

SUDBURY CONSERVATION COMMISSION

Minutes of the Meeting Held February 11, 2008

Present: Greg Topham, Chairman; Ted Pickering, Vice-Chairman; Parker Coddington; John Sklenak; Chris McClure; Debbie Dineen, Coordinator; Victoria Parsons, Technical Assistant

Minutes

On a motion by G. Topham, 2nd T. Pickering, the Commission voted unanimously in favor approving the Minutes of **Jan. 7, 2008**.

Ponds & Waterways Committee Representative

T. Pickering informed the Commission that he will no longer be able to serve as the Commission's representative on the PWC due to a change in employment. He explained the scope of the PWC Mission and the time commitment required. Commissioners will consider if they have time to fill the vacancy.

Conservation Commission Reorganization:

Mr. Pickering also wished to step-down as Vice-Chairman at this time. On a motion by Parker Coddington, 2nd G. Topham, the Commission voted unanimously in favor of electing John Sklenak as Vice-Chairman.

Far Hills Preliminary Subdivision: Comments to Planning Board

The Conservation Commission reviewed the Far Hills Preliminary Subdivision plan dated Jan. 30, 2008.

The applicant has not submitted a Notice of Resource Area Delineation (NRAD). Until the wetland line is reviewed and approved formally by the Conservation Commission, the extent of resource areas shown on the plan is subject to amendment. The Commission strongly recommends it be submitted prior to filing the subdivision plan.

The roadway access requires filling some or all of an isolated wetland area. This wetland resource area along with the 100' upland resource area around it will be eliminated by the proposed construction. The values and functions of this area as a wetland must be identified and the performance standards in the regulations must be met. In addition, the applicant must demonstrate to the Commission that there are no other alternatives; including a reduction in the scope of the project, alternative accesses, waiver potentials, etc. The Commission is not likely to look favorably on wetland replication in any currently undisturbed area.

The site is identified by the MA Natural Heritage and Endangered Species Program as containing a state-listed turtle species. The applicant should obtain NHESP input before continuing the permitting process as NHESP is likely to require conditions on the development that could impact the design layout. A MA Endangered Species Act (MESA) permit will be required.

A complete Wildlife Habitat Evaluation must be conducted on the site prior to submission of a Notice of Intent for the development.

Permanent limits of lawn should be shown on all plans used for permitting purposes. Maintaining the natural setting, the use native vegetation, prohibiting in-ground irrigation, will all contribute to reducing the amount of natural area destroyed for lot development.

The applicant must look into runoff infiltration using LID design techniques of infiltration throughout the site. Soils data will be needed to determine if this is feasible .

The large detention basin should be reduced in size to the extent feasible and moved further from the upland resource area to prevent as much clearing as possible on the steep slope. Impervious areas should be decreased as much as possible. Permanent limits of disturbance and conservation restrictions should be required.

The applicant must demonstrate that there are no other feasible means of access, such as the land on Brimstone owned by the Arden MacNeill Trust. If both the Mallard Trust and MacNeill Trust lands were once under the same ownership, the applicant must consider access through both lots.

Parcel 1 is noted as not being a separate building lot. Can this area not be developed in the future?

The driveway meanders into a parcel which is not part of the roadway layout. Who will own this section of the driveway?

The subdivision should NOT be granted any waivers outside the waivers that are typically granted for a three-lot subdivision. This is a very natural area and the subdivision regulations were written to prevent long, narrow lots; new roadways constructed directly adjacent to existing homes; and existing homes to be protected from “back lot” type construction. It appears that the waivers requested will result in the type of development Sudbury’s zoning has worked hard to prevent.

The alternative layout with smaller houses, a common driveway, and a retaining wall at the 100’ upland resource boundary is preferable if all other issues above are adequately are addressed. The disturbance footprint and total impervious surface on Lot 2 could be further reduced with a front entry garage, which will minimize grading and clearing to the west.

WPA & Bylaw Request for Determination: 71 Maynard Rd.; septic repair

Present: Mike Sullivan

Mr. Sullivan presented a plan for the reconstruction of a failed septic system. The lot currently has a cesspool 30’ from bordering vegetated wetland. The new system will be pumped to a leach field in the rear of the lot which is 100’ off the wetland as a result of using a Presby design. A conventional design would only permit a 65’ setback from the wetland. There are no other alternatives on the lot to move the system components further from the wetland. The system will have a one day storage capacity and an alarm in case of power failure.

D. Dineen noted that the construction vehicles must access the new leach field over a driveway containing a culvert for a stream. She questioned the ability of this crossing to support the excavation and truck equipment that will be needed to construct the new system. Mr. Sullivan stated that heavy septage pump trucks have been over the driveway numerous times.

Mr. Sullivan agreed that as small of a cleared path as possible will be established for backhoe access and installation of the second force main. The water line can be shifted closer to the house to reduce the extent of clearing. Commissioners questioned how the disturbed areas will be permanently stabilized.

T. Pickering moved to issue a negative Determination contingent on Conservation Commission approval of a stabilization plan to be developed once the ground is visible. Motion seconded and voted unanimously in favor

WPA & Bylaw Notice of Intent: 20 Codjer Lane.; septic repair

Present: Robert Nims

Mr. Nims explained that the septic system failed Title V inspection. The current system is 17' from bordering vegetated wetland. The new system is only 30' from bordering vegetated wetland, however the leach field will have an impervious barrier on three sides. This will require a variance from local Board of Health regulations. The use of a Presby system shrank the footprint of the new system.

Commissioners questions if there were any alternative places on the lot for the leach field that would be farther from the wetland. Bedrock is very close to the surface on much of the property. Bedrock is visible in the basement.

On a motion by T. Pickering, 2nd G. Topham, the Commission voted unanimously to close the hearing.

