

NOTICE OF PUBLIC MEETING SUDBURY CONSERVATION COMMISSION

The Sudbury Conservation Commission will hold a public meeting to review the Request for Determination of Applicability (RDA) filing, under the State Act and Town Wetlands Bylaw, to remove trees and shrubs within the 100-foot Buffer Zone and 200-foot Riverfront Area, at 182 Dutton Road in Sudbury, MA. Kristen Ruby and Andrew Walsh, Applicants. The hearing will be held on Monday, August 9, 2021 at 6:45 pm, via remote participation.

Copies of the application may be reviewed at the Conservation Department web page at: <https://sudbury.ma.us/conservationcommission/meeting/conservation-commission-meeting-monday-august-9-2021/>.

SUDBURY CONSERVATION COMMISSION
July 23, 2021



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

Sudbury

City/Town

WPA Form 1- Request for Determination of Applicability

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

A. General Information

Important:

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



1. Applicant:

Kristen Ruby and Andrew Walsh

Name

kruby09@gmail.com

E-Mail Address

182 Dutton Road

Mailing Address

Sudbury

City/Town

MA

State

01776

Zip Code

914-489-2611

Phone Number

Fax Number (if applicable)

2. Representative (if any):

N/A

Firm

Contact Name

E-Mail Address

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

B. Determinations

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

- ☐ a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- ☐ b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- ☒ c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- ☒ d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

Sudbury

Name of Municipality

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



WPA Form 1- Request for Determination of Applicability

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

C. Project Description

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

182 Dutton Road

Street Address

Sudbury

City/Town

#J03-0011

Assessors Map/Plat Number

Parcel/Lot Number

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

*Please see attached documentation.

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

Title

Date

Title

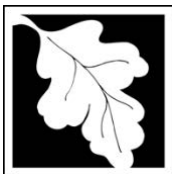
Date

Title

Date

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

*Please see attached documentation.



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

Sudbury
City/Town

WPA Form 1- Request for Determination of Applicability

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

C. Project Description (cont.)

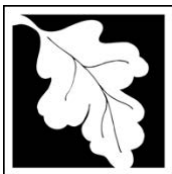
b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

*Please see attached documentation.

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.)



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:

Kristen Ruby and Andrew Walsh

Name

182 Dutton Road

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.

Kristen Ruby *Andrew Walsh*

Signature of Applicant

7/22/2021

Date

Signature of Representative (if any)

Date

WPA Form 1 – Request for Determination of Applicability
Supporting Documentation

**182 Dutton Road
Sudbury, MA 01776**

Map Reference: #J03-0011

C. Project Description (Additional info)

1.b. Area Description:

This property is located in the historic district in the southwest portion of Sudbury, approximately 1.4 miles north of Longfellow's Wayside Inn. This is our primary residence and the property is located in a residential neighborhood. Located in the front yard of the property is French Road Pond, which comprises approximately half of the ~5 acre lot.

2.a. Work Description:

We just bought this property and moved in mid-July 2021. We recently discovered that there is a serious water issue in the basement, with water accumulating during rainstorms despite interior French drains and two working sump pumps. Per conversations with a structural inspector and foundation drainage expert, both recommended removing all trees and shrubs away from the foundation as they are too close to the foundation. They recommended that the shrubs and trees within 0-4 feet along the perimeter of the foundation (Picture 1; Map 1 [part A](#)) be removed and the soil regraded away from the foundation walls. Additionally, there is one large locust tree (Pictures 2-3; Map 1 [part B](#)) located at the right front corner of the house that is overhanging the roof and has a large root system that is impacting that corner of the foundation. It has a large mounded root system which is creating a negative slope towards the foundation. This tree needs to be removed to preserve the long-term structural integrity of this historic home.

We had two certified arborists also come evaluate the remaining trees surrounding the house. There are two large white pine trees in close proximity to the house, one located along the right side of the house (Map 1 [part C](#)), and one located at the back of the house (Map 1 [part D](#)). Both trees have multiple leaders (Picture 4), and one has a long tight V-shaped tree crotch (Picture 5), and the other which has evidence of carpenter ants (Picture 6). We would like to remove these two trees for safety reasons, as they are a clear danger with a fall risk on the house.

