

Sudbury Conservation Commission
Minutes of the Meeting Held Tuesday, Dec. 17, 2012

Present: Sam Webb, Vice-Chairman; Richard Bell; Sharon Rizzo; Beth Armstrong

Discussion: 430 Boston Post Rd., Northern Bank & Trust Company proposal

Present: Brian Fairbanks, EBI Consulting; John Mawn & Sean Briere, Northern Bank

Mr. Mawn presented the Commission with the current plan for a new bank at 430 Boston Post Road, currently the Colonial Auto site. This revised plan was developed to address Planning Board and Selectmen concerns and to address ZBA concerns with setbacks to Union Avenue and Boston Post Road. The revised plan shows the septic system moved back into the riverfront area and has the exit shown out onto a private driveway to the north of the site and abutting the stream. The driveway will be increased to 24' wide and moved 2' further from the top of the bank of the stream.

D. Dineen reviewed the redevelopment section of the riverfront WPA regulations. These regulations require all work to be moved out of the riverfront area if it is feasible to do so. If not, on-site mitigation of 1:1 is required or off-site mitigation of 2:1 must be provided.

Mr. Fairbanks presented the commission with some summaries of drainage calculations. EBI is considering the existing gravel area on the northern section of the site as degraded and impervious. D. Dineen agreed that it is degraded by WPA definition (absence of topsoil, junkyard). However the commission will need to see documentation that the entire area is actually functioning as an impervious surface.

R. Bell noted that the original plan with the septic and exit located further from the wetlands is a preferred, viable, alternative plan. S. Webb and S. Rizzo agreed, stating that the driveway should be reconfigured and the septic relocated back to its original location. R. Bell noted that the option of the septic in the front (original location) is formally precluded (i.e. no variance issued), the Commission may consider off-site mitigation at 2:1. D. Dineen added that this mitigation cannot be part of any mitigation required for any other aspect of meeting other regulations, such as stormwater.

D. Dineen noted that the Commission believes that the bank is a better use than the existing auto repair business; the applicant is still obligated to meet the performance standards of the state and local wetland laws.

Discussion: 141 Goodman's Hill Rd. Drainage, Doris Goldthwaite (cont. from 12/3/2012)

Present: Scott Goddard; Doris Goldthwaite; Vito Colonna

Mr. Colonna, engineer with Sullivan & Connors, presented additional calculations and plans to address the Town Engineer's concerns. The .8" of infiltration in the trench at the roof drip line was increased to 1.0" of infiltration. Plans were corrected accordingly. He noted that the stumps of the 39 mature trees to be removed will remain in place. The only increase in flooding will occur if a large storm happens between the time the trees are removed and the several years it may take for the new shrubs and regrowth to take up or slow any additional runoff.

Ms. Goldthwaite noted that the groundcover was extensive periwinkle that will remain. D. Dineen noted that as a non-native, invasive plant, the periwinkle is required to be removed in the Order of Conditions.

R. Bell stated he opinion that a good faith effort had been made by the applicant and that the Town Engineer has accepted the drainage calculations. D. Dineen responded that even though the Town Engineer accepted the calculations does not mean that the issue of interim flooding will not occur. She noted that both the local wetlands bylaw and the WPA have storm damage prevention and flood control as interests of the act. These laws do not distinguish temporary vs. permanent flood conditions.

Direct downstream abutter, Jan Aiken, reminded the Commission of the previous severe (FEMA involved) flooding issues they have experienced. They are concerned for any impact to their home. Ms. Goldthwaite suggested they increase the size of the culvert under their driveway. D. Dineen stated that increasing the culvert diameter could move the flood problems downstream.

B. Armstrong questioned if the applicant could provide any temporary mitigation for the increased runoff during the vegetation transition. Mr. Colonna stated that it would be disruptive to create a temporary detention basin. Mr. Goddard suggested the use of mulch socks as an erosion control barrier in the stream. D. Dineen suggested that the driveway and garage not be permitted to be constructed until the vegetation in the tree removal area is mature and it is documented that the plants and the infiltration trench for the existing roof are off-setting any additional runoff created by the removal of the mature canopy. 75% coverage is the test used in drainage calculations as the criteria is based on CN values.

