

SUDBURY CONSERVATION COMMISSION

Minutes of the Meeting Held June 2, 2008

Present: Greg Topham, Chairman; John Sklenak, Vice-Chairman; Chris McClure; Parker Coddington; Ethan Jessup; Debbie Dineen, Coordinator

Informal Discussion: OOC Appeal : Lot 56 Bigelow Dr.

Present: Scott Goddard; Bill Senecal

Mr. Goddard informed the Commission that the reason for the DEP appeal is due to lack of replication required as part of the Order. Amending the Order to include some form of replication is likely to result in DEP's withdraw of the appeal. He asked the Commission to consider allowing replication in order to meet DEP's guidance on Limited Projects

Chairman Topham felt that the best course of action is to deny the amendment to the Order to satisfy DEP because there is now a pending appeal on file between DEP and the Town of Sudbury. with no discussion as we are in an appeal with DEP. The Commission should allow the DEP's appeal process to move forward – site visit and all- so the Commission has an opportunity to inform DEP of its reasons for eliminating the replication. The Coordinator added that through the DPE appeal process it might be possible to have DEP require replication of wetland within the degraded wetland.

Commissioners unanimously agreed with this approach and declined to discuss an amendment to the appealed Order with Mr. Senecal.

Sudbury Wetlands Administration Bylaw: 25 Plympton Rd.; Gon Leon

Mr. Leon presented a plan for the restoration of a small pond on his property. A previous owner (over 40 years ago) had lined the pond with rocks and plantings however it has grown in with invasive plants over the years. The pond was created within an intermittent stream. In summer time the area is dry enough area for plant removal . The pond edges will be replanted with native species from the Commission's approved list.

G. Topham moved to close the hearing and issue the OOC as discussed (dry season, native plants). The Commission voted unanimously in favor of the motion with Parker Coddington abstaining as he is an abutter to the Leon property.

WPA & Bylaw Request for Determination (cont.) EOT Rail Trail Vegetation Cutting Violation

Present: Bill Place; John Paulson; Bill Manuel

The Coordinator informed the Commission that Diane Boretos of Call of the Wild (COTW) felt that the hemlock area near the end of Thompson Drive was the only section of the track where cutting had occurred where there might be an impact from the wildlife study perspective as a result of the cutting. She recommended requiring Atlantic Engineering (AE) to quantify the disturbance (Bill Manuel wetlands person agreed) by counting the trees and sizes

disturbed and cut. This will not provide a pre-cutting baseline but can give the Commission a basis point from here on. She suggested the Commission consider requiring a bond from AE for the replanting if 1) there are indications from COTW that the cutting is impacting wildlife movement; or 2) the rail trail does not move forward at the next town meeting.

D. Dineen reminded Commissioners that this filing is the Request for Determination which should have been filed prior to the cutting. Now that the cutting has occurred and AE has done nothing to overcome the presumptions that alterations in the wetland and upland resource areas impact wetland values and functions, including wildlife and wildlife habitat. A negative Determination is not appropriate unless it is issued with conditions to address loss of wetland and upland values.

G. Topham moved for a Negative Determination with the conditions discussed as true negative impact cannot be determined at this time. J. Sklenak 2nd ; unanimous in favor with Chris McClure abstaining as he is an abutter to the railroad right-of-way.

Foreign Motors West BMW, 121-130 Boston Post Rd.; minor plan revisions:

The Coordinator presented minor changes to the approved plan for the reconstruction of the former Stanmar site at Boston Post Road and Old County Road. Most of the changes involve changes to the Site Plan, however there will be a slight reduction in the overall amount of impervious surface. The drainage system is unchanged on the revised plans. She recommended the Commission accept the change to the impervious surface amount as a field change in accordance with the site plan revisions.

Commissioners agreed.

WPA & Bylaw Request for Determination: 19 Guzzle Brook; Dacey

Present: Mr. Dacey

Mr. Dacey presented a plan for tree removal and replanting. Invasive buckthorn growing beneath these trees will also be removed. The tree/buckthorn area will be replanted with native shrubs. Four pine trees have been diagnosed as diseased John Platt of Wayland Tree Service. The lawn is eroding into the brook as there is not enough light to grow a ground cover under these pines.

The Coordinator had visited the site and agrees that removing the huge white pines and buckthorn will allow the higher value native understory of winterberry, highbush blueberry, sweet pepper bush and ferns to flourish. She has confirmed the diseased state of the trees with Mr. Platt.

A motion for a negative Determination was made by G. Topham. J. Sklenak 2nd; unanimous in favor.

WPA & Bylaw Request for Determination: 17 Pheasant Ave.

Present: Mary Merhige; Steve Poole

Mr. Poole presented plans for a proposed addition on the rear of the house. They plan to

remove the porch and expand the kitchen and family room with a 100 sq. ft. addition. A drainage easement is located to the south of the house which leads to a bordering vegetated wetland area. There is currently lawn in the proposed addition area. A full foundation under the addition is planned. The excavated soil will be trucked off with no stockpiling and no regrading.

The Coordinator recommended a negative Determination as all work will be on existing lawn. The closest resource is a stream feed mostly from Union Avenue runoff with a downstream bordering vegetated wetland.

G. Topham moved for a negative Determination. J. Sklenak 2nd ; unanimous in favor

Summer Meeting Schedule

Commissioners agreed to schedule upcoming meetings for the summer as follows: June 16, July 14, Aug. 18, Sept. 8. Additional meetings will be added if needed to comply with regulatory time frames, pending availability of a quorum.

The meeting adjourned at approximately 8:40pm.