

SUDBURY CONSERVATION COMMISSION
Minutes of the Meeting Held September 10, 2012

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

WPA & Bylaw Notice of Intent: 602 Peakham Rd.

Present: Mr. & Mrs. Alterio, homeowners; Bill Murphy, engineer

Mr. Murphy presented a plan for a new septic that is needed because the current system is designed with leaching pits and does not meet current Title V requirements. The existing system is 30' from the wetland. The new system will be rebuilt with leaching trenches per Title V and will be the maximum possible distance from the wetland at 50' of horizontal separation. The system will remain at a 3 bedroom capacity with no expansion. There will be a net 300 sq. ft. net decrease in impervious surface as a result of the proposed patio removal. A new deck will be constructed with a smaller impervious footprint. In total, only 1 tree will be removed for the project. No lawn will be increased as part of this project.

The Coordinator explained that there are bordering vegetated wetlands and a perennial stream located at the bottom of a very well defined slope. The septic system is a small system and is being moved for 20' increase in horizontal distance which is the maximum possible on the lot. She recommended approval with the standard septic upgrade conditions.

Sam Webb motioned to close the hearing and issue the standard septic OOC. Sharon Rizzo 2nd; unanimous in favor.

WPA & Bylaw Notice of Intent: 141 Goodman Hill Rd. Doris Goldthwaite
DEP #301-1088

Present: Dan Wells, Goddard Consulting; Doris Goldthwaite, applicant

Mr. Wells presented a project for the construction of a new garage, a roof solar panel installation, tree removal, and driveway paving. 39 trees in the upland resource area are to be removed on either side of intermittent stream. Replanting of native shrubs is proposed in the area of tree removal. Stumps are to remain. The garage will be mostly within the existing driveway.

The Coordinator repeated a verbal statement from Bill Place, the Town Engineer and DPW Director. He stated that the removal of the trees as planned will increase the runoff coefficient resulting in an increase of downstream peak rates and volumes of runoff. He expressed concern that the culverts under the 2 driveways directly downstream and the pond at the corner of Goodman's Hill and Old Lancaster Road

might not be able to the additional flow in large storm events. He added that this steep section of Goodman's Hill Road already has know flooding and drainage issues.

Chairman Sklenak questioned if the number of trees to be removed will be enough to provide the anticipated solar amounts. He received nothing from solar company as promised on the Sept. 5th site visit. Ms. Goldthwaite stated that she sent an email with attachments to both the Chairman and the Coordinator. Neither received the email.

Coordinator Dineen presented her findings, observations, and recommendations. The wetland resources on site consists of intermittent stream; bordering vegetated wetland; land under water body; and, bank. She observed that:

- there are no details on the garage;
- the applicant must infiltrate roof runoff;
- no drainage design was submitted for the new paved driveway;
- the tees to be removed for solar are the same trees that shade the intermittent stream;
- invasive plant growth likely following removal;
- continual cutting will be necessary as saplings grow;
- removal of trees may result seasonally in either: 1) additional flooding downstream when the mature trees are no longer taking up water; and 2) loss of shade could dry up the stream faster, increase its temperature, change macro invertebrate habitat within the stream, encourage invasive plants;
- overall loss of mature tree cover and addition of larger amount of impervious surface will change runoff characteristics;
- no assessment of existing wetland interests and how those interests may be impacted was submitted;
- no alternatives analysis, including attempts to avoid, minimize, mitigate was submitted;
- no assessment of wildlife habitat values of the mature trees and resulting shrub replanting was submitted;
- no specific replanting plan was included.

D. Dineen's recommendation on information provided to date is to:

- Approve:
- Garage construction with plan for infiltration of roof runoff;
 - Driveway paving with LID techniques for runoff recharge; and,
 - removal of 3 trees close to house that are threatening house.

And to:

- Deny:
- removal of 36 mature trees (34 white pines and 2 maples) for the purpose of solar installation efficiency.

