



ENVIRONMENTAL CONSULTANTS

Sound Science. Creative Solutions.®

Amherst Office
15 Research Drive
Amherst, Massachusetts 01002
Tel 413.256.0202 Fax 413.256.1092

October 30, 2023

Sudbury Conservation Commission
Department of Public Works Building
275 Old Lancaster Road
Sudbury, MA 01776

RE: Maple Meadows Condominiums Request for Certificate of Compliance
35 Maple Avenue
Sudbury, Massachusetts
MassDEP File No. 301-1243

Dear Commissioners:

SWCA Environmental Consultants (SWCA), is pleased to present a Request for Certificate of Compliance on behalf of the Maple Meadows Condominiums association. This request is associated with the Orders of Condition for MassDEP File No. 301-1243 that was issued on November 20, 2018. The Orders of Condition (Condition V., a) required that a written report be submitted to the Conservation Commission following the completion of the invasive plant species removal and meadow establishment efforts. The accompanying report is the report that satisfies this Condition.

The report documents that invasive plant species are still present within the meadow (Conservation Restriction Area) however, 83% of the area is currently vegetated with desirable native species. Condition V., a, established standards that included 90% target meadow species and no invasive plant species. While the 90% target meadow species standard is not fully met currently and invasive plant species are still present, SWCA and our client believe that Maple Meadows Condominiums has successfully adjusted the habitat of the Conservation Restriction Area into that of a desirable meadow that benefits wildlife use. We believe the efforts put forth by Maple Meadows Condominiums has successfully addressed the overall intent of the Order of Conditions and a Certificate of Compliance can be issued at this time.

We would greatly appreciate the opportunity to present these findings and discuss the Certificate of Compliance with the Sudbury Conservation Commission. If you have any questions regarding this submittal or require additional information, please do not hesitate to contact me at 413.658.2056 or via email at sfisher@swca.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "Scott Fisher".

Scott Fisher
Senior Director/Project Manager



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 8A – Request for Certificate of Compliance
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

301-1243
 Provided by DEP

A. Project Information

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



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

Scott Fisher, SWCA Environmental Consultants
 Name
15 Research Drive
 Mailing Address
Amherst MA 01002
 City/Town State Zip Code
(413) 256-0202
 Phone Number
2. This request is in reference to work regulated by a final Order of Conditions issued to:

Mark Vargo, Maple Meadow Condominium
 Applicant
December 13, 2018 301-1243
 Dated DEP File Number
3. The project site is located at:

35 Maple Avenue Sudbury
 Street Address City/Town
K08-0020 20
 Assessors Map/Plat Number Parcel/Lot Number
4. The final Order of Conditions was recorded at the Registry of Deeds for:

Property Owner (if different)
Middlesex South 72002 335
 County Book Page
Certificate (if registered land)
5. This request is for certification that (check one):

the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.
 the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



WPA Form 8A – Request for Certificate of Compliance

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

A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

Yes

If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

No

B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).

Request for a Certificate of Compliance for Maple Meadows Conservation Restriction



OCTOBER 2023

PREPARED FOR

**Town of Sudbury Conservation
Commission**

PREPARED BY

SWCA Environmental Consultants

**REQUEST FOR CERTIFICATE OF COMPLIANCE
MAPLE MEADOWS CONSERVATION RESTRICTION**

Prepared for

Sudbury Conservation Commission
275 Old Lancaster Road
Sudbury, MA

Prepared by

SWCA Environmental Consultants
15 Research Drive
Amherst, MA
www.swca.com

SWCA Project No. 52035

October 2023

CONTENTS

1.0 Introduction	1
2.0 Environmental Assessment Background and Objectives	1
3.0 Environmental Assessment Methods	2
4.0 Environmental Assessment Results	2
4.1 Results of Qualitative Vegetation Assessment	3
4.1.1 Area A: Land in Conservation Restriction.....	3
4.1.2 Area B: Mown Lawn Slope and Leach Field Access	Error! Bookmark not defined.
4.1.3 Areas C & D: Leach Field	Error! Bookmark not defined.
4.1.4 Area E: Access Way	Error! Bookmark not defined.
4.2 Results of Quantitative Assessment (Area A)	4
4.3 Summary of Success and Non-Success within the Conservation Restriction, Area A.....	6
5.0 Corrective Plan of Action	Error! Bookmark not defined.
5.1 Recommendations for Corrective Action	Error! Bookmark not defined.
6.0 Conclusion and Summary	6
7.0 References	6

Appendices

- Appendix A. Figures
- Appendix B. Regulatory Documents
- Appendix C. Vegetation Inventory
- Appendix D. Photopages

Tables

Table 1. Percent Cover of the Two Most Prevalent Invasive Species within the Maple Meadows OMP Areas prior to Spring 2023 Mowing Event	3
Table 2. Vegetation Species Richness resulting from Qualitative Assessment, Maple Meadows OMP Area	4
Table 3. Maple Meadows Conservation Restriction Quantitative Vegetation Inventory Results.....	5
Table 4. Percent Cover of the Two Most Prevalent Invasive Species within the Maple Meadows Conservation Restriction from 8 Vegetation Plots following Spring 2023 Mowing Event	5

This page intentionally left blank.

1.0 INTRODUCTION

Since 2018, SWCA Environmental Consultants (SWCA) has provided the Sudbury Conservation Commission (Commission) with environmental support at the Maple Meadows Conservation Restriction (CR) associated with the Maple Meadows Condominiums located on Maple Avenue in Sudbury, Massachusetts (Figures 1 and 2, Appendix A). In 2018, SWCA provided the Commission with recommendations for a long-term Operation and Maintenance Plan (OMP) to modify the successional field into a meadow by establishing a mowing regime to manage woody/non-desirable vegetation, removing slash, and remaining agricultural debris (concrete, rusting metal, and other materials remaining from the decommissioned greenhouses). In 2019, SWCA provided the Commission with a baseline wildlife habitat assessment with recommendations to manage bird and turtle nesting habitat, in addition to other recommendations. Figures representing the site are included in Appendix A.

Between 2019 and 2023, SWCA has acted as the Environmental Monitor (EM) throughout the implementation of the five-year CR meadow maintenance plan, as required and described in the recorded Orders of Conditions (OOCs; MassDEP File #301-1243) and CR document (Appendix B includes the OOCs and CR). As EM, we have provided oversight and reporting on vegetation management and bi-annual reporting associated with the meadow restoration (per OOCs Section II, Condition u). In 2023, the fifth and final year of the OMP implementation, SWCA conducted a qualitative assessment of the CR to evaluate the success of the meadow establishment on June 1, 2023, and observed areas of significant non-desirable, invasive species persistence. We completed a quantitative assessment on June 26, 2023, to substantiate our findings from the qualitative assessment.

The goal of the meadow restoration OMP is to suppress non-native and invasive species, suppress woody vegetation, and encourage the colonization of native herbaceous grasses and wildflower species within the meadow (to 90%) within a five-year period of restoration action and oversight, with this year (2023) as the final year. The OOCs also require mowing activities be performed once (or twice) per year after the initial five-year period (beyond 2023). The OMP involves re-establishing four separate areas of the site as meadow through the implementation of either meadow management through mowing/cutting or the conversion of mown lawn areas through the installation of new meadow. These areas are defined as Area A (Land in CR), Area B (Mown Lawn & Leach Field Access), Areas C & D (Leach Field), and Area E (Access Way). Figure 3 (Appendix A) illustrates these areas.

Site management began in March 2019 and is continuing through November 2023. The meadow restoration and invasive species management work has been performed by a mowing contractor, contracted by the Maple Meadow Association. This Certificate of Compliance request includes details regarding the implementation of the OMP, and an evaluation of the current habitat within the restored meadow. A floral inventory of Areas A, B, C & D, and E is included in Appendix C. The floral inventory is not an exhaustive list of plant species present but is intended to provide a general overview of species richness and invasive species cover. Photographs representing the site are included in Appendix D.

SWCA believes that the project has substantially met the permit conditions issued under the OOC and a Certificate of Compliance could be issued for this project. We remind the Commission that the 5-year OOCs expire in November 2023.

2.0 ENVIRONMENTAL ASSESSMENT BACKGROUND AND OBJECTIVES

SWCA biologists completed two assessments in June 2023 to evaluate the existing conditions within the Maple Meadows CR areas. We completed a qualitative assessment on June 1, 2023, to document existing

conditions and a vegetation inventory within Areas A through E. Following the qualitative assessment, we completed a quantitative assessment within Area A only, on June 26, 2023.

The results of the two 2023 environmental assessments at the Maple Meadows OMP Area were compared with findings to the pre-determined success criteria as required in regulatory documents (Appendix B). Data is provided that details the percent cover of desirable vegetation achieved and areas where the percentage of cover of undesirable vegetation continues to persist following nearly five years of management.

3.0 ENVIRONMENTAL ASSESSMENT METHODS

SWCA completed a qualitative vegetation assessment within all Areas (Area A, B, C & D, and E) within the OMP area on June 1, 2023. We completed a vegetation inventory within each area, including presence/absence for each species observed, as well as a qualitative percent cover of non-desirable species, such as Asiatic bittersweet (*Celastrus orbiculatus*) and multiflora rose (*Rosa multiflora*), for example. Based on the qualitative assessment, we identified two areas within the CR, Area A: Area A-1 is identified as having more successful meadow vegetation with fewer stems of non-native undesirable species such as Asiatic bittersweet and multiflora rose, and Area A-2 is identified as having a higher percent cover of non-native undesirable species, and is therefore less successful in achieving the success criteria as outlined in the OOC and CR (Figure 4, Appendix A). SWCA used ArcGIS Online (AGOL) Field Maps application to delineate Areas A-1 and A-2 based on qualitative, visual assessments.

SWCA completed a quantitative assessment to validate the results of the qualitative assessment on June 26, 2023 using 1 meter² quadrat vegetative sampling at established random transects (USDA 1999). We established a baseline transect intersecting through both Areas A-1 and A-2 and established transects at randomly generated locations (distances) along the baseline which traverse through each of the sample areas A-1 and A-2, with four transects intersecting through each Area at randomly generated angles and randomly generated distances from the baseline transect (Figure 4). Quadrat samples were measured using a pre-constructed 1-m² plastic pvc quadrat (Photos 6 and 7). Percent cover of vegetation within each quadrat was measured using the ‘squash’ method, which can result in percent cover >100% for each vegetative strata (USDA 1999). A total of eight, 1-m² quadrats were established with four plots located within Area A-1 and four within A-2. SWCA used Field Maps to document the location of each of the eight plots within Areas A-1 and A-2 following the quantitative vegetation methods. Figure 4 illustrates the quantitative design layout. Photographs representing the quantitative assessment are included in Appendix D.

4.0 ENVIRONMENTAL ASSESSMENT RESULTS

This section provides a summary of the qualitative and quantitative results from Year-5 implementation of the OMP. Detailed vegetation inventories from the qualitative and quantitative assessments are included in Appendix C.

4.1 Results of Qualitative Vegetation Assessment

4.1.1 Area A: Land in Conservation Restriction

Area A is identified as land within the CR area and consists of ±4 acres (Figure 3, Appendix A; Photos 1 and 14, Appendix D). Prior to the land management activities, this area was a typical New England successional agricultural field with woody shrubs and saplings, native grasses and forbs, and invasive plant species (Photo 7).

SWCA completed the qualitative assessment on June 1, 2023. The CR area consists of approximately 4 acres of meadow enhancement. SWCA conducted a qualitative assessment on June 1, 2023, and recorded a list of observed species (qualitative vegetation inventory, Appendix C). Based on a qualitative visual assessment, SWCA delineated an area approximately 0.6 acres within the CR meadow which did not exceed 75% cover by native vegetation and includes a high percent cover of non-native species such as Asiatic bittersweet and multiflora rose. SWCA labeled the CR meadow as Area A-1 and Area A-2, where Area A-2 contains the higher percent cover of undesirable non-native species (Figure 4). Table 1 summarizes the results of the qualitative assessment within the Maple Meadows CR, Area A.

