

NOTICE OF PUBLIC HEARING SUDBURY CONSERVATION COMMISSION

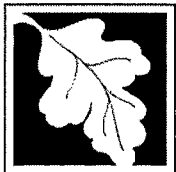
The Sudbury Conservation Commission will hold a public hearing to review the Abbreviated Notice of Intent filing for tree removal within the 100-foot Buffer Zone pursuant to the state Act and local Bylaw, at 27 Sawmill Lane, Sudbury MA. Matthew Whitfield, applicant. The hearing will be held on Mon., April 5, 2021 at 6:45 pm, via remote participation.

Please see the Conservation Commission web page for further information.

<https://sudbury.ma.us/conservationcommission/meeting/conservation-commission-meeting-monday-april-5-2021-2/>

SUDBURY CONSERVATION COMMISSION

March 22, 2021



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 4 – Abbreviated Notice of Intent

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

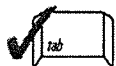
Provided by DEP

Town

A. General Information

Important:

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:

Before completing this form, consult your local Conservation Commission regarding any municipal bylaw or ordinance.

1. Applicant:

Name Matthew and Rebecca Whitfield E-Mail Address rpenkala@gmail.com
Street Address 27 Sawmill Lane
City/Town Sudbury State MA Zip Code 01776
Phone Number 206-200-9052 Fax Number (if applicable)

2. Representative (if any):

Firm
Contact Name E-Mail Address
Mailing Address
City/Town State Zip Code
Phone Number Fax Number (if applicable)

3. Property Owner (if different from applicant):

Name
Mailing Address
City/Town State Zip Code

4. Total Fee:

\$110.00
(from NOI Wetland Fee Transmittal Form)

5. Project Location:

Street Address 27 Sawmill Lane City/Town Sudbury
Latitude and Longitude: 42.394277 -71.398235
Assessors Map/Plat Number F10-0313 Parcel/Lot Number

6. General Project Description:

Removal of 5 white pines and 1 broken oak tree
which are in danger of falling on the house.



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Town

A. General Information (cont.)

7. Registry of Deeds:

Middlesex
County

72398
Book

90
Page

Certificate (if Registered Land)

B. Site and Activities Subject to Regulation

Complete any of the following sections that apply to the proposed work and project site.

1. Complete for proposed activities located, in whole or in part, in Buffer Zone.

a. Check all the following borders to the Buffer Zone:

Inland Resource Areas

☐ Inland Bank

☒ Bordering Vegetated Wetland (BVW)

Coastal Resource Areas

☐ Coastal Beach

☐ Barrier Beach

☐ Rocky Intertidal Shore

☐ Coastal Dune

☐ Salt Marsh

☐ Coastal Bank

b. Check all the methods used to delineate the Bordering Vegetated Wetland boundary:

☐ Final Order of Resource Area Delineation issued by Conservation Commission or DEP (attached)

☐ DEP BVW Field Data Form (attached)

☐ Final Determination of Applicability issued by Conservation Commission (attached)

☒ Other Method of Determining BVW boundary (attach documentation):

☐ 50% or more wetland indicator plants

☐ Saturated/inundated conditions exist

☐ Groundwater indicators

☒ Direct observation

☐ Hydric soil indicators

☐ Credible evidence of conditions prior to disturbance.



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Town _____

B. Site and Activities Subject to Regulation (cont.)

c. Describe, with reference to supporting plans and calculations where necessary, the size, type, and location of the proposed work and mitigating measures and designs to insure that the proposed work will not alter the resource area and Buffer Zone borders. Attach additional sheets, if necessary.

Please see attached sheet marked Section B.1. C

2. Complete for proposed activities located, in whole or in part, in Land Subject to Flooding.

a. Resource area description:

Bordering Land Subject to Flooding:

Isolated Land Subject to Flooding:

Volume of Flood Storage Lost (cubic feet)

Volume of Flood Storage Lost (cubic feet)

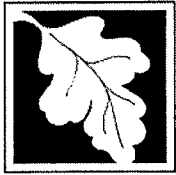
Volume of Flood Storage Compensation (cubic feet)

Volume of Flood Storage Compensation (cubic feet)

b. Describe, with reference to supporting plans and calculations where necessary the size, shape, location, and type of work, mitigating measures, and designs proposed to meet the performance standards set forth in 310 CMR 10.57(4) and 10.60. Attach additional sheets, if necessary.