There are several cedar trees (Picture 7), Douglas fir trees (not native), and Norway Maple trees (invasive), (Picture 8) located next to the driveway and roadway (Map 1 [part E](#)), which are growing underneath and through, and are touching the power lines that go to the house. This is a safety hazard due to the close proximity to the power lines. Most importantly, these trees are impairing the visibility on both sides of Dutton Road as you are trying to pull out of the driveway. It is extremely difficult to see coming out of the driveway and we do not want to cause an accident due to the inability to see the oncoming traffic.

Lastly, the pond is located in our front yard and there are two trees adjacent to the pond with multiple dead branches (Picture 9; Map 1 [part F](#)). In order to prevent any dead branches from falling in or near our young children's play space, we would like to trim the smaller dead branches while preserving the large dead branch on one for animal habitat.

In summary, here are the proposed tree removals, to be performed by a certified arborist:

- a) Removal of all trees and shrubs along the perimeter of the foundation**
 - *Reason: Impairs adequate foundation water drainage*
- b) Removal of three large trees (1 locust, 2 white pines)**
 - *Reason: Pose fall risk on the house*
- c) Removal of several trees adjacent to driveway (Cedar, Douglas fir and Norway maple)**
 - *Reason: Impair visibility when leaving driveway*
- d) Prune smaller dead branches off of two trees near pond in front yard**
 - *Reason: Safety for children's play area*

C. Project Description (Additional info)

2.b. Identify provisions of Wetlands Protection Act which exempt from Notice of Intent:

For tree removals around the house, (fall threats and water drainage):

- 310 CMR 10.02(a)(2): activities conducted to maintain, repair or replace, but not substantially change or enlarge an existing and lawfully located structure

For Trees along the road:

- 310 CMR 10.02(2)(b)(2)(n)(iii): Removal of shrubbery or branches to maintain sight distances at existing intersections;

For pruning above the kids play area:

- 310 CMR 10.02(2)(b)(2)(c): Vista pruning, provided the activity is located more than 50 feet from the mean annual high water line within a Riverfront Area or from Bordering Vegetated Wetland, whichever is farther. (Pruning of landscaped areas is not subject to jurisdiction under 310 CMR 10.00.)



- MA Highways
 - Interstate
 - US Highway
 - Numbered Road
- Town Boundary
- Parcels with Orthos
- Scenic Roads
- Certified Vernal Pools
- Estimated Habitats of
- Potential Vernal Pools
- Priority Habitats of R
- Wetlands Town 2008
 - Open Water
 - Deep Marsh
 - Shallow Marsh
 - Bog
 - Shrub Swamp
 - Wooded Swamp
 - Wooded Swamp

