

July 17, 2023

Sudbury Conservation Commission  
275 Old Lancaster Rd  
Sudbury, MA 01776

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

Dear Conservation Commission,

We are happy to submit this second 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, and the Sudbury Conservation Commission hearing that occurred on June 26, 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)

As stated in the first response letter, the work on site started during the relocation of a well which was permitted by the Commission through a Notice of Intent. The existing well, which was in Riverfront area, wetland, and Bordering Land Subject to Flooding (BLSF) resources, was to be abandoned in place and a new well to be located outside the wetland and BLSF resource areas. To find an area that worked on-site it took several tries and soil on site was displaced and piled behind the existing shed. This pile of soil caused concern and a site investigation was performed. During the investigation it was discovered that the homeowner had recently installed a non-permitted irrigation system within the existing lawn area. This caused the Commission to issue an enforcement order for the non-permitted irrigation installation. The agent told the homeowner to remove the pile of soil, which the homeowner had the landscaper removed immediately.

Although the soil pile was removed, the Commission was concerned that there may still be fill in BLSF Area. The homeowner then asked the surveyors to compile a new "As built plan" as requested by the Commission. These plans and the NOI well plan show both pre and post conditions (see attached plans; NOI plan dated 2/1/2023 and the post condition/As Built Plan dated 5/11/2023). These plans show no changes to the surveyed contours, no changes in wetland line or grass line, and no changes to the BLSF elevation line. The surveyor has noted that due to the low density of pre-work survey points, post-work microtopography changes cannot be determined (see attached survey and letter from Vito Colonna, PE). To look for micro-topography changes and extent of fill (if any), the surveyor recommended digging test pits. Goddard Consulting performed 6 test pits throughout the area (please refer to Goddard Consulting report dated June 2, 2023, which is part of the permitting record). These test pits showed no evidence of fill.

During the June 26, 2023, hearing the Commission requested that prior plans be compared to As Built Survey plans. And as a result, we are submitting both the pre-work NOI plan and the As Built Well Plan. But as previously noted,

the de-minimums changes that occurred to the elevations behind the shed within BLSF after the fill pile was removed cannot be detected due to lack of detail of the initial baseline survey.

When the surveyors were asked to provide evidence about the survey information a letter was compiled (see attached). In summary this is what the letter says:

*"The field survey points were spread out and the computer generates contours between the points. Especially in the area behind the shed there were no survey points taken between the shed and wetland since no work was proposed in that area. Attached is sketch showing all of the field survey points in that area (shots highlighted in green). When the computer generates the contours, it assumes a consistent grade between points and may not reflect if there were some grade variations in that area."*

Further evidence that supports that no BLSF and Riverfront Resources were filled, is apparent in the photographs the homeowner has provided of pre and post conditions (see Figure 1 attached). The first photo in Figure 1 is the pre-conditions and the second photo is the post-conditions. As indicated in the photos the elevation of the shed is the same in both photographs (see #1 labeled arrow in each pre and post conditions photo). The elevation of the soils at the tree labeled #2 and #3 are also at the same elevation in each photo (Please note tree #3 was dead, fell during a storm and was removed but the stump and the original soil around the stump remains at the same elevation as shown in the pre-conditions photo). Arrows #4 and #5 show the direction of the level ground from the shed to the start of a gentle slope right after tree #1 towards tree #3, which is consisted in each pre and post work photographs.

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

The soil and debris discarded by the well company onto the neighbor's property within resource area/conservation area will be removed and will be disposed of properly off-site. Once the area is cleaned it will be seeded and 5 witch-hazel shrubs planted for mitigation purposes.

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

Although the homeowner provided the Commission with a letter from his contractor certifying that the same stone material that was there was used and was placed within the same footprint of the driveway for maintenance purposes the Commission has concerns that the driveway was altered (see enclosed letter). The photograph provided by the homeowner (Figure 2) show the stone in the driveway in 2017 in the same area as well as show the same driveway footprint as currently therefore the driveway was not enlarged or altered. No mitigation is therefore necessary.

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

The Commission has concerns that the grass strip along the driveway is a recently created lawn area. The homeowner has provided photos in Figure 3 from 2020 that show this lawn area existing prior to 2022. No mitigation is therefore necessary.