Based on the results of the qualitative evaluation, SWCA identified two areas at the Maple Meadows CR Area A as:

Area A-1 – is the area within the existing CR meadow (Area A) where vegetation is dominated by desirable, native meadow species. Based on the qualitative assessment, Area A-1 consists of approximately 3.3 acres.

Area A-2 – is the area within the existing CR meadow (Area A) where vegetation is mixed, and a higher percent cover of undesirable species (such as invasive species) occurs. Based on the qualitative assessment, Area A-2 consists of approximately 0.6 acres. Area A-2 is located within the eastern portion of Area A.

During the June 1, 2023 qualitative assessment, SWCA documented 60 plant species, including 19 species listed as ‘introduced’ (per Vascular Plants of Massachusetts: A County Checklist, by Dow-Cullina et al. 2011) and two undesirable species including multiflora rose (*Rosa multiflora*) and Asiatic bittersweet (*Celastrus orbiculatus*) at >30% cover (Table 1). These undesirable species are concentrated in the eastern portion of the CR. It should be stated that while there is at least 30% cover of undesirable species, the underlying native meadow species may still reach 90% (given the different strata, the total percent cover may be >100%).

Table 1. Percent Cover of the Two Most Prevalent Invasive Species within the Maple Meadows OMP Areas prior to Spring 2023 Mowing Event

Invasive Species	Area A	Area B	Areas C & D	Area E
Asiatic Bittersweet (Percent Cover)	30%	5%	15%	25%
Multiflora Rose (Percent Cover)	30%	5%	15%	20%

Overall, Area A exhibits a diverse mix of native species including mixed goldenrods (*Solidago rugosa*, *S. gigantea*), New England aster (*Symphyotrichum novae-angliae*), Kentucky bluegrass (*Poa pratensis*), mixed sedges (*Carex scoparia*, *C. vulpinoidea*), sensitive fern (*Onoclea sensibilis*), rushes (*Juncus effusus*, *J. canadensis*), and bedstraw (*Galium sp.*), with non-native undesirable species concentrated

within the eastern portion of the CR (within Area A-2). Table 2 presents the total species count following vegetation inventory for each Area associated with the qualitative assessment.

Table 2. Vegetation Species Richness resulting from Qualitative Assessment, Maple Meadows OMP Area

Area ID	Species Count
Area A	60
Area B	12
Area C & D	27
Area E	18

4.1.1.1 QUALITATIVE ASSESSMENT OBSERVATIONS WITHIN CONSERVATION RESTRICTION, AREA A

SWCA made the following observations of Area A following the qualitative assessment:

- The boundaries of Area A are monumented in the field with Bernstein Markers. In addition, the southern and eastern boundary of lots A1 and A2 are monumented.
- Vegetation has been managed via mowing twice per year per the OMP and OOCs, most recently prior to the June 26, 2023 assessment (Photo 4).
- The western portion of Area A (within A-1) consists of many desirable meadow species (photos 13 and 14) with a concentration of undesirable non-native invasive species within the eastern portion of the CR (within A-2, see photos 4 and 9). Large portions of Area A still contain a high density of invasive plant species and corrective actions are recommended to manage the spread and long-term establishment of the multiflora rose and Asiatic bittersweet.
- A wet depression on the far western end includes a small stand of common reed (*Phragmites australis*).
- As recommended in our baseline wildlife habitat evaluation, areas of exposed sandy soil with minimum vegetation cover (bare ground) intended for turtle nesting habitat are encouraged along the margins of the wetland. Turtle nesting habitat located along the wetland boundary was mapped (see Figure 4) in June 2023. SWCA observed nine predated snapping turtle (*Chelydra serpentina*) and/or painted turtle (*Chrysemys picta*) nests within these areas. Future management of these areas may be required to ensure vegetation does not colonize these areas, to ensure the bare ground continues to provide appropriate turtle nesting habitat.

4.2 Results of Quantitative Assessment (Area A)

The qualitative assessment completed on June 1, 2023 was beneficial in identifying areas of concentrated undesirable species within the CR. Based on the qualitative assessment, Area A-1 was documented as comprising a minimum of 25% cover of non-native invasive species and Area A-2 was documented as comprising an average of 50% cover of non-native invasive species. The quantitative assessment is intended to validate the results of the qualitative assessment. SWCA established a total of eight plots located within the CR: four vegetation plots located within Area A-1 and four plots within Area A-2. Plot locations were selected by randomly selecting a distance along the baseline transect which intersects Area

A-1 and A-2 and creating cross transects from the baseline. We inventoried plants within 1 m² quadrats at random distances and at random angles for each transect for a total of four plots within Area A-1 and four plots within Area A-2. Plots are listed as T-1 through T-4 for Area A-1 and T-5 through T-8 for Area A-2. In some cases, the percent cover within each stratum can exceed 100%. We did not follow the definition of shrub/sapling as outlined in the US Army Corps of Engineers but quantified all woody species as shrub/sapling despite their height and stem diameter, as these species are generally all considered undesirable within the meadow.

Table 3 includes the percent cover of each species within each quadrat. The quantitative vegetation assessment results indicate that a significant portion of Area A-2 does not meet the required success criteria described in the OOCs and the OMP, and corrective actions are recommended, including the square footage of area requiring additional treatments and recommendations for treatments to achieve success. Figure 3 illustrates the locations of each plot.

Table 3. Maple Meadows Conservation Restriction Quantitative Vegetation Inventory Results

	Area A-1				Area-2			
	T-1	T-2	T-3	T-4	T-5	T-6	T-7	T-8
Desirable Meadow Species (Count)	10	13	9	7	4	7	8	5
Non-Native Undesirable Species (Count)*	1	0	4	2	1	2	2	2
Total Species Count	11	13	13	9	5	9	10	7
Total Percent Cover	100	80	100	100	100	90	100	100

Two of the four quadrats within Area A-1 were dominated by desirable meadow species, while two were dominated by non-native undesirable Asiatic bittersweet and/or multiflora rose following the spring 2023 mowing event. Alternatively, one of the four quadrats within Area A-2 was dominated by desirable meadow species with three plots dominated by Asiatic bittersweet. Vegetation within plot T-3 of Area A-1 included a high percent cover of both Asiatic bittersweet (50%) and multiflora rose (35%), with a total of 73% desirable species cover, indicating the areas identified in the qualitative assessment were underrepresented and a larger area of non-success is more likely. However, it should be noted that Plot T-3 was located at the base of a tree, where we observed excess Asiatic bittersweet and multiflora rose due to ineffective mowing management. Plot T-6 (within Area A-2) was observed to contain 50% cover of desirable species. Following the quantitative assessment, we purport the total area of estimated non-success is 0.687 acres (29,926 square feet).

Table 4 below summarizes the percent cover of Asiatic bittersweet and multiflora rose, the two most prevalent invasive species observed within the CR Area, from each of the eight vegetation plots associated with the quantitative sampling within Areas A-1 and A-2.

Table 4. Percent Cover of the Two Most Prevalent Invasive Species within the Maple Meadows Conservation Restriction from 8 Vegetation Plots following Spring 2023 Mowing Event

Invasive Species (Percent Cover)*	Area A-1				Area-2			
	T-1	T-2	T-3	T-4	T-5	T-6	T-7	T-8
Asiatic Bittersweet	45	0	50	3	7	60	35	35
Multiflora Rose	0	0	35	5	0	0	0	0

* Introduced Non-native Species (per Vascular Plants of MA: A County Checklist, Dow Cullina et al. 2011).

4.3 Summary of Success and Non-Success within the Conservation Restriction, Area A

The results of the quantitative assessment indicate that 3.3 acres of the CR contain vegetation that is dominated by desirable, native meadow species. 0.687 acres of the Maple Meadows CR do not currently meet the success criteria for meadow restoration based on percent cover of invasive vegetation. This area described as Area A-2, contained greater than 30% cover of either Asiatic bittersweet and/or multiflora rose. It is unlikely that any form of vegetation management aside from herbicide applications or excavation will alter the percent cover of non-desirable species in Area A-2. Mowing will likely not result in eradication of these species however, mowing will limit the seed distribution and colonization in the CR if timed properly.

5.0 CONCLUSION AND SUMMARY

As stated in the Sudbury OOCs (MassDEP Wetland File No. 301-1243), following the completion of invasive plant species removal and meadow reestablishment, a written report shall be submitted to the Commission at the same time as a written request for a Certificate of Compliance and shall specify how the complete activity complies with the plan and the Order. Successful re-establishment will be achieved if the meadow is viable and does not contain any invasive plant species after completion of the five-year OMP and the meadow is established with 90% target meadow species after the monitoring period is complete.

At this time, the Maple Meadows CR is not entirely reaching the two success standards associated with the CR. Specifically meeting the required success criteria of 90% cover of desirable species for the entire CR, and the entire CR area is failing to meet the success criteria of no invasive species present. However, 83% of the CR area is dominated by desirable species. Approximately 17% of the CR area includes undesirable invasive plants (up to 30% cover). Based on the evidence provided, SWCA recommends the Commission consider issuing a Certificate of Compliance for this project and request that the Association perform annual mowing operations in the CR in perpetuity. It is entirely unlikely that the CR will ever be invasive species free. Additionally, the wildlife habitat associated with the CR has changed substantially since the OMP was implemented and there is an abundance of species diversity within the CR. While the 90% threshold has not been met, overall, the CR provides valuable wildlife habitat. Mowing events should be timed appropriately to prevent invasive species from developing seed and to reduce the potential impact to native wildlife species in the area. SWCA recommends that mowing occurs annually by July 30.

Based on qualitative and quantitative assessments, we estimate approximately 17% of the CR area is not meeting the required success criteria of 90% cover of desirable species, and the entire CR area is failing to meet the success criteria of no invasive species present.

6.0 REFERENCES

Dow Cullina, Melissa, Bryan Connolly, Bruce Sorrie and Paul Somers. 2016. *The Vascular Plants of Massachusetts: A County Checklist*. Natural Heritage and Endangered Species Program, Massachusetts Division of Fisheries and Wildlife.

Lichvar, R.W., D.L. Banks, W.N. Krchner, and N.C. Melvin. 2016. The National Wetland Plant List: 2016 wetland ratings. *Phytoneuron* 2016-30: 1-17. Published 28 April 2016. ISSN 2153 733X. Available at: http://wetland-plants.usace.army.mil/nwpl_static/v33/home/home.html.

Newcomb, Lawrence. 1977. *Newcomb's Wildflower Guide*. Little, Brown and Company.

