

Sudbury Conservation Commission
Minutes of the Meeting Held Monday, Nov. 17, 2008

Present: John Sklenak, Vice-Chairman; Richard Bell; Parker Coddington; Ethan Jessup; Debbie Dineen, Coordinator; Victor Sulkowski, Associate

Conservation Restrictions for Signature:

1. Old Sudbury Rd. Oeschle

Present: Katie Gellenbeck, Sudbury Valley Trustees

The Commission was requested by SVT to sign the Municipal Certification attesting to the public benefit of the Conservation Restriction on 9+ acres on Old Sudbury Road. The CR is a gift to SVT from the Oeschle family and SVT will be the sole Grantee, therefore the Conservation Commission does not sign the CR document.

There is clear public benefit in preserving th land in its natural state as open space. It abuts the King Philip/Libby/Piper town conservation lands and is across the street from SVT's Wolbach property.

On a motion by J. Sklenak; 2nd by P. Coddington, the Commission voted unanimously in favor of signing the Municipal Certification.

2. Knox Trail Council Nobscot Reservation

Following a joint meeting with the Selectmen last week, the Selectmen agreed and voted unanimously to formally include the Conservation Commission as one of the parties to review and approve actions in the CR requiring Notice and Approval of the Grantees (Town & SVT). The Selectmen's motion to endorse and sign the CR contained language to for ConCom inclusion and approval.

On a motion by P. Coddington; 2nd J. Sklenak. The Commission voted unanimously in favor of signing the CR.

Wetland Violations Discussion: 71 Harness Lane

Present: Harold Arkoff

Vice-Chairman Sklenak prepared a presentation of the violations found and documented at the 11/13/08 site visit. They are as follows:

1. Non-permitted Dock Found dock and float requires permit per Ch 91; requires Section 10A permit if bottom.
J. Sklenak expressed concern that the permitting of one dock would set precedent to permit many more docks on Willis Pond
2. Clearing/trimming of understory within 100' of Willis Pond
Plantings to restore the area should be required. Oak, pine, and/or blueberries were suggested
3. Installation of a footbridge in bordering vegetated wetland
A wooden decorative bridge needs to be removed to outside restricted area area. Mr. Arkoff noted that the bridge has been removed.
4. Removal /destruction of vegetation and filling with wood chips in bordering vegetated wetland adjacent to Willis Pond

The recommendation is to rake up wood chips by hand as additional activity may be harmful. Replanting is best, however it will probably be trampled unless conditions for protection are in place.

5. Installation and clearing of vegetation for foot path on the slope to Willis Pond
The path appears to be hard pack with treated 6x6x4' timbers . Although the timbers will reduce erosion, the construction has not been permitted. The suggestions was to permit this path as part of an official Order of Conditons.
6. Installation of a ramp from the filled vegetated wetland to the raft
The ramp is 2 - 2 x 6s or 8s and removable
7. Chain link fence within restricted area Relocate outside restricted area

All parties agreed to work together on compliance on this site. J. Sklenak and D. Dineen will work with Mr. Arkoff to develop a Notice of Intent to correct, restore, or permit the activities above. A new fully engineered plan is not necessary as Mr. Arkoff has an engineered as-built plan from which he can take measurements to the limits of jurisdictional areas and the activities in question.

(P. Coddington left the meeting at this point)

Review for Acceptance: Revised septic plan for 95 Stone Rd.

Present: David Jarvis; Libby Hamill

The Coordinator reported at a revised plan has been received showing the new septic system with a maximum 3-bedroom capacity design. The Board of Health has reviewed and approved this revised plan dated 11-4-2008 and stamped by Thomas Land Surveyors.

WPA & Bylaw Requests for Certificates of Compliance:

1. 96 Longfellow Rd.:

The NOI covered the restoration of bordering vegetated wetland which had been converted to lawn. Wetland Resource Specialist Dave Burke has overseen the replanting. The Coordinator has visited the site and confirmed Mr. Burke's opinion that the Order has been complied with. The understory has been planted with mostly native ferns in accordance with the Order. The plants have been through 2+ growing seasons and are doing very well.

On a motion by R. Bell; 2nd J. Sklenak, the Commission voted unanimously in favor or issuing the Certificate of Compliance.

2. 736 Boston Post Rd., Frugal Flower, include bond release vote

Present: Craig Wambolt, Joe Peznola; Harold Jacobi and Associate

A site visit was held on Nov. 14, 2008 by J. Sklenak and D. Dineen. At that time there were still invasive plants in the conservation restriction area with no evidence that anyone had attempted removal. Above ground sprinkler heads and hoses were located behind the fence. Some trash remained in the wetland and CR area. The new berm was covered with hay and appeared to have been recently seeded.

Mr. Wambolt contacted the Conservation office this morning to advise that the outstanding items had been taken care of. J. Sklenak was able to conduct a follow-up visit this

afternoon and reported that the invasive plants had been completely removed and the sprinklers were gone.

Mr. Peznola reported that the berm was constructed by compacting layer of gravel and seeding. The seeds are beginning to sprout. He stated it is now functioning to channel water to the catch basins as required. He added that with the new drainage construction in front of the site the contributing runoff area draining toward the berm has been reduced.

J. Sklenak recommended that the new grow of invasives in the spring be “Cut and painted” on the cut stem with Round-up to keep the recurrence of new growth to a minimum. D. Dineen added that although the original intent for the CR area was to create a meadow abutting the pond, it was not realistic to presume there will not be new growth of invasives. Annual mowing is difficult due to the slope and the mature trees in the area. Annual management of invasive plants; oriental bittersweet, honeysuckle, and multiflora rose, can be done through hand cutting and individual (no broadcast) herbicide application as needed. This can be an on-going condition in the COC and is permitted in the CR document.

Concern remained that the berm was not fully stabilized and functional with winter approaching. Snowplowing could easily destroy the functions of this structure. D. Dineen suggested that clear driveway markers be installed and the plow operator be informed of the importance of the berm. The area should be monitored closely throughout the winter and spring. She noted that at this point the applicant has addressed all the outstanding issues to the extent possible at this time of year. She advised the Commission that her recommendations following last Friday’s site visit have changed based on the current conditions of the site. She now recommends a COC and a release of all or most of the bond. She noted that the Commission might wish to hold \$500 - \$1,000 of the bond to ensure funds for berm stabilization over the winter, if needed.

J. Sklenak believes that the new owner is vested in maintaining the site properly and will be working with the Commission to correct any deficiencies. He moved: “to issue the Certificate of Compliance and the entire amount of the bond, plus interest if applicable, for 736 Boston Post Rd., provided the berm area is well marked with visible driveway stakes for the snow plows this winter. R. Bell 2nd; unanimous in favor.

3. **Lot 3 (#25) Briant Dr.**

The Coordinator reported that the stone wall and restoration plantings have been installed and have been through 2+ growing seasons. They are viable. These plantings and wall were required in the late 1990s to correct encroachment into the upland resource area. She recommended the issuance of a Certificate of Compliance.

On a motion by J. Sklenak; 2nd R. Bell, the Commission voted unanimously in favor of issuing the Certificate of Compliance.

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60 Camperdown Ln., Notice of Violation Fines

The Coordinator confirmed that the NOI has not yet been received on Lot 1 (#60) Camperdown Lane. It is 3 weeks overdue.

The Commission unanimously in favor of issuing a Notification of Fines Due. Motion by J. Sklenak; 2nd R. Bell.

The meeting adjourned at 8:40pm.