R. Bell moved to issue an amended Order of Conditions prohibiting the construction of the new garage and the paving of the driveway until it is demonstrated that the vegetation growth post tree-removal is equal in runoff attenuation to pre-tree removal conditions. Second by B. Armstrong; unanimous in favor.

WPA & Bylaw Request for Determination of Applicability: Memorial Forest Bridge Enlargement; Sudbury Valley Trustees

Present: Nick Olivera

Eagle Scout candidate, Nick Olivera, presented plans for the widening of an existing bridge over a stream in the Memorial Forest. The bridge is currently not wide enough for horses to cross so they walk through the stream. This creates siltation and harms the stream banks. He plans to widen the bridge by 6' and replace the foot rails that help guide the horses. There will be no work directly in the stream with only additional supports added above both banks.

D. Dineen suggested looking at ways to possibly exclude ATVs at the same time with boulders or other deterrents. The concern is that the ATVs will just go around any obstacles and create further damage. She suggested a site visit once the new bridge extension is in place to see what can be done. All agreed.

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

WPA & Bylaw Notice of Intent: 0 Washington Dr., Hollyer; correction of violations

Present: Scott Goddard; Mark & Robin Hollyer

Mr. Goddard reviewed the history of the wetland issues on the site and the deviations from the expired Order of Conditions and the Conservation Restriction requirements. The 4.3-acre property is mostly all wetland except for the long, narrow strip of upland where the house and septic are located. A total of 3.8 acres of the property is included in a Conservation Restriction. The OOC was issued in 1999. Not all of the mitigation vegetation was viable. Ornamental plantings (non-native) were planted within the CR area. Fences, brick walkways, retaining walls, brick patio, garden, non-native landscaping, and part of driveway and gravel shoulder are all within the CR area. The house elevation and grading is not in accordance with the approved plan. White pines and boulders were to be placed at the CR boundary and limit of lawn. The catch basin grease/gas trap at 17 Stone Road was never installed. There is yard waste in the CR area. Drywells were not installed per the approved plan and a scour channel has resulted. The stone trench along the driveway was not installed nor functions as designed. It was to be a water quality swale. There is fill to the edge of the wetland.

Mr. Hollyer stated that when they purchased the property they were told that everything was taken care of and they were not aware that there were many outstanding issues.

A Deed Restriction was required obligating the homeowners to maintain the spillway and to clean the drywells. This DR was never recorded. The Hollyers would like to give maintenance responsibility of the pond spillway to the Town. D. Dineen stated that the Town Engineer would not accept responsibility for a control structure on private property. She would not support obligating the Town to maintain this structure.

Mr. Goddard proposed leaving the fence along the top of the driveway, the walkways, patio, decks and retaining walls and waiving the requirement for white pines and boulders as a limit of CR delineation. The soils added to the area adjacent to the wetland are requested to remain. They will remove the pvc fence at the edge of the pond, install cultec infiltration chambers for roof runoff, install a new water quality trench along the driveway and repair the runoff pipe at the low point.

Abutter Dave Hoaglin, 73 Hickory Road, informed the Commission that the pond is now 3' above the elevation set in the OOC. It is now at elevation 155', however the pond does not seem to be creating any flooding problems downstream at the moment. He questions what the correct elevation should be. If the pond were lowered to the 152.8' elevation intended, there would be mud flats. D. Dineen noted that careful engineering work was done in 1999 to determine the correct elevation to keep water in the pond while not causing downstream flooding. If conditions are changed from 1999, perhaps a new engineering study is needed.

D. Dineen and Commissioner Sam Webb checked the MA Land Records website and found no reference to the recording of the CR for 0 Washington Drive. D. Dineen suggested they look at starting over with the CR area delineation. This new delineation could remove the area of the driveway and the retaining wall. A new CR plan and document will need to be presented to the Commission for review and approval. All other areas could be corrected with a revegetation plan.