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

After hearing from the Commission (during the last hearing) the homeowner has agreed to dismantle the irrigation system. This action will be part of this mitigation proposal along with invasive species removal and the planting of 5 highbush blueberry shrubs (refer to enclosed mitigation plans).

### Details for the Removal of the Irrigation System

After discussions with the irrigation installers, removal will consist of disconnecting and cutting the plastic supply pipe, removal of all valves and sprinkler heads and the backfill the existing soil back over the displaced soil areas. The electronic controller will be disabled or removed at which point the system cannot function.

In addition to making the irrigation system non-functionable the homeowner has agreed to provide further mitigation by the removal of invasive species along the wetland line and by the planting of native wetland species within this area for the betterment of the on-site wetland resource areas (see attached mitigation plan).

### Removal of Invasive Species along wetland line and Planting of Native Wetland Shrubs

The removal of invasive species includes the removal of bittersweet, buckthorn, and multiflora rose (all invasives) along the wetland line edge and plant five native wetland blueberry bushes in the impacted area behind the shed.

The bittersweet vines will be cut and then pulled out by the roots. Same with small buckthorn and rose shrubs. Larger shrubs and vines that cannot be handed pulled will be cut and then the rest dug out to remove as much as possible of the stumps and roots. No chemicals will be used. Once the wetland edge is free of invasives, five highbush blueberry shrubs will be planted in the same area the invasives were removed along the wetland edge behind the shed and the area seeded with a native wetland seed mix.

In conclusion survey plans, test pits and photographs provided shows no measurable fill in BLSF and/or Riverfront area. The soil and debris placed on other's land will be removed and mitigated for via cleanup, seeding and shrub planting. The assumption of enlarging the driveway and creating the grass strip has been over-come with the provided evidence and the non-permitted irrigation system is proposed to be dismantled. To mitigate for the non-permitted irrigation system installation, the invasive species along the wetland line will be removed and 5 highbush blueberry shrubs planted, and the wetland area seeded. With these improvements (off-site soil removal and planting, and the on-site abandoning of the irrigation system, removal of invasive species and planting and seeding of this area) the applicant has provided ample mitigation.

Goddard Consulting, LLC.



Nicole Hayes, PWS  
Senior Wetland Scientist

Attachment 1: NOI Well Plan and New Topographic As Built Survey Plan

Attachment 2: Vito Colonna Letter

Attachment 3: Survey Points behind the shed

Fig 1: Behind the shed

Fig 2: Driveway

Fig 3: Side grass strip

Fig 4. Mitigation Plan



## CONNORSTONE ENGINEERING, INC.

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NORTHBOROUGH, MASSACHUSETTS 01532  
T: (508) 393-9727

121 BOSTON POST ROAD  
SUDBURY, MASSACHUSETTS 01776  
T: (978) 443-9566

Jatinder Gill  
31 Lincoln Lane  
Sudbury, MA 01776

May 12, 2023

**Subject: As-Built Topography  
31 Lincoln Lane**

Dear Mr. Gill;

Per your request, Connorstone Engineering has provided an as-built topographic survey to the rear of the shed and reviewed the data in reference to potential placement of fill.

Based upon visual observation and the available survey data it appears that some amount of disturbance and/or fill had been placed behind the existing shed, and much of the lawn areas had been re-loamed and seeded. However, the original topographic survey does not provide sufficient detail to determine an exact quality or limit of fill that may have been placed. That survey was for the purposes of preparing a well location plan, and the survey points were spread through the yard at a lesser density than would be needed to determine relatively small changes between the existing versus as-built topography. The area to the rear of the shed had a lesser density of survey points since work had not been proposed in this area.

As an alternative, it may be possible to perform several hand test pits to determine the depth or extent of fill that may be present. The limits of the 100-year flood plain were staked in the field to use as reference points if needed.

Should you have any questions or require additional information, please contact our office at 508-393-9727.

Sincerely,  
Connorstone Engineering, Inc.

