

June 5, 2023

Sudbury Conservation Commission  
275 Old Lancaster Rd  
Sudbury, MA 01776

Re: Enforcement Order Violation Response Letter  
31 Lincoln Lane, Sudbury, MA

Dear Conservation Commission,

We are happy to submit this letter on behalf of the applicant, Jatinder Gill of 31 Lincoln Lane, in response to the Enforcement Order issued by the Commission on May 16, 2023. The enforcement order sites the following activities that need to be explained/rectified:

1. Filling a portion of Bordering Land Subject to Flooding/Riverfront
2. Re-grading and hydro-seeding of lawn within Buffer Zone and Riverfront
3. Dumping of soil on to the neighbor's property within resource areas
4. Resurfacing of the driveway
5. Creation of a grass strip along driveway within buffer zone
6. The installation of an irrigation system within Buffer Zone, BLSF and Riverfront

Activities 1 and 2 (Potential Filling of Resource Areas)

The "work" on site started during the exploration for a new water well. This well is to re-place the existing well, which is currently located in wetlands and is to be abandoned and left in place. During the excavation, the first well location failed, then the second location failed but the third was successful (all proposed well locations are located outside the Bordering Land Subject to Flooding). These excavation attempts created soil and lawn disruption causing a surficial mess. The landscape company did initially pile soil behind the shed however this pile was immediately removed when the Commission issued an enforcement order on May 2, 2023, stating this needed to be performed. After the pile was removed the existing soil was smoothed and contoured to prior conditions and the area was seeded. Since the area was restored to pre-disturbance conditions the homeowner asks for the existing conditions (lawn) to be able to remain in place.

During this process the agent asked the homeowner to have a surveyor determine if the BLSF was still filled, and to what extent, by completing a new topographic survey. As a result, the homeowner contacted Connorstone Engineering, who indicated that this new survey was not possible because pre-ground disturbance micro-topography was not performed to that detail (since Connorstone's goal was a well location plan and this data was not compiled at the time). Since the pre-disturbance measurements cannot be evaluated against the current conditions, Goddard Consulting scientists performed 6 test holes evaluations throughout the BLSF resource area (see Figure 1 and 2). Each test hole had a uniform A layer of a brown mineral/loam material underlain by a uniform B layer of bright sandy loam; which is a typical un-disturbed upland soil profile observed in Massachusetts.

Test hole 1 (see photo 1 and 2) had 14 inches of 10YR2/2 loam over 4 inches of 10YR5/6 sandy loam (see figure 1 for locations). Test hole 2 had (see photo 3) had 15 inches of 10YR2/2 loam over 4 inches of 10YR5/6 sandy loam. Test hole 3 (photo 4) had 10 inches of 10YR2/2 loam over 4 inches of 10YR5/6 sandy loam. Test hole 4 (see photo 5) had 8 inches of 10YR 2/2 loam over 6 inches of 10YR5/6 loam. Test hole 5 (see photo 6) had 12 inches of 10YR2/2 loam over 6 inches of 10YR5/6 sandy loam. Test hole 6 (see photo 7) had 12 inches of 10YR2/2 loam over 6 inches of 10YR5/6 sandy loam. The differences in the thickness of A layer does not necessarily mean fill is present since this area had dips and undulation prior to the soil disturbance.



Photo 1. Behind shed looking towards wetland and slight southwest direction



Photo 2. Looking southwest across BLSF resource area (staked out). Conditions same as prior soil disturbance



Photo 3. Test Pit 1. Brown top soil (A layer) over orange brown B layer



Photo 4. Test Pit 2. Uniform A and B layer



Photo 5. Test pit 3. Uniform A and B layers



Photo 6. Test pit 4. Uniform A and B layers



Photo 7. Test Pit 5 uniform A and B layers



Photo 8. Test pit 6. Uniform A and B layers

Since the pushed soil pile near the shed was removed, the test pits do not show the presence of fill and the survey cannot determine if BLSF was filled due to lack of pre-disturbance information; the filling of BLSF is not presumed and if it did occur it would be the smoothing out of soil before seeding within micro-topography and the “filling” of this resource would be de minimis.

