



**NOTICE OF PUBLIC HEARING  
SUDBURY CONSERVATION COMMISSION**

**Monday, June 27, 2022 at 6:45 PM  
Virtual Meeting**

The Sudbury Conservation Commission will hold a public hearing to review the Notice of Intent filing to construct an addition within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw, at 22 Bowditch Road, Sudbury MA. Rajakumar Munnangi, Applicant. The hearing will be held on Monday, June 27, 2022 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-june-27-2022/>

SUDBURY CONSERVATION COMMISSION  
June 3, 2022



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*Wetlands Delineation & Permitting Wildlife Studies Herpetology Vernal Pool Ecology Botany Aerial Imagery*

## **Notice of Intent**

**Pursuant to the Massachusetts Wetlands  
Protection Act (M.G.L. c. 131, §40) & the Town of Sudbury  
Wetlands Protection Bylaw (Article XXII)**

**Addition to an Existing House**

**22 Bowditch Road  
Sudbury, Massachusetts  
(Map / Parcels: L03-0101)**

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*Submitted by:*

**Rajakumar Munnangi  
22 Bowditch Road  
Sudbury, MA 01776**

*Prepared by:*

**Oxbow Associates, Inc.  
P.O. Box 971  
Acton, MA 01720-0971**

**P 978-929-9058  
[www.oxbowassociates.com](http://www.oxbowassociates.com)**

**June 1, 2022**

**Notice of Intent** - Pursuant to the Massachusetts Wetlands Protection Act & Town of Sudbury Wetlands Bylaw (Article XXII)

**22 Bowditch Road  
Sudbury, MA 01766**

**Applicant & Owner:**  
Rajakumar Munnangi  
22 Bowditch Road  
Sudbury, MA 01776

**CONTENTS:**

- WPA Form 3 – Notice of Intent (NOI)
- NOI Wetland Fee Transmittal Form
- Project and Wetland Resource Area Description
- USGS Locus Map
- NHESP Map
- FEMA Flood Map
- Copy of Filing Fee Checks
- Certified List of Abutters
- Notification to Abutters
- Affidavit of Service
- Order of Conditions: 301-593, 301-594 & 301-803
- 1998 Conservation Restriction

Site Plan:                   **Proposed Site Plan  
Connorstone Engineering  
May 18, 2022**



**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

Sudbury

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):

22 Bowditch Road

a. Street Address

Sudbury

b. City/Town

01776

c. Zip Code

Latitude and Longitude:

42°21'13.9"N

d. Latitude

71°28'03.6"W

e. Longitude

03

f. Assessors Map/Plat Number

0101

g. Parcel /Lot Number

2. Applicant:

Rajakumar

a. First Name

Munnangi

b. Last Name

c. Organization

22 Bowditch Road

d. Street Address

Sudbury

e. City/Town

MA

f. State

01776

g. Zip Code

(847)971-9618

h. Phone Number

i. Fax Number

munnangi@yahoo.com

j. Email Address

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

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Kyle

a. First Name

Cormier

b. Last Name

Oxbow Associates Inc.

c. Company

P.O Box 971

d. Street Address

Acton

e. City/Town

MA

f. State

01720

g. Zip Code

9789299058

h. Phone Number

i. Fax Number

kyle@oxbowassociates.com

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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Bureau of Resource Protection - Wetlands

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

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**A. General Information (continued)**

6. General Project Description:

Construction of an addition to a single-family house

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:

Worcester

a. County

15848

c. Book

b. Certificate # (if registered land)

290

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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Bureau of Resource Protection - Wetlands

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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) - <b>specify coastal or inland</b>	

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. <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](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**

- 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 <https://www.mass.gov/ma-endangered-species-act-mesa-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 <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).

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, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; 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:

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -  
Southeast Marine Fisheries Station  
Attn: Environmental Reviewer  
836 South Rodney French Blvd.  
New Bedford, MA 02744  
Email: [dmf.envreview-south@mass.gov](mailto:dmf.envreview-south@mass.gov)

Division of Marine Fisheries -  
North Shore Office  
Attn: Environmental Reviewer  
30 Emerson Avenue  
Gloucester, MA 01930  
Email: [dmf.envreview-north@mass.gov](mailto:dmf.envreview-north@mass.gov)

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.

- c. ☐ Is this an aquaculture project?

- d. ☐ Yes    ☒ No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).



**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

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Sudbury

City/Town

**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

**WPA Form 3 – Notice of Intent**

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

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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.

Proposed addition plan

a. Plan Title

Connorstone Engineering

Varoujan H. Hagopian

b. Prepared By

c. Signed and Stamped by

5/18/22

1"=20'

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:

1437

2. Municipal Check Number

May 18, 2022

3. Check date

1436

4. State Check Number

May 18, 2022

5. Check date

Rajakumar

Munnangi

6. Payor name on check: First Name

7. Payor name on check: Last Name



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

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Document Transaction Number

*Sudbury*  
City/Town

**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.

*[Signature]*  
1. Signature of Applicant

*18-May-2022*  
2. Date

3. Signature of Property Owner (if different)

4. Date

5. Signature of Representative (if any)

6. Date

*5/26/2022*

**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.



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:

22 Bowditch Road

a. Street Address

1436

c. Check number

Sudbury

b. City/Town

42.50

d. Fee amount

### 2. Applicant Mailing Address:

Rajakumar

a. First Name

Munnangi

b. Last Name

c. Organization

22 Bowditch Road

d. Mailing Address

Sudbury

e. City/Town

MA

f. State

01776

g. Zip Code

(847)971-9618

h. Phone Number

i. Fax Number

munnangi@yahoo.com

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).



Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Cat 1 A	1	110.00	110.00
Step 5/Total Project Fee:			110.00

Total Project Fee:	110.00
	a. Total Fee from Step 5
State share of filing Fee:	42.50
	b. 1/2 Total Fee <b>less</b> \$12.50
City/Town share of filling Fee:	67.50 (25\$ bylaw fee)
	c. 1/2 Total Fee <b>plus</b> \$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 this form; and the city/town fee payment.

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## **Notice of Intent Project Narrative**

**22 Bowditch Road**

**Sudbury, Massachusetts**

**June 1, 2022**

### **Existing Conditions**

The site is located south of Boston Post Road, west of Carding Mill Road, and east of Bowditch Road. The site contains a single-family home, deck, paved driveway, pool, yard, and forested periphery. The topography is flat near the proposed project area. There is a Certified Vernal Pool (CVP #1408) south of the house (see photo 3).

Oxbow Associates, Inc. (OA, specifically K. Cormier) reviewed the above-referenced site with specific regard to wetland resource areas on March 16, 2022, there was no snow on the ground. This evaluation was conducted in accordance with standard methods for delineating vegetated wetland under the Massachusetts Wetlands Protection Act (MGL Ch. 131, §40), its regulations (310 CMR 10.00), and the Town of Sudbury Wetlands Protection Bylaw (Article XXII) and its Regulations.

### **Resource Area Description**

The CVP located along the southern edge of the property is surrounded by Bordering Vegetated Wetland (BVW; 310 CMR 10.55). Therefore, utilizing vegetation characteristics, evidence of hydric soils, and topography, OA delineated the edge of the BVW with blue plastic flags in one, alpha-numeric series, labeled A 1-13. The CVP Mean Annual High Water was flagged as Series B; flags B 1-8.

Vegetation within the BVW includes red maple (*Acer rubrum*), eastern white pine (*Pinus strobus*), high-bush blueberry (*Vaccinium corymbosum*), pepperbush (*Clethra alnifolia*), garlic mustard (*Alliaria petiolate*), mayflower (*Maianthemum canadense*), multiflora rose (*Rosa multiflora*), grape (*Vitis* sp.), goldenrod (*Solidago* sp.), poison ivy (*Toxicodendron radicans*), and sensitive fern (*Onoclea sensibilis*).

In addition, according to the USGS mapping, an outflow of the CVP forms a perennial stream that flows east toward Carding Mill Road. OA delineated the Mean Annual High Water (MAHW; 310 CMR 10.58) of the stream at its closest point to the project area as series C numbered, C 1-4. The stream is approximately 3-4 wide and 1-2 inches deep, with a sandy bottom.

According to the Massachusetts Natural Heritage and Endangered Species Program, Estimated Habitats of Rare Wildlife, and Certified Vernal Pools (MassGIS 2021), there are no rare wildlife species' habitats on site.



## **Proposed Project**

The proposed work is within the 100 ft buffer zone to BVW, but is limited to a proposed living space addition of approximately 1,187 sf. The closest point to the BVW to the proposed addition is 33 feet and the closest point to the CVP is 67.2 feet.

Before work begins, temporary erosion control barriers composed of staked 12-inch straw wattles will be installed across the southern extent of work (see Site Plan). The existing fence line will serve as a barrier to any work encroachment. Construction access will be restricted to the western side of the lot, mostly using the existing driveway and landscaped yard. Stockpiling of materials, when necessary, will occur near the driveway area or on the front lawn. This location is the most distant (from wetlands) feasible area on the property, and excess materials will be removed from the buffer zone as needed. Any disturbed soil surfaces within the yard will be seeded and restored as a yard before erosion control barriers are removed.

All the work is restricted to the existing lawn, except the restoration and mitigation efforts outlined below.

## **Restoration & Mitigation**

In multiple locations on-site, there are invasive plants the applicant has agreed to remove using a combination of herbicide and physical removal.

The invasive plant community within and outside the BVW is shown on the plan (Connorstone Engineering – 5/18/22). There are three areas composed of 1,250 Sq Ft of rambler rose (*Rosa multiflora*); garlic mustard (*Alliaria petiolata*); and burning bush (*Euonymus alatus*). In addition, there are individual stems of invasive plants throughout the site.

## **Invasive Species Removal**

The applicant has agreed to remove the 1,250 Sq Ft of invasive species using a selective herbicide application. A licensed herbicide applicator will complete this work over two growing seasons.

Stems of invasive plants larger than 2 inches in diameter will be cut to approximately one foot and the wound painted with herbicide. Woody stems smaller than 2 inches and herbaceous invasive species will be either cut and painted or selectively treated using the bloody glove treatment technique using cotton gloves soaked in herbicide. All invasive materials removed during the invasive species management process shall be disposed of in a manner that will not allow their regrowth and spread.

## **Monitoring and Management Thresholds:**



A qualified wetland scientist will oversee the work and provide monitoring reports for two growing seasons. Invasive plant management shall be considered successful upon reaching a threshold of 10% or less cover of invasive plant species within the treatment area.

### **Replanting:**

Following the first year of invasive plant management efforts, a report detailing progress shall provide recommendations, including planting patches of native shrubs or applying seed mix. We anticipate replanting to revegetate those areas which do not naturally revegetate with native species over the course of the first year. The area of invasive removal will be assessed after treatment activities. The area will be planted as specified on the plan, with native shrub species (dependent on nursery availability and approval from Sudbury Conservation Commission - SCC). The final number of specimens to be planted and species composition will depend upon review and approval by the SCC or its staff.

Upon completion of each phase of work, the contractor will stabilize any disturbed soil with loam and seeded (native seed mix). The erosion control barriers will only be removed after the surface has been stabilized.

## **Regulatory Compliance**

### **BVW**

There will be no permanent or temporary impacts to BVW, and erosion control barriers will define and contain the limit of work.

### **0-25 Foot Buffer Zone**

No work is proposed within the 0-25 foot buffer zone other than the placement of erosion controls.

### **25-50 Foot Buffer Zone**

Activities within the 25-50-foot buffer are composed of a portion of the construction of the proposed addition and removal of invasive plants, rambler rose, and native plantings within the same area (180 S.F).

### **50-100 Foot Buffer Zone**

Activities within the 50-100-foot buffer are composed of the remaining portion of the construction of the proposed addition and removal of invasive plants (garlic mustard and rambler rose) and native plantings within the same area (880 S.F).

## **Riverfront Area**

No work is proposed within the outer (200-foot) or inner (100-foot) riparian zones.

The proposed work in Buffer Zone is unlikely to have significant detrimental effects on the interests and protection of the WPA or the Town of Sudbury Wetlands Bylaw because the proposed work is to occur entirely within previously disturbed/landscaped areas.

## **Sudbury Bylaw Alternatives Analysis for work within “AURA”**

Alternatives are comprised of the no-build scenario due to site constraints; other layouts are functionally similar with regard to the Act. Again, the proposed permanent work is located entirely within the existing lawn/yard. We believe the proposed project complies with the Act and the Bylaw requirements.

## **Open Order of Conditions**

Three open Orders of Conditions currently encumber the site (See attached: 301-593, 301-594, and 301-803). Josh Fox, counsel with Rollins, Rollins & Fox, P.C. is working with the applicant to close out these historic orders. Sudbury Conservation Staff recommended that some of the conditions be inspected on-site during the wetland evaluation for this Notice of Intent.

Inspection items are as follows:

- Check to see if the utility easement has been restored (old driveway location)

Response: At the time of the site visit, there was no clear indication that there was a disturbance along the utility easement. It has sufficiently been restored.

- A report on the activity of the vernal pool

Response: On May 10<sup>th</sup> OA inspected CVP # 1408. OA used chest waders and a dip-net to survey egg masses visually. The vegetation and invertebrate community were typical of a pond that maintains some water throughout the entire year. Spotted salamander (*Ambystoma maculatum*) egg masses and wood frog (*Lithobates sylvaticus*) tadpoles were spotted in multiple locations throughout the pool (see photo 4). Indicating that the pond provides adequate hydrology for breeding and larval development and confirms that it is indeed a Certified Vernal Pool (5 of each were observed). Invertebrates observed in the pool included (photo 5): Fingernail clams, gastropods, caddis fly larvae, mosquito larvae, Isopods, dragonfly larvae, backswimmers, and midge larvae.

Temperature-corrected PH: 6.6

Water Temp: 12.7 C

- Check for knotweed along the “right side of the house” if it’s been eradicated

Response: No knotweed was observed anywhere on site.

- Play area pavement is porous

Response: There was no play area on-site in the area indicated on OOC 301-803 or anywhere else on site.

- No sprinkler irrigation facing into the CR

Response: No clear indication that sprinklers exist in existing lawn areas.

### **Conservation Restriction (CR)**

On July 7<sup>th</sup>, 1998, a Conservation Restriction was submitted to Worcester County Registry of Deeds (see attached). This document was improperly submitted (signatures were not received from the Executive Office of Energy and Environmental Affairs EEOA and Town of Sudbury Officials). To rectify this, J. Fox with Rollins, Rollins & Fox, P.C. is working with the applicant to submit a new CR document to memorialize the CR boundaries.

### **Conclusion**

OA believes the project, as proposed, will not result in any negative net impacts on wetland resource values. The proposed work is located as far as is feasible from the BVW with minimal soil disturbance. The applicant is also closing out historic orders of conditions and completing a CR document to solidify the CR on site. These omissions and oversights precede the Applicant’s acquisition of the property.

**Site Photos**  
**22 Bowditch Road, Sudbury**



Photo 1: Garlic mustard along northern fence edge.



Photo 2: Rambler Rose bush along the northern fence line.





Photo 3: Certified Vernal Pool #1408.



Photo 4: Spotted Salamander egg mass in vernal pool circled in red.



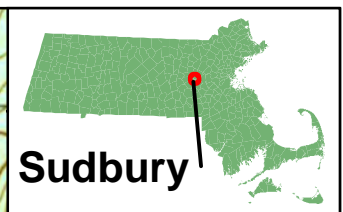
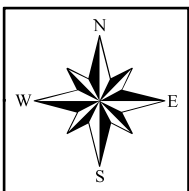


Photo 5: Invertebrates within the vernal pool.

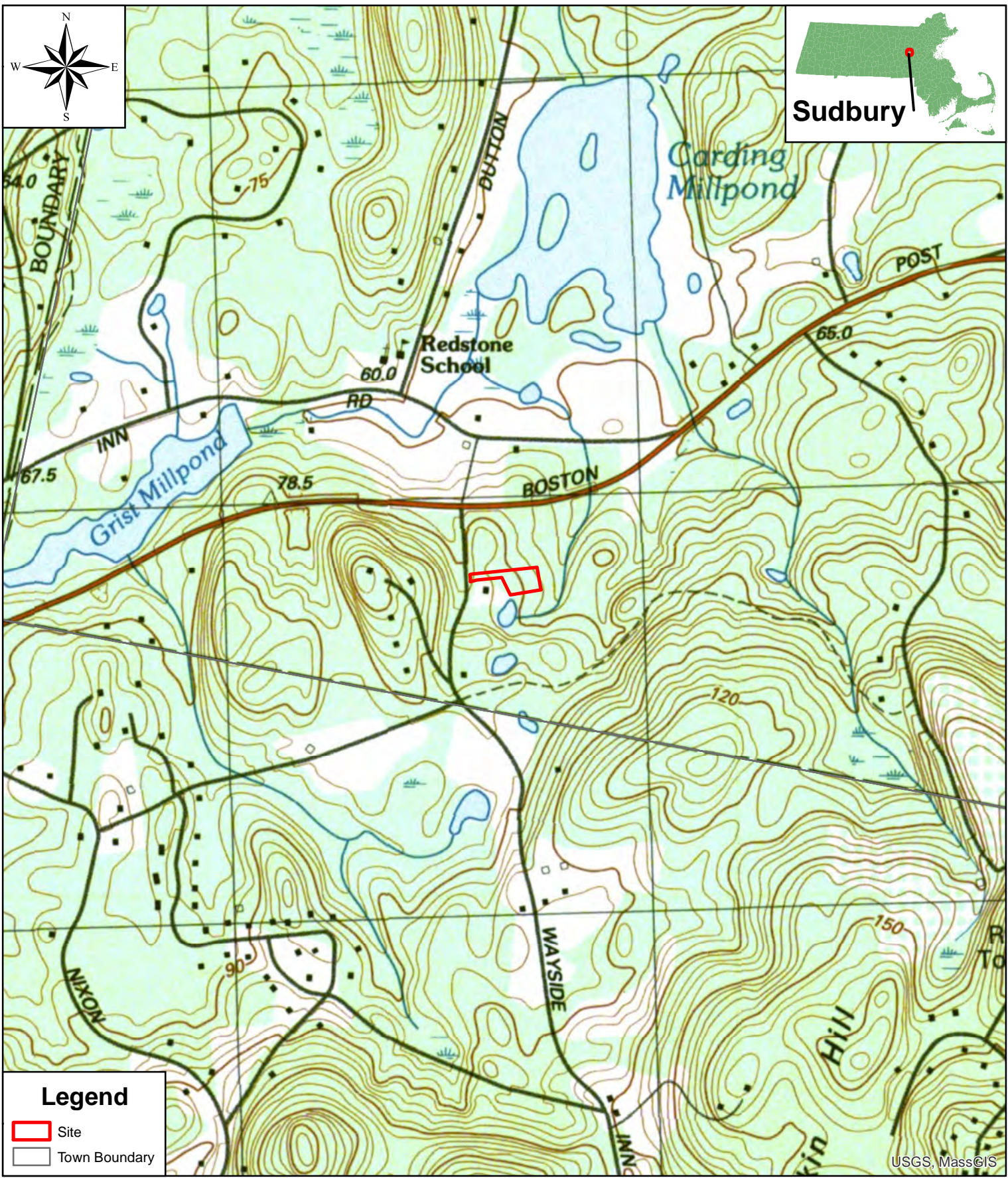


Photo 6: Facing north along the southern side of the house.







