

SUDBURY CONSERVATION COMMISSION
Minutes of the Meeting Held February 7, 2011

Present: John Sklenak, Chairman; Richard Bell; Victor Sulkowski; Sharon Rizzo; Debbie Dineen, Coordinator; Victoria Parsons, Technical Assistant

Sudbury Wetland Administration Bylaw Notice of Intent: 4 Butler Rd.

Present: Mike Hatfield, property owner

Mr. Hatfield presented a letter dated 12/14/10 from a certified arborist recommending the removal of ten large white pine trees just off the lawn in the rear of his property. The pines all show signs of infestation by a white pine bark beetle. Left unchecked, the beetles are likely to destroy all the pines in the area. Photos showing proof of the beetle damage were submitted.

Mr. Hatfield presented a replanting plan for the area directly adjacent to his lawn. Replanting arborvitae and inkberry will be done to provide a multi-layered canopy at the edge of the woods.

The Coordinator noted that the filing is only under the Bylaw (removal of invasive/diseased vegetation is an exempt activity under WPA) and can be categorized as a wetland enhancement project. The wetland appears to be greater than 50' away from any of the trees to be removed. She recommended approval and stated that the Commission had an expert opinion in writing from the arborist.

Commissioners agreed, but questioned how the infested wood would be disposed of. Mr. Hatfield was not certain of the disposal methods. He will be sure his tree removal contractor disposes of them in accordance with approved, legal methods.

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

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

WPA & Bylaw Notice of Intent: 505-525 Boston Post Rd.; Gravestar, Inc. & Town of Sudbury joint project; walkway construction

Present: Mark Beaudry of Meridian Assoc.

Mr. Beaudry explained that the Notice of Intent was submitted for the grading and paving of an existing 5 ft. wide 450 ft. long gravel path connecting two shopping centers on Route 20 in Sudbury MA. The existing gravel path is unstable and eroded, with deep gullies channeling sediment from a low point on Route 20 down a steep slope and directly into the bordering vegetated wetland. The project includes widening the gravel path, installing a stormwater treatment structure, and permanent stabilization of the slope. The project has been approved by MassDOT.

A settling basin will be constructed at the outlet of the treatment unit for further treatment of runoff and greater protection of the wetland. A maximum of 90 sq.ft. of bvw will be disturbed for the implementation of this project for the construction of the settling basin and the regrading and stabilization of the slope. The applicant has proposed wetland replication of 100 sq.ft. in an adjacent upland area located to the southeast of the walkway. The Commission voted to waive the construction of the wetland replication due to: 1) the likely recolonization of phragmites in the created wetland (the Commission is working with commercial land owners in the area to reduce/remove the encroaching phragmites into the bvw); 2) the needs to disturb a stable area of mature trees and native grasses; and 3) very limited access to the proposed replication area where

the disturbance for access would negatively alter (tree removal, soil compaction, introduction of invasive plants, etc) an area much greater than the proposed de minimus 100 sq. ft. replication area. The Town will maintain the Vortechincs unit.

The Commission agreed that the project is an improvement over existing conditions by the treatment of runoff from Route 20; the installation of a stormwater treatment structure; the regrading to repair the gulying on the slope and provide permanent stabilization; and the construction of a settling basin as further treatment for the Route 20 runoff. A better defined level area to be paved and 1:1 slope to wetland will contain pedestrians at the top of the slope. A section of the sidewalk will be pitched to a settling basin. The basin will pitch toward Rt 20 to an area of existing puddling due to debris and sand build up. This basin will be directed to a new inlet for stormwater treatment. The unit will be sized for the contributing sidewalk section and contributing area of Rt. 20. A rip rap apron will be installed at the base of slope. Fill is already in place with a geofabric stabilization cover. Jute matting with seed anchored on slope will be used for stabilization of final grading. A timber railing will be installed between Route 20 and the sidewalk.