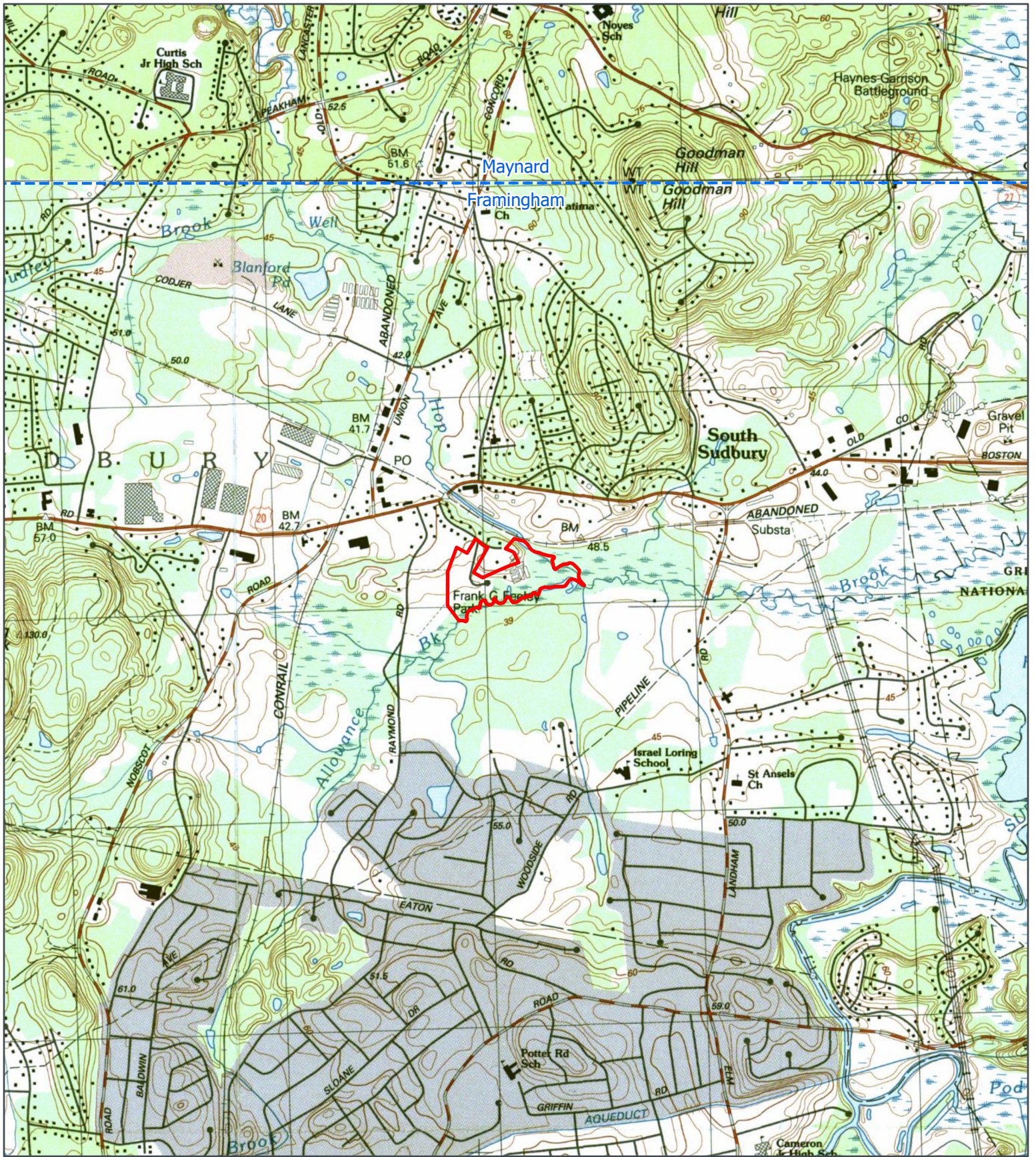
Sorrie and Somers 1999. *The Vascular Plants of Massachusetts: A County Checklist*. Available at: <https://archives.lib.state.ma.us/bitstream/handle/2452/120973/ocn747431427.pdf?sequence=1>

U.S. Department of Agriculture, Forest Service & U.S. Department of the Interior, Bureau of Land Management. 1996 (rev. 1999). Sampling vegetation attributes interagency technical reference. Available at: https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044175.pdf.



This page intentionally left blank.

APPENDIX A

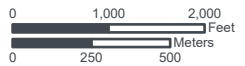
Figures



MAPLE MEADOWS
ENVIRONMENTAL MONITORING
USGS Map
Figure 1

 USGS 7.5' Quadrangle Boundary
 Maple Ave Property

Middlesex County, MA
USGS 7.5' Quadrangle:
Framingham, MA, 42071-C4
NAD 1983 StatePlane
Massachusetts Mainland FIPS 2001
42.358°N 71.4141°W



1:24,000



Base Map: Esri ArcGIS Online,
accessed June 2023
Updated: 6/16/2023
Project No. 52035
Layout: 52035_Topo
Aprx:
52035_MapleMeadowsEnvironmentalMonitoring

SWCA
ENVIRONMENTAL CONSULTANTS



MAPLE MEADOWS
ENVIRONMENTAL MONITORING
Aerial Map
Figure 2

 Maple Ave Property

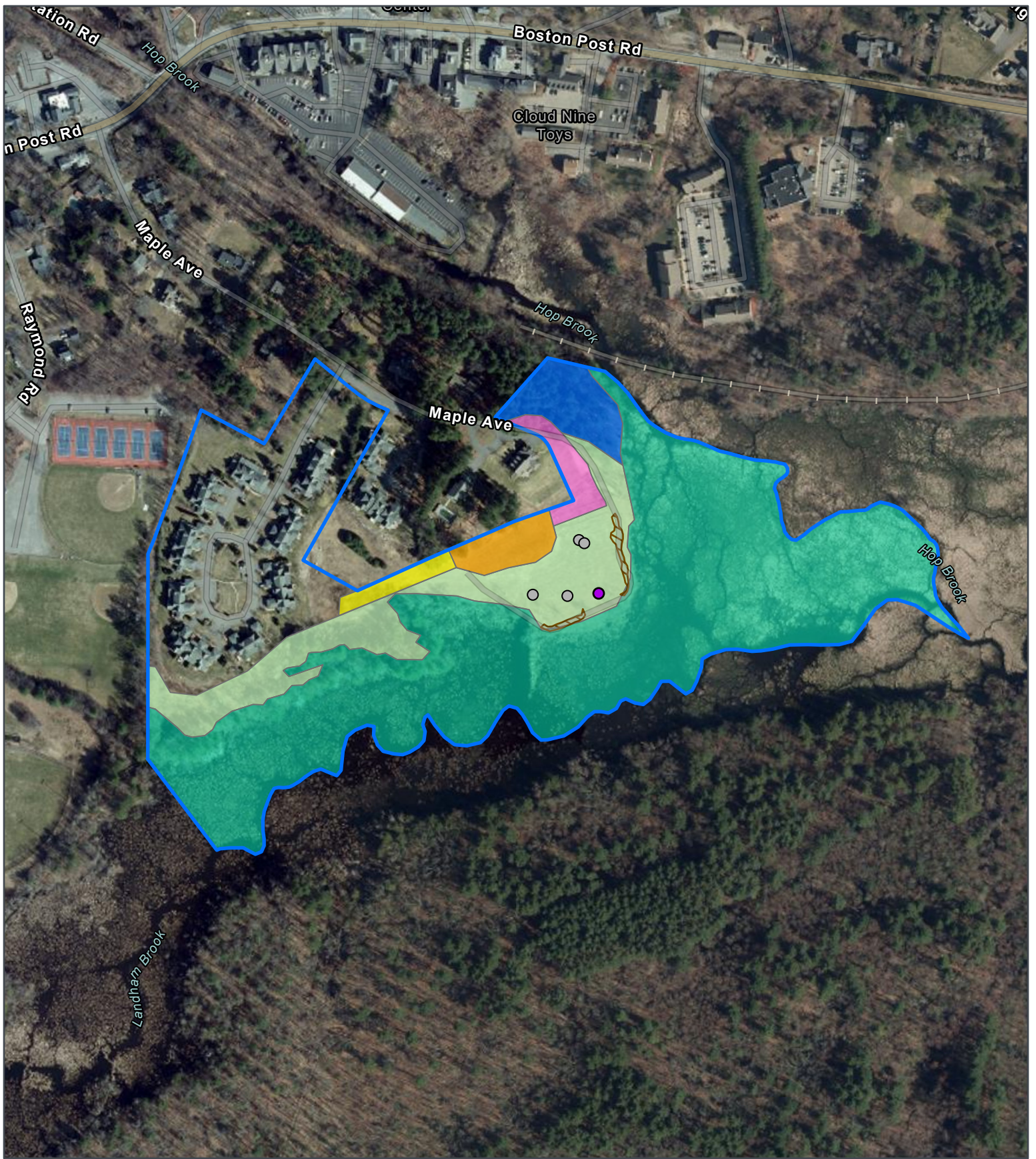
Middlesex County, MA
USGS 7.5' Quadrangle:
Framingham, MA, 42071-C4
NAD 1983 StatePlane
Massachusetts Mainland FIPS 2001
42.358°N 71.4141°W



Base Map: Esri ArcGIS Online,
accessed June 2023
Updated: 6/16/2023
Project No. 52035
Layout: 52035_AerialMap
Aprx:
52035_MapleMeadowsEnvironmentalMonitoring

1:6,000

SWCA
ENVIRONMENTAL CONSULTANTS



MAPLE MEADOWS
ENVIRONMENTAL MONITORING
Delineation Map
Figure 3

- | | |
|--------------------------|--------------|
| ○ Trash/Debris | Area A |
| ● Turtle Nesting Area | Area B |
| ▨ Turtle Nesting Habitat | Area C and D |
| ■ Delineated Wetland | Area E |
| ▭ Maple Ave Property | Area F |

Middlesex County, MA
USGS 7.5' Quadrangle:
Framingham, MA, 42071-C4
NAD 1983 StatePlane
Massachusetts Mainland FIPS 2001
42.3582°N 71.4145°W



Base Map: Esri ArcGIS Online,
accessed June 2023
Updated: 6/16/2023
Project No. 52035
Layout: 52035_DelineationMap
Aprx:
52035_MapleMeadowsEnvironmentalMonitoring

1:4,000

SWCA
ENVIRONMENTAL CONSULTANTS

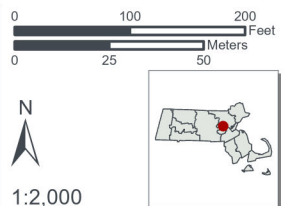


MAPLE MEADOWS
ENVIRONMENTAL MONITORING
**Area A-2 Survey
Results
Figure 4**

- Quantitative Vegetation Plot
- Transect
- Maple Ave Property
- Delineated Wetland
- Area A-1
- Area A-2

Middlesex County, MA
USGS 7.5' Quadrangle:
Framingham, MA, 42071-C4
NAD 1983 StatePlane
Massachusetts Mainland FIPS 2001
42.3581°N 71.4157°W

Base Map: Esri ArcGIS Online,
accessed July 2023
Updated: 7/14/2023
Project No. 52035
Layout: 52035_04_AreaA2
Aprx:
52035_MapleMeadowsEnvironmentalMonitoring



1:2,000

SWCA
ENVIRONMENTAL CONSULTANTS

APPENDIX B

Regulatory Documents

K13

CONSERVATION RESTRICTION
TO

Maple Meadows LLC
1420 Providence Highway
Norewood MA 02062
Suite 251

TOWN OF SUDBURY, MASSACHUSETTS
(property address: Maple Avenue, Sudbury, MA)
(Assessors Map K08 Lot 20)
DEP File No. 301-838



Bk: 50748 Pg: 398 Doc: REST
Page: 1 of 13 02/20/2008 02:28 PM

I. Grantor Clause:

Maple Avenue Meadows LLC, a Massachusetts limited liability Company of 2 Blueberry Lane, Lincoln, Massachusetts, 01773 its successors and assigns ("Grantor"), acting pursuant to Sections 31, 32 and 33 of Chapter 184 of the Massachusetts General Laws, hereby grants to Town of Sudbury, a Massachusetts municipal corporation, acting by and through its Conservation Commission its successors and permitted assigns ("Grantee"), in accordance with Massachusetts General Laws, Chapter 40, Section 8C, in perpetuity and exclusively for conservation purposes, the following described Conservation Restriction on the 19.6 acre portion of a parcel of land containing approximately 28.76 acres located at Maple Avenue in the Town of Sudbury and shown on the Sudbury Assessors Map K08, Lot 20, said 19.6 acre portion (herein referred to as the "Premises") being more particularly described as the stippled "Conservation Restriction Area 19.6 Acres" on a plan entitled "Definitive Plan (Site Context) of Maple Meadows A Proposed Senior Residential Community in Sudbury, Massachusetts" dated March 8, 2004 and revised July 8, 2004 prepared by R. Wilson and Associates, which plan is incorporated herein by reference and made a part hereof and a reduced copy attached hereto. Said Conservation Restriction shall apply exclusively to that 19.6 acre portion which is identified in the aforementioned plan as "Conservation Restriction," and not to the remaining 9.16 acre portion of said 28.76 acre parcel as described in Exhibit A. For Grantor's title to the 28.76 acres see instrument recorded at the Middlesex South Registry of Deeds at Book 44952, Page 291.