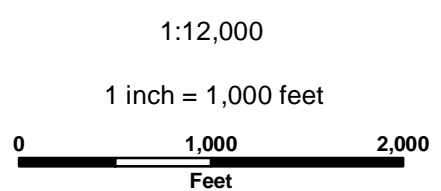
Sudbury



**Legend**

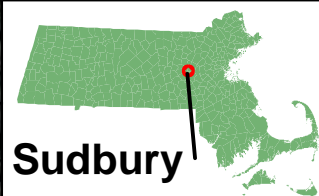
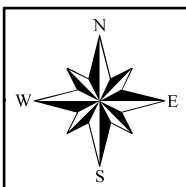
 Site

 Town Boundary

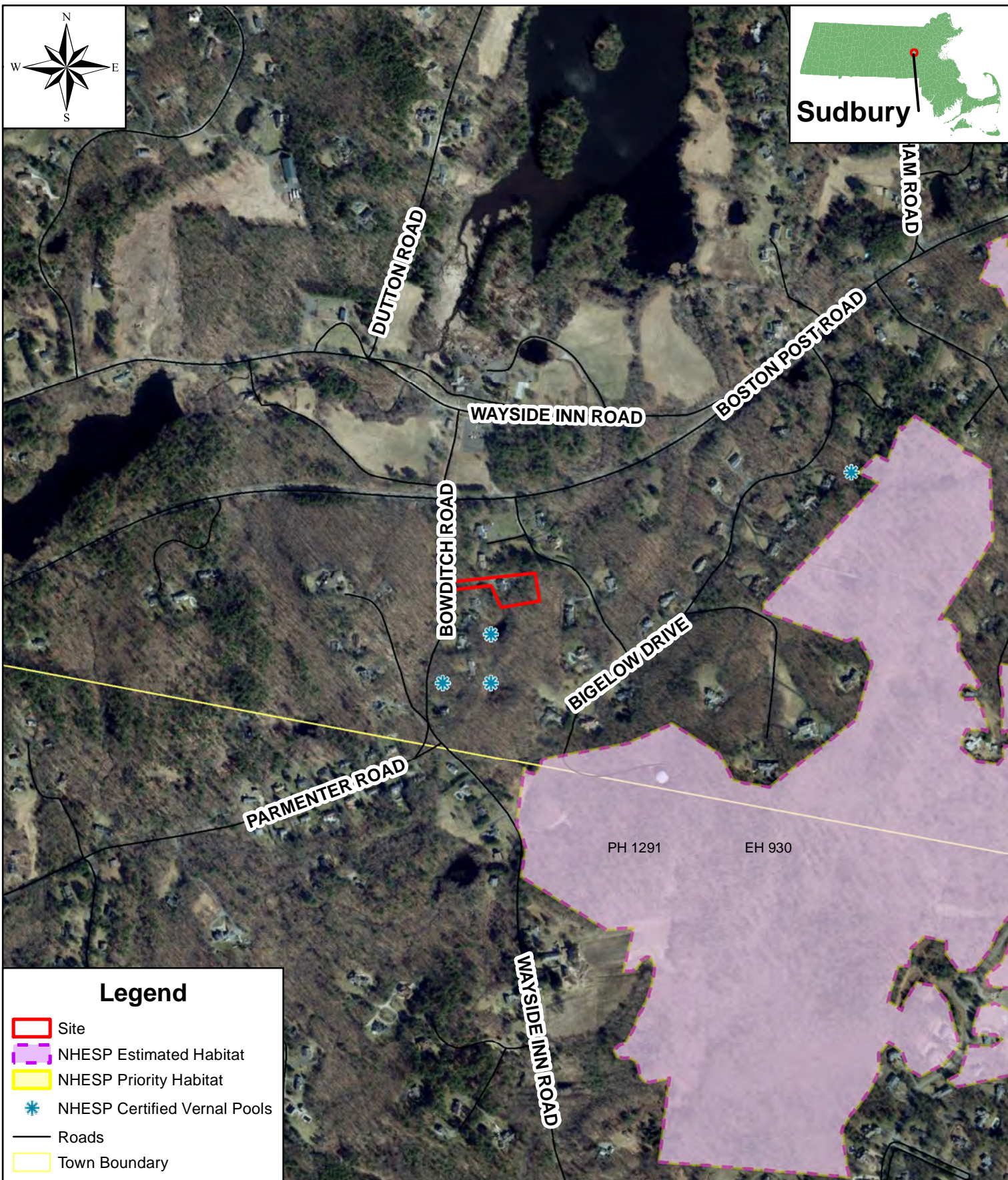


**USGS**  
22 Bowditch Road  
  
Sudbury, MA  
March 07, 2022





Sudbury



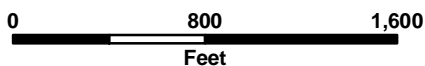
### Legend

- Site
- NHESP Estimated Habitat
- NHESP Priority Habitat
- NHESP Certified Vernal Pools
- Roads
- Town Boundary



1:9,600

1 inch = 800 feet



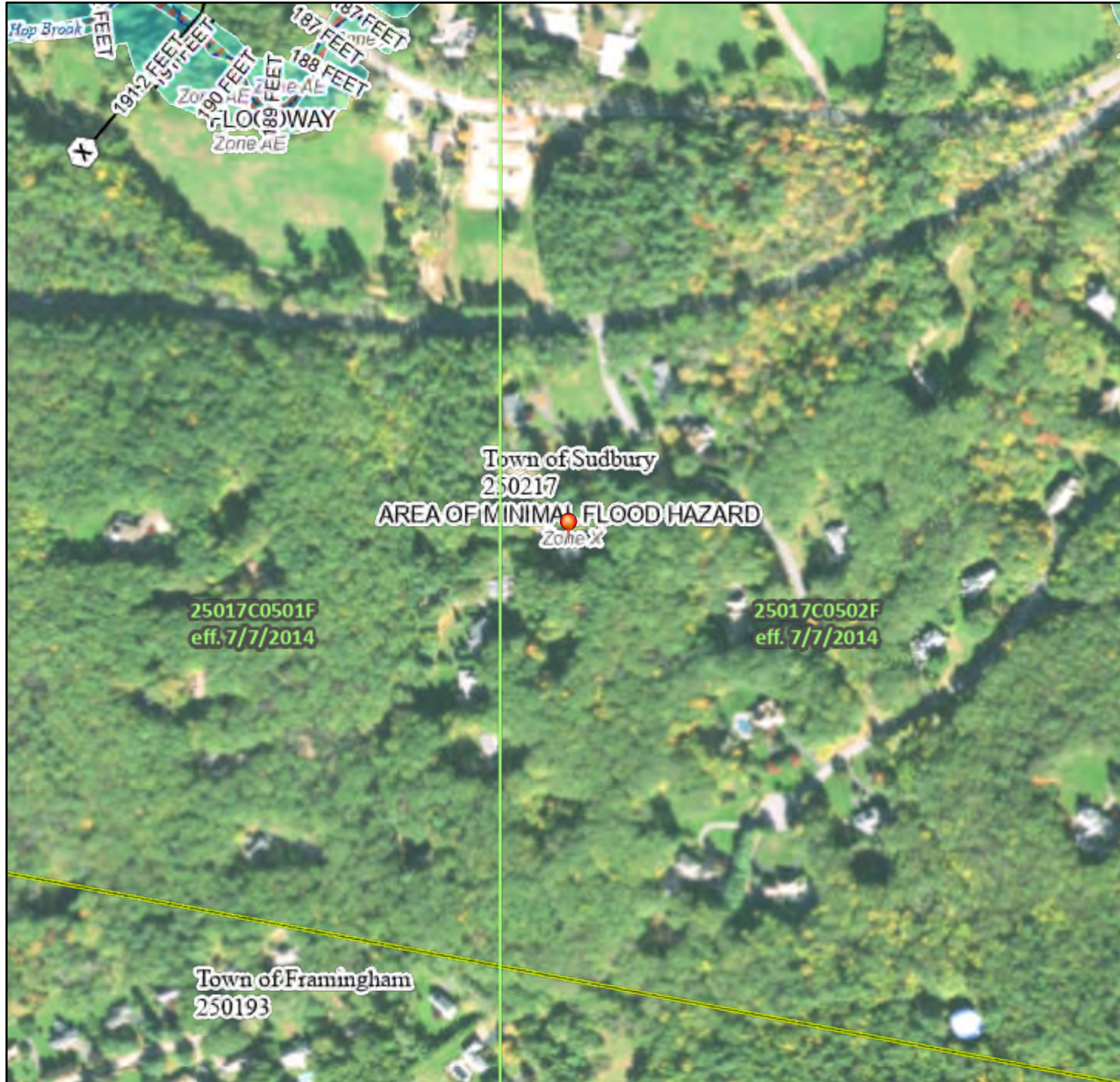
**NHESP Map**  
**2021 Orthophotograph**  
**22 Bowditch Road**  
**Sudbury, MA**  
**April 01, 2022**



# National Flood Hazard Layer FIRMette



71°28'24"W 42°21'28"N



0 250 500 1,000 1,500 2,000 Feet 1:6,000

Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
OTHER FEATURES		Levee, Dike, or Floodwall
		Cross Sections with 1% Annual Chance Water Surface Elevation
OTHER FEATURES		Coastal Transect
		Base Flood Elevation Line (BFE)
OTHER FEATURES		Limit of Study
		Jurisdiction Boundary
OTHER FEATURES		Coastal Transect Baseline
		Profile Baseline
OTHER FEATURES		Hydrographic Feature
		Digital Data Available
MAP PANELS		No Digital Data Available
		Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 5/18/2022 at 4:43 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

**Abutters List**[print this list](#)

Date: May 26, 2022

Subject Property Address: 22 BOWDITCH RD Sudbury, MA  
Subject Property ID: L03-0101

Search Distance: 100 Feet

-----  
Prop ID: L03-0006  
Prop Location: 26 BOWDITCH RD Sudbury, MA  
Owner: GARVIN STEPHEN R & JOANNA L  
Co-Owner: TRUSTEE OF THE GARVIN FAMILY  
Mailing Address:

26 BOWDITCH RD  
SUDBURY, MA 01776  
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-----  
Prop ID: L03-0103  
Prop Location: 32 BOWDITCH RD Sudbury, MA  
Owner: AIRIAU CHRISTIAN Y & MICHELE B  
Co-Owner:  
Mailing Address:  
32 BOWDITCH RD  
SUDBURY, MA 01776  
-----

-----  
Prop ID: L03-0105  
Prop Location: BOWDITCH RD Sudbury, MA  
Owner: TOWN OF SUDBURY  
Co-Owner: CONSERVATION  
Mailing Address:  
278 OLD SUDBURY RD  
SUDBURY, MA 01776  
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-----  
Prop ID: L03-0211  
Prop Location: 25 BOWDITCH RD Sudbury, MA  
Owner: JORDAN HELEN J  
Co-Owner:  
Mailing Address:  
25 BOWDITCH RD  
SUDBURY, MA 01776  
-----

-----  
Prop ID: L03-0345  
Prop Location: 31 CARDING MILL RD Sudbury, MA  
Owner: ALMANDOZ JOSE &  
Co-Owner: ECHEVERRIA GLADYS J  
Mailing Address:  
31 CARDING MILL ROAD  
SUDBURY, MA 01776  
-----

-----  
Prop ID: L03-0346  
Prop Location: 11 CARDING MILL RD Sudbury, MA  
Owner: KONTOS JASON & JENNIFER  
Co-Owner:  
Mailing Address:  
11 CARDING MILL RD  
SUDBURY, MA 01776  
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-----  
Prop ID: L03-0362  
Prop Location: BOSTON POST RD Sudbury, MA  
Owner: SENEAL WILLIAM A TRUSTEE  
Co-Owner: A B C D AND F REALTY TRUST  
Mailing Address:

P O BOX 147  
SUDBURY, MA 01776

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**Notification to Abutters**  
**Under the Massachusetts Wetlands Protection Act**  
**and the Sudbury Wetlands Administrative Bylaw**

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

- A. The name of the **Applicant** is \_\_\_\_\_
- B. The Applicant has filed a Notice of Intent with the Sudbury Conservation Commission seeking permission to work in an Area Subject to Protection (Wetland Resource Area and/or Buffer Zone) under the Massachusetts Wetlands Protection Act (General Laws Chapter 131, Sec.40) and the Town of Sudbury Wetlands Administrative Bylaw.
- C. The **address** of the lot where the activity is proposed: \_\_\_\_\_
- D. The **proposed activity** is: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- E. A **Public Hearing** regarding this Notice of Intent will be held on:  
**Monday, \_\_\_\_\_ at 6:30 PM.**
- F. **Public Participation will be via Virtual Means Only** - In light of the ongoing COVID-19 coronavirus outbreak, Governor Baker issued an emergency Order on March 12, 2020, allowing public bodies greater flexibility in utilizing technology in the conduct of meetings under the Open Meeting Law. The Town of Sudbury Conservation Commission greatly values the participation of its citizens in the public meeting process, but given the current circumstances and recommendations at both the state and federal levels to limit or avoid public gatherings, including Governor Baker's ban on gatherings of more than 10 people, together with the present closure of Sudbury Town Hall and other public buildings to the public, the Town has decided to implement the "remote participation" procedures allowed under Governor Baker's emergency Order for all boards, committees, and commissions.
- G The public may participate in this meeting via Remote Participation:**
- From your computer, smart phone or tablet:
- \_\_\_\_\_
  - Meeting ID: \_\_\_\_\_
  - From your phone: **978-639-3366** or **470 250 9358**
- H Copies of the Notice of Intent may be examined by visiting this Website:  
<https://sudbury.ma.us/conservationcommission/meetings/>
- I. Copies of the Notice of Intent may be obtained from either The Applicant, or the Applicant's representative \_\_\_\_\_, by calling this telephone number:  
\_\_\_\_\_ between the hours of \_\_\_\_\_

Note: Public Hearing Notice, including its date, time, and place, will be published at least 5 days in advance in either the Sudbury Crier or MetroWest newspapers (at the applicant's expense).

AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act

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

I, \_\_\_\_\_ (Name of person making this affidavit) hereby  
certify under the pains and penalties of perjury that on \_\_\_\_\_ (Date) I gave  
notification to abutters in compliance with the second paragraph of Massachusetts  
General Law Chapter 131, Section 49, and the DEP Guide to Abutter Notification dated  
April 8 1994, in connection with the following matter:

A Notice of Intent filed under the Massachusetts Wetlands Protection  
Act by \_\_\_\_\_ (Name of applicant)  
with the Sudbury Conservation Commission on \_\_\_\_\_ (Date)  
for property located at \_\_\_\_\_  
\_\_\_\_\_

(Address of land where work is proposed).

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.