The reasons for the denial include:

- 1) This is a heavily wooded site on a slope. Goodman's Hill Road is known for severe drainage problems. No documentation was submitted showing that

there will not be an increase in runoff off-site as a result from this project. The property directly downstream has a culvert under their driveway for the intermittent stream. An increase in off-site runoff could create a flooding problem at this point.

- 2) Mention was made of removing the invasive plants on site; however, no plan was submitted for re-vegetation. We do not know the location or quantity of proposed plantings, or, if these plantings will mitigate for any loss of existing wetland interests.
- 3) The project is an accessory project to a single-family residence. An alternative is the "no solar" alternative.
- 4) In or around 2004 (?), an abutter, Carole Hannauner, at 48 Old Lancaster, wished to take down trees that were shading her house. She also wanted to cross an intermittent stream for work on her septic. She had an alternative way to access the septic without the wetland crossing. The trees were healthy and tree removal would have required the crossing of the stream. The Commission denied the project.

Chairman J. Sklenak stated that the efficiency of the solar panels might not be as expected and more trees may need to come down in the future to increase efficiency. He had requested information from the solar company. It was not received although the solar company stated it was emailed. They will resend the information.

Andrew Kenny, abutter at 139 Goodman Hill Rd., stated his concern for increased flooding. Several years ago his house was flooded throughout the downstairs to the extent that he received Federal Emergency Management Agency (FEMA) reimbursement. If the flow from the applicant's property is increased, the culvert under his driveway is likely to cause flooding on his driveway and in the first floor of his house.

The solar installer explained that he can only provide the calculations of the level of solar for the site as it currently exists. He can only provide estimates of the final level of solar once the trees are cut. He cannot account for the impact of the remaining trees in estimates at this time. Chairman Sklenak stated that the solar installer's information is important in the Commission's decision. The hearing should be continued until he can review the written information from the solar company. The Coordinator indicated that the next available agenda time will be on Oct. 4th as the Sept. 24th meeting can only be one hour due to Special Town Meeting. That one hour is booked with two public hearings.

Ms. Goldthwaite expressed concern that she has a Sept. 30th deadline to purchase the system with the current incentives. She stated that she will proceed to buy a system.

The Coordinator added the concern for the stability of the remaining pines on the slope if the 39 trees are removed.

With the consent of all parties, although Ms. Goldthwaite expressed displeasure due to the required timing of the purchase of the equipment, the hearing was continued to Oct. 4, 2012 at 7:20pm to provide the applicant time to address all the concerns raised tonight.

WPA & Bylaw Request for Determination: 28 Wright Road

Present: Christopher Haynes

Mr. Haynes presented a plan for the replacement of a garage foundation and deck due to failure of the existing foundation and with slight enlargement in area of the existing shed. The amount of impervious surface stays the same. No infiltration is possible due to high groundwater so runoff will need to dissipate and infiltrate via overland flow. The work is 125+- feet from stream and there is only a small amount of bordering vegetated wetland adjacent to the stream.

J. Sklenak confirmed that the lawn will not be enlarged as part of this project. The Coordinator recommended approval.

J. Sklenak moved for a negative Determination. S. Webb 2nd; unanimous in favor

Discussion: Mahoney Farms Phase II, Nobscot Road

Present: Peter Collona, Connerstone; Martin Loiselle, Capital Group

D. Dineen explained that the Mahoney Farms development has benefited from the Permit Extension Act with an additional 4 years added to the permit. Therefore the Order continues to be valid.

Mr. Loiselle stated that the development footprint for Phase II has changed from the original plan. There will be a reduction in impervious by 3,000 sq ft. A new Stormwater Management Bylaw permit from the Planning Board had been approved with modification of the outlet structure and an expanded pond/basin to meet the new requirement under the SWMB. The phase II infrastructure has already been installed. The configuration of the units has been revised.

D. Dineen questioned if the original planting plan for the pond is still applicable due to any grade changes from the enlargement. Mr. Collona replied that the original grading and planting plan will still be followed.

D. Dineen advised that the Order required off-site restoration on tow downstream properties as part of a clean-up from serious sedimentation that occurred early in project construction. Mr. Loiselle responded that the off-site work will be accomplished, as agreed, once the project is complete and fully stabilized.

