

**Sudbury Conservation Commission**  
**Minutes of the Meeting Held Dec. 8, 2008**

Present: Richard Bell (acting Chairman for this meeting); Parker Coddington; Ethan Jessup; Debbie Dineen, Coordinator; Sam Webb, Commissioner Candidate

**WPA & Bylaw Request for Determination: 241 Old Sudbury Rd., M. Ryan**

Present: Mr. & Mrs. Matthew Ryan

Mr. Ryan presented a plan for a house and garage addition on his property. All work will be located on existing lawn or paved driveway. The driveway will not be enlarged or reconfigured to accommodate any new construction.

The Coordinator informed the Commission that to the north of the lot is a pond with an area of bordering vegetated wetland. To the south is a perennial stream with a vegetated wetland, perhaps containing a vernal pool. A previous filing on this lot established a permanent limit of lawn. All proposed work is within the approved lawn limit or on impervious surface. She recommended a negative Determination.

On a motion by P. Coddington; 2<sup>nd</sup> R. Bell, the Commission voted unanimously in favor of a negative Determination.

**WPA & Bylaw Notice of Intent: Knox Trail Council, Nobscot Rd.**

Present: Adam Miller, Ranger

Mr. Miller presented plans for the construction of new maintenance garage/storage facility within 100' of vegetated wetland and within 84' of a perennial stream. The area was chosen because it abuts the existing maintenance facility and proximity is important. A packed-gravel roadway leads to the area and is located between the wetland and proposed new structure.

The Coordinator advised the Commission that she and Vice-Chairman John Sklenak visited the site last month. An alternatives analysis indicated that relocation of the existing and proposed maintenance/garage/storage area would be difficult due to the extent of land recently placed under a conservation restriction (CR). Relocating this maintenance complex outside the CR would result in the clearing of a large wooded area. The land in Framingham was not taken into account for this analysis.

The area of the proposed new structure showed evidence of past disturbance. Although there are trees within the footprint of the building, the area looks to have been cleared and graded in the past; most likely at the time White Lodge was constructed.

Commissioners agreed that the proposed location will result in the least amount of disturbance, and the disturbance which will occur will be on an area that is not the original topography. Only sand may be used for ice conditions. No paving of the gravel roadway shall occur as part of this project. Should the Knox Trail Council consider paving this gravel road in the future, a new Notice of Intent will be required and stormwater management, in addition to all other performance standards, will be required.

On a motion by P.Coddington; 2<sup>nd</sup> R. Bell; the Commission voted unanimously in favor of closing the hearing. On a motion by R. Bell; 2<sup>nd</sup> P.Coddington; the Commission voted unanimously in favor of issuing the Order as discussed.

**Discussion: Aln Bascom of Pond & Waterways Committee**

At the request of the Commission Mr. Bascom attended the meeting to introduce himself as he was recently appointed to the Ponds & Waterways Committee (PWC) as the Conservation Commission liaison. He explained that the PWC was advisory only and they are working to identify waterbodies and educate people on how to best protect and prevent further harm to these valuable town assets. Mr. Bascom was a Conservation Commissioner in Framingham in the early 1980's before moving to Sudbury. He presented the new Sudbury Watershed map developed through a grant to PWC.

The Commission suggested Mr. Bascom periodically update the Commission on the PWC activities and be prepared to alert the ConCom and PWC when suggested PWC recommendations might have wetland permitting issues. This will give both groups the opportunity for discussion of the permitting feasibility early in the process.

### **WPA & Bylaw Request for Determination: 71 Robert Best Rd., swimming pool construction**

Present: Ralph Sabatino

The Coordinator informed the Commissioners that this item did not appear on the agenda because an email was received stating that the project was withdrawn. Mr. Sabatino explained that only the house remodeling portion of the project had been withdrawn as far as he knew and the swimming pool construction was moving forward. The Coordinator stated that the meeting notice had been published and the abutters were informed by Mr. Sabatino. There was no legal reason the meeting could not proceed for the swimming pool installation.

Mr. Sabatino presented the plan for installation of a swimming pool and associated fencing on existing lawn area. The filter system uses a cartridge filtration so back-flushing is not required on a regular basis. Should the water need to be drawn down, it will stand for a minimum of two weeks without any additives prior to discharge over the lawn for infiltration into the soil.

On a motion by P. Coddington; 2<sup>nd</sup> R. Bell; the Commission voted unanimously in favor of a negative Determination.

### **Discussion: Woods Walk Sanctuary, 161 Dutton Rd., Judith Rhome**

Present: Judith Rhome

Mrs. Rhome informed the Commission of her plans to convert her existing residence into four universally accessible separate bedroom suites with common living areas for people with disabilities. One bedroom suite will be designed for physical handicaps. All four units will qualify as low-income housing for the town.

The project will include a universally accessible nature trail with public access throughout the 5-acre property. The trail will connect to an SVT Memorial Forest trail. The portion of the property to the rear of the house will be placed into a perpetuity conservation restriction.

The plans originally contained provisions for an overlook pavilion near the wetland. This has been scaled back and Mrs. Rhome now envisions a smaller structure to provide shelter and screening from insects. The new design will eliminate the piers embedded in the slope to the wetland. The Commission raised concerns regarding the stability of the slope due to the extent of buried debris.

Mrs. Rhome is seeking CPA funds for the purchase and modification of in her land for this use. Local zoning exempts the use as it serves people with disabilities.

On a motion by P. Coddington; 2<sup>nd</sup> by R. Bell; the Commission voted unanimously to support the permanent protection of the rear portion of 161 Dutton Road and the creation of a public, universally-accessible, nature trail on the land.