Vito Colonna, PE



**Figure 1. Pre and Post Work Conditions Photos**



**Arrow #1 in each photo shows the soil elevation of the shed at the same elevation in both before and after photos**

**Arrows #2 and #3 shows the elevation at the base of two trees to be the same elevations in both before and after photos**

**Arrows #4 and #5 shows the approximate distance and slope of the pre and post conditions to be relatively the same pre and post all work**



**Figure 2. Dated 2017. Shows old stone driveway which was replaced in kind and in same footprint (see attached affidavit from landscaper).**

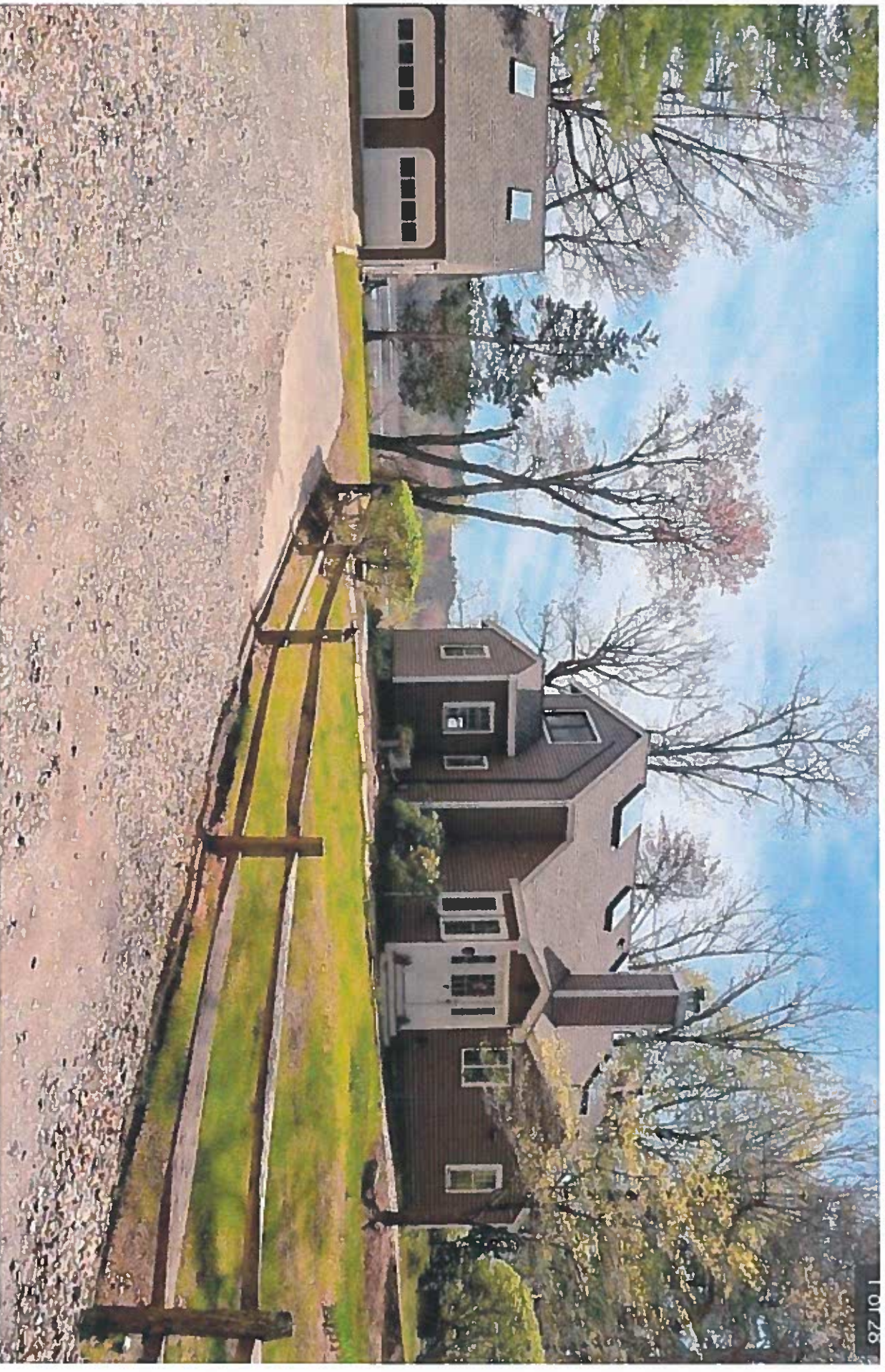
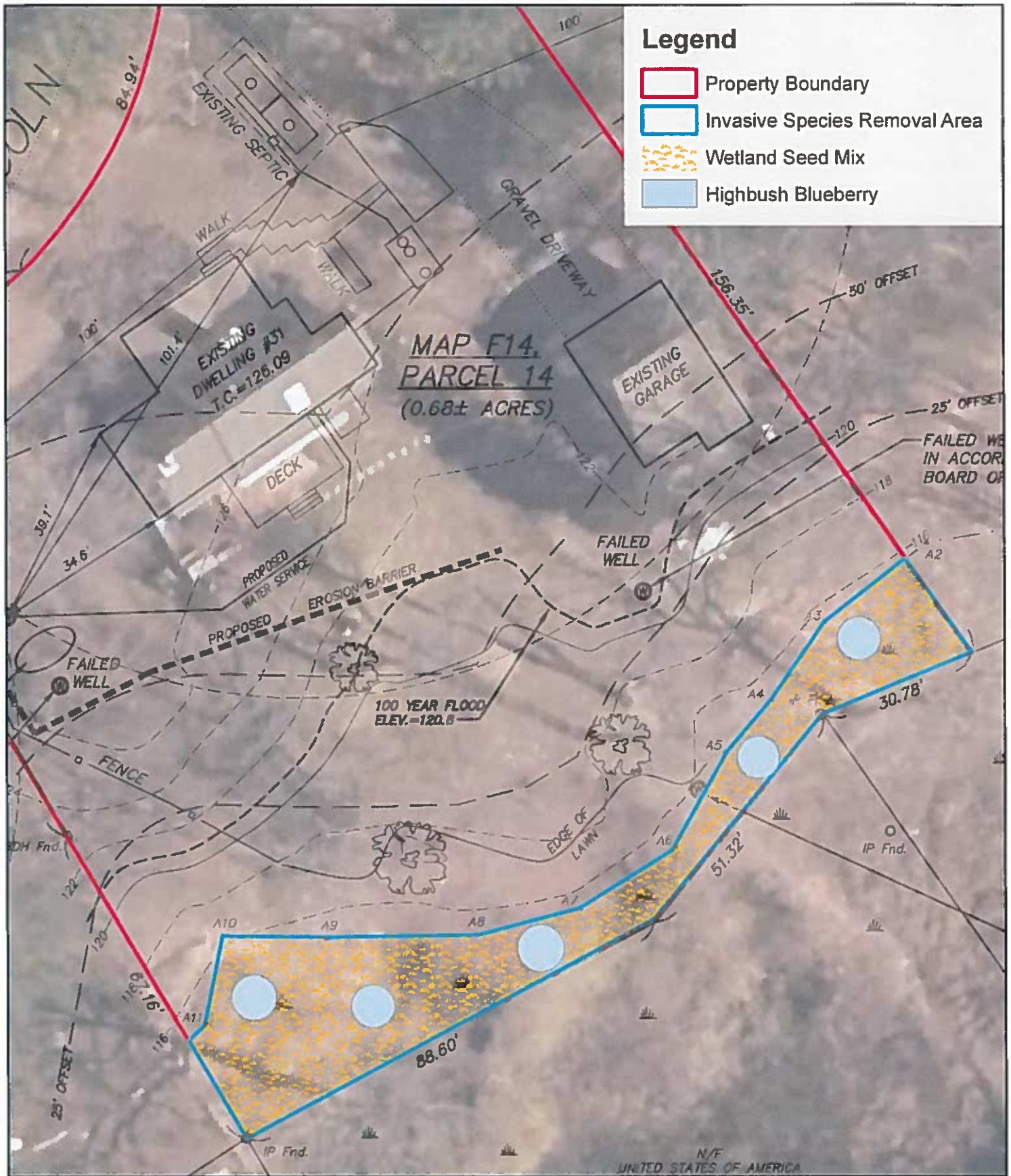




