

SUDBURY CONSERVATION COMMISSION
Minutes of the Meeting Held June 29, 2009

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

WPA & Bylaw Notice of Intent Lot 7, Kato Drive:

Present: Davie Burke; Mike Sullivan; Perry Beckett; Bob Beckett

Mr. Burke presented a plan for the construction of single family home on a 60,000sq. ft. undeveloped lot at Lot 7 Kato Drive. An intermittent stream with a small amount of bordering vegetated wetland bisects the lot. The stream begins upgradient of the lot in a wetland area containing a vernal pool.

The subdivision was begun in the 1960's. Lot 7 was not on the Town's tax records until recent years. The Beckett's offered the lot to the Town, SVT, and USFW at a price of \$250,000 last year, however all groups declined to purchase at that time. D. Dineen noted that at the time of the offer, the Town and SVT were very involved in the purchase of the Nobscot.

D. Dineen suggested a DEP Wildlife Habitat Study be done in accordance with the Habitat Guidance. The site slopes steeply with an intermittent stream flowing downhill from a bordering vegetated wetland with vernal pool to USFW property abutting the Sudbury River. The site has almost no invasive plants, and a wonderful multi-level canopy of mostly deciduous trees with a few pines mixed in. A good herbaceous layer and shrub/sapling layer add to the wildlife value. The stream flows in a rocky channel which is likely to harbor macroinvertebrates important in the food chain, and potentially 2-line and 4-toed salamanders. No investigation has been done to determine the habitat impact for the area within 100' of the vernal pool.

Although a CR is proposed on the side one side of the stream (about ½+ of the lot), the other side of the stream will have permanent alteration with permanent loss of habitat. As of now, no detailed assessment of the area to be lost or an analysis of any mitigation has been submitted. D. Dineen suggested continuing the hearing until a full habitat assessment or deny under the local Bylaw based on current information if the applicant refuses a continuation.

D. Burke stated that the stream results from the overtopping of the pool and the runoff from the small Winter Brook watershed. The applicant may consider upgrading drainage to the pool as part of mitigation requirements. A total of 4,000 sq. ft. of impervious surface will result from the construction of the lot with 46% of the lot placed within a permanent Conservation Restriction.

D. Dineen questioned if zoning requires a setback from the temporary turn around easement on the lot. She also noted that the wildlife habitat features are different on each side of the stream. Both sides of the stream have native plants, small burrows and a full canopy. The CR should be increased to cover as much of the other side of the stream as possible to protect these habitat features.

Bob Beckett noted that a common driveway was permitted for access to lots 4, 5 & 6 due to the vernal pool.

Dave Burke stated that although the area to be disturbed is not overly sensitive, there will be loss of habitat. He and the applicants did not feel a Wildlife Habitat analysis

would result in any further information than we now have. D. Dineen suggested a site visit with all parties and the DEP Wildlife Habitat Guidance Checklist to look at the habitat in greater detail.

Bill LoVerme, abutter, stated a concern with the proposed septic system. He has seen yellow-spotted salamanders and spotted turtles in the area.

All parties agreed to a continuation to 7/13/09 with a site visit to take place prior to the continuation.

WPA & Bylaw: Notice of Resource Area Delineation: 150 Wayside Inn Road

Present: David Burke; Jon DelliPriscoli

Mr. Burke presented a plan for 150 Wayside Inn Road revised 6/26/09 showing his wetland delineation, as amended following his meeting with the Coordinator. He noted there are three wetlands systems on the property; 1) a low area with a culvert under Wayside Inn Rd.; 2) hydric soils area on the west side bordering an off-site stream; and, 3) a vernal pool in the northwest corner of the site.

The Coordinator had visited the site twice and concurred with Mr Burke's delineation.

S. Webb moved to accept the wetland delineation plan as revised 6/26/09. 2nd by P. Coddington; unanimous in favor

WPA & Bylaw Notice of Intent: Lot 3 Cail Farm

Present: Peter Karassik; George DiSteph

Mr. DiSteph presented a plan for the construction of new five bedroom home. A previous Order of Conditions was issued for this lot however no construction had begun prior to the three year expiration date. He noted that the lot is part of a 3-lot subdivision of which 22 acres was donated to the town for conservation purposes several years ago.

A portion of the proposed house, deck, and lawn is located within 100' of bordering vegetated wetland. A new wetland delineation was performed and it was found that the wetland had expanded. Mr. Karassik noted that soils were 2 min./inch in the area of the proposed infiltration pits.

D. Dineen informed the Commission that the Order for the road and drainage work in the subdivision has also expired and work has not been completed. Outstanding items are the CR; drainage rip-rap; and public access. After the expiration of the OOC, and notification of such by the Conservation office, Eligius graded the lot into an area within 100' of wetland. Other issues she noted include the house located slightly into the drainage easement and lawn irrigation coverage within 100' of wetlands.