Kyle Cormier

6/1/22

Signed

Date



6K 29014 PG 438

DEP File No 301-593

City/Town Sudbury

Applicant PE Realty Trust

**Order of Conditions  
Massachusetts Wetlands Protection Act  
G.L. c. 131, §40**

From the Sudbury Conservation Commission Issuing Authority

To: PE Realty Trust JOANN PARADISE trustee  
(Name of Applicant) (Name of Property Owner)

Address: 80 Northborough Rd Marlboro Ma

This Order is issued and delivered as follows:

☐ by hand delivery to applicant or representative on \_\_\_\_\_ (date)

☒ by certified mail, return receipt requested on 6/17/98 (date)

This project is located at Lot C1 Bowditch Rd

The property is recorded at the Registry of Middlesex

Book 14948 / 26948 Page 543/073

Certificate (if registered) \_\_\_\_\_

The Notice of Intent for this project was filed on 9/27/97 (date)

The public hearing was closed on 1/12/98 (date) \*Amended Order issued June 17, 1998

**Findings:**

The Conservation Commission has reviewed the above-referenced Notice of Intent and plans and has held a public hearing on the project. Based on the information available to the Commission at this time, the Commission has determined that the area on which the proposed work is to be done is significant to the following interests in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject to Protection Under the Act (check as appropriate):

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Public water supply             | <input checked="" type="checkbox"/> Flood control           | <input type="checkbox"/> Land containing shellfish                 |
| <input checked="" type="checkbox"/> Private water supply | <input checked="" type="checkbox"/> Storm damage prevention | <input type="checkbox"/> Fisheries                                 |
| <input checked="" type="checkbox"/> Ground water supply  | <input checked="" type="checkbox"/> Prevention of pollution | <input checked="" type="checkbox"/> Protection of Wildlife Habitat |

Total Filing Fee Submitted \$ 250.00

State Share \$ 112.50  
(1/2 fee in excess of \$25)

City/Town Share \$ 137.50

Total Refund Due \$ 0.00

City/Town Portion \$ 0.00  
(1/2 total)

State Portion \$ 0.00  
(1/2 total)

15.00

105

MSD 08/26/98 09:25:39

PL# 928  
29014  
NOV 428  
SEE PLAN IN RECORD BOOK

Title	Dated	Signed and Stamped by:	On File with:
Vernal Pool Habitant Enhancement Plan revised	June 5, 1998	Sudbury	
_____	_____	Design Group	-Sudbury Con Com
2. Site Plan Lot c-1 Bowditch	September 23, 1997	Sullivan, Connors Assoc	
3. Easement Plan of Land 1/9/98 Larry R. Sabean		Sudbury Con Co	
Special Conditions (as noted above)			

See Attached Pages 1-5

**ORDER OF CONDITIONS AMENDED**

DEP FILE #301-593

Lot C1 Bowditch Rd., lot construction

P.E. Realty Trust, applicant

Jan. 26, 1998 and amended 6/15/98

The Sudbury Conservation Commission hereby finds that the following conditions are necessary, in accordance with the Performance Standards set forth in the Wetlands Protection Act, its corresponding regulations, and the Sudbury Wetlands Administration Bylaw to protect those interests checked above. To aid in implementation, compliance, and enforcement the specific conditions are divided into several broad categories for reference.

The Sudbury Conservation Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced on page 5-3A. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.

This Order is performance-based. The intent of this Order is to ensure permanent protection of the vernal pool and the 100' adjacent upland resource area that serves a habitat for amphibians. Should any work on the lot, including areas outside the jurisdiction of the Wetlands Protection Act and the Sudbury Wetlands Bylaw show, a fact-based impact on the values and functions of the protected resources, the Conservation Commission has the ability to take jurisdiction and require mitigation necessary to prevent further impact and return the area to its current functions.

**SPECIAL CONDITIONS:****1. CONDITIONS IN PERPETUITY:**

The following conditions shall be recorded at the Registry of Deeds as part of this Order of Conditions and shall continue in perpetuity and be included on the Certificate of Compliance. Owners of this property shall be made aware of restrictions in perpetuity on the activities allowed on this property. If the property owner has good cause to request an amendment to the conditions in perpetuity, he/she shall have the right to make a request for an amendment to the issuing authority. If, in the judgement of the issuing authority, the proposed activities will not detrimentally impact the wetland resource area functions, this Order, or the Certificate of Compliance shall be amended.

- a. Wetlands are located on this property that are subject of the Massachusetts Protection Act (Chapter 131, section 40) and the Sudbury Wetlands Administration Bylaw. Any work within a wetland resource area or within the 100' adjacent upland resource area requires review and approval by the Sudbury Conservation Commission prior to the commencement of such work.
- b. No sodium-based de-icing chemicals shall be used on surfaces where runoff/drainage will discharge into the wetlands or the 100' wetland buffer zone.
- c. Fertilization of lawn and landscaped areas can be a significant source of excess nutrient loading in adjoining water bodies. Fertilizers may only be of the low nitrogen variety and may only be used in the spring of each year. No fall fertilization is allowed of any area within the 100' adjacent upland resource areas.
- d. No fertilization of any resource area is allowed.



- e. No pesticides or herbicides are to be applied anywhere on this lot without the written permission of the Conservation Commission.
- f. Underground storage of petroleum products is prohibited within a wetland resource area and within the 100' buffer zone of a wetland resource area.
- g. As agreed to by the applicant at the hearing, a Conservation Restriction in perpetuity shall be placed on the area shown on the referenced plans, including the enhancement plantings as shown on the revised plan dated 6/5/98 by Sudbury Design Group, and all areas outside the Limit of Disturbance area as shown on the referenced plan. Three original signed copies of an acceptable restriction shall be submitted to the Commission prior to any work on this lot.
- h. THE DRIVEWAY SHALL BE RELOCATED TO AN AREA OUTSIDE THE WETLAND OR ADJACENT UPLAND RESOURCE AREAS AND OUTSIDE ANY AREA SHOWN ON THE REFERENCED PLAN, OR REQUIRED AS PART OF THIS ORDER, TO BE PLACED UNDER A CONSERVATION RESTRICTION.**

**The driveway drainage shall be designed to prevent runoff from entering any jurisdictional area. At a minimum, the drainage shall be designed to capture and treat the first one-inch of runoff from the paved surface.**

- i. Permanent concrete bounds or iron pipes shall be installed at the Limit of Lawn as shown on the referenced plans. In addition, the Conservation Restriction Area shall be permanently bounded and distinguishable from the limit of lawn bounds. These bounds must be installed and shown on the as-built plan before a Certificate of Compliance is issued.
- j. All plantings shall be native species only.

## **II. GENERAL PROJECT CONDITIONS:**

### **PART I (required by DEP)**

These conditions apply to all projects permitted by the Sudbury Conservation Commission. They shall remain in force until issuance of a Certificate of Compliance by the Commission. A violation of any of these conditions shall constitute reason for enforcement action by the issuing authority:

- a. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
- b. This Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
- c. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, by-laws, or regulations.
- d. The work authorized hereunder shall be completed within three years from the date of issuance of this Order unless either of the following apply:
  - 1) the work is a maintenance dredging project as provided for in the Act; or

2) the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance and both that date and the special circumstances warranting the extended time period are set forth in this Order.

e. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least thirty days prior to the expiration date of this Order. In determining whether or not to grant an Extension Permit, the Sudbury Conservation Commission shall review and apply the criteria for extensions of time as set forth in the Regulations.

f. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.

g. No work shall be undertaken until all administrative appeal periods from the date of issuance of this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department of Environmental Protection have been completed.

h. No work shall be undertaken until the Final Order has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the final Order shall also be noted on the Land Court Certificate of title of the owner of the land upon which the proposed work is to be done.

The recording information shall be submitted to the Commission on the form at the end of the Order, or other form acceptable to the Commission, within thirty days of the issuance of this Order or prior to the start of construction, whichever is sooner.

i. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words, "Massachusetts Department of Environmental Protection, File #301-593".

j. Where the Department of Environmental Protection is requested to make a determination and to issue a Superseding Order, the Sudbury Conservation Commission shall be party to all agency proceedings and hearings before the Department.

k. Upon completion of the work described therein, the applicant shall forthwith request in writing that a Certificate of Compliance be issued stating that the work has been satisfactorily completed. (See section VI).

l. The work shall conform to the plans and special conditions incorporated in this document.

## **PART II**

### **(required by Sudbury Conservation Commission for all projects)**

a. All work must conform to the plans referenced on page 5-3A, the Notice of Intent, and this Order of Conditions. In case of conflict, the requirements in this Order shall prevail.

b. No spoils of construction, construction material, or equipment shall be stored, placed or operated in the wetland resource areas or the wetland buffer zone, except as authorized by this Order of Conditions.

c. The project engineer, contractors, and all subcontractors must be informed of the conditions in this Order.

- d. A copy of this Order of Conditions and the referenced plans, must be available at all times at the construction site for reference.
- e. The applicant is held responsible for compliance with this Order of Conditions. The Sudbury Conservation Commission shall be notified, in writing, within forty-eight hours of any transfers of title on this property.
- f. This Order of Conditions shall apply to any successor in control, or successor in interest, of the property described in the Notice of Intent and accompanying plans.
- g. The construction site must be maintained in such a manner as to prevent any debris or refuse from entering the wetland resource area.
- h. Used petroleum products from the operation or maintenance of construction equipment shall be collected and disposed of off-site immediately in a manner consistent with all local, state and federal regulations.
- i. Members and agents of the Sudbury Conservation Commission shall have the right to enter and inspect the property to evaluate compliance with the conditions stated in this Order.
- j. Equipment shall be stored in such a manner so no pollutants are introduced into any wetland resource areas, or the 100' wetland buffer zone.
- k. No soil materials may be stockpiled within 100' of the wetland without appropriate erosion control to prevent siltation into the wetland.

### III. EROSION, SEDIMENTATION, STABILIZATION CONDITIONS

- a. Haybales shall be relocated and shown on the revised plan required as part of this Order. The location must be approved by the Commission prior to the start of construction. All haybales shall be staked in place prior to any work within 100' of the wetland resource areas. Siltation fencing shall be used if indicated on the plan or required as part of this Order. Siltation fencing and haybales shall be properly installed and maintained to prevent erosion into any wetland resource area.
- b. All erosion and stabilization control measures shall be maintained to ensure their complete effectiveness for the duration of the project. Erosion control must remain in place until the issuance of a Certificate of Compliance, or the Sudbury Conservation Commission deems, in writing, that prior removal of erosion control measures is appropriate.
- c. All stabilization measures and runoff velocity controls shall be constructed in accordance with Soil Conservation Service guidelines and this Order of Conditions.
- d. There shall be no disturbance beyond any designated erosion control barrier and construction fencing.
- e. It is the applicant's responsibility to take additional appropriate measures to control sedimentation into the wetland resource areas except for the tree removal as permitted in this Order.
- f. No wood chips or bark mulch are to be used for permanent stabilization of slopes within 100' of a wetland resource area.

**IV. PLAN MODIFICATIONS:**

- a. Any modifications or revisions to the plans referenced, or any new plans, must be submitted to the Commission for review and a determination as to whether a new Notice of Intent is required. If this procedure is not followed, this Order may be amended. No additional work not specifically allowed by this Order shall be accomplished on the site without the approval of the Sudbury Conservation Commission and the appropriate new filings or amendment requests are approved. Amendment procedures as described in the Wetlands Protection Act, the regulations, and the Department of Environmental Protection's Wetlands Program Policies shall be followed.
- b. The Commission reserves the right to require the filing of a new Notice of Intent for any plan changes or submittals for activities that fall under the jurisdiction of the Wetlands Protection Act.
- c. No additional new construction or disturbance of a wetland resource area, as defined in the Wetlands Protection Act and its regulations, or within the 100' wetland resource area buffer zone, not covered by this Order of Conditions, shall be permitted on this site until a determination has been made by the Commission as to whether a new Notice of Intent is required, and the new work or disturbance is incorporated into a new or amended Order of Conditions.
- d. Should the Sudbury Conservation Commission become aware of work on site being accomplished that was not approved as part of the Order of Conditions or subsequent amendments, the Commission reserves the right to require a new Notice of Intent. The plan filed with the new Notice of Intent must be based on an interim as-built plan prepared by a registered engineer. The new Notice must provide a detailed description of the discrepancies between the approved plan and the site conditions to date. The Commission reserves the right to require as part of the interim as-built plan, but not be limited to requiring, new topography survey, new drainage calculations, building footprints, and details or all disturbance within the wetland resource and the 100' wetland buffer zone.

**V. CERTIFICATE OF COMPLIANCE REQUIREMENTS:**

- a. Following completion of construction and stabilization of all disturbed areas within 100' of the wetland resources, an as-built plan, signed and stamped by a registered professional engineer or land surveyor in the Commonwealth of Massachusetts shall be submitted to the Commission at the same time as a written request for a Certificate of Compliance, and shall specify how the completed plan differs from that shown on the plans referred to in the Order of Conditions.

The as-built plan shall include all changes or disturbances within the wetland resource area or within the 100' buffer zone of the wetland resource area, including but not limited to changes in topography, elevations of pipe inflow and outfalls, limits of fill and alteration, extent of lawn and landscaping, location of all structures, edge of paved an/or impervious surfaces, changes in vegetation, placement of bounds, edge of wetland resource areas, extent of wetland buffer zone, etc.

- b. The Sudbury Conservation Commission will consider issuing status or progress reports for projects under construction provided an interim as-built plan, an engineer's written report, and a site inspection can all be submitted or accomplished.

BK 29014 PG 445

10.99: continued

Issued By \_\_\_\_\_ Conservation Commission

Signature(s) \_\_\_\_\_

Richard O. Bell Rudolph J. [unclear]  
[unclear] [unclear]  
[unclear] [unclear]

This Order must be signed by a majority of the Conservation Commission.

On this 15<sup>th</sup> day of June, 19 98, before me  
 personally appeared Richard O. Bell, to me known to be the  
 person described in and who executed the foregoing instrument and acknowledged  
 that he/she executed the same as his/her free act and deed.

Paul B. Shapiro 6/14/2002  
 Notary Public My commission expires

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the Department of Environmental Protection to issue a Superseding Order, providing the request is made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal form as provided in 310 CMR 10.03(7), within ten days from the date of issuance of this determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and the applicant.

Detach on dotted line and submit to the \_\_\_\_\_ prior to commencement of work.

.....  
 To \_\_\_\_\_ Issuing Authority

Please be advised that the Order of Conditions for the project at \_\_\_\_\_

File Number \_\_\_\_\_ has been recorded at the Registry of \_\_\_\_\_ and

has been noted in the chain of title of the affected property in accordance with General Condition 8 on

\_\_\_\_\_, 19 \_\_\_\_\_.

If recorded land, the instrument number which identifies this transaction is \_\_\_\_\_

If registered land, the document number which identifies this transaction is \_\_\_\_\_

Signature \_\_\_\_\_ Applicant

BK 29014 PC 429

DEP File No. 301-594  
City/Town Sudbury  
Applicant P.E. Realty Trust

78

**Order of Conditions  
Massachusetts Wetlands Protection Act  
G.L. c. 131, §40**

From the Sudbury Conservation Commission Issuing Authority

To: P.E. Realty Trust JOANN PARADISE Trust same  
(Name of Applicant) (Name of Property Owner)

Address: 80 Northborough Rd Same

This Order is issued and delivered as follows:

- ☐ by hand delivery to applicant or representative on \_\_\_\_\_ (date)  
☒ by certified mail, return receipt requested on 6/17/98 (date)

This project is located at Lot C-1 Bowditch Rd, Sudbury, MA

The property is recorded at the Registry of Middlesex

Book 14948/26948 Page 543/073

Certificate (if registered) \_\_\_\_\_

The Notice of Intent for this project was filed on 12/8/97 (date)

The public hearing was closed on 1/5/98 (date) \*Amended Order issued June 17, 1998

**Findings:**

The Conservation Commission has reviewed the above-referenced Notice of Intent and plans and has held a public hearing on the project. Based on the information available to the Commission at this time, the Commission has determined that the area on which the proposed work is to be done is significant to the following interests in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject to Protection Under the Act (check as appropriate):

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Public water supply             | <input checked="" type="checkbox"/> Flood control           | <input type="checkbox"/> Land containing shellfish                 |
| <input checked="" type="checkbox"/> Private water supply | <input checked="" type="checkbox"/> Storm damage prevention | <input type="checkbox"/> Fisheries                                 |
| <input checked="" type="checkbox"/> Ground water supply  | <input checked="" type="checkbox"/> Prevention of pollution | <input checked="" type="checkbox"/> Protection of Wildlife Habitat |

Total Filing Fee Submitted \$ 250.00

State Share \$ 112.50  
(1/2 fee in excess of \$25)

City/Town Share \$ 137.50

Total Refund Due \$ 0.00

City/Town Portion \$ 0.00  
(1/2 total)

State Portion \$ 0.00  
(1/2 total)

15.00

103

MSD 08/26/98 09:25:38

SEE PLAN IN RECORD BOOK 29014 PROB 428  
PL# 920

Title	Dated	Signed and Stamped by:	On File with:
Vernal Pool Habitant Enhancement Plan revised	June 5, 1998	Sudbury	
_____	_____	Design Group	-Sudbury Con Com
2. Site Plan Lot c-1 Bowditch	September 23, 1997	Sullivan, Connors Assoc	
3. Easement Plan of Land 1/9/98 Larry R. Sabeau		Sudbury Con Com	Sudbury ConCo
Special Conditions (as noted above)			

See Attached Pages 1-5

**ORDER OF CONDITIONS****DEP FILE #301-594****Lot C1 Bowditch Rd., violation****P.E. Realty Trust, applicant****Jan. 26, 1998**

The Sudbury Conservation Commission hereby finds that the following conditions are necessary, in accordance with the Performance Standards set forth in the Wetlands Protection Act, its corresponding regulations, and the Sudbury Wetlands Administration Bylaw to the protect those interests checked above. To aid in implementation, compliance, and enforcement the specific conditions are divided into several broad categories for reference.

The Sudbury Conservation Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced on page 5-3A. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.

**SPECIAL CONDITIONS:****1. CONDITIONS IN PERPETUITY:**

The following conditions shall be recorded at the Registry of Deeds as part of this Order of Conditions and shall continue in perpetuity and be included on the Certificate of Compliance. Owners of this property shall be made aware of restrictions in perpetuity on the activities allowed on this property. If the property owner has good cause to request an amendment to the conditions in perpetuity, he/she shall have the right to make a request for an amendment to the issuing authority. If, in the judgement of the issuing authority, the proposed activities will not detrimentally impact the wetland resource area functions, this Order, or the Certificate of Compliance shall be amended.

- a. Wetlands are located on this property that are subject of the Massachusetts Protection Act (Chapter 131, section 40) and the Sudbury Wetlands Administration Bylaw. Any work within a wetland resource area or within the 100' adjacent upland resource area requires review and approval by the Sudbury Conservation Commission prior to the commencement of such work.
- b. No sodium-based de-icing chemicals shall be used on surfaces where runoff/drainage will discharge into the wetlands or the 100' wetland buffer zone.
- c. Fertilization of lawn and landscaped areas can be a significant source of excess nutrient loading in adjoining water bodies. Fertilizers may only be of the low nitrogen variety and may only be used in the spring of each year. No fall fertilization is allowed of any area within the 100' upland resource areas.
- d. No fertilization of any wetland resource area is allowed.
- e. No pesticides or herbicides are to be applied anywhere on this lot without the written permission of the Conservation Commission.