Figure 3. Driveway photo year 2020



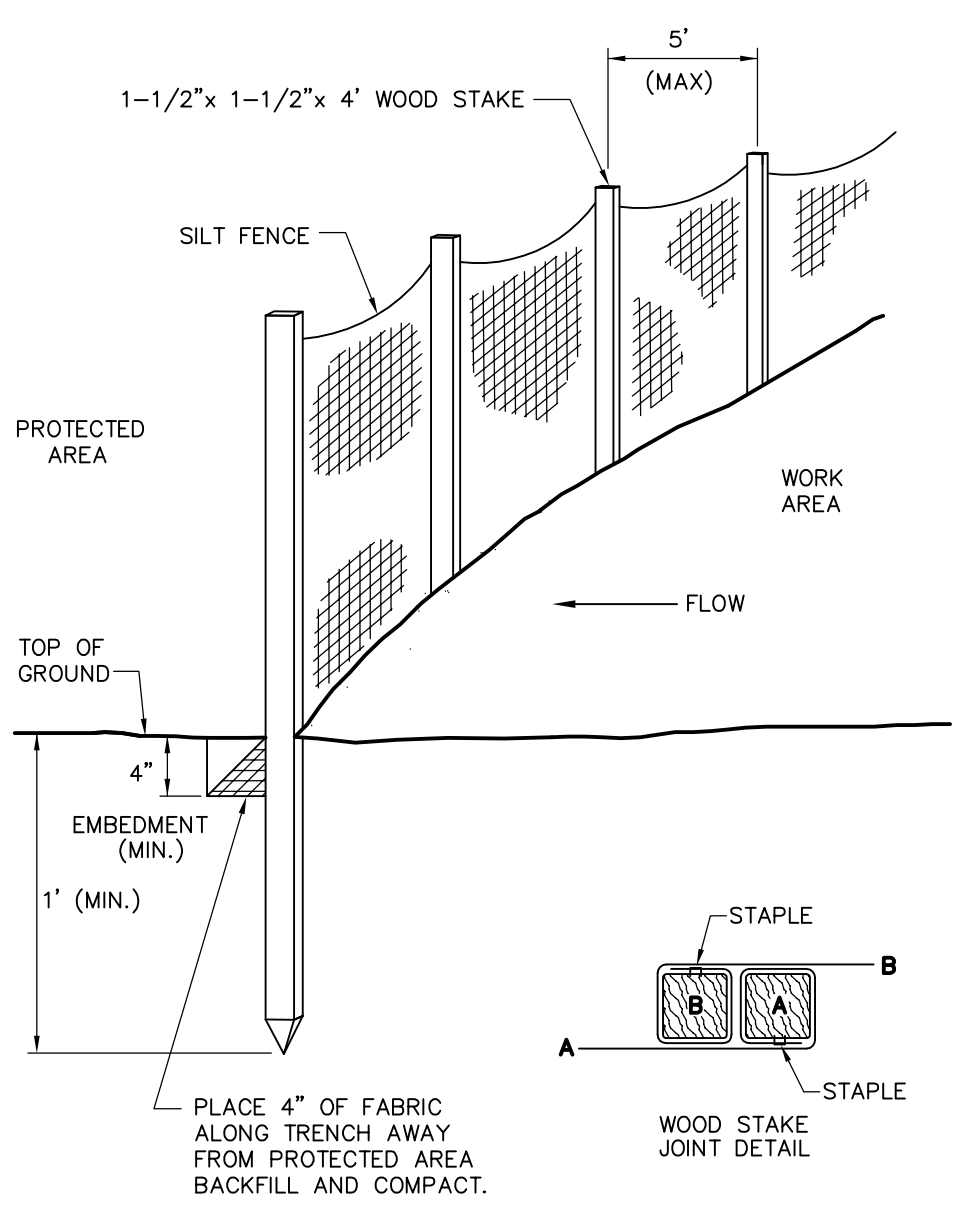
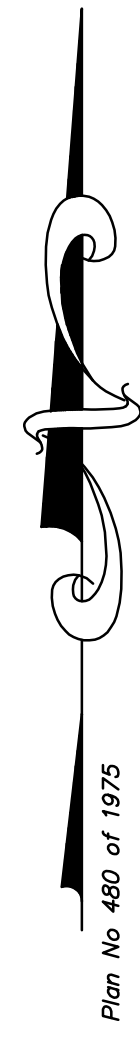




