

Sudbury Conservation Commission
Minutes of the Meeting Held January 12, 2009

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

WPA & Bylaw Notice of Intent: 60 Camperdown; Hochberg

Present: Mike Sullivan; Mimi DiMauro; Mrs. Hochberg

This Order of Conditions resulted from a violation of state and local wetlands laws. A significant amount of alteration has occurred in the upland resource area (100' buffer under state law) beyond the extent of alteration and scope of work permitted under DEP File #301-579. Alteration of land off site and alteration of land within a conservation restriction was also performed by the applicant. The Commission requires that all areas illegally disturbed are restored in accordance with the referenced plan and the conditions in the Order.

No Determination was made of the location of the wetland and upland resource areas as shown on the plan. The wetland on the referenced was taken from the original plan dated June 1997 and developed for the Notice of Intent for house construction (DEP #301-579). Recent site visits showed that the edge of vegetated wetland has expanded, likely due to additional drainage from the new subdivision. Based on the scope of restoration work approved in this Order, the Commission did not feel that a precise delineation was required at this time.

The lawn will be pulled back to the originally-approved limit. The stone play area in the upland resource area and conservation restriction (partially off site) will be brought back to natural grade. The plan indicated that red maples and high bush blueberry will be planted.

The Coordinator noted that the restoration is not an attempt to restore wetland but to restore and the adjacent upland and an area within a conservation restriction. She suggested planting species that are already in this area, such as eastern hemlock. Permission must sought from the property owners of the area to be restored beyond the boundary of 60 Camperdown. Low growing native shrubs such as inkberry and winterberry (drought tolerant cultivar) where the lawn has been pulled back. Restoration timing is weather dependent but must be completed by May 31, 2009 at the latest.

The existing in-ground irrigation system was installed without a permit. All sprinkler heads and sprinkler coverage shall be removed from the area beyond elevation 190' on the northeast side of the house, the entire rear yard, and northwest side of the house beyond the front corner of the garage. Sprinklers may remain in the front yard.

No outdoor night lighting or coverage shall be permitted beyond the rear lawn area.

On a motion by R. Bell to close the hearing, 2nd J. Sklenak, the Commission voted unanimously in favor.

J. Sklenak moved to issue the OOC as discussed. R. Bell 2nd ; unanimous in favor

Lot 56 Bigelow DEP appeal: DEP File #301-986 review revised plan

Present: Scott Goddard; William Senecal

Mr. Goddard had submitted a revised plan which showed a tightening up of the wall and grading to increase the separation from 1' to 7'. The Commission questioned Mr. Senecal on the method of construction to be used for the wall. He stated that he would like to use hand equipment for construction with tamping of base soil and installation of gravel with bluestone.

Until he digs down and assesses the soil he will not know if equipment is needed to remove some soil down to suitable material. At least 1' of compacted soil is required for the base. The Commission did not feel additional 6' is an adequate separation distance to protect the wetland, especially with the potential for equipment, additional soil requirements, and any other unknowns encountered during the construction process.

Following a discussion of the proposed stockpile area, the Commission decided not to pursue elimination of this area as it was shown on a previously approved plan.

The Coordinator suggested that Commission advise DEP that this project has not been resubmitted to the Commission for permitting under the local Wetlands Bylaw. She recommended asking DEP to stay any action on this appeal until the applicant has completed the permitting process under the local Wetlands Bylaw. The Commission agreed and directed the Coordinator to send a letter to DEP.

WPA & Bylaw Notice of Intent: 37 Oak Hill Rd.; McPhee; Septic system replacement

Present: Mike Sullivan; Deborah McPhee

The Notice of Intent was submitted for the upgrading of an existing septic system. The system has failed a Title V inspection, however there is no health risk from this failure.