Town Engineer Place has contacted MA DOT and received approval for the work within the State right-of-way. An area of 65 sq' of wetland fill and alteration of 25sq ft for riprap apron is necessary for grading. A replication area of 100 sq. ft. is proposed next to Sullivan Tire in a wooded area.

D. Dineen recommended waiving the construction of the wetland replication area. A 100sq. ft. replication area is de minimus and the disturbance caused by tree removal for access and soil disturbance will encourage the spread of phragmites and purple loosestrife which Gravestar has been working to eradicate in the wetland.

S. Webb moved to close the hearing. R. Bell 2nd; unanimous in favor

The Commission discussed the conditions in the Order. No sodium deicers. Work should be done to get the slope stabilized in the spring 2011 growing season. The Vortechincs units shall have quarterly inspections and be clean as necessary. DPW is responsible for maintainence. No replication will be required.

S. Webb moved to close the hearing and issue the OOC as presented and discussed. S. Rizzo 2nd; unanimous in favor

WPA & Bylaw Notice of Intent (cont.): 22 Raymond Rd.; Drainage improvements

Present: CA Budnick of CabCo

Mr. Budnick explained that his company had been hired to solve an issue of foundation leakage at the bank-owned house at 22 Raymond Road. A sealer and adhesive would be installed on the foundation. Within 30 minutes of install, a membrane is applied to the sealer. The drainage & insulation product is installed (made of recycled tires) then backfilled with stone. The Material Safety Data Sheets indicate no hazardous materials.

V. Parson had researched the toxicity of the materials. The sealer contains coal tar and there is methanol in the coating. D. Dineen noted that there will be a drain installed around the foundation to channel water to a certified vernal pool located within 100' of part of the foundation. The groundwater flowing around the foundation will come in contact with the foundation material. She recommended continuing the hearing to allow the applicant to research other solutions, or denying the project as present based on toxicity of components of liner. V. Parsons added that her research found other products that appear to be non-toxic alternatives which are more environmentally friendly.

S. Rizzo noted that some of the materials of concern will oxidize on contact with the air. V. Sulkowski added that the material will be sealed off.

All parties agreed to continue the hearing to the next meeting to allow the applicant time to investigate other possible materials with less risk to the vernal pool.

WPA & Bylaw Notice of Intent Public Hearing and Sudbury Stormwater Management Bylaw Public Hearing: 28 Paddock Way

Present: Lynne Sullivan; Glenn Wilson; Tom DiPersio, Sr.; several abutters

Chairman Sklenak opened the public hearings and it was made clear to all present that the hearings are being held concurrently for the WPA, Wetlands Bylaw, and Stormwater Bylaw. The Coordinator added that the NRAD was NOT VALID for failure of applicant to notify abutters. Therefore, the 1st item of business will be a review of the wetland delineation.

D. Dineen reviewed the wetland areas on site. They consist of riverfront area, bordering vegetated wetland, pond, bank, land under waterbody, and upland resource area (buffer zone under the WPA). Although initially riverfront area was identified as a pond by the applicant's wetland consultant, this area was found by the Commission to have riverine characteristics (unidirectional flow, clear channel and banks, some bank undercutting, intersecting groundwater

Mr. DiPersio explained that the subject property consists of 5.4 acres currently developed as a single-family residential house. The wetland resource areas consist of bordering vegetated wetland, riverfront, and pond. The Commission finds that the lot and house were in existence prior to 1996 and the existing house and septic leaching field is entirely within the riverfront area as defined in 310 CMR10.58 and the Sudbury Wetlands Administration Bylaw. The existing house will be demolished and a larger house will be constructed mostly outside the 200' riparian area. The septic leach field will be relocated outside of the riverfront area. A large patio and pool will be added to the house and located within the outer riparian zone. Pavement on the driveway is proposed only at the garage and turnaround area. The remainder of the driveway will be gravel.