- f. Underground storage of petroleum products is prohibited within a wetland resource area and within the 100' buffer zone of a wetland resource area.
- g. As agreed to by the applicant at the hearing, a Conservation Restriction in perpetuity shall be placed on all areas outside the Limit of Disturbance and the planting enhancement area (see DEP File #301-593). Three originals of the Conservation Restriction, signed by the applicant and acceptable to the Commission, shall be submitted to the Conservation Commission prior to any work approved under this Order of Conditions.
- h. The Conservation Restriction Area shall be permanently bounded and distinguishable from the limit of lawn bounds. These bounds must be installed and shown on the as-built plan before a Certificate of Compliance is issued.

## II. GENERAL PROJECT CONDITIONS:

### PART I (required by DEP)

These conditions apply to all projects permitted by the Sudbury Conservation Commission. They shall remain in force until issuance of a Certificate of Compliance by the Commission. A violation of any of these conditions shall constitute reason for enforcement action by the issuing authority:

- a. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
- b. This Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
- c. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, by-laws, or regulations.
- d. The work authorized hereunder shall be completed within three years from the date of issuance of this Order unless either of the following apply:
  - 1) the work is a maintenance dredging project as provided for in the Act; or
  - 2) the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance and both that date and the special circumstances warranting the extended time period are set forth in this Order.
- e. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least thirty days prior to the expiration date of this Order. In determining whether or not to grant an Extension Permit, the Sudbury Conservation Commission shall review and apply the criteria for extensions of time as set forth in the Regulations.
- f. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
- g. No work shall be undertaken until all administrative appeal periods from the date of issuance of this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department of Environmental Protection have been completed.

29014 PG. 433  
h. No work shall be undertaken until the Final Order has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the final Order shall also be noted on the Land Court Certificate of title of the owner of the land upon which the proposed work is to be done.

The recording information shall be submitted to the Commission on the form at the end of the Order, or other form acceptable to the Commission, within thirty days of the issuance of this Order or prior to the start of construction, whichever is sooner.

i. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words, "Massachusetts Department of Environmental Protection, File #301-594".

j. Where the Department of Environmental Protection is requested to make a determination and to issue a Superseding Order, the Sudbury Conservation Commission shall be party to all agency proceedings and hearings before the Department.

k. Upon completion of the work described therein, the applicant shall forthwith request in writing that a Certificate of Compliance be issued stating that the work has been satisfactorily completed. (See section VI).

l. The work shall conform to the plans and special conditions incorporated in this document.

## **PART II**

**(required by Sudbury Conservation Commission for all projects)**

a. All work must conform to the plans referenced on page 5-3A, the Notice of Intent, and this Order of Conditions. In case of conflict, the requirements in this Order shall prevail.

**Due to the destruction of canopy, understory and leaf litter within the adjacent upland resource area of the vernal pool and within the identified upland habitat of the vernal pool species, the Commission is requiring the submission of a plan for monitoring the wood frog and salamander population of the large vernal pool for two to three years. An expert in vernal pool monitoring shall develop the monitoring plan for approval by the Commission. A draft of the plan must be presented to the Commission by Sept. 1, 1998.**

b. No spoils of construction, construction material, or equipment shall be stored, placed or operated in the wetland resource areas or the wetland buffer zone, except as authorized by this Order of Conditions.

c. The project engineer, contractors, and all subcontractors must be informed of the conditions in this Order.

d. A copy of this Order of Conditions and the referenced plans, must be available at all times at the construction site for reference.

e. The applicant is held responsible for compliance with this Order of Conditions. The Sudbury Conservation Commission shall be notified, in writing, within forty-eight hours of any transfers of title on this property.

f. This Order of Conditions shall apply to any successor in control, or successor in interest, of the property described in the Notice of Intent and accompanying plans.

- g. The construction site must be maintained in such a manner as to prevent any debris or refuse from entering the wetland resource area.
- h. Used petroleum products from the operation or maintenance of construction equipment shall be collected and disposed of off-site immediately in a manner consistent with all local, state and federal regulations.
- i. Members and agents of the Sudbury Conservation Commission shall have the right to enter and inspect the property to evaluate compliance with the conditions stated in this Order.
- j. Equipment shall be stored in such a manner so no pollutants are introduced into any wetland resource areas, or the 100' wetland buffer zone.
- k. No soil materials may be stockpiled within 100' of the wetland without appropriate erosion control to prevent siltation into the wetland.

### III. EROSION, SEDIMENTATION, STABILIZATION CONDITIONS

- a. Haybales shall be relocated and shown on the revised plan required as part of this Order. The location must be approved by the Commission prior to the start of construction. All haybales shall be staked place prior to any work within 100' of the wetland resource areas. Siltation fencing shall be used if indicated on the plan or require as part of this Order. Siltation fencing and haybales shall be properly installed and maintained to prevent erosion into any wetland resource area.
- b. All erosion and stabilization control measures shall be maintained to ensure their complete effectiveness for the duration of the project. Erosion control must remain in place until the issuance of a Certificate of Compliance, or the Sudbury Conservation Commission deems, in writing, that prior removal of erosion control measures is appropriate.
- c. All stabilization measures and runoff velocity controls shall be constructed in accordance with Soil Conservation Service guidelines and this Order of Conditions.
- d. There shall be no disturbance beyond any designated erosion control barrier and construction fencing.
- e. It is the applicant's responsibility to take additional appropriate measures to control sedimentation into the wetland resource areas except for the tree removal as permitted in this Order.
- f. No wood chips or bark mulch are to be used for permanent stabilization of slopes within 100' of a wetland resource area.

### IV. PLAN MODIFICATIONS:

- a. Any modifications or revisions to the plans referenced, or any new plans, must be submitted to the Commission for review and a determination as to whether a new Notice of Intent is required. If this procedure is not followed, this Order may be amended. No additional work not specifically allowed by this Order shall be accomplished on the site without the approval of the Sudbury Conservation Commission and the appropriate new filings or amendment requests are approved. Amendment procedures as described in the Wetlands Protection Act, the regulations, and the Department of Environmental Protection's Wetlands Program Policies shall be followed.

- b. The Commission reserves the right to require the filing of a new Notice of Intent for any plan changes or submittals for activities that fall under the jurisdiction of the Wetlands Protection Act.
- c. No additional new construction or disturbance of a wetland resource area, as defined in the Wetlands Protection Act and its regulations, or within the 100' wetland resource area buffer zone, not covered by this Order of Conditions, shall be permitted on this site until a determination has been made by the Commission as to whether a new Notice of Intent is required, and the new work or disturbance is incorporated into a new or amended Order of Conditions.
- d. Should the Sudbury Conservation Commission become aware of work on site being accomplished that was not approved as part of the Order of Conditions or subsequent amendments, the Commission reserves the right to require a new Notice of Intent. The plan filed with the new Notice of Intent must be based on an interim as-built plan prepared by a registered engineer. The new Notice must provide a detailed description of the discrepancies between the approved plan and the site conditions to date. The Commission reserves the right to require as part of the interim as-built plan, but not be limited to requiring, new topography survey, new drainage calculations, building footprints, and details or all disturbance within the wetland resource and the 100' wetland buffer zone.

#### **V. CERTIFICATE OF COMPLIANCE REQUIREMENTS:**

- a. Following completion of construction and stabilization of all disturbed areas within 100' of the wetland resources, an as-built plan, signed and stamped by a registered professional engineer or land surveyor in the Commonwealth of Massachusetts shall be submitted to the Commission at the same time as a written request for a Certificate of Compliance, and shall specify how the completed plan differs from that shown on the plans referred to in the Order of Conditions.

The as-built plan shall include all changes or disturbances within the wetland resource area or within the 100' buffer zone of the wetland resource area, including but not limited to changes in topography, elevations of pipe inflow and outfalls, limits of fill and alteration, extent of lawn and landscaping, location of all structures, edge of paved an/or impervious surfaces, changes in vegetation, placement of bounds, edge of wetland resource areas, extent of wetland buffer zone, etc.

- b. The Sudbury Conservation Commission will consider issuing status or progress reports for projects under construction provided an interim as-built plan, an engineer's written report, and a site inspection can all be submitted or accomplished.

10.99: continued

Issued By Sudbury Conservation Commission

Signature(s) Richard O. Bell [Signature]  
[Signature] [Signature]

This order must be signed by a majority of the Conservation Commission.

On this 15<sup>th</sup> day of June 19 98, before me personally appeared Richard O. Bell, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Tarib B. Shapiro 6/14/2002  
 Notary Public My commission expires

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the Department of Environmental Protection to issue a Superseding Order, providing the request is made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal form as provided in 310 CMR 10.03(7), within ten days from the date of issuance of this determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and the applicant.

Detach on dotted line and submit to the \_\_\_\_\_ prior to commencement of work.

To \_\_\_\_\_ Issuing Authority

Please be advised that the Order of Conditions for the project at \_\_\_\_\_  
 File Number \_\_\_\_\_ has been recorded at the Registry of \_\_\_\_\_ and  
 has been noted in the chain of title of the affected property in accordance with General Condition 8 on

\_\_\_\_\_, 19 \_\_\_\_\_.  
 If recorded land, the instrument number which identifies this transaction is \_\_\_\_\_

If registered land, the document number which identifies this transaction is \_\_\_\_\_

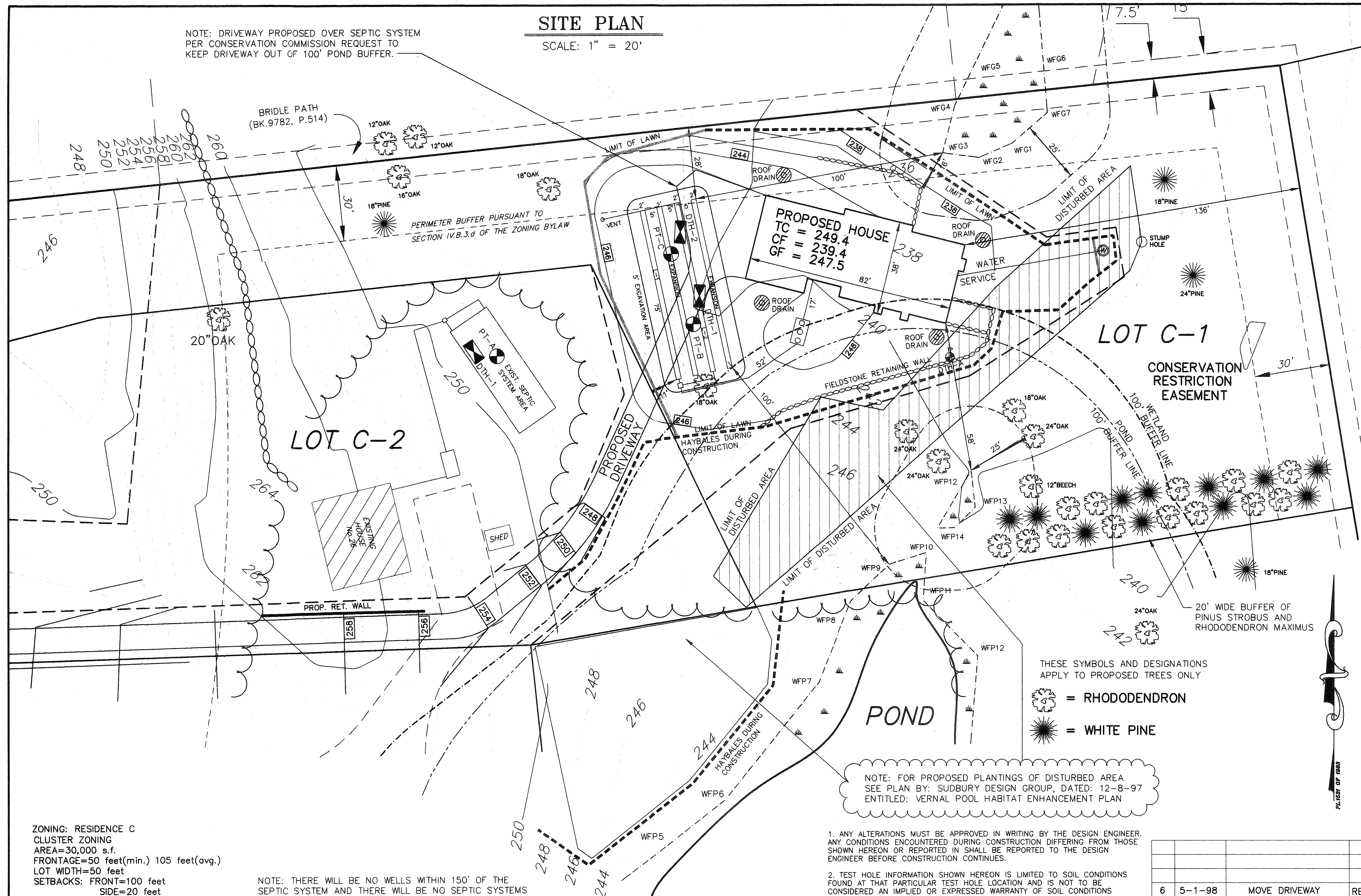
Signature \_\_\_\_\_ Applicant



# SITE PLAN

SCALE: 1" = 20'

NOTE: DRIVEWAY PROPOSED OVER SEPTIC SYSTEM PER CONSERVATION COMMISSION REQUEST TO KEEP DRIVEWAY OUT OF 100' POND BUFFER.



ZONING: RESIDENCE C  
CLUSTER ZONING  
AREA=30,000 s.f.  
FRONTAGE=50 feet(min.) 105 feet(avg.)  
LOT WIDTH=50 feet  
SETBACKS: FRONT=100 feet  
SIDE=20 feet  
REAR=30 feet

NOTE: THERE WILL BE NO WELLS WITHIN 150' OF THE SEPTIC SYSTEM AND THERE WILL BE NO SEPTIC SYSTEMS WITHIN 150' OF THE WELL.

1. ANY ALTERATIONS MUST BE APPROVED IN WRITING BY THE DESIGN ENGINEER. ANY CONDITIONS ENCOUNTERED DURING CONSTRUCTION DIFFERING FROM THOSE SHOWN HEREON OR REPORTED IN SHALL BE REPORTED TO THE DESIGN ENGINEER BEFORE CONSTRUCTION CONTINUES.
2. TEST HOLE INFORMATION SHOWN HEREON IS LIMITED TO SOIL CONDITIONS FOUND AT THAT PARTICULAR TEST HOLE LOCATION AND IS NOT TO BE CONSIDERED AN IMPLIED OR EXPRESSED WARRANTY OF SOIL CONDITIONS BEYOND THE LIMITS OF SUCH TEST HOLES.

THESE SYMBOLS AND DESIGNATIONS APPLY TO PROPOSED TREES ONLY

= RHODODENDRON  
 = WHITE PINE

## GENERAL NOTES

1. ALL CONSTRUCTION TO CONFORM TO THE REQUIREMENTS OF THE MASSACHUSETTS ENVIRONMENTAL CODE, TITLE FIVE, AND THE TOWN OF SUDBURY BOARD OF HEALTH REGULATIONS.
2. SOIL TESTING PERFORMED IN ACCORDANCE WITH THE INSTRUCTIONS OF MASSACHUSETTS ENVIRONMENTAL CODE, TITLE FIVE.
3. ESTIMATED FLOW = 4 BDRMS X 110 GPD/BR = 440 GPD
4. DESIGN PERCOLATION RATE = 2.0 MPI
5. LEACHING AREA CALCULATION = SIDEWALL AREA ONLY  
SA = 2(2X2'X75') = 600 SF (0.74 GPD/SF) = 444 GPD
6. LEACHING LINES SHALL CONSIST OF PERFORATED P.V.C. PIPE.
7. THERE ARE NO SURFACE WATER SUPPLIES OR WETLANDS BORDERING SURFACE WATER SUPPLIES OR PUBLIC WELLS WITHIN 400' OF SITE.
8. THERE ARE NO PRIVATE WELLS WITHIN 200' OF SITE.
9. THERE ARE NO BORDERING VEGETATED WETLANDS, INLAND BANKS, OR SURFACE WATERS WITHIN 150' OF SITE.
10. THERE ARE NO SURFACE OR SUBSURFACE DRAINS WHICH ARE USED TO LOWER THE GROUND WATER.
11. THERE ARE NO VERNAL POOLS WITHIN 100' OF SITE.
12. SITE NOT WITHIN 100 YEAR FLOOD PLAIN.
13. EFFLUENT BEING DISCHARGED TO SYSTEM CAN BE ASSOCIATED WITH RESIDENTIAL USE ONLY.
14. ALL ELEVATIONS REFER TO T.B.M. P.K. NAIL BACK OF POLE ELEV. = 258.44
15. FOR PROPER PERFORMANCE, SEPTIC TANK SHOULD BE PUMPED ANNUALLY.
16. NOTES # 9 DO NOT APPLY.

## SOIL LOGS SOIL TEST RESULTS

NO. DTH-1 0-8" A SL 10 YR 3/3 8-23" Bw LS 10 YR 6/4 23-62" C1 FINE/MED. SAND 10 YR 6/4 62-108" C2 MED. SAND 10 YR 7/4 MOTTLES AT 89" GROUND WATER AT 105"	249.0 ELEV.	NO. DTH-1 0-8" A SL 10 YR 3/2 6-26" Bw LS 10 YR 6/8 26-70" C1 FINE SAND 2.5Y 5/4 70-111" C2 COARSE. SAND/GRAVEL 2.5Y 4/4 MOTTLES AT 24" GROUND WATER AT 111"	240.0 ELEV.
NO. DTH-A 0-8" A 8-21" Bw 21-74" C1 FINE/MED. SAND MOTTLES AT 23" WEAVING AT 44"	239.0 ELEV.	NO. DTH-2 0-8" A SL 10 YR 3/2 8-32" Bw LS 10 YR 6/8 32-67" C1 FINE SAND 2.5Y 5/4 67-120" C2 COARSE SAND/GRAVEL 2.5Y 4/4 MOTTLES AT 50" NO GROUNDWATER	242.0 ELEV.

