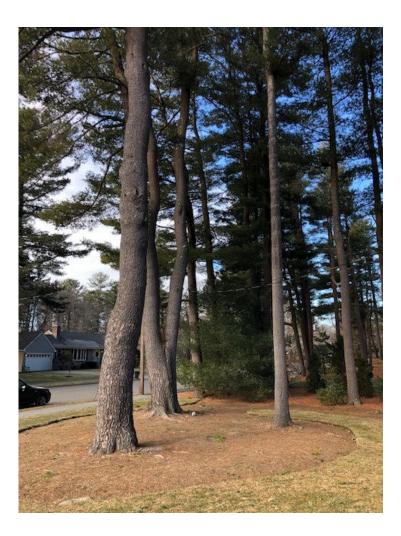


Request for Determination of Applicability

February 26, 2021



Subject Property:

12 Chatham Way Assessor's Map 25, Parcel 684 Lynnfield, Massachusetts

Applicant and Property Owner:

Casey McGah, Trustee McGah Family Trust 12 Chatham Way Lynnfield, MA 01940

Prepared by:

LEC Environmental Consultants, Inc.
Richard Kirby
Senior Wetland Scientist
380 Lowell Street
Suite 101
Wakefield, MA 01880

www.lecenvironmental.com

LEC Environmental Consultants, Inc.

12 Resnik Road Suite 1 Plymouth, MA 02360 508.746.9491 380 Lowell Street Suite 101 Wakefield, MA 01880 781.245.2500 100 Grove Street Suite 302 Worcester, MA 01605 508.753.3077 P.O. Box 590 Rindge, NH 03461

603.899.6726

www.lecenvironmental.com

680 Warren Avenue Suite 3 East Providence, RI 02914 401.685.3109



Introduction

On behalf of Casey McGah, Trustee of the McGah Family Trust, LEC Environmental Consultants, Inc., (LEC) has prepared this *Request for Determination of Applicability* (RDA) and attached *Tree Removal, Site Activities, and Mitigation Sketch Plan* dated February 12, 2021 (*Sketch Plan*, **Attachment B**) for the property located at 12 Chatham Way in Lynnfield, Massachusetts (the site). This RDA and *Sketch Plan* have been prepared under the Massachusetts Wetlands Protection Act (M.G.L. ch. 131, s. 40, the *Act*) and its implementing Regulations at 310 CMR 10.00 (the *Act Regulations*), and the *Town of Lynnfield Wetland Protection Bylaw* (Chapter 240, the *Bylaw*) and its implementing *Conservation Commission Regulations* (the *Bylaw Regulations*). The Applicant seeks approval from the Lynnfield Conservation Commission (Commission) for hazard tree removal, installation of a sports court, and reconstruction of an existing patio within the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands (BVW) and Riverfront Area associated with Bates Brook. Portions of the proposed sports court also may be located within previously developed portions of Bordering Land Subject to Flooding (BLSF); however, no change in grade within BLSF is proposed.

Existing Conditions

LEC conducted a site evaluation on January 26, 2021 to inspect the site, discuss proposed work with Ms. McGah, and determine the approximate location of BVW and Bank-Mean Annual High Water (MAHW) associated with Bates Brook as depicted on the *Sketch Plan*. The southwestern portion of the property contains a single-family dwelling with attached garage, and paved driveway surrounded by lawn and landscape plantings. A concrete patio and wooden deck occur off the rear of the dwelling, and a play set is located in the backyard. The balance of the property contains scattered clusters of eastern white pine (*Pinus strobus*) trees within the eastern and northern portions, and Bates Brook with a narrow band of woodlands and natural vegetation along the southeastern property line (see **Attachment A**, Figures 1 and 2). Site topography is generally flat through much of the site, while a gentle slope descends southeasterly toward Bates Brook. Numbered Site Photographs (Photos 1 through 11) are included in **Attachment D**.

