

Sudbury Conservation Commission
Minutes of the Meeting Held Monday, July 14, 2008

Present: John Sklenak, Vice-Chairman; Parker Coddington; Richard Bell; Ethan Jesup; Debbie Dineen, Coordinator; Victoria Parsons, Technical Assistant

Discussion: Nobscot Conservation Restriction- EXECUTIVE SESSION

Present: Jody Kablack

At the recommendation of Ms. Kablack the Conservation Commission voted by roll call vote to enter Executive Session for the purpose of discussing land acquisition negotiations. Specifically, the purpose is to discuss the current draft of the Nobscot Conservation Restriction, Knox Trail Council.

MINUTES OF THIS DISCUSSION ARE NOT PUBLIC AT THIS TIME

By roll call vote the Commission voted unanimously to exit Executive Session.

WPA & Bylaw Request for Determination: 87 Warren Rd., Lannon

Present: David Lannon

Mr. Lannon presented a plan for pool installation on his property. The pool and all components will be located on the existing lawn approximately 80+- feet from the pond. One very large, multiple trunk white pine tree within the lawn area will be removed.

D. Dineen and V. Parsons visited the site. D. Dineen noted that is an area of approximately 50' of natural undisturbed vegetation between the edge of the lawn and the pond. The area of vegetated wetland bordering the pond in this area is very narrow. She recommended a negative Determination.

V. Parsons noted that it will be important to determine the location of the property line prior to construction to ensure the pool has the correct setbacks.

R. Bell moved for a negative Determination. J. Sklenak 2nd ; unanimous in favor

WPA & Bylaw Request for Determination: 83 Blueberry Hill Ln.

Present : Tao Wang

Mr. Wang explained that his house borders the Haynes Meadow Conservation Land. The back of his property is a steep drop off to Hop Brook. Three large trees on the slope are leaning toward and over his house.

D. Dineen had visited the site and confirmed that the trees pose a problem should they remain. They are growing toward the sunlight, and as a result are growing at an angle that is undermining the roots in the slope. She recommended removal of the trees to prevent damage to Mr. Wang's house and prevent the uprooting of the trees at a point in the future that will cause the slope to destabilize.

Mr. Wang requested approval to place the downed trees on the conservation land. The Commission had no issues with the downed wood on conservation land due it its value for wildlife habitat, however they requested that the trees be cut into small pieces. No trees are to be disposed of in the stream.

J. Sklenak moved to issue a negative Determination. R. Bell 2nd; unanimous in favor

WPA & Bylaw Notice of Intent: 80 Union Ave., Santangelo

Present: Joe Santangelo; Paul Finger

The Coordinator explained that the purpose of this Notice of Intent is for the correction of violations and project completion in accordance with a previous, expired Order of Conditions. She recommended the following conditions in the new Order:

1. Pull pipes and rip rap back from bvw to original design
2. No storage of equipment over leaching field
3. Timeframes for remaining work esp. drainage & planting
4. Removal of invasive plants and replanting – need new plan
5. Proof of roof drain recharge installation needed
6. No singed or stamped as-builts
7. No info on as-builts for complete drainage
8. As-builts are complied plans that do not line up
9. Grading beyond erosion control
10. Floodplain being used for trailer storage – do we have enough comp storage?

The Commission agreed with the recommendations and discussed timeframes for completion of the work. They will require:

1. The final course of pavement and guardrails at the limit shall be completed within 30 days of issuance of the new Order.
2. Calculations within 30 days
3. Trailer out immediately after pavement completed
4. If necessary, regrading by Sept 1 may need some excavation
5. Pipe pulled back and rip rap out at low flow by Sept. 1
6. Planting by Sept. 15th

Mr. Santangelo stated he could meet those timeframes. The Commission will consider granting an extension due to weather conditions provided Mr. Santangelo requests the extension in writing prior to the timeframes expiring. The goal to get the site stabilized and the drainage system functioning properly.

J. Sklenak moved to close the hearing and issue the OOC as discussed. R. Bell 2nd; unanimous in favor

WPA & Bylaw Requests for Certificates of Compliance:

1. 82 Butler Rd.

The Coordinator visited the site and all work appears to be in compliance with the Order. The Order requires the use of native species and several of the shrubs were not immediately recognizable to her a native. She recommended a vote to issue the COC pending confirmation that the plants on site are native species.

R. Bell moved to issue the COC pending identification of the plants as native. J. Sklenak 2nd; unanimous in favor

2. Lot 12 Kendra Dr., Basinger

The Coordinator reported that all work has been done in accordance with the OOC as amended. P. Coddington moved to issue the COC. R. Bell 2nd; unanimous in favor

3. 19 (Lot 11) Kendra Drive

The Coordinator reported that all work has been done in accordance with the OOC as amended. P. Coddington moved to issue the COC. R. Bell 2nd; unanimous in favor

4. 29 Stone Root Lane, R. Stitt

The Coordinator reported that all work has been done in accordance with the OOC as amended. R. Bell moved to issue the COC. J. Sklenak 2nd; unanimous in favor

5. 22 Wyman Dr.