On a motion by T. Pickering, 2nd P. Coddington, the Commission voted unanimously to issue the Order as discussed.

WPA & Bylaw Notice of Intent: Fay Fields Bobolink habitat creation; Sudbury Valley Tr.

Present: Laura Mattei; John O'Leary

Ms. Mattei presented a plan to completely clear the hedgerow located between a 5- acre and a 6- acre field on Lincoln Road owned by SVT. The existing stonewalls will remain in place. SVT is totally uncertain if bobolinks will come to use this larger field. Enhancing the field grasses will be necessary by using lime and manure.

D. Dineen informed the Commission that the project was filed under the WPA as a limited project. There is no such classification under the local bylaw. The performance standards of the WPA and Bylaw must be met. The project will remove 14,300 sq. ft. of bordering vegetated wetland vegetation as approximately one-third of the hedgerow is a wetland resource area. The remaining upland portion of the hedgerow is buffer zone and upland resource area. Most of this upland contains greater than 50% invasive plant species. The wetland plants to be removed include winterberry, high bush blueberry, silky dogwood, and red maple. These shrubs and trees have high value for wildlife food. The SVT plan replaces these high value plants with low-value grasses. D. Dineen asked if Ms. Mattei could quantify the values lost and the values gained.

Ms. Mattei stated that she could not quantify these values. SVT is just looking to create field habitat out of wetland shrub habitat by sacrificing shrubs. She felt this was justified in order to provide habitat for bobolink. D. Dineen questioned how likely it is that the bobolinks will use the field due to the residential use abutting the property on two sides and an active wholesale landscape nursery across the street. Ms. Mattei replied that the plan does not include the clearing of any trees along the street edge, and Simon Perkins, noted orthinologist, felt the project was worthwhile.

Commissioner John Sklenak presented a PowerPoint summary of bobolink habitat information. The closest known bobolink nesting area is in Wayland near Heard Pond. The SVT plan is to destroy habitat for species such as woodcock and ruffed grouse which are known to use and breed in nearby early successional fields. This would result in loss of habitat for a species known to use the area while creating sub-marginal habitat for a species which may never appear. Bobolinks generally use field of 25 -40 acres

minimum. The area proposed for field by SVT is <11 acres. Bobolinks prefer not to nest within 50' of edge habitat. Mr. Sklenak showed on a map the very small section of the SVT field that is outside of 50' from any edge. He noted that bobolinks are attracted to a landscape of mosaics of large open hay fields. There are no large open fields nearby that are not very actively managed as a landscape nursery, pumpkins, or community gardens. No nearby fields are in hay only.

Mr. O'Leary of MA Fish & Wildlife informed Commissioners that field habitats are imperiled. He also noted that, as Commissioner Sklenak had pointed out; larger, squarer fields are preferable. The edge layer can be softened with multiple height canopies to transition from field to forest, which will provide ruffed grouse and woodcock habitat. He felt that they have to work with what is available.

Mr. Sklenak noted that the planting of the field edges will further reduce the open field area. Also, the replacement of the hedgerow with a softened field edge will not replace the wildlife corridor function of the hedgerow. On a recent visit to the site by J. Sklenak and D. Dineen they found evidence of red-tail hawk, mice/voles, fisher, mink, red fox, and coyote all utilizing the hedgerow.

Mr. Sklenak suggested that SVT, Fish & Wildlife, and the Commission work together to identify suitable field habitat for enhancement for bobolinks. He suggested the town-owned Mahoney Farm land where there are over 30 acres of open fields within a mosaic of other large open fields.

D. Dineen summarized that the hedgerow appears to be an important habitat feature today for numerous, documented, common species due to the food, cover, and perching it provides. She suggested a scaled back project where the invasive plant species in the northern section of the hedgerow are removed and, ideally, replanted with native shrubs with berries. Mr. O'Leary stated that the plan was an "all or nothing" plan and no compromise could be made. They also cannot apply the grant funds for SVT to begin this project to another project on any town-owned land as the funding is for private land owners only. P. Coddington encouraged the applicant to review the "compromise" plan as it can only improve the hedgerow area for wildlife.

T. Pickering suggested a possible alternative of creating a new corridor to the west. C. McClure noted that with or without the hedgerow as it is now or relocated, bottom line is that doubling the size of the field will still leave an undersized field for bobolinks habitat. Removing the hedgerow will not make it more than it is now, and will reduce its value for the species now using the area.

Timothy Coyne, Taylor Rd., noted that the hedgerow also performs a wind-blocking function which reduces stress on the wildlife and the vegetation.

D. Dineen reminded the Commissioners that the scope of their review is confined to the wetlands issues, not the land management practices in general. She added that any resulting Order of Conditions must meet the performance standards for bordering vegetated wetland. As the plan is now proposed, a high functioning bordering vegetated wetland will have the ground cover, shrubs, and trees replaced with a field of mostly non-native grasses needing fertilizers and soil enhancement. The project is not considered agricultural. There will be an overall loss of wetland values and functions for a purpose that is not ideally suited to the site. In addition, the extent of wetland alteration has not been established by the applicant. No plan has been presented showing the wetland delineation. The NOI refers to alteration of 14,300 sq.ft. of wetland. Unless the applicant can quantify what the values and functions are currently in the wetland, and then document how the proposed alteration will enhance these values and functions, the project should not be permitted.

Laura Mattei stated that if she has to conduct intensive surveys and quantify everything, the project is not worth the time to do so.

D. Dineen suggested SVT withdraw the NOI at this time and if and when they decide to provide the information the wetlands Regulation require, they can refile and the Commission can consider waiving the new filing fees.

Ms. Mattei withdrew the filing.

The meeting adjourned at approximately 9:15pm.