DATE: 11-27-96	10-16-97
SOIL EVALUATOR: MAB, MJS	MJS
B.O.H. INSPECTOR: BL	BL

## PERC LOGS PERCOLATION

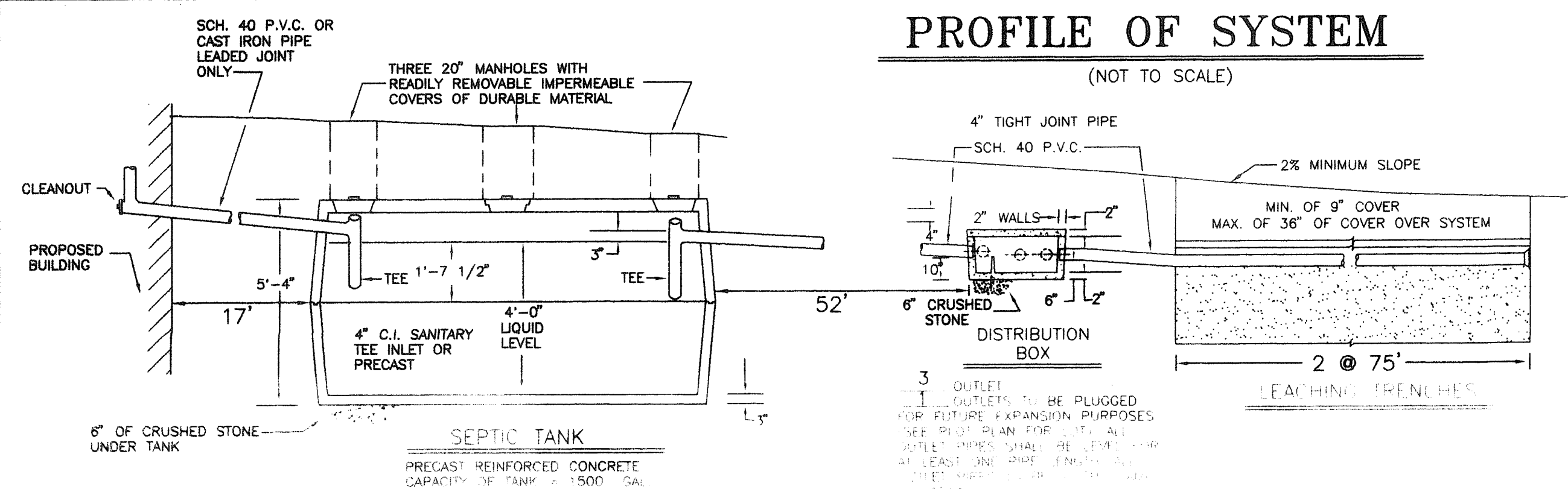
TEST NO.	DEPTH	ELEV.	RATE	DATE	BY	INSP.
PT-A	48"	182.5	2.0 MPI	11-27-96	M.A.B.	B.L.
PT-B	54"	240.0	2.0 MPI	10-16-97	M.J.S.	B.L.
PT-C	57"	242.0	2.0 MPI	10-16-97	M.J.S.	B.L.

I CERTIFY THAT ON (DATE) I HAVE PASSED THE EXAMINATION APPROVED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THAT THE ABOVE ANALYSIS HAS BEEN PERFORMED BY ME CONSISTENT WITH THE REQUIRED TRAINING, EXPERTISE, EXPERIENCE DESCRIBED IN 310 CMR 15.018 (2).

6	5-1-98	MOVE DRIVEWAY	REM
NO.	DATE:	REVISION:	BY:

## PROFILE OF SYSTEM

(NOT TO SCALE)



FINISH GRADE  
CLEAN BACKFILL  
2" LAYER 1/8" TO 1/2" WASHED STONE

3/4" TO 1 1/2" DOUBLE WASHED STONE FREE FROM DUST AND FINES IN PLACE.

PERF. P.V.C. PERFS DOWN. SEE GENERAL NOTE 6

## SCHEDULE OF ELEVATIONS

TOP OF FOUNDATION T.C. = 249.4	
BASEMENT FLOOR FIN. C.F. = 239.4	
INVERT OF PIPE AT FOUNDATION = 247.4	
INVERT AT SEPTIC TANK INLET = 247.2	
INVERT AT SEPTIC TANK OUTLET = 247.0	
INVERT AT DISTRIBUTION BOX INLET = 246.6	
INVERT AT DISTRIBUTION BOX OUTLET = 246.4	
INVERT AT LEACHING LINES (BEGINNING) =	L-1 L-2 246.3 245.3
INVERT AT LEACHING LINES (END) =	245.9 244.9
ELEVATION OF TRENCH BOTTOM =	243.9 242.9
FINISH GRADE OVER LEACHING AREA (F.G.) = 247.4 246.1	

APPLICANT: P.E. REALTY TRUST LOCATION: LOT C-1 BOWDITCH ROAD SUDBURY, MA

NO.	DATE:	REVISION:	BY:
5	1-6-98	MOVE DRIVE & BUFFERS	REM
4	12-11-97	MOVE HOUSE & DRIVE	REM
3	11-11-97	DISTURBED AREA	REM
2	11-3-97	MISC. CON. COMM. REVS.	REM
1	10-20-97	ADD TESTING	REM

Sullivan, Connors & Associates

LAND SURVEYING AND CIVIL ENGINEERING

121 BOSTON POST RD. SUDBURY, MA 01776

PROPOSED SEWAGE DISPOSAL SYSTEM

DATE: 9-23-97 SHEET 1 OF 2



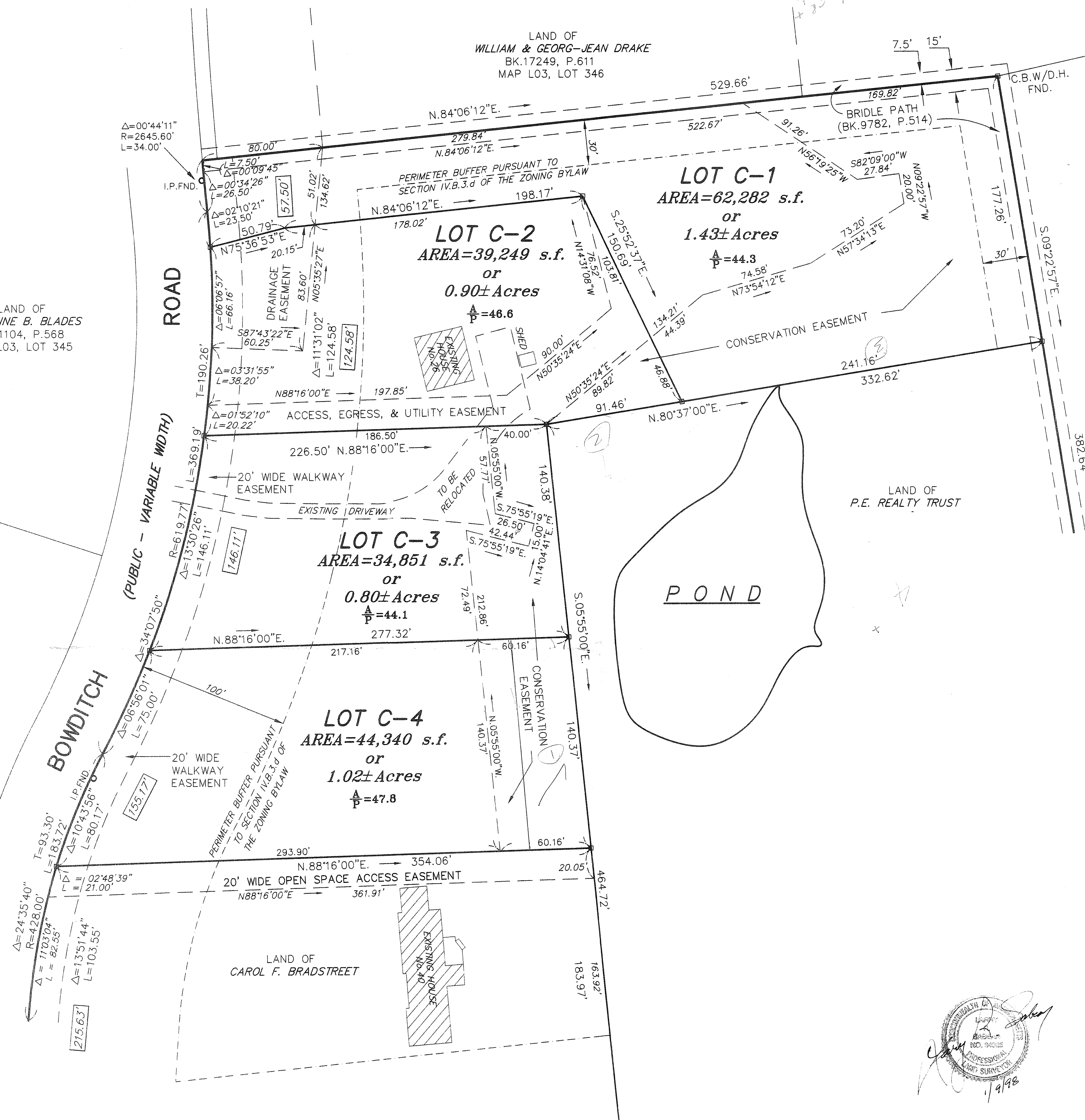
PL 1531 OF 1983

LAND OF  
THOMAS R. &  
CAROLYN A. MIX  
BK.21104, P.568  
MAP L03, LOT 345

LAND OF  
LORRAINE B. BLADES  
BK.21104, P.568  
MAP L03, LOT 345

LAND OF  
WILLIAM & GEORG-JEAN DRAKE  
BK.17249, P.611  
MAP L03, LOT 346

LAND OF  
LAURA H. MILTON  
BK.21104, P.568  
MAP L03, LOT 345

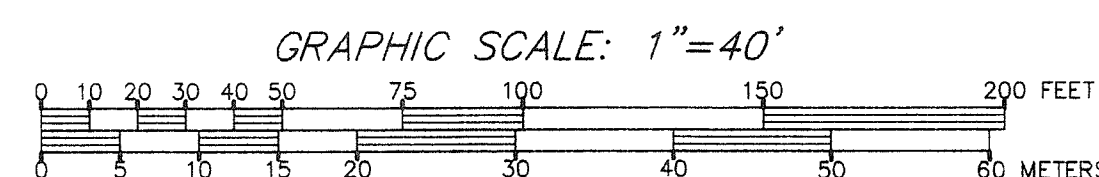


ZONING: RESIDENCE C  
AREA=60,000 s.f.  
FRONTAGE=210 feet  
LOT WIDTH=50 feet  
SETBACKS: FRONT=35 feet  
SIDE=20 feet  
REAR=30 feet

CLUSTER ZONING  
AREA=30,000 s.f.  
FRONTAGE=50 feet(min.) 105 feet(avg.)  
LOT WIDTH=50 feet  
SETBACKS: FRONT=35 feet  
SIDE=20 feet  
REAR=30 feet

ASSESSORS MAP L03, LOT 12  
DEED BOOK 14948, PAGE 543  
PLAN No. 77 of 1961  
PLAN No. 1531 of 1983  
PLAN No. 1531 of 1987  
Middlesex Registry of Deeds  
South District

SITE IS WITHIN ZONE 3 OF THE WATER  
WATER RESOURCE PROTECTION DISTRICT.



## CHAPTER 380, ACTS OF 1966

AMENDING CHAPTER 40, SECTION 81-X

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN  
ARE THE LINES DIVIDING EXISTING OWNERSHIPS AND  
THE LINES OF STREETS AND WAYS SHOWN ARE THOSE  
OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY  
ESTABLISHED AND THAT NO NEW LINES FOR DIVISION  
OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

*Larry R. Sabean* 1/9/98  
LARRY R. SABEAN, P.L.S. 34625 DATE:

THE CERTIFICATION SHOWN HEREON IS INTENDED TO MEET REGISTRY  
OF DEEDS REQUIREMENTS AND IS NOT A CERTIFICATION TO THE TITLE  
OR OWNERSHIP OF THE PROPERTY SHOWN, OWNERS OF ADJOINING  
PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN OF SUDBURY  
ASSESSORS RECORDS.

I HEREBY CERTIFY THAT THIS PLAN  
WAS PREPARED IN CONFORMANCE WITH  
THE RULES AND REGULATIONS OF THE  
REGISTERS OF DEEDS.

*Larry R. Sabean* Jan 9/98  
LARRY R. SABEAN, P.L.S. 34625 DATE:

**OWNER**

P.E. REALTY TRUST  
55 NEW YORK AVE.  
FRAMINGHAM, MA. 01701



**Sullivan, Connors &  
Associates**  
LAND SURVEYING AND  
CIVIL ENGINEERING  
121 BOSTON POST ROAD  
SUDBURY, MASSACHUSETTS 01776

CAD FILE NAME:	BOWDITCH.DWG
DESIGNED BY:	R.E.M.
CHECKED BY:	L.R.S.
COMPUTED BY:	S.J.B.
FIELD SURVEY:	D.M.C.
DRAWN BY:	R.E.M.
SCALE:	1" = 40'
SHEET	1 OF 1

EASEMENT PLAN OF LAND

IN

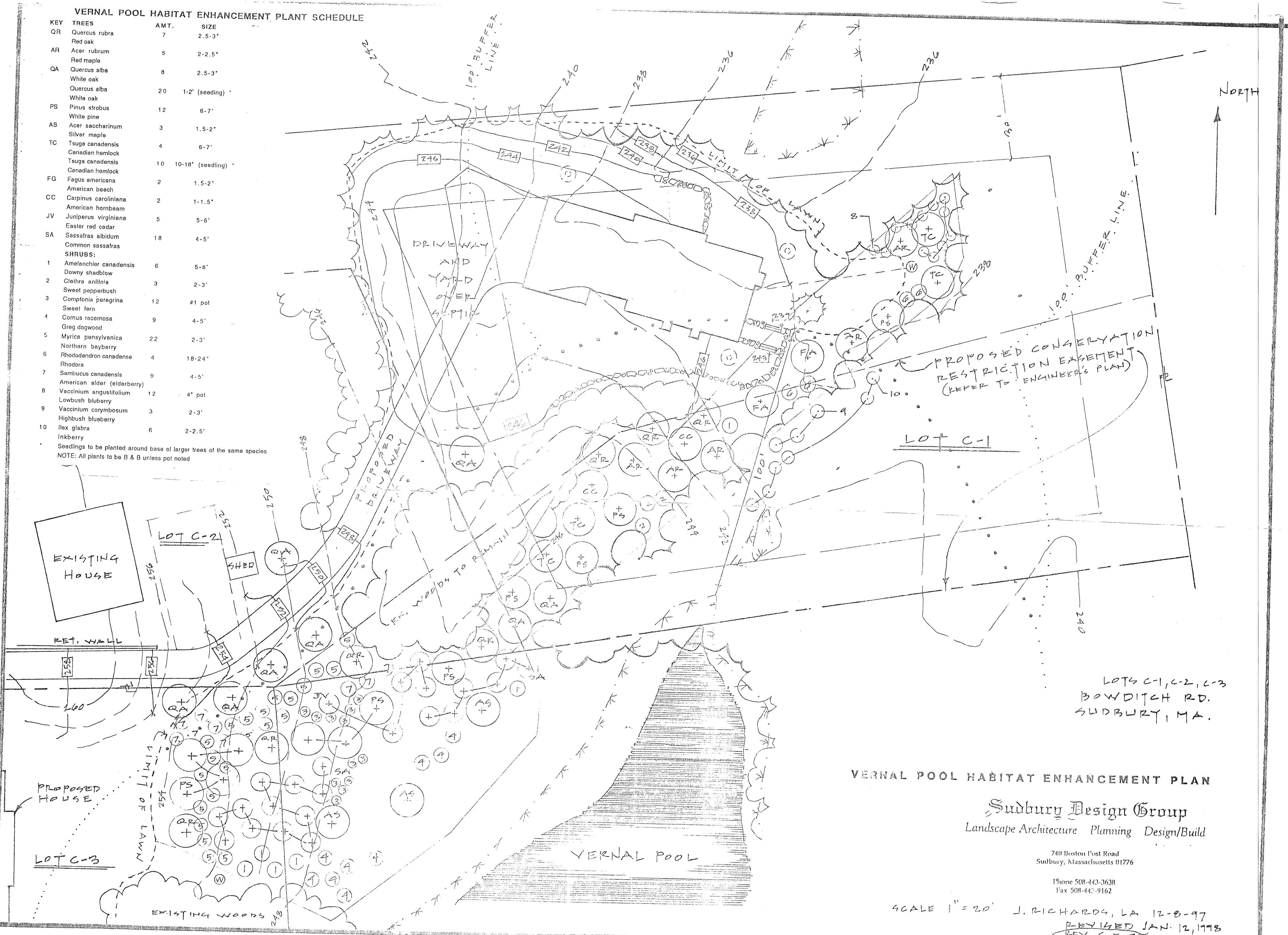
SUDBURY, MASSACHUSETTS

REVISIONS  
DATE: JAN. 9, 1998

# VERNAL POOL HABITAT ENHANCEMENT PLANT SCHEDULE

KEY	TREES	AMT.	SIZE
QR	Quercus rubra	7	2.5-3'
	Red oak		
AR	Acer rubrum	5	2-2.5'
	Red maple		
QA	Quercus alba	8	2.5-3'
	White oak		
	Quercus alba	20	1-2' (seedling)
	White oak		
PS	Pinus strobus	12	6-7'
	White pine		
AS	Acer saccharinum	3	1.5-2'
	Silver maple		
TC	Tsuga canadensis	4	6-7'
	Canadian hemlock		
	Tsuga canadensis	10	10-18" (seedling)
	Canadian hemlock		
FG	Fagus americana	2	1.5-2'
	American beech		
CC	Carpinus caroliniana	2	1-1.5'
	American hornbeam		
JV	Juniperus virginiana	5	5-6'
	Eastern red cedar		
SA	Sassafras albidum	18	4-5'
	Common sassafras		
	SHRUBS:		
1	Amelanchier canadensis	6	5-6'
	Downy shadblow		
2	Clethra alnifolia	3	2-3'
	Sweet pepperbush		
3	Comptonia peregrina	12	#1 pot
	Sweet fern		
4	Cornus racemosa	9	4-5'
	Greg dogwood		
5	Myrica pensylvanica	22	2-3'
	Northern bayberry		
6	Rhododendron canadense	4	18-24"
	Rhodora		
7	Sambucus canadensis	9	4-5'
	American elder (elderberry)		
8	Vaccinium angustifolium	12	4" pot
	Lowbush blueberry		
9	Vaccinium corymbosum	3	2-3'
	Highbush blueberry		
10	Ilex glabra	6	2-2.5'
	Inkberry		

Seedlings to be planted around base of larger trees of the same species  
NOTE: All plants to be B & B unless pot noted



LOTS C-1, C-2, C-3  
BOWDITCH RD.  
SUDBURY, MA.

