

Sudbury Conservation Commission
Minutes of the Meeting Held Monday, Sept. 22, 2008

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

WPA & Bylaw Request for Determination: 77 Willard Grant Rd.

Present: Marie Congleton

The Coordinator presented the Congleton plan for a house addition within 100' of vegetated wetland and potentially within the outer riverfront area. The addition is a small addition off the rear of the house and will be placed on sonna tubes. All work is on existing lawn area. Equipment access will be minimal and will access from the end of the existing driveway. The Coordinator recommended that removal of invasive shrubs at the edge of the lawn. She has had a site visit with the owner and they are clear which shrubs need to be removed.

P. Coddington moved for a negative determination as discussed. R. Bell 2nd. Unanimous in favor

WPA & Bylaw Notice of Intent: Mill Brook Park II, 325 Boston Post Rd

Present: Sue Brackett, Sullivan & Connors; and a representative of Mill Brook Park condo association

Ms. Brackett presented a plan for the repair/replacement of a failed septic system serving Mill Brook Park II office condominiums. There is no increase in system capacity and the leach field is as far as possible from the Hop Brook. There will be some tree clearing to accommodate the construction of the new leaching field. The old septic tanks will be removed. Erosion controls will be in place prior to construction.

D. Dineen noted that the site has bordering vegetated wetland, floodplain, and riverfront. The new leach field location is placed further from Hop Brook but slightly closer to the vegetated wetland associated with a backwater of Hop Brook. She inquired why the leach field could not be located under the extensive parking area.

Ms. Brackett replied that underground utilities are located throughout the subsurface area of the parking lot. The exact location of the utilities is unknown.

Commissioners discussed the area to be cleared for the leach field. Meadow grass shall be planted and the area shall not be fertilized or pesticides used. No in-ground irrigation system is permitted and any presently existing system may not be expanded.

R. Bell motioned to close the hearing. J. Sklenak 2nd. Unanimous in favor

R. Bell moved to issue the Order as discussed. J. Sklenak 2nd. Unanimous in favor

WPA & Bylaw Request for Determination: 65 Union Ave., Methods Machine

Present: Mike DiModica

Mr. DiModica presented plans for the repair of the septic system at Methods Machine. The current system had failed with a back up into the building. The new leach field will be in the same area as the failed system. This is only 50' from the wetland but is as far from the wetland as possible. The only increase in system capacity will be that required to meet current Title 5 requirements. The area of the leach field will be raised and a barrier will be installed for breakout. A temporary ramp must be constructed for access.

Following discussion on erosion control, it was determined that silt sacs in the catch basins would be the best option.

The Coordinator questioned if other DEP-approved system designs were considered. Mr. DiModica explained that the Presby system was considered in hopes of gaining greater setback to wetland, however use of this system would require more fill and a higher retaining wall. This would create construction complications as the area is directly adjacent to Union Ave.

On a motion by R. Bell, 2nd by J. Sklenak the Commission voted unanimously in favor of a negative Determination with the conditions as discussed.

WPA & Bylaw Request for Determination: 181 Dutton Rd., House addition

The applicant or a representative of the applicant did not appear for the meeting. The Commission had questions on equipment access, location of septic, and scope of work. The meeting was continued to the scheduled Commission meeting at which time the applicant or representative could attend to answer questions.

WPA & Bylaw Requests for Certificates of Compliance:

Willow Hill School: in-ground irrigation

The Coordinator recommended the issuance of a Certificate of Compliance. The as-built plan has been received and the well withdrawal data has been received. The site is stable.

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

36 Birchwood Ave.: pond dredging

The Coordinator recommended the issuance of a Certificate of Compliance. The pond area is stable and the native plantings near the pond bank were completed several years ago. A recent inspection shows the plants are viable.

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

18 Arrowhead Rd.: septic repair

The Coordinator recommended the issuance of a Certificate of Compliance. Work has been completed in accordance with the plan and has been approved by the Board of Health. The area has been loamed and seeded with the grass beginning to take hold.

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

Cudworth & Widow Rites: drainage 301-469

The Coordinator recommended the issuance of a Certificate of Compliance. As-builts had been received; the site has been stable for a number of years with the drainage working properly. The streets have been accepted by the Town with the Town taking responsibility for maintenance.