Proposed Work

The Applicant proposes to remove 8 hazard trees, install a 15' x 20' sports court adjacent to the driveway, and reconstruct the existing concrete patio located off the rear of the dwelling as further described below and depicted on the *Sketch Plan*. Invasive plant removal and re-vegetation along Bates Brook with native sapling trees, shrubs, and ferns are proposed to mitigate for the proposed activities.

Tree Removal

Seven eastern white pine trees and a red maple tree located on the property (Photos 1 through 4) were evaluated by Keith's Tree Service, as described in a February 18, 2021 Letter by Massachusetts Certified Arborist Ken Green (MCA#: 1182, **Attachment C**). Six of these eastern white pines are located within mulched landscape beds west of the dwelling and contain significant crown damage, while the seventh is located at the lawn edge adjacent to the play set and contains root rot. The red maple tree located within a mulched landscape bed adjacent to the driveway also has significant crown damage. All eight trees pose

Page 1 of 4



a threat to the property, and damage to Ms. McGah's automobile has already occurred due to falling branches from the red maple tree adjacent to the driveway. Accordingly, removal of these hazard trees is proposed. Stumps will be ground and the land will be levelled with topsoil and returned to lawn and/or mulched landscape beds.

Sports Court

The Applicant proposes to install a 15' x 20' sports court along the southeastern edge of the existing driveway (Photo 4). The footprint of the proposed sports court is currently lawn and landscaped land. The court will be paved, and oriented parallel to the existing driveway to limit/prevent encroachment into the BLSF (see Attachment A, Figure 3). The proposed sports court will be constructed at existing grade, with the top of pavement at the same elevation as the existing land. Accordingly, no displacement of flood water will occur.

Patio Reconstruction

The Applicant proposes to reconstruct the existing concrete patio off the rear of the dwelling, expanding it by 4 feet to the northeast and southeast to connect the existing stairs descending from the deck and garage (Photo 5). The footprint of expansion is currently lawn. No change to the surrounding grade is proposed.

Mitigating Measures

The Applicant proposes erosion controls to protect adjacent Wetland Resource Areas during construction, and the removal of invasive vines and re-vegetation with native sapling trees, shrubs, and ferns as further described below and specified on the *Sketch Plan*.

Erosion Controls

While the potential for erosion and sedimentation is limited considering the limited scope of proposed work, the Applicant will install a 6" straw wattle between the play set in the backyard and Chatham Way as depicted on the *Sketch Plan* in order to demarcate the work area for equipment and ensure no activities occur any closer to the Bates Brook resource area than required. The straw wattle will remain in place until all work is complete and all exposed soils are stabilized. All material staging and stockpiling will be located on the existing driveway or inside the garage.

Invasive Vine Removal

A cluster of Oriental bittersweet (*Celastrus orbiculatus*) and grape (*Vitis* sp.) occurs adjacent to Bates Brook adjacent to the backyard and is choking a sapling fruit tree planted along the Bank (Photo 8). The Applicant proposes to remove these vines by hand by cutting the vines at the base and digging up the roots to the extent practicable. The exposed soil will be smoothed with a rake and straw mulch will be placed on top of the exposed soil to prevent erosion/sedimentation. Native restoration plantings also will be installed as further described below.

Native Restoration Plantings

The Applicant will install native restoration plantings as specified on the *Sketch Plan*, including eight (8) sapling trees, thirty (30) native shrubs, and eighteen (18) native ferns adjacent to Bates Brook. Two

Page 2 of 4



planting areas are identified on the *Sketch Plan*, north (Photos 8 and 9) and south (Photos 10 and 11) of an existing eastern white pine tree. The planting area north of the tree includes the vine removal area described above and a 3' section of existing lawn that will be removed and replanted. The planting area south of the tree includes existing, sparsely vegetated land that will be enhanced with native plantings. All sapling trees will measure between 4' and 6' tall with 1"-1.5" calipers, and all native shrubs will measure 2' to 3' tall at the time of planting.