S. Webb moved to approve the revised plan and incorporate this new plan into the valid OOC to supersede existing plan. J. Sklenak 2nd, unanimous in favor

Certificate of Compliance: Grouse Hill, Old Framingham Rd.

Present: Peter Collona, Connerstone; Martin Loiselle, Capital Group

The Coordinator advised the Commission she had a site inspection on Sept. 5th. Scott Goddard and Dan Wells of Goddard Consulting were present at her inspection. An as-built plan has been received. The project has been completed in substantial compliance with the plan. She noted that the inspection was held in a light rain and the runoff to the detention basin was clear.

Of note were several small red clusters in the vernal pool. On closer inspection they appeared to be very small worms. Her concern was that these clusters might have an impact on the functioning of the pool. Dan Wells and Paul McManus (in the audience) thought that they might be bloodworms, which would not pose a problem for the vernal pool functioning.

Chairman Sklenak moved to issue the COC contingent upon verification of the blood worms in the vernal pool. Sharon Rizzo 2nd; unanimous in favor

Discussion: Order of Conditions: 189 Landham Rd., Johnson Farm

Present: Fred King, consultant to the Commission

D. Dineen developed a presentation to the Commission to establish the framework to discuss the final decision under the WPA for the project. The presentation is included as a part of these Minutes as Appendix A and B.

F. King stated that one of the issues for consideration in the decision include if the Alternatives Analysis at the stream crossing is sufficient. He noted that denial of the project based alternatives that do not require the crossing is a weak position. He added that it was apparent that the project planning was done to protect project not to protect wetlands. He felt there was an argument to be considered in that the small vernal pool has a short hydroperiod and is just on the verge of being a productive vernal pool under current conditions. He added that the buffer zone alteration is also a very weak position under the WPA on which to rest decision.

D. Dineen raised the issue of the need for additional chloride on the porous pavement. She noted that the Sudbury Water District's consultant submitted a letter to the Commission stating his opinion that the project would not have a negative impact on the municipal well. Mr. King added that, on appeal, DEP will look at this opinion.

D. Dineen asked for a point of clarification from Paul McManus. She questioned if any work will be conducted within the 10 year floodplain. Mr. McManus was unable to answer this question. Mr. King responded that there is some work within the 10-year floodplain, however the replication meets performance standards, including those standards for wildlife habitat.

It was noted by Mr. King and Chairman Sklenak that the smallest vernal pool will receive less surface runoff and more sunlight. These changes will have an impact on the ability of the pool to provide wildlife breeding habitat for obligate vernal pool species.

Mr. King noted that the economics standard for the wetland crossing is in riverfront section of the WPA. He also noted that the 56 unit plan is an alternative presented to the 120 unit plan.

Paul McManus stated the Robert Moss agreed to a continuation to Oct. 4, 2012 for the Order of Conditions. The Commission continued the discussion and vote to Oct. 4.

WPA & Bylaw Certificates of Compliance:

On a motion by Sharon Rizzo, 2nd by Sam Webb, the Commission voted unanimously in favor of issuing on the following COCs:

1. North Road Walkway
Issue the COC contingent on verification of the Windmill Dr. drainage upgrades;
2. Hudson Road DCAM Water Main installation
Coordinator reported that the project was constructed as approved;
3. Lot 35 (#40) Cudworth Lane
Coordinator reported that the project was constructed as approved;
4. 122 Pantry Road
The Chairman and Coordinator visited the site with the applicant the wetland consultant. The site was restored in accordance with the approved plans. The subsequent owner of the property mowed beyond the limit of the area approved for mowing, however, the Coordinator met with him and he agreed to place a physical barrier at the limit and not to mow beyond this barrier.
5. 94 Brimstone Lane
The Commission had previously issued a COC for this property. Subsequent to this issuance, the attorney for the buyers found a 1982 OOC that also required a COC. In addition, there was an amended Order recorded after the original OOC was recorded. These 2 additional previous Orders needed a release.

The meeting was adjourned at approximately 10:15pm.