

SUDBURY CONSERVATION COMMISSION
Minutes of the Meeting held Monday, Oct. 15, 2007

Present: Greg Topham, Chairman; Ted Pickering, Vice-Chairman; Richard Bell; Parker Coddington; Chris McClure; Debbie Dineen, Coordinator; Victoria Parsons, Technical Asst.

Request for Amendment to Order: Lot 11 Kendra Dr.

Present: Marcel Maillet

Mr. Maillet explained that he had sprinklers installed on Lot 11 Kendra Drive that obtained water from the well installed on Lot 8. He understood that the scope of work approved in the Order of Conditions on Lot 11 did not include approval for irrigation well coverage. He would like to maintain the installation of the shared in-ground irrigation well and coverage onto Lot 11.

The Commission reviewed the plan and noted that there was little distance between the lawn area and the wetland area. As a result, increased lawn irrigation is likely to lead to the introduction of fertilizers into the wetland.

R. Bell moved to “remove the sprinklers coverage within the back yard. G. Topham and P. Coddington 2nd”; unanimous in favor

EXECUTIVE SESSION:

Discussion:

The Coordinator requested a vote to enter Executive Session for the review of the Conservation Commission’s consultant data received to date, relative to pending legal action (Town Counsel advised that this discussion should be in Executive Session)

R. Bell moved to enter Executive Session for the purpose of discussing findings relative to pending litigation. G. Topham 2nd; unanimous in favor by roll call vote.

Present: Bruce Ey, Schofield Brothers (consultant for the Commission)

R. Bell moved to exit Executive Session and return to the regular meeting. Commissioners voted unanimously in favor of the motion by roll call vote.

Discussion: Ciampa, 821 Boston Post Rd.

Present: B. Ey; Myron Fox; Mr. & Mrs. Ciampa

The Coordinator reminded the Commission that at a previous meeting the Ciampa’s request for an Extension of their Order of Conditions was denied. She reviewed the state regulations and the Commission’s policy on the issuance of Extension Permits. Extensions are not granted unless: 1) work is well underway with only minor construction or stabilization remaining; 2) in some situations work could not begin due legal appeals. In the case of the Ciampa property, no work has begun and no appeals were filed.

According to the applicant, work has not commenced due to poor market conditions and no buyers for the two lots. Subsequent to the issuance of the Order three years ago, NHESP placed a priority habitat designation in 2006 on Box Turtle nesting habitat on the site. To address the requirements of Natural Heritage, alternatives to reduce the footprint of disturbance must be investigated. In addition, the March 2006 Habitat Evaluation is now available.

Mr. Ey noted that new septic designs with a smaller footprint, such as a Presby system, could be used. Conditions could be placed on the timing of mowing.

Commissioners would like to see a new Notice of Intent identifying all alternatives along with another investigation of alternatives (location, design, etc.) for the proposed intermittent stream crossing.

A site visit was scheduled for Sat., Nov. 3.

17 Lincoln Lane

As a follow up from a public hearing held in May 2007, the Commission was requested to issue the amended Order as the property is now ready to have a transfer of title. A conservation restriction is being placed on over two-thirds of the property by the new owner. In addition, the property has been further subdivided from one 7.4-acre lot into three separate lots. The scope of work covered by the Order applies only to Lot 2. Therefore, the new owner would like a Partial Certificate of Compliance for Lots 1 & 3.

G. Topham moved: to issue the Amended Order of Conditions as discussed at the May 7, 2007 public hearing; to sign the conservation restrictions for Lot 1 & 3, and Lot 2; and issue the Partial Certificate of Compliance for Lots 1 & 3. J. Sklenak 2nd ; unanimous in favor

Beckett land offer; parcel J10-607

The Coordinator had received a letter offering a 1.2-acre parcel of land at the end of Kato Drive to the Town. She has forwarded on to the Town Manager and Planning Director. The letter implied the land would not be gift but was being offered for sale to the Town first before it goes on the market. The real estate taxes recently increased significantly, however it is not clear if the parcel is developable. It abuts other protected Town and SVT land.

Commissioners recommended that more investigation be done into the asking price and development potential. The Coordinator will follow up with the Town Manager.

