

SUDBURY CONSERVATION COMMISSION
Minutes of the Meeting Held Monday, Sept. 24, 2012
Town Hall; 322 Concord Rd.; Sudbury Center

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

WPA & Bylaw Notice of Intent: 27 Mossman Rd., house expansion

Present: Scott Goddard; Richard Tinsley

Mr. Goddard presented a plan on behalf of the applicant showing the addition of living quarters over a new garage. The old garage, which is closer to the wetland, will be razed and the new expanded garage will be located partially on the existing driveway. Work is within 100' of bwv but outside of the riverfront area as redefined at the Sept. 4th site visit. A riverfront area associated with Mineway Brook is immediately adjacent to the site.

The applicant also wants to enlarge the yard by 1,900 sq.ft. within 100' of wetland. BVW contains rare species habitat (blue spotted salamander and box turtle). Natural Heritage (NHESP) is on record that there will not be a "take" as a result of this project under MESA and there will be no significant adverse impact to the species under the WPA.

D. Dineen stated that the NH never determines a "take" for work associated with an existing single family house lot. Mr. Goddard noted that the "take" issue is separate from the WPA. Dineen added that the importance of the upland resource area for wildlife and wildlife habitat under the local wetlands bylaw is not addressed by NHESP's comments. She questioned if NHESP saw the lawn expansion on the plans as it is not obvious. She questioned if NHESP saw the lawn expansion on the plans as it is not obvious. Under the local bylaw the Commission must consider cumulative impacts of their decision. If they permit lawn expansion within 100' of wetland in a know box turtle and blue-spotted salamander habitat on this site, they must be consistent in approving it on other similarly sensitive sites. She saw no reason to permit lawn expansion into the upland resource area when that resource area is both confirmed Estimated and Priority Habitat for 2 state-listed species. The site has the ability to expand lawn outside of wetland jurisdiction. She strongly recommended denial of the lawn expansion within the upland resource area.

Mr. Goddard continued his presentation. Stormwater is being handled for the new impervious surfaces through infiltration chambers. There will be a net decrease of 190 sq. ft. of impervious surface with the project. Mr. DiPersio presented the drainage calculations to the Commission at this time. These were requested by the Coordinator on July 17th. She noted there was no summary included in the drainage report and the Town Engineer has obviously not reviewed the calculations. A stormwater management bylaw permit is not likely to be necessary.

The existing septic leach pits are now within 100' of the wetland and the system has failed. D. Dineen asked for clarification on whether or not the septic is being enlarged as the existing and proposed system both show sizing for 4 bedrooms. With another bedroom being added in the living area over the garage, she questioned why they do not need to enlarge the capacity. Mr. Goddard stated that although the house was 4 bedrooms and the current system is sized for 4 bedrooms, the house is now actually only 3 bedrooms because 2 bedrooms were combined. D. Dineen noted that the new system appears slightly closer to the wetland than the leaching pits and it appears that there is suitable area to move the system to the front yard outside of the wetland jurisdiction. Mr. DiPersio noted that a front yard system will require a pump.

D. Dineen reminded the applicant that an alternatives analysis under the bylaw is required to determine if work can be moved out of resource areas.

Mr. Goddard requested a short recess to speak with his client. Reconvening the hearing, Mr. DiPersio stated that the septic system could be moved an additional 10' further from the wetland. They would offer this revision as mitigation for the lawn expansion. D. Dineen noted that it should be offered in spite of the request for lawn expansion.

Mr. Goddard offered to mitigate for the lawn expansion with a comprehensive invasive species removal plan. P. Coddington stated that invasive species removal should be approved only with replanting of native species included as part of the mitigation, especially where the area is priority habitat for state-listed species that need the leafy ground cover. D. Dineen added her recommendation that before the Commission accepts invasive species removal as mitigation, a site visit should be held to look at the extent of invasive plants on the site and determine the scope of work based on actual conditions.

The Commission agreed and would want a continuation of the hearing for a site visit. This would also give the Town Engineer an opportunity to review the drainage calculations.

The applicant expressed his desire to close the hearing tonight. If the hearing can be closed tonight, he offered to remove the request for lawn expansion but he would like the ability to remove several trees provided an arborist deems them unsafe. He will prepare a replanting plan for the area of tree removal. It will include native species and no lawn.