The Coordinator informed the Commission that the Request for a Certificate of Compliance did not include any information concerning the amount of wetland filled; the location of the retaining wall and limit of lawn was not compared to the approved limits; and revegetation was not completed in accordance with the approved plan. She recommended denial.

R. Bell moved to issue a denial of the COC for the reasons stated by the Coordinator. J. Sklenak 2nd; unanimous in favor

WPA & Bylaw Requests for Extension Permits;

1. 249 Dutton Rd, McMahan

The Coordinator informed the Commission that we have not received any of the information requested several months ago concerning the status of the project. In addition, the final Conservation Restriction has not yet been received for signing. She recommended a three month extension.

R. Bell moved; J. Sklenak 2nd a unanimous vote for a 3 month extension

2. Nobscot Rd., Mahoney Farms

Present: Bill DePeiti, Capital Properties

Mr. DiPeitri reviewed the timeframe for the outstanding items in the Order of Condition. Planting above stonewall will be accomplished this fall. The pond/detention basin enlargement is in process and should be completed in 2 weeks with the weather cooperating. Once pond enlargement is completed and stable, the Clark and BSA cleanup of silt removal can commence. Continued building of units will resume based on market conditions.

The Coordinator confirmed that the site was in good shape and stable, She recommended a one year extension.

R. Bell moved to issue a one year OOC extension. J. Sklenak 2nd; unanimous in favor

3. Hop Brook Weed Harvesting

The Hop Brook Protection Association requested a one year extension of their permit to harvest invasive pond weeds in Hop Brook ponds. The Coordinator recommended approval as the sediment study, wastewater treatment plants issues, and long term options are still underway.

On a motion by P. Coddington; 2nd by R. Bell the Commission voted unanimously in favor of a one year extension of the Order.

WPA & Bylaw Notice of Intent: 307 Boston Post Rd.; Walker Realty LLC

Present: Matt Waterman of Land Tech and Joe Treller of Walker Realty

Mr. Waterman presented plans for the installation of new leaching fields and correction of violations of the previous, expired, Order of Conditions. The septic system has failed. The new system design is a Presby system. The tanks and fast components remain as is.

The Coordinator reviewed the outstanding items from the expired Order. Mowing of the field and removal of invasive plants should be completed before the new septic install. The

Conservation Restriction (CR) needs to be finalized and recorded. She suggested specific timeframes or immediate fines (NoV was issued previously).

The Commission agreed to require a state-approved CR in both the south and north of the site. If EOEEA will not accept the CR on the isolated front area, a Deed Restriction will be sufficient for that area.

V. Parsons informed the Commission that the new septic system has been approved by the Board of Health. It is unclear why the present system failed, however it has never functioned correctly. She added that the Presby design will provide additional treatment of effluent. They are currently pumping the existing system to allow the day care facility to continue operations.

J. Sklenak suggested the Order require the invasive plants to be pulled before they set seed.

J. Sklenak moved to close the hearing issue the Order as discussed. P. Coddington 2nd unanimous in favor

WPA & Bylaw Request for Determination: 45 Thompson Dr., Deck expansion

No applicant present

The Coordinator explained that the project was a deck reconstruction and expansion on existing lawn area. There are bordering vegetated wetlands at the edge of the lawn. The property allows for all construction access over lawn or landscaped areas. She recommended a negative Determination.

E. Jessup moved for a negative Determination. J. Sklenak 2nd; unanimous in favor

WPA & Bylaw Request for Determination: 18 Tavern Cir., Deck expansion

Homeowner and contractor present

The contractor presented a plan for the conversion of an existing deck into an enclosed room. There will be no change on the ground with the exception of 2 additional hand dug sonna tubes and footings. There is clear access around house on driveway and lawn areas.

No additional expansion on ground is proposed.

The Coordinator informed the Commission and the homeowner that although the work is confined to the lawn, the lawn is only about 10' - 15' to a perennial stream. The homeowners should be aware that nothing further will be permitted on the lot without major mitigation. She added that on-site mitigation does not appear feasible.

J. Sklenak moved for a negative Determination. R. Bell 2nd; unanimous in favor

Minutes

On a motion by 2nd by the Commission voted unanimously favor of approving the minutes of 6/2/08. Abstaining

On a motion by 2nd by the Commission voted unanimously favor of approving the minutes of 6/16/08.

61A Purchase Option 192 Boston Post Rd.; Comments to Selectmen

J. Sklenak and D. Dineen visited the property with an abutter last week. The site is 8.5 acres with approximately one-third of it wetland. Two older structures, a house and a garage/workshop are on the parcel and located not too far north of Boston Post Road. There is a relatively open area behind the house which transitions into an overgrown area that is almost impenetrable at this time.