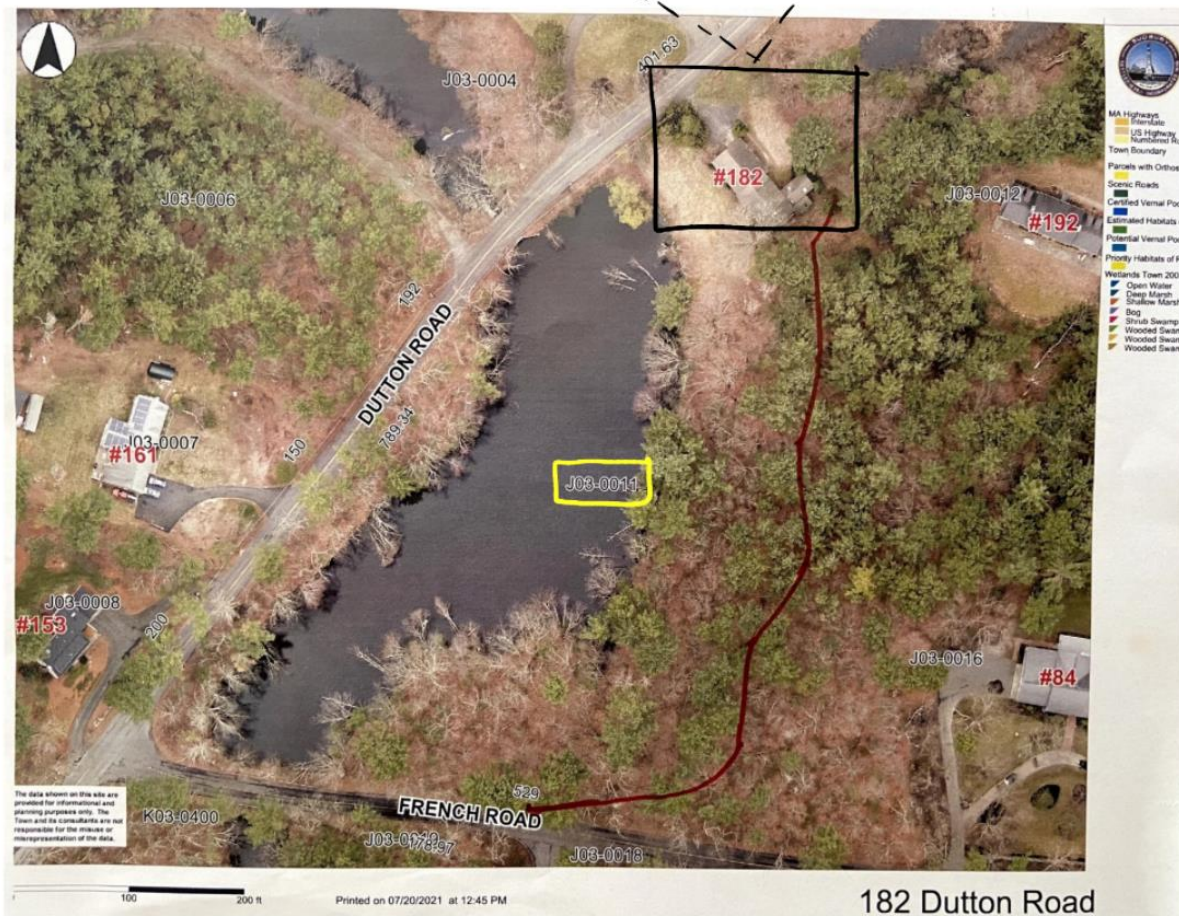
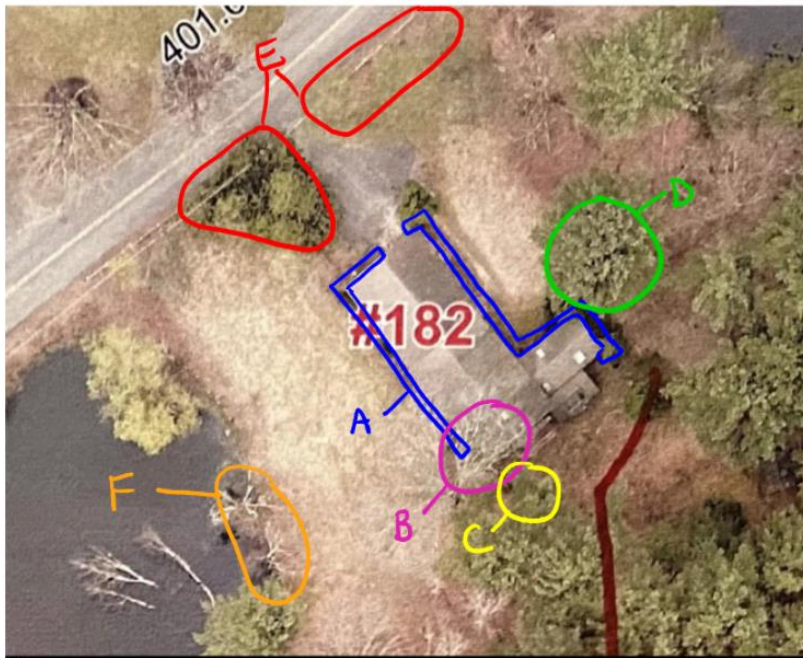


The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.

100 200 ft

Printed on 07/20/2021 at 12:45 PM

182 Dutton Road



Map: 182 Dutton Rd, with trees marked A – F.



