

**SUDBURY CONSERVATION COMMISSION**  
**Minutes of the Meeting Held March 3, 2008**

Present: Greg Topham, Chairman; John Sklenak, Vice-Chairman; Ted Pickering; Parker Coddington; Richard Bell; Chris McClure; Debbie Dineen, Coordinator

**Discussion of Community Preservation Committee Town Meeting Articles**

Present: Jody Kablack

Purchase CR on Nobscot Boy Scout property:

By roll call vote the Commission voted unanimously to enter Executive Session for discussion of the Nobscot Mountain Conservation Restriction purchase. Executive Session is appropriate as the final costs have not yet been made public.

The total price for the Sudbury portion is \$7.5 million for phase I and II. Phase I is \$5.5 million. SVT will be raising \$1.25 million, \$800,000 of which has already been donated by the Sudbury Foundation. A Conservation Restriction is being developed which will permit continuing use by the Boy Scouts in the manner in which they currently use the property. Minor additions will be permitted for cabin enlargements. Public access will be required, however the Scouts have the ability to close the main parking area for parking and access during large scouting events. The Town will be applying to the State self-help program for up to \$1million in reimbursement.

By roll call vote the Commission voted unanimously in favor of exiting Executive Session.

Funding for Stearn's Mill Dam Evaluation:

D. Dineen explained that the Town owns 2 dams located on conservation land. Carding Mill dam and Stearn's Mill dam. The State Office of Dam Safety classifies dams by hazard potential and condition. Both Carding and Stearns dams rate high hazard in poor condition. The Town is required to have these dams evaluated and repaired to meet minimum safety standards. The Carding Mill dam evaluation was funded through limited CPA administrative funds. Funding for the Stearn's Mill dam is being sought through regular CPA funds. The Town can be subject to fines if the evaluation and subsequent repairs are not performed.

Purchase of CSX rail road R.O.W.:

D. Dineen informed the Commission that the purchase of the 9.7-acre linear property is on the warrant. The cost is \$700k with a \$247,350 state drinking water grant and \$25,000 from the Sudbury water District for a water main easement. A small portion of the r.o.w will be purchased outside of CPA with available town funds for use in future roadway realignment. The amount being requested is \$398,000+-.

On a motion by Ted Pickering, 2<sup>nd</sup> Richard Bell, the Commission voted unanimously in favor of supporting the purchase of the CR on Nobscot.

On a motion by Richard Bell, 2<sup>nd</sup> Ted Pickering, the Commission voted unanimously in favor of supporting the funding of the Stearn's Mill dam evaluation.

On a motion by Richard Bell, 2<sup>nd</sup> John Sklenak, the Commission voted unanimously in favor of supporting the purchase of the CSX right-of-way.

**Discussion with Sudbury Housing Trust: Washbrook Rd.**

Present: Beth Rust; Jody Kablack

Ms. Rust presented a plan showing the construction of a four-bedroom house, septic, and driveway in the outer riparian area of the Hop Brook riverfront. The total amount of disturbance does not exceed 5,000 sq. ft. The house is being built for approximately \$250,000 with the land gifted by the Sudbury Water District. It will be sold for \$175,000 to private homeowners with a deed restriction that limits its resale to families making less than 70% the area's median income.

The lot has riverfront, bordering vegetated wetland, floodplain, and upland resource areas. D. Dineen noted that the septic system is located within the riverfront area. Unless the groundwater flow is demonstrated to be away from the brook, the Commission requires denitrification added to the system design. Ms. Rust stated a reluctance to add this component as it may become a financial burden to the homeowner.

T. Pickering stated that the lot is marginal at best for development. He believes reuse of "tear-downs" is a viable alternative to development of this lot. Ms. Rust replied that the Sudbury Housing Trust looks at all options, including a recent purchase of a "tear-down". In this case, the lot was offered at no cost which made it attractive to pursue. Mr. Pickering preferred development of already disturbed lots as another alternative.

John Sklenak questioned if there will be deed restrictions on the amount of profit to be made by the homeowner upon the sale of the house. There will not; only restrictions will be on the income of the buyers. Mr. Sklenak added that the alternatives analysis should include whether or not the lot will require denitrification.

Chairman Topham questioned if the Commission would allow a private party to develop this lot. Any private development would be required to meet the denitrification requirements. D. Dineen noted that the requirements for denitrification are to reduce the level of nitrates in the effluent below 10mg/l.

D. Dineen questioned what mitigation was proposed for loss of resource area. She suggested a conservation restriction on all areas of the lot outside of the 5,000sq.ft. of disturbance.

Richard Bell questioned if the lot complied with zoning. It does not meet the frontage or area requirements, making it a non-buildable lot under zoning. Ms. Rust stated that the development would be submitted as a "40B" to allow zoning to be circumvented.