#### Activity 3 (Dumping of materials within Resource Areas)

The soil and debris discarded by the well/landscape company onto the neighbor’s property within resource area/conservation area will be removed. Small machinery such as a bobcat and a dump truck (to be parked on the existing driveway) will be used to scoop up and truck off-site the soil, stone, down fencing and vegetation debris left behind. To mitigate this disturbance after the area is cleaned the soil will be seeded (with an upland seed mix) and 5 witch hazel plants planted within the disturbed buffer zone area. The landowner will be notified and will approve this mitigation prior to installation. The bark of two trees were cut during the dumping of this debris. These two trees will be painted with tree bark paint to aid in their health/recovery.

#### Activity 4 (Resurfacing of the driveway)

The past few winters have taken a toll on the homeowner’s driveway (causing potholes and a muddy mess) and as a result the homeowner contracted a repair company to over lay new stone/stone dust over the old existing stone driveway. No new material (such as asphalt) or the creation of a larger driveway was done. Since no new non-permitted “work” was done; only maintenance of the driveway with the same materials, the applicant is requesting that this material be allowed to stay in place. The contractor has written a letter certifying that the same material that was there was used and was placed within the same footprint see enclosed letter and a previous photo showing the stone dust within the entire driveway is attached (see Figure 3 and photo 9).



Photo 9. Picture of driveway with stone dust all the way to garage. Date 2017

#### Activity 5 (Creation of a grass strip along driveway within buffer zone)

The homeowner raked the existing down-leaves along the driveway to allow the existing grass to thrive and put new seed. It should be noted that the grass strip was preexisting and also needed occasional mowing (see enclosed photo). This should not be considered an impact since the removal of the leaves and the growing of grass creates improved erosion and stormwater infiltration conditions. See Figure 4 (and photo 10) showing the grass along the driveway.



Photo 10. Photo of grass strip along driveway present in 2018.

Activity 6 (Installation of under-ground irrigation system within BLSF and Riverfront Area)

The homeowner has indicated that he was not aware that the installation of an underground irrigation system would require a permit from the Conservation Commission and says no additional fill was brought in before seeding (see Figure 1 photos showing before and after pictures). Now that it is in place the homeowner is asking the Commission to allow the irrigation system to remain in place to aid in the re-establishment of lawn to reduce the likeliness of erosion along with the following mitigation measures: The abandoning of the existing well within wetlands and the utilization of a new well outside of wetland is an improvement to existing conditions since the well will not be drawing water directly out of and off the surface of the Bordering Vegetated Wetland/Riverfront area. This old well will be abandoned in place. The new well located outside of BLSF, and being 545-ft deep, will draw only from deep ground water and will not impact on-site resources like the existing well does. It is requested that the board consider this very substantial mitigation in lieu of allowing the irrigation system to stay.

Furthermore, the applicant has volunteered to remove invasive species and plant native species. The invasive species will be removed along the wetland line (see Figure 2) and highbush blueberry will be planted which will create a betterment since the removal of invasives will decrease the likeliness of a mono-culture and increase plant diversity while increasing the wildlife habitat offered.

In conclusion, the homeowner is asking for the hydroseeding, grass area along the driveway and driveway to remain as is. The debris within the conservation restriction area will be removed and the impact mitigated by the spreading of seed and the planting of five witch hazel shrubs. To mitigate for the irrigation system to remain in place the homeowner has created a very substantial improvement to existing resources by the abandonment of a water well within wetland/riverfront area. In addition, the homeowner proposes to remove the invasive species of bittersweet and buckthorn along the wetland line and plant 5 highbush blueberry shrubs.

Goddard Consulting, LLC.



Nicole Hayes, PWS  
Senior Wetland Scientist

Figure 7.