Regulatory Compliance

The *Act* and *Act Regulations* regulate work within Riverfront Area and BLSF. Since the dwelling was constructed prior to the 2005 adoption of the *Bylaw* (the house was constructed sometime between 1995 and 2001 according to Google Earth imagery), the proposed activities are not subject to the *Bylaw* and *Bylaw Regulations*. Specifically, according to Section 240-3 A. of the *Bylaw: This bylaw shall not apply to any individual residential lot for single-family use, created before the enactment hereof. This bylaw shall not apply to the repair, renovation, reconstruction, extension or improvement of any single-family home existing on the date of enactment hereto. A description of the project's compliance with the pertinent sections of the <i>Act Regulations* is provided below.

Minor Activities

According to section 310 CMR 10.02 (2) (b) 2., certain activities are exempt from regulation under the Act, including: "Plantings of native species of trees, shrubs, or groundcover..., The conversion of lawn to uses accessory to residential structures such as decks,, sheds, patios...provided the activity, including staging and material stockpiling is located more than 50 feet from the mean annual high water line within the Riverfront Area, Bank or Bordering Vegetated Wetland, whichever is farther, and erosion and sedimentation controls are implemented..."

Since the proposed patio and sports court are located greater than 50 feet from the Bank-MAHW Line and/or BVW boundary, and erosion controls are proposed, these activities are exempt from regulation under the *Act Regulations*. To the extent the sports court may be located within BLSF, the sports court footprint is currently lawn and landscaped land, and no change in grade is proposed that would otherwise affect flood storage. Accordingly, no adverse effects to the BLSF will result.

Riverfront Area

The remaining work is limited to removal of eight (8) hazard trees, all but one of which are located within the outer portion of the Riverfront Area. The only alternative to tree removal would be to keep the hazard trees in place, which is not acceptable to the Applicant based on the Certified Arborist's evaluation. In order to mitigate for the tree removal, the Applicant proposes a robust replanting effort comprised of eight (8) sapling trees, thirty (30) native shrubs, and eighteen (18) native ferns adjacent to Bates Brook. This planting effort is commensurate with the scope of work proposed, and will improve the buffering capacity of the Riverfront Area between the brook and adjacent lawn area compared to existing conditions. Accordingly, the planting effort aligns the project with the intent of the Riverfront Area performance standards at 310 CMR 10.58 (4).

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Summary

On behalf of Casey McGah, LEC has prepared this RDA and attached *Sketch* Plan under the *Act* and the *Act Regulations*, and the *Bylaw* and *Bylaw Regulations* for hazard tree removal, installation of a sports court, and reconstruction of an existing patio within the 100-foot Buffer Zone to Bank and BVW and Riverfront Area associated with Bates Brook. Portions of the proposed sports court also may be located within previously developed portions of BLSF; however, no change in grade within BLSF is proposed. Erosion and sedimentation controls are proposed for the duration of proposed work. The proposed activities are exempt under the *Bylaw* and *Bylaw Regulations* since the dwelling was constructed prior to the 2005 adoption of the *Bylaw*. The sports court and patio are exempt activities according to the *Act Regulations*. The Applicant proposes invasive vine removal and a robust native planting effort to mitigate for the loss of the hazard trees within Riverfront Area. Accordingly, we request that the Commission issue a Negative Determination of Applicability approving the work proposed herein.

rak: 21-024\McGC\RDA Report.doc



Massachusetts Department of Environmental ProtectionBureau of Resource Protection - Wetlands

Lynnfield City/Town

WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 Town of Lynnfield Wetland Protection Bylaw (Chapter 240)

A. General Information

Important: When filling out 1. forms on the computer, use only the tab key to move your cursor - do not use the return key.