II. Purposes:

This Conservation Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the Massachusetts General Laws and otherwise by law. Its purpose is to assure that the Premises will be retained in perpetuity predominantly in their natural or current, scenic and open condition and to prevent any use of the Premises that will significantly impair or interfere with the conservation values of the Premises. The Grantor and the Grantee acknowledge and agree that the Premises will provide protection of significant scenic, aesthetic, and ecological values, comprised of wildlife habitat, groundwater supply, storm and flood prevention, and pollution attenuation. The Premises will protect a riverfront area, land under water body, bank, adjacent upland resource area, bordering vegetated wetlands, a sizable turtle nesting area and bordering land subject to flooding. The Grantor and Grantee share the common purpose of conserving the natural values of the Premises for the present generation and future generations. This Conservation Restriction is also required by the Conservation Commission of Sudbury in its Order of Conditions No.301-838 dated March 30, 2004, pursuant to M.G.L. ch. 131, Sec. 40, which Order is recorded with Middlesex South Registry of Deeds at Book 45107, Page 581.

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

- A. Prohibited Acts and Uses. Subject to the exceptions set forth hereinafter, neither the Grantor nor the successors or assigns of the Grantor will perform nor allow others to perform the following acts or uses which are prohibited on, over or under the Premises:
1. Constructing or placing of any temporary or permanent buildings, tennis court, landing strip, mobile home, swimming pool, fences, asphalt or concrete pavement, signs, billboards or other advertising display, antenna, utility pole, tower, conduit, line or other temporary or permanent structure or facility (including a gazebo) on, above or below 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 disturbance or material whatsoever or the installation of underground storage tanks;
 4. Cutting, removing or otherwise destroying trees, grasses or other vegetation, except with prior written permission of the Conservation Commission and to further the purposes of this Conservation Restriction.
 5. Activities detrimental to wildlife habitat, drainage, flood control, water conservation, erosion control or soil conservation;
 6. Use of motorized vehicles of any nature or kind, including but not limited to cars, trucks, motorcycles, all-terrain vehicles and snowmobiles, except as may be necessary for emergency use and for the required yearly field mowing in the fall;
 7. The subdivision of the Premises. No portion of the Premises may be used towards building or development requirements on this or any other parcel other than those required by the permits mentioned herein.
 8. 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 with prior written permission of the Conservation Commission.
- B. Exceptions to Otherwise Prohibited Acts and Uses. The following acts and uses otherwise prohibited in the foregoing Section A are permitted by the Grantor but only if such acts or uses do not materially impair conservation interests:
1. Walking, bird-watching, photography and other passive outdoor recreational activities. The residents of said Maple Avenue may walk on the Premises to get to and walk on the Existing Gravel Road shown on said plan. Neither the

Grantor nor the Grantee shall have any maintenance or oversight responsibilities with respect to any such access or use by the Maple Avenue residents. The aforesaid access on the Premises and use of said Existing Gravel Road are granted to the residents of Maple Avenue pursuant to and with the benefit of the provisions of Massachusetts General Laws Chapter 21, Section 17C to the extent applicable, and any use not expressly permitted by Section 17C(a) of said Chapter 21, as recreational, conservation, scientific, educational, environmental, or ecological, shall also be expressly prohibited. Pursuant to said Section 17C, the Grantor "shall not be liable for personal injuries or property damage sustained by such members of the public, including without limitation a minor, while on said land in the absence of willful, wanton, or reckless conduct by such person. Such permission shall not confer upon any member of the public using said land, including without limitation a minor, the status of an invitee or licensee to whom any duty would be owed by said person."

2. The selective pruning and cutting of trees, shrubs and vegetation to control or remove hazards, disease, insect damage or storm damage; and the removal of invasive plant and animal species in accordance with a plan approved by Grantee; and the planting of new native trees, shrubs and vegetation to further enhance the purposes of this Conservation Restriction with prior written permission of the Conservation Commission.
3. Posting of signs prohibiting trespass where appropriate, and prohibiting public access consistent with the public access prohibitions herein set forth, and other admonitions as to use and identifying Grantee as the holder of this Conservation Restriction.
4. Use or application of any fertilizer, herbicide or pesticide or other mechanical or chemical means for the control of noxious, nuisance or invasive plant or animal species in accordance with a plan approved in writing by Grantee.
5. The construction, repair and maintenance of a foot bridge, in accordance with a plan approved by the Conservation Commission, along said Existing Gravel Road and the removal of the existing greenhouses and boiler house, including any work needed for the restoration of the Premises as per the Order of Conditions DEP # 301-838.
6. Mowing the native species meadow one time each year in the fall as required in the Order of Conditions DEP # 301-838

C. Permitted Acts and Uses. All acts and uses not prohibited by subparagraphs A and B, are permissible. Provided they do not materially impair the purposes or conservation values of this Conservation Restriction.

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 relief and other equitable relief against any violation, including without limitation relief requiring restoration of the Premises to its condition at the time immediately before the violation (it being agreed that the Grantee 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.

B. Reimbursement of Costs of Enforcement

The Grantor shall pay the cost of enforcement only if found guilty of a violation of this Conservation Restriction by a court of competent jurisdiction or if Grantor agrees in writing that it has violated this Conservation Restriction.

C. Grantee(s) Disclaimer of Liability

By its acceptance of this Conservation Restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises not caused by the Grantee or its agents.

D. Severability Clause

If any provision of the 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 as set forth in Section III, B.1 above and 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. Assignability:

A. Running of the Burden

The burdens of the Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable against the Grantor and its successors and/or assigns 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 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 and its 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 required that the purposes 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 there under, and under Section 32 of Chapter 184 of the General Laws as an eligible donee to receive this Conservation Restriction directly; and
- iii. The grantee complies with the provisions required by Article 97 of the Amendments to the State Constitution.

VII. Subsequent Transfers:

The Grantor agrees 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, including a leasehold interest. Failure to do so shall not impair this Conservation Restriction in any way.

VIII. Estoppel Certificates:

Upon request by the Grantor, the Grantee shall within thirty (30) days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance with any obligation of the Grantor contained in this Conservation Restriction.

IX. Effective Date:

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

X. Recordation:

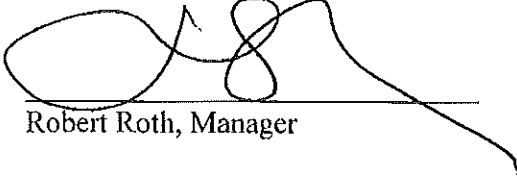
The Grantor shall register this instrument in timely fashion in the Middlesex South Registry of Deeds.

XI. Amendment:

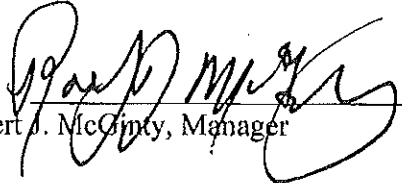
If circumstances arise under which an amendment to or modification of this Conservation Restriction would be appropriate, Grantor and Grantee may jointly amend this Conservation Restriction; provided that no amendment shall be allowed that will affect the qualification of this Conservation Restriction or the status of Grantee under any applicable laws, including Section 170(h) of the Internal Revenue Code of 1986, as amended, or Sections 31-33 of Chapter 184 of the General Laws of Massachusetts, and any amendment shall be consistent with the purposes of this Conservation Restriction, and shall not affect its perpetual duration. Any such amendment shall be approved by the parties herein as well as the Secretary of Energy and Environmental Affairs and recorded in the Middlesex South Registry of Deeds.

Executed under seal this 26TH day of NOVEMBER, 2007.

GRANTOR:
Maple Avenue Meadows LLC


Robert Roth, Manager


GRANTOR
Maple Avenue Meadows LLC

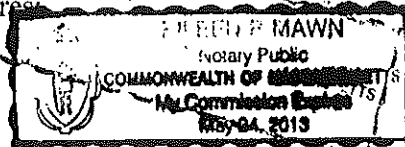

Robert J. McQuinty, Manager

COMMONWEALTH OF MASSACHUSETTS

County of NORFOLK, ss.

On this 26TH day of NOVEMBER, 2007 before me, the undersigned notary public, personally appeared the above-named ROBERT ROTH, ROBERT McQUINTY, proved to me through satisfactory evidence of identification, which were PERSONALLY KNOWN, to be the person whose name is executed on the preceding or attached document, and acknowledged to me that he executed it voluntarily for its stated purpose before me, as Manager of Maple Avenue Meadows LLC



Notary Public
My commission expires

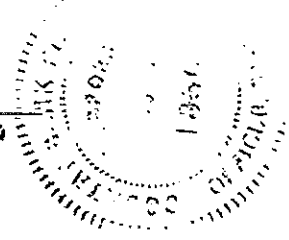


Mortgagee Assent

Country Bank for Savings, the grantee and holder of the Commercial Real Estate Mortgage recorded with the Middlesex South Registry of Deeds at Book 49559, Page 390, hereby assents to the foregoing Conservation Restriction.

COUNTRY BANK FOR SAVINGS

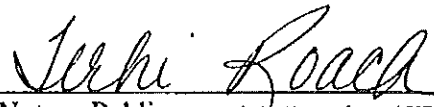
By 
Name: Phil B. Goncalves
Title: First Vice President
Duly Authorized

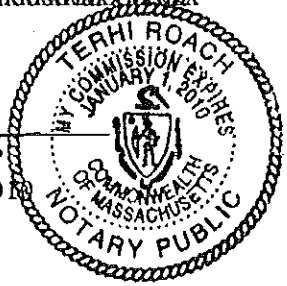


COMMONWEALTH OF MASSACHUSETTS

County of Hampshire, ss.

On this 15th day of October, 2007 before me, the undersigned notary public, personally appeared the above-named Phil B. Goncalves, FVP, proved to me through satisfactory evidence of identification, which were personally known, to be the person whose name is executed on the preceding or attached document, and acknowledged to me that he/she executed it voluntarily for its stated purpose as First V. President of Industrial Credit ~~Bank~~ Country Bank for Savings,


Notary Public Terhi Roach, AVP
My commission expires: 01/01/2010



ACCEPTANCE BY CONSERVATION COMMISSION
TOWN OF SUDBURY

We, the undersigned, being a majority of the Conservation Commission of the Town of Sudbury, Massachusetts, hereby certify that at a meeting duly held on 12/10/07 the Commission voted to accept the foregoing Conservation Restriction.

Conservation Commission

[Signature]

Richard O. Bell

[Signature]

Edward W. Pickering

[Signature]

COMMONWEALTH OF MASSACHUSETTS

County of Middlesex, ss.

On this 11th day of Dec, 2007 before me, the undersigned notary public, personally appeared the above-named Richard O. Bell, proved to me through satisfactory evidence of identification, which were known to me, to be the person whose name is executed on the preceding or attached document, and acknowledged to me that he/she executed it voluntarily for its stated purpose as a Member of the Sudbury Conservation Commission, before me,

Faith B. Werner Shapiro

Notary Public

My commission expires: 6/12/09

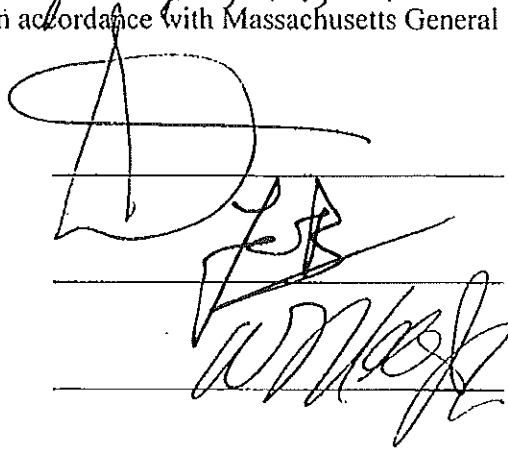


FAITH B. WERNER-SHAPIRO
NOTARY PUBLIC
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires June 12, 2009

APPROVAL BY SELECTMEN

We, the undersigned, being a majority of the Selectmen of the Town of Sudbury, Massachusetts, hereby certify that at a meeting duly held on January 22, 2008, the Selectmen voted to approve the foregoing Conservation Restriction in accordance with Massachusetts General Laws Chapter 40, Section 8c.

