

SUDBURY CONSERVATION COMMISSION
Minutes of the Meeting Held Aug. 3, 2009

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

WPA & Bylaw Notice of Intent and Stormwater Management Permit:
Lotus Blossom 394 Boston Post Rd.

Present: Mike Sullivan; Toby Seto

Mr. Sullivan explained that the Notice of Intent was submitted for the replacement of an existing sewage disposal system to meet current Title V requirements. The existing septic leach field is now located within the riverfront area will be replaced in substantially the same location. The capacity of the system is not being enlarged, however the existing 4,000 gal. grease tank is being upgraded to a 10,000 gal. tank to allow for greater settling and cooling of grease prior to discharge to the leach field. All components of the septic system are designed and located as far as possible from wetland resources.

Due to site constraints and the fact that the scope of work is a repair to an existing system, a Board of Health variance will be sought by the applicant.

The lawn area located to the north and west sides of the leaching trenches shall be reestablished with native grasses. No manicured lawn is permitted in these areas.

No coal-tar, petroleum-based, or other parking lot “sealants” are permitted to be used on site. Normal maintenance activities intended to extend the life expectancy of the pavement surfaces including the use of bitumen asphalt to deal developing cracks, asphalt overlay, and asphalt repair are not subject to this special conditions.

The Planning Board has delegated permitting under the Stormwater Management Bylaw to the Conservation Commission for this project. The project triggers a SWMP as it exceeds the 2,000 sq.ft. of repaving within a commercial district. The installation of the new leach field and grease trap will result in repaving in excess of 5,000 sq.ft. Therefore, the Commission discussed the current status of the stormwater management system on site. (The current stormwater management system was upgraded in 2002 to include an 8’ x 32’ runoff recharge basin. Separate infiltration of roof runoff was also provided at that time. The design of these structures met the requirements of the MA Groundwater Quality Standards with the exception of having only a one-foot separation between the recharge basin and the groundwater rather than meeting the standard of two-foot separation.)

The SWMB requires infiltration of runoff to the extent possible. In this case, the repaved area will be located above the septic leaching area; therefore no additional infiltration is possible. Erosion control is shown on the plan and the Order will require maintaining the erosion control until complete stabilization of the site is achieved.

The Conservation Commission found that the work as shown on the referenced plans will have an overall benefit to wetland values and functions as a result of the upgraded system.

On a motion by J. Sklenak; 2nd by S. Webb, the Commission voted unanimously in favor of closing the hearings under the WPA, the SWAB and the SWMB.

On a motion by J. Sklenak; 2nd by S. Webb, the Commission voted unanimously in favor of issuing the Order of Conditions and the Stormwater Management Permit as discussed.

WPA & Bylaw Notice of Intent (cont.) Lot 7, Kato Drive

Present: Dave Burke, Perry Beckett, Bob Beckett, Mike Sullivan

Mr. Burke presented a revised plan dated 7/22/09 for Lot 7 Kato Drive, construction of single family home on undeveloped lot, showing 71% of the lot to be placed in a conservation restriction, the use of hardscape and no lawn, and a retaining wall at the limit of grading. The previous plan showed 46% of the lot placed in the CR. The hardscape materials will permit infiltration of stormwater and the driveway will consist of pervious material. A temporary disturbance area is shown between the vernal pool and the proposed house. The Commission questioned the vegetation in this area and the impact on vernal pool habitat. In addition, Perry Beckett requested the CR line not include the area below the retaining wall. He would like to reserve use of the this area.

D. Dineen researched the history of the lot and the judgments in previous litigation. Conditions of a Judgment in 1975 required that the watercourse on lots 4, 5, 6, and 7 be placed within a “restrictive easement” that would prevent any alteration to the stream. A search of the Registry of Deeds records showed that no “restrictive easement” was ever placed on these lots. Bob Beckett responded that the future decisions of the Conservation Commission for a negative Determination on Lot 4 & 5 and an Order of Conditions on Lot 6 served as the restrictive easement.