| 1. | Applicant: | | | | |
|-----------|--|----------------------|----------------------------------|--|--|
| | Casey McGah, Trustee, McGah Family Trust | caseymcgah@gmail.com | | | |
| | Name | E-Mail Address | | | |
| | 12 Chatham Way | | | | |
| | Mailing Address | | | | |
| | Lynnfield | MA | 01940 | | |
| | City/Town | State | Zip Code | | |
| | 978-808-2732 | n/a | · | | |
| | Phone Number | Fax Number (if | applicable) | | |
| 2. | Representative (if any): | | | | |
| | LEC Environmental Consultants, Inc. | | | | |
| | Firm | | | | |
| | Richard Kirby | rkirby@lece | nvironmental.com | | |
| | Contact Name | E-Mail Address | | | |
| | 380 Lowell Street, Suite 101 | | | | |
| | Mailing Address | | | | |
| | Wakefield | MA | 01880 | | |
| | City/Town | State | Zip Code | | |
| | 781-245-2500 | 781-245-667 | 77 | | |
| | Phone Number Fax Number (if applicable) | | | | |
| B. | Determinations I request the Lynnfield make the following determination(s). Check any that apply: Conservation Commission | | | | |
| | a. whether the area depicted on plan(s) and/or map(s) r jurisdiction of the Wetlands Protection Act. | referenced below i | nced below is an area subject to | | |
| | b. whether the boundaries of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated. | | | | |
| | c. whether the work depicted on plan(s) referenced below is subject to the Wetlands Protection Act. | | | | |
| | d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any municipal wetlands ordinance or bylaw of: | | | | |
| | Lynnfield Name of Municipality | | | | |
| | e. whether the following scope of alternatives is adequate for work in the Riverfront Area as depicted on referenced plan(s). | | | | |
| | | | | | |

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Massachusetts Department of Environmental ProtectionBureau of Resource Protection - Wetlands

Lynnfield City/Town

WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 Town of Lynnfield Wetland Protection Bylaw (Chapter 240)

C. Project Description

| 1. | a. Project Location (use maps and plans to identify the location of the area subject to this request): | | | | |
|----|--|------------|--|--|--|
| | 12 Chatham Way | Lynnfield | | | |
| | Street Address | City/Town | | | |
| | Map 25 | Parcel 684 | | | |
| | Assessors Map/Plat Number Parcel/Lot Number | | | | |
| | b. Area Description (use additional paper, if necessary): | | | | |
| | The 1.12-acre property is located on the northeast side of Chatham Way, within the eastern portion of Lynnfield, and contains a single-family dwelling with attached garage, paved driveway, and concrete patio surrounded by lawn and landscaped land. An unnamed perennial stream occurs along the southeastern property boundary placing the majority of the site within Riverfront Area. A narrow band of BVW occurs intermittently along the northwestern Bank of the stream, and a portion of the site adjacent to the stream is located within BLSF. Scattered eastern white pine and red maple trees occur throughout the site, particularly within the western and northern portions. | | | | |
| | c. Plan and/or Map Reference(s): Sketch Plan prepared by LEC Environmental C | | | | |
| | Title | Date | | | |
| | Title | Date | | | |
| | Title | Date | | | |
| 2. | a. Work Description (use additional paper and/or provide plan(s) of work, if necessary): | | | | |
| | The Applicant proposes to remove eight large trees that pose a threat to the dwelling and its inhabitants, install a 15' x 20' paved sports court adjacent to the existing driveway, and replace/expand the existing concrete patio off the rear of the dwelling. These activities are located within the 100-foot Buffer Zone to BVW/Bank, and/or existing previously developed or degraded Riverfront Area. | | | | |
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Massachusetts Department of Environmental ProtectionBureau of Resource Protection - Wetlands

Lynnfield City/Town

WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 Town of Lynnfield Wetland Protection Bylaw (Chapter 240)