**WPA & Bylaw Notice of Intent: Raytheon, Boston Post Rd.**

Present: R.J. Dowling & David White of Woodward & Curran; Mr. Martinelli, Mr. Smey; and Mr. Hansman of Raytheon, and others

Mr. Dowling presented plans for the upgrade of the Wastewater Treatment Plant serving the Sudbury facility for the purpose of meeting the new DEP effluent discharge requirements to the sand beds. The project will disturb 16,000 sq. ft. of area and add approximately 1,300 sq. ft. of new impervious area. A small detention basin is designed to attenuate peak runoff flows from the new impervious area. Most of the work will occur on existing grass area with limited clearing of vegetation in the upland resource area.

The Coordinator noted that Vice-Chairman John Sklenak had reviewed the filing and was familiar with the Raytheon site in Sudbury. He suggested the use of porous pavement in the proposed new paved area. D. Dineen added that the use of porous pavement will eliminate the need for the stormwater detention basin and much of the grading. The Woodward & Curran and the Raytheon representatives agreed to this change. The haybales will remain as shown on the plan and the area within the haybales used as construction staging area.

The chemical storage area is for food-based chemicals. Floor drains will recycle these natural chemicals through the treatment plant process. No calcium chloride will be permitted for dust control. No sodium-based deicing chemicals are to be used on site. No parking lot “sealants” are permitted to be used onsite. These will become perpetuity conditions. No SWPPP is required as the area of construction is less than one acre. Landscaping shall consist of loam and seed with native species. The exact wetland edge is not accepted as part of this Order as the work is clearly on existing lawn area and the project purpose is water quality enhancement.

On a motion by R. Bell; 2<sup>nd</sup> P. Coddington; the Commission voted unanimously in favor of closing the hearing and issuing the Order as discussed.

**Wetland Violations Discussion:**

37 Bigelow Drive; Clark

D. Dineen informed the Commission that a Notice of Violation (NOV) had been issued last spring. A site meeting was held 5/13/08 with the homeowner and their Attorney, Michael Katin. It was agreed upon at this meeting that a Notice of Intent was to be submitted to address the removal of the lawn area that was expanded well beyond the approved limits of lawn. The area to be restored was conceptually marked in the field and a discussion of suitable vegetation occurred.

In spite of follow up calls and emails, the NOI has not been received to date. The Coordinator is recommending a certified letter be sent to the homeowner with a specific, short, deadline for receipt of the NOI. Fines will begin and be retroactive to the original NOV if the NOI is not received within the set timeframe.

Grist Mill Pond draining

The Coordinator informed the Commission that the miller at the Wayside Inn has been lowering the level of the Grist Mill pond to protect the newly-painted water-wheel for the winter.

Previously, the sluice to the mill had been blocked to prevent pond water from reaching the mill. In a conversation with Frank Lyons, Hop Brook Protection Association, Mr. Lyons noted that it is still very feasible to continue to block the sluice; it only requires more monitoring than completely draining the pond. Mr. Lyons added that draining the pond eliminates the recreational use of ice skating in the winter. D. Dineen added that draining the pond is likely to result in turtle, fish, and small invertebrate kills due to freezing and lack of oxygen.

The Commission directed the Coordinator to discuss these concerns and the wetland alterations with the Wayside Inn grounds keeper, miller, and Innkeeper and report back to the Commission.

#### 96 Peakham Rd.

The homeowner, Arthur Maxwell, has acknowledged receipt of the letter explaining the violations on the site. He has requested an extension of time to meet with the Commission until the end of January as he will be out of the country until that time.

The Commission agreed to postpone the discussion with Mr. Maxwell until the January 12<sup>th</sup> meeting.

#### **Certificates of Compliance:**

##### 10 Frost Lane & 810 Concord Rd ; Frank Vanaria present

The Coordinator explained that 10 Frost Lane was completed as approved, however the Order for 10 Frost was tied to the relocation of the retaining wall at 810 Concord Rd. The retaining wall was originally built within the conservation restriction area. Mr. Vanaria presented an as-built plan dated April 2, 2008 showing the relocation of the wall as required. Iron pins have been set at the wall corners to demarcate the edge of the CR area.

On a motion by R. Bell; P. Coddington 2<sup>nd</sup>; the Commission voted unanimously in favor of issuing the COC for both of the above Orders.

##### 29 Briant Drive

The Coordinator recommended issuing the COC as the stone wall had been relocated and native plantings were installed between the wall and the wetland.

On a motion by P. Coddington; 2<sup>nd</sup> by R. Bell; the Commission voted unanimously in favor of issuing the COC.

##### Twin Pond Lane

The Coordinator recommended issuing the COC for the road and drainage construction associated with DEP File #301-170 for Twin Pond Lane. The as-built plans were received many years ago and the Town has accepted the streets.

On a motion by P. Coddington; 2<sup>nd</sup> by R. Bell; the Commission voted unanimously in favor of issuing the COC.

#### **Miscellaneous:**

##### Minutes

On a motion by R. Bell; 2<sup>nd</sup> by P. Coddington, the Commission voted unanimously in favor of approving the Minutes of **11/17/08**.

2009 ATM Warrant Articles:

Wetland Fee Appropriation – the Warrant Article was approved and signed to appropriate funds collected under the Wetlands Bylaw for use by the Commission for wetlands bylaw administration.

Frost Farm land acquisition

Commissioners decided not to submit a warrant article for the transfer of the remaining town-owned land at Frost Farm for dedication as conservation land. The status of the Frost Farm development is unknown at this time. The warrant article will again be submitted in at ATM 2010.

Meeting schedule:

Unless otherwise posted and a quorum obtained, the Commission will be meeting on 1/12, 1/26, and 2/9/09.

The meeting was adjourned at approximately 8:55pm.