

## **NOTICE OF PUBLIC MEETING SUDBURY CONSERVATION COMMISSION**

The Sudbury Conservation Commission will hold a public meeting to review the Request for Determination of Applicability filing, under the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw, to remove two trees within the 100-foot Buffer Zone to Willis Pond. Daniel and Sarah Maller, Applicants. The hearing will be held on Monday, August 23, 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-august-23-2021/>.

SUDBURY CONSERVATION COMMISSION  
August 9, 2021



# 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:  
 Name: Daniel + Sarah Mailer E-Mail Address: Sarah.mailer@yahoo.com  
 Mailing Address: 88 Butler Road  
 City/Town: Sudbury State: MA Zip Code: 01776  
 Phone Number: 781-799-7638 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): \_\_\_\_\_

## 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).



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**C. Project Description**

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

88 Butler Road

Street Address

Sudbury

City/Town

UNKNOWN

Assessors Map/Plat Number

Lots 4-7

Parcel/Lot Number

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

Our back yard abuts Willis Pond. Within the 100' wetlands buffer, we have an area of flat ground (lawn). The land then slopes sharply downward to the pond. From the water's edge to flat ground is approximately 40'. On the sloping area is a variety of vegetation, including white pine trees, oak trees, ferns and sweetspire.

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

GIS Plan

Title

08/05/21

Date

Title

Date

Title

Date

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

We are seeking to remove two 100'+ tall white pine trees from the above described rear slope of our back yard. These trees are within the 100' wetlands buffer with tree #1 sitting approximately 40' from the water's edge and tree #2 sitting approximately 45' from the water's edge. These trees were identified as a fall risk (see attached) due to their age, size and being situated on uneven ground (the slope). If either tree were to fall, there is a significant risk to persons and/or property. An area of buckthorn has also been identified near these trees, which we will remove. The recommendation has been made to leave the stumps of these two trees (if approved) to avoid erosion, therefore we will plant four hydrangea paniculata and four rhododendron in the vicinity of the removed trees and buckthorn (along the slope).



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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.)



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### 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:

Daniel + Sarah Maller

Name

88 Butler 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.

Sarah Maller

Signature of Applicant

08/09/21

Date

Signature of Representative (if any)

Date

Sarah Maller  
88 Butler Road  
Sudbury, MA 01776  
8/01/2021

To whom it may concern;

I recently inspected (2) White Pine trees on the rear slope of the of the property at 88 Butler Road. Both of these Pines are approximately 100' tall and located on steep slope.

White Pines are classically known for their tendency to uproot with a result of total tree failure. The likelihood of these events happening is significantly increased when the root system is located on uneven terrain.

With wind coming off the lake in the direction of the house, I feel that these trees are very vulnerable to failing and could cause serious property damage or injury to people.

If these were to uproot, it would weaken the stabilization of the embankment. If the trees are taken down, the stumps should be left in place to avoid any erosion

The risk associated with these two trees far outweighs the value that they bring to the landscape and environment. In conclusion, I feel that these trees should be removed.

If anyone has any questions about my inspection of these trees, please feel free to reach out to me any time.

Sincerely,

Michael Bonner

Michael@IronTreeService.com  
Massachusetts Certified Arborist  
ISA Certified Arborist  
Certified Tree Risk Assessor

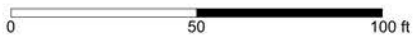


- Parcels with Orthos
- MA Highways
- Interstate
- US Highway
- Numbered Routes
- Town Boundary



Yellow shading indicates new plantings

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.



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MapsOnline