C. Project Description (cont.)

| | cessary). | | | |
|----------|--|--|--|--|
| 31 | 0 CMR 10.02 (b) 2. Minor Activities | | | |
| | | | | |
| | | | | |
| | | | | |
| a. Ri | If this application is a Request for Determination of Scope of Alternatives for work in the verfront Area, indicate the one classification below that best describes the project. | | | |
| | Single family house on a lot recorded on or before 8/1/96 | | | |
| | Single family house on a lot recorded after 8/1/96 | | | |
| | Expansion of an existing structure on a lot recorded after 8/1/96 | | | |
| | Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96 | | | |
| | New agriculture or aquaculture project | | | |
| | Public project where funds were appropriated prior to 8/7/96 | | | |
| | Project on a lot shown on an approved, definitive subdivision plan where there is a recorded dee restriction limiting total alteration of the Riverfront Area for the entire subdivision | | | |
| | Residential subdivision; institutional, industrial, or commercial project | | | |
| | Municipal project | | | |
| | District, county, state, or federal government project | | | |
| | Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection. | | | |
| b. ab | Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification ove (use additional paper and/or attach appropriate documents, if necessary.) | | | |
| | | | | |
| | | | | |

wpaform1.doc • rev. 07/14/04. Page 3 of 4



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

Name and address of the property owner:

Lynnfield City/Town

WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 Town of Lynnfield Wetland Protection Bylaw (Chapter 240)

D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office (see Attachment) were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

| Casey McGah, Trustee, McGah Family Trust | | | | |
|---|-------------------|--|--|--|
| Name | | | | |
| 12 Chatham Way | | | | |
| Mailing Address | | | | |
| Lynnfield | | | | |
| City/Town | | | | |
| MA | 01940 | | | |
| State | Zip Code | | | |
| Signatures: I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations. 2/15/2 Signature of Applicant | | | | |
| Signature of Representative (if any) | February 12, 2021 | | | |
| | | | | |

Attachment A

Figure 1: USGS Topographic Map

Figure 2: MassGIS Orthophoto with NHESP

Figure 3: FEMA Flood Insurance Rate Map

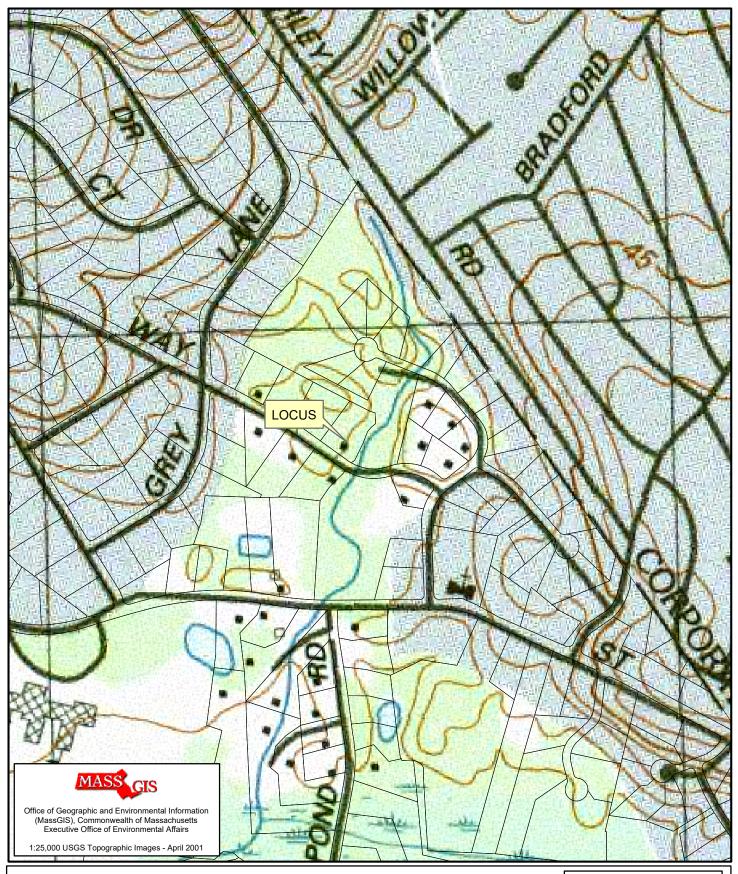




Figure 1: USGS Topographic Map 12 Chatham Way Lynnfield, MA

February 19, 2021

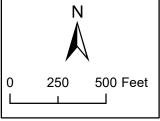
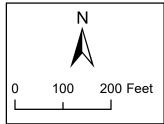






