

Sudbury Conservation Commission
Minutes of the Meeting Held April 9, 2012

Present: John Sklenak, Chairman; Sam Webb, Vice-Chairman; Richard Bell; Sharon Rizzo; Debbie Dineen, Coordinator

Informal Discussion: Sudbury Valley Trustees Memorial Forest – Land Burn

Present: Ron McAdow; Laura Mattei; Tim Simmons; Dave Walker; Bruce Osterling

Laura Mattei presented a general plan for the use of fire for management of 70 acres of the SVT Memorial Forest in west Sudbury. The purpose of the project is encourage the regrowth of Pitch Pine and Scrub Oak areas to create and maintain habitat for whip-poor-wills, Eastern towhee, brown thrasher, and purple lupine, as well some insect and moth species. Phase I of the project will be a “test” burn of 10 acres on 5 acres of the Memorial Forest and 5 acres of City of Marlborough land. There will be no wetland permitting needed, however SVT would like the support of the Sudbury Conservation Commission.

Tim Simmons responded to questions from Chairman Sklenak. The burn will be conducted by trained personnel. Personnel will be selected based upon the complexity rating of the site conditions. In 25 years of burning in New England, there have been only 2 fires that escaped. J. Sklenak noted the close quarters of this property and questioned how the fire was controlled at the property boundaries. Mr. Simmons stated that equipment traverses the property boundaries to constantly patrol the areas. Sensitive environments are avoided by the equipment. Ashes from the fire go directly into the soil with the first rain so they do not run off into the wetland. J. Sklenak was especially concerned for the cold water fisheries stream on site.

Buckthorn is susceptible to the fire and the only impacted fauna species are the common species, most of which will temporarily move out of the way.

The gas line running through the burn area will not be impacted as it is built ot withstand fires.

D. Dineen asked if there was another method that could accomplish the same goals. Mr. Simmons stated that mechanical means could be used. There is no cone surotinny (requiring fire for pitch pine cones to release their seeds). What is needed is a warm, dry substrate to germinate.

Dineen questioned if a wetland delineation and NRAD will be accomplished to determine extent of wetland jurisdiction, particularly the riverfront area. L. Mattei replied that Phase I does not involve any areas near wetlands; however Phase II may require some wetland delineation. It is not known at this time if an NRAD will be submitted. Dineen questioned if there are any plans for deer management to provide a higher level of success with regeneration. SVT Board of Directors will have to make the decision for deer management. Nothing has been decided as of now. Dineen questioned if maintenance funds have been planned for future burns.

SVT does not have a commitment for future funding for on-going burning at this time. Dineen expressed concern for snakes, owls, hawks, and other fauna that now use the area and will have their nesting sites disturbed. T. Simmons replied that the animals may have nests displaced, but food sources will be plentiful during and after the fire.

Commissioner Rizzo asked what the average burn interval might be. Mr. Simmons stated that site conditions will need to be monitored to see what regenerates and if they achieved the desired effect.

On a motion by J. Sklenak, 2nd R. Bell, the Commission voted unanimously in favor of supporting the concept of the burn plan subject to a full review of the detailed burn plan to be developed.

WPA & Bylaw Request for Determination of Applicability: 58 Lincoln Ln., Ronnie Kanarek

Present: Ronnie Kanarek, and contractor

The Coordinator had visited the property and explained that the project consists of a 6' x 18' addition plus a conversion of an existing covered porch to indoor living space. The site is located within 200' of the mean annual high water of the Sudbury River, however the area of work is across the street and elevated 10+- feet above the high water of the River. Access is over lawn area through a gate off of Lincoln Lane. A rubber-tracked vehicle will be used. Haybales will only be needed if the ground is soft and may become disturbed where the equipment enters the site from Lincoln Lane.

On a motion by S. Webb; 2nd by R. Bell; the Commission voted unanimously in favor of a negative Determination.

Informal Discussion: Arboretum Way Conservation Restriction

Present: Becky Cutting

Ms. Cutting presented a sketch showing a lot in the approved Arboretum Way which she would like to purchase and place within a perpetuity conservation restriction. The lot is across the 4-lot private way from a large protected open space area which connects to the Assabet River National Wildlife Refuge. The lot contains red cedar trees and red fescue grasses which provide cover for small mammals. It has existing or approved development on three sides. A modification to subdivision approval will be required to address the maintenance responsibilities for the private way.

D. Dineen noted that Ms. Cutting will have to demonstrate the public benefit that the CR will provide in order to obtain both Conservation Commission and EOEEA approval. Reducing the density of the development, adding to the existing protected area, and maintain more wildlife habitat could be public benefits. She should discuss these with Irene DeBono at EOEEA DCS. Commissioners agreed that the CR could have public benefit and would be a good addition to the abutting open space.