Selectmen



COMMONWEALTH OF MASSACHUSETTS

County of Middlesex, ss.

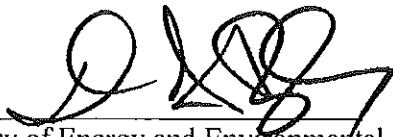
On this 22nd day of January, 2008 before me, the undersigned notary public, personally appeared the above named James C. Probinus, proved to me through satisfactory evidence of identification, which were known to the notary, to be the person whose name is executed on the preceding or attached document, and acknowledged to me that he/she executed it voluntarily for its stated purpose as a Member of the Sudbury Board of Selectmen, before me,

Mary A. Daniels
Notary Public
My commission expires:

Mary A. Daniels
Notary Public
Commonwealth of Massachusetts
My Commission Expires
August 25, 2011

**APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
COMMONWEALTH OF MASSACHUSETTS**

The undersigned, Secretary of the Executive Office of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction from Maple Avenue Meadows LLC to Town of Sudbury has been approved in the public interest pursuant to Massachusetts General Laws, Chapter 184, Section 32. Said approval is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.



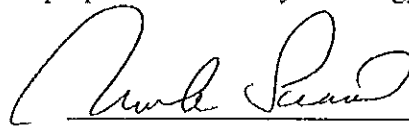
Secretary of Energy and Environmental Affairs

Date: Feb 8, 2008

COMMONWEALTH OF MASSACHUSETTS

County of Suffolk, ss.

On this 8th day of February, 200~~8~~⁸ before me, the undersigned notary public, personally appeared the above-named Ann A. Bowles, proved to me through satisfactory evidence of identification, which were personal knowledge of identification to be the person whose name is executed on the preceding or attached document, and acknowledged to me that he/she executed it voluntarily for its stated purpose as Secretary of Energy and Environmental Affairs, before me,



Notary Public
My commission expires: 12/15/2011

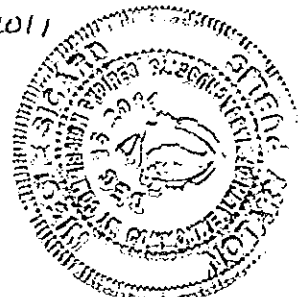
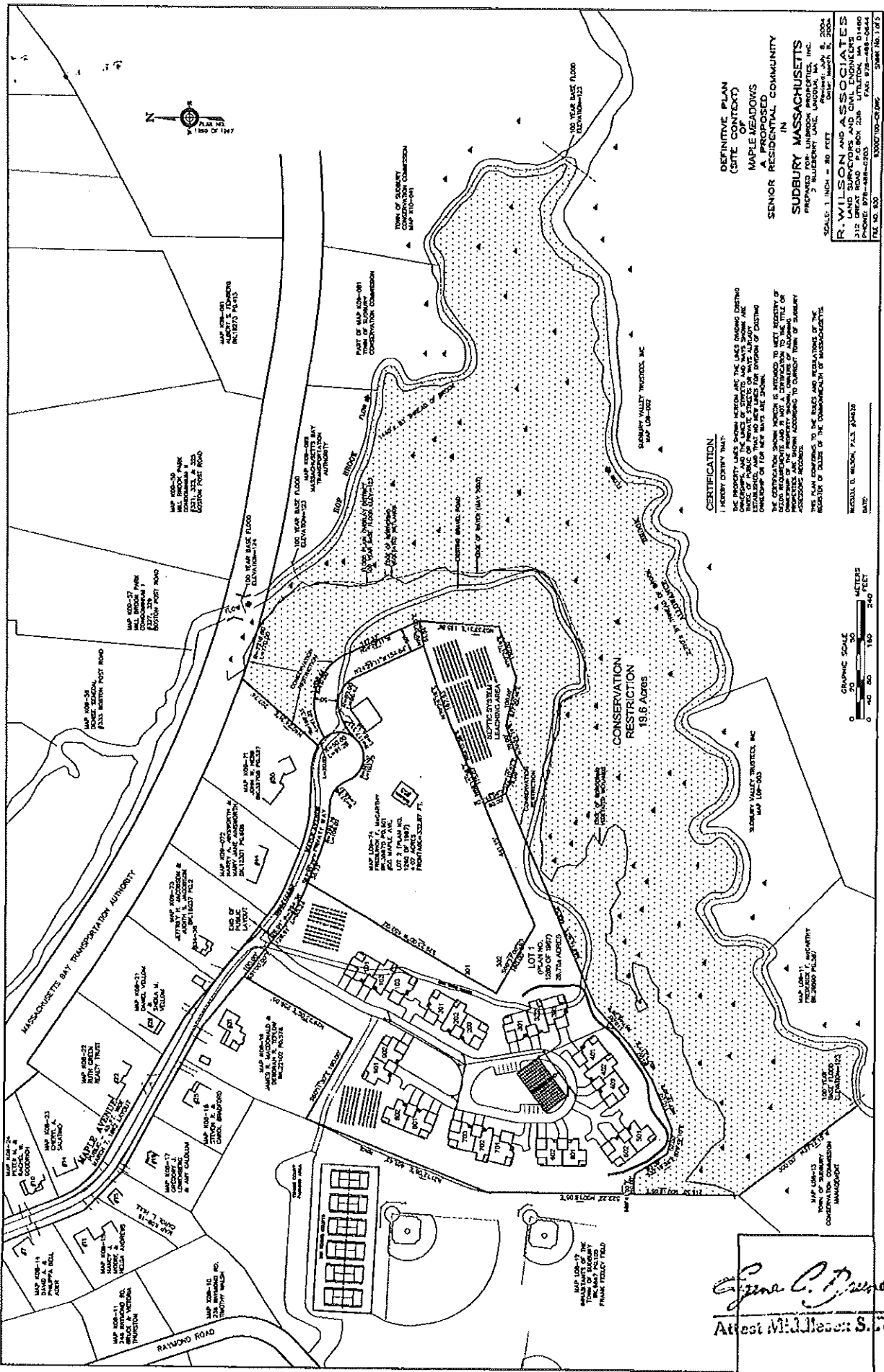


EXHIBIT "A"
35 Maple Ave., Sudbury, MA

A certain parcel of land with buildings thereon, situated in said Sudbury and bounded; Beginning at a cement bound set in the ground at a point on the north line of Maple Avenue, partly a private way, as shown on plan entitled "Plan Land in Sudbury, Mass. scale 1" = 100 ', July 27, 1996, Estate of Elwyn Foss, Schofield Bros., Land Surveyors, recorded with Middlesex South District Registry of Deeds in Book 11342, Page 352 and at the southeasterly corner of land, now or formerly of Constance H. Ridgeway; thence N. 40°24' 1"E., 207.74 feet by said last mentioned land to land, now or formerly, of the Boston and Maine Corporation; thence southeasterly by said last mentioned land, 170 feet, more or less, to the center of Wash Brook; thence in a general southeasterly direction by the thread of said Brook, in several courses, 1,440 feet, more or less to the confluence of the thread of said Brook with the thread of Allowance Brook; thence in a general southwesterly direction by the thread of said Allowance Brook, in several courses, 2,710 feet, more or less, to land, now or formerly, of the Town of Sudbury; thence by said last mentioned land; in three courses, N. 37° 12' 15" W., 300 feet, more or less to a stone bound, N. 0°18' 05" E., 522.22 feet to a drill hole in a stone bound, and N. 21°12' 06" E., 401.42 feet to a stone bound at land, now or formerly, of Withrow; thence by said last mentioned land, in two courses S. 60° 11'30" E., 190 feet to a cement bound, and N. 29°23'E., 259.05 feet to the southwesterly line of Maple Avenue; thence southeasterly by said Maple Avenue, in six courses 495.87 feet, more or less, to the southeasterly terminus of Maple Avenue as shown on said plan; thence N.27°31'37"E., 40 feet to the cement bound at the point of beginning, all as shown on said plan containing 33.082 acres, more or less.

Excepting, however, a certain parcel with buildings thereon known as Lot 2 as shown on a plan entitled "Subdivision of Land in Sudbury, Mass. Peirce Bros., Inc. dated August 14, 1967 and recorded with Middlesex South District Registry of Deeds as Plan 1260 of 1967. Said Lot 2 having been conveyed to Donald P. Peirce and Ruth Peirce, by Deed dated October 31, 1967, and recorded with said Registry of Deeds at Book 11420, Page 585 and by confirmatory deed dated December 3, 1973 and recorded with said Registry of Deeds at Book 12567 Page 252.



**DEFINITIVE PLAN
(SITE CONTEXT)**
**MAPLE MEADOWS
 A PROPOSED
 SENIOR RESIDENTIAL COMMUNITY**
**IN
 SUBBURY MASSACHUSETTS**
 PREPARED FOR: UNWINSON PROPERTIES, INC.
 2 MILLBERRY LAKE LAKESIDE, MA 01901
 SCALE: 1 INCH = 80 FEET DATE: MARCH 8, 2004

CERTIFICATION:
 I HEREBY CERTIFY THAT:
 THE PROPERTY LINES SHOWN HEREON ARE THE LATEST KNOWN EXISTING RECORDS OF PUBLIC RECORDS ON FILE IN THE OFFICE OF THE REGISTRAR OF DEEDS IN THE COUNTY OF ESSEX, MASSACHUSETTS, AND THAT THE DEVELOPMENT SHOWN ON THIS PLAN IS IN ACCORDANCE WITH THE ZONING ORDINANCE OF THE TOWN OF SUBBURY, MASSACHUSETTS.
 THE CONSTRUCTION SHOWN HEREON IS INTENDED TO MEET THE REQUIREMENTS OF THE ZONING ORDINANCE AND TO BE CONFORMANT WITH THE TITLE OF THE PROPOSED DEVELOPMENT.
 THE CONSTRUCTION SHOWN HEREON IS SUBJECT TO THE REVIEW AND APPROVAL OF THE BOARD OF SELECTMEN OF THE TOWN OF SUBBURY, MASSACHUSETTS.

MEADOWS S. WILSON, PLS. JAMES
 DATE: _____
 METERS
 0 20 40 60 80 100 120 140 160 180 200
 FEET

James S. Wilson
 Attest: Madison S. Register

Middlesex South Registry of Deeds
Electronically Recorded Document

This is the first page of the document - Do not remove

Recording Information

Document Number	: 189445
Document Type	: ORD
Recorded Date	: December 13, 2018
Recorded Time	: 11:05:33 AM
Recorded Book and Page	: 72002 / 335
Number of Pages(including cover sheet)	: 18
Receipt Number	: 2277744
Recording Fee	: \$75.00

Middlesex South Registry of Deeds
Maria C. Curtatone, Register
208 Cambridge Street
Cambridge, MA 02141
617-679-6300
www.middlesexsouthregistry.com



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

Provided by MassDEP:

301-1243

MassDEP File #

eDEP Transaction #

Sudbury

City/Town

A. General Information

Please note:
 this form has been modified with added space to accommodate the Registry of Deeds Requirements

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



1. From: Town of Sudbury
 Conservation Commission

2. This issuance is for (check one):
 a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:

Mark Vargo
 a. First Name b. Last Name

Maple Meadows Condominiums
 c. Organization

35 Maple Ave.
 d. Mailing Address

Sudbury MA 01776
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

a. First Name b. Last Name

c. Organization

d. Mailing Address

e. City/Town f. State g. Zip Code

5. Project Location:

35 Maple Ave. Sudbury
 a. Street Address b. City/Town

K08-0020 20
 c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: 42d358m024s -71d417m686s
 d. Latitude e. Longitude



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

Provided by MassDEP:

301-1243

MassDEP File #

eDEP Transaction #

Sudbury

City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Southern Middlesex

a. County

04952

b. Certificate Number (if registered land)

146 291

~~24964~~

c. Book

51552

d. Page 114

7. Dates:
- | | | | | | |
|--------------------------------|------------|-------------------------------|-----------|---------------------|------------|
| a. Date Notice of Intent Filed | 10/08/2018 | b. Date Public Hearing Closed | 11/5/2018 | c. Date of Issuance | 11/20/2018 |
|--------------------------------|------------|-------------------------------|-----------|---------------------|------------|

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

Maple Meadows Plans L-1.0 to L-2.2

a. Plan Title

Paul Finger Associates

b. Prepared By

10/06/2018

1"=100"

d. Final Revision Date

e. Scale

Restoration Plan

10/05/2018

f. Additional Plan or Document Title

g. Date

B. Findings

1. 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 (the Act). Check all that apply:

- | | | |
|--|--|---|
| a. <input checked="" type="checkbox"/> Public Water Supply | b. <input type="checkbox"/> Land Containing Shellfish | c. <input checked="" type="checkbox"/> Prevention of Pollution |
| d. <input type="checkbox"/> Private Water Supply | e. <input type="checkbox"/> Fisheries | f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| g. <input checked="" type="checkbox"/> Groundwater Supply | h. <input checked="" type="checkbox"/> Storm Damage Prevention | i. <input checked="" type="checkbox"/> Flood Control |

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. 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.