The hearing was continued to Jan 7, 2013 to allow time to research the status of the CR and develop a new CR and revegetation plan.

WPA & Bylaw Notice of Intent: Sudbury Valley Tr.; Memorial Forest Burn

Present; Laura Mattei; Dave Burke; Michele Grzenda; Bruce Osterling

Ms. Mattei presented a plan to enhance the pitch pine/scrub oak habitat on 6 acres within the SVT Memorial Forest. Additional acreage in Marlborough is part of this project as well. It is hoped that the habitat restoration will benefit whip-poor-wills, lupine, and other species dependent upon a fire disturbed ecosystem. The first phase involves the mowing of all shrubs and trees <6" in diameter and leaving the shred material for fire fuel. They will remove the mature white pines and large oaks. Trunks will be removed and some canopy sections might remain for the fire. The fire will be conducted when appropriate conditions (monitored per the burn plan) are met between Nov. 1 and April 1.

D. Dineen had done some research on prescribed burns and raised several questions:

1. Mature oak removal on the slope to the wetland could result in erosion and sedimentation. Would it be possible to allow some (6+-) of the mature oaks to remain?

D. Burke added that the mature oaks provide a acorns (mast) for wildlife. L. Mattei agreed to walk the site with a Commission representative(s) prior to the burn to tag trees to remain.

2. What are the materials used to light the fire?

No one was sure of the answer.

3. Where is the staging area(s)?

L. Mattei believes the staging area will be in the open area near the property boundaries of SVT/USFW/Marlborough at the rail bed. D. Dineen noted that this area was a good lupine area with some of the few remaining natural lupine populations in the area. She noted that the equipment is likely to compact the soils in the area. She suggested that the staging area soils be plowed or raked up following the burn to encourage germination of lupine seeds.

4. What type of equipment will be used in the area?

A track machine will be used in the burn area. Various transportation vehicles will need to access the staging area.

5. Is closure of trails and posting of signs planned?

Yes.

6. How will the outermost extent of disturbance be delineated in the field?

Orange flagging at a relatively high distance to be seen.

7. Where are the locations of the fire breaks and what do they consist of?

L. Mattei stated that they will be approximately 8' in width and will be located within the cleared area. The 8' wide path of the fire break will have the shredded vegetation removed.

8. Will there be any attempt to conduct pre-burn wildlife observation?

None is planned but they are not opposed to doing so. D. Dineen volunteered to participate.

9. The practice of lighting all sides of a burn area is a primary cause of animal entrapment.

How will they conduct the burn?

L. Mattei stated that the direction of burn is a function of the wind and will be determined by the fire boss. D. Dineen recommended not using a fire patten that traps wildlife. All agreed.

10. Will the fire kill ticks?

Everyone hopes so.

11. Will SVT be conducting pre & post inventories of vegetation and removing invasive plants that sprout?

They will be monitoring the re-growth.

12. There will be a loss of habitat due to the removal of the large trees and any tree cavities.

Will SVT consider distributing hollow logs or other habitat features that they plan to remove or shred and distributing them outside the burn area?

L. Mattei agreed.

13. is the burn timed so it will not interfere with nesting season?

D. burke thought that should not be a problem with the Nov – April burn window.

D. Dineen stated that the Commission's approval of this small burn does not indicate that they will or will not be in favor of a larger burn on other areas of the Memorial Forest. A larger burn will create additional concerns to be discussed when and if it is proposed.

On a motion by R. Bell; 2nd by S. Rizzo; the Commission voted unanimously close the hearing and issue the OOC. The OOC will be drafted and reviewed by one or two Commission members before issuance. L. Mattei requested a copy of the draft OOC as well.

Skyview Drive – Wetlands Bylaw Violations

D. Dineen informed the Commission that while reviewing the new lots at C1 and C2 Dakin road she observed work within what appears to be 100' of a vernal pool at both 7 and 15 Skyview Lane. She showed the Commission aerial photos of the violation and the distances of work to the resource area.

The Commission approved the issuance of a Notice of Violation for these 2 lots.

The meeting adjourned at 10:15pm.