The leaching field is located in the riverfront area to Hop Brook, therefore the applicant is required to perform an alternatives analysis and demonstrate to the Commission that the additional capacity will have *no significant adverse impacts* to the values and functions of the protected resource areas. The alternatives analysis indicated that the only other possible option might be to locate the septic system in the front of the house. This would require substantial grading and the installation of a pumped system and would achieve less than an additional 50' of setback from the river. As mitigation for maintaining the system in its current location the applicant will provide a greater separation to groundwater than the current system.

The Commission found that the design and placement of the system as proposed with greater separation to groundwater and gravity flow to the leaching field is less of a long-term risk to wetland values and functions. Mr. Sullivan added that there is a slightly greater distance to the river than the existing leach field.

The area of the leaching field is now all lawn and landscaped area that is mostly within a fenced area. Erosion control will be installed and the fence replaced following construction.

R. Bell moved to close the hearing. J. Sklenak 2nd; unanimous in favor

R. Bell moved to issue the OOC as discussed. P. Coddington 2nd; unanimous in favor

Discussion: 96 Peakham Rd. Violations

Present: Arthur Maxwell

The purpose of the meeting was to discuss the deviations between the Order of Conditions and the existing on site conditions. Mr. Maxwell stated that he would do whatever was necessary to bring his property into compliance.

The major violations included the installment of a gravel area in the conservation restricted field, the clearing of the under story adjacent to the stream, the installation of in-ground sprinklers within jurisdictional areas, and the dumping of landscape debris into the resource area.

Mr. Maxwell informed the Commission that all material dumped over the stone wall has been removed and his employees have been informed that this activity shall not continue. He will remove sprinklers, revegetate, and remove what needs to be removed and/or restored.

All parties determined that the best course of action would be to have a site visit in the spring once the ground was visible and the full scope of restoration can be determined.

WPA & Bylaw Request for Extension Permit: #301-980 Nashawtuc CC

The Coordinator informed the Commission that a request was received by Lee Lyman, Lycott Engineering for an extension of the Order issued last year for treating ponds with chemicals. It was a one-year permit with an option to renew. No further information has been received from Nashawtuc on progress on their overall management plan or alternative means (dredging?) of treating the ponds.

The Commission instructed the Coordinator to send a letter to the President of Nashawtuc for an update and schedule a vote on the Extension Permit for the next meeting.

WPA & Bylaw Request for Certificate of Compliance: 4 Louis Ave. house reconstruction

The Coordinator reported that as-built plans have been received, site visits conducted, and the project was constructed in accordance with the approved plans and the Order of Conditions.

R. Bell moved to issue the COC. J. Sklenak 2nd ; unanimous in favor

Miscellaneous:

Discussion & Vote: Emerson Medical violation with in-ground irrigation

The Coordinator reported that follow up correspondence with a representative from Emerson Medical has indicated that they did not or did not want to understand that the installation of in-ground sprinklers was not permitted and a violation of the Order of Conditions.

By unanimous vote, the Commission authorized the issuance of a formal Notice of Violation.

Open Space & Recreation Plan support letter CC letter

The Commission unanimously agreed to approve a letter in full support of the most recent draft of the Open Space & Recreation Plan.

Minutes:

On a motion by R. bell, 2nd by P. Coddington, the Commission voted unanimously in favor of approving the Minutes of **9/22/08 and 12/08/08**. J. Sklenak abstaining from the vote on the 12/8/08 minutes.

Wetland Mapping Support

The Coordinator informed the Commission that an application has been submitted to the CPC for CPA funds to include a wetland layer in a GIS database. The wetland mapping will be created from aerial photos. The Commission felt that the wetland layer will be a beneficial tool for both property owners and the Commission, however the maps cannot be used permitting under wetland laws. Aerial photo wetland mapping will not include a soils analysis which may be critical to wetland delineations in some circumstances.

The Commissioners agreed to send a letter of support for the the application with the caveat that the maps will not be suitable or acceptable for permitting requirements.

The meeting adjourned at approximately 8:50pm.