Chris McClure noted that the Housing Trust is subsidizing the house construction by \$75k. Commissioners expressed concern that this subsidy is not paid back if the house is sold at a profit.

**WPA Notice of Intent: Lot 56 Bigelow Dr.; Brentwood Construction**

Present: Scott Goddard; William Senecal; Scott Hayes

Mr. Goddard presented a plan for the construction of a single family house, driveway, septic system, and grading within the buffer zone of bordering vegetated

wetlands. This lot was the subject of two NRADS (2002 and 2007) and two Orders of Conditions in 2003. One Order was under the WPA and was approved with conditions. The Order under the local Wetlands Bylaw was a denial which was upheld by Superior Court. A WPA-only filing is now being submitted to narrow the focus of the review and to look at the revised plan.

The lot contains two intermittent streams, bordering vegetated wetland, portions of three vernal pools, and buffer zone. The entire lot is located in either buffer zone or bordering vegetated wetland. No work will occur in the 100' buffer to the two rear vernal pools. Work will occur within the buffer to the vernal pool located across Bigelow Drive. A driveway crossing will result in alteration of 220 sq.ft. of bordering vegetated wetland. Replication will be provided at 2.9:1 and meet the WPA performance standards. This driveway crossing area is a drainage divide between the wetlands on either side of the lot. No culvert is proposed as there is no flow. The septic area is in the rear of the lot and has minimum setbacks. The front yard slopes to a retaining wall just a few feet off the wetland boundary.

Due to snow cover, the hearing was continued to March 24<sup>th</sup> with a site visit scheduled for March 22<sup>nd</sup>, pending snow melt.

#### **WPA & Bylaw Request for Extension Permit: Maple Meadows, Maple Ave.**

Present: Aahron Latinziny; Bob McGinty;

The OOC expires March 30, 2008 and most of the site work has been completed. Stabilization, footbridge construction, recording of the Deed Restriction, and a few minor tasks remain. Numerous units have not been constructed, however they are all outside wetlands jurisdiction.

The work was held up due to litigation filed by the abutters. The litigation was settled in the applicant's favor.

Mr. Latinziny presented the Deed Restriction, signed by the applicants. It will be forwarded to the Selectmen for approval and signature.

On a motion by T. Pickering, 2<sup>nd</sup> J. Sklenak, the Commission voted unanimously in favor of extending the OOC to 3/30/09 conditional upon receipt of the recording information for the Deed Restriction on or before March 30, 2008.

#### **WPA & Bylaw Request for Certificate of Compliance: 192 Dutton Rd., Shirley**

The Coordinator informed the Commission that the as-builts have been received, a site visit was conducted last fall prior to snow cover, and the wording of a Deed Restriction has been received and approved by Town Counsel. She recommended issuing the COC upon receipt of the recording information of the DR.

On a motion by G. Topham, 2<sup>nd</sup> by J. Sklenak, the Commission voted unanimously to issue the COC upon receipt of the recording information of the DR.

#### **Bruce Freeman Rail Trail Clearing**

The Coordinator informed the Commissioners that she had received a call from Atlantic Engineering, the firm conducting the baseline survey and wetland delineation. They were looking for equipment to clearcut the track to provide clear surveying sight lines. They were looking for a brush hog –type of machine. She explained that a filing

would be required for clearing. Issues such as type of equipment, access points, placement of slash and/or wood chips, etc. will need to be addressed.

The Commission confirmed that a filing is absolutely necessary for clearing the track to any degree.

The meeting adjourned at 8:40pm.

**SUDBURY CONSERVATION COMMISSION**  
**AGENDA**

**Monday, March 24, 2008**

**7:00pm- DPW Facility, 275 Old Lancaster Rd**

7:00pm - (tentative) WPA & Bylaw Notice of Intent (cont.): 821 Boston Post Rd.  
Ciampa, 2 lot subdivision

7:45pm -

8:15pm - Warrant Review for Conservation position/speakers on Articles

1. Vote new Ponds & Waterways Committee member
2. Minutes 2/11 & 2/25/08, 3/3/08

Extension Permits

3. 249 Dutton Rd.
- 4.

8:50pm - Adjourn

**SUDBURY CONSERVATION COMMISSION**  
**NOTICE OF MEETING SCHEDULE**

The Sudbury Conservation Commission will meet in the cafeteria of Lincoln Sudbury Regional High School from 7:00pm – 7:30pm each night of 2008 Annual Town Meeting , as needed, beginning Monday, April 7, 2008.

Posted by Sudbury Conservation Commission  
Feb. 28, 2008

**SUDBURY CONSERVATION COMMISSION**  
**AGENDA.**

**Thursday, April 10 2008**

**7:00pm- DPW Facility, 275 Old Lancaster Rd**

- 7:00pm - WPA & Bylaw Notice of Intent: 1030 Concord Rd. (cont.)  
Macone property violations
- 8:30pm - Adjourn