

## **SUDBURY CONSERVATION COMMISSION**

### **Minutes of the Meeting Held December 14, 2009**

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

#### **WPA & Bylaw Request for Determination of Applicability: Hop Brook Marsh**

The Coordinator presented the project on behalf of both the Conservation Commission and the Sudbury Valley Trustees, joint applicants.

The project involves purple loosestrife eradication by beetles. A release site in the SVT Memorial Forest along Hop Brook was chosen due to its accessibility, presence of significant amounts of loosestrife, and lack of year-round standing water in some areas. Loosestrife plants will be dug in the spring from areas where hand eradication of small areas of loosestrife (example: Sudbury Community Garden) is the best method. Beetles will be provided from an existing population on the Great Meadows NWR and some will be purchased. Beetles will be raised on the dug loosestrife in small wading pools. D. Dineen has volunteered to raise one group.

At the time of release the plants with the beetles will be set in the wetland to allow the beetles to naturally disperse. Containers, if any, holding the plants will be removed after dispersal. The area will be monitored for several years to determine success rates. Monitoring grids will be established. Reports will be provided to the Commission annually.

Studies have shown that the beetles only food source is the loosestrife. As the loosestrife population decreases it is expected that the beetle population will also decrease to the size that the remaining food source will support.

On a motion by R. Bell; 2<sup>nd</sup> J. Sklenak; the Commission voted unanimously in favor of a negative Determination.

#### **Sudbury Wetlands Admin. Bylaw Wetland Enhancement Notice of Intent: 14 Arborwood;**

Present: Mark Sevier and Connie Farb, applicants

Mr. Sevier presented plans for the removal of an abandoned house and restoration within 100' of a vernal pool. This abandoned dwelling is located within approximately 25' of the vernal pool with a steep slope from the foundation to the pool. A new house has been constructed well outside of jurisdictional areas on the property. The house will be dismantled and recycled to the extent feasible and the foundation will be collapsed in on itself.

Fill will be brought in to fill the foundation level to grade and permit the planting of native plant species. The existing cesspool and gas line shall be deactivated and shall remaining place. No erosion control is necessary due to the level work area and the adjacent steep slopes. The digging and staking of haybales and silt fence have the potential to encourage invasive plants. This site naturally limits the equipment and activity due to topography.

The Commission will prohibit site activity of any kind during migration time for obligate vernal pool species. This is generally between March 15 and May 15. The applicant shall seek guidance from the Conservation Commission to determine the best time to perform this work.

Until the Certificate of Compliance is issued, invasive plant species in the restoration area shall be hand pulled and properly disposed of. The Commission encouraged continued removal of invasive plants throughout the site on an on-going basis.

J. Sklenak moved to close the hearing. R. Bell 2<sup>nd</sup>. Unanimously in favor.

J. Sklenak moved to issue the Order as discussed.. R. Bell 2<sup>nd</sup>. Unanimously in favor.

**WPA & Bylaw Request for Determination of Applicability: 80 Jarman Rd.**

Present: Chris Blanchette

Mr. Blanchette explained to the Commission that he would like to remove and/or limb up many of the trees on his property that he believes to be a threat to the house. J. Sklenak, V. Parsons, and D. Dineen visited the site earlier today. They felt that the two oaks in the rear yard closest to the house, and the trunk closest to the house of a four-trunked maple in the side yard could be removed completely. The tree branches growing into the utility wires could be removed to the extent necessary so as not to be a threat to the wires was reasonable. There was no need to completely remove these trees in a riverfront area.

On a motion by J. Sklenak, 2<sup>nd</sup> by V. Sulkowski, the Commission voted unanimously in favor of a negative Determination.

**WPA & Bylaw Request for Determination of Applicability: 37 Jarman Rd.**

Present: William Scheniller

Mr. Scheniller explained to the Commission that he would like to remove as many trees as possible of the trees he has flagged on his property. J. Sklenak, V. Parsons, and D. Dineen have visited the site. D. Dineen explained that many of the trees were outside of wetland jurisdiction. Trees in the back yard were within 100' of a bordering vegetated wetland adjacent to an intermittent stream/drainage ditch. A number of trees, and the largest of the trees flagged for removal were located within the lawn area. The rest of the flagged trees were all young pines except for one oak and were located off the lawn between the lawn and the wetland. They did not provide shading for the stream and, with the exception of the oak, had minor, if any, wildlife habitat value. She recommended a negative Determination with the condition that the lawn not be expanded and the area off the lawn where the pines are removed should be revegetated with native shrubs to enhance the wildlife value of the area.

J. Sklenak moved for a negative Determination as discussed; R. Bell 2<sup>nd</sup>; unanimous in favor

**WPA & Bylaw Notice of Intent: 11 Kendra Ln.; Gilroy**

Present: Bruce Ringwald; Robert Quirk; Frank Gilroy

Mr. Ringwald presented the plan and NOI for the correction and mitigation of violations at 11 Kendra Drive. A portion of the NOI deals with additional work Mr. Gilroy wishes to accomplish on the site. Some of the violations, including additional wetland fill, were done by the builder, Joseph Maillet, prior to Mr. Gilroy purchasing the house. No Certificate of Compliance was issued at the time of purchase.

The driveway was originally proposed to cross a small wetland area delineated by hydric soils only. The actual driveway was shifted during construction and 550 sq. ft. of additional wetland was filled for the crossing. A total of 895 sq.ft. of wetland replication is proposed.

Without Commission approval, Mr. Gilroy had removed trees in the wetland and upland resource areas that had been compromised by oriental bittersweet. In addition to the bittersweet,

the wetland contains multiflora rose and European buckthorn. Mr. Gilroy would like to continue to remove these three invasive plant species on his property. He will use the cut and brush method of herbicide application. His property is 170,000 (3.9 acres) sq. ft. To mitigate for the loss of the trees, an extensive planting plan for the wetland and upland resources was submitted as part of the NOI. Only native plants species will be used.

