

Sudbury Conservation Commission
Minutes of the Meeting held November 2, 2009

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

WPA & Bylaw Request for Determination of Applicability: 8 Brook Lane

Present: Michael Sullivan; David Waddell

Mr. Sullivan presented a plan showing a minor relocation of a septic leaching field. A recent title search of the property has uncovered that a portion of the leach field area is not all on the same lot as the house. Due to complicated probate issues and the time involved in securing title to the area in question, the applicant has decided it would be faster and less expensive to move the leach field. The house is on the market with a pending sale.

The plan shows the system moved less than 12' closer to the brook. This is the only relocation alternative at this time due to the need to elevate the leach field. Moving the system closer to the house will result in grading above the first floor windows.

The Coordinator added that the current system is within the riverfront area of Hop Brook. The lot is level with a very well defined, abrupt slope of 6" to 8' to the brook. Denitrification has been added to the system design as well as an increase in system capacity from 2 3 bedrooms. She recommended approval of the plan due to the added denitrification offsets the increase effluent and minor relocation closer to the brook. The wetland interest is water quality which will be improved with the new system design.

A motion was made and seconded for a negative Determination. The motion passed unanimously.

Discussion: Maple Meadows, Maple Ave

Present: Dave Burke; Robert Roth; Robert McGinty

Following a site inspection after the expiration of the Order of Conditions, the Conservation Commission staff found violations of both the Sudbury Wetlands Administration Bylaw and the Massachusetts Wetlands Protection Act at Maple Meadows, Maple Ave., Sudbury MA.

The violations include:

1. Failure to stabilize soils on the south, west, and east side of the site
2. Failure to complete wetland mitigation required under #301-838 prior to expiration of Order of Conditions;
3. Failure to remove non-native, invasive plants and mow meadow annually in accordance with #301-838

The Commission will require submission of a complete Notice of Intent within 60 days. The construction of buildings 2, 7, and 8; the mowing of the meadow; and the removal of invasive plant species on the site and the abutting property owned by the applicants, are permitted under this Notice of Violation **conditional upon the following**:

1. The square footage of the isolated, vegetated wetland shall be calculated and reviewed by the Wetland Specialist and the Conservation Coordinator prior to any work associated with construction of buildings 7 and 8.
2. The cattail area within the isolated, vegetated wetland shall be removed and placed into a forebay to be excavated at the outfall of the drainage pipe in the southeasterly portion of the site.
3. Site-wide stabilization is required within 30 days of the date of this Notice of Violation.
4. The complete Notice of Intent covering all remaining work on site, including a plan based on current as-built conditions, shall be submitted to the Conservation Commission on or before Jan. 3, 2010.

No additional work is permitted at this time within any jurisdictional areas until Orders of Conditions are issued permitting the work under the Sudbury Wetlands Bylaw and the State Wetlands Protection Act. The Order of Conditions has expired; therefore there is no permit in effect at this time to complete work outside the scope of the work listed above.

Current site conditions include the formation of additional bordering and isolated vegetated wetland resource areas on the site resulting from earth work performed in accordance with the expired Order. The Commission believed that a new NOI, with additional wetland enhancement and mitigation would result in increased wetland values and functions. The discussion included removal of stockpiles of loam located in what is now bordering vegetated wetland (bvww), relocation of the isolated wetland subject only to Wetlands Bylaw jurisdiction, and immediate site stabilization of the areas already brought to grade for the building foundations for buildings 2, 7 & 8.

WPA & Bylaw Notice of Resource Area Delineation (cont.): 189 Landham

The Coordinator reported that a request for hearing continuance was received today, 11/2/09, at 1:10pm. Additional information had not been received as required prior to the hearing continuation tonight.

The Commission agreed to continue the NRAD hearing to Nov. 16, 2009 at 7pm.

Discussion: Lot 7 Kato Drive Order of Conditions:

Present: Perry Beckett

Mr. Beckett had request a meeting with the Commission to ask for an amendment to the recently issued Order of Conditions. The Order prohibits any lawn on the lot. The intent was to prohibit lawn except in the front of the house over the septic area.

The Coordinator concurred that the wording in the Order was in error and suggested an amendment to limit lawn to the area in the front of the house and east of the driveway. vor of the changes prop

Commissioners voted unanimously in favor of the changes proposed and will not require a new public hearing based on the minor, corrective nature of the changes.

Miscellaneous:

Robert Quirk Pond Gift – recommendation to Selectmen

The Conservation Commission is in receipt of a letter from Attorney Francis J. Harney on behalf of Robert D. Quirk offering the Bowker Pond to the Town as a gift. The pond is shown within Assessor's map and parcel C07-569 located between Ford and Longfellow Roads. No back taxes are currently owed on this parcel.

Presently, the pond is contained within a 9.42-acre parcel and is surrounded by a narrow strip of upland varying in width from 0 feet to 80+ feet. Two 50'+- wide access areas, one on Ford Rd. and one on Chanticleer Road, would be part of the gift allowing access to the pond. The balance of the upland area is being offered for sale to the abutters to allow them pond frontage. In addition, the gift requires the Town to permit abutter-only (those choosing to purchase the pond frontage) access to the pond for non-motorized boating (kayak, canoe).

The Commission voted unanimously to recommend acceptance of this gift. This is a unique wetland resource area. When the Bowker area subdivisions were constructed in the 1970's much of the area was wetland. The Hatch Act and the early Wetlands Protection Act did not necessarily prohibit wetland filling, therefore most of the subdivision is on wetland fill. The wetland ponds within the Bowker subdivision are the remains of the former natural wetland areas. The pond being offered to the Town is the largest and deepest pond within the subdivision. Due to the depth of the pond (over

10') underground streams flow through the water resulting is excellent water quality. This water quality remains despite the introduction of street drainage from the subdivision roads.

Due to the excellent water quality from the underground streams, the pond periodically contains blooms of freshwater jellyfish. It is the only water body in the region reported to have these blooms. These jellies (actually *Craspedacusta sowerbyi*, a close relative) require well filtered, slow-moving streams for their life processes. Former gravel pit and quarry areas are a prime habitat. It would be interesting to monitor the presence of these species.

In addition, the Bowker pond receives runoff from the surrounding town roadways. Although the Town has drainage easements over the pipes leading to the pond, there is no easement over the pond itself as is required for detention areas today. This limits the ability of the DPW to properly handle any drainage maintenance or emergency work in the area.

Therefore, due to the combination of environmental uniqueness, ability to perform drainage work, and no back taxes owed, the Commission is recommending acceptance of this gift for conservation and drainage purposes in accordance with the offer.

150 Wayside Inn Rd. – Order of Conditions issues

The Coordinator informed the Commissioners that the OOC has not as yet been issued although it was voted at the close of hearing. She explained that she has held the Order to avoid an appeal by DEP. DEP has commented that the plan cannot be permitted due to the use of bordering vegetated wetland for stormwater management. This is not the case, however a narrative explaining the plan was not included in the NOI so the confusion is understandable. She has drafted an OOC with a Findings section to further explain the plan and is waiting for DEP's response.

The Commission agreed that avoiding a DEP appeal was the preferred course of action.

The meeting adjourned at approximately 8:45pm.