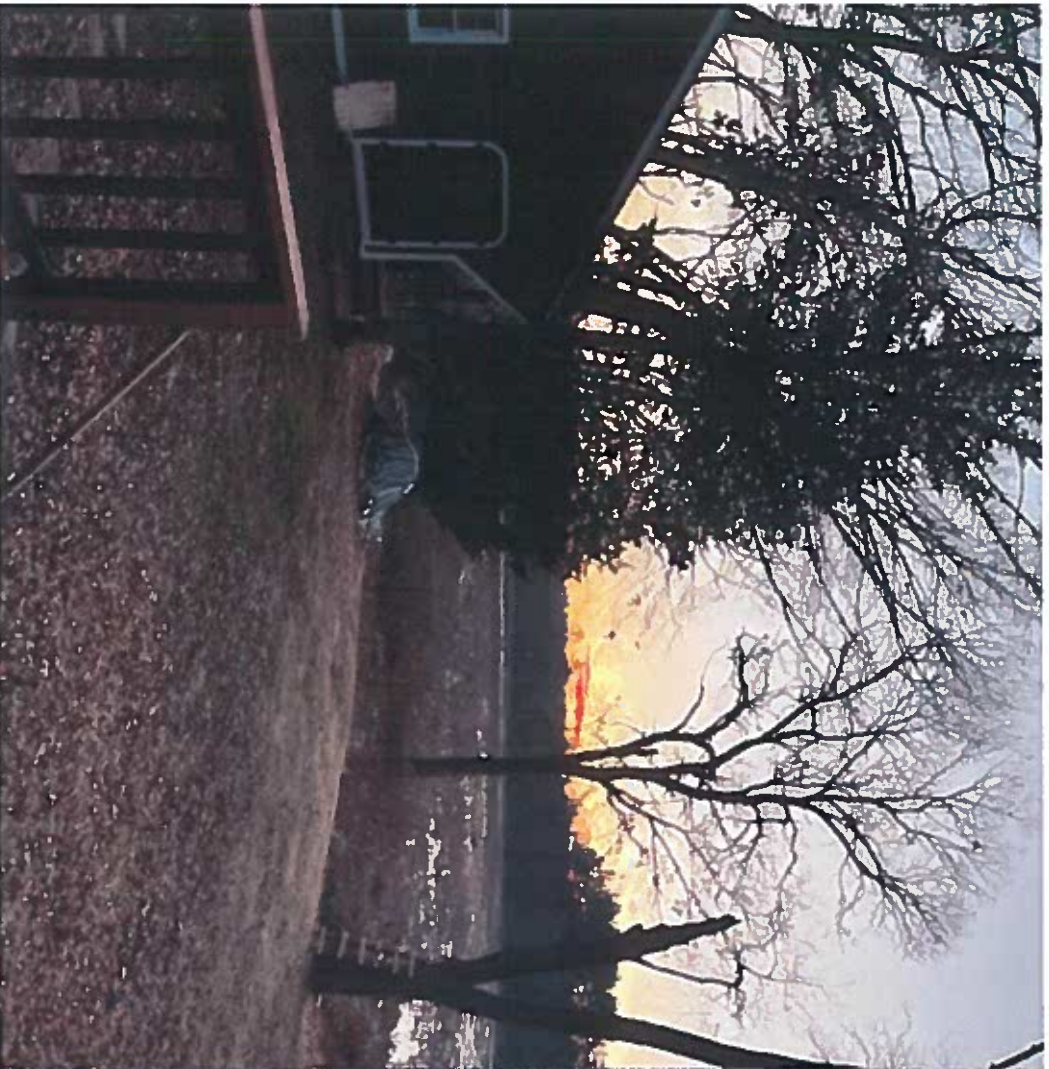


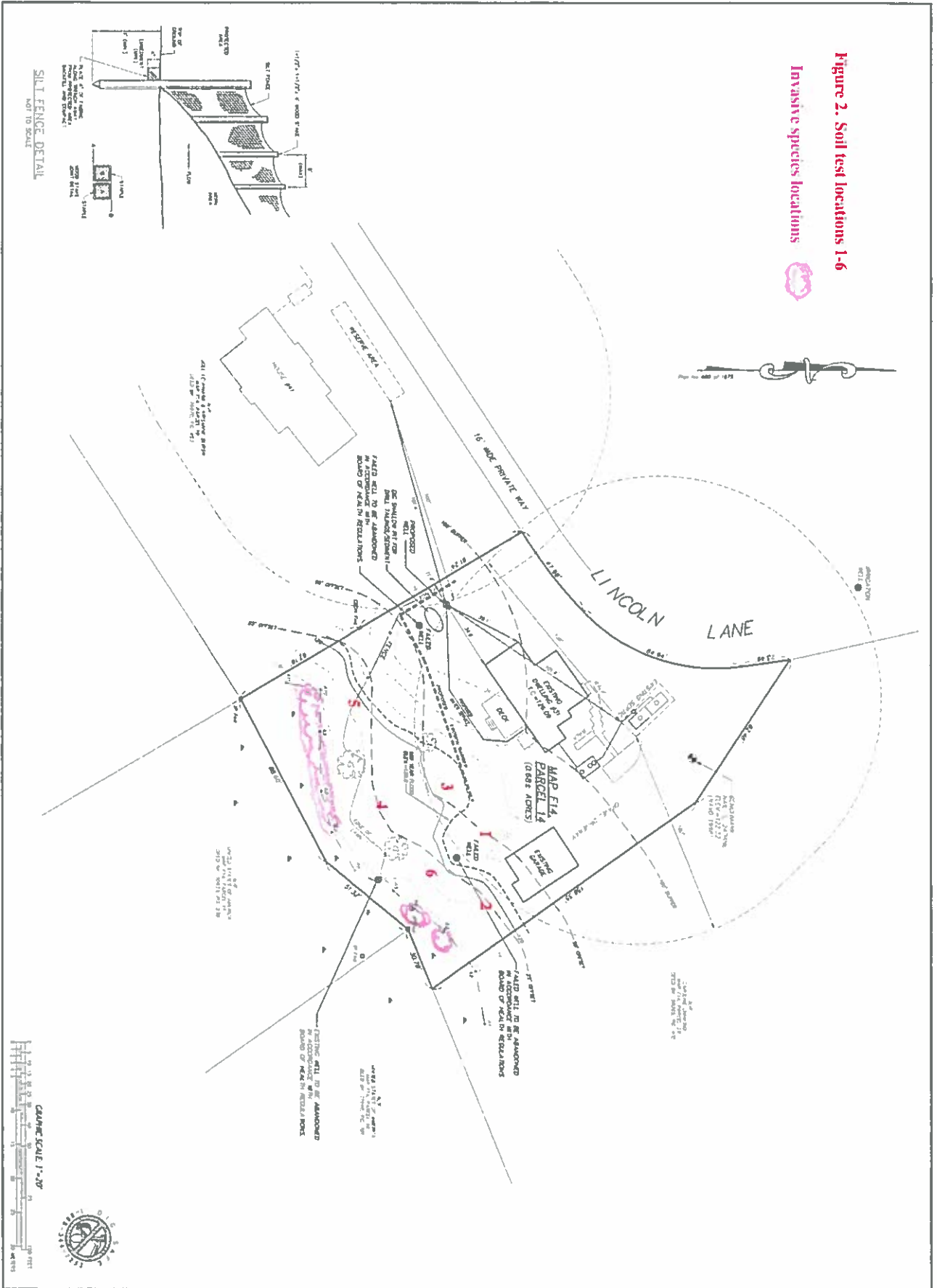
Photo before



Photo After



**Figure 2. Soil test locations 1-6**  
**Invasive species locations**



<p><b>OWNER</b>          JAYFIELD C&amp;I          31 LINCOLN LANE          SUBURB, MA</p>		<p><b>CONNORSTONE ENGINEERING INC.</b>          ONE LITCHFIELD AND LAND SURVEYORS          10 SOUTHWEST COTTON, SUITE 7          NORTHBOROUGH MASSACHUSETTS 01532          PHONE 508 393-9722 FAX 508 393-5242  <b>PROCESSED WELL PLAN</b>          FOR          POTABLE WATER RETU</p>	<p><b>DATE</b> JANUARY 7, 2022  <b>SCALE</b> 1"=20' <b>SHEET</b> 1 OF 1</p>
<p><b>31 LINCOLN LANE</b>          IN          SUBURB, MA</p>			
<p>2/18/2022 NEW WELL LOCATION</p>	<p>11/27/2021 CIVIL ENGINE DRAWING</p>	<p>11/28/2021 NEW WELL LOCATION</p>	<p>1/13/2022 NEW WELL LOCATION</p>
<p>DESIGNED BY: RHM</p>	<p>CHECKED BY: RHM</p>	<p>APPROVED BY: RHM</p>	<p>DATE: JANUARY 7, 2022</p>

Figure 3

Jim Biundo

to me

Good morning,

I'm writing this email to confirm that we used the same dense grade (Perk-Pack) on your driveway that was there/used in the past. We repaired the numerous potholes and replenished the existing driveway with new material keeping the same dimensions that were there when we arrived to do this work.

Best

Jim

Jim Biundo  
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