As part of work not associated with the violations, a ready-rock wall will be constructed to retain the grade at the corner of the driveway and stabilize the slope. This area was never stabilized by the builder. Winterberries will be planted at the base of the slope to augment the existing winterberry plantings. Wetland filling is not proposed for the driveway expansion. A stone diaphrame and bio-retention area will be constructed to filter and infiltrate runoff from the driveway. Currently, no treatment is provided for stormwater runoff.

Another new proposal included in the NOI is the construction of a garage on the driveway surface. The existing garage has been converted to living space as Mr. Gilroy has eight children and they needed the additional room. The garage will be 26' x 28' with an exercise room and storage area over the garage. As with the driveway, the runoff from this structure will be directed to the stone diaphrame and the bio-retention area.

Mr. Gilroy also proposed the installation of a ½ size (40' x 60') sports court within the upland resource area. Construction will involve the relocation of an existing retaining wall in the front yard. The wall will be moved back into the front yard to allow room for the sports court. There will be no impact on the septic leach field from this change. The sports court will be at the level of the base of the wall with a 5' separation in elevation between the lawn and the court. The court surface will consist of a rubberized mat, slightly crowned to channel runoff to a recharge trench along the side of the court. A ready-rock wall will contain the court and trench. Filter mitts will be installed for erosion control. The distance of the court from the wetland will vary from directly adjacent to the wetland at the corner to 30' from the wetland. Construction access will be over the lawn area.

Commissioners discussed the need to shield the lighting at night on the court. No light may shine into the wetland. The court will not be used past 10pm in the summer and 8pm at other times of the year. Driveway lighting shall be on a motion sensor in the evening. Non-natives, non-invasive plants in the current landscape may remain. The a/c unit and pool equipment on the side of the house (not part of the original approved plan) may remain. The area around the pool patio was confirmed as pervious except for one section where a recharge trench was installed.

The Coordinator presented her findings and recommendations. The wetland area is a bordering vegetated wetland which is located between Kendra Drive and Willis Road. Houses surround this wetland and other bordering wetlands within this subdivision. The area provides a wildlife corridor was animals such as deer, raccoons., etc. that coexist with humans. There are no known rare or endangered species in this wetland.

D. Dineen continued with a discussion of the proposed mitigation. She distributed an Alteration/Mitigation analysis to the Commission and audience (attached to these minutes). The proposed work on this lot and the mitigation offered is part of a larger plan to preserve the Blue Sky Trust property on Maynard Road. This 37.7-acre property is the only known Blanding's turtle habitat in Sudbury. Blandings are listed as endangered on the NHESP state list and were confirmed by David Burke, wetland specialist, and Heather Bruce, formerly of Sudbury Valley Trustees. They have been found dead on Maynard Road while attempting to cross from their nesting and foraging habitat on Blue Sky Trust to the Cutting land and the Assabet River

National Wildlife Refuge across the street. Protection of Blue Sky land in conjunction with the protected land across the street can provide needed area for these turtles and may help with finding funding to replace the culvert under Maynard Road with an animal-friendly tunnel. Dineen provided the Commissioners and audience with information on Blanding's turtles from the MA Natural Heritage and Endangered Species Program.

The overall proposal for construction and mitigation involves the development of Lot WR7 ( pending septic design, likely an I/A system); and work as described on Mr. Gilroy's property. Mitigation includes the entirety of Blue Sky Trust deeded to the Town for conservation purposes. Mitigation may also include the donation of the Bowker pond and perhaps some surrounding upland to the Town should the Selectmen agree to accept it.

In conclusion, D. Dineen explained that in terms of overall wetland values and functions, the Blue Sky Trust was a key parcel for conservation control. No wetlands are being altered further by Mr. Gilroy's proposal and the upland resource area has already been compromised by the surrounding development. She recommended approval of Mr. Gilroy's NOI with the conditions as discussed. She suggested the Deed for Blue Sky be held in escrow with Town Counsel until the Order of Conditions is issued on WR 7.

V. Sulkowski questioned if pervious pavers could be used on the new driveway sections. Mr. Ringwald stated that they looked carefully at that option but determined it was not practical due to the extent of work necessary to properly prepare the base under the pavers. He felt that there would be continuing issues where the current asphalt met the pavers as the connections would be difficult to maintain.

J. Sklenak noted that in-ground sprinklers are installed in the front yard. He suggest drought-tolerant grass and sufficient loam installed when the lawn is reinstalled after the sports court construction.

J. Sklenak moved to close the hearing. R. Bell 2<sup>nd</sup>. Unanimous in favor

P. Coddington moved to issue the Order as discussed. J. Sklenak 2<sup>nd</sup>. Unanimous in favor. D. Dineen noted that she will send out the draft Order for comments back to her before it is formally issued.

### **Certificates of Compliance:**

588 Peakham Rd., DiMauro

The Coordinator reported that the site had been stabilized a number of years ago and the small barn/garage and footbridge over the brook were constructed in accordance with the approved plan.

On a motion by R. Bell, 2<sup>nd</sup> J. Sklenak; the Commission voted unanimously in favor

### **Minutes**

On a motion by J. Sklenak; 2<sup>nd</sup> by P. Coddington the Commission voted in favor of accepting the Minutes of **10/19/09 and 11/30/09** as drafted. The vote was unanimous in favor with R. Bell abstaining on the 10/19/09 Minutes and V. Sulkowski and E. Jessup abstaining on the 11/30/09 Minutes.

The meeting adjourned at 9:20pm.