## VERNAL POOL HABITAT ENHANCEMENT PLAN

Sudbury Design Group  
Landscape Architecture Planning Design/Build

740 Boston Post Road  
Sudbury, Massachusetts 01776

Phone 508-443-3638  
Fax 508-443-9162

SCALE 1" = 20' J. RICHARDS, LA 12-8-97  
REVISED JAN. 12, 1998  
REV. 6-5-98





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

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

DEP File Number:

301-803

Provided by DEP

**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.



From:

Sudbury  
Conservation Commission

This issuance is for (check one):

- ☒ Order of Conditions  
☐ Amended Order of Conditions

To: Applicant:

Landscape Design  
Name  
15 Intervale Road  
Mailing Address  
Sudbury MA 01776  
City/Town State Zip Code

Property Owner (if different from applicant):

Justin Lindsey  
Name  
22 Bowditch Road  
Mailing Address  
Sudbury MA 01776  
City/Town State Zip Code

1. Project Location:

22 Bowditch Road Sudbury  
Street Address City/Town  
C-1  
Assessors Map/Plat Number Parcel/Lot Number

2. Property recorded at the Registry of Deeds for:

Middlesex 14948/26948 543/073  
County Book Page

Certificate (if registered land)

3. Dates:

July 24, 2000 9/25/00 November 13, 2002  
Date Notice of Intent Filed Date Public Hearing Closed Date of Issuance

4. Final Approved Plans and Other Documents (attach additional plan references as needed):

Lindsay Residence \*Landscape Pool plan and Vernal Pool Habitat Enhanc. Plan 7/21/00  
Title Date  
by: Landscape Design Inc

5. Final Plans and Documents Signed and Stamped by:

\_\_\_\_\_  
Name

6. Total Fee:

65.00  
(from Appendix B: Wetland Fee Transmittal Form)



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

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

DEP File Number:

301-803

Provided by DEP

**B. Findings**

Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act. Check all that apply:

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Public Water Supply             | <input type="checkbox"/> Land Containing Shellfish          | <input checked="" type="checkbox"/> Prevention of Pollution        |
| <input checked="" type="checkbox"/> Private Water Supply | <input type="checkbox"/> Fisheries                          | <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| <input checked="" type="checkbox"/> Groundwater Supply   | <input checked="" type="checkbox"/> Storm Damage Prevention | <input checked="" type="checkbox"/> Flood Control                  |

Furthermore, this Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved** subject to:

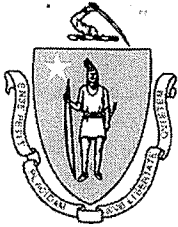
- ☒ the following conditions which are necessary, in accordance with the performance standards set forth in the wetlands regulations, to protect those interests checked above. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

**Denied** because:

- ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations to protect those interests checked above. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect these interests, and a final Order of Conditions is issued.
- ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).

**General Conditions** (only applicable to approved projects)

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

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

DEP File Number:

301-803

Provided by DEP

**B. Findings (cont.)**

4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. the work is a maintenance dredging project as provided for in the Act; or
  - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
7. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to this Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MA DEP"]  
"File Number \_\_\_\_\_"
10. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before DEP.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order.
13. Any change to the plans identified in Condition #12 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
14. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

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

DEP File Number:

301-803

Provided by DEP

**B. Findings (cont.)**

15. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
16. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
17. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

Special Conditions (use additional paper, if necessary):

See attached sheet

**Findings as to municipal bylaw or ordinance**

Furthermore, the Sudbury hereby finds (check one that applies):  
Conservation Commission

- ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

Name

Municipal Ordinance or Bylaw

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

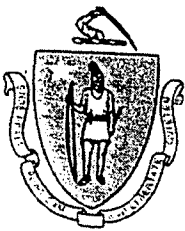
- ☒ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw, specifically:

Sudbury Wetlands Administration Bylaw

Name

Municipal Ordinance or Bylaw

The Commission orders that all work shall be performed in accordance with the said additional conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

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

DEP File Number:

301 804  
Provided by DEP

**B. Findings (cont.)**

Additional conditions relating to municipal ordinance or bylaw:

see attached

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

11/13/02  
Date

This Order must be signed by a majority of the Conservation Commission. The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office (see Appendix A) and the property owner (if different from applicant).

Signatures:

[Signature]  
[Signature]  
[Signature]  
[Signature]

[Signature]  
[Signature]  
Richard O. Bell

On 13<sup>th</sup>  
Day

Of November, 2002  
Month and Year

before me personally appeared

Richard O. Bell

to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

[Signature]  
Notary Public

6/12/09  
My Commission Expires

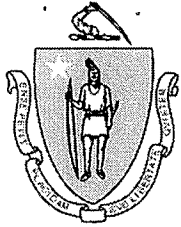
This Order is issued to the applicant as follows:

☒ by hand delivery on

11/13/02  
Date

☐ by certified mail, return receipt requested, on

\_\_\_\_\_  
Date



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

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

DEP File Number:

301-803

Provided by DEP

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**C. Appeals**

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Appendix E: Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, § 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

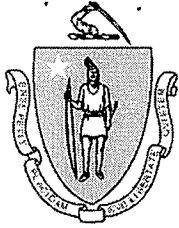
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**D. Recording Information**

This Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on Page 7 of Form 5 shall be submitted to the Conservation Commission listed below.

Sudbury

Conservation Commission



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

301-803

Provided by DEP

**D. Recording Information (cont.)**

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location

DEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

**ORDER OF CONDITIONS: Sudbury Wetlands Administration Bylaw & State Wetlands Protection Act  
DEP FILE #301-803  
Lot C1 Bowditch Rd.  
Landscape Design, Inc., applicant**

**Aug. 28, 2000**

**The Sudbury Conservation Commission hereby finds that the following conditions are necessary, in accordance with the Performance Standards set forth in the Wetlands Protection Act, its corresponding regulations, and the Sudbury Wetlands Administration Bylaw to the protect those interests checked above. To aid in implementation, compliance, and enforcement the specific conditions are divided into several broad categories for reference.**

**The Sudbury Conservation Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.**

**There have been past violations, Orders, and amended Orders of Conditions issued to the builder. Not all work required has been implemented on site. THIS ORDER OF CONDITIONS COVERS LANDSCAPE WORK NOT COMPLETED IN DEP FILE #301-593 (as amended) AND ADDITIONAL PROPOSED LANDSCAPE WORK. THE AREA SUBJECT TO THE CONSERVATION RESTRICTION AS DESIGNATED IN #301-593 IS SUPERSEDED BY THE AREA SUBJECT TO THE CONSERVATION RESTRICTION AS SHOWN ON THE PLANS REFERENCED (dated 8/28/00) IN THIS ORDER.**

**SPECIAL CONDITIONS:**

**1. CONDITIONS IN PERPETUITY:**

The following conditions shall be recorded at the Registry of Deeds as part of this Order of Conditions and shall continue in perpetuity and be included on the Certificate of Compliance. Owners of this property shall be made aware of restrictions in perpetuity on the activities allowed on this property. If the property owner has good cause to request an amendment to the conditions in perpetuity, he/she shall have the right to make a request for an amendment to the issuing authority. If, in the judgement of the issuing authority, the proposed activities will not detrimentally impact the wetland resource area functions, this Order, or the Certificate of Compliance shall be amended.

a. Wetlands are located on this property that is subject of the Massachusetts Protection Act (Chapter 131, section 40) and the Sudbury Wetlands Administration Bylaw. Any work within a wetland resource area or within the 100' adjacent upland resource area requires review and approval by the Sudbury Conservation Commission prior to the commencement of such work.

b. No sodium-based de-icing chemicals shall be used on surfaces where runoff/drainage will discharge into the wetlands or the 100' wetland buffer zone.

c. Fertilization of lawn and landscaped areas can be a significant source of excess nutrient loading in adjoining water bodies. Fertilizers may only be of the low nitrogen variety and may only be used in the spring of each year. No fall fertilization is allowed of any area within the 100' adjacent upland resource areas.



- d. No fertilization of any resource area is allowed.
- e. No pesticides or herbicides are to be applied anywhere on this lot without the written permission of the Conservation Commission.
- f. Underground storage of petroleum products is prohibited within a wetland resource area and within the 100' buffer zone of a wetland resource area.
- g. As agreed to by the applicant at the hearing, a revised Conservation Restriction in perpetuity shall be placed on the area shown on the referenced plans, dated 8/28/00. The area subject to the CR will include more area closer to the vernal pool and remove some of the area that had been previously disturbed for a net gain of 53 sq.ft.

Three original signed copies of an acceptable restriction shall be submitted to the Commission prior to any requests for a Certificate of Compliance on this lot.

- h. Permanent concrete bounds or iron pipes shall be installed at the Limit of Lawn as shown on the referenced plans. No lawn shall be established on the south side (between the side of the house and the vernal pool) of the house. This area will have native herbaceous species and a stepping stone path for access. In addition, the revised Conservation Restriction Area shall be permanently bounded and distinguishable from the limit of lawn bounds. These bounds must be installed and shown on the as-built plan before a Certificate of Compliance is issued.
- j. All plantings shall be native species only.
- k. No lawn shall extend to the play area. A porous material on a crushed stone base shall be installed. shredded oak leaves for shall be used for ground mulch.
- l. No in-ground irrigation system sprinkler heads and coverage in the area subject to the Conservation Restriction is permitted. Some of the existing irrigation system must be removed.

## **II. GENERAL PROJECT CONDITIONS:**

### **PART I (required by DEP)**

These conditions apply to all projects permitted by the Sudbury Conservation Commission. They shall remain in force until issuance of a Certificate of Compliance by the Commission. A violation of any of these conditions shall constitute reason for enforcement action by the issuing authority:

- a. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
- b. This Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
- c. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, by-laws, or regulations.
- d. The work authorized hereunder shall be completed within three years from the date of issuance of this Order unless either of the following applies:

- 1) the work is a maintenance dredging project as provided for in the Act; or
- 2) the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance and both that date and the special circumstances warranting the extended time period are set forth in this Order.

e. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least thirty days prior to the expiration date of this Order. In determining whether or not to grant an Extension Permit, the Sudbury Conservation Commission shall review and apply the criteria for extensions of time as set forth in the Regulations.

f. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.

g. No work shall be undertaken until all administrative appeal periods from the date of issuance of this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department of Environmental Protection have been completed.

h. No work shall be undertaken until the Final Order has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the final Order shall also be noted on the Land Court Certificate of title of the owner of the land upon which the proposed work is to be done.

The recording information shall be submitted to the Commission on the form at the end of the Order, or other form acceptable to the Commission, within thirty days of the issuance of this Order or prior to the start of construction, whichever is sooner.

i. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words, "Massachusetts Department of Environmental Protection, File #301-803".

j. Where the Department of Environmental Protection is requested to make a determination and to issue a Superseding Order, the Sudbury Conservation Commission shall be party to all agency proceedings and hearings before the Department.

k. Upon completion of the work described therein, the applicant shall forthwith request in writing that a Certificate of Compliance be issued stating that the work has been satisfactorily completed. (See section VI).

l. The work shall conform to the plans and special conditions incorporated in this document.

## **PART II**

### **(required by Sudbury Conservation Commission for all projects)**

a. All work must conform to the plans referenced, the Notice of Intent, and this Order of Conditions. In case of conflict, the requirements in this Order shall prevail.

b. No spoils of construction, construction material, or equipment shall be stored, placed or operated in the wetland resource areas or the wetland buffer zone, except as authorized by this Order of Conditions.

- c. The project engineer, contractors, and all subcontractors must be informed of the conditions in this Order.
- d. A copy of this Order of Conditions and the referenced plans must be available at all times at the construction site for reference.
- e. The applicant is held responsible for compliance with this Order of Conditions. The Sudbury Conservation Commission shall be notified, in writing, within forty-eight hours of any transfers of title on this property.
- f. This Order of Conditions shall apply to any successor in control, or successor in interest, of the property described in the Notice of Intent and accompanying plans.
- g. The construction site must be maintained in such a manner as to prevent any debris or refuse from entering the wetland resource area.
- h. Used petroleum products from the operation or maintenance of construction equipment shall be collected and disposed of off-site immediately in a manner consistent with all local, state and federal regulations.
- i. Members and agents of the Sudbury Conservation Commission shall have the right to enter and inspect the property to evaluate compliance with the conditions stated in this Order.
- j. Equipment shall be stored in such a manner so no pollutants are introduced into any wetland resource areas, or the 100' wetland buffer zone.
- k. No soil materials may be stockpiled within 100' of the wetland without appropriate erosion control to prevent siltation into the wetland.
- l. Two trees are permitted to be removed on the north side of house as they are now 5 – 6' under backfill. No other trees are to be removed. Grades around some other trees with lesser backfill must be reduced.

### **III. EROSION, SEDIMENTATION, STABILIZATION CONDITIONS**

- a. Haybales shall be relocated and shown on the revised plan required as part of this Order. The location must be approved by the Commission prior to the start of construction. All haybales shall be staked in place prior to any work within 100' of the wetland resource areas. Siltation fencing shall be used if indicated on the plan or required as part of this Order. Siltation fencing and haybales shall be properly installed and maintained to prevent erosion into any wetland resource area.
- b. All erosion and stabilization control measures shall be maintained to ensure their complete effectiveness for the duration of the project. Erosion control must remain in place until the issuance of a Certificate of Compliance, or the Sudbury Conservation Commission deems, in writing, that prior removal of erosion control measures is appropriate.
- c. All stabilization measures and runoff velocity controls shall be constructed in accordance with Soil Conservation Service guidelines and this Order of Conditions.
- d. There shall be no disturbance beyond any designated erosion control barrier and construction fencing.
- e. It is the applicant's responsibility to take additional appropriate measures to control sedimentation into the wetland resource areas except for the tree removal as permitted in this Order.

f. No wood chips or bark mulch are to be used for permanent stabilization of slopes within 100' of a wetland resource area.

#### **IV. PLAN MODIFICATIONS:**

a. Any modifications or revisions to the plans referenced, or any new plans, must be submitted to the Commission for review and a determination as to whether a new Notice of Intent is required. If this procedure is not followed, this Order may be amended. No additional work not specifically allowed by this Order shall be accomplished on the site without the approval of the Sudbury Conservation Commission and the appropriate new filings or amendment requests are approved. Amendment procedures as described in the Wetlands Protection Act, the regulations, and the Department of Environmental Protection's Wetlands Program Policies shall be followed.

b. The Commission reserves the right to require the filing of a new Notice of Intent for any plan changes or submittals for activities that fall under the jurisdiction of the Wetlands Protection Act.

c. No additional new construction or disturbance of a wetland resource area, as defined in the Wetlands Protection Act and its regulations, or within the 100' wetland resource area buffer zone, not covered by this Order of Conditions, shall be permitted on this site until a determination has been made by the Commission as to whether a new Notice of Intent is required, and the new work or disturbance is incorporated into a new or amended Order of Conditions.

d. Should the Sudbury Conservation Commission become aware of work on site being accomplished that was not approved as part of the Order of Conditions or subsequent amendments, the Commission reserves the right to require a new Notice of Intent. The plan filed with the new Notice of Intent must be based on an interim as-built plan prepared by a registered engineer. The new Notice must provide a detailed description of the discrepancies between the approved plan and the site conditions to date. The Commission reserves the right to require as part of the interim as-built plan, but not be limited to requiring, new topography survey, new drainage calculations, building footprints, and details or all disturbances within the wetland resource and the 100' wetland buffer zone.