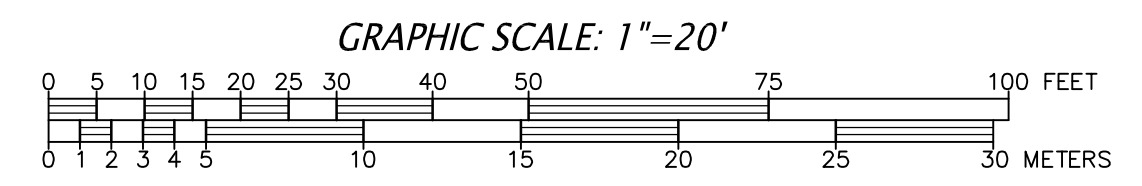
**Legend**

- Property Boundary
- Invasive Species Removal Area
- Wetland Seed Mix
- Highbush Blueberry

Date: 7/11/2023	GC Job Number: 288-107	<h2>Mitigation Plan</h2>	<div style="display: flex; justify-content: space-between; align-items: center;"> <span>0</span> <span>12.5</span> <span>25</span> </div> <div style="text-align: center; margin-top: 5px;"> </div>
<b>GODDARD CONSULTING</b> Strategic Ecological Consulting		31 Lincoln Lane Sudbury	1 in = 25 ft Map: F14 Parcel: 14



**SILT FENCE DETAIL**  
NOT TO SCALE



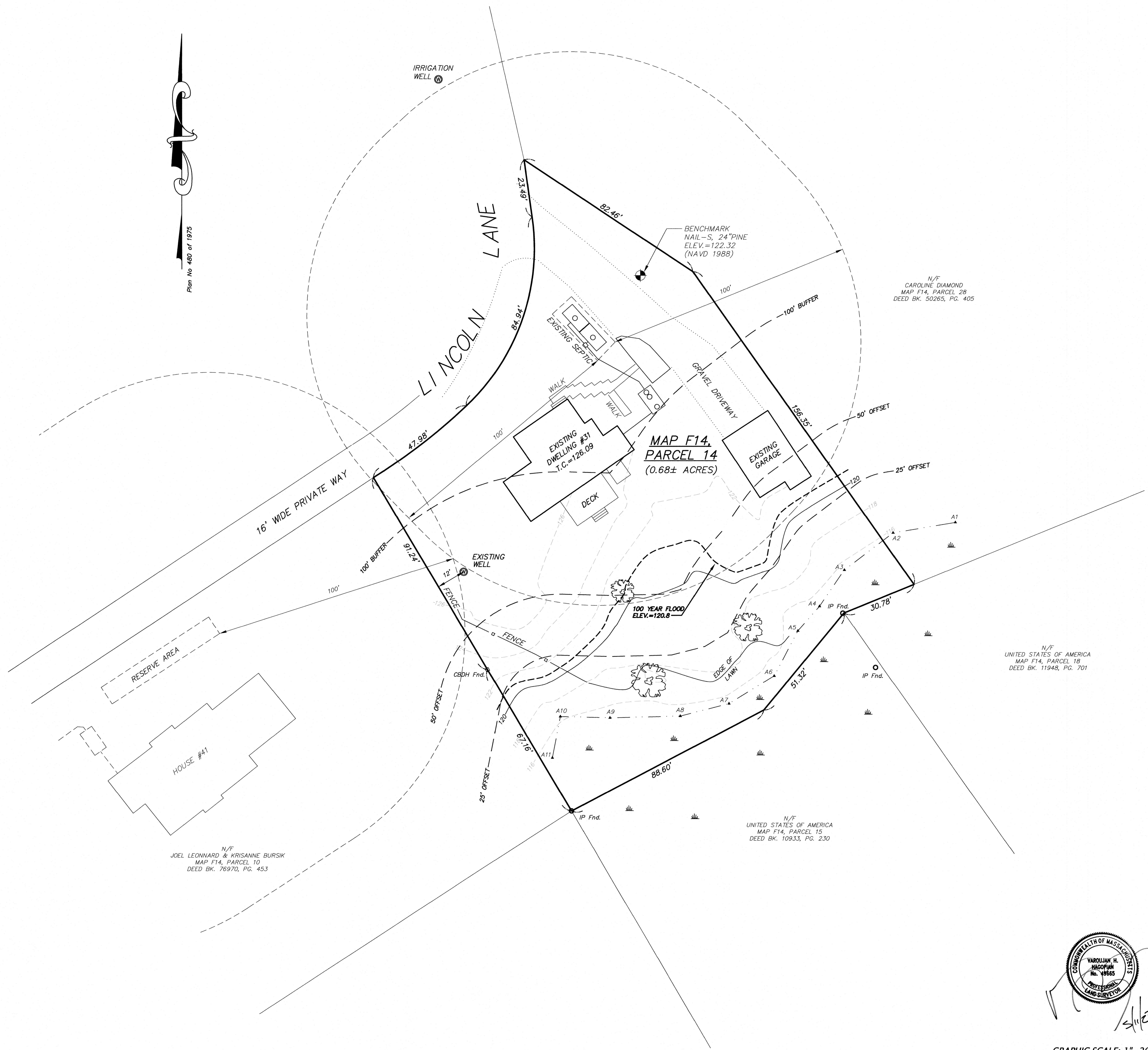
OWNER:  
JATINDER GILL  
31 LINCOLN LANE  
SUDBURY, MA