WPA & Bylaw Notice of Intent: 25 Singletary Lane; Howe Development, LLC

Present: David Howe; Russ Kirby

Mr. Howe presented a plan showing the redevelopment of an existing single-family residence. The house has been vacant for 2 -3 years and has fallen into disrepair. The existing 3-bedroom septic system has failed and is not located the Title V minimum distance of 50' to bordering vegetated wetland. The septic leach field will be moved approximately 40' further from the wetland and will site the trenches close to the current required setback of 100' and well outside of 50' of the bww. Additional site work includes a proposed addition along the rear of the house and the removal of a dead tree near the top of the slope to the wetland. The rear yard will be regraded to a gentler slope with some terracing to prevent erosion and make stabilization easier to achieve.

The Commission discussed the project and determined that a revised plan will be required showing the permanent limit of lawn which is not to exceed current lawn extent. Current lawn is approximately at the 82' contour elevation. Surface runoff from the sloped area around the house will be directed through grading to an infiltration swale. D. Dineen suggested creating a properly designed and installed rain garden that will achieve infiltration of the first 1" of surface runoff. Chairman Sklenak expressed concern that the work may impact the shade canopy of the stream, as the stream may be a cold water fisheries resource. He also suggested installing a strip of porous material in the driveway to reduce the amount of runoff flowing toward the wetland. Asking the town to install a berm at the top of the driveway may help reduce the runoff down the steep slope to the wetland.

Access for equipment will be through the abutting Kirby property at 244 Boston Post Road. Mr. Kirby was in favor of the project and anxious to see the property restored.

D. Dineen questioned how the runoff from the driveway in front of the house would be handled. Mr. Howe has not engineered the front drainage yet. The Commission suggested collecting and channeling it to the west side of the house where infiltration might be able to be accomplished.

Straw wattles will be used for erosion control and their placement is shown on the plan.

J. Sklenak moved to close the hearing. S. Webb 2nd; unanimous in favor

S. Rizzo moved to issue the Order of Conditions as discussed. S. Webb 2nd; unanimous in favor.

Minutes

On a motion by R. Bell; 2nd by J. Sklenak; the Commission voted unanimously in favor approving the Minutes of **Feb. 27, 2012** as drafted.

On a motion by J. Sklenak; 2nd by S. Rizzo; the Commission voted unanimously in favor approving the Minutes of **March 12, 2012** as drafted. S. Webb abstained from the vote as he was not present at the meeting.

On a motion by J. Sklenak; 2nd by S. Rizzo; the Commission voted unanimously in favor approving the Minutes of **March 27, 2012** as drafted.

Amend Order of Conditions: 112 Powers Rd.; Kailia Starr, applicant

D. Adam Smith, contractor, has submitted a sketch plan showing the addition of a porch to a recently approved plan for a house addition. The work is within the outer riverfront area with a barn and driveway located between the house and the stream. Acceptable mitigation of native planting was proposed for the addition.

On a motion by S. Webb; 2nd by J. Sklenak; the Commission voted unanimously in favor of approving the revised plan and incorporating it into the current Order.

Certificate of Compliance: Boy Scouts of America, Knox Trail Council; barn and storage shed

J. Sklenak and D. Dineen has visited the site with Ranger Adam Miller last week to review the work covered by the Order. All work was accomplished in accordance with the plan except the drip line for roof runoff was not carried across the front of the structure. The design was amended to pitch the roof to the rear where runoff is infiltrated into a stone drip trench.

On a motion by J. Sklenak; 2nd by S. Rizzo; the Commission voted unanimously in favor of issuing the COC.

Piper Farm Conservation Land: Encroachments by abutter

Chairman Sklenak reported that he, D. Dineen, and Parker Coddington had met with abutter Mike Lyons and his landscaper on site. Mr. Lyons agreed to present a plan to the Commission showing the restoration of the town-owned land and a method to define the property boundaries to prevent further encroachments. This plan is expected shortly.

J. Sklenak also informed the Commission that in a subsequent phone conversation with Mr. Lyons, Mr. Lyons expressed concern for the proposal for more active use of the Piper Farm fields. He is concerned for the safety of his children with the tractor accessing next to his house.

Appointment of Applicants to the Commission

Chairman Sklenak advised the Commissioners that the interviews of the 2 candidates for the 2 Commission vacancies had gone well. Formal appointment is on hold so as not to change the quorum requirements while the Commission still has the Johnson Farm hearing open. Whereas the Johnson Farm hearing has been continued to May 21, 2012, the applicants will need to wait longer for the appointment unless the Commission agrees to take on the risk of quorum issues at the hearing continuation.

Several Commissioners expressed concern that the 2 candidates have not attended many of the meetings. One candidate, Rob Elkind, attended several meetings but has not been present at the last several meetings. The other candidate has not come to meetings or called the Commission since her interview. Commissioners questioned if they are still interested.

Chairman Sklenak agreed to call them to suggest that they attend meetings until their appointment to become familiar with the issues the Commission is involved in.

The meeting was adjourned at approximately 9:15pm.