On a motion by Sharon Rizzo; 2nd by Parker Coddington, the Commission voted unanimously in favor of closing the hearing.

On a motion by Sam Webb; Parker Coddington 2nd; the Commission voted unanimously in favor of issuing the Order as discussed for the amended plan removing the lawn expansion.

WPA & Bylaw Request for Determination: 21 Union Ave., McNeil Veterinary Clinic

Present: Dr. Gail McNeil and her contractor

Dr. McNeil explained that she would like to perform driveway maintenance & reconstruction on the gravel portion of the access to her veterinary practice.

D. Dineen explained that the applicant has an existing veterinarian clinic with shared driveway access with a Bank of America ATM kiosk. The driveway and ATM parking area is paved up until the point the driveway only accesses the clinic. This gravel section of the roadway now puddles water, making access difficult during and after some storm events. The applicant would like to re-grade the driveway to allow runoff to pitch toward the wetland, as was originally designed. There will be no increase in the length or width of the driveway.

The contractor added that the gravel drive will be crowned to pitch runoff to both sides. There is an existing stone diffuser on the edges of the drive. This stone diffuser will be rebuilt for better functioning.

D. Dineen noted that this project is really just deferred maintenance- re-grading to fill potholes and re-establish positive drainage. It would be good to have some better stormwater upgrades incorporated into the design, however, she didn't think the scope of work warranted it. She felt was not much different from the issues on the driveway access to the Haynes Meadow Conservation land. This gets re-graded periodically to prevent puddling.

On a motion by Richard Bell; 2nd Parker Coddington, the Commission voted unanimously in favor of a negative Determination.

Richard Bell left the meeting at this time. A quorum was still maintained.

WPA & Bylaw Request for Determination: 39 Beckwith St.; Len Noce

Applicant advised the Coordinator that he was unable to attend. The Coordinator presented the plans.

The applicant proposes to reconstruct and enlarge an existing porch as an enclosed sunroom. The work is within 65'+- of the edge of vegetated wetland and potentially within the inner riparian area of Guzzle Brook. All work is entirely on existing lawn area. There appears to be a dam structure on the brook directly behind the applicant's residence. An existing shed is located within the 100-year floodplain. It appears to be grandfathered in as a building permit was issued in 1984.

On a motion by Sharon Rizzo; 2nd Parker Coddington, the Commission voted unanimously in favor of a negative Determination.

Certificates of Compliance:

14 Arborwood:

Present: Connie Farb & Mark Sevier

The Coordinator reported that all work was completed in accordance with the Order for the house removal within 100' of a vernal pool except that the cesspool was not decommissioned due to the steep slopes. The Board of Health usually requires filling with sand, however in this case, they permitted it to remain as is as long as the property owners recognized their potential liability.

On a motion by S. Rizzo; 2nd P. Coddington, the Commission voted unanimously in favor of issuing the COC and not requiring the filling of the cesspool with the same caution for liability raised by the Board of Health.

25 Ronald Rd. (original OOC)

The Coordinator stated that the Commission had issued a COC previously for this project, however the attorney for the buyers noted that a second OOC was recorded for this property. This OOC was the original OOC issued to Eligius Homes for house construction. The released OOC covered restoration work resulting from violations by the builder

On a motion by S. Rizzo; 2nd P. Coddington, the Commission voted unanimously in favor of issuing the COC for this original Order.

Conservation Restriction: Greenspire, Inc.; off Fairbanks Road

Present: Beth Cosgrove from Greenspire

The Coordinator explained that she had been working with Ms. Cosgrove's attorney, Robert Dionisi, to finalize this CR. She reminded Mr. Dionisi and Ms. Cosgrove on Friday that she needed the final document, signed by the Grantor, before the meeting on Monday night so she could review it to be sure it included her requested changes. The final, signed CR was not provided prior to the meeting.

She quickly reviewed the document and noted that a requested revision had not been made. She explained to the Commission that the Reserved Rights section included a condition that the mowing would only be done if initiated by the Commission. That was unacceptable to place the burden on the Town for maintaining the wildlife values of the area.

D.Dineen suggested that the Commission sign the document but cross out and initial that section. The signatures will need to be notarized and she can inspect the final document at the time of notary. Ms. Cosgrove agreed and the Commission corrected and signed the CR.

Meeting adjourned at 8:20pm to allow attendance at Special Town Meeting.