**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 WELL PLAN**  
(POTABLE WATER WELL)  
FOR  
31 LINCOLN LANE  
IN  
SUDBURY, MA

REVISED:	DESCRIPTION:
2/13/2023	NEW WELL LOCATION
11/21/2022	CON. COMM. EDITS
11/18/2022	NEW WELL LOCATION
2/28/2022	REVISE WELL LOCATION
2/11/2022	ADD RESERVE AREA #41
DRAWN BY: REM	CHECK BY: VC
DATE: JANUARY 7, 2022	
SCALE: 1"=20'	SHEET 1 OF 1.





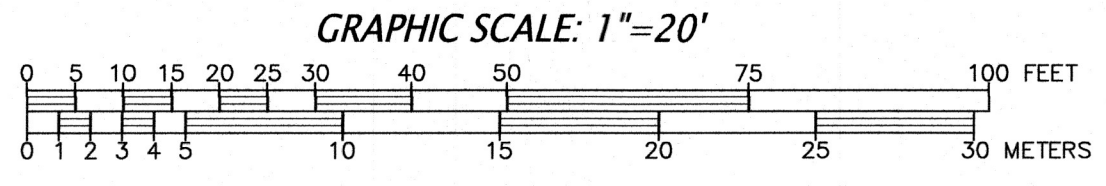
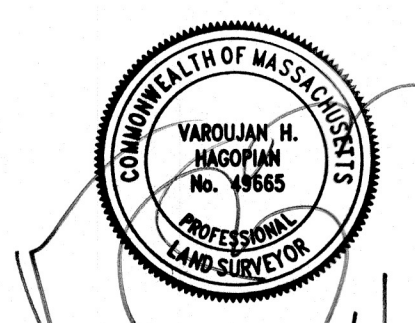
N/F  
JOEL LEONNARD & KRISANNE BURSİK  
MAP F14, PARCEL 10  
DEED BK. 78970, PG. 453

MAP F14  
PARCEL 14  
(0.68± ACRES)

N/F  
CAROLINE DIAMOND  
MAP F14, PARCEL 28  
DEED BK. 50285, PG. 405

N/F  
UNITED STATES OF AMERICA  
MAP F14, PARCEL 18  
DEED BK. 11948, PG. 701

N/F  
UNITED STATES OF AMERICA  
MAP F14, PARCEL 15  
DEED BK. 10933, PG. 230



OWNER:  
JATINDER GILL  
31 LINCOLN LANE  
SUDBURY, MA

**CONNORSTONE  
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**AS-BUILT WELL PLAN  
(POTABLE WATER WELL)**  
FOR  
**31 LINCOLN LANE  
IN  
SUDBURY, MA**

5/11/2023	AS-BUILT WELL LOCATION
2/13/2023	NEW WELL LOCATION
11/21/2022	CON. COMM. EDITS
11/18/2022	NEW WELL LOCATION
2/28/2022	REVISE WELL LOCATION
2/1/2022	ADD RESERVE AREA #41

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