3. Complete for proposed activities located, in whole or in part, in the Riverfront Area.

a. Name of Waterway (if available):



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Provided by DEP _____

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B. Site and Activities Subject to Regulation (cont.)

b. Width of Riverfront Area (check one):

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

c. Describe how the Mean Annual High-Water Line was determined:

d. Distance of proposed activity closest to the Mean Annual High-Water Line:

Feet

e. Total area of Riverfront Area on the site of the proposed project:

Square Feet

f. Proposed alteration of the Riverfront Area:

Total Square Feet

Square Feet within 100 ft.

Square Feet between 100 ft. and 200 ft.

g. Indicate project purpose:

- | | | |
|--|---|--|
| <input type="checkbox"/> Single family house | <input type="checkbox"/> Commercial development | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Residential subdivision | <input type="checkbox"/> Industrial development | <input type="checkbox"/> Other (describe): _____ |

h. Was the lot where the activity is proposed created prior to August 1, 1996?

- ☐ Yes
- ☐ No



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B. Site and Activities Subject to Regulation (cont.)

- i. Describe how the project will meet all performance standards set forth in 310 CMR 10.58(4) for the Riverfront Area, including standards requiring consideration of alternative project design or location. Attach additional sheets, if necessary.

4. Is the project exempt from the DEP Stormwater Management Policy?

☒ Yes

If yes, explain why the project is exempt:

Single-family house

☐ No

If no, stormwater management measures are required. Applicants are encouraged to complete the Stormwater Management Form and submit it with this Abbreviated Notice of Intent.

5. a. Is any portion of the proposed project located within estimated habitat as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program?

☐ Yes

If yes, include proof of mailing or hand delivery of Abbreviated Notice of Intent to :

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581-3336

☒ No

2017
Date of Map

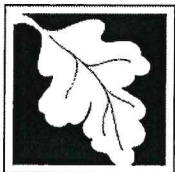
- b. Is any portion of the proposed project in an Area of Critical Environmental Concern (ACEC)?

☐ Yes

If yes, provide name of ACEC (see the Area of Critical Concern list for ACEC locations):

☒ No

ACEC Name



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B. Site and Activities Subject to Regulation (cont.)

c. 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)?

☐ Yes

☒ No

6. If any activity within Land Subject to Flooding, the Riverfront Area, or Buffer Zone is exempt from performance standards in accordance with any provision of the wetlands regulations, 310 CMR 10.00, identify the appropriate exemption:

Exemption

C. Additional Information

Applicants must include the following with this Abbreviated Notice of Intent (ANOI):

- 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.
- Plans identifying the location of proposed activities relative to the boundaries of each affected resource area.
- Other material identifying and explaining the determination of resource area boundaries shown on plans (e.g., a DEP BVW Field Data Form).
- List the titles and final revision dates for all plans and other materials submitted with this ANOI.

D. Fees

The fees for work proposed under each Abbreviated Notice of Intent must be calculated and submitted to the Conservation Commission and DEP (see Instructions and NOI Wetland Fee Transmittal Form).

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:

495
Check Number
Bank of America
Payor name on check

3/16/21
Check date
Matthew and Rebecca Whitfield
Applicant name on check



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E. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Abbreviated 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 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.


Signature of Applicant



3/22/21
Date

Signature of Property Owner (If different)

Date

Signature of Representative (if any)

Date

For Conservation Commission:

Two copies of the completed Abbreviated Notice of Intent (Form 4), including supporting plans and documents; two copies of pages 1 and 2 of the NOI Wetland Fee Transmittal Form; and the city/town fee payment must be sent to the Conservation Commission by certified mail or hand delivery.