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

96 Peakham and Frugal Flower at 736 Boston Post Rd. have requested COCs. Site visits will be scheduled in the near future.

Miscellaneous:

Lot 56 Bigelow Dr., further response on appeal

The Commission reviewed the letter from Carr Research to DEP dated Aug. 26, 2008 following up on discussions from the July 29th site visit by DEP on the appeal. Even with the mitigation of siltation removal as discussed on site, the Commission continues to be concerned with the wetland impacts which will result from the loss of significant areas of buffer that are important to wildlife habitat. Outstanding issues include:

- R. Bell stated that the site is basically an “island” with the developable area surrounded by bordering vegetated wetland, vernal pools, two intermittent streams, and one potential perennial stream. Due to the close proximity of work and the diversity of resource area values and functions provided by these wetlands, the presumption that work in the buffer will not impact wetland does not apply.
- The Coordinator reminded the Commission that the lot is part of a much larger subdivision that was developed in the early 1980s. It was purchased at auction by the applicant with no expectation that the lot could be developed
- P. Coddington expressed concern that the work in the buffer is directly adjacent to the wetland in the front of the house.
- Based on information from a previous filing, the upland area of this lot is documented as important upland habitat for the obligate vernal pool species
- The 100’ buffer around the vernal pool is undisturbed, but the 100’ buffers to the easterly and westerly bordering vegetated wetlands are important for wildlife habitat, including documented habitat for the vernal pool species.

J. Sklenak noted that the larger stream located to the northwest of the proposed house is labeled as intermittent. He was concerned that this was an artificial condition resulting from lack of rain and the build-up silt in the stream channel. At the time of the NRAD filing, this stream was dry. The Coordinator added that the NRAD hearing was closed on 9/10/07 and DEP declared a drought on 10/10/07. There is always a lag time between drought being declared and site observations. Although this was not an issue brought up previously, it was new information that the DEP should be made aware of. It is an issue that can be discussed at the bylaw hearing.

Commissioners agreed to request that DEP issue a Superseding Order overturning the Sudbury Commission’s approval. It was noted that this is an unusual action to take, however, they felt that with the drought declaration now a factor, and the project being broken up for state and local permitting, in hindsight they should not rely and focus only on the Wetlands Bylaw issues, but look more carefully and thoroughly at the performance standards in the WPA.

The Coordinator was directed to send a letter to DEP with these concerns.

Notice of Violation: 60 Camperdown Lane – ratify

The Coordinator requested a vote ratifying the issuance of the NOV on 60 Camperdown Lane last week. A site visit, requested by the listing broker, showed the following violations of the Order of Conditions:

- lawn beyond the approved limit;

- in-ground irrigation that was not permitted;
 - removal of vegetation, regarding, and construction of a gravel, fenced, play area within 100' of wetland
 - the pay area is partially off 60 Camperdown and onto the rear of property belonging to 36 Mark Lane which is part of a conservation restriction area
- On a motion by R. Bell, 2nd by J. Sklenak, the Commission voted unanimously to ratify the NOV and permit the lawn removal and replanting with native species under this NOV and require a new NOI for the work associated with pay area removal and CR restoration.

Lot 7 Kato: development comments

The Beckett family had offered a one+ acre lot to the Town off the end of Kato Drive for a reduced price of \$250,000. The Town was not interested at that price because it had not been demonstrated that the lot was buildable. The lot contains steep slopes and a stream labeled as intermittent. A bordering vegetated wetland containing a confirmed vernal pool is located directly to the southwest with the 100' upland around the pool located in part on Lot 7.

As a result of the Town's disinterest, Bob and Perry Beckett had the lot surveyed and had a plan drawn showing the development of the lot. The plan shows the house and driveway located within 100' of both the vernal pool and the stream. It is unclear if the stream is actually intermittent. If perennial, significant work will occur within the inner riverfront area. This is not permissible under both the WPA and the local wetlands bylaw. No mitigation is addressed.

Based on this plan and the information presented to date, the Commission felt that the development potential of the lot is clearly questionable and would be denied based on current information.

The Commission discussed upcoming meeting dates and then adjourned at approximately 8:50pm.