D. Dineen disagreed and noted that there was correspondence in the files from 1987 by former Assistant Town Counsel stating that language for the restrictive easements had not yet been submitted to Town Counsel for review. Therefore the offer of placing 71% of Lot 7 into a CR was not as much as it seemed because a portion of that area was to be placed into an easement several decades ago. Bob Beckett responded that lots 4, 5 & 6 were sold several times over and the Town has accepted the street. He felt it was no longer his responsibility to place the easements on these lots.

D. Dineen informed the Commission that the Judgment incorporated the Planning Board’s subdivision approval conditions and these conditions also required the restrictive easement. Therefore, the subdivision is in default of subdivision approval. The Commission is now being asked to act on the development of a lot in a subdivision that has not completed the Planning Board or the Court’s requirements for approval. She recommended that the Commission recapture the intended restriction on lots 4, 5 & 6 as part of the approval for development of lot 7.

With the consent of all parties the hearing was continued to Sept. 14th to allow time for current Town Counsel to review the subdivision status.

WPA & Bylaw Notice of Intent: 11 Allene Ave.; septic system repair

Present: Jeffrey and Tammy Gray

The Notice of Intent was submitted for the replacement of an existing sewage disposal system to meet current Title V requirements. The existing septic tank and pvc piping now located within the riverfront area will be replace in substantially the same locations. The leaching galleys and distribution box are located outside the riverfront area. The capacity of the system is not being enlarged. The Conservation

Commission finds that the work as shown on the referenced plans and conditioned in this Order will have an overall benefit to wetland values and functions as a result of the upgraded system.

The plan submitted with the NOI shows the wetland delineation from 2004. As part of the new NOI this wetland line was not updated due to the topography and limited nature of the disturbance in the outer riparian area.

On a motion by S. Webb, 2nd by R. Bell; the Commission voted unanimously in favor of closing the hearing.

On a motion by S. Webb, 2nd by R. Bell; the Commission voted unanimously in favor of issuing the standard septic repair Order of Conditions.

WPA & Bylaw Notice of Resource Area Delineation: 189 Landham Rd.

Present: Robert Moss; Scott Morrison; several abutters

Mr. Morrison presented a plan indicating the wetland delineation as revised July 31, 2009 to show the eastern riverfront area. He noted that the site contained extensive wetland resource areas and although he flagged wetlands off-site on the abutting SVT property, the surveyors wished to obtain SVT approval prior to surveying the wetland flags on their land. Therefore the wetland delineation is incomplete at this time.

D. Dineen informed the Commission that until the delineation is complete, the NRAD cannot be accepted under the local Wetlands Bylaw. The Bylaw requires all wetland and upland resource areas to be shown. She also recommended that a peer review of the final, complete delineation be conducted by a consultant for the Commission and that consultant fees be charged to the applicant as permitted under the Wetlands Protection Act and the Wetlands Bylaw. Mr. Moss agreed to pay for the consultant.

All parties agreed to continue the hearing until Sept. 14th to allow the applicant to submit completed plans and possibly for the Commission's consultant to review the delineation and report to the Commission.

S.W.E.E.T. Invasive Plant Removal Projects review

The Commission voted unanimously on a motion by J. Sklenak; 2nd by R. Bell, to "endorse, approve, and commend" Rebecca Chizzo's plan for invasive plant species removal for 2009-2010. Most of the invasive plants to be removed are on Town property. She has obtained permission of the municipal board who controls each parcel. No herbicides within 100' wetlands are permitted without further ConCom approval.

Certificate of Compliance: DEP File #301-837; Lot 29 Meadowbrook Rd.

The Coordinator reported that in accordance with the Order of Conditions, all work, including lawn establishment, had been accomplished outside of the upland resource area. However, the filing was never withdrawn and needs to be closed out with the COC. She has confirmed no work occurred within wetland jurisdiction.

The Commission voted unanimously in favor of issuing the COC.

The meeting adjourned at 8:45pm.