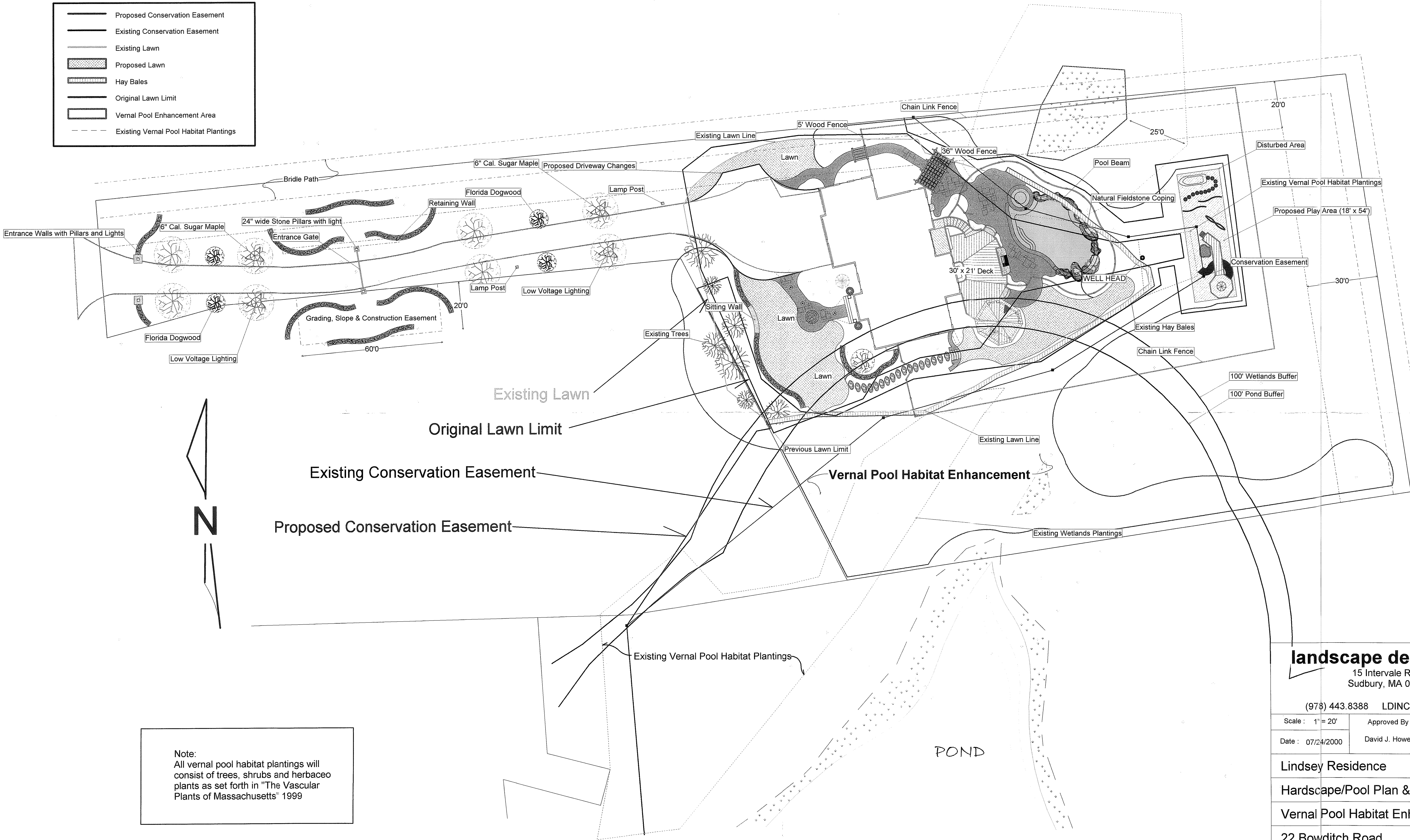
#### **V. CERTIFICATE OF COMPLIANCE REQUIREMENTS:**

a. Following completion of construction and stabilization of all disturbed areas within 100' of the wetland resources, an as-built plan, signed and stamped by a registered professional engineer or land surveyor in the Commonwealth of Massachusetts shall be submitted to the Commission at the same time as a written request for a Certificate of Compliance, and shall specify how the completed plan differs from that shown on the plans referred to in the Order of Conditions.

The as-built plan shall include all changes or disturbances within the wetland resource area or within the 100' buffer zone of the wetland resource area, including but not limited to changes in topography, elevations of pipe inflow and outfalls, limits of fill and alteration, extent of lawn and landscaping, location of all structures, edge of paved an/or impervious surfaces, changes in vegetation, placement of bounds, edge of wetland resource areas, extent of wetland buffer zone, etc.

b. The Sudbury Conservation Commission will consider issuing status or progress reports for projects under construction provided an interim as-built plan, an engineer's written report, and a site inspection can all be submitted or accomplished.

- Proposed Conservation Easement
- Existing Conservation Easement
- Existing Lawn
- Proposed Lawn
- Hay Bales
- Original Lawn Limit
- Vernal Pool Enhancement Area
- Existing Vernal Pool Habitat Plantings



Note:  
All vernal pool habitat plantings will consist of trees, shrubs and herbaceous plants as set forth in "The Vascular Plants of Massachusetts" 1999

**landscape design, inc.**  
15 Intervale Road  
Sudbury, MA 01776

(978) 443.8388 LDINC8388@AOL.COM

Scale : 1" = 20'	Approved By	Designed By
Date : 07/24/2000	David J. Howe	Christopher T. Koontz

Lindsey Residence

Hardscape/Pool Plan &  
Vernal Pool Habitat Enhancement Plan

22 Bowditch Road  
Sudbury, MA 01776



Proposed Conservation Easement

Existing Conservation Easement

Existing Lawn

Original Lawn Limit

Existing Vernal Pool Habitat Plantings

Vernal Pool Habitat Planting Key

Florida Dogwood (Cornus Florida)

River Birch (Betula Nigra)

Shadblow (Amelanchier Canadensis)

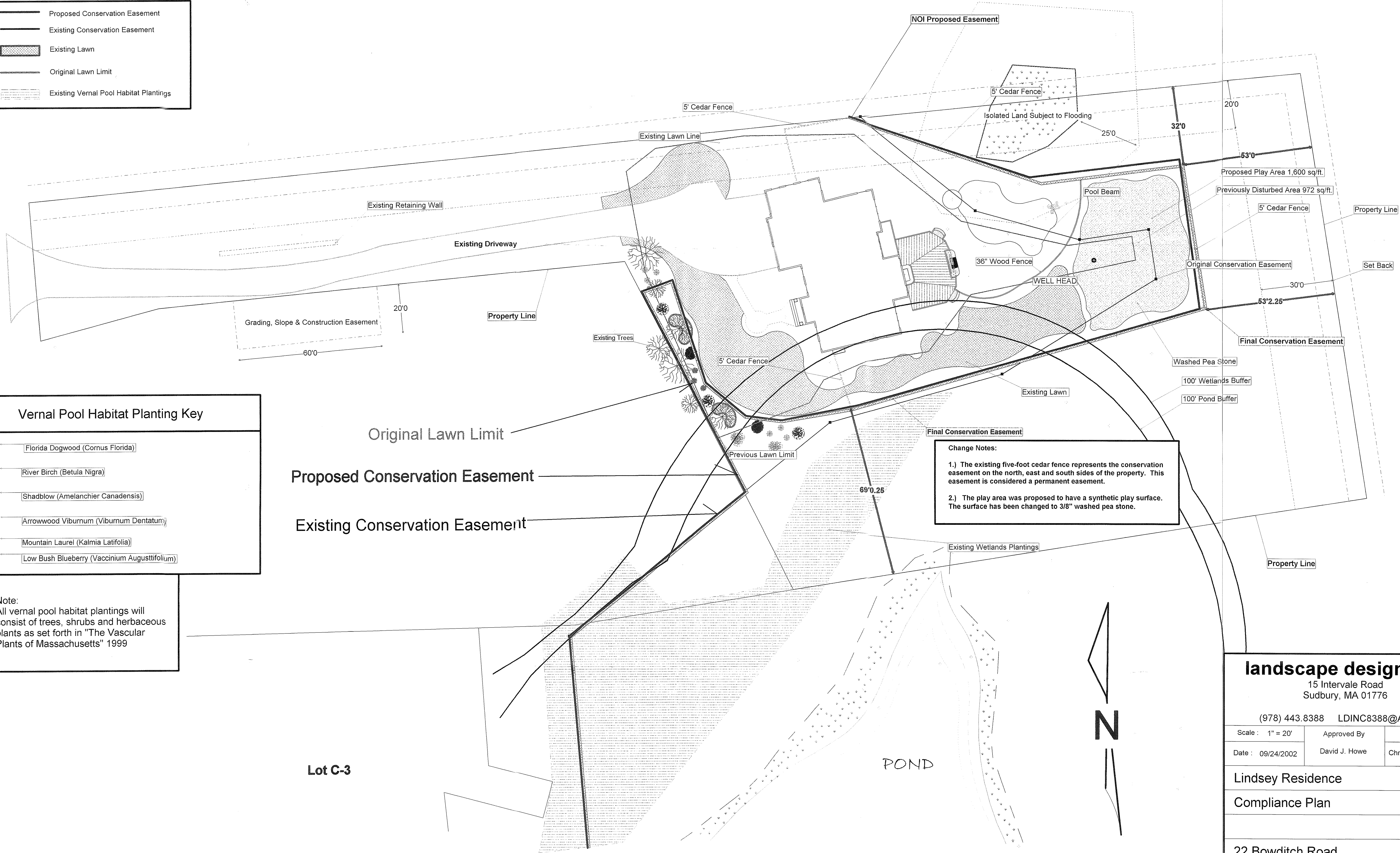
Arrowwood Viburnum (Viburnum Dentatum)

Mountain Laurel (Kalmia Latifolia)

Low Bush Blueberry (Vaccinium Augustifolium)

Note:

All vernal pool habitat plantings will consist of trees, shrubs and herbaceous plants as set forth in "The Vascular Plants of Massachusetts" 1999



Change Notes:

1.) The existing five-foot cedar fence represents the conservation easement on the north, east and south sides of the property. This easement is considered a permanent easement.

2.) The play area was proposed to have a synthetic play surface. The surface has been changed to 3/8" washed pea stone.

landscape design, inc.

15 Intervale Road  
Sudbury, MA 01776

(978) 443.8388   LDINC8388@AOL.COM

Scale : 1" = 20'

Approved By  
David J. Howe

Designed By  
Christopher T. Koontz

Lindsey Residence

Compliance Plan

22 Bowditch Road  
Sudbury, MA 01776



- Proposed Conservation Easement
- Existing Conservation Easement
- Existing Lawn
- Proposed Lawn
- Hay Bales
- Original Lawn Limit
- Vernal Pool Enhancement Area
- Existing Vernal Pool Habitat Plantings

- Vernal Pool Habitat Planting Key**
- Black Spruce (*Picea Mariana*)
  - Red Maple (*Acer Rubrum*)
  - Pin Oak (*Quercus Palustris*)
  - Florida Dogwood (*Cornus Florida*)
  - River Birch (*Betula Nigra*)
  - Shadblow (*Amelanchier Canadensis*)
  - Eastern Red Cedar (*Juniperus Virginiana*)
  - American Cranberry Bush (*Vaccinium Macrocarpon*)
  - Arrowwood Viburnum (*Viburnum Dentatum*)
  - Maxi Rhododendron (*Rhododendron Maximum*)
  - Swamp Azalea (*Rhododendron Viscosum*)
  - Mountain Laurel (*Kalmia Latifolia*)
  - Low Bush Blueberry (*Vaccinium Augustifolium*)
  - Inkberry (*Ilex Glabra*)
  - Herbaceous Groundcovers and grasses (3,000 sq/ft. approx. 600 pcs.)

Note:  
All vernal pool habitat plantings will consist of trees, shrubs and herbaceous plants as set forth in "The Vascular Plants of Massachusetts" 1999

Lot C-3

Proposed Conservation Easement

Existing Conservation Easement

Existing Lawn

Original Lawn Limit

Previous Lawn Limit

Existing Vernal Pool Habitat Plantings

POND

Vernal Pool Habitat Enhancement

landscape design, inc.

15 Intervale Road  
Sudbury, MA 01776

(978) 443.8388 LDINC8388@AOL.COM

Scale: 1" = 40'

Approved By

Designed By

Date: 08/28/2000

David J. Howe

Christopher T. Koontz

Lindsey Residence

Hardscape/Pool Plan &

Vernal Pool Habitat Enhancement Plan

22 Bowditch Road

Sudbury, MA 01776



BK28816PG289

Consent Dec  
DOB Form

11-N

CONSERVATION RESTRICTION

Granted by

JOANN PARADIS, TRUSTEE OF P.E. REALTY TRUST

To

THE INHABITANTS OF THE TOWN OF SUDBURY

MSD 07/08/98 03:52:26 (1024 17.00  
Plan No #741

SEE PLAN IN RECORD BOOK PAGE  
28816-288



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**CONSERVATION RESTRICTION  
TO  
THE INHABITANTS OF THE TOWN OF SUDBURY**

**I. Grantor Clause:**

I, JOANN E. PARADIS, as I am Trustee of P.E. Realty Trust under declaration of trust dated November 18, 1993 and recorded with the Worcester District Registry of Deeds in Book 15848, Page 290, having an address at 259 Turnpike Road, Southborough, Massachusetts 01772 ("Grantor"), acting pursuant to Sections 31, 32 and 33 of Chapter 184 of the General Laws, grant, with quitclaim covenants, to The Inhabitants of the Town of Sudbury, a Massachusetts municipal corporation with a mailing address of 278 Old Sudbury Road, Sudbury, Massachusetts 01776, and its successors and permitted assigns ("Grantee") in perpetuity and exclusively for conservation purposes, the following described Conservation Restriction on two parcels of land located in the Town of Sudbury, Massachusetts, constituting approximately 1.087 acres in total, said parcels being described in Exhibit A attached (the "Premises").

**II. Purposes:**

The Premises, comprised of approximately 1.087 acres of land (and/or water) contain unusual, unique or outstanding qualities the protection of which in their predominately natural or open condition will be of benefit to the public. These qualities include: the use of said parcels as an upland habitat for endangered or threatened wildlife species which make use of the pond located on adjacent land of the grantor.

**III. Prohibited Acts and Uses, Exceptions Thereto, and Permitted Uses:**

A. Prohibited Acts and Uses. Subject to the exceptions set forth in paragraph B below, the following acts and uses are prohibited on the Premises:

1. Constructing or placing of any building, tennis court, landing strip, mobile home, swimming pool, fences, asphalt or concrete pavement, sign, billboard or other advertising display, antenna, utility pole, tower, conduit, line or other temporary or permanent structure or facility on or above the Premises;
2. Mining, excavating, dredging or removing from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit;
3. Placing, filling, storing or dumping on the Premises of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste or other substance or material whatsoever or the installation of underground storage tanks;
4. Cutting, removing or otherwise destroying trees, grasses or other vegetation;
5. The subdivision of the Premises;

6. Activities detrimental to drainage, flood control, water conservation, erosion control or soil conservation;
7. Any other use of the Premises or activity which would materially impair significant conservation interests unless necessary for the protection of the conservation interests that are the subject of this Conservation Restriction.

B. Exceptions to Otherwise Prohibited Acts and Uses. The following acts and uses otherwise prohibited in subparagraph A are permitted but only if such acts or uses do not materially impair significant conservation interests.

1. Excavation and removal from the Premises of soil, gravel or other mineral resource or natural deposit as may be incidental to the installation or maintenance or removal of underground tanks, septic systems, utilities, and other underground structures or to the maintenance of good drainage, soil conservation practices or to other permissible use of the Premises.
2. The maintenance of piles of limbs, brush, leaves and similar biodegradable material provided such piles are not conspicuous or otherwise interfere with the conservation objectives of this Conservation Restriction.
3. Subdivision of the Premises in which case the Grantor shall make reference to this restriction in the conveyance.
4. Digging or drilling of water wells.
5. Selective cutting of trees for fire protection, unpaved trail and road maintenance, tick control, or otherwise to preserve the present condition of the Premises, including vistas.

C. Permitted Acts and Uses. All acts and uses not prohibited by subparagraphs A and B are permissible.

#### IV. Legal Remedies of the Grantee(s):

##### A. Legal and Injunctive Relief

The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to its condition prior to the time of the injury complained of (it being agreed that the Grantee(s) may have no adequate remedy at law), and shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee(s).

B. Reimbursement of Costs of Enforcement

The Grantor(s), and thereafter the successors and assigns of the Grantor(s) covenant and agree to reimburse the Grantee(s) for all reasonable costs and expenses (including without limitation counsel fees) incurred in enforcing this Conservation Restriction or in remedying or abating any violation thereof.

C. Grantee(s) Disclaimer of Liability

By its acceptance of this Conservation Restriction, the Grantee(s) do(es) not undertake any liability or obligation relating to the condition of the Premises.

D. Severability Clause

If any provision of this Conservation Restriction shall to any extent be held invalid, the remainder shall not be affected.

E. Non-Waiver

Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

V. Access:

The Conservation Restriction hereby conveyed does not grant to the Grantee, to the general public, or to any other person any right to enter upon the Premises except there is granted to the Grantee and its representatives the right to enter the Premises at reasonable times and in a reasonable manner for the purpose of inspecting the same to determine compliance herewith.

VI. Extinguishment:

A. Grantee's Receipt of Property Right

The Grantor(s) and the Grantee agree that the donation of this Conservation Restriction gives rise for purposes of this paragraph to a real property right, immediately vested in the Grantee, with a fair market value that is at least equal to the proportionate value that this Conservation Restriction determined at the time of the gift bears to the value of the unrestricted Premises at that time.

B. Value of Grantee's Property Right

Such proportionate value of the Grantee's property right shall remain constant.

C. Right of Grantee to Recover Proportional Value at Disposition

If any occurrence ever gives rise to extinguishment or other release of the Conservation Restriction under applicable law, then the Grantee, on a subsequent sale, exchange or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds equal to such proportionate value, subject, however, to any applicable law which expressly provides for a different disposition of proceeds.

D. Grantor/Grantee Cooperation Regarding Public Action

Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor(s) and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action.

E. Allocation of Expenses upon Disposition

All related expenses incurred by the Grantor(s) and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor(s) and Grantee in shares equal to such proportionate value.

F. Continuing Trust of Grantee's Share of Proceeds of Conservation Restriction Disposition

The Grantee shall use its share of the proceeds in a manner consistent with the conservation purposes of this grant.

VII. Assignability:

A. Running of the Burden

The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable against the Grantor(s) and the successors and assigns of the Grantor(s) holding any interest in the Premises.