Following further discussion, the Commission required that a new Order of Conditions must incorporate all the outstanding items in the (3 lot) subdivision. Lot 3 should not be constructed until the drainage is completed, the required CR is in place unless final recording issues are out of the control of the applicant, and structures are moved out of the drainage easement. No sprinkler coverage will be permitted within 100' of the wetland.

Abutter, D. Zaia of 818 Concord Road questioned if public access will be posted. The Commission will require such posting.

S. Webb moved to close the and issue the Order of Conditions as discussed. 2nd by P. Coddington. Unanimous in favor.

WPA & Bylaw Notice of Intent (cont.): 35 Crystal Lake Drive

Present: Tom DiPersio, Sr.; Mr & Mrs. Brown

Mr. DiPersio continued the presentation of the plan for the reconstruction and enlargement of single family house on Crystal Lake. The plan was revised to show a 2-bedroom septic design. Based on the outcome of a site visit by J. Sklenak, D. Dinnen, and Dave Crossman (wetland botanist), the edge of bordering vegetated wetland has been increase by 13' in the rear of the house.

The Commission noted that a new plan showing the revised wetland line as well as a resolution of the issues raised at the last hearing is needed.

All parties agreed to continue the hearing to July 13, 2009.

Order of Conditions Amendments:

108 Austin Road

The Coordinator presented a plan by the applicant to reduce the size of the addition and change from a pervious to impervious driveway. She recommended approval due to the reduction in impervious with a smaller additional conditional upon more native plantings adjacent to the wetlands.

The Commission voted unanimously in favor of the amended plan as discussed.

Assabet Valley National Wildlife Refuge

The Coordinator presented a revised plan by Oak Hill Associates to increase the parking areas in two places along the new roadway serving the Visitor Center. The parking surface will be pervious pavement throughout the new parking areas.

The Commission voted unanimously in favor of the revisions as the changes were substantially out of wetland jurisdiction and insignificant.

Order of Condition Extension Permits

Present: William DePietro

The Coordinator explained that the following Orders of Conditions will be expiring shortly.

1. **Mahoney Farms:** Valid through July 18, 2009
2. **Grouse Hill:** Valid through July 7, 2009

A timely request for Extension Permits has been received as well as a new timetable for completion. Substantial progress has been made toward project completion and there has been only one erosion or sedimentation issue in the past year. This problem was resolved very quickly with no lasting impact to wetlands.

Mr. DePietro added that although market conditions played a role, the main reason for not finishing the site work was due to the unusually rainy weather this spring holding up the site landscaping. The Mahoney Farms conservation restriction area on the slope will be replanted this fall. The Grouse Hill grading has been stabilized and unit sales have continued throughout the market downturn.

The Commission voted unanimously to approve a one year extension for Mahoney Farms and a one year extension for Grouse Hill. The Maohony Farms

extension is conditional upon the conservation restriction area replanting to occur by Sept. 30, 2009 at the latest unless a further extension is granted, in writing, due to weather conditions. The Commission shall be notified of any deviations from the new timetable.

Certificates of Compliance:

95 Stone Road

The Coordinator reported that an inspection last Friday indicated that the site was fully stabilized. The Board of Health has confirmed the septic was installed in accordance with the final approved plan for a 3-bedroom house.

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

Lot G Maynard Road

Unidentified representative for the applicant was present

The Coordinator reported that a site visit last week with Scott Goddard that the revegetation area within 100' of the vernal pool contained considerable invasive plants, including oriental bittersweet, catalpa trees, and buckthorn. She recommended no COC until the invasives are removed. The applicant requested release of the \$25,000 bond held by the Town. The Coordinator recommended a partial bond release of \$15,000 as the property is on the market and the goal of restoration has not been achieved. A partial release is warranted as the lawn area at the top of the slope has been restored. She noted that the large rock retaining slopes in the backyard was seeping a considerable amount of water to the point of purple loosestrife thriving on the slope between the rocks.

The Commission voted unanimously in favor of releasing \$15,000 of the \$25,000 bond. The revegetation area must go through at least two growing seasons with the invasives plants removed and adequate native plants thriving before the Commission will consider release of the balance of the bond.

424 Boston Post Road

The Coordinator reported that the septic repair is complete and stable. The work has been approved by the Board of Health.

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

60 Camperdown

The Coordinator reported that the fill removal and revegetation has been very recently completed in accordance with the approved plan, however the native plants need two growing seasons to establish before compliance is assured. No COC should be issued at this time.

On a motion by S. Webb; 2nd R. Bell, the Commission voted unanimously not to issue the COC but to inform the applicant, in writing if desired, that work to date is in compliance with the Order.

The meeting adjourned at approximately 9:00pm.