Amended Order: Villages @ Old County Rd.

A request for a minor Amendment to the Order of conditions has been received. The applicant, Trask Development, would like to convert the approved decks on the southwesterly units to enclosed porches. The Coordinator recommended approval as the footprint was not changing. Commissioners voted unanimously in favor of the amendment.

Violation Enforcement Actions

The Coordinator reported that the applicants on three Orders of Conditions have far exceeded the time frames for action indicated in the Order. The activities outstanding include lack of recording of conservation restrictions at **249 Dutton Rd.**; no revegetation and lawn expansion in progress at **25 Ronald Rd.**; and restoration plantings not done and an expired Order at **11 Philemon Whale.** The CR, the revegetation, and the restoration plantings were all offered as part of mitigation for approved work. All three applicants have received numerous notices that compliance has been overdue.

Commissioners directed the Coordinator to contact the applicants once more with a deadline for compliance, which if not met, will result in fines.

WPA/Bylaw Notice of Resource Area Delineation (cont.): Lot 4 Fairbank Rd.

WPA/Bylaw Notice of Resource Area Delineation (cont.): Lot 5 Fairbank Rd

Present: Sean Hale of David Ross Assoc.

At a site visit on Sat., Oct. 13, 2007 the wetland resource areas in question were reviewed in the field and the wetland delineation was amended for mean annual high water in one area, and the intermittent stream was added to the plan.

R. Bell concurred with the amended plan as it reflected the finding on site. He moved to close the hearing and accept the delineation shown on the 10/15/07 revision of the plan. J. Sklenak 2nd: unanimous in favor

WPA & Bylaw Notice of Intent: 454 Boston Post Rd.; Middlesex Savings Bank

Present: Brian Milisci; Bruce Weisberg; Alan Popkin

The project consists of drainage reconstruction in a commercial parking lot. To mitigate for the additional parking areas (current impervious storage area to be converted to parking), the parking lot will be retro-fitted with Stormceptor Model 450i units in place of all existing catch basins. No expansion of pavement is proposed. The stormceptor will match the existing outlet pipe elevation. They plan to mill or remove pavement with the repaving holding the grades to force flow to the drainage structures. Pre and post development flows are unchanged.

The Conservation Commission makes no determination on the classification or delineation of the wetland resources as shown on the referenced plan as part of this project, as all work will occur on existing impervious surfaces.

The bank use will require reactivation of the easterly access.

The septic system passed Title V with only maintenance of the pump chamber needed at this time.

The Commission discussed the following items to be included in the Order of Conditions:

Snow containment area;

Westerly ditch maintenance included in the O & M plan;

Formal easement to access septic to be obtained from the abutter;

Trail connector easement permitting construction of a small bridge is granted to the Town;

No irrigation in-ground irrigation system is installed; and,

A Landscape plan is submitted for approval.

The applicant agreed to all the above conditions.

R. Bell moved to close the hearing. J. Sklenak 2nd: unanimous

WPA & Bylaw Notice of Intent (cont.): 29 Hudson Rd., Sudbury Common 40 B;

Affordable housing reconstruction

Present: Paul Finger; and Somerset Sudbury Dev LLC representative

The impervious paved areas of the site currently flow into the wetlands through a drainage system that has no pollutant uptake or best management practices. The proposed development plan slightly reduces the impervious surfaces on site and will have a drainage system that has been designed to fully comply with the MA DEP Stormwater Management Policy. No work is proposed below the FEMA floodplain elevation. This parcel does not include habitat of rare wildlife, nor does the parcel itself contain certified vernal pools, according to the Oct. 2006 Map of Estimated Habitats of Rare Wildlife and Certified Vernal Pools, published by the Massachusetts Natural Heritage and Endangered Species Program.

The project consists of the reconstruction of a shopping area into units of housing to include affordable units in accordance with M.G.L. Chapter 40B. As such, permitting for work within the jurisdictional areas of the Sudbury Wetlands Administration Bylaw will be reviewed and determined by the Zoning Board of Appeals.