Figure 2: MassGIS Orthophoto & NHESP Map 12 Chatham Way Lynnfield, MA

February 19, 2021



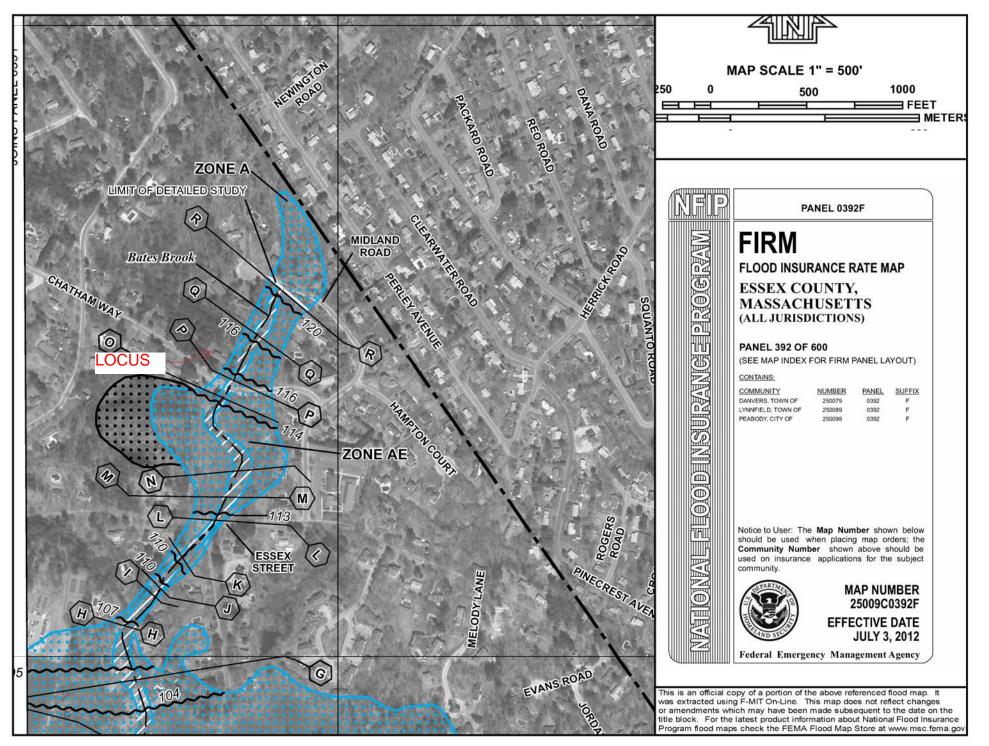


Figure 2: FEMA Flood Insurance Rate Map

I FGFND



ZONE AE

SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

No Base Flood Elevations determined. **ZONE A**

Base Flood Elevations determined.

ZONE AH Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations

determined.

Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average **ZONE AO**

depths determined. For areas of alluvial fan flooding, velocities also determined.

ZONE AR Special Flood Hazard Areas formerly protected from the 1% annual chance

> flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide

protection from the 1% annual chance or greater flood.

ZONE A99 Area to be protected from 1% annual chance flood by a Federal flood

protection system under construction; no Base Flood Elevations determined.

ZONE V Coastal flood zone with velocity hazard (wave action): no Base Flood Elevations

determined.

ZONE VE Coastal flood zone with velocity hazard (wave action); Base Flood Elevations

determined.



FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.



OTHER FLOOD AREAS

ZONE X Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square

mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS

ZONE X Areas determined to be outside the 0.2% annual chance floodplain.

ZONE D Areas in which flood hazards are undetermined, but possible.



COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS



OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

1% Annual Chance Floodplain Boundary

0.2% Annual Chance Floodplain Boundary

Floodway boundary

Zone D boundary

CBRS and OPA boundary

Boundary dividing Special Flood Hazard Area Zones and boundary dividing Special Flood Hazard Areas of different Base Flood Elevations.

flood depths, or flood velocities.