The Paddock Way neighborhood experiences flooding during larger storm events or back-to-back smaller storms. It has been determined that the drainage channel running southeast and northwest of the house has not had any maintenancesince it was constructed in the late 1970's. The channel is located within an easement that runs to the Town of Sudbury. Sudbury has accepted Paddock Way as a public way as well as accepted the drainage easements. Therefore, the requirement for maintenance of the drainage channel is the Town's responsibility. As part of Sudbury's EPA MS4 permit, maintenance of this easement has been identified as a priority project as soon as site conditions permit necessary access.

Existing conditions of the property do not include any stormwater infiltration or other best management practices for treatment of runoff. Stormwater from the reconstruction project is designed to capture and infiltrate runoff from the proposed new impervious surfaces. The patio will be pitched slightly to allow runoff flow to enter a rain garden designed to Limited Impact Development (LID) standards. An additional rain garden will be constructed on the south side of the driveway to infiltrate runoff from a portion of the driveway as well at capturing and infiltrating runoff from the abutting property. The remaining runoff from the gravel section of the driveway will be directed to a water quality swale which will flow into a third rain garden.

Overflow from this rain garden will flow over a level spreader and vegetated swale to the existing drainage easement associated with street runoff.

Seasonal constraints (3' of snow cover) prevents confirmation of existing soils and the development of detailed drainage calculations based on proposed contours and other site variables. Therefore the Order must condition the project to supply soils and hydrology information, satisfactory to the Conservation Commission, to be reviewed in a public meeting. If the Commission finds that actual site conditions do not support the stormwater management design as proposed, the Commission will reserve the right to require a redesign of the site drainage which must meet the performance standards for stormwater in the Wetlands Protection Act, the local Sudbury Wetlands Administration Bylaw, and the Sudbury Stormwater Management Bylaw. As additional mitigation for reconstruction partially within wetlands jurisdictional areas, the applicant has agreed to remove lawn within approximately 24' of the stream and restore approximately 9,000 sq. ft. of bordering vegetated wetland along the northeast property line.

A Drainage Easement/Conservation Easement currently covers approximately 18,600 sq. ft. of the lot. A subsequent Conservation Restriction was previously placed on approximately 27,000 sq. ft. of the lot. As a condition of the Order the applicant agreed to place an additional approximate 45,400 sq. ft. (one-acre+) of the 5.4-acre lot under a perpetuity Conservation Restriction. Therefore, a total of almost 2 acres (approximately 91,000 sq. ft.) of the 5.4-acre lot will be permanently restricted.

Chairman Sklenak opened the hearing to the abutters for questions and discussion. Issues of flooding were raised. Abutter D.J. Oakes raised concern that the increase in the amount of impervious surface will cause flooding on her property. Lesley O'Keefe, Mrs. Oakes daughter and not an abutter, questioned the appeal procedure to "preserve their rights".

D. Dineen recapped a meeting she had with abutters Mr. & Mrs. Santinelli prior to the hearing to discuss the drainage problems in the neighborhood. As a result of that meeting she informed the Commission that any increase in flooding in the stream may not be confined to the 28 Paddock as in some large storms the flow travels in the opposite direction. She discussed the situation with the Town Engineer. A check of drainage easement maintenance shows that the drainage easement in the neighborhood has had no cleaning or maintenance since it was created by the original developer, Creighton Hamill, in the 1970's. When she first visited the site on 12/16/10 prior to snowfall, it was apparent that the drainage ditch has not been maintained. The Town Engineer believed that cleaning the area within the drainage easement may solve or significantly reduce the flooding issues by providing the full design capacity within the easement area and allow it to flow in the direction intended. Mr. Santinelli agreed and thanked the Town for prioritizing this area for maintenance.

