

***SUDBURY CONSERVATION COMMISSION***  
**Minutes of the Meeting Held Monday, April 8, 2013**

Present: Sam Webb, Chairman; Richard Bell; Parker Coddington; Beth Armstrong; Rob Elkind; Debbie Dineen, coordinator

**WPA & Bylaw Notice of Intent: 96 Peakham Rd., Maxwell**

Correction of violations (Request for continuation to 4/29/13 rec'd 4/4/13). The Commission unanimously agreed to continue the hearing to April 29, 2013.

**Ratify Enforcement Order/Notice of Violation for 0 Washington Dr., Hollyer**

On a motion by R. Bell; 2<sup>nd</sup> by B. Armstrong; the Commission voted unanimously in favor of ratifying the issuance of the Notice of Violation/Enforcement Order.

**Orders of Conditions**

Present: David Caligaris; Joshua Fox

On a motion by R. Bell; 2<sup>nd</sup> by R. Elkind; the Commission voted unanimously in favor of issuing the Order of Conditions for the SRC development at 40 Tall Pine Drive as drafted and amended as discussed.

On a motion by P. Coddington; 2<sup>nd</sup> by B. Armstrong; the Commission voted unanimously in favor of issuing the Order of Conditions for Tall Pine Drive Road & Drainage Upgrades as drafted and amended.

**Minutes**

On a motion by R. Bell; 2<sup>nd</sup> by P. Coddington; the Commission voted unanimously in favor of approving the Minutes of Jan. 7, 2013 as drafted.

**Agricultural Licenses Revisions for Siena Farm**

Commissioners reviewed the License revisions requested by Chris Kurth of Siena Farms. Several amendments were voted to permit limited animal husbandry and to investigate the potential for installing ground water wells. Final drafts will be submitted for signature at the 4/29/13 meeting.

The Coordinator informed the Commission that they need to go out to bid for Agricultural Licenses expiring April 30.

**WPA & Bylaw Notice of Intent (cont.): Raymond Rd. Wetland Restoration**

Present: Scott Morrison; Eric Johnson, Director of Planning 7 Design, Framingham DPW; representative of Pride Environmental; contractor representative; abutters

The project is the result of a dewatering violation from the Town of Framingham Sewer project. The projects involves removal of silt and debris in a bordering vegetated wetland, on a bank, in land under water body, and within the 100' upland resource area (100' buffer under WPA). For the purposes of this restoration OOC, it was not determined if the stream is perennial or intermittent under the WPA or the local Sudbury Wetlands Administration Bylaw.

A discussion of the timing and methods of silt removal followed. The Commission will require that the work in the NOI shall be completed as soon as stream conditions are at low or no-flow following the completion of dewatering. All work shall be completed by Oct. 1, 2013

at the latest unless an extension, for cause, is granted to the applicant in writing by the Commission.

The Commission shall be notified to schedule a site inspection during the silt removal process.

The final depth of excavation shall depend on the depth of the silt. In general, all areas of silt with a depth of one-inch or greater shall be removed. All silt and other materials shall be properly disposed of offsite.

An Environmental Monitor/Wetlands Specialist shall oversee the excavation and regrowth and shall report to the Conservation Commission or its representative by email on a weekly basis during silt removal activities.

The Commission reserved the right to schedule a site visit during silt removal to concur with the extent of removal. The Environmental Monitor/Wetlands Specialist shall report again to the Commission the conclusion of the silt removal. A final report shall be submitted and shall note any deviations from the material presented in the Notice of Intent and from the requirements in this Order. The final report shall include the status of invasive plants and removal activities attempted.

The extent of natural revegetation shall be reviewed in the field following one growing season by the Environmental Monitor/Wetlands Specialist and the Conservation Commission or its representative. The intent is to ensure that any plant recolonization does not include an expansion of invasive plant species.

All disturbed areas within wetland jurisdiction shall be monitored for invasive plants. All invasive plants shall be removed by hand.

The pump system to be used shall be the 19-point suction system described to the Commission at the hearing. This system shall be monitored when in use and shut down immediately if the outflow from the system contains silted material. The Commission shall be notified,

Well-defined and marked access trail to the stream shall be indicated on site prior to silt removal. Boards shall be utilized along the stream to reduce further alteration of the riparian area by foot traffic during the restoration. These boards shall be removed at the completion of the project.

The Commission reserves the right to require reseeding or replanting in any area altered by the activity covered in this Order, if deemed necessary to protect the values and functions of the resource areas and the integrity of the restored areas.

There shall be no disturbance of the tree canopy as part of the stream restoration.

Abutters in Framingham expressed their appreciation for the work the Commission did on this project and thanked them for allowing work on the project to continue.

The Commission found that the project as presented in the Notice of Intent and carried out in accordance with those documents and the conditions to be contained in this Order as discussed will protect the interests of the Act and the Wetlands Bylaw by removing excess silt from the stream channel and banks, removing existing debris, monitoring regrowth of vegetation, and by approval of an alternative method of dewatering.

On a motion by R. Bell; 2<sup>nd</sup> by B. Armstrong; the Commission voted unanimously in favor of closing the hearing.

On a motion by P. Coddington; 2<sup>nd</sup> by B. Armstrong; the Commission voted unanimously in favor of issuing the Order of Conditions as discussed.

**WPA & Bylaw Notice of Intent (cont.): 0 Washington Dr.; Hollyer Violations**

Present: Mark & Robin Hollyer; Matthew Watsky

Atty. Watsky stated that some of the violations on site were in existence at the time of the transfer of title from the builder to the Hollyers. There is a 3-year statute of limitations under which the Hollyers are responsible for these violations. This statute applies to the wetlands bylaw as there is no local regulation overriding this statute. This is a determination that has been developed through case law. In addition, the Hollyers and the Builder had an agreement making the Builder responsible for compliance with the OOC.

The Coordinator stated that in retrospect, the development of this house lot should never have been permitted. The Commission spent many hours reviewing mitigation proposals to offset loss of wetland and upland values and functions. These requirements are now not happening. Commissioner B. Armstrong added that the resource area protections put in place by the original are being chipped away.

Several abutters, Kate Houd of 20 Revolutionary Rd. and the Lewis' of 28 Revolutionary Rd. agreed that the house should never have been built.

All parties agreed to continue the hearing to 4/29/13 to allow time for the engineer to provide documentation of the amount of impervious surface permitted and actually installed.

The Commission agreed to stay the accrual of fines under the EO/NOV between 4/8 and 4/29/13.

The meeting adjourned at approximately 9:20pm.