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

Provided by MassDEP:
 301-1243
 MassDEP File # _____

eDEP Transaction # _____
 Sudbury
 City/Town

B. Findings (cont.)

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. 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 the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. 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).**
- 3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) _____ a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	_____ a. linear feet	_____ b. linear feet	_____ c. linear feet	_____ d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	_____ a. square feet _____ e. c/y dredged	_____ b. square feet _____ f. c/y dredged	_____ c. square feet	_____ d. square feet
7. <input type="checkbox"/> Bordering Land Subject to Flooding	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
Cubic Feet Flood Storage	_____ e. cubic feet	_____ f. cubic feet	_____ g. cubic feet	_____ h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	_____ a. square feet	_____ b. square feet		
Cubic Feet Flood Storage	_____ c. cubic feet	_____ d. cubic feet	_____ e. cubic feet	_____ f. cubic feet
9. <input checked="" type="checkbox"/> Riverfront Area	7000 _____ a. total sq. feet	4700 _____ b. total sq. feet	2300sf- restoration	_____ f. square feet
Sq ft within 100 ft	_____ c. square feet	_____ d. square feet		
Sq ft between 100-200 ft	4700 _____ g. square feet	4700 _____ h. square feet	_____ i. square feet	_____ j. square feet



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

Provided by MassDEP:
301-1243

MassDEP File # _____

eDEP Transaction # _____

Sudbury

City/Town

B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	_____	_____	_____	_____
	a. square feet	b. square feet		
	_____	_____	_____	_____
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	_____	_____	_____ cu yd	_____ cu yd
	a. square feet	b. square feet	c. nourishment	d. nourishment
14. <input type="checkbox"/> Coastal Dunes	_____	_____	_____ cu yd	_____ cu yd
	a. square feet	b. square feet	c. nourishment	d. nourishment
15. <input type="checkbox"/> Coastal Banks	_____	_____		
	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	_____	_____		
	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	_____	_____		
	a. square feet	b. square feet		
	_____	_____		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	d. square feet
20. <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			
	_____	_____		
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	_____		
	a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area	_____	_____		
	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	_____	_____	_____	_____
	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	_____	_____	_____	_____
	g. square feet	h. square feet	i. square feet	j. square feet



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

Provided by MassDEP:

301-1243

MassDEP File #

eDEP Transaction #

Sudbury

City/Town

B. Findings (cont.)

* #23. 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.5.c (BWV) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. Restoration/Enhancement *:

a. square feet of BWV

b. square feet of salt marsh

24. Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are 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.
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.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
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. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on _____ unless extended in writing by the Department.
7. 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.



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

Provided by MassDEP:

301-1243

MassDEP File #

eDEP Transaction #

Sudbury

City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act

8. 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.
9. 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 the 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.
10. 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, "MassDEP"]

"File Number 301-1243 "
11. 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 MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 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.
15. 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.
16. 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.



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

Provided by MassDEP:

301-1243

MassDEP File #

eDEP Transaction #

Sudbury

City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

17. 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.
18. 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.
19. The work associated with this Order (the "Project")
- (1) is subject to the Massachusetts Stormwater Standards
- (2) is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



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

Provided by MassDEP:

301-1243

MassDEP File #

eDEP Transaction #

Sudbury

City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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

Provided by MassDEP:

301-1243

MassDEP File #

eDEP Transaction #

Sudbury

City/Town

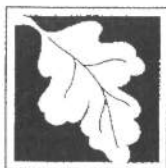
C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.

- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

- 20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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

Provided by MassDEP:
301-1243
MassDEP File #
eDEP Transaction #
Sudbury
City/Town

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The Sudbury Conservation Commission hereby finds (check one that applies):

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

1. Municipal Ordinance or Bylaw
2. Citation

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.

b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Sudbury Wetlands Administration Bylaw
1. Municipal Ordinance or Bylaw
2. Citation
XXII

3. The Commission orders that all work shall be performed in accordance with the following 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.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

See attached special conditions

**ORDER OF CONDITIONS- WETLANDS PROTECTION ACT (M.G.L. Chapter 131 s. 40) and
Sudbury Wetlands Administration Bylaw
DEP FILE #301-1243
35 Maple Ave., Maple Meadows
Applicant: Mark Vargo for Maple Meadows Condominiums**

Nov. 5, 2018

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 (WPA) and the Sudbury Wetlands Administration Bylaw, and the corresponding regulations of both, to protect those interests of these laws and regulations. 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. 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:

Findings:

The Notice of Intent was filed for the restoration of a native species meadow area required under DEP #301-0838, and DEP File #301-1035, and subject to a perpetuity Conservation Restriction recorded Book 50748, page 398. The Commission finds that the following resource areas are located on this site:

- bordering vegetated wetlands
- riverfront
- bordering land subject to flooding
- upland resource area (100' buffer zone in WPA)

This Order provides the permit necessary for the property owner to complete the mitigation of the condominium development project previously approved to comply with Section 10.58 (5) of the Wetland Regulations that allows redevelopment if there is an improvement over existing conditions of the capacity of the riverfront area to protect the interests of the Act. A total of 7000 sq. ft. of lawn area was established within the riverfront area and of which 2,300 sq. ft. was in the conservation restricted area. The lawn area within the Conservation Restriction will be removed and allowed to transition to a meadow condition leaving approximately 4,700 sq. ft. of lawn to remain in the Riverfront. In addition, a small driveway encroachment is within the Riverfront on the property of 35 Maple Ave. for the benefit of 54 Maple Ave. through an easement. This encroachment will also be allowed to remain.

The Notice of Intent includes a Meadow Operation and Maintenance Plan by SWCA Environmental Consultants. The goal of this Five-Year Plan is the establishment, operation and maintenance of the meadow within the five years to get it to the point of consisting of native plant species that can be maintained by one or twice a year mowing after the five years.

Because of the Five-Year Plan, the Commission is permitting this Order of Conditions to be valid for five years in accordance with 310 CMR 10.05(6)(d).

This Order also provides for a study for wildlife habitat protection and enhancement for the purpose of developing a plan for protect turtle and bluebird habitat. The applicant shall engage a qualified professional for the wildlife study, who will be approved by the Commission. Scope of work of the study shall be presented to the Commission for review and approval. Funds could also be available for habitat enhancement for other species as well as for educational components, seasonal area closures, etc. The total sum of \$6,000 was offered for study and preparation of a report with recommendations on habitat

and enhancement work. The report should also establish sensitive timeframes to avoid mowing and heavy machinery during breeding seasons. The Meadow Funding for the plan will be as follows, \$3,000 by 35 Maple Ave. under DEP file # 301-1243 and \$3,000 under DEP File# 301-1242.

The Commission's approval of work associated with the correction of violations is contingent upon strict adherence to the Special Conditions in this Order, including the viable establishment of the native species meadow restoration area.

I. 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 judgment 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 (including the riverfront area) or within 100' of a wetland resource area requires review and approval by the Sudbury Conservation Commission prior to the commencement of such work
- b. No pesticides or herbicides are allowed within a wetland resource area (including the riverfront area) or within 100' of a wetland resource area.
- c. The applicant shall install and maintain approximately 25 survey markers at the property line of the private single-family residences and Maple Meadows property; survey markers identifying the Deed Restricted septic area, and survey markers embossed to identify them as the Conservation Restriction area at the CR boundaries that are not underwater.
- d. Fertilization of lawn and landscaped areas can be a significant source of excess nutrient loading in adjoining water bodies. No fertilization or pesticide/herbicide application is permitted in any wetland resource area, including the riverfront area, without prior written permission of the Conservation Commission.
- e. All plantings shall be native plants found on the Conservation Commission's approved plant list. All invasive species of plants must be removed from the property by methods other than chemical means prior to the issuance of the Certificate of Compliance. This condition shall be included in the Certificate of Compliance for continued removal of invasive plants.

II. GENERAL PROJECT CONDITIONS:

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 FIVE years from the date of issuance of this Order unless the time for completion has been extended by vote of the Commission, at least thirty days prior to the expiration date of this Order, to a specified date up to one year from the date of issuance and both that date and the special circumstances warranting the extended time period are approved by the Commission. 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.
- e. 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.
- f. 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.
- g. 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.
- h. The work shall conform to the plans and special conditions incorporated in this document.
- i. 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.
- j. 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 permitted by this Order.
- k. The project engineer, contractors, and all subcontractors must be informed of the conditions in this Order.
- l. A copy of this Order of Conditions and the referenced plans, must be available at all times at the construction site for reference.
- m. 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.
- n. 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.
- o. The area subject to alteration under this Order must be maintained in such a manner as to prevent any debris or refuse from entering the wetland resource area.
- p. 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.

- q. 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.
- r. Equipment shall be stored in such a manner so no pollutants are introduced into any wetland resource areas, or the 100' wetland buffer zone.
- s. No additional work, including the installation of in-ground sprinkler systems, not shown on the referenced plans is permitted within the jurisdictional areas on this lot.
- t. No equipment refueling may occur within a wetland or upland resource area.
- u. The applicant shall engage a qualified Environmental Monitor, approved by the Commission, to oversee the invasive plant species removal and meadow restoration process, including monitoring of the site and reporting the annual status of the project until a Certificate of Compliance is issued. **The name and contact number of the EM shall be submitted to the Commission on or before the commencement of any site activity.**
- v. All timeframes for meadow reestablishment and invasive species management shall be in accordance with the recommended timeframes for performance stated in the SWCA Plan, Sections 2.0 and 3.0, except that the timeframes shall be adjusted to avoid mowing and heavy machinery during breeding seasons as identified in the Wildlife Study required by this Order. **Scope of work of the study shall be presented to the Commission for review and approval.**
- w. A written report shall be submitted to the Commission annually by the Environmental Monitor at the end of each year's growing season. The report shall describe in detail the work accomplished, adherence to timeframes for performance, and the current state of the meadow.

III. EROSION, SEDIMENTATION, STABILIZATION CONDITIONS

- a. There shall be no disturbance beyond the limits of activities permitted as part of this Order.
- b. It is the applicant's responsibility to take appropriate measures, as necessary, to control sedimentation into the wetland resource areas.
- c. 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.
- 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 Sudbury Wetlands Administrative Bylaw and the State Wetlands Protection Act.
- c. No additional new disturbance of a resource area, as defined in the Sudbury Wetlands Administration Bylaw (including the 100' upland resource area) and its regulations, or the Wetlands Protection Act and its

corresponding regulations, 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. Destruction of unnecessary trees or other vegetation, or the spilling or leaking of fluids shall be considered ground to halt the project and require remediation prior to any additional testing, or any other activity, on the site.

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, and details of all disturbance within the wetland resource and the 100' wetland buffer zone.

V. CERTIFICATE OF COMPLIANCE REQUIREMENTS:

- a. Following completion of invasive plant species removal and meadow reestablishment, a written report 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 activity complies with the plan and this Order. Successful reestablishment will be achieved if the meadow is viable and does not contain any invasive plant species after completion of the Five-Year Operation & Maintenance Plan and the meadow is established with 90% target meadow species after four growing seasons.

In addition, a final property plan shall be provided showing the location of the boundary markers.



