

SUDBURY CONSERVATION COMMISSION
Minutes of the Meeting Held February 28, 2011

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

WPA & Bylaw Notice of Intent: 264 Morse Rd.; Ratikin violations

Present: Nathalie Ratikin; Scott Goddard

Mr. Goddard explained that the Notice of Intent filing was in response to a Notice of Violation issued by the Commission for wetland alteration at the site. He presented a plan showing the scope of violations which include alterations to two streams, bordering vegetated wetland, and adjacent upland resource area. Two intermittent streams converge on the property and the tall shrubby growth around the streams had been cut and landscape fabric was installed over the area. 320 linear feet of stream bank was altered and the streams were channelized and relocated. Slightly less than 2,000 sq. ft. of bordering vegetated wetland was altered and sand was spread by hand to a depth of 1.5 feet to 2 feet. The grade at the culvert appears to be untouched. The NOI proposes to restore the area to its state prior to this disturbance.

The sand came from a gravel pit in Acton and some of it has eroded into the stream. All removal and restoration work will be done by hand. The best time for the work is in a no-flow situation.

D. Dineen commented that she believes the stream crossing under Morse Road is perennial. The site is within an Estimated Habitat Area of Natural Heritage and Endangered Species. Her records indicate blue-spotted salamander and box turtle have been found on Marlboro Road. She advised the Commission that the Wetlands Bylaw allows the Commission to require restoration at 2:1 or 3:1.

All parties agreed to a hearing continuance due to snow cover and the need to conduct an on-site visit when the ground is visible. The hearing was continued until April 11, 2011.

Newbridge Farm Trust; Newbridge Road Lot Sale

The Commission discussed the Notice of Intent to sell a 40,000+-sq. ft. parcel of land on Newbridge Road belonging to the Newbridge Farm Trust (Dickey family). This parcel is a portion of a larger parcel of land owned by the Dickey Family that is taxed under Chapter 61B assessment. The Town has the right to first refusal to meet the current Purchase & Sale price of \$375,000.

The Conservation Commission is *not* recommending the Town exercise its option to purchase this single-family lot for conservation purposes. Although the parcel is part of a larger parcel of land listed on the Open Space and Recreation Plan, this one-acre+- Newbridge Road frontage portion of the larger parcel has no value on its own for meaningful ecological protection.

Please note that as individual frontage lots are sold and removed from the larger parcel, the flexibility for future development of the remaining land is likely to decrease. Future sale for development or valuation for Town purchase of the remaining land may be reduced with the elimination of frontage lots. Loss of these lots might impact internal roadway networks, house sitings, ability to layout house lots to avoid wetlands, etc. all which can negatively impact overall lot density and future valuation.

WPA & Bylaw Notice of Intent (cont.) 22 Raymond Rd.

Correct basement flooding issues

Request for Continuance received 2/23/11. To be continued to 3/14/11

Request for Amended Order of Conditions: 28 Paddock Way

Present: Lynne Sullivan; Glenn Wilson

D. Dineen advised the Commission that one of the property owners, Robert Shoemaker, brought to the Commission's attention an error in the amount of acreage shown on the plan referenced in the Order of Conditions. He also advised that he was a property owner along with Mae Shoemaker and he was not listed in the Order as an owner. Therefore, D. Dineen requested the Commission amend the Order to reference the correct acreage of 4.76 acres (not 5.4 acres) and to incorporate a revised plan showing this correct acreage. In addition, the amended Order should include Robert Shoemaker as one of the property owners. She has confirmed via the Registry of Deeds that Mr. Shoemaker is currently an owner. She has also confirmed with T. DiPersio that the area shown on the plan referenced in the original as 5.4 acres is actually only 4.76 acres in size. There is no impact to the area to be developed and no change in the development plans. These errors occurred due to an error with recording at the Registry back in 1992. Therefore, the only change in the amended Order will be the notation of the correct acreage and the addition of the second property owner.

The Commission agreed that the amendments did not involve any change to any site designation or activity and that they constituted what is basically a "scriveners error".

On a motion by P. Coddington; 2nd by R. Bell; the Commission voted unanimously in favor of not requiring a public hearing due to the very limited and corrective nature of the amendments and no change involving any site activity.

On a motion by R. Bell; 2nd J. Sklenak; the Commission voted unanimously in favor of Amending the OOC to substitute the new plan and any reference in the Order to acreage showing the correct acreage, and the correction of property owners.