For DEP:

Two copies of the completed Abbreviated Notice of Intent (Form 4), including supporting plans and documents; two copies of pages 1 and 2 of the NOI Wetland Fee Transmittal Form; and a **copy** of the state fee payment must be sent to the DEP Regional Office by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section B, Item 5, 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 Abbreviated 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

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A. Applicant Information

1. Applicant:

Matthew and Rebecca Whitfield
a. First Name b. Last Name c. Company
27 Sawmill Lane
d. Mailing Address
Sudbury MA 01776
e. City/Town f. State g. Zip Code
206-200-9052
h. Phone Number

2. Property Owner (if different):

a. First Name b. Last Name c. Company
d. Mailing Address
e. City/Town f. State g. Zip Code
h. Phone Number

3. Project Location:

27 Sawmill Lane Sudbury
a. Street Address b. City/Town

To calculate filing fees, refer to the category fee list and examples in the instructions for WPA Form 4 (Abbreviated Notice of Intent).

B. Fees

Notice of Intent (Form 3) or Abbreviated Notice of Intent (Form 4):

The fee should be calculated using the following six-step process and 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.

[illegible]

Step 5/Total Project Fee: 110

Total Project Fee: 110
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 filling fee: 67.50
c. 1/2 total fee **plus** \$12.50

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.

b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of pages 1 and 2 of this form; and the city/town fee payment.

c.) **To DEP Regional Office** (see Instructions): Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of pages 1 and 2 of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

Section B.1.c

We plan to remove six closely packed trees (see letter from arborist) which are located at the edge of the woods, near the border with the lawn (see As Built Plans with trees marked in red circles). Based on their height, a substantial portion of any one of the trees would hit the house should it fall toward the house. Several similarly sized white pines have fallen on our property in the last year. The trees are located completely within the Buffer Zone, and removal of the trees will not alter the resource area or the Buffer Zone borders. Although there are ample additional trees and other vegetation in the area, we are happy to plant additional trees or bushes in place of the removed trees should the Commission request it.



Stumpy's Tree Service
190 Front Street
Suite 201
Ashland, MA 01721

Matt Whitfield
27 Sawmill Ln
Sudbury
865-548-4239
mwhitfield16@yahoo.com

To Whom It May Concern,

My name is Christopher Orchard, a certified arborist with Stumpy's Tree Service. On February 16, 2021 I visited the above address to conduct a basic visual assessment of several trees on the property for their health and structure.

- 37 inch Diameter at Breast Height (DBH) White Pine. Tree seems to be in fair health with a normal amount of foliage and good color. This Pine has a co-dominant stem with a large defect at the union.
- There are four other White Pines in question. They range from 20"-26" DBH. They are all single stem and have signs of past storm damage and poor form. No lower foliage is present.
- Last is a 13"DBH Oak. This tree has been damaged in past storms that resulted in a broken top, close to 50% of the tree

All of the above listed trees have structural deficiencies and significant level of risk to the property. Site History would also indicate an issue with the more mature trees in this area, several Pines have broken and/or unrooted. Due to the above listed deficiencies plus their size and location in relation to targets, the house. I would deem them all a hazard. I recommend the trees to be removed.

Sincerely,

Christopher Orchard
Certified Arborist
6281-A
Stumpy's Tree Service



- 2) TOPOGRAPHY AND DETAILS WERE SURVEYED ON SITE ON NOVEMBER 4, 2018.
- 3) ELEVATION DATA IS BASED ON SEWAGE DISPOSAL SYSTEM PLAN BY THOMAS LAND SURVEYORS DATED 11/13/2003.
- 4) THIS PLAN PREPARED FOR THE SUBURBY CONSERVATION COMMISSION IN ORDER TO SATISFY AN ORDER OF CONDITIONS REQUIREMENT OF AN AS-BUILT PLAN. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE.
- 5) WETLAND DELINEATION LINE, AND 100 FOOT WETLAND BUFFER ZONE LINE TAKEN FROM ORIGINAL DESIGN PLAN BY THOMAS LAND SURVEYORS. NO WETLAND FLAGS WERE FOUND ON SITE.