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

Provided by MassDEP:
301-1243
MassDEP File #

eDEP Transaction #
Sudbury
City/Town

E. Signatures

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

NOV 20, 2018
1. Date of Issuance

Please indicate the number of members who will sign this form.

7
2. Number of Signers

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, if not filing electronically, and the property owner, if different from applicant.

Signatures:

Charles Russo

[Signature]

Kathleen Rogers

[Signature]

Richard Morse

MARK SWEENEY

PAVE HERTZ

by hand delivery on

by certified mail, return receipt requested, on

Date

Date

NOV 20, 2018

F. 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 MassDEP 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 Request for 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.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

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.



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

Provided by MassDEP:

301-

MassDEP File #

eDEP Transaction #

Sudbury

City/Town

G. Recording Information

Prior to commencement of work, 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 this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

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:

35 Maple Avenue

Project Location

301-1243

MassDEP File Number

Has been recorded at the Registry of Deeds of:

See Cover Sheet

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

Middlesex South Registry of Deeds
Electronically Recorded Document

This is the first page of the document - Do not remove

Recording Information

Document Number	: 184729
Document Type	: ORD
Recorded Date	: December 04, 2018
Recorded Time	: 12:45:25 PM
Recorded Book and Page	: 71966 / 472
Number of Pages(including cover sheet)	: 17
Receipt Number	: 2274777
Recording Fee	: \$75.00

Middlesex South Registry of Deeds
Maria C. Curtatone, Register
208 Cambridge Street
Cambridge, MA 02141
617-679-6300
www.middlesexsouthregistry.com



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

Provided by MassDEP:
301-1242
MassDEP File #
eDEP Transaction #
Sudbury
City/Town

A. General Information

Please note: this form has been modified with added space to accommodate the Registry of Deeds Requirements

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



1. From: Town of Sudbury
Conservation Commission

2. This issuance is for (check one):
a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:
a. First Name Rick (A/K/A Richard)
b. Last Name Berardino

c. Organization
54 Maple Ave.
d. Mailing Address

e. City/Town Sudbury f. State MA g. Zip Code 01776

4. Property Owner (if different from applicant):
a. First Name _____ b. Last Name _____

c. Organization _____
d. Mailing Address _____
e. City/Town _____ f. State _____ g. Zip Code _____

5. Project Location:
a. Street Address 54 Maple Ave.
b. City/Town Sudbury
c. Assessors Map/Plat Number K09
d. Parcel/Lot Number 0074

Latitude and Longitude, if known: 42d35m907s -71d414m453s
d. Latitude e. Longitude



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

Provided by MassDEP:
 301-1242
 MassDEP File #

eDEP Transaction #
 Sudbury
 City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
Southern Middlesex
 a. County 57829 b. Certificate Number (if registered land) 68
 c. Book 57829 d. Page 68

7. Dates: 10/08/2018 11/5/2018 11/20/2018
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
Riverfront Alteration Plan
 a. Plan Title Riverfront Alteration Plan
 b. Prepared By Paul Finger Associates
 c. Date of Issuance 10/05/2018
 d. Final Revision Date 10/05/2018 e. Scale 1"=50'
 f. Additional Plan or Document Title Riverfront Alteration Plan g. Date 10/05/2018

B. Findings

1. 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 (the Act). Check all that apply:

- a. Public Water Supply
- b. Land Containing Shellfish
- c. Prevention of Pollution
- d. Private Water Supply
- e. Fisheries
- f. Protection of Wildlife Habitat
- g. Groundwater Supply
- h. Storm Damage Prevention
- i. Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. 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.



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

Provided by MassDEP:
 301-1242
 MassDEP File # _____
 eDEP Transaction # _____
 Sudbury
 City/Town

B. Findings (cont.)

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. 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 the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. 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).**
- 3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) _____ a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet _____	b. linear feet _____	c. linear feet _____	d. linear feet _____
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet _____	b. square feet _____	c. square feet _____	d. square feet _____
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet _____	b. square feet _____	c. square feet _____	d. square feet _____
	e. c/y dredged _____	f. c/y dredged _____		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet _____	b. square feet _____	c. square feet _____	d. square feet _____
Cubic Feet Flood Storage	e. cubic feet _____	f. cubic feet _____	g. cubic feet _____	h. cubic feet _____
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet _____	b. square feet _____		
Cubic Feet Flood Storage	c. cubic feet _____	d. cubic feet _____	e. cubic feet _____	f. cubic feet _____
9. <input checked="" type="checkbox"/> Riverfront Area	2600 a. total sq. feet _____	2600+75 sqft- driveway _____		
Sq ft within 100 ft	c. square feet _____	d. square feet _____	e. square feet _____	f. square feet _____
Sq ft between 100-200 ft	2600 g. square feet _____	2600+75sf- driveway _____	i. square feet _____	j. square feet _____



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

Provided by MassDEP:
301-1242

MassDEP File # _____

eDEP Transaction # _____

Sudbury

City/Town

B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas				
11. <input type="checkbox"/> Land Under the Ocean	Indicate size under Land Under the Ocean, below			
	_____ a. square feet	_____ b. square feet		
	_____ c. c/y dredged	_____ d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	_____ a. square feet	_____ b. square feet	_____ cu yd c. nourishment	_____ cu yd d. nourishment
14. <input type="checkbox"/> Coastal Dunes	_____ a. square feet	_____ b. square feet	_____ cu yd c. nourishment	_____ cu yd d. nourishment
15. <input type="checkbox"/> Coastal Banks	_____ a. linear feet	_____ b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	_____ a. square feet	_____ b. square feet		
17. <input type="checkbox"/> Salt Marshes	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	_____ a. square feet	_____ b. square feet		
	_____ c. c/y dredged	_____ d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
20. <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			
	_____ a. c/y dredged	_____ b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____ a. square feet	_____ b. square feet		
22. <input type="checkbox"/> Riverfront Area	_____ a. total sq. feet	_____ b. total sq. feet		
Sq ft within 100 ft	_____ c. square feet	_____ d. square feet	_____ e. square feet	_____ f. square feet
Sq ft between 100-200 ft	_____ g. square feet	_____ h. square feet	_____ i. square feet	_____ j. square feet



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

Provided by MassDEP:
 301-1242
 MassDEP File # _____

eDEP Transaction # _____
 Sudbury
 City/Town

B. Findings (cont.)

* #23. 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.5.c (BWV) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. Restoration/Enhancement *:

a. square feet of BWV _____

b. square feet of salt marsh _____

24. Stream Crossing(s):

a. number of new stream crossings _____

b. number of replacement stream crossings _____

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are 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.
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.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
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. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on _____ unless extended in writing by the Department.
7. 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.



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

Provided by MassDEP:

301-1242

MassDEP File #

eDEP Transaction #

Sudbury

City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act

8. 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.
9. 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 the 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.
10. 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, "MassDEP"]
"File Number _____"
11. 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 MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 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.
15. 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.
16. 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.



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

Provided by MassDEP:

301-1242

MassDEP File #

eDEP Transaction #

Sudbury

City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

17. 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.
18. 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.
19. The work associated with this Order (the "Project")
- (1) is subject to the Massachusetts Stormwater Standards
- (2) is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



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

Provided by MassDEP:
301-1242
MassDEP File #

eDEP Transaction #
Sudbury
City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
- v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:
 - i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and
 - ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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

Provided by MassDEP:

301-1242

MassDEP File #

eDEP Transaction #

Sudbury

City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
 - 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 - 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 - 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

- 20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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

Provided by MassDEP:

301-1242

MassDEP File #

eDEP Transaction #

Sudbury

City/Town

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No

2. The Sudbury Conservation Commission hereby finds (check one that applies):

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

1. Municipal Ordinance or Bylaw

2. Citation

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.

b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Sudbury Wetlands Administration Bylaw

1. Municipal Ordinance or Bylaw

XXII

2. Citation

3. The Commission orders that all work shall be performed in accordance with the following 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.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

See attached special conditions

**ORDER OF CONDITIONS- WETLANDS PROTECTION ACT (M.G.L. Chapter 131 s. 40) and
Sudbury Wetlands Administration Bylaw
DEP FILE #301-1242
54 Maple Ave.
Applicant: Rick Berardino**

Nov. 5, 2018

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 (WPA) and the Sudbury Wetlands Administration Bylaw, and the corresponding regulations of both, to protect those interests of these laws and regulations. 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. 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:

Findings:

The Notice of Intent was also filed for the after-the-fact approval of 2,600 sq. ft. of lawn area within the Riverfront, the retention of a portion (75 sq. ft.) of a paved driveway, and walkway trail easement relocation within the riverfront area. The Commission finds that the following resource areas are located on this site:

Riverfront

This Order provides the permit necessary for the property owner to provide mitigation for the lawn, driveway and minor landscaping encroachment into the riverfront area. Mitigation is being offered with the plantings of a minimum of thirty (30) high bush blueberries to be planted between the former greenhouse structures tiered foundation walls.

In addition, habitat protection and enhancement was offered for the purpose of developing a plan for enhancing turtle and bluebird habitat. Funds could also be available for habitat enhancement for other species as well as for educational components, seasonal area closures, etc. The total sum of \$3,000 was offered for this habitat and enhancement work in addition to a similar contribution by 35 Maple Ave. under DEP File # 301-1243. Maple Meadows will be responsible for retaining consultants and implementing improvements.

The Commission's approval of work associated with the after-the-fact approval of alterations is contingent upon strict adherence to the Special Conditions in this Order.

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 judgment 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 (including the riverfront area) or within 100' of a wetland resource area requires review and approval by the Sudbury Conservation Commission prior to the commencement of such work
- b. No pesticides or herbicides are allowed within a wetland resource area (including the riverfront area) or within 100' of a wetland resource area.
- c. Fertilization of lawn and landscaped areas can be a significant source of excess nutrient loading in adjoining water bodies. No fertilization or pesticide/herbicide application is permitted in any wetland resource area, including the riverfront area, without prior written permission of the Conservation Commission.

II. GENERAL PROJECT CONDITIONS:

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 the time for completion has been extended by vote of the Commission, at least thirty days prior to the expiration date of this Order, to a specified date up to one year from the date of issuance and both that date and the special circumstances warranting the extended time period are approved by the Commission. 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.
- e. 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.
- f. 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.
- g. 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.

- h. The work shall conform to the plans and special conditions incorporated in this document.
- i. 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.
- j. 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 permitted by this Order.
- k. The project engineer, contractors, and all subcontractors must be informed of the conditions in this Order.
- l. A copy of this Order of Conditions and the referenced plans, must be available at all times at the construction site for reference.
- m. 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.
- n. 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.
- o. The area subject to alteration under this Order must be maintained in such a manner as to prevent any debris or refuse from entering the wetland resource area.
- p. 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.
- q. 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.
- r. Equipment shall be stored in such a manner so no pollutants are introduced into any wetland resource areas, or the 100' wetland buffer zone.
- s. No additional work, including the installation of in-ground sprinkler systems is permitted within the jurisdictional areas on this lot.
- t. The applicant has agreed to provide to up to \$3,000 for the purpose of habitat enhancement in addition to funds set aside under DEP File# 301-1243. Specifics of an enhancement plan will be developed by a qualified consultant retained by 35 Maple Ave., Maple Meadows Condominium Association. These funds shall be provided to the Maple Meadows Condominium Association to be used for the sole purpose of the development and implementation of the Habitat Enhancement Plan. Funds shall be made available as requested by Maple Meadows Condominium.
- u. The high bush blueberry shrubs shall be installed by May 1, 2018 unless an extension is granted, in writing by the Commission for cause.

III. EROSION, SEDIMENTATION, STABILIZATION CONDITIONS

- a. There shall be no disturbance beyond the limits of activities permitted as part of this Order.
- b. It is the applicant's responsibility to take appropriate measures, as necessary, to control sedimentation into the wetland resource areas.

c. 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.