The Commission explained to the neighbors that the applicant, builder and engineer cannot now provide further drainage information due to site conditions. Detailed topography, soil investigation, and precise volume and runoff calculations cannot be done while under 3'-4' of snow. The applicant is under time pressure for an OOC in order to move forward with financing (applicant does not currently own property). D. Dineen explained that requesting this information in the Order is a logical way to proceed. The Order is not a permit allowing the applicant to proceed with construction. The Order is a set of conditions that must be met before, during, and after construction as required. She suggested that the Order contain the requirement to provide the soils and hydrology necessary for the Commission to review the sizing of the rain gardens and other best management practices to ensure that any incremental increase in runoff

due to the increase in impervious surface is dealt with in accordance with the MA Stormwater Standards, the WPA, and all local requirements.

In summary, the Commission finds that this project is designed to meet the performance standards of the Wetlands Protection Act, the Sudbury Wetlands Administration Bylaw, and the Sudbury Stormwater Management Bylaw. Proposed work includes: incorporating on-site best management practices to infiltrate runoff from all proposed impervious surfaces; restoring approximately 9,000 sq. ft. of bordering vegetated wetland that was altered in the 1970's for lawn creation; adding over one acre of upland adjacent to the stream to the Conservation Restriction; and moving the septic system leaching field outside of the riverfront area. Subject to receipt, review, and concurrence with the soils and hydrology data (to be submitted when site conditions permit collection of this information), the Commission determined that the proposed mitigation will result in no significant adverse impact and meets the requirements of the state and local wetland regulations and will improve existing conditions both on-site and within the neighborhood.

Commissioner Sam Webb moved close the WPA, SWAB, and SWMB hearings. Commissioner Richard Bell 2nd the motion; vote was unanimously in favor

Chairman John Sklenak moved to issue the Orders of Conditions and the Stormwater Management Permit as discussed with pre-construction requirements. Commissioner Sharon Rizzo 2nd; unanimous in favor of the motion.

WPA & Bylaw Request Amendment to Order of Conditions: 41 Lincoln Ln.

Richard Morrell; House tear down and reconstruction; Mark Allen

The Coordinator informed the Commission that after hearing the scope of the amendment the 1st Commission action will be to determine if new Public Hearing is necessary. She questioned how the new design will impact the Sudbury River Wild & Scenic designation and if any wildlife habitat alteration will result from secondary impacts. A letter was received from the immediate abutter voicing concerns for well water and impacts to the gravel roadway.

Mr. Allen explained that the structural integrity compromised in the existing foundation. They would like to tear down and rebuild the house from the foundation up. The new house will be the same ground footprint as the existing house. It will have a second story and a fourth bedroom. The septic has been approved by the Conservation Commission with a four bedroom design.

The Commission determined that a new public hearing was not necessary as the disturbance footprint remains the same. The amended Order will include: 1) equipment in & out once; 2) regrade any damaged area roadway; check with abutters on well issue.

Gene Berkowitz, 52 Lincoln Ln., presented deeds indicating an historic (1928) right-of-Way for his property through 41 Lincoln Lane to the river. It is a pedestrian easement and he uses it to launch his canoe. The Commission will request language in the conservation restriction permitting a cleared area up to 6' wide to be shown on the CR plan and permitted in the CR document.

S. Webb moved to amend the OOC as discussed. J. Sklenak 2nd; unanimous in favor

Miscellaneous

1. ConCom position on dissolving the Permanent Landscape Committee

Commission recommended to dissolve. PLC duties are covered by other permitting entities. PLC has not actively been representing the boards they were appointed to represent

2. 35 Crystal Lake Dr.; materials used for geothermal installation
Amendment to the OOC will require further investigation of water table and a site inspection. Toxic material potential in system may ultimately result in denial. The issue of geothermal installs should become more visible in town and ConCom is the ONLY permitting authority right now.
3. Certificate of Compliance; 1st Baptist Church, Landham Rd.
Mike Sullivan's most recent email was unclear as to whether or not the berm could be reconstructed to meet the design plan. The Coordinator will speak with him for clarification.
4. Assess fines 774 Concord Rd. unless contract is received tomorrow. One 30-day extension has already been granted

The meeting adjourned at approximately 9:25pm