B. Execution of Instruments

The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction; the Grantor(s) on behalf of themselves and their successors and assigns appoint the Grantee their attorney-in-fact to execute, acknowledge and deliver any such instruments on their behalf. Without limiting the foregoing, the Grantor(s) and their successors and assigns agree themselves to execute any such instruments upon request.

C. Running of the Benefit



The benefits of this Conservation Restriction shall be in gross and shall not be assignable by the Grantee, except in the following instances and from time to time:

- (i) as a condition of any assignment, the Grantee requires that the purpose of this Conservation Restriction continue to be carried out, and
- (ii) the assignee, at the time of assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder, and under Section 32 of Chapter 184 of the General Laws as an eligible donee to receive this Conservation Restriction directly.

VIII. Subsequent Transfers:

The Grantor(s) agree to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument by which they divest themselves of any interest in all or a portion of the Premises. \*

IX. Estoppel Certificates:

Upon request by the Grantor(s), the Grantee shall within twenty (20) days execute and deliver to the Grantor(s) any document, including an estoppel certificate, which certifies the Grantor(s) compliance with any obligation of the Grantor(s) contained in this Conservation Restriction.

X. Effective Date:

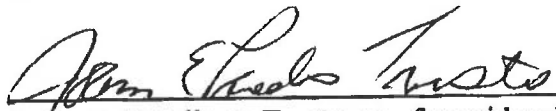
This Conservation Restriction shall be effective when the Grantor(s) and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the General Laws have been obtained, and it has been recorded, or if registered land, it has been registered.

XI. Recordation:

The Grantor(s) shall record this instrument in timely fashion in the Middlesex Southern District Registry of Deeds.

Executed under seal this 2 day of July, 1998.

\*Grantor, its successors and assigns agree to execute any reasonable amendments or modifications to this document which may be requested by Grantor or any State or Local Regulatory Authority.

  
Joann E. Paradis, as Trustee as aforesaid and  
not individually

## THE COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

July 2, 1998  
June

Then personally appeared the above-named Joann E. Paradis and acknowledged the foregoing instrument to be her free act and deed, before me

W. Paul Slazik  
W. Paul Slazik Notary Public  
My Commission Expires 6-19-03

## ACCEPTANCE OF GRANT

We, the undersigned, being a majority of the ~~Selectman~~ of the Town of Sudbury hereby accept the foregoing Conservation Restriction this ~~day of~~ June, 1998.

## THE TOWN OF SUDBURY

By: \_\_\_\_\_, Selectman

By: \_\_\_\_\_, Selectman

By: \_\_\_\_\_, Selectman

By: \_\_\_\_\_, Selectman

By: \_\_\_\_\_, Selectman

## THE COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

, 1998

Then personally appeared the above-named \_\_\_\_\_,  
Selectman of the Town of Sudbury as aforesaid and acknowledged the foregoing to be his/her  
free act and deed and the free act and deed of the Town of Sudbury, before me

\_\_\_\_\_  
- Notary Public  
My Commission Expires

APPROVAL BY SECRETARY OF ENVIRONMENTAL AFFAIRS  
COMMONWEALTH OF MASSACHUSETTS

The undersigned, Secretary of the Executive Office of Environmental Affairs of the  
Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction to  
[GREENWAYS ASSOCIATION, INC.] has been approved in the public interest pursuant to  
G.L.c. 184, 32.

Date: , 1998

\_\_\_\_\_  
Secretary of Environmental Affairs

## COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

, 1998

Then personally appeared the above-named \_\_\_\_\_ and acknowledged  
the foregoing to be his or her free act and deed, before me.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

## EXHIBIT A

The land in Sudbury, Massachusetts being those portions of Lots C-1, C-2, C-3, and C-4 as shown on a plan of land entitled "Easement Plan of Land in Sudbury, Massachusetts Owner P.E. Realty Trust 55 New York Ave. Framingham, MA. 01701" by Sullivan, Connors & Associates dated January 9, 1998, to be recorded herewith, designated as "Conservation Easement" and bounded and described as follows:

Parcel One

Beginning at the Southeasterly corner of Lot C-4 as shown on said plan, thence running

South 88° 16' 00" West	Sixty and 16/100 (60.16) feet along the sideline of Lot C-4 to a point, thence turning and running
North 05° 55' 00" West	Two Hundred Twelve and 86/100 (212.86) feet to a point, thence turning and running
South 75° 55' 19" East	Forty-Two and 44/100 (42.44) feet to a point, thence turning and running
North 14° 04' 41" East	Fifteen (15.00) feet to a point, thence turning and running
North 75° 55' 19" West	Twenty-Six and 50/100 (26.50) feet to a point, thence turning and running
North 0° 55' 00" West	Fifty-Seven and 77/100 (57.77) feet to a point on the boundary line between Lots C-3 and C-2, thence turning and running
North 88° 16' 00" East	Forty (40.00) feet along said boundary line to a point, thence turning and running
South 05° 55' 00" East	Two Hundred Eighty and 75/100 (280.75) feet to the point of beginning.

Parcel Two

Beginning at the Southeasterly corner of Lot C-1 as shown on said plan, thence running

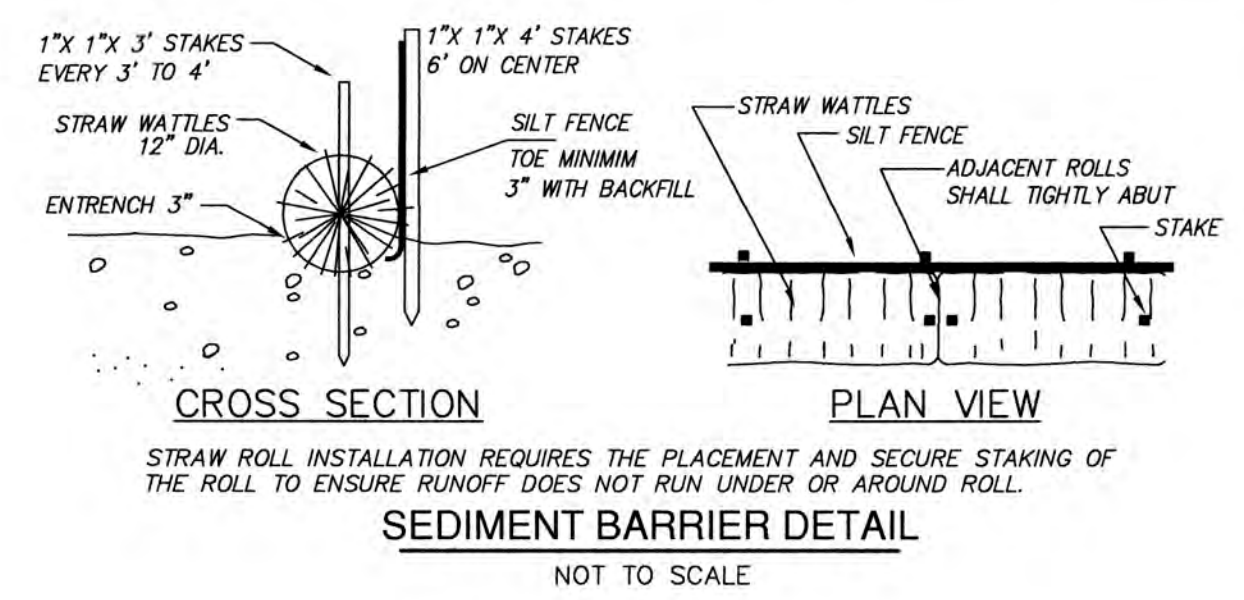
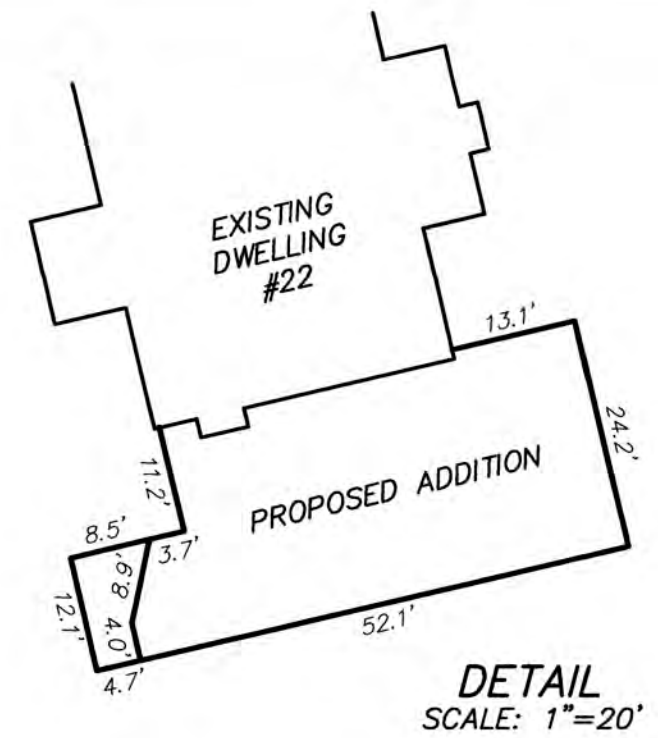
South 80° 37' 00" West	Three Hundred Thirty-Two and 62/100 (332.62) feet to a point, thence turning and running
North 50° 35' 24" East	One Hundred Thirty-Four and 21/100 (134.21) feet to a point, thence turning and running

North 73° 54' 12" East	Seventy-Four and 58/100 (74.58) feet to a point, thence turning and running
North 57° 34' 13" East	Seventy-Three and 20/100 (73.20) feet to a point, thence turning and running
North 09° 22' 57" West	Twenty (20.00) feet to a point, thence turning and running
South 82° 09' 00" West	Twenty-Seven and 84/100 (27.84) feet to a point, thence turning and running
North 56° 19' 25" West	Ninety-One and 26/100 (91.26) feet to a point, thence turning and running
North 84° 06' 12" East	One Hundred Sixty-Nine and 82/100 (169.82) feet to a concrete bound, thence turning and running
South 09° 22' 57" East	One Hundred Seventy-Seven and 26/100 (177.26) feet to the point of beginning.



PLAN No. 741 OF 1998

BOWDITCH ROAD  
(VARIABLE WIDTH - PUBLIC WAY)



**PLANTING NOTES:**

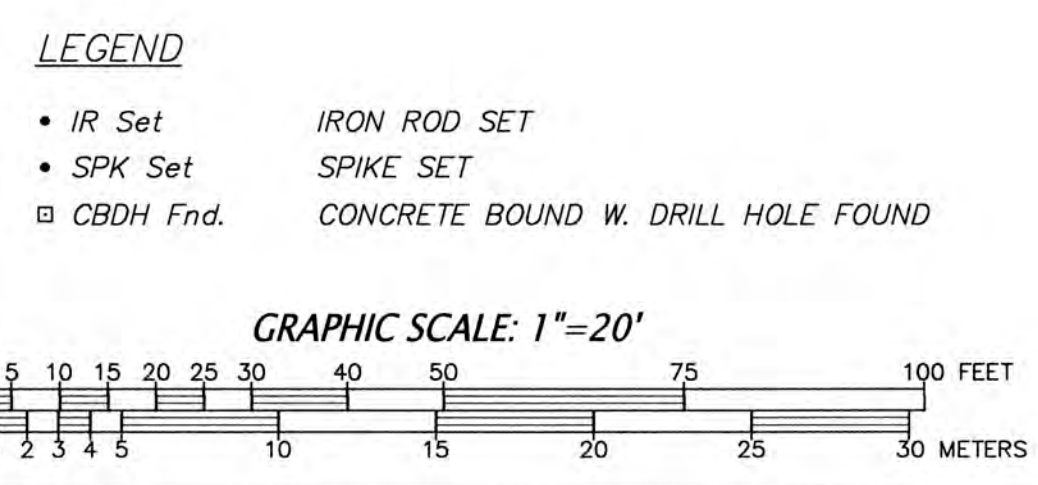
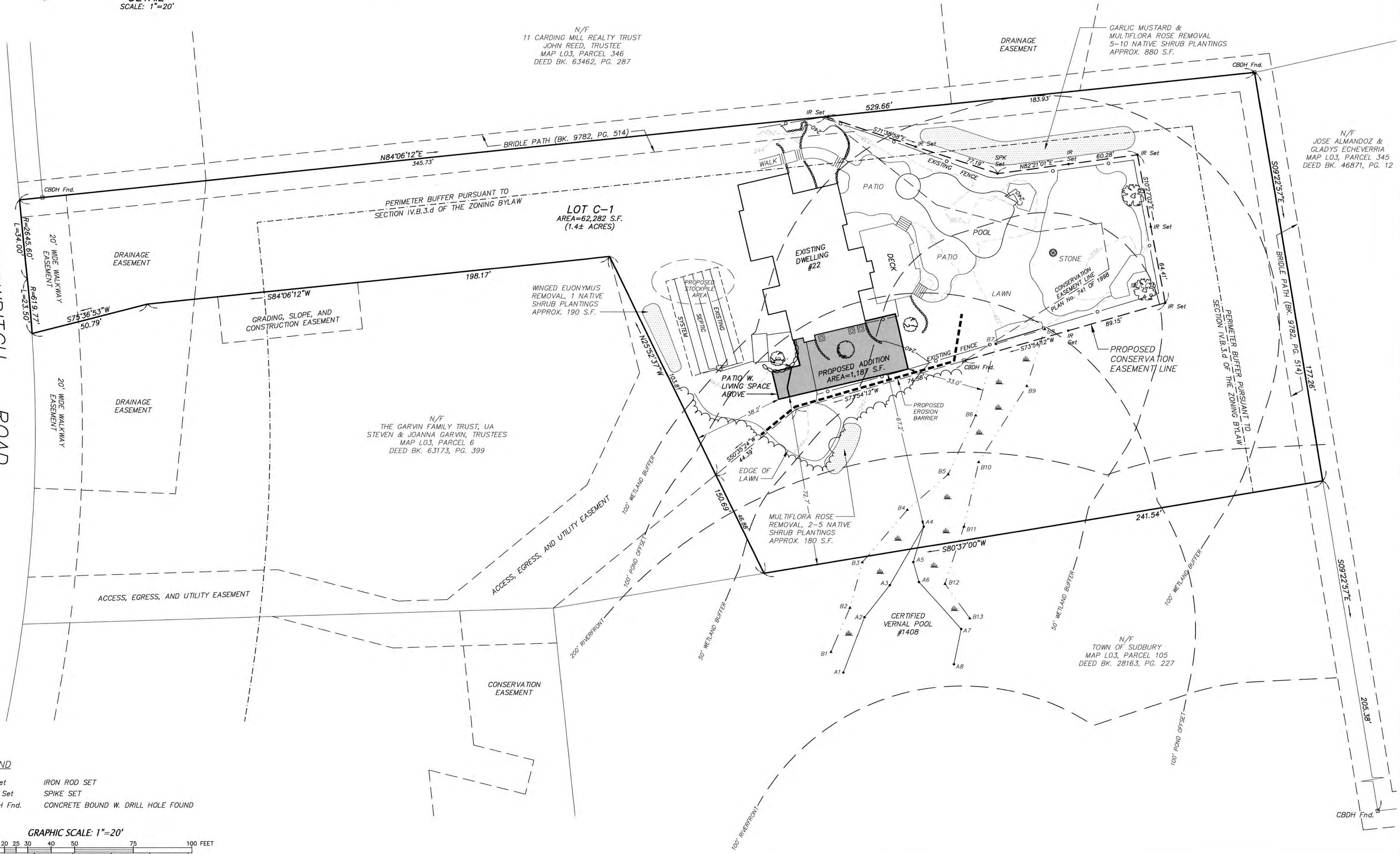
1. INVASIVE REMOVAL AREAS WILL BE SEEDED WITH NATIVE SEED MIX AFTER REMOVAL OF INVASIVES.
2. PLANTINGS WILL BE BASED ON NURSERY AVAILABLE AND RECOMMENDATIONS FROM SUDBURY CONSERVATION COMMISSION STAFF.

**ZONING: RESIDENCE C**  
AREA=60,000 s.f.  
FRONTAGE=210 feet  
LOT WIDTH=50 feet  
SETBACKS: FRONT=40 feet  
SIDE=20 feet  
REAR=30 feet

**CLUSTER ZONING**  
AREA=30,000 s.f.  
FRONTAGE=50 feet(min.) 105 feet(avg.)  
LOT WIDTH=50 feet  
SETBACKS: FRONT=35 feet  
SIDE=20 feet  
REAR=30 feet

**GENERAL NOTES:**

1. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN OF SUDBURY ASSESSORS RECORDS.
2. THIS PLAN IS BASED ON AN ON-THE-GROUND SURVEY BY CONNORSTONE ENGINEERING INC. PERFORMED ON JULY 31, 2017, AND UPDATED ON APRIL 4, 2022.
3. LEGAL STATUS OF EASEMENTS AND WAYS, NOT DETERMINED BY THIS SURVEY.
4. WETLANDS SHOWN HEREON WERE FLAGGED BY OXBOW ASSOCIATES AND LOCATED ON THE GROUND BY CONNORSTONE ENGINEERING INC.



**OWNERS:**

RAJAKUMAR MUNNANGI &  
RADHA PULLALAREVU  
22 BOWDITCH ROAD  
SUDBURY, MA 01776

**CONNORSTONE ENGINEERING INC.**  
CIVIL ENGINEERS AND LAND SURVEYORS  
10 SOUTHWEST CUTOFF, SUITE 7  
NORTHBOROUGH, MASSACHUSETTS 01532  
PHONE: 508-393-9727 FAX: 508-393-5242

**PROPOSED ADDITION PLAN**  
OF  
22 BOWDITCH ROAD  
IN  
SUDBURY, MASS.

REVISED:	DESCRIPTION:
DRAWN BY: VHH	CHECK BY: REM
DATE: MAY 18, 2022	
SCALE: 1"=20'	SHEET 1 OF 1.