Interesting vegetation was discovered on the property. Wild strawberries, raspberries, and black raspberries were abundant. A number of mature black walnut trees and a peach tree were also on the land. These fruit and nut-bearing plants provide an abundant source of food for numerous wildlife species.

Following further discussion, the Commission agreed to recommend to the Selectmen that the option to purchase the land not be exercised conditional upon a permanent conservation restriction being placed on the rear the site beginning approximately at the wood line and on the west and northern portions of the property to include the wetland. This will protect to the majority of the wildlife food sources and the wetland areas, as well as provide a level of mitigation for the proposed development.

Discussion: Possible Development & Mitigation of Bowker Land

The Coordinator informed the Commission that Robert Quirk had approached her with the question of Conservation Commission interest in acquisition of the Bowker pond at Longfellow and Ford Rd. This pond is a remnant of the wetlands which Mr. Quick previously filled in the 1970's to construct the Bowker area. It is also used for the discharge of roadway runoff. In spite of this, the 6+-acre pond contains fresh water jellyfish. These are the only reported jellyfish in Sudbury and, according to the Univ. of Pennsylvania are an indicator of excellent water quality. Mr. Quick stated the pond was 35' deep. The pond and a 30+-foot perimeter and 3 access areas are still owned by Mr. Quirk. He offered it to the several dozen abutters several years ago and they declined. Numerous abutters swim in this pond.

Mr. Quirk also discussed the development of Lot WR7 on Willis Rd. This is the last lot he owns on Willis Rd. Development will require extensive work within the upland resource area and potentially some wetland alteration. The lot contains bordering vegetated wetland and a confirmed intermittent stream. The stream flows under Willis Road onto the Poor Farm Meadow Conservation Land, where it becomes perennial in this lower elevation.

Mr. Quirk suggested mitigation for the wetland alteration on WR7, and potentially some addition work on WR9, might be the gifting of the Bowker pond and the Blue Sky Trust property off Maynard Road to the Town for permanent conservation designation.

The Commission felt the proposal had merit and they would be interested in discussing it in more detail with Mr. Quirk. The Commission agreed that the pond should have protection to ensure the survival of the jellyfish. The Blue Sky Trust land is on the draft Open Space and Recreation Plan due to the existence of Blanding's Turtles confirmed in that area. They were not opposed to acquiring either property as mitigation provided they could be clearly documented for their value and were of far greater value than the land to be altered for construction on WR7.

Discussion with potential ConCom candidate Victor Slikowski

Mr. Silkowski is 23 years old and recently graduated from William & Mary College with a degree in Political Science. He has been a life-long resident of Sudbury and intends to stay in Sudbury for the foreseeable future. His family owns a farm on Moore Road abutting Hop Brook. He would like to attend several Commission meetings and educate himself on the duties and commitments of the Conservation Commission.

The Commission welcomed Mr. Slikowski to the regular meetings and suggested he discuss any questions he has with the Coordinator.

Community Garden Issues

The Coordinator informed the Commission that several gardeners at the Community Gardens, located within the Lincoln Meadows Conservation Land north side, are obtaining water by running a hose across Lincoln Road and connecting to the electric well on the south side of the Lincoln Meadows Conservation Land. This well was installed by Cavicchio Greenhouses with approval from the Commission. The well is used by Cavicchio Greenhouses to water the pumpkins now grown on the land they lease from the town.

The Community Gardens holds a License from the Commission to rent 30' x 30' plots for the growing of vegetables and flowers by individuals. Water for the Community Garden is obtained from a hand-pumped well located with the licensed area. The License permits gardeners to access the pump well. Last year a gardener placed an electric pump and hose into the pump well to make it easier for him to water his garden. The Commission voted to ban the use of electric pumps in the garden well. This was to preserve the water supply and allow equal distribution to all garden users.

Commissioner Dick Bell, a long-time gardener at the Community Garden, was opposed to the use of any water supply with the exception of the hand pumping from the on-site well. This allows for the use ground water on an equal basis by all gardeners.

The Coordinator noted that one of the gardeners connecting to the south side "Cavicchio" well had 13 plots that he was using to grow vegetables for the Sudbury Food Pantry. Mr. Bell and the Commissioners were sympathetic and applauded his efforts, however, the rules must apply equally to all who rent plots. Commissioners were concerned for 1) the faster draw down of water to the detriment of all gardeners in the aquifer; and 2) the inequality based on ability to run a hose for a distance and the scheduling of hook-ups to the electric well.

The Community Garden was always intended to be a simple, family gardening area. Large scale gardening requiring more water use might be best accomplished elsewhere.

The meeting was adjourned at approximately 9:40pm