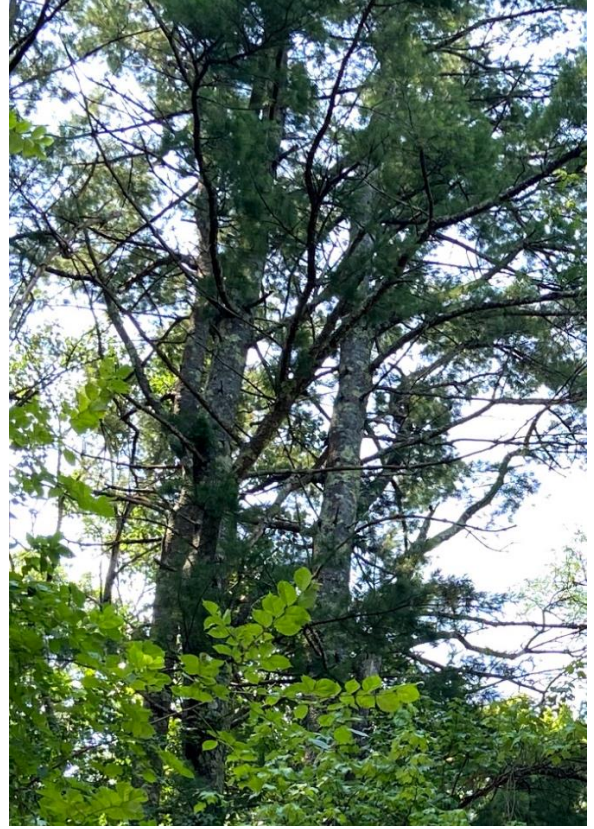
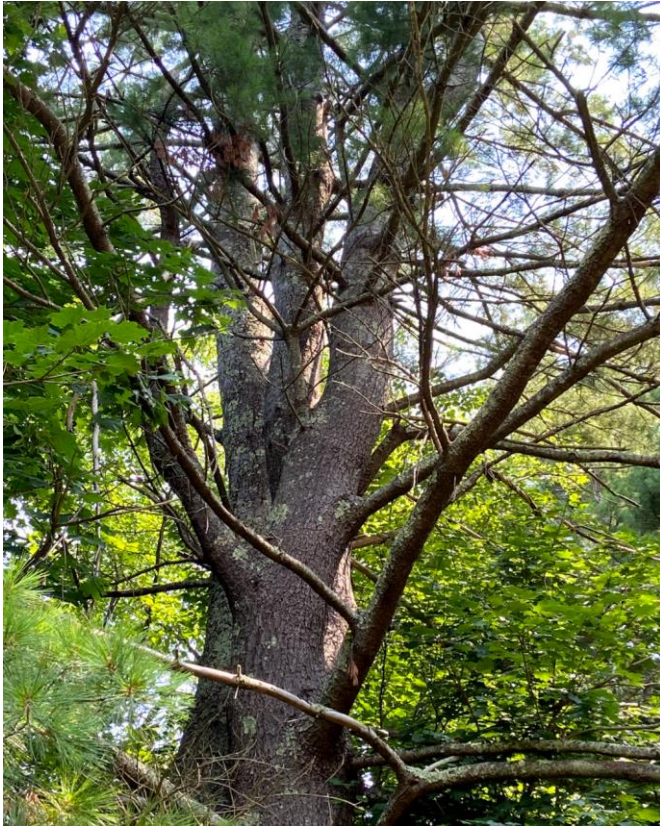
Picture 1: Trees next to foundation perimeter



Picture 2: Locust tree overhanging house



Picture 3: Large mounded roots of Locust tree visibly running towards corner of foundation



Picture 4: Both White Pine Trees have multiple leaders



Picture 5: White Pine with long V-shaped crotch



Picture 6: White Pine with carpenter ant damage



Picture 7: Cedar trees next to driveway touching high and low powerlines and blocking road visibility (looking south)



Picture 8: Douglas Firs (not native) and Norway Maples (invasive) next to driveway growing into powerlines and blocking visibility (looking north)



Picture 9: Two trees with dead & broken branches adjacent to pond and children's play area in front yard
(Prune only)