Base Flood Elevation line and value; elevation in feet*

Base Flood Elevation value where uniform within zone; elevation in (EL 987)

feet*

*Referenced to the North American Vertical Datum of 1988



Geographic coordinates referenced to the North American Datum of 45° 02' 08", 93° 02' 12"

1983 (NAD 83) Western Hemisphere

1000-meter ticks: Massachusetts State Plane Mainland Zone 4989000 M

(FIPS Zone 2001), Lambert Conformal Conic projection

4989^{000m} N 1000-meter Universal Transverse Mercator grid values, zone 19N

Bench mark (see explanation in Notes to Users section of this FIRM panel)

River Mile

M1.5

MAP REPOSITORIES Refer to Map Repositories list on Map Index

EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP July 3, 2012

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL

Tree Removal, Site Activities, and Mitigation Sketch Plan dated February 12, 2021 prepared by LEC



Tree Removal, Site Activities, and Mitigation Sketch Plan

12 Chatham Way Lynnfield, MA | dated February 12, 2021 | prepared by LEC Environmental Consultants, Inc.

Bank-MAHW (Approximate)

BVW (Approximate)

X Tree to Be Removed (TBR)

6" Straw Wattle/Limit of Work

Invasive Vines TBR

Re-planting Area (refer to February 26, 2021 RDA)

Native Sapling Trees to be Planted:

- 2 Balsam fir (Abies balsamea)
- 2 Black spruce (Picea mariana)
- 2 River birch (Betula nigra)
- 2 Tupelo (Nyssa sylvatica)

Native Shrubs to be Planted:

- 6 sweet pepperbush (Clethra alnifolia)
- 6 highbush blueberry (Vaccinium corymbosum)
- 6 Black chokeberry (Aronia melanocarpa)
- 6 Red-Osier dogwood (Cornus sericea)
- 6 Witch hazel (Hamamelis virginiana)

Native Ferns to be Planted:

- 6 New York fern (*Thelypteris novaboracensis*)
- 6 Cinnamon fern
 (Osmunda cinnamomea)
- 6 Ostrich fern (Matteuccia struthiopteris)

February 18, 2021 Letter by Massachusetts Certified Arborist Ken Green



Keith's Tree Service, Inc.

436 B Water Street
Wakefield, Ma. 01880
Phone # 781-224-9995 - Cell # 617-620-0361
keith@keithstreeremoval.com



February 18, 2021

RE: Casey McGah 12 Chatham Way Lynnfield, Ma 01940

To Whom it may concern:

,

This letter is in response to the Conservation Commission's request for a letter stating why the above referenced homeowner, needs to remove trees in conservation area.

Our certified aborist has inspected these trees and has determined that the Red Maple to the right of driveway has a significant amount of crown damage, the 6 White Pine's along the front left side of property have significant crown damage and propose threat to home and also the White Pine at back left corner of property has a root rot and proposes a threat to home.

Ken Greeno MCA # 1182

Site Photographs



Photos 1 and 2: Eastern White Pine trees in front yard to be removed



Photo 3: Eastern White Pine tree adjacent to playset to be removed



<u>Photo 4</u>: Red Maple tree adjacent to driveway to be removed. Sports court proposed between existing tree and driveway.



<u>Photo 5</u>: Existing patio off rear of dwelling to be reconstructed and expanded by 4' to existing steps from deck and garage (as approximated by black lines).



<u>Photo 6</u>: Northeasterly view of Bates Brook.



<u>Photo 7</u>: Landscaped land adjacent to Bates Brook in place as early as 2005 according to Google Earth imagery. (Note sprinkler head which was in place when McGah's purchased the property in 2014).



<u>Photo 8</u>: Southerly view of invasive vines to be removed and northern planting area shaded in green.



<u>Photo 9</u>: Southerly view of northern replanting area shaded in green.



Photo 10: Northerly view of southern planting area shaded in green



<u>Photo 11</u>: Southerly view of southern planting area shaded in green with Chatham Way in background.