The first 1" of the rainfall from Hudson Road's Town system is to be treated within the on-site system. The westerly boundary recharge pipe system will connect 2 on site recharge pipes with an equalizer pipe. This will allow recharge of runoff into the area of the wetland along the EOT railroad bed.

Commissioners questioned the need for a drainage easement through 29 Hudson Road for town drainage. Mr. Finger noted that there is a drainage easement in place on the abutting

property to the south. He stated the issue of a drainage easement should not be a concern of the Commission's under the WPA hearing. The Coordinator disagreed. The work on-site is being presented as a drainage upgrade. If easements are not in place for drain maintenance, the project will not function as proposed over the long term.

Commissioners questioned the use of in-ground irrigation on the site and requested the applicant consider rainwater harvesting. The site has small lawn areas and generous impervious surfaces. Mr. Finer stated that the site will need a 2nd source in any event and the current drainage design now recharges runoff. Mr. Sklenak calculated that roughly 150,000 gal. of runoff could be stored for reliable irrigation source. The Commission requested a Landscape Plan to see how much area will be vegetated and with what plant species. Mr. Finger stated that no Landscape Plan has been developed at this time.

Mr. Finger replied that it makes no economic sense for his client to provide irrigation water storage. D. Dineen noted that the Commonwealth of Ma's Smart Growth Initiative recommends the use of rainwater recovery as part of Limited Impact Development techniques. Mr. Finger replied that Mr. Duffy needs to see payback. He added that the Landscape Plan consists of lawn and shrubs which will require watering. D. Dineen questioned Mr. Finger on his inconsistencies. He previously stated that there was no landscape plan. Mr. Finger replied that there was no Landscape Plan for the Conservation Commission to review. J. Sklenak restated the need to review the landscape plan as part of this project. He added that he was hearing one evasive step at a time when the Commission is asking for information.

The Coordinator suggested the Commission consider closing the hearing and issuing an OOC requiring the outstanding information prior to the start of construction. The applicant has the right to appeal. Outstanding issues can also be conveyed to ZBA in writing along with a recommendation for a close review of the pro forma financial information.

J. Sklenak moved to close the hearing. P. Coddington 2nd ; unanimous in favor

The Order will be reviewed and voted at the next meeting. A Draft Order will be sent to Paul Finger.

WPA & Bylaw Request for Determination: Fay Fields, Lincoln Rd.

Present: Laura Mattei, SVT; Ken , MA Fish & Wildlife

Ms. Mattei presented a plan to connect one 4-acre and one- 6 acre field on Lincoln Road by removing a hedgerow of mature trees, shrubs, and herbaceous plants from Lincoln Road to the wood line in an area around two parallel stone walls. The purpose is to create bobolink habitat in hopes that bobolinks will colonize the area.

J. Sklenak stated the project is sacrificing the habitat now in the hedgerow for field habitat for bobolinks. By trying to provide bobolink habitat, the project may remove habitat of woodcock or grouse, species currently known to be in that area.

Ken noted that the fields are within a grassland focus area. The Commission reviewed the maps of the focus area and noted that the large fields across the street are now in active nursery stock and are not grassland habitat. That reduces the overall value of the area for attracting grassland birds.

D. Dineen suggested that only the northern half of the hedgerow be removed. This would remove the largest percent of invasive species, provide an open connection between the fields, and not result in wetland alteration. Ms. Mattei stated that removing only half the hedgerow will not attract bobolinks.

D. Dineen recommended the Commission vote a positive NOI, requiring an assessment of pre and post wildlife value of the hedgerow, addressing both rare and common species. She noted that the project includes clearing wetland resource area. Anytime a project alters wetlands, conditions must be placed on the project to ensure replacement of values and functions and mitigation for any loss. This cannot be done under the RDA submitted.

Ken stated that Mass Wildlife wants 10% of the state's area in grassland; we now have 2%. J. Sklenak stated that the conversion of wooded areas to grassland often pits maintaining biodiversity of common species against habitat for declining species. G. Topham noted the need for a detailed discussion of the trade-offs when altering wildlife habitat.

G. Topham moved for a positive DOA. J.S. 2nd; unanimous in favor

The Commission agreed to form a small working group to continue to investigate these habitat issues.

The meeting was adjourned at 9:30pm.