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 Sudbury Wetlands Administrative Bylaw and the State Wetlands Protection Act.

c. No additional new disturbance of a resource area, as defined in the Sudbury Wetlands Administration Bylaw (including the 100' upland resource area) and its regulations, or the Wetlands Protection Act and its corresponding regulations, 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. Destruction of unnecessary trees or other vegetation, or the spilling or leaking of fluids shall be considered ground to halt the project and require remediation prior to any additional testing, or any other activity, on the site.

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, and details of all disturbance within the wetland resource and the 100' wetland buffer zone.

V. CERTIFICATE OF COMPLIANCE REQUIREMENTS:

a. Following completion of the high bush blueberry installation and the passage of at least two growing seasons, a written report 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 activity complies with the plan and this Order. Successful reestablishment will be achieved if the shrubs are 90% viable.



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

Provided by MassDEP:
301-1242
MassDEP File #

eDEP Transaction #
Sudbury
City/Town

E. Signatures

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

Please indicate the number of members who will sign this form. 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, if not filing electronically, and the property owner, if different from applicant.

Nov. 20, 2018
1. Date of Issuance

7
2. Number of Signers

Signatures:

Charles Russo

Kathleen Rogers

Richard Morse

[Signature]

[Signature]

[Signature]

[Signature]

by hand delivery on

by certified mail, return receipt requested, on

Date

Nov. 20, 2018
Date

F. 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 MassDEP 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 Request for 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.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

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.



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

Provided by MassDEP:
301-
MassDEP File #
eDEP Transaction #
Sudbury
City/Town

G. Recording Information

Prior to commencement of work, 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 this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

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:

54 Maple Avenue

301-1242

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

See Cover Sheet

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

APPENDIX C
Vegetation Inventory

2023 Floral Inventory -Maple Meadows

Strata	Scientific Name	Common Name	Presence			
			Area A (CR)	Area B	Area C/D	Area E
Herbaceous Plants						
	<i>Achillea millefolium</i> *	Yarrow	x	x	x	x
	<i>Asclepias syriaca</i>	Common Milkweed	x		x	
	<i>Artemisia vulgaris</i> *	Mugwort	x (18%)	x (85%)	x (15%)	
	<i>Bidens frondosa</i>	Devil's Beggartick	x			
	<i>Brassica nigra</i> *	Black Mustard		x	x	
	<i>Bromus sp.</i>	Brome	x		x	
	<i>Carex sp.</i>	Unknown Sedge (no Inflorescence)	x			
	<i>Carex scoparia</i>	Broom Sedge	x		x	x
	<i>Carex vulpinoidea</i>	Fox Sedge	x			
	<i>Dactylis glomerata</i> *	Orchard Grass	x			x
	<i>Daucus carota</i> *	Wild Carrot	x			
	<i>Dennstaedtia punctilobula</i>	Hay-scented Fern	x			
	<i>Dichanthelium clandestinum</i>	Deer-tongue	x			
	<i>Epilobium coloratum</i>	Purple-leaved Willowherb	x			
	<i>Equisetum arvense</i>	Scouring Rush	x		x	
	<i>Erigeron annuus</i>	Daisy Fleabane	x			
	<i>Eutrochium purpureum</i>	Joe-pye Weed	x			
	<i>Galium asprellum</i>	Rough Bedstraw	x		x	
	<i>Galium mollugo</i> *	Field-madder	x			
	<i>Juncus canadensis</i>	Canadian Rush	x			
	<i>Juncus effusus</i>	Common Rush	x			
	<i>Lolium perenne</i> *	Perennial Rye-grass	x	x		x
	<i>Lupinus perennis</i>	Wild Lupine	x			
	<i>Onoclea sensibilis</i>	Sensitive Fern	x			x
	<i>Phalaris arundinacea</i> *	Reed Canary Grass	x (5%)	x (2%)	x (10%)	x (5%)
	<i>Phragmites australis</i> *	Common Reed	x			
	<i>Plantago lanceolata</i> *	Ribgrass Plantain	x		x	
	<i>Plantago major</i> *	Common Plantain	x		x	
	<i>Poa pratensis</i>	Kentucky Bluegrass	x	x	x	x
	<i>Potentilla simplex</i>	Old Field Cinquefoil	x		x	
	<i>Ranunculus sp.</i>	Buttercup	x		x	
	<i>Rubus flagellaris</i>	Northern Dewberry	x			
	<i>Rudbeckia hirta</i> *	Black-eyed Susan	x		x	
	<i>Rumex crispus</i> *	Curly Dock	x	x		
	<i>Silene latifolia</i> *	Evening Lychnis			x	
	<i>Sisyrinchium sp.</i>	Blue-eyed Grass	x			
	<i>Solidago canadensis</i>	Canada Goldenrod	x			
	<i>Solidago gigantea</i>	Late goldenrod	x		x	x
	<i>Solidago rugosa</i>	Wrinkle-Leaf Goldenrod	x		x	x
	<i>Symphotrichum novae-angliae</i>	New England Aster	x			x
	<i>Symphotrichum puniceum</i>	Purple-stemmed Aster	x			
	<i>Symplocarpus foetidus</i>	Skunk Cabbage	x			
	<i>Taraxacum officinale</i> *	Common Dandelion	x			
	<i>Thelypteris noveboracensis</i>	New York Fern	x			
	<i>Toxicodendron radicans</i>	Poison Ivy			x	x
	<i>Tradescantia virginiana</i> *	Virginia Spiderwort	x			
	<i>Trifolium pratense</i>	Red Clover	x			
	<i>Trifolium repens</i>	White Clover	x			
	<i>Typha latifolia</i>	Common Cattail	x			
	<i>Verbascum thapsus</i> *	Common Mullien		x	x	
	<i>Verbena hastata</i>	Blue Vervain	x			
	<i>Vicia sp.</i> *	Vetch	x		x	x
Shrubs & Saplings						
	<i>Acer rubrum</i>	Red Maple	x			x
	<i>Cornus amomum</i>	Silky Dogwood	x			
	<i>Elaeagnus umbellata</i> *	Autumn Olive	x (<1%)			
	<i>Frangula alnus</i> *	Glossy Buckthorn	x			x (15%)
	<i>Lonicera morrowii</i> *	Morrow's Honeysuckle	x			
	<i>Prunus serotina</i>	Black Cherry	x			
	<i>Rosa multiflora</i> *	Multiflora Rose	x (30%)	x	x (15%)	x (20%)
	<i>Rubus allegheniensis</i>	Common Blackberry	x	x	x	x
	<i>Salix sp.</i>	Willow	x			
	<i>Salix discolor</i>	Pussy Willow				x
	<i>Vaccinium corymbosum</i>	Highbush Blueberry			x	
Vines						
	<i>Celastrus orbiculatus</i> *	Asiatic Bittersweet	x (30%)	x	x (15%)	x (25%)
	<i>Parthenocissus quinquefolia</i>	Virginia Creeper	x	x	x	
	<i>Vitis labrusca</i>	Fox Grape			x	
Species Count			60	12	27	18

* Introduced Non-native Species (per Vascular Plants of MA: A County Checklist, Dow Cullina et al. 2011)

Maple Meadows Conservation Restriction - Quantitative Vegetative Assessment

Strata	Scientific Name	Common Name	Percent Cover								
			Area A-1				Area A-2				
			T-1	T-2	T-3	T-4	T-5	T-6	T-7	T-8	
	Bare Ground	Bare Ground		20					10		
Herbaceous Plants											
	<i>Achillea millefolium</i> *	Yarrow	1	5	10	1				30	15
	<i>Alliaria petiolata</i>	Garlic Mustard								20	
	<i>Asclepias syriaca</i>	Common Milkweed								7	
	<i>Artemisia vulgaris</i> *	Mugwort				20				10	
	<i>Carex sp.</i>	Unknown Sedge (no Inflorescence)			15						
	<i>Cirsium altissimum</i>	Tall Thistle								2	
	<i>Daucus carota</i> *	Wild Carrot		10							
	<i>Digitaria sanguinalis</i>	Crabgrass	1								
	<i>Equisetum arvense</i>	Scouring Rush		7					5		
	<i>Galium asprellum</i>	Rough Bedstraw							1		<1
	<i>Lolium perenne</i> *	Perennial Rye-grass			1						
	<i>Lupinus perennis</i>	Wild Lupine	2	5				3			
	<i>Onoclea sensibilis</i>	Sensitive Fern			10						
	<i>Plantago lanceolata</i> *	Ribgrass Plantain	5	70				10			
	<i>Poa pratensis</i>	Kentucky Bluegrass	70	25	7	70		80	10		70
	<i>Ranunculus sp.</i>	Buttercup		2.5							
	<i>Rubus flagellaris</i>	Northern Dewberry			7	5			7		
	<i>Rudbeckia hirta</i> *	Black-eyed Susan	3							1	
	<i>Silene latifolia</i> *	Evening Lychnis		1							
	<i>Solidago gigantea</i>	Late goldenrod		15						10	15
	<i>Solidago rugosa</i>	Wrinkle-Leaf Goldenrod	15	15		20			10		10
	<i>Symphytichum sp.</i>	Aster species		7			5			5	
	<i>Symphytichum novae-angliae</i>	New England Aster						10			1
	<i>Trifolium repens</i>	White Clover	7	5	5				2		
	<i>Unknown species</i>	Unknown Species		<1	5	1					
	<i>Urtica dioica</i>	Nettle	1								
	<i>Veronica peregrina</i>	Purslane speedwell								35	
	<i>Vicia sp.*</i>	Vetch				2		2	7	7	
	<i>Vicia cracca</i>	Cow Vetch			2						
Shrubs/Saplings											
	<i>Acer rubrum</i>	Red Maple (Seedling)	1			1					
	<i>Frangula alnus</i> *	Glossy Buckthorn				3			1		15
	<i>Lonicera morrowii</i> *	Morrow's Honeysuckle				7					
	<i>Rosa multiflora</i> *	Multiflora Rose				35	5				
	<i>Salix discolor</i>	Pussy Willow	2						3		
Vines											
	<i>Celastrus orbiculatus</i> *	Asiatic Bittersweet	45		50	3		7	60	35	35
	<i>Parthenocissus quinquefolia</i>	Virginia Creeper	1			2			5	5	7
	<i>Species Count</i>		11	13	13	9		5	9	10	7
	<i>Total % Cover Desirable Species Only</i>		108	167.5	73	126		105	50	127	111
	<i>Total % Cover</i>		100	80	100	100		100	90	100	100

* Introduced Non-native Species (per Vascular Plants of MA: A County Checklist, Dow Cullina et al. 2011)

Note: species included in the shrubs/saplings strata are woody species, not necessarily meeting the diameter/height thresholds described by USACE

APPENDIX D

Photopages



Photo 1: Overview of Maple Meadows CR, facing southwest, prior to actions. *Photo taken on September 7, 2018*



Photo 2: Overview of the eastern side of the CR, facing north, prior to the spring 2023 mowing. *Photo taken on June 1, 2023*



Photo 3: Several predated snapping turtle nests were observed within the turtle nesting habitat adjacent to the wetland within the CR. *Photo taken on June 1, 2023*



Photo 4: Overview of the eastern side of the CR, facing north, following the spring mowing, from roughly the same location as shown in Photo 2 above. Note the remaining Asiatic bittersweet and multiflora rose along the concrete wall (arrow). *Photo taken on June 26, 2023*



Photo 5: One of three female painted turtles SWCA observed within the Conservation Restriction in June 2023 following the spring mowing. *Photo taken on June 26, 2023*



Photo 6: Quantitative vegetation plot at Transect 8 (within the eastern portion of the Conservation Restriction, Area A-2). *Photo taken on June 26, 2023*



Photo 7: Quantitative vegetation plot at Transect 6 (within the eastern portion of the Conservation Restriction, Area A-2). *Photo taken on June 26, 2023*



Photo 8: View facing west showing Area A-1, the portion of the Conservation Restriction with a greater percent cover of desirable meadow plants, prior to the spring 2023 mowing event. *Photo taken on June 26, 2023*



Photo 14: View facing west showing Area A-1, the portion of the Conservation Restriction with a greater percent cover of desirable meadow plants, following the spring 2023 mowing event.
Photo taken on June 26, 2023