WPA & Bylaw Notice of Intent (cont.): Lot WR7 Willis Rd., Robt. Quirk

New house construction

Request for Continuance received 2/24/11. To be continued to 3/14/11

Comments to ZBA: 192 Boston Post Rd. 40B development

The Commission agreed to ask the ZBA to require the applicant to file a Notice of Intent with the Conservation Commission under both the state Wetlands Protection Act and the local Wetlands Administration Bylaw. This filing will result in a full review of all wetland regulations and allow the Commission to provide detailed, technical comments to the ZBA for consideration during the ZBA permitting process. The February 3, 2011 MassHousing letter, page 3, numbers 1. and 3. encourages filing under the local wetlands bylaw and compliance with all "statutory and regulatory restrictions and conditions relating to drainage, wetlands, vernal pools and wildlife habitats...". The Commission noted that no specific Exceptions/Waivers have been requested under the Administration Bylaw. Other issues to be addressed include:

1. A plan showing the full extent of site disturbance should be required. This should include limits of clearing, limits of lawn, full grading, and landscaping.
2. The Commission is concerned that at least one-half of the septic leaching field is located less than 100' to the edge of wetlands. Unless the applicant can demonstrate groundwater flow away from the wetland, the system should be designed with the maximum denitrification treatment based on current technology.

3. The applicant should consider incorporating Limited Impact Development (LID) designs for stormwater treatment. For example; the use of porous materials for walkways, driveways, overflow parking; etc should be fully explored and required where feasible.
4. A full landscape plan should be required and should utilize only native species of plants. No in-ground irrigation system should be permitted and plants should be chosen for drought-tolerance. Rain water harvesting methods could be used to capture, store, and reuse stormwater runoff. Should the applicant pursue approval of an in-ground irrigation system, pump tests should be performed to ensure no drawdown of wetland areas as a result of the system.
5. A full set of drainage calculations must be submitted. This submission must include the depth to groundwater and the soils types in the specific areas proposed for infiltration and a detailed analysis of pre and post-construction runoff. A stormwater Operation and Maintenance Plan must be required.
6. Several large, mature specimen trees are located on the site. These should be located on the plan and the ability to work around these trees should be fully explored.
7. The area over the septic field is proposed as a meadow grass area. This area should be mowed every other year at a minimum but no more than once a year in the early fall. These requirements should be included in a Deed Restriction.
8. The stream just off site to the west is a direct tributary to a state-designated cold water fishery resource. In addition to the septic effluent issues noted above, the applicant must demonstrate that work on the site will not impact water quality, quantity, temperature, or biological functioning of this watercourse.
9. An area for snow storage should be indicated on the plan. Snow melt should not be allowed to directly enter any wetland resource area.
10. The site includes extensive areas with invasive plant species. Areas to remain as natural buffers to the wetland should have these invasive plants removed and replaced with native plants with high wildlife value.

Overall, the Commission's concern is for the extent of disturbance in close proximity to the wetland edge. This is particularly an issue in the southwest corner of the site where buildings J, K, and L are located less than 40' from the wetland, not including decks, yard, and landscaping. A redesign of the site layout and density should be analyzed fully and should result in a larger setback to the wetland.

Comments to Planning Board:: Maple Meadows Modification

Commission reviewed the Preliminary Development Plan (Density Plan) Dec. 8, 2010; the Maple Meadows Amended Master Plan February 11, 2011; and the Plan of Land Maple Meadows Feb. 14, 2011; all plans by R. Wilson & Associates, Inc., incorporating 5 new units on adjacent property.

A new wetland delineation through a DEP Notice of Resource Area Delineation is required. The wetland line shown on the density plan is outdated and was found to be incorrect in Feb. 2010 during the process for a new Order of Conditions for Phases I, II, and III. In assisting the developer to acquire new permits for these previously permitted (but expired) project phases, we required the developer to only re-delineate the wetland areas most applicable to the previously permitted work at that time. Additional wetlands outside of the areas of previously permitted work would be looked at formally when the applicants were ready to proceed with the development of 55 Maple Avenue.

As part of the new wetland delineation, the applicant must look at current riverfront delineation. The DEP and the Wetlands Administration Bylaw regulations and guidance have been amended since the riverfront was first determined in 2004.

DEP is now requiring Conservation Commissions to look at maintaining/improving any Cold Water Fisheries Resource (CWFR) where the stream or its tributaries fall within the jurisdiction of the Wetlands Protection Act or any local wetlands bylaw. Allowance Brook is a direct state-listed CWFR. Any further alterations within wetland jurisdiction cannot be permitted if they will negatively alter the physical or biological characteristics of this resource.

The Commission notes that the density plan as shown is inappropriate. Frontage for Lot 11 is obtained off a paper road that was used for determining density for Phases I, II, and III. With the development of these phases, the roadway as shown is no longer a viable option. The density plan for 55 Maple Avenue must be based on existing site permitting and conditions.

The meeting adjourned at approximately 8:40pm.