current or prospective interest in the trees or the property that is the subject of this report and have no personal interest or bias with respect to the parties involved.
3. The analysis, opinions and conclusions stated herein are our own and are based on current scientific procedures and facts.
4. Our analysis, opinions and conclusions were developed and this report has been prepared according to commonly accepted arboricultural practices.
5. No one provided significant professional assistance to us, except as indicated within the report.
6. Our compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party or upon the results of the assessment, the attainment of stipulated results, or the occurrence of any subsequent events.

We further certify that Plant Healthcare Consultants is a member in good standing of the Massachusetts Arborist Association, American Society of Consulting Arborists, the International Society of Arboriculture and Massachusetts Tree Wardens and Foresters Association. We have